

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0034 – South 3rd Street

DISTRICT: 3

ZONING FROM: SF-3

TO: MF-2

ADDRESS: 400 feet south of the intersection of West Oltorf Street and South 3rd Street

SITE AREA: 0.273 acres (11,892 square feet)

PROPERTY OWNER: Third Street Austin LLC (Mark Whaling)

AGENT: Metcalfe, Wolff, Stuart & Williams LLP (Michele R. Lynch)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant multifamily residence – low density (MF-2) district zoning. *The basis of Staff's recommendation is provided on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 28, 2022: *APPROVED MF-2 DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT*

***[C. HEMPEL; R. SCHNEIDER – 2ND] (10-0) Y. FLORES, P. HOWARD,
S. PRAXIS – ABSENT***

CITY COUNCIL ACTION:

July 28, 2022:

ORDINANCE NUMBER:

ISSUES:

The Applicant has discussed this case with representatives of the Galindo Elementary Neighborhood Association. Correspondence received is attached at the back of this report.

CASE MANAGER COMMENTS:

The subject unplatted, undeveloped tract is located south of a driveway that extends east to South 1st Street and intersects with South 2nd and South 3rd Streets to the north, both of which extend to Oltorf Street further north. The tract is zoned family residence (SF-3) district and has been purchased by the owner of the adjacent 6 unit apartment building to the west (MF-2) which has driveway access to South 3rd Street. There are single family residences to the north and east, and private elementary and high school facilities, and a religious assembly use to the south (LO-CO; LO-V-CO; SF-3). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The Applicant has requested the multifamily residence – low density (MF-2) zoning district in order to facilitate redevelopment of the subject tract in conjunction with the abutting MF-2 tract to the west and build up to 18 residential units across both tracts.

BASIS FOR RECOMMENDATION

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

The multi-family residence – low density (MF-2) district is intended to accommodate multifamily use with a maximum density of 23 units per acre, depending on unit size and has a maximum height of 40 feet. This district is appropriate for multifamily residential areas located near single family neighborhoods or in an area for which low density multifamily use is desired.

The Applicant's proposal to prepare the tract for development of multifamily residences would be consistent with the purpose statement of the district sought.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Based on review of the zoning map and existing land uses, Staff believes the tract is well-suited for residential development and would be compatible with the single family residences to the north and east, and the educational and religious assembly uses to the south. Under MF-2 zoning, the maximum height is 40 feet and the average density is 20 units per acre.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Undeveloped
<i>North</i>	SF-3	Single-family residences
<i>South</i>	LO-V-CO; LO-CO; SF-3	Private primary and secondary educational facilities
<i>West</i>	MF-2	Apartments (6 units)
<i>East</i>	SF-3	Single-family residence

NEIGHBORHOOD PLAN AREA: South Lamar Combined (Galindo) (Suspended)

TIA: Is not required

WATERSHED: East Bouldin Creek – Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Dawson Elementary School

Lively Middle School

Travis High School

COMMUNITY REGISTRY LIST:

