

# AUSTIN CITY COUNCIL

## AGENDA



Thursday, March 08, 2007

+ Back Print

### **Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action) RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No 44**

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**Subject** C814-06-0175 - East Avenue PUD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3400 North IH-35 Service Road (Waller Creek and Boggy Creek Watersheds) from general office-neighborhood plan (GO-NP) combining district zoning, limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning, and general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning First reading approved on March 1, 2007 Vote 6-0 (Kim off the dais) Applicant Concordia University (David Kluth) Agent Alice Glasco Consulting (Alice Glasco) and Armbrust and Brown, L L P (Richard Suttle) City Staff Jorge E Rousselin, 974-2975

#### **Additional Backup Material**

(click to open)

**Staff\_Report**

**For More Information**

## SECOND AND THIRD READING SUMMARY SHEET

### **ZONING CASE NUMBER. C814-06-0175 – East Avenue PUD**

#### **REQUEST**

C814-06-0175 - East Avenue PUD - Approve second and third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3400 North IH-35 Service Road (Waller Creek and Boggy Creek Watersheds) from general office-neighborhood plan (GO-NP) combining district zoning, limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning, and general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions. First reading approved on March 1, 2007. Vote: 6-0 (Kim off dias). Applicant: Concordia University (David Kluth). Agent: Alice Glasco Consulting (Alice Glasco) and Armbrust and Brown, L L P (Richard Suttle). City Staff: Jorge E. Rousselin, 974-2975.

**PROPERTY OWNER.** Concordia University (David Kluth)

**AGENT** Alice Glasco Consulting (Alice Glasco) and Armbrust and Brown, L L P (Richard Suttle)

**DATE OF FIRST READING/VOTE** March 1, 2007. Vote: 6-0

**CITY COUNCIL DATE.** March 8, 2007

#### **CITY COUNCIL ACTION**

March 1, 2007

The first reading of the ordinance for planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions, as requested by the applicant and modified by Exhibit A:

- 1 Maximum impervious cover of 85%,
- 2 Implementation of Integrated Pest Management (IPM),
- 3 Implementation of the City's Integrated Pest Management Program,
- 4 A 2-star rating under the Austin Green Building Program,
- 5 For buildings over two-hundred feet, green roofs will be integrated into the project,
- 6 Rainwater harvesting,
- 7 Well configured open spaces that are woven into the development through landscaped internal driveways - all designed for the enjoyment of residents, visitors and employees,
- 8 The East Avenue Development will use plants listed under the City of Austin's Grow Green Native and Adapted Plants program for landscaping,
- 9 Re-creation of the 2nd Street pedestrian environment, e.g. with trees every 60 feet,
- 10 Compatibility between buildings and other improvements as reflected by the arrangement, bulk, and form of structures. Additionally, the project will comply with design guidelines appropriate to the site, which substantially mimic the city's design standards,
- 11 Base zoning district of GR,
- 12 All land uses allowed under GR and MF-6 to include
  - o Administrative Services,
  - o Cocktail Lounge,

- College and University Facilities,
  - Custom Manufacturing,
  - Food Preparation,
  - Hospital Services (General),
  - Hospital Services (Limited),
  - Liquor Sales,
  - Outdoor Entertainment,
  - Park and Recreation Services (General),
  - Park and Recreation Services (Special), and
  - Plant Nursery
- 13 Building setbacks as depicted in the attached land use plan (Please see Attachment D),
- 14 Maximum height as depicted in "Zones 1-11" in the attached land use plan (Please see Attachment D),
- 15 Maximum floor to area ratio 3 25 1,
- 16 Maximum heights as depicted in the attached land use plan (Please see Attachment D), and
- 17 Parking requirements shall conform to urban core reduction requirements

The applicant has also identified the following variances to the Land Development Code

- 1 Waiver from Article 10, Compatibility standards applying only to height and setbacks, and
- 2 Waiver from Section 25-2-243 - Proposed District Boundaries must be Contiguous

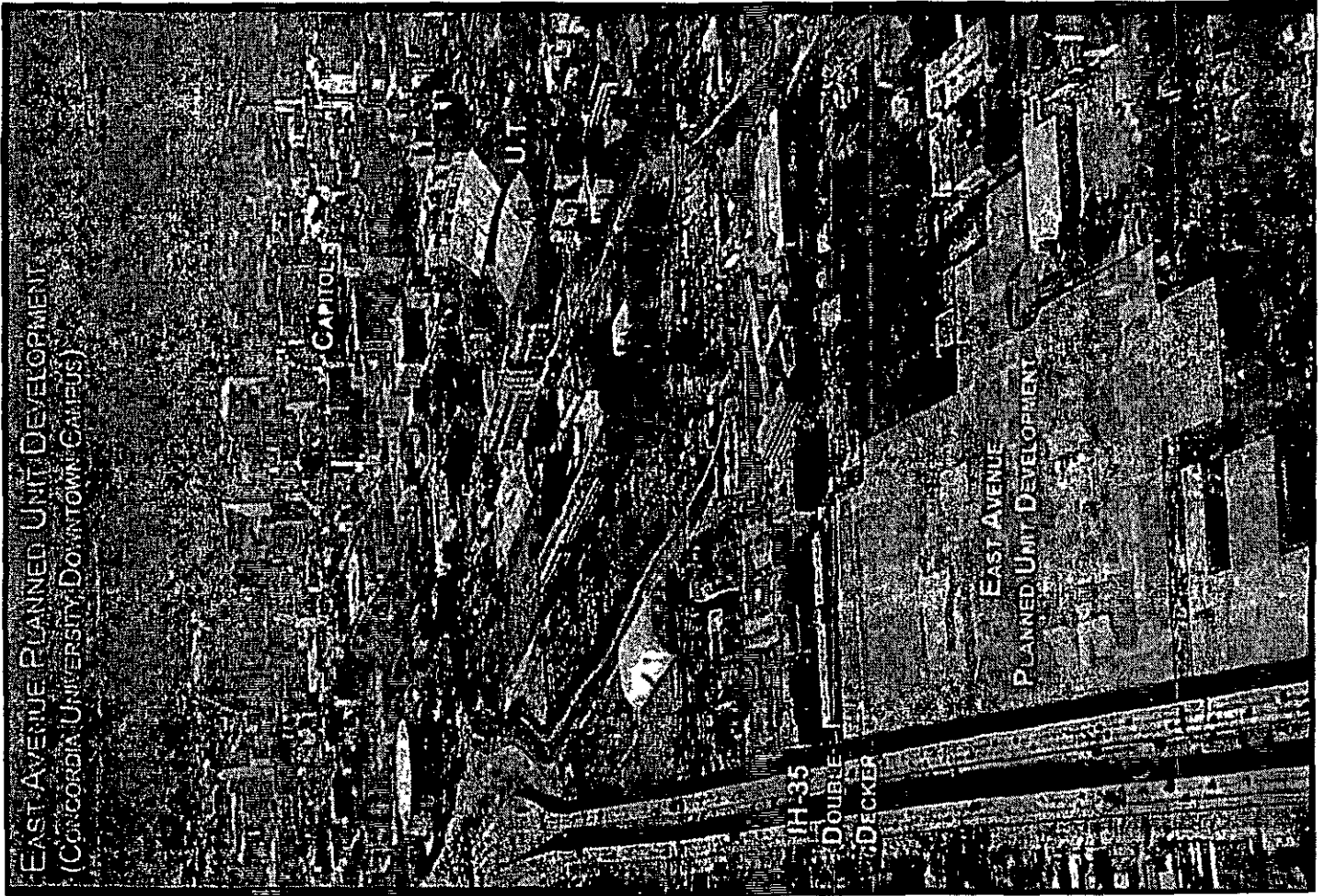
**ASSIGNED STAFF** Jorge E Rousselin, NPZD

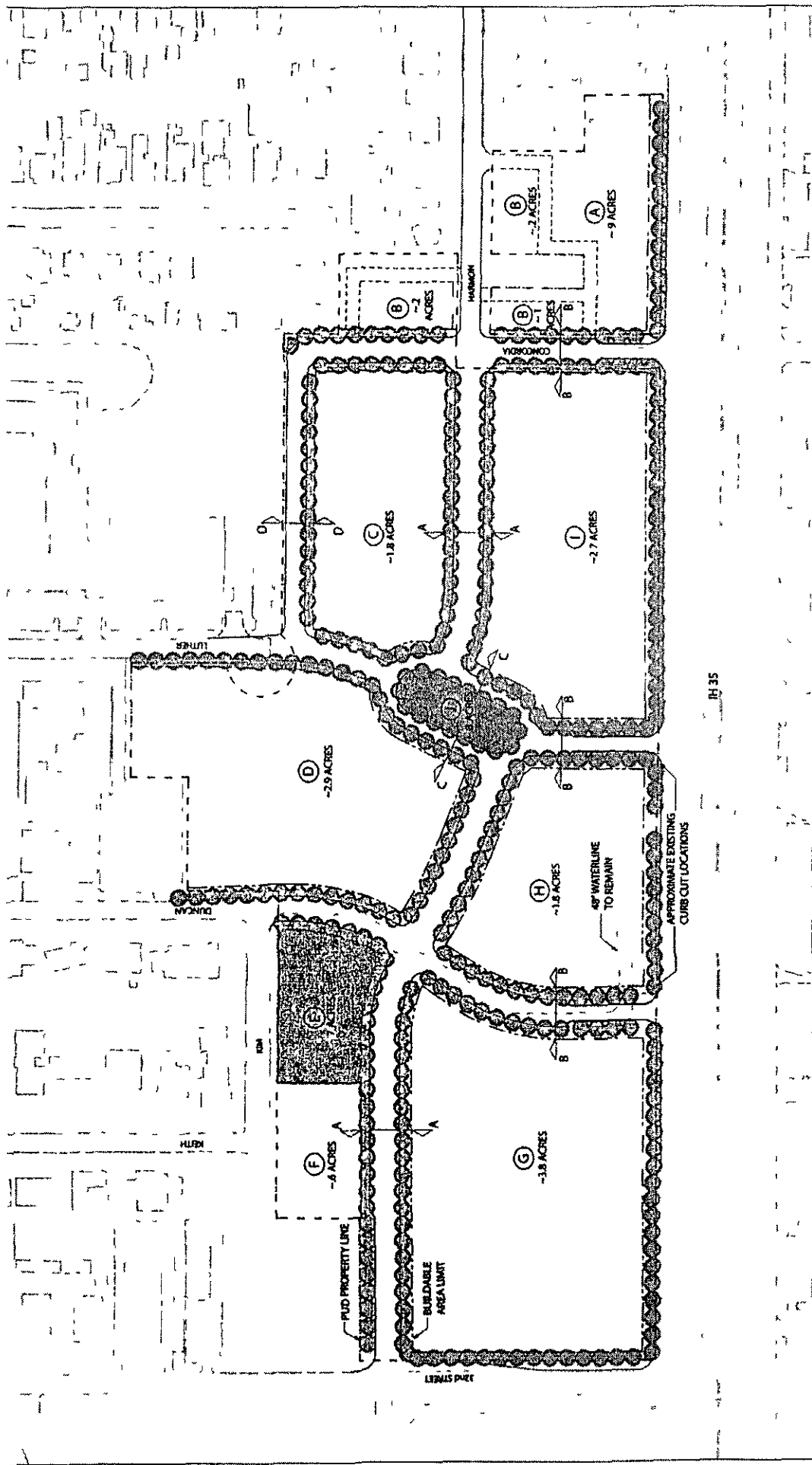
**PHONE** 974-2975

**E-MAIL:** jorge.rousselin@ci.austin.tx.us

## East Avenue Vision: 22-acre Mixed-use Urban Village

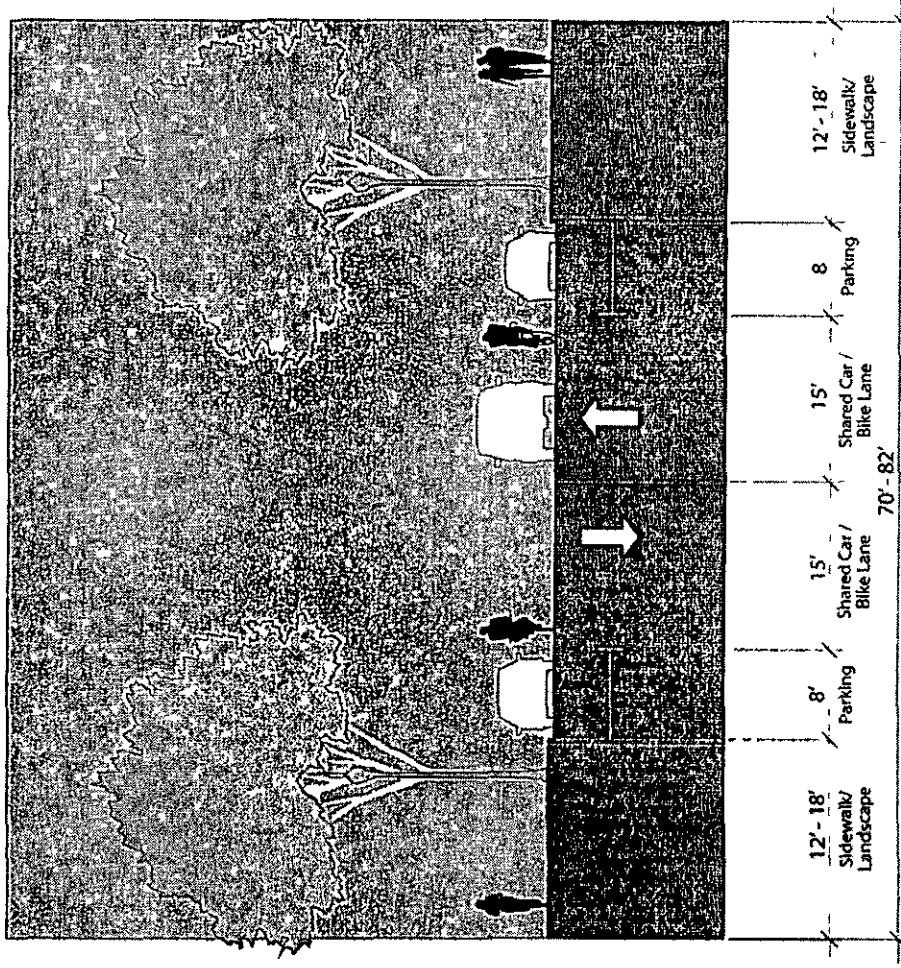
- ~250,000 SF Retail and Mixed-Use Commercial, Restaurants
- ~1250 Residential Dwelling Units
- 175,000 SF Medical Office
- ~135,000 SF General Office
- ~235 Room Hotel with Hotel Related Uses





