

ZONING CHANGE REVIEW SHEET

CASE: C814-06-0175.05 – East Avenue PUD,
Parcel A 2nd Amendment

DISTRICT: 9

ZONING FROM / TO: PUD Amendment to increase the maximum allowed height of parcel A from 120 to 160 feet.

ADDRESSES: 3500, 3500 ½, 3502, 3506, 3700 North IH-35 Service Road Southbound and 1012, 1012 ½, 1018 and 1018 ½ Concordia Avenue.

SITE AREA: 1.13 acres

PROPERTY OWNER: 1010 Concordia LP, A Texas Limited Partnership (Taylor Wilson)

AGENT: Drenner Group, PC (Leah Bojo)

CASE MANAGER: Dana Moses (512-974-8008, dana.moses@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant a fifth amendment to the PUD district zoning to increase the maximum allowable height of Parcel A from 120 to 160 feet. *For a summary of the basis of Staff's recommendation, please see page 3.*

PLANNING COMMISSION ACTION:

September 26, 2023:

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES:

None at this time.

EXHIBITS AND ATTACHMENTS TO THE STAFF REPORT:

Exhibit A: Zoning Map
Exhibit A-1: Aerial Map

Attachment A: Applicant's Revised Summary Letter

CASE MANAGER COMMENTS:

The site of East Avenue PUD, Parcel A is located directly west of North IH-35 Southbound and fronts on North IH-35 Service Road southbound, encompassing a total of 22 acres. The subject site is 1.13 acres. There are multifamily units and single-family homes to the west (SF-3-CO-NP; CS-MU-NP). There are commercial uses to the east across from North IH-35 Service Road Northbound Frontage Road such as a recording studio, restaurants, and other commercial uses (CS-MU-V-CO-NP; CS-1-MU-V-CO-NP). To the north are multifamily units, a bail bonds service, and restaurant (CS-MU-NP). Directly south along the intersection of Concordia Avenue and S I-35 frontage road, is a three- and four-story multifamily building (PUD-NP). ***Please refer to Exhibits A and A-1 – Zoning Map and Aerial Exhibit.***

Parcel A maintains the requirement of 85% impervious cover and a 2:8:1 Floor Area Ratio. The applicant is requesting a PUD amendment to this parcel.

The Applicant's letter states:

The purpose of this PUD amendment is to increase the maximum allowable height of Parcel A from 120 feet to 160 feet. The additional height will allow the project to maintain the density that was previously approved. Additionally, the East Avenue PUD in its entirety continues to be limited to 85% impervious cover and a 2.8:1 FAR, all of which will remain unchanged.

BASIS OF STAFF RECOMMENDATION:

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Per the Land Development Code, PUD district zoning was established to implement goals of preserving the natural environment, encouraging high quality, sustainable development and innovative design, and ensuring adequate public facilities and services. The City Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and thus is superior to development which could occur under conventional zoning and subdivision regulations. The PUD provides a canvas for the design of a large-scale project, with the end goal to allow flexibility, and also inform and communicate the possibilities for development.

2. *Intensive multi-family zoning should be located on major arterials and highways.*

The proposed PUD amendment will allow for a dense multi-family development, with additional height along North Interstate Highway-35 service road southbound. The property directly fronts on North IH-35 service road southbound to access multi-family units. Several multifamily residential complexes exist along North IH-35 frontage road and the North IH-35 corridor.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|----------------------|---|
| <i>Site</i> | PUD-NP | 5-story mixed use development w/ multi-family & retail |
| <i>North</i> | CS-MU-NP | Multi-family; Bail bonds business; Restaurant |
| <i>South</i> | PUD-NP | Multi-family |
| <i>East</i> | Not Applicable | Southbound IH 35 service road and main lanes (including elevated portion) |
| <i>West</i> | SF-3-CO-NP; CS-MU-NP | Apartments (2 and 3 story buildings); Single family residences; Two family residences |

NEIGHBORHOOD PLANNING AREA: Central Austin Combined (Hancock)

WATERSHED: Boggy Creek – Urban

TIA: Deferred to Site Plan

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Lee Elementary School Kealing Middle School McCallum High School

COMMUNITY REGISTRY LIST:

Hancock Neighborhood Association
North Austin Neighborhood Alliance
Austin Lost and Found Pets
Austin Independent School District
Sierra Group, Austin Regional Group
Friends of Austin Neighborhoods
Neighbors United For Progress
Neighborhood Empowerment Foundation
Upper Boggy Creek Neighborhood Planning Team

Cherrywood Neighborhood Association
Austin Neighborhoods Council
CANPAC
SEL Texas
Del Valle Community Coalition
Homeless Neighborhood Association
Preservation Austin

AREA CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|--|---|--|--|
| C814-06-0175 – 3400 North IH 35 Service Road Southbound | LO-MU-NP, GO-NP, CS- MU-NP to PUD-NP | To Grant PUD-NP | Apvd PUD-NP as PC recommended (3-26-2007). |
| C814-06-0175.01 – 3400 North IH 35 Service Road Southbound Southbound | PUD-NP to PUD-NP | Withdrawn | |
| C814-06-0175.02 – 3400 North IH 35 Service Road Southbound | PUD-NP to PUD-NP | Administrative Approval to establish new roadway cross-section for Concordia Ave.; modify alleyways; include additional architectural features | Apvd (2-27-2009). |
| C814-06-0175.03 – 1012, 1012 1/2, 1016, 1018, 1018 1/2 Concordia Ave; 3500, 3500 1/2, 3502, 3506, 3508 1/2 North IH 35 Service Road Southbound | PUD-NP to PUD-NP | To Grant PUD-NP as staff recommended to increase maximum height | Apvd PUD-NP as PC recommended (10-27-2022). |
| C814-06-0175.04 - | PUD-NP to PUD-NP | To Grant PUD-NP amendment to add administrative and business office uses to the pedestrian-oriented uses list for Parcel H | Apvd PUD-NP as PC recommended (07-20- 2023). |

RELATED CASES:

The subject property is located within the boundaries of the Central Austin Combined (Hancock) Neighborhood Planning Area (NP-04-0021). Current land use on Future Land Use Map (FLUM): Mixed Use. Proposed land use through zoning change: Mixed Use. A plan amendment is **not** required.

PUD Zoning cases

Council approved the East Avenue PUD which includes approximately 22 acres of land on March 26, 2007 (Ordinance No. 20070326-002). The subject request is the fourth amendment, titled East Avenue PUD Amendment, Parcel H comprised of 1.579 acres. Parcel H is also known as Lot 4, Block A, East Avenue Subdivision recorded as Document No. 200800152 in the Travis County Plat Records.

There were three previous applications to amend the East Avenue PUD:

- 1) Amendment #1 C814-06-0175.01 – Application withdrawn.
- 2) Amendment #2 C814-06-0175.02 – Administratively approved amendment dated February 27, 2009 to modify setback along the north property line. The amendment modified the cross section of Concordia Avenue and Concordia Avenue private drive extension. The amendment also relocated alleyways on Parcels B1 and B3. The staff report said that (unspecified) architectural features were added on the eastern side of East Avenue Development adjacent to IH-35 access road.
- 3) Amendment #3 C814-06-0175.03 – Administratively approved amendment dated October 27, 2022 to increase the maximum allowable height of Parcel A from 65 feet to 120 feet.

Subdivision

The property is platted as Lot 4, Block A, East Avenue Subdivision, recorded in March, 2016 (C8-2007-0203.0A).

ADDITIONAL STAFF COMMENTS:Comprehensive Planning

Project Name and Proposed Use: 3500, 3500 ½, 3502, 3506 and 3700 North IH-35 SVRD SB and 1012, 1012 ½, 1018 and 1018 ½ Concordia Avenue. C814-06- 0175.05 Amendment #2. Central Austin Combined NP. Amend the maximum height to allow for Parcel A, an increase to the maximum height from 120 feet to 160 feet. The PUD encompasses 22 acres of land; the Property encompasses 1.13 acres. April 18, 2023.

| | |
|----------|---|
| <u>Y</u> | Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: Located within the Downtown Regional Center |
| <u>Y</u> | Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station. |
| <u>Y</u> | Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane. |
| <u>Y</u> | Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center. |
| | Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market. |
| <u>Y</u> | Connectivity and Education: Located within 0.50 miles from a public school or university. |
| <u>Y</u> | Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail. |
| <u>Y</u> | Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.) |
| | Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing. |
| | Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint. |
| | Mixed use: Provides a mix of residential and non-industrial uses. |
| | Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center). |
| | Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site. |
| | Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.) |
| <u>Y</u> | Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training. |
| | Industrial Land: Preserves or enhances industrial land. |
| 8 | Total Number of "Yes's" |

Drainage

It is understood that no modifications to the previously approved PUD application, as related to drainage/detention requirements, is proposed with this application.

Site Plan

The applicant summary letter refers to this amendment as Amendment #2. The assigned case number, however, shows this as Amendment # 5. Please clarify.

Comment addressed. See revised applicant letter.

Site plans will be required for any new development other than single-family or duplex residential.

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

The site is subject to compatibility standards. Along the West and East property lines, the following standards apply:

- No structure may be built 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, 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.
- 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. SP4. A formal update is required.

Impervious Cover

The maximum impervious cover that may be developed overall on the East Avenue PUD is 85%. Individual lots may exceed 85% impervious cover.

Austin Transportation Department – Engineering Review

No comments or objection in regard to the requested allowable height increase.

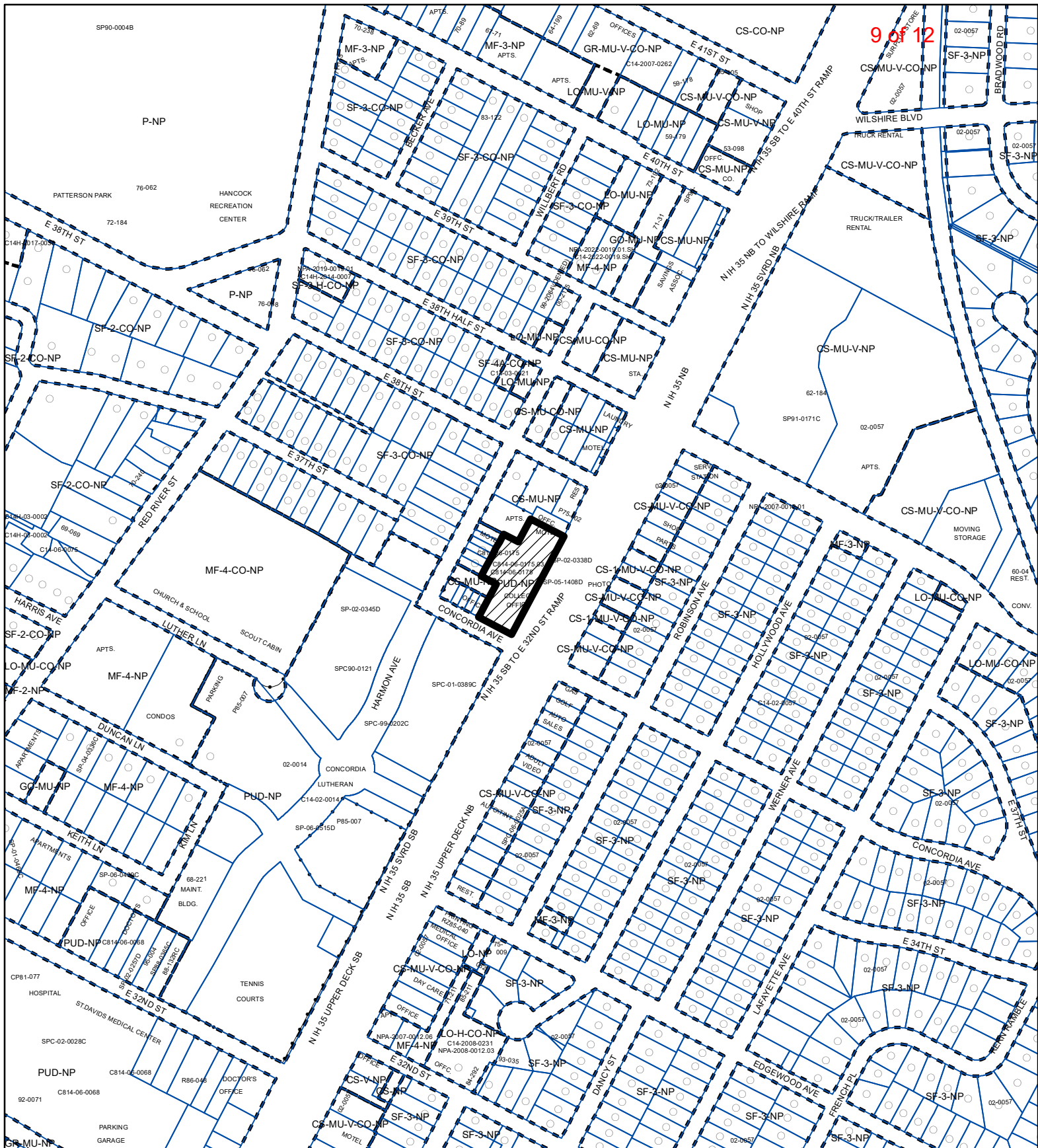
The site is subject to the approved TIA with zoning case # C814-06-0175. A TIA compliance memo indicating how many trips have been used, how many trips are left, documentation of all fiscal receipts and mitigations, etc, will be required with any subsequent site plan application. The TIA may need to be revised upon further review.




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) |
|------------------|---------------------|-------------------|--------------|-------------------|-----------|----------------------------------|-------------------------------|
| Concordia Avenue | Level 1 | 58' | 60' | 25' | Yes | No | No |
| IH-35 | Level 4 | Defer to TxDOT | 200' | 173' | Yes | Yes (future protected bike lane) | No |

PARD- Planning & Design Review:

Comments addressed with previous amendment. Future development resulting from rezoning must comply with Title 25 parkland dedication requirements, as amended.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

PLANNED UNIT DEVELOPMENT

ZONING CASE#: C814-06-0175.05

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





- ZONING CASE#: C814-06-0175.05
LOCATION: 3500, 3500 1/2, 3502, 3506,
3700 N IH-35 Svrđ SB;
1012, 1012 1/2, 1018,
1018 1/2 Concordia Ave
SUBJECT AREA: 1.13 Acres
GRID: K24
MANAGER: Nancy Estrada



Created: 7/26/2023

Leah M. Bojo
direct dial: (512) 807-2900
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DRENNER GROUP

April 10, 2023

Mr. David Gray
Planning Department
City of Austin
1000 E 11th Street, Suite 200
Austin, TX 78702

Via Electronic Delivery

Re: East Avenue PUD, Parcel A 2nd Amendment – Second PUD Amendment for Parcel A, a 1.13-acre portion of the 22.00-acre East Avenue PUD known as Lot 11 of the East Avenue Subdivision located at 3500, 3500 ½, 3502, 3506 and 3700 North IH-35 Service Road SB and 1012, 1012 ½, 1018, and 1018 ½ Concordia Avenue in Austin, Travis County, Texas (the “Property”).

Dear Mr. Gray:

As representatives of the owner of the Property, we respectfully submit the enclosed 5th zoning amendment application to the East Avenue PUD (the “PUD”) and the 2nd amendment to Parcel A referenced in zoning case C814-06-0175. The Property is addressed as 3502-3704 North IH-35 Southbound Frontage Road and 1010-1016 Concordia Avenue and is designated as Parcel A on the respective land use plan.

In its entirety, the PUD encompasses 22 acres of land; the Property encompasses 1.13 acres. The remaining portion of the PUD is not included in this amendment request. The Property is also known as Lot 11, Block B of the East Avenue Subdivision, per City of Austin case number C8-2007-0203.0A and recorded as Document No. 200800152 of the Official Public Records of Travis County, Texas.

The Property’s first amendment to the PUD was approved on October 27, 2022, allowing for an increase to the maximum height and removal of site area requirements while providing on-site water reuse and affordable housing. Since the approval of the first amendment, the owner has been made aware that it will be subject to a right-of-way taking by Texas Department of Transportation’s Interstate 35 expansion project.

The purpose of this PUD amendment is to increase the maximum allowable height of Parcel A from 120 feet to 160 feet. The additional height will allow the project to maintain the density that was previously approved. Additionally, the East Avenue PUD in its entirety continues to be limited to 85% impervious cover and a 2.8:1 FAR, all of which will remain unchanged.

A Traffic Impact Analysis ("TIA") was completed and approved for the PUD upon obtaining its initial PUD zoning in August, 2006 by WHM Transportation Engineering. An analysis of all site development within the PUD area indicates that Parcel A will be the last parcel to be permitted for development in the PUD. A traffic analysis prepared by HDR Engineering dated June 26, 2019 indicates that per existing and permitted development in the East Avenue PUD, 17,349 daily trips remain per the TIA, and 12,545 daily trips remain per the PUD ordinance. A TIA Determination Form has been completed via a TIA waiver from Maria Cardenas dated April 4, 2023, with the note that the Property must demonstrate compliance with the TIA approved with the PUD during site development permit review process when the final land use mix and intensities are established for the Property.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo
Drenner Group

cc: Joi Harden, Planning Department (*via electronic delivery*)
Dana Moses, Planning Department (*via electronic delivery*)