

ZONING CHANGE REVIEW SHEET

CASE: **C14-2025-0044**– 1700 South Congress

DISTRICT: 9

ADDRESS: 1700 South Congress Avenue

ZONING FROM: CS-V-CO-ETOD-DBETOD-NP

TO: CS-1-V-CO-ETOD-DBETOD-NP

SITE AREA: 0.0619 acres

PROPERTY OWNER: DCW Properties, Ltd. (Susan Helgren)

AGENT: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.)

CASE MANAGER: Marcelle Boudreaux (512-974-8094,
marcelle.boudreaux@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial– liquor sales – vertical mixed use building - conditional overlay – equitable transit-oriented development – density bonus ETOD – neighborhood plan (CS-1-V-CO-ETOD-DBETOD-NP) combining district zoning.

The Conditional Overlay subjects the property to the following conditions:

- 1. Parking is prohibited in a required front yard; and**
- 2. The following use is a conditional use:**
 - A general retail sales (general) use that exceeds 20,000 square feet in gross floor area.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**May 13, 2025: APPROVED CS-1-V-CO-ETOD-DBETOD-NP AS STAFF
RECOMMENDED, ON CONSENT.**

VOTE: [MAXWELL; WOODS-2nd] (10-0) HOWARD, HEMPEL, SKIDMORE - ABSENT

CITY COUNCIL:

July 24, 2025:

ORDINANCE NUMBER:

ISSUES:

The Conditional Overlay to define certain conditions was established during the Neighborhood Plan rezonings for Bouldin Creek Neighborhood Plan area in 2002. The conditions are requested to be continued by the applicant and recommended to be incorporated into this new rezoning by Staff.

CASE MANAGER COMMENTS:

The subject rezoning area is approximately 2,697 square feet (or .0619 acres) and is developed with an occupied commercial space (Yellow Rose – Kendra Scott, a general retail sales (convenience) use. The rezoning area is situated at the southwest corner of South Congress Avenue and E. Milton Street. South Congress Avenue is designated as an Activity Corridor, as identified on the Growth Concept Map in the Image Austin Comprehensive Plan, and is an ASMP level 3 transit priority street. Development around the immediate intersection, running north and south along South Congress Avenue, is a bustling corridor generally characterized by diverse commercial uses, including restaurants, limited restaurants, general retail sales (convenience), personal services, financial services, and hotel-motel use, amongst others, and fire station (CS-V-CO-ETOD-DBETOD-NP; CS-MU-V-ETOD-DBETOD-NP; P-NP). To the west, with frontage onto Eva Street are single family residential and duplex residential uses (SF-3-NP). *Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).*

The Applicant proposes to rezone the property to commercial – liquor sales – vertical mixed use building – conditional overlay – equitable transit-oriented development – density bonus ETOD – neighborhood plan (CS-1-V-CO-ETOD-DBETOD-NP) combining district to allow an existing 2,657-square-foot retail space to also establish a cocktail lounge. A cocktail lounge is a permitted use under the CS-1 zoning district, however requires a Conditional Use Permit to be reviewed by the Planning Commission prior to establishing use.

BASIS OF RECOMMENDATION:

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

The Commercial – Liquor Sales (CS-1) district is intended predominately for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

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

The CS-1-V- CO-ETOD- DBETOD-NP zoning district is compatible and consistent with the surrounding uses because there is commercial zoning (CS-V-CO-ETOD-DBETOD-NP; CS-MU-V-ETOD-DBETOD-NP) at the site and immediately surrounding the site.

The property is located on South Congress Avenue, an Activity Corridor, as identified on the Growth Concept Map in the Image Austin Comprehensive Plan, and is an ASMP level 3 transit priority street.

3. *Zoning should promote the policy of locating retail and more intensive zoning near*

the intersections of arterial roadways or at the intersections of arterials and major collectors.

