

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0162 (10601 N Lamar Blvd.)

DISTRICT: 4

ADDRESS: 10601 and 10601 1/2 N Lamar Blvd.

ZONING FROM: CS-NP, LO-NP and SF-3-NP

TO: CS-V-CO-NP

SITE AREA: 9.78 acres

PROPERTY OWNER: CSW 10601 N Lamar, LP

AGENT: Drenner Group, PC (Amanda Swor)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMEDATION:

Staff recommends CS-V-CO-NP, General Commercial Services-Vertical Mixed Use Building-Conditional Overlay-Neighborhood Plan Combining District, zoning. The conditional overlay will prohibit automotive washing (of any type), automotive repair services, automotive sales, drive-in services as an accessory use to a commercial use, and hotel-motel uses on this property.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 9, 2023: Granted staff's request for an indefinite postponement by consent (12-0); J. Connolly-1st, A. Woods-2nd.

October 24, 2023: Approved staff/applicant's indefinite request for postponement by consent (12-0, T. Shaw-absent); G. Anderson-1st, F. Maxwell-2nd.

April 9, 2024

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES:

An associated RCT case was filed for this property to terminate the restrictive covenant that was recorded in association with the 1977 zoning case no. C14-77-138. The applicant asked to remove the remaining conditions from the restrictive covenant for the larger 13.66 area so that development on this site can comply with current Code regulations. The Planning Commission recommended this case on October 24, 2023 and the City Council approved this restrictive covenant termination case on February 1, 2024 (*please see Area Case Histories below*).

The Long-Range Planning staff that is overseeing the ETOD process confirmed that these two properties are inside the ½ mile buffer of two ETOD station areas, Masterson Pass and Chinatown/Kramer), and are part of the future extensions to light rail transit envisioned as part of Project Connect.

However, these properties are not part of the current phase of work on the ETOD Overlay for City Council consideration on May 16, 2024. The City Council direction for this phase was to limit application to within a ½ mile of the Phase 1 Light Rail and Priority Extensions, resulting in only properties south of US 183 being recommended for application of ETOD and DB-ETOD at this time.

The staff anticipates a future phase of work on the ETOD Overlay with an expanded geographic area to be ready for Council consideration and adoption in Spring 2025.

CASE MANAGER COMMENTS:

The property in question is 9.78 acre area out of a larger 13.659 acre parcel that consists of a large commercial warehouse structure (Marketplace Austin), with retail/restaurant uses, numerous food trucks and an associated surface parking area. There is SF-2-NP zoning to the north, south and east of the site that is developed with single-family residences. To the west, across N. Lamar Boulevard, there is an automotive use, a restaurant use and a vacant commercial structure. The property fronts onto North Lamar Boulevard, a Level 3/arterial and ASMP designated transit priority roadway. North Lamar Boulevard is a metro rapid bus route/Orange Line (#275) and the property is located within the Masterson Pass and Chinatown/Kramer ETOD Station areas. There is a Capital Metro bus stop directly in front of this property.

The applicant is requesting a rezoning to create a comprehensive zoning designation for the entire parcel. The applicant plans to redevelop the site in multiple phases with the first phase of the project being a residential development on the existing surface parking lot with a future phase on the rear of the parcel. There is no immediate intent to redevelop the rear portion of the property.

As part of this rezoning request, the applicant is proposing a conditional overlay (CO) to mirror the CO for the remainder of the parcel. The CO will prohibit the following uses: automotive washing (of any type), automotive repair services, automotive sales, drive-in services as an accessory use to a commercial use, and hotel-motel on this property (*please see Applicant's Request Letter – Exhibit C*).

The Future Land Use Map (FLUM) in the North Lamar/Georgian Acres Combined Neighborhood Planning area designates this tract as Mixed Use. The proposed land use through proposed zoning change is considered Mixed Use. Therefore, a plan amendment is not required.

The staff recommends CS-V-CO-NP, General Commercial Services-Vertical Mixed Use Building-Conditional Overlay-Neighborhood Plan Combining District, zoning. The property in question meets the intent of the zoning district as it is located on and takes access to a level 3/arterial roadway and will provide for services to accommodate community wide needs. CS-C-CO-NP zoning will permit the applicant to redevelop this parcel with a mixture of uses, including residential uses, along a designated activity corridor that will serve this area of the city.

