

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0042

DISTRICT: 5

ZONING FROM: LO & GR

ZONING TO: GR-MU-V-DB90

ADDRESS: 4005 and 4009 Banister Lane

SITE AREA: 4.396 acres
(191,489 sq. ft.)

PROPERTY OWNER: OP Park Place Property LLC

AGENT: Drenner Group, P.C. (Amanda Swor)

CASE MANAGER: Cynthia Hadri 512-974-7620, Cynthia.hadri@austintexas.gov

STAFF RECOMMENDATION:

The staff recommendation is to grant community commercial-mixed use-vertical mixed use building-density bonus 90 (GR-MU-V-DB90) combined district zoning.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 28, 2024: APPROVED THE APPLICANTS REQUEST FOR GR-MU-V-DB90.
[F. MAXWELL; A. WOODS-2ND] (10-0) P. HOWARD AND A. PHILLIPS – ABSENT, G. COX – ARRIVED LATE

CITY COUNCIL ACTION:

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.

CASE MANAGER COMMENTS:

The property in question is 4.396 acres, developed with four (4) office buildings, is on Banister Lane (level 2) and is currently zoned limited office and community commercial (LO and GR). The property has single family residences and multifamily residential (PUD, SF-3,

MF-2 and MF-3-CO) to the north, east and west. There are also business offices and commercial buildings (PUD, LO, GR-MU-CO, and GR) to the north, south, east and west. There is also an undeveloped tract to the east (CS-MU-CO). ***Please refer to Exhibits A (Zoning Map) and B (Aerial View).***

The applicant is requesting community commercial-mixed use-vertical mixed use building-density bonus 90 (GR-MU-V-DB90) 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 more than 200 residential units.

A development utilizing the “density bonus 90” incentives is permitted with a base GR district and must include an affordability component for residential use in order to obtain incentives, including height maximum of 90 feet in the GR 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.

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. 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 community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

The 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.

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

The DB90 (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.

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>	LO and GR	Business Offices
<i>North</i>	MF-2, LO and PUD	Multifamily, Single Family and Commercial Uses
<i>South</i>	GR-MU-CO, GR and LO	Business Offices and Multifamily
<i>East</i>	MF-2, SF-3 and CS-MU-CO	Multifamily, Single Family and Undeveloped Land
<i>West</i>	MF-3-CO, MF-1-CO, SF-3 and PUD	Multifamily, Single Family and Commercial Uses

NEIGHBORHOOD PLANNING AREA: South Lamar Neighborhood Plan (Suspended)

WATERSHED: West Bouldin Creek (Urban)

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Galindo Elementary School

Lively Middle School

Travis High School

COMMUNITY REGISTRY LIST:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Friends of Austin Neighborhoods
 Galindo Area Patriotic Poch Party
 Galindo Elementary Neighborhood
 Association
 Go Austin Vamos Austin 78745
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Onion Creek HOA
 Perry Grid 614
 Preservation Austin

SEL Texas
 Sierra Club
 Austin Regional Group
 South Austin Neighborhood Alliance
 (SANA)
 South Central Coalition
 South Lamar Neighborhood Association
 South Manchaca Neighborhood Plan
 Contact Team
 Southwood Neighborhood Association
 TNR BCP - Travis County Natural
 Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2023-0116 - 1317 Morgan Lane	SF-3 to LR-MU	To Grant LR-MU-CO with a CO to prohibit service station use. (11/28/2023)	Approved LR-MU-CO as Planning Commission Recommended (01/18/2024)
C14-2015-0167 - Gossett Jones Homes	MF-2-CO to MR-1 MF-3-CO	To Grant MF-1 & MF-3-CO Planning Commission (4/26/2016)	Approved MR-1 & MF-3-CO as Planning Commission Recommended (5/12/2016)
C14-2015-0039 - 4100 Banister	SF-3 to MF-2-CO	To Grant MF-2-CO (5/26/2015)	Approved MF-2-CO as Planning Commission Recommended (6/11/2015)
C14-2008-0218 - Twins Oaks Tract	CS to CS-MU	To Grant CS-MU-CO with a CO to prohibit the following uses; Agricultural sales and services, Automotive sales, Convenience storage, Pawn shop services, Automotive repair services, Automotive washing (of any type), Drop-off recycling collection facility, Vehicle storage (3/24/2009)	Approved CS-MU-CO as Planning Commission Recommended (06/18/2009)
C14-05-0197.SH - Ramada Inn South	GR, Go and LO to GR-MU-CO	To Grant GR-MU-CO with a CO to limit the trips to less than 2000 a day and prohibit the following uses: Automotive rentals, Automotive sales, Pawn shop services, Automotive repair services, Automotive washing (of any type), and Service station (03/28/2006)	Approved GR-MU-CO as Planning Commission Recommended (04/27/2006)

