

ZONING CHANGE REVIEW SHEET

CASE: C14-2025-0029 (Airport 38 Rezone)

DISTRICT: 1

ADDRESS: 3811 Airport Boulevard

ZONING FROM: CS-MU-V-NP

TO: CS-MU-V-DB90-NP

SITE AREA: approximately 1.1326 acres (approximately 49,336 sq. ft.)

PROPERTY OWNER: 3811 Airport 2017 LP

AGENT: Thrower Design, LLC (Victoria Haase)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

STAFF RECOMMENDATION:

Staff recommends granting general commercial services-mixed use-vertical mixed use-density bonus 90-neighborhood plan (CS-MU-V-DB90-NP) combining district zoning.
See the basis of recommendation section below for more information.

PLANNING COMMISSION ACTION / RECOMMENDATION:

August 12, 2025: Staff postponement request to September 9, 2025.

September 9, 2025: Motion by Commissioner Powell, seconded by Commissioner Barrera-Ramirez to approve staff's recommendation of CS-MU-V-DB90-NP on the consent agenda. Unanimous.

CITY COUNCIL ACTION:

October 9, 2025: Case is scheduled to be heard by City Council.

ORDINANCE NUMBER:

TBD

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.

CASE MANAGER COMMENTS:

The applicant is requesting general commercial services-mixed use-vertical mixed use-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 as proposed would consist of approximately 160 residential units, approximately 5,000 square feet of retail and approximately 5,000 square feet of office. (see *exhibit D*: TIA Determination Worksheet for more information)

The property is located within the East MLK Combined Neighborhood Planning Area (MLK) and is 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. 20071213-089).

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.

The property in question contains an approximately 15,000 square foot warehouse with approximately 21,000 square feet of paved parking. The subject tract is at the northeast corner of the intersection of Airport Boulevard and East 38th Street.

To the north of the tract is an approximately 15,000 square foot commercial strip center with approximately 20,000 square feet of paved parking. To the east of the tract are three single family homes constructed in approximately 1953, and two duplex residential units constructed in approximately 2023. To the south of the tract (across East 38th Street) is an approximately 15,000 square foot construction sales and services use with approximately 68,000 square feet of paved parking (Herc Rentals). To the west of the tract (across Airport Boulevard) is another approximately 10,000 square foot warehouse with commercial finish out and approximately 20,000 square feet of paved parking.

Airport Boulevard is an Imagine Austin Activity Corridor, Austin Strategic Mobility Plan (ASMP) level 3 corridor, and identified as part of the ASMP Transit Priority Network. This site is between the MLK Station Imagine Austin Activity Center, and the Mueller Imagine Austin Activity Center. Capital Metro’s new MetroRapid Route 800 Pleasant Valley and 837 Expo Center both have stops within walking distance of the site. These routes connect riders to many destinations including but not limited to the University of Texas and Medical School,

the State Capitol Complex, Downtown Austin, Mueller, University Hills, ACC Eastview, Riverside Drive, Dove Springs, and Colony Park.

It is important to note that the rezoning of this site to greater intensity is not displacing any residential units. The current use of the site is not transit supportive; it is autocentric. Income-restricted affordable units, near high frequency transit would be left on the table if this rezoning was not granted. Income-restricted affordable units are particularly important near high frequency transit because a deeper level of affordability is achieved by helping low- to moderate-income households reduce what is typically their second largest expense after housing, transportation costs.

BASIS OF RECOMMENDATION:

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

Granting the requested rezoning would promote clearly-identified community goals. It would support the Imagine Austin Comprehensive Plan, the Austin Strategic Housing Blueprint, Austin Climate Equity Plan, and Austin Strategic Mobility Plan (ASMP) by increasing the supply of market rate and income-restricted affordable housing near high frequency transit, as the Metro Rapid Route 800 Pleasant Valley and 837 Expo Center, both have stops within walking distance of the site.

The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.

The Austin City Council and Planning Commission have recognized the importance of adopting and implementing Imagine Austin, the Austin Strategic Housing Blueprint, the Austin Climate Equity Plan, and the Austin Strategic Mobility Plan (ASMP) to both current and future Austinites. These plans highlight the importance of encouraging new development and transit supportive housing density along major roadways and along Imagine Austin Activity Corridors where future public capital improvements can be focused. This includes public transportation, bike lanes, sidewalks and other infrastructure which can provide more transportation alternatives. This site is between the MLK Station Imagine Austin Activity Center, and the Mueller Imagine Austin Activity Center. Airport Boulevard is an Imagine Austin Corridor and identified as part of the ASMP Transit Priority Network.

Intensive multi-family zoning should be located on major arterials and highways.

Airport Boulevard is a major arterial, it is identified as ASMP level 3 roadway in the Austin Strategic Mobility Plan and is also identified as part of the ASMP Transit Priority Network. Granting this request would locate intensive multi-family zoning on a major arterial and support the principles of this adopted plan and several other Council adopted plans.

