

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0019

DISTRICT: 7

ADDRESS: 1911, 2001, 2003, 2005, and 2007 West Koenig Lane and 1902, 1904, and 1906 Ullrich Avenue

ZONING FROM: SF-3-NP; LO-MU-NP; and LO-MU-CO-NP TO: MF-6-NP

SITE AREA: approximately 1.6522 acres (approximately 71,969 sq. ft.)

PROPERTY OWNER: GDC-NRG Koenig LLC

AGENT: Alice Glasco Consulting (Alice Glasco)

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

STAFF RECOMMENDATION:

Staff recommends multifamily residence (highest density)-neighborhood plan (MF-6-NP) combining district zoning on 1911, 2001, 2003, 2005, and 2007 West Koenig Lane and townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning on 1902, 1904, and 1906 Ullrich Avenue. See the *basis of recommendation* section below for more information.

PLANNING COMMISSION ACTION / RECOMMENDATION:

August 8, 2023: Approved staff postponement request to September 26, 2023.

September 26, 2023: Planning Commission approved staff recommendation on consent, Commissioner Azhar, Maxwell 10-0. Vice-Chair Hempel, Commissioner Howard and Mushtaler absent.

CITY COUNCIL ACTION:

October 19, 2023: Postponed to November 2, 2023 at Council Member Pool's request.

November 2, 2023: Postponed to November 9, 2023 at Council Member Pool's request.

November 9, 2023: Case is scheduled to be heard by City Council

ORDINANCE NUMBER: N/A

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is currently a mix of older office buildings formerly used as a real estate office, and daycare/early learning center along West Koenig Lane. Behind these office/retail spaces are three single family homes fronting Ullrich Avenue to the south.

Laird Drive intersects with West Koenig Lane approximately 500 feet east of the signalized intersection of Burnet Rd and West Koenig Lane. It curves to the east as it heads south/southwest and becomes Ullrich Avenue. There is no traffic signal at the intersection of Laird and West Koenig Lane.

Koenig Lane is a level 3 ASMP Corridor with four travel lanes and no turn lanes. Laird Drive is a level 1 local mobility roadway. Capital Metro's 803 Metro Rapid Line has a stop approximately 500 feet to the west of the site which also services route #3 and #491 and the #337 bus runs down West Koenig Lane.

Under MF-6 the applicant would like to develop 110 multifamily units with 1 level of below grade parking. The neighborhood has proposed a split of MF-6 and SF-6 with 85 multifamily units and 8 townhomes and 1 level of below grade parking. Staff acknowledges that the split zoning results in a reduction of 17 dwelling units, or approximately 15%.

Staff had suggested vertical mixed-use zoning for this corridor as one of the challenges with Koenig is the speed of traffic, as Koenig turns into U.S. Highway 290 less than 2 miles to the east. Activating the roadway with street level uses may help reduce traffic speeds and provide new spaces for older commercial properties to relocate along Koenig as it redevelops. However, it was noted that Koenig is not currently designated an Imagine Austin Corridor and thus is not eligible for VMU zoning.

There is a conditional overlay established by Ordinance No. 040513-33A on 2003 West Koenig Lane prohibiting private secondary educational facilities use. It was noted that MF-6 zoning does not allow that use.

BASIS OF RECOMMENDATION:

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

The subject tract encompasses property that is zoned SF-3-NP and adjacent to SF-3-NP zoned property. It does not promote the compatibility of adjacent and nearby uses to allow MF-6-NP adjacent to SF-3-NP without a transition in zoning. SF-6-NP on the portion of the property that is adjacent to SF-3-NP zoned properties and across the street from SF-3-NP zoned properties would offer a transition between those properties and the MF-6-NP zoning the applicant seeks.

Zoning should be consistent with approved and existing residential densities.

MF-6 zoning does have a precedent further to the east at 1301 West Koenig Lane (see C14-2016-0071 in *area case histories* below). MF-6 zoning also has a precedent along Burnet Road which is also an ASMP level 3 corridor like West Koenig Lane. While there is not any SF-6-NP zoning within the vicinity, it is an appropriate transition between more intensive MF-6-NP and less intensive SF-3-NP. Additionally, SF-6-NP would create additional housing types that will offer more diverse housing opportunities than MF-6-NP zoning alone.

The proposed zoning should promote consistency and orderly planning.

The proposed zoning would provide an adequate transition between more intensive and less intensive zones, more diverse housing types, and adequate density around public transportation assets such as Capital Metro's 803 Metro Rapid Line (approximately 500 feet to the west of the subject tract). All of these considerations support consistent and orderly planning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP; LO-MU-NP; and LO-MU-CO-NP	Along Koenig: Five older (1950s) office/retail buildings that appear to have maybe functioned as single-family homes or townhomes in the past. Along Ullrich: Three single family homes (1950s)
<i>North</i>	LO-MU-NP (across West Koenig Lane to the north)	Six older (1950s) office/retail buildings that appear to have maybe functioned as single-family homes in the past. There is a holistic medical clinic, a barber shop, counselors, and a construction/remodeling office.
<i>South</i>	SF-3-NP (across Ullrich Ave. to the south)	Four older (1950s) single family homes

<i>East</i>	LO-MU-NP and SF-3-NP	Along Koenig: One older (1950s) office/retail building that houses Tiny Taiga Gallery Studio, an art gallery. Along Ullrich: One older (1950s) single family home
<i>West</i>	LO-MU-NP and SF-3-NP (across Laird Drive to the west)	Capitol School of Austin

NEIGHBORHOOD PLANNING AREA: Brentwood/Highland Combined Neighborhood Plan
(Brentwood)

WATERSHED: Shoal Creek

SCHOOLS: I.S.D.

Brentwood Elementary School

Lamar Middle School

McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Brentwood Neighborhood Assn., Brentwood Neighborhood Plan Contact Team, Central Austin Community Development Corporation, Friends of Austin Neighborhoods, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, North Austin Neighborhood Alliance, Preservation Austin, SELTexas, Shoal Creek Conservancy, Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2009-0055	Brentwood Neighborhood Planning Area Vertical Mixed Use Bldg (V) Zoning Opt-in/Opt Out Process	08.11.2009: Approved by the Planning Commission on a 6-0 vote with Commissioners Small, Anderson and Castillo absent	08.27.2009: on Mayor Pro Tem Martinez' motion, Council Member Riley's second on an 6-0 vote with Council Member Spelman off the dais
C14-2016-0071 (1301 West Koenig Rezoning)	The Applicant proposes to rezone 5.415 acres from CS-MU-CO-NP to MF-6-CO-NP for Tract 1 (5.04 acres) and CS-MU-CO-NP for Tract 2 (0.37 acres).	12.13.2016: Recommended with conditions: limit height on tracts 1 and 2 to 40 feet and 4 stories; limit building coverage on tract 1 to 60%; limit impervious cover on tract 2 to 70%; prohibit certain uses; a non-residential use must be a minimum of 5,000 square feet.	05.11.2017: Approved Ordinance No. 20170511-022 on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.
C14-2011-0030 (5453 Burnet Road)	The applicant is proposing to rezone property from CS-	CASE EXPIRED under LDC 25-2-246(A)(1)	N/A

	MU-CO-NP to CS-MU-V-CO-NP.		
C14-2022-0140 (Burnet Multifamily)	Applicant seeks to rezone approximately 2.4412 acres from : CS-MU-V-CO-NP, CS-MU-CO-NP, and MF-3-NP to CS-MU-V-CO-NP and MF-6-NP	June 13, 2023: approved on the motion by Commissioner Cox, seconded by Commissioner Barrera-Ramirez on a vote of 11-0. Vice-Chair Hempel absent. One vacancy on the dais.	Case is scheduled to be heard by Council on 09.21.23
C14-04-0012	Brentwood/Highland Neighborhood Plan Rezoning	02.24.2004: To recommend staff recommendation with the following changes: Tract 16- to recommend NO-MU-NP, Tract 213b- to recommend NO-MU-NP, A portion of Tract 222b (6900 & 6902 Guadalupe Street)- to recommend CS-CO-MU-NP for the rear 54 feet of both lots. Vote: 6-0.	05.13.2004: Ordinance No. 040513-33A approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0.

RELATED CASES:

NPA-2023-0018.02 (The applicant is proposing a NPA from Mixed Use / Office and Single Family to Multifamily)

ADDITIONAL STAFF COMMENTS:**Environmental**

1. 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to 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.

7. 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 on rezoning

PARD – Planning & Design Review

PR1: Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with MF-6 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. The site is currently in a park deficient area and may benefit from a pocket park to serve the neighborhood – one of the criteria for land dedication.

Should any fees in-lieu also 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

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.

