

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2018-0120 – Herblin-Shoe Historic Mixed Use Rezoning

DISTRICT: 9

ZONING FROM: SF-3-H

TO: GO-MU-H-CO

ADDRESS: 712 W. 16<sup>th</sup> Street

SITE AREA: 0.25 acres (10,902 sf)

OWNER: Rothcom, LP (Megan Fults)

APPLICANT: Thrower Design  
(Victoria Haase)

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

STAFF RECOMMENDATION:

**Staff recommends General Office – Mixed Use – Historic Landmark - Conditional Overlay (GO-MU-H-CO) combining district zoning. Conditional Overlay to prohibit a set of uses (see page 3), and to limit building height to 40 feet or 3 stories. *For a summary of the basis of staff's recommendation, see case manager comments on page 3.***

HISTORIC LANDMARK COMMISSION ACTION / RECOMMENDATION:

**January 28, 2019**      **Approved GO-MU-H-CO zoning. CO reflected applicant's original request for LO-MU uses, and height limit of 40 feet or 3 stories. [A. Papavasiliou, K. Little – 2<sup>nd</sup>], Vote 6 – 0 – 1, T. Myers abstained.**

December 17, 2018      Approved postponement request by applicant to January 28, 2019. [B. Valenzuela, T. Myers – 2<sup>nd</sup>] Vote 7 -0.

PLANNING COMMISSION ACTION / RECOMMENDATION:

**February 26, 2019**      **Approved GO-MU-H-CO combining district zoning as staff and Historic Landmark Commission 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 staff to February 12, 2019. [J. Schissler, C. Kenney – 2<sup>nd</sup>] Vote 10 – 0.

CITY COUNCIL ACTION:

**March 28, 2019**      **Scheduled for City Council**

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

ORDINANCE NUMBER:

ISSUES:

The subject property is the site of a historic three-story house – the Herblin-Shoe House, as well as a historic out-building formerly used as a kitchen, and a three-bay garage with a residential apartment above, which is not historic. The property is in the process of being sold, and the prospective buyer would like to use the existing buildings for administrative offices. The sale of the property is contingent on the rezoning.

The General Office (GO) base zone is requested for two reasons 1) it would permit an office use, and 2) it is the least intense category that allows for off-site parking (§ 25-6-501 - Off-Site Parking). Off-site parking would be an essential part of the plan, because the new office use would require a greater amount of parking than could be accommodated onsite. The applicant has stated that they understand and will comply with all requirements related to offsite parking.

There are no proposed changes to the exteriors of the historic structures. Within a Historic Landmark (–H) district, any changes of this kind would need to be approved by the Historic Preservation Office. If the zoning is approved and the use is changed to office, an ADA ramp would be required for the main structure.

The applicant met with the Judges Hill Neighborhood Association (JHNA) and came to an agreement, in which JHNA will support the rezoning. First, the applicant offered a conditional overlay (See Exhibit E, Applicant Letter – Revised), which would prohibit a set of uses, and limit the building height to 40 feet or three stories. Second, the applicant's client and JHNA completed a private restrictive covenant, which contains all of these provisions and additional ones. The City is not a party to the restrictive covenant, nor can the City enforce it.

The Judges Hill Neighborhood is part of the Downtown Austin Plan (DAP), approved by City Council in 2011. The DAP mentions preservation of Judge's Hill as a predominantly single family neighborhood and contains no other recommendations for the neighborhood. (See Comprehensive Plan comments).

CASE MANAGER COMMENTS:

The subject property is 0.25 acres or 10,902 square feet, and consists of a single lot on the northeast corner of West Avenue and West 16<sup>th</sup> Street. The property takes access to West Avenue and W 16<sup>th</sup> Street and there are no proposed changes to access. The property is not in the flood plain, and has a gradual slope from the northeast to the southwest corner.

The blocks surrounding the subject property contain many office uses in traditionally single family home structures. In addition, there are offices in more modern office buildings, as well as multifamily residential. To the east, are larger office buildings as well as multifamily. On the west side of West Avenue, there are more frequent duplexes and single family homes.

#### BASIS OF RECOMMENDATION:

Staff recommends General Office – Mixed Use – Historic Landmark - Conditional Overlay (GO-MU-H-CO) combining district zoning.

The applicant's first proposed conditional overlay matched the LO-MU district in terms of permitted and conditional uses, and limited building height to 40 feet or three stories. (See Exhibit D, Applicant Letter). After finalizing an agreement with JHNA, the applicant offered an updated proposed overlay (See Exhibit E, Applicant Letter - Revised) keeping the height limit, adding many more prohibited uses, and removing the request for conditional uses.

