

ZONING CHANGE REVIEW SHEETCASE: C14-2017-0148 – Zen Garden (*formerly Eightfold*)DISTRICT: 1ZONING FROM: LI-NPTO: LI-PDA-NP, as amended April 2, 2019ADDRESS: 3501 Ed Bluestein BoulevardSITE AREA: 109.65 AcresPROPERTY OWNER/APPLICANT: 3443 Zen Garden LP (Adam Zarafshani)AGENT: Sprouse Shrader Smith PLLC (Terrence L. Irion)CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)STAFF RECOMMENDATION:**Staff supports the Applicant's request of LI-PDA-NP zoning, with conditions.****The Applicant requests the following:**

- 1. The property is permitted to utilize a 50% parking and loading area reduction.**
- 2. Building B shall be no greater than 160' of height.**
- 3. All other buildings east of Semiconductor Drive shall be no greater than 120' of height.**
- 4. For the portion of the property that is bounded by Ed Bluestein Boulevard, Technicenter Drive, Semiconductor Drive and Central Avenue, buildings shall not exceed 400' of height.**
- 5. For the remaining portion of the property that is west of Semiconductor Drive, buildings shall not exceed 280' of height.**

Staff supports conditions 1, 2, and 3 but does not support 4 or 5. With the exception of Building B, Staff recommends that all other buildings on the property shall not exceed 120' of height.

For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 14, 2020:

December 10, 2019: To grant a postponement to January 14, 2020 as requested by Applicant, on consent.

November 12, 2019: To grant a postponement to December 10, 2019 as requested by Applicant, on consent.

October 8, 2019: To grant a postponement to November 12, 2019 as requested by Neighborhood, on consent.

August 27, 2019: To grant a postponement to October 8, 2019 as requested by Applicant, on consent.

May 22, 2018: To grant indefinite postponement as requested by Applicant, on consent.

CITY COUNCIL ACTION:ORDINANCE NUMBER:

ISSUES:

The subject property is a 109.65 acre portion of a +/- 228 acre mixed industrial area that previously housed the Freescale/Motorola campus from the 1970s to the early 2000s. The property is zoned LI-NP and is mostly unoccupied with few tenants. The Applicant proposes to redevelop the tract with a mixed use, multi-tenant campus featuring a variety of commercial uses. As a Planned Development Area (PDA), it would be possible to modify some site development regulations like building height and parking requirements while maintaining many features and entitlements of the existing LI zoning and approved site plan. Exhibit C shows the areas where varying building heights are requested. The request is:

- Area I – 400 feet
- Area II – 280 feet
- Area III – 120 feet, excepting Building B at 160 feet

When originally filed, the Applicant requested 400' building height limit across the 109.65 acre tract, but later modified as shown on Page 1. ***Please see Exhibit B – Aerial Exhibit.***

CASE MANAGER COMMENTS:

The subject tract is located along the east side of Ed Bluestein Boulevard between the Colorado River and FM 969. Immediately north of the rezoning tract is property that was also previously part of the Motorola campus. The property is zoned LI-NP and houses limited industrial and office uses including NXP (chip fabrication), BAE (aerospace engineering), Austin Police Department offices, and more. Further north are properties zoned CS-NP and LI-NP that are mostly undeveloped but include a metal fabrication shop as well. Also to the north is property zoned LR-NP and SF-2-NP that are developed with daycare and single family residential. Immediately east of the property is the Walnut Creek Greenbelt, which is zoned P-NP. Also to the east is the rail right-of-way (ROW) for the future Capital Metro Green Line. South of the property is another area that is zoned LI-NP and was previously part of the Motorola campus. This area also houses a variety of limited industrial and office uses. Further south is LI-NP property that is primarily undeveloped, as well as SF-2-NP and SF-2 areas that are developed with single family residences. Across Ed Bluestein to the west are a mix of commercial and limited industrial uses zoned CS-NP and LI-NP. The property also contains a creek with floodplain and buffer zones. Since the site is located in the Walnut Creek Suburban watershed, commercial development is limited to 80%, or 90% with transfers. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

A private restrictive covenant (RC) prohibits residential land uses on all three platted lots of the original Motorola subdivision. It appears that the private RC was created to protect residential development from the hazardous materials that were used at the site. Several other land uses were prohibited, ranging from adult oriented businesses to recycling facility. A public RC was created in 1975 for the entire original site establishing a 25' setback from Ed Bluestein Boulevard and a 100' building setback along the south and west property lines adjacent to residential areas. ***Please see Exhibits C and D—Private and Public Restrictive Covenants.***

This site is located within the Austin-Bergstrom Airport Controlled Compatible Land Use Area Overlay which prohibits uses or structures that can create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. ABIA

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Staff has determined that the proposed 400' building height would not interfere with ABIA flights. Additional review will be performed at time of site plan. ***Please see Exhibit E—Airport Overlay Letter.***

Development of the Motorola campus began prior to the annexation of the property in 1976. At that time, the property was zoned to D-Industrial zoning, which was revised to LI- Limited Industrial zoning with the 1985 Land Development Code. The property has been developed under a series of site plans from the 1980s to 2010s, including revisions and corrections along the way. Since the early 2000s the property has been underutilized with few tenants. The rezoning tract is not currently identified as an Employment Center in Imagine Austin, but Imagine Austin is an evolving document that has added new Centers as major new developments have appeared. For example, Colony Park was not originally identified as a Neighborhood Center when Imagine Austin was created. If approved, the proposed redevelopment of this mixed commercial and office project may meet the Imagine Austin definitions of a Job Center:

“Job centers accommodate those businesses not well-suited for residential or environmentally sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International Airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the Growth Concept Map offers transportation choices such as light rail and bus rapid transit to increase commuter options.”

The requested overlay is designed to allow flexibility for industrial, commercial highway and research/development properties. Regulations established by a PDA combining district may modify:

- (1) Permitted or conditional uses authorized in the base district;
- (2) Except for Subchapter C, Article 10 (Compatibility Standards), the site development regulations applicable in the base district; or
- (3) Off-street parking or loading regulations, sign regulations, or landscaping or screening regulations applicable in the base district.

The requested zoning is consistent with the purpose of the PDA overlay and complies with the parameters of the overlay. A PDA overlay does not allow the wide variety of modifications of Planned Unit Development (PUD) zoning and is more appropriate for a redevelopment of industrial property than a new land use plan.

Staff supports the rezoning request with the conditions that only Building B be permitted to reach 160' and all other buildings be limited to 120'. This would allow revitalization of a campus that once housed a major employer with a mix of uses. By increasing building heights and reducing parking requirements, the property will be able to provide a compact campus without requiring a sea of parking and impervious cover. The potential for a mix of commercial services could provide services for underserved residential areas nearby. The revitalization of the underused site could create a significant and compact destination that meets the Imagine Austin definition of a Job Center.

The Applicant has provided correspondence and exhibits related to the proposed rezoning. ***Please see Exhibit F – Applicant Correspondence and Exhibits.***

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
 The purpose of a planned development area (PDA) combining district is to:

- (1) Provide for industrial and commercial uses in certain commercial and industrial base districts; or
- (2) Incorporate the terms of a planned development area agreement into a zoning ordinance following annexation of a property that is subject to PDA agreement.

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

Revitalization of the former Motorola campus will create employment opportunities and provide services in an area that is underserved in commercial and employment opportunities.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LI-NP	Administrative and business offices, Limited industrial
North	LI-NP, CS-NP, LI-CO-NP, SF-2-NP, LR-NP	Administrative and business offices, Limited industrial, Electronic prototype assembly
South	LI-NP, SF-2-NP, P, SF-2	Administrative and business offices, Limited industrial, single family residential, Walnut Creek Greenbelt
East		Capital Metro ROW, Walnut Creek Greenbelt
West	CS-NP, LI-NP, IP-NP	Mixed commercial and limited industrial

NEIGHBORHOOD PLANNING AREA: E MLK Combined Neighborhood Plan

TIA: N/A - Deferred to time of site plan

WATERSHED: Walnut Creek

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
US HWY 183	420 ft (varies)	130 ft	Highway	No	Proposed multi-use path	No

CASE HISTORIES:

NUMBER	REQUEST	ZAP COMMISSION	CITY COUNCIL
C14-2019-0137 Delwau RV Park	SF-2 to CS-MU-CO	January 7, 2020: To grant with conditions	January 23, 2020:
C14-2018-0002 Delwau Campgrounds	SF-2 to CS-MU-CO and CS-1-MU-CO	May 15, 2018: To grant with conditions	August 23, 2018: To deny request

