

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0035

BOA DATE: April 12th, 2021

ADDRESS: 1409, 1501 & 1505 W. 3rd St and 300 & 301 Pressler St

COUNCIL DISTRICT: 9

OWNER: Steven D. Ogden

AGENT: Nikelle Meade

ZONING: CS-CO-NP and LI-CO-NP

LEGAL DESCRIPTION: .759 AC OF OLT 1 DIVISION Z; 0.123 AC OF OLT 1 DIVISION Z; .974 AC OF OLT 1 DIVISION Z; .309 AC OF OLT 11 DIVISION Z; and 1.0960AC OF OLT 1 DIVISION Z

VARIANCE REQUEST: increase height limit from 60 feet to 75 feet

SUMMARY: erect Multi-Family Residential Mixed Use

ISSUES: long narrow configuration, heritage trees, slopes, easements

	ZONING	LAND USES
<i>Site</i>	CS-CO-NP; LI-CO-NP	General Commercial Services; Limited Industrial Service
<i>North</i>	LI-PDA-NP; LI-CO-NP; GR-MU-V-CO-NP	Limited Industrial Service-Planned Development Area; Community Commercial-Mixed Use
<i>South</i>	P-NP	Public
<i>East</i>	LI-CO-NP	Limited Industrial
<i>West</i>	P-NP	Public

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Old West Austin Neighborhood Association

Old West Austin Neighborhood Plan Contact Team

Preservation Austin

SEL Texas

Save Barton Creek Assn.