RELATED CASES: There are no related cases.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

Project Name and Proposed Use: 4005 BANISTER LANE. C14-2024-0042. Project: 4005 and 4009 Banister Lane. 4.396 acres from LO and GR to GR-MU-V-DB90. South Lamar Combined Planning Area – South Lamar (Suspended). FLUM: n/a. Existing: office. Proposed: multifamily and personal services with 200 or more multifamily units proposed. Proposal seeks Density Bonus 90 Combining District (Ordinance No. 20240229-073). Density Bonus 90 (DB90) 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"> 0.44 miles from S Congress Activity Corridor; 0.41 miles from Lamar & Ben White Activity Center for Redevelopment in Sensitive Environmental Areas
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 stops on Bannister Ln
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 Bannister Ln
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 from Galindo Elementary School
	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
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"> Mental Health Clinic available in near adjacency, and Medical Clinic and Womens Health options available along W Ben White Blvd within 0.3 miles
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
10	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 West Boulding 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.

<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%

Fire: There are no comments at this time.

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 GR-MU-V-DB90, per City Code § 25-1-601, as amended. The intensity of the proposed development creates a critical need for parkland in a park deficient area, per requirements described in Title 25, Article 14. As such, land dedication may 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) may 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 South 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 § 25-1-607 (B)(1) & (2).

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

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.

Austin Transportation Department – Engineering Review:

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.

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

Existing Street Characteristics:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Banister Lane	Level 2	72'	72'	43'	Yes	Yes	Yes

TIA: No TIA is required.

Austin Water Utility:

No comments on zoning change.

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

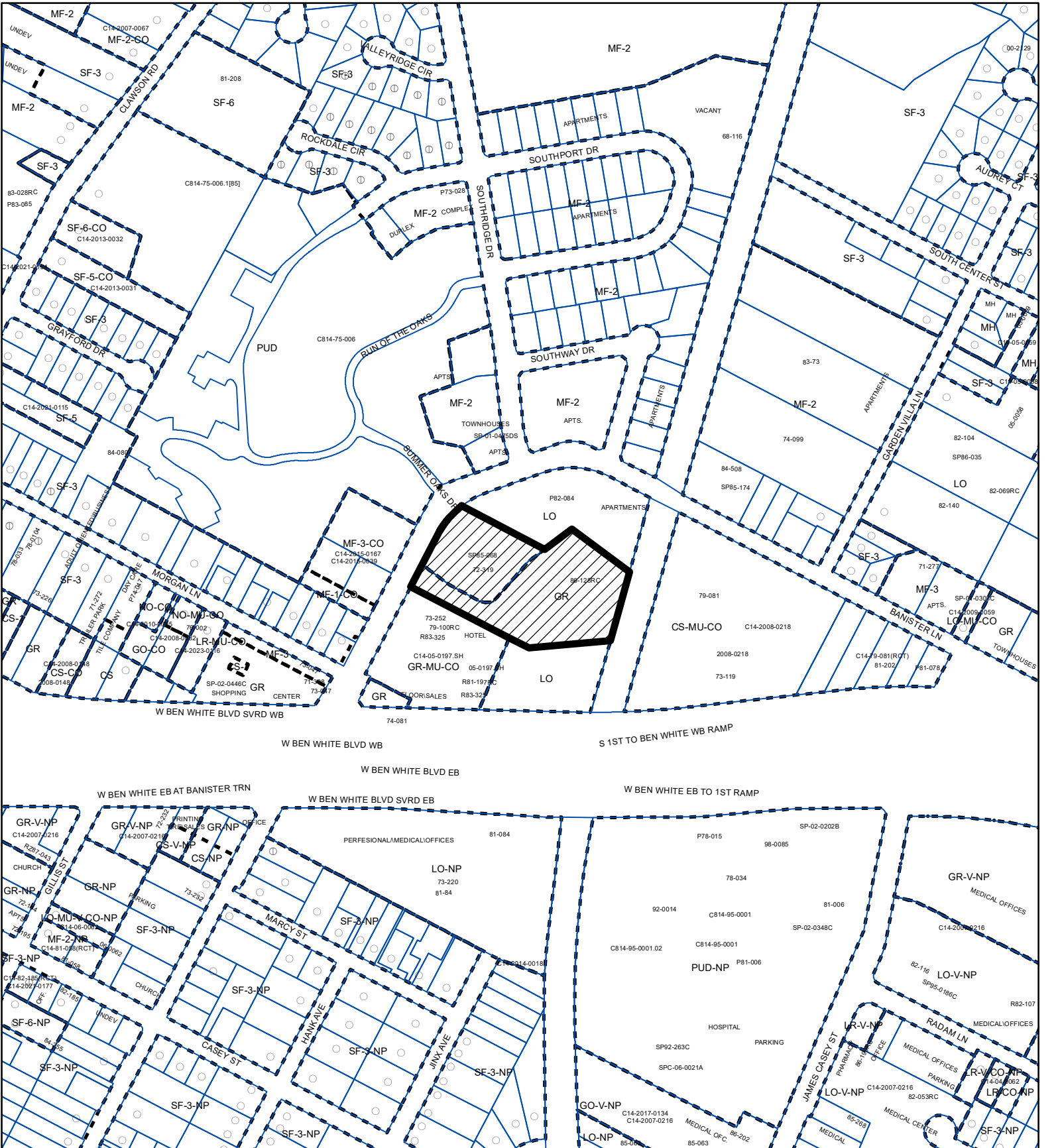
Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide adequate service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.

