

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0026 – 1103 West 24th Street DISTRICT: 9

ZONING FROM: GO-CO-NP TO: GR-MU-V-NP

ADDRESS: 1103 West 24th Street

SITE AREA: 0.69 acres (30,056.00 sq. ft.)

PROPERTY OWNER:

Texas International Education Consortium
(Robin Lerner)

AGENT:

Drenner Group, PC
(Leah Bojo)

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

STAFF RECOMMENDATION:

Staff offers an alternative recommendation to grant community commercial – mixed use – neighborhood plan (GR-MU-NP) combining district zoning. *For a summary of the basis of staff's recommendation, see case manager comments below.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

August 11, 2020:

CITY COUNCIL ACTION:

September 17, 2020:

ORDINANCE NUMBER:

ISSUES:

Staff has received letters from individuals, neighborhood groups and institutions supporting the applicant's proposal with conditions that they would like included in a Conditional Overlay.

1. The conditions include a list of prohibited uses: Club or Lodge, Community Recreation (private).
2. That Vertical Mixed Use (V) be excluded from the proposed zoning change.
3. That a Private Restrictive Covenant between Texas International Education Consortium (TIEC) and Caswell Heights Neighborhood Association be agreed upon to prohibit outdoor amplified sound, and any Short-Term Rentals that are not affiliated with the programs.

The letters are included in the staff report attachments.

The requested rezoning requires a Neighborhood Plan Amendment (NPA). The Future Land Use Map (FLUM) shows office uses for the site and the request is for mixed use including office and residential. The current and proposed base district permit 60-foot-tall buildings, but the existing conditional overlay limits height to 35 feet on the site. The applicant requests removing the overlay. Compatibility standards will also affect building height in this case. Applicant requested vertical mixed-use building (V). Staff is not recommending (V) because the subject site is not located on a Core Transit or Future Core Transit Corridor. The Applicant would like to discuss the Staff recommendation.

CASE MANAGER COMMENTS:

Location

The subject tract is in the West University Neighborhood, located west of the University of Texas campus. The request is to rezone the land on the southwest corner of West 24th Street and Leon Street, addressed as 1103 West 24th Street. The applicant requests rezoning approximately 0.695 acre (30,274 sq. ft.) of land from general office – conditional overlay – neighborhood plan (GO-CO-NP) combining district zoning to community commercial – mixed use – vertical mixed use building – neighborhood plan (GR-MU-V-NP) combining district zoning. The site is currently developed with offices and classrooms. The applicant is proposing to demolish the existing building and replace with a new and more functional office, classroom and residential building.

Staff offers an alternative recommendation to grant community commercial – mixed use – neighborhood plan (GR -MU -NP) combining district zoning. Historically the Vertical Mixed Use Building zoning is supported only along Core Transit Corridors.

The site takes access from Leon near its intersection with West 24th Street and from West 24th near the west property line. The site slopes up moving east along West 24th and continues up moving south on Leon from West 24th Street. There is head-in parking into the building. That entails cars backing-out over the sidewalk onto the street along much of the Leon Street frontage. The existing building is comprised of two wings of classrooms with office space and a hallway bridge connecting them. The three-story building has no distinctive architectural features, materials are limited to glass windows and smooth masonry blocks with “I” beams between stories. There is a glass curtainwall on the north wall of the office, facing West 24th Street.

West 24th Street is identified in the Central Austin Combined Neighborhood Plan as a Main Street for the West University community. It’s a mixed use and commercial corridor catering to the needs of the neighborhood and beyond. The neighborhood is popular with students attending the University of Texas and has many residential apartment and condominium rental units marketed to UT students. It’s walkable to campus and many of the buildings have amenities, specialized floor plans and leasing arrangements designed for students. The neighborhood also

has residential buildings for fraternal organizations, as well as conventional apartments and detached dwellings.

The existing building has a combination of office and classroom uses. The offices are for programs in the building and several more that the Texas International Education Consortium (TIEC) engage in around Texas and internationally. Founded in 1985, TIEC is an international, private, non-profit corporation headquartered in Austin. The classrooms are for classes in TIEC's intensive English as a Second Language (ESL) program.

Sidewalks, bike paths and roads

Land use intensity often increases with street intensity. West 24th Street is a four-lane, minor arterial road linking an employment and education center (UT), with a major arterial (the Mopac Expressway). West 24th is also a significant pedestrian and bike corridor for students, faculty and staff living in the West University neighborhood. West 24th Street is identified on the 2019 Austin Strategic Mobility Plan (ASMP) as a possible route for "all ages and abilities bicycle facilities." Sidewalks along both frontages are interrupted with excessive curb cuts and power poles and an overly narrow sidewalk along a minor arterial.

