

SECOND AND THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2019-0050 – 827 W 12th Street

DISTRICT: 9

REQUEST: C14-2019-0050 - 827 W 12th Street - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 827 W 12th Street (Shoal Creek Watershed). Applicant Request: To rezone from general commercial services (CS) district zoning to downtown mixed used - conditional overlay (DMU-CO) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant downtown mixed used - conditional overlay (DMU-CO) combining district zoning. Owner/Applicant: LTDB, LLC. Agent: Drenner Group (Amanda Swor). City Staff: Kate Clark, 512-974-1237. District 9.

DEPARTMENT COMMENTS: Staff will furnish the requested preliminary historic review of the subject property.

CITY COUNCIL HEARING DATES:

June 20, 2019:

June 6, 2019: To grant downtown mixed used - conditional overlay (DMU-CO) combining district zoning. (10-0) [Flannigan- 1st, Renteria- 2nd. Harper-Madison– Off the dais]

ASSIGNED STAFF: Kate Clark
e-mail: kate.clark@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0050 – 827 W 12th Street

DISTRICT: 9

ZONING FROM: CS

TO: DMU-CO

ADDRESS: 827 W 12th Street

SITE AREA: 0.555 acres

OWNER: LTDB, LLC

APPLICANT: Drenner Group (Amanda Swor)

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

STAFF RECOMMENDATION:

Staff recommends Downtown Mixed Use - Conditional Overlay (DMU-CO) combining district zoning. Conditional overlay for a height limit of 60 ft. *For a summary of the basis of staff's recommendation, see page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 14, 2019

Approved DMU-CO combining district zoning as staff recommended. [J. Shieh, C. Kenny – 2nd], Vote 13 – 0.

CITY COUNCIL ACTION:

June 6, 2019

Approved DMU-CO

ORDINANCE NUMBER:

ISSUES:

The property owner would like to replace the existing buildings with one single mixed use structure with ground story retail and upper story residential. The requested zoning change is one that is recommended by the Downtown Austin Plan (DAP).

The property is within the area that is eligible for a downtown density bonus (§ 25-2-586), and the applicant intends to apply for a bonus at the time of site plan.

There have been some discussions with the applicant and surrounding neighborhoods. A private restrictive covenant may come out of these discussions, but the City will not be a party to this agreement, nor can the City enforce it.

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

CASE MANAGER COMMENTS:

The subject property is zoned CS – it is the current location of four buildings – one commercial retail store, two office / warehouse buildings dedicated to professional reprographics, and one single family style building, now used as an office. The first three buildings are situated in a U-shape around a central parking lot and the single family style building is located behind.

To the north is W 12th Street, and north side of the street is a tract zoned CS, the site of an Austin Community College (ACC) branch, some retail shops and a café. East of the subject property are tracts zoned CS, which are the sites of offices in single family type structures, and more modern buildings as well.

To the south, and fronting on W 11th Street are tracts zoned GO and LO, the sites of offices in traditional house structures and larger office structures. To the southwest of the subject property is a tract zoned MF-4 which is the site of a two-story apartment complex. Directly to the west of the subject property is a commercial art gallery.

Further to the west, across Shoal Creek Boulevard, is Shoal Creek itself. Although much the boulevard is in the 100-year floodplain, the subject property is about 150 feet from the floodplain at its nearest point. The site is relatively flat.

BASIS OF RECOMMENDATION:

Staff recommends Downtown Mixed Use - Conditional Overlay (DMU-CO) combining district zoning. Conditional overlay for a height limit of 60 ft.

The first basis of the recommendation is that a rezoning should be consistent with the policies and principles adopted by the City Council. In the Downtown Area Plan, which was adopted by City Council in 2011, the subject property is identified as an appropriate location for Downtown Mixed Use, with a suggested height restriction of 60 ft. (see Exhibit D).

Per the Downtown plan, recommended DMU zoning classifications are intended to expand entitlement rights to develop the property in a way that will expand a mix of land uses including commercial, retail, and residential opportunities.

