

## ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0080 – 607 West 14<sup>th</sup> Street

DISTRICT: 9

ZONING FROM: GO

TO: DMU

ADDRESS: 607 West 14<sup>th</sup> Street

SITE AREA: 0.1920 acres (8,364 square feet)

PROPERTY OWNER: HKKN Holdings, LLC (Joe Newberry)

AGENT: Metcalfe Wolff Stuart and Williams, LLP (Michele Rogerson Lynch)

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

### STAFF RECOMMENDATION:

**The Staff recommendation is to grant downtown mixed use – conditional overlay (DMU-CO) combining district zoning. The proposed Conditional Overlay limits building height to 60 feet. For a summary of the basis of Staff's recommendation, please see pages 2-3 of this report.**

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**September 13, 2022: *APPROVED DMU-CO DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT***

***[C. HEMPEL; J. THOMPSON – 2<sup>ND</sup>] (8-0) G. ANDERSON, Y. FLORES, J. SHIEH – ABSENT; J. MUSHTALER – OFF THE DAIS; ONE VACANCY ON THE COMMISSION***

### CITY COUNCIL ACTION:

**October 13, 2022:**

### ORDINANCE NUMBER:

### ISSUES:

The Applicant is in agreement with the Staff recommendation. The subject site was previously developed with an approximately 2,034 square foot office building. However, in March 2021, the building was severely damaged in a fire. According to the Applicant, the building was barricaded from entry and given its condition, the property owner decided to apply for a permit to demolish the structure concurrently with the requested rezoning application.

CASE MANAGER COMMENTS:

The subject rezoning area consists of a portion of one platted lot, which is located south of West 14<sup>th</sup> Street, between Rio Grande Street and Nueces Street. The property proposed for rezoning is a 0.192-acre site currently zoned as general office (GO), representing an office use that serves community or citywide needs, such as medical or professional offices. The subject site is not located within a documented floodplain or within a creek buffer.

The property is rectangular in shape. The property was formerly developed with an approximate 2,034 square foot office building, but was severely damaged in a fire, and subsequently completed demolition under an approved permit (2021-178121 BP). A site plan application has been filed for a three-story (43 foot tall), 8,304 square foot office building with associated parking and utility improvements (SP-2022-0315C), and a building permit application is expected to be filed in the near future. A parking lot and trees remain on site. The property is accessible via either 14<sup>th</sup> Street or an alley to the rear (south) of the site. There are existing office uses at the properties immediately in every direction from the subject site, all of which are zoned GO. However, there are properties zoned DMU-CO a little further to the east, southeast, and southwest. It should also be noted that the Downtown Austin Plan calls for changing the zoning of the subject site to DMU-60. The plan also includes recommendations to replace single use zoning districts, including GO, with DMU zoning designations over time to foster a diverse mixture of land uses appropriate for the downtown urban core. An excerpt from Page 79 of the plan, which has been amended by the applicant to clearly show the location of the site, but is otherwise unaltered, has been included as an attachment to this report to show the proposed downtown zoning changes approved in the Downtown Austin Plan. ***Please refer to Exhibits A (Zoning Map), A-1 (Aerial Exhibit), and A-2 (Proposed Downtown Zoning Changes – Applicant’s Graphic) for further information.***

The Applicant has requested downtown mixed use (DMU) district zoning. However, Staff determined that given the land use recommendation identified in the Downtown Austin Plan, a Conditional Overlay to restrict the maximum building height seemed warranted. Staff consulted with the Applicant, and the Applicant is in agreement with DMU-CO to include the maximum height restriction.

BASIS OF RECOMMENDATION:

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

The Downtown Mixed Use (DMU) district is intended for use located on the periphery of an area that is zoned Central Business District (CBD). The DMU district designation may be applied to a development that includes any combination of office retail, commercial, and residential uses, as long as the development is also compatible with the downtown area. However, a DMU designation with an intermediate density may also be appropriate to create a transition area between the downtown area and surrounding districts or for an area in which the established central business district may expand in the future. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is

intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

The subject site is located on the periphery of the established central business district and in an area where the downtown core may expand in the future, as illustrated by the presence of many other DMU-CO-zoned properties within the vicinity. The Conditional Overlay would also keep the proposal consistent with the recommendations laid out in the Downtown Austin Plan. As such, the proposal would be consistent with the purpose statement of the DMU-CO zoning district.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The requested DMU zoning district would allow for a broad range of commercial and residential uses to be conducted on-site by right. The Applicant's proposed office use would be compatible with the DMU district, as well as the other properties in the immediate area of the subject site. Staff recommends approval of the Applicant's request because the location is appropriate for a mixed use designation within the downtown area and the proposal would be consistent with the adopted Downtown Austin Plan. As such, the proposal would be compatible with the adjacent and nearby uses, as well as the city's long-term vision for the neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO	Previously developed with an office building
<i>South</i>	GO	Office building
<i>North</i>	GO	Office building
<i>West</i>	GO	Office building
<i>East</i>	GO	Office building

NEIGHBORHOOD PLANNING AREA: Downtown Austin Plan (Northwest District)

TIA: Is not required

WATERSHED: Shoal Creek – Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Mathews Elementary School

O Henry Middle School

Austin High School

COMMUNITY REGISTRY LIST:

57 – Old Austin Neighborhood Association

58 – Judges Hill Neighborhood Association

511 – Austin Neighborhoods Council

623 – City of Austin Downtown Commission

742 – Austin Independent School District

1228 – Sierra Club, Austin Regional Group

1253 – West Downtown Alliance, Inc.

1363 – SEL Texas

1400 – Historic Austin Neighborhood Association    1424 – Preservation Austin  
 1497 – Shoal Creek Conservancy    1530 – Friends of Austin Neighborhoods  
 1550 – Homeless Neighborhood Association  
 1616 – Neighborhood Empowerment Foundation    1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0025 – 601 & 603 W 14 <sup>th</sup> Street	GO to DMU-CO	To Grant	Apvd (6-21-2021).
C14-2020-0035 – 707 West 14 <sup>th</sup> Street Apartments – 707 W 14 <sup>th</sup> Street	GO to DMU-CO	To Grant	Apvd (7-30-2020).
C14-2010-0197 – 600 W 13 <sup>th</sup> Street	GO to DMU-CO	To Grant	Apvd (3-10-2011).
C14-2017-0076 – ACC Rio Grande Campus – Block 153 Zoning – 1212 Rio Grande Street	UNZ and UNZ-H to DMU-CO and DMU-CO-H	To Grant	Apvd (10-05-2017).
C14-2012-0081 – ACC Rio Grande Campus – Block 153 Zoning – 1212 Rio Grande Street	UNZ and UNZ-H to DMU-CO and DMU-CO-H	N/A – Case Expired	N/A – Case Expired
C14-2007-0219 – 1306 West Avenue	SF-3 to MF-4	To Grant	Apvd (1-10-2008).
C14H-2009-0026 – Byrne-Reed House – 1410 Rio Grande Street	GO to GO-H	To Grant	Apvd (3-10-2011).
C14-75-084 – Randolph G. Mueller – 802 Rio Grande	B to O	To Grant	Apvd (10-16-1975).
C14-84-056 – Ruben H. Johnson Co. – W 15 <sup>th</sup> Street	LR to C	To Grant	Apvd (7-26-1984).
C14-05-0190 – 515 W 15 <sup>th</sup> Street	GO to CBD-CO	To Grant	Apvd (6-08-2006).
C14-2012-0082 – ACC Rio Grande Campus – Block 152 Rezoning –	GO & LR to DMU	N/A – Case Expired	N/A – Case Expired

1209 Rio Grande Street			
C14-01-0052 – Waterloo I, LTD – 605 W 13 <sup>th</sup> Street	GO to LR-CO	To Grant	Apvd (8-09-2001).

RELATED CASES:

The property is a portion of a platted lot identified as 0.192 acres of Lot 7, Block 154 of the Original City of Austin.

EXISTING STREET CHARACTERISTICS:

NAME	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
West 14 <sup>th</sup> Street	Level 1	80'	82'	39'	Yes	N/A	Yes

ADDITIONAL STAFF COMMENTS:Drainage

The developer is 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.

