

ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0022 – 502 W. 15th Street

P.C. DATE: May 24, 2016

ADDRESS: 502 W 15th Street and 1502 San Antonio Street

DISTRICT AREA: 9

OWNER/APPLICANT: Moore JH 502, LLC (Ann E. Vanderburg)

AGENT: Mike McHone Real Estate (Mike McHone)

ZONING FROM: LR

TO: DMU

AREA: 0.2592 Acres / 11,291 sq. ft.

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. The conditional overlay will limit building height to 60 feet.

PLANNING COMMISSION RECOMMENDATION:

May 24, 2016;

Approved DMU-CO zoning, as per the Staff recommendation [J. Vela III / J. Shieh – 2nd] (7-3).

Voting AYE: F. Kazi, T. Nuckols, S. Oliver, J. Schissler, J. Shieh, J. Vela III, M. Wilson.

Voting NAY: K. McGraw, T. White, N. Zaragoza.

ABSENT: A. PineyroDeHoyos, J. Thompson

DEPARTMENT COMMENTS:

The subject rezoning area consists of two adjacent legal lots located on the northwest corner of 15th and San Antonio Streets. The property is developed with an asphalt commercial parking lot that is accessible by a driveway from San Antonio Street as well as from the alleyway that runs along the western property line (See Exhibits A & B). The property is immediately surrounded by office uses to the north and west; and retail uses to the south and east, across San Antonio and W 15th Streets.

A rezoning to Downtown Mixed Use (DMU) has been requested to expand redevelopment options while there is no specific plan at this time.

The two properties are located in the Northwest District of the Downtown Austin Plan (DAP) and in a Regional Center as defined by the Imagine Austin Comprehensive Plan (IACP). Staff is recommending the rezoning request as it is supported by both the DAP and the IACP, is consistent with approved and existing zoning densities and intensities on adjacent properties and is compatible with nearby uses, therefore promoting consistency and orderly planning.

Looking at the bigger picture, the Northwest District is an area of transition in building form and height between the Judges Hill District to the West, which is mostly residential buildings of 1-3 stories, and the Uptown/Capitol District to the east, which currently has and is proposed for building heights upwards of 120 feet or more. One of the primary goals of the DAP is to encourage a mix of uses in the downtown area. Therefore guidance given in the plan suggests zoning changes for particular properties to DMU and also references a suggested height restriction which was based on the height restrictions imposed by the base zoning for each property at that time; LR allows height up

to 40 feet. Therefore, the plan references a suggested height restriction of 40 feet. The DAP proposed the zoning changes with height restrictions in order to expand the permissible land uses for properties in the downtown area without granting additional entitlements to height and density on an area wide basis. It was intended that any request for additional height beyond existing entitlements would be considered on a property-by-property basis so that due diligence is given to determining appropriate height in context with the area and district of each individual property. In this particular block, there is a consistent pattern of re-zoning to DMU-CO with height restrictions of 60 feet by conditional overlay or by the site development standards established by the base zoning districts of surrounding properties. The two lots are eligible to participate in the Density Bonus Program. However, at this time, the Applicant's request for entitlements, including height, does not come with any indication of participating in the Density Bonus Program. Therefore, Staff recommends DMU-CO with the conditional overlay restricting building height at 60 feet. A rezoning to DMU-CO with a 60 foot height restriction will promote a mixture of uses, including residential at a scale that is appropriate to the context of the area and will provide a transition, in form, between the tallest development proposed in the Uptown/Capitol District and the predominantly residential Judges Hill District to the west.

ISSUES: The Applicant is not in agreement with the Staff recommendation to limit height at 60 ft. The Applicant proposes a height restriction of 65 feet

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR	Parking Lot
<i>North</i>	LR	Office (Law, etc.)
<i>South</i>	CS-CURE	Retail (Starbucks)
<i>East</i>	CS	Convenience Store/Fuel Pumps
<i>West</i>	DMU-CO	Office (Law Firm)

NEIGHBORHOOD PLANNING AREA: Downtown Austin Plan

TIA or NTA: not required.

