

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0041 – 502 W. 12th Rezoning DISTRICT: 9

ZONING FROM: GO

TO: DMU

ADDRESS: 502 W. 12th Street

SITE AREA: 0.0569 Acres (2,480 sf)

OWNER: Robert Wright

APPLICANT: James Wright

CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends Downtown Mixed Use - Conditional Overlay (DMU-CO) combining district zoning. The Conditional Overlay would be for a height limit of 60 ft.

For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 22, 2018

Approved Downtown Mixed Use - Conditional Overlay (DMU-CO) combining district zoning as staff recommended. [P. Seeger, J. Schissler – 2nd], Vote 13 – 0

CITY COUNCIL ACTION:

June 14, 2018

Scheduled for City Council

ORDINANCE NUMBER:

ISSUES:

The applicant owns a two story office building on 12th Street and San Antonio Street, and has a conceptual plan to renovate the ground floor office and convert the second story to a residential unit which could potentially be a Short Term Rental.

The City of Austin's definitions of Short Term Rental types do not include the applicant's preferred scenario – a Short Term Rental unit above an office in a building that is not multifamily. Rather, this upstairs unit would be considered a Hotel-Motel use, which is a permitted use in the DMU zoning category.

The subject property is located in the Northwest District of the Downtown Austin Plan (DAP), which was adopted in 2011. The DAP identifies the property and several other properties in the vicinity as appropriate for DMU zoning with a suggested height restriction of 60 feet for the subject property (See Exhibit D – Excerpt from DAP). Base DMU zoning allows for 120 feet in height.

The property is located within the Criminal Justice Center Overlay (LDC 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.

CASE MANAGER COMMENTS:

The property is comprised of the west 31 feet of Lot 3, Block 151 Resubdivision of a Part of the South Half of Block 151, Original City (See Exhibit C, Plat). The site is relatively flat and is not in the flood plain. The block on which the subject property is situated is occupied entirely by office uses in different building types; some offices are located in single family house structures, and others in mid-rise buildings. The block is bounded by Nueces Street, W. 13th Street, San Antonio Street and W. 12th Street.

The dominant land use is office within a few block radius of the subject property. East of Nueces Street and north of W. 13th Street, there are apartment and condo uses mixed in with the predominant office use.

BASIS OF RECOMMENDATION:

Staff recommends Downtown Mixed Use - Conditional Overlay (DMU-CO) combining district zoning. The Conditional Overlay would be for a height limit of 60 ft.

The first basis of the recommendation is that a rezoning should be consistent with the policies and principles adopted by the City Council. In the Downtown Area Plan, which was adopted by City Council in 2011, the subject property is identified as an appropriate location for Downtown Mixed Use, with a suggested height restriction of 60 ft. (see Exhibit D).

Per the Downtown plan, recommended DMU zoning classifications are 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. In addition, the recommended height limit of 60 feet will help preserve the neighborhood's historic character.

The second basis is that a rezoning 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. This zoning district is appropriate for this site based on its proximity to the CBD in the downtown area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GO	Office
North	DMU-CO, DMU-H-CO	Office
South	W 12 th St, then GO, GO-H	W 12 th St, then Office
East	DMU-CO, GO, then San Antonio St, then GO, DMU	Office, then San Antonio St, then Office, Parking
West	GO, DMU-CO	Office

NEIGHBORHOOD PLANNING AREA: Downtown

TIA: Not Required

WATERSHED: Shoal Creek

OVERLAYS: Criminal Justice Center Overlay

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

NEIGHBORHOOD ORGANIZATIONS

Austin Heritage Tree Foundation
 Austin Independent School District
 Austin Neighborhoods Council
 Bike Austin

Historic Austin Neighborhood Association
 Homeless Neighborhood Association
 Old Austin Neighborhood Association
 Preservation Austin

NEIGHBORHOOD ORGANIZATIONS

Central Austin Community Development
 City Of Austin Downtown Commission
 Downtown Austin Alliance
 Downtown Austin Neighborhood Assn
 (DANA)
 Friends of Austin Neighborhoods

Seltexas
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group
 West Downtown Alliance Inc
 West End Austin Alliance

