

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0073 – 2700 S. Lamar DB90 Rezoning

DISTRICT: 5

ADDRESS: 2800 & 2802 South Lamar Boulevard, 2805 & 2807 Skyway Circle

ZONING FROM: CS-MU-V-CO,
GR-MU-V-CO

TO: CS-MU-V-CO-DB90,
GR-MU-V-CO-DB90

SITE AREA: 1.35 acres

PROPERTY OWNER: Seamless LMA, Ltd (John Mooney)

AGENT: Armbrust & Brown, PLLC (Michael 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 - density bonus 90 (CS-MU-V-CO-DB90) combining district zoning on Tract 1 and to grant community commercial services – mixed use - vertical mixed use building – conditional overlay - density bonus 90 (GR-MU-V-CO-DB90) combining district zoning on Tract 2.

The Conditional Overlay would:

- 1) Prohibit the following uses in the CS base zoning district in Tract 1: Automotive repair services, Automotive rentals, Automotive sales, Automotive washing (of any type), Bail Bond Services, Exterminating Services, Outdoor Sport and Recreation, Pawn Shop Services, Service Station; and**
- 2) Prohibit the following uses in the GR base zoning district in Tract 2: Alternative Financial Services, Automotive rentals, Automotive Repair Services, Automotive Sales, Automotive washing (of any type), Bail Bond Services, Bed & Breakfast (Group 1), Bed & Breakfast (Group 2), Business or Trade School, Community Events, Community Garden, Cultural Services, Drop-off Recycling Collection, Exterminating Services Facility, Funeral Services, Hospital Services (General), Mobile Home Residential, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Printing and Publishing, Service Station, Urban Farm.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 25, 2024: APPROVED CS-MU-V-CO-DB90 COMBINING DISTRICT ZONING ON

TRACT 1 AND GR-MU-V-CO-DB90 COMBINING DISTRICT ZONING ON TRACT 2 AS STAFF RECOMMENDED, BY CONSENT.

[R. JOHNSTON; F. MAXWELL – 2ND] (7-0) J. MUSHTALER, A. AZHAR, C. HEMPEL, A. HAYNES. G. COX, A. PHILLIPS – ABSENT

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 for Tract 1 & Tract 2 in case number C14-2023-0036 are recommended to be maintained in this new rezoning, as requested by the applicant.

Planning Commission Previous Action

July 25, 2023: *Approved CS-MU-V-CO, GR-MU-V-CO combining district zoning as staff recommended, by consent, [WOODS; CONOLLY – 2ND] (11-0) J. MUSHTALER – ABSENT, ONE VACANCY ON DAIS*

City Council Previous Action

October 5, 2023: *Approved GR-V-CO-NP district zoning as Planning Commission recommended, by consent.
VOTE: 8-0. Council Member A. Alter, Pool were off the dais. Council Member Harper-Madison was absent*

September 14, 2023: *Approved Neighborhood postponement to October 5, 2023, by consent.
VOTE: 7-0. Mayor Pro Tem Ellis was off the dais. Council Members A. Alter, Harper-Madison and Pool were absent.*

Prior Rezoning Case C14-2023-0036

Ordinance No. 20231005-037, approved October 5, 2023

CASE MANAGER COMMENTS:

The subject site consists of two tracts, one with frontage onto South Lamar Boulevard and one with frontage onto Skyway Circle, and are part of a larger development to include a mix of uses and approximately 475 multifamily units. Both of the subject tracts are developed, fronting South Lamar Boulevard with vacant commercial buildings. Skyway Circle is developed primarily with fourplex residential buildings.

To the north of the site on Skyway Circle, the lots are primarily developed with fourplex buildings (MF-3). To the south across South Lamar Boulevard are Restaurants – general and limited, and multifamily apartments (CS-V, GR-CO). To the east with frontage on South Lamar Boulevard are vacant commercial buildings and Pet services use (GR, MF-6), and to the west are multifamily apartments (MF-3, GR-V). **Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).**

The site is located within the suspended South Lamar Combined Neighborhood Plan area (specifically Zilker), and a portion 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. 20081016-049).

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 zoning on Tract 1 and community commercial services – mixed use - vertical mixed use - conditional overlay building - density bonus 90 (GR-MU-V-CO-DB90) combining district zoning on Tract 2 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 include a mix of uses including 90 units of multifamily residential, part of a larger project with approximately 475 units.

A development utilizing the “density bonus 90” incentives is permitted with a base CS district and a base GR 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 and GR district (60 feet maximum in each base district 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 Planning 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.

Community commercial district (GR) is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

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
<i>Site</i>	CS-MU-V-CO, GR-MU-V-CO	Vacant commercial; Apartment
<i>North</i>	MF-3	Apartments
<i>South</i>	CS-V, GR-CO	Restaurants – general and limited; Apartments
<i>East</i>	GR, MF-6	Vacant commercial; Pet services
<i>West</i>	MF-3, GR-V	Apartments

NEIGHBORHOOD PLANNING AREA: South Lamar Combined NP Area - Zilker (suspended)

WATERSHED: Barton Creek

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Barton Hills Elementary School O Henry Middle School Austin High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Neighborhoods Council, Friends of Austin Neighborhoods, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Preservation Austin, South Central Coalition, Save Our Springs Alliance, South Lamar Neighborhood Association, Barton Hills Neighborhood Association, Friends of Zilker, Zilker Neighborhood Association

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2023-0036 – 2700 S. Lamar Follow-up 2	GR-V-CO & GR-MU-CO to GR-MU-V and CS-MU-V	To Grant GR-MU-V-CO and CS-MU-V-CO, as staff recommended, with prohibitions on uses (7/25/2023)	Apvd as Commission recommended (10/5/2023)
C14-2024-0053 – 2709 S. Lamar	CS-V to CS-V-DB90	Pending	
C14-2022-0174 – 2700 S. Lamar Follow-up	MF-3 to MF-6	To Grant MF-6 (7/25/2023)	Apvd as Commission recommended (10/5/2023)
C14-2020-0144 – 2700 S. Lamar	MF-3; GR; GR-V; GR-V-CO; CS-1-V to MF-6	Forward to City Council w/o recommendation (6/8/2021)	Apvd MF-6 (11/18/2021)
C14-2012-0020 – 2807 Manchaca Road	GR-CO to GR-CO		Apvd as Commission recommended (3/22/2012)
C14-2008-0060	Zilker Vertical Mixed Use Building (V) Rezoning		Apvd -V combining district (10/16/2008)

RELATED CASES:

Site Plan – SP2023-0283C – submitted July 24, 2023

C14-2023-0036 – 2700 S. Lamar Follow up 2 rezoning to CS-MU-V-CO and GR-MU-V-CO (Ordinance No. 20231005-037)

ADDITIONAL STAFF COMMENTS:Comprehensive Planning

Project Name and Proposed Use: 2800 S LAMAR BOULEVARD. C14-2024-0073.
 Project: 2700 South Lamar DB90 Rezoning. South Lamar Combined Planning Area (suspended). Project: 2800 South Lamar DB90 Rezoning. 1.35 acres from CS-MU-V-CO & GR-MU-V-CO to CS-MU-V-CO-DB90 & GR-MU-V-CO-DB90. Existing: vacant.
 Proposed: 90 mixed use residential units and retail (5,000 sf). 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"> • Adjacent to Lamar Boulevard 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 multiple bus stops along S Lamar, including rapid bus stops withing 0.25 miles
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 along S Lamar Blvd
Y	<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>
	<p>Connectivity and Education *: Located within 0.50 miles from a public school or university.</p>
Y	<p>Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail.</p> <ul style="list-style-type: none"> • 0.4 miles to Tom Lasseter South Lamar Neighborhood Park
Y	<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> <ul style="list-style-type: none"> • Health options within 0.5 miles concentrated along S Lamar Blvd focus on dental, optometry and mental health services
Y	<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>
Y	<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>
Y	<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.
	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
9	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

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Barton Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City’s Land Development Code. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows <15% impervious cover in the recharge zone.

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.

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

the site is required to comply with pollutant load restrictions as specified in Land Development Code.

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 applicable uses proposed by this development, multifamily with 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.

Site Plan

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

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-2023-0283C).

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.

S Lamar Blvd 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

Additional right-of-way maybe required at the time of subdivision and/or site plan.

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)
Skyway Circle	Level 1	58'	60'	36'	No	No	Yes
South Lamar Boulevard	Level 3	120'	126'	60'	Yes	Yes	Yes

Austin Water Utility

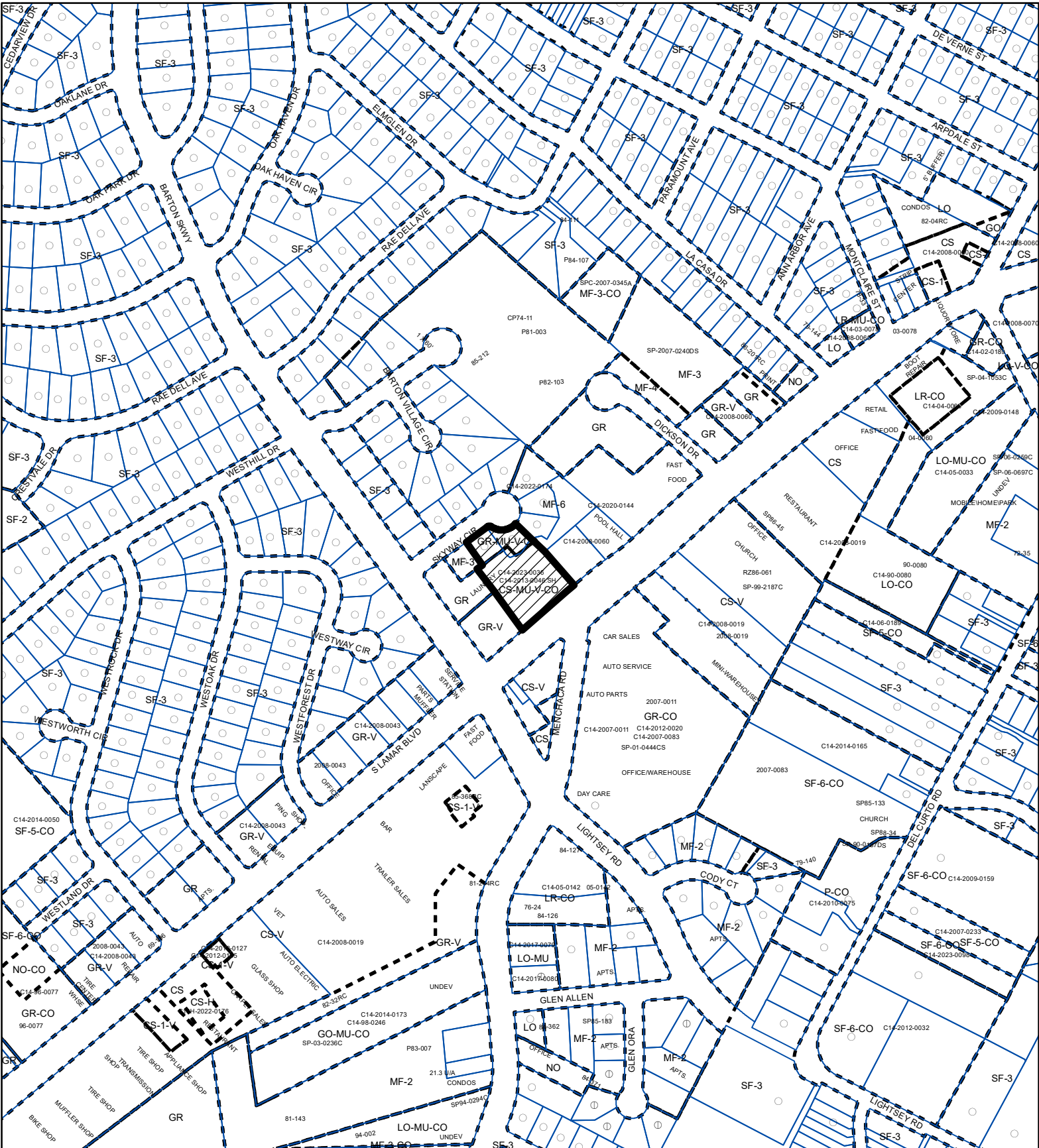
No comments on zoning change.

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

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. 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:


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





ZONING

ZONING CASE#: C14-2024-0073



 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

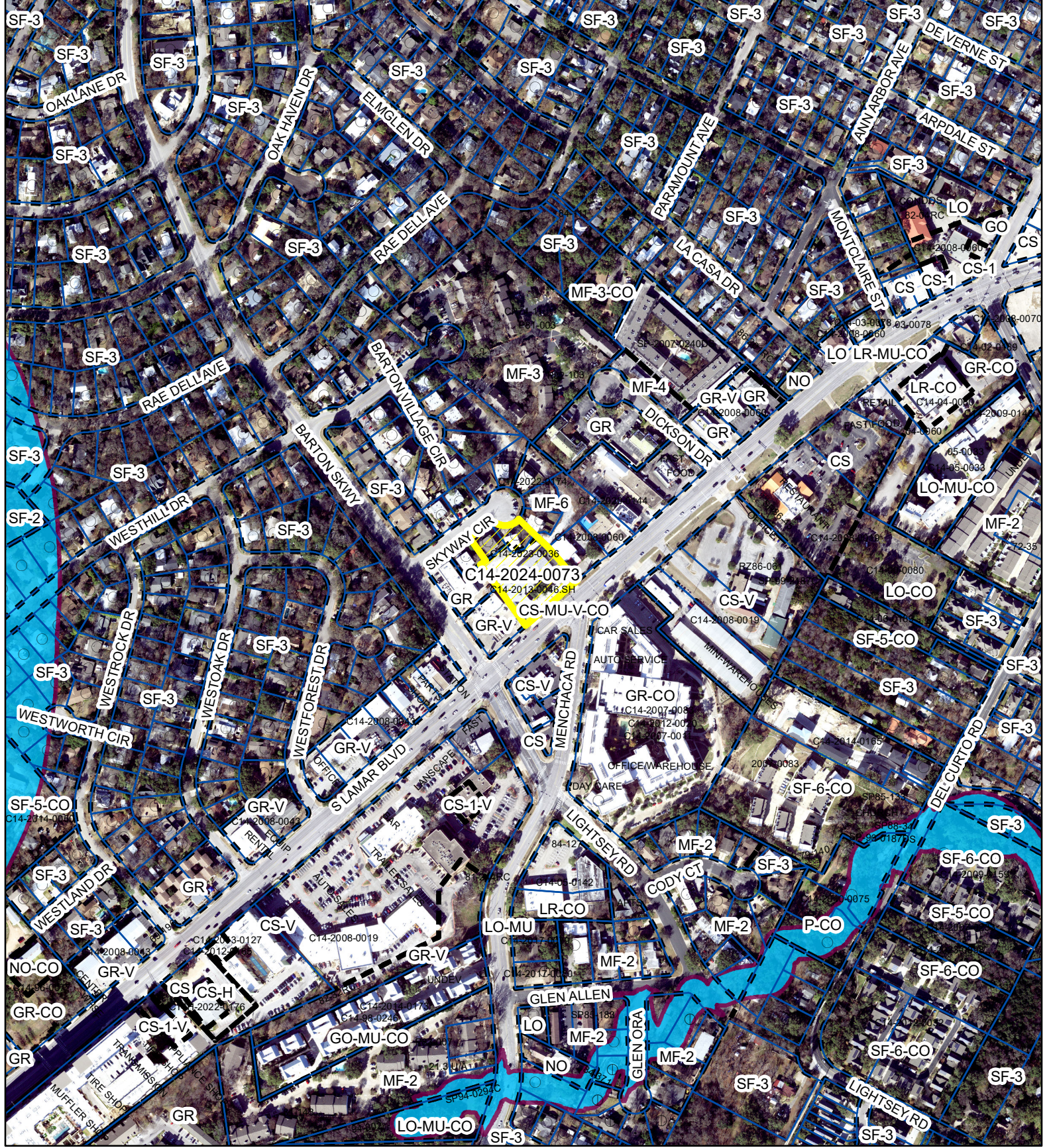
1" = 400'

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Created: 5/6/2024



2800 South Lamar DB90 Rezoning

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

ZONING CASE#: C14-2024-0073
 LOCATION: 2800 & 2802 S Lamar Blvd and
 2805 & 2807 Skyway Cir
 SUBJECT AREA: 1.35
 MANAGER: Marcelle Boudreaux

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 1" = 400'



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Created: 6/26/2024
 by: MeekSS

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

April 30, 2024

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

Re: DB90 Rezoning for 2800-2802 S. Lamar Blvd. and 2805-2807 Skyway Cir.

Dear Ms. Hardin,

On behalf of Seamless LMA, Ltd. (the "Applicant"), I request that the city rezone the Property to include the Density Bonus 90 Combining District ("DB90").

On February 29, 2024, Council adopted Ordinance No. 20240229-073 ("DB90 Ordinance"), which created DB90 as a successor to the invalidated Vertical Mixed-Use 2 program. Part 5 of the DB90 Ordinance additionally initiated rezoning for property that was "rezoned to allow for one or more VMU buildings after June 10, 2022, but before February 29, 2024," if the affected property owners submit the corresponding rezoning application prior to December 31, 2024.

The Property meets this criterion. The Applicant previously sought – and Council granted – rezoning for the Property from GR-V-CO and GR-MU-CO to CS-MU-V-CO and GR-MU-V-CO, in Case No. C14-2023-0036. A brief summary of that case is provided below:

- March 20, 2023: Applicant applies to rezone the Property for Vertical Mixed-Use ("VMU").
- July 25, 2023: Planning Commission recommended approval of rezoning.
- October 5, 2023: Council approves Ordinance No. 20231005-037 rezoning the Property for VMU.

I have attached the prior case report and rezoning ordinance for that rezoning.

The same rationale from that VMU case applies to the Applicant's request for DB90. Additionally, the Applicant requests maintaining the existing conditional overlay (included in Ordinance No. 20231005-037).

I appreciate the city's commitment to meeting its housing and transit goals, and to creating this affordable housing bonus combining district as a successor to the prior VMU2 program. Thank you for your consideration. Please do not hesitate to contact me if you have any questions or need further details.

Respectfully,



Michael J. Whellan

Attachment A. The Tract (C14-2023-0036)



Tract 2
• Request: GR-V-MU-DB90-CO

Tract 1
• Request: CS-MU-V-DB90-CO