

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2022-0164

DISTRICT: 9

ADDRESS: 504 Oakland Ave.

ZONING FROM: LO-MU-NP

TO: CS-MU-CO-NP

SITE AREA: 0.1543 acres (6,719 sq. ft.)

PROPERTY OWNER: Reg ATX 504 Oakland, Ltd.

AGENT: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.)

CASE MANAGER: Jonathan Tomko (512) 974-1057, [jonathan.tomko@austintexas.gov](mailto:jonathan.tomko@austintexas.gov))

### STAFF RECOMMENDATION:

Staff recommends Commercial Services-Mixed-Use-Conditional Overlay-Neighborhood Plan Combining District Zoning (CS-MU-CO-NP) with the following uses prohibited in the conditional overlay:

Adult-Oriented Business, Agricultural Sales and Services, Automotive Repair Services, Automotive Washing—of any type, Bail Bond Services, Building Maintenance Services, Campground, Commercial Off-Street Parking, Construction Sales and Services, Convenience storage, Drop-Off Recycling, Collection Facilities, Electronic Prototype Assembly, Exterminating Services, Indoor Crop Production, Kennels, Monument Retail Services, Pawn Shop Services, Research Services, Service Station, Vehicle Storage, Custom Manufacturing, Limited Warehousing and Distribution.

*Please see the basis of recommendation section below.*

### PLANNING COMMISSION or ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

May 9, 2023: Approved on consent

### CITY COUNCIL ACTION:

Scheduled to be heard by Council on June 8, 2023.

ORDINANCE NUMBER: N/A

ISSUES: N/A

CASE MANAGER COMMENTS:

The subject property is a small lot, slightly less than 7,000 square feet. It is currently occupied by an office housed in a single-family style structure. The site has access to Oakland Avenue and an alley to the rear. The site is relatively flat and not in a flood plain. The property is located between W 6th Street and W 5th Street, on a block approximately one-half mile west of Lamar Boulevard and one-half mile east of Mopac. In this location, Oakland Avenue is a one-way street with southbound only traffic.

Like the subject property itself, the immediate area is dominated by offices housed in former single-family homes. To the north and south and east there are offices. To the south, there is also a day care on the corner of Oakland Ave and W. 5th Street. To the west is a three-story condominium building and more office buildings.

BASIS OF RECOMMENDATION:

Staff recommends Commercial Services, Mixed-Use, Conditional Overlay, Neighborhood Plan Combining District Zoning (CS-MU-CO-NP). The restricted uses in the conditional overlay were agreed to by the Old West Austin Neighborhood Association and the applicant. Staff concurs with the agreed upon restricted uses.

**Zoning should promote clearly identified community goals, such as creating employment opportunities or providing for affordable housing.**

The property falls within the bounds of the Old West Austin Neighborhood Plan (OWANP), approved in 2002.

- OWANP identifies "neighborhood-friendly" commercial areas where office, retail, and residences can be mixed vertically and horizontally. These areas include West 5th and 6th Streets between Lamar and Mopac. Neighborhood-oriented commercial uses with modest parking requirements are preferred.
- OWANP Objective 2.1 is to encourage commercial uses that support the neighborhood

**Rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.**

The Imagine Austin Comprehensive Plan identifies West 5th Street and West 6th Street as activity corridors. The property is located within 250 feet of both corridors. Activity corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances.

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

There are no single-family homes in the immediate vicinity. The proposed rezoning is compatible with the surrounding office uses and apartments, and the proposed land use could be considered a neighborhood-serving commercial use, which meets the intent of the zoning district.

EXISTING ZONING AND LAND USES:

|             | ZONING   | LAND USES                                   |
|-------------|----------|---|
| <i>Site</i> | LO-MU-NP | 2,624 sqft two story building built in 1919 |

|              |               |  |
|--------------|---------------|--|
| <i>North</i> | LR-NP         | Pure Austin Yoga/Fitness                                       |
| <i>South</i> | CS-MU-CO-NP   | Vacant retail space for lease (appears to be a former daycare) |
| <i>East</i>  | LO-NP         | Intersys Computer Consulting                                   |
| <i>West</i>  | CS-MU-V-CO-NP | Villa West Condominiums built in 1981                          |

NEIGHBORHOOD PLANNING AREA: Old West Austin Neighborhood Planning Area

TIA: Not Required (see *exhibit C*)

WATERSHED: Lady Bird Lake

SCHOOLS: A.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

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Old West Austin Neighborhood Association

Old West Austin Neighborhood Plan Contact Team

Preservation Austin

SELTexas

Save Barton Creek Association

Save Historic Muny District

Shoal Creek Conservancy

Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

| NUMBER       | REQUEST   | COMMISSION  | CITY COUNCIL   |
|--------------|---|---|--|
| 20180628-108 | To rezone from limited office - neighborhood plan (LO-NP) combining district zoning to neighborhood commercial - neighborhood plan (LR-NP) combining district zoning. | Planning Commission (June 12, 2018): Approved LR-NP zoning as staff recommended. [J. Schissler, J. Sheih – 2nd], Vote 12 – 0, C. Kenny – absent | City Council (June 28, 2018): Approved on Council Member Troxclair’s motion, Council Member Garza’s second on an 11-0 vote |

RELATED CASES:

C14-06-0176: Previous rezoning of 504 Oakland Ave. Request was from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Staff and Planning Commission Recommendation (on consent): To grant limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. (Ordinance 20061102-049)

**EXISTING STREET CHARACTERISTICS:**

| Name        | ASMP Classification      | ASMP Required ROW | Existing ROW | Existing Pavement | Sidewalks                 | Bicycle Route | Capital Metro (within ¼ mile) |
|-------------|--------------------------|-------------------|--------------|-------------------|---------------------------|---------------|-------------------------------|
| OAKLAND AVE | Local Mobility - Level 1 | 58 feet           | 46 feet      | 28 feet           | Existing 4 feet sidewalks | No            | Yes                           |

**OTHER STAFF COMMENTS:**

**ATD 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. 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]. ATD

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for OAKLAND AVE. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for OAKLAND AVE according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

**Austin Water Utility Review:**

No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities and an On-Site Sewage Facility previously permitted.

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.

**PARD Review:**

There would be no parkland dedication requirements unless a new site plan or subdivision is filed for an increased intensity of use. Parkland dedication would be required for the new or increased applicable uses proposed by this development, office/retail with CS-MU-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601.

**Environmental Review:**

The site is located over the Edwards Aquifer Recharge Zone. The site is located in the Lady Bird Lake 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.

Site Plan Review:

A site plan exemption will be required for any future changes of land use.

Any new development is subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted.

This site will be subject to the multifamily density provisions in Subchapter E 4.2.1.D.6.c.

This site is located in the Old West Austin Combined Neighborhood Plan. Please see the City's Neighborhood Plans and Resources webpage for a copy of the recommended design guidelines.

Comprehensive Planning Review:

**Project Name and Proposed Use:** 502 and 504 Oakland Ave. C14-2022-0164. 0.1543 acres from LO-MU-NP to CS-MU-NP. Office to Office/Retail w/ an addition to add an apartment on the 2<sup>nd</sup> floor. Old West Austin NP does not have a FLUM.

| Yes                                | Imagine Austin Decision Guidelines   |
|------------------------------------|--|
| <b>Complete Community Measures</b> |  |
| Y                                  | <b>Imagine Austin Growth Concept Map:</b> Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. <b>Name(s) of Activity Center/Activity Corridor/Job Center:</b> <b>Between the West 5<sup>th</sup> and West 6<sup>th</sup> Street Activity Corridors</b> |
| Y                                  | <b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station.  |
| Y                                  | <b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane.   |
| Y                                  | <b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.  |
|                                    | <b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.   |
|                                    | <b>Connectivity and Education:</b> Located within 0.50 miles from a public school or university.   |
| Y                                  | <b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreation area, park or walking trail.  |
|                                    | <b>Connectivity and Health:</b> Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)  |
|                                    | <b>Housing Affordability:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.  |
| Y                                  | <b>Housing Choice:</b> Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.  |
| Y                                  | <b>Mixed use:</b> Provides a mix of residential and non-industrial uses.   |
|                                    | <b>Culture and Creative Economy:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).  |
|                                    | <b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.   |
|                                    | <b>Creative Economy:</b> Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)   |
|                                    | <b>Workforce Development, the Economy and Education:</b> Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.   |
|                                    | <b>Industrial Land:</b> Preserves or enhances industrial land.   |
| 7                                  | <b>Total Number of "Yes's"</b>   |

