

ZONING CHANGE REVIEW SHEETCASE: C14-2022-0093 (SDC-MLK)DISTRICT: 9ADDRESS: 607, 611, 615 W. Martin Luther King Jr. Boulevard & 1809 Rio Grande StreetZONING FROM: CSTO: ~~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: Postponed to January 10, 2023 by the Planning Commission by consent (9-0); A. Azhar-1st, P. Howard-2nd.

January 10, 2023: Approved the applicant's request for a postponement to February 14, 2023 by consent (11-0, P. Howard-absent); A. Azhar-1st, J. Thompson-2nd.

February 14, 2023: Postponed to April 11, 2023 at the applicant's request by consent (12-0); C. Hempel-1st, J. Thompson.

April 11, 2023

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.
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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



ZONING

EXHIBIT A

ZONING CASE#: C14-2022-0093


$$1'' = 400'$$

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: 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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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: C14-2022-0093

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: December 20, 2022, Planning Commission

James Montgomery
 Your Name (please print)

☐ I am in favor
☒ I object

902A W. 18th St

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

Jim Montgomery
 Signature

12/13/2022
 Date

Daytime Telephone (Optional): 512-413-6283

Comments: The developer's consultant was supposed to brief the officers of the Judges Hill Neighborhood Association on the plans for this project but didn't follow up, so we don't know whether it falls under the specs of the Downtown Austin Plan or not. Absence of info.

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

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov

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Case Number: C14-2022-0093

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: December 20, 2022, Planning Commission

Julie Sayers

Your Name (please print)

1800 Nueces St. 78703

OWNER

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

Julie Sayers

Signature

☒ I am in favor
☐ I object

12-11-22

Date

Daytime Telephone (Optional):

Comments:

Good idea for neighborhood -
 we're not in the view corridor

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

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov

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Case Number: C14-2022-0141

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: December 20, 2022, Planning Commission

Sherri Sirwaitis
 Your Name (please print) *(03)*
1800 Nueces St.

☒ I am in favor
☐ I object

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

Sherri Sirwaitis
 Signature

12-22-22
 Date

Daytime Telephone (Optional):

Comments:

PRESIDENT,
West Downtown
Alliance

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

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov

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Case Number: C14-2022-0093

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: December 20, 2022, Planning Commission

Scott Snyder
 Your Name (please print) *1800 Nueces St. (03)*

☒ I am in favor
☐ I object

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

Scott Snyder
 Signature

12-2-22
 Date

Daytime Telephone (Optional):

Comments:

*Preserving
 West Downtown Alliance*

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

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov

From: [William Schmidt](#)
To: [Sirwaitis, Sherri](#)
Subject: C14-2022-0093 FW: Judges Hill position on rezoning request for MLK property
Date: Monday, January 30, 2023 9:54:38 PM

You don't often get email from bill@billschmidtllaw.com. [Learn why this is important](#)

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Resending with Case number in Subject line, thanks. Bill

From: William Schmidt []
Sent: Monday, January 30, 2023 5:58 PM
To: 'sherri.sirwaitis@austintexas.gov'
Subject: Judges Hill position on rezoning request for MLK property

Ms. Sirwaitis: I am the owner/resident of the historical property known as the West Hill Carriage House located at 707 W 18th Street in the Judges Hill Neighborhood. I purchased the property in 1992 for use as my Law Office and remain here as my residence since retirement. Originally the carriage house was a component of the main house located at 1703 West Avenue which was built in the 1850's and designed by the noted architect, Abner Cook, as somewhat of a replica of the Governor's Mansion. My property has been maintained and preserved under historical guidelines. The Historic Commission has deemed my residence a distinctive structure which serves as a major example, along with other 19th Century structures in the Judges Hill Neighborhood.

I live in the shadow of the proposed building and currently can still see the top of the UT tower from my upstairs window. Our unique and historic neighborhood is in favor of needed redevelopment of the subject property, but the 120' project violates existing ordinances and would undermine the historical essence of not just my one building, but of the whole community of the Judges Hill Neighborhood.

My location on 18th Street is the next street south of MLK and exiting Judges Hill Neighborhood onto MLK is already difficult at heavy traffic times. Although now fully designated a medium corridor, MLK is actually a 2 lane road from Lamar at its west side origin until it approaches the subject property. The project as proposed will undoubtedly generate an untenable traffic situation.

Thank you for your consideration of our concerns. We trust that the Planning Commission will only approve a project that best serves this portion of Central Austin which is neither Downtown, UT or Government Offices, but rather a residential and small business community which services those areas with a unique and historical flavor.

Respectfully submitted,
William Schmidt

707 W 18th Street
Austin, TX 78701

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ALICE GLASCO CONSULTING

April 6, 2023

Joi Harden, Interim Zoning Officer
Planning Department
1000 E 11th Steet, Suite 200
Austin, Texas 78702

RE: C14-2022-0093 – 607, 611 & 615 W. MLK Jr. Blvd. & 1809 Rio Grande Street

Dear Ms. Harden:

As the agent for the applicant in the rezoning of the subject property, I would like to request a postponement of this case from the April 11th Planning Commission agenda to May 23rd, 2023. The purpose of the postponement is to give us additional time to finalize contractual negotiations with the adjoining property owner.

Sincerely,

Alice Glasco

Alice Glasco, President

Cc: Bradley Schlosser, President, SDC
Sherri Sirwaitis, Zoning Planner

Additional backup may be found at the following link:

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