

## SECOND / THIRD READING SUMMARY SHEET

CASE: C14-2018-0115 - Sigma Chi Fraternity      DISTRICT: 9

ADDRESS: 2701 Nueces Street

OWNER: Alpha Nu Chapter of Sigma Chi  
(Linden Welsch)

APPLICANT: Thrower Design  
(Victoria Haase)

CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)

REQUEST:                      **Approve second and third readings**  
                                      **From: Multifamily-Moderate Density - Conditional Overlay -**  
                                      **Neighborhood Plan (MF-4-CO-NP)**  
                                      **To: Multifamily-Moderate Density - Neighborhood Plan (MF-4-**  
                                      **NP) as amended**

### PREVIOUS CITY COUNCIL ACTION:

**March 28, 2019**              **Approved MF-4-NP, as Planning Commission recommended, on first reading, Vote 11 – 0.**

February 21, 2019              Approved postponement request by staff to March 28, 2019.  
Vote 11– 0.

January 31, 2019              Approved postponement request by staff to February 21, 2019.  
Vote 10 – 0. Council Member Flannigan was off the dais.

### ISSUES:

None at this time

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2018-0115 -  
Sigma Chi Fraternity

DISTRICT: 9

ZONING FROM: MF-4-CO-NP

TO: MF-4-NP, as amended by applicant

ADDRESS: 2701 Nueces Street

SITE AREA: 0.896 acres (39,021 square feet)

OWNER: Alpha Nu Chapter of Sigma Chi  
(Linden Welsch)

APPLICANT: Thrower Design  
(Victoria Haase)

CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)

STAFF RECOMMENDATION:

**Staff recommends Multifamily-Moderate Density - Neighborhood Plan (MF-4-NP) combining district zoning.** *For a summary of the basis of staff's recommendation, see page 5.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

**February 26, 2019**      **Approved Multifamily-Moderate Density - Neighborhood Plan (MF-4-NP) combining district zoning as staff recommended. [P. Seeger, G. Anderson – 2<sup>nd</sup>] Vote 12 – 0. Commissioner De Hoyos-Hart was off the dais.**

February 12, 2019      Meeting cancelled due to lack of quorum

January 22, 2019      Approved postponement request by neighborhood to February 12, 2019. [J. Schissler, C. Kenny 2<sup>nd</sup>], Vote 10 – 0. Commissioners De Hoyos-Hart, Kazi, and Seeger were off the dais.

January 8, 2019      Approved postponement request by applicant to January 22, 2019. Vote 9 – 0. Commissioners De Hoyos Hart, Kazi, and Seeger were off the dais.

December 11, 2018      Approved postponement request by applicant to January 8, 2019. Vote 11 – 0.

CITY COUNCIL ACTION:

**April 25, 2019**      **Scheduled for City Council**

**March 28, 2019**      **Approved MF-4-NP, as Planning Commission recommended, on first reading, Vote 11 – 0.**

February 21, 2019      Approved postponement request by staff to March 28, 2019.  
Vote 11– 0.

January 31, 2019      Approved postponement request by staff to February 21, 2019.  
Vote 10 – 0. Council Member Flannigan was off the dais.

ORDINANCE NUMBER:

ISSUES:

The applicant, the Sigma Chi fraternity, has requested the removal of the existing conditional overlay, which prohibits participation in the University Neighborhood Overlay (UNO). The applicant would like to remove the two existing two-story buildings and construct a new site to include two larger buildings – one two-story and the other four-story, with structured parking. The UNO standards would allow adequate site development standards for the plan, which is currently under review as a submitted site plan (SP-2018-0271C).

The applicant’s site plan has remained the same since it was first submitted; the physical plan has not changed. The original zoning request was for MF-6-CO-NP, because the applicant understood that it would be difficult to comply with the full list of UNO requirements. Through meetings and discussions with staff and neighborhoods, the applicant now sees a way forward to full compliance with UNO, and therefore has changed the request to MF-4-NP (See Exhibit H, Applicant Request Letter, Revised).

The subject property is within the bounds of UNO, which was approved by Council in 2004. In general, UNO provides higher entitlements, and also requires more public benefits (e.g. streetscape improvements, green building) be provided as part of the site plan process. Participation in UNO is an elective process; potential applicants must choose it in order to achieve the higher entitlements and are not otherwise be required to adhere to higher standards (LDC § 25-2-751).

In 2007, a group of fraternities and sororities submitted concurrent zoning requests to effectively remove themselves from UNO, through a conditional overlay. Their rationale was that their inclusion in UNO - even the potential to develop under UNO - would increase their property tax liability. A full list of these cases and addresses is in the Area Case History table below. The key provision of the conditional overlay is as follows: “The Property may not be developed under Chapter 25-2, Subchapter 3, Article 3, Division 9 (University Neighborhood Overlay District Requirements) of the City Code.” (See Exhibit D).

At the time, staff was hesitant to recommend the conditional overlay, and did so with the understanding that the applicants were offering self-imposed restrictions that limited them to the existing land use and density. The staff reports included the following sentence: “It is not

the intention of the applicant to change or remove existing land uses on the site as those will remain.” (See Exhibit E). For all of these cases, Planning Commission voted to deny the conditional overlays, however, City Council ultimately approved them. (See Area Case History table).

The applicant has met with the Central Austin Neighborhood Planning Advisory Committee (CANPAC) and University Area Partners (UAP). In general, these groups have sought the subject property to comply with UNO standards, and have indicated support for the removal of the conditional overlay.

A comparison table of development standards with and without UNO, is included below.

*Table I: Comparison of Development Standards  
with and without UNO*

	MF-4-CO (current)	MF-4 (UNO)
Min Lot Size (Square Feet)	8,000	2,500
Min Lot Width	50	—
Max Dwelling Units Per Lot	36-54*	—
Max Height	60	75
Min Setbacks		
Front Yard	15	0
Street Side Yard	15	0
Interior Side Yard	5	0
Rear Yard	10	0
Max Building Coverage:	60%	—
Max Impervious Cover	70%	90%
Max Floor Area Ratio	0.75:1	—

\*As allowed by the LDC

#### CASE MANAGER COMMENTS:

The subject property is approximately 0.9 acres. (See Exhibit C, Field Notes and Survey). The property is currently developed with two group quarters buildings, which are both two stories tall, with a common area between the buildings. There is a small parking lot on the north end of the site, which takes access to Nueces Street. The property is relatively flat and not in the flood plain.

In the area are a mix of fraternity and sorority houses, which are typically two stories in height; mid-rise (5-7 story) multifamily buildings; and mid-rise mixed use buildings (ground story retail, and upper story residential). A block to the east of the subject property is Guadalupe Street, which is lined with restaurants and retail shops on the west side of the street.

### BASIS OF RECOMMENDATION:

Staff recommends Multifamily - Moderate Density - Neighborhood Plan (MF-4-NP) combining district zoning.

Staff supports the removal of the existing conditional overlay, which prohibits the development of the property under UNO standards. As described above, UNO is an elective process which can provide appreciated public benefits such as improved streetscapes and green building. The original conditional overlay was controversial at the time, and was ultimately approved with the understanding that the properties in question desired to stay as they were, and would not choose to redevelop to greater intensity. For the subject property, this situation is now changing, and the applicant would like the property to be able to participate in UNO.

The first basis of the recommendation is that a rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission. The Central Austin Combined Neighborhood Plan expressly calls for increased density in Goal 4: “West Campus should become a dense, vibrant mixed use and pedestrian oriented community.” West Campus is also highlighted as a Regional Center in the Imagine Austin Comprehensive Plan. “...These are also the places where the greatest density of people and jobs and the tallest buildings in the region will be located.” (See Comprehensive Plan comments).

The second basis is that granting of the request should result in equal treatment of properties. Properties to the north, south, and west of the subject property all have the base zoning MF-4. The UNO boundary encompasses the subject property and a large land area to the west (see Exhibit G, UNO maps). Almost all of the properties within UNO have the option to develop under UNO standards, with the exception of those that have a conditional overlay expressly prohibiting participation. Maintaining the base zoning and removing the conditional overlay will mean that similarly situated properties have the same zoning category and entitlements.

The third basis is that the proposed zoning should promote consistency and orderly planning. UNO was conceived as a toolkit whereby property owners could receive greater entitlements, as long as they demonstrated compliance to higher standards. The conditional overlay for the property was granted, contingent on the existing land uses and building types remaining the same. Now, increased entitlements are being sought; the best planning approach is to remove the conditional overlay, so that the requested entitlements may be gained through UNO, consistent with the surrounding properties.

### EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	MF-4-CO-NP	Group quarters (fraternity house)

	ZONING	LAND USES
North	MF-4-H-NP	Group quarters (fraternity house)
South	W 27 <sup>th</sup> St, then MF-4-CO-NP	W 27 <sup>th</sup> St, then group quarters (fraternity house)
East	CS-NP	Restaurants
West	Nueces St, then MF-4-NP	Nueces St, then retail commercial and multifamily

NEIGHBORHOOD PLANNING AREA: West University

TIA: Not Required

WATERSHED: Waller Creek

OVERLAYS: University Neighborhood Overlay (Outer West Campus)

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

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Neighborhood Empowerment Foundation
Austin Neighborhoods Council	North University Neighborhood Assn.
Bike Austin	North University Neighborhood Association
CANPAC (Central Austin Neigh Plan Area)	Preservation Austin
Central Austin Community Development	Seltexas
Friends of Austin Neighborhoods	Shoal Creek Conservancy
Homeless Neighborhood Association	Sierra Club, Austin Regional Group
My Guadalupe	University Area Partners

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
<b>C14-04-0021</b> <b>Central Austin</b> <b>Combined NP</b> <b>(West University)</b>	<b>Central Austin</b> <b>Combined NP</b> <b>(West University)</b>	<b>05-25-04 – Apvd</b> <b>staff</b> <b>recommendation</b>	<b>09-02-04 – 05-19-05</b> <b>– Apvd tract by</b> <b>tract at several</b> <b>appearances at</b> <b>Council</b>

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2013-0003 West Campus Partners, LP 2700 Nueces St	From MF-4-NP TO CS-1-NP	03-26-13 – Apvd CS-1-CO-NP with prohibited uses	04-11-13 – Apvd CS-1-CO-NP (CO for limit of 2,000 trips, list of several prohibited uses)
C14H-2010-0026 The Zeta Tau Alpha House 2711 Nueces St	From MF-4-NP to MF-4-H-NP	10-26-10 – Pulled from agenda with no action required	02-10-11 – Apvd MF-4-H-NP
<b>C14-2007-0110 Sigma Chi Fraternity 2701 Nueces Street</b>	<b>From MF-4-NP to MF-4-CO-NP</b>	<b>10-23-07 – Denied staff rec of requested MF-4- CO-NP</b>	<b>12-13-07 – Apvd MF-4-CO-NP. (CO to prohibit development under UNO provisions)</b>
C14-2007-0195 Delta Delta Delta Sorority House 503 W. 27 <sup>th</sup> Street	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)
C14-2007-0113 Tejas 2600 Rio Grande St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)
C14-2007-0117 Alpha Chi Omega Sorority 2420 Nueces St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)
C14-2007-0118 Beta Alpha Chapter of Alpha Xi Delta Sorority 2508 Rio Grande St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)
C14-2007-0119 Texas Alpha House of Pi Beta Phi 2300 San Antonio St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0128 Sigma Alpha Epsilon Texas Rho Fraternity 2414 Pearl St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)
C14-2007-0132 Kappa Alpha Theta Sorority 2401 Pearl St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)
C14-2007-0142 Omega Building Company 2500 Rio Grande St	From MF-4-NP to MF-4-CO-NP	10-23-07 – Denied staff rec of requested MF-4-CO-NP	12-13-07 – Apvd MF-4-CO-NP (CO to prohibit development under UNO provisions)

#### RELATED CASES:

The subject property consists of Lots 2-5, Block 1, Leander Brown Subdivision (See Exhibit C, Field Notes and Survey).

The subject property is part of the Central Austin Combined Neighborhood Plan, but is not called out specifically in the ordinance.

The subject property is within the bounds of the University Neighborhood Overlay (UNO) in the Outer West Campus subdistrict. However, due to zoning case C14-2017-0110, and the approved Conditional Overlay, a building may not be constructed on the property to UNO standards. (See Exhibit D).

#### EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Nueces Street	80 feet	27 feet	Collector	Yes, buffered bike lane	Yes	Yes
27 <sup>th</sup> Street	50 feet	27 feet	Collector	Yes, wide curb lane	Yes	Yes



## OTHER STAFF COMMENTS:

### Comprehensive Planning

#### **Central Austin Combined Plan**

The property is located in the West University Neighborhood Planning Area of the Central Austin Combined Plan.

The following CAC Goal is relevant to this case:

**Goal 4:** West Campus should become a dense, vibrant mixed use and pedestrian oriented community.

Since the CAC supports greater density in this area of the City, staff believes the CAC supports the proposed zoning change in this location.

#### **Imagine Austin Plan**

The subject property is located within the boundaries of a Regional Center as defined in the Imagine Austin Growth Concept Map. A Regional Center is the most urban and dense of the activity center types and is intended to be a retail, cultural, recreation, and entertainment destination in 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. The following IACP policies are applicable to this case:

**LUT P3:** Promote development in compact centers.

**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.

**HN P11:** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based on the information above, Staff believes that the proposed zoning change is supported by 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 no 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.

Several 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.

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.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

#### Site Plan

No review comments.

#### Transportation

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

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

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

Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, buffered bike lanes are recommended for 27<sup>th</sup> Street and Nueces Street. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.

FYI – the existing driveways and sidewalks may be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

#### Austin Water Utility

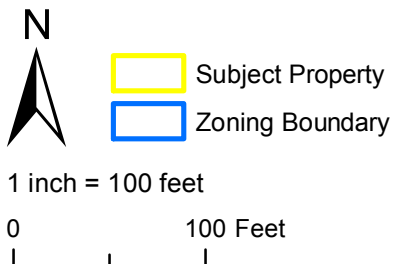
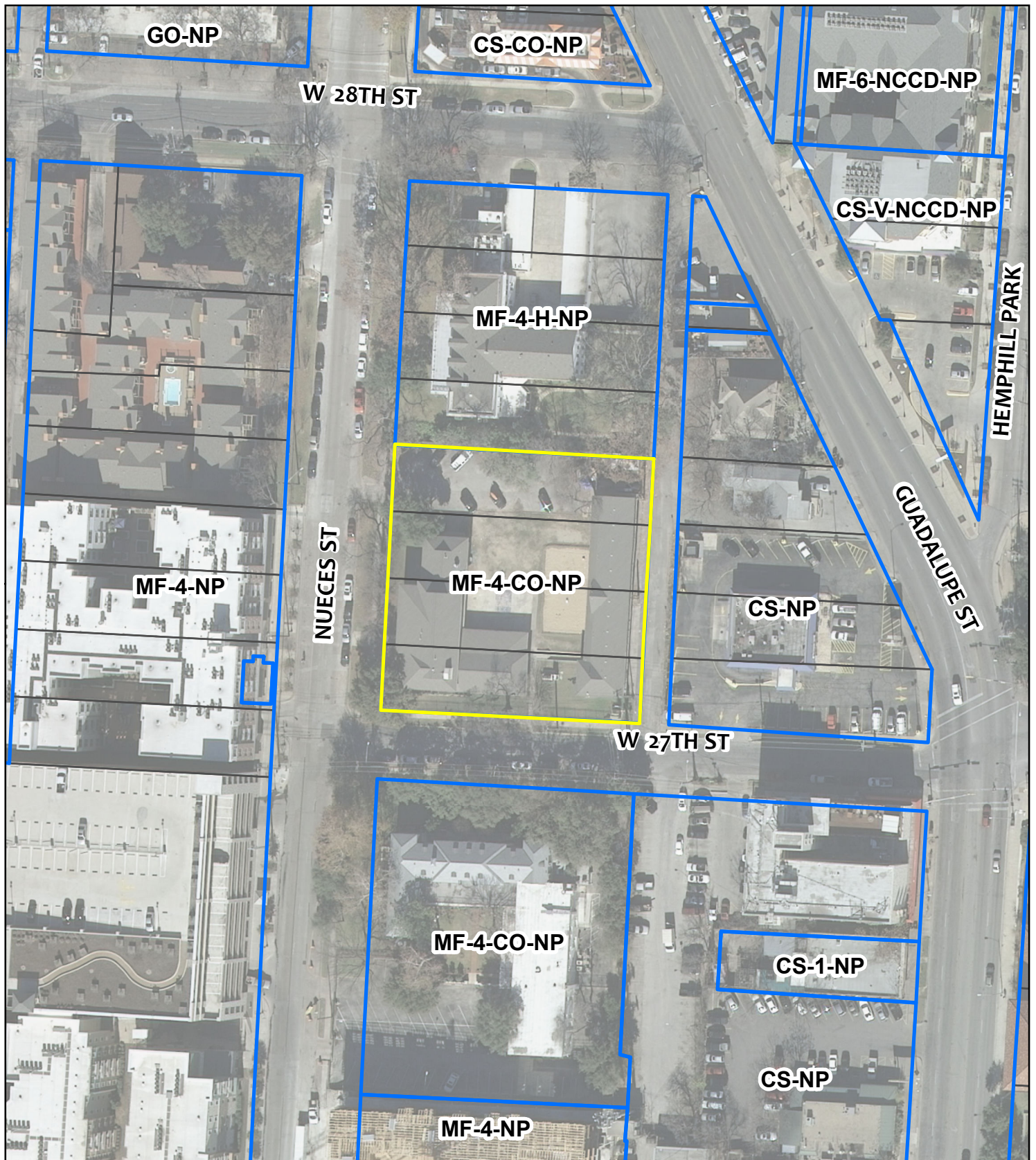
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required 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 Austin Water 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 fees once the landowner makes an application for Austin Water utility tap permits.

#### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Field Notes and Survey
- D. Existing Conditional Overlay
- E. Excerpts from Staff Report for Zoning Case - C14-2007-0110
- F. University Neighborhood Overlay (UNO) – latest version
- G. UNO Maps
- H. Applicant Request Letter, Revised







## ZONING & VICINITY

Zoning Case: C14-2018-0115  
 Address: 2701 Nueces Street  
 Subject Area: 0.896 Acres  
 Case Manager: Scott Grantham

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**EXHIBIT B**



## EXHIBIT C



Professional Land Surveying, Inc.  
Surveying and Mapping

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

EXHIBIT " \_\_\_\_ "

LOTS 2-5, BLOCK 1  
LEANDER BROWN SUBDIVISION  
OUT OF OUTLOTS 63 & 68, DIV D  
(ZONING DESCRIPTION)

**ZONING DESCRIPTION**  
**0.896 ACRES**  
**CITY OF AUSTIN, TRAVIS COUNTY**

A DESCRIPTION OF 0.896 ACRES (APPROX. 39,021 SQ. FT.) BEING ALL OF LOTS 2-5, BLOCK 1, LEANDER BROWN SUBDIVISION, (OUT OF OUTLOTS 63 AND 68, DIVISION D, ACCORDING TO THE MAP OF PLAT THEREOF) AND RECORDED IN VOLUME 1, PAGE 19A, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AS CONVEYED TO SIGMA CHI FRATERNITY BY WARRANTY DEED DATED APRIL 30, 1936 AND RECORDED IN VOLUME 544, PAGE 8 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND FURTHER DESCRIBED IN DEED DATED FEBRUARY 28, 1938 AS RECORDED IN VOLUME 579, PAGE 512, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.896 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a MAG NAIL with "Chaparral" washer set on the top of a stone column at the intersection of the north right-of way (R.O.W.) line of West 27<sup>th</sup> Street (50' R.O.W.) and the east R.O.W. line of Nueces Street, (80' R.O.W.) at the southwest corner of said Lot 2, and the southwest corner of said 0.896- acre tract and the herein described tract;

**THENCE**, North 03°26'07" East, with said east R.O.W line of Nueces Street, along the east line of said Lots 2, 3, 4, and 5, a distance of 200.11 feet to a MAG NAIL with "Chaparral" washer set at the northwest corner of said Lot 5 and this tract, same being the southwest corner of Lot 6, Block 1, of said Leander Brown subdivision;

**THENCE** with the common line between said Lot 5 and said Lot 6, South 86°55'53" East a distance of 195.00 feet to a ½" iron rod found in the west R.O.W. line of a 20 foot C.O.A. alley for the northeast corner of said Lot 5 and this tract;

**THENCE**, with the west R.O.W. line of said alley and the east line of said Lots 2-5 South 03°26'07" West, a distance of 200.11 feet to MAG NAIL with "Chaparral" washer set in said north R.O.W. of West 27<sup>th</sup> Street for the southeast corner of said

Lot 2;

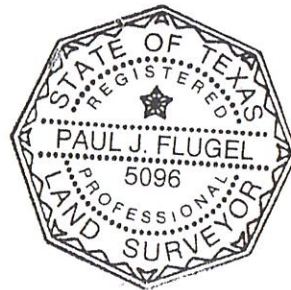
**THENCE**, along the south line of Lot 2, and the north R.O.W. line of West 27th Street, North 86°55'53" West, a distance of 195.00 feet to the **POINT OF BEGINNING**, containing 0.896 acres of land, more or less.

Surveyed on the ground March 31, 2016. Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, based on GPS Solutions from The National Geodetic Survey (NGS) On-Line Positioning User Service (OPUS).

Attachments: Survey Drawing No. 1190-001-zoning

*Paul J. Flugel* 9-26-18

Paul J. Flugel  
Registered Professional Land Surveyor  
State of Texas No. 5096  
TBPLS FIRM No. 10124500



REFERENCES  
TCAD Parcel # 208312  
Austin Grid map J23

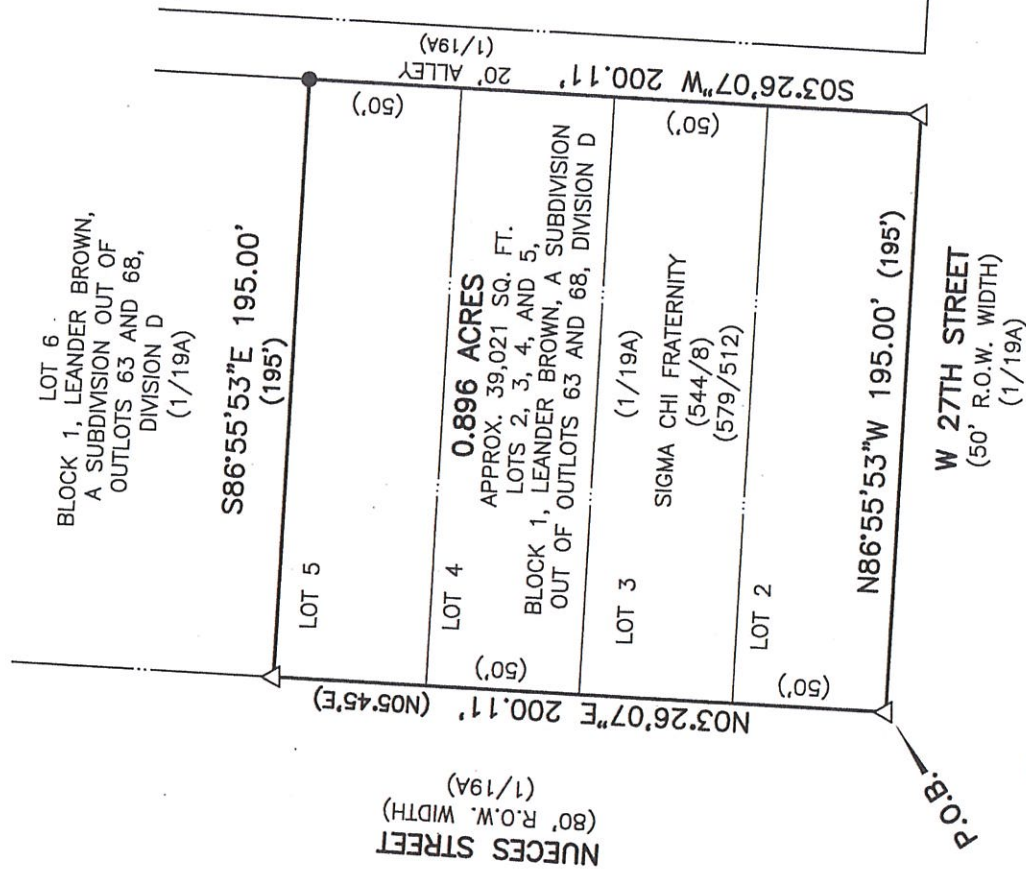


A SKETCH TO ACCOMPANY A DESCRIPTION OF 0.896 ACRES (APPROXIMATELY 39,021 SQ. FT.), BEING ALL OF LOTS 2, 3, 4 AND 5, BLOCK 1, LEANDER BROWN, A SUBDIVISION OUT OF OUTLOTS 63 AND 68, DIVISION D, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 19A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.



1" = 60'

LEGEND	
●	1/2" REBAR FOUND (OR AS NOTED)
△	MAG NAIL WITH "CHAPARRAL" WASHER SET
( )	RECORD INFORMATION
P.O.B	POINT OF BEGINNING



*Paul J. Flugel 9-26-18*

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS) FOR CHAPARRAL CONTROL POINT "P770".

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1190-001 ZONE

DATE OF SURVEY: MARCH 31, 2016  
PLOT DATE: 09/24/18  
DRAWING NO.: 1190-001 ZONE  
PROJECT NO.: 1190-001  
T.B.P.L.S. FIRM NO. 10124500  
DRAWN BY: JD  
SHEET 1 OF 1

**Chaparral**



**EXHIBIT D**

**ORDINANCE NO. 20071213-091**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2701 NUECES STREET IN THE WEST UNIVERSITY NEIGHBORHOOD PLAN AREA FROM MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY-NEIGHBORHOOD PLAN (MF-4-NP) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (MF-4-CO-NP) 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 multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district to multifamily residence moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district on the property described in Zoning Case No. C14-2007-0110, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 2-5, Block 1, Outlot 63, Division D, Leander Brown Subdivision, a subdivision in the City of Austin, Travis County, Texas, more particularly described in a deed of record in Volume 553, Pages 8-9, Deed Records of Travis County, Texas (the "Property"),

locally known as 2701 Nueces Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

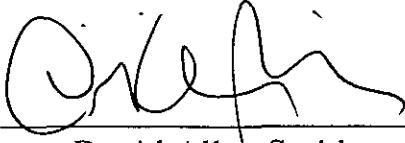
**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

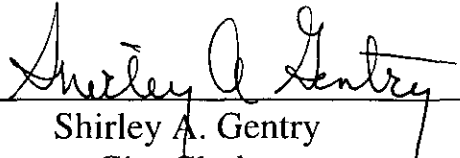
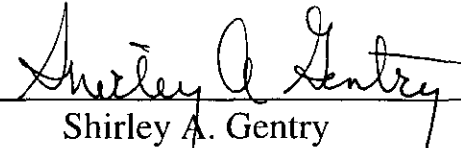
Development of the Property must comply with the site development standards of the MF-4 zoning district. The Property may not be developed under Chapter 25-2, Subchapter 3, Article 3, Division 9 (*University Neighborhood Overlay District Requirements*) of the City Code.