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0054 San Antonio Street Rezoning	GO to DMU	06-13-17- Rec DMU-CO (CO for 60 ft height, prohibited uses – bail bond services, liquor sales, cocktail lounge, restriction on outdoor sound via public RC)	09-28-17- Apvd DMU-CO (CO for 60 ft height, 2,000 trips per day, prohibited uses – bail bond services, liquor sales, cocktail lounge, restriction on outdoor sound via public RC)
C14-2017-0059 1105 Rio Grande Street	GO to DMU	06-20-17 – Rec DMU-CO (CO for 60 ft height limit)	08-31-17 – Apvd DMU-CO (CO for 60 ft height, 2,000 trips per day, prohibited uses – bail bond services, liquor sales, cocktail lounge, restriction on outdoor sound via public RC)
C14-2017-0037 Burrell Johnston 1108 Nueces Street	GO to DMU	05-09-17 – Rec DMU-CO (CO for 60' height limit)	06-08-18 – Apvd DMU-CO (CO for 60' height limit)

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14H-2017-0107 Tucker-Winfield Apartment House	GO to GO-H	09-12-17- Rec GO-H	10-05-17- Apvd GO-H
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- Rec 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 – Apvd 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
C14-2012-0103 416 W 11 th Street	CS to CBD	10-9-12- Rec DMU- CO	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)
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)

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0082 ACC Rio Grande Campus - Block 152 Rezoning	DMU	Expired	N/A
C14-2012-0078 Westgate Tower	CBD-H	Withdrawn	N/A
C14-2010-0197 600 W 13th Street	From GO to DMU	02-08-11 – Rec DMU-CO (CO to prohibit: Outdoor entertainment, pawnshops, bail bond services, cocktail lounge and liquor sales)	03-10-11- Approved (DMU-CO) (CO for 60 ft of height, prohibited uses - outdoor entertainment, pawnshops, bail bond services, cocktail lounge and liquor sales)
C14-2007-0030 1104 San Antonio Street	From CS to DMU Case withdrawn	05-08-07 - Withdrawn; no action req'd	N/A

RELATED CASES:

The subject property is the west 31 feet of Lot 3, Block 151, Resubdivision of a Part of the South Half of Block 151, Original City, Book 3, Page 8 of the Property Records of Travis County, Texas. (See Exhibit C, Plat).

The subject property is part of the Downtown Area Plan (DAP), which was adopted by City Council in December, 2011.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
W 12 th Street	120 ft	70 ft (with median)	Major Arterial (MAD 4)	Yes	Shared Lane	Yes. Routes: 1, 3, 5, 18, 19, 20, 103, 105, 110, 481, 801, 803, 980, 981, 982, 985, 987, 990

OTHER STAFF COMMENTS:Comprehensive Planning**Downtown Austin Plan**

The property is located in the Northwest District of the Downtown Austin Plan. The subject property is not within a defined character area and 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) 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 Downtown Plan Goals: **AU-1.1:** Replace single-use zoning districts with downtown mixed-use zoning designations.

Imagine Austin Plan

The subject property is located within the boundaries of a Regional Center as defined in the Imagine Austin Growth Concept Map. A Regional Center is the most urban and dense of the activity center types and is intended to be a retail, cultural, recreation, and entertainment destination in 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.

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 Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

No trees are located on this property.

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.

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.

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.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

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.

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

FYI – This site is located within the Criminal Justice Center Overlay, The Central Urban Redevelopment District, and the Downtown Neighborhood Planning Area. Additional comments may be generated during the site plan review process.

Transportation

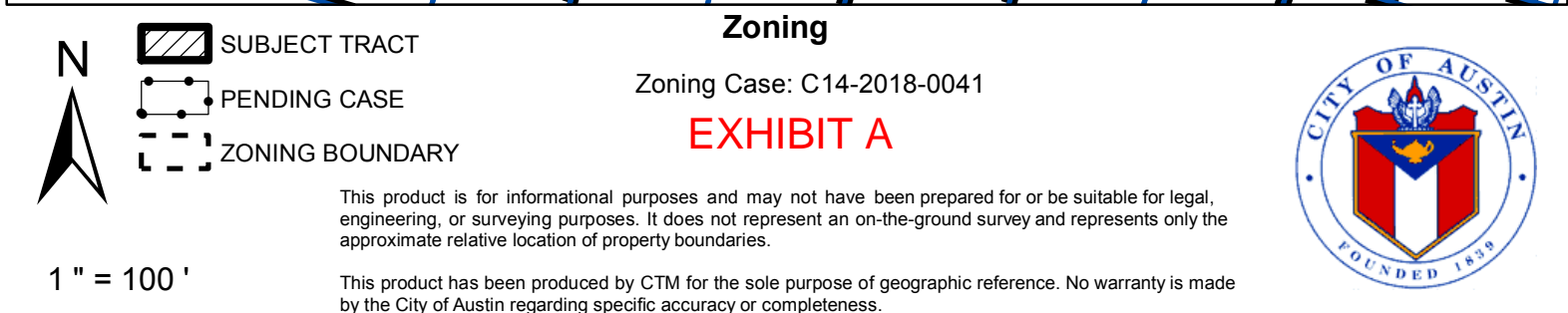
A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC 25-6-113]

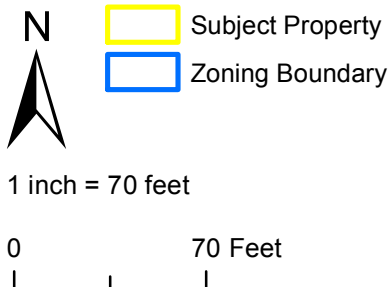
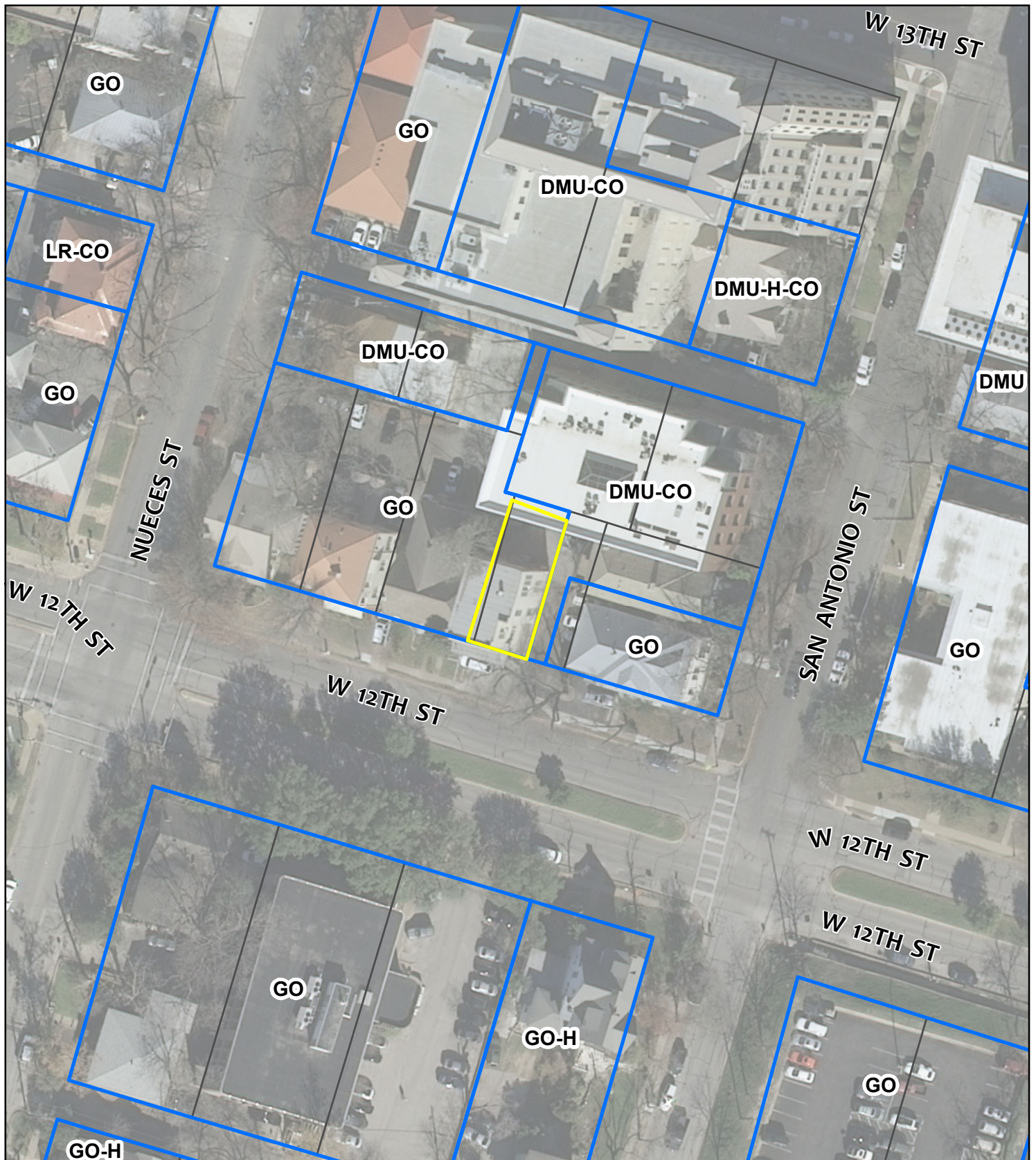
Austin Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities in accordance with approved Service Extension Request 4119(W) and 4120 (WW). 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. The water and wastewater utility plan 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 fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Plat
- D. Excerpt from Downtown Area Plan





