

## ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0132  
1617 East 7<sup>th</sup> Street

DISTRICT: 1

ZONING FROM: TOD-NP

TO: TOD-NP, to change a condition of zoning

ADDRESS: 1617 East 7<sup>th</sup> Street

SITE AREA: 6,210 Square Feet (0.14 Acres)

PROPERTY OWNER:  
1610 JFH LLC  
(John Hernandez)

AGENT:  
Drenner Group PC  
(Dave Anderson)

CASE MANAGER: Heather Chaffin (512-974-2122, [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov))

STAFF RECOMMENDATION:

**Staff supports the Applicant's request for rezoning to TOD-NP to amend the Saltillo Plaza Transit Oriented District (TOD) Station Area Plan and Regulating Plan to redesignate the property from Corridor Mixed Use (CMU) subdistrict to TOD Mixed Use (TOD-MU) subdistrict.**

*For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 8, 2022: To grant TOD-NP, to change a condition of zoning, approved on consent. The property will be redesignated as TOD-MU subdistrict.

January 11, 2022: To postpone to February 8, 2022 as requested by Planning Commission, approved on consent.

CITY COUNCIL ACTION:

March 24, 2022:

ORDINANCE NUMBER:

ISSUES:

The Applicant is requesting to redesignate the property from CMU subdistrict to TOD-MU subdistrict. CMU is the most permissive Mixed Use Subdistrict in terms of land uses and does not require active ground floor uses. A wide array of retail, office, and residential uses are permitted. TOD-MU is the most intensively developed mixed use subdistrict and requires active ground floor uses. TOD-MU also requires a minimum 2-story building.

The Applicant also proposes utilizing the Plaza Saltillo TOD Density Bonus tool which allows increased floor-to-area ratio (FAR) for developments that include affordable residential units or pays a fee-in-lieu to Housing and Planning Department (HPD). The Applicant has stated their intent to develop a 5-story hotel. To achieve the increased FAR, the Applicant proposes increasing the building height from 35 feet to 60 feet. Since the project does not include any residential units, the Applicant will be required to pay a fee-in-lieu to HPD. This is already administratively permitted by the TOD. *(Please see Exhibit C-Applicant Letter).*

CASE MANAGER COMMENTS:

The subject property is located on the north side of East 7<sup>th</sup> Street between Comal Street and Concho Street. East 7<sup>th</sup> Street is an Imagine Austin Transit Priority Network roadway. The property is currently developed with one single family residence which is proposed to be demolished. The property is zoned TOD-NP, as are the surrounding properties to the west, east and south. These properties are a mix of office, commercial and residential uses. Further west across Comal Street is the Texas State Cemetery, which is unzoned. Further east across Chalmers Avenue is Huston Tillotson University, which is zoned GO-V-CO-NP. North of the property are GO-CO-NP properties that are mostly undeveloped, and one off-site parking lot. Further north is a single family neighborhood zoned MF-4. Across East 7<sup>th</sup> to the south are more TOD-NP properties with a mix of commercial, office and residential uses. *Please see Exhibits A and B- Zoning Map and Aerial Exhibit.*

This portion of the TOD is predominately designated as CMU subdistrict, but there are several TOD-MU properties clustered on the south side of East 7<sup>th</sup> Street. A significant portion of the TOD is designated TOD-MU, which in this area begins at the alley between East 7<sup>th</sup> and East 6<sup>th</sup> Streets. *Please see Exhibit D- Station Area Plan Exhibit.* Despite being in the same subdistrict, CMU, the properties in the vicinity have a range of maximum building heights. Most have 60' maximum height, but two are limited to 40' in height and seven are limited to 35' in height, including the subject property. The properties immediately adjacent are maximum 60' building height. the maximum height for these properties unless they utilize the Density Bonus tool. *Please see Exhibit E- Maximum Building Heights Exhibit.*

Staff supports the rezoning request. There is a mix of CMU and TOD-MU nearby, and a wide variety of land uses and permitted building heights in the vicinity. Increased density, a mix of land uses, and transit access are fundamental elements of Plaza Saltillo TOD. The regulating plan states that its purpose is, "to promote TOD principles intended to successfully integrate land use and transit by providing greater density than the community average, a mix

of uses, and a quality pedestrian environment around a defined center...” The proposed rezoning will allow employment opportunities and a mix of restaurant and hotel uses.

#### BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *The proposed zoning should be consistent with the goals and objectives of the City Council.*
3. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

TOD-NP zoning encourages increased density and providing a mix of land uses in close proximity to transit, employment and services. The proposed rezoning is consistent with the goals of the TOD. The Plaza Saltillo TOD, as adopted by Council, reflects their goals and objectives.

#### EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	TOD-NP	Single family residential
North	GO-CO-NP, MF-4-NP	Undeveloped, Off site accessory parking, Single family residential
South	TOD-NP	Mixed commercial, office, multifamily
East	TOD-NP, GO-V-CO-NP	Restaurant, office, Huston Tillotson University
West	TOD-NP, Unzoned	Office, Texas State Cemetery

NEIGHBORHOOD PLANNING AREA: Central East Austin NP

CAPITOL VIEW CORRIDOR: No

TIA: Deferred to time of site plan

WATERSHED: Lady Bird Lake

#### NEIGHBORHOOD ORGANIZATIONS:

East Austin Conservancy	East 6 <sup>th</sup> IBIZ District
East Cesar Chavez Neighborhood Association	Austin Neighborhood Council
Friends of Austin Neighborhoods	Tejano Town
Greater East Austin Neighborhood Association	Neighbors United for Progress
Austin Lost and Found Pets	SELTexas
Del Valle Community Coalition	AISD
Capital Metro	Sierra Club
Red Line Parkway Initiative	Homeless Neighborhood Association
Barrio Unido Neighborhood Association	Preservation Austin
Neighborhood Empowerment Foundation	
Guadalupe Neighborhood Development Corporation	

East Cesar Chavez Neighborhood Plan Contact Team  
 Organization of Central East Austin Neighborhoods (OCEAN)  
 El Concilio Coalition of Mexican American Neighborhood Associations

AREA CASE HISTORIES:

NUMBER / NAME	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0138 1400 East 4 <sup>th</sup> St.	TOD-NP to TOD-NP (increase height to 85')	January 11, 2021: TBD	TBD
C14-2021-0061 Fair Market Rezoning	TOD-NP to TOD-NP (increase height 60' to 85')	6/21/2021: To forward to Council without a rec. (7-1)	11/4/2021: To grant TOD-NP to change the base maximum height from 60' to 85' as on 1 <sup>st</sup> / 2nd Rdgs, on 3rd Rdg
C14-2021-0058 Centro East	TOD-NP to TOD-NP (increase height 60' to 90')	7/13/2021: To grant as requested	8/28/2021: To grant TOD-NP as rec by PC (90')
C14-2017-0105 4 East	TOD-NP to TOD-CURE-NP	11/14/2017: No recommendation	6/14/2018: To grant TOD-CURE-NP, increasing height from 40' to 74'
C14-2016-0049 Plaza Saltillo Tracts 4/5	TOD-NP to TOD-CURE-NP	1/10/2017: Grant as rec: The TOD density program establishes a maximum MFI level of 50%. Increase height from 60' (after density bonus) to 68' for a portion of Tract 1/2/3, Tract 4/5, and Tract 6.	3/2/2017: To grant as recommended by PC
C14-2016-0050 Plaza Saltillo Tracts 1/2/3	TOD-NP to TOD-CURE-NP	1/10/2017: Increase height from 60' (after density bonus) to 68 feet for a portion of Tract 1/2/3, Tract 4/5, and Tract 6. Increase height from 60' (after density bonus) to 70' for a portion of Tract 1/2/3. Increase height from 60' (after density bonus) to 125' for office building on a portion of Tract 1/2/3.	3/2/2017: To grant as recommended by PC with condition Tract 1 is limited to 70'
C14-2016-0051 Plaza Saltillo Tract 6	TOD-NP to TOD-CURE-NP	1/10/2017: Increase height from 60' (after density bonus) to 68 feet for a portion of Tract 1/2/3, Tract 4/5, and Tract 6. MFI levels up to 60%, including 30%, 50% and 60% MFI for Tract 6.	3/2/2017: To grant as recommended by PC
C14-2015-0054 901 East 901 and 917 E. 6 <sup>th</sup> Street	TOD-NP to TOD-CURE-NP	June 23, 2015: PC approved Staff rec. on consent (8-0) TOD-CURE-CO-NP. 1. max 2,000 v.p.d. 2. Veh access to 6 <sup>th</sup> prohibited 3. Storage rooms and restrooms inc 25-2-531	September 10, 2015: CC approved TOD-CURE- CO-NP as rec. on consent (11-0)
C14-2011-0091	TOD-NP	August 27, 2013: PC approved	September 26, 2013: ORD

