

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0162 — Buratti .33

**P.C. DATE:** November 12, 2014

**ADDRESS:** 701 & 703 E 9<sup>th</sup> 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:**

11/12/2014; APPROVED CENTRAL BUSINESS DISTRICT (CBD) ZONING BY  
CONSENT [R. HATFIELD; B. ROARK – 2<sup>ND</sup>] (8-0) L. VARGHESE –  
ABSENT.

### **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.

**ISSUES:** None at this time.

**EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b> | <b>LAND USES</b>   |
|--------------|---------------|--|
| <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)

**SCHOOLS:**

Matthews Elementary School    O Henry Middle School    Austin High School

**CASE HISTORIES:**

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

**RELATED CASES:**

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 <sup>th</sup> Street | 80' | 60'      | Collector      | Yes       |            | Yes                           |

**CITY COUNCIL DATE:** December 11, 2014

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Tori Haase





**PHONE:** 512-974-7691

**EMAIL:** [tori.haase@austintexas.gov](mailto:tori.haase@austintexas.gov)



**ZONING**  
CASE#: C14-2014-0162

*Exhibit A*


 SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

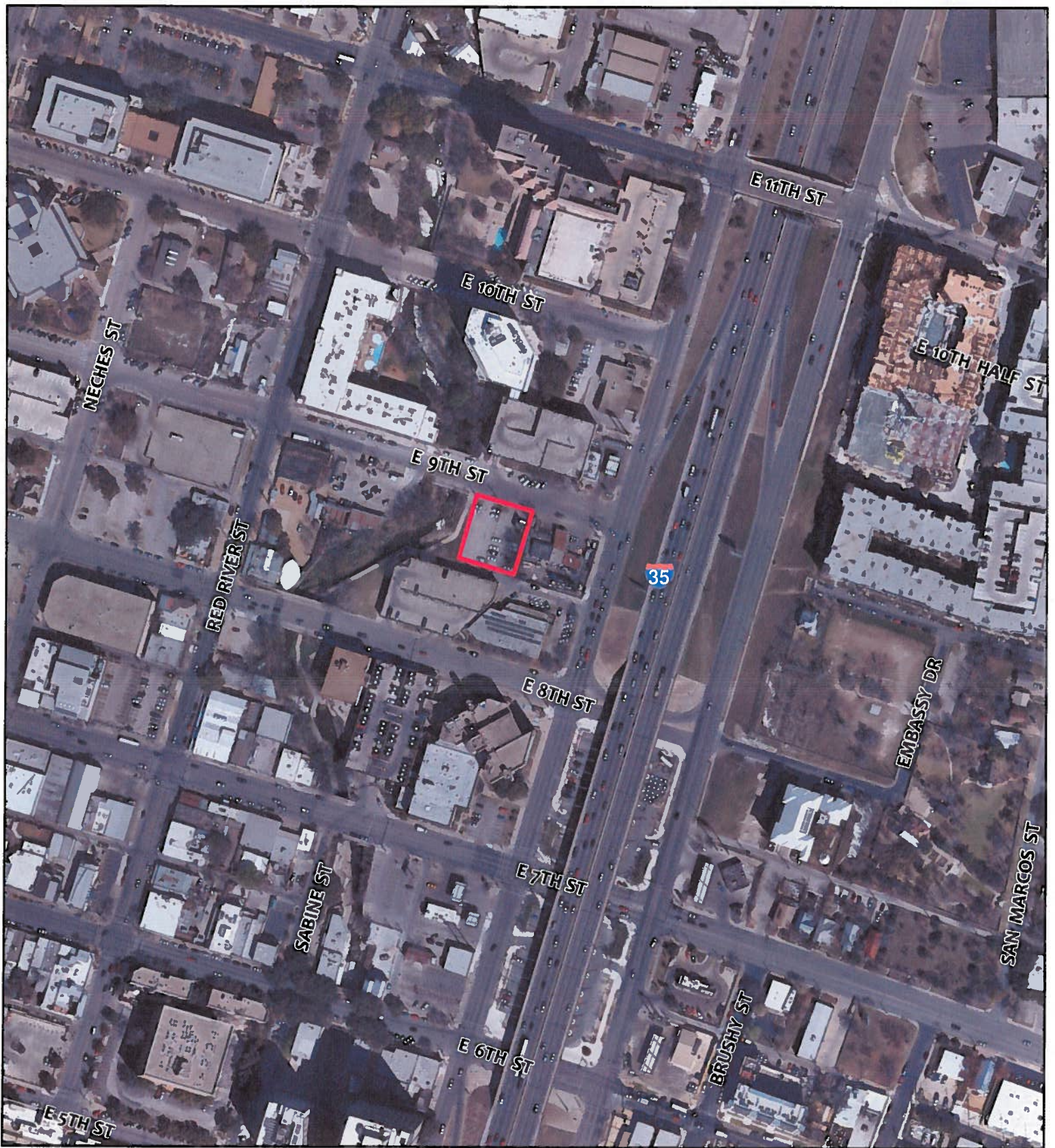
1" = 200'

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.







## ZONING

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

*Exhibit B*



N



1' = 400'



Subject Property

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.



## 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.*

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.



**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 9<sup>th</sup> 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]

### **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.

## 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:  
<http://www.austintexas.gov/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: C14-2014-0162

Contact: Tori Haase, 512-974-7691

Public Hearing: Nov 12, 2014, Planning Commission

Dec 11, 2014, City Council

*Richard L. Schroer*

Your Name (please print)

*78701*

Your address(es) affected by this application

*78701*

Signature

Daytime Telephone: *(512) 499-8300*

Comments:

*11/11/14*

Date

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Tori Haase  
P. O. Box 1088  
Austin, TX 78767-8810