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

The proposed general commercial services (CS) district zoning is intended for commercial 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. 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.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-V-NP	An approximately 15,000 square foot warehouse with approximately 21,000 square feet of paved parking.
<i>North</i>	CS-MU-V-NP	An approximately 15,000 square foot commercial strip center with approximately 20,000 square feet of paved parking.
<i>South (across E. 38th St.)</i>	TOD-NP	An approximately 15,000 square foot construction sales and services use with approximately 68,000 square feet of paved parking. (Herc Rentals)
<i>East</i>	SF-3-NP	Three single family homes constructed in approximately 1953, and two duplex residential units constructed in approximately 2023.
<i>West (across Airport Blvd.)</i>	CS-MU-V-NP	An approximately 10,000 square foot warehouse with commercial finish out and approximately 20,000 square feet of paved parking.

NEIGHBORHOOD PLANNING AREA: East MLK Combined Neighborhood Planning Area (MLK)

WATERSHED: Boggy Creek Watershed

SCHOOLS: A.I.S.D.

Maplewood Elementary School
Kealing Middle School
McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Neighborhoods Council, Cherrywood Neighborhood Assn., Del Valle Community Coalition, East MLK Combined Neighborhood Plan Contact Team, Friends of Austin Neighborhoods, Homeless Neighborhood Association, JJ Seabrook Neighborhood Association, Mueller Community Associations, Overton Family Committee, Preservation Austin

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2024-0107 (Manor Road Revision Rezone)	The applicant is requesting to rezone approximately 0.68 acres from TOD-NP to CS-DB90-NP.	3.11.2025: To grant CS-DB90-NP without the waiver to the ground-floor commercial requirement of DB90. Motion by Commissioner Anderson, seconded by Commissioner Haney (9-0).	7.24.2025: To grant CS-DB90-NP with no reduction of the ground floor commercial requirement.
C14-2018-0155 (3303 Manor Road)	The Applicant is proposing to rezone approximately 2.882 acres of land from CS-V-CO-NP, CS-CO-NP, and SF-3-NP to CS-V-MU-CO-NP.	9.24.2019: To grant CS-MU-V-CO-NP as recommended by Staff (13-0). [G. Anderson - 1st, C. Kenny - 2nd]	11.14.2019: To grant CS-MU-V-CO-NP, with additional conditions was approved on Council Member Flannigan's motion, Mayor Adler's second on a 10-0 vote. Council Member Ellis was off the dais.
C14-2007-0258 (East MLK Combined Neighborhood Planning Area Vertical Mixed Use)	The applicant is proposing vertical mixed use on 20 tracts totaling roughly 60 acres.	01.15.2008: To grant the neighborhood's request to exclude all tracts from the vertical mixed use overlay district. Motion by Commissioner Dealey, seconded by Commissioner Kirk (7-0); Commissioner Ewen absent.	03.20.2008: Ordinance No. 20080320-048 to apply Vertical Mixed Use Building (V) zoning regulations to all properties and adopting a 60% MFI was approved Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.

RELATED CASES:

None

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 3811 AIRPORT BOULEVARD. C14-2025-0029. Project: Airport 38 Rezone. 1.3 acres from CS-MU-V-NP to CS-MU-V-DB90-NP. East MLK Combined NP. FLUM: Mixed Use. Existing: commercial. Proposed: 160 units residential apartments, 5,000 sf retail, and 5,000 sf professional office. Demolition is proposed. 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"> • Adjacent to Airport Blvd 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"> • 0.05 miles to bus stop along Airport Blvd
	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center. <ul style="list-style-type: none"> • Goods and Services present along Airport Blvd and Manor Rd within 0.5 miles
	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.
	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 to Southwest Greenway Trail
	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.)
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
8	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

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. 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.
6. 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.
7. 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.

Fire

No comments on rezoning

PARD – Planning & Design Review

Parkland dedication will be required for the new applicable uses proposed by this development, a mixed-use project with residential units, 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 § 25-1-609, as amended.

Residential units that are certified affordable and income-restricted are exempt from the parkland dedication requirements per City Code § 25-1-601(D)(4). Parkland dedication will be required for any new market-rate residential units that may be proposed by this development, at the time of subdivision or site plan, per City Code § 25-1-601.

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: ann.desanctis@austintexas.gov. It is recommended that the applicant submit a parkland early determination request so PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

SP1. Site plans will be required for any new development other than single-family or duplex residential.

SP2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

DB90 Rezoning

SP4. This site must meet affordability minimums to be eligible for DB90. A signed approval letter from the Housing Department will be required with site plan submittal.

SP5. The principal street will be determined at time of site plan. Any buildings fronting this street will be required to have 75% of the ground floor as commercial uses.

SP6. This site is adjacent to a site that contains one to three dwelling units and is zoned SF-5 or more restrictive. A compatibility buffer 25' in width, designed to 25-8-700 and 25- 2-652(G) will be required.

Transportation and Public Works (TPW) Department – Engineering Review

TPW 1. A transportation assessment/traffic Impact analysis shall be required at the time of site plan **if triggered**, when land uses and intensities will be known per LDC 25-6-113 and TCM 10.2.1.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Airport BLVD	Level 3	120'	158'	105' including median (31')	No	Yes	Yes
38 th ST	Level 1	58'	66'	30'	No	No	Yes

TIA: A traffic impact analysis is NOT required. Traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code (LDC). Mitigation per LDC 25-6-101 may still apply

Austin Water Utility

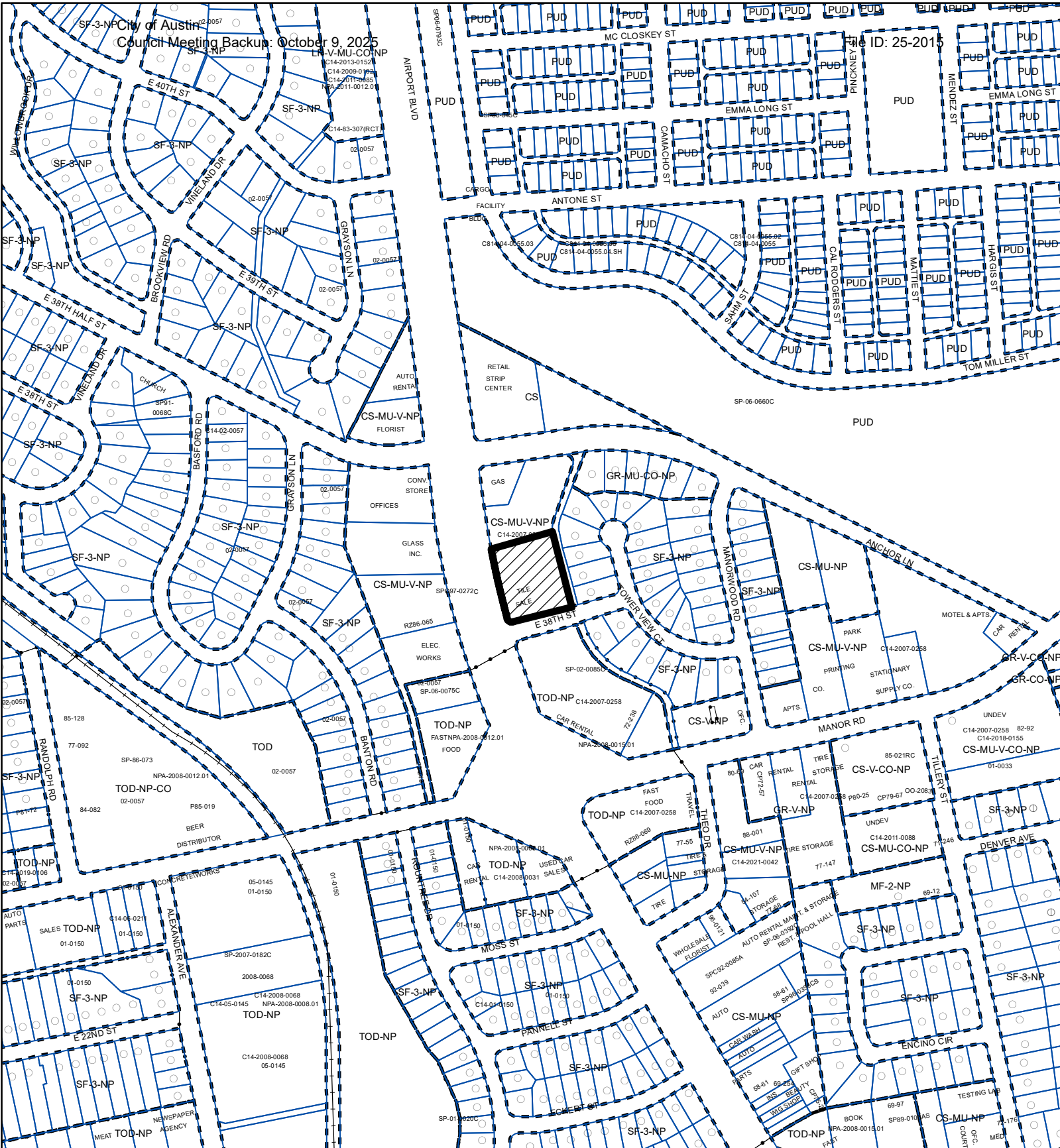
AW1. No comments on zoning change.

FYI: 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:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. TIA Determination Worksheet



ZONING

ZONING CASE#: C14-2025-0029



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.



January 3, 2025

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

Via Electronic Delivery

Re: Rezoning Application – 3811 Airport Blvd. – “Airport 38 Rezone”

Dear Ms. Middleton-Pratt:

On behalf of the Owner(s) of the properties referenced above, we respectfully submit the enclosed rezoning application. The subject property is 1.13 acres, legally platted as Lot 1 of The Sloan Addition and is located within Council District 1, represented by Council Member Natasha Harper-Madison and within the MLK Neighborhood Planning Area.

The property has a Future Land Use designation of *Mixed Use* and is zoned *CS-MU-V-NP* per zoning ordinance 20080320-048. The rezoning requested is to add the DB90 Overlay, *CS-MU-V-DB90-NP* with the intent of gaining the ability to have a greater number of residential units, made possible by the additional height permitted by the DB90 overlay.

The property is located equidistant and less than a ¼ mile from the Imagine Austin Centers, Mueller and MLK. Further, Airport Boulevard is an Imagine Austin Activity Corridor, a Future Core Transit Corridor, and has multiple existing CapMetro Bus service stops within the block. A DB90 project at this location will improve the pedestrian experience of Airport Boulevard and bring transit supportive density to a significant intersection that is a gateway into Austin.

As such, we respectfully request Staff's support. Please contact our office or me directly should you have need for additional information. Thank you for your time and attention to this application.

Kind regards,

**P.O. BOX 41957, AUSTIN, TEXAS 78704
1507 INGLEWOOD ST., AUSTIN, TEXAS 78741**

A handwritten signature in black ink, appearing to be 'Victoria Haase', with a stylized, cursive script.

Victoria Haase

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



Traffic Impact Analysis (TIA) Determination Worksheet

Applicant must complete this worksheet except where noted for TPW Staff. Please submit completed worksheet to the TIA Determination Worksheet portal (<https://atd.knack.com/development-services#services/traffic-impact-analysis-determination/>) for review and signature.

Project Name: _____

Location: _____

Applicant: _____ Telephone No: _____

Application Type: ☐ Dev. Assessment (Zoning) ☐ Zoning ☐ Site Plan
Indicates determination is optional ☐ Dev. Assessment (Site Plan) ☐ Concept Site Plan*

By checking the box below, the applicant acknowledges that City Council has adopted a Street Impact Fee (SIF) program effective December 21, 2020, and that street impact fees will be assessed for any building permit pulled on or after June 21, 2022. For more information on the Street Impact Fee program, please visit www.austintexas.gov/departments/street-impact-fee

☐ Applicant acknowledgment of Street Impact Fee program

EXISTING:

FOR TPW STAFF USE ONLY

Tract Number	Tract Acres	Units**	Zoning	Land Use	I.T.E. Code	Trip Rate	Trips Per Day

Please note that existing trip generation in the above table is applicable only to this worksheet. Existing trip generation for use in transportation studies and SIF calculations shall be determined separately.

PROPOSED:

FOR TPW STAFF USE ONLY

Tract Number	Tract Acres	Units**	Zoning	Land Use	I.T.E. Code	Trip Rate	Trips Per Day

**Applicable based on land use (e.g., dwelling units for residential, building square footage for commercial, etc.)

ABUTTING ROADWAYS:

Street Name	Proposed Access (Y/N)	Proposed Number of Driveways	ASMP Street Level



FOR TPW STAFF USE ONLY

- ☐ A Transportation Demand Management (TDM) Plan is required. For more information on the contents required in a TDM Plan, please refer to Section 10 of the Transportation Criteria Manual (TCM) or contact a Lead Development Review Engineer.
- ☐ A traffic impact analysis is required. The consultant preparing the study must contact a Lead Development Review Engineer to discuss scoping requirements prior to beginning the study. Please see below for the type of study required; for more information on each study, please refer to Section 10 of the TCM.
- ☐ Full TIA ☐ Transportation Assessment (TA) ☐ Zoning Transportation Analysis (ZTA) ☐ TIA Compliance
- ☐ A traffic impact analysis is NOT required. Traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code (LDC). Mitigation per LDC 25-6-101 may still apply.
- ☐ The traffic impact analysis has been waived for the following reason:
- _____
- _____
- ☐ A neighborhood traffic analysis (NTA) is required per LDC 25-6-114. The applicant may have to collect current traffic counts. Please contact a Transportation Planner for information.

Reviewed By: _____ Date: _____

NOTE: A TIA determination must be made prior to submittal of any Zoning or Site Plan application; therefore, this completed and reviewed worksheet must accompany any subsequent application for the identical project. Changes to the proposed project may require a new TIA determination. This worksheet will remain valid for 90 calendar days from the approval date above, after which a new TIA Determination Worksheet will be required.