

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2021-0044, 7113 Burnet Road

DISTRICT: 7

ZONING FROM: CS-1-CO-NP, CS-CO-NP, LO-CO-NP TO: MF-6-CO-NP

ADDRESS: 7113, 7115 Burnet Road

SITE AREA: 4.3881 acres (191,145.64 sq. ft.)

PROPERTY OWNER:

CSW Cart, Inc., (Robert O'Farrell)

AGENT:

Armbrust & Brown, PLLC  
(Michael Gaudini)

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

STAFF RECOMMENDATION:

**The Staff offers an alternative recommendation to grant multifamily residence (Moderate-High Density)-neighborhood plan (MF-4-NP) combining district zoning.**

*For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

**May 11, 2021:**

CITY COUNCIL ACTION:

**June 10, 2021:**

ORDINANCE NUMBER:

ISSUES:

There are three related land use cases: The Neighborhood Plan Amendment, case NPA-2021-0017.01 to change the FLUM from Commercial to Multi-family residential land use; case C14-72-032(RCT), the request to terminate the Restrictive Covenant that established a 20 foot building setback on the LO-CO-NP zoned tract; and this request for MF-6-CO-NP zoning, case C14-2021-0044.

CASE MANAGER COMMENTS:

Applicant seeks zoning to build 330 residential units on the 4.3881 acre (191,145 sq. ft.) parcel of land at 7113 and 7115 Burnet Road. The requested zoning is multi-family residence - highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning. The CO would establish a 20-foot building setback from the rear property line.

Current Conditions

The site is a commercial development with a parking lot fronting Burnet Road. Multiple buildings are set back more than 150 feet from the road. The largest tenant space is the bar closest to Burnet Road. The adjacent buildings are occupied by small businesses providing, for instance: driving instruction and martial arts coaching; coffee and kolaches; hair-cuts and massages. The site is auto oriented.

With the exception of the bar, the businesses face north and are not visible from the street. There is a large multi-tenant sign only about half filled with business names and there appear to be several vacant tenant spaces. There is a free-standing building in the office zoned (east) part of the site. There are vehicles stored on that portion of the site as they are on the adjacent commercially zoned lot to the south. Landscape buffers to residences have not been maintained.

Vehicle Access and Circulation (ATD Comments)

Safe access to and from Burnet Road is provided through a Reciprocal Access Easement Agreement with the adjacent property to the north. The agreement gives the subject property access to the signalized intersection at Burnet Road and Greenlawn Parkway. Austin Transportation Department (ATD) staff reviewed the recorded Access Easement Agreement and commented:

*“A reciprocal access easement has been created and recorded by the owner with the tract to the north of this site. This will allow for safe ingress and egress from this property at the Greenlawn Parkway, which has a traffic signal. Additional mitigations may be required at the time of site plan, when the land uses and intensities have been finalized.”*

Building height, setbacks, buffers

Maximum building height with the requested multifamily residence-highest density neighborhood plan (MF-6-NP) zoning is 90 feet. The existing general commercial services conditional overlay-neighborhood plan (CS-CO-NP) zoning allows 60 feet, yet most of the buildings are only one or two stories (less than 30 feet). Building height is limited at the east end of the property by Land Development Code Compatibility Standards, which will be addressed during site plan review. Those standards reduce permitted building height and increase setbacks near family residence zone districts.

Staff is supporting multifamily residence - moderate-high density-neighborhood plan (MF-4-NP) zoning which permits up to 60 feet in height like the current zoning, though it would be lower near the family residences due to Compatibility Standards and also require increased setbacks, buffering and screening.

Future Land Use Map (FLUM)

The site is within the Crestview/Wooten Combined Neighborhood Plan boundaries. City Council approved the existing Future Land Use Map (FLUM) for the Crestview / Wooten Neighborhood in April 2004 and Council approval is required to change the FLUM.

The Future Land Use Map currently shows the subject property as commercial and an amendment changing the designation to multifamily residential is required for the proposed residential rezoning and development. An amendment to the Future Land Use Map was requested and a neighborhood meeting was held March 18, 2021 to present the request to Crestview residents (NPA-2021-0017.01).

Crestview/Wooten Neighborhood Plan: Prohibited and Conditional Uses

A City-initiated rezoning that was approved on April 1, 2004 (Ordinance No. 040401-32B) added the neighborhood plan combining district (NP) and conditional overlays (CO) on many of the lots in the 650.5 acre Crestview Neighborhood Plan area. The subject lots are listed in the Ordinance as Tracts 134, 135 and 136. Tract 134 is the CS portion; Tract 135 is the 8,800 square foot CS-1 “footprint” zoned portion; Tract 136 is the LO zoned portion. Part 7. (2) of the Ordinance includes the following list of conditional overlay uses prohibited in Tract 134 and 135, the portion of the property zoned CS-1 and CS.

<i>Adult oriented businesses</i>	<i>Equipment repair services</i>
<i>Agricultural sales and services</i>	<i>Equipment sales</i>
<i>Automotive rentals</i>	<i>Kennels</i>
<i>Automotive sales</i>	<i>Limited warehousing and distribution</i>
<i>Bail bond services</i>	<i>Maintenance and service facilities</i>
<i>Campground</i>	<i>Monument retail sales</i>
<i>Commercial blood plasma center</i>	<i>Outdoor entertainment</i>
<i>Construction sales and services</i>	<i>Pawn shop services</i>
<i>Convenience storage</i>	<i>Vehicle storage</i>

Compatibility

Another condition imposed by the same Ordinance Part 7. (27) applies to six tracts in the neighborhood plan, including 135 and 136:

*A 50-foot wide vegetative buffer shall be provided and maintained along and adjacent to a property line that adjoins an urban family residence (SF-5) or more restrictive district. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.*

Restrictive Covenant

C14-72-032(RCT) was filed concurrently with this case to terminate a 1972 Restrictive Covenant on the east end of the subject property in the portion zoned (LO-CO-NP).

*1. No building or any part thereof shall be located within twenty (20) feet of the north property line of said property.*

Both the “vegetative buffer” imposed by the Neighborhood Plan zoning and the restrictive covenant above were intended to reduce the impacts of the LO-CO-NP zoned tract on the adjoining residences. In the current Land Development Code, Compatibility Standards (in this case, for large sites 25-2-1063) are intended to accomplish the same thing and achieve specific results, for example: screening surface parking, mechanical equipment and dumpsters. The standards also address building height, setback and bulk. Briefly summarized, if the building setback from the residences in SF-3-NP (north and east sides of LO-CO-NP zoned tract) is less than 50 feet, the building is limited to two stories and 30 feet. If the building setback is more than 50 feet, it can be three stories and 40 feet tall. If setback even further, it can be taller. There are more required design standards and screening requirements (Article 10 of Chapter 25-2) to improve the buffer and thereby compatibility of multifamily buildings to less intense residential uses.

The commercial property south of the subject property at Burnet Road is used for vehicle storage and has a vacant freestanding building. Compatibility Standards are **not** required between the subject lot and the **commercially** zoned lots. The commercial property north of the subject property is anchored by a Tuesday Morning retail store and has inline tenants including restaurants, a bakery, hair and foot care, and a pad site with restaurant.

#### Core Transit Corridor

Burnet Road was identified in 2005 as a Core Transit Corridor and continues to enjoy MetroRapid bus service at frequent intervals. Along Core Transit Corridors like Burnet and in Activity Centers are where the Imagine Austin Plan envisions Austin’s growth occurring. Building multi-family residences near transit service supports transit and allows more people to access that location and public transportation services.

#### BASIS OF RECOMMENDATION:

The Staff recommendation is to grant multifamily residence, moderate high density - neighborhood plan (MF-4-NP) district zoning.

1. *The proposed zoning should be consistent with the purpose statement of the district sought.* The applicant requested MF-6-NP – **Multifamily Residence (Highest Density) district** based in part on the absence of a land area requirement for units that would enable building 330 residential units on the property.

The recommendation from Inclusive Planning staff is to amend the Future Land Use Map from commercial to multifamily residential. The recommendation from Zoning staff is to permit multifamily residential uses, with MF-4 standards.

MF-4-NP – **Multifamily Residence (Moderate-High Density) district** is intended to accommodate multifamily and group residential use with a maximum density of 36 to 54 units per acre, depending on unit size. This district is appropriate for moderate-high density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers, and in other

selected areas where moderate-high density multifamily use is desirable. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The applicant proposes to build 330 multifamily residences on the property. The property is centrally located on a MetroRapid transit corridor with supporting commercial facilities including groceries, personal services and entertainment. The 803 Rapid Bus stop is approximately 725 feet south and the number 3 local bus transit stop is less than 300 feet north of the site. There is good transit access to UT and the downtown employment center.

*2. The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

The demand for housing in Austin is high. Job and population growth coupled with low interest rates are credited with creating the demand. “The Texas Workforce Commission reported that the Austin region added 29,000 new jobs in the 12 months that ended in November” (2019). (reported in the Austin Statesman, Jan. 14, 2020). Housing continues to be an important community need.

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

With the Compatibility Standards required for multifamily residential zoning by the Land Development Code, the MF-4-NP zoning will be compatible with adjacent and nearby uses. Setbacks are increased near the Single-Family zones and building heights are reduced. Screening is required for parking lots, mechanical equipment, and dumpsters. New development will be required to provide fencing and vegetative buffering as well as screening of parking, mechanical equipment and trash dumpsters. The specific measures to meet the Compatibility Standards are reviewed as part of the site plan review process.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS-1-CO-NP, CS-CO-NP, LO-CO-NP	Bar/restaurant (Local Post Pub), offices, personal care, food sales, auto storage
North	CS-CO-NP	Retail (Tuesday Morning), restaurant, food sales
South	GR-V-CO-NP, MF-3-NP	Vacant restaurant, auto sales/storage, Multifamily residences (townhomes & stacked flats)
East	SF-3	Detached residences
West	CS, SF-2	Auto sales/service,

NEIGHBORHOOD PLANNING AREA: Crestview/ Wooten Combined Neighborhood Plan, Ordinance 040401-Z-2.

TIA: Deferred to site plan.

WATERSHED: Shoal Creek - Urban 70% Impervious coverage maximum in MF-4  
80% Impervious coverage maximum in MF-6

OVERLAYS:

- ADU
- Approximate Area Reduced Parking
- Residential Design Standards: LDC/25-2-Subchapter F

SCHOOLS:

Brentwood Elementary      Lamar Middle      McCallum High

NEIGHBORHOOD ORGANIZATIONS

Allandale Neighborhood Association	Homeless Neighborhood Association
Austin Independent School District	NW Austin Neighbors
Austin Lost and Found Pets	Neighborhood Empowerment Foundation
Austin Neighborhoods Council	North Austin Neighborhood Alliance
Bike Austin	SELTexas
Crestview Neighborhood Assn.	Shoal Creek Conservancy
Crestview Neighborhood Plan Contact Team	Sierra Club, Austin Regional Group
Friends of Austin Neighborhoods	

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-04-0004 The area bounded by Anderson Lane on the north, Lamar Blvd. on the east, Burnet Road on the west, Justin Lane on the south.	Add a NP to the base zoning districts on approximately 650.5 acres of land generally known as the Crestview Neighborhood Plan and to change the base zoning district on 43 tracts of land.	To Grant	Apvd. 04/01/2004 Ord.#040401-328
C14-2009-0065 The area bounded by Anderson Lane/US Highway 183 on the north, Justin Lane on the south, North Lamar Boulevard on the east and Burnet Road on the west.	Crestview Vertical Mixed Use Bldg (V) Zoning/ Opt-in / Optout process. 62.70 Acres. (City Initiated) for 29.70 acres. Part 4. Excludes Tract 8 that includes 7113 Burnet Rd.	To Grant	Apvd. 9/24/2009 Ord.#20090924-091

RELATED CASES:

C14-2020-0016 – Essentially the same request with different applicant. Request for MF-6-NP. Case withdrawn by property owner after approvals at Planning Commission and First Reading of City Council.

NPA-2020-0017-01 – Request for Neighborhood Plan Amendment from commercial land use to multifamily residential land use. Neighborhood meeting held March 18, 2020.

C14-72-032 (RCT) – This case is refiled under the same case number. The Planning Commission approved termination of the Restrictive Covenant on July 14, 2020. The request was withdrawn before City Council action. The request is to terminate the restrictive covenant (RC) that requires a 20 foot setback to the north property line in the portion of the property zoned LO-CO-NP. Staff recommendation is to grant restrictive covenant termination. The RC is no longer necessary because the Land Development Code has Compatibility Standards that better accomplish the goal of buffering residences.

LEGAL DESCRIPTION

Lot 1, Ronan Subdivision

OTHER STAFF COMMENTS:

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
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.

Site Plan

SP1. Any development which occurs in an SF-6 or less restrictive zoning district which is located <540 feet from property in an SF-5 or more restrictive zoning district will be subject to residential compatibility development regulations.

SP2. The site is subject to residential compatibility standards along the northerly and easterly property lines:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the north/eastern property line adjacent to Hardy Circle and Hardy Drive SF properties. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

INFO: Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when a site plan is submitted.

INFO: Site plans are required for any new development other than single-family or duplex residential.

#### Parks and Recreation Department

PR1: Parkland dedication will be required for the new residential units proposed by this development, multifamily with MF-6-CO-NP 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).

#### 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.

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 Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7<sup>th</sup> floor. Ph: 512-972-0211.

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.



ATD Engineering

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for Burnet Road. A traffic impact analysis is waived, the determination is deferred to site plan application, when land use and intensity will be finalized.

A reciprocal access easement has been created and recorded by the owner with the tract to the north of this site. This will allow for safe ingress and egress from this property at the Greenlawn Parkway, which has a traffic signal. Additional mitigations may be required at the time of site plan, when the land uses, and intensities have been finalized.

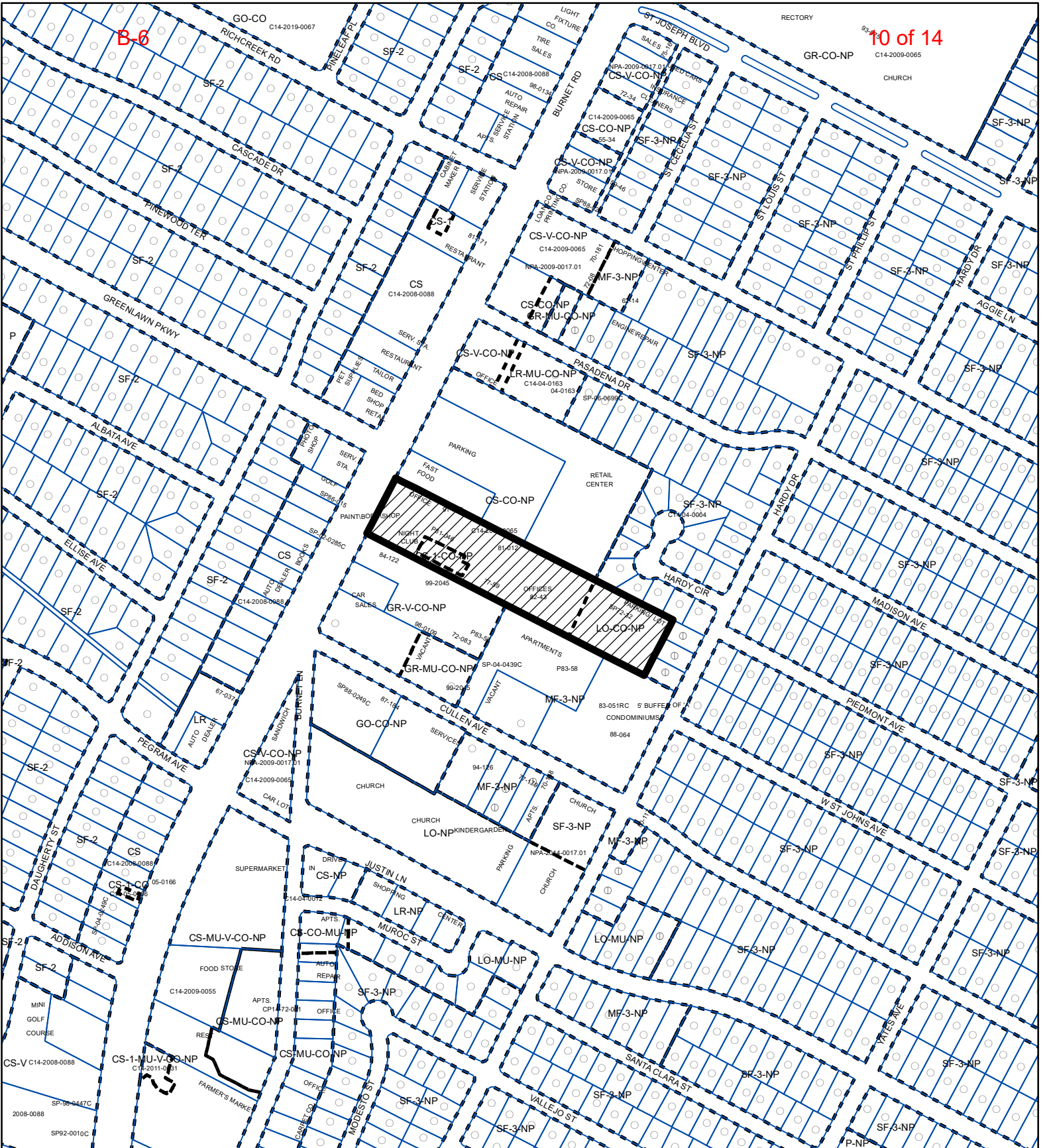
<b>Name</b>	<b>Existing ROW</b>	<b>ASMP Required ROW</b>	<b>Pavement</b>	<b>ASMP Classification</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
Burnet Rd	121'	120'	56'	3	Yes	Yes	Yes

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map





Exhibit B: Aerial Map

Exhibit C: Educational Impact Statement (EIS)



### ZONING Exhibit A

ZONING CASE#: C14-2021-0044


  
 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.

1" = 400'

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: 3/24/2021



# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



**PROJECT NAME:** 7113 Burnet Road

**ADDRESS/LOCATION:** 7113, 7115 Burnet Road

**CASE #:** C14-2021-0044

NEW SINGLE FAMILY

DEMOLITION OF MULTIFAMILY

NEW MULTIFAMILY

TAX CREDIT

# SF UNITS:	<u>          </u>	<b>STUDENTS PER UNIT ASSUMPTION</b>
		Elementary School: <u>          </u> Middle School: <u>          </u> High School: <u>          </u>

# MF UNITS:	<u>330</u>	<b>STUDENTS PER UNIT ASSUMPTION</b>
		Elementary School: <u>0.01</u> Middle School: <u>0.005</u> High School: <u>.009</u>

## IMPACT ON SCHOOLS

The student yield factor of 0.024 (across all grade levels) for apartment homes was used to determine the number of projected students. This factor was provided by the district’s demographer and is based on other market rate multifamily complexes built within the area.

The 330-unit multifamily development is projected to add approximately 8 students across all grade levels to the projected student population. It is estimated that of the 8 students, 3 will be assigned to Brentwood Elementary School, 2 to Lamar Middle School, and 3 to McCallum 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 Brentwood ES (110%), and above the optimal utilization at Lamar MS (127%), and McCallum HS (131%). Please note, the Brentwood campus is currently under construction and a modernized school at a larger capacity is scheduled to open in SY 2022-23, which will bring the 5-year projected enrollment well within the optimal utilization. Lamar and McCallum will continue to utilize portables to accommodate their enrollment, and the district will need to consider strategies to address overcrowding for the long-term.

## TRANSPORTATION IMPACT

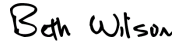
Students within the proposed development attending McCallum HS will qualify for transportation. Students attending Brentwood ES or Lamar MS will not qualify for transportation unless a hazardous route condition is identified.

## SAFETY IMPACT

There are not any identified safety impacts at this time.

**Date Prepared:** 4.16.2021

**Executive Director:**

DocuSigned by:  
  
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# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



## DATA ANALYSIS WORKSHEET

### ELEMENTARY SCHOOL: Brentwood

ADDRESS: 512 E. Huntland Drive

PERMANENT CAPACITY: 585\*

MOBILITY RATE: -1.3%

#### 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	549	656	659
% of Permanent Capacity	94%	112%	113%

#### 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	542	639	642
% of Permanent Capacity	93%	109%	110%

*\*The Brentwood campus is currently under construction and a modernized school at a larger capacity is scheduled to open in SY 2022-23.*

### MIDDLE SCHOOL: Lamar

ADDRESS: 6201 Wynona St.

PERMANENT CAPACITY: 1,008

MOBILITY RATE: +14.4%

#### 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	1,075	1,185	1,187
% of Permanent Capacity	107%	118%	118%

#### 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	1,230	1,281	1,283
% of Permanent Capacity	122%	127%	127%

# EDUCATIONAL IMPACT STATEMENT

Austin  
Independent  
School District



Prepared for the City of Austin

**HIGH SCHOOL: McCallum**

ADDRESS: 5600 Sunshine Drive

PERMANENT CAPACITY: 1,596

MOBILITY RATE: +4.8%

**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	1,752	2,008	2011
% of Permanent Capacity	110%	126%	126%

**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	1,836	2,081	2,084
% of Permanent Capacity	115%	130%	131%