

## ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0111– Parcel 1,  
300/301 Pressler, & 1505 W 3<sup>rd</sup> St

DISTRICT: 9

ZONING FROM: CS-CO-NP

TO: LI-PDA-NP

ADDRESS: 301 Pressler Street

SITE AREA: 1.072 acres (46,696 sq. ft.)

PROPERTY OWNER:  
Pressler RRI, LP (Donald J. Reese)

AGENT:  
Husch Blackwell LLP, (Nikelle Meade)

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

### STAFF RECOMMENDATION:

**The staff recommendation is to grant limited industrial services – planned development area – neighborhood plan (LI-PDA-NP) combining district zoning. The PDA establishes the CS-MU district for uses and site development regulations, additional conditional and prohibited uses, parking reductions, setback reductions and additional height, as enumerated on pages 4 and 5. For a summary of the basis of staff's recommendation, see case manager comments on pages 6 and 7.**

### SMALL AREA PLANNING JOINT COMMITTEE

**August 16, 2021:     *APPROVED THE STAFF RECOMMENDATION TO GRANT LI-PDA-NP COMBINING DISTRICT AND RECOMMEND EMPHASIZING OPEN SPACE, MINIMIZING SUBSURFACE ENVIRONMENTAL DISRUPTION AND MAXIMIZING ACCESS TO PARKLAND.***  
*[MUSHTALER; SHIEH- 2<sup>ND</sup>] (5-0) MEMBERS C. ACOSTA, E. RAY, AND P. HOWARD – ABSENT*

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**August 24, 2021:     *APPROVED LI-PDA-NP COMBINING DISTRICT ZONING, AS STAFF RECOMMENDED, BY CONSENT.***  
*[VICE CHAIR HEMPEL, R. SCHNEIDER 2<sup>ND</sup>] (11-0)*  
*COMMISSIONERS Y. FLORES AND J. SHIEH – ABSENT.*

CITY COUNCIL ACTION:**September 30, 2021**ORDINANCE NUMBER:ISSUES

The project area is within the Waterfront Overlay and was reviewed by the Small Area Plan Joint Commission on August 16, 2021, prior to Planning Commission. A height variance, increasing maximum building height from 60 feet to 75 feet was approved by the Board of Adjustment on Monday June 14, 2021 (*see attachment D: BOA Decision Sheet*) prior to the Applicant's submittal of the Zoning Application. Parking reductions proposed in the PDA have been reviewed by the Austin Transportation Department. (*see Exhibit F*)

CASE MANAGER COMMENTS:

There are three case numbers assigned to one development project. Parcels are separated by rights-of-way but will be developed and operated as a single development. Parcel 1 is case C14-2021-0111; Parcel 2 is C14-2021-0112; and Parcel 3 is C14-2021-0113.

**Location and Access**

The three rezoning tracts are all south of the active Union Pacific railroad tracks. Vehicle access to the development will be from both Pressler and Paul Streets. Since those accesses rely on at-grade railroad crossings, there will be safety arms that lower across the streets as trains approach. The applicant is proposing to connect public sidewalk access to the park through the development from both streets.

**Site and Surrounding Area**

Parcel 1 is a 1.072-acre (46,696 sq. ft.) tract on the east end of the project. Pressler Street extended is the western end of this tract. The south edge of the elevated area is fenced and has dense vegetation so that there are not currently views of or access to the park or lake beyond.

The site is elevated relative to the adjoining Lady Bird Lake - Lamar Beach public park. Development site is benched and mostly level at the railroad tracks. Generally, the area slopes towards the lake with particularly steep grades along the park, on park land.

There are trails within the park that the developer intends to connect to the subject site. The trails include the Lance Armstrong Bikeway and the Ann and Roy Butler Hike and Bike Trail. There are also several specialized playing fields for little league baseball and soccer. The site is also separated from the lake by Reserve Road that provides vehicle access to the sport fields and

Austin Pets Alive! to West Cesar Chavez Street and Stephen F. Austin Drive. Cesar Chavez St. and the on/off ramps are also physical barriers between the subject development and waterfront amenities.

### **Existing and Proposed Zoning**

The current zoning on Parcel 1, is general commercial service – conditional overlay – neighborhood plan (CS-CO-NP) combining district zoning. The current CO comes from case C14-2012-0015 – Pressler Park II (Ord.# 20120802-090) for 315 Pressler Street and from case C14-02-0112 – Old West Austin Neighborhood Plan (Ord. # 020926-26).

Applicant requests limited industrial service – planned development area – neighborhood plan (LI-PDA-NP) combining district zoning for the 3.189-acre (138,912 sq. ft.) development site (all three Parcels). Permitted, conditional, and prohibited uses on the site are proposed to be consistent with those in the CS-MU combining district plus additional prohibited and conditional uses agreed to by the Applicant, with exceptions for building height, setbacks and parking. (*see Proposed PDA Uses and Development Regulations, below*).

The total number of proposed residential units in all three Parcels is 326. Applicant plans to build 98 units on Parcel 1, 143 units on Parcel 2 and 85 units on Parcel 3. There were two residences on Parcel 3 within the last five years. The number of bedrooms per unit is not determined.

The three Parcels have similar existing zoning. The requested rezoning to LI-PDA-NP aligns all three Parcels and is intended to create a unified development. Under the current zoning, Laundry services and Construction sales and service uses on Parcels 2 and 3 for, example, have minimum area requirements. With this request the area requirements are removed. Commercial uses are limited to 10% of gross floor area on Parcel 1. This request removes that limit. Cocktail lounge is prohibited on Parcel 1 but permitted on Parcel 2 and 3. The applicant requests the use to be permitted on all three Parcels. Kennels are prohibited on Parcels 2 and 3 and permitted on Parcel 1. The request is to permit them on all Parcels. Guidance services is a conditional use on all Parcels and the applicant requests it as a permitted use on all three Parcels.

### **Proposed PDA Uses and Development Regulations:**

1. A “site” for the purpose of development of each parcel shall include all sites that are part of the same development permit;
2. CS-MU uses except as follows:
  - a. The following CS uses shall be **conditional** uses on all three Parcels:
    - Automotive Rentals
    - Automotive Repair Services
    - Automotive Sales
    - Automotive Washing (of any type)
    - Commercial Blood Plasma Center
    - Construction Sales and Services
    - Convenience Storage
    - Equipment Repair Services

Equipment Sales  
 Laundry Services  
 Limited Warehousing and Distribution  
 Maintenance and Service Facilities  
 Service Station

- b. The following CS uses shall be **prohibited** uses on all three Parcels:

Adult-Oriented Businesses  
 Drop-Off Recycling Collection Facility  
 Exterminating Services  
 Vehicle Storage

3. CS-MU site development regulations, except as follows:

### **Parking**

a. Amendment of Section 25-6-478 Motor Vehicle Reductions General. (E) The minimum off-street parking requirement is reduced by the following amounts: (3) “Twenty (20) spaces for every dedicated and reserved car-sharing, bicycle-sharing station, scooter-sharing station, or three Transportation Network Company (TNC) vehicle parking spaces provided in connection with a program approved by the Director.”

b. Minimum off-street parking is reduced by 40%.

c. The maximum percentage of compact parking permitted is 26.5%.

### **Setbacks**

a. Minimum front yard setback is reduced from 10 ft to 5 ft

b. Minimum street side yard setback is reduced from 10 ft to 0 ft

c. Minimum site area for multi-family residential is 0.

### **Building Height**

d. Maximum building height is increased from 60 feet to 75 feet

### **Neighborhood Plan**

The subject development is located within the Old West Austin Neighborhood Plan boundary. That Plan was adopted without a future land use map (FLUM) so a plan amendment is not required. Comprehensive Planning staff provided comments in this report related to the goals of the Old West Austin Plan for this area known generally in the plan as “South of 6<sup>th</sup> Street.” The Plan acknowledges the commercial and office concentration on the two corridors 6<sup>th</sup> and 5<sup>th</sup> Streets and sets the goal of getting mixed use development including residential uses. This area had warehouses and open storage with buses and trucks in recent years. The plan is focused on replacing the industrial uses with residential, office and commercial use.

### **Imagine Austin Comprehensive Plan**

The West 5<sup>th</sup> Street Activity Corridor is located less than 400 feet from the subject property.

**Activity Corridors** are intended to be areas that support people living, working, shopping, accessing services, watching people, exercising, and hanging out close to home. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and

cafés, parks, schools, houses, apartments, civic buildings, churches, mixed-use buildings, and offices. The proposed residential development provides homes for people who could participate in those activities.

### BASIS OF RECOMMENDATION:

The Staff recommendation is to grant limited industrial service – planned development area – neighborhood plan (LI-PDA-NP) combining district zoning, based on the following:

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

Limited industrial service (LI) district is intended as an area primarily for commercial services and limited manufacturing uses, generally on moderately sized sites. Planned development area (PDA) combining district is intended for combination with selected commercial and industrial base districts, in order to modify base district provisions as necessary to allow for appropriate industrial and commercial uses or to reflect the terms of a Planned Development Area agreement following annexation of properties subject to such an agreement. Neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The applicant proposes to build 326 residential units in three buildings on 3.189 acres on Parcels designated as 1, 2 and 3. The (PDA) planned development area provides the permitted uses and development regulations for the development. The proposed general commercial services-mixed use (CS-MU) uses and site development regulations with the proposed amendments, would permit building the proposed development.

Specifically, the requested PDA with CS-MU uses adds residential and commercial uses to the LI base zoning. The requested building height amendment (with variance already approved by the Board of Adjustment) from CS building height maximum of 60 feet to 75 feet would permit the proposed building height. The minimum site area requirements for multi-family residential use would not apply.

The applicant is developing a plan for parking space reductions, increased compact parking rate and allowances for car-sharing, bike sharing and scooter sharing that provides for multiple modes for the urban location. The plan has been reviewed by the Austin Transportation Department.

2. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties*

There are several nearby developments that have multifamily residential and mixed-use buildings using LI-PDA-NP zoning:

- 1301 W. 5<sup>th</sup> St.                      The Clark
- 1601 -1611 W. 5<sup>th</sup> St              The Gables at 5<sup>th</sup>
- 300 North Lamar Blvd.          AMLI 300

3. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The Old West Austin Neighborhood Plan encourages a transition from industrial uses to mixed-use, office and residential uses. The proposed development proposes 326 units of residential uses and intends to provide a limited amount of retail and service uses. Currently about 3,000 square feet of commercial use area is planned. The Applicant's plan to provide a public connection through the development at Pressler and Paul Streets would be an amenity for the neighborhood.

EXISTING ZONING AND LAND USES:

|              | <b>Zoning</b>       | <b>Land Uses</b>  |
|--------------|---------------------|---|
| <b>Site</b>  | CS-CO-NP (Parcel 1) | Vacant land   |
| <b>North</b> | LI-CO-NP, LI-PDA-NP | Convenience storage, "The Clark" Multifamily Residential with some ground floor commercial on W 5 <sup>th</sup> St. |
| <b>South</b> | P-NP                | Lady Bird Lake – Lamar Beach Park   |
| <b>East</b>  | P-NP                | Park land   |
| <b>West</b>  | CS-CO-NP (Parcel 2) | Vacant  |

NEIGHBORHOOD PLANNING AREA: Old West Austin (no FLUM)

TIA: The Traffic Impact Analysis is deferred to site plan application, when land use and intensity will be finalized.

WATERSHED: Lady Bird Lake – Urban

OVERLAYS: Waterfront Overlay (Lamar Beach), Old West Austin-NP

SCHOOLS: AISD:

Matthews Elementary

O'Henry Middle

Austin High

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Friends of Austin Neighborhoods

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Old West Austin Neighborhood Association

Old West Austin Neighborhood Plan Contact

Team

Preservation Austin

SELTexas

Save Barton Creek Assn.

