## ZONING CHANGE REVIEW SHEET

CASE: C14-88-0001.12
Davenport West PUD Amendment 12
ZONING FROM: PUD

ADDRESS: 4417 Westlake Dr.

SITE AREA: 5.30 acres (230,868 sq. ft.)

## PROPERTY OWNER:

Michael \& Susan Dell Foundation (Anano Sriwivasan)

DISTRICT: 10

TO: PUD, to change conditions of zoning

CASE MANAGER Mark Graham (512-974-3574, mark.graham@austintexas.gov )

## STAFF RECOMMENDATION:

Staff recommends the requested substantial amendment to the Davenport West PUD, Amendment 12, increasing allowable non-residential floor area by $\mathbf{2 9 , 0 9 0}$ square feet for the proposed office on Lot 17, Block E, Tract F. For a summary of the basis of staff's recommendation, see case manager comments on page 2.

## ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

December 17, 2019

## CITY COUNCIL ACTION:

January 23, 2020

## ORDINANCE NUMBER:

## ISSUES

## Allowable non-residential floor area

The applicant requests approval of Davenport West PUD Amendment 12 to permit building a 29,090 square foot office building and bridge linking it to their existing office building. This issue requires an amendment to the PUD. The rest of the listed issues explain how development will meet various inter-related standards such as impervious coverage, parking and height while addressing neighborhood concerns.

## CASE MANAGER COMMENTS:

The entire Davenport Ranch West PUD covers 444.31 acres. The largest portion of the land, 182 acres, provides for detached residences. The second largest category of land use is the 104 acre St Stephens School Campus. Offices are the third largest class of land use in the PUD, occupying about 86 acres including office/retail.

The subject case is focused on a lot within Tract F, a 1988 plan for 144.91 acres of the Davenport West PUD. The plan identified Blocks and Lots with associated land uses including detached residential, office and retail. Tract F is located adjacent to Capital of Texas Highway (Loop 360) on the west side and accessed primarily from Westlake Drive. The PUD permits transfers of allowable building area, Floor to Area Ratio (FAR) and impervious coverage) between lots within Tract F. Total allowable non-residential building area for Tract F is

## $\mathbf{1 , 2 2 8 , 3 1 4} \mathbf{s q}$. ft.

The Applicant represents property owner, Michael and Susan Dell Foundation (MSDF). Tract F, Block E, Lot 17, the subject lot, is a 5.30 acre parcel with an existing 38,875 square foot, twostory office building at 4417 Westlake Drive located on the southwest corner of Westlake Drive and Royal Approach Drive.

Applicant requests an amendment to the land use plan of the Davenport West PUD that regulates the total amount of non-residential land available for Tract F. Land Development Code 25-2-192 Subpart C. 3.1.2 D. requires a major amendment with Council approval when amending a condition of approval of the PUD zoning district. Applicant requests that the Davenport West PUD be amended to permit an additional $29,090 \mathrm{sq}$. ft. of office, listed in the PUD as "allowable non-residential building area" to permit an expansion of their offices at the current location. The proposed increase of less than 3\% of allowable non-residential area would allow the 29,090 square foot addition on Lot 17, Block E, Tract F for a total of 66,095 square feet. The new PUD total for non-residential development area for Tract $F$ would be $\mathbf{1 , 2 5 7 , 4 0 4} \mathbf{~ s q . ~ f t . . ~}$

## Parking

The new office building will be sited on the existing parking area to avoid increasing impervious coverage. Additional parking is required for both the new building and to replace the parking covered by that building. The applicant will build a 3 level parking deck beneath the new building. The PUD parking rate for administrative offices is 1 space per 300 square feet. With a total of 66,090 square feet of office the minimum required parking is 220 spaces. They are providing 221.

## Building Height

Davenport West PUD refers to Hill Country Roadways (HCR) standards to regulate building height. The lot is in the Loop 360/Moderate Intensity zone which limits heights to 40 feet unless performance incentive enhancements (development bonuses) are achieved. The applicant indicates they will build within the 40 foot height limit.

## Neighborhood Concerns

Neighbors are expressing concerns that the Public Notice signs were not maintained continuously. The signs were damaged by wind and weather so they became curled and detached from their posts. The staff at the MSDF office found the signs and re-posted them at one point. When signs went missing again, the City re-posted the signs.

Neighbors to the 4417 Westlake Drive property have contacted Austin Planning and Zoning staff about their concerns with the proposed building. Many list increased traffic and the related delays for first responders serving residents and schools. Some noted that the intersection of Westlake and Loop 360 is already often gridlocked during the morning and evening peak traffic hours. Storm water runoff and water quality issues were raised in emails to staff. Many of the residences west of the subject property are in a flood zone and have experienced increasing water levels after storms. Some thought the project should provide additional detention or water quality measures. Because the development is not increasing impervious surface it is not required to add water quality or detention ponds to the existing facilities.

