

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0048

DISTRICT: 7

ADDRESS: 7500 Burnet Road

ZONING FROM: CS

TO: CS-MU-V

SITE AREA: 0.35 acres

PROPERTY OWNER: 7500 Burnet LP, (Anthony Clarke)

AGENT: Alice Glasco Consulting, (Alice Glasco)

CASE MANAGER: Dana Moses, 512-974-8008, Dana.Moses@austintexas.gov

STAFF RECOMMEDATION:

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

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

October 3, 2023:

September 19, 2023: *APPROVED A POSTPONMENT REQUEST BY THE STAFF TO OCTOBER 3, 2023*

[B. GREENBURG; A. FLORES - 2ND] (7-0) S. BOONE, K. GARRETT,
L. STERN, C. THOMPSON – ABSENT

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES:

There are not any issues at this time.

CASE MANAGER COMMENTS:

The property in question is currently undeveloped on 0.35 acres and is an empty parking lot. The site has frontage on Burnet Road and will have access from both Burnet Road and Richcreek Road. To the north is a used motorcycle shop (CS). To the west is an apartment complex (CS). To the east is the Burnet Road thoroughfare, and directly across Burnet Road is a vacant commercial building and a furniture store (CS-V-CO-NP). To the south is a tire and HVAC store (CS). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial-View)***

The applicant has requested (CS-MU-V-CO) district in order to develop 300 multifamily units.

Staff is recommending (CS-MU-V-CO) due to the property's frontage on Burnet Road and access will be on Burnet Road, a major arterial roadway. CS-MU-V-CO zoning provides a variety of residential and commercial uses that are compatible to the surrounding neighborhoods. The vertical mixed use building allows for residential and commercial development. Two capital metro bus stops are less than a quarter mile of the property.

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 (MU) is intended to provide for and encourage development and redevelopment that contains a compatible mix of residential, commercial, and institutional uses within close proximity to each other, rather than separating uses.

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

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

2. The proposed zoning should promote consistency and orderly planning.

CS-V-CO-NP zoning is directly east and southeast of the property consisting of retail stores. CS-MU-V-CO-NP zoning is designated to encourage a variety of commercial and residential development. CS zoning is directly to the north and south with commercial uses. SF-2 zoning is west of the site. consisting of apartments.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Parking lot; Used Car Dealership
<i>North</i>	CS	Motorcycle Shop
<i>South</i>	CS	Tire shop; HVAC Store
<i>East</i>	CS-V-CO-NP	Commercial Building; Furniture Store
<i>West</i>	CS; SF-2	Apartments

NEIGHBORHOOD PLANNING AREA: There is not a neighborhood plan with this case.

WATERSHED: Shoal Creek

SCHOOLS: Austin I.S.D.

Gullett Elementary School

Lamar Middle School

McCallum High School

COMMUNITY REGISTRY LIST:

Allandale Neighborhood Association
 Ausstin Neighborhoods Council
 Austin Independent School District
 Homeless Neighborhood Association
 North Austin Neighborhood Alliance
 Neighborhood Empowerment Foundation
 Crestview Neighborhood Association
 Austin Regional Group
 Crestview Neighborhood Plan Contact Team

Austin Lost and Found Pets
 Austin Neighborhoods Council
 Lower District 7 Green
 Shoal Creek Conservancy
 Friends of Austin Neighborhoods
 Austin Neighborhoods Council
 NW Austin Neighbors
 SELTexas
 Sierra Club

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2023-0077	Rezoning from CS to CS-V-MU of 1.44 acres.	Zoning and Platting Commission Meeting September 19, 2023	Has not yet been scheduled.

RELATED CASES:

There are not any related cases.

ADDITIONAL STAFF COMMENTS:Comprehensive Planning

Project Name and Proposed Use: 7500 BURNET RD. C14-2023-0048. 0.35 acres from CS to CS-VMU1. Parking lot to 50 Multifamily Apts. and 2,000 sq. ft. of Retail. No units identified as affordable on zoning application.

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: Along Burnet Road Activity Corridor
Y	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Y	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.
Y	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.
Y	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.)
	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.
Y	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 a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
10	Total Number of "Yes's"

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 & Design Review

Parkland dedication will be required for the new applicable uses proposed by this development, multifamily and retail with CS-MU1 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 Review

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Richcreek Rd. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 120 feet of right-of-way for Burnet Rd. It is recommended that 60 feet of right-of-way from the existing centerline should be dedicated with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

A traffic impact analysis is not required.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Richcreek Road	Level 1 Residential Collector	58	61	39	No	No	Yes
Burnet Road	Level 3 Major Arterial	120	115	60	Yes	No	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.

