

**ZONING CHANGE REVIEW SHEET****CASE:** - C14-2017-0037 - Burrell Johnston**P.C. DATE:** May 9, 2017**ADDRESS:** 1108 Nueces Street**DISTRICT AREA:** 9**OWNER/APPLICANT:** Burrell D. Johnston**AGENT:** Bennett Consulting (Rodney K. Bennett)**ZONING FROM:** GO **TO:** DMU**TOTAL AREA:** 0.254 acres (11,041 sq. ft.)**SUMMARY STAFF RECOMMENDATION:**

Staff recommends rezoning the tract locally known as 1108 Nueces Street from general office (GO) district to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. The conditional overlay is for a 60 foot height restriction.

**PLANNING COMMISSION RECOMMENDATION:**

May 9, 2017

*Scheduled for Planning Commission***ISSUES:**

This tract is located within the Criminal Justice Center Overlay (LDC Section 25-2-650). Pawn shop services are a prohibited use in the Overlay area. Certain uses that would otherwise be permitted in the base zoning are conditional uses, including bail bond services, cocktail lounges and liquor sales.

There is a heritage tree just across the western property line from the tract (see photos in Exhibit E). This tree extends over the tract and currently provides shade for the parking lot. There is another large heritage tree, a Pecan, growing very close to the north side of the existing building. There may be issues with these trees and their critical root zones at the time of site plan submittal.

**DEPARTMENT COMMENTS:**

The subject tract is 0.254 acres and contains part of 2 lots located on the west side of Nueces Street. The street address is 1108 Nueces Street. The property is now zoned general office (GO). A 1-story office building was constructed onsite in 1957, and the tract has remained more or less in the same configuration up to the present day.

The applicant is requesting to change the zoning to downtown mixed use (DMU). At present, the applicant has a preliminary concept for a 4-story office building with at least one level of underground parking. The property would take access to Nueces Street as it does currently. Although there is no residential component in the concept, under the proposed zoning, the applicant would have the ability to develop mixed use, including residential.

The area within 4 blocks of the subject tract has a pattern of rezoning to DMU going back several years, to the early 2000s. Additionally, the subject tract is located in the Northwest District of the Downtown Austin Plan (DAP), which was adopted in 2011. The DAP identifies this and several other properties in the immediate area as being appropriate for DMU zoning with a suggested height restriction of 60 feet for the subject tract (see Exhibits C and D).

The recommended DMU zoning classification was intended to expand entitlement rights to develop the property in a way that will encourage a mix of land uses while also implementing district specific goals. The Northwest District has a significant number of Historic Landmark structures. Limiting the height to 60 feet will better compliment the historic character of the district.

In the Imagine Austin Comprehensive Plan, downtown is designated as a Regional Center, the most urban place in the region. Higher densities are encouraged in these areas, including low to high rise residential and office buildings.

For the reasons stated above, Staff recommends DMU-CO zoning with a conditional overlay to limit the height to 60 feet.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GO	Office
<i>North</i>	GO	Office, Duplex, then 12 <sup>th</sup> Street, then Multifamily
<i>South</i>	GO / DMU	Multifamily, Office, then 11 <sup>th</sup> Street, then Multifamily
<i>East</i>	GO	Nueces Street, then Office and Multifamily
<i>West</i>	P / UNZ	Office, then Rio Grande Street, then Educational facility

**NEIGHBORHOOD PLANNING AREA:** Downtown Austin Plan (Northwest District)

**TIA:** No, however a TIA may be required at the time of site plan.

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

<i><b>Community Registry Name</b></i>	<i><b>ID</b></i>
Austin Heritage Tree Foundation	1340
Austin Independent School District	742
Austin Neighborhoods Council	511
Bike Austin	1528
Central Austin Community Development	1391
City Of Austin Downtown Commission	623
Downtown Austin Alliance	438
Downtown Austin Neighborhood Assn (DANA)	402

Friends Of Austin Neighborhoods	1530
Historic Austin Neighborhood Association	1400
Homeless Neighborhood Association	1550
Old Austin Neighborhood Association	57
Preservation Austin	1424
Seltexas	1363
Shoal Creek Conservancy	1497
Sierra Club, Austin Regional Group	1228
West Downtown Alliance, Inc.	1253
West End Austin Alliance	998

