

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0052 – 903 W 12th St

DISTRICT: 9

ZONING FROM: CS

TO: DMU-CO

ADDRESS: 903, 905, 907, 915 W 12th Street

SITE AREA: 0.38 acres (16,500 sq. ft.)

PROPERTY OWNER:

Terrance Mountain Investors I LLC
(Frank Trabold)

AGENT:

Drenner Group, PC
Amanda Swor

CASE MANAGER: Mark Graham (512-974-3574, mark.graham@austintexas.gov)

STAFF RECOMMENDATION:

Staff's recommendation is to grant downtown mixed use – conditional overlay (DMU-CO) combining district zoning with the conditional overlay limiting building height to 60 feet.

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

PLANNING COMMISSION ACTION / RECOMMENDATION:

July 28, 2020: APPROVED DMU-CO WITH THE CONDITION LIMITING BUILDING HEIGHT TO 60 FEET AS STAFF RECOMMENDED BY CONSENT.

[F. KAZI; J. THOMPSON – 2ND] (12-0) C. HEMPEL - ABSENT

CITY COUNCIL ACTION:

Planned to be scheduled for August 27, 2020

ORDINANCE NUMBER:

ISSUES

None at this time.

CASE MANAGER COMMENTS:

The applicant requests rezoning from general commercial services (CS) to downtown mixed use – conditional overlay (DMU-CO) combining district zoning. The conditional overlay would limit building height to sixty feet per the Downtown Area Plan. The subject property is 0.38 acre (16,500 square foot) tract on the south side of West 12th Street, between North Lamar Boulevard and Shoal Creek Boulevard. The tract is about 240 feet east of North Lamar and 100 feet west of

Shoal Creek Boulevard, and the east property line of the subject property is the Shoal Creek greenbelt.

The existing one-story building is a sandwich shop sited about 12 feet from West 12th Street with parking west of the building. Demolition of the building is proposed. The FEMA Floodplain extends along West 12th Street from the intersection with Shoal Creek west to about 150 feet from Baylor Street. In other words, the entire property is within the Floodplain. The proposed use of the parcel is listed as mixed use on the zoning application.

Downtown Austin Plan

The subject property is within the Downtown Austin Plan – Market / Lamar District boundaries adopted by the City Council on December 8, 2011. That plan produced a recommended rezoning map with proposed building heights limits. The recommendations were not implemented by rezoning all of the affected properties. Instead, they guide Staff recommendations for rezoning and for the conditional overlay recommendation on building height limits. The proposed zoning for the subject parcel in the DAP is DMU-60.

BASIS OF RECOMMENDATION:

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

The Applicant describes their proposed use as “mixed use” which is consistent with the purpose of the requested Downtown Mixed Use zoning district.

- 2. Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

The Downtown Austin Plan guides Staff recommendations so that similarly situated parcels will be treated in a consistent manner.

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

The Downtown Austin Plan, adopted by City Council December 8, 2011, mapped the areas that should be rezoned to Downtown Mixed Use with a 60-foot building height limit as DMU-60. The Applicant’s request is consistent with the Plan.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS	Restaurant
North	CS	Restaurant, bar, personal services
South	CS	Shoal Creek Greenbelt

	Zoning	Land Uses
East	P, (Across Shoal Creek) CS	Shoal Creek Greenbelt
West	CS	Bakery, parking

NEIGHBORHOOD PLANNING AREA: Downtown Austin Plan

TIA: The Traffic Impact Analysis is deferred to site plan when land use and intensity will be finalized.