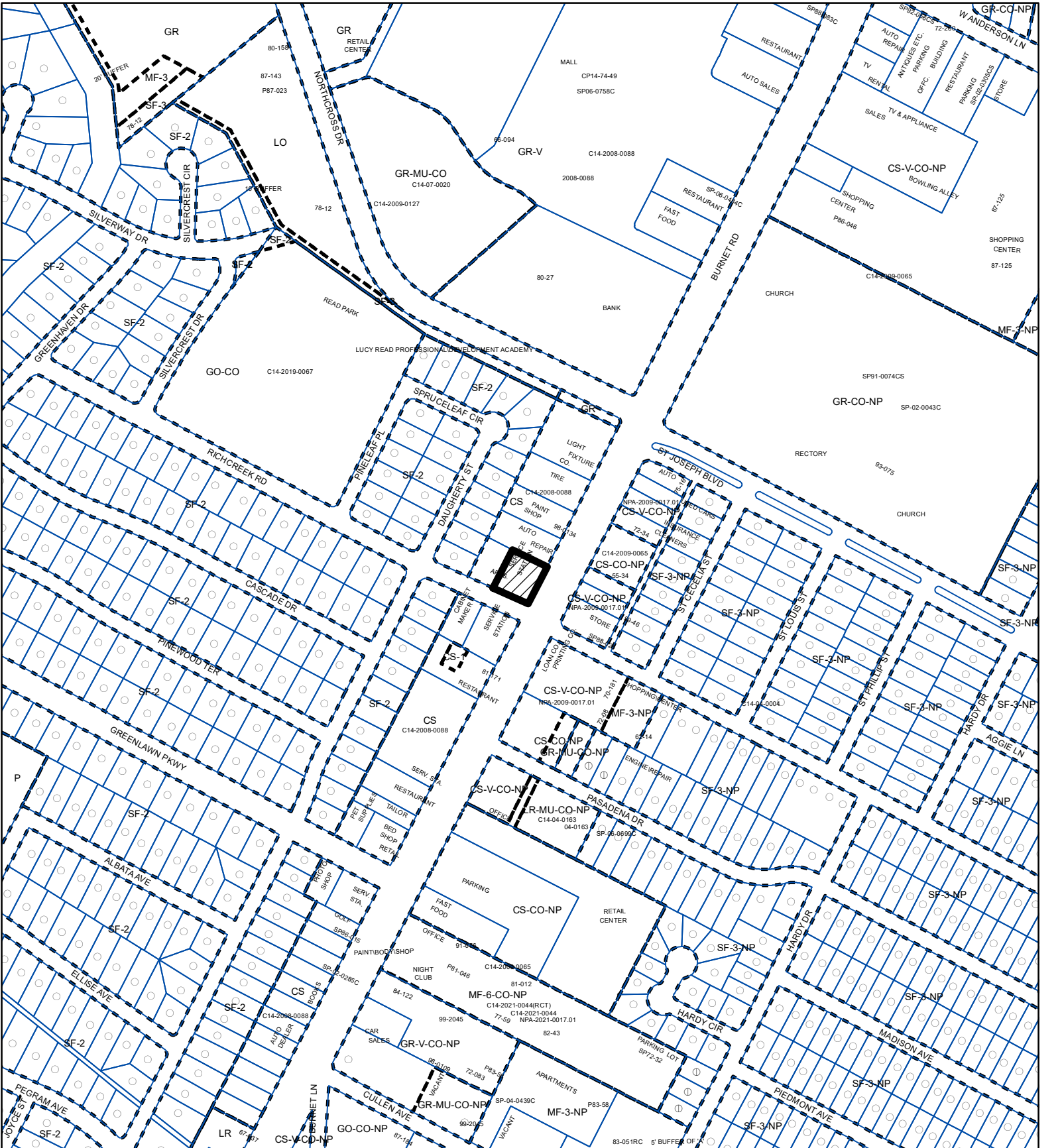
Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.

