

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0052 – 821 Woodward

DISTRICT: 3

ADDRESS: 703 ½, 801, 805, and 821 Woodward Street

ZONING FROM: GR-V-CO-NP

TO: GR-V- CO-DB90-NP

SITE AREA: 15.845 acres (690,280.2 sq. ft.)

PROPERTY OWNER: Sachem, Inc. (John Mooney)

AGENT: Drenner Group (Amanda Swor)

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

STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial services – vertical mixed use building – conditional overlay - density bonus 90 – neighborhood plan (GR-V-CO-DB90-NP) combining district zoning.

The Conditional Overlay would:

- 1) Prohibit the following uses in the GR base zoning district: alternative financial services, automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), exterminating services, funeral services, pawn shop services, pedicab storage and dispatch, and service station;**
- 2) Create a buffer zone of 100 feet, larger than the Critical Water Quality Zone required (50 feet) from the centerline of the Blunn Creek located in the northwest corner of the property.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 14, 2024: APPROVED GR-V- CO-DB90-NP COMBINING DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT.

[A. AZHAR; A. HAYNES -2nd] (8-0) A. HAYNES – ABSTAINED, P. HOWARD, J. MUSHTALER, R. JOHNSON, A. WOODS – ABSENT

CITY COUNCIL ACTION:

July 18, 2024:

ORDINANCE NUMBER:

ISSUES:

In December 2023, Ordinance No. 20220609-080, Ordinance No. 20221201-056 and Ordinance No. 20221201-055 were invalidated. On March 11, 2024, Ordinance No. 20240229-073, was enacted to create the “DB90” combining district, which amended City Code Title 25 (Land Development) to create a new zoning district for a density bonus program that grants 30 feet in height above the base zoning district, to a maximum of 90 feet, and modifies site development regulations including compatibility standards. Subsequently, the applicant submitted this new rezoning application to request the -DB90 combining district.

The conditions establishing prohibited uses and a creek buffer zone in the Conditional Overlay for case numbers C14-2023-0025 are to be maintained in this new rezoning.

Planning Commission Previous Action

August 8, 2023: *Approved GR-V-CO-NP district zoning as staff recommended, by consent, [A. AZHAR; F. MAXWELL – 2ND] (10-0) T. SHAW, J. MUSHTALER – ABSENT, ONE VACANCY ON DAIS*

City Council Previous Action

September 14, 2023: *Approved GR-V-CO-NP district zoning as Planning Commission recommended, by consent.*

VOTE: 7-0. Mayor Pro Tem Ellis was off the dais. Council Members A. Alter, Harper-Madison and Pool were absent.

Prior Rezoning Case C14-2023-0025

Ordinance No. 20230914-127, approved September 14, 2023

CASE MANAGER COMMENTS:

The property in question is currently utilized as chemical manufacturing factory. Some buildings have been on the site since 1968. As has been noted in other case reports in the area northwest of the intersection of IH-35 and Ben White Boulevard (SH-71) is continuing to transition from industrial uses to multifamily and other non-industrial mixed uses.

To the north of the site across Woodward Avenue, there is a large above ground parking structure and at grade parking lot and about two dozen multifamily housing structures serving St. Edward’s University students (LI-NP, GO-NP and RR-NP). South of the site with frontage on East Ben White Boulevard is a commercial retail site, anchored by a Wal-Mart (CS-CO-NP). East of the site with frontage on South I-35 Frontage Road is a general commercial retail (Home Depot) and Assumption Cemetery (P-NP, GR-CO-NP and CS-CO-NP). And, to the west of the site with frontage on Woodward Street are apartments (MF-3-CO-NP). **Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).**

The applicant's agent has indicated a Phase I Environmental Site Assessment (ESA-1) report was prepared by Civil and Environmental Consultants Inc. for this property in November 2022 during the analysis for the 2023 rezoning case, and the report came back clean. Future work will happen with TCEQ for the decommissioning.

The site is located within the Greater South River City Combined Neighborhood Plan area. A Neighborhood Plan Amendment (NPA-2023-0022.01) was approved alongside the 2023 rezoning case to change from Industry to Mixed use land use designation.