BASIS OF RECOMMENDATION:

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

General Commercial Services 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.

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.

Conditional Overlay 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.

Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *The proposed zoning should allow for a reasonable use of the property.*

CS-V-CO-NP zoning would allow for a fair and reasonable use of the site because by utilizing the 'V' overlay it would make it possible for the applicant to develop additional affordable residential units in this area along a Level 3/arterial roadway and activity corridor (North Lamar Boulevard Activity Corridor) as designated by the Imagine Austin Comprehensive Plan.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-NP, LO-NP and SF-3-NP	Commercial Warehouse (Marketplace Austin: Food Trucks, Marisco Tampico Restaurant, Latino Formal Wear, Jump Party USA, North Lamar Bingo)
<i>North</i>	SF-2-NP	Single-Family Residences
<i>South</i>	SF-3-NP, SF-2-NP	Single-Family Residences
<i>East</i>	SF-2-NP	Single-Family Residences
<i>West</i>	CS-V-CO-NP, CS-NP	Surface Parking, Automotive Repair (Texas Auto Tops of Austin), Restaurant (Chuy's), Vacant Commercial Building (Former BMW Sales Headquarters)

NEIGHBORHOOD PLANNING AREA: North Lamar/Georgian Acres Combined NP (North Lamar)

TIA: Deferred to the time of Site Plan

WATERSHED: Little Walnut Creek

SCHOOLS: Austin I.S.D.

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Friends of Austin Neighborhoods
Go Austin Vamos Austin – North
Homeless Neighborhood Association
Mockingbird Hill Neigh. Assn.
Neighborhood Empowerment Foundation
North Growth Corridor Alliance
North Lamar Neighborhood Association
North Lamar/Georgian Acres Neighborhood Team
SELTexas
Sierra Club Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-77-138(RCT) - 10601 N Lamar Blvd. RCT (10601 and 10601 1/2 N. Lamar Boulevard)	To terminate the restrictive covenant that was recorded with zoning case no. C14-77-138, and as amended in 1983, for a portion of the Property. This covenant places restrictions requiring a 10-foot pedestrian easement across the Property, a 15-foot no-build setback along rear adjacent property lines, and a 60- foot setback adjacent to the 15-foot setback	10/24/2023: Approved the staff's recommendation for the RCT by consent (12-0, T. Shaw-absent); G. Anderson-1st, F. Maxwell-2nd.	2/01/2024: The public hearing was conducted and a motion to close the public hearing and to grant the public restrictive covenant termination was approved on Council Member Harper-Madison's motion, Council Member Velasquez's second on an 11-0 vote.

	that allows only a street or open space. These regulations are inconsistent with other code regulations regarding compatibility setbacks and associated no build zones.		
C14-2016-0032 (Smithers RV Storage: 10400 North Lamar Boulevard)	GR-CO-NP to CS-NP	7/26/16: Approved staff's recommendation of CS-CO-NP zoning by consent (10-0, F. Kazi, A. Pineyro De Hoyos, J. Thompson-absent); S. Oliver-1 st , T. White-2 nd . The conditional overlay (CO) will limit development to less than 2,000 vehicle trips per day and will prohibit the following uses on the property: Alternative Financial Services, Agricultural Sales and Services, Bail Bond Services, Building and Maintenance Services, Campground, Construction Sales and Services, Equipment Repair Services, Kennels, Commercial Blood Plasma Center, Laundry Services, Monument Retail Sales, Vehicle Storage, Veterinary Services, Maintenance and Service Facilities, Equipment Sales and Exterminating Services.	8/11/16: Approved CS-CO-NP zoning on consent, 1 st reading (11-0); K. Tovo-1 st , L. Pool-2 nd . 9/22/16: Ordinance No. 20160922-049 for CS-CO-NP combining district zoning was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.
C14-2012-0023 (601 W. Applegate Drive)	LO-MU-CO-NP to GR-MU-NP	6/12/12: Approved staff recommendation to deny the requested zoning (6-1, A. Hernandez-No, D. Anderson and D. Chimenti-absent); M. Dealey-1 st , D. Tiemann-2 nd .	6/28/12 : Denied the rezoning request (7-0); B. Spelman-1 st , L. Morrison-2 nd .
C14-2010-0048 (North Lamar NP Rezoning)	CR-CO to LO-MU-CO-NP	5/11/10: Approved the staff's recommendation for LO-MU-CO-NP zoning, with condition to remove Art Gallery, Art Workshop, and Counseling Services as prohibited uses, for Tract 20 (ABS 29 SUR 38 Applegate J ACR .17, Lot 1 Block K Mockingbird Hill Section 1 Subdivision, Lot 2 Block K Mockingbird Hill Section 1	6/24/10: Approved the North Lamar Combined Neighborhood Plan, except for tract 32 (postponed to July 29, 2010), and tracts 134 and 135B, on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote. Approved the North Lamar Neighborhood Plan Combining District (NP) was approved on

		Subdivision, and 601 West Applegate Drive); Vote: (8-0, J. Reddy-absent); C. Small-1 st , M. Dealey-2 nd .	Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
C14-05-0163 (Landrum-4: 601 W. Applegate Drive)	SF-2 to GR* *The applicant amended their rezoning request to CR zoning on November 14, 2005	<p>10/18/05: Postponed to November 1, 2005 by the staff (9-0); J. Martinez-1st, J. Gohil-2nd.</p> <p>11/01/05: Postponed to November 15, 2005 by the applicant (9-0); J. Martinez-1st, J. Gohil-2nd.</p> <p>11/15/05: Case continued to January 17, 2006 ZAP Commission meeting (7-0, J. Gohil, J. Martinez – absent); M. Hawthorne-1st, T. Rabago-2nd).</p> <p>1/17/06: Postponed to January 31, 2006 at the applicant's request (9-0); J. Martinez-1st, J. Gohil-2nd.</p> <p>1/31/06: Approved CR-CO zoning with the following conditions: 1) Recreational Equipment Maintenance & Storage as the only permitted CR (Community Recreation) district use; 2) Permit SF-6 (Townhouse & Condominium Residence) district uses; 3) SF-6 (Townhouse & Condominium Residence) district site development standards; 4) Limit access to the driveway previously considered Motheral Drive (vacated Motheral Drive); 5) The applicant will provide a vegetative buffer along Applegate Drive; 6) The site shall be limited to less than 300 vehicle trips per day above the existing trip generation. Vote: (8-0, J. Gohil-absent)</p>	<p>3/02/06: Approved CR-CO zoning on 1st reading with the following additional restrictions: 18 foot height limitation, minimum of 6 foot solid fence around all four sides of the property with the additional provision that the fence along Applegate must be 10 feet off the north property line and must have landscaping in front of it, and driveway access would be from Motheral Drive (6-1, Kim-Nay); Alvarez-1st, Wynn-2nd</p> <p>4/20/06: Approved CR-CO zoning with conditions by consent (6-0, D. Thomas-off dais); 2nd/3rd readings</p>
C14-04-0209	CS-CO, CS to CS-1	3/01/05: Approved staff rec. of CS-1-CO with following conditions: Prohibit Adult Oriented Businesses, Liquor Sales, Cocktail Lounge, Vehicle Storage, Pawn Shop Services, Indoor Entertainment, Exterminating Services, Guidance Services; limit height to a maximum of 40 feet; limit development to 2,000 vtpd (8-0)	3/24/05: Approved CS-1-CO (7-0); all 3 readings

C14-03-0150 (Gilleland Zoning Change: 606 West Grady Drive)	SF-2 to CS* *Amended to 'GR' on 11/5/03	11/4/03: Approved staff's recommendation to deny CS, General Commercial Services District, zoning (9-0)	12/11/03: The motion to deny zoning request was approved (7-0); Slusher-1 st , McCracken-2 nd . The motion to approve reconsideration of this item was approved (7-0); Slusher-1 st ; Thomas-2 nd . This item was postponed to January 29, 2004 (7-0); Slusher-1 st , Wynn-2 nd 1/29/04: Denied request (4-0), Thomas/ Goodman-absent, McCracken-off dais)
C14-01-0116	LO to CS	1/22/02: Approved staff alternate rec. of CS-CO; w/conditions (8-0)	2/28/02: Approved CS-CO w/other conditions (6-0); all 3 readings: 1) Subject to TIA conditions; 2) Prohibiting the following uses: a) Automotive Washing (of any type) b) Commercial Off-Street Parking c) Convenience Storage d) Equipment Sales e) Funeral Services f) Kennels g) Monument Retail Sales h) Outdoor Sports and Recreation i) Residential Treatment j) Local Utility Services k) Service Station l) Campground m) Construction Sales and Services n) Equipment Repair Services o) Exterminating Services p) Hotel-motel q) Laundry Services r) Outdoor Entertainment s) Vehicle Storage t) Community Recreation (public) u) Community Recreation (private) v) Off-site Accessory Parking w) Drop-off Recycling Collection Facility 3) Prohibit Drive-in Service
C14-01-0037	MF-2, SF-3, SF-2 to NO-NP	4/17/01: Approved staff rec. of NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP (9-0)	5/24/01: Approved PC rec. on all 3 readings, except Tract 9 (1 st reading only); (6-0) 8/9/01: Approved CS-NP for Tract 9 (7-0); 2 nd /3 rd readings

RELATED CASES:

C14-77-138(RCT) - 10601 N Lamar Blvd. RCT – Restrictive Covenant Termination Case

C8-83-110.1P/F - Subdivision Case

SP-85-096 – Site Plan Case

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Cap Metro (within ¼ mile)
North Lamar Boulevard	Level 3	150 feet	100 feet	60 feet	Yes	No	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

Project Name and Proposed Use: 10601 N LAMAR BLVD. C14-2022-0162, 9.78 acres from CS-NP, LO-NP and SF-3-NP to CS-V-CO-NP. FLUM: Mixed Use. 107,396 sq ft of General Retail, Undeveloped to Commercial and create a unified zoning district on the Parcel as it looks to redevelop with future plans to add a residential use in the existing front parking lot

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: North Lamar Boulevard Activity Corridor
Y	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station (and along Metro Rapid Line)
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.
	Connectivity and Education: Located within 0.50 miles from a public school or university.
	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.)
	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 particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
7	Total Number of "Yes's"

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut 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 sq. ft. 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.

Fire

No comments.

Parks and Recreation

Parkland dedication will be required at the time of subdivision or site plan application for the new uses proposed by this rezoning, commercial with CS-V-CO-NP, per City Code § 25-1-601, as amended. In September 2022, PARD issued the applicants an Early Determination letter of the parkland dedication requirements, stating that land would be required. The proposed development, including the redevelopment of the entire Parcel, meets the criteria for land dedication in City Code Title 25, Article 14. As such, a partial land dedication will be required, as well as any remaining fees in-lieu.

The surrounding neighborhood area is currently park deficient, defined as being outside walking distance to existing parks. The development as proposed will require parkland dedication for the new uses that will serve the surrounding neighborhood through the additional park investment. The Parks and Recreation Department (PARD) would consider a new neighborhood park toward satisfying the requirement at time of permitting (whether subdivision or site plan). Such a park would improve neighborhood connectivity and satisfy

an acquisition need for a park deficient area, a recommendation identified 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).

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov.

Site Plan

General

A site plan will be required for any new development other than single-family, two-family or duplex residential.

Any new development is subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted.

This site will be subject to the multifamily density provisions in Sub. E 4.2.1.D.6.c.

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

Compatibility Standards

The site is subject to compatibility standards due to the adjacent SF-3-NP zoning to the N, S, and E, as well as SF-3-NP zoning within 540 ft. to the W. The following standards apply:

- No structure may be built within 25 feet of the property line of the compatibility-triggering property.
- No parking or driveways are allowed within 25 feet of the property line of the compatibility-triggering property.
- No structure in excess of two stories and 30 feet in height may be constructed within 50 feet of the property line of the compatibility-triggering property.
- No structure in excess of three stories and 40 feet in height may be constructed within 100 feet of the property line of the compatibility-triggering property.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-3-NP, the height is limited to 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the SF-3-NP property.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-3-NP, the height is limited to 60 feet plus one foot for each four feet of distance in excess of 300 feet from the SF-3-NP property.

- 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-NP property.
- Additional design regulations will be enforced at the time a site plan is submitted.

Demolition

In the event that demolition or relocation of existing buildings is proposed, the applicant is responsible for requesting demolition or relocation permits at the appropriate stage of the development process. The City Historic Preservation Office will review all proposed building demolitions and relocations. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Neighborhood Planning Area

This site is located in the North Lamar Combined Neighborhood Plan. Please see the City's [Neighborhood Plans and Resources webpage](#) for a copy of the recommended design guidelines.

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 150 feet of right-of-way for N Lamar Boulevard. It is recommended that 75 feet of right-of-way from the centerline should be dedicated according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Water Utility

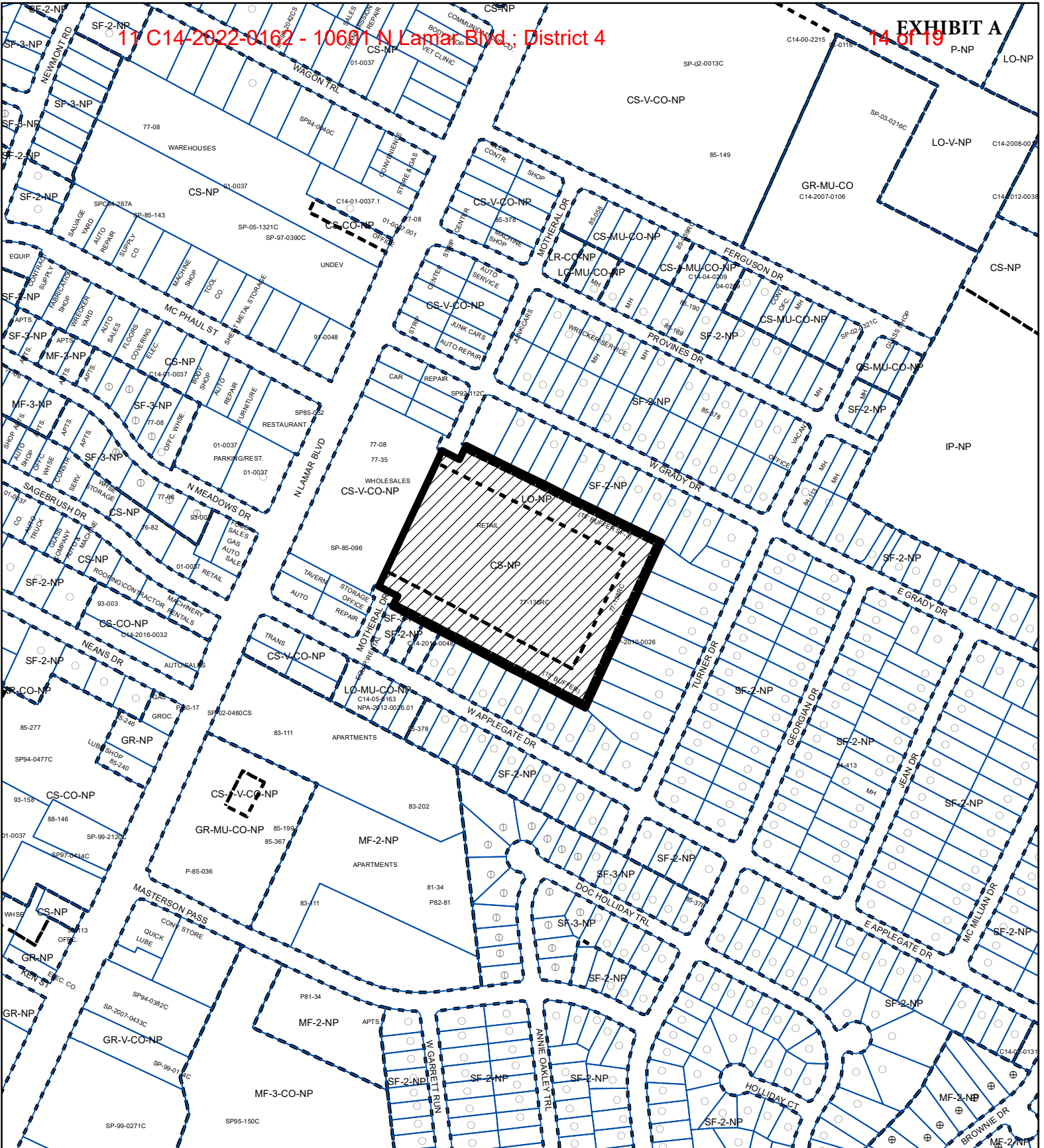
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

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.

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

INDEX OF EXHIBITS TO FOLLOW




- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Correspondence from Interested Parties



ZONING

ZONING CASE#: C14-2022-0162



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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.

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



Created: 11/9/2022

11 C14-2022-0162 - 10601 N Lamar Blvd - District 4



10601 N Lamar Blvd



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

ZONING CASE#: C14-2022-0162
LOCATION: 10601, 10601 1/2 N Lamar Blvd
SUBJECT AREA: 9.78 Acres
GRID: L31, M31
MANAGER: Sherri Sirwaitis



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Created: 12/13/2022

Amanda Swor
aswor@drennergroupp.com
512-807-2904



October 18, 2022

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: 10601 N Lamar Blvd. – 9.78-acre – Zoning application package for the approximately 9.78-acre portion of the property located at 10601 N Lamar Boulevard in Austin, Travis County, Texas (the “Property”)

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 10601 N Lamar Blvd. – 9.78-acre, the Property is a 9.78-acre portion of the 13.66-acre parcel known as 10601 N Lamar Boulevard (the “Parcel”), located on the east side of N Lamar Boulevard between W Applegate Drive and W Grady Drive. The Property is in the full purpose jurisdiction of the City of Austin. This application accompanies a restrictive covenant termination (RCT) application titled the 10601 N Lamar Blvd. RCT, associated with the Parcel from a 1977 zoning case (C14-77-138).

The Property is currently zoned CS-NP (General Commercial Services – Neighborhood Plan), LO-NP (Limited Office – Neighborhood Plan), and SF-3-NP (Single-Family Residence – Neighborhood Plan). The requested rezoning is from CS-NP, LO-NP, and SF-3-NP to CS-V-CO-NP (General Commercial Services – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan). Currently, the Property is developed with general retail uses and a surface parking lot.

The purpose of the rezoning is to create a comprehensive zoning designation for the entire Parcel, the Property is being rezoned by metes and bounds as a portion of a platted lot.. The approximately 3.88-acre western portion of the Parcel that fronts on N Lamar is currently zoned CS-V-CO-NP and consists of a large surface parking lot. As mentioned above, the intent of this rezoning is to create a unified zoning district on the Parcel as it looks to redevelop. The Parcel will redevelop in multiple phases with the first phase of the project being a residential development on the existing surface parking lot with a future phase on the rear of the Parcel. There is no immediate intent to redevelop the rear portion of the property.

With this rezoning we propose the implementation of a Conditional Overlay (“CO”) to mirror the CO for the remainder of the Parcel. The CO is proposed to restrict the following uses: automotive washing (of any type), automotive repair services, automotive sales, drive-in services as an accessory use to a commercial use, and hotel-motel.

October 18, 2022

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The Property is within the North Lamar Combined Neighborhood Planning Area, adopted on June 24, 2010. The future land use map designation for the entire Parcel is mixed use, which is consistent with the requested zoning. Attached is a memo from Maureen Meredith on September 20, 2022, confirming that a plan amendment application is not required.

A Traffic Impact Analysis ("TIA") is not required, per the attached TIA determination waiver dated October 4, 2022, and executed by Justin Good.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very Truly Yours,



Amanda Swor

cc: Sherri Sirwaitis, Housing and Planning Department (*via electronic delivery*)
Joi Harden, Housing and Planning Department (*via electronic delivery*)
Jerry Rusthoven, Housing and Planning Department (*via electronic delivery*)

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 participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>.



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

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

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

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

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2022-0162

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 9, 2023, Planning Commission

Will Evans & Susanna Kaufman

Your Name (please print)

200 W Applegate Dr ATX 78753

Your address(es) affected by this application (optional)

[Signature]

Signature

5/6/23

Date

☐ I am in favor
☒ I object

Daytime Telephone (Optional): _____

Comments: we are not in favor of vertical use
modifications for business purposes (or condos)
we would like to keep the neighborhood as
family & residential focused as possible.

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

City of Austin, Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov

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 participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>



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Case Number: C14-2022-0162

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 9, 2023, Planning Commission

Mike Abdel

Your Name (please print)

10501 W. Lamar Blvd Austin 78753

Your address(es) affected by this application (optional)

10501 W. Lamar Blvd Austin, TX 78753

Signature

Date

Daytime Telephone (Optional):

m. abdel

05-05-23

Comments:

(512) 832-1002

I am Resident 10501 W. Lamar 33 Years
 I have Business Auto Electric for 33
 Years I do have drainage problem anytime rain
 my property is flood water All come from the
 Telamarket parking lot I never ever fix it
 all water come to my shop there is no drainage
 on parking lot first owner have to fixed the
 drainage flood water.

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

City of Austin, Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov