

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0088 (903 West Avenue & 704 W 9th Street) DISTRICT: 9

ADDRESS: 903 West Avenue and 704 W 9th Street

ZONING FROM: GO

TO: DMU-CO*

*The applicant is proposing a conditional overlay to:

- 1) Limit the maximum height to 60 feet on the property.
- 2) Prohibit the following uses on the property:
 - Bail bond services
 - Pawn shop
 - Liquor sales and
 - Outdoor entertainment.
- 3) Cocktail lounge use shall be limited to a maximum of 1,000 square feet per conditional use permit.
- 4) Off-site accessory parking associated with a cocktail lounge use is prohibited.

SITE AREA: 0.2360 acres

PROPERTY OWNER: 903 W Ave Owner LLC & 704 W 9th LLC

AGENT: Drenner Group (Amanda Swor)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends DMU-CO, Downtown Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will limit the height to a maximum of 60 feet, prohibit Bail Bond Services, Pawn shop Services, Liquor sales and Outdoor Entertainment uses, limit a Cocktail Lounge use to a maximum of 1,000 square feet through a conditional use permit and prohibit Off-Site Accessory Parking that is associated with a Cocktail Lounge use on the property.

PLANNING COMMISSION ACTION / RECOMMENDATION:

October 24, 2023: Approved staff's recommendation of DMU-CO zoning by consent (12-0, T. Shaw-absent); G. Anderson-1st, F. Maxwell-2nd.

CITY COUNCIL ACTION:

November 30, 2023

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property under consideration consists of two parcels that are developed with a single-family residences and a professional office use, with an associated paved parking area. There are office uses and DMU-CO and GO zoning surrounding the property to the north, south, east and west. In this application, the owner is requesting DMU-CO zoning, with a conditional overlay to limit the height on property to a maximum of 60 feet, prohibit Bail Bond Services, Pawn shop Services, Liquor sales and Outdoor Entertainment uses, limit a Cocktail Lounge use to a maximum of 1,000 square feet through a conditional use permit and prohibit Off-Site Accessory Parking that is associated with a Cocktail Lounge use on the property. The applicant plans to reuse of the existing structures for permitted hotel and restaurant uses (*please see Applicant's Request Letter and Amendment Request Letter – Exhibit C*). The property is located within the Northwest District in the Downtown Area Plan in an area that is ineligible for participation in the Downtown Density Bonus Program.

The staff recommends DMU-CO, Downtown Mixed Use-Conditional Overlay Combining district, zoning. The proposed zoning is compatible and consistent with surrounding land uses and zoning patterns in this area as there is DMU-CO zoning to the north, southwest and west. The Downtown Area Plan calls for DMU 60 for these tracts (*please see attached Exhibit D- Downtown Austin Plan Exhibits*).

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

Downtown Mixed Use district is intended for areas on the periphery of CBD classifications in the central core area, permitting a variety of uses compatible with downtown Austin and allowing intermediate densities as a transition from the commercial core to surrounding districts. Site development regulations are intended to permit combinations of office, retail, commercial, and residential uses within a single development.

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

The proposed DMU zoning would be consistent with the DMU-CO zoning and DMU-H zoning located to the north, south, east and west of this site. There are currently office uses surrounding this site to the north, south, east and west. Across W. 9th Street to the south along West Avenue, there are low density commercial/personal services uses. The Austin Community College Rio Grande Campus is located three blocks to the north (in the DMU-H-CO zoned area), across West 12th Street. There are amenities in this area with a neighborhood park (Duncan Neighborhood Park) one block to the west and a BMX Park (9th Street BMX Park) to the southwest.

The site under consideration fronts onto two level 3, minor arterial roadways and there is access to public transit with a Capital Metro bus route (5) to the west on N. Lamar Boulevard and a Metro Rapid bus route (990) along Guadalupe Street to the east.

This property is within the Northwest District in the Downtown Area Plan. The Downtown Area Plan calls for DMU 60 zoning for these tracts.