The subject site is a small footprint within a larger commercial parcel at an intersection between level 3 (South Congress Avenue) and level 1 (E. Milton Street) roads, surrounded by commercial zoning and diverse uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-V-CO-ETOD-DBETOD-NP	general retail sales (convenience), business and administrative office
<i>North</i>	CS-V-CO-ETOD-DBETOD-NP	restaurants, limited restaurants, general retail sales (convenience), personal services, financial services, and hotel-motel use,
<i>South</i>	CS-V-CO-ETOD-DBETOD-NP	restaurants, limited restaurants, general retail sales (convenience), personal services, financial services, and hotel-motel use,
<i>East</i>	CS-MU-ETOD-DBETOD-NP; P-NP	restaurants, limited restaurants, general retail sales (convenience), personal services, financial services, and hotel-motel use, fire station
<i>West</i>	SF-3-NP	Single family residential, duplex residential

NEIGHBORHOOD PLANNING AREA: Bouldin Creek NP Area

WATERSHED: East Bouldin Creek - Urban

CAPITOL VIEW CORRIDOR: Yes

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Travis Heights Elementary School Lively Middle School Travis High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Neighborhoods Council, Bouldin Creek Neighborhood Association, Bouldin Creek Neighborhood Plan Contact Team, Bouldin Creek Zoning Committee, Friends of Austin Neighborhoods, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Preservation Austin, Save Our Springs Alliance, South Central Coalition, Greater South River City Combined NP Contact Team, Overton Family Committee, South River City Citizens Planning and Zoning Committee, South River City Citizens Assn.

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0026 – Bouldin Creek NP	To add LDC Sec 25-2-1604	Expired	

Garage Placement Zoning			
C14-02-0031 – Bouldin Creek NP rezonings			May 23, 2002

RELATED CASES:

None

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 1710 S CONGRESS AVENUE. C14-2025-0044. Project: 1700 South Congress. 0.32 acres from CS-V-CO-ETOD-DBETOD-NP to CS-1-V-CO-ETOD-DBETOD-NP. Bouldin Creek NP. Existing: general retail, sales and office. Proposed: general retail, sales, office and cocktail lounge.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures *	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *: <ul style="list-style-type: none"> • Adjacent to South Congress Activity Corridor
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> • 0.07 miles from rapid bus stop along S Congress Ave; 0.12 miles from bus stop along S Congress Ave
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Bike land and sidewalk present along S Congress Ave
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center. <ul style="list-style-type: none"> • Goods and Services present along S Congress Ave
Y	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market. <ul style="list-style-type: none"> • 0.03 miles to Tiny Grocer along S Congress Ave
Y	Connectivity and Education *: Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> • 0.4 miles to Lively Middle School
Y	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> • 0.4 miles to Lively Middle School park; 0.5 miles to Blunn Creek Greenbelt
	Connectivity and Health *: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)

	Housing Choice * : Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Housing Affordability * : Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use * : Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy * : Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation : Preserves or enhances a historically and/or culturally significant site.
	Creative Economy : Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education : Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land : Preserves or enhances industrial land.
Y	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
8	Number of "Yes's"

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. 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 Department

No comments.

PARD – Planning & Design Review

Parkland dedication fees may apply to any future site or subdivision applications resulting from this rezoning. As of January 1, 2024, new commercial non-residential uses are not subject to parkland dedication requirements at the time of site plan and subdivision.

Site Plan

Site plans will be required for any new development except for residential only projects with up to 4 units.

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

Per LDC 25-5-146 (B), as a condition of approval for a conditional use site plan, a parking area for a cocktail lounge or a restaurant with a late-hours permit must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless:

- (1) the lounge or restaurant is located within an enclosed shopping center; or
- (2) the Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan.

The site is subject to compatibility standards due to the triggering properties with SF-3 zoning and presence of at least 1 but less than 4 dwelling units to the west.

Any structure that is located:

- a. Less than 50 feet from any part of triggering property may not exceed 40 feet; and
- b. At least 50 feet but less than 75 feet from any part of a triggering property may not exceed 60 feet.

A compatibility buffer is required along a site's property line that is shared with triggering property, minimum width of 25 feet, in compliance with LDC 25-8-700

Reference 25-2-654

Austin Transportation Department – Engineering Review

A transportation assessment/traffic Impact analysis shall be required at the time of site plan if triggered, when land uses and intensities will be known per LDC 25-6-113 and TCM 10.2.1.