Save Historic Mundy District

Shoal Creek Conservancy

Sierra Club, Austin Regional Group

TNR BCP - Travis County Natural Resource

AREA CASE HISTORIES:

| Number   | Request   | Commission    | City Council                                |
|--|---|---------------|---|
| C14-2021-0081<br>5 <sup>th</sup> and Walsh                     | CS-MU-CO-NP to LI-PDA-NP (In review)  | Not scheduled | Not Scheduled                               |
| C14-02-0112<br>Old West Austin Plan                            | Adopt NP Overlay. Rezone 416 ac to add NP and change 62 tracts base district; and adopt lists of prohibited and conditional uses for the listed tracts.   | To grant      | Apvd. 09/26/2002<br>Ord.# 20020926-026      |
| C14-2007-0237<br>Old West Austin NP<br>Area Vertical MU        | Opt in/Opt-out process. Rezone 31 ac to add V combining district. Generally along W 5 <sup>th</sup> and 6 <sup>th</sup> St. and Lamar Blvd.   | To grant      | Apvd.<br>Ord.# 20080327-059<br>20080306-056 |
| C14-2013-0101<br>501 Oakland Ave.                              | Rezone 0.12 ac. from LO-V-NP to GR-V-CO-NP  | To grant      | Apvd.11/21/2013<br>Ord.# 20131121-096       |
| C14-2015-0078<br>1411 W. 5 <sup>th</sup> St. &<br>403 Paul St. | Rezone from LI-CP-NP to LI-PDA-NP. A. list of prohibited uses. B. list of conditional uses. C. Development standards. D. vehicle trip limit. E. Minimum 3,000 sq. ft. of commercial or retail uses on first floor.  | To grant      | Apvd.10/08/2015<br>Ord.# 20151008-014       |
| C14-2014-0134<br>1301 W 5 <sup>th</sup> St                     | Rezone from LI-CO-NP to LI-PDA. CO may develop and use per LI regulations, except: maximum 2,000 vehicles/day; no vehicle access to W 5 <sup>th</sup> St; multifamily use permitted; list of Conditional Uses; laundry is conditional use If exceeds 6,000 sq. ft.; construction sales and service is condition use if exceeds 10,000 sq. ft.; list of Prohibited uses; list of site development standards. | To grant      | Apvd. 12/11/2014<br>Ord.# 20141211-163      |
| C14-2012-0015<br>315 Pressler St                               | Rezone 1.098 ac from LI-CO-NP to CS-CO-NP. CO commercial use max 10%; list of Conditional uses; list of Prohibited uses.  | To grant      | Apvd. 08/02/2012<br>Ord.# 20120802-090      |

RELATED CASES:

C14-2021-0112, Parcel 2

C14-2021-0113, Parcel 3

SP-2020-0362C, Site Plan

C14-2012-0008: Rezone 1.191 ac. from LI-CO-NP & CS-1-MU-CO-NP to CS-NP, Ord.# 20120802-089

Restrictive Covenants

Document 2017186267, Subsurface Pond RC

Document 2017186269, Integrated Pest Management RC

LEGAL DESCRIPTION:

A DESCRIPTION OF 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 1.072 ACRE TRACT CONVEYED TO PRESSLER RRI, LP, IN A SPECIAL WARRANTY DEED EXECUTED APRIL 19, 2017 AND RECORDED IN DOCUMENT NO. 2017068325 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.072 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS.

OTHER STAFF COMMENTS:Comprehensive Planning

The subject property is located south of railroad tracks on a vacant 1.072 acre site. The property is located less than 500 feet from the **5th Street Activity Corridor** and is located within the Old West Austin Neighborhood Planning Area. Surrounding land uses include railroad tracks, a public storage facility, and multi-story mixed use building to the north; to the south is the WAYA Cesar Chavez Sports Fields; to the east is vacant land, retail uses and Austin Pets Alive; and to the west are two other parcels connected to this case, which are used for vehicle parking or contain small warehouse buildings. The proposal is a mixed-use project, which would be up to 75 feet tall.

**Connectivity**

West 5th Street is a heavily travelled collector and arterial road, which has public sidewalks located on both sides of the street, which are often intruded upon by large driveways. There are no bike lanes along this street. A Cap Metro Transit stop is located approximately 400 feet from the property, along West 5th Street. To the south and west is the Lance Armstrong Bikeway. The mobility options are average (although the curb cuts and condition of the public sidewalks need improvement) and connectivity options are good.

**Old West Austin Neighborhood Plan**

The Old West Austin Neighborhood Plan (OWANP) is one of the few neighborhood plans that does not have a Future Land Use Map. The OWANP identifies this property as South of Sixth Street District, which includes Sixth and Fifth Streets two principal commercial corridors in the OWANP (p. 19).



The following Text, Goals and Objectives found on pages 23 and 24 of the OWANP discuss this project area:

- Commercial and office uses are concentrated on Lamar, 5th Street, 6th Street, and West Lynn.
- A few existing industrial uses are located between 5th and 6th Streets. Some residential structures are now used as offices, especially on 5th Street, 6<sup>th</sup> Street, and Baylor. (pg. 9).
- From pg. 12 of the OWANP, which lists of number of neighborhood plan goals for this planning area, with the top goal being ‘1.) *Encourage mixed uses*’ (p 12.).

#### **LAND USE / ZONING:**

- The neighborhood planning team has identified "neighborhood friendly" commercial areas where office, retail, and residences can be mixed vertically and horizontally. These areas include West 5th and 6th Streets between Lamar and Mopac, Lamar Boulevard between Town Lake and Enfield, and those properties that already have commercial zoning on the central commercial service corridor on West Lynn from 10th to 13th Streets ("Downtown Clarksville").
- Pg. 23 Neighborhood-oriented commercial uses with modest parking requirements are preferred.

#### **Goal 1 - Encourage Mixed Uses (pg. 23)**

##### **Obj. 1.1 – Allow mixed uses in selected areas, as follows:**

**Action 1:** Apply the Neighborhood Plan Combining District special use category “Neighborhood Mixed Use Building” and the Mixed Use Combining District to all properties between the Union Pacific Railroad and the center line of 5th Street, to encourage the conversion of this land to a mix of residential and other uses. The neighborhood will encourage developers to include residences of an appropriate size for families with children. Mixed-use development would be permitted but not required.

#### **LAND USE / ZONING:**

For decades, the Old West Austin Neighborhood has resisted intense pressure to change existing residential properties to commercial use. Despite these efforts, a significant loss in residential use has occurred. The goal of the Neighborhood Planning Team is to protect existing residential property and encourage the development of new residential property by supporting mixed-use development in certain areas of the neighborhood. The development of commercial properties under the banner of mixed use with token residential space, such as penthouses, is not supported by the plan. A goal of the neighborhood plan is at least three square feet of residential space for every new square foot of commercial space.

Neighborhood-oriented commercial uses with modest parking requirements are preferred. The planning team has identified types of uses that should be: permitted, not permitted, and conditionally permitted in CS, CS-1 and LI zoning in the neighborhood. Development of buildings with a mix of office and residential can result in complementary parking. Retail can be included in certain areas as parking allows.

**Goal 2** - Protect the Character of the Neighborhood (pg. 24)

**Obj 2.1** – Encourage commercial uses that support the neighborhood.

**Goal 3** – Maintain Social and Economic Diversity of Residents (p 28)

**Obj. 3.1** - Provide Additional Moderately-Priced Housing

**Rezoning Proposals:** This neighborhood has been under great pressure to accommodate commercial uses within its residential core, and is in danger of being eroded from its edges. This could create a self-fulfilling prophesy of residents leaving and commercial uses moving in, and putting pressure on the next tier of residents. Any proposed rezoning should be consistent with the land use and zoning proposals of this plan. The boundaries of the districts described below are illustrated in the map "Old West Austin Neighborhood Plan – Neighborhood Districts." (pg. 30)

The Old West Austin Neighborhood Plan policies supports neighborhood friendly, neighborhood serving mixed-use adjoining the railroad track and south of West 5th Street.

### **Imagine Austin**

The Imagine Austin Growth Concept Map identifies this project as being located near an **Activity Corridor (West 5th Street) and less than a half of a mile from the Downtown Regional Center. Activity Corridors** are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

The following Imagine Austin policies are applicable to this case:

- **LUT P3.** Promote development in compact centers, communities, **or along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

Based upon mobility and connectivity strengths in the area, a myriad of adjoining uses (civic and commercial), the Old West Austin and the Imagine Austin policies listed above that support mixed use, and this project being situated near an Activity Corridor, this proposed mixed use project supports the Imagine Austin Comprehensive Plan.

### Environmental

1. The site is located over the Edwards Aquifer Recharge Zone. The site is located in the Lady Bird Lake 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

### Parks and Recreation

PR1: Parkland dedication will be required for the new residential units proposed by this development, multifamily with LI-PDA zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

The proposed development also includes a separate Park Improvement Agreement. The Agreement details that a new sidewalk will be built at Lamar Beach, Town Lake Metro Park, as well as surface parking and a bike/ped connection to the park through to Pressler Street. The improvements are part of an Agreement to allow for a vehicular connection across parkland to the proposed development from Cesar Chavez.

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

### Site Plan

- SP 1      Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

- SP 2 The site is subject to compatibility standards.
- SP 3 The site is within the Lamar Waterfront Overlay District. Heights are limited to 60 feet, and surface parking is prohibited within the Overlay.

### Transportation

1. The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, calls for 70 feet and 92 feet of right-of-way for Pressler Street. It is recommended that 35 feet of right-of-way from the existing centerline and 46 feet of right of way from the future centerline should be dedicated for Pressler Street.
2. There is a proposed Urban Trail adjacent to this site, southern property boundary. The easement required is a minimum of 20 ft as this allows for a 12 ft trail (minimum trail width per the urban trails plan) and room for maintenance activity. This is the same for Tier I and Tier II trails.
3. Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan/subdivision application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.
4. **ATD recommends that off-site transportation mitigations at the time of site plan are inclusive and considerate of any development(s) proposed within the three zoning cases noted in the applicant's request. This would include C14-2021-0113, C14-2021-0112 and C14-2021-0111.**

| Name            | Existing ROW | ASMP Required ROW | Pavement | ASMP Classification | Sidewalks | Bicycle Route | Capital Metro (within ¼ mile) |
|-----------------|--------------|-------------------|----------|---------------------|-----------|---------------|-------------------------------|
| Pressler Street | 48'          | 70'-92'           | 30'      | 2                   | No        | No            | Yes                           |