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

<i>Community Registry Name</i>	<i>ID No.</i>
Central Austin Community Development Corporation	1391
SEL Texas	1363
Bike Austin	1528
Austin Neighborhoods Council	511
Friends of Austin Neighborhoods	1530
Historic Austin Neighborhood Association	1400
Austin Independent School District	742

Sierra Club, Austin Regional Group	1228
Shoal Creek Conservancy	1497
West Downtown Alliance Inc.	1253
Downtown Austin Neighborhood Assn. (DANA)	402
Preservation Austin	1424
Austin Heritage Tree Foundation	1340
Downtown Austin Alliance	438
West End Austin Alliance	998
Old Austin Neighborhood Association	57

SCHOOLS: Austin Independent School District
Bryker Wood Elementary, O Henry Middle, Austin High

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2015-0094	GO to DMU	Apvd DMU-CO; 2K trips/day limit, max height @ 60ft. (9/22/2015)	Apvd DMU-CO; 2K trip/day limit, max height @60ft, prohibit group residential, alternative financial services, bail bond svcs, pawn shop svcs, transitional housing, liquor sales, cocktail lounge, outdoor entertainment, service station, residential treatment, consumer convenience svcs, drive in svcs as an accessory use to commercial (12/17/2015)
C14-2015-0093	GO to DMU	9/22/2015 – Apvd DMU-CO; 2K trips/day limit, max height @ 60ft.	12/17/2015 – Apvd DMU-CO; 2K trip/day limit, max height @60ft, prohibit group residential, alternative financial services, bail bond svcs, pawn shop svcs, transitional housing, liquor sales, cocktail lounge, outdoor entertainment, service station, residential treatment, consumer convenience svcs, drive in svcs as an accessory use to commercial.
C14-2010-0151	GO to CBD	1/25/2011 – Apvd DMU-CO; 60ft height restriction, IC@90%, FAR: 1:1, 5ft. front yard setback, 2K trip limit.	2/11/2011 - Apvd DMU-CO; 60ft height restriction, IC@90%, FAR: 1:1, 5ft. front yard setback, 2K trip limit.
C14-05-0049 – Jeff Blatt; 500 W 16th Street	GO to DMU	Denied DMU (6/7/2008)	Apvd DMU-CO; limiting trips to 2,000/day (9/1/2005)

C14-05-0190 – 515 West 15th Street;	CBD	Apvd CBD-CO (3/7/2006)	Apvd CBD-CO; limiting trips to 2,000/day, prohibiting a list of uses, drive-in accessory use prohibited, height restricted to 70ft., only one commercial use on the ground floor of bldg. is permitted (8/8/2006).
C14-00-2081 -	GO to DMU-CURE	Apvd CS-CURE; prohibiting drive-in svcs, provide at least 20% but not more than 60% of the number of parking spaces normally required. (5/16/2000)	Apvd CS-CURE; Drive-in svc prohibited, limited to 2000 trips/day, maximum of 56% of the required parking may be reserved for compact cars, services station prohibited, the parking spaces provided on-site may not be less than 20% or more than 60% of the spaces required by City Code (6/22/2000).
C14-95-0154 – Ann Buratti; 1510 San Antonio Street	DMU	Apvd DMU-CO (11/28/1995)	Apvd DMU-CO; prohibiting a list of uses, making certain uses conditional, height restricted to 60ft, only one structure allowed on site; restricts to 1 DU occupying no more than 50% of GFA of the structure (2/8/1996).

RELATED CASES:

C8I-2015-0313 – A land status determination that the subject tract is a legal tract created prior to March 14, 1946.

C14-83-223 – A rezoning from Office (O) to Local Retail (LR) – Approved January 5, 1984 (Exhibit C).

ABUTTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
15 th Street	100 feet	76 feet	Arterial	Yes	Yes	Yes
San Antonio	81 feet	38 feet	Collector	Yes	No	Yes

CITY COUNCIL DATE:

June 16, 2016;

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Victoria Haase

PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov

EXISTING CONDITIONS

Site Characteristics

The subject tract is developed with an asphalt parking lot. The site looks to be close to or at 100% impervious cover. There are two mature trees along the property line, adjacent to the sidewalk that runs along San Antonio Street. There is an additional mature tree right at the property line between the subject tract and the tract to the north. A site visit was unable to determine where the tree is in relation to the property line with the adjacent property to the north. There are no topographical constraints as the property is flat with little to no grade change.

Impervious Cover

Impervious cover limits are established by the zoning district for this property. The current zoning district of LR establishes an 80% impervious cover limit. The DMU zoning district allows for up to 100% impervious cover.

Comprehensive Planning

Downtown Austin Plan - The subject property is located in the Northwest 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 Downtown Mixed Use (DMU) with a suggested height restriction of 40 ft. (pg. 79). While there is no specific use or project planned for the subject property at this time, the zoning change to DMU will grant entitlement rights to develop the property in a way that will implement the following district-specific goals:

- 2. Bring residents back to the neighborhood.
- 5. Improve the pedestrian environment.

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 – Mike McDougal, 512-974-6380

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
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.
6. 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 s.f. cumulative is exceeded, and on site control for the two-year storm.

DSD Transportation – Natalia Rodriguez, 512-974-3099

TR1. A Traffic Impact Analysis will be required at the time of site plan if triggered per LDC 25-6-113. LDC, Sec. 25-6-113.

TR2. Additional right-of-way maybe required at the time of subdivision and/or site plan.

TR3. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

TR4. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for 15th Street.

TR5. FYI – At the time of Site Plan Review, access to 15th Street will be prohibited. There is insufficient frontage along 15th Street for a compliant driveway. Access should be taken to the adjacent alley and possibly San Antonio Road (the existing drive accessing San Antonio Road is non-compliant and will need to be removed).

