

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-3  
AGENDA DATE: Thu 02/05/2004  
PAGE: 1 of 1**

**SUBJECT:** C14-03-0174 - 19th Street Condos - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 803-805 West Martin Luther King Jr. Blvd. (Shoal Creek Watershed) from multifamily residence moderate-high density (MF-4) district zoning and limited office (LO) district zoning to multifamily residence highest density conditional overlay (MF-6-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence highest density conditional overlay (MF-6-CO) district zoning. Applicant: William Gurasich. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Glenn Rhoades, 974-2775.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guemsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-03-0174

**Z.A.P. DATE:** January 6, 2004

**C.C. DATE:** February 5, 2004

**ADDRESS:** 803-805 West Martin Luther King Jr. Blvd.

**OWNER/APPLICANT:** William Gurasich

**AGENT:** Shaw Hamilton Consultants

**ZONING FROM:** MF-4 and LO

**TO:** MF-6-CO

**AREA:** .52 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends the proposed change to MF-6-CO, Multifamily Highest Density-Conditional Overlay district zoning. The conditional overlay will limit the height of the building to 51 feet, limit the density to 53 units and require at least 106 parking spaces. In addition, the applicant will enter into a private restrictive covenant with the Judges Hill Neighborhood Association that will require the following:

1. The property will comply with the 23<sup>rd</sup> Safe Street Plan specifications and will be implemented along MLK and West Ave.
2. Materials for the exterior of the building to be constructed on the property will be masonry, stone or stucco, exclusive of windows, doors, eaves and trim.
3. All residential and building parking shall be substantially below the site's surface elevation.
4. The West Ave. garage entrance shall have an operable, automatic door that will be closed at all times, except for the hours of 7 A.M. to 9 A.M. and from 4 P.M. to 6 P.M. and when necessary to allow vehicles to enter or exit the garage.
5. The right of way adjacent to and along MLK and West Ave. shall be constructed in accordance with the West 23<sup>rd</sup> Street Renovation plan.
6. The 4<sup>th</sup> and 5<sup>th</sup> stories of the building shall be set back from the first 3 stories to provide visual relief from the street level and surrounding parcels.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

January 6, 2004 – Approved staff recommendation of MF-6-CO, Multi Family Highest Density-Conditional Overlay district zoning (Vote: 7-2, B. Baker and M. Whaley – nay).

### **ISSUES:**

Staff has received a letter in support of the proposed change from the Judges Hill Neighborhood Association (see attached).

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-4 and LO	Vacant Apartments and Undeveloped
<i>North</i>	GO	Office
<i>South</i>	MF-4	Multifamily
<i>East</i>	GO	Hair Salon
<i>West</i>	LO	Bed and Breakfast

**AREA STUDY:** N/A**TIA:** N/A**WATERSHED:** Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

#058 – Judges Hill Neighborhood Association  
 #069 – University Area Partners  
 #142 – Five Rivers Neighborhood Association  
 #402 – Downtown Austin Neighborhood Association  
 #511 – Austin Neighborhoods Council  
 #623 – City of Austin Downtown Commission

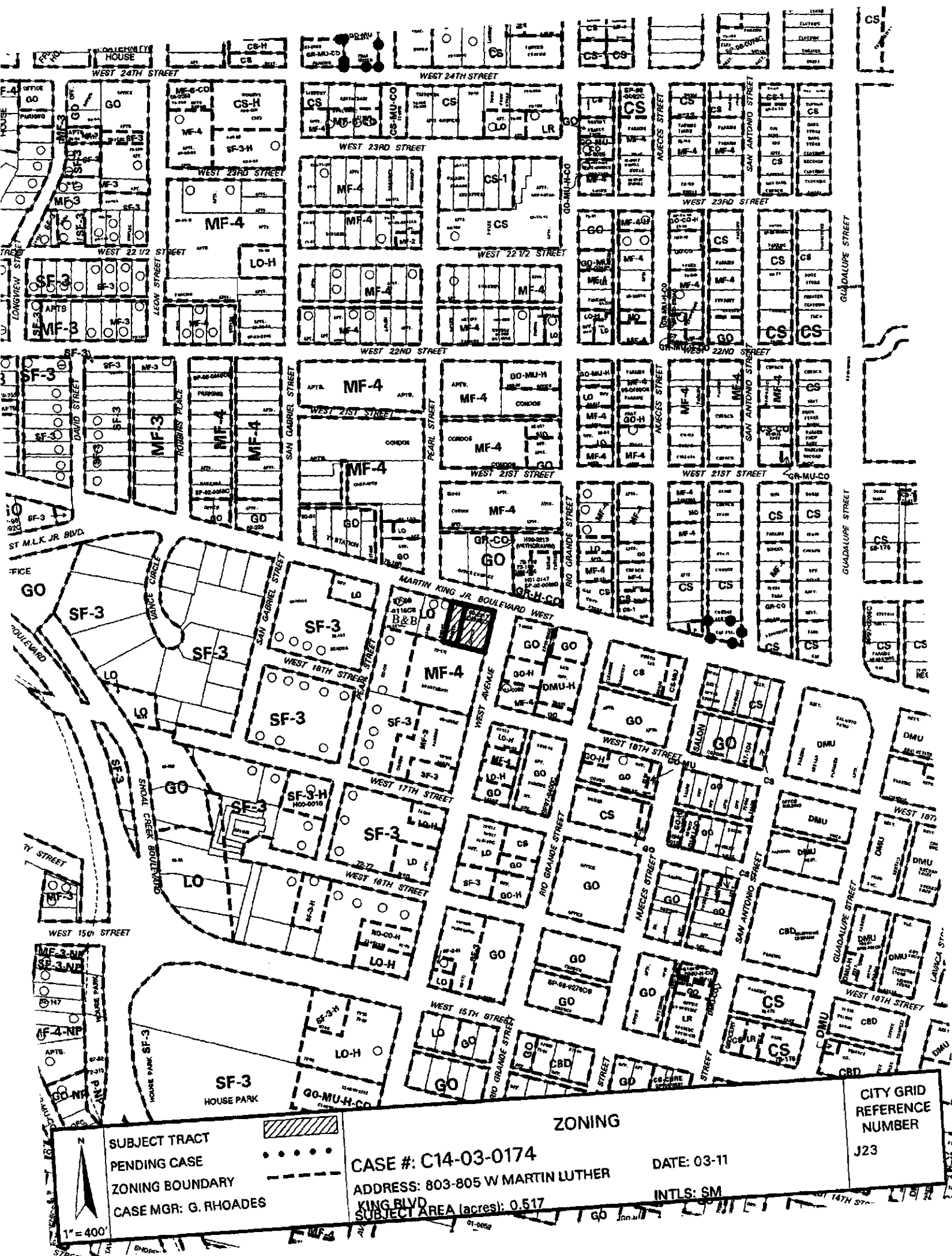
**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-00-2217	MF-4 and LO to GO-MU	Approved GO-MU (Vote: 8-0). 1/30/01.	Denied GO-MU on third reading (Vote: 8-0). 8/9/01.

**ABUTTING STREETS:**

<b>NAME</b>	<b>ROW</b>	<b>PAVEMENT</b>	<b>CLASSIFICATION</b>	<b>DAILY TRAFFIC</b>
M.L.K. (19 <sup>th</sup> Street)	75'	56'	Arterial	13,821 ('02)
West Avenue	80'	30'	Collector	N/A

**CITY COUNCIL DATE:** February 5, 2004**ACTION:****ORDINANCE READINGS:** 1st2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775



MF-4



GO

MF-4

GR-40

GO

H00-2215  
WITHDRAWN  
7-7-54  
TAMM  
H00-0147  
SP-6200 RD

GR-40

CS  
CONV  
STOR



MF-4

GO

GO

DND H

MF-4

GO

LO

GO

PAND

GO

## **STAFF RECOMMENDATION**

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## **BASIS FOR RECOMMENDATION**

MF-6 – Multifamily Highest Density is intended to accommodate multifamily and group residential use. This district is appropriate for highest density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers and in other selected areas where multifamily use is desirable.

The proposed change meets the purpose statements set forth in the Land Development Code. The subject tract is located near commercial corridors and is located near downtown in close proximity to employment centers and institutional facilities.

Staff believes that the proposed change will be compatible with the area. There are other multifamily developments in the immediate vicinity and the proposal will not be a detriment to the area.

With the conditions submitted by the applicant and neighborhood, staff believes the request is a fair and reasonable use of the property.

## **EXISTING CONDITIONS**

### **Site Characteristics**

One lot is currently developed with a vacant apartment building and the second is undeveloped.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 220 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

There are existing sidewalks along M.L.K (19<sup>th</sup> Street) and West Avenue.

Capital Metro bus service is available along M.L.K. (19<sup>th</sup> Street)

### **Impervious Cover**

The maximum impervious cover allowed under MF-6 zoning is 80%.

### **Environmental**

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 Drinking Water Protection Zone/ Desired Development Zone. Impervious cover is not limited in this watershed class. 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.

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

At this time, site-specific information is unavailable regarding existing trees and 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.

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.

### **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

#### **Water and Wastewater**

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades are necessary for the land use, the landowner will be responsible for all costs and providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

#### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

#### **Compatibility Standards**

Site is within 540 feet of SF-3 zoning and will be subject to height limitations.





December 11, 2003

Glenn Rhoades  
City of Austin  
Neighborhood Planning and Zoning  
505 Barton Springs Rd.  
Austin, Texas 78705

Re: 803-809 West MLK Blvd.

Dear Mr. Rhoades:

The Judge's Hill Neighborhood Association has determined that it will support a project proposed by B&H Enterprises, Bill Hale and Steve Brown, including a zoning change from MF-4 and LO to MF-6 CO. B&H has made a design and development presentation to the Association and after establishing an agreement for meeting certain conditions and restrictions in the form of a Conditional Overlay, The Judge's Hills has voted to support the development. The draft restrictive covenant between The Judge's Hill Neighborhood Association and B&H Development is attached as an Exhibit.

Sincerely,

Bill Monroe, President  
JHNA

## **MEMORANDUM**

**TO:** Betty Baker, Chair and Members of the Zoning and Platting Commission

**FROM:** Dora Anguiano, Zoning and Platting Commission Coordinator  
Neighborhood Planning and Zoning Department

**DATE:** January 27, 2004

**SUBJECT:** Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

**CASE # C14-03-0174**

15. C14-03-0174 – WILLIAM GEO GURASICH, By: Shaw Hamilton Consultants (Shaw Hamilton), 803-805 West Martin Luther King Blvd. (watershed). **FROM MF-4, LO TO MF-6-CO. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775.**

### SUMMARY

Glenn Rhoades, staff – “There is a request to change the zoning from MF-4 and LO to MF-6-CO. The CO will limit the height to 51-feet and limit density to 53 units and require 106 parking spaces. In addition, the applicant will enter into a private restrictive covenant limiting development to the conditions listed in the back up. Staff does recommend the proposed change; we believe that if the property is located on an arteriole roadway near downtown, near a major institution and employment centers. In addition, a letter of support has been submitted by the neighborhood association”.

Commissioner Baker – “What is the square footage of this tract?”

Mr. Rhoades – “It’s slightly over ½ an acre”.

Commissioner Baker – “53 units on less than ½ and acre?”

Mr. Rhoades – “Yes”.

Commissioner Baker – “Okay; I would presume Mr. Rhoades, that the MF-4 has a density cap; and MF-6 does not?”

Mr. Rhoades – “Correct”.

Commissioner Baker – “The LO is not an LO-MU, so it can not have the residential on the LO; but, if MF-4 were recommended for the LO tract, what would have been the permitted density?”

Mr. Rhoades – “You’re looking at a FAR of .75 to 1....I can’t remember what that will be”.

Commissioner Jackson – “What did you just say Mr. Rhoades?”

Mr. Rhoades – “It allows for an FAR of .75 to 1; MF-4 does. So the density limit, as far as units per acre, would be....”

Commissioner Jackson – “MF-4 has a density”.

Commissioner Baker – “It has a density, as well as an FAR”.

Commissioner Jackson – “So what’s the density limit for MF-4?”

Mr. Rhoades – “I do not know that off my top of my head”.

Commissioner Baker – “I can understand concentrating density in the university area. You’re south of MLK, rather than north, and I think historically we always think of the university area north of MLK. I’m not lobbying; I’m making comments at this point. In looking at this map, which goes all the way to 24<sup>th</sup>, there’s no MF-6 on this map”.

Mr. Rhoades – “There is some MF-6 that is a couple of blocks away. It’s on the north side on San Antonio”.

Commissioner Baker – “On this map, its not there. This is quite a large area and then to introduce MF-6 south of MLK, to me is I would have preferred to see the LO lot go MF-4”.

Mr. Rhoades – “Generally, I would say that south of MLK, but the City would consider to be still a part of the Urban Core, as part of being downtown. There is a neighborhood plan that is in the process right now; and they are looking at heights between 60 and 90-feet”.

Commissioner Baker – “I heard about that; did you get an answer?”

Mr. Rhoades – “It is 54 units per acre”.

Commissioner Jackson – “The maximum, so it will be 26 or 27 units”.

Commissioner Baker – “Thank you”.

Bill Hale, applicant – “I have the property under contract from Mr. Gurasich. Since we went through a 7-month period with the neighborhood group and with city staff, we thought that we had worked out a pretty workable deal on MF-6-CO. We are below the height maximum for MF-4; all of our parking will be interior parking, so we’re not going to add any automobiles to the streets. We’re providing two spaces for each unit”.

Commissioner Cortez – “All parking is going to be below grade?”

