

## MEMORANDUM

**TO:** Dora Anguiano, Planning Commission Coordinator  
Planning and Development Review Department

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**FROM:** Eric J. Hammack, Property Agent Supervisor  
Land Management Section  
Office of Real Estate Services

**DATE:** August 15, 2014

**SUBJECT:** F# 9268-1310 Vacation of an unconstructed Alley between East 3<sup>rd</sup> and East 4<sup>th</sup> Streets and between East Avenue and Waller Creek (Adjacent to: 300 & 306 East Avenue).

Attached is the vacation review packet and the departmental comments for the above referenced alley vacation request in the downtown area.

All affected departments and private utility franchise holders have reviewed this request and recommend approval, **subject to area being retained as public utility easement and as a drainage easement.**

The applicant has requested that this item be submitted for placement on the **August 26<sup>th</sup>, 2014 Planning Commission Agenda** for their consideration.

Staff contact: Eric Hammack at 974-7079 or [landmanagement@austintexas.gov](mailto:landmanagement@austintexas.gov)

Applicant: James Schissler

Property Owner: Lion Outdoor, LLC

Mr. James Schissler (Applicant) or Mrs. Michele Rogerson-Lynch (Applicant representative) will be available to answer any questions regarding the project and vacation request.

Eric J. Hammack, Property Agent Supervisor  
Land Management Section

**OFFICE OF REAL ESTATE SERVICES**

Attachments

DEPARTMENT COMMENTS FOR THE VACATION OF THE UNCONSTRUCTED  
ALLEY BETWEEN EAST 3<sup>RD</sup> AND EAST 4<sup>TH</sup> STREETS, AND BETWEEN EAST  
AVENUE AND WALLER CREEK.  
(ADJACENT TO: 300, 306 EAST AVENUE).

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AT&T	RETAIN AS EASEMENT
AUSTIN ENERGY	APPROVE
AUSTIN TRANSPORTATION	APPROVE
AUSTIN WATER	RETAIN AS EASEMENT
CODE COMPLIANCE	APPROVE
CTM – GAATN	APPROVE
EMS	APPROVE
FIRE	APPROVE
GOOGLE	APPROVE
GRANDE COMMUNICATIONS	APPROVE
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Engineering)	DEFER TO WATERSHED
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Transportation)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Neighborhood Planning)	REFER TO PLANNING COMMISSION
PLANNING & DEVELOPMENT REVIEW (Urban Design)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Zoning Review)	APPROVE
PUBLIC WORKS DIRECTOR	APPROVE
REPUBLIC SERVICES	APPROVE
TEXAS GAS SERVICES	RETAIN EASEMENT OR RELOCATE UTILITIES AT DEVELOPER EXPENSE
TIME WARNER	APPROVE
WATERSHED PROTECTION (Engineering)	RETAIN DRAINAGE EASEMENT

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Case No.: 9268-1310

Date: Oct. 7, 2013

SUBJECT: ALLEY VACATION

( ) Patti Moore	AT&T	( ) Luis Mata	Grande Communication
( ) Melody Giambruno	Austin Energy	( ) Danielle Guevara	PDRD (LUR-Engineering)
( ) Rob Spillar	Austin Transportation Director	( ) Joe Almazan	PDRD (LUR-Transportation)
( ) Angela Baez	Austin Water	( ) Mark Walters	PDRD (N'borhood Planning)
( ) Ann Hargrove	Austin Resource Recovery	( ) Humberto Rey	PDRD (Urban Design)
( ) Bruna Quinonez	Code Compliance	( ) Wendy Rhoades	PDRD (Zoning Review)
( ) Brent Bright	CTM - GAATN	( ) Cuong Tran	PW - City Engineer
( ) Milissa Warren	EMS	( ) Larissa Prince	Texas Gas
( ) David Brietzke	Fire	( ) Scott Wratten	Time Warner
( ) Fablen Villeneuve	Google	( ) Pam Kearfott	WPD (Engineering)

A request has been received for vacation of a portion of an Alley between East 3<sup>rd</sup> Street & East 4<sup>th</sup> Street and Sabine Street & East Ave.

Please review this request and return your comments to Eric Hammack (974-7079), email address: [landmanagement@austintexas.gov](mailto:landmanagement@austintexas.gov) or Fax: 974-7088. Physical address: Office of Real Estate Services, 505 Barton Springs Road, Suite 1350. Due Date: October 21, 2013.

APPROVAL: \_\_\_\_\_ YES \_\_\_\_\_ Yes, Subj. to Reqm't \_\_\_\_\_ No

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date: \_\_\_\_\_

September 30, 2013

*Texas Board of Professional Engineers Registration No. F-439*

Ms. Chris Muraida  
City of Austin Real Estate Services  
505 Barton Springs Road, Suite 1350  
Austin, Texas 78704

Re: Alley Vacation Application  
700 Block of 3rd Street Alley  
Block 36, Original City of Austin Plat  
Austin, TX

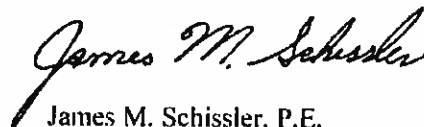
Dear Ms. Muraida:

On behalf of our client, Lion Outdoor LLC, Jones & Carter, Inc. is requesting the vacation of a portion of the City of Austin alley right-of-way that splits Block 36 of the Original City of Austin Plat for a proposed commercial use. Lion Outdoor LLC owns the eight lots on both sides of the alley. The alley was originally dedicated with the Original City of Austin plat.

The alley has never been constructed and a portion of it falls within Waller Creek; it is currently fenced off as part of the parking area for the adjacent property. There are existing utility lines within the alley and the owner proposes to have them abandoned or relocated as part of the construction of a building on that would encompass a large portion of Block 36 as shown on the attached schematic site plan. A formal Site Development Permit application has not been submitted since there are several other City regulations that we are working through, such as the Waller Creek Master Plan and the Capital View Corridor. The project will be a unified development on the portions of the eight lots that can be developed. The building will be office use and ground level retail or restaurant uses coinciding with the Waller Creek Master Plan and the project will not include SMART Housing. The start of construction is anticipated to be January, 2015. Block 36 falls within the CBD – Central Business District and the site is currently used for outside storage and fitness training. The property to the south is City parkland, the property to the east is partially developed and the property to the north is currently the site of the Waller Creek tunnel construction zone. The parking is currently surface parking and the proposed building will require structured parking at or below grade. There are no adjacent property owners since Lion Outdoor LLC owns the entire block.

We appreciate your consideration of this alley vacation request and its approval. If you have any questions or require additional information, please contact me at (512) 441-9493.

Sincerely,



James M. Schissler, P.E.

JMS/bgn

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Enclosures

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File No. 9268-1310 Application for Street or Alley Vacation  
Department Use Only DATE: 10-7-13  
Department Use Only

**TYPE OF VACATION**

Type of Vacation: Street: \_\_\_\_\_; Alley: x; ROW \_\_\_\_\_ Hundred Block: 700 East  
Name of Street/Alley/ROW: Block 36 Alley Is it constructed: Yes (No)  
Property address: 300 & 306 East Avenue; 701 E. 4th Street; 702, 706 & 708 E. 3rd Street  
Purpose of vacation: Allow development of Block 36 with single building

**PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED**

Parcel #: 020404 1801, 1806-1812  
Survey & Abstract No.: \_\_\_\_\_  
Lot(s): 1-8 Block: 36 Outlot: \_\_\_\_\_  
Subdivision Name: Original City of Austin  
Plat Book \_\_\_\_\_ Page Number \_\_\_\_\_ Document Number \_\_\_\_\_

Neighborhood Association Name: Downtown Austin neighborhood Assn.  
Address including zip code: P.O. Box 997, Austin, TX 78767

**RELATED CASES**

	FILE NUMBERS
Existing Site Plan (circle one): YES / <u>(NO)</u>	_____
Subdivision: Case (circle one): YES / <u>(NO)</u>	_____
Zoning Case (circle one): YES / <u>(NO)</u>	_____

**PROJECT NAME, if applicable:**

Name of Development Project: Block 36  
Is this a S.M.A.R.T. Housing Project (circle one): YES / (NO)

**OWNER INFORMATION**

Name: Lion Outdoor LLC (as shown on Deed)  
Address: 4330 S. Mopac, Ste. 150 Phone: (512) 926-7740 Fax No.: ( )  
City: Austin County: Travis State: TX Zip Code: 78735  
Contact Person/Title: William Reagan Cell Phone: ( )  
Email Address: Billyreagan@reaganaustin.com  
(If multiple owners are joining in this request - complete names, addresses on each, must be attached.)

**APPLICANT INFORMATION**

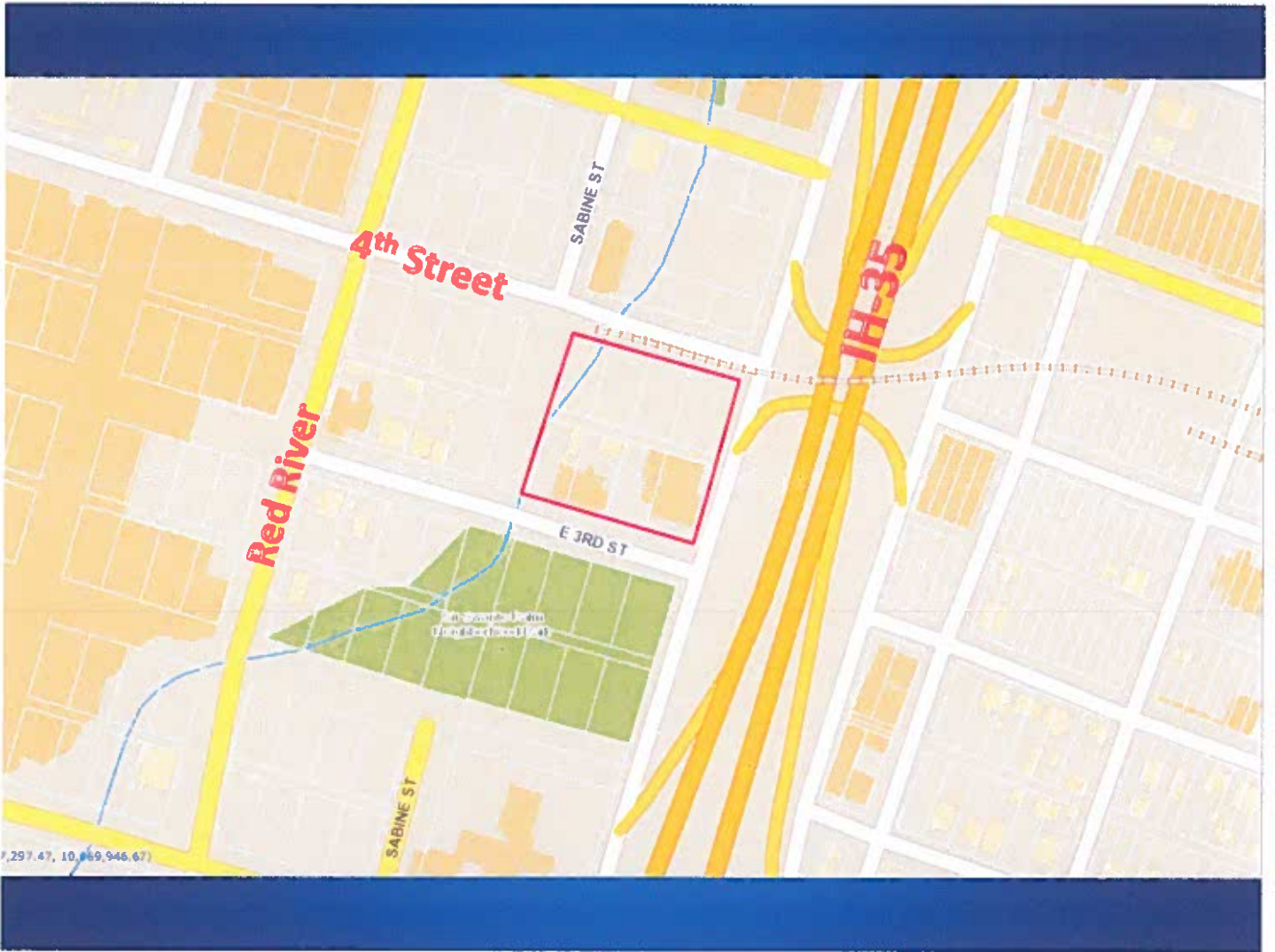
Name: James M. Schissler, P.E.  
Firm Name: Jones & Carter, Inc.  
Address: 1701 Directors Blvd. Suite 400  
City: Austin State: TX Zip Code: 78744  
Office No.: (512) 441-9493 Cell No.: (512) 496-6481 Fax No.: (512) 445-2286  
EMAIL ADDRESS: JSchissler@jonescarter.com

The undersigned Landowner/Applicant understands: 1) The application will be handled in accordance with the Policies and Procedures. 2) No action will be taken without payment of the non-refundable application fee or necessary documentation. 3) The application and fee in no way obligates the City to vacate the subject area. 4) It is further understood that all documents related to this transaction and certified check for the "appraised value" must be delivered to the City of Austin prior to placing the item on the Council Agenda for final approval.

Signed By: [Signature]  
Landowner/Applicant



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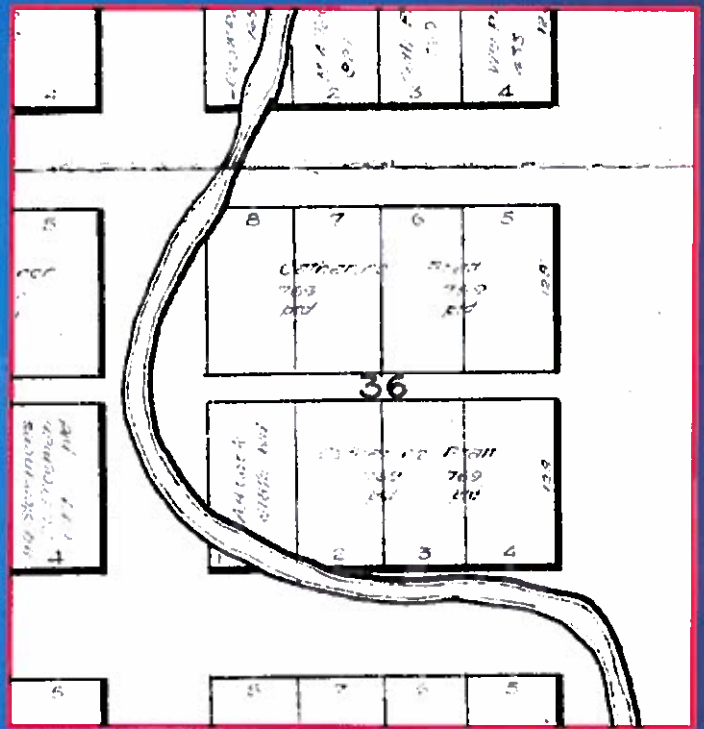
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## Summary

### Project - Conceptual

- 34,571 net square feet mixed use:
  - 11,752 square feet office
  - 22,819 square feet commercial (retail, restaurant)
  - Underground parking
- Enhanced streetscapes
- Easement dedicated for bank stabilization and potential trail
- Capitol View Corridor – Height limited to 40 feet or less
- CBD zoned property
- Site Plan is not currently under review

### Alley Vacation

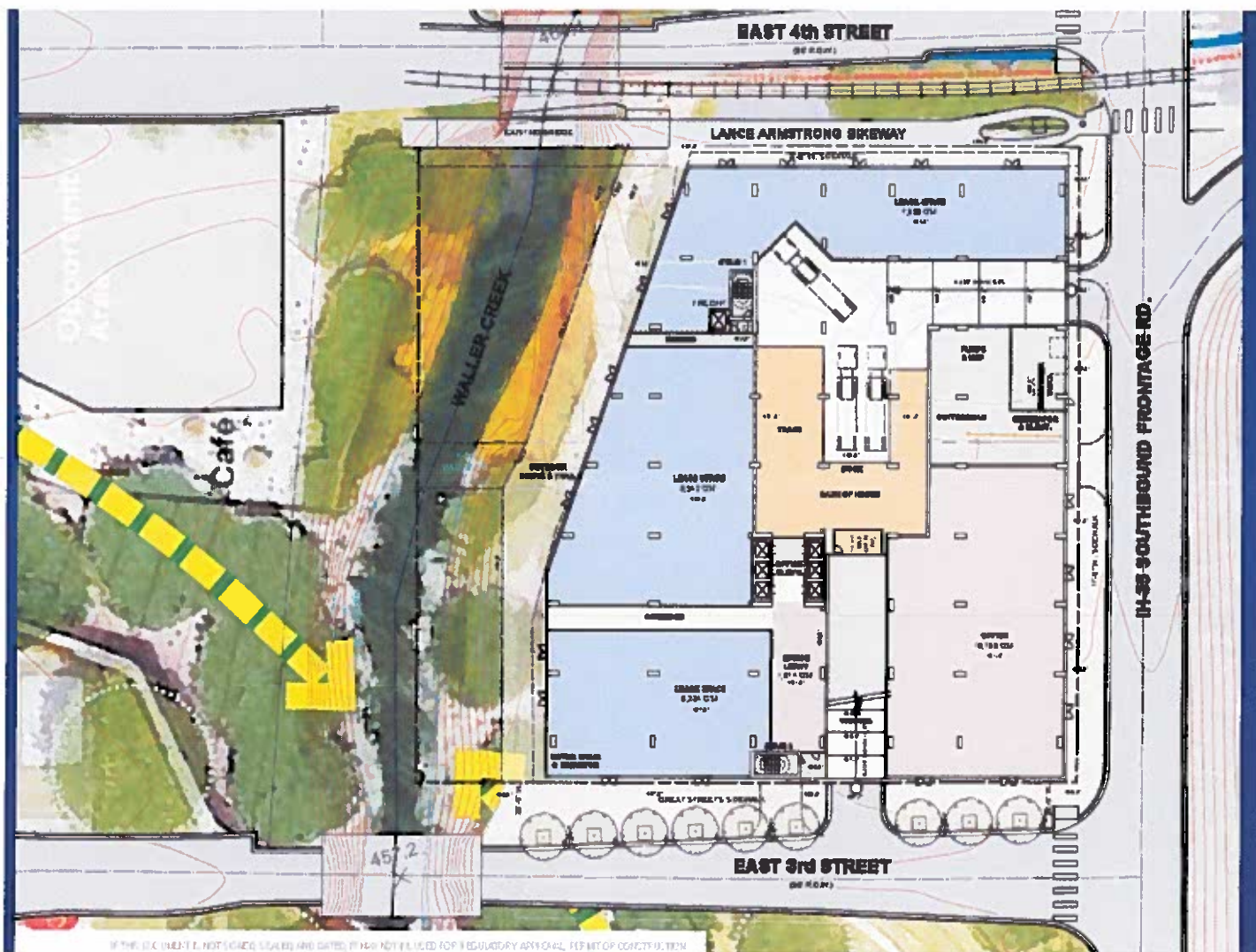
- Request to vacate 4,907 sq. ft. of right-of-way
- “Paper Alley” easement
- Proposed internal off-street loading and underground parking

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## Overlapping Regulations

- Downtown Design
- Commercial Design Standards
- Downtown Creeks Overlay
  - Prohibits curb cuts along downtown creeks
- Convention Center Overlay
- Capitol View Corridor
  - Height limited to 40 feet or less
- Convention Center TOD
- Downtown Austin Plan – non regulating
  - Requires internal off-street loading for alley vacations
- Waller Creek Master Plan – non regulating
  - Support from Waller Creek Conservancy Design Team

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**DEBATE**

## LANCE ARMSTRONG BIKEWAY

WALLER CREEK

Carb

## 44-389 SOUTHBOUND FRONTAGE RD.

**EAST 3rd STREET**

**THE MIDDLE**

457.2

IF THIS DOCUMENT IS NOT SIGNED, DATED AND INITIALED IT MAY NOT BE USED FOR FIDUCIARY APPROVAL FOR ANY OF CONSTRUCTION.

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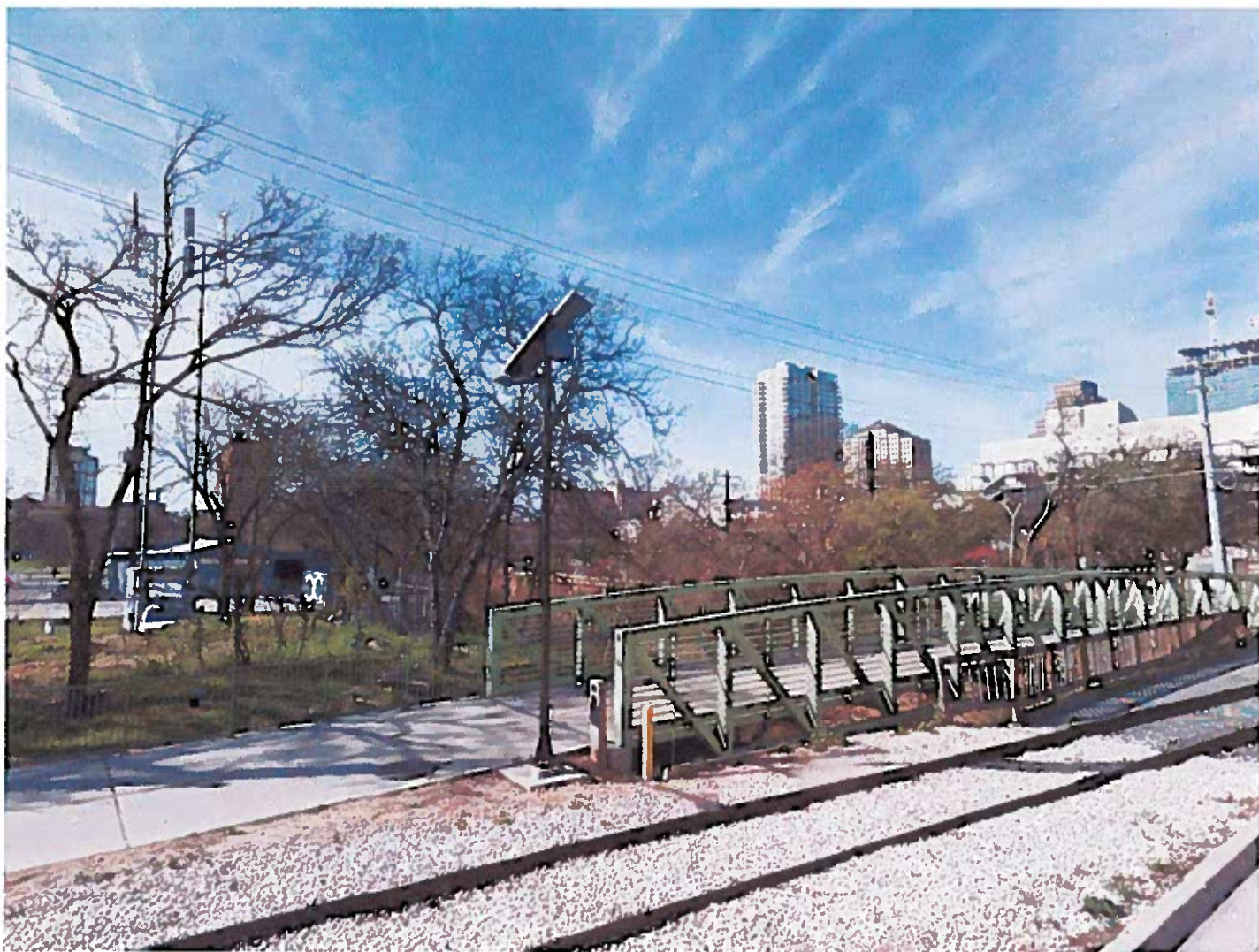
THIS DOCUMENT IS NOT SIGNED, SEALED AND DATED, IT MAY NOT BE USED FOR REGULATORY APPROVAL, PERMIT OR CONSTRUCTION.

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## Reasons to Support

- “Paper Alley” - not constructed or in use
- Downtown regulations prohibit curb cuts on creek
- Waller Creek TIF
- Capitol View height restriction
- Supported by City Staff
- Supported by Waller District Design Guidelines Team
- Vacation will not affect traffic flow
  - Internal off-street loading
  - Reduces driveways on IH-35 frontage road
  - No driveway conflicts with Lance Armstrong Bikeway or rail line on 4<sup>th</sup> Street