Small Area Plan, the 2004 Central Austin Combined Neighborhood Plan (CACNP)

The Plan includes a history of the West University Neighborhood and West Campus starting on page 34, and then Goals, Objectives and Recommendations for six aspects of the neighborhood. The take home messages from the Small Area Plan is to preserve the core of detached homes (many historic) as well as the commercial and office buildings that buffer the neighborhood from busy streets. The proposed rezoning is along the "Main Street" (West 24th Street) of the West University neighborhood and across 24th Street from the University Neighborhood Overlay (UNO) district. The UNO district is a smaller district within the West University Neighborhood that has specific design guidelines including taller buildings, and is generally more urban, walkable and densely populated than the rest of West University Neighborhood.

West 24th Street is identified as a level 3 (minor arterial) road in Austin's Strategic Mobility Plan (ASMP). Although the proposed rezoning is in the center of the neighborhood, because it is along West 24th Street it does not displace or encroach into the core area of detached residences. There is an established commercial corridor along West 24th Street with fraternity houses, apartments, mixed use buildings with ground floor retail and personal service uses, restaurants, bars, offices and historic buildings. On the UNO side (north) of West 24th Street, there are several new, massive, mid-rise buildings that rise to eight stories.

With the requested zoning, the replacement building would be subject to 60-foot limits on building height based on the requested community commercial (GR) zoning. The building is subject to compatibility standards that would reduce the height based on proximity to any district more restrictive than SF-5. There is SF-3 zoning about 50 feet southwest of the subject site. Compatibility standards would permit building heights of 40 feet for parts of the tract greater than 50 feet from the SF-3 zoning and less than 100 feet. The standards allow for an additional

foot of building height for each 10 feet more than 100 feet from the SF-3 zoning that triggers compatibility.

Examples of statements in the CACNP that guide and support this rezoning application:

P 52 Objective 1.1 Rezone property as needed to ensure that new development is compatible with the desired residential character of each neighborhood.

Recommendation 2: Identify areas where mixed use would enhance the livability of the neighborhoods and rezone accordingly.

(P 57) Objective 1.4: Limit new commercial and multi-family spread into the single-family core of the neighborhoods by establishing a perimeter of apartments, offices and commercial uses.

Recommendation 6: Preserve the commercial, office, and multi-family zoning surrounding the neighborhood and create a hard edge to prohibit incursions into the neighborhood.

(p 58) The major goal of the residents of the West University neighborhood...is to preserve the historic single-family character of their neighborhood.

(p59) "Along 24th Street, the existing offices should be preserved to buffer the neighborhood from the traffic along 24th Street.

BASIS OF RECOMMENDATION:

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

Applicant's request: (GR -MU -V -NP) GR -Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways. **MU - Mixed Use combining district** is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. **V - Vertical Mixed Use Building combining district** may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses within a vertical mixed use building. **NP - Neighborhood Plan district** denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The rezoning request is to permit demolition of an existing building that has classrooms and offices for English as a Second Language education mission and rebuilding with a modern building that functions better for mixed uses including residential. The property's location is easily accessible from UT and Mopac on (minor arterial) West 24th Street. The Applicant's proposal is mixed use with office and residential within a single development.

Staff offers an alternative recommendation: **(GR -MU -NP) GR - Community Commercial – MU -Mixed Use – NP – Neighborhood Plan**. Staff is **not** recommending **V -Vertical Mixed Use Building** because the location is not on a core transit corridor.

2. *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 Future Land Use Map shows Office uses, and the proposed Mixed Use requires an amendment to the Neighborhood Plan for consistency. The location on West 24th Street is called out in the CACNP as appropriate for Mixed Use. The applicant is neither replacing detached homes nor encroaching into the residential core of the neighborhood. Other office and commercial properties on arterials are encouraged to seek the mixed-use zoning and add residential uses.

The requested vertical mixed-use building (V) is not recommended by staff because the property is not on a Core Transit Corridor or Future Core Transit Corridor. Granting the (V) would be granting zoning that has historically been granted to properties on or nearly on the Core Transit Corridor or Future Core Transit Corridor.

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

West University is a residential neighborhood that primarily serves the UT campus as a walkable place to live for students, faculty and staff according to the history documented in the CACNP. The property owner, Texas International Education Consortium (TIEC), has a mission of providing international students with language programs. The administrative office and classroom uses together with residential units are a reasonable use of the property.

The request to remove the Conditional Overlay (CO) may be reasonable. The existing CO limits building height to 35 feet. The buildings in West University that have been built over the last 20 years, are much taller and with greater massing than those that existed when the plan was written. Many of the new, taller buildings in West University are also better designed in part because of design guidelines and constructed better than the previous buildings as required by the building codes when the buildings are more than three stories. Staff has not reviewed building elevations or site plans for the subject site, nor can they be required with a rezoning application. City staff reviews those plans along with site plans prior to permitting.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	GO-CO-NP	Multi-family residential/apartments, Office
North	MF-4-CO-NP	Multi-family residential/fraternities, apartments
South	MF-3-CO-NP, SF-3-CO-NP	Apartments, detached residential
East	MF-6-CO-NP, MF-4-CO-NP, CS-H_CO-NP, LR-H-CO-NP	Condominiums, apartments, club, historic building/museum
West	GO-CO-NP, MF-4-CO-NP	Office, apartments

NEIGHBORHOOD PLANNING AREA: Central Austin Combined (West University)

TIA: The TIA determination is deferred until site plan, when land use and intensities will be finalized.

WATERSHED: Shoal Creek – Urban - Maximum impervious coverage in GR is 90%

OVERLAYS: ADU Approximate Area Reduced Parking; Residential Design Standards: LDC 25-2 Subchapter F

SCHOOLS:

Bryker Woods Elementary

O. Henry Middle

Austin High

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

CANPAC (Central Austin Neigh Plan Area Committee)

Caswell Heights Neighborhood Association

Central Austin Community Development Corporation

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Original West University Neigh Assoc. (The)

Preservation Austin

SEL Texas

Shoal Creek Conservancy

Sierra Club, Austin Regional Group

University Area Partners

West Campus Neighborhood Association

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-04-0021 Central Austin Combined NP: West University Subdistrict	Add Neighborhood Plan (NP) combining District to base zoning on about 442.06 ac. In area known as The West University Subdistrict (also included Heritage and Shoal Creek Subdistricts) Neighborhood Plan Area.	To Grant	Apvd., 08/26/2004 Ord # 20040826-057
C14-2016-0117 2310 San Gabriel St Neill-Cochran House Museum	Rezoning 0.757 ac from SF-3-H-NP to LR-H-CO-NP. CO conditions: Part 2, A. prohibited uses: alternative financial svcs., consumer convenience svcs., consumer repair svcs., financial svcs., food sales, general retail sales (general), general retail sales (convenience), off-site accessory parking, pedicab storage and dispatch, personal improvement svcs., personal svcs., pet svcs., plant nursery, printing and publishing, restaurant (general) restaurant (limited) service station, software development, custom manufacturing, day care services (commercial), day care svcs., general, day care svcs., (limited), communication service facilities, congregate living, hospital services(limited), safety svcs., medical offices-not exceeding 5,000 sq ft gross floor area, medical offices-exceeding	To Grant	Apvd., 02/16/2017 Ord # 20170216-047

Number	Request	Commission	City Council
	5,000 sq ft gross floor area, residential treatment, guidance services. Part 2, B. traffic generated by all uses shall be less than 2,000 per day.		
C14-2017-0135 2408 Leon St	Rezone 0.9183 acres from MF-4-CO-NP to GO-MU-NP to remove 50 ft height limit CO. UNO allows add'l 15 ft for some properties.	Withdrawn by Applicant	Not Applicable; Withdrawn by Applicant
C14-2018-0112 2408 Leon St	Rezone from MF-4-CO-NP to GO-MU-NP. Approved GO-MU-CO-NP. CO limits commercial and office uses to 25% of building square footage. Removed existing CO limiting height to 50 feet.	To grant	Apvd., 03/28/2019 Ord # 20190328-076
C14-2017-0058 1004 West 24 th St Tap 24	Rezoning 0.1123 ac. from CS-NP to CS-1-NP	To grant	Apvd., 08/17/2017 Ord # 20170817-068
C14-2020-0032 (C14H-77-015) Freedmen's – 2402 San Gabriel St	Rezoning 0.083 ac from CS-H-NP to CS-1-H-NP	To be scheduled for 5-12-2020	Not yet scheduled

RELATED CASES:

NPA-2020-0019.01: Applicant requested an in-cycle Neighborhood Plan Amendment (NPA) for a change to the Future Land Use Map (FLUM) from Office to Mixed Use.

Ordinance 040826-57: Added Neighborhood Plan (NP) to zoning (see table above)

Ordinance 040902-58: UNO Code Amendment adding overlay

Legal Description: 0.693 Acres of Outlot 41 Division D

OTHER STAFF COMMENTS:

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. 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.
6. 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 sq. ft. cumulative is exceeded, and on-site control for the two-year storm.

Site Plan

- SP1. FYI - Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major trafficways.
- SP2. GR has the following development regulations:
- Maximum Height: 60 ft.
 - Building Coverage: 75%
 - Maximum Impervious Cover: 90%
 - Maximum FAR: 1:1
- SP3. Site plans will be required for any new development other than single-family or duplex residential.
- SP4. 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. The park west of this property is zoned P-NP and triggers compatibility.
- SP5. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. Please review 4.2.2. Vertical Mixed Use Overlay District.

Transportation

The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 60 feet of right-of-way for 24th Street. It is recommended that 30 feet of right-of-way from the existing centerline should be dedicated for 24th Street at the time of subdivision or site plan. Existing right-of-way

for Leon Street is sufficient. The TIA determination will be deferred to site plan submittal when land uses and intensities have been finalized.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
24 th Street	~56'	60'	35'	3	Yes	Yes	Yes
Leon Street	~70'	Existing	27'	1	Yes	No	Yes

Austin Water Utility

WW1. 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 TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence

B-06

12 of 17



1103 W. 24th Street

Exhibit B



1" = 100'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

ZONING CASE#: C14-2020-0026
LOCATION: 1103 W. 24th St.
SUBJECT AREA: 0.69 ACRES
GRID: J24
MANAGER: MARK GRAHAM



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

From: [Anne Folkes](#)
To: [Meredith, Maureen](#); [Graham, Mark](#)
Subject: 1103 West 24th Street Case # C14-2020-0026
Date: Wednesday, August 5, 2020 11:25:28 AM

*** External Email - Exercise Caution ***

I am writing to express my support for the position expressed by the Caswell Heights Neighborhood Association regarding 1103 West 24th Street Case # C14-2020-0026:

I support this rezoning request with the following changes:

1. That Club or Lodge and Community Recreation (private) will be listed as prohibited uses in a Conditional Overlay (CO) as part of the rezoning with the approval of the Planning Commission and the Austin City Council
2. That the Vertical Mixed Use (V) be excluded from the proposed zoning change.
3. That a Private Restrictive Covenant between Texas International Education Consortium (TIEC) and Caswell Heights Neighborhood Association be agreed upon to prohibit any outdoor amplified sound, and any STRs that are not affiliated with the programs through TIEC.

Sincerely,

Anne Boyce Folkes
Neill-Cochran House Museum Board Member

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From: [Karen Pope](#)
To: [Meredith, Maureen](#); [Graham, Mark](#)
Subject: 1103 West 24th Street Case # C14-2020-0026
Date: Wednesday, August 5, 2020 11:02:04 AM

*** External Email - Exercise Caution ***

I am writing to express my support for the position expressed by the Caswell Heights Neighborhood Association regarding
1103 West 24th Street Case # C14-2020-0026:

I support this rezoning request with the following changes:

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Sincerely,

Karen Pope, PhD

Chair, Neill-Cochran House Museum Board

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CANPAC

Central Austin Neighborhood Planning Advisory Committee

NPA -2020-0019.01

C14-2020-0026

1103 W. 24th Street

Planning Commission,

CANPAC supports OWUNA's (Original West University Neighborhood Association) position to approve of the rezoning and related Neighborhood Plan Amendment for this property.

Thank you,

Adam Stephens and Bart Whatley co-chairs

From: damronhome@aol.com
To: [Meredith, Maureen](#); [Graham, Mark](#)
Subject: Fwd: 1103 W. 24TH. ST., Case Number: C14-2020-0026
Date: Tuesday, August 4, 2020 7:47:03 PM

*** External Email - Exercise Caution ***

Subject: Re: 1103 W. 24TH. ST., Case Number: C14-2020-0026

Attn: Maureen Meredith & Mark Graham,

Caswell Heights Neighborhood Association will support the above rezoning request with the following changes:

1. That Club or Lodge and Community Recreation (private) will be listed as prohibited uses in a Conditional Overlay (CO) as part of the rezoning with the approval of the Planning commission and Austin City Council.
2. That the Vertical Mixed Use (V) be excluded from the proposed zoning change.
3. That a Private Restrictive Covenant between Texas International Education Consortium (TIEC) and Caswell Heights Neighborhood Association be agreed upon to prohibit any outdoor amplified sound, and any STR's that are not affiliated with the programs through Texas International Educational Consortium (TIEC.)

Thank you both for your assistance.

Regards
Tressie Damron, President
Caswell Heights Neighborhood Association

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From: treasurer@nscdatx.org
To: [Meredith, Maureen](#); [Graham, Mark](#)
Subject: 1103 West 24th Street Case # C14-2020-0026
Date: Wednesday, August 5, 2020 12:01:17 PM

*** External Email - Exercise Caution ***

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Sincerely,

Elizabeth C Hickman
Treasurer, The National Society of The Colonial Dames of America in the State of Texas
Member, Neill-Cochran House Museum Board



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