

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0132 (6725 Shirley Ave.)

DISTRICT: 4

ADDRESS: 6719 and 6725 Shirley Avenue; 605 Williams Street

ZONING FROM: TOD-NP (Live/Work Flex Subdistrict) TO: TOD-NP (Mixed Use Subdistrict) increase the maximum building height up to 120' through participation in a voluntary density bonus program

SITE AREA: approximately 0.72 acres (approximately 31,363 square feet)

PROPERTY OWNER: 6725 Shirley Avenue, LLC

AGENT: Drenner Group, PC (Leah Bojo)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

STAFF RECOMMENDATION:

Staff recommends granting transit oriented development-neighborhood plan (TOD-NP) combining district zoning (TOD Mixed Use Subdistrict) and to increase the maximum building height up to 120' through participation in a voluntary density bonus program. See the *basis of recommendation* section below for more information.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 28, 2024: Applicant postponement request to June 11, 2024 granted.

June 11, 2024: Applicant postponement request to July 23, 2024 granted.

July 23, 2024: Applicant postponement request to September 10, 2024 granted.

September 10, 2024: Applicant postponement request to September 24, 2024 granted.

September 24, 2024: Staff postponement request to October 8, 2024 granted.

October 8, 2024: Approved Staff Recommendation of TOD-NP (Mixed Use Subdistrict) increase the maximum building height up to 120' through participation in a voluntary density bonus program on consent motion by Vice Chair Azhar and seconded by Commissioner Maxwell, vote 12-0-1, Commissioner Phillips absent.

CITY COUNCIL ACTION:

November 7, 2024: Postponement requested by Staff to November 21, 2024.

November 21, 2024: Case is scheduled to be heard by City Council.

ORDINANCE NUMBER:

N/A

ISSUES:

The "Base Maximum Building Heights" exhibits within the Lamar/Justin Station Area Plan – including the Station Area Plan document (page 39) and Regulating Plan document (page 56) – establish maximum base height entitlements for property within the Lamar/Justin TOD.

CASE MANAGER COMMENTS:

The property in question is currently two one-story warehouses and one single family home. To the north are two one story warehouses. To the east is a one-story service repair garage. To the south is a one-story warehouse and a recently constructed residential duplex. To the west is the recently constructed Broadstone North Lamar, a six-story multifamily apartment complex.

The property in question sits at the edge of where hard edges exist along North Lamar Boulevard to the west and Canion Street/the Capital Metro Red Line to the east transition from older single-story warehouses to a mix of older and newer smaller scale single family, missing middle, and multifamily housing. Currently this approximately 0.72-acre site contains zero residential dwelling units to support the transit-oriented station area.

The residential density required to support fixed or dedicated transit service is a minimum of 50 dwelling units per acre. Target residential densities to support robust fixed or dedicated transit in an urban center are within the range of 75 to 150 dwelling units per acre within a ½ mile radius of the station area. Without an increase in density, and additional mixed-use development as parcels redevelop within the station area, the CapMetro Red Line Crestview Station and associated connecting MetroRapid BRT will continue to struggle to perform.

The applicant anticipates that this parcel could support an estimated 210 multifamily housing units with a final number determined during the site planning process.

BASIS OF RECOMMENDATION:

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

Parcels zoned within this TOD as mixed-use subdistrict encourage urban-style development including active ground floor uses with commercial, office, or residential uses on the upper floors. Residential densities may exceed 45 units per acre if a specific level of affordable housing is provided and a moderate height bonus may be granted if additional affordable housing is provided, which the applicant is requesting.

Zoning changes should promote compatibility with adjacent and nearby uses.

Staff recommends the additional height be added to this parcel within the TOD mixed-use subdistrict based on the following considerations: 1) location near Lamar Boulevard, with sidewalks, bike routes and CapMetro bus stops nearby 2) it is reasonable given the changes in the area since the TOD Plan was adopted in 2008. There has been substantial redevelopment in the vicinity 3) the rezoning would support goals in the Austin Strategic Housing Blueprint by providing more affordable housing within ¼ mile of high-frequency transit.

Zoning should promote clearly identified community goals, such as creating employment opportunities or providing for affordable housing.

This rezoning case presents an opportunity as older properties within the station area begin to redevelop, to increase housing density to a level that will support fixed route transit (keep in mind with Project Connect this station area is going to be a major intersection of two fixed transit lines). The rezoning request also increases the height and provides income restricted affordable housing in exchange for the density bonus. Income restricted housing units near

transit achieve a deeper level of affordability due to their locational advantages– they can reduce what is typically a household’s second largest expense, transportation costs.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	TOD-NP (Live/Work Flex Subdistrict)	Two one-story warehouses constructed in approximately 1963 and 1980 and one single family home constructed in 1958.
<i>North</i>	TOD-NP (Live/Work Flex Subdistrict)	Two one-story warehouses constructed in approximately 1940 and 1953.
<i>South</i>	TOD-NP (Live/Work Flex Subdistrict) and SF-6-NP	A one-story warehouse constructed in approximately 1972, and a residential duplex constructed in approximately 2016.
<i>East</i>	TOD-NP (Live/Work Flex Subdistrict)	A one-story service repair garage constructed in approximately 1968 which houses, “Just Jeeps”.
<i>West</i>	TOD-NP (Corridor Mixed Use Subdistrict)	Broadstone North Lamar, a six-story multifamily apartment complex constructed in 2023.

NEIGHBORHOOD PLANNING AREA: Highland Neighborhood Planning Area

WATERSHED: Waller Creek Watershed

SCHOOLS: A.I.S.D.

- Reilly Elementary School
- Lamar Middle School
- McCallum Hight School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Friends of Austin Neighborhoods, Highland Neighborhood Association, Highland/Skyview Neigh. Plan Contact Team, Homeless Neighborhood Association, Lamar Blvd./Justin Ln. TOD Staff Liaison, Neighborhood Empowerment Foundation, North Austin Neighborhood Alliance, SELTexas, Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2008-0030 (Lamar/Justin Lane TOD Station Area Plan)	City Initiated Zoning Case that will enact the Lamar Blvd./Justin Lane Station Area Plan and change the base district zoning for all properties within the boundaries of the Station Area to TOD	04.08.2008: The Planning Commission unanimously recommended the Station Area Plan and associated plan amendments with several amendments.	12.11.2008: Approved TOD district zoning on Council Member Morrison’s motion, Council Member Martinez’ second on a 7-0 vote.

	zoning. The Station Area Plan includes a Regulating Plan, which establishes TOD Zoning and specifies the development and design standards applicable to all properties within the boundaries of the planning area.		
C14-2024-0065 (606 Gaylor St.)	The applicant is proposing to rezone an approximately 0.25-acre tract from SF-6-NP to SF-3-NP.	07.09.2024: Approved applicants request to grant SF-3-NP as staff recommended.	09.12.2024: Approved applicants request to grant SF-3-NP as staff and Planning Commission
C14-2004-0064 (602 Gaylor St.)	The applicant is proposing to rezone approximately 0.29 acres from SF-6-NP to SF-3-NP.	07.09.2024: Approved applicants request to grant SF-3-NP as staff recommended.	09.12.2024: Approved applicants request to grant SF-3-NP as staff and Planning Commission recommended.
C14-2023-0017 (7002, 7004, 7006 Guadalupe St.)	The Applicant is proposing to rezone approximately 1.493 acres from TOD-NP (Medium Density Residential Subdistrict) to TOD-NP (Mixed Use Subdistrict).	08.08.2023: Approved TOD-NP (Mixed-Use Subdistrict) as staff recommended.	09.14.2023: Approved TOD-NP as PC recommended on all 3 readings.

RELATED CASES:

NPA-2023-0018.06 (To change the base maximum building height from 60 feet to 120 feet with participation in the density bonus program. The land use on the future land use map is Specific Regulating District. There is no proposed change to the future land use map.)

ADDITIONAL STAFF COMMENTS:

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

05.28.2024: Based on meeting with the applicant and coordination with TPW the required street section shall be deferred to the site planning process.

PARD – Planning & Design Review

PR1: Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with TOD zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Any fees in-lieu required from the future development 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).

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. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

- SP1. A site plan will be required for any new development other than single-family, two-family or duplex residential.
- SP2. Any new development is subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted.

- SP3. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 ft. or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
- SP4. In the event that demolition or relocation of existing buildings is proposed, the applicant is responsible for requesting demolition or relocation permits at the appropriate stage of the development process. The City Historic Preservation Office will review all proposed building demolitions and relocations. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Transportation and Public Works (TPW) Engineering Review

- ATD 1. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Shirley Ave. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].
- ATD 2. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Williams St. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].
- ATD 3. A Neighborhood Traffic Analysis is required and will be performed for this project by ATD staff. Results will be provided in a separate memo. LDC 25-6-114. NTA requires three (3) consecutive 24-hour tube counts, preferably on Tuesday, Wednesday, and Thursday, during a non-holiday week when school is in session. Please contact Mustafa Wali (Mustafa.Wali@austintexas.gov) to discuss the location of the tube counts. Results will be provided in a separate memo. LDC 25-6-114. NTA fees will be added in AMANDA. The NTA has been completed and paid for, it can be found below as *Exhibit E*.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Shirley Ave	Level 1	58'	50'	27'	No	No	Yes
Williams St	Level 1	58'	64'	28'	No	No	Yes

TIA: A Traffic Impact Analysis (TIA) is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. This determination can be found below as *Exhibit D*. However, a Neighborhood Traffic Analysis (NTA) IS required and was performed for this project by ATD staff. The NTA can be found below as *Exhibit E*.

Austin Water Utility

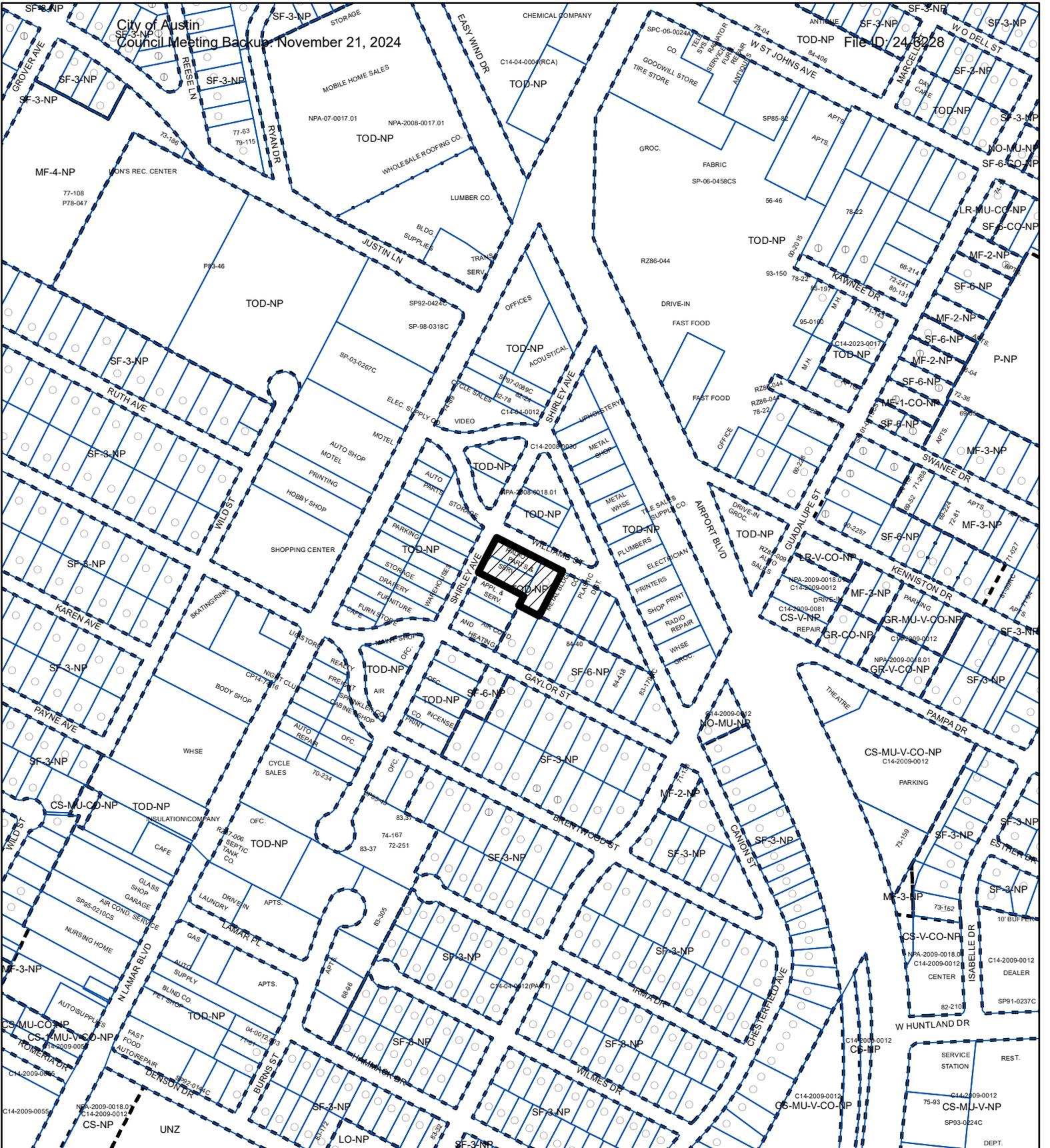
AW1. No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. Traffic Impact Analysis (TIA) Determination Worksheet
- E. Neighborhood Traffic Analysis (NTA) Memo dated September 25, 2024
- F. Correspondence from Interested Parties



ZONING

ZONING CASE#: C14-2023-0132



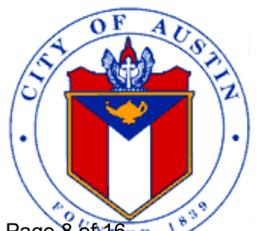
 SUBJECT TRACT

 PENDING CASE

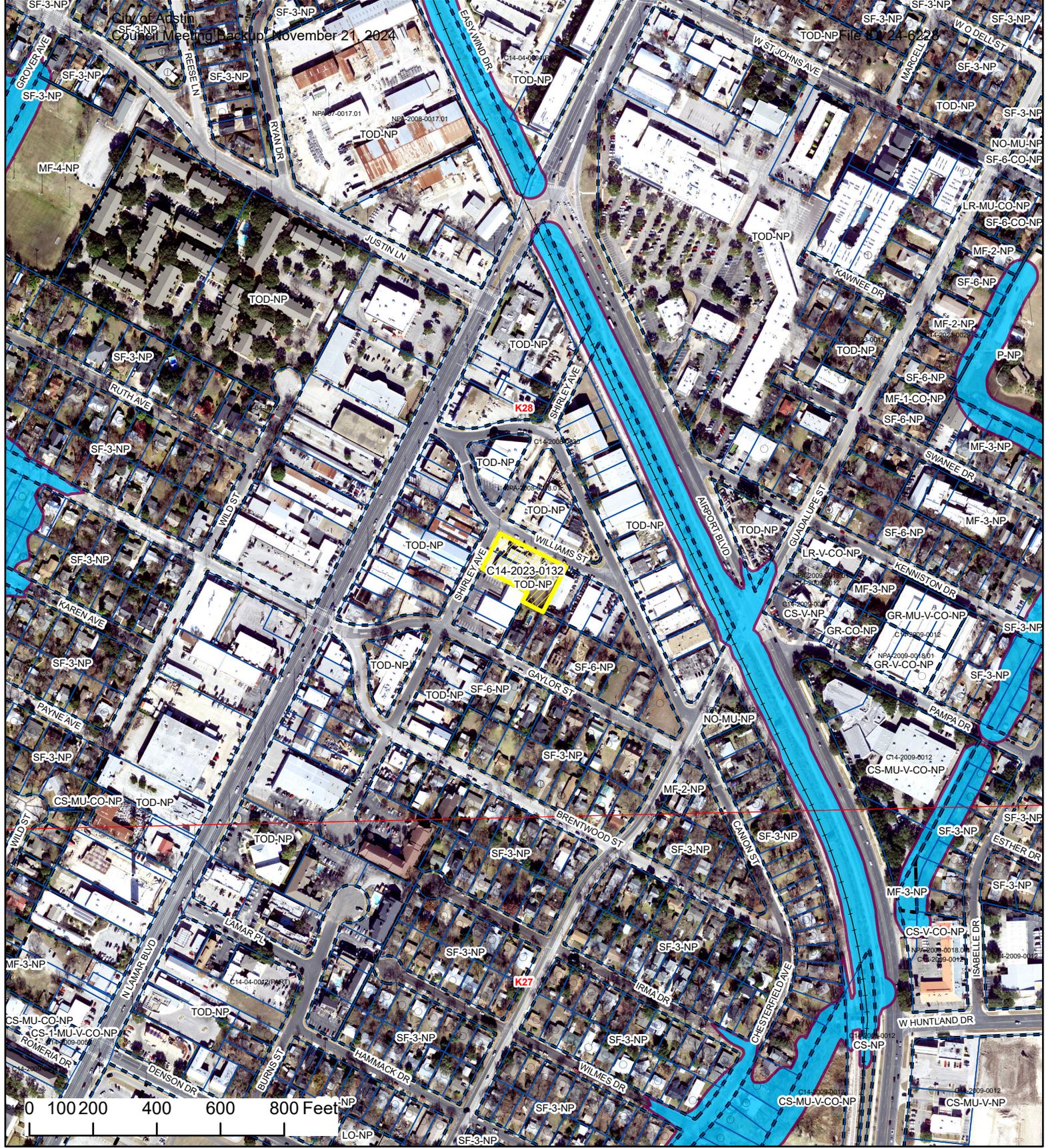
 ZONING BOUNDARY

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



1" = 400'



6725 Shirley Ave

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2023-0132
 LOCATION: 6719, 6725 Shirley Ave;
 605 William St
 SUBJECT AREA: 0.72 Acres
 GRID: K28
 MANAGER: Jonathan Tomko



October 16, 2023

Revised: September 12, 2024

Ms. Lauren Middleton-Pratt
Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: 6725 Shirley Avenue – Station Area Plan Amendment application for a 0.72-acre collection of tracts located at 6719, 6725 Shirley Avenue and 605 William Street in the City of Austin, Travis County, Texas (“the Property”)

Dear Ms. Middleton-Pratt:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning and corresponding Neighborhood Plan Amendment (NPA) application packages. The project is titled 6725 Shirley Avenue and is approximately 0.72 acres of land, located on the south side of Williams Street between Shirley Avenue and Canion Street. The Property is in the full purpose jurisdiction of the City of Austin.

The Property is currently zoned TOD-NP (Transit-Oriented Development – Neighborhood Plan) with the Live/Work/Flex Subdistrict designation. We intend to maintain the current zoning district designation of TOD-NP. We intend to amend the subdistrict designation to TOD Mixed-Use Subdistrict and to amend the Lamar Boulevard/Justin Lane Transit Oriented Development (TOD) Station Area Plan (SAP) to change the maximum building height from 60’ to 120’. These changes are requested to the corresponding maps in the Lamar/Justin TOD Regulating Plan.

The Property is currently developed with single-family, and warehouse uses circa 1958, 1963, and 1980 predating the approval of the TOD plans.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo

cc: Joi Harden, Planning Department (*via electronic delivery*)
Jorge Rouselin, Planning Department (*via electronic delivery*)
Maureen Meredith, Planning Department (*via electronic delivery*)

Traffic Impact Analysis (TIA) Determination Worksheet

Applicant must complete this worksheet.

Project Name: 6725 Shirley Avenue

Location: 6719 and 6725 Shirley Ave and 605 William Street

Applicant: Leah M. Bojo Telephone No: 512-807-2900

Application Status: Development Assessment Zoning Site Plan

EXISTING:

FOR OFFICE USE ONLY

Tract Number	Tract Acres	Bldg. Sq. Ft.	Zoning	Land Use	I.T.E. Code	Trip Rate	Trips Per Day
1	.22		TOD-NP	warehouse			
2	.24		TOD-NP	warehouse			
3	.26		TOD-NP	single family			

PROPOSED:

FOR OFFICE USE ONLY

Tract Number	Tract Acres	Bldg. Sq. Ft.	Zoning	Land Use	I.T.E. Code	Trip Rate	Trips Per Day
1 - 3	.72	210 units	TOD-NP height increase	multi family	221	FCE	955

ABUTTING ROADWAYS:

FOR OFFICE USE ONLY

Street Name	Proposed Access?	Pavement Width	Classification
Shirley Ave.	Yes		
Williams Street	Yes		
Canion Street	Yes		

FOR OFFICE USE ONLY

A traffic impact analysis is required. The consultant preparing the study must meet with a Transportation planner to discuss the scope and requirements of the study before beginning the study.

A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code.

The traffic impact analysis has been waived for the following reason:

A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a Transportation planner for information.

Reviewed By: Adrianna Morrow Adrianna Morrow (COA) Date: 10/16/2023

Distribution: File Cap. Metro TxDOT DSD Travis Co. ATD Total Copies: _____

NOTE: A TIA Determination must be made prior to submittal of any Zoning or Site Plan application, therefore, this completed and reviewed worksheet MUST ACCOMPANY any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA Determination.

Roadways

Shirley Ave: The pavement width of Shirley Ave along the site frontage is approximately 30 feet. There are two unstriped travel lanes, curb and gutter, and no sidewalk or bicycle facilities. The ASMP designates Shirley Ave as a Level 1 street. The street has a speed limit of 25 mph. According to the Austin Strategic Mobility Plan (ASMP), the required right-of-way in the vicinity of the site is 58 or 64 feet. The existing ROW is 63 feet.

Williams St: The pavement width of Williams St along the site frontage is approximately 30 feet. There are two unstriped travel lanes with curb and gutter, and no sidewalk or bicycle facilities. The ASMP designates Williams St as a Level 1 street. The street has a speed limit of 25 mph. According to the Austin Strategic Mobility Plan (ASMP), the required right-of-way in the vicinity of the site is 58 or 64 feet. The existing ROW is 50 feet.

Trip Generation and Traffic Analysis

Based on the Institute of Transportation Engineer’s Trip Generation Manual, 11th Edition, the proposed development will generate 955 vehicle trips per day. See Table 1 for a detailed breakdown of the trip generation.

Table 1. Trip Generation

Land Use	ITE Code	Units	Trip Generation
Existing			
Warehouse	150	20,140 Square Feet	70
Single Family	210	1	15
Proposed			
Multifamily Housing (Low-Rise)	221	210 Dwelling Units	955
NET TRIPS			870

Traffic volumes were collected for 24 hours at three points, as shown in Figure 2 below: on Williams St and Canyon St on August 27th, and on Shirley Ave on September 3rd, 2024. Instead of the usual three consecutive days, the counts were collected for only one day at each location.

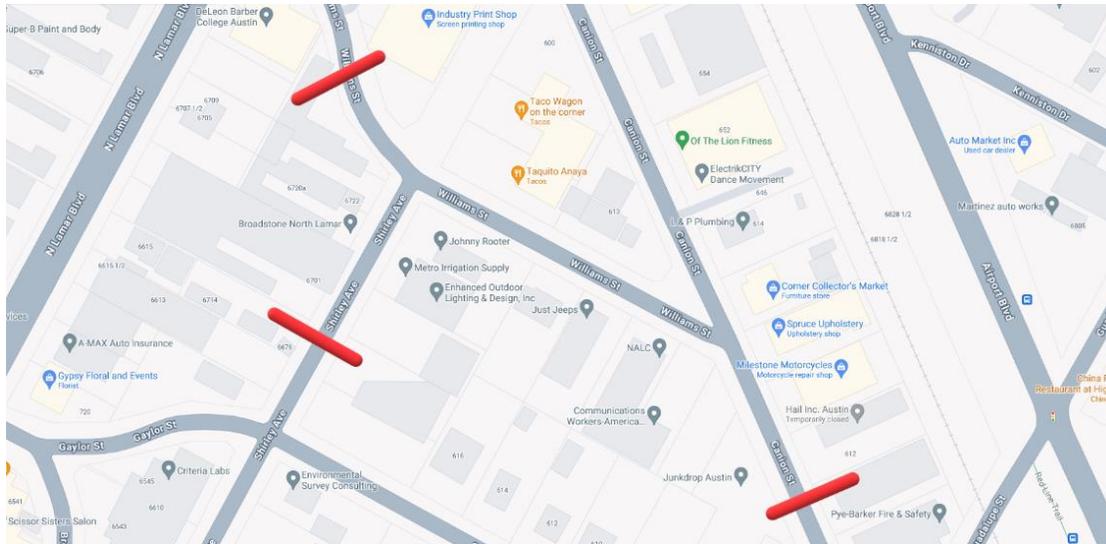


Figure 2: Tube count locations

Table 2 provides an assumed trip distribution for the proposed land uses. This development proposes access to Shirley Ave and Williams St.

Table 2. Trip Distribution

Street	Expected Trip Distribution (Percentage)
Shirley Ave	20%
Williams St	25%
Canion St	55%

Table 3 represents a breakdown of traffic on Shirley Ave, Williams Street, and Canion Street: existing traffic, proposed site traffic, and total traffic after development.

Table 3. Traffic Summary

Street	Existing Traffic from Counts (vpd)	Site Traffic added to Roadway (vpd)	Total Future Traffic (vpd)
Shirley Ave	254	174	428
Williams St	321	218	539
Canion St	679	479	1158

According to Section 25-6-116 of the Land Development Code, streets that have a pavement width of 30 feet to less than 40 feet are considered to be operating at a desirable traffic level if the average daily traffic volume for such roadway is below 1,800 vehicles per day. Based on the LDC criteria, Shirley Ave, Williams St, and Canion St are currently operating at desirable levels and will continue operating at desirable levels with the addition of site traffic.

Recommendations and Conclusions

1. If the number of units proposed in Table 1 is exceeded, the TDS division may be required to reassess the NTA.
2. This site will be subject to Street Impact Fee (SIF), which will help fund roadway capacity projects identified in RCP necessitated by new developments. The SIF calculation shall be performed during the Site Plan review, and the fee will be collected at the time of building permit application. For more information on Impact Fees, please visit the City's SIF website (<https://www.austintexas.gov/department/street-impact-fee>).
3. This assessment is based on the proposed uses and access. Any changes in these assumptions may require an updated NTA.
4. This NTA does not grant nor guarantee approval of proposed driveway types or locations. Driveway types and locations will be reviewed with the site plan application.

Please contact me at austin.jones2@austintexas.gov or (512)-978-1671 if you have questions or require additional information.

A handwritten signature in blue ink, appearing to read "Austin Jones", with a long, sweeping horizontal line extending to the right.

Austin Jones, P.E.
Transportation and Public Works Department, City of Austin

Public Comments Received on C14-2023-0132 (6725 Shirley Avenue)

Email from Benjamin Hillson
10/02/2024

Hey y'all,

I think some of us who attended the last in-person Highland Neighborhood meeting spoke a little about how we felt about this. I know this has also been discussed on Facebook but I'm not on that platform so I don't have visibility into that conversation. If there has been some sort of consensus that has been formed there then please don't let me disrupt things here.

From the conversations that I have been part of, it seems like the main issue with the proposed project is that it doubles the height without specifying if there will be any inclusion of ground-level retail. As our neighborhood becomes more dense with residential units, it feels important to include the services residents need so that new projects aren't just contributing to traffic congestion. I feel like we could consider responding with language along the lines of...

"The Highland Neighborhood association does not support this proposal as it is presented today. While the Highland Neighborhood Association is not against increasing housing availability in our neighborhood, we are not interested in residential projects that exceed current zoning restrictions, designed to balance density and congestion, without committing to including commercial retail space. If details about this project show this property will commit to including ground-level retail, aligning with the successful residential properties in our area, then we will more readily consider supporting this rezoning request."

I would be curious to hear what y'all think.

Cheers,

Ben

Email from Nick Pellicciotto
10/2/2024

I told Maureen Meredith from the city that the contact team couldn't reach a consumer on the project.

- Nick Pellicciotto