3. *The proposed zoning should allow for a reasonable use of the property.*

The proposed DMU-CO zoning would permit the applicant to redevelop the property with supporting uses that would be consistent with the residential, civic, office and low density commercial uses in this area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO	Single Family Residence, Office (Austin City Realty)
<i>North</i>	DMU-CO, GO	Professional Office
<i>South</i>	GO, DMU-CO	Professional Office, Vacant Single Family Residence
<i>East</i>	GO-H, GO, LR-MU-H-CO	Professional Office
<i>West</i>	GO	Offices

NEIGHBORHOOD PLANNING AREA: Downtown Area Plan (Northwest District)

TIA: Deferred to the time of Site Plan

WATERSHED: Shoal Creek

SCHOOLS: Austin I.S.D.
Mathews Elementary School
O. Henry Middle School
Austin High School

NEIGHBORHOOD ORGANIZATIONS:

Austin City Lofts HOA
Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
City of Austin Downtown Commission
Downtown Austin Alliance
Downtown Austin Neighborhood Assn. (DANA)
Friends of Austin Neighborhoods
Historic Austin Neighborhood Association

Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Old Austin Neighborhood Association
 Preservation Austin
 SELTexas
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group
 West Downtown Alliance, Inc.

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0177 (707 West 10 th Street)	GO to DMU	3/28/2023: Approved the applicant's amended request for DMU-CO zoning by consent including the following conditions: 1. The following uses shall be prohibited uses on the Property: • Bail bond services • Pawn shop • Liquor sales • Outdoor entertainment • Off-site accessory parking 2. Limit Cocktail Lounge use to a maximum of 1,000 square feet. 3. The maximum height for the Property shall be 60 feet. Vote: (13-0); J. Thompson-1st, C. Hempel-2nd.	5/04/23: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20230504-050 for DMU-CO combining district zoning was approved without objection on an 11-0 vote.
C14-2022-0141 (12 th & West Rezoning: 801 and 807 West 12th Street and 1108, 1110, and 1112 West Avenue)	CS to DMU	1/10/23: Approved the applicant's amended request for DMU-CO zoning, with a conditional overlay to limit the height on the property to a maximum of 90 feet, by consent (11-0, P. Howard-absent); A. Azhar-1st, J. Thompson-2nd.	2/09/23: Approved DMU-CO zoning on 1st reading only by consent (11-0).
C14-2022-0055 (803 /803 ½ West Ave)	MF-4 to DMU	7/12/22: Approved staff's recommendation of DMU-CO zoning, with a CO to limit the height on the property to a maximum of 60 feet, by consent (9-0, Y. Flores, J. Mushtaler, S. Praxis, C. Llanes-Pulido-absent); J. Shieh-1st, J. Thompson-2nd.	9/01/22: Approved DMU-CO zoning by consent on all 3 readings (11-0); A. Alter-1st, K. Tovo-2nd.
C14-2021-0078 (Shoal Cycle: 812 W. 11th Street)	LO, GO, MF-4 to DMU-CO	6/22/21: Approved DMU-CO zoning, with the CO for a maximum height of 90 FEET, as	8/26/21: Approved DMU-CO, with CO for max 90ft height as rec. by PC, on all readings

		applicant requested; with an additional condition that Office use above the 1 st floor is conditional (11-0, S. Praxis and C. Llanes-Pulido-abstained); J. Shieh-1 st , G. Cox-2 nd .	
C14-2020-0036 (827 W. 12th Street)	DMU-CO to DMU-CO	5/12/20: Approved staff's rec. of DMU-CO, with a CO to limit the height to 90 feet, on consent (13-0); P. seeger-1 st , G. Anderson-2 nd .	6/04/20: The public hearing was conducted and a motion to close the public hearing and approve OrdinanceNo.20200604-039 DMU-CO combining district zoning, to change a condition of zoning was approved on Council Member Flannigan's motion, Council Member Ellis' second on a 10-0vote.Council Member Harper-Madison was off the dais.
C14-2019-0157 (603 W. 8th St.)	GO-H, GO-MU-H, and GO to DMU-H	Case expired per Mayor's Order No. 20211220-036 (Permit Expiration Date and Extension)	N/A
C14-2019-0156 (707 Rio Grande Street)	GO to DMU-CO	1/14/20: Approved staff rec. of DMU-CO zoning by consent (10-0, C. Hempel and P. Seeger-absent; C. Llanes-Pullido-off the dais); J. Thompson-1 st , C. Kenny-2 nd .	2/20/20: Approved DMU-CO as PC rec w/ additional CO for prohibited uses as agreed to by OANA and the applicant: Bail Bond Services, Cocktail Lounge, Exterminating Services, Funeral Services, Hospital Services (General and Limited), Liquor Sales, Limited Warehousing and Distribution, Outdoor Entertainment and Pawn Shop Services on 1 st reading. 3/12/20: Approved DMU-CO on 2 nd /3 rd readings.
C14-2017-0074 (Gilfillan Place: 603 W. 8th St.)	GO-H, GO-MU, and GO to DMU-H	6/19/17: Case expired	N/A
C14-2016-0034 (701 Rion Grande St.	GO to DMU	5/24/16: Approved DMU-CO, with 60 ft height limit.	6/16/16: Approved DMU-CO, with a 60 ft height restriction (11-0); on all 3 readings
C14-2015-0111 (Gilfillan House: 603 W. 8 th St.)	GO-H to DMU-H	7/30/16: Case expired	N/A
C14-2013-0147 (707 West Ave.)	CS-CO to DMU	2/25/14: Approved staff's rec. of DMU-CO by consent (9-0)	6/12/14: Approved DMU-CO; w/ CO for height maximum 60 feet, vehicle trips

			limited to 2,000/day, by consent (7-0); on all 3 readings.
C14-2012-0105 (702 San Antonio St.)	DMU-H-CO to DMU-H-CO		1/08/12: Approved DMU-H-CO zoning, with fewer than 2000 trips/day, prohibited uses: Auto sales, repair washing or service station; Services including counseling, exterminating, financial, local utility, bail bond, guidance; pawn shop; Telecommunications tower, residential treatment, restaurant (limited); and outdoor entertainment. Height maximum 70 feet, 15 foot building setback on San Antonio St.
C14-2012-0083 (Cirrus Rezoning: 602-702 West Ave. and 800 West 6 th St.)	DMU-CO-CURE to DMU-CURE for Tract 1 and LO, GO to DMU for Tract 2	4/09/13: Approved DMU-CURE-CO zoning for Tract 1 and DMU-CO zoning for Tract 2, with the inclusion of the prohibited uses submitted by the neighborhood (9-0); J. Nortey-1 st , R. Hatfield-2 nd .	4/25/13: Approved DMU-CURE zoning for Tract 1 and DMU zoning for Tract 2 (5-1, K. Tovo-no, M. Martinez-absent); B. Spelman-1 st , S. Cole-2 nd . 5/23/13: Approved DMU-CURE for Tract 1 and DMU-CO for Tract 2 on 2 nd reading (6-0) 6/06/13: Approved DMU-CURE for Tract 1 and DMU-CO for Tract 2 on 3 rd reading. (7-0).
C14-2011-0058 (707 West Ave. Rezoning)	GO to CS	7/25/11: Approved staff's rec. CS-MU-CO zoning, with added rec. that the applicant execute a restrictive covenant to agree to DMU rezoning after their planned uses are added to DMU in the LDC (5-1, D. Chimenti-No, R. Hatfield-abstain, M. Dealey-absent)	8/25/11: Approved CS-CO zoning by consent (7-0); B. Spelman-1 st , L. Morrison-2 nd . 10/06/11: Approved CS-MU-CO zoning, the CO that permits all GO uses, allows only 3 CS uses: Electronic Prototype Assembly, Electronic Testing and Research Services and limit the site to GO site development regulations (7-0); on 2 nd /3 rd readings