WATERSHED: Shoal Creek - Urban

OVERLAYS: ADU Approximate Area; Reduced Parking; Downtown Austin Plan Districts: Market / Lamar; | Max Hgt – 60; Downtown Creeks: SHOAL; Residential Design Standards: LDC/25-2-Subchapter F; Selected Sign Ordinances

SCHOOLS:

Mathews Elementary

O. Henry Middle

Austin High

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 Central Austin Community Development Corporation
 City of Austin Downtown Commission
 Downtown Austin Alliance
 Downtown Austin Neighborhood Assn. (DANA)

Friends of Austin Neighborhoods
 Historic Austin Neighborhood Association
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Old Austin Neighborhood Association
 Preservation Austin
 SELTexas
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2017-0077 Austin Community College (ACC) 1218 West Ave	Rezone 0.88 acres from SF-3 & P to DMU-CO. Conditions: daily vehicle trips not to exceed 2000; maximum building height 60 feet; list of prohibited uses: Automotive repair svcs., Automotive sales, Automotive washing (any type) bail bond svcs., Cocktail lounge, Exterminating svcs., Liquor sales, Outdoor entertainment, Residential treatment, Service station.	To grant	Apvd., 10/05/2017 Ord.# 20171005-044

Number	Request	Commission	City Council
C14-2012-0079 ACC Rio Grande Campus 1218 West Ave	Rezone .88 acres from SF-3 to DMU	To grant	Case expired
C142012-0080 ACC Rio Grande Campus 1204 West Ave	Rezone 0.36 acres from LO, MF-4 and CS to DMU.	To grant	Case expired
C14-2012-0081 ACC Rio Grande Campus Block 153	Rezone from UNZ-H & UNZ to DMU-H & DMU	To grant	Case expired
C14-2017-0076 ACC Rio Grande Campus -Block 153 1212 Rio Grande St	Rezone Tract 1, 1.451 acres from UNZ to DMU-CO; and Tract 2, 1.796 acres from UNZ-H to DMU- H – CO. Conditions: vehicle trips not to exceed 2000 per day; maximum building height 60 feet; list of prohibited uses for Tract 1: Automotive repair svcs., Automotive sales, Automotive washing (any type), Bail bond svcs., Cocktail lounge, Exterminating svcs., Liquor sales, Outdoor entertainment, Residential treatment, Service station, Pawn shop svcs..Prohibited uses for Tract 2: Automotive repair svcs., Automotive sales, Automotive washing (any type), Bail bond svcs., Liquor sales, Outdoor entertainment, Residential treatment, Service Station.	To grant	Apvd., 10/05/2017 Ord.# 20171005-043
C14H-2012-0013 Austin High School 1212 & 1216 Rio Grande St.	Rezone from UNZ & UNZ-H to DMU-80 & DMU-80-H	To Grant DMU-CO w/ added conds of restaurant uses without drive thru and include Great Streets	Case expired
C14-2020-0036 827 W 12 th St	Rezone 0.55 acres from DMU-CO to DMU-CO to increase building height limit from 60 feet to 90 feet consistent with the height allowed by the Downtown Density Bonus Program.	To grant	Apvd., Ordinance #20200604-039

Number	Request	Commission	City Council
C14-2019-0050 827 W 12 th St	Rezone 0.55 acres from CS to DMU-CO to increase building height limit from 60 feet to 90 feet consistent with the height allowed by the Downtown Density Bonus Program. Condition: maximum height not to exceed 60 feet.	To grant	Apvd., Ord.# 20190620-124
C14-2011-0010 821 W 11 th St	Rezone from MF-3 to DMU-CO with conditions: vehicle trips not to exceed 2000/day; maximum building height 40 feet; minimum front yard setback 15 feet; prohibited uses: Liquor sales, cocktail lounge, pawn shop svcs., adult oriented businesses.	To grant	Apvd. 04/28/2011 Ord.# 20110428-064
C14-03-0085 813 W 11 th St	Rezone from LO to GO-MU	To grant	Apvd. 07/17/2003 Ord.# 030717-Z-3
C14-01-0054 814 W 10 th St	Rezone 0.15 acres from MF-3 to LO-MU	To grant	Apvd. 06/27/2002 Ord.#020627-31
C14-2007-0237 1209 Parkway Old West Austin (Part) Vertical Mixed Use Building (V) Rezoning	Exclude 0.14 acres from the boundaries of the VMU Overlay District	To grant	Apvd. 03/06/2008 Ord.#20080306-056 & 20080327-059
C14-2019-0152 1109 W. 11 th St. Castle East	Rezoning 0.5214 acres from MF-5-CO-NP to MF-6-CO-NP	Fwd without recommendation	Scheduled for 07/30/2020
C14-2019-0151 1006 Baylor St. The Colorfield	Rezone 0.67 acres from MF-5-CO-NP to MF-6-CO -NP	To grant	Apvd. 04/09/2020 Ord.# 20200409-056
C14-02-0112 Old West Austin Neighborhood Plan Combining District	Rezoning about 416 acres to change the base zoning districts on 61 tracts of land in Old West Austin and add NP combining district to each base zoning district with the property.	To grant	Apvd. Ord.# 020926-26
C14-2007-0201 Baylor Condos and The Castle on West 11 th Street	Rezoning from SF-3-H-NP to (Tract 1) LO-MU-CO-H-NP and (Tract 2) MF-5-CO-NP. Conditions: traffic not to exceed 2000 trips /day; Tract One development may not exceed 28 dwelling units; Development of Tract One may not exceed 33.5 dwelling units per acre.	To grant	Apvd. 12/13/2007 Ord.# 20071213-117
C14-05-0012 1201 Baylor St	Rezone from MF-4-NP to NO-MU-NP	To grant	Apvd., 08/09/2006 Ord.# 20060809-009

