

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0156– 707 Rio Grande Street **DISTRICT:** 9

ZONING FROM: GO **TO:** DMU-CO

ADDRESS: 707 Rio Grande Street **SITE AREA:** 0.2069 acres (9,012 sq. ft.)

PROPERTY OWNER:
Rio Grande Street Partners, LP
(Diana G. Zuniga)

AGENT:
Jackson Walker L.L. P.
(Pam Madere)

CASE MANAGER Mark Graham (512-974-3574, mark.graham@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends Downtown Mixed Use – Conditional Overlay (DMU-CO) combining district zoning. The Conditional Overlay would limit height to 60 feet. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 28, 2020

CITY COUNCIL ACTION:

February 20, 2020

ORDINANCE NUMBER:**ISSUES**

No issues have been identified for this request.

CASE MANAGER COMMENTS:

The site at 707 Rio Grande is at the west edge of the Central Business District. The 0.21 acre (9,012 sq. ft.) parcel currently has a two story office building and surface parking. There are two historic landmarks next to the subject site, Sayers and Gilfillan House, both used for office purposes.

Applicant requests a change from general office (GO) zone district to downtown mixed use (DMU) zone district to permit re-development of the site with a larger building. The current GO zone district permits 60 feet in height, a Floor to Area Ratio (FAR) of 1:1, maximum building coverage of 60%, and maximum impervious coverage of 80%.

The proposed DMU zone district permits 120 foot height, FAR of 5:1, and maximum building and impervious coverage of 100%. The height is capped by a Capitol View Corridor Overlay: Barton Creek Pedestrian Bridge.

The subject property is located in the Downtown Austin Plan (DAP): Northwest district and mapped as proposed DMU-60 district. That district would be Downtown Mixed Use (DMU) uses with a 60 foot height maximum.

The requested DMU zone district is intended to be a transition to Central Business District (CBD) zoning. The request is consistent with the DAP and pattern of rezoning in the Northwest district. There are many parcels zoned DMU within a 2 block radius of the subject site including the adjacent properties to the south. CBD zoned properties are about one block south and 3 blocks east.

BASIS OF RECOMMENDATION:

1. *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.*

The properties immediately south of the subject property are zoned DMU-CO, and GO-H. There are properties in the block west of Rio Grande Street zoned DMU-CO. There is also DMU zoning north, across West 8th Street.

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

Downtown mixed use (DMU) district is the designation for a use located on the periphery of an area that has CBD zoning. A DMU district designation may be applied to a development that includes any combination of office, retail, commercial, and residential uses and that is compatible with the downtown area. A DMU district use with an intermediate density may be used as a transition between the downtown area and surrounding districts. A DMU district is suitable for an area to which the central business district may expand.

3. *Zoning should allow for a reasonable use of the property.*

The DMU zone district with a 60 foot height limit is consistent with the zoning recommended in the Northwest district of the Downtown Austin Plan.

The proposed DMU is also consistent with the pattern of rezoning cases listed in the Area Case Histories section of this report.

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

Imagine Austin encourages infill and redevelopment, specifically in those areas classified as a Regional Center on the Imagine Austin Growth Concept Map.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	GO	Administrative offices
North	GO-MU-H	Historic residence
South	DMU-CO	Offices
East	GO-H	Historic residence, office, receptions
West	GO	Office

NEIGHBORHOOD PLANNING AREA: Downtown Austin Master Plan – Northwest District

TIA: Deferred to site plan application when use and intensities will be known

WATERSHED: Shoal Creek - Urban

OVERLAYS: Capital View Corridors; Downtown Austin Plan Districts: Northwest; ADU Approximate Area Reduced Parking; Barton Creek Pedestrian Bridge – SDCC; Criminal Justice Center Overlay; Residential Design Standards: LDC/25-2-Subchapter F

SCHOOLS:

Mathews Elementary O. Henry Middle Austin H.S.

