

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0105
Darby Yard 700

DISTRICT: 1

ZONING FROM: LI-NP, IP-NP and CS-NP TO: LI-PDA-NP

ADDRESSES: 3506, & 3512 Darby St.; 6315, 6401, 6409, 6417- ½, and 6505 Wilcab Rd. 6118, 6204 & 6414 Hudson St.

SITE AREA: 7.083 acres

PROPERTY OWNERS: Darby Yard, LLC (Franklin Sapp); Triple L, Group, LLC (Frank Roberts); Stay Taylor, LP (Jason Martin); Brenda Kay (formerly known as Brenda Kay Winn) and James Jackson; Rehoboth Baptist Church (Rev. Ray Hendricks)

AGENT: Alice Glasco Consulting (Alice Glasco)

CASE MANAGER: Joi Harden (512) 974-1617, joi.harden@austintexas.gov)

STAFF RECOMMENDATION:

Staff supports the applicant's request of LI-PDA-NP. Conditions of the PDA are listed in the Case Manager Comment Section of this report and the Applicant Summary Letter. Please see *Exhibit C-Applicant Summary Letter*. For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

March 28, 2023: Approved on Consent

February 28, 2022: Postponed to March 28, 2023

January 24, 2023: To grant postponement to February 28, 2023, as requested by staff, on consent.

CITY COUNCIL ACTION:

May 4, 2023:

ORDINANCE NUMBER:

ISSUES:

No issues at this time.

CASE MANAGER COMMENTS:

The subject property is located on the west side of Darby Street, approximately 150 feet west of Ed Bluestein Boulevard. The property is bounded by Wilcab Road on the north and Hudson Street on the south. The property is zoned IP-NP, CS-NP and LI-NP and includes an undeveloped tract and an automobile salvage yard. West of the subject property are properties zoned IP-NP, CS-MU-CO-NP, LI-NP, SF-3-NP and P-NP. These properties include automobile salvage/storage, religious assembly, single family and Travis County International Cemetery. Across Hudson Street to the south are properties zoned GR-MU-NP and CS-NP that are developed with automobile salvage, storage, and repair service land uses. Across Wilcab Road to the north are properties zoned IP-NP that contain religious assembly, construction sales and service, and automotive repair land uses. ***Please see Exhibits A and B- Zoning Map and Aerial Exhibit.***

The proposed PDA adds some residential land uses to the property and prohibits some of the more intense land uses permitted in LI zoning. Added land uses include Condominium residential, Group residential, Multifamily residential, and Townhouse residential. Prohibited land uses are Basic industry, Recycling center, Resource extraction, General warehousing and distribution, and Scrap and salvage. The PDA also makes some changes to the site development standards. The following site development standards apply to the PDA property:

	Limited Industrial District	Proposed LI-PDA-NP
Maximum building height	60 feet	200 feet
Minimum front yard setback	0 feet	0 feet
Minimum street side yard setback	0 feet	0 feet
Minimum interior side yard setback	Varies	0 feet
Minimum rear yard setback	Varies	0 feet
Maximum building coverage	75%	85%
Maximum impervious coverage	80%	85%
Maximum floor-to-area ratio (FAR)	1:1	6:1

Staff supports the LI-PDA-NP rezoning request. The area currently has a mix of residential, commercial and limited industrial land uses. The proposed LI-PDA-NP will also allow a range of uses including residential and commercial uses. The addition of multifamily and townhouse/condominium residences at this location will increase the number of housing units in the area and increase the mix of housing options in the area. This reflects priorities outlined in the Council adopted Strategic Housing Blueprint. More intense land uses that are permitted in the LI base zoning will be prohibited, making the property more suitable for a mix of land uses.

The most significant change included in the PDA are the building height of 200 feet and FAR of 6:1. While there are no buildings of this scale on the west side of Ed Bluestein Boulevard, PDAs on the east side have been approved with significant height modifications. In 2020, the former Motorola campus was approved for heights ranging from 120 to 400 feet, with the greater heights located closest to Ed Bluestein Boulevard and therefore closer to the subject property. In 2022, two PDAs were approved

along Regiene Road with building heights ranging from 120 to 275 feet. Allowing a maximum building height of 200 feet would show equal treatment of these properties.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Granting of the request should result in an equal treatment of similarly situated properties.*
3. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*
4. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LI-NP, IP-NP, CS-NP	Automobile salvage, undeveloped
North	IP-NP	Automotive repair services, Religious assembly, Construction sales and services
South	CS-NP, GR-MU-NP	Automobile storage and repair services
East	LI-PDA-NP	Ed Bluestein Boulevard, mixed office, commercial and limited industrial uses
West	IP-NP, CS-MU-CO-NP, LI-NP, SF-3-NP, P-NP	Automobile salvage/storage, Religious assembly, Single family residential, cemetery