The adjacent street characteristics table is provided below:

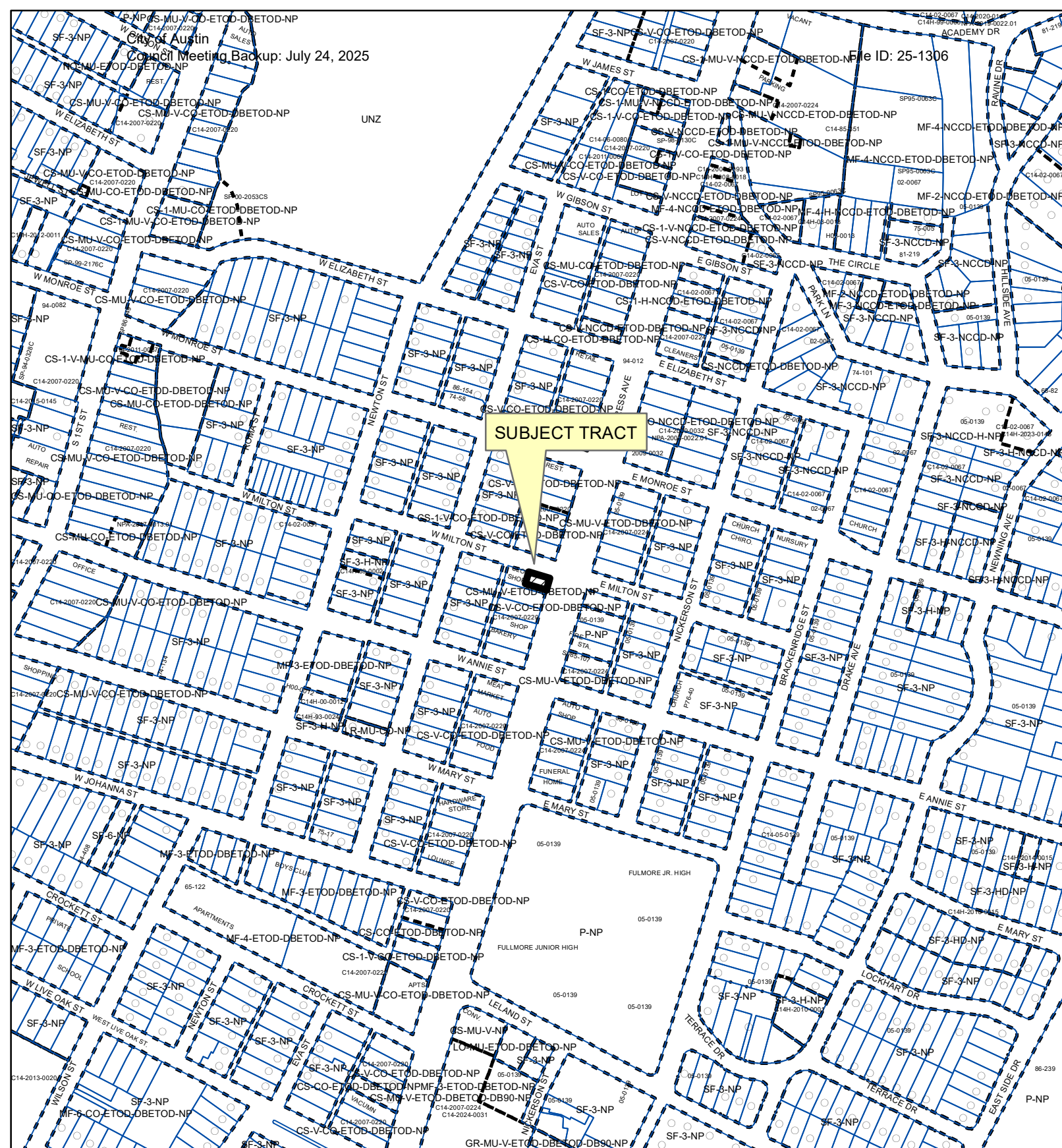
Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
W Milton ST	Level 1	58'	61'	Varies: 31' to 45'	Yes	No	Yes
S Congress AVE	Level 3	120'	122'	90'	Yes	Yes	Yes


Austin Water Utility


No comments.


INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map
Exhibit A-1: Aerial Map
Exhibit B: Applicant's Summary Letter
Public Correspondence



 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2025-0044

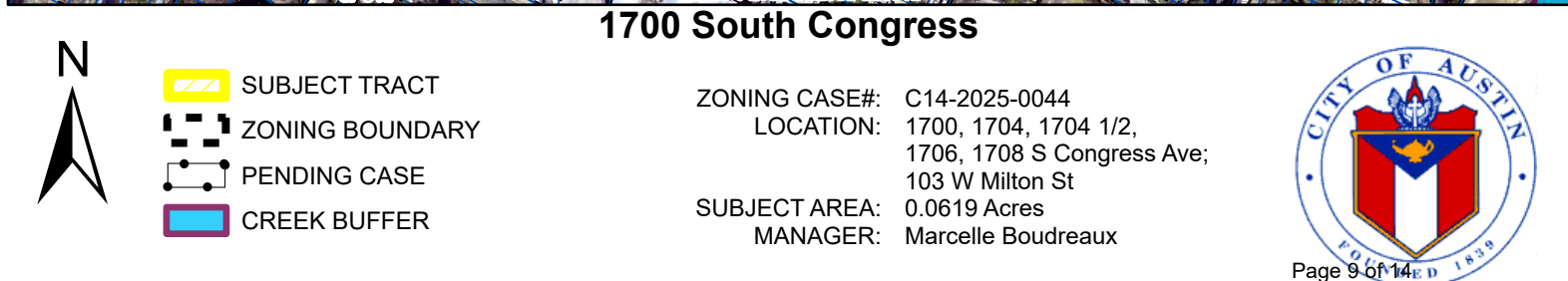

$$1'' = 400'$$

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

Page 8 of 14

Created: 4/28/2025



ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

Richard T. Suttle, Jr.
(512) 435-2310
rsuttle@abaustin.com

April 2, 2025

Lauren Middleton-Pratt, Director
City of Austin Planning Department
6310 Wilhelmina Delco Drive
Austin, Texas 78752

Re: Zoning Application for property located at 1700, 1704, 1704 1/2, 1706, and 1708 South Congress Avenue; 103 W. South Congress Avenue (the "Application")

Dear Mrs. Middleton-Pratt:

This letter, along with the Application is submitted to rezone ± 0.32 acres of land located at 1700, 1704, 1704 1/2, 1706, and 1708 South Congress Avenue and 103 W. Milton Street (the "Property"). The Property is zoned General Commercial Services – Vertical Mixed Use Building – Conditional Overlay – Equitable Transit-Oriented Development – Density Bonus ETOD - Neighborhood Plan Combining District ("CS-V-CO-ETOD-DBETOD-NP") and is located in the Bouldin Creek Neighborhood Planning Area.

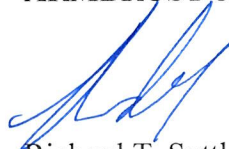
The Property is currently operating with approximately 14,623 square feet of retail uses and 4,850 square feet of office. Approximately 3,000 square feet of the existing retail space is operating as the Yellow Rose by Kendra Scott retail store and is located directly across the street from the Kendra Scott flagship store on South Congress. The purpose of this Application is to rezone only the Yellow Rose by Kendra Scott store from CS-V-CO-ETOD-DBETOD-NP to Commercial – Liquor Sales – Vertical Mixed Use Building – Conditional Overlay – Equitable Transit Oriented Development – Density Bonus ETOD – Neighborhood Plan Combining District ("CS-1-V-CO-ETOD-DBETOD-NP") to allow a cocktail lounge to operate within the tenant retail space. However in an effort to submit the application and start the review process the Application is being filed for all of Lots 1 and 2 which comprises approximately ± 0.32 acres. Once the field notes describing the tenant space are completed, the Application will be updated to reduce the area subject to the Application. A conditional use site plan application will also be prepared and submitted subsequent to the Application to allow for the cocktail lounge use.

Thank you in advance for your time and consideration of this zoning request. Should you have any questions or need additional information, please do not hesitate to contact me at (512) 435-2300 or Amanda Hendrix at (512) 435-2328.

ARMBRUST & BROWN, PLLC
Page 2

Very truly yours,

ARMBRUST & BROWN, PLLC

A handwritten signature in blue ink, appearing to read 'R. Suttle, Jr.', is written over the company name.

Richard T. Suttle, Jr.

cc: Joi Harden
Amanda Hendrix



Date: May 6, 2025

Re: Case Number: 2025-039811 ZC

Project Address: 1700 S Congress Avenue

Requested Change: CS-V-CO-ETOD-DBETOD-NP to CS-1-V-CO-ETOD-DBETOD-NP to allow for alcohol to be sold within the retail space

Dear Ms. Hendrix,

We have received your request for feedback from the neighborhood. On May 5, 2025, the city informed us of the Planning Commission public hearing on May 13, 2025, regarding 1700 South Congress Avenue, Case # C14-2025-0044.