Mr. Hale- “Below grade; the site is severely sloped, so we’re putting the parking underground; but the entrance to the parking will be above ground”.

#### FAVOR

No speakers.

#### OPPOSITION

No speakers.

Commissioner Cortez – “Is this intended to be housing for students or is it...”

Mr. Gurasich – “Not actually, we’re building these condominiums at a price level that we’re going to be surprised if a lot of students or students’ parents would buy them. But, I am certainly counting on some students buying them because of its proximity to the University of Texas”.

Commissioner Baker – “How large are the units and how many bedrooms in each unit?”

Mr. Gurasich – “Every unit is two bedrooms; the units typically average between 1100 and 1200 square feet. Two bedrooms, living room and study room and two bathrooms. We have stepped the building back from the street so that from the street level all you see is the first 3 floors; the 4<sup>th</sup> and 5<sup>th</sup> floor are substantially back off of the facade. All of these things were worked out with the neighborhood group. The appearance of the building fits with the Victorian character of the neighborhood”.

Commissioner Baker – “There would be no enforceability; and this is a question rather than a statement. You have two bedrooms and you have a study, you could have 4 people in the bedroom and 2 in the study; but if you back off and forget the study, you could have 4 students in each unit and there’s 53 units; and you’re providing two parking spaces per unit”. “Is there any wiggle room for additional parking?”

Mr. Gurasich – “Not to my knowledge; we’re substantially over what the city would require for parking”.

Commissioner Baker – “I realize that, but I also realize and recognize the UT area and I know that students don’t mind doubling up and if you have 4 students in a unit, you got 4 cars usually”.

Mr. Gurasich – “Well, that could be true. I’m not going to debate on that; but again the price range of this project, I’m going to be very surprised if we have a lot of students; and it is not a FOR RENT project; this is purely FOR SALE as agreed in our restrictive covenant with the neighborhood group”.

Commissioner Baker – “I’m not going to debate it; but I could buy a unit and I could rent it out. I would have bought the unit and I could rent it out to 4 students”.

### FAVOR

Gail Brown, Chairman of the neighborhood association – “We do have a long list on our covenant of goals that we wanted to achieve in working with them; because we too felt that we would prefer not to have the precedent set of MF-4 zoning disappearing in our neighborhood and going to MF-6. We were assured that the only way this property could be developed, given the cost that was reasonable to ask for downtown property; would be to increase the amount of occupancy. With the current status of MF-4, it was described to us that you just couldn’t have occupancy that you would need to make it worth while. So we tried to put into the covenant such things as; it would be 90% owner occupied; that

they would all have to join our neighborhood association and other things that it would maintain the appearance of our neighborhood. They were going to be doing marketing with the University of Texas Ex Student Associations and we all are concerned about students. We really wouldn't want it to turn into North of MLK; but based on our investigations and the character that these gentleman have demonstrated, we felt that the restrictive covenant would give us the protection that we needed. It's still in a draft process and they are letting us continue to work with them. We are willing to go forward".

Commissioner Whaley – "This is that half-way house in the corner of ..."

Ms. Brown – "It was at one time a half-way house".

Commissioner Whaley – "So the structure in the front is 3-story?"

Ms. Brown – "It was part of the Faulkner Center and it sits back; I think it's a 3-story".

Mr. Hale- "It's 3-story in the front and 2-story in the back".

Commissioner Whaley – "Okay, thank you".

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Cortez – "I move to approve the staff recommendation".

Commissioner Hammond – "I'll second".

Commissioner Cortez – "I have to defer to the neighborhood here; they seemed to have worked in good faith with the developer and it seems like they put in adequate restrictions through the restrictive covenant".

Commissioner Baker – "I had a couple of calls on this case today, from people who live in the neighborhood who were opposed. I know your work Mr. Gurasich, it's outstanding; my concern is the introduction of MF-6 south of MLK and that's not something for which I could vote for; and I regret it because you do a good job".

Commissioner Jackson – "I made a mistake a few years ago and I just see this as the Villas of West Martin Luther King (laughter). I like that the neighborhood seems to support it, so I will support it".

Commissioner Baker – "I just wish we could require more parking. Show me as opposed""

Commissioner Whaley – "Me too".

Motion carried.

**COMMISSION ACTION:  
MOTION:**

**CORTEZ, HAMMOND  
APPROVED STAFF'S  
RECOMMENDATION OF MF-6-CO  
ZONING.**

**AYES:**

**PINNELLI, GOHIL, MARTINEZ,  
JACKSON, DONISI, CORTEZ,  
HAMMOND,**

**NAY:**

**BAKER, WHALEY**

**MOTION CARRIED WITH VOTE: 7-2.**