Number	Request	Commission	City Council
C14-2007-0237 Old West Austin Vertical Mixed Use Building Rezoning	Rezone about 30.04 acres to add a vertical mixed use building (V) combining district to certain tracts in the Old West Austin Neighborhood	To grant	Apvd., 03/06/2008 Ord.# 20080306-056

RELATED CASES:

There are no related cases on the subject property.

LEGAL DESCRIPTION: Silliman Subdivision Lots 5-7, Outlot 5, Division 7 Block 4.

OTHER STAFF COMMENTS:

Urban Design

The property is in the Market/Lamar District of the Downtown Austin Plan (DAP). The applicant is proposing to change the zoning from General Commercial Services (CS) to Downtown Mixed Use (DMU). Some of the Market/Lamar District specific goals are:

- Strengthen the area as a compact, pedestrian-oriented mixed-use district, with ground level retail and restaurant uses. (p.46)
- Improve the quality and safety of the pedestrian environment, particularly along the major arterials of Lamar Boulevard, 5th and 6th streets. (p.46)
- Enhance streets to be more bicycle-friendly. (p. 46)
- Promote new development that creates an appropriate scale transit on to the neighborhoods west of Lamar Boulevard.

The property is currently the site of a single-story restaurant, the change to DMU will allow for greater density.

The following DAP goals are relevant to this case:

- **AU-1.1:** Replace single-use zoning districts with downtown mixed-use zoning designations. (p.22)
- **AU-1.2:** Prioritize and Incentivize certain uses in certain districts of Downtown. (p.22)
- **AU-1.3:** Prioritize and Incentivize certain ground-level uses along certain streets. (p. 22)

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

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 a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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. At this time, site specific information is unavailable regarding 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.

Site Plan

- SP 1. Site plans will be required for any new development other than single-family or duplex residential.
- SP 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.
- SP 3. Proximity to a designated Downtown Creek (Shoal Creek) may constrain development on the subject site.
- SP 4. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, calls for 80 feet of right-of-way for W. 12th Street. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for W. 12th Street at the time of subdivision or site plan. A traffic impact analysis should be deferred to the site plan application when land uses and intensities will be finalized.

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW / ASMP	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro

	Required ROW					(within ¼ mile)
West 12 th Street	~59 feet / 80 feet	40 feet	Level 3	Yes	Yes	Yes

Austin Water Utility

AW1. 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, 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.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

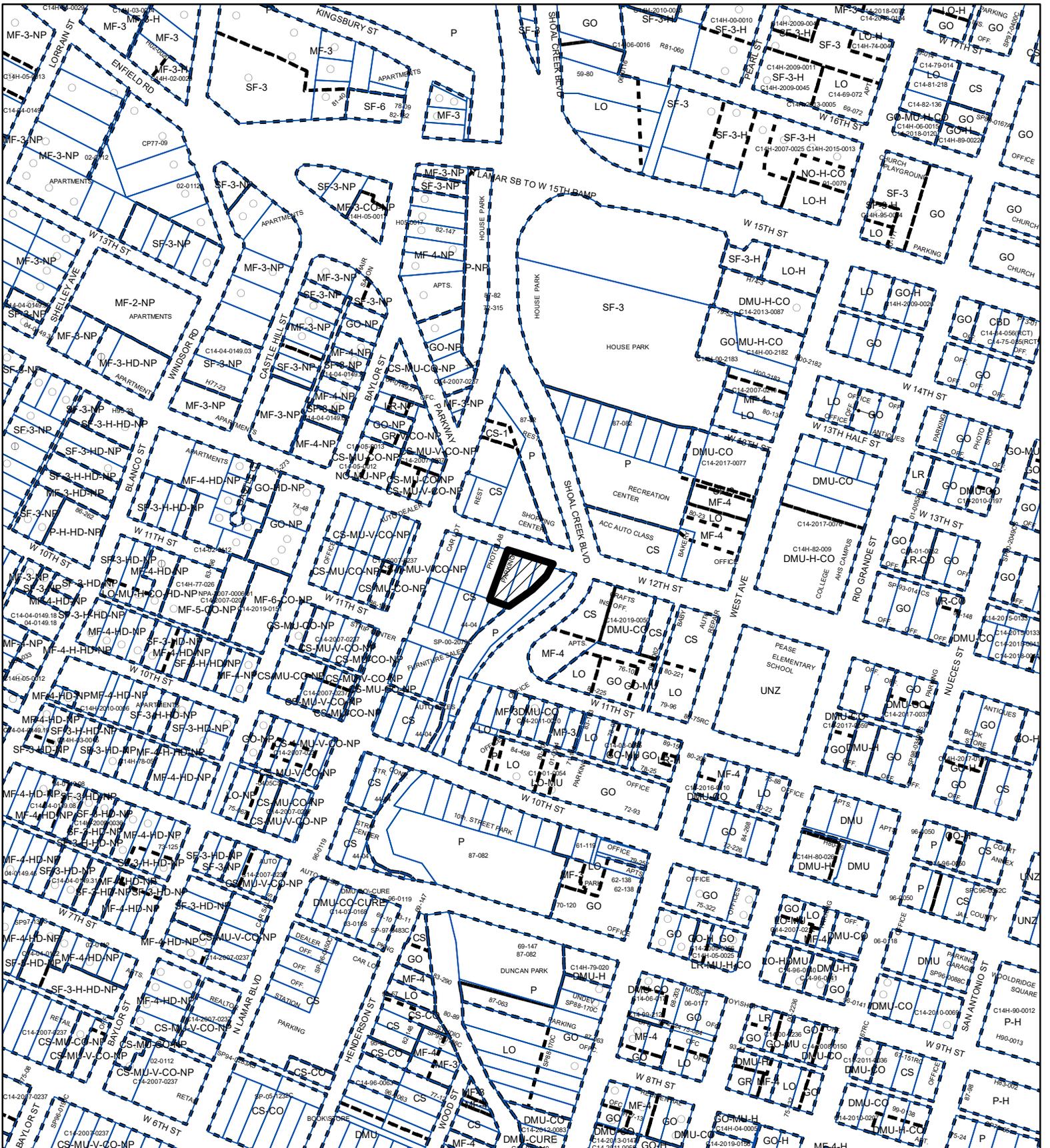
INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Downtown Districts Map (Downtown Austin Plan)

Exhibit D: Proposed Downtown Zoning Changes (Downtown Austin Plan)



