

ZONING CHANGE REVIEW SHEETCASE: C14-2022-0150DISTRICT: 1ADDRESS: 3117 and 3121 E. 12th StreetZONING FROM: CS-1-CO-NP; CS-CO-NP;
CS-MU-V-CO-NPTO: CS-MU-V-CO-NPSITE AREA: approximately 1.0 acre or 43,560 sqftPROPERTY OWNER: 3121 E. 12th Horizontal Investors, LPAGENT: Armbrust & Brown (Michael J. Whellan)CASE MANAGER: Jonathan Tomko (512) 974-1057, Jonathan.tomko@austintexas.gov)STAFF RECOMMENDATION:

Staff recommends approving general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district.

In accordance with Ordinance No. 020110-17 the conditional overlay would prohibit the following uses: adult oriented businesses, automotive washing (of any type), commercial off-street parking, construction sales and services, custom manufacturing, equipment sales, laundry service, maintenance and service facilities, service station, agricultural sales and services, campground, commercial blood plasma center, convenience storage, drop-off recycling collection facility, equipment repair services, limited warehousing and distribution, pawn shop services, vehicle storage and conditionally allow the following uses: automotive sales, guidance services, kennels, outdoor sports and recreation, exterminating services, hotel-motel, monument retail sales, and residential treatment.

Staff does not recommend carrying forward the height restriction of 40 feet for these tracts as a part of Ordinance No. 020110-17. This height restriction is too restrictive around a CapMetro rail station, level 2 ASMP roadway, and Imagine Austin Activity Corridor (Airport Blvd.). Maintaining this height restriction would deprive the neighborhood of much needed affordable housing, additional street level retail, and potentially the redevelopment of these underutilized parcels.

Please see the basis of recommendation section below.

PLANNING COMMISSION or ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

February 28, 2023: Staff Postponement until March 28, 2023

March 28, 2023: Staff Postponement until April 25, 2023

April 25, 2023: Staff Postponement until May 9, 2023

May 9, 2023: Neighborhood Postponement until May 23, 2023

May 23, 2023: Azhar, Connolly- PC Approved Staff Recommendation 9-0

CITY COUNCIL ACTION:

July 20, 2023: Scheduled to be heard by Council

ORDINANCE NUMBER: N/A

ISSUES:

The applicant is proposing 110 multifamily dwelling units and 1,500 sqft of street level retail.

CASE MANAGER COMMENTS:

The applicant is seeking to clean up zoning on two underutilized parcels along the south side of East 12th Street, less than 500 feet from Airport Boulevard. The parcels lie within a ½ mile radius of the MLK Red Line Transit Stop which was not present when the Rosewood Neighborhood Plan was adopted in 2001. The Capital Metro Red Line began service in 2010 and will have additional public investment in transportation choices as a part of Project Connect.

By removing the CS-1 (Commercial – Liquor Sales) zoning and adding a mixed use combining district zoning and vertical mixed use building zoning the two parcels would have identical zoning to parcels immediately to the west.

VMU site development standards would provide opportunities to increase the income restricted affordable housing in this area that is vulnerable to displacement risk according to the Project Connect Anti-Displacement Maps and Dashboard. These opportunities to leverage inevitable redevelopment into positive community benefits are one of the reasons the neighborhood probably opted into VMU in 2009. However, these parcels are currently unable to provide those benefits without the -V. Adding mixed use is key to being so close to a major transit hub like the MLK Red Line Stop.

BASIS OF RECOMMENDATION:

Change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/ or development restrictions for the property.

This immediate area has experienced substantial development, redevelopment and displacement pressures since the Rosewood Neighborhood Plan was adopted in 2001. Over 2,000 income restricted and market rate apartment units have been developed in the MLK station area alone, Mueller is less than 1 mile from this site and the ACC Eastview Campus (also less than 1 mile from this site) has enlarged substantially since its opening in 1999. These major developments warrant a reevaluation of not only the zoning of this site, but the development restrictions previously imposed over two decades ago.

Zoning changes should promote compatibility with adjacent and nearby uses

The presence of CS-MU-V zoning on adjacent parcels reflects the immediate area's change to more intensive mixed-uses. This zoning change would promote compatibility with these uses along East 12th Street without promoting more intense zoning within the surrounding neighborhoods.

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
 East 12th Street is designated as a local mobility - level 2 roadway according to the ASMP. This type of roadway functions as a major collector connecting neighborhoods to each other. By increasing the mix of uses along East 12th Street more car-oriented trips can be accommodated by other transportation modes within the immediate and surrounding areas.

