

SECOND/THIRD READINGS SUMMARY SHEETCASE: C14-2020-0096 – 3707 S 2nd StreetDISTRICT: 3ADDRESS: 3707 S. 2nd StreetSITE AREA: 4.78 acresPROPERTY OWNER:3707 S. 2nd Property, LP (Justin Albright)AGENT:

Armbrust & Brown, PLLC (Amanda Surman)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)REQUEST:

Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 3707 S 2nd Street (West Bouldin Creek Watershed). Applicant Request: To rezone from family residence (SF-3) district zoning to general office – mixed use (GO-MU) combining district zoning, as amended. First Reading approved general office – mixed use (GO-MU) combining district zoning on November 12, 2020. Vote 10-0.

PREVIOUS CITY COUNCIL ACTION:**November 12, 2020**

Approved Planning Commission recommendation of GO-MU on the consent agenda. Vote 10-0. (L. Pool, A. Kitchen – 2nd; S. Adler was absent).

ISSUES:

No new issues.

ZONING CHANGE REVIEW SHEETCASE: C14-2020-0096 – 3707 S 2nd StreetDISTRICT: 3ZONING FROM: SF-3TO: GO-MU, as amendedADDRESS: 3707 S. 2nd StreetSITE AREA: 4.78 acresPROPERTY OWNER:3707 S. 2nd Property, LP (Justin Albright)AGENT:

Armbrust & Brown, PLLC (Amanda Surman)

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

Staff recommends general office – mixed use (GO-MU) combining district. *For a summary of the basis of staff's recommendation, see page 3.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

November 10, 2020 **Approved staff's recommendation of GO-MU on the consent agenda. Vote: 11-0. [A. Azhar, R. Schneider – 2nd; P. Seeger was absent].**

October 27, 2020 Approved neighborhood's request to postpone to November 10, 2020. Vote: 11-0. [C. Hempel, A. Azhar – 2nd; J. Shieh was absent].

CITY COUNCIL ACTION:

December 3, 2020 **Scheduled for City Council**

November 12, 2020 Approved Planning Commission recommendation of GO-MU on the consent agenda. Vote 10-0. (L. Pool, A. Kitchen – 2nd; S. Adler was absent).

ORDINANCE NUMBER:ISSUES

On September 9, 2020 staff received an email from the Galindo Neighborhood opposing the addition of vertical mixed-use ("V") to the zoning district.

For all received written comments, please refer to *Exhibit C: Correspondence Received*.

On November 9, 2020, the applicant amended their rezoning request to general office – mixed use (GO-MU) combining district, see *Exhibit D: Amended Request Letter*.

CASE MANAGER COMMENTS:

This property is approximately 4.78 acres and is developed with a single office building. This office building appears to have been constructed in the mid 1970's and is considered a legally nonconforming use. It is currently zoned SF-3 and is surrounded by SF-4A-CO and P zoning to the north, GO-V-CO and LO-V-CO zoning to the east, GR zoning to the south, and LO and MH zoning to the west. Please see *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map* for context.

To the west across South 2nd Street is the Galindo Elementary School. Staff has confirmed with the Austin Independent School District (AISD) that they do not have any concerns with this rezoning case.

The applicant is requesting GR-MU-V in order to allow for a change in use to medical office and to provide flexibility to redevelop the site with multifamily units in the future.

BASIS OF RECOMMENDATION:

1. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

This property is in between the commercial and office zoning districts on South 1st Street and Ben White Boulevard, and the residential zoning districts and uses internal to the neighborhood. Rezoning this property to GO-MU would provide a transition in use and intensity from Ben White Boulevard and be consistent with uses and intensities from South 1st Street while also permitting the applicant's intended use of medical office.

