

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0111

**P. C. DATE:** 10/22/13

**ADDRESS:** 805 Neches St.

**AREA:** 5.69 acres

**APPLICANT:** 9th Red River, L.L.C.  
(Sam Kumar)

**AGENT:** Jim Bennett Consulting  
(Jim Bennett)

**NEIGHBORHOOD PLAN AREA:** Downtown

**CAPITOL VIEW:** Yes

**T.I.A.:** Yes

**HILL COUNTRY ROADWAY:** No

**WATERSHED:** Town Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** DMU-CO – Downtown Mixed Use, Conditional Overlay (DMU-CO).

**ZONING TO:** DMU – Downtown Mixed Use.

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends DMU, Downtown Mixed Use. The applicant will enter into a Restrictive Covenant that will bind the property to the conditions outlined in the Traffic Impact Analysis submitted by the applicant.

### **DOWNTOWN COMMISSION RECOMMENDATION:**

### **PLANNING COMMISSION RECOMMENDATION:**

### **DEPARTMENT COMMENTS:**

The property is currently developed with a two story parking garage. The applicant is proposing a mixed use hotel building with retail/commercial on the ground floor and guest accommodations on the top floors. The subject tract is located in the Waller Creek District in the Downtown Austin Plan. One of the goals identified in the Waller Creek District is to “encourage new development that promotes the area as a diverse, livable, and affordable mixed-use district with a distinctly local feel”. The subject tract originally came to the Planning Commission and City Council under case number C14-2013-0028. The applicant requested a zone change from Commercial Liquor Sales (CS-1) to Downtown Mixed Use (DMU) and was granted Downtown Mixed Use, Conditional Overlay by the City Council on May 23<sup>rd</sup>, 2013 with ordinance number 20130523-100. The Conditional Overlay limited total vehicle trips to less than 2,000 per day. The owner of the property now has a hotel developer under contract. The proposed hotel project would exceed the 2,000 total vehicle trip limit, therefore a Traffic Impact Analysis was performed. The zone change request is to remove the Conditional Overlay that limits the total vehicle trips to less than 2,000 per day in lieu of a Traffic Impact Analysis. This site is located within the “desired development zone” where development is encouraged to locate.

**BASIS FOR RECOMMENDATION:**

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

Granting DMU, Downtown Mixed Use zoning would be in keeping with the policy of the City Council to densify the Central Business District, especially with vertical development and also as identified in the Downtown Austin Plan.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	CS-1/MF-4	Parking Garage
<b>NORTH</b>	CBD-CO	Office building
<b>SOUTH</b>	DMU	Parking Lot
<b>EAST</b>	CBD-CURE	Parking Lot
<b>WEST</b>	DMU	Office building

**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 Koalition
- Austin Neighborhood Council
- Downtown Austin Neighborhood Association
- Original Austin Neighborhood Assoc.

**SCHOOLS:**

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

### **SITE PLAN:**

SP 1. This site is within the Capitol View Corridor and the maximum height allowed within the view corridor is strictly enforced. For any new development, an application for a Capitol View Corridor Height Determination must be submitted to Intake and demonstrate compliance prior to site plan review. For more information, contact the Development Assistance Center at 974-6370.

SP 2. Any new development is subject to Subchapter E Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 3. FYI – Any new development must be compliance with Green Building standards. Contact the Green Building Program at 482-5300 for further information.

### **ENVIRONMENTAL:**

1. 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.

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 floodplain maps there is a floodplain 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.

### **TRANSPORTATION:**

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

TR2. A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.

TR3. Nechez Street is not classified in the Bicycle Plan. However, E. 9<sup>th</sup> Street is classified in the Bicycle Plan as Route No. 50, and Red River Street is classified as Route No. 51.

TR4. Capital Metro bus service is not available along Nechez Street, E. 9th St., and Red River St.

TR5. There are existing sidewalks along Nechez Street, E. 9<sup>th</sup> Street, and Red River Street.

TR6. Existing Street Characteristics:

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>ADT</b>
Nechez Street	80'	Varies	Collector	N/A
East 9th Street	80'	Varies	Collector	1,310
Red River Street	80'	40'	Collector	N/A

**CITY COUNCIL DATE:** November 21<sup>st</sup>, 2013

**ACTION:**

**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](mailto:Clark.patterson@ci.austin.tx.us)

**PHONE:** 974-7691













SUBJECT TRACT

CAPITOL VIEW CORRIDORS





Google earth







st 9th Street

Google earth

feet 10  
meters 4

Google earth





**ORDINANCE NO. 20130523-100**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 805 NECHES STREET FROM COMMERCIAL LIQUOR SALES (CS-1) DISTRICT AND MULTI FAMILY RESIDENCE MEDIUM DENSITY (MF-4) DISTRICT TO DOWNTOWN MIXED USE-CONDITIONAL OVERLAY (DMU-CO) 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 commercial liquor sales (CS-1) district and multi family residence medium density (MF-4) district to downtown mixed use-conditional overlay (DMU-CO) combining district on the property described in Zoning Case No. C14-2013-0028, on file at the Planning and Development Review Department, as follows:

Lots 5, 6, 7 and 8, Block 93, Original City of Austin as more particularly described in the plat or map filed in the General Land Office of the State of Texas (the "Property"),

locally known as 805 Neches Street in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

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.

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



## Exhibit A