**SCHOOLS:** Bryker Woods Elementary, O Henry Middle School, Austin High School

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2015-0133 1204 San Antonio St	First request to rezone 0.41 acres from GO to CBD. Amended request to go from GO to DMU on 11-6-15.	3-8-16 - Approved DMU-CO with a 90 ft. height restriction for Tract A (1204 San Antonio St.); DMU-CO with a 60 ft. height restriction for Tract B (1205 Nueces St.); bail bond services, cocktail lounge, pawn shop, liquor store, outdoor entertainment and amplified music uses are prohibited on Tracts A and B.	5-16-16 - Apvd DMU-CO on 3rd Rdg - Height restriction of 60 feet, prohibited uses of bail bond services, cocktail lounge, pawn shop, liquor store, outdoor entertainment and outdoor amplified sound
C14-2012-0081 and C14H-2012-0013 1212 Rio Grande Street	UNZ-H & UNZ to DMU-H & DMU Case Expired per LDC 25-2-246(A)(2)	3-26-13 - Apvd. Staff rec of DMU-CO w/added conditions of restaurant uses w/o drive-thru and include Great Streets	4-25-13 - Postponed on consent indefinitely. Items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda
C14-2007-0030 1104 San Antonio Street	From CS to DMU Case withdrawn	5-8-07 - W/D; no action req'd	N/A

**RELATED CASES:**

None on the subject tract.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Nueces Street	80 ft	40 ft	Neighborhood Collector	Yes – west side only	Shared lane	Yes – 701 12th/Rio Grande

- TR1. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.
- TR2. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.
- TR3. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a bike boulevard is recommended for Nueces Street.

**CITY COUNCIL DATE:** June 8, 2017**ACTION:****ORDINANCE READINGS:** 1st2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades**PHONE:** 512-974-7719**EMAIL:** Wendy.Rhoades@austintexas.gov

**BASIS FOR RECOMMENDATION**

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

The DMU 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 an appropriate location for Downtown Mixed Use – DMU and suggests a height restriction of 60 ft. (see Exhibit D). DMU will grant entitlement rights to develop the property in a way that will implement the district-specific goals.

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.

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

The Downtown Mixed Use district is intended for use located on the periphery of an area that has a CBD zoning designation. A DMU district designation may be applied to a development that includes any combination of office, retail, commercial, and residential uses and that is compatible with the downtown area. A DMU district use with an intermediate density may be used as a transition between the downtown area and surrounding districts. A DMU district is suitable for an area to which the central business district may expand. This zoning district is appropriate for this site based on its proximity to the CBD of the downtown area.

**EXISTING CONDITIONS*****Site Characteristics***

The tract currently has access to Nueces Street via a midblock alley, which also connects to Rio Grande Street and serves other properties on the block.

There is a heritage tree just across the western property line from the tract (see photos in Exhibit E). This tree extends over the tract and currently provides shade for the parking lot. There is another large heritage tree, a Pecan, growing very close to the north side of the existing building. There are some smaller trees, shrubs and vegetation located along the fence line to the north. The front of the building is landscaped with a 3 foot stone wall, topped by a tall hedge.

***Impervious Cover***

The tract is located in an Urban Watershed and therefore the zoning district will determine the impervious cover limits. The DMU zoning district allows 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 as a property that may be

eligible for a zoning change to Downtown Mixed Use (DMU) with a suggested height restriction of 60 ft. (pg. 79) if new zoning districts are created via implementation of the plan. The intent was to increase diversity of land uses while not creating an over-entitlement of said properties. The recommended DMU zoning classifications were intended to expand entitlement rights to develop the property in a way that will expand a mix of land uses including commercial, retail, and residential opportunities and 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.

***Site Plan – Michael Simmons-Smith - 512-974-1225***

SP1. Development on this site will be subject to Subchapter E: Design Standards and Mixed Use.

SP2. Additional site plan comments will be provided upon submittal of an application for Site Development Permit.

