



**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: Z-5  
AGENDA DATE: Thu 01/29/2004  
PAGE: 1 of 1**

**SUBJECT:** C14-03-0163 - 26<sup>th</sup> Street Partners - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 713 West 26<sup>th</sup> Street (Shoal Creek Watershed) from multifamily residence moderate-high density (MF-4) district zoning to multifamily residence highest density-conditional overlay (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant multifamily residence highest density (MF-6-CO) combining district zoning. Applicant: 26<sup>th</sup> Street Partners LLC (James Martindale). Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-03-0163

**P.C. DATE:** December 23, 2003

**ADDRESS:** 713 West 26<sup>th</sup> Street

**C.C. DATE:** January 29, 2003

**OWNER/APPLICANT:** 26<sup>th</sup> Street Partners  
(James Martindale)

**AGENT:** Jim Bennett

**ZONING FROM:** MF-4

**TO:** MF-6-CO

**AREA:** .491 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends the proposed change with the conditions agreed upon by the applicant and the University Area Partners (see attached). The conditional overlay will limit the height to 40 feet, will limit the density to 60 units and will require a minimum of 125 off-street parking spaces. In addition, the applicant and the UAP have agreed to several conditions that will be placed in a private restrictive covenant to be executed before third ordinance reading. They are as follows:

1. Relocation of the Goldman House and garage apartment to a location within Central Austin, if possible.
2. There shall be no more than 120 bedrooms.
3. Construction along 26<sup>th</sup> Street right of way of pedestrian and sidewalk amenities matching the West 23<sup>rd</sup> Street Renovation and Overlay Plan, in order to provide street lighting, sidewalks, trees, tree grates, irrigation and landscaping matching the specifications and design criteria of the West 23<sup>rd</sup> Street Plan.
4. The exterior materials of the project and the parking garage be all masonry (stucco, brick or stone) and the hipped roof materials of the structure be concrete or clay tiles to match or sympathetically respond to those colors and materials used within the University of Texas campus.
5. The units shall be 100% sprinkled.
6. That there be pedestrian safety measures at the driveway into the garage.

### **DEPARTMENT COMMENTS:**

The subject tract is a part of the proposed Central Austin Combined Planning Area (CACPA), which encompasses the West University, North University and Hancock neighborhoods. At this time the CACPA is in the planning stages and City staff is still collecting data and having meetings with both internal and external stakeholders. Staff does not have a Future Land Use Map (FLUM) created yet and recommendations for the subject tract are not yet incorporated into the plan. Therefore, staff is processing this rezoning application like any other zoning case. The reason for this case being presented before this Commission is due to Council resolution 020411-55, which initiated plans for the CACPA. The resolution became effective on September 1, 2002 and all zoning cases within the CACPA boundaries are required to be heard by this Commission.

While the (FLUM) has not yet been completed it does appear that staff would recommend the height and density being requested by the applicant. At this time it is in an area that is tentatively being designated for high density multifamily (MF-5 and MF-6). With the conditions agreed to by the applicant and University Area Partners, staff can recommend the proposed zoning case.

On October 14, 2003 the Board of Adjustments granted a variance to decrease the minimum set back requirement from 25 feet to 17 feet and the maximum compatibility height from 2 stories or 30 feet to 75 feet.

**PLANNING COMMISSION RECOMMENDATION:**

December 23, 2003 – Approved staff recommendation by consent (Vote: 5-0, M. Armstrong, D. Sullivan – absent, L. Ortiz – on leave).

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-4	Single Family, Garage Apartment, Parking
<i>North</i>	MF-4	Fraternity House
<i>South</i>	MF-4	Multifamily
<i>East</i>	MF-4 CS	Multifamily Commercial
<i>West</i>	MF-4	Multifamily

**AREA STUDY:** Central Austin Combined Neighborhood Plan **TIA:** N/A

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

- #069 – University Area Partners
- #511 – Austin Neighborhoods Council
- #937 – Taking Action Inc.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-03-0049	GO-MU to CS-MU and MF-6	Approved CS-MU-CO from the ground level to 30 feet and MF-6-CO from 30 feet to 90 feet. The CO limits vehicle trips to 2,000 per day, limits impervious cover to 80%, requires a 15 foot front yard set back, limits height to 40 feet for the first 75 feet north of 24 <sup>th</sup> street and prohibits access to 24 <sup>th</sup> street (Vote: 7-0). 12/9/03	Pending

**ABUTTING STREETS:**

<b>NAME</b>	<b>ROW</b>	<b>PAVEMENT</b>	<b>CLASSIFICATION</b>	<b>DAILY TRAFFIC</b>
26 <sup>th</sup> Street	50'	Varies	Local	N/A

**CITY COUNCIL DATE:** January 29, 2003

**ACTION:**

**ORDINANCE READINGS:** 1st

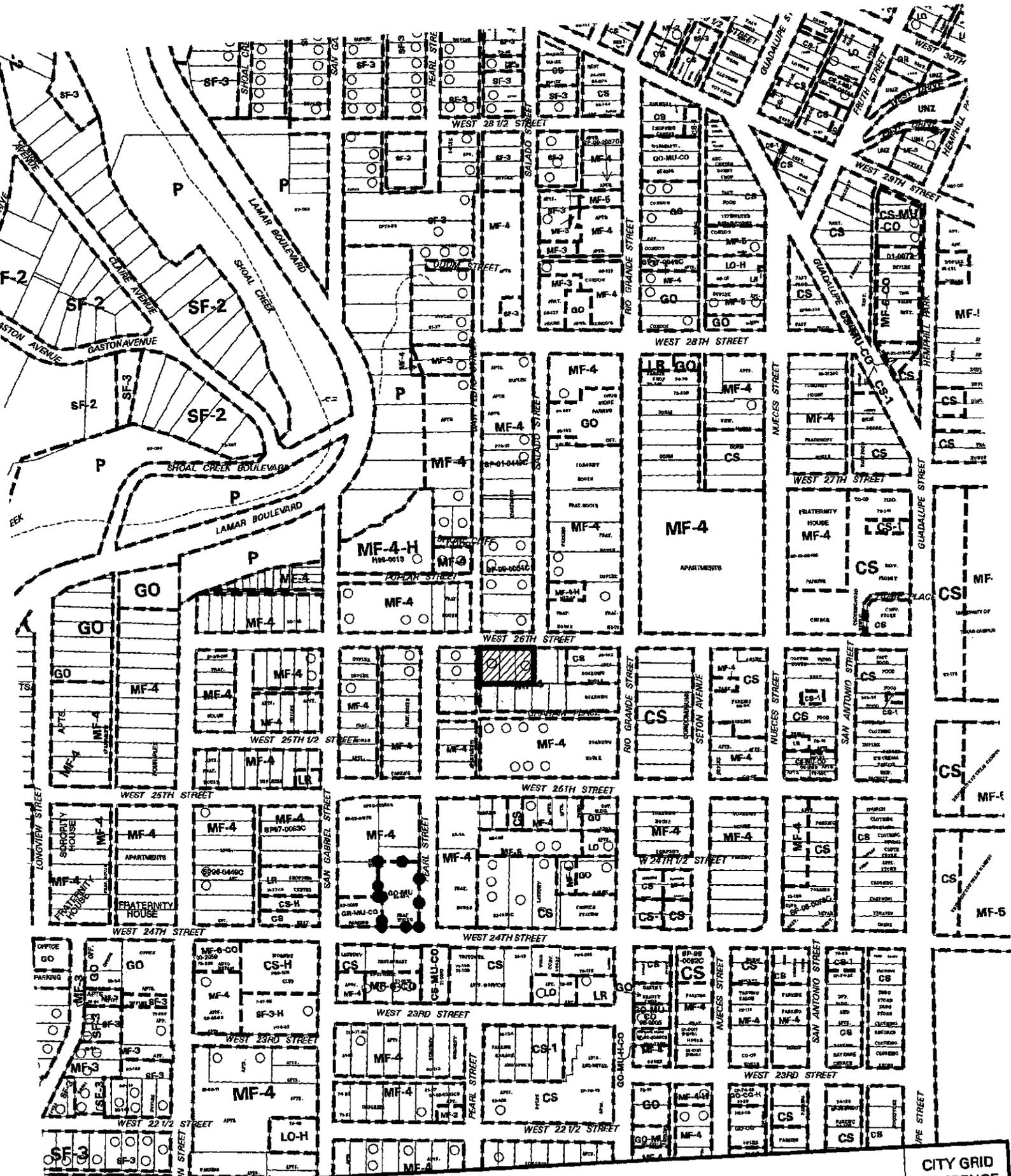
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Glenn Rhoades

**PHONE:** 974-2775



N  
 SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY  
 CASE MGR: G. RHOADES  
 1" = 400'

**CASE #: C14-03-0163**  
**ADDRESS: 713 W 26TH ST**  
**SUBJECT AREA (acres): 0.491**

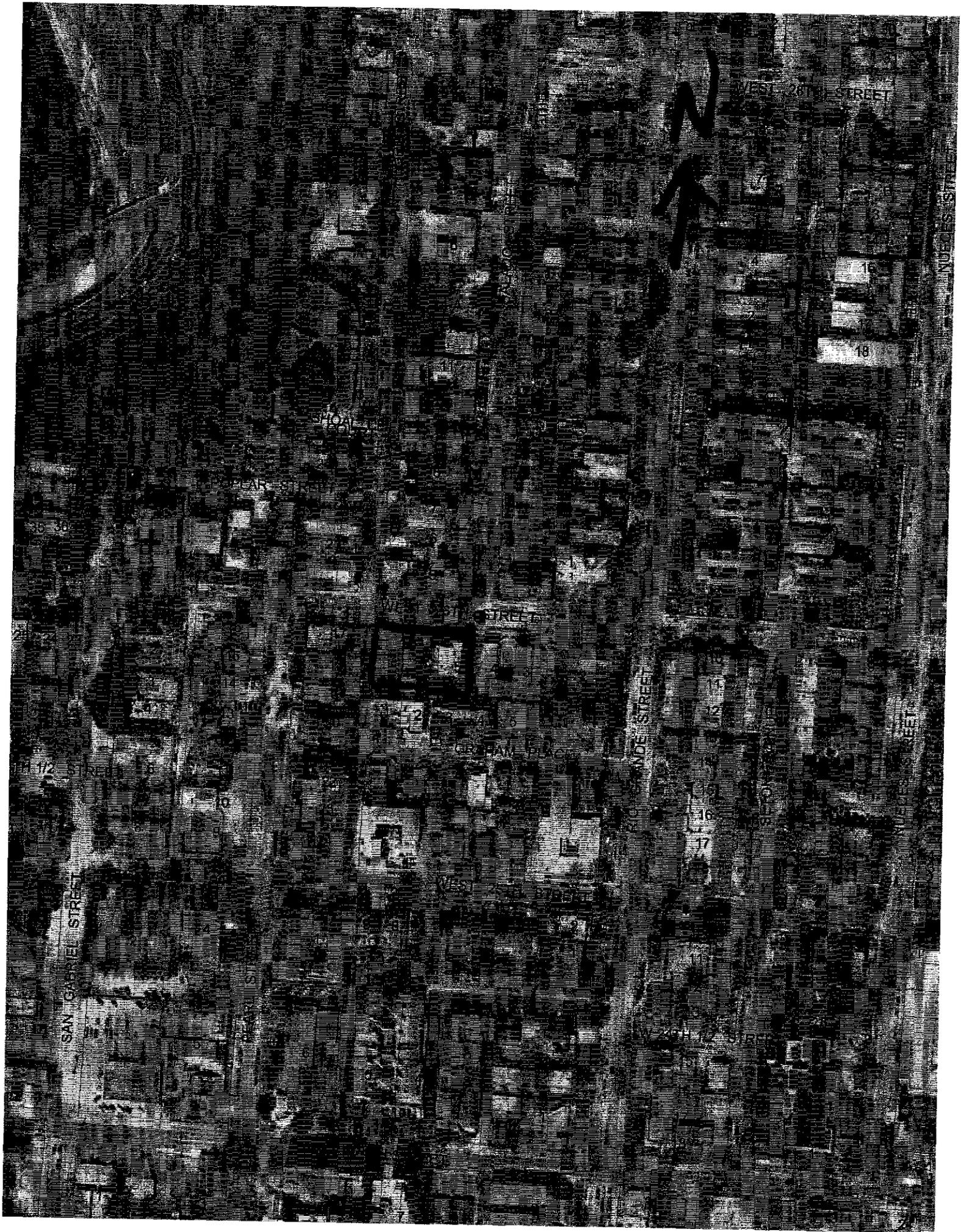
**ZONING**

DATE: 03-12

INTLS: SM

**CITY GRID REFERENCE NUMBER**

J24



N

SAN GABRIEL STREET

WEST 20th STREET

18

12

16

17

15th STREET

11th STREET

10

11 1/2 STREET

1st STREET

1st STREET

1st STREET

2nd STREET

3rd STREET

4th STREET

5th STREET

6th STREET

7th STREET

## **STAFF RECOMMENDATION**

Staff recommends the proposed change with the conditions agreed upon by the applicant and the University Area Partners (see attached). The conditional overlay will limit the height to 40 feet, will limit the density to 60 units and will require a minimum of 125 spaces. In addition, the applicant and the UAP have agreed to several conditions that will be placed in a private restrictive covenant to be executed before third ordinance reading.

## **BASIS FOR RECOMMENDATION**

MF-6 – Multifamily Highest Density is intended to accommodate multifamily and group residential use. This district is appropriate for highest density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers and in other selected areas where multifamily use is desirable.

The proposed change meets the purpose statements set forth in the Land Development Code. The subject tract is located near commercial corridors and is located near downtown in close proximity to employment centers and institutional facilities.

Staff believes that the proposed change will be compatible with the area. There are other multifamily developments in the immediate vicinity and the proposal will not be a detriment to the area.

In addition, the proposal is consistent with the proposed FLUM and is located in an area designated at this time for high density multifamily (MF-5 and MF-6).

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with a single family home a garage apartment and a parking lot.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 112 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

Capital Metro bus service is available along 26<sup>th</sup> Street (Route #62).

### **Impervious Cover**

The maximum impervious cover allowed under MF-6 zoning is 80%.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

### **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **Water and Wastewater**

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades are offsite main extension, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and 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's utility design criteria.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site

stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

**Compatibility Standards**

On October 14, 2003 the Board of Adjustments granted a variance to decrease the minimum set back requirement from 25 feet to 17 feet and the maximum compatibility height from 2 stories or 30 feet to 75 feet.

- 8. Zoning: C14-03-171 - East MLK rezoning**  
 Location: 5007 Regency Drive, Walnut Creek Watershed, East MLK Combined Planning Area NPA  
 Owner/Applicant: Ben Turner  
 Agent: Ben Turner  
 Request: LR-NP to LR-MU-NP  
 Staff Rec.: **Recommended**  
 Staff: Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

**MOTION: APPROVE STAFF RECOMMENDATION BY CONSENT.**  
**VOTE: 5-0 (NS-1<sup>ST</sup>, MM-2<sup>ND</sup>; MA,DS-ABSENT, LO-ON LEAVE)**

- 9. Zoning: C14-03-0163 - 26th Street Partners**  
 Location: 713 West 26th Street, Shoal Creek Watershed, Central Austined Combined NPA  
 Owner/Applicant: 26th Street Partners (James Martindale)  
 Agent: Jim Bennet  
 Request: MF-4 to MF-6  
 Staff Rec.: **Recommended**  
 Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

**MOTION: APPROVE STAFF RECOMMENDATION BY CONSENT (WITH 75 HEIGHT LIMIT).**  
**VOTE: 5-0 (NS-1<sup>ST</sup>, MC-2<sup>ND</sup>; MA,DS-ABSENT, LO-ON LEAVE)**

*Commissioner Spelman noted that she is not sure she agrees with the MF-6, but if city staff recommends it, will vote for it. She is concerned about the older historic buildings on the site, but it appears that the University Area Partners has negotiated preservation of the home and apartments.*

- 10. Zoning: C14-03-0167 - Guadalupe Street Lofts**  
 Location: 4525 Guadalupe Street, Waller Creek Watershed, Hyde Park NPA  
 Owner/Applicant: Austin WFD Ltd.  
 Agent: Codney Group Inc. (Michael Rhodes)  
 Request: MF-4 to CS-MU  
 Staff Rec.: **Recommended**  
 Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

**MOTION: POSTPONE TO JANUARY 13, 2004 (REQUEST BY STAFF).**  
**VOTE: 5-0 (NS-1<sup>ST</sup>, MM-2<sup>ND</sup>; MA, DS-ABSENT, LO-ON LEAVE)**