

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0067.SH (204 East Rundberg Lane)

DISTRICT: 4

ADDRESS: 204 East Rundberg Lane

ZONING FROM: LR-V-NP, SF-3-NP

TO: GR-MU-V-NP

SITE AREA: 6.541 acres

PROPERTY OWNER: Estate of Majid Hemmasi D.B.A. DRFM Investment, c/o David Hemmasi, Luan Duy Nguyen, Trustee of the Luan Duy Nguyen Revocable Management Trust, Luan Duy Nguyen, Trustee of the Doan-Nghiem Thi Nguyen Revocable Management Trust

APPLICANT/AGENT: Drenner Group, PC (Drew Raffaele)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMEDATION:

Staff recommends GR-MU-V-NP, Community Commercial-Mixed Use-Vertical Mixed Use Building-Neighborhood Plan Combining District, zoning.

PLANNING COMMISSION ACTION / RECOMMENDATION:

August 13, 2024: Approved staff's recommendation of GR-MU-V-NP zoning by consent (12-0, P. Howard-absent); A. Azhar-1st, A. Woods-2nd.

CITY COUNCIL ACTION:

September 12, 2024

ORDINANCE NUMBER:

ISSUES:

The North Lamar Combined Neighborhood Plan Future Land Use Map (FLUM) calls for this property to be designated as Single Family and Neighborhood Mixed Use. Therefore, there is an associated neighborhood plan amendment case NPA-2024-0026.02.SH in process along with the rezoning case.

CASE MANAGER COMMENTS:

The property under consideration is a 6.5+ acre undeveloped tract of land fronting onto East Rundberg Lane. To the north there is a public primary school (Guerrero Thompson Elementary School) zoned SF-3-NP. The lots to the east along North Creek Drive are developed with an office use zoned LR-V-NP and single family residences zoned SF-3-NP. To the west, there is a religious assembly use (Austin First Spanish Seventh-Day Adventist Church) and a multifamily use (Northchase Apartments) zoned LR-V-NP, LR-NP and LO-NP respectively. The lots to the south, across E. Rundberg Lane, are zoned LR-MU-V-NP and are developed with retail and office uses. In this case, the applicant is requesting a rezoning to GR-MU-V-NP to create a comprehensive zoning designation across the property to develop a for-rent, multifamily S.M.A.R.T. Housing use (*please see Applicant's Request Letter – Exhibit C and S.M.A.R.T. Housing Program Certification Letter – Exhibit D*).

The staff recommends the applicant's request for Community Commercial-Mixed Use-Vertical Mixed Use Building-Neighborhood Plan Combining District, zoning as the property meets the intent of the GR base district as it is accessible from a major traffic way, E. Rundberg Lane. The proposed "MU" and "V" overlay districts will permit the applicant to construct an affordable residential development adjacent to existing commercial and civic services on the property that is within a designated Imagine Austin Center (Lamar & Rundberg).

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

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.

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.

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.

Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed rezoning is compatible with the commercial/mixed use nature of the area. The recommended GR-MU-V-NP zoning will allow for commercial/mixed use development with frontage on E. Rundberg Lane, a major arterial roadway and designated Activity Corridor. There is LR-NP and LR-V-NP zoning to the west and LR-V-NP, GR-MU-V-CO-NP and GR-NP zoning to east of the site along Rundberg Lane. The lots to the south, across the right-of-way, are zoned LR-MU-V-NP and are developed with retail and office uses. Surrounding civic uses include two public primary schools, Guerrero Thompson Elementary School to the north and Barrington Elementary School to the south across E. Runberg Lane, and a religious assembly use directly to the west (Austin First Spanish Seventh-Day Adventist Church). There is a mix of residential housing types in this area as there are single family residences to the east along North Creek Drive and multifamily complexes to the north (Longspur Crossing) and west (Northchase Apartments).

