

THIRD READING SUMMARY SHEET

CASE: C14-2023-0063

DISTRICT: 4

ADDRESS: 6121 and 6121 ½ North IH-35

PROPERTY OWNER: ASAP Austin, LLC

AGENT: Drenner Group (David Anderson)

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

REQUEST: Third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 6121 and 6121 ½ North IH-35 from general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning and commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning to commercial highway-planned development area-neighborhood plan (CH-PDA-NP) combining district zoning.

PREVIOUS CITY COUNCIL ACTION:

November 30, 2023: Approved postponement request to December 14, 2023 by Council Member Vela.

December 14, 2023: Approved commercial highway-planned development area-neighborhood plan (CH-PDA-NP) combining district zoning on 1st reading – consent agenda (Vote: 10-0, Council Member Ryan Alter absent).

January 18, 2024: Approved commercial highway-planned development area-neighborhood plan (CH-PDA-NP) combining district zoning on 2nd reading – consent agenda (Vote: 11-0)

SECOND/THIRD READINGS SUMMARY SHEET

CASE: C14-2023-0063

DISTRICT: 4

ADDRESS: 6121 and 6121 ½ North IH-35

APPLICANT: ASAP Austin, LLC

AGENT: Drenner Group (David Anderson)

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

REQUEST: Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 6121 and 6121 ½ North IH-35 from general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning and commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning to commercial highway-planned development area-neighborhood plan (CH-PDA-NP) combining district zoning.

PREVIOUS CITY COUNCIL ACTION:

November 30, 2023: Approved postponement request to December 14, 2023 by Council Member Vela.

December 14, 2023: Approved commercial highway-planned development area-neighborhood plan (CH-PDA-NP) combining district zoning on 1st reading – consent agenda (Vote: 10-0, Council Member Ryan Alter absent).

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0063

DISTRICT: 4

ADDRESS: 6121 and 6121 1/2 North IH-35

ZONING FROM: CS-MU-NP and CS-1-NP

TO: CH-PDA-NP

SITE AREA: 7.91 acres (approximately 344,559 sq. ft.)

PROPERTY OWNER: ASAP Austin, LLC

AGENT: Drenner Group (David Anderson)

CASE MANAGER: (512) 974-1057, jonathan.tomko@austintexas.gov

STAFF RECOMMENDATION:

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

The staff's recommendation adds a condition to the PDA overlay that will **prohibit** the following uses: agriculture sales and services, automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), building maintenance services, campground, commercial blood plasma center, construction sales and services, convenience storage, drop-off recycling collection facility, electronic prototype assembly, electronic testing, equipment repair services, exterminating services, funeral services, kennels, pawn shop services, pedicab storage and dispatch, research services, service station and vehicle storage.

PLANNING COMMISSION or ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

October 10, 2023: Case approved by Planning Commission on consent, motion by Commissioner Azhar seconded by Commissioner Maxwell (11-0).

CITY COUNCIL ACTION:

November 30, 2023: Approved postponement request to December 14, 2023 by Council Member Vela.

December 14, 2023: Approved commercial highway-planned development area-neighborhood plan (CH-PDA-NP) combining district zoning on 1st reading - consent agenda (Vote: 10-0, Council Member Ryan Alter absent).

January 18, 2024: Case is scheduled to be heard by City Council on 2nd and 3rd Readings.

ORDINANCE NUMBER:

N/A

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is a 7.91-acre parcel just northeast of the interchange of two high volume highways, U.S. Highway 290 and Interstate Highway 35. It is currently the 5-story Radisson Hotel built in 1977 and contains approximately 175,000 sqft of a full-service hotel, surrounded by approximately 160,000 sqft of paved parking lot.

This case seeks to develop a mixed-use development including multifamily, and retail uses in the parking lots around the hotel, retaining the hotel use. The hotel use will remain including the approved conditional use permit for a cocktail lounge associated with the hotel use.

Existing Zoning**St. John/Coronado Hills Combined (St. John) Neighborhood Plan**

The St. John Neighborhood Plan identifies the property as Tract 28. There are no conditional overlays associated with Tract 28. It also identifies the property as Area K, a “special use infill tract.” The Plan identifies Areas A through Q may be developed with the neighborhood urban center special use as set forth in Section 25-2-1521 through 25-2-1569 of the Code.

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 commercial highway (CH) uses are permitted on the property, except as set forth in Subsection B of this Section.

