

ZONING CHANGE REVIEW SHEET**CASE:** C14-2020-0097 – Evergreen at Mary**DISTRICT:** 5**ZONING FROM:**

Tract 1: CS and SF-3

Tract 2: MF-3-H

TO:

Tract 1: CS-MU

Tract 2: CS-MU-H

ADDRESS: 1709 & 1803 Evergreen Ave and 1204 W Mary St**SITE AREA:** 1.32 acres**PROPERTY OWNER:**

Helsinki Partners LLC (Jesse Boskoff)

AGENT:

Husch Blackwell LLP (Nikelle Meade)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)**STAFF RECOMMENDATION:**

Staff recommends general commercial services – mixed use (CS-MU) combining district zoning for Tract 1, and general office – mixed use – historic landmark (GO-MU-H) combining district zoning for Tract 2. *For a summary of the basis of staff's recommendation, see page 2.*

HISTORIC LANDMARK COMMISSION**October 26, 2020**

**Approved staff's recommendation to rezone Tract 1 to CS-MU and Tract 2 to GO-MU-H on the consent agenda. Vote: 10-0.
[B. Heimsath, B. Valenzuela – 2nd; A. Papavasiliou was absent].**

PLANNING COMMISSION ACTION / RECOMMENDATION:**October 27, 2020**

**Approved staff's recommendation to rezone Tract 1 to CS-MU and Tract 2 to GO-MU-H on the consent agenda. Vote: 11-0.
[C. Hempel, A. Azhar – 2nd; J. Shieh was absent].**

CITY COUNCIL ACTION:**December 3, 2020****Scheduled for City Council****ORDINANCE NUMBER:**

ISSUES

There are no issues at this time and staff has not received any written or emailed comments in favor of or in opposition to this rezoning case.

CASE MANAGER COMMENTS:

This property is approximately 1.32 acres in size and is comprised of two tracts. It is surrounded by the following zoning districts: SF-3 to the north; across the railroad right-of-way SF-3-NP to the east; across W Mary Street CS, SF-3 and SF-6-CO to the south; and across Evergreen Avenue CS-MU-CO and CS to the west. Please refer to *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map* for surrounding context.

Tract 1 of this property is currently zoned CS and SF-3 and is being requested to be rezoned to CS-MU. Tract 2 of this property is currently zoned MF-3-H and is being requested to be rezoned to CS-MU-H. This portion of the property was rezoned to include the historic landmark combining district zoning in 1977. Please refer to *Exhibit C: Historic Ordinance* for relevant portions of that rezoning case for this property.

BASIS OF RECOMMENDATION:

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*
The proposed zoning should be consistent with the purpose statement of the district sought.

The applicant is requesting a base zoning district of CS for both Tracts 1 and 2 with the intended use of maintaining the existing structures onsite and using them for administrative and business offices uses. The portion of the property currently zoned SF-3 contains a residential rental property. By rezoning Tract 1 to CS-MU, it would allow for the residential use to remain and would not be introducing a base zoning district into the area that is inconsistent with the existing zoning pattern.

For Tract 2, while the request of CS-MU-H would appear to be line with the existing zoning pattern from a general overview, staff recommends rezoning to GO-MU-H. Given the longevity of this property's historic designation and the intended use of administrative and business offices, rezoning to GO-MU-H would allow the applicant to use the property as intended while maintaining a level of site development standards and land use intensities more appropriate for this historic property.

The applicant has let staff know that they are okay with staff's recommendation of CS-MU for Tract 1 and GO-MU-H for Tract 2.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	MH-3, CS and SF-3	Residential

	Zoning	Land Uses
North	SF-3	Residential
South	SF-3, CS and SF-6-CO	Residential
East	Railroad right-of-way	Railroad and residential
West	CS-MU-CO, CS and GR-MU-CO	Undeveloped, administrative and business offices and personal services.

NEIGHBORHOOD PLANNING AREA: Zilker NP Area (Suspended)

TIA: A TIA shall be required at the time of site plan if triggered per LDC 25-6-113.