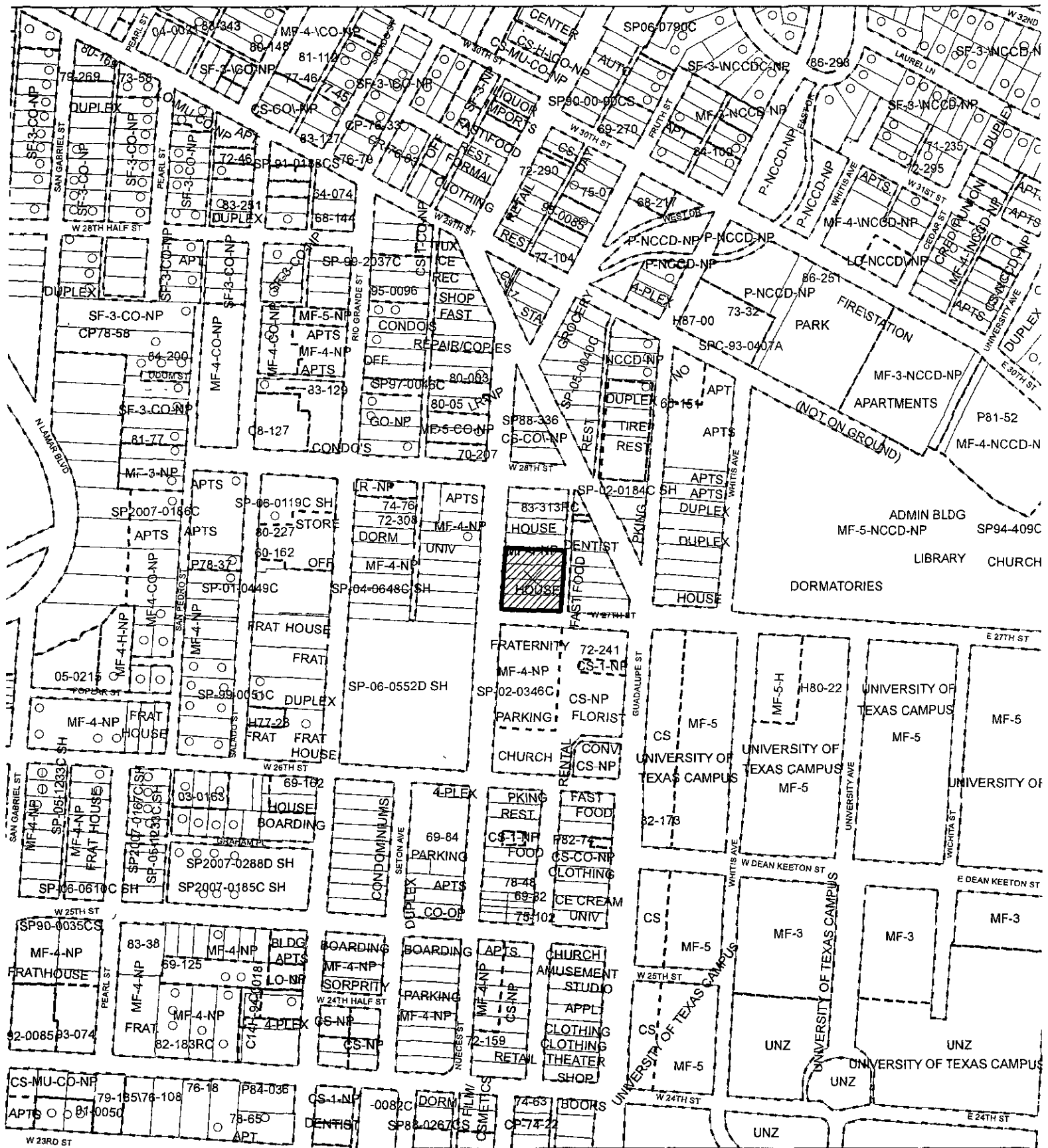
**PART 3.** Except as otherwise provided in this ordinance, the Property is subject to Ordinance No. 040826-57 that established the West University neighborhood plan combining district.

**PART 4.** This ordinance takes effect on December 24, 2007.

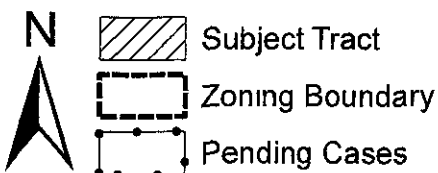
**PASSED AND APPROVED**

December 13, 2007      §  
§  
§        
Will Wynn  
Mayor

**APPROVED:**  **ATTEST:**   
David Allan Smith      Shirley A. Gentry  
City Attorney      City Clerk



# ZONING EXHIBIT A



ZONING CASE#: C14-2007-0110  
 ADDRESS: 2701 NUECES ST  
 SUBJECT AREA: 0.89 ACRES  
 GRID: J24  
 MANAGER: J. ROUSSELIN



1" = 400' OPERATOR SM

This map has been produced by GIS Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**EXHIBIT E****SECOND / THIRD READINGS SUMMARY SHEET**

ZONING CASE NUMBER: C14-2007-0110 - Sigma Chi Fraternity

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2701 Nueces Street (Waller Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate-high density-conditional overlay- neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-conditional overlay- neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Alpha Nu Chapter of Sigma Chi (Linden Welsh). Agent: Aynesworth Project Management (Tim Aynesworth). City Staff: Jorge E. Rousselin, 974-2975.

DEPARTMENT COMMENTS:

The subject property consists of a 0.89 Acres (38,768.4 sq. ft.) site zoned MF-4-NP fronting Nueces Street and West 27<sup>th</sup> Street. The property was rezoned from CS to MF-4-NP by Ordinance No. 040826-57 (Please see attachment "A") and did not impose any conditions. Furthermore, this site is subject to the University Neighborhood Overlay (UNO) zoning district created On September 2, 2004 under Ordinance No. 040902-58 (Please see Attachment "B"). The site lies within the *UNO Outer West Campus Subdistrict* which allows for a maximum height of 75 feet (Please see Attachment "C").

The applicant seeks to add self-imposed development restrictions on the subject property for the purpose of property tax relief only. Although not guaranteed by the proposed zoning change, it is the intent of the applicant to demonstrate to the taxing entities that the imposition of development restrictions on the property merit a re-evaluation of the property tax impact on the property as potentially such restrictions will limit the redevelopment or expansion of existing structures on the site. It is not the intention of the applicant to change or remove existing land uses on the site as those will remain.

OWNER/APPLICANT: Alpha Nu Chapter of Sigma Chi (Linden Welsh)

AGENT: Aynesworth Project Management (Tim Aynesworth)

DATE OF FIRST READING: December 6, 2007

CITY COUNCIL HEARING DATE: December 13, 2007

CITY COUNCIL ACTION:

December 6, 2007: Pending

ASSIGNED STAFF: Jorge E. Rousselin , e-mail: jorge.rousselin@ci.austin.tx.us

**ZONING REVIEW SHEET****CASE:** C14-2007-0110**P.C. DATE:** September 25, 2007  
October 9, 2007  
October 23, 2007**ADDRESS:** 2701 Nueces Street**OWNER:** Alpha Nu Chapter of Sigma Chi  
(Linden Welsh)**AGENT:** Aynesworth Project management  
(Tim Aynesworth)**REZONING FROM:**

MF-4-NP (Multifamily Residence – Moderate high density – Neighborhood plan)

**TO:** MF-4-CO-NP (Multifamily Residence – Moderate high density – Conditional overlay – Neighborhood plan); Nature of the request is to consider imposing development restrictions on the property**AREA:** 0.89 Acres (38,768.4 sq. ft.)**SUMMARY PLANNING COMMISISON RECOMMENDATION:***October 23, 2007:****DENIED STAFF'S RECOMMENDATION FOR MF-4-CO-NP ZONING.******[C.EWEN, C.GALINDO 2<sup>ND</sup>] (5-4) D.SULLIVAN, P.HUI, S.KIRK, P.CAVAZOS – NAY*****SUMMARY STAFF RECOMMENDATION:**

The Staff recommends the rezoning from MF-4-NP to MF-4-CO-NP. The conditional overlay shall implement the base district site development standards of MF-4-NP to specifically address the following:

- Minimum lot size: 8,000 square feet;
- Minimum lot width: 50 feet;
- Maximum height: 60 feet;
- Minimum front yard setback: 15 feet;
- Minimum street side setback: 15 feet;
- Minimum interior side yard setback: 5 feet;
- Minimum rear yard setback: 10 feet;
- Maximum building coverage: 60%;
- Maximum impervious cover: 70%;
- Maximum floor area ratio (FAR): 0.75:1; and
- Maximum units per acre: 36-54\*

\*As allowed by the LDC

The recommendation is based on the following considerations:

- 1.) The existing use is proposed to remain as there are no proposals to change the base land use at this time;
- 2.) Self-imposed site development restrictions on the site will not infringe on the character of the surrounding properties; and
- 3.) All other terms and conditions of Ordinance No. 040826-57 and 040902-58 shall remain.

