

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
D-6

DATE: Monday May 10, 2021

CASE NUMBER: C15-2021-0035

☐ - ☐ Thomas Ates
☐ Y ☐ Brooke Bailey
☐ Y ☐ Jessica Cohen
☐ Y ☐ Melissa Hawthorne
☐ Y ☐ Don Leighton-Burwell
☐ Y ☐ Rahm McDaniel
☐ Y ☐ Darryl Pruett
☐ - ☐ Agustina Rodriguez
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Nicholl Wade
☐ - ☐ Vacant
☐ - ☐ Kelly Blume (Alternate)
☐ - ☐ Carrie Waller (Alternate)
☐ - ☐ Vacant (Alternate)

APPLICANT: Nikelle Meade

OWNER: Pressler RRI, LP

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

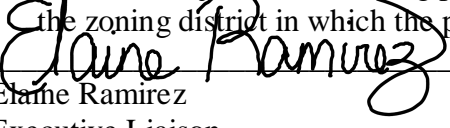
VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-736 (D) (*Lamar Subdistrict Regulations*) to increase height limit from 60 feet (maximum allowed) to 75 feet (requested) in order to erect Multi-Family Residential Mixed Use in a “CS-CO-NP & LI-CO-NP”, General Commercial Services – Conditional Overlay - Neighborhood Plan and Limited Industrial – Conditional Overlay Neighborhood Plan zoning district. (Old West Austin Neighborhood Plan)

BOARD’S DECISION: BOA MEETING **APRIL 12, 2021 cancelled due to technical problems with notification database; May 10, 2021 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
 - (b) The hardship is not general to the area in which the property is located because:

3. 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:


Elaine Ramirez
Executive Liaison

Diana Ramirez for
Don Leighton-Burwell
Chairman

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



April 6, 2021

Micah King
301 Pressler St
Austin TX, 78703

Property Description: 1.0960AC OF OLT 1 DIVISION Z

Re: C15-2021-0035

Dear Micah,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the following sections of the Land Development Code;

Section 25-2-736 (D) (*Lamar Subdistrict Regulations*) to increase height limit from 60 feet (maximum allowed) to 75 feet (requested);

In order to erect Multi-Family Residential Mixed Use in a "CS-CO-NP & LI-CO-NP", General Commercial Services – Conditional Overlay - Neighborhood Plan and Limited Industrial – Conditional Overlay Neighborhood Plan zoning district. (Old West Austin Neighborhood Plan)

Austin Energy does not oppose the above variance request to increase the height limit to 75', provided any proposed and existing improvements follow Austin Energy's clearance criteria requirements, the National Electric Safety Code and OSHA. Any removal or relocation of existing electric facilities will be at owners /applicants' expense.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action: <https://austinenergy.com/wcm/connect/8bb4699c-7691-4a74-98e7-56059e9be364/Design+Criteria+Manual+Oct+2015.pdf?MOD=AJPERES>

If you have any questions about the following comments, please contact my office.

Thank you,

Eben Kellogg, Property Agent

Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050

D-7/5

WEST LYNN

POWELL

WINFLO

OAKLAND

6TH

HARTMAN

PAUL

PRESSLER

5TH

WALSH

3RD

ORCHARD

4TH

RESERVE

STEPHEN FATO CESAR CEB

CESAR CHAVEZ

NOTIFICATIONS

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



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

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





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

SCALE: 1" = 20'

GRAPHIC SCALE

A horizontal line with vertical tick marks at 0, 10, and 20 feet. The text "0", "10", and "20" are placed below the line at their respective positions.

BEARING BASIS:

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

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

ATTACHMENTS: Notes & Round Description


I hereby certify that a survey of the property shown hereon was actually made upon the ground under my direction and supervision on the date shown, and that to the best of my professional knowledge and belief: there are no apparent encroachments, overlapping of improvements, discrepancies, deed line conflicts, visible utility lines or roads in place, except as shown hereon.

This survey was made substantially in accordance with the standards and conditions set forth for a Category 1A, Condition 2, TSPS Land Title Survey, based on the Manual of Practice for Land Surveying in Texas, 2019 Revised Thirteenth Edition, prepared by the Texas Society of Professional Surveyors.

