

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0075 (9012 Research)

DISTRICT: 4

ADDRESS: 9000, 9010, 9012, 9014, 9014 1/2 Research Boulevard

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

TO: ~~MF-6-NP~~ CS-1-MU-V-CO-DB90-NP

* The applicant is proposing a conditional overlay (CO) to limit the size of a cocktail lounge or liquor sales use to 10,000 sq. ft. on the property. In addition, as part of this rezoning request the applicant is asking to modify Section 25-2-652(F)(3)(b) of the Land Development Code (the ground-floor commercial requirement), as allowed under Section 25-2-652(F)(3)(e)(i).

SITE AREA: 8.7 acres

PROPERTY OWNER: Austin Home Center Associates

AGENT: Armbrust & Brown, PLLC (Michael J. Whellan)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMEDATION:

Staff recommends CS-1-MU-V-CO-DB90-NP, Commercial-Liquor Sales-Mixed Use-Vertical Mixed Use Building-Conditional Overlay- Density Bonus 90-Neighborhood Plan Combining District, zoning. The proposed conditional overlay will limit the size of a cocktail lounge or liquor sales use to 10,000 sq. ft. on the property. In addition, the staff recommends granting the modification request to not provide ground floor Pedestrian-Oriented Commercial Space (to provide 0% of the requirement).

PLANNING COMMISSION ACTION / RECOMMENDATION:

August 13, 2024: Approved staff's recommendation CS-MU-V-CO-DB90-NP zoning by consent (12-0, P. Howard-absent); A. Azhar-1st, A. Woods-2nd.

CITY COUNCIL ACTION:

September 12, 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.

This site under consideration is within the Wooten portion of the Crestview/Wooten Combined Neighborhood Planning Area. The Future Land Use Map (FLUM) calls for this site to be designated as “Mixed Use”. As the proposed zoning is consistent with this land use designation, an NPA is not required.

CASE MANAGER COMMENTS:

The property in question is 8.7 acre tract of land located at the southeast corner of Research Boulevard/U.S. Highway-183 Southbound Service Road and Burnet Road that is currently developed with a commercial center with a cocktail lounge use (Emerald Tavern Games and Café), a restaurant (Slab BBQ), medical offices (Foot and Ankle Center, Kapsner Chiropractic), personal improvement services (Dance Austin Studio), personal services (Gabrielle’s Salon) and retail uses (Factory Mattress, Furniture Row, Denver Mattress, Zoo Keeper Exotic Pets, Austin Sign Co.). To the east, there is a convenience storage business (Right Space Storage) zoned CS-NP adjacent to the rail line. The lots to the west are zoned CS-MU-V-NP and CS-NP and contain an indoor sports and recreation use (Highland Lanes Bowling Alley), a restaurant (Olive Garden) and retail sales uses (Cavender’s Boot City). There is a commercial retail strip center (Colonnade Retail Center) to the north, across Research Boulevard/U.S. Highway 183, that is zoned NBG-CMU-NP. To the south there is a contractor (Binswanger Glass Repair), a service station (Grease Monkey) and a retail sales use (American Party Rental).

In this case, the applicant is asking to rezone the property to CS-1-MU-V-CO-DB90-NP to redevelop the existing commercial use with an estimated 700 new multifamily units. In this request, the applicant is proposing a conditional overlay to limit the size of a cocktail lounge or liquor sales use to 10,000 square feet as the current zoning on the property (Ordinance No. 040826-Z-9) permits 9,679 square feet of CS-1 uses. They are also requesting a modification to waive Section 25-2-652(F)(3)(b) of the Land Development Code (the ground-floor commercial requirement), as allowed under LDC Section 25-2-652(F)(3)(e)(i) (*please see Applicant’s Summary Letter- Exhibit C*).

