ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0124 (West Lynn @ 12th Street) DISTRICT: 9

ADDRESS: 1101, 1113, 1115 West Lynn Street; 1102 and 1104 Eason Street

ZONING FROM: CS-MU-CO-NP and SF-3-NP TO: CS-MU-CO-NP (with a change to a condition of zoning-height, and use restrictions)

SITE AREA: approximately 0.77 acres (approximately 33,541 sq. ft.)

PROPERTY OWNER: Zydeco Development Corporation

AGENT: Thrower Design, LLC (Ron Thrower)

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

STAFF RECOMMEDATION:
Staff recommends granting general commercial services-mixed use- conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning with a change to a condition of zoning – allowing a maximum height of 60 feet.

The conditional overlay would ***prohibit*** the following uses:

- Adult-Oriented Businesses
- Agricultural Sales and Services
- Auto Sales
- Automotive Rental
- Automotive Repair Services
- Automotive Washing – of any type
- Bail Bonds Services
- Building Maintenance Services
- Campground
- Commercial Blood and Plasma Center
- Construction Sales and Services
- Convenience Storage
- Drop-Off Recycling Collection Facilities
- Electronic Prototype Assembly
- Equipment Repair Services
- Equipment Sales
- Exterminating Services
- Indoor Crop Production
- Kennels
- Limited Warehousing and Distribution
- Maintenance and Service Facilities
- Monument Retail Services
- Pawn Shop Services
- Research Services
- Service Station
- Vehicle Storage

See the *basis of recommendation* section below for more information.

PLANNING COMMISSION ACTION / RECOMMENDATION:
February 27, 2024: Recommended staff recommendation of CS-MU-CO-NP with a change to a condition of zoning, including maximum height to 60 feet and adding additional prohibited/conditional uses. Motion by Commissioner Phillips, seconded by Commissioner Skidmore, vote 12-0 with Commissioner Maxwell absent.

CITY COUNCIL ACTION:
April 4, 2024: Case is scheduled to be heard by City Council

ORDINANCE NUMBER: N/A

ISSUES: N/A

CASE MANAGER COMMENTS:
The subject tract is a little more than 3/4 of an acre at the southeast corner of West 12th Street and West Lynn Street. It currently has commercial space, including the vacant former Nau's Drug Store, Anthony's Dry Cleaners, and Café Medici Coffee Shop. It also has two single family homes which were built in approximately 1946 and 1941. The applicant indicated that houses approved for demolition by the Historic Landmark Commission could be moved if an alternative site could be found.

To the north of the subject tract, across West 12th Street is Sledd's Plant Nursery, built in approximately 1948. To the east, are three single-family homes built approximately from 1940 through 1999, and one duplex built in 1938. To the south, is the Aloha Marina clothing store, in a structure built in approximately 1950 and one single-family home built in approximately 1930. To the west, is Taco Flats Restaurant in a structure built in approximately 1956, Howler Brothers Store in a structure built in approximately 1965, and Bond's Television & Electronics in a structure built in approximately 1983.

The applicant has indicated that 60 feet of height would not be right on West Lynn Street or Eason Street.

BASIS OF RECOMMENDATION:
Zoning should allow for reasonable use of the property.
The subject tract is redeveloping for the first time in more than 70 years. Given the proximity to Downtown Austin it is reasonable to expect a structure of greater density and height which could add additional dwelling units in this central part of Old West Austin. The additional housing could coexist in the very walkable area, proximate to daily needs and provide the street level retail space residents have been accustomed to. The applicant has indicated there would be upgrades to the pedestrian infrastructure, including nicer streetscapes, wider sidewalks, and street trees resulting in a decrease in impervious cover.

Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties. There are many other CS zoned parcels within approximately ½ mile of Downtown Austin. While there are several conditional overlays that restrict uses, it is not common for a conditional overlay to restrict height to 40 feet instead of the 60 feet that CS base zoning is usually restricted to. Considering we have seen many rezonings to CS in the past few years, all of which have not been restricted to 40 feet, it does not appear there is equal treatment of this similarly situated tract if staff were to grant other CS requests at 60 feet but deny this one and keep the CO at 40 feet. To abide by this basis of recommendation staff should approve this request.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors. While the intersection of West 12th Street and West Lynn Street is not substantially intense, it is more intense, relative to the Old West Austin Neighborhood as whole. It is a centrally located, signalized intersection of two ASMP level 2 corridors and thus a place where retail, mixed-use and more intensive zoning should be located.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-MU-CO-NP and SF-3-NP	Vacant Commercial space (formerly Nau's Drug Store which was open since 1951), Anthony's Drycleaners, approximately 7,500 square feet, built in approximately 1951. Two single-family homes which were built in approximately 1946 and 1941. Café Medici Coffee shop built in approximately 1967.
North	CS-MU-CO-NP	Sledd's Plant Nursery, built in approximately 1948.
South	CS-MU-CO-NP and SF-3-NP	Aloha Marina clothing store, built in approximately 1950 and one single-family home built in approximately 1930.
East	MF-4-NP and SF-3-NP	Three single-family homes built approximately from 1940 through 1999, and one duplex built in 1938.
West	CS-MU-CO-NP	Taco Flats Restaurant built in approximately 1956, Howler Brothers Store built in approximately 1965, and Bond's Television & Electronics built in approximately 1983.

