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 (25,047 square feet)

PROPERTY OWNER:
Rivian Lone Star Holdings, LLC (Isaac Howell)

AGENT:
Drenner Group, PC (Leah M Bojo)

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

STAFF RECOMMENDATION:

Staff recommends limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. *For a summary of the basis of staff's recommendation, see pages 2 - 3.*

SMALL AREA PLANNING JOINT COMMITTEE ACTION / RECOMMENDATION:

February 9, 2022 **Approved an amendment to LI-PDA-NP district zoning as Staff recommended, with additional conditions to: 1) prohibit drive-through services as an accessory use; 2) require ADA access from South Congress Avenue; 3) reduce the amount of impervious cover; and 4) explore public access through the site to the hike-and-bike trail after business hours. [B. Greenberg, J. Thompson – 2nd] Vote: 5-0. P. Howard, J. Mushtaler – Off the dais**

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

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 22, 2022 **Approved an amendment to LI-PDA-NP district zoning as Staff recommended and with the conditions included in the Small Area Planning Joint Committee recommendation except for reducing impervious cover. [A. Azhar; C. Hempel – 2nd] Vote: 9-4, Commissioners Cox, Llanes Pulido, Mushtaler and Praxis voted Nay.**

February 8, 2022 Approved a postponement to February 22, 2022. Vote: 11-0. [Commissioner Shieh – 1st, Commissioner Cox – 2nd; Commissioner Connolly not present for passage of the consent agenda; Commissioner Praxis was absent.

CITY COUNCIL ACTION:

March 24, 2022

March 3, 2022 Approved a postponement request by the adjacent property owners to March 24, 2022. Vote: 10-0, Mayor Adler was off the dais.

ORDINANCE NUMBER:

ISSUES:

Austin Transportation Department Staff has requested postponement of this case in order to further discuss alternative access points to the property with the Applicant. Please refer to postponement request attached to the back of the Staff report.

Signatures have been submitted in response to the above-referenced rezoning case, opposing a rezoning of the property to anything other than the existing LI-PDA-NP combining district zoning. The petition includes 35.82% of eligible signatures, and meets the 20% threshold for a valid petition. Petition materials and correspondence received are located at the back of the Staff report.

The Applicant is in agreement with the Small Area Planning Joint Committee's recommendation to prohibit drive-through uses as an accessory use. The Applicant also reports that ADA access will be provided from the South Congress doors and an elevator will be installed inside the building. In addition, the Applicant is amenable to providing access through the site to the Butler hike-and-bike trail during business hours, but cannot commit to after-hours access at this time. The Applicant is still evaluating a reduction in impervious cover.

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. The property was platted prior to construction of the South Congress bridge; there is a pedestrian access to South Congress Avenue and a (private) joint use access agreement with the adjacent property owner (a hotel) to Barton Springs Road. 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 in order to facilitate an adaptive re-use of the building, please see *Exhibit C: Ordinance No. 001026-60 Redlines*. Intended uses of the property include speaker series, artist partnerships, community garden, restaurant / café, market, and library / learning space. 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 except 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

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

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)

Number	Request	Commission	City Council
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