Staff recommends an edited version of this list, having removed the following categories from the prohibited uses list:

- Uses permitted in SF-3 (This would reduce existing residential entitlements)
- Uses prohibited in both SF-3 and GO (In these cases, a CO would be unnecessary)
- Uses conditional in both SF-3 and GO (For these uses, the zoning change would not change the conditional status)
- Uses that the Legal Department has advised not to prohibit (e.g. Religious Assembly)
- Uses where Council has provided direction (e.g. Day Care Services)

Staff finds no objection to the height limit of 40 feet or three stories, nor to prohibiting the remaining uses, which were determined in negotiation with the neighborhood, and are a key part of the neighborhood's support:

Bed & Breakfast (Group II)	College or University Facilities
Condominium Residential	Congregate Living
Townhouse Residential	Convalescent Services
Art Gallery	Counseling Services
Art Workshop	Cultural Services
Business or Trade School	Guidance Services
Business Support Services	Hospital Services (General)
Communications Services	Hospital Services (Limited)
Medical Offices exceeding 5,000 sq. ft.	Private Primary Educational Facilities
Medical Offices not exceeding 5,000 sq. ft.	Private Secondary Educational Facilities
Personal Services	Public Primary Educational Facilities
Printing & Publishing	Public Secondary Educational Facilities
Restaurant (Limited)	Residential Treatment
Software Development	Safety Services

With regard to the base zoning of GO, the first basis of the recommendation is that the proposed zoning should be consistent with the purpose statement of the district sought. GO is defined in the City's zoning guide is "for offices and selected commercial uses predominantly serving community or citywide needs, such as medical or professional offices." This description captures the intent of the proposed rezoning.

The second basis is that zoning should not constitute a grant of special privilege to an individual owner. Granting of the request should result in an equal treatment of similarly situated properties. In the vicinity of the subject property, along West Avenue and Rio Grande Street, there are several other GO-zoned properties, such as one directly to the east, to the northeast, and at the corner of West Avenue and W. 17<sup>th</sup> Street.

The third basis is that zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character. The most common land uses along West Avenue are offices, and thus the office use will be compatible in this location. The existing building adds to and supports the neighborhood character, and because of the Historic designation, changes in the exterior of the buildings would need to be cleared with historic staff.

The applicant and neighborhood both sent in letters of support for staff's recommendation (See Exhibit H, Final Memos).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-H	Single Family-style structure
North	LO	Office
South	W 16 <sup>th</sup> St, then SF-3	W 16 <sup>th</sup> St, then Religious Assembly / Parking
East	GO-H	Office
West	West Ave, then LO	West Ave, then Multifamily

NEIGHBORHOOD PLANNING AREA: Downtown (Judges Hill Subdistrict)

TIA: Not required

WATERSHED: Shoal Creek

OVERLAYS: None

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

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Homeless Neighborhood Association
Austin Neighborhoods Council	Judges Hill Neighborhood Association
Bike Austin	Neighborhood Empowerment Foundation
Central Austin Community Development	Preservation Austin
City Of Austin Downtown Commission	Seltexas
Downtown Austin Neighborhood Assn (DANA)	Shoal Creek Conservancy
Friends of Austin Neighborhoods	Sierra Club, Austin Regional Group
Historic Austin Neighborhood Association	West Downtown Alliance, Inc.

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
<b>C14H-2013-0005 Judges Hill Historic District</b>	<b>Add Historic District</b>	<b>Case Withdrawn</b>	<b>Case Withdrawn</b>
<b>C14H-06-0015 Herblin-Shoe House - City Initiated 712 W. 16th Street</b>	<b>SF-3 to SF-3-H</b>	<b>05-23-06 – Apvd SF-3-H</b>	<b>06-08-06 – Apvd SF-3-H</b>
C14H-2015-0013 Sparks House 1510 West Avenue	SF-3 to SF-3-H	01-12-16 – Apvd SF-3-H	02-11-16– Apvd SF-3-H

RELATED CASES:

A City-initiated zoning case (C14H-06-0015) rezoned the subject property to from SF-3 to SF-3-H (See Exhibit F, Ordinance 20060608-105).

The subject property consists of a 0.25 acre tract of land, the south 79 feet of the west 138 feet of Outlot 21, Division E, Original City of Austin, more particularly described in an

instrument of record in Document No. 2005203944, Official Public Records of Travis County, Texas. (See Exhibit C, Survey and Field Notes).

**EXISTING STREET CHARACTERISTICS:**

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
West Avenue	83 feet	36 feet	Collector	Yes	Yes, wide curb lane	Yes
16 <sup>th</sup> Street	64 feet	36 feet	Collector	Yes	No	Yes

**OTHER STAFF COMMENTS:**

**Comprehensive Planning**

**Downtown Austin Plan**

The property is located in the Judge's Hill District of the Downtown Austin Plan. The plan does not propose any changes for this District of Downtown. The subject property is within an area identified as a potential National Register Historic District.

Although the plan supports increasing mixed use zoning designations in downtown, it also says that this should not occur in the Judge's Hill area.

Goal AU-1 Mixed use states that, "Downtown should have a full mix of urban uses that reinforce an active and engaging pedestrian environment." The plan goes on to clarify that, "An appropriate mix of residential and non-residential uses should be allowed in all parts of Downtown, except for Judges Hill, which should generally be preserved as a single-family residential neighborhood (Page 78)."

Based on the clear direction regarding zoning changes in this area of Downtown, staff believes the proposed change is not supported by the Downtown Austin Plan. (Because DAP proposes no changes to Judge's Hill, the reviewer concludes that the plan does not support the proposed rezoning – SG).

**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. The densities, buildings heights, and overall character of a center will vary depending on location. The Imagine Austin Plan does not have any specific goals related to the Judge's Hill area.