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



EARLY
LAND SURVEYING
A LIMITED LIABILITY COMPANY

	Joe Ben Early, Jr. R.P.L.S. No. 6016	P.O. BOX 92588 AUSTIN, TX 78709 512-202-8631 FIRM NO. 10194487
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PROJECT NO.:
1005-003

DRAWING NO.:
1005-003-CGDN

PLOT DATE:
5/22/20

PLOT SCALE:
1" = 20'

DRAWN BY:
MAW & JBE

SHEET
01 OF 01

TITLE COMMITMENT NOTE:

First American Title Insurance Company

G.F. No.: 202001315 Effective Date: 5/6/20 Issued: 5/14/20

The surveyor has relied upon the referenced Commitment for Title regarding easements, restrictions, and other matters affecting this property. No additional research was done for the purpose of this survey.

There are no survey related items contained in Schedule "B" to address.

FLOOD-PLAIN NOTE:

A portion of the tract shown herein lies within Zone "AE" (areas determined to be within the 1% annual chance or 100-year floodplain with base flood elevations determined), as identified by the Federal Emergency Management Agency, National Flood Insurance Program, as shown on map no. 48453C0445K, dated January 22, 2020, for Travis County, Texas and incorporated areas. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This flood statement shall not create liability on the part of the surveyor.

LEGNED

● 1/2" REBAR FOUND (OR AS NOTED)

① 1/2" REBAR FOUND (OR AS NOTED)

② 5/8" REBAR WITH ALUMINUM "WMM" CAP FOUND

▲ 600 NAL WITH "CHAPARRAL" REINFOR FOUND

▲ 4" CEDAR FENCE POST FOUND

eco CLEANOUT

☐ MAILBOX

① ELECTRIC UTILITY

② ELECTRIC PULL BOX

③ WATER VALVE

④ WATER METER

⑤ METAL TRANSMISSION POLE

⑥ POWER POLE

— WIRE

— SIGN

DIMENSION

⑦ WASTEWATER MANHOLE

⑧ WATER MANHOLE

⑨ UNDERGROUND FIBER MARKER

⑩ TRAFFIC SIGNAL POLE

☐ UTILITY VAULT

— OVERHEAD UTILITIES

— EDGE OF ASPHALT PAVEMENT

— METAL FENCE (AS NOTED)