Water and Wastewater

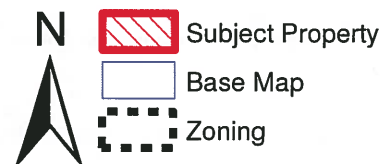
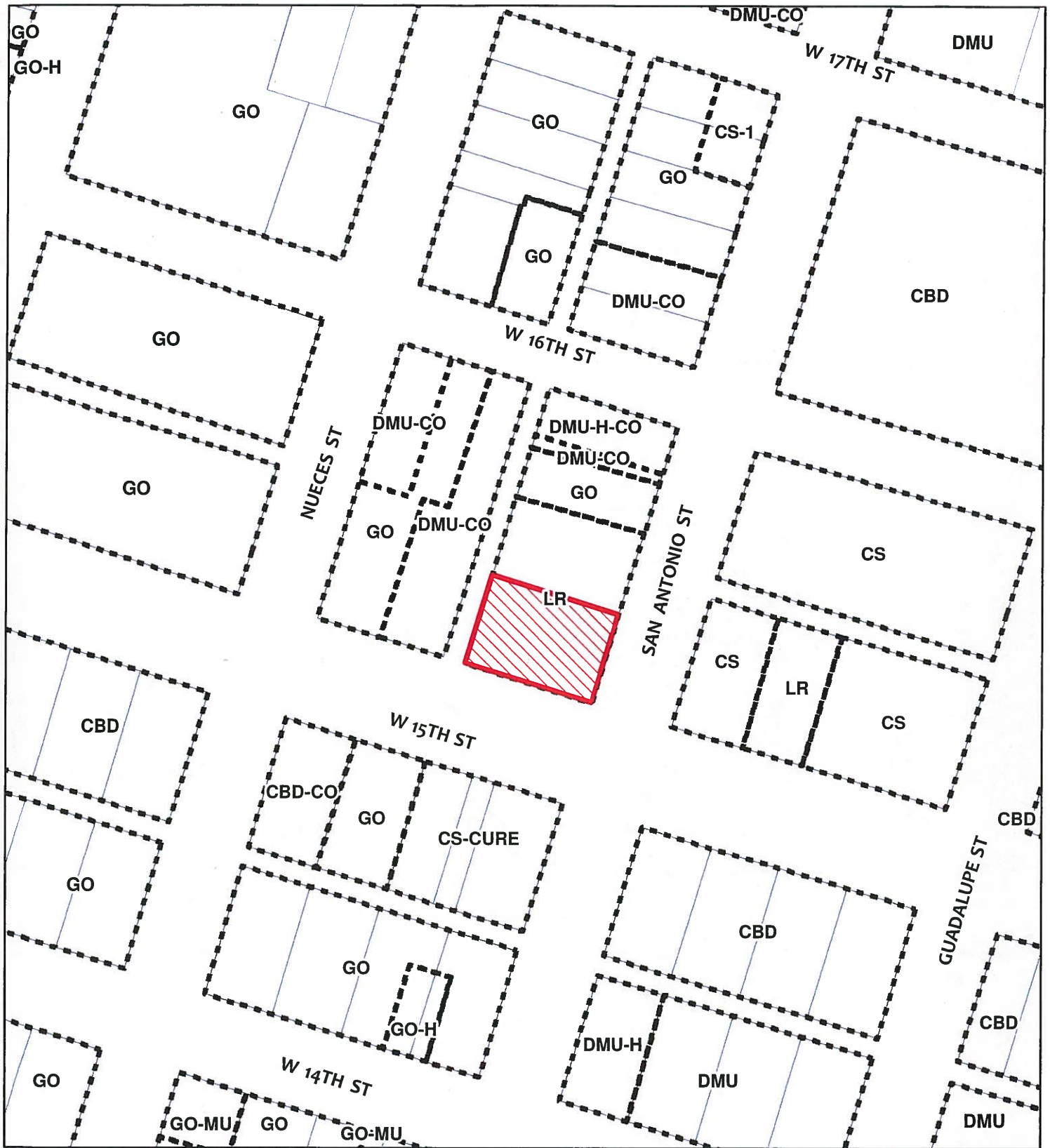
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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 - Michael Simmons-Smith, 512-974-1225

SP 1. No Site Plan Review comments are offered at this time, but such comments will be provided upon submittal of an application for site development permit.



