

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0144 / Crescent Tract **P.C. DATE:** January 14, 2014

ADDRESS: 812 1/2 W 2nd Street **AREA:** 0.596 acres
(25,962 sq. ft.)

OWNER: Austin Energy (City of Austin)

APPLICANT: Austin Energy (Eben Kellogg)

ZONING FROM: DMU-CO; Downtown Mixed Use – Conditional Overlay

ZONING TO: P; Public

NEIGHBORHOOD PLAN AREA: Downtown

SUMMARY STAFF RECOMMENDATION

To grant public (P) district zoning

WATERFRONT PLANNING ADVISORY BOARD RECOMMENDATION:

January 13, 2014 Recommend public (P) district zoning as recommended by staff (Motion: R. Mann; Seconded: A. Hutton; 5-1; Nay: C. Walton; Absent: T. Zickert).

PLANNING COMMISSION RECOMMENDATION:

January 14, 2014 Recommend public (P) district zoning as recommended by staff (Consent Motion: J. Stevens; Seconded: A. Hernandez; 8-0; Absent: R. Hatfield).

DEPARTMENT COMMENTS:

The subject tract is located between West 2nd and 3rd Streets, immediately southwest of the railroad tracks west of Seaholm, and along the northeast side of Gables Park Tower, currently under construction (see Exhibits A; note, Exhibit A-3 more clearly shows the tract in a 2012-dated aerial; the perspective on the 2013 image obscures the subject tract).

This tract is owned by the City of Austin, and although currently vacant, Austin Energy has started constructing 24" chilled water lines from the tract to the adjacent Seaholm Development. Austin Energy (AE) plans to use the tract to support their downtown chilled water operations; however, the exact future and/or permanent use is unknown. As part of the redevelopment of the Seaholm area, the City had committed to providing 315 parking spaces in a public parking garage on this tract. However, it was determined this was not a viable site for parking. In June 2012 the City Council amended the Master Development Agreement between the City and Seaholm Power Development LLC to co-locate 315 parking spaces on the Seaholm site, allocated funding for such, and directed that this property be used for Austin Energy chilled water infrastructure (Ordinance Nos. 20120607-007, 20120607-008 and 20120607-009, and Resolution 20120607-010).

Austin Energy owns and operates two chilled water plants downtown, Paul Robbins Plant and District Cooling Plant #2, where chilled water is produced and distributed to customer's individual buildings via a network of underground pipes. The chilled water is used to cool and dehumidify the supply air that is circulated into the customers' buildings. Once the

chilled water is used, it is returned to the chilled water plants and the water is chilled again and sent back through a continuous loop. An add-on feature for AE's district cooling plants downtown includes thermal storage which allows the utility to produce chilled water/ice during off peak electric hours, and then discharge it during peak hours when it is needed most. The benefits of peak demand energy savings and increased reliability are significant.

To serve new customers within the Seaholm District including the Seaholm Power Plant, (planned reuse for office and retail), Seaholm High-Rise Condominiums, and New Central Library, AE will complete construction of chilled water lines in 2014 from the Crescent Tract to the east to the Seaholm redevelopment project (currently under construction) and to the north to connect to existing chilled water lines at Bowie St. and 3rd St. To meet the chilled water requirements for customers in the Seaholm District, temporary chillers will be installed on the Crescent site and connected to the chilled water lines to the Seaholm redevelopment. Once the chilled water lines are extended to the existing lines in Bowie St., Austin Energy will determine what permanent facilities are required at the Crescent site to reliably serve AE customers. It may use for a permanent chiller facility, or it may be that other facilities are placed on the site, such as thermal energy storage tanks or booster pumps.

Located within the Downtown Plan Area, the subject tract is completely surrounded by some variation of DMU zoning, and existing mixed-use development, to the north and west. The Seaholm Redevelopment area, which is now under construction, lies across the railroad tracts to the east; public parkland stretches south from W 2nd street to Lady Bird Lake. This particular tract is a portion from an Outlot created in 1885, and has been subsequently subdivided. The City acquired the tract from the Union Pacific Railroad in 2003. It was rezoned in 2006 from "unzoned" to its current DMU-CO, in which the conditional overlay limits height to 60 feet.

The subject tract is located within the North Shore Central subdistrict of the Waterfront Conditional Overlay. However, the tract is not within a Primary or Secondary Setback, and is not immediately adjacent to parkland adjacent to Lady Bird Lake. Design requirements, if any, will be enforced at the time of site planning.

