

## ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0072

DISTRICT: 3

Rebekah Baines Johnaon (RBJ) Center Rehabilitation- Communication Services

ZONING FROM: CS-MU-V-CO-NP

TO: CS-MU-V-CO-NP, to change a condition of zoning

ADDRESS: 21 Waller Street

SITE AREA: 17.768 Acres

PROPERTY OWNERS:

Austin Geriatric Center, Inc. (David Stauch);  
Hatchery Development, LLC (John Rosato)

AGENT:

DuBois, Bryant, & Campbell, LLP  
(Henry Gilmore)

CASE MANAGER: Heather Chaffin (512-974-2122, [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov))

STAFF RECOMMENDATION:

**Staff supports the Applicant's request to rezone the property from CS-MU-V-CO-NP to CS-MU-V-CO-NP, to change a condition of zoning. The only condition to be removed is to change Communication Services from a prohibited land use to a permitted land use. For a summary of the basis of staff's recommendation, see case manager comments on page 2.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 14, 2019: To grant CS-MU-V-CO-NP, to change a condition of zoning, as recommended by Staff, on consent. (13-0) [J. Shieh- 1<sup>st</sup>, C. Kenny- 2<sup>nd</sup>]

CITY COUNCIL ACTION:

June 6, 2019:

ORDINANCE NUMBER:

ISSUES:

The proposed rezoning proposes to modify only one condition from the existing zoning. The Applicant proposes to change Communication Services from a prohibited land use to a permitted land use. This land use was prohibited during the East Cesar Chavez Neighborhood Plan process in 2000 and carried forward when vertical mixed use (V) was added in 2015. The Applicant proposes this change to allow public radio station KMFA to locate broadcast facilities and related uses to the site. No towers or antenna are proposed; the property will transmit programming via the internet to an existing tower in Westlake Hills. No other zoning changes are proposed with this request. ***Please see Exhibit C—Applicant Letter.***

CASE MANAGER COMMENTS:

The property is generally located at the northeast corner of the intersection of Interstate 35 and Ladybird Lake. It is currently zoned CS-MU-CO-NP and developed with a 16-story building that provides affordable housing units for seniors, as well as other services. The rezoning tract is part of the Rebekah Baines Johnson (RBJ) Center campus, which has frontage on Nash Hernandez Senior Road, Waller Street, Haskell Street and Comal Street.

Across Haskell Street to the north are residential properties zoned SF-3-NP and a block of SF-3-NP residential properties are also located adjacent to the northeast corner of the rezoning tract. Across Comal Street to the East are Martin Junior High School and Martin Park, zoned SF-3-NP and P-NP, respectively. South and southwest of the rezoning tract is property zoned P-NP and used as parkland and other portions of the RBJ Center campus. Further west is Interstate 35. Across Waller Street to the west is an area that is mostly single family, with a mix of SF-3-NP and MF-3-NP. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

As stated above the Applicant proposes this change to allow public radio station KMFA to locate broadcast facilities and related uses to the site. Related uses include resources and services that are open to residents of RBJ tower and the surrounding community, including meeting spaces, educational gallery and music library, and more.

Staff supports the Applicant's request. Communication services was listed as a prohibited use in the 2000 zoning case for the East Cesar Chavez Neighborhood Plan, along with a long list of much more intense land uses (automotive repair services, drop-off recycling collection facilities, etc.) These were carried forward in 2015 in accordance with City policy at the time. ***Please see Exhibit C- Zoning Ordinance.*** Communication services is an appropriate use for the site, and the opportunity to co-locate a public radio station with another public-serving facility is appropriate as well. No towers or antennas are proposed with the project, ensuring that the physical character of the area will be preserved.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

The addition of Communication services as a permitted use to this site will allow public radio station KMFA to continue its mission of providing cultural and educational resources for the Austin community.

