

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0009 – 1725 Toomey

DISTRICT: 5

ZONING FROM: CS

TO: MF-6

ADDRESS: 1725 Toomey

SITE AREA: 0.90 Acres

PROPERTY OWNER:

1725 Toomey, LLC

AGENT:

Drenner Group (Amanda Swor)

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

STAFF RECOMMENDATION:

Staff recommends multifamily residence highest density (MF-6) district zoning. *For a summary of the basis of staff's recommendation, see page 2.*

SMALL AREA PLANNING JOINT COMMITTEE

June 2, 2021

Scheduled for Small Area Planning Joint Committee

PLANNING COMMISSION ACTION / RECOMMENDATION:

July 13, 2021

To be Scheduled for Planning Commission

CITY COUNCIL ACTION:

July 29, 2021

To be Scheduled for City Council

ORDINANCE NUMBER:

ISSUES

Staff has received comments in opposition of this rezoning request. For all written or emailed comments, please see *Exhibit C: Correspondence Received*.

CASE MANAGER COMMENTS:

This property is located at the southeast corner of Sterzing Street and Toomey Road and is approximately 0.9 acres. It is currently zoned CS and developed with an existing multifamily building. Adjacent zoning to the east and south is CS, across Sterzing Street to the west are CS, CS-CO and LO zoned tracts and to the north across Toomey Road is a P zoned tract. This

property is located within the South Lamar Combined Neighborhood Planning Area (Zilker Neighborhood) which does not have an adopted Future Land Use Map (FLUM). Please see *Exhibit A: Zoning* and *Exhibit B: Aerial Map*.

Per the applicant’s application, they are requesting to rezone from CS to MF-6 to allow for a residential development with up to 215 units. Due to the number of proposed residential units, staff provided AISD the Educational Impact Statement (EIS) forms submitted in the application. Their response is included in *Exhibit D: EIS from AISD*.

BASIS OF RECOMMENDATION:

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

The City’s Land Development Code (LDC) defines the base zoning district for MF-6 as:

“...the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired.”

This property is located 0.30 miles from S. Lamar Boulevard. This street is identified as a Level 3 street in the Austin Strategic Mobility Plan, a Core Transit Corridor in the LDC and an Activity Corridor within the Imagine Austin Comprehensive Plan. There are also multiple CapMetro bus lines in the area, including the 803 MetroRapid high-frequency route which is identified as a proposed enhanced MetroRapid Route in Project Connect’s initial investments service map. Additionally, this property is adjacent to Butler Shores Metro Park and is within a quarter mile of Zilker Park, the Butler Hike and Bike Trail and the Pfluger Pedestrian Bridge. Rezoning this property to MF-6 would be consistent with the purpose statement of the zoning district and provide increased residential opportunities near significant public spaces, and along existing and planned transit corridors.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS	Multi-family residential
North	P	Parkland
South	CS	Restaurant (general)
East	CS	Multi-family residential
West	LO and CS-CO	Professional office and Multi-family residential

NEIGHBORHOOD PLANNING AREA: South Lamar Combined NP area - Zilker (suspended)

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

WATERSHED: Lady Bird Lake Watershed

OVERLAYS: Residential Design Standards, Waterfront Setbacks Overlay, Waterfront Overlay (Butler Shores)

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

NEIGHBORHOOD ORGANIZATIONS

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

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-07-0018 Barton Place 1600 Barton Springs Rd	From CS to MF-6	Approved staff's recommendation of MF-6-CO; CO was to limit height to 75 feet. The height limit for this property was an agreement between the applicant and the neighborhood, staff supported the agreement between the two parties.	Approved MF-6-CO as Commission recommended (2/28/08).
C14-05-0189 1900 Barton Springs Rd	From CS-CO & LO-CO to CS-CO, as amended	Approved staff's recommendation of CS-CO; CO was to limit the max. daily vehicle trips per day to less than 650.	Approved CS-CO; CO was to prohibit a set of land uses, restrict non-residential uses to a max. of 10,000 SF, and to limit the max. daily vehicle trips per day to less than 650 (3/1/07).

Number	Request	Commission	City Council
C14-05-0186 404 Sterzing Street	From CS to CS-CO, as amended	Approved staff's recommendation of CS-CO; CO was to limit the max. daily vehicle trips per day to less than 650.	Approved CS-CO; CO was to prohibit a set of land uses, restrict non-residential uses to a max. of 10,000 SF, and to limit the max. daily vehicle trips per day to less than 650 (3/1/07).

RELATED CASES:

There are no related cases to this rezoning case.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Sterzing Street	52'	30'	Level 1	No	N/A	Yes
Toomey Road	52'	30'	Level 1	No	N/A	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

The property is approximately 0.90 acres in size and located at the southeast corner of Toomey Road and Sterzing Street intersection. The current use is a small 40-unit multifamily apartment building. The site is located 0.30 miles from the South Lamar Activity Corridor and is not in area with an adopted neighborhood plan. Surrounding land uses includes Butler Shores Park, sports fields, the Butler Hike and Bike Trail and Downtown Austin to the north; the south are a variety of commercial uses; to the west is a condominium building; and to the east is an apartment complex. The proposal is to remove the existing 40-unit complex and construct up to a 215-unit multistory apartment building.

Connectivity

Public sidewalks are located along both sides of South Lamar Boulevard and Barton Springs Road and partially along Toomey Road. Sterzing Street has an incomplete public sidewalk system. A CapMetro transit stop is located 650 feet from the subject area. Several bus lines run on South Lamar Boulevard including the 803 Rapid Bus. The Butler Hike and Bike Trail and the Pfluger Pedestrian Bridge are located within a quarter of a mile from this site. The mobility options in this area are above average.

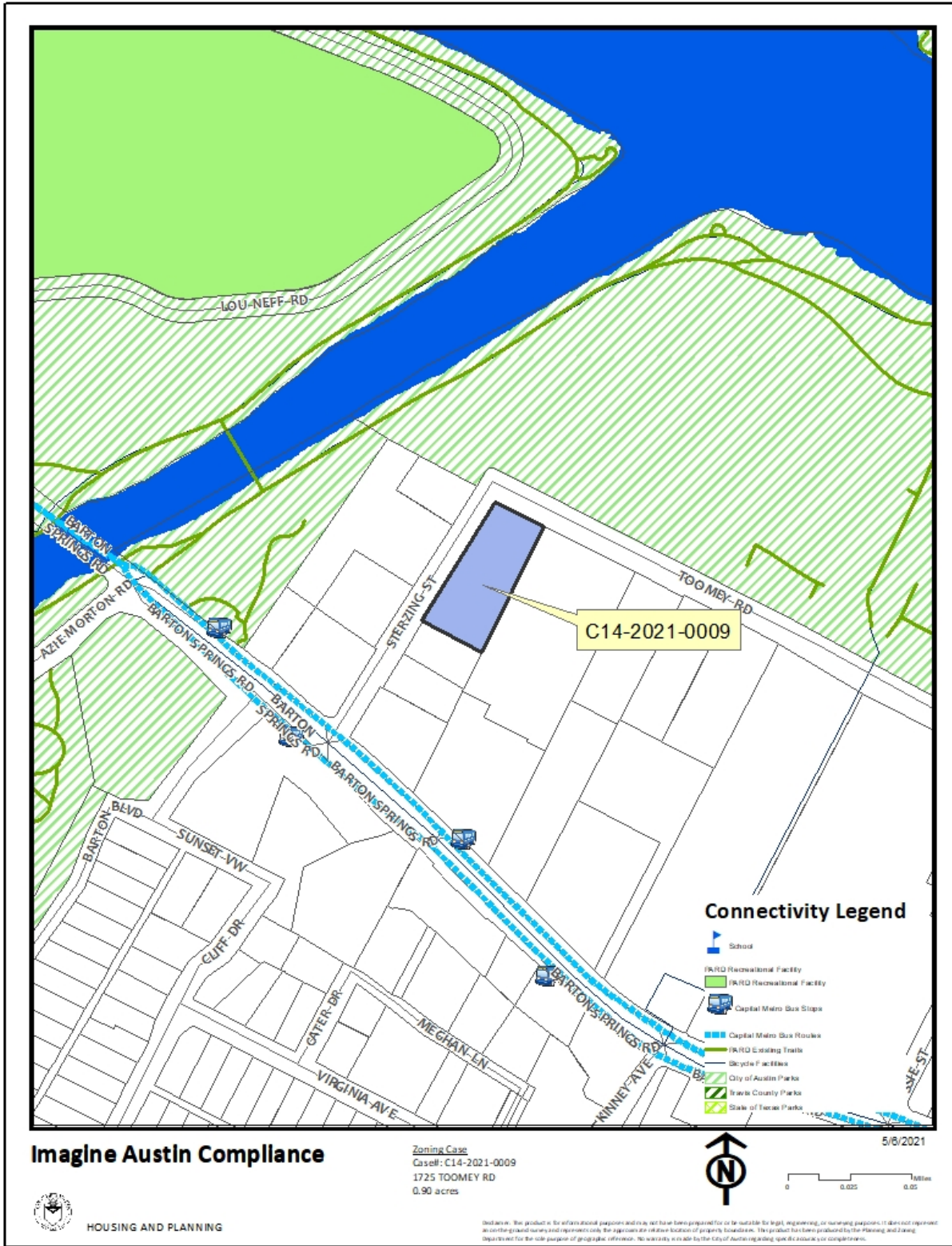
Imagine Austin

The Imagine Austin Comprehensive Plan identifies this section of S. Lamar Boulevard as an Activity Corridor and is just south of the Downtown Regional Center. It is also located along a designated High Capacity Transit Corridor. Activity Corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. These Corridors are characterized by a variety of activities and types of buildings located along the roadway - shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

The following Imagine Austin policies are also 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.
- 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.

