

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0134 - 1301 W 5th Street

P.C. DATE: 10/15/2014
10/28/2014

ADDRESS: 1301 W 5th Street

OWNER/APPLICANT: Southwestern Bell Telephone Company (Pat Orman)

AGENT: Armbrust & Brown, LLP (Richard Suttle)

ZONING FROM: LI-CO-NP

TO: LI-PDA-NP*

AREA: 1.6435 acres

*The applicant has stated that they only want to add Multi-Family Residential (MF) use to the property and they propose to leave the prohibited and conditional uses from the existing conditional overlay from Ordinance No. 020926-26 in the previous zoning case C14-02-0112 (Old West Austin Neighborhood Plan Area).

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant the applicant's request for Limited Industrial Services – Planned Development Area – Neighborhood Plan (LI-PDA-NP) Combining District, zoning with the following conditions:

1. The Planned Development Agreement will prohibit the following uses:

Drop-Off Recycling Collection
Facility
Exterminating Services
Kennels
Vehicle Storage
Resource Extraction
Basic Industry
General Warehousing and Distribution
Recycling Center

Scrap and Salvage
Agricultural Sales and Services
Bail Bond Services
Building Maintenance Services
Funeral Services
Campground
Custom Manufacturing
Light Manufacturing

2. The Planned Development Agreement will make the following uses conditional:

Limited Warehousing and Distribution
Automotive Rentals
Automotive Repair Services
Automotive Sales
Automotive Washing (of any type)
Construction Sales and Service (that exceeds a site area of 10,000 sq. ft.)

Convenience Storage
Equipment Repair Services
Equipment Sales
Laundry Services (that exceed a site area of 6,000 sq. ft.)
Service Station

3. The Planned Development Agreement will allow Multi-family Residential use

4. The Planned Development Agreement will establish the following development standards:

- a. 75ft. maximum building height
- b. 95% maximum building coverage
- c. 95% maximum impervious cover

- d. floor to area ratio of 5:1
- e. 10ft. interior/side yard setback
- f. 10ft. rear yard setback.

5. The Planned Development Agreement will prohibit access to W 5th Street.

6. The Planned Development Agreement will limit the number of vehicle trips to 2,000 per day.

PLANNING COMMISSION RECOMMENDATION:

10/14/2014; PULLED – NO ACTION TAKEN; TO BE RE-NOTICED FOR OCTOBER 28, 2014

10/28/2014; APPROVED LI-PDA-NP DISTRICT ZONING AS RECOMMENDED BY STAFF WITH ADDITIONAL CONDITIONS READ INTO THE RECORD AS AGREED UPON BY THE NEIGHBORHOOD AND THE APPLICANT, BY CONSENT [J. STEVENS; A. HERNANDEZ – 2ND] (8-0) B. ROARK – ABSENT.

DEPARTMENT COMMENTS:

The subject property is currently developed with single-story industrial and office uses, and paved parking areas. The applicant proposes to redevelop the property with a multifamily – mixed use development of up to 285 dwelling units (171 1-bedroom, 100 2-bedroom and 14 3-bedroom units) and 2,000 square feet of specialty retail and therefore is requesting the LI-PDA zoning district to accomplish the addition of residential use while maintaining the existing allowed, prohibited, and conditional uses under the current conditional overlay.

As set forth in Land Development Code Section 25-2-441, the regulations of a planned development area (PDA) may modify: 1) permitted or conditional uses authorized by the base district, 2) site development regulations except for compatibility standards, and 3) off-street parking or loading regulations, sign regulations or screening regulations applicable in the base district. The Applicant's PDA would allow for:

- 1) existing permitted and conditional uses in the LI district,
- 2) multifamily residential use

The PDA would also establish the following site development standards:

- 113' height
- Maximum Building coverage of 95 %
- Maximum Impervious coverage of 95 %
- Floor to area ratio of 5:1
- 10' interior side yard setback; 10' rear yard setback

Staff is recommending the applicant's request of LI-PDA-NP zoning because the proposed zoning is compatible and consistent with the surrounding commercial, industrial uses in the area. Also, the proposed LI-PDA zoning will also allow for a mixture of residential and commercial uses which abides by the Old West Austin Neighborhood Plan. In the neighborhood plan, the property was identified as a tract that may be developed as a neighborhood mixed use building which allows for a mix of commercial and residential uses in one building.