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

Staff does not recommend adding the "V" component to the zoning string. This property is not located on a Core Transit Corridor as defined by the current City Land Development Code. These corridors were intended to have enough population density, mix of uses, and transit facilities to encourage and support transit use. Because of those parameters they were also used to establish where the Vertical Mixed Use (V) Overlay District was permitted. While this property is near South 1st Street (a Core Transit Corridor) and is adjacent to an existing property with the "V" designation, staff considers this property to be internal to the neighborhood. Both South 2nd Street and South Center Street are classified as Level 1 streets within the ASMP, unlike South 1st Street which is classified as a Level 3 street.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	SF-3	Administrative and Business Offices
North	P	COA Waterworks / Austin-Travis County EMS Station
South	GR	Administrative and Business Offices, Medical Offices
East	GO-V-CO and LO-V-CO	Administrative and Business Offices, Medical Offices
West	LO and MH	Public Primary Educational Facilities, Residential

NEIGHBORHOOD PLANNING AREA: Galindo NP (Suspended)

TIA: This shall be required at the time of site plan if triggered per LDC 25-6-113.

WATERSHED: West Bouldin Creek Watershed (urban)

OVERLAYS: Residential Design Standards

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

NEIGHBORHOOD ORGANIZATIONS

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

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2007-0238 Galindo Elementary Neighborhood Association Vertical Mixed Use (VMU) Zonings	To add vertical mixed use combining district to multiple tracts.	To grant neighborhood's recommendation to remove two tracts.	Approved vertical mixed use combining district to multiple tracts as Commission recommended. (1/10/08)
C14-04-0029 Lifeworks	From LO-CO to GO	To grant GO-CO; CO was to limit trips on site.	Approved GO-CO as Commission recommended. (4/15/04)

RELATED CASES:

There are no recent related cases to this property.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
South 2nd Street	62'	25'	ASMP Level 1	No	N/A	Yes
South Center Street	60'	40'	ASMP Level 1	Yes	N/A	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

This rezoning case is located on the southeast corner of South 2nd Street and South Central Street. This property is located 425 feet from the South 1st Activity Corridor and in an area that does not have an adopted neighborhood plan. Surrounding land uses include an EMS station, City of Austin truck depot, a water tower and utility substation, and single family housing to the north; to the south are medical and law offices and a senior center; to the east is a church, shelter and medical offices; and to the west are small apartment buildings, a daycare center and the Galindo Elementary School. The existing office building on the site was built in the 1970's and the property is currently zoned SF-3. The proposal is to rezone the property to GR-MU-V to

keep the existing office building on the site, add medical offices, and in the future possibly pursue adding multifamily units.

Connectivity

Public sidewalks are located along South 2nd Street but are only along one side of South Central Street. A CapMetro stop is located within 450 feet walking distance of the subject property. Mobility options are average while connectivity options are fair in this area.

