

ZONING CHANGE REVIEW SHEET

Note: This report addresses three related rezoning requests.

CASES: C14-2021-0185 - Copeland South
C14-2022-0081 - Frank South
C14-2022-0082 - Copeland

DISTRICT: 9

PROPERTY OWNER/APPLICANT:
SB-Frank South, LLC

AGENT:
StoryBuilt
(Mike Melson)

CASE: C14-2021-0185 - Copeland South

ADDRESS: 909, 911, 915, 1001 & 1003 South Second Street; 604 & 606 Copeland Street

SITE AREA: 0.82 Acres

ZONING FROM: SF-3-NP

TO: CS-MU-V-CO-NP, as Amended

CASE: C14-2022-0081 - Frank South

ADDRESS: 1108 and 1110 South First Street

SITE AREA: 1.9 Acres

ZONING FROM: GR-MU-V-CO-NP

TO: CS-MU-V-CO-NP, as Amended

CASE: C C14-2022-0082 - Copeland

ADDRESS: 1002, 1004 and 1006 South First Street

SITE AREA: 0.95 Acres

ZONING FROM: GR-MU-V-CO-NP

TO: CS-MU-V-CO-NP, as Amended

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

STAFF RECOMMENDATION:

Staff supports the Applicant's request of CS-MU-V-CO-NP on these three rezoning requests. The proposed conditional overlay includes the following:

1. A General Retail Sales (General) use exceeding 20,000 sf of gross floor area is a conditional use.

2. Parking is prohibited in a required front yard.

3. The following land uses are prohibited: Alternative Financial Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Commercial Off-Street Parking, Communications Services, Convenience Storage, Drive-In Services as an accessory use to commercial uses, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, Limited Warehousing and Distribution, Pawn Shop Services, Service Station, and Vehicle Storage.

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

PLANNING COMMISSION ACTION / RECOMMENDATION:
October 25, 2022:

CITY COUNCIL ACTION:
December 1, 2022:

ORDINANCE NUMBER:

ISSUES

This report covers three related zoning cases. The cases are filed separately because the properties are separated by right of way (ROW). The rezoning requests were initially filed for GR-MU-V-CO-NP but later amended to request CS-MU-V-CO-NP. ***Please see Exhibit A – Combined Zoning Maps.***

CASE MANAGER COMMENTS:

The subject properties are located on the west side of South First Street and are located on the north and south side of Copeland Street. The rezoning tracts are bounded by South Second Street on the west and Dawson Neighborhood Park on the south, which is zoned P-NP. The tracts that front South First Street are currently zoned GR-MU-V-CO-NP. The rezoning tract that is located north of Copeland and fronts South Second Street is zoned SF-3-NP. The properties include undeveloped lots, single family residential and commercial land uses. Across South Second Street to the west are properties zoned SF-3-NP that are developed with single family residences, as well as a SF-6-CO-NP zoned property that is currently under construction with approximately 30 residential units. North of the properties are GR-MU-CO-NP and GR-MU-V-CO-NP properties that are developed with a mix of condominium residential, commercial and office uses. Across South First Street is the Texas School for the Deaf on unzoned property (UNZ). ***Please see Exhibit B – Aerial Exhibits.***

The existing conditional overlay on the GR-MU-V-CO-NP zoned properties limits building height on these tracts to 35 feet and limits several land uses. The rezoning request would eliminate the height limitation but retain the prohibited land uses. The rezoning request would prohibit additional land uses that are permitted in CS zoning and apply these conditions to the entire rezoned area. The Applicant has stated their intent to redevelop the subject properties as a cohesive mixed use development with approximately 120 condominium residences. ***Please see Exhibit C- Applicant Letter.***

Staff supports the rezoning request. Beginning approximately 90 feet south of the subject properties, CS-MU-V-CO-NP is the primary zoning classification on both the west and east side of South First Street to Oltorf Street. South First Street is an ASMP Transit Priority Network Corridor, where increased density is appropriate. Rezoning the properties and removing the 35-foot height limit will make redevelopment of the properties as a unified mixed use site feasible.

BASIS FOR RECOMMENDATION:

- 1. Granting of the request should result in an equal treatment of similarly situated properties.*
- 2. Zoning should allow for reasonable use of the property.*
- 3. The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*
- 4. 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	GR-MU-V-CO-NP, SF-3-NP	Vacant, Single family residential, Office, Commercial
North	GR-MU-CO-NP, GR-MU-V-CO-NP, MF-2-NP, MF-3-NP	Condominium residential, Office, Commercial, Multifamily residential
South	P-NP, CS-MU-V-CO-NP	Dawson Neighborhood Park, Off site accessory parking
West	SF-3-NP, SF-6-NP	Single family residential, Townhouse/condominium residential
East	Unzoned, CS-MU-V-CO-NP	Texas School for the Deaf, Offsite accessory parking, Townhouse/condominium residential

NEIGHBORHOOD PLANNING AREA: Bouldin Creek

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

WATERSHED: East Bouldin Creek (Urban)

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation	Austin Independent School District
Austin Lost and Found Pets	Austin Neighborhoods Council
Bouldin Creek Neighborhood Association	Bike Austin
Bouldin Creek Neighborhood Planning Team	Friends of Austin Neighborhoods
Friends of the Emma Barrientos MACC	Homeless Neighborhood Association
Preservation Austin	South Central Coalition
South First IBIZ District	Sierra Club
State School for the Deaf	

SCHOOLS: Travis HS, Fulmore MS, Becker Elementary

AREA CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2016-0077 Bouldin Court	GR-MU-CO-NP & SF-3-NP TO: SF-6-NP	10/25/2016: SF-6-CO-NP	3/2/2017: To grant SF-6-CO-NP with max 30 residential units, max 23 detached single family structures, Max IC 44.3%, Max bldg. coverage 22%, Max FAR 0.3738 to 1.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Copeland Street	Local Mobility – Level 1	64 feet recommended; 58 feet constrained	42 feet	20 feet	Incomplete, recommended 5 feet wide sidewalks	None	1 on South 1 st Street
South 2 nd Street	Local Mobility – Level 1	64 feet recommended; 58 feet constrained	38 feet	17 feet	Incomplete, recommended 5 feet wide sidewalks	None	1 on South 1 st Street
South 1 st Street	Local Mobility – Level 3	116 feet recommended; 80 feet constrained	52 feet	44 feet	Existing 6 feet sidewalks	Existing sidewalk, future proposed protected bike lane	1

ADDITIONAL STAFF COMMENTS:Environmental

1. 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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. Site plans will be required for any new development other than single-family or duplex residential.

SP2. 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.

SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

SP4. The site is subject to compatibility standards.

- No structure may be built 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.
- No parking or driveways are allowed within 25 feet of the northwest property line.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 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.
- 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.

SP5. Additional design regulations will be enforced at the time a site plan is submitted.

SP6. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Parks and Recreation Department

PR1: Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The development as proposed will require parkland dedication for the new residential units that will serve the surrounding neighborhood through the additional park investment. The Parks and Recreation Department (PARD) would consider the dedication of East Bouldin Creek, expanding Nicholas Dawson Neighborhood Park and connecting to the East Bouldin Creek Greenbelt and S 2nd Street, toward satisfying the requirement at time of permitting (whether subdivision or site plan). Such a connection would improve neighborhood connectivity, and satisfy an acquisition need for East Bouldin Creek, a recommendation identified in the Parks and Recreation Department's Long Range Plan. Should there be any remaining fees in-lieu, 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). Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov.

Transportation

ATD 1. A Traffic Impact Analysis is required per LDC 25-6-113 and has been received. Comments will be provided in a separate memo.

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Copeland Street	Local Mobility – Level 1	64 feet recommended; 58 feet constrained	42 feet	20 feet	Incomplete, recommended 5 feet wide sidewalks	None	1 on South 1 st Street
South 2 nd Street	Local Mobility – Level 1	64 feet recommended; 58 feet constrained	38 feet	17 feet	Incomplete, recommended 5 feet wide sidewalks	None	1 on South 1 st Street
South 1 st Street	Local Mobility – Level 3	116 feet recommended; 80 feet constrained	52 feet	44 feet	Existing 6 feet sidewalks	Existing sidewalk, future proposed protected bike lane	1

ATD 3. The ASMP requires a minimum of 58 feet of right-of-way for Copeland Street. An additional 8 feet of right-of-way from the existing street centerline may need to be dedicated at site plan/subdivision in accordance with the ASMP (LDC 25-6-55). Sidewalks improvements are recommended.

ATD 4. The ASMP requires a minimum of 58 feet of right-of-way for South 2nd Street. An additional 10 feet of right-of-way from the existing centerline may need to be dedicated at site plan/subdivision in accordance with the ASMP (LDC 25-6-55).

ATD 5. The ASMP requires a minimum of 80 feet of right-of-way for South 1st Street. An additional 14 feet of right-of-way from the existing centerline may need to be dedicated at site plan/subdivision in accordance with the ASMP (LDC 25-6-55).

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: Combined Zoning Map

B. Aerial Exhibits

C. Applicant Letter


$$1'' = 400'$$

Created: 10/5/2022

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

MICHAEL J. WHELLAN
(512) 435-2320
mwhellan@abaustin.com

September 23, 2022

Jerry Rusthoven, Chief Zoning Officer
City of Austin
Housing and Planning Department
1000 E. 11th St.
Austin, TX 78702

Re: Rezoning and Neighborhood Plan Amendment applications C14-2021-0185, C14-2022-0082, C14-2022-0081, and NPA-2019-0013.01, covering Lots 1-14, Block 1, Oak Cliff Addition Subdivision and Travis Central Appraisal District Parcels No. 0101011122 and 0101011123 (collectively, the “Property”)

Dear Mr. Rusthoven,

On behalf of SB-Frank South, LLC (the “Owner”)¹, I am requesting a rezoning and Neighborhood Plan Future Land Use Map (“FLUM”) amendment for the Property as described below, in order to develop a project known as “Copeland.” The Bouldin Creek Neighborhood Association supports these requests.

Case Summary: Copeland

The Copeland project encompasses four different cases with one overall vision: to provide a walkable mixed-use project along the South 1st corridor featuring 120 new ownership units – including affordable units – above pedestrian-oriented ground-floor commercial amenities. This includes income-restricted ownership units for 99 years. To put this into perspective, affordable units at current levels would sell in the \$200,000s, depending on the unit size – while market-rate single-family homes nearby often sell for over \$1 million.

Rezoning and Neighborhood Plan Amendment Requests

In order to accomplish this vision, we have submitted three rezoning cases (Figure 1) and one Neighborhood Plan Amendment case (Figure 2). (The Land Development Code prohibits rezoning cases from crossing rights-of-way; as a result, Copeland has been brought forward as multiple cases.)

Currently, the Property is zoned partially for SF-3-NP and partially for GR-MU-V-CO-NP, with a conditional overlay limiting the GR portion of the site to a maximum of 35 ft. of height and prohibiting certain uses. The Property is also designated on the FLUM partially for Single-Family and partially for Mixed-Use.

¹ SB-Frank South, LLC was previously named SB-George, LLC.

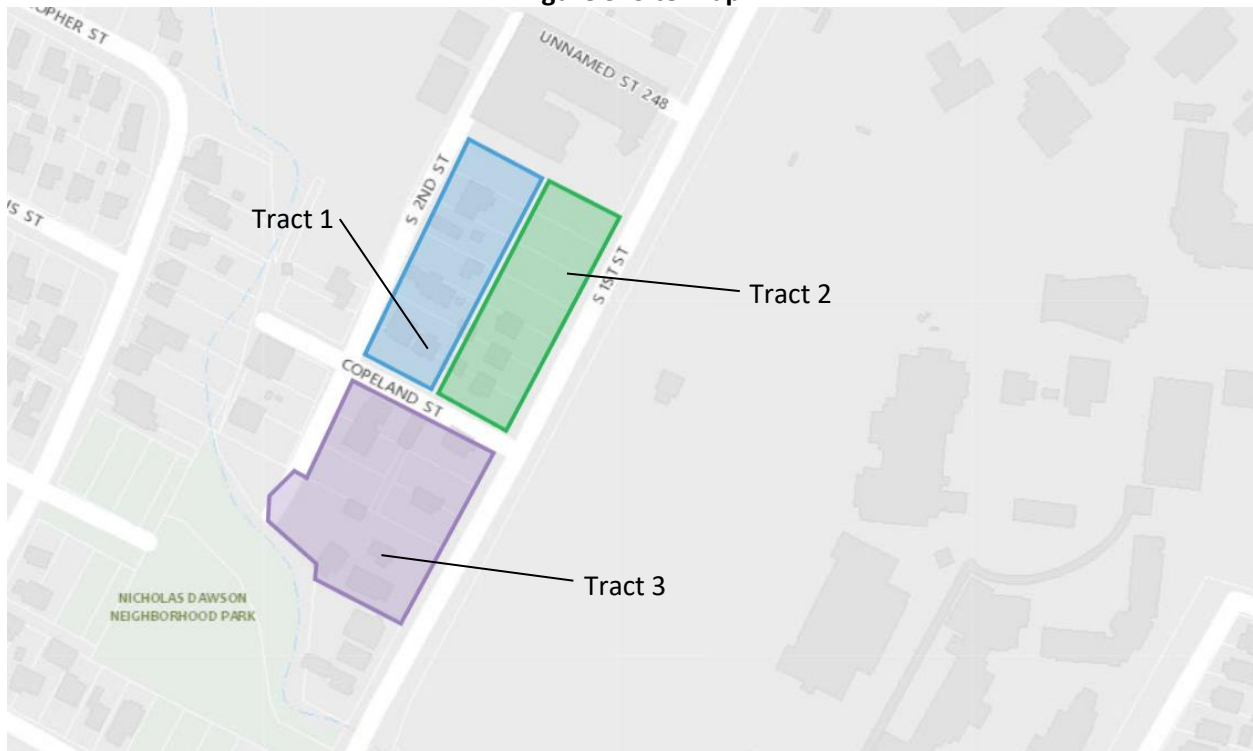
Figure 1. Rezoning Cases

Tract	Case Number	Date Filed	Current Zoning	Requested Zoning
1	C14-2021-0185	11/02/2021	SF-3-NP	CS-V-MU-CO-NP
2	C14-2022-0082	04/14/2022	GR-MU-V-CO-NP	CS-V-MU-CO-NP
3	C14-2022-0081	04/14/2022	GR-MU-V-CO-NP	CS-V-MU-CO-NP

Figure 2. Neighborhood Plan Amendment Case

Tract	Case Number	Date Filed	Current Designation	Requested Designation
1	NPA-2019-0013.01	02/28/2019	Single-Family	Mixed-Use

Figure 3. Site Map



Together, these applications would:

- Re-designate the SF-3-NP portion of the site for Mixed-Use; and
- Rezone the entire site to a unified, consistent CS-V-MU-CO-NP designation, including revising the conditional overlay to remove the 35-ft. height provision.

This would provide consistent, unified zoning and FLUM designations across the Property that would allow it to develop as a comprehensive mixed-use corridor project with commercial space and ample affordability.

Conditional Overlay

While the applicant is amending the existing conditional overlay to remove the 35-ft. height provision, they are proposing to maintain the other conditional overlay limitations. The applicant has also proposed additional limitations that narrow the allowable uses within the CS base zoning district.

The full proposed provisions for the conditional overlay (including both the existing and newly proposed limitations) are as follows:

- A General Retail Sales (General) use exceeding 20,000 sf of gross floor area is a conditional use.
- Parking is prohibited in a required front yard.
- Prohibit the following uses:
 - Alternative Financial Services²
 - Automotive Rentals
 - Automotive Repair Services
 - Automotive Sales
 - Automotive Washing
 - Commercial Off-Street Parking
 - Communications Services
 - Convenience Storage²
 - Drive-In Services as an accessory use to commercial uses
 - Drop-Off Recycling Collection Facility
 - Exterminating Services
 - Funeral Services
 - Limited Warehousing and Distribution²
 - Pawn Shop Services
 - Service Stations
 - Vehicle Storage²

These limitations would also be extended to Tract 1, as well (which is proposed for rezoning from SF-3-NP to CS-V-MU-CO-NP).

Community Engagement

The Owners have been working on Copeland for over three years, including extensive meetings with the Bouldin Creek Neighborhood Association (“BCNA”). During this process, the Owners worked through multiple iterations for Copeland in collaboration with BCNA and have committed to entering into a private restrictive covenant with them. As a result, the BCNA has voted to support the Owners’ requests.

Case Rationale

The Property’s current zoning and FLUM designations date back to May 2002, when Council adopted the Bouldin Creek Neighborhood Plan. At the time, the city had roughly 681,000 residents. In the two decades since then, Austin has grown by over 40 percent, with more than 961,000 residents.

² New proposed limitation not included in prior conditional overlay.

This growth has, in turn, deepened Austin's housing crisis. According to U.S. Census Bureau data, the typical value for owner-occupied units roughly tripled over that same timeframe. Affordability issues have been particularly acute in central neighborhoods such as Bouldin Creek, where homes often sell for over \$1 million.

To manage these pressures and meet its housing needs, Austin has developed a consensus around allowing additional growth and height along corridors. The city has consistently identified South 1st as one such corridor, designating it as a VMU Core Transit Corridor (2005), an Imagine Austin Corridor (2012), and a Transit Priority Network Roadway (2019).

This project will help deliver on the city's vision for directing growth along its corridors – and will do so while providing much-needed affordable ownership units in a central Austin neighborhood.

I appreciate your consideration and am available to answer questions regarding these cases.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael J. Whellan', with a long horizontal flourish extending to the right.

Michael J. Whellan

Attachment A. Case Summary Table

Provision (Conditional Overlay Changes Are Starred)		Existing	Requested
Zoning			
Tract 1		SF-3-NP	CS-MU-V-CO-NP
Tract 2		GR-MU-V-CO-NP	CS-MU-V-CO-NP
Tract 3		GR-MU-V-CO-NP	CS-MU-V-CO-NP
Neighborhood Plan Amendment			
Tract 1		Single-Family	Mixed-Use
Conditional Overlay Provisions			
Applicability			
* Tract 1			X
Tract 2		X	X
Tract 3		X	X
Prohibited Uses			
* Alternative Financial Services			X
Automotive Rentals		X	X
Automotive Repair Services		X	X
Automotive Sales		X	X
Automotive Washing		X	X
Commercial Off-Street Parking		X	X
Communications Services		X	X
* Convenience Storage			X
Drive-In Services (as accessory use to commercial uses)		X	X
Drop-Off Recycling Collection Facility		X	X
Exterminating Services		X	X
Funeral Services		X	X
* Limited Warehousing and Distribution			X
Pawn Shop Services		X	X
Service Station		X	X
* Vehicle Storage			X
Conditional Uses			
General Retail Sales (General) Use Exceeding 20,000 sf		X	X
Other Conditional Overlay Provisions			
* 35-ft. Height Limit		X	(Removed)
Parking Prohibited in Required Front Yard		X	X