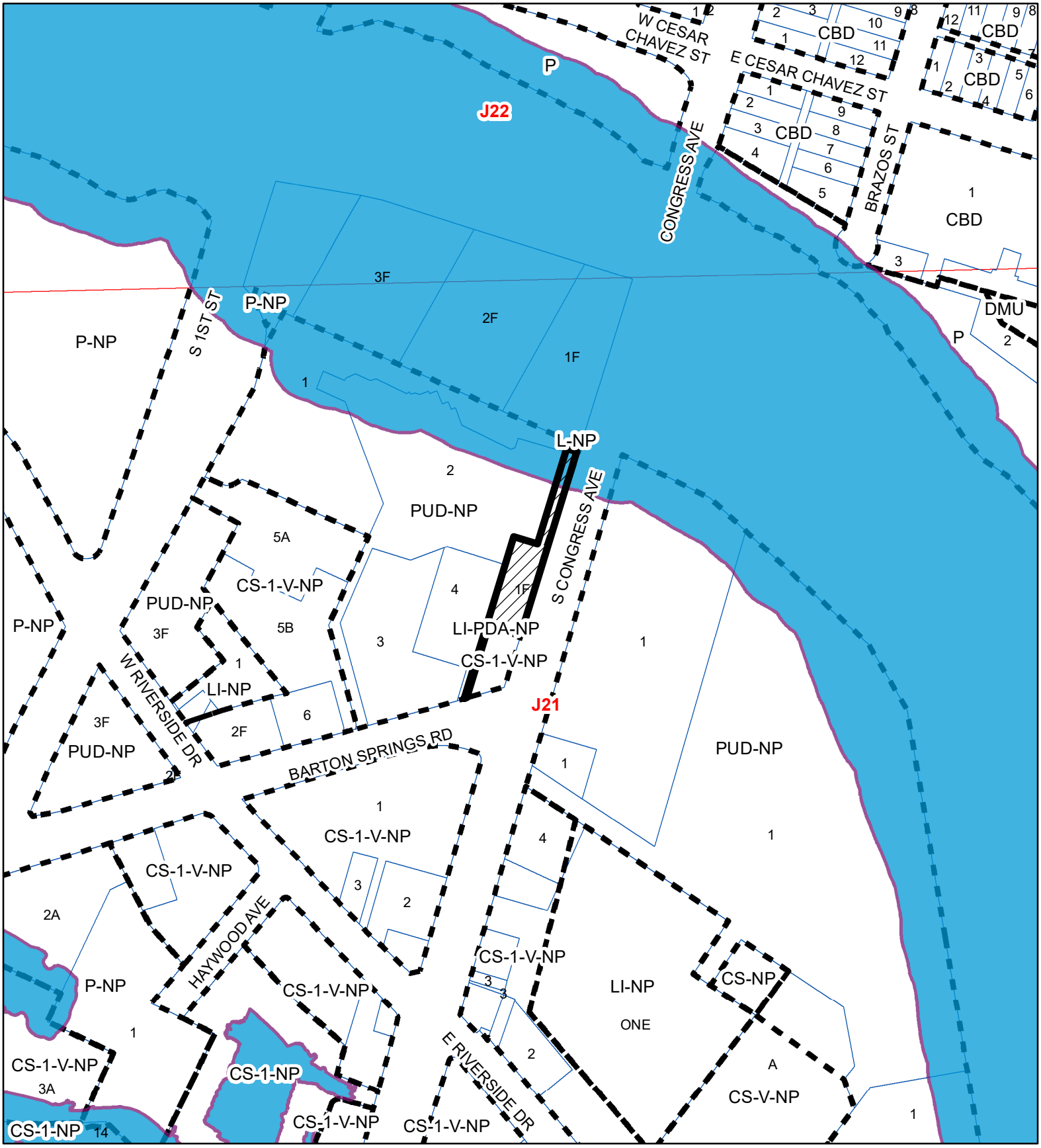
Exhibit C: Ordinance No. 001026-60 Redlines

Questions and Answers

Correspondence Received

Petition Information

Postponement Requests



N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

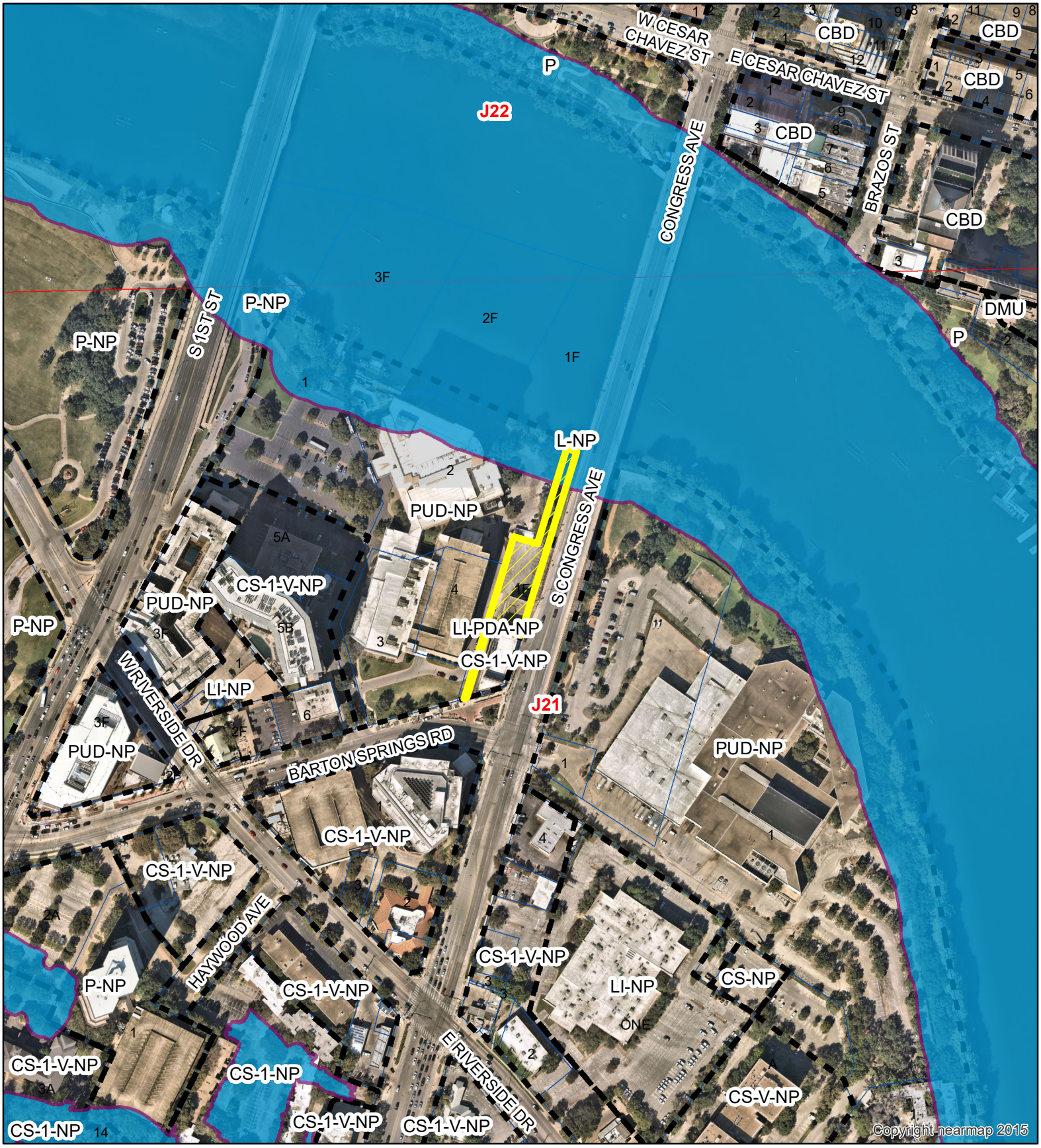
1" = 300'