### Austin Water Utility

AW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

#### INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

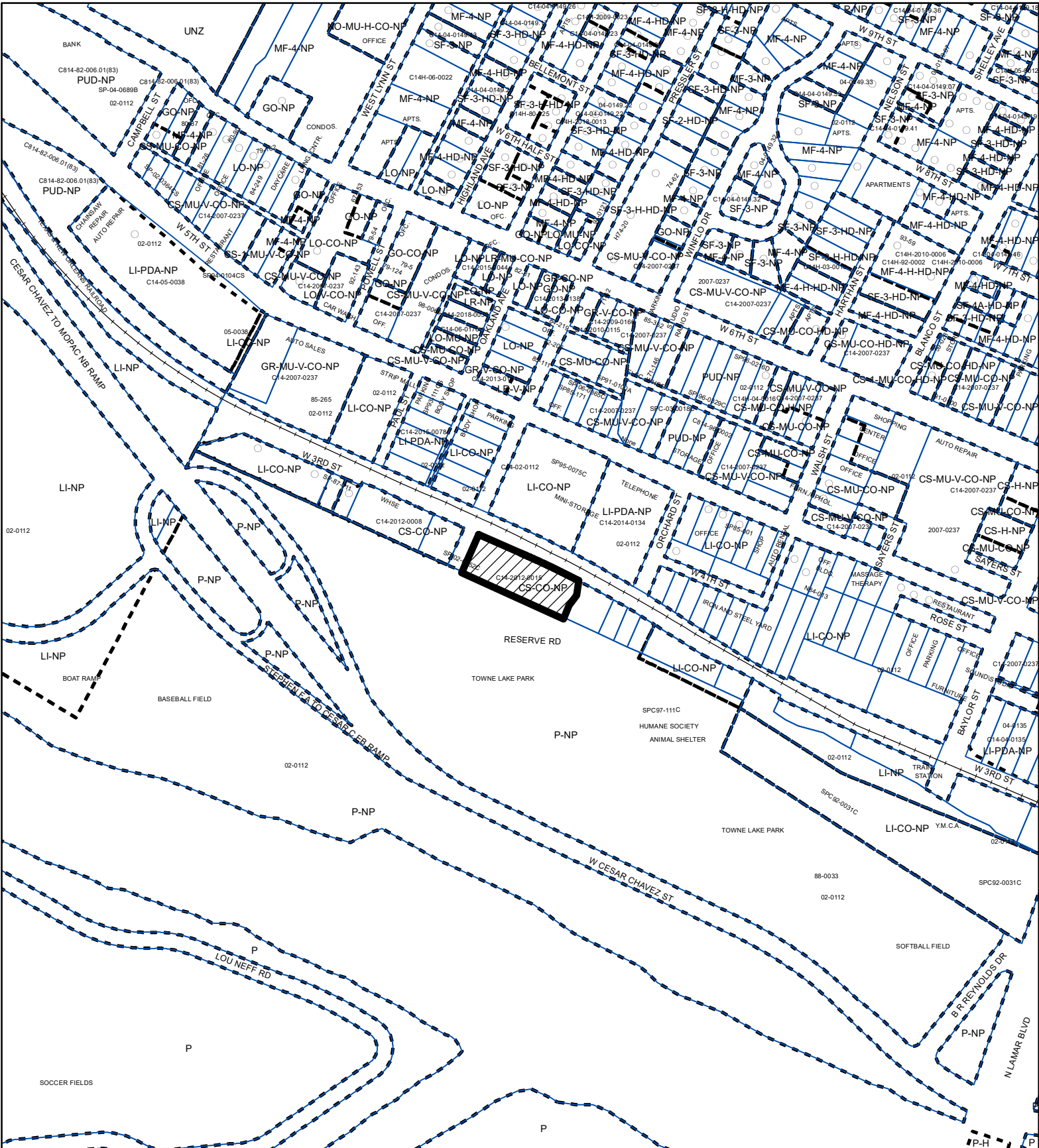
Exhibit B: Aerial Map

Exhibit C: Parcels Map of Overall Project

Exhibit D: Decision Sheet – Board of Adjustment (Height Variance)

Exhibit E: Education Impact Statement

Exhibit F: Austin Transportation Engineering -Parking Memo



# ZONING

# Exhibit A

ZONING CASE#: C14-2021-0111



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

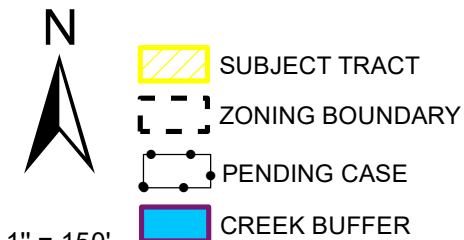
1" = 400'

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

Created: 7/1/2021





ZONING CASE#: C14-2021-0111  
 LOCATION: 300 & 301 Pressler; 1409,  
 1501 & 1505 W. 3rd St  
 SUBJECT AREA: 3.19 Acres  
 GRID: H22  
 MANAGER: MARK GRAHAM

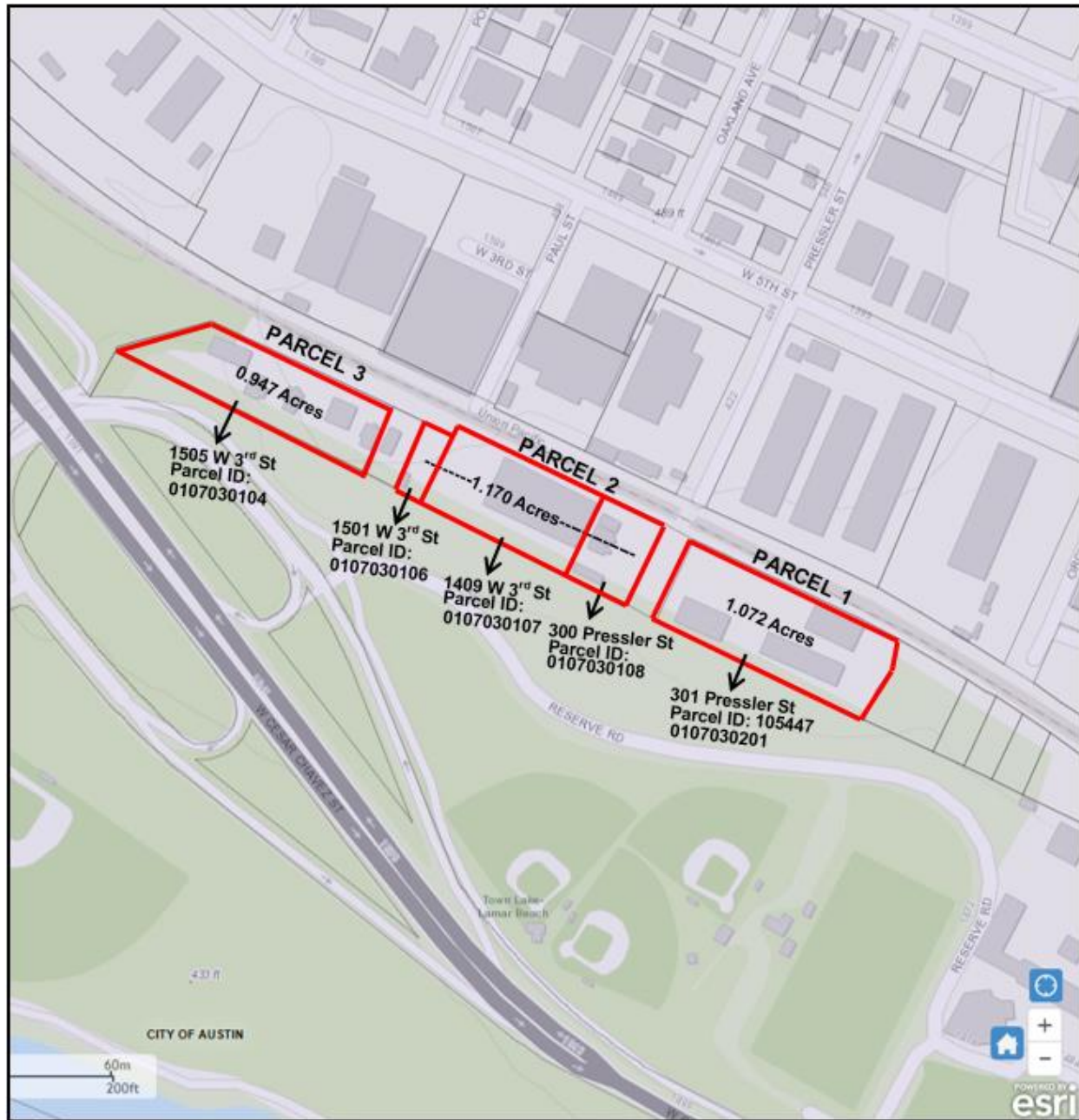
## Exhibit B



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



## Map of All Parcels Within the Proposed Overall Project





**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet  
D-7**

**DATE: Monday June 14, 2021**

**CASE NUMBER: C15-2021-0035**

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

**APPLICANT:** Nikelle Meade

**OWNER:** Pressler RRI, LP

**ADDRESS:** 1409, 1501, 1505 W. 3<sup>rd</sup> 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 April 12, 2021 cancelled; May 10, 2021 POSTPONED TO JUNE 14, 2021 DUE TO LACK OF BOARD MEMBERS/VOTES; June 14, 2021 The public hearing was closed by Chair Jessica Cohen, Board Member Brooke Bailey motions to Grant; Board Member Rahm McDaniel seconds on a 10-0 vote; GRANTED.**

**FINDING:**

1. 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, this 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.

2. (a) The hardship for which the variance is requested is unique to the property in that: the property has a long and narrow configuration, the property is also 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.

(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 banks

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: 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

  
Elaine Ramirez  
Executive Liaison

Diana Ramirez for  
\_\_\_\_\_  
Jessica Cohen  
Chairman

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



**PROJECT NAME:** 300 & 301 Pressler; 1409, 1501 & 1505 W. 3<sup>rd</sup> St.

**ADDRESS/LOCATION:** 300 & 301 Pressler; 1409, 1501 & 1505 W. 3<sup>rd</sup> St.

**CASE #:** C14-2021-0111, C14-2021-0112, C14-2021-0113

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

# SF UNITS: \_\_\_\_\_ STUDENTS PER UNIT ASSUMPTION  
Elementary School: \_\_\_\_\_ Middle School: \_\_\_\_\_ High School: \_\_\_\_\_

# MF UNITS: 326 STUDENTS PER UNIT ASSUMPTION  
Elementary School: .012 Middle School: .006 High School: .012

## IMPACT ON SCHOOLS

The student yield factor of 0.03 (across all grade levels) for apartment homes was used to determine the number of projected students. It was determined by the district's demographer that the apartment/condo yield in this area are historically extremely low.

The proposed 326-unit multifamily development is projected to add approximately 10 students across all grade levels to the projected student population. It is estimated that of the 10 students, 4 will be assigned to Mathews Elementary School, 2 to O. Henry Middle School, and 4 to Austin High School.

The percent of permanent capacity by enrollment for School Year 2025-26, including the additional students projected with this development, would be within the optimal utilization target range of 85-110% at Mathews ES (97%) and Austin HS (101%) and below the target range at O. Henry MS (68%). The projected additional students at O. Henry MS would not offset the anticipated decline in student enrollment. All of these schools will be able to accommodate the projected additional student population from the proposed development.

## TRANSPORTATION IMPACT

Students attending Mathews ES or Austin HS will not qualify for transportation unless a hazardous route condition is identified. Students at O. Henry MS will qualify for transportation and can be accommodated on existing buses.

## SAFETY IMPACT

There are not any identified safety impacts at this time.

**Date Prepared:** 08/04/2021

**Director:**

DocuSigned by:

*Melissa Laursen*

88E0D675D6BC436...

# EDUCATIONAL IMPACT STATEMENT

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Austin  
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## DATA ANALYSIS WORKSHEET

### ELEMENTARY SCHOOL: Mathews

ADDRESS: 906 West Lynn St.

PERMANENT CAPACITY: 397

MOBILITY RATE: 68.6%

#### POPULATION (without mobility rate)

| ELEMENTARY SCHOOL STUDENTS | 2020-21 Population | 5- Year Projected Population (without proposed development) | 5-Year Projected Population (with proposed development) |
|----------------------------|--------------------|---|---|
| Number                     | 207                | 238   | 242   |
| % of Permanent Capacity    | 52%                | 60%   | 61%   |

#### ENROLLMENT (with mobility rate)

| ELEMENTARY SCHOOL STUDENTS | 2020-21 Enrollment | 5- Year Projected Enrollment (without proposed development) | 5-Year Projected Enrollment (with proposed development) |
|----------------------------|--------------------|---|---|
| Number                     | 349                | 380   | 384   |
| % of Permanent Capacity    | 88%                | 96%   | 97%   |

### MIDDLE SCHOOL: O.Henry

ADDRESS: 2610 West 10<sup>th</sup> St.

PERMANENT CAPACITY: 945

MOBILITY RATE: 40.8%

#### POPULATION (without mobility rate)

| MIDDLE SCHOOL STUDENTS  | 2020-21 Population | 5- Year Projected Population (without proposed development) | 5-Year Projected Population (with proposed development) |
|-------------------------|--------------------|---|---|
| Number                  | 939                | 657   | 659   |
| % of Permanent Capacity | 99%                | 70%   | 70%   |

#### ENROLLMENT (with mobility rate)

| MIDDLE SCHOOL STUDENTS  | 2020-21 Enrollment | 5- Year Projected Enrollment (without proposed development) | 5-Year Projected Enrollment (with proposed development) |
|-------------------------|--------------------|---|---|
| Number                  | 925                | 636   | 638   |
| % of Permanent Capacity | 98%                | 67%   | 68%   |

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



## HIGH SCHOOL: Austin

ADDRESS: 1715 W. Cesar Chavez St.

PERMANENT CAPACITY: 2,247

MOBILITY RATE: 11.5%

### POPULATION (without mobility rate)

| HIGH SCHOOL STUDENTS    | 2020-21 Population | 5- Year Projected Population (without proposed development) | 5-Year Projected Population (with proposed development) |
|-------------------------|--------------------|---|---|
| Number                  | 2,110              | 2,037   | 2,041   |
| % of Permanent Capacity | 94%                | 91%   | 91%   |

### ENROLLMENT (with mobility rate)

| HIGH SCHOOL STUDENTS    | 2020-21 Enrollment | 5- Year Projected Enrollment (without proposed development) | 5-Year Projected Enrollment (with proposed development) |
|-------------------------|--------------------|---|---|
| Number                  | 2,353              | 2,269   | 2,273   |
| % of Permanent Capacity | 105%               | 101%  | 101%  |

**From:** [Golden, Bryan](#)  
**To:** [Meade, Nikelle](#); [Saeedi, Nazlie](#); [Graham, Mark](#)  
**Subject:** RE: Pressler Zoning Cases - Updated Parking Info  
**Date:** Wednesday, August 18, 2021 10:15:40 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Mark and Nikelle,

These revisions are in keeping with our TDM goals and as such, ATD can now support these two code revision requests.

Please let me know if you need anything else from us.

Thank you,

[Bryan Golden](#)  
Program Manager (Central Area)  
Transportation Development Services Division  
Austin Transportation Department  
(o) 512-974-9183



---

**From:** Meade, Nikelle [REDACTED]  
**Sent:** Wednesday, August 18, 2021 10:11 AM  
**To:** Golden, Bryan <[Bryan.Golden@austintexas.gov](mailto:Bryan.Golden@austintexas.gov)>; Saeedi, Nazlie <[Nazlie.Saeedi@austintexas.gov](mailto:Nazlie.Saeedi@austintexas.gov)>  
**Subject:** RE: Pressler Zoning Cases - Updated Parking Info  
**Importance:** High

\*\*\* External Email - Exercise Caution \*\*\*

Bryan,

I worked on parking yesterday after our call, and in doing so I realized that all of our numbers I put into the memo were screwed up. Here is the summary of the correct numbers:

1. Parcel 1: Before any reductions allowed in code we are required to have 267 spaces, and we have 175 (we are 35% short)
2. Parcel 2: Before any reductions allowed in code we are required to have 166 spaces, and we have 123 (we are 26% short)
3. Parcel 3: Before any reductions allowed in code we are required to have 128 spaces, and we have 78 (we are 39.5% short)

Since we are already entitled by code to the 20% reduction, if we apply that reduction, the numbers change as follows:

1. Parcel 1: With auto 20% reduction applied, we are required to have 214 spaces, and we have 175 (we are 39 spaces short)
2. Parcel 2: With auto 20% reduction applied, we are required to have 133 spaces, and we have 123 (we are 33 spaces short)
3. Parcel 3: With auto 20% reduction applied, we are required to have 103 spaces, and we have 78 (we are 25 spaces short)

**As such, we are only in need of the following two waivers in this PDA:**

1. Amend 25-6-478 Car Share reduction, as follows:

*Motor Vehicle Reductions General. (E) The minimum off-street parking requirement is reduced by the following amounts: (3) "Twenty (20) spaces for every dedicated and reserved car-sharing parking space, bicycle-sharing station with at least 5 bicycle docks, scooter-sharing station with at least 5 scooter-docks, or three Transportation Network Company (TNC) vehicle parking spaces provided in connection with a program approved by the Director."*

2. The maximum percentage of compact parking spaces permitted is 26.5%.

Please let me know if these two PDA items are acceptable. I am told that Mark Graham has to know by noon today. Let me know if you need any additional information from me or have questions.

**Nikelle Meade**  
**Partner**  
Direct: 512.992.6001  
[REDACTED]

---

**From:** Meade, Nikelle  
**Sent:** Monday, August 16, 2021 4:29 PM  
**To:** [bryan.golden@austintexas.gov](mailto:bryan.golden@austintexas.gov)  
**Cc:** Graham, Mark <[Mark.Graham@austintexas.gov](mailto:Mark.Graham@austintexas.gov)>  
**Subject:** Pressler Zoning Cases

Bryan,

Mark asked me to follow up with you to resolve your comments related to the three Pressler zoning

cases. I saw that you scheduled us to meet tomorrow. That is great. Thank you!

But I had already started writing the memo you requested, so I am sending it along and if it is satisfactory we may not need to meet. Please review and let me know if it answers your questions.

In short, the reason it looks like we are asking for massive reductions is that we are trying to accommodate code-compliant parking if the sites are looked at together. Taken as a whole, no special reductions are needed. Similarly, our request per tract would result in more than the allowed 15% of compact spaces. But, with the three tracts taken as a whole, we are actually significantly below 15%.

Let me know whether you need anything more and whether we still need to meet.

**Nikelle Meade**  
**Partner**

**HUSCH BLACKWELL LLP**

111 Congress Avenue,  
Suite 1400  
Austin, TX 78701-4093  
Direct/Mobile: 512.992.6001  
Fax: 512.226.7373

[huschblackwell.com](http://huschblackwell.com)  
[View Bio](#) | [View VCard](#)

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## August 24, 2021 Planning Commission Q & A Report

B-9 – B-10

See attachment.

B1-6

Question Commissioner Thompson, Staff Response in blue.

Can you please have staff explain the reasoning behind item B-16? Is this done because PARD do not have the resources for parkland at this time? Or because the applicant might have some temporary use for the land (like staging for development)?

It also isn't clear to me if the land to be donated in the future is clearly determined (the restrictive covenant makes it appear so) or if it can change.

The amendment was initiated by Council, and originated in challenges in working with the Broadmoor development – the old IBM campus, east of Braker Ln from the Domain. In this case, the applicant had requests for the future parkland, including temporary use and staging for development. They also had uncertainty about location of future easements on the property (e.g. drainage). Although current code allows for the posting of fiscal for parkland, it also specifies that the parkland be dedicated by the time of Certificate of Occupancy is granted (i.e. for the residential development taking credit for the parkland). This amendment would allow that timeline to be pushed out further.

The land to be dedicated was determined at the Preliminary Plan stage, which is now approved. The land area could be changed or adjusted with an amendment to the Preliminary Plan. If such an amendment came forward, PARD would want to ensure a 1:1 replacement and any new identified parkland meets PARD standards.

The purpose of this email is to provide a summary of the discussion points and questions raised during the Small Area meeting as we move to your agenda tomorrow. The points discussed at Small Area Planning were as follows:

1. Is affordable housing proposed? If so, what are the specifics?

Yes. We have agreed to include 7 affordable units (10% of the bonus units that will be yielded from the proposed rezoning) at 60% MFI for a period of 40 years. We will be entering into a private restrictive covenant to codify the requirement that these units be provided. The non-profit will enforce the covenant and manage the affordable units with regard to income qualification, wait lists, etc. We are hoping the non-profit partner will be Guadalupe Community Development Corporation (GNDC).

Additionally, the Committee asked about the possibility of including larger, family-friendly units to help populate the nearby schools. We have agreed to make at least 4 of the affordable units 2BR or larger and to make at least an additional 10 of the market-rate units 3BR or larger.

2. Is there a risk of environmental damage resulting from excavation during construction?

Our project engineer (Nick Brown/LandDev) has confirmed that the project only necessitates a nominal amount of below-grade excavation and it will be no more than 1 ½ levels below grade (1 level on the north side of each site and 2 levels – even with the park – on the south side of each site). We will not be excavating into the water table at all as we are not going below the park elevation with our garages. We will also have all of the required protections during construction – silt fencing and erosion controls, recycling of construction debris, and on-site monitoring of construction to ensure that there is no damage to the adjacent parkland.

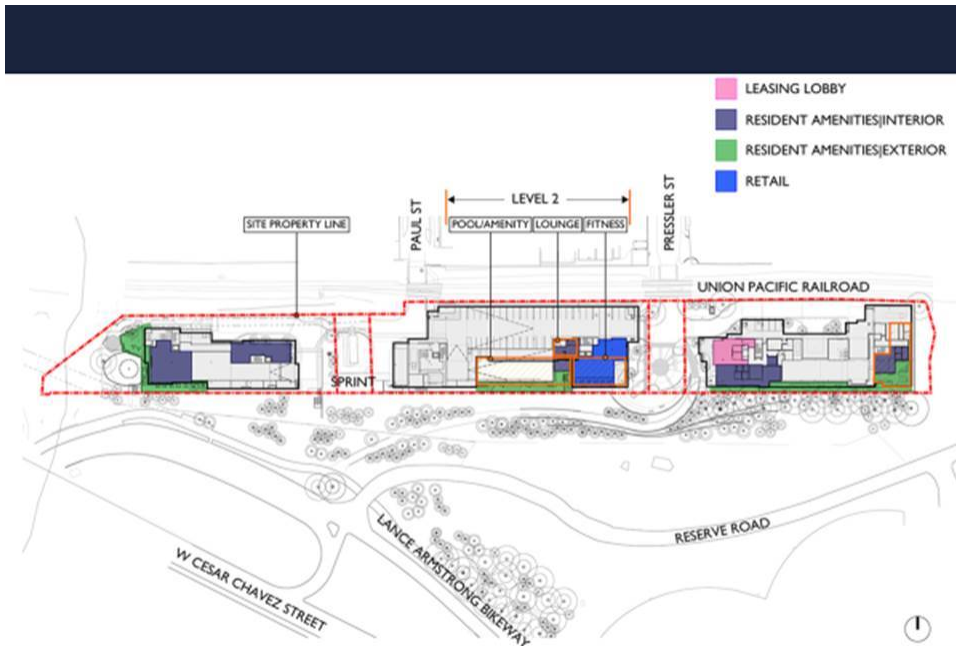
3. What measures are being taken to prevent contamination of Lady Bird Lake once this area of Lamar Beach Park becomes more heavily utilized by park-goers?

As a part of our agreement with PARD, we will be adding trash receptacles throughout the park where they don't exist today. We will also be adding pet stations with waste removal bags throughout the park. We will also be installing signage reminding park users to pick up after themselves and their pets.

4. Did the developer consider adding more retail to the ground floor above the 3000 sq ft currently proposed?

Yes, we did look more closely into whether additional commercial square footage could be added. In doing so, the developer determined that 3000 sq. ft. is the most commercial we can commit to at this time. The ground floor of the site is very constrained and is fully-built out with back-of-house infrastructure, on site amenities, and the leasing office, so at this time there isn't a location to add more commercial. There is a robust commercial corridor north of this site within a short walking distance at 5<sup>th</sup> Street and 6<sup>th</sup> Street, including restaurants, salons, fitness and personal improvement studios, shopping, office space, etc. The location of the subject Property, however, is more remote and is less likely to attract destination or drive-by commercial traffic. As such, it is likely commercial at this location would have difficulty competing with the commercial at 5<sup>th</sup> and 6<sup>th</sup> and could have difficulty surviving. The commercial that is planned on this site will be smaller-scale commercial (likely a restaurant) intended to primarily serve the project's residents and those utilizing the adjacent park. As such, we think a smaller amount of commercial square feet will work well.

Again, however, the developer has said that this number of square feet is not fixed in stone, and they will be looking for and remain open to opportunities to increase it as the project moves forward.



5. How will the building look?

The architecture of the building can still be refined to incorporate any input Commissioners may have, but two conceptual drawings are below.



PRESSLER EXTENSION / LAMAR BEACH - BIRD EYE VIEW SOUTH