— WOOD FENCE

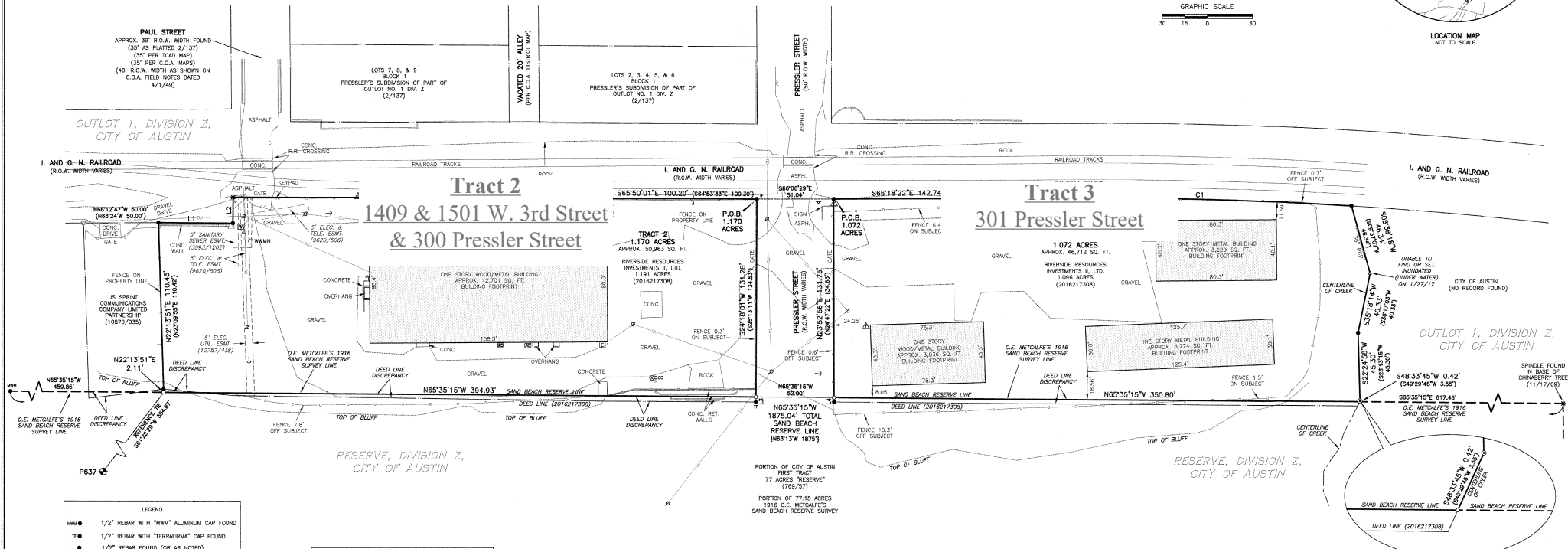
() RECORD INFORMATION

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

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.



CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD (RECORD CHORD)
C1	2839.93	4°09'43"	202.99'	S64°32'54"E	202.99' (86736.38'E 202.94')

LINE TABLE			
LINE	BEARING	DISTANCE	(RECORD)
L1	S65°41'13"E	49.91'	(S64°42'42"E 49.95')
L2	N24°17'27"E	17.29'	(N25°06'21"E 17.39')
L3	S24°18'01"W	3.35'	
L4	S23°52'56"W	2.93'	

FLOOD-PLAN NOTE:

The tract shown herein lies within Zone "X" (areas determined to be outside the 0.2% annual chance floodplain), as identified by the Federal Emergency Management Agency National Flood Insurance Program, as shown on map no. 48453C4433, dated January 6, 2014, for Travis County, Texas and incorporated herein. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This flood statement shall not create liability on the part of the surveyor.

TITLE POLICY NOTE:

OWNER'S POLICY OF TITLE INSURANCE PREPARED BY:

Old Republic National Title Insurance Company

Prominent Title, LLC

File No.: 16101964M Date of Policy: 12/30/16

The surveyor has relied upon the referenced Commitment for Title regarding easements, restrictions, and other matters affecting this property. No additional research was done or the purpose of this survey. Items listed are warranted according to the commitment, followed by surveyor's notes and/or observations.

Schedule "B" items contained therein and re-listed below were considered:

6a) Sanitary Sewer Easement executed by Norman L. Smith, II, to the City of Austin, dated February 22, 1986, recorded in/under 3083/1201, of the Real Property Records of Travis County, Texas. (Tract 2)

— Subject to, as shown

6b) Easement executed by Norman L. Smith, II, to the City of Austin, dated February 27, 1986, recorded in/under 3083/556, of the Real Property Records of Travis County, Texas. (Tract 2)

— Subject to, as shown

6c) Electric Utility Easement executed by Larry Peel, to the City of Austin, dated August 22, 1995, recorded in/under 12757/435, of the Real Property Records of Travis County, Texas. (Tract 2)

— Subject to, as shown

SURVEYOR'S CERTIFICATE:

CERTIFIED TO: Riverside Resources Investments II, LTD., a Texas limited partnership

Old Republic National Title Insurance Company

Prominent Title, LLC

PROPERTY ADDRESS: 300-301 Pressler Street, Austin, TX 78703

DATE OF SURVEY: 2/8/17

ATTACHMENTS: Metes and Bounds Descriptions

I hereby certify that a survey of the property shown herein was actually made upon the ground under my direction and supervision on the date shown, and that to the best of my professional knowledge and belief, there are no apparent encroachments, overlappings of improvements, discrepancies, deed line conflicts, visible utility lines or roads in place, except as shown herein, and that this property abuts or adjoins a dedicated road right-of-way or access easement, unless noted herein.

This survey was made substantially in accordance with the standards and conditions set forth for a Category "A" Condition II, Land Title Survey, based on the Manual of Practice for Land Surveying in Texas, 2009 Revised Eleventh Edition, prepared by the Texas Society of Professional Surveyors.

