

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

December 1, 2020

Jerry Rusthoven, Assistant Director
City of Austin
Housing and Planning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Rezoning application for 2700, 2706, 2708, 2710, 2714 S. Lamar, Part of
2738 S. Lamar, and 2803 Skyway Cir. (collectively, “the Property”)

Dear Mr. Rusthoven:

I am submitting a rezoning application for the Property in order to develop a multi-family project with the opportunity for affordable housing units.

The Property is comprised of seven tracts currently zoned for the following: CS-1-V, GR-V, GR-V-CO, GR, and MF-3; it is used for a number of different uses, including: restaurant, office, shopping center, medical office, and a single four-unit multi-family structure. I have attached a map of the tracts and the current zoning.

We believe that the Property – located on an Imagine Austin Corridor (South Lamar Boulevard), with access to rapid transit and nearby services and job opportunities – is an appropriate location for a multi-family project that can help the City meet its housing and affordability goals. To deliver on this vision, we are requesting MF-6 zoning, which would allow a fully multi-family project as well as the additional height and site area requirement waiver needed to not only provide a transit-supportive project but also voluntarily provide 10 percent of the units at 60 percent of Median Family Income (MFI).

Additionally, while this project would remove a single four-unit multi-family structure in order to provide roughly 500 units (including 50 affordable units), the applicant is committed to providing a tenant relocation package for the four impacted units, as well as a ‘right to return’ to the new affordable units for eligible tenants.

I appreciate your consideration and look forward to answering any questions and providing further details.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Whellan", with a stylized, flowing script.

Michael J. Whellan

ZONING

APPLICATION FOR ZONING

DEPARTMENT USE ONLY

APPLICATION DATE _____	FILE NUMBER(S) _____	
TENTATIVE ZAP/PC DATE _____	TENTATIVE CC DATE _____	
CASE MANAGER _____	CITY INITIATED	YES NO
APPLICATION ACCEPTED BY _____	ROLLBACK	YES NO

PROJECT DATA

OWNER'S NAME: Multiple owners; see Insert A.

PROJECT NAME: 2700 S. Lamar

PROJECT STREET ADDRESS (or Range): 2700, 2706, 2708, 2710, 2714 S. Lamar, Part of 2738 S. Lamar, and 2803 Skyway Cir. ZIP 78704 COUNTY: Travis

If project address cannot be defined, provide the following information:

_____ ALONG THE _____ SIDE OF _____ APPROXIMATELY
Frontage ft. (N,S,E,W) *Frontage road*

_____ FROM ITS INTERSECTION WITH _____
Distance *Direction*

TAX PARCEL NUMBER(S): 0401090154 (Tract 1), 0401090124 (T2), 0401090125 (T3), 0401090132 (T4), 0401090134 (T5), 0401090155 (Partial) (T6), 0401090161 (T7)

Is Demolition proposed? Yes

If Yes, how many residential units will be demolished? 4 Unknown _____

Number of these residential units currently occupied**: 4

Is this zoning request to rezone a parcel that contains an existing mobile home park with five or more occupied units? ** No If Yes, how many? _____

Type of Residential Unit: SF, duplex, triplex, townhouse/condo, multi-family, manufactured home: Multi-Family

Number of Proposed Residential units (if applicable): 500 If Yes, how many of the following:

_____ 1 Bedroom _____ Affordable _____ 2 Bedroom _____ Affordable
 _____ 3 Bedroom _____ Affordable _____ 4 or more Bedroom _____ Affordable 500 Unknown

** If 5 or more, tenant notification may be required and a certified form may be required with your application (LDC 25-1-712).
 Tenants must receive notification at least 270 days before the application is eligible for final ordinance readings by City Council.

AREA TO BE REZONED: ACRES 2.9 OR SQ FT _____

Existing Zoning	Existing Use	Tract #	# of Acres/SF	Max # of Res Units Per Acre	
See Insert A.					
Proposed Zoning	Proposed Use	Tract #	Proposed # of Acres/SF	Max # of Res Units Per Acre	Proposed Total # of Units Per Acre
See Insert A.					

Name of Neighborhood Plan: N/A

INSERT A

Owners and Deed References

Tract	Owner	Deed Reference
1	Huaylas, LLC	2018102885
2	Sola 2706, LLC	2018150498
3	Davis 2708 S Lamar, LLC	2013097236
4	Davis S Lamar, LLC	2017138539
5	Blue Crow Properties LTD	2017081274
6	Goodwill Industries of Central Texas	Vol. 11199, Pg. 435
7	2803 Skyway, LLC	2020185046

Address and Acreage

Tract	Address	TCAD Parcel No.	Acreage
1	2700 S. Lamar	0401090154	0.5165
2	2706 S. Lamar	0401090124	0.4991
3	2708 S. Lamar	0401090125	0.5000
4	2710 S. Lamar	0401090132	0.3352
5	2714 S. Lamar	0401090134	0.4920
6	2738 S. Lamar (Partial)	0401090155 (Partial)	0.4017
7	2803 Skyway Cir.	0401090161	0.1708
Total:			2.9153

Zoning and Use Tables

Area To Be Rezoned: 2.9153 acres

Existing Zoning	Existing Use	Tract #	# of Acres/SF	Max # of Res Units Per Acre
GR	Restaurant	1	0.5165	0
CS-1-V / GR-V	General Office	2	0.4991	No Limit (-V)
CS-1-V / GR-V	General Office, Shopping Center, Medical Office	3	0.5000	No Limit (-V)
CS-1-V	Shopping Center	4	0.3352	No Limit (-V)
GR-V	General Office	5	0.4920	No Limit (-V)
GR-V-CO	Undeveloped	6	0.4017	No Limit (-V)
MF-3	Multi-Family	7	0.1708	36

Proposed Zoning	Proposed Use	Tract #	Proposed # of Acres/SF	Max # of Res Units Per Acre	Proposed Total # of Units Per Acre
MF-6	Multi-Family	1	2.9153	No Limit	172

ZONING

RELATED CASES

NEIGHBORHOOD PLAN AMENDMENT (YES <input type="checkbox"/> NO <input type="checkbox"/>	FILE NUMBER: - _____
ACTIVE ZONING CASE (YES <input type="checkbox"/> NO <input type="checkbox"/>	FILE NUMBER: - _____
RESTRICTIVE COVENANT (YES <input type="checkbox"/> NO <input type="checkbox"/>	FILE NUMBER: - _____
SUBDIVISION (YES <input type="checkbox"/> NO <input type="checkbox"/>	FILE NUMBER: C8-2020-0168.0A
SITE PLAN (YES <input type="checkbox"/> NO <input type="checkbox"/>	FILE NUMBER: - _____

PROPERTY DESCRIPTION

(For the portion affected by this application) Provide either subdivision reference OR metes & bounds description.

1. **SUBDIVISION REFERENCE:** Name: See Insert B Block(s) _____
2. **METES AND BOUNDS** (Attach two copies of certified field notes) **FILE NUMBER:** See Attached.

DEED REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER:

VOLUME: See Insert B PAGE: _____ OR DOCUMENT # _____

SQ. FT: _____ or ACRES 2.9

Is this a SMART Housing Project? Yes ☐ No ☒

If residential, is there other Tax Credits or Local/State/Federal funding? Yes ☐ No ☒

OTHER PROVISIONS

IS A VARIANCE TO THE SIGN ORDINANCE BEING REQUESTED? Yes ☐ No ☒

IS PROPERTY IN A COMBINING DISTRICT / OVERLAY ZONE? ☒ Yes ☐ No

TYPE OF COMBINING DIST/OVERLAY ZONE (NP, NCC, CVC, WO, etc) Barton Springs Zone Overlay

NATIONAL REGISTER DISTRICT? Yes ☐ No ☒

URBAN RENEWAL ZONE? Yes ☐ No ☒

IS A TIA REQUIRED? Yes ☐ No ☒ TRIPS PER DAY: Net Change in Trips: 1,801

GRID NUMBER (S) G20

WATERSHED: Bouldin Creek / West Bouldin Creek WS CLASS: Barton Springs Zone / Urban

WATER UTILITY PROVIDER: Austin Water

WASTEWATER UTILITY PROVIDER: City of Austin

ELECTRIC UTILITY PROVIDER: Austin Energy

SCHOOL DISTRICT: Austin ISD

OWNERSHIP INFORMATION

TYPE OF OWNERSHIP ☐ SOLE ☐ COMMUNITY PROPERTY ☒ PARTNERSHIP ☒ CORPORATION ☐ TRUST

If ownership is other than sole or community property, list the individuals, partners, principals, etc. below or attach a separate sheet.