Staff has concerns that 113' building height in this area is too tall. Although the tallest building height currently allowed on West 5th Street between MoPac and Lamar is 98ft, that particular property is

located immediately adjacent to the traffic exchange/fly-over of Mo-Pac Expressway, Lake Austin Boulevard, and Cesar Chavez, 5th and 6th Streets. The height was established by way of a PUD. All other properties in this area are subject to 60ft height restrictions with only a handful of properties that have developed to that degree currently. Allowing the requested 113ft. height will set a precedent in this area for building heights that are more appropriate in the downtown core. For this reason, Staff recommends limiting the building height to **75 feet**.

Additionally, Staff is concerned that certain uses that are permitted in the LI zoning district are not compatible with residential uses or are not appropriate for this site considering its geographical location. Therefore, staff is proposing to add to the list of restricted uses outlined in the current conditional overlay. The additional uses to be restricted are:

- Agricultural Sale and Services
- Bail Bond Services
- Building Maintenance Services
- Funeral Services
- Campground
- Custom Manufacturing
- Light Manufacturing

ISSUES:

The applicant met with the Old West Austin Neighborhood Association on September 17, 2014, October 6, 2014, and October 22, 2014 to discuss the plans for re-development of this site. The neighborhood had concerns that the proposed development will create a wind tunnel effect on West 5th Street and will tower too high over the street scape and development on the north side of West 5th Street. The applicant proposed changing the design to provide a stair-step effect such that the shortest height would front West 5th Street and then will increase with the depth of the lot placing the most height on the south side of the property that is adjacent to the railroad tracks.

The Neighborhood and the Applicant agreed upon additional conditions to the Staff recommendation. The conditions can be found as *Exhibit C* at the back of the report.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-CO-NP	Warehouse
<i>North</i>	PUD-NP	Public Storage facility
<i>South</i>	CS-CO-NP, P-NP	Personal Improvement Services, Limited Warehouse / Parkland
<i>East</i>	LI-CO-NP	Offices
<i>West</i>	LI-CO-NP	Mini-storage facility

NEIGHBORHOOD PLANNING AREA: Old West Austin **TIA:** not required

WATERSHED: Lady Bird Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

1004	Save Town Lake.Org
1075	Bike Austin
384	Save Barton Creek Assn.
18	Old West Austin Neighborhood Assn.
1366	Waterfront Planning Advisory Board
1424	Preservation Austin
1037	Homeless Neighborhood Assn.
998	West End Austin Alliance
1447	Friends of Emma Barrientos MACC
1011	Old West Austin Neigh Plan Contact Team
1340	Austin Heritage Tree Foundation
1236	The Real Estate Council of Austin, Inc.
511	Austin Neighborhoods Council
742	Austin Independent School District
1228	Sierra Club, Austin Regional Group
1200	Super Duper Neighborhood Objectors and Appealers Organization

SCHOOLS:

Matthews Elementary O Henry Middle School Austin High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2013-0101; Found Upscale Women's Boutique – 501 Oakland Avenue	LO-V-NP to GR-V-CO-NP with a list of prohibited uses.	To grant GR-V-CO-NP with a list of prohibited uses (10/22/13).	Approved GR-V-CO-NP zoning with a list of prohibited uses; building coverage to not exceed; building coverage to not exceed0%; drive in service is prohibited as an accessory use (11/21/13).
C14-2012-0015; Pressler Park II – 315 Pressler Street	LI-CO-NP to CS-NP	To grant CS-CO-NP with a list of prohibited uses (03/13/12).	Approved CS-CO-NP zoning with commercial use not exceeding 10% of gross floor area; a list of conditional uses; prohibiting adult oriented businesses, exterminating services, drop-off recycling collection facilities, and cocktail lounge (08/02/12).
C14-2012-0008; Pressler Park – 300 Pressler Street	LI-CO-NP & CS-1-MU-CO-NP to CS-NP	To grant CS-CO-NP prohibiting cocktail lounge (03/13/12).	Approved CS-CO-NP zoning; commercial use may not exceed 10% of gross floor area; a list of conditional uses; prohibiting cocktail lounge, adult oriented businesses, adult lounges; exterminating services, drop-off

			recycling collection facilities, and cocktail lounge drop (08/02/12).
C14-2007-0237; Old West Austin Vertical Mixed Use Building Opt-in/Opt-out process. Bound by Enfield Road and West 15 th Street on the north, North Lamar Boulevard on the east, Lady Bird Lake on the south and North MoPac Expressway on the west.	To add V zoning to certain tracts within the Old West Austin NPA, as requested by the Neighborhood's application.	To grant V zoning (02/12/2008)	Approved the addition of V zoning on 33 tracts of land with 10% of rental units at 70%MFI, 10% of rental units at 80%MFI for properties with units that at least 1000sf and have at least 2bedrooms; exempt from dimensional standards; subject to parking reductions; additional uses allowed in office districts (03-06-2008).
C14-2007-0057; Pressler – 1304-1316 West 5 th Street and 507 Pressler Street	CS-MU-CO-NP for an early opt-in determination for VMU options	To grant (06/12/07)	Apvd with exemption from dimensional standards; subject to parking reductions; with affordable housing requirements as agreed with n-hood (06/21/07).
C814-96-0001; West 6 th St. Public Storage PUD - 1213 W 6 th Street	CS to PUD	APVD PUD SUBJ TO CONDS (10/08/96)	Apvd with permitted and conditional GR uses; established site development standards including max F.A.R. of 0:25:1, max height of 40'; 90% impervious cover max; min 10' front yard setback; no min. side or rear yard setback; max bldg. coverage of 45%; max 2 driveway cuts and no more than 2090 vehicle trips/day.
C814-96-0002; West 5 th St. Public Storage PUD - 1300 W 5 th Street	CS to PUD	APVD PUD SUBJ TO CONDS (10/08/96)	Apvd with permitted and conditional CS uses; established site development standards including max F.A.R. of 2:68:1 for convenience storage only, max height of 55'; 90% impervious cover max; min 10' front yard setback; no minimum side or rear

			yard setback; max bldg. coverage of 45%; max 1 driveway cut and no more than 250 vehicle trips/day.
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RELATED CASES:

A Capitol View Corridor height determination was approved for the subject property (C17-2010-0022). Based on staff correspondence, it does not appear that this property is traversed by any Capitol View Corridors.

The subject property is within the boundaries of the Old West Austin Neighborhood Planning Area (C14-02-0112 – Ord# 020926-26). Several tracts, including the subject property, were identified in the neighborhood plan as permitted for development as a neighborhood mixed use building special use. The subject tract along with other LI zoned properties were rezoned to LI-CO-NP with the conditional overlay that defines any construction sales and service use that exceeds 10,000 square feet and any laundry services use that exceeds 6,000 square feet as conditional uses. Other conditional uses are listed as automotive rentals and sales, convenience storage, equipment sales, service station, automotive repair services, automotive washing, equipment repair services and limited warehousing and distribution. Further, the conditional overlay prohibits the following uses: basic industry, exterminating services, kennels, resource extraction, vehicle storage, drop-off recycling collection facilities, general warehousing and distribution, recycling center, scrap and salvage.

The subject property is platted as lot 1A, Block 2 – known as Second Resubdivision of a Portion of Block 2, Duval Addition, a subdivision recorded in 1971 (C8S-71-183).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
5 th Street	70'	40'	Arterial	Yes	Yes	Yes
Orchard Street	50'	30'	Local	No	No	Yes

CITY COUNCIL DATE:

November 20, 2014;

December 11, 2014;

ACTION:

Approved a Postponement request by the Applicant to December 11, 2014 (7-0).

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Tori Haase

PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov



ZONING

Exhibit B



1" = 400'



Subject Property

ZONING CASE#: C14-2014-0134
 LOCATION: 1301 W 5th Street
 SUBJECT AREA: 1.6435 ACRES
 GRID: H22
 MANAGER: TORI HAASE



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

STAFF RECOMMENDATION

The Staff's recommendation is to grant the applicant's request for Limited Industrial Services – Planned Development Area – Neighborhood Plan (LI-PDA-NP) Combining District, zoning with the following conditions:

1. The Planned Development Agreement will prohibit the following uses:

Drop-Off Recycling Collection Facility	Scrap and Salvage
Exterminating Services	Agricultural Sale and Services
Kennels	Bail Bond Services
Vehicle Storage	Building Maintenance Services
Resource Extraction	Funeral Services
Basic Industry	Campground
General Warehousing and Distribution	Custom Manufacturing
Recycling Center	Light Manufacturing

2. The Planned Development Agreement will make the following uses conditional:

Limited Warehousing and Distribution	Convenience Storage
Automotive Rentals	Equipment Repair Services
Automotive Repair Services	Equipment Sales
Automotive Sales	Laundry Services (that exceed a site area of 6,000 sq. ft.)
Automotive Washing (of any type)	Service Station
Construction Sales and Service (that exceeds a site area of 10,000 sq. ft.)	
3. The Planned Development Agreement will allow Multi-family Residential use
4. The Planned Development Agreement will establish the following development standards:
 - a. 75ft. maximum building height
 - b. 95% maximum building coverage
 - c. 95% maximum impervious cover
 - d. floor to area ratio of 5:1
 - e. 10ft. interior/side yard setback
 - f. 10ft. rear yard setback.

BASIS FOR RECOMMENDATION

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

The Limited Industrial (LI) zoning district is intended for commercial service use or limited manufacturing use generally located on a moderately sized site.

The purpose of the Planned Development Agreement (PDA) is to add the residential component to create a mixed use development and to modify certain site development standards to allow a higher density mixed-use development.

2. *Zoning should allow for reasonable use of the property.*

The LI-PDA-NP zoning district is a reasonable use of the land because it will allow a mixture of high density residential uses with appropriate commercial and limited industrial uses in this geographical location of the city.

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

The LI-PDA-NP zoning district would be compatible and consistent with the adjacent properties that have LI-CO-NP zoning. In addition, the proposed zoning district is consistent with the CS-MU zoning that allows commercial and multi-family uses in a mixed-use building configuration on the opposite side of West 5th Street from the subject property.

4. *Zoning changes should promote a balance of intensities and densities.*

The LI-PDA-NP zoning district will allow for a mixed use development that will balance the intensity and density with the residential neighborhoods to the north of West 6th Street. The block between West 6th Street and West 5th Street is less intensive in use and density with mostly commercial and office uses. This block serves as a buffer between the more intense and dense development on the south side of West 5th Street and the least intense residential neighborhoods to the north.

5. *Zoning should promote clearly-identified community goals.*

The LI-PDA-NP zoning district promotes the Old West Austin Neighborhood Plan and the Imagine Austin Plan by developing the site as a neighborhood mixed-use building; allowing high-density residential uses alongside non-residential uses that will serve the residents on site and the surrounding communities, will encourage walking, and will provide desirable housing opportunities for the people that work in the surrounding commercial and industrial areas.

EXISTING CONDITIONS

Site Characteristics

The site is developed with a telecommunications building and associated out-buildings. There does not appear to be any topographical constraints on the site. There is very little to no vegetation or trees.

Impervious Cover

The maximum amount of impervious cover under the LI base zoning district is 80 percent. The applicant is proposing to modify this development standard to 95 percent under the Planned Development Agreement.

Comprehensive Planning

Neighborhood Plan

The property is subject to The Old West Austin Neighborhood Plan (OWANP). The OWANP does not have a Future Land Use Map; however, below are policies that discuss this portion of the planning area.

