

**ZONING CHANGE REVIEW SHEET**CASE: C14-2020-0067 – 3504 S. 1<sup>st</sup> Street RezoningDISTRICT: 3ZONING FROM: CS-COTO: CS-MU-V-COADDRESS: 3504 South 1<sup>st</sup> StreetSITE AREA: 0.84 acresPROPERTY OWNER:

Merc Properties LTD (Daryl Kunik)

AGENT:

Armbrust &amp; Brown, PLLC (Richard Suttle)

CASE MANAGER: Kate Clark (512-974-1237, [kate.clark@austintexas.gov](mailto:kate.clark@austintexas.gov))STAFF RECOMMENDATION:

**Staff recommends general commercial services – mixed use – vertical mixed use building – conditional overlay (CS-MU-V-CO) combining district zoning. The conditional overlay is to carry over existing prohibited uses. For a summary of the basis of staff's recommendation, see page 2.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**August 25, 2020**      **Approved staff's recommendation. [P. Seeger, A. Azhar – 2<sup>nd</sup>, C. Kenny and F. Kazi abstained]. Vote: 11-0.**

July 28, 2020      Approved neighborhood's postponement request to August 25, 2020.  
Vote: 12-0. [P. Seeger, G. Anderson – 2<sup>nd</sup>; C. Hampel was absent].

CITY COUNCIL ACTION:

**September 17, 2020**      **Scheduled for City Council**

August 27, 2020      Approved neighborhood's request to postpone to September 17, 2020.  
Vote: 11-0.

ORDINANCE NUMBER:ISSUES

Staff has received comments both in favor of and in opposition to this rezoning case. For all communication, please see *Exhibit C: Correspondence Received*.

CASE MANAGER COMMENTS:

This property is approximately 0.84 acres. Adjacent to the north is a tract zoned CS-V, to the east is South 1<sup>st</sup> Street and across South 1<sup>st</sup> Street are tracts zoned MF-3-NP and LR-CO-NP.

Adjacent to the south is a tract zoned MF-3 and to the west is SF-3 zoning. This property is subject to an existing Ordinance (20070405-043) which limits the number of trips per day, caps development on the property to 40 feet and prohibits a set of uses. The applicant is requesting to remove the trip limitations and building height restriction but carry over the existing list of prohibited uses. Those uses include the following:

Adult-oriented businesses  
Automotive rentals  
Automotive repair services  
Automotive sales  
Automotive washing (of any kind)

Bail bond services  
Commercial blood plasma center  
Convenience storage  
Pawn shop services  
Vehicle storage

BASIS OF RECOMMENDATION:

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

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

The applicant is requesting to rezone from CS-CO to CS-MU-V-CO. This property is in between CS-V and MF-3 zoned tracts. Allowing for a mix of uses on this site would help in transition between zoning districts. Additionally, this property is located on a Core Transit Corridor as defined by the current City Land Development Code. These corridors are roadways that have or will have a sufficient population density, mix of uses, and transit facilities to encourage and support transit use. Because of these parameters they were also used to established where the Vertical Mixed Use (VMU or V) Overlay District was permitted. Rezoning this property to CS-MU-V-CO would be consistent with the existing land use pattern and the purpose statement of the district sought.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS-CO	Single family
North	CS-V	Indoor and Outdoor Entertainment (event center)
South	MF-3	Multifamily
East	MF-3-NP and LR-CO-NP	Multifamily and Administrative and Business Offices
West	SF-3	Single family

NEIGHBORHOOD PLANNING AREA: Galindo (suspended)

TIA: is deferred until site plan submittal if triggered.

WATERSHED: West Bouldin Creek and East Bouldin Creek (urban)

OVERLAYS: ADU Approximate Area Reduced Parking, Residential Design Standards

SCHOOLS: Galindo Elementary, Lively Middle and Travis High Schools.

### NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Galindo Elementary Neighborhood Assn.
Austin Lost and Found Pets	Homeless Neighborhood Association
Austin Neighborhoods Council	Neighborhood Empowerment Foundation
Bike Austin	Perry Grid 614
Dawson Neighborhood Association	Preservation Austin
Dawson Neighborhood Organization	SELTexas
Dawson Neighborhood Plan Contact Team	Sierra Club, Austin Regional Group
Friends of Austin Neighborhoods	South Austin Commercial Alliance
Galindo Area Patriotic People's Porch	

### AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2007-0238  Galindo Elementary Neighborhood Association Vertical Mixed Use (VMU) Zonings  Addresses Vary	To add (-V) to base zoning	To grant adding (-V)	Approved zoning change (1/10/08)
C14-05-0024  Missing Link  Cardinal Lane	From SF-3 to SF-6	To grant SF-6-CO; CO included max. 30 units, max. 55% impervious cover, access to streets, no gated communities and City's Grow Green Landscaping guidelines.	Approved SF-6-CO; CO included max. 30 units, max. 10 units/ acre, max. 55% impervious cover and access. (06-09-05)

Number	Request	Commission	City Council
C14-04-0006  Dawson Mixed Use Building  3507 S. 1 <sup>st</sup> Street	From LR-NP to LR-CO-NP	To grant LR-CO-NP; CO to make the following uses conditional: service station and drive through services as an accessory use.	Approved LR-CO-NP as recommended. (3/11/04)

RELATED CASES:

C14-06-0194: This case rezoned (Ord. No. 20070405-043) the base zoning district from family residence (SF-3) district to general commercial services-conditional overlay (CS-CO) combining district. The CO included a trip limit, maximum height of 40 feet for buildings and list of prohibited uses.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
S 1st Street	78'	40'	ASMP Level 3	Yes	Shared Lane	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

This rezoning case is located on the west side of South 1<sup>st</sup> Street, on a 0.84 acres property. It is also located in an area that does not have an adopted neighborhood plan but is located along the South 1<sup>st</sup> Activity Corridor and is 0.40 miles from the St. Edwards Neighborhood Center. Surrounding land uses include an event center to the north; to the south is an apartment building; to the east is an apartment complex and an office; and to the west are single family houses. Over the last decade, South 1<sup>st</sup> Street has experienced an acceleration in transitioning away from single family houses to a variety of commercial, office and multifamily uses along this heavily traveled thoroughfare. The proposal calls for a vertical mixed-use project with multifamily and retail uses.

*Connectivity*

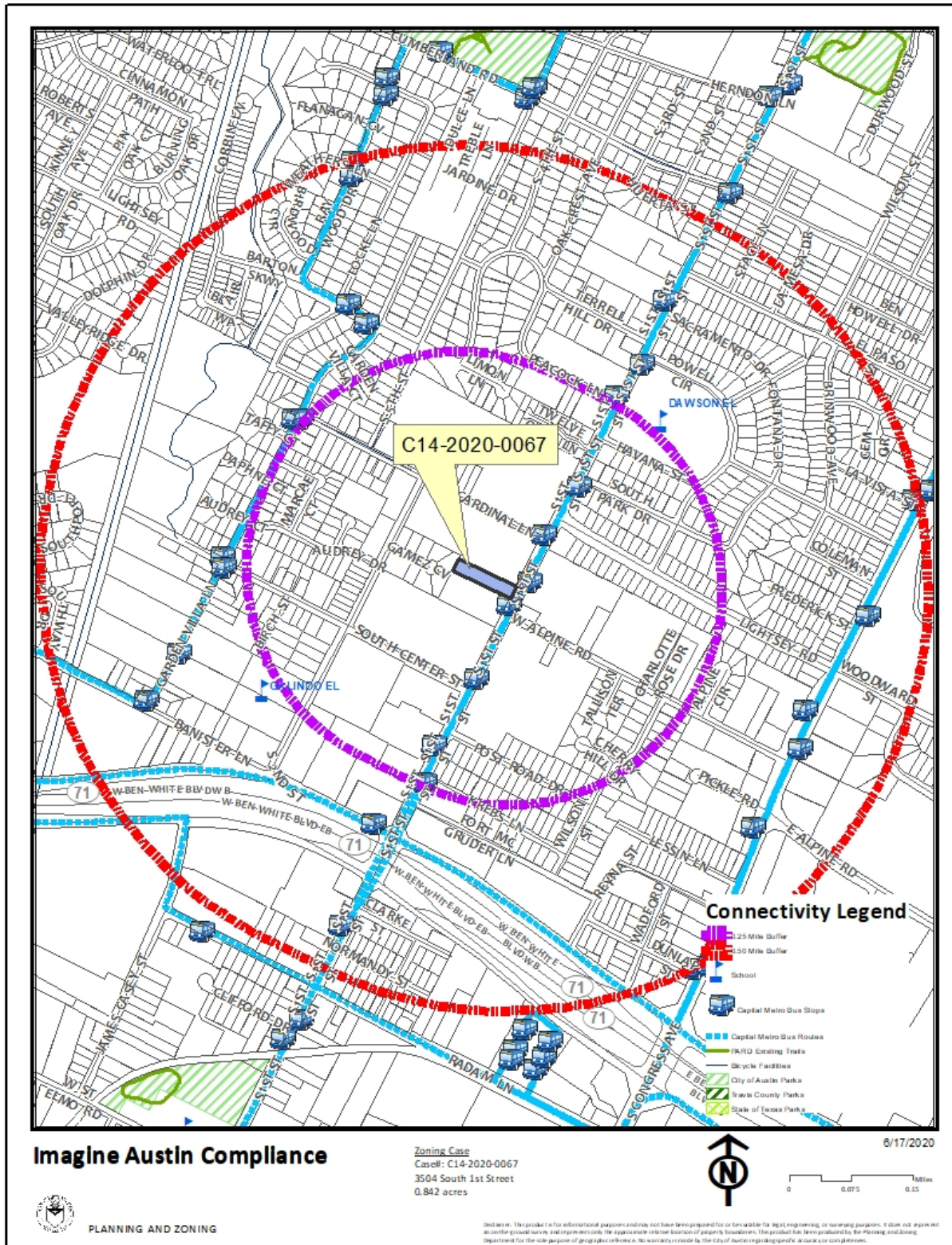
Public sidewalks are located along South 1<sup>st</sup> Street and a CapMetro stop is located within 150 feet walking distance of the subject property. Mobility options are average while connectivity options are fair.