C14-2011-0036 (507 Nueces Street)	GO to DMU	5/24/11: Approved DMU zoning (6-0, D. Chimenti and D. Anderson-absent); M. Dealey-1 st , S. Kirk-2 nd .	6/23/11: Approved DMU-CO zoning on consent (7-0); B. Spelman-1 st , L. Morrison-2 nd on 2 nd /3 rd readings.
C14-2011-0006 (701 & 711 West 7 th Street Rezoning)	GO, GR to CBD	1/14/11: Approved DMU-CURE zoning (5-2, R. Hatfield and T. Bui-No, S. Kirk-absent); D. Chimenti-1 st , M. Dealey-2 nd .	7/25/11: Approved CBD-CO zoning, the CO for 375 max height, no less than 50% of the net sq ft of the building for residential use, at least one floor of underground parking, 2,000 trips per day limitation, use entitlements restricted to those permitted under DMU zoning and limit the use entitlements by prohibiting the following: any use that would require and outdoor music permit, pawn shop services and bail bond services (5-2, L. Morrison and K. Tovo-No); S. Cole-1 st , C. Riley-2 nd . 8/25/11: Approved CBD-CO on 2 nd /3 rd readings (5-2, L. Morrison and K. Tovo-No); M. Martinez-1 st , B. Spelman-2 nd .

RELATED CASES: N/A

OTHER STAFF COMMENTS:Comprehensive Planning

The Properties located at 903 West Avenue and 704 W 8th Street are identified in the Downtown Austin Plan as DMU-60 in the *Proposed Downtown Zoning Changes* map on p. 79. This proposed zoning category was meant to replace single-use zoning districts with mixed-use and promote a mixture of uses at a scale that is appropriate to their context. For Downtown Mixed-Use-60, or DMU-60, the proposed height limit is 60 feet.

The Property is within the Northwest District of the DAP, which provides these district goals:

- Preserve neighborhood's historic residential character
- Bring residents back to neighborhood
- Preserve existing tree canopy along streets
- Preserve and enhance existing open space
- Improve pedestrian environment
- Improve conditions for bicycling
- Improve Shoal Creek and improve quality and accessibility of its Creekside trail

The Downtown Austin Plan is an action-oriented document organized into seven subject areas, or elements, that relate closely to those City departments, divisions and programs that will undertake their implementation. The seven elements of the Downtown Austin Plan are:

Historic Preservation	Preserve and enhance the unique historical and cultural heritage of downtown.
Activities And Uses	Ensure that downtown's future growth supports a vibrant, diverse and pedestrian-friendly urban district.
Density And Design	Ensure that downtown can evolve into a compact and dense urban district, with new buildings contributing positively to sustainability, quality of life and the downtown experience.
The Public Realm	Interconnect and enhance Downtown's network of public parks, open spaces and streets.
Transportation and Parking	Develop a multi-modal transportation system that improves access to and mobility within Downtown.
Utilities/Infrastructure	Provide for phased utility and infrastructure upgrades that address existing deficiencies and that support positive development.
Leadership and Implementation	Implement the Downtown Austin Plan, within the resources and priorities of the community.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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.

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.

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.

Fire

No comments.

Parks and Recreation

Parkland dedication will be required for the new applicable uses proposed by this development, hotel with DMU zoning, at the time of a new subdivision or site plan application, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes 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 fees in-lieu of land will be allowed.

Site Plan

Site plans will be required for any new development other than single-family, two-family or duplex residential.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Transportation

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for WEST AVE. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for WEST AVE according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for W 9TH ST. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for W 9TH ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
WEST AVE	Corridor Mobility - Level 3	80 feet	79 feet	36 feet	No	Wide Curb Lane (on-street)	Yes
W 9TH ST	Corridor Mobility - Level 3	80 feet	79 feet	38 feet	No	Wide Curb Lane (on-street)	Yes

Water Utility

No comments on zoning change.

