

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHORHOOD PLAN:** Southeast Combined Neighborhood Plan (Southeast)

**CASE#:** NPA-2020-0014.02      **DATE FILED:** July 31, 2020 (In-cycle)

**PROJECT NAME:** 7800 Burleson

**PC DATE:** December 8, 2020

**ADDRESS:** 7800 Burleson Road

**DISTRICT AREA:** 2

**SITE AREA:** 15.152 acres

**OWNER/APPLICANT:** 7800 Burleson QOZB, LLC

**AGENT:** Armbrust and Brown, PLLC (Michael Whellan)

**CASE MANAGER:** Maureen Meredith, Housing & Planning Dept.

**PHONE:** (512) 974-2695

**STAFF EMAIL:** Maureen.meredith@austintexas.gov

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Industry

**To:** Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** C14-2020-0101

**From:** LI-CO-NP & GR-MU-NP

**To:** GR-MU-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** November 6, 2014

**PLANNING COMMISSION RECOMMENDATION:**

*December 8, 2020* – After discussion, approved for applicant’s request for Mixed Use land use. [C. Llano-Pulido – 1<sup>st</sup>; A. Azhar – 2<sup>nd</sup>] Vote: 10-0 [Y. Flores and P. Seeger absent. One vacancy].

**STAFF RECOMMENDATION:** Staff recommendation is to not grant the applicant's request for Mixed Use land use.

**BASIS FOR STAFF'S RECOMMENDATION:** The applicant is proposing a mixed use project with 258 residential units above ground-floor retail. The property is located in an area with industrial zoning and is located near the Airport Overlay Zone. Staff does not support placing residential uses in this area. See the associated zoning case report, C14-2020-0101, for more information the property in relation to the Airport Overlay Zone.

Below are sections of the Southeast Combined Neighborhood Plan document that addresses industrial areas within the planning area.

### **Industrial Zones**

A distinctive element of the existing land use landscape within the Planning Areas is that there are defined districts with large amounts of existing industrial development, and numerous undeveloped properties with industrial zoning. The fact that this part of southeast Austin is surrounded by major transportation corridors, has a large amount of undeveloped land, and is in close proximity to the airport makes it a very attractive location for industrial development. The McKinney and Southeast NPAs host the majority of this type of construction, much of this in the form of large industrial office parks. Instead of rejecting industrial-type development around their homes, residents in the Franklin Park and McKinney NPAs have been successful at communicating and cooperating with nearby industrial property owners. Area residents have traditionally been amenable to those types of industrial uses that don't interfere with neighborhood activities or infringe upon their quality of life.

### **Goal 4 Ensure that existing residential and industrial zoned properties co-exist in a compatible manner.**

*Objective 4.1 Provide appropriate buffer zones between residential and industrial zoned properties.*

Action Item 9 Where needed, create a conditional overlay for industrial property that abuts residentially-used land. (Implementer: NPZD)

### **Goal 5 Create land use and zoning recommendations that reflect the existing industrial nature of parts of the planning area.**

*Objective 5.1 Make non-industrial properties in areas with a dominant industrial character compatible with the prevailing land use scheme.*

Action Item 10 Upzone DR & SF- zoned property in highly industrial areas to allow for industrial or commercial development. (Implementer: NPZD)

## **LAND USE DESCRIPTIONS**

### ***EXISTING LAND USE ON THE PROPERTY***

**Industry** - Areas reserved for manufacturing and related uses that provide employment but are generally not compatible with other areas with lower intensity use. Industry includes general warehousing, manufacturing, research and development, and storage of hazardous materials.

#### **Purpose**

1. To confine potentially hazardous or nuisance-creating activities to defined districts;
2. To preserve areas within the city to increase employment opportunities and increased tax base;
3. To protect the City's strategic advantage as a high tech job center; and
4. To promote manufacturing and distribution activities in areas with access to major transportation systems.

#### **Application**

1. Make non-industrial properties in areas with a dominant industrial character compatible with the prevailing land use scheme;
2. Where needed, require a buffer area for industrial property that abuts residentially used land;
3. Industry should be applied to areas that are not appropriate for residential or mixed use development, such as land within the Airport Overlay;
4. In general, mixed use and permanent residential activities are not appropriate in industrial areas. An exception may be the edge of an industrial area along the interface with an area in which residential activities are appropriate. Such exceptions should be considered case by case, with careful attention to both land use compatibility and design;
5. Industry should not be either adjacent to or across the road from single family residential or schools;
6. Use roadways and/or commercial or office uses as a buffer between residential and industry; and

7. Smaller scale “local manufacturing” districts may be appropriate in some locations to preserve employment opportunities and cottage industries of local artisans. In these areas, hazardous industrial uses (i.e. basic industry, recycling centers, and scrap yards) should be prohibited.

***PROPOSED LAND USE ON THE PROPERTY***

**Mixed Use** - An area that is appropriate for a mix of residential and non-residential uses.

**Purpose**

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

**Application**

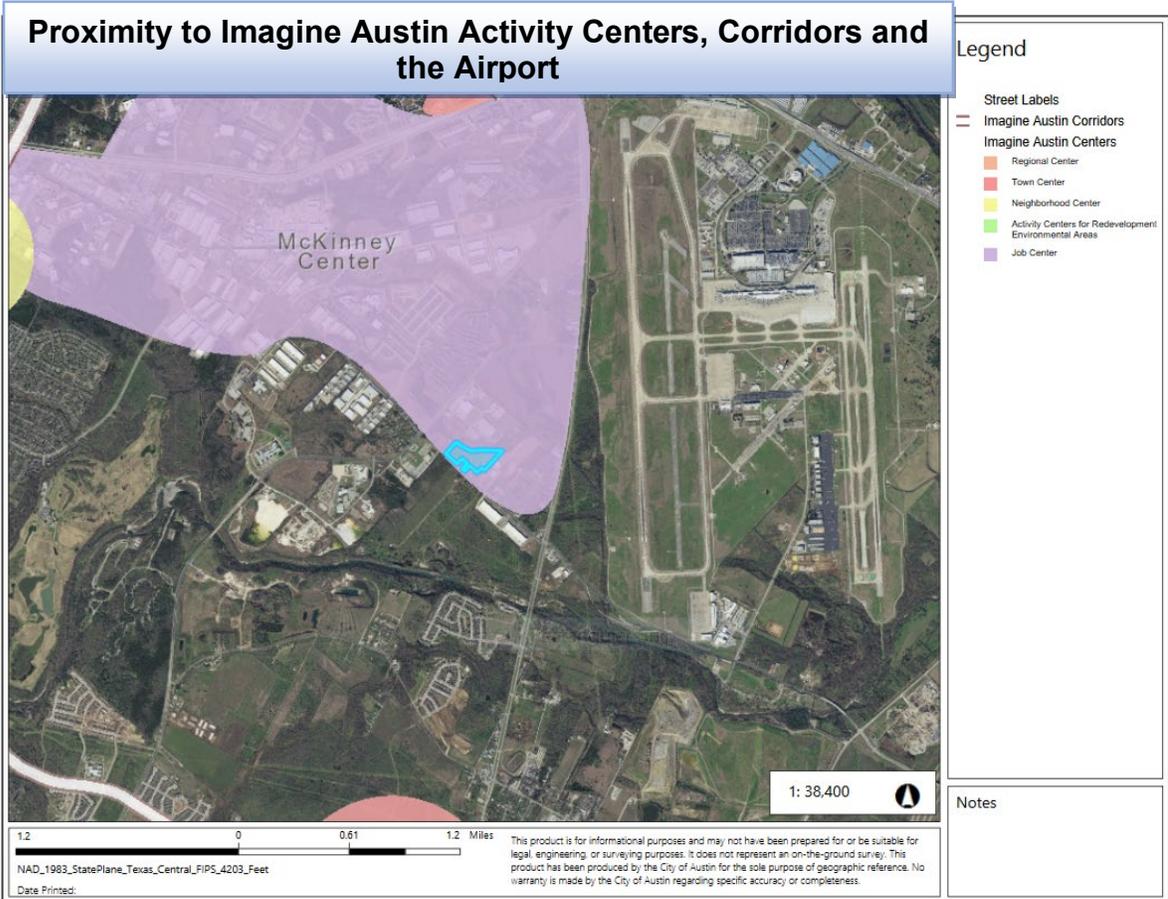
1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood’s edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;

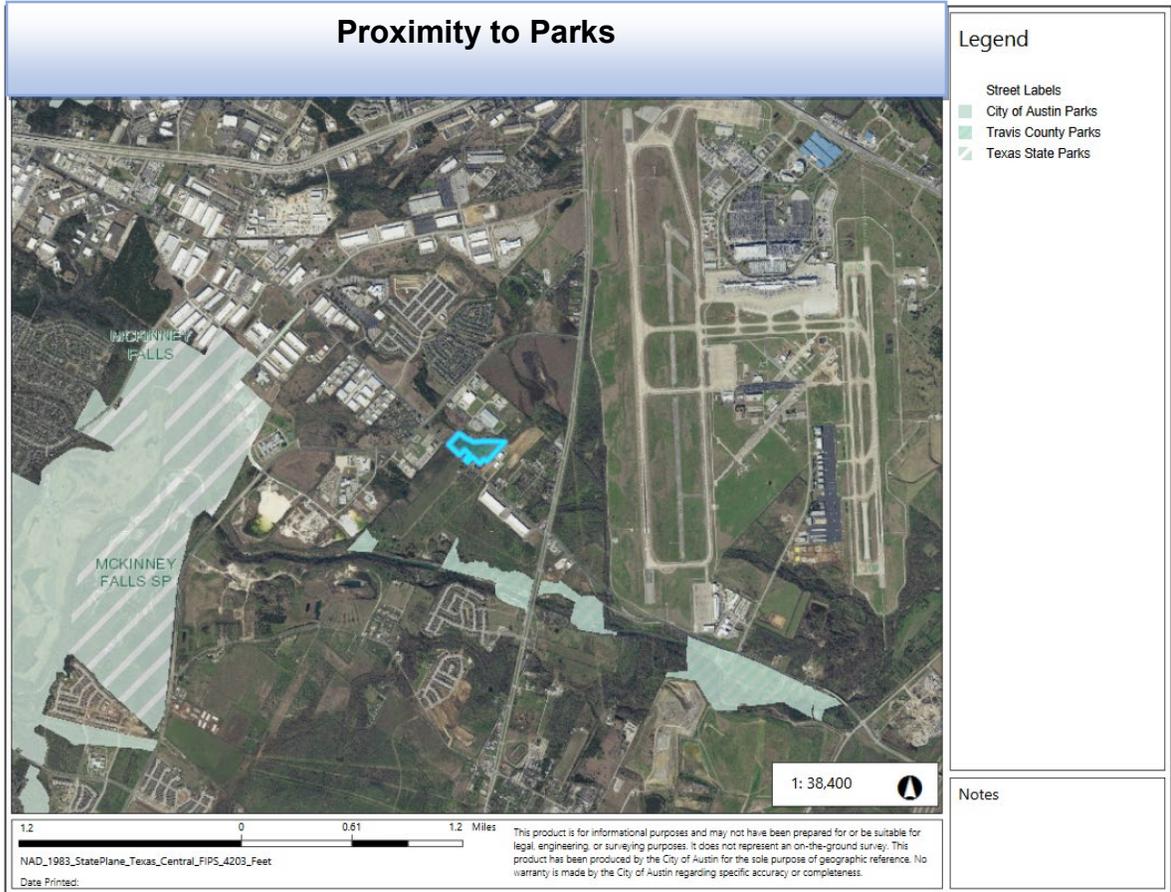
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

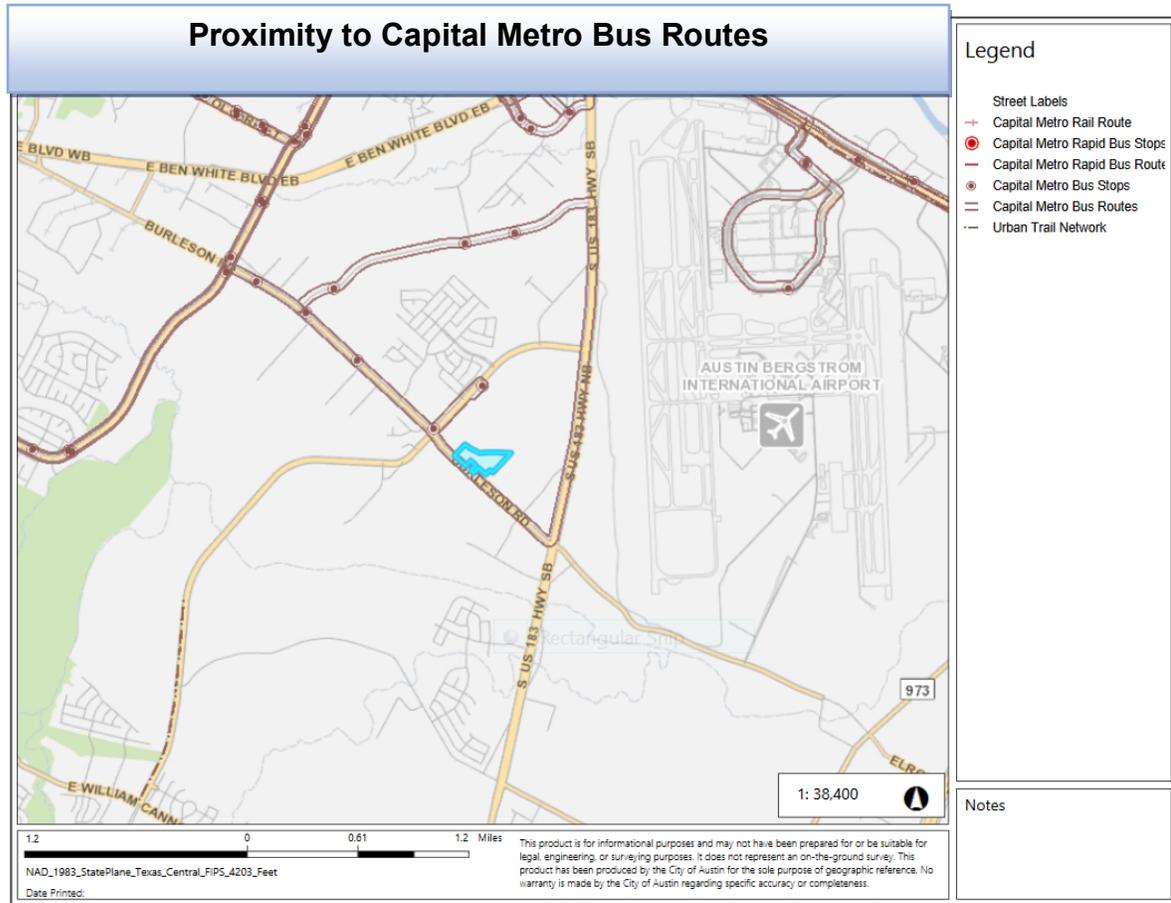
### ***IMAGINE AUSTIN PLANNING PRINCIPLES***

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
  - ***The proposed mixed use development that includes 258 residential units would provide additional housing for the area and the City, but placing these residential uses in an industrial area is not supported by staff.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
  - ***The property is located in the McKinney Jobs Center where adding residential uses is not supported by staff.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
  - ***The property is not located on an activity corridor, but is located in the McKinney Job Center where industrial uses are encouraged. Residential uses are not supported in this area.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
  - ***The proposed project to build 258 residential units would expand the number of housing choices, however, placing them in an industrial area is not supported by staff.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.
  - ***The applicant's request to change the land use from Industry to Mixed Use to allow 258 residential uses is not supported in this area where the predominant land use and zoning is industrial.***
6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.

- ***The property is not located in an environmentally sensitive area such as the Drinking Water Protection Zone but parts of the property are in the flood plain and critical water quality zones.***
7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
    - ***Not applicable.***
  8. Protect, preserve and promote historically and culturally significant areas.
    - ***To the best of staff's knowledge, there is no cultural or historic significance to the property.***
  9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
    - ***Not directly applicable..***
  10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
    - ***Not directly applicable.***
  11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
    - ***Not applicable.***
  12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
    - ***Not applicable.***







## IMAGINE AUSTIN GROWTH CONCEPT MAP

### Definitions

**Neighborhood Centers** - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

**Town Centers** - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

**Job Centers** - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

**Corridors** - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

**BACKGROUND:** The application was filed on July 31, 2020 which is in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The applicant proposes to change the future land use map from Industry to Mixed Use.

The applicant proposes to change the zoning on the property from LI-CO-NP to GR-MU-NP to build a mixed use project that will include 258 residential units. For more information on the proposed zoning change request, please see the case report for C14-2020-0101.

**PUBLIC MEETINGS:** The ordinance-required community meeting was held virtually on October 19, 2020. Approximately 51 community meeting notices were mailed to people who own property or have a utility account within 500 feet of the property, in addition to neighborhood organizations and environmental groups that requested notification for the area through the Community Registry. Three city staff members attended the meeting, in addition to Michael Whellan and Michael Gaudini from Armbrust and Brown, agents representing the property owner. Other attendees were Bethany Fadel representing the property owner and six people from the neighborhood and/or neighborhood plan contact team.

The video recording of the community meeting can be found here:  
<https://www.speakupaustin.org/npa>.

Michael Whellan, the applicant's agent, said the property mainly allows industrial uses, but they would like to instead have a mixed use project with ground-floor retail and 258 residential units. They feel this would be a more community-friendly project than an industrial site. The project would not increase the allowable height or the building envelope, the main request would prohibit industrial uses but allow residential and commercial uses.

The current zoning is LI-CO-NP which covers most of the site. There is a smaller portion that is already zoned GR-MU-NP that allows residential and commercial uses. They want the entire site to be zoned GR-MU-NP.

Mr. Whellan stated there are site constraints on the property. Part of the property is within the Airport Overlay Zone and part is within the flood plain, which takes up a large portion of the property. In addition, there is the critical water quality zone that is beyond the flood plain area. The developer would have to avoid building in these areas and can only build on the remaining part of the property that is near Burleson Road. He said because of the water quality constraints, the property is not conducive to industrial development.

Mr. Whellan then presented the site development chart that is provided in his presentation at the back of this report.

There were no questions from the attendees.

**CITY COUNCIL DATE:**

**January 27, 2021**

**ACTION:**

Pending

**ARMBRUST & BROWN, PLLC**

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

July 20, 2020

Jerry Rusthoven, Acting Lead  
City of Austin  
Planning and Zoning Department  
505 Barton Springs Rd., 5th Floor  
Austin, Texas 78704

Re: Neighborhood Plan Amendment for 7800 Burlleson Rd., Austin, TX 78702

Dear Mr. Rusthoven:

I am seeking to submit a Neighborhood Plan Amendment for 7800 Burlleson Rd. ("Tract 1") in order to develop a mixed-use project featuring multi-family above ground-floor commercial. This application will be followed in August by a requested re-zoning that includes 7800 Burlleson Rd. and 7810 Burlleson Rd. (collectively, the "Property").

Specifically, this application requests amending the Southeast Combined Neighborhood Plan's Future Land Use Map ("FLUM") to reflect Mixed-Use for the entire Property. Currently, the roughly 16-acre Property is designated for a mixture of Mixed-Use and Industry, with much of Tract 1 designated for Industry; this application will request a unified Mixed-Use designation for Tract 1. The tract at 7810 Burlleson Rd. ("Tract 2") is already designated for Mixed-Use and does not require a Neighborhood Plan Amendment. Today, Tract 1 is undeveloped whereas Tract 2 is used for one single-family structure.

This Neighborhood Plan Amendment will be followed in August by a related application to re-zone the Property from LI-CO-NP/GR-MU-NP to CS-MU-NP.

Providing Mixed-Use designation and CS-MU-NP zoning across the site would establish greater consistency, support the City's efforts to meet its housing goals, and allow for a broad range of commercial use options while maintaining the same height allowed under the existing zoning. I appreciate your consideration of these applications and look forward to answering any questions and providing further details.

Respectfully,



Michael J. Whellan

{W0989645.1}

**Letter of Recommendation from the Neighborhood  
Plan Contact Team (NPCT)**

**Southeast Combined Neighborhood Plan Contact Team**  
southeast Combined Neighborhood Plan Contact Team

Ana Aguirre  
Immediate Past Chair  
PO Box 19748  
Austin, TX 78760  
512-708-0647  
a-aguirre@prodigy.net

November 11, 2020

Todd Shaw, Chair  
Yvette Flores, Secretary  
Greg Anderson  
Joao Paulo Connolly  
Carmen Llanes Pulido  
Patricia Seeger  
Don Leighton-Burwell  
Ann Teich

Claire Hempel, Vice-Chair  
James Shieh, Parliamentarian  
Awais Azhar  
Patrick Howard  
Robert Schneider  
Jeffrey Thompson  
Richard Mendoza

RE: Neighborhood Plan Amendment Case Number: NPA-2020-0014.02  
Rezoning Case Number: C14-2020-0101  
Project Location: 7800 Burleson Rd

Dear Honorable Chair Shaw and Commissioners:

The Southeast Combined Neighborhood Plan Contact Team (SCNPCT) has a history of supporting responsible development. Our Future Land Use Map (FLUM) area consists of single-family, multifamily, mixed use, commercial, office, civic, warehouse/limited office, and industry zones. The SCNPCT also serves students that attend the Austin and Del Valle Independent School Districts. With Austin Bergstrom International Airport (ABIA) being so close, we also have to consider the Airport Overlay.

With this in mind, the SCNPCT met on Monday, November 9, 2020, to discuss the presentation and information received during a neighborhood meeting held on October 19, 2020. The applicant and the owner also participated in the November 9, 2020 meeting to answer any additional questions. The SCNPCT considered the two following requests pertaining to the property located at 7800 Burleson Rd.: 1) Neighborhood Plan Amendment to change the land use designation on the FLUM from Industry to Mixed Use; and 2) Rezoning from limited industrial district - neighborhood plan (LI-CO-NP) zoning to community commercial district-mixed use-neighborhood plan (GR-MU-NP) for mixed use (multi-family) and ground floor commercial (part of a larger site). Currently, 7800 Burleson Rd. is zoned partially for LI-CO-NP and partially for GR-MU. The Future Land Use Map (FLUM) designates it partially for Industry and partially for Mixed-Use. The applicant has requested

removing the LI-CO-NP and Industry designations and instead extending GR-MU and Mixed-Use across the entire site.

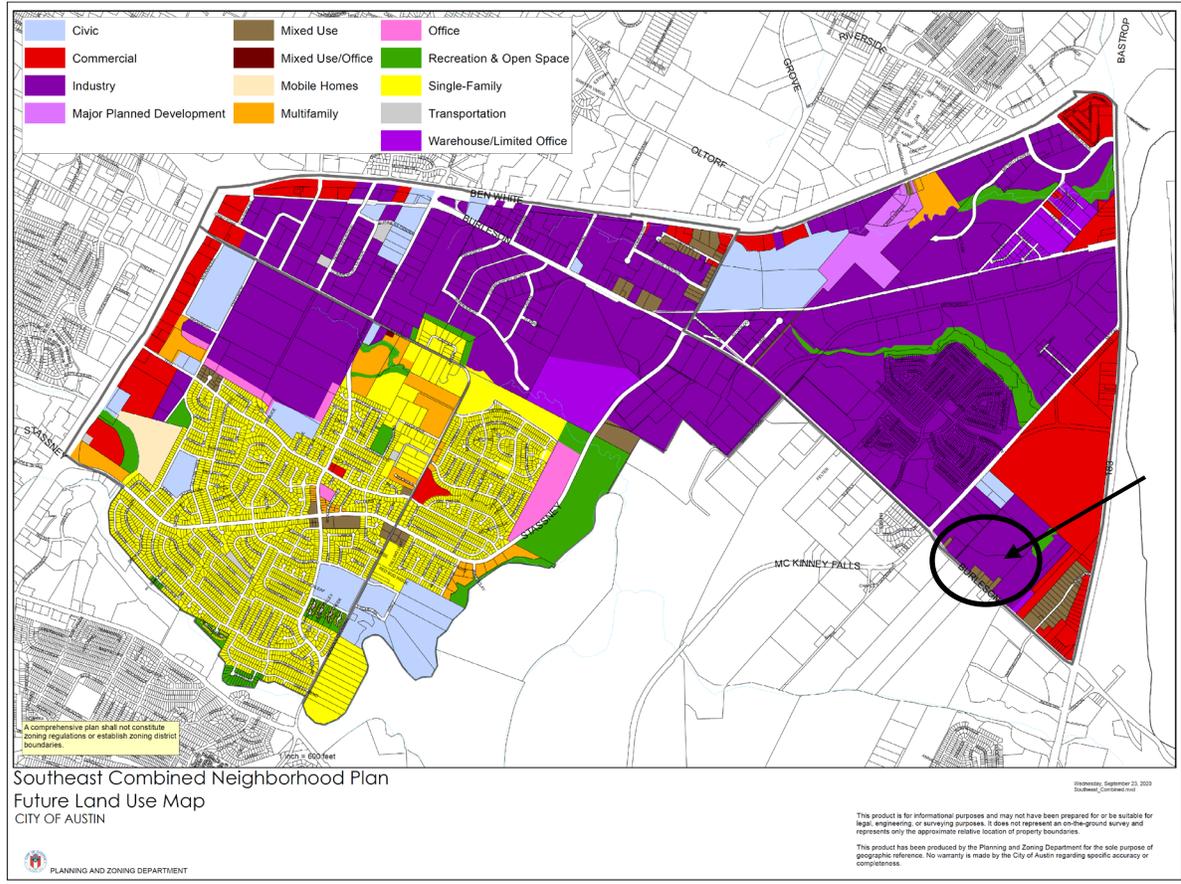
With a quorum present, and based on the information provided, the SCNPCT membership voted with a majority in favor of the FLUM and zoning change requests. The SCNPCT also took into consideration input from neighborhood associations representing residents within the SCNPCT boundary. The SCNPCT sees the value in changing the FLUM and zoning from industrial to multifamily recognizing the need for more housing stock in Austin, particularly in light of the pending completion of the TXDOT headquarters at the Burleson and Stassney intersection, which is located in close proximity to this project. Additionally, the SCNPCT noted the following: (1) Part of the site is already zoned for GR-MU and designated for Mixed-Use, as are other nearby properties. A proposed multi-family development is pending at 7733 Burleson Rd. Approving the requested zoning and FLUM designation would be consistent with the existing zoning on part of the site and other nearby properties; (2) Portions of the site are in the floodplain and the Critical Water Quality Zone. The applicant will be leaving these areas undeveloped, which we support. We also believe that it is more appropriate to provide mixed-use zoning in the vicinity of these environmentally sensitive areas, rather than a higher-impact industrial zoning. The applicant's request is consistent with existing zoning on and near the property and provides a better fit given the site's environmental sensitivity. The SCNPCT supports this. Your consideration supporting this request would be greatly appreciated. Thank you.

Respectfully submitted,



Ana Aguirre, Immediate Past Chair  
Southeast Combined Neighborhood Plan Contact Team (SCNPCT)

CC: Wendy Rhoades, Planning and Zoning Department  
Michael Whellan, Applicant

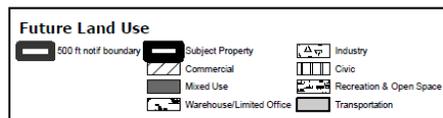




**Southeast Combined (Southeast) Neighborhood Planning Area  
 NPA-2020-0014.02**

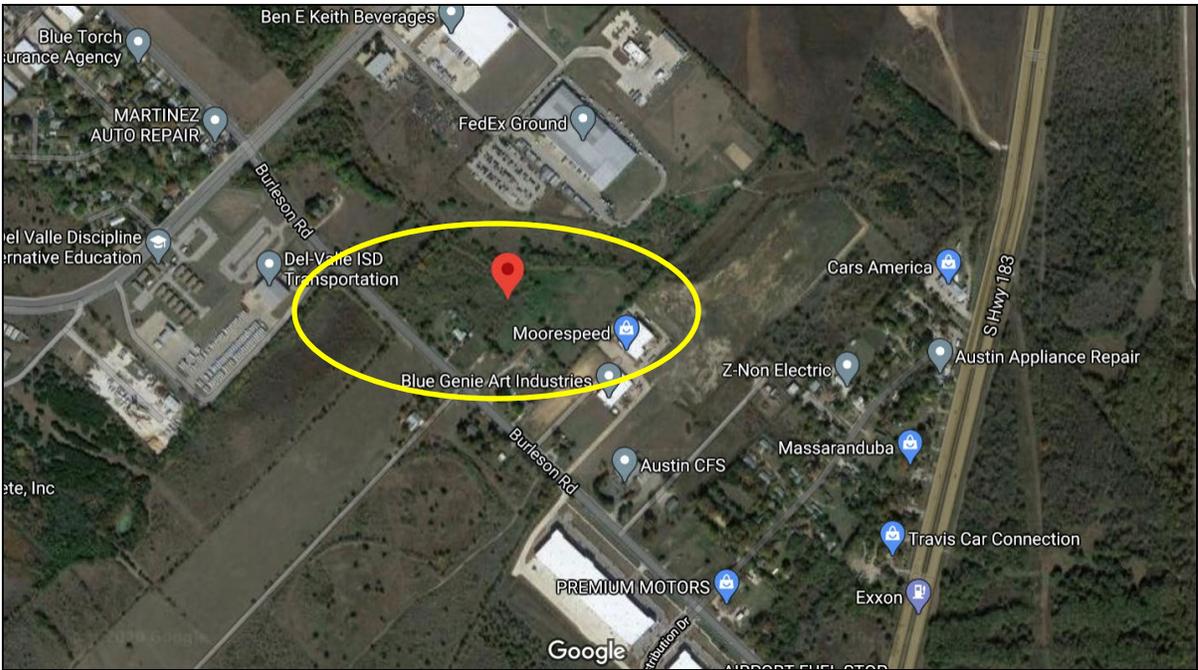
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

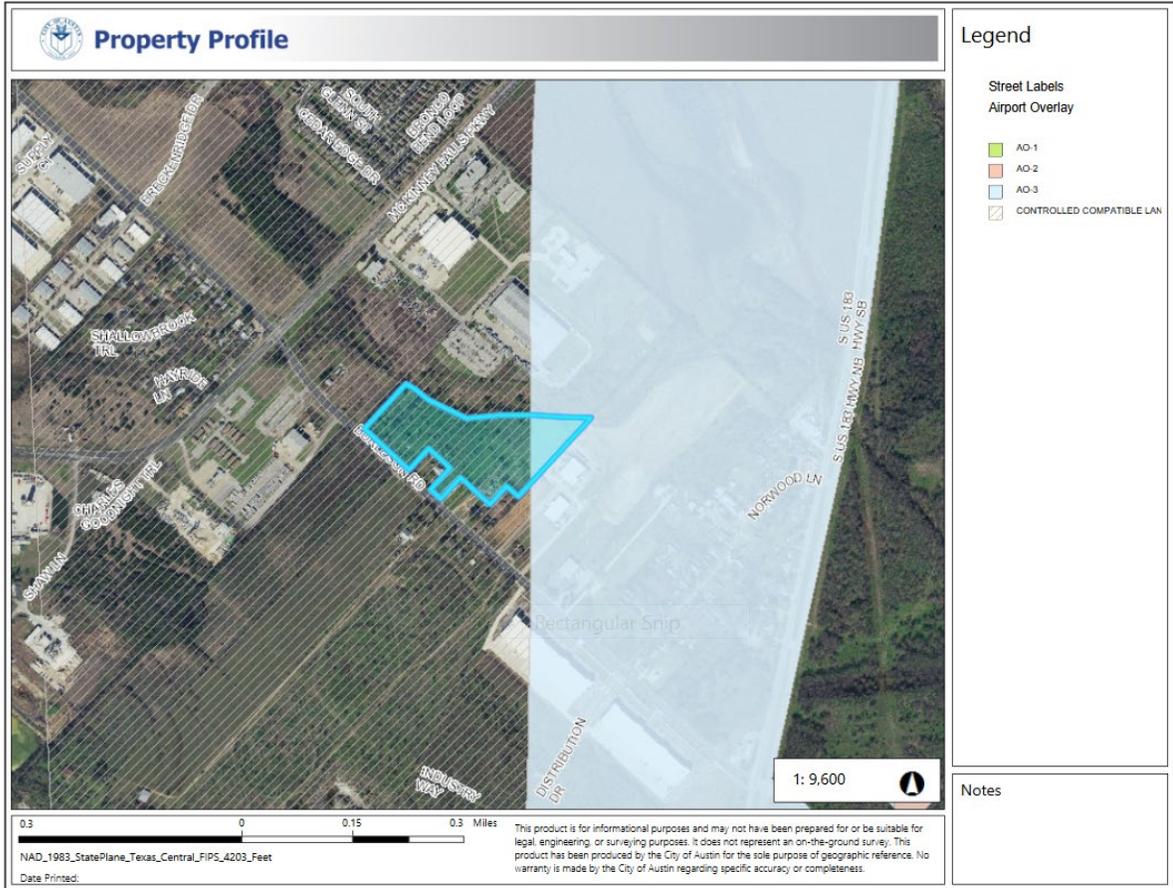
This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

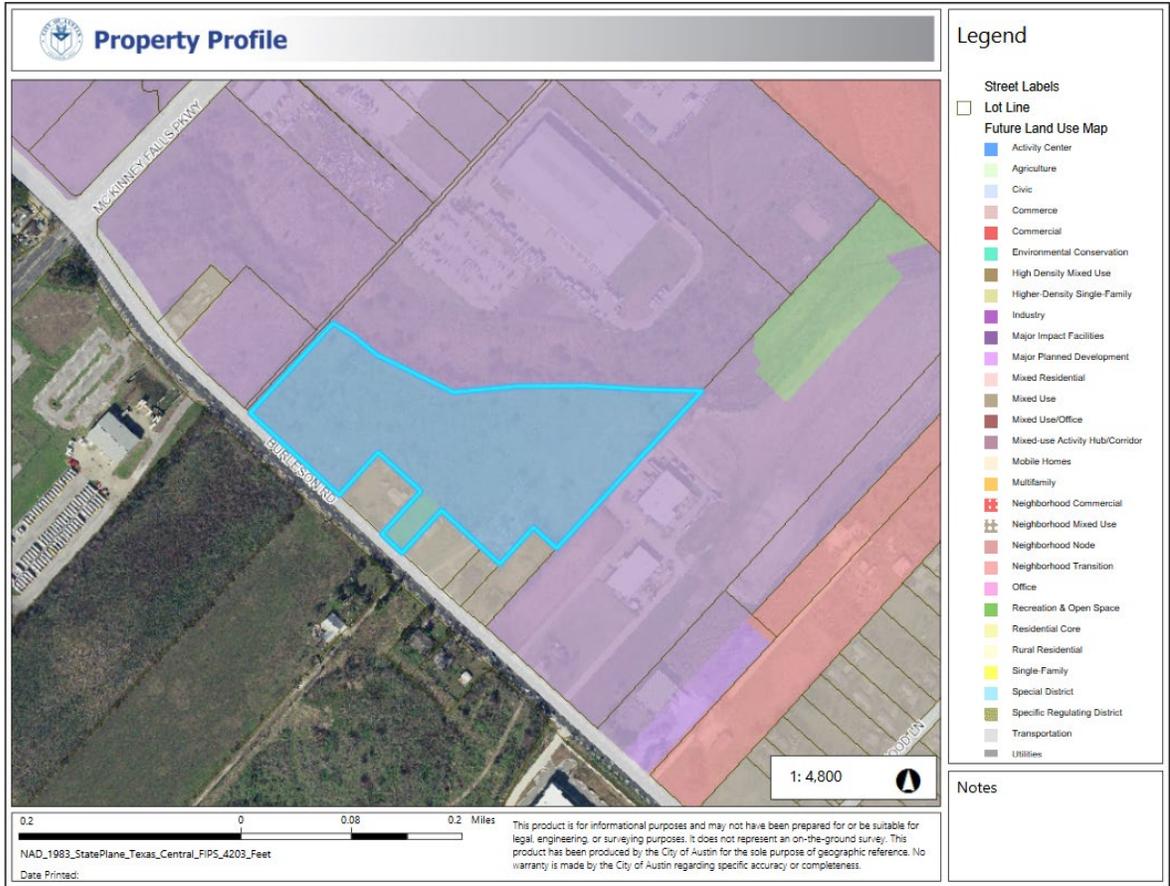


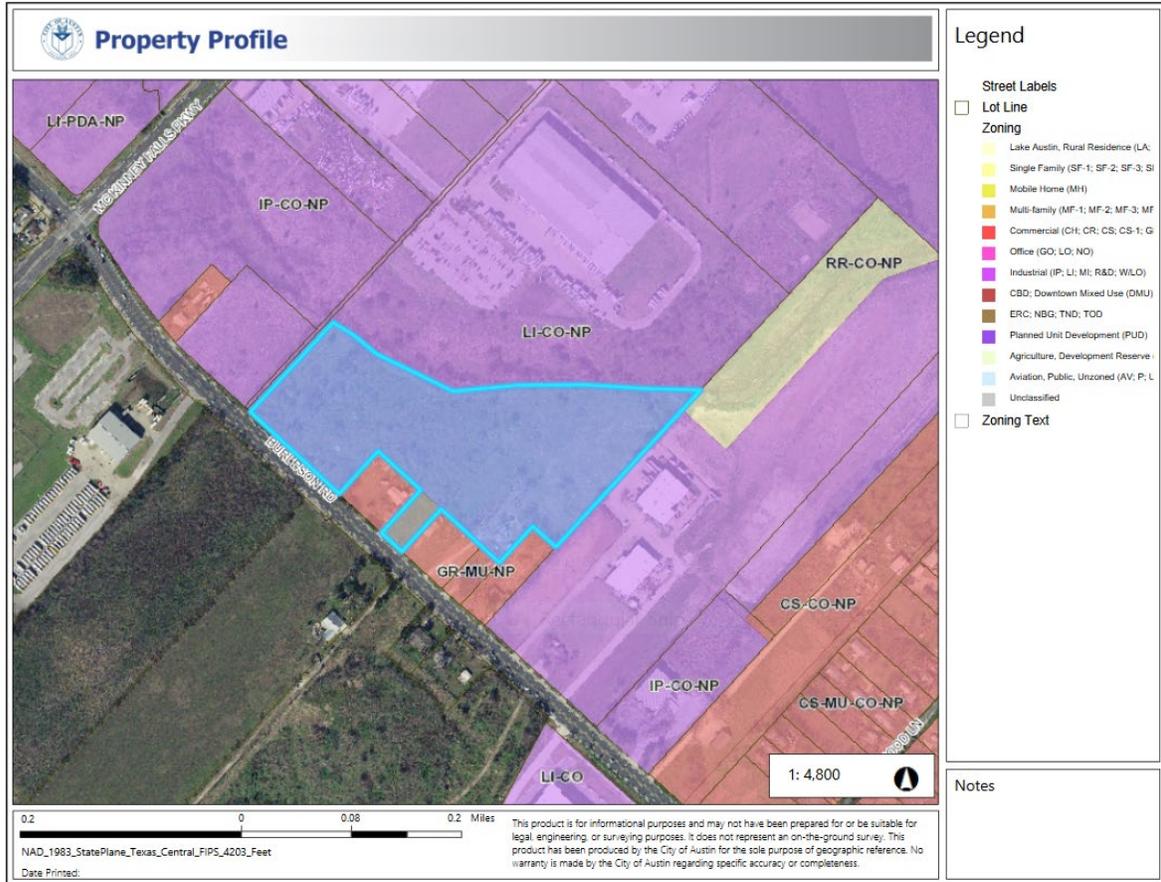
City of Austin  
 Planning and Zoning Department  
 Created on 8/6/2020, by: meredithm