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

The requested addition of a “MU” and “V” overlay designations on this property will permit the applicant to develop an up to 208-unit multi-family units over the entire site that will meet S.M.A.R.T Housing Standards. This will provide for additional housing opportunities in this area of the city along a Level 3/Arterial Roadway and designated Activity Corridor with public transit options (Capital Metro bus routes #142 and #325).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-V-NP, SF-3-NP	Undeveloped
<i>North</i>	SF-3-NP	School (Guerrero Thompson Elementary School)
<i>South</i>	LR-MU-V-NP	Retail/Office (Angel’s Mattresses, House of Glam, Novedades San Miguel, Tienda Naturista, S & T Duran Insurance, Dulceria Mexicana, Mr. Brincolin Party Stores)
<i>East</i>	LR-V-NP, SF-3-NP	Office (RexPro Realty, Garcia & Garcia Attorneys), Single Family Residences
<i>West</i>	SF-2-NP, SF-3-NP, LR-V-NP, SF-3-NP	Religious Assembly (Austin First Spanish Seventh-Day Adventist Church), Multifamily (Northchase Apartments)

NEIGHBORHOOD PLANNING AREA: North Lamar Combined Neighborhood Plan
(North Lamar)

WATERSHED: Little Walnut Creek

SCHOOLS: Austin I.S.D.
Barrington Elementary School
Guerrero Thompson Elementary School
Dobie Middle School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District,
Austin Lost and Found Pets,
Austin Neighborhoods Council,
Friends of Austin Neighborhoods,
Georgian Acres Neigh. Assn.,
Go Austin Vamos Austin - North,
Homeless Neighborhood Association,
Neighborhood Empowerment Foundation,
North Growth Corridor Alliance,
North Lamar Neighborhood Association,
North Lamar/Georgian Acres Neighborhood Team,
SELTexas,
Sierra Club, Austin Regional Group

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0101 (9310 Georgian Drive)	SF-3-NP to LR-MU-NP	10/23/12: Approved LR-MU-CO-NP zoning with the following conditions: 1) Limit development on the property to less than 500 vehicle trips per day, 2) Prohibit Residential Treatment and Service Station uses, 3) Prohibit Drive-In Services (8-0, R. Hatfield-absent); J. Stevens-1 st , D. Chimenti-2 nd .	1/17/13: Approved LR-MU-CO-NP zoning on consent on 1 st reading (6-0, L. Leffingwell-absent); B. Spelman-1 st , L. Morrison-2 nd . 2/14/13: Approved LR-MU-CO-NP zoning on consent on 2 nd /3 rd readings (7-0); S. Cole-1 st , B. Spelman-2 nd .
C14-2007-0231 (Rundberg Business Park 2: 320 E. Rundberg Lane)	GR, MF-2 to GR-MU	3/11/08: Approved GR-MU-CO zoning, with CO for 2,000 vtpdl and prohibiting Bail Bond Services and Pawn Shop Services uses, by consent (9-0)	8/28/08: Approved GR-MU-CO zoning (7-0); all 3 readings
C14-2007-0120 (Saul Duran: 105 E.	SF-3 to LO-MU	8/28/07: Approved staff rec. of LO-MU-CO zoning, with CO prohibiting Communication	9/27/07: Approved LO-MU-CO zoning (5-0); all 3 readings

Rundberg Lane)		Services, Convalescent Services, Cultural Services and Medical Office uses, by consent (7-0)	
C14-06-0127 (Rezoning Rundberg: 101 E. Rundberg Lane)	SF-3 to LO-MU	10/03/06: Approved LO-MU-CO zoning, with CO prohibiting Communication Services, Convalescent Services, Cultural Services and Medical Office uses, by consent (7-0)	11/02/06: Approved LO-MU-CO zoning (5-0); all 3 readings
C14-04-0188 (205 E. Rundberg Lane)	SF-3 to LO	1/04/05: Approved LO-CO zoning, with CO limiting the site to 'NO' district uses, by consent (9-0)	1/27/05: Approved LO-CO zoning, with CO prohibiting Communication Services, Convalescent Services, Cultural Services and Medical Office uses (6-0); 1 st reading 2/17/05: Approved LO-CO zoning; 2 nd /3 rd readings
C14-04-0143 (Rundberg Lane East: 401-405 Block of E. Rundberg Lane)		10/19/04: Approved GO-CO zoning, with CO to allow Personal Services as the only permitted 'GO' district use and allow all other 'NO' district uses (9-0)	11/04/04: Approved GO-CO zoning, with CO prohibiting Art Gallery, Business or Trade School, Business Support Services, Communication Services, Medical Offices, Private Secondary Education Facility, Off-Site Accessory Parking, College and University Facilities, Congregate Living, Convalescent Services, Cultural Services, Guidance Services, Hospital Services (Limited) uses, (7-0); 1 st reading 12/02/04: Approved GO-CO zoning (7-0); 2 nd /3 rd readings

RELATED CASES:

C14-2010-0048 (North Lamar Combined NP Rezoning) – Previous Zoning Case

OTHER STAFF COMMENTS:Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut 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 sq. ft. 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

No comments.

Parks and Recreation

Residential units that are certified affordable under the SMART Housing Policy are exempt from the parkland dedication requirements per City Code § 25-1-601(D). Parkland dedication will be required for any new market-rate residential units that may be proposed by this development, multifamily with GR-MU-V zoning, at the time of subdivision or site plan, per City Code § 25-1-601.

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 parkland dedication requirements.

Site Plan

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.

Compatibility Standards

The site is subject to compatibility standards. Along the North, East, and West property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 24 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

FYI This site is in the North Lamar Neighborhood Planning Area.

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for Rundberg Ln. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Rundberg Ln	Level 3/ MAD 4 – Minor/ Major Arterial Roadway	116'	87'	66'	Yes, on north side	no	Yes

Water Utility

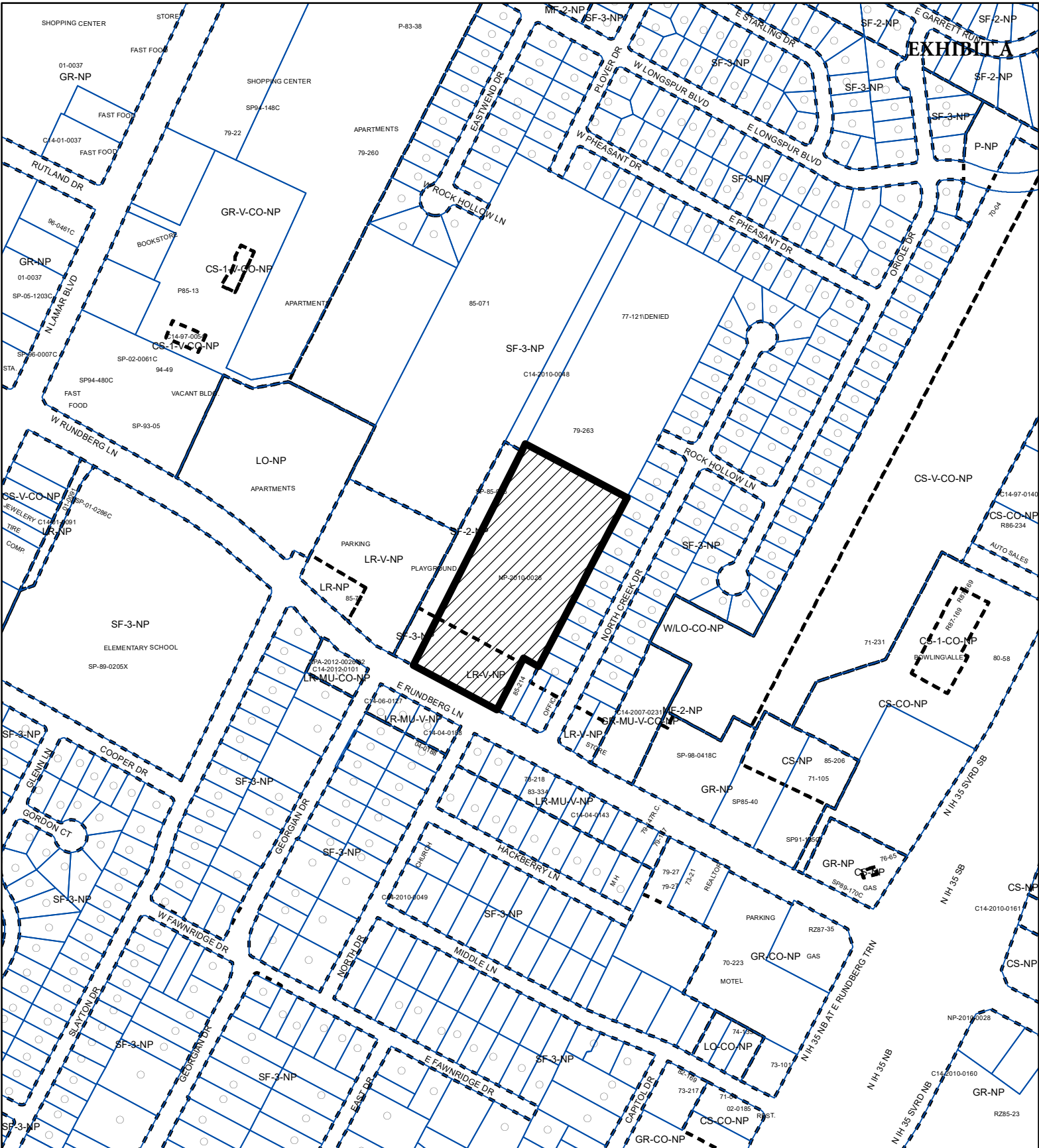
No comments on zoning change.