Goal 1 - Encourage Mixed Uses

Obj. 1.1 – Allow mixed uses in selected areas, as follows:

Action 1: Apply the Neighborhood Plan Combining District special use category “Neighborhood Mixed Use -Building” and the Mixed Use Combining District to all properties between the Union Pacific Railroad and the center line of 5th Street, to encourage the conversion of this land to a mix of residential and other uses. The neighborhood will encourage developers to include residences of an appropriate size for families with children. Mixed-use development would be permitted but not required. (City Action Item: DRID). (p 23)

Imagine Austin

The property is located along an ‘Activity Corridor’, as identified on the Imagine Austin’s Growth Concept Map. Activity Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. The property is also located over the Edwards Aquifer Recharge Zone, an environmentally sensitive area. The following Imagine Austin policies are applicable to this case:

- LUT P1. Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

In conclusion, based on this property being: (1) located along an ‘Activity Corridor’, as identified on the Imagine Austin Growth Concept Map, which supports multi-family uses; and (2) the OWANP, which supports residential housing in area, staff believes that the proposed land use is supported by the Imagine Austin Comprehensive Plan as long as environmental regulations are considered and enforced.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. This site is located in the Ladybird Lake 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 other 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.

Transportation

If the requested zoning is granted, it is recommended that

1. access to W. 5th be prohibited as a condition of zoning to reduce driveways accessing an Arterial roadway.
2. at time of site plan, the lot must comply with all sidewalk requirements of Subchapter E.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities exist along the adjoining streets as follows: 5th Street has a dedicated buffered bike lane.

Water and Wastewater

The site is served with City water and wastewater utilities. The landowner will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Site Plan and Compatibility Standards

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

Haase, Victoria (Tori)

From: Lynn Ann Carley <[redacted]>
Sent: Tuesday, October 28, 2014 4:44 PM
To: Larry Halford; Haase, Victoria (Tori); Jean Stevens
Subject: RE: 1301 W 5th Street - PDA Language

Tori, We concur. Please let me know if you have any questions regarding the list. -Lynn Ann

From: Larry Halford [redacted]
Sent: Tuesday, October 28, 2014 4:36 PM
To: Victoria Haase; Lynn Ann Carley; Jean Stevens
Subject: Fwd: 1301 W 5th Street - PDA Language

Tori, Owana is agreeable to this case being placed on consent agenda. We feel the conditions stated in the attached PDF from the applicant are consistent with the issues having been discuss between the neighborhood and the applicant. If you have any question please don't hesitate to call me.

Larry halford

Sent from my iPhone

Begin forwarded message:

From: Lynn Ann Carley <[redacted]>
Date: October 28, 2014 at 2:10:02 PM CDT
To: "Larry Halford ([redacted])" <[redacted]>
Subject: 1301 W 5th Street - PDA Language

Hi Larry, Attached is a draft set of restrictions, based on the exhibits that were previously forwarded and our discussions. I will give you a call shortly. Thanks, Lynn Ann

**1301 W 5th Street Rezoning
C14-2014-0134
PDA Conditions**

As part of the LI-PDA rezoning, which would allow the land use of multi-family residential, 95% maximum building coverage, 95% maximum impervious cover, and a 5:1 floor to area ratio, the following additional restrictions would apply:

1. The building shall be set back from the existing curb line of 5th Street by a minimum of 30 feet.
2. The first 30 feet of the building from 5th Street shall be no greater than 48 feet in height.
3. The maximum height of the remainder of the building shall be no more than 75 feet.
4. The building shall be set back from the south property line no less than 20 feet. This area shall be reserved for future City use.
5. The building shall be set back from the existing curb line of Orchard Street by a minimum of 15 feet.
6. The building shall be set back from the internal lot line on the west by 10 feet.
7. Cocktail lounges shall be prohibited.
8. Outdoor amplified music shall be prohibited.
9. A late-hours permit for alcoholic beverages shall be prohibited.
10. Vehicular access will be prohibited from 5th Street. However, two driveways will be needed from Orchard Street.
11. Vehicular trips will be limited to 2,000 per day.
12. Conditional and prohibited uses will be those listed in the staff's report.