

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0033 – 1500 W Stassney Lane

DISTRICT: 2

ADDRESS: 1408, 1500 & 1510 West Stassney Lane

ZONING FROM: CS-V-NP, LR-NP,
GR-V-NP, MF-3-NP

TO: CS-MU-V-DB90-NP

SITE AREA: 2.163 acres

PROPERTY OWNER: Stassney Land Partners LP (Max Ginsburg)

AGENT: Drenner Group (Leah Bojo)

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

STAFF RECOMMENDATION:

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

For a summary of the basis of Staff's recommendation, please see pages 2 – 4.

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 11, 2024: *TO GRANT CS-MU-V-DB90-NP COMBINING DISTRICT ZONING AS STAFF RECOMMENDED, ON CONSENT.*

[A. AZHAR; F. MAXWELL – 2ND] (11-0); G. COX, N. BARRERA-RAMIREZ - 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 zone, to a maximum of 90 feet, and modifies site development regulations including compatibility standards. Subsequently, the applicant submitted a rezoning application to request the -DB90 combining district, in order for the City to continue review of site plan which was taking advantage of the “VMU2” option.

The property is located within the South Austin Combined Neighborhood Plan Area (South Manchaca), and the current FLUM (Future Land Use Map) designation is Neighborhood Node. A Neighborhood Plan Amendment (NPA) is on file with a request to change FLUM to Mixed Use Activity Hub/Corridor and is proposed to be heard at the June 11, 2024 Planning Commission.

CASE MANAGER COMMENTS:

The subject rezoning area consists of 2.163 acres and is located on the north side of West Stassney Lane, between Union Pacific Railroad right of way and Radam Circle, within the South Austin Combined Neighborhood Plan area, specifically South Manchaca. The property is currently developed with Limited warehousing and distribution use, and a childcare service use (CS-V-NP, LR-NP, GR-V-NP, MF-3-NP).

To the north are single family residences (MF-2-NP). Across from the site to the south, with frontage on West Stassney Lane is Austin Oaks Hospital site (PUD-NP). With frontage on West Stassney Lane, west of the site are Food preparation and Personal improvement services uses (GR-V-NP), and to the east is Financial service use (CS-V-NP). ***Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).***

The property is located within the South Austin Combined Neighborhood Plan Area, and is located within an area (South Manchaca) that was initiated by the City to zone certain tracts within the Neighborhood Plan area to accommodate the -V combining district in 2007 (Ordinance No. 20071213-087).

The applicant is requesting general commercial services –mixed use- vertical mixed use building - density bonus 90 – neighborhood plan (CS-MU-V-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 186 residential units and commercial use.

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 base zoning 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 methods 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.

The site plan for this property is currently under review pursuant to an Ordinance which was subsequently invalidated by Court ruling. The City previously undertook zoning of this property with the -V combining district during the Neighborhood Plan process. This current request for the -DB90 combining district continues to align with City objectives to increase density and affordability in exchange for relaxed development standards.

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, 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.

Mixed Use combining district (MU) is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

Vertical Mixed Use Building (V) combining district may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses within a vertical mixed use building.

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 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.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-V-NP, LR-NP, GR-V-NP, MF-3-NP	Limited warehousing and distribution use; Childcare service use
<i>North</i>	MF-2-NP	Single family residences
<i>South</i>	PUD-NP	Hospital services
<i>East</i>	GR-V-NP	Financial services
<i>West</i>	CS-V-NP	Food preparation; Personal improvement services

NEIGHBORHOOD PLANNING AREA: South Austin Combined (South Manchaca)

WATERSHED: Williamson Creek - Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Odom Elementary

Bedichek Middle School

Crockett High

COMMUNITY REGISTRY LIST:

Armadillo Park Neighborhood Association, Austin Independent School District, Austin Neighborhoods Council, Friends of Austin Neighborhoods, Go Austin Vamos Austin 78745, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Onion Creek Homeowners Assoc., Preservation Austin, Salem Walk Association of Neighbors, South Austin Neighborhood Alliance (SANA), South Manchaca Neighborhood Plan Contact Team, Southwood Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0158 – Gobi 250	LO-MU-CO-NP and LR-MU-CO-NP to CS-MU-V-NP	To Grant GR-MU-V-CO-NP as staff recommended (5/23/23)	Apvd as Commission recommended (7/20/2023)
C14-2019-0071 – Rose Hill Apartments	LO-NP to LO-MU-NP	To Grant LO-MU-NP (6/25/2019)	Apvd as Commission recommended (8/8/2019)
C14-2014-0019 – Garrison Park NP area rezonings	Add -NP, and design tools, restricted parking and mobile vending		Apvd 11/6/2014
C14-2014 -0018 – South Manchaca NP area rezonings	Add -NP, and design tools, restricted parking and mobile vending		Apvd 11/6/2014

RELATED CASES:

NPA-2024-0030.01 – requesting change from Neighborhood Node to Mixed Use Activity HUB/ Corridor FLUM designation

Site Plan (SP-2023-0175C) – submitted May 15, 2023

ADDITIONAL STAFF COMMENTS:

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 in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

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 CS-MU-DB90 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. Should 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).

Should the applicant wish 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.

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

This is subject to compatibility buffer requirements pursuant to density bonus 90 combining district requirements, LDC 25-2.

Austin Transportation Department – Engineering Review

Additional right-of-way may be required at the time of subdivision and/or site plan.

A TIA may be required at the time of site plan submission.

Austin Fire Department

No comments.

Austin Water Utility

No comments on zoning change.

The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

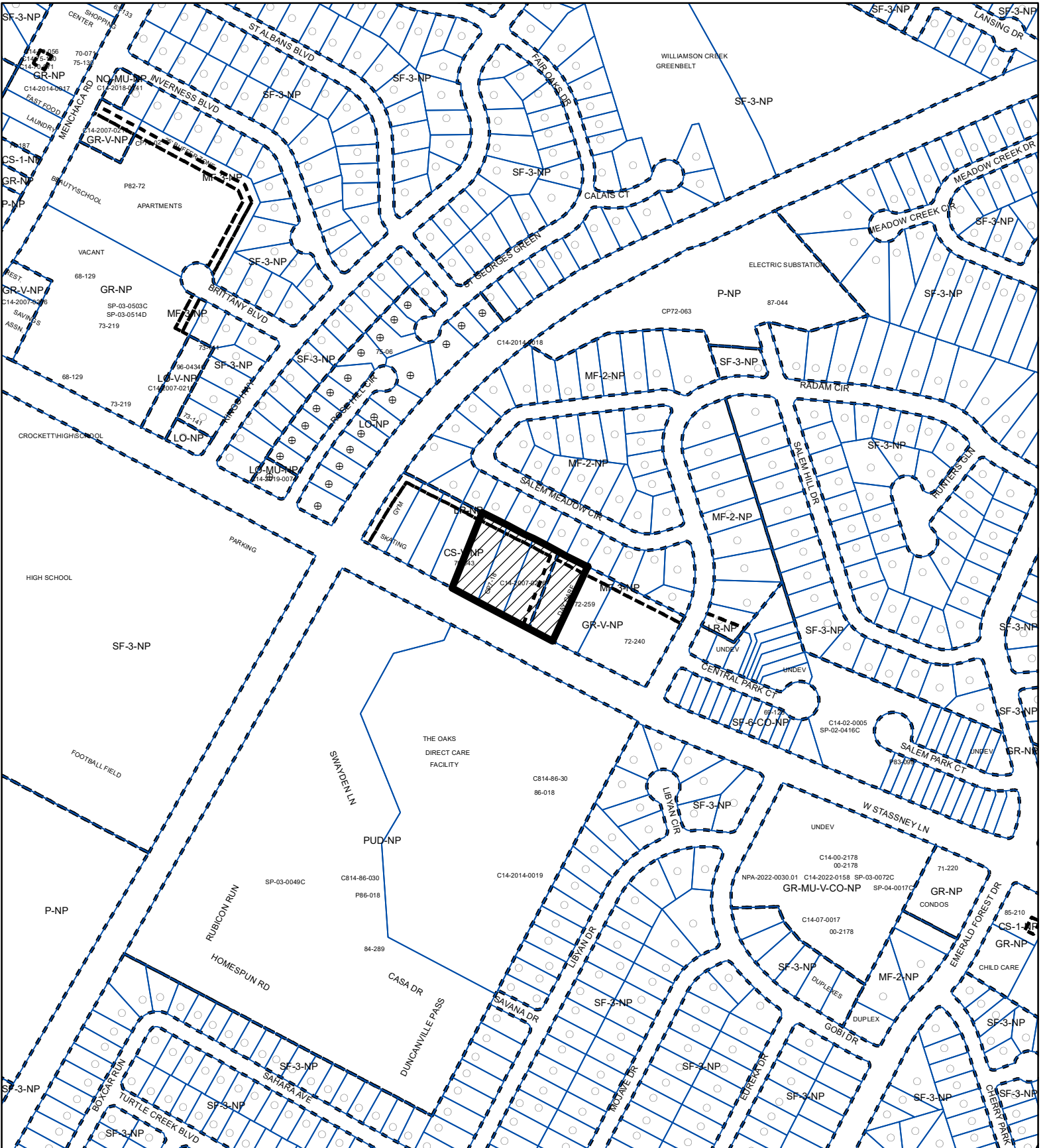
INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Exhibit B: Applicant's Summary Letter