127 – Bouldin Neighborhood Association 154 – Dawson Neighborhood Association
 511 – Austin Neighborhoods Council 742 – Austin Independent School District
 904 – Galindo Elementary Neighborhood Association
 1074 – Bouldin Creek Neighborhood Plan Contact Team 1107 – Perry Grid 614
 1228 – Sierra Club, Austin Regional Group 1323 – South First IBIZ District
 1363 – SEL Texas 1424 – Preservation Austin
 1518 – Galindo Area Patriotic Porch Party
 1530 – Friends of Austin Neighborhoods 1550 – Homeless Neighborhood Association
 1558 – South Austin Commercial Alliance
 1616 – Neighborhood Empowerment Foundation 1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0105 – Samon – 2428 & 2432 S 1 st Street	LO to CS	To Grant CS-CO; LR-CO and LO-CO, w/CO for 2,000 trips / day; vehicular access to the r-o-w at the north property line is prohibited	Apvd CS-CO; LR-CO and LO-CO as Commission recommended (10-2-2014).
C14-06-0032 – San Jose Catholic Church - Zoning + Arandas Restaurant – 2510 S 1 st St	SF-3 to CS, GO, GR, LO with conditions	To Grant CS-CO, GO-CO, GR-CO, LO-CO w/CO prohibiting direct access to Herndon Ln, and daily vehicle trip limits on Tracts 1 and 2, 3 and 4	Apvd CS-CO, GO-CO, GR-CO, LO-CO as Commission recommended (9-28-2006).
C14-04-0198 – 801 W Oltorf St	SF-3 to NO-MU-CO	To Deny	Apvd NO-MU-CO w/CO limiting building height to 18 feet and one-story, and building coverage to 1,750 sf (7-28-2005).
C14-04-0180 – 2444 S 1 st St	SF-3 to GR	To Grant GR-CO w/CO permitting retail sales (general), all LR uses and prohibiting drive-through svcs	Apvd GR-CO as Commission recommended (1-27-2005).
C14-99-0044 – San Jose Catholic Church – 2435 Oak Crest Ave	SF-3 and MF-2 to LO-CO	To Grant LO-CO w/the CO limiting uses	Apvd LO-CO (7-1-1999).

C14-99-0034 – Samon, James J., Jr. – 2432 S 1 st St	SF-3 to GO	To Grant GO	Apvd LO (7-22-1999).
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In addition to the above individual cases, several neighborhoods adopted Vertical Mixed Use Building (V) combining district and Vertical Mixed Use Overlay (VMU) for certain tracts within their neighborhood boundaries during the Opt-In process in 2007 and 2008. This includes Galindo (C14-2007-0238), which included 21 tracts along the west side of S 1st Street between Oltorf and Ben White Boulevard, and Dawson, which so designated 10 properties along the east side of S 1st St. North of Oltorf, the Bouldin Neighborhood (C14-2007-0220) designated 25 such tracts on either side of S 1st St.

For area properties in Galindo, eligible properties are exempt from dimensional standards; other typical allowances include ground-floor commercial uses for office districts, and a requirement for 10% affordable units in a vertical mixed use building.

RELATED CASES:

There are no subdivision or site plan cases on the subject property.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South 2 nd / South 3 rd alley	Level 1	50 feet	20 feet	15 feet	No	N/A	Yes

ADDITIONAL STAFF COMMENTS:

Drainage

The applicant would be required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Inclusive Planning

Yes	Imagine Austin Decision Guidelines
Compact and Connected Measures	
Y	Imagine Austin Growth Concept Map: Located close to, within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified on the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: 0.18 miles from the South 1st Activity Corridor
Y	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: Is located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreational area, park and/or walking trail.
Y	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable house.
Y	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed Use: Provides mixed use development (minimum 10% residential and 10% non-residential floor area).
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
6	Total Number of "Yes's"

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East 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. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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.

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.

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.

Parks & Recreation Department (PARD) – Planning & Design Review

Parkland dedication will be required for the new residential units proposed by this development, multifamily with MF-2 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

General

A site plan will be required for any new development other than single-family, two-family or duplex residential.

Any new development is subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted.

This site will be subject to the multifamily density provisions in 25-2-561.

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.

Compatibility Standards

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

- No structure may be built within 25 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, the height is limited to 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, the height is limited to 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

Austin Transportation Department – Engineering Review

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.

The Austin Strategic Mobility Plan (ASMP) calls for 50 feet of right-of-way for S 2nd/S 3rd St. It is recommended that 25 feet of right-of-way from the existing centerline should be dedicated according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

Water / Wastewater

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.