2. *Zoning should allow for reasonable use of the property.*

Communication services is a moderate intensity land use that is appropriate for the location and is permitted in the base zoning category of CS.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-MU-V-CO-NP	Retirement housing & related services
North	SF-3-NP	Single family residential
South	P-NP	Retirement housing & related services, Parkland
East	SF-3-NP, P-NP	Martin Junior High, Martin Park
West	SF-3-NP, MF-3-NP	Single family residential, IH 35

NEIGHBORHOOD PLANNING AREA: East Cesar Chavez

SCHOOLS: Sanchez Elementary      Marin Junior High      Austin High

TIA: N/A

WATERSHED: Ladybird Lake

NEIGHBORHOOD ORGANIZATIONS:

Festival Beach Community Garden	Austin Neighborhood Council
Black Improvement Association	AISSD
Neighborhood Empowerment Foundation	Bike Austin
Friends of Austin Neighborhoods	SELTexas
Neighbors United for Progress	Tejana Bilingual Community
Homeless Neighborhood Association	Del Valle Community Coalition
Greater East Austin Neighborhood Association	Preservation Austin
Friends of Austin Neighborhoods	Sierra Club
East Cesar Chavez Neighborhood Association	United East Austin Coalition
East Town Lake Neighborhood Association	East Austin Conservancy
East Cesar Chavez Neighborhood Plan Contact Team	Waller Creek Conservancy
Guadalupe Neighborhood Development Corporation	Neighbors United for Progress
El Concilio Mexican American Neighborhoods	

AREA CASE HISTORIES:

CITY FILE # / NAME	ZONING FROM & TO	PLANNING COMMISSION	CITY COUNCIL
C14-2015-0055 RBJ Center	CS-MU-CO-NP to CS-MU-V-CO-NP	05/26/2015: To grant CS-MU-V-CO-NP as rec.	05/26/2015: To grant CS-MU-V-CO-NP as rec. Ord. 20150611-020

For conditions of zoning, please see *Attachment D- Zoning Ordinance*.

EXISTING STREET CHARACTERISTICS:

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
Haskell Street	50'	30'	Local	North side	No	Yes
Comal Street	55'	36'	Collector	Yes	No	Yes

## INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. Applicant Letter
- D. Zoning Ordinance



**Created: 4/19/2019**





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**Rebekah Baines Johnson (RBJ) Center  
Rehabilitation - Communication Services Amendment**

ZONING CASE#: C14-2019-0072  
LOCATION: 21 Waller St.  
SUBJECT AREA: 17.2 Acres  
GRID: J21  
MANAGER: Heather Chaffin



- N**
- 1" = 200'**
- SUBJECT TRACT
  - ZONING BOUNDARY
  - PENDING CASE
  - CREEK BUFFER

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





Henry H. Gilmore  
(512) 381-8026  
hgilmore@dbcllp.com  
303 Colorado, Suite 2300  
Austin, TX 78701  
www.dbcllp.com

EXHIBIT  
C

April 16, 2019

Mr. Jerry Rusthoven  
Assistant Director,  
City of Austin Planning and Zoning Department  
One Texas Center, 5th Floor  
505 Barton Springs Rd.  
Austin, Texas 78704

**Re: RBJ Center Rehabilitation Project (21 Waller St) Request to Amend Ordinance  
No. 20150611-020 to Permit Communications Services Use;**

Dear Mr. Rusthoven:

Pursuant to our meeting, enclosed please find an application to amend the current Zoning Ordinance covering the RBJ Center Rehabilitation Project at 21 Waller Street (Ordinance No. 20150611-020) to allow Communications Services as a Permitted Use. This request is being made in connection with the planned new facilities for the KMFA Classical 89.5 radio station. In addition to KMFA's broadcast facilities, KMFA's facilities will include:

- (1) A live music studio that will offer free musical programs and other events to serve the Project's senior housing community residents as well as other neighbors;
- (2) A library and music database of 30,000+ CDs that will be accessible to the public;
- (3) Meeting and conference room space that will be available for community use;
- (4) An interactive educational gallery for school tours, youth groups and summer camp;
- (5) Gathering spaces for community events; and
- (6) Administrative office space.

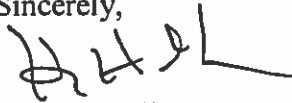
KMFA's radio broadcast activities will include classical musical programming originating from studios in the new facility. However, it should be pointed out that the radio transmission will be via internet to a tower in Westlake Hills. There will be no over the air signals, no antennas, cellular equipment, relay towers, or other structures on the building. The only rooftop equipment will be a small satellite dish to be used to receive national programs such as the Metropolitan Opera.

