ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0114 / 2205 E. 12th Street

P.C. PUBLIC HEARING DATE: October 12, 2010

ADDRESS: 2205 East 12th Street

OWNER: Dr. Paul Riekert, 512-587-6363

AGENT: Big Red Engineering & Consulting (Will Schnier, P.E.), 512-669-5560

ZONING FROM: MF-3-NP **TO:** LO-MU-NP

SITE AREA: .1828 acres (7,963 square feet)

SUMMARY STAFF RECOMMENDATION: The staff recommendation is to grant the change from MF-3-NP (Multifamily Residence Medium Density – Neighborhood Plan) combining district zoning to LO-MU-CO-NP (Limited Office – Mixed Use – Conditional Overlay – Neighborhood Plan) combining district zoning. The Conditional Overlay would limit vehicle trips to less than 2,000 per day.

SUMMARY PLANNING COMMISSION RECOMMENDATION: October 12, 2010: Planning Commission *APPROVED* staff's recommendation of LO-MU-CO-NP; [S. KIRK, R. HATFIELD 2nd] (7-0) (D. ANDERSON, M. DEALEY – absent).

ISSUES: The Rosewood Neighborhood Contact Team has provided an email in support of the proposed rezoning and neighborhood plan amendment applications which is attached to the back of the staff report.

DEPARTMENT COMMENTS: The .1828-acre site is currently zoned MF-3-NP (Multifamily Residence Medium Density district – Neighborhood Plan) district and is located midblock on the south side of East 12th Street, west of its intersection with Chestnut Avenue. The site lies within the Rosewood Neighborhood Plan and is bordered by single family zoning and residences to the north and south, commercial zoning and an office to the east, and multifamily zoning and residences to the west.

The subject property was originally constructed as a church and used for religious assembly purposes for many years. The property was vacant for some time, and was purchased by the current owner in June of this year. It is currently developed with an unoccupied, cement block, single-story structure with a dedication marker dated October 1950. As shown in the correspondence provided by the Applicant, the structure has two crenulated towers. The applicant is requesting LO-MU-NP (Limited Office district – Mixed Use – Neighborhood Plan) in order to remodel the interior of the existing structure into a music and recording studio, which is classified as a communication services use and first permitted in the LO zoning district.

The staff recommendation is to approve the requested zoning change because it allows for reasonable use of the property. The LO-MU zoning district is appropriate for this tract given the zoning and uses along this portion of East 12th Street. More intensive commercial zoning exists a block to the east and west, and immediately adjacent to the tract is neighborhood commercial (LR) zoning. Additionally,

East 12th Street is an arterial street and is appropriate for higher level zoning. The proposed mixed use component will also allow for residential use of the property which better blends and is consistent with the character of the area.

The building has been identified as a possible historic resource by some neighbors. It is likely the LO-MU-NP zoning will not endanger the possibility of any future such designation, but instead the combination of the proposed use as a music studio and the building's construction will lend itself to preservation. The owner intends to retain the building's shell, maintaining the exterior character and appearance, and build the music studio within the structure.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	MF-3-NP	Vacant Church – Religious assembly
North	SF-3-NP	Single family residences
South	SF-3-NP	Alley – Single family residences
East	LR-MU-NP	Office
West	MF-3-NP	Single family residences

NEIGHBORHOOD PLAN AREA: Rosewood Neighborhood Planning Area

TIA: A traffic impact analysis was not required for this case.

WATERSHED: Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:
Austin Neighborhoods Council
Homeless Neighborhood Organization
Home Builders Association of Greater Austin
Sentral Plus East Austin Koalition (SPEAK)
Rosewood Neighborhood Contact Team
Austin Parks Foundation
Foster Neighborhood Association
Sierra Club, Austin Regional Group
PODER People Organized in Defense of Earth & Her Resources
League of Bicycling Voters
Austin Monorail Project
United East Austin Coalition
Rosewood Neighborhood Planning Area
The Real Estate Council of Austin, Inc.
Super Duper Neighborhood Objectors and Appealers Organization
Del Valle Community Coalition
Austin Street Futbol Collaborative

SCHOOLS: (AISD)

- Blackshear Elementary School
- Kealing Middle School
- Eastside Memorial Green Tech High School

CASE HISTORIES: There are no recent case histories on or surrounding the subject tract.

RELATED CASES: The Rosewood Neighborhood Plan rezonings were approved by Council on November 29, 2001 (C14-01-0150). A Neighborhood Plan Amendment to change the FLUM designation on the property from Civic to Mixed Use is also in process (NPA-2010-0008.01).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
E 12th Street	60'	40'	Minor Arterial	Yes	Yes	Yes

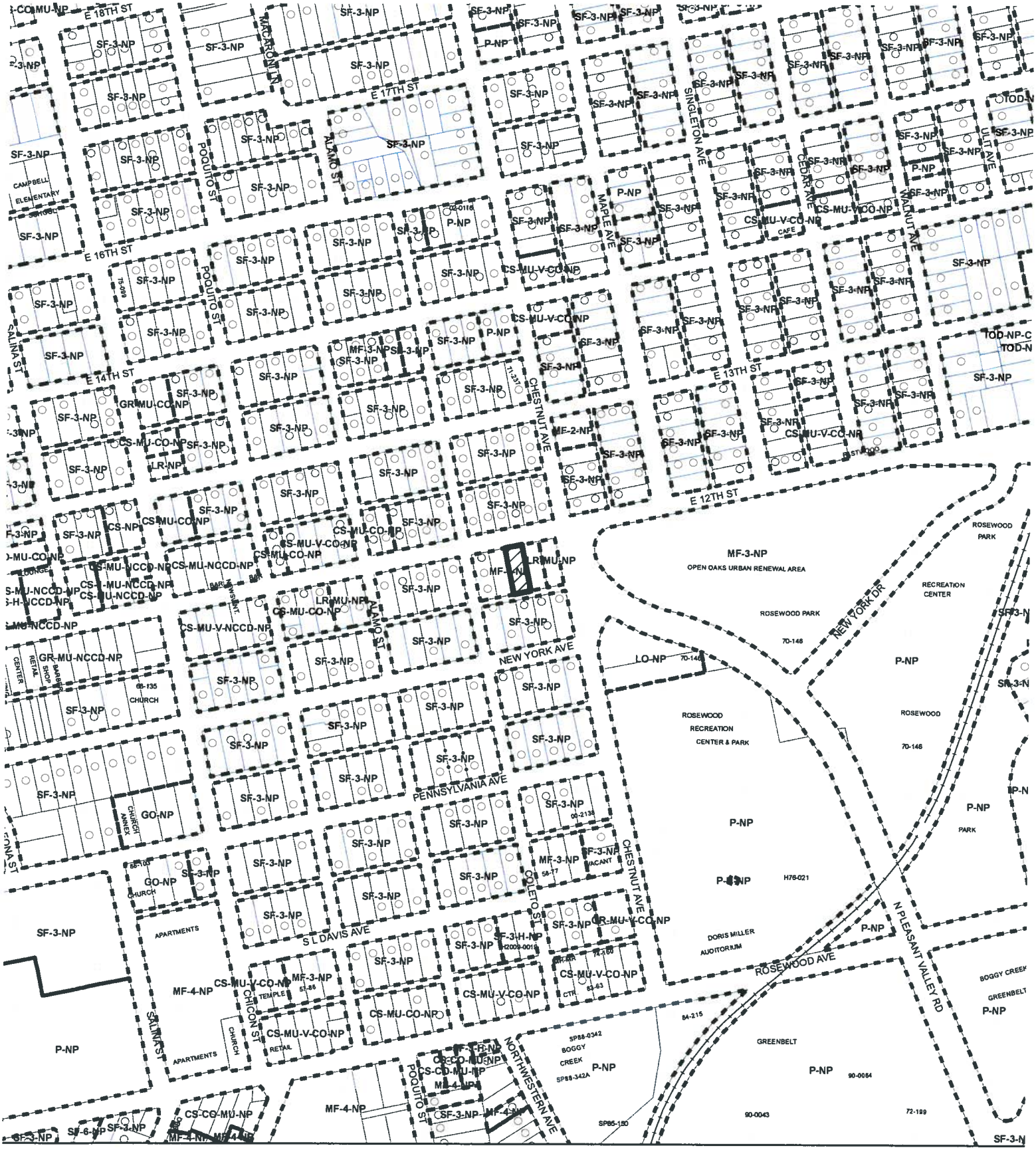
CITY COUNCIL DATE: November 4, 2010

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

ZONING CASE MANAGER: Joi Harden
PHONE: 974-2122 **E-MAIL**: joi.harden@ci.austin.tx.us



ZONING

N

1" = 400'

SUBJECT TRACT

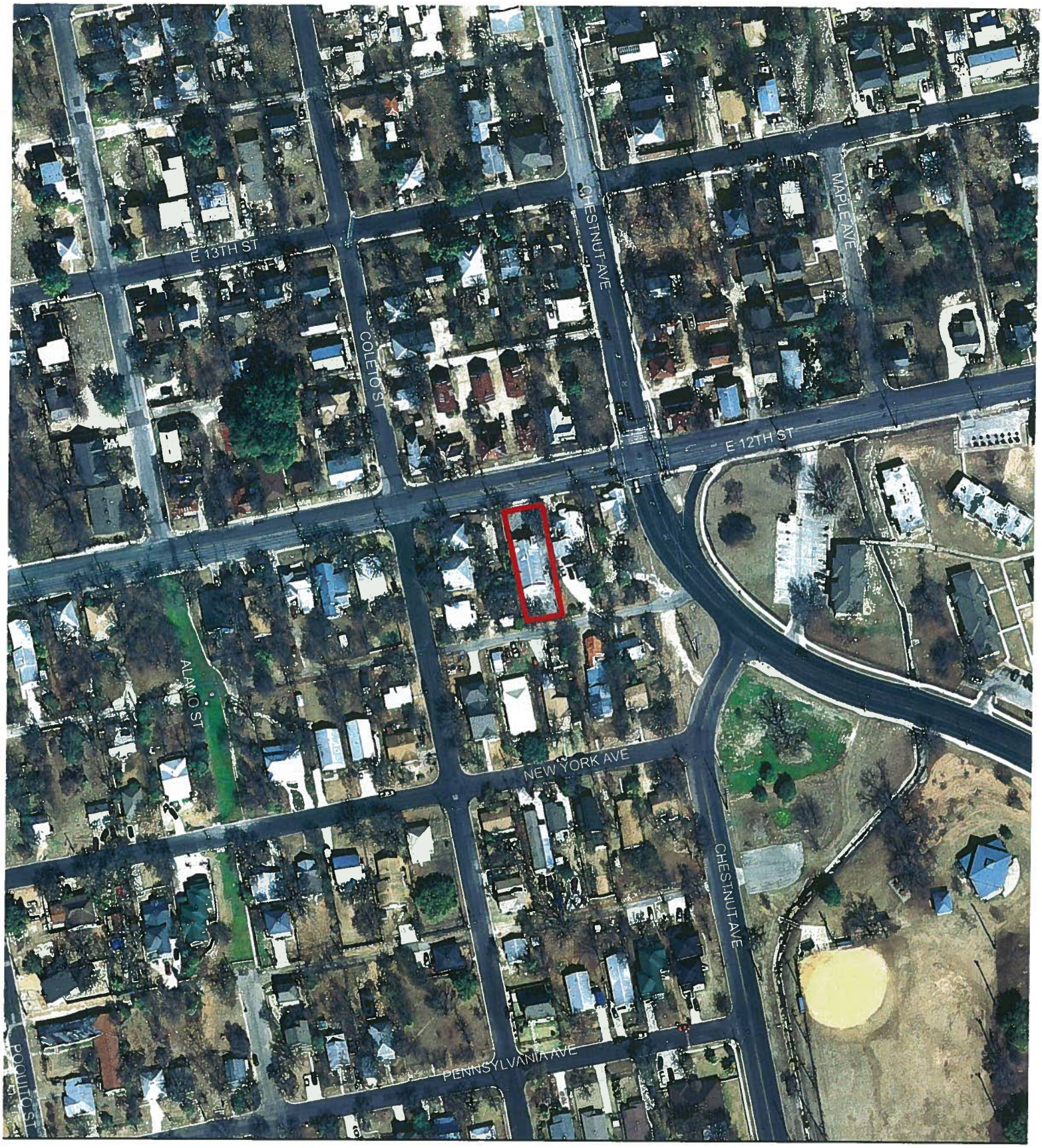
PENDING CASE

ZONING BOUNDARY

ZONING CASE#: C14-2010-0114
LOCATION: 2205 E 12TH ST
SUBJECT AREA: 0.1828 ACRES
GRID: K23
MANAGER: J. HARDEN

CITY OF AUSTIN FOUNDED 1839

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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C14-2010-0114 - 2205 E. 12th Street
From MF-3-CO to LO-MU-CO-NP
combining district zoning

SUMMARY STAFF RECOMMENDATION

The staff recommendation is to grant the change from MF-3-NP (Multifamily Residence Medium Density – Neighborhood Plan) combining district zoning to LO-MU-CO-NP (Limited Office – Mixed Use – Conditional Overlay – Neighborhood Plan) combining district zoning. The Conditional Overlay would limit vehicle trips to less than 2,000 per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

LO- Limited Office district is the designation for an office use that serves neighborhood or community needs and that is located on or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulation and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary is scale and appearance with the residential environment.

MU- Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. Allows development of all types of residential uses, including single-family residential, multifamily residential, and townhouses.

The LO-MU zoning district is appropriate for this tract given the zoning and uses along this portion of East 12th Street. More intensive commercial zoning exists a block to the east and west and immediately adjacent to the tract is neighborhood commercial (LR) zoning. Additionally, East 12th Street is an arterial street and is appropriate for higher level zoning. The proposed mixed use component will also allow for residential use of the property which better blends and is consistent with the character of the area.

2. The proposed zoning should allow for reasonable use of the site.

LO-MU allows a fair and reasonable use for the site.

3. Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning.