200 S. Congress Ave

Exhibit A

ZONING CASE#: C14-99-0069.01
LOCATION: 200 S. CONGRESS AVENUE
SUBJECT AREA: 0.58 Acres
GRID: J21
MANAGER: KATE CLARK

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

200 S. Congress Ave

Exhibit B

ZONING CASE#: C14-99-0069.01
LOCATION: 200 S. CONGRESS AVENUE
SUBJECT AREA: 0.58 Acres
GRID: J21
MANAGER: KATE CLARK

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Redline Copy

ORDINANCE NO. 001026-60

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

A 5.575 ACRE TRACT OF LAND OUT OF THE ISAAC DECKER LEAGUE, FROM LIMITED INDUSTRIAL SERVICES (LI) DISTRICT TO LIMITED INDUSTRIAL SERVICES-PLANNED DEVELOPMENT AREA (LI-PDA) COMBINING DISTRICT, LOCALLY KNOWN AS 200-210 SOUTH CONGRESS AVENUE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Zoning Map established by Section 25-2-191 of the City Code is amended to change the base zoning district from limited industrial services (LI) district to limited industrial services-planned development area (LI-PDA) combining district on the property described in file C14-99-0069, as follows:

> A 5.575 acre tract of land out of the Isaac Decker League in Austin, Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 200-210 South Congress Avenue, in the City of Austin, Travis County, Texas, and more particularly identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the Planned Development Area combining district established by this ordinance shall conform to the site development standards as set forth in the "Site Development Standards" attached as Exhibit "C" to this ordinance. Except as specifically modified under this ordinance, the Property may be developed and used in accordance with the regulations established for the Limited Industrial Services (LI) base district and other applicable requirements of the City Code.

PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

Redline Copy

PART 4. This ordinance takes effect on November 6, 2000.

PASSED AND APPROVED

October 26, 2000

§
§
§

Kirk Watson
Mayor

APPROVED: Andrew Martin
Andrew Martin
City Attorney

ATTEST: Shirley A. Brown
Shirley A. Brown
City Clerk

Redline Copy

FIELD NOTE DESCRIPTION

OF 0.575 OF AN ACRE OF LAND

OUT OF THE ISAAC DECKER LEAGUE

IN TRAVIS COUNTY, TEXAS

BEING DESCRIBED AS THREE TRACTS OF LAND RECORDED IN VOLUME 1316, PAGE 108 OF THE D.R.T.C.T., AND BEING OUT OF LOT 1, BLOCK "F" OF THE SWISHERS ADDITION TO THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THERE OF, RECORDED IN VOLUME 1, PAGE 2, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACTS OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN IRON PIPE FOUND ON THE NORTH RIGHT OF WAY OF BARTON SPRINGS ROAD, FOR THE MOST SOUTHERLY SOUTHEAST CORNER OF, T.L. SUBDIVISION 3-A, RECORDED IN PLAT BOOK 82, PAGE 380, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, N 19°00'00"E, A DISTANCE OF 400.10 FT., WITH THE EAST LINE OF T.L. SUBDIVSION, TO A HOLE PLACED IN A CONCRETE SLAB, FOR THE NORTHWEST CORNER OF TRACT 1;

THENCE, S 71°06' 00"E, A DISTANCE OF 58.35 FT., CONTINUING WITH THE LINE OF THE T.L SUBDIVISION TO A STEEL PIN FOUND FOR THE SOUTHWEST CORNER OF THE FORESAID TRACT 2;

THENCE N 19°00'00"E, A DISTANCE OF 235.16 FT., CONTINUING WITH AN EAST LINE OF T.L. *SUBDIVISION, (PASSING A STEEL PIN ON LINE AT 209.36 FT.,) TO A POINT SUBMERGED IN* THE COLORDO RIVER, FOR THE NORTHEAST CORNER OF THE T.L. SUBDIVSION 3, AND THE NORTHWEST CORNER OF TRACT 2, AND THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, S 71°00'00"E, A DISTANCE OF 25.00FT., DOWN THE COLORADO RIVER TO A SUBMERGED POINT FOR THE NORTHEAST CORNER OF TRACT 2, AND THE NORTHEAST CORNER OF THIS TRACT;

THENCE, S 19°00'00"W, WITH THE WEST LINE OF SOUTH CONGRESS AVE., PASSING A STEEL PIN SET ON A LINE AT 25.91', PASSING THE NORTEAST CORNER OF TRACT 1, AT 235.27', AND IN ALL 454.11FT., TO A STEEL PIN SET AT THE SOUTHEAST CORNER OF THE TRACT 1, FOR A CORNER OF THIS TRACT;

THENCE, N 71°05'00"W, A DISTANCE OF 78.35 FT., WITH THE SOUTH LINE OF TRACT 1, WITH THE NORTH LINE OF WILLARD FINKELSTEIN TRACT RECORDED IN VOLUME 829, PAGE 498, OF THE FORESAID DEED RECORDS TO A CROSS CUT IN CONCRETE, FOR THE NORTHEAST CORNER OF FORESAID TRACT 3;

THENCE, S 19°00'00"W, A DISTANCE OF 177.94 FT., WITH THE EAST LINE OF TRACT 3, AND THE WEST LINE OF THE FINKELSTEIN TRACT, TO AN IRON PIPE FOUND IN THE NORTH RIGHT OF WAY OF BARTON SPRINGS ROAD FOR A CORNER OF THIS TRACT;

THENCE, S 76°20'00"W, A DISTANCE OF 5.94 FT., WITH THE NORTH LINE OF BARTON SPRINGS ROAD, TO A PLACE OF BEGINNING AND CONTAINING 0.575 OF AN ACRE OF LAND.