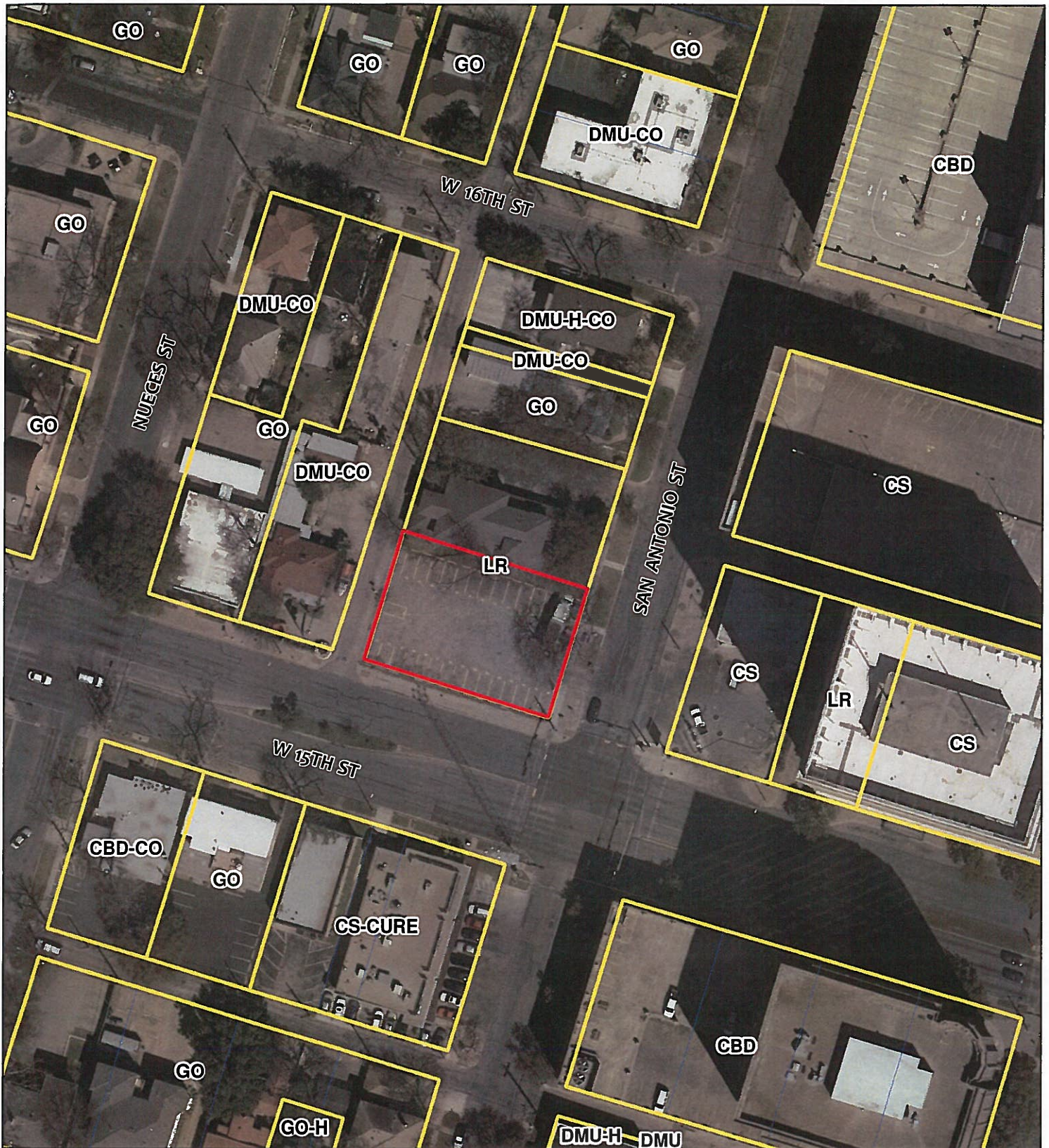
1' = 400'

ZONING MAP - EXHIBIT A

ZONING CASE#: C14-2016-022
 ZONING CHANGE: LR to DMU
 LOCATION: 502 W 15th Street
 SUBJECT AREA: 0.2592 Acres



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.



N



- Subject Property
- Base Map
- Zoning

1" = 400'

AERIAL MAP - EXHIBIT B

ZONING CASE#: C14-2016-022
 ZONING CHANGE: LR to DMU
 LOCATION: 502 W 15th Street
 SUBJECT AREA: 0.2592 Acres



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.

~~CITY OF AUSTIN, TEXAS~~

ORDINANCE NO. 840308-E

AN ORDINANCE AMENDING ORDINANCE NO. 840105-R, ENACTED BY THE CITY COUNCIL ON January 5, 1984, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That PART 1 of Ordinance No. 840105-R, Zoning Case No. C14-83-223, is hereby amended by deleting in its entirety the legal description of the property zoned by said ordinance and substituting in lieu thereof the following:

"Being 11,290.88 square feet of land out of Outlot 30, Division E of the Original City of Austin, Texas, according to a map or plat on file in the General Land Office of the State of Texas, said tract being conveyed by deed recorded in Volume 8065 at Page 828 of the Deed Records of Travis County, Texas, said tract being more particularly described as follows:

BEGINNING at a point in the east line, same being the southeast corner of said Outlot;

THENCE, in a northerly direction along said E. line 46 feet, same being the N.E. corner of a part of said Outlot owned by August Kunz;

THENCE, continuing in a northerly direction along said E. line 42.21 feet, stake for corner and S.E. corner of a portion of said Outlot owned by W.J.J. Terrell;

