

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



**AGENDA ITEM NO.: Z-8
AGENDA DATE: Thu 02/12/2004
PAGE: 1 of 1**

SUBJECT: C14-03-0163 - 26th 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 26th 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: 26th Street Partners LLC (James Martindale). Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.

REQUESTING	Neighborhood Planning	DIRECTOR'S
DEPARTMENT:	and Zoning	AUTHORIZATION: <u>Greg Guernsey</u>

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0163

P.C. DATE: December 23, 2003

C.C. DATE: January 29, 2004
February 12, 2004

ADDRESS: 713 West 26th Street

OWNER/APPLICANT: 26th 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 75 feet, will limit the density to 60 units. 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 26th Street right of way of pedestrian and sidewalk amenities matching the West 23rd 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 23rd 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.

PLANNING COMMISSION RECOMMENDATION:

December 23, 2003 – Approved staff recommendation of MF-6-CO by consent (Vote: 5-0, M. Armstrong, D. Sullivan – absent, L. Ortiz – on leave). The conditional overlay will limit the height to 75 feet, will limit the density to 60 units.

DEPARTMENT COMMENTS:

As of February 5, 2004, the private agreement between the applicant and the University Area Partners have not executed their private agreement.

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, 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 for multifamily use.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<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.

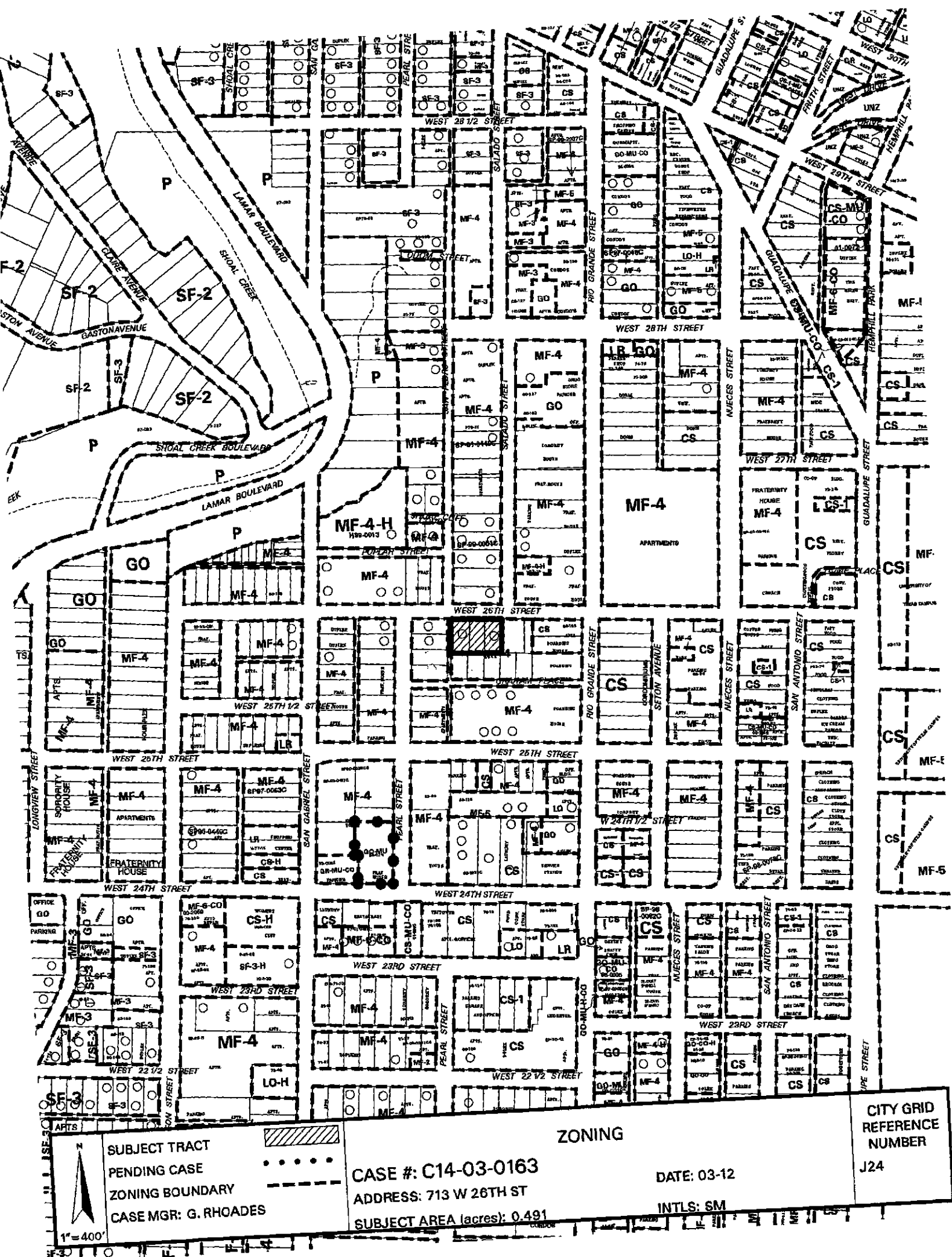
CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
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 th street and prohibits access to 24 th street (Vote: 7-0). 12/9/03	Pending

ABUTTING STREETS:

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

CITY COUNCIL DATE: January 29, 2003**ACTION:** Postponed at the request of the neighborhood (Vote: 5-0, B. McCracken – off dais, D. Thomas – absent).**ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775





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 75 feet, will limit the density to 60 units. 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 26th 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



UNIVERSITY AREA PARTNERS, INC.

2026 Guadalupe #303B Austin, Texas 78705 (512) 474-6682

September 19, 2003

Glenn Rhoades
City of Austin
Neighborhood Planning and Zoning
505 Barton Springs Rd.
Austin, TX 78705

Re: 711/713 W. 26th St.

Dear Sirs,


University Area Partners has determined that they will support Mr. Bill Hale's proposed development and zoning change at the 711/713 W. 26th St. location. Mr. Hale has made a presentation to our board of directors about his proposed condominium project, and after more careful study by a subcommittee of the board, we decided to support the necessary zoning change from MF4 to MF6 as long as certain conditions and restrictions were added in the form of a Conditional Overlay, (as well as a private agreement). These conditions are:

1. Relocation of the Goldmann house and garage apartment. The Goldmann House to be relocated within the central Austin neighborhoods, if possible.
2. Construction of no more than 60 units with no more than 120 bedrooms, and approximately 125 parking spaces.
3. Construction along 26th St. right of way of pedestrian and sidewalk amenities matching the West 23rd 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 23rd Street plan. (The West 23rd Street plan is a design for improvements to support a pedestrian walkway along West 23rd St. that we hope will serve as a model for future improvements on other streets, and for new development in the area.)
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. A height limitation of 75 feet.
6. That the condominiums be 100% sprinkled.
7. That there be pedestrian safety measures at the driveway into the parking garage.

8. Mr. Hale will enter into a separate duly recorded deed restriction of the above property for the conditions set forth above prior to obtaining final zoning approval from the City of Austin.

It is a long term goal of the University of Texas to move more students first into on campus student housing, and secondly into the neighborhoods immediately adjacent to the University. UAP supports this policy. Mr. Hale's development will take property very close to the University that is now partly vacant, and in Austin's "smart growth" area, and put it to use housing students in a location where they can walk or bike to school.

Sincerely,



Cathy Norman
President UAP

- 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-1ST, MM-2ND; MA, DS-ABSENT, LO-ON LEAVE)

- 9. Zoning: C14-03-0163 - 26th Street Partners**
 Location: 713 West 26th Street, Shoal Creek Watershed, Central Austin 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-1ST, MC-2ND; 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-1ST, MM-2ND; MA, DS-ABSENT, LO-ON LEAVE)

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 713 WEST 26TH STREET FROM MULTIFAMILY
3 RESIDENCE MODERATE-HIGH DENSITY (MF-4) DISTRICT TO
4 MULTIFAMILY RESIDENCE HIGHEST DENSITY-CONDITIONAL OVERLAY
5 (MF-6-CO) COMBINING DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from multifamily residence moderate-high density (MF-4) district
11 to multifamily residence highest density-conditional overlay (MF-6-CO) combining district
12 on the property described in Zoning Case No.C14-03-0163, on file at the Neighborhood
13 Planning and Zoning Department, as follows:
14

15 Lots 4, 5, and 6, Outlots 59 and 60, Graham Subdivision, a subdivision in the City
16 of Austin, Travis County, Texas, according to the map or plat of record in Plat
17 Book 2, Page 191, of the Plat Records of Travis County, Texas, (the "Property")
18

19 locally known as 713 West 26th Street, in the City of Austin, Travis County, Texas, and
20 generally identified in the map attached as Exhibit "A".
21

22 PART 2. The Property within the boundaries of the conditional overlay combining district
23 established by this ordinance is subject to the following conditions:
24

- 25 1. The maximum density of the Property is 60 residential units.
- 26
- 27 2. The maximum height of a building or structure is 75 feet from ground level.
- 28

29 Except as specifically restricted under this ordinance, the Property may be developed and
30 used in accordance with the regulations established for the multifamily residence highest
31 density (MF-6) base district and other applicable requirements of the City Code.
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33
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37

1 **PART 3.** This ordinance takes effect on _____, 2004.

