

ZONING CHANGE REVIEW SHEET

CASE: C814-2008-0145 The Park PUD

P. C. DATE: 01-13-09, 02-24-09, 04-14-09,
05-12-09, 06-23-09, 07-28-09,
11-10-09, 01-12-10, 02-09-10

ADDRESS: 801 Barton Springs Road

AREA: 0.796 Acres (34,674 s.f.)

APPLICANT: Texas American Resources
(David Honeycutt)

AGENT: Drenner & Golden Stuart Wolff, LLP
(Michele Haussmann)

NEIGHBORHOOD PLAN AREA: Bouldin Creek

CAPITOL VIEW: No

WATERSHED: Town Lake/East Bouldin Creek

T.I.A.: No.

HILL COUNTRY ROADWAY: No

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: CS-1-V-NP

ZONING TO: PUD-NP

SUMMARY STAFF RECOMMENDATION:

Staff recommends denial of Planned Unit Development – PUD. If the zoning is granted, then the applicant agrees to cost participate in pro-rata share for any traffic related improvements as identified by COA-Public Works Department, including an access study to evaluate driveway LOS for the project.

ENVIRONMENTAL BOARD RECOMMENDATION:

The Environmental Board at their regularly scheduled meeting on May 6th, 2009 voted to approve the Park Planned Unit Development.

WATERFRONT PLANNING ADVISORY BOARD RECOMMENDATION:

The Waterfront Planning and Advisory Board at their regularly scheduled meeting on February 8th, 2010 voted to send no recommendation to the Planning Commission on a three to three tie.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve staff's recommendation to deny PUD-NP zoning; was approved by Commissioner Danette Chimenti's motion, Commissioner Sandra Kirk second the motion on a vote of 8-0; Commissioner Jay Reddy was absent.

DEPARTMENT COMMENTS:

The Planned Unit Development (PUD) district is the designation for a large or complex single or multi-use development that is planned as a single contiguous project and that is under unified control. The purpose of a PUD district designation is to preserve the natural environment, encourage high quality development and innovative design, and ensure adequate public facilities and services for development within a PUD. A PUD district designation provides greater design flexibility by permitting modifications of site development regulations. Development under the site development regulations applicable to a PUD must be superior to the development that would occur under conventional zoning and subdivision regulations. A PUD district must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.

The Park PUD is comprised of approximately 0.796 acres or 34,674 square feet of land. The applicant's original plan called for a single building, with a maximum height of one hundred and eighty feet (180') with three uses, those being first floor restaurant, mid level offices and upper floor residential. The applicant has since modified their request to a maximum height of ninety six feet (96') with two uses, those being first floor restaurant and mid to upper level offices.

The Bouldin Creek Neighborhood Plan states as one of its objectives that it wants to "maintain Barton Springs Road as a gateway boulevard that serves as a transition between Downtown Austin and the neighborhood". The Plan goes further to state that "buildings on the south side of Barton Springs Road should not exceed 60 ft. in height. The maximum height allowed by zoning on Barton Springs Road is currently 60 feet." There is one structure along Barton Springs Road that exceeds the current Plan recommended height of sixty feet (60'). This structure is located at the corner of Barton Springs Road and Bouldin Avenue, immediately to the west of this zoning request. This structure is nine (9) stories high with an architectural dome on top of the building for an overall height of approximately one hundred twenty feet (120'). This additional height was granted to the property by zoning case number C14-83-016. (see attached ordinance) This zoning case was approved in 1983, prior to the Waterfront Overlay and Compatibility Standards. The building to the east is five (5) stories or sixty feet (60') in height.

BASIS FOR RECOMMENDATION:

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

The Park PUD is comprised of approximately 0.796 acres or 34,674 square feet of land. The stated minimum area for a Planned Unit Development is ten acres. The requested Planned Unit Development (PUD) zoning district is not in keeping with the purpose statement for PUDs that they be a large or complex single or multi-use development that is planned as a single contiguous project and that is under unified control. The proposed development is a single office building with its only mixed use component being that of a restaurant on the ground floor.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	CS-1-V-NP	Undeveloped
NORTH	P-NP	Palmer Events Center
SOUTH	MF-3-NP	Undeveloped
EAST	P-NP	Office Building/Austin Energy
WEST	CS-1-V-NP	Office Building