All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.


INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:


- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter





ZONING

ZONING CASE#: C14-2024-0042



 **SUBJECT TRACT**

 **PENDING CASE**

 **ZONING BOUNDARY**

1" = 400'
Exhibit A

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.

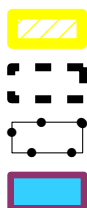
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Created: 3/25/2024



4005 and 4009 Banister Lane



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

CASE#: C14-2024-0042
 LOCATION: 4005, 4005 1/2, 4900 Banister Ln
 SUBJECT AREA: 4.396 Acres
 GRID: G19
 MANAGER: Cynthia Hadri



March 12, 2024

Via Electronic Delivery

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

Re: 4005 and 4009 Banister Lane – Rezoning application package for the 4.396-acre property located at 4005 4005 ½ and 4009 Banister Lane, Austin, Texas 78704 (the "Property")

Dear Ms. Middleton-Pratt:

As representatives of the owners of the Property, we respectfully submit the enclosed rezoning application package. The project is titled 4005 and 4009 Banister Lane, consists of 4.396 acres of land, located on the east side of Banister Lane, between the intersection of Banister Lane and Southridge Drive and Banister Lane and Morgan Lane. The Property is within the Full Purpose Jurisdiction of the City of Austin.

A rezoning application was submitted to the City of Austin (the "City") on November 21, 2023, and assigned permit number 2023-150484 ZC. The owner intended to rezone the Property in order to permit 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").

However, 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, application fees for the rezoning application were not paid at that time. We respectfully request that the previous submittal be withdrawn and we submit this rezoning application request for the Property in its place.

The Property is currently zoned LO (Limited Office) and GR (Community Commercial). The requested zoning is from LO and GR to GR-MU-V-DB90 (Community Commercial – Mixed Use – Vertical Mixed Use Building – Density Bonus 90) for the entire Property. The purpose of this rezoning request is to allow for a comprehensive zoning designation across the Property for the development of a mixed use building with ground-floor neighborhood supportive commercial uses and a multifamily use above. 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 than 50% of the area Median Family Income ("MFI"), or 12% of the residential units as affordable for households earning no more than 60% of the area MFI. The Property is currently developed with four office buildings and associated surface parking.

March 12, 2024

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The Property is located in the South Lamar Neighborhood Planning Area, which is currently suspended and therefore has no Future Land Use Map ("FLUM") designation. A Neighborhood Plan Amendment is not required with this rezoning request.

The requested rezoning is supportive of Imagine Austin Land Use and Transportation Policy No. 3 by, "[promoting] development in compact centers, communities, or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs." The Property is located near several CapMetro local routes and a high-frequency route. Adjacent to the Property is the CapMetro 4005 Banister/Summer Oaks stop for Route 10, one block south is the 1228 Ben White/Banister stop for Route 315, and the Property is within a ½ mile from the 3811 South 1st/Krebs stop for Route 10. South 1st Street is also an Imagine Austin Growth Concept Corridor.

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 that reads "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" and last name "Swor" clearly distinguishable.

Amanda W. Swor

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