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 AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Correspondence from Interested Parties



N

PENDING CASE

ZONING BOUNDARY

SUBJECT TRACT

ZONING

ZONING CASE#: C14-2023-0048

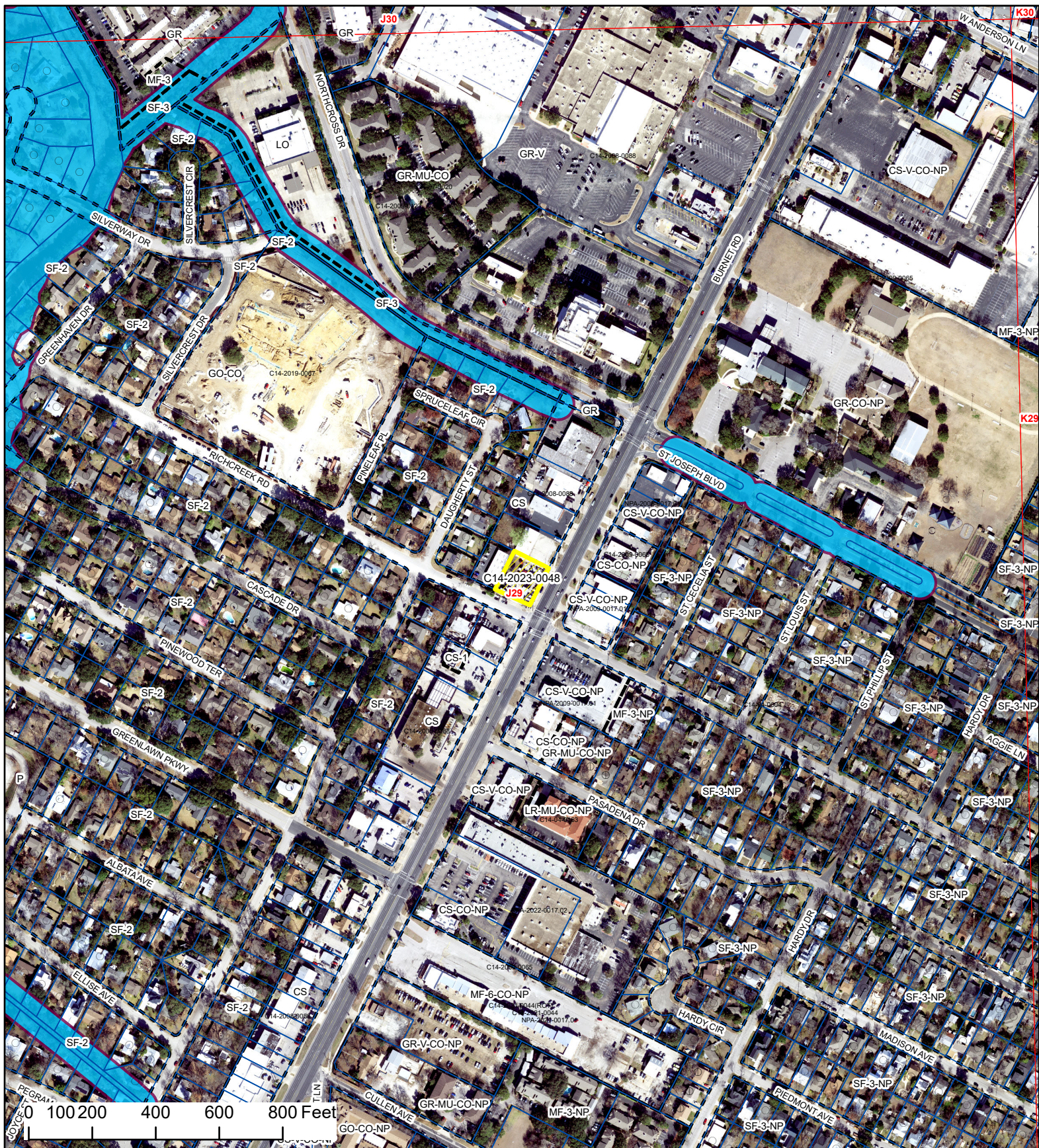


1" = 400'

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: 4/11/2023



7500 Burnet

ZONING CASE#: C14-2023-0048
LOCATION: 7500 Burnet Rd
SUBJECT AREA: 0.35 Acres
GRID: J29
MANAGER: Ricky Barba

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



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Created: 5/24/2023

From: Nathalie Frensley
To: Smith, Hank - BC; Greenberg, Betsy - BC; Acosta, Cesar - BC; Thompson, Carrie - BC; Fouts, David - BC; Floyd, William - BC; Johnson, Ryan - BC; Boone, Scott - BC; Flores, Alejandra - BC; Stern, Lonny - BC; Garrett, Kendra - BC; alice@agconsultingcompany.com; Rivera, Andrew; Moses, Dana
Cc: Hans Magnusson
Subject: Request for a Neighborhood Postponement to November 14th for C14-2023-0048
Date: Friday, September 15, 2023 12:58:22 PM
Attachments: Gmail - Noticing Actions for Allandale from August 25 to present_.pdf
Gmail - Automatic reply_ Noticing Actions for Allandale from August 25 to present_.pdf

Friday, September 15, 2023

To: Zoning and Platting Commissioners Smith, Greenberg, Acosta, Thompson, Fouts, Floyd, Johnson, Boone, Flores, Stern, and Garrett

CC: Ms. Alice Glasco, AG Consulting Company

From: Allandale Neighborhood Association, Nathalie Frensley (Corresponding Sender: Board Member) and Hans Magnusson (President)

Re: **Request for a Neighborhood Postponement to November 14th for C14-2023-0048 (7500 Burnet Road)**

Good afternoon, Commissioners –

We are writing to respectfully request a postponement of the upcoming hearing regarding C14-2023-0048. We want to emphasize that we do not make this request lightly, and we have several important reasons for seeking this postponement:

1. **Engagement with Rezoning Applicants:** Allandale has a long-standing commitment to actively engage with rezoning applicants. We are most grateful to Ms. Glasco for reaching out earlier in May to discuss this rezoning. We reached back to Ms. Glasco on August 30th, to find out about the progress of this case and found out it was still in process at the City. Given earlier noticing problems with C14-2023-0077 (previous communication), we proactively reached out to the Neighborhood Assistance Center on September 6th to try to find out about upcoming hearings. We found out about this case hearing on the 19th shortly before COB on September 11th (see attached). We called Ms. Glasco on the morning of September 12th, hoping to set up a meeting to find out more about this case and discuss common ground, but discovered Ms. Glasco was unavailable until the week of the hearing (see attached). I have gone into detail here so the Commission understands our good faith intent to meet. We, like Ms. Glasco, very much want to engage and a hearing postponement will make that possible.
2. **Community Volunteers:** Allandale is comprised of dedicated community volunteers who have various responsibilities, including work, family care, event planning, and, at times, medical commitments. Requesting a postponement will allow noticed neighbors the time they need to volunteer in order to thoroughly engage in this matter.
3. **Complex Rezoning Requests:** Allandale is currently responding to two significant rezoning requests that are governed by recently enacted ordinances. To comprehensively understand the implications of each rezoning request within the framework of these new ordinances, additional time is required to ensure a thorough understanding of the potential impacts.
4. **Ongoing meetings on the other rezoning case:** We are engaging with applicants on the other rezoning case in Allandale and had a meeting with them yesterday, Thursday, September 14th, at 8:00 p.m. We have requested a postponement for that case's ZAP hearing to October 3rd,

in order to have robust and complete discussions. These are complex rezonings and postponing C14-2023-0048 to November 14th would allow neighbors to have robust and complete discussions on this case as well.

5. **Flood Concerns:** Allandale is renowned for its vulnerability to flooding and water runoff issues. Properties on the west side of Burnet Road have a topography that sometimes contributes to water runoff and flooding concerns. To address these issues and articulate possible water damage concerns, we need more time for neighbors to understand the drainage situation.
6. **Community Deliberation:** Our neighborhood residents are actively studying the potential impacts of this development, evaluating them, and considering potential mitigating requests, if deemed necessary. Granting a postponement will enable neighbors to engage thoughtfully and comprehensively with this redevelopment project, which is very close to their homes. This additional time will foster constructive engagement with the applicant and owner.

We sincerely appreciate your consideration of the reasons and circumstances motivating our postponement request.

Sincerely,

Nathalie Frensley | 512 589 9344

Hans Magnusson | 512 522 8773

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Nathalie J. Frensley
512 589 9344

From: Amber Scott
To: Moses, Dana
Subject: CASE # C14-2023-0048
Date: Friday, September 15, 2023 6:01:41 PM

Hello,

Zoning is created for a reason and changing the zoning affects nearby home values negatively, endangers residents walking in the streets, and should not be allowed. Why is this case being considered in the Allandale neighborhood? What is the point of zoning plans if they can just be changed by a simple application of a company looking to make money off that change? The Allandale neighborhood does not support this zone change and would be negatively affected.

There is no room for any parking near this location, the nearby streets are already full each day with employees and customers of the surrounding commercial businesses and the school 100 ft away. Having a building with that many units vertically will negatively affect the Allandale neighborhood and cause over congestion and extreme parking issues and unsafe street conditions surrounding the school on Richcreek Rd. Children and homeowners frequent these streets and sidewalks and can not have an excess of 50+ additional cars pulling in and out and endangering their path to education. There will also be privacy concerns for such a tall building near a community that has height restrictions.

Thank you,
Amber Scott
Neighbor of proposed plot