ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0133 DISTRICT: 4

ZONING FROM: CS-CO-NP and CS-1-CO-NP

ZONING TO: CS-V-CO-NP and CS-1-V-CO-NP

ADDRESS: 5555 North Lamar Boulevard

SITE AREA:
CS-V-CO-NP =9.328 acres (406,327 sq. ft.)
CS-1-V-CO-NP = 0.0688 acres (3,000 sq. ft.)

PROPERTY OWNER: B9 Sequoia Lamar Owner LP

AGENT: Metcalfe Wolff Stuart and Williams (Michele R. Lynch)

CASE MANAGER: Cynthia Hadri 512-974-7620, Cynthia.hadri@austintexas.gov

STAFF RECOMMENDATION:

The staff recommendation is to grant General Commercial Services-Vertical Mixed Use Building-Conditional Overlay-Neighborhood Plan (CS-V-CO-NP) combined district zoning and Commercial-Liquor Sales-Vertical Mixed Use Building-Conditional Overlay-Neighborhood Plan (CS-1-V-CO-NP) combined district zoning. The conditional overlays will prohibit the following uses:

- Adult Oriented Businesses
- Agricultural Sales and Services
- Automotive Sales
- Campground
- Commercial Blood Plasma Center
- Construction Sales and Services
- Convenience Storage
- Equipment Repair Services
- Equipment Sales
- Kennels
- Vehicle Storage

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 27, 2024:

January 23, 2024: *APPROVED THE NEIGHBORHOOD POSTPONEMENT REQUEST TO FEBRUARY 27, 2024.*
[G. ANDERSON; F. MAXWELL-2ND] (12-0) J. CONNOLLY-ABSENT

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: There are no issues at this time.

CASE MANAGER COMMENTS:

The property in question is 9.328 acres, developed with multiple commercial use buildings, has access to Guadalupe St (level 2) and Nelray Blvd (level 1), and is currently zoned general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combined district zoning and commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP). The property has multifamily residences and state property (CS-V-CO-NP and UNZ) to the north, multifamily residences and automotive uses (MF-3-NP, MF-2-NP, CS-CO-NP and CS-V-CO-NP) to the south, multifamily residences, single family residences and state property (MF-3-NP, MF-4-CO-NP, SF-3-NP and UNZ) to the east, multifamily residences and commercial uses (CS-V-CO-NP and CS-MU-V-CO-NP) to the west. ***Please refer to Exhibits A (Zoning Map) and B (Aerial View).***

Staff is recommending the general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combined district zoning and commercial-liquor sales-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-V-CO-NP) combined district zoning for a large residential development that will include the property to the west already zoned with the vertical mixed use building (V).

Per the comprehensive plan review comments this site meets ten of the Imagine Austin Decision Guidelines. The site is 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, adjoins a public sidewalk, shared path, and/or bike lane and is located within 0.25 miles of public transit stop and/or light rail station. It is also located within 0.50 miles from a good and services, grocery stores/farmers market, a public school or university, and a recreation area, park or walking trail. This site expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population in support of Imagine Austin and the Strategic Housing Blueprint, will provide a minimum of ten percent of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The general commercial services (CS) district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

The 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 conditional overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The commercial-liquor sales (CS-1) district is intended predominately for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The proposed zoning would promote compatibility with nearby uses as the properties to the north, south and west have opted in for the vertical mixed use buildings (V) combined district zoning (CS-MU-V-CO-NP, CS-V-CO-NP and CS-V-CO-NP). The staff recommends the request for CS-V-CO-NP and CS-1-V-CO-NP zoning because the surrounding properties on North Lamar Boulevard and West Koenig Lane were rezoned to allow developments with multifamily residences with the same intent of providing additional residential units in this area of the city.

3. *Zoning should allow for reasonable use of the property.*

General Commercial Services-Vertical Mixed Use Building- Conditional Overlay-Neighborhood Plan (CS-V-CO-NP) combined district zoning will allow for the proposed residential development and is suitable since it is consistent with the land uses in the surrounding area. Revl on Lamar, Camden Lamar Heights and Hidden Gardens Apartments are all multifamily complexes near this rezoning case.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-CO-NP & CS-1-CO-NP	Commercial Restaurants
North	CS-V-CO-NP UNZ	Multifamily Residential State Property
South	MF-3-NP, MF-2-NP CS-CO-NP CS-V-CO-NP	Multifamily Residential Automotive Sales Automotive
East	MF-3-NP & MF-4-CO-NP SF-3-NP UNZ	Multifamily Residential Single Family Residential State Property

West	CS-V-CO-NP CS-MU-V-CO-NP	Commercial Multifamily Residential & Commercial

NEIGHBORHOOD PLANNING AREA: North Loop Neighborhood Plan

WATERSHED: Waller Creek (Urban)

CAPITOL VIEW CORRIDOR: No SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District
Reilly Elementary School Lamar Middle School McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Brentwood Neighborhood Plan Contact Team
Brentwood Neighborhood Association
Central Austin Community Development Corporation
Friends of Austin Neighborhoods
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
North Austin Neighborhood Alliance
North Loop Neighborhood Association
North Loop Neighborhood Plan Contact Team
Preservation Austin
SELTexas
Shoal Creek Conservancy
Sierra Club
Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0002.001	Adding a Vertical Mixed Use Building (V) combining district to certain tracts of land located in The North Loop Neighborhood Plan Area.	To Grant Vertical Mixed Use Building (V) combining district (05-13-2008)	Approved Vertical Mixed Use Building (V) combining district as Planning Commission Recommended (05/05/2008)
C14-2016-0075	Unzoned (State Property) to CS-V-NP	To Grant staff's recommendation of CS-V-CO-NP (08/13/2016)	Approved CS-V-CO-NP as Planning Commission Recommended (10/13/2016)
C14-2012-0041	CS-MU-CO-NP to CS-MU-V-CO-NP	To Grant CS-MU-V-CO-NP (05/22/2012)	Approved CS-MU-V-CO-NP as Planning Commission Recommended (06-14-2012)
C14-2007-0108	CS-MU-CO-NP to CS-MU-V-CO-NP opt into Vertical Mixed Use Building (V)	To Grant CS-MU-V-CO-NP opt into Vertical Mixed Use Building (V) (09/23/2008)	Approved CS-MU-V-CO-NP opt into Vertical Mixed Use Building (V) as Planning Commission Recommended (11-20-2008)
C14-07-0026	SF-3-NP to MF-3-NP	To Grant MF-3-NP (04/24/2007)	Approved MF-3-NP as Planning Commission Recommended (06-07-2007)

RELATED CASES:

C14-02-0009: An ordinance rezoning and changing the zoning map to add a neighborhood plan combining district to the base zoning districts on approximately 614.97 acres of land generally known as the North Loop Neighborhood Plan Area ("North Loop") and to change the base zoning districts on 101 tracts of land in north loop.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

Project Name and Proposed Use: 5555 N LAMAR BLVD. C14-2023-0133. 9.3237 acres from CS-CO-NP and CS-1-CO-NP to CS-V-CO-NP and CS-1-V-CO-NP. North Loop NP. FLUM: Mixed Use. Existing: Shopping Center, Office, Industrial. Proposed Vertical Mixed Project with 200+ Apartments and ground floor commercial/retail

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. **Names of Activity Centers/Activity Corridors/Job Centers *: 0.14 miles from North Lamar Activity Corridor and 0.14 miles from Highland Mall Regional Center**
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.
	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.
	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 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	**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	**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.
Y	**Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone**
10	**Number of "Yes's"**

Drainage:

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental:

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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.

Development Classification	*% of Gross Site Area*	*% of Gross Site Area with Transfers*
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Fire:

There are no comments at this time.

PARD – Planning & Design Review:

Parkland dedication will be required at the time of subdivision or site plan application for new residential units proposed by this rezoning, multifamily with CS-V, per City Code § 25-1-601, as amended. The intensity of the proposed development creates a need for over six acres of additional parkland, per current requirements described in § 25-1-602; when over six acres, parkland must be dedicated – see § 25-1-605 (A)(2)(a). However, City Code will be amended to comply with state law – any development application submitted after January 1, 2024 may owe a different amount of parkland in accordance with state law.

The surrounding neighborhood areas are currently park deficient, defined as being outside walking distance to existing parks. A dedication of parkland onsite would satisfy the need for additional parks in park deficient areas of Central Austin, a specific recommendation in the Parks and Recreation Department's Long Range Plan.

Should there be any remaining fees in-lieu, 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 letter of the requirements.

Site Plan:

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

FYI - 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.