Staff has not granted a special privilege to this property owner as the proposed rezoning of this property is more restrictive than the commercial zoning that exists a block to the east and west, and immediately adjacent to the tract is neighborhood commercial (LR) zoning.

EXISTING CONDITIONS

Site Characteristics

The subject property is currently developed with an unoccupied cement block single story church with a dedication marker dated October 1950. The former church has two crenulated towers.

Impervious Cover

The maximum impervious cover allowed by the LO zoning district would be 70%.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Transportation

Additional right-of-way may be required at the time of subdivision or site plan application.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Water and Wastewater

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. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

Site Plan Review

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the north and south property line, the following standards apply:

- No structure may be built within 25 feet of the SF 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.
- 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.

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

Zoning Case Summary – 2205 E. 12th Street, Austin Texas 78702

NPA Case Number: NPA-2010-0008.01 Zoning Case Number: C14-2010-0114

Current Zoning:	MF-3-NP (Multifamily up to 36 dwelling units/acre)
Current NP FLUM Designation:	Civic
Current Land Use:	Formerly Religious Assembly; Vacant- No Regular Services ±3 Yrs
Proposed Zoning:	LO-MU-NP (Limited Office)
Proposed NP FLUM Designation:	Mixed Use
Proposed Land Use:	Communication Services – Music Recording Studio
Affected Neighborhood Planning Area:	Rosewood
Neighborhood Recommendation:	Rosewood Neighborhood Recommends Approval of LO-MU-NP
City Review Staff Recommendation:	Staff Recommends Approval of Both NPA and Zoning Request
Adjacent Neighbors Recommendation:	Adjacent Neighbors Have Provided Written Support of Request
Key Points of Zoning Request:	1. Proposed Project is a Music and Audio Recording Studio 2. Existing Former Church Building Will Be Preserved 3. Support of Affected Neighborhood, Adjacent Neighbors, Staff



Neighborhood Support:	Rosewood Neighborhood Recommends Approval of LO-MU-NP
Presented at Rosewood NH Meetings:	June 17th, July 22nd, August 19th
Applicant Hosted Outreach Meetings:	Wednesday June 23rd, 5:00pm Saturday June 26th, 1:00pm Tuesday June 29th, 7:30pm (All property owners and tenants within 500-feet were invited)
City Hosted Information Meeting:	Tuesday August 31, 6:30pm
Written Support of Adjacent Neighbors:	Loren Rives – Owns, Lives, Works at 2207 and 2211 E. 12th St. David and John Schroeder - Own and Live at 1195 Coleto Street
Other Items of Note:	1. Has not been active church w/ regular services for ±3-years 2. Vacant building attracts vagrants, prostitution, and drug use 3. Private investment on 12th Street Revitalization Corridor 4. Zoning proposal is from an owner/operator, not a speculator

Additional Information About the Proposed Music Recording Studio Project

Why did you choose this building? Why a former church? I have been looking for the ideal building for several years, and the abandoned former church building has several characteristics that make it an ideal candidate for a music recording studio. Very few buildings have these important features; likely candidates would be former schools, theatres, or churches.

- High ceilings throughout the structure. The building has 12-foot ceilings, which is ideal for recording. Buildings with 8-foot ceilings will not allow for an ideal recording or listening environment, ruling out most if not all of the available existing commercial buildings on 12th St.
- No internal load-bearing walls. The sound rooms in top-flight recording studios are built around ideal shapes (no parallel walls) and specific room ratios (height/width/depth) that are known to produce an "even" listening environment across the spectrum of audible frequencies. This building has no internal walls, which allows the rooms to be divided based on these acoustic principles.
- Solid exterior walls. The exterior walls of the building are 8-inches of solid concrete. Buildings with conventional construction (wood siding, for example) would be very difficult to make soundproof.

Tell us about the proposed building preservation and interior renovation. Although the remodel of the interior of the structure will be extensive, the outside of the building will remain intact, and overall, this renovation will be very low impact on the neighbors. It is my intent to preserve the former church building in perpetuity. I am not altering the footprint of the building or changing the exterior appearance and character of the structure. Also, because this is a private recording studio, there will not be any commercial signage on either on the building or at the street level.

How do you plan on containing sound? The livelihood of a studio depends on being completely and totally soundproof. Sound cannot come in or out of the interior spaces because musicians will not pay for commercial studio time if outside sound makes its way into the microphones inside. There is a Capital Metro bus stop at the corner of E. 12th and Pleasant Valley Road. The buses produce both sound and vibration waves far in excess of anything that will be heard from the music recording studio. The sounds and vibrations of those buses will not be allowed to be heard in the studio, and the same insulation measures will prevent sound from inside escaping to the outside.

This will be the quietest building on 12th Street. In fact, the sound of a television at typical volume heard through a single-pane window would be far louder than anything heard outside this studio. Although this building already has extremely thick exterior walls (8 inches of concrete), it will still need thoughtful construction of the floor, walls, ceiling, and doors. Proposed techniques include:

- The pier-and-beam floor will be replaced by an independent concrete slab
- Inside the 8-inch concrete exterior walls, separate interior walls will be constructed; these two walls are never "joined" together, preventing vibrations from being transmitted
- The ceilings are made of 3 layers of 5/8" drywall and hung on "decoupling" clips; these are basically springs that also isolate the vibrations and do not transmit them to the outer structure
- The floor plan is laid out in such a way that studio sound rooms will not open to the outside environment, but rather exits will be located in non-sound rooms

Meredith, Maureen

From: Jane Rivera[redacted]
Sent: Sunday, August 29, 2010 11:57 AM
To: Meredith, Maureen
Cc: joi.hardin@ci.austin.tx.us; 'Paul Wesley Riekert'; 'Jane Haney Rivera'
Subject: 2205 E. 12th Street

Maureen,

This email is to document the Rosewood Neighborhood Contact Team's support for the proposal by Mr. Riekert to convert the old church building to a recording studio. We also support the zoning that would keep the zoning (MU) marked brown on the FLUM, rather than going to red, which could permit higher commercial use. Thank you for your suggestion and for your support of both Mr. Riekert's plans and our plans to maintain the neighborhood.

Jane Rivera, Chair
Rosewood Neighborhood Contact Team

Attn:

Rosewood Neighborhood Planning Committee

City of Austin

RE: 12th Street Baptist Church

To whom it may concern,

My name is Doug Rives and I own the properties adjacent to the 12th Street Baptist Church at 2207 and 2211 E. 12th Street. I support the rezoning of the property to LO in hopes that it will facilitate a more viable commercial corridor on E 12th Street and in turn reduce the vagrancy, drug dealing and prostitution that we see on a daily basis particularly around vacant properties.

Thank You,

Douglas L. Rives

(by email)

Hello Paul,

I live in, and own, a house on E 12th st. (2001 E 12th), across from Sams. I've been reading about your request for rezoning on the Rosewood email group, and even stopped by the church to look around. (I couldn't make any of your open houses.) I know that some neighbors are for, and some against, your proposal. I won't be in town for Thursday's meeting, but wanted to log my support for your rezoning request to enable the recording studio. It seems like a low-impact, yet beneficial addition to the neighborhood. Feel free to make my support public.
Good Luck!

Jeremy Bailey

To Whom it may concern, 16

Converting the old 12th Street Church to a music recording studio is Fine with us. The church had only 8 or nine parking spaces, and led to church-goers parking around the block. A well-insulated, sound-proofed studio will allow the structure to remain and won't affect any nearby properties. The proposed studio is the best use, actually. We live behind the proposed studio and welcome it.

John Schroeder

Bob Schroeder

1195 Coleto
Austin, TX
78702
320-0511

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 attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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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.ci.austin.tx.us/development

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Case Number: C14-2010-0114
Contact: Joi Harden, 512-974-2122
Public Hearing: Oct. 12, 2010, Planning Commission
Nov. 4, 2010, City Council

Li Li
Your Name (please print)

☐ **I am in favor**
☐ **I object**

1208 Chestnut Av - owner w/ Walter White, also objecting.
Your address(es) affected by this application

Li Li
Signature

10-3-10
Date

Daytime Telephone: 512 797 0641

Comments: We live right around the corner from the historic site of the 12th Street Baptist church, slated for rezoning, and are opposed. This is a residential neighborhood and we will not be served by a music studio as there are several in 78702. We just moved from E. 6th St. because the music district took over and there was too much traffic and noise. The site should remain a spiritual center. The Black Baptist churches are an important part of the spiritual, cultural, and musical history

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Joi Harden
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2010-0114
Contact: Joi Harden, 512-974-2122
Public Hearing: Oct. 12, 2010, Planning Commission
Nov. 4, 2010, City Council

Walter White

Your Name (please print)

☐ **I am in favor**
☒ **I object**

1208 Chestnut Ave.

Your address(es) affected by this application

Walter White — 10-5-10

Signature — *Date*

Daytime Telephone: 797-0641

Comments: I oppose the rezoning. It is contrary to the neighborhood plan and I believe it will lead to an increase in commercial properties similar to what happened on Rainey Street.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Joi Harden
P. O. Box 1088
Austin, TX 78767-8810

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974 6054

Case Number: C14-2010-0114 2205 E 12th Street
Contact: Joi Harden, 512-974-2122
Public Hearing: Oct. 12, 2010, Planning Commission
Nov. 4, 2010, City Council

Joel Bennett
Your Name (please print)

☐ I am in favor
☒ I object

2200 E 12th Street Austin, TX 78702
Your address(es) affected by this application

Joel Bennett
Signature

10-11-10
Date

Daytime Telephone: 9210761

Comments: This area is Residential and allowing this use will put a Major Crack in that use. It will drive up the Price of Homes and thus Taxes. The Residents will not be able to stay in their Homes.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Joi Harden
P. O. Box 1088
Austin, TX 78767-8810

OCT-11-2010 09:42 From:J.B. 5124768834 To:512 974 6054 P.2/2