Mr. Jerry Rusthoven  
April 16, 2019  
Page 2

As determined at our meeting, KMFA's new facility and activity falls within the definition of "Communications Services" under the City's Zoning Ordinance. The only change being requested to the current zoning ordinance is to amend it to allow Communications Services as a Permitted Use. No other change to the zoning ordinance is being requested.

Thanks so much for your assistance with this request and don't hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'H H Gilmore', with a stylized flourish at the end.

Henry H. Gilmore

cc: Ms. Mandy Dealey, Chair, KMFA Board of Directors  
Ms. Ann Hume Wilson, President & General Manager, KMFA  
Mr. John Rosato



EXHIBIT  
D

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 21 WALLER STREET IN THE EAST CESAR CHAVEZ NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-V-CO-NP) COMBINING DISTRICT.**

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

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district on the property described in Zoning Case No. C14-2015-0055, on file at the Planning and Zoning Department, as follows:

17.411 acre tract of land, more or less, out of Outlots 56, 57, 69 and 70, Division "O" of the Government Outlots adjoining the Original City of Austin the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 21 Waller Street in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district and other applicable requirements of the City Code.

**PART 3.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A. The Property may be developed as a neighborhood mixed use building special use as set forth in Section 25-2-1503 (*Residential Uses in Neighborhood Mixed Use Building*) and Section 25-2-1504 (*Neighborhood Mixed Use Building Regulation*).

B. The following are conditional uses on the Property:

Automotive rentals  
Outdoor entertainment  
Hospital services (limited)

C. The following uses are not permitted uses of the Property:

Adult oriented businesses	Automotive repair services
Automotive sales	Commercial off-street parking
Communications services	Convenience storage
Equipment repair services	Limited warehousing and distribution
Maintenance and service facilities	Outdoor sports and recreation
Hospital services (general)	Automotive washing (of any type)
Communication service facilities	Construction sales and services
Drop-off recycling collection facilities	Equipment sales
Off-site accessory parking	Townhouse residential
Vehicle storage	Transportation terminal

D. The Property is subject to Chapter 25-2, Subchapter E, Article 4.3 (Vertical Mixed Use Buildings). Ten percent of residential units available for rental in a vertical mixed use building shall be reserved for households earning no more than 60 percent of the annual median family income.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, the mixed use combining district and other applicable requirements of the City Code.

**PART 4.** The Property is subject to Ordinance No. 001214-20 that established the East Cesar Chavez neighborhood plan combining district.