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 TO FOLLOW




- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. S.M.A.R.T. Housing Program Certification Letter



ZONING

ZONING CASE#: C14-2024-0067.SH



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

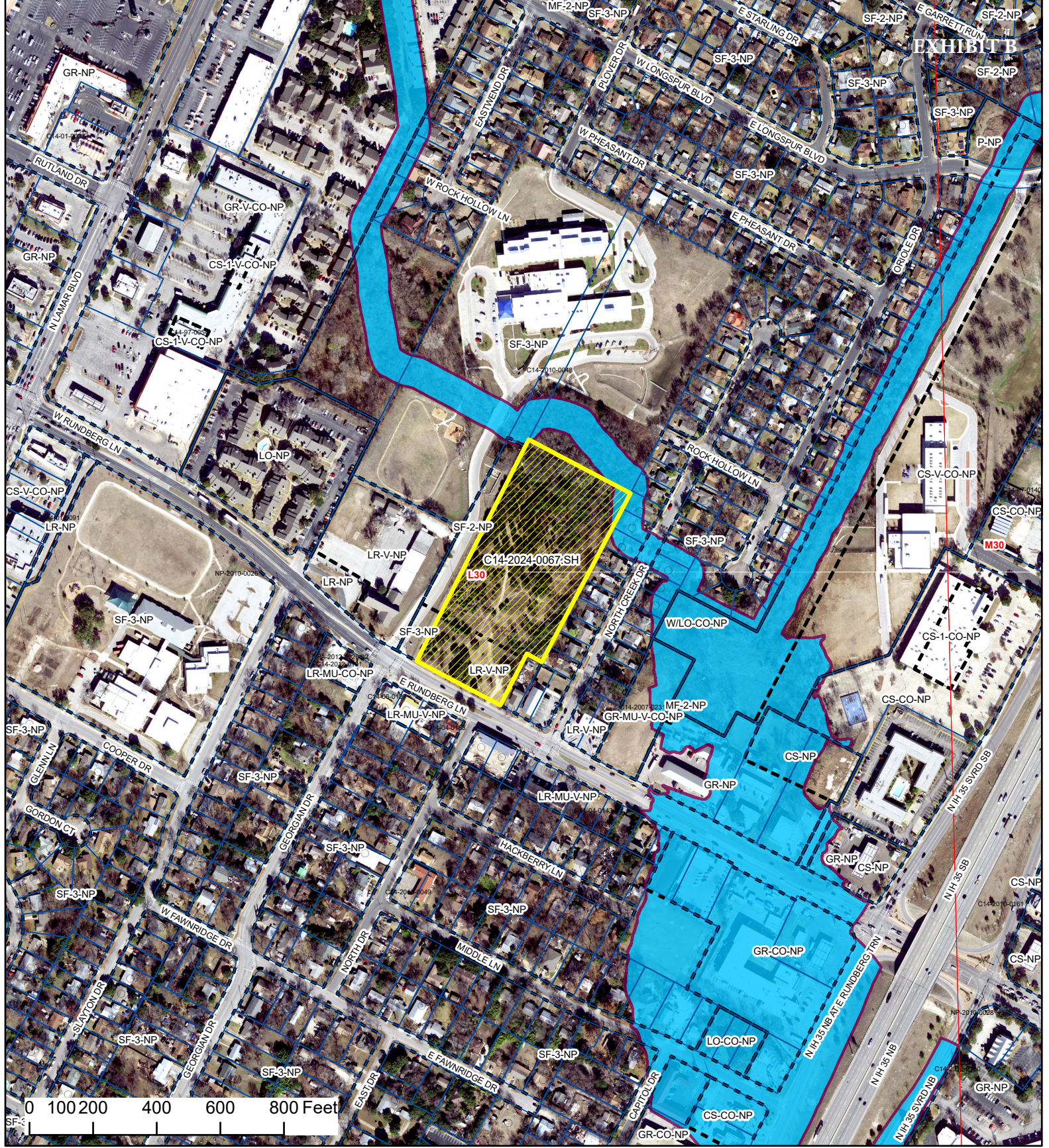
1" = 400'

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: 4/18/2024



204 East Rundberg Lane

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

CASE#: C14-2024-0067.SH
 LOCATION: 204 E Rundberg Ln
 SUBJECT AREA: 6.541 Acres
 GRID: L30
 MANAGER: Sherri Sirwaitis



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April 12, 2024

Ms. Lauren Middleton-Pratt
Planning Department
City of Austin
6310 Wilhelmina Delco Drive
Austin, TX 78752

Via Electronic Delivery

Re: 204 East Rundberg Lane – Rezoning and Neighborhood Plan Amendment applications for the 6.541-acre property located at 204 East Rundberg Lane, Austin, Travis County, Texas 78717 (the “Property”).

Dear Ms. Middleton-Pratt:

As representatives of the owners of the Property, we respectfully submit the enclosed rezoning and Neighborhood Plan Amendment (“NPA”) application packages. The project is titled 204 East Rundberg Lane and 204 East Rundberg NPA, respectively, and is 6.541 acres of land located on the north side of East Rundberg Lane, west of North Creek Drive. The Property is within the full purpose jurisdiction of the City of Austin.

The Property is comprised of two zoning designations: LR-V-NP (Neighborhood Commercial – Vertical Mixed Use Building – Neighborhood Plan) over the front portion, adjacent to East Rundberg Lane, and SF-3-NP (Family Residence – Neighborhood Plan) over the remaining portion of the Property. The requested zoning is from LR-V-NP and SF-3-NP to GR-MU-V-NP (Community Commercial – Mixed Use – Vertical Mixed Use Building – Neighborhood Plan). The Property is currently undeveloped. The purpose of this rezoning is to create a comprehensive zoning designation across the Property for development of a for-rent, multifamily residential use. The development also intends to participate in the S.M.A.R.T. Housing Program and has received certification from the City of Austin Housing Department, the certification accompanies this letter.

The Property is within the North Lamar subdistrict of the North Lamar Combined Neighborhood Planning Area, adopted June 24, 2010 and has two Future land Use Map (“FLUM”) designations. Neighborhood Mixed Use is designated over the front portion of the Property, adjacent to East Rundberg Lane, and Single Family is designated over the remainder. A NPA application accompanies this submittal that proposes to amend the FLUM from Neighborhood Mixed Use and Single Family to Mixed Use for the entire Property.

The requested rezoning is supportive of Imagine Austin’s Land Use and Transportation Policy No. 3 by, “[promoting] development in compact centers, communities, or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.” The property is located on East Rundberg Lane, which is an Imagine Austin Corridor, within an Imagine Austin Neighborhood Center, and nearby to CapMetro Routes 142, 324, 325 and 801, that are classified as local or high-frequency routes.

April 12, 2024

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A Traffic Impact Analysis ("TIA") is not required, per the attached TIA Determination waiver dated March 29, 2024, and executed by Mustafa Wali.

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,



Drew Raffaele

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



City of Austin

P.O. Box 1088, Austin, TX 78767
www.austintexas.gov/department/housing-and-planning

Housing Department S.M.A.R.T. Housing Program

April 02, 2024

S.M.A.R.T. Housing Certification
ECG Acquisitions, LLC
204 E Rundberg Lane (ID 957-6063)

TO WHOM IT MAY CONCERN:

ECG Acquisitions, LLC (contact: Donnell McGhee; ph: (708) 227-7006; email: dmcghee@elmingtoncapital.com) is planning to develop Rundberg Flats, a 208-unit multifamily rental development at 204 E Rundberg Lane, Austin, Texas 78753.

S.M.A.R.T. Housing – Rental - 204 E Rundberg Ln.	
Total units: 208 units	
<u>Minimum Required:</u> 40% (84 units) at or below 60% MFI Requirements for 100% fee waiver	<u>Proposed unit mix:</u> 43 units at or below 50% MFI 122 units at or below 60% MFI 43 units at or below 70% MFI
Affordability Period (S.M.A.R.T. units): 5 Years*	
Fee waiver level: 100%	
AWU Capital Recovery Fees: 165/208 units eligible	

*Note: This certification letter only reflects the minimum requirements for the relevant program (S.M.A.R.T. Housing). Should the owner choose to participate in other affordability programs, the development may be subject to additional affordability restrictions and/or a longer affordability period.

Because the applicant has proposed a unit mix that meets the minimum program thresholds, the development will be eligible for a waiver of fees listed in Land Development Code, Chapter 25-1-704, as amended or other fees waived under a separate ordinance except for Austin Water Utility Capital Recovery Fees (see below). The fee waiver level is listed above. The project will be subject to its minimum affordability period after issuance of a certificate of occupancy, unless funding requirements are longer.

Based on the requirements under the Texas Local Government Code, Chapter 395.16(g) and 42 U.S.C. Section 12745 (A)(1) as it relates to how housing qualifies as affordable housing, only a certain number of units may be eligible to receive Austin Water Utility Capital Recovery Fee (CRF) waivers. The table above lists the number of units which are eligible to receive CRF fee waivers.

The Housing Department certifies the proposed project meets the S.M.A.R.T. Housing standards at the pre-submittal stage. The expected fee waivers may include the following fees:

- AWU Capital Recovery Fees
- Building Permit
- Concrete Permit

Electrical Permit
Site Plan
Review
Construction Inspection
Demolition Permit Fee

Mechanical Permit
Subdivision Plan Review
Parkland Dedication Fee
(by separate ordinance)
Regular Zoning Fee

Plumbing Permit
Zoning Verification
Land Status Determination
Building Plan Review

Prior to issuance of building permits and starting construction, the developer must:

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Contact Austin Energy Green Building: 512-482-5300 or greenbuilding@austinenergy.com).
- ◆ Submit plans demonstrating compliance with the required accessibility or visitability standards.

Before a Certificate of Occupancy will be granted, the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection to certify that the required accessibility or visitability standards have been met.
- ◆ An administrative hold will be placed on the building permit, until the following items have been completed: 1) the number of affordable units have been finalized and evidenced through a sealed letter from project architect and/or engineer, 2) a Restrictive Covenant stating the affordability requirements and terms has been filed for record at the Travis County Clerk Office.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards after the certificate of occupancy has been issued or repay the City of Austin, in full, the fees waived for this S.M.A.R.T. Housing certification.

Please contact me by phone 512.978.1594 or by email at deadra.johnson@austintexas.gov if you need additional information.

Sincerely,

DeAdra Johnson

DeAdra Johnson, Project Coordinator
Housing Department

Cc: Kristin Martinez, AE

Jonathan Orenstein, AWU

Mashell Smith, ORS