

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0069 (AM Station)

DISTRICT: 1

ZONING FROM: GR-MU-CO

ZONING TO: CS-MU-DB90-CO
(as amended)

ADDRESS: 7000, 7008 and 7010 Johnny Morris Road SITE AREA: approximately 17.31 acres
(approximately 754,023 square feet)

PROPERTY OWNER: Arabon Real Estate, LLC

AGENT: Thrower Design, LLC (Ron Thrower and Victoria Haase)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

STAFF RECOMMENDATION:

Staff does not support granting CS-MU-DB90-CO on the subject tract and staff does not offer an alternative recommendation. The current zoning of GR-MU-CO is appropriate zoning for the subject tract.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

October 1, 2024: Case is scheduled to be heard by Zoning and Platting Commission

CITY COUNCIL ACTION:

TBD

ORDINANCE NUMBER:

N/A

ISSUES:

N/A

CASE MANAGER COMMENTS:

The subject tract is approximately 17.31 acres on the west side of Johnny Morris Road approximately 1,000 feet north of the intersection of Johnny Morris Road and Loyola Lane. The tract is undeveloped except for 3 radio towers. To the north, are ten single family homes constructed in the mid-2010s by Habitat for Humanity, and two vacant lots, the Walnut Creek Hike and Bike Trail an associated greenspace. To the east, are four single family homes on Craybrough Circle constructed in the mid-1970s. To the south, are two apartment complexes, the Bridge at Loyola (HACA) (4-story apartments) constructed in 2022, and Park Place at Loyola Apartments (3-story apartments) constructed in 2008. To the west, is the Walnut Creek Hike and Bike Trail an associated greenspace. Staff noted that the tract is serviced by CapMetro Route 233 Decker/Daffan Lane local bus service which has a northbound stop across the street from the subject tract. The closest southbound stop is ½ mile from the subject tract in front of the Park Place at Loyola Apartments.

The tract is on Johnny Morris Road which is identified as an ASMP Level 3 roadway. Currently it is a two-lane road, however the Transportation and Public Works Department indicates that it is slated for completion of missing sidewalks, two additional travel lanes, raised medians, and all ages and abilities bicycle facilities.

The tract is within 1,000 feet of Loyola Lane an Imagine Austin Activity Corridor and a majority of the site falls within the Colony Park Station Imagine Austin Activity Center. However, staff notes that the location of the Colony Park Green Line station has shifted further to the northeast, north of the Colony Park Planned Unit Development. Staff also laments that there is not greater connectivity east to the Colony Park Sustainable Community, which is under development, and to the west across Walnut Creek toward Manor Road and LBJ High School.

The applicant is requesting general commercial services - mixed use - density bonus 90 (CS-MU-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.

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.

BASIS OF RECOMMENDATION:

No change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/ or development restrictions for the property.

The subject tract was rezoned in 2021 through C14-2021-0031 (Johnny Morris Rezone 2). There have not been any changes in conditions within the area indicating that there is a basis for changing the zoning from when it was rezoned just three years ago.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors – and - Zoning changes should promote an orderly relationship among land uses.

There is no CS base zoning anywhere on Johnny Morris Road. If there was it would make sense for it to be at a major intersection, not midblock. LR- and GR- base zones are found that the major intersections. It does not make sense to have less intense zoning at major intersections and more intense zoning mid-block – that is not an orderly relationship among land uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-MU-CO	Undeveloped except for 3 radio towers.
<i>North</i>	SF-4-A and P	Ten single family homes constructed in the mid-2010s by Habitat for Humanity, and two vacant lots, the Walnut Creek Hike and Bike Trail an associated greenspace.
<i>South</i>	GR-MU-CO and MF-3-CO	The Bridge at Loyola (HACA) (4-story apartments) constructed in 2022, and Park Place at Loyola Apartments (3-story apartments) constructed in 2008.
<i>East</i>	SF-2	Four single family homes on Craybrough Circle constructed in the mid-1970s.
<i>West</i>	P	The Walnut Creek Hike and Bike Trail an associated greenspace.

NEIGHBORHOOD PLANNING AREA: Not in a neighborhood planning area

WATERSHED: Walnut Creek Watershed

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Jordan Elementary School

Dobie Middle School

LBJ High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Colony Park/Lakeside Community Development Corp, Del Valle Community Coalition, Friends of Austin Neighborhoods, Friends of Northeast Austin, Homeless Neighborhood Association, L.B.J. Neighborhood Association, Neighborhood Empowerment Foundation, Neighbors United for Progress, SELTexas, Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2023-0140 (Northeast Service Center)	City of Austin is proposing to zone approximately 132.154 acres from I-RR to P	06.18.24 (ZAP): The motion to grant Staff’s recommendation of P District Zoning was approved on the consent agenda.	09.12.24: The motion to approve P District Zoning was approved on all 3 readings.

C14-2021-031 (Johnny Morris Rezone 2 – Includes subject tract)	Applicant proposes to rezone 13.45 acres from SF-2 to GR- MU	05.04.2021 (ZAP): To forward to Council w/o a recommendation due to lack of an affirmative vote.	07.29.2021: To approve GR- MU-CO as on 1 st reading on 2 nd and 3 rd readings.
C14-2021-0087 (CKB Johnny Morris)	Applicant proposes to rezone 22.114 acres from LI- CO to GR- MU-CO	07.06.2021 (ZAP): Approved GR-MU-CO w/CO prohibiting the following uses: auto rentals / repair / sales, washing; exterminating services, pawn shop services, bail bond services, drop-off recycling collection facility, off-site accessory parking, pedicab storage and dispatch, service station, and custom manufacturing; and drive-in service is prohibited as an accessory use to all commercial uses, as Staff recommended.	09.30.2021: Approved on 2 nd and 3 rd readings GR-MU-CO with a prohibition on drive- through services as an accessory to restaurant use.
C14-2018-0117 (Loyola Lofts)	Applicant proposes to rezone approximately 12.669 acres from LR and SF-3 to CS- MU	07.06.2021 (ZAP): Approved GR-MU-CO w/CO for list of prohibited uses and a 2,000 daily vehicle trip limit. Note: The Applicant clarified that the potential 5% variance for the allocation of income- restricted units will not apply to the 6 market rate units that will be provided.	01.31.2019: Approved GR- MU-CO as ZAP recommended on all 3 readings.

RELATED CASES:

SP-2024-0204C: The applicant is proposing a warehouse and office development along with associated improvements.

C14-2021-0031: Johnny Morris Rezone 2, includes the subject tract, applicant proposes to rezone 13.45 acres from SF-2 to GR-MU (see area case histories)

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

Project Name and Proposed Use: 7010 JOHNNY MORRIS ROAD. C14-2024-0069. Project: AM Station. 17.31 acres from GR-MU-CO to CS-MU-DB90-CO. Existing: vacant. Proposed: office (32,500 sf) and warehouse (129,984 sf). Note that applicant is seeking DB90 in anticipation of eventual residential development on a portion of the property, but residential units are not proposed in the current site plan. Therefore, relevant complete community measures including housing choice and housing affordability cannot be indicated at this time. Also note that the Southern Walnut Creek Trail- Loyola Entrance is 0.6 miles away, just beyond the threshold for fulfilling the connectivity and healthy living measure. Proposal seeks 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.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures *	
Y	<p>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 *:</p> <ul style="list-style-type: none"> • Located within Colony Park Station Neighborhood Center; 0.17 miles from Loyola Lane Activity Corridor
Y	<p>Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station.</p> <ul style="list-style-type: none"> • Adjacent to bus stop on Johnny Morris Rd
Y	<p>Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane.</p> <ul style="list-style-type: none"> • Sidewalk present on opposite side of Johnny Morris Rd
	<p>Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.</p>
	<p>Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.</p>
Y	<p>Connectivity and Education *: Located within 0.50 miles from a public school or university.</p> <ul style="list-style-type: none"> • 0.2 miles to Barbara Jordan Elementary School
	<p>Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail.</p>
	<p>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.)</p>
	<p>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.</p>
	<p>Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.</p>
	<p>Mixed use *: Provides a mix of residential and non-industrial uses.</p>

	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
5	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:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.
2. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

3. According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. 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.

6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.
7. 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 on rezoning

PARD – Planning & Design Review:

PR1: Parkland dedication will be required for the new residential units proposed by this development, multifamily with CS-MU-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.

The proposed development is adjacent to the Southern Walnut Creek Greenbelt. Additional connectivity to the greenbelt may be required, consistent with the criteria described in § 25-1-603.

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.

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. At the applicant's request, PARD can provide an early determination letter of the requirements as stated in this review.

Site Plan:

- SP 1. Site plans will be required for any new development other than single-family or duplex residential.
- SP 2. 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.
- SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use.

Additional comments will be made when the site plan is submitted.

Transportation and Public Works (TPW) Department – Engineering Review:

TPW 1. Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. The traffic impact analysis for

this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

TPW 2. The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for JOHNNY MORRIS RD. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for JOHNNY MORRIS RD according to the Transportation Plan 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)
JOHNNY MORRIS RD	Corridor Mobility - Level 3	116 feet	97 feet	27 feet	No	Wide Curb Lane (on-street)	Yes

TIA: The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113]

Austin Water Utility:

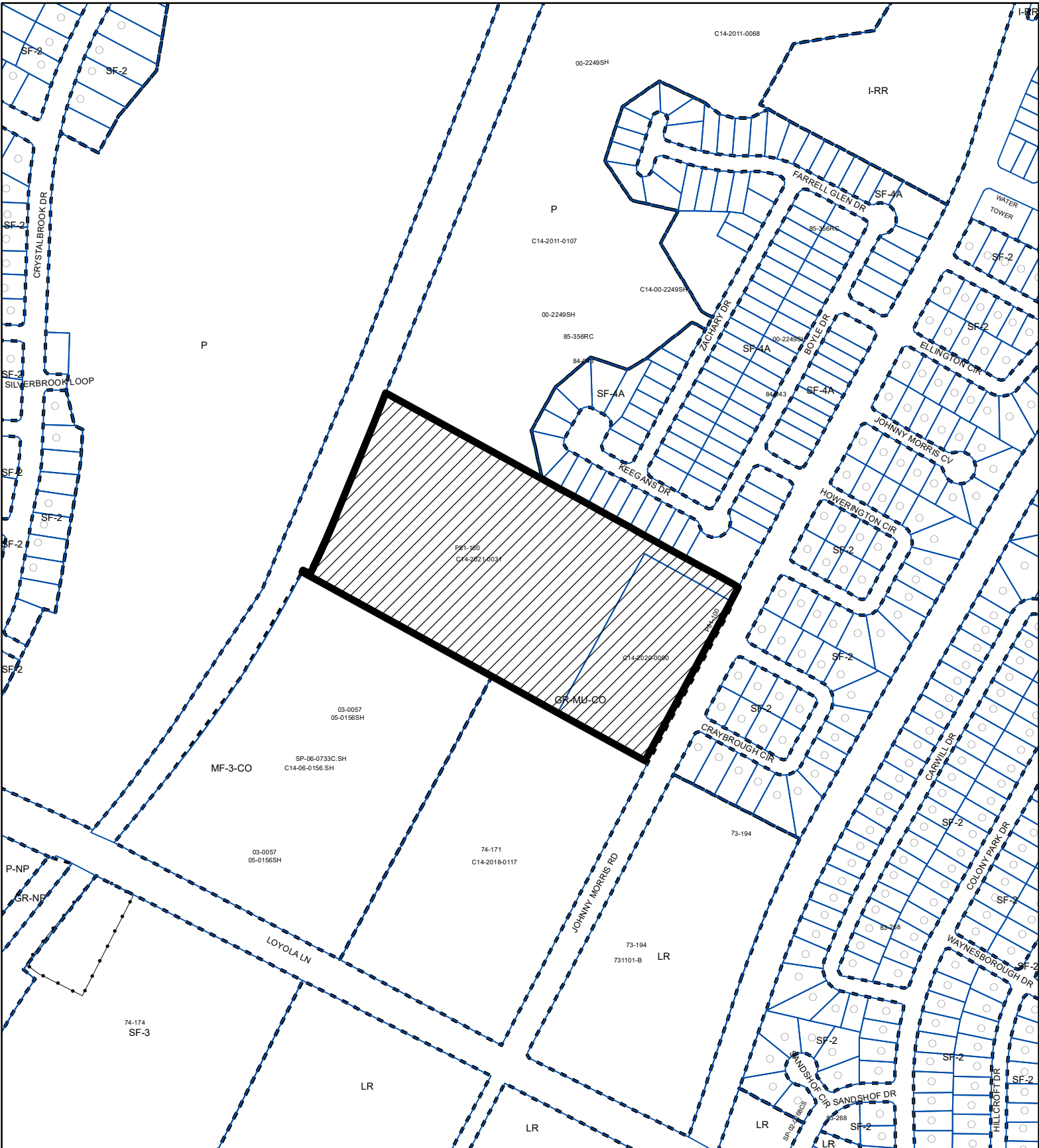
AW1. No comments on zoning change.

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

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.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:




- A. Zoning Map
- B. Aerial Map
- C. Applicant’s Summary Letter



ZONING

ZONING CASE#: C14-2024-0069



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

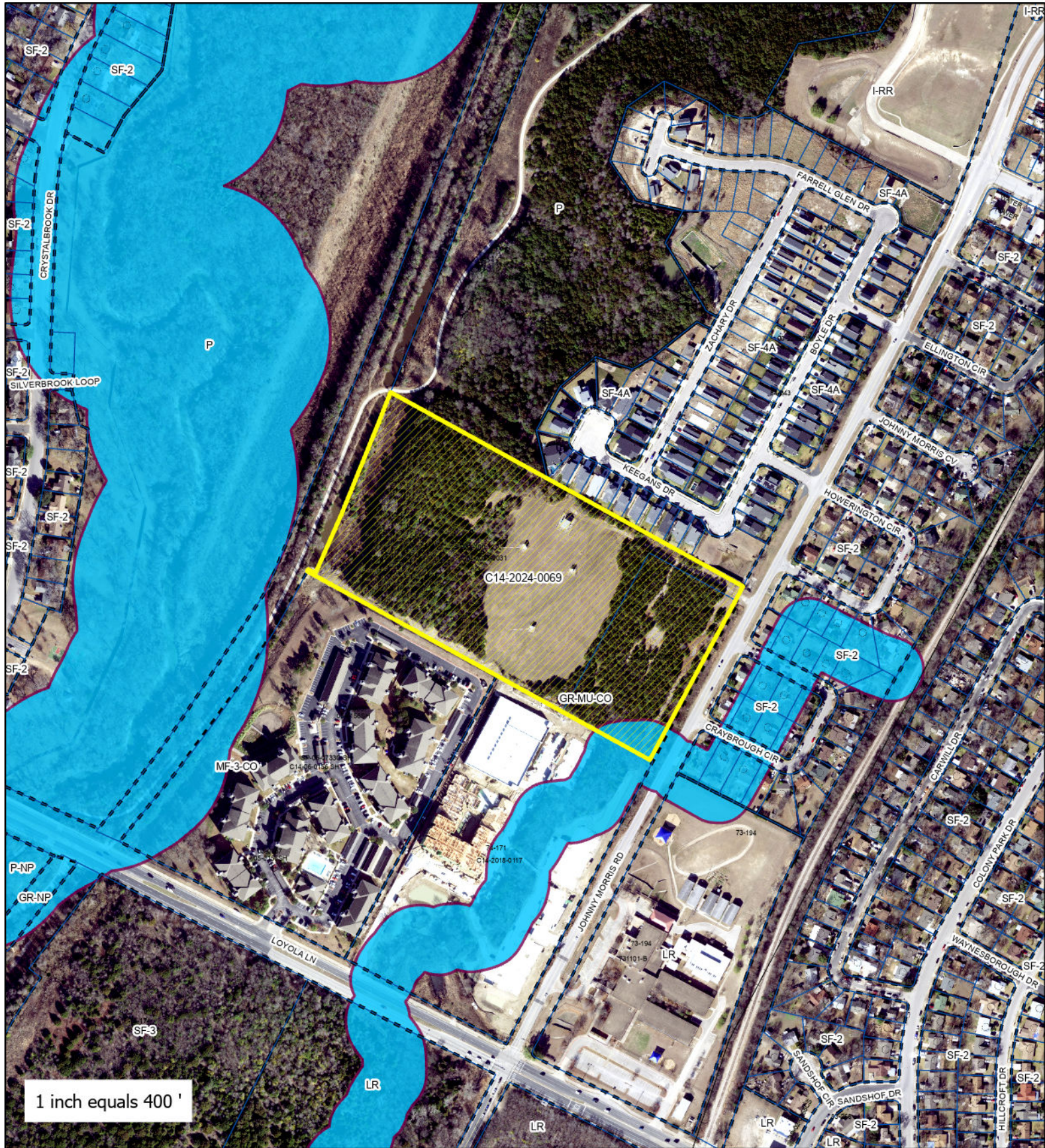
1" = 400'

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.







Created: 4/25/2024



1 inch equals 400'



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

AM Station

ZONING CASE#: C14-2024-0069
 LOCATION: 7008, 7010 Johnny Morris Rd.
 SUBJECT AREA: 17.31 Acres
 MANAGER: Jonathan Tomko



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Created: 8/6/2024

April 9, 2024 - Amended 5/9/2024

Mrs. Lauren Middleton-Pratt
Director, Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: Rezoning Application – “AM Station Rezoning”

Dear Mrs. Middleton-Pratt:

On behalf of our client, Arabon Real Estate, LLC, we submit the rezoning application herein for the properties located at 7008 & 7010 Johnny Morris Road. The properties are 2 legally platted lots – Lot 1 of the Worley and Barton Subdivision, and Lot 1, Block A of the AM Station Subdivision, both located in District 1, represented by Council Woman Natasha Harper-Madison. Neither property is in a Council Adopted Neighborhood Planning Area and therefore a Future Land Use Map does not apply.

Both properties have GR-MU-CO-NP zoning, and each property has specific conditional overlay associated per Ordinance No.20201210-074 (7008 Johnny Morris) & Ordinance No. 20210729-168 (7010 Johnny Morris). The request is to rezone both properties (17.31 acres) to CS-MU-DB90-CO, with the Conditional Overlays retained. Doing so will allow a greater variety of uses, similar to Springdale General, to serve the adjacent neighborhoods and the arts community and is supported by local neighbors. A site plan to this effect is underway and will be submitted to the City of Austin by early May 2024.

Additionally, and pursuant to Ordinance 20240229-073, adopted by the Austin City Council on February 29, 2024, with an effective date of March 11, 2024, the City of Austin is directing additional housing development in areas of Austin where appropriate through the DB90 Overlay. While residential uses are not proposed with the current site plan, the back half of the property is

slated for eventual residential development and our position is that this project meets the requirements to receive the DB90 Overlay.

We respectfully request support for the requests made. Please contact our office should you have need for additional information. Thank you for your time and attention to this application.

Kind regards,

A handwritten signature in black ink, appearing to read 'Victoria Haase', with a stylized, cursive script.

Victoria Haase

www.throwerdesign.com

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