The applicant is requesting community commercial services – vertical mixed use - density bonus 90- conditional overlay – neighborhood plan (GR-V-DB90-CO-NP) combining district for a proposed development that would include multi-family units requiring an affordable component. A building constructed under density bonus 90 (-DB90) standards allows for a mix of residential uses and commercial uses, and the result is typically retail, restaurants and offices on the ground floor, and residential units on upper levels. The overall project would consist of 695 residential units and mix of uses.

A development utilizing the “density bonus 90” incentives is permitted with a base GR district, and must include an affordability component for residential use in order to obtain incentives, including height maximum of 90 feet in the GR district (60 feet base plus 30 feet incentive) and relaxation of development and compatibility standards, such as FAR, setbacks and building coverage. There are several methods of satisfying DB90 development affordability requirements. There are two options for projects including rental units:

- 1) a minimum of 12% of the rental units in a building are affordable for a 40-year period for households earning 60% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or
- 2) a minimum of 10% of the rental units are affordable for a 40-year period as described above for households earning 50% or less MFI.

There are two options of satisfying DB90 development affordability requirements which include ownership units:

- 1) a minimum of 12% of the rental units in a building are affordable for a 40-year period for households earning 80% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or
- 2) an in-lieu-fee payment to the Housing Trust Fund, equivalent to the required percentage of the total residential units, including the mix of bedrooms required, at the rate set in the fee schedule at the time of final site plan submission.

A similar rezoning request was previously approved for this property by the Planning Commission and City Council. However, the Court's ruling invalidated the bonuses authorized for a “VMU2” building. The analysis and basis for recommendation for the previous -V combining district is the same for this rezoning request to add the -DB90 combining district.

BASIS OF RECOMMENDATION:

1. *The rezoning should be consistent with the policies and principles adopted by the City Council.*

City Council has provided policy and direction for having more residential density and increased affordability, as well as incentivizing vertical mixed use buildings throughout the City. City Council previously approved rezoning this property to allow for vertical mixed-use buildings. This request is consistent with the “VMU2” option and Ordinance No. 20240229-073 (new DB90), which replaced the invalidated “VMU2” option.

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

Community commercial district (GR) is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

Mixed Use combining district (MU) is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

Vertical Mixed Use Building (V) combining district may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses within a vertical mixed use building.

The proposed density bonus 90 (DB90) combining district, in exchange for providing affordable housing units and in combination with commercial base zoning districts, allows a mixture of office, retail, commercial, and residential uses with modifications of compatibility standards and site development regulations including increased building height.

The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

3. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

This rezoning authorizes a property to participate in a voluntary density bonus or incentive program that provides modifications to development regulations or other regulatory-related benefits in exchange for community benefits. In exchange for increased development potential, the development is required to comply with affordable housing requirements.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-PDA-NP	Only about 1/8 th of the site is developed with seven office, industrial labs, and warehouse buildings ranging in age from 1968 to 2004.
<i>North</i>	LI-NP, GO-NP and RR-NP	Above grade parking structure and apartments serving St. Edward’s University students.
<i>South</i>	CS-CO-NP	Large general retail center, anchored by Wal-Mart.
<i>East</i>	P-NP, GR-CO-NP and CS-CO-NP	Assumption Cemetery (approximately 25 acres) and general retail (Home Depot)
<i>West</i>	MF-3-CO-NP	Apartments

NEIGHBORHOOD PLANNING AREA: Greater South River City Combined (St. Edwards)

WATERSHED: Blunn Creek

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

- Galindo Elementary School
- Lively Middle School
- Travis High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Neighborhoods Council, Friends of Austin Neighborhoods, Greater South River City Combined Neighborhood Plan Contact Team, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Preservation Austin, South Austin Commercial Alliance, South Central Coalition, South River City Citizens Assn., Zoning Committee of South River City Citizens