FYI - 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 East property line, the following standards apply:

- No structure may be built within 25 feet of the property line. § 25-2-1063-B
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line. § 25-2-1063-C-1
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line. § 25-2-1063-C-2
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive. § 25-2-1063-C-3

- No parking or driveways are allowed within 25 feet of the property line. § 25-2-1067-G
- 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.
- 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.

A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

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 72 feet of right-of-way for Guadalupe St. It is recommended that 36 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 58 feet of right-of-way for Nelray Blvd. 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].

Existing Street Characteristics:

Name	**ASMP Classification**	**ASMP Required ROW**	**Existing ROW**	**Existing Pavement**	**Sidewalks**	**Bicycle Route**	**Capital Metro (within ¼ mile)**
Guadalupe St	Level 2	72’	58’	30’	Partial	Yes	Yes
Nelray Blvd	Level 1	58’	53’	30’	Partial	No	yes

TIA:

It is not required.

Austin Water Utility:

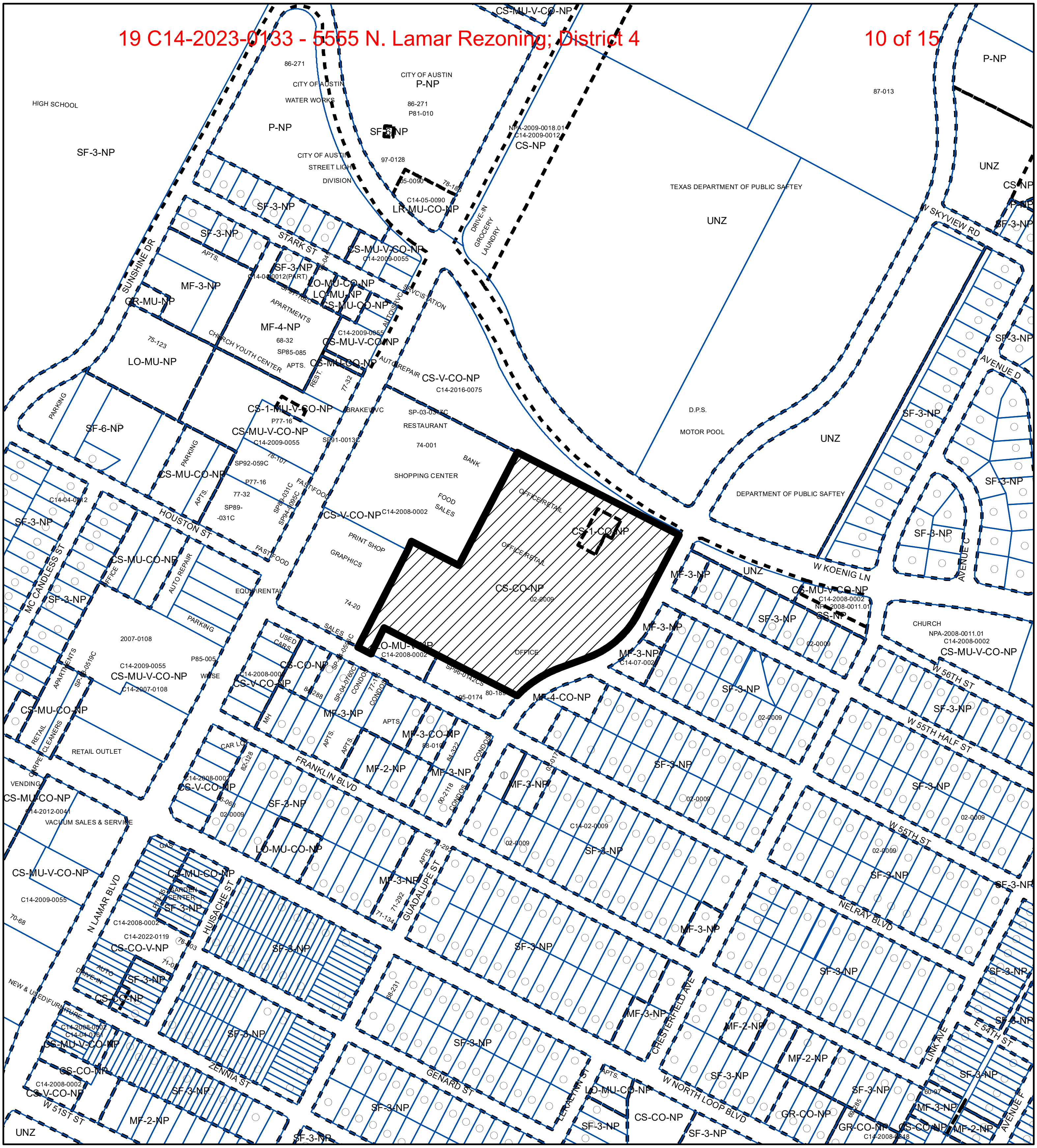
No comments on zoning change.