Jaylee Limited (Arnold Oil) 1601& 1645 E. 6 <sup>th</sup> Street	to  TOD-CURE-NP	Staff rec. on consent (8-0-1) TOD-CURE-NP: 1. Office Tract and MF Tract. 2. Tracts joined by a UDA and/or Shared Pkg Agreement. 3. Parking for both Tracts may be located on the MF Tract.	NO. 20130926-100- CC approved TOD-CURE- NP as rec. on consent (11-0)
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#### EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
7 <sup>th</sup> Street	80'	94'	60'	3	Yes	Yes	Yes
Concho Street	63'	60'	30'	1	Yes	No	Yes

#### ADDITIONAL STAFF COMMENTS:

##### Environmental

1. The site is not located over the Edwards Aquifer Recharge 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 s.f. cumulative is exceeded, and on site control for the two-year storm.

##### Site Plan

SP1. Any new development is subject to the Plaza Saltillo Transit-Oriented Development ordinance. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

##### Parks & Recreation

PR1: Parkland dedication will be required for any new residential units or hotel keys proposed by this development, hotel/motel with TOD-MU 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, as well as the Plaza Saltillo TOD Regulating Plan's Public Parks and Trails standards and requirements. 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](mailto: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.

#### Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, requires 94 feet of right-of-way for 7th Street and 60 feet of right-of-way for Concho Street. It is recommended that 47 feet of right of-way from the existing centerline should be dedicated for 7th Street according to the Transportation Plan at the time of subdivision and/or site plan application, whichever comes first. 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/subdivision application. A traffic impact analysis may be required at the time of site plan if triggered per LDC 25-6-113.

#### Existing Street Characteristics:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
7 <sup>th</sup> Street	80'	94'	60'	3	Yes	Yes	Yes
Concho Street	63'	60'	30'	1	Yes	No	Yes

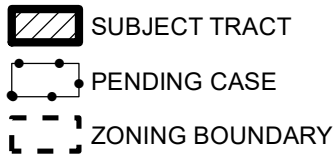
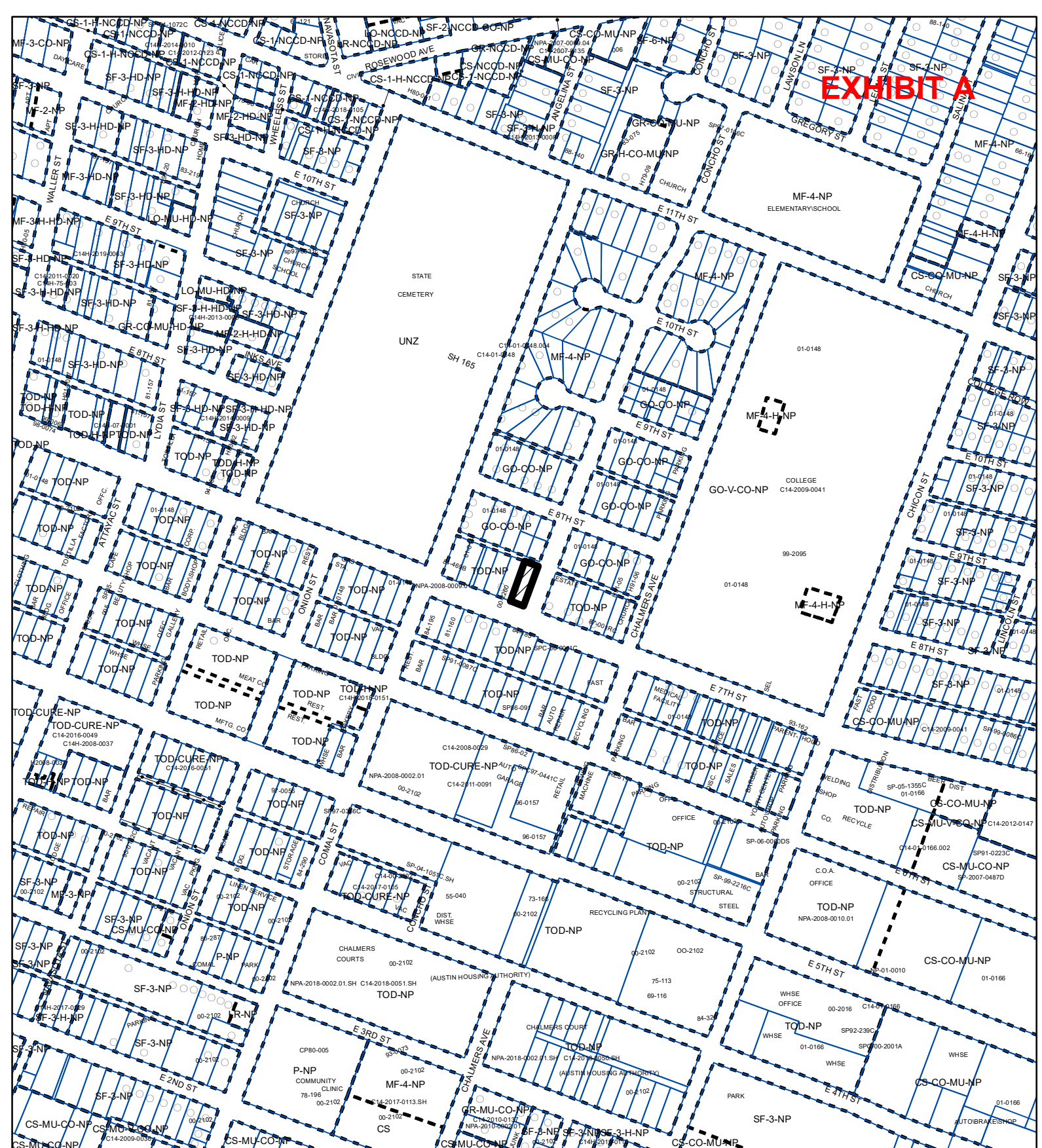
#### Water Utility

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. 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 Exhibit
- C. Applicant Letter
- D. Station Area Plan Exhibit
- E. Building Heights Exhibit





ZONING CASE#: C14-2021-0132



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**Created: 8/4/2021**

$$1'' = 400'$$





# 1612 E 7th Street



- C14-2021-0132
- Creek Buffers
- ZONING BOUNDARY
- FULLY DEVELOPED FLOODPLAIN

ZONING CASE#: C14-2021-0132  
 LOCATION: 1612 E 7th Street  
 SUBJECT AREA: 0.14 Acres  
 GRID: K22  
 MANAGER: Heather Chaffin



1" = 100'

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.



# DRENNER GROUP

Dave Anderson  
direct dial: (512) 807-2908  
danderson@drennergroupp.com

July 27, 2021

Ms. Rosie Truelove  
City of Austin  
Street-Jones Building  
1000 E. 11th St., Suite 200  
Austin, TX 78702

Via Electronic Delivery

Re: 1612 East 7<sup>th</sup> Street – Rezoning application for the 6,210 square foot piece of property located at 1612 East 7<sup>th</sup> Street in Austin, Travis County, Texas (the “Property”) – Travis Central Appraisal District Parcel Numbers 0205081606

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 1612 East 7<sup>th</sup> Street, consists of 6,210 square feet, and is located at the northwest corner of East 7<sup>th</sup> Street and Concho Street. The Property currently has a single-family residence.

The site is currently zoned Transit Oriented Development – Corridor Mixed Use (TOD-CMU). The request will rezone the property to TOD-Mixed Use (TOD-MU). This request is consistent with surrounding uses.

By rezoning to TOD-MU, the Applicant is able to apply for a Density and Height Bonus (per Plaza Saltillo TOD Regulating Plan Section 4.3.3) to achieve the 60’ height allowed by right for the adjacent properties to the east, west, and many of the properties located across 7<sup>th</sup> street to the south. The height limitation on the tracts immediately adjacent to the north is also 60’ per their GO-CO-NP zoning.

A Traffic Impact Analysis (“TIA”) has been waived via a TIA Determination Form from Amber Hutchens dated April 15, 2021 with the note that the determination is deferred to site plan application, when land use and intensity will be finalized.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,

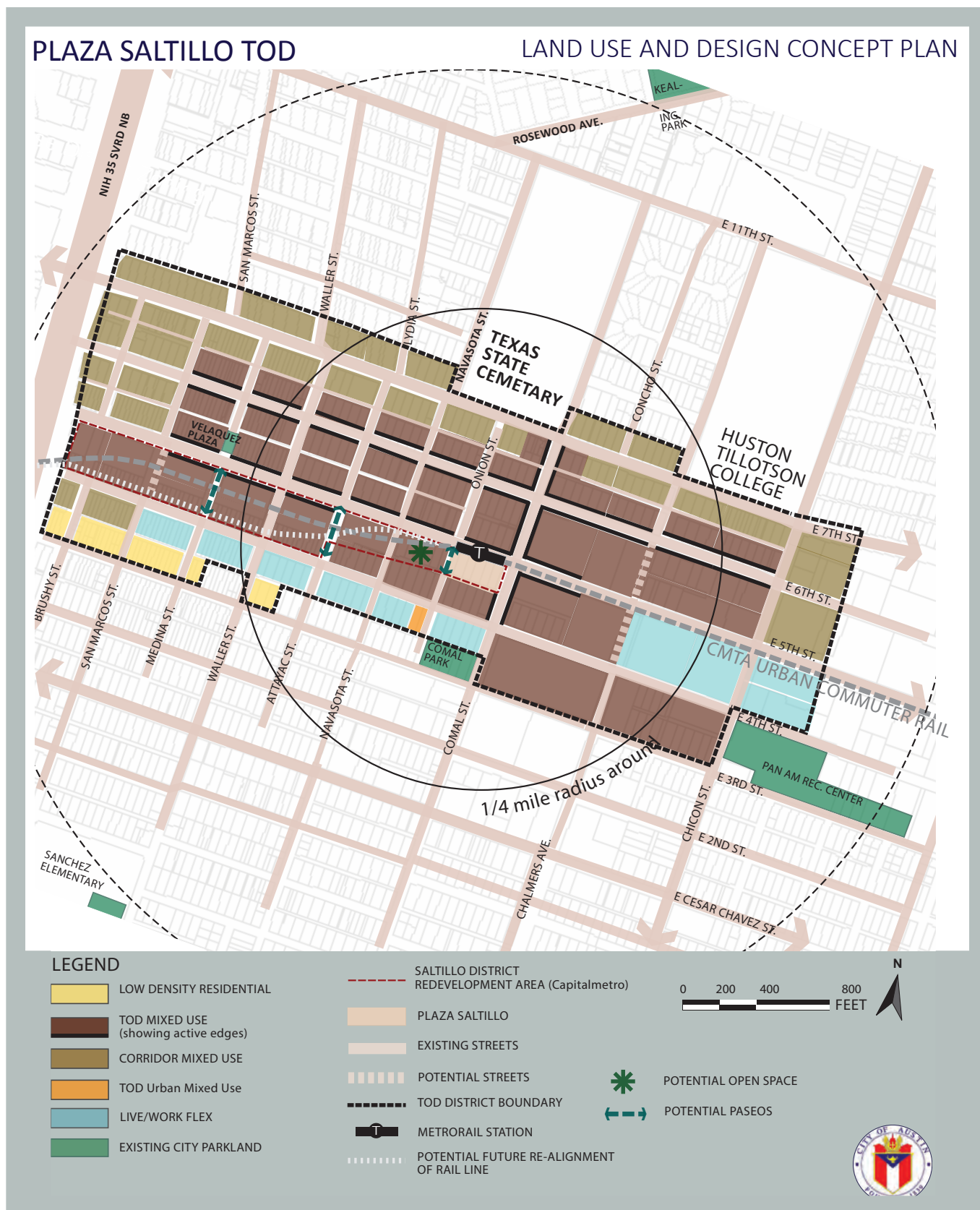
A handwritten signature in black ink, appearing to read "Dave Anderson", with a long horizontal line extending to the right.

Dave Anderson

cc: Joi Harden, Planning and Zoning Review Department (*via electronic delivery*)  
Heather Chaffin, Planning and Zoning Review Department (*via electronic delivery*)

Figure 2-1: Plaza Saltillo Station Area Plan TOD Subdistricts

## STATION AREA PLAN





# PLAZA SALTILLO TOD

## MAXIMUM BUILDING HEIGHTS EXHIBIT E