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

This rezoning supports established community goals by supporting employment opportunities, increasing housing supply near transportation assets, and increasing the income restricted affordable housing supply in an area that is currently vulnerable to displacement risk.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-1-CO-NP; CS-CO-NP; CS-MU-V-CO-NP	Currently there is a 4,160 sqft building built in 1964. The remainder of the two lots is vacant
<i>North</i>	CS-MU-CO-NP	Predominantly single-family homes, despite the zoning category
<i>South</i>	MF-3-NP	Elm Ridge Apartments (130 apartment units built in 1968)
<i>East</i>	MF-3-NP	Vacant Lot being used for vehicle storage, General Auto Repair Engine and Transmission Exchange
<i>West</i>	CS-MU-V-CO-NP	Anderson Village Apartments (24 income restricted senior housing at or below 60% MFI)

NEIGHBORHOOD PLANNING AREA: Rosewood Neighborhood Planning Area

TIA: N/A

WATERSHED: Boggy Creek

SCHOOLS: A.I.S.D.

Oak Springs Elementary School

Kealing Middle School

Eastside Early College High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhood Council

Del Valle Community Coalition

East Austin Conservancy

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Homewood Heights Neighborhood Association

Neighborhood Empowerment Foundation

Neighbors United for Progress

Preservation Austin

Residents of E 12th St
 Rosewood Neighborhood Plan Contact Team
 SELTexas
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2013-0091	The applicant is proposing to rezone 2804 Sol Wilson (0.2684 acres) from CS-CO-NP to CS-MU-CO-NP.	Planning Commission (October 8, 2013) Approved CS-MU-CO-NP on consent agenda 8-0	Approved Ordinance 20131212-97 on consent (7-0)

RELATED CASES:

C14-01-0150: Rosewood Neighborhood Plan Combining District
Ordinance No. 020110-17: Change the base zoning districts on 68 tracts of land, approximately 572 acres in Rosewood.
C14-2009-0106: Rosewood Neighborhood Planning Area VMU (Opt-In/Opt-Out Process)
NPA-2022-0008.01: 3117 and 3121 E. 12th Street Neighborhood Plan Amendment

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
E 12TH ST	Local Mobility - Level 2	84 feet	60 feet	42 feet	Existing 5 feet sidewalks	Bike lane	Yes

OTHER STAFF COMMENTS:

Site Plan Review:

General

A site plan will be required for any new development other than single-family, two-family or duplex residential.

Any new development is subject to the design standards and multifamily density provisions in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted. SP3. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 ft. or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. This site is subject to compatibility standards due to single family zoning and land uses to the north and west. Additional comments will be made when the site plan is submitted.

Demolition

In the event that demolition or relocation of existing buildings is proposed, the applicant is responsible for requesting demolition or relocation permits at the appropriate stage of the development process. The City Historic Preservation Office will review all proposed building demolitions and relocations. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Airport Overlay

The site is located within Austin-Bergstrom Airport Controlled Compatible Land Use overlay. No use will be allowed that creates electrical interference with navigational signals or radio communications between airport and aircraft, makes it difficult for pilots to distinguish between the airport lights and others, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, creates bird strike hazards or otherwise in any way endangers or interferes with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing.

Neighborhood Planning Area

This site is located in the Rosewood Neighborhood Plan. Please see the City's Neighborhood Plans and Resources webpage for a copy of the recommended design guidelines.

Environmental Review:

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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.

Parks and Recreation Department (PARC) Review:

Parkland dedication will be required for the new applicable uses proposed by this development, multifamily and retail with CS-MU-V-NP-CO zoning, at the time of subdivision or site plan, 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.

Austin Water Utility Review:

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.

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. 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.

