

**ZONING REVIEW SHEET**

CASE: C14-2021-0172.SH  
Live Make Apartments

DISTRICT: 3

ADDRESS: 1127, 1129 Tillery Street (portion of), 1129 1/2 Tillery Street  
(portion of), 1118, 1202 and 1204 Henninger Street

SITE AREA: 2.635 acres

PROPERTY OWNERS:  
Austin Housing Finance Corporation  
(Rosie Truelove)

AGENT:  
Baurhouse  
(Hilary Carter)

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

STAFF RECOMMENDATION:

**Staff supports the Applicant's request to rezone the property to LO-MU-CO-NP. The conditional overlay prohibits the following land uses: Bed and Breakfast Residential (Groups 1 and 2), Club or Lodge, College and University Facilities, Communication Service Facilities, Community Events, Community Recreation-Public, Congregate Living, Convalescent Services, Counseling Services, Day Care Services (Commercial, General and Limited), Hospital Services-Limited, Private Primary Educational Services, Private Secondary Educational Services, Public Primary Educational Services, Public Secondary Educational Services, Safety Services, Communication Services, Medical Offices-not exceeding 5,000 sq/ft, Medical Office-exceeding 5,000 sq/ft, Professional Office, Software Development, Special Use-Historic, and Urban Farm.**

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

PLANNING COMMISSION ACTION / RECOMMENDATION:

April 12, 2022:

March 22, 2022: To grant postponement to April 12, 2022 as requested by Staff, on consent.

February 22, 2022: To grant postponement to March 22, 2022 as requested by Staff, on consent.

CITY COUNCIL ACTION:  
TBD

ORDINANCE NUMBER:

ISSUES:

The Applicant is proposing a SMART housing development on the subject property with 66 affordable multifamily units available at the following levels:

- 13 units at or below 30% MFI
- 25 units at or below 50% MFI
- 28 units at or below 60% MFI.

The Applicant also proposes providing approximately 6,000 square feet of space for Imagine Art, a nonprofit that provides art-related services to persons with disabilities. ***Please see Exhibit C- SMART Housing letter.***

CASE MANAGER COMMENTS:

The subject property is located on the east side of Tillery Street between Govalle Avenue and Goodwin Avenue. The SF-3-NP zoned property is undeveloped. Properties to the north, west, east and south are zoned SF-3-NP and are primarily developed with single family residences. Other uses include Religious assembly and Group home. Across Tillery to the southwest is property zoned CS-MU-CO-NP that is occupied by a plant nursery. Across Tillery to the northwest is a property zoned SF-5-NP that is occupied by a church. Further northwest, across the intersection of Tillery Street and Goodwin Avenue is Oak Springs Elementary and park. ***Please see Exhibits A and B- Zoning Map and Aerial Exhibit.***

The Applicant has worked with neighborhood representatives and staff to create a list of prohibited uses as shown on Page 1 of this report. The land uses that remain permitted are the residential uses permitted under MU- Mixed Use, and the following LO land uses: Community Recreation- Private (conditional), Cultural Services, Administrative and Business offices, Art Gallery, Art Workshop, and Community Garden. Family Home, Group Home Class I—General, Group Home Class I—Limited, Group Home Class II (conditional), Local Utility Services, Religious Assembly, Residential Treatment and Telecommunications Tower.

Staff supports the rezoning request. The addition of housing units at varying levels of affordability helps to meet the goals of the Strategic Housing Blueprint. Providing apartments at this location also increases the diversity of housing types in the predominately single family neighborhood. By including Imagine Art at this location, the property will also be able to provide cultural and art services to the community.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the goals and objectives of the City Council.*
2. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	Undeveloped
North	SF-3-NP	Single family residential
South	SF-3-NP	Single family residential, Group home, Religious assembly
East	SF-3-NP	Single family residential
West	SF-3-NP, CS-MU-CO-NP, SF-5-NP, P-NP	Single family residential, Plant nursery, Religious assembly, Park, Public elementary school

NEIGHBORHOOD PLANNING AREA: Govalle/Johnston Terrace NP (Govalle)

TIA/NTA: Deferred to time of site plan, if triggered.

WATERSHED: Boggy Creek

NEIGHBORHOOD ORGANIZATIONS:

Govalle/Johnston Terrace NPCT  
 Guadalupe Neighborhood Development Corporation  
 Del Valle Community Coalition  
 Govalle Neighborhood Association  
 SELTexas  
 Austin Neighborhood Council  
 El Concilio Mexican American Neighborhoods  
 Homeless Neighborhood Association

Sierra Club  
 East Austin Conservancy  
 PODER  
 AISD  
 Friends of Austin Neighborhoods  
 Neighbors United for Progress  
 Austin Lost & Found Pets  
 Preservation Austin

AREA CASE HISTORIES:

CASE NUMBER/ ADDRESS	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-02-0183(RCA) 1120 Tillery Street	To remove tracts 1, 2, 4, and 5 from RC.	04/07/2022: To deny RCA request	4/7/2022: TBD

A Neighborhood Plan Amendment (NPA) has been filed in conjunction with this case (City File # NPA-2021-0016.05.SH.)

ADDITIONAL STAFF COMMENTS:Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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. 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

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 The site is subject to compatibility standards. Along all 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 3 Additional design regulations will be enforced at the time a site plan is submitted.

SP 4 This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited.

#### Parks & Recreation

PR1: The proposed rezoning includes an area to be future City of Austin parkland, per an agreement between the City of Austin Parks and Recreation Department and the Housing and Planning Department. City Council and the Austin Housing Finance Corporation approved the transfer on March 25, 2021.

PARD recommends that the park area north of the housing development receive a zoning category which would allow park improvements to be permitted through a general permit and/or site plan exemption. It is not known to this reviewer whether the proposed LO-MU-CO zoning would allow as much.

#### Transportation

ASMP Assessment- The Austin Strategic Mobility Plan (ASMP) calls for 70 feet of right-of-way for Tillery Road and 50 feet of right-of-way for Henninger Street. It is recommended that 35 feet of right-of-way from the existing centerline should be dedicated for Tillery Road

and 25 feet of right-of-way from the existing centerline should be dedicated for Henninger Road, the extent possible, according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

A neighborhood traffic analysis will be required at time of site plan, if triggered.

The adjacent street characteristics table is provided below:

#### 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

A: Zoning Map

B. Aerial Exhibit

C. SMART Housing Letter







# B-10 Property Profile

Legend 7 of 9

- Zoning Review Cases- IN REV
- Zoning Text



0.1 0 0.04 0.1 Miles

NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

Date Printed:

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Notes



## City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

### Housing and Planning Department

S.M.A.R.T. Housing Program

October 20, 2020 (Revision to letter dated October 16, 2020)

#### S.M.A.R.T. Housing Certification

Imagine Art – Live + Work, 1127 Tillery Street (ID 757)

#### TO WHOM IT MAY CONCERN:

Imagine Art (contact Hilary Carter; ph: 512.422.4255; email [hilary.k.carter@gmail.com](mailto:hilary.k.carter@gmail.com)) is planning to develop Live + Work, a **66-unit multi-family** development at 1127 Tillery Street, Austin TX 78702. **66** of the units will be rented to households at or below **60% Median Family Income (MFI)**. The project will be subject to a minimum 5-year affordability period after issuance of a certificate of occupancy, unless funding requirements are longer.

**This revision updates the total unit count to 66 units and the following MFI distribution below.**

Housing and Planning Department (HPD) certifies the proposed project meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since **20%** (13) of the units will serve households at or below **30% MFI**, **38%** (25) of the units will serve households at or below **50% MFI** and **42%** (28) of the units will serve households at or below **60% MFI**, the development will be eligible for 100% waiver of fees listed in Land Development Code, Chapter 25-1-704, as amended or other fees waived under a separate ordinance except for Austin Water Utility (AWU) Capital Recovery Fees. The expected fee waivers include, but are not limited to, the following fees:

AWU Capital Recovery Fees	Concrete Permit	Mechanical Permit
Building Permit	Electrical Permit	Plumbing Permit
Site Plan Review	Subdivision Plan Review	Zoning Verification
Construction Inspection	Parkland Dedication Fee	Land Status Determination
Demolition Permit Fee	(by separate ordinance)	Building Plan Review
	Regular Zoning Fee	

#### Prior to issuance of building permits and starting construction, the developer must:

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Contact Austin Energy Green Building: 512-482-5300 or [greenbuilding@austinenenergy.com](mailto:greenbuilding@austinenenergy.com)).
- ◆ Submit plans demonstrating compliance with the required accessibility or visitability standards.

#### Before a Certificate of Occupancy will be granted, the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection to certify that the required accessibility or visitability standards have been met.
- ◆ An administrative hold will be placed on the building permit, until the following items have been completed: 1) the number of affordable units have been finalized and evidenced through a sealed letter



from project architect and/or engineer, 2) a Restrictive Covenant stating the affordability requirements and terms has been filed for record at the Travis County Clerk Office.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards after the certificate of occupancy has been issued or repay the City of Austin, in full, the fees waived for this S.M.A.R.T. Housing certification.

Please contact me by phone 512.974.2108 or by email at [alex.radtke@austintexas.gov](mailto:alex.radtke@austintexas.gov) if you need additional information.

Sincerely,



Alex Radtke, Senior Planner  
Housing and Planning Department

Cc: Kristin Martinez, AE

Jonathan Orenstein, AWU

Mashell Smith, ORS