The second basis is that a rezoning should be consistent with the purpose statement of the district sought. The Downtown Mixed Use district is intended for use located on the periphery of an area that has a CBD zoning designation. A DMU district designation may be applied to a development that includes any combination of office, retail, commercial, and residential uses and that is compatible with the downtown area. A DMU district use with an intermediate density may be used as a transition between the downtown area and surrounding districts. This zoning district is appropriate for this site based on its location on the edge of downtown.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS	Commercial
North	W 12 th St, then CS	W 12 th St, then
South	MF-4, LO, GO	Office
East	CS	Office
West	CS, then Shoal Creek Blvd	Commercial, then Shoal Creek Blvd

NEIGHBORHOOD PLANNING AREA: Downtown

TIA: Not required

WATERSHED: Shoal Creek

OVERLAYS: Criminal Justice Center

SCHOOLS: Matthews Elementary, O Henry Middle School, Austin High School

NEIGHBORHOOD ORGANIZATIONS

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

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0077 Austin Community College District 1218 West Ave	SF-3 and P to DMU	09-12-17 – Apvd DMU-CO	10-05-17 – Apvd DMU-CO. CO to limit height to 60 ft, prohibited uses, limit of 2,000 vehicle trips per day
C14-2017-0076 Acc Rio Grande Campus - Block 153 Zoning 1212 Rio Grande St	From UNZ and UNZ-H to DMU-CO and DMU-CO-H	09-12-17 – Apvd DMU-CO for tract 1, and DMU-CO-H for tract 2	10-05-17 – Apvd DMU-CO for tract 1, and DMU-CO-H for tract 2 – CO for 60 ft height limit, prohibited uses, limit of 2,000 vehicle trips per day

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2016-0110 West House LLC 1005 West Ave	MF-4 to DMU-CO, as amended	12-13-16 – Apvd DMU-CO	01-26-17 – Apvd DMU-CO, CO for 60 ft height limit
C14-2011-0010 821 West 11th	MF-3 to DMU	04-12-11 – Apvd DMU-CO	04-28-11 – Apvd DMU-CO, CO for max height of 40 ft, min front yard setback, prohibited uses, limit of 2,000 vehicle trips per day

RELATED CASES:

None on the subject property

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
12 th Street	80 feet	54 feet	Arterial	Yes	Yes, wide curb lane	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

Downtown Austin Plan

The property is located in the Northwest District of the Downtown Austin Plan.. The applicant proposes to change the zoning from CS to DMU-CO and change the use from retail to multifamily. The subject property has been identified in the plan document as a property that may be eligible for a zoning change to Downtown Mixed Use (DMU) with a suggested height restriction of 60 ft. (pg. 79) if new zoning districts are created via implementation of the plan. The intent was to increase diversity of land uses while not creating an over-entitlement of said properties.

The recommended DMU zoning classifications were intended to expand entitlement rights to develop the property in a way that will expand a mix of land uses including commercial, retail, and residential opportunities and will implement the following Downtown Plan Goals:

- 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 does 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).”

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 P3** Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P7:** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **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.

Based on the information above, Staff believes that the proposed zoning change is supported by both the Downtown Austin Plan and the Imagine Austin Comprehensive Plan.

Environmental

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.

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

FYI: Additional design regulations will be enforced at the time a site plan is submitted.

FYI: The subject property is within the Justice Center Overlay.

The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

Transportation

The TIA has been waived with the zoning application and deferred to the time of the site plan application once the final land use mix and intensities are known. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations shall be required at the time of site plan application.

Additional right-of-way maybe required at the time of subdivision and/or site plan in accordance with the current adopted transportation plans.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane for ages and abilities is recommended for 12th Street. Additional comments and requirements for right-of-way dedication and bicycle facility construction may be required in accordance with LDC 25-6-55 and LDC 25-6-101 at the time of the

subdivision and site plan applications. Please review the Bicycle Master Plan for more information.

FYI – the existing driveways and sidewalks along 12th Street shall be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual. Staff recommends obtaining joint use access to adjacent rights-of-way with adjacent properties to eliminate vehicular access to 12th Street (the arterial).

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.

All water and wastewater construction must be inspected by the City of Austin.

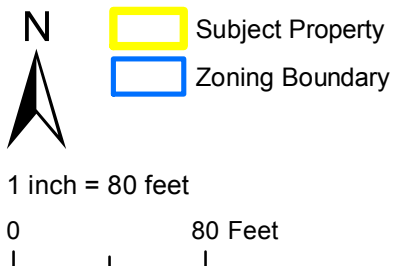
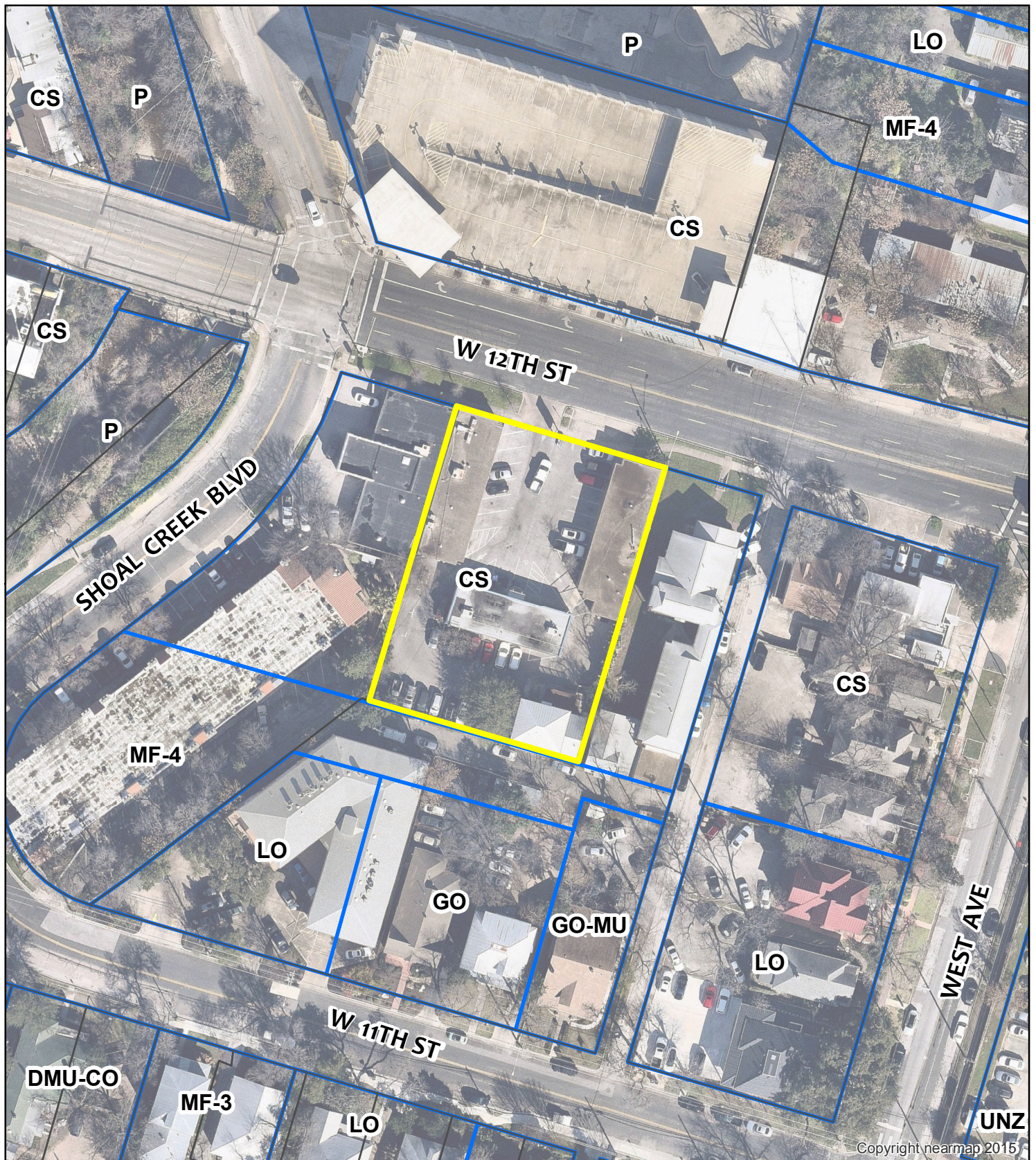
Depending on the development plans submitted, water and or wastewater service extension requests may be required. Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

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. Excerpt from Downtown Austin Plan
- E. Correspondence with Interested Parties





ZONING & VICINITY

Zoning Case: C14-2019-0050
 Address: 827 W 12th Street
 Subject Area: 0.555 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

Escrow File No.: 0808014-HMG

EXHIBIT "A"

Being 0.555 of an acre of land more or less, out of and a part of, OUTLOT NO. FIVE (5) IN DIVISION "E", in Travis County, Texas. Said tract being more particularly described in field note Exhibit "A".

Being 0.555 acre out of Outlot 5, Division "B", in the City of Austin, Travis County, Texas, according to the map or plat of record in the General Land Office of the State of Texas, as shown on accompanying survey plat and being more particularly described as follows (Bearings for this survey obtained from Document No. 2004028529, Official Public Records, Travis County, Texas):

BEGINNING at an "x" cut in concrete found in the south line of West 12th Street (30' R.O.W.), at the most northerly northwest corner of a tract described in a deed to C. M. Dachis, recorded in Volume 5919, Page 2085, Deed Records, Travis County, Texas, for the northeast corner of this tract, from said point, a hilly nail found bears, S 70°26'00" E, 61.12'; and an "x" cut in concrete found bears, N 70°26'00" W, said course constitutes directional control for this survey, 201.25'.

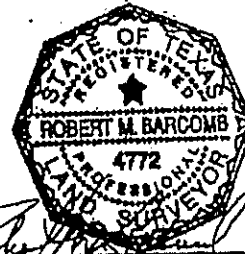
THENCE, with the west line of said Dachis tract and the east line of this tract, S 19°15'04" W, 184.73', to a 1/2" iron pin set with plastic cap stamped "ARPENTEUR RPLS 4772", at an interior all corner in said Dachis tract, for the southeast corner of this tract.

THENCE, with the north line of said Dachis tract and the south line of this tract, N 70°11'21" W, 130.96', to a 1/2" iron pin found at the most westerly northwest corner of said Dachis tract, at the southeast corner of a tract described as 0.66 acre in a deed to Gilbert Cuadra, et ux, recorded in Volume 6372, Page 519, Deed Records, Travis County, Texas, currently owned by Cuadra Financial Group, Inc., for the southwest corner of this tract.

THENCE, with the east line of said Cuadra tract and the west line of this tract, N 19°15'04" E, passing at 84.70', a 5/8" iron pin found at the northeast corner of said Cuadra tract and the southeast corner of a tract described in a deed to Elmiger Family, Ltd., recorded in Volume 12837, Page 2306, Real Property Records, Travis County, Texas, in all, 184.17', to a 1/2" iron pin set with plastic cap stamped "ARPENTEUR RPLS 4772", in the south line of West 12th Street, at the northeast corner of said Elmiger tract, for the northwest corner of this tract.

THENCE, with the south line of West 12th Street and the north line of this tract, S 70°26'00" E, 130.95', to the PLACE OF BEGINNING and containing 0.555 acre of land, more or less.

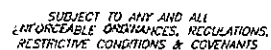
Prepared from a survey made on the ground March 7, 2006, by:
Arpentours Professional Surveying
8906 Wall Street, Suite 302
Austin, Texas 78754
(512) 832-1232
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Robert M. Barcomb
R.P.L.S. No 4772

LEGAL DESCRIPTION: 0.055 ACRES, OUT OF LOT 5, DIVISION "C", IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS
ACCORDING TO THE MAP OR PLAN OF RECORD IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS

ALSO LOCALLY KNOWN AS 602 & 602 WEST 16TH STREET, AUSTIN, TEXAS
AND BEING ADDITIONALLY DESCRIBED IN ACCOMPANYING FIELD NOTES