SURVEYED: OCTOBER 12.1993

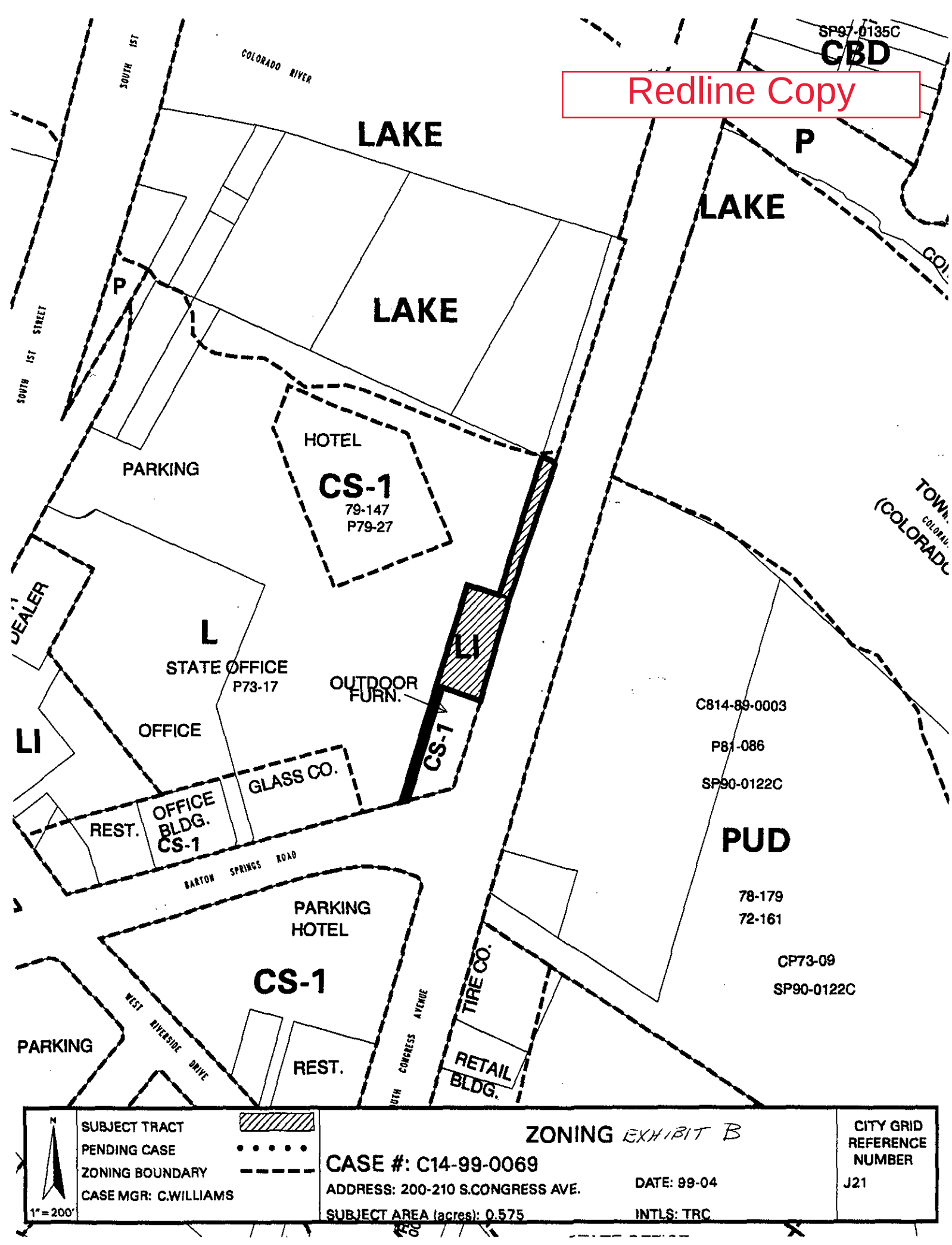
BY: _____

L.G. FRIAR, REG. PROFESSIONAL LAND SURVEYOR NO. 1505
FOR FRIAR SURVEYING AND MAPPING
AUSTIN, TEXAS

STATE OF TEXAS
REGISTERED
L.G. FRIAR
1505
PROFESSIONAL
LAND SURVEYOR

UPDATED: JULY 15,1996
UPDATED: AUGUST 5,1996
REVISED: SEPTEMBER 25,1996
UPDATED: FEBRUARY 2,1999

EXHIBIT A


Redline Copy
SP97-0135C
CBD
LAKE
COLORADO RIVER
SOUTH 1ST
SOUTH 1ST STREET
P
LAKE
P
LAKE
HOTEL
CS-1
79-147
P79-27
PARKING
L
STATE OFFICE
P73-17
OUTDOOR FURN.
LI
CS-1
OFFICE
GLASS CO.
REST.
OFFICE BLDG.
CS-1
BARTON SPRINGS ROAD
C814-89-0003
P81-086
SP90-0122C
PUD
78-179
72-161
CP73-09
SP90-0122C
PARKING
HOTEL
CS-1
WEST RIVERSIDE DRIVE
PARKING
REST.
SOUTH CONGRESS AVENUE
TIRE CO.
RETAIL BLDG.
SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: C.WILLIAMS
1" = 200'
ZONING EXHIBIT B
CASE #: C14-99-0069
ADDRESS: 200-210 S.CONGRESS AVE.
DATE: 99-04
SUBJECT AREA (acres): 0.575
INTLS: TRC
CITY GRID REFERENCE NUMBER
J21

Redline Copy

EXHIBIT "C"

SITE DEVELOPMENT STANDARDS

Section 1. Applicable Site Development Regulations

Development of the Property shall comply with applicable City of Austin regulations ~~as of March 14, 1999,~~ except as modified herein. Development on the Property will occur within three years of the release of an approved site plan for this project.

Section 2. Uses

A. Authorized Uses

1. All limited industrial services uses, except as set forth in Subsection B of this section.

2. Residential uses, as permitted in Section 25-2-691 (B) (*Waterfront Overlay District Uses)* of the City Code.

B. Prohibited Uses

Automotive sales
Campground
Club or lodge
Congregate living
Exterminating services
~~Indoor entertainment~~
Outdoor entertainment
Railroad facilities
Residential treatment
~~Restaurant (drive-in, fast food)~~
Service station
Theater
Convenience storage
Transitional housing
Automotive rentals
Automotive repair services
Automotive washing (of any type)
Drop-off recycling collection facility
Laundry services
Local utility services
Maintenance and service facilities
Recycling center
Scrap and salvage
Transportation terminal
Vehicular storage

C. Planning Commission-Approved Site Plan

The requirements of Article 3 of Chapter 25-5 of the City Code concerning conditional use site plans apply to development of the Property.