*Imagine Austin*

The Imagine Austin Growth Concept Map found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being located along an Activity Corridor. Activity Corridors are characterized by a variety of activities and buildings, which are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following IACP policies are relevant to this case:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

Based upon this property being situated along an Activity Corridor, which supports mixed use, mobility strengths in the immediate vicinity; and the applicable Imagine Austin policies above, this project supports the Imagine Austin Comprehensive Plan.



### Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located within the West Bouldin Creek and East Bouldin Creek Watersheds of the Colorado River Basin, which are both classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. The site is subject to Interbasin Diversion requirements of the Land Development Code, such that a proposed diversion of stormwater from one watershed to another is limited to less than 20% of the site based on gross site area or less than 1 acre, whichever is smaller.
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 commercial 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 square feet 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.

### Site Plan

1. This site will be subject to Compatibility along the northwest property line, which is adjacent to SF-3 Single Family zoning. This will affect allowed height and setbacks.
2. If the relief from development standards under the V designation is sought, affordable housing will need to be approved by the Neighborhood Housing and Community Development Department. Please begin working with the NHCD early in the site planning process.

### Transportation

The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 80 feet of right-of-way for S 1st Street. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for South 1st Street according to the Transportation Plan with the first subdivision or site plan submittal. [LDC 25-6-51 and 25-6-55].

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water Utility

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: Correspondence Received









## 3504 S. 1st Street Rezoning

Exhibit A

ZONING CASE#: C14-2020-0067  
 LOCATION: 3504 S. 1st Street  
 SUBJECT AREA: .842 ACRES  
 GRID: H19  
 MANAGER: KATE CLARK

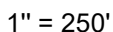
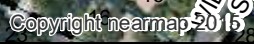


1" = 250'

-  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 by the City of Austin regarding specific accuracy or completeness.





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## Exhibit B

MANAGER: KATE CLARK



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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](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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: C14-2020-0067**

**Contact: Kate Clark, 512-974-1237**

**Public Hearing: July 28, 2020, Planning Commission**

Hannah Helpio

Your Name (please print)

3025 S. 1st St. Austin, TX 78704

Your address(es) affected by this application

Hannah Helpio

Signature

07.10.2020

Date

Daytime Telephone: 551.786.7160

Comments: I am writing to express my opposition to this rezoning; as a renter in Austin, I am concerned that this will be detrimental to affordability and further accelerate my having to relocate. I love this city & support growth, but without any current renter protections, I cannot support this and ask you to please consider the longer term impact of such a project, particularly on those who will be priced out & forced out of Austin. Thank you.