**PART 5.** This ordinance takes effect on June 22, 2015.

**PASSED AND APPROVED**

June 11, 2015

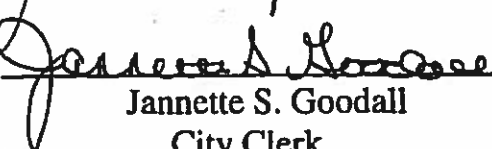
§  
§  
§

  
Steve Adler  
Mayor

**APPROVED:**

  
Anne L. Morgan  
Interim City Attorney

**ATTEST:**

  
Jannette S. Goodall  
City Clerk





*Baseline Land Surveyors, Inc.*

8333 Cross Park Drive

Austin, Texas 78754

Office: 512.374.9722

Fax: 512.873-9743

Page 1 of 3

#### METES AND BOUNDS DESCRIPTION

BEING 17.411 ACRES OF LAND OUT OF OUTLOTS 56, 57, 69, AND 70, DIVISION "O", OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN AND BEING COMPRISED OF TWO TRACTS: TRACT ONE BEING AN 11.617 ACRE REMAINDER OF A 15.028 ACRE TRACT OF LAND CONVEYED TO AUSTIN GERIATRIC CENTER, INC. BY INSTRUMENT OF RECORD IN VOLUME 3593, PAGE 1932 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; AND TRACT TWO BEING ALL OF LOTS 2, 3, 4, AND 5, BLOCK "1" AND LOTS 1 AND 2, BLOCK "2", MAGNOLIA ADDITION, A SUBDIVISION OF RECORD IN VOLUME 4, PAGE 92 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND ALSO INCLUDING ALL THAT PORTION OF NAVASOTA STREET DEDICATED BY SAID MAGNOLIA ADDITION AND WHICH WAS SUBSEQUENTLY VACATED, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar set with plastic cap which reads "Baseline Inc" for the northwest corner of said 11.617 acre remainder of a 15.028 acre tract, being an angle point in the northerly line of Lot 1, Rebekah Baines Johnson Health Center Addition, a subdivision of record in Volume 82, Page 362 of the Plat Records of Travis County, Texas, and also being in the south line of Lot 6, Resubdivision of Lot 1, Block "1", Magnolia Addition, a subdivision of record in Volume 26, Page 4 of the Plat Records of Travis County, Texas, from which a 1/2" rebar found for the northwest corner of said Lot 1, Rebekah Baines Johnson Health Center Addition, the southwest corner of said Lot 6, Resubdivision of Lot 1, Block "1", Magnolia Addition, and being in the east right-of-way line of Waller Street (R.O.W. varies), bears North 69°44'03" West (record - North 67°13' West) a distance of 115.14 feet [Point of Beginning Coordinates: Northing=10,065,829.22; Easting= 3,116,997.73];

THENCE South 69°44'03" East (record - South 67°13' East), along the northerly line of the 11.617 acre remainder of a 15.028 acre tract and the south line of Lot 6, Resubdivision of Lot 1, Block "1", Magnolia Addition, a distance of 11.19 feet to a Type II concrete monument found for the southeast corner of Lot 6, Resubdivision of Lot 1, Block "1", Magnolia Addition and the southwest corner of said Lot 2, Block "1", Magnolia Addition;

THENCE North 20°32'21" East (record - North 22°48' East), along the west line of Lot 2, Block "1", Magnolia Addition and the east line of Lots 6, 5, 4, 3, and 1, Resubdivision of Lot 1, Block "1", Magnolia Addition, a distance of 314.32 feet (record - 313.79 feet) to a Type II concrete monument found for the northwest corner of Lot 2, Block "1", Magnolia Addition, and being an angle point in the south right-of-way line of Haskell Street (R.O.W. varies),

THENCE South 69°36'11" East (record - South 67°10' East), along the north lines of Lots 2, 3, and 4, Block "1", Magnolia Addition and the south right-of-way line of said Haskell Street,

passing at a distance of 323.09 feet a 1/2" rebar found for the northwest corner of the 15.028 acre tract, and continuing along the north lines of Lots 4 and 5, Block "1", Magnolia Addition, the north line of said vacated portion of Navasota Street, the north lines of said Lots 1 and 2, Block "2", Magnolia Addition, the northerly line of the 15.028 acre tract, and the south right-of-way line of Haskell Street, for a total distance of 802.73 feet to a 1/2" rebar set with plastic cap which reads "Baseline Inc" for the northeast corner of Lot 2, Block "2", Magnolia Addition, the northeast corner of the 15.028 acre tract, and being the northwest corner of Lot 3, Block "2", Magnolia Addition, from which a Type II concrete monument found for the northeast corner of said Lot 3 Block "2", Magnolia Addition, the northwest corner of Lot 4, Block "2", Magnolia Addition, and being in the south right-of-way line of Haskell Street, bears South 69°36'11" East a distance of 118.30 feet (record - South 67°10' East a distance of 118.00 feet);

THENCE South 20°27'47" West (record - South 22°48' West), along the east line of Lot 2, Block "2", Magnolia Addition, the easterly line of the 15.028 acre tract, and the west line of Lot 3 Block "2", Magnolia Addition, a distance of 314.29 feet (record - 314.95 feet) to a 1/2" rebar set with plastic cap which reads "Baseline Inc" for the southeast corner of Lot 2 Block "2", Magnolia Addition and the southwest corner of Lot 3 Block "2", Magnolia Addition;

THENCE South 69°36'20" East (record - South 66°49' East), along the easterly line of the 15.028 acre tract, and the south line of Lot 3, Block "2", Magnolia Addition, a distance of 118.30 feet (record - 118.00 feet) to a 1/2" rebar found for the southeast corner of Lot 3, Block "2", Magnolia Addition and being in the west line of Lot E, Block 1, Austin Oaks "68", a subdivision of record in Volume 44, Page 32 of the Plat Records of Travis County, Texas;

