

## ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0123 – 1900 Burton Drive

DISTRICT: 3

ADDRESS: 1900 Burton Drive

ZONING FROM: MF-4-CO

TO: GR-V-CO

SITE AREA: 4.76 acres

PROPERTY OWNER: Flats on Burton, LLC

AGENT: Metcalfe Wolff Stuart and Williams, LLP (Michele Rogerson Lynch)

CASE MANAGER: Nancy Estrada (512-974-7617, nancy.estrada@austintexas.gov)

### STAFF RECOMMENDATION:

**The Staff recommendation is to grant community commercial – vertical mixed use building – conditional overlay (GR-V-CO) combining district zoning.**

**The Conditional Overlay prohibits the following uses: Alternative Financial Services; Automotive Rentals; Automotive Repair Services; Automotive Sales; Automotive Washing (of any type); Bail Bond Services; Commercial Off-Street Parking; Drop Off Recycling Collection Facility; Exterminating Services; Funeral Services; Hotel/Motel; Off-Site Accessory Parking; Outdoor Entertainment; Outdoor Sports and Recreation; Pawn Shop Services; Pedicab Storage and Dispatch; and Service Station.**

*For a summary of the basis of Staff's recommendation, please see pages 2 - 3.*

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**January 23, 2024: APPROVED GR-V-CO DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT**

**[G. ANDERSON; F. MAXWELL – 2<sup>ND</sup>] (11-0), J. CONNOLLY – ABSENT;  
A. WOODS – OFF THE DIAS**

### CITY COUNCIL ACTION:

**February 29, 2024:**

### ORDINANCE NUMBER:

ISSUES:

The developer will comply with the Tenant Notification and Relocation Assistance requirements in the City of Austin Land Development Code. [LDC 25-1-712].

In addition, the following list of Tenant Protection items will be provided:

- No leases to be broken
- Moving allowance
- Right to return - first chance at new units
- 180-day notice of demolition
- On-site services to help tenants find new housing or other qualified programs
- Ability to break lease without repercussion once demo permit is filed
- Full refund of security deposit once demo permit is filed
- Last 3 months of rent waived for tenants still in units

A Restrictive Covenant (C14-2015-0091RC) was executed during the previous rezoning case for 1900 Burton Drive and 1901 Mariposa Drive in which both tracts were rezoned to (MF-4-CO). *Please refer to Attachment A.*

CASE MANAGER COMMENTS:

The subject property is approximately 4.76 acres and is located on Burton Drive, between Valley Hill Circle and Mariposa Drive. The area is just north of East Oltorf Street and south of Woodland Avenue. This property is within the East Riverside/Oltorf Combined (Riverside) Neighborhood Planning Area and is currently developed with 134 multifamily residences that were originally constructed in 1972. It is zoned multifamily residence moderate-high density – conditional overlay (MF-4-CO) combining district zoning.

The rezoning area is surrounded by multifamily residences. To the east and south are apartments and condominiums (MF-2; MF-3), as well as to the west (MF-2; MF-3-CO-NP). Single-family residences and duplexes are directly to the north across Valley Hill Circle (SF-3; SF-3-NP). The property located at 1901 Mariposa Drive is adjacent to the southwest portion of the site and has been developed with multifamily residences (MF-4-CO). Both the Heritage Oaks Neighborhood Park and the Country Club Creek Neighborhood Park are within one mile of the property. *Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).*

The Applicant is requesting to rezone the property to community commercial – vertical mixed use building – conditional overlay (GR-V-CO) combining district zoning and is proposing to develop up to 385 multifamily units and 9,000 square feet of office and retail use. The intent of the vertical mixed use building (-V) combining district zoning would be to provide a development with affordable housing per the City of Austin requirements. A building constructed under vertical mixed use building (-V) standards is required to contain a mix of residential and commercial uses, and the result is typically retail and offices on the

ground floor, and residential units on the upper levels. Access is proposed from both Burton Drive and Valley Hill Circle.

