

ZONING CHANGE REVIEW SHEETCASE: C14-2022-0174DISTRICT: 5ADDRESS: 2800 and 2801 Skyway CircleZONING FROM: MF-3TO: MF-6SITE AREA: 0.5053 acres (22,215 sq. ft.)PROPERTY OWNER: 2800 Skyway LLC and Seamless LMA, Ltd.AGENT: Armbrust & Brown, PLLC (Michael J. Whellan)CASE MANAGER: Jonathan Tomko (5120 974-1057, jonathan.tomko@austintexas.gov)STAFF RECOMMEDATION:

Staff recommends Multi-Family Residence - Highest Density (MF-6) district zoning.

*Please see the basis of recommendation section below.*PLANNING COMMISSION or ZONING AND PLATTING COMMISSION ACTION /
RECOMMENDATION:

July 25, 2023: Approved on consent, motion by Commissioner Woods, seconded by Commissioner Conley, none opposed.

CITY COUNCIL ACTION:

August 31, 2023: Scheduled to be heard by Council.

ORDINANCE NUMBER:

N/A

ISSUES: N/ACASE MANAGER COMMENTS:

The property in question has two older two story fourplexes and an area larger than the footprint of the building is being utilized as impervious cover. Parcels along South Lamar Boulevard are undergoing transition, many are vacant presenting an opportunity for the ten MF-3 zoned parcels on Skyway Circle (all being utilized as fourplexes) to be considered for rezoning. This would provide a greater depth for more intense multifamily zoning along this major ASMP Level 3 corridor. This depth of more intense zoning has an established precedent along the corridor. Capital Metro's 803 service is approximately 1,000 feet from the site. The applicant has committed to providing 10 percent of the units affordable at 60 percent median family income.

BASIS OF RECOMMENDATION:

3. The proposed zoning should satisfy a real public need and not provide special privilege to the owner. The proposed rezoning within the walkshed of a major Imagine Austin Corridor would support additional multifamily housing (including income restricted affordable housing)

along a high frequency transit corridor approximately 2.5 miles from the central business district.

4. Zoning changes should promote compatibility with adjacent and nearby uses. This site does not abut single family zoning and there is additional MF-6 zoning just to the east. There is a buffer of MF-3 and GR zoning between SF-3 zoned parcels to the north and west.

13. Zoning should be consistent with approved and existing residential densities. The parcel immediately to the east, fronting South Lamar Boulevard was recently rezoned MF-6 in 2021, see *area case histories* below.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-3	Two fourplexes built in 1968, approximately 3,600 sqft each with approximately 3,000 sqft of pavement
<i>North</i>	MF-3	134-unit apartment complex with approximately 18 buildings built in 1985
<i>South</i>	GR-MU-CO (seeking rezoning today as C14-2023-0036 see related cases below)	Two fourplexes built in 1968, approximately 3,600 sqft each with approximately 3,000 sqft of pavement. Vacant old Goodwill store, approximately 14,670 sqft built in 1980 with approximately 20,000 sqft of pavement
<i>East</i>	GR and MF-6	Office/Medical two buildings approximately 20,000 sqft built in 1985, several single-story commercial buildings a majority if not all, are vacant. The parcel zoned MF-6 was approved in 2021, see <i>area case histories</i> below.
<i>West</i>	MF-3	Fourplex built in 1968 approximately 3,600 sqft with approximately 3,000 sqft of pavement

NEIGHBORHOOD PLANNING AREA: Zilker (suspended)

TIA: Deferred to the time of Site Plan

WATERSHED: Barton Creek Watershed, the property is in the Barton Springs Overlay

SCHOOLS: A.I.S.D.

Barton Hills Elementary School

O Henry Middle School

Austin High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Friends of Austin Neighborhoods, Friends of Zilker, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Perry Grid 614, Preservation Austin, SELTexas, Save Our Springs Alliance, Sierra Club, Austin Regional Group, South Central Coalition, TNR BCP - Travis County Natural Resources, Zilker Neighborhood Association

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2020-0144	The Applicant proposes to rezone 7 tracts from MF-3, GR; GR-V, GR-V-CO, and CS-1-V to MF-6.	PC 06/08/21: Motion by Commissioner Azhar, seconded by Commissioner Connolly to grant Staff's recommendation of MF-6 district zoning for C14-2020-0144 – 2700 S. Lamar located at 2700, 2706, 2708, 2710, 2714 S Lamar Blvd, Part of 2738 S. Lamar Blvd and 2803 Skyway Circle failed on a vote of 4-6. Members voting aye were Commissioners Azhar, Connolly, Howard and Thompson. Members voting nay were Chair Shaw and Commissioners Cox, Llanes Pulido, Mushtaler, Praxis, and Schneider. Vice-Chair Hempel off the dais. Commissioners Flores and Shieh absent. Item forwarded to Council without a recommendation due to lack of an affirmative vote.	CC 10/14/21: The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only to multifamily residence highest density (MF-6) district zoning was approved on Council Member Renteria's motion, Council Member Ellis' second on an 11-0 vote.
20211118-087	Ordinance rezoning 2700, 2706, 2708, 2710, 2714 South Lamar Blvd., a	N/A	11/18/21: The public hearing was conducted and a motion to close the

	portion of 2738 South Lamar Blvd. and 2803 Skyway Cir. From GR, CS-1-V, GR-V, GR-V-CO and MF-3 to MF-6		public hearing and approve Ordinance No. 20211118-087, with the following direction, for multifamily residence highest density (MF-6) district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.
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RELATED CASES:

C14-2023-0036 (2700 S. Lamar Follow-Up 2) - seeks to rezone from GR-V-CO and GR-MU-CO to GR-V-MU and CS-V-MU. This case is also scheduled to be heard by Planning Commission on July 25, 2023.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South Lamar Blvd.	Level 3	120'	126'	60'	Yes	Bike Lane	Yes
Skyway Circle	Level 1	58'	58'	36'	No	No	Yes

OTHER STAFF COMMENTS:**Site Plan Review****General**

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.

Compatibility Standards

SP4. The site is subject to compatibility standards due to the presence of SF-3 zoning within 540 feet to the southwest. The following standards may apply:

- For a structure more than 100 feet but not more than 300 feet from the SF-3 zoned property, the height is limited to 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the SF-3 zoned property.
- For a structure more than 300 feet but not more than 540 feet from SF-3 zoned property, the height is limited to 60 feet plus one foot for each four feet of distance in excess of 300 feet from the SF-3 zoned property.
- Additional design regulations will be enforced at the time a site plan is submitted.

Demolition

SP5. 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.

SP6. Please be aware of the tenant notification requirements in 25-1-712 for any demolition of multifamily buildings with five or more occupied units.

Comprehensive Planning

Project Name and Proposed Use: 2801 SKYWAY CIRCLE. C14-2022-0174. Project: 2700 S. Lamar Follow-Up. 0.5053 acres from MF-3 to MF-6. Part of an existing project front South Lamar Blvd. 10 percent of the units will be 'affordable' at 60 percent MFI. From 8 to 40 units. Dec 15, 2022

Yes	Imagine Austin Decision Guidelines
Complete Community Measures	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: 0.14 miles from S. Lamar Activity Corridor
Y	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
Y	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: Located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
Y	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
7	Total Number of "Yes's"

Environmental

1. A portion of this site is located over the Edwards Aquifer Recharge Zone. A portion of the site is in the West Bouldin Creek which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code and the other portion of the site is in the Barton Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City's Land Development Code. A Major portion of the site is in the Desired Development Zone while a minor portion of the site is in the Drinking Water Protection Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. For the portion of the site that is in the Barton Springs Zone Watershed - Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone.
4. According to floodplain maps there is no floodplain within or adjacent to the project location.
5. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

6. 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.
7. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site. Runoff from the site is required to comply with pollutant load restrictions as specified in Land Development Code.
8. 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.

Parks and Recreation

PR1: Parkland dedication will be required for the new applicable uses proposed by this development, multi-family with MF-6 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).

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.

Austin Transportation Department Engineering

ATD 1. Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. Transportation assessment/traffic impact analysis and transportation demand management plan shall be required at the time of site plan if triggered per LDC 25-6 and TCM 10.2.1.

Austin Water Utility

AW1. No comments on zoning change.

FYI: 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, water and or wastewater service extension requests will be required. The current SERs in review must include all portions of the proposed development. All water and wastewater construction must be inspected by the City of Austin.

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

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map

B. Aerial Map

C. Applicant's Request Letter

 SUBJECT TRACT

PENDING CASE

 ZONING BOUNDARY

ZONING

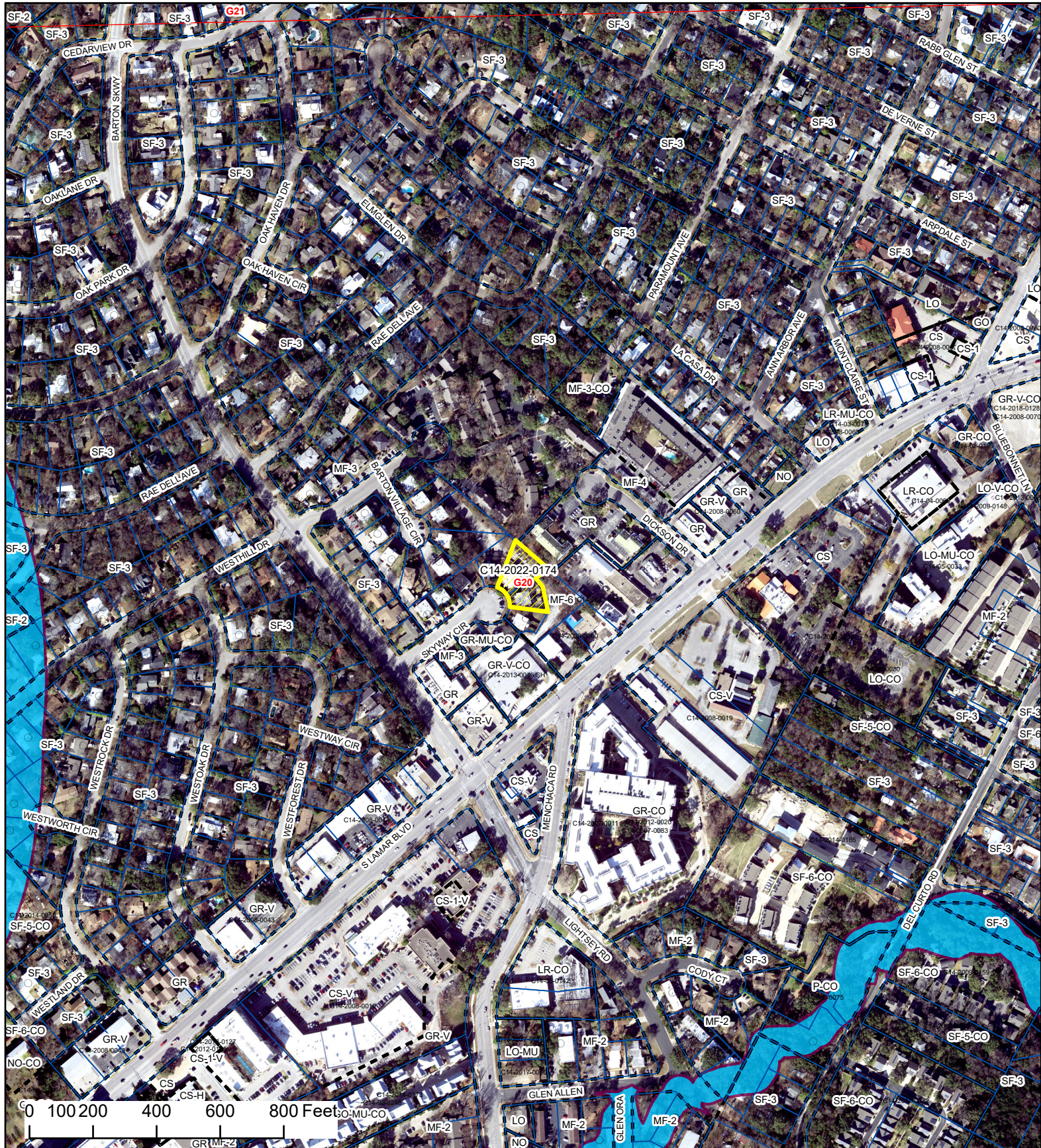
ZONING CASE#: C14-2022-0174

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



Created: 12/14/2022



2700 S. Lamar Follow-Up

ZONING CASE#: C14-2022-0174
 LOCATION: 2800, 2801 Skyway Circle
 SUBJECT AREA: 0.5053 Acres
 GRID: G20
 MANAGER: Jonathan Tomko



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Created: 7/19/2023

AMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

November 9, 2022

Jerry Rusthoven, Chief Zoning Officer
City of Austin
Housing and Planning Department
1000 E. 11th St.
Austin, Texas 78702

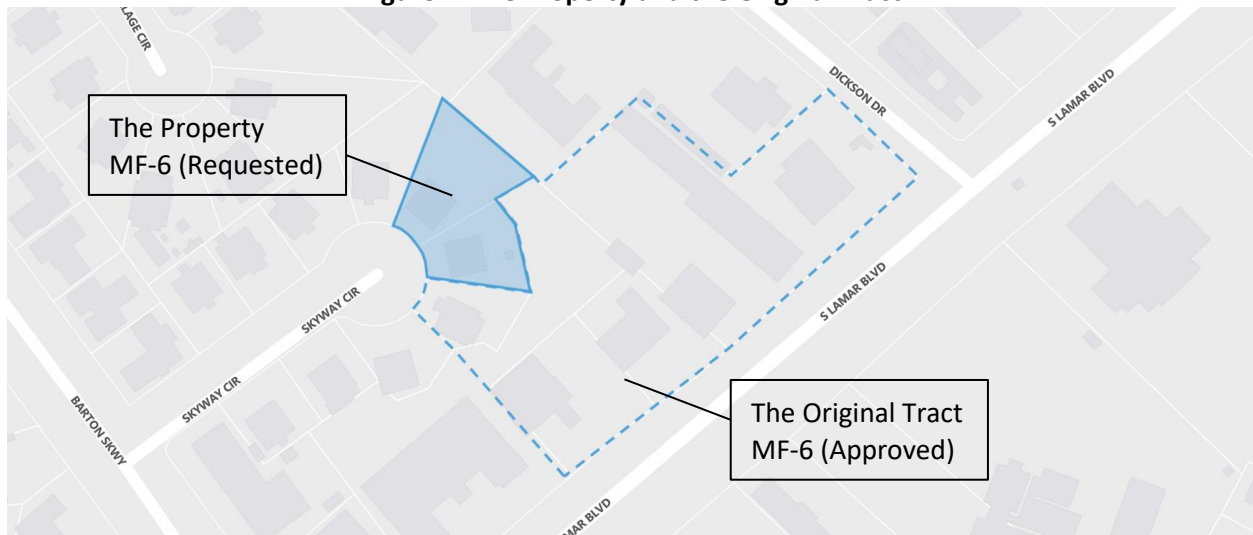
Re: Rezoning application for 2800 and 2801 Skyway Cir. (collectively, “the Property”)

Dear Mr. Rusthoven:

On behalf of the Property’s owners (the “Applicants”), I am submitting a rezoning application for the Property in order to develop a multi-family project with meaningful on-site affordability.

In December 2020, the Applicants requested MF-6 zoning (“Prior Zoning Case”) for a 2.9-acre tract at 2700 S. Lamar (the “Original Tract”), which City Council later approved. Since that time, the Applicants have acquired two MF-3 parcels adjacent to the Original Tract, at 2800 and 2801 Skyway Cir. (the “Property”). This application would likewise rezone the Property to MF-6, establishing consistent MF-6 zoning across the entire site and allowing for a comprehensive and cohesive development.

Figure 1. The Property and the Original Tract



Currently, the half-acre Property is zoned for MF-3 and is used for eight units of multifamily; the applicant is committed to providing a tenant relocation package for the eight impacted units, as well as a ‘right to return’ to the new affordable units for eligible tenants. The Property is also surrounded by MF-6 (the Original Tract, to the east and southeast), GR (to the east), and MF-3 (to the north and west). The remainder of the South Lamar-fronting properties on the block feature GR base zoning.

Last year, we presented a policy case for why MF-6 was appropriate at this location: it is located on an Imagine Austin Corridor (South Lamar Boulevard), with access to rapid transit and nearby services and job opportunities. Council ultimately agreed, and unanimously approved the requested rezoning. We believe this policy rationale still applies today – and that approving MF-6 for the Property would allow the Applicants to incorporate it with the Original Tract into a comprehensive and cohesive vision.

Additionally, by improving the project's ability to deliver, this zoning case will support the city's affordability goals. The Applicants have committed to providing 10 percent of the total number of units at 60 percent of the Median Family Income ("MFI"), a commitment that will incorporate the Property, as well.

We see this request as an extension of the 2700 S. Lamar case approved last year – and appreciate the opportunity to seek this rezoning in order to deliver new housing options at this strategic location along the South Lamar corridor. I appreciate your consideration and look forward to answering any questions and providing further details.

Respectfully,

A handwritten signature in black ink, appearing to read 'Michael J. Whellan', with a long, sweeping horizontal flourish extending to the right.

Michael J. Whellan

PUBLIC HEARING INFORMATION

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During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2022-0174

Contact: Jonathan Tomko, 512-974-1057

Public Hearing: Julio 25, 2023, Comisión de Planificación

Eric Wallenstein

Your Name (please print)

2304 A Barton Skys

Your address(es) affected by this application

[Signature]

Signature

☐ I am in favor
☒ I object

7-20-23

Date

Daytime Telephone: *512 - 487 - 4630*

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning Department

Jonathan Tomko

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2022-0174

Contact: Jonathan Tomko, 512-974-1057

Public Hearing: Julio 25, 2023, Comisión de Planificación

Lorraine Atherton

Your Name (please print)

2009 Arpdale

Zillker Neighborhood Assoc.

Your address(es) affected by this application

L. Atherton

Signature

July 17, 2023
Date

Daytime Telephone: 512-447-7681

Comments:

This project will destroy 20
existing low-cost dwelling units - the
type of housing the area most needs.
The proposed new structures will
violate the SOS ordinance and
destroy the surrounding infrastructure.
Please deny this rezoning and all the
other rezonings in this block of South
Lamar.

If you use this form to comment, it may be returned to:

City of Austin

Planning Department

Jonathan Tomko

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C14-2022-0174

Contact: Jonathan Tomko, 512-974-1057

Public Hearing: Julio 25, 2023, Comisión de Planificación

Travis Holt Bryant

Your Name (please print)

☐ I am in favor
☒ I object

2220 Barton Skyway

Your address(es) affected by this application

Lis B. Bryant

Signature

7/18/23

Date

Daytime Telephone: (512) 447-8166

Comments: As a long time business owner and property owner which has been in the family for years I am very concerned with this new re-zoning and its effect it will have on the neighborhood. With the recent street redesign and added bike lanes traffic has already become an issue and I fear this rezoning will hurt our business & further worsen the congestion.

If you use this form to comment, it may be returned to:

City of Austin

Planning Department

Jonathan Tomko

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2022-0174

Contact: Jonathan Tomko, 512-974-1057

Public Hearing: Julio 25, 2023, Comisión de Planificación

Anthony Defoyd

Your Name (please print)

2304 B Barton Skyway

Your address(es) affected by this application

Anty Defoyd

Signature

☐ I am in favor
☒ I object

7-18-2023

Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin

Planning Department

Jonathan Tomko

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2022-0174

Contact: Jonathan Tomko, 512-974-1057

Public Hearing: Jun 13, 2023, Planning Commission

JOHN DODDS

Your Name (please print)

3204 MENCHACA #112 #112

Your address(es) affected by this application

John Dodds

Signature

☐ I am in favor
☒ I object

6/9/23

Date

Daytime Telephone: 830-456-2714

Comments: IT SHOULD REMAIN
AS ZONED

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Jonathan Tomko

P. O. Box 1088

Austin, TX 78767-8810

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This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2022-0174

Contact: Jonathan Tomko, 512-974-1057

Public Hearing: Julio 25, 2023, Comisión de Planificación

Monica Peter

Your Name (please print)

☒ I am in favor
☐ I object

3416 Manchaca Rd #12 Austin TX 78704

Your address(es) affected by this application

Monica L Peter

Signature

7-18-23

Date

Daytime Telephone: 913 378-8800

Comments: I took a tour to look at this site. I am in favor of redevelopment. This was a blighted block & the new build would be an improvement. One concern I do have is the increased congestion on S. Lamar. I request city workers ensure there is ample parking at this building. Congestion & parking are serious concerns on South Lamar.

If you use this form to comment, it may be returned to:

City of Austin

Planning Department

Jonathan Tomko

P. O. Box 1088

Austin, TX 78767-8810