THENCE along the easterly line of the 15.028 acre tract and the west and south lines of said Austin Oaks "68" the following four (4) courses:

1. South 20°34'04" West a distance of 25.81 feet (record - South 26°26' West a distance of 24.37 feet) to a 1/2" rebar found for the southwest corner of Lot E, Block 1, Austin Oaks "68";
2. South 70°01'43" East a distance of 25.77 feet (record - South 67°08' East a distance of 25.65 feet) to cotton spindle found in the south line of Lot E, Block 1, Austin Oaks "68" and the west line of Robert Weaver Avenue (R.O.W. varies);
3. South 20°24'25" West a distance of 173.24 feet (record - South 22°53' West a distance of 172.95 feet) to an iron pipe found for the south corner of Lot D, Block 2, Austin Oaks "68", and the southwest corner of Lot C, Lot 1, Austin Oaks "68";
4. South 69°41'45" East a distance of 211.12 feet (record - South 67°08' East a distance of 211.09 feet) to a 1/2" rebar found for the southeast corner of Lot B, Block 2, Austin Oaks "68", the south corner of Lot A, Block 2, Austin Oaks "68", and being in the west right-of-way line of Comal Street (60' R.O.W.);

THENCE South 20°27'02" West (record - South 22°51' West), along the easterly line of the 15.028 acre tract and the west right-of-way line of said Comal Street, a distance of 341.20 feet (record - 340.07 feet) to an iron pipe found for the southeast corner of the 15.028 acre tract and the northeast corner of Lot 1, Rebekah Baines Johnson Health Center Addition, from which a

1/2" rebar found for the southeast corner of Lot 1, Rebekah Baines Johnson Health Center Addition, and being the point of intersection of the west right-of-way line of Comal Street and the north right-of-way line of Nash Hernandez Senior Road (R.O.W. varies), bears South 20°25'45" West a distance of 244.64 feet (record - South 22°51' West a distance of 247.84 feet);

THENCE along the southerly lines of the 15.028 acre tract and the northerly lines of Lot 1, Rebekah Baines Johnson Health Center Addition, the following seven (7) courses:

1. North 69°29'51" West a distance of 242.03 feet (record - North 67°09' West a distance of 242.00 feet) to a 1/2" rebar found;
2. South 20°28'06" West a distance of 111.50 feet (record - South 22°51' West a distance of 111.52 feet) to a 1/2" rebar found;
3. South 77°35'25" West a distance of 110.07 feet (record - South 80°03' West a distance of 109.96 feet) to a 1/2" rebar found;
4. North 12°20'25" West a distance of 337.43 feet (record - North 09°57' West a distance of 337.25 feet) to an iron pipe found;
5. South 77°37'31" West a distance of 253.26 feet (record - South 80°03' West a distance of 253.34 feet) to a punch hole in concrete found, from which a nail found in asphalt bears South 77°36'59" West a distance of 64.05 feet;
6. North 12°52'05" West a distance of 12.03 feet (record - North 09°57' West a distance of 12.00 feet) to an iron pipe found;
7. South 77°34'10" West a distance of 63.94 feet (record - South 80°03' West a distance of 64.00 feet) to an iron pipe found for the southwest corner of the 15.028 acre tract, from which said nail found in asphalt bears South 12°20'08" East a distance of 11.98 feet;

THENCE North 12°22'36" West (record - North 09°57' West), along the west line of the 15.028 acre tract and the northerly line of Lot 1, Rebekah Baines Johnson Health Center Addition, a distance of 699.55 feet (record - 699.32 feet) to the POINT OF BEGINNING.

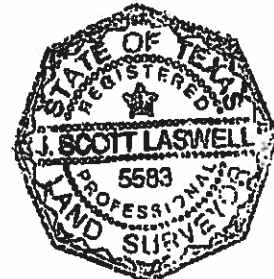
This parcel contains 17.411 acres of land, more or less, out of Outlots 56, 57, 69, and 70, Division "O", of the Government Outlots adjoining the original City of Austin.

Bearing Basis: Texas State Plane Coordinates, Central Zone, NAD 83\96CORS.