Public Correspondence



ZONING

ZONING CASE#: C14-2024-0033



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

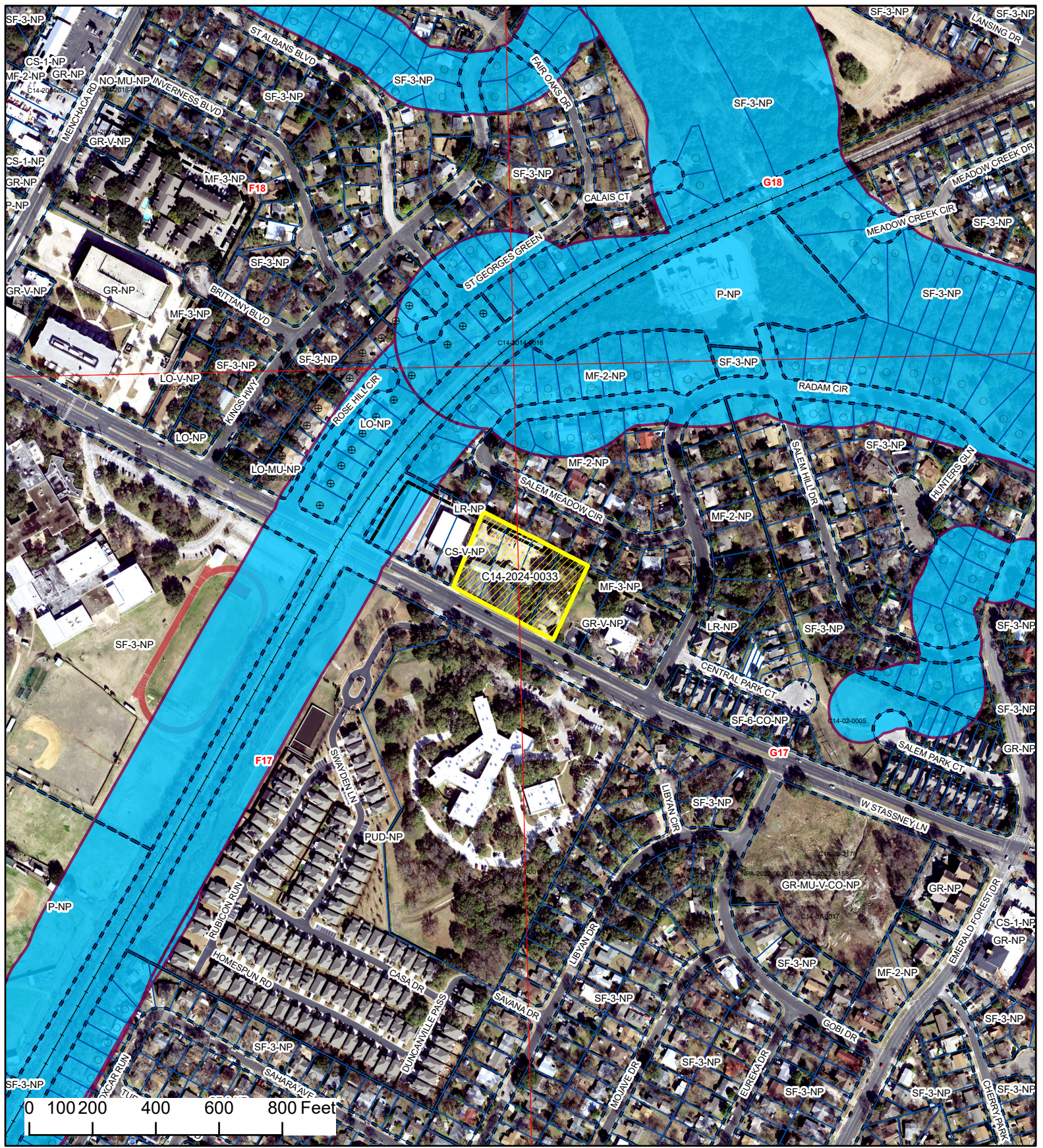
1" = 400'