The following IACP policies are applicable to this case:

**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 P10:** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy food, schools, retail, employment, community services, and parks and recreation.

**LUT P41:** Protect historic buildings, structures, sites, places, and districts in neighborhoods throughout the City.

Since the Imagine Austin Plan provides direction that both supports and opposes the proposed change staff believes Imagine Austin does not provide clear direction on the suitability of the proposed zoning change in this location.

### 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.

Some 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

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

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

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

#### Compatibility Standards

The site is subject to compatibility standards based on proximity to restrictive (SF-3) zoning to the south, southwest and northwest:

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the properties subject to restrictive zoning.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- Restrictions on noise and reflective building materials may also apply.

#### Historic Resources

The site has been designated as a Historic Landmark. The building and demolition requirements of Land Use Code Section 25-11-32 will apply. Please contact the City Historic Preservation Officer prior to the application for any demolition or development permits on the subject site.

#### Transportation

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

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC 25-6-113]

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



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, a wide curb lane is recommended for West Avenue. 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, sidewalks, and curb ramps along West Avenue and 16<sup>th</sup> Street 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, utility relocations and or abandonments required by the land use. The site shall have separate wastewater taps, separate water meters, and their respective private water and wastewater service lines shall be positioned or located in a manner that will not cross lot lines.

Based on current public infrastructure configurations, it appears that service extension requests for both water and wastewater will be required to provide adequate service to this tract. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7<sup>th</sup> floor. Ph: 512-972-0211.

The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria. 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 TO FOLLOW

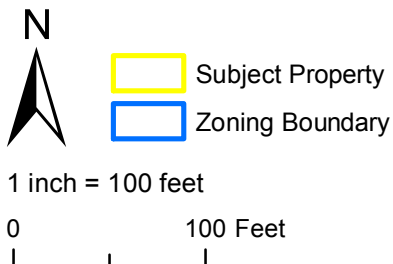
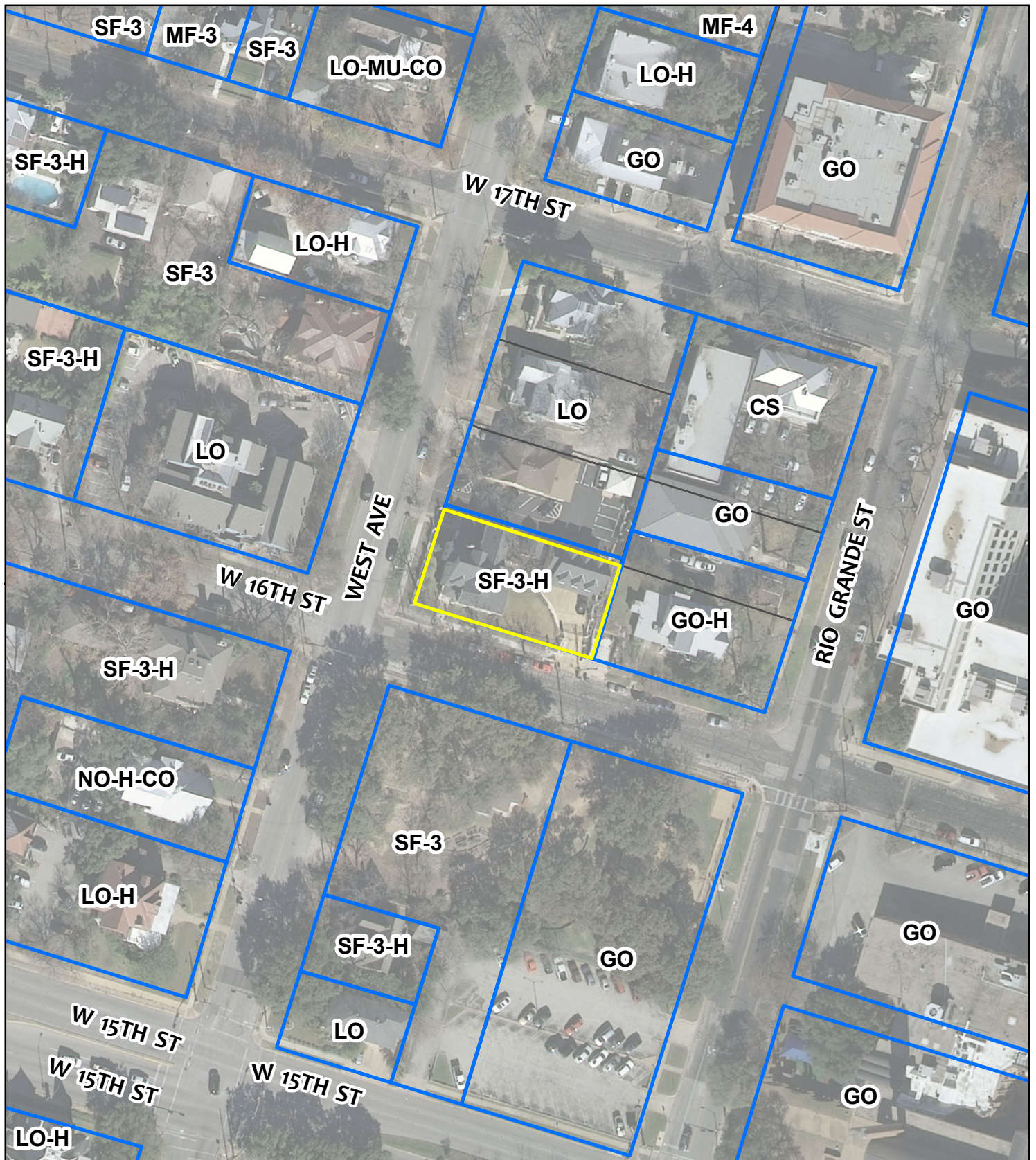
- A: Zoning Map
- B. Aerial Map
- C. Survey and Field Notes
- D. Request Letter from Applicant
- E. Request Letter from Applicant, Revised
- F. Ordinance Rezoning the Property to SF-3-H
- G. Correspondence with Interested Parties
- H. Final Memos from Applicant and Neighborhood