Applicant's Presentation from the Community Meeting

# 7800 Burleson

## Zoning & FLUM Amendment

Rectangular Snip

1

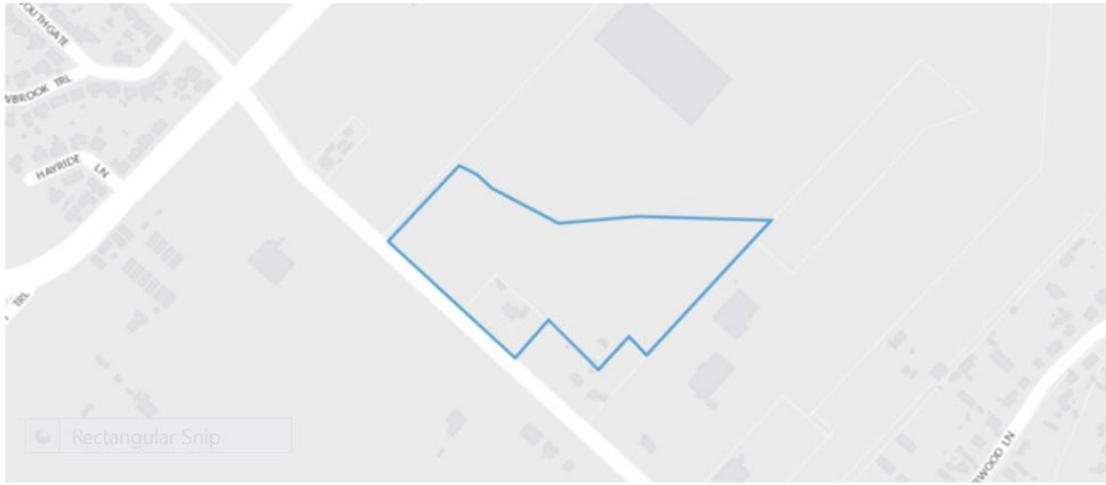
## Overview

- **Request:**
  - Rezone from LI-CO-NP/GR-MU-NP to GR-MU-NP.
  - Amend the Future Land Use Map (FLUM) to reflect Mixed-Use.
- **Proposal:** Mixed-use project with 258 housing units above ground-floor commercial.
- **Rationale:** Approving this rezoning would provide a more community-friendly project than the current industrial zoning, and would maintain the same height and building envelope currently allowed on the site.

Rectangular Snip

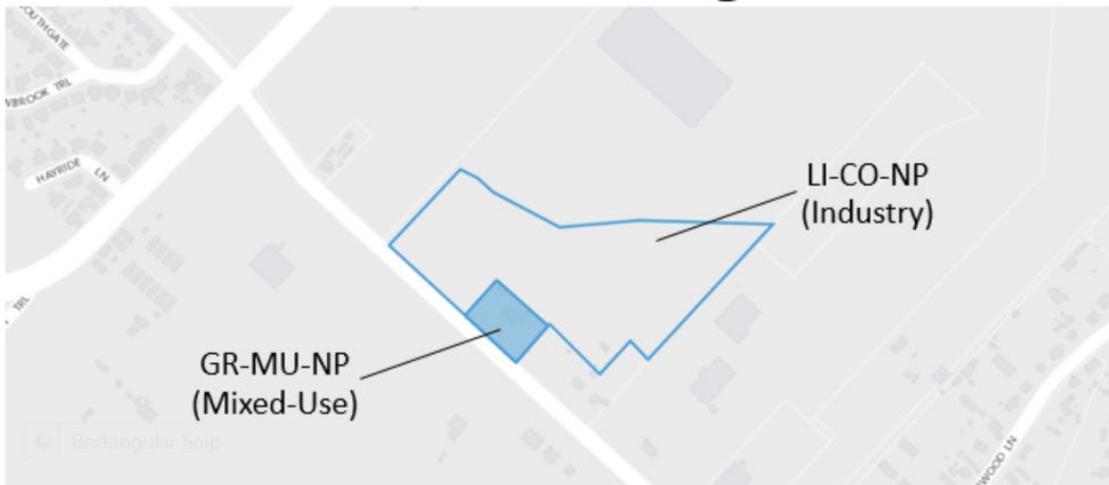
2

## 7800 Burleson



3

## Current Zoning



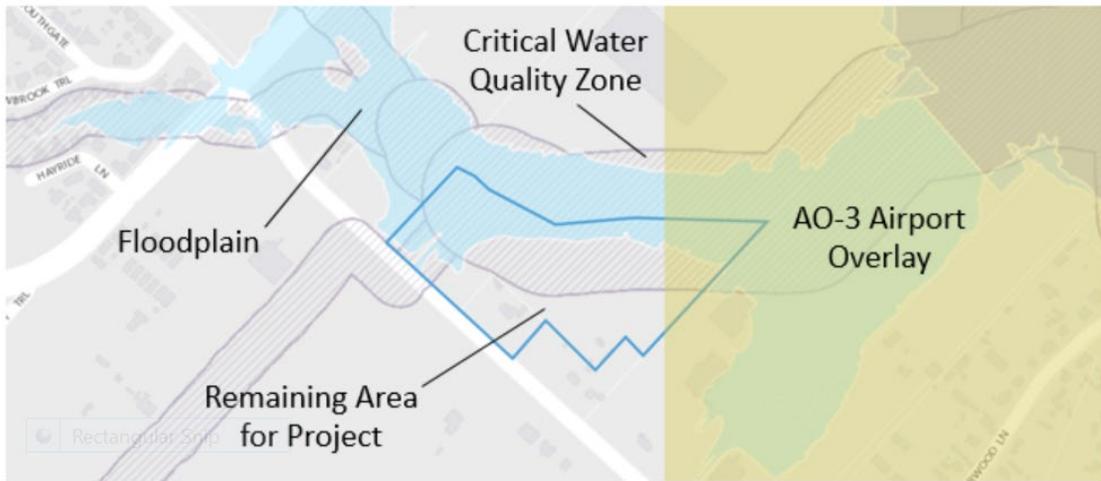
4

## Our Request



5

## Site Constraints



6

## Request

Regulation	Current Zoning	Requested Zoning	
Zoning	LI-CO-NP	GR-MU-NP	=
Compatibility	Applies	Applies	=
Maximum Height	60 ft.	60 ft.	=
Building Cover	75%	75%	=
Impervious Cover	80%	80%	=
Floor-to-Area Ratio	1:1	1:1	=
Allowed Uses	Industrial / Commercial	Residential / Commercial	↓

*\*GR-MU-NP generally allows up to 90 percent impervious cover, but because the site is in the Suburban Watershed, water quality regulations limit it to 80 percent instead, or 90 percent with development transfer.*

7

## Recap

7800 Burleson is currently zoned partially for industrial and partially for mixed-use.

This proposal would deliver a more community-friendly project by making the mixed-use zoning consistent across the site, eliminating the industrial zoning.

It would also maintain the same height, building envelope, and other standards already allowed today.

8