***Environmental - Mike Mcdougal - 512-974-6380***

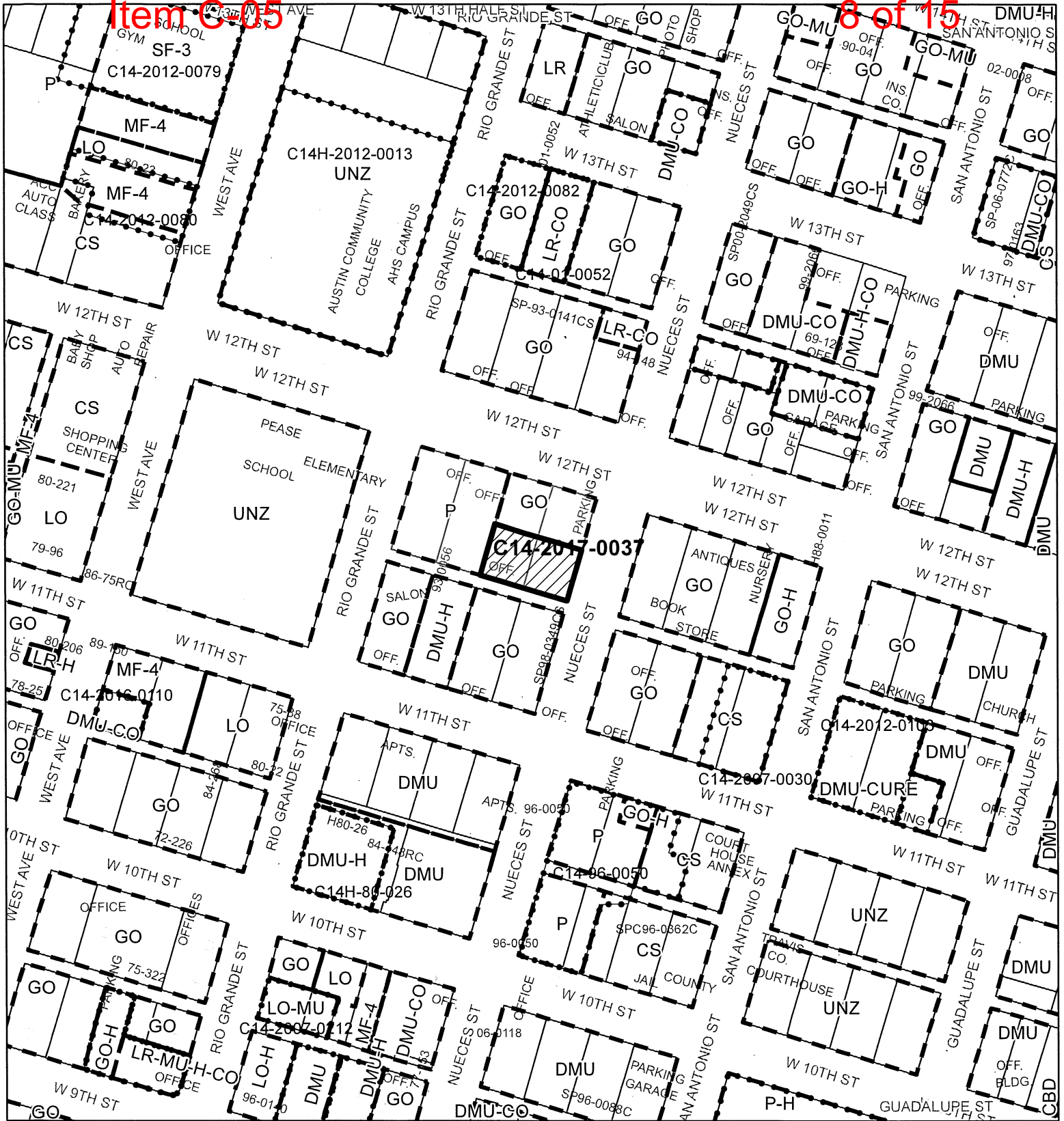
1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious 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. 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. 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.

***Water Utility - Bradley Barron – 512-972-0078***

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

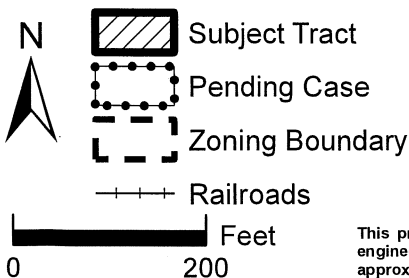




## ZONING

Case#: C14-2017-0037

EXHIBIT A



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.

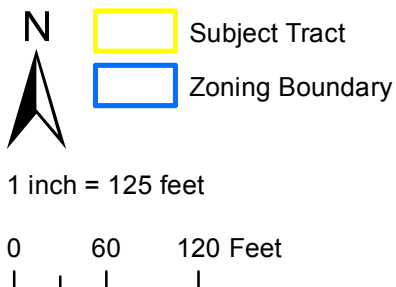
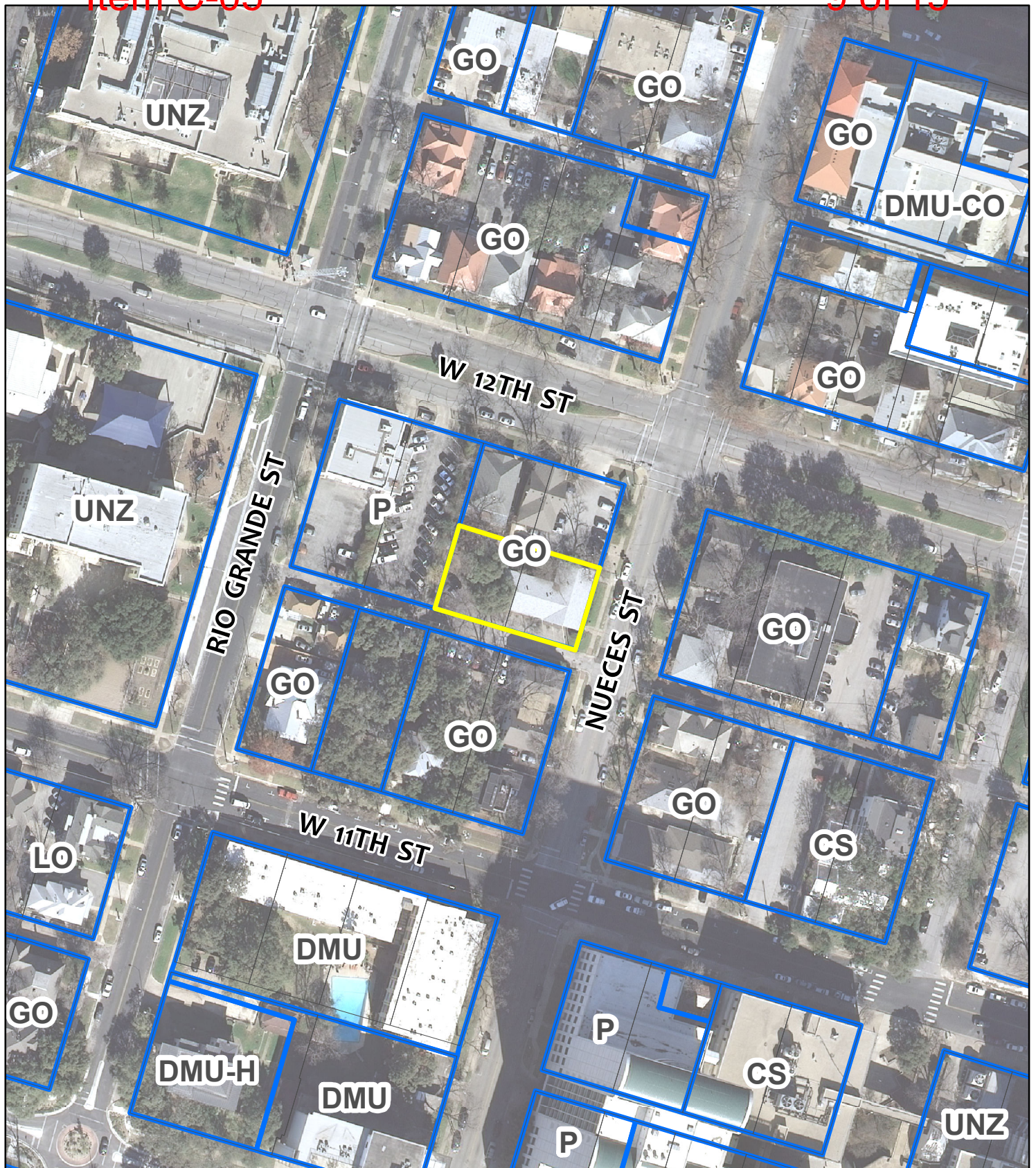
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1" = 200'





