

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2020-0083 1135 Gunter Street

DISTRICT: 1

REQUEST: Approve second and third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 1129-1/2 and 1135 Gunter Street (Boggy Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning and family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay (CS-MU-V-CO-NP) combining district zoning. First reading approved general commercial services-mixed use-vertical mixed use building-conditional overlay (CS-MU-V-CO-NP) combining district zoning on December 3, 2020. Vote: 11-0. Owner/Applicant: 1135 Gunter Partners, LP and Renaissance Family Properties, LP. Agent: Armbrust & Brown, LLP (Michael Whellan). City Staff: Heather Chaffin, 512-974-2122.

DEPARTMENT COMMENTS: No comments at this time.

OWNER/APPLICANT: 1135 Gunter Partners, LP and Renaissance Family Properties, LP.

AGENT: Armbrust & Brown, LLP (Michael Whellan)

DATE OF FIRST READING: First reading approved on December 3, 2020.

CITY COUNCIL HEARING DATES/ACTION:

January 27, 2021:

December 10, 2020: To grant postponement to January 27, 2021, as requested by Staff, on consent.

December 3, 2020: To grant CS-MU-V-CO-NP as recommended by Planning Commission on first reading only, on consent. Vote: 11-0.

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin

e-mail: heather.chaffin@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0083 1135 Gunter St.

P.C. DATE: November 10, 2020

ADDRESS: 1135 Gunter Street (Tract 1) and 1129- ½ Gunter Street (Tract 2)

DISTRICT AREA: 3

AREA: 3.4 acres

OWNERS: 1135 Gunter Partners, LP (Tract 1) and Renaissance Family Properties, LP (Tract 2)

APPLICANT: Armbrust & Brown, PLLC (Michael J. Whellan)

ZONING FROM: Tract 1: CS-CO-NP, Tract 2: SF-3-NP

TO: CS-MU-V-CO-NP (Tracts 1 and 2)

SUMMARY STAFF RECOMMENDATION:

Staff does not support the Applicant's request of CS-MU-V-CO-NP. Staff recommends an alternate of CS-MU-CO-NP. The Staff and Applicant requests include the same conditional overlays (CO):

1. The following land uses shall be prohibited: Agricultural Sales and Services, Alternative Financial Services, Automobile Rentals, Automobile Repair, Automobile Sales, Automobile Washing (of any kind), Bail Bond Services, Building Maintenance Services, Campground, Carriage Stable, Commercial Blood Plasma Center, Construction Sales and Services, Convenience Storage, Drop-Off Recycling Collection Facility, Equipment Repair Services, Equipment Sales, Exterminating Services, Kennels, Laundry Services, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop, Pedicab Storage and Dispatch, Recreational Equipment Maintenance and Storage, Service Station, Vehicle Storage, Limited Warehouse and Distribution, Community Recreation (Public), Maintenance and Service Facilities, Residential Treatment, Transitional Housing, and Transportation Terminal.

PLANNING COMMISSION RECOMMENDATION: November 10, 2020: To grant Applicant's request of CS-MU-V-CO-NP with the additional prohibition of Adult oriented business land use. (11-0). [Anderson- 1st, Llanes-Pulido- 2nd; Seeger- Absent]

CITY COUNCIL DATE:

December 3, 2020:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 512-974-2122

ISSUES:

The subject property is located near a section of Airport Boulevard that is not designated as a Core or Future Core Transit Corridor. The property does not have frontage on or direct vehicular access to Airport Boulevard; instead, the property only has frontage and access to two ASMP Level 1 streets. The property is surrounded by single family residential neighborhoods to the south and west and is proximate to commercial land uses along Airport Boulevard.

DEPARTMENT COMMENTS:

The subject property is located west of Airport Boulevard between Gunter Street and Kirk Avenue. The majority of the property is zoned CS-CO-NP and is currently used for a cab company and bus charter company. The conditional overlay prohibits Vehicle storage land use, and makes the following land uses conditional: Agricultural sales and services, Construction sales and services, Limited warehousing and distribution, Building maintenance services, Laundry services, Equipment sales, and Equipment repair services. A small portion of the property is zoned SF-3-NP and is developed with a single family residence. The subject property is surrounded by SF-3-NP single family neighborhoods to the south and west, including properties that are immediately adjacent. North and east of the site are properties zoned CS-CO-NP that include a mix of uses, including Religious assembly, Convenience storage, Food sales, Automotive sales, General retail sales-Limited, Undeveloped, and Limited warehousing and storage. Further north and east of the site, across Airport Boulevard, are properties zoned CS-MU-NP that are developed with Automotive repair services and a trucking company, as well as property zoned CS-MU-V-NP that is developed with Multifamily land use. ***Please see Exhibits A and B- Zoning Map and Aerial Map.***

Staff supports the addition of MU-Mixed Use to the subject property but does not support the addition of V-Vertical mixed use building to the property. The property is close to Airport Boulevard but does not have vehicular access or frontage. This portion of Airport Boulevard is not a Core Transit Corridor or Future Core Transit Corridor; that designation ends approximately 1-1/2 miles to the north at Manor Road. The property has frontage on both Gunter Street and Kirk Avenue, ASMP Level 1 streets that serve a large single family neighborhood. Additionally, there are single family residences immediately adjacent to the site, as well as directly across Gunter Street. The V- designation is typically located along major corridors and surrounded by commercial or multifamily uses, not single family.

The Applicant is proposing a multifamily development with an estimated 265 units, including 10 percent affordable units at 60 percent of Median Family Income (MFI). The development would also include ground floor commercial uses. The Applicant has provided copies of letters of support for the proposed rezoning; these letters also include several conditions that cannot be enforced by the City as part of the rezoning. These would have to be placed in a private restrictive covenant between the property owner and neighborhood group. ***Please see Exhibits C and D- Applicant Letter and Correspondence.***

BASIS OF RECOMMENDATION

1. *Zoning should be consistent with approved and existing residential densities.*

CS-MU-V-CO-NP would allow high density multifamily residential in an area of single family residential.

2. *The proposed zoning should promote consistency and orderly planning.*

High density multifamily located immediately adjacent to single family residences does not promote consistent or orderly planning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO-NP, SF-3-NP	Cab company, Bus company, Single family residential
<i>North</i>	CS-CO-NP	Religious assembly, Convenience storage, Food sales, Automotive sales
<i>South</i>	SF-3-NP	Single family residential
<i>East</i>	CS-CO-NP	General retail sales-Limited, Undeveloped, and Limited warehousing and storage
<i>West</i>	SF-3-NP	Single family residential

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2019-0041 3706 Goodwin	CS-MU-NP to CS-MU-V-NP Not recommended by Staff.	July 23, 2019: Approved CS-MU-V-NP. Anderson, Kenny 2nd. Vote: 9-0. Llanes-Pulido abstained. Commissioners Shaw, Thompson and Schneider absent.	August 8, 2020: Approved Ord. No. 20190808-123 for CS-MU-V-NP. Vote: 8-1. Harper-Madison- 1 st , Pool- 2 nd . Casar- Nay; Garza, Alter-Off the dais

NEIGHBORHOOD PLAN AREA: Govalle-Johnston Terrace**TIA:** Deferred to time of site plan**WATERSHED:** Boggy Creek**EXISTING STREET CHARACTERISTICS:**

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Kirk Avenue	50'	28'	ASMP Level 1	Yes	None	Yes
Gunter Street	58'	28'	ASMP Level 1	Yes	None	Yes

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association

SELTexas

Preservation Austin

Del Valle Community Coalition

Claim Your Destiny Foundation

Friends of Austin Neighborhoods

Neighborhood Empowerment Foundation

Guadalupe Neighborhood Development Corporation

Community Coalition

El Concilio Mexican American Neighborhoods

African American Cultural Heritage District

Govalle/Johnston Terrace Neighborhood Plan Contact Team

AISD

Austin Innerscity Alliance

Neighbors United for Progress

Sierra Club

Bike Austin

PODER

Friends of Northeast Austin

Black Improvement Association Del Valle

East Austin Conservancy

United East Austin Coalition

ADDITIONAL STAFF COMMENTS

Transportation

TR1. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

TR2. The adjacent street characteristics table is provided below:

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Kirk Avenue	50'	28'	ASMP Level 1	Yes	None	Yes
Gunter Street	58'	28'	ASMP Level 1	Yes	None	Yes

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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 s.f. cumulative is exceeded, and on site control for the two-year storm.

Site Plan

SP 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.

SP 2. The site is subject to compatibility standards. Along the south and west property lines, 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.

SP 3. Additional design regulations will be enforced at the time a site plan is submitted.

Parkland

PR1: Parkland dedication will be required at the time of subdivision or site plan for new residential units, per City Code § 25-1-601. Parkland dedication requirements may be satisfied by either dedication of land or fees in-lieu of land. PARD will determine whether land or fees are required in accordance with criteria described in City Code, Title 25, Article 14, as amended.

