

## SECOND/THIRD READINGS SUMMARY SHEET

CASE: C14-2022-0035

DISTRICT: 7

ADDRESS: 6916, 6926,6928 North Lamar Blvd. and 808, 810, 812, and 906 Justin Lane

APPLICANT: 3423 Holdings LLC (Peter Barlin)

AGENT: Armbrust & Brown PLLC (Michael Whellan)

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

REQUEST: Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 6916, 6926,6928 North Lamar Boulevard, and 808, 810, 812, and 906 Justin Lane from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-neighborhood plan (TOD-NP) combining district zoning (change of condition of zoning).

### PREVIOUS CITY COUNCIL ACTION:

December 14, 2023: Approved transit oriented development-neighborhood plan (TOD-NP) combining district zoning (change of condition of zoning) on 1<sup>st</sup> reading – consent agenda (Vote: 10-0, Council Member Ryan Alter absent).

January 18, 2024: This item was postponed indefinitely at the request of the Applicant on Council Member Qadris motion, Council Member Ellis' second on an 11-0 vote.

July 18, 2024: Postponed to September 12, 2024 at the request of staff.

September 12, 2024: Postponement to October 10, 2024 by Council Member Pool.

October 10, 2024: Case is scheduled to be heard by City Council.

## ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0035

DISTRICT: 7

ADDRESS: 6916, 6926 and 6928 North Lamar Blvd. and 808, 810, 812 and 906 Justin Lane

ZONING FROM: TOD-NP

TO: TOD-NP (160 feet by right achievable with the existing density bonus of increased FAR)

SITE AREA: 2.9 acres (approximately 126,324 sq. ft.)

PROPERTY OWNER: 3423 Holdings LLC (Peter Barlin)

AGENT: Armbrust & Brown PLLC (Michael Whellan)

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

### STAFF RECOMMEDATION:

Staff recommends granting increased height of 160' with a density bonus to this tract. See the *basis of recommendation* section below for more information.

### PLANNING COMMISSION ACTION /RECOMMENDATION:

June 27, 2023: Motion to grant Staff's request for postponement of this item to August 8, 2023 was approved on the consent agenda.

August 8, 2023: Motion to grant Staff's request for postponement of this item to September 12, 2023 was approved on the consent agenda.

September 12, 2023: Motion to grant Staff's request for postponement of this item to October 10, 2023 was approved on the consent agenda.

October 10, 2023: Motion to grant Staff's request for postponement of this item to October 24, 2023 was approved on the consent agenda.

October 24, 2023: Motion by Commissioner Connolly, seconded by Commissioner Mushtaler. Approved 10-0-1 with Vice-Chair Hempel abstaining.

### CITY COUNCIL ACTION:

December 14, 2023: Approved transit oriented development-neighborhood plan (TOD-NP) combining district zoning (change of condition of zoning) on 1st reading - consent agenda (Vote 10-0, Council Member Ryan Alter absent).

January 18, 2024: This item was postponed indefinitely at the request of the Applicant on Council Member Qadris motion, Council Member Ellis' second on an 11-0 vote.

July 18, 2024: Postponed to September 12, 2024 at the request of staff.

September 12, 2024: Postponement to October 10, 2024 by Council Member Pool.

October 10, 2024: Case is scheduled to be heard by City Council.

ORDINANCE NUMBER: N/A

### ISSUES:

The "Base Maximum Building Heights" exhibits within the Lamar/Justin Station Area Plan – including the Station Area Plan document (page 39) and Regulating Plan document (page 56) – establish maximum base height entitlements for property within the Lamar/Justin TOD.

### CASE MANAGER COMMENTS:

The property in question is currently a mix of garages, warehouses and older convenience stores. This location is adjacent to Capital Metro's Crestview Station, a fixed hybrid rail system. Currently these 2.9 acres contain zero residential dwelling units.

The residential density required to support fixed or dedicated transit service is a minimum of 50 dwelling units per acre. Target residential densities to support robust fixed or dedicated transit in an urban center are within the range of 75 to 150 dwelling units per acre within a ½ mile radius of the station area. Without an increase in density, and additional mixed-use development as parcels redevelop within the station area, the CapMetro Red Line Crestview Station and associated connecting MetroRapid BRT will continue to struggle to perform.

The applicant anticipates that this parcel could support an estimated 300 multifamily housing units and 350,000 sq ft of commercial and office uses with the final mix being determined during the site planning process. This puts the estimated residential density at approximately 103 dwelling units per acre, just shy of the middle of the recommended target range to support robust fixed or dedicated transit.

**BASIS OF RECOMMENDATION:**

**The proposed zoning should be consistent with the purpose statement of the district sought.** Parcels zoned within this TOD as mixed-use subdistrict are located in closest proximity to the transit stop and are intended to become the densest part of the center. This is the highest density designation, which encourages urban-style development including active ground floor uses with commercial, office, or residential uses on the upper floors. Residential densities may exceed 45 units per acre if a specific level of affordable housing is provided and a moderate height bonus may be granted if additional affordable housing is provided, which the applicant is requesting.

**Zoning changes should promote compatibility with adjacent and nearby uses.** Staff recommends the additional height be added to this parcel within the TOD mixed-use subdistrict based on the following considerations: 1) location on Lamar Boulevard, an ASMP level 3 corridor with sidewalks, bike routes and CapMetro bus stops, 2) The street is suitable for additional residential development, 3) it is reasonable given the changes in the area since the TOD Plan was adopted in 2008. There has been substantial redevelopment of Highland Mall, the Triangle development to the south on Lamar, increased vertical mixed use along Burnet to the west and along Anderson Lane, 4) the rezoning would support goals in the Austin Strategic Housing Blueprint by providing more affordable housing within ¼ mile of high-frequency transit.

**Zoning should promote clearly identified community goals, such as creating employment opportunities or providing for affordable housing.** This rezoning case presents an opportunity as older properties within the station area begin to redevelop, to increase housing density to a level that will support fixed route transit (keep in mind with Project Connect this station area is going to be a major intersection of two fixed transit lines). This case supports community goals by increasing the mix of land uses, increases employment opportunities and provides more destinations within the station area. Lastly, the rezoning request also increases the height and provides income restricted affordable housing in exchange for the density bonus. Income restricted housing units near transit achieve a deeper level of affordability due to their locational advantages– they can reduce what is typically a household’s second largest expense, transportation costs.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
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<i>Site</i>	TOD-NP (TOD Mixed Use Subdistrict)	Approximately 17,000 sqft warehouse built in 1950 with four approximately 3,000 sqft repair garages built in 1986. Two approximately 2,300 sqft convenience stores (Dias and Nugent Grocery) both built in 1957.
<i>North</i>	TOD-NP (TOD Mixed Use Subdistrict) across railroad tracks	Midtown Commons, 3 story multifamily apartment complex built in 2008. Approximately 145,000 sqft with approximately 70,000 sqft parking garage. A regional two-story shopping center approximately 30,000 sqft with approximately 9,000 sqft of paved parking lot.
<i>South</i>	TOD-NP (TOD Mixed Use Subdistrict) across Justin Ln	Approximately 14,000 sqft Walgreens drugstore built in 1999 with approximately 38,000 sqft of paved parking lot.
<i>East</i>	TOD-NP (TOD Mixed Use Subdistrict) across N. Lamar Blvd.	Approximately 13,000 sqft medical office built in 1966 with approximately 23,000 sqft of paved parking lot.
<i>West</i>	TOD-NP (TOD Mixed Use Subdistrict)	Four warehouses ranging from approximately 39,000 sqft to 4,000 sqft built in the late 1940s to late 1960s

NEIGHBORHOOD PLANNING AREA: Crestview/Wooten Combined Neighborhood Planning Area (Crestview)

WATERSHED: Waller Creek Watershed

SCHOOLS: A.I.S.D.  
 Brentwood Elementary School  
 Lamar Middle School  
 McCallum High School

COMMUNITY REGISTRY LIST:  
 Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Crestview Neighborhood Assn., Crestview Neighborhood Plan Contact Team, Friends of Austin Neighborhoods, Homeless Neighborhood Association, Lamar Blvd./Justin Ln. TOD Staff Liaison, Neighborhood Empowerment Foundation, North Austin Neighborhood Alliance, Red Line Parkway Initiative, SELTexas, Shoal Creek Conservancy, Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

<b>Number</b>	<b>Request</b>	<b>Commission</b>	<b>City Council</b>
C14-2023-0017 (7002, 7004, 7006 Guadalupe St.)	To rezone 0.8326 acres from TOD-NP (Medium Density Residential Subdistrict) to TOD-NP (Mixed-Use Subdistrict)	08.08.2023 PC: Case approved on consent, motion by Commissioner Maxwell, unanimous	09.14.2023: Approved on all 3 readings

C14-2012-0098 (Crestview Station Residential)	The applicant is requesting to rezone property from TOD-Crestview Station to TOD-Crestview Station.	09.11.2012: Approved on consent by Commissioner Chimenti's motion, seconded by Commissioner Hatfield, 8-0 vote.	10.18.2012: Approved Ordinance 20121018-092 with conditions on consent on Council Member Spelman's motion and Council Member Riley's second, 6-0 vote.
C14-2008-0030 (Lamar/Justin Lane TOD Station Area Plan)	The applicant proposes to rezone property to TOD (Transit-Oriented Development)	04.08.2008: The Planning Commission unanimously recommended (7-0) the Station Area Plan and associated plan amendments with several amendments.	12.11.2008: Approved Ordinance No. 20081211-0086 for Station Area Plan and Transit Oriented Development (7-0) 3rd Reading
C14-2007-0094 (6909 Ryan Drive)	The applicant is proposing to rezone 5.475 acres from P to GR-MU.	08.28.2007: Approved staff recommendation of GR-MU-CO. Motion on Commissioner Galindo, seconded by Commissioner Dealey, 5-3 vote with CM Sullivan, CM Reddy and CM Hui - nay.	10.18.2007: Postponed indefinitely at staff's request 6-0.
C14-04-0012 (Brentwood Highland Neighborhood Plan)	City Initiated Neighborhood Plan	02.24.2004: Approved staff recommendation with exceptions (6-0)	03.25.2004: Approved on First Reading (6-0) 04.15.2004: Approved on Second Reading (7-0, 6-1, 5-2, 4-3, 6-0) 05.13.2004: Approved on Third Reading (7-0) 7004 Guadalupe was rezoned MF-2 to SF-6-NP 7002 and 7006 Guadalupe were

			rezoned SF-3 to SF-6-NP
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RELATED CASES:

NPA-2022-0017.01 - The applicant is proposing to amend a previously approved neighborhood plan.

ADDITIONAL STAFF COMMENTS:

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

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

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. 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.

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 at the time of subdivision or site plan application for new residential units proposed by this rezoning, multifamily with TOD mixed use zoning and 160' in height, per City Code § 25-1-601, as amended. The proposed project is part of a larger vision that includes the redevelopment of the City of Austin's Ryan Drive site; that project specifically requires parkland as part of the Council direction. As such, land dedication shall be required, plus any remaining fees in-lieu after dedication.

If the land available for dedication complies with the parks standards, the Parks and Recreation Department (PARC) would consider a consolidated neighborhood park toward satisfying the requirement at time of permitting (whether subdivision or site plan). The surrounding neighborhood areas are currently park deficient, defined as being outside walking distance to existing parks. The dedication would satisfy the need for additional parks in park deficient areas of Central Austin, a specific recommendation in the Parks and Recreation Department's Long Range Plan.

Should there be any remaining fees in-lieu, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARC can provide an early determination letter of the requirements.

#### Site Plan

SP 1. Site plans will be required for any new development other than single-family, two-family or duplex residential.

SP 2. Compatibility standards, as stipulated in Article 10 of Chapter 25-2 of the LDC, shall apply to all properties within the TOD District. A waiver of compatibility standards may be granted if a development bonus is utilized. The development bonus standards and requirements are established in Subsection 4.3.2 Density Bonus and 4.3.3 Density and Height Bonus.

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.

SP 4. This tract is already developed and the proposed zoning change is a footprint within the existing development. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

#### Transportation and Public Works (TPW) – Engineering Review

The Austin Strategic Mobility Plan (ASMP) calls for 120 feet of right-of-way for N Lamar Blvd. It is recommended that 60 feet of right-of-way from the existing centerline should be dedicated for N Lamar Blvd according to the Transportation Plan at the time of subdivision and/or site plan application, whichever comes first [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 78 feet of right-of-way for Justin Lane. It is recommended that 39 feet of right-of-way from the existing centerline should be dedicated for Justin Lane according to the Transportation Plan at the time of subdivision and/or site plan application, whichever comes first [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 92 feet of right-of-way for the future Wild Street. It is recommended that 46 feet of right-of-way from the future centerline should be dedicated for Wild Street according to the Transportation Plan at the time of subdivision and/or site plan application, whichever comes first [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)
North Lamar Blvd	Level 3	120'	72' to 84'	16' to 30' median with 23' of pavement on each side	Yes	Shared Lane	Yes
Justin Lane	Level 2	78'	65' to 80'	38' to 44'	Yes	Protected Bike Lane	Yes
Wild Street	Level 2	92'	N/A – Future Road	N/A – Future Road	N/A – Future Road	N/A – Future Road	Yes

TIA: 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. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6- 113.

Austin Water Utility

AW1. 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.

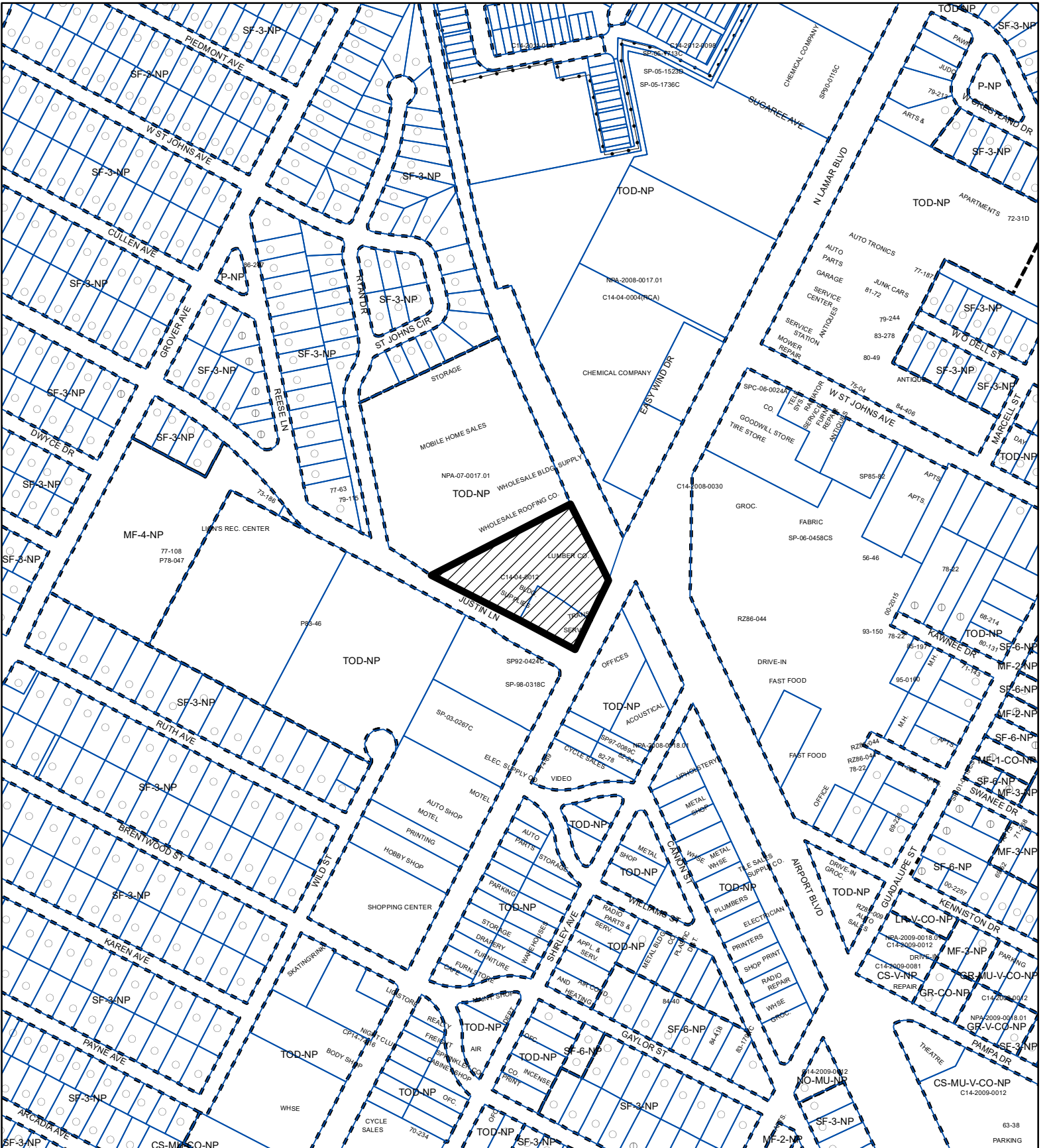
Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

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 AND ATTACHMENTS TO FOLLOW:**





- A. Zoning Map
- B. Aerial Map
- C. Applicant’s Summary Letter
- D. Correspondence from Interested Parties





**ZONING**

ZONING CASE#: C14-2022-0035


  
 SUBJECT TRACT
   
 PENDING CASE
   
 ZONING BOUNDARY

1" = 400'

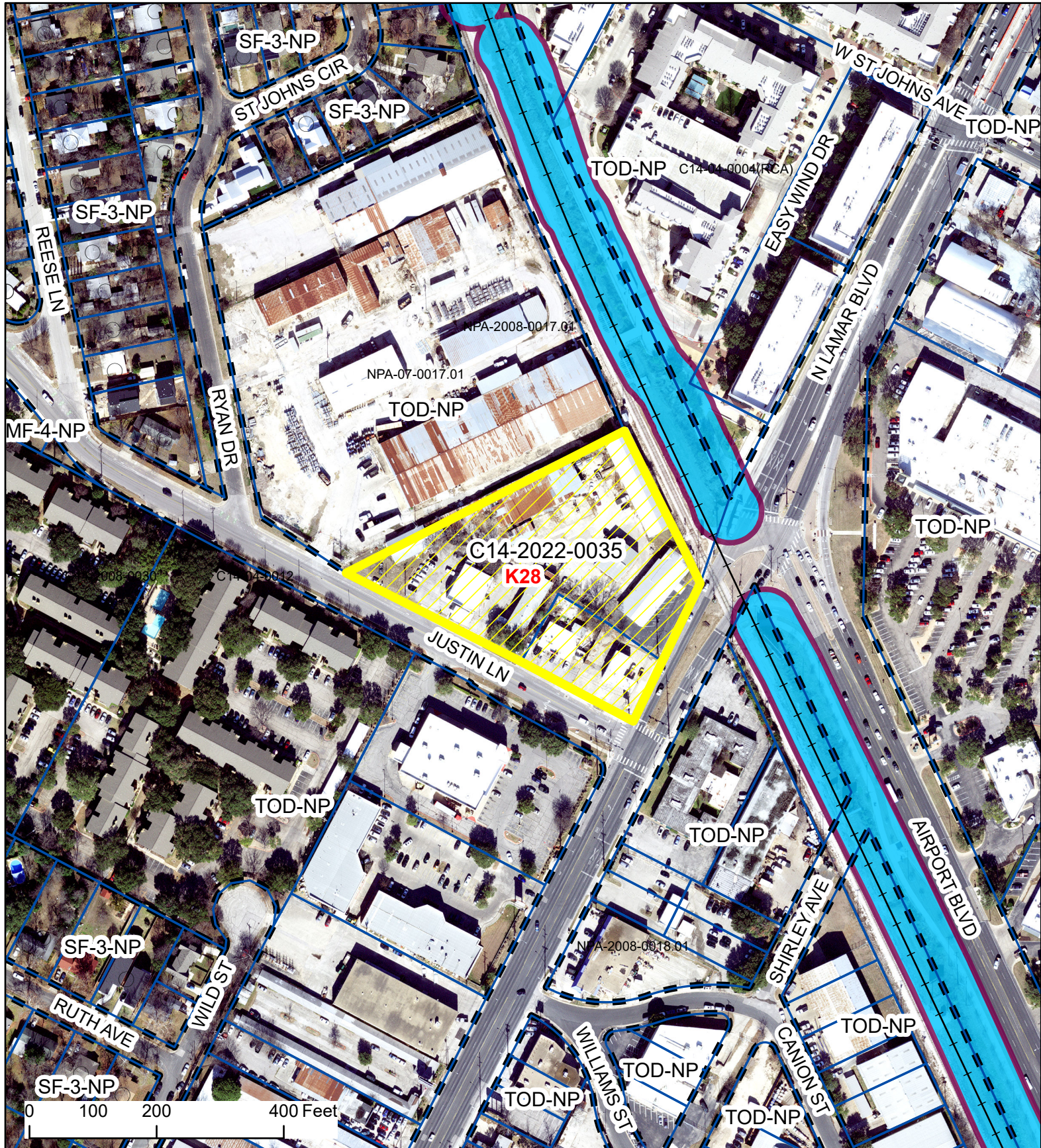
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Created: 3/23/2022





### Crestview Village



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

ZONING CASE#: C14-2022-0035  
 LOCATION: 6916, 6926, 6928 N Lamar Blvd;  
 808, 810, 812, 906 Justin Ln  
 SUBJECT AREA: 2.9 Acres  
 GRID: K28  
 MANAGER: Heather Chaffin



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Created: 10/5/2022



# ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

August 4, 2023

Joi Hardin, Zoning Officer  
City of Austin  
Planning and Zoning Department  
1000 E. 11th St.  
Austin, Texas 78702

Re: Cases No. **NPA-2022-0017.01** (the “Plan Amendment Case”) and **C14-2022-0035** (the “Rezoning Case”) (collectively, the “Cases”) for TCAD Parcel No. 0231090301, 0231090302, and 0231090303 (the “Property,” locally known as 6916 N. Lamar)

Dear Ms. Hardin,

On behalf of 3423 Holdings, LLC (the “Applicant”), I am provided an updated cover letter for the Plan Amendment and Rezoning Cases for the Property. These Cases would allow up to 160 ft. of height for the Property, which would be accomplished through the Lamar/Justin Transit-Oriented Development (“TOD”) density bonus program. This letter replaces the original cover letter for the cases dated February 24, 2022 (the “Original Cover Letter”).

We believe that this increased height – at one of the most transit-rich locations in the City outside of downtown – is needed to help increase ridership and thus support the City’s Project Connect transit investments. This proposal would also help address the fact that the Lamar/Justin TOD – now generally known as the “Crestview Station TOD” – has, in the words of the City’s *Equitable Transit-Oriented Development Policy Plan*, “the lowest density of all TOD zones.”

## **Case Background**

These Cases are the next step in a long-term vision that the Applicant has had for the Property as a transit-supportive corridor project located at the very heart of the Lamar/Justin (Crestview Station) TOD – directly adjacent to CapMetro’s Crestview Station, featuring both rail and MetroRapid bus service.

The Applicant has owned the Property for nearly a decade, and had initially deferred redevelopment plans for the Property to pursue a potential comprehensive redevelopment vision that included adjacent City-owned land at 6909 Ryan Dr. (the “City Parcel”), as outlined in the Original Cover Letter. While the Applicant filed these Cases in February 2022, they postponed consideration while negotiations over the City Parcel continued. Ultimately, those negotiations concluded in May – and the redevelopment of the City Parcel will proceed through a separate process, independent of these Cases and the Applicant.

However, we still strongly believe that City policies support approval of our initial request in these Cases to allow for up to 160 ft. of height on the Property – and we believe that approving transit-oriented policies for the Property will support the future success of the adjacent City Parcel, even though these properties will now be redeveloped independent of one another. Accordingly, the Applicant requests that the City proceed with the Plan Amendment and Rezoning Cases.

## Policy Context

Council initially adopted the Lamar/Justin TOD Station Area Plan for Crestview Station in December 2008. Since then, Austin has grown by over 200,000 people – the equivalent of two City Council districts – and, without enough housing units to meet this demand, housing costs have soared. According to HousingWorks estimates, the median home price in Austin grew by over 80 percent during the 7-year period between 2015 and 2022, while the average rent rose by over 50 percent. At the same time, Austin’s rapid growth has stressed its transportation system, with historic patterns of suburban-style growth in past decades leading to increased congestion.

Council has responded to these housing and mobility crises by adopting new policies to try to increase housing opportunities and to invest in and support mass transit and multi-modal mobility options. In particular, Council has established a vision for increased density and a mix of commercial and residential uses along Austin’s major corridors, in order to support walkability and greater transit use. This has included efforts to update and revise certain portions of the City’s regulating plans, which govern ‘transit-oriented’ areas at key locations along current and future rail lines – as well as moving forward with an Equitable Transit-Oriented Development (“ETOD”) policy vision.

However, while the City has made certain updates and revisions to other regulating plans – including increasing allowable height in the Plaza Saltillo, East Riverside Corridor, and the North Burnet/Gateway Regulating Plans – it has not yet done so for the Lamar/Justin (Crestview Station) TOD, whose regulations remains locked in an older conception of what constitutes ‘transit-oriented development.’

Today – as 14 years ago – the most intense subdistrict allowed in the Lamar/Justin TOD Regulating Plan (Corridor Mixed-Use) provides a base entitlement limited to just 45 units per acre, 60 ft. of height, and 2:1 FAR, with a density bonus to waive the FAR and density limits – but with no additional height beyond 60 ft. In contrast, property within other regulating plan areas such as Plaza Saltillo, East Riverside, and North Burnet/Gateway have unlimited residential density *by right*, and Council has approved additional heights ranging from 85 ft. to 90 ft. for certain sites in Plaza Saltillo to 120 ft. to 491 ft. through a density bonus program in North Burnet/Gateway.

**Figure 1. Comparison of Regulating Plan Areas**

	Lamar/Justin (Crestview Station)	Plaza Saltillo	East Riverside	North Burnet/Gateway
Initial Adoption	December 2008	December 2008	March 2013	March 2009
Most Recent Amendment	-	2018	2015	2023
Base Density	45 units per acre	No limit	No limit	No limit
Additional Height	60 ft.	85 ft. to 90 ft.	120 ft. to 160 ft.	120 ft. to 491 ft.
Rail Access	Austin Light Rail and Red Line	Red Line	Austin Light Rail	Red Line

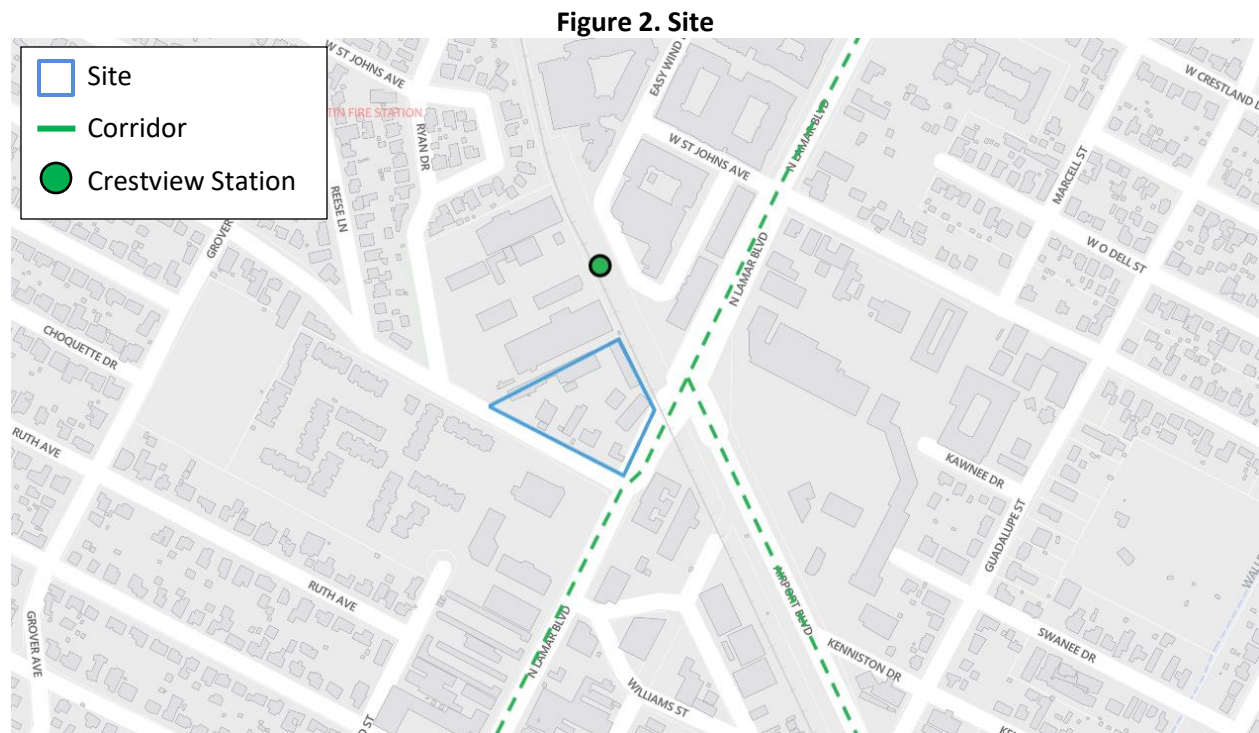
In fact, traditional zoning categories like CS-V or GR-V now actually provide *greater* density and height than the ‘transit-oriented’ policies in the Lamar/Justin (Crestview Station) TOD, allowing up to 54 units per acre by right and a Vertical Mixed-Use density bonus that waives FAR and density limits and allows up to 90 ft. of height.

As a result, the City’s *Equitable Transit-Oriented Development Policy Plan* reports that “Crestview Station TOD has the lowest density of all TOD zones and in conjunction, the least amount of development projects” – and it identifies Crestview Station TOD as a “High” priority for planning efforts.

In other words, the Lamar/Justin (Crestview Station) TOD Regulating Plan is now ‘transit-oriented’ in name only, providing lower density and height than comparable regulating plan areas or traditional zoning districts – even though it will sit at the intersection of two Austin light rail lines and thus enjoy greater rail access than any of the other regulating plans.

### Case Rationale

These Cases will help take a next step to address the above-described issues and to deliver on the City’s equitable transit-oriented development vision at one of the most important sites in the Crestview Station TOD. It would do so by providing greater height, which the Applicant will only be able to achieve through participation in a City density bonus program requiring on-site affordability.



For reference, the Property is currently developed as suburban-style, auto-oriented single-story commercial structures that are meaningfully set back from the pedestrian realm in order to prioritize front-facing surface parking. It features warehousing, auto services, office, and some retail uses.

The Property is generally surrounded by sites featuring similarly auto-centric, suburban-style development. Older ‘strip-mall’ commercial development is located to the south across Justin Lane and to the northeast across Lamar Boulevard and Airport Boulevard, both of which sit behind large surface parking lots. A small-scale, single-story commercial structure is located directly east across North Lamar Boulevard, behind the northbound MetroRapid bus stop. Newer, two-story commercial structures from the earlier phases of the ‘Midtown Commons’ development are located directly north of the Property,


adjacent to the rail station. Beyond that, the remainder of Midtown Commons features mid-rise multifamily and 'missing middle' housing. The City Parcel is located to the west.

While the Applicant is still evaluating the Property and its constraints, they preliminarily believe that this tract could support an estimated 300 units and 350,000 sf of commercial and office uses, with the ultimate mix being finalized during the site plan process.

We believe that this type of development better supports the City's goals for housing, affordability, and transit-supportive growth, and that the height requested is consistent with the City's equitable transit-oriented development policies and with the height allowed in other regulating plan areas.

I appreciate your consideration and look forward to answering any questions and providing further details.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Whellan", with a long, sweeping underline.

Michael J. Whellan

## 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 attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

**Case Number: C14-2022-0035**  
**Contact: Jonathan Tomko, 512-974-1057**  
**Public Hearing: Oct 24, 2023, Planning Commission**

SUZANNE BUCHANAN

Your Name (please print)

I am in favor  
 I object

1003 JUSTIN LANE

Your address(es) affected by this application



Signature

10-15-23

Date

Daytime Telephone: 812-841-4225

Comments: The corner in question at Justin and Lamar  
is currently an eyesore and a burden to navigate  
as a pedestrian/bike user. I moved to this section  
of the Lamar corridor specifically for its accessibility  
to transit & believe the height restriction's  
adjustment will allow more of my fellow renters  
to take advantage of these benefits. I can  
see only upsides to this zoning change and  
strongly support it

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

City of Austin  
Planning Department  
Jonathan Tomko  
P. O. Box 1088  
Austin, TX 78767-8810