NEIGHBORHOOD PLANNING AREA: Old West Austin Neighborhood Planning Area

WATERSHED: Lady Bird Lake Watershed

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

COMMUNITY REGISTRY LIST:
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 Assn., Save Historic Muny District, Shoal Creek Conservancy, Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2023-0138 (Enfield)	The applicant is proposing to rezone approximately 0.2003 acres from SF-3-NP to MF-3.	01/23/24: Applicant Postponement to 02/27/24	TBD
C14-2021-0074 (Gateway Tract)	The Applicant is proposing to zone approximately 19.14 acres from un-zoned (UNZ), to be determined.	TBD	TBD

C14H-2019-0161 (Mary Baylor House)	The Applicant is proposing to rezone approximately 0.0670 acres from SF-3-NP to SF-3-H-NP.	09/08/2020: Recommended to Council	10/01/2020: Approved

RELATED CASES:
None

ADDITIONAL STAFF COMMENTS:
Comprehensive Planning

Project Name and Proposed Use: 1101, 1113, 1115 WEST LYNN ST, and 1102 & 1104 EASON ST. C14-2023-0124. 0.77 acres from SF-3-NP to CS-MU-CO-NP. Located within the Old West Austin NP. No FLUM. EXISTING: Two Single Family Houses, Pharmacy, Restaurant/Coffee Shop w/ Drive Thru, Dry Cleaning with Copy Shop and Shipping Point, and a Conditional Overlay Restricting the Height of the Building to 40 ft. and prohibiting certain uses. Proposal: Demolish Two Houses; Build Condo Multifamily Apartments, Retail/Variety Store Restaurant/Coffee Shop with Drive Thru, General Office Building, and Remove Conditional Overlay restricting height of building to 40 ft. but still permitting certain uses.

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures *
	Imagine Austin Growth Concept Map: 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. **Names of Activity Centers/Activity Corridors/Job Centers *:**
	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station.
Y	**Mobility and Bike/Ped Access *:** Adjoins a public sidewalk, shared path, and/or bike lane.
Y	**Connectivity, Good and Services, Employment ***: Provides or is located within 0.50 miles to goods and services, and/or employment center.
Y	**Connectivity and Food Access ***: Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	**Connectivity and Education ***: Located within 0.50 miles from a public school or university.
Y	**Connectivity and Healthy Living ***: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	Connectivity and Health *: 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.)
Y	**Housing Choice ***: 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.
	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	**Mixed use ***: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
Y	**Workforce Development, the Economy and Education**: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
8	**Number of "Yes's"**

Environmental

1. The site is located over the Edwards Aquifer Recharge Zone. The site is located in the Ladybird Lake 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, including multifamily with CS-MU-CO-NP 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
SP1. FYI - Site plans will be required for any new development other than single-family or duplex residential.

SP2. FYI - 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. FYI - 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 and South property line, the following standards apply:

- No structure may be built within 25 feet of the property line. § 25-2-1063-B
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line. § 25-2-1063-C-1
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line. § 25-2-1063-C-2
- 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. § 25-2-1063-C-3
- No parking or driveways are allowed within 25 feet of the property line. § 25-2-1067-G
- 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.
- 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 with 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.

<u>Transportation and Public Works Department – Engineering Review</u>

ATD 1. 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 2. A Neighborhood Traffic Analysis shall be required at the time of site plan, if triggered, when land uses and intensities will be known. LDC 25-6-114. ATD

3. The Austin Strategic Mobility Plan (ASMP) calls for 72 feet of right-of-way for WEST LYNN ST. It is recommended that 36 feet of right-of-way from the existing centerline should be dedicated for WEST LYNN ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

ATD 4. The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for W 12TH ST. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for W 12TH ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

ATD 5. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for EASON ST. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for EASON ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

EXISTING STREET CHARACTERISTICS:

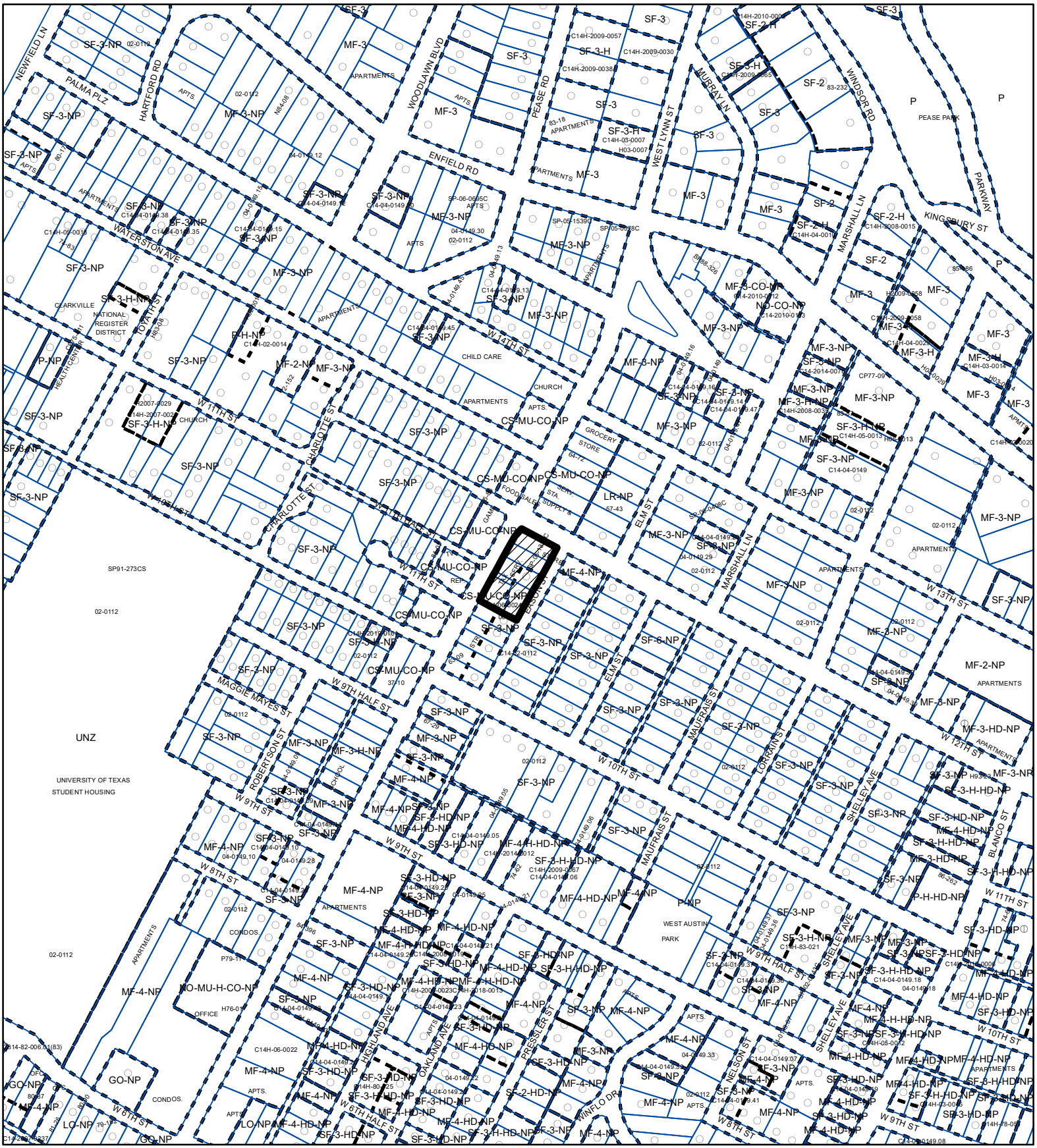
Name	**ASMP Classification**	**ASMP Required ROW**	**Existing ROW**	**Existing Pavement**	**Sidewalks**	**Bicycle Route**	**Capital Metro (within ¼ mile)**
West Lynn Street	Local Mobility – Level 2	72 feet	50 feet	24 feet	Existing 5 feet sidewalks (along the façade)	Shared lane (on-street)	Yes
West 12th Street	Local Mobility – Level 2	84 feet	64 feet	27 feet	Existing 5 feet sidewalks (along the façade)	Shared lane (on-street)	Yes
Eason Street	Local Mobility – Level 1	58 feet	41 feet	24 feet	No	No	Yes

TIA: A traffic impact analysis is NOT required at time of zoning. The traffic generated by the proposal does not exceed the threshold established in the Land Development Code.

Austin Water Utility
AW1. No comments on zoning change.
FYI: The landowner intends to serve the site with existing City of Austin water utilities.

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. 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 (original on 10.17.23 and amended on 02.15.24)
D. Letter of Support from OWANA
E. Correspondence from Interested Parties



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

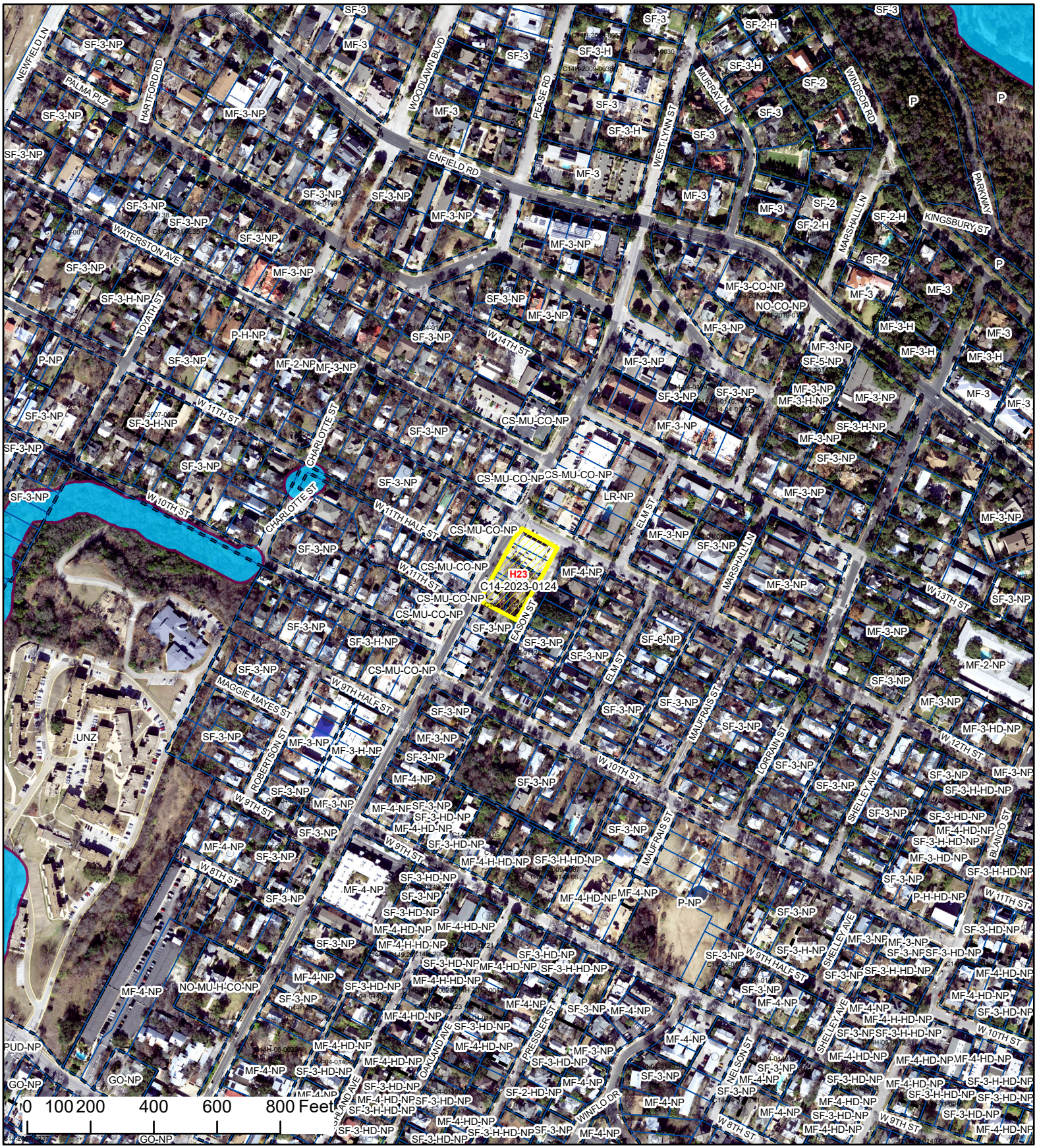
ZONING

ZONING CASE#: C14-2023-0124

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 Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 10/19/2023



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SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

West Lynn @ 12th Street

ZONING CASE#: C14-2023-0124
LOCATION: 1101, 1113, 1115 West Lynn St; 1102, 1104 Eason St
SUBJECT AREA: 0.77 Acres
GRID: H23
MANAGER: Jonathan Tomko

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

Created: 11/29/2023

Thrower Design LLC
LAND PLANNERS

October 17, 2023

Mrs. Lauren Middleton-Pratt
Director, Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: Rezoning Application – West Lynn @ 12th Street

Dear Mrs. Middleton-Prat:

On behalf of the Owner(s) of the property referenced above, we respectfully submit the enclosed rezoning application. The area of rezoning consists of four TCAD Parcels addressed and with the following legal descriptions:

1113 & 1115 West Lynn Street - LOT 19&20 LESS NW TRI BLK 6 OLT 4 DIV Z SHELLEY HEIGHTS 2
1101 West Lynn Street - LOT 16-A SHELLEY HEIGHTS 2 AMENDED PLAT LTS 16-17 BLK 6 OLT
1102 Eason Street - LOT 17-A SHELLEY HEIGHTS 2 AMENDED PLAT LTS 16-17 BLK 6 OLT 4 DIV Z
1104 Eason Street - LOT 18 BLK 6 OLT 4 DIV Z SHELLEY HEIGHTS 2

The subject tracts are located within the Old West Austin Neighborhood Planning Area and are also in the West Line National Register Historic District and Council District 9, represented by Zo Qadri.

The current zoning and uses apply today:
1113 & 1115 West Lynn Street – CS-MU-CO-NP -Pharmacy, Restaurant, Dry Cleaning
1101 West Lynn Street – CS-MU-CO-NP – Coffee Shop
1102 Eason Street – CS-MU-CO-NP & SF-3-NP – Single Family Residential & On-site Commercial Parking
1104 Eason Street - CS-MU-CO-NP & SF-3-NP – Single Family Residential & On-site Commercial Parking

The Conditional Overlay (CO) that currently applies consists of a 40ft building height restriction as well as various conditional and prohibited uses.

P.O. BOX 41957, AUSTIN, TEXAS 78704

The request of this rezoning application is to amend the CO of the CS-MU-CO-NP zoned lands to remove the 40ft height restriction but leave the conditional and prohibited uses in-tact. The portions of lands that are zoned SF-3-NP are requested to be upzoned to CS-MU-CO-NP with a CO that matches the same conditional and prohibited uses that are applicable to the lands currently zoned CS-MU-CO-NP.

For clarity, the Conditional Overlay (CO) that is request for the entirety of the rezoning area is as follows:

1) Conditional Uses:

a) Automotive rentals
b) Auto Sales
c) Auto Repair
d) Auto washing
e) Commercial blood plasma center
f) Construction sales & Service
g) Convenience storage
h) Equipment sales
i) Laundry services
j) Residential treatment
k) Equipment repair services
l) Guidance services
m) Maintenance & service facilities
n) Service station

2) Prohibited Uses:

a) Drop-off recycling collection facilities
b) Kennels
c) Limited warehousing & distribution
d) Exterminating services
e) Adult oriented businesses
f) Vehicle storage

The properties are at a commercial corner that is a hub of activity in the Clarksville Neighborhood. The rezoning will allow for a vertical mixed-use project that will marry preservation efforts of the beloved Nau's Pharmacy building with new development that will continue to serve local residents and will enhance the street scape.

We respectfully request support for the requests made. Please contact our office should you have need for additional information. Thank you for your time and attention to this application.

Kind regards,

Victoria Haase
www.throwerdesign.com
512-998-5900 Cell
512-476-4456 Office

Thrower Design LLC
LAND PLANNERS

February 15, 2024

Mr. Jonthan Tomko
City of Austin Planning Department
Via Electronic Delivery

Re: Rezoning Application – West Lynn @ 12th Street - C14-2023-0124

Dear Mr. Tomko,

On behalf of the Owner(s) of the property referenced above, and after coordination with Old West Austin Neighborhood Association, we respectfully submit the following update to the Conditional Overlay that is requested with this rezoning.

There is no longer a request for any Conditional Uses as those uses originally requested to be "conditional" are now requested to be prohibited. The following is an updated and complete list of the **Prohibited Uses**:

Adult-Oriented Business
Agricultural Sales and Services
Auto Sales
Automotive Rental
Automotive Repair Services
Automotive Washing—of any type
Bail Bond Services
Building Maintenance Services
Campground
Commercial Blood & Plasma Center
Construction Sales and Services
Convenience storage
Custom Manufacturing
Drop-Off Recycling Collection Facilities
Electronic Prototype Assembly
Equipment Repair Services
Equipment Sales
Exterminating Services

Indoor Crop Production
Kennels
Limited Warehousing and Distribution
Maintenance & Service Facilities
Monument Retail Services
Pawn Shop Services
Research Services

Service Station
Vehicle Storage

Kind regards,

Victoria Haase

P.O. BOX 41957, AUSTIN, TEXAS 78704

Steering Committee Members:

Christopher Hurst AIA, Chair
Paula Hern, Meghan Yancy, Claudette Kazzoun, Rob Kish, Steve Amos, Germaine Curry, Margaret Sullivan, William Osborn, David Schofman, Shawn Shillington, Adam Sumrall, Erika Tatum

February 26, 2024

RE: C14-2023-0124 - West Lynn @ 12th Street - District 9 - Item 12

Dear Chair Hempel and Planning Commissioners,

The Old West Austin Neighborhood Association (OWANA) Steering Committee has unanimously voted to support the requested re-zoning at West Lynn & 12th Street (Case number: C14-2023-0124).

The owner of the properties, Zydeco Development Corporation, met with the OWANA Zoning Committee three times over the last four months to discuss their proposal for the property and to solicit support from the neighborhood. Zydeco agreed to provide community benefits and mitigate construction concerns under a Restrictive Covenant with our neighborhood.

The site was the location of Nau's Pharmacy and Anthony's Dry Cleaners, It is one of the iconic buildings of our neighborhood and the center of the commercial district located within OWANA. Zydeco agreed to retain the historic facades of this building and incorporate them into their project, as well as preserve the contributing structure that is currently home to Café Medici. This proposal was presented at the last General Membership meeting in December.

OWANA appreciates both Zydeco's willingness to work with the neighborhood and their enthusiasm and thoughtfulness to build something special at this prominent location in our historic neighborhood. Please join us in supporting this project by voting to approve the necessary re-zoning.

Sincerely,

Christopher Hurst, AIA
OWANA Steering Committee Chair

Public Comments received on West Lynn @ 12th Street (C14-2023-0124)

From: Stephen Clark
To: Joi Harden
11.05.2023 6:08PM

As a neighbor I am concerned about removing the 40’ height restriction

Stephen L. Clark
1008 Elm St.

From: Steve Amos
To: Joi Harden
11.06.2023 3:28PM

Hello Joi,

Thank you for sending the Proposed Zoning Change for Case # C14-2023-0124

I strongly protest the removal of the 40' height restriction.

This will totally change the character of our historic neighborhood. And set a precedent for future changes to the other three corners at West Lynn and 12th.

I have lived at 1607 Waterston Avenue since the summer of 1988, and the owner since 1989.

Thank you Joi for your assistance in blocking this change and working to maintain our historic neighborhood's character and community.

Sincerely,
Steve Amos
512 970 7443

Steve Amos
President/Founder 4empowerment
1607 Waterston
Austin, TX 78704

From: Mary Reed
To: Jonathan Tomko
11.08.2023 10:27AM

I live just west of West Lynn in the Clarksville neighborhood and have resided in my home for 35 years. Until recently, I owned other property in Clarksville. Also, I am president of the Clarksville Community Development Corporation (CCDC), the neighborhood organization for Clarksville.

West Lynn between West 10th and West 14th is our neighborhood downtown; it's walkable and lined with businesses that cater to residents of Clarksville and the rest of Old West Austin, but attract residents from other parts of town in some cases. The buildings along West Lynn are low in scale and modest in their design -- understated.

I am therefore very concerned about the proposed project. My biggest concern right now is the request to remove the 40' height restriction. I strongly oppose doing so. Allowing the developer to build up would set a horrible precedent for future development along West Lynn; impact the character of our historic neighborhood; and possibly jeopardize the neighborhood-friendly ambiance of the street. I also have concerns regarding the impact of a larger scale development on traffic and safety along West Lynn and on Clarksville's narrow streets. And finally, removing the 40' height restriction would have a negative impact on nearby residents.

Thank you for considering my concerns.

Mary Reed

1101 Charlotte Street
Austin, TX 78703
512 657 5289

"I have decided to stick with love. Hate is too great a burden to bear." ***Martin Luther King, Jr.***

From: J.B. Raftus
To: Jonathan Tomko
11.08.2023 12:22PM

Hi Jonathan—

My name is J.B. Raftus and I've lived in Clarksville at 1802 Waterston with my wife and children since 2006. I'm writing you to express deep concern over the potential redevelopment of 12th and West Lynn and the accompanying properties on Eason.

That corner is considered this neighborhood's "downtown" and the now defunct Nau's was our community center. Given the importance of this intersection to the character of the neighborhood, I strongly urge you to deny the removal of the 40' height restriction. This would fundamentally change the character of arguably one of Austin's most unique and beloved neighborhoods as well as present a safety hazard due to increased traffic (despite speed bumps cars already speed on West Lynn and this will only make it worse). Our streets are narrow and often filled with pedestrians.

Thank you for your consideration to this matter.

J.B. Raftus
1802 Waterston
512.633.2760

From: Louis Rigler
To: Jonathan Tomko
11.08.2023 12:33PM

I have been told that there is a zoning change request in play for this parcel.

I am vehemently opposed to such a change.

Allowing greater height and development of this property would harm the street and neighborhood. I believe the zoning in place to be reasonable. bigger is NOT better

Thank you
Louis Rigler - Realtor® / Agent
Phone 512.569.5548
BROKER - BARBARA STEPHANIE AYBAR

From: Kimberly A Lewis
To: Jonathan Tomko
11.08.2023 1:31PM

Hello,

I am a long-time Clarksville resident and my daughter went to Mathews Elementary. I wanted to express that I share the same concerns about the proposed development along West Lynn that Mary describes below. The neighborhood has already been so overrun with new development from absentee landlords and absentee developers that have no connection to the land. There have been 7 giant houses continually under construction on the single city block where I live just off of west Lynn for the past 2-3 years and it's already treacherous for cars and people just to try to drive in and out of my home. Foot and vehicle traffic associated with the restaurants already along west Lynn often entirely blocks off my street when my daughter and I are trying to come and go from work. On normal days there are so many cars parked along both sides of my street that a 2 way road is reduced to a single lane. Construction vehicles block my driveway or even blatantly park in my driveway without my consent, the people who work at the restaurants along west Lynn have also parked in my driveway or illegally next to my driveway on the corner without my consent. There are often so many cars parked around my driveway that I have even hit another car just trying to get out. I've complained to the city and no action has been taken. The large delivery trucks for Jeffrey's and taco flats bring food and alcohol daily and just park right in the middle of the street, blocking access to west Lynn and making it dangerous for people turning right or left onto 12th from west Lynn. They use my street for their valet service. There are no sidewalks so you will often find people and dogs in the middle of the street traversing along with the cars. The extra cars bring a lot of unwanted loiterers in my street outside my house late at night especially on weekends, and all the extra cars have attracted a lot more petty crime. We already have what seems like a coordinated team of thieves who sweep through our cars (or even steal cars) and backyards almost every weekend. The absentee landlords have also brought a lot more short term rentals to our neighborhood, with guests who are not invested in preserving the neighborhood.

The surface of 12th street is already in terrible condition and can't support the existing traffic that flows through there, I can't imagine how it could support an influx of even more cars.

I'm all for revitalizing the buildings in the area proposed for development, but not for one that brings a lot more people and chain business and traffic to historic Clarksville. It will lose its charm and devalues the property for residents. It's already bad enough with the development the past few years, please don't make it any worse.

Thank you for your consideration,

Kimberly Lewis, PhD, RN, CGNC
Nurse Scientist

From: Katie Van Dyk
To: Jonathan Tomko
11.08.2023 8:38PM

Hi Jonathan,

I am writing to inquire about the above-referenced rezoning case and the proposed project plans that would necessitate the zoning change. I am a former land use lawyer (now I practice commercial real estate transactions and finance, mostly), and a homeowner in Clarksville (1809 W. 11th). I do have some concerns about too big/too tall/too intensive of a project on our little local thoroughfare West Lynn. I have two tiny children and we walk and bike around the area daily for groceries, coffee, breakfast/lunch/dinner. Anything you're able to share about the proposed project would be greatly appreciated.

Thank you!

Katie Van Dyk | Partner
(she/her/hers)
Norton Rose Fulbright US LLP
98 San Jacinto Boulevard, Suite 1100, Austin, Texas 78701-4255, United States
Tel +1 512 536 3093 | Fax +1 512 536 4598

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Law around the world
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From: Michael Berl & Nathan Winkel
To: Joi Harden
11.9.2023 12:41PM

Hi Joi,

We live at 1618 Waterston Ave and have concerns about the request for the new development on West Lynn to go above the 40' height limit. People love this neighborhood for its character and charm. I've lived in multiple cities and seen commercial streets make smart decisions that augment the neighborhood, and ones that turn it into cookie-cutter streets that you could find anywhere.

I'm all for increased high quality and non-chain commercial/retail spaces and understand the inevitability of increased population density. But these decisions will make a major impact on the neighborhood quality of living, home values, traffic, parking, views, and culture.

