### CITY OF AUSTIN Board of Adjustment Decision Sheet

DATE: Thursday November 07, 2019	CASE NUMBER: C15-2019-0061
Brooke Bailey	
Jessica Cohen	
Ada Corral	
Melissa Hawthorne	
William Hodge	
Don Leighton-Burwell	
Rahm McDaniel	
Darryl Pruett	
Veronica Rivera	
Yasmine Smith	
Michael Von Ohlen	
Kelly Blume (Alternate)	
Martha Gonzalez (Alternate)	
Denisse Hudock (Alternate)	

OWNER: PSW - Springdale, LLC

**ADDRESS: 735 SPRINGDALE RD** 

VARIANCE REQUESTED: The applicant is requesting a variance(s) to increase the maximum allowable Compatibility Height requirements of Article 10, Compatibility Standards, Division 2 –Development Standards, Section 25-2-1063 (C)(2) (Height Limitations and Setbacks for Large Sites) from 40 feet (maximum allowed) to 48 feet (requested) in order to erect a 48 ft. foot Commercial Office use in a "CS-MU-CO-NP", General Commercial Services –Mixed Use – Conditional Overlay –Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

Note: The Land Development Code Section 25-2-1063 (C) (2) allows a height limit of three stories or 40 feet, if the structure is more than 50 feet and not more than 100 feet from property (a) in an "SF-5" or more restrictive zoning district, or (b) on which a use permitted in an "SF-5" or more restrictive zoning district is located.

BOARD'S DECISION: BOA MEETING NOV 7, 2019 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Veroncia Rivera motions to Postpone to January 13, 2020, Board Member Jessica Cohen seconds on a 10-0 vote; POSTPONED TO JANUARY 13, 2020.

FINDING:

- 1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
- 2. (a) The hardship for which the variance is requested is unique to the property in that:
  - (b) The hardship is not general to the area in which the property is located because:
- 3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Elaine Ramirez

**Executive Liaison** 

Don Leighton-Burwe

Chairman

### Springdale Farms

Board of Adjustments

### Site Location P

- Area: 4.85 acres
  Zoning: CS-MU-CO-NP
- Along Imagine Austin Corridor

  2 Blocks from Transit priority (in both directions)

  Activity Corridor



# Neighborhood Outreach

- Held community meetings to:
- has meant to the community Understand from our future neighbors what the Farm
- Get a sense of what future uses could be beneficial to the community
- Introduce StoryBuilt and discuss overall design strategy
- Preservation (trees, existing features important to the site)
- Sustainability
- Green infrastructure
- Neighborhood fabric
- Mixed Use (residential for sale and commercial)



# Community Feedback and Goals

# Feedback from community meetings:

- Keep some level of farming and farm-stand operational
- Mixed use (residential and commercial)
- Open space
- Independent grocery
- Coffee shop/cafe
- Affordable housing component
- Welcoming environment
- Pedestrian oriented



# What did we do with the Feedback..

- to incorporate all the feedback Developed numerous site plans and programming options trying
- agreements we could come to and identify our steps moving forward Formed a working group with the Neighborhood Planning Contact Team to better identify pros and cons for the project, what
- Developed a site plan, working around the numerous constraints on the property to bring to life the best project possible
- Continued direct neighbor outreach during process to inform everyone of progress with the NPCT



# Neighborhood Conclusions

- Conditional Overlay Zoning change supported to allow for restaurant and general convenience/retail uses
- Support for 48-ft commercial building
- due to unit sizes being conveyed. Executed LOI with the Guadalupe Neighborhood Development conveyed at 60% MFI. A Missing middle for the GNDC will be filled Corporation to formalize partnership for affordable units to be
- Heritage Tree preservation
- determine necessary requirements for future needs. is currently managing the farm and onsite restaurant, to Maintain Urban Farming component: worked with Eden East, who



### Site Plan

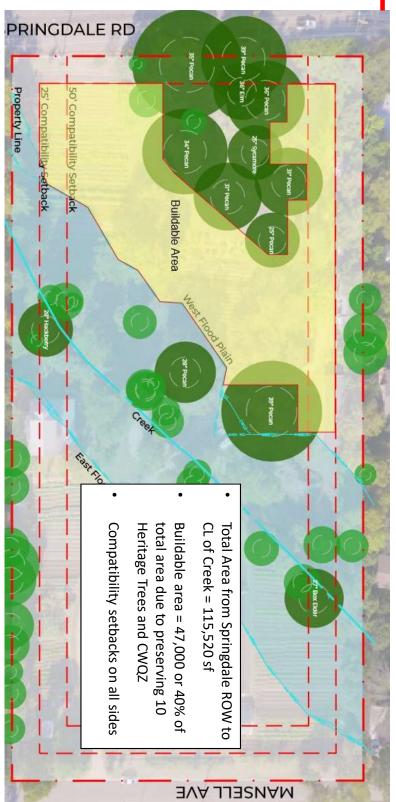
### Site Plan:

- 88 For sale Units
- +/- 50,000 sf of commercial
- Open Space: 2.25 ac (includes 25k sf of Urban Farm
- 50% Imp cover
- FAR: 0.7:1
- Tree Preservation
- Residential units 30-ft from property
- Collaboration of StoryBuilt and the NPCT to accomplish the goals:
- Mixed Use
- Sub-grade parking
- Pedestrian Oriented





## P-4/Site Overview





### বিriggering Properties ১



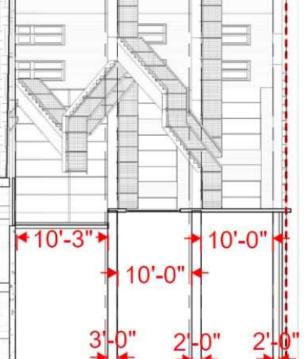


# As of Rights – 40-feet

### Commercial Height:

- 3 stories at 40-ft yields approx. 12 13' floor to floor which yields an unmarketable and unviable commercial space
- Floodplain requires FFE to be raised an additional 2-3ft above average grade further limiting height

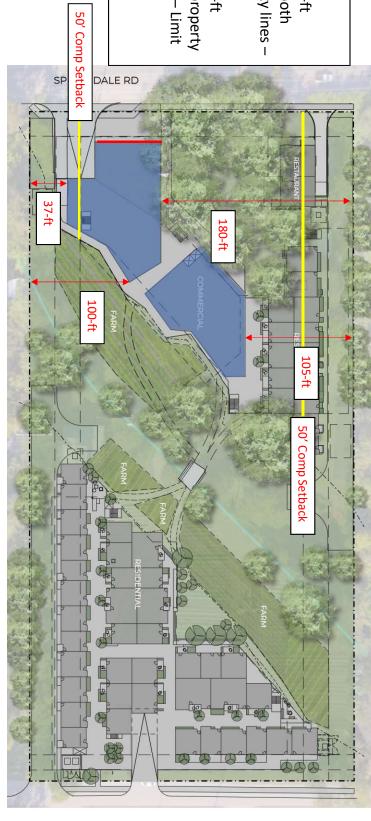
### IF AS OF RIGHTS COMPATIBILITY TENT WAS FOLLOWED



# 44 roposed Height

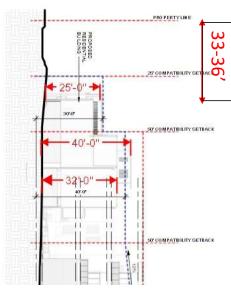
### Commercial Height:

- Variance to allow for 48-ft structure at 50-ft from both north and south property lines — Limit to 3 stories
- Variance to allow for 48-ft structure at 25-ft from property line along Springdale Rd— Limit to 3 stories





### 4 Worthwest Section



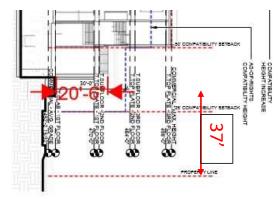


6 6

- Residential units
  approximately 8 11ft
  beyond 25ft comp setback
  Residential height at appro
- Residential height at approx. 25-ft (5' below allowable)



# 4 4 5 9 P



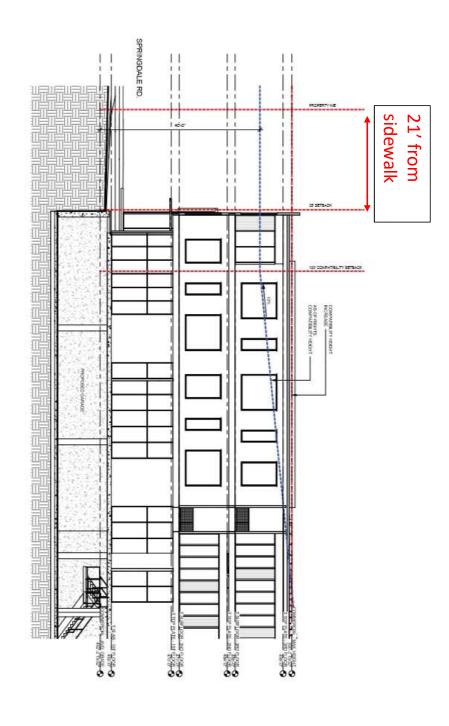


- Commercial height approx 9'-6" below allowable height within 25 50ft comp setback
- No structure within 37' from PL





# 全 全 Pommercial Building-Springdale Section





### Govalle/Johnston Terrace Neighborhood Plan Contact Team "Strength Through Unity"

To: Austin Planning Commission, City Council and Board of Adjustment From: G/JTNP Contact Team

RE: NPA-2018-0016.04\_Springdale Farms

Commissioners and Council members,

Please accept this letter on behalf of the **Govalle/Johnston Terrace Neighborhood Plan Contact Team**. After approximately nine (9) months of talks and negotiations with the developer, we have come up with and agreement for

Support for case # NPA-2018-0016.04\_Springdale, with the following conditions:

\*Conditional Overlay - change to include restaurant, general retail sales (convenience) & artisan workshop uses

\*Keep FLUM SF3 (no change)

\*Limit of 20 unit per acre

\*Housing - 90 units, five affordable unit sold to (GNDC) @ 60% MFI \*Height - no more than 3 stories (48' on commercial, 40' on residential), 2 story on

compatibility set backs

compatibility set-backs

\*Parking – on site and below ground parking
\*Removal of one heritage tree as outline in the project proposal

Please feel free to contact me with any questions or comments you may have regarding this case.

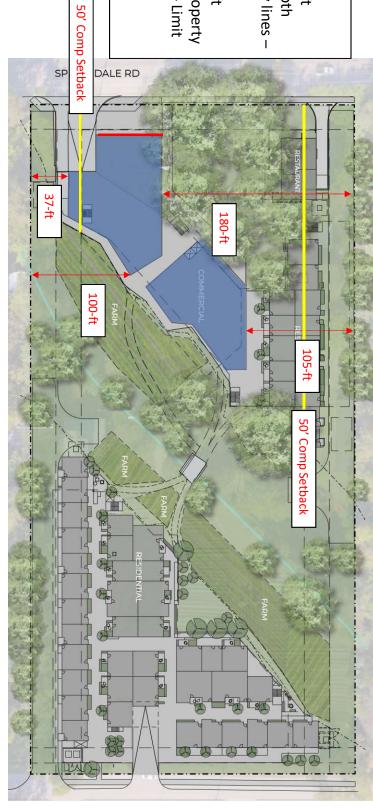
Thank you,



# 4Proposed Height

### Commercial Height:

- Variance to allow for 48-ft structure at 50-ft from both north and south property lines – Limit to 3 stories
- Variance to allow for 48-ft structure at 25-ft from property line along Springdale Rd— Limit to 3 stories





### **BOA GENERAL REVIEW COVERSHEET**

**CASE:** C15-2019-0061 **BOA DATE:** November 7, 2019

ADDRESS: COUNCIL DISTRICT: 3
OWNER: PSW-Springdale LLC
AGENT: Jarred Corbell

**ZONING:** CS-MU-CO-NP

**LEGAL DESCRIPTION:** LOT 6-8 OLT 29-30 DIV A LESS W 17.88 FT JONES J GODWIN SUBD (1-D-1)

**VARIANCE REQUEST:** a 48 ft. tall Commercial Office Building

**SUMMARY:** erect a commercial office building at 50 ft. from property line

**ISSUES:** critical water quality zone and floodplain

	ZONING	LAND USES
Site	CS-MU-CO-NP	General Commercial Services
North	SF-3-NP	Single-Family
South	SF-3-NP	Single-Family
East	P-NP	Public
West	GR-MU-CO-NP	Community Commercial

### **NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Del Valle Community Coalition

East Austin Conservancy

El Concilio Mexican-American Neighborhoods

Friends of Austin Neighborhoods

Govalle Neighborhood Association

Govalle/Johnston Terrace Neighborhood Plan Contact Team

Guadalupe Neighborhood Development Corporation

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Neighbors United for Progress

**Preservation Austin** 

**SEL Texas** 

Sierra Club, Austin Regional Group



October 30, 2019

Jarred Corbell 735 Springdale Rd Austin TX, 78702

Property Description: LOT 6-8 OLT 29-30 DIV A LESS W 17.88 FT JONES J GODWIN SUBD (1-D-1)

Re: C15-2019-0061

Dear Jarred,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following section(s) from the Land Development Code;

**Article 10, Compatibility Standards, Division 2** –Development Standards, Section 25-2-1063 (C)(2) (*Height Limitations and Setbacks for Large Sites*) To increase the maximum allowable Compatibility Height requirements; **from 40 feet (maximum allowed) to 48 feet (requested)**;

in order to erect a 48 ft. foot Commercial Office use in a "CS-MU-CO-NP", General Commercial Services – Mixed Use – Conditional Overlay –Neighborhood Plan zoning district. (Govalle Neighborhood Plan)

Austin Energy does not oppose the above request for a height variance, provided all proposed and existing improvements follow Austin Energy's clearance criteria requirements, the National Electric Safety Code and OSHA. Any existing electric facilities and easements that are affected by the proposed development, will need to be relocated, released or replaced at the expense of the owner/applicant.

I encourage you to contact Darren Vicknair, Austin Energy Design – South Darren. Vicknair@austinenergy.com or (512) 505-7636, to discuss the any removal and relocation of existing facilities for the proposed electric design and electric service for this development.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities\_criteria\_manual?nodeId=S1AUENDECR\_1.10.0CLSA\_RE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you for contacting Austin Energy.

### Eben Kellogg

Property Agent - Austin Energy Public Involvement | Real Estate Services 2500 Montopolis Drive Austin, TX 78741 (512) 322-6050









ZONING BOUNDARY

### **NOTIFICATIONS**

CASE#: C15-2019-0061 LOCATION: 735 Springdale Road





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.

### Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, <u>click here to Save</u> the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

### For Office Use Only

Case #	ROW #		Tax #	!
C				
Section 1: Appli	cant Statemen	t		
Street Address: 735 S	PRINGDALE RD. A	USTIN, TX 787	02	
Subdivision Legal Desc	ription:			
LOT 6-8 OLT 29-30	DIV A LESS W 17	7.88 FT JONES	J GODWIN SU	IBD
Lot(s):		Bloo	:k(s):	
Outlot:	Division:			
Zoning District: CS-MU	-CO-NP			
I/We <u>JARRED CORBE</u>	LL		on be	ehalf of myself/ourselves as
authorized agent for	PSW - SPRINGD	ALE LLC		affirm that on
Month October	, Day 8	, Year 2019	, hereby ap	oply for a hearing before the
Board of Adjustment	for consideration t	o (select approp	riate option bel	ow):
○ Erect ○ Attacl	n OComplete	Remodel	<ul><li>Maintain</li></ul>	Other:
Type of Structure: 4	8-ft Commercial O	ffice Building at	50-ft from prope	erty line

Portion of the City of Austin Land Development Code applicant is seeking a variance from:  LDC 25-2-1063 (C) (2) - three stories and 40-ft, if the structure is more than 50-ft and not more than 100-ft from property				
Section 2: Variance Findings				
The Board must determine the existence of, sufficiency of, and weight of evidence supporting the indings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as ncomplete. Please attach any additional supporting documents.				
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.				
contend that my entitlement to the requested variance is based on the following findings:				
Reasonable Use  The zoning regulations applicable to the property do not allow for a reasonable use because:  CS-MU Zoning allows for 60-ft height and per Compatibility standards of outdated LDC, the site only realizes a 40-ft height along a commercial corridor. We are requesting 48-ft tall building				
Hardship				
a) The hardship for which the variance is requested is unique to the property in that:  There are several environmental features that limit the property to be developed to the highest and best use. This site is bordered to the east by Critical Water Quality Zone and Floodplain, totaling approx. 0.88 acres. Due to desire for site preservation, there are 10 heritage trees to remain which equate to 0.25 ac of undevelopable. In total, of the 2.65 ac of land on which the commercial will be constructed, only 58% os developable.				
b) The hardship is not general to the area in which the property is located because:  The property contains numerous environmental constraints.				

### **Area Character**

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The drainage channel that intersects the site creates a natural barrier to the properties to the south. The project is bordered by

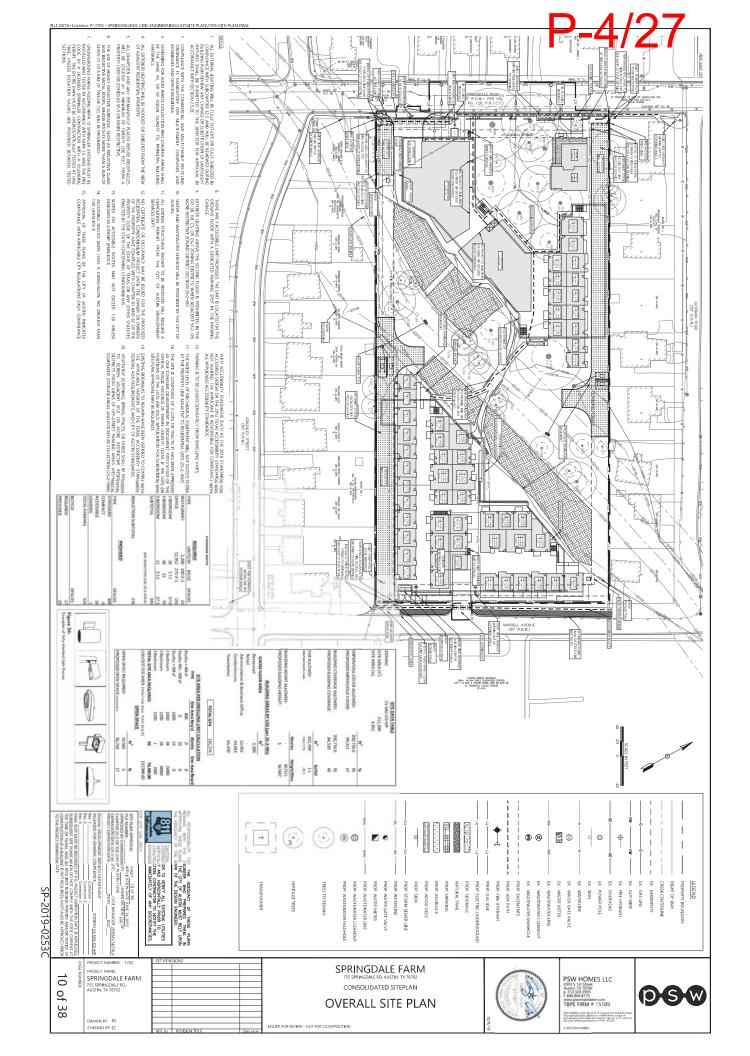
Reque a varia	est for a parking variance requires the Board to make additional findings. The Board may grant ance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6,
	dix A with respect to the number of off-street parking spaces or loading facilities required if it findings of fact that the following additional circumstances also apply:
1.	Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:
2.	The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
3.	The granting of this variance will not create a safety hazard or any other condition inconsisten with the objectives of this Ordinance because:
_	
4.	The variance will run with the use or uses to which it pertains and shall not run with the site because:

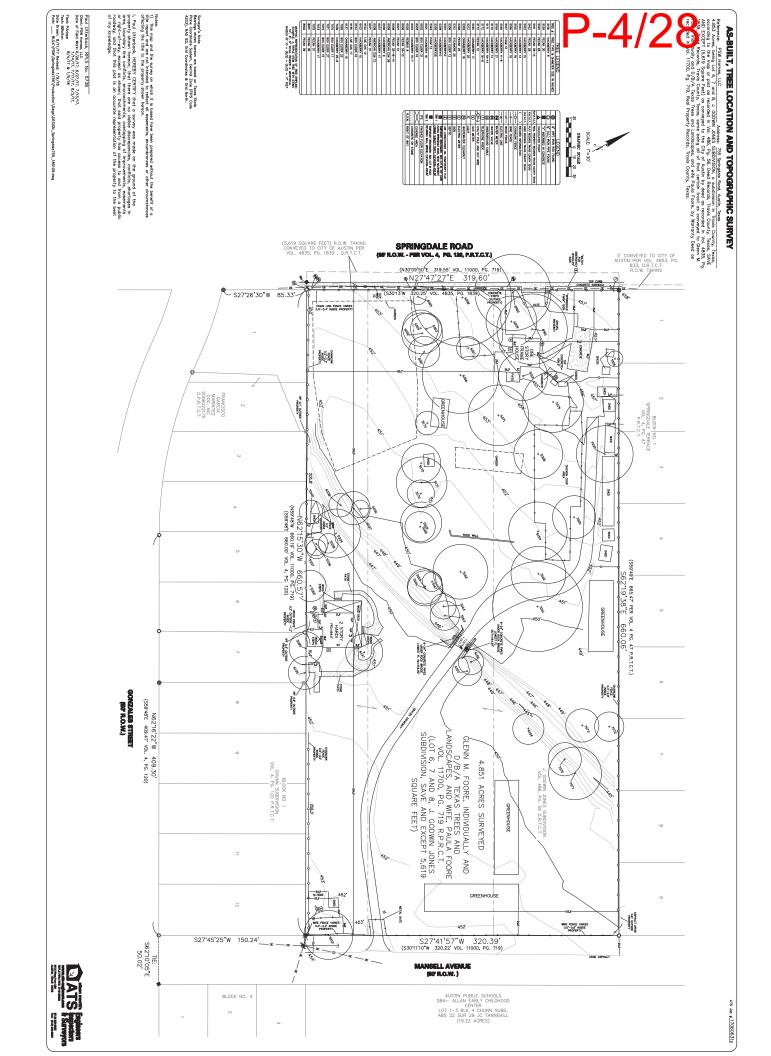
### **Section 3: Applicant Certificate**

Applicant Signature:
Applicant Mailing Address: 2003 S 1ST ST  City: AUSTIN State: TX Zip: 78704  Phone (will be public information): (318) 230-4084  Email (optional – will be public information):  Section 4: Owner Certificate  I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.  Owner Signature: Date: 10/3/2019  Owner Name (typed or printed): PSW-SPRINGDALE LLC  Owner Mailing Address: 2003 S 1ST ST.  City: AUSTIN State: TX Zip: 78704  Phone (will be public information): (318) 230-4084
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Phone (will be public information): (318) 230-4084
Frank (articular will be mublic information).
Email (optional – will be public information):
Section 5: Agent Information
Agent Name: Jarred Corbell
Agent Mailing Address: 900 South 1st St
City: Austin State: TX Zip: 78704
Phone (will be public information): 318-230-4084
Email (optional – will be public information):
Section 6: Additional Space (if applicable)
Please use the space below to provide additional information as needed. To ensure the information referenced to the proper item, include the Section and Field names as well (continued on next page
During discussion with the Neighborhood Planning Contact Team and our desire to preserve natural features as well as create urba farming space, we have received support to construct a 48-ft commercial structure. Base zoning allows for 60-ft but due to compatibility standards, we are limited to 40-ft. Seeking an 8-ft variance.

### **Section 3: Applicant Certificate**

application are true a	nd correct to the best of
	Date: 10/3/2019
	CONTRACTOR OF THE STATE OF THE
State: TX	Zip: 78704
application are true a	nd correct to the best of
44 - XX	Date: 10/3/2019
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75 SECULATION	
State: TX	Zip: 78704
ble)	
	ensure the information is (continued on next page).
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	application are true a  LLC State: TX  State: TX  ble)  mation as needed. To Field names as well





storybuilt.

Austin, TX

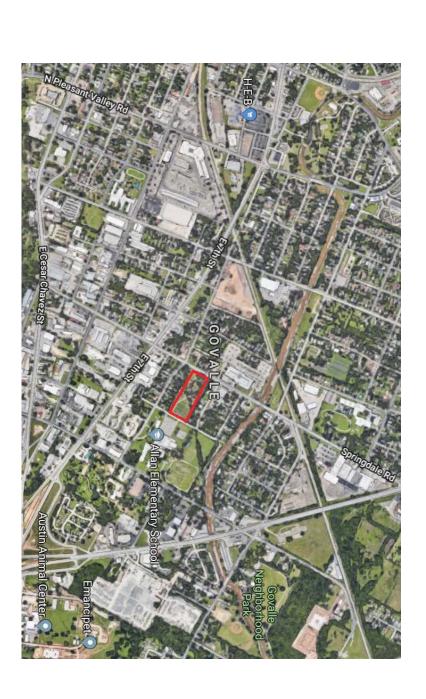
# storybuilt.

