

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2022-0141 (12<sup>th</sup> & West Rezoning)      DISTRICT: 9

ADDRESS: 801 and 807 West 12th Street and 1108, 1110, and 1112 West Avenue

ZONING FROM: CS

TO: DMU\*

\* On January 5, 2023, the applicant submitted an updated Applicant's Request Letter stating that they were amending their rezoning request to DMU-CO, with a proposed conditional overlay to limit the height on the property to a maximum of 90 feet (*please see Exhibit F*).

SITE AREA: 0.4198 acres

PROPERTY OWNER: Ellis Real Estate Development LLC, Brian Larson, Brad Burns

AGENT: Drenner Group (Amanda Swor)

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

STAFF RECOMMEDATION:

**Staff recommends DMU-CO, Downtown Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will limit the height on the property to a maximum of 60 feet.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**November 8, 2022: Postponed to December 13, 2022 at the neighborhood's request by consent (11-0, R. Schneider-absent); C. Hempel-1st, J. Shieh-2nd.**

**December 13, 2022: Meeting canceled. Case re-notified for the December 20, 2022 meeting.**

**December 20, 2022: Postponed to January 10, 2023 by the Planning Commission by consent (9-0); A. Azhar-1st, P. Howard-2nd.**

**January 10, 2023: 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.**

CITY COUNCIL ACTION:

**February 9, 2023**

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The lots under consideration are developed with offices, retail and a duplex residence. To the north, across W. 12<sup>th</sup> Street, there are vacant tracts of land zoned CS and MF-4. The property to the east is developed with a former elementary school (Pease Elementary School). To the west, there is an office/retail structure and a developing multifamily complex (The Shoal Apartments) zoned CS and DMU-CO respectively. There are office uses to the south along West Avenue zoned LO. The applicant is requesting DMU zoning to allow for redevelopment of the site (*please see Applicant's Request Letter – Exhibit C*). The property is located within the Northwest District in the Downtown Area Plan and within the Criminal Justice Overlay.

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 located to north, southwest and west of this site. There is a developing mixed-use complex to the west and office and retail uses to the south and west. The Austin Community College Rio Grande Campus is located to the northeast (in the DMU-H-CO zoned area), across West 12<sup>th</sup> Street.

The site under consideration is located at the intersection of 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 located 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 residential and other 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>	MF-4	Office Uses (Austin Center for Architecture), Duplex Residence, Black Rabbit Design Co. Metal Fabricators
<i>North</i>	CS, MF-4, LO	Vacant Lots, Offices (West Avenue Office Park), College and University Facilities (Austin Community College Rio Grande Campus)
<i>South</i>	GO, MF-4	Office Uses
<i>East</i>	UNZ	Former Public Primary Educational Facility (Pease Elementary School - Closed)
<i>West</i>	CS, DMU-CO	Office/Retail Sales (Stouse Design, Pantry Medicine, A Little Bundle, Marrs Ellis & Hodge LLP, etc.), developing Multifamily Complex (The Shoal Apartments)

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 Independent School District  
Austin Lost and Found Pets  
Austin Neighborhoods Council  
Central Austin Community Development Corporation  
City of Austin Downtown Commission  
Downtown Austin Alliance  
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
C14-2022-0055 (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 applicant requested; with an additional condition that Office use above the 1 <sup>st</sup> floor is conditional (11-0, S. Praxis and C. Llanes-Pulido-absained); J. Shieh-1 <sup>st</sup> , G. Cox-2 <sup>nd</sup> .	8/26/21: Approved DMU-CO, with CO for max 90ft height as rec. by PC, on all readings
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 <sup>st</sup> , G. Anderson-2 <sup>nd</sup> .	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 <sup>st</sup> , C. Kenny-2 <sup>nd</sup> .	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 <sup>st</sup> reading.  3/12/20: Approved DMU-CO on 2 <sup>nd</sup> /3 <sup>rd</sup> 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 <sup>th</sup> 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 <sup>th</sup> 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 <sup>st</sup> , R. Hatfield-2 <sup>nd</sup> .	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 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .  5/23/13: Approved DMU-CURE for Tract 1 and DMU-CO for Tract 2 on 2 <sup>nd</sup> reading (6-0)

			6/06/13: Approved DMU-CURE for Tract 1 and DMU-CO for Tract 2 on 3 <sup>rd</sup> 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 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .  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 <sup>nd</sup> /3 <sup>rd</sup> 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 <sup>st</sup> , S. Kirk-2 <sup>nd</sup> .	6/23/11: Approved DMU-CO zoning on consent (7-0); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> on 2 <sup>nd</sup> /3 <sup>rd</sup> readings.
C14-2011-0006 (701 & 711 West 7 <sup>th</sup> 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 <sup>st</sup> , M. Dealey-2 <sup>nd</sup> .	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 <sup>st</sup> , C. Riley-2 <sup>nd</sup> .  8/25/11: Approved CBD-CO on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (5-2, L. Morrison and K. Tovo-No); M. Martinez-1 <sup>st</sup> , B. Spelman-2 <sup>nd</sup> .

