

## **SECOND/THIRD READING SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-2017-0054 – San Antonio Street Rezoning

**REQUEST:**

Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1202 San Antonio Street (Shoal Creek Watershed) from general office (GO) district to downtown mixed use-conditional overlay (DMU-CO) combining district zoning.

First Reading approved for downtown mixed use-conditional overlay (DMU-CO) combining district zoning on August 3, 2017. Vote: 10-0-1, Mayor Adler – abstained. Owner/Applicant: Texas Association of Counties (Gene Terry), Agent: A Glasco Consulting (Alice K Glasco). City Staff: Scott Grantham, 512-974-3574.

This 0.091 acre property is located on the west side of San Antonio Street at W 12th Street. The current land use is office, housed in a two-story building. The applicant has a preliminary concept to combine the lot with the adjacent one at 1204 San Antonio Street, and construct a 5-story office building with structured parking. The property is located in the Downtown Austin Plan (DAP), which recommends DMU zoning with a 60 foot height limit for this tract.

On First reading, Council approved DMU-CO combining district zoning, with the Conditional Overlay for a 60 foot height limit, the following prohibited uses: bail bond services, cocktail lounge, liquor sales; and a limit of 2,000 daily vehicle trips. A public Restrictive Covenant restricting outdoor amplified sound is also required.

**DISTRICT AREA:** 9

**OWNER/APPLICANT:** Texas Association of Counties (Gene Terry)

**AGENT:** A Glasco Consulting (Alice K Glasco)

**ISSUES:** None at this time

**DATE OF FIRST READING/VOTE:** August 3, 2017 / 10-0-1, Mayor Adler – abstained

**CITY COUNCIL DATE:** September 28, 2017

**CASE MANAGER:** Scott Grantham

**PHONE:** 512-974-3574

**EMAIL:** [scott.grantham@austintexas.gov](mailto:scott.grantham@austintexas.gov)

## **ZONING CHANGE REVIEW SHEET**

**CASE:** - C14-2017-0054 – San Antonio Street Rezoning

**P.C. DATE:** June 13, 2017

**ADDRESS:** 1202 San Antonio Street

**DISTRICT AREA:** 9

**OWNER/APPLICANT:** Texas Association of Counties (Gene Terry)

**AGENT:** A Glasco Consulting (Alice K Glasco)

**ZONING FROM:** GO **TO:** DMU

**TOTAL AREA:** 0.091 acres (3,940 sq. ft.)

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends rezoning the tract locally known as 1202 San Antonio Street from general office (GO) district to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. The conditional overlay is for a 60 foot height restriction.

### **PLANNING COMMISSION RECOMMENDATION:**

June 13, 2017 *APPROVED DMU-CO DISTRICT ZONING, CONDITIONAL OVERLAY FOR 60 FOOT HEIGHT LIMIT; ADDITIONAL CONDITIONS ADDED - PROHIBITED USES - BAIL BOND SERVICES, LIQUOR SALES, COCKTAIL LOUNGE; RESTRICTION ON OUTDOOR SOUND AMPLIFICATION EQUIPMENT TO BE DONE THROUGH A PUBLIC RESTRICTIVE COVENANT [J. SCHISSLER; J. SHEIH - 2ND] (12-0) A. DE HOYOS-HART – ABSENT*

### **ISSUES:**

This tract is located within the Criminal Justice Center Overlay (LDC Section 25-2-650). Pawn shop services are a prohibited use in the Overlay area. Certain uses that would otherwise be permitted in the base zoning are conditional uses, including bail bond services, cocktail lounges and liquor sales.

The Old Austin Neighborhood Association (OANA) provided a conditional letter of support for the project (see Exhibit E). The conditions listed are captured in the Conditional Overlay as recommended by Planning Commission.

### **DEPARTMENT COMMENTS:**

The subject tract is 0.091 acres, a flag lot located on the west side of San Antonio Street at West 12<sup>th</sup> Street. The street address is 1202 San Antonio Street. The property is now zoned general office (GO). A 2-story office building was constructed onsite in 1910, and the tract has remained more or less in the same configuration up to the present day.

The applicant is requesting a zoning change to downtown mixed use (DMU). At present, the applicant has a preliminary concept to combine the lot with the adjacent one at 1204 San Antonio Street, and construct a 5-story office building with structured parking. The property would take vehicular access to San Antonio Street only, and not to W. 12<sup>th</sup> Street.

The subject tract is located in the Northwest District of the Downtown Austin Plan (DAP), which was adopted in 2011. The DAP identifies this tract and several other properties in the immediate vicinity as appropriate for DMU zoning with a suggested height restriction of 60 feet for the subject tract (see exhibit D). Base DMU zoning allows for 120 feet in height.

The recommended DMU zoning classification was intended to expand entitlement rights to develop the property in a way that will encourage a mix of land uses while also implementing district specific goals. The Northwest District has a significant number of Historic Landmark structures. Limiting the height to 60 feet will better compliment the historic character of the district. Although there is no residential component in the concept, under the proposed zoning, the applicant would have the ability to develop mixed use, including residential.

The implementation of the Downtown Austin Plan has resulted in a lot of rezoning activity downtown in accordance with the plan's recommendations. The plan recommends DMU-60 zoning for large portions of the Northwest District, and that has been the overall trend in rezoning. Within 500 feet of the subject tract, there are now 16 lots with the base zoning of DMU, including 1204 and 1206 San Antonio Street directly north, 1205 Nueces to the west, 1205 and 1209 San Antonio to the northeast, and 405 Guadalupe Street to the southeast.

In the Imagine Austin Comprehensive Plan, downtown is designated as a Regional Center, the most urban place in the region. Higher densities are encouraged in these areas, including low to high rise residential and office buildings.

For the reasons stated above, Staff recommends DMU-CO zoning with a conditional overlay to limit height to 60 feet.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GO	Office
<i>North</i>	DMU-CO, DMU-H-CO	Office
<i>South</i>	GO, then W 12 <sup>th</sup> St, then GO	Office, then W 12 <sup>th</sup> St, then Office
<i>East</i>	San Antonio St, then GO, DMU	San Antonio St, Office, Parking
<i>West</i>	GO, DMU-CO	Office

**NEIGHBORHOOD PLANNING AREA:** Downtown Austin Plan (Northwest District)

**TIA:** No, however a TIA may be required at the time of site plan.

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

<i>Community Registry Name</i>	<i>ID</i>
Austin Heritage Tree Foundation	1340
Austin Independent School District	742
Austin Neighborhoods Council	511
Bike Austin	1528
Central Austin Community Development	1391
City Of Austin Downtown Commission	623
Downtown Austin Alliance	438
Downtown Austin Neighborhood Assn (DANA)	402
Friends Of Austin Neighborhoods	1530
Historic Austin Neighborhood Association	1400
Homeless Neighborhood Association	1550
Old Austin Neighborhood Association	57
Preservation Austin	1424
Seltexas	1363
Shoal Creek Conservancy	1497
Sierra Club, Austin Regional Group	1228
West Downtown Alliance Inc	1253
West End Austin Alliance	998

**SCHOOLS:** Matthews Elementary, O Henry Middle School, Austin High School

**CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2017-0059 1105 Rio Grande Street	GO to DMU	Pending – Case in Review	Pending – Case in Review
C14-2017-0037 1108 Nueces Street	GO to DMU	05-09-17 - Apvd DMU-CO w/CO for 60' height limit as Staff rec	City Council hearing pending, to take place on 06-08-17

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2015-0133 1204 San Antonio Street	GO to CBD (Applicant amended request to go from GO to DMU on November 16, 2015)	03-08-16- Approved DMU-CO with a 90 ft. height restriction for Tract A (1204 San Antonio St.); DMU-CO with a 60 ft. height restriction for Tract B (1205 Nueces St.); bail bond services, cocktail lounge, pawn shop, liquor store, outdoor entertainment and amplified music uses are prohibited on Tracts A and B	06-16-16 - Approved DMU-CO zoning, with a height restriction of 60 feet and with bail bond services, cocktail lounge, pawn shop, liquor store, outdoor entertainment and outdoor amplified sound uses being prohibited (Ordinance 20160616-037)
C14-2012-0103 416 W 11th Street	CS to CBD	10-9-12- Apvd DMU-CO (staff)	11-01-12 Apvd DMU-CO (CO limits to 2,000 trips per day, max height of 100 ft, max FAR 6.5:1, conditional and prohibited uses) (Ordinance 20121101-049)
C14-2012-0082 1209 Rio Grande Street	From GO, LR-CO to DMU	03-26-13- Apvd DMU-CO (staff) with added conditions of restaurant uses without drive thru and include Great Streets	04-25-13- Apvd indef pp on consent; Case Expired per LDC 25-2-246(A)(2)
C14-2010-0197 600 W 13th Street	From GO to DMU	02-08-11 - Apvd DMU-CO (CO to prohibit: Outdoor entertainment, pawnshops, bail bond services, cocktail lounge and liquor sales)	03-10-11- Approved Ordinance No. 20110310-034 for downtown mixed use - conditional overlay (DMU-CO) combining district zoning
C14-2007-0030 1104 San Antonio Street	From CS to DMU Case withdrawn	5-8-07 - W/D; no action req'd	N/A

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-01-0052 605 W 13th Street	From GO to LR	05-22-01 - Apvd Staff Rec Of LR-CO W/Conds	08-09-01 - Apvd Staff Rec Of LR-CO W/Conds (CO restricts off-street parking closer than 10 feet from W 13 <sup>th</sup> St, and prohibits a set of uses) (Ordinance 010809-28)
C14-97-0163 406 W 13th Street	From GO to DMU	01-20-98 Apvd Staff Alt Rec of DMU-CO	03-05-98 - APVD PC REC OF DMU-CO W/CONDS (CO restricts the property to 2,000 trips per day). (Ordinance 980305-C)
C14-96-0050 510 W 10 <sup>th</sup> Street	From GO, GO-H, CS, and MF-4 to P	04-23-96 – Apvd Staff Rec of P	05-23-96 – Apvd PC rec of P (Ordinance 96-0523-P)

**RELATED CASES:** None on the subject tract.

**SUBDIVISION:** Unplatted flag lot, located at 1202 San Antonio Street, and connecting to W. 12<sup>th</sup> Street via a driveway.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
W 12 <sup>th</sup> Street	120 ft.	30 ft. (divided)	Arterial	Yes	Yes, shared lane	Yes
San Antonio Street	80 ft.	40 ft.	Collector	Yes	No	Yes

TR1. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

TR2. Staff recommends deferral of the Traffic Impact Analysis (TIA) until the time of site plan. A TIA will be required at the time of site plan if triggered per LDC 25-6-113. LDC, Sec. 25-6-113.

TR3. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for 12<sup>th</sup> Street.

**CITY COUNCIL DATE:**

**August 3, 2017**      **ACTION:** Approved DMU-CO combining district zoning on First Reading, CO for 60 ft height limit, prohibited uses: bail bond services, cocktail lounge, liquor sales; and a limit of 2,000 daily vehicle trips. A public Restrictive Covenant restricting outdoor amplified sound is also required. Vote (10-0-1, Mayor Adler abstained)

**September 28, 2017**      **ACTION:**

**ORDINANCE READINGS:**    1<sup>st</sup> August 3, 2017      2<sup>nd</sup>      3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:**    Scott Grantham      **PHONE:** 512-974-3574  
**EMAIL:** Scott.Grantham@austintexas.gov

## **BASIS FOR RECOMMENDATION**

1. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The DMU zoning district is appropriate for this site as it is supported by the Austin Downtown Plan that was adopted by City Council in December, 2011. The subject property is identified in the plan document as an appropriate location for Downtown Mixed Use – DMU and suggests a height restriction of 60 ft. (see Exhibit D). DMU will grant entitlement rights to develop the property in a way that will implement the district-specific goals.

The zoning change is also congruent with the Imagine Austin Plan that encourages infill and redevelopment, specifically in those areas classified as a Regional Center on the Imagine Austin's Growth Concept Map.

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

The Downtown Mixed Use district is intended for use located on the periphery of an area that has a CBD zoning designation. A DMU district designation may be applied to a development that includes any combination of office, retail, commercial, and residential uses and that is compatible with the downtown area. A DMU district use with an intermediate density may be used as a transition between the downtown area and surrounding districts. A DMU district is suitable for an area to which the central business district may expand. This zoning district is appropriate for this site based on its proximity to the CBD of the downtown area.

## **EXISTING CONDITIONS**

### ***Site Characteristics***

The tract is relatively flat with no significant grade change. There are no critical environmental features on the site.

### ***Impervious Cover***

The tract is located in an Urban Watershed and therefore the zoning district will determine the impervious cover limits. The DMU zoning district allows up to 100% impervious cover.

### ***Comprehensive Planning***

**Downtown Austin Plan** - The subject property is located in the Northwest District of the Downtown Austin Plan. The subject property has been identified in the plan document as a property that may be eligible for a zoning change to Downtown Mixed Use (DMU) with a suggested height restriction of 60 ft. (pg. 79) if new zoning districts are created via implementation of the plan. The intent was to increase diversity of land uses while not creating an over-entitlement of said properties. The recommended DMU zoning classifications were intended to expand entitlement rights to develop the property in a way that will expand a mix of land uses including commercial, retail, and residential opportunities and will implement the following district-specific goals:



- 2. Bring residents back to the neighborhood.
- 5. Improve the pedestrian environment.

**Imagine Austin Plan** - The subject property is located within the boundaries of a '*Regional Center*', as identified in the Imagine Austin's Growth Concept Map, found in the Imagine Austin Plan. A Regional Center is the most urban of the three activity centers outlined in the growth concept map and are intended to be retail, cultural, recreational, and entertainment destinations for Central Texas. These are also the places where the greatest density of people and jobs and the tallest buildings in the region will be located. The densities, buildings heights, and overall character of a center will vary depending on location. Regional centers will range in size between approximately 25,000-45,000 people and 5,000- 25,000 jobs. The following IACP policies are applicable to this case:

- **LUT P3** Promote development in **compact centers**, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based on the information above, Staff believes that the proposed zoning change is supported by both the Downtown Austin Plan and the Imagine Austin Comprehensive Plan.

***Site Plan – Elsa Garza - 512-974-2308***

- 1) Site plans will be required for any new development other than single-family or duplex residential.
- 2) 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.
- 3) Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

***Environmental - Mike Mcdougal - 512-974-6380***

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.
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.

***Water Utility – Neil Kepple – 512-972-0077***

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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted a wastewater service extension requests may be required. Based on the existing water mains a water SER will be required once development plans are submitted. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. 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 fees once the landowner makes an application for Austin Water utility tap permits.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2017-0054

## EXHIBIT A

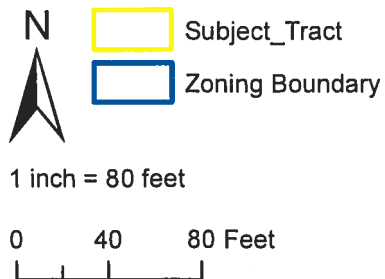
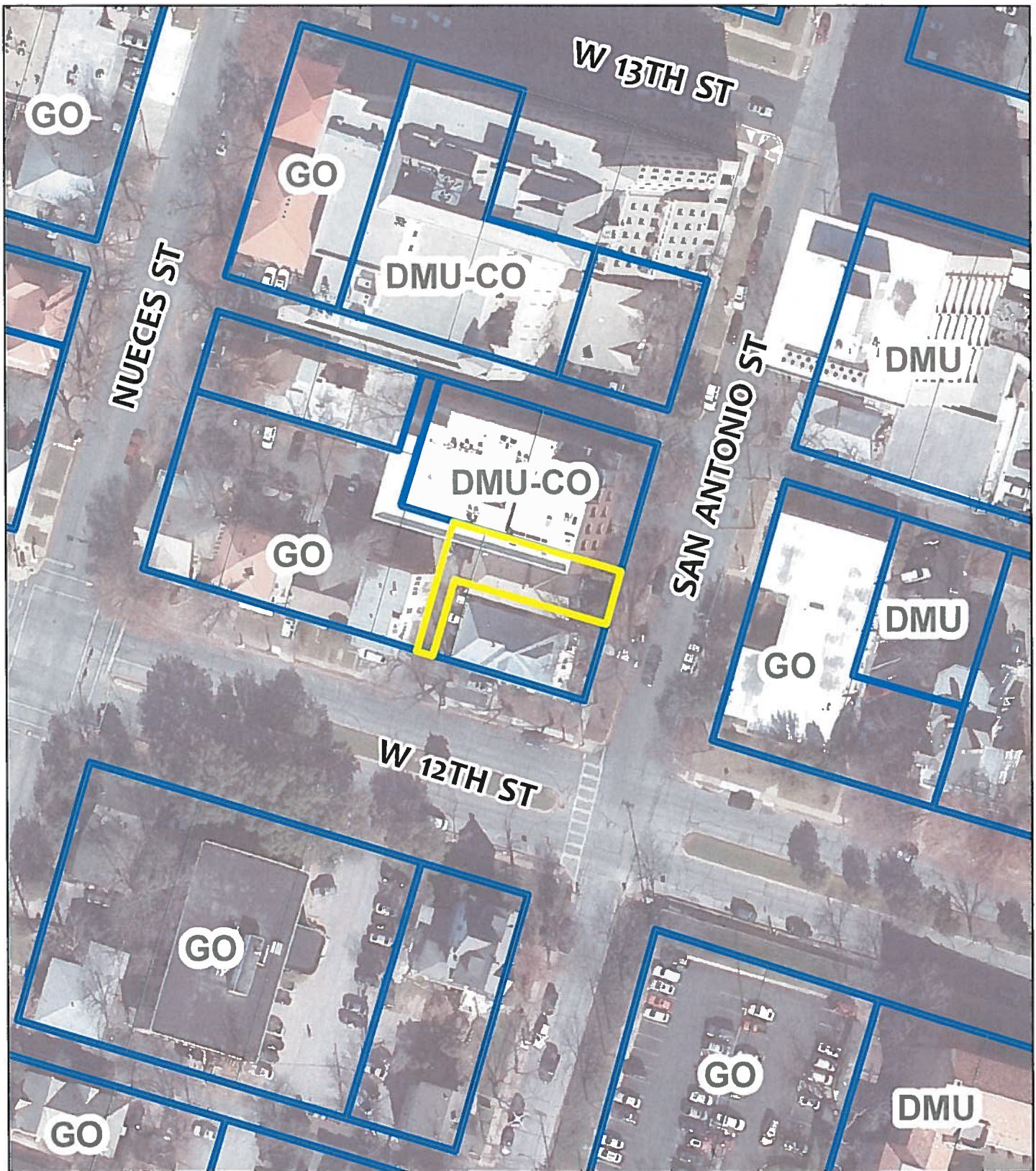
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



1" = 125'





## ZONING & VICINITY - EXHIBIT B

Zoning Case: C14-2017-0054  
 Address: 1202 San Antonio Street  
 Subject Area: 0.091 Acres  
 Case Manager: Scott Grantham

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





**EXHIBIT C – Site Photos**

Northeast of tract, looking southwest to existing building





Southeast of tract, looking northwest





West of tract, looking east



Southwest of tract, looking northeast



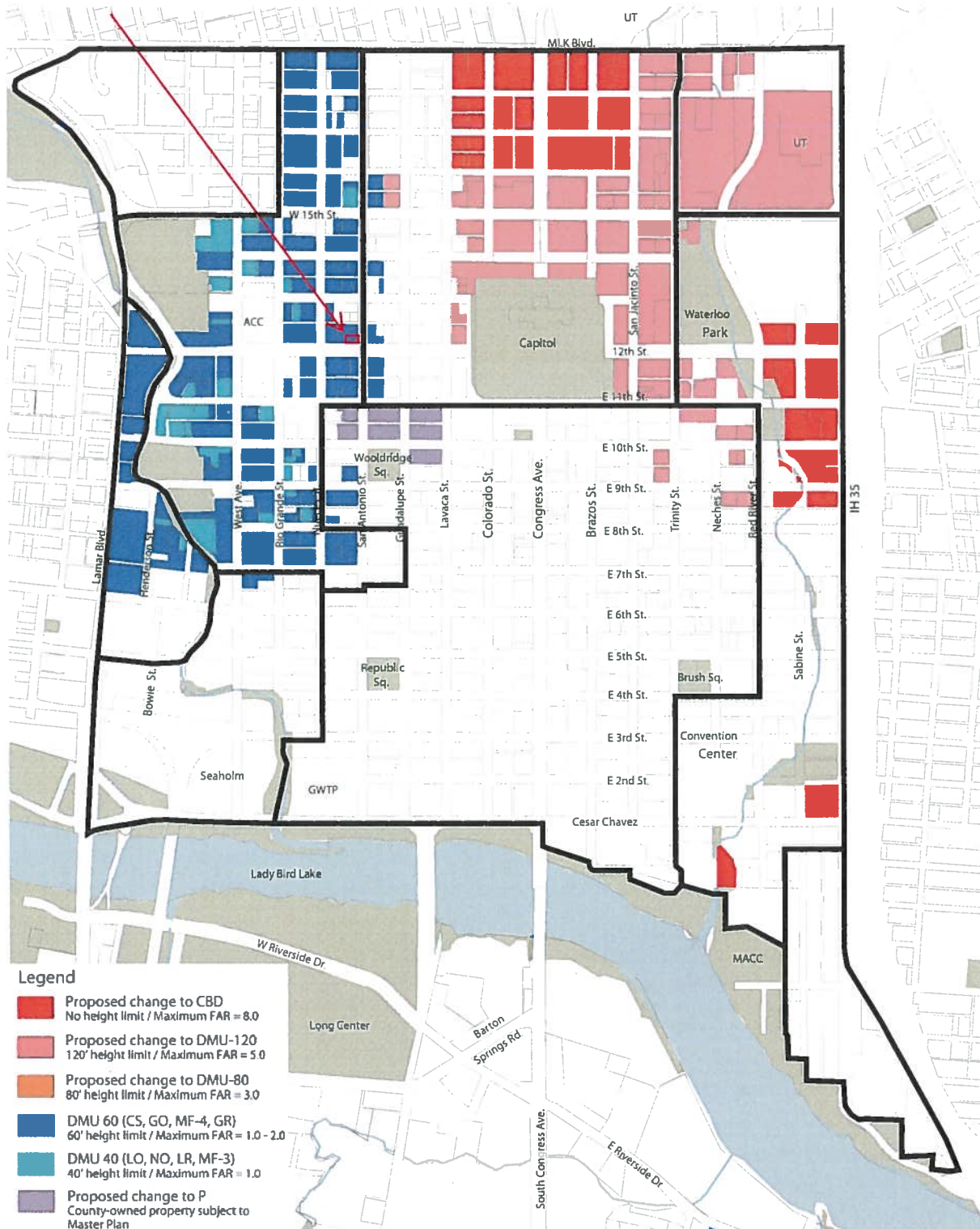


South of flag portion of tract, looking north



## EXHIBIT D - Downtown Austin Plan pages

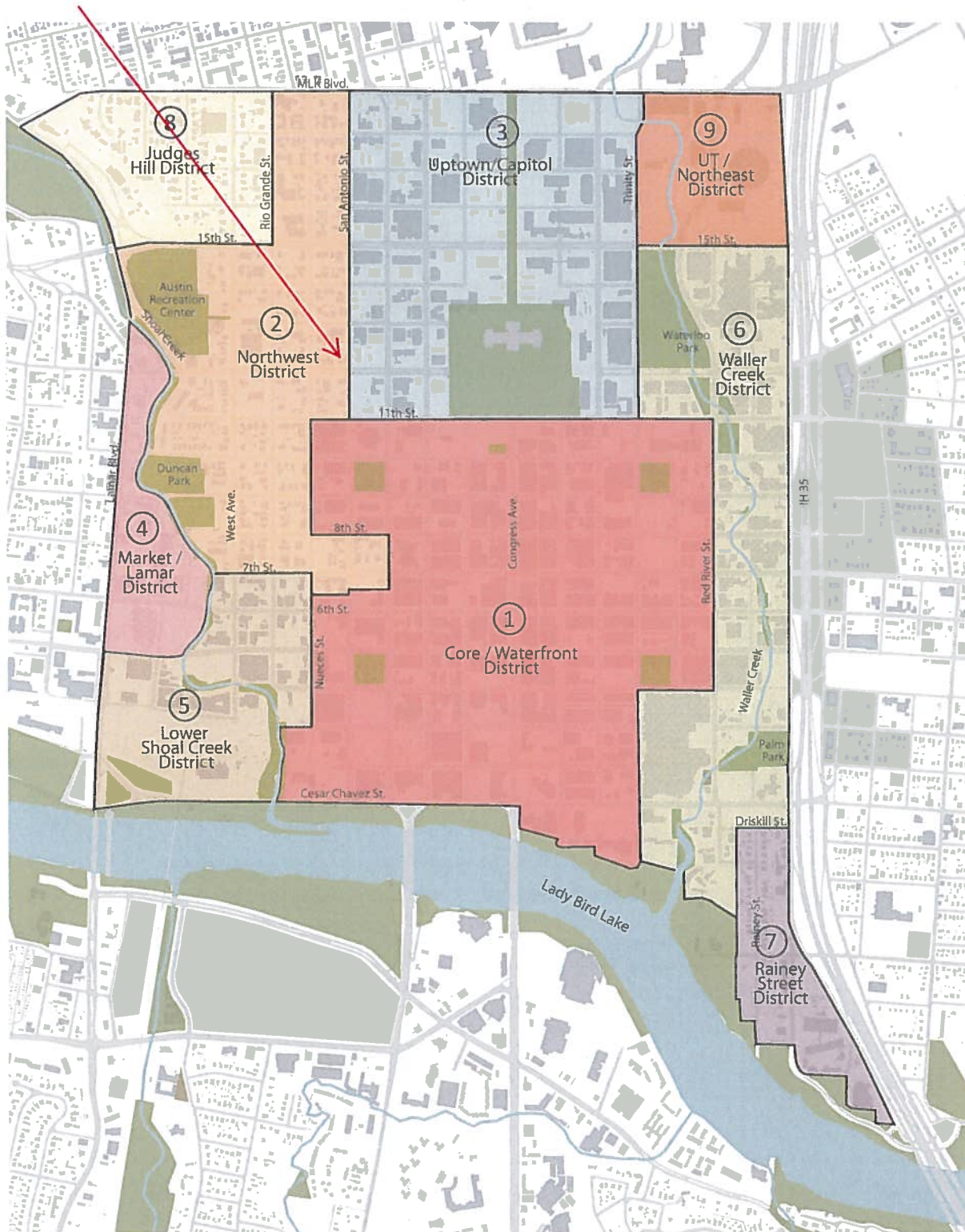
Tract



### Proposed Downtown Zoning Changes



Tract



Downtown Districts Map



Post Office Box 1282  
Austin, TX 78767

## EXHIBIT E - CONDITIONAL LETTER OF SUPPORT

12 June 2017

[www.originalaustin.org](http://www.originalaustin.org)

Scott Grantham  
City of Austin  
Planning & Development Review Department  
P.O. Box 1088  
Austin, TX 78767

RE: C-14-2017-0054; 1202 San Antonio Street

Dear Mr. Graham:

The Board of Directors of the Old Austin Neighborhood Association (OANA), within whose defined borders the above referenced rezoning request lies, supports the requested rezoning from GO to DMU with the following conditions:

- 1) The maximum height of a building or structure is not more than 60 feet from ground level.
- 2) By agreement between OANA and the applicant, and recognizing that the referenced property lies within the Criminal Justice Overlay, the following Uses are accepted as Prohibited rather than Conditional: bail bond services, a stand-alone cocktail lounge use, pawn shop use and liquor/package store. In