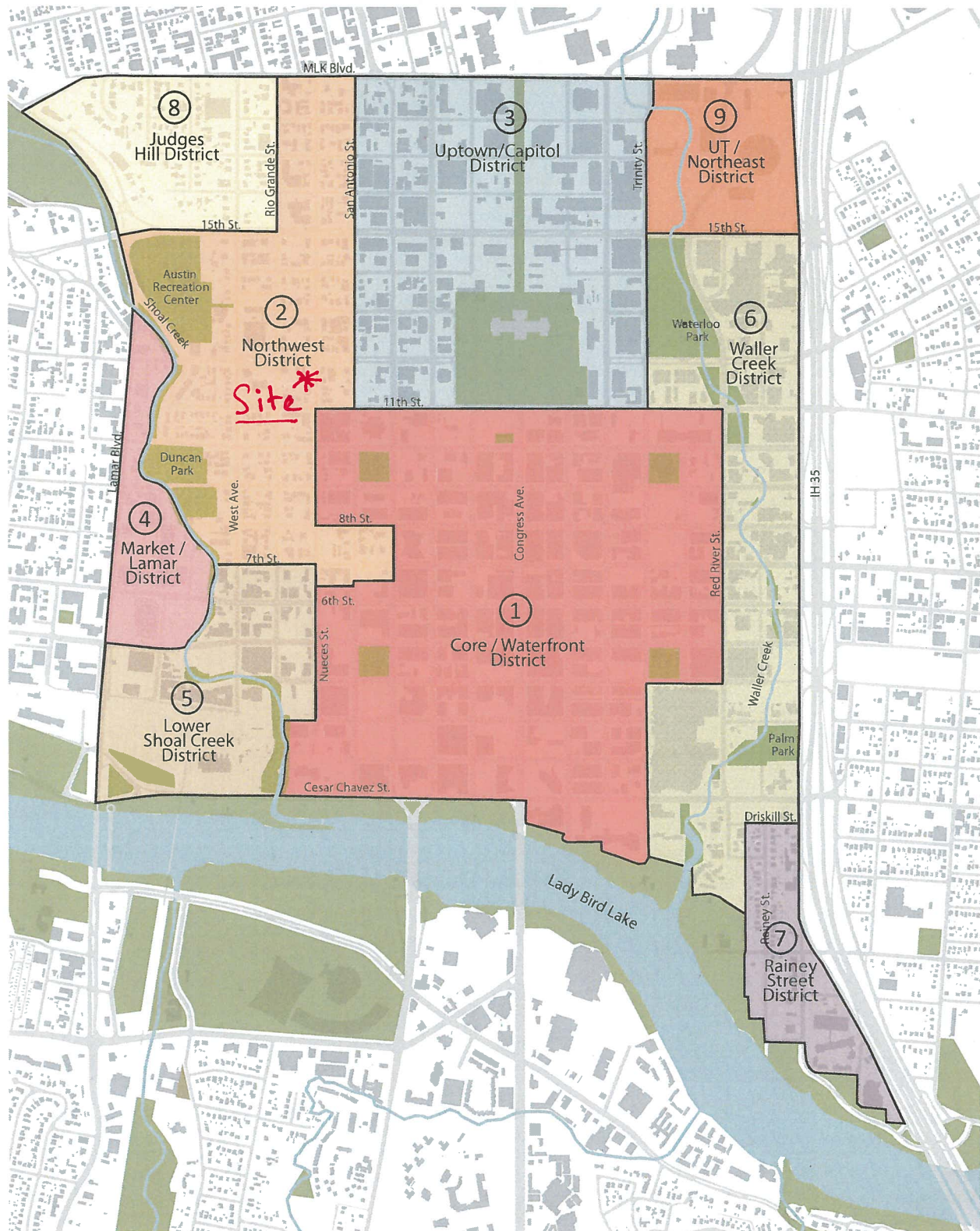
## ZONING & VICINITY - EXHIBIT B

Zoning Case: C14-2017-0037  
 Address: 1108 Nueces Street  
 Subject Area: 0.254 Acres  
 Case Manager: Wendy Rhoades