Based upon nearby multifamily uses; the above average connectivity and mobility options in the area, and the site being located near an Activity Corridor, which supports dense, connected and pedestrian oriented development, this proposed project supports the policies of the Imagine Austin Comprehensive Plan.



Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone but is within the 1,500-foot Edwards Aquifer Recharge Verification Zone. The site is located in the Lady Bird Lake 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. 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 square feet cumulative is exceeded, and on-site control for the two-year storm.
7. 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.

Fire Review

The following chart identifies locations within 1,000 feet of the subject parcel with Austin Fire Department (AFD) Aboveground Hazardous Material permits. These locations present minimal risk of an off-site consequence to the parcel being reviewed.

ADDRESS	PROPERTY NAME	HMP PERMIT	PRIMARY HAZMAT
1501 Toomey Rd.	COA Transportation Department	Type C	15 pounds of solid with NFPA 704 health rating of "4."
1902 Barton Springs Rd.	Verizon-Sterzing	Type C	50 gallons of corrosive battery electrolyte in gel suspension
1728 Barton Springs Rd.	Chuy's	Type B	356 lbs. of liquefied compressed carbon dioxide gas; 3,123 Ft. ³ of liquefied petroleum gas
1608 Barton Springs Rd.	Ski Shores Cafe	Type B	3,670 Ft. ³ of liquefied petroleum gas

ADDRESS	PROPERTY NAME	HMP PERMIT	PRIMARY HAZMAT
1600 Barton Springs Rd	Barton Place Condominiums	Type B	400 gallons #2 diesel – emergency power generator

PARD Review

PR1: Parkland dedication will be required for the new residential units proposed by this development, multifamily with MF-6 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

- SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP2. This site is within the Butler Shores Waterfront Overlay and the Waterfront Setback Overlay. Additional development standards and use requirements will apply.

Transportation

Transportation Assessment

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. 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.

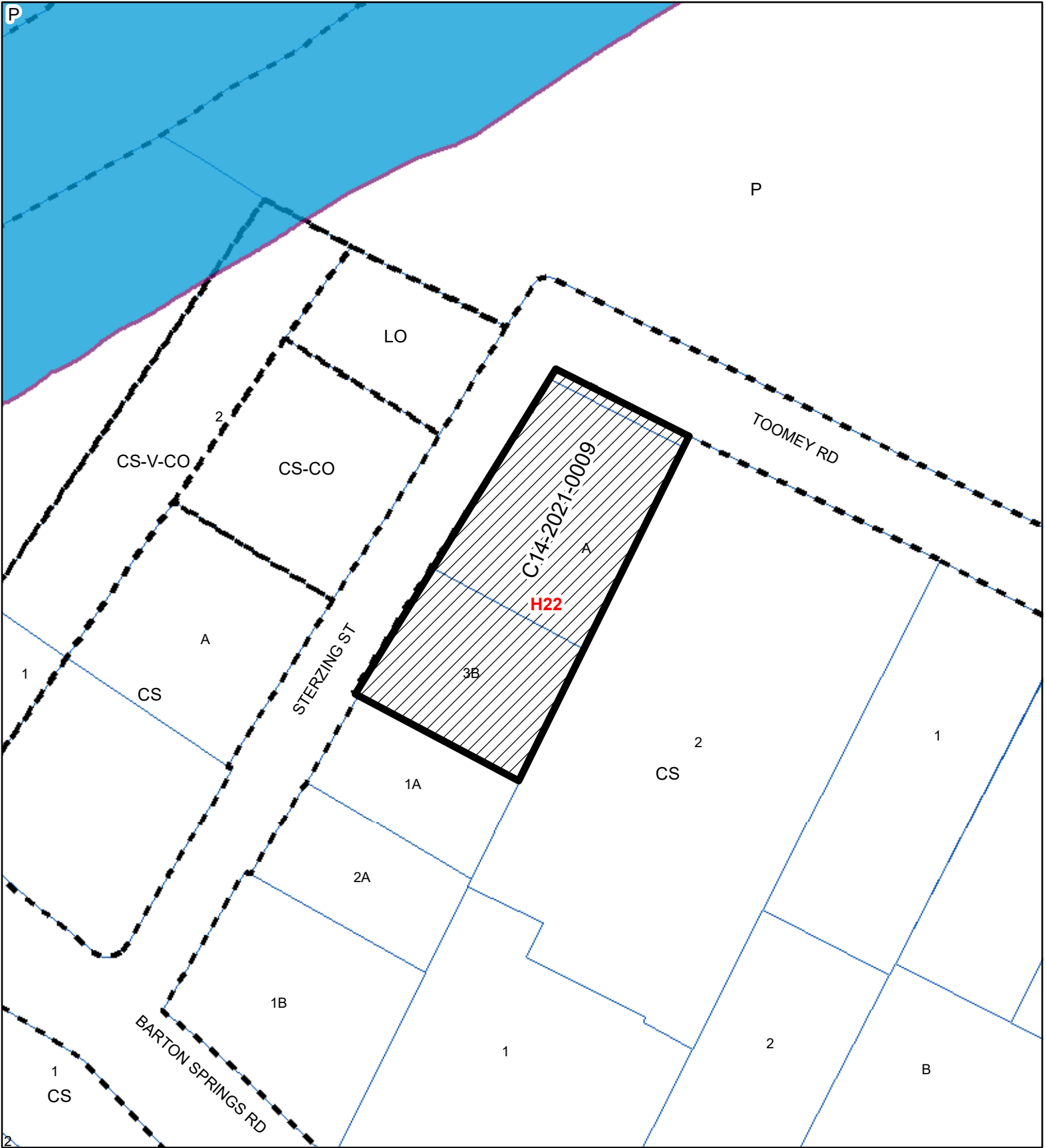
INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map





Exhibit B: Aerial Map

Exhibit C: Correspondence Received

Exhibit D: EIS from AISD



1" = 100'

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

1725 Toomey Rd. Rezoning

Exhibit A

ZONING CASE#: C14-2021-0009
 LOCATION: 1725 Toomey Road
 SUBJECT AREA: 0.90 ACRES
 GRID: H22
 MANAGER: KATE CLARK







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1" = 100'

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

1725 Toomey Rd. Rezoning

Exhibit B

ZONING CASE#: C14-2021-0009
 LOCATION: 1725 Toomey Road
 SUBJECT AREA: 0.90 ACRES
 GRID: H22
 MANAGER: KATE CLARK



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Clark, Kate

From: Ronnie Brooks
Sent: Wednesday, January 6, 2021 2:03 PM
To: Clark, Kate
Cc: KURT SIMONS; Diana Wallace; Ken Wallace; a WORK a WORK xx; ANN VANDERBURG; Christian Brooks
Subject: 1725 Toomey Rezoning Case - Mobile Manor, LLC and 1717, Ltd. as Interested Parties

*** External Email - Exercise Caution ***

Ms. Clark,

Please register **Mobile Manor, LLC** and **1717, Ltd.** as interested parties to the Rezoning Case at 1725 Toomey Road, 2020-193072 ZC. Our concerns include traffic, compatibility with the neighborhood, height, parking, and more.

Mobile Manor, LLC is the property owner of record next door at 1717 Toomey Road.

1717, Ltd. is the lessee of the ground lease next door at 1717 Toomey Road.

Respective addresses for notice are:

Mobile Manor, LLC
1717, Ltd.
Att: Diana Wallace
Att: Kurt Simons
2603 Rollingwood Drive
4201 Bee Cave Road, Ste A-204
Austin, TX 78746
Austin, TX 78746

Thank you,

Ronnie Brooks
Partner, 1717, Ltd.

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Clark, Kate

From: Catherine Cooke
Sent: Friday, February 26, 2021 2:16 PM
To: Clark, Kate
Subject: 1725 Toomey Concerns

*** External Email - Exercise Caution ***

Hi Kate,

Thanks for speaking with me earlier on the phone. I wanted to formally state how deeply opposed I am to the zoning changes allowing yet another huge high rise to be built on Toomey. As I'm sure you know, Toomey is a very small street that already has FOUR huge high rises on the block. There are thousands of people that live in this small small area, already overcrowded with cars that pollute, directly next to Austin's beloved Barton Creek and Zilker Park. Each of these high rises has occupancies- MANY occupancies. We are not in dire need of more housing. And we definitely aren't in need of more expensive housing. In fact, there are even more high rises being built just blocks away that will provide expensive housing for thousands more people. We do not need *more* expensive, overpriced housing.

What exists currently at 1725 Toomey is what makes Austin special yet is becoming exceedingly rare. Our complex is holding onto what has been so great about Austin: we are friends, look out for each other, and invest in the community. We are mixed ages that actually still mingle and have some people who have lived here for decades. Their lives are rooted here, not recent tech transplants. We have beloved elderly teachers who have been forced to recently retire due to COVID concerns, people working in immigrant and refugee resettlement nonprofits, and just genuinely good people who can't afford the crazy rents of the high rises that continue to go up all around us. We cannot forget to take care of our residents who make average wages just for the sake of profit, greed, and the incoming tech transplants. I lived in San Francisco for 6 years and can certainly tell you how that doesn't end well!

Please don't allow the destruction of what keeps Austin so special.

You may use any of my comments, name, and contact info publicly. My phone number is 713-598-1112.

Thank you,

Cat Cooke
Resident of 1725 Toomey

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Clark, Kate

From: Katherine Culotta
Sent: Saturday, February 27, 2021 12:13 AM
To: Clark, Kate
Subject: Concerns about role-zoning of 1725 Toomey Rd

*** External Email - Exercise Caution ***

Hello Kate,

My name is Katie Culotta and I've lived at 1725 Toomey Rd for almost 6 years. I heard of a possible re-zoning to demolish our current building and replacing it with a high rise.

I would humbly ask that you reconsider. Toomey Rd has changed a lot since I moved it and it's mostly been new complexes like Coldwater, Zilker on the Park, Barton Place, and Cole. At some point, there will be no original buildings that created such a weird & special city.

There are high rises popping up left and right in 78704 and it's extremely sad to watch our city disappear into a sea of glass and metal. Please let me know if anything can be done to protect the place I've called home for so many years. We have residents that have lived in this building for decades. Not to mention the mature pecan trees that have been ripped out thus far in an effort to make the property more attractive to builders.

I'm happy to chat with you further and thank you for your consideration!

Warmly,
Katie

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Clark, Kate

From: Becky Taylor
Sent: Tuesday, March 16, 2021 9:48 PM
To: Clark, Kate
Subject: 1725 Toomey rezoning case- opposition

*** External Email - Exercise Caution ***

Dear Kate:

Please register BartonPlace Condominiums as an interested party to the rezoning case at 1725 Toomey Road, 2020-193072 ZC. Our concerns include traffic, compatibility with the neighborhood, parking, noise, pedestrian/pet safety, and more. Thank you for your time.

Kind regards,
Rebecca Taylor

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"Fellowship is the purpose behind our creation" - Marcus Aurelius

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LETTER OF OPPOSITION

Re: Letter of Opposition to Rezoning Case C14-2021-0009 for the Property at 1725 Toomey Rd.

Dear City Staff, Commissioners, Mayor, and City Council Members:

The HOA Board of Directors for the Barton Place Condominiums *oppose* the proposed MF-6 zoning of the property since it would allow for a level of density that is inappropriate for the surrounding area. Barton Place Condominiums, comprised of 270 condominiums at an aggregate valuation of at least \$150 Million, is located just over 500 feet from the subject property, and will be directly, materially, and negatively impacted by this change if approved.

Approval would exacerbate traffic issues for our residents and other nearby residents, visitors, and businesses, and public buildings, including the new Dougherty Arts Center, which is planned to be constructed on Toomey Road across the street from the subject property.