ZONING & VICINITY

Zoning Case: C14-2018-0041
 Address: 502 W. 12th Street
 Subject Area: 0.0569 Acres
 Case Manager: Scott Grantham

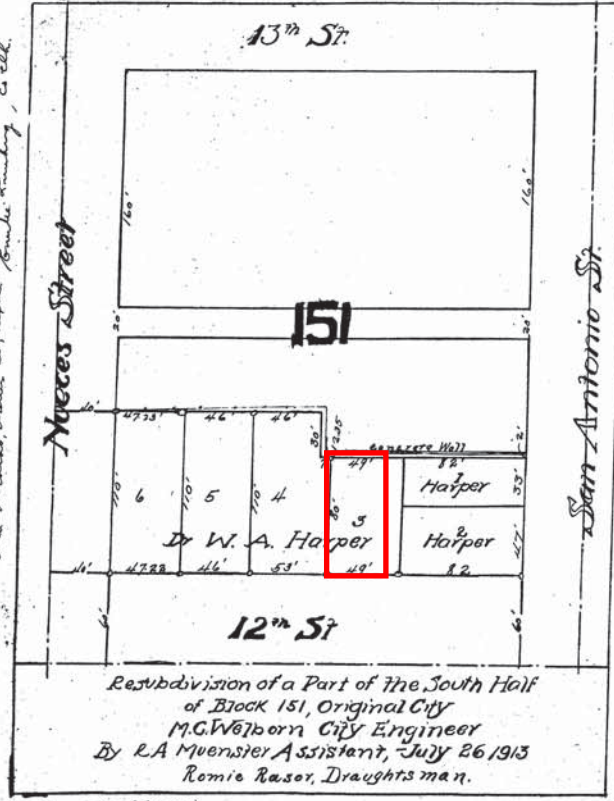
This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



EXHIBIT B

For adoption of restrictions on Patrons of Texas, N.A.
See Vol 16 of Page 75, and Plaintiff's Exhibit, C, etc.