**DEPARTMENT COMMENTS:**

The subject property consists of a 0.89 Acres (38,768.4 sq. ft.) site zoned MF-4-NP fronting Nueces Street and West 27<sup>th</sup> Street. The property was rezoned from CS to MF-4-NP by Ordinance No. 040826-57 (Please see attachment "A") and did not impose any conditions. Furthermore, this site is subject to the University Neighborhood Overlay (UNO) zoning district created On September 2, 2004 under Ordinance No. 040902-58 (Please see Attachment "B"). The site lies within the *UNO Outer West Campus Subdistrict* which allows for a maximum height of 75 feet (Please see Attachment "C").

The applicant seeks to add self-imposed development restrictions on the subject property for the purpose of property tax relief only. Although not guaranteed by the proposed zoning change, it is the intent of the applicant to demonstrate to the taxing entities that the imposition of development restrictions on the property merit a re-evaluation of the property tax impact on the property as potentially such restrictions will limit the redevelopment or expansion of existing structures on the site. It is not the intention of the applicant to change or remove existing land uses on the site as those will remain.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-4-NP	Fraternity
<i>North</i>	MF-4-NP	Fraternity
<i>South</i>	MF-4-NP	Fraternity
<i>East</i>	CS-NP	Retail / Restaurant
<i>West</i>	MF-4-NP	Apartments

**NEIGHBORHOOD PLAN:**

Central Austin Combined- West University

**TIA:** Waived; See Transportation comments

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**UNO OVERLAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

48--North University Neighborhood Assn.  
 69--University Area Partners  
 511--Austin Neighborhoods Council  
 603--Mueller Neighborhoods Coalition  
 698--West Campus Neighborhood Association  
 742--Austin Independent School District  
 754--Central Austin Neighborhoods Planning Area Committee  
 764--North University Planning Team  
 786--Home Builders Association of Greater Austin  
 937--Taking Action Inc.  
 1026--Non-Profit Student Housing Preservation Group  
 1037--Homeless Neighborhood Organization

**SCHOOLS:**

Austin Independent School District

- Bryker Woods Elementary School
- O. Henry Middle School
- Austin High School

**SUBJECT PROPERTY RELATED CASES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0021	West University Neighborhood Plan	05/25/04: APVD STAFF REC (8-0)	06/10/04: APVD PC REC (7-0), 1ST RDG 08/05/04: APVD 2ND RDG (6-0) 08/26/04: APVD W/CHANGES (7-0)

**SURROUNDING PROPERTIES CASES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0050	LO and MF-3 to CS and MF-6	07/10/01: PVD STAFF REC OF CS-CO-MU & MF-6-CO (6-2, BB/JM-NO); LIMIT DENSITY TO 54 UNITS	07/19/01: APVD CS-MU-CO W/CONDS (6-0); 1ST RDG  08/30/01: APVD CS-MU-CO & MF-6-CO (6-0); 2ND/3RD RDGS  02/13/03: APVD AMENDING ORD. 010830-41 TO CORRECT ZONING CONDS (7-0)
C14-03-0163	MF-4 to MF-6	12/23/03: APVD STAFF REC OF MF-6 (W/75' HEIGHT LIMIT); (5-0)	02/12/04: APVD MF-6-CO (6-0-1, JG-ABSTAIN); ALL 3 RDGS

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
W. 27 <sup>th</sup> Street	50'	27'	Collector	N/A
Nueces Street	80'	40'	Collector	3,562 (10/15/03)

**CITY COUNCIL DATE:**

November 29, 2007

December 6, 2007

**ACTION:**

This item was postponed to December 6, 2007 at the owner's request (consent). 6-0 (Cole off the dais).

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Jorge E. Rousselin, NPZD

**PHONE:** 974-2975

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)



## STAFF RECOMMENDATION

The Staff recommends the rezoning from MF-4-NP to MF-4-CO-NP. The conditional overlay shall implement the base district site development standards of MF-4-NP to specifically address the following:

- Minimum lot size: 8,000 square feet;
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- Maximum height: 60 feet;
- Minimum front yard setback: 15 feet;
- Minimum street side setback: 15 feet;
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- Maximum building coverage: 60%;
- Maximum impervious cover: 70%;
- Maximum floor area ratio (FAR): 0.75:1; and
- Maximum units per acre: 36-54\* \*As allowed by the LDC

The recommendation is based on the following considerations:

- 1.) The existing use is proposed to remain as there are no proposals to change the base land use at this time;
- 2.) Self-imposed site development restrictions on the site will not infringe on the character of the surrounding properties; and
- 3.) All other terms and conditions of Ordinance No. 040826-57 and 040902-58 shall remain.

## BASIS FOR RECOMMENDATION

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The proposed rezoning will not have detrimental impacts on the character of the neighborhood and will maintain land use compatibility.

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

Because a land use change is not sought, the zoning classification remains consistent and applicable. The proposed self-imposed development restrictions do not infringe on development patterns for this area.

## EXISTING CONDITIONS

### Site Characteristics

The subject property consists of a 0.89 Acres (38,768.4 sq. ft.) site zoned MF-4-NP fronting Nueces Street and West 27<sup>th</sup> Street. The property was rezoned from CS to MF-4-NP by Ordinance No. 040826-57 (Please see attachment "A") and did not impose any conditions. Furthermore, this site is subject to the University Neighborhood Overlay (UNO) zoning district created On September 2, 2004 under Ordinance No. 040902-58 (Please see Attachment "B"). The site lies within the *UNO Outer West Campus Subdistrict* which allows for a maximum height of 75 feet (Please see Attachment "C").

## EXHIBIT F

### Division 9. - University Neighborhood Overlay District Requirements.

#### § 25-2-751 - APPLICABILITY.

This division applies to property in the university neighborhood overlay (UNO) district if the property owner files a site plan and an election for the property to be governed by this division.

Source: Ord. 040902-58.

#### § 25-2-752 - CONFLICT OF LAW.

For property governed by this division, this division supersedes the other provisions of this title to the extent of conflict.

Source: Ord. 040902-58.

#### § 25-2-753 - DEFINITIONS; LOCAL USES DESCRIBED.

(A) In this division:

- (1) OCCUPANT SPACE means space in a building used for a use other than a parking facility or a mechanical facility.
- (2) STREET WALL AREA means the portion of an exterior wall of a building adjacent to a public street other than an alley and accessible from a pedestrian path that extends from the base of street level:
  - (a) to a maximum height of 65 feet; or
  - (b) for an accessory parking structure, to a maximum height of two stories.

(B) In this division, a local use is a use that serves the public by providing goods or services in a manner readily accessible by pedestrians or the occupants of the structure in which the uses are located. Local uses include:

- (1) administrative and business offices;
- (2) art and craft studio;
- (3) art gallery;
- (4) art workshop;
- (5) business and trade school;
- (6) consumer convenience services;
- (7) consumer repair services;
- (8) counseling services;
- (9) custom manufacturing;
- (10) day care services (commercial, general, or limited);
- (11) financial services;
- (12) food preparation, in conjunction with food sales, general restaurant or limited restaurant accessory use;
- (13) food sales;
- (14) general retail sales (convenience or general);

- (15) guidance services;
  - (16) indoor sports and recreation;
  - (17) medical offices (under 5,000 square feet);
  - (18) personal improvement services;
  - (19) personal services;
  - (20) pet services;
  - (21) printing and publishing services;
  - (22) professional office;
  - (23) religious assembly;
  - (24) restaurant (general or limited);
  - (25) theater; and
  - (26) a conditional use in the base zoning district that is approved by the land use commission.
- (C) A local use may not include a drive-through facility.

Source: Ord. 040902-58; Ord. 20050519-Z001; Ord. 20080925-039.

#### § 25-2-754 - USE REGULATIONS.

- (A) In a nonresidential zoning base district, residential uses are permitted.
- (B) In any base zoning district, a hotel-motel use, a multifamily use, or a group residential use is permitted.
- (C) This subsection applies to a multifamily residential use.
- (1) Each building must achieve at least a one star rating under the Austin Green Building program.
  - (2) All ground floor dwelling units must be:
    - (a) adaptable for use by a person with a disability; and
    - (b) accessible by a person with a disability from the on-site parking and common facility, if any.
  - (3) At least 10 percent of the dwelling units must be accessible for a person with a mobility impairment.
  - (4) At least two percent of the dwelling units must be accessible for a person with a hearing or visual disability.
  - (5) Each multistory building must be served by an elevator, unless:
    - (a) at least 25 percent of the site's dwelling units are located on the ground floor; or
    - (b) for a site with fewer than 20 dwelling units, at least five percent of the site's dwelling units are located on the ground floor.
  - (6) A parking space must be leased separately from a dwelling unit.
- (D) Local uses are permitted in any base district, subject to the limitations of this subsection.
- (1) In the outer west campus subdistrict, local uses are not permitted in a residential base district unless the property:
    - (a) has a permitted building height of 75 feet or greater; or

- (b) is zoned historic and has a permitted building height of 65 feet or greater.
- (2) Except as provided in Paragraph (3), up to 20 percent of the gross floor area of a site may be used for local uses. At least one-half of the gross floor area of the local uses must be located at street level and accessible from a pedestrian path. In determining these percentages, a nonresidential use that is accessory to the principal residential use or located in a historic landmark is excluded from the gross floor area of the local uses.
- (3) Up to 100 percent of the gross floor area of a structure may be used for local uses if the structure:
  - (a) is a historic landmark and is located entirely in a subdistrict having a permitted building height of 65 feet or greater;
  - (b) was constructed before September 13, 2004, contains less than 10,000 square feet of gross floor area, is less than 65 feet in height, and is located in the inner west campus or Guadalupe subdistricts; or
  - (c) is less than 65 feet in height and located on:
    - (i) Guadalupe Street between Martin Luther King, Jr. Blvd. and 29th Street;
    - (ii) Martin Luther King, Jr. Blvd. between Guadalupe Street and Rio Grande Street; or
    - (iii) 24th Street between Guadalupe Street and Rio Grande Street.
- (E) This subsection applies to commercial off-street parking.
  - (1) Commercial off-street parking on a surface lot is prohibited.
  - (2) Commercial off-street parking in a structure is:
    - (a) permitted in any base zoning district in the Guadalupe, Dobie, or inner west campus subdistrict; and
    - (b) prohibited in the outer west campus subdistrict.
  - (3) The street level portion of a commercial off-street parking structure that is accessible from a pedestrian path must contain local uses for a depth of at least 18 feet. This requirement does not apply to a portion of the structure used for an entrance or exit.
- (F) A cocktail lounge is a conditional use if it is accessory to a hotel-motel use with at least 50 rooms.
- (G) On-site surface parking is prohibited, unless the director determines that:
  - (1) the only building on the site has 6,000 or fewer square feet of gross floor area, and the building was constructed before September 13, 2004; and
  - (2) the parking area is screened from the street by an six foot tall solid wall.
- (H) This subsection prescribes requirements for the ground floor of a building, including a parking garage.
  - (1) The ground floor must include occupant space along not less than 75 percent of the net length of street frontage. Net length of street frontage is calculated by determining the cumulative length of the building at ground level adjacent to each street other than an alley, and then deducting the cumulative length of driveways, exit stairs, elevators, and utility equipment space.
  - (2) For a site with frontage on more than one street, driveways, exit stairs and elevators must be located on a street that runs north and south, unless the director of the Neighborhood Planning and Zoning Department determines that those features cannot reasonably be located along that street because of topographical conditions.
  - (3) The ground floor of a building may not be more than five feet higher or lower than an adjacent public street sidewalk. This does not apply to the ground floor adjacent to an alley.

- (4) The minimum distance between the finished ground floor of the building and the structural portion of the ceiling is 10 feet.
- (5) The minimum depth of occupant space is 18 feet, measured from the outside face of the front exterior wall to the outside face of the rear interior wall.
- (I) Off-site temporary construction staging is allowed within 500 feet of the construction site. The director may allow a staging area to be located more than 500 feet from the construction site if the director determines that a closer staging area is not reasonably available and that the location does not adversely affect public health or safety.
- (J) A hotel/motel use is treated as a local use under this division if it meets the following requirements:
  - (1) The hotel-motel use must be located on property that:
    - (a) has frontage on Martin Luther King, Jr. Blvd. and is located between Pearl Street and Guadalupe Street; or
    - (b) has frontage on Guadalupe Street and is located between 22nd Street and Martin Luther King, Jr. Blvd.
  - (2) The maximum height must be no greater than 85 feet, unless a greater height is allowed under Appendix C ( *University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, and Height Limits* ) of this chapter.
  - (3) If a new hotel-motel use includes, shares, or incorporates adjacent existing property, then both the new hotel-motel use and the adjacent property must be:
    - (a) included in a single site plan; and
    - (b) compliant with the streetscape requirements in Section 25-2-760 ( *Streetscape Improvements* ).
  - (4) The hotel-motel use must comply with the affordability requirements for multi-family housing under Section 25-2-765 ( *Affordable Housing* ), with each square foot of net rentable floor area counted towards the fee provided for under Subsection (B) of that section.
- (K) A hotel/motel use may associated condominium residential, multifamily residential, retirement housing (small site), or retirement housing (large site) uses.

Source: Ord. 040902-58; Ord. 20050519-Z001; Ord. 20080925-039; [Ord. 20121108-090](#).

#### § 25-2-755 - MINIMUM LOT AREA.

The minimum lot area is 2,500 square feet.

Source: Ord. 040902-58.

#### § 25-2-756 - HEIGHT.

- (A) Except as provided in Subsection (B), maximum heights for structures are prescribed by Appendix C ( *University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits* ).
- (B) This subsection applies in the outer west campus subdistrict.
  - (1) In this subsection, HISTORIC PROPERTY means property zoned historic or listed in the City's historic building survey on October 6, 2008.
  - (2) Except as provided in Paragraph (3), a structure with a multi-family residential use or group residential use may exceed by 15 feet the maximum height prescribed by Appendix C (

*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*  
) if:

- (a) the structure is located in an area for which the maximum height is at least 50 feet; and
- (b) the multi-family residential use or group residential use, for a period of not less than 40 years from the date a certificate of occupancy is issued, sets aside at least:
  - (i) 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 60 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office;
  - (ii) 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office; and,
  - (iii) The applicant:
    - 1. Pays into the University Neighborhood District Housing Trust Fund a fee of \$0.50 for each square foot of net rentable floor area in the multi-family residential use or group residential use development; or,
    - 2. Provides an additional 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 50 percent of the median income in the Austin statistical metropolitan area as determined by the director of the Neighborhood Housing and Community Development Office.
- (3) A building on a lot that has a common side lot line with a historic property may not exceed by more than 20 feet the maximum building height of the base district in which the historic property is located.
- (4) The fee in (b)(iii) above will be adjusted annually in accordance with the Consumer Price Index all Urban Consumers, US City Average, All Items (1982-84=100), as published by the Bureau of Labor Statistics of the United States Department of Labor or in accordance with any other similar, applicable standard as defined by the director of the Neighborhood Housing and Community Development Office. The city manager shall annually determine the new fee amounts for each fiscal year, beginning October 1, 2014 and report the new fee amounts to the city council.

Source: Ord. 040902-58; Ord. 20080925-039; [Ord. 20140213-056, Pt. 1, 2-25-14](#).

§ 25-2-757 - SETBACKS; COMPATIBILITY.

- (A) There are no minimum front yard or street side yard setbacks, except the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street.
- (B) The maximum front yard setback and the maximum street side yard setback are 10 feet, except:
  - (1) the maximum setbacks are 15 feet along 24th Street or along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street;
  - (2) the maximum setbacks are 45 feet for a public plaza or private common open space;
  - (3) there are no maximum setbacks for a pedestrian entry court or an outdoor café;
  - (4) the director of the Watershed Protection and Development Review Department may modify a maximum setback if the director determines that the modification is required to protect a historic structure or a tree designated as significant by the city arborist; and
  - (5) as otherwise provided in Subsection (E).

- (C) There is no minimum or maximum interior side yard setback.
- (D) There is no minimum or maximum rear yard setback.
- (E) A building must be at least 12 feet from the front face of the curb of the adjacent street and at least 30 feet from the centerline of the adjacent street.
- (F) This subsection applies to the portion of a site that is subject to compatibility standards, as described in Section 25-2-763(A)(1) ( *Certain Regulations Inapplicable Or Superseded* ) and Article 10 ( *Compatibility Standards* ). A building or a solid masonry wall that is at least six feet high is required between a public or common open space and the property that triggers the compatibility standards.

Source: Ord. 040902-58; Ord. 20080925-039.

#### § 25-2-758 - BUILDING WALL HEIGHT, STEPBACKS, AND ENVELOPE.

- (A) An exterior building wall that faces a street must be at least 24 feet high.
- (B) Except as provided in Subsection (C):
  - (1) if an exterior wall of a building is adjacent to a street other than an alley, at a height of 65 feet, the upper portion of the wall must be set back from the property line by a distance of at least 12 feet; and
  - (2) if the north side of a building is adjacent to a street other than an alley and is greater than 65 feet in height, the upper portion of the north side of the building must be set back within a building envelope that is formed by a plane that extends from a point on the property line 65 feet high toward the building at an angle of 62 degrees above horizontal.
- (C) Subsection (B) does not apply to up to 15 percent of the length of a building frontage, if that portion of the building frontage is used for an elevator or stairway.
- (D) A parapet may not extend more than five feet above the 65 foot stepback height described in Subsection (B) or more than five feet above the total building height.
- (E) Instead of complying with Subsections (A) through (D), a hotel/motel use in the outer west campus subdistrict must comply with the requirements of this subsection.
  - (1) On property fronting Martin Luther King, Jr. Blvd., all buildings must fit within an envelope delineated by a 45 degree angle starting at a height of 60 feet above the grade of the property line adjacent to Martin Luther King, Jr. Blvd. and extending to a maximum height of 85 feet.
  - (2) If the property abuts a historic property as defined in Section 25-2-756(B)(1), the property must have open space measuring at least 50 feet deep for at least 50 feet along the street frontage beginning at the common boundary with the historic property. The open space shall contain no buildings, but may contain paving, parking, fountains, fences, patios, terraces, canopies, trellises, and landscaping.
  - (3) If parking is provided on the site, 75 percent of the spaces must be below grade.

Source: Ord. 040902-58; Ord. 20080925-039.

#### § 25-2-759 - STREET WALL AREA OCCUPANT SPACE.

- (A) At least 42 percent of the street wall area of a building must contain occupant space.
- (B) If a building has street wall areas on more than one street, at least 70 percent of the required occupant space must be on a street that runs east and west.
- (C) This section does not apply to a commercial off-street parking structure.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-760 - STREETSCAPE IMPROVEMENTS.

- (A) A site owner shall install a sidewalk not less than 12 feet wide along each street frontage adjacent to the site.
- (B) Sidewalks must be level with the top of the curb of the adjacent street, except to the minimum degree necessary to provide for drainage.
- (C) A site owner shall plant and maintain trees along an adjacent street right-of-way.
  - (1) Trees must be spaced to create a nearly contiguous canopy when the trees reach maturity.
  - (2) A tree must be in scale with the adjacent building.
  - (3) A tree planted in a sidewalk area must have a tree grating.
- (D) A site owner shall provide pedestrian-scale lighting and street furnishings along an adjacent street right-of-way.
- (E) The director of the Neighborhood Planning and Zoning Department shall adopt rules prescribing the requirements for tree planting and maintenance and the provision of pedestrian-scale lighting and street furnishings.
- (F) The director of the Watershed Protection and Development Review Department may require fiscal security to ensure compliance with this section.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-761 - PLACEMENT OF EQUIPMENT AND TRASH RECEPTACLES.

- (A) Utility equipment, mechanical equipment, and large trash receptacles:
  - (1) are prohibited in the area between a building and a street; and
  - (2) must not be visible from a street.
- (B) This subsection applies to a site with frontage on an alley 20 feet or more wide.
  - (1) A transformer room or utility vault must be adjacent to and accessible from the alley.
  - (2) A pump room, sprinkler room, or other utility or mechanical room must be adjacent to and accessible from the alley unless the Fire Chief determines that placing the room in another location is required because of a fire safety issue.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-762 - SITE ACCESS.

- (A) Vehicular access to a site from a public street that runs east and west is limited to one curb cut for each 140 feet of street frontage.
- (B) Vehicular access to a site from a public street that runs north and south is limited to two curb cuts.
- (C) Vehicular access to a corner lot must be from a public street or alley that runs north and south.
- (D) A site with access to an alley must use the alley or a parking structure for service and delivery access.
- (E) A site that does not have access to an alley must provide a service and delivery area that is at least 30 feet deep, measured from the front setback line or side setback line, as applicable.



- (F) A driveway turn radius may not exceed 15 feet unless the Fire Chief determines that a larger radius is required because of a fire safety issue.
- (G) The director of the Watershed Protection and Development Review Department may waive or modify a requirement of this section if the director determines that the waiver or modification is necessary for adequate traffic circulation or public safety.

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-763 - CERTAIN REGULATIONS INAPPLICABLE OR SUPERSEDED.

- (A) The following provisions of this subchapter do not apply:
  - (1) maximum floor-to-area ratios;
  - (2) maximum building coverage percentages;
  - (3) Article 9 ( *Landscaping* ); and
  - (4) Article 10 ( *Compatibility Standards* ), if the property is at least 75 feet from the boundary of the university neighborhood overlay district.
- (B) Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is:
  - (1) 100 percent in the inner west campus and Guadalupe subdistricts;
  - (2) the greater of 90 percent or the percentage permitted in the base zoning district in the outer west campus subdistrict; and
  - (3) the greater of 85 percent or the percentage permitted in the base zoning district in the Dobie subdistrict.
- (C) For a multi-family residential use, minimum site area and open space requirements of this subchapter do not apply.
- (D) Special regulations governing signs in university neighborhood overlay district are in Section 25-10-133 ( *University Neighborhood Overlay Zoning District Signs* ).

Source: Ord. 040902-58; Ord. 20070726-132.

§ 25-2-764 - DESIGN GUIDELINES.

- (A) A site plan must comply with the design guidelines prescribed by administrative rule. An applicant shall file with the site plan drawings of all building elevations and streetscapes that demonstrates substantial compliance with the design guidelines.
- (B) The director of the Neighborhood Planning and Zoning Department shall determine whether a site plan substantially complies with the design guidelines.
- (C) The director of the Neighborhood Planning and Zoning Department may waive a provision of the design guidelines if the director determines that the provision is unreasonable or impractical as applied to the site plan and that, with the waiver, the site plan will still substantially comply with the design guidelines. A waiver under this subsection must be the minimum departure from the provision necessary to avoid an unreasonable or impractical result.
- (D) An interested party may appeal to the land use commission:
  - (1) a determination by the director of the Neighborhood Planning and Zoning Department that a site plan substantially complies with the design guidelines; or

- (2) a decision by the director of the Neighborhood Planning and Zoning Department granting or denying a waiver under Subsection (C).

Source: Ord. 040902-58; Ord. 20080925-039.

§ 25-2-765 - AFFORDABLE HOUSING.

- (A) A multi-family residential use or a group residential use established after February 24, 2014 must, for a period of not less than 40 years from the date a certificate of occupancy is issued, set aside at least:
  - (1) 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 60 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office; and
  - (2) except as provided in Subsection (B), an additional 10 percent of the dwelling units or bedrooms on the site to house persons whose household income is at or below 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office.
- (B) The University Neighborhood District Housing Trust Fund is established. Instead of complying with Paragraph (A)(2), a person may pay into the fund a fee of \$1.00 for each square foot of net rentable floor area in the multi-family residential use or group residential use development and the fee will be adjusted annually in accordance with the Consumer Price Index all Urban Consumers, US City Average, All Items (1982-84=100), as published by the Bureau of Labor Statistics of the United States Department of Labor or in accordance with any other similar, applicable standard as defined by the director of the Neighborhood Housing and Community Development Office. The city manager shall annually determine the new fee amounts for each fiscal year, beginning October 1, 2014 and report the new fee amounts to the city council.
- (C) The director of the Neighborhood Housing and Community Development Office may allocate money from the University Neighborhood District Housing Trust Fund for housing development in the university neighborhood overlay district that provides at least 30 percent of its dwelling units or bedrooms to persons whose household income is at or below 50 percent of the median income in the statistical metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office, for a period of not less than 40 years from the date a certificate of occupancy is issued.