2
3
4 **PASSED AND APPROVED**

5
6
7
8 _____, 2004

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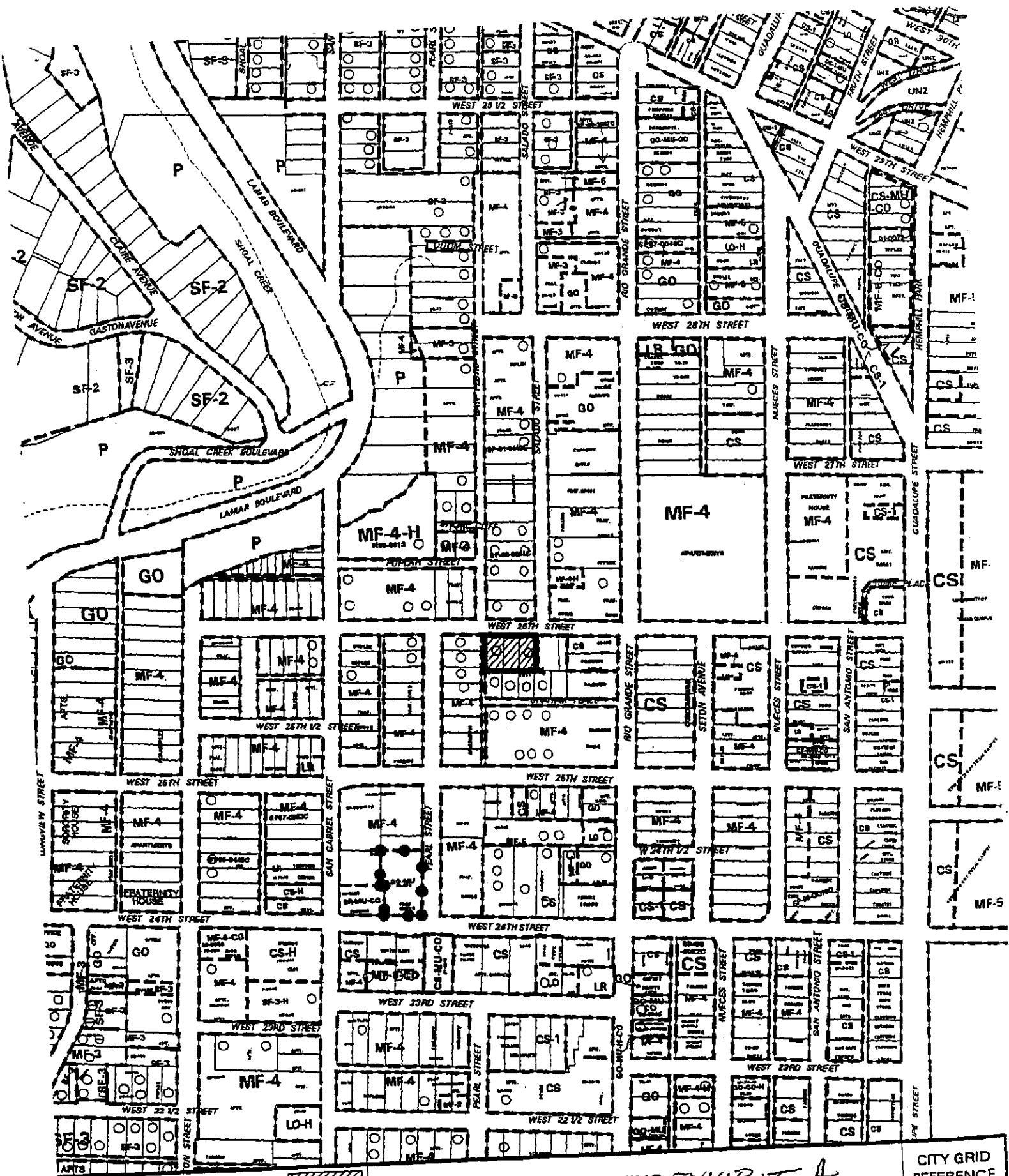
Will Wynn
Mayor

9
10
11
12
13 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: G. RHOADES

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

ZONING EXHIBIT A

DATE: 03-11

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 J24

1" = 400'