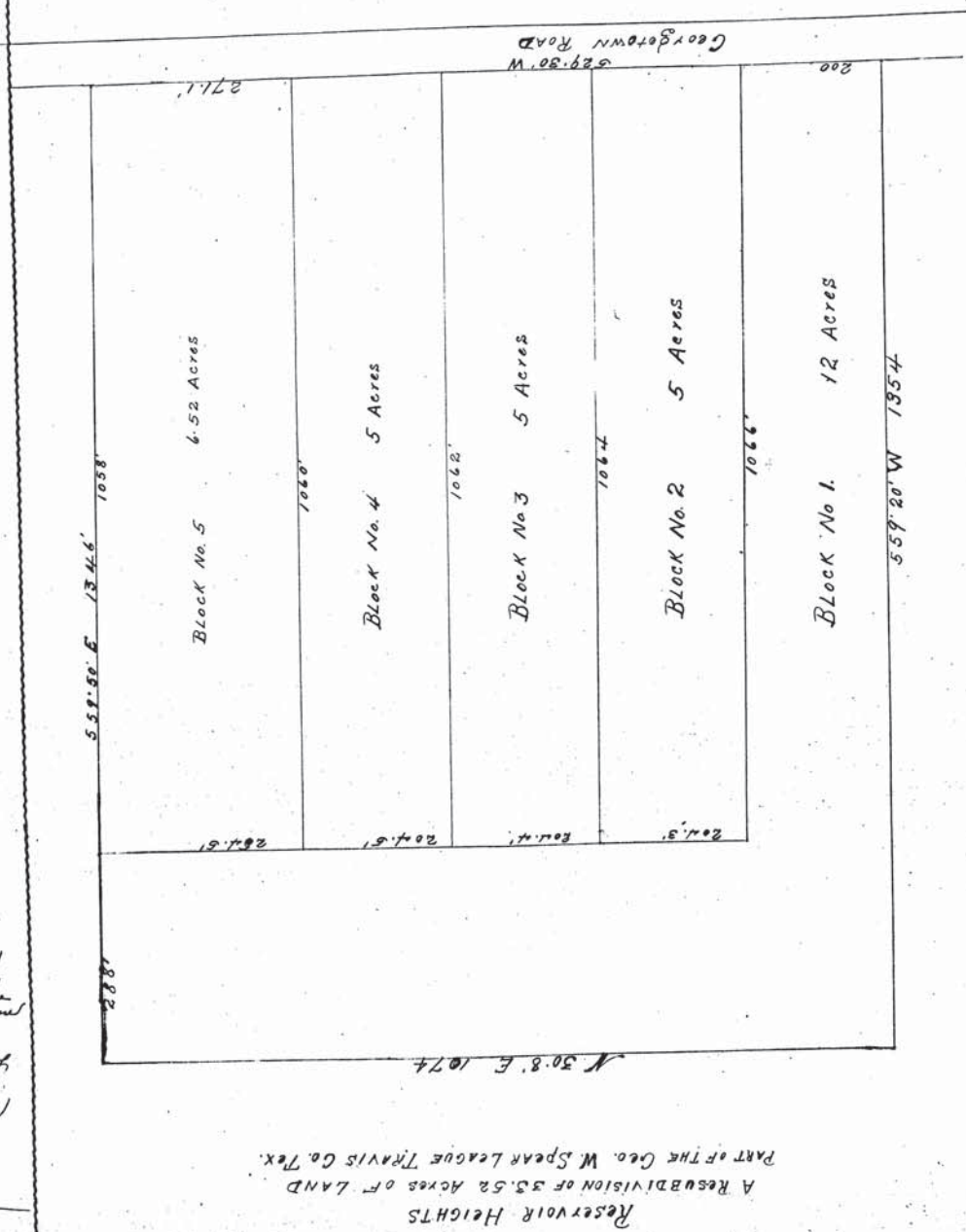
For Restrictions see Vol 16 of Page 548,
and Plaintiff's Exhibit, C, etc.



The state of Texas } knows all men by these presents:—
County of Travis } That I, St. A. Harper, of the County of Travis, in the State of Texas,
have made a resubdivision of a part of the South Half (S. 1/2)
of Block No. One hundred and fifty-one (151), in the City of Austin,
Travis County, Texas, according to the map or plat hereto attached,
and witnessed my hand, this 1st day of August, A.D. 1913.
St. A. Harper

The State of Texas } Before me, Guy A. Collett, a Notary Public in
County of Travis } and for the said State and County, on this day personally
appeared St. A. Harper, known to me to be the person whose name
is subscribed to this foregoing instrument, and acknowledged to me
that he executed the same for the purposes and consideration
therein expressed.
Given under my hand and seal of Office, this 1st day of
August, A.D. 1913.
Guy A. Collett,
Notary Public, Travis County, Texas.

Filed for record Aug. 12, 1913 at 12:00 P.M.
Booked Aug. 12, 1913 at 1:00 P.M.