WATERSHED: West Bouldin Creek (urban)

OVERLAYS: Residential Design Standards

SCHOOLS: Zilker Elementary, O. Henry Middle and Austin High Schools.

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Neighborhood Empowerment Foundation
Austin Lost and Found Pets	Perry Grid 614
Austin Neighborhoods Council	Preservation Austin
Bike Austin	SELTexas
Bouldin Creek Neighborhood Association	Sierra Club, Austin Regional Group
Bouldin Creek Neighborhood Planning Team	South Central Coalition
Friends of Austin Neighborhoods	TNR BCP - Travis County Natural Resources
Friends of Zilker	Zilker Neighborhood Association
Homeless Neighborhood Association	

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2017-0026 Boulding Creek Neighborhood Plan Garage Placement Zoning	To add LDC SEC. 25-2-1604 garage placement to planning area to be allowed on eligible properties.	To grant staff's recommendation.	Approved an indefinite postponement request by staff. (9/28/17)

Number	Request	Commission	City Council
C14-04-0101 N. Lamar Blvd – Evergreen Ave – W Mary St Rezoning S. Lamar Blvd.	From SF-3, CS, CS- CO and CS-MU-CO to CS-MU-CO	To grant staff's recommendation of CS-MU-CO; CO was to make certain land uses as conditional.	Approved GR-MU- CO; CO was to prohibit some land uses and make others conditional. (1/27/05)
C14-01-0009 Live/Work Lofts 1800 Evergreen Ave	From SF-3 to CS-MU	To grant staff's recommendation of CS-MU-CO; CO was to prohibit a set of land uses and trip limit.	Approved CS-MU- CO as Commission recommended. (3/29/01)
C14-01-0135 1211 West Mary	From CS and SF-3 to SF-6	To grant SF-6-CO; CO was to require a vegetative strip if compatibility was triggered by development.	Approved SF-6-CO as Commission recommended. (12/13/01)
C14-00-2172 1702 Evergreen Ave	From SF-3 to CS	To grant CS-CO; CO was to prohibit a set of land uses.	Approved CS-CO as Commission recommended. (11/30/00).

RELATED CASES:

C14H-77-024: rezoned from B (residence district) to B-H (residence historic district).

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
W Mary Street	56'	35'	ASMP Level 2	Y	Bike Lane	Yes
Evergreen Avenue	50'	25'	ASMP Level 2	Y	None	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

This rezoning case is located on a lot that is approximately 1.3 acres in size. The existing entrance to the property is on Evergreen Avenue and is located 550 to 800 feet from the South Lamar Activity Corridor, depending on which route is taken from the property entrance. This case is not located within the boundaries of an adopted neighborhood plan. Surrounding land uses include residential housing, a design studio, a hair salon and apartments at Evergreen Avenue when it intersects with South Lamar Boulevard to the north; to the south are single family houses and a quadraplex; to the west on Evergreen Avenue is an undeveloped lot and an office building, beyond that is South Lamar Boulevard which is a commercial corridor; and to the east is a railroad line and single family houses.

Connectivity

A Cap Metro transit stop is located within 850 linear feet from the subject property. There are public sidewalks located along one side of W Mary Street and partially along Evergreen Avenue. The mobility options on Evergreen Avenue are fair while connectivity options beyond Evergreen Avenue are good. Within 1,000 linear feet of this property along South Lamar Boulevard are various commercial, restaurant and retail uses.

Imagine Austin

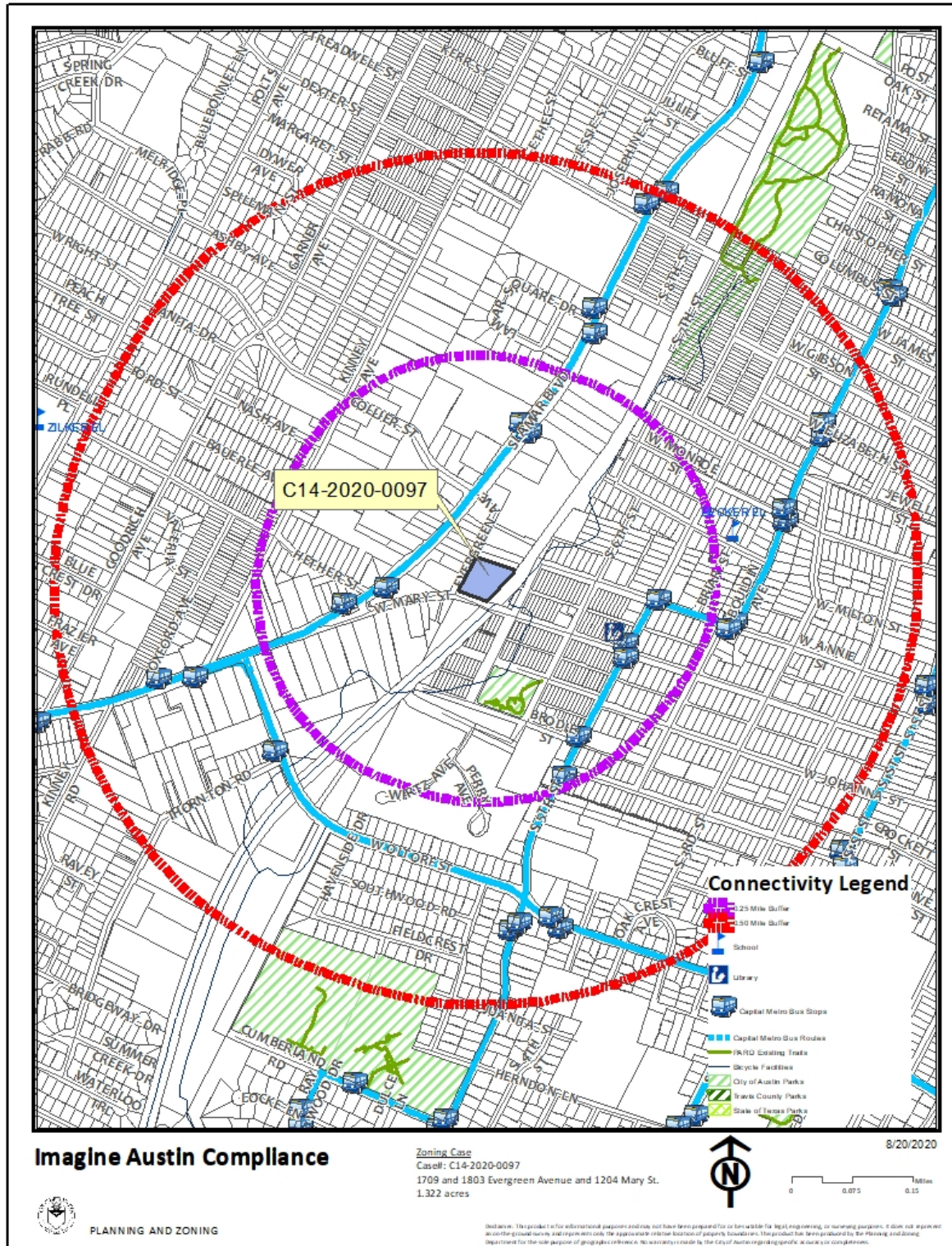
The Imagine Austin Growth Concept Map identifies this property as being located approximately 550 to 800 feet from the South Lamar Activity Corridor. Activity Corridors are characterized by a variety of activities and buildings, which are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances.

The following Imagine Austin policies are applicable to this case:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- HN P11. Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

This property is near the edge of an existing neighborhood and at the intersection of two streets which are classified as Level 2 street as defined by the ASMP. While it is in close proximity to existing single family residences, the majority of residential housing is located east of the

railroad right-of-way. Based on the above referenced Imagine Austin policies that supports commercial growth along existing Activity Corridors and Centers, this rezoning partially supports the policies of the Imagine Austin Comprehensive Plan.



Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin 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.
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. In an Urban watershed, the boundaries of the critical water quality zone coincide with the boundaries of the 100-year floodplain as determined under Section 25-7-6 (Determination of the 100-Year Floodplain), provided that the boundary is not less than 50 feet and not more than 400 feet from the centerline of the waterway. However, City of Austin GIS reveals that a critical water quality zone is established along the western and southern boundaries of the property, perpendicular to Evergreen St. and parallel to Mary St. Because of this delineation, access into the property across the critical water quality zone with a private driveway is restricted by the Land Development Code (25-8-261). Therefore, access into the property must be taken from Evergreen St., or a Land Use Commission variance will be required at the time of site plan application.
5. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
6. 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.
7. 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 feet cumulative is exceeded, and onsite control for the two-year storm.
8. 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.

Historic Preservation

1. The following statement from the Secretary of the Interior's Standard for Rehabilitation applies to this rezoning case: *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.* While there is nothing stated in this proposed rezoning case that appears to affect the historic landmark itself, the recommendation of zoning for this case should take this standard into consideration to preserve the historic landmark's site and environment.

PARD Review

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

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

Site Plan

SP 1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 2. Any portion of the site plan within the Historic designation will require additional review by the Landmarks Commission prior to permitting.

SP 3. The site is subject to compatibility standards. Along the north and east property lines, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

SP 4. Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

ATD1. The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 70 feet of right-of-way for Evergreen Avenue and 74 feet if right of way for West Mary Street. It is recommended that 35' of right-of-way from the existing centerline should be dedicated for

Evergreen and 37' of right of way from the existing centerline be dedicated for West Mary according to the Transportation Plan with the first site plan or subdivision application. [LDC 25-6-51 and 25-6-55].

ATD2. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water Utility

AW1. 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.

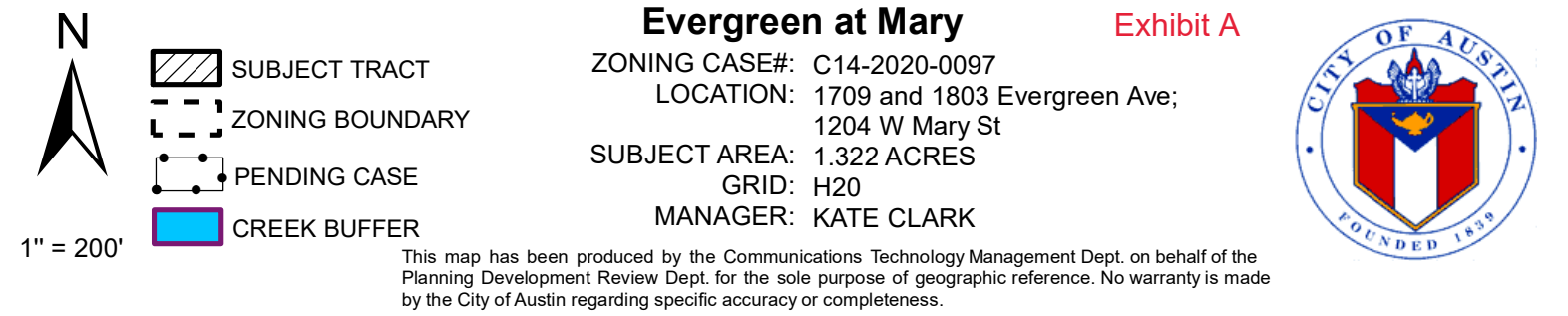
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

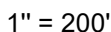
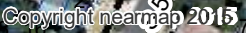
INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Historic Ordinance





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Exhibit B

MANAGER: KATE CLARK



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.

ORDINANCE NO. 77 0908-L

AMENDED BY ORDINANCE
NO. 80 0703-C

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

- (1) LOT 8, SCHWINGE SUBDIVISION, LOCALLY KNOWN AS 2803 SWEENEY LANE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,
 - (2) TRACT 1: A 10.003 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 2: A 3.162 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 828-836 U. S. HIGHWAY 183 (SOUTH); AND,
 - (3) A 100 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1110 WILLIAM CANNON DRIVE, FROM "O" OFFICE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND,
 - (4) A 0.20 ACRE TRACT OF LAND, LOCALLY KNOWN AS 11232-11304 JOLLYVILLE ROAD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,
 - (5) LOT "A," DAYWOOD SUBDIVISION 2, LOCALLY KNOWN AS 7701 EAST MARTIN LUTHER KING, JR. BOULEVARD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,
 - (6) A 1,202.4 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS ZILKER GARDEN CENTER, ZILKER PARK (SWEDISH LOG CABIN), FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A-H" RESIDENCE-HISTORIC, FIRST HEIGHT AND AREA DISTRICT; AND,
 - (7) A 1,366.11 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS ZILKER GARDEN CENTER, ZILKER PARK (ESPERANZA SCHOOL), FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A-H" RESIDENCE-HISTORIC, FIRST HEIGHT AND AREA DISTRICT; AND,
 - (8) AN APPROXIMATE 12,469 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1803 EVERGREEN AVENUE (MILLBROOK), FROM "B" RESIDENCE DISTRICT TO "B-H" RESIDENCE-HISTORIC DISTRICT; AND,
 - (9) LOTS 7 AND 8, BLOCK 6, OUTLOT 5, DIVISION "Z," SILLIMAN ADDITION, LOCALLY KNOWN AS 1111 WEST 11TH STREET [TMI CASTLE (TEXAS MILITARY INSTITUTE)], FROM "B" RESIDENCE DISTRICT TO "B-H" RESIDENCE-HISTORIC DISTRICT;
- ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 45 of the Austin City Code of 1967 is hereby amended to change the USE designation from "A" Residence District to "O" Office District on the property described in File C14-77-080, to-wit:

Lot 8, Schwinge Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to a map or plat of record in Book 6, at Page 46, of the Plat Records of Travis County, Texas,

locally known as 2803 Sweeney Lane, in the City of Austin, Travis County, Texas.

THENCE, N 65° 00' W for a distance of 53 feet to a point in the east 10 foot offset boundary around the Esperanza School House;

THENCE, S 25° 00' W for a distance of 1 foot for the southeast corner of the herein described tract, also being the Point of Beginning;

THENCE, W 65° 00' W for a distance of 38.7 feet for the southwest corner of the herein described tract;

THENCE, N 25° 00' E for a distance of 35 feet for the northwest corner of the herein described tract;

THENCE, S 65° 00' E for a distance of 38.7 feet for the northeast corner of the herein described tract;

THENCE, S 25° 00' W for a distance of 35 feet to the POINT OF BEGINNING, locally known as Zilker Garden Center, Zilker Park (Esparanza School), in the City of Austin, Travis County, Texas.

PART 8. Chapter 45 of the Austin City Code of 1967 is hereby amended to change the USE designation from "B" Residence District to "B-H" Residence-Historic District on the property described in File C14h-77-024, to-wit:

An approximate 12,469 square foot tract of land out of the southern portion of Lots 1 and 2 of the Ernerst R. Hardin Subdivision, a subdivision of record in Volume 628, at Page 66, of the Deed Records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a steel pin at the intersection of Evergreen Street and West Mary Street and also being the southwest corner of Lot 1 of the aforementioned subdivision for the Point of Beginning;

THENCE, N 29° 29' E for a distance of 107.00 feet to a point on the west line of Lot 1 of the aforementioned subdivision;

THENCE, S 63° 25' 55" E for a distance of 130.38 feet to a point on the east line of Lot 2 of the aforementioned subdivision;

THENCE, S 29° 29' W for a distance of 92.00 feet to the southeast corner of Lot 2 of the aforementioned subdivision for a point;

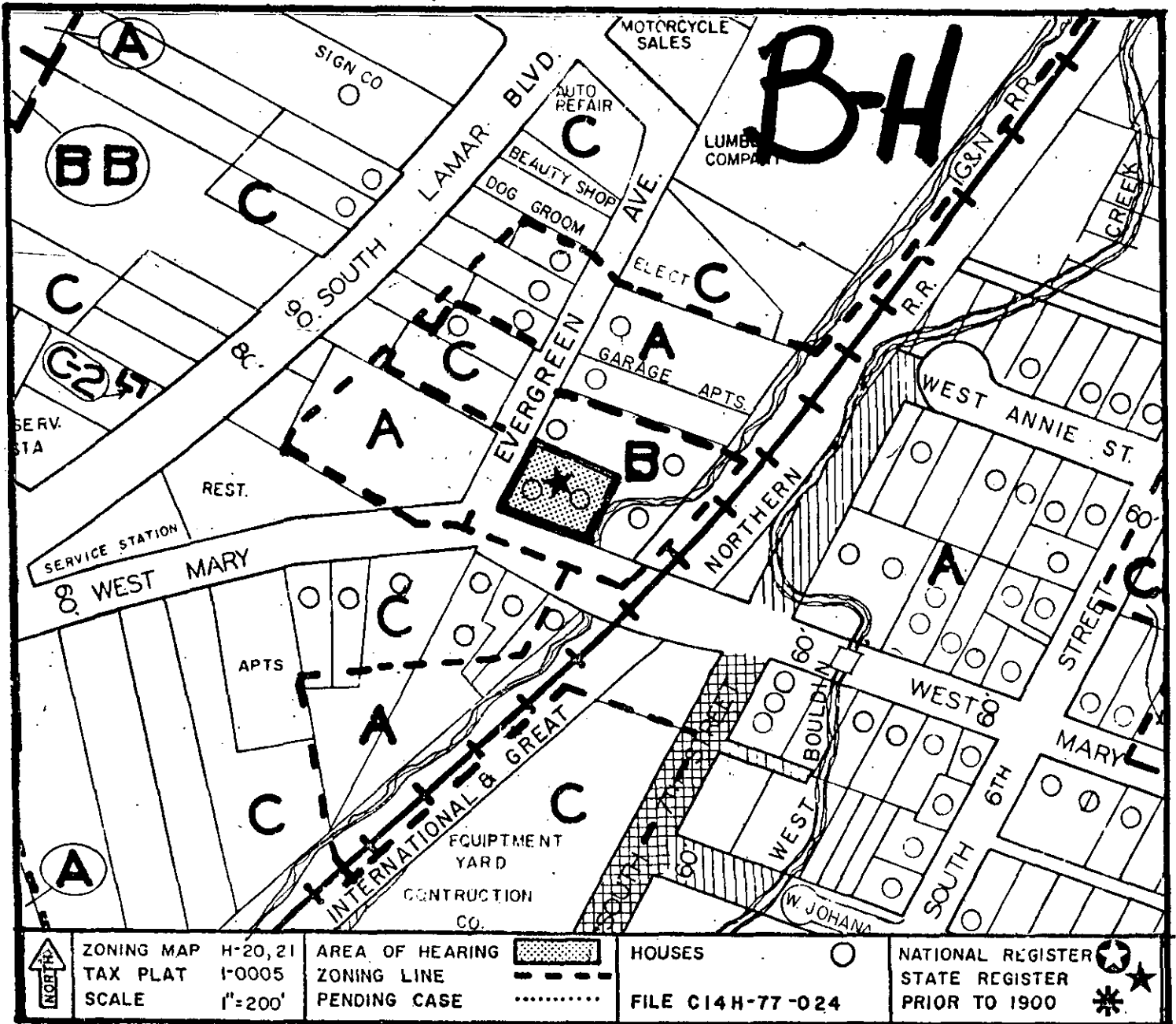
THENCE, N 69° 57' W for a distance of 132.00 feet along the south line of Lots 1 and 2 to the POINT OF BEGINNING,

locally known as 1803 Evergreen Avenue (Millbrook), in the City of Austin, Travis County, Texas.

PART 9. Chapter 45 of the Austin City Code of 1967 is hereby amended to change the USE designation from "B" Residence District to "B-H" Residence-Historic District on the property described in File C14h-77-026, to-wit:

Lots 7 and 8, Block 6, Outlot 5, Division "Z," Silliman Addition, of record in Volume 2368, at

Parted 6/5/78 M H



H-20, 21