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 staff recommends Commercial-Liquor Sales-Mixed Use-Vertical Mixed Use Building-Conditional Overlay Neighborhood Plan Combining District zoning as the site meets the intent of the zoning district. The property is within the Burnet Road Activity Corridor, as identified on the Growth Concept Map in the Imagine Austin Comprehensive Plan. In addition, the property fronts onto Research Boulevard/U.S. Highway 183 and takes access to Burnet Road, a Level 3 arterial roadway, and is located along the Burnet Road Enhanced Metro Rapid Route according to the System Plan that was adopted by Capital Metro and the Austin City Council in 2020. The property is also located within the boundaries of the Crossroads ETOD Station area. The North Burnet/Gateway Neighborhood Plan and Transit Oriented District (TOD) is directly to the north of this site across U.S. Highway 183/ Research Boulevard. Currently, the NBG-CMU-NP zoning on the tract of land to the north will permit a maximum 60 feet in height and 2:1 FAR and up to 180 feet in maximum height and 3:1 FAR, with development bonus.

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. However, this property's primary access is to Research Boulevard/U.S. Highway 183. Therefore, the staff recommends the applicant's request to modify the requirements in Subsection (3)(b) as the site abuts a highway and is not conducive to pedestrian oriented commercial uses.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

Mixed Use combining district 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.

Conditional Overlay 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.

Density Bonus 90 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.

Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The proposed CS-MU-V-CO-DB90-NP site is located at the southeast intersection of U. S. Highway 183/Research Boulevard and Burnet Road, a Level 3 arterial roadway, and is surrounded by commercial zoning district designations. There is NBG-CMU-NP zoning to the north, CS-NP zoning to the south and east and CS zoning to the west.

3. *Zoning should allow for reasonable use of the property.*

The proposed zoning will permit the applicant to redevelop the property for future residential use. Although a modification to the required ground floor commercial space is being requested, office, civic and low intensity commercial uses and services can still be provided to the surrounding community. In addition, the applicant's intent to construct 700 new multifamily residential units at this location supports the goals stated in the Imagine Austin Comprehensive Plan and the Strategic Housing Blueprint.

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

The 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.

The property under consideration is located along the Burnet Road Activity Corridor and is next to North Burnet/Gateway Station Regional Center. The site under consideration is located along the Burnet Road Enhanced Metro Rapid Route according to the System Plan that was adopted by Capital Metro and the Austin City Council in 2020.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-1-CO-NP, CS-NP	Lone Star Center: Cocktail Lounge (Emerald Tavern Games and Café), Restaurant (Slab BBQ), Retail Sales-General (Factory Mattress, Furniture Row, Denver Mattress, Zoo Keeper Exotic Pets, Austin Sign Co.), Office (Foot and Ankle Center, Kapsner Chiropractic), Personal Improvement Services (Dance Austin Studio), Personal Services (Gabrielle’s Salon)
<i>North</i>	ROW, NBG-NP	U.S. Highway 183/Research Boulevard, Retail Center (Colonnade: Planned Parenthood, Casa Chapala, Zaika Indian Contemporary Cuisine, Block Advisors, People Ready, Mikado Japanese Cuisine, Honey Baked Ham, Salon Change, All Wireless Repair, Todd Pilates Fitness Studio, 1 World Karate, Apartment Experts, Onin Staffing, Let’s Relax)
<i>South</i>	CS-NP	Contractor (Binswanger Glass Repair, Service Station (Grease Monkey), Retail Sales (American Party Rental)
<i>East</i>	CS-NP	Convenience Storage (Right Space Storage)
<i>West</i>	CS-MU-V-NP, CS-NP	Indoor Entertainment (Highland Lanes), Restaurant (Olive Garden), Retail Sales (Cavender’s Boot City)

NEIGHBORHOOD PLANNING AREA: Crestview/Wooten Combined Neighborhood Plan (Wooten)

TIA: Deferred to the time of Site Plan

WATERSHED: Little Walnut Creek

SCHOOLS: Austin I.S.D.
 Pillow Elementary
 Padron Elementary
 Burnet Middle School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District,
 Austin Lost and Found Pets,
 Austin Neighborhoods Council,
 Friends of Austin Neighborhoods,
 Homeless Neighborhood Association,
 Neighborhood Empowerment Foundation,
 North Austin Neighborhood Alliance,
 North Burnet/Gateway Neighborhood Plan Staff Liaison,
 Red Line Parkway Initiative,
 SELTexas, Shoal Creek Conservancy,
 Sierra Club, Austin Regional Group,
 Wooten Neighborhood Assn.,
 Wooten Neighborhood Plan Contact Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0111 (Burnet & 183: 8909 & 9034 Burnet Road)	CS-NP to CS-MU-V-NP	11/08/22: Approved staff's recommendation for CS-MU-V-NP zoning by consent (11-0, R. Schneider-absent); C. Hempel-1st, J. Shieh-2nd.	11/08/22: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221208-090 for general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning was approved on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.
C14-2021-0059 (2100 Polaris Avenue)	CS-CO-MU-NP to CS-MU-NP	6/08/21: Motion to approve the staff's recommendation of CS-MU-CO-NP zoning by consent (11-0, Y. Flores and J. Shieh-absent); A. Azhar-1st, J. Mushtaler-2nd.	7/29/21: Approved staff's recommendation of CS-MU-CO-NP zoning by consent on 1st reading (11-0); L. Pool-1st, P. Ellis-2nd. 10/21/21: Approved CS-MU-CO-NP zoning by consent on 2nd/3rd readings (10-0, G. Casar-off dais); A. Kitchen-1st, M. Kelly-2nd.
C14-2015-0132 (Calvin's Liquor: 8820 Burnet Road, Ste. 505)	CS to CS-1	11/10/15: Approved staff's recommendation for CS-1-CO zoning, with a conditional overlay to prohibit Cocktail Lounge use on the property,	12/10/15: Approved CS-1-CO district zoning on all 3 readings (9-1,

		on consent (11-0); N. Zaragoza-1 st , P. Seeger-2 nd .	O. Houston-No, S. Adler-absent); D. Zimmerman-1 st , D. Garza-2 nd .
C14-04-0095 (Sherlock's Baker Street Pub and Grill: 9012 Research Blvd)	CS-NP to CS-1-NP	7/27/04: Approved commercial liquor sales-neighborhood plan-conditional overlay (CS-1-NPCO) combining district zoning. The conditional overlay limits vehicle trips to 2,000 vehicle trips per day and prohibits adult oriented businesses (8-0, J. Newton - absent).	8/26/04: Ordinance No. 040826-Z-9 for commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning was approved.
C14-03-0002 (9325 Burnet Road)	LI to CS	3/26/03: Recommended for approval by consent, with the addition of the following restrictions added to staff's proposed conditional overlay for this case: 1) Use of the property as an adult bookstore shall be restricted to not more than 7,500 square feet of gross floor area and 2) Use of the property as an adult arcade, adult cabaret, adult lounge, adult novelty shop, adult service business and adult theater is prohibited. Vote: 7-0 (Off Dais: Pratt, Absent: Spelman.); M. Armstrong-1 st , M. Casias-2 nd .	6/05/03: Granted CS-CO on all 3 readings (7-0)
C14-01-0037 (North Austin Civic Association Neighborhood Plan)	MF-2, SF-2, SF-3 to NO-NP MF-2, LO, MF-3, CS to GR-NP CS, SF-3 to P-NP	4/17/01: Approved Staff rec. of NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP (9-0); with 25-foot vegetative buffer on south boundary of Tract 19	5/24/01: Approved PC rec. on all three readings, except for Tract 9-1 st reading only (6-0) 8/9/01: Approved CS-NP for Tract 9 (7-0); 2 nd /3 rd readings

RELATED CASES:

C14-04-0095 – Previous Zoning Case

C14-04-0004 - Crestview NP Rezoning

C8S-68-114, C8S-75-093, C8S-78-081, C8S-80-106, C8-06-0037.0A - Subdivision Cases

OTHER STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 9012 RESEARCH BLVD SERVICE ROAD SB. C14-2024-0075. Project: 9012 Research. Crestview/Wooten Neighborhood Plan. FLUM: Mixed Use. 8.7 acre tract from CS-NP/CS-1-CO-NP to MF-6-NP. Existing: “strip mall” commercial with parking, furniture store, warehouse, shopping center, restaurant, and medical office. Proposed: 700 midrise multifamily residential units. Demolition is proposed with zero residential units to be demolished.

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 Burnet Road Activity Corridor; Partial overlap with North Burnet/ Gateway Station Regional Center
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"> • Adjacent to bus stop and rapid bus stop along Burnet Rd
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Sidewalk present along Burnet Rd
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education *: Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> • 0.5 miles to Burnet Middle School
	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking 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.
	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	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
7	Number of “Yes’s”

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut 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 sq. ft. 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.

Fire

No comments.

Parks and Recreation

Parkland dedication will be required at the time of subdivision or site plan application for new residential units proposed by this rezoning, multifamily with MF-6, per City Code § 25-1-601, as amended. The intensity of the proposed development creates a critical need for additional parkland, one of the criteria for dedication described in § 25-1-603. As such, 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 (PARD) 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 Central North Austin, a specific 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. At the applicant's request, PARD can provide an early determination letter of the requirements.

Site Plan

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

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.

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

FYI, this site is in the Wooten Neighborhood Plan

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 120 feet of right-of-way for Burnet Rd. It is recommended that 60 feet of right-of-way from the existing should be dedicated for Burnet Rd according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

FYI - Right of Way requirements to be coordinated with TXDOT for Research Blvd Service Rd. Additional right-of-way may be required at the time of site plan.

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Burnet Rd	Level 3	120 Feet	Approx 120 Feet	Approx 62 Feet	Yes	Yes	Yes
Research Blvd Service Rd	Level 4	TXDOT Roadway	TXDOT Roadway		No	Yes	Yes

Water Utility

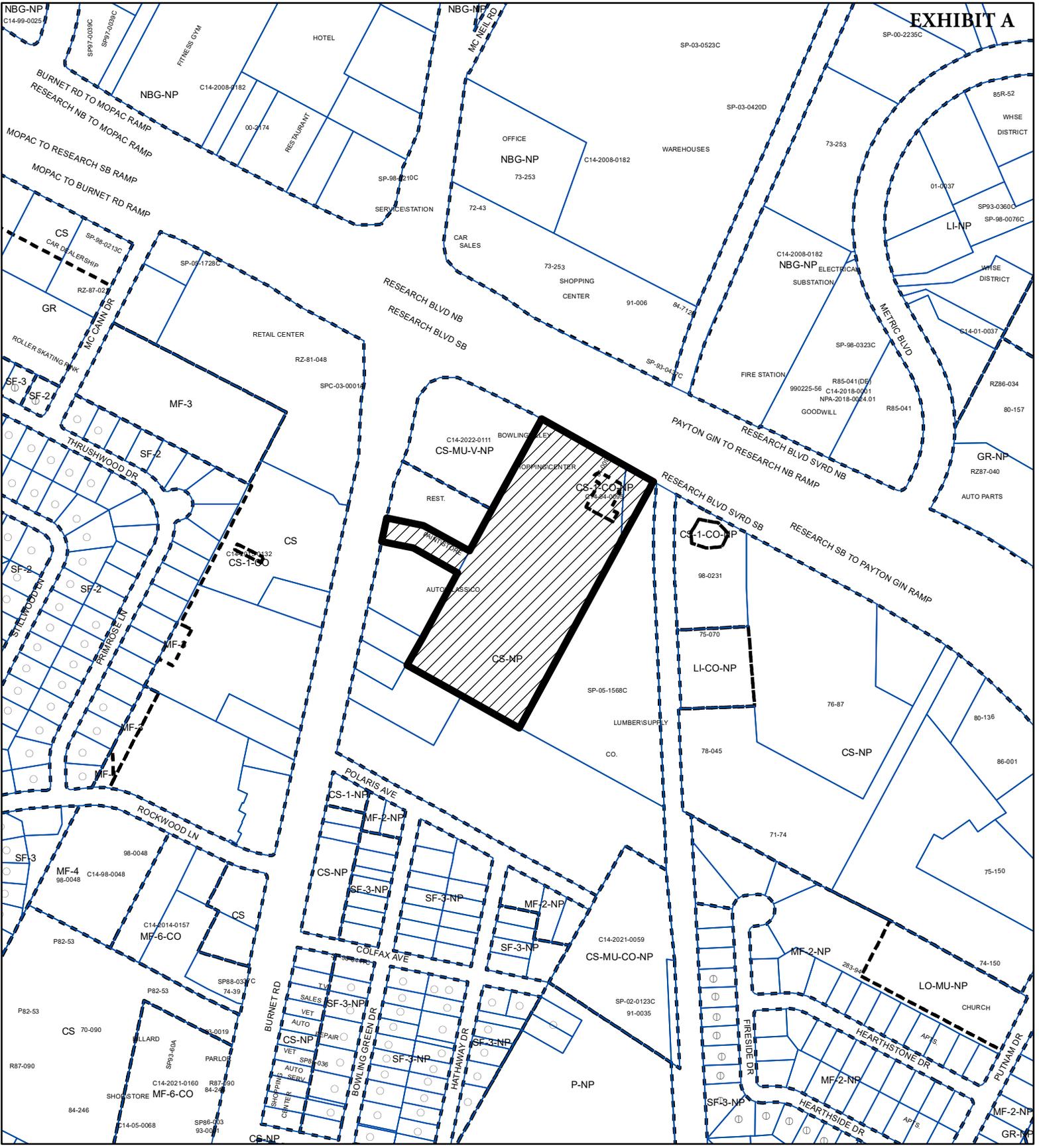
No comments on zoning change.