Environmental

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

According to floodplain maps there is not a 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 square feet cumulative is exceeded, and on-site control for the two-year storm.

#### Impervious Cover

The maximum impervious cover allowed by the CBD zoning district is 100% based on the zoning district regulations.

#### PARD – Planning & Design Review

There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for office, there may not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision. However, the City Council is currently proposing the creation of parkland dedication requirements for commercial uses at the time of site plan and subdivision, which may become applicable to this project in the future. This potential future development may be required to pay a fee in-lieu for the office use.

#### Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family, two-family or duplex residential.

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.

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

Austin Water Utility

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:**

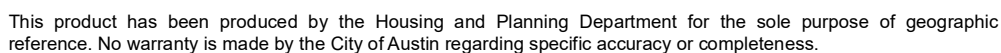
A: Zoning Map

A-1: Aerial Map

Applicant's Summary Letter











METCALFE WOLFF  
STUART & WILLIAMS, LLP

MICHELE ROGERSON LYNCH  
Director of Land Use &  
Entitlements

mlynch@mwswtexas.com  
512-404-2251

May 23, 2022

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

**Via Online Submittal**

Re: Application for Rezoning; 0.19 acres located at 607 W. 14<sup>th</sup> 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 607 W. 14<sup>th</sup> Street (see Location Map attached) and is zoned General Office (GO). The Application for Rezoning requests to rezone the Property to Downtown Mixed Use (DMU). The property had a building that was used as an office us before it got burned down.

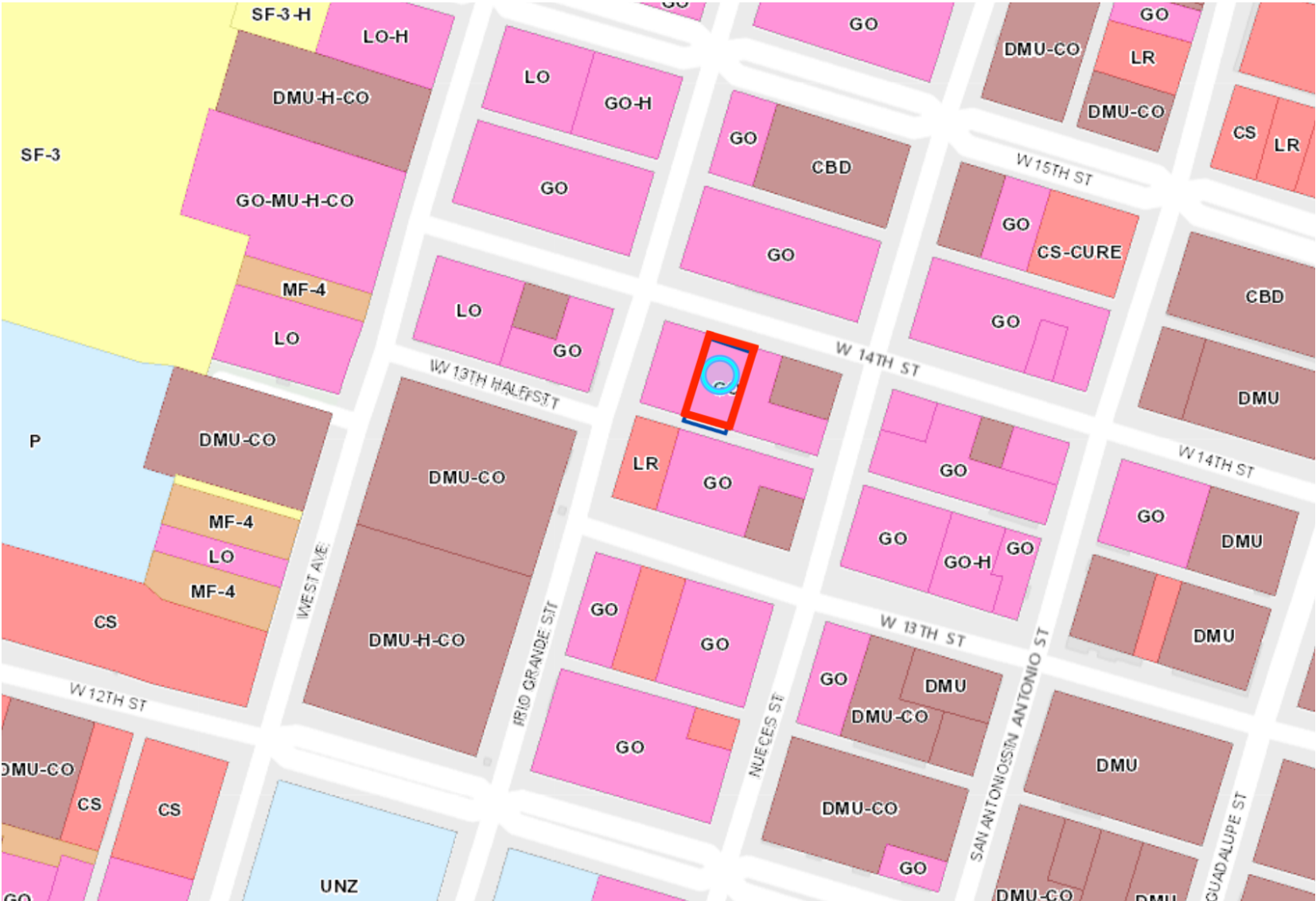
The Property is within the Downtown Austin Plan. Surrounding zoning includes Downtown Mixed Use (DMU), Neighborhood Commercial (LR), and General Office (GO). One of the recommendations in the Downtown Plan is to replace single-use zoning districts with downtown mixed-use zoning designations to ensure a diverse and pedestrian-friendly urban district. I is recommended that DMU-60 should replace those with a 60-foot heigh limit (CS, GO, MF-5, MF-6). This property in the proposed downtown zoning changes is recommended to be DMU-60 (see attached exhibit).

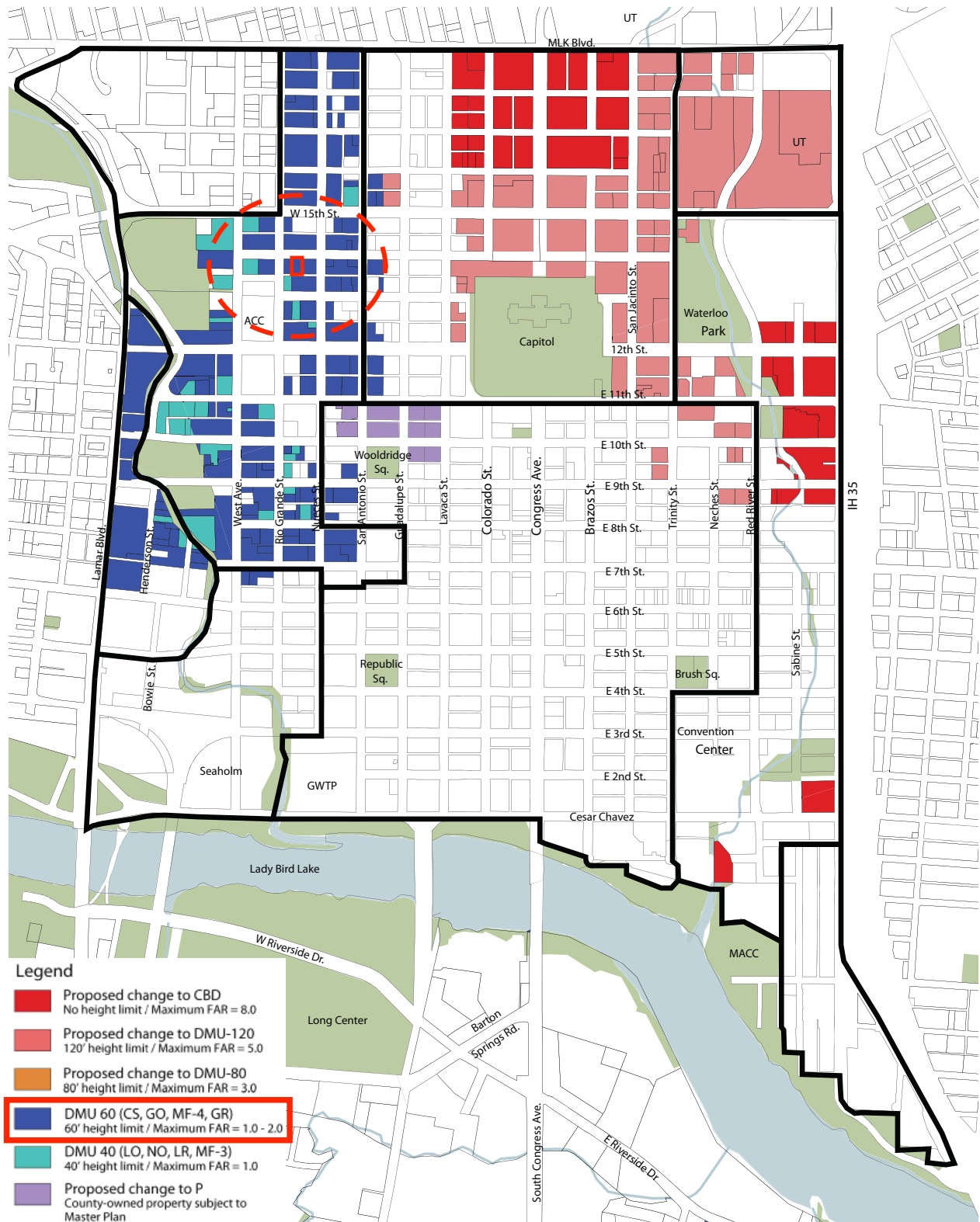
If you have any questions about this Application for Rezoning or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,

Michele Rogerson Lynch

## ZONING EXHIBIT





## Proposed Downtown Zoning Changes

## Dietz, Michael

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**From:** Michele Rogerson Lynch  
**Sent:** Wednesday, August 17, 2022 3:14 PM  
**To:** Dietz, Michael  
**Cc:** Katherine Nicely  
**Subject:** RE: Staff Recommendation - 607 W 14th St.

\*\*\* External Email - Exercise Caution \*\*\*

Correct – DMU with a 60 foot height limit is okay.

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**Michele Rogerson Lynch**  
Director of Land Use & Entitlements  
**Metcalf Wolff Stuart & Williams, LLP**  
221 W. 6<sup>th</sup> Street, Suite 1300  
Austin, Texas 78701  
(512) 404-2251 ofc  
(512) 797-2129 cell  
(512) 404-2245 fax

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**From:** Dietz, Michael <Michael.Dietz@austintexas.gov>  
**Sent:** Wednesday, August 17, 2022 2:06 PM  
**To:** Michele Rogerson Lynch  
**Subject:** Staff Recommendation - 607 W 14th St.

[Outside Email]

Hi Michele,

I had another thing to run by you for C14-2022-0080 (607 W 14<sup>th</sup> Street). Your application indicates that you are requesting DMU zoning. Staff is supportive of DMU zoning, but only with a CO imposing a 60-foot maximum height limit. This would reflect the recommendations made in the Downtown Austin Plan, as well as the other properties that have been rezoned to DMU-CO in the vicinity in recent years.

Can you please confirm whether you would agree to the DMU-CO zoning with a 60-foot height limit? My assumption is that this will not be an issue, since you highlighted the DMU-60 recommendation in your own summary letter, but I still want to check with you to be sure.

**Michael Dietz**  
Planner Senior  
City of Austin | Housing & Planning Department  
1000 East 11<sup>th</sup> Street  
Austin, TX 78702  
[Michael.Dietz@austintexas.gov](mailto:Michael.Dietz@austintexas.gov) | (512) 974-3279

## 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](http://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: C14-2022-0080

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: September 13, 2022, Planning Commission  
October 13, 2022, City Council

*Scott Smyers*

Your Name (please print)

*1800 Nueces St Austin*

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

*Attorney*

Signature

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Date

Daytime Telephone (Optional):

Comments:

*IN FAVOR*

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](mailto:wendy.rhoades@austintexas.gov)