

SECOND/THIRD READINGS SUMMARY SHEET

CASE: C14-2024-0114 - 5210 Bruning Ave DISTRICT: 9

ADDRESS: 705 East 53rd Street and 5210 Bruning Avenue

APPLICANT: JEV Family LTD

AGENT: Drenner Group, PC (Leah Bojo)

CASE MANAGER: Beverly Villela (512-978-0740), Beverly.Villela@austintexas.gov)

REQUEST:

Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 705 East 53rd Street and 5210 Bruning Avenue (Boggy Creek Watershed) from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning.

PREVIOUS CITY COUNCIL ACTION:

May 22, 2025:

May 8, 2025: *APPROVED COUNCILMEMBER QADRI'S REQUEST FOR A POSTPONEMENT TO MAY 22, 2025 BY CONSENT.*
[M. SIEGEL; P. ELLIS – 2ND] (11-0)

April 24, 2025: *FIRST READING APPROVED APPLICANT'S AMENDED REQUEST FOR GR-MU-V-CO-NP.*
VOTE: [CM VELA; MAYOR PRO TEM FUENTES – 2ND] (11-0)

ISSUES: N/A

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0114 - 5210 Bruning Ave

DISTRICT: 9

ZONING FROM: GR-CO-NP

ZONING TO: GR-MU-V-CO-NP

*The applicant amended their request from GR-MU-V-CO-DB90-NP to GR-MU-V-CO -NP.
Please refer to Exhibit F (Applicant's Amended Summary Letter and Application).

ADDRESS: 705 East 53rd Street and 5210 Bruning Avenue

PROPERTY OWNER: JEV Family LTD

SITE AREA: 0.3520 acres
(15, 333 sq. ft.)

AGENT: Drenner Group, PC (Leah Bojo)

CASE MANAGER: Cynthia Hadri 512-974-7620, Cynthia.hadri@austintexas.gov

STAFF RECOMMENDATION:

The staff recommendation is to grant community commercial - mixed use - vertical mixed use building - conditional overlay - density bonus 90 - neighborhood plan (GR-MU-V-CO-DB90-NP) combined district zoning. The proposed conditional overlay maintains the conditions on Tract 61 from Ordinance No. 020523-31 in the North Loop Neighborhood Plan Rezoning case C14-02-0009.

- | | |
|------------------------------|---|
| • Automotive rentals | • Hospital services (general) |
| • Automotive repair services | • Medical offices (exceeding 5,000 sq. ft.) |
| • Automotive sales | • Pawn shop services |
| • Exterminating services | • Residential treatment |
| • Funeral services | • Service station |

The following uses are conditional uses on the property:

- Congregate living
- Drive-in service as an accessory use to a commercial use

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 14, 2025: APPROVED THE STAFF'S RECOMMENDATION FOR GR-MU-V-CO-DB90-NP.

[A. AZHAR; C. HANEY - 2ND] (10-1-1) A. PHILLIPS – ABSTAINED; G. COX – AGAINST; R. JOHNSON – ABSENT.

CITY COUNCIL ACTION:

May 22, 2025:

May 8, 2025: *APPROVED COUNCILMEMBER QADRI'S REQUEST FOR A POSTPONEMENT TO MAY 22, 2025 BY CONSENT.*

[M. SIEGEL; P. ELLIS – 2ND] (11-0)

April 24, 2025: *FIRST READING APPROVED APPLICANT'S AMENDED REQUEST FOR GR-MU-V-CO-NP.*

VOTE: [CM VELA; MAYOR PRO TEM FUENTES – 2ND] (11-0)

April 10, 2025: *APPROVED COUNCILMEMBER QADRI'S REQUEST FOR A POSTPONEMENT TO APRIL 24, 2025.*

[Z. QADRI; N. HARPER-MADISON – 2ND] (11-0)

February 27, 2025: *APPROVED THE APPLICANT'S REQUEST FOR A POSTPONEMENT TO APRIL 10, 2025.*

[J. VELASQUEZ; V. FUENTES – 2ND] (11-0)

ORDINANCE NUMBER:

No.

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.

CASE MANAGER COMMENTS:

The property in question is approximately 0.35 acres, partially developed with single family residential, has access to East 53rd Street (level 2) and Bruning Avenue (level 1) and is zoned general community commercial - conditional overlay - neighborhood plan (GR-CO-NP). The property has single family residences (SF-3-NP) to the north, south and west and Automotive uses (CS-CO-NP) to the north. There is a church (SF-3-NP) to the south along with a variety of commercial uses and food sales (CS-MU-CO-NP, CS-MU-V-NP and LR-MU-CO-NP) to the south, east and west. ***Please refer to Exhibits A (Zoning Map) and B (Aerial View).***

The applicant is requesting grant community commercial - mixed use - vertical mixed use building - conditional overlay - density bonus 90 - neighborhood plan (GR-MU-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 30 residential units and will not be seeking a modification for the ground floor commercial space requirement. ***Please refer to Exhibit C (Applicant's Summary Letter).***

Staff is recommending the community commercial - mixed use - vertical mixed use building - conditional overlay - density bonus 90 - neighborhood plan (GR-MU-V-CO-DB90-NP) combining district zoning for the proposed 30 residential units, to allow for a unified development with a total of 139 dwelling units. The GR-MU-V-CO-DB90-NP request will allow for more density near the Airport Blvd Core Transit Corridor. The site is located within the North Loop Neighborhood plan and within the Highland Mall Station Regional Center.

A development utilizing the “density bonus 90” incentives is permitted with 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 GR 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 residential 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:

- a) *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. This request is consistent with the “VMU2” option and Ordinance No. 20240229-073, which replaced the invalidated “VMU2” option.

- b) *The proposed zoning should be consistent with the purpose statement of the district sought.*

The community commercial district 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.

The mixed use combining district 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.

The 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 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 density bonus 90 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 district denotes a tract located within the boundaries of an adopted neighborhood plan.

- c) *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>	GR-CO-NP	Single Family Residential
<i>North</i>	CS-CO-NP & SF-3-NP	Automotive Uses & Single Family Residential
<i>South</i>	CS-MU-CO-NP & SF-3-NP	Commercial Uses, Religious Assembly & Single Family Residential
<i>East</i>	CS-MU-V-NP & CS-V-NP	Commercial Uses and Restaurant

West	LR-MU-CO-NP & SF-3-NP	Food Sales (Zucchini Kill) & Single Family Residential
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NEIGHBORHOOD PLANNING AREA: North Loop Neighborhood Planning Area

WATERSHED: Boggy Creek Watershed

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Ridgetop Elementary School

Lamar Middle School

McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Austin Regional Group
Central Austin Community Development Corporation
Friends of Austin Neighborhoods
Go Vamos Austin – North
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
North Austin Neighborhood Alliance
North Lamar Neighborhood Association

North Lamar/Georgian Neighborhood Team
North Loop IBIZ District
North Loop Neighborhood Association
North Loop Neighborhood Plan Contact Team
Preservation Austin
Red Line Parkway Initiative
Ridgetop Neighborhood Association
SELTexas
Save Our Springs Alliance
Sierra Club

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0002 – North Loop Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-In/Out	Amending the boundaries of the VMU Overlay District and/or rezoning selected tracts within the North Loop Neighborhood Planning Area with the vertical mixed use building "V" combining district. The planning area is bounded by IH-35 to the east, 45th St, Red River St, and 51st St to the south, Lamar Blvd to the west, and Koenig Lane on the north.	To Grant all amendments for the North Loop NPA (01/29/2008)	Approved the Neighborhood Plan as Planning Commission Recommended (03/20/2008)
C14-2008-0002.001 – North Loop Neighborhood Planning Area Vertical Mixed Use	These properties were intended by the Neighborhood Plan Contact Team to be opted into VMU as a part of the original North Loop VMU case that was adopted by City Council on March 20, 2008. However, due to an error, these properties were	To Grant all amendments for the North Loop NPA (05/13/2008)	Approved the Neighborhood Plan as Planning Commission Recommended (06/05/2008)

Building (V) Zoning Opt	omitted from the original case and are now being brought forward as an auxiliary case. The neighborhood has recommended all VMU incentives for properties within this 10 acre area.		
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RELATED CASES:

C14-02-0009 - North Loop Neighborhood Plan Combining District Rezonings

C14-2024-0112 – 5301 Martin Avenue: Associated with this rezoning case as they will be one unified development. The applicant is requesting to rezone from CS-CO-NP and SF-3-NP to CS-MU-V-CODB90-NP in order to develop 36 residential dwelling units. This case is going to Planning Commission on January 14, 2025 for a recommendation.

C14-2024-0113 – 704 E. 53rd St: Associated with this rezoning case as they will be one unified development. The applicant is requesting to rezone acres from CS-CO-NP to CS-MU-V-CO-DB90-NP in order to develop 73 residential dwelling units. This case is going to Planning Commission on January 14, 2025 for a recommendation.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

Project Name and Proposed Use: 5210 BRUNING AVENUE. C14-2024-0114. North Loop Neighborhood Plan. FLUM: Mixed Use. Project: 5210 Bruning Avenue. 0.3520 acres from GR-CO-NP to GR-MU-V-CO-DB90-NP. Demolition is proposed, with 1 residential unit to be demolished. Existing: vacant and 1 single family. Proposed: 30 multifamily units. 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	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 *: <ul style="list-style-type: none"> Within Highland Mall Station Regional Center; Adjacent to 53rd Street Activity Corridor; 0.07 miles to Airport Boulevard Activity Corridor
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> 0.15 miles to bus stop along Duval St
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> Sidewalk and bike lane present along E 53rd Street, and Bruning Ave

Y	Connectivity, Good and Services, Employment * : Provides or is located within 0.50 miles to goods and services, and/or employment center. <ul style="list-style-type: none"> • Goods and Services present along E 53rd Street and Airport
	Connectivity and Food Access * : Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education * : Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> • 0.3 miles to Ridgetop Elementary School
Y	Connectivity and Healthy Living * : Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> • 0.3 miles to Bruning Green (pocket park)
	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.)
Y	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.
Y	Housing Affordability * : Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use * : Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy * : Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation : Preserves or enhances a historically and/or culturally significant site.
	Creative Economy : Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education : Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land : Preserves or enhances industrial land.
Y	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
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:

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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.

Fire: There are no comments.

PARD – Planning & Design Review:

Parkland dedication will be required for the new dwelling units 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, as amended.

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan:

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

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

Compatibility Standards

The site is subject to compatibility standards due to the [proximity/adjacency] of SF3 zoning on the Southwest side of property.

Reference 25-2-1051, 25-2-1053

Any structure that is located:

- a) At least 50 feet but less than 75 feet from any part of a triggering property may not exceed 60 feet.
- b) Less than 50 feet from any part of a triggering property may not exceed 40 feet.

Reference 25-2-1061

A 25-foot (15-foot if site is less than 75 feet wide) compatibility buffer is required along the property line shared with the triggering property. No vertical structures are permitted in the compatibility buffer.

Reference 25-2-1062(B)

An on-site amenity, including a swimming pool, tennis court, ball court, or playground, may not be constructed 25 feet or less from the triggering property.

Reference 25-2-1062

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.

Bruning Ave 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.

This tract is already developed, and the proposed zoning change is a footprint within the existing development

FYI This site is in the North Loop Neighborhood Plan

Austin Transportation Department – Engineering Review:

An approved TIA determination worksheet is required. Additional comments may be generated upon receipt, including the requirement to conduct a TIA/TA/NTA. [LDC 25-6-113].

The Austin Strategic Mobility Plan (ASMP) calls for 72 feet of right-of-way for E 53RD ST. It is recommended that 36 feet of right-of-way from the existing centerline should be dedicated for E 53RD ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for BRUNING AVE. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for BRUNING AVE 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)
E 53 rd St	Local Mobility - Level 2	72 feet	46 feet	37 feet	Existing 5 feet sidewalks	Bike Lane - Protected One-Way	Yes
Bruning Ave	Local Mobility - Level 1	58 feet	46 feet	29 feet	Existing 6 feet sidewalks	On-street bike lane	Yes

Austin Water Utility:

No comments on zoning change.

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

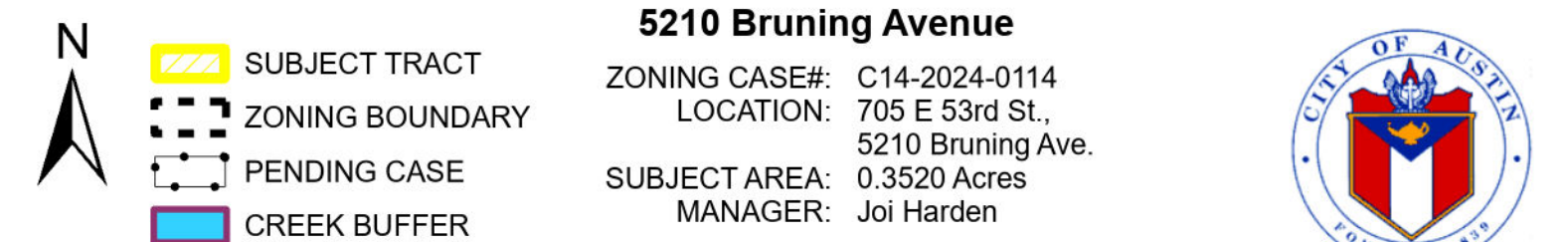
Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. C14-02-0009 - North Loop Neighborhood Plan Combining District Ordinance Correspondence from Interested Parties

E. Public Correspondence

F. Applicant's Amended Summary Letter and Application





June 27, 2024

Ms. Lauren Middleton-Pratt
Permitting and Development Center (PDC)
6310 Wilhelmina Delco Drive
Austin, TX 78752

Via Electronic Delivery

Re: 5210 Bruning Avenue – Zoning application for the 0.352-acre combined properties located at 705 E 53rd Street and 5210 Bruning Avenue, Austin, TX 78751, comprised of TCAD IDs: 2012218893 and 2012218894 (the "Property")

Dear Ms. Middleton-Pratt:

As representatives of the owners of the Property, we respectfully submit the enclosed Zoning application package. The project is titled 5210 Bruning Avenue and 0.352-acres of land, located on the south side of E 53rd Street between Martin Avenue and Eilers Avenue. The Property is in the Full Purpose Jurisdiction of the City of Austin.

The Property is currently zoned GR-CO-NP (Community Commercial – Conditional Overlay – Neighborhood Plan). The requested zoning is to GR-MU-V-CO-DB90-NP (Community Commercial – Mixed Use – Vertical Mixed-Use Building – Conditional Overlay – Density Bonus 90 – Neighborhood Plan).

Zoning Ordinance No. 20020523-031 established the Neighborhood Planning Area, as well as the Conditional Overlay which applies to 5301 Martin Avenue. The Conditional Overlay restricts certain uses on the Property as shown below, which we propose to remain.

The following uses are prohibited on 705 E 53rd Street:

- Automotive rentals
- Automotive sales
- Funeral services
- Medical offices (exceeding 5,000 sq. ft.)
- Residential treatment
- Automotive repair services
- Extermination services
- Hospital services (general)
- Pawn shop services
- Service station
- Congregate living
- Drive-in service as an accessory use to a commercial use

This request includes the DB90 (Density Bonus 90) combining district, that was recently approved on February 29, 2024, via Ordinance No. 20240229-073.

June 27, 2024

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The Property is located in the North Loop Neighborhood Planning Area (NPA) and has a Future Land Use Map (FLUM) designation of Mixed Use. The FLUM designation will remain as Mixed Use and a Neighborhood Plan Amendment is not necessary.

A Traffic Impact Analysis (TIA) determination is currently pending with the Austin Transportation Department. This rezoning application is associated with two (2) other rezoning applications titled 704 E 53rd Street and 5301 Martin Avenue.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo

cc: Joi Harden, Planning Department (*via electronic delivery*)

ORDINANCE NO. 020523-31

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS ON APPROXIMATELY 614.97 ACRES OF LAND GENERALLY KNOWN AS THE NORTH LOOP NEIGHBORHOOD PLAN AREA ("NORTH LOOP") AND TO CHANGE THE BASE ZONING DISTRICTS ON 101 TRACTS OF LAND IN NORTH LOOP.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to each base zoning district within the property and to change the base zoning districts on 101 tracts of land within the property described in File C14-02-0009, as follows:

Approximately 614.97 acres of land, in the City of Austin, Travis County, Texas, more particularly described and identified in the attached Exhibit "A", (the "Property"),

generally known as the North Loop Neighborhood Plan (NP) combining district, locally known as the property bounded by Koenig Lane on the north, IH-35 on the east, Lamar Boulevard on the west and 45th Street, Red River Street and 51st Street on the south, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The base zoning districts for the 101 tracts of land are changed from family residence (SF-3) district, multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, limited office (LO) district, general office (GO) district, neighborhood commercial (LR) district, community commercial (GR) district, community commercial-conditional overly (GR-CO) combining district, general commercial services (CS) district, general commercial services-conditional overlay (CS-CO) combining district, commercial-liquor sales (CS-1) district, and commercial-liquor sales-conditional overlay (CS-1-CO) combining district to family residence-neighborhood plan (SF-3-NP) combining district, multifamily residence low density-neighborhood plan (MF-2-NP) combining district, multifamily residence medium density-neighborhood plan (MF-3-NP) combining district, multifamily residence moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district, neighborhood office-neighborhood plan (NO-NP) combining district, limited office-neighborhood plan (LO-

NP) combining district, limited office-mixed use-neighborhood plan (LO-MU-NP) combining district, limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district, general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district, neighborhood commercial-conditional overlay neighborhood plan (LR-CO-NP) combining district, neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district, neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district, community commercial-mixed used-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district, community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, commercial-liquor sales-conditional overlay neighborhood plan (CS-1-CO-NP) combining district, and public-neighborhood plan (P-NP) combining district, as more particularly described and identified in the chart below.

TRACT	ADDRESS	FROM	TO
1a	5607 LAMAR BV N	CS	CS-CO-NP
1a	5501 LAMAR BV N	CS & GR	CS-CO-NP
1b	600 NELRAY BV	CS	CS-CO-NP
1c	5555 LAMAR BV N	CS, CS-1, & LO	CS-CO-NP, CS-1-CO-NP
1d	700 NELRAY BV	LO	LO-MU-NP
2	707, 709 NELRAY BV; 0 LAMAR BV N (LOT 38 NORTHFIELD ADDITION); 5403, 5409, 5415, 5417 LAMAR BV N	CS	CS-CO-NP
3	5301, 5319 LAMAR BV N	CS	CS-CO-NP
4a	701 NORTH LOOP BV E	CS	CS-MU-CO-NP
4a	5237, 5241 LAMAR BV N; 5253 LAMAR BV N (LOT 18-19, 20-21 LOT 22 *LESS 987 SF INTO ROW BLK B MURRAY PLACE)	CS	CS-CO-NP
4b	5225 LAMAR BV N	CS, LR, LO, MF-3	CS-CO-NP, LR-MU-NP, LO-MU-NP, MF-3-NP
4c	0 LAMAR BV N (LOT 6-7 BLK B MURRAY PLACE); 0 LAMAR BV N (LOT 8-9 BLK B MURRAY PLACE); 5201 & 5209 LAMAR BV N; 702 ZENNIA ST	CS	CS-CO-NP
5a	5101, 5115, 5117 LAMAR BV N; 620 51 ST W	CS	CS-CO-NP
5b	703 ZENNIA ST	LO	LO-NP
6	703, 705 NELRAY BV ; 702, 704, 710, 712 FRANKLIN BV	SF-3	MF-3-NP

7	612 NORTH LOOP BV W	LO	LO-MU-CO-NP
8	301 KOENIG LN W	CS	CS-MU-CO-NP
9	101, 111, 115, 211 KOENIG LN W	CS	CS-MU-CO-NP
10	201, 501 KOENIG LN E	CS	CS-MU-CO-NP
11	702 56 ST E; 5600 AIRPORT BV	CS	CS-MU-CO-NP
12	601, 605 56 ST E; 5500, 5504 MARTIN AV; 0 56 ST E (LOT 32 BLK 33 *LESS N 10FT HIGHLANDS THE PLUS ADJ 1/2 VAC ST) ; 0 MARTIN AV (S12.5FT OF LOT 24 * & N12.5FT OF LOT 25 BLK 34 *LESS E5FT HIGHLANDS THE)	CS	CS-CO-NP
13	5501, 5509, 5511 MARTIN AV	CS	CS-CO-NP
14	711 56 ST E; 5500, 5502, 5504, 5506, 5508 MIDDLE FISKVILLE RD	CS	CS-CO-NP
15	5500, 5512, 0 AIRPORT BV (N TRI OF BLK 1 HILL LOU H MRS SUBD)	CS	CS-CO-NP
16	701 55 ST E	CS	CS-CO-NP
17	5408, 5410, 5414, 5416, 5418, 5420 MIDDLE FISKVILLE RD	CS	CS-CO-NP
18	5406 MIDDLE FISKVILLE RD	SF-3	CS-CO-NP
19	5402 MIDDLE FISKVILLE RD	CS	CS-CO-NP
20	5400 MIDDLE FISKVILLE RD	SF-3	CS-CO-NP
21a	5420 AIRPORT BV	CS, CS-1	CS-CO-NP, CS-1-CO-NP
21b	5324, 5400, 5410 AIRPORT BV	CS	CS-CO-NP
22	5306 MIDDLE FISKVILLE RD	CS	CS-CO-NP
23a	5639 AIRPORT BV; 901, 909, 921 REINLI ST	CS	CS-CO-NP
23b	5619 AIRPORT BV	CS, CS-1 & CS-1-CO	CS-CO-NP, CS-1-CO-NP & CS-1-CO-NP
23c	5520 HELEN ST	CS	CS-MU-CO-NP
23d	5555 AIRPORT BV	CS	CS-CO-NP
24	5501 AIRPORT BV	CS & CS-1	CS-CO-NP & CS-1-CO-NP
25a	5335 AIRPORT BV	CS	CS-CO-NP
25b	5325 AIRPORT BV	CS-1	CS-1-CO-NP
26a	5307 AIRPORT BV; 819 53 1/2 ST E	CS	CS-CO-NP
26b	818 53 ST E	LO	LO-CO-NP
26c	823 53 1/2 ST E	LR & CS	LR-CO-NP & CS-CO-NP
27a	5205, 5207 AIRPORT BV	CS	CS-CO-NP
27b	819, 821 53 ST E	LO	LO-CO-NP
28	5201 AIRPORT BV	CS & CS-1	CS-CO-NP & CS-1-CO-NP
29	813, 815 52 ST E; 5105 AIRPORT BV	CS	CS-CO-NP
30	5101 AIRPORT BV	CS	CS-CO-NP

31	808 51 ST E	CS-CO	CS-CO-NP
32	5009, 5011 AIRPORT BV	CS	CS-CO-NP
33	5001, 5003 AIRPORT BV	CS & CS-1	CS-CO-NP & CS-1-CO-NP
34	4917 AIRPORT BV	CS	CS-CO-NP
35	4909, 4915 AIRPORT BV; 908 49 1/2 ST E	GR	GR-CO-NP
35	0 49 1/2 ST E (LOT 3 *RESUB OF LT A NORTH HARMON TERRACE)	LR & GR	GR-CO-NP
36a	4905 AIRPORT BV; 907 49 1/2 ST E	GR	GR-CO-NP
36b	4901 AIRPORT BV	CS	CS-CO-NP
36c	902, 904 49 ST E	CS & CS-1	CS-CO-NP & CS-1-CO-NP
37	903 49 ST E	LR & CS	CS-CO-NP
38	4801, 4803 AIRPORT BV; 909 48 1/2 ST E	CS	CS-CO-NP
39a	4715, 4721, 0 AIRPORT BV (LOT 2 DYESS SUBD). 908 48 ST E	CS	CS-CO-NP
39b	4712 HARMON AV	GR	GR-CO-NP
39c	4608 HARMON AV	CS & CS-1	CS-CO-NP & CS-1-CO-NP
40	108, 110 A, 112, 114 A NORTH LOOP BV E	SF-3	GR-CO-NP
41a	100, 104, 106 NORTH LOOP BV W	GR, LO	GR-CO-NP
41b	100, 102, 0 NORTH LOOP BV W (W 85FT OF LOT 30-32 BLK 44 HIGHLANDS THE)	CS	CS-CO-NP
41b	110 NORTH LOOP BV E	LR, CS	CS-CO-NP
41b	120 NORTH LOOP BV W	LR	CS-CO-NP
42	200 53 ST E; 5303 AVENUE F	LR	LR-CO-NP
43	204 53 ST E	GR	GR-CO-NP
43	5300 AVENUE G	LR	GR-CO-NP
44	5301, 5303 AVENUE G	LR	LR-CO-NP
45	5302 AVENUE H	LR	GR-CO-NP
45	5300 AVENUE H	CS	GR-CO-NP
46	5303 DUVAL ST	LO	LO-CO-NP
47	5300, 5302 EVANS AV	CS	CS-CO-NP
48	600 54 ST E; 600 53 ST E (LOT 1-8, LOT 9-16, LOT 25-32 BLK 26 HIGHLANDS THE)	CS	CS-MU-CO-NP
49	704, 706, 708 53 ST E; 5301 MARTIN AV; 0 53 ST E (LOT 17-18 *& 10 FT ADJ ALLEY BLK 27 HIGHLANDS THE); 0 53 ST E (LOT 19-20 *& 10FT ADJ ALLEY BLK 27 HIGHLANDS THE)	CS	CS-CO-NP
50	225 NORTH LOOP BV W; 5219 LERALLYNN ST	LO	LO-MU-CO-NP
51	209 NORTH LOOP BV W	CS	CS-CO-NP
52	101, 103, 109, 111 NORTH LOOP BV E; 117 NORTH LOOP BV W; 5208, 5210, 5212 AVENUE F	CS	CS-CO-NP
53	201 53 ST E	CS	CS-CO-NP

54	207 53 ST E	LR	LR-CO-NP
55	5213 AVENUE G	LR	LR-CO-NP
56	5214 AVENUE H	CS	CS-MU-CO-NP
57	401 53 ST E	LR	LR-CO-NP
58	501 53 ST E	GR	GR-CO-NP
59a	5213 EVANS AV	LR	LR-MU-CO-NP
59b	601 53 ST E	LR	LR-CO-NP
60	5211 MARTIN AV	SF-3, LR	LR-MU-CO-NP
61	705 53 ST E; 5210 BRUNING AV	GR	GR-CO-NP
62	5201, 5203, 5205, 5207 EVANS AV	LO	LO-MU-CO-NP
63	5206 EILERS AV	CS	CS-MU-CO-NP
64	5211 EILERS AV	CS	CS-MU-CO-NP
65	5204 CLARKSON AV	LO	LO-MU-CO-NP
66	5102 DUVAL ST ; 404 51 ST E	CS	CS-MU-CO-NP
67	5100 BRUNING AV	CS	CS-MU-CO-NP
68	0 BRUNING AV (LOT 1 BLK 14 HIGHLANDS THE)	CS	CS-MU-CO-NP
69	500 51 ST E	CS	CS-MU-CO-NP
70	5101 EVANS AV	CS	CS-MU-CO-NP
71	5102, 5106 CLARKSON AV	CS	CS-MU-CO-NP
72	4701 RED RIVER ST #101 - 304; 4705 RED RIVER ST	CS	CS-MU-CO-NP
73	4700 DEPEW AV	CS, MF-2	CS-MU-CO-NP, MF-2-NP
74	4625 RED RIVER ST	CS	CS-MU-CO-NP
75	4624 DEPEW AV	CS	CS-MU-CO-NP
76	900 51 ST E	GO	GO-MU-CO-NP
77a	940 51 ST E	LO	LO-MU-NP
77b	944 51 ST E	GR	GR-MU-CO-NP
78	905 & 907 51 ST E	LO	LO-MU-NP
79	4817 HARMON AV	MF-2	SF-3-NP
80a	4705, 4707, 4709, 4715 HARMON AV	CS	CS-MU-CO-NP
80b	4719 HARMON AV	LO	LO-MU-CO-NP
81	4701 HARMON AV	LO	LO-MU-CO-NP
82	4610, 4612 CONNELLY ST	LO	LO-MU-CO-NP
83	4606 CONNELLY ST	LO	LO-MU-CO-NP
84	906 49 ST E ; 909 49 1/2 ST E	LO	LO-MU-CO-NP
85	822, 908 REINLI ST ; 919 KOENIG LN E; 5804, 5812, 5816 INTERSTATE HY 35 N	CS	CS-CO-NP
86a	5510, 5526, 5610, 5656, 5740 INTERSTATE HY 35 N; 0 INTERSTATE HY 35 N (LOT 2 *RESUB LOT 41-42 LESS W45.57FT AV DUVAL HEIGHTS); 925, 959 REINLI ST	CS	CS-CO-NP
86b	922 56 1/2 ST E	LO & CS	LO-CO-NP & CS-CO-NP
86c	5500 INTERSTATE HY 35 N	MF-3 & CS	NO-NP; CS-CO-NP
86d	5330 INTERSTATE HY 35 N	CS	CS-CO-NP

87	1011, 1015 53 ½ ST E	CS	CS-CO-NP
88a	1014 53 ST E (LOT 2 * 2022 SF LOT 3 HASTER F SUBD LOT 1 *107X170FT AV *RESUB PT HILL LOU H MRS SUBD)	CS	CS-CO-NP
88b	1014 53 ST E (LOT 1 HASTER F SUBD E 50'LT 1 BLK O RIDGETOP SUBD)	GR-CO	GR-CO-NP
89a	1000 52 ST E ; 1009 53 ST E	GR	GR-CO-NP
89b	5210 INTERSTATE HY 35 N	GR & CS	GR-CO-NP & CS-CO-NP
90	1000 51 ST E; 1003 52 ST E	GR	GR-CO-NP
91	1000 50 ST E	LR & GR	CS-CO-NP
91	1006 50 ST E	LO	CS-CO-NP
91	1008 50 ST E ; 0 INTERSTATE HWY 35 N (LOT 2 * 272 SQ FT OF BLK B RIDGETOP)	LR	CS-CO-NP
92a	4911 HARMON AV	LO	LO-CO-NP
92b	4920 INTERSTATE HY 35 N	LO & CS	LO-CO-NP & CS-CO-NP
93	4916 INTERSTATE HY 35 N	CS	CS-CO-NP
94	4900, 4904, 4908, 4912 INTERSTATE HY 35 N	CS	CS-CO-NP
95a	4834 INTERSTATE HY 35 N	LR	CS-CO-NP
95b	4812 INTERSTATE HY 35 N	GR-CO, GR, CS, LO	GR-CO-NP, CS-CO-NP, LO-CO-NP
95c	4806 INTERSTATE HY 35 N	GR	GR-CO-NP
96	4800 INTERSTATE HY 35 N	CS & CS-1	CS-CO-NP & CS-1-CO-NP
97	4600, 4704, 4706 INTERSTATE HY 35 N	CS	CS-CO-NP
98	1001 46 ST E	CS, CS-1	CS-CO-NP, CS-1-CO-NP
98	1003, 1007, 1011, 1019 46 ST E ; 4507, 4511 AIRPORT BV ; 4512 INTERSTATE HY 35 N	CS	CS-CO-NP
99	901, 903 51 ST E	SF-3	GR-CO-NP
100	O BRUNING AVE (BLK 17 HIGHLANDS THE)	SF-3	P-NP
101	5413 GUADALUPE	MF-3	MF-4-CO-NP

PART 3. The following applies to an existing legal lot with single-family residential use within the boundaries of the NP combining district:

1. The minimum lot area is 2,500 square feet.
2. The minimum lot width is 25 feet.
3. For a lot with an area of 3,500 square feet or less, the impervious coverage may not exceed 65 percent.

PART 4. Secondary apartment special use is permitted on lots in residential districts within the boundaries of the NP combining district as set forth in Sections 25-2-1462 and 25-2-1463 of the Code

PART 5. Corner store special use is permitted on lots in residential districts within the boundaries of the NP combining district as set forth in Sections 25-2-1482 through 25-2-1485 of the Code.

PART 6. Tracts 2, 3, 4a, 4b, 4c, 5a, 5b, 9 through 22, 24, 25a, 25b, 26a, 26b, 26c, 27a, 27b, 28 through 35, 36a, 36b, 36c, 37, 38, 39a, 39b, 39c, 40, 41a, 41b, 42 through 49, 51 through 58, 59a, 59b, 60, 61, 66 through 69, 84, and 99 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code:

PART 7. Tracts 1a, 1b, 1c, 11 through 22, 24, 25a and 25b may be developed as neighborhood urban center special use as set forth in Sections 25-2-1521 through Section 25-2-1524 of the Code.

PART 8. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions.

1. The following uses are conditional uses on Tracts 1a, 1b, 1c, 2, 3, 4a, 4b, 4c, 5a, 8, 9, and 10:

Adult oriented businesses
Automotive sales
Commercial blood plasma center
Convenience storage
Equipment sales
Vehicle storage

Agricultural sales and services
Campground
Construction sales and services
Equipment repair services
Kennels

2. The following uses are prohibited uses on Tracts 11 through 22, 23a, 23b, 23c, 23d, 24, 25a, 25b, 26a, 26c, 27a, 28, 29, 30, 32, 33, 34, 36b, 36c, 37, 38, 39a, 39c, 80a, 85, 86a, 86b, 86c, 86d, 87, 88a, 89b, 91, 92b, 93, 94, 95a, 95b, 96, 97, and 98:

Adult oriented businesses
Residential treatment

Pawn shop services
Transitional housing

3. The following uses are conditional uses on Tracts 16 through 22, 23c, 23d, 24, 25a, 25b, 26a, 26c, 27a, 28, 29, 30, and 31:

Agricultural sales and services
Campground
Construction sales and services
Equipment repair services
Kennels

Automotive sales
Commercial blood plasma center
Convenience storage
Equipment sales
Vehicle storage

4. The following uses are conditional uses on Tracts 11 through 15, 23a, 23b, 32, 33, 34, 36b, 36c, 37, 38, 39a, and 39c:

Agricultural sales and services
Commercial blood plasma center
Convenience storage
Equipment sales
Vehicle storage

Campground
Construction sales and services
Equipment repair services
Kennels

5. A site plan or building permit for the Tract 31 may not be approved, released, or issued, if the completed development or uses of Tract 31, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 300 trips per day.

6. Vehicular access from Tract 31 to 51st Street is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

7. The following uses are prohibited uses on Tract 31:

Adult oriented businesses
Residential treatment
Transitional housing

Pawn shop services
Restaurant (drive-in, fast food)

8. The following uses are prohibited uses on Tract 23b:

Cocktail lounge

Liquor sales

9. The following uses are prohibited uses on Tracts 35, 36a, 39b, 89a, 90, 95c, and 99:

Pawn shop services

Residential treatment

10. The following uses are prohibited uses on Tracts 41b, 47, 48, 49, 51, 52, 53, 56, 63, 64, and 66 through 75:

Adult oriented businesses
Automotive rentals
Automotive sales
Commercial blood plasma center
Equipment repair services
Exterminating services
Hospital services (general)
Laundry services
Medical offices (exceeding 5,000 s.f.)
Residential treatment
Transitional housing
Transportation terminal

Agricultural sales and services
Automotive repair services
Campground
Convenience storage
Equipment sales
Funeral services
Kennels
Limited warehousing and distribution
Pawn shop services
Service station
Vehicle storage

11. Construction sales and services use is a prohibited use on a site exceeding 8,000 square feet of gross floor area on Tracts 41b, 47, 48, 49, 51, 52, 53, 56, 63, 64, and 66 through 75.
12. The following uses are conditional uses on Tracts 40, 41a, 41b, 43, 45, 47, 48, 49, 51, 52, 53, 56, 58, 61, 63, 64, and 66 through 75.

Congregate living
Drive-in service as an accessory use to a commercial use.

13. The following uses are prohibited uses on Tracts 40, 41a, 43, 45, 58, and 61:

Automotive rentals
Automotive sales
Funeral services
Medical offices (exceeding 5,000 s.f.)
Residential treatment

Automotive repair services
Exterminating services
Hospital services (general)
Pawn shop services
Service station

14. The following uses are prohibited uses on Tracts 7, 42, 44, 46, 50, 54, 55, 57, 59a, 59b, 60, 62, and 65:

Medical offices (exceeding 5,000 s.f.)
Service station

Residential treatment

15. The following uses are conditional uses on Tracts 80a, 85, 86a, 86b, 86c, 86d, 87, 88a, 89b, 91, 92b, 93, 94, 95a, 95b, 96, 97, and 98:

Campground

Convenience storage

Kennels

Commercial blood plasma center

Equipment sales

Vehicle storage

16. Residential treatment use is a prohibited use on Tracts 26b, 27b, 76, 80b, and 81 through 84.

17. The followings uses are prohibited uses on Tract 88b:

Automotive repair services

Pawn shop services

Restaurant (drive-in, fast food)

Exterminating services

Residential treatment

Service station

18. The following conditions apply to Tract 88b:

- a. The floor area ratio (F.A.R.) may not exceed 1 to 1 for general retail sales (general) use, general retail sales (convenience) use, and financial services use.
- b. The floor area ratio (F.A.R.) may not exceed 0.45 to 1 for restaurant (general) use and restaurant (limited) use.
- c. The floor area ratio (F.A.R.) may not exceed 0.38 to 1 for food sales use.
- d. Vehicular access from the Property to 53rd Street is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

19. The following conditions apply to Tract 101:

- a. Hospital services (limited) use is a prohibited use.
- b. The maximum height of a building is 40 feet from ground level.
- c. The minimum front yard setback is 25 feet.

- d. The maximum building coverage is 55 percent.
 - e. The maximum impervious cover is 65 percent.
20. The following conditions apply to a 0.510 acre tract of land out of Tract 95b, the tract of land described by metes and bounds in Exhibit "C" incorporated into this ordinance:
- a. General retail sales (general) and general retail sales (convenience) use may not exceed 13,260 square feet of gross floor area.
 - b. Restaurant (general) use may not exceed 9,730 square feet of gross floor area.
 - c. Restaurant (drive-in, fast food) use may not exceed 3,160 square feet of gross floor area.
 - d. Financial services use may not exceed 12,500 square feet of gross floor area.
 - e. Food sales use may not exceed 2,730 square feet of gross floor area.
 - f. Vehicular access is prohibited from the property to Harmon Avenue. All vehicular access to the property shall be from other adjacent public streets or through other adjacent property.
21. The following condition applies to a 1.26 acre tract of land out of Tract 95b, the tract of land described by metes and bounds in Exhibits "D" and "E" incorporated into this ordinance:

Vehicular access is prohibited from the property to Harmon Avenue. All vehicular access to the property shall be from other adjacent public streets or through other adjacent property.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

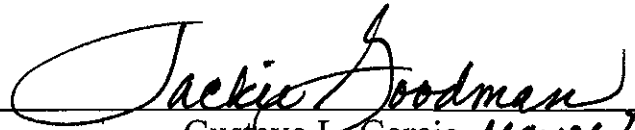
PART 9. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 10. This ordinance takes effect on June 3, 2002.


PASSED AND APPROVED

May 23, 2002

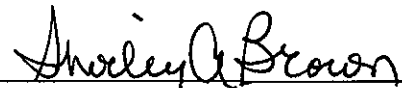
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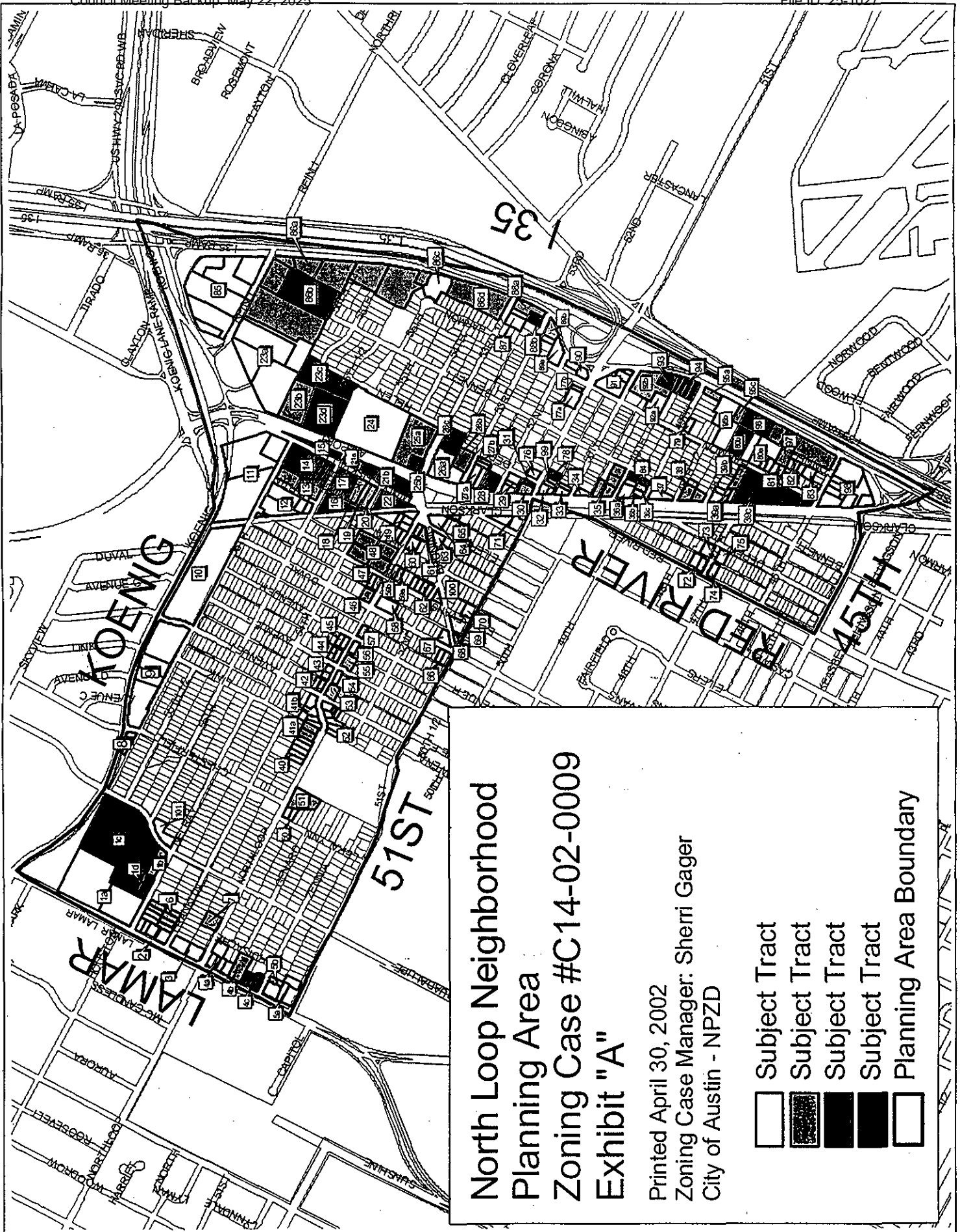

Gustavo L. Garcia *Mayor Pro Tem*
Mayor

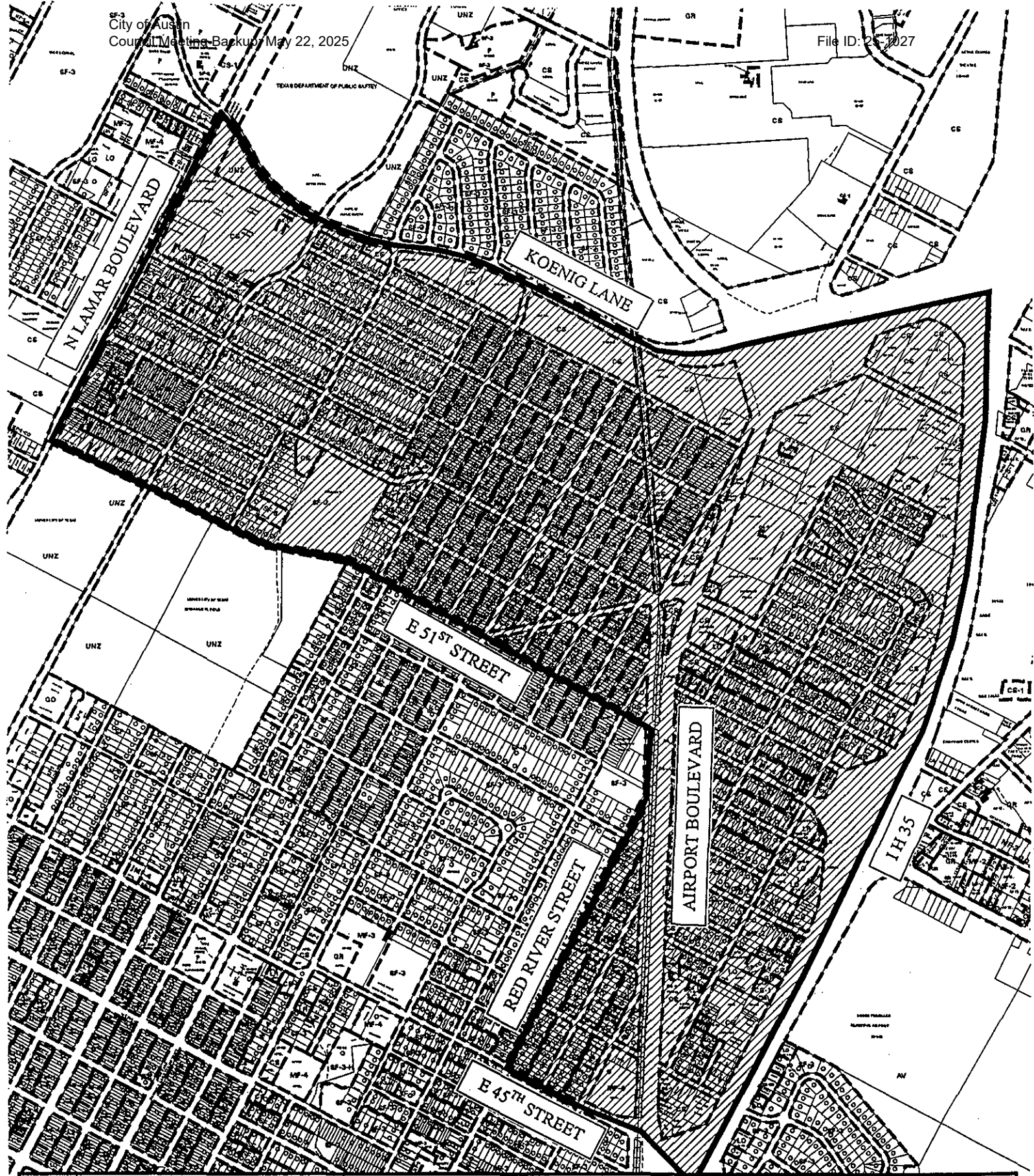
APPROVED:



Sedora Jefferson
City Attorney

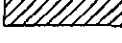


ATTEST:


Shirley A. Brown
City Clerk






1" = 1000'

SUBJECT TRACT 
PENDING CASE 
ZONING BOUNDARY 
CASE MGR: S. GAGER

ZONING EXHIBIT B

CASE #: C14-02-0009
ADDRESS: W KOENIG LANE
SUBJECT AREA (acres): 614.970

DATE: 02-05
INTLS: SM

CITY GRID
REFERENCE
NUMBER
K25-27

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



PROJECT NAME: _____

ADDRESS/LOCATION 5210 Bruning Avenue, 704 E 53rd Street, 5301 Martin Ave.

CASE #: C14-2024-0112, C14-2024-0113 and C14-2024-01114

☐ NEW SINGLE FAMILY

☒ DEMOLITION OF SINGLE FAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

SF UNITS: _____ **STUDENTS PER UNIT ASSUMPTION**
Elementary School: _____ Middle School: _____ High School: _____

MF UNITS: 139 **STUDENTS PER UNIT ASSUMPTION**
Elementary School: .059 Middle School: .029 High School: .039

IMPACT ON SCHOOLS

In December 2024 the Educational Impact Statement was submitted to the City of Austin for 139 MF units

The student yield factor of 0.127 (across all grade levels) for apartment homes was used to determine the number of projected students. This was determined by the district's demographer by looking at the district average for multifamily units.

Due to the location of the proposed development, there is a road that will go through, and the development would be zoned to two different elementary schools. The project will demolish 3 units and propose 139-unit multifamily development. It is projected to add approximately 19 students across all grade levels to the projected student population. It is estimated that of the 19 students, 6 will be assigned to Reily Elementary School, 2 to Ridgetop Elementary 4 to Lamar Middle School, and 6 to McCallum High School.

The percentage of permanent capacity by enrollment for School Year 2028-29, including the additional students projected with this development, would all be below the optimal utilization target range of 85-110% at Ridgetop ES (81%), at optimal utilization at Reily ES (94%), and above at Lamar MS (127%) and McCallum HS (123%). The enrollment at Lamar MS and McCallum HS will need to be closely monitored to determine the impact on its capacity.

TRANSPORTATION IMPACT

Students who will be attending Reily, Ridgetop and McCallum will be considered walkers unless a hazardous route is determined. Students attending Lamar will be eligible for transportation, but no added bus will be needed.

SAFETY IMPACT

There are not any identified safety impacts currently.

Date Prepared: 01.15.2025

Executive Director: _____

DocuSigned by:

Beth Wilson

38E0989C305B4F8...

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Reily

ADDRESS: 405 Denson Drive

PERMANENT CAPACITY: 384

MOBILITY RATE: 47.9%

POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2023-24 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	238	240	246
% of Permanent Capacity	62%	63%	64%

ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2023-24 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	352	354	360
% of Permanent Capacity	92%	92%	94%

ELEMENTARY SCHOOL: Ridgetop

ADDRESS: 5005 Caswell Ave

PERMANENT CAPACITY: 440

MOBILITY RATE: -12.4%

POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2023-24 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	150	149	151
% of Permanent Capacity	34%	34%	34%

ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2023-24 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	356	355	357
% of Permanent Capacity	81%	81%	81%

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



MIDDLE SCHOOL: Lamar

ADDRESS: 6201 Wynona Ave

PERMANENT CAPACITY: 968

MOBILITY RATE: .03%

POPULATION (without mobility rate)

MIDDLE SCHOOL STUDENTS	2023-24 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,095	1,221	1,225
% of Permanent Capacity	113%	126%	127%

ENROLLMENT (with mobility rate)

MIDDLE SCHOOL STUDENTS	2023-24 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	1,098	1,224	1,228
% of Permanent Capacity	113%	126%	127%

HIGH SCHOOL: McCallum

ADDRESS: 5600 Sunshine Dr

PERMANENT CAPACITY: 1,542

MOBILITY RATE: 2.7%

POPULATION (without mobility rate)

HIGH SCHOOL STUDENTS	2023-24 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,827	1,836	1,842
% of Permanent Capacity	118%	119%	119%

ENROLLMENT (with mobility rate)

HIGH SCHOOL STUDENTS	2023-24 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	1,876	1,885	1,891
% of Permanent Capacity	122%	122%	123%

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 participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>.



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.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2024-0114

Contact: Cynthia Hadri, 512-974-7620

Public Hearing: January 14, 2025, Planning Commission

Glenn Ross

Your Name (please print)

5114 Martin Ave. #B

Your address(es) affected by this application (optional)

[Signature]

Signature

1/8/25

Date

☐ I am in favor
☒ I object

Daytime Telephone (Optional):

Comments: No, No. No.!

There are already too many structures in the area & we can't handle more traffic & crime. Not to mention the insane parking situation - (NONE!) There are so many people parking on neighboring streets you can barely

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

City of Austin, Housing & Planning Department

Cynthia Hadri

P. O. Box 1088, Austin, TX 78767

Or email to:

cynthia.hadri@austintexas.gov

drive down any street!



Re: Case numbers C14-2024-0114, C14-2024-0113, and C14-2024-0112

From David Ross

Date Thu 1/9/2025 2:58 PM

To Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>

External Email - Exercise Caution

Cynthia,

We would like to sign up to speak in opposition. We would also like to include a formal objection. Thank you for your help.

Dave & Pam Ross

On Thursday, January 9, 2025 at 02:51:45 PM CST, Hadri, Cynthia <cynthia.hadri@austintexas.gov> wrote:

Hi Dave,

I will be sending out the speaker registration link along with the agenda on Friday afternoon once it is posted online. I will also share the staff reports that are uploaded to the Planning Commission's website. Will you be signing up to speak in opposition or in favor of the rezonings?

If you'd like to include a formal objection for the City Council and Commissioner's, I can submit it with the backup that they receive prior to the public hearings.

Best Regards,

Cynthia Hadri

Planner III | Current Planning

City of Austin, Planning Department

O: (512) 974-7620

From: David Ross

Sent: Thursday, January 9, 2025 2:10:42 PM

To: Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>

Subject: Re: Case numbers C14-2024-0114, C14-2024-0113, and C14-2024-0112

External Email - Exercise Caution

Thank you Cynthia for responding to my email regarding the properties on Martin, Bruning and 53rd street. I plan on attending via online on January 14th. The notice says if I want to participate at the Hearing I have to register to speak in advance. Can you tell me how I can register.

Thanks,
Dave & Pam Ross

Hi David and Pam,

I'm sorry for the late response, I was out of the office. There are three individual rezoning cases submitted for one unified development. The applicant is seeking multiple rezonings in order to build approximately 139 multifamily residential units with ground floor commercial on the properties.

For case C14-2024-0112, the zoning request is to go from CS-CO-NP & SF-3-NP to CS-MU-V-CO-DB90-NP. The addresses associated with this rezoning are 5301 and 5303 Martin Avenue. Approximately 36 dwelling units are proposed to be constructed with a request of 90 feet for max height.

For case C14-2024-0113, the zoning request is to go from CS-CO-NP to CS-MU-V-CO-DB90-NP. The addresses associated with this rezoning are 704, 706, 706 1/2 and 708 East 53rd street. Approximately 73 dwelling units are proposed to be constructed with a request of 90 feet for max height.

For case C14-2024-0114, the zoning request is to go from GR-CO-NP to GR-MU-V-CO-DB90-NP. The addresses associated with this rezoning are 5210 Bruning Avenue and 705 East 53rd Street. Approximately 30 dwelling units are proposed to be constructed with a request of 90 feet for max height.

The notice does have the acronym descriptions but if you'd like me to send those via email I can. Also, if you'd like to discuss over the phone I am happy to give you a call and discuss these cases with you and/or Pam. I can also connect you directly with the applicant, Leah Bojo, if you'd like.

Best Regards,
Cynthia Hadri
Senior Planner | Current Planning
City of Austin, Planning Department
O: (512) 974-7620

Please note: E-mail correspondence to and from the City of Austin is subject to required disclosure under the Texas Public Information Act.

From: David Ross
Sent: Saturday, January 4, 2025 3:56 PM
To: Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>
Subject: Case numbers C14-2024-0114, C14-2024-0113, and C14-2024-0112

External Email - Exercise Caution

We received a notice of Public Hearing for Rezoning to be heard by the Planning Commission on January 14, 2025. In order to understand the cases we would like to know what the proposed zoning change is. The letter states it is going from GR-CO-NP to GR-MU-V-CO-DB90-NP. Can you please explain in layman terms what this means.

Thank you,
Pam & Dave Ross
704 E 52 St

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Re: Rezoning for three cases - public hearing 1/14 at 6 pm

From Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>

Date Fri 1/10/2025 5:19 PM

To Teresa Anderson

Hi Teresa,

I will include your email and objections letters in the backup given to the commissioners. Regarding the tree, this will be addressed at the time of site plan, not rezoning.

Best regards,

Cynthia Hadri

Senior Planner | Current Planning

City of Austin, Planning Department

O: (512) 974-7620

Please note: E-mail correspondence to and from the City of Austin is subject to required disclosure under the Texas Public Information Act.

From: Teresa Anderson

Sent: Friday, January 10, 2025 4:06 PM

To: Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>

Subject: Rezoning for three cases - public hearing 1/14 at 6 pm

External Email - Exercise Caution

Good afternoon,

I plan on attending the public hearing, as I object the rezoning that the JEV Family LTD is intending. The owner has been a terrible land use commercial company and has several violations, especially at 5210 Bruning Ave. E.g., In Aug 2019, Tammy Lewis (code inspector) put signs in the alley saying it would be a \$2,000 fine for littering, as they have so much litter.

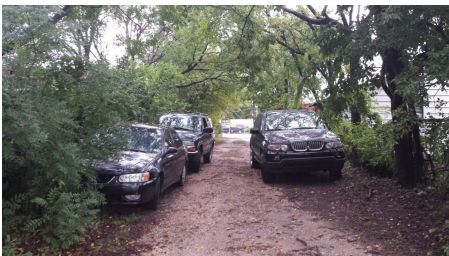
My former neighbor reported this on Aug 12, 2019:

"Thank you for reporting your city services needs. Your service request for Austin Code - Request Code Officer, 19-00305895, has been closed and transferred to the Austin Code Department's system for investigation. Below are details on the assigned Inspector, their contact information, and your case number: 2019-166290 CC Inspector Name: Edmond Su Inspector Phone: 512-974-2519 Address: 5210 BRUNING AVE City: AUSTIN Zip Code: 78751"

They abandoned cars and put them in the alley and sometimes parked on my property:



And put vehicles in the alley in the past (glad they are not doing that now):




Loads of litter in the past and still currently:







Will they keep this tree, as it is a native and should not be torn down:



 Case14-2024-0114.jpeg

 Case_C14-2024-0112.jpeg

 Case_C14-2024-0113.jpeg

I hope my documentation makes sense to your group.
Best regards,
Teresa

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For any additional questions or concerns, contact CSIRT at "cybersecurity@austintexas.gov".

My former garage was burgled three times in 2013 and emailed to my 'hood:


TA

NNADL<nnadl-bounces@northfieldna.org> on behalf of Teresa Anderson

To: North Loop Neighborhood Listserv; ridgetopna@yahoogroups.com; president@highlandneighborhood.com

Wed 9/11/2013 9:55 PM

Flagged



2 attachments (573 KB)

Save all to OneDrive

Save All Attachments

After a long day of work, really sad to come home to see my garage burgled again (hit in May). I've been looking at web cameras, etc. but did not have time to invest in a system for my garage. I had my Orbea Orca cable-locked to an eye-bolt within my garage, but they just cut it (probably with my tools they didn't take in May). I am deducing that the burglars saw me ride it somewhere in the 'hood, because in May it was in the shop (and I thought I was lucky).

The residents of 5210 Bruning Ave were probably the burglars.

Here's the attempted burglary at my back door, even though my house has a security system. Glad for my later residential neighbors built an ADU, so my property is looked after them.





Re: C14-2024-0112 - 5301 Martin Avenue, C14-2024-0113 - 704 E 53rd Street & C14-2024-0114 - 5210 Bruning Avenue

From David Ross

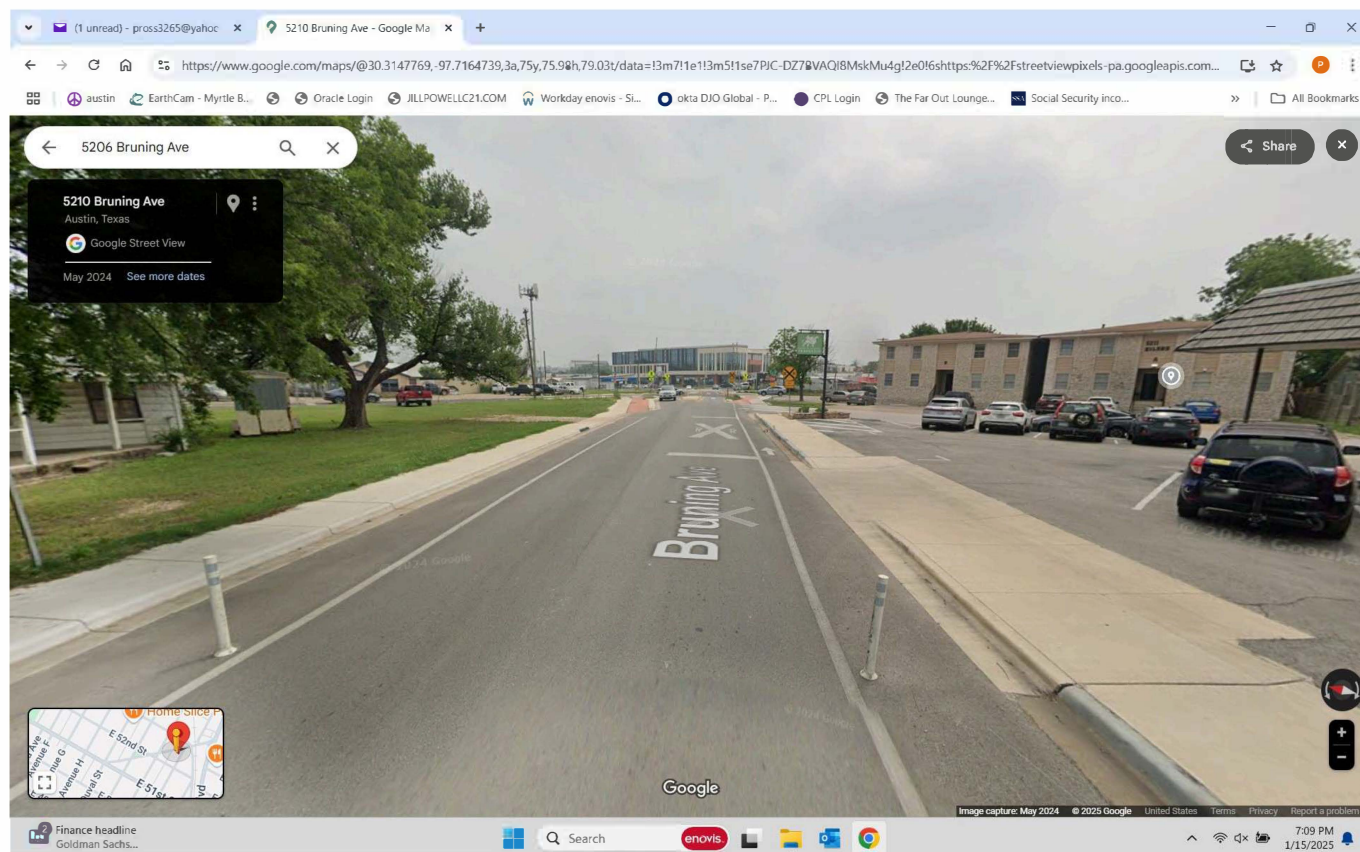
Date Wed 1/15/2025 7:20 PM

To Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>

External Email - Exercise Caution

Cynthia

Another big safety issue with 5210 Bruning is the board removed the restriction against transitional housing without notifying the homeowners in the area of this request in writing. That was not mentioned in the letter we received from the city in the mail. As shown below there is the Griffin school directly across the street from 5210 Bruning. Children walk to this building all day every school day from their main school building. This doesn't seem safe to me. The white house on the left is 5210 Bruning and the green street sign on the right is the school.



On Wednesday, January 15, 2025 at 04:41:33 PM CST, Hadri, Cynthia <cynthia.hadri@austintexas.gov> wrote:

Hi David,

Thank you for your comments and concerns, I'll include them for the City Council.

Best Regards,
Cynthia Hadri
Senior Planner | Current Planning
City of Austin, Planning Department
O: (512) 974-7620

Please note: E-mail correspondence to and from the City of Austin is subject to required disclosure under the Texas Public Information Act.

From: David Ross
Sent: Wednesday, January 15, 2025 4:39 PM
To: Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>
Subject: Re: C14-2024-0112 - 5301 Martin Avenue, C14-2024-0113 - 704 E 53rd Street & C14-2024-0114 - 5210 Bruning Avenue

External Email - Exercise Caution

Attached is a picture of parking on 52nd street near 5210 Bruning. Most of these cars are Home Slice Pizza customers. No sidewalks, no street lights.

David Ross

On Wednesday, January 15, 2025 at 04:09:55 PM CST, David Ross <pross3265@yahoo.com> wrote:

Cynthia

I did not receive an e-mail with remote instructions so I would appreciate you forwarding this objection e-mail to the review board for further consideration.

Item #14 5210 Bruning is a small triangle .352 acre lot with 53rd on one side, Bruning on another side, an alley on the back and Clarkson and Middle Fiskville roads both crossing in front of the lot. The front corner of the lot is approx. 100 feet from a rail road crossing and maybe another 100 more feet to Airport road so it is a very busy intersection that is 10X worse then a train is crossing.

Parking is another issue. Home Slice Pizza is 2 short blocks away and their parking lot only holds maybe 10% of customers cars at night when the weather is nice so I would guess maybe 100 - 200 cars park bumper to bumper on the streets in the neighborhood.

There are very few sidewalks or street lights on these side streets. This makes walking and even driving very dangerous when cars park on both sides of the side streets at night. Where will parking be for 30 more family units along with apartment workers on a .35 acre lot? My guess is on the side streets. There is such a lack of street parking at night that many people park right up to the crossing intersections making it impossible to see cross traffic until you are already into the intersection. These are my main concerns.

Thanks
David Ross

On Wednesday, January 15, 2025 at 03:25:40 PM CST, Hadri, Cynthia <cynthia.hadri@austintexas.gov> wrote:

Hi David,

Apologies for you not being able to speak last night, I saw that you signed up to speak virtually and were sent the link to call into the meeting from the Land Use Liaison. There should have been instructions in that email, however being that you were not able to speak to your opposition would you like to include it via email to me so I can include it in the staff report moving forward to City Council? I spoke with a few of the neighbors that came last night and they will also be sending in letters of opposition. There has also been someone that has reached out regarding the petition process so this should make it's way around the neighborhood soon as well.

Please let me know if you need anything else.

Best Regards,
Cynthia Hadri
Senior Planner | Current Planning
City of Austin, Planning Department
O: (512) 974-7620

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From: David Ross
Sent: Tuesday, January 14, 2025 8:04 PM
To: Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>
Subject: Re: C14-2024-0112 - 5301 Martin Avenue, C14-2024-0113 - 704 E 53rd Street & C14-2024-0114 - 5210 Bruning Avenue

External Email - Exercise Caution

I was not able to speak against item #14 because I was not called on my phone number (as your e-mail said) I gave when registering. Star 6 did not work while viewing the meeting on the cities web site. I agree the item should have been post-phoned until the February meeting with the neighborhood. How does one get into the que? The instructions in the e-mail and attachment are not clear at all.

David Ross

On Friday, January 10, 2025 at 05:17:17 PM CST, Hadri, Cynthia <cynthia.hadri@austintexas.gov> wrote:

Good afternoon,

The Planning Commission (PC) agenda is attached and the Staff report is provided in the link below. The 5301 Martin Avenue, 704 E 53rd Street and 5210 Bruning Avenue Rezoning cases are Items 12, 13 and 14 on the agenda. Please refer to pages 8-9 for speaker registration and information regarding presentation / handout materials. Page 9 includes information about Speaker testimony time allocation and parking validation.

Please view the [Planning Commission Webpage](#) for the agenda and backup material (Staff Report).

Please note, the PC meeting has the option of allowing the public to participate via telephone as well as in-person. **In order to address the PC by telephone, please be sure to sign up through the speaker registration link below prior to 2 pm on Tuesday, January 14th.**

Please email any presentations or handouts to Commission Liaison Ella Garcia at LandUseLiaison@austintexas.gov by 1:00 PM day of the meeting.

Speaker registration link: <https://forms.office.com/g/irmTaGAqPp>

In-person speakers are able to sign up any time **prior to 5:30 pm.**

Thank you,



Cynthia Hadri (she/her)
Senior Planner | Current Planning
Planning Department
512-974-7620
cynthia.hadri@austintexas.gov

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PETITION

Date: 1/15/2025

File Number: C14-2024-0114

Address of

Rezoning Request: C14-2024-0114

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than GR-CO-NP.

The proposed zoning change for this property is inappropriate and would negatively impact the community. The current zoning (GR-CO-NP) is already suitable for the property, allowing for multifamily housing and small businesses without the need for an upzone.


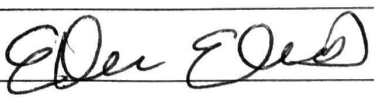
Additionally, the property is requesting zoning changes along with two adjacent properties. The traffic analysis conducted for the proposed changes did not consider the zoning changes of this property at all. It considered each of the applications separately and did not look at the holistic impact of the zoning change of these three cases. While the rules state the staff must consider each application individually, we ask the City Council to consider the holistic impact of the upzoning in their assessment.

Furthermore, the property owner has a long history of non-compliance with city regulations, including multiple code violations. The property has been allowed to fall into disrepair and has been used primarily as a dumping ground for junk cars. Granting this zoning change would reward a property owner who has shown a consistent disregard for the community and local rules, and would lead to even more neglect in the area in the future.

Signature

Printed Name

Address

	ANDERSON TERESA J	5205 MARTIN AVE AUSTIN 78751
	BEYENE ESSETE	5212 MARTIN AVE AUSTIN 78751
	DYAL ALISSA ANNE	5206 MARTIN AVE AUSTIN 78751
	ELMORE ELLEN	5205 EILERS AVE AUSTIN 78751
	LINERO ANTONIO & KATHLEEN	5204 B MARTIN AVE 78751
	MEANS BILL ENTERPRISES LLC	5210 MARTIN AVE AUSTIN 78751

	MORRIS EDWARD T & JESSICA NELSON-MORRIS	MARTIN AVE 78751
	OPEN DOOR GROUP LLC	5305 MARTIN AVE
<i>x Lenny G. Li</i>	PERRIN PENNYE	5206 EILERS AVE AUSTIN 78751
<i>Lenny G. Li</i>	PERRIN PENNYE G	5207 EILERS AVE AUSTIN 78751
<i>Stephens Brooklyn & Laura Gamboa</i>	STEPHENS BROOKELYN & LAURA GAMBOA	5203 MARTIN AVE 1
<i>Rachel Forster</i>	ADNAN PRCIC & RACHEL FORSTER	5203 MARTIN AVE 2
	TRINITY CHAPEL PENTECOSTAL CHURCH	5201 MARTIN AVE 78751
	TRINITY CHAPEL PENTECOSTAL CHURCH	5202 EILERS AVE 78751
	WOLRICH SAMUEL	5208 MARTIN AVE AUSTIN 78751
	RAICO MEREDITH & MATTHEW AARON MCLAUGHLIN	5200 EILERS AVE A & 704 E 52 ST B
	ROSS PAMELA & DAVID ROSS	5211 MARTIN AVE 78751

File Number: C14-2024-0114

Date: 1/25/2025

Contact Name: **Rachel Forster**
Phone Number: 5129655992

PUBLIC HEARING INFORMATION

Exhibit E

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 participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>



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.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2024-0114

Contact: Cynthia Hadri, 512-974-7620

Public Hearing: February 27, 2025, City Council

DAVID ROSS

Your Name (please print)

704 E 52ND AUSTIN, TX 78751

Your address(es) affected by this application (optional)

David Ross

2-10-2025

Signature

Date

Daytime Telephone (Optional): 734 673-4695

Comments: I DO NOT THINK A 90FT TALL BUILDING FITS INTO THE NEIGHBORHOOD. 30 FAMILY UNITS ON A 1/3 ACRE LOT WITH 30-60 CARS ON A VERY BUSY CORNER IS A BAD IDEA. ADDING ALLOWING A TRANSITION HOUSING DIRECTLY ACROSS THE STREET ISNT GOING TO BE SAFE A SCHOOL IS ON THE OTHER SIDE OF 5210 BRUNING.

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

City of Austin, Planning Department

Cynthia Hadri

P. O. Box 1088, Austin, TX 78767

Or email to:

cynthia.hadri@austintexas.gov



April 21, 2025

Ms. Lauren Middleton-Pratt
Permitting and Development Center (PDC)
6310 Wilhelmina Delco Drive
Austin, TX 78752

Via Electronic Delivery

Re: 5210 Bruning Avenue – Zoning application for the 0.352-acre combined properties located at 705 E 53rd Street and 5210 Bruning Avenue, Austin, TX 78751, comprised of TCAD IDs: 2012218893 and 2012218894 (the "Property")

Dear Ms. Middleton-Pratt:

As representatives of the owners of the Property, we respectfully submit the enclosed Zoning application package. The project is titled 5210 Bruning Avenue and 0.352-acres of land, located on the south side of E 53rd Street between Martin Avenue and Eilers Avenue. The Property is in the Full Purpose Jurisdiction of the City of Austin.

The Property is currently zoned GR-CO-NP (Community Commercial – Conditional Overlay – Neighborhood Plan). The revised requested zoning is to GR-MU-V-CO-NP (Community Commercial – Mixed Use – Vertical Mixed-Use Building – Conditional Overlay – Neighborhood Plan).

Zoning Ordinance No. 20020523-031 established the Neighborhood Planning Area, as well as the Conditional Overlay which applies to 5301 Martin Avenue. The Conditional Overlay restricts certain uses on the Property as shown below, which we propose to remain.

The following uses are prohibited on 705 E 53rd Street:

- Automotive rentals
- Automotive sales
- Funeral services
- Medical offices (exceeding 5,000 sq. ft.)
- Residential treatment
- Automotive repair services
- Extermination services
- Hospital services (general)
- Pawn shop services
- Service station
- Congregate living
- Drive-in service as an accessory use to a commercial use

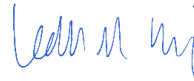
The Property is located in the North Loop Neighborhood Planning Area (NPA) and has a Future Land Use Map (FLUM) designation of Mixed Use. The FLUM designation will remain as Mixed Use and a Neighborhood Plan Amendment is not necessary.

A Traffic Impact Analysis (TIA) determination from the Austin Transportation Department identified that a Neighborhood Traffic Analysis (NTA) is required. This rezoning application is associated with two (2) other rezoning applications titled 5301 Martin Avenue and 704 E 53rd Street.

April 21, 2025
Page 2

Please let me know if you or your team members require additional information or have any questions.
Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo

cc: Joi Harden, Planning Department (*via electronic delivery*)
Beverly Villela, Planning Department (*via electronic delivery*)

02 ZONING



rev 05/12/2023

GENERAL OVERVIEW

GENERAL INFORMATION

This packet outlines the procedures and submittal requirements necessary to obtain a change of zoning within the City of Austin jurisdiction (full-purpose and limited-purpose City limits). The regulatory requirements and procedures for approval are defined in Chapter 25-2 of the Code of the City of Austin. Chapter 25 was adopted by City Council in order to protect the health, safety and welfare of the Austin community.

Additional information about the zoning process and code requirements can be obtained prior to submitting a zoning application by contacting Land Development Information Services by phone 512-974-1770, or by visiting the City of Austin's Development Services website at <https://www.austintexas.gov/dsd>.

WHAT IS ZONING?

Zoning is the division of land within a jurisdiction into separate districts within which uses are permitted, prohibited or permitted with conditions. Zoning establishes site regulations, such as building heights, bulk (density/floor-to-area ratio), setbacks, building coverage, impervious cover, etc. Zoning is a power granted to municipalities by the State in order to promote public health, safety, morals, or general welfare, and to protect and preserve places and areas of historical, cultural, or architectural importance and significance.

ORDER OF PROCESS

Zoning is usually the first step in the City of Austin's development process. A Neighborhood Plan Amendment may also be required if the property is located within an adopted Neighborhood Plan area and a change to the adopted plan and/or the property's future land use map (FLUM) designation is necessary. A Neighborhood Plan Amendment may be processed concurrently with a request for a zoning change. Prior to the construction or occupation of a new or expanded land use/business on a site, other steps including subdivision, site plan, or building permit and inspection, may be required. Contact Land Development Information Services for additional information.

TIMEFRAME FOR PROCESSING A ZONING APPLICATION

Submit your application online at <https://www.austintexas.gov/departments/land-use-review>. No in-person application submittal is available. A written report from staff will be available to the applicant and the public several days before the item is scheduled for review by the Land Use Commission. Zoning requests are typically heard by the assigned Land Use Commission on the fourth or fifth Tuesday of the month following the date of submittal (approximately 6 to 7 weeks), and by the City Council on the fourth Thursday following the Commission's recommendation.

CASE MANAGER

Each zoning application is assigned to a review team. The Case Manager will serve as liaison between you and the City of Austin and function as your main point of contact. Once your application has been submitted, any questions, problems, conflicts, etc. should be directed to the Case Manager. If you need to see your Case Manager, it is suggested an appointment be made to ensure the Case Manager is available.

NEIGHBORHOOD, COMMUNITY AND ENVIRONMENTAL ASSOCIATIONS

Information concerning neighborhood associations, community groups and environmental interest groups in the area of the zoning request is available at Land Development Information Services.

URBAN RENEWAL ZONE

The site may be located within one of five Urban Renewal Plan districts created in the 1960s to allow clearance and redevelopment of certain parts of East and Central Austin. The Urban Renewal Plan areas are subject to specific land use and development standards that are unique to each area and applicable to all public (including the State of Texas and the University of Texas) and private entities. Contact Land Development Information Services for information regarding the Urban Renewal Plan districts.

HOW TO OBTAIN INFORMATION

Clerical staff and planners are available by appointment during business hours. Appointments can be scheduled by visiting <https://www.austintexas.gov/pdc-appointments#Zoning>.

HICS AND FINANCIAL DISCLOSURE INFORMATION

If you or your agent/representative were a City employee or City official within the past 24 months, you may be subject to the City's Ethics and Financial Disclosure requirements (see City Code Chapter 2-7). Copies of Chapter 2-7 are available from the City Clerk's Office.

SUBMITTAL INFORMATION AND REQUIREMENTS

When filing a zoning change, the applicant or the applicant's agent shall submit the following information in person to the Intake Center of the Planning and Zoning Department, 4th floor, One Texas Center, 505 Barton Springs Road.

- A. **APPLICATION FORM** - Type or print all information. One copy of the completed application form shall be submitted in which the following items shall be addressed:
1. **Owner** - Please indicate name of current owner. The current owner or authorized agent must apply for the zoning change.
 2. **Project Name** - Fill in, if applicable.
 3. **Street Address(es)** - Indicate the address or range of addresses for all streets abutting the property. For assistance, contact Addressing Services of the Communications and Technology Management Department, 10th floor, One Texas Center, 505 Barton Springs Road.
 4. **Land Area to be Rezoned** - The area of the tract(s) for which a zoning change is being requested shall be shown in square feet or acres. If more than one type of zoning is being requested, identify each tract and indicate size and type of zoning being requested.
 5. **Existing Zoning** - Indicate existing zoning and use. If more than one tract is involved, identify tract by number and corresponding acreage or square footage. Zoning maps are available through Land Development Information Services. If the maps do not reflect what you think is the correct zoning, a zoning verification request may be made to Document and Map Sales, located on the 1st floor of One Texas Center, 505 Barton Springs Road.
 6. **Proposed Zoning** - Indicate the proposed zoning. If there are questions as to what zoning is needed, contact Land Development Information Services.
 7. **Development Assessment** - If you have completed a Development Assessment, indicate file number and the Intake Center will verify and apply the refund to your zoning application.
 8. **Active Neighborhood Plan Amendment, Zoning, Restrictive Covenant, Subdivision and Site Plan Requests** - If there are any pending requests on the property covered by this application, please indicate the case number(s).
 9. **Property Description** - The property description shall accurately describe only that area for which a zoning change is being requested. This description shall be by either lot and block of a recorded subdivision, including plat book and page or document number, or by certified field notes describing only the land area needed for the proposed use(s). If field notes are supplied, two copies are needed using the following format:
 - a) Prepared on 8½ x 11 paper
 - b) Typed in a standard business typeface (legible)
 - c) Begin with a caption that describes the total tract
 - d) Surveyor's calls included
 - e) End with the words "to the point of beginning"
 - f) Sealed by a registered public surveyor
 10. **Deed Reference** - The volume and page numbers or document number of the deed conveying the property to the present owner and the total size of the property conveyed shall be shown. This information is on your deed or is available from the Travis County Clerk's Office at 5501 Airport Boulevard.
 11. **Combining/Overlay Districts** - Indicate if your zoning request falls within a Combining/Overlay District. If you are unsure of this information, please check with the Land Development Information Services prior to filing your application.
 12. **Traffic Impact Analysis (TIA)** - This information can be obtained from your TIA determination (see Item D below).

13. **Watershed** - A map is available in the Intake Center area. An Intake Clerk will assist you in obtaining this information if necessary.
14. **Water, Wastewater & Electric Providers** - In most cases, these utilities are provided by the City of Austin.
15. **Type of Ownership** - If the ownership is other than sole or community property, attach a list of the partners/beneficiaries/principals and their positions.
16. **Owner's Signature** - The owner must sign the application or attach a written authorization for the agent. If there is more than one owner, attach additional owner information to application. Be sure that all signatures are legible and address information is correct.
17. **Agent Information** - If designated, this will be the primary contact. If the agent changes, the Case Manager should be notified.

B. TAX PLATS - Tax plats are used to obtain property owner names and addresses for notification. Tax plats must be submitted with all zoning applications and shall meet the following requirements

One blueline copy of each of the current tax plats, showing all properties within 500 feet of the tract for which zoning approval is being requested. Include all plats referred to in the 500 feet surrounding the tract. Outline the subject tract in red. (DO NOT SPLICE THE MAPS TOGETHER).

Tax plats can be obtained from:

- ☐ Hays County: Hays County Clerk's Office; 137 N. Guadalupe Street; San Marcos, phone: (512) 393-7330
- ☐ Travis County: Travis Central Appraisal District at Walnut Creek Business Park, 8314 Cross Park Drive, Austin (U.S. 290 & Cross Park Drive), phone (512) 834-9138. Tax plats for Travis County may be printed from TCAD online, www.traviscad.org.
- ☐ Williamson County: Williamson County Clerk, Justice Center Building, 405 Martin Luther King Street, Georgetown, phone: (512) 943-1515.

For projects located outside of Travis County, applicants must submit a list of names and addresses of all property owners located within a 500-foot radius of the subject tract

C. TAX CERTIFICATE - A Tax Certificate must be submitted with all zoning applications. Please note that tax certificates must be ordered in advance of the request and will require a nominal charge by the County. The tax certificate should indicate that no taxes are owed on the property. Tax certificates may be obtained from:

- ☐ Hays County: Hays County Tax Assessor Office; 102 N. LBJ Drive, San Marcos.
- ☐ Travis County: Courthouse Annex, 5501 Airport Boulevard.
- ☐ Williamson County: Williamson County Tax Assessor / Collector Office, 904 South Main Street, Georgetown

D. TRAFFIC IMPACT ANALYSIS - A determination as to whether a TIA is required must be made prior to submittal of the zoning application. This determination is made by the Planning and Zoning Department. Fill in the indicated portions of the attached TIA determination form and visit with a Planner in Land Development Information Services or with a Transportation Planner in the Land Use Review Division to have the determination completed. If a TIA is required, the Planner will indicate the number of copies to be submitted with the application.

E. APPLICATION FEE - In addition to the base zoning fee, please note that a sign fee is charged. This fee is figured on the basis of one sign for each 200 feet of street frontage. No more than three signs shall be required for any case.

F. SUBMITTAL CHECKLIST - A Submittal Checklist for the information which the applicant is required to provide is included on page 4 of this packet.

G. ACKNOWLEDGMENT FORM CONCERNING SUBDIVISION PLAT NOTES / DEED RESTRICTIONS - The applicant should carefully check these records before signing the enclosed Acknowledgment Form. Plat notes are shown on the face of the subdivision plat. Plats are available at the Map and Document Sales or the County Clerk's Office, Courthouse Annex, located at 5501 Airport Boulevard. Deed restrictions are recorded at the County Clerk's Office, Courthouse Annex.

SUBMITTAL CHECKLIST

- © Application Form
- © TIA Determination Form
- © Submittal Verification Form
- © Site Check Permission Form
- © Additional Submittal Requirements for Planned Unit Development (PUD)
- © Postponement policy
- © Acknowledgment Form
- © Full size tax maps (1"=100') showing properties within 500' of zoning request.
- © Tax certificate (Not a tax receipt).
- © If required, provide the number of copies of TIA as determined by Transportation Review
- © Copy of receipt, if refund for Development Assessment is requested/granted
- © Application fee
- © TIA fee, if applicable
- © Educational Impact Statement (EIS) Determination Form (Exhibit A)

APPLICATION FOR ZONING

DEPARTMENT USE ONLY

APPLICATION DATE _____	FILE NUMBER(S) _____
TENTATIVE ZAP/PC DATE _____	TENTATIVE CC DATE _____
CASE MANAGER _____	CITY INITIATED YES NO
APPLICATION ACCEPTED BY _____	ROLLBACK YES NO

PROJECT DATA

OWNER'S NAME: JEV Family, LTD

PROJECT NAME: E. 53rd Street and Bruning Avenue

PROJECT STREET ADDRESS (or Range): 705 E 53rd Street & 5210 Bruning Avenue

_____ ZIP 78751 COUNTY: Travis

If project address cannot be defined, provide the following information:

_____ ALONG THE _____ SIDE OF _____ APPROXIMATELY
Frontage ft. (N,S,E,W) Frontage road

_____ FROM ITS INTERSECTION WITH _____
Distance Direction Cross street

TAX PARCEL NUMBER(S): 0222110505, 0222110506

Is Demolition proposed? Yes

If Yes, how many residential units will be demolished? 1 Unknown _____

Number of these residential units currently occupied**: _____

Is this zoning request to rezone a parcel that contains an existing mobile home park with five or more occupied units?** No If Yes, how many? _____

Type of Residential Unit: SF, duplex, triplex, townhouse/condo, multi-family, manufactured home: Single-Family

Number of Proposed Residential units (if applicable): 30 If Yes, how many of the following:

_____ 1 Bedroom _____ Affordable _____ 2 Bedroom _____ Affordable
_____ 3 Bedroom _____ Affordable _____ 4 or more Bedroom _____ Affordable TBD Unknown

** If 5 or more, tenant notification may be required and a certified form may be required with your application (LDC 25-1-712).

Tenants must receive notification at least 270 days before the application is eligible for final ordinance readings by City Council.

AREA TO BE REZONED: ACRES 0.3520 **OR SQ FT** 15,333

Existing Zoning	Existing Use	Tract #	# of Acres/SF	Max # of Res Units Per Acre	
<u>GR-CO-NP</u>	<u>Vacant</u>	<u>1 (705)</u>	<u>0.14</u>	<u> </u>	
<u>GR-CO-NP</u>	<u>Single-Family</u>	<u>2 (5210)</u>	<u>0.21</u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Proposed Zoning	Proposed Use	Tract #	Proposed # of Acres/SF	Max # of Res Units Per Acre	Proposed Total # of Units Per Acre
<u>GR-MU-V-CO-NP</u>	<u>Multifamily</u>	<u>1</u>	<u>12 units</u>	<u> </u>	<u> </u>
<u>GR-MU-V-CO-NP</u>	<u>Multifamily</u>	<u>2</u>	<u>18 units</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Name of Neighborhood Plan: North Loop

RELATED CASES

NEIGHBORHOOD PLAN AMENDMENT (YES / <input checked="" type="radio"/> NO)	FILE NUMBER: _____
ACTIVE ZONING CASE (YES / <input checked="" type="radio"/> NO)	FILE NUMBER: _____
RESTRICTIVE COVENANT (YES / <input checked="" type="radio"/> NO)	FILE NUMBER: _____
SUBDIVISION (YES / <input checked="" type="radio"/> NO)	FILE NUMBER: _____
SITE PLAN (YES / <input checked="" type="radio"/> NO)	FILE NUMBER: _____

PROPERTY DESCRIPTION

(For the portion affected by this application) Provide either subdivision reference OR metes & bounds description.

1. **SUBDIVISION REFERENCE:** Name: The Highlands Addition, Lots 9-11 Block(s) 20
2. **METES AND BOUNDS** (Attach two copies of certified field notes) **FILE NUMBER:** _____

DEED REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER:

VOLUME: _____ PAGE: _____ OR DOCUMENT # 2012218893, 2012218894
SQ. FT: _____ or ACRES 0.1410, 0.2110

Is this a SMART Housing Project? Yes ☐ No ☒
If residential, is there other Tax Credits or Local/State/Federal funding? Yes ☐ No ☒

OTHER PROVISIONS

IS A VARIANCE TO THE SIGN ORDINANCE BEING REQUESTED? Yes ☐ No ☒
IS PROPERTY IN A COMBINING DISTRICT / OVERLAY ZONE? ☒ Yes ☐ No

TYPE OF COMBINING DIST/OVERLAY ZONE (NP, NCC, CVC, WO, etc) NP, CO

NATIONAL REGISTER DISTRICT? Yes ☐ No ☒

URBAN RENEWAL ZONE? Yes ☐ No ☒

IS A TIA REQUIRED? Yes ☐ No ☐ TRIPS PER DAY: _____

GRID NUMBER (S) K26

WATERSHED: Boggy Creek WS CLASS: Urban
WATER UTILITY PROVIDER: Austin Water
WASTEWATER UTILITY PROVIDER: Austin Water
ELECTRIC UTILITY PROVIDER: Austin Energy
SCHOOL DISTRICT: Austin ISD

OWNERSHIP INFORMATION

TYPE OF OWNERSHIP ☐ SOLE ☐ COMMUNITY PROPERTY ☒ PARTNERSHIP ☐ CORPORATION ☐ TRUST
If ownership is other than sole or community property, list the individuals, partners, principals, etc. below or attach a separate sheet.

OWNER INFORMATION

SIGNATURE: Refer to agent authorization

NAME:

FIRM NAME:

TELEPHONE NUMBER:

STREET ADDRESS:

CITY/STATE/ZIP:

AGENT / PRINCIPAL CONTACT (If applicable)

SIGNATURE: 

NAME: Leah M. Bojo

FIRM NAME: Drenner Group, PC

TELEPHONE NUMBER: (512) 809-2700

STREET ADDRESS: 2705 Bee Caves Road

CITY/STATE/ZIP Austin, Texas 78746

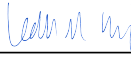
CONTACT PERSON: Leah M. Bojo

TELEPHONE NUMBER: (512) 809-2700

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the review of this application.

**PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.**



Signature 04/21/2025
Date

Leah M. Bojo
Name (Typed or Printed)

Drenner Group, PC
Firm

INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

**PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.**



Signature 04/21/2025
Date

Leah M. Bojo
Name (Typed or Printed)

Drenner Group, PC
Firm

ACKNOWLEDGMENT FORM

concerning

Subdivision Plat Notes, Deed Restrictions Restrictive Covenants

I, Leah M. Bojo have checked the subdivision plat notes,
(Print name of applicant)

deed restrictions, and/or restrictive covenants prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at:

705 E 53rd Street & 5210 Bruning Avenue
(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, and/or restrictive covenants, it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, and/or restrictive covenants.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, and/or restrictive covenants as information which may apply to this property.



04/21/2025

(Applicant's signature)

(Date)

POSTPONEMENT POLICY ON ZONING HEARINGS

- © Sets a postponement date and time at the City Council hearing so that renotification of residents and property owners is not necessary.
- © Limits the time a hearing can be postponed to two months for both proponents and opponents, unless otherwise approved by Council so that renotification of residents and property owners is not necessary.
- © Allows only one postponement for either side, unless otherwise approved by Council.
- © Requires that all requests for postponements be submitted in writing to the director of the Planning and Zoning Department at least one week prior to the scheduled Council meeting. The written request must specify reasons for the postponement.
- © The Director of the Planning and Zoning Department shall provide a recommendation regarding the validity of the postponement request as the Director deems appropriate.
- © Eliminates the automatic granting of a postponement of the first request.
- © Authorizes Council to consider requests that are not submitted timely.

PLANNED UNIT DEVELOPMENTS

General Overview

Planned Unit Development district zoning is intended to produce development that implements the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The City Council intends PUD district zoning to produce development that achieves these goals to a greater degree than, and is therefore superior to, development under conventional zoning and subdivision regulations.

SUBMITTAL REQUIREMENTS

- © A Development Assessment must be submitted, a Master Staff Report received, and a Council briefing must occur prior to submittal of a PUD application.
- © Eighteen (18) copies of a 24 x 36 inch generalized land use map which shall include the following: project name, legal description, boundary lines with bearings and dimensions, total acreage, north arrow, scale and location map.
- © Existing topography using USGS or City datum at two (2) foot intervals for the property and adjacent property with 100 feet of the project boundary.
- © A Mylar will be required prior to finalization of ordinance.
- © Eighteen (18) copies of the proposed site development regulations to be established by the Land Use Plan.

Maps, exhibits and support materials, clearly indicating the following, shall be included in either or both of the above:

A. Existing and/or proposed land uses. Identify for each phase and for the total development:

1. Residential: Maximum density, total number and type(s) of unit(s)*, minimum lot size, building height, minimum setbacks and maximum impervious coverage. For multifamily uses, also show maximum FAR. If structures are proposed in excess of sixty (60) feet in height, schematic drawings shall be provided which illustrate the height, bulk and location of such buildings and line-of-sight analyses from adjoining properties and/or rights-of-way.
2. Non-Residential: Type of uses*, maximum FAR, total square footage, maximum impervious coverage, minimum setbacks and maximum building height. If structures are proposed in excess of sixty (60) feet in height, schematic drawings shall be provided which illustrate the height, bulk and location of such buildings and line-of-sight analyses from adjoining properties and/or rights-of-way.
3. Parkland/Open Space: Location and acreage of land proposed to be dedicated to the public and/or private parks, open space or buffer areas.
4. Civic Uses: Types of uses*, maximum FAR, total square footage, maximum impervious coverage, maximum building height and minimum setbacks.

- ☐ Uses shall be listed at a level of detail sufficient for Traffic Impact Analysis review as required in Article III, Section 25-6 of the Land Development Code.

- C. Environmental characteristics of the site, such as, but not limited to, 100-year and 25 -year floodplains, slopes, environmentally sensitive areas and protected areas as defined in applicable watershed ordinances.
- D. The phasing of the development and the manner in which each phase can exist as a stable independent unit consistent with the provision of adequate public facilities and services.
- E. The location of collector and arterial roadways proposed within the development, right-of-way widths, the location of access points to abutting streets and roadways and a Traffic Impact Analysis, if required by Article III of Chapter 25-6. (The number of copies of the required TIA will be determined by Transportation Review.)
- F. Identification of existing major street setbacks and planned right-of-way lines as required in the Austin Roadway Plan.
- G. Proposed method of providing the following services:
1. Water service including gallons per day requirement.
 2. Wastewater disposal including gallons per day generated.
 3. Preliminary stormwater management analysis.
 4. Location of all required or proposed public facilities.

- I. Copies of all covenants and restrictions which provide for the maintenance and taxation of all common areas.

ADDITIONAL SUBMITTAL REQUIREMENTS

A written description describing how the proposal meets the intent and purposes of the PUD Zoning District, including Tier One and Tier Two Requirements, and Development Bonuses, as outlined in City Code Chapter 25-2, Subchapter B, Article 2, Division 5, Section 1.1 through Section 2.5.7 and defined below:

§ 2.3. TIER ONE REQUIREMENTS.

2.3.1. Minimum Requirements. All PUDs must:

- A. meet the objectives of the City Code;
- B. provide for development standards that achieve equal or greater consistency with the goals in Section [1.1](#) (*General Intent*) than development under the regulations in the Land Development Code;
- C. provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD, except that:
 - 1. a detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity; and
 - 2. the required percentage of open space may be reduced for urban property with characteristics that make open space infeasible if other community benefits are provided;
- D. comply with the City's Planned Unit Development Green Building Program;
- E. be consistent with applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations, and compatible with adjacent property and land uses;
- F. provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural and traditional character of the land;
- G. provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities;
- H. exceed the minimum landscaping requirements of the City Code;
- I. provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails, and roadways;
- J. prohibit gated roadways;
- K. protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance; and
- L. include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.

2.3.2. Additional Requirements. In addition to the requirements contained in Section [2.3.1](#) (*Minimum Requirements*), a PUD containing a retail, commercial, or mixed use development must:

- A. comply with [Chapter 25-2, Subchapter E](#) (*Design Standards And Mixed Use*).
- B. inside the urban roadway boundary depicted in Figure 2, [Subchapter E, Chapter 25-2](#) (*Design Standards and Mixed Use*), comply with the sidewalk standards in [Section 2.2.2., Subchapter E, Chapter 25-2](#) (*Core Transit Corridors: Sidewalks And Building Placement*); and
- C. contain pedestrian-oriented uses as defined in Section [25-2-691\(C\)](#) (*Waterfront Overlay District Uses*) on the first floor of a multi-story commercial or mixed use building

§ 2.4. TIER TWO REQUIREMENTS.

This section contains criteria for determining the extent to which development proposed for a PUD district would be superior to that which would occur under conventional zoning and subdivision regulations as required under Section [1.1](#) (*General Intent*). A proposed PUD need not address all criteria in this section to achieve superiority, and the council may consider any other criteria the council deems appropriate.

Open Space	Provides open space at least 10% above the requirements of Section 2.3.1.A . (<i>Minimum Requirements</i>). Alternatively, within the urban roadway boundary established in Figure 2 of SubchapterEofChapter25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.
Environment	<p>Does not request exceptions to or modifications of environmental regulations.</p> <p>Provides water quality controls superior to those otherwise required by code.</p> <p>Uses innovative water quality controls that treat at least 25 percent additional water quality volume and provide 20 percent greater pollutant removal, in addition to the minimum water quality volume required by code.</p> <p>Provides water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25 percent of the subject tract.</p> <p>Reduces impervious cover or single-family density by five percent below the maximum otherwise allowed by code or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code.</p> <p>Provides minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater.</p> <p>Provides at least a 50 percent increase in the minimum waterway and critical environmental feature setbacks required by code.</p> <p>Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.</p> <p>Provides pervious paving for at least 50 percent or more of all paved areas in non-aquifer recharge areas.</p> <p>Prohibits uses that may contribute to air or water quality pollutants.</p> <p>Employs other creative or innovative measures.</p>
Austin Green Builder Program	Provides a rating under the Austin Green Builder Program of three stars or above.
Art	Provides art approved by the Art in Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art in Public Places Program or a successor program.

Great Streets	Complies with City's Great Streets Program, or a successor program. Applicable only to commercial, retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>).
Community Amenities	Provides community or public amenities, which may include spaces for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.
Transportation	Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.
Building Design	Exceeds the minimum points required by the Building Design Options of Section 3.3.2 , of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>).
Parking Structure Frontage	In a commercial or mixed-use development, at least 75 percent of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691(C) (<i>Waterfront Overlay District Uses</i>) in ground floor spaces.
Affordable Housing	Provides for affordable housing or participation in programs to achieve affordable housing.
Historic Preservation	Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.
Accessibility	Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.
Local Small Business	Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.

§ 2.5. DEVELOPMENT BONUSES.

- 2.5.1. Limitation on Development.** Except as provided in Section [2.5.2](#) (*Requirements for Exceeding Baseline*), site development regulations for maximum height, maximum floor area ratio, and maximum building coverage in a PUD with residential uses may not exceed the baseline established under Section [1.3.3](#) (*Baseline for Determining Development Bonuses*).
- 2.5.2. Requirements for Exceeding Baseline.** Development in a PUD with residential uses may exceed the baseline established under Section [1.3.3](#) (*Baseline for Determining Development Bonuses*) for maximum height, maximum floor area ratio, and maximum building coverage if:
- A. the application for PUD zoning includes a report approved by the Director of the Neighborhood Housing and Community Development Department establishing the prevailing level of affordability of housing in the vicinity of the PUD, expressed as a percentage of median family income in the Austin metropolitan statistical area; and
 - B. the developer either:
 - 1. provides contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section [2.5.3](#) (*Requirements for Rental Housing*) and Section [2.5.4](#) (*Requirements for Ownership Housing*); or
 - 2. makes donations for affordable housing under Section [2.5.6](#) (*Alternative Affordable Housing Options*).

- 2.5.3. Requirements for Rental Housing.** If rental housing units are included in a PUD, at least 10 percent of the rental units or rental habitable square footage within the PUD must:
- A. be affordable to a household whose income is less than the affordability level established under Section [2.5.5](#) (*Affordability Levels*);
 - B. remain affordable for 40 years from the date a certificate of occupancy is issued; and
 - C. be eligible for federal housing choice vouchers.
- 2.5.4. Requirements for Ownership Housing.** If owner occupied housing is included in a PUD, at least five percent of the owner occupied units or owner occupied habitable square footage within the PUD must be:
- A. affordable to a household whose income is less than the affordability level established under Section [2.5.5](#) (*Affordability Levels*); and
 - B. transferred to the owner subject to a shared equity agreement approved by the Director of the Neighborhood Housing and Community Development Department.
- 2.5.5. Affordability Levels.** For purposes of this subchapter, the affordability level is:
- A. for a portion of a PUD within the urban roadway boundary depicted in Figure 2 of Subchapter E of [Chapter 25-2](#) (*Design Standards and Mixed Use*), 80% of the median family income in the Austin metropolitan statistical area;
 - B. for a portion of a PUD outside the urban roadway boundary depicted in Figure 2 of Subchapter E of [Chapter 25-2](#) (*Design Standards and Mixed Use*), 60% of the median family income in the Austin metropolitan statistical area; or
 - C. if the Council finds that the prevailing level of affordability of housing in the vicinity of the PUD is lower than the level applicable under Paragraph A or B, any lesser percentage of the median family income in the Austin metropolitan statistical area established by the Council.
- 2.5.6. Alternative Affordable Housing Options.** Development within a PUD may exceed baseline standards as provided in Section [2.5.2.B.2](#) (*Requirements for Exceeding Baseline*) if the developer:
- A. donates to the Austin Housing Finance Corporation land within the PUD that is appropriate and sufficient to develop 20 percent of the residential habitable square footage planned for the PUD, as determined by the Director of the Neighborhood Housing and Community Development Department; or
 - B. subject to approval by the city council, donates the amount established under Section [2.5.7](#) (*In Lieu Donation*) for each square foot of climate controlled space within the PUD to a Housing Assistance Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department.
- 2.5.7. In Lieu Donation.** The amount payable under Section [2.5.6.B](#) (*Alternative Affordable Housing Options*) shall be 60 percent of the fee established under Section [25-2-586\(I\)](#) (*Affordable Housing Incentives in a Central Business District or Downtown Mixed Use Zoning District*) or any successor fee established under the Austin Downtown Plan.

EXHIBIT VIII

**EDUCATIONAL IMPACT STATEMENT (EIS) DETERMINATION
PART A**

If your project is **located in one or more of the following school districts, and requires Land Use Commission review; and meets one of the requirements listed below**, an Educational Impact Statement is required.

<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	100 or more single family units are proposed
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	200 or more multifamily units are proposed
<input type="checkbox"/> YES	<input type="checkbox"/> NO	100 or more multifamily units are proposed and a tax credit is requested
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	project will demolish more than 50 residential existing units in a structure more than 20 years old

Please check the appropriate school district(s).

- ☒ Austin Independent School District
- ☐ Leander Independent School District
- ☐ Pflugerville Independent School District
- ☐ Hays County Independent School District
- ☐ Del Valle Independent School District
- ☐ Round Rock Independent School District
- ☐ Manor Independent School District

If an Educational Impact Statement (EIS) is required, please complete the Educational Impact Analysis (EIA) Part B.



EDUCATIONAL IMPACT ANALYSIS FORM Part B

OFFICE USE ONLY

CASE MANAGER: _____

APPLICANT / AGENT: _____

CASE NUMBER: _____

PROJECT NAME: _____

PROJECT ADDRESS: _____

PROPOSED USE: _____

EXISTING RESIDENTIAL UNITS

Existing number of Residential Units: 1

Number of existing residential units to be demolished: 1

Age of units to be demolished: 1941

PROPOSED DEVELOPMENT

Gross Project Acreage: 0.352 (1.4075 acres = Total across 3 rezoning cases)

Number of lots: 2 (8 lots = Total across 3 rezoning cases)

Lots per acre: _____

PROPOSED RESIDENTIAL UNITS

Proposed number of Residential Units: 30 (139 units = Total across 3 rezoning cases)

Size of proposed units in square feet (specify range): 600.00 to 1,300.00

Number of bedrooms per unit: TBD

ESTIMATED SELLING / RENTAL PRICE (EXISTING AND PROPOSED)

Estimated selling price of units (specify range): TBD to _____

Estimated rental rates (if applicable): _____

Range of monthly rental rates to be demolished: _____ to _____

Estimated increase in rental rates (specify percentage of increase): _____

If project is multifamily, will a tax credit be applied for as part of the Smart Housing™ Program? TBD

Number of Certified Affordable Dwelling Units (Proposed or Existing) _____

OFF-SITE FAMILY AMENITIES EXISTING WITHIN ONE MILE OF PROJECT (Open to the public – attach location plan)

Parks / Greenbelts: Bruning Green, Triangle Commons & Shipe Neighborhood Park, Reilly School

Recreation Centers: N/A

Public Schools: Reilly Elementary, McCallum High

PARKLAND DEDICATION

Parkland dedication required? ☐ YES ☒ NO

If yes, please indicate if applicant plans to request fee in lieu or provide parkland:

Fee: ☐ YES ☐ NO

Land: ☐ YES ☐ NO

ON-SITE FAMILY AMENITIES PROPOSED

Will space be provided for childcare services? ☐ YES ☐ NO ☒ Unknown at this time

Amount of open space required in acres: _____

Amount of open space provided in acres: _____

Other proposed amenities (pools, clubhouse, recreation area): _____

TRANSPORTATION LINKAGES

Closest Public Transit Location: E 53rd & Airport Bus, E 53rd & Duval Bus

Pedestrian / Bike Routes: Red Line Urban Trail, E 53rd & Bruning Ave Bike Routes