

## SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2016-0052 -- Removal of Historic (H) overlay and removal of Conditional Overlay (CO)

DISTRICT: 9

REQUEST: Approve second/third readings of an ordinance amending City Code Title 25-2 by rezoning property locally known as 507 West 23<sup>rd</sup> Street (Shoal Creek Watershed) from general office-conditional overlay-historic-neighborhood plan (GO-CO-H-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning.

DEPARTMENT COMMENTS: No conditions were added by City Council.

OWNER: 23 Nueces LLC (Edward Johnson)

AGENT: Mike McHone Real Estate (Mike McHone)

DATE OF FIRST READING: First reading approved on November 10, 2016. Vote: 11-0

CITY COUNCIL HEARING DATE: December 8, 2016

CITY COUNCIL ACTION: 1<sup>st</sup> reading- 11/10/2016

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin  
e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2016-0052 **P.C. DATE:** October 25, 2016

Removal of Historic (H) overlay and removal of Conditional Overlay (CO)

**DISTRICT:** 9

**ADDRESS:** 507 W. 23rd Street

**AREA:** 0.218 Acres

**OWNER:** 23 Nueces LLC (Edward Johnson)

**AGENT:** Mike McHone Real Estate (Mike McHone)

**FROM:** GO-CO-H-NP

**TO:** GO-NP

**NEIGHBORHOOD PLAN AREA:** West University Neighborhood Planning Area / Central Austin Combined (UNO)

**DESIRED DEVELOPMENT ZONE:** Yes

**WATERSHED:** Shoal Creek

**SCENIC ROADWAY:** No

**CAPITOL VIEW CORRIDOR:** No

**TIA:** N/A

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommendation is to approve General office-neighborhood plan (GO-NP) combining district zoning as requested.

### **HISTORIC LANDMARK COMMISSION RECOMMENDATION:**

October 24, 2016: *TO SUPPORT THE REZONING FROM GO-H-CO-NP TO GO-NP, AS RECOMMENDED BY STAFF, ON CONSENT (8-0). [T. Myers- 1<sup>st</sup>, A. Papavasiliou; E. Reed and M. Trevino- Absent]*

### **PLANNING COMMISSION RECOMMENDATION:**

October 25, 2016: *TO GRANT STAFF'S RECOMMENDATION OF GO-NP ZONING, ON CONSENT, (11-0) [J. Schissler- 1<sup>st</sup>, N. Zaragosa- 2<sup>nd</sup>; J. Thompson, J. Shieh- Absent]*

### **ISSUES:**

This rezoning request is part of a series of steps that the Applicant has taken to remove the Dabney-Horne House from its original site at 507 W. 23rd Street and relocate it to 901 Shoal Cliff Court. At this time, the house has been relocated to Shoal Creek Court, in accordance with approved City processes and permits. With this application, the Owner proposes to remove the Historic (H) zoning overlay and other conditions that affect redevelopment of the property at 507 W. 23rd Street. The Applicant proposes redeveloping the property, combined with neighboring tracts, as a multifamily tower with ground level commercial uses and parking garage.

### **DEPARTMENT COMMENTS:**

**Existing Conditions.** The subject property is located on the southeast corner of 23<sup>rd</sup> Street and Nueces Street and was previously developed with the Dabney-Horne House. The structure was used for administrative offices prior

to the approval of its relocation permit in May 2016. Immediately to the south is a property zoned GO-NP that is developed with a parking lot. The next property to the south is developed with apartments, and is zoned MF-4-NP. Across Nueces to the west are properties zoned MF-4-NP and MF-4-H-NP, developed with single family, duplex, and multifamily residential. Across the intersection with 23<sup>rd</sup> Street to the northwest are apartments zoned CS-MU-NP. To the north and northeast across 23<sup>rd</sup> Street are properties zoned MF-4-NP and MF-4-CO-NP that are occupied by office and apartment land uses. Across an alley to the east of the subject property is a parking garage zoned CS-NP. The parking garage has professional offices on the ground floor facing 23<sup>rd</sup> Street. ***Please refer to Exhibits A and B (Zoning Map and Aerial View).***

The property is located in the Inner West Campus section of the University Neighborhood Overlay (UNO), and within the West University section of the Central Austin Combined Neighborhood Planning Area. UNO supersedes zoning regulation wherever standards conflict. The purpose of the UNO district is to promote high density redevelopment in this area, provide a help create a densely populated but livable and pedestrian friendly environment, and protect the character of the predominantly single-family residential neighborhoods adjacent to the district.

**Zoning Background.** In 1989, the City determined the Dabney Horne-House structure at 507 W. 23rd Street to be historically significant. The Historic Landmark Commission (HLC) initiated a request to rezone the property from MF-4 to MF-4-H under City File # C14H-89-0010. The property owner did not support the rezoning request, which was indefinitely postponed and eventually expired. The property remained zoned MF-4 until 1991. Zoning Ordinance No 910801-C rezoned the property from MF-4 to GO-CO, with the conditional overlay placing a 40 foot height restriction for any structures on the property. ***Please refer to Exhibit C (1991 Zoning Ordinance).*** Additionally, a public restrictive covenant (RC) was executed to require that the Dabney-Horne House be retained on the property. The RC protected the structure from demolition or relocation and in April of 1992, at the request of the Owner, the property was formally granted Historic zoning, resulting in GO-CO-H zoning with Ordinance No. 920402-F ***Please refer to Exhibit D (1992 Zoning Ordinance).*** Since the 1992 zoning ordinance did not address the conditional overlay established by the 1991 ordinance, the CO limiting height to 40 feet remained with the property.

In 2013, the owner proposed a plan to relocate the Dabney-Horne House to a new location on the same lot, and adjust the zoning and restrictive covenant conditions accordingly. However, the Historic Landmark Commission denied the request. The Owner appealed the HLC's denial at which time it was determined that the relocation permit would be granted by default since the HLC did not take action to deny the case within the 75 day period dictated by the Land Development Code. While the relocation permit was granted in default, the house was not moved.

**Removal of Historic (H) Overlay.** On September 28, 2015, under new ownership, a Certificate of Appropriateness was approved by the HLC to remove the non-original additions to the house and to relocate the Dabney-Horne House to 901 Shoal Cliff Court. While the HLC initially opposed relocation of the Dabney-Horne House in prior years, this approval came as a solution and compromise to save the structure at 903 Shoal Cliff Court, since all structures and both properties were under the same ownership. The house at 903 Shoal Cliff Court has been determined to be historically significant and appropriate for Historic Landmark designation as the Clyde & Henrietta Littlefield House. The Owner was opposed to the designation of the Littlefield House but indicated that opposition would be withdrawn in exchange for approval to relocate the Dabney-Horne House to 901 Shoal Cliff Court, adjacent to the Littlefield House. Therefore, approval for relocation of the Dabney-Horne House was dependent upon execution of a written agreement that the demolition application and letter of opposition to historic zoning of the Littlefield House, located at 903 Shoal Cliff Court, would be withdrawn. Upon relocation to 901 Shoal Cliff Court, the Dabney-Horne House will be restored to its original configuration and the City of Austin will gain the Clyde and Henrietta Littlefield House as a designated Historic Landmark Structure.

HLC approved relocating the Dabney-Horne House to 901 Shoal Cliff Court. To facilitate this, the restrictive covenant that had tied the house to 507 W. 23rd Street was terminated and recreated at the new address. Therefore, the house is protected the structure from demolition or relocation from the 903 Shoal Cliff Court

location. The addition of H zoning to the Shoal Cliff location is pending the completion of the restoration of the house.

**Removal of Conditional Overlay.** As stated previously, the subject property was rezoned from MF-4 to GO in 1991, prior to creation of the UNO ordinance. The rezoning included a conditional overlay (CO) limiting building height to 40 feet. UNO however, allows 175 feet of building height. The current rezoning request would eliminate the CO, resulting in the UNO-permitted building height of 175 feet. The surrounding Inner West Campus properties all share the same 175-foot height limit, except where limited by site specific conditional overlay. *Please refer to Exhibit E (UNO Height Districts Map).*

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GO-CO-H-NP	Administrative office
<i>North</i>	CS-MU-NP, MF-4-NP, MF-4-CO-NP	Administrative office, Multifamily
<i>South</i>	GO-NP, MF-4-NP	Parking lot, Multifamily
<i>East</i>	CS-NP	Parking garage, Professional office
<i>West</i>	MF-4-NP, MF-4-H-NP	Single family, Duplex, Multifamily residential

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Class</b>	<b>Sidewalk</b>	<b>Bus Route</b>	<b>Bike Route</b>
W. 23rd Street	60	22	Collector	Yes	No	No
Nueces Street	60	22	Collector	Yes	No	Yes

**SCHOOLS:**

Bryker Woods Elementary School

O Henry Middle School

Austin High School

**NEIGHBORHOOD ORGANIZATIONS:**

Bike Austin  
Shoal Creek Conservancy  
Central Austin Community Development Corporation  
Austin Independent School District  
My Guadalupe  
CANPAC (Central Austin Neigh Plan Area Committee)  
SEL Texas

Sierra Club, Austin Regional Group  
Friends of Austin Neighborhoods  
Austin Neighborhoods Council  
Austin Heritage Tree Foundation  
University Area Partners  
Preservation Austin  
Friends of Emma Barrientos MACC

**CITY COUNCIL DATE & ACTION:**

December 8, 2016:

November 10, 2016: *The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for general office-neighborhood plan (GO-NP) combining district zoning was approved on Council Member Renteria's motion, Council Member Garza's second on an 11-0 vote.*

**ORDINANCE READINGS:** 1<sup>st</sup> November 10, 2016

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin  
e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**PHONE:** 512-974-2122

**SUMMARY STAFF RECOMMENDATION:**

Staff recommendation is to approve General office-neighborhood plan (GO-NP) combining district zoning as requested.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)***1. Zoning should allow for a reasonable use of a property.*

Since the Dabney Horne Home has been removed from the property at 507 W. 23<sup>rd</sup> Street, there is no reason to continue the Historic (H) overlay on the site. Additionally, the 40-foot height limit no longer makes sense with the removal of the house. Since the property is located at the center of the UNO Inner West Campus District, it is reasonable to allow the same height that other properties in that district are allowed (175 feet/15 stories).

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

The purpose of the UNO district is to promote high density redevelopment in this area, provide a help create a densely populated but livable and pedestrian friendly environment, and protect the character of the predominantly single-family residential neighborhoods adjacent to the district. Since this property is located at the center of the Inner West Campus District, it is surrounded by high density development and an active, pedestrian friendly environment. The proposed rezoning will allow redevelopment that meets the goals designed for this area.

**Site Plan:**

SP 1 Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 2 The site is subject to compatibility standards. Along the west property line, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. 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.

SP 3 Additional design regulations will be enforced at the time a site plan is submitted.

SP 4 This site is located within the Inner West Campus section of the University Neighborhood Overlay (UNO), and within the West University section of the Central Austin Combined Neighborhood Planning Area.

**Transportation:**

TR 1. No additional right-of-way is needed at this time.

TR 2. 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].

TR 3. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on W. 23rd Street.

**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. 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.
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.









C

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

Lots 13, 14, and 15, Outlot 34, Division D, Louis Horst Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book Z, Page 613, of the Plat Records of Travis County, Texas,

**PART 2.** The property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following condition:


- Except as specifically restricted pursuant to this ordinance, the property may be developed and used in accordance with the regulations established for the "GO" General Office base district and other applicable requirements of the Land Development Code.

**PART 4.** The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

**PASSED AND APPROVED:**

**www.pearson.com**

**APPROVED:**

  
Iris J. Jones  
City Attorney

**ATTEST:**

T: James E. Aldridge  
James E. Aldridge  
City Clerk

1AUG91  
ME/jj

# Austin American-Statesman

City Clerk's Office

## AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Michele A. Cook

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

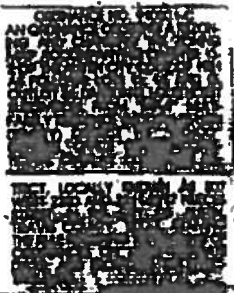
August 9th, 1991

and that the attached is a true copy of said advertisement.

Michele A. Cook

SWORN AND SUBSCRIBED TO BEFORE ME, this the 4th

Day of September A.D. 19 91.

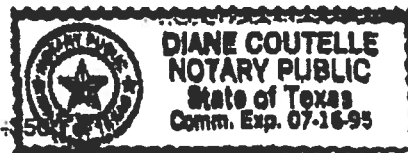


Diane Coutelle  
(Type or Print Name of Notary)

Diane Coutelle

Notary Public in and for  
TRAVIS COUNTY, TEXAS

7/16/95  
(My Commission Expires:)



ORDINANCE NO. 920402- F

EXHIBIT

D

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1: NORTH 9 FOOT TRACT OF LAND OUT OF LOT 14, OUTLOT 34, DIVISION D, LOUIS HORST SUBDIVISION, FROM "GO-CO" GENERAL OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT TO "GO-CO-H" GENERAL OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT-HISTORIC; AND,

TRACT 2: LOT 13, OUTLOT 34, DIVISION D, LOUIS HORST SUBDIVISION, FROM "GO-CO" GENERAL OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT TO "GO-CO-H" GENERAL OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT-HISTORIC,

LOCALLY KNOWN AS 507 WEST 23RD STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1981 is amended to change the respective base zoning districts on all the property described in File 614h-89-0010, as follows:

Tract 1: From "GO-CO" General Office district-Conditional Overlay combining district to "GO-CO-H" General Office district-Conditional Overlay combining district-Historic.

North 9 foot tract of land out of Lot 14, Outlot 34, Division D, Louis Horst Subdivision, said North 9 foot tract of land being that same tract of land conveyed to University Cooperative Society, Inc., a Texas corporation, and described in the deed recorded in Volume 4420, at Page 2060, of the Deed Records of Travis County, Texas, said deed being attached as "Exhibit A" and incorporated herein for all purposes.

Tract 2: From "GO-CO" General Office district-Conditional Overlay combining district to "GO-CO-H" General Office district-Conditional Overlay combining district-Historic.

Lot 13, Outlot 34, Division D, Louis Horst Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Book Z, Page 613, of the Plat Records of Travis County, Texas.

locally known as 507 West 23rd Street, in the City of Austin, Travis County, Texas.

PART 2. That it is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 3. That the requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

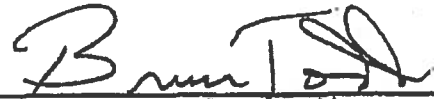
PART 4. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage.



PASSED AND APPROVED:

April 2, 1992

SECTION



Bruce Todd  
Mayor

APPROVED:



Diana L. Granger  
Acting City Attorney

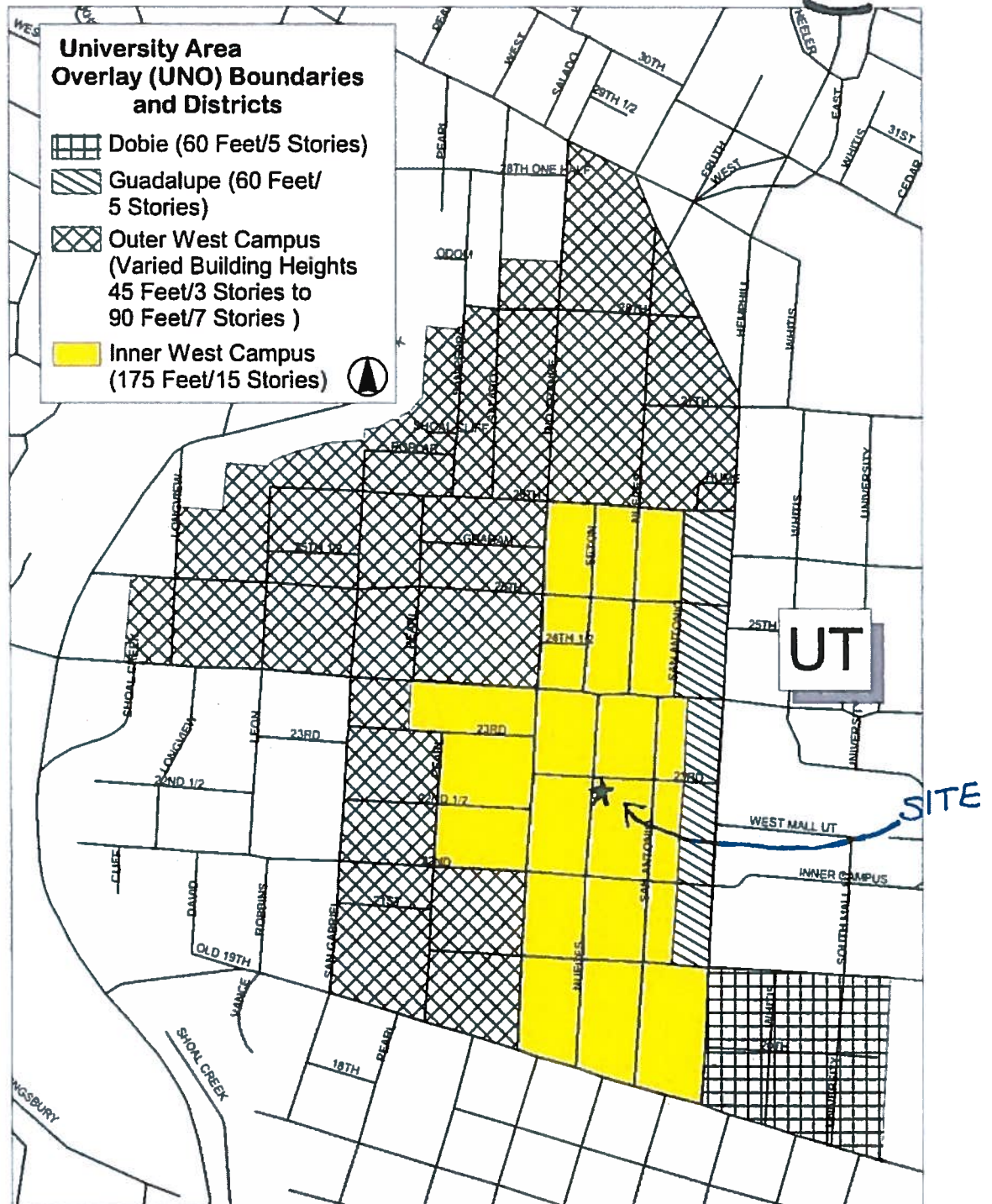
ATTEST:



James E. Aldridge  
City Clerk

2Apr92  
ME/jj

# Central Austin Combined Neighborhood Plan **EXHIBIT E**



**University Neighborhood Overlay (UNO) Boundaries and Districts**