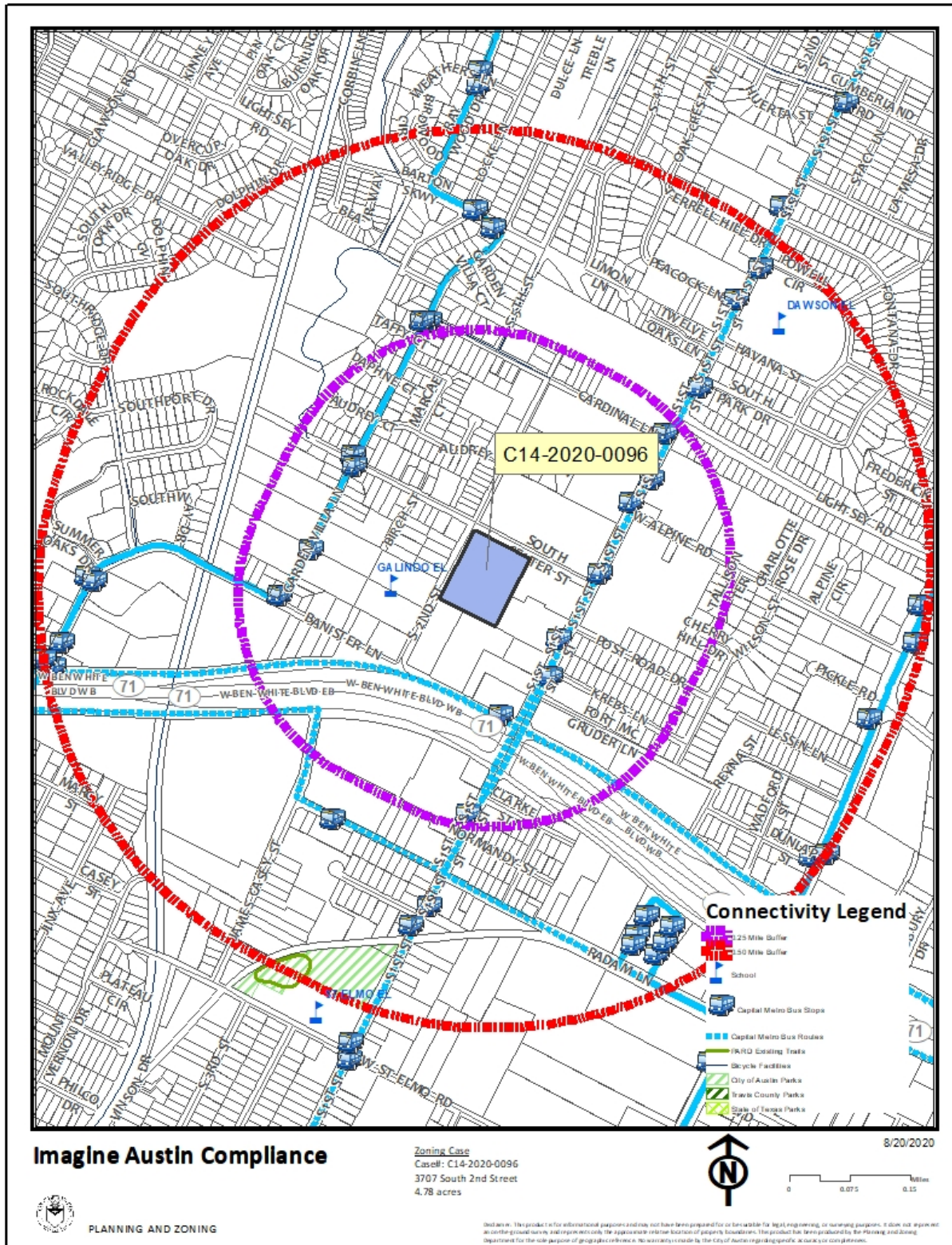
Imagine Austin

The Imagine Austin Growth Concept Map found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being one block from 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.
- HN P11. Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

While this property is close to the South 1st Activity Corridor, South 2nd Street is a non-arterial street consisting mainly of small-scale multifamily buildings, one story offices and institutional land uses. The GR district zoning category permits retail and heavy commercial uses which can also have longer hours of operation that are not appropriate along this type of street. Based on the commercial nature and potential impacts of the GR zoning district, its proximity to an existing elementary school and daycare and the above referenced Imagine Austin policies that supports commercial growth along existing arterial corridors, this rezoning case partially supports the policies of the Imagine Austin Comprehensive Plan.



Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin 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.
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. 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.

PARD/Planning & Design Review

The proposed uses for this rezoning to GR-MU-V, are professional and medical offices. These uses currently have no parkland dedication requirement. However, if there are to be residential dwelling units or hotel keys proposed at the time of subdivision or site plan, parkland dedication will be required for those new units, per City Code § 25-1-601.

Site Plan

1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
2. The site is subject to compatibility standards. Along the northeast property line, the following standards apply:
 - a. No structure may be built within 25 feet of the property line.
 - b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

- d. No parking or driveways are allowed within 25 feet of the property line.
 - e. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
3. Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

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

Austin Water Utility

1. 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.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

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.

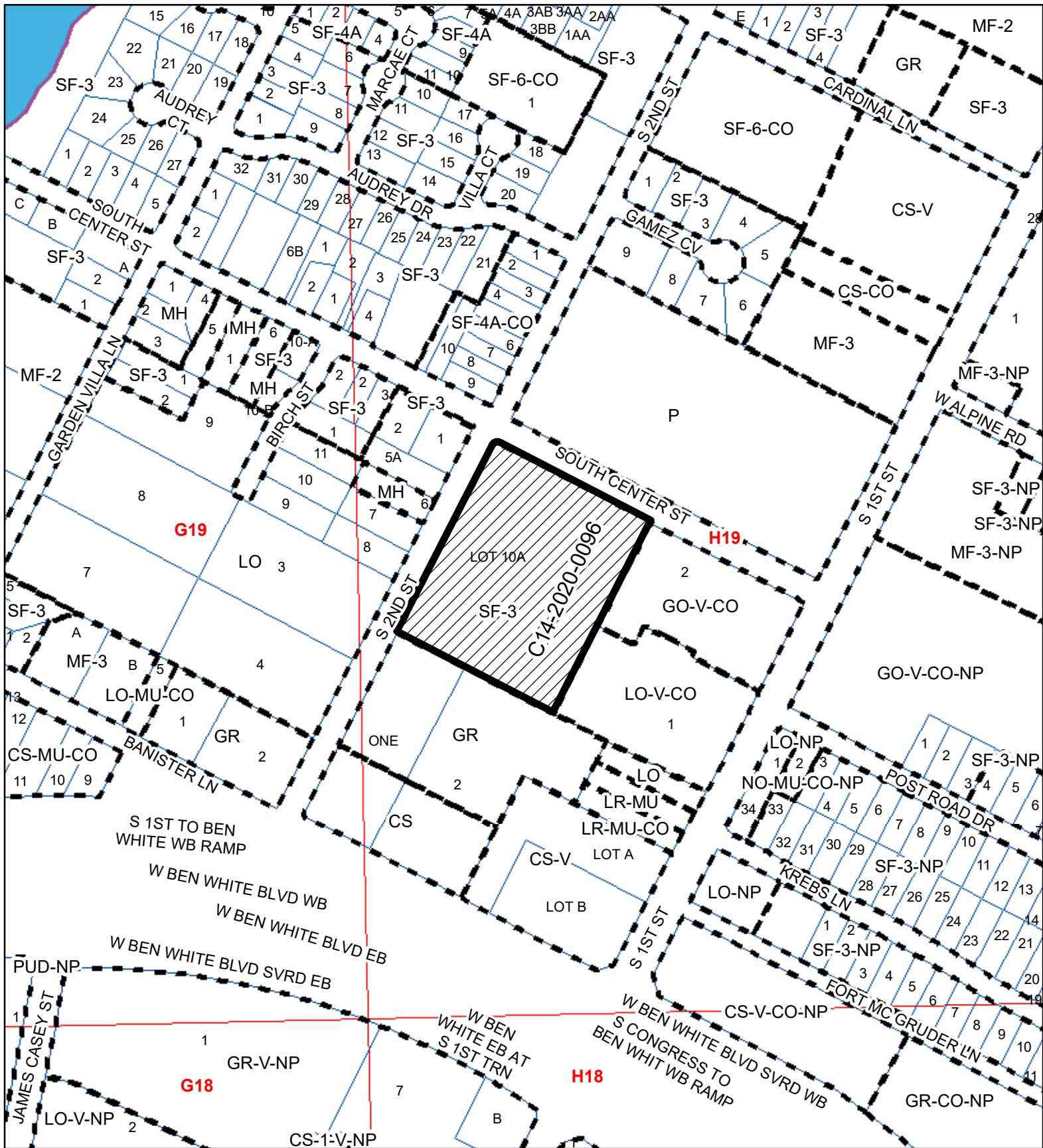
INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence Received

Exhibit D: Amended Request Letter



1" = 300'

