

ZONING CHANGE REVIEW SHEETCASE: C14-2022-0121 – Borden TractDISTRICT: 3ZONING FROM: LI-CO-NPTO: LI-PDA-NPADDRESS: 21, 21 ½, 41, & 71 Strandtman Cove;
11, 21, 41, & 41 ½ Julieanna CoveSITE AREA: 21.383 acresPROPERTY OWNER: New Dairy Texas, LLCAGENT: Armbrust & Brown,
PLLC (Richard T. Suttle, Jr.)CASE MANAGER: Joi Harden (512-974-1617, Joi.Harden@austintexas.gov)STAFF RECOMMENDATION:

The Staff recommendation is to grant limited industrial services – planned development area – neighborhood plan (LI-PDA-CO-NP) combining district zoning. The CO, Conditional Overlay establishes a cocktail lounge use that exceed 15,000 as a conditional use:

The Applicant is in agreement with Staff’s Recommendation and has updated the PDA standards accordingly.

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 28, 2023: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO MARCH 14, 2023*

[R. SCHNEIDER; P. HOWARD – 2nd] (11-0) Y. FLORES – ABSENT; ONE VACANCY ON THE COMMISSION

CITY COUNCIL ACTION:

To be scheduled

ORDINANCE NUMBER:

ISSUES: Existing limited industrial services (LI) base zoning permits a maximum building height of 60-ft. Proposed limited industrial services – planned development area – neighborhood plan (LI-PDA-NP) district zoning would permit a maximum building height of 120-ft.

The PDA Development Standards originally submitted as part of the application proposed a code modification to Section 25-6-532 and Section 25-6, Appendix A to modify the loading requirements on the property. ATD was uncertain of this code modification so the Applicant agreed to remove the code modification from the PDA request. Please refer to **Exhibit D** for a copy of the updated PDA Development Standards.

CASE MANAGER COMMENTS:

The subject site is in the Govalle/Johnston Terrace Combined (Govalle) Neighborhood Planning Area bounded by Oak Springs Road on the north, Airport Boulevard on the east, the Colorado River on the South, and Pleasant Valley Road, 7th Street, Northwestern Avenue, and Webberville road on the west. The site is located south of E. 5th Street, west of Airport Boulevard, and directly north of the Colorado River Park Wildlife Sanctuary. Vehicular access is taken from Strandtman Cove and Julieanna Cove which provide a direct connection onto Levander Loop.

The rezoning tract is approximately 21.383 acres and currently developed with the Borden Dairy Facility, a one-story manufacturing plant, silos and surface parking lot.

The Applicant proposes to rezone the property to limited industrial services – planned development area – neighborhood plan combining district to allow the property to be redeveloped in phases as a mixed use project with multi-family, hotel, office, and retail/restaurant uses.

Existing Zoning

Govalle/Johnston Terrace Combined (Govalle) Neighborhood Plan

The conditional overlay (CO) in the existing zoning was established in March 2003 when Council approved rezoning the property from LI to LI-CO-NP as part of the Govalle Neighborhood Plan rezoning (Ord.# 030327-11a). The Govalle Neighborhood Plan identifies the property as Tract 153. The Conditional Overlay prohibits resource extraction on the property.

Proposed Zoning

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:

Condominium Residential
Cocktail Lounge*

Multi-Family Residential

*The total square footage of cocktail lounge shall be limited to 15,000 square feet for the entire property. Any square footage over 15,000 square feet will require a conditional use permit.

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

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

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) The following development regulations shall apply to the Property:
 - a. The following are minimum setbacks that apply to the Property:

Front Yard:	10-ft
Street Side Yard:	10-ft
Interior Side Yard:	0-ft
Rear Yard:	0-ft
 - b. The maximum height is 120-ft.
 - c. The maximum impervious cover is 95%.
 - d. The maximum building coverage is 95%
 - e. The maximum floor-to-area ratio is 4:1
 - f. There are no minimum site area requirements.
- 3) Calculations for impervious cover, building coverage, and floor-to-area ratios shall be based on the gross site area of the entire Property.

- 4) The Property is entitled to the height exceptions set forth in Section 25-2-531 (*Height Limit Exceptions*).
- 5) Section 25-6-471(D) (*Off-site Parking Allowed*) is modified such that a parking facility may be located anywhere within the boundaries of the Property regardless of where the use is located within the Property.

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 uses and limited manufacturing uses, generally on moderately sized sites. Planned development area (PDA) combining district is intended for a 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. Neighborhood Plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The proposed zoning provides for a mixed-use development. The list of permitted use in the LI base zoning district is extensive and reduced by 26 prohibited uses in the subject request. The Planned Development Area standards add 2 residential uses as well as cocktail lounge subject to the 15,000 square foot limitation. The proposed PDA Development Standards modify setbacks, building height, building coverage and FAR to create a dense mixed-use development that is consistent with the current growth trends in the East Austin area.

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

The proposed mixed use development will provide a dense development with hotel, multi-family, retail, and office uses to promote and increase employment opportunities in the area. Additionally, the project as currently designed will provide approximately 1,400 multi-family units which will increase housing in East Austin.

- 3. *Zoning should promote the policy of located retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors/highways.*

The subject site is located at the nexus of multiple major roadways including US HWY 183/Airport Boulevard to the east as well as E. Cesar Chavez to the north where more dense development and intensive land uses should be located.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
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<i>Site</i>	LI-CO-NP	Borden Dairy Facility
<i>North</i>	CS-CO-NP, CS-V-CO-NP	Apartments; Warehouse
<i>South</i>	P-NP	Parkland – the Colorado River Park Wildlife Sanctuary
<i>East</i>	LI (across 183)	Basic Industry
<i>West</i>	LI-CO-NP, RR-NP, GR-CO-NP, GR-MU-CO-NP, SF-3-NP	Undeveloped, Automotive Repair Services, Office, Warehouse, General Retail Sales; Single Family Residential

NEIGHBORHOOD PLANNING AREA: Govalle / Johnston Terrace Combined (Govalle)

TIA: Zoning Transportation Analysis
See ATD Approval Memo dated 01/13/2023
Please refer to Exhibit B (ATD Memo)

WATERSHED: Colorado River –Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

OVERLAYS: Airport Overlay; Govalle Neighborhood Planning Area; Residential Design Standards

SCHOOLS:

Govalle Elementary School Martin Middle School Eastside Memorial High School

COMMUNITY REGISTRY LIST:

Greater East Austin Neighborhood Association	SEL Texas
Guadalupe Neighborhood Development Corporation	Tejano Town
River Bluff Neighborhood Association	Preservation Austin
Austin Neighborhoods Council	Del Valle Community Coalition
Austin Lost and Found Pets	El Concilio Mexican-American Neighborhoods
East Austin Conservancy	Austin Independent School District
Homeless Neighborhood Association	Neighborhood Empowerment Foundation
Sierra Club, Austin Regional Group	Govalle/Johnston Terrace Neighborhood Plan Contact Team
Friends of Austin Neighborhoods	Neighbors United for Progress

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0054 830 Airport 830 Airport, 838 Airport, 917 Shady	SF-3-NP & CS-CO-NP to CS-MU-V-CO-NP	To Grant CS-MU-V-CO-NP as recommended by Staff, on Consent (07-26-2022)	Apvd CS-MU-V-CO-NP as Commission recommended (09-01-2022)

Lane, 923 Shady Lane			
C14-2020-0073 MSC & CTC Tracts Zoning 748 Airport Boulevard	CS-CO-NP – CS-MU-V-NP	To Grant CS-MU-V-CO-NP as recommended by Staff, on Consent (12-22-2020).	Apvd CS-MU-V-CO-NP as Commission Recommended (01-27-2021).
C14-2018-0042 Red Bluff Rezoning 4713 E. Cesar Chavez Street	CS-MU-CO-NP to CS-MU-CO-NP (remove a condition of zoning)	To Grant CS-MU-CO-NP as recommended by staff (09-25-2018).	Apvd CS-MU-CO-NP as Commission recommended (10-18-2018).
C14-2015-0043 Shady Lane Mixed Use 500 Shady Lane	LI-CO-NP to CS-MU-V-NP	To Grant CS-MU-V-CO-NP with Conditions (08-25-2015).	Case Expired.

RELATED CASES:

The subject property is located within the boundaries of the Govalle/Johnston Terrace Combined (Govalle) Neighborhood Planning Area and the property was rezoned from LI to LI-CO-NP in March 2003 (Ordinance No. 030327-11a). The conditional overlay for Tract 153 prohibits resource extraction. There is a corresponding neighborhood plan amendment case currently in review to change the land use designation on the Future Land Use Map (FLUM) from Industry to Mixed Use (NPA-2022-0016.02).

The rezoning area is platted as Lot 5, 6, 7, & 8 Bridgeview Business and Industrial Plaza recorded in March 1979 (C8-78-55) and Lots 2, 3, 4, 5, & 6 Bridgeview Business and Industrial Plaza Section Two recorded in June 1986 (C8-78-55.1(86) ***Please refer to Exhibit C (Recorded Plats)***). A concept site plan has also been submitted under Case No. SP-2022-1341C.CP

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Julieanna Cove	1	58	80'	52'	Yes	N/A	Yes
Levander Loop	4	N/A	N/A	46'	Yes	Unpaved Shared Use Path	Yes
Strandtman Cove	1	58	87'	56'	No	N/A	Yes

OTHER STAFF COMMENTS:

Parks and Recreation

Parkland dedication will be required at the time of subdivision or site plan application for new uses proposed by this rezoning, mixed use with LI-PDA-NP, per City Code § 25-1-601, as amended. The intensity of the proposed development creates a need for over six acre of additional parkland, per requirements described in § 25-1-602; when over six acres, parkland must be dedicated – see § 25-1-605 (A)(2)(a). As such, land dedication shall be required. Any remaining fees in-lieu after dedication shall also be required.

The Parks and Recreation Department (PARC) would an expansion of the Colorado River Park Wildlife Sanctuary, with additional street access, toward satisfying the requirement at time of permitting (whether subdivision or site plan). The dedication would satisfy the need for expanding access and parkland along the Colorado River, a specific recommendation in the Parks and Recreation Department’s Long-Range Plan.

Should there be any remaining fees in-lieu, 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. At the applicant’s request, PARC can provide an early determination letter of the requirements.

Transportation

Zoning transportation analysis shall be performed at zoning where anticipated trips are anticipated to exceed 2,000 unadjusted trips to satisfy the LDC requirement for a TIA but does not diminish the authority to require a traffic impact analysis at site plan. LDC 25-6, TCM 10.5.0. Please pay the ATD Zoning Tia Waiver/Compliance (ZTA) Fee in AMANDA through Austin Build and Connect (AB+C) portal. Please email justin.good@austintexas.gov to start the process for your ZTA.

Please provide further justification for the necessitation of the parking relief. [Section 25-6-471(D) (Off-Site Parking Allowed) is modified such that a parking facility may be located anywhere within the boundaries of the Property regardless of where the use is located within the Property.]

Staff is reviewing off-street loading request and will provide feedback as soon as possible. [For a use in which off-street loading is required, 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 loading space to be provided for each building over 10,000 square feet on the Property. Notwithstanding the foregoing shared loading may be permitted between uses located on the Property.]

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

- A: Zoning Map
- A-1: Aerial Map
- B. ATD Memorandum regarding ZTA
- C: Recorded Plats
- D: Updated PDA Development Standards