ZONING Exhibit A

ZONING CASE#: C14-2020-0052

N

 **SUBJECT TRACT**

 **PENDING CASE**

 **ZONING BOUNDARY**

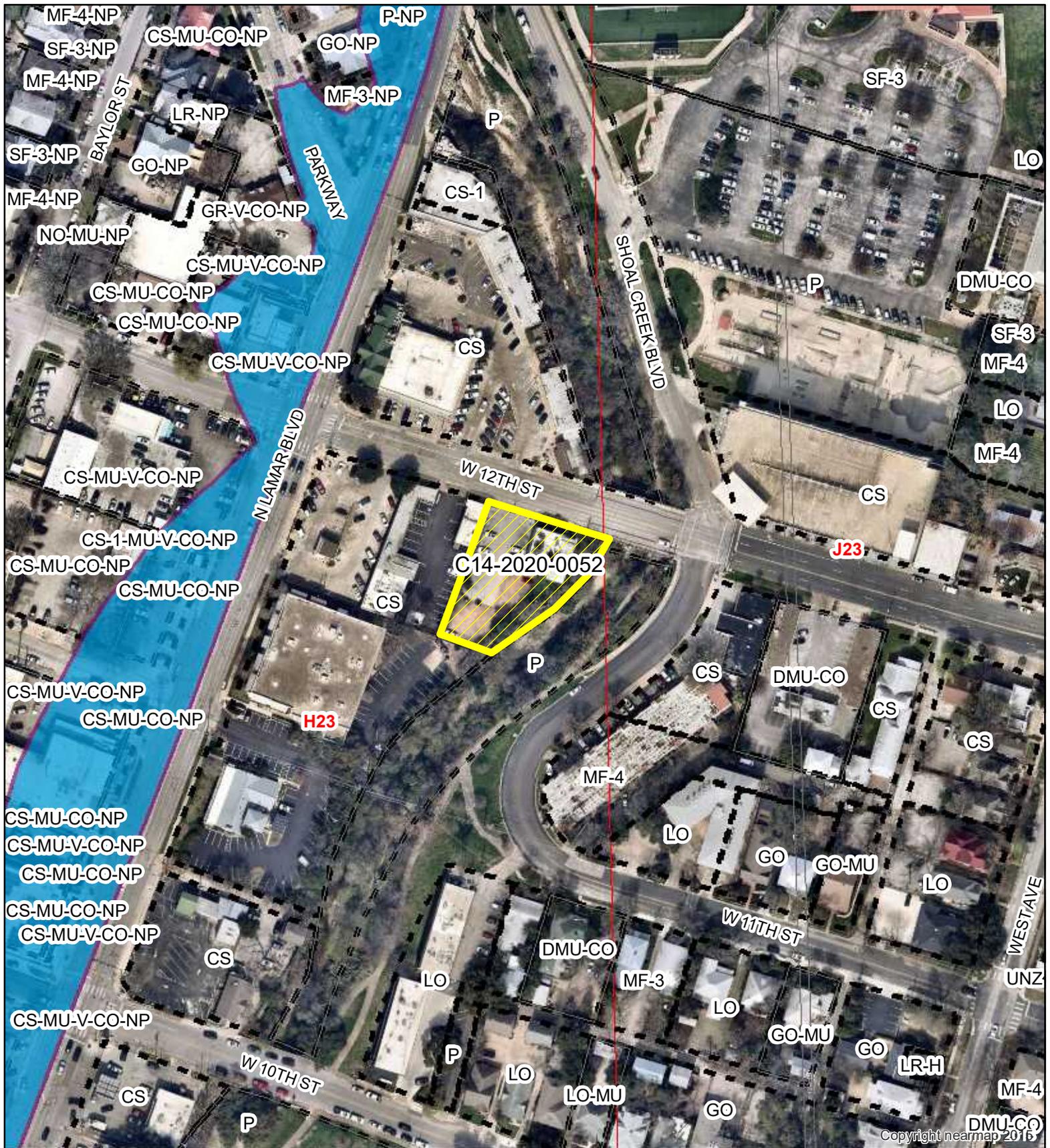
1" = 400'

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.