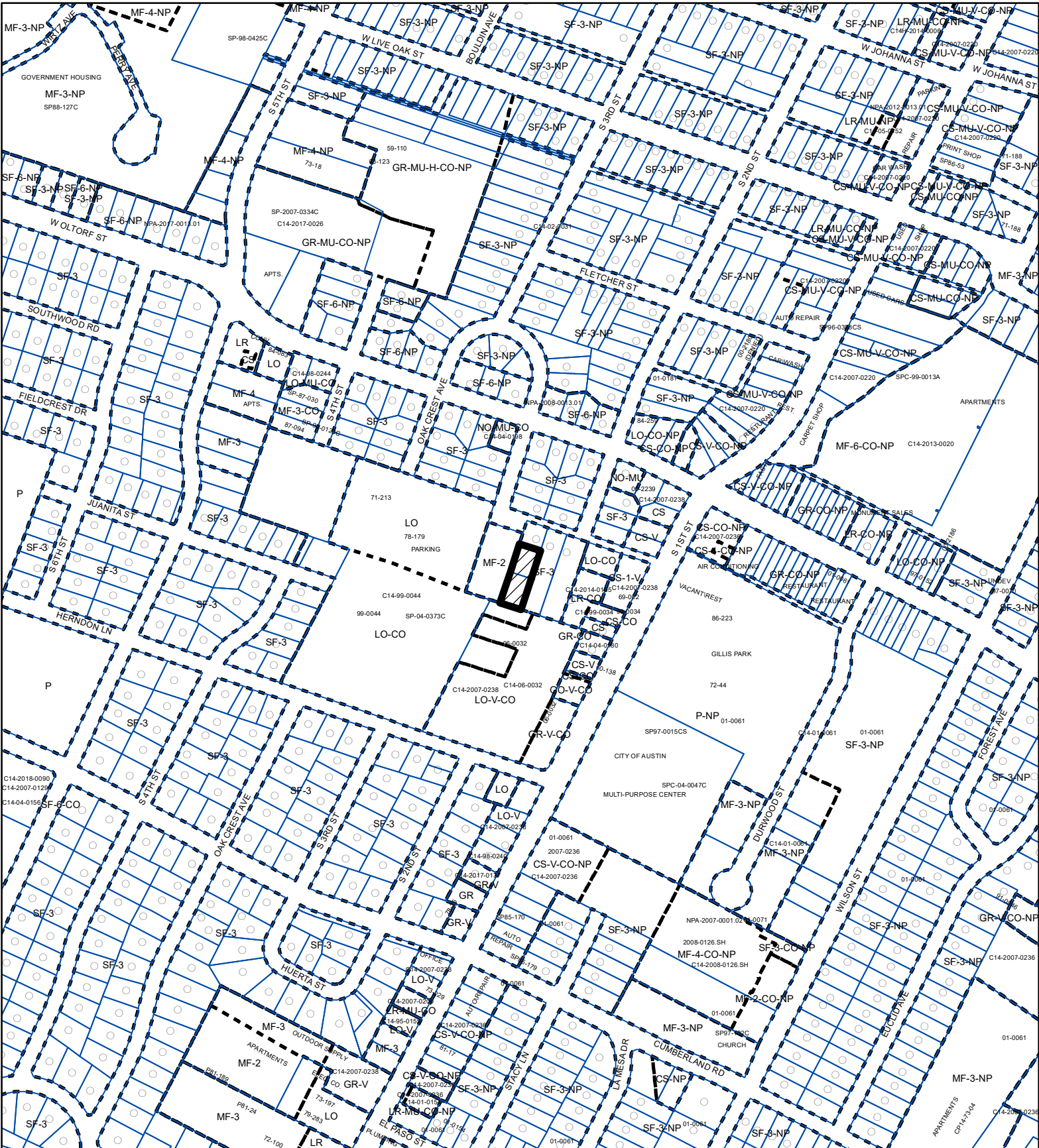
INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Applicant's Summary Letter

Correspondence Received



ZONING

Exhibit A

ZONING CASE#: C14-2022-0034



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or







Created: 3/23/2022



South 3rd Street

Exhibit A - 1

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

ZONING CASE#: C14-2022-0034
 LOCATION: 400' south of the intersection of
 W Oltorf St and S 3rd Street
 SUBJECT AREA: 0.273 Acres
 GRID: H20
 MANAGER: WENDY RHOD



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.



