

**ZONING CHANGE REVIEW SHEET**CASE: C14-2023-0077DISTRICT: 7ADDRESS: 7320 Burnet RoadZONING FROM: CSTO: CS-MU-VSITE AREA: 1.44 acres (62,726.4 sq. ft.)PROPERTY OWNER: Seamless GCW GP, LTD. (Joe Warnock)AGENT: Armbrust & Brown, PLLC (Michael J. Whellan)CASE MANAGER: Dana Moses (512-974-6001), dana.moses@austintexas.govSTAFF RECOMMENDATION:

**The staff recommendation is to grant general commercial services–mixed use-vertical mixed use building-conditional overlay (CS-MU-V-CO) combining district zoning. The conditional overlay will prohibit the following uses on the property: Vehicle Storage, Construction Sales & Services, Pawn Shop, and Limited Warehouse and Distribution.**

*For a summary of the basis of Staff's recommendation, please see pages 2 - 3.*

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:**September 5, 2023:**CITY COUNCIL ACTION:ORDINANCE NUMBER:

ISSUES: There are not any issues at this time.

CASE MANAGER COMMENTS:

The subject property is located at 7320 Burnet Road and is zoned general commercial services (CS). Currently there is a self-service car wash on one tract that consists of 1.44 acres. The tract fronts onto and takes access from Burnet Road, a Level 3 arterial roadway. There is a restaurant, HVAC Heating and Cooling business, and Tire Shop to the north zoned CS-1 and CS. There are single family homes to the west that are zoned SF-2. To the south is an insurance business, restaurant, and urgent care facility are zoned CS. The commercial businesses to the east fronting on Burnet Road are zoned CS-V-CO-NP and CS-CO-NP respectively. ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The applicant has requested general commercial services–mixed use-vertical mixed use building (CS-MU-V) district zoning in order to develop a total of 300 multifamily units, 10 percent of which would be affordable at 60 percent MFI for 40 years. This would equate up to a maximum of 208 units per acre on this site.

Staff is recommending (CS-MU-V-CO) to allow for a redevelopment of the existing commercial property with a multifamily use, which proposes to include affordable residential units along the Burnet Road Activity Corridor, as identified on the Growth Concept Map in the Imagine Austin Comprehensive Plan.

BASIS OF RECOMMENDATION:

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

General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

The Vertical Mixed Use Building (V) combining district may be applied in combination with any commercial base zoning district and allows for the combination of office, retail, commercial and residential uses with a vertical mixed use building.

The purpose of the conditional overlay (CO) combining district is to modify use and site development regulations to address the specific circumstances presented by a site.

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

The requested rezoning to CS-MU-V-CO to add vertical mixed use building (V) combining district will allow for more assorted uses and additional residential density on this major corridor. There are single family homes directly west that are zoned SF-2. CS base zoning is

to the north and south, and across Burnet Road to the east. Adding the vertical mixed-use building (V) to the (CS) base district zoning will promote a variety of residential housing types within a designated Activity Corridor in this area of the city.

Furthermore, eligibility for the Vertical Mixed-Use overlay allows for VMU buildings to have commercial uses at the ground -floor level and residential units. This will promote greater site development flexibility in exchange for on-site affordable housing.

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

The base district (CS) is intended to provide a designation of various commercial and industrial services for heavily traffic areas. The conditional overlay (V) mixed use building will promote additional housing capacity to support an inclusive workforce and livable community. The (V) Vertical Mixed-Use proposed zoning district will allow this property to opt into the (VMU) affordable housing density bonus program. This will provide affordable residential units to the existing neighborhoods.

The request is to develop 300 multifamily units, 10 percent of which would be affordable at 60 percent MFI for 40 years under the VMU1 program. This meets the affordable housing component of the VMU1 program.

#### EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Sites</i>	CS	Car Wash
<i>North</i>	CS	Restaurant
<i>South</i>	CS	Restaurant; Insurance Company; Urgent Care
<i>East</i>	CS-V-CO-NP	Restaurant; Nail Salon; Clothing Store
<i>West</i>	SF-2;	Single family residences

NEIGHBORHOOD PLANNING AREA: N/A (*This property is not within a neighborhood planning area*)

WATERSHED: Shoal Creek

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin ISD

Pillow Elementary School

Burnet Middle School

Anderson High School

COMMUNITY REGISTRY LIST:

Allandale Neighborhood Association	Austin Neighborhoods Council
Austin Independent School District	Slaughter Lane Neighborhood Assn
Austin Lost and Found Pets	Neighborhood Empowerment Foundation
Lower District 7 Green	Friends of Austin Neighborhoods
NW Austin Neighbors	Homeless Neighborhood Association
SELTexas	North Austin Neighborhood Alliance
Shoal Creek Conservancy	

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2021-0044	Rezoning CS-1-CO-NP; CS-CO-NP; LO-CO-NP; to MF-6-CO-NP	To Grant MF-6-CO-NP district zoning for 7113 and 7115 Burnet Road.	Apvd (07/29/2021) Ordinance No. 20210729-144 Approved to rezone 7113 and 7115 Burnet Road to MF-6-CO-NP combining district.
C14-2023-0048	Rezoning .35 acres from CS to CS-VMU1.	Rezoning application under review.	Rezoning application under review.

RELATED CASES:

NPA-2021-0017.01

OTHER STAFF COMMENTS:Environmental

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.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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.

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.

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.

### PARD – Planning and Design Review

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).

### Site Plan

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.

- 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.

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

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

#### Austin Transportation Department – Engineering Review

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.

#### EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within $\frac{1}{4}$ mile)
Burnet Road	121'	120'	56'	Level 3 – Minor/Major Arterial	Yes	Yes	Yes

#### Austin Water Utility

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.

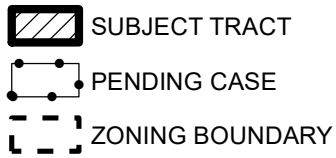
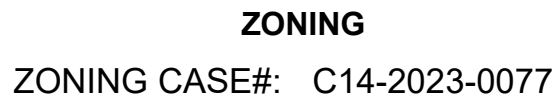
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

#### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Correspondence from Interested Parties



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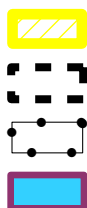


**Created: 6/16/2023**





## Allandale Car Wash Redevelopment



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

ZONING CASE#: C14-2023-0077  
 LOCATION: 7320 Burnet Road  
 SUBJECT AREA: 1.4396 Acres  
 GRID: J29  
 MANAGER: Dana Moses



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Created: 7/25/2023



## ARMBRUST & BROWN, PLLC

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June 9, 2023

***Via email***

Joi Hardin, Interim Zoning Officer  
Housing and Planning Department  
City of Austin  
1000 E. 11th St.  
Austin, Texas 78704

Subject: Rezoning for 7320 Burnet Rd. (the "Property")

Dear Ms. Hardin,

On behalf of Seamless GCW Ltd., please accept the attached application to rezone the Property to allow it to participate in the Vertical Mixed-Use affordable housing density bonus program. Specifically, the applicant requests rezoning the Property from "CS" to "CS-V-MU."

**Planning Context**

The Property is located along Burnet Road, which the city has designated as an Imagine Austin corridor, a Transit Priority Network roadway, a 2016 Mobility Bond corridor, and a Project Connect MetroRapid route. These designations identify this Property as an appropriate location for mixed-use, multimodal, transit-supportive growth – and, in particular, for additional housing.

However, the Property is currently used as a single-story car wash, a vestige of Burnet Road's past suburban-style, auto-centric development patterns – and is currently designated for CS, a commercial zoning district. In other words, the Property's current zoning is inconsistent with city plans and goals.

The applicant's request would address that by making the Property eligible for the Vertical Mixed-Use overlay, which allows residential uses and access to a bonus program providing greater site development flexibility in exchange for on-site affordable housing.

**Zoning Context**

The Property is surrounded primarily by properties with CS base zoning, to the north and south, and across Burnet Road to the east – including one parcel with CS-1 zoning to the north. It also borders SF-2 property to the west, a product of the shallow corridor lots that characterize much of Burnet Road as well as the SF-2 'rollback' in which the city downzoned most of the Allandale neighborhood to an SF-2 equivalent in 1980-1981, at the request of the Allandale Neighborhood Association (Case No. C14-80-077).

This case requests a simple change: keeping the base zoning district and adding the Vertical Mixed-Use overlay. Much of the Burnet Road corridor already features the Vertical Mixed-Use zoning overlay,

particularly along on the corridor's eastern frontage, in the Brentwood and Crestview neighborhoods. In contrast, large stretches of the Allandale frontage on the western side of the Burnet Road corridor do not allow participation in the Vertical Mixed-Use affordability housing program.

These gaps in Vertical Mixed-Use availability are largely due to the manner in which that program was implemented in 2008 and 2009. At that time, the City allowed neighborhoods to 'opt in' or 'opt out' of Vertical Mixed-Use eligibility for properties within a defined area (for Allandale, that included Burnet Road between North Loop Boulevard and Anderson Lane).

During that process, the Brentwood neighborhood 'opted in' all of its Burnet Road frontage and the Crestview neighborhood 'opted in' much of its, as well – and both opted to require the deeper affordability option, requiring units affordable to families making 60 percent of Median Family Income.

The Allandale neighborhood recommended excluding every single corridor property except for two tracts: Northcross Mall (which had just redeveloped and was unlikely to redevelop again in the near future) and a small strip of "clothing stores, dollar stores, liquor stores, and significant vacant space" between Lawnmont Avenue and Hancock Drive. For these two tracts, Allandale further recommended withholding *all* Vertical Mixed-Use incentives and instead imposing a density limit of 12.5 units per acre – roughly the density of SF-3 at that time. In terms of the Vertical Mixed-Use affordability requirement, the Allandale neighborhood at that time recommended the higher rent levels for affordable units, at up to 80 percent of Median Family Income.

Council ultimately expanded Vertical Mixed-Use eligibility somewhat above the Allandale neighborhood's restrictive recommendation and rejected the idea of withholding the program's incentives – but still kept large portions of Burnet Road's western frontage out of the program entirely.

While this process occurred over a decade ago, the context remains relevant since today, roughly 14 years later, Vertical Mixed-Use eligibility along the Allandale frontage remains *exactly the same* – even as affordability and housing needs have reached a crisis point and as the city's land use policies have changed. (As of this letter, one other application, for a 0.35-acre site at 7500 Burnet Rd., is in review requesting Vertical Mixed-Use eligibility on the Allandale portion of Burnet Road.)

In the intervening years since the city first implemented the 'opt-in, opt-out' Vertical Mixed-Use process on Burnet Road, Council has adopted the Imagine Austin Comprehensive Plan, the Strategic Housing Blueprint, the Austin Strategic Mobility Plan, and the Corridor Overlay, all of which call for housing and transit-supportive growth along our major corridors, including Burnet Road. Austin voters have likewise approved major multimodal investments to support continued growth along Burnet Road, including in the 2016 Mobility Bond and the 2020 Project Connect proposition.

Our request would take an important but incremental next step, extending Vertical Mixed-Use eligibility to another 1.4-acre site along this important corridor – bringing the Property in line with the city's current land use policies and reflecting the Vertical Mixed-Use eligibility that already exists along most of Burnet's eastern frontage.

### **Project Context**

At this time, the applicant is planning to develop the Property under the VMU1 program for 300 units – 10 percent of which would be affordable at 60 percent MFI for 40 years, in accordance with city

requirements – and 10,000 sf of retail. (At this time, the applicant has determined that participation in the VMU2 program is currently infeasible due to a number of factors, including extensive compatibility impacts from nearby SF-2 lots, the difficult macroeconomic environment, and the VMU2 program's more extensive program requirements – though the applicant would be interested in revisiting this feasibility analysis in the future, if any of these factors were to substantially change.)

It is also important to note that the present financial environment is very volatile and challenging, making development plans subject to change – and making it critical that city regulations provide for appropriate flexibility. Three of the four largest bank failures in United States history occurred this year. The federal government has responded to this volatility by directing banks to improve their ability to withstand a potential financial crisis – generally accomplished by reducing the availability of loans, demanding higher interest rates, and requiring projects place more money into reserves, among other things. At the same time, equity partners – who often fund portions of development budgets not covered by a bank loan – are also cutting back on the amount of funding they are willing to offer.

These dynamics pose major challenges and make it critical that zoning regulations provide for appropriate flexibility, providing the optionality needed to navigate a difficult economic environment. The Vertical Mixed-Use program will help provide that additional flexibility and optionality.

### **Conclusion**

The Property is currently used for a car wash and designated for commercial zoning, both of which are inconsistent with the city's vision for Burnet Road as a mixed-use, multimodal corridor. Rezoning the Property to CS-V-MU would allow it the option to participate in the Vertical Mixed-Use affordable housing bonus program – which would provide greater flexibility and would better align the site's regulations with the city's policies for Burnet Road.

Thank you for your consideration. I am available to answer questions and discuss this application further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael J. Whellan', with a stylized, flowing script.

Michael J. Whellan