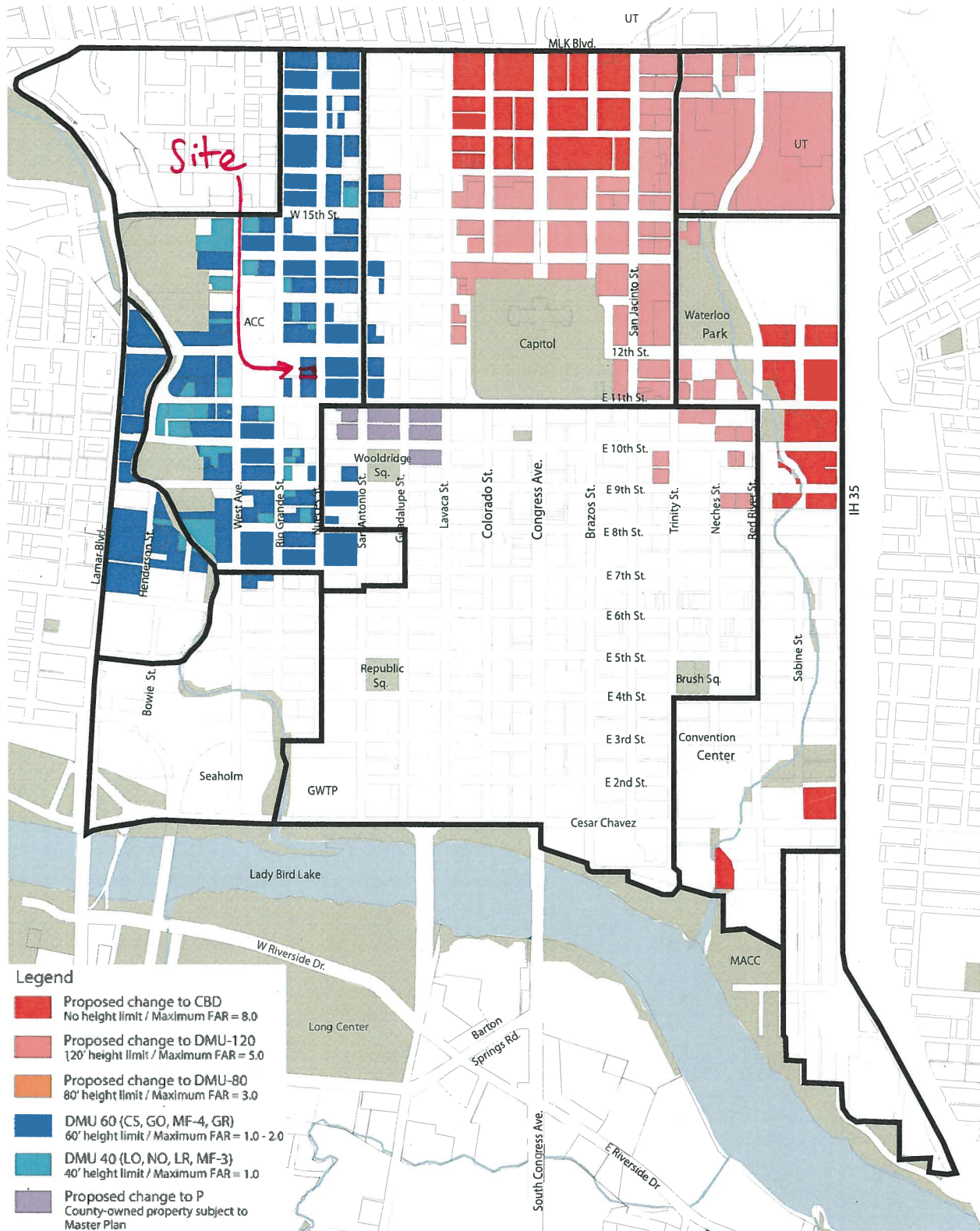
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Downtown Districts Map