SP4. The site is subject to compatibility standards. Along the East property line, the following standards apply:

- 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 property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

- 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.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO. A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

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

Transportation and Public Works – Engineering Review

ATD 1. The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for W. Koenig Lane. It is recommended that 40 feet of right-of-way from the centerline should be dedicated according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

ATD 2. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Laird Drive. It is recommended that 29 feet of right-of-way from the centerline should be dedicated according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

ATD 3. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Ullrich Avenue. It is recommended that 29 feet of right-of-way from the centerline should be dedicated according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Cap Metro (within ¼ mile)
W. Koenig Lane	Level 3	80 feet	~71 feet	38 feet	Yes, on both sides of road	None	Yes
Laird Drive	Level 1	58 feet	49 feet	31 feet	None	None	Yes
Ullrich Avenue	Level 1	58 feet	~57 feet	31 feet	None	None	Yes

TIA: Deferred to the time of Site Plan

Austin Water Utility

AW1. No comments on zoning change.

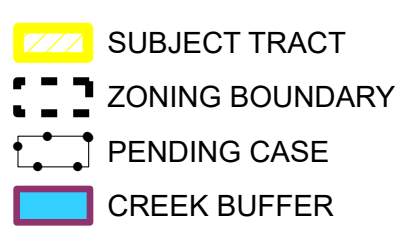
FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

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

Created: 2/24/2023



ZONING CASE#: C14-2023-0019
LOCATION: 1911, 2001, 2003, 2005 &
2007 W Koenig Ln;
1902, 1904, 1906 Ullrich Ave
SUBJECT AREA: 1.6522 Acres
GRID: J28
MANAGER: Ricky Barba



Created: 3/14/2023

ALICE GLASCO CONSULTING

February 1, 2023

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

RE: 1911, 2001, 2003, 2005 and 2007 W. Koenig Lane and,
1902, 1904, & 1906 Ullrich Avenue

Dear Rosie:

I represent GDC-NRG, LLC the y owner of the above referenced property. There are two cases being submitted for the site – a plan amendment (FLUM change to the Brentwood/Highland Combined Neighborhood Plan) and rezoning. The proposed FLUM change, and rezoning are as follows:

Current FLUM Land Use: Mixed Use/Office and Single Family

Proposed FLUM Land Use : Multifamily

Current Zoning: LO-MU-NP and SF-3-NP

Proposed Zoning: MF-6

Justification For Plan Amendment and Rezoning

Land Use Goal 3: Encourage a mixture of compatible and appropriately scaled business and residential land uses in the neighbored and mixed-use development on major corridors to enhance this diversity.

Rationale: the proposed multifamily housing will add to the diversity of housing along Koenig Lane.

Land Use Goal 6: Improve affordability of home ownership and rental properties.

Rationale: the proposed MF-6 zoning will enable the developer to add housing in the neighborhood that is reasonably priced.

Rosie Truelove, Director
Housing and Planning Department
RE: 1911, 2001, 2003, 2005 and 2007 W. Koenig Lane and,
1902, 1904, & 1906 Ullrich Avenue

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

Sincerely,

Alice Glasco, President
AG Consulting

Cc: Joi Harden, Zoning Division Manager, City of Austin
Maureen Meredith, Neighborhood Planner

PUBLIC HEARING INFORMATION

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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 or at a 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.

Case Number: C14-2023-0019
Contact: Jonathan Tomko, 512-974-1057
Public Hearing: Aug 08, 2023, Planning Commission

DAVID HOBSON

Your Name (please print)

☐ I am in favor
☒ I object

1807 ULLRICH AVE. AUSTIN, TX 78756

Your address(es) affected by this application

David Hobson

Signature

AUG. 2, 2023
Date

Daytime Telephone: 505-918-5078

Comments: IF COMPATIBILITY RULES ARE FOLLOWED,

I WOULD SUPPORT UP-ZONING THE ULLRICH AVE PROPERTIES FROM
SF-3 TO NO GREATER THAN SF-5;

AND FOR THE KOENIG LANE PROPERTIES I WOULD SUPPORT A
ZONING CHANGE FROM MU-LO TO NO GREATER THAN MF-4, ACCESS
TO THESE ^{KOENIG} PROPERTIES SHOULD BE LIMITED TO KOENIG LANE.

I DO NOT SUPPORT COMBINING THE ULLRICH SINGLE FAMILY PROPERTIES
WITH THE KOENIG LANE MU-LO COMMERCIAL PROPERTIES.

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

City of Austin
Planning Department
Jonathan Tomko
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Jonathan Tomko, 512-974-1057

Public Hearing: Aug 08, 2023, Planning Commission

Tracy Hobson

Your Name (please print)

1807 Ullrich Ave. Austin Tx

Your address(es) affected by this application

Tracy Hobson

Signature

Daytime Telephone: 737-230-5586

☐ I am in favor
☒ I object

78756

Aug. 2, 2023

Date

Comments: If compatibility rules are followed, I would support up-zoning of the Ullrich ~~properties~~ properties from SF-3 to no greater than SF-5. And For the Koening Lane properties, I would support a zoning change from MU-Lo to no greater MF-4. Access to these properties should be limited to Koening Lane. I do not support combining the Ullrich Single family properties with the MU-Lo commercial properties on Koening Lane.

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

City of Austin

Planning Department

Jonathan Tomko

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2023-0019

Contact: Jonathan Tomko, 512-974-1057

Public Hearing: Aug 08, 2023, Planning Commission

JOHN C + SUZY G. Ranney

Your Name (please print)

5706 Adams Avenue, Unit B

Your address(es) affected by this application

John C Ranney

Signature

☐ I am in favor
☒ I object

8-1-2023

Date

Daytime Telephone: 512-422-2891

Comments: No consideration to traffic in
Level 1 residential neighborhood.

No consideration to impacts on Capital School
of Austin, for children with special needs

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

City of Austin

Planning Department

Jonathan Tomko

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2023-0019

Contact: Jonathan Tomko, 512-974-1057

Public Hearing: Aug 08, 2023, Planning Commission

Suzy Ranney

Your Name (please print)

5706 B Adams Ave.

Your address(es) affected by this application

[Signature]
Signature

8/2/23
Date

Daytime Telephone: 512-413-0696

Comments: This will only cause more
traffic, parking issues, unsafe
streets, not to mention we don't
have the infrastructure to support it.
People will not use public
transportation more, they will
still use cars. Our town
is being ruined!

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

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Austin, TX 78767-8810

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Contact: Jonathan Tomko, 512-974-1057

Public Hearing: Aug 08, 2023, Planning Commission

ANNE KLUMP

Your Name (please print)

1903 ULLRICH AVE

Your address(es) affected by this application

Anne Klump

Signature

☐ I am in favor
☒ I object

8/18/23
Date

Daytime Telephone: 512-736-8707

Comments: A huge apt. complex should not destroy a neighborhood. On 2222, ok, on Ullrich, not okay. There are many places this can be built without destroying a neighborhood - 2 empty lots N. on Burnet where a used car dealership was. I am right across the street from this proposed apt. building. It will look terrible, steel my sunshine, cause too much traffic, cause flooding block my air flow, too much concrete. This area is already susceptible to flooding. Build it on 2222, not Ullrich. Look house, neighborhood feel.

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Dear Jonathan,

I am a native Austinite. People used to love Austin.

I know you all want growth, so you all can make more \$ in taxes, but as you are letting developers from other states come in and put up anything, you are destroying the look & feel of Austin. They just want to make \$\$\$, they don't care how this looks. If you all keep allowing all this crazy growth, no one will want to live here anymore. I DO NOT want to live somewhere that feels like New York City. Let people put up apt complexes on busy ~~roads~~ roads like Burnet & 2222, but please don't destroy a NEIGHBORHOOD. Those old 50's houses are built better than the cheap homes they are putting up today - the used real wood, 2x6's, red wood for decking. They are great houses.

I have lived on Ullrich 23 years. I have made my house beautiful inside, have landscaped w/ tons of beautiful plants, built a pond/waterfall, etc. It has been a ton of work. Please don't destroy my home by giving me the view of a giant apt bldg. I bought my house w/ a view of other houses. I ~~am~~ don't want to feel like the Broken Spoke. [[a]] Brentwood had terrible flooding. They put in the Arroyo Seco to drain rainwater. If you put a giant bldg here, too much impervious ground

Amazon March 2023

- ~~Camera(s)~~
- ~~Snack box~~
- ~~IPad & iPhone~~
- ~~Box of electronic connectors~~
- ~~Outlet converters~~
- ~~Power converter & outlet adapters~~
- ~~2 masks~~
- ~~2 snorkels~~
- ~~Fingernail clippers~~
- ~~Red OR tag of log/cards~~

Cow, you will reverse the progress we have made & cause more flooding. Let's move forward, not backwards. Don't undo what has been fixed. My beautiful plants will not get sun in the shadow of a 6-20 story building. It will cause too much traffic - we already have lots from the school. There are several open areas on Burnet where this monstrosity can be built - Not Burnet where they used to ~~lots~~ lot was, and you won't ruin a neighborhood in the process.

Thank you,

ANNE KLUMP

"Austinite since age 4!"