

ZONING CHANGE REVIEW SHEET

CASE: C14-99-0069.01 - 200 S Congress Avenue DISTRICT: 9

ZONING FROM: LI-PDA-NP

TO: LI-PDA-NP, to change conditions of zoning

ADDRESS: 220 ½, 210, 208 and 200 S. Congress Avenue

SITE AREA: 0.575 acre

PROPERTY OWNER:

Bathaus Management, LLC (Sherry Matthews)

AGENT:

Drenner Group, PC (Leah M Bojo)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. *For a summary of the basis of staff's recommendation, see page 2.*

SMALL AREA PLANNING JOINT COMMITTEE ACTION / RECOMMENDATION:

February 9, 2022

February 2, 2022 Small Area Planning Joint Committee meeting was cancelled.

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 8, 2022 Scheduled for Planning Commission

CITY COUNCIL ACTION:

March 3, 2022 Scheduled for City Council

ORDINANCE NUMBER:

ISSUES

Section 25-2-2-282 (A) (*Land Use Commission Public Hearing and Recommendation*) of the Code requires that the case be reviewed by SAPJC before the public hearing at PC and does not provide for any exceptions. There are no known issues at this time and staff has not received any written or emailed comments in favor of or in opposition to this rezoning case.

CASE MANAGER COMMENTS:

This tract is approximately 0.575-acre in size and located on the west side of S. Congress Avenue. It is currently developed with a commercial office building and zoned LI-PDA-NP. Adjacent zoning consists of PUD-NP to the west, CS-1-V-NP to the south, PUD-NP zoning to the east across S. Congress Avenue, and the Lady Bird Lake (unzoned area) with a small amount of LI-PDA-NP and L-NP to the north, please see *Exhibit: A Zoning Map* and *Exhibit B: Aerial Map*.

The future land use map (FLUM) designates this property as “mixed use” and therefore does not require a neighborhood plan amendment (NPA) to be considered with the rezoning request.

The applicant is requesting to amend their current PDA, please see *Exhibit C: Ordinance No. 001026-60 Redlines*. Amendments to the existing ordinance include the following:

- Section 1: Removal of “March 14, 1999” to allow the PDA moving forward to be compliant with existing code expect as stated within the PDA.
- Section 2B: Removal of “Indoor entertainment” and “Restaurant (drive in, fast food)” from the prohibited land uses list to allow for these uses to be permitted onsite.
- Section 3D: Removal of Access requirements and limitations.
- Section 5: Removal of March 14, 1999, parking requirements language with additional language to be added that a Transportation Demand Management (TDM) Plan shall be submitted at time of site plan subject to the approval of ATD.

Zoning staff has confirmed with the Austin Transportation Department (ATD) staff that the applicant’s proposed changes to the PDA relating to access, and transportation requirements can be removed. ATD has confirmed that these items will be reviewed during the site planning process when a Transportation Demand Management (TDM) Plan is submitted.

BASIS OF RECOMMENDATION:

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

This tract is in a commercially dense area. The adjacent tract to the west is zoned PUD-NP and allows “Indoor entertainment” and “Restaurant (drive in, fast food)” as permitted land

uses. Rezoning this tract to allow for these land uses would be consistent with the existing zoning pattern.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	LI-PDA-NP	Administrative and Business Offices
North	LI-PDA-NP, L-NP, Not Zoned	Undeveloped, Lady Bird Lake
South	CS-1-V-NP	General Retail Sales
East	PUD-NP	Industrial
West	PUD-NP	Hotel-Motel

NEIGHBORHOOD PLANNING AREA: Bouldin Creek Neighborhood Plan

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

WATERSHED: Lady Bird Lake

OVERLAYS: ADU Approximate Area Reduced Parking, Capitol View Corridors (South Congress at East Live Oak), Residential Design Standards, Scenic Roadways Overlay (Barton Springs Road), Selected Sign Ordinances, Waterfront Overlay (South Shore Central)

SCHOOLS: Travis Heights Elementary, Lively Middle and Travis High Schools

NEIGHBORHOOD ORGANIZATIONS

- | | |
|---|---|
| Austin Independent School District | Neighborhood Empowerment Foundation |
| Austin Lost and Found Pets | Preservation Austin |
| Austin Neighborhoods Council | SELTexas |
| Bouldin Creek Neighborhood Association | Sierra Club, Austin Regional Group |
| Bouldin Creek Neighborhood Plan Contact | South Central Coalition |
| City of Austin Downtown Commission | South Central Waterfront Advisory Board |
| Downtown Austin Alliance | South River City Citizens Assn. |
| Friends of Austin Neighborhoods | Zoning Committee of South River City Citizens |
| Greater South River City Combined | |
| Homeless Neighborhood Association | |

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2007-0220 C14-2007-0224 Vertical Mixed Use (VMU) Zoning Cases	Area wide plans: To add VMU to various tracts in the Greater South River City and the Bouldin NP Areas	Recommended adding V to zoning districts.	Approved adding VMU to tracts (12/13/2007)
C814-06-0106 C814-06-0106.01 C814-06-0106.02 Hyatt PUD 208 Barton Springs	CS-1-NP and L-NP to PUD-NP Amendments were to add additional permitted uses within PUD.	Recommended PUD-NP with conditions. Recommended both amendments.	Approved PUD-NP (2/15/2007) Approved both amendments (9/26/2013 and 8/7/2014)
C14-05-0139 Greater South River City Combined Neighborhood Plan	Area wide plan: to create the Greater South River City Combined NP area.	Recommended adding NP to zoning districts.	Approved Neighborhood Plan (9/28/2005)
C814-89-0003.02 305 S. Congress PUD	PUD-NP to PUD-NP, to change conditions of zoning	In review.	In review.

RELATED CASES:

C14-2017-0026: This was the Bouldin Creek Neighborhood Plan Garage Placement Zoning case. It was an area wide plan to add garage placement provisions to Bouldin Creek Neighborhood Area Plan. It was recommended by the Planning Commission but was indefinitely postponed by staff, City Council never acted on this case.

C14-02-0031: This was the creation of the Bouldin Creek Neighborhood Plan (ordinance no. 020523-33). The base zoning of this tract did not change during this process.

C14-99-0069: This was the original rezoning case for this property. The request was to rezone from LI to LI-PDA. It was recommended by the Planning Commission and approved by the City Council on October 26, 2000.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
S. Congress Avenue	111'	116'	60'	3	Yes	Yes

OTHER STAFF COMMENTS:Comprehensive Planning*South Central Waterfront (SCW) Vision Framework Plan*

The 0.57-acre property is located within the South Central Waterfront (SCW) Vision Framework Plan district boundaries. The property is not envisioned in the SCW Vision Framework Plan to be eligible for additional entitlements through the regulating plan (cannot opt-in). The applicant is requesting to rezone this property to allow for additional uses that are currently not permitted, to eliminate the minimum parking requirement, and to modify access to the site:

- Allow Indoor Entertainment and Restaurant (General and Limited) as permitted uses
- Remove minimum parking requirements for the property
- Remove access restrictions which currently require access through joint use access easement with adjacent property

Allowance of additional uses on the site and the elimination of a minimum parking requirement support the overall goals of the SCW Vision Framework Plan to create a vibrant, mixed-use environment that is more pedestrian-friendly.

Removal of access restrictions could potentially run counter the SCW Vision Framework Plan if the result means increased traffic to the Barton Springs Road access point (which is currently restricted to emergency vehicles only). The SCW Vision Framework Plan envisions this access point as eventually being closed to facilitate development of Nightwing Plaza; this will be more difficult in the future if the Barton Springs Road access is opened to all traffic and/or the joint use access agreement is terminated. Staff acknowledges that the existing access agreement is private and would encourage the developer to maintain this agreement with the adjacent property.

Based on the information above, staff believes that the proposed zoning change request is supported by the SCW Vision Framework Plan, as long as the existing access restrictions, including the joint use access agreement, remain in place.

Austin Fire Review

AFD does not oppose the modification to Ordinance No. 0010260-60. However, the applicant shall recognize that deleting Section D. Access, does waive any requirements for fire department access, water supply for firefighting, or building access already established in the 2021 International Fire Code, as amended and adopted by the City of Austin. This includes enforcement in existing fire lanes.

Environmental Officer

EO 1. Please remove the grandfathering clause from Section 1 of Exhibit C.

Applicant agreed to remove date in Section 1 of the existing PDA ordinance. Comment cleared on December 3, 2021, please see *Exhibit C: Ordinance No. 001026-60 Redlines*.

Environmental Review

EV 1. Please remove the grandfathering clause from Section 1 of Exhibit C.

Applicant agreed to remove date in Section 1 of the existing PDA ordinance. Comment cleared on December 3, 2021, please see *Exhibit C: Ordinance No. 001026-60 Redlines*.

PARD Review

PR1: There are currently no parkland requirements for uses other than residential and hotel. Given that the application is to allow additional non-residential uses, there would not be parkland dedication requirements for those uses at the time of site plan or subdivision.

Site Plan

Site plan comments will be made at time of site plan submittal. There are no site plan comments on the PDA revision at this time.

Transportation

Proposed Revision:

~~D. Access~~

~~Primary vehicular access to the Property is from the adjacent tract (Hyatt Hotel, Lot A, TL Subdivision 3 A). A site plan may not be approved until the joint use access agreement with the adjacent tract is recorded.~~

~~The existing site access point to Barton Springs Road shall be for emergency access only.~~

ATD 1. If these restrictions are removed, ATD proposes that they are replaced with a provision that TCM standards shall apply to any proposed vehicle access; to be reviewed at the time of site plan.

Applicant and ATD agreed upon language to be added to the new ordinance relating to ATD concerns. Comment cleared on December 20, 2021, please see *Exhibit C: Ordinance No. 001026-60 Redlines*.

Proposed Revision:

Section 5. Transportation

Development of the Property is limited to 56 condominium units. A Transportation Impact Analysis (“TIA”) waiver was obtained when this zoning case was filed. The development of the Property shall ~~be subject to all parking requirements specified in the City Code as adopted March 14, 1999.~~ **not be subject to minimum parking requirements.**

ATD 2. ATD is agreeable to this code modification so long as any site developments on the property submit a Transportation Demand Management Plan, at the time of site plan, subject to ATD approval.

Applicant and ATD agreed upon language to be added to the new ordinance relating to ATD concerns. Comment cleared on December 20, 2021, please see *Exhibit C: Ordinance No. 001026-60 Redlines*.

Austin Water Utility

No AW comments. Any existing AW PUE’s must remain.

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Ordinance No. 001026-60 Redlines