

ZONING CHANGE REVIEW SHEET

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CASE: C14-2014-0162 — Buratti .33

P.C. DATE: November 12, 2014

ADDRESS: 701 & 703 E 9th Street

OWNER/APPLICANT: Ann Buratti-Parsons Real Estate Trust (Richard Buratti)

AGENT: Jim Bennett Consulting (Jim Bennett)

ZONING FROM: CS

TO: CBD

AREA: .33 Acres (14,375sq.ft.)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant the applicant's request for CBD- Central Business District zoning.

PLANNING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

The subject property is currently developed with paved parking areas and is on the eastern edge of Downtown area; located between Waller Creek and the IH-35 access road. This area is characterized by a variety of land uses such as apartments, restaurants with outdoor entertainment, office uses, hotels and various parking facilities.

The property is located within the boundaries of the Austin Downtown Plan and is within a 'Regional Center', defined in the Imagine Austin Plan. Additionally, the Downtown Creeks Overlay and the Capitol View Corridor Overlay apply to the subject property.

The applicant does not have any plans to redevelop the property as this time but would like to change the zoning of the property for future use. Because this tract is determined to be traversed by the City of Austin Capitol View Corridor # 12, which imposes height restrictions between 53.48feet and 63.5 feet, as well as the State-defined Capitol View Corridor # 33, which imposes height restrictions between 35.74 feet and 42.22 feet, redevelopment of this site would be impacted significantly with regards to density and height. Additionally, future development would have to adhere to Green Building requirements; Downtown properties with CBD or DMU zoning are required to have a 1-star Green Building rating in accordance with Ordinance # 030612-93.

Even so, Staff supports the zoning change from General Commercial Services (CS) zoning to Central Business District (CBD) zoning because it is congruent with the Downtown Austin Plan and the Imagine Austin Plan. While there is no proposed use or development for the subject property at this time, entitlements that would be granted in the zoning change will provide opportunities to implement the goals of the Downtown Austin Plan and the Imagine Austin Plan with regards to use and design. Future development could also meet the purpose of the Downtown Creek Overlay District.

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ISSUES: None at this time.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Parking Lot
<i>North</i>	CS	Gas Station
<i>South</i>	P	APD Parking Garage
<i>East</i>	CS	Recycling Collection Facility (proposed for CBD zoning by C14-2014-0163)
<i>West</i>	P	Open/Park Space - Waller Creek

NEIGHBORHOOD PLANNING AREA:
Downtown Austin Plan – Waller Creek District

TIA: not required at this time

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: YES

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

- 960 Lower Waller Creek
- 438 Downtown Austin Alliance
- 511 Austin Neighborhoods Council
- 1363 SEL Texas
- 1228 Sierra Club, Austin Regional Group
- 402 Downtown Austin Neighborhood Assn. (DANA)
- 1475 Waller District Staff Liaison
- 1340 Austin Heritage Tree Foundation
- 1424 Preservation Austin
- 1393 Waller Creek Conservancy
- 623 City of Austin Downtown Commission
- 1447 Friends of Emma Barrientos MACC
- 1236 The Real Estate Council of Austin, Inc.
- 477 El Concilio Mexican-American Neighborhoods
- 742 Austin Independent School District
- 1075 Bike Austin
- 1258 Del Valle Community Coalition
- 1444 East Austin Conservancy
- 452 Guadalupe Association for an Improved Neighborhood
- 1391 Central Austin Community Development Corporation
- 1399 A.N.T. Artists and Neighbors Together
- 1344 African American Cultural Heritage District Business Association
- 30 Guadalupe Neighborhood Development Corporation

1199 United East Austin Coalition
 966 Organization of Central East Austin Neighborhoods (OCEAN)

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SCHOOLS:

Matthews Elementary School O Henry Middle School Austin High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2008-0094; Triangle – 700 East 8 th Street	P to CBD-CURE	To grant CBD-CURE (12/9/2008)	Apvd CBD-CURE (1/29/2009)
C14-2008-0006; Stubb's South – 801 & 803 Red River Street	DMU to CBD-CURE	To grant CBD-CURE w/amendments (4/24/2009)	Apvd CBD-CURE-CO (04/30/2009); permitting outdoor entertainment, modified parking requirements to only 3 spaces required, 2000 traffic trips per day maximum.
C14-2008-0007; Stubb's North – 605, 607, & 611 E 9 th Street, 811, 815, 817, & 819 Red River Street	CS and CS-1 and CBD-CURE to CBD-CURE	To grant CBD-CURE w/amendments (4/24/2009)	Apvd CBD-CURE-CO (04/30/2009); permitting outdoor entertainment, modified parking requirements to only 3 spaces required, 2000 traffic trips per day maximum.
C14-99-2131; Ready Ice Tract – 901 Red River Street	MF-4 and CS-1 to CBD	To grant CBD with conditions (08/29/2000)	Apvd CBD-CO (12/14/2000); limiting vehicle trips to 5,000 per day.
C14-88-0073; Waterloo Park – 1100-1416 and 1001-1021 Red River Street, 611 E 10 th , 609 E 8 th , 703 E 7 th and 703-705 E 6 th Street	MF-4, CS, CS-1, DMU and CBD to P		Apvd P (09/29/1988)

RELATED CASES:

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A Capitol View Corridor height determination was completed for this property (C17-2013-0068). The subject tract is determined to traverse the City of Austin Capitol View Corridor # 12 which imposes height restrictions between 53.48 feet and 63.5 feet. In addition, the subject property has been determined to fall within the State-defined Capitol View Corridor # 33 which imposes height restrictions between 35.74 feet and 42.22 feet. The more restrictive height limitations will apply to any redevelopment on the subject property.

The subject property is platted as Lots 7 & 8, Block 91, Original City of Austin.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. 9 th Street	80'	60'	Collector	Yes		Yes

CITY COUNCIL DATE: December 11, 2014

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:




CASE MANAGER: Tori Haase

PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov

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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