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2023-0025	LI-NP and LI-PDA-NP to GR-V-CO-NP	To Grant GR-V-CO-NP with prohibitions on uses and creation of creek buffer zone (8/8/2023)	Apvd as Commission recommended (11/9/2023)
C14-05-0138	Greater South River City Combined Neighborhood Plan	09.13.2005: Approved Staff Recommendation (8-1, MM-No)	12.01.2005: Approved plan, denied secondary apartment and small lot amnesty (5-0-1, JK-Abstain)

RELATED CASES:

None

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 805 WOODWARD STREET. C14-2024-0052. Project: 821 Woodward. Greater South River City Neighborhood Plan/St. Edward’s. FLUM: Mixed Use. 15.85 acres from GR-V-CO-NP to GR-V-DB90-CO-NP. Existing: parking, office and industrial. Proposed: 695 units of multifamily and mixed use. Note that the site has apparent potential for connectivity to goods and services north of E Ben White Blvd, including a Walmart Supercenter for the fulfillment of connectivity and food access, but does not yet meet the criteria for walkability. Proposal seeks Density Bonus 90 Combining District (Ordinance No. 20240229-073), which sets affordability minimums on ownership and rental units, and further allows for an increase of up to 30 ft in height above the base zone allowance, with a maximum limit of 90 feet in total height. DB90 additionally releases the site from some base zoning district development standards, including maximum floor area ratio.

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"> • St. Edwards Neighborhood Center
	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Bike lane and sidewalk present along Woodward St
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education *: Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> • 0.2 miles to St. Edward’s University
	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	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.)
Y	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.
Y	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	Mixed use *: Provides a mix of residential and non-industrial uses.
Y	Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center). <ul style="list-style-type: none"> • 0.5 miles to Mary Moody Northern Theatre at St. Edward’s campus
	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
9	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 Blunn 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 a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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.

PARD – Planning & Design Review

Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development meets the criteria for land dedication in City Code Title 25, Article 14. As such, a partial land dedication may be required, as well as any remaining fees in-lieu.

The development as proposed will require parkland dedication for the new residential units that will also serve the surrounding neighborhood through the additional park investment. The Parks and Recreation Department (PARC) would consider a connection along Blunn Creek, south of Woodward Street, toward satisfying the requirement at time of permitting (whether subdivision or site plan). Such a connection would improve neighborhood connectivity, and satisfy an acquisition need for Blunn Creek, a recommendation identified in the Parks and Recreation Department’s Long Range Plan.

Should there be any remaining fees in-lieu, 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).

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant’s request, PARC can provide an early determination letter of the requirements as stated in this review.

Site Plan

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

The proposed zoning area is located within the St. Edwards Neighborhood Plan.

This tract is already developed, and the proposed zoning change is a footprint within the existing development.

Austin Fire Department

No comments.

Austin Transportation Department – Engineering Review

A Zoning transportation analysis was previously completed for this property and any identified 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 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)
Woodward Street	Level 2	72’	85’	43’	Yes	Yes	No

Austin Water Utility

No comments on zoning change.

The landowner intends to serve the site with existing City of Austin water utilities.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

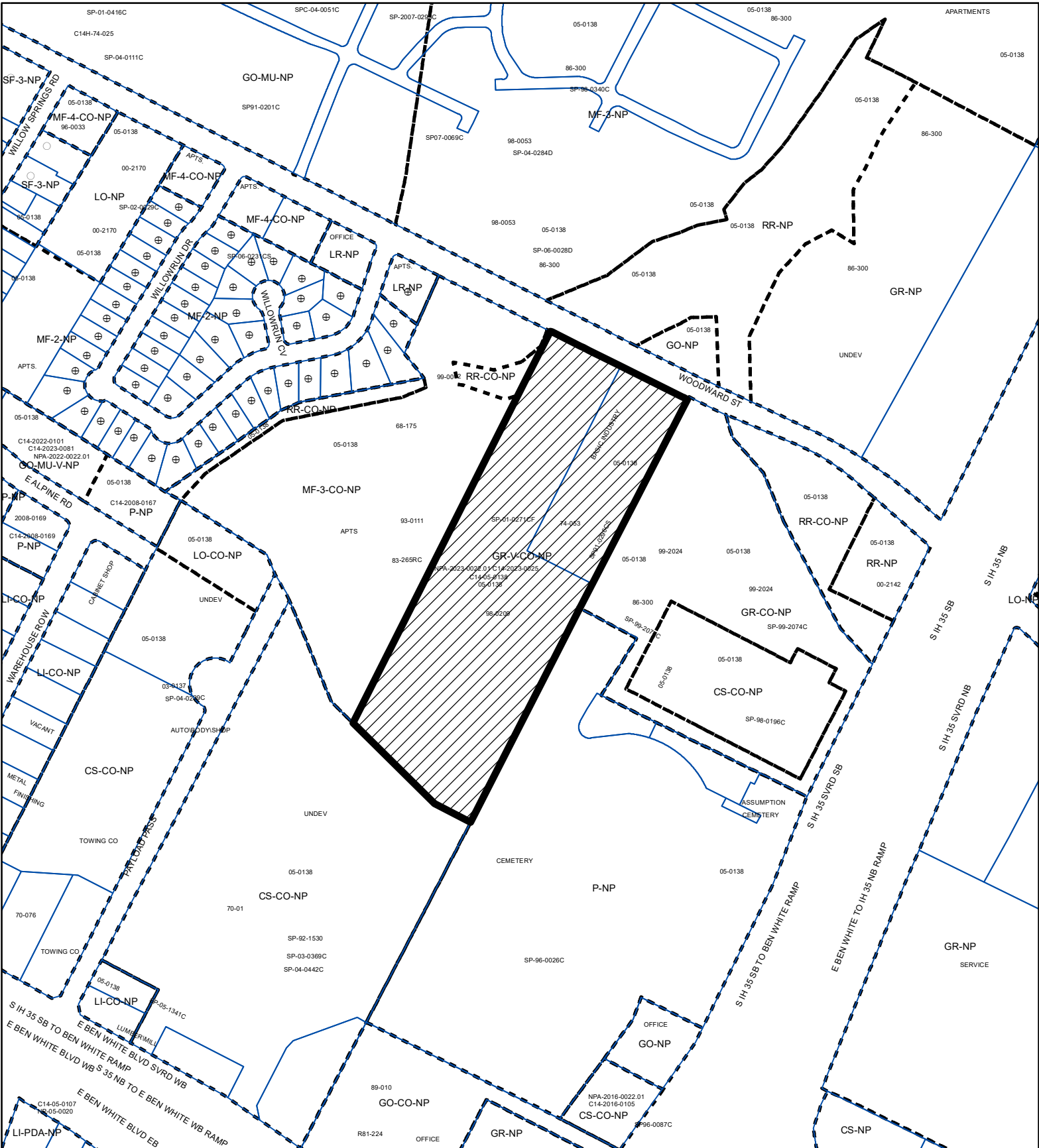
INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Exhibit B: Applicant's Summary Letter




Public Correspondence



ZONING

ZONING CASE#: C14-2024-0052



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.






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Created: 4/8/2024



821 Woodward

-  N
-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

CASE#: C14-2024-0052
 LOCATION: 703 1/2, 801, 805, 821 Woodward St
 SUBJECT AREA: 15.85 Acres
 GRID: H18
 MANAGER: Marcelle Boudreaux



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Created: 5/1/2024

DRENNER GROUP

Amanda Swor
direct dial: (512) 807-2904
aswor@drennergroupp.com

April 1, 2024

Ms. Lauren Middleton-Pratt
Planning Department
City of Austin
6310 Wilhelmina Delco Drive
Austin, TX 78752

Via Electronic Delivery

Re: 821 Woodward – Rezoning application for the 15.8450-acre property located at 703 ½, 801/805 & 821 Woodward Street in Austin, Travis County, Texas (the “Property”) – Travis Central Appraisal District Parcel Numbers 0410010441 and 0410010434

Dear Ms. Middleton-Pratt:

As representatives of the owner of the Property, we respectfully submit the enclosed Rezoning application package. The project is titled 821 Woodward and consists of 15.8450 acres of land that is developed and currently utilized as an office and industrial use for SACHEM Inc. The Property is located south of Woodward Street, west of the intersection of Interstate Highway 35 and Woodward Street. The Property is located within the Neighborhood Planning Area of Greater South River City Combined Neighborhood Plan.

Pursuant to Ordinances Nos. 20230914-126 and 20230914-127, approved by the City of Austin City Council (“City Council”) on September 14, 2023, the Property was previously rezoned from Limited Industrial Service – Planned Development Area Combining District – Neighborhood Plan (LI-PDA-NP) and Limited Industrial Service – Neighborhood Plan (LI-NP) to Community Commercial – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan (GR-V-CO-NP) (Zoning Case No. C14-2023-0025), and the land use designation on the Future Land Use Map was changed from Industry to Mixed Use (NPA Case No. NPA-2023-0022.01). The purpose of the rezoning was to allow for one or more VMU buildings on the Property.

In light of the Judge’s Order issued on December 8, 2023, invalidating Ordinance No. 20220609-080 (VMU2) and City Council’s subsequent approval on February 29, 2024, of the Density Bonus 90 (DB90) combining district via Ordinance No. 20240229-073 (the “DB90 Ordinance”), the request is to rezone the Property from GR-V-CO-NP to Community Commercial

– Vertical Mixed Use – Density Bonus 90 – Conditional Overlay – Neighborhood Plan (GR-V-DB90-CO-NP), in order to add the DB90 combining district.

A Neighborhood Plan Amendment (“NPA”) is not required with this rezoning request, per a memo from Maureen Meredith dated March 26, 2024. A Traffic Impact Analysis (“TIA”) has been waived via a TIA Determination Worksheet from Ramin Komeili, P.E., dated March 27, 2024, with the note that a Zoning Transportation Analysis (“ZTA”) was already done for this specific project on the Property.

Pursuant to Part 5 of the DB90 Ordinance, the fees for this Rezoning application are waived by City Council.

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 written in a cursive, flowing style.

Amanda Swor

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



South River City Citizens Inc.
P O Box 40632
Austin TX 78704
www.srccatx.org

Noah Balch, President
Robin Sanders, Co-Vice President
Ken Burnett, Co-Vice President
Mary Janecek-Friedman, Membership

May 8, 2024

Ms. Marcelle Boudreaux
Case Manager, City of Austin

via email to Marcelle.Boudreaux@austintexas.gov

Re: South River City Citizens Neighborhood Association (“SRCC”) Support for Zoning Case No. C14-2024-0052 re: 15.84-acre property located at 703½, 801/805, & 821 Woodward Street (“Property”), requesting to rezone the Property from GR-V-CO-NP to GR-V-DB90-CO-NP

Dear Ms. Boudreaux,

This concerns a vote SRCC held last year regarding a zoning case that the applicant recently updated. On the evening of June 20, 2023, during the regularly scheduled meeting of the SRCC, the membership voted to approve the following motion:

Approve City of Austin Zoning Case No. C14-2023-0025, the requested rezoning of the Property from LI-NP and LI-PDA-NP industrial uses to GR-V-CO-NP community commercial use, with the conditions described in the attached letter written to SRCC from SACHEM (the owner of the Property) confirming SACHEM’s intentions to satisfy requests by SRCC to provide both buffer protections for Blunn Creek as it flows through the northwest corner of the property and to provide additional land in order to create usable space.

The current Zoning Case No. C14-2024-0052 is a result of a judge’s December 2023 order invalidating VMU2 and City Council’s subsequent creation of the new Density Bonus 90 (DB90) combining district (as a replacement to VMU2). The applicant simply desires to align the Property’s zoning designation with the new provisions of City Code in order to add the DB90 combining district. This is the same project SRCC supported in June 2023, and SACHEM is not proposing any changes to the terms of the conditional overlay. Therefore, SRCC supports Zoning Case No. C14-2024-0052.

For further information, please contact Anita Tschurr, Chair, SRCC Planning & Zoning Committee at anitatschurr@gmail.com or 512-705-9430.

Sincerely,

Noah Balch

Noah Balch, President, South River City Citizens Neighborhood Association
cc: SRCC Executive Committee; Amanda Swor; Drenner Group