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

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. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

A. Zoning Map
B. Aerial Map
C. Applicant's Summary Letter
Correspondence from Interested Parties



ZONING

ZONING CASE#: C14-2023-0133

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

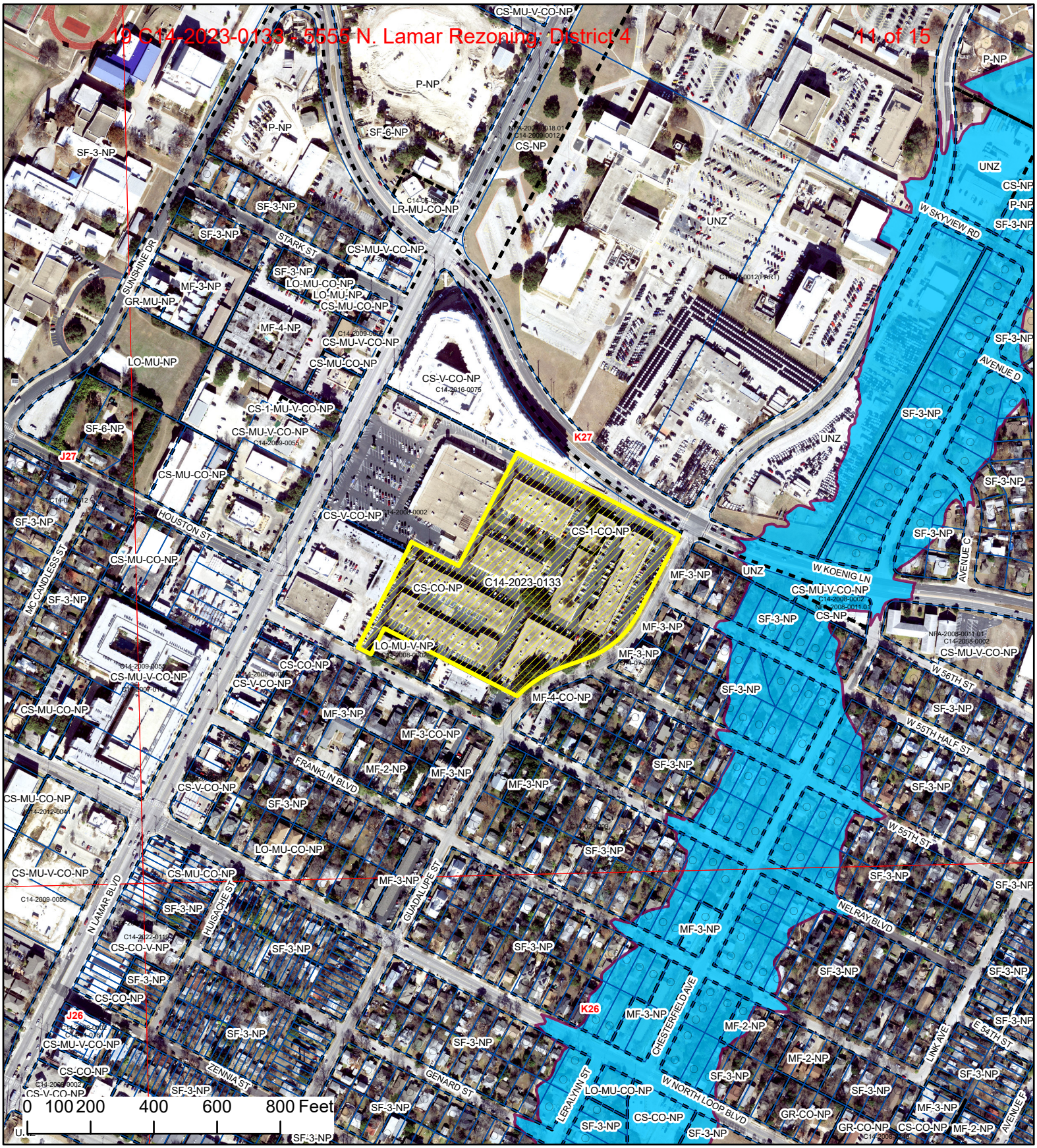
Exhibit A

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 Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

[redacted]

Created: 11/6/2023



N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

5555 N. Lamar Rezoning

ZONING CASE#:	C14-2023-0133
LOCATION:	5555 N Lamar Blvd
SUBJECT AREA:	9.3237 Acres
GRID:	K27
MANAGER:	Cynthia Hadri

Exhibit B

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

Created: 12/12/2023

METCALFE WOLFF
STUART & WILLIAMS, LLP

MICHELE ROGERSON LYNCH
Director of Land Use &
Entitlements

mlynch@mwswtexas.com
512-404-2251

October 20, 2023

Mrs. Lauren Middleton-Pratt, Director of Planning
Housing and Planning Department
1000 East 11th Street
Austin, Texas 78702

Via Online Submittal

Re: Application for Rezoning; 9.328 acres, located at 5555 North Lamar (the "Property")

Dear Mrs. Pratt:

As representatives of the owner of the above stated Property we respectfully submit the attached Application for Rezoning. The Property consists of a commercial shopping center with various retail and office related uses (see Zoning Exhibit attached) that is currently zoned General Commercial Services-Conditional Overlay-Neighborhood Plan (CS-CO-NP) and Commercial Liquor Sales-Conditional Overlay-Neighborhood Plan (CS-1-CO-NP).

The Application for Rezoning requests to rezone the Property to add a Vertical Mixed Use Overlay such that the Property would be zoned CS-V-CO-NP and CS-1-V-CO-NP to allow for a mixed use project including multifamily and commercial/retail. The following uses are prohibited on the Property today and are suggested to remain prohibited uses with the CO:

PROHIBITED

Adult Oriented Businesses	Agricultural Sales and Services
Automotive Sales	Campground
Commercial Blood Plasma Center	Construction Sales and Services
Convenience Storage	Equipment Repair Services
Equipment Sales	Kennels
Vehicle Storage	

The Property is within the North Loop Neighborhood Plan and the Future Land Use Plan indicates Mixed Use, which we are not proposing to amend. Surrounding zoning includes General Commercial Services-Mixed Use -Vertical Mixed Use– Conditional Overlay -Neighborhood Plan (CS-MU-V-CO-NP), Limited Office-Mixed Use-Vertical Mixed Use-Conditional Overlay-Neighborhood Plan (LO-MU-V-CO-NP), Multifamily Medium Density-Neighborhood Plan (MF-3-NP) and Multifamily Moderate Density -Neighborhood Plan (MF-4-CO-NP) and Single Family-Neighborhood Plan (SF-3) and Unzoned (UNZ). Surrounding land uses include commercial, office, civic, multifamily and single family.

A Traffic Impact Analysis (TIA) is not required pursuant to the TIA Determination form included with the application.

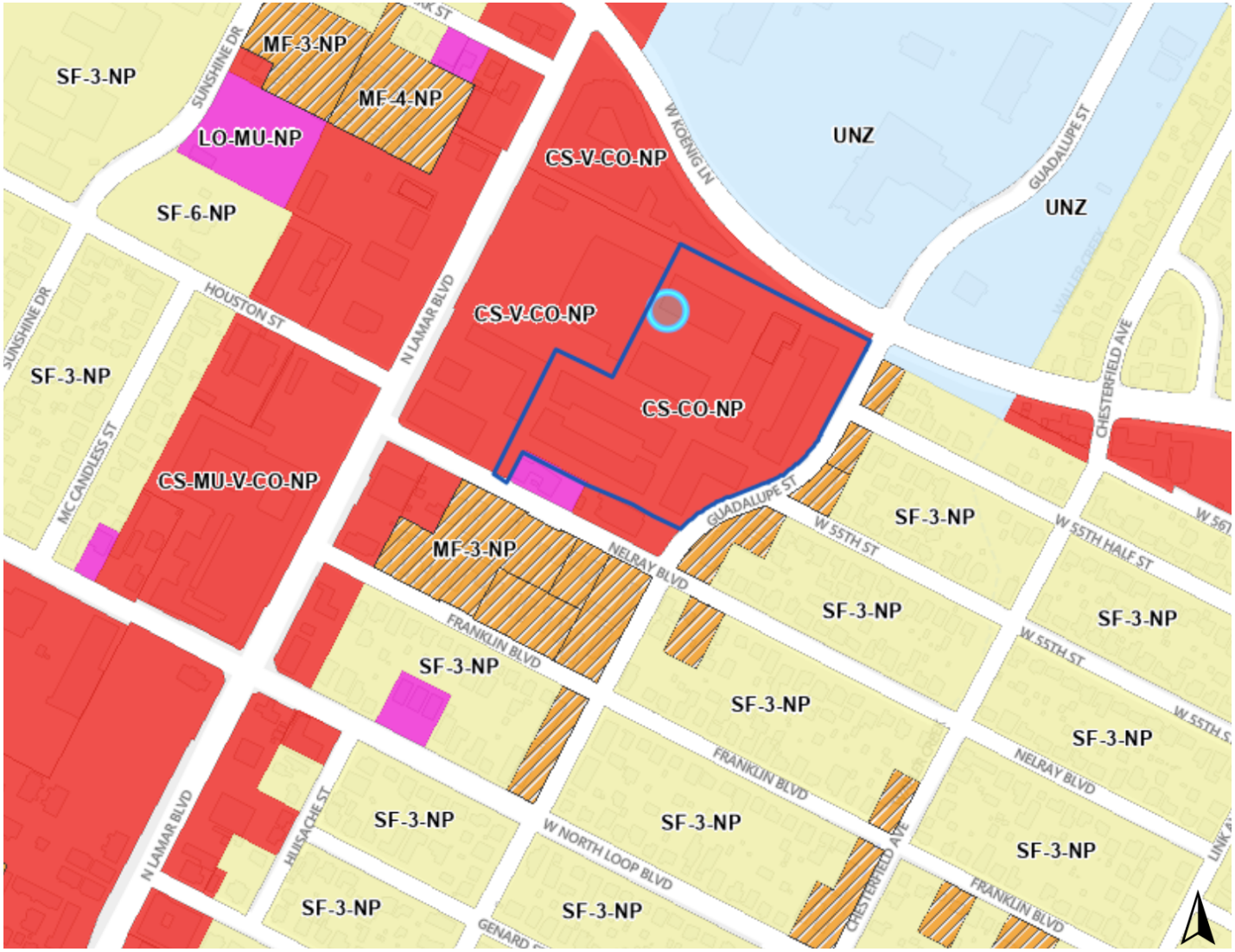
If you have any questions about this Application for Rezoning or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,

Michele Rogerson Lynch

Michele Rogerson Lynch

ZONING EXHIBIT



5555 NORTH LAMAR: postponement request

Brian Bedrosian
Wed 1/17/2024 10:39 AM
To:Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>
Cc:Michele Rogerson Lynch <mlynch@mwswtexas.com>;'Steve W' <steven.ballston@gmail.com>;'Jason Burroughs'

External Email - Exercise Caution

Good Morning Cynthia.

Michele asked that I reach out to you and request that the hearing for 5555 North Lamar be postponed until the February 27th meeting. We were engaged late last year by the owners of this property and the board of the North Loop Neighborhood Plan Contact Team (NLNPCT - of which I serve as the Chair, Vice Chair Steve Wise is copied here) as well as the North Loop Neighborhood Association (NLNA - of which I serve as the VP, President Jason Burroughs copied here as well) were able to sit down and discuss this project in detail with them in late December. We scheduled a special meeting of the NLNPCT on January 9th where the owners, their design team, and around 50 neighbors met and discussed the project. After speaking with the neighbors following the meeting, they have requested that we have a follow up meeting to discuss this issue and make a formal decision which I can bring to you. As we had little time to prepare for the previous meeting and we want to give neighbors time to prepare for the next, we are planning to meet on February 13th (our regular meeting date is the 14th but are adjusting the date to avoid Valentine's Day). This will allow us to be able to testify at the meeting on February 27th after a formal vote on the 13th. We appreciate the owners patience and willingness to work with the neighborhood. We furthermore appreciate your consideration of this request for postponement as it will better allow the neighbors and the property owner to work out an agreement that best serves the neighborhood, the owners of the property, and the city at large.

I hope this finds you safe and warm and look forward to speaking soon. Please do reach out with any questions you might have. You are welcome to call my cell listed below.
Thank you for your time.
b

Brian
Bedrosian

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Road
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Suite 100
Austin Texas
78756

c. 512 203
4612