INSERT B

Subdivision and Metes and Bounds

Tract	Subdivision / Metes and Bounds
1	See Metes and Bounds (Attached)
2	See Metes and Bounds (Attached)
3	See Metes and Bounds (Attached)
4	See Metes and Bounds (Attached)
5	Resubdivision of Part of Block J, Barton Hills, Section 1, Lot 2
6	See Metes and Bounds (Attached)
7	Resubdivision No. One, Barton Village, Section Three, Lot 7-A

Owners and Deed References

Tract	Owner	Deed Reference
1	Huaylas, LLC	2018102885
2	Sola 2706, LLC	2018150498
3	Davis 2708 S Lamar, LLC	2013097236
4	Davis S Lamar, LLC	2017138539
5	Blue Crow Properties LTD	2017081274
6	Goodwill Industries of Central Texas	Vol. 11199, Pg. 435
7	2803 Skyway, LLC	2020185046

ZONING

OWNER INFORMATION

SIGNATURE: _____

NAME: (Multiple; See Attached Authorization Letters) _____

FIRM NAME: _____

TELEPHONE NUMBER: _____

STREET ADDRESS: _____

CITY/STATE/ZIP: _____

AGENT / PRINCIPAL CONTACT (If applicable)

SIGNATURE:  _____

NAME: Michael J. Whellan _____

FIRM NAME: Armbrust & Brown, PLLC _____

TELEPHONE NUMBER: (512) 435-2300 _____

STREET ADDRESS: 100 Congress Ave., Suite 1300 _____

CITY/STATE/ZIP Austin, TX 78701 _____

CONTACT PERSON: Michael J. Whellan, Michael J. Gaudini _____ TELEPHONE NUMBER: (512) 435-2300 _____



CITY OF AUSTIN
TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION WORKSHEET

APPLICANT MUST FILL IN WORKSHEET PRIOR TO SUBMITTING FOR TIA DETERMINATION

PROJECT NAME: 2700 S. Lamar

LOCATION: 2700 S. Lamar

APPLICANT'S AGENT: Bobak J. Tehrany, P.E. / BOE

TELEPHONE NO: 512-632-7509

APPLICATION STATUS: DEVELOPMENT ASSESSMENT: _____ ZONING: X SITE PLAN: _____

EXISTING:

FOR OFFICE USE ONLY

TRACT NUMBER	TRACT ACRES	INTENSITY	ZONING	LAND USE	I.T.E CODE	TRIP RATE	TRIPS PER DAY
1	.52	2,907 sf	GR	High-Turnover (Sit-Down) Rest	932	112.18	34
2	.50	10,202 sf	GR-V/CS-1-V	General Office	710	$\text{Ln}(T) = 0.97 \text{Ln}(X) + 2.50$	116
3	.50	7,541 sf	GR-V/CS-1-V	Various, See attached		Various, See attached	237
4	.34	3,440 sf	CS-1-V	Shopping Center	820	37.75	130
5	.49	7,300 sf	GR-V	General Office	710	$\text{Ln}(T) = 0.97 \text{Ln}(X) + 2.50$	84
6	.40	-	GR-V-CO	Undeveloped	-	-	-
7	.17	4 du	MF3	Multifamily (Low-Rise)	220	7.32	3
						Total Existing	922

PROPOSED

FOR OFFICE USE ONLY

TRACT NUMBER	TRACT ACRES	INTENSITY	ZONING	LAND USE	I.T.E CODE	TRIP RATE/EQ	TRIPS PER DAY
1	2.9	500 du	MF6	Multifamily (Mid-Rise)	221		2723
						Total Proposed	2723
						Net Change in Trips	1801

ABUTTING ROADWAYS

FOR OFFICE USE ONLY

STREET NAME	PROPOSED ACCESS?	PAVEMENT WIDTH	CLASSIFICATION
South Lamar Boulevard	Unknown at this time		
Dickson Drive	Unknown at this time		
Skyway Circle	Unknown at this time		

FOR OFFICE USE ONLY

- A traffic impact analysis is required. The traffic consultant must meet with staff from Development Services/Land Use Review to discuss the TIA scope and requirements before beginning the study.
- A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the Land Development Code.
- ☒ The traffic impact analysis has been waived for the following reason: The determination is deferred until site plan, when when land use and intensity will be finalized.
- A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a transportation planner for information.

2700 S Lamar Blvd.

REVIEWED BY: AE Hutchens DATE: 10-30-2020

DISTRIBUTION:
_____ FILE _____ CAP. METRO _____ SDHPT _____ TRANS. REV. _____ TRAVIS CO. _____ TPSD TOTAL
COPIES: _____

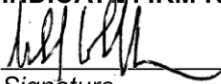
NOTE: A TIA determination must be made prior to submittal of any zoning or site plan application, therefore, this completed and reviewed form MUST ACCOMPANY any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA determination to be made.

ZONING

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the review of this application.

**PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.**



Signature

11/30/2020

Date

Michael J. Whellan

Name (Typed or Printed)

Armbrust & Brown, PLLC

Firm

INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

**PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.**



Signature

11/30/2020

Date

Michael J. Whellan

Name (Typed or Printed)

Armbrust & Brown, PLLC

Firm

ZONING

ACKNOWLEDGMENT FORM

concerning
Subdivision Plat Notes, Deed Restrictions
Restrictive Covenants

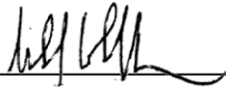
I, Michael J. Whellan have checked the subdivision plat notes,
(Print name of applicant)

deed restrictions, and/or restrictive covenants prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at:

2700, 2706, 2707, 2710, and 2714 S. Lamar Blvd.; 0.38 acres out of 2738 S. Lamar; and 2803 Skyway Cir.
(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, and/or restrictive covenants, it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, and/or restrictive covenants.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, and/or restrictive covenants as information which may apply to this property.



(Applicant's signature)

11/30/2020

(Date)

POSTPONEMENT POLICY ON ZONING HEARINGS

- | Sets a postponement date and time at the City Council hearing so that renotification of residents and property owners is not necessary.
- | Limits the time a hearing can be postponed to two months for both proponents and opponents, unless otherwise approved by Council so that renotification of residents and property owners is not necessary.
- | Allows only one postponement for either side, unless otherwise approved by Council.
- | Requires that all requests for postponements be submitted in writing to the director of the Planning and Zoning Department at least one week prior to the scheduled Council meeting. The written request must specify reasons for the postponement.
- | The Director of the Planning and Zoning Department shall provide a recommendation regarding the validity of the postponement request as the Director deems appropriate.
- | Eliminates the automatic granting of a postponement of the first request.
- | Authorizes Council to consider requests that are not submitted timely.



EXHIBIT VIII

EDUCATIONAL IMPACT STATEMENT (EIS) DETERMINATION PART A

If your project is located in one or more of the following school districts, and requires Land Use Commission review; and meets one of the requirements listed below, an Educational Impact Statement is required.

<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	100 or more single family units are proposed
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	200 or more multifamily units are proposed
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	100 or more multifamily units are proposed and a tax credit is requested
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	project will demolish more than 50 residential existing units in a structure more than 20 years old

Please check the appropriate school district(s).

- ☒ Austin Independent School District
- ☐ Leander Independent School District
- ☐ Pflugerville Independent School District
- ☐ Hays County Independent School District
- ☐ Del Valle Independent School District
- ☐ Round Rock Independent School District
- ☐ Manor Independent School District

If an Educational Impact Statement (EIS) is required, please complete the Educational Impact Analysis (EIA) Part B.

ZONING



EDUCATIONAL IMPACT ANALYSIS FORM Part B

OFFICE USE ONLY

CASE MANAGER: _____

APPLICANT / AGENT: _____

CASE NUMBER: _____

PROJECT NAME: _____

PROJECT ADDRESS: _____

PROPOSED USE: _____

EXISTING RESIDENTIAL UNITS

Existing number of Residential Units: 4

Number of existing residential units to be demolished: 4

Age of units to be demolished: 1968

PROPOSED DEVELOPMENT

Gross Project Acreage: 2.9

Number of lots: 1

Lots per acre: 0.34

PROPOSED RESIDENTIAL UNITS

Proposed number of Residential Units: 500

Size of proposed units in square feet (specify range): TBD to _____

Number of bedrooms per unit: TBD

ZONING

ESTIMATED SELLING / RENTAL PRICE (EXISTING AND PROPOSED)

Estimated selling price of units (specify range): N/A to _____

Estimated rental rates (if applicable): TBD

Range of monthly rental rates to be demolished: N/A to _____

Estimated increase in rental rates (specify percentage of increase): -

If project is multifamily, will a tax credit be applied for as part of the Smart Housing™ Program? No

Number of Certified Affordable Dwelling Units (Proposed or Existing) 10% of Total Units (Proposed)

OFF-SITE FAMILY AMENITIES EXISTING WITHIN ONE MILE OF PROJECT

(Open to the public – attach location plan)

Parks / Greenbelts: Lasseter, South Austin, Little Zilker Neighborhood Parks; Barton Creek Greenbelt

Recreation Centers: South Austin Senior Center

Public Schools: Barton Hills Elementary School, Zilker Elementary School

PARKLAND DEDICATION

Parkland dedication required? ☒ YES ☐ NO

If yes, please indicate if applicant plans to request fee in lieu or provide parkland:

Fee: ☒ YES ☐ NO

Land: ☐ YES ☒ NO

ON-SITE FAMILY AMENITIES PROPOSED

Will space be provided for childcare services? ☐ YES ☐ NO ☒ Unknown at this time

Amount of open space required in acres: 7.99

Amount of open space provided in acres: TBD

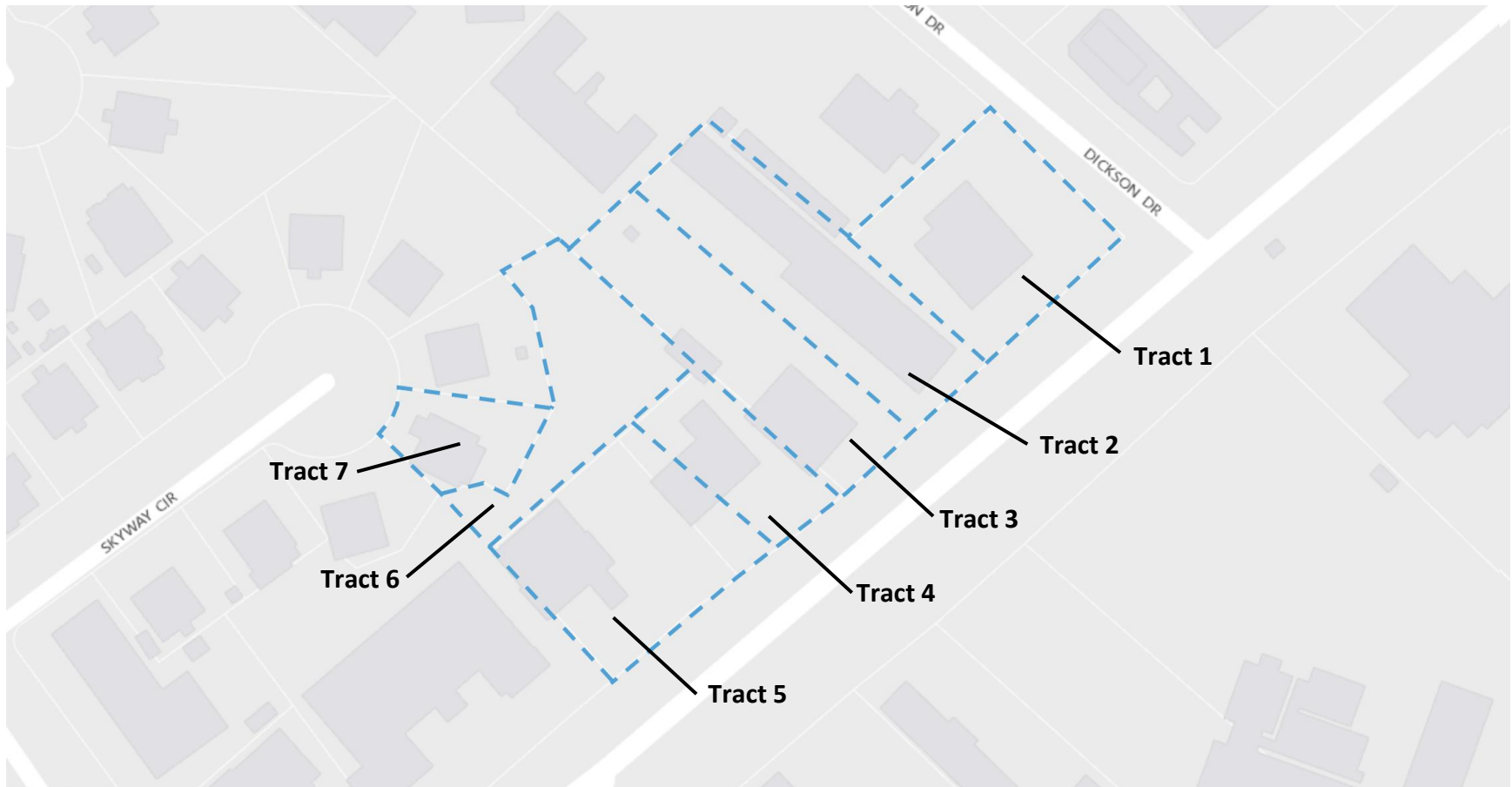
Other proposed amenities (pools, clubhouse, recreation area): TBD

TRANSPORTATION LINKAGES

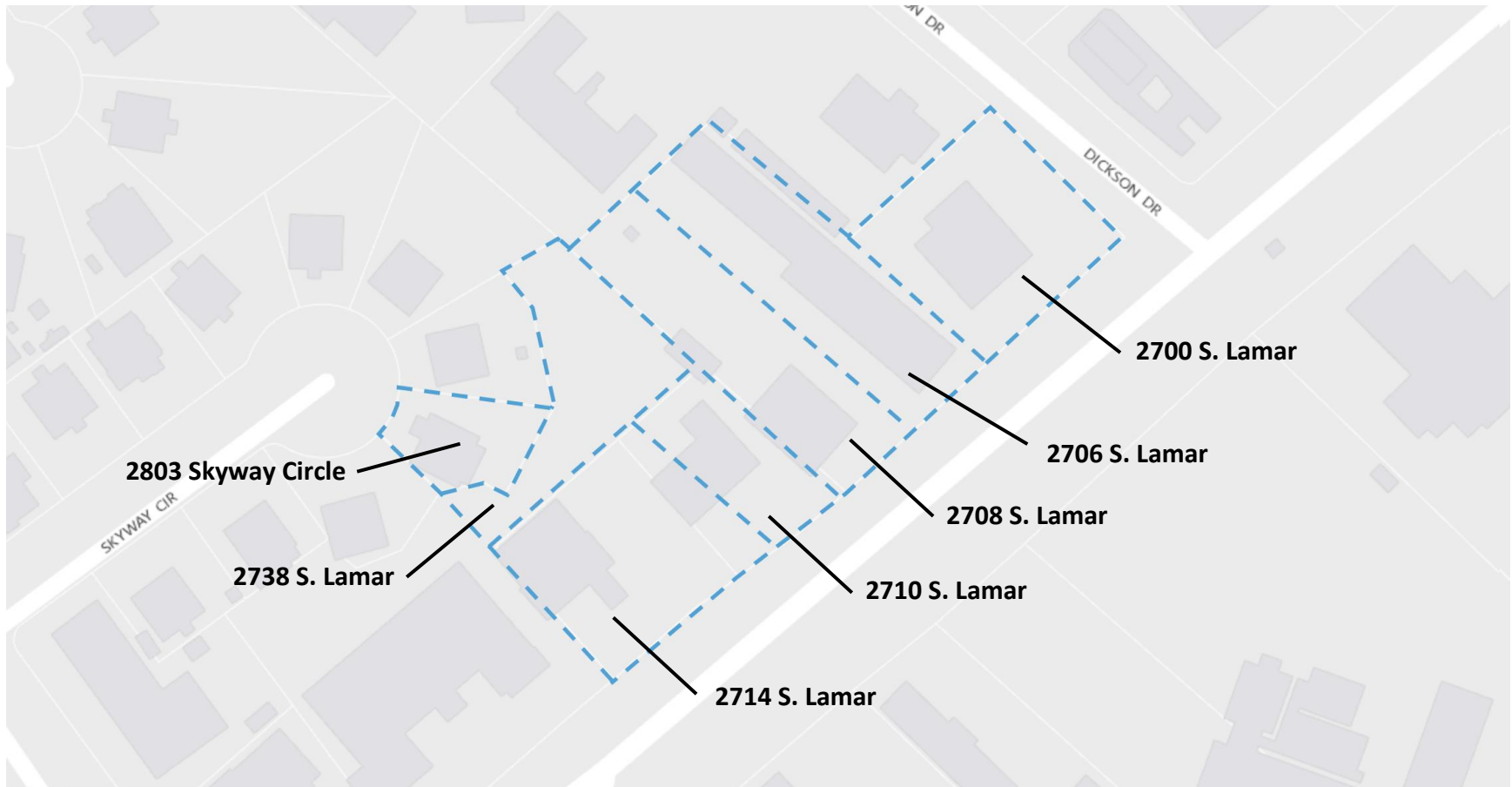
Closest Public Transit Location: Lamar/Dickson (~60 ft.)

Pedestrian / Bike Routes: South Lamar, Barton Skyway (Bicycle Priority Network)

Tract Map



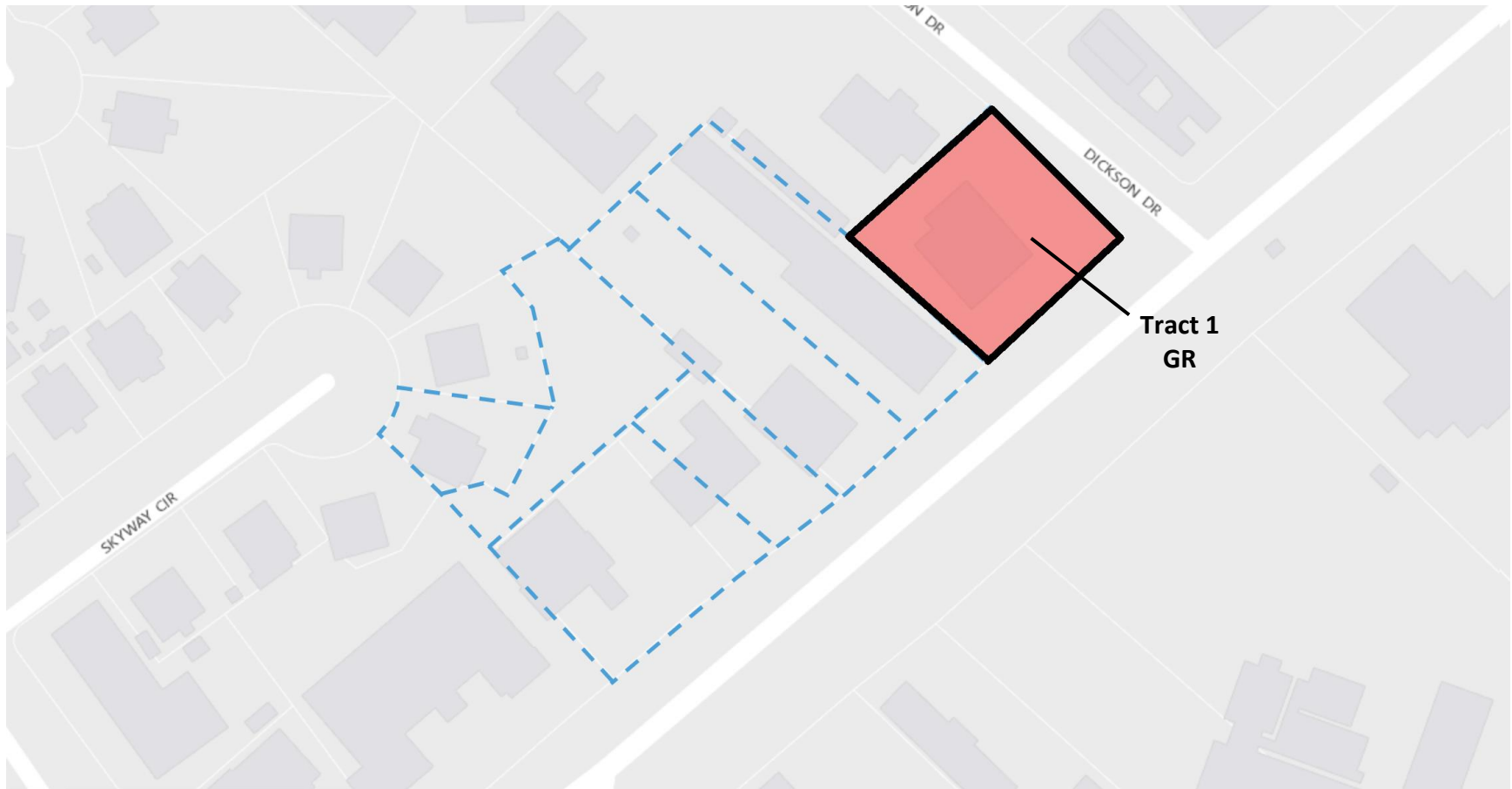
Address Map



