

## ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0101

DISTRICT: 9

ADDRESS: 410, 410 1/2, and 412 Pressler Street;  
1401 ½ and 1407 West 5<sup>th</sup> Street

ZONING FROM: LI-CO-NP

TO: LI-PDA-NP

SITE AREA: approximately 1.13 acres (approximately 49,222 sq. ft.)

PROPERTY OWNER: Duchy East, LLC; 5<sup>th</sup> & Pressler, LP

AGENT: Armbrust and Brown PLLC (Amanda Hendrix)

CASE MANAGER: Jonathan Tomko (512) 974-1057, [jonathan.tomko@austintexas.gov](mailto:jonathan.tomko@austintexas.gov)

### STAFF RECOMMENDATION:

**Staff recommendation is to grant limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning.** Please see the *basis of recommendation and proposed zoning* sections below for more details.

### PLANNING COMMISSION ACTION / RECOMMENDATION:

November 14, 2023: Neighborhood request for postponement to December 12, 2023 granted  
December 12, 2023: Planning Commission approved Staff Recommendation of LI-PDA-NP as amended on consent agenda, unanimous with Commissioner Howard absent.

### CITY COUNCIL ACTION:

January 18, 2024: Case is scheduled to be heard by City Council

ORDINANCE NUMBER: N/A

ISSUES: N/A

### CASE MANAGER COMMENTS:

The property in question is currently a 10,000 square foot warehouse being utilized as a multipurpose gym/Cross Fit studio. It was built in 1992 with approximately 21,000 square feet of paved parking to the east. It has large self-storage facilities to the east and west, railroad tracks and undeveloped LI-PDA-NP zoned land to the south. To the north are small office and retail buildings, many in older single-family homes that have been converted to commercial use.

This case seeks to develop a mixed-use development including potentially multi-family residential, or condominium residential, pet services, and liquor sales (no more than 5,000 square feet).

### Existing Zoning

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

The Old West Austin Neighborhood Plan, adopted in June 2000, does not have a Future Land Use Map or FLUM. It does indicate on page 26 that the subject tract is a purple area denoted, "Change from Light Industrial (LI) to Mixed Use: Mix of residential with commercial and/or office. Would apply to lots currently zoned LI. Lots would retain base zoning, but some commercial and industrial uses would be restricted using a Conditional Overlay. See plan text for details. Mixed use development would be permitted, but not required. Owners of these properties who seek rezoning to W/LO, CS-CO, or MF in the future will have the support of the neighborhood plan."

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:

Multi-Family Residential  
 Condominium Residential  
 Liquor Sales\*  
 Pet Services

\*The total square footage of liquor sales shall be limited to 5,000 square feet for the entire property. Any square footage over 5,000 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 washing (of any type)
Adult-oriented businesses	Basic industry
Bail bond services	Custom manufacturing
Construction Sales and Services	Exterminating services
Campground	Electronic prototype assembly
Convenience storage	Kennels
Drop-off recycling collection facility	Light manufacturing
Indoor crop production	Maintenance and service facilities
General warehousing & distribution	Monument retail services
Limited warehousing and distribution	Pawn shop services
Pedicab storage and dispatch	Recycling Center
Research Services	Resource extraction
Scrap and salvage	Service station
	Vehicle storage

C. The following uses are **conditional** uses of the property:

Automotive rentals	Automotive sales
Equipment repair services	Equipment sales
Laundry services (exceeding 6,000 square feet)	

**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 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 120 feet.
  - c) The maximum impervious cover is 95%.
  - d) The maximum building coverage is 95%.
  - e) The maximum floor-to-area ratio is 6.75:1.
  - f) There are no minimum site area requirements.
- 3) Should the Property be developed with commercial uses and no 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 100 feet.
  - c) The maximum impervious cover is 95%.
  - d) The maximum building coverage is 95%.
  - e) The maximum floor-to-area ratio is 4.5:1.
- 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) Section 25-6-531 (*Off-Street Loading Facility Required*) is modified to allow maneuvering within public right-of-way of Pressler Street and not on West 5th Street.
- 6) Section 25-6-471 (*Off-Street Parking Facility Required*) is modified to require all off-street parking be below grade.

