

## SECOND / THIRD READINGS SUMMARY SHEET

CASE: C14-2021-0081 – 5<sup>th</sup> and Walsh Rezoning

DISTRICT: 9

ADDRESS: 1200, 1204, 1210, 1214, 1214 ½ W. 5<sup>th</sup> Street; 504, 506 Walsh Street

PROPERTY OWNERS: Anchor Equities, LTD (Jimmy Nassour); 1210 W. 5<sup>th</sup>, LTD (David Roberts); Walsh Street Properties, LTD. (F. Walter Penn)

AGENT: Armbrust & Brown, PLLC (Richard T. Suttle, Jr., Amanda Morrow)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov))

REQUEST:

**Approve Second and Third Readings**

**From general commercial services – mixed use – vertical mixed use building – conditional overlay – neighborhood plan (CS-MU-V-CO-NP) and general commercial services – mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP)  
To general limited industrial services – planned development area – neighborhood plan (LI-PDA-NP)**

CITY COUNCIL ACTION:

**November 18, 2021:**

October 21, 2021: *APPROVED LI-PDA-NP DISTRICT ZONING AS THE PLANNING COMMISSION RECOMMENDED, ON FIRST READING. VOTE: 10-0, COUNCIL MEMBER CASAR WAS OFF THE DAIS*

ORDINANCE NUMBER:

ISSUES:

The ordinance reflects Council action taken on First Reading.

## ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0081 – 5<sup>th</sup> & Walsh Rezoning     DISTRICT: 9

ZONING FROM: CS-MU-V-CO-NP (Tract 1)     TO: LI-PDA-NP  
CS-MU-CO-NP (Tract 2)

ADDRESS: 1200, 1204, 1210, 1214, 1214½  
West 5<sup>th</sup> Street; 504, 506 Walsh Street

SITE AREA: 1.3775 acres (60,003 sq. ft.)

<u>PROPERTY OWNER:</u>	<u>AGENT:</u>
Anchor Equities, LTD (Jimmy Nassour)	Armbrust & Brown, PLLC
1210 W. 5 <sup>th</sup> , LTD (David Roberts)	(Richard T. Suttle, Jr.,
Walsh Street Properties, LTD. (F. Walter Penn)	Amanda Morrow)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov))

### STAFF RECOMMENDATION:

The Staff recommendation is to grant limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. *For a summary of the basis of staff's recommendation, see pages 6-7.*

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**October 12, 2021: *APPROVED LI-PDA-NP DISTRICT ZONING AS STAFF RECOMMENDED, WITH CONDITIONS AS AGREED TO BY THE APPLICANT AND REFERENCED IN THE OWANA LETTER DATED OCTOBER 12, 2021, NOTING THAT THE CONDITIONS ARE TO BE MEMORIALIZED IN FINAL DOCUMENTS AS DETERMINED BY THE STAFF AND THE LAW DEPARTMENT, BY CONSENT.***

***[R. SCHNEIDER; J. SHIEH – 2<sup>ND</sup>] (9-0) S. PRAXIS – NOT PRESENT FOR PASSAGE OF THE CONSENT AGENDA; A. AZHAR, J. CONNOLLY, C. HEMPEL – ABSENT***

**September 28, 2021: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT AND THE NEIGHBORHOOD TO OCTOBER 12, 2021, BY CONSENT***

***[A. AZHAR; R. SCHNEIDER – 2<sup>ND</sup>] (10-0) S. PRAXIS – NOT PRESENT FOR PASSAGE OF THE CONSENT AGENDA; G. COX, J. SHIEH – ABSENT***

September 14, 2021: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO SEPTEMBER 28, 2021, BY CONSENT [C. HEMPEL; A. AZHAR – 2<sup>ND</sup>] (11-0) S. PRAXIS; J. SHIEH - ABSENT*

CITY COUNCIL ACTION:

**November 18, 2021:**

October 21, 2021: *APPROVED LI-PDA-NP DISTRICT ZONING AS THE PLANNING COMMISSION RECOMMENDED, ON FIRST READING. VOTE: 10-0, COUNCIL MEMBER CASAR WAS OFF THE DAIS*

ORDINANCE NUMBER:

ISSUES:

Existing general commercial services (CS) base zoning permits maximum building height of 60 feet. Proposed limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) district zoning would permit a maximum building height of 90 feet for a mixed use project with a residential component (reduced from 100 feet as initially requested). The adopted Neighborhood Plan favors smaller scale residential and mixed use development. The applicant is proposing either residential or commercial development.

CASE MANAGER COMMENTS:

The subject site is in **Old West Austin Neighborhood** bounded by MoPac on the west, Lamar on the east, Enfield Road on the north and Lady Bird Lake on the south. The site is between Pressler Street and Walsh Street on the north side of W. 5<sup>th</sup> Street.

The rezoning tract is rectangular in shape with the long side fronting on West 5<sup>th</sup> Street and the short edge on Walsh Street. Alley access and loading is proposed. The rezoning tract is 1.3775 acres (60,003 sq. ft.) and currently developed with four, one-story, commercial buildings and various utility sheds. Two of the buildings fronting W. 5<sup>th</sup> appear to be used for offices. The building on the northwest corner of 5<sup>th</sup> and Walsh has retail and consumer services, and the only building in the rezoning tract fronting only on Walsh St. provides motor-scooters and guided tours of Austin. There is no residential displacement.

Existing Zoning

There are two different zonings on the rezoning tract. The larger zoning tract (1.15 acres) has general commercial services–mixed use-vertical mixed use building–conditional overlay–neighborhood plan (CS-MU-V-CO-NP) combining district zoning. That tract includes 3 of the 4 buildings. The building fronting on Walsh Street occupies 0.23 acres zoned general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district. Current zoning strings permit both commercial and residential development. The conditional

overlay (CO) in the existing zoning string was established in 2002 with the City Council adopting the Old West Austin Neighborhood Plan Rezoning (Ord.# 020926-26).

### **Old West Austin Neighborhood Plan Neighborhood Plan**

Tract 44 in the Neighborhood Plan includes the subject tract and changed the zoning from CS to CS-MU-CO-NP. This made the rezoning tract subject to the development regulations listed in the conditional overlay of the NP.

**Part 5.** Permits Tract 44 to develop as a neighborhood mixed use building as permitted in 25-2-1502 through 25-2-1504 (*Neighborhood Mixed Use Building*).

**Part 6. Section 4.** Establishes a list of **Conditional** uses for Tract 44:

Automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), commercial blood plasma center, construction sales and service, convenience storage, equipment repair services, equipment sales, guidance services, laundry services, maintenance and service facilities, residential treatment, service station.

**Part 6. Section 7. Prohibits** the following uses on tract 44:

Drop-off recycling collection facilities, exterminating services, kennels, adult oriented business, Limited warehousing and distribution, vehicle storage.

### **In the proposed LI-PDA-NP:**

The proposed (LI-PDA) would permit both commercial and residential uses. The PDA has different development standards for a commercial building than for a residential building. A commercial building has a maximum height of 60 feet, compared to a maximum of 90 feet for a residential building.

1. The following uses that were conditional in Part 6. Section 4. are now prohibited:
  - a. Automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), maintenance and service facilities
2. The following uses that were conditional in Part 6. Section 4. are now permitted:
  - a. Guidance Services, Residential Treatment
3. The following uses that were prohibited in Part 6. Section 7. are still prohibited:
  - a. Drop-off recycling collection facilities, exterminating services, kennels, limited warehousing and distribution, vehicle storage.
4. Adult oriented businesses, prohibited in the neighborhood plan-conditional overlay for this tract, are not a permitted use in LI base zone district as they were in CS base zone district so they are not listed separately in a prohibited use list.

Proposed Zoning**Section 1. Site Development Standards**

- A. If there is a conflict between this Ordinance and applicable City of Austin rules, regulations and ordinances, this Ordinance including the Exhibits shall control.

**Section 2. Authorized Uses**

- A. All Limited Industrial Services (LI) uses are permitted uses of the Property, except as set forth in Subsection B of this Section. The following are **additional** permitted uses:
- Multi-Family Residential
  - Condominium Residential
  - Liquor Sales
  - Pet Services
- B. The following uses are **prohibited** as principal uses of the Property:
- Agricultural Sales and Services
  - Automotive Sales
  - Automotive Repair Services
  - Automotive Rentals
  - Automotive Washing (of any type)
  - Bail Bond Services
  - Basic Industry
  - Campground
  - Construction Sales and Services
  - Custom Manufacturing
  - Drop-Off Recycling Collection Facility
  - Exterminating Services
  - General Warehousing and Distribution
  - Indoor Crop Production
  - Kennels
  - Light Manufacturing
  - Limited Warehousing and Distribution
  - Maintenance and Service Facilities
  - Pedicab Storage and Dispatch
  - Scrap and Salvage
  - Service Station
  - Recycling Center
  - Research Services
  - Resource Extraction
  - Vehicle Storage

### Section 3. Site Development Regulations

#### A. Base District Regulations

- 1) Development of the Property shall conform to the site development regulations authorized for the Limited Industrial Services (LI) district as set forth in the City Code, except as provided for in this Ordinance.
- 2) Should the Property be developed with a **residential** use, the following development regulations shall apply:
  - a) There are no minimum front yard, street side yard, interior side yard, or rear yard setbacks.
  - b) The maximum height is 90 feet.
  - c) The maximum impervious cover is 95%.
  - d) The maximum building coverage is 95%.
  - e) The maximum floor-to-area ratio is 6.5:1.
  - f) There are no minimum site area requirements.
- 3) Should the Property be developed with a **commercial** project with no residential uses, the following development regulations shall apply:
  - a) There are no minimum front yard, street side yard, interior side yard, or rear yard setbacks.
  - b) The maximum height is 60 feet.
  - c) The maximum impervious cover is 95%.
  - d) The maximum building coverage is 95%.
  - e) The maximum floor-to-area ratio is 4:1.
- 4) Calculations for impervious cover, building coverage, and floor-to-area ratios shall be based on the gross site area of the entire Property.
- 5) Section 25-6-532 (*Off-Street Loading Standards*) and Section 25-6, Appendix A (*Tables of Off-Street Parking and Loading Requirements*) is modified to require a maximum of one (1) loading space to be provided on-site for the Property.

- 6) Transportation Criteria Manual (“TCM”) Section 9.3.0 #3 is modified to allow maneuvering within the alley located adjacent to the Property.

### Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way Walsh Street and identifies a need for 68 feet of right-of-way for 5<sup>th</sup> Street. It is recommended that 34 feet of right-of-way from the existing centerline should be dedicated for 5<sup>th</sup> Street according to the Transportation Plan at the time of subdivision and/or site plan application, whichever comes first.

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. A traffic impact analysis shall be required at the time of site plan if required per LDC 25-6-113.

ATD **supports** the applicant’s request to modify the following two code requirements:

- 4) Section 25-6-532 (*Off-Street Loading Standards*) and Section 25-6, Appendix A (*Tables of Off-Street Parking and Loading Requirements*) is modified to require a maximum of 1 loading space to be provided on-site for the Property.
- 5) Transportation Criteria Manual (“TCM”) Section 9.3.0 #3 is modified to allow maneuvering within the alley located along the northern property line.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
5 <sup>th</sup> St	62'	68'	45'	3	Yes	Yes	Yes
Walsh St	57'	50'	25'	1	Yes	No	Yes

### BASIS OF RECOMMENDATION:

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

Limited industrial service (**LI**) district is intended as an area primarily for commercial services and limited manufacturing uses, generally on moderately sized sites. Planned development area (**PDA**) combining district is intended for combination with selected commercial and industrial base districts, in order to modify base district provisions as necessary to allow for appropriate industrial and commercial uses or to reflect the terms of a Planned Development Area agreement following annexation of properties subject to such an agreement. (**NP**) – **Neighborhood Plan district** denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The proposed zoning provides for either a residential multifamily development or a commercial development. The list of permitted uses in the (LI) base zone district is extensive and reduced by 25 prohibited uses in the subject request. The Planned Development Area (PDA) Standards add 2 residential uses that could become the primary use of the site. Two other uses are added: Liquor Sales and Pet Services. The proposed PDA Development Standards modify setbacks, building height and FAR to build a dense residential building or large commercial building that would be expected in the downtown.

2. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

There are several nearby developments that have multifamily residential, mixed-use and commercial buildings using LI-PDA-NP zoning:

- 1301 W. 5<sup>th</sup> St. The Clark
- 1601 -1611 W. 5<sup>th</sup> St The Gables at 5<sup>th</sup>
- 300 North Lamar Blvd. AMLI 300
- 1411 W. 5<sup>th</sup> St. Cube Smart Self Storage

#### EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS-MU-V-CO-NP	Business and consumer services, retail and repair
North	PUD-NP, CS-MU-CO-NP, CS-MU-V-CO-NP	Mixed use retail/residential
South	(Across W. 5 <sup>th</sup> ) LI-CO-NP, LI-PDA-NP	Restaurants/bars, professional offices, business and consumer services, open storage yard.
East	CS-MU-CO-NP, CS-MU-V-CO-NP	Office, storage, retail
West	PUD-NP, CS-MU-V-CO-NP	Storage, mixed use retail/ multifamily residential

NEIGHBORHOOD PLANNING AREA: Old West Austin Neighborhood Plan – (No FLUM)  
 Ord.# 020926-26 adopted Sept. 26, 2002  
 NP Ord.# 000629-105

TIA: The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way on Walsh Street and identifies a need for 68' of right-of-way for 5<sup>th</sup> Street. A traffic



impact analysis is waived for the rezoning. The determination is deferred to site plan application, when land use and intensity will be finalized.

WATERSHED: Lady Bird Lake – Urban

OVERLAYS: ADU Approximate Area Reduced Parking; Residential Design Standards; LDC/25-2-Subchapter F

SCHOOLS: (see attachment 1: Educational Impact Statement)

AISD: Mathews Elementary, O’Henry Middle, Austin High

COMMUNITY REGISTRY LIST:

Austin Independent School District	Old West Austin Neighborhood Plan Contact
Austin Lost and Found Pets	Team
Austin Neighborhoods Council	Preservation Austin
Friends of Austin Neighborhoods	SELTexas
Homeless Neighborhood Association	Save Barton Creek Assn.
Neighborhood Empowerment Foundation	Save Historic Muny District
Old West Austin Neighborhood Association	Shoal Creek Conservancy
	Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-02-0112 Old West Austin NP	Rezone about 416 ac. to add NP and change base zone on 61 tracts. Part 5. Tracts 1-57 & 59-62 may be developed as a neighborhood mixed use building special use per LDC 25-2-1502 through 2504. Part 6. #4- <b>Conditional</b> uses: Automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), commercial blood plasma center, construction sales and service, convenience storage, equipment repair services, equipment sales, guidance services, laundry services, maintenance and service facilities, Residential treatment, service station. #7 <b>Prohibited</b> uses: Drop-off recycling collection facilities, exterminating services, kennels, adult oriented businesses, limited warehousing and distribution, vehicle storage.	To grant	Apvd. 09/26/2002 Ord.# 20020926-26
C14-2007-0237	Rezoning about 31 ac. to add Vertical Mixed Use Building (V) combining districts to certain	To grant	Apvd. Ord.# 20080306-056

Number	Request	Commission	City Council
OWANA Vertical MU	tracts in Old West Austin NP area. Ord (056) <b>Tract 29, Part 3.A</b> Ten percent of residential units in V reserved for HH earning <70% AMI for Family; <b>B.</b> Ten percent of residential units shall be reserved for HH earning < 80% AMI for properties whose affordable units are > 1000 sq. ft. and two bedroom. <b>C.</b> Applies to Tracts 28-34. <b>1.</b> Property is exempt from the dimensional standards identified in Article 4.3.3E.2 (Dimensional and Parking Requirements). <b>2.</b> Property is subject to the parking reductions in 4.3.3.E.3		Ord.# 20080327-059
C14H-04-0016 Becker-Wilde House 1207 W. 6 <sup>th</sup> St	Rezone from CS-MU-CO-NP to CS-MU-CO-H-NP. Part <b>2.1.</b> List of <b>prohibited</b> uses: Drop-off recycling collection facilities, exterminating services, kennels, adult oriented businesses, limited warehousing and distribution, vehicle storage. Part <b>2.2</b> List of <b>conditional</b> uses: Automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), commercial blood plasma center, construction sales and service, convenience storage, equipment repair services, equipment sales, guidance services, laundry services, maintenance and service facilities, residential treatment, service station.	To grant	Apvd. 12/02/2004 Ord.# 041202-Z-8
C14-2010-0115 Westend Bistro 1315 W 6 <sup>th</sup> St.	Rezoning from GR-V-CO-NP to GR-V-CO-NP. Part 3.A. list of site development regulations. Part 3.B. List of <b>Prohibited</b> uses: automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), bail bond services, business or trade school, commercial off-street parking, consumer convenience services, consumer repair services, drop-off recycling collection facility, exterminating services, funeral services, hotel-motel, indoor entertainment, indoor sports and recreation, off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, pet services, plant nursery, printing and publishing, research services, service station, theater, custom	To grant	Apvd. 08/26/2010 Ord.# 20100826-082

Number	Request	Commission	City Council
	<p>manufacturing, guidance services, hospital services (general)</p> <p>Part 3.C List of <b>Conditional</b> uses: College and university facilities, community recreation (private) community recreation (public) congregate living, group home, Class II, Hospital services (limited) residential treatment.</p>		
C14-2014-0134 1301 W. 5 <sup>th</sup> St.	<p>Rezone 1.6435 ac. From LI-CO-NP to LI-PDA. Part 3.A. 2,000 daily vehicle trips max. B. No access to W. 5<sup>th</sup> St. C Multifamily residential use is permitted. D. List of conditional uses: Limited warehousing and distribution, convenience storage, automotive rentals, automotive repair services, automotive sales, service station, equipment repair services, equipment sales, automotive washing (of any type)</p> <p>E. Laundry services use is a conditional use if it exceeds 6,000 sq. ft. F. Construction sales and services use is a conditional use if exceeds 10,000 sq. ft. G. List of prohibited uses: Drop-off recycling collection facility, kennels, exterminating services, vehicle storage, resource extraction, bail bond services, basic industry, building maintenance services, general warehousing and distribution, funeral services, recycling center, campground, scrap and salvage, custom manufacturing, agricultural sales and services, light manufacturing</p> <p>H. List of development standards:</p> <p>1. building setback minimum 17' from N. property line. 2.minimum 20' from south property line. 3. Minimum 8' from east property line. 4. Minimum 10' from west property line. 5. Maximum FAR 5:1. 6. Building maximum height within 30' of north setback is 48' maximum. 7. Maximum building height is</p>	To grant	Apvd. 12/11/2014 Ord.#20141211-163

Number	Request	Commission	City Council
	75'. 8. Maximum building coverage is 95%. 9. Maximum impervious coverage is 95%. Part 4. Property is subject to Old West Austin NP combining district (Ord.# 020926-26).		
C14H-2010-0006 Castle Hill Historic District	Rezone to establish the local historic district for a list of properties. Describing and identifying "contributing" and "noncontribution" structures.	To grant	Apvd. 09/30/2010 Ord.#20100930-038
C14-2009-0166 Westend Bistro	Rezone from LO-NP & LO-V-NP to GR-NP and GR-V-CO-NP. Part A. List of development regulations: 1. Max height 25'. 2. Maximum 2 stories. 3. Minimum Interior side yard is 5'. 4. Minimum front yard setback is 25'. 5. Minimum rear yard 5'. 6. Maximum building coverage is 50%. 7. Maximum impervious cover 80%. 8. Maximum FAR 0.7:1 9. Max gfa of building is 3500 sq. ft. B List of prohibited uses: automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), bail bond services, business or trade school, commercial off-street parking, consumer convenience services, consumer repair services, drip- off recycling collection facility, exterminating services, funeral services, hotel-motel, indoor entertainment, indoor sports and recreation, off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, pet services, plant nursery printing and publishing, research services, service station, theater, custom manufacturing, guidance services, hospital services (general). C. List of conditional uses: College and university facilities, community recreation (private) community recreation (public) congregate living, group home, class II hospital services (limited), residential treatment. Part 4 Subject to Old West Austin NP (Ord.#020926-26).	To grant	Apvd. 03/11/2010 Ord.# 20100311-060

RELATED CASES:

None

LEGAL DESCRIPTION: (see table below)

## Deed Conveyance Information

Property Address	TCAD Parcel ID	Deed	Legal Desc
1214 W. 5 <sup>th</sup> St	0108031336	Doc. No. 2015057070	Lot 27&28, Blk 1, Olt 1, Div Z, Duval Subd
1210 W. 5 <sup>th</sup> St	0108031322	Doc. No. 2020254000	Lot 26, Blk 1, Olt 1, Div Z, Duval Subd
1204 W. 5 <sup>th</sup> St	0108031321	Doc. No. 201501492	W 100 ft of Lot 24&25, Blk 1 + 8.4 sq. ft. Olt 1, Div Z, Duval Subd.
504 Walsh St Walsh St	0108031333 0108031332		E 50 ft of Lot 23, Blk 1 Olt 1, Div Z, Duval Subd W 100 ft of Lot 23, Blk 1, Olt1, Div Z, Duval Subd
506 Walsh St	0108031318	Doc. No. 2018200349	Lot 22, Block 1, Outlot 1, Div Z, Duval Subdivision
1200/1202 W. 5 <sup>th</sup> St	0108031320	Doc. No. 2018033223	E 50 ft of Lot 24&25, Blk 1 -8.4 sq. ft. Olt 1, Div Z, Duval Subd

OTHER STAFF COMMENTS:Comprehensive Planning

This zoning case is located on the west side of Walsh Street, on a 1.37 acre parcel, which also includes frontage along West 5<sup>th</sup> Street. The property is situated along the **West 5<sup>th</sup> Street Activity Corridor**, a quarter mile from the **Downtown Regional Center**, and is located within the boundaries of the **Old West Austin Neighborhood Planning Area**. Surrounding land uses include a restaurant and commercial uses to the north; to the south is a bar, coffee shop and restaurant; to the east is an office and hair salon; and to the west is an office building and an apartment complex. The proposed use for the entire project area, to include this property, is either 450 multifamily residential units or 65,000 square feet of office and 10,000 square feet of retail.

**Connectivity**

West 5<sup>th</sup> Street is an arterial road, with public sidewalks on both sides of the street, often interrupted by driveways. There are no bike lanes. A Capitol Metro Transit stop is located 600 feet to the east, along West 5<sup>th</sup> Street. Mobility options are average and connectivity options are good.

**Old West Austin Neighborhood Plan**

The Old West Austin Neighborhood Plan (OWANP) is one of the few small area plans that does not have a Future Land Use Map. The following Text, Goals and Objectives found in the OWANP are applicable to this case.

Commercial and office uses are concentrated on Lamar, 5th Street, 6th Street, and West Lynn. A few existing industrial uses are located between 5th and 6th Streets. Some residential structures are now used as offices, especially on 5th Street, 6<sup>th</sup> Street, and Baylor. (pg. 9)

**LAND USE / ZONING:** (pg. 23) The neighborhood planning team has identified "neighborhood-friendly" commercial areas where office, retail, and residences can be mixed vertically and horizontally. These areas include West 5th and 6th Streets between Lamar and Mopac....

For decades, the Old West Austin Neighborhood has resisted intense pressure to change existing residential properties to commercial use. Despite these efforts, a significant loss in residential use has occurred. The goal of the Neighborhood Planning Team is to protect existing residential property and encourage the development of new residential property by supporting mixed-use development in certain areas of the neighborhood. The development of commercial properties under the banner of mixed use with token residential space, such as penthouses, is not supported by the plan. A goal of the neighborhood plan is at least three square feet of residential space for every new square foot of commercial space.

Neighborhood-oriented commercial uses with modest parking requirements are preferred. The planning team has identified types of uses that should be: permitted, not permitted, and conditionally permitted in CS, CS-1 and LI zoning in the neighborhood. Development of buildings with a mix of office and residential can result in complementary parking. Retail can be included in certain areas as parking allows.

### **Goal 1 - Encourage Mixed Uses (pg. 23)**

#### **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).

**Action 2:** Apply the Neighborhood Plan Combining District special use category “Neighborhood Mixed Use Building” and the Mixed Use Combining District to all properties zoned CS, CS-1, or LI from the north side of 6th Street to the center line of 5th Street. (City Action Item: DRID). (pg. 24)

### **Goal 2 - Protect the Character of the Neighborhood (pg. 24)**

#### **Obj 2.1 – Encourage commercial uses that support the neighborhood.**

In the area **South of 6th Street** (all lots south of the center line of 6<sup>th</sup> Street): (pg. 31)

- The neighborhood plan supports property owners' requests to rezone LI properties to W/LO, MF-1 through MF-6, and CS-CO with the Neighborhood Plan Combining District special use category
- “Neighborhood Mixed Use Building” (for the CO, see list of uses identified as restricted in this plan under item #5).
- No rezonings to a commercial category more permissive than CS-CO (as specified under item #5) should be permitted, except as noted above for LI properties.

The Old West Austin Neighborhood Plan policies supports neighborhood friendly, neighborhood serving mixed-use along this portion of West 5<sup>th</sup> Street.

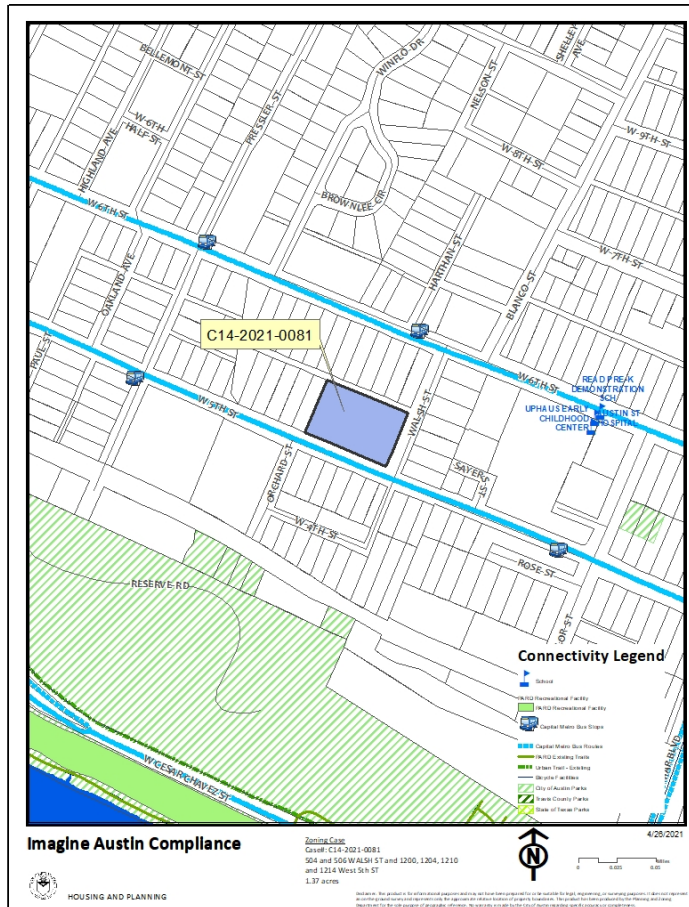
### **Imagine Austin**

The Imagine Austin Growth Concept Map identifies this project as being located along an **Activity Corridor (West 5<sup>th</sup> Street), close to the West 6<sup>th</sup> Activity Corridor and just a quarter of a mile from the Downtown Regional Center. Activity Corridors** are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They 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 following Imagine Austin policies are applicable to this case:

- **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.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

Based upon mobility and connectivity strengths in the area, the Old West Austin and the Imagine Austin policies listed above, and this project being situated along an Activity Corridor, this commercial or residential project supports the Imagine Austin Comprehensive Plan. Imagine Austin has no policy on structure heights.

Environmental

The site is partially located over the Edwards Aquifer Recharge Zone. The site is located in the Lady Bird 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 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.



### Parks and Recreation

Parkland dedication will be required for the new residential units proposed by this development, multifamily with LI-PDA-NP 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

Subchapter E: (*Design Standards And Mixed Use*) standards will be used for multifamily or condo developments, including open space requirements.

### Austin 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

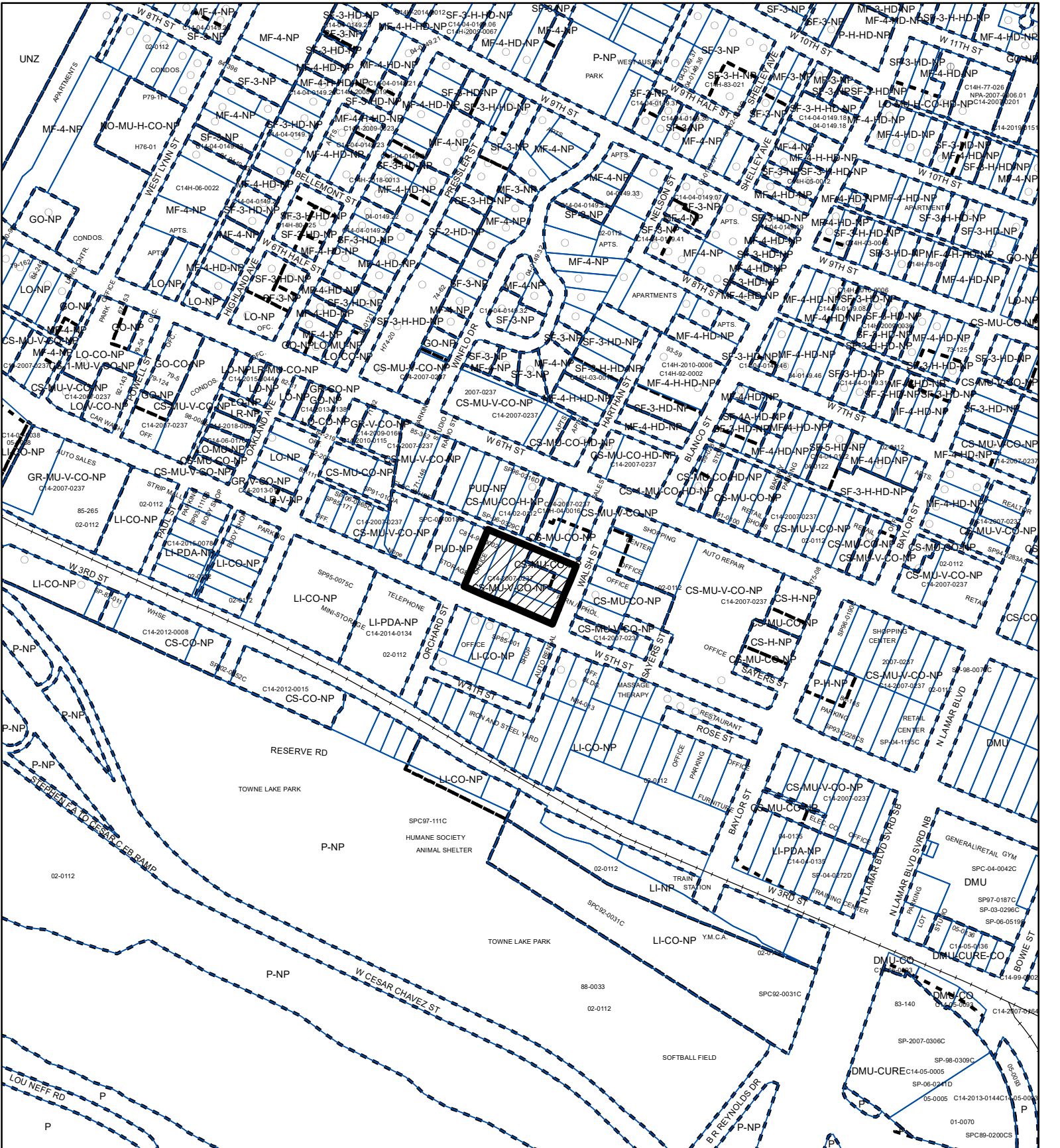
Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Site Development Standards

Exhibit D: Educational Impact Statement

Correspondence Received



**ZONING Exhibit A**

**ZONING CASE#: C14-2021-0081**

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1" = 400'

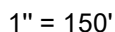
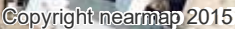
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



**Created: 4/21/2021**





-  SUBJECT TRACT  
 ZONING BOUNDARY  
 PENDING CASE  
 CREEK BUFFER

## 5th & Walsh St. Rezoning

ZONING CASE#: C14-2021-0081  
LOCATION: 504-506 Walsh St. &  
1200-1214 1/2 W. 5th  
SUBJECT AREA: 1.38 Acres  
GRID: H22  
MANAGER: MARK GRAHAM

## Exhibit B



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.



## **EXHIBIT C**

### **SITE DEVELOPMENT STANDARDS**

#### **Section 1. Applicable Site Development Regulations**

- A. If there is a conflict between this Ordinance and applicable City of Austin rules, regulations and ordinances, this Ordinance including the Exhibits shall control.

#### **Section 2. Authorized Uses**

- A. All Limited Industrial (LI) uses are permitted uses of the Property, except as set forth in Subsection B of this Section. The following are additional permitted uses:

Multi-Family Residential  
Condominium Residential  
Liquor Sales  
Pet Services

- B. The following uses are prohibited as principal uses of the Property:

Agricultural Sales and Services	Indoor Crop Production
Automotive Sales	Kennels
Automotive Repair Services	Light Manufacturing
Automotive Rentals	Limited Warehousing and Distribution
Automotive Washing (of any type)	Maintenance and Service Facilities
Bail Bond Services	Pedicab Storage and Dispatch
Basic Industry	Scrap and Salvage
Campground	Service Station
Construction Sales and Services	Recycling Center
Custom Manufacturing	Research Services
Drop-Off Recycling Collection Facility	Resource Extraction
Exterminating Services	Vehicle Storage
General Warehousing and Distribution	

#### **Section 3. Site Development Regulations**

- A. Base District Regulations

- 1) Development of the Property shall conform to the site development regulations authorized for the Limited Industrial Services (LI) district as set forth in the City Code, except as provided for in this Ordinance.
- 2) Should the Property be developed with a residential use, the following development regulations shall apply:
  - a) There are no minimum front yard, street side yard, interior side yard, or rear yard setbacks.

- b) The maximum height is 90 feet.
  - c) The maximum impervious cover is 95%.
  - d) The maximum building coverage is 95%.
  - e) The maximum floor-to-area ratio is 6.5:1.
  - f) There are no minimum site area requirements.
- 3) Should the Property be developed with a commercial project with no residential uses, the following development regulations shall apply:
- a) There are no minimum front yard, street side yard, interior side yard, or rear yard setbacks.
  - b) The maximum height is 60 feet.
  - c) The maximum impervious cover is 95%.
  - d) The maximum building coverage is 95%.
  - e) The maximum floor-to-area ratio is 4:1.
- 4) Calculations for impervious cover, building coverage, and floor-to-area ratios shall be based on the gross site area of the entire Property.
- 5) Section 25-6-532 (*Off-Street Loading Standards*) and Section 25-6, Appendix A (*Tables of Off-Street Parking and Loading Requirements*) is modified to require a maximum of 1 loading space to be provided on-site for the Property.
- 6) Transportation Criteria Manual (“TCM”) Section 9.3.0 #3 is modified to allow maneuvering within the alley located adjacent to the Property.

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



**PROJECT NAME:** 5<sup>th</sup> & Walsh Rezoning

**ADDRESS/LOCATION:** 504-506 Walsh St. & 1200, 1202, 1204, 1210, 1214-1214 ½ W. 5<sup>th</sup> St.

**CASE #:** C14-2021-0081

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

# SF UNITS: \_\_\_\_\_ STUDENTS PER UNIT ASSUMPTION  
Elementary School: \_\_\_\_\_ Middle School: \_\_\_\_\_ High School: \_\_\_\_\_

# MF UNITS: 450 STUDENTS PER UNIT ASSUMPTION  
Elementary School: .009 Middle School: .003 High School: .004

## IMPACT ON SCHOOLS

The student yield factor of 0.016 (across all grade levels) for apartment homes was used to determine the number of projected students. This factor was provided by the district's demographer and is based on other market rate multifamily complexes.

The proposed 450-unit multifamily development is projected to add approximately 8 students across all grade levels to the projected student population. It is estimated that of the 8 students, 4 will be assigned to Mathews Elementary School, 2 to O. Henry Middle School, and 2 to Austin High School.

The percent of permanent capacity by enrollment for School Year 2025/26, including the additional students projected with this development, would be within the optimal utilization target range of 85-110% at Mathews ES (97%) and Austin HS (101%), and below the target range at O. Henry MS (68%). The projected additional students at O. Henry would not offset the anticipated decline in student enrollment. All of these schools will be able to accommodate the projected additional student population from the proposed development.

## TRANSPORTATION IMPACT

Students within the proposed development attending O. Henry MS will qualify for transportation. Students attending Mathews ES or Austin HS will not qualify for transportation unless a hazardous route condition is identified.

## SAFETY IMPACT

There are not any identified safety impacts at this time.

**Date Prepared:** 5/10/2021

**Executive Director:**

DocuSigned by:  
Beth Wilson  
38E0989C305B4E8...

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



## DATA ANALYSIS WORKSHEET

### ELEMENTARY SCHOOL: Mathews

ADDRESS: 906 West Lynn St.

PERMANENT CAPACITY: 397

MOBILITY RATE: +68.6%

#### POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	207	238	242
% of Permanent Capacity	52%	60%	61%

#### ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	349	380	384
% of Permanent Capacity	88%	96%	97%

### MIDDLE SCHOOL: O. Henry

ADDRESS: 2610 West 10<sup>th</sup> St.

PERMANENT CAPACITY: 945

MOBILITY RATE: -1.5%

#### POPULATION (without mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	939	657	659
% of Permanent Capacity	99%	70%	70%

#### ENROLLMENT (with mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	925	636	638
% of Permanent Capacity	98%	67%	68%

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



## HIGH SCHOOL: Austin

ADDRESS: 1715 W. Cesar Chavez St.

PERMANENT CAPACITY: 2,247

MOBILITY RATE: +11.5%

### POPULATION (without mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	2,110	2,037	2,039
% of Permanent Capacity	94%	91%	91%

### ENROLLMENT (with mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	2,353	2,269	2,271
% of Permanent Capacity	105%	101%	101%



**From:**  
**To:** [Shaw, Todd - BC](#); [Hempel, Claire - BC](#); [BC-Robert.Schneider@austintexas.gov](mailto:BC-Robert.Schneider@austintexas.gov); [bc-Jeffrey.Thompson@austintexas.gov](#); [Connolly, Joao - BC](#); [Shieh, James - BC](#); [Azhar, Awais - BC](#); [BC-Solveji.Praxis@austintexas.gov](#); [Singh, Arati - BC](#)  
**Cc:** [Rhoades, Wendy](#)  
**Subject:** C14-2021-0081- OPPOSITION LETTER  
**Date:** Tuesday, October 12, 2021 9:55:14 AM

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

Dear Planning Commissioners,

**I oppose the rezoning.** The property at W 5<sup>th</sup> and Walsh is asking the Planning Commission to rezone their property so that they can build a 90' tall building. The OWANA Neighborhood Plan does not support rezoning of this kind. The current zoning will only allow a maximum of 60 feet. Please don't allow this change. Don't set a precedent for 90' tall buildings between W 5<sup>th</sup> Street and W 6<sup>th</sup> Street. The capitol view corridor just west of the site requires much lower heights. This building would stick out as inappropriate and out of character with our Old West Austin historic neighborhood if the rezoning were granted. OWANA has been working with the applicant to find a compromise. When it looked like a compromise was going to be achieved the applicant backed out.

**Please deny the request for a rezoning at West 5<sup>th</sup> Street and Walsh.**

Thank you,

Mike Banghart  
800 Winflo Dr 78703

From the OWANA Neighborhood Plan:

Rezoning Proposals: This neighborhood has been under great pressure to accommodate commercial uses within its residential core, and is in danger of being eroded from its edges. This could create a self-fulfilling prophecy of residents leaving and commercial uses moving in, and putting pressure on the next tier of residents.

Any proposed rezonings should be consistent with the land use and zoning proposals of this plan. The boundaries of the districts described below are illustrated in the map "Old West Austin Neighborhood Plan – Neighborhood Districts."

- Throughout the neighborhood, no zoning changes on commercially zoned lots to more permissive zoning should be allowed, except as noted below. Rezoning from any commercial base district to the same base district adding MU shall be supported on W. 6th and W. Lynn if the existing building and character are maintained. Elsewhere, rezoning from any commercial base district to add MU shall be supported subject to other restrictions discussed in the plan.

[https://www.owana.org/docs/old\\_west\\_austin\\_neighborhood\\_plan.pdf](https://www.owana.org/docs/old_west_austin_neighborhood_plan.pdf)

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**From:**  
**To:** [Rhoades, Wendy](#)  
**Subject:** FW: "C14-2021-0081- OPPOSITION LETTER".  
**Date:** Tuesday, October 12, 2021 2:24:34 PM

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

Dear Ms. Rhoades, I am forwarding a letter of opposition I misdirected to Mark Graham. I apologize for the delay. Mary Blockley

---

**From:** "Blockley, Mary E"  
**Date:** Tuesday, October 12, 2021 at 2:18 PM  
**To:** "Mark.Graham@austintexas.gov" <Mark.Graham@austintexas.gov>  
**Subject:** "C14-2021-0081- OPPOSITION LETTER".

Dear Mr. Graham,

I have lived in Austin since 1985, first renting in a fourplex on Palma Plaza, and since 1992 in a 1956 house on Brownlee Circle. I have seen some changes over these decades, some for good, but this is the worst. I was unhappy when the Public Storage building on 5<sup>th</sup> went up, but 5<sup>th</sup> street has been mostly small business and apartments/condominiums. I've seen the AISD building new and now I've seen it replaced by the higher profile of the Lockridge McGuinnis multistory with lost of surface parking. West Sixth is more of a destination, and the north side of West 6<sup>th</sup> is still business housed in houses and that's why it's a destination.

As a homeowner and payer of onerous property tax I am horrified at this revelation that a mid-century lowprofile former car dealership building repurposed in the 90s as shopping and office space is to be bulldozed and replaced with a 40-foot behemoth new construction. This looming menace of a new Public Storage sized piece of crap is something I vehemently oppose, for its contribution to congestion.

Sincerely,

Mary Blockley  
702 Brownlee Circle

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).

***Old West Austin Neighborhood Association***

***PO Box 2724***

***Austin, TX 78768***

October 12, 2021

Ms. Wendy Rhoades  
City of Austin  
Housing and Planning Department  
1000 E. 11<sup>th</sup> Street, Suite 200  
Austin, Texas 78702

**VIA: Electronic Mail**

Re: 5th & Walsh Rezoning (C14-2021-0081)

Dear Ms. Rhoades:

This letter is submitted on behalf of the Old West Austin Neighborhood Association (“OWANA”) regarding the 5<sup>th</sup> and Walsh rezoning case currently in review under City Case No. C14-2021-0081 (the “Application”) regarding property located at 1200, 1204, 1210, 1214, and 12141/2 W. 5<sup>th</sup> Street, and 504 and 506 Walsh Street (the “Property”).

OWANA has been in close coordination with the developer and its representatives over the last several months in order to come to an agreement regarding the Application. After several weeks of negotiations OWANA supports rezoning the Property from CS-MU-V-CO-NP and CS-MU-CO-NP to LI-PDA subject to conditions outlined below:

Maximum Building Height:	75-FT.
Maximum Building Coverage & Impervious Cover:	95%
Minimum Site Area Requirements:	N/A
Setbacks:	<p>Exclusive of garage openings, 25% of the net building façade along 5<sup>th</sup> Street will be setback from the property line a minimum of 5-ft*</p> <p>Exclusive of garage openings, 30% of the net building façade along Walsh Street will be setback from the property line a minimum of 5-ft*</p>

	*In the event a sidewalk easement is required, the 5-ft setback will be measured from the edge of the sidewalk easement (clear zone) located within the site.
Upper Building Façade Set back:	<p>At least 25% of the building along 5<sup>th</sup> Street above 60-ft will set back a minimum of 5-ft from the ground floor building façade line.</p> <p>The building along Walsh Street above 60-ft will set back a minimum of 10-ft from the ground floor building façade line.</p>
Maximum Floor-to-Area Ratio:	
Office Project:	4.5:1
Mixed-Use Project:	6.5:1
Uses:	In addition to the uses proposed by the applicant, the permitted uses have been updated to include convenience storage as a prohibited use.
Pedestrian Oriented Uses:	Exclusive of garage openings, 50% of the combined linear net building façade along 5 <sup>th</sup> Street and Walsh Street will have pedestrian-oriented uses.
Density Bonus:	<p>For a commercial project with no residential component – for square footage above 2:1 FAR, approximately \$8/SF will be paid to an affordable housing non-profit organization.</p> <p>For a mixed-use project with a residential component the project will meet the affordability requirements established by the V zoning ordinance (<b>Ord. #20080306-056</b>).</p>
Sidewalks:  Sidewalks consist of two zones: a planting zone and a clear zone.	5 <sup>th</sup> Street: No less than 15-ft Walsh Street: No less than 15-ft
Planting Zone:	Street trees shall be planted no more than 25-ft on center along 5 <sup>th</sup> Street and Walsh Streets. As for the size of the street trees, they will be no less than 6in.
Additional Pedestrian Realm Improvements:	-Two (2) bike racks will be provided in the right-of-way along 5 <sup>th</sup> Street -Street lighting provided in the right-of-way every 88-ft

	-Four (4) benches per block face -Two (2) waste bins per block face
Loading/Maneuvering:	Section 25-6-532 ( <i>Off Street Loading Standards</i> ) and Section 25-6, Appendix A is modified to require a maximum of one (1) loading space to be provided on-site for the Property.  TCM Section 9.3.0 #3 is modified to allow maneuvering within the alley located along the northern property line.
Parking Location:	All parking will be provided underground.
Artwork:	Applicant agrees to source and commission local artist to provide the artwork in the lobby.
Austin Energy Green Building:	Applicant agrees to a 3-star Austin Energy Green Building rating.

Subject to the aforementioned conditions, we request that the Planning Commission and City Council approve the applicant's zoning request.

Sincerely,



Chair, Steering Committee  
Old West Austin Neighborhood Association

cc: Jerry Rusthoven  
Joi Harden  
Josh Lickteig  
Amanda Morrow  
Amanda Surman