

## **ZONING CHANGE REVIEW SHEET**

CASE: **C14-2025-0012** – Airport & Koenig Tracts DB90 Rezoning – Parcel D

DISTRICT: 4

ADDRESS: 701 and 703 E. 55<sup>th</sup> Street

ZONING FROM: CS-V-CO-NP

TO: CS-V-CO-DB90-NP

SITE AREA: 1.08 acres

PROPERTY OWNER: River City Partners, Ltd. (T.J. Schultz)

AGENT: Dubois Bryant & Campbell, LLP (David Hartman)

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

### STAFF RECOMMENDATION:

**The Staff recommendation is to grant general commercial services –vertical mixed use building – conditional overlay - density bonus 90 - neighborhood plan (CS-V-CO-DB90-NP) combining district zoning.**

**The Conditional Overlay prohibits the following uses: Adult Oriented Business and Pawn Shop Services.**

**The Conditional Overlay makes the following uses conditional: Agricultural Sales and Services, Campground, Construction Sales and Services, Equipment Repair Services, Kennels, Commercial Blood Plasma center, Convenience Storage, Equipment Sales, Vehicle storage, and Automotive Sales.**

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**March 25, 2025:**

**March 11, 2025:** *APPROVED APPLICANT POSTPONEMENT REQUEST TO MARCH 25, 2025 PLANNING COMMISSION.  
HANEY; MAXWELL – 2<sup>ND</sup>; (9-0) AZHAR, COX, PHILLIPS, HAYNES -  
ABSENT*

### CITY COUNCIL ACTION:

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 a rezoning application to request the -DB90 combining district.

The conditional and prohibited uses in the Conditional Overlay were established during the North Loop Neighborhood Plan rezonings (Ord. No. 020523-31), and are requested by the Applicant and some are recommended by Staff for this new rezoning.

This rezoning is related to other DB90 rezoning cases in close proximity to the subject case on Middle Fiskville Road, Koenig Ln., E 56<sup>th</sup> St., E. 55<sup>th</sup> St. Martin Ave., and Airport Blvd. All of those cases are as follows: C14-2024-0167, C14-2025-0010, C14-2025-0014, C14-2025-0012 (including C14-79-019(RCT)), C14-2025-0015, C14-2025-0017, and C14-2025-0016.

CASE MANAGER COMMENTS:

The subject site is 1.08 acres, and developed with Automobile Parts retail (parts superstore). To the immediate west, the property is bounded by railroad tracks and further west family residential (SF-3-NP). To the north is undeveloped land (Case no.: C14-2025-0014), Parking (Case nos.: C14-2025-0015 and C14-2025-0017) and business support services (CS-V-CO-NP). To the south across E. 54<sup>th</sup> St. is Business and Professional office use (CS-V-CO-NP). To the east is multifamily residential (CS-V-CO-NP). The site is less than one-half mile from I-35. There is a railroad crossing a few blocks south at Bruning Ave. ***Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).***

This proposal is within a ½ mile of the 53<sup>rd</sup> St MetroRapid Bus ETOD station area. The applicant has successfully incorporated development details, especially the request for DB90 zoning which incentivizes affordable housing as development occurs. This is consistent with the intent of the “Encourage” ETOD typology.

The applicant is requesting general commercial services – vertical mixed use building – conditional overlay - density bonus 90 – neighborhood plan (CS-V-CO-DB90-NP) 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 275 residential units and pedestrian-oriented commercial/ retail.

The property is located within the North Loop Neighborhood Plan Area, and is located within an area that was initiated by the City to zone certain tracts within the Neighborhood Plan area to accommodate the -V zoning district in 2008 (Ordinance No. 20080605-069).

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 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.

The City previously undertook zoning of this property with the -V combining district during the Neighborhood Plan process. This current request for the -DB90 combining district continues to align with City objectives to increase density and affordability in exchange for relaxed development standards.

#### 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.

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.

The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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.

4. *Zoning changes should promote an orderly relationship among land uses.*

Staff recommends the Applicant's request as described above for CS-V-CO-DB90-NP combining district zoning for the subject property based on the following considerations:

- 1) Recognizing the site's location immediately adjacent to Airport Blvd., which is an Imagine Austin Corridor, within the Highland Mall Station Imagine Austin Center, and close proximity to another Imagine Austin Corridor on E. 52<sup>nd</sup> St.;
- 2) the City's investment in multi-modal path (bicycle and pedestrian) upgrades on Airport Boulevard corridor;
- 3) number of units and housing choice that could be produced would suit a variety of household sizes, incomes, and lifestyle needs of a diverse population in support of Imagine Austin and the Strategic Housing Blueprint;
- 4) the applicant has successfully incorporated development details consistent with the intent of the "Encourage" ETOD typology;
- 5) the prior rezoning to "VMU" granted on the site during the Neighborhood Plan-era opt in rezoning process.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
--	--------	-----------

<i>Site</i>	CS-V-CO-NP	Automobile Parts retail
<i>North</i>	CS-V-CO-NP	Undeveloped; Parking
<i>South</i>	CS-V-CO-NP	Business and Professional office use
<i>East</i>	CS-V-CO-NP	Multifamily residential
<i>West</i>	SF-3-NP	Railroad tracks; Family residential

NEIGHBORHOOD PLANNING AREA: North Loop

WATERSHED: Tannehill Branch

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Reilly Elementary

Lamar Middle School

McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Neighborhoods Council, Friends of Austin Neighborhoods, Homeless Neighborhood Association, North Austin Neighborhood Alliance, North Loop Neighborhood Association, North Loop Neighborhood Plan Contact Team, Preservation Austin, Save Our Springs Alliance, Highland Neighborhood Association, Skyview Neighborhood, Ridgetop Neighborhood Association, Red Line Parkway Initiative, Highland/ Skyview Neigh. Plan Contact Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2024-0114 – 5210 Bruning	GR-CO-NP to GR-MU-V-CO- DB90-NP	To Grant GR-MU-V- CO-DB90-NP, as staff recommended, maintaining CO's from NP rezonings	Pending Council hearing April 10, 2025
C14-2024-0113 – 704 E 53 <sup>rd</sup> St	CS-CO-NP to CS-MU-V-CO- DB90-NP	To Grant CS-MU-V- CO-DB90-NP, as staff recommended, maintaining CO's from NP rezonings	Pending Council hearing April 10, 2025
C14-2024-0112 – 5301 Martin Ave	CS-CO-NP & SF-3-NP to CS- MU-V-CO-NP (as amended)	To Grant CS-MU-V- CO-NP, as staff recommended, maintaining CO's from NP rezonings	Pending Council hearing April 10, 2025
C14-2008-0002.001 – Northloop NP Area Vertical Mixed Use			Apvd. June 5, 2008

Building (V) Zoning opt in Part 2			
C14-2008-0002 – Northloop NP Area Vertical Mixed Use Building (V) Zoning opt in			Apvd. March 20, 2008
C14-02-0009 – North Loop NP Combining District rezonings			Apvd 2002

RELATED CASES:

C14-2024-0167 – Parcel A rezoning request from CS-MU-V-CO-NP & CS-V-CO-NP to CS-MU-V-CO-DB90-NP; 5600 Middle Fiskville Road; 700 E 56th Street; 702 E 56th Street; 600 E 56th Street; 501 E Koenig Ln Svr; 629 E Koenig Ln; 5601 1/2 Middle Fiskville Road; 5608 1/2 Middle Fiskville Road

C14-2025-0010 – Parcel B rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP; 605 E 56th Street

C14-2025-0014 – Parcel C rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP; 5500 Martin Avenue

C14-79-019(RCT) – associated with Parcel D to request termination of 1979 public restrictive covenant

C14-2025-0015 – Parcel E rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP; 5509 Martin Avenue & 707 E 56th Street

C14-2025-0017 – Parcel F rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP; 713 E 56th Street; 5508 Middle Fiskville Road & 5502 Middle Fiskville Road

C14-2025-0016 – Parcel G rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP; 5500 Airport Road; 5512 Middle Fiskville Road; 5515 Middle Fiskville Road

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

**Project Name and Proposed Use:** 701 E 55TH STREET. C14-2025-0012. Project: Airport & Koenig Tracts DB90 Rezoning - Parcel D. 1.080 acres from CS-V-CO-NP to CS-MU-V-CO-DB90-NP. North Loop NP. FLUM: Mixed Use. Existing: auto parts sales (32,112 SF). Proposed: multifamily (275 units). Demolition is proposed. Note that 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 may apply. DB90 additionally releases the site from some base zoning district development standards, including maximum floor area ratio. Note that the Housing Affordability measure may be fulfilled dependent on full participation in DB90.

Yes	Imagine Austin Decision Guidelines
	<b>Complete Community Measures *</b>
Y	<b>Imagine Austin Growth Concept Map:</b> Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. <b>Names of Activity Centers/Activity Corridors/Job Centers *:</b> <ul style="list-style-type: none"> <li>Within Highland Mall Station Regional Center; 0.08 miles from Airport Blvd Activity Corridor</li> </ul>
Y	<b>Mobility and Public Transit *:</b> Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> <li>0.15 miles from bus stop along Airport Blvd</li> </ul>
	<b>Mobility and Bike/Ped Access *:</b> Adjoins a public sidewalk, shared path, and/or bike lane.
Y	<b>Connectivity, Good and Services, Employment *:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center. <ul style="list-style-type: none"> <li>Goods and Services present along Airport Blvd.</li> </ul>
	<b>Connectivity and Food Access *:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	<b>Connectivity and Education *:</b> Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> <li>0.5 miles to Ridgetop Elementary School</li> </ul>
	<b>Connectivity and Healthy Living *:</b> Provides or is located within 0.50 miles from a recreation area, park or walking trail.
Y	<b>Connectivity and Health *:</b> Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.) <ul style="list-style-type: none"> <li>Within 0.5 miles of dental services along Airport Blvd</li> </ul>
Y	<b>Housing Choice *:</b> Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	<b>Housing Affordability *:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	<b>Mixed use *:</b> Provides a mix of residential and non-industrial uses.
	<b>Culture and Creative Economy *:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.
	<b>Creative Economy:</b> Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education:</b> Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	<b>Industrial Land:</b> Preserves or enhances industrial land.
Y	<b>Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone</b>
7	<b>Number of "Yes's"</b>

### 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 Tannehill Branch Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

#### PARD – Planning & Design Review

Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development 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. PARD is viewing the six zoning cases in this area, and the ~1500 units proposed, as related and are interested in, holistically, looking at the parkland dedication across the proposed developments. As proposed, PARD will require parkland dedication for the new residential units that will serve the North Loop/Highland neighborhood through additional park investments. The Parks and Recreation Department (PARD) would consider parkland paralleling the tracks and a pocket park to satisfy the requirement at time of permitting (whether subdivision or site plan). Such parkland would improve neighborhood connectivity via extension of the Red Line Trail, and satisfy an acquisition need for North Loop/Highland, 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 § 25-1-609.

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [ann.desanctis@austintexas.gov](mailto:ann.desanctis@austintexas.gov). At the applicant's request, PARD can provide an early determination letter of the requirements as stated in this review.

#### Site Plan

Site plans will be required for any new development except for residential only projects with up to 4 units.

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

This tract is already developed and the proposed zoning change is within the footprint of an existing development.

#### *DB90*

This site must meet affordability minimums per LDC 25-2-652 to be eligible for DB90. A signed approval letter from the Housing Department will be required with site plan submittal. Any buildings fronting the principal street will be required to have 75% of the ground floor as commercial or civic uses. NOTE: A lobby serving a use other than a pedestrian-oriented commercial or civic space is not counted as a pedestrian-oriented commercial or civic place. If a building includes a mix of uses, a non-residential use:

- may not be located above a residential use; and
- may not be located on or above the third story of the building.

#### Austin Fire Department

No comments.

#### Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for E 55<sup>th</sup> St. It is recommended that 29 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].

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
E 55 <sup>th</sup> St.	Level 1	58'	51'	39'	No	No	Yes

Water Utility  
No comments.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

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

Applicant's Summary Letter  
Attachment A: Notated map of related cases  
Attachment B: Educational Impact Statement  
Public Correspondence