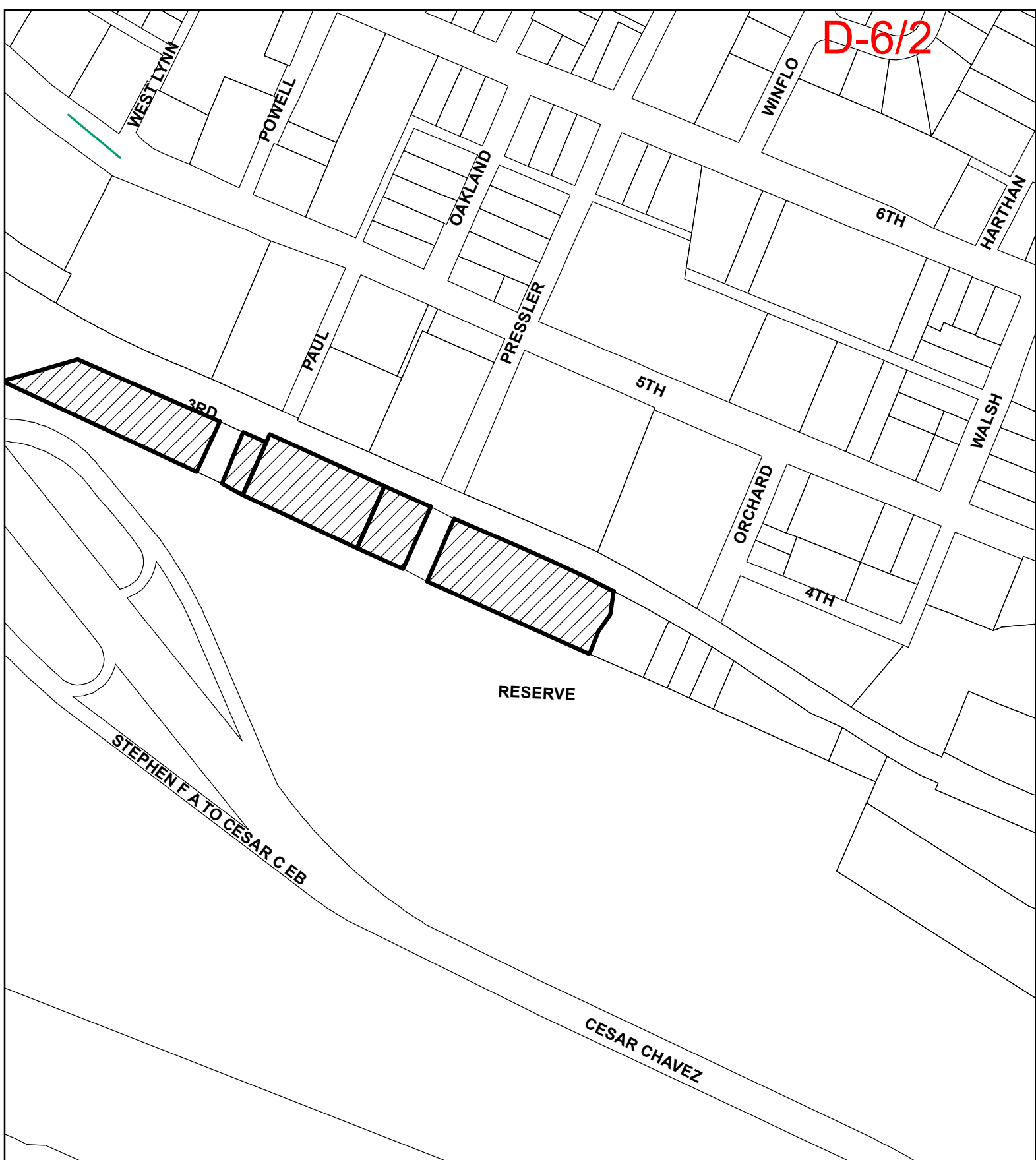
Save Historic Muncy District

Shoal Creek Conservancy

Sierra Club, Austin Regional Group

TNR BCP – Travis County Natural Resources

D-6/2



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2021-0035
LOCATION: 300 & 301 PRESSLER STREET AND
1409, 1501, 1505 W 3RD ST



1" = 250'

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.

HUSCH BLACKWELL

Nikelle S. Meade
Partner

111 Congress Avenue, Suite 1400
Austin, Texas 78701
Direct: 512.479.1147

March 4, 2021

Elaine Ramirez
Planner Senior / Board of Adjustment Liaison
The City of Austin

Re: Request for Variance from a Waterfront Overlay Height Restriction for an
Approximately 3.189-Acre Property Located at 300 and 301 Pressler Street and 1409,
1501, and 1505 W. 3rd Street in Austin, Texas (the “**Property**”)

Dear Elaine:

On behalf of property owners Pressler RRI, LP and Steven Ogden, please find the attached variance request to increase the maximum height of structures located on the above-referenced properties within the Lamar Subdistrict of the Waterfront Overlay from 60' to 75' to construct a multi-family residential development with an accompanying commercial use. The Property is composed of three tracts of land planned which will be developed as a single project (a tract map is attached as Exhibit A). Approval of the requested variance would allow for the development of residential units, public space, and significant public benefits.

If the variance is approved, there will be no degradation of the stated goals of the overlay, which includes recognition of the potential of the waterfront as an open space connector, form-shaping of urban development, and creation of the waterfront as a focal point for lively pedestrian-oriented mixed uses. Achieving these goals would be accomplished by the construction of a new public plaza, park entrance, and pedestrian amenities.

Approval of the variance and overall project will result in a new trail through the Property to provide a new access point to the Colorado River Corridor where no direct access currently exists. Such connectivity would be significant due to the historic bifurcation of the area by the railroad and topography and due to the nature of the surrounding area, which includes multi-family dwellings, a Core Transit Corridor, and bus routes to the north, and public assets such as Lady Bird Lake, Lamar Beach Park, the Hike and Bike Trail, Lance Armstrong Bikeway, Austin High School, and youth fields to the south.

Thank you for your consideration and please let me know if you need anything from us.

Sincerely,

A handwritten signature in black ink, appearing to read "Nikelle Meade". The script is fluid and cursive, with the first name "Nikelle" and last name "Meade" clearly distinguishable.

Nikelle S. Meade

Exhibit A:
Tract Map



Zoning Map



VICINITY MAP





CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 1409, 1501, and 1505 W. 3rd St. and 300 and 301 Pressler St., Austin, TX 78703

Subdivision Legal Description:

See attached metes and bounds.

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: CS-CO-NP and LI-CO-NP

I/We Nikelle Meade (Husch Blackwell LLP) on behalf of myself/ourselves as authorized agent for Pressler RRI, LP and Steven D. Ogden affirm that on Month March, Day 4, Year 2021, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: _____

Type of Structure: Primarily multifamily residential mixed use.

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

LDC Section § 25-2-736(D) (Lamar Subdistrict Regulations) to increase the maximum height from 60 feet (required) to 75 feet (requested).

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

They limit the number of people who have direct access to and views of adjacent parkland and Lady Bird Lake, which is a barrier to achieving the purpose of the Waterfront Overlay, which is to "promote the harmonious interaction and transition between urban development and the park land and shoreline of Town Lake and the Colorado River." The property is currently a former commercial and industrial site, and approval would allow for the redevelopment of the property with a greater capacity for new housing supply than otherwise possible, substantial parkland improvements, new pedestrian amenities, enhanced connectivity, and access to public transit.

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

The property has a long and narrow configuration, at +/- 1,155' wide x 112'-131' deep. The property is also on a bluff, adjacent to parkland to the south and an active railroad to the north, with heritage trees, slopes, easements, and a required setback from an erosion hazard zone, and the planned public plaza, park entrance, railroad crossing arms, trail, required on-site fire lanes, firefighter walkway, and loading all present additional hardships (continued on Page 8).

b) The hardship is not general to the area in which the property is located because:

A property of this size and configuration is not typical of the area, and there are few other properties that are enclosed by adjacent dedicated City-owned parkland, active railroad tracks, and sloped creek bank, or that have such a large number of public drainage, water, wastewater, and electric utility easements, and on which development would require a new railroad crossing, utility borings under the railroad, an off-site water loop, and an electric loop extension.

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Approval will only enhance the area's character, since the project would include substantial parkland improvements and pedestrian amenities and new connectivity between W. Cesar Chavez St., public transit, and residents and employees to the north, and the Lamar Beach Park, Lady Bird Lake, Lance Armstrong Bikeway, Hike and Bike Trail, and youth fields to the south. In addition, construction would not impair the visibility of the lake due to the nature of surrounding uses and sloping topography, and the Property is outside the overlay setback lines.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Nikelle Meade Date: 03/04/2021

Applicant Name (typed or printed): Nikelle S. Meade

Applicant Mailing Address: 111 Congress Ave., Ste. 1700

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 992-6001

Email (optional – will be public information): [REDACTED]

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: Donald J. Reese Date: 03/04/2021

Owner Name (typed or printed): Pressler RRI, LP (by Donald J. Reese, Authorized Signatory)

Owner Mailing Address: 100 Congress Ave., Ste. 1450

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 750-3500

Email (optional – will be public information):

Section 5: Agent Information

Agent Name: Nikelle S. Meade

Agent Mailing Address: 111 Congress Ave., Ste. 1700

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 992-6001

Email (optional – will be public information): [REDACTED]

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Nikelle Meade Date: 03/04/2021

Applicant Name (typed or printed): Nikelle S. Meade

Applicant Mailing Address: 111 Congress Ave., Ste. 1700

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 992-6001

Email (optional – will be public information): [REDACTED]

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: [Signature] Date: 03/04/2021

Owner Name (typed or printed): Steven D. Ogden

Owner Mailing Address: 15333 FM 1826

City: Austin State: TX Zip: 78737

Phone (will be public information):

Email (optional – will be public information):

Section 5: Agent Information

Agent Name: Nikelle S. Meade

Agent Mailing Address: 111 Congress Ave., Ste. 1700

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 992-6001

Email (optional – will be public information): [REDACTED]

Section 6: Additional Space (if applicable)

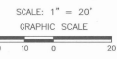
Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Additional Space (continued)

The Property is also encumbered by dedicated public right-of-way that does not actually exist on the ground, which imposes a restriction on the development of the Property even though it does not provide a benefit to the project. Moreover, as compared to other properties in the overlay, the Property is located quite far -- approximately 800' to 1,000' feet -- from Lady Bird Lake, and yet the height restriction is imposed on the Property even though the restriction is not necessary to promote any of the goals of the Waterfront Overlay, and development under the approved variance would not block the view of the lake for anyone or impair access to the lake. In addition, the pedestrian walkway must be public and situated on the Property and will further reduce the buildable area of the Property, but is an important solution to the longstanding problem for the City and area residents that Pressler Street was not fully developed and became a dead end at the railroad tracks.

SAVE

LOCATION MAP
NOT TO SCALE



THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL_ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.

SURVEYOR'S CERTIFICATE:

CERTIFIED TO:

- Riverside Resources Investments II LTD
- Ogden Rentals, LP, a Texas Limited Partnership
- First American Title Insurance Company
- Heritage Title Company of Austin, Inc.

PROPERTY ADDRESS: 1505 W 3RD Street, Austin, TX 78703 (per TCAD)

DATE OF SURVEY: May 20, 2020

ATTACHMENTS: Metes & Bounds Description

I hereby certify that a survey of the property shown herein was actually made upon the ground under the direction and supervision on the date shown, and that to the best of my professional knowledge and belief there is no error or omission, overlooking or improvements, discrepancies, dead line conflicts, viable utility lines or roads in place, except as shown herein.

This survey was made substantially in accordance with the standards and conditions set forth for a survey of this type by the Texas Land Survey Board, on the Manual of Practice for Land Surveying in Texas, 19th Revised Edition, prepared by the Texas Society of Professional Surveyors.

Joe Ben Early, Jr. Date
Registered Professional Land Surveyor
State of Texas No. 6016
jbe@earlysurveying.com

