

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0055 – East 51st Street & Cameron Road

DISTRICT: 4

ADDRESS: 1100-1218 East 51st Street, 1101-1205, 1209 and 1215 East 52nd Street, 5121 Cameron Road, and 5104-5114 Lancaster Court

ZONING FROM: CS-V-CO-NP, CS-V-NP, CS-1-V-NP

TO: CS-V-CO-DB90-NP

SITE AREA: 8.46 acres

PROPERTY OWNER: 51st Center LLC, 1209 East Apartments LLC, Yellow 52 Investments LLC (Jonathan Saad)

AGENT: Drenner Group (Amanda Swor)

CASE MANAGER: Marcelle Boudreaux (512-974-8094, marcelle.boudreaux@austintexas.gov)

STAFF RECOMMENDATION:

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

The conditional overlay would prohibit the following uses:

drive through facilities, automotive rentals, automotive repair services, automotive sales (exceeding 3,500 square feet), automotive washing of any type, bail bonds, drop-off recycling, pawn shops, pedicab storage and dispatch, funeral services, extermination services, convenience storage, equipment repair services, equipment sales, vehicle storage, and commercial blood plasma center.

Please see the basis of recommendation section below.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 14, 2024: APPROVED CS-V-CO-DB90-NP COMBINING DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT.

[A. AZHAR; A. HAYNES -2nd] (8-0) A. HAYNES – ABSTAINED, P. HOWARD, J. MUSHTALER, R. JOHNSON, A. WOODS – ABSENT

CITY COUNCIL ACTION:

July 18, 2024:

ORDINANCE NUMBER:

ISSUES:

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

The conditions establishing prohibited uses for case number C14-2023-0003, and reflected in Ordinance No. 20230914-123, are recommended to be maintained in this new rezoning.

Planning Commission Previous Action

August 8, 2023: *Approved CS-V-CO-NP district zoning as staff recommended, by consent, [A. AZHAR; F. MAXWELL – 2ND] (10-0) T. SHAW, J. MUSHTALER – ABSENT, ONE VACANCY ON DAIS*

June 27, 2023: *Approved staff postponement to August 8, 2023, [A. AZHAR; F. MAXWELL – 2ND] (9-0) N. BARRERA-RAMIREZ, P. HOWARD AND G. ANDERSON – ABSENT.*

May 23, 2023: *Approved staff postponement to June 7, 2023, [J. CONOLLY; F. MAXWELL – 2ND] (9-0) N.BARRERA-RAMIREZ, G. COX, AND J. MUSHTALER – ABSENT, ONE VACANCY ON DAIS*

City Council Previous Action

September 14, 2023: *Approved CS-V-CO-NP district zoning as Planning Commission recommended, by consent.*

VOTE: 7-0. Mayor Pro Tem Ellis was off the dais. Council Members A. Alter, Harper-Madison and Pool were absent.

Prior Rezoning Case C14-2023-0003

Ordinance No. 20230914-123, approved September 14, 2023

CASE MANAGER COMMENTS:

The property encompasses almost an entire City block bounded by East 51st Street, East 52nd Street, Cameron Road and Lancaster Court, much of which is developed with a variety of uses: general retail, administrative and business office; apartments of varying size and a single family residence. **Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).**

To the north across East 52nd Street is a mix of uses including apartments, duplexes and single family residential. To the south across East 51st Street is a large general retail convenience use

(Home Depot) within Mueller (PUD). To the east across Lancaster Court are single family residences and vacant land (GR-MU-V-CO-NP and NO-MU-NP), and to the west across Cameron Road is the IH-35 frontage road.

The site is located within the University Hills/Windsor Park Combined (Windsor Park) Neighborhood Plan area, and encompasses almost an entire city block. Portions of the project site are located within an area that was initiated by the City to zone certain tracts within the Neighborhood Plan area to accommodate the -V zoning district in 2008 (Ordinance No. 20080522-041). Further, a Neighborhood Plan Amendment (NPA-2022-0023.02) was approved for certain properties alongside the 2023 rezoning case to change from Multifamily and Mixed Use/Office to Mixed use land use designation. This change ensured the entire project site exhibits a comprehensive FLUM designation of Mixed Use.