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-83-016	From "A" to "C-2", 2 nd Height & Area	Approved "C-2", 2 nd Height & Area [Vote: 5-2]	Approved C-2, 2 nd Height & Area [Vote: 7-0]
C14-74-0145	From "A" to "C", 2 nd Height & Area	Approved "C", 2 nd Height & Area [Vote: 7-0]	Approved "C", 2 nd Height & Area [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- Bouldin Creek Neighborhood Assoc.
- Terrell Lane Interceptor Assoc.
- Homeless Neighborhood Assoc.
- Austin Neighborhoods Council
- South Central Coalition

SCHOOLS:

Becker Elementary School
Fulmore Middle School
Travis High School

PARKS COMMENTS RECIEVED:

Due to the proximity to parkland, PARD supports the existing zoning and Waterfront Overlay-Auditorium Shores, to ensure a high quality park experience and quality of life.

SITE PLAN COMMENTS RECEIVED:

The PUD must comply with Waterfront Overlay regulations.

TRANSPORTATION COMMENTS RECEIVED:

Existing Street Characteristics:

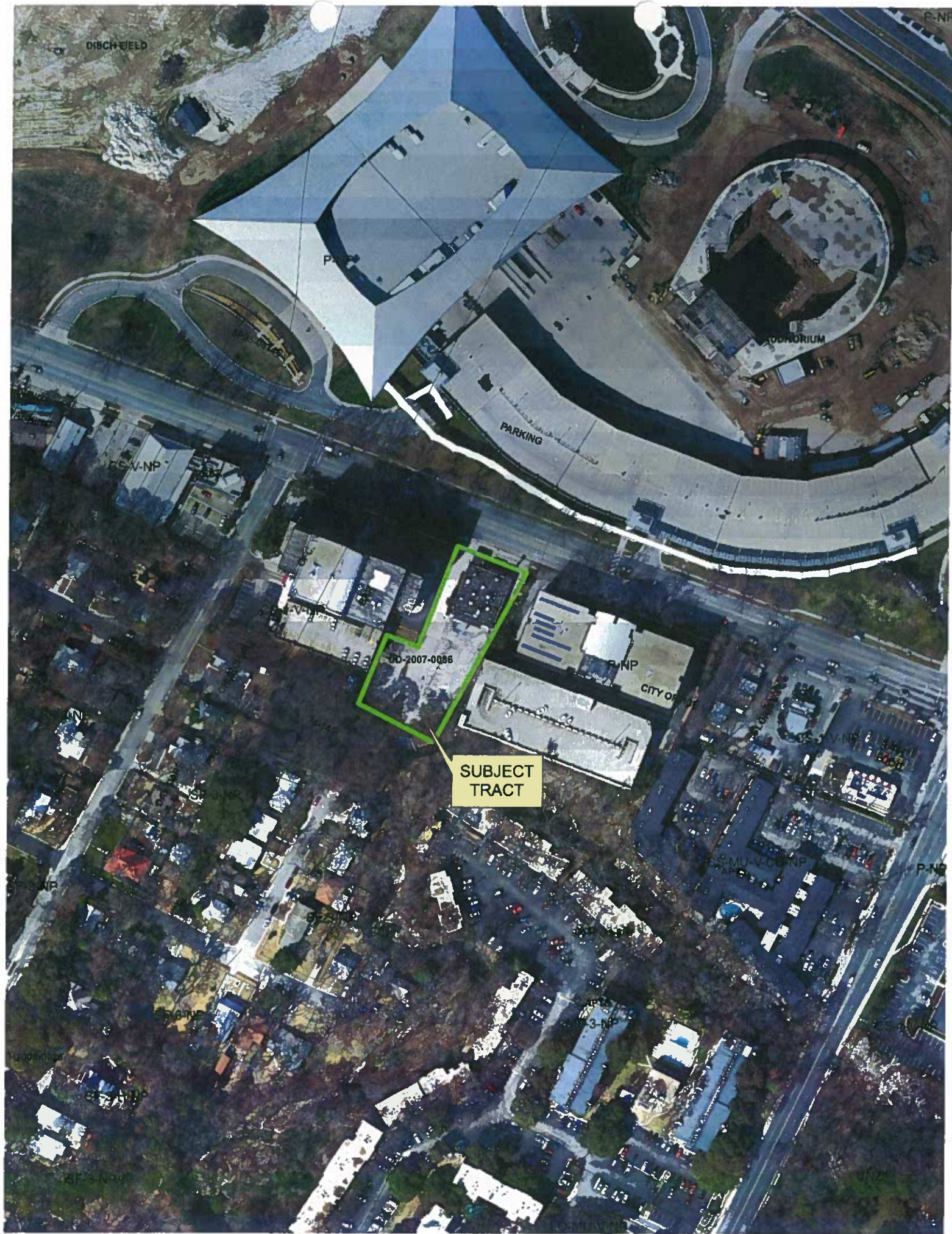
Name	RO W	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Barton Springs	106'	60'	Arterial	Yes	No	15 Red River

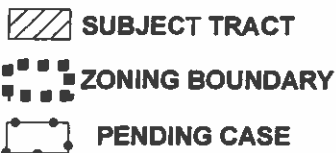
A traffic impact analysis was waived for this case because the applicant agrees to cost participate in pro-rata share for any traffic related improvements as identified by COA-Public Works Department, including an access study to evaluate driveway LOS for the project.

CITY COUNCIL DATE: December 9th, 2010**ACTION:****ORDINANCE READINGS:** 1ST 2ND 3RD**ORDINANCE NUMBER:**

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691





ZONING CASE#: C814-2008-0145
ADDRESS: 801 BARTON SPRINGS RD
SUBJECT AREA: 0.796 ACRES
GRID: H21
MANAGER: C. PATTERSON



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

$$1'' = 400'$$





OBJECTIVE 3.3: Maintain Barton Springs Road as a gateway boulevard that serves as a transition between Downtown Austin and the neighborhood.



Barton Springs Road is a gateway to both the Bouldin Creek Neighborhood and Downtown Austin. Because of its proximity to downtown, many of the buildings are much larger in scale than those in the rest of the neighborhood. The BCNPT recognizes the importance of this street to the City and the neighborhood, but would like to insure that it does not become an extension of downtown.

- Action Item 39: Buildings on the south side of Barton Springs Road should not exceed 60 ft. in height. The maximum height allowed by zoning on Barton Springs Road is currently 60 feet. For those properties on Barton Springs Road between Bouldin Ave. and Dawson St., building height is limited to approximately 40 feet by compatibility standards. The BCNPT does not recommend adding additional height restrictions to these properties, but does recommend that no height variances or height compatibility waivers be granted. Lead Implementer: WPDR
- Action Item 40: Consistent with the ROMA plan for the South Central Shore of Town Lake, limit the base height of buildings east of S. 1st to 60 feet. Some height bonuses could be permitted if the redevelopment requirements recommended in the ROMA plan are met. Lead Implementer: NPZD
- Action Item 41: When implementing the ROMA plan for the South Central Shore of Town Lake, the City should continue to consult with the BCNPT to ensure that zoning and ordinance changes are consistent with the Neighborhood Plan. Lead Implementer: TPSD

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1. 7,347 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE ISAAC DECKER LEAGUE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; AND,

TRACT 2. 21,616 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE ISAAC DECKER LEAGUE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, SECOND HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY LOCALLY KNOWN AS 501-515 BOULDIN AVENUE, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. CHAPTER 13-2 of the Austin City Code of 1981 is hereby amended to change the USE and HEIGHT and AREA designations on the property described in File C14-83-016, to-wit:

TRACT 1. From "A" Residence, First Height and Area District to "C-2" Commercial, Second Height and Area District.

All of that certain parcel or tract of land out of the Isaac Decker League in the City of Austin, Travis County, Texas and being a portion of Lot 5-B out of the James E. Bouldin Estate, in the City of Austin, Travis County, Texas, and also being a portion of that certain tract of land as conveyed to Minelma Brown Lockwood by Deed recorded in Volume 1822, Page 380 of the Deed Records of Travis County, Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING FOR REFERENCE, at an iron pin in the southeast corner of the intersection of Barton Springs Road and Bouldin Avenue, same being the northwest corner of the Lockwood tract;

THENCE, with the west line of the Lockwood tract, same being the east r.o.w. of Bouldin Avenue, S 29° 53' W for a distance of 151.04 feet to the northwest corner and PLACE OF BEGINNING hereof;

THENCE, with the north line of the herein described tract, S 66° 54' E for a distance of 243.03 feet to a point in the east line of the said Lockwood tract for the northeast corner hereof;

THENCE, with the east line of the Lockwood tract, S 23° 05' W for a distance of 30.00 feet to the southeast corner hereof;

THENCE, with the south line of the herein described tract, N 66° 54' W for a distance of 246.61 feet to a point in the east r.o.w. line of Bouldin Avenue at the southwest corner hereof;

THENCE, with the said r.o.w. line, N 29° 53' E for a distance of 30.23 feet to the PLACE OF BEGINNING and containing 7,347 square feet of land, more or less;

TRACT 2.

From "A" Residence, First Height and Area District to "C" Office, Second Height and Area District.

All of that certain parcel or tract of land out of the Isaac Decker League in the City of Austin, Travis County, Texas and being a portion of Lot 5-B out of the James E. Bouldin Estate, in the City of Austin, Travis County, Texas, and also being a portion of that certain tract of land as conveyed to Minelma Brown Lockwood by Deed recorded in Volume 1822, Page 380 of the Deed Records of Travis County, Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING, at an iron pipe in the east r.o.w. line of Bouldin Avenue, same being the southwest corner of the Brown tract for the southwest corner and PLACE OF BEGINNING hereof;

THENCE, with the west line of the Lockwood tract, same being the east r.o.w. line of Bouldin Avenue, N 29° 53' E for a distance of 71.19 feet to the northwest corner hereof;

THENCE, with the north line of the herein described tract, S 66° 54' E for a distance of 246.61 foot to a point in the east line of the said Lockwood tract for the northeast corner hereof;

THENCE, with the east line of the Lockwood tract, S 23° 05' W for a distance of 101.23 feet to an iron pin at the southeast corner of the Lockwood tract, same being the southeast corner hereof;

THENCE, with the south line of the Lockwood tract, N 60° 03' W for a distance of 106.67 feet to an angle point and N 60° 05' W for a distance of 150.09 feet to the PLACE OF BEGINNING and containing 21,616 square feet of land, more or less,

locally known as 501-515 Bouldin Avenue in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the USE and HEIGHT and AREA maps accompanying Chapter 13-2 of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

PASSED AND APPROVED

February 2, 1984

X
X
X
X



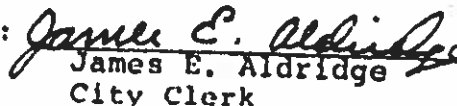
Ron Mullen
Mayor

APPROVED:



Paul C. Inham
City Attorney

ATTEST:



James E. Aldridge
City Clerk

15af

3-62-0945

EXHIBIT "A"

1-77-5228

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE
 ISAC DICER IMAGE IN THE CITY OF AUSTIN, TRAVIS COUNTY,
 TEXAS, BEING A DIVISION OF LOTS 5-B AND 6-B OF THE JAMES E.
 BOWDEN ESTATE AND BEING THAT SAME TRACT OF LAND AS CONVEYED
 TO HIRSHMAN BROWN LOCKWOOD BY VOLUME 1822, PAGE 380 OF THE
 DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING
 MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron stake found at the intersection of the
 East r.o.w. line of Eouldin Avenue and the South r.o.w. line
 of Barton Springs Road for the Northwest corner and PLACE
 OF BEGINNING hereof;

THENCE S 66° 54' E for a distance of 225.15 feet to an iron
 stake found at the Northwest corner of Lot A, Vernon's
 Addition, a subdivision in the City of Austin, Travis County,
 Texas, as recorded in Plat Book 68, Page 62 of the Plat
 Records of Travis County, Texas, said point also being in the
 South r.o.w. line of Barton Springs Road for the Northeast
 corner hereof;

THENCE S 23° 05' W at a distance of 167.45 pass an iron
 stake found at the Southwest corner of Lot A, Vernon's
 Addition, and continue on for a total distance of 281.23 feet
 to an iron stake found for the Southeast corner hereof;

THENCE N 60° 03' W for a distance of 106.67 feet to an iron
 pipe found in the Northeast corner of the John E. Woody
 Tract for a point in the South line of the herein described
 tract;

THENCE N 60° 05' W for a distance of 150.09 feet to an iron
 pipe found at the Northwest corner of the said John E.
 Woody Tract, being also a point in the East r.o.w. line
 of Eouldin Avenue for the Southwest corner hereof;

THENCE N 29° 53' E for a distance of 252.46 feet to the
 PLACE OF BEGINNING and containing 1.47 acres of land, more
 or less.

THIS INSTRUMENT WAS FILED FOR RECORD IN THE PUBLIC
 RECORDS OF TRAVIS COUNTY, TEXAS, ON MAY 10, 1962, AT
 10:00 A.M. BY THE COUNTY CLERK.



John E. Woody
 COUNTY CLERK
 TRAVIS COUNTY, TEXAS

RECORDERS MEMORANDUM
 ALL OR PARTS OF THE TEXT ON THIS PAGE WAS NOT
 CLEARLY LEGIBLE FOR SATISFACTORY RECORDATION

Lot A, Vernon's Addition, a subdivision in the City of Austin, Travis County, Texas, as recorded in Plat Book 68, Page 62 of the Plat Records of Travis County, Texas.

3-52-C946

EXHIBIT A

8506 117

RESTRICTIVE COVENANT

THE STATE OF TEXAS
COUNTY OF TRAVIS

44-3-84-25
\$ 2500
\$

FILE NO.: C14-83-016

190
19.00

WHEREAS, Steve R. Scott of Travis County, Texas is the owner of the property described in Exhibit "A" which is attached hereto and made a part hereof for all purposes. 3-62-0942

WHEREAS, the City of Austin and Steve R. Scott have agreed that the above described property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing;

NOW, THEREFORE, Steve R. Scott, for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt and sufficiency of which is hereby acknowledged, does hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding on Steve R. Scott, his successors and assigns, as follows, to-wit:

I.

That said property shall be used only for those uses, as of the date of this agreement, permitted under the following City of Austin Zoning Ordinance Classification:

"C-2", 2nd Height and Area which applies to subtracts A and B of the property, which are more fully described by metes and bounds in Exhibits "B" and "C", respectively, which are attached hereto and made a part hereof for all purposes; and "O", 2nd Height and Area which applies to subtract C of the property, which is more fully described by metes and bounds in Exhibit "D" which is attached hereto and made a part hereof for all purposes.

II.

That said property shall be subject to the following restrictions:

a) The owner shall be entitled to construct a structure on subtract A not in excess of one hundred-twenty (120) feet, subject to all applicable City Codes and Ordinances.

DEED
Travis County, Texas

8506 113

027 - 011

b) No structure shall have a height greater than sixty (60) feet on subtracts B and C; and that subtract D, which is more fully described by metes and bounds in Exhibit "E" which is attached hereto and made a part hereof for all purposes, being the most southern five (5) feet of subtract C shall have no structure constructed on it and shall permanently remain a landscaped area.

3-52-0943

c) Landscaping of the most southern fifteen (15) feet of subtract C shall be accomplished with the prior approval of the landscaping plan for the said most southern fifteen (15) feet by the Bouldin Avenue Church of Christ; provided, however, that the Bouldin Avenue Church of Christ shall not unreasonably withhold its approval.

d) No video game academes or establishments whose sales are more than fifty percent (50%) beer and wine shall be allowed on the property.

III.

If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.

IV.

The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

V.

This agreement shall be modified, amended or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) by

the written concurrence of the owners of seventy-five (75%) percent of the land within two hundred (200) feet of the property described in Exhibit "A" which has "A-2" or more restrictive zoning or the equivalent thereof under any future zoning ordinance adopted by the Austin City Council or such other governing body as may succeed the Austin City Council at the time of such modification, amendment or termination.

3-52-0944

EXECUTED, this the 11th day of January, 1984

Steve A. Scott
Steve A. Scott

ATTEST:

City of Austin

By: _____

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Steve A. Scott known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

NOTARY SEAL

Valerie Douglas
Notary Public in and for
the State of Texas
VALERIE DOUGLAS
My Commission Expires: 12/3/85