4/17/2020

EARLY
LAND SURVEYING
A LIMITED LIABILITY COMPANY

P.O. BOX 92588
AUSTIN, TX 78799
512-202-8631
Fax No. 501944642

PROJECT NO:
1005-003
DRAWING NO:
1005-003-CODEN

PLOT DATE:
5/22/20

PLOT SCALE:
AS SHOWN

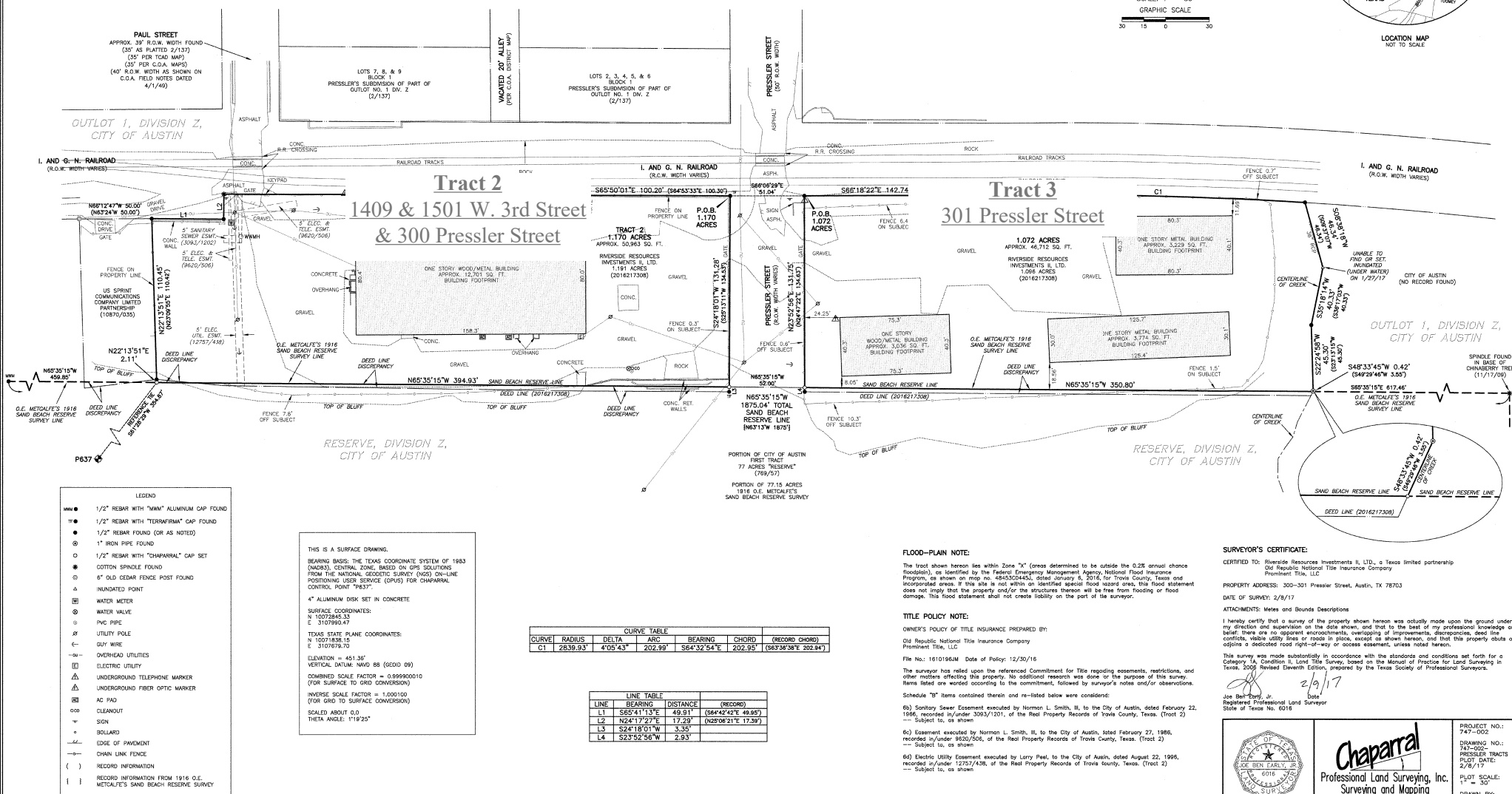
DRAWN BY:
MABEL & JBE

01 SHEET
01 OF 01

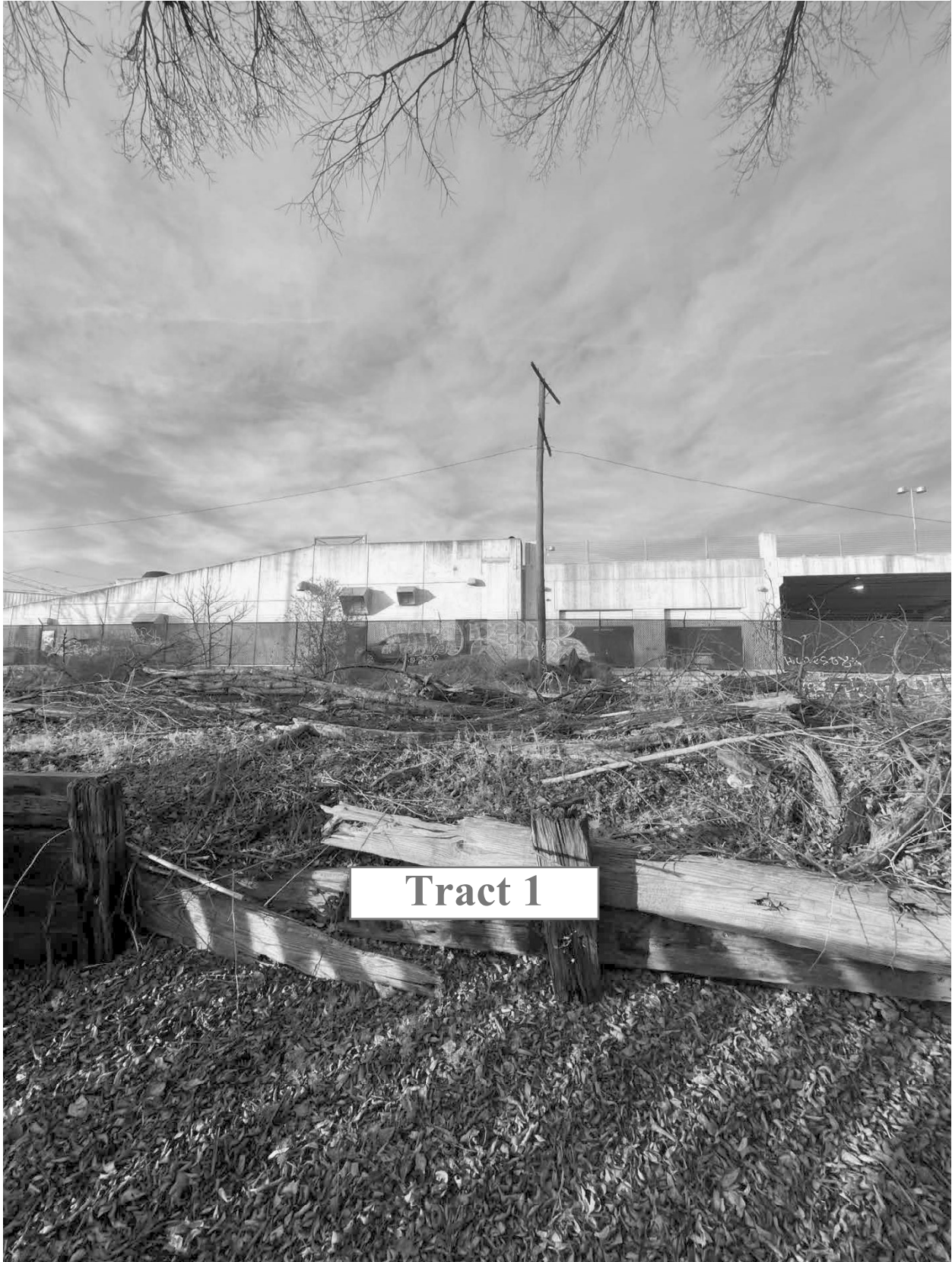
A LAND TITLE SURVEY OF:

TRACT 1: 1.072 ACRES (APPROXIMATELY 46,712 SQUARE FEET) IN OUTLOT 1, DIVISION "Z" OF ORIGINAL CITY OF AUSTIN, TEXAS, IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 1.096 ACRE TRACT CONVEYED TO RIVERSIDE RESOURCES INVESTMENTS II, LTD. IN A SPECIAL WARRANTY DEED EXECUTED DECEMBER 30, 2016 AND RECORDED IN DOCUMENT NO. 2016217308 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

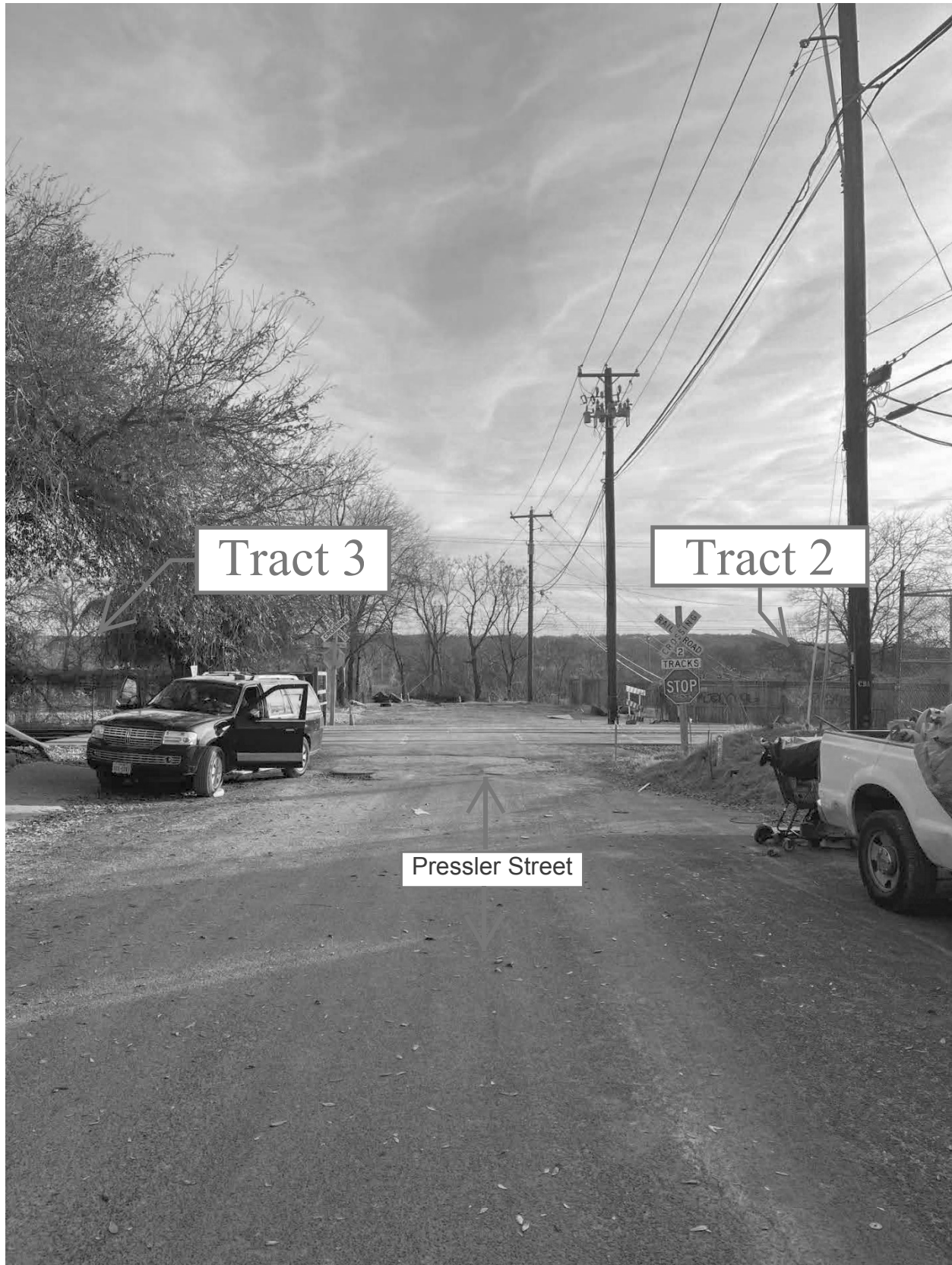
TRACT 2: 1.170 ACRES (APPROXIMATELY 50,963 SQUARE FEET) IN OUTLOT 1, DIVISION "Z" OF ORIGINAL CITY OF AUSTIN, TEXAS, IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 1.191 ACRE TRACT CONVEYED TO RIVERSIDE RESOURCES INVESTMENTS II, LTD. IN A SPECIAL WARRANTY DEED EXECUTED DECEMBER 30, 2016 AND RECORDED IN DOCUMENT NO. 2016217308 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



View Toward the North



View Toward the South Depicting the Property and Where Roadway was Not Continued on the Pressler Street ROW on the South Side of the Tracks