FYI: 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.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant’s Request Letter



ZONING

ZONING CASE#: C14-2024-0075



 **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: 5/6/2024



1 inch equals 400'

9012 Research

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

ZONING CASE#: C14-2024-0075
 LOCATION: 9000, 9010, 9012, 9014,
 9014 1/2 Research Blvd
 SUBJECT AREA: 8.7 Acres
 MANAGER: Sherri Sirwaitis



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Created: 8/5/2024

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

July 2, 2024

Joi Harden, Planning Officer
Planning Department
6310 Wilhelmina Delco Drive
Austin, Texas 78752

Re: Updated rezoning request for Case No. C14-2024-0075 (“the Case”), related to 9000, 9010, 9012, 9014, 9014 1/2 Research Blvd. (the “Property”)

Dear Ms. Harden,

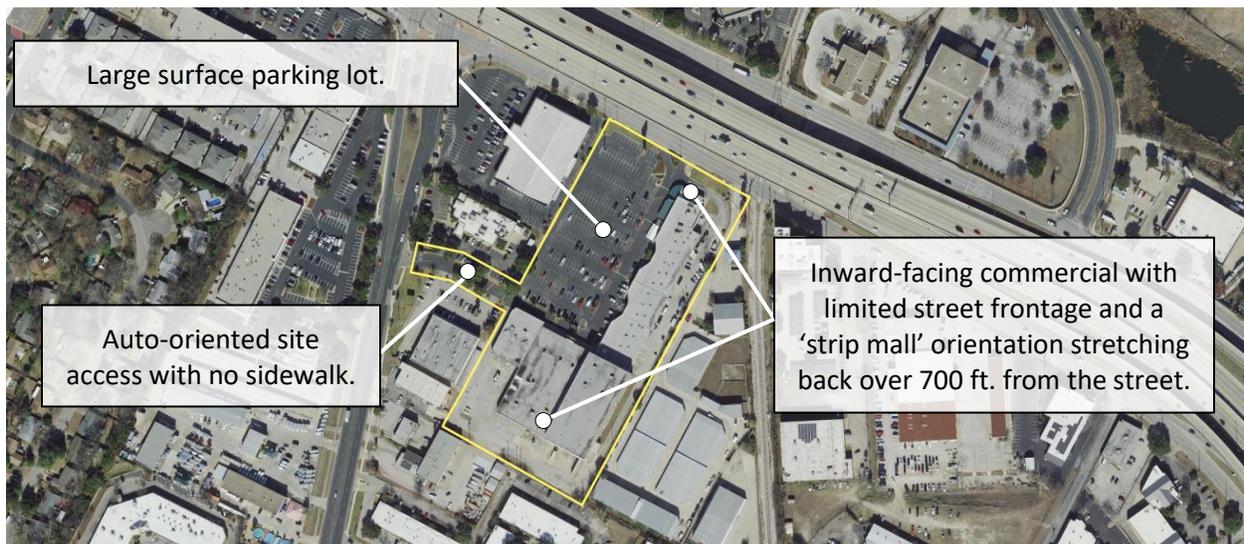
On behalf of Austin Home Center Associates (the “Owner”), please amend the Case to request the City:

- Rezone the Property from CS-1-CO-NP and CS-NP to CS-1-MU-V-CO-DB90-NP, with a conditional overlay limiting the size of a cocktail lounge or liquor sales use to 10,000 sf; and
- Waive Section 25-2-652(F)(3)(b) of the Land Development Code (the ground-floor commercial requirement), as allowed under Section 25-2-652(F)(3)(e)(i).

Please revise the case materials accordingly and mail out notice reflecting this updated request. The Owner is requesting this rezoning in order to redevelop outdated, auto-oriented, ‘strip mall’ commercial with an estimated 700 new multifamily units. The remainder of this letter will discuss the rationale for this rezoning request.

Land Use Context

The Property initially developed over 40 years ago, around 1980. At the time, much of the Burnet Road corridor served as auto-oriented, single-story, ‘strip mall’ commercial – the types of spaces that featured large setbacks, with expansive surface parking lots separating the sidewalk from the buildings. The Property likewise developed under this general ‘suburban commercial’ form, as shown in Figure 1.

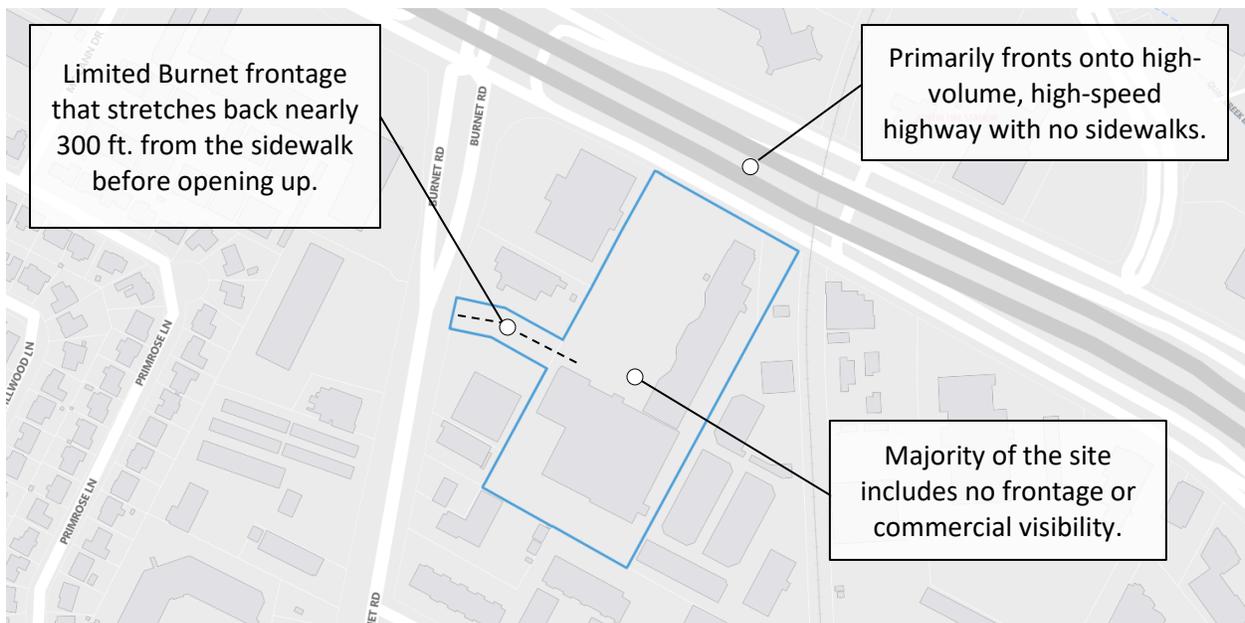
Figure 1. Existing Conditions

This context and location supported the prevailing auto-centric, suburban-style commercial development model at the time the Property was first developed. The Property's location at the intersection of US-183/Research Boulevard and Burnet Road made the site easily accessible by vehicle at a time when city policies were largely designed around that form of transportation.

Today, however, these same factors support multifamily redevelopment instead of a large-scale commercial use. Contemporary mixed-use and commercial corridor projects often depend upon visibility and pedestrian foot traffic – two key elements that are missing from this Property.

The Property's limited Burnet Road frontage once served to quickly move single-occupancy vehicles into a parking lot; today, this limited frontage prevents the project from building out to the corridor and limits commercial visibility. Its primary frontage along the highway once served as a major access point; today, it prevents pedestrian foot traffic and accessibility. This challenging site context is illustrated in Figure 2 below.

Figure 2. Site Context



Case Rationale

Instead, the site context now generally supports multifamily redevelopment. While the limited Burnet Road frontage does not generally support commercial development, it *does* provide access to the Burnet Road corridor for future multifamily residents – including to the adjacent MetroRapid Crossroads Station. Additionally, the Property's large size and depth will allow it to provide a meaningful increase in housing – currently planned for an estimated 700 units – through multi-phase development.