RELATED CASES: N/A

OTHER STAFF COMMENTS:Comprehensive Planning

No comments.

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 sq. ft. 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, residential and retail with DMU 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](mailto: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.

This tract is already developed and the proposed zoning change is a footprint within the existing development. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

### 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].

W 12TH ST has sufficient right of way to comply with the Austin Strategic Mobility Plan (ASMP). [LDC 25-6-51 and 25-6-55].

WEST AVE has sufficient right of way to comply with the Austin Strategic Mobility Plan (ASMP). [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)
W 12TH ST	Corridor Mobility - Level 3	80 feet	82 feet	53 feet	Existing 4 feet sidewalks	Shared lane (on-street)	Yes



WEST AVE	Corridor Mobility - Level 3	80 feet	80 feet	38 feet	Existing 4 feet sidewalks	Wide curb lane (on- street)	Yes
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### Water Utility

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.

### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Downtown Austin Plan Exhibits
- E. Comments Received
- F. Applicant's Amendment Request Letter









# DRENNER GROUP

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

September 21, 2022

Ms. Rosie Truelove  
Housing and Planning Department, City of Austin  
Street-Jones Building  
1000 East 11th Street, Ste. 200  
Austin, TX 78702

Via Electronic Delivery

Re: 12th & West Rezoning – Rezoning application for the 0.4198-acre piece of property located at 801 and 807 West 12<sup>th</sup> Street; and 1108, 1110, and 1112 West Avenue in Austin, Travis County, Texas (the "Property")

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit the enclosed Rezoning application package. The project is titled 12<sup>th</sup> & West, consists of 0.4198 acres, and is located at 801 and 807 West 12<sup>th</sup> Street; and 1108, 1110, and 1112 West Avenue, which is southwest of the intersection of 12<sup>th</sup> Street and West Avenue. The Property is currently developed as a mix of uses, including duplex, office, and retail commercial.

The proposed application requests a rezoning from General Commercial Services (CS) to Downtown Mixed Use (DMU). The purpose of this rezoning is to allow residential uses on the Property, remove automotive-oriented uses, and provide for a viable redevelopment of the site.

The Property does not fall within a defined Neighborhood Plan, and a Neighborhood Plan Amendment is not required, per the memorandum issued by City staff member Maureen Meredith on September 20, 2022. The Property is within the Downtown Austin Plan (DAP).

A Traffic Impact Analysis ("TIA") has been waived via a TIA Determination Form from Justin Good, P.E., dated August 18, 2022 with the note that the TIA is not required and the traffic generated by the proposal does not exceed the thresholds established in the Land Development Code.