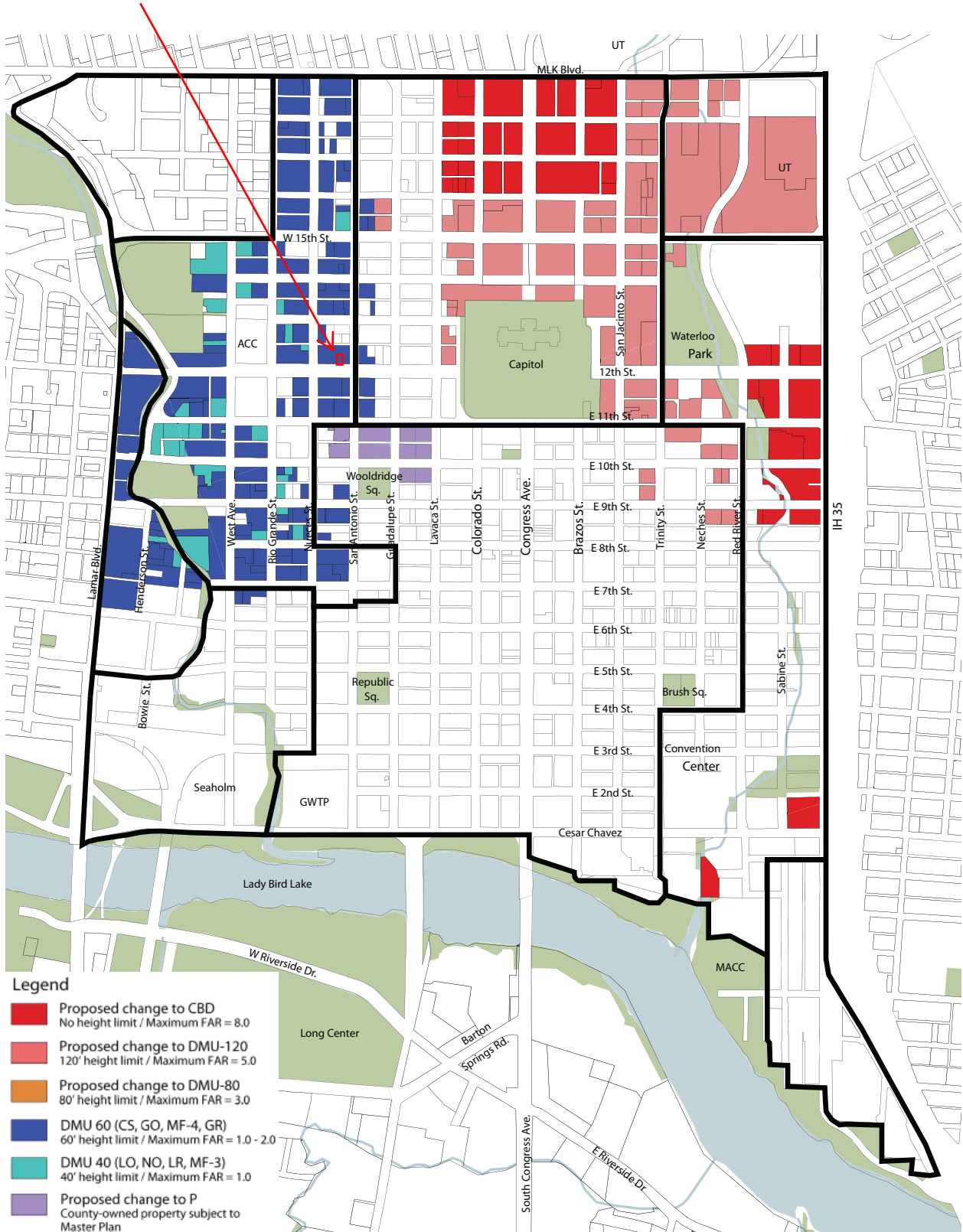
Reservoir Heights
A RESUBDIVISION OF 35.52 ACRES OF LAND
PART OF THE GEO. W. SPEAR LEAGUE TRAVIS CO. TEX.

The State of Texas } knows all men by these presents:—
County of Travis } That I, St. A. Harper, of the County of Travis, in the State of Texas, being the owner of
certain land in the County of Travis, in the State of Texas, and being
the owner of the same, have made a resubdivision of the same, according to the map or plat hereto attached,
and witnessed my hand, this 1st day of August, A.D. 1913.
St. A. Harper

The State of Texas } Before me, Guy A. Collett, a Notary Public in
County of Travis } and for the said State and County, on this day personally
appeared St. A. Harper, known to me to be the person whose name is subscribed to this foregoing
instrument, and acknowledged to me that he executed the same for the purposes and consideration
therein expressed.
Given under my hand and seal of Office, this 1st day of August, A.D. 1913.
Guy A. Collett,
Notary Public, Travis County, Texas.

Filed for record Aug. 12, 1913 at 1:00 P.M.
Booked Aug. 20, 1913 at 1:25 P.M.

Subject Property



Proposed Downtown Zoning Changes

EXHIBIT D