

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0160 (8440 Burnet Multifamily)

DISTRICT: 7

ADDRESS: 8440 Burnet Road

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

TO: MF-6

SITE AREA: 4.10 acres

PROPERTY OWNER: OP II ATX 844 0 BURNET ROAD LTD.
(Jamil Alam, Executive Vice President)

AGENT: Armbrust & Brown PLLC (Walter W. Cardwell IV)

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

STAFF RECOMMEDATION:

Staff recommends MF-6-CO, Multifamily Residence Highest Density-Conditional Overlay Combining District, zoning. The conditional overlay with limit the height on the property to a maximum of 60 feet.

PLANNING COMMISSION ACTION / RECOMMENDATION:

December 14, 2021: Approved the staff's recommendation of MF-6-CO zoning by consent.

CITY COUNCIL ACTION:

January 27, 2022

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is currently developed with a commercial, retail, restaurant and personal improvement services (Spectrum Retail Center). Surrounding uses include a vacant automotive repair business and commercial uses to the north. To the south there are apartments, a service station and food sales use (Shell). The lot to the west is developed with a multifamily use (Woodchase Apartments). To the east, across Burnet Road, there is a mix of retail and commercial uses. The applicant is requesting MF-6 zoning at this location because they would like to redevelop the site with approximately 399 multifamily residential units (*Please see Applicant's Request Letter - Exhibit C*).

The staff recommends MF-6-CO district zoning at this location because the property meets the intent of the Multi-family Residence-Highest Density district as this tract of land fronts onto Burnet Road, an arterial roadway and a designated Core Transit Corridor. The staff is proposing a conditional overlay to limit the height on the property to 60 feet as this height limit is consistent with the surrounding uses and permitted height in this area. The proposed zoning is compatible with the adjacent uses and zoning patterns as there is multifamily zoning (MF-6-CO) to the north, apartments to the south and multifamily uses and zoning (MF-4) to the west. The property is surrounded commercial zoning to the south, east and west. This applicant's request is a down zoning of the property to a less intensive zoning district. The proposed MF-6-CO zoning will permit the applicant to redevelop this site with a multifamily uses that will provide for a mixture of housing opportunities in this area of the city along the Burnet Road Activity Corridor, as designated in the Imagine Austin Comprehensive Plan. The proposed zoning is consistent with the North Shoal Creek Neighborhood Planning Area Character District Map as this area of the plan is classified as a 'Mixed Use Activity Hub/Corridor', which permits MF-6 zoning.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

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

Multifamily residence highest density (MF-6) district is the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired.

2. The proposed zoning should promote consistency and orderly planning.

The proposed zoning is consistent with adjacent uses as there are multifamily residential developments to the north and south. The proposed zoning is compatible with surrounding zoning patterns as there is MF-6-CO and MF-4 zoning to the north and existing apartments to the north and south. The property is also surrounded commercial zoning to the south, east and west. In addition, this property is located within 200 feet of

a CapMetro transit stop is located and there is Capital Metro Rail is located approximately three blocks directly to the east of this property.

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

MF-6-CO zoning will permit the applicant to redevelop this site with a multi-family uses that will provide for a mixture of housing opportunities in this area of the city. The proposed zoning is consistent with the goals of the Imagine Austin Comprehensive Plan as it is located on Burnet Road, a designated Activity Corridor, and is within a Mixed Use Activity Hub/Corridor as classified in this area of the North Shoal Creek Neighborhood Planning Area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS, CS-1, CS1-CO	Commercial (Spectrum Retail Center: Salon Sauve, Red Wing, Shoes, Slick Willy’s Family Pool Hall, Princess Salon and Spa Services, Common Interest Karaoke Bar and Grill), Alamo Music, Baldwin Beauty Schools, One Main Financial, Austin Bead Gallery, Nosh & Bevy English Kitchen + Bar)
<i>North</i>	MF-6-CO, CS	Vacant Automotive Repair (Gordon Automotive)
<i>South</i>	CS	Multifamily, Service Station and Food Sales (Shell, Twice the Ice)
<i>East</i>	CS-NP	Automotive Repair (Aamco Total Car Care), The Corner Shoppe Taxidermy), Automotive Sales (Best Motors), Retail Center (Bobalu Cigar Co., Crown Salon, Ace Cash Express), Speedy Lube N Tune)
<i>West</i>	MF-4	Multifamily (Woodchase Apartments)

NEIGHBORHOOD PLANNING AREA: Burnet Road, Anderson Lane and the North Shoal Creek Neighborhood Planning Area

TIA: Not Required

WATERSHED: Shoal Creek

NEIGHBORHOOD ORGANIZATIONS:

- Austin Heritage Tree Foundation
- Austin Independent School District
- Austin Neighborhoods Council
- Bike Austin
- Friends of the Emma Barrientos MACC
- Friends of North Shoal Creek
- Homeless Neighborhood Association
- North Austin Neighborhood Alliance
- North Shoal Creek Neighborhood Association

SELTEXAS

Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appealers Organization
 Sustainable Neighborhoods
 The Real Estate Council of Austin, Inc.
 Wooten Neighborhood Association
 Wooten Neighborhood Plan Contact Team

SCHOOLS: Austin Independent School District

Pillow Elementary School
 Burnet Middle School
 Anderson High School

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0157 (8528-8600 Burnet Road/8647 Rockwood Lane)	CS to MF-6-CO* *On October 29, 2014, the applicants amended the rezoning application to add the following conditions to their request: 1) To limit the height on the property to 60 feet, 2) to state that 15% of the multi-family dwelling units shall be reserved for SMART and 3) to limit the number of units to 300 residential units on the site. **On January 14, 2015, the applicants submitted a new/revised	01/13/15: Approved staff’s rec. of MF-6-CO zoning. The conditional overlay will limit the height on the property to 60 feet, limit the number of units to 300 residential units and limit the development intensity for the entire site to less than 2,000 vehicle trips per day. The PC added the following conditions: 1)state that 15% of the dwelling units shall be reserved for SMART Housing for a minimum of 10 years and 2) limit the FAR on the site 250,000 sq. ft. (6-2, J. Nortey and D. Chimenti-No, S. Oliver-absent); A. Hernandez-1 st , B. Roark-2 nd .	2/12/15: Approve MF-6-CO zoning on 1 st reading only, with the following conditions: Limit the height on the property to 60 feet, 2) limit the number of units to 300 residential units, 3) limit the development intensity for the entire site to less than 2,000 vehicle trips per day and 4) limit the Floor to Area Ratio (FAR) to 2:1 on the property. (Vote: 7-4, Mayor Pro Tem Tovo and Council Members Houston, Kitchen and Pool voted nay); P. Renteria-1 st , D. Zimmerman-2 nd . 4/16/15: Approve MF-6-CO zoning 2nd reading only (Vote: 7-4, Mayor Tem Tovo and Council Members Houston, Kitchen and Pool voted nay). 4/23/15: Approve MF-6-CO zoning on 3 rd reading, with conditions for a limit of 300 units, 2.7 floor to area ratio, 60 feet in height and a maximum of 2,000 vehicle trips per day (7-4, K. Tovo, O. Houston, A. Kitchen and L. Pool-No).

	amendment request letter for the rezoning application to add the following items as conditions for the case: to state that 15% of the dwelling units shall be reserved for SMART Housing for a minimum of 10 years and to limit the FAR on the site to a maximum of 250,000 sq. ft. The applicant is in agreement with the Planning Commission's recommendation		
C14-2011-0167 (8100 Burnet)	CS to MF-6	3/06/12: Approved the staff's recommendation for MF-6-CO zoning, with CO to limit the height on the property to 60 feet and restrict the site to a maximum of 300 residential units, (5-1, J. Meeker-No, B. Baker-absent); G. Bourgeois-1 st , C. Banks-2 nd .	4/05/12 : Approved MF-6-CO on first reading (7-0); B. Spelman-1 st , M. Martinez-2 nd . 4/01/13: Case expired per LDC Sec. 25-2-246.
C14-2008-0032 (North Shoal Creek Planning Area Vertical Mixed Use)	Add V (Vertical Mixed Use Building Combining District) to Certain Tracts	5/13/08: Approved neighborhood's rec. to implement V regulations on selected tracts (9-0)	7/10/08: Approved V (7-0); 1 st reading 8/28/08: Approved V by Ordinance No. 20080828-104 (7-0); 2 nd / 3 rd readings
C14-05-0068 (The Common Interest: 8440 Burnet Road, Suite 142)	CS to CS-1	6/07/05: Approved staff rec. for CS-1 (8-0-1, M. Whaley-abstain)	7/28/05: Approved CS-1 on consent on all 3 readings (7-0)
C14-02-0086 (Tara's Beauty Salon: 2204 W. Anderson Lane)	SF-3 to GR-MU	7/23/02: Approved staff rec. of GR-MU by consent (7-0)	8/08/02: Approved GR-MU (6-0); 1 st reading 8/22/02: Approved GR-MU (7-0); 2 nd /3 rd readings

RELATED CASES:

C8S-82-135 - Subdivision Case
 C14R-87-090, C14P-86-003 – Previous Zoning Cases
 SPC-93-0060A; SPC-05-0017A, SPC-05-0035A SP-92-0385D – Site Plan Cases

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
BURNET RD	140'	56'	Level 3	Yes	Yes	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

This zoning case is located on the west side of Burnet Road, on a 4.10 acre site that has a shopping center with multiple commercial bays on it. The subject property is located within the boundaries of the **North Shoal Creek Neighborhood Planning Area**, and along the **Burnet Road Activity Corridor**. Surrounding uses include retail and commercial uses to the north; to the south are apartments and commercial uses; to the west are apartments; and to the east is a mix of retail and commercial uses. The proposed use is a 399 unit multifamily apartment building.

Connectivity

Public sidewalks and unprotected bike lanes are located on both sides of this section of Burnet Road. A CapMetro transit stop is located within 200 feet and a Capital Metro Rail is located approximately three blocks directly to the east of this property. Two public schools and a park are located within a quarter mile. Mobility and connectivity options in the area are good.

North Shoal Creek Neighborhood Plan (NSCNP)

This property is located within the North Shoal Creek Neighborhood Planning Area. **The NSCNP Character District Map classifies this area of the plan as ‘Mixed Use Activity Hub/Corridor’ and Zone MF-6 is allowed in this character district.**

Mixed-Use Activity Hubs/Corridors - This character district is applied along major commercial roadways well- served by transit, designated as Activity Corridors on Imagine Austin’s “Growth Concept Map” and other roads identified through the planning process. Access to frequent transit makes these corridors good locations for a mix of housing and commercial uses. This district offers residents along the corridor and in nearby neighborhoods convenient access to work, entertainment, shopping, and services. Although

they provide access to local residents, these corridors can be destinations for people across Austin and the region. Buildings along these corridors will be taller near major roadways. If adjacent to single-family areas design considerations such as lower heights, architectural designs, and landscaping should be used to ensure compatibility with residential lots. (pg. 44-45)

Intent: Mostly mixed-use or commercial, some residential parcels.

Primary Uses: Mixed-use, commercial, retail, restaurants, transit-oriented development.

Secondary Uses: Multi-family, office, civic and institutional, community buildings.

Examples: Burnet Road, Anderson Lane

The following NSCNP goals, policies and text are relevant to this case:

VISION: As one of Austin’s “Main Streets,” Burnet Road provides people from nearby residential areas, and those living in the Austin region, an assortment of services, retail, and entertainment opportunities in a variety of building sizes. As change occurs along Burnet Road, the character of the roadway will evolve from one favoring people driving their cars to one where pedestrians and bicyclists can shop, dine, and enjoy their time. As the corridor becomes more welcoming to people walking and biking, improved transit service will link the area to Central Austin and destinations to the north. (pg. 20)

Land Use Policies for Burnet Road (pg. 22)

BR P1 Foster people-friendly areas along Burnet Road while attracting a wide range of goods and services.

BR P2 If redevelopment occurs, encourage a mix of uses, including multi-family components.

BR P3 Encourage preservation of multi-bedroom apartment units and inclusion in new developments.

BR P4 Encourage sustainable, unique and accessible retail development.

BR P5 Development immediately adjacent to the Residential Core will be compatible, with enhanced landscape screening and building height step backs.

BR P6 Look for opportunities to increase tree canopy while enhancing sidewalk and green space along Burnet Road.

BR P7 Leverage opportunities to harmonize land uses near high-capacity transit.

Current Conditions (Zoning) Along most of the major roadways served by the MetroRapid lines, the majority of current zoning allows for the possibility of transit-oriented development. For the segment of Burnet Road located along the eastern boundary of the planning area, this is not the case. Although the majority of the current zoning (CS - Commercial Services, 2017) provides generous development standards; it does not allow for a meaningful amount of residential uses and many of the allowed uses are unsupportive to more robust transit service. (pg. 63)

Transit Oriented Development and Household Affordability (pg. 67) - Steps should be taken to preserve existing apartments and other denser housing within a ¼ and ½ mile from

high-capacity transit stations. Although new housing in TODs tends to be more expensive, regulations and incentives can provide housing opportunities for lower income households.

While Imagine Austin and the City's *Strategic Housing Blueprint* provide housing policy guidance for the City as a whole, the North Shoal Creek Plan reflects the existing conditions and preferred outcomes on the neighborhood and corridor levels. Throughout the planning process stakeholders credited the existing aspects of the neighborhood that contribute toward a complete community, including the varied mix of housing types for both renters and owners. Stakeholders also acknowledged the changing conditions in Austin's real estate market and expressed a desire to protect vulnerable residents from being displaced. Becoming a more complete community would provide more opportunities to meet daily needs near where one lives. To become more complete, a community must provide a range of housing opportunities for all residents. Though a neighborhood plan cannot solve the broader issues related the gentrification and displacement, it can guide the application of tools the City is using to overcome those challenges. (pg. 84)

Housing Goal: Maintain a balance of housing types for a variety household sizes and incomes. (pg. 92)

Housing Opportunity Policies:

H P1 Meet the housing needs of people of all races/ethnicities, ages, abilities, and other protected classes with a variety of housing options within North Shoal Creek.

H P2 Encourage and support a range of affordable housing in appropriate locations.

H P3 Encourage location of residential units near transit to improve overall housing and transportation affordability.

H P4 Create opportunities for more families to live in North Shoal Creek through preservation of existing multiple bedroom apartments and condos, and promotion of two and three bedroom units in new construction.

H P5 Support implementation of Austin's Strategic Housing Blueprint and the City affirmative furthering fair housing policies which are consistent with Community Character goals and policies.

The NSCNP policies, text appear and character district map appear to support the expansion of housing choice and multifamily housing along Burnet Road.

Imagine Austin

The Imagine Austin Growth Concept Map identifies this property as being located along an **Activity Corridor**, which are characterized by a variety of activities and types of buildings intended for shopping, restaurants and cafés, parks, schools, single-family houses, **apartments**, public buildings, houses of worship, mixed-use buildings, and offices.

The following Imagine Austin policies are applicable to this case:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

- **HN P10.** Create **complete neighborhoods** across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property: (1) being situated along an **Activity Corridor**, which supports multifamily uses; (2) other residential uses, including multifamily, being located within a quarter mile radius of this site; (3) policies and text in the NSCNP that support mixed use and multifamily along Burnet Road; and (4) the existing connectivity and mobility strengths (including light rail) available in the area, this project appears to support the policies of the Imagine Austin Comprehensive Plan.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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 for the new residential units proposed by this development, multifamily with MF-6 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).

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.

FYI: Additional design regulations will be enforced at the time a site plan is submitted.

COMPATIBILITY STANDARDS

The site is subject to compatibility standards due to [proximity of SF-3 to the west approximately 460 feet, and SF-3-NP to the east about 266 feet. The following standards apply:

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

DEMOLITION AND HISTORIC RESOURCES

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Transportation

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113. ATD 14. Austin Strategic Mobility Plan

(ASMP) calls 120 feet of right-of-way (ROW) along BURNET RD, existing ROW meets this requirement.

Water Utility

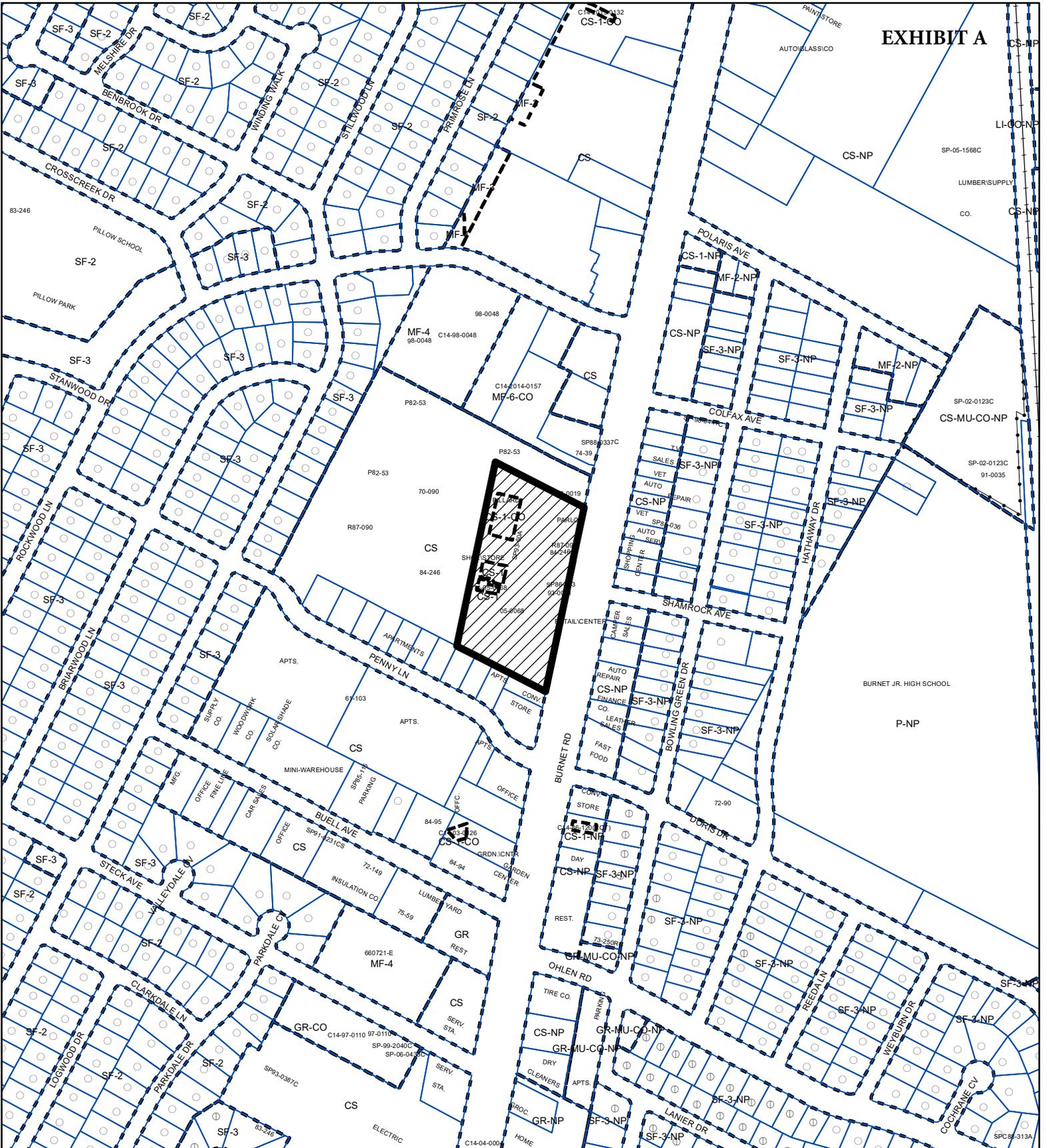
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land. The water 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 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.

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 TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Comments Received



ZONING

ZONING CASE#: C14-2021-0160



 SUBJECT TRACT

 PENDING CASE

 ZONING BOUNDARY

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 Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



1" = 400'

Created: 9/30/2021

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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WALTER W. CARDWELL IV
512-435-2353
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September 29, 2021

Rosie Truelove
Director, Housing & Planning Department
City of Austin
1100 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Zoning Application for property located at 8440 Burnet Road, Austin, Texas 78757 (the "Application") covering ± 4.1010 acres of land legally described as Lot 1, Block A, WOODCHASE SECTION ONE, a subdivision of Travis, County, Texas, also known as TCAD Parcel No. 0241061016 (the "Property")

Dear Ms. Truelove:

This firm represents, and this letter is submitted on behalf of the Owner in the above referenced Application. The area subject to this application is comprised of a ± 4.1010 tract of land located along the 8400 block of Burnet Road in Travis County, Texas, more specifically located north and slightly west of the intersection of Burnet Road and Penny Lane and directly facing the three-way intersection of Burnet Road and Shamrock Avenue.

The Property is currently zoned CS, CS-1, and CS-1-CO and is developed with a shopping center. The Property is situated within the North Shoal Creek Neighborhood Planning Area and is designated as Mixed Use Activity Corridor ("MUAC") on the Future Land Use Map ("FLUM").

The purpose of this Application is to rezone the property from CS, CS-1, and CS-1-CO to MF-6 to allow for the development of a 399 unit multi-family project (the "Project"). Per correspondence with Maureen Meredith a neighborhood plan amendment application is not required to allow for a multi-family use on the Property.

The Project is located within 1,000 feet of two Capital Metro Bus Stops and is positioned along the Capital Metro and Metro Rapid Bus Routes that run along Burnet Road. Additionally, the Capital Metro Rail is located approximately three blocks directly to the east of the Project.

Thank you in advance for your time and consideration of this matter. If you have any questions, comments, or require additional information, please feel free to contact me at (512)-435-2353.

ARMBRUST & BROWN, L.L.P.

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Very truly yours,

/s/ Walter W. Cardwell IV

Walter W. Cardwell IV

cc: Sherri Sirwaitis, City of Austin
Amanda Morrow, Armbrust & Brown PLLC
Amanda Surman, Armbrust & Brown PLLC
Richard T. Suttle, Jr., Armbrust & Brown PLLC

Enclosures

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 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 development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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 may be published online.

Case Number: C14-2021-0160

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: December 14, 2021, Planning Commission

Rikki Pfouts

Your Name (please print)

I am in favor
 I object

2602 Penny Lane

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

[Signature]
Signature

12/7/21

Date

Daytime Telephone (Optional): _____

Comments: The area of Penny Lane + Rockwood already has five (5) apt/condo complexes. The addition of 399 to possibly 800+ additional persons to this neighborhood will cause further congestion + use of resources. There are already several new complexes being built w/in the area + the new Q2 stadium. While I understand the importance of adding more multi-family options to Austin, the surrounding area/blocks are already far too congested.

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

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov

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Case Number: C14-2021-0160

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: December 14, 2021, Planning Commission

Wayne M. Trosclair

Your Name (please print)

8524 Burnet Rd. Apt. 913 78757

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

Wayne M. Trosclair

Signature

I am in favor
 I object

12/6/2021

Date

Daytime Telephone (Optional):

Comments: The property is surrounded by apartments with another large complex being built next door. Current usage provides useful businesses and employment to its neighbors. I strongly object to proposed zoning change.

City of Austin

DEC 09 2021

NHCD / AHFC

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

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

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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 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 development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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 may be published online.

Case Number: C14-2021-0160
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: December 14, 2021, Planning Commission

KENNETH GRANT

Your Name (please print)

I am in favor
 I object

2701 PENNY LN #201, AUSTIN TX 78757

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


Signature

12/8/2021
Date

Daytime Telephone (Optional):

Comments:

City of Austin

DEC 10 2021

NHCD / AHFC

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

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov

From: Sharon Justice
To: [Sirwaitis, Sherri](#)
Cc: [president](#); [vp](#); [directors](#); [Brinsmade, Louisa](#); [Pool, Leslie](#)
Subject: Zoning Change Request for 8440 Burnet Road (#C14-2021-0160)
Date: Monday, December 13, 2021 11:57:59 AM

*** External Email - Exercise Caution ***

The Board of Directors of the North Shoal Creek Neighborhood Association supports the zoning change request for 8440 Burnet Road. This zoning request would change the zoning of that property from commercial to multi-family high-density and includes a staff recommendation of MF-6-CO. The conditional overlay would limit the height of the property to a maximum of 60 feet.

The Board has held a meeting with representatives from the property owner (Endeavor Real Estate Group) and the owner's attorney (Armbrust & Brown) and has also reviewed the information packet included as back-up for the Planning Commission's December 14 meeting. The Board endorses staff recommendation of a conditional overlay limiting the property to a 60' maximum height. The Board believes the zoning change with conditional overlay is in accordance with our North Shoal Creek Neighborhood Plan and FLUM and therefore should be approved.

Sharon Justice, Member, North Shoal Creek
Neighborhood Association Board of Directors

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From: Kenneth Webb
To: [Sirwaitis, Sherri](#); [Greathouse, Stevie](#); [Meredith, Maureen](#)
Subject: Case C14-2021-0160 8440 Burnet Road
Date: Monday, December 13, 2021 5:27:54 PM

*** External Email - Exercise Caution ***

The North Shoal Creek Neighborhood Plan Contact Team recommends approval of the zoning change for 8440 Burnet Road, Case Number C14-2021-0160, from commercial to multi-family high-density, MF-6-CO, limiting the height to 60 feet. It is understood that the applicant is in agreement with the height limitation.

The Contact Team has participated in a meeting with representatives from the property owner (Endeavor Real Estate Group) and the owner's attorney (Armbrust & Brown) that was held by the NSCNA and has also reviewed the information packet included as back-up for the Planning Commission's December 14 meeting. The Contact Team agrees with the staff recommendations in that document. The Contact Team's conclusion is that the zoning change is in accordance with our North Shoal Creek Neighborhood Plan and FLUM and therefore recommends it be approved.

Kenneth Webb,
Member, NSC NPCT

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From: James Ascher
To: [Sirwaitis, Sherri](#)
Subject: Case C14-2021-0160
Date: Thursday, December 16, 2021 8:06:01 AM

*** External Email - Exercise Caution ***

Good morning, Sherri,

I was at the public hearing on Dec. 14, but the meeting ran long and I wasn't able to voice my opposition to this zoning change.

As a result, I'm submitting my comments here.

This request must not be approved because of negative impacts on Burnet Road and to the neighborhood.

Burnet Road doesn't need the additional traffic the project would cause. Burnet Road is a commercial district and is incompatible with multi-family development like the proposed change wants to bring.

The neighborhood would lose out with the loss of businesses currently at 8440 Burnet. The current commercial use of the property is an economic plus for the city. A residential development here would be a net negative for the city with increased demand on infrastructure and city services.

The planning commission must amend it's referral to City council stating that the zoning change not be granted.

Thanks,

James Ascher

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