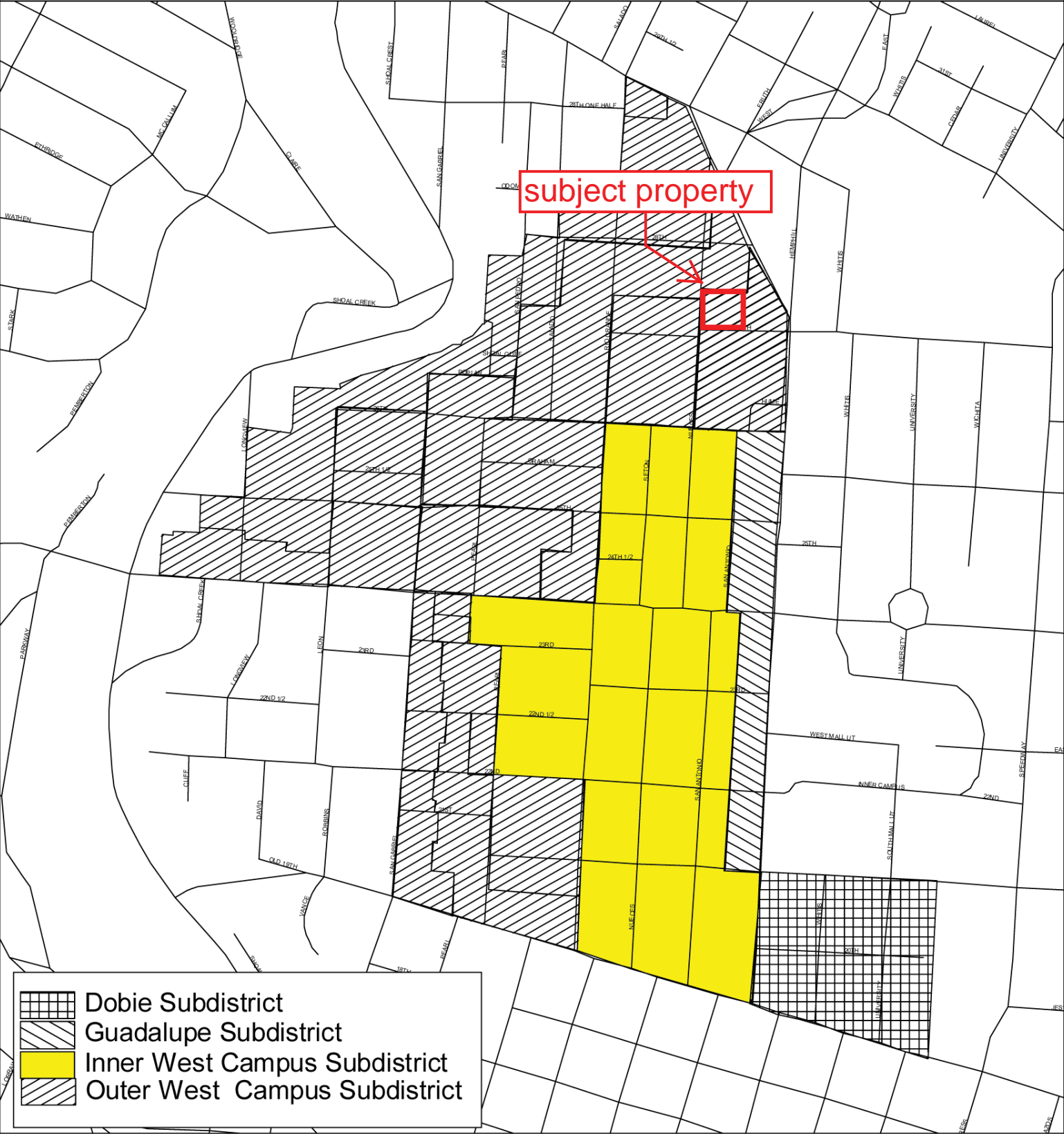
Projects qualifying for the University Neighborhood Overlay Affordable Trust Funds shall receive a 100 percent fee waiver as set forth in the S.M.A.R.T. Housing Policy.
- (D) Rents will be established annually by the director of Neighborhood Housing and Community Development Office as follows:
  - (1) Rents for single occupancy rental units for households who are at or below 60 percent of the median family income may not exceed the Low HOME Rent Limit for one bedroom as established annually by the Texas Department of Housing and Community Affairs.
  - (2) Rents for single occupancy rental units for households who are at or below 50 percent median family income households may not exceed the 40 percent Median Family Income HOME Rent Limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs.
  - (3) For existing UNO developments that opt in to leasing by the bedroom for the remainder of their commitment:

- (a) rents for single occupancy rental units for households who are at or below 60 percent of the median family income may not exceed the high HOME rent limit for a one bedroom as established annually by the Texas Department of Housing and Community Affairs; and
  - (b) rents for single occupancy rental units for households who are at or below 50 percent of the median family income may not exceed the 40 percent MFI HOME rent limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs.
  - (c) The director may adopt administrative rules necessary to enforce these provisions.
- (E) For a hotel/motel use that has an associated condominium residential use, multifamily residential use, group residential use, retirement housing (small site) use, or retirement housing (large site) use, instead of complying with Subsection (A) a person may pay into the University Neighborhood Housing Trust Fund a fee of \$2.00 for each square foot of the combined net square footage of the residential units and the hotel/motel units, if:
  - (1) the number of residential units associated with a hotel/motel use does not exceed 40% of the number of hotel/motel units; and
  - (2) the net square footage of the residential units does not exceed 45% of the net square footage of hotel/motel units.

Source: Ord. 040902-58; Ord. 20080925-039; [Ord. 20140213-056, Pt. 2, 2-25-14](#).

# University Neighborhood Overlay Subdistrict Boundaries

EXHIBIT G



# University Neighborhood Overlay

## Height Districts

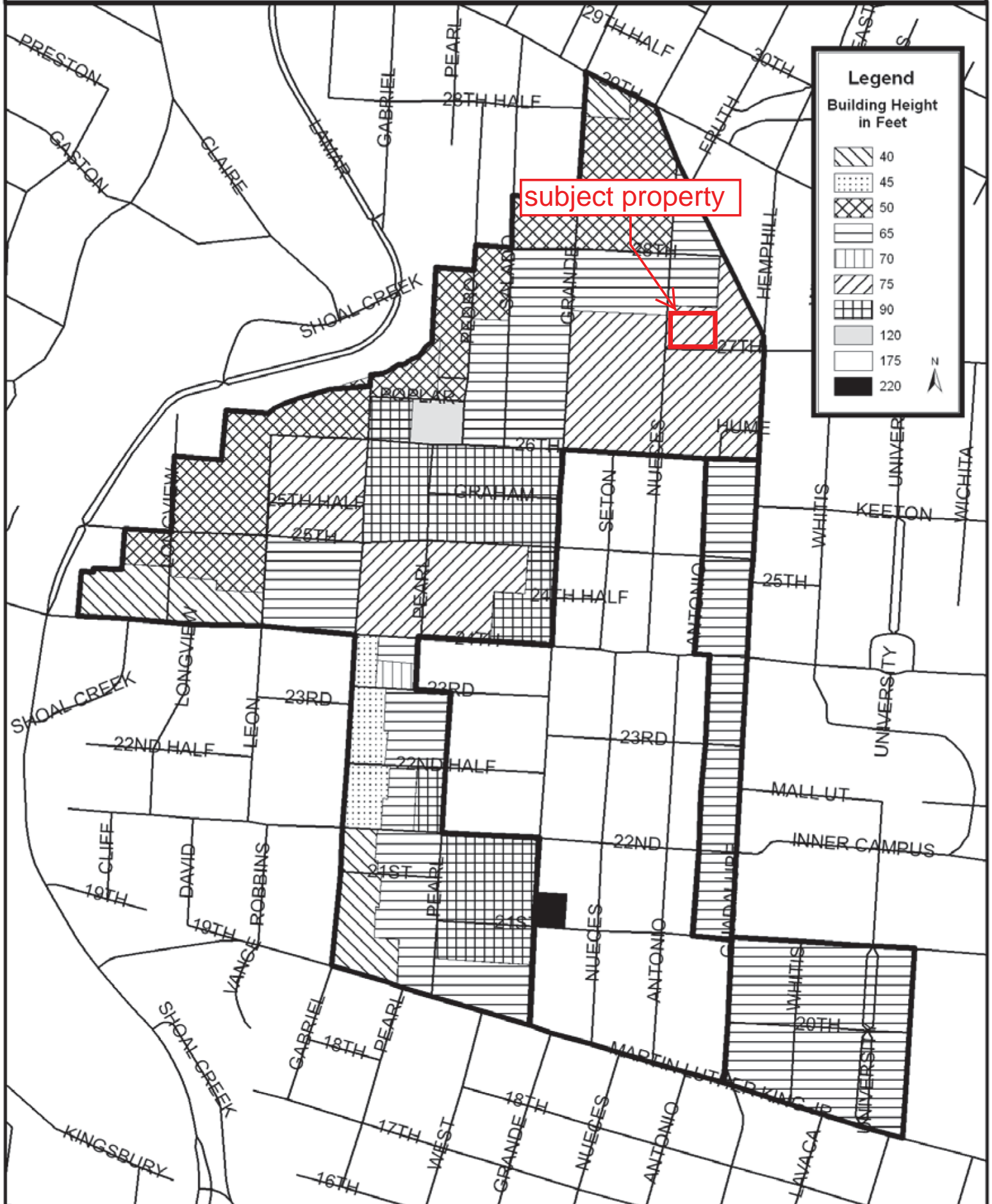


EXHIBIT H

*Thrower Design*

510 S. Congress Avenue, Ste. 207  
P. O. Box 41957  
Austin, Texas 78704  
(512) 476-4456

February 4, 2019

Mr. Greg Guernsey  
Director  
Planning and Zoning Department  
City of Austin  
PO Box 1088  
Austin, Texas 78767

RE: Rezoning, 2701 Nueces Street, C14-2018-0115

Dear Mr. Guernsey,

This firm represents the Owner of the property for the above referenced address and of which a rezoning application has been submitted.

This letter is notify of an amendment in the rezoning request originally filed: from MF-4-CO-NP to MF-6-CO-NP. The amended request is to rezone the property from MF-4-CO to MF-4, effectively removing the conditional overlay that was applied to the property in 2007 with case C14-2007-0110.

Please call or email our office if you have any questions regarding this amended request.

Sincerely,



A. Ron Thrower