THENCE, in a westerly direction parallel with the north and south lines of said Outlot, 128 feet, stake for corner, in the E. margin of an alley and S.W. corner of said Terrell lot;

THENCE, in a southerly direction along E. R.O.W. line of said alley, 42.21 feet, stake for corner and N.W. corner of said Kunz lot;

THENCE, continuing in a southerly direction along E. R.O.W. line of said alley, 46 feet, same being the S.W. corner of a part of said Outlot owned by August Kunz;

THENCE, in an easterly direction and along S. line of said Kunz lot, 128 feet to the Place of Beginning,

locally known as 500, 502 and 504 W. 15th Street and 1500-1502 San Antonio Street in the City of Austin, Travis County, Texas."

CITY OF AUSTIN, TEXAS

PART 2. The rule requiring the reading of ordinances on three separate days is hereby suspended, and this ordinance shall become effective ten days following the date of its passage as provided by the Charter of the City of Austin.

PASSED AND APPROVED

March 8

, 1984

§
§
§


Ron Mullen

Mayor

APPROVED:

Paul C. Isham
City Attorney

ATTEST:

James E. Aldridge
City Clerk

JMN:saf

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 840105-R

AMENDED BY ORDINANCE
NO. 840308-F

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: 11,290.88 SQUARE FEET OUT OF OUTLOT 30, DIVISION E, ORIGINAL CITY, LOCALLY KNOWN AS 500, 502 AND 504 W. 15TH STREET AND 1500-1502 SAN ANTONIO STREET, FROM "O" OFFICE, SECOND HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. CHAPTER 13-2 of the Austin City Code of 1981 is hereby amended to change the USE and HEIGHT and AREA designations from "O" Office, Second Height and Area District to "LR" Local Retail, Second Height and Area District on the property described in File C14-83-223, to-wit:

11,290.88 square feet of land out of
Outlot 30, Division E, Original City,
being more particularly described by
metes and bounds as follows:

Beginning at a point in the east line and 46 feet from the S.E. corner of said Outlot and the N.E. corner of a part of said Outlot owned by August Kunz;

THENCE, in a northerly direction along said E. line 42.21 feet, stake for corner and S.E. corner of a portion of said Outlot owned by W.J.J. Terrell;

THENCE, in a westerly direction parallel with the north and south lines of said Outlot 128 feet stake for corner, in the E. margin of an alley and S.W. corner of said Terrell lot;

THENCE, in a southerly direction along E. margin of said alley, 24.21 feet, stake for corner and N.W. corner of said Kunz lot;

THENCE, in an easterly direction and along N. line of said Kunz lot 138 feet to the place of beginning,

locally known as 500, 502 and 504 W. 15th Street and 1500-1502 San Antonio Street in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the USE and HEIGHT and AREA maps accompanying Chapter 13-2 of the Austin City Code

CITY OF AUSTIN, TEXAS

of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

PASSED AND APPROVED

January 5, 1984

X
X
X
X



Ron Mullen
Mayor

APPROVED:



Jonathan Davis
Acting City Attorney

ATTEST:



James E. Aldridge
City Clerk

:saf

Austin American-Statesman

City of Austin

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the
County of Travis, State of Texas, on this day personally appeared:

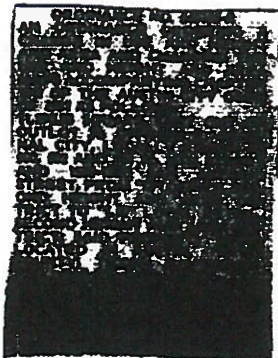
Susana Martinez _____,

Classified Advertising Agent of the Austin American-Statesman, a daily
newspaper published in said County and State, who being duly sworn by
me states that the attached advertisement was published in said newspaper
on the following dates, to wit:

February 3, 1984 _____

and that the attached is a true copy of said advertisement.

SWORN AND SUBSCRIBED TO BEFORE ME, this the 3rd
Day of February A.D. 198 4.



Susana Martinez

Renée H. Hight

Notary Public in and for
TRAVIS COUNTY, TEXAS