Public transportation is located adjacent to the property on Burton Drive where there are numerous Capital Metro bus stops.

Staff is recommending (GR-V-CO) with a Conditional Overlay that consists of the prohibited uses listed above.

The Applicant is in agreement with the staff recommendation.

BASIS OF RECOMMENDATION:

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

The proposed community commercial (GR) 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 trafficways. 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 (CO) 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.

2. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

Staff is recommending (GR-V-CO) zoning for the subject property based on the following considerations: 1) community commercial – vertical mixed use building (GR-V) is appropriate due to its location on Burton Drive and its close proximity to East Oltorf Street and East Riverside Drive, 2) Burton Drive is designated as part of the ASMP Transit Priority Network, 3) potential commercial uses would be available to serve residents of the proposed future development and the surrounding area, 4) transit options such as Capital Metro bus stops are located all along Burton Drive, East Oltorf Street and East Riverside Drive, and 5) there are surrounding multifamily residences located all around the subject property.

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

The proposed development will help meet the City of Austin's affordable housing needs and increase the number of housing choices for the City and the neighborhood.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-4-CO	Multifamily residences (134 units)
<i>North</i>	SF-3; SF-3-NP	Single-family residences; Duplexes
<i>South</i>	MF-3; CS-1	Multifamily; Apartments
<i>East</i>	MF-2; MF-3	Multifamily; Apartments; Condominiums
<i>West</i>	MF-2; MF-3-CO-NP; MF-4-CO	Multifamily; Condominiums

**NEIGHBORHOOD PLANNING AREA:** East Riverside/Oltorf Combined (Riverside)

**WATERSHED:** Lady Bird Lake – Urban

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**SCHOOLS:** Austin Independent School District

Sanchez Elementary School

Lively Middle School

Travis High School

**COMMUNITY REGISTRY LIST:**

Austin Independent School District,  
Austin Lost and Found Pets,  
Austin Neighborhoods Council,  
Crossing Gardenhome Owners Assn. (The),  
Friends of Riverside ATX Neighborhood Assn.,  
Neighborhood Empowerment Foundation,  
Southeast Austin Neighborhood Alliance,  
Sierra Club Austin Regional Group,  
East Riverside/Oltorf Neighborhood Plan Contact Team

Friends of Austin Neighborhoods,  
Homeless Neighborhood Association,  
Pleasant Valley,  
Preservation Austin,  
SELTexas,  
Del Valle Community Coalition,

**AREA CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2015-0091 – 1900 Burton Drive & 1901 Mariposa Drive	MF-2; MF-3 to MF-4-CO	To Grant MF-4-CO. CO included a 35-foot vegetative buffer, 2000 trip limit, restricted vehicular access, lighting compliance with Commercial Design Standards and sidewalk connections.	Approved (12-17-2015) MF-4-CO; CO included a 2000 trip limit and 35-foot vegetative buffer.

C14-2021-0008.SH – 2105 Parker Lane	SF-3-NP to MF-4-NP	To Grant MF-4-NP.	Approved (5-6-2021) MF-3-CO-NP
C14-2020-0075 – Woodland on IH35	GR-NP to MF-6-CO-NP	To forward to City Council without a recommendation.	Approved (9-30-2021) MF-6-CO-NP with a CO for a 25-foot vegetive buffer along the eastern property boundary.
C14-05-0112 – East Riverside/Oltorf Combined (Riverside) Neighborhood Plan Area Rezonings	Zoning change proposes to add a -NP Combining District.		Approved (11-16-2006) Neighborhood Plan combining district added to base zoning districts on approx. 729.96 acres of land (Riverside).