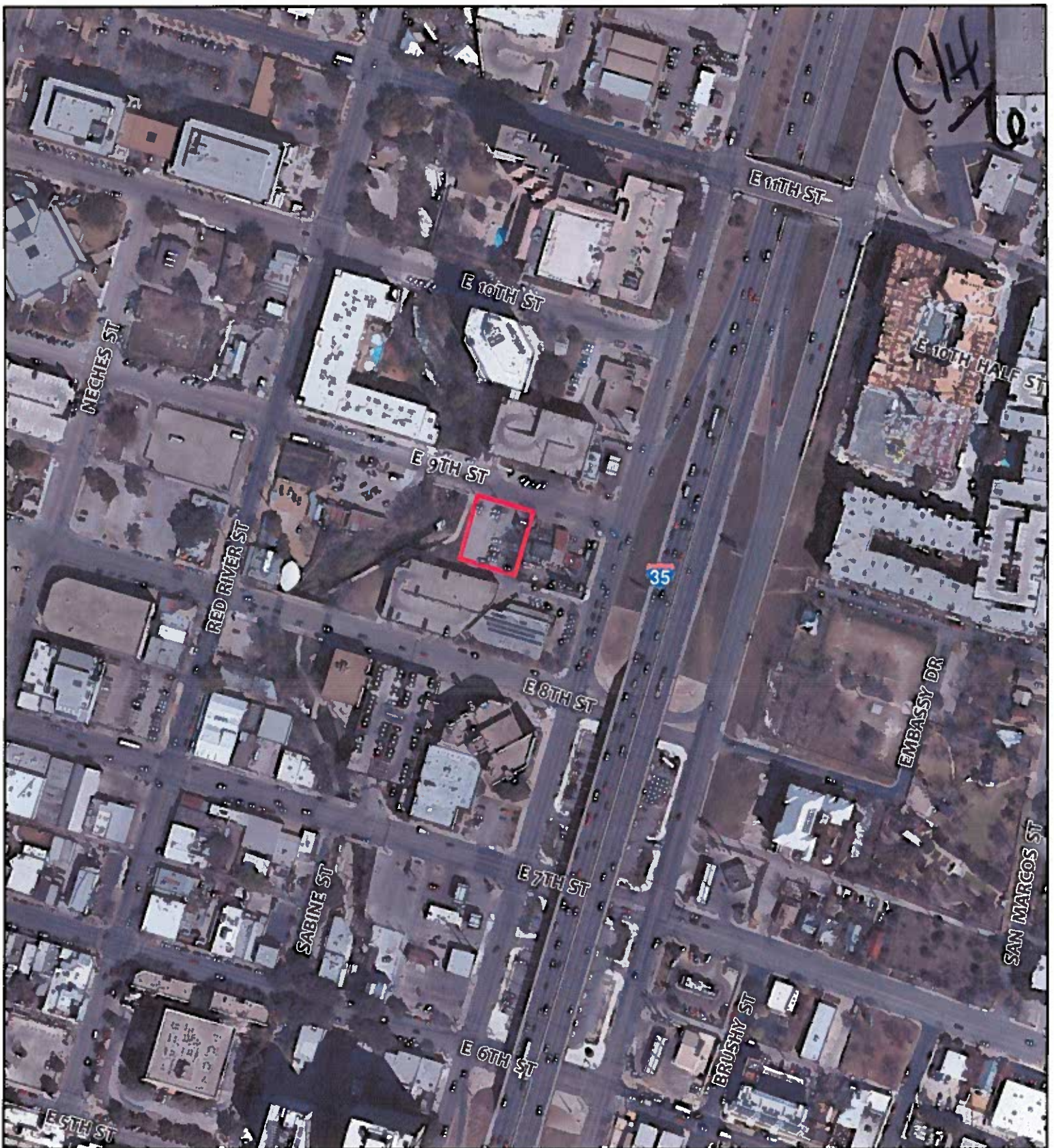
ZONING
CASE#: C14-2014-0162

1" = 200'

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.





1' = 400'



Subject Property

ZONING

ZONING CASE#: C14-2014-0162
LOCATION: 701 and 703 E 9th St.
SUBJECT AREA: .33 ACRES
GRID: J22
MANAGER: TORI HAASE



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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STAFF RECOMMENDATION

Staff supports the zoning change from General Commercial Services (CS) zoning to Central Business District (CBD) zoning because it is in line with the Downtown Austin Plan as well as the Imagine Austin Plan. The Downtown Austin proposes a zoning change to Central Business District (CBD) zoning with no height limitations and with a maximum floor to area ratio of 8.0 allowed for redevelopment. However, this tract is determined to traverse the City of Austin Capitol View Corridor # 12 which imposes height restrictions between 53.48 feet and 63.5 feet. In addition, the subject property has been determined to fall within the State-defined Capitol View Corridor # 33 which imposes height restrictions between 35.74 feet and 42.22 feet. The more restrictive height limitations will apply to any redevelopment on the subject property.

BASIS FOR RECOMMENDATION

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

The CBD zoning district is intended for an office, commercial, residential, or civic use located in the downtown area. This zoning district is appropriate for this site even if only for the location within the downtown area.

2. *Zoning should allow for reasonable use of the property.*

The CBD zoning district will allow for a reasonable use of the property as it will provide an opportunity for a mixture and wide variety of uses within the downtown core where a dense mixture of uses is encouraged.

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

The CBD zoning district would be compatible and consistent with the properties that have CBD zoning in neighboring blocks.