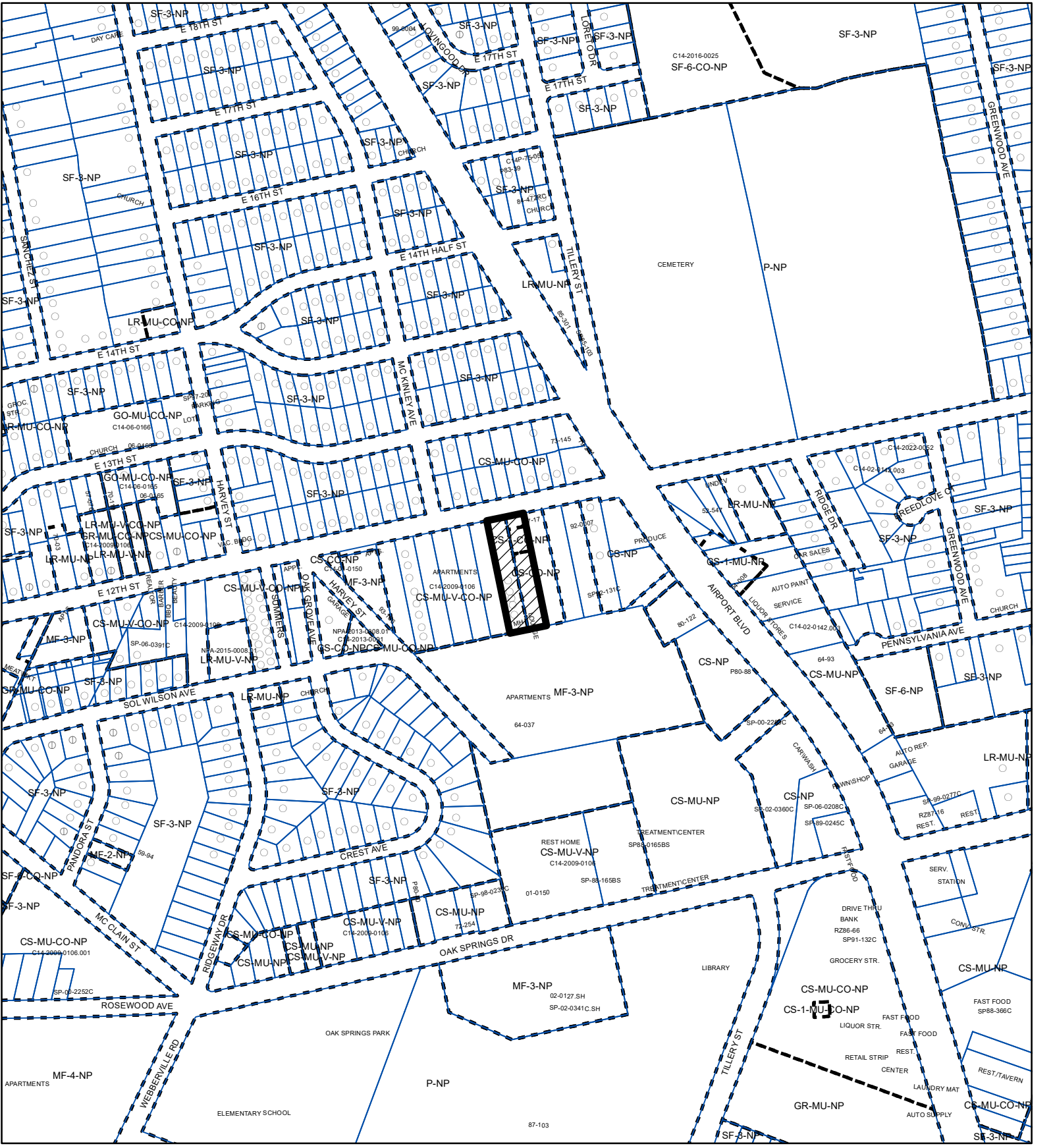
ATD Engineering Review:

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 84 feet of right-of-way for E 12TH ST. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for E 12TH ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Correspondence from Interested Parties



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2022-0150

1" = 400'

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Created: 10/19/2022



3117 & 3121 E. 12th Street



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

ZONING CASE#: C14-2022-0150
 LOCATION: 3117 & 3121 E 12th St
 SUBJECT AREA: 1 Acres
 GRID: L23
 MANAGER: Jonathan Tomko



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Dear Commissioners:

The Rosewood Neighborhood Contact Team held a special meeting March 29, 2023 to discuss the above item regarding 3117 and 3121 E. 12th Street. I understand that this item has been postponed until April 25. We feel it is important to share our concern with you prior to that date.

Our members appreciate the developer's idea of combined retail/commercial with multi-family housing in the same project. However, we have a serious concern about making a change to the Rosewood Neighborhood Plan that would remove the height restricted overlay. There is another property on East Twelfth Street which accomplished the same goals without requiring a change to our plan. Also, as we understand it, if we were to approve removing the overlay on these properties to permit greater height, that action would remove the overlay not only from the noted properties, but also from all properties on East Twelfth Street that are currently covered by the height restricted overlay. We cannot in good conscience approve a change that would apply to properties that may not even be inside the Rosewood Neighborhood Plan boundaries.

Therefore, we voted to support the most directly affected neighborhood, Homewood Heights, in opposing the proposed neighborhood plan amendment.

Sincerely,

Jane Rivera, Chair
Rosewood Neighborhood Planning Area

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