### Springdale Farms

**Board of Adjustments** 

### P-4/31 P-4/31

- Area: 4.85 acres
  Zoning: CS-MU-CO-NP
  Along Imagine Austin Corridor
  2 Blocks from Transit priority (in both directions)
- **Activity Corridor**



# eighborhood Outreach

- Held community meetings to:
- Understand from our future neighbors what the Farm has meant to the community
- Get a sense of what future uses could be beneficial to the community understanding that existing Conditional Overlay restricts site to residential and office uses
- Introduce PSW and discuss overall design strategy
- Preservation (trees, existing features important to the site)
- Sustainability
- Green infrastructure
- Neighborhood fabric
- Mixed Use (residential for sale and commercial)



# Feedback from community meetings:

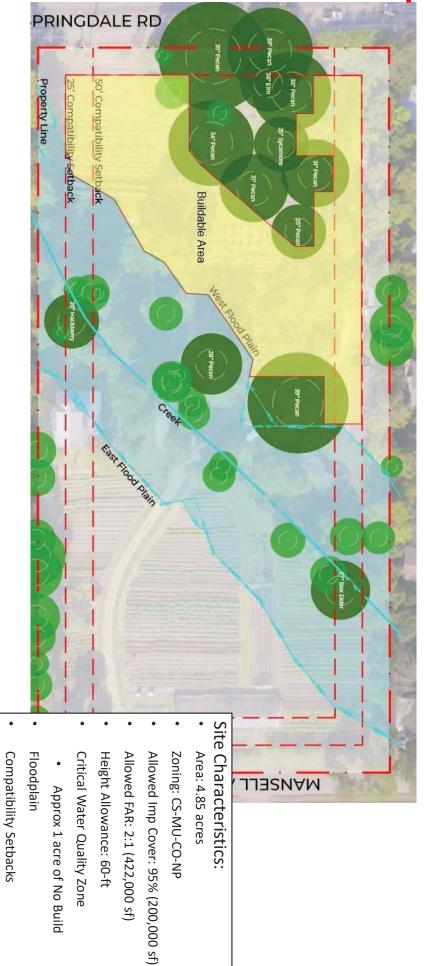
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- to incorporate all the feedback Developed numerous site plans and programming options trying
- agreements we could come to and identify our steps moving forward Formed a working group with the Neighborhood Planning Contact Team to better identify pros and cons for the project, what
- Developed a site plan, working around the numerous constraints on the property to bring to life the best project possible







Heritage Trees

### P-4/36 Ite Plan

### Site Plan:

- 88 For sale Units
- +/- 50,000 sf of commercial
- Open Space: 2.25 ac (includes 25k sf of Urban Farm
- 50% Imp cover
- FAR: 0.7:1
- Tree Preservation
- For sale units 30-ft from property line





# P-4/37 P-4/37



section 1 not to scale

4 STORIES & -40' + 1' HEIGHT -FOR EVERY 10'

50'-0"

— 3 STORIES & 40' —
HEIGHT ALLOWED



### 4/ roposa

### Commercial Height:

- Variance to allow for 48-ft structure at 50-ft from property line on both south and north property lines Limit to 3 stories
- Variance to allow for 48-ft structure along Springdale Limit to 3 stories
- Additional height allows for typical heights and more viable use of commercial space



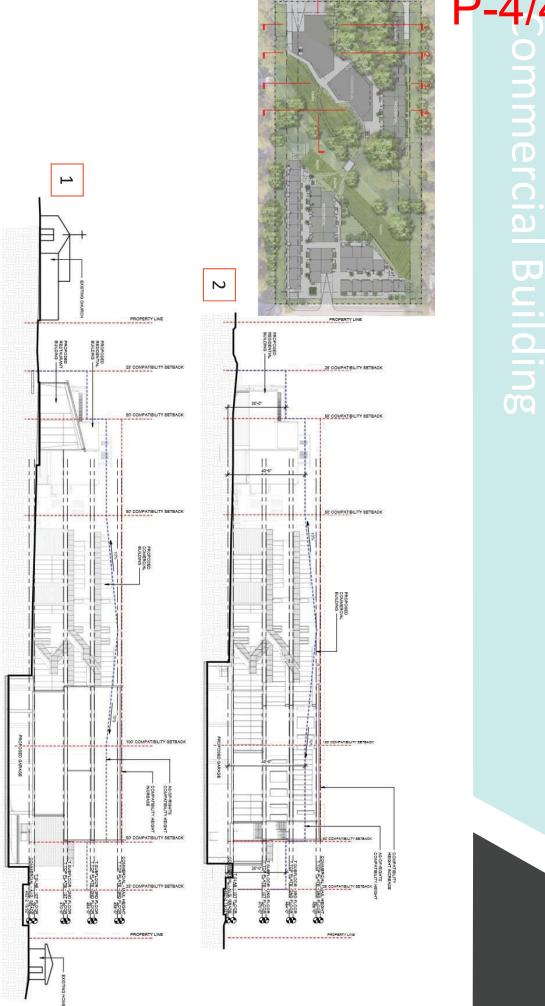


# P-4/39 P-4/39 Bui

Note: Per new equivalent zoning for this existing base zoning, 60-ft height limit would be allowed at 50-ft from Property Line.



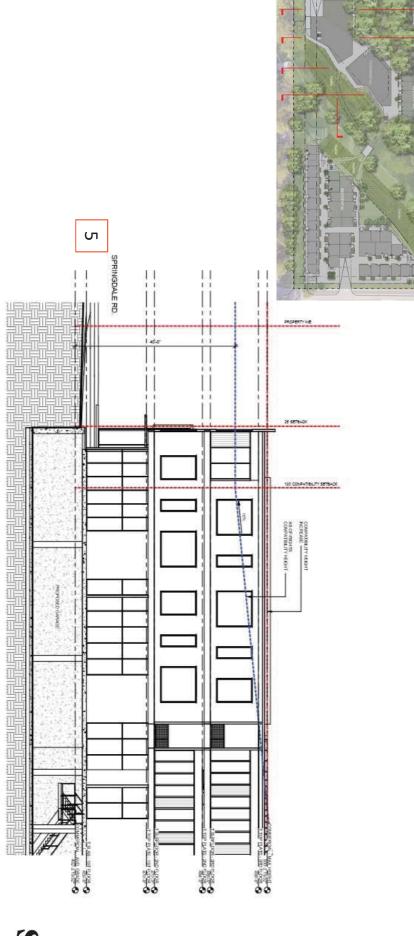




# P-4/41 P-4/20mmercial Building



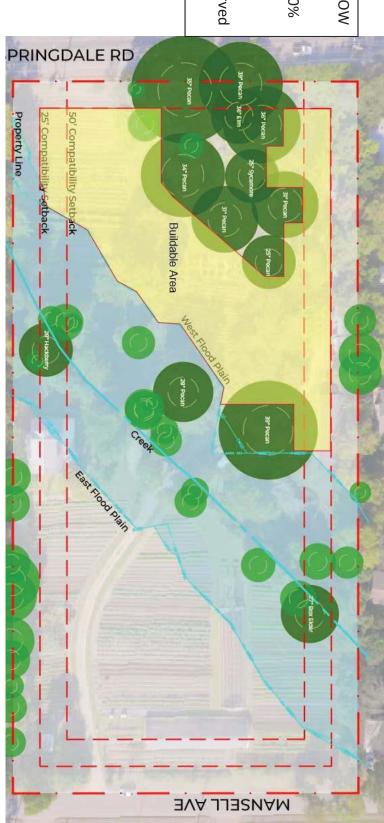






### P-4/43 Pardship

- Total Area from Springdale ROW to CL of Creek = 115,520 sf
- around trees of total area due to working Buildable area = 47,000 or 40%
- 9 Heritage trees to be preserved





# P-4/44 P-4/Veighborhood Support

Govalle/Johnston Terrace Neighborhood Plan Contact Team "Strength Through Unity"

To: Austin Planning Commission, City Council and Board of Adjustment From: G/JTNP Contact Team
RE: NPA-2018-0014-0015-

Commissioners and Council members,

Please accept this letter on behalf of the **Govalle/Johnston Terrace Neighborhood Plan Contact Team**. After approximately nine (9) months of talks and negotiations with the developer, we have come up with and agreement for

 $\textbf{Support} \ for \ case \# NPA-2018-0016.04\_Spring dale, \ \textbf{with the following conditions}: \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ \textbf{with the following conditions}: \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ \textbf{with the following conditions}: \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ \textbf{with the following conditions}: \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ \textbf{with the following conditions}: \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ \textbf{with the following conditions}: \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ \textbf{with the following conditions}: \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ \textbf{with the following conditions}: \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ \textbf{with the following conditions}: \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ \textbf{with the following conditions}: \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ \textbf{with the following conditions}: \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dale, \ a support for \ case \# NPA-2018-0016.04\_Spring dal$ 

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compatibility set-backs street with  $3^{\rm rd}$  story stair-stepped back into the interior of the site at

\*Parking – on site and below ground parking
\*Removal of one heritage tree as outline in the project proposal

regarding this case. Please feel free to contact me with any questions or comments you may have

Thank you,