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

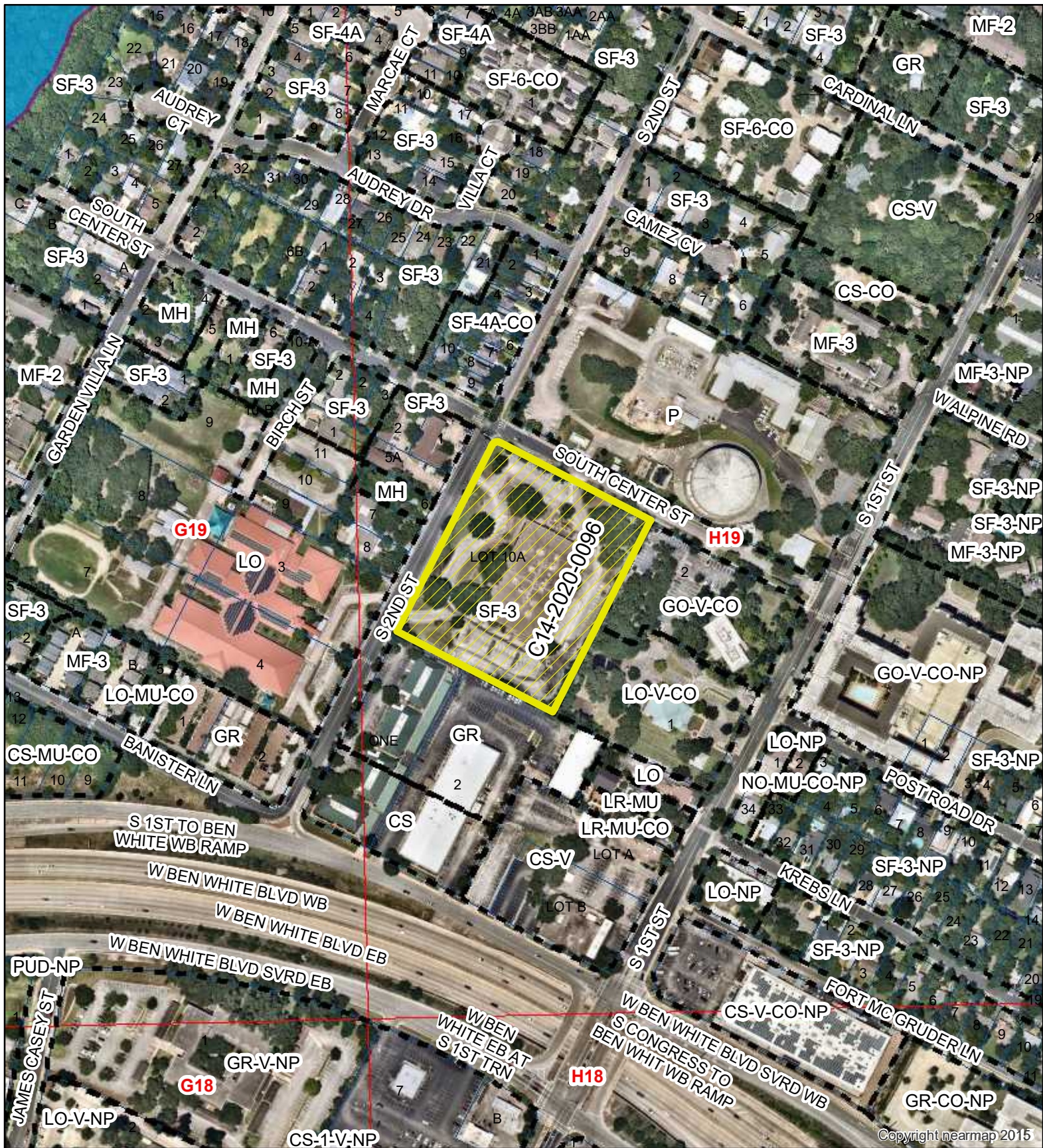
3707 S. 2nd Street

ZONING CASE#: C14-2020-0096
 LOCATION: 3707 S. 2nd
 SUBJECT AREA: 4.78 ACRES
 GRID: H19
 MANAGER: KATE CLARK

Exhibit A



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.



N



1" = 300'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

3707 S. 2nd Street

ZONING CASE#: C14-2020-0096

LOCATION: 3707 S. 2nd

SUBJECT AREA: 4.78 ACRES

GRID: H19

MANAGER: KATE CLARK

Exhibit B



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.

Clark, Kate

From: Patty Sprinkle
Sent: Wednesday, September 9, 2020 9:12 AM
To: Clark, Kate
Subject: C14-2020-0096 3702 S. 2nd. Street

*** External Email - Exercise Caution ***

Good morning Kate,

Galindo neighbors have received notification of the application for a zoning change at 3702 S.2nd Street. We are opposed to vertical mixed use in the interior of our neighborhood. This tool is intended for transportation corridors not for use in the middle of a neighborhood.

We are meeting with the developer on Sept. 21, 2020 to hear their plans for our neighborhood and ask that scheduling for PC please take this in to account. We have had at least 4 emergency meetings of the executive committee and general membership in the last month to accommodate Mr. Suttle's entitlement team. At the risk of repeating myself: we are volunteers who have jobs, families, and other obligations ! I do understand you may not have any control over this process but it needs to be on record that we are doing all we can to respond in a timely manner.