NEIGHBORHOOD ORGANIZATIONS:

- | | |
|---|-------------------------------------|
| Austin Independent School District | Homeless Neighborhood Association |
| Austin Lost and Found Pets | Neighborhood Empowerment Foundation |
| Austin Neighborhoods Council | Old Austin Neighborhood Association |
| Bike Austin | Preservation Austin |
| City of Austin Downtown Commission | SELTexas |
| Downtown Austin Alliance | Shoal Creek Conservancy |
| Downtown Austin Neighborhood Assn. (DANA) | Sierra Club, Austin Regional Group |
| Friends of Austin Neighborhoods | West Downtown Alliance |
| Historic Austin Neighborhood Association | |

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2015-0111 Gilfillan House 603 W. 8 th St.	GO-H to DMU-H	case expired 07/30/2016	Not applicable
C14-2017- 0074 Gilfillan Place 603 W. 8 th St.	GO-H, GO-MU, and GO to DMU-H	case expired 06/19/2017	Not Applicable
C14-2019 -0157 603 W. 8 th St.	GO-H, GO-MU- H, and GO to DMU-H	Pending, Scheduled for 02/25/2020	Pending, Scheduled for 03/26/2020
C14H - 04 - 0005 Sayers House 709 Rio Grande St.	GO-MU to GO- MU-H	To Grant	Apvd (06/24/2004)
C14-2013-0147 707 West Ave.	CS-CO to DMU	To Grant	Apvd (06/12/2014) DMU-CO; height maximum 60 feet, vehicle trips limited to 2,000/day.
C14-2011-0124 702 San Antonio St.	GO-H to DMU-H	To Grant	Apvd (02/09/2012) Height maximum 60 feet, vehicle trips limited to 2,000/day, minimum 15 foot wide building setback from ROW on San Antonio St., list of prohibited uses.
C14-2012-0105 702 San Antonio St	DMU-H-CO to DMU-H-CO	To Grant	Apvd (11/08/2012) Fewer than 2000 trips/day, Uses prohibited: Auto sales, repair washing or service station; Services including counseling, exterminating, financial, local utility, bail bond, guidance; pawn shop; Telecommunications tower, residential treatment, restaurant (limited); and outdoor entertainment. height maximum 70 feet, 15 foot building setback on San Antonio St.
C14-2011-0058 707 West Ave. Rezoning 705, 707, 709, 711 West Ave. &	GO to CS	To Grant	Apvd (10/06/2011) CS-MU-CO vehicles trips limited to 2,000/day; list of prohibited uses; established GO site development regulations.

Number	Request	Commission	City Council
710 W. 7 th St.			
C14-2011-0036 807, 809, 811 Nueces St.	GO to DMU	To Grant	Apvd (07/28/2011) DMU-CO; maximum height 90 feet; prohibited bail bond services, pawn shop, liquor sales. Conditional uses: food preparation and food sales.
C14-2010-0069 904 San Antonio St.	MF-4 to DMU	To Grant	Apvd. (08/19/2010) DMU-CO; vehicle trips limited to 2,000/day; pawn shop services use prohibited; bail bond services, liquor sales and cocktail lounge are conditional uses.
C14-2009-0066 Tea Embassy 900 Rio Grande St.	GO-DMU	To Grant	Apvd. (10/15/2009) LR-MU-H-CO; service station use prohibited.
C14-2008-0150 808 Nueces St.	GO to DMU	To Grant	Apvd. (12/11/2008) DMU-CO: maximum height 60 feet; bail bond services, liquor sales and cocktail lounge are conditional uses; pawn shop use prohibited.
C14-06-0177 807 West Ave.	MF-4 to DMU	To Grant	Apvd. (11/02/2006) DMU-CO; maximum height 60 feet; list of prohibited uses; drive in service prohibited as accessory use to commercial use.
C14-00-2236 609 W 9 th St	GO to GO-MU	To Grant	Apvd. (02/15/2001) GO-MU
C14-99-2124 805 West Ave.	MF-4 to DMU	To Grant	Apvd. (03/23/2000) Maximum height 60 feet; list of prohibited uses; residential not exceed 78% of GFA; A parking space may not be located in front street adjacent to West Ave. A structure or portion of a structure may not be located within 15 feet of West Ave.

RELATED CASES:

- C14-2019-0157, 603 W. 8th St, Gilfillan House, adjacent to subject site, has applied to rezone from GO-H to DMU.
- C14H-80-027, 603 W. 8th St, Gilfillan House applied for and was designated a City of Austin Historic Landmark. During the zoning process an H was added to the base zone district, Office (O).
- C14-81-016, 603 W. 8th St., Gilfillan House was rezoned from office-historic (O-H) to general retail – historic (GR-H) combining district. A Restrictive Covenant was executed that required a roll-back to O-H zoning in the event that the property transferred ownership from the owner at the time. Additionally, the Restrictive Covenant limited uses to social gatherings, receptions, parties, benefits, openings, art shows, art classes, art exhibits and related sales of art works and art supplies. Large events were prohibited prior to 5:30 p.m. on Monday – Friday. Outdoor entertainment on the grounds was prohibited after 12:00 midnight.
- C14-85-075, 603 W. 8th St., Gilfillan House was rezoned From GR-H to GO-H.

OTHER STAFF COMMENTS:

Existing Street Characteristics

A traffic impact analysis (“TIA”) may be required at the time of site plan if the proposed development or uses on the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds 2,000 trips per day. Additional right-of-way may be required at the time of subdivision and/or site plan. The adjacent street characteristics table is provided below:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Rio Grande St	80’	40’	2	Yes	Yes	Yes

Comprehensive Planning

Downtown Austin Plan

The property is in the North West District of the Downtown Austin Plan (DAP). Since the Downtown Austin Plan does not have a Future Land Use Map, **a plan amendment is NOT required**. The applicant is proposing to change the zoning from General Office (GO), to Downtown Mixed Use-Historic (DMU-H). Some of the Northwest Street District specific goals are:

- Preserve the neighborhood's historic character (p.38)
- To improve the pedestrian environment. (p.38)
- Improve conditions for bicycling (p.38)
- Great Streets improvements are a public improvement priority for this district (p.38)

The proposed rezoning is the site of the Gilfillan House, a City of Austin Historic Landmark and a Recorded Texas Historic Landmark currently used for administrative and business office use.

The following DAP goals are relevant to this case:

- **AU-5.1:** Provide incentives for Downtown office and employment use. (p.22)
- **DD-1.1:** Maintain height and density limits as a baseline with some adjustments on the surrounding context. (p.23)
- **DD-3.1:** Promote a compatible relationship between new and historic buildings (p.24)

Based on the information above, Staff believes that the proposed zoning change is supported by the Downtown Austin Plan

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. 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 square foot cumulative is exceeded, and on site control for the two-year storm.

Site Plan

1. Site plans will be required for any new development other than single-family or duplex residential.
2. 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.
3. Any new development is subject to Subchapter E. Design Standards and Mixed Use.

4. Additional comments will be made when the site plan is submitted.
5. Additional design regulations will be enforced at the time a site plan is submitted.

Demolition and Historic Resources

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.

Residential Design Standards Overlay

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

Capitol View Corridor Overlay

This site is subject to 25-2-642 Capital View Corridor (CVC) Overlay District Regulations. In a Capitol View Corridor (CVC), a structure may not exceed the elevation of the plane delineating the corridor. The maximum height permitted is the lesser of:

- a. The base district maximum height; or
- b. The maximum height provided in this section

Austin Water Utility

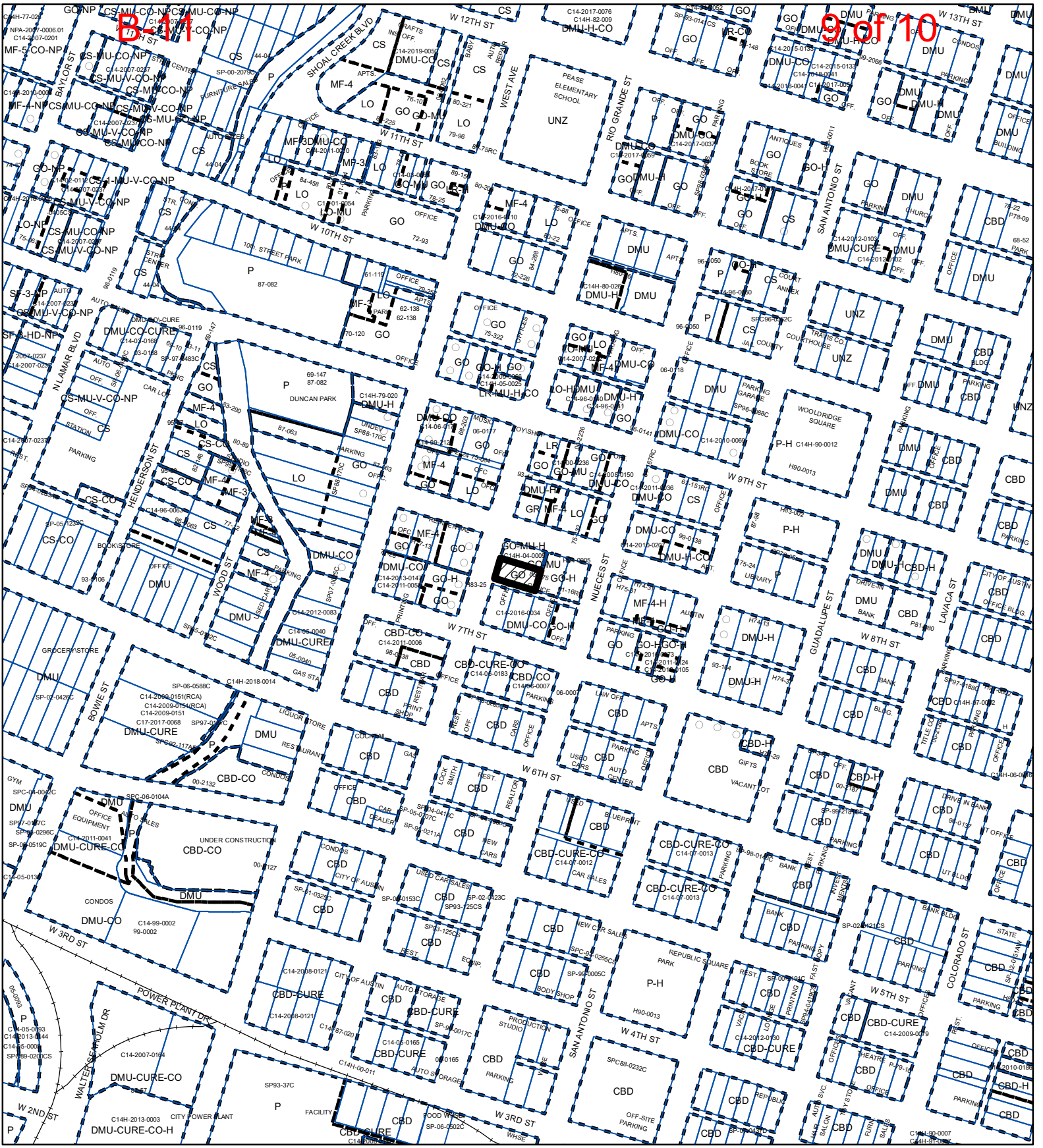
1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.
2. 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.
3. 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

Exhibit A: Zoning Map

Exhibit B: Aerial Map

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ZONING EXHIBIT A

ZONING CASE#: C14-2019-0156



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Created: 11/25/2019

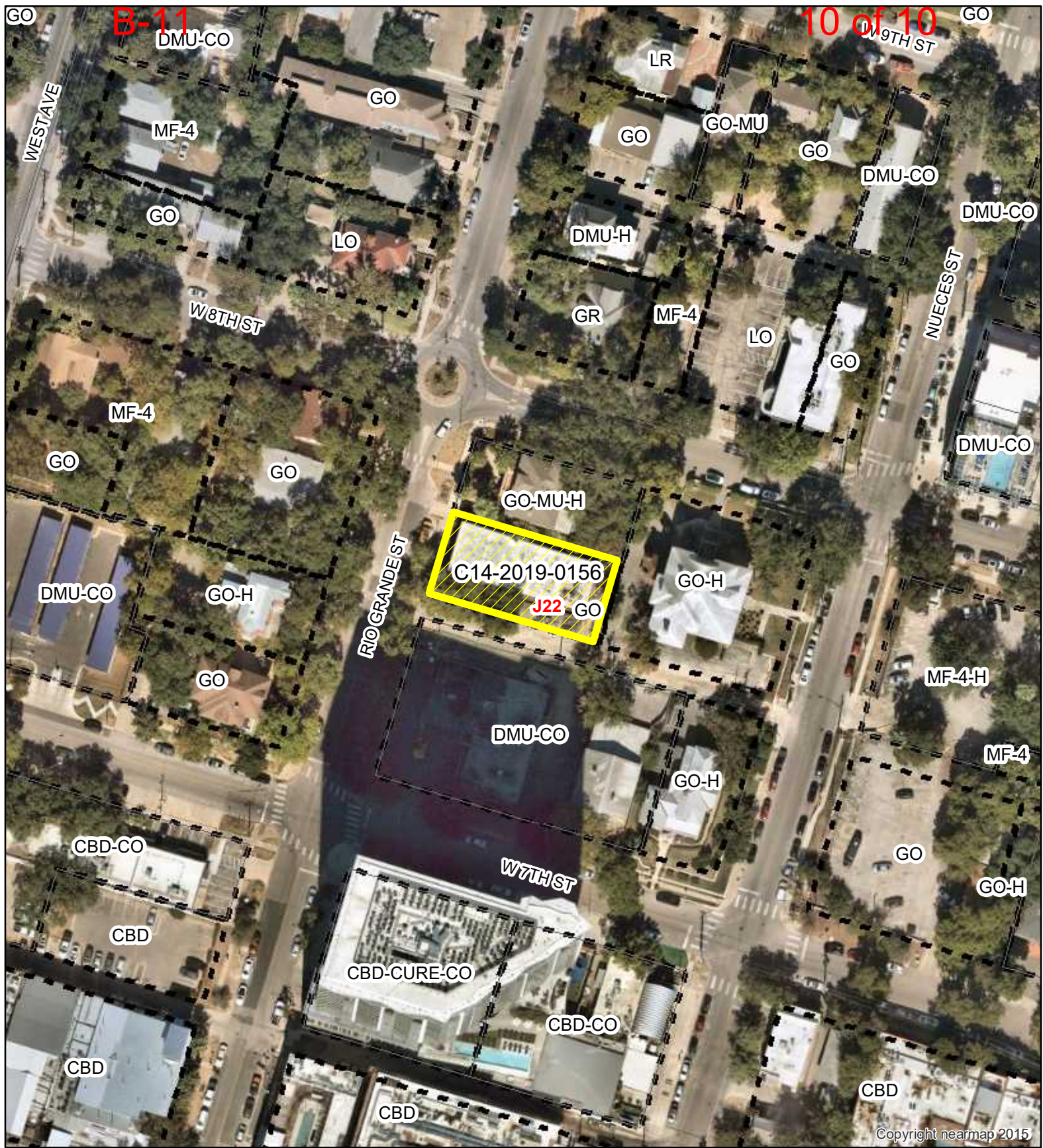






EXHIBIT B

707 RIO GRANDE STREET

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2019-0156
 LOCATION: 707 RIO GRANDE STREET
 SUBJECT AREA: .2069 ACRES
 GRID: J22
 MANAGER: MARK GRAHAM



1" = 100'

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