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

City of Austin, Planning & Zoning Department

**Kate Clark**

P. O. Box 1088, Austin, TX 78767

Or email to:

**Kate.Clark@austintexas.gov**

☐ I am in favor  
☒ I object

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**Contact: Kate Clark, 512-974-1237**

**Public Hearing: July 28, 2020, Planning Commission**

*James Gatlin*

Your Name (please print)

519 Lightsey Rd #106 Austin TX

Your address(es) affected by this application 78704

*James Gatlin*

Signature

☒ I am in favor  
☐ I object

7-8-20  
Date

Daytime Telephone:

512-638-6688

Comments:

I am very in favor of increases  
to density in the city and along  
its major thoroughfares

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

City of Austin, Planning & Zoning Department

**Kate Clark**

P. O. Box 1088, Austin, TX 78767

Or email to:

**Kate.Clark@austintexas.gov**



August 21, 2020

Austin Planning and Zoning Department  
Attn. Kate Clark  
One Texas Center  
505 Barton Springs Road  
Austin, Texas

Re: Commentary on Case Number C14-2020-0067

Dear Ms. Clark:

I am the owner of Unit D2 at the Cardinal Condominiums (707 Cardinal Lane, ATX 78704). I have owned the unit since 2010.

I am writing to express my opposition to the application for rezoning at 3504 South First Street, designated as Case Number C14-2020-0067.

In my understanding, the purpose of the application for rezoning is to enable the construction of an apartment complex and parking garage, consisting of hundreds of units, on both the 3504 South First Street property, and the property that is currently Mercury Hall.

While I acknowledge the need to create new housing developments in Austin, to accommodate the growing population, and in particular to build additional affordable housing, to address rising income inequality in our city, I think that this particular proposed project at this particular location will have negative impacts on the neighborhood and homeowners to the west of South First Street, as far as Garden Villa Lane.

My concerns and objections fall into three primary categories: traffic congestion; neighborhood environment; and financial impacts on home and condominium owners.

**Traffic Congestion:** The section of South First Street just north of Ben White is highly congested (an effect which may be currently suppressed by reduction in traffic during the pandemic, but that will revert to its prior condition in time). The congestion is exacerbated by narrowness of South First Street, the lack of a turn lane, and the limited visibility due to the hilly terrain. It is often nearly impossible, if not downright dangerous, to try to make a left turn from Cardinal Lane onto South First

Street. Adding hundreds of residents' cars to the mix at the current location of Mercury Hall is going to make a bad situation considerably worse. Has a formal traffic study been conducted on the impacts of the proposed project at this point?

**Neighborhood Environment:** The neighborhood that includes Cardinal Condominiums, and the blocks to the west and south, toward Garden Villa Lane and the Galindo Elementary School – in contrast to South First Street itself – is a secluded and quiet area. One can walk two abreast in the street, walk one's dog, or bicycle with children, in safety and comfort. I anticipate that, with the addition of a huge apartment complex on the west side of South First, given the congestion on South First, apartment residents will inevitably attempt to access the apartments from South Second and South Fifth. This is going to dramatically increase both the speed and volume of traffic in the neighborhood, changing its character.

Further, residents and owners at Cardinal Condominiums will be impacted not only by these effects, but by the looming presence of what I understand will be a 60-foot structure (which in reality will be 70-75 feet, given that the Mercury Hall property sits higher than the condo buildings). For at least some units at Cardinal Condos, including especially Buildings D, where I am an owner, Building C, and Building E, this will reduce privacy, increase noise, and likely block sunlight.

**Financial Impacts:** I believe that the proposed project will almost certainly have negative financial impacts on the owners at the Cardinal Condominiums, and likely more broadly in nearby blocks to the west. I know my own circumstances best, so let me use them as an example. I think that my case is likely extreme, given location and timing, but it is not unique.

As noted, I have owned Cardinal Unit D2 for ten years, although my residence is about one-half mile south in South Austin. In November 2019, I took a decision to place D2 on the market, before the impact of the Coronavirus pandemic became clear. I am 67 years old, and selling Cardinal D2 at a good market price is part of my retirement planning.