4. *The rezoning should be consistent with the policies and principles adopted by the City Council or by the Planning Commission.*

The CBD zoning district is appropriate for this site as it is supported by the Austin Downtown Plan that was adopted by City Council in December, 2011. The subject property is identified in the plan document as proposed for a zoning change to Central Business District-CBD zoning district (pg. 79). While there is no specific use or project planned for the subject property at this time, the zoning change to CBD will grant entitlement rights to develop the property in a way that will implement the following district-specific goals:

- 5. Encourage new development that promotes the area as a diverse, livable, and affordable mixed-use district with a distinctly local feel.
- 6. Establish activities along the Creek that contribute to its safety and vitality and to the area's economic revitalization.

The zoning change is also congruent with the Imagine Austin Plan that encourages infill and redevelopment, specifically in those areas classified as a 'Regional Center' on the Imagine Austin's Growth Concept Map.

5. *Zoning should promote clearly-identified community goals.*

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The CBD zoning district will promote the vision of the Downtown Austin Plan which is to have a dense and livable pattern of development that supports a vibrant day and nighttime environment. The zoning change will support the goals of activities and uses which are to ensure that future growth of the downtown area *“supports a vibrant, diverse and pedestrian-friendly urban district.”*

A portion of the subject property is within the Downtown Creeks (DC) Overlay District which applies to properties within 60 feet of the centerline of creeks that are located within CBD or DMU base districts. The purpose of the DC Overlay District is to promote public accessibility to the creeks and to promote pedestrian use of the creeks as well as to protect and enhance the scenic character of the creek corridors. The CBD zoning district will support the purpose of the DC Overlay District by providing an opportunity for redevelopment and use that will accomplish the intent of the Overlay District.

EXISTING CONDITIONS

Site Characteristics

The site is developed with paved parking areas and a few trees on the eastern property line. Waller Creek is to the immediate west of the subject property. There does not appear to be any topographical constraints on the site.

Impervious Cover

The maximum amount of impervious cover under the current Commercial Services (CS) zoning district is 95%. The maximum amount of impervious cover allowed by Central Business District (CBD) zoning is 100%.

Comprehensive Planning

Downtown Austin Plan - The subject property is located in the Waller Creek District of the Downtown Austin Plan. The subject property has been identified in the plan document a property that is proposed for a zoning change to Central Business District-CBD zoning district (pg. 79). While there is no specific use or project planned for the subject property at this time, the zoning change to CBD will grant entitlement rights to develop the property in a way that will implement the following district-specific goals:

- 5. Encourage new development that promotes the area as a diverse, livable, and affordable mixed-use district with a distinctly local feel.
- 6. Establish activities along the Creek that contribute to its safety and vitality and to the area's economic revitalization.

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Imagine Austin Plan - The subject property is located within the boundaries of a 'Regional Center', as identified in the Imagine Austin's Growth Concept Map, found in the Imagine Austin Plan. A Regional Center is the most urban of the three activity centers outlined in the growth concept map and are intended to be retail, cultural, recreational, and entertainment destinations for Central Texas. These are also the places where the greatest density of people and jobs and the tallest buildings in the region will be located. The densities, buildings heights, and overall character of a center will vary depending on location. Regional centers will range in size between approximately 25,000-45,000 people and 5,000- 25,000 jobs. The following IACP policies are applicable to this case:

- **LUT P3** Promote development in **compact centers**, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based on the information above, Staff believes that the proposed zoning change is supported by both the Downtown Austin Plan and the Imagine Austin Comprehensive Plan.

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.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is a floodplain within or adjacent to the project location.

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

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 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rim-rock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft., cumulative, is exceeded, and on site control for the two-year storm.

Transportation

Additional right-of-way may be required at the time of subdivision and/or site plan.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on East 9th Street.

There is no proposed use at this time; therefore a Traffic Impact Analysis (TIA) may be required at the time of site plan submission. [LDC, 25-6-113]

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Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Storm Water 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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm Water Management Program if available.

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

Any new development is subject to Subchapter E. Design Standards and Mixed Use, as well as design requirements for CBD/DMU-zoned sites. Additional comments will be made when the site plan is submitted.