FYI: 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 the Austin Water SER team at ser@austintexas.gov.

All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.

All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- E. Downtown Austin Plan Exhibits

EXHIBIT A



-  SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

ZONING CASE#: C14-2023-0088


$$1'' = 400'$$

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.

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

Created: 7/31/2023

July 14, 2023

Ms. Lauren Middleton-Pratt
City of Austin
Planning Department
1000 E 11th Street
Austin, TX 78702

RE: 903 West Avenue & 704 W 9th Street – Rezoning application package for the approximately 0.1352-acre property, known as 704 W 9th Street, and the approximately 0.0729-acre property, known as 903 West Avenue, collectively a 0.2360-acre property, located in Austin, Travis County, Texas (the "Property")

Dear Ms. Middleton-Pratt,

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 903 West Avenue & 704 W 9th Street. The Property consists of two parcels and is approximately a 0.24-acre site. The Property is in the Full Purpose jurisdiction of the City of Austin.

The Property is currently zoned GO (General Office). The requested rezoning is from GO to DMU-CO (Downtown Mixed Use – Conditional Overlay). The conditional overlay is proposed to limit the maximum height to 60 feet on the Property. The purpose of the rezoning is to allow for the adaptive reuse of the existing structures with permitted hotel and restaurant uses. Currently, the Property is developed with professional office and single-family uses. This rezoning request is consistent with the Downtown Austin Plan's recommended zoning change for the Property.

The Property is located within the Northwest District of the Downtown Austin Plan. The Downtown Austin Plan does not have a Future Land Use Map ("FLUM"), therefore, a Neighborhood Plan Amendment is not required. The Property is located in a portion of Downtown Austin that is ineligible for participation in the Downtown Density Bonus Program.

A Traffic Impact Analysis ("TIA") is not required, per the attached TIA zoning determination waiver dated June 12, 2023, and executed by Maria Cardenas.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very Truly Yours,



Amanda Swor

cc: Joi Harden, Planning Department (*via electronic delivery*)

September 19, 2023

Ms. Lauren Middleton-Pratt
Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: 704 W 9th Street & 903 West Street – Rezoning application package for the approximately 0.1352-acre property, known as 704 W 9th Street, and the approximately 0.0729-acre property, known as 903 West Avenue, collectively a 0.2360-acre property, located in Austin, Travis County, Texas (the "Property").

Dear Ms. Middleton-Pratt:

As representatives of the owner of the Property, we respectfully submit this letter to amend the application currently under review and assigned zoning case number C14-2023-0088 that was submitted to the City of Austin on July 17, 2023.

The current rezoning request is from GO (General Office) to DMU-CO (Downtown Mixed Use – Conditional Overlay). The conditional overlay is proposed to limit the maximum height to 60 feet on the Property.

Following submittal of the rezoning request, we have continued working with the Old Austin Neighborhood Association (OANA) regarding the adaptive reuse and potential uses for the Property. As a result of these conversations, the property owner agrees to prohibit and limit the size of certain uses.

Therefore, we are amending the requested rezoning to include additional restrictions on the Property within the proposed conditional overlay. In addition to the maximum height limit above, the owner proposes the following conditions be included in the conditional overlay:

1. The following uses shall be prohibited uses on the Property:
 - a. Bail bond services;
 - b. Pawn shop;
 - c. Liquor sales; and
 - d. Outdoor entertainment.
2. Cocktail lounge use shall be limited to a maximum of 1,000 square feet per conditional use permit.
3. Off-site accessory parking associated with a cocktail lounge use is prohibited.

September 19, 2023

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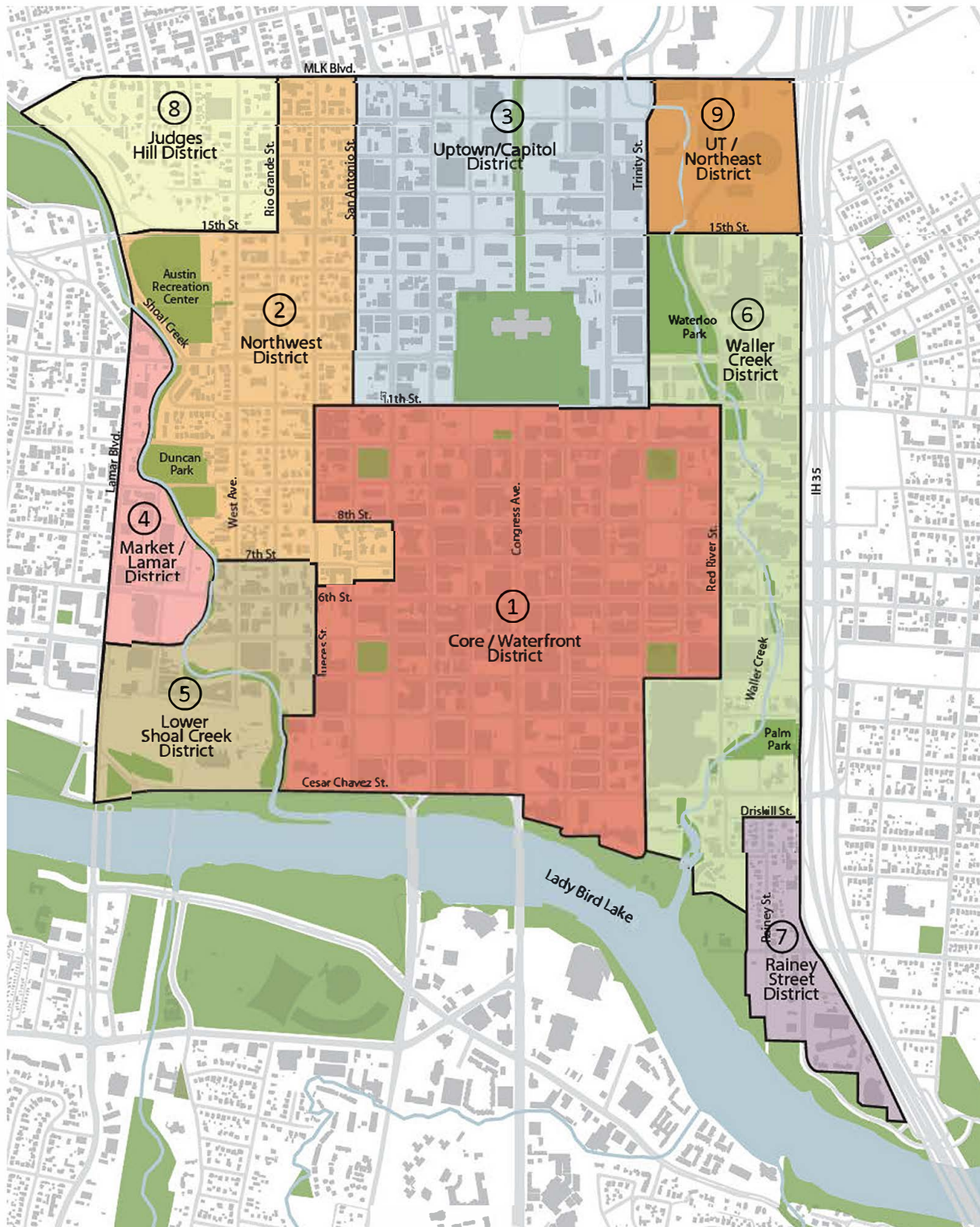
Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very Truly Yours,

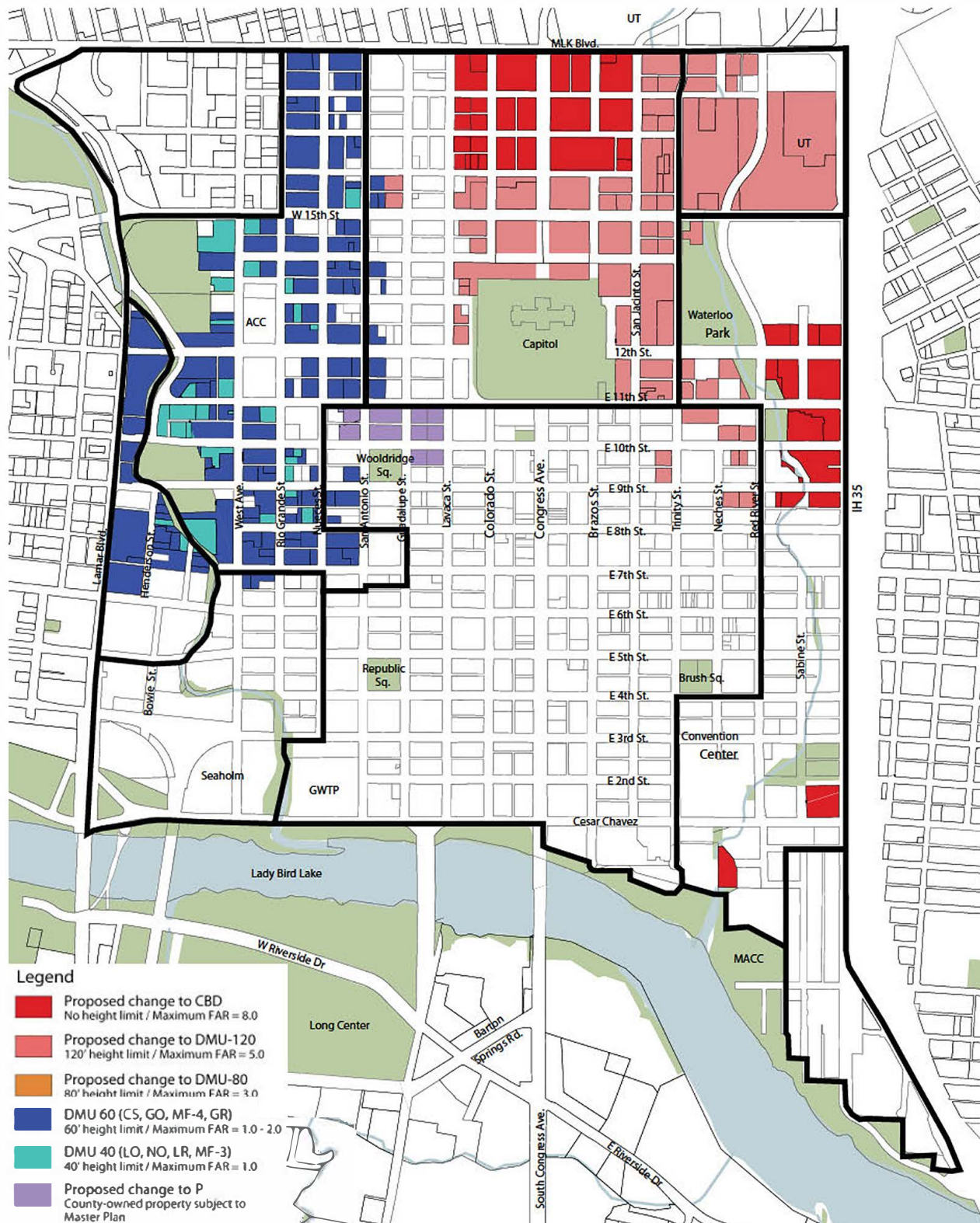
A handwritten signature in blue ink that reads "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" and last name "Swor" clearly distinguishable.

Amanda Swor

cc: Joi Harden, Planning Department (*via electronic delivery*)
Sherri Sirwaitis, Planning Department (*via electronic delivery*)



Downtown Districts Map



Proposed Downtown Zoning Changes

