

## 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 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: Vehicle Storage, Construction Sales & Services, Pawn Shop, and Limited Warehouse and Distribution.**

### ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**November 14, 2023: POSTPONED BY THE ZONING AND PLATTING COMMISSION TO November 21, 2023**

*[B. GREENBURG; A. FLORES - 2ND] (9-0) S. BOONE, C. THOMPSON – ABSENT*

**October 3, 2023: APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO NOVEMBER 14, 2023**

*[A. FLORES; D. FOUTS – 2<sup>nd</sup>] (10-0) C. ACOSTA – ABSENT.*

**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 subject rezoning area is approximately 0.35 acres located at the intersection of Burnet Road and Richcreek Road. The site has access from both Burnet and Richcreek Road. To the north is a motorcycle repair shop (CS). Immediately to the west is a small apartment complex (CS) while Burnet Road is directly to the east. Across Burnet Road is a retail store (CS-V-CO-NP). Commercial uses, including automotive repair services and consumer repair services, are located to the south. (CS). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial-View)***

The applicant has requested (CS-MU-V) combining district zoning to develop 50 multifamily units and 2,000 square feet of retail.

Staff is recommending (CS-MU-V-CO) due to the property having access and frontage on Burnet Road, a major arterial roadway. The vertical mixed use building designation allows for residential and commercial development. The provision of additional housing options is a priority of the City of Austin. A diverse range of commercial and multifamily residential uses currently exist along the Burnet Road corridor. The property is also supported by three Capital Metro bus stops within a quarter mile, including one MetroRapid route.

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.*

Across Burnet Road to the east and southeast of the property is (CS-V-CO-NP) zoning. (CS-MU-V-CO-NP) zoning is designated to encourage a variety of development that is consistent with this area. CS zoning is to the north, south, and to the west.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Parking lot; Previous Auto Sales
<i>North</i>	CS	Motorcycle Repair Shop
<i>South</i>	CS	Auto Services; Commercial Services
<i>East</i>	CS-V-CO-NP; CS-CO-NP	Retail Store
<i>West</i>	CS; SF-2	Multifamily; Single family residences

NEIGHBORHOOD PLANNING AREA: N/AWATERSHED: Shoal CreekSCHOOLS: Austin I.S.D.

Gullett Elementary School

Lamar Middle School

McCallum High School

COMMUNITY REGISTRY LIST:

Allandale Neighborhood Association  
Austin Neighborhoods Council  
Austin Independent School District  
Homeless Neighborhood Association  
North Austin Neighborhood Alliance  
Neighborhood Empowerment Foundation  
Sierra Club, Austin Regional

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

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	November 30, 2023.

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-MU-V. 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
<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: Along Burnet Road Activity Corridor</b>
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.
Y	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	<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.)
	<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.
10	<b>Total Number of "Yes's"</b>

### 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](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.

### Site Plan

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

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property used or zoned as SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

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

The site is subject to compatibility standards. Along the west, southwest and north property lines, the following standards apply:

- 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 property line. 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- Additional design regulations will be enforced at the time a site plan is submitted.

#### 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:

Exhibit A: Zoning Map  
Exhibit A-1: Aerial Map

Clarification memo for Zoning & Platting Commission

Correspondence Received

 ZONING BOUNDARY

ZONING CASE#: C14-2023-0048

## Exhibit A



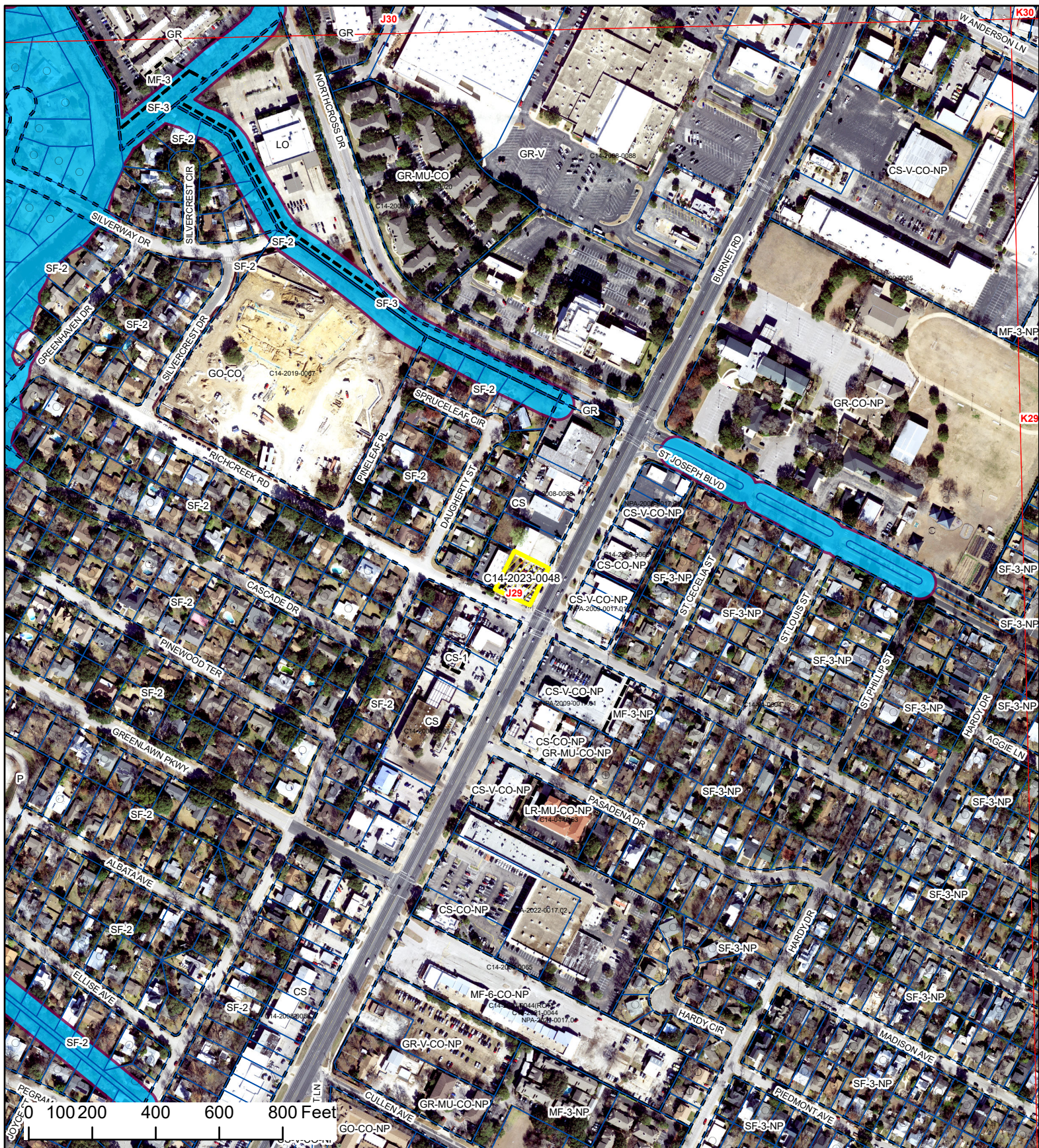
**Created: 4/11/2023**

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.

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





$$1'' = 400'$$





## 7500 Burnet

## Exhibit A-1

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

**ZONING CASE#:** C14-2023-0048  
**LOCATION:** 7500 Burnet Rd  
**SUBJECT AREA:** 0.35 Acres  
**GRID:** J29  
**MANAGER:** Dana Moses



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**Created: 5/24/2023**





## MEMORANDUM

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TO: Hank Smith, Chair  
Zoning and Platting Commission Members

FROM: Nancy Estrada  
Planning Department

DATE: November 14, 2023

RE: **C14-2023-0048 – 7500 Burnet Road Rezoning**

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The following provides additional information for the above referenced rezoning case. The applicant has requested (CS-MU-V) combining district zoning for the development of 50 multifamily units and 2,000 square feet of retail. The intent of the vertical mixed use building (-V) combining district zoning would be to provide a development with affordability levels as required by Ordinance No. 20220609-080. A development with rental units would require an affordability level of 10% of units at 60% MFI for at least 40 years.

The Staff recommendation is to grant general commercial services – mixed use – vertical mixed use building – conditional overlay (CS-MU-V-CO) combining district zoning.

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

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External Email - Exercise Caution

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

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