

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0137 – 1304 Nueces DMU Zoning

DISTRICT: 9

ZONING FROM: GO

TO: DMU

ADDRESS: 1304 Nueces Street

SITE AREA: 0.0753 acres
(3,280 square feet)

PROPERTY OWNER: Charles Baxter

AGENT: Sandlin Services, LLC
(Adam Hughes)

CASE MANAGER: Wendy Rhoades, wendy.rhoades@austintexas.gov, (512) 974-7719

STAFF RECOMMENDATION:

The Staff recommendation is to grant downtown mixed use – conditional overlay (DMU-CO) combining district zoning. The proposed Conditional Overlay limits building height to 60 feet, and prohibits bail bond services, cocktail lounge, liquor sales, outdoor entertainment, and pawn shop services. For a summary of the basis of Staff's recommendation, please see pages 2-3 of this report.

PLANNING COMMISSION ACTION / RECOMMENDATION:

December 20, 2022: *APPROVED DMU-CO DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT*

***[A. AZHAR; P. HOWARD – 2ND] (9-0) J. THOMPSON – ABSTAIN; G. COX;
J. MUSHTALER, R. SCHNEIDER – ABSENT; ONE VACANCY ON THE DAIS***

CITY COUNCIL ACTION:

January 26, 2023:

ORDINANCE NUMBER:

ISSUES:

None at this time. The Applicant has discussed this case with the Old Austin Neighborhood Association (OANA) and is in agreement with the requested list of prohibited uses. ***Please refer attached correspondence.*** The prohibited uses have been applied to other rezoning cases in the vicinity, and therefore Staff does not object and has incorporated them into the Staff recommendation.

CASE MANAGER COMMENTS:

The subject rezoning area consists of a portion of one platted lot, which is located on Nueces Street on the south side of an alley between West 14th Street and West 13th Street. The property proposed for rezoning is a 0.0753-acre site currently zoned as general office (GO) district, representing an office use that serves community or citywide needs, such as medical or professional offices. The subject site is not located within a documented floodplain or within a creek buffer.

The property is square in shape and contains a 1,362 square foot, two-story law office, a parking area and trees. The property is accessible via either Nueces Street or an alley on the side (north) of the site. There are existing office uses at the properties immediately in every direction from the subject site, most of which are zoned GO with the exception of the tract to the south which has DMU-CO zoning (C14-2010-0197). There are also properties zoned DMU-CO a little further to the northwest and northeast on West 14th Street. It should also be noted that the Downtown Austin Plan calls for changing the zoning of the subject site to DMU-60. The plan also includes recommendations to replace single use zoning districts, including GO, with DMU zoning designations over time to foster a diverse mixture of land uses appropriate for the downtown urban core. ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The Applicant has requested downtown mixed use (DMU) district zoning. However, Staff determined that given the land use recommendation identified in the Downtown Austin Plan, a Conditional Overlay to restrict the maximum building height seemed warranted. Staff consulted with the Applicant, and the Applicant is in agreement with DMU-CO to include the maximum height restriction as well as a limited set of prohibited uses which have been applied to properties in the vicinity, including the tract directly south.

BASIS OF RECOMMENDATION:

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

The Downtown Mixed Use (DMU) district is intended for use located on the periphery of an area that is zoned Central Business District (CBD). The DMU district designation may be applied to a development that includes any combination of office retail, commercial, and residential uses, as long as the development is also compatible with the downtown area. However, a DMU designation with an intermediate density may also be appropriate to create a transition area between the downtown area and surrounding districts or for an area in which the established central business district may expand in the future. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

The subject site is located on the periphery of the established central business district and in an area where the downtown core may expand in the future, as illustrated by the presence of many other DMU-CO-zoned properties within the vicinity. The Conditional Overlay would

also keep the proposal consistent with the recommendations laid out in the Downtown Austin Plan. As such, the proposal would be consistent with the purpose statement of the DMU-CO zoning district.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The requested DMU zoning district would allow for a broad range of commercial and residential uses to be conducted on-site by right. Staff recommends approval of the Applicant's request because the location is appropriate for a mixed use designation within the downtown area, the proposal would be consistent with the adopted Downtown Austin Plan, and there are other DMU-CO zoned properties in the immediate area of the subject site. As such, the proposal would be compatible with the adjacent and nearby uses, as well as the City's long-term vision for the neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO	Law office
<i>South</i>	DMU-CO	Office building
<i>North</i>	GO	Office building
<i>West</i>	GO	Office building
<i>East</i>	GO	Office building

NEIGHBORHOOD PLANNING AREA: Downtown Austin Plan (Northwest District)

TIA: Is not required

WATERSHED: Shoal Creek – Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Mathews Elementary School

O Henry Middle School

Austin High School

COMMUNITY REGISTRY LIST:

57 – Old Austin Neighborhood Association	511 – Austin Neighborhoods Council
623 – City of Austin Downtown Commission	
742 – Austin Independent School District	1228 – Sierra Club, Austin Regional Group
1253 – West Downtown Alliance, Inc.	1363 – SEL Texas
1391 – Central Austin Community Development Corporation	
1400 – Historic Austin Neighborhood Association	1424 – Preservation Austin
1497 – Shoal Creek Conservancy	1530 – Friends of Austin Neighborhoods
1550 – Homeless Neighborhood Association	
1616 – Neighborhood Empowerment Foundation	1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0080 – 607 W 14 th St	GO to DMU	To Grant DMU-CO w/CO for max 60’ building height	Apvd DMU-CO as Commission recommended (10-13-2022).
C14-2021-0025 – 601 & 603 W 14 th Street	GO to DMU-CO	To Grant DMU-CO w/CO for max 60’ building height	Apvd DMU-CO as Commission recommended, w/additional COs prohibiting bail bond services and pawn shops, and establishing cocktail lounge as a conditional use (6-21-2021).
C14-2020-0035 – 707 West 14 th Street Apartments – 707 W 14 th Street	GO to DMU-CO	To Grant DMU-CO w/CO for max 60’ building height	Apvd DMU-CO as Commission recommended, w/additional COs prohibiting bail bond services, cocktail lounge, liquor sales, outdoor entertainment, and pawn shops (7-30-2020).
C14-2010-0197 – 600 W 13 th Street <i>(directly south of the rezoning area)</i>	GO to DMU-CO	To Grant DMU-CO w/CO for max 60’ building height	Apvd as Commission recommended, w/additional COs prohibiting bail bond services, cocktail lounge, liquor sales, outdoor entertainment, and pawn shops (3-10-2011).
C14-2017-0076 – ACC Rio Grande Campus – Block 153 Zoning – 1212 Rio Grande Street	UNZ and UNZ-H to DMU-CO (Tract 1) and DMU-CO-H (Tract 2)	To Grant DMU-CO (Tract 1) and DMU- H-CO (Tract 2) w/CO for max 60’ building height and 2,000 trip limit on Tracts 1 and 2, and list of prohibited uses on Tract 2	Apvd DMU-CO (Tract 1) and DMU-H-CO (Tract 2) as Commission recommended, w/CO for max 60’ building height and 2,000 trip limit on Tracts 1 and 2, and lists of prohibited uses on Tracts 1 and 2

			(10-05-2017).
C14-2012-0081 – ACC Rio Grande Campus – Block 153 Zoning – 1212 Rio Grande Street	UNZ and UNZ-H to DMU-CO and DMU-CO-H	N/A – Case Expired	N/A – Case Expired
C14-2007-0219 – 1306 West Avenue	SF-3 to MF-4	To Grant	Apvd (1-10-2008).
C14H-2009-0026 – Byrne-Reed House – 1410 Rio Grande Street	GO to GO-H	To Grant	Apvd (3-10-2011).
C14-75-084 – Randolph G. Mueller – 802 Rio Grande	B to O	To Grant	Apvd (10-16-1975).
C14-84-056 – Ruben H. Johnson Co. – W 15 th Street	LR to C	To Grant	Apvd (7-26-1984).
C14-05-0190 – 515 W 15 th Street	GO to CBD-CO	To Grant CBD-CO w/CO requiring participation in Great Streets program and list of prohibited uses	Apvd CBD-CO as Commission recommended, w/add'l COs for 2,000 trip limit, max 70' height, requirements for mixed use, limit of one commercial use on the ground floor, and a Restrictive Covenant requiring streetscape improvements following Great Streets design criteria (6-08-2006).
C14-2012-0082 – ACC Rio Grande Campus – Block 152 Rezoning – 1209 Rio Grande Street	GO & LR to DMU	N/A – Case Expired	N/A – Case Expired
C14-01-0052 – Waterloo I, LTD – 605 W 13 th Street	GO to LR-CO	To Grant LR-CO w/CO allowing general retail sales (convenience) and all GO uses, and restrict surface off-	Apvd LR-CO as Commission recommended (8-09-2001).

		street parking from locating within 10' of the property line parallel to W 13 th St	
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RELATED CASES:

The property is the north 47.56 feet of Lot 4, Block 154 of the Original City of Austin.

There are no subdivision or site plan applications on the property.

EXISTING STREET CHARACTERISTICS:

NAME	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Nueces Street	Local Mobility, Level 1	80'	60'	38'	Yes, existing 4-foot sidewalks	Yes, shared lane (on-street)	Yes

Note: Nueces Street has sufficient right of way to comply with the Austin Strategic Mobility Plan (ASMP) [LDC 25-6-51 and 25-6-55].

ADDITIONAL STAFF COMMENTS:

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

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.

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.

At this time, site specific information is unavailable regarding 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.

Impervious Cover

The maximum impervious cover allowed by the DMU zoning district is 100% based on the zoning district regulations.

PARD – Planning & Design Review

Parkland dedication will be required for the new applicable uses proposed by this development, short term rental with DMU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan and Compatibility Standards

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

Any new development is subject to Subchapter E: *Design Standards and Mixed Use*. Additional comments will be made when the site plan is submitted.