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)	Building Maintenance Services
Campground	Commercial Blood Plasma Center
Construction Sales and Services	Convenience Storage
Drop Off Recycling Collection Facility	Electronic Prototype Assembly
Electronic Testing	Equipment Repair Services
Exterminating Services	Funeral Services
Kennels	Pawn Shop Services
Pedicab Storage and Dispatch	Research Services
Service Station	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 Commercial Highway (CH) 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: 25-ft

Street Side Yard: 25-ft

b. The maximum height is 200-ft.

c. The maximum impervious cover is 85%.

d. The maximum floor-to-area ratio is 4:1

e. Reduction of parking minimums by up to 50%.

3) Calculations for impervious cover, building coverage, and floor-to-area ratios shall be based on the gross site area of the entire Property

BASIS OF RECOMMENDATION:

Zoning should allow for reasonable use of the property.

This property is less than 5 miles from downtown Austin and less than 1 mile from a Capital Metro Red Line Stop. Neighboring SF-3 properties to the north are buffered with several blocks of CS and MF zoning. It is reasonable to expect large underutilized expansive parking lots proximate to the urban core to be redeveloped for more intensive uses. Highland Mall just to the west across Interstate Highway 35 undertook a similar approach to its parking lots recently.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

This Planned Development Area would locate retail and intensive multifamily uses near the intersection of two major high-volume highways, and away from lower density predominantly single family areas.

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.

Highland Mall just to the west across Interstate Highway 35 undertook a similar approach to redeveloping its parking lots recently. This included a few Planned Development Area zoning categories.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-NP and CS-1-NP	Approximately 175,000 sqft 5-story Radisson Hotel built in 1977, and approximately 160,000 sqft of paved parking lot surrounding it
<i>North</i>	CS-MU-NP and LI-CO-NP	Approximately 10,000 sqft Pappadeux Restaurant built in 1978, and approximately 43,000 sqft of paved parking lot surrounding it. The Flats at 935 Condominiums, formerly an Orangewood Suites Hotel. An approximately 15,000 sqft office building, built in 1980 with approximately 10,000 sqft of paved parking lot surrounding it.
<i>South</i>	CS-MU-NP (south of E 290 Hwy.)	Approximately 23,000 sqft strip center built in 1979 with approximately 50,000 sqft of paved parking lot.
<i>East</i>	LI-CO-NP and CS-MU-NP	Approximately 10,000 sqft restaurant built in 1979 with approximately 43,000 sqft of paved parking lot. Approximately 21,000 sqft 2-story office building built in 1983 with approximately 20,000 sqft of paved parking lot. Approximately 88,000 sqft 5-story office building built in 1982 with an approximately 83,000 sqft parking garage.
<i>West</i>	CS-NP, CS-MU-NP and CS-1-CO-NP	The Linc, approximately 182,000 sqft shopping center built in 1985 with approximately 280,000 sqft parking lot

NEIGHBORHOOD PLANNING AREA: St. John/Coronado Hills Combined Neighborhood Plan Area (St. John)

WATERSHED: Tannehill Branch Watershed

SCHOOLS: A.I.S.D.
Reilly Elementary School

Webb Middle School
Northeast High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Friends of Austin Neighborhoods, Go Austin Vamos Austin - North , Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Preservation Austin, SELTexas, Sierra Club, Austin Regional Group, St. John Neighborhood Assn., St. John Neighborhood Plan Contact Team

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2011-0112 (6607 CS-1)	The applicant is requesting to rezone the property from CS-MU-CO to CS-1-CO.	10.11.2011 PC: Approved on consent agenda by Commissioner Mandy Dealey's motion, Commissioner Danette Chimenti seconded the motion on a vote of 9-0	11.10.2011: Approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote
C14-2011-0115 (St. Johns Neighborhood Planning Area Re-zonings)	The applicant is proposing the properties to add a NP combining district to all tracts with the base district to change to some tracts.	01.24.2012 PC: The motion to approve the St. John/ Coronado Hills Combined Neighborhood Plan as recommended by staff except for FLUM tracts 53, 54, 57, 58, 60, 108, 115, 116, 117, 118 and 119, which were discussed separately	04.26.2012: Ordinance No. 20120426-101 for the St John Neighborhood Plan Combining District, as recommended by the Planning Commission for all tracts, was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
C14-2022-0027 (RedLeaf Highland Tract 12)	The Applicant is proposing to rezone approximately 8.33 acres from CS-MU-V-NP to LI-PDA-NP.	03.28.2023 PC: Staff's recommendation was approved on the consent agenda on the motion by Commissioner Thompson, seconded by Vice-Chair Hempel on a vote of 13-0. This included a 50ft setback between residential buildings and light manufacturing buildings.	05.18.2023: Approval of Ordinance No. 20230518-084 for limited industrial-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning was approved without objection.
C14-2020-0064 (6007 IH35 Residences)	The Applicant proposes to rezone	07.28.2020 PC: Approved Staff	08.27.2020: Approved on Mayor Pro Tem

	2.496 acres from CS-MU-NP to CS-MU-V-NP.	Recommendation on Consent	Garza's motion, Council Member Pool's second on an 11-0 vote.
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RELATED CASES:

NPA-2023-0029.01 - The Applicant is requesting a NP amendment to change the FLUM designation for a portion of the Property from Mixed Use to High Density Mixed Use.

ADDITIONAL STAFF COMMENTS:

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill 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. 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: Parkland dedication will be required at the time of subdivision or site plan application for new residential units proposed by this rezoning, multifamily with CH-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) – unless the land available for dedication does not comply with the standards for dedication. Any remaining fees in-lieu after dedication shall also be required.

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, PARD can provide an early determination letter of the requirements.

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.

Transportation and Public Works Department (TPW)– Engineering Review

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. ZTA is currently approved.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
N IH 35 SVRD NB	Level 4	NA TXDOT	550' (all I35)	40' (service rd. only)	Yes	NO	Yes
E 290 SVRD WB TO IH 35 NB RAMP	Level 4	NA TXDOT	81' (ramp only)	20' (ramp only)	Yes	NO	Yes
E US 290 HWY SVRD WB	Level 4	NA TXDOT	400' (all 290)	58' (service rd. only)	Yes	NO	Yes

TIA: There is a ZTA associated with this case, see *exhibit D*.

Austin Water Utility

AW1. No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide 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.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. Final Zoning Transportation Analysis (ZTA)







Created: 5/16/2023



6121 N. Interstate Highway 35



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

ZONING CASE#: C14-2023-0063
 LOCATION: 6121, 6121 1/2 N IH 35
 SUBJECT AREA: 7.91 Acres
 GRID: L27
 MANAGER: Jonathan Tomko



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

Created: 7/11/2023

DRENNER GROUP

May 31, 2023

Lauren Middleton-Pratt
Planning Department
City of Austin
Street Jones Building
1000 E. 11th St, Ste 200
Austin, TX 78702

Via Electronic Delivery

Re: 6121 North Interstate Highway 35 – Rezoning application for the 7.914-acre piece of property located at 6121 and 6121 ½ North Interstate Highway 35, Austin, Travis County, Texas (the “Property”)

Dear Ms. Middleton-Pratt,

As representatives of the owner of the Property, we respectfully submit the enclosed AMENDED rezoning application package. The project is titled 6121 North Interstate Highway 35, consists of 7.914 acres, and is located at 6121 and 6121 ½ North Interstate Highway 35. The Property is currently developed with a hotel use.

The site is zoned General Commercial Services – Mixed Use – Neighborhood Plan (CS-MU-NP) with a Commercial-Liquor Sales – Neighborhood Plan (CS-1-NP) footprint. The proposed rezoning is from CS-MU-NP and CS-1-NP to Commercial Highway – Planned Development Area – Neighborhood Plan (CH-PDA-NP). The proposed rezoning will support a mixed-use redevelopment of the Property with additional residential density and a commercial component. The hotel use will remain, including the approved conditional use permit for cocktail lounge associated with the Hotel use. This request is consistent with surrounding uses.

This request seeks to amend the previously proposed site development standards through the application of a Planned Development Area (PDA) combining district on the property to allow:

- Up to a 4:1 floor to area ratio (FAR) for the site.
- An increase of allowable height to 200 feet.
- An increase in allowable impervious cover to 65% of the gross site area of the site.
- A reduction in the parking minimums allowed by Code of up to 50%.
- A reduction in the Front Yard and Street Side Yard setbacks from 50 feet to 25 feet.

Per draft ordinance language approved by City Council on May 18, 2023 (Item 58), an amendment to Land Development Code § 25-2-582 will remove site development regulations for a zoning district which combines a CH base district with a PDA combining district. While the amended code section formerly included 4:1 FAR and 200 feet maximum height development for any CH-PDA, the recently adopted language removes these standards. Accordingly, this

amendment request is to ensure that these two development standards are included in the PDA Development Standards for 6121 North Interstate Highway 35.

Located within an Imagine Austin Center, the purpose of this redevelopment is to create additional housing and commercial choices in this area by providing up to 1,000 multifamily units and 40,000 square feet of commercial space. The CH-PDA-NP zoning designation is appropriate for this site's location at the nexus of two major, high-volume highways. Additionally, this development works towards the Strategic Housing Blueprint goal to create 75,000 housing units between 2018 and 2027.

The Property is located in the St. John/Coronado Hills Combined Neighborhood Planning Area and is currently designated as "Mixed Use" on the Future Land Use Map ("FLUM"). A Neighborhood Plan Amendment ("NPA") is required to change the FLUM designation for a portion of the Property from "Mixed Use" to "High Density Mixed Use," and an NPA application is being submitted concurrently with this zoning application. The NPA aligns with the St. John/Coronado Hills Combined Neighborhood Plan vision by promoting "mixed use land use ... to soften the transition between US Highway 183, US Highway 290, and Interstate Highway 35 and residential uses" (Recommendation 191) and ensuring "future housing development compliments...existing housing stock" (Objective L.2).

The Traffic Impact Analysis ("TIA") has been deferred until site plan, per the attached TIA Determination Form, executed by Maria Cardenas and dated April 21, 2023. A Zoning Transportation Analysis will be required.

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,

A handwritten signature in black ink, appearing to read "David J. Anderson", with a long horizontal line extending to the right.

David J. Anderson

cc: Joi Harden, Planning Department (*via electronic delivery*)
Jonathan Tomko, Planning Department (*via electronic delivery*)
Maureen Meredith, Planning Department (*via electronic delivery*)



MEMORANDUM

From: Nathan Aubert, P.E.
To: Santiago Araque, P.E., PTOE
Date: July 21, 2023
Subject: 6121 IH-35 – Zoning Transportation Analysis (C14-2023-0063)

The Transportation Development Services (TDS) Division has reviewed the April 28, 2023 “6121 IH-35 Zoning Transportation Analysis”, prepared by Kimley-Horn. The proposal is for 1,000 (max) high-rise multifamily dwelling units, 40,000 square feet of retail, and 298 hotel rooms. The site is located on the northeast corner of IH-35 NB Frontage Road (NBFR) and US 290 Westbound Frontage Road (WBFR) as depicted on Figure 1 below.

Site access will consist of three right-in, right-out driveways: two along IH-35 NBFR, and one on US 290 WBFR. The development is anticipated to be constructed in one phase to be completed in 2028.

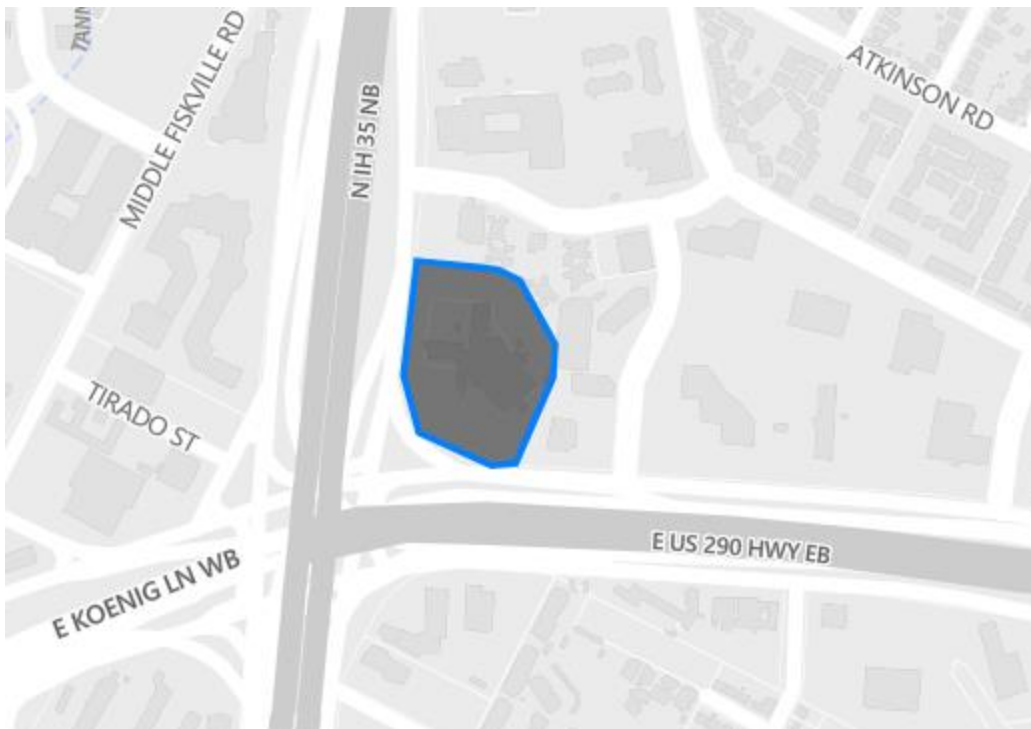


Figure 1. Site Location

Roadways

IH 35 NBFR

IH 35 NB FR is a TxDOT-operated two lane frontage road classified as a Level 4 road. This road is projected to provide a right-in, right-out access to/from the site. According to TCDS, the 2021 average daily traffic was approximately 10,441 vehicles per day. Further coordination with TxDOT is required for approval of this driveway.

US 290 WBFR

US 290 WBFR is a TxDOT-operated two lane frontage road classified as a Level 4 road. This road is projected to provide a right-in, right-out access to/from the site. According to TCDS, the 2021 average daily traffic was approximately 10,441 vehicles per day. Further coordination with TxDOT is required for approval of this driveway.

Trip Generation and Traffic Analysis

The project assumes 1,000 mid-rise multi-family dwelling units (ITE Code 221), 298 hotel rooms (ITE Code 310), 40,000 square-feet of retail strip plaza (ITE Code 821). Based on the Institute of Transportation Engineer's Trip Generation Manual, 11th Edition, the proposed development will generate 9,624 vehicle trips per day. See **Table 1** for a detailed breakdown of the trip generation.

Table 1. Trip Generation

Land Use	Size	Trip Generation (Daily)
221- Multifamily Housing (Mid Rise)	1,400 Dwelling Units	4,540
310- Hotel	298 rooms	2,382
821- Retail Strip Plaza (40-150k)	40,000 SF	2,702
Total Unadjusted Trips		9,624
<i>Existing Trips</i>		2,382
<i>TDM Trips (20% Reduction)</i>		1,925
Net New Trips		5,316

The existing trips were obtained from tube count data, then site trips were added to these volumes using an estimate of the traffic distribution to and from the proposed site. **Table 2** shows both the existing traffic volumes as well as projected volumes on each road in the vicinity of the site.

Table 2. Added Traffic

Street	Existing Traffic [vpd]	Proposed New Site Traffic to each Roadway	Overall Traffic (Existing + Site) [vpd]	Percentage Increase in Traffic
US 290 WBFR	14,547	1,063	15,610	7%
IH 35 NBFR	26,611	4,253	30,864	16%

Recommendations/Conclusions

As a condition for approval for the above referenced zoning review case, the applicant shall adhere to the following requirements:

1. Provide no more than two driveways proposed along US 290 WBFR and IH 35 NBFR, replacing the existing driveways. Both driveways will operate as right-in, right-out. Final approval will be given by TxDOT as the site is directly accessing TxDOT roadways.
2. The applicant has committed to achieve a trip reduction of 20% through Travel Demand Management (TDM). The final determination of TDM measures proposed by the applicant, as well as a sustainable modes analysis will be provided during the Site Plan review process.
3. The City of Austin reserves the right to reevaluate any or all identified improvements associated with this case at the time of Site Plan review.
4. Street Impact Fee (SIF) Ordinances 20201220-061 and 20201210-062 have been adopted by City Council and are effective as of December 21, 2020. The City has started collecting street impact fees with all building permits issued on or after June 21, 2022. For more information, please visit the City's Street Impact Fee website. A Street Impact Fee calculation shall be performed at the time of the Site Plan submission to be collected at the time of building permit.
5. All construction items should be designed and incorporated into the site plan, and all street impact fees should be paid in full. No offsets to the proposed development's SIF will be issued until completion of all identified construction items unless those items are included in the proposed Site Plan application.

If you have any questions or require additional information, please contact me at (512) 974-7136.



Nathan Aubert, P.E.
Austin Transportation Department