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C14-2016-0017 Driveway Austin	GO to GR	August 2, 2016: <i>TO GRANT GR DISTRICT ZONING AS RECOMMENDED BY STAFF, ON CONSENT. (8-0) [B. Evans- 1st, S. Lavani- 2nd. G. Rojas, B. Greenberg, and J. Kiolbassa- Absent]</i>	September 22, 2016: <i>To grant GR zoning as recommended by Staff, on consent (10-0) on CM Houston's motion, CM Casar's second. CM Troxclair was absent.</i>
C14-2011-0114 Southern Walnut Creek Hike & Bike Trail	CITY INITIATED SF-2 to P	October 18, 2011: To grant P as requested	November 3, 2011: To grant P as requested

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation	Del Valle Community Coalition
Austin Neighborhoods Council	Friends of Austin Neighborhoods
Bike Austin	Imperial Valley Neighborhood Association
SEL Texas	East MLK Combined Neighborhood Contact Team
Sierra Club, Austin Regional Group	Lower Boggy Creek Neighborhood Association
FRS Property Owners Association	Del Valle ISD
Friends of Northeast Austin	Austin ISD
Black Improvement Association	Homeless Neighborhood Association
Neighbors United for Progress	East Austin Conservancy
Austin Inncercity Alliance	Lincoln Garden Association
Preservation Austin	Jackie Robinson Acres
Claim Your Destiny Foundation	Lower Boggy Creek Neighborhood Association

OTHER STAFF COMMENTS:COMPREHENSIVE PLANNING

E MLK Combined Neighborhood Plan - The Future Land Use Map (FLUM) of the E MLK Combined NP classifies the property and the area around it as 'Industry'. The Industry land use category is defined as "Areas reserved for manufacturing and related uses that provide employment but are generally not compatible with other areas with lower intensity use. Industry includes general warehousing, research and development, and storage of hazardous materials."

The following E MLK Neighborhood Plan policies and text are applicable to this case:

Goal Two - Promote a mix of land uses that respect and enhance the existing neighborhood and address compatibility between residential, commercial, and industrial uses.

Objective 2.1: Where appropriate, address mis-matches between desired land use and zoning.

Goal Four - Promote the development and enhancement of the neighborhood's major corridors.

Objective 4.1: Allow mixed use development along major corridors and intersections.

Objective 4.2: Facilitate the development of regional commercial and employment centers on US 183/Ed Bluestein.

The E MLK Plan appears to support the property to be continued to be utilized for light manufacturing and industrial uses, as long as the uses there 'do not affect the neighborhood' which is located to the north of this site.

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Imagine Austin - The property is not located along an Activity Center or near an Activity Corridor, including a Job Center. However the overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve ‘complete communities’ across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. The IACP states, “While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city.”

The following IACP policy supports mixed use and industrial parks:

- LUT P20. Locate industry, warehousing, logistics, manufacturing, and other freight-intensive uses in proximity to adequate transportation and utility infrastructure.

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits if more restrictive than allowed by zoning.

Development Classification	% of Gross Site Area	% of Gross Site Area with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

3. According to floodplain maps there is floodplain within or adjacent to the property.
4. According to watershed maps, there is a waterway with buffers/setback requirements.
5. 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.
6. 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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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SITE PLAN

SP 1. Site plans are required for any development other than single-family or duplex residential.

SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

SP 5. The entire site is subject to compatibility standards due to proximity to property zoned SF-2-NP to the north and south. The following standards apply:

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

SP 7. The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

TRANSPORTATION

TR1. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. LDC, Sec. 25-6-113.

TR2. Janae Spence, Urban Trails, Public Works Department, Mike Schofield, and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

TR3. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a multi-use path is recommended for US 183.

TR4. If the requested zoning is granted, it is recommended, to provide sidewalks along both sides of the private drives, streets, and internal circulation routes connecting to the public right-of-way to improve walkability and connectivity. The sidewalk dimensions should comply with the Transportation Criteria Manual and be constructed in accordance with the latest ADA standards.

TR5. The application letter suggests the following TDM strategies, please provide details on how each will be accomplished.

Make available mass transit facilities on-site.

Provide private mass transit services to employees on the property to residential properties within 1 mile of the property

Demonstrate an increase in bikeways and pedestrian ways available to serve mobility needs generated by the development.

TR 6. Existing roadway characteristics:

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Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
US HWY 183	420 ft (varies)	130 ft	Highway	No	Proposed multi-use path	No

WATER UTILITY

1. 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. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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 Exhibit
- C. Private Restrictive Covenant
- D. Public Restrictive Covenant
- E. Airport Overlay Letter
- F. Applicant Correspondence and Exhibits