### Proposed Downtown Zoning Changes



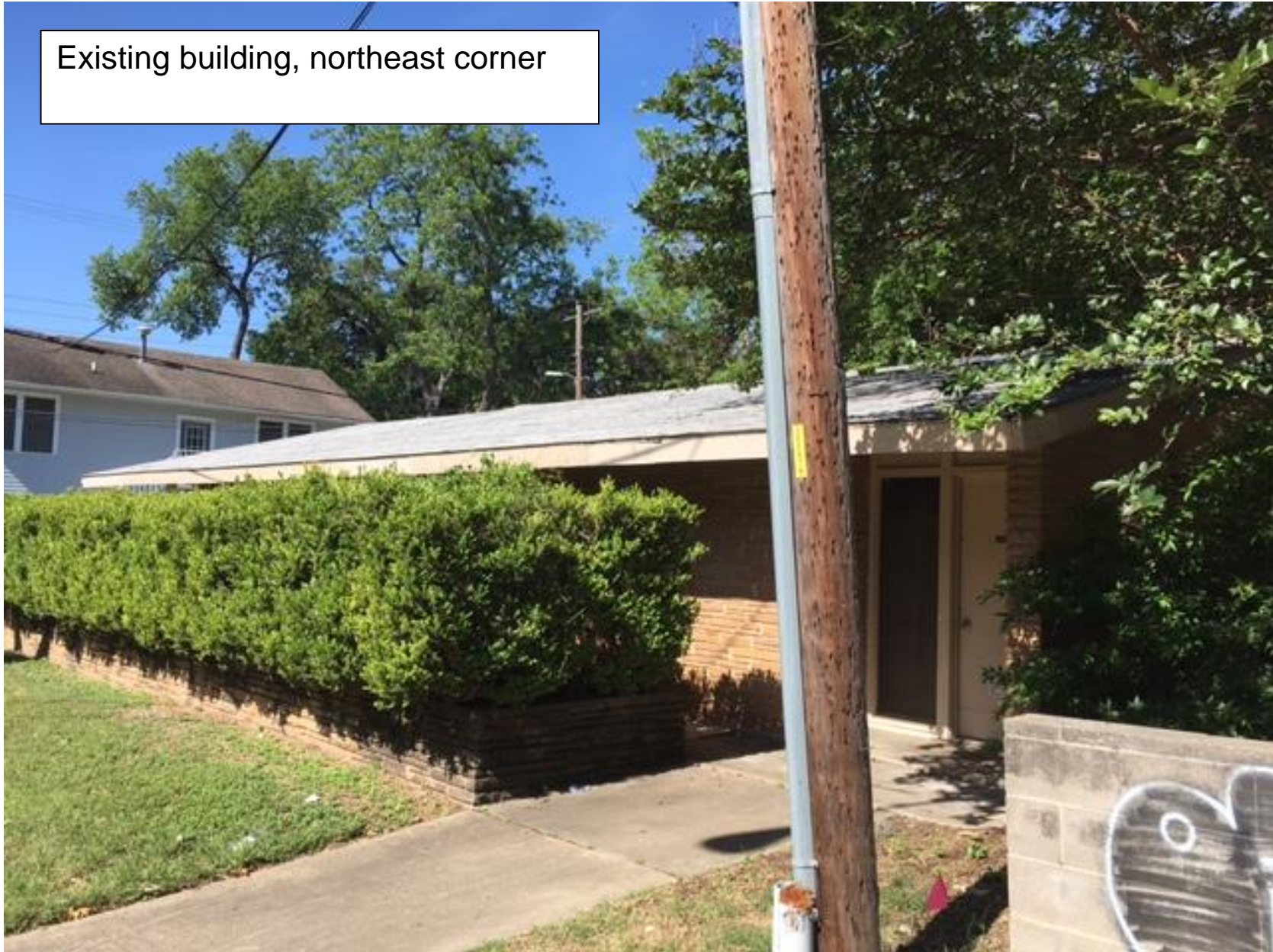
**EXHIBIT E – Site Photos**

Existing building, southeast corner





Existing building, northeast corner