The BCNA's General Membership will make the final decision regarding your case, thereby determining our position to present to the pertinent departments of the City of Austin. The BCNA has three options for voting:

- **Support your Case**
- **Oppose your Case**
- **Not Oppose your Case**

Process: Once we receive the notice scheduling a public hearing on this case from the City of Austin, you or your representative will need to arrange to meet with the BCNA Zoning Committee. You can find the contact information for the [zoning committee](#) on the City of Austin's Community Registry or by visiting [bouldincreek.org](#).

During this zoning committee meeting, the committee may make a decision, or they might need to hold additional meetings to address any questions or concerns. Once the Zoning Committee makes a recommendation, the committee chair will present their recommendation to the BCNA Steering Committee. The Steering Committee can support, oppose, or not oppose your case, or they may send it back to the zoning committee for further discussion. If the Steering Committee concludes to either support, oppose, or not oppose your case, BCNA's bylaws require that the full General Membership votes on whether to support, oppose, or not oppose the case.

Timeline: Applicants are advised that the entire process may require a minimum of three months, from the time of the [City of Austin notification of the public hearing](#) until the final vote is cast by the General Membership. The BCNA Zoning Committee meets on the last Monday of each month and the BCNA Steering Committee meets monthly. The General Membership convenes bimonthly on the second Tuesday of February, April, June, August, October, and December. It's important to note that your case must be voted on by both the Zoning and Steering Committees before it can be presented to the General Membership. Additionally, please allow sufficient time for any necessary communication with city staff, and the public hearing body.

Best regards,

A handwritten signature in black ink, appearing to read "Greg Smith", is written over a horizontal line.

Greg Smith, President
Bouldin Creek Neighborhood Association

Bouldin Creek Neighborhood Association, P. O. Box 3683, Austin, Texas 78764

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2025-0044

Contact: Marcelle Boudreaux, 512-974-8094

Public Hearing: May 13, 2025, Planning Commission

Jody Zemel, BCNA Zoning Committee

Your Name (please print)

☐ I am in favor
☐ I object

Bouldin Creek Neighborhood area

Your address(es) affected by this application (optional)

Jody A. Zemel

Signature

5/7/25

Date

Daytime Telephone (Optional):

Comments: As of May 7, 2025, the Bouldin Creek Neighborhood Association (BCNA) has no opinion to convey regarding this zoning request. We received this notice on 5-5-25 and are unable to review this request by the 5-13-25 Planning Commission public hearing. The BCNA zoning committee has arranged a meeting w/ the applicant's attorneys, and we will discuss + evaluate this request as soon as possible. See attached letter for details

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

City of Austin, Planning Department

Marcelle Boudreaux

P. O. Box 1088, Austin, TX 78767

Or email to:

Marcelle.boudreaux@austintexas.gov

Thank you,
Jody Zemel



June 11, 2025

Via Electronic Delivery

[Marcelle Boudreaux](#), Case Manager
City of Austin, Planning Department
P.O. Box 1088, Austin, Texas 78767

RE: Case Number: **2025-039811 ZC**

Project Address: **1700 S Congress Avenue**

Requested Change: **CS-V-CO-ETOD-DBETOD-NP to CS-1-V-CO-ETOD-DBETOD-NP to allow for alcohol to be sold within the retail space**

Dear Ms. Boudreaux,

The application for the project situated at 1700 South Congress Avenue, Case # C14-2025-0044, was received by the Bouldin Creek Neighborhood Association (BCNA) on April 17, 2025.

After a neighborhood meeting on May 28, 2025, which included a representative from Kendra Scott and the attorney for the applicant, Richard Suttle, the General Membership of BCNA voted in favor of this zoning change to CS-1-V-CO-ETOD-DBETOD-NP on June 10, 2025.

This zoning case will be reviewed at a public hearing conducted by the City Council scheduled for later this summer, no earlier than July 24, 2025. Please include this letter of support in the case backup.

The neighborhood association is primarily concerned with the conditional use permit, which will be addressed later this year.

Best regards,

A handwritten signature in black ink, appearing to read "Greg Smith", is written over a light blue horizontal line.

Greg Smith, President
Bouldin Creek Neighborhood Association

Cc: [Richard Suttle](#), [Lilly Turnquist](#), [Joi Harden](#)

Bouldin Creek Neighborhood Association, P. O. Box 3683, Austin, Texas 78764