Redline Copy

Section 3. Site Development Regulations

A. Performance Standards

Development of the Property shall comply with Section 25-2-648 (*Planned Development Area Performance Standards)* of the City Code.

B. Development Regulations

1. Development of the Property shall comply with the following site development regulations:

Impervious Cover	96.2%
Building Coverage	80%
Floor to Area Ratio	4.12:1
Interior Side Yard Setbacks	0
Rear Yard Setbacks	0

2. Calculations for zoning impervious cover, building coverage, and floor-to-area ratios shall be based on the gross site area of the entire Property.

C. Waterfront Overlay District Regulation

Regulations for the waterfront overlay district and the South Shore Central District and provisions for allowances and variances set forth in the City Code as of March 14, 1999, shall apply to development of the Property.

~~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.~~

~~E.~~ **D.** Primary and Secondary Setbacks

Primary and secondary setbacks shall be comply with Section 25-2-742 (B) and (C) *(South Shore Central Subdistrict Regulations)* of the City Code.

Redline Copy

~~F.~~ **E.** Base Wall Height

The maximum height of the base wall may not exceed 45 feet as measured from the average grade of the Congress Avenue sidewalk adjacent to the tract.

~~G.~~ **F.** Building Height

Building height may not exceed 60 feet as measured from the average grade of the Congress Avenue sidewalk.

~~H.~~ **G.** Residential Use.

Minimum site area for a condominium residential use is 440 square feet of gross site area per unit.

H. Restaurant Use. A Restaurant (General) or Restaurant (Limited) use shall not include a drive-thru.

Section 4. Landscaping

Landscaping on the Property shall comply with the City Code and City of Austin regulations.

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. At the time of site plan, a Transportation Demand Management (TDM) Plan shall be submitted, subject to approval by Austin Transportation Department.**

Section 6. Water Quality

A. Payment-in-lieu or water quality control shall be requested for this project.

B. Sedimentation/filtration basins designed in accordance with the City of Austin Environmental Criteria Manual to treat the contaminated storm water runoff from the site shall be provided on-site if the payment-in-lieu option for water quality control is not allowed.

Section 7. Critical Environmental Features

There are no known critical environmental features on the Property.

Section 8. Accessibility

A. Building Accessibility

The existing building shall be updated to have ADA accessibility from S. Congress Ave. prior to issuance of any Certificate of Occupancy associated with a change of use.

B. Site Accessibility

The developer shall explore the feasibility of providing access through the site to the Butler hike-and-bike trail beyond business hours.

February 22, 2022 Planning Commission Question and Answer Report

B-04

Chair Shaw, Staff response in red.

B4

Backup states: "The subject property is developed with plant nursery land use and was rezoned from SF-3 to CS-MU-CO-NP as part of the Govalle Neighborhood Plan in 2002-2003."

Why was the property rezoned from SF3 to CS? Was the use at the time out of conformance with the zoning? **Correct, it was already a plant nursery in 2002-2003.**

Why is it important to remove the RC now? **The agent has stated to staff that the owner wants to clear the title.**

Does the owner plan on developing the site and use it differently? **The agent has not stated any proposed land use or redevelopment plans.**

If use is going to change, wouldn't it be better to change zoning to appropriate residential use instead of commercial zoning with extensive conditions? **The current request is to remove the RC from the properties. A rezoning request has not been filed or reviewed.**

B-05

Commissioner Mushtaler

Is this opposite the 305 S Congress? We just had long discussions about the traffic and Barton Springs? Does removing the joint access make sense? Doesn't all this need to be taken into larger context? There are a lot of moving parcels in this area and removing the joint access would mean more driveways, vehicular ingress/egress which seems counter to safer biker lanes and pedestrian that we just insisted 305 do?

Staff Response:

The City cannot compel another property (exclusive of the active zoning case) to provide a joint use access. The existing joint use access agreement is a private agreement to which the City was not a party and may be terminated by either land owner.

Due to the legal constraints in recognizing the existing easement and requiring a new one, ATD has agreed to the proposed removal of the clause. As to the driveway design itself, the TCM (and SCWP if adopted), will govern any changes to the existing driveway or any future proposed driveway with bicycle and pedestrian safety in mind.

Jerry.Rusthoven@austintexas.gov
Joi.Harden@austintexas.gov
wendy.rhoades@austintexas.gov

Re: Zoning Protest Case #C14-99-0069.01
200 So Congress Ave

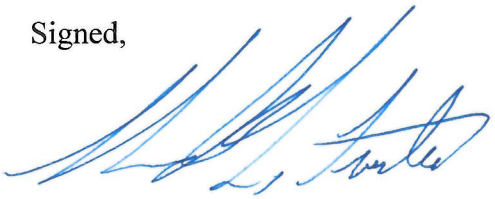
Dear Jerry, Joi, and Wendy,

This letter is written in my capacity as Richard T. Suttle, Trustee.

Richard T. Suttle, Trustee is the owner of the property located at 305 So. Congress. 305 So. Congress is within 200 feet of the property subject to the above referenced zoning case.

Richard T. Suttle, Trustee protests the change in zoning in the above referenced zoning case.

Signed,



Richard T. Suttle, Trustee

RAMROCK Yeti JKC, LP
4550 Travis Street, Suite 250
Dallas, Texas 75205

February 18, 2022

To: Jerry Rusthoven Jerry.Rusthoven@austintexas.gov
Joi Harden Joi.Harden@austintexas.gov

RE: 200 South Congress Ave. Case #C14-99-0069.01

Dear Mr. Rusthoven and Ms. Harden:

Ramrock Yeti JKC, LP is the owner of the property located at 220 South Congress Ave., which is adjacent to the subject property in the above-referenced zoning case.

Ramrock Yeti JKC, LP hereby protests the zoning change requested in the above-referenced case. Please provide us a status report on all zoning and permit applications filed related to the property located at 200 South Congress Ave.