Do you have any other information on the proposed project that you're able to share?

Thank you!

Michael Berl & Nathan Winkel

From: Judy Shipway
To: Jonathan Tomko
11.10.2023 9:41PM

Hello,

My husband and I live on Maufrais St., not far from the east side of West Lynn. I just learned that a large development is planned for West Lynn and part of Eason.

This is a small residential neighborhood with lots of foot traffic and pretty streets. The streets of our neighborhood are narrow and not meant for high traffic.

This development would definitely impact the culture of this neighborhood and of historic Clarksville.

Please consider the impact to the residents of our neighborhood when you review this case.

Thank you,

Judy Shipway
1008 Maufrais St.

From: Doug and Jane Bland
To: Joi Harden
11.10.2023 11:43AM

Good morning, Joi,

We live at 1612 West 11th Street. Our home is within 500 feet of the application for a zoning variance for the 1100 block of West Lynn Street and the 1100 block of Eason Street. We received yesterday a notice of application for rezoning for the West Lynn and Eason blocks within 500 feet of us and our neighbors.

The application asks that the City remove the land's current 40 foot height restriction that exists for building on this plot, and to rezone the land entirely for commercial or mixed use.

We have no general objection to redevelopment in character with the existing commercial and residential use of the land (and with the homes and businesses surrounding it), but the developer's request here contemplates a much larger vertical development. Such a development would not be in character with the surrounding uses of the land—residential homes and small businesses in one or two story storefronts— or with the existing use of the land that the developer asks for a variance for (currently one-story).

Removal of the height restriction would permit a large building not in character with the generally residential area of the Old West Austin neighborhood. The very limited commercial uses near the requested variance are within the height restriction. A tall building on this plot would not be and would not match either the existing character of this neighborhood or the existing use of this land.

We respectfully request that the City deny the developer's request to remove the existing height restriction, and to otherwise ensure that any development is in keeping with the surrounding homes and small businesses of our neighborhood.

Thank you very much for your consideration of our objection.

Sincerely yours,

Doug and Jane Bland

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: C14-2023-0124
Contact: Jonathan Tomko, 512-974-1057
Public Hearing: Feb 27, 2024, Planning Commission

Barbara Pike Pratz
Your Name (please print)

☐ **I am in favor**
☑ **I object**

1617 Waterston Ave 78703
Your address(es) affected by this application

Barbara Pratz — 2-18-2024
Signature — *Date*

Daytime Telephone: 512-203-3603

Comments:

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
Or email to:
jonathan.tomko@austintexas.gov

2/19/2024

I have lived at 1617 Waterston Avenue since I rented this house in college in 1972. I later bought it and raised my family here. Clarksville is my home; I've seen many changes over the past 50 years. West 12th St. wasn't even paved when I first moved here. I am against this proposed development project for many reasons, mainly I feel it's overly ambitious. 40 to 60 ft. buildings would be totally out of place in this small historic neighborhood. I believe it would add too much traffic congestion to a saturated situation. This small neighborhood's narrow streets are not wide enough for even the current traffic congestion due to the restaurants, tourists, neighborhood density, and school traffic. This large complex will exacerbate the traffic at the corner of West 12th and West Lynn and on West 12th St. and Waterston Avenue.

Also, I am worried that the added traffic will be a serious safety problem for the children walking and biking on West Lynn to Mathews Elementary every morning and afternoon. Friends don't visit because "there's no parking near my house" all the spaces in front of my house are taken by patrons at the restaurants. The repairmen I call have nowhere to park near my house.

People continually circle the block of 12th and Waterston trying to park. At least, 20 times a day people turn around in my driveway because they are searching for a place to park. Often, people block my driveway, and I literally can't get out until I contact a restaurant or call a tow truck.

I know the developers are providing parking for their residents, but the retail spaces will add to more traffic and parking issues. I think the people behind the project mean well; it's just too much in every respect, in my opinion. Therefore, I am against the zoning change.

Respectfully,
Barbara Pike Pratz
1617 Waterston Ave.

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: C14-2023-0124
Contact: Jonathan Tomko, 512-974-1057
Public Hearing: Feb 27, 2024, Planning Commission

Laura I. Gonzalez
Your Name (please print)

☐ **I am in favor**
☒ **I object**

1614 W 11th St Austin 78703
Your address(es) affected by this application

Signature

02-27-24
Date

Daytime Telephone: 512-586-6589

Comments:
The proposed project is too tall for the neighborhood. It should be only three stories high (40 feet maximum)

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
Or email to:
jonathan.tomko@austintexas.gov