#### BASIS OF RECOMMENDATION:

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

The purpose of the planned development area (PDA) combining district is (1) to provide for industrial and commercial uses in certain commercial and industrial base districts; or (2) incorporate the terms of a planned development area agreement into a zoning ordinance following annexation of a property that is subject to a planned development agreement.

The proposed zoning is consistent with the purpose statement of the district. The regulations recommended for this PDA modify applicable site development regulations, permitted and conditional uses, and site development regulations in a context sensitive way.

*Zoning should allow for reasonable use of the property.*

This property is approximately 2,000 feet west of Downtown Austin. West 5<sup>th</sup> Street, which the subject tract fronts, has been identified as an ASMP level 3 corridor within the transit priority network and is an Imagine Austin Corridor. It is reasonable to expect large formerly industrial parcels along the railroad tracks proximate to the urban core to be redeveloped for more intensive use utilizing planned development area (PDA) combining district zoning.

*Granting of the request should result in an equal treatment of similarly situated properties.*

The *area case histories* section details at least five similarly situated properties that have sought and obtained LI-PDA-NP zoning over the last 10 years. Granting the request for this PDA results in equal treatment of a similarly situated property.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LI-CO-NP	An approximately 10,000 square foot warehouse built in 1992 with approximately 21,000 square feet of paved parking.
<i>North</i>	GR-V-CO-NP and LR-V-NP	A small office of approximately 1,000 square feet, built in 1969 with approximately 1,250 square feet of paved parking. A small retail office of approximately 1,250 square feet, built in 1930 with approximately 3,000 square feet of paved parking.
<i>South</i>	LI-PDA-NP	Undeveloped land (south of railroad tracks)
<i>East</i>	LI-CO-NP	Approximately 84,000 square foot 3 story self-storage warehouse built in 1996, including approximately 40,000 square feet of paved area.
<i>West</i>	LI-PDA-NP	Approximately 152,000 square foot 5 story self-storage warehouse built in 2019, including an approximately 16,000 square foot parking garage.

**NEIGHBORHOOD PLANNING AREA:** Old West Austin Neighborhood Planning Area

**WATERSHED:** Lady Bird Lake Watershed

**SCHOOLS:** A.I.S.D.

Matthews Elementary School

O. Henry Middle School

Austin High School

**COMMUNITY REGISTRY LIST:**

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

**AREA CASE HISTORIES:**

<b>Number</b>	<b>Request</b>	<b>Commission</b>	<b>City Council</b>
C14-2021-0111 (300 & 301 Pressler and 1505 W. 3rd Street - Parcel 1)	The applicant is proposing to rezone approximately 1.072 acres from CS-CO-NP to LI-PDA-NP.	08.24.2021 (PC): Approved LI-PDA-NP establishing the CS-MU district for uses and site development regulations, additional conditional and prohibited uses, parking reductions, setback reductions and additional height as staff recommended.	10.14.2021: Approved LI-PDA-NP as PC recommended.
C14-2021-0112 (300 & 301 Pressler and 1505 W. 3rd Street - Parcel 2)	The Applicant is proposing to rezone approximately 1.17	08.24.2021 (PC): Approved LI-PDA-NP establishing the CS-MU district for uses	10.14.2021: Approved LI-PDA-NP as PC recommended.

	acres from CS-CO-NP to LI-PDA-NP.	and site development regulations, additional conditional and prohibited uses, parking reductions, setback reductions and additional height as staff recommended.	
C14-2021-0113 (300 & 301 Pressler and 1505 W. 3rd Street - Parcel 3)	The Applicant is proposing to rezone approximately 0.947 acres from LI-CO-NP to LI-PDA-NP	08.24.2021 (PC): Approved LI-PDA-NP establishing the CS-MU district for uses and site development regulations, additional conditional and prohibited uses, parking reductions, setback reductions and additional height as staff recommended.	10.14.2021: Approved LI-PDA-NP as PC recommended.
C14-2015-0078 (1407 West 5th Street and 403 Paul Street Rezoning)	The applicant is proposing to rezone the property from LI-CO-NP to LI-PDA-NP.	09.08.2015 (PC): Approved LI-PDA-NP as staff recommended with PDA for prohibited uses, conditional uses, development standards 2,000 trips/day, min 3,000 sqft of commercial or retail uses on the first floor, first 10' of building from the north property line shall be no greater than 33' in height, prohibit outdoor amplified sound and prohibit late hours permit under 25-2-808 (Restaurants and Cocktail Lounges) as staff recommended, on consent.	10.08.2015: Approved LI-PDA-NP as on 1 <sup>st</sup> Reading, on 2 <sup>nd</sup> /3 <sup>rd</sup> Readings
C14-2014-0134 (1301 West 5th Street)	The applicant is proposing to rezone 1.6435 acres	10.28.2014 (PC): Approved LI-PDA-NP as staff recommended with additional conditions as agreed upon by neighborhood and applicant, on consent	12.11.2014: Approved LI-PDA-NP combining district zoning with additional conditions read into the record and agreed upon by the applicant and the neighborhood

			being: 1) the absolute height will be 75 feet for any structure, 2) setbacks apply to above ground structures, 3) a minimum setback of 17 feet is required from the north property line, 4) a minimum setback of 8 feet is required from the east property line, approved on all 3 readings (7-0)
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RELATED CASES: None

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

**Project Name and Proposed Use:** 410 PRESSLER ST. C14-2023-0101, 1.13 acres from LI-CO-NP to LI-PDA-NP. Old West Austin NP. No FLUM. Indoor sports and rec and retail/surface parking to Mixed Use Multistory Building with general office and/or retail on ground floor and multifamily or office on other floors. (Staff assuming mixed use project with residential use). Aug 30, 2023

Yes	Imagine Austin Decision Guidelines
	<b>Complete Community Measures</b>
Y	<b>Imagine Austin Growth Concept Map:</b> 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. <b>Names of Activity Centers/Activity Corridors/Job Centers:</b> Abuts 5 <sup>th</sup> Street Activity Corridor
Y	<b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station.
Y	<b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane.
Y	<b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
	<b>Connectivity and Education:</b> Located within 0.50 miles from a public school or university.
Y	<b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	<b>Connectivity and Health:</b> 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.)
Y	<b>Housing Choice:</b> 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.
	<b>Housing Affordability:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	<b>Mixed use:</b> Provides a mix of residential and non-industrial uses.
	<b>Culture and Creative Economy:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.
	<b>Creative Economy:</b> Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education:</b> 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.
	<b>Industrial Land:</b> Preserves or enhances industrial land.
7	<b>Total Number of "Yes's"</b>

Environmental

1. The site is 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.

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.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

#### Fire

No comments on rezoning

#### PARD – Planning & Design Review

PR1: There are no parkland dedication requirements for uses other than residential and hotel for new development applications filed on or after January 1, 2024. Park access at this location is currently challenging.

#### Site Plan

SP 1. Site plans will be required for any new development other than single-family, two-family or duplex residential.

SP 2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 3. This tract is already developed and the proposed zoning change is a footprint within the existing development. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

#### Transportation and Public Works Department – Engineering Review

ATD 1. The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for W. 5th Street. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for W. 5th Street according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

ATD 2. The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for Pressler Street. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for Pressler Street according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

ATD 3. A transportation assessment/traffic Impact analysis may be required at the time of site plan if triggered when land uses and intensities will be known per LDC 25-6-113 and TCM 10.2.1.

ATD 4. TPW recommends approval of amendment #4, Section 25-6-532 (off-street loading standards).

ATD 5. TPW recommends approval of amendment #6, Section 25-6-471 (Off-street Parking Facility Required).

ATD 6. TPW supports proposed amendment #5, to allow maneuvering within public right-of-way of Pressler Street and not on West 5th Street.

**EXISTING STREET CHARACTERISTICS:**

<b>Name</b>	<b>ASMP Classification</b>	<b>ASMP Required ROW</b>	<b>Existing ROW</b>	<b>Existing Pavement</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
W. 5 <sup>th</sup> Street	3	80'	~59'	42'	Yes	Yes	Yes
Pressler Street	2	84'	~49'	37'	No	No	Yes

TIA: Deferred until site plan

Austin Water Utility

AW1. No comments on zoning change.

FYI: 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, Service Extension Requests (SER) will be required to provide suitable and sufficient water and wastewater service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

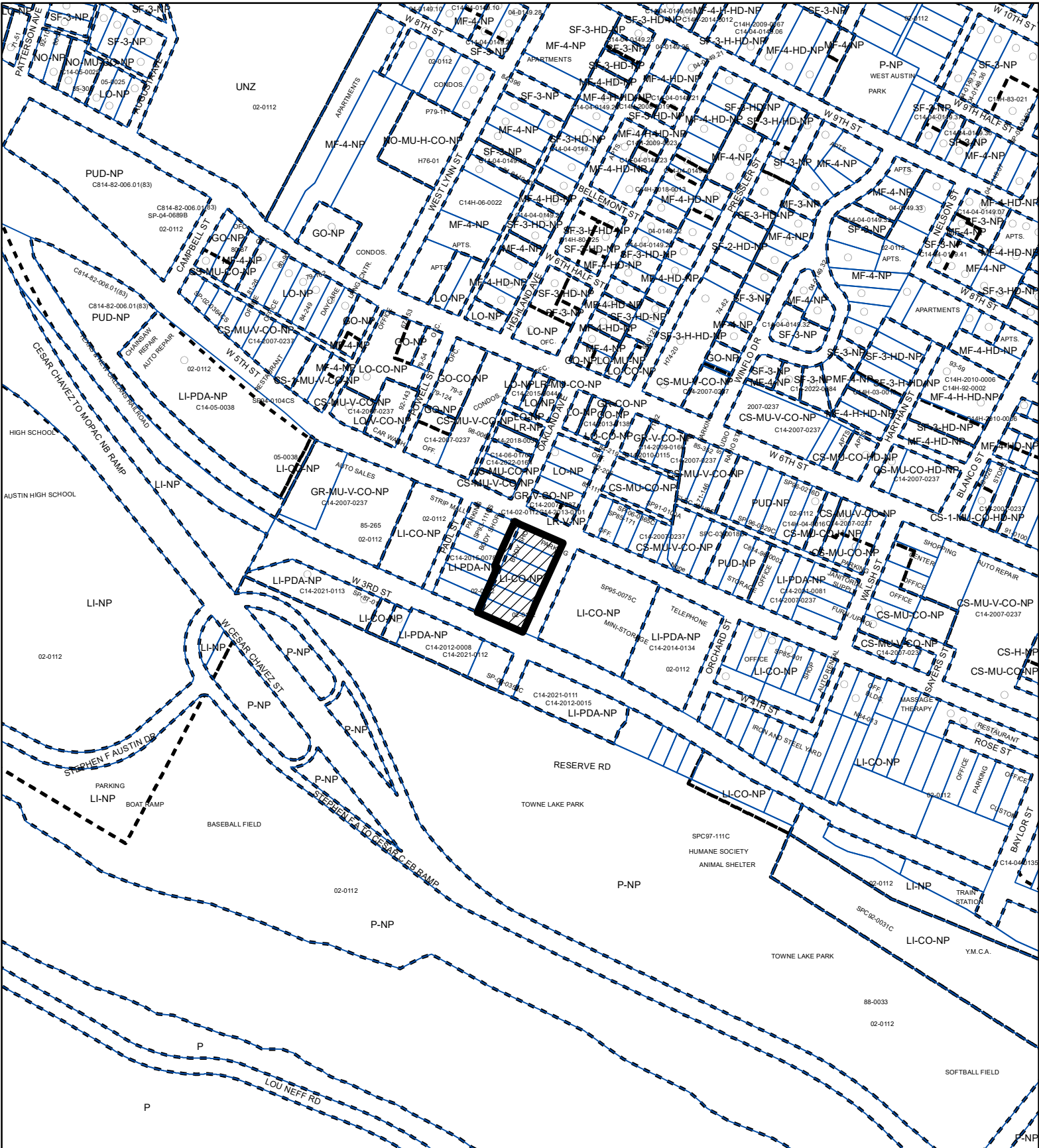
All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.


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 AND ATTACHMENTS TO FOLLOW:**


- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter




$$1'' = 400'$$

 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2023-0101

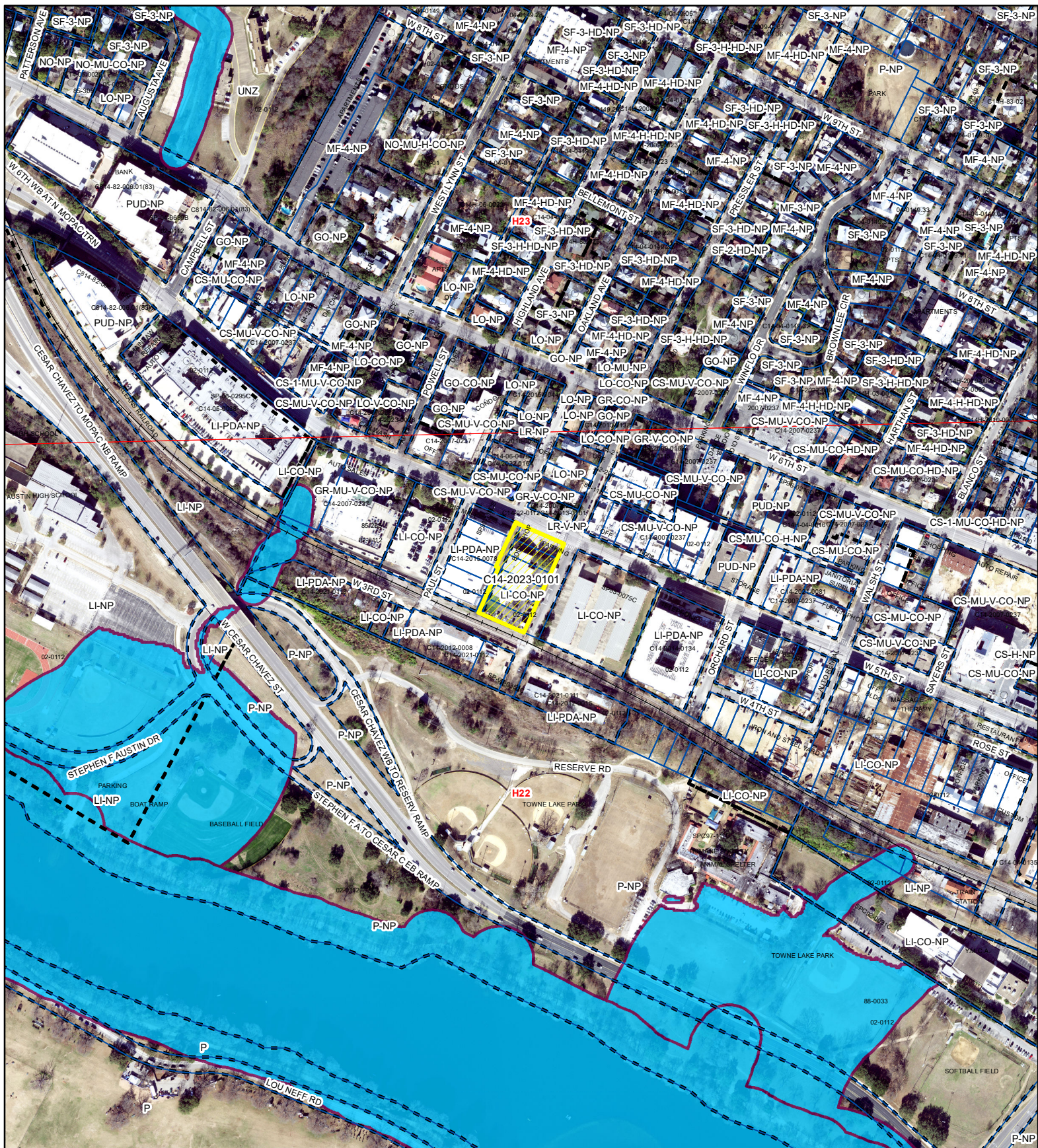
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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: 8/30/2023**







# ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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*Richard T. Suttle, Jr.*  
(512) 435-2300  
rsuttle@abaustin.com

August 14, 2023

Lauren Middleton-Pratt  
Planning Director  
City of Austin  
1000 E. 11th Street, Suite 200  
Austin, Texas 78702

Re: Zoning Application for property located at 410, 410 1/2, & 412 1/2 Pressler Street  
and 1407 & 1401 1/2 West 5th Street (the "Application")

Dear Mrs. Middleton-Pratt:

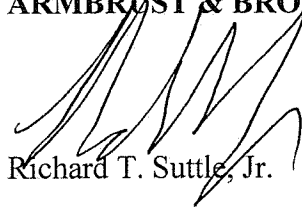
This letter, along with the Application is submitted to rezone ±1.13 acres of land located at 410, 410 1/2, and 412 1/2 Pressler Street and 1407 & 1401 1/2 West 5th Street (the "Property"). The Property is zoned Limited Industrial Services – Conditional Overlay – Neighborhood Plan Combining District (LI-CO-NP) by Ordinance No. 020926-26. The Property is located in the Old West Austin Neighborhood Planning Area and is currently developed with a CrossFit gym, a running retail store, and associated surface parking.

The proposed project will include the development of mixed-use building with ground floor retail and either office or multi-family uses above the ground floor (the "Project"). In order to facilitate development of the Project, the Property will be rezoned from LI-CO-NP to Limited Industrial Services – Planned Development Area – Neighborhood Plan Combining District (LI-PDA-NP). The modified development regulations proposed with this Application are provided in Exhibit "A" and attached hereto for reference. The proposed development regulations establish different standards should the property be developed with either office uses or residential uses above the ground floor.

Thank you in advance for your time and consideration of this zoning request. Should you have any questions or need additional information, please do not hesitate to contact me at (512) 435-2300 or Amanda Hendrix at (512) 435-2328.

Very truly yours,

**ARMBRUST & BROWN, PLLC**

A handwritten signature in black ink, appearing to read 'R. Suttle, Jr.', is written over the firm name.

Richard T. Suttle, Jr.

cc: Joi Harden  
Amanda Hendrix  
Josh Lickteig  
Scott Phillips

## **EXHIBIT “A”**

### **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

\*The total square footage of liquor sales shall be limited to 5,000 square feet for the entire property. Any square footage over 5,000 square feet will require a conditional use permit.

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

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Bail bond services	Basic industry
Construction Sales and Services	Custom manufacturing
Campground	Exterminating services
Convenience storage	Kennels
Drop-off recycling collection facility	Light manufacturing
Indoor crop production	Maintenance and service facilities
General warehousing & distribution	Recycling Center
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Scrap and salvage	

- C. The following uses are conditional uses of the Property:

Automotive rentals	Automotive sales
Equipment repair services	Equipment sales
Laundry services (exceeding 6,000 square feet)	

### **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 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 120 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 commercial uses and no 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 100 feet.
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  - d) The maximum building coverage is 95%.
  - e) The maximum floor-to-area ratio is 4.5:1.
- 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) Section 25-6-531 (*Off-Street Loading Facility Required*) is modified to allow maneuvering within public right-of-way.
- 6) Section 25-6-471 (*Off-Street Parking Facility Required*) is modified to require all off-street parking be below grade.