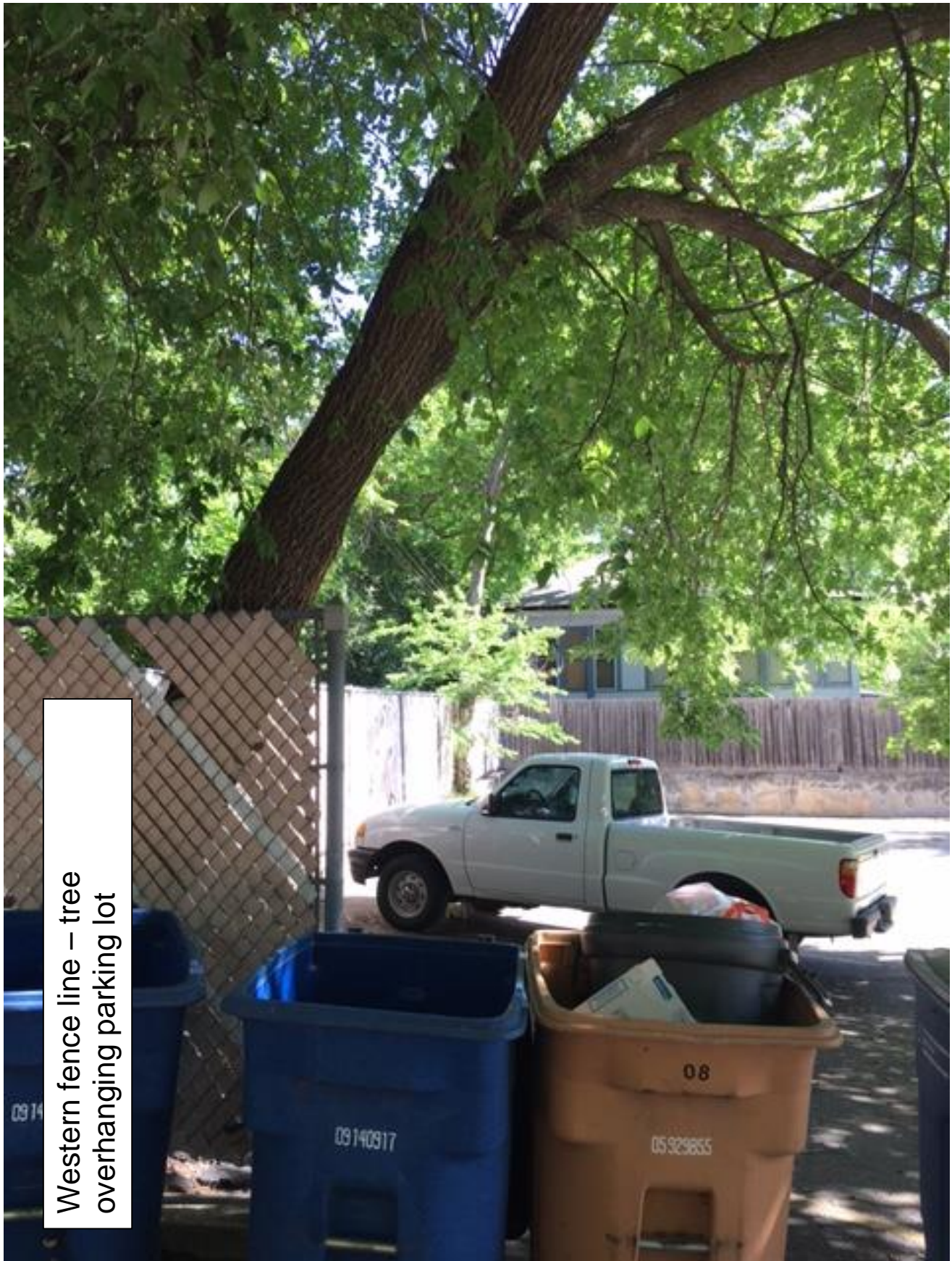






North of existing building – heritage  
Pecan tree





Western fence line - tree  
overhanging parking lot