addition, an outdoor entertainment/amplified music use of the site is prohibited. A food service use and a cocktail lounge use would be a permissible Conditional Use if associated with an onsite club, hotel, or bed & breakfast establishment.
- 3) By agreement between the City of Austin and the applicant, vehicle trips per day are limited to less than 2,000.

The neighborhood association is very pleased to have worked with the applicant on this matter, and subject to the above mutually acceptable Conditions, we ask that the Planning Commission and the City Council accept applicant's request to rezone the property.

Sincerely,

Ted Siff, President  
Old Austin Neighborhood Association (OANA)

\* Old Austin Neighborhood Association (OANA) is a historic neighborhood in downtown Austin bounded by Lady Bird Lake, West 15<sup>th</sup> Street, Lamar Boulevard, and Lavaca Street.

Since 1974, OANA has worked with property owners to preserve and enhance the historic and residential character of this part of downtown, while embracing the need for new compatible development. Forty plus years of responsible advocacy has contributed to creating and sustaining one of the most vibrant neighborhoods in Austin.

### **Board of Directors**

**Ted Siff, President**  
**Austin Stowell**  
**Diana Zuniga**

**Michael Portman, Treasurer**  
**Perry Lorenz**  
**Charles Peveto**

**Blake Tollett, Secretary**  
**Perry Horton**  
**Katie Jackson**

**Ray Canfield**  
**Bill Schnell**