

Leah M. Bojo
lbojo@drennergroupp.com
512-807-2918



April 21, 2025

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

Via Electronic Delivery

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

Dear Ms. Middleton-Pratt:

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

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

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

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

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

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

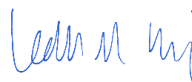
A Traffic Impact Analysis (TIA) determination from the Austin Transportation Department identified that a Neighborhood Traffic Analysis (NTA) is required. This rezoning application is associated with two (2) other rezoning applications titled 5301 Martin Avenue and 704 E 53rd Street.

April 21, 2025

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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,

A handwritten signature in blue ink, appearing to read "Leah M. Bojo".

Leah M. Bojo

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

02 ZONING



rev 05/12/2023

ZONING

GENERAL OVERVIEW

GENERAL INFORMATION

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

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

WHAT IS ZONING?

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

ORDER OF PROCESS

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

TIMEFRAME FOR PROCESSING A ZONING APPLICATION

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

CASE MANAGER

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

NEIGHBORHOOD, COMMUNITY AND ENVIRONMENTAL ASSOCIATIONS

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

URBAN RENEWAL ZONE

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

HOW TO OBTAIN INFORMATION

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

HICS AND FINANCIAL DISCLOSURE INFORMATION

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

SUBMITTAL INFORMATION AND REQUIREMENTS

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

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

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

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

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

Tax plats can be obtained from:

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

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

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

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

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

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

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

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

SUBMITTAL CHECKLIST

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

APPLICATION FOR ZONING

DEPARTMENT USE ONLY

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

PROJECT DATA

OWNER'S NAME: JEV Family, LTD

PROJECT NAME: E. 53rd Street and Bruning Avenue

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

_____ ZIP 78751 COUNTY: Travis

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

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

_____ FROM ITS INTERSECTION WITH _____
Distance Direction Cross street

TAX PARCEL NUMBER(S): 0222110505, 0222110506

Is Demolition proposed? Yes

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

Number of these residential units currently occupied**: _____

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

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

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

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

** If 5 or more, tenant notification may be required and a certified form may be required with your application (LDC 25-1-712).
Tenants must receive notification at least 270 days before the application is eligible for final ordinance readings by City Council.

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

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

Name of Neighborhood Plan: North Loop

RELATED CASES

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

PROPERTY DESCRIPTION

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

1. **SUBDIVISION REFERENCE:** Name: The Highlands Addition, Lots 9-11 Block(s) 20

2. **METES AND BOUNDS** (Attach two copies of certified field notes) **FILE NUMBER:** _____

DEED REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER:

VOLUME: _____ PAGE: _____ OR DOCUMENT # 2012218893, 2012218894

SQ. FT: _____ or ACRES 0.1410, 0.2110

Is this a SMART Housing Project? Yes ☐ No ☒

If residential, is there other Tax Credits or Local/State/Federal funding? Yes ☐ No ☒

OTHER PROVISIONS

IS A VARIANCE TO THE SIGN ORDINANCE BEING REQUESTED? Yes ☐ No ☒

IS PROPERTY IN A COMBINING DISTRICT / OVERLAY ZONE? ☒ Yes ☐ No

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

NATIONAL REGISTER DISTRICT? Yes ☐ No ☒

URBAN RENEWAL ZONE? Yes ☐ No ☒

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

GRID NUMBER (S) K26

WATERSHED: Boggy Creek WS CLASS: Urban

WATER UTILITY PROVIDER: Austin Water

WASTEWATER UTILITY PROVIDER: Austin Water

ELECTRIC UTILITY PROVIDER: Austin Energy

SCHOOL DISTRICT: Austin ISD

OWNERSHIP INFORMATION

TYPE OF OWNERSHIP ☐ SOLE ☐ COMMUNITY PROPERTY ☒ PARTNERSHIP ☐ CORPORATION ☐ TRUST

If ownership is other than sole or community property, list the individuals, partners, principals, etc. below or attach a separate sheet.

OWNER INFORMATION

SIGNATURE: Refer to agent authorization

NAME: _____

FIRM NAME: _____

TELEPHONE NUMBER: _____

STREET ADDRESS: _____

CITY/STATE/ZIP: _____

AGENT / PRINCIPAL CONTACT (If applicable)

SIGNATURE: Leah M. Bojo

NAME: Leah M. Bojo

FIRM NAME: Drenner Group, PC

TELEPHONE NUMBER: (512) 809-2700

STREET ADDRESS: 2705 Bee Caves Road

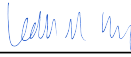
CITY/STATE/ZIP Austin, Texas 78746

CONTACT PERSON: Leah M. Bojo TELEPHONE NUMBER: (512) 809-2700

SUBMITTAL VERIFICATION

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

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



Signature 04/21/2025

Date

Leah M. Bojo

Name (Typed or Printed)

Drenner Group, PC

Firm

INSPECTION AUTHORIZATION

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

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



Signature 04/21/2025

Date

Leah M. Bojo

Name (Typed or Printed)

Drenner Group, PC

Firm

ACKNOWLEDGMENT FORM

concerning
Subdivision Plat Notes, Deed Restrictions
Restrictive Covenants

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

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

705 E 53rd Street & 5210 Bruning Avenue

(Address or Legal Description)

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

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



04/21/2025

(Applicant's signature)

(Date)

POSTPONEMENT POLICY ON ZONING HEARINGS

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

ZONING

PLANNED UNIT DEVELOPMENTS

General Overview

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

SUBMITTAL REQUIREMENTS

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

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

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

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

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

- C. Environmental characteristics of the site, such as, but not limited to, 100-year and 25 -year floodplains, slopes, environmentally sensitive areas and protected areas as defined in applicable watershed ordinances.
- D. The phasing of the development and the manner in which each phase can exist as a stable independent unit consistent with the provision of adequate public facilities and services.
- E. The location of collector and arterial roadways proposed within the development, right-of-way widths, the location of access points to abutting streets and roadways and a Traffic Impact Analysis, if required by Article III of Chapter 25-6. (The number of copies of the required TIA will be determined by Transportation Review.)
- F. Identification of existing major street setbacks and planned right-of-way lines as required in the Austin Roadway Plan.
- G. Proposed method of providing the following services:
1. Water service including gallons per day requirement.
 2. Wastewater disposal including gallons per day generated.
 3. Preliminary stormwater management analysis.
 4. Location of all required or proposed public facilities.
- H. Identification of any waivers from City ordinances or development standards pursuant to Chapter 25-2-402.

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

ADDITIONAL SUBMITTAL REQUIREMENTS

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

§ 2.3. TIER ONE REQUIREMENTS.

2.3.1. Minimum Requirements. All PUDs must:

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

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

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

§ 2.4. TIER TWO REQUIREMENTS.

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

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

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

§ 2.5. DEVELOPMENT BONUSES.

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

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



EXHIBIT VIII

EDUCATIONAL IMPACT STATEMENT (EIS) DETERMINATION PART A

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

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

Please check the appropriate school district(s).

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

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



EDUCATIONAL IMPACT ANALYSIS FORM
Part B

OFFICE USE ONLY

CASE MANAGER: _____

APPLICANT / AGENT: _____

CASE NUMBER: _____

PROJECT NAME: _____

PROJECT ADDRESS: _____

PROPOSED USE: _____

EXISTING RESIDENTIAL UNITS

Existing number of Residential Units: 1

Number of existing residential units to be demolished: 1

Age of units to be demolished: 1941

PROPOSED DEVELOPMENT

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

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

Lots per acre: _____

PROPOSED RESIDENTIAL UNITS

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

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

Number of bedrooms per unit: TBD

ESTIMATED SELLING / RENTAL PRICE (EXISTING AND PROPOSED)

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

Estimated rental rates (if applicable): _____

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

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

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

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

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

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

Recreation Centers: N/A

Public Schools: Reilly Elementary, McCallum High

PARKLAND DEDICATION

Parkland dedication required? ☐ YES ☒ NO

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

Fee: ☐ YES ☐ NO

Land: ☐ YES ☐ NO

ON-SITE FAMILY AMENITIES PROPOSED

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

Amount of open space required in acres: _____

Amount of open space provided in acres: _____

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

TRANSPORTATION LINKAGES

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

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