The applicant is requesting general commercial services – vertical mixed use - conditional overlay – density bonus 90- neighborhood plan (CS-V-CO-DB90-NP) combining district for a proposed development that would include multi-family units requiring an affordable component. A building constructed under density bonus 90 (-DB90) standards allows for a mix of residential uses and commercial uses, and the result is typically retail, restaurants and offices on the ground floor, and residential units on upper levels. The overall project would consist of 550 residential units and mix of uses to include approximately 40,000 square feet grocer use, 40,000 square feet retail use and 150,000 square feet office space.

There is a restrictive covenant filed with Travis County (Document number 2017183011) that impacts the properties located at 1127, 1205, 1209, and 1215 East 52nd Street. This restrictive covenant includes affordable housing requirements on these properties, satisfaction of which will be exceeded with the new zoning designation -DB90 in the number of affordable units, the level of affordability, and the duration of affordability.

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

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

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

- 1) a minimum of 12% of the rental units in a building are affordable for a 40-year period for households earning 80% or less than the Austin-Round Rock Metropolitan Statistical Area MFI; or

- 2) an in-lieu-fee payment to the Housing Trust Fund, equivalent to the required percentage of the total residential units, including the mix of bedrooms required, at the rate set in the fee schedule at the time of final site plan submission.

A similar rezoning request was previously approved for this property by the Planning Commission and City Council. However, the Court's ruling invalidated the bonuses authorized for a "VMU2" building. The analysis and basis for recommendation for the previous -V combining district is the same for this rezoning request to add the -DB90 combining district.

BASIS OF RECOMMENDATION:

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

City Council has provided policy and direction for having more residential density and increased affordability, as well as incentivizing vertical mixed use buildings throughout the City. City Council previously approved rezoning this property to allow for vertical mixed-use buildings. This request is consistent with the "VMU2" option and Ordinance No. 20240229-073 (new DB90), which replaced the invalidated "VMU2" option.

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

The general commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

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 proposed density bonus 90 (DB90) combining district, in exchange for providing affordable housing units and in combination with commercial base zoning districts, allows a mixture of office, retail, commercial, and residential uses with modifications of compatibility standards and site development regulations including increased building height.

The 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.

The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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

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

4. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

East 51st Street and Cameron Road are level 3 ASMP Corridors and Imagine Austin Corridors that are envisioned to have a mix of uses. This rezoning would help realize that vision, satisfy a public need for greater intensity of development along these major roadways, generate income restricted affordable housing, and support neighborhood needs to the north (Windsor Park), south (Mueller), east (Pecan Springs, Springdale), and west (Hyde Park, North Loop).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-V-CO-NP; CR-MU-V-CO-NP; MF-2-NP; GR-MU-CO-NP and CS-CO-NP	General retail; administrative and business office; apartments of varying size; single family residence
<i>North</i>	CS-1-V-NP; GR-MU-NP; MF-2-CO-NP and MF-2-NP	Apartments, duplexes; single family residential
<i>South</i>	PUD	General retail convenience at Mueller
<i>East</i>	GR-MU-V-CO-NP and NO-MU-NP	Single family residences; vacant land
<i>West</i>	N/A	IH-35 & frontage road

NEIGHBORHOOD PLANNING AREA: University Hills/Windsor Park Combined (Windsor Park)

WATERSHED: Tannehill Branch - Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Blanton Elementary School
Lamar Middle School
Northeast High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Neighborhoods Council, Del Valle Community Coalition, Friends of Austin Neighborhoods, Homeless Neighborhood Association,

Neighborhood Empowerment Foundation, Preservation Austin, Responsible Growth for Windsor Park, Windsor Park Neighborhood Association, Windsor Park Neighborhood Plan Contact Team, Windsor Park-Pecan Springs Heritage NA, North Austin Neighborhood Alliance, Mueller Neighborhood Association, Ridgetop Neighborhood Association, Mueller Community Associations, North Loop Neighborhood Plan Contact Team, Responsible Growth for Windsor Park

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2023-0003 (E. 51 st Street & Cameron Road)	From GR-V-CO-NP; CR-MU-V-CO-NP; MF-2-NP; GR-MU-CO-NP and CS-CO-NP to CS-V-CO-NP	To Grant CS-V-CO-NP, with conditions prohibiting some uses (8/8/23)	Apvd CS-V-CO-NP as Commission recommended (9/14/23)
C14-2022-0018.SH (5111 Lancaster Ct.)	The Applicant is proposing to rezone approximately 0.95 acres from MF-3-NP and NO-MU-NP to CS-V-NP.	09.13.22: Motion to grant staff's recommendation of GR-MU-V-CO-NP approved on motion of Commissioner Azhar, seconded by Commissioner Thompson on a vote of 8-0. Commissioner Howard off the dais. Commissioners Anderson, Shieh and Flores absent. One vacancy on the dais.	10.13.22: approve Ordinance No. 20221013-065 to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning, as amended was approved on Councilmember Renteria's motion, Councilmember Pool's second on a 9-0 vote. Council members Fuentes and Harper-Madison were off the dais. Case had a valid petition of 24.05%.
C14-2019-0123 (1408 E. 51 st St. - Sage Crossroads, LLC)	The Applicant is proposing to rezone approximately 3.8246 acres from LO-V-NP to CS-V-MU-NP.	12.10.19: Motion by Vice-Chair Kenny, seconded by Commissioner Anderson to grant GR-MU-V-CO-NP combining district	01.23.20: Approved on 1 st Reading Only 02.06.20: Ordinance No. 20200206-071 was approved for community

		zoning for C14-2019-0123 - 1408 E. 51st Street located at 1408, 1410, 1414, 1416, and 1418 East 51st Street was approved on a vote of 10-0. Commissioner Llanes-Pulido abstained. Commissioners Hempel and Howard absent.	commercial -mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning on Council Member Pool's motion, Council Member Flannigan's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Casar was off the dais.
C14-2011-0103 (IBC Mueller View)	The applicant is proposing to rezone 1.457 acres from GR-MU-V-CO-NP to GR-MU-V-CO-NP. (the nature of the request was to allow for drive through service)	02.14.12: Approved on consent (6-0); Commissioners Dave Anderson, Jean Stevens and Donna Tiemann absent.	03.22.12: Change a condition of zoning, was approved on Mayor Pro Tern Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Morrison was absent
C14-2008-0044	Windsor Park NPA VMU Zoning Opt In	N/A	10.02.08: Approved on first reading only 5-0 vote with McCracken and Shade off the dais. Ordinance No. 20081106-074 was approved

RELATED CASES:

C14-2023-0003

ADDITIONAL STAFF COMMENTS:Comprehensive Planning

Project Name and Proposed Use: 5121 CAMERON ROAD. C14-2024-0055. Project: East 51st Street and Cameron Road. University Hills/Windsor Park Combined Neighborhood Planning Area (Windsor Park). FLUM: Mixed Use. 8.45 acres from CS-V-NP; CS-1-V-NP;

CS-V-CO-NP to CS-V-DB90-CO-NP. Existing: office, retail, multifamily, guidance services, single family, and undeveloped. Proposed: 40,000 sq ft grocery, 150,000 sq ft office, 40,000 sq ft retail, estimated 550 multifamily units. Demolition of existing 78 residential units is proposed. Application notes potential for existing mobile home park with five or more occupied existing units. Proposal seeks Density Bonus 90 Combining District (Ordinance No. 20240229-073), which sets affordability minimums on ownership and rental units, and further allows for an increase of up to 30 ft in height above the base zone allowance, with a maximum limit of 90 feet in total height. DB90 additionally releases the site from some base zoning district development standards, including maximum floor area ratio.

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures *
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *: <ul style="list-style-type: none"> • Within Highland Mall Station Regional Center; adjacent to 51st Street/ Airport/ 53rd Street Activity Corridor; adjacent to Cameron Road/Dessau Activity Corridor
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> • Sidewalk present along 51st and Cameron Rd
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Adjacent to bus stops along E 51st St
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.
Y	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market. <ul style="list-style-type: none"> • 0.4 miles to Sprouts Grocer, 0.5 miles to Target Grocery; site proposes grocer
	Connectivity and Education *: Located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> • 0.5 miles from Northwest Greenway
Y	Connectivity and Health *: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.) <ul style="list-style-type: none"> • 0.5 miles from David Powell Health Center
Y	Housing Choice *: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
Y	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	Mixed use *: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.

	Industrial Land: Preserves or enhances industrial land.
Y	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
11	Number of “Yes’s”

Drainage

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

Environmental

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

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

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

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

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

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 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 at the time of subdivision or site plan application for new residential units proposed by this rezoning, multifamily with CS-V-DB90 per City Code § 25-1-601, as amended. The intensity of the proposed development creates a critical need for additional parkland, per requirements described in § 25-1-603. An early determination was provided in May 2023 stating that onsite land dedication would be required, under the previous parkland dedication code in effect prior to January 1, 2024. Due to the determination and the code criteria, land dedication shall be required, unless the land available for dedication does not comply with the standards for dedication. Any remaining fees in-lieu after dedication shall also be required.

If the land available for dedication complies with the parks standards, the Parks and Recreation Department (PARC) would consider a small park toward satisfying the requirement at time of permitting (whether subdivision or site plan). The surrounding neighborhood areas are currently park deficient, defined as being outside walking distance to existing parks. The dedication would satisfy the need for additional parks in park deficient areas of North Central Austin, a recommendation in the Parks and Recreation Department's Long Range Plan.

Should there be any remaining fees in-lieu, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-609.

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov.

Site Plan

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

The proposed zoning area is located within the Windsor Park Neighborhood Plan.

This tract is already developed, and the proposed zoning change is a footprint within the existing development.

Austin Fire Department

No comments.

Austin Transportation Department – Engineering Review

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

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for E. 52nd Street. It is recommended that 29 feet of right-of-way from the centerline should be dedicated according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

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

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Lancaster Court. It is recommended that 29 feet of right-of-way from the centerline should be dedicated

according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

<u>Name</u>	<u>ASMP Classification</u>	<u>ASMP Required ROW</u>	<u>Existin g ROW</u>	<u>Existing Pavemen t</u>	<u>Sidewalk s</u>	<u>Bicycl e Route</u>	<u>Cap Metro (withi n ¼ mile)</u>
E. 51st Street	Level 3	116 feet	~87 feet	67 feet	Yes	Yes, two- way	Yes
E. 52nd Street	Level 1	58 feet	~48 feet	28 feet	Yes, for some portions on the north side of the road	Yes, two- way	Yes
Cameron Road	Level 3	116 feet	~84 feet	47 feet	Yes	No	Yes
Lancaste r Court	Level 1	58 feet	~70 feet	28 feet	Yes, for the east side of the road.	No	Yes

Austin Water Utility

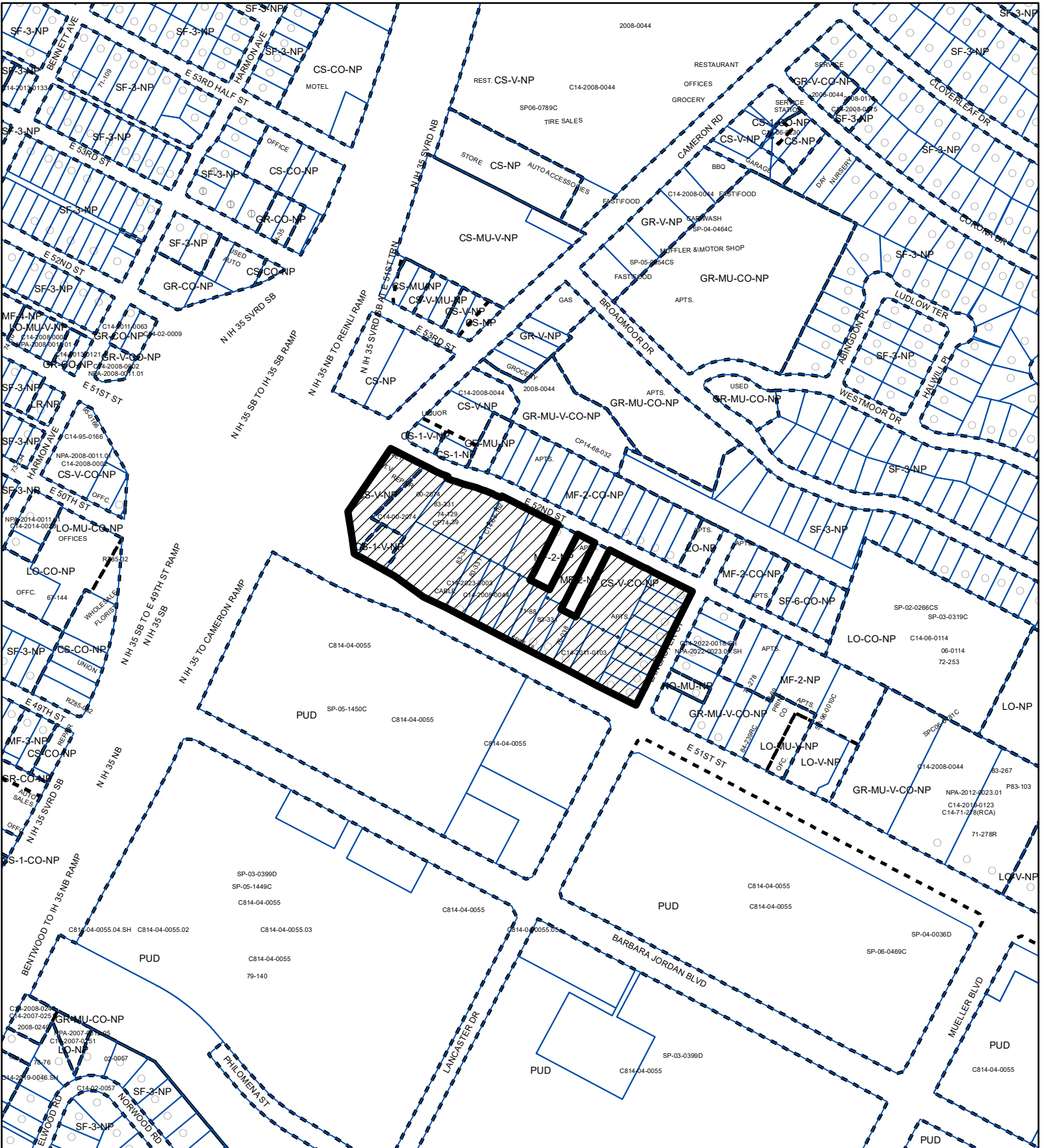
No comments.


INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:




Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Exhibit B: Applicant's Summary Letter





 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

1" = 400'
Exhibit A

ZONING
ZONING CASE#: C14-2024-0055

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: 4/8/2024

Amanda Swor
direct dial: (512) 807-2904
aswor@drennergroupp.com

April 4, 2024

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

Via Electronic Delivery

Re: East 51st Street and Cameron Road – Rezoning application for the 8.455-acre piece of property located at 1100-1218 East 51st Street, 1101-1205 East 52nd Street, 1209 East 52nd Street, 1215 East 52nd Street, 5121 Cameron Road, and 5106-5114 Lancaster Court, Austin, Travis County, Texas (the “Property”).

Dear Ms. Middleton-Pratt:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning application package (“Current Zoning Request”). The project is titled East 51st Street and Cameron Road, consists of 8.455 acres, and is located at 1100-1218 East 51st Street, 1101-1205 East 52nd Street, 1209 East 52nd Street, 1215 East 52nd Street, 5121 Cameron Road, and 5106-5114 Lancaster Court. The Property is currently developed with office/retail, multifamily, guidance services, and single family uses; 13 of the 24 tracts included in this application are undeveloped.

The site is currently zoned CS-V-NP (General Commercial Services – Vertical Mixed Use – Neighborhood Plan), CS-1-V-NP (Commercial Liquor Sales – Vertical Mixed Use – Neighborhood Plan), and CS-V-CO-NP (General Commercial Services – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan). The proposed rezoning is to CS-V-DB90-CO-NP (General Commercial Services – Vertical Mixed Use – Density Bonus 90 – Conditional Overlay - Neighborhood Plan) for the entire Property.

A zoning application for 7.624 acres of the Property was previously filed in December 2022 and assigned City of Austin case number C14-2023-0003 (“2023 Zoning Case”). The 2023 Zoning Case request was to add the -V overlay district to the zoning designation and allow for the development of a VMU2 project on the Property.

The 2023 Zoning Case was approved by the City Council on September 14, 2023 per Ordinance 20230914-123. Due to the outcome of the Travis County District Judge Jessica Mangrum’s Order issued on December 8, 2023, relating to the litigation between the City and certain private plaintiffs, Acuña et al. v. City of Austin, Cause No. D-1-GN-19-008617, which

invalidated the VMU2 Ordinance from its inception, we respectfully submit this Current Zoning Request for the Property. The reason that the boundaries for the 2023 Zoning Case and the Current Zoning Request differ is that prior to the invalidation of VMU2 in December 2023, the -V overlay district was all that was required to be included in a zoning designation in order to develop a VMU2 building. Therefore, two (2) properties totaling 0.948 acres (“0.948-acre Tracts”) that were excluded from the 2023 Zoning Case already had the ability to develop under VMU2 at the time of approval, with existing CS-V-NP and CS-1-V-NP zoning designations. The 0.948-acre Tracts are included as part of the Current Zoning Request.

The previous rezoning application for the Project was approved on September 14, 2023 and was intended to utilize the VMU2 Ordinance that was since invalidated; per Part 5 of the adopted DB90 ordinance, the City Council waives the fees related to the 7.624-acre portion of this rezoning application submittal. Current rezoning fees for the 7.624-acre portion of the Property are calculated to be approximately \$10,185.80. Fees for the rezoning of the Property as a whole total approximately \$12,683.28. We will be responsible for payment of the difference in fees, totaling approximately \$2,452.48.

The proposed project will contain approximately 40,000 square feet of retail space, a 40,000 square feet grocer, 150,000 square feet of office space, and 550 multifamily units (the “Project”). The Project is proposing to develop under the new DB90 standards creating a project that will incorporate on-site affordable housing with 12% of units reserved for families earning up to 60% of the Annual Median Family Income (“MFI”) or 10% of the units reserved for families earning up to 50% MFI.

The previous approved rezoning ordinance includes a Conditional Overlay that prohibits the below land uses on the Property. This new rezoning request proposes to maintain this existing Conditional Overlay.

Automotive rentals	Automotive repair services
Automotive sales (exceeding 3,500 square feet)	Automotive washing (any type)
Bail bond services	Commercial blood plasma center
Convenience storage	Drive-through facilities
Drop-off recycling collection facility	Equipment repair services
Equipment sales	Exterminating services
Funeral services	Pawn shop services
Pedicab storage and dispatch	Vehicle storage

A Zoning Transportation Analysis (“ZTA”) was approved with the previous rezoning effort for the Property per a ZTA Memorandum prepared by Nathan Aubert on June 23, 2023. Per a Traffic Impact Analysis (“TIA”) Determination Worksheet signed by Ramin Komeili, P.E. on April 2, 2024, neither a TIA nor ZTA will be required as part of this rezoning application. The Property is located in the University Hills/Windsor Park Combined Neighborhood Plan and is currently designated as “Mixed Use,” on the Future Land Use Map (“FLUM”). Per a memorandum from Maureen Meredith dated March 15, 2024, a Neighborhood Plan Amendment (“NPA”) is not required with this rezoning request.

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.

Very truly yours,

A handwritten signature in blue ink that reads "Amanda Swor". The signature is written in a cursive, flowing style.

Amanda Swor

cc: Joi Harden, Housing and Planning Department (*via electronic delivery*)