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: 3/13/2024



1500 W Stassney Lane

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

CASE#: C14-2024-0033
 LOCATION: 1408, 1500, 1510 W Stassney Ln
 SUBJECT AREA: 2.163 Acres
 GRID: G17
 MANAGER: Nancy Estrada



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.

March 12, 2024

Ms. Lauren Middleton-Pratt
Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: 1500 W Stassney Lane – Rezoning and Neighborhood Plan Amendment applications for the 2.16-acre property located at 1408, 1500 and 1510 W Stassney Lane, Austin, TX 78745 (the "Property").

Dear Ms. Middleton-Pratt:

As representatives of the owners of the Property, we respectfully submit the enclosed rezoning and Neighborhood Plan Amendment ("NPA") application packages. The project is titled 1500 W Stassney Lane and is 2.16 acres of land, located on the north side of W Stassney Lane between the Union Pacific railway right of way to the east and Radam Circle to the west. The Property is in the Full Purpose Jurisdiction of the City of Austin.

A site development permit was submitted to the City of Austin (the "City") on May 15, 2023, assigned permit number SP-2023-0175C (the "Project"), and is currently in review for the development of a for-rent, residential mixed use building with ground-floor commercial uses on the Property. The Project intended to develop the Property with a VMU2 Building as part of the City's Vertical Mixed Use Program that was approved on June 9, 2022, via Ordinance No. 20220609-080 (the "VMU2 Ordinance").

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 this rezoning application request for the Property.

The Property's zoning currently consists of four zoning designations: CS-V-NP (General Commercial Services – Vertical Mixed Use Building – Neighborhood Plan), LR-NP (Neighborhood Commercial – Neighborhood Plan), GR-V-NP (Community Commercial – Vertical Mixed Use Building – Neighborhood Plan) and MF-3-NP (Multifamily Residence Medium Density – Neighborhood Plan). The requested rezoning is from CS-V-NP, LR-NP, GR-V-NP and MF-3-NP to CS-MU-V-DB90-NP (General Commercial Services – Mixed Use – Vertical Mixed Use Building – Density Bonus 90 – Neighborhood Plan). With this rezoning request, the Owner requests to add the DB90 (Density Bonus 90) combining district, that was recently approved on February 29, 2024, by the Austin City Council via Ordinance No. 20240229-073, (the "DB90 Ordinance"), attached herein. The purpose of the rezoning is to create a comprehensive zoning designation for the Project using the CS base district that is the majority of the Property's zoned area and so that the site development permit currently in review for the Project may be released. The DB90 combining zoning district requires the Project to reserve a minimum of 10% of the residential units as affordable for households earning no more that 50% of the area Median Family Income (MFI), or 12% of

March 12, 2024

Page 2

the residential units as affordable for households earning no more than 60% of the area MFI. The Property is currently developed with two vacant commercial office buildings and a warehouse.

The Property is located in the South Austin Combined Neighborhood Planning Area – South Manchaca subdistrict and has a Future Land Use Map (FLUM) designation of Neighborhood Node. A Neighborhood Plan Amendment (NPA) is required with this rezoning request to change the FLUM from Neighborhood Node to Mixed Use Activity Hub/Corridor. The Project supports the neighborhood plan's Mixed Use Activity Hub/Corridor policy no. 5, that, "[n]ew buildings should be mixed-use, with pedestrian-oriented ground floors", as well as Housing Affordability action no. 10, by encouraging "affordable housing near schools." The Project is located within ¼ mile of the Crockett Early College High School and ½ mile from Odom Elementary School.

The site development permit that is currently in review for the Project previously relied upon the VMU2 Ordinance that was invalidated. Per Part 5 of the adopted DB90 ordinance, the City Council waives the fees related to this rezoning application and the required NPA application necessitated by this zoning change.

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*)
Maureen Meredith, Planning Department (*via electronic delivery*)
Jim Gobel, Development Services Department (*via electronic delivery*)

VERBAL COMMENTS

04/25/24 (phone) Don't want zoning changes to effect the entities affecting the area. Don't want to impact the neighbors and the daycare users, especially the low income. The Daycare is affordable. Taller buildings not supported, very residential area and a high school nearby, this would change the culture of the area. Lilian Martinez,

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATVZonlineComment>



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2024-0033

Contact: Marcell Boudreaux, 512.974.8094

Public Hearings: June 11, 2024, Planning Commission

July 18, 2024, City Council

TANYA WATERS

Your Name (please print)

1438 SHERM MEADOW CIRCLE

Your address(es) affected by this application (optional)

Signature

6/9/24

Date

Daytime Telephone (Optional):

Comments:

This will create traffic metrics a
congestion in our neighborhood. Also on
Spangney
Also taking away flow our privacy & land

What if A Team Comes? How will CMC
get out?

How will 100+ people get in & out??

If you use this form to comment it may be returned to:

Marcell Boudreaux

P. O. Box 1088, Austin, TX 78767

Or email to:

marcell.boudreaux@austintexas.gov

I am in favor
 I object

PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before the City Council. Although applicants and/or interested parties are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an applicant's hearing to a later date or may evaluate the City staff's recommendation and public input (forwarding its own recommendation to the City Council). If the board or commission makes a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further action is required. During its public hearing, the City Council may grant or deny a plan amendment request or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Planning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the City contact listed on the previous page.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

Comentarios escritos deberían ser sometidos a la comisión (o a la persona designada en la notificación) antes de la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la notificación. La correspondencia y la información enviada a la Ciudad de Austin están sujetos a la Ley de Información Pública de Texas (Capítulo 552) y pueden ser publicadas en línea.

PUBLIC HEARING COMMENT

If you use this form to comment, it may be submitted to:

Maureen Meredith
City of Austin - PDC
Planning Department
P. O. Box 1088
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2024-0030.01
Contact: Maureen Meredith, 512-974-2695 or
Maureen.Meredith@austintexas.gov
Public Hearing: Jun 11, 2024 - Planning Commission

I am in favor
 object

Clay Bohrer
Your Name (please print)

1438 Steem Marold Circle
Your address(es) affected by this application

[Signature]
Signature

6/7/24
Date

Comments: This will take away property value.

Also creating traffic & congestion on Stassney with 100's of additional people and vehicles

No 1

PUBLIC HEARING INFORMATION

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During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C14-2024-0033
Contact: Marcelle Boudreaux, 512-974-8094
Public Hearings: June 11, 2024, Planning Commission
July 18, 2024, City Council



John N Hayes
 1426 Salem Meadow Cir
 Austin TX 78745-2912

Application (optional)

Signature

John N Hayes

Date

3/10/2024

Daytime Telephone (Optional): _____

Comments: RETRY OF HOUSING HAS BEEN BUILT IN THIS

AREA SINCE THE 1990'S.

I am in favor
 I object

If you use this form to comment, it may be returned to:
 City of Austin, Planning Department
 Marcelle Boudreaux
 P. O. Box 1088, Austin, TX 78767

Or email to: marcelle.boudreaux@austintexas.gov