

**ZONING CHANGE REVIEW SHEET**CASE: C14-2023-0129 (Pinnacle Plaza)DISTRICT: 1ADDRESS: 1617 and 1617 ½ North IH-35 Service Road Northbound and 1002 East 16<sup>th</sup> StreetZONING FROM: CH-V-CO-NPTO: CH-PDA-NPSITE AREA: approximately 3.27 acres (approximately 142,441 square feet)PROPERTY OWNER: Pinnacle UT, LP (Barry Lall)AGENT: Alice Glasco Consulting (Alice Glasco)CASE MANAGER: Jonathan Tomko (512) 974-1057, [jonathan.tomko@austintexas.gov](mailto:jonathan.tomko@austintexas.gov)STAFF RECOMMEDATION:

**Staff recommends granting commercial highway-planned development area combining district-neighborhood plan (CH-PDA-NP) combining district zoning.** See the *basis of recommendation* section below for more information. The development standards and amendments to the conditional overlay can be found in the *case manager comments* section below.

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 27, 2024: Case is scheduled to be heard by Planning Commission.

CITY COUNCIL ACTION:

TBD

ORDINANCE NUMBER: N/AISSUES: N/ACASE MANAGER COMMENTS:

The subject tract is located at the southeast corner of the intersection of North IH-35 Service Road Northbound and East Martin Luther King Jr. Boulevard. It currently is home to a six-story Doubletree hotel with 149 rooms, a 3,000 square foot building used as meeting space, all built around 1997, and approximately 65,000 square feet of paved parking. To the east, is Oakwood Cemetery, approximately 40 acres dating back to the mid-1850s. To the south, is a small warehouse/manufacturing shed built in approximately 1915 for headstone manufacture/storage, a small apartment with approximately seven units built in approximately 1980, and a single-family home built in approximately 1905. To the west, is the Frank C. Erwin Special Events Center, the Arno Nowotny Building (constructed in 1857, it is one of the earliest buildings on the University of Texas campus), and surface parking. To the north, approximately 1,400 to 1,600 feet (across I-35) is the Moody Center, a multi-purpose area on the University of Texas campus that seats approximately 15,000 people, and other mechanical facilities servicing the University of Texas.

Remove the following conditions from Ordinance # 951214-F 1:

- General Retail Services (convenience) – remove from CO.
- Cocktail lounge – remove from CO (will remain as a conditional use per code).
- No structure of any kind shall be built to a height greater than 60 feet – remove from CO.
- Development of Tract 1 shall be restricted to a maximum building coverage of 75%– remove from CO.
- Development of Tract I shall be restricted to a maximum floor to area ratio of 1 to 1– remove from CO.
- As to Tract 1, except for improvements relating to the construction of the emergency driveway approach as set forth in this ordinance, owner shall construct and maintain an undisturbed vegetative buffer 5 feet wide along the southern property line of the Property, being adjacent to East 16th Street – remove from CO.
- Residential development of the Property shall not exceed a density of 170 units per acre - remove from CO.

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

- a. Except as provided below, all permitted and conditional uses under CH zoning are permitted and conditional uses for the subject property.

The following uses shall be prohibited on the Property:

- |  |  |
|--|--|
| - Agricultural sales and services        | - Hospital services (general)          |
| - Automotive rentals                     | - Kennels                              |
| - Automotive repair services             | - Laundry services                     |
| - Automotive sales                       | - Limited warehousing and distribution |
| - Automotive washing (of any type)       | - Liquor sales                         |
| - Bail bonds                             | - Local utility services               |
| - Campground                             | - Maintenance and service facilities   |
| - Commercial blood plasma center         | - Off-site accessory parking           |
| - Commercial off-street parking          | - Pawn shop                            |
| - Communication services                 | - Pedicab storage and dispatch         |
| - Construction sales and services        | - Pet services                         |
| - Convenience storage                    | - Restaurant (drive-in, fast food)     |
| - Custom manufacturing                   | - Restaurant (limited)                 |
| - Drop-off recycling collection facility | - Safety services                      |
| - Electronic prototype assembly          | - Scrap and salvage                    |
| - Equipment repair services              | - Service station                      |
| - Equipment sales                        | - Transportation terminal              |
| - Exterminating services                 | - Vehicle storage                      |
| - Funeral services                       |  |

The following site development standards shall apply to the property:

- The maximum floor-to-area ratio is 8 to 1
- The maximum height is 280 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 feet
- The minimum rear yard setback is 0 feet
- The maximum building coverage is 95%
- The maximum impervious cover is 95

**BASIS OF RECOMMENDATION:**

**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.**

The subject tract is at the intersection of an ASMP level 4 (North IH-35 Service Road Northbound) and level 3 roadway, which is also an Imagine Austin Corridor (East Martin Luther King Jr. Boulevard) and adjacent to a level 5 roadway (IH-35). The subject tract is also adjacent to the Downtown Imagine Austin Activity Center. Many other properties along the I-35 corridor have been granted and developed to much greater entitlements. Granting the subject tract, this rezoning would result in equal treatment of similarly situated properties.

**The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.**

The Austin City Council adopted the Austin Strategic Housing Blueprint in 2017. It contains a goal to, “create at least 75% of new housing units [over the next 10 years] within ½ mile of Imagine Austin Centers and Corridors.” Granting this rezoning request would provide the ability to construct additional housing supply adjacent to both an Imagine Austin Center (Downtown) and an Imagine Austin Corridor (East Martin Luther King, Jr. Boulevard). Thus, this rezoning is consistent with this adopted goal.

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

Per Code, “Commercial highway services (CH) district is the designation for a use that has operating and traffic generation characteristics that require that the use be located at the intersection of state-maintained highways other than scenic arterial roadways. A CH district designation may be applied to a single major mixed-use development of a service nature that includes any combination of office, retail, commercial, and residential uses. A CH district may include a high-density residential use. Site development regulations and performance standards applicable to a CH district are designed to ensure adequate access to and from all uses.”

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	CH-V-CO-NP	The Doubletree hotel with 149 rooms, a 3,000 square foot building used as meeting space, all built around 1997, and approximately 65,000 square feet of paved parking.
<i>North</i>	MF-3 and M-4 (approximately 1,400 to 1,600 ft north of the subject tract due to IH-35)	The Moody Center, a multi-purpose area on the University of Texas campus that seats approximately 15,000 people, other mechanical facilities servicing the University of Texas.
<i>South</i>	SF-3-NP; LR-H-MU-NP; LR-MU-NP	A small warehouse/manufacturing shed built in approximately 1915 for headstone manufacture/storage, a small apartment with approximately seven units built in approximately 1980, and a single-family home built in approximately 1905.

<i>East</i>	P-H-NP	Oakwood Cemetery, approximately 40 acres dating back to the mid-1850s.
<i>West</i>	MF-4 and UNZ	Frank C. Erwin Special Events Center, the Arno Nowotny Building (constructed in 1857, it is one of the earliest buildings on the University of Texas campus), and surface parking.

NEIGHBORHOOD PLANNING AREA: Central East Austin (OCEAN) Neighborhood Planning Area

WATERSHED: Waller Creek Watershed

SCHOOLS: A.I.S.D.

Campbell Elementary School

Kealing Middle School

McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Del Valle Community Coalition, East Austin Conservancy, Friends of Austin Neighborhoods, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Neighbors United for Progress, Organization of Central East Austin Neighborhoods, Preservation Austin, SELTexas, Sierra Club, Austin Regional Group, Swede Hill Neighborhood Association

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2022-0205 (Denny's Condos)	The Applicant is proposing to rezone approximately 1.28 acres from CH-CO-NP to CH-PDA-NP, as amended.	03.14.2023: Motion by Commissioner Azhar, seconded Commissioner Hempel LI-PDA-NP, with conditions. Cox nay. Schneider abstained. Vote: 7-1.	06.08.2023: Motion for CH-PDA-NP combining district zoning, as amended was approved with amendment on a 9-0 vote. Council Member Ryan Alter recused. Council Member Pool was absent.
C14-2008-0166 (Petty Zoning)	The applicant is requesting to rezone the property from SF-3 to GR-MU-CO-NP.	08.26.2008: Motion to deny the applicant's request for mixed use land use and GR-MU-CO-NP zoning approved by Commissioner	11.06.2008: Motion to deny was approved on Council Member Leffingwell's motion, Council Member Morrison's second (6-0),

		Mandy Dealey's motion, Commissioner Jay Reddy second (7-0).	Council Member Martinez was off the dais.
C814-2020-0132 (Central Health PUD)	At the direction of City Council, City staff has initiated PUD zoning for approximately 14.343 acres.	05.11.2021: Approved PUD zoning as staff recommended with additional conditions. Commissioner Shieh, seconded by Commissioner Mushtaler (10-0); Commissioner Azhar and Commissioner Connolly abstained, Commissioner Shaw absent.	06.10.2021: PUD district zoning was approved, with an amendment to the environmental section, on Council Member Ellis' motion, Mayor Pro Tem Harper-Madison's second on an 11-0 vote.

RELATED CASES:

None

ADDITIONAL STAFF COMMENTS:Comprehensive Planning

**Project Name and Proposed Use:** 1617 N IH 35 SERVICE RD NB. C14-2023-0129. Project: Pinnacle Plaza. 3.269 acres from CH-V-CO-NP to CH-PDA-NP. FLUM: Mixed Use. Central East Austin NP. Existing: 149 room hotel and 3,000 sq ft. meeting center. Proposed: 149 room hotel and 300 unit apartment building. Revise conditional overlays on property. Oct 27, 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> Along Martin Luther King Jr Activity Corridor; Across IH-35 from Downtown Regional Center
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.
Y	<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.
Y	<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.
Y	<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.
Y	<b>Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone</b>
11	<b>Number of "Yes's"</b>

### Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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 for the new applicable uses proposed by this development, multifamily with CH-PDA 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](mailto: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.

#### 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. Generally, any development which occurs in an SF-6 or less restrictive zoning district which is located 540 ft. or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations, per § 25-2-1051. However, this site is along IH 35, which is considered a "Larger Corridor" per Ordinance No. 20221201-056, and thus, is subject to less restrictive compatibility standards for residential or mixed-use properties. See <https://publicinput.com/CompatibilityCorridorsFAQ> for more information.

SP 4. 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.

SP 5. A portion of the Oakwood Cemetery Capitol View Corridor crosses the subject tract. An application for a Capitol View Corridor Height Determination may be required.

Transportation and Public Works Department – Engineering Review

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. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

ATD 2. E 16TH ST has sufficient right of way to comply with the Austin Strategic Mobility Plan (ASMP). [LDC 25-6-51 and 25-6-55].

ATD 3. Coordinate with TxDOT if additional right of way is required for N IH 35 SVRD NB.

ATD 4. ATD has no recommendation regarding the proposed driveway access restriction at this time (proposed ORDINANCE NO. 95 1214-F PART II section 6 amendment). Site access will be considered during the Site Plan review.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Routes	Capital Metro (within ¼ mile)
E. 16 <sup>th</sup> Street	Local Mobility – Level 1	58 feet	60 feet	33 feet	Existing 5 feet sidewalks	No	Yes
N IH-35 Service Road NB (TxDOT)	Regional Mobility – Level 4	TxDOT	TxDOT	45 feet	Existing 5 feet sidewalks	Shared lane (on-street)	Yes

TIA: A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the threshold established in the City of Austin Land Development Code.

Austin Water Utility

AW1. No comments on zoning change.

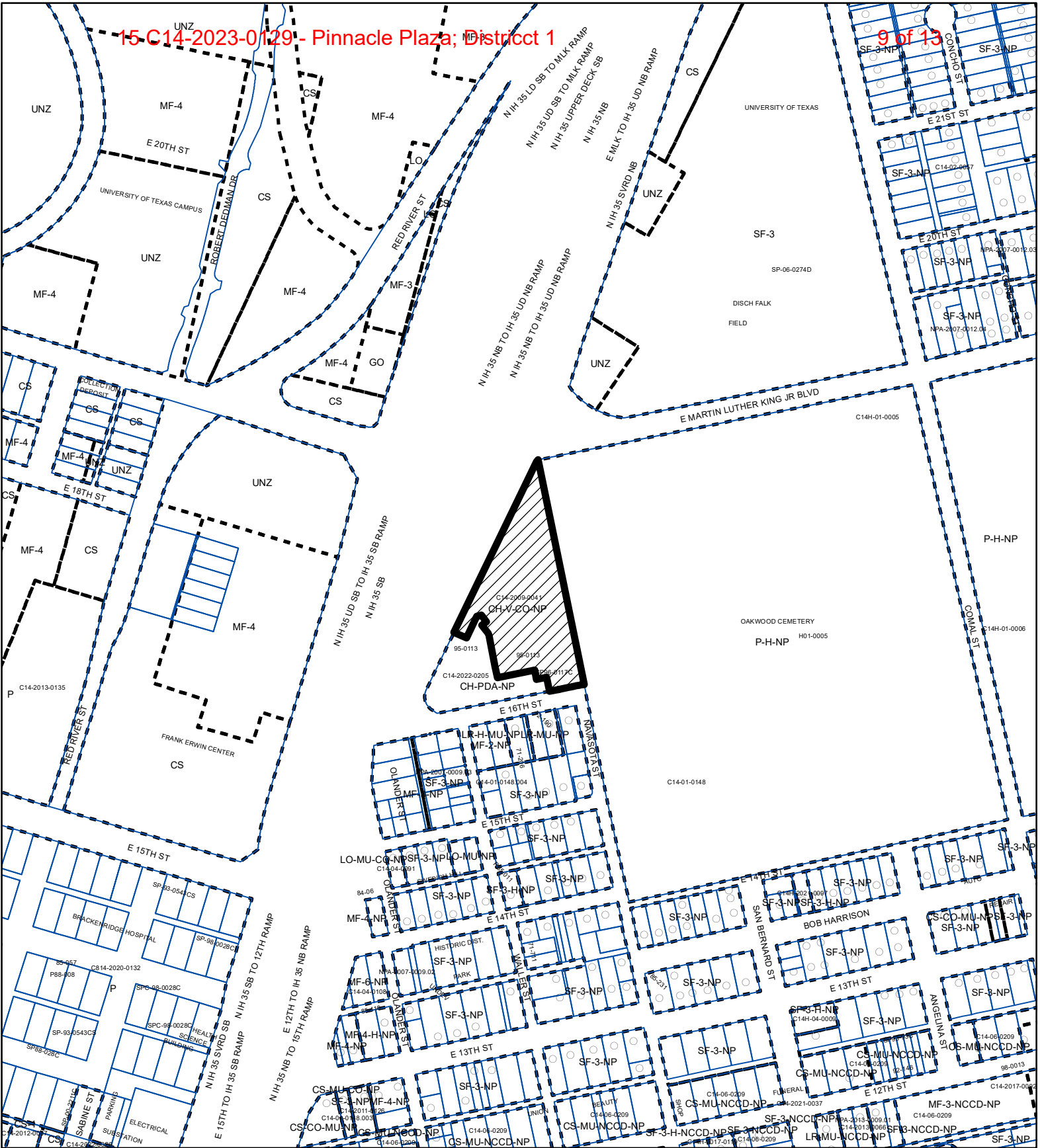
FYI: The landowner intends to serve the site with existing City of Austin water utilities.

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](mailto:ser@austintexas.gov).

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

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








## ZONING

ZONING CASE#: C14-2023-0129



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

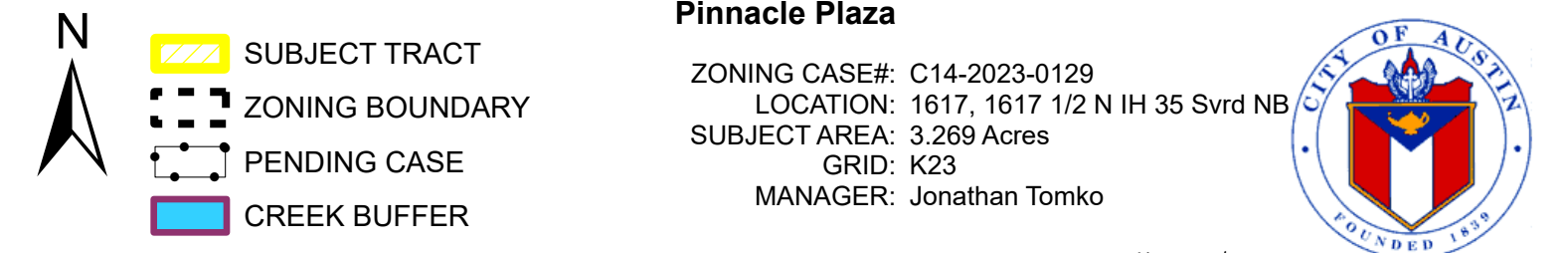
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



Created: 10/31/2023





ZONING CASE#: C14-2023-0129  
LOCATION: 1617, 1617 1/2 N IH 35 Svrđ NB  
SUBJECT AREA: 3.269 Acres  
GRID: K23  
MANAGER: Jonathan Tomko



**Created: 12/12/2023**



## ALICE GLASCO CONSULTING

October 23, 2023

Lauren Middleton-Pratt, Director  
Planning Department  
1000 E. 11<sup>th</sup> Street, Suite 200  
Austin, Texas 78702

RE: Pinnacle Plaza 269 - 1617 N. IH 35 SVRD NB

Dear Ms. Middleton-Pratt:

As the agent representing the property owner, I am submitting a zoning application to change the zoning from CH-V-CO-NP to CH-PDA-NP.

### **Background:**

The subject site is currently developed with two structures - a hotel with 149 rooms and a 3,000 square foot building used as meeting space. The vision for the site is to have a phased development that includes leaving the current hotel in place for several years and building multifamily housing on the northern portion of the site in the first phase of the development.

In 1995, the property - (Tract 1) - was rezoned to CH-CO, under case number C14-95-0113 (Ordinance # 951214-F). Additionally, in 2009, the property was rezoned to CH-V-CO-NP under ordinance number: 20090924-092 – to add vertical mixed use combining district.

### **Remove the following conditions from Ordinance # 951214-F**

1. General Retail Services (convenience) – **remove from CO**
2. Cocktail lounge – **remove from CO** (will remain as a conditional use per code)
3. No structure of any kind shall be built to a height greater than 60 feet – **remove from CO.**
4. Development of Tract 1 shall be restricted to a maximum building coverage of 75% – **remove from CO.**

5. Development of Tract I shall be restricted to a maximum floor to area ratio of 1 to 1— **remove from CO.**
6. As to Tract 1, except for improvements relating to the construction of the emergency driveway approach as set forth in this ordinance, owner shall construct and maintain an undisturbed vegetative buffer 5 feet wide along the southern property line of the Property, being adjacent to the East 16th Street – **remove from CO**
7. Residential development of the Property shall not exceed a density of 170 units per acre - **remove from CO.**

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

- a. Except as provided below, all permitted and conditional uses under CH zoning are permitted and conditional uses for the subject property.

**The following uses shall be prohibited on the Property:**

1. Agricultural sales and services
2. Automotive rentals
3. Automotive repair services
4. Automotive sales
5. Automotive washing (of any type)
6. Bail bonds
7. Campground
8. Commercial blood plasma center
9. Commercial off-street parking
10. Communication services
11. Construction sales and services
12. Convenience storage
13. Custom manufacturing
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20. Hospital services (general)
21. Kennels
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- 29. Pedicab storage and dispatch
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- 32. Restaurant (limited)
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- 34. Scrap and salvage
- 35. Service station
- 36. Transportation terminal
- 37. Vehicle storage

**The following site development standards shall apply to the property:**

- 1. The maximum floor-to-area ratio is 8 to1**
- 2. The maximum height is 280 feet**
- 3. The minimum front yard setback is 0 feet**
- 4. The minimum street side yard setback is 0 feet**
- 5. The minimum interior side yard setback is 0 feet**
- 6. The minimum rear yard setback is 0 feet**
- 7. The maximum building coverage is 95%**
- 8. The maximum impervious cover is 95%**

Sincerely,

*Alice Glasco*

Alice Glasco, President  
AG Consulting

Cc: Barry Lall, Pinnacle Holdings Inc.