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





## ZONING & VICINITY

Zoning Case: C14-2018-0120  
 Address: 712 W 16th Street  
 Subject Area: 0.25 Acres  
 Case Manager: Scott Grantham

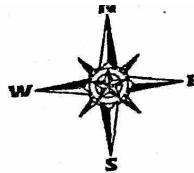
This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



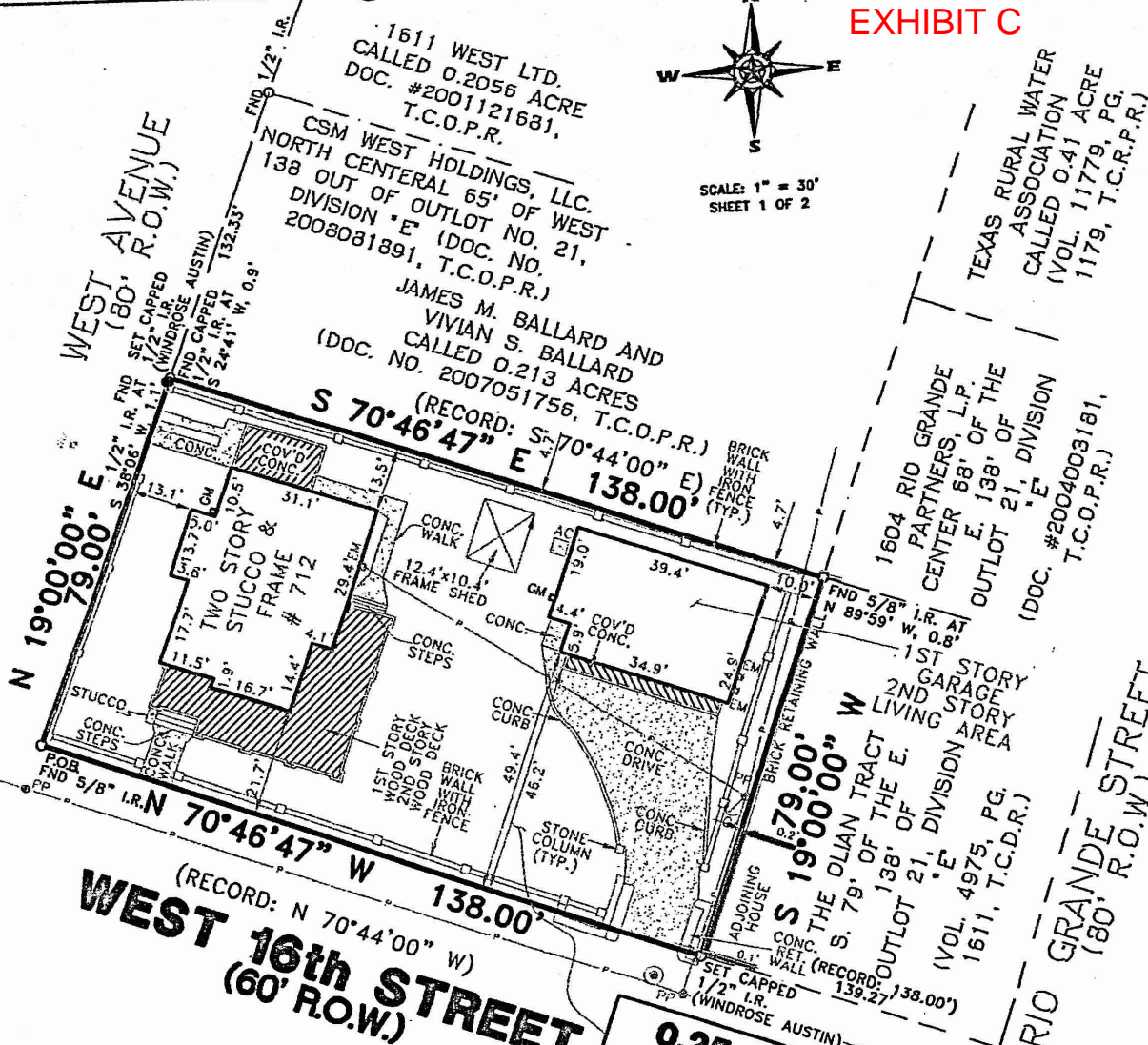
**EXHIBIT B**



# EXHIBIT C



SCALE: 1" = 30'  
SHEET 1 OF 2



## LEGEND

- EM - ELECTRIC METER
- GM - GAS METER
- M - MANHOLE
- OP - OVERHEAD POWER LINE
- PP - POWER POLE
- WM - WATER METER
- P.O.B. - PLACE OF BEGINNING

## NOTES:

1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND WOULD BE SUBJECT TO ANY AND ALL COVENANTS, CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE COMMITMENT MAY DISCLOSE.