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

PROJECT NO.: 747-002

DRAWING NO.: 747-002-002

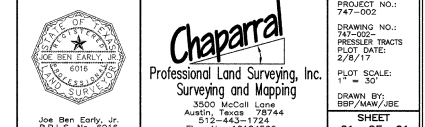
PRESSLER TRACTS

PLOT DATE: 2/8/17

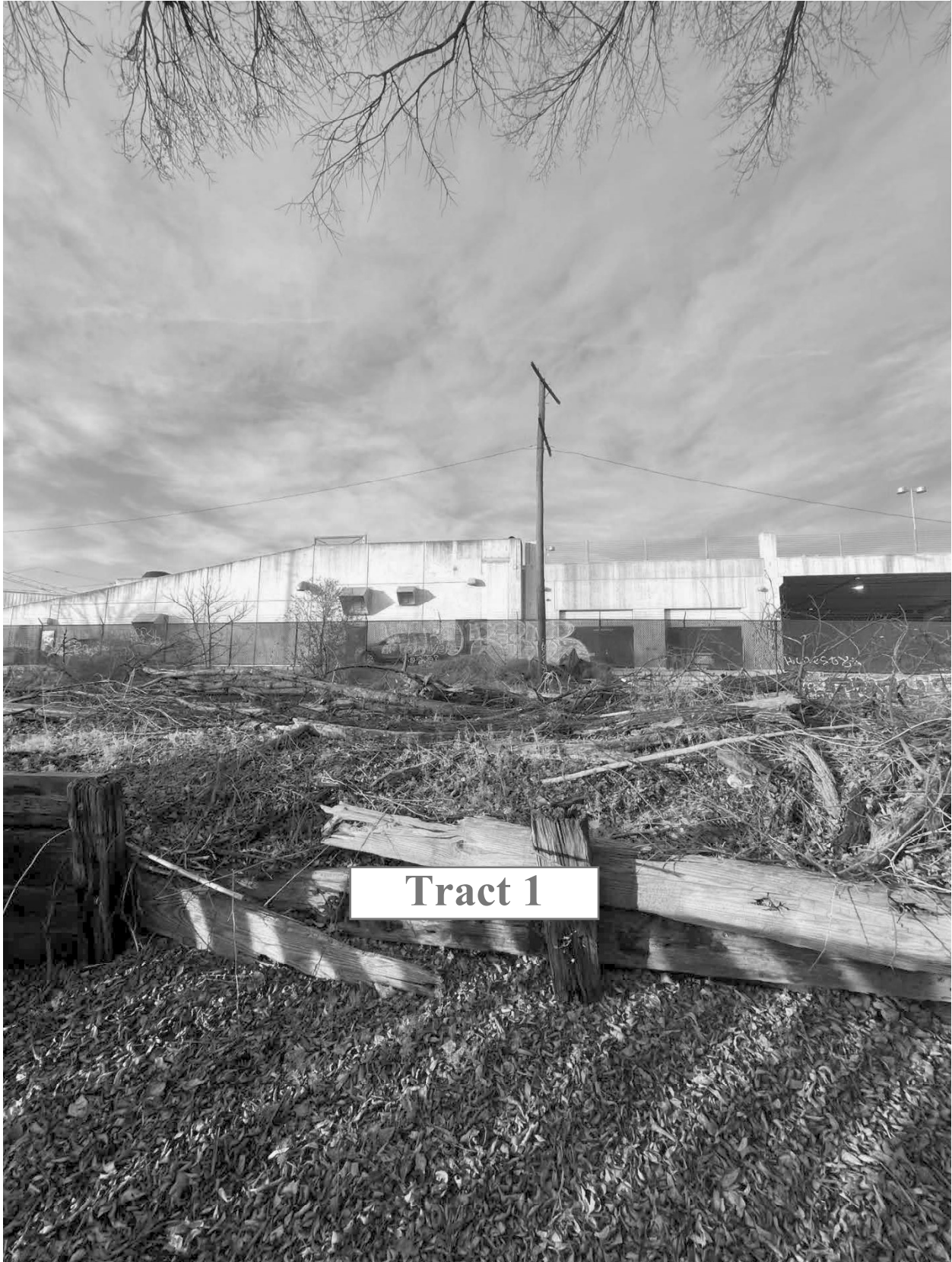
PLOT SCALE: 1" = 30'

DRAWN BY: BDP/MAN/ABE

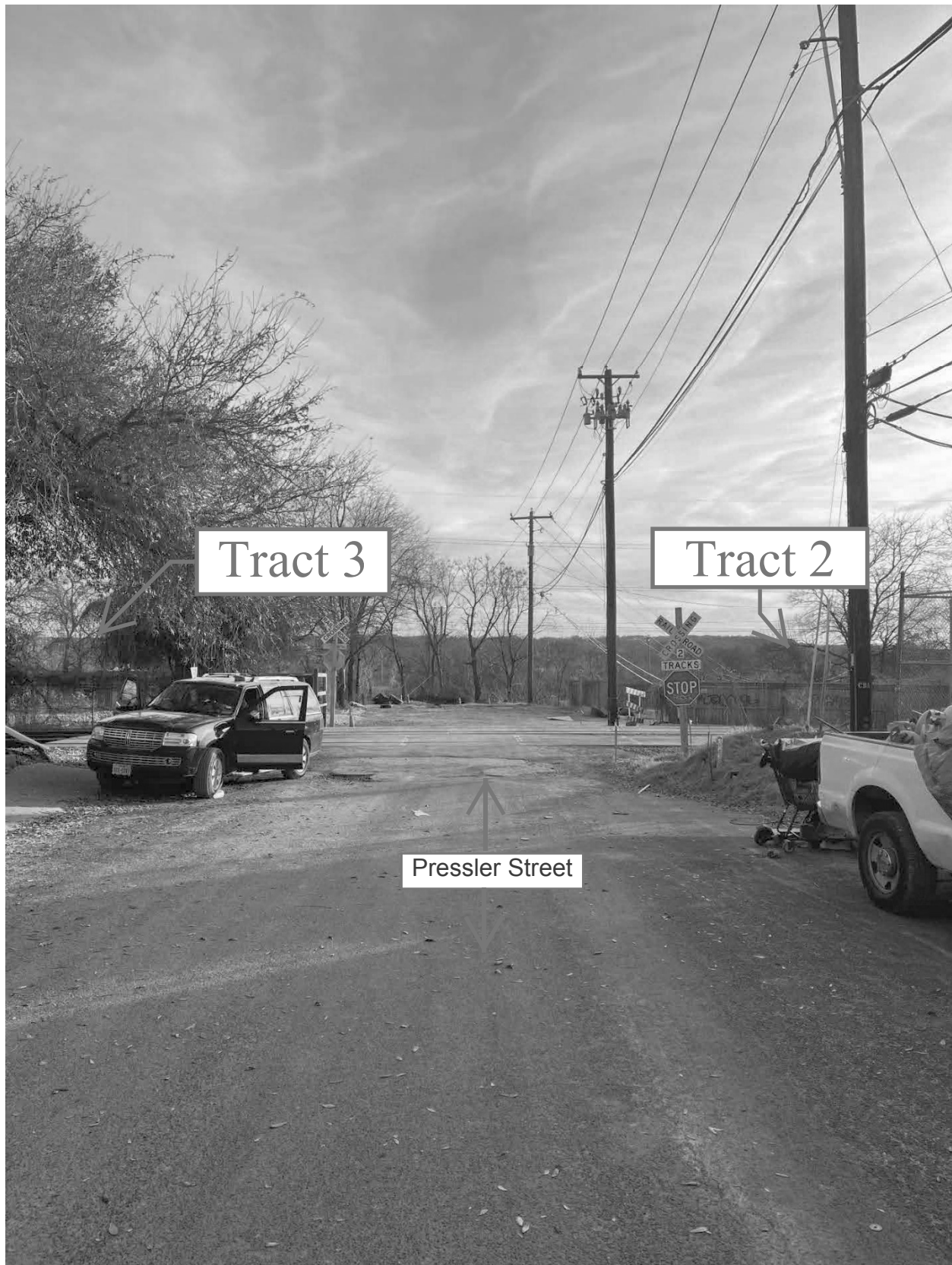
SHEET 01 OF 01



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

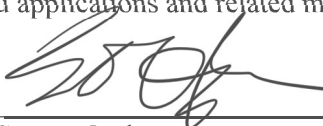
March 4, 2021

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

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

D-7/25

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend.** However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

Written comments must be submitted to the contact person listed on the notice before 9 a.m. the day of the public hearing to be viewed by the Board the night of the meeting. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2021-0035

Contact: Elaine Ramirez; elaine.ramirez@austintexas.gov

Public Hearing: Board of Adjustment; May 10th, 2021

Patricia Muniz

Your Name (please print)

☐ I am in favor
☒ I object

507 Pressler St Apt 5128, Austin, TX

Your address(es) affected by this application

78703

Patricia Muniz

Signature

Date

Daytime Telephone: 512-786-6859

Comments: The height will be a disruption to this side of West 5th. Also traffic is already bad on the current 2 lane roads in this entire neighborhood. Adding more people will not help the congestion. Have been in this neighborhood since 2012.