A majority of the tract (approximately the southern two-thirds), is also within the Capitol View Corridor (CVC) Overlay District. Height limitations, if any, would also be enforced at the time of site planning. For context, the abutting Gables project has a zoning height cap of 120 to 195 feet, for areas outside the CVC area; a then still-existing zoning site plan from 1984 would have allowed construction of a 220 foot, 15 story office building. The Gables Park Plaza has a height of about 85 feet while the Gables Park Tower, still under construction, will have a height of 195 feet.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DMU-CO	Undeveloped
West	DMU-CURE; DMU-CO	Residential-Commercial Mixed Use (existing Gables Park Plaza and Gables Park Tower, under construction)
East	DMU-CURE- CO; P	Railroad; Seaholm Redevelopment Area (under construction); Austin Energy Substation & Austin Central Library (under construction); Green Water Treatment Redevelopment
North	DMU; DMU-	Railroad; Office & General Retail; Condominium (Spring);

	CURE-CO; DMU-CURE- CO; CBD-CO; DMU-CO	Residential-Office Mixed Use (The Bowie, under construction); Condominium (Monarch) with Retail/Structured Parking; Residential-Commercial Mixed Use (Gables West Avenue)
South	P	Parkland

AREA STUDY: Downtown**DESIRED DEVELOPMENT ZONE:** Yes**WATERSHED:** Lady Bird Lake Watershed (Urban)**TIA:** Not required**CAPITOL VIEW CORRIDOR:** Yes**HILL COUNTRY ROADWAY:** No**Waterfront Conditional Overlay:** Yes, North Shore Central Subdistrict**NEIGHBORHOOD & COMMUNITY ORGANIZATIONS:**

COMMUNITY REGISTRY NAME	REGISTRY ID
Old West Austin Neighborhood Assn.	18
Original Austin Neighborhood Association	57
Downtown Austin Neighborhood Assn. (DANA)	402
Austin Neighborhoods Council	511
City of Austin Downtown Commission	623
Austin Independent School District	742
Downtown Austin Neighborhood Coalition	767
West End Austin Alliance	998
Save Town Lake.Org	1004
Old West Austin Neighborhood Plan Contact Team	1011
Homeless Neighborhood Assn.	1037
Bike Austin	1075
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Waterfront Planning Advisory Board	1366
Preservation Austin	1424

SCHOOLS:

Austin Independent School District

Mathews Elementary School

O Henry Middle School

Austin High School

CASE HISTORIES (SUBJECT TRACT):

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
900 Block W Cesar Chavez (includes other tracts) C14-05-0093	UNZ to DMU-CO	Recommended; 12/06/2005	Approved; 02-02-2006 (ord specifies 60' ht)

At the time of this 2005 case, this tract, and one about one-half the size on the northern corner (also owned by the City), were recommended for DMU zoning because such a district seemed compatible with adjacent and nearby uses, would allow for development similar to existing development in the area, and provided a balance of intensities and densities while encouraging a mix of land uses. The tracts were also within the boundaries of the Seaholm District Master Plan (SDMP). The SDMP recommended a revitalization of this section of downtown with a mix of retail, office, and high density residential. Property to the west (the two Gables buildings) was rezoned from DMU to DMU-CURE at the same time by Council (C14-05-005).

CASE HISTORIES (SURROUNDING TRACTS):

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
805 W 5 th St C14-00-2127	DMU to CBD-CO	Recommended; 08/22/2000	Approved; 09/28/2000 (CO limits to 2,000 vtd)
309-315 Bowie C14-2011-0041	DMU to DMU-CURE	Recommended w/conditions; 06/14/2011	Approved; 06/23/2011 (CO sets FAR, height, and vtd; RC requires Great Streets design compliance)
300 West Ave (City Pole Yard) C14-99-0002	P to DMU	Recommended with conditions; 02/09/1999	Approved DMU-CO; 04/15/1999 (CO limits to 2,000 vtd)
918 Block W 3 rd St (Spring Condominium) C14-05-0136	DMU to DMU-CURE	Recommended; 10/18/2005	Approved; 11/17/2005 (ord sets FAR, height, and vtd standards)
301 West Avenue (Energy Control Center Redevelopment) C14-2008-0121	P to CBD-CURE	Recommended; 07/08/2008	Approved; 08/07/2008
100-3000 N Lamar at Shoal Creek (multiple tracts) C14-87-82(G)	DMU, CS, MF-3, SF-3 to P	Recommended; 08/25/1987	Approved; 12/03/1987
South of West 3rd Street			
219 N Lamar Blvd (Jetco Office/Town Lake Plaza) C14-83-140	"D" Industrial 3 rd H&A to "C" Commercial 3 rd H&A	Recommended; 08/02/1983	Approved; 10/18/1984
910 W Cesar Chavez at Sandra Muraida (Gables Park Plaza) C14-05-0005	DMU to DMU-CURE	Recommended w/conditions; 11/01/2005	Approved; 02-02-2006 (ord specifies height between 120' & 195')
900 Block W Cesar Chavez (includes subject tract)	UNZ to DMU-CO	Recommended; 12/06/2005	Approved; 02-02-2006 (ord specifies 60' ht)

C14-05-0093			
701-814 W Cesar Chavez (Energy Mgmt & Control Center) C14-87-057	UNZ, CBD, & DMU to P	Recommended; 05/05/1987	Approved; 05/07/1987
800 W Cesar Chavez (Seaholm Power Plant Redevelopment) C14-2007-0164 C14H-2013-000	P & UNZ to DMU-CURE DMU-CURE-CO to DMU-CURE-CO-H	Recommended DMU-CURE w/conditions; 11/13/2007 Recommended; 06/25/2013	Approved DMU-CURE-CO; 01/10/2008 (CO limits height to 393'; restricts uses) Approved; 08/08/2013
1 st at Cesar Chavez (Town Lake Park; multiple tracts from Lamar to Congress) C14-88-0035	UNZ to P	Recommended 06/28/1988	Approved; 07/28/1988

ABUTTING STREETS & TRANSIT:

Street Name	ROW Width	Pavement Width	Classification	Bicycle Plan	Bus Service	Sidewalks
W. 2 nd Street	Varies	Varies	Collector	Yes (Route 356)	Yes	Yes

CITY COUNCIL DATE:

Scheduled for consideration January 30, 2014.

CITY COUNCIL ACTION:**ORDINANCE READINGS:**1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman**PHONE:** (512) 974-7604

STAFF RECOMMENDATION**C14-2013-0144****SUMMARY STAFF RECOMMENDATION**

To grant public (P) district zoning.

BACKGROUND

The tract is currently zoned Downtown Mixed Use-Conditional Overlay (DMU-CO). The DMU district is intended for areas on the periphery of central business district (CBD) classifications in the central core area, permitting a variety of uses compatible with downtown Austin and allowing intermediate densities as a transition from the commercial core to surrounding districts. Site development regulations are intended to permit combinations of office, retail, commercial, and residential uses within a single development.

The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. In this instance, the CO limits building height to a maximum of 60 feet.

The proposed zoning is public (P). P is considered a special purpose base district, and is the designation for a governmental, civic, public service, or public institution use. A P district designation may be applied to a use located on property used or reserved for a civic or public institutional purpose or for a major public facility, regardless of ownership of the land on which the use is located. A P district designation may not be applied to government-owned property that is leased to a nongovernmental agency for a use other than a governmental service or for a use that supports a primary civic or public institutional use.

BASIS FOR RECOMMENDATION

Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; and

Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.

Zoning should promote the goal of environmental protection.

Austin Energy (AE) has agreements with Seaholm Power LLC and the New City Library to provide chilled water to meet their cooling capacity requirements. The expansion of AE's chilled water services in the downtown area will further promote the City's goals for environmental protection. Austin Energy's district cooling plants downtown includes thermal storage which allows the utility to produce chilled water/ice during off electric peak hours, and then discharge it during peak hours when it is needed most. As with other AE peak demand reduction programs, the use of electricity in the off-peak hours reduces the need for the utility to construct additional power plants. AE chilled water plants are more reliable than on-site chillers and cooling towers because the plants have back-up equipment in the event of failures.

In addition to satisfying a public need through energy peak demand reduction and reliability, permitting a public use of the site does not set an undesirable precedent, or grant a special privilege to the owner, which happens to be the City of Austin/Austin Energy. On the contrary, because chillers must be networked through water pipes to the properties they

serve, there is a proximity requirement. Only select properties are appropriately located for such a function.

This property is an awkwardly configured tract abutting a railroad line. As stated previously, Austin Energy will determine the type and size of equipment required at the Crescent after the connection to Bowie St. is completed. The future facilities on the Crescent property will be relatively shielded from view by its location between the mixed use tower to the southwest and the railroad tracts, which are on an embankment, to the northeast. The drop between the railroad tracks and the site is approximately 30 feet. Given that the railroad tracks are heavily trafficked, any potential noise concerns about a chiller facility, or other onsite equipment, seems potentially mooted. Austin Energy intends to comply with all code regulations, including those for noise.

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

The use of the site for a chiller facility or to support chiller operations is clearly a public endeavor; the property is owned by the City and the facilities constructed thereon will be operated and maintained by Austin Energy. Obviously, the proposed use of the site is consistent with the purposes of the public zoning district – a civic use on city-owned property.

Zoning should allow for a reasonable use of the property.

The relatively small size and unique shape of the tract, and the fact it is sandwiched between the parking levels of a mixed use tower (under construction) and raised railroad tracts, makes any standalone, private development of the tract nearly impossible. Allowing the City to construct a facility on the sight that will serve the adjacent Seaholm redevelopment and the future Central Library, through the grant of Public zoning, is a reasonable use of the property.

The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

It is common practice that all City-owned (real estate) property, including property that is under the control or jurisdiction of its municipal utilities and departments, is to be rezoned to Public district zoning, unless otherwise restricted due to variable land uses or has been acquired for a specific purpose (e.g., easements). In the case of property acquired as right-of-way, this often is dedicated to the public, and is no longer considered real property owned by the City.

EXISTING CONDITIONS & REVIEW COMMENTS

Site Characteristics

This 0.596-acre tract is a crescent shaped remnant between a railroad embankment and a retail/residential mixed-use tower under construction. The land is relatively flat, and there are no known topographical or environmental constraints to development. Although the site is paved, and has been used on temporary basis for construction and access activities, it has never been developed or used for a primary use.

PDR Environmental Review

November 15, 2013(MM)

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Ladybird Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PDR Site Plan Review

November 14, 2013 (MSS)

- SP 1. This property is within the North Shore Central Subdistrict of the Waterfront Overlay Combining District, and is subject to LDC Section 25-2-738 (*North Shore Central Subdistrict Regulations*).
- SP 2. This site is within the Capitol View Corridor Combining District (Lamar Bridge), and is subject to the regulations of LDC Section 25-2-642 (*Capitol View Corridor Overlay District Regulations*).

SP 3. Upon approval of Public (P) zoning for this property, the site development regulations will be established by approval of a conditional use site plan, as per LDC Section 25-2-625 (*Public District Regulations*).

SP 4. Development on this site will be subject to *Subchapter E: Design Standards and Mixed Use*.

PDR Transportation Review

December 12, 2013

ZONING COMMENTS

TR1. No additional right-of-way is needed at this time.

TR2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

TR3. W. 2nd Street is classified in the Bicycle Plan as Bike Route No. 356.

TR4. Capital Metro bus service is not available along W. 2nd Street.

TR5. There are existing sidewalks along W. 2nd Street.

TR6. Eric Dusza in the Neighborhood Connectivity Division may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

TR7. Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
W. 2 nd Street	Varies	Varies	Collector	N/A

Neighborhood Connectivity Review

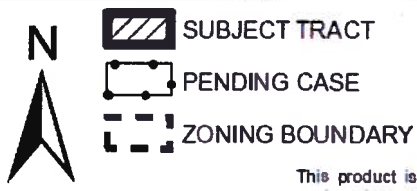
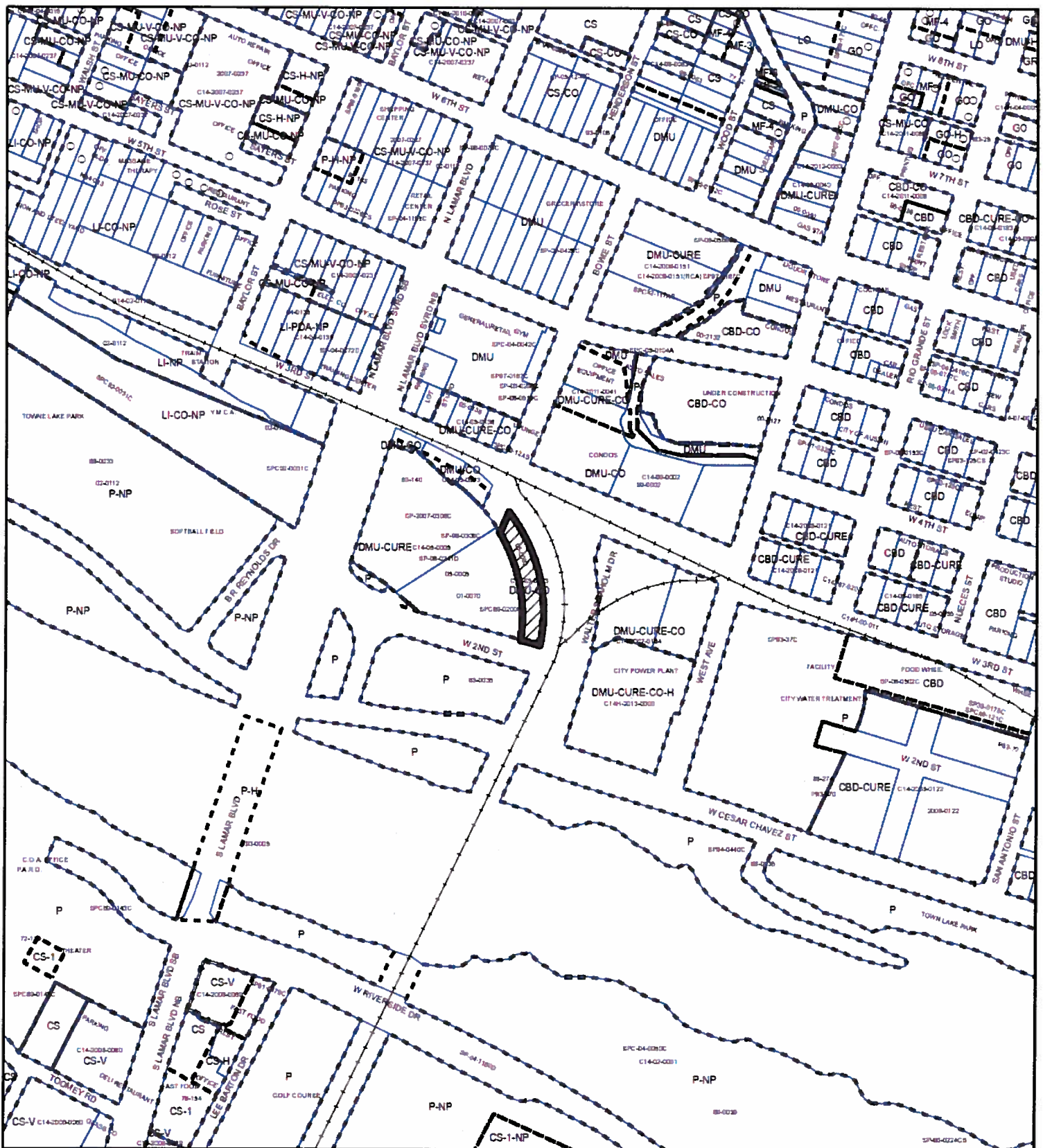
January 6, 2014 (ED)

No additional comments.

PDR Austin Water Utility Review

November 4, 2013 (BB)

WW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



ZONING
ZONING CASE#: C14-2013-0144

1" = 400'

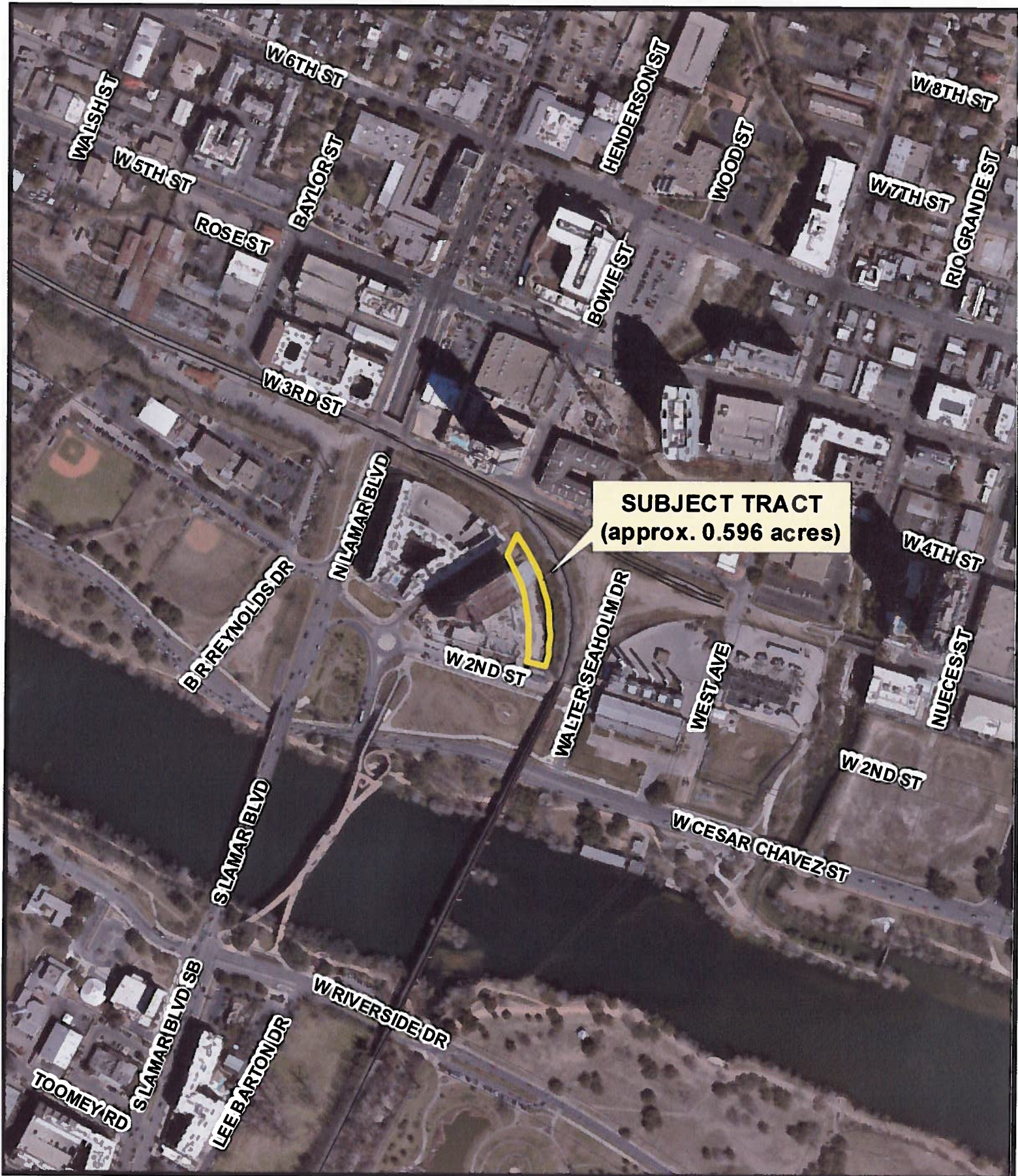
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

Exhibit A



C14-2013-0144 / Crescent Tract



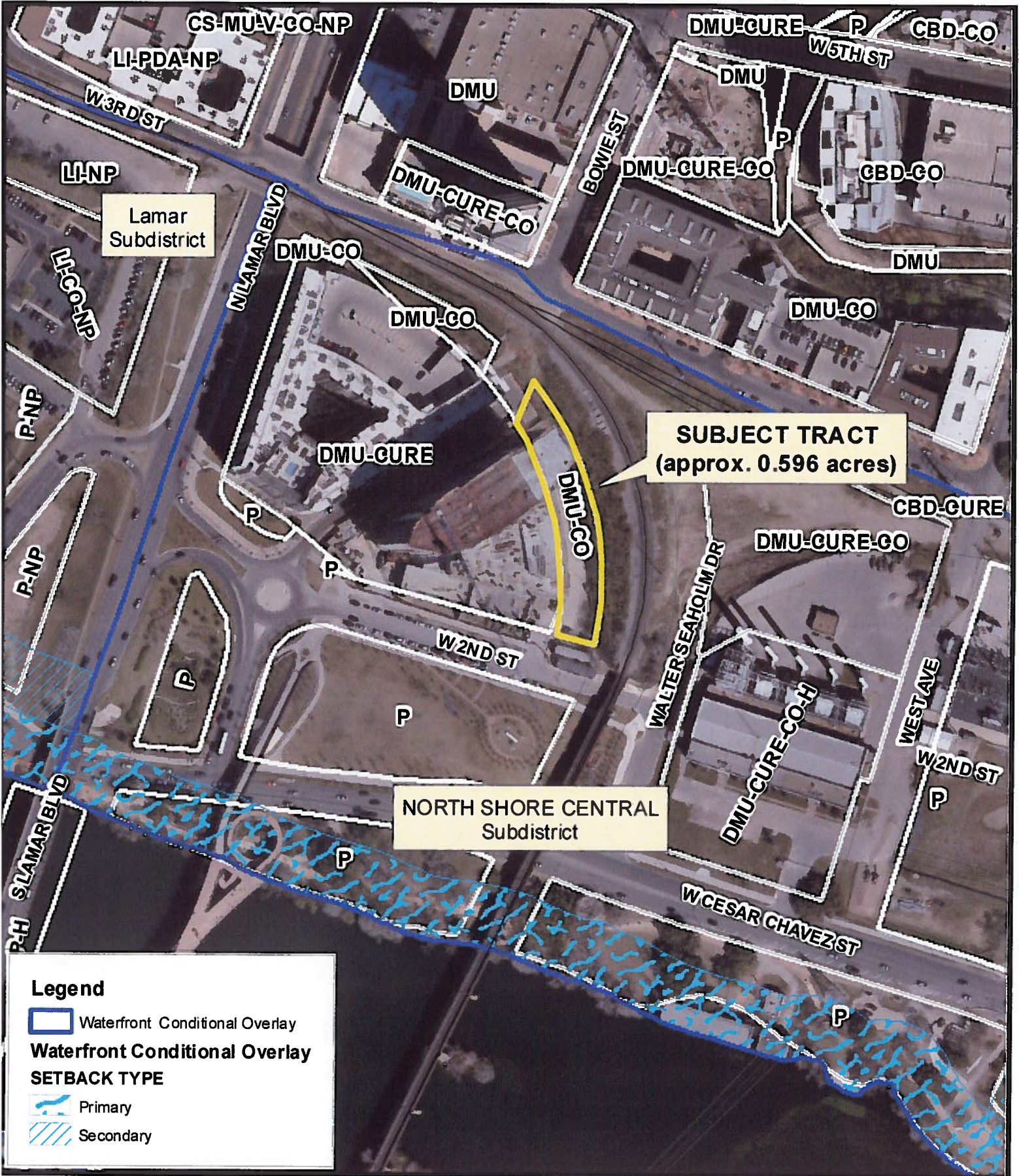
Imagery: 2013-03

Exhibit A - 1
Aerial

0 200 400 800 1,200 Feet
1 inch = 400 feet



C14-2013-0144 / Crescent Tract



magery: 2013-03

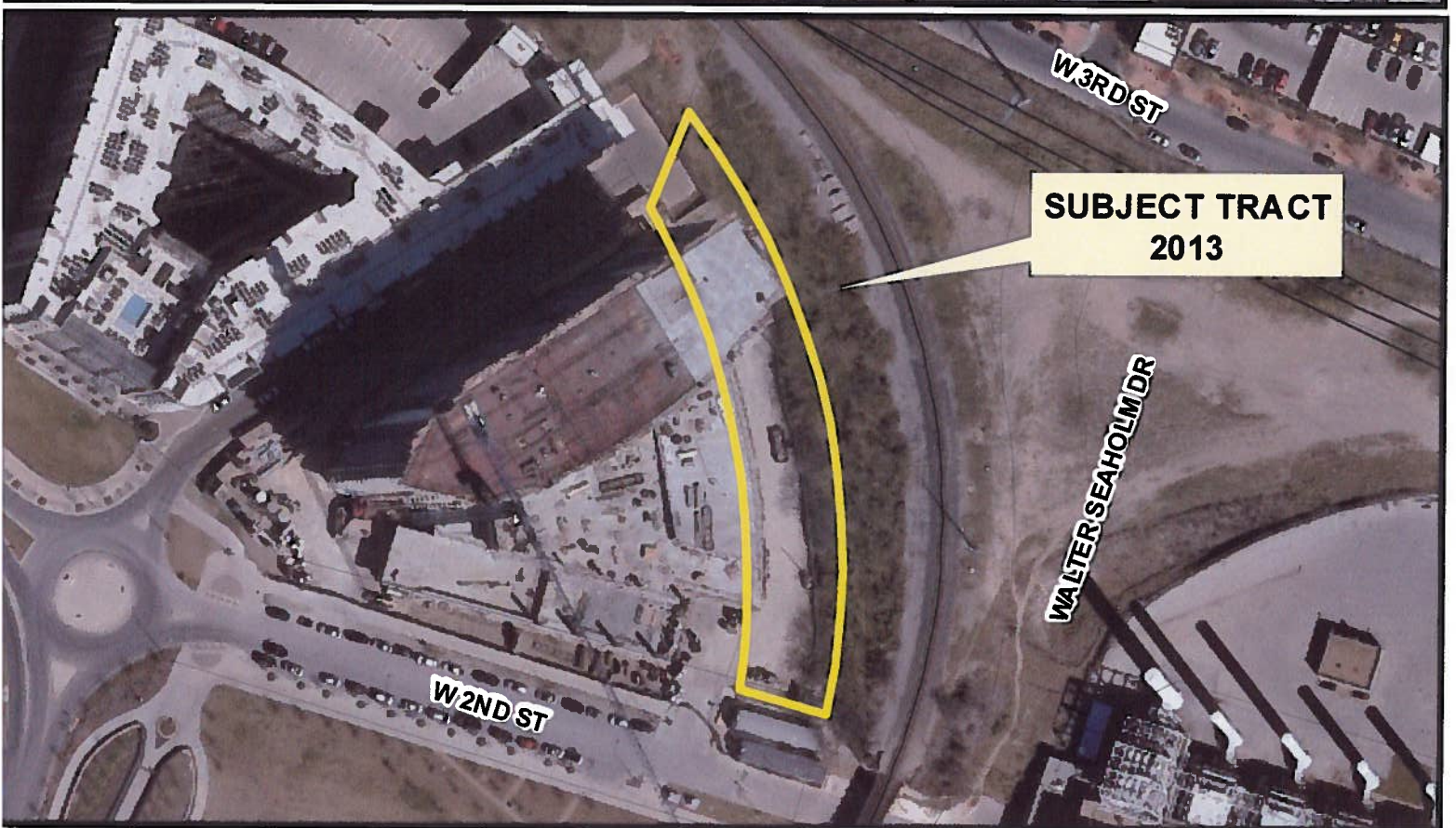
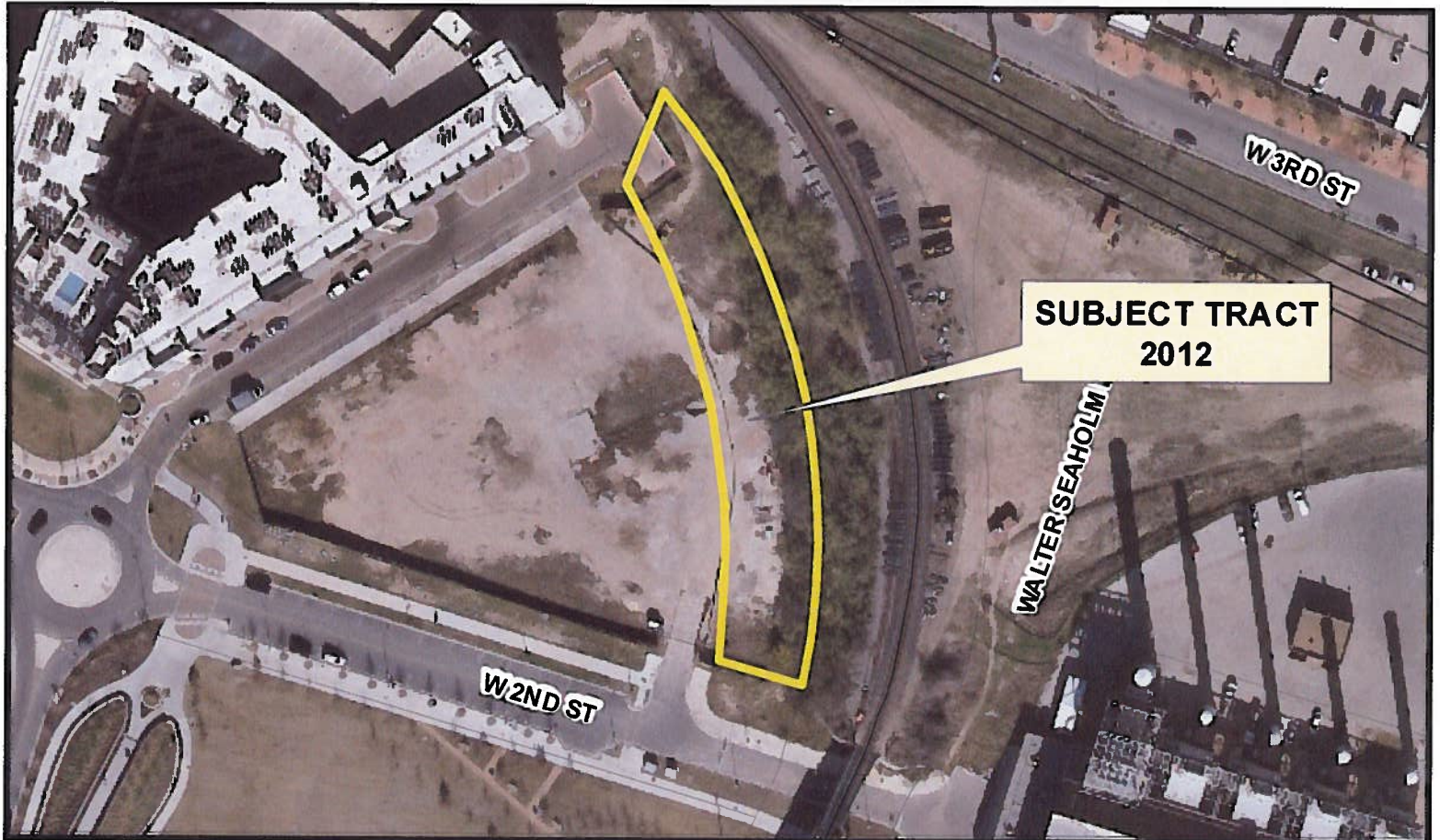
Exhibit A - 2

Aerial, Zoning, & Waterfront Overlay

1 inch = 200 feet



C14-2013-0144 / Crescent Tract



Imagery: 2012-01 & 2013-03

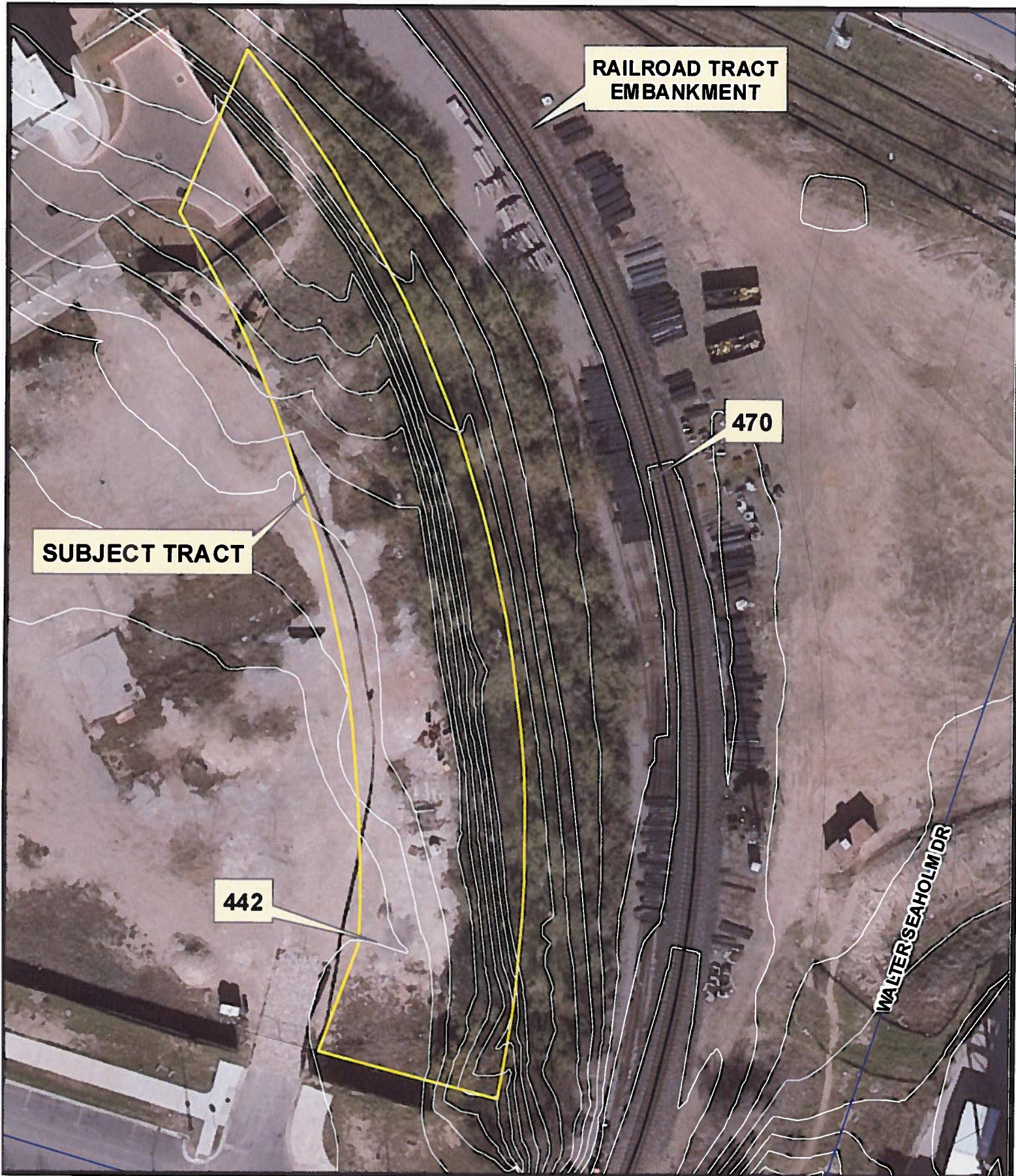
Exhibit A - 3 Extent of Zoning Tract

0 50 100 200 300 Feet

1 inch = 125 feet



C14-2013-0144 / Crescent Tract



Imagery: 2012-01
Contours: 2003

Exhibit A - 4 Contours

0 25 50 100 150 Feet
1 inch = 50 feet