ALL BEARINGS ARE BASED ON VOL. 11669, PG. 1415, T.C.R.P.R.  
ALL EASEMENTS AND BUILDING LINES ARE BASED ON RECORDED PLAT UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY.  
FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.  
THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN GF NO. -

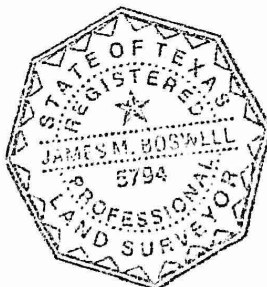
LOT S. 79' OF THE W. 138' (0.25 ACRES-10,902 SQ. FT.)	BLOCK -	SECTION -	SUBDIVISION OUTLOT 21, DIVISION "E"	THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X" (UNSHADED) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480624 0465 H, REVISED SEPTEMBER 26, 2008.
RECORDATION DOC. NO. 2006169944, T.C.O.P.R.	COUNTY TRAVIS	STATE TEXAS	SURVEY -	
LENDER CO. -	TITLE CO. HERITAGE TITLE COMPANY OF AUSTIN, INC.			
PURCHASER NORTH AMERICA MOUNTAIN PROPERTIES, LTD.	ADDRESS 712 WEST 16th STREET, AUSTIN, TEXAS 78701			JOB NO. 18622



Windrose Land Services Austin

FIELD WORK	11/11/08	MDL
DRAFTED BY	11/12/08	JP
CHECKED BY	11/12/08	RW
MAPSCO NO.	585 J	

## REVISION



I do hereby certify that this survey was this day made on the ground and that this plot correctly represents the property legally described hereon (or on attached sheet). That the facts found at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown.

*B*

11/12/08

Windrose Land Services Austin

4120 Commercial Center Dr.

Suite 300

Austin, Texas 78744

TEL (512) 326-2100 FAX (512) 326-2770

WINDROSE LAND SERVICES AUSTIN, ALL RIGHTS RESERVED

## EXHIBIT A

BEING A TRACT OR PARCEL OF LAND CONTAINING 0.25 ACRE, (10902 SQ. FT.) AND BEING 79 FEET X 138 FEET OUT OF THE SOUTHWEST PART OF OUTLOT NO. 21, DIVISION "E" OF THE CITY OF AUSTIN, AND BEING THE SAME TRACT OF LAND CONVEYED TO NORTH AMERICA MOUNTAIN PROPERTIES, LTD. IN DOCUMENT NO. 2006169944, T.C.O.P.R., SAID 0.25 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID OUTLOT NO. 21, ALSO BEING THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF WEST 16TH STREET, (60' R.O.W.), WITH THE EAST RIGHT OF WAY LINE OF WEST AVENUE, (80' R.O.W.), FOR THE SOUTHWEST CORNER AND PLACE OF BEGINNING HEREOF, SAID CORNER IS ALSO THE SOUTHWEST CORNER OF SAID SHOE TRACT;

THENCE WITH THE EAST RIGHT OF WAY LINE OF WEST AVENUE, AND THE WEST LINE OF THE HEREIN DESCRIBED TRACT, NORTH 19°00'00" EAST, A DISTANCE OF 79.00 FEET TO A 1/2" IRON ROD SET, CAPPED "WINDROSE AUSTIN", FOR THE NORTHWEST CORNER HEREOF, SAID POINT IS ALSO THE SOUTHWEST CORNER OF A TRACT CONVEYED TO JAMES M. BALLARD AND VIVIAN S. BALLARD, IN DOCUMENT #2007051756, T.C.O.P.R., FROM WHICH A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID BALLARD TRACT BEARS, NORTH 19°00'00" EAST, A DISTANCE OF 132.33 FEET; FROM SAID 1/2" IRON ROD SET, CAPPED "WINDROSE AUSTIN" A FOUND 1/2" IRON ROD BEARS, SOUTH 38°06' WEST, A DISTANCE 1.1', AND FROM SAID SET 1/2" IRON ROD A FOUND 1/2" IRON ROD WITH CAP, BEARS SOUTH 24°41' WEST, A DISTANCE OF 0.9';

THENCE WITH THE SOUTH LINE OF SAID BALLARD TRACT, AND THE NORTH LINE OF THE HEREIN DESCRIBED TRACT, SOUTH 70°46'47" EAST, (RECORD: S 70°44'00" E), A DISTANCE OF 138.00 FEET TO A CALCULATED CORNER IN A BRICK WALL, FOR THE NORTHEAST CORNER HEREOF, SAID POINT IS ALSO THE NORTHWEST CORNER OF THE OLIAN TRACT DESCRIBED IN VOLUME 4975, PAGE 1611, T.C.D.R., AND THE SOUTHWEST CORNER OF A TRACT CONVEYED TO 1604 RIO GRANDE PARTNERS, IN DOCUMENT #2004003181, T.C.O.P.R., FROM WHICH A 5/8" IRON ROD FOUND BEARS, SOUTH 89°59' WEST, A DISTANCE OF 0.8 FEET;