Cardinal Building D is immediately west of the Mercury Hall site, and the front door and yard of Unit D2 look up at the Mercury Hall buildings.

My tenants departed at the end of February 2020. I then spent approximately \$15,000 readying the unit for sale, and put it on the market the first week of May. While D2 has not yet sold, there has been a good deal of interest from potential buyers despite the pandemic.

Now that I have come to know the scope of the proposed development at 3504 South First and the Mercury Hall site, I think my plan to sell at this point is essentially in the dumpster. Who is going to buy a high-end condominium next door to a property that will be a major construction site for two plus years, and that will thereafter have a huge apartment complex looming over what had been a very private yard?

Again, as noted, I think that my case is probably extreme, given the location of Cardinal D2, and the fact that I am trying to sell my unit. However, I believe that property values throughout the Cardinal Condominium complex will suffer negative impacts due to the new project, and that these effects, while perhaps less, will likely be felt in the nearby blocks to the west.

I appreciate your consideration, and your bringing my concerns to the attention of the Planning Commission.

Best regards,

Howard Curtis  
4418A Lareina Drive  
Austin, TX 78745

E-mail: [REDACTED]  
Cell: 5120547-7116

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Cc: Stacy Jackson, Goodwin & Company



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Case Number: C14-2020-0067  
Contact: Kate Clark, 512-974-1237  
Public Hearing: August 27, 2020, City Council

Michelle Amiel

Your Name (please print)

707 Cardinal Ln K-2, ATX 78709

Your address(es) affected by this application

M. Amiel

Signature

8-22-20

Date

Daytime Telephone: 504-875-6900

Comments: Cardinal Ln Condominiums  
President of the board - Benjamin Cochran  
Meeting: August 25, 2020

☐ I am in favor  
☒ I object

If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department

Kate Clark

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Or email to:

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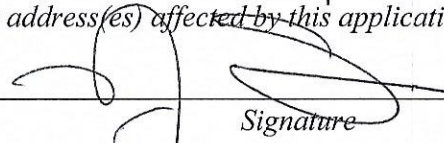
**Public Hearing: August 27, 2020, City Council**

Justin Simmons

Your Name (please print)

707 Cardinal Ln, Unit G Austin 78704

Your address(es) affected by this application



Signature

☐ I am in favor  
☒ I object

8/23/20  
Date

Daytime Telephone: 512-694-0304

Comments: This change in zoning would  
increase traffic in our neighborhood  
and on an already heavy traffic  
S 1st St. ~

If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department

**Kate Clark**

P. O. Box 1088, Austin, TX 78767

Or email to:

**Kate.Clark@austintexas.gov**

## Clark, Kate

---

**From:** Cynthia Trucksis  
**Sent:** Monday, August 24, 2020 9:29 AM  
**To:** Clark, Kate  
**Subject:** planning commission meetingcase Number C14-2020-0067

\*\*\* External Email - Exercise Caution \*\*\*

Cynthia Trucksis  
707 Cardinal, N! Austin, TX 78704

Hello, Kate: I would like to register my objection to the proposed changes to the zoning at 3504 S. 1st Street. If construction must be done at this site, there should be a traffic impact study during "normal" traffic periods. The neighborhood already sees a back up in traffic from Ben White and with the blind spot at the top of the hill, the situation would get worse. furthermore, the location of the proposed variance would put an unsightly garage at the peak of the hill on 1st. There are other solutions to up! Thank you.

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).



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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](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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: C14-2020-0067**

**Contact: Kate Clark, 512-974-1237**

**Public Hearing: August 27, 2020, City Council**

Benjamin Cochran

Your Name (please print)

707 Cardinal Ln #1 Austin, TX 78704

Your address(es) affected by this application

[Signature]

Signature

8/24/20

Date

Daytime Telephone: 830-570-4221

Comments: The mixed use building with its fine levels of parking garage will add substantial traffic to the corridor already known for being dangerous due to limited view when traveling East on Cardinal Ave. toward 51st St. Additionally the structure proposed doesn't match the eclectic feel of the neighborhood and will affect value of surrounding homes.

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department

**Kate Clark**

P. O. Box 1088, Austin, TX 78767

Or email to:

**Kate.Clark@austintexas.gov**