The increased traffic would also impact future residents, visitors, and employees at the nearby Taco PUD and Schlotzsky's PUD developments, which per the Austin Transportation Department will generate a combined 5,000 new average daily vehicle trips, and so there will not be roadway capacity remaining after they are constructed. The proposed zoning would also allow for a level of density that will worsen the traffic congestion and vehicle queue issues for people trying to access our City's beloved ZACH Theater, Butler Fields, Umlauf Sculpture Garden, Barton Springs Pool and Greenbelt, and Zilker Park.

For the above reasons, we oppose rezoning the property to MF-6. Our strong preference is that any structure be restricted to no more than 60', which is the maximum height allowed for most properties in the surrounding area, and is taller than existing nearby structures.

Thank you for your consideration.

Sincerely,

Becky Taylor, Chair

Future Development Committee, HOA Board of Directors

The Barton Place Condominiums

Clark, Kate

From: Jay Roth
Sent: Monday, April 26, 2021 10:27 AM
To: Clark, Kate
Subject: 1725 Toomey Rd

*** External Email - Exercise Caution ***

I recieved information that the owners of 1725 Toomey Rd (78704) are looking to demolish the building and replace it with a 200 unit tower. I believe they are in the process of requesting a variance. As a longtime resident of the area, I have multiple and very severe concerns about this being allowed to go through.

Jay

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EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



PROJECT NAME: 1725 Toomey

ADDRESS/LOCATION: 1725 Toomey Road

CASE #: C14-2021-0009

NEW SINGLE FAMILY

DEMOLITION OF MULTIFAMILY

NEW MULTIFAMILY

TAX CREDIT

# SF UNITS:	_____	STUDENTS PER UNIT ASSUMPTION
		Elementary School: _____ Middle School: _____ High School: _____

# MF UNITS:	<u>215</u>	STUDENTS PER UNIT ASSUMPTION
		Elementary School: <u>.01</u> Middle School: <u>.007</u> High School: <u>.01</u>

IMPACT ON SCHOOLS

The student yield factor of 0.027 (across all grade levels) for apartment homes was used to determine the number of projected students. This factor was provided by the district's demographer and is based on other market rate multifamily complexes built within the area since 2005.

This site has an existing 40-unit complex, which will be demolished. There are no current AISD students that reside at this site. The proposed 500-unit multifamily development is projected to add approximately 6 students across all grade levels to the projected student population. It is estimated that of the 6 students, 2 will be assigned to Zilker Elementary School, 2 to O. Henry Middle School, and 2 to Austin High School.

The percent of permanent capacity by enrollment for School Year 2025/26, including the additional students projected with this development, would be within the optimal utilization target range of 85-110% at Zilker ES (97%) and Austin HS (101%), and below the target range at O. Henry MS (68%). The projected additional students at O. Henry would not offset the anticipated decline in student enrollment. All of these schools will be able to accommodate the projected additional student population from the proposed development.

TRANSPORTATION IMPACT

Students within the proposed development attending O. Henry MS will qualify for transportation. Students attending Zilker ES or Austin HS will not qualify for transportation unless a hazardous route condition is identified.

SAFETY IMPACT

There are not any identified safety impacts at this time.

Date Prepared: 02/11/2021

Executive Director: _____

DocuSigned by:
Beth Wilson

38E0989C305B4F8...

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Zilker

ADDRESS: 1900 Bluebonnet Lane

PERMANENT CAPACITY: 460

MOBILITY RATE: +13.6%

POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	390	386	388
% of Permanent Capacity	85%	84%	84%

ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	443	444	446
% of Permanent Capacity	96%	97%	97%

MIDDLE SCHOOL: O. Henry

ADDRESS: 2610 West 10th St.

PERMANENT CAPACITY: 945

MOBILITY RATE: -1.5%

POPULATION (without mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	939	657	659
% of Permanent Capacity	99%	70%	70%

ENROLLMENT (with mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	925	636	638
% of Permanent Capacity	98%	67%	68%

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



HIGH SCHOOL: Austin

ADDRESS: 1715 W. Cesar Chavez St.

PERMANENT CAPACITY: 2,247

MOBILITY RATE: +11.5%

POPULATION (without mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	2,110	2,037	2,039
% of Permanent Capacity	94%	91%	91%

ENROLLMENT (with mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	2,353	2,269	2,271
% of Permanent Capacity	105%	101%	101%