This site is located in the C.U.R.E. overlay, the Capital View Corridor overlay, and in the Downtown Neighborhood Planning Area. More comments will be generated at time of site plan submittal.

Project Name: 701-703 E. 9th Street
Address:
File Number: C17-2013-0068

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City of Austin

Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

CAPITOL VIEW CORRIDOR DETERMINATION

C17-2013-0068⁶⁸

For: 701-703 E. 9th Street
6/17/2013

Case Reviewer: Lynda Courtney

974-2810

This site is traversed by Capitol View Corridor # 12, "NB Lanes of IH 35 between the Municipal Police and Courts Building and west 10th Street". This was established as one of the view corridors in the Capitol View Preservation Ordinances 840802-T and 841220-CC. The Capitol View Corridor calculations are established to determine the maximum height structures may be built without compromising a straight line which connects a viewpoint to the base of the capitol dome.

For the Capitol View Corridor # 12, five points were identified on the site where the view corridor crosses the site corners of the property, and at the midpoint of the property. Points A-E are shown on the attached graphic to illustrate the locations on which this determination was made.

The specified points A-E, as shown on the graphic attachment, would allow for building heights between 53.48 and 63.50 feet. The maximum elevation allowable for any structure at this location would be between 524.48 and 532.50 feet above sea level, depending on the specific points.

The heights and elevations calculated for CVC # 12, are mostly lower and more restrictive than the CS (Commercial Services) zoning, which has a maximum height of 60'. The heights and elevations which will control the allowable heights in this side of the site will be the capitol View corridors, unless the CVC height permitted is greater than 60', and then the zoning height will control.

The set of calculations are shown on the worksheet, included as an exhibit with this report. Height is measured as explained in the definition from the City of Austin Land Development Code, in section 25-1-21 (47). The maximum elevations shown at these points represent the heights above sea level beyond which any development on the site cannot exceed.

Allowable heights may be interpolated along the capitol view corridor lines based on these calculated points. If you have any questions about this determination, please call Lynda Courtney at 974-2810.


Lynda J. Courtney
Development Services Process Coordinator
Planning and Development Review Department
Attachments

Project Name: 701-703 E. 9th Street
Address:
File Number: C17-2013-0068

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NPZ Site Plan Review - Lynda Courtney 512-974-2810

Wednesday, ~~January 15, 2014~~ January 17, 2013

Capitol View Corridor Determination Amendment C17-2013-0068

For 701-703 E. 9th Street
Amended 1/17/2014

Case Reviewer: Lynda Courtney 512-974-2810

This site is traversed by Capitol View Corridor # 12, "NB Lanes of IH 35 between the Municipal Police Station and West 10th Street", and also by Corridor # 33, the State-defined Capitol Corridor (SDCC), which has the same name. The distance from the viewpoint and the elevation for the SDCC is slightly different than the city-defined corridor. This analysis was not included in the original CVC determination, and this amendment is to correct that oversight.

For the Capitol View Corridor # 12, five points were identified on the site where the view corridor crosses the property, and at the midpoint of the property. These points are identified on the attached graphic as points A-E.

Points A-E allow for building heights at those points between 53.48 and 63.5 feet, as defined in the Land development Code. The maximum elevation above sea level for these same points would be between 524.48 and 532.5, depending on the specific point.) city

For Capitol View Corridor # 33, the State-Defined Corridor, the same points A-E are used for the analysis. The allowable building heights at those points would be between 35.74 and 42.22 feet. The maximum heights above sea level would be between 506.74 and 511.42. The maximum elevations shown at these points represent the heights above sea level which any development on the site cannot exceed.) state

The heights and calculations calculated for SDCC # 33 are lower and more restrictive than the original analysis, which only included CVC # 12. These heights and elevations will control the allowable maximum construction heights, as they are more restrictive than the zoning maximum heights.

For any questions about this analysis, please call this reviewer at 512-974-2810.

Lynda Courtney
Development Services Process Coordinator
Attachments. .