THENCE WITH THE WEST LINE OF THE OLIAN TRACT, AND THE EAST LINE OF THE HEREIN DESCRIBED TRACT, SOUTH 19°00'00" WEST, A DISTANCE OF 79.00 FEET TO A 1/2" IRON ROD SET, CAPPED "WINDROSE AUSTIN", FOR THE SOUTHEAST CORNER HEREOF, SAID POINT IS ALSO ON THE NORTH RIGHT OF WAY LINE OF WEST 16TH STREET, THE SOUTHWEST CORNER OF SAID OLIAN TRACT, AND THE SOUTHEAST CORNER OF SAID SHOE TRACT;

THENCE WITH THE NORTH RIGHT OF WAY LINE OF WEST 16TH STREET, AND THE SOUTH LINE OF THE HEREIN DESCRIBED TRACT, NORTH 70°46'47" WEST, (RECORD: N 70°44'00" W), A DISTANCE OF 138.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.25 ACRE (10,902 SQ. FT.) OF LAND.



EXHIBIT D

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

December 11, 2018

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

RE: Rezoning, 712 W 16<sup>th</sup> Street, C14-2018-0120

Dear Mr. Guernsey,

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

The subject tract is 0.25 acres located at the north east corner of W 16<sup>th</sup> Street & West Avenue and is a City Historic Landmark known as the Herblin-Shoe House. The property is zoned SF-3-H and is located in the Judges Hill District of the Downtown Austin Plan (DAP). Development on the tract consists of a 3-story, single-family historic house with a detached, 3-bay garage with an apartment above and towards the rear/eastern edge of the property. The property is currently operating with a residential use. The property remains the last residentially zoned lot on the block and is flanked with office zoning districts to the north, east, and west (across West Avenue). To the south, across W 16<sup>th</sup> Street, there is an SF-3 zoned lot that is undeveloped. Many properties in the surrounding blocks have retained the original, residential structures but have converted from residential to office or commercial uses in the past several decades.

A rezoning from Family Residence (SF-3) to General Office – Mixed Use –Historic Overlay – Conditional Overlay (GO-MU-H-CO) is requested with this application in preparation for an office use that will need to engage in an off-site accessory parking agreement in order to meet parking requirements prescribed by the Land Development Code. The Mixed Use overlay will permit retention of residential uses. The terms of the Conditional Overlay are as follows:

**A. Prohibited the following uses:**

- |                              |                                |
|------------------------------|--------------------------------|
| 1. Business or Trade School  | 4. Hospital Services (General) |
| 2. Business Support Services | 5. Printing and Publishing     |
| 3. Restaurant (Limited)      | 6. Guidance Services           |

**B. The following uses will be conditional:**

- |                                      |   |
|--------------------------------------|---|
| 1. Personal Services                 | 4. Group Home Class II                    |
| 2. College and University Facilities | 5. Hospital Services (Limited)            |
| 3. Congregate Living                 | 6. Private Secondary Education Facilities |

**C. All structures on the property are limited to 3 floors (40ft) in height.**

The requested zoning will allow offices uses that are appropriate for this location within the neighborhood and in proximity to downtown. Further, office uses are more likely to ensure a steady stream of funding needed to maintain the historic structures in perpetuity. With this, we request a favorable review and recommendation. Please call or email our office if you have any questions regarding this request.

Sincerely,



A. Ron Thrower





EXHIBIT E

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

February 6, 2019

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

RE: Rezoning, 712 W 16<sup>th</sup> Street, C14-2018-0120

Dear Mr. Guernsey,

Upon final agreements with Judges Hill Neighborhood Association in consideration of the rezoning of the subject property from SF-3-H to GO-MU-H-CO, the following conditions are requested:

**A. Prohibition of uses:**

- |   |  |
|---|--|
| 1. Bed & Breakfast (group 1 & 2)            | 18. Medial Offices not exceeding 5,000 sq. ft. |
| 2. Condominium Residential                  | 19. Personal Services                          |
| 3. Conservation Single Family Residential   | 20. Printing & Publishing                      |
| 4. Duplex Residential                       | 21. Restaurant (Limited)                       |
| 5. Mobile Home Residential                  | 22. Software Development                       |
| 6. Retirement Housing (Small Site)          | 23. Community Garden                           |
| 7. Retirement Housing (Large Site)          | 24. Urban Farm                                 |
| 8. Single-Family Attached                   | 25. Club or Lodge                              |
| 9. Small Lot Single-Family Residential      | 26. College or University Facilities           |
| 10. Townhouse Residential                   | 27. Communication Service Facilities           |
| 11. Short-Term Rental                       | 28. Community Recreation Private               |
| 12. Art Gallery                             | 29. Community Recreation Public                |
| 13. Art Workshop                            | 30. Congregate Living                          |
| 14. Business or Trade School                | 31. Convalescent Services                      |
| 15. Business Support Services               | 32. Counseling Services                        |
| 16. Communications Services                 | 33. Cultural Services                          |
| 17. Medical Offices exceeding 5,000 sq. ft. | 34. Day Care Services (Commercial)             |

- |                                    |  |
|------------------------------------|--|
| 35. Day Care Services (General)    | 45. Private Primary Educational Facilities   |
| 36. Day Care Services (Limited)    | 46. Private Secondary Educational Facilities |
| 37. Family Home                    | 47. Public Primary Educational Facilities    |
| 38. Group Home, Class I (General)  | 48. Public Secondary Educational Facilities  |
| 39. Group Home, Class II (Limited) | 49. Religious Assembly                       |
| 40. Group Home, Class III          | 50. Residential Treatment                    |
| 41. Guidance Services              | 51. Safety Services                          |
| 42. Hospital Services (General)    | 52. Telecommunication Tower                  |
| 43. Hospital Services (Limited)    |  |
| 44. Local Utility Services         |  |

**B. All structures on the property are limited to 3 floors (40ft) in height.**

While we understand that the City cannot legally prohibit certain uses, the intent of this request is to mimic the private RC between Judges Hill Neighborhood Association and the proposed buyer/tenant of the Herblin-Shoe Historic Property. Please call or email our office if you have any questions regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Ron Thrower". The signature is fluid and cursive, with the first name "A." followed by a large, stylized "R" and "T".

A. Ron Thrower

**EXHIBIT F**

**ORDINANCE NO. 20060608-105**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY GENERALLY KNOWN AS THE HERBLIN-SHOE HOUSE LOCATED AT 712 WEST 16<sup>TH</sup> STREET FROM FAMILY RESIDENCE (SF-3) DISTRICT TO FAMILY RESIDENCE-HISTORIC (SF-3-H) 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 family residence (SF-3) district to family residence-historic (SF-3-H) combining district on the property described in Zoning Case No. C14H-06-0015, on file at the Neighborhood Planning and Zoning Department, as follows:

The south 79 feet of the west 138 feet of Outlot 21, Division E, Original City of Austin, more particularly described in an instrument of record in Document No. 2005203944, Official Public Records of Travis County, Texas,

generally known as the Herblin-Shoe House, locally known as 712 West 16<sup>th</sup> Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 2.** This ordinance takes effect on June 19, 2006.

**PASSED AND APPROVED**

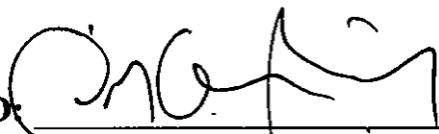
\_\_\_\_\_, June 8, 2006

§  
§  
§




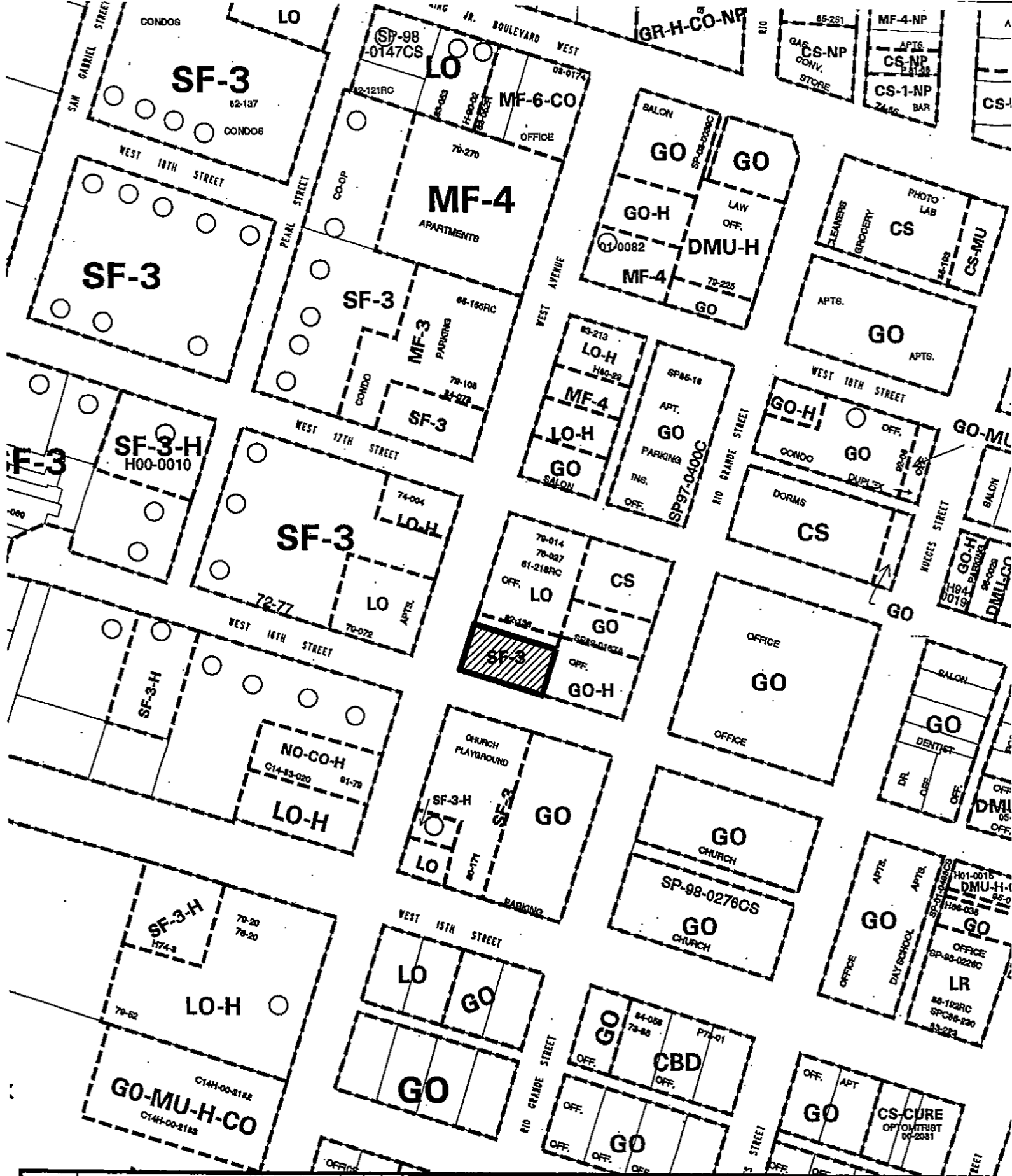
Will Wynn  
Mayor




APPROVED:

  
David Allan Smith  
City Attorney

ATTEST:

  
Shirley A. Gentry  
City Clerk



SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR: S. SADOWSKY

HISTORIC ZONING EXHIBIT A  
 CASE #: C14H-06-0015  
 ADDRESS: 712 W 10TH ST  
 SUBJECT AREA (acres): N/A  
 DATE: 08-04  
 INTLS: SM

CITY GRID  
 REFERENCE  
 NUMBER  
 J23

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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

## EXHIBIT G

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](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2018-0120

Contact: Scott Grantham, 512-974-3574

Public Hearing: Dec 17, 2018, Historic Landmark Commission

Jan 22, 2019, Planning Commission

Feb 21, 2019, City Council

Scott Snyder

Your Name (please print)

1800 Nueces St.

Your address(es) affected by this application

Address: 74 28701 12-18-18

Signature

Date

Daytime Telephone:

512-478-3483

Comments:

I am President of the West  
Barr Trail Alliance Board and  
we approve of this up zoning  
~~the site~~ This property is within  
the 54221 boundaries of our  
Neighborhood ASSN.

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

City of Austin  
Planning & Zoning Department  
Scott Grantham  
P. O. Box 1088  
Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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Case Number: C14-2018-0120

Contact: Scott Grantham, 512-974-3574

Public Hearing: Dec 17, 2018, Historic Landmark Commission

Jan 22, 2019, Planning Commission

Feb 21, 2019, City Council

~~MICHAEL WARD~~

Your Name (please print)

☒ I am in favor  
☒ I object

901 W 16th St. Austin TX 78761

Your address(es) affected by this application



Signature

12-9-18

Date

Daytime Telephone: 512-632-9561

Comments:

The neighborhood is in the process of negotiating a settlement on use and a restrictive covenant with the applicant. If it is approved, we will support a zoning change; if not, we will oppose this change.

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

City of Austin

Planning & Zoning Department

Scott Grantham

P. O. Box 1088

Austin, TX 78767-8810



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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Case Number: C14-2018-0120

Contact: Scott Grantham, 512-974-3574

Public Hearing: Dec 17, 2018, Historic Landmark Commission

Jan 22, 2019, Planning Commission

Feb 21, 2019, City Council

Stacy Ward

Your Name (please print)

401 W 16th St, Austin TX 78701

Your address(es) affected by this application

Sally Ward

Signature

12-12-18

Date

Daytime Telephone: 512-970-0149

Comments:

The neighborhood is in the  
process of re-zoning a settlement in  
and a restrictive covenant with  
the applicant. If it is approved,  
I will support a zoning change;  
if not, I will oppose this change.

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

City of Austin

Planning & Zoning Department

Scott Grantham

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor  
☒ I object

# Thrower Design

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

EXHIBIT H

February 15, 2019

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

RE: Rezoning, 712 W 16<sup>th</sup> Street, C14-2018-0120

Dear Mr. Guernsey,

On behalf of our Client, this letter is to inform that we do not oppose Staff's alternative recommendation to allow for a wider array of uses than those requested to be prohibited in our last letter dated February 6, 2019.

Sincerely,



A. Ron Thrower



**From:** [Jim Montgomery](#)  
**To:** [Grantham, Scott](#)  
**Cc:** [Paul Gosselink](#); [Ron Thrower](#); [Adam T. Schramek](#)  
**Subject:** Re: C14-2018-0120 Herblin-Shoe Historic Mixed Use Rezoning  
**Date:** Tuesday, February 19, 2019 3:29:34 PM

---

Scott,

The Judges Hill Neighborhood Association Supports the rezoning request from SF-3-H to GO-MU-H-CO as well as the Staff Recommendation on the case.

If I can be of any further help, please let me know.

Thanks,

Jim Montgomery

President- Judges Hill Neighborhood Association

512-413-6283