

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0077

DISTRICT: 7

ADDRESS: 7320 Burnet Road

ZONING FROM: CS

TO: CS-MU-V

SITE 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.gov

STAFF RECOMMEDATION:

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 19, 2023:

September 5, 2023: Postponed to September 19, 2023 at the staffs request (8-0, Commissioners A. Flores, H. Smith, R. Johnson-absent); L. Stern-1st, D. Fouts-2nd.

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: On September 5, 2023 the neighbors filed a petition that would oppose CS-MU-V zoning. for this property. The petition is currently valid at 29.59% (Please see Exhibit E - Valid Petition).

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 ¼ mile)
Burnet Road	121'	120'	56'	Level 3 – Minor/Major Arterial	Yes	Yes	Yes

Austin Water Utility

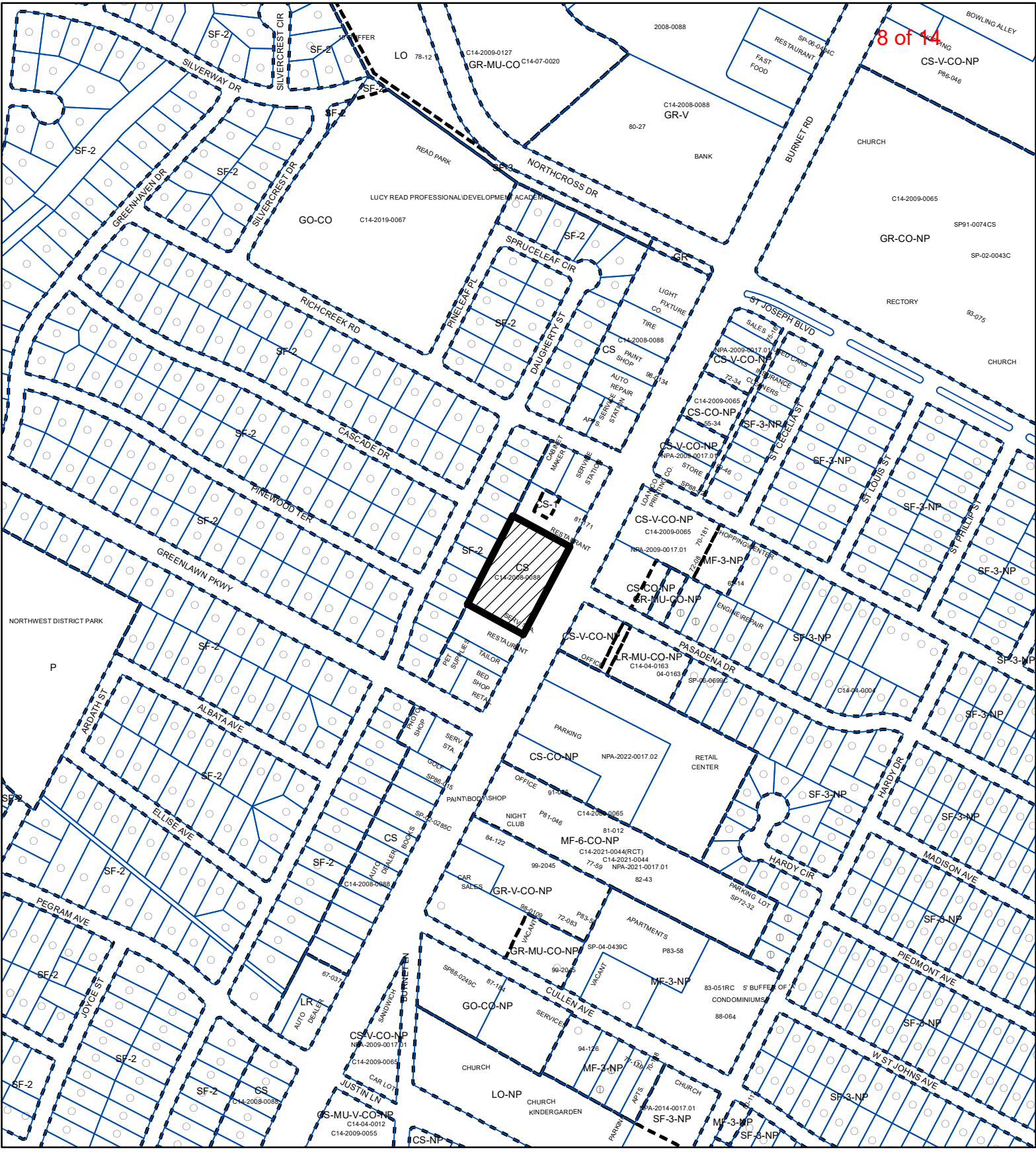
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water 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., 7th 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
- E. Valid Petition



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2023-0077

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.





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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

From: [Moses, Dana](#)
To:
Cc: [Hans Magnusson](#)
Subject: RE: Case C14-2023-0077 Request for Postponement from the Allandale Neighborhood Association
Date: Thursday, August 31, 2023 4:19:00 PM
Attachments: [image001.png](#)

Hi Dr.Frensley,

Thank you for sending the postponement request for the Allandale Car Wash Redevelopment case. I will forward this to the applicant Mr.Whellan to let him know of your request. For your information, the Zoning and Platting Commission will grant the Allandale Neighborhood Association postponement request. It may or may not be postponed by six weeks. This will be up to commissions discretion. Please let me know if you have any questions in the meantime.

Thank you,

Dana Moses

Planner III | Current Planning

City of Austin

Phone: 512-974-8008

Email: dana.moses@austintexas.gov



Please consider the environment before printing this email

From: Nathalie Frensley
Sent: Thursday, August 31, 2023 3:59 PM
To: Moses, Dana <Dana.Moses@austintexas.gov>
Cc: Hans Magnusson
Subject: Case C14-2023-0077 Request for Postponement from the Allandale Neighborhood Association

External Email - Exercise Caution

Date: August 31, 2023

To: Ms. Dana Moses, Planner III and Case Manager

From: Allandale Neighborhood Association, Nathalie Frensley (Board Member and Zoning Committee Chair) and Hans Magnusson (President)

Re: Request for Postponing Zoning and Platting Commission hearing of C14-2023-0077 to October 17, 2023

Good afternoon, Ms. Moses—

I'm reaching out today to you as the Case Manager to formally request postponing the Zoning and

Platting hearing scheduled for September 5, 2023, on case C14-2023-0077 be postponed four to six weeks to either October 3 or October 17, 2023.

We're asking for this postponement for several reasons.

We're volunteers, and this is a complicated project. This is the first compatibility project to go to hearing in Allandale and compatibility is less than a year old in Austin. Because of the newness of this zoning event, we need more time to understand this project.

Many property owners are affected by this zoning application, given the width of the 7320 Burnet Road property and the size and layout of noticed residential properties surrounding the subject properties. We need the additional time a 4-6 week postponement provides to coordinate effectively with neighbors and identify possible common interests with the applicant, neighbor concerns about the application, and potential points of compromise.

The noticed residents recently reached out to the Allandale Neighborhood Association with questions. The ANA itself has experienced noticing problems with C14-2023-0077 for both the Notice of Application and the Notice of [ZAP] hearing. Additionally, the latter problem has affected us over the Labor Day holiday weekend, further hampering our ability to prepare for this hearing. Additionally, neighbors continue to report there has been no zoning application notice posted at the site of 7320 Burnet Road. This was confirmed by a neighbor as of 10:30 am today.

After reading all files in the application folder, we do not believe our request for a postponement would adversely affect the applicant or any timelines needed by the applicant. Granting a postponement would make it possible for Austinites to deliberate and voice concerns and suggestions on this project in our neighborhood. Postponement would enable the incalculable value of civic participation in our municipal governance and community life.

For these and other reasons, we respectfully ask you to act to postpone Item C14-2023-0077's Zoning and Platting Hearing to October 17, 2023.

If you would be so kind, Ms. Moses, could you please acknowledge receipt of this postponement request and let us know if you require anything further from us in formally submitting this hearing postponement request?

Thank you very much, Ms. Moses, for your service to the Austin Community. We appreciate you.

Sincerely,

Nathalie Frensley | 512 589 9344

Hans Magnusson | 512 522 8773

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Nathalie J. Frensley, Ph.D.

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Moses, Dana

From: Moses, Dana
Sent: Wednesday, August 30, 2023 9:23 AM
To: Amanda Almond
Subject: RE: C14-2023-0077 Opposition

Hi Ms.Almond,

I hope your morning is going well! Thank you for expressing your concerns regarding this case. I have read over your comments and will include them in the Allandale Car Wash Redevelopment project materials for consideration when it goes to commission. Please let me know if you have any questions.

Thank you,

Dana Moses

Planner III | Current Planning
City of Austin
Phone: 512-974-8008
Email: dana.moses@austintexas.gov



Please consider the environment before printing this email

From: Amanda Almond > **Sent:** Tuesday, August 29, 2023 2:25 PM
To: Moses, Dana <Dana.Moses@austintexas.gov>
Subject: C14-2023-0077 Opposition

External Email - Exercise Caution

Hi Dana,

I hope you are well.

I received a notice in the mail about a potential rezoning change to the property behind my house and am strongly opposed. I never would have purchased this home with an apartment behind it and would not like one built that would invade my privacy, lower my property value, and increase traffic in the neighborhood.

I have attached the PDF for my comments below.

Thank you for your consideration.

Amanda

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7320 Burnet Rd C14-2023-0077							
Valid Petition by Address and Name							
5-Sep-23							
	Street	Address	Name		Sq Ft-TCAD	Property ID	Position
1	Burnet	7310	Choe, Kil Ho owns Ichiban		0.45	239036	opposed
2	Burnet	7414	Stone, Gerald		0.551	239034	opposed
3	Daugherty	7201	Gordan, David		0.1902	239017	opposed
4	Daugherty	7201	Gordon, Margaret			239017	opposed
5	Daugherty	7203	Mayers, Jacob		0.1937	239018	opposed
6	Daugherty	7203	Newton, Caroline			239018	opposed
7	Daugherty	7207	Choe, Kil Ho		0.201	239020	opposed
8	Daugherty	7207	Yongsuk Choe			239020	opposed
9	Daugherty	7301	Rudman, David		0.2031	239021	opposed
10	Daugherty	7303	Almond, Amanda		0.2027	239022	opposed
11	Daugherty	7303	Mestas-Nunez				opposed
12	Daugherty	7305	Ryan, Stephanie		0.2019	239023	opposed
12	Daugherty	7307	Dallmeyer, Carol		0.202	239024	opposed
14	Daugherty	7401	Ely, Sharon		0.2023	239025	opposed
15	Daugherty	7403	Nimick, Asaac		0.2034	239026	opposed
16	Daugherty	7403	Lemley, Grace				opposed
17	Daugherty	7405	Lobo, Ryan		0.1918	239029	opposed
18	Daugherty	7405	Pinto, Averil				opposed
19	Daugherty	7407	Scott Tim		0.2103	239030	opposed
20	Greenlaw Pk	2410	McMurtry, Allan	filed earlier	0.2296	239028	opposed
21	Pinewood	2501	Annie Gerke		0.2295	237508	opposed
22	Rich Creek	2400	Rich Creek		0.3817		opposed
Signatures in acres					4.0442		
Signatures in sq ft					176165.35		
Calculations					Total Sq Ft		
		200x pi r ²	Circle is 4 quadrants		125663		
		200x242	East		48400		
		200x242	West		48400		
		200x180	North		36000		
		200x180	South		36000		
					294463		
Valid area in acres					6.7599403		
Sq ft					294463		
Calculation of % of valid petitions							
In acres					59.83%		
In sq ft					59.83%		
Allan McMurtry							
2412 Greenlawn Pkwy							
Austin, TX 78757			Ph 512 452-9765				