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

This site is within the Enfield Road Capitol View Corridor. An application for a Capitol View Corridor Height Determination would be required.

Austin Transportation Department – Engineering Review

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code [LDC 25-6-113].

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, utility relocations and or abandonments required by the land use. The water 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 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.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

A: Zoning Map

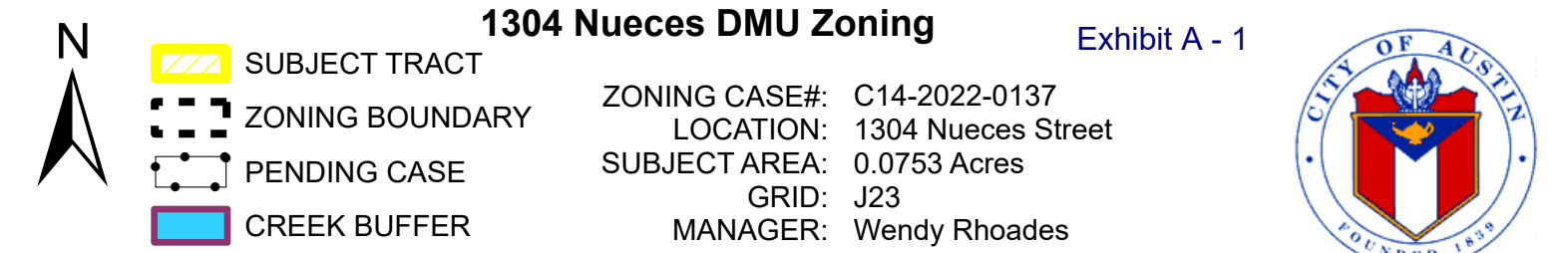
A-1: Aerial Map

Correspondence Received



Created: 9/26/2022

$$1'' = 400'$$



Created: 9/29/2022



Post Office Box 1282

Austin, TX 78767

www.originalaustin.org

28 November 2022

Wendy Rhoades, Planner
Development Services Department
City of Austin

RE: C14-2022-0137; 1304 Nueces Street, Austin, TX

Dear Ms. Rhoades:

The Board of Directors (BoD) of Old Austin Neighborhood Association (OANA), after discussion at our regularly scheduled monthly meeting on Tuesday November 8th, 2022, voted unanimously to support the applicant's request to rezone the property from the GO zoning district to the DMU zoning district with a condition of 60 feet of developmental height, or DMU-60. The initiation of this zoning change which is the recommendation called for in the Downtown Austin Plan/Northwest District (DAP/NWD) is to be applauded.

OANA's support however is also conditioned on the applicant's agreement that the following Uses are accepted as Prohibited rather than Conditional: bail bond services, a stand-alone cocktail lounge use, pawn shop use and liquor/package store. In addition, an outdoor entertainment/amplified music use of the site is prohibited.

We respectfully ask City Staff, the Planning Commission, and the City Council to view the rezoning requests favorably If the applicant agrees to these conditions, and as always, we thank you for your service to our city.

Sincerely,

Ted Siff, President

Board of Directors

Ted Siff, President

Ray Canfield

Perry Horton

Chris Riley

Michael Portman

Austin Stowell

Diana Zuniga

Katie Jackson

Blake Tollett, Secretary

Perry Lorenz

Charles Peveto



December 2, 2022

Old Austin Neighborhood Association
Ted Siff, President
Post Office Box 1282
Austin, TX 78767

RE: C14-2022-0137; 1304 Nueces DMU Zoning Case

Dear Mr. Siff,

Thank you for your correspondence on November 28, 2022, regarding the Board of Directors of Old Austin Neighborhood Association's unanimous vote to support our request to rezone the property from GO zoning district to DMU zoning district with a condition of 60 feet of development height (DMU-60).

As the Authorized Agent for the landowner on this zoning case, I am acknowledging OANA's request for the following land uses to be prohibited via a public, City proposed Conditional Overlay: bail bonds services, a stand-alone cocktail lounge use, pawn shop use and liquor/package store. This letter serves as confirmation that the Owner, Chuck Baxter, is agreeable to the restricted uses listed above. These will be restricted through a conditional overlay with the Zoning for the upcoming Planning Commission meeting. We appreciate your support of our zoning case.

Please let me know if you have any questions. I can be reached at 806-679-7303.

Respectfully,

A handwritten signature in black ink, appearing to read "Nick Sandlin". The signature is written in a cursive, flowing style.

Nick Sandlin, P.E.
Sandlin Services, LLC D: 806-679-7303

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2022-0137

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: December 20, 2022, Planning Commission
January 26, 2023, City Council

SCOTT SPOYER (63)
Your Name (please print)

1800 Nueces St.

Your address(es) affected by this application (optional)

Scott Spoyer
Signature

☒ I am in favor
☐ I object

12-18-22

Date

Daytime Telephone (Optional):

Comments:

**PRESIDENT -
WEST DOWNTOWN ALLIANCE**

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

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov