

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0093 (SDC-MLK)

DISTRICT: 9

ADDRESS: 607, 611, 615 W. Martin Luther King Jr. Boulevard & 1809 Rio Grande Street

ZONING FROM: CS

TO: ~~LI-PDA~~ DMU-V*

*On November 22, 2022, the applicant amended their rezoning request to DMU-V zoning
(please see *Applicant's Amendment Request Letter – Exhibit C*).

SITE AREA: 0.6784 acres (29,551 sq. ft.)

PROPERTY OWNER: Jack Brown Family II Limited Partnership (Paul Brown)

AGENT: Alice Glasco Consulting (Alice Glasco)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

**Staff recommends DMU-V, Downtown Mixed Use-Vertical Mixed Use Building
Combining District, zoning.**

PLANNING COMMISSION ACTION / RECOMMENDATION:
December 20, 2022

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is currently zoned CS and is developed with a laundry services use (Jack Brown Cleaners). The lots to the north, across W. Martin Luther King Boulevard, are zoned CS-1-NP and CS-NP and contain restaurant (Kesos Tacos) and retail (The UPS Store) uses. To the south, there is a multifamily use (Penthouse Apartments) zoned GO. The lot to the east is zoned CS-MU and is developed with a restaurant use (Jimmy John's). To the west, across Rio Grande Street, there is a multifamily complex zoned GO, and an office use (Austin Symphony Orchestra) that is zoned DMU-H. The applicant is requesting DMU-V zoning to redevelop this site with a multifamily housing use (*please see Applicant's Amendment Request Letter – Exhibit C*).

The staff recommends DMU-V, Downtown Mixed Use-Vertical Mixed Use Building Combining district, zoning. The proposed zoning is compatible and consistent with surrounding land uses and zoning patterns in this area as there is DMU-H zoning to the southeast and DMU-CO zoning to the west. The area under consideration is located to the south of the West Campus Neighborhood Overlay (Inner West Campus), across W. Martin Luther King, Jr. Boulevard. The lots in question are within the Northwest District in the Downtown Area Plan. The DAP calls for DMU 60 for these tracts and this property is ineligible for the Downtown Density Bonus Program (*please see attached Exhibit D-Downtown Austin Plan Exhibits*). However, with the adoption of VMU2 and modification of compatibility and parking requirements along certain roadways, the City Council has signaled that they are supportive of additional height on major corridors. Therefore, the staff is recommending DMU-V zoning for this property that fronts onto West Martin Luther King, Jr. Boulevard, a Level 3/Arterial Roadway. The DMU base district permits a maximum height of 120 feet.

The staff supports DMU-V zoning at this location because it is consistent with the DMU designation in the Downtown Area Plan (DAP). The addition of the "V", VMU overlay, will permit the applicant to provide multifamily housing at this location and will encourage the development of more on-site affordable units. The proposed housing is consistent with the goals and priorities that have been identified in the City of Austin's Strategic Housing Blueprint. There are transportation options available in this area with exiting sidewalks and a shared bike lanes on Martin Luther King, Jr. Boulevard and Rio Grande Street and a Metro Rapid Bus route two blocks to the east along Guadalupe Street.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

Downtown Mixed Use district is intended for areas on the periphery of CBD classifications in the central core area, permitting a variety of uses compatible with

downtown Austin and allowing intermediate densities as a transition from the commercial core to surrounding districts. Site development regulations are intended to permit combinations of office, retail, commercial, and residential uses within a single development.

Vertical Mixed Use Building (V) combining district may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses within a vertical mixed use building.

2. The proposed zoning should promote consistency and orderly planning.

The proposed DMU-V zoning would be consistent with the DMU-CO zoning to southwest and DMU-H zoning to the west of this site, across Rio Grande Street. There are multifamily uses to the south (Penthouse Apartments) and west and restaurant and retail uses to the north and east. The site under consideration is located at the southeast intersection of a Level 3/arterial roadway, W. Martin Luther King, Jr. Boulevard, and a Level 2/ collector street, Rio Grande Boulevard. There is access to public transit with a Capital Metro bus route and a Metro Rapid bus route along Guadalupe Street two blocks to the east.

This property is located within the Northwest District in the Downtown Area Plan. The Downtown Area Plan calls for DMU 60 zoning for these tracts. However, the City Council has signaled that they are supportive/ comfortable with additional height on major corridors with the amendments to VMU (VMU2) and the modification of parking requirements along certain roadways, such as Martin Luther King Jr. Boulevard.

3. The proposed zoning should allow for a reasonable use of the property.

The proposed DMU-V zoning would permit the applicant to redevelop the property with residential and other supporting uses that would be consistent with the residential, civic, office and low density commercial uses in this area.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|-------------------|-----------------------------------------------------|
| <i>Site</i> | CS | Laundry Services (Jack Brown Cleaners); Billboard |
| <i>North</i> | CS-1-NP, CS-NP, P | Restaurant (Kesos Tacos) and Retail (The UPS Store) |
| <i>South</i> | GO | Multifamily (Penthouse Apartments) |
| <i>East</i> | CS-MU | Restaurant (Jimmy John's) |
| <i>West</i> | GO, DMU-H | Multifamily, Office (Austin Symphony Orchestra) |

NEIGHBORHOOD PLANNING AREA: Downtown Austin Plan (Northwest District)

TIA: Not Required

WATERSHED: Shoal Creek

SCHOOLS: Austin I.S.D.
Matthews Elementary School
O'Henry Middle School
Austin High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Central Austin Community Development Corporation
City of Austin Downtown Commission
Downtown Austin Alliance
Friends of Austin Neighborhoods
Historic Austin Neighborhood Association
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Old Austin Neighborhood Association
Preservation Austin
SELTEXAS
Shoal Creek Conservancy
Sierra Club, Austin Regional Group
West Downtown Alliance, Inc.

AREA CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---------------------------------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C14-2010-0035 (1800 Nueces Street) | GO to DMU | 5/11/10: Approved the staff's recommendation for DMU-CO zoning, with the conditions to prohibit Laundry services and Pawnshops; was approved by Commissioner Clint Small's motion, Commissioner Benjamin Deleon second the motion on a vote of 6-2; Commissioners Mandy Dealey and Saundra Kirk voted against the motion (nay), Commissioner Jay Reddy was absent. | 6/24/10: DMU zoning was approved with the following additional conditions: 1) The following uses are prohibited uses of the Property: Automotive rentals, Automotive repair services, Automotive sales, Automotive washing, Bail bond services, Cocktail lounge, Laundry service, Limited Warehousing and distribution, Maintenance & service facilities, Pawn shop services, Service station and Vehicle storage. 2) Exterminating services use is a conditional use of the Property. 3) The maximum height of a building or structure is 60 feet from ground level. 4) The minimum rear yard setback is 5 feet. 5) The |

| | | | |
|--|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------|
| | | | minimum interior side yard setback is 5 feet., on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. |
|--|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------|

RELATED CASES: N/A

EXISTING STREET CHARACTERISTICS:

| Name | ASMP Classification | ASMP Required ROW | Existing ROW | Existing Pavement | Sidewalks | Bicycle Route | Capital Metro (within ¼ mile) |
|---------------------------------------|----------------------------------------------------------|-------------------|--------------|-------------------|---------------------------|------------------------------------------------------------|-------------------------------|
| West Martin Luther King Jr. Boulevard | Local Mobility – Level 3 (Minor Arterial/Major Arterial) | 80 feet | 86 feet | 60 feet | 9 feet existing sidewalks | On-street shared lane, future protected bike lane proposed | None |
| Rio Grande Street | Local Mobility – Level 2 (Collector) | 80 feet | 80 feet | 40 feet | 6 feet existing sidewalk | On-street shared lane | None |

OTHER STAFF COMMENTS:Comprehensive Planning

No comments received.

Environmental

No review necessary.

Fire

No comments.

Parks and Recreation

Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with LI-PDA 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

Site plans will be required for any new development other than single-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.

Compatibility Standards

The site is subject to compatibility standards. Along the Western property line, the following standards apply:

- 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.

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

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.

Transportation

A traffic impact analysis is not required as the proposal does not exceed the thresholds established in the Land Development Code.

The ASMP requires a minimum of 80 feet of right-of-way for **West Martin Luther King Jr. Boulevard**. No additional right-of-way will need to be dedicated; right-of-way is sufficient per the ASMP (LDC 25-6-55).

The ASMP requires a minimum of 80 feet of right-of-way for **Rio Grande Street**. No additional right-of-way will need to be dedicated; right-of-way is sufficient per the ASMP (LDC 25-6-55). Bike lane improvements are recommended.

Water Utility

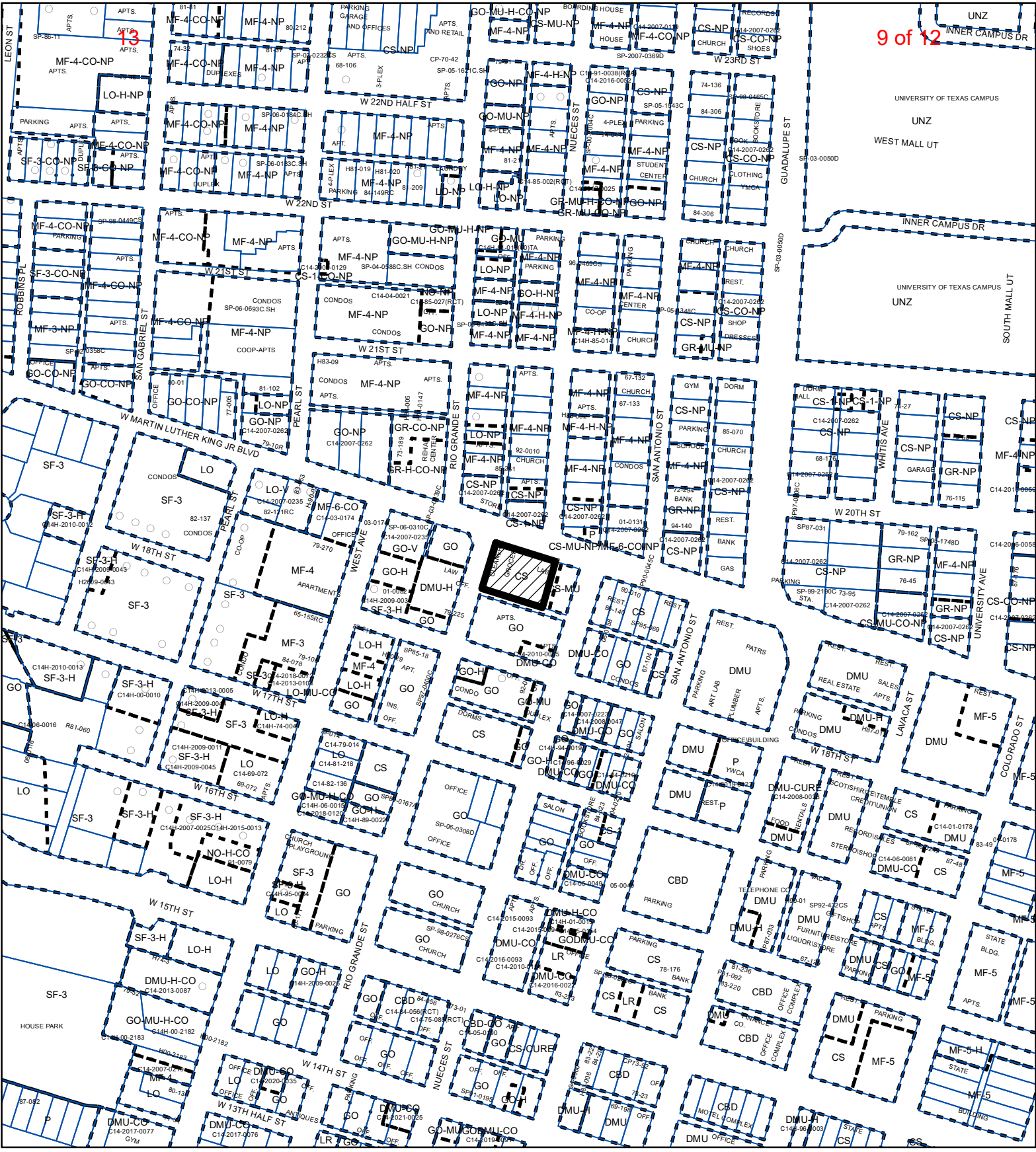
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water 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 TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Amended Request Letter
- D. Correspondence from Interested Parties



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

EXHIBIT A

ZONING CASE#: C14-2022-0093



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

1" = 400'

Created: 7/11/2022

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ALICE GLASCO CONSULTING

November 22, 2022

Rosie Truelove, Director
Housing & Planning Department
1000 E 11th Steet, Suite 200
Austin, Texas 78702

RE: 607, 611 & 615 W, Martin Luther King Jr. Blvd. & 1809 Rio Grande Street- An
Amendment to Rezoning Request – case no. C14-2022-0093

Dear Rosie:

As the agent for Schlosser Development Group, the prospective developer of the above
referenced property, I would like to amend the rezoning request to DMU-V

Justification For DMU-V Rezoning

1. MLK Jr. Blvd., from North Lamar to FM 969 is a **2016 approved bond corridor.**
2. **Project connect** proposed light rail on Guadalupe Street is approximately one block away from the subject site.
3. West MLK Jr. Blvd., from San Jacinto Street, eastward to the Austin City limits/SH 130, is designated as an **Imagine Austin Corridor** – and considered appropriate for Vertical Mixed Use, which means that it should also be appropriate from N. Lamar Blvd. to San Jacinto Blvd.

Please let me know if you have any questions or need additional information.

Sincerely,

Alice Glasco

Alice Glasco, President
AG Consulting

Cc: Joi Harden, Zoning Division Manager, City of Austin
Sherri Sirwaitis, Zoning Planner

From: [Chaffin, Heather](#)
To: [Sirwaitis, Sherri](#)
Subject: FW: case #C14-2022-0093
Date: Friday, August 5, 2022 1:04:10 PM

From: Scotty Sayers <>
Sent: Friday, July 29, 2022 1:33 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: case #C14-2022-0093

*** External Email - Exercise Caution ***

Heather Chaffin
City of Austin
Case Manager: C14-2022-0093

Dear Ms. Chaffin,

We are the property owners of 1800 Nueces, in the same block as the proposed Brown Family application. We support the application for the proposed zoning change.

Please feel free to call us if you have any questions, but we are firm believers that density needs to be increased in this area of downtown.

Best regards,
Scott Sayers Julie Sayers

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