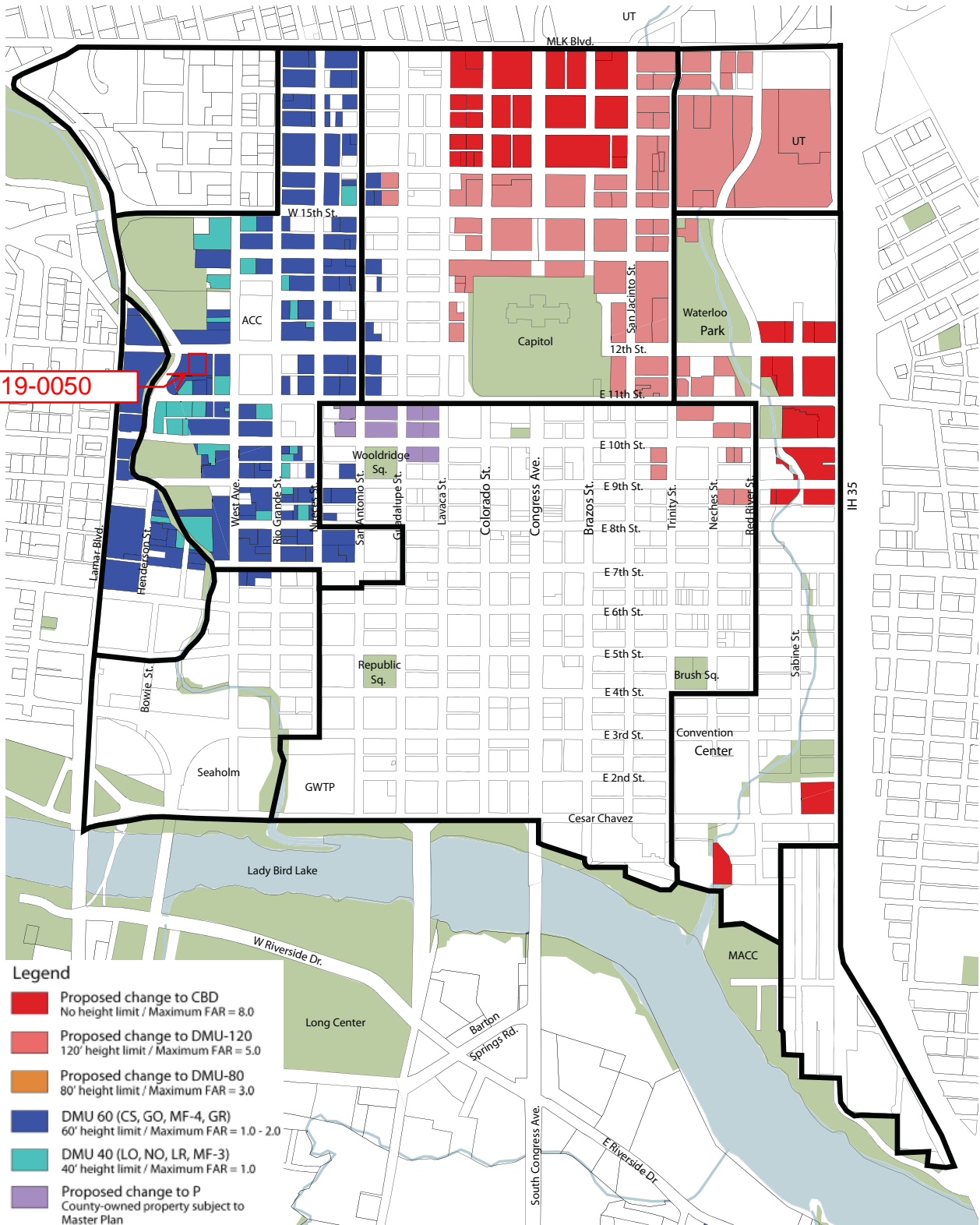


① ADJUSTING A/C PAD PROTRUSION OVER PROPERTY LINE 0.2

ROBERT M BARCUM, RPLS 103, 4771

8906 WALI STREET, SUITE 307
AUSTIN, TEXAS 78754
(512) 632-1232

C14-2019-0050



Proposed Downtown Zoning Changes

EXHIBIT E

Grantham, Scott

From: Amanda Swor <aswor@drennergroupp.com>
Sent: Tuesday, May 14, 2019 2:42 PM
To: Grantham, Scott
Subject: FW: 827 West 12th Street

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

Amanda W Swor, Director of Entitlements & Policy

Drenner Group, PC | 200 Lee Barton Drive | Suite 100 | Austin, TX 78704
512-807-2904 direct | 512-496-8573 cell | aswor@drennergroupp.com | www.drennergroupp.com

From: Charles Heimsath <>
Sent: Tuesday, May 14, 2019 2:40 PM
To: awais.azhar@austintexas.gov; yvette.flores@austintexas.gov; conor.kenny@austintexas.gov; james.shieh@austintexas.gov; fayez.kazi@austintexas.gov; jeffrey.thompson@austintexas.gov; Patricia.Seeger@austintexas.gov; todd.shaw@austintexas.gov; patrick.howard@austintexas.gov; robert.schneider@austintexas.gov; greg.anderson@austintexas.gov; Karen.McGraw@austintexas.gov
Cc: Amanda Swor <aswor@drennergroupp.com>; Michele Van Hyfte <>
Subject: 827 West 12th Street

Commissioners,

I am a small business and property owner at 1102 West Avenue, which is within 200 feet of the property that is the subject of this rezoning request. The applicant has filed for a zoning change from CS to DMU-CO which will allow the construction of approximately 175 units of small (micro) apartment units. Given the continuing unmet need for workforce housing in and near the CBD, I am strongly in favor of this rezoning request which will allow for the construction of much needed market rate, but affordable housing in an underserved part of downtown. I trust that some on-site parking will be included in the project, and would hope that the applicant would provide spaces at a 0.50 per unit ratio, or perhaps a little higher.

Respectfully submitted,

Charles H. Heimsath
President



1102 West Avenue
Suite 100
Austin, Texas 78701
(512) 476-5000
Cell: (512) 573-3235
www.cmraustin.com

Grantham, Scott

From: Dan Keshet <>
Sent: Tuesday, May 14, 2019 4:16 PM
To: Flores, Yvette - BC; Kenny, Conor - BC; Shieh, James - BC; Kazi, Fayez - BC; Thompson, Jeffrey - BC; Seeger, Patricia - BC; Shaw, Todd - BC; Howard, Patrick - BC; Schneider, Robert - BC; Anderson, Greg - BC; McGraw, Karen - BC; Teich, Ann - BC
Cc: Grantham, Scott; Amanda Swor; Kate Kniejski; Eileen McPhillips Portner; Ted Siff;
Subject: 827 W 12th St (Item C-17)

Planning Commissioners:

The Policy Committee of the Downtown Austin Neighborhood Association has considered the proposed rezoning at 827 W. 12th, within our neighborhood association boundaries. Based on our discussions with the applicant, we support staff's recommendation in support of the rezoning of this site to DMU-CO, with a base height limit of 60 feet. We understand that if the project participates in the downtown density bonus program, the height limit could be as high as 90 feet.

We have worked with the applicant to develop the following additional terms, which we expect would be integrated in a private restrictive covenant before this case reaches the Council:

- FAR cap of 2:1 unless the property is developed with a residential use that makes up at least 50% of the project square footage, in which case the FAR cap would be 5:1;
- Great Streets treatment of W. 12th St;
- Parking will be screened and architecturally integrated into the building;
- Parking shall be decoupled and leased separately from a residential use;
- Parking will generally be reserved for retail and residents; but if additional parking is available following lease-up of the units, Transwestern will make unused spaces available for leasing to nearby users;
- Prohibition of the following uses:
 - Bail bond services;
 - Cocktail lounge;
 - Pawn shop;
 - Liquor sales;
 - Outdoor entertainment; and
 - Amplified sound.

We are excited about the prospect of having new residential neighbors at this site, and we're glad the planned parking ratio is relatively low (0.7 spaces/unit). While we would prefer that the parking be below-grade, adaptable for other uses, and available from the beginning to other users, we still believe that this project, with the restrictions outlined above, represents a significant step forward for the neighborhood.

Many thanks for your service, and for your consideration of this input.

Best regards,

Dan Keshet, Chair

DANA Policy Committee

Grantham, Scott

From: Ted Siff <>
Sent: Tuesday, May 14, 2019 3:40 PM
To: Grantham, Scott
Cc: Amanda Swor
Subject: Zoning Case #: C14-2019-0050 -- 827 W. 12th

Follow Up Flag: Follow up
Flag Status: Flagged

Scott,

Just a quick note to confirm to you that OANA supports this proposed zoning change from CS to DMU-CO at a height limit of 60 feet subject to the approval of the applicants density bonus request.

The applicants representative has also agreed to a private restrictive covalent for which OANA will be the enforcing party. I won't be able to attend tonight's Planning Commission meeting, but feel free to contact me with any questions.

Best, Ted

Ted Siff, Board President
Old Austin Neighborhood Association
www.originalaustin.org
512-657-5414