If you use this form to comment, it must currently be returned via e-mail (as we do not have access to our mail due to COVID-19 and social distancing):

Elaine Ramirez

Scan & Email to: elaine.ramirez@austintexas.gov



BUILDING AMERICA®

May 19, 2021

Elaine Ramirez
City of Austin
Board of Adjustment
301 W 2nd Street
1st Floor
Austin, TX 78701

Re: Comments regarding an application for a variance from the Land Development Code for property located at 1409, 1501, & 1505 W. 3rd Street and 300 & 301 Pressler Street ("Application")

To Whom It May Concern:

Thank you for allowing Union Pacific Railroad Company ("UP") the opportunity to submit the following comments in response to the notice on the above-referenced Application. UP is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of Texas. UP's rail network is vital to the economic health of Texas and the nation as a whole and its rail service to customers in the City of Austin area is crucial to the future success and growth of those customers.

The proposed location that is the subject of the Application, namely property located at 1409, 1501, & 1505 W. 3rd Street and 300 & 301 Pressler Street ("Location"), is adjacent to UP's operating property. Any land planning decisions should consider that train volumes near the Location may increase in the future. UP also asks that the City and the applicant keep in mind that this is a vital rail corridor and nearby land uses should be compatible with this continuing rail use.

Increased Traffic Impact and Safety Concerns

The safety of UP's employees, customers, adjoining land owners, and the communities we operate through is our top priority. Any increase in traffic from the proposed change may render inadequate the current safety devices in place on any nearby at-grade crossings. Additionally, an increase of pedestrian and vehicular traffic may conflict with train operations causing trains to proceed more slowly through the area, and/or make more frequent emergency stops, which would make rail service less effective and efficient. Should this Application be approved, UP requests that the applicant, developer and the City examine any increase in vehicular and pedestrian traffic and the impacts on any nearby at-grade road crossings to see if any additional mitigation measures should be included.

Use of UP Right-of-Way

UP is concerned that any construction equipment used in this project at this Location will impede its right-of-way. UP objects to any use of its right-of-way that is not separately approved by the UP real estate department. UP must maintain sufficient right-of-way for future railroad expansion or connection track. UP also requires its land be retained for maintenance purposes.

Trespassing

Any increase in pedestrian traffic may increase the likelihood of trespassing onto the railroad right-of-way. UP requests that the developer and the City examine the impacts associated with the increased likelihood of trespassing in this Location and consider appropriate mitigation measures. For example, vandal resistant fencing at least 8 feet or taller (without impairing visibility), pavement markings and “no trespassing” signs designed to prevent individuals from trespassing onto the railroad tracks should be considered. Buffers and setbacks should also be required adjacent to the right-of-way.


Noise and Vibration Impact

UP’s 24-hour rail operations generate the noise and vibration one would expect from an active railway. Any increase in pedestrian and vehicular traffic may result in additional horn use by railroad employees. As a mitigation measure, the City should consider and make the public aware of the daytime and nighttime noise levels naturally occurring with rail service, including sounding horns at vehicle crossings where required, as well as the pre-existing and predictably-occurring vibration. These disclosures should note that train volume may increase in the future. The Application’s development plans should also include appropriate mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques.

Drainage and Project Construction

UP requests the City ensure that the drainage plan relating to the Location does not shift storm water drainage toward UP property and infrastructure. Any runoff onto UP’s property may cause damage to its facilities resulting in a potential public safety issue. If the project is approved, we ask that the City require the developer to mitigate all safety risks and the impacts of the railroad’s 24-hour operations during the construction of the project, including contacting UP to arrange for flaggers for work performed within twenty-five feet (25’) of the nearest track.

UP appreciates the applicant and the City and Applicant giving due consideration to the above concerns, as this proposed Application may result in impacts to land use and public safety. Please give notice to UP of all future hearings and other matters with respect to the Application as follows:

John Van Gelder – Senior Manager Field Operations
Union Pacific Railroad Company
1400 Douglas Street - STOP 1690
Omaha, NE 68179
(402) 544-8537


Please do not hesitate to contact John Van Gelder if you have any questions or concerns.

Sincerely,

Madeline E. Roebke
Senior General Attorney
Union Pacific Railroad Company

cc: John Van Gelder
Raquel Espinoza