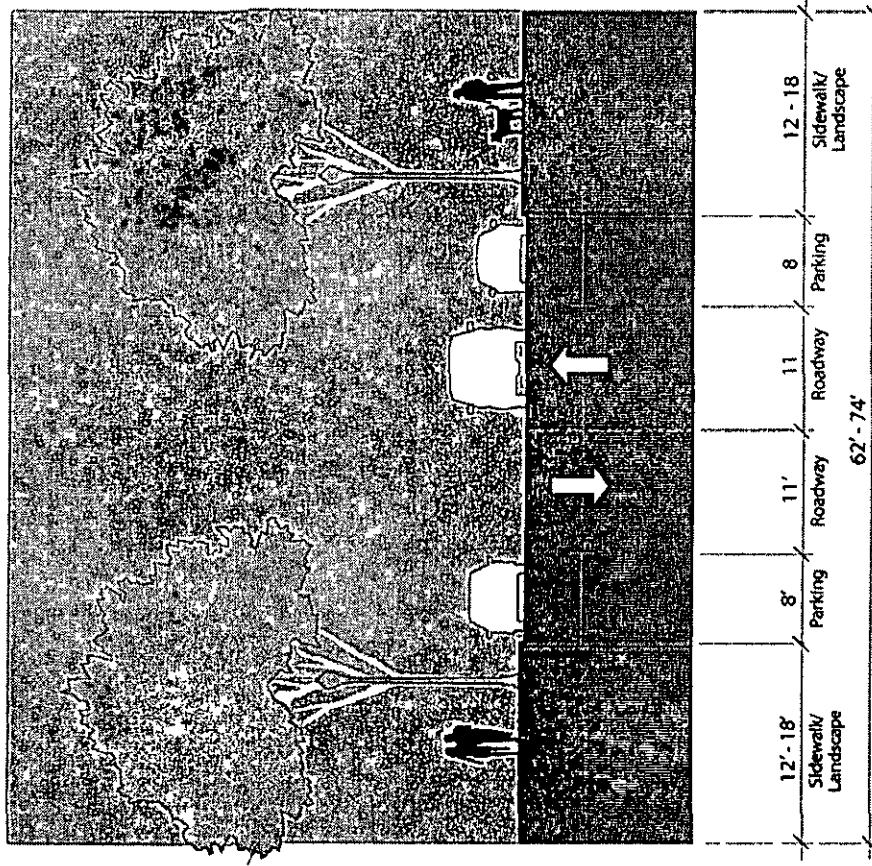
EAST AVENUE PUD  
 CONCEPTUAL INTERNAL DRIVE AND BLOCK PLAN  
 Prepared for Hancock Neighborhood Association and East Avenue IG by ROMA Design Group  
 March 1, 2007  
 DRAFT

# Conceptual Internal Drive & Block Plan



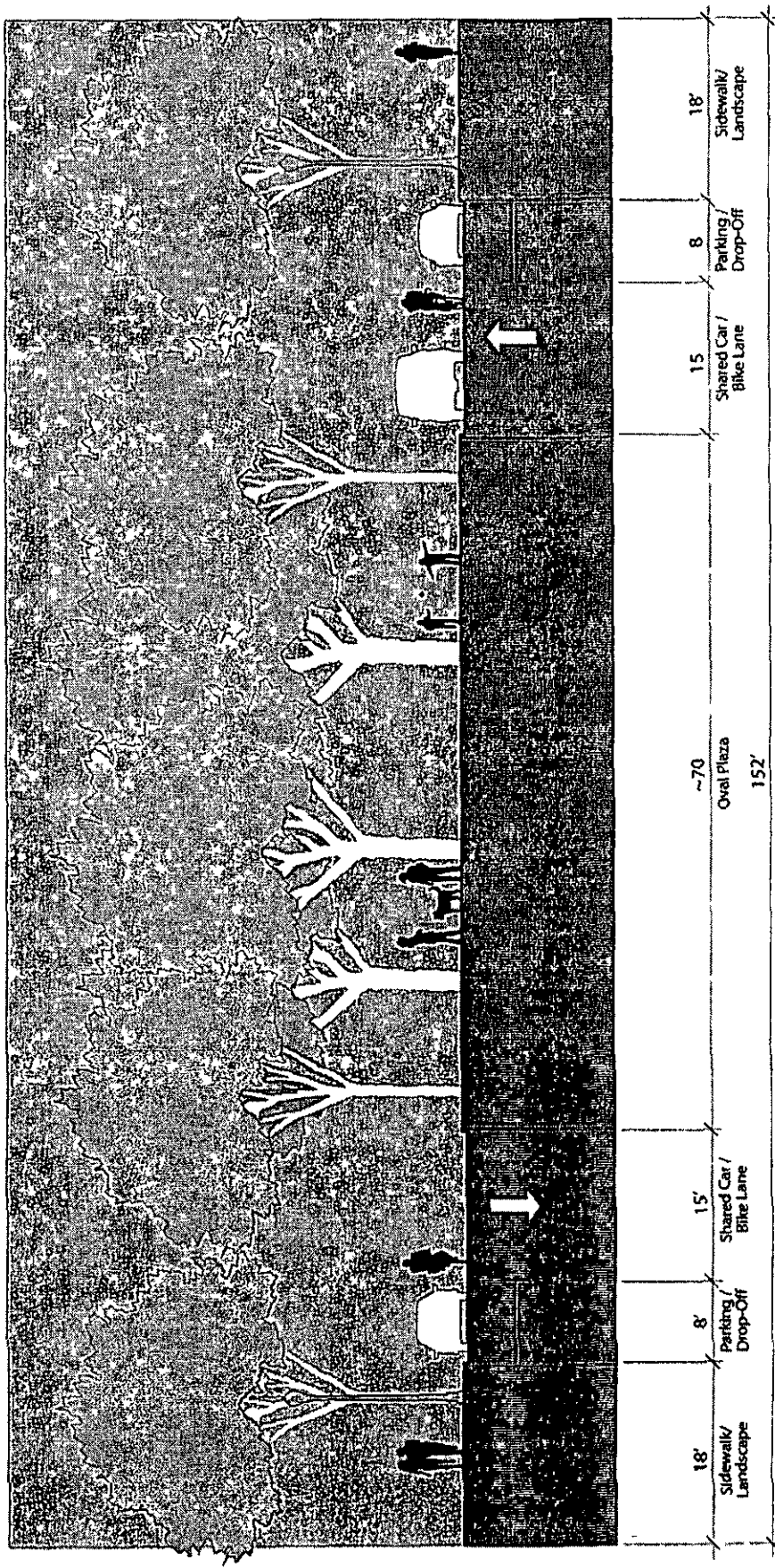
EAST AVENUE PUD  
 SECTION AA NORTH / SOUTH INTERNAL DRIVE  
 Prepared for Hancock Neighborhood Association and East Avenue IG by ROMA Design Group  
 February 21, 2007  
 DRAFT

# Section AA: North / South Internal Drive



EAST AVENUE PUD  
 SECTION BB EAST / WEST DRIVES  
 Prepared for Hancock Neighborhood Association and East Avenue IG by ROMA Design Group  
 February 21, 2007  
 DRAFT

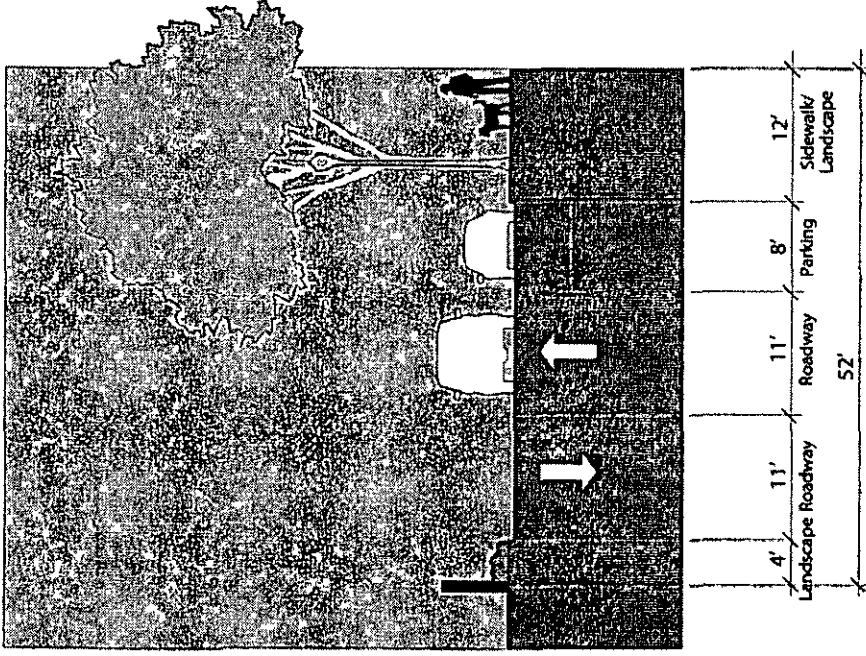
# Section BB: East / West Drives



EAST AVENUE PUD  
 SECTION CC. INTERNAL OVAL DRIVE  
 Prepared for Hancock Neighborhood Association and East Avenue IG by ROMA Design Group  
 February 21, 2007  
 DRAFT

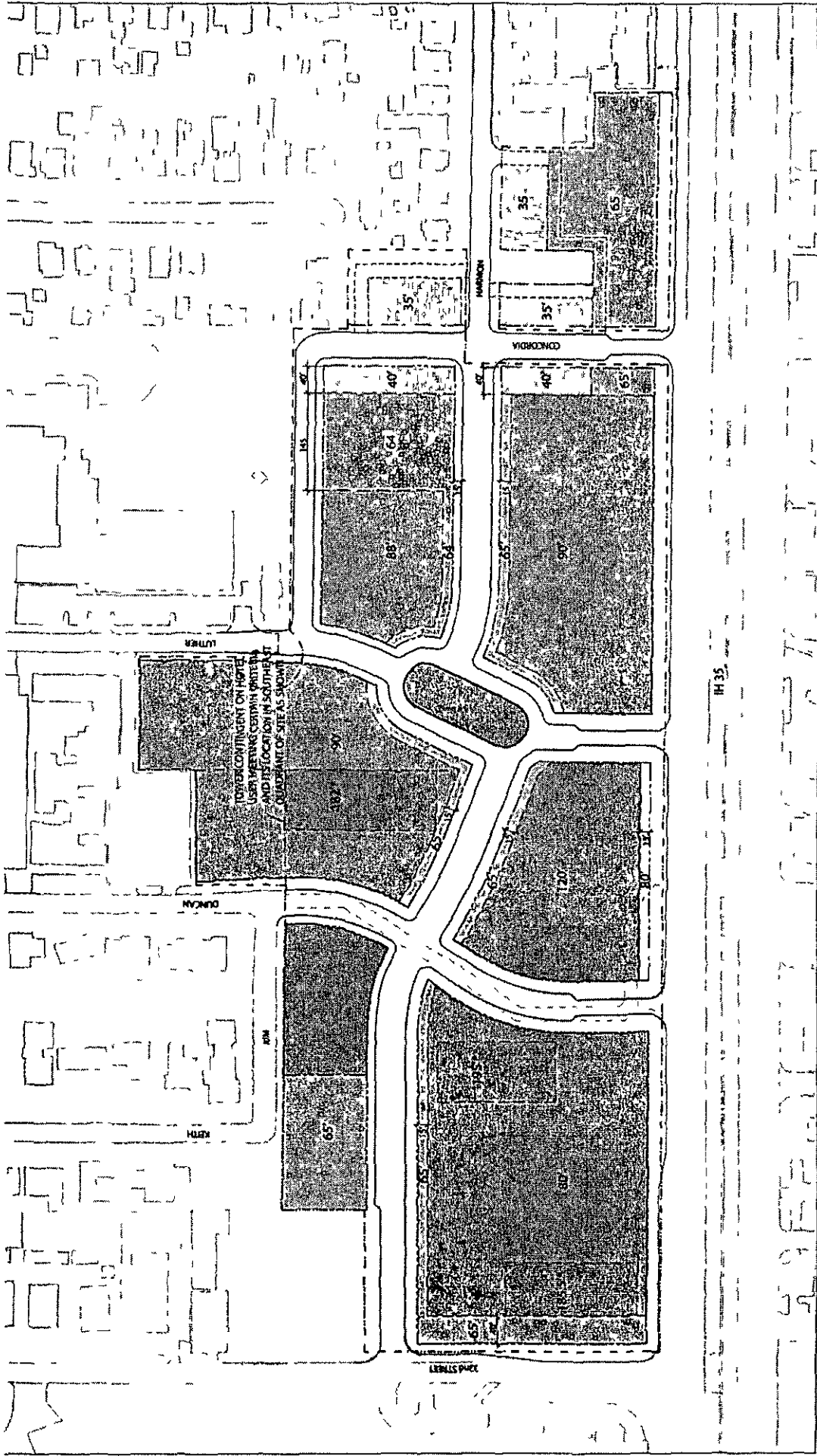
# Section CC: Internal Oval Drive





EAST AVENUE PUD  
 SECTION DD INTERNAL DRIVE AT CHURCH PROPERTY EDGE  
 Prepared for Hancock Neighborhood Association and East Avenue IG by ROMA Design Group  
 February 21, 2007  
 DRAFT

# Section DD: Internal Drive at Church Property Edge



\* POSSIBLE APPROXIMATE TOWER LOCATIONS AND FOOTPRINTS

EAST AVENUE PUD  
 MAXIMUM BUILDING HEIGHT ZONES  
 Prepared for Hancock Neighborhood Association and East Avenue IG by ROMA Design Group  
 March 1 2007  
 DRAFT

# Maximum Building Height Zones Plan

APP REQ. AS  
MODIFIED BELOW:

## General Working PUD Terms:

1. Conceptual Internal Drive & Block Plan
2. Great Streets Streetscape Cross-Sections
3. Maximum Building Height Zones Plan
4. \*Zoning District Default to be determined
5. \*Maximum Impervious Cover Limit
6. Cap of 175,000 SF Medical Office Use
7. \*List of Prohibited Uses
8. Urban Core Parking Standards
9. Design Standards & Mixed Use Ordinance
10. \*List of Project-Specific Design Standards (eg, Parking Garages)
11. \*Maximum Footprint Limitations for Towers, Certain Retail Users
12. One Acre in Publicly-Accessible Green Space & Central Plaza Space
13. \$750,000 Contribution Earmarked for Area Parks Improvements
14. \*On-Site Water Quality through Sustainable Environmental Site Design Techniques
15. \*Sustainable Building Design – Minimum 2-Star GBP Rating
16. \*Offsite TIA- Recommended Roadway Improvements, On-site Controls Traffic Controls
17. \*Affordable Living – Car Share for 5% Units @ 80% MFI
18. Continued Neighborhood Communication of Project Updates
19. Required Architectural Design Review Process
20. \*NH Plan Amendment to Establish Maximum Height Limits for CANPAC & Use/Site Development Regulations for Church Property
21. FLUM to reflect proposed zoning

## Outstanding Issue:

**Affordable Housing Component** (developer assumed no affordable housing in agreeing to maximum building heights)

**ZONING REVIEW SHEET****CASE:** C814-06-0175**P. C. DATE:** December 14, 2006

January 16, 2007

**ADDRESS.** 3400 North IH- 35 Service Road

January 30, 2007

February 13, 2007

**OWNER:** Concordia University (David Kluth)**AGENT:** Alice Glasco Consulting (Alice Glasco), Armbrust and Brown, LLP (Richard Suttle)**REZONING FROM** GO-NP (General office – neighborhood plan), LO-MU-NP (Limited office-mixed use- neighborhood plan), and CS-MU-NP (Commercial services-mixed use-neighborhood plan)**TO.** PUD-NP (Planned unit development – neighborhood plan) combining district**AREA** 22 205 Acres**SUMMARY PLANNING COMMISSION RECOMMENDATION:***February 13, 2007****APPROVED PUD-NP ZONING AS MODIFIED BY PRESENTER, JANA MCCANN, AND REQUIREMENTS OF THE T I A******[J.REDDY, G STEGEMAN 2<sup>ND</sup>] (5-3-1) D SULLIVAN, S KIRK, P CAVAZOS – NAY, C RILEY – ABSTAINED*****SUMMARY STAFF RECOMMENDATION**

Staff recommends the rezoning request from GO-NP, LO-MU-NP, and CS-MU-NP to PUD-NP with conditions. The recommended conditions are as follows:

- 1 Maximum base height of 60 feet,
- 2 Maximum tower height of 120 feet,
- 3 Maximum height of 120 feet,
- 4 Maximum floor-to-area ratio (FAR) of 2.1,
- 5 Maximum impervious cover of 85%,
- 6 The following uses shall be prohibited:
  - o Automotive Rentals,
  - o Automotive Repair Services,
  - o Automotive Sales,
  - o Automotive Washing (of any type),
  - o Scrap and Salvage,
  - o Service Station,
  - o Custom Manufacturing,
  - o Pawn Shop Services,
  - o Drive-in services as an accessory to a commercial use,
- 7 Commercial-liquor sales (CS-1) shall be limited to a total of 9,000 square feet within the proposed PUD with a limitation of 3,000 sq ft per CS-1 use,
- 8 Implementation of Integrated Pest Management (IPM),
- 9 Implementation of a minimum 2-star rating under the Austin Green Building Program,