The Villas at Davenport neighborhood is adjacent to the subject property on the south. Staff received emails from the Homeowner's Association and residents urging opposition to the zoning measure based on their list of expected adverse effects: Property values diminished initially by construction noise and dust and eventually by operation impacts from building, parking lot and vehicle lights, glare, reflection and noise. Applicant modified the location of the vehicle entrance to the parking garage and made commitments regarding screening, lights and building materials to mitigate impacts.

Neighborhood residents commented about the City-owned water quality and retention pond situated between the curb and sidewalk along Royal Approach Drive. Some observed that it never drained and is unattractive. City of Austin was aware of drainage issues with the pond and performed maintenance including changing a membrane. City and applicant monitored the pond after maintenance and it now functions as designed, detaining water for a few days and then drying. The pond is sized according to the standards in place when it was built. It is smaller than would be required with current specifications. Applicant and City of Austin staff are discussing alternatives that would increase capacity and enhance the appearance of the pond including options for a "bio filtration pond" or rain garden.

## The Davenport West PUD

The zoning process, standards and land plan for the Davenport West PUD were established December 15, 1988. Those standards are the baseline for staff's analysis. There are 3 PUD amendments and a restrictive covenant amendment affecting Tract F. (see related cases). Amendment 8 changed the land plan uses for approximately 30 acres from office and retail to condo and multifamily residential including Block E, Lot 16 adjacent to the subject property on the south. The Restrictive Covenant was also modified at that time to permit multi-family residential where it was previously prohibited.

The land in Davenport Ranch Tract F is mostly developed. In the current case, the limit on allowable non-residential area was reached for the Tract. The Davenport West PUD allows for the transfer of buildable non-residential area, Floor to Area Ratio (FAR) and Impervious Coverage area, thereby making it somewhat difficult to track what can be built on each individual lot. When all of the property was in common ownership and control, the ability to transfer provided flexibility for development. The transfers are not well documented. Amendments to the PUD include tables showing, for example, transfers of impervious coverage, changes to permitted land use and dwelling unit counts. Staff calculated Tract F, non-residential building area based on site plan records.

The Davenport West PUD permits developers to defer submitting many development plans and documents until they seek building permits. For the current request, Applicant provided historical PUDs, and a schematic site plan showing existing and proposed office buildings, connecting bridge and parking area. In addition, there are PUD sheets showing the extent of Tract F, and displaying Notes and Tables showing calculations of buildable area based on slopes, calculations for the allowed impervious cover, building and parking calculations. The Floor to Area Ratio (FAR) of a nonresidential building in Davenport West PUD varies by slope:

| Slope | Maximum FAR |
| :--- | :--- |
| $0-15 \%$ | 0.34 |
| $15-25 \%$ | 0.22 |
| $25.35 \%$ | 0.11 |

Net Site Area Calculations on Sheet 23 of 23 show 4.73 acres of the 5.3 acre lot have slopes less than $15 \% .4 .73$ acres $x(43,560$ square feet/acre $)=206,038.8$ square feet $x$ FAR of $0.34=70,053$ square feet of allowable non-residential area for the subject property which is greater than the proposed 66,095 total for the existing building and proposed building. If the lot was not subject to the PUD provision to transfer buildable area within the Tract, by this measure the lot would qualify for the additional square footage.

## Environmental Issues

Impervious Cover (IC) is being reduced with the new building. Owner did not build one approved parking area south and west of the building and the proposed design is to cover existing IC with the new building and parking deck so there is 0.36 acres ( $15,681 \mathrm{sq} . \mathrm{ft}$.) of approved impervious coverage available which the applicant proposes to give up. That amounts to reducing the impervious area coverage. Rather than allowing that IC to transfer to another lot, they propose to give up that increment of IC. City staff views the concession of 0.36 acres of IC as an additional element of superiority.

Retention pond in right-of-way: Applicant and City are coordinating to improve appearance and function of the retention pond. The City recently changed the type of membrane used in the pond and performed other maintenance and testing. The retention pond now functions as designed, which includes holding water for up to several days after a storm. Nevertheless the parties are exploring design alternatives that would potentially make the pond more attractive. A biofiltration pond also known as a rain garden feature would be an amenity. The pond is the City's pond on City right-of-way, however, City representatives are discussing cost sharing with the applicant as an element of superiority.

Existing on site detention pond may be modified to operate better and facilitate future maintenance. There was no requirement to enlarge that pond because there was no proposed increase in impervious coverage.

Flood Plain: St. Stephens Creek flows through this lot west of the building. The current floodplain and proposed Atlas 14 bounds were considered when designing the building and amending the site plan. The proposed building would be built east of the existing building and does not encroach into the flood plain.

Rainwater harvesting is not required in the PUD, yet the applicant is proposing to build a system with their new building to collect rainwater and use it to water landscaping before using a conventional system.

## Building Design and Landscape Plans

The Davenport West PUD allows projects within the PUD to defer submitting studies and plans until they seek a building permit. They are not required to provide building elevations, a final site plan or landscape plans with a zoning request. Applicant is proposing to build a 2 star Green Building to achieve superiority. In this case the applicant may provide a landscape plan to demonstrate that they are fulfilling commitments made to the City and neighbors by providing landscape for screening and enhancing the site perimeter along Royal Approach Road, Westlake Blvd. and the southern property line. They are committed to exceeding requirements in this category to achieve superiority. Further, by restricting glass reflectivity to less than 15\%, applicant exceeds standards in a restrictive covenant with Creek at Riverbend neighbors.

Applicant is reviewing Site lighting design, looking at available technologies and proposing to exceed Austin’s Dark Sky Initiatives.

## BASIS OF RECOMMENDATION:

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

The purpose of the Davenport West PUD was to provide areas for residential, school and office land uses in locations and with design criteria that made them compatible. The subject site has Hill Country features such as moderate to steep slopes, a creek with a significant floodway, groves of native and cultivated trees and large yards to adjacent streets on two sides and to adjacent residences on the other two. Office uses are one of the top three land uses in the Davenport West PUD and the applicant is designing an office addition that meets the impervious coverage, FAR and parking criteria. Applicant is further enhancing the building with low reflectance glass and is making commitments for screening and streetscape treatments well beyond the requirements of the PUD. Although the total allowable nonresidential limit has been reached in Tract F, the applicant is asking for an increase of less than $3 \%$ of the Tract F allowable area. The FAR for the property would permit in excess of 70,000 sq. ft. where 66,095 is proposed.

## 2. Public facilities and services should be adequate to serve the set of uses allowed by a rezoning.

A Traffic Impact Analysis (TIA) was not required. The traffic generated by the proposal does not exceed the thresholds established in the Land Development Code and for the following rationale:

The site is subject to the TIA completed with the Davenport West PUD. Additional technical memoranda dated November 9, 2011 and March 2, 2012 have been re-reviewed by ATD (Nate Aubert) and conclude this proposal is within the limits of the original TIA.

There is no public transportation system serving the property. There are public sidewalks along both street frontages of the property. Loop 360 Highway that serves the Davenport West PUD. Tract F via Westlake Drive experiences morning and evening peak periods of heavy traffic congestion.

## 3. Zoning should allow for reasonable use of the property.

The MSDF lot is 5.3 acres which can accommodate the 66,095 square foot office buildings while meeting required parking standards, complying with the limits on impervious cover, preserving natural areas, enhancing street frontages and bolstering buffers to adjacent residential land use.

EXISTING ZONING AND LAND USES:

|  | Zoning | Land Uses |
| :--- | :--- | :--- |
| Site | PUD | Office |
| North | PUD | Royal Approach Dr. then undeveloped <br> land, detached SF residences |
| South | PUD | detached SF residences |
| East | PUD | Westlake Dr. then parking deck and mid- <br> rise office, retail |
| West | detached SF residences |  |

NEIGHBORHOOD PLANNING AREA: Not Applicable

TIA: Existing TIA Reviewed/Approved

WATERSHED: St. Stephens Creek - Water Supply Suburban

OVERLAYS: Hill Country Roadways, Loop 360/Moderate Intensity

SCHOOLS: Eanes ISD Schools

Bridge Point Elementary Hill Country Middle School Westlake H.S.

## NEIGHBORHOOD ORGANIZATIONS

Austin Lost and Found Pets
(Bunny Run Nbhd) BRNA ASSOCIATION INC.
Bike Austin
City of Rollingwood
Friends of Austin Neighborhoods
Glenlake Neighborhood Association
Neighborhood Empowerment Foundation

## SELTexas

Save Our Springs Alliance
Sierra Club
Austin Regional Group
TNR BCP - Travis County Natural Resources
The Creek at Riverbend Neighborhood Assoc.

AREA CASE HISTORIES:

| Number | Request | Commission | City Council |
| :---: | :---: | :---: | :---: |
| C814-88-0001 <br> Loop 360 and Westlake Drive | unzoned to PUD | To Grant | Apvd 02/02/1989 |
| C814-88-0001.08 Gables Westlake 3100-3320 North Capital of Texas Highway | PUD to PUD <br> Change land plan <br> to allow <br> multifamily <br> residential use, SF- <br> 6 regs, 323 units, 40' height | To Grant | Apvd 08/25/2005 |
| C814-88-0001(RCA) <br> 3100-3320 North <br> Capital of Texas Highway | allow multi-family | To Grant | Apvd 08/25/2005 <br> w/ RC 2005179919 to allow Multifamily residences |
| C814-88-0001.09 <br> 3300-3328 Block of North Capital of Texas Highway | 1.7 acre site, change IC, $0.11: 1$ FAR, 47’ max height, 8,000 max bldg. sq. ft. | To Grant | Apvd 03/22/2007 |
| C814-88-0001.11 (case \# changed from C814-2014-0160) <br> 3600 North Capital of Texas Highway | Restaurant add'n 393 sq. ft., add 6 parking spaces | (administrative approval 11/05/2014) | Not Applicable |
| C814-88.0001.12 <br> 4417 Westlake Drive | PUD to PUD Increase allowable non-commercial area by 29,090 sq. ft . for Tract F, Block E, Lot 17 | Environmental Comm. Sched 12/04/2019 <br> ZAP sched <br> 12/17/2019 | Sched 01/23/2020 |

## RELATED CASES:

C814-88-0001-Original Davenport Ranch West PUD-approved by City Council on February 2, 1989

## OTHER STAFF COMMENTS:

## Site Plan

- Site plans will be required for any new development other than single-family or duplex residential.
- Any new development is subject to Subchapter E. Design Standards and Mixed Use unless indicated otherwise by the Davenport PUD. Additional comments will be made when the site plan is submitted.


## HILL COUNTRY ROADWAY

A portion of the site is located within 1,200 feet of the Loop 360/Westlake Drive intersection and within a Hill Country Roadway Corridor. The site is located within the moderate intensity zone of Loop 360.

The site may be developed with the following maximum floor-to-area ratio (FAR):

| Slope | Maximum FAR |
| :--- | :---: |
| $0-15 \%$ | 0.34 |
| $15-25 \%$ | 0.22 |
| $25-35 \%$ | 0.11 |
| $>35 \%$ | 0.11 |

- The allowable height is 40 ' unless performance incentive enhancements (Development Bonuses) outlined in § 25-2-1128/1129 are achieved.
- SP5. Prior to the issuance of a building permit for the proposed use, the site plan will need to be approved by the Land Use Commission.
- FYI: This reviewer strongly recommends that all past amendments to the PUD are put into a single, typed, document that is organized by sections and clearly states what changes occurred with each amendment.
- FYI: Additional design regulations will be enforced at the time a site plan is submitted.
- FYI: A portion of your site is in the floodplain


## Austin Water Utility

Note added to Sheet 23:

THE PROPOSED NEW BUILDING ON LOT E-17, TRACT F OF THE PUD WILL PROVIDE FOR RAINWATER HARVESTING FOR LANDSCAPE IRRIGATION. POTABLE WATER SHALL NOT BE USED FOR IRRIGATION UNTIL RAINWATER HARVESTING SUPPLIES HAVE BEEN EXHAUSTED.

## Flood Plain Review

Site has floodplain located on it - both a FEMA AE zone as well as an unstudied A zone, but the City of Austin has not studied this creek recently. PUD amendment is to allow a building to be built along Westlake Drive with a pedestrian bridge over the parking lot to get to the main building. No net increase in impervious cover, no size increase in detention pond, though improvements are to be completed to make maintenance easier.

## City Arborist Review

Applicant committed to planting trees along both Royal Approach and Westlake Drive frontages and along the property line common to the MSDF office and Villas residences.

## INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map
Exhibit B: Aerial Map
Exhibit C: Lot 17 - Schematic Site Plan
Exhibit D: Davenport West - Westlake Access to Capital of Texas Highway
Exhibit E: Landscape Plan - Trees
Correspondence Received


Exhibit A
Z7D SUBJECT TRACT

-     - Z ZONING BOUNDARY
$\stackrel{\bullet}{\bullet}$
. PENDING CASE

Davenport West PUD Amendment \#12
(Michael \& Susan Dell Foundation)
ZONING CASE\#: C814-88-0001.12
LOCATION: 4417 WESTLAKE DR
SUBJECT AREA: 5.2950 ACRES
GRID: F28
MANAGER: MARK GRAHAM


This map has been produced by the Communications Technology Management Dept. on behalf of the


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## Exhibit B

SUBJECT TRACT

-     - 1

$\therefore$
PENDING CASE
$\square$ CREEK BUFFER

Davenport West PUD Amendment \#12
(Michael \& Susan Dell Foundation)
ZONING CASE\#: C814-88-0001.12
LOCATION: 4417 WESTLAKE DR
SUBJECT AREA: 5.2950 ACRES
GRID: F28
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Exhibit C - Case C814-88-0001.12


Exhibit E - Case C814-88-0001.12