Created: 5/1/2020



903 W. 12TH STREET

Exhibit B



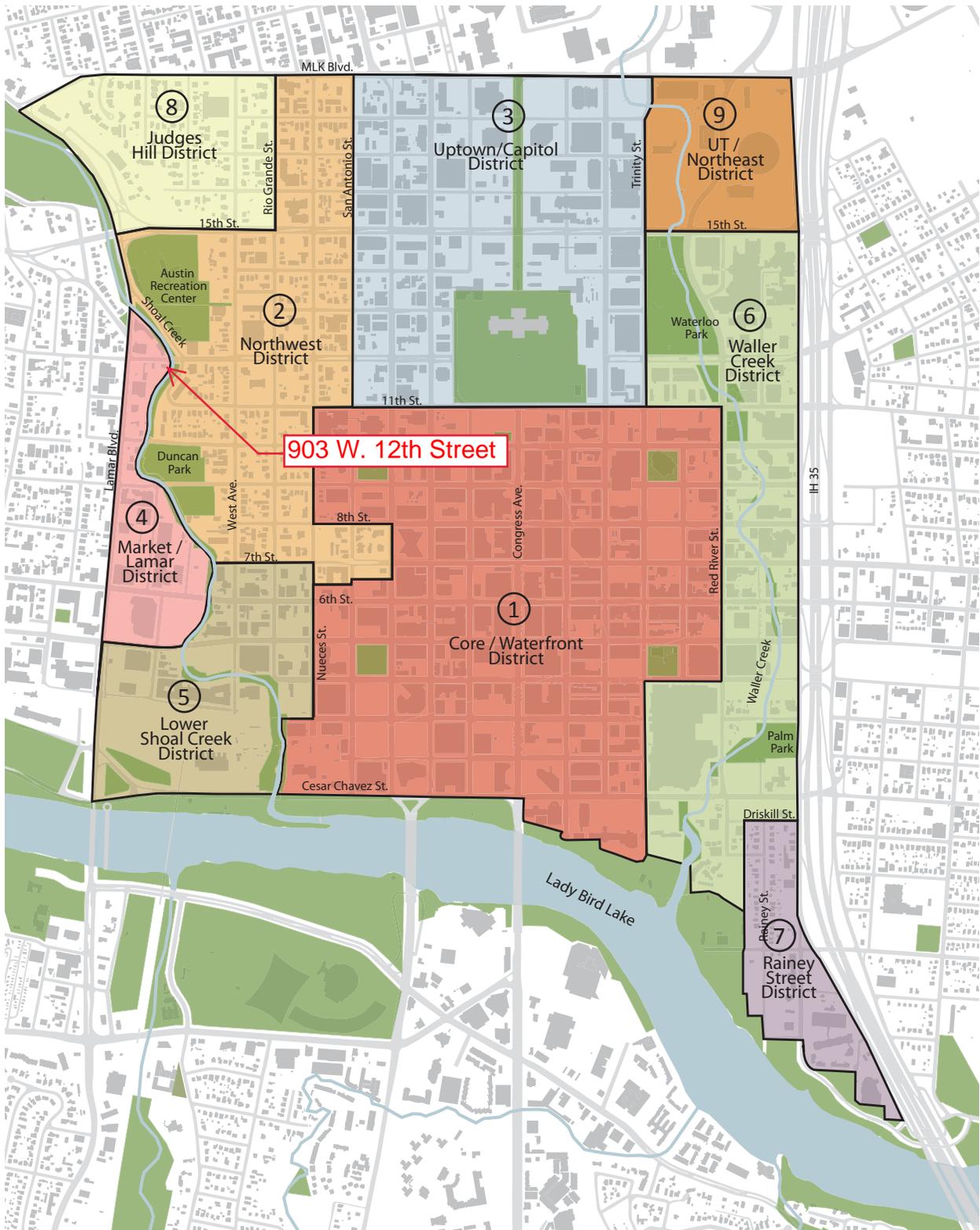
-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

1" = 150'