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision

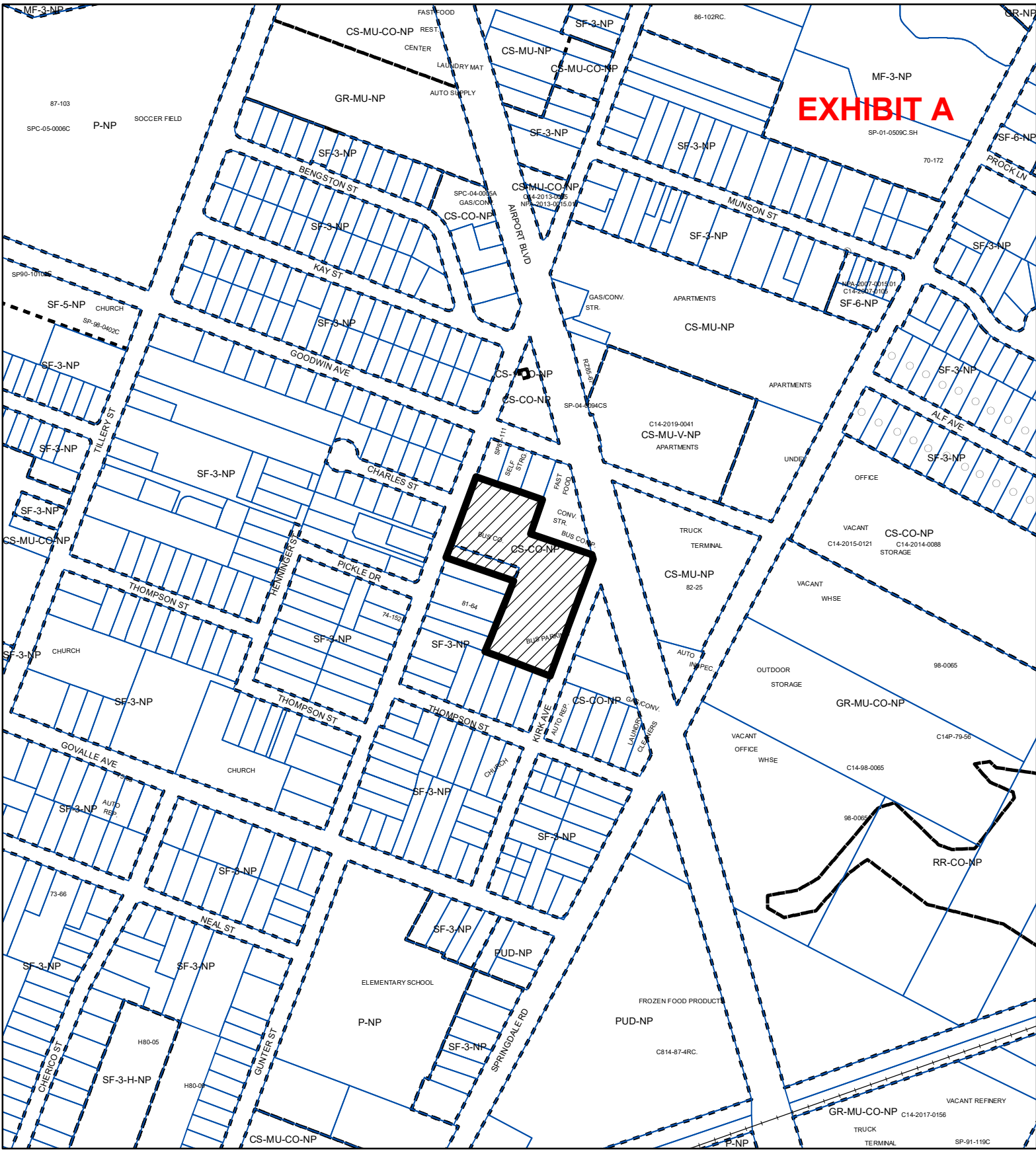
applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether a fee in-lieu of land will be allowed.




Water and Wastewater

FYI: The landowner intends to serve the site with City of Austin water utilities. There is currently no public wastewater service available to this tract. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.

INDEX OF EXHIBITS TO FOLLOW

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



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2020-0083

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.

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Created: 7/30/2020



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1135 GUNTER ST.



-  C14-2020-0083
-  Creek Buffers
-  ZONING BOUNDARY

ZONING CASE#: C14-2020-0083
 LOCATION: 1129-1/2 and 1135 Gunter St
 SUBJECT AREA: 3.4 Acres
 GRID: L22
 MANAGER: Heather Chaffin



1" = 200'

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.

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

EXHIBIT C

July 9, 2020

Jerry Rusthoven, Acting Lead
City of Austin
Planning and Zoning Department
505 Barton Springs Rd., 5th Floor
Austin, Texas 78704

Re: Land use applications for 1135 and 1129 ½ Gunter St., Austin, TX 78702

Dear Mr. Rusthoven:

I am seeking to submit two land use applications for 1135 and 1129 ½ Gunter St. (the “Property”) in order to develop a mixed-use project that participates in the Vertical Mixed-Use overlay and provides 10 percent of units as Affordable Housing at 60 percent of Median Family Income (MFI).

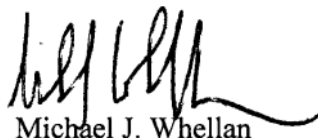
These applications include: rezoning the Property from CS-CO-NP/SF-3-NP to CS-V-MU-NP and amending the Govalle/Johnston Terrace Neighborhood Plan’s Future Land Use Map (“FLUM”) to reflect Mixed-Use for the Property. There is a conditional overlay prohibiting vehicle storage uses and making a number of other uses conditional, including limited warehousing and distribution, laundry services, and equipment repair services, among several others. We are proposing to maintain this existing conditional overlay.

The Property – located near the intersection of Airport Boulevard and Springdale Road – is used as commercial space for taxi cab and shuttle companies, uses that are non-conforming under the existing conditional overlay. Additionally, a smaller portion of the tract is currently used as single-family.

We believe that this location – at the intersection of two Imagine Austin and Transit Priority Network corridors (Airport Boulevard and Springdale Road), in an Imagine Austin Center (Springdale Station), and accessible via four public transit lines (including two high-frequency routes) – is an appropriate location for a mixed-use project with Affordable Housing. Moreover, while the current zoning today allows for retail and commercial development, it does not allow for multi-family uses or for Affordable Housing.

I am requesting a rezoning to CS-V-MU-CO-NP and a FLUM change to Mixed-Use in order to provide a project with an estimated 265 units, including 10 percent as Affordable Housing, above ground-floor commercial. I appreciate your consideration of these applications and look forward to answering any questions and providing further details.

Respectfully,



Michael J. Whellan

GOVALLE/JONSTON TERRACE NEIGHBORHOOD PLAN CONTACT TEAM
"Strength Through Unity"

EXHIBIT D

To: Austin Planning Commission and City Council

re: - case # NPA 2020 0016.03 - 11291/2 and 1135 Gunter St

Dear Commissioners and Council members,

Please accept this letter on behalf of the Govalle/Johnston Terrace Neighborhood Plan Contact Team as an expression of **SUPPORT** the requested rezoning and Neighborhood Plan Amendment for:

11291/2 and 1135 Gunter St., with the following conditions:

- • **Traffic Calming.** The applicant has agreed to fund vehicle counts and to fund traffic calming devices, or to provide that funding in escrow to the Govalle Neighborhood Association if the City determines traffic calming is not yet warranted.
- • **Preference Policy for Long-Time and Returning Residents.** The applicant has agreed to partner with the Guadalupe Neighborhood Development Corporation to provide notification about affordable unit vacancies in order to help long-time neighborhood residents stay in and return to the neighborhood.
- • **Affordable units to include 2 and 3 bedroom units.** In order to support families, a percentage of the affordable unit will be 2 or 3 bedrooms.
- • **11291/2 Gunter Household Assistance.** The applicant has agreed to provide assistance in locating housing for the individuals currently living at 11291/2 Gunter St. as well as funding moving expenses, first month's rent at the new housing, and providing early notification for affordable units at the new project once it is constructed (with one month's rent credit).
- • **Prohibited Uses.** The applicant has agreed to the list of prohibited uses:
 - Commercial
 - Agricultural Sales and Services Alternative Financial Services Automotive Rentals
 - Auto Repair
 - Auto Sales
 - Auto Washing
 - Bail Bond
 - Building Maintenance Services Campground
 - Carriage Stable
 - Cocktail Lounge
 - Commercial Blood Plasma Center Construction Sales and Services Convenience Storage
 - Drop-Off Recycling Collection Facility Equipment Repair Services Equipment Sales
 - Exterminating Services
 - Kennels
 - Laundry Services
 - Liquor Sales
- Outdoor Entertainment
- Outdoor Sports and Recreation

- Pawn Shop
- Pedicab Storage and Dispatch
- Recreational Equipment Maintenance and Storage Service Station
- Vehicle Storage
- Industrial
- Limited Warehouse and Distribution
- Civic
- Community Recreation (Public) Maintenance and Service Facilities Residential
- Treatment Transitional Housing Transportation Terminal

Please feel free to contact me with any further questions or comments regarding this application.

Thank you,

Daniel Llanes, Chair
G/JTNP Contact Team
512-431-9665

GOVALLE NEIGHBORHOOD ASSOCIATION

www.govalle.org

October 22, 2020

Re: 1129½ and 1135 Gunter St.

To Whom It May Concern:

The Govalle Neighborhood Association supports the requested rezoning and Neighborhood Plan Amendment for 1129½ and 1135 Gunter St., with the conditions outlined in this letter.

The applicant has presented the neighborhood association with a request to rezone 1129½ and 1135 Gunter St. from the existing CS-CO-NP/SF-3-NP zoning to the proposed CS-V-MU-CO-NP zoning, and to change the Future Land Use Map from Commercial/Single-Family to Mixed-Use.

The property is currently used for vehicle storage, though the neighborhood planning process for the Govalle/Johnston Terrace Neighborhood Plan ultimately prohibits future vehicle storage uses in favor of transitioning the property to different uses. In this case, the applicant is proposing a Vertical Mixed-Use project with approximately 265 residential units (10 percent of which would be affordable at 60 percent MFI) above ground-floor commercial.

Additionally, through discussions with the Govalle Neighborhood Association, the applicant has agreed to the following:

- **Traffic Calming.** The applicant has agreed to fund vehicle counts and to fund traffic calming devices, or to provide that funding in escrow to the Govalle Neighborhood Association if the City determines traffic calming is not yet warranted.
- **Preference Policy for Long-Time and Returning Residents.** The applicant has agreed to partner with the Guadalupe Neighborhood Development Corporation to provide notification about affordable unit vacancies in order to help long-time neighborhood residents stay in and return to the neighborhood.
- **Affordable units to include 2 and 3 bedroom units.** In order to support families, a percentage of the affordable unit will be 2 or 3 bedrooms.
- **1129½ Gunter Household Assistance.** The applicant has agreed to provide assistance in locating housing for the individuals currently living at 1129½ Gunter St. as well as funding moving expenses, first month's rent at the new housing, and providing early notification for affordable units at the new project once it is constructed (with one month's rent credit).
- **Prohibited Uses.** The applicant has agreed to the list of prohibited uses outlined in Attachment A below..



GOVALLE NEIGHORHOOD ASSOCIATION

www.govalle.org

With this agreement, we support the applicant's requests for rezoning and for a Neighborhood Plan Amendment. We appreciate your consideration.

Sincerely,

/Jessica L. Eley/

//

Jessica L. Eley

Candi Fox

Co-Chair GNA

Co-Chair GNA

**Attachment A:
Not Permitted**

Commercial

Agricultural Sales and Services
Alternative Financial Services
Automotive Rentals
Auto Repair
Auto Sales
Auto Washing
Bail Bond
Building Maintenance Services
Campground
Carriage Stable
Cocktail Lounge
Commercial Blood Plasma Center
Construction Sales and Services
Convenience Storage
Drop-Off Recycling Collection Facility
Equipment Repair Services
Equipment Sales
Exterminating Services
Kennels
Laundry Services
Liquor Sales



GOVALLE NEIGHORHOOD ASSOCIATION

www.govalle.org

Outdoor Entertainment
Outdoor Sports and Recreation
Pawn Shop
Pedicab Storage and Dispatch
Recreational Equipment Maintenance and Storage
Service Station
Vehicle Storage

Industrial

Limited Warehouse and Distribution

Civic

Community Recreation (Public)
Maintenance and Service Facilities
Residential Treatment
Transitional Housing
Transportation Terminal



October 22, 2020

To Whom It May Concern:

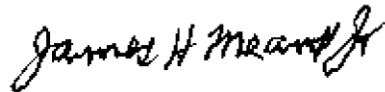
Please consider this request for your support for the requested rezoning and Neighborhood Plan Amendment at 1129 ½ and 1135 Gunter St.

My family – a longtime Austin family with deep roots in the community – has owned these properties for many years, and plans to sell them to a local firm, Bercy Chen Studio, LP, to develop as a mixed-use project.

We believe Bercy Chen is the right group for this project. As a local firm, they have a depth of experience in Austin and a sensitivity to our local needs and to what makes our community special. Also, Bercy Chen is relocating their offices just a few minutes from the Gunter Street properties, so they will be uniquely positioned to stay attuned to the neighborhood's needs as they oversee the project's construction.

We believe that, under Bercy Chen, this project will positively contribute to the community – and appreciate your consideration for supporting the requested rezoning and Neighborhood Plan Amendment cases.

Sincerely,

A handwritten signature in black ink, reading "James H Means Jr". The signature is written in a cursive, flowing style.

James H. Means, Jr.