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April 30, 2025

To: Mayor and City Council Members

Re: Airport Blvd. & Koenig Lane Tracts DB90 Rezoning Applications Parcels B-G (Zoning Cases C14-2025-0010, C14-2025-0014, C14-2025-0012, C14-2025-0015, C14-2025-0017, C14-2025-0016);  
City Council May 8, 2025, Meeting Agenda Items # 70-76

This letter is in response to the above-referenced DB90 rezoning applications I filed on behalf of United Properties (Applicant) for the property located generally at Airport Blvd. and Koenig Lane in Austin, Texas. The property is currently zoned "CS-V-CO-NP" (General Commercial Services-Vertical Mixed-Use- Conditional Overlay-Neighborhood Plan), and the Future Land Use Map/Character District of the North Loop Neighborhood Plan designates the tract as "Mixed Use." The applications seek to rezone the property to "CS-V-CO-DB90-NP" (General Commercial Services-Vertical Mixed-Use-Conditional Overlay-Density Bonus 90-Neighborhood Plan) and leave the FLUM/Character District as the existing Mixed Use.

Representatives of the North Loop Neighborhood Association (NLNA), the North Loop Neighborhood Plan Contact Team (NLNPCT), and staff of Council Member Chito Vela held multiple meetings with members of our development team to discuss these applications. This dialogue between members of the applicant's development team and these key members of the community included discussion of many facets of the proposed development. A key component of these conversations has been to focus on solutions the development team have agreed to provide for the proposed development. The development team and neighborhood representatives have worked together in a collaborative manner to address issues identified by the neighborhood. We have attached a list of Proposed Development Issues to be incorporated with the development of this project, as has been agreed to by the Applicant along with the NLNA and the NLNPCT.

The North Loop Neighborhood Planning Area is a central Austin neighborhood that is approximately 5 miles north of the downtown area. The implementation of the North Loop Neighborhood Plan (NLNP) resulted in the construction of a large number of homes and businesses that directly increased the residential population density in the area. As such, the proposed mixed-use development fulfills and enhances the vision of the NLNP.

We are deeply grateful for the support of our applications to rezone from CS-V-CO-NP to CS-V-CO-DB90-NP including the attached Proposed Development Issues to provide much needed housing (including affordable units) and commercial services to meet the City's growing demand for walkable neighborhoods.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Hartman', is written over a light blue circular stamp. Below the signature, the name 'David Hartman' is printed in a black, sans-serif font.

David Hartman

## PROPOSED DEVELOPMENT ISSUES

1. Protected Pedestrian Crossing. United Properties (UP) supports the neighborhood's request for a protected pedestrian crossing over the Red Line tracks at 55<sup>th</sup> Street. UP shall take commercially reasonable efforts to provide necessary land under its control as required by CapMetro, City of Austin, TxDOT, and any other applicable authority to obtain all construction permits and approvals for the proposed pedestrian crossing. UP will cooperate in the feasibility of this project. The proposed pedestrian crossing is subject to regulatory approval, and UP cannot unilaterally fund the pedestrian crossing.
2. CapMetro Bus Stop/Infrastructure. UP shall take commercially reasonable efforts to work with CapMetro regarding the following: (a) the final location of the bus stop along Airport Boulevard in this area to ensure its convenience to residential units and to the placemaking elements noted later in this document, (b) providing a shade structure for this bus stop, and (c) additional bus stops and bike station offerings that might be located on this site to provide further transit options to the neighborhood and their residents including providing land and access where required by governmental authorities.
3. Existing Transformers. UP will continue efforts requesting that Austin Energy (AE) relocate or at minimum shift the transformers that are currently located on the west side of Parcel A, but cannot guarantee the ability to relocate them based on several rounds of plan review and site constraints.
4. Forward Looking Parking. The Parcel A site plan does not currently have parking requirements that explicitly couple units and parking spaces and will charge residents separate parking rent. During operations, UP will assess parking demand by use and will ensure its utility is maximized. UP plans to provide decoupled parking in all phases.

The Parcel A site plan has secured bike storage and repair station for residents in its first two buildings and will provide for other multifamily uses on the property. UP will coordinate with local ride-sharing vendors to ensure efficient pick-up/drop-off areas are designated.