ZONING CASE#: C14-2020-0052
 LOCATION: 903 - 915 W 12 ST.
 SUBJECT AREA: 0.38 ACRES
 GRID: H23
 MANAGER: MARK GRAHAM

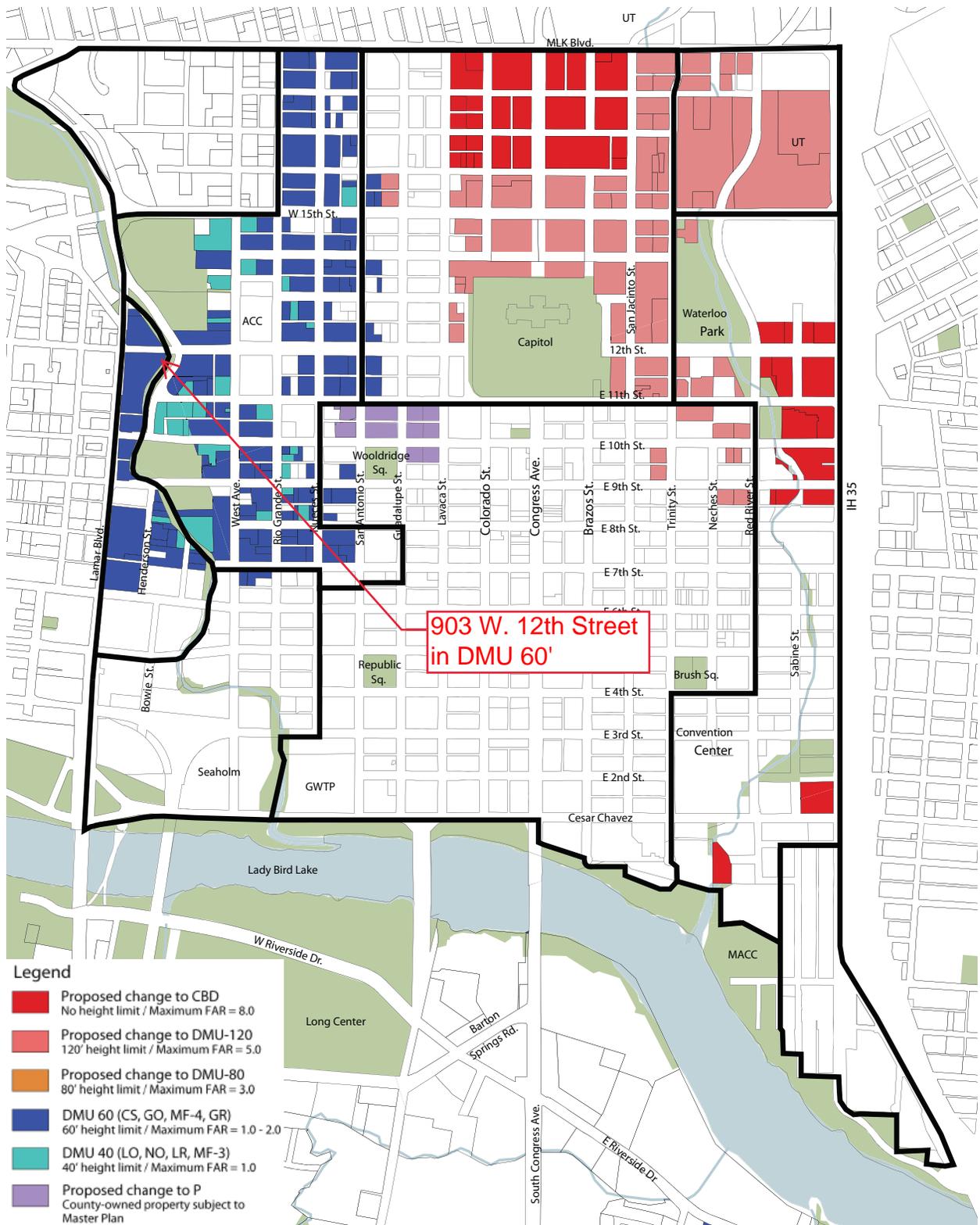


This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Downtown Districts Map

Exhibit C



Proposed Downtown Zoning Changes

Exhibit D

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2020-0052
 Contact: Mark Graham, 512-974-3574
 Public Hearing: Jul 28, 2020, Planning Commission

Russell T. Thurman
 Your Name (please print)
 908 W. 12th
 917-919 W. 12th
 922 W. 12th

Your address(es) affected by this application
 916-918 W. 12th

Russell T. Thurman
 Signature
 7-10-2020
 Date

Daytime Telephone: 512 576-5554

Comments:

If you use this form to comment, it may be returned to:

City of Austin, Planning & Zoning Department
 Mark Graham

P. O. Box 1088, Austin, TX 78767

Or email to:

mark.graham@austintexas.gov