

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0177 (707 West 10th Street) DISTRICT: 9

ADDRESS: 707 West 10th Street

ZONING FROM: GO

TO: DMU-CO*

*The applicant is proposing a conditional overlay to limit the maximum height to 60 feet on the property.

SITE AREA: 0.232 acres

PROPERTY OWNER: 707 West 10th Street Owner LLC

AGENT: Drenner Group (Amanda Swor)

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

STAFF RECOMMEDATION:

Staff recommends DMU-CO, Downtown Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will limit the height on the property to a maximum of 60 feet.

PLANNING COMMISSION ACTION / RECOMMENDATION:

March 28, 2023

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The lot under consideration is developed with a professional office use with associated paved parking area. There are office uses and GO and LO zoning surrounding the property to the north, south, east and west. In this application, the applicant is requesting DMU-CO zoning, with a conditional overlay to limit the height on property to a maximum of 60 feet, to allow for the adaptive reuse of the existing structure and to allow hotel and residential uses. *(please see Applicant's Request Letter – Exhibit C)*. The property is located within the Northwest District in the Downtown Area Plan in an area that is ineligible for participation in the Downtown Density Bonus Program.

The staff recommends DMU-CO, Downtown Mixed Use-Conditional Overlay Combining district, zoning. The proposed zoning is compatible and consistent with surrounding land uses and zoning patterns in this area as there is DMU-CO zoning to the north, southwest and west. The Downtown Area Plan calls for DMU 60 for these tracts *(please see attached Exhibit D- Downtown Austin Plan Exhibits)*.

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.

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

The proposed DMU zoning would be consistent with the DMU-CO zoning and DMU-H zoning located further to the north, south, east and west of this site. There is a developing mixed-use complex to the northwest on W. 12th Street and office uses surrounding this site to the north, south, east and west. Across W. 9th Street to the south along West Avenue, there are low density commercial/personal services uses. The Austin Community College Rio Grande Campus is located three blocks to the north (in the DMU-H-CO zoned area), across West 12th Street. There are amenities in this area with a neighborhood park (Duncan Neighborhood Park) one block to the west and a BMX Park (9th Street BMX Park) to the southwest.

The site under consideration is located at the intersection of two level 3, minor arterial roadways and there is access to public transit with a Capital Metro bus route (5) to the

west on N. Lamar Boulevard and a Metro Rapid bus route (990) along Guadalupe Street to the east.

This property is within the Northwest District in the Downtown Area Plan. The Downtown Area Plan calls for DMU 60 zoning for these tracts.

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

The proposed DMU-CO 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>	GO	Professional Office
<i>North</i>	GO	Office
<i>South</i>	GO	Office
<i>East</i>	GO	Office
<i>West</i>	LO, GO	Professional Office (Law Office),

NEIGHBORHOOD PLANNING AREA: Downtown Area Plan (Northwest District)

TIA: Deferred to the time of Site Plan

WATERSHED: Shoal Creek

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

NEIGHBORHOOD ORGANIZATIONS:

Austin City Lofts HOA
Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
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
C14-2022-0141 (12 th & West Rezoning: 801 and 807 West 12th Street and 1108, 1110, and 1112 West Avenue)	CS to DMU	1/10/23: Approved the applicant's amended request for DMU-CO zoning, with a conditional overlay to limit the height on the property to a maximum of 90 feet, by consent (11-0, P. Howard-absent); A. Azhar-1st, J. Thompson-2nd.	2/09/23: Approved DMU-CO zoning on 1st reading only by consent (11-0).
C14-2022-0055 (803 /803 ½ West Ave)	MF-4 to DMU	7/12/22: Approved staff's recommendation of DMU-CO zoning, with a CO to limit the height on the property to a maximum of 60 feet, by consent (9-0, Y. Flores, J. Mushtaler, S. Praxis, C. Llanes-Pulido-absent); J. Shieh-1st, J. Thompson-2nd.	9/01/22: Approved DMU-CO zoning by consent on all 3 readings (11-0); A. Alter-1st, K. Tovo-2nd.
C14-2021-0078 (Shoal Cycle: 812 W. 11th Street)	LO, GO, MF-4 to DMU-CO	6/22/21: Approved DMU-CO zoning, with the CO for a maximum height of 90 FEET, as applicant requested; with an additional condition that Office use above the 1 st floor is conditional (11-0, S. Praxis and C. Llanes-Pulido-abstained); J. Shieh-1 st , G. Cox-2 nd .	8/26/21: Approved DMU-CO, with CO for max 90ft height as rec. by PC, on all readings
C14-2020-0036 (827 W. 12th Street)	DMU-CO to DMU-CO	5/12/20: Approved staff's rec. of DMU-CO, with a CO to limit the height to 90 feet, on consent (13-0); P. seeger-1 st , G. Anderson-2 nd .	6/04/20: The public hearing was conducted and a motion to close the public hearing and approve OrdinanceNo.20200604-039 DMU-CO combining district zoning, to change a condition of zoning was approved on Council Member Flannigan's motion, Council Member Ellis' second on a 10-0vote.Council Member Harper-Madison was off the dais.
C14-2019-0157 (603 W. 8th St.)	GO-H, GO-MU-H, and GO to DMU-H	Case expired per Mayor's Order No. 20211220-036 (Permit Expiration Date and Extension)	N/A