Originally, the Owner sought to downzone the Property to MF-6-NP to provide for a residential-only project. Since then, City staff have indicated a policy preference for the Vertical Mixed-Use Overlay ("V") and Density Bonus 90 Combining District ("DB90") rather than MF-6-NP due to the affordability set-aside requirements associated with each program.

In recognition of these concerns, the Owner is revising their request to CS-1-MU-V-DB90-NP, with an additional request to waive the ground-floor commercial requirement and thus allow for the possibility of a fully residential project, as planned. As noted, the Property is split-zoned today, designated partially for CS base zoning and partially for CS-1 base zoning (an approximately 9,679 sf footprint is designated for CS-1). The Owner's revised

request simplifies this into a unified, consistent CS-1 zoning, to maintain the base entitlements while allowing for more site flexibility. The Owner's request also maintains the spirit of the current 'split zoning' configuration by establishing a new conditional overlay limiting the size of CS-1 uses (cocktail lounge and liquor sales) to 10,000 sf, roughly the size of the existing CS-1 footprint.

While the Owner still anticipates the Property will feature a residential-only project, V and DB90 both require commercial base zoning districts – and, accordingly, the Owner would like to maintain their existing entitlements and projects flexibility.

Ultimately, we believe that multifamily development at this location – even without a commercial component – will help support several key city goals:

- **It will support commercial uses throughout the rest of the Burnet corridor.** While we believe the Property is likely not suited for contemporary commercial or mixed-use development, increasing housing here will also increase demand for nearby commercial services and amenities – helping support current businesses and future commercial redevelopment along the corridor.
- **It will support the city's housing and transit goals.** The Property will provide a meaningful increase in housing opportunities along one of two active MetroRapid bus lines in the city – directly adjacent to a MetroRapid bus stop.
- **It is consistent with the city's land use policies and is compatible with surrounding zoning.** The site is located along the Burnet Road corridor (an Imagine Austin corridor, Transit Priority Network roadway, and 2016 Mobility Bond corridor), is largely surrounded by properties with commercial and mixed-use zoning (CS-NP and CS-MU-V-NP), and is roughly 400 ft. away from the closest single-family area.

We believe that the city's policies and goals identify this Property as an appropriate location for increased housing – a conclusion that the site's specific land-use context supports.

Thank you for your consideration. Please do not hesitate to reach out with any questions related to this request.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Whellan", with a long, sweeping underline.

Michael J. Whellan