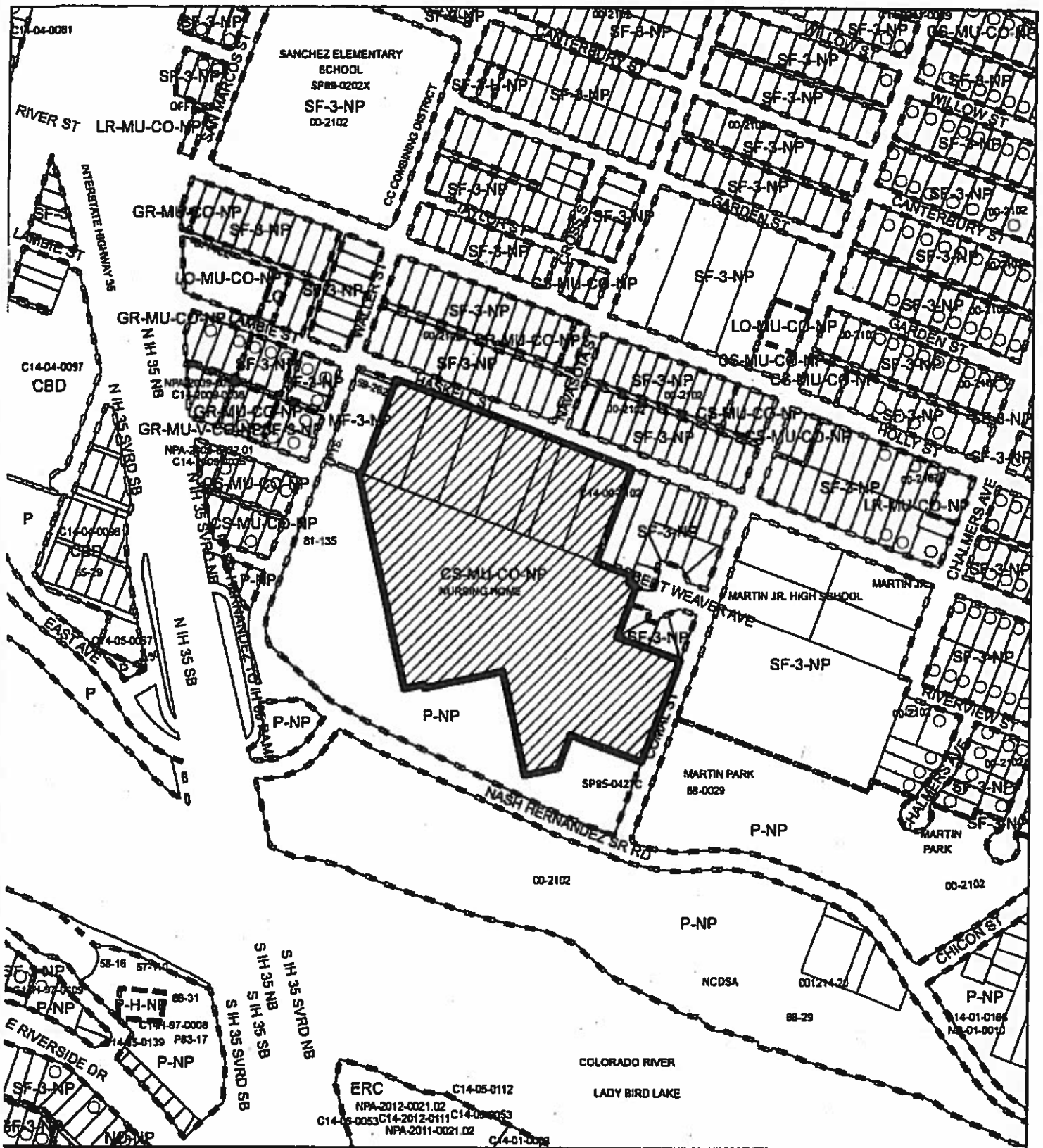
*J. Scott Laswell 10/8/14*

J. Scott Laswell                      Date  
Registered Professional Land Surveyor  
State of Texas No. 5583

File: S:\Projects\RBJ Center\Docs\Field Notes\Title Survey M&B.doc







## ZONING

ZONING CASE#: C14-2015-0055



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

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.



Exhibit B