UP will seek to develop the parcels located south of East 56<sup>th</sup> Street (Southern Parcels) similar to Parcel A site plan as described above, and if we determine we are unable to do so we will consult with NLNPCT.

UP shall take commercially reasonable efforts to provide long term bike storage and repair/maintenance facilities to all tenants as a standard offering in all residential buildings, and to coordinate with a car-share organization such as SUMN or QUANTUM MOBILITY to provide car share units at a minimum rate of 1:150 residents on the Southern Parcels.

5. Energy. UP will take commercially reasonable efforts to source the majority of electrical power for the development from renewable sources, such as the AE GreenChoice Wind Energy Program.
6. Austin Energy Green Building (AEGB). UP will take commercially reasonable efforts to construct to AEGB 3 star criteria.
7. TxDOT Retention Pond located at southwest corner of Airport Blvd. & Koenig Lane. UP is providing with the Parcel A site plan a shared use trail around this retention pond to where the Airport Blvd. shared use path improvements constructed by the City Corridor Program are located. UP will consult with TxDOT to explore the request by the neighborhood for UP to sign a maintenance agreement with TxDOT to plant trees and native plants in this area and to provide a decomposed granite footpath around the pond. Note that UP does not control the TxDOT property and TxDOT has not requested maintenance nor improving this pond during the Parcel A site development review process.
8. Dark Sky Compliant Lighting. UP will comply with Subchapter E (Commercial Design Standards), Section 2.5 (Exterior Lighting) of the Austin Land Development Code related to Dark Sky design.

The Parcel A site plan has a specific site plan note that says all exterior lighting will be full-shielded and full cut off per Subchapter E in the Building Permit application. UP agrees to take commercially reasonable efforts to limit internally lit signage (such as the internally lit signs located at the REVL on Lamar multifamily development located at 5629 N. Lamar Blvd.), except for structures located along Airport Blvd.

9. Activate Redline Parkway Trail. To activate the Redline Parkway Trail, along the southwestern building adjacent to this Trail UP will take commercially reasonable steps to 1) incorporate townhomes along the southwestern building, and 2) provide retail against Martin Ave. & E. 55<sup>th</sup> (that is located approximately 50' and visible from the Redline Parkway Trail).
10. Voluntary Compatibility Along Western Property Line: UP shall comply with screening requirements of the DB90 ordinance (Section 25-2-652(G)(4)-(10)) along the western property line, regardless of the presence of a triggering property. These City Code provisions require that exterior lighting must be hooded or shielded, limit visibility of vehicle lights from vehicles on parking lot/parking structure, and set forth other screening requirements.
11. Parkland Design. UP agrees to allow two designated representatives of the NLNPCT to participate in a design charrette with UP's Landscape Architect to provide feedback on the planned greenspaces. Neighbors request children's play space, and separate dog play area.
12. Grocery. UP will take commercially reasonable efforts to continue to pursue grocery as a priority retail tenant.
13. Streetscape. UP will comply with Subchapter E requirements for internal driveways/roadways, which stipulates 5' clear + 7' planting = 12' total width. The Parcel A site plan includes a minimum 12' width, and in excess of 12' width in some locations.
14. Trash, Recycling, Compost. UP will have enclosed trash rooms that are ventilated through the roof. Trash pick-up, per the site development permit, is prohibited from 10pm – 7am. Internal trash areas are enclosed and conditioned, with separate chutes for trash, recycling, and compost, along with battery collection bins.
15. Residential Unit Mix. The Parcel A site plan bedroom mix is in line with market and includes live-work and townhome rental units. UP will take commercially reasonable efforts to deepen the affordable housing component on the Southern Parcels, in connection with vacating Middle Fiskville ROW adjacent to the Southern Parcels. UP will study building non-Type-A for-sale units on Southern Parcels. UP will take commercially reasonable efforts to provide 2 and 3 bedroom units at a minimum of 20% of the overall site mix for the Southern Parcels.
16. Building ventilation. UP agrees to take commercially reasonable efforts to ensure that no active large scale ventilation (greater than 4" diameter) is directed towards the neighborhood and that the parking lot design will not require active ventilation that would result in noise pollution to the neighborhood. The site development plan for Parcel A complies with this provision. UP currently plans to follow this request for development of Parcel E, Parcel F, and Parcel G, and if we determine we are unable to do so we will consult with NLNPCT. No active large scale ventilation (greater than 4" diameter) will be utilized on the southwestern building located on Parcel B, Parcel C, and the Nicholson Tract.
17. Existing Billboards. UP will take commercially reasonable efforts to remove all unencumbered billboards within their control from the property. Currently, 2 of 3 billboards are encumbered by long-term leases.
18. Utilities. UP will take commercially reasonable efforts to bury all utilities within the site and to bury all utilities along the site boundaries. Airport Blvd. and southern E. 55<sup>th</sup> Street utilities may not be buried due to extensive cost.

19. Design Coordination. UP will attend quarterly meetings of the NLNPCT to provide design updates as the site is refined and moves towards site development permit. This meeting cadence will reduce to “as needed” once the design is finalized.
20. Construction Coordination. UP will provide 2 weeks advance notice to the NLNPCT of planned disruptive construction activities such as substantial concrete pours, changes to traffic plans that affect NLNPCT residents, and will provide a single point of contact for questions related to construction. UP will provide quarterly reports during construction.
21. Demo existing structures. UP will demolish existing structures as a construction first phase priority after issuance of a site development permit covering Parcel A.
22. Additional Items in Connection with Future Rezoning of Nicholson Tract, and Future Enhanced Rezoning of Southern Parcels. UP plans to file a DB90 zoning application covering the Priestler-Mell & Nicholson tract located at 601 56<sup>th</sup> Street adjacent to the railroad tracks (Nicholson Tract). In addition, UP will evaluate the feasibility of filing a future enhanced zoning application to authorize additional height and density for the Southern Parcels and will engage with NLNPCT when further planning the Southern Parcels, in conjunction with studying the commercial feasibility of constructing an enhanced, more dense project. Redevelopment of the Southern Parcels (including the Nicholson Tract) will require submittal of a site development plan application for the applicable portion of the Southern Parcels proposed for redevelopment. The following items are applicable to any future further enhanced rezoning or site development permit application involving the Southern Parcels:
  - a. Red Line Parkway Trail. UP will provide appropriate area for the Red Line Parkway Trail as required by PARD during the site development permit review process, either with or without the existence of a new Red Line Station. PARD has indicated to UP that per the new parkland dedication ordinance reflecting new state law (HB1526), UP is required to provide an easement for the future Red Line Parkway Trail and is explicitly precluded from constructing the trail itself, other improvements within parkland, or indicating where earmarked funds will be utilized. UP agrees to continue discussions with NLNPCT regarding the Red Line Parkway Trail along the western property line of the proposed development (including trail easement width) in connection with any future rezoning case involving the Nicholson Tract.
  - b. Placemaking/Public Space. UP agrees to take commercially reasonable efforts to study potential locations for public spaces in connection with continued work on the master plan for development of the property, including fully functional place making elements suggested by the neighborhood. UP acknowledges that the neighborhood desires that UP include in their master plan and build out a fully realized public space in their development that would be a significantly scaled, ¼ acre or larger, fully built-out urban plaza that includes shaded gathering areas (for 100 or more folks) with trees as well as shade structures, public restrooms, drinking fountains, and open space for events. Its location should be adjacent to the retail offerings, at least one of the main streets, and the Redline Parkway.
  - c. CapMetro Station. UP supports a new CapMetro Red Line station near E. 55<sup>th</sup> Street. UP shall take commercially reasonable efforts to provide necessary land under its control as required by CapMetro, City of Austin, TxDOT, and any other applicable authority for this CapMetro Station. UP will engage in the feasibility of this project and keep NLNPCT informed of progress, updates, and/or applicable action items. The Proposed Red Line Station is subject to regulatory approval, and UP cannot unilaterally fund a new Red Line Station.
  - d. Streetscape for Southern Parcels. UP agrees to take commercially reasonable efforts to develop the Southern Parcels with the same minimum streetscape width as the Parcel A site plan, including a mix of widths, with streetscapes in excess of 12’ wide at many locations.

### Exhibit "A"