C14-2019-0156 (707 Rio Grande Street)	GO to DMU-CO	1/14/20: Approved staff rec. of DMU-CO zoning by consent (10-0, C. Hempel and P. Seeger-absent; C. Llanes-Pullido-off the dais); J. Thompson-1 st , C. Kenny-2 nd .	2/20/20: Approved DMU-CO as PC rec w/ additional CO for prohibited uses as agreed to by OANA and the applicant: Bail Bond Services, Cocktail Lounge, Exterminating Services, Funeral Services, Hospital Services (General and Limited), Liquor Sales, Limited Warehousing and Distribution, Outdoor Entertainment and Pawn Shop Services on 1 st reading. 3/12/20: Approved DMU-CO on 2 nd /3 rd readings.
C14-2017-0074 (Gilfillan Place: 603 W. 8th St.)	GO-H, GO-MU, and GO to DMU-H	6/19/17: Case expired	N/A
C14-2016-0034 (701 Rion Grande St.	GO to DMU	5/24/16: Approved DMU-CO, with 60 ft height limit.	6/16/16: Approved DMU-CO, with a 60 ft height restriction (11-0); on all 3 readings
C14-2015-0111 (Gilfillan House: 603 W. 8 th St.)	GO-H to DMU-H	7/30/16: Case expired	N/A
C14-2013-0147 (707 West Ave.)	CS-CO to DMU	2/25/14: Approved staff's rec. of DMU-CO by consent (9-0)	6/12/14: Approved DMU-CO; w/ CO for height maximum 60 feet, vehicle trips limited to 2,000/day, by consent (7-0); on all 3 readings.
C14-2012-0105 (702 San Antonio St.)	DMU-H-CO to DMU-H-CO		1/08/12: Approved DMU-H-CO zoning, with fewer than 2000 trips/day, prohibited uses: Auto sales, repair washing or service station; Services including counseling, exterminating, financial, local utility, bail bond, guidance; pawn shop; Telecommunications tower, residential treatment, restaurant (limited); and outdoor entertainment. Height maximum 70 feet, 15 foot building setback on San Antonio St.
C14-2012-0083 (Cirrus Rezoning: 602-702 West Ave. and 800 West 6 th St.)	DMU-CO-CURE to DMU-CURE for Tract 1 and	4/09/13: Approved DMU-CURE-CO zoning for Tract 1 and DMU-CO zoning for Tract 2, with the inclusion of the prohibited uses	4/25/13: Approved DMU-CURE zoning for Tract 1 and DMU zoning for Tract 2 (5-1, K. Tovo-no, M. Martinez-

	LO, GO to DMU for Tract 2	submitted by the neighborhood (9-0); J. Nortey-1 st , R. Hatfield-2 nd .	absent); B. Spelman-1 st , S. Cole-2 nd . 5/23/13: Approved DMU-CURE for Tract 1 and DMU-CO for Tract 2 on 2 nd reading (6-0) 6/06/13: Approved DMU-CURE for Tract 1 and DMU-CO for Tract 2 on 3 rd reading. (7-0).
C14-2011-0058 (707 West Ave. Rezoning)	GO to CS	7/25/11: Approved staff's rec. CS-MU-CO zoning, with added rec. that the applicant execute a restrictive covenant to agree to DMU rezoning after their planned uses are added to DMU in the LDC (5-1, D. Chimenti-No, R. Hatfield-abstain, M. Dealey-absent)	8/25/11: Approved CS-CO zoning by consent (7-0); B. Spelman-1 st , L. Morrison-2 nd . 10/06/11: Approved CS-MU-CO zoning, the CO that permits all GO uses, allows only 3 CS uses: Electronic Prototype Assembly, Electronic Testing and Research Services and limit the site to GO site development regulations (7-0); on 2 nd /3 rd readings
C14-2011-0036 (507 Nueces Street)	GO to DMU	5/24/11: Approved DMU zoning (6-0, D. Chimenti and D. Anderson-absent); M. Dealey-1 st , S. Kirk-2 nd .	6/23/11: Approved DMU-CO zoning on consent (7-0); B. Spelman-1 st , L. Morrison-2 nd on 2 nd /3 rd readings.
C14-2011-0006 (701 & 711 West 7 th Street Rezoning)	GO, GR to CBD	1/14/11: Approved DMU-CURE zoning (5-2, R. Hatfield and T. Bui-No, S. Kirk-absent); D. Chimenti-1 st , M. Dealey-2 nd .	7/25/11: Approved CBD-CO zoning, the CO for 375 max height, no less than 50% of the net sq ft of the building for residential use, at least one floor of underground parking, 2,000 trips per day limitation, use entitlements restricted to those permitted under DMU zoning and limit the use entitlements by prohibiting the following: any use that would require and outdoor music permit, pawn shop services and bail bond services (5-2, L. Morrison and K. Tovo-No); S. Cole-1 st , C. Riley-2 nd . 8/25/11: Approved CBD-CO on 2 nd /3 rd readings (5-2, L. Morrison and K. Tovo-No); M. Martinez-1 st , B. Spelman-2 nd .

RELATED CASES:

C81-2022-0347 (Subdivision Case)
C14-56-134 (Previous Zoning Case)

EXISTING STREET CONDITIONS:

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)
WEST AVE	Corridor Mobility - Level 3	80 feet	80 feet	34 feet	No	Wide Curb Lane	Yes
W 10TH ST	Corridor Mobility - Level 3	80 feet	81 feet	36 feet	Existing 4 ft sidewalks	Wide Curb Lane	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

No comments.

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.

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.

Fire

No comments.

Parks and Recreation

Parkland dedication will be required for the new applicable uses proposed by this development, multifamily or hotel with DMU 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 or site plan exemption will be required for any new commercial or multifamily development.

Any new development is subject to the design standards in Subchapter E of the Land Development Code.

Transportation

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. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

WEST AVE has sufficient right of way to comply with the Austin Strategic Mobility Plan (ASMP). [LDC 25-6-51 and 25-6-55].

W 10TH ST has sufficient right of way to comply with the Austin Strategic Mobility Plan (ASMP). [LDC 25-6-51 and 25-6-55].

Water Utility

No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Depending on future 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.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- E. Downtown Austin Plan Exhibits

23 C14-2022-0177

707 West 10th Street; District 9

10 of 16

 SUBJECT TRACT

PENDING CASE

 ZONING BOUNDARY

ZONING

EXHIBIT A

ZONING CASE#: C14-2022-0177


$$1'' = 400'$$

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: 12/21/2022

Amanda Swor
aswor@drennergroupp.com
512-807-2904

DRENNER GROUP

EXHIBIT C

November 21, 2022

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: 707 W 10th Street – Rezoning application package for the approximately 0.232-acre portion of the property located at 707 W 10th Street in Austin, Travis County, Texas (the “Property”)

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 707 W 10th Street, the Property is a 0.232-acre parcel located at the southeast intersection of W 10th Street and West Avenue. The Property is in the full purpose jurisdiction of the City of Austin.

The Property is currently zoned GO (General Office). The requested rezoning is from GO to DMU-CO (Downtown Mixed Use – Conditional Overlay). Currently, the Property is developed with professional office uses and a surface parking lot. The purpose of the rezoning is to allow adaptive reuse of the existing structure and to allow hotel and residential uses. The conditional overlay is proposed to limit the maximum height to 60 feet on the Property. This request is consistent with Downtown Austin Plan proposed zoning change.

The Property is located within the Northwest District of the Downtown Austin Plan. The Downtown Austin Plan does not have a Future Land Use Map (“FLUM”); therefore, the Property does not have a FLUM designation and a Neighborhood Plan Amendment will not be required. The Property is located in a portion of Downtown Austin that is ineligible for participation in the Downtown Density Bonus Program.

A Traffic Impact Analysis (“TIA”) is not required, per the attached TIA determination waiver dated November 10, 2022, and executed by Joan Minyard.

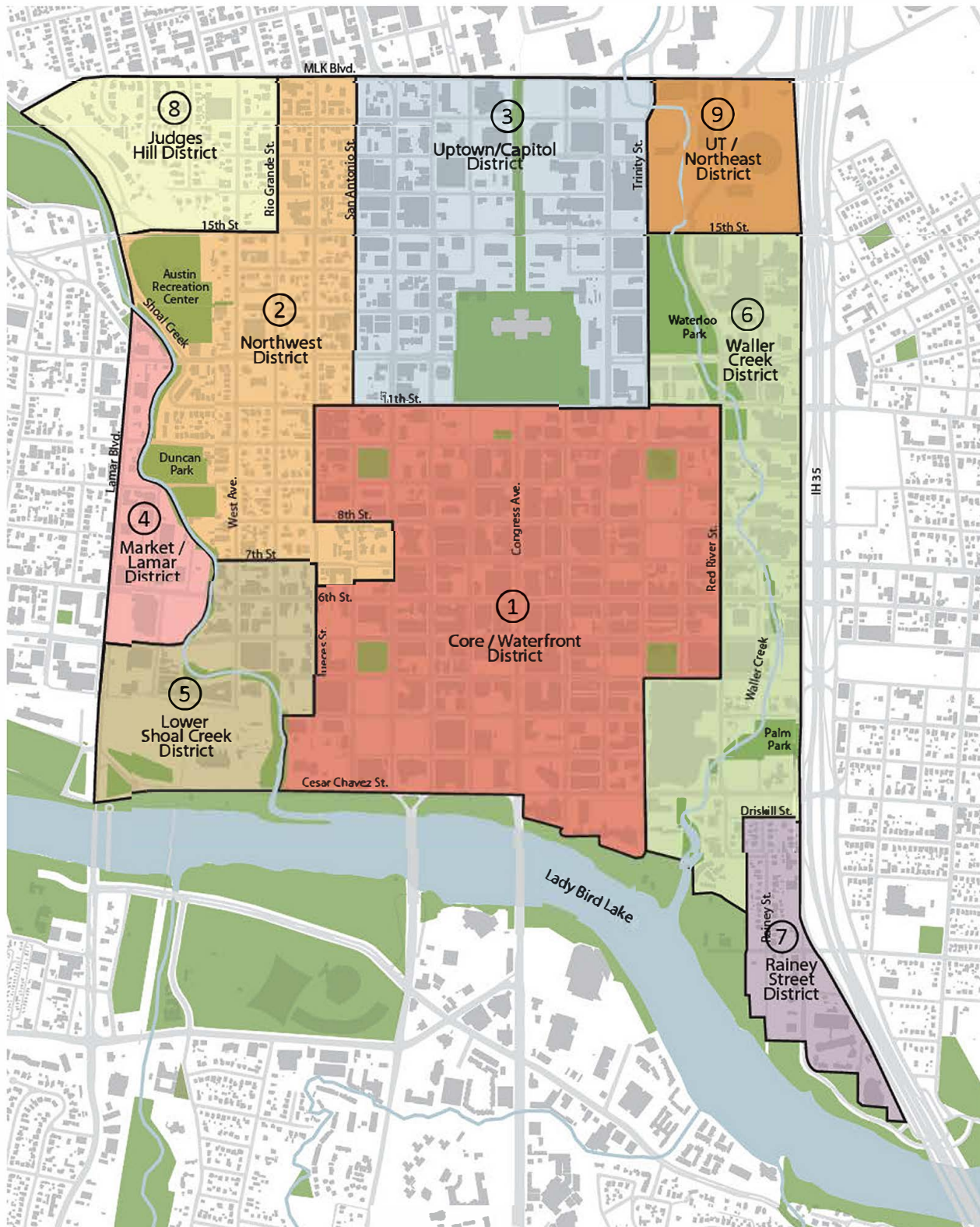
Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very Truly Yours,

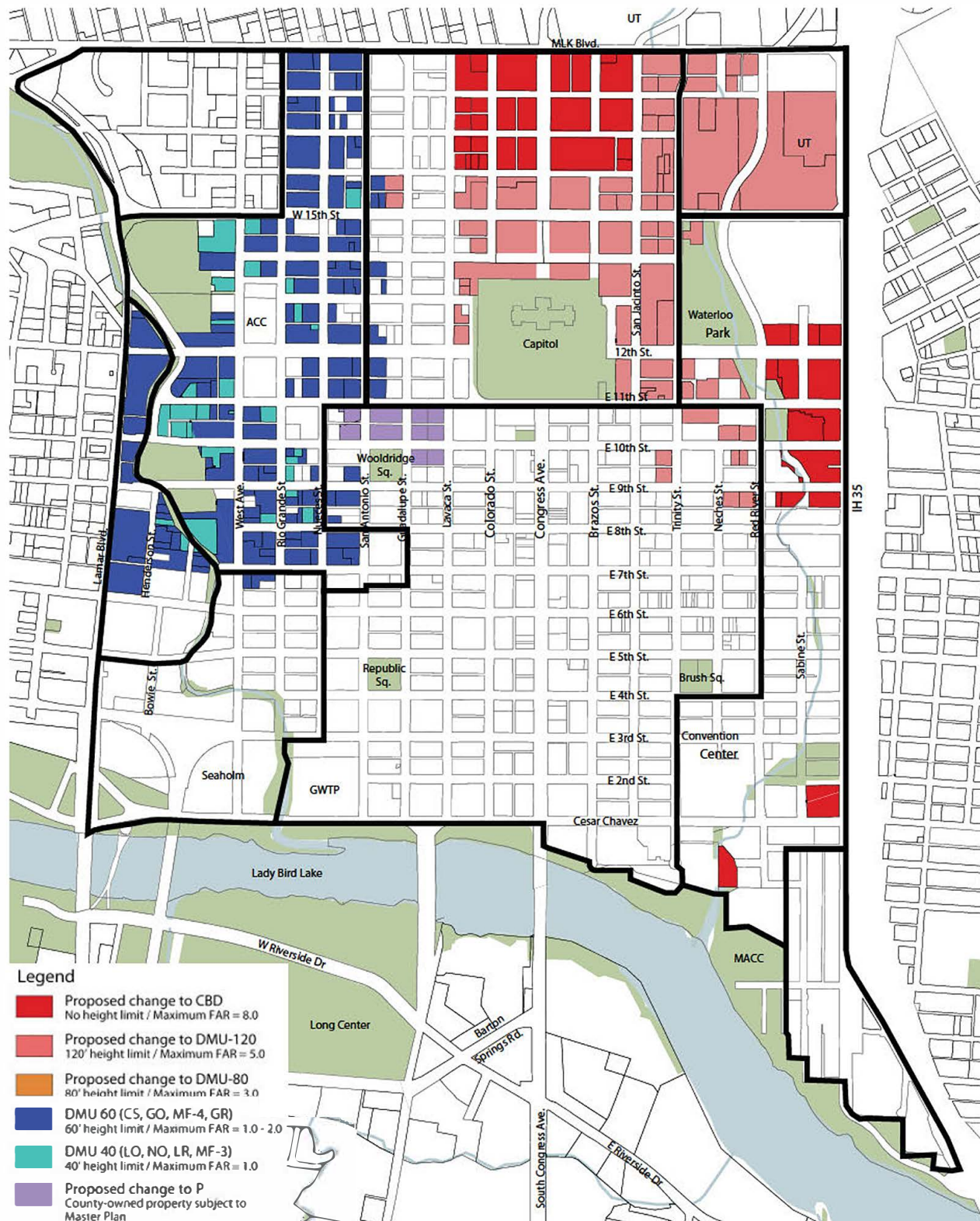


Amanda Swor

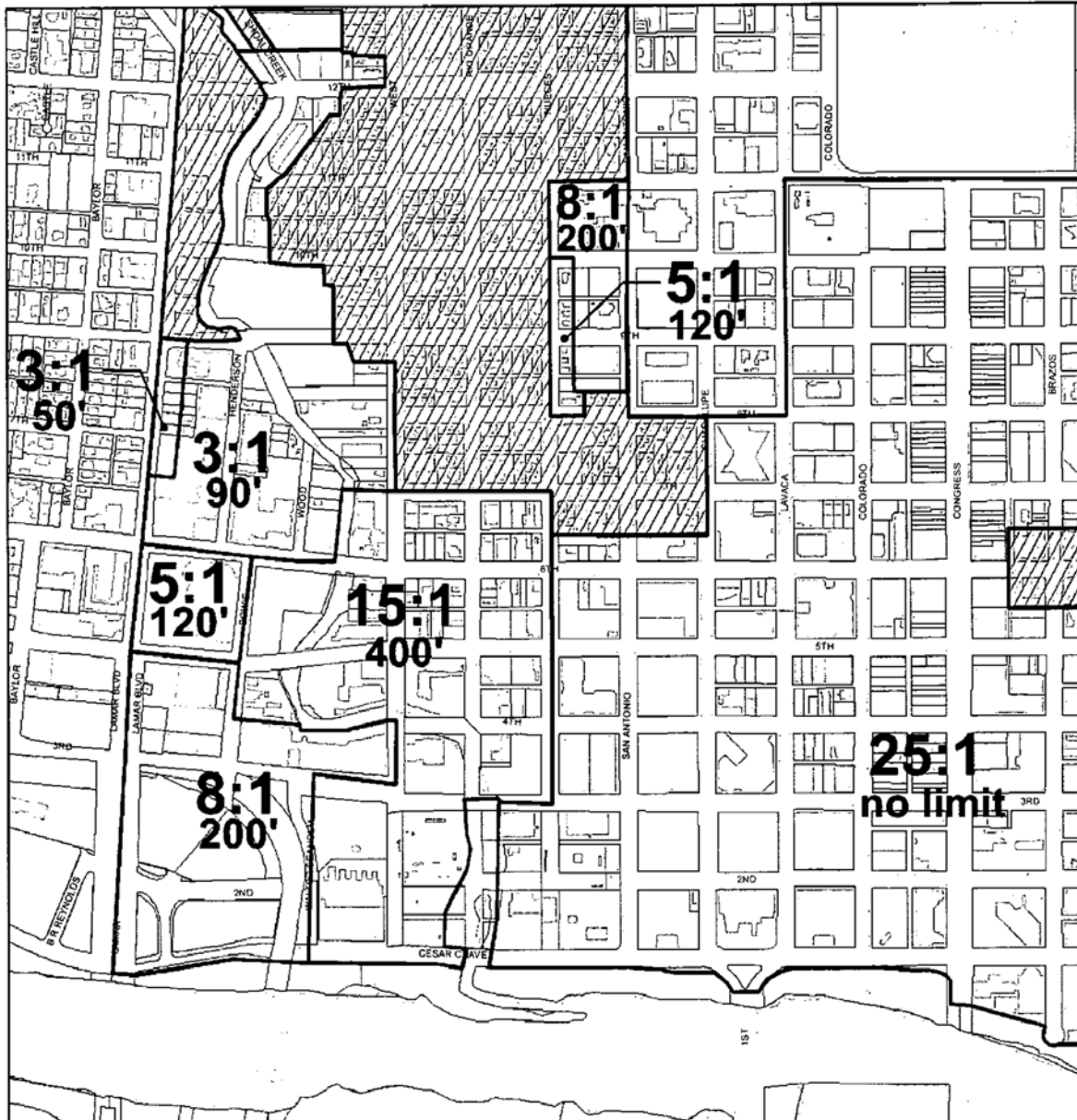
cc: Joi Harden, Housing and Planning Department (*via electronic delivery*)
Jerry Rusthoven, Housing and Planning Department (*via electronic delivery*)



Downtown Districts Map



Proposed Downtown Zoning Changes



Downtown Density Bonus Program - Eligibility, Floor Area Ratio (FAR) and Height Map
Figure 2: Page 6

- Maximum Floor Area Ratio (FAR)
- Maximum Height (Feet)
- Areas Ineligible for Density Bonus Program (Height and density may not exceed underlying zoning)
- Public Parks/ Open Space (ineligible)
- TCAD Parcels

NOTE: Properties in the Rainey Street Subdistrict of the Waterfront overlay must obtain a floor-to-area ratio (FAR) of up to 8:1 by meeting the requirements of Section 25-2-739 of the City Code. FAR exceeding 8:1 may be obtained through the Downtown Density Bonus Program, as described in Section 25-2-586 of the City Code.

NOTE: Maximum heights shown do not reflect restrictions imposed by Capital View Corridors (CVC) or special districts.

0 0.05 0.1 0.2 Miles



PLANNING AND
DEVELOPMENT REVIEW
DEPARTMENT

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. It has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1/27/2014

- (4) The maximum heights and maximum floor-to-area ratios on Figure 2 do not modify a site's primary entitlement. If the maximum height or maximum floor-to-area ratio allowed under a

Additional backup may be found at the following link:

[Meetings of the Planning Commission - Page 1 | AustinTexas.gov](#)