## INDEX OF EXHIBITS TO FOLLOW

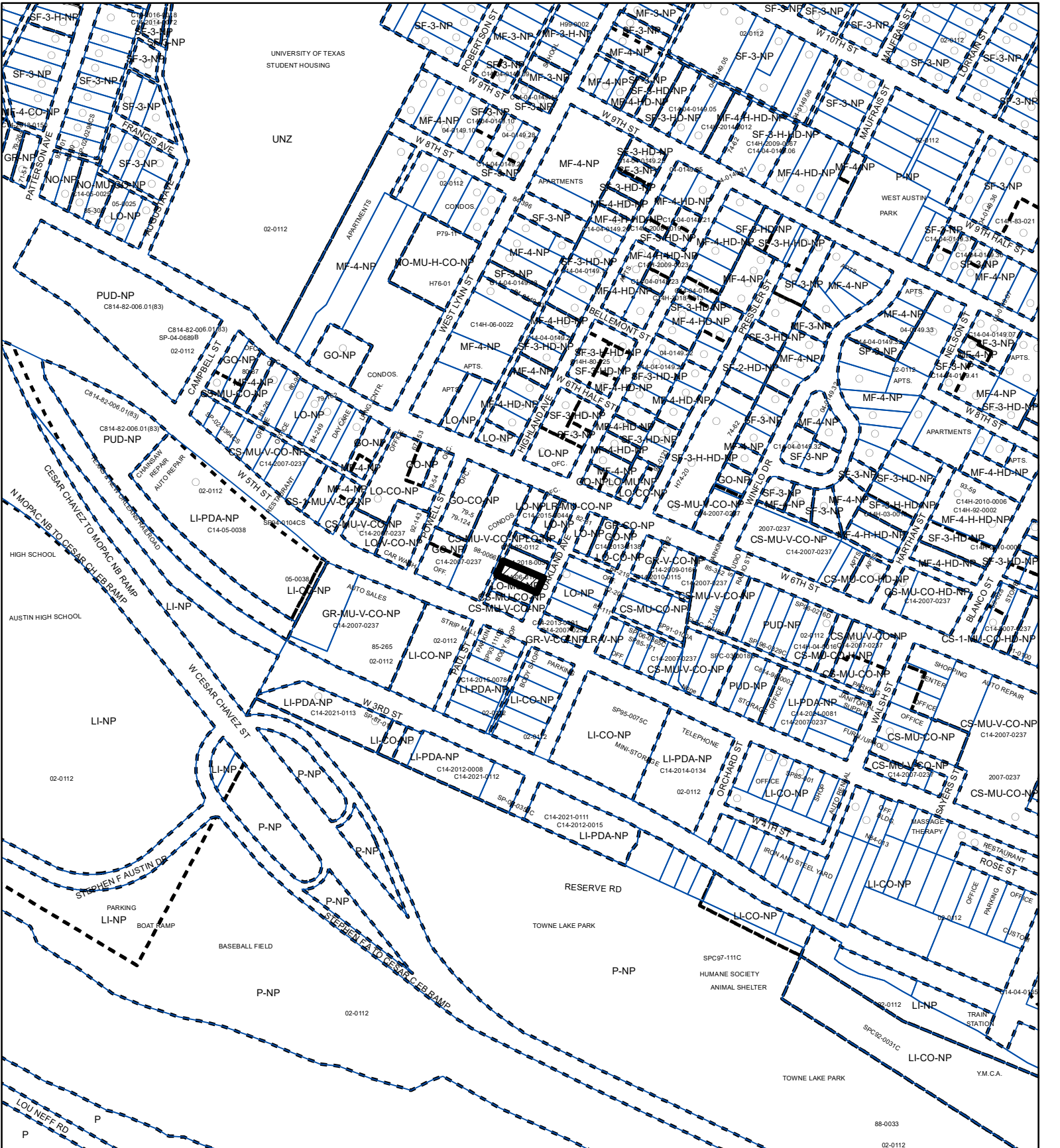
A: Zoning Map

B. Aerial Map

C: TIA Determination Worksheet

D: Applicant Letter








**ZONING**

**ZONING CASE#: C14-2022-0164**



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

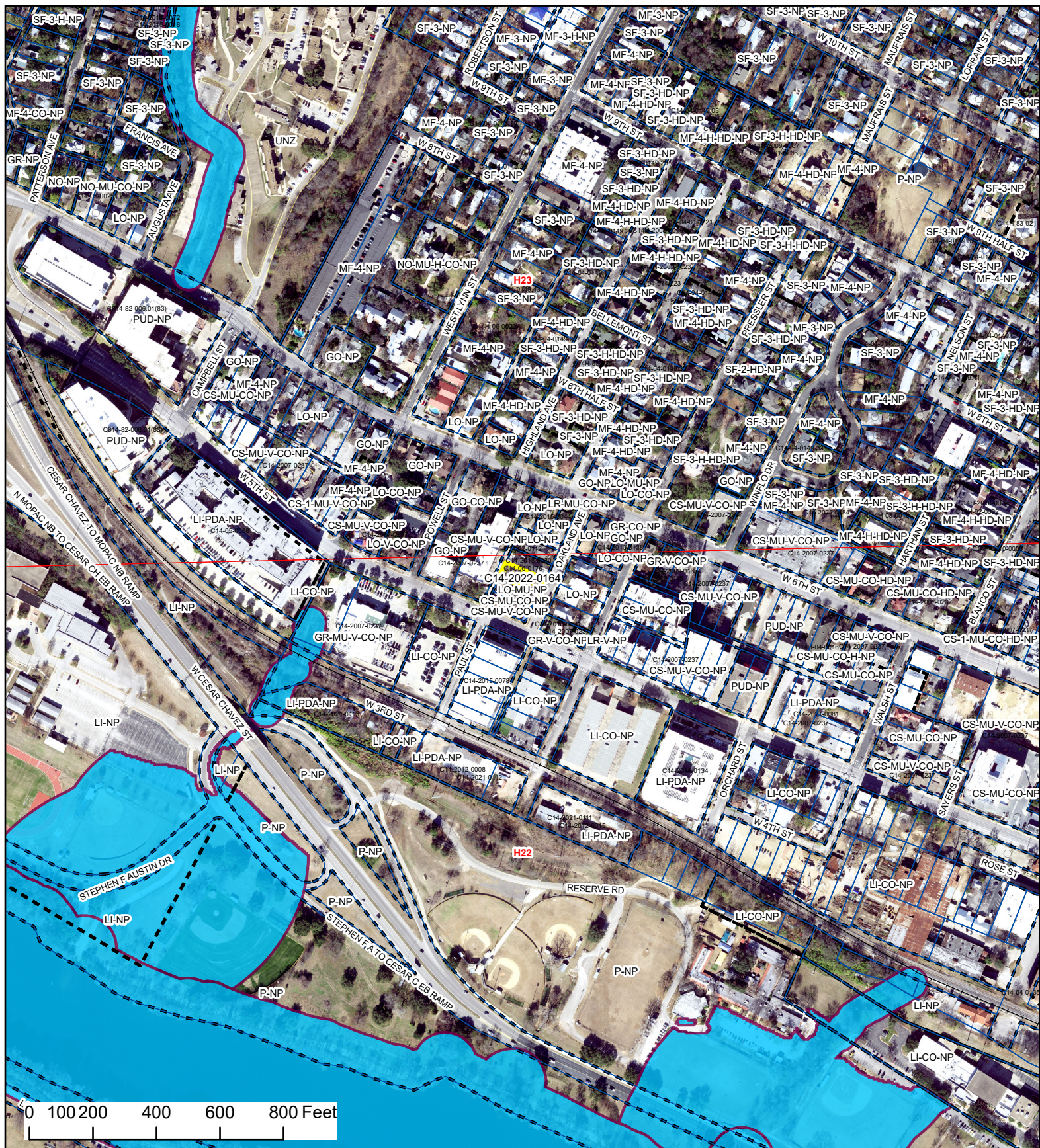
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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**Created: 11/29/2022**





## 504 Oakland Avenue

ZONING CASE#: C14-2022-0164  
 LOCATION: 504 Oakland Avenue  
 SUBJECT AREA: 0.1543 Acres  
 GRID: H22  
 MANAGER: Jonathan Tomko



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Created: 5/2/2023



# ZONING

## CITY OF AUSTIN TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION WORKSHEET

APPLICANT MUST FILL IN WORKSHEET PRIOR TO SUBMITTING FOR TIA DETERMINATION

PROJECT NAME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

APPLICANT: \_\_\_\_\_ TELEPHONE NO: \_\_\_\_\_

APPLICATION STATUS: DEVELOPMENT ASSESSMENT: \_\_\_\_ ZONING: \_\_\_\_ SITE PLAN: \_\_\_\_

### EXISTING:

### FOR OFFICE USE ONLY

| TRACT NUMBER | TRACT ACRES | BLDG SQ.FT. | ZONING | LAND USE | L.T.E CODE | TRIP RATE | TRIPS PER DAY |
|--------------|-------------|-------------|--------|----------|------------|-----------|---------------|
|              |             |             |        |          |            |           |               |
|              |             |             |        |          |            |           |               |
|              |             |             |        |          |            |           |               |
|              |             |             |        |          |            |           |               |

### PROPOSED

### FOR OFFICE USE ONLY

| TRACT NUMBER | TRACT ACRES | BLDG SQ.FT. | ZONING | LAND USE | L.T.E CODE | TRIP RATE | TRIPS PER DAY |
|--------------|-------------|-------------|--------|----------|------------|-----------|---------------|
|              |             |             |        |          |            |           |               |
|              |             |             |        |          |            |           |               |
|              |             |             |        |          |            |           |               |
|              |             |             |        |          |            |           |               |

### ABUTTING ROADWAYS

### FOR OFFICE USE ONLY

| STREET NAME | PROPOSED ACCESS? | PAVEMENT WIDTH | CLASSIFICATION |
|-------------|------------------|----------------|----------------|
|             |                  |                |                |
|             |                  |                |                |
|             |                  |                |                |
|             |                  |                |                |

### FOR OFFICE USE ONLY

A traffic impact analysis is required. The consultant preparing the study must meet with a transportation planner to discuss the scope and requirements of the study before beginning the study.

☒ A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the Land Development Code.

The traffic impact analysis has been waived for the following reason: \_\_\_\_\_

A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a transportation planner for information.

REVIEWED BY:  DATE: 11/9/22

DISTRIBUTION: \_\_\_\_\_  
\_\_\_\_ FILE \_\_\_\_\_ CAP. METRO \_\_\_\_\_ TXDOT \_\_\_\_\_ TRANS. REV. \_\_\_\_\_ TRAVIS CO. \_\_\_\_\_ TRANS. DEPT.

TOTAL COPIES: \_\_\_\_\_

NOTE: A TIA determination must be made prior to submittal of any zoning or site plan application, therefore, this completed and reviewed form MUST ACCOMPANY any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA determination to be made.

# ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

Richard T. Suttle, Jr.  
(512) 435-2300  
*rsuttle@abaustin.com*

November 16, 2022

Rosie Truelove  
Director, Housing & Planning Department  
City of Austin  
1100 E. 11<sup>th</sup> Street, Suite 200  
Austin, Texas 78702

Re: Zoning Application for property located at 504 Oakland Avenue, Austin, Texas  
78703, also known as TCAD Parcel No. 0108030413 (the “Application”)

Dear Ms. Truelove:

This letter is submitted on behalf of the owner in the above referenced Application. The area to be rezoned is comprised of a ±0.1543 acre tract located 504 Oakland Avenue in Austin, Travis County, Texas (the “Property”).

504 Oakland Avenue is zoned Limited Office – Mixed Use – Neighborhood Plan Combining District (“LO-MU-NP”) by Ordinance No. 20061102-049 and is developed as an office with an addition to add a second floor for an apartment. There are no immediate plans for redevelopment as the intent is to lease the Property to various office or retail tenants for the foreseeable future.

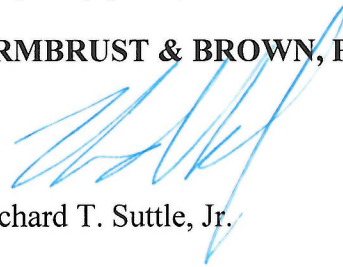
This Application seeks to rezone the Property from LO-MU-NP to General Commercial Services – Mixed Use – Neighborhood Plan Combining District (“CS-MU-NP”) to allow additional retail uses to be permitted at 504 Oakland Avenue.

Thank you in advance for your time and consideration of this matter. If you have any questions or need additional information, please do not hesitate to contact me or Amanda Morrow at (512) 435-2368.

ARMBRUST & BROWN, PLLC  
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Very truly yours,

**ARMBRUST & BROWN, PLLC**

A handwritten signature in blue ink, appearing to read 'R. Suttle, Jr.', is written over the company name.

Richard T. Suttle, Jr.

cc: Jerry Rusthoven  
Josh Lickteig  
Amanda Morrow  
Amanda Hendrix