- 10 Re-creation of the 2nd Street pedestrian environment addressing pedestrian activity, landscaping, and circulation,
- 11 Compliance with LDC Article 10 – Compatibility Standards,
- 12 No unbroken wall planes exceeding 160' shall be permitted in the PUD in accordance with [LDC 25-2-721 (E)(4)] Break of massing along Interstate 35 shall prevent continuous base walls parallel to the interstate,
- 13 Proposed PUD shall meet parking requirements as allowed under the LDC Article 7,
- 14 Implementation of all Traffic Impact Analysis (TIA) recommendations,
- 15 Implementation of Environmental Board recommendations,
- 16 Implementation of Environmental Staff recommendations, and
- 17 Approval of waiver from Section 25-2-243 - Proposed District Boundaries must be Contiguous

The Staff recommendation is based on the following considerations

- 1 ) The proposed land uses are compatible with existing and proposed commercial development in the area,
- 2 ) The Future Land Use Map for the Central Austin Combined – Hancock Neighborhood Plan will recommend mixed uses for this site,
- 3 ) Recommended conditions will yield a superior development vs traditional rezoning, and
- 4 ) All other terms and conditions in of Ordinance No 040826-59 shall remain in place

#### **DEPARTMENT COMMENTS**

The subject rezoning area consists of a 22 205 acre site fronting Harmon Avenue, East 32<sup>nd</sup> Street, and Interstate 35 zoned GO-NP, LO-MU-NP, and CS-MU-NP The site was rezoned as part of the Central Austin Combined Neighborhood Plan by Ordinance No 040826-59 (Please see Attachment A) The plan designates this site for civic uses in accordance with the Future Land Use Plan A neighborhood plan amendment is in progress and will incorporate a mixed-use designation The proposed amendment would change the land use designation on the Central Austin Combined Neighborhood Planning Area (CACNPA) for the Concordia University site, 3400 North IH-35, from Civic to a recommended Mixed-Use The change in designation will allow for the redevelopment of the Concordia University site into a mixed-use development

A portion of the site was rezoned to from MF-4 to GO under Ordinance No 020404-Z-8 under Ordinance 920820-I (Please see Attachments B) The applicant seeks to rezone the property to PUD-NP to allow for the redevelopment of the existing Concordia University Campus

As part of the request, the applicant offers the following

- 1 Maximum impervious cover of 85%,
- 2 Implementation of Integrated Pest Management (IPM),
- 3 Implementation of the City's Integrated Pest Management Program,
- 4 A 2-star rating under the Austin Green Building Program,
- 5 For buildings over two-hundred feet, green roofs will be integrated into the project,
- 6 Rainwater harvesting,
- 7 Well configured open spaces that are woven into the development through landscaped internal driveways - all designed for the enjoyment of residents, visitors and employees,
- 8 The East Avenue Development will use plants listed under the City of Austin's Grow Green Native and Adapted Plants program for landscaping,
- 9 Re-creation of the 2nd Street pedestrian environment, e g with trees every 60 feet,
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appropriate to the site, which substantially mimic the city's design standards (Please see Attachment C),

- 11 Base zoning district of GR,
- 12 All land uses allowed under GR and MF-6 to include
  - Administrative Services,
  - Cocktail Lounge,
  - College and University Facilities,
  - Custom Manufacturing,
  - Food Preparation,
  - Hospital Services (General),
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The applicant has also identified the following variances to the Land Development Code

- 1 Waiver from Article 10, Compatibility standards applying only to height and setbacks, and
- 2 Waiver from Section 25-2-243 - Proposed District Boundaries must be Contiguous

The Applicant and the City Staff continue to discuss the details of this proposed PUD

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GO-NP, LO-MU-NP, and CS-MU-NP	Concordia University
<i>North</i>	CS-MU-NP	Apartments
<i>South</i>	GO-MU-NP, CS-NP	St David's Hospital
<i>East</i>	N/A	Interstate 35
<i>West</i>	MF-4-CO-NP, MF-4-NP, GO-MU-NP	Single Family residences/ Apartments / St David's Hospital

#### **NEIGHBORHOOD PLAN.**

Central Austin Combined –  
Hancock Neighborhood

**TIA** Yes (Please see Transportation comments)

**WATERSHED:** Waller Creek & Boggy Creek **DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**SCENIC ROADWAY:** N/A

#### **NEIGHBORHOOD ORGANIZATIONS:**

25--Eastwoods Association  
31--Hancock Neighborhood Assn

141--Cherrywood Neighborhood Assn  
283--North Austin Neighborhood Alliance

493--Dellwood Neighborhood Assn  
 511--Austin Neighborhoods Council  
 603--Mueller Neighborhoods Coalition  
 689--Upper Boggy Creek Neighborhood  
 Planning Team  
 700--Keep the Land  
 742--Austin Independent School District

754--Central Austin Neighborhoods Planning  
 Area Committee  
 786--Home Builders Association of Greater  
 Austin  
 937--Taking Action Inc  
 972--PODER People Organized in Defense of  
 Earth & Her Resources  
 981--Anberly Airport Assn

**SCHOOLS:**

Austin Independent School District

- Lee Elementary School
- Kealing Middle School
- McCallum High School

**RELATED CASES.**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0014	MF-4 to GO	02/26/02 APVD STAFF REC OF GO (7-0)	04/04/02 APVD GO (6-0), ALL 3 RDGS
C14-04-0023	Central Austin Combined Neighborhood Plan	04/27/04 APVD STAFF REC W/AMDTS (7-0)	06/10/04 APVD PC REC (7-0), 1ST RDG  08/05/04 APVD 2ND RDG (6-0)  08/26/04 APVD ALL EXCEPT 2 TRACTS WHICH WERE PP TO 9- 2-04 (CC), (7-0)  09/02/04 APVD (7-0) EXCEPT FOR FLWG PP TRACTS 34, 35, 44 & 80A PP TO 9-30-04, TR 148A PP TO 10-7-04  09/30/04 FOR TR 34, 35, 44 & 80A PP TO 10-21-04 (7-0)  10/21/04 APVD SF-2-CO-NP FOR TR 2104A/2104B, APVD MF-6-CO- NP TR 2104C & 3406 RED RIVER

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0190	SF-2-CO-NP to SF- 3-CO-NP	<ul style="list-style-type: none"> <li>▪ 02/22/05 PP TO 3-22-05 (STAFF/NEIGH), (7-0)</li> <li>▪ 03/22/05 PP TO 4-12-05 (7-0)</li> <li>▪ 04/12/05 PP TO 5-10-05 (STAFF), (8-0)</li> </ul>	05/26/05 W/D BY CC (7-0)

		<ul style="list-style-type: none"> <li>▪ 05/10/05 PP TO 5-24-05 (STAFF), (7-0)</li> <li>▪ 05/24/05 NOT ON AGENDA</li> </ul>	
C14-04-0191	SF-2-CO-NP to SF-3-CO-NP	<ul style="list-style-type: none"> <li>▪ 02/22/05 PP TO 3-22-05 (STAFF/NEIGH), (7-0)</li> <li>▪ 03/22/05 PP TO 4-12-05 (7-0)</li> <li>▪ 04/12/05 PP TO 5-10-05 (STAFF), (8-0)</li> <li>▪ 05/10/05 PP TO 5-24-05 (STAFF), (7-0)</li> <li>▪ 05/24/05 NOT ON AGENDA</li> </ul>	05/26/05 W/D BY CC (7-0)
C14-04-0192	SF-2-CO-NP to SF-3-CO-NP	<ul style="list-style-type: none"> <li>▪ 02/22/05 PP TO 3-22-05 (STAFF/NEIGH), (7-0)</li> <li>▪ 03/22/05 PP TO 4-12-05 (7-0)</li> <li>▪ 04/12/05 PP TO 5-10-05 (STAFF), (8-0)</li> <li>▪ 05/10/05 PP TO 5-24-05 (STAFF), (7-0)</li> <li>▪ 05/24/05 NOT ON AGENDA</li> </ul>	05/26/05 W/D BY CC (7-0)
C14-04-0193	SF-2-CO-NP to SF-3-CO-NP	<ul style="list-style-type: none"> <li>▪ 02/22/05 PP TO 3-22-05 (STAFF/NEIGH), (7-0)</li> <li>▪ 03/22/05 PP TO 4-12-05 (7-0)</li> <li>▪ 04/12/05 PP TO 5-10-05 (STAFF), (8-0)</li> <li>▪ 05/10/05 PP TO 5-24-05 (STAFF), (7-0)</li> <li>▪ 05/24/05 NOT ON AGENDA</li> </ul>	05/26/05 W/D BY CC (7-0)
C14-04-0194	SF-2-CO-NP to SF-3-CO-NP	<ul style="list-style-type: none"> <li>▪ 02/22/05 PP TO 3-22-05 (STAFF/NEIGH), (7-0)</li> <li>▪ 03/22/05 PP TO 4-12-05 (7-0)</li> <li>▪ 04/12/05 PP TO 5-10-05 (STAFF), (8-0)</li> <li>▪ 05/10/05 PP TO 5-24-05 (STAFF), (7-0)</li> <li>▪ 05/24/05 NOT ON AGENDA</li> </ul>	05/26/05 W/D BY CC (7-0)
C814-06-0075	GO-NP to PUD-NP	PENDING	PENDING
C14-92-0071	LO and MF-3 to GR-CO	08/18/92 APVD GR-CO GO USES AND COMMERCIAL OFF-STREET PARKING	8/20/92 APVD GR-CO ALL 3 READINGS
C14-02-0150	GO to CS	12/11/02 DENIED CS-CO (5-3-1)	01/16/03 APVD STAFF ALT REC OF CS-CO (6-0), 1ST RDG,  01/30/03 APVD CS-CO (7-0), 2ND/3RD RDG
C14-06-063	Variance for additional height	05/08/06 BOA APVD 120' HEIGHT (7-0)	N/A



**ABUTTING STREETS**

Name	ROW	Pavement	Classification	Daily Traffic	Bicycle Plan
IH-35	Varies	Varies	Freeway	251,000 ('04)	No
Red River	Varies	Varies	Major arterial	18,300 ('06)	Priority 1
38½ Street	50'	Varies	Two lane minor arterial	11,000* ('06)	Priority 1
32 <sup>nd</sup> Street	60'	Varies	Collector	8,100 ('03)	No
Dean Keeton Street	126'	100'	Arterial	15,000* ('06)	Priority 1
Luther Lane	50'	28'	Local	1,500* ('06)	No
Duncan Lane	50'	29'	Local	700* ('06)	No
Keith Lane	50'	30'	Local	700* ('06)	No
Concordia Avenue	50'	30'	Local	500* ('06)	No
Harmon Avenue	50'	30'	Collector	400* ('06)	No
Kim Lane	50'	30'	Local	n/a	No

**CITY COUNCIL DATE**

February 15, 2007

March 1, 2007

**ACTION.**

The public hearing was continued to March 1, 2007 and no action was taken

The first reading of the ordinance for planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions, as requested by the applicant and modified by Exhibit A

- 1- Maximum impervious cover of 85%,
  - 2- Implementation of Integrated Pest Management (IPM),
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### **ORDINANCE READINGS**

1<sup>st</sup> – March 1, 2007

2<sup>nd</sup> and 3<sup>rd</sup> – March 8, 2007

### **ORDINANCE NUMBER:**

**CASE MANAGER:** Jorge E Rousselin, NPZD

**PHONE:** 974-2975

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)

**STAFF RECOMMENDATION**



3400N IH 35  
C814-06-0175

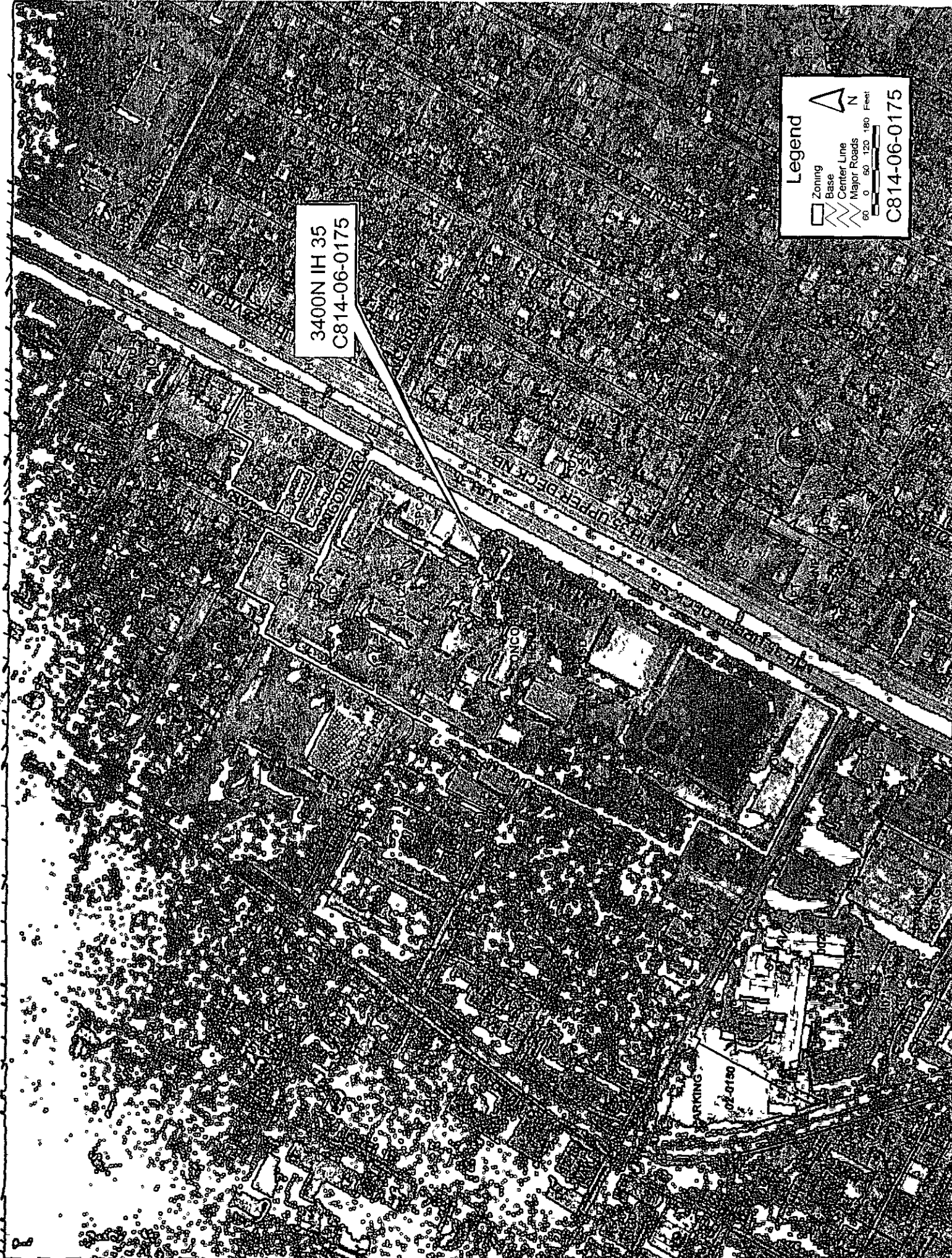
**Legend**

- Zoning
- Base
- Center Line
- Major Roads

0 50 100 150 Feet

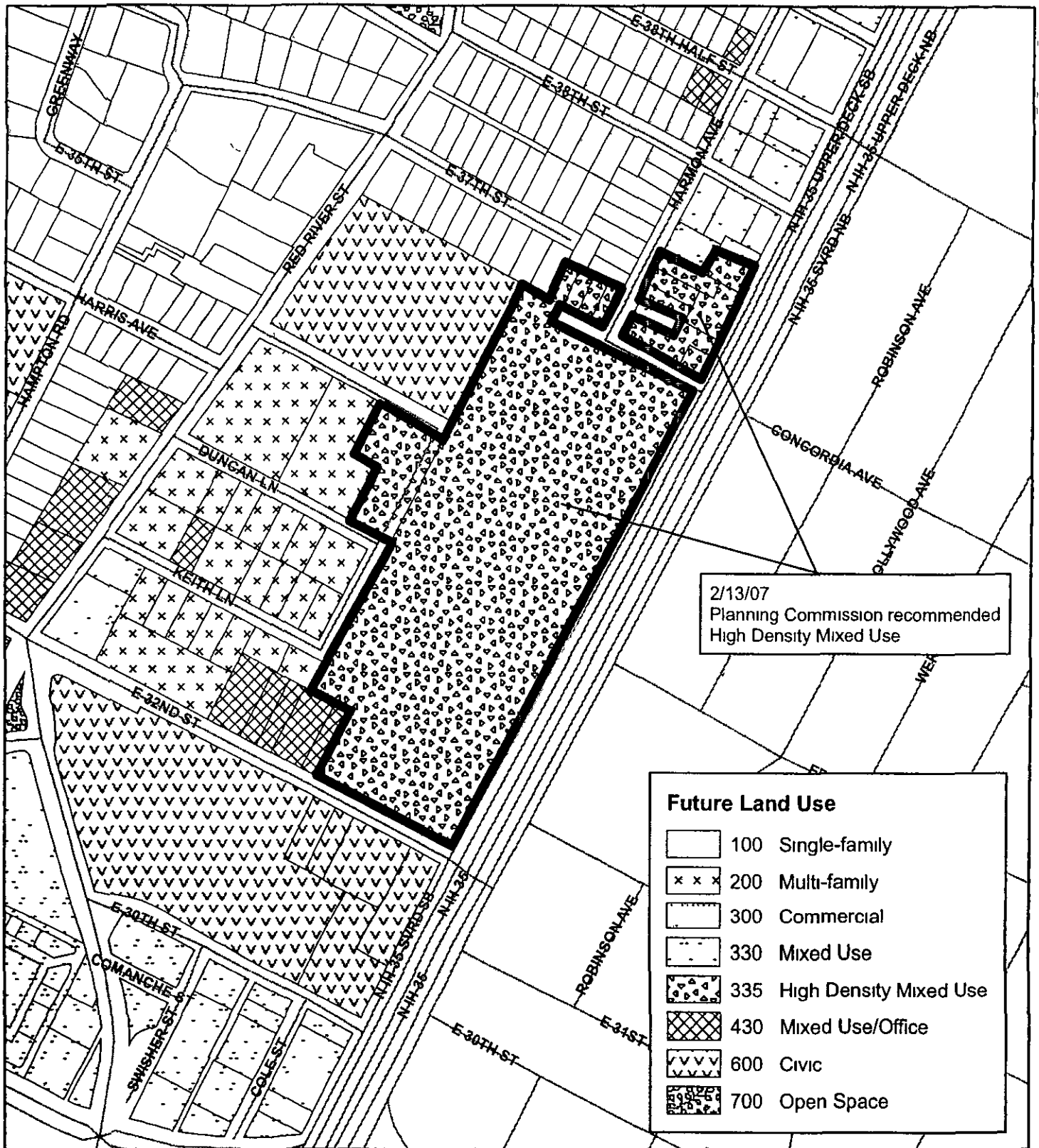
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C814-06-0175







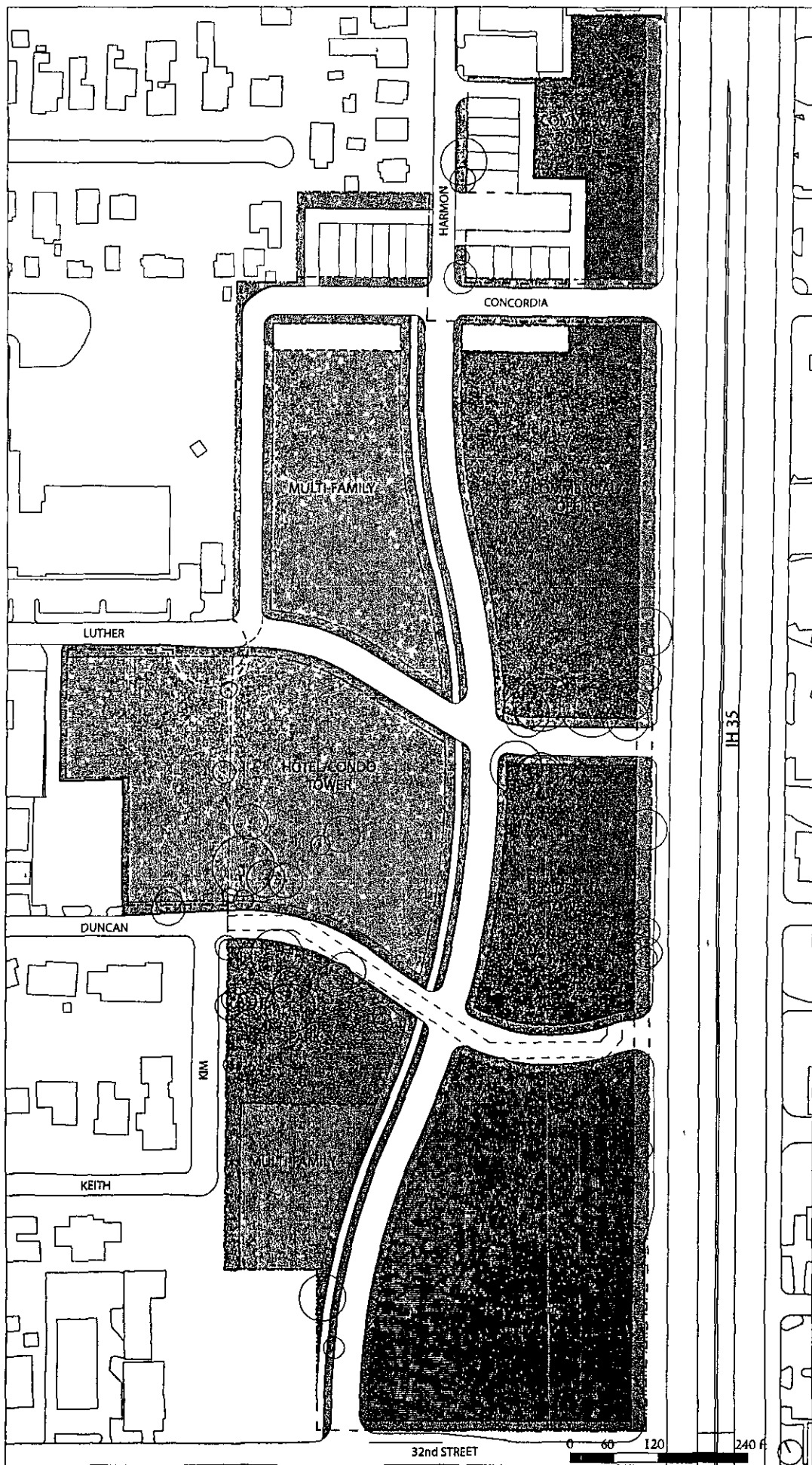


NPA-06-0019.01  
East Avenue PUD  
3400 N IH-35 SVRD  
Proposed FLUM  
City Council Hearing 3-1-07

500 250 0 500 Feet



Created by NPZD  
2/22/07



EAST AVENUE PUD CONCEPTUAL INTERNAL DRIVE AND BLOCK PLAN  
Prepared for Hancock Neighborhood Association and East Avenue IG by ROMA Design Group  
February 13 2007

## Proposed East Avenue PUD Terms

1. Defined Street/Drive Network Plan
2. Block/Parcel Plan with Principal Uses Defined per Parcel
3. Defined Heights, Setbacks & Stepbacks Tailored per Parcel to Ensure Neighborhood Compatibility
4. Design Standards & Mixed Use Ordinance
5. Great Streets Streetscape Standards with Cross-Sections
6. Off-Street Hike & Bike Greenway
7. Affordable Living – Car Share for 5% Units @ 80% MFI
8. Open/Green Space and Tree Preservation
9. Sustainable Environmental Site & Building Design
10. Urban Core Parking Standards
11. All Offsite TIA- Recommended Roadway Improvements

- 1 Internal Drives will create a grid-like circulation system, that will break down site into well-scaled parcels
- 2 Blocks complying with the recently-adopted Commercial Design Standards will be delineated
- 3 Height Zones within Parcels will be established, including approximate locations and footprints of proposed four towers
- 4 Compliance, but even further tailoring to site is desired
- 5 Design the streetscape cross-sections, so they are specific to the site, rather than left general
- 6 Providing a Class One bike/ped path with double row of trees on west side of north-south retail spine
- 7 Austin Car Share Program
- 8 Developer committed to providing the following
  - 2 acres of pervious green space at ground level
  - One acre of green roofs across site
  - Use of pervious concrete at site
  - To max extent possible, preserve every Class 1 tree over 19" (31 trees) in their current locations
  - One acre of additional open space on ground (such as streetscapes, hike & bike path)
  - Will meet/exceed stormwater quality requirements, using combination innovative stormwater management, including bio-swales, rainwater collection, to be approved/monitored by City Environmental staff



Staff recommends the rezoning request from GO-NP, LO-MU-NP, and CS-MU-NP to PUD-NP with conditions. The recommended conditions are as follows:

- 1 Maximum base height of 60 feet,
- 2 Maximum tower height of 120 feet,
- 3 Maximum height of 120 feet,
- 4 Maximum floor-to-area ratio (FAR) of 2.1,
- 5 Maximum impervious cover of 85%,
- 6 The following uses shall be prohibited:
  - o Automotive Rentals,
  - o Automotive Repair Services,
  - o Automotive Sales,
  - o Automotive Washing (of any type),
  - o Scrap and Salvage,
  - o Service Station,
  - o Custom Manufacturing,
  - o Pawn Shop Services,
  - o Drive-in services as an accessory to a commercial use,
- 7 Commercial-liquor sales (CS-1) shall be limited to a total of 9,000 square feet within the proposed PUD with a limitation of 3,000 sq. ft. per CS-1 use,
- 8 Implementation of Integrated Pest Management (IPM),
- 9 Implementation of a minimum 2-star rating under the Austin Green Building Program,
- 10 Re-creation of the 2nd Street pedestrian environment addressing pedestrian activity, landscaping, and circulation,
- 11 Compliance with LDC Article 10 -- Compatibility Standards,
- 12 No unbroken wall planes exceeding 160' shall be permitted in the PUD in accordance with [LDC 25-2-721 (E)(4)]. Break of massing along Interstate 35 shall prevent continuous base walls parallel to the interstate,
- 13 Proposed PUD shall meet parking requirements as allowed under the LDC Article 7,
- 14 Implementation of all Traffic Impact Analysis (TIA) recommendations,
- 15 Implementation of Environmental Board recommendations,
- 16 Implementation of Environmental Staff recommendations, and
- 17 Approval of waiver from Section 25-2-243 - Proposed District Boundaries must be Contiguous

The Staff recommendation is based on the following considerations:

- 1) The proposed land uses are compatible with existing and proposed commercial development in the area,
- 2) The Future Land Use Map for the Central Austin Combined – Hancock Neighborhood Plan will recommend mixed uses for this site,
- 3) Recommended conditions will yield a superior development vs. traditional rezoning, and
- 4) All other terms and conditions in Ordinance No. 040826-59 shall remain in place.

## **BASIS FOR RECOMMENDATION**

- 1 ***The Planned Unit Development District (PUD) is intended for large or complex developments under unified control planned as a single contiguous project. The PUD is intended to allow single or multi-use projects within its boundaries and provide greater flexibility for development proposed within the PUD.***

The proposed PUD does provide benefits that could not be accomplished through standard zoning. The staff supports an alternative maximum height to the requested height to provide for a transition to the established neighborhood while maintaining the integrity and character of the residences. Waivers of compatibility standards are not recommended as it may infringe on the surrounding residential uses.

- 2 *Use of a PUD District should result in development superior to that which would occur using conventional zoning and subdivision regulations PUD zoning is appropriate if the PUD enhances preservation of the natural environment; encourages high quality development and innovative design, and ensures adequate public facilities and services for development with in the PUD*

The Staff has determined that with the recommended conditions, the proposed PUD will result in a superior development than that which could have occurred using conventional zoning In this application, the applicant is requesting additional height, inclusion of compatible land uses, and inclusion of design standards that demonstrate an improvement to the PUD that will result in superior development of the site

## EXISTING CONDITIONS

### Site Characteristics

The subject rezoning area consists of a 22 205 acre site fronting Harmon Avenue, East 32<sup>nd</sup> Street, and Interstate 35 zoned GO-NP, LO-MU-NP, and CS-MU-NP The site was rezoned as part of the Central Austin Combined Neighborhood Plan by Ordinance No 040826-59 (Please see Attachment A) The plan designates this site for civic uses in accordance with the Future Land Use Plan A neighborhood plan amendment is in progress and will incorporate a mixed-use designation The proposed amendment would change the land use designation on the Central Austin Combined Neighborhood Planning Area (CACNPA) for the Concordia University site, 3400 North IH-35, from Civic to a recommended Mixed-Use The change in designation will allow for the redevelopment of the Concordia University site into a mixed-use development

Portions of the site were rezoned to from MF-4 to GO under Ordinance No 020404-Z-8 which included a restrictive covenant and to GR-CO-NP under Ordinance 920820-I (Please see Attachments B) The applicant seeks to rezone the property to PUD-NP to allow for the redevelopment of the existing Concordia University Campus

**Industrial Waste - MICHAEL NEBERMAN 972-1060**

8/18/06

IW 1 No Comment

**WWW - PAUL URBANEK 974-3017**

### Description

WW 1 The site is currently served with City of Austin water and wastewater utilizes If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility adjustments, or utility relocation are required, the landowner, at own expense, will be responsible for providing Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility The plan

must be in accordance with the City of Austin utility design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the City inspection fee with the utility construction and all other associated and applicable City fees.

WW 2 If an onsite or offsite easement is necessary for City water or wastewater service, the subject landowner, at own expense, will be responsible for providing. The easement must be for a location defined and approved by the Austin Water Utility and the easement dedication must be in a form acceptable by the City.

## Electric - DAVID LAMBERT 322-6109

### REJECTED

EL 1 A fifteen foot building setback is required along East 32<sup>nd</sup> Street and the north side of Concordia Avenue to ensure adequate safety clearances between the existing overhead electric lines and any future building.

EL 2 For information. Any relocation of existing electric facilities shall be at landowner's/developer's expense.

## Transportation - JOE ALMAZAN 974-2674

TR 1 A traffic impact analysis is required and has been received. *Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA [LDC, Sec 25-6-142]. Comments will be provided in a separate memo.*

TR 2 The PUD land use plan proposes a CBD parking reduction of 65% on site parking. For information. Within the CBD and DMU districts, the minimum number of parking spaces is 20% and the maximum number is 60% of the number of spaces otherwise required. LDC, 25-6-591. Allowable parking may be increased without limit if all parking is contained within a parking structure or the excess parking is approved by the Land Use Commission based on the criteria in Section 25-6-501(D).

- a ) *Any parking reduction should be documented by more detailed information such as a shared parking analysis using the methodology established by the Urban Land Institute or upon other methodologies considered appropriate for this type of mixed-use development. Other design considerations include pedestrian links between the development and shared parking areas using special attention to sidewalk design, access across internal drives and streets and access with parking garages, use of public transportation, bike planning, or other strategies such as valet parking between hotel and restaurant use or hours of operation based on land uses with different operating hours.*
- b ) *If enclosed parking garages are proposed, it is recommended that pedestrian oriented uses (as defined in LDC, 25-2-691) will be provided at the ground level for separation from the adjacent street.*

TR 3 For information In the CBD and DMU Districts, residential uses are required to provide at least **60%** of the number of parking spaces otherwise required by Sec 25-6-472, Appendix A LDC, 25-6-591(A)(4)

TR 4 Please specify whether phasing of the development is proposed *Phasing of the development and the manner in which each phase can exist as a stable independent unit should be shown based on required/provided parking, impervious cover and zoning, landscaping, drainage facilities, water quality, and other data as requested*

TR 5 Please specify whether public or private streets are proposed with the development *The location of collector and arterial roadways proposed within the PUD must be shown, including right-of-way widths, the location of access points to abutting streets and roadways*

## Public Works - Signalization Division - Brian W Craig 457-4880

PW 1 Traffic Counts were taken when school was closed and/or in finals or in summer session Given the proximity to UT and Concordia, this is not an acceptable method of collecting traffic data

PW 2 I am not sure that traffic patterns around a University adheres to general rule of thumb that peak volume is ten percent of the 24 hour volume

PW 3 Why are apartment trip rates and residential condo rates shown in square footage and not by units

PW 4 What about geometric improvements? IH 35 & 38<sup>th</sup> ½ Street SB right turn lane

PW 5 Red River & 38<sup>th</sup> ½ will require some type of geometric improvement to alleviate the extra traffic at this intersection NB / SB left would help the level of service

PW 6 Increase cross -section on side streets to include two approach lanes and one departure lane Ie Keith Lane, Duncan Lane, Luther Lane,

PW 7 Add EB LT at 32<sup>nd</sup> & Driveway C

PW 8 Too many WB lefts added to 38 ½ St without a left turn bay Add a left turn bay

## Fire Review - RON BUYS 974-0183

INFORMAL UPDATE OK 8/30/06

FR 1 NEED FIRE FLOW REQUIRED FOR BUILDING OR BUILDINGS PROPOSED PER 2003 IFC TABLE B105.4

FR 2 NEED FIRE HYDRANT TESTS TO VERIFY THAT THE FIRE FLOW REQUIRED FOR BUILDING(S) IS AVAILABLE

FR 3 NEED FIRE HYDRANTS LOCATED ONE WITHIN 400' AND SECOND WITHIN 500' OF ALL POINTS ON BUILDING(S) EXTERIOR NOTE THERE ARE LOCATIONS ON THIS SITE THAT DO NOT CURRENTLY MEET THIS REQUIREMENT

FR 4 NEED FIRE APPARATUS ACCESS SO WITHIN 150' OF UNSPRINKLERED OR 200' OF FIRE SPRINKLERED BUILDING EXTERIOR PERIMETER (ALL POINTS ON BUILDING) NOTE THERE ARE LOCATIONS ON THIS SITE THAT DO NOT CURRENTLY MEET THIS REQUIREMENT

## Water Quality - KEVIN SELFRIDGE 974-2706

August 23, 2006

Acceptance or approval of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by City engineers.

The proposed PUD development is located in the Waller Creek and Boggy Creek watersheds, an urban watershed and a suburban watershed respectively. The project is not located in the Edward's Aquifer Recharge or Contributing Zone.

WQ 1 Except for the proposed variances and/or waivers, it is this reviewer's understanding the proposed PUD ordinance will provide on-site detention and water quality per current code. Please address this in the proposed PUD ordinance and exhibits. Thanks.

WQ 2 FYI Based upon the size of this proposed PUD and the proposed density, it is unlikely that participation in the City's fee-in-lieu program for water quality in urban watershed will be available.

## Site Plan - LYNDIA COURTNEY 974-2810

SP 1 Please show proposed and prohibited uses in specified areas on the Land Use plan. The site plan cannot control uses specified as permitted by the zoning PUD plan unless compatibility applies to the project, and some uses which are normally permitted in IP, LI, CS, CS-1 may be very incompatible to surrounding neighborhoods. Limitation of uses needs to be specified at the time of zoning land use plan.

SP 2 The maximum impervious coverage proposed of 95% would not permit the 4.59 acres of parks and open space. Impervious cover should be limited to 80% overall if 4 out of 22 acres are proposed to be left open. The conformance with goal # 6 specified in the project report specified that existing open space, parks and the natural environment should be enhanced and preserved.

SP 3 Show the locations of open space locations.

SP 4 What are elevation overruns?

SP 5 Site plan review cannot support a blanket waiver of compatibility standards of height and setback, as it sets a bad and dangerous precedent for future PUD proposals. PUD proposals are grand schemes intended to incorporate more intense uses or development in certain areas with the improved designs that are supposed to be better than a design done without those modifications.

## Zoning/Land Use - JORGE E. ROUSSELIN 974-2975

- ZN 1** The Staff recommends all permitted and conditional uses under GR-MU with MF-6 development standards. The following land uses shall be prohibited in the GR district
- Automotive Rentals
  - Automotive Repair Services
  - Automotive Sales
  - Automotive Washing (of any type)
  - Scrap and Salvage
  - Service Station
  - Custom Manufacturing
  - Pawn Shop Services
  - Drive-in services as an accessory to a commercial use
- ZN 2** Commercial-liquor sales (CS-1) shall be limited to a total of 9,000 square feet within the proposed PUD with a limitation of 3,000 sq ft per CS-1 use
- ZN 3** No unbroken wall planes exceeding 160' shall be permitted in the PUD in accordance with [LDC 25-2-721 (E)(4)]
- ZN 4** Complete waiver of compatibility standards under Article 10 of the LDC is not recommended. Please clarify specific compatibility waivers sought.
- ZN 5** Please explain 2<sup>nd</sup> Street pedestrian environment how and where is the private road concept going to be incorporated into the proposed PUD? Will it connect to existing roadways?
- ZN 6** On land use plan, please identify open space areas and clarify if such areas are for public use. Please coordinate with Parks and Recreation Department on dedication of park land.
- ZN 7** Please clarify building coverage on all parcels vs. the total impervious cover and state the amount of impervious cover reduction proposed.
- ZN 8** Please provide a list of all of the transportation variances to the Land Development Code requirements that the applicant will be requesting in this PUD zoning application.
- ZN 9** Please provide a list of all of the environmental variances to the Land Development Code requirements that the applicant will be requesting in this PUD zoning application.
- ZN 10** On land use plan, please identify all proposed Capital Metro stops. Is land being dedicated for Capital Metro transit facilities?
- ZN 11** Please coordinate with Transportation on all parking requirements.

- ZN 12 In the absence of design standards to address maximum height and building massing, the Staff recommends a maximum height of 90 feet for all structures within the proposed PUD
- ZN 13 Please clarify if there is to be a connection of Luther Lane to proposed PUD
- ZN 14 Please explain the removal of street patterns from the PUD land use plan
- ZN 15 On land use plan, please identify open space areas and clarify if such areas are for public use On the Development Assessment, park areas were depicted on the land plan Please clarify the park areas on the zoning submittal Please coordinate with Parks and Recreation Department on dedication of park land
- ZN 16 Please clarify if there is to be a connection of Luther Lane to proposed PUD The land plan depicts a connection Please address
- ZN 17 Please define and provide standards for "village-style cluster" as proposed in the Retail Village component



**Date** February 7, 2007  
**To** Jorge Rousselin, Case Manager  
**CC** Kathy Hornaday, P E WHM Transportation Engineering  
Alice Glasco, Alice Glasco Consulting  
Andy Sarwal  
**Reference** East Avenue PUD, C814-06-0175

The Transportation Review Section has reviewed the Traffic Impact Analysis for East Avenue PUD, dated August 2006, prepared by Kathy Hornaday, P E , WHM Transportation Engineering, and offers the following comments

### **TRIP GENERATION**

East Avenue PUD is a 22 205-acre development located in central Austin at the northwest corner of IH-35 and 32<sup>nd</sup> Street

The property is currently developed with Concordia University and zoned General Office – Neighborhood Plan (GO-NP), Limited Office – Mixed Use – Neighborhood Plan (LO-NP) and Commercial Services – Mixed Use – Neighborhood Plan (CS-MU-NP) The applicant has requested a zoning change to Planned Unit Development (PUD) The estimated completion of the project is expected in the year 2011

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 32,679 unadjusted average daily trips (ADT)

The table below shows the adjusted trip generation by land use for the proposed development

<b>Table 1 Adjusted Trip Generation</b>				
<b>LAND USE</b>	<b>Size</b>	<b>ADT</b>	<b>AM Peak</b>	<b>PM Peak</b>
Shopping Center	300,000sf	10,361	273	768
Apartments	794du	4,430	355	409
Residential Condominiums	475du	2,172	162	195
General Office	59,000sf	800	111	80
Medical-Dental Office	250,000sf	8,130	558	664
Hotel	250 rooms	2,230	168	175
Bowling Alley	5,000sf	150	13	16
Movie Theatre w/o matinee	28,000sf	1,967	0	155
<b>Subtotal</b>		<b>30,240</b>	<b>1,640</b>	<b>2,462</b>
Existing University to be removed	1,162students	3,031	175	346
<b>Total New Trips</b>		<b>27,209</b>	<b>1,465</b>	<b>2,116</b>



## **ASSUMPTIONS**

- 1 Traffic growth rates provided by TXDOT were as follows

<b>Table 2 Growth Rates per Year</b>	
<b>Roadway Segment</b>	<b>%</b>
All Roads	2%

- 2 In addition to these growth rates, background traffic volumes for 2006 included estimated traffic volumes for the following projects

- SP-01-0466C River City Lofts
- SP-01-0511CS Jade Catering
- SP-04-0336D Paragon Condos
- C814-06-0068 St David's PUD

- 3 Reductions were taken for pass-by for the following uses

<b>Table 3 Summary of Pass-By Reductions</b>		
<b>Land Use</b>	<b>AM</b>	<b>PM</b>
Shopping Center	0%	34%

- 4 A 10% reduction was taken for internal capture for the entire site with the exception of the hotel use
- 5 No transit reductions were taken for this project however this area is serviced by Capital Metro and the UT Shuttle service

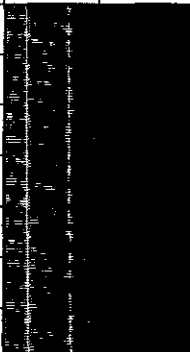
## **EXISTING AND PLANNED ROADWAYS**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Daily Traffic</b>	<b>Bicycle Plan</b>	<b>AMATP Planned Improvements</b>
IH-35	Varies	Varies	Freeway	251,000 ('04)	No	Include high occupancy vehicle (HOV) lanes
Red River	Varies	Varies	Major arterial	18,300 ('06)	Priority 1	n/a
38½ Street	50'	Varies	Two lane minor arterial	11,000* ('06)	Priority 1	n/a
32 <sup>nd</sup> Street	60'	Varies	Collector	8,100 ('03)	No	n/a
Dean Keeton Street	126'	100'	Arterial	15,000* ('06)	Priority 1	Upgrade to a six lane divided major arterial
Luther Lane	50'	28'	Local	1,500* ('06)	No	n/a
Duncan Lane	50'	29'	Local	700* ('06)	No	n/a
Keith Lane	50'	30'	Local	700* ('06)	No	n/a
Concordia Avenue	50'	30'	Local	500* ('06)	No	n/a
Harmon Avenue	50'	30'	Collector	400* ('06)	No	n/a
Kim Lane	50'	30'	Local	n/a	No	n/a

\*estimated

## INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 18 intersections, 6 of which are or will be signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built.

Table 4 Level of Service				
Intersection	2006 Existing		2011 Site + Forecasted	
	AM	PM	AM	PM
IH-35 and 38½ Street*	C	D	D	F
IH-35 and 32 <sup>nd</sup> Street*	C	C	D	E
Red River and Dean Keeton*	C	D	C	D
Red River and 32 <sup>nd</sup> Street*	C	C	D	D
Red River and 38½ Street*	C	E	C	D
IH-35 and Concordia Avenue	A	A	A	A
Red River and Keith Lane	A	A	A	A
Red River and Duncan Lane	A	A	A	B
Red River and Luther Lane	A	A	A	A
Harmon Avenue and 38 ½ Street	A	A	A	D
IH-35 and Driveway A			A	A
IH-35 and Driveway B			A	A
Driveway C/St. David's Driveway and 32 <sup>nd</sup> Street*			A	B
Kim Lane and Driveway D			A	A
Kim Lane and Driveway E			A	A
Kim Lane and Driveway F/Duncan Lane				
Driveway G and Duncan Lane			A	A

\* = SIGNALIZED

## CAPACITY ANALYSIS

A capacity analysis was done for Keith Lane, Luther Lane, Duncan Lane and Kim Lane in order to determine their ability to carry additional traffic from this site to Red River. The capacity analysis revealed that each of these roadways would function at a level of service "A" after the site is constructed.

## RECOMMENDATIONS and CONCLUSIONS:

- 1) Prior to approval of the 1<sup>st</sup> site plan on any portion of the PUD, the developer's full fiscal requirement must be posted for the following improvements:

Intersection	Improvements*
IH-35 and 38½ Street*	SB Right Turn Lane***
IH-35 and 32 <sup>nd</sup> Street*	SB Right Turn Lane
	Restripe EB Approach
Red River and 38½ Street*	NB Left Turn Lane

	SB Left Turn Lane
IH-35 and Concordia Avenue	Striping on Concordia Avenue
Red River and Keith Lane	Additional WB Lane
Red River and Duncan Lane	Additional WB Lane
Red River and Luther Lane	Additional WB Lane
Driveway C/St David's Driveway and 32 <sup>nd</sup> Street*	Traffic Signal**
	WB Right Turn Lane
	EB Left Turn Lane

\*Cost Estimates are required to be submitted at the time of site plan

\*\* A signal will only be installed as determined by DPWT when warrants are met

\*\*\*Cost estimate will be required to include estimates for pole relocation and any additional right-of-way that may be needed

2) In order to promote alternative modes of transportation in and around the site the following are required at the time of subdivision and/or site plan

- a) All internal roads/driveways shall have a 15 foot wide curb lane (WC15) as described by the City of Austin Bicycle Plan
- b) Sidewalks are required along all main corridors within the development to minimum City specifications of roadways

At the time of site plan the following opportunities should be evaluated in coordination with the Bicycle and Pedestrian Program of Public Works

- c) Participation in sidewalks improvements either by construction or fiscal participation along any portion of the existing Keith and Duncan Streets in order to provide better pedestrian access to and from Red River
- d) Participation in the installation of bicycle lanes on Red River from 32<sup>nd</sup> to 38<sup>th</sup> Street

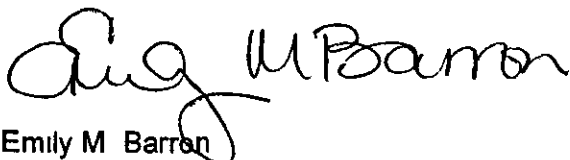
3) TXDOT has approved this TIA

4) Final approval from DPWT ~ Signals is required prior to 1<sup>st</sup> Reading

5) Two copies of the TIA are required to be submitted prior to 3<sup>rd</sup> Reading

6) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics

If you have any questions or require additional information, please contact me at 974-2788



Emily M. Barron  
Sr. Planner ~ Transportation Review Staff  
Watershed Protection and Development Review



# AUSTIN DESIGN COMMISSION

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February 13, 2007

Mayor Will Wynn  
Council Member Sheryl Cole  
Council Member Betty Dunkerley  
Council Member Jennifer Kim  
Council Member Lee Leffingwell  
Council Member Brewster McCracken  
Council Member Mike Martinez

Re East Avenue PUD (aka Concordia Site)

GEORGE ADAMS  
STAFF LIAISON

Dear Mayor and Members of the City Council,

Members of the East Avenue PUD development team, including Andy Sarwal, Larry Speck and Alice Glasco, recently presented their proposed PUD to the Design Commission on January 22, 2007 in advance of their hearing at council, and a Design Commission subcommittee also met with the developers and representatives of the adjacent neighborhoods in a separate meeting, all to prepare the Design Commission to make a recommendation to Council regarding the PUD

The Commission is generally very supportive of the concept of dense nodal urban developments interconnected by transit, and recognizes that these nodes will have different parameters than those in downtown. Height, massing, and F.A.R. need to respond to its particular environment. The Concordia site is an ideal node due to its proximity to IH35, the University of Texas and other employment centers. Here however, connections other than roadways do not currently exist. We support the developers' intention to encourage UT and Capitol Metro to connect the PUD through bus routes, but further attention regarding impact on the roadway network and transit connections should be given by all parties. This development should be regarded as a major Transit Oriented Development, and a destination of future streetcar and commuter rail.

Additionally, the PUD as presented is lacking the kind of detailed information upon which substantive recommendations and agreements can be made. This lack of information, coupled with frequent changes in the locations of the height zones, result in conflict and confusion in the approval process. While current PUD application requirements may have been met, urban infill proposals such as this one may require greater information and detail, and this should be considered by council in the future.

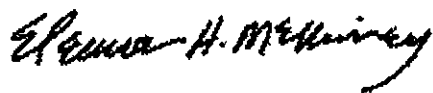
The Commission agrees with the recommendations of staff regarding permitted uses, but offers these separate additional comments:

1. Some assurance should be made that the internal street system and parks will be public places and not restricted to the exclusive use of the internal residents.

- 2 Connections to the existing streets to the west and north should be made which would help integrate the new development into the fabric of the city. At the least, Kim Lane should be connected to the primary interior street with a two way street adjacent to the planned park. The vehicular connection should be park-like in character. Strong pedestrian and bicycle connections should be made between the PUD and Luther Lane and between the PUD and Harmon Avenue.
- 3 Some significant element of affordable housing over and above the ordinance minimum should be incorporated into the plan beyond the proposed car share program.
- 4 The Design Commission encourages planning that utilizes height to achieve a higher F.A.R. without the need for height in zones nearer existing neighborhoods.
- 5 The towers should sit upon a base form which is significantly shorter than the towers, and which defines a street wall not exceeding 60 feet.
- 6 Mid-rise buildings should be located adjacent to the internal streets and the neighborhood in order to provide transitions and buffering.

The Design Commission commends the communication between the neighborhoods most affected by the development and the developer, and encourages a solution that can meet both the quality of life goals of the neighborhood and the development goals of the applicant.

Sincerely,



Eleanor McKinney, Chair  
Austin Design Commission

Cc  
Laura Huffman, Assistant City Manager  
Greg Guentsey, Director, Neighborhood Planning and Zoning  
Austin Planning Commission



**ENVIRONMENTAL BOARD MOTION 120606-B3**

Date. December 06, 2006

Subject East Avenue Planned Unit Development

Motioned By Julie Jenkins

Seconded By William Curra, P E

**Recommendation**

The Environmental Board is supportive of the environmental enhancements proposed, but does not have a recommendation on the proposed P U D zoning at this time

**Rationale**

Many of the proposed Environmental improvements are tied to site development plans. With lack of definitive plans for the East Avenue Planned Unit Development, it is inadvisable to recommend any environmental treatments proposed.

**Vote:** 9-0-0-0

**For** Dave Anderson, Karin Ascot, Phil Moncada, William Curra, Dr. Mary G. Maxwell, Rodney Ahart, Julie Jenkins, John Dupnik, and Jon Beall

**Against:** None

**Abstain** None

**Absent:**

**Approved By:**

Dave Anderson P.E., CFM  
Environmental Board Chair



## MEMORANDUM

**TO:** David Sullivan, Chairman  
Members of the Planning Commission

**FROM:** Betty Lambright, Environmental Review Specialist Sr  
Watershed Protection and Development Review Department

**DATE:** January 11, 2007

**SUBJECT:** East Avenue Planned Unit Development/C814-06-0175  
3400 N IH 35 Service Road

As previously stated in my 12/06/06 memo concerning this project, WPDR staff is pleased to see the proposed Sustainable Technologies offered by the applicant. During the courtesy presentation to the Environmental Board, it was suggested that the applicant provide some quantification of the technologies. Since then, staff and the applicant have agreed to the environmental enhancements outlined in the January 8, 2007 letter signed by Mr. Andy Sarwal. These quantified conditions are now enforceable and therefore provide WPDR a level of assurance that they will be implemented. In addition, the applicant is continuing to work with staff to provide additional quantifiable benefits.

WPDR staff supports the zoning application, and requests that the commitments from the 1/8/07 letter be incorporated into the PUD document. If you have any questions or need additional information, please feel free to contact me at 974-2696.

Betty Lambright, Environmental Review Specialist Sr  
Watershed Protection and Development Review

Environmental Lead   
Ingrid McDonald



8 January 2007

Betty Lambright  
Watershed Protection and Development  
Review Dept  
Land Use Review  
505 Barton Springs Road  
Austin, Texas 78704

Re Concordia University Redevelopment—East Avenue

Dear Betty

Concordia University current campus falls within the city's urban core and currently occupies a 22-acre site off of IH-35. It has out-grown the space and plans to relocate by the middle of 2008. Once Concordia relocates from its downtown campus, the site will be redeveloped with a vibrant mix of pedestrian-friendly uses. This new, urban-infill project takes its name from East Avenue, the original name of the North-South avenue now occupied by Interstate Highway 35 that is adjacent to the property.

East Avenue's design paradigm of a walkable urban village will be achieved through a carefully designed, mixed-use collection of stores, restaurants, housing, and office space connected by "great driveways." Assuming that PUD zoning is granted by the City of Austin, and assuming the zoning as currently requested is granted, East Avenue commits to have and integrate the following:

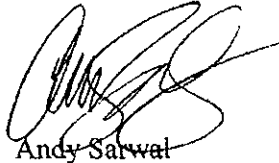
- At least two (2) acres of pervious green space at the surface level (including 98 acres located on the western part of the site as indicated in the land use plan),
- At least one (1) acre of green roofs across the site,
- The use of pervious concrete at the site (with a cap of 5% for purposes of calculating pervious cover),
- Every Class 1 tree over 19 caliper inches that exists on the site shall be preserved (approximately 31 trees). East Avenue shall make every attempt to move as few trees as possible and preserve such trees in their current location,
- At least one acre of additional open space on the ground (as defined by the Open Space section of the City of Austin Code (Section 25-2-514 Open Space Standards))—could include sidewalks, etc.,



- East Avenue will work with City Staff to develop a monitoring program that will assess the performance of all innovative technologies used as part of the project, and
- East Avenue will meet or exceed stormwater quality and quantity specifications using either conventional treatment measures or some or all of the following measures bioinfiltration swales and ponds, wet ponds, and/or sand filters, or another measure agreed to by the City and East Avenue

I hope this information is helpful. Please let me know if you have any questions or additional thoughts. Thank you.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Andy Sarwal', written over a horizontal line.

Andy Sarwal  
East Avenue IG, LP

cc Jorge Rousselin

**ORDINANCE NO. 040826-59**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS ON APPROXIMATELY 541.38 ACRES OF LAND GENERALLY KNOWN AS THE HANCOCK NEIGHBORHOOD PLAN AREA AND TO CHANGE THE BASE ZONING DISTRICTS ON 184 TRACTS OF LAND.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to each base zoning district within the property and to change the base zoning districts on 184 tracts of land within the property described in Zoning Case No.C14-04-0023, on file at the Neighborhood Planning and Zoning Department, as follows.

Approximately 541 38 acres of land in the City of Austin, Travis County, Texas, more particularly described and identified in the attached Exhibit "A" incorporated into this ordinance, Save and Except the following tracts, (the "Property")

Tract 563A. 4427 and 4429 Duval Street; and

Tract 2104A 3403, 3405, and 3407 Hampton Rd., and  
3406 Red River Street,

generally known as the Hancock neighborhood plan combining district, locally known as the area bounded by Duval Street on the west, 45<sup>th</sup> Street on the north, IH-35 on the east, and Dean Keeton Street on the south, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

Except as provided in this ordinance, the existing base zoning districts and conditions remain in effect.

**PART 2.** The base zoning districts for the 184 tracts of land are changed from family residence (SF-3) district, family residence-historic (SF-3-H) combining district, single family residence small lot (SF-4A) district, multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, multifamily residence moderate high density (MF-4) district, multifamily residence high density (MF-5) district,

limited office (LO) district, neighborhood commercial (LR) district, neighborhood commercial-conditional overlay (LR-CO) combining district, community commercial (GR) district, community commercial-conditional overlay (GR-CO) combining district, general commercial services (CS) district, general commercial services-conditional overlay (CS-CO) combining district, and commercial-liquor sales (CS-1) district, to single family residence-conditional overlay-neighborhood plan (SF-2-CO-NP) combining district, family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district, family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district, single family residence small lot-conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district, multifamily residence low density-neighborhood plan (MF-2-NP) combining district, multifamily residence low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district, multifamily residence medium density-neighborhood plan (MF-3-NP) combining district, multifamily residence medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district, multifamily residence moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district, neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district, limited office-mixed use-neighborhood plan (LO-MU-NP) combining district, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district, general office-mixed use-neighborhood plan (GO-MU-NP) combining district, general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district, neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district, neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district, neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district, and public-neighborhood plan (P-NP) combining district, as more particularly described and identified in the chart below:

TRACT	ADDRESS	FROM	TO
501	2803, 2819, 2821, 2827 SAN JACINTO BLVD	LR-CO	LR-MU-CO-NP
503	505, 507, 509 RATHERVUE PL	SF-3	MF-4-CO-NP
503A	601, 605 RATHERVUE PL	SF-3	MF-4-CO-NP
503B	607, 609 RATHERVUE PL	SF-3	GO-MU-CO-NP
504	501 BELLEVUE PL	LO	LO-MU-NP

TRACT	ADDRESS	FROM	TO
505	716 E DEAN KEETON ST, 3013 HARRIS PARK AVE	SF-3	P-NP
506	708 E DEAN KEETON ST	SF-3	MF-3-NP
507	2900, 2902 MEDICAL ARTS ST	LR	LR-MU-CO-NP
507A	2912 MEDICAL ARTS ST	LR	LR-MU-CO-NP
508	2915 HAMPTON RD	LO	SF-3-CO-NP
508A	WEST 115' OF 2910 MEDICAL ARTS ST	MF-3	MF-3-CO-NP
509	3000, 3004 MEDICAL ARTS	LO	LO-MU-CO-NP
510	814 E 31ST ST, 3100 RED RIVER ST	LO	LO-MU-CO-NP
511	3110 MEDICAL ARTS ST	GO	GO-MU-CO-NP
512	805, 811 E 32ND ST	LO	LO-MU-CO-NP
513	2901, 2911, 2915, 3001 MEDICAL ARTS ST	MF-3, MF-5 LO, CS	GR-MU-CO-NP
514	0 RED RIVER ST (COMMON AREA LESS 11 SQ FT MEDICAL ARTS SQUARE PLUS 1/2 VAC STREET)	MF-5	GR-MU-CO-NP
514A	920 E DEAN KEETON ST	GO	GR-MU-NP
515	926 E DEAN KEETON ST	GO	GR-MU-CO-NP/MF-6-CO-NP
516	924 E DEAN KEETON ST	GO	GR-MU-CO-NP/MF-6-CO-NP
517	2900 SWISHER ST	LO	GR-MU-NP
518	0 COMANCHE ST (N 255 ACR OF TRT 1 OLT 23 DIVISION C)	GO	GR-MU-NP
519	2703, 2901 SWISHER ST	SF-3, MF-5, GO	GR-MU-NP
520	2706, 2800, 2900 2908 COLE ST	SF-3, GO	GR-MU-NP
520A	2804, 2900, 2908 N I-35 SV RD SB; 0 DEAN KEETON ST E (LOT 10 * LESS SE TRI PLUS PT OF ADJ VAC ALLEY & NW TRI OF LOT 11 BLK 1 OLT 23 DIV C FELLMAN HEIGHTS)	CS	CS-MU-NP
521	918, 924, 926, 1000, 1004 E 32ND ST	GO	GO-MU-NP
522	3203, 3205, 3211 RED RIVER ST	CS	CS-MU-CO-NP
523	812 E 32ND ST	LO	LO-MU-CO-NP
524	3200 RED RIVER ST	GR-CO	GR-MU-CO-NP
526	3208 RED RIVER ST	GO	GO-MU-CO-NP
526	3212 RED RIVER ST	GO	GO-MU-CO-NP
526A	3304 RED RIVER ST	MF-2	MF-3-NP
527	3310 RED RIVER ST	LO	LO-MU-CO-NP
527A	3308 HAMPTON RD, 0 HARRIS AVE (LOT 17 * & 1 06ACR OF LOT 18 OLT 6-9 DIV C BEAU SITE)	SF-3	P-NP
528	908 KEITH LN	GO	GO-MU-NP
529	3501 RED RIVER ST	MF-4	MF-4-CO-NP
530	1000, 1002, 1004 CONCORDIA AVE	LO	LO-MU-NP

TRACT	ADDRESS	FROM	TO
531	1009, 1011 E 38TH ST, 3503, 3505, 3507, 3701, 3703 HARMON AVE, 3500, 3502, 3506, 3700, 3702, 3704 N I-35 SVC RD SB	CS	CS-MU-NP
532	1014 E 38TH ST, 1015 E 38TH 1/2 ST	CS	CS-MU-CO-NP
532A	1016 E 38TH ST, 1017 E 38TH 1/2 ST; 3800, 3808, 3810 N IH-35 SVC RD SB	CS	CS-MU-NP
533	1013 E 38TH 1/2 ST	LO	LO-MU-NP
534	1012 E 38TH 1/2 ST	LO	LO-MU-NP
535	1016 E 38TH 1/2 ST	CS	CS-MU-CO-NP
535A	3828 N IH-35 SVC RD SB	CS	CS-MU-NP
536	1006 E 39TH ST	SF-3	LO-MU-CO-NP
536A	1008 E 39TH ST (N 100 28 FT OF S 207 2 FT OF E 52 89 FT OF LOT 1 BLK 9 OLT 20-21 DIV C PLAINVIEW HEIGHTS E 39TH ST)	SF-3	LO-MU-CO-NP
536B	1008 (S 100 29 FT OF E 52 89 FT OF LOT 1 BLK 9 OLT 20-21 DIV C PLAINVIEW HEIGHTS E 39TH ST)	SF-3	LO-MU-CO-NP
537	1019 E 39TH ST, 1009 E 40TH ST	GO	GO-MU-NP
537A	1015, 1017 E 40TH ST, 3800, 3806 N IH-35 SVC RD SB	CS	CS-MU-NP
538	1005 1007 E 40TH ST	LO	LO-MU-NP
539	930, 1000, 1002, 1004, 1006, 1008, 1010 E 40TH ST	LO	LO-MU-NP
540	1033 E 41ST ST, 4000 N IH-35 SVC RD SB	CS	CS-MU-NP
540A	1026 E 43RD ST	CS-CO	CS-MU-CO-NP
541	905, 907, 909, 913, 915, 923, 925, 927, 931, 1007, 1013, 1017, 1021 E 41ST ST	GR	GR-MU-CO-NP
541A	4007-4011 RED RIVER ST	GR-CO	GR-MU-CO-NP
542	4003, 4005 RED RIVER ST, 902, 910, 912, 918, 920, 924, 928 E 40TH ST	SF-3, MF-3, LO	MF-3-NP
543	1000 E 41ST ST (EXCEPT 2,500 SQ FT OF OUTLOT 19, ORIGINAL CITY OF AUSTIN, TWIN LIQUORS SITE)	GR, CS	CS-CO-NP
543A	1000 E 41ST ST-2,500 SQ FT OF OUTLOT 19, ORIGINAL CITY OF AUSTIN, TWIN LIQUORS SITE AS SHOWN ON EXHIBIT C)	CS-1	CS-1-CO-NP
546	906 ELLINGSON, 4425 RED RIVER	LR	LR-MU-NP
547	4400 RED RIVER ST	LO	LO-MU-NP
548	4210, 4306 RED RIVER ST	LO	LO-MU-NP
549	811 E 41ST ST	SF-3	P-NP
549A	811 E 41ST ST	SF-3	P-NP
550	4003 DUVAL	MF-4	LR-MU-CO-NP
551	506 E 40TH ST	MF-4	MF-2-CO-NP
557	500 PARK BLVD	LR	LR-MU-CO-NP
559	4215 DUVAL ST	CS	CS-CO-NP
560	503 E 43RD ST	CS	MF-2-NP
561	4301 DUVAL ST	CS	CS-CO-NP
562	4305 DUVAL	MF-4	MF-4-CO-NP
562A	4303, 4305 DUVAL ST	CS	CS-MU-CO-NP
563	4409 DUVAL ST	CS	CS-MU-CO-NP
2001	507, 509, 511 BELLEVUE PL	SF-3	SF-3-CO-NP

TRACT	ADDRESS	FROM	TO
2002	601, 603, 605 BELLEVUE PL	SF-3	SF-3-CO-NP
2003	607, 609 BELLEVUE PL	SF-3	SF-3-CO-NP
2004	504 BELLEVUE PL	SF-3	SF-3-CO-NP
2004A	506 BELLEVUE PL	SF-3-H	SF-3-H-CO-NP
2004B	508 BELLEVUE PL	SF-3	SF-3-CO-NP
2005	604, 606, 608, 610 BELLEVUE PL, 3006 HARRIS PARK AVE, 611 RATHERVUE PL	SF-3	SF-3-CO-NP
2005A	600 BELLEVUE PL	SF-3-H	SF-3-H-CO-NP
2006	3102, 3104, 3106 HARRIS PARK AVE, 610 RATHERVUE PL	SF-3	SF-3-CO-NP
2007	3110 HARRIS PARK AVE	SF-3-H	SF-3-H-CO-NP
2008	806, 808, 810, 812, 814, 816 E 31ST ST, 703, 705, 707, 709, 711, 713, 715, 717, 719, 725, 801, 803 E 32ND ST, 3103, 3103, 3111 HARRIS PARK AVE, 702, 706, 708, 712, 716, 718, 720, 722, 724 SPARKS AVE	SF-3	SF-3-CO-NP
2009	701, 705, 707, 709 SPARKS AVE	SF-3	SF-3-CO-NP
2010	714 E DEAN KEETON ST	SF-3	SF-3-CO-NP
2011	802, 804, 806 E DEAN KEETON ST, 805, 807, 809 LEONARD ST	SF-3	SF-3-CO-NP
2012	807, 809 E 30TH ST, 2908, 2914 BEANNA ST, 800, 802, 804, 808 LEONARD ST	SF-3	SF-3-CO-NP
2013	817 E 30TH ST, 2903, 2905, 2907, 2909, 2911, 2913 2915 BEANNA ST, 810 E DEAN KEETON ST, 2900, 2902, 2904, 2910, 2914 HAMPTON RD	SF-3	SF-3-CO-NP
2014	806, 808, 810, 812, 814, 816, 820, 822, 824 E 30TH ST, 807, 809, 811, 813, 815, 817, 819 E 31ST ST, 721, 723 SPARKS AVE	SF-3	SF-3-CO-NP
2015	900, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 923 E 37TH ST, 901, 903, 905, 907, 909, 913, 915, 1001, 1003, 1005, 1007 E 38TH ST, 3504, 3506, 3700, 3702, 3704, 3706, 3708, 3710 HARMON AVE, 3511 RED RIVER ST	SF-3	SF-3-CO-NP
2016	904 906, 908, 910, 912, 1000, 1002, 1004, 1006, 1008, 1010, 1012 E 38TH ST, 909, 913, 915, 917, 1001, 1005, 1007, 1009 E 38TH 1/2 ST, 3801, 3803, 3805 RED RIVER ST	SF-3	SF-3-CO-NP
2017	1011 E 38TH 1/2 ST	SF-4A	SF-4A-CO-NP
2018	906, 908, 910, 912, 914, 916, 1000, 1002, 1004, 1006, 1008, 1010 E 38TH 1/2 ST, 907, 911, 913, 915, 917, 919, 921, 923, 925, 1001, 1003, 1005, 1007 E 39TH ST, 3809, 3813, 3817 RED RIVER ST	SF-3	SF-3-CO-NP
2019	907 E 40TH ST, 3900, 3902, 3904, 3906, 3908, 3912, 3914 BECKER AVE, 3901, 3903, 3905, 3907, 3909 RED RIVER ST	SF-3, MF-3	SF-3-CO-NP
2020	912, 914, 916 E 39TH ST, 917, 919, 921 E 40TH ST, 3901, 3903, 3905, 3907, 3909, 3911, 3913, 3915 BECKER AVE, 3902, 3906, 3908, 3910, 3912, 3914 WILLBERT RD	SF-3	SF-3-CO-NP
2021	1004 E 39TH ST, 3901, 3905, 3907, 3909, 3911, 3913, 3915 WILLBERT RD	SF-3	SF-3-CO-NP
2022	903, 905, 907, 909, 911, 1001, 1003, 1005, 1007, 1009 E 43RD ST, 4211, 4213 RED RIVER ST	SF-3, GR	SF-3-CO-NP
2023	1011, 1013, 1015, 1017, 1019, 1021, 1023, 1025, 1027, 1029, 1031, 1033, 1035, 1037, 1039 E 43RD ST	SF-3	SF-3-CO-NP

TRACT	ADDRESS	FROM	TO
2024	902, 904, 906, 908, 1000, 1002, 1004, 1006, 1008 E 43RD ST, 905, 907, 909, 911, 1001, 1003, 1005, 1007, 1009, 1011 E 44TH ST, 4301, 4305 RED RIVER ST	SF-3	SF-3-CO-NP
2025	1010, 1012, 1014, 1016, 1018, 1020 E 43RD ST, 1013, 1015, 1017, 1019, 1021, 1023, 1025 E 44TH ST, 4302 HARMON AVE	SF-3	SF-3-CO-NP
2026	1026, 1028, 1030, 1032, 1036, 1038 E 43RD ST, 1029, 1031, 1033, 1035 E 44TH ST	SF-3	SF-3-CO-NP
2027	904, 906, 908, 1002, 1004, 1006, 1008, 1010 E 44TH ST, 905, 911, 1001, 1005, 1011 ELLINGSON LN, 4401, 4403, 4405 RED RIVER ST	SF-3, LO	SF-3-CO-NP
2028	1012, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1028, 1030, 1032, 1034 E 44TH ST, 1013, 1015, 1017, 1019, 1021, 1023, 1025, 1027, 1029, 1031 ELLINGSON LN	SF-3	SF-3-CO NP
2029	1001, 1003, 1005, 1007, 1009, 1011 E 45TH ST, 4406 BENNETT AVE, 1000, 1002, 1004, 1006, 1008, 1010 ELLINGSON LN	SF-3	SF-3-CO-NP
2030	1013, 1015, 1017, 1019, 1021, 1023, 1025, 1027 E 45TH ST, 4407 BENNETT AVE, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1028 ELLINGSON LN	SF-3	SF-3-CO-NP
2031	4414, 4418, 4420, 4426 RED RIVER ST	SF-3	SF-3-CO-NP
2032	801, 807, 809, 811 E 45 <sup>TH</sup> ST, 4413 CASWELL AVE	SF-3	SF-3-CO-NP
2033	4409 CASWELL AVE, 806, 808, 810, 812 KEASBEY ST	SF-3	SF-3-CO-NP
2034	815 KEASBEY ST, 4406, 4408, 4410, 4412 RED RIVER ST	SF-3	SF-3-CO-NP
2035	4405 CASWELL AVE, 801, 805, 807, 809, 811, 813 KEASBEY ST	SF-3	SF-3-CO-NP
2036	800, 802, 804, 806, 812 E 44TH ST	SF-3	SF-3-CO-NP
2037	801, 803, 805, 807, 809 E 44TH ST, 4308, 4310, 4312 RED RIVER ST	SF-3	SF-3-CO-NP
2038	0 CASWELL AVE (BLK 22 * 59 72AV X 139 78AV DIVISION C OLT 15 RIDGETOP ANNEX), 0 CASWELL AVE (88 4 X 68 58FT BLK 22 OLT 14 DIVISION C), 4205, 4211, 4301, 4305 CASWELL AVE, 800, 802, 804, 806, 808, 810, 812 PARK BLVD	SF-3, LO	SF-3-CO-NP
2039	701, 703, 705, 709, 711 E 45TH ST, 4412 CASWELL AVE	SF-3	SF-3-CO-NP
2040	4408 CASWELL AVE, 700, 702, 704, 706, 708, 712 KEASBEY ST	SF-3	SF-3-CO-NP
2041	4404, 4406 CASWELL AVE, 701, 703, 705, 709 KEASBEY ST	SF-3	SF-3-CO-NP
2042	706 E 44TH ST	SF-3-H	SF-3-H-CO-NP
2043	708, 712 E 44TH ST	SF-3	SF-3-CO-NP
2044	705, 707, 709 E 44TH ST, 4308 CASWELL AVE, 4307 EILERS AVE	SF-3	SF-3-CO-NP
2045	702, 706 E 43RD ST, 4300, 4304, 4306 CASWELL AVE, 4307 EILERS AVE	SF-3	SF-3-CO-NP
2046	602, 606, 610, 612 E 43RD ST, 4308, 4310, 4400, 4402, 4404, 4406, 4408 EILERS AVE	SF-3	SF-3-CO-NP
2047	602, 606 E 43RD ST	SF-3-H	SF-3-H-CO-NP
2048	605 E 45TH ST, 4315, 4401, 4413, 4415, 4417, 4419 BARROW AVE	SF-3	SF-3-CO-NP
2049	4410, 4412, 4414, 4416, 4418 BARROW AVE	SF-3, MF-2	SF-3-CO-NP
2050	4314, 4316, 4400, 4403, 4405, 4407, 4313, 4317 BARROW AVE, 4401, 4403, 4405, 4407 DUVAL ST	SF-3, MF-2, LR	SF-3-CO-NP
2051	505, 509, 511 E 43RD ST	SF-3	SF-3-CO-NP
2052	502, 504, 506, 508, 510 PARK BLVD	SF-3, MF-4	SF-3-CO-NP

TRACT	ADDRESS	FROM	TO
2053	601, 603, 605, 607, 609, 611, 615, 617, 701, 705, 707, 711, 713, 715 E 43RD ST, 800, 802, 804, 806, 810, 700, 704, 706, 716, 720, 722 PARK BLVD	SF-3	SF-3-CO-NP
2054	4205 DUVAL ST; 501, 503, 505, 507 PARK BLVD	SF-3, MF-4	SF-3-CO-NP
2055	500, 502, 504, 506, 508, 512 E 42ND ST, 4203 DUVAL ST	SF-3, MF-4	SF-3-CO-NP
2056	505, 507, 509, 511 E 42 <sup>ND</sup> ST, 4105 DUVAL ST	SF-3, MF-4	SF-3-CO-NP
2057	500, 502, 506, 510, 512 E 41ST ST	SF-3, MF-4	SF-3-CO-NP
2058	700, 702, 710 E 41ST ST, 0 E 42ND ST (135 22 X 151 7FT AV & 8 X 14' OLT 14 DIVISION C), 600, 602, 604, 606, 608, 610 E 42ND ST, 4203 BARROW ST, 601, 603, 605, 607, 609, 611, 703, 709, 711 713, 719, 721, 723, 801, 803, 805, 807, 809, 811 PARK BLVD, 4107, 4109, 4111 PECK AVE	SF-3	SF-3-CO-NP
2059	801 PARK BLVD	SF-3-H	SF-3-H-CO-NP
2060	601, 603, 605, 607 E 42 <sup>ND</sup> ST, 4104 PECK AVE	SF-3	SF-3-CO-NP
2061	600, 602, 604, 606, 608 E 41ST ST, 4102 PECK AVE	SF-3	SF-3-CO-NP
2062	501, 503, 507, 509, 511 E 41ST ST, 4007 DUVAL ST, 4000 PECK AVE	SF-3, MF-4	SF-3-CO-NP
2063	510, 512, 514, 516, 518 E 40TH ST	SF-3	SF-3-CO-NP
2064	505, 509 511, 513, 515, 517 E 40TH ST, 3911 3913 DUVAL ST	SF-3	SF-3-CO-NP
2065	506, 508, 510, 512, 514 E 39TH ST, 3901, 3903, 3905 DUVAL ST, 3902 PECK AVE	SF-3	SF-3-CO-NP
2066	505, 507, 511, 515 E 39 <sup>TH</sup> ST, 3817, 3819, 3823 DUVAL ST	SF-3	SF-3-CO-NP
2067	506, 508, 512, 514 E 38 <sup>TH</sup> 1/2 ST, 3811, 3813, 3815 DUVAL ST	SF-3	SF-3-CO-NP
2068	507, 509, 511, 515, 517 E 38TH 1/2 ST, 3807 DUVAL ST, 3806 PECK AVE	SF-3	SF-3-CO-NP
2069	506, 508, 510 512, 514 E 38TH ST, 3801, 3803, 3805 DUVAL ST	SF-3	SF-3-CO-NP
2070	503, 505, 509 E 38TH ST, 3701, 3703, 3705, 3709 DUVAL ST, 502, 506, 508 TEXAS AVE	SF-3	SF-3-CO-NP
2071	501, 505, 507, 509 511 TEXAS AVE	SF-3	SF-3-CO-NP
2072	500, 506, 508 CAROLYN AVE, 3407 DUVAL ST	SF-3	SF-3-CO-NP
2073	503, 505, 509 CAROLYN AVE, 3409 DUVAL ST	SF-3	SF-3-CO-NP
2074	3405 DUVAL ST, 504, 506, 508 HARRIS AVE	SF-3	SF-3-CO-NP
2075	601, 603, 605, 607, 609 E 38TH ST	SF-3	SF-3-CO-NP
2076	3705 LIBERTY ST, 602, 604, 606, 608 TEXAS AVE	SF-3	SF-3-CO-NP
2077	601, 603, 605, 607, 609 TEXAS AVE	SF-3	SF-3-CO-NP
2078	600, 602, 604, 608 CAROLYN AVE, 3502 MONTROSE	SF-3	SF-3-CO-NP
2079	601, 603 CAROLYN AVE; 3408 MONTROSE	SF-3	SF-3-CO-NP
2080	600, 602, 604, 606 HARRIS AVE, 3400 MONTROSE ST	SF-3	SF-3-CO-NP
2081	3707 MONTROSE ST, 701, 703, 705 E 38TH ST	SF-3	SF-3-CO-NP
2082	700, 702, 704, 706, 708 TEXAS AVE	SF-3	SF-3-CO-NP
2083	701, 703, 705, 707, 709 TEXAS AVE; 3506 WOODROW ST	SF-3	SF-3-CO-NP
2084	700, 702, 704, 706 CAROLYN AVE,	SF-3	SF-3-CO-NP
2085	701, 703, 705, 709 CAROLYN AVE	SF-3	SF-3-CO-NP
2086	700, 702, 704, 706, 708 HARRIS AVE	SF-3	SF-3-CO-NP
2087	3507, 3509 WOODROW ST	SF-3	SF-3-CO-NP
2087A	3501 WOODROW ST	SF-3	SF-3-CO-NP
2088	713, 715, 719 CAROLYN AVE	SF-3	SF-3-CO-NP
2088A	712, 714, 716, 718 HARRIS AVE	SF-3	SF-3-CO-NP
2089	3219, 3221, 3301 3305 DUVAL ST, 507, 509, 511 HARRIS AVE, 3302, 3304, 3306, 3308 LIBERTY ST	SF-3	SF-3-CO-NP



TRACT	ADDRESS	FROM	TO
2090	3215 DUVAL ST	SF-3-H	SF-3-H-CO-NP
2091	500, 502 E 32ND ST, 3209, 3215 DUVAL ST	SF-3	SF-3-CO-NP
2092	500 E 32ND ST	SF-3-H	SF-3-H-CO-NP
2093	600 E 32ND ST, 601, 603 HARRIS AVE, 3209, 3211, 3213, 3215, 3217, 3219, 3301, 3303, 3305, 3307, 3309 LIBERTY ST	SF-3	SF-3-CO-NP
2094	3200, 3202, 3204, 3206, 3208, 3210, 3212, 3214, 3216, 3218, 3300 3302, 3304, 3306, 3308, 3310, 3312 HARRIS PARK AVE	SF-3	SF-3-CO-NP
2095	3308 HAMPTON RD, 701, 703, 705, 707, 709, 711, 713, 715, 717, 719 HARRIS AVE, 3303, 3305, 3309 HARRIS PARK AVE, 700, 702, 704, 706, 708, 710 712, 714 716, 720 LONDON LN	SF-3	SF-3-CO-NP
2095A	701, 703, 705, 707, 709, 711, 713, 715, 717, 719 LONDON LN, 3201, 3203, 3205, 3207 3209, 3211, 3213 HARRIS PARK AVE, 708 E 32ND ST, 3200, 3202, 3203, 3204, 3206, 3207, 3208, 3210, 3212 FAIRFAX WALK, 714, 720, 722, 800 E 32ND ST, 804 E 32ND 1/2 ST, 3202, 3204, 3206, 3208 BEANNA ST, 3208, 3210 HAMPTON RD	SF-3	SF-3 CO-NP
2095B	3215 FAIRFAX WALK	SF-3-H	SF-3-H-CO-NP
2097	806, 808 E 32ND ST, 803, 805, 807 E 32ND 1/2 ST, 3201 BEANNA ST	SF-3	SF-3-CO-NP
2098	816 E 32ND ST, 3207, 3209, 3211, 3213, 3215, 3217, 3303, 3305, 3307, 3309, 3311 HAMPTON RD	SF-3	SF-3-CO-NP
2099	3410, 3500, 3508, 3510, 3512, 3700, 3704, 3710, 3712 GREENWAY, 805 E 35TH ST, 3408 HAMPTON RD	SF-3	SF-2-CO-NP
2100	3400, 3404 HAMPTON RD	SF-3	SF-2-CO-NP
2100A	802, 804, 808 HARRIS AVE	SF-3	SF-3-CO-NP
2101	817 E 37TH ST, 3501, 3505, 3509 GREENWAY, 3500, 3504, 3700 HAMPTON RD	SF-3	SF-2-CO-NP
2102	3711 GREENWAY, 818, 822, 828, 832, 834, 836, 838, 840 E 37TH ST, 3701 HAMPTON RD, 809, 811, 817, 819, 823, 825, 831, 833, 837, 841, 843 E 38TH ST	SF-3	SF-2-CO-NP
2103	829, 841 E 37TH ST, 3501, 3509 HAMPTON RD, 3408, 3412, 3504, 3500, 3506, 3508, 3510, 3512 RED RIVER ST	SF-3	SF-2-CO-NP
2104	818, 820, 822, 824, 826, 828, 830 HARRIS AVE	SF-3	SF-2-CO-NP
2105	3313 HAMPTON RD, 819, 821, 823, 825, 827 HARRIS AVE	SF-3	SF-2-CO-NP

**PART 3.** The following applies to an existing legal lot with single-family residential use or secondary apartment special use within the boundaries of the NP combining district:

1. The minimum lot area is 2,500 square feet.
2. The minimum lot width is 25 feet.
3. For a lot with an area of 4,000 square feet or less, the impervious coverage may not exceed 65 percent.

**PART 4.** The following applies to a single-family residential use, a duplex residential use, or a two-family residential use within the boundaries of the NP.

1. Impervious cover and parking placement restrictions apply as set forth in Section 25-2-1603 of the Code
2. Garage placement restrictions apply as set forth in Section 25-2-1604 of the Code
3. Front or side yard parking restrictions apply as set forth in Section 25-2-1406 of the Code

**PART 5.** The following tracts may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code

501, 504, 507, 507A, 509, 510, 512, 513, 514, 514A, 515, 516, 517, 518, 519, 520, 522, 523, 524, 525, 526, 527, 536, 536A, 536B, 541, 541A, 543, 543A, 546-548, 550, 557, 559, 561, 562A, and 563

**PART 6.** Tracts 543 and 543A may be developed as a neighborhood urban center special use as set forth in Section 25-2-1422 through 1424

**PART 7.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions.

1. The following conditions apply to Tracts 536, 536B, 551, 2001 through 2098, 2100, 2100A, 2104, and 2105.
  - A. The maximum height of a building or structure is 30 feet from ground level.
  - B. A building or structure may not exceed a height of two stories
2. The following conditions apply to Tracts 2099, 2101, 2102 and 2103.
  - A. Except as provided in Subsection C, the maximum height of a building or structure is 30 feet from ground level
  - B. A building or structure subject to Subsection A may not exceed a height of two stories.

- C. If the principal structure or building is constructed 15 or more feet from all property lines, then the maximum height of a building structure is 35 feet from ground level.
- 3. The maximum height of a building or structure on Tracts 508A and 512 is 35 feet from ground level.
- 4. The following conditions apply to Tracts 503, 503A and 503B
  - A. The maximum height of a building or structure is 35 feet from ground level
  - B. The maximum building coverage is 50 percent
  - C. The maximum impervious cover is 60 percent
  - D. The maximum number of residential units permitted is 17 units per acre
- 5. The maximum height of a building or structure is 40 feet from ground level on Tracts 511, 526, 529, 559, 560, 561, 562, 562A, and 563
- 6. The maximum height of a building or structure is 50 feet from ground level on Tracts 513, 514, 541, and 541A
- 7. For Tracts 532 and 535, the maximum width of a driveway accessing Harmon Avenue is 30 feet.
- 8. The following conditions apply to Tract 536.
  - A. The maximum impervious cover is 50 percent.
  - B. The maximum floor area ratio is 0.33 to 1.0.
- 9. The maximum floor area ratio is 0.57 to 1.0 for Tract 536A and 536B.
- 10. A site plan or building permit for Tract 540A or Tract 541A may not be approved, released, or issued, if the completed development or uses of Tract 540A or Tract 541A, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

11. The maximum building coverage for Tract 551 is 40 percent.
12. This section applies to the front yard setback of a single family residential structure in Tracts 2099, 2101, 2102, and 2103.
  - A. Except as otherwise provided in Subsection B, for an interior lot, if the front yard setbacks of existing adjacent principal single family structures exceed 25 feet, then the front yard setback on the subject property may not be more than five feet different from the average of the front yard setbacks of the principal single family structures on the same side of the street on a block.
  - B. If the principal single family structure has been removed from the subject property within the preceding 12 months, the minimum front yard setback for new construction on the subject property is the setback of the single family structure previously located on the site.
  - C. For a corner lot, the following applies:
    1. If the lot on the side of the corner lot is legally developed, the minimum front yard setback of the corner lot is equal to the setback of the principal structure on the side lot.
    2. If the lot on the side of the corner lot is vacant, the minimum front yard setback of the corner lot is equal to the average setbacks of the principal structures on the other lots in the block on the same side of the street.
13. The width of a driveway may not exceed 18 feet for Tracts 2099, 2101, 2102 and 2103.
14. The following conditions apply to Tracts 2100, 2100A, 2104 and 2105
  - A. The maximum width of a front yard driveway is 12 feet
  - B. The maximum width of a street side yard driveway is 18 feet.
  - C. The front yard setback for a parking structure is 60 feet.
  - D. A circular driveway is not permitted on a lot that has less than 100 feet of front street yard width

15. Financial services use is a conditional use of Tracts 501, 507, 507A and 546

16 The following uses are prohibited uses of Tracts 501, 507, 507A, 546, 550 and 557.

Residential treatment

Service station

Medical offices (exceeding 5000 sq ft.  
gross floor area)

17 Drive-in service is prohibited as an accessory use to commercial uses of Tracts 501, 507, 507A, 513, 514, 541, 541A, 546, 550, 557, 559, 561, 562A, and 563.

18 Drive-in service is a conditional use as an accessory use to commercial uses of Tracts 522, 532, 535, 540A, 543, and 543A.

19 The following uses are conditional uses of Tract 513 and 514

Commercial off-street parking

Indoor entertainment

Hotel-motel

20. The following uses are prohibited uses of Tract 513 and 514

Automotive rentals

Exterminating services

Automotive repair services

Funeral services

Automotive sales

Indoor sports and recreation

Automotive washing (of any type)

Outdoor entertainment

Bed & breakfast residential (Group 1)

Outdoor sports and recreation

Bed & breakfast residential (Group 2)

Pawn shop services

Drop-off recycling collection facility

Service station

Research services

Residential treatment

21. The following uses are conditional uses of Tract 522

Commercial blood plasma center

Laundry services

Commercial off-street parking

Monument retail sales

Hotel-motel

Off-site accessory parking

Indoor entertainment

Research services

Plant nursery

22. The following uses are prohibited uses of Tract 522:

Agricultural sales and services	Equipment sales
Automotive rentals	Exterminating services
Automotive repair services	Funeral services
Automotive washing (of any type)	Indoor sports and recreation
Bed & breakfast residential (Group 1)	Kennels
Bed & breakfast residential (Group 2)	Limited warehousing and distribution
Building maintenance services	Maintenance and service facilities
Campground	Outdoor entertainment
Construction sales and services	Outdoor sports and recreation
Convenience storage	Pawn shop services
Drop-off recycling collection facilities	Residential treatment
Electronic prototype assemble	Service station
Equipment repair services	Transportation terminal
Vehicle storage	

23 Off-site accessory parking use and research services use are conditional uses of Tract 524

24. The following uses are prohibited uses of Tract 524:

Automotive rentals	General retail sales (convenience)
Automotive repair services	General retail sales (general)
Automotive sales	Hotel-motel
Automotive washing (of any type)	Outdoor entertainment
Bed & breakfast residential (Group 1)	Outdoor sports and recreation
Bed & breakfast residential (Group 2)	Pawn shop services
Commercial off-street parking	Indoor entertainment
Consumer convenience services	Indoor sports and recreation
Drop-off recycling collection facility	Pet services
Exterminating services	Personal improvement services
Financial services	Residential treatment
Food sales	Restaurant (general)
Funeral services	Restaurant (limited)
Theater	Service station
Consumer repair services	

25. The following uses are conditional uses of Tracts 532 and 535.

Automotive repair services	Automotive washing (of any type)
Building maintenance services	Funeral services
Commercial blood plasma center	Hotel-motel
Commercial off-street parking	Outdoor sports and recreation
Custom manufacturing	Research services
Residential treatment	

26. The following uses are prohibited uses of Tracts 532 and 535

Agricultural sales and services	Kennels
Automotive rentals	Limited warehousing and distribution
Automotive sales	Maintenance and service facilities
Campground	Monument retail sales
Construction sales and services	Outdoor entertainment
Convenience storage	Pawn shop services
Drop-off recycling collection facilities	Service station
Equipment repair services	Vehicle storage
Equipment sales	

27. The following uses are conditional uses of Tracts 540A and 543

Automotive rentals	Exterminating services
Building maintenance services	Funeral services
Commercial blood plasma center	Hotel-motel
Commercial off-street parking	Monument retail sales
Custom manufacturing	Outdoor sports and recreation
Drop-off-recycling collection facilities	Research services
Residential treatment	

28. The following uses are prohibited uses of Tracts 540A and 543:

Agricultural sales and services	Kennels
Automotive sales	Limited warehousing and distribution
Automotive washing (of any type)	Maintenance and services facilities
Campground	Outdoor entertainment
Construction sales and services	Pawn shop services
Convenience storage	Vehicle storage

Electronic prototype assembly  
Equipment sales

Equipment repair services

29. The following uses are conditional uses of Tracts 541 and 541A

Automotive rentals  
Automotive repair services  
Commercial off-street parking  
Exterminating services  
Hotel-motel

Outdoor sports and recreation  
Research services  
Residential treatment  
Funeral services

30. The following uses are prohibited uses of Tracts 541 and 541A

Automotive sales  
Automotive washing (of any type)

Outdoor entertainment  
Pawn shop services

31. The following uses are conditional uses of Tract 543A

Automotive rentals  
Building maintenance services  
Commercial blood plasma center  
Commercial off-street parking  
Custom manufacturing  
Drop-off recycling collection facilities

Exterminating services  
Funeral services  
Hotel-motel  
Outdoor sports and recreation  
Research services  
Residential treatment

32. The following uses are prohibited uses of Tract 543A.

Adult oriented businesses  
Agricultural sales and services  
Automotive sales  
Automotive washing (of any type)  
Campground  
Kennels  
Limited warehousing and distribution  
Maintenance and services facilities

Construction sales and services  
Convenience storage  
Electronic prototype assemble  
Equipment repair services  
Equipment sales  
Outdoor entertainment  
Pawn shop services  
Vehicle storage

33. Day care services (general) use is a conditional use of Tracts 503, 503A, and 551.



34. The following uses are prohibited uses of Tracts 551:

Bcd and breakfast residential (Group 2)	Multifamily residential
Condominium residential	Residential treatment
Congregate living	Retirement housing (large site)
Townhouse residential	

35. The following uses are conditional uses of Tracts 559, 561, 562A, and 563

Commercial off-street parking	Monument retail sales
Congregate living	Plant nursery
Hospital services (limited)	Services station
Laundry services	

36. The following uses are prohibited uses of Tract 559, 561, 562A, and 563

Agricultural sales and services	Hospital services (general)
Automotive rentals	Exterminating services
Automotive repair services	Funeral services
Automotive sales	Indoor sports and recreation
Automotive washing (of any type)	Kennels
Building maintenance services	Limited warehousing and distribution
Business or trade school	Maintenance and service facilities
Campground	Outdoor entertainment
College and university facilities	Hotel-motel
Commercial blood plasma center	Indoor entertainment
Construction sales and services	Outdoor sports and recreation
Convenience storage	Pawn shop services
Drop-off recycling collection facilities	Residential treatment
Electronic prototype assemble	Research services
Equipment repair services	Vehicle storage
Equipment sales	Medical offices (exceeding 5000 sq ft.
Business support services	gross floor area)

37. The following uses are prohibited uses of Tracts 503 and 503A:

Congregate living	Convalescent services
Group residential	Hospital services (limited)
Multifamily residential	Residential treatment

38 The following uses are conditional uses of Tract 503B.

Day care services (commercial)  
Day care services (general)  
Local utility services

Private primary educational facilities  
Private secondary educational facilities  
Safety services

39. A college and university facilities use that exceeds 2,400 square feet gross floor area is a conditional use of Tract 503B.

40. The following uses are prohibited uses of Tract 503B

Business or trade school  
Business support services  
Communication services  
Congregate living  
Convalescent services  
Counseling services  
Group residential  
Guidance services  
Hospital services (general)  
Medical offices (not exceeding  
5000 sq ft gross floor area)

Medical offices (exceeding 5000 sq. ft  
gross floor area)  
Multifamily residential  
Off-site accessory parking  
Personal services  
Professional office  
Residential treatment  
Restaurant (limited)  
Hospital services (limited)  
Software development

41. Except as otherwise provided in this ordinance, Tracts 515 and 516 may be developed and used according to the regulations under the following zoning districts

A. Community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district for an area measured from ground level to a height of 15 feet.

B. Multifamily residence highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district for an area measured from 15 feet above ground level to a height of 60 feet.

42. The following conditions apply to Tracts 515 and 516.

A. The maximum height of a building or structure is 60 feet from ground level.

B. The maximum building coverage is 70 percent.

- C The maximum impervious cover is 80 percent
- D. Vehicular access from the tracts to Red River Street and Dean Keeton Street is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

**PART 8.** This ordinance takes effect on September 6, 2004

**PASSED AND APPROVED**

\_\_\_\_\_, August 26, 2004      §  
   §  
   §  
   \_\_\_\_\_  
   Will Wynn  
   Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
   Shirley A Brown  
   City Clerk

David Allan Smith  
City Attorney