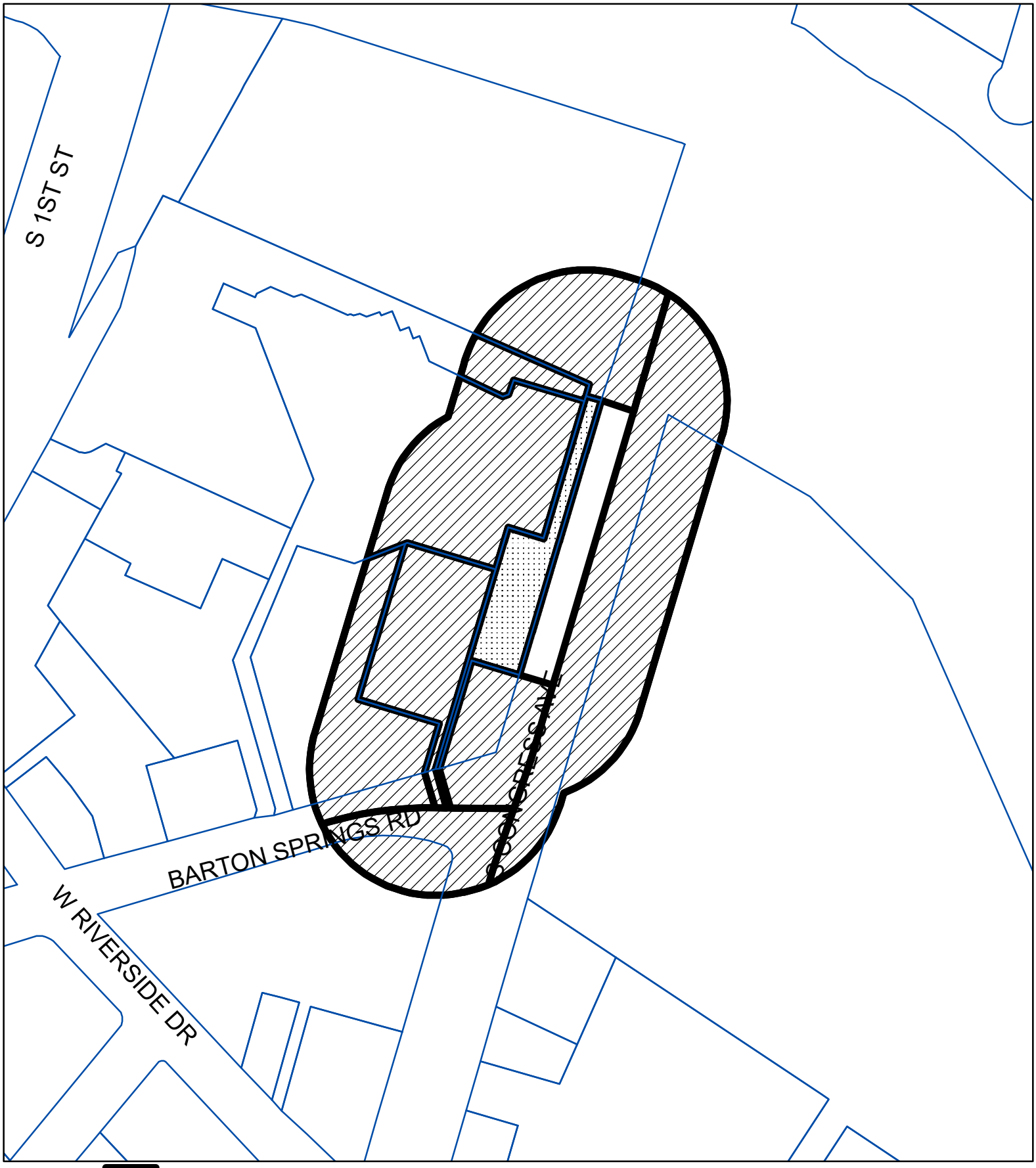
Sincerely,

RAMROCK Yeti JKC, LP

By: Ramrock Manager, LLC
Its: General Partner

Robert Dozier, President

539963



N

BUFFER
PROPERTY_OWNER
SUBJECT_TRACT

PETITION

Case#: C14-99-0069.01

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1 " = 200 '

CITY OF AUSTIN
FOUNDED 1839

Case Number:

C14-99-0069.01

PETITION

Date: 2/23/2022

Total Square Footage of Buffer: 399737.906

Percentage of Square Footage Owned by Petitioners Within Buffer: 35.82%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0203000211	S 1 ST 78704	CITY OF AUSTIN	no	40882.12	0.00%
0203000220	BARTON SPRINGS RD 78704	HHR AUSTIN LLC	no	44090.18	0.00%
0203000221	208 BARTON SPRINGS RD 78704	HHR AUSTIN LLC	no	63901.97	0.00%
0203000219	112 BARTON SPRINGS RD 78704	HHR AUSTIN LLC	no	40948.55	0.00%
0203000202	220 S CONGRESS AVE 78704	RAMROCK YETI JKC LLC	yes	28934.40	7.24%
0203020202	305 S CONGRESS AVE 78704	SUTTLE RICHARD T TRUSTEE	yes	114265.40	28.59%
0203000222	S 1 ST 78704	TANTALLON AUSTIN LLC	no	10027.51	0.00%
0202000208	300 S CONGRESS AVE 78704	WEBSTER INTEREST 300 SOUTH	no	31234.91	0.00%
Total				**374285.03**	**35.82%**

From:
To: Truelove, Rosie
Cc: Rusthoven, Jerry; Harden, Joi; Rhoades, Wendy; Barua, Upal
Subject: Postponement Request #C14-99-0069.01
Date: Thursday, February 24, 2022 7:12:08 PM

*** External Email - Exercise Caution ***

Dear Ms. Truelove,

This correspondence is written by and on behalf of the owner of the property located at 305 So. Congress (aka "Statesman" property). The owner is an interested party as defined by 25-1-131 and has signed a valid petition protesting the proposed rezoning. Another neighboring property owner has also signed the valid petition.

Pursuant to Section 25-2-283, I am requesting a postponement of the above referenced zoning case to the March 24th agenda. This is the first request for postponement. The reason for the postponement is to provide additional backup for City Council consideration and to allow time for the interested party to meet with the applicant. To date the applicant has not been in contact with the owners of property affected by the rezoning. There is information related to the proposed lifting of a prior Council condition on this case that does not appear in the City Staff backup and does not appear to be taken into account by the City staff reviewers.

Thank you in advance for your consideration of this postponement request.

Very truly yours,

Richard T. Suttle
Richard T. Suttle, Trustee

Richard T. Suttle, Jr.
Armbrust & Brown, PLLC
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744
(512) 435-2310 - Direct
(512) 435-2360 - Facsimile

Logo

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M E M O R A N D U M

TO: Wendy Rhoades, Case Manager, Housing & Planning Department

CC: Joi Harden, Division Manager, Housing & Planning Department
Curtis Beaty, Managing Engineer, Transportation Development Services, Austin Transportation Department

FROM: Upal Barua, Development Officer, Austin Transportation Department

Upal Barua

DATE: March 11, 2022

SUBJECT: **C14-99-0069.01** (**200 S. Congress Avenue)**

Austin Transportation Department (ATD) is requesting a staff postponement of this case to collaborate with the applicant regarding potential alternative access points to the site.

While discussion of site access is typically deferred to the site planning phase, one of the primary provisions of this PDA amendment is the removal of an existing site access stipulation. Since Planning Commission, ATD has become aware of additional information, including specifics of the applicant's private access agreements with neighboring properties along with the grade challenges along South Congress. This new information precipitates a need to further discuss access alternatives and implications on safety and mobility with the applicant. Considering these additional factors, ATD would like to reconsider its recommendation in support of the PDA amendment removing the access restriction.

We would like to use the postponement to work with the applicant, the City Law Department and Housing & Planning Department come to an amenable alternative.