METCALFE WOLFF
STUART & WILLIAMS, LLP

MICHELE ROGERSON LYNCH
Director of Land Use &
Entitlements

mlynch@mwswtexas.com
512-404-2251

February 14th, 2022

Mr. Jerry Rusthoven, Zoning Officer
Housing and Planning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Via Online Submittal

Re: Application for Rezoning; 0.27 acres located at S. 3rd Street (the "Property").

Dear Mr. Rusthoven:

As representatives of the owner of the above stated Property we respectfully submit the attached Application for Rezoning. The Property is located at S. 3rd Street, approximately 400 feet south from its intersection with Oltorf and South 3rd street (see Location Map attached) and is zoned Family Residence (SF-3). The Application for Rezoning requests to rezone the Property Multi-Family Residence-Low Density (MF-2), to match the adjacent MF-2 zoning up to 3rd Street, which encompasses the remainder of the overall redevelopment project.

The Property is within a designated neighborhood plan known as the South Lamar Combined Neighborhood Planning Area (Galindo) which does not have a City Council approved neighborhood plan and therefore a plan amendment is not required. Surrounding zoning includes Multi-Family Residence-Low Density (MF-2), General Commercial Services (CS), Neighborhood Commercial (LR), Limited Office (LO), Townhouse & Condominium Residence (SF-6), and Family Residence District (SF-3).

A Traffic Impact Analysis is not required pursuant to the TIA Determination form attached to the Application for Rezoning, which has determined a total of 220 trips per day.

If you have any questions about this Application for Rezoning or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,

Michele Rogerson

This map shows a residential neighborhood with various zoning designations. The highlighted lot is located in the center of the map, bounded by S 1ST ST to the east and S 2ND ST to the west. The lot is colored yellow and is labeled SF-3. The surrounding area includes several other lots with different zoning designations, such as SF-6-NP, SF-3-NP, LO, LO-CO, MF-2, LR-CO, CS-1-V, CS-CO, CS, CS-V, LO-V-CO, and P-NP. The map also shows streets including S 1ST ST, S 2ND ST, FLETCHER ST, WOLTERF ST, DURWOOD ST, and HERNDON LN.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>.



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2022-0034

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: June 28, 2022, Planning Commission
July 28, 2022, City Council

Jim and Susan Mouchins
Your Name (please print)

☐ I am in favor
☐ I object

2416 S. 2nd St. Austin, TX 78704
Your address(es) affected by this application (optional)

James O. Mouchins
Signature

6/23/22
Date

Daytime Telephone (Optional): 512 944 4781

Comments: The involved lot we call the "beamble", a pristine chunk of land with many trees, vines & vegetation which provides our homestead with a barrier to noise and light and habitat to wildlife, including foxes. The plan proposes to preserve only two or three "non invasive" trees. We do not object to the development overall but request preservation of as

If you use this form to comment, it may be returned to: much of the City of Austin, Housing & Planning Department "beamble" as possible, including all of the larger trees.
Wendy Rhoades
P. O. Box 1088, Austin, TX 78767
Or email to: wendy.rhoades@austintexas.gov

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Case Number: C14-2022-0034

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: June 28, 2022, Planning Commission
July 28, 2022, City Council

Olivia H. Guerrero

Your Name (please print)

2005 So. 3rd St

Your address(es) affected by this application (optional)

Olivia H. Guerrero *6-22-22*

Signature

Date

Daytime Telephone (Optional): *512-442-8437*

Comments: *1. Stay single family housing*

2. Cuts traffic thru the neighborhood street and vehicle parking

☐ I am in favor
☒ I object

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov