

**ZONING CHANGE REVIEW SHEET**CASE: C14-2023-0036DISTRICT: 5ADDRESS: 2800, 2802 S. Lamar Blvd. and 2805, 2807 Skyway Cir.ZONING FROM: GR-V-CO and GR-MU-COTO: GR-MU-V and CS-MU-VSITE AREA: 1.35 acres (58,806 sq. ft.)PROPERTY OWNER: Seamless LMA, Ltd.AGENT: Armbrust & Brown, PLLC (Michael J. Whellan)CASE MANAGER: Jonathan Tomko (512) 974-1057, [jonathan.tomko@austintexas.gov](mailto:jonathan.tomko@austintexas.gov))STAFF RECOMMEDATION:

Staff recommends GR-MU-V-CO and CS-MU-V-CO zoning with

The following conditional overlay removed:

- Vehicular access from the property to Skyway Circle is prohibited except for pedestrian, bicycle and emergency ingress and egress. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

The following conditional overlay should be modified to prohibit the following uses:

- The following uses are prohibited on the **GR-MU-V-CO** portion of the property: automotive rentals, automotive sales, bail bond services, bed & breakfast (group 2), community garden, cultural services, exterminating services, outdoor entertainment, outdoor sports and recreation, printing and publishing, service station, alternative financial services, automotive repair services, automotive washing (of any type), bed and breakfast (group 1), community events, drop-off recycling collection facility, funeral services, hospital services (general), mobile home residential, business or trade school pawn shop services, urban farm
- The following uses are prohibited on the **CS-MU-V-CO** portion of the property: automotive repair services, automotive rentals, automobile sales, automobile washing (of any type), bail bond services, exterminating services, service station, outdoor sport and recreation, pawn shop services

*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 City Council.

ORDINANCE NUMBER:

N/A

ISSUES: N/A

CASE 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 such as the old Goodwill store, 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 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.

**3. The proposed zoning should satisfy a real public need and not provide special privilege to the owner.** The proposed rezoning along a major Imagine Austin Corridor would support vertical mixed use development, additional commercial services, the provision of affordable housing and more intense uses 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 a substantial amount of GR and CS zoning along South Lamar Blvd. This zoning often is several hundred feet from South Lamar Blvd. on both the east and west sides of the street. In many other cases the more intense zoning abuts single family zoning, but in this case, there is a buffer of MF-3 and GR zoning between SF-3 zoned parcels to the north and west.

**7. Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.** South Lamar Boulevard and Manchaca Road are ASMP Level 3 Roadways (Major Arterial). Level 3 streets balance local access with moving people and goods across the city. They have a high level of street activity, slower speeds and includes access management. Meanwhile Barton Skyway is an ASMP Level 2 Roadway (Collector), so this meets the definition of where more intensive zoning should be according to the basis for recommendation principles.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-V-CO and GR-MU-CO	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>North</i>	MF-3	134-unit apartment complex with approximately 18 buildings built in 1985
<i>South</i>	GR-V	7-Eleven convenience store
<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
<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	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

		<p>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.</p>	<p>motion, Council Member Ellis' second on an 11-0 vote.</p>
20211118-087	<p>Ordinance rezoning 2700, 2706, 2708, 2710, 2714 South Lamar Blvd., a 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</p>	<p>N/A: Ordinance adopted at Council</p>	<p>11/18/21: The public hearing was conducted and a motion to close the 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.</p>
C14-2008-0060	<p>Zilker Vertical Mixed Use Building (V) Rezoning Opt-In/Opt Out Process</p>	<p>PC 08/12/08: Additional information not located</p>	<p>10/16/08: Ordinance No. 20081016-049 was approved as follows: Tracts 4, 9, 11-17, 19-20, 22-25, 28-29 and 49 were approved for vertical mixed use building (V) zoning with dimensional standards, parking reduction and</p>

			additional uses in office districts. Tracts 31A, 37, 41, 43-44, 46, 48 and 50-51 were approved for vertical mixed use building (V) zoning with only dimensional standards and additional uses in office districts. Tracts 1-3, 5-8, 10, 18, 21, 26-27, 30, 31B, 32-36, 38-40, 42, 45, 47 and 52-57 were excluded from the vertical mixed use Overlay District. An affordability level of 60% of the median family income for 10% of rental units in a vertical mixed use building was included.
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**RELATED CASES:**

C14-2022-0174 (2700 S. Lamar Follow-Up) - seeks to rezone 0.5053 acres from MF-3 to MF-6. 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 $\frac{1}{4}$ mile)
South Lamar Blvd.	Level 3	120'	126'	60'	Yes	Bike Lane	Yes
Skyway Circle	Level 1	58'	60'	36'	No	No	Yes

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

SP 1. Site plans will be required for any new development other than single-family, two-family or duplex residential.

SP 2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 3. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. The site is subject to compatibility standards due to the proximity of the SF-3 district to the northwest.

SP 4. This tract is already developed and the proposed zoning change is a footprint within the existing development. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

### Comprehensive Planning

**Project Name and Proposed Use:** 2800 and 2802 S LAMAR BLVD. & 2807 Skyway Circle. C14-2023-0036. 1.35 acres from GR-V-CO, GR-MU-CO to GR-MU-V. Demolish 14,000 sq. ft. of retail and 8 multifamily units and construct 90 residential units, which is part of a larger project to construct 400 multifamily units and add retail space. Will include an affordable housing and retail component. March 24, 2023

Yes	Imagine Austin Decision Guidelines
<b>Complete Community Measures</b>	
Y	<b>Imagine Austin Growth Concept Map:</b> 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. <b>Name(s) of Activity Center/Activity Corridor/Job Center:</b> located along the South Lamar Activity Corridor
Y	<b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station.
Y	<b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane.
Y	<b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
	<b>Connectivity and Education:</b> Located within 0.50 miles from a public school or university.
Y	<b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreation area, park or walking trail.
Y	<b>Connectivity and Health:</b> 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	<b>Housing Affordability:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	<b>Housing Choice:</b> 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.
Y	<b>Mixed use:</b> Provides a mix of residential and non-industrial uses.
	<b>Culture and Creative Economy:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.
	<b>Creative Economy:</b> Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education:</b> Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	<b>Industrial Land:</b> Preserves or enhances industrial land.
9	<b>Total Number of "Yes's"</b>

### Environmental

1. This site is located over the Edwards Aquifer Recharge Zone. 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. It is in the Drinking Water Protection Zone.

2. Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone.
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. 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.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements

#### Parks and Recreation

PR1: Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with GR-V-MU 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](mailto: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. Additional right-of-way maybe required at the time of subdivision and/or site plan.

#### Austin Water Utility

AW1. No comments on zoning change.

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

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

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map

B. Aerial Map

C. Applicant's Request Letter

D. Correspondence from Interested Parties



## ZONING

ZONING CASE#: C14-2023-0036



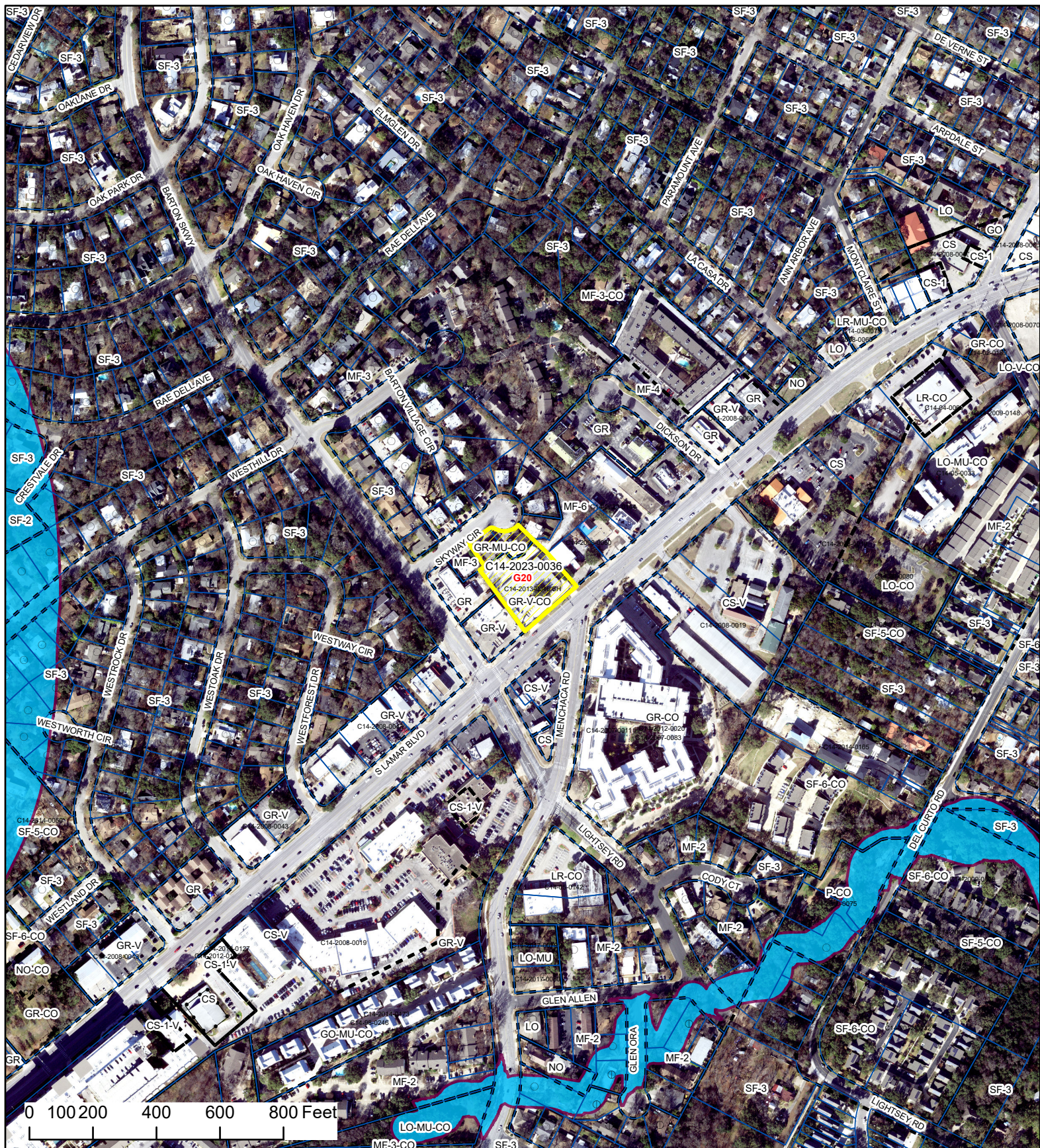
**Created: 3/22/2023**

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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$$1'' = 400'$$





## 2700 S. Lamar Follow-Up 2



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

ZONING CASE#: C14-2023-0036  
 LOCATION: 2800, 2802 S Lamar Blvd  
 2805, 2807 Skyway Cir  
 SUBJECT AREA: 1.35 Acres  
 GRID: G20  
 MANAGER: Sherri Sirwaitis



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Created: 4/27/2023



# ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

June 20, 2023

Joi Hardin, Interim Zoning Officer  
City of Austin  
Housing and Planning Department  
1000 E. 11th St.  
Austin, Texas 78702

Re: Amending the rezoning request for Case No. C14-2023-0036, for 2800-2802 S. Lamar Blvd. and 2805-2807 Skyway Cir.

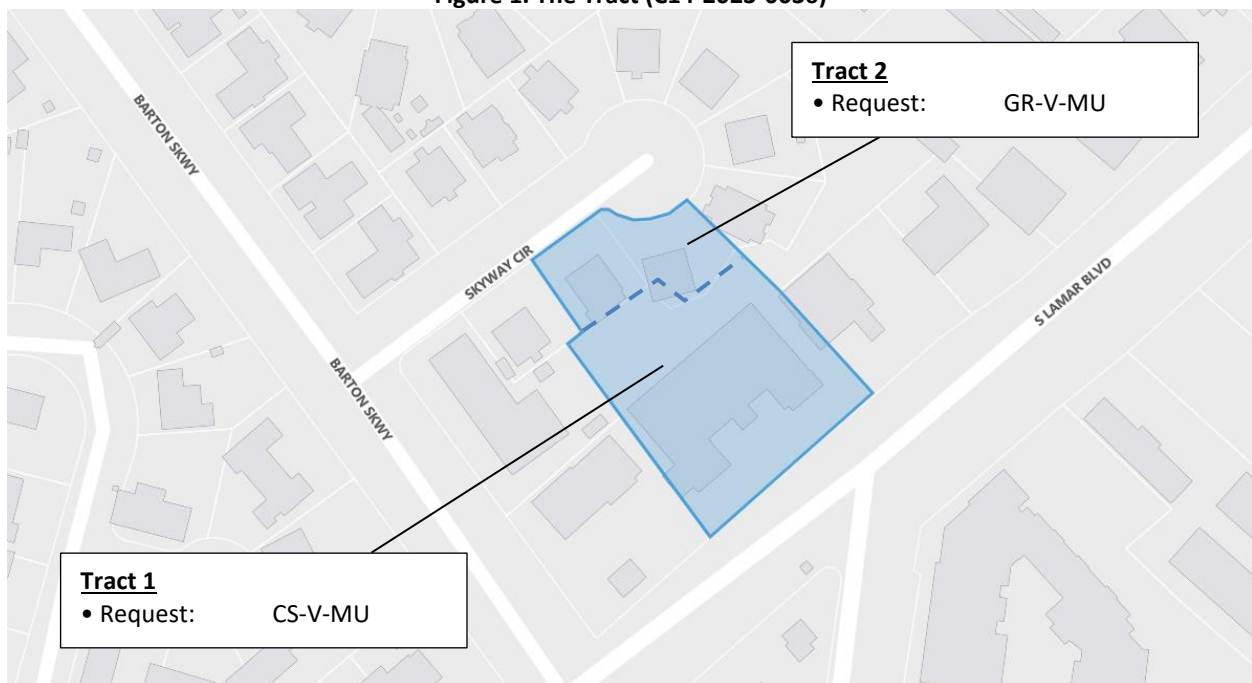
Dear Ms. Hardin,

On behalf of the owners of the property (the “Applicants”), I request that Case No. C14-2023-0036 be amended to reflect that the Applicants are requesting CS-V-MU and GR-V-MU zoning – and that the City mail out notice with the amended case information.

Earlier this year, the Applicants submitted an application to rezone this tract from GR-V-CO and GR-MU-CO to GR-V-MU zoning. However, since that time, the local and national economic environment has meaningfully shifted – and the Applicants would like to instead request CS-V-MU on the front of the tract and GR-V-MU on the rear, as shown in Figure 1 below. (The case is still in review and has not yet proceeded to Planning Commission for a hearing or a vote.)

This change would provide greater site development flexibility to help manage the challenging economic environment facing Austin, while also being consistent with zoning along South Lamar Boulevard.

**Figure 1. The Tract (C14-2023-0036)**



## Overall Project Context

Case No. C14-2023-0036 is the next step in a series of approvals for developing a broader assemblage at 2700 S. Lamar (Figures 2 and 3) for a mix of residential and commercial uses. The Applicants have, over time, acquired a number of different contiguous parcels that together form an overall 4.8-acre assemblage (the “Assemblage”), which they intend to redevelop for a mix of residential and commercial uses.

Council approved rezoning for the initial portion of the Assemblage in 2021. As this Assemblage has grown and project needs have evolved, the Applicants have subsequently returned to the city with updated requests to ensure consistent and cohesive land use regulations.

These requests appear procedurally under different case numbers, but they all are interconnected and relate to one overall project for 2700 S. Lamar. I have summarized these related cases below, for context:

- **C14-2020-0144 – Original 2700 S. Lamar Case (Approved).** In December 2020, the Applicants requested rezoning for a 2.9-acre tract from a patchwork of CS-1-V, GR-V, GR-V-CO, GR, and MF-3 to a unified, consistent MF-6 designation. Council later approved the requested MF-6 zoning across the entire tract.
- **C14-2022-0174 – 2700 S. Lamar Follow-Up 1 (In Review).** Late last year, the Applicants submitted a follow-up case requesting rezoning from MF-3 to MF-6 for two additional parcels that the Applicants acquired. The Applicants believe this request is appropriate for two main reasons.

First, these two additional parcels are immediately adjacent to the Original 2700 S. Lamar Case – and, in fact, would actually fill in a gap in the original tract; approving this rezoning would establish a consistent MF-6 designation for this portion of the assemblage.

Second, this request is fully consistent with Council precedent. City Council has – on the very block – twice approved rezoning for former MF-3 parcels on the basis that they were part of a larger assemblage. In 2013, Council rezoned 2805 and 2807 Skyway Cir. from MF-3 to GR-MU-CO as part of a broader assemblage (C14-2013-0046). Later, in the Original 2700 S. Lamar Case, Council rezoned 2803 Skyway Cir. from MF-3 to MF-6 because it was included within the broader assemblage tract (C14-2020-0144).

This is the exact same request that the Applicants are making today in the 2700 S. Lamar Follow-Up 1 case – indeed, the two additional parcels under review in this case are *immediately adjacent* to those precedential parcels that Council previously rezoned from MF-3 to GR-MU-CO and MF-6, respectively.

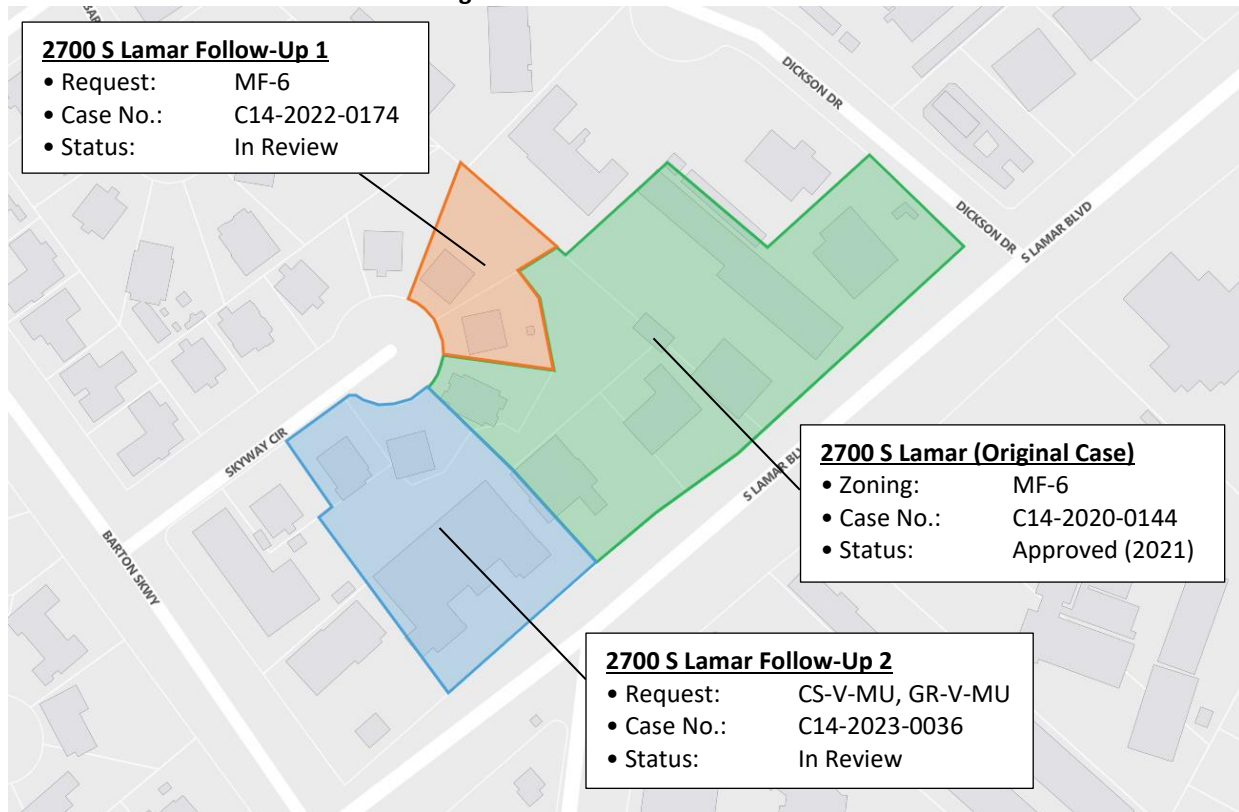
- **C14-2023-0036 – 2700 S. Lamar Follow-Up 2 (In Review).** This year, the Applicants submitted a second follow-up covering three additional adjacent parcels that the Applicants have acquired. This tract is currently zoned for a combination of GR-V-CO and GR-MU-CO. The Applicants initially requested a consistent GR-V-MU zoning across the tract but, for reasons discussed below, are now amending their application to request CS-V-MU on the front portion of the tract and GR-V-MU on the rear.

Together, the Original 2700 S. Lamar Case and Follow-Ups 1 and 2 form an overall 4.8-acre assemblage that the Applicants plan for MF-6 zoning to the north and CS-V-MU/GR-V-MU to the south. This would allow the Applicants to proceed with their vision of comprehensively redeveloping the entire Assemblage to provide an estimated 400 units – including on-site income-restricted affordable housing – with a mix of commercial uses.

(For context, a private restrictive covenant that the Applicants voluntarily established in partnership with HomeBase several years ago governing the Original 2700 S. Lamar tract (approved for MF-6) requires 10 percent of the total units for that tract be provided at rents affordable to households earning up to 60 percent of Median Family Income. Any residential uses provided on the parcels proposed for Vertical Mixed-Use (“VMU”) zoning

would provide income-restricted affordable units through the VMU program, which requires 10 percent to 12 percent of total units at 60 percent MFI, depending on the final project details.)

**Figure 2. The 2700 S. Lamar Cases**



**Figure 3. Summary of Related Cases**

	Original 2700 S. Lamar Case	Follow-Up 1	Follow-Up 2
<b>Case Information</b>			
Case Number	C14-2020-0144	C14-2022-0174	C14-2023-0036
Status	Approved	In Review	In Review
Acreage	2.92 acres	0.51 acres	1.35 acres
<b>Zoning</b>			
Existing Zoning	MF-6	MF-3	GR-V-CO   GR-MU-CO
Requested Zoning	-	MF-6	CS-V-MU   GR-V-MU
Zoning Ordinance	20211118-087	-	20130523-101

## 2700 S. Lamar Follow-Up 2 (C14-2023-0036) – Case Context and Rationale

With this letter, the Applicants are requesting to amend the application for the 2700 S. Lamar Follow-Up 2 case (C14-2023-0036), which encompasses the mixed-use portion of the overall Assemblage. Specifically, the Applicants are requesting CS-V-MU on the South Lamar frontage, with GR-V-MU in the rear, as shown previously in Figure 1.

The tract is currently zoned for a combination of GR-V-CO and GR-MU-CO and is comprised of over 14,000 sf of retail and convenience storage as an accessory use to the retail. The tract is also surrounded by MF-6 (to the east), GR-V, GR, and MF-3 (to the west), Skyway Circle (to the north), and the South Lamar corridor (to the south). The parcels across South Lamar are zoned for CS-V and GR-CO.

The request would accomplish three key goals:

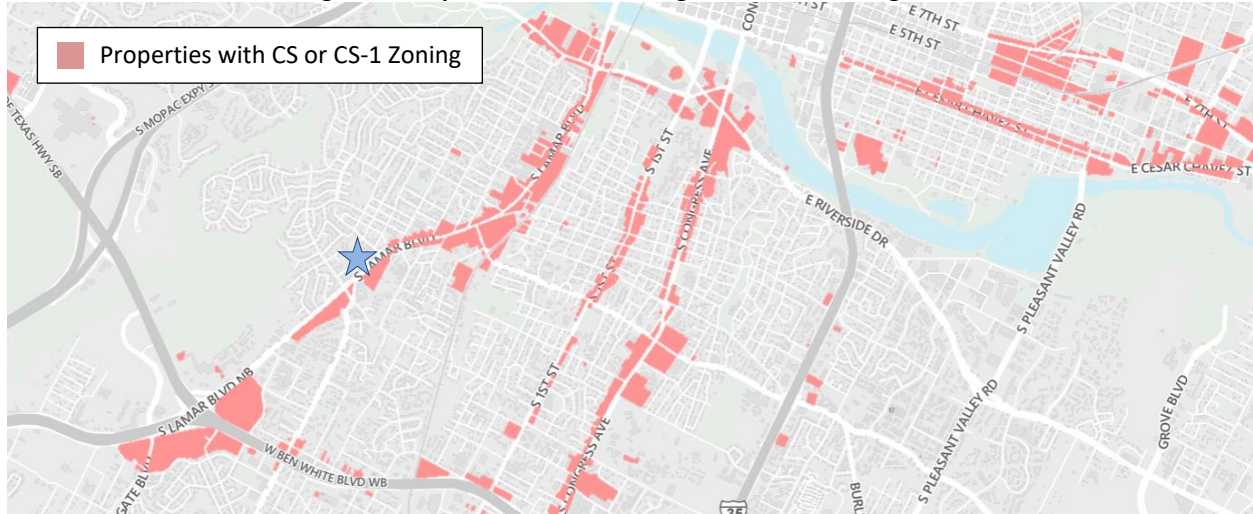
- **It would extend Vertical Mixed-Use (“VMU”) zoning across the tract.** Today, only a portion of the tract is eligible to participate in the VMU program. This request would extend Vertical Mixed-Use zoning across the tract, allowing it to participate in the VMU affordable housing bonus program and providing regulatory consistency.
- **It would remove the existing conditional overlay,** which currently limits vehicular access and site circulation and prohibits a variety of commercial uses. In one key provision, the current conditional overlay prohibits vehicular access to Skyway Circle. However, the broader Assemblage is already allowed access to Skyway Circle through other parcels. As a result, this restriction would only serve to create inefficient site circulation that reduces the number of multifamily units that could be constructed.
- **It would provide flexibility for a corridor property in a challenging macroeconomic environment.** Austin currently faces a volatile and challenging financial environment. Three of the four largest bank failures in United States history occurred earlier this year, and the federal government has responded by directing banks to improve their ability to withstand a financial crisis. In response, banks have reduced the availability of loans, demanded higher interest rates, and required projects to place more money into reserves – all of which have made it much more challenging to provide the type of mixed-use projects Austin envisions to support its growing population, major transit investments, and municipal revenues. Approving CS-V-MU on the South Lamar frontage, with GR-V-MU to the rear, helps provide appropriate flexibility and optionality needed to better navigate this difficult economic environment. This flexibility will help ensure financial feasibility and improve the Applicants’ ability to obtain the financing to build the overall project, including the approximately 400 multifamily units.

We believe this request for CS-V-MU and GR-V-MU is appropriate, precedented, and consistent with zoning along the South Lamar corridor, for the following reasons:

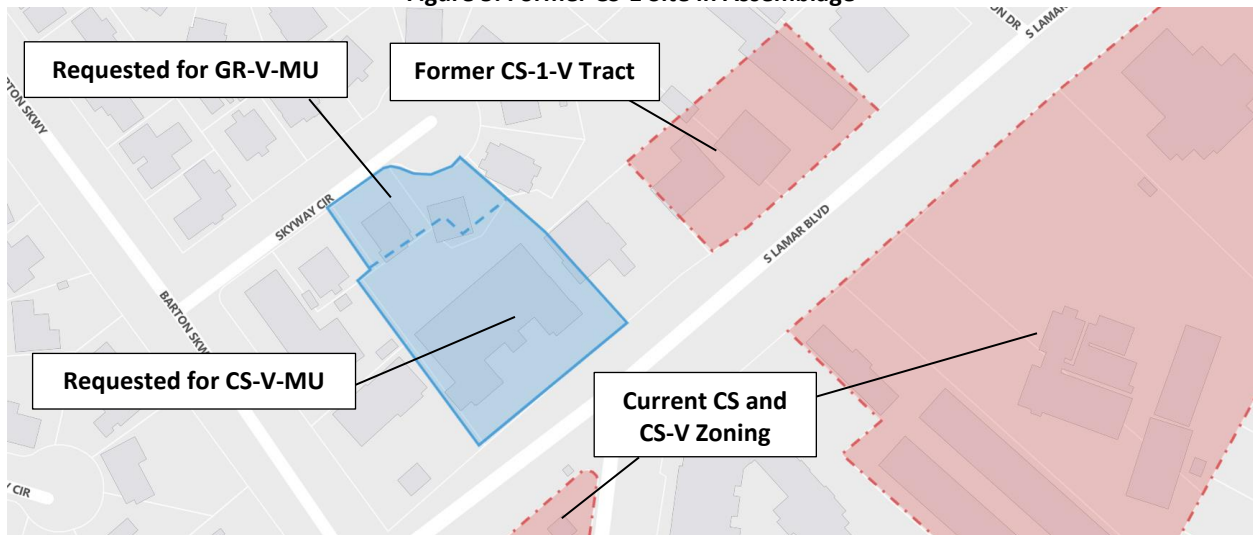
- **CS is the predominant commercial zoning designation on South Lamar and other corridors in the area.** The Applicants are requesting CS-V-MU along the South Lamar frontage. As Figure 4 below illustrates, CS zoning is the predominant form of commercial base zoning along the South Lamar, South 1st, and South Congress corridors, as well as along Barton Springs Road – often combined with the Vertical Mixed-Use overlay. Our request is fully consistent with this precedent.
- **CS is also precedented on this particular block.** The 2700 block of South Lamar also historically featured CS-1-V zoning. While the Applicants downzoned that CS-1-V tract to MF-6 as part of their overall project vision, that prior CS-1-V designation precedent indicates that CS zoning is generally appropriate on this block. The city has also designated the property directly across the street for CS zoning. Figure 5 illustrates the location of the CS-1-V precedent (prior to rezoning in 2021), as well as the CS zoning across South Lamar.

- **The Applicants are maintaining GR base zoning on the rear of the tract.** While the Applicants believe that CS-V-MU zoning is appropriate across the Follow-Up 2 tract, they also recognize that there may be a desire to extend CS base zoning only to the front of the tract. In recognition of this, the Applicants are proposing CS-V-MU zoning for the corridor-fronting portion of the tract and GR-V-MU for the rear.

**Figure 4. Properties with CS Zoning in the Surrounding Area**



**Figure 5. Former CS-1 Site in Assemblage**



## Conclusion

The Applicants control an Assemblage of parcels at 2700 S. Lamar Blvd., and have brought forward several related rezoning cases for this Assemblage as part of an overall strategy for a comprehensive project planned for housing and commercial uses.

In 2021, we presented a policy case for why this location is appropriate for growth: 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. Furthermore, we believe that Follow-Up 2 addresses a major neighborhood objection to the Original Case: the lack of a mix of uses.

Approving CS-V-MU and GR-V-MU for the Follow-Up 2 tract would better incorporate this tract into the broader Assemblage, provide appropriate flexibility and optionality in a difficult macroeconomic environment, and would be fully consistent with precedent along South Lamar and on this particular block.

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 stylized, flowing script.

Michael J. Whellan



## Attachment A – Related Case Summaries

### A-1. Summary of Related Cases

	Original 2700 S. Lamar Case	Follow-Up 1	Follow-Up 2
Case Information			
Case Number	C14-2020-0144	C14-2022-0174	C14-2023-0036
Status	Approved	In Review	In Review
Acreage	2.92 acres	0.51 acres	1.35 acres
Zoning			
Existing Zoning	MF-6	MF-3	GR-V-CO   GR-MU-CO
Requested Zoning	-	MF-6	CS-V-MU   GR-V-MU
Zoning Ordinance	20211118-087	-	20130523-101

### A-2. Timeline of Related Cases

- **May 2013:** **Prior Owner Rezones the Property.** A prior owner (Goodwill) rezones the Property from CS-V/GR-V/MF-3 to GR-V-CO/GR-MU-CO with plans for a mixed-use project – though that plan ultimately does not proceed. The owner later sells the Property to the Applicants.
- **December 2020:** **Applicants Submit Original 2700 S. Lamar Case.** The Applicants submit the original 2700 S. Lamar case to rezone a 2.9-acre assemblage to MF-6 to provide for a multifamily uses at up to 90 ft.
- **November 2021:** **City Council Approves Original 2700 S. Lamar Case.** Council approves rezoning the 2.9-acre assemblage for MF-6.
- **November 2022:** **Applicants Submit 2700 S. Lamar Follow-Up 1.** The Applicants submit a follow-up to the 2700 S. Lamar case to rezone two additional tracts that the Applicants acquired to MF-6, consistent with the original case.
- **March 2023:** **Applicants Submit 2700 S. Lamar Follow-Up 2.** The Applicants submit the attached application as a second follow-up to the 2700 S. Lamar case to rezone the Property to a consistent GR-V-MU designation.

## **Attachment B – Existing Conditional Overlay Provisions**

A. Vehicular access from the Property to Skyway Circle is prohibited except for pedestrian, bicycle and emergency ingress and egress. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

B. The following uses are prohibited uses of the Property on Tract 2 [the GR-MU-CO portion of the Property]:

Administrative and business offices	Alternative financial services
Art gallery	Art workshop
Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Bail bond services	Bed & breakfast (Group 1)
Bed & breakfast (Group 2)	Business support services
Club or lodge	College and university facilities
Commercial off-street parking	Communication service facilities
Communications services	Community events
Community garden	Community recreation (private)
Community recreation (public)	Consumer convenience services
Consumer repair services	Counseling services
Cultural services	Custom manufacturing
Day care services (commercial)	Day care services (general)
Day care services (limited)	Drop-off recycling collection facility
Exterminating services	Financial services
Food preparation	Funeral services
General retail sales (convenience)	General retail sales (general)
Guidance services	Hospital services (general)
Hospital services (limited)	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Local utility services	Medical offices-not exceeding 5,000 sq. Ft gross floor area
Medical offices-not exceeding 5,000 sq. ft. gross floor area	Mobile home residential
Outdoor entertainment	Business or trade school
Outdoor sports and recreation	Pawn shop services
Personal improvement services	Personal services
Pet services	Plant nursery
Printing and publishing	Private primary educational facilities
Private secondary educational facilities	Professional office
Public primary educational facilities	Public secondary educational facilities
Religious assembly	Research services
Residential treatment	Restaurant (general)
Restaurant (limited)	Retirement housing (large site)
Retirement housing (small site)	Safety services
Service station	Short-term rental
Software development	Telecommunication tower
Theater	Urban farm
Food sales	

C. The following uses are prohibited uses of the Property on Tract 1 [the GR-V-CO portion of the Property]:

Automotive repair services  
Automotive sales  
Bail bond services  
Hotel-motel  
Outdoor sport and recreation

Automotive rentals  
Automotive washing (of any type)  
Exterminating services  
Service station  
Pawn shop services

Email  
From: David Piper  
To: Jonathan Tomko  
July 5, 2023 6:30pm

Mr. Tomko,

Please register me, on behalf of the Zilker Neighborhood Association, as an interested party for this zoning case. The ZNA's concerns include traffic congestion, parking, water runoff, and affordable housing. Thank you for your time.

Best regards,

Dave Piper  
ZNA Zoning Committee

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Email  
From: Jonathan Tomko  
To: David Piper  
July 6, 2023 10:00am

Good morning David,

Thank you for reaching out. We do not have an interested party list for zoning cases, like DSD does for site plan cases. The notification list is what we utilize to inform the public about zoning/rezoning requests. I would encourage the Zilker Neighborhood Association to reach out to the applicant to discuss your concerns. This case is scheduled to be heard by Planning Commission on July 25, 2023 with the associated case C14-2022-0174 on the same agenda.

I hope this helps, let me know if you have any other questions.

Jonathan

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Email  
From: David Piper  
To: Jonathan Tomko  
July 6, 2023 10:06am

Thanks for the quick response, Mr. Tomko.

David

## PUBLIC HEARING INFORMATION

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](http://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: C14-2023-0036**

**Contact: Jonathan Tomko, 512-974-1057**

**Public Hearing: July 25, 2023, Planning Commission**

*Eric Walenstein*

Your Name (please print)

*2304 A Barton Skwy.*

Your address(es) affected by this application

*[Signature]*

Signature

*7-2-23*

Date

Daytime Telephone: *512-484-4630*

Comments:

☐ I am in favor  
☒ I object

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: C14-2023-0036**

**Contact: Jonathan Tomko, 512-974-1057**

**Public Hearing: July 25, 2023, Planning Commission**

Travis Holt Bryant

Your Name (please print)

☐ I am in favor  
☒ I object

2220 Barton Skyway

Your address(es) affected by this application

LiBart

Signature

7/18/23

Date

Daytime Telephone: (512) 447-8166

Comments: As a long time business owner and property owner which has been in my family for years I am very concerned with this new re-zoning and it's affect 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 not only hurt our business but 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: C14-2023-0036**

**Contact: Jonathan Tomko, 512-974-1057**

**Public Hearing: July 25, 2023, Planning Commission**

*Anthony Deford*

Your Name (please print)

*2304 B Barton Skyway*

Your address(es) affected by this application

*Anthony Deford*

Signature

*7-18-2023*

Date

Daytime Telephone: *512 576 1973*

Comments:

☐ I am in favor  
☒ I object

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