NEIGHBORHOOD PLANNING AREA: East MLK Combined NP (MLK-183)

RELATED CASES: NPA-2022-0015.03

TIA: Deferred to time of site plan, if required

WATERSHED: Fort Branch and Walnut Creek Watersheds

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
 Austin Innercity Alliance
 Bike Austin
 Claim Your Destiny Foundation
 East Austin Conservancy
 Friends of Austin Neighborhoods
 FRS Property Owners Association
 Homeless Neighborhood Association
 Lincoln Garden Association
 Neighbors United for Progress
 Reissig Group
 Sierra Club Austin Regional Group
 East MLK Combined Neighborhood Association

Austin Independent School District
 Austin Neighborhoods Council
 Black Improvement Association Del Valle Community Coalition East
 MLK Contact Team
 Friends of Northeast AustinSF-3-NP
 Hog Pen NA
 Jackie Robinson Acres
 M.E.T.S.A. Neighborhood Assn
 Preservation Austin
 Seltexas
 Truman Heights Neighborhood Assn

AREA CASE HISTORIES:

NUMBER	REQUEST	ZAP/PLANNING COMMISSION	CITY COUNCIL
C14-2022-0017 5711, 5801, 5805, 5809, 5813, 5817, 5901 & 5909 Hudson Street	SF-3-NP to MF-4-NP	5/24/2022: to grant MF-3-NP as rec. by staff	07/28/2022: to grant MF-4- NP
C14-2019-0107.SH 5511, 5515, 5517, & 5519 Jackie Robinson St.	SF-3-NP to SF-6-NP	6/23/2020: To grant SF-6-NP as rec., on consent	7/30/2020: To grant SF-6 as rec., on consent
C14-2017-0097 1321 Delano St, 5600 Jackie Robinson Ln	SF-3-NP to SF-6-NP	01-23-2018 Apvd SF- 6-CO-NP with max 62 du, NTA RC	02-15-2018 Grant SF-6-CO- NP as rec by PC

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
DARBY ST	Local Mobility - Level 1	58 feet	49 feet	20 feet	No	No	No
HUDSON ST	Local Mobility - Level 2	72 feet	60 feet	26 feet	No	No	No
WILCAB RD	Local Mobility - Level 1	58 feet	51 feet	15 feet	No	No	No

ADDITIONAL STAFF COMMENTS:Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Branch Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
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.

Site Plan

SP1. A site plan will be required for any new development other than single-family, two-family or duplex residential.

SP2. Any new development is subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted.

SP3. This site will be subject to the multifamily density provisions in 25-2-563.

SP4. 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.

Compatibility Standards

SP5. The site is subject to compatibility standards. Along the east, south and west property lines, the following standards apply:

- ☐ No structure may be built within 25 feet of the property line.
- ☐ No parking or driveways are allowed within 25 feet of the property line.
- ☐ No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- ☐ No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- ☐ For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, the height is limited to 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, the height is limited to 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.
- ☐ A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- ☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- ☐ Additional design regulations will be enforced at the time a site plan is submitted.

SP6. The applicant is responsible for requesting demolition or relocation permits upon site plan approval. The City of Austin Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building is deemed to meet city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

SP7. The site is located within the Controlled Compatible Land Use Area of the Austin-Bergstrom Airport. No use will be allowed that creates electrical interference with navigational signals or radio communications between airport and aircraft, makes it difficult for pilots to distinguish between the airport lights and others, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, creates bird strike hazards or otherwise in any way endangers or interferes with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing.

Hazardous Pipeline Ordinance

SP8. Due to its presence within the Hazardous Pipelines overlay, this site is subject to the Hazardous Pipeline Ordinance. Development in a restricted pipeline area is regulated by Sec. 25-2-516. Review by the Fire Department will be required for any proposed development. Before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, the person must deliver to the Director a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation.

Neighborhood Planning Area

SP9. This site is located in the East MLK Combined Neighborhood Plan. Please see the City's Neighborhood Plans and Resources webpage for a copy of the recommended design guidelines.