For the record: Galindo participated in the VMU plan of 2008 and we remain opposed to VMU in the interior of our neighborhood.

Thank you for your consideration.

Patty Sprinkle
GENA V.P.

512-294-8303

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Date: October 26, 2020

To: Kate Clark
City of Austin

From: Casey Beasley
512/750-6838


Case Number: C14-2020-0096
Project Location: 3707 S. 2nd Street
Re: Rezoning Application

I represent the two properties to the south of the subject tract. We agree that the subject tract should be rezoned as requested and have outlined a few supporting reasons below:

1. The building was originally constructed in the 1970's to house telephone company staff including 24-hour telephone operators, so this property has been used as a commercial building for over 40 years.
2. Prior to the current owner, AT&T has been using this site for dozens of employees and storage of commercial vehicles.
3. The subject tract is near the major intersection of Ben White and South First which supports remaining a commercial use.
4. This tract has quick North/South and East/West ingress/egress via the Ben White feeder road and the lighted intersection at S. Center Street and S. First Street, so traffic through the nearby residential areas should be minimal.
5. The City of Austin has a tract to the north of this tract that includes the Austin Fire Dept, EMS, a water tower, and storage of numerous vehicles and equipment, so the City is already a commercial user in this area.
6. The entire block this tract sits on is commercial use.

Please feel free to contact me with any questions.



3809 S. 2nd Street, #D-200
Austin, TX 78704
p 512/441-1062
f 512/444-0796

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 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: C14-2020-0096

Contact: Kate Clark, 512-974-1237

**Public Hearing: October 27, 2020, Planning Commission
November 12, 2020, City Council**

Casey Beasley
Your Name (please print)

☒ I am in favor
☐ I object

See below
Your address(es) affected by this application

KC Beasley 10/23/2020
Signature Date

Daytime Telephone: 512/750-6838

Comments: Two addresses:
3809 South 2nd Street, and
704 West Ben White Blvd

I represent both properties, which are
both located to the south of the subject
tract.

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

Kate Clark
P. O. Box 1088, Austin, TX 78767

Or email to:
Kate.Clark@austintexas.gov

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Case Number: C14-2020-0096

Contact: Kate Clark, 512-974-1237

**Public Hearing: October 27, 2020, Planning Commission
November 12, 2020, City Council**

Luke Waller

Your Name (please print)

☐ I am in favor
☒ I object

3508 S 1st St Austin TX 78704

Your address(es) affected by this application

[Signature]

Signature

10/22/20

Date

Daytime Telephone: _____

Comments: Why are you trying to rezone in a residential
area? Why not redevelop commercial areas for MU
COMBING DISTRICTS?

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
Kate Clark
P. O. Box 1088, Austin, TX 78767

Or email to:
Kate.Clark@austintexas.gov

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: C14-2020-0096

Contact: Kate Clark, 512-974-1237

**Public Hearing: October 27, 2020, Planning Commission
November 12, 2020, City Council**

LOAI PERRY

Your Name (please print)

☐ I am in favor
☒ I object

822 BANISTER LANE

Your address(es) affected by this application

Loai Perry
Signature

11/09/2020
Date

Daytime Telephone: 512 925 3650

Comments: I am not in favor of VMU inside the neighborhood. The streets that surround the proposed project are not sufficient to handle VMU.

Gr Linda Elem has excessive traffic with school buses + parents blocking S. 2nd + South Center Street.

People also use these streets as a cut through off of S. 1st. Please keep it a single story.

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

City of Austin, Housing & Planning Department

Kate Clark

P. O. Box 1088, Austin, TX 78767

Or email to:

Kate.Clark@austintexas.gov

Clark, Kate

From: Amanda Surman <ASurman@abaustin.com>
Sent: Monday, November 9, 2020 12:10 PM
To: Bobby Levinski; Rivera, Andrew; Clark, Kate; Harden, Joi
Cc: Patty Sprinkle; Richard Suttle, Jr.; Marshall Davis
Subject: RE: Speaker Registration

*** External Email - Exercise Caution ***

Good afternoon all,

We have reached an agreement with the neighborhood and have requested to amend our zoning application to Staff's recommendation of GO-MU for the property.

Please feel free to reach out to me directly should you have any additional questions regarding this zoning case.

Thank you,



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