ZONING CHANGE REVIEW SHEET

CASE: **C14-2024-0076** – Allandale Car Wash Redevelopment DB90 Rezoning DISTRICT: 7

ADDRESS: 7320 Burnet Road

ZONING FROM: CS-MU-V-CO TO: CS-MU-V-CO-DB90

SITE AREA: 1.4396 acres

PROPERTY OWNER: Seamless GCW, GP, Ltd. (Joe Warnock)

AGENT: Armbrust & Brown, PLLC (Michael J. Whellan)

CASE MANAGER: Marcelle Boudreaux (512-974-8094, marcelle.boudreaux@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – mixed use - vertical mixed use building – conditional overlay - neighborhood plan (CS-MU-V-CO-DB90) combining district zoning.

The Conditional Overlay prohibits the following uses: Adult-oriented businesses, Alternative Financial Services, Bail Bond Services, Construction Sales & Services, Custom Manufacturing, Kennels, Limited Warehouse and Distribution, Maintenance and Service Facilities, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop, Service Station (gas), Theater, Vehicle Storage

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

June 18, 2024:

CITY COUNCIL ACTION:

July 18, 2024:

ORDINANCE NUMBER:

ISSUES:

In December 2023, Ordinance No. 20220609-080, Ordinance No. 20221201-056 and Ordinance No. 20221201-055 were invalidated. On March 11, 2024, Ordinance No. 20240229-073, was enacted to create the "DB90" combining district, which amended City

Code Title 25 (Land Development) to create a new zoning district for a density bonus program that grants 30 feet in height above the base zoning district, to a maximum of 90 feet, and modifies site development regulations including compatibility standards. Subsequently, the applicant submitted this new rezoning application to request the -DB90 combining district.

The conditions establishing prohibited uses in the Conditional Overlay for case number C14-2023-0077 are continued to be recommended in this new rezoning, as requested by the applicant. The Conditional Overlay cannot be modified to include a height restriction, as requested by the applicant.

Zoning and Platting Commission Previous Action

October 17, 2023: *TO GRANT CS-MU-V-CO, WITH ADDITIONAL PROHIBITED USE BY STAFF, ON CONSENT*

[B. GREENBERG; A. FLORES – 2ND] (10-0) C. ACOSTA – ABSENT

October 3, 2023: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO OCTOBER 17, 2023*

[A. FLORES; D. FOUTS – 2ND] (10-0) C. ACOSTA – ABSENT

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

[B. GREENBURG; A. FLORES – 2ND] (8-0) S. BOONE, C. THOMPSON - ABSENT

September 5, 2023: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO SEPTEMBER 19, 2023*

[L. STERN; D. FOUTS – 2ND] (8-0). A. FLORES, H. SMITH, R. JOHNSON – ABSENT; ONE VACANCY ON THE DAIS.

City Council Previous Action

November 30, 2023: *Approved CS-MU-V-CO combining district zoning as Platting and Zoning Commission recommended with staff amendment for prohibited use. VOTE: 10-0, Council Member R. Alter absent.*

Prior Rezoning Case C14-2023-0077
Ordinance No. 20231130-104, approved November 30, 2023

CASE MANAGER COMMENTS:
The subject property is located at 7320 Burnet Road and is zoned general commercial services (CS). Currently there is an Automotive Washing use (self-service car wash) on one tract that consists of 1.44 acres. The tract takes frontage on Burnet Road. There are Restaurant, Building Maintenance Service, and Automotive Repair Service uses to the north (CS-1; CS). Single family homes are to the west with frontage on Daugherty Street (SF-2). To the south are Administrative and Business office, Restaurant, and Hospital Services

(Limited) (CS). Commercial businesses are directly to the east, across and with frontage on Burnet Road (CS-V-CO-NP; CS-CO-NP). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial).***

The applicant is requesting general commercial services – mixed use – vertical mixed use building – conditional overlay - density bonus 90 (CS-MU-V-CO-DB90) combining district for a proposed development that would include multi-family units requiring an affordable component. A building constructed under density bonus 90 (–DB90) standards allows for a mix of residential uses and commercial uses, and the result is typically retail, restaurants and offices on the ground floor, and residential units on upper levels. The overall project would consist of approximately 300 multifamily units and mix of uses.

A development utilizing the "density bonus 90" incentives is permitted with a base CS district, and must include an affordability component for residential use in order to obtain incentives, including height maximum of 90 feet in the CS district (60 feet base plus 30 feet incentive) and relaxation of development and compatibility standards, such as FAR, setbacks and building coverage. There are several methods of satisfying DB90 development affordability requirements. There are two options for projects including rental units:

1) a minimum of 12% of the rental units in a building are affordable for a 40-year period for households earning 60% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or
2) a minimum of 10% of the rental units are affordable for a 40-year period as described above for households earning 50% or less MFI.

There are two options of satisfying DB90 development affordability requirements which include ownership units:

1) a minimum of 12% of the rental units in a building are affordable for a 40-year period for households earning 80% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or
2) an in-lieu-fee payment to the Housing Trust Fund, equivalent to the required percentage of the total residential units, including the mix of bedrooms required, at the rate set in the fee schedule at the time of final site plan submission.

A similar rezoning request was previously approved for this property by the Zoning and Platting Commission and City Council. However, the Court's ruling invalidated the bonuses authorized for a "VMU2" building. The analysis and basis for recommendation for the previous -V combining district is the same for this rezoning request to add the -DB90 combining district.

BASIS OF RECOMMENDATION:

1. *The rezoning should be consistent with the policies and principles adopted by the City Council.*

   City Council has provided policy and direction for having more residential density and increased affordability, as well as incentivizing vertical mixed use buildings throughout the City. City Council previously approved rezoning this property to allow for vertical

mixed-use buildings. This request is consistent with the "VMU2" option and Ordinance No. 20240229-073 (new DB90), which replaced the invalidated "VMU2" option.

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

The general commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

Mixed Use combining district (MU) is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

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 proposed density bonus 90 (DB90) combining district, in exchange for providing affordable housing units and in combination with commercial base zoning districts, allows a mixture of office, retail, commercial, and residential uses with modifications of compatibility standards and site development regulations including increased building height.

3. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

This rezoning authorizes a property to participate in a voluntary density bonus or incentive program that provides modifications to development regulations or other regulatory-related benefits in exchange for community benefits. In exchange for increased development potential, the development is required to comply with affordable housing requirements.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-MU-V-CO	Automotive washing
North	CS; CS-1	Restaurant, Building Maintenance Service, and Automotive Repair Service
South	CS	Administrative and Business office, Restaurant, and Hospital Services

East	CS-V-CO-NP; CS-CO-NP	Commercial businesses
West	SF-2	Single-family residences

NEIGHBORHOOD PLANNING AREA: N/A

WATERSHED: Shoal Creek - Urban

CAPITOL VIEW CORRIDOR: No SCENIC ROADWAY: No

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

COMMUNITY REGISTRY LIST:
Allandale Neighborhood Association, Austin Independent School District, Neighborhoods Council, Friends of Austin Neighborhoods, Homeless Neighborhood Association, Lower District 7 Green, NW Austin Neighbors, Neighborhood Empowerment Foundation, North Austin Neighborhood Alliance, Shoal Creek Conservancy, Crestview Neighborhood Association, Crestview Neighborhood Plan Contact Team,

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2023-0077 – Allandale Car Wash, 7320 Burnet Road	CS to CS-MU-V	To Grant CS-MU-V-CO, with add'l prohibited uses recommended by Staff (10/17/2023)	Apvd as Commission recommended (11/30/2023)
C14-2023-0048 – 7500 Burnet Road	CS to CS-MU-V	Scheduled for hearing	
C14-2021-0044– 7113 & 7115 Burnet Road	LO-CO-NP, CS-1-CO-NP and CS-CO-NP to MF-6-CO-NP	To Grant MF-6-CO-NP, to Deny staff recommendation of MF-4-CO-NP, with CO for development standards (6/8/2021)	Apvd as Commission recommended (7/29/2021)

RELATED CASES:
Site plan - SP-2024-0050C

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning
Project Name and Proposed Use: 7320 BURNET ROAD. C14-2024-0076. Project: Allandale Car Wash DB90 Rezoning. 1.4396 acres from CS-MU-V-CO to CS-MU-V-DB90-CO. Existing: car wash. Proposed: indicated as to be determined, with potential for a convenience

storage project, or a mixed-use project as described by applicant. Conditional overlay limits height to 85 ft. If DB90 were granted, the following matter would apply--Density Bonus 90 Combining District (Ordinance No. 20240229-073), which sets affordability minimums on ownership and rental units, and further allows for an increase of up to 30 ft in height above the base zone allowance, with a maximum limit of 90 feet in total height. DB90 additionally releases the site from some base zoning district development standards, including maximum floor area ratio. Note that the undetermined nature of this proposal results in insufficient information for the determination of the Housing Choice, Housing Affordability and Mixed-Use measures in this review.

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 *:** • **Along Burnet Road Activity Corridor**
Y	**Mobility and Public Transit ***: Located within 0.25 miles of public transit stop and/or light rail station. • **0.02 miles from bus stops along Burnet Rd; 0.24 miles from rapid bus stop along Burnet Rd**
Y	**Mobility and Bike/Ped Access *:** Adjoins a public sidewalk, shared path, and/or bike lane. • **Sidewalk present along Burnet Rd**
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.
	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. • **0.5 miles to Beverly S. Sheffield Northwest District Park**
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.) • **Urgent Care Center located 0.09 miles away along Burnet Rd**
	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.
	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	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**
7	**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 Colorado River 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 residential uses proposed by this development, multifamily with CS-MU-V-DB90 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 § 25-1-609.

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.

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 in an 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.

There is a site plan currently under review for this property (SP-2024-0050C).

DB90 Rezoning
This site must meet affordability minimums to be eligible for DB90. A signed approval letter from the Housing Department will be required with site plan submittal.

Burnet Road is the Principal Street for this site. Any buildings fronting this street will be required to have 75% of the ground floor as commercial uses.

This site is adjacent to a site that contains one to three dwelling units and is zoned SF-5 or more restrictive. A compatibility buffer 25' in width, designed to 25-8-700 and 25-2-652(G) will be required.

Austin Fire Department
No Comments.

Austin Transportation Department – Engineering Review
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 according to the ASMP with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

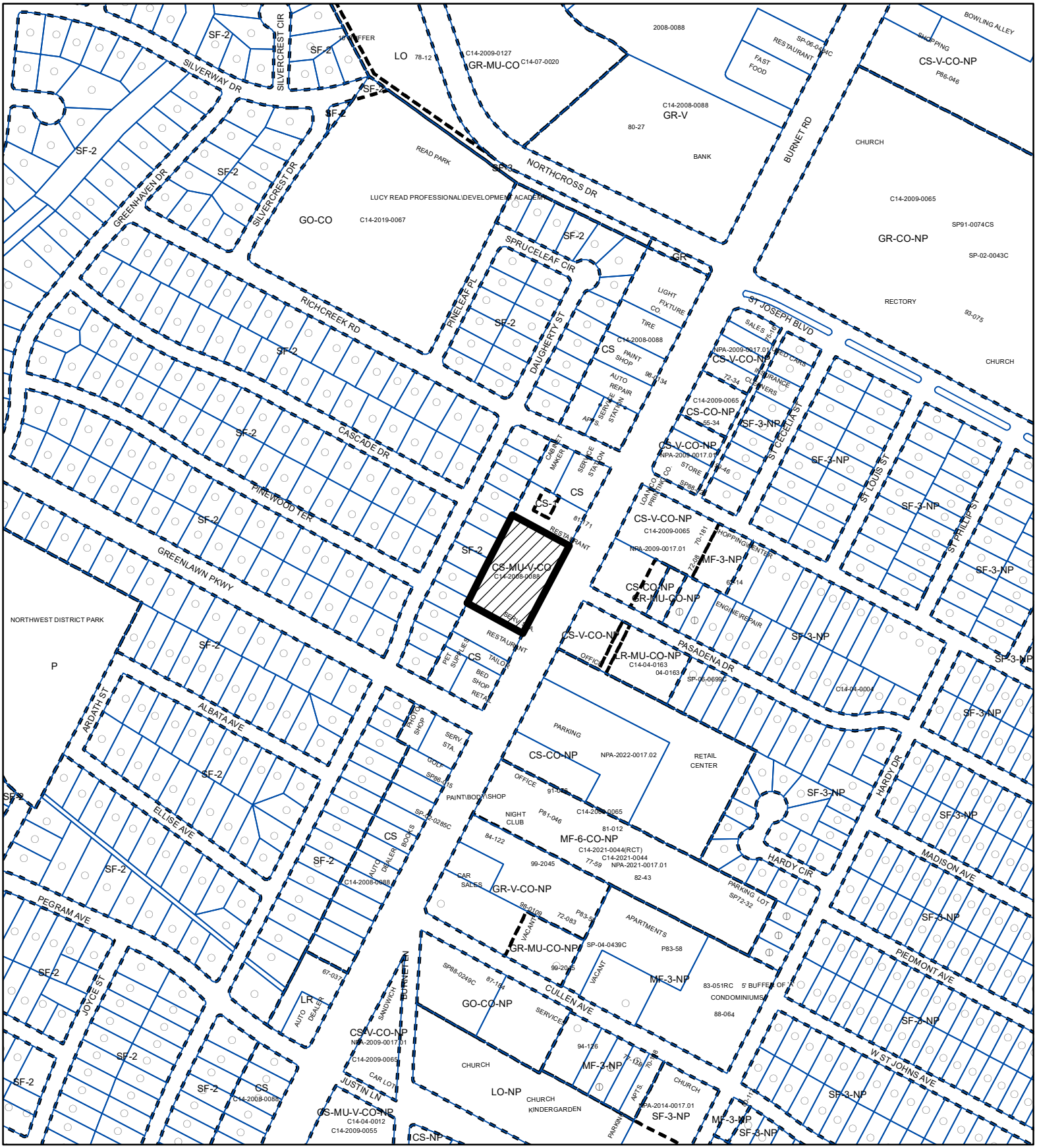
The adjacent street characteristics table is provided below:

Name	**ASMP Classification**	**ASMP Required ROW**	**Existing ROW**	**Existing Pavement**	**Sidewalks**	**Bicycle Route**	**Capital Metro (within ¼ mile)**
Burnet Rd	Level 3	120'	118'	57'	Yes	No	Yes

Austin Water Utility
No Comments.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map
Exhibit A-1: Aerial Map
Exhibit B: Applicant's Summary Letter



ZONING

ZONING CASE#: C14-2024-0076

N

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

CITY OF AUSTIN FOUNDED 1839

Created: 5/6/2024

Allandale Car Wash DB90 Rezoning

N

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

CASE#:	C14-2024-0076
LOCATION:	7320 Burnet Rd
SUBJECT AREA:	1.4396 Acres
GRID:	J29
MANAGER:	Marcelle Boudreaux

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Created: 5/28/2024

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

May 1, 2024

Joi Hardin, Interim Zoning Officer
Housing and Planning Department
City of Austin
1000 E. 11th St.
Austin, Texas 78704

Subject: Rezoning for 7320 Burnet Rd. (the "Property")

Dear Ms. Hardin,

On behalf of Seamless GCW Ltd. (the "Applicant"), I request that the city rezone the Property to include the Density Bonus 90 Combining District ("DB90"), with a conditional overlay limiting the height to 85 ft.

Council recently adopted Ordinance No. 20240229-073, which created DB90 as a successor to the invalidated Vertical Mixed-Use 2 program and which initiated rezoning to DB90 for property that Council "rezoned to allow for one or more VMU buildings after June 10, 2022, but before February 29, 2024."

The Applicant is requesting DB90 zoning for a parcel that meets this criterion.

The Applicant previously sought – and Council granted – rezoning for the Property from CS to CS-MU-V-CO, in Case No. C14-2023-0077 (known as the "Allandale Car Wash Redevelopment" case). I have summarized the relevant decision points from that case below:

- June 12, 2023: Applicant applies to rezone the Property to Vertical Mixed-Use ("VMU").
- October 17, 2023: Zoning and Platting Commission recommends approval of rezoning.
- November 30, 2023: Council approves Ordinance No. 20231130-104 rezoning the Property for VMU.

I have attached the relevant staff report and ordinance for the rezoning case described above. The Applicant also requests maintaining the existing conditional overlay that they previously negotiated with city staff and the neighborhood in Ordinance No. 20231130-104.

The same rationale from that VMU case applies to this request for DB90.

Additionally, as noted during the prior rezoning case, the current macroeconomic environment has made financing more difficult and is increasing uncertainty. To that end, the Applicant has a potential site plan in review for a possible convenience storage project (and has reflected that in this rezoning application) – though they want to maintain the ability to shift back to a mixed-use project if one becomes feasible. We wanted to be transparent about and acknowledge this macroeconomic uncertainty; the application accordingly includes information on both potential future projects.

It is important to note that the Applicant will only be able to participate in the DB90 program if they develop a mixed-use project, given the program's requirement for upper-floor residential uses. DB90 would not be applicable to a convenience storage project. Thus, this rezoning request would encourage the Property to redevelop with a mix of

uses and affordable housing, to the extent that the current macroeconomic environment would support such a project.

I appreciate the city's commitment to meeting its housing and transit goals, and to expeditiously creating DB90 as a successor to the former VMU2 program. Please do not hesitate to contact me if you have any questions or need further details about this request.

Respectfully,

Michael J. Whellan