Transportation

- ATD 1. 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 triggered per [LDC 25-6-113].
- ATD 2. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for DARBY ST. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for DARBY ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].
- ATD 3. The Austin Strategic Mobility Plan (ASMP) calls for 72 feet of right-of-way for HUDSON ST. It is recommended that 36 feet of right-of-way from the existing centerline should be dedicated for HUDSON ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].
- ATD 4. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for WILCAB RD. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for WILCAB RD according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].
- ATD 5. The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
DARBY ST	Local Mobility - Level 1	58 feet	49 feet	20 feet	No	No	No
HUDSON ST	Local Mobility - Level 2	72 feet	60 feet	26 feet	No	No	No
WILCAB RD	Local Mobility - Level 1	58 feet	51 feet	15 feet	No	No	No

Parks & Recreation

PR1: Parkland dedication will be required for the new residential units proposed by this development,

multifamily with MF-6-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. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Water Utility

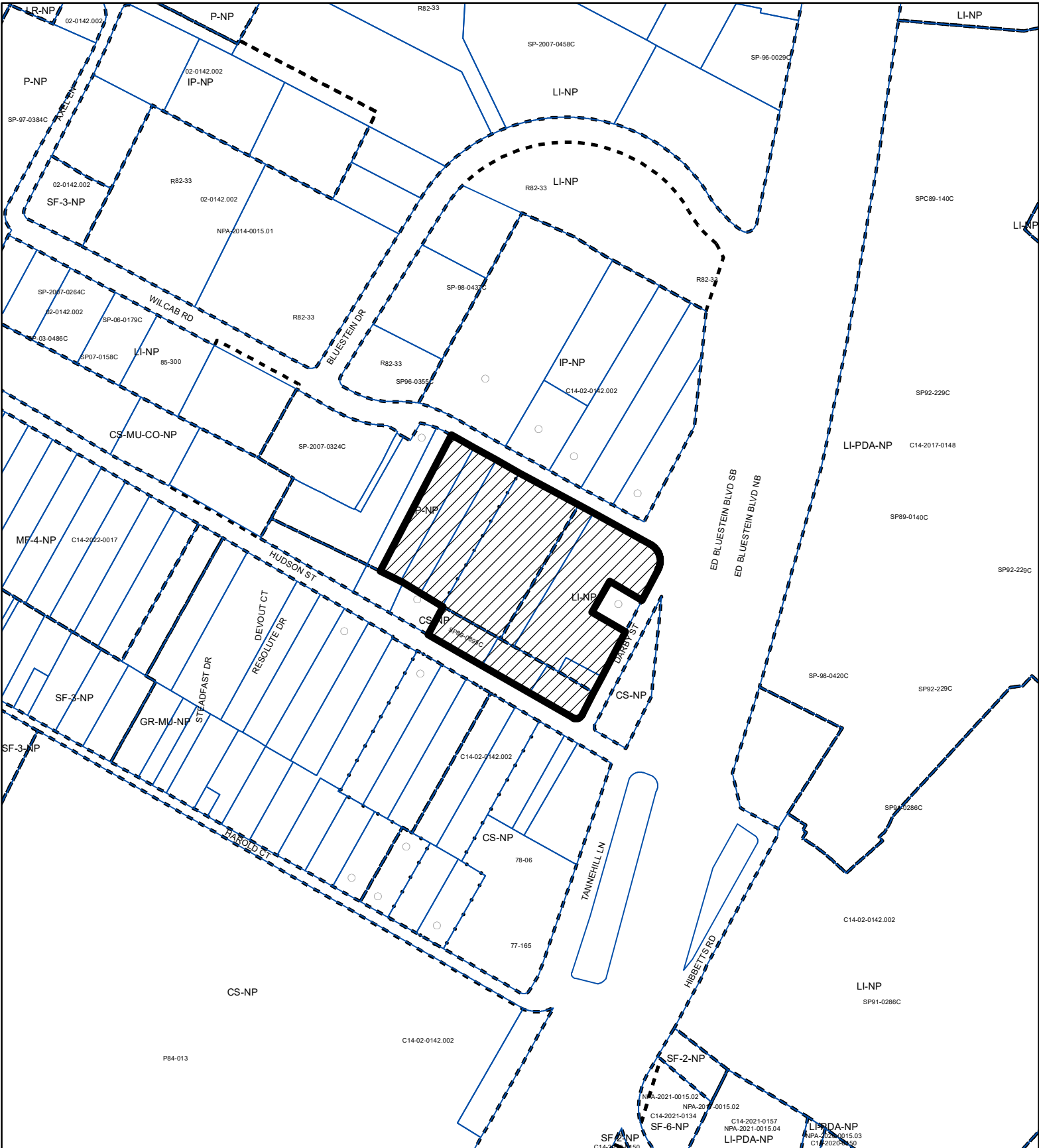
AW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.


Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. Service Extension Requests 5387 (W) and 5388 (WW) are submitted for review but not approved. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov. 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.


AW2. 30 TAC §285, §15-5, §15-9: City records indicate a portion of the site is served by an On-Site Sewage Facility (OSSF). The owner must connect the site to city wastewater service through the cutover process. For more information pertaining to the wastewater cutover process, contact the AW OSSF team at OSSF@austintexas.gov or call (512)-972-0050.


INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. Applicant Letter


$$1'' = 400'$$

 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2022-0105

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.

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Created: 12/13/2022



Darby Yard 700



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

ZONING CASE#: C14-2022-0105
LOCATION: 3506, 3512 Darby St; 6401, 6409, 6417 1/2, 6505 Wilcab Rd
SUBJECT AREA: 9.73 Acres
GRID: M22
MANAGER: Heather Chaffin



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Created: 1/18/2023

ALICE GLASCO CONSULTING

July 18, 2022

Rosie Truelove, Director
Housing & Planning Department
1000 E 11th Street, Suite 200
Austin, Texas 78702

RE: 3506, & 3512 Darby St.; 6401, 6417 1/2, 6409 & 6505 Wilcab Rd. 6118, 6204 & 6414 Hudson St.

Dear Rosie:

I represent Ledgestone Development Group, the potential developer of the above referenced property. There are two cases being submitted for the site – a plan amendment (FLUM change to the East MLK Combined Neighborhood Plan) and rezoning. The proposed FLUM change, and rezoning are as follows:

Current FLUM Land Use: Commercial and Industry

Proposed FLUM Land Use : Mixed Use

Current Zoning: CS-NP and LI-NP

Proposed Zoning: LI-PDA-NP

Justification For Plan Amendment and Rezoning

The proposed plan amendment and rezoning are supported by the following East MLK Combined Neighborhood Plan goals and objectives.

Land Use Goal 2.: Promote a mix of land uses that respect and enhance the existing neighborhood and address compatibility between residential, commercial, and industrial uses.

Land Use Goal 3.: Preserve existing small businesses and encourage new neighborhood-serving commercial services in appropriate locations.

Land Use Goal 4.: Promote the development and enhancement of the neighborhood's major corridors.

Rationale: the proposed multifamily housing with neighborhood-serving retail/commercial uses will add to the diversity of development for the Hog Pen Neighborhood.

Objective 2.1: Where appropriate, address mismatches between desired land use and zoning.

Objective 2.2. Reduce the impact of commercial and industrial uses on residential areas.
3.1: Where zoning permits, promote neighborhood-oriented businesses and services such as restaurants, corner stores, and laundromats.

Objective 4.1: Allow mixed use development along major corridors and intersections.
Rationale: the proposed mixed-use project will enable the developer to reduce the amount of industrial zoning in the neighborhood and provide a variety of housing types and include neighborhood serving retail/commercial uses that will contribute to the enhancement of the neighborhood.

PDA Standards:

The proposed PDA standards for the subject property would be as follows:

- a. Except as provided in sections b and c below, all permitted and conditional uses under LI, Limited Industrial Services, zoning are permitted and conditional uses for the subject property.
- b. The following uses are additional permitted uses:
 - Condominium residential
 - Group residential
 - Multifamily residential
 - Townhouse residential
- c. The following uses are prohibited uses:
 - Basic Industry
 - Recycling center
 - Resource extraction
 - General warehousing and distribution
 - Scrap and salvage
- d. The following site development standards apply to the PDA property:
 - **The maximum height is 200 feet**
 - The minimum front yard setback is 0 feet.
 - The minimum street side yard setback is 0 feet.
 - The minimum interior side yard setback is 0-10 feet.
 - The minimum rear yard setback is 0 feet.
 - The maximum building coverage is 85%
 - The maximum impervious cover is 85%
 - **The maximum floor-to-area ratio is 6:1**

Please let me know if you have any questions or need additional information.

Sincerely,

Alice Glasco

Alice Glasco, President
AG Consulting

Cc: Craig Alter, Ledgestone Development Group
Joi Harden, Zoning Division Manager, City of Austin
Maureen Meredith, Neighborhood Planner