

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0080 –
5931 Dillard Circle Rezoning

DISTRICT: 4

ZONING FROM: CS-MU-V-CO-NP

ZONING TO: CS-MU-V-CO-DB90-NP

ADDRESS: 5931 and 6003 ½ Dillard Circle

SITE AREA: 3.08 acres
(134,164 sq. ft.)

PROPERTY OWNER: Montwalk Holdings LTD

AGENT: HD Brown Consulting (Amanda Brown)

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

STAFF RECOMMENDATION:

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

Staff recommends granting the applicant's modification request to not provide pedestrian-oriented commercial space (to provide 0% of the requirement). The conditional overlay will prohibit the following uses:

**Agricultural sales and services
Automotive sales
Campground
Commercial off-street parking
Drop-off recycling collection facility
Equipment sales
Kennels Maintenance and service facilities
Off-site accessory parking
Outdoor sports and recreation
Service station**

**Automotive rentals
Automotive washing (of any type)
Commercial blood plasma center
Convenience storage
Equipment repair services
Exterminating services
Laundry services
Monument retail sales
Outdoor entertainment
Pawn shop services
Vehicle storage**

General retail sales (general) use and general retail sales (convenience) use for an area that exceeds 20,000 square feet of gross floor area is a prohibited use

Drive-in service is prohibited as an accessory use to commercial uses

PLANNING COMMISSION ACTION / RECOMMENDATION:

August 13, 2024: *APPROVED THE APPLICANT'S REQUEST FOR CS-MU-V-CO-DB90-NP.*

[R. JOHNSON; D. SKIDMORE-2ND] (9-3) P. HOWARD – ABSENT

July 23, 2024: *APPROVED THE NEIGHBORHOOD'S REQUEST FOR A POSTPONEMENT TO August 13, 2024.*

[A. WOODS; R. JOHNSON-2ND] (10-0) J. MUSHTALER – ABSTAINED, C. HEMPEL AND D. SKIDMORE - ABSENT

CITY COUNCIL ACTION:

September 26, 2024: *APPROVED THE COUNCIL'S REQUEST FOR A POSTPONEMENT TO OCTOBER 10, 2024.*

[Z. QADRI; MAYOR PRO TEM - 2nd]; (10-0), A. ALTER - OFF DAIS

August 29, 2024: *APPROVED THE NEIGHBORHOODS REQUEST FOR A POSTPONEMENT TO SEPTEMBER 26, 2024.*

[J. VELA; Z. QADRI - 2nd]; (9-0), A. ALTER - OFF DAIS, N. HARPER-MADISON - ABSENT

ORDINANCE NUMBER:ISSUES:

In December 2023, Ordinance No. 20220609-080, Ordinance No. 20221201-056 and Ordinance No. 20221201-055 were invalidated. On March 11, 2024, Ordinance No. 20240229-073, was enacted to create the “DB90” combining district, which amended City Code Title 25 (Land Development) to create a new zoning district for a density bonus program that grants 30 feet in height above the base zoning district, to a maximum of 90 feet, and modifies site development regulations including compatibility standards. Subsequently, the applicant submitted this new rezoning application to request the -DB90 combining district.

CASE MANAGER COMMENTS:

The property in question is approximately 3.08 acres, partially developed with some overflow surface parking from the Brewtorium. The site has frontage on Dillard's Circle (level 1) and is currently zoned general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP). The property has the Brewtorium Brewery & Kitchen, Art/Creative Spaces, and other commercial uses (LI-CO-NP, CS-MU-V-CO-NP, CS-MU-V-CO-ETOD-DBETOD-NP) to the north. There are commercial businesses, single family residential, and public services (SF-3-NP, CS-NP, P-NP, CS-MU-V-NP & CS-ETOD-DBETOD-NP) to the south and west. To the east are various commercial businesses and Austin Community College (LI-PDA-NP and CS-MU-V-NP). The site is 0.2 miles from the Airport Blvd Activity Corridor and overlaps with the Highland Mall Regional

Center. The site is 0.3 miles from the Highland Station Metro Rail Red Line and bus stop along Airport Blvd. This is an ideal location to add housing and falls under the ETOD typology that encourages (rapid change) affordability as development occurs. ***Please refer to Exhibits A (Zoning Map) and B (Aerial View).***

The applicant is requesting general commercial services-mixed use-vertical mixed use building-conditional overlay-density bonus 90-neighborhood plan (CS-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 250 residential units and will be seeking a complete (to provide zero percent) modification for the ground floor commercial space requirement due to various constraint on the site. ***Please refer to Exhibit C (Applicant's Summary Letter).***

A development utilizing the “density bonus 90” incentives is permitted with a base CS district and must include an affordability component for residential use in order to obtain incentives, including height maximum of 90 feet in the CS district (60 feet base plus 30 feet incentive) and relaxation of development and compatibility standards, such as FAR, setbacks and building coverage. There are several methods of satisfying DB90 development affordability requirements.

There are two options for projects including rental units:

- 1) a minimum of 12% of the rental units in a building are affordable for a 40-year period for households earning 60% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or
- 2) a minimum of 10% of the rental units are affordable for a 40-year period as described above for households earning 50% or less MFI.

There are two options of satisfying DB90 development affordability requirements which include ownership units:

- 1) a minimum of 12% of the rental units in a building are affordable for a 40-year period for households earning 80% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or
- 2) an in-lieu-fee payment to the Housing Trust Fund, equivalent to the required percentage of the total residential units, including the mix of bedrooms required, at the rate set in the fee schedule at the time of final site plan submission.

BASIS OF RECOMMENDATION:

1. *The rezoning should be consistent with the policies and principles adopted by the City Council.*

City Council has provided policy and direction for having more residential density and increased affordability, as well as incentivizing vertical mixed use buildings throughout the

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

2. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The general commercial services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

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.

3. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

This rezoning authorizes a property to participate in a voluntary density bonus or incentive program that provides modifications to development regulations or other regulatory-related benefits in exchange for community benefits. In exchange for increased development potential, the development is required to comply with affordable housing requirements.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-V-CO-NP	Surface parking/Undeveloped
<i>North</i>	LI-CO-NP CS-MU-V-CO-NP CS-MU-V-CO-ETOD-DBETOD-NP	Cocktail Lounge Art/Creative Spaces Commercial Businesses
<i>South</i>	SF-3-NP CS-NP	Single Family Residential Commercial Businesses
<i>East</i>	LI-PDA-NP	Commercial Businesses

	CS-MU-V-NP	Austin Community College
<i>West</i>	P-NP SF-3-NP CS-MU-V-NP & CS-ETOD-DBETOD-NP	Undeveloped Single Family Residential Commercial Businesses

NEIGHBORHOOD PLANNING AREA: Highland

WATERSHED: Waller Creek and Tannehill Branch

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Reilly Elementary School

Lamar Middle School

McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Friends of Austin Neighborhoods
Highland/Skyview Neigh. Plan Contact Team
Homeless Neighborhood Association
Neighborhood Empowerment Foundation

North Austin Neighborhood Alliance
Preservation Auatin
Red Line Parkway Initiative
SELTexas
Sierra Club
Austin Regional Group
Skyview Neighborhood Assn

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0030 – Redleaf Highland - Tract 4	CS-MU-V-NP to LI-PDA-NP	To Grant LI-PDA-NP with the following condition to the PDA: 50-foot setback between buildings that contain a residential use and the light manufacturing use. (03/28/2023)	Approved LI-PDA-NP as Planning Commission Recommended (05/18/2023)
C14-2022-0029 – Redleaf Highland - Tract 5	CS-MU-V-NP & CS-1-MU-V-NP to LI-PDA-NP	To Grant LI-PDA-NP with the following condition to the PDA: 50-foot setback between buildings that contain a residential use and the light manufacturing use. (03/28/2023)	Approved LI-PDA-NP as Planning Commission Recommended (05/18/2023)
C14-2022-0027 – Redleaf Highland - Tract 12	CS-MU-V-NP to LI-PDA-NP	To Grant LI-PDA-NP with the following condition to the PDA: 50-foot setback between buildings that contain a residential use and	Approved LI-PDA-NP as Planning Commission Recommended (05/18/2023)

		the light manufacturing use. (03/28/2023)	
C14-2015-0092 – 6015 Dillard Circle Brew Pub	CS-MU-V-CO-NP to LI-CO-NP	To Grant LI-CO-NP, with the following CO’s ; (1) to prohibit general retail sales (general) use and general retail sales (convenience) use for an area that exceeds 35,000 sq. ft. of gross floor area. (2)The following prohibited uses: Agricultural sales and service, Automotive sales, Campground, Commercial off-street parking, Equipment repair services, Exterminating services, Laundry services, Outdoor entertainment, Vehicle storage, General warehousing and distribution, Automotive rentals, Automotive washing (of any type), Drop-off recycling collection facility, Equipment sales, Kennels, Off-site accessory parking, Outdoor sports and recreation, Services station, Scrap & salvage, Basic industry, Resource extraction, Recycling center (10/13/2015)	Approved LI-CO-NP as Planning Commission Recommended (11/12/2015)
C14-2010-0155 – 5775 Airport Boulevard	CS-MU-V-NP to CS-1-MU-V-NP	To Grant CS-1-MU-V-NP (10/26/2010)	Approved CS-1-MU-V-NP as Planning Commission Recommended (11/18/2010)

RELATED CASES:

C14-2009-0012 – Highland NPA VMU Overlay Opt-In/Opt-Out Process: Rezoning property to show Vertical Mixed Use (VMU) Zoning.

Comprehensive Planning:

Project Name and Proposed Use: 5931 DILLARD CIRCLE. C14-2024-0080. Project: 5931 Dillard Circle Rezoning. Brentwood/Highland Combined (Highland) NP. FLUM: Mixed Use. 3.08 acres from CS-MU-V-CO-NP to CS-MU-V-CO-NP-DB90. Existing: parking and undeveloped. Proposed: 250 mixed-use residential units and parking. 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. Note that applicant seeks to remove all requirements for ground-floor commercial, therefore, the standards for Mixed use in the guidelines are not met.

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"> • 0.02 miles from Airport Blvd Activity Corridor; Site overlaps with Highland Mall Regional Center.
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"> • 0.3 miles to Highland Station Metro Rail Red Line and bus stop along Airport Blvd
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Sidewalk access available along Dillard Cir
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	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 Austin Community College Highland Campus
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"> • 0.5 miles to Reilly School 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 both the Waller Creek Watershed and the Tannehill Watershed, both of the Colorado River Basin, and classified as Urban Watersheds 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.

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

Fire: No comments at this time.

PARD – Planning & Design Review:

Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with DB90 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-609, 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.

Site Plan:

Zoning Cases:

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

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

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

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.

Dillard Circle is the Principal Street for this site. Any buildings fronting this street will be required to have 75% of the ground floor as commercial uses.

This site is adjacent to a site that contains one to three dwelling units and is zoned SF-5 or more restrictive. A compatibility buffer 25' in width, designed to 25-8-700 and 25-2-652(G) will be required.

Austin Transportation Department – Engineering Review:

The Austin Strategic Mobility Plan (ASMP) calls for 58' feet of right-of-way for Dillard Cir. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated according to the ASMP with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Existing Street Characteristics:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Dillard Cir	Level 1	58'	127'	96'	No	No	Yes

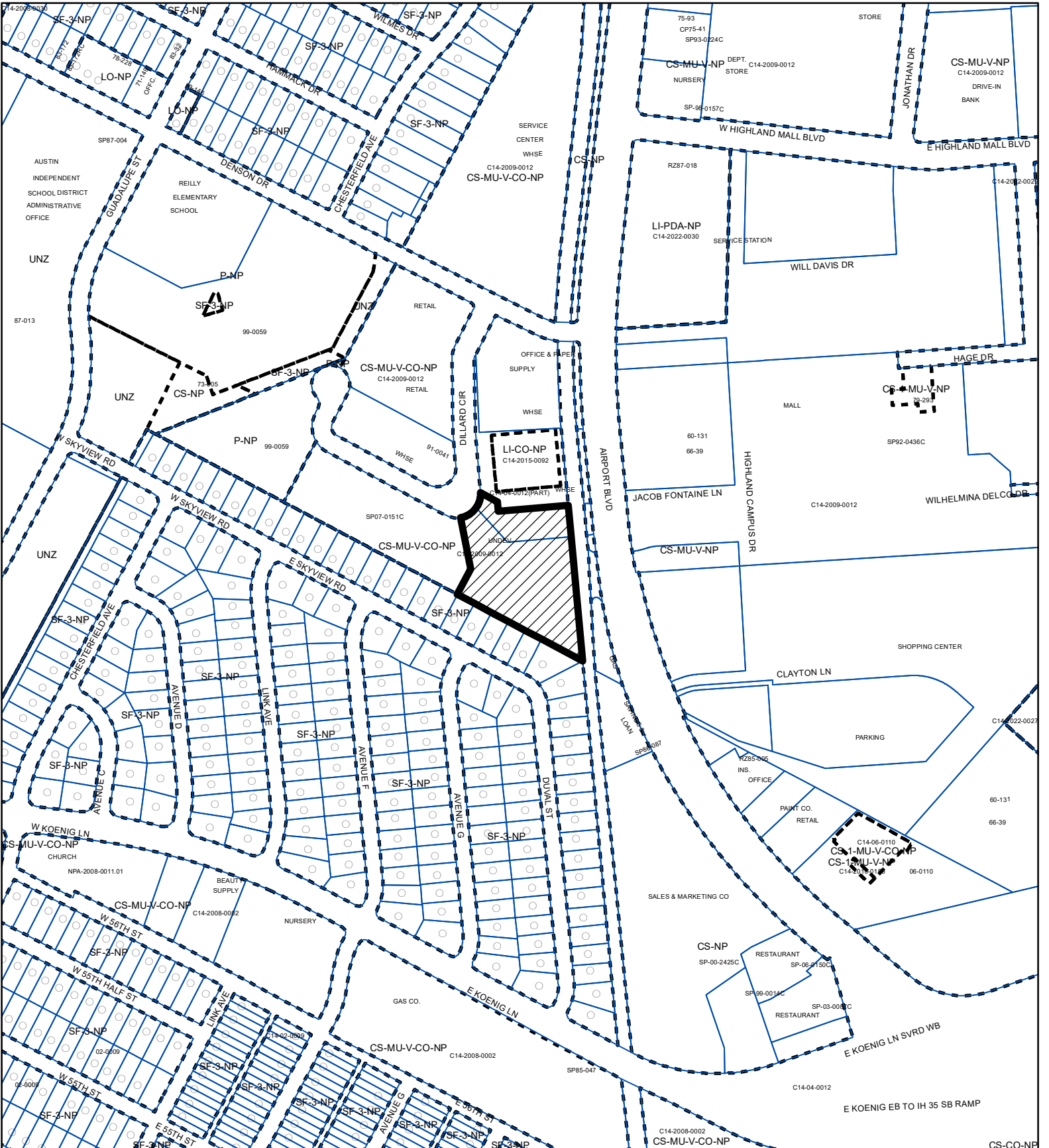
Austin Water Utility:

No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.


INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:


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





ZONING

ZONING CASE#: C14-2024-0080



 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

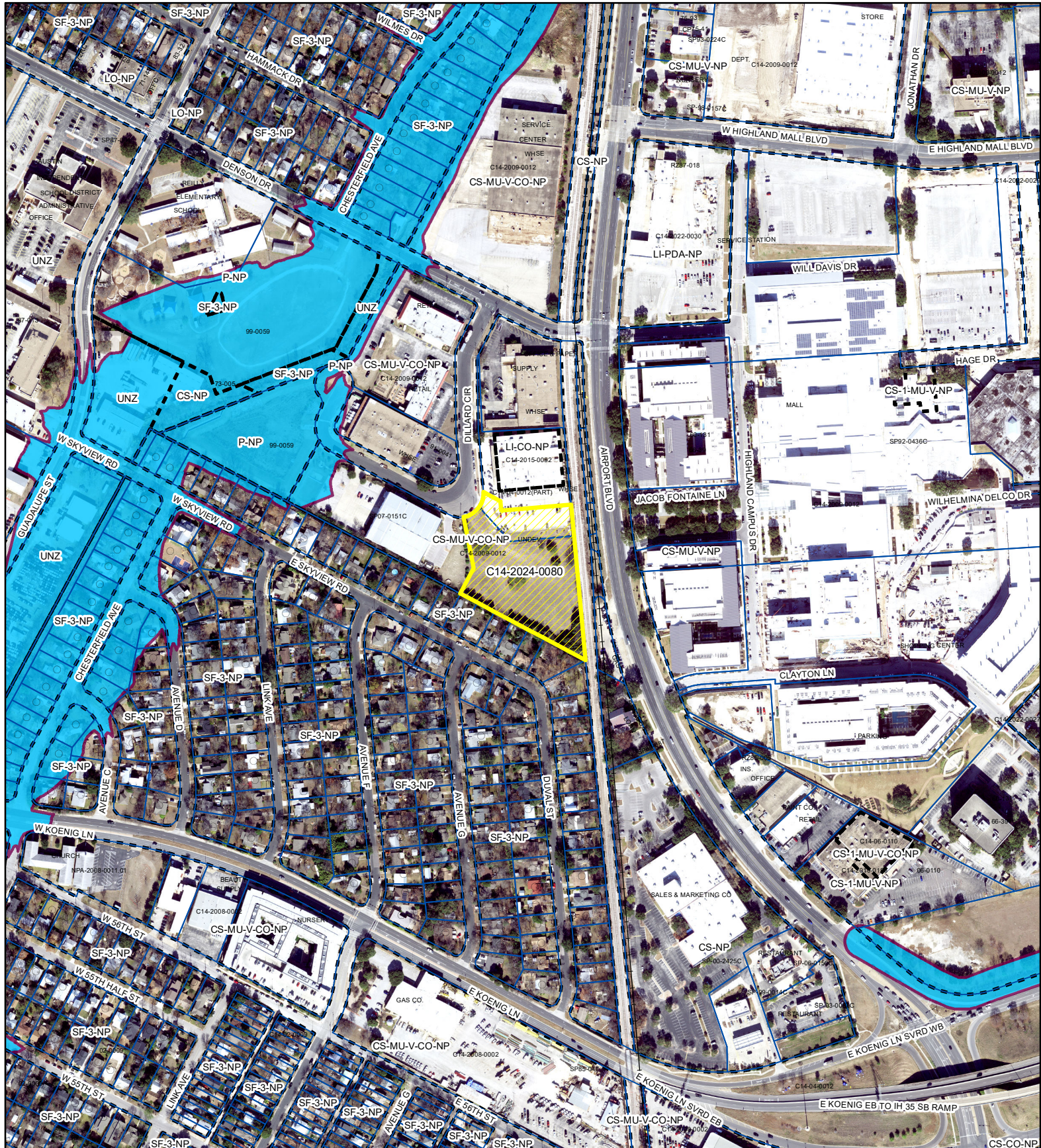
1" = 400'
Exhibit A

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





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Created: 5/8/2024



5931 Dillard Circle Rezoning

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

ZONING CASE#: C14-2024-0080
 LOCATION: 5931 & 603 1/2 Dillard Cir.
 SUBJECT AREA: 3.08
 MANAGER: Cynthia Hadri



1" = 400'
 Exhibit B

This product has been produced by the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 7/8/2024
 by: MeekSS

H D | B R O W N

Lauren Middleton-Pratt
City of Austin
Planning and Housing Department
1000 E 11th St.
Austin, TX 78702

Via Electronic Submittal

Re: Rezoning request for 5931 & 6003 ½ Dillard Circle; Blocks B & C of the St John's Commercial Area subdivision; TCAD Parcel 228970 & 228971 (the "Property")

Dear Mrs. Middleton-Pratt:

As representatives of the owner of the above stated Property, we respectfully submit an application for rezoning for 5931 & 6003 ½ Dillard Circle. 5931 Dillard Circle is currently undeveloped and 6003 ½ is an existing parking lot, which is to remain. We are requesting to rezone the Property from CS-MU-V-CO-NP to CS-MU-V-CO-NP-DB90. The purpose of the rezoning is to allow for a vertical mixed use building at 5931 Dillard Circle with approximately 250 residential units, including on-site affordable housing. The Property is currently in review for a site plan under case number SP-2024-0010C.

The Property is located .2 miles away from the Highland MetroRail Station and 925 feet from the Red Line hike and bike trail along Airport Blvd. Additionally, there are commercial amenities located directly north of the site, which includes a restaurant, brewery and climbing gym, and across the street at the ACC Highland redevelopment. Finally, there are existing parks and open space in the ACC Highland redevelopment and at the nearby Reilly School Park. These existing amenities create an ideal location for a walkable, high-density residential development.

We respectfully request to modify the requirement of LDC § 25-2-652 (F)(3)(b) which requires that 75% of the ground floor of the building must contain commercial uses which is permitted under LDC § 25-2-652 (F)(3)(e) for sites which abut an urban roadway. Dillard Circle is considered an urban roadway under Article 5 of Subchapter E. Due to the unique characteristics of the site and the surrounding urban context, the request is to remove all requirements for ground-floor commercial. The reasons for this request are as follows:

1. The development site is uniquely configured and only has 60' of frontage on Dillard Circle. As we move through the site plan review process, the City of Austin has required a 20' wide curb-cut and fire lane, a 15' parkland trail access easement, and a 5' water vault easement along the frontage, leaving only 20' for the building to be built up to Dillard Circle. The limited frontage and infrastructure precludes the construction of a useable commercial space. The site plan page has been submitted with this application to show the unique configuration of the site, the limited frontage and the City of Austin required encumbrances along the frontage.

H D | B R O W N

2. Within the remaining 20' of frontage, as described above, Austin Energy requires a new power pole, further encumbering the frontage and its ability to provide a useable commercial space.
3. Dillard Circle functions as a cul-de-sac and therefore has little to no pass-by pedestrian activity from nearby developments. Commercial space of this size will be very difficult to support at this location.
4. Directly to the north of the Property is a successful commercial development which provides a climbing gym and other physical fitness activities, a brewery and restaurant, and a coffee shop. While the request is to remove any requirement for commercial space on the Property, there is ample commercial establishments near-by for the residents of this community to utilize.

The Property is within the Brentwood/ highland Neighborhood Planning Area and designates this site as "Mixed use". It has been confirmed by staff that a Future Land Use Map amendment is not required.

The surrounding zoning is SF-3 to the south, CS-MU-V-CO-NP to the west, and LI-CO-NP to the north and CS-MU-V-NP to the east, across from Airport Blvd. The surrounding uses are commercial to the north, office/ warehouse to the west, single family to the south and mixed-use to the east.

If you have any questions regarding this request or need additional information, please do not hesitate to contact me at your convenience.

Very truly yours,



Amanda Couch Brown

Parking at the Dillard Circle Development

Cathy Bartley

Sat 6/29/2024 4:07 PM

To:Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>;Skyview Google Group <skyview-neighborhood-residents-info@googlegroups.com>;

External Email - Exercise Caution

Dear Cynthia Hadri,

As you know, the residents of the Skyview Neighborhood are very upset with the change in zoning and single family home compatibility. A five story building, 25 feet from our property lines is ridiculous! As long time tax payers, we should have be considered in this plan. We object to this large apartment complex, and the intrusiveness it brings to our properties. Just some of the problems would be a lack of privacy, noise, lighting and flooding potential. Impervious concrete will cover this grassland, more noisand the property is sloping towards our properties.

An additional problem, concerning the community, is the lack of any parking in the development. We know that the developers hope that the residents of the 300 units will be using the commuter rail. This is improbable, because the train has a limited range. Not everyone works downtown!!!!

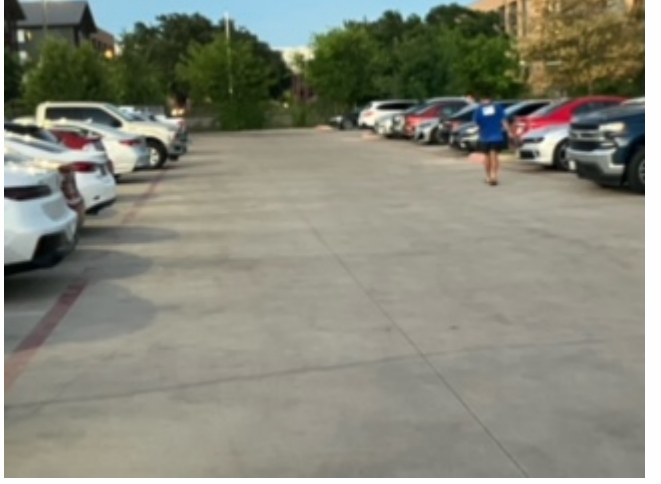
Also, these residents will have cars. The parking on Dillard Circle and the surrounding lots, seem to be already at capacity from the existing businesses. Included are some pictures taken last night, a Wednesday, about 8:00. These may give you an idea of the present parking availability, before this apartment is even built.

Before the City Council voted for the variance in the codes, we feel that these compatibility issues concerning a single family neighborhood, should have been better considered. The initial plan was for a four story building, tiered from 35 feet from our property lines, starting at two stories, then three, then four. This plan is more acceptable to our neighborhood.

These are a few of our concerns.

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



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: C14-2024-0080
Contact: Cynthia Hadri, 512-974-7620
Public Hearing: July 23, 2024, Planning Commission

Mary Chisholm

Your Name (please print)

I am in favor
 I object

5812 Ave G 78752

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

[Handwritten Signature]

Signature

7/14/24

Date

Daytime Telephone (Optional):

Comments: There are no considerations for flooding, electrical infrastructure, plumbing infrastructure, parking infrastructure. The train goes nowhere and runs infrequently - the buses, no one rides, or very few people. No consideration for noise or light pollution or affect on climate by destroying grassland.

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

Re: C14-2024-0080 5931 Dillard Circle Rezoning

Graham Emmons

Tue 7/2/2024 7:20 PM

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

External Email - Exercise Caution

Hi Cynthia,

Just wanted to share that not everyone in Skyview is opposed to the development behind Skyview. I cannot speak to the proximity to the homes of the property line (I can empathize with those viewpoints) but I am not against more density and apartments.

I'd say the one thing I'd be bummed about losing is the retail. If they're going to build a bunch of apartments, it would be a shame to lose the opportunity for more businesses within walking distance; especially by a rail.

That's all I wanted to mention.

Thank you,
Graham

5931 Dillard Circle Concerns, Objections, Questions.

Matthew Franklin

Tue 6/4/2024 10:22 AM

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

External Email - Exercise Caution

To- Cynthia.Hadri@austintexas.gov.

I have a 4 concerns regarding the Urban Genesis Development proposed at 531 Dillard Circle.

My first concern is actually an objection to the complete dismissal of the staggered setback rule. I understand the zoning rule has changed but the original intent of this zoning feature was to soften the impact of monolithic developments exactly like this one. Please inform me if this is a case by case variance, or a city wide blanket rule. Is the staggered setback no longer worthy of concern? I believe the new proposal abandons any trace of "considerate neighboring" to a strictly single family area. Any arrangement of shrubs or juvenile trees will not soften the impact of this 60 foot monolithic building. I also do not believe the proposed site plan takes advantage of creating a maximum possible setback on the site itself. Arranging the surface parking to buffer the Skyview residents should be point of discussion. Surrounding that parking lot with a solid 6 foot solid wall would screen unsightly cars and headlights.

My second concern is one of SAFETY for our neighborhood. The Fema flood lines have recently been MOVED along Chesterfield Ave in the Skyview Neighborhood. This is associated with the Waller Creek Watershed. The 5931 Dillard Circle proposed development obviously takes advantage of the maximum impervious cover allowed. This will be a 180 degree difference in impervious cover from the decades old grass field. How will this development impact The Waller Creek Watershed @ Skyview and downstream? Was this studied? What is the impact? Will this once again move the FEMA flood lines? Please inform. I request a study if one was not done.

Thirdly, I find the unit to parking space ratio concerning. What is the traffic impact of this many vehicles on Dillard Circle and Denson Ave? Was this studied and deemed acceptable? Please inform. I request a study if one was not done.

Lastly, the abandonment of retail spaces in the proposal takes away from any "value add" to the existing community. What will be the benefit of allowing this large monolithic development without providing any usable service?

In conclusion, I am in opposition to the purposed plan. I believe this development creates a potential safety issue, disregards the impact to the Skyview neighborhood, and will simply be a rude eyesore with 300 more cars contributing to conjection. (Many of which will not have a parking space.) It may also be dangerous in regards to flooding. These negatives combined with NOT providing our existing community with ANY services, makes this a very hard sell. All negatives, no positives.

Matthew Franklin, 5805 Duval Street. Austin Texas 78752.

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Re: Skyview Neighborhood request for Postponement

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

Mon 7/15/2024 11:20 AM

To: Cathy Bartley

Hi Cathy,

The Applicant is not an agreement with a postponement and wants to discuss this case at Planning Commission. Please sign up to speak and email your presentation, if you have one, to the email I send on Friday. I will be sending the email out in the afternoon with the links for registration, the staff report, and the Planning Commission Agenda.

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: Cathy Bartley

Sent: Thursday, July 11, 2024 11:25 AM

To: Hadri, Cynthia <Cynthia.Hadri@aus ntexas.gov>

Subject: Re: Skyview Neighborhood request for Postponement

External Email - Exercise Caution

Thank you
Sent from my iPad

On Jul 11, 2024, at 10:44 AM, Hadri, Cynthia <Cynthia.Hadri@austintexas.gov> wrote:

Hi Cathy,

I will reach out to the applicant and let them know about the request.

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: Cathy Bartley
Sent: Thursday, July 11, 2024 10:41 AM
To: Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>
Cc: Cathy Bartley ; Me <; Carol Olewin ; Ma hew Franklin ; Cynthia Waring
Subject: Skyview Neighborhood request for Postponement

External Email - Exercise Caution

Dear Cynthia,

The Skyview neighborhood requests a postponement of the July 23, 2024 Planning Commission meeting for the Dillard Circle Development. We ask that it be postponed to September 10, 2024.

Thank you,
Catherine Bartley
208 E Skyview Rd, 78752
Skyview Neighborhood Resident
Sent from my iPad

On Jul 10, 2024, at 3:56 PM, Hadri, Cynthia <Cynthia.Hadri@austintexas.gov> wrote:

Hi Cathy,

If you'd like to request a neighborhood postponement for the Dillard's Circle Rezoning case, please respond to this email as a written request and what date (from the list below) you'd like to request the postponement for. I can submit that neighborhood postponement request with the materials provided for the Planning Commission. I will also let the applicant know that there is a request for a postponement by the neighborhood and they can agree to it or they can choose a different date and make it a discussion item at the Planning Commission on 7/23/2024. Let me know if you have any questions.

Planning Commission Meeting Dates:

August 13, 2024
August 27, 2024
September 10, 2024

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

<Outlook-5t4a5sas.png>

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

Case: C14-2024-08 Cynthia Waring letter for staff report

Cynthia Waring

Fri 7/26/2024 3:08 PM

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

External Email - Exercise Caution

Sent from my iPad

Hello Cynthia,

I sent the enclosed letter to all the planning commissioners. Please include the letter in your staff report to the planning commissioners.

Thank you,

Cynthia Waring

Subject: C14-2024-08

Dear Planning Commissioners,

My name is Cynthia Korth Waring . My husband and I reside at 204 East Skyview Road in Austin. We are affiliated with the above case, as this development will butt up next to the back corner of our property. There have been numerous messages sent to the commissioners from my neighbors concerning this case. I believe this case was to be heard today but we asked for a postponement and the developer, Genesis agreed. We hope to address the commission on August 13 regarding the case. In the meantime, Timothy Bray from Chito Vela's office has arranged a meeting for July 31 between their office, Genesis, individual neighbors impacted and hopefully the city will send a representative from zoning and planning. This is the latest landing for us after many, many emails, and texts and phone calls to all the parties involved.

Skyview is a small, pocket sort of neighborhood. We enjoy the luxury of knowing our neighbors and in turn supporting each other when needed. It is an older neighborhood that has folks that are in the second generation of the same family ownership. Young families, students, retirees etc. Really a full spectrum of folks call Skyview home. This proposed zoning change will directly affect about eight single family residences. But rest assured it will forever change the entire skyline and experience for many houses in our neighborhood. One neighbor commented, "well no more sunrises to see." And that will be true. A couple years back, Genesis originally agreed to 4-5 stories, a stair step build starting with two floors behind us, and they would follow the existing compatibility guidelines. No more. Genesis is applying for the newly minted DB 90 zoning. They have increased the number of units from approximately 130 to perhaps 220 or more. They state they will have no onsite parking. They are planning to build 6 stories straight up, about 25 feet from our back fences. This development will loom over our backyards with windows and balconies, light,

noise etc. We have asked them to return to what they originally promised. They have said no. Money seems to be the North Star. They state they weren't going to be able to build what they originally thought and be solvent. They further maintain this new opportunity allows them to build and be solvent.

All of the concerns Genesis has, I can understand. The city's concern for providing affordable housing with best land use practice I can understand. What is not clear to me or frankly okay, is why the developers needs outweigh individual tax paying citizens needs. These are our homes. Our personal investments. Our property values will absolutely be impacted adversely if this project is allowed the rezoning.

I would like the commissioners to consider the real life implications of allowing such a development because of DB90. I am being serious. Walk to your back property line when you get home and imagine a six story apartment complex 25 feet away straight up.

I honestly believe both the tenets of DB 90 and the needs of single family housing can be negotiated fairly. What my family has asked for all along is fair and equitable consideration. We still want this. Fair and equitable. We ask the Planning Commission to pause the DB 90 cases that run along side single family residences. Within the last amendments to DB 90, there was an allowance made for building along an alley. Essentially there is the one property line and it's setbacks, the alley space of 25-40ft, then the second property lines with its set backs. Please consider giving the same consideration to single family homes that will be next to commercial developments in the blink of an eye. The shared utility 25 ft easement could be designated as what it should be. No man's land. The other consideration that could be addressed by pausing, is further exploration of restoring and even enhancing compatibility standards when these DB 90 properties are going to butt along a residential neighborhood. It seems like a quick quick turnaround that these ordinances have taken. Probably not to you that are in the trenches with them. But a lot of Austin citizens like myself that are effected now and those that are going to be effected in the near future, are just getting up to speed on the direct impacts to us and our lives.

Please, please give careful and thoughtful attention to these real life consequences that are now coming to light for people like myself and my neighbors. effected by these new ordinances.

I want to close with a thank you. I appreciate your service to the city of Austin and residents like myself.

Sincerely,
Cynthia and Fred Waring

Sent from my iPad Sent from my iPad

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

Case number C14-2024-0080 /5931 Dillard Circle

K

Sat 8/10/2024 11:52 AM

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

External Email - Exercise Caution

Ms. Cynthia Hadri,

As a property owner directly impacted by the proposed application, I want to record my objection to this plan. I am in review of the numerous public documents which have been submitted identifying areas of concern. I similarly hold these concerns. Mr. Franklin submitted an email to you on June 4,2024 that captured them well.

In addition, I want to address the impact that approval of this application and complex may have on property values. Several factors, as previously mentioned, are at play. Clearly there will be an aesthetic impact on the property with such a large development in our backyard(visual, sound and light pollution), coupled with potential environmental impacts. Lastly, factors that may benefit property values, such as opportunities to improve the community with appropriate retail, are being dismissed in this application.

As I am new to this ongoing discussion, can you please share more information about the upcoming meeting date on August 13. Further, is there a site where I can gather more information about the proposed build by Urban Genesis. I believe it is the Midtown Highline Phase 2 (sadly, already on their website), however I am unable to find additional information.

Thank you.

Kimberly Eerkes 306 E. Skyview Rd Austin, TX 78752

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Postponement of Case #C14-2034-0080, 5931 and 6003 1/2 Dillard Circle

Cathy Bartley

Thu 8/8/2024 12:03 PM

To:Anderson, Greg - BC <bc-Greg.Anderson@austintexas.gov>

Cc:Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>;Bray, Timothy <Timothy.Bray@austintexas.gov>;Matt Franklin

;Cynthia Waring ;Cathy Bartley Tony Sansevero ;Carol Olewin ;Kim At Mothers Milk Bank;Amanda Brown

<amanda.brown@hdbrownconsulting.com>;Rindy Fox ;Gahl Shalev

Urban Geneis.docx;



Dear Mr. Anderson,

The impacted residents of the Skyview Neighborhood in District 4, are requesting a postponement of Case # C14-2024-0080 on 5931 and 6003 1/2 Dillard Circle, until the developer has addressed the enclosed concerns of the residents. Because of the new DB-90 compatibility changes, this development will have a huge negative effect on the single family homes and the neighborhood adjoining the development, including a massive decrease in property values.

Skyview is a 1950's established Austin neighborhood. The residents of this lovely, diverse community are a blend of ethnicity, ages, occupations, incomes, families and singles, and owners and renters. We request that you give us equal consideration as to these zoning changes, especially in how the DB-90 compatibility changes will impact our single family homes and neighborhoods.

Sincerely,

Catherine Bartley
208 E Skyview, 78752

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Skyview Neighborhood Residences

Following are the requests from the Skyview Neighbors that are immediately impacted by the Urban Genesis, 5931 and 6003 1/2 Dillard Circle, development.

1. Provide 35' setback from single family lot line to ensure adequate fire department and utility company access
2. No balconies or windows facing single family residences
3. No patios overlooking single family residences
4. Maximum height of 25 foot along single family lot line and tier up to 70 foot height along Dillard Circle side of apartment (See Compatibility Buffer Section 25-8-700)
5. Provide off site parking plans. No parking along single family lots
6. Provide Drainage plan showing retention ponds and type of construction. Make drainage ponds aesthetic and usable by pets and pedestrians
7. Provide adequate pet relief areas that are not along single family lots. Put pet relief areas along railroad track
8. Exterior lighting along single family lots should be hooded or shielded and not penetrate into single family lots or windows
9. No mechanical equipment along single family property lots
10. No refuse receptacles or collection sites along single family lots
11. Privacy wall or screen along single family property lots
12. Urban Genesis host a neighbors meeting and provide full set of plans to include environmental studies. Meeting should be in a climate controlled, ADA accessible site.
13. No greater than 4' excavation of existing surface grade.

Signed:

204 E Skyview Rd,

206 E Skyview Rd,

208 E Skyview Rd, Cathy Bartley,

300 E Skyview Rd,

302 E Skyview Rd,

304 E Skyview Rd,

306 E Skyview Rd,

July 17, 2024

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: C14-2024-0080
Contact: Cynthia Hadri, 512-974-7620
Public Hearing: August 29, 2024, City Council

Christopher Jones
Your Name (please print)

I am in favor
 Object

5810 Duval Street, Austin, TX 78752
Your address(es) affected by this application (optional)

Cin Jones
Signature

8-12-24
Date

Daytime Telephone (Optional): 737-334-5927

Comments: My six year old son and I both object to this zoning change. The building will be much too large and tall. It will decrease our property values and our quality of life. We ask that city council reject the zoning change.

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

C14-2024-0080 Dillard Circle Neighborhood Postponement

Cathy Bartley

Fri 8/23/2024 9:14 PM

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

External Email - Exercise Caution

Hi Cynthia ,

The concerned residents of the Skyview Neighborhood request a postponement of the City Council meeting scheduled for Aug 29th to October 10th, case No C14-2024-0080.

Thank you,

Catherine Bartley

208 E Skyview 78752

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July 14, 2024

The Austin Neighborhoods Council Executive Committee Requests a Moratorium on DB90 Zoning Changes Impacting Neighborhoods.

In the wake of a court ruling that struck down the new zoning category, VMU2 (a zoning category allowing 90 feet of height for a small amount of affordable housing), the Austin City Council created a density bonus program (DB90). *DB90 expands the reach of VMU2*. VMU2 was intended to be placed on corridors and had compatibility standards. Now, no matter what street type a property is located on, if the zoning is LO, LR, GO, GR, CS or CS-1, a developer can apply for DB90. DB90 grants 30 additional feet of height and removes compatibility. This [live map](#) shows the properties in Austin that are eligible to apply for DB90. On July 18th, revisions to DB90 will be considered which include clarifying that provisions of the DB90 program govern over a conflicting provision of the Land Development Code or other ordinance. This means overriding conditional overlays etc.

We are now seeing these zoning requests within and directly impacting (abutting) Austin residential neighborhoods.

We request a moratorium on DB-90 until a review of cumulative impacts can be conducted.

Properties requesting DB90 rezoning between February 29, 2024 and July 10, 2024: 6400 FM 969; 5210 Bruning Avenue; 704 E 53rd Street; 5301 Martin Avenue; 803-809 Tirado Street; 2600 E Martin Luther King Jr Boulevard; 1103 W 24h St; 714 Turtle Creek Blvd; 830 and 838 Airport Blvd and 917 and 923 Shady Ln; 7320 Burnet Road; 2002 Manor Road; 2800 South Lamar; 5931 Dillard Circle; 2313, 2315, 2407, 2413 Thornton Rd; 3117-3121 E. 12th Street; 2900 Oak Springs; 1809 W 35th; 1100-1218 E 51st St; 1101-1205, 1209, 1215 E 52nd St; 5121 Cameron Rd; 5106-5114 Lancaster Ct; 2709 South Lamar Blvd; 821 Woodward; 8200 & 8300 North Mopac; 3800, 3808, 3810 N IH 35 Svrd SB; 1015, 1017 E 38th 1/2 St; 1014, 1016 E 38th St; 1015 E 38th St; 3703 Harmon Ave; 5725 W US Hwy 290 EB; 3020 East Cesar Chavez Street; 2001, 2003, 2005, and 2007 S. Lamar; 4302 S Congress Avenue; 8501 S. 1st Street; 5200 E 5th Street; 4005 and 4009 Banister Lane; 1500 W Stassney Lane; 2105 South Congress Avenue; 8400 - 8412 S Congress Ave (even numbers only); 108 Ralph Ablanado Dr; and 2706 Gonzales and 2730 E 7th Street.

Ana Aguirre
ANC President

Date: August 28, 2024

Contact Name: Cather Badley
Phone Number: 512-554-9040
512-554-9040