RELATED CASES:

C14-2015-0091: 1900 Burton Drive and 1901 Mariposa Drive were previously rezoned to (MF-4-CO)

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

**Project Name and Proposed Use:** 1900 BURTON DR. 4.76 acres from MF-4-CO to GR-V-CO. Request to rezone the Property to Community Commercial-Vertical Mixed-Use Building-Conditional Overlay (GR-V-CO) to allow for a mixed use project including multifamily and commercial uses. Existing Use: two story multifamily apartments. Demolish 134 multifamily units and construct 385 multifamily units, 4,500 sq ft office and 4,500 sq ft retail. Proposing to use the CO to prohibit the following GR uses that are more intense: Alternative Financial Services; Automobile Rentals, Automotive Repair; Automotive Sales; Automotive Washing (any type); Bail Bond Services; Funeral Services; Pawn Shop Services; Pedicab Storage and Dispatch; Service Station.

<b>Yes</b>	<b>Imagine Austin Decision Guidelines</b>
	<b>Complete Community Measures *</b>
Y	<b>Imagine Austin Growth Concept Map *</b> : 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. <b>Names of Activity Centers/Activity Corridors/Job Centers: 0.14 miles from the Riverside Stations Town Center</b>
Y	<b>Mobility and Public Transit *</b> : Located within 0.25 miles of public transit stop and/or light rail station.
Y	<b>Mobility and Bike/Ped Access *</b> : Adjoins a public sidewalk, shared path, and/or bike lane.
Y	<b>Connectivity, Good and Services, Employment *</b> : Provides or is located within 0.50 miles to goods and services, and/or employment center.
Y	<b>Connectivity and Food Access *</b> : Provides or is located within 0.50 miles of a grocery store/farmers market.
	<b>Connectivity and Education *</b> : Located within 0.50 miles from a public school or university.

	<b>Connectivity and Healthy Living</b> *: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	<b>Connectivity and Health</b> *: 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	<b>Housing Choice</b> *: 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 <u>Imagine Austin</u> and the <u>Strategic Housing Blueprint</u> .
Y	<b>Housing Affordability</b> *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	<b>Mixed use</b> *: Provides a mix of residential and non-industrial uses.
	<b>Culture and Creative Economy</b> *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	<b>Culture and Historic Preservation</b> : Preserves or enhances a historically and/or culturally significant site.
	<b>Creative Economy</b> : Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education</b> : 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.
	<b>Industrial Land</b> : Preserves or enhances industrial land.
Y	<b>Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone</b>
9	<b>Total Number of “Yes’s”</b>

Site Plan

A site plan will be required for any new development other than single-family or duplex residential.

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

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

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

- No structure may be built within 25 feet of the property line. § 25-2-1063-B
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line. § 25-2-1063-C-1
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line. § 25-2-1063-C-2
- 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. § 25-2-1063-C-3
- No parking or driveways are allowed within 25 feet of the property line. § 25-2-1067-G

- 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.
- 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.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- 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.

Additional design regulations will be enforced at the time a site plan is submitted.

Austin Transportation Department – Engineering Review

The adjacent street characteristics table is provided below:

<b>Name</b>	<b>ASMP Classification</b>	<b>ASMP Required ROW</b>	<b>Existing ROW</b>	<b>Existing Pavement</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within 1/4 mile)</b>
Mariposa Drive	Level 1 - Residential Collector	58'	63'	44'	Yes	No	Yes
Burton Drive	Level 2 - Collector	72'	75'	43'	Yes	Yes	Yes
Valley Hill Circle	Level 1 - Residential Collector	58'	60'	40'	Yes	No	Yes

A Traffic Impact Analysis is not required.

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City’s Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Lady Bird Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### PARD – Planning & Design Review

Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with GR-V-CO 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. The site meets several criteria for onsite dedication, including the generation of a critical need for new parkland due to the intensity of the proposed development, as well as being located in a park deficient area.

Should any 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 § 25-1-607 (B)(1) & (2).

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](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Austin Water Utility

No comments on zoning change.

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](mailto:ser@austintexas.gov).

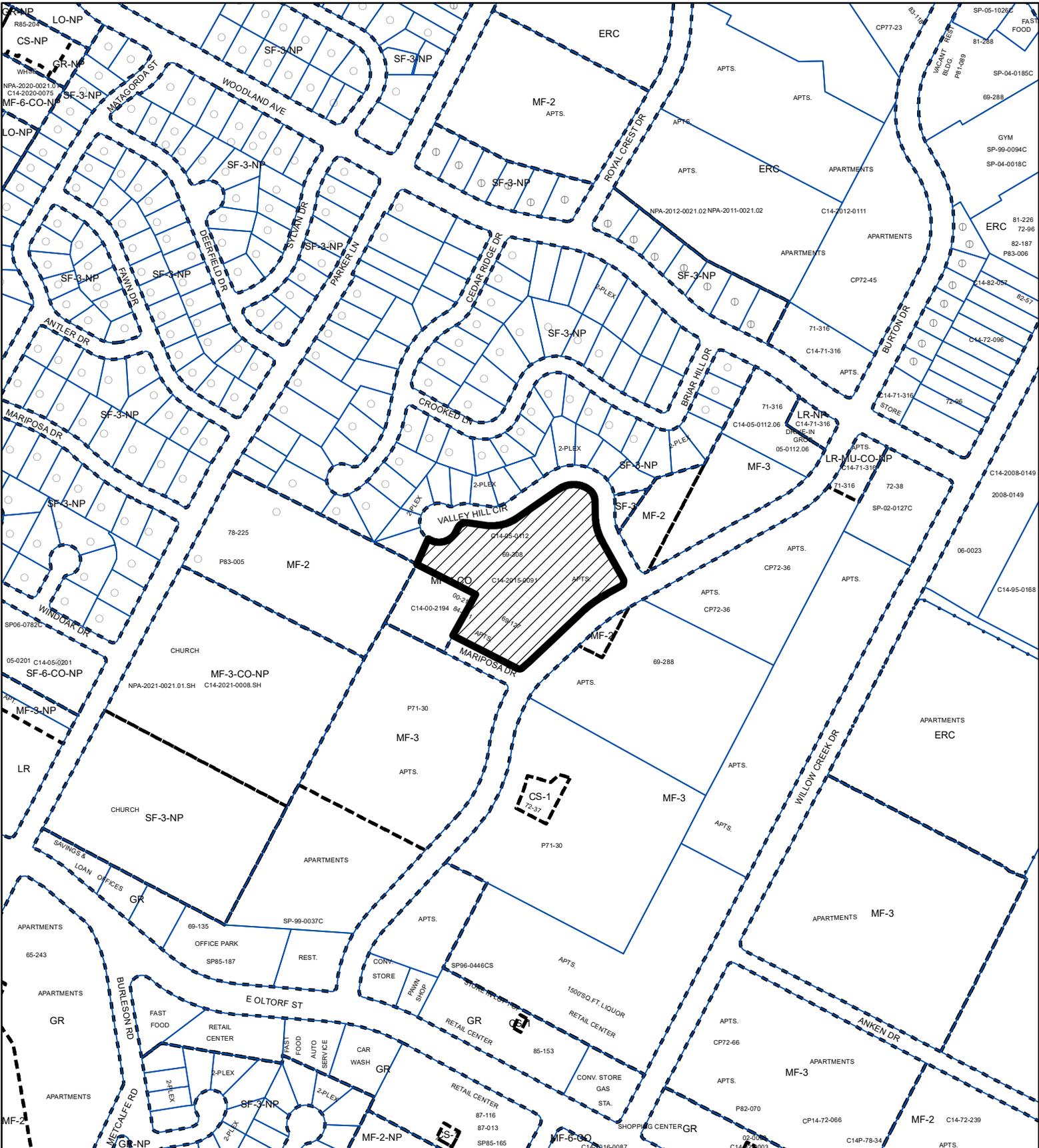
INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map  
Exhibit A-1: Aerial Map

Applicant's Summary Letter

Attachment A: Restrictive Covenant

Correspondence



**ZONING**

ZONING CASE#: C14-2023-0123

**EXHIBIT A**

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



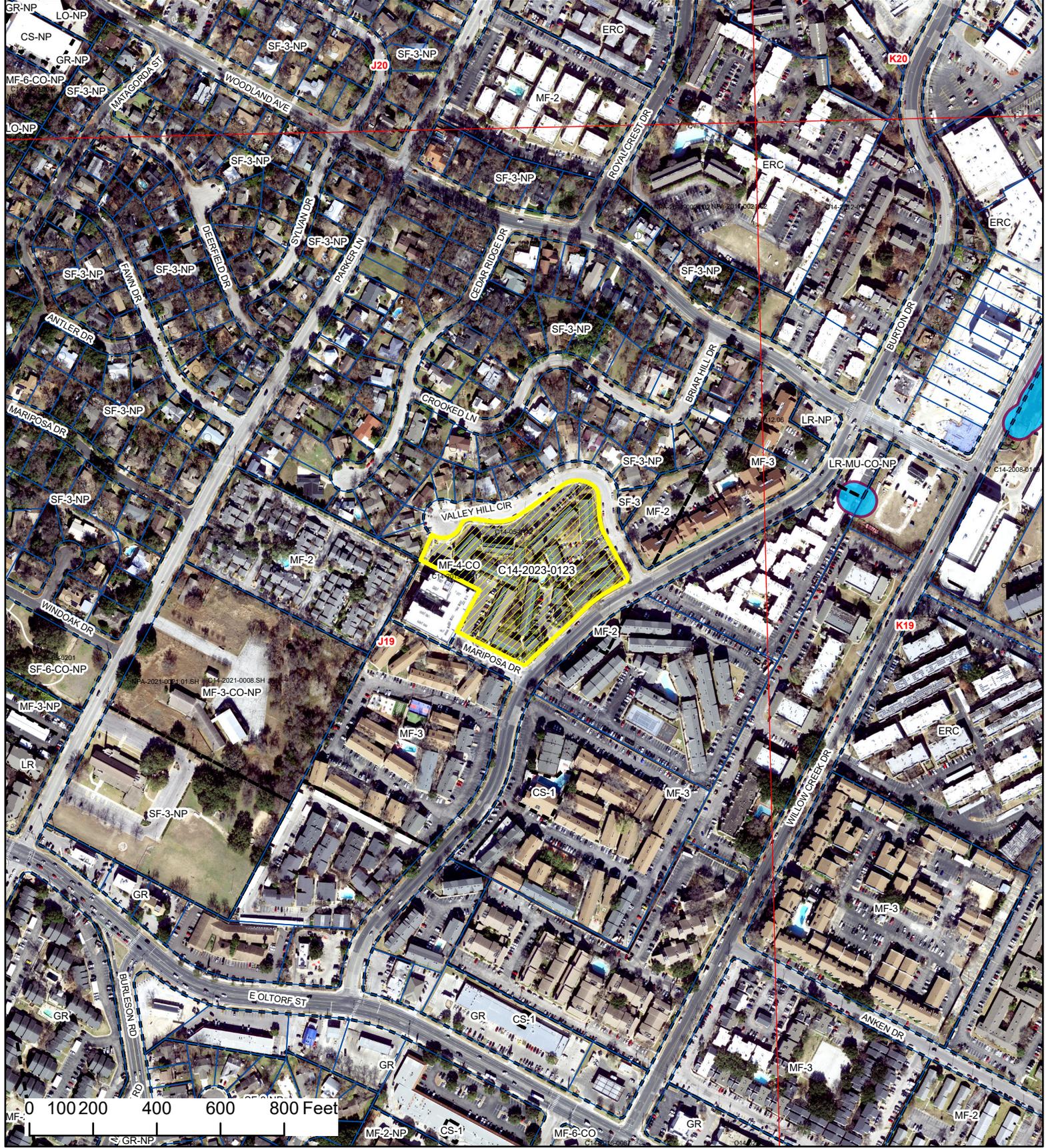
1" = 400'

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.

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: 10/18/2023



**1900 Burton Dr**

**EXHIBIT A-1**

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

ZONING CASE#: C14-2023-0123  
 LOCATION: 1900 Burton Dr  
 SUBJECT AREA: 4.76 Acres  
 GRID: J19  
 MANAGER: Nancy Estrada



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**Created: 11/1/2023**



METCALFE WOLFF  
STUART & WILLIAMS, LLP

MICHELE ROGERSON LYNCH  
Director of Land Use &  
Entitlements

mlynch@mwswtexas.com  
512-404-2251

September 28, 2023

Mrs. Lauren Middleton-Pratt, Director of Planning  
Housing and Planning Department  
1000 East 11<sup>th</sup> Street  
Austin, Texas 78702

**Via Online Submittal**

Re: Application for Rezoning; 4.759 acres, located at 1900 Burton Drive (the  
“Property”)

Dear Mrs. Pratt:

As representatives of the owner of the above stated Property we respectfully submit the attached Application for Rezoning. The Property consists of one tract with an existing multifamily building (see Zoning Exhibit attached) and is currently zoned Multifamily Residence Moderate-High Density-Conditional Overlay District (MF-4-CO). The Application for Rezoning requests to rezone the Property to Community Commercial-Vertical Mixed Use Building-Conditional Overlay (GR-V-CO) to allow for a mixed use project including multifamily and commercial uses. We are proposing to use the CO to prohibit the following GR uses that are more intense:

**PROHIBITED**

Alternative Financial Services	Bail Bond Services
Automotive Rentals	Funeral Services
Automotive Repair Services	Pawn Shop Services
Automotive Sales	Pedicab Storage and Dispatch
Automotive Washing (of any type)	Service Station

If you have any questions about this Application for Rezoning or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,

Michele Rogerson Lynch

ZONING EXHIBIT



TRV 2016000920  
6 PGS

ORIGINAL

Zoning Case No. C14-2015-0091RC

6  
M**RESTRICTIVE COVENANT**

OWNER 1: Flats on Burton, L.L.C., a Texas company

ADDRESS: 1761 Hardin Lane, Powell, Ohio 43065

OWNER 2: Flats on Mariposa, L.L.C., a Texas company

ADDRESS: 1761 Hardin Lane, Powell, Ohio 43065

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Tract 1  
Lot 6, Block 6 Colorado Hills Estates Subdivision, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 56, Page 100, of the Plat Records of Travis County, Texas,Tract 2  
A 43,718 sq. ft. 1.004 acre tract of land out of and a part of the Santiago Del Valle Grant in Travis County, being the same tract recorded in Doc. No. 2001178962, Official Public Records of Travis County, Texas, and being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant (cumulatively referred to as the "Property"),

WHEREAS, the Owner (Owner 1 and Owner 2 cumulatively referred to as the "Owner"), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Sidewalks shall be installed along the northern side of Mariposa Drive and the southern side of Valley Hill Circle from Burton Drive to the cul-de-sac.
2. For Tract 2, the construction of westward-facing balconies on multifamily residential buildings within 40 feet of the western property boundary is prohibited.

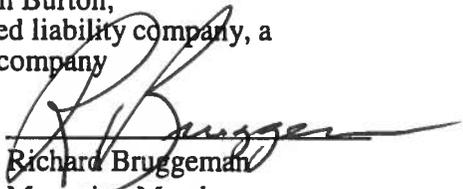
3. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
4. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
5. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
6. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 16<sup>th</sup> day of December, 2015.

OWNER 1:

Flats on Burton,  
a limited liability company, a  
Texas company

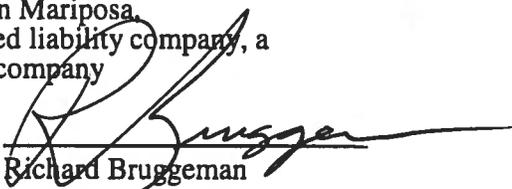
By:

  
Richard Bruggeman  
Managing Member

OWNER 2:

Flats on Mariposa,  
a limited liability company, a  
Texas company

By:

  
Richard Bruggeman  
Managing Member

APPROVED AS TO FORM:

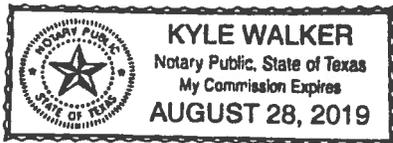
  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS

§  
§  
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 16<sup>th</sup> day of December, 2015, by Richard Bruggeman, Managing Member of Flats on Burton, L.L.C., a Texas company, on behalf of said company.



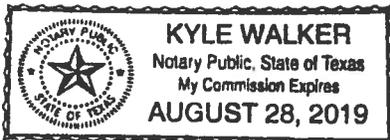
  
Notary Public, State of Texas

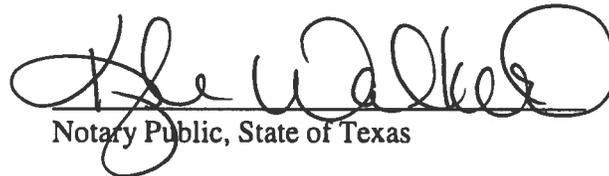
THE STATE OF TEXAS

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COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 16<sup>th</sup> day of December, 2015, by Richard Bruggeman, Managing Member of Flats on Mariposa, L.L.C., a Texas company, on behalf of said company.



  
Notary Public, State of Texas

**CRICHTON AND ASSOCIATES, INC.**  
**LAND SURVEYORS**  
6448 HIGHWAY 290 EAST SUITE B-105  
AUSTIN, TEXAS 78723  
512-244-3395

**FIELD NOTES**

**FIELD NOTES FOR A 43,718 SQ. FT OR 1.004 ACRE TRACT OF LAND OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, BEING THE SAME TRACT RECORDED IN DOC. NO. 2001178962, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a ½" iron rod found for the South corner of the West terminus of Mariposa Drive, same being in the North line of Lot 1, Parker Heights, Section 3, a subdivision recorded in Volume 51, Page 13, Plat Records, Travis County, Texas, for the Southeast corner of this tract and the **POINT OF BEGINNING**:

**THENCE** N62°59'49"W with the common line of said Lot 1, Parker Heights and this tract a distance of 207.39 feet to a ½" iron rod found in the East line of the La Cheney Condominiums recorded in Volume 9189, Page 232, Real Property Records, Travis County, Texas for the Southwest corner of this tract;

**THENCE** N30°50'26"E with the common line of said La Cheney Condominiums and this tract a distance of 209.67 feet to a ½" iron rod set, being the South common corner of Lot 7, Colorado Hills Estates, Section 6, a subdivision recorded in Volume 56, Page 100, Plat Records, Travis County, Texas for the Northwest corner of this tract;

**THENCE** with the common lines of said Lot 6 and this tract the following three (3) courses and distances:

- 1) S63°12'16"E a distance of 192.53 feet to a ½" iron rod found;
- 2) S63°07'03"E a distance of 16.54 feet to a ½" iron rod found for the Northeast corner of this tract;
- 3) S29°07'00"W , at 149.18 feet passing the North corner of the West terminus of Mariposa Drive, continuing along said West terminus, in all a distance of 210.45 feet to the **POINT OF BEGINNING** and containing 43,718 square feet or 1.004 acres of land, more or less.

I hereby certify that the foregoing field notes were prepared partially from a survey on the ground under my supervision and partially from public records and are true and correct to the best of my knowledge and belief.

Witness my hand and seal December 31, 2012

Herman Crichton, R.P.L.S. 4046  
12\_308

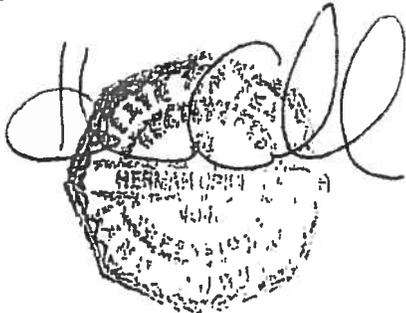


Exhibit A



**After Recording, Please Return to:**  
**City of Austin**  
**Law Department**  
**P. O. Box 1088**  
**Austin, Texas 78767**  
**Attention: Michele Thompson, Paralegal**

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

Jan 05, 2016 01:14 PM

2016000920

MITCHELLM: \$46.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS

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Comment for Case C14-2023-0123 - M. Kelly

Case Number: C14-2023-0123

Contact: Nancy Estrada

Public Hearing: Jan 23, 2024, Planning Commission

Project Location: 1900 Burton Drive

Owner: Flats on Burton, LLC

Applicant: Metcalfe Wolff Stuart and Williams, LLP

My Name: Michael Kelly

I Object

Affected Address: 1900 Burton Dr

Signature:



Date: January 15, 2023

Daytime Telephone: 863-370-2532

**Comment:**

I am aware that the purpose of this rezoning application is to gain approval to demolish the existing apartments at 1900 Burton Drive and construct (a) new mixed use development, consisting of office, retail, and residential spaces. As a resident and proud Austinite, I have several concerns about this particular proposed zoning change, including:

- Neighborhood Congruency
  - This property is located outside (south) of the East Riverside Corridor, in a neighborhood of existing uses of Moderate Density Multifamily Housing, and is adjacent to an area of Family Residence Zoning.
  - With a proposed density of 84.62 residential units per square acre, rezoning this property would allow for an outlying use from the surrounding area of Moderate-High Density Multifamily districting with the current highest allowed density in this area to be in MF-4-CO zoning with a density of 36-54 units per acre (which is the subject property).
  - This is not currently a neighborhood known for retail or office uses. It would be a shame if an area that could be used for affordable family housing sat empty as a retail or office space instead.
- Infrastructure
  - Increasing the residential density significantly, along with allowing for retail and office space could greatly increase roadway and pedestrian traffic.
  - Currently, large sections of Burton Drive are not even painted. There are very limited road markings.
  - Sidewalks do not extend all the way across both sides of the busy street. Instead, if pedestrians want to travel down Burton Drive, they will likely have to walk on grass, or cross the busy road (there are very few crosswalks).

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- The Sidewalks that do exist are broken and in disrepair, and are likely inaccessible to people with physical disabilities, especially wheelchair users.
- No designated Bus or Bike Lanes exist.
- Lack of traffic signal at intersection of Burton and Oltorf frequently causes traffic backups, increases drive time, and creates an unsafe situation for drivers trying to enter the busy roadway.
- Increase Cost of Living
  - By permitting the rezoning of this property, the city would knowingly and willingly allow for the replacement of less-expensive housing that is accessible to the lower and middle class with more expensive units that could price current tenants out of this property.
  - This would set a precedent, not only to allow nearby landlords to raise the prices of rent, but also that nearby properties could rezone to higher density mixed use - destroying an area that historically has given lower class and lower-middle-class Austinites access to a close commute downtown, to relatively close and fast public transportation, and most importantly affordable housing.
  - Currently, the median per capita income of Austin is around \$47,000 according to the Austin Chamber of Commerce. Using the rule of thumb that rent should not exceed more than 30% of a person's gross income, that would mean that an average person MAY, at best, be able to spend \$1,100 on rent per month. While it is not impossible to find housing for that price, it is not easy. This multifamily district currently holds options mostly on the higher end of that range. By allowing this rezoning, the city would put yet another nail in the coffin for affordable housing for the average Austinite.

Please consider OBJECTING to this proposed rezoning, as it is incongruent with the surrounding neighborhood and would not be well supported by the surrounding infrastructure. This rezoning case could be extremely damaging to my community, and would undoubtedly uproot and disrupt the lives of hundreds of Austinites.