Pressler RRI, LP
100 Congress Avenue, Suite 1450
Austin, TX 78701

AGENT DESIGNATION LETTER

March 4, 2021

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767-1088

Re: Letter appointing agent regarding applications for a variance and related matters for property located at 300 Pressler Street, 301 Pressler Street, 1409 W. 3rd Street, and 1501 W. 3rd Street, Austin, Texas 78703 (the "Property")

To Whom It May Concern:

The undersigned, as the owner of the above-referenced Property, hereby appoints Husch Blackwell LLP (Nikelle Meade), as agent in connection with the above-referenced applications and related matters.

PRESSLER RRI, LP,
a Texas limited partnership

By: Pressler RRI GP, LP,
a Texas limited partnership
its general partner

By: Pressler RRI Master GP, LLC
a Texas limited liability company
its general partner

By: 
Name: Donald J. Reese
Title: Manager

AGENT DESIGNATION LETTER

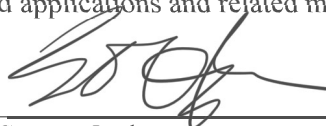
March 4, 2021

City of Austin
Board of Adjustment
P.O. Box 1088
Austin, Texas 78767-1088

Re: Letter appointing agent regarding applications for a variance and related matters
for property located at 1505 W. 3rd Street, Austin, Texas 78703 (the "Property")

To Whom It May Concern:

The undersigned, as the owner of the above-referenced Property, hereby appoints Husch Blackwell LLP (Nikelle Meade), as agent in connection with the above-referenced applications and related matters.



Steven Ogden

Old West Austin Neighborhood Association
Post Office Box 2724
Austin, Texas 78768

April 19, 2021

elaine.ramirez@austintexas.gov

Board of Adjustment

c/o Elaine Ramirez

Senior Planner and Board of Adjustment Liaison

City of Austin Development Services

Re: Variance Case No. C15-2021-0035 - Letter of Support of Variance for 300 and 301 Pressler Street and 1409, 1501, and 1505 W. 3rd Street in Austin, Texas (the "Property")

Dear Members of the Board of Adjustment:

The Old West Austin Neighborhood Association ("OWANA") is in support of the proposed multi-family development to be located on the above-referenced Property, including the related variance request to increase the maximum height from 60' to 75'. OWANA supports the variance and the project because we believe the proposed project will address long-standing issues impacting our neighborhood and help advance the goals of our Neighborhood Plan without cutting against the intent and goals of the Waterfront Overlay.

As identified in the 1986 Town Lake Corridor Study, "There is poor pedestrian access to the waterfront from Old West Austin." The proposed project would solve this problem by the creation and construction of two new accessways that will provide bicycle and pedestrian access from the neighborhood to areas south of the Union Pacific railroad tracks, including Lamar Beach Park, Lady Bird Lake, and the Hike and Bike Trail. The project will also help to achieve the intent of Number 6 of the Top Ten Priorities of our Neighborhood Plan, which calls for a safe route to Austin High School and Town Lake by providing north-south access where the railroad tracks intersect Pressler Street. And, the proposed project will also include substantial improvements to Lamar Beach Park and new railroad safety crossings where the rail line intersects Pressler Street and Paul Street, which is important since the crossing is currently unsignaled.

Finally, we are excited about the possibility of bringing residences to this Property, which has historically been developed only as warehouses. We hope the Board supports the requested variance, and we appreciate this opportunity to provide our Associations' input.

Sincerely,



Brockett Davidson

Chair

Old West Austin Neighborhood Association

Old West Austin Neighborhood Association
Post Office Box 2724
Austin, Texas 78768

April 19, 2021

elaine.ramirez@austintexas.gov

Board of Adjustment

c/o Elaine Ramirez

Senior Planner and Board of Adjustment Liaison

City of Austin Development Services

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Brockett Davidson

Chair

Old West Austin Neighborhood Association