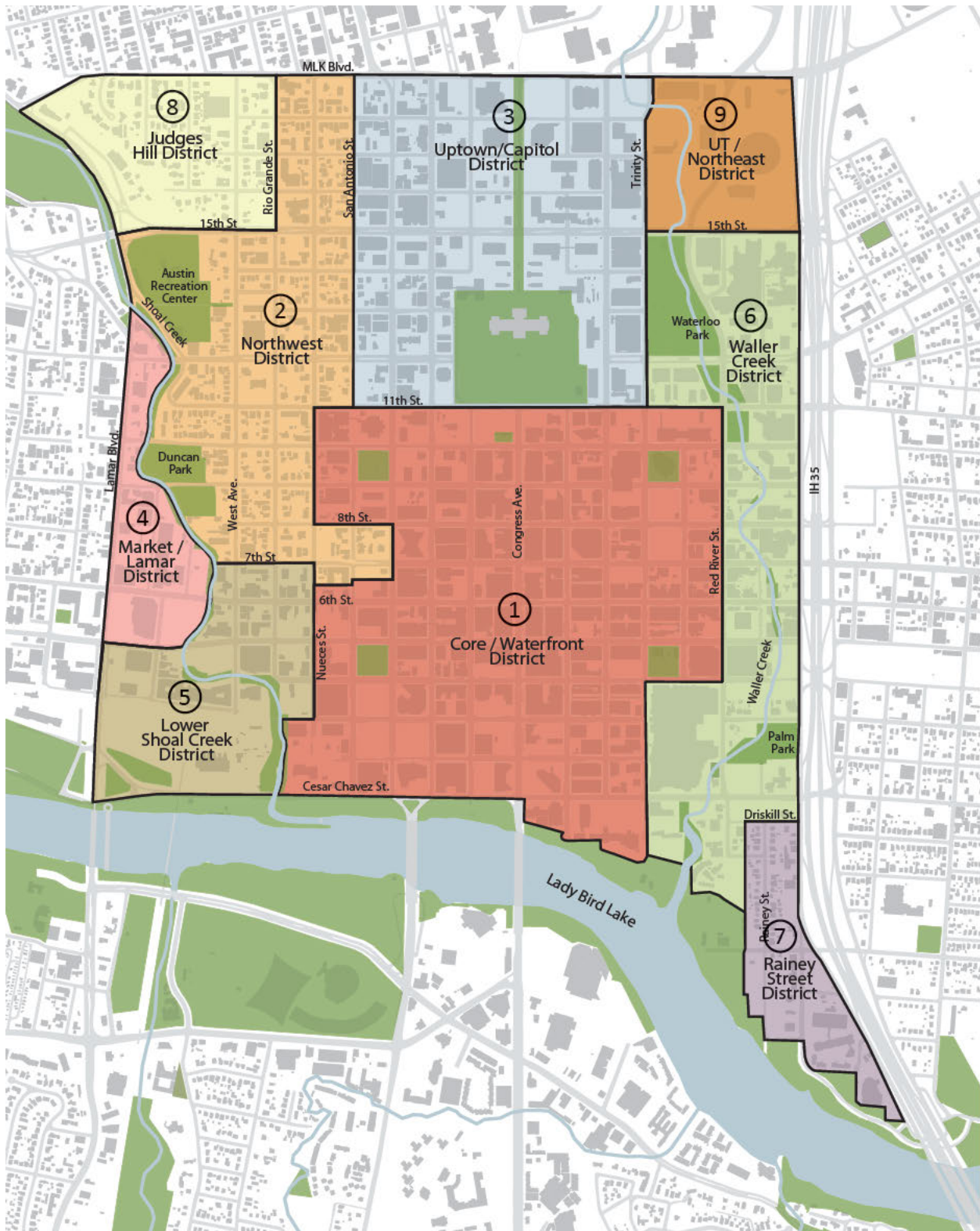
Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

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.

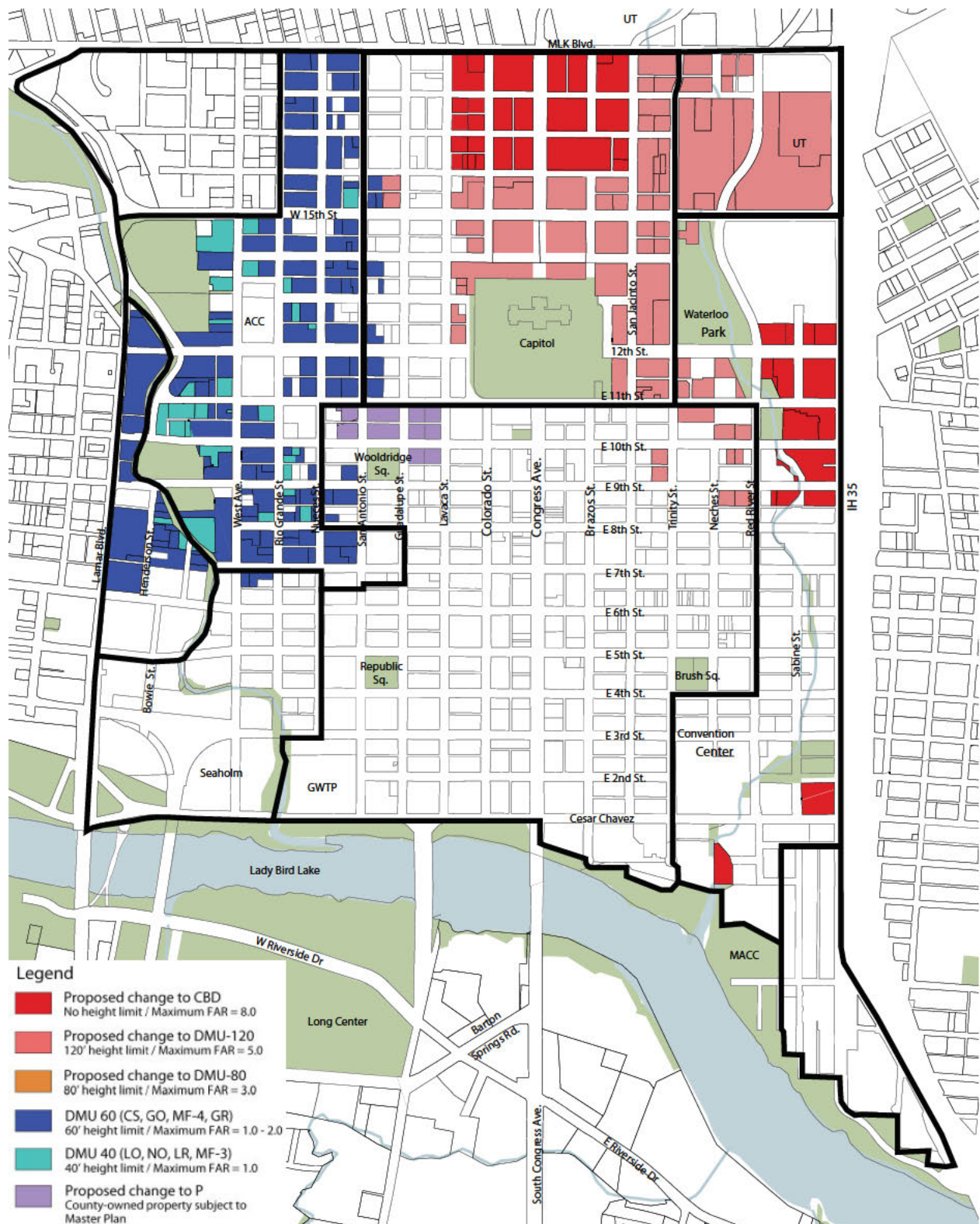
Amanda Swor

cc: Joi Hardin, Planning and Zoning Review Department *(via electronic delivery)*

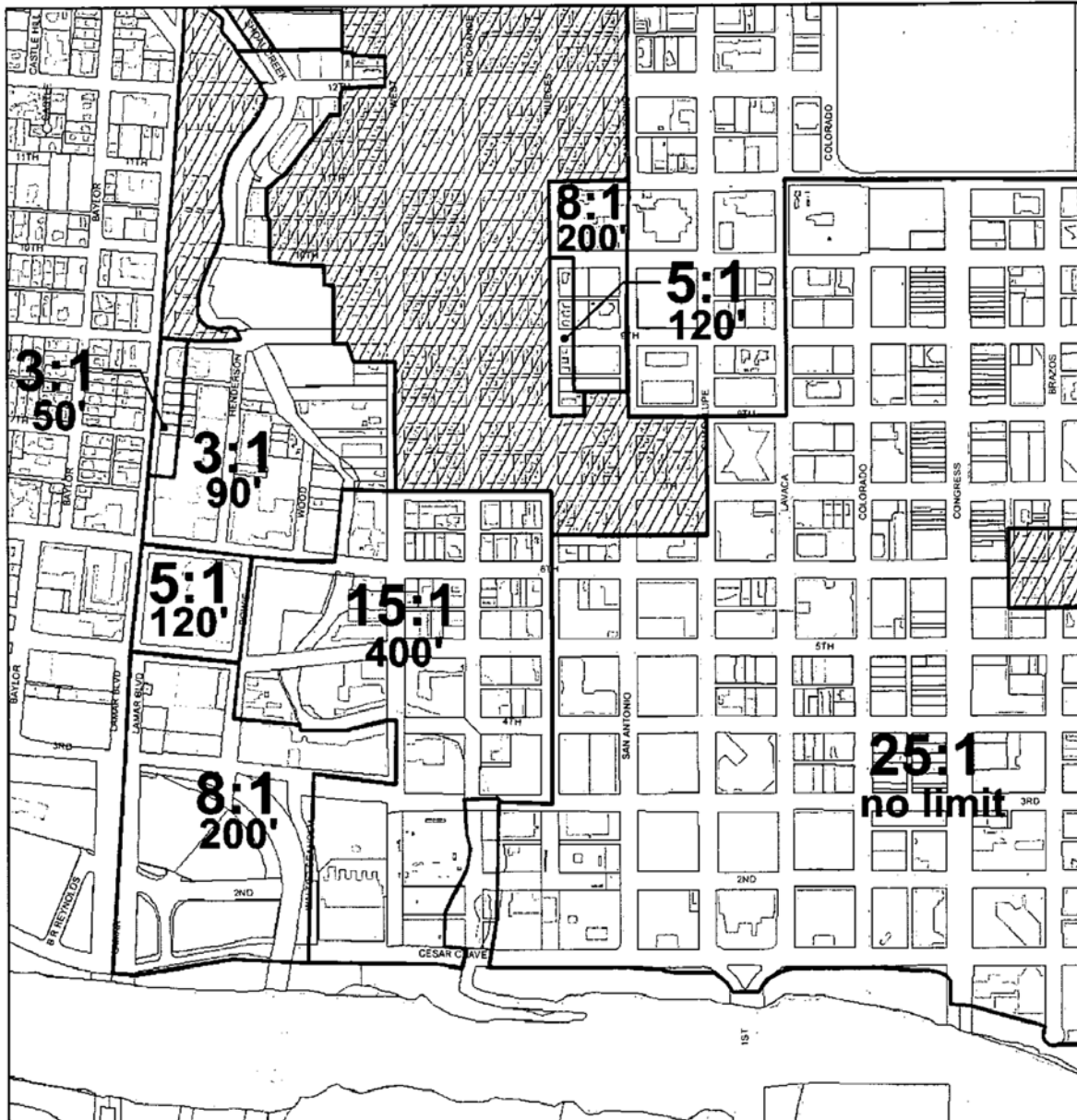


Downtown Districts Map





**Proposed Downtown Zoning Changes**



**Downtown Density Bonus Program - Eligibility, Floor Area Ratio (FAR) and Height Map**  
Figure 2: Page 6

- Maximum Floor Area Ratio (FAR)
- Maximum Height (Feet)
- Areas Ineligible for Density Bonus Program (Height and density may not exceed underlying zoning)
- Public Parks/ Open Space (ineligible)
- TCAD Parcels

NOTE: Properties in the Rainey Street Subdistrict of the Waterfront overlay must obtain a floor-to-area ratio (FAR) of up to 8:1 by meeting the requirements of Section 25-2-739 of the City Code. FAR exceeding 8:1 may be obtained through the Downtown Density Bonus Program, as described in Section 25-2-586 of the City Code.

NOTE: Maximum heights shown do not reflect restrictions imposed by Capital View Corridors (CVC) or special districts.

0 0.05 0.1 0.2 Miles



PLANNING AND  
DEVELOPMENT REVIEW  
DEPARTMENT

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. It has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1/27/2014

- (4) The maximum heights and maximum floor-to-area ratios on Figure 2 do not modify a site's primary entitlement. If the maximum height or maximum floor-to-area ratio allowed under a



**From:** Darren Rambaud  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** In favor of C14-2022-0141  
**Date:** Tuesday, November 1, 2022 10:54:50 AM

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\*\*\* External Email - Exercise Caution \*\*\*

Sherri Sirwaitis, Housing & Planning Department - I am in favor of the proposed zoning changes described in C14-2022-0141 which will be discussed on November 8, 2022 during Planning Commission.

I look forward to seeing a diverse range of new businesses and residents in this area.

Darren Rambaud  
904 West Ave Ste 205  
Austin TX 78701  
(915) 996-1033

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**DRENNER**  
GROUP

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

January 5, 2023

Ms. Rosie Truelove  
Housing and Planning Department, City of Austin  
Street-Jones Building  
1000 East 11th Street, Ste. 200  
Austin, TX 78702

Via Electronic Delivery

Re: 12th & West Rezoning (Case No. C14-2022-0141) – Rezoning application for the 0.4198-acre piece of property located at 801 and 807 West 12<sup>th</sup> Street; and 1108, 1110, and 1112 West Avenue in Austin, Travis County, Texas (the "Property")

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit this letter as an official amendment to Zoning Case Number C14-2022-0141, 12th & West Rezoning.

The initial request was a rezoning from General Commercial Services (CS) to Downtown Mixed Use (DMU). With this letter, we amend our requested rezoning from Downtown Mixed Use (DMU) to Downtown Mixed Use-Conditional Overlay (DMU-CO), with a conditional overlay to provide a maximum height of ninety feet (90'). This amendment to include a height limitation is part of the agreement made with the Original Austin Neighborhood Association (OANA).

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 Hardin, Planning and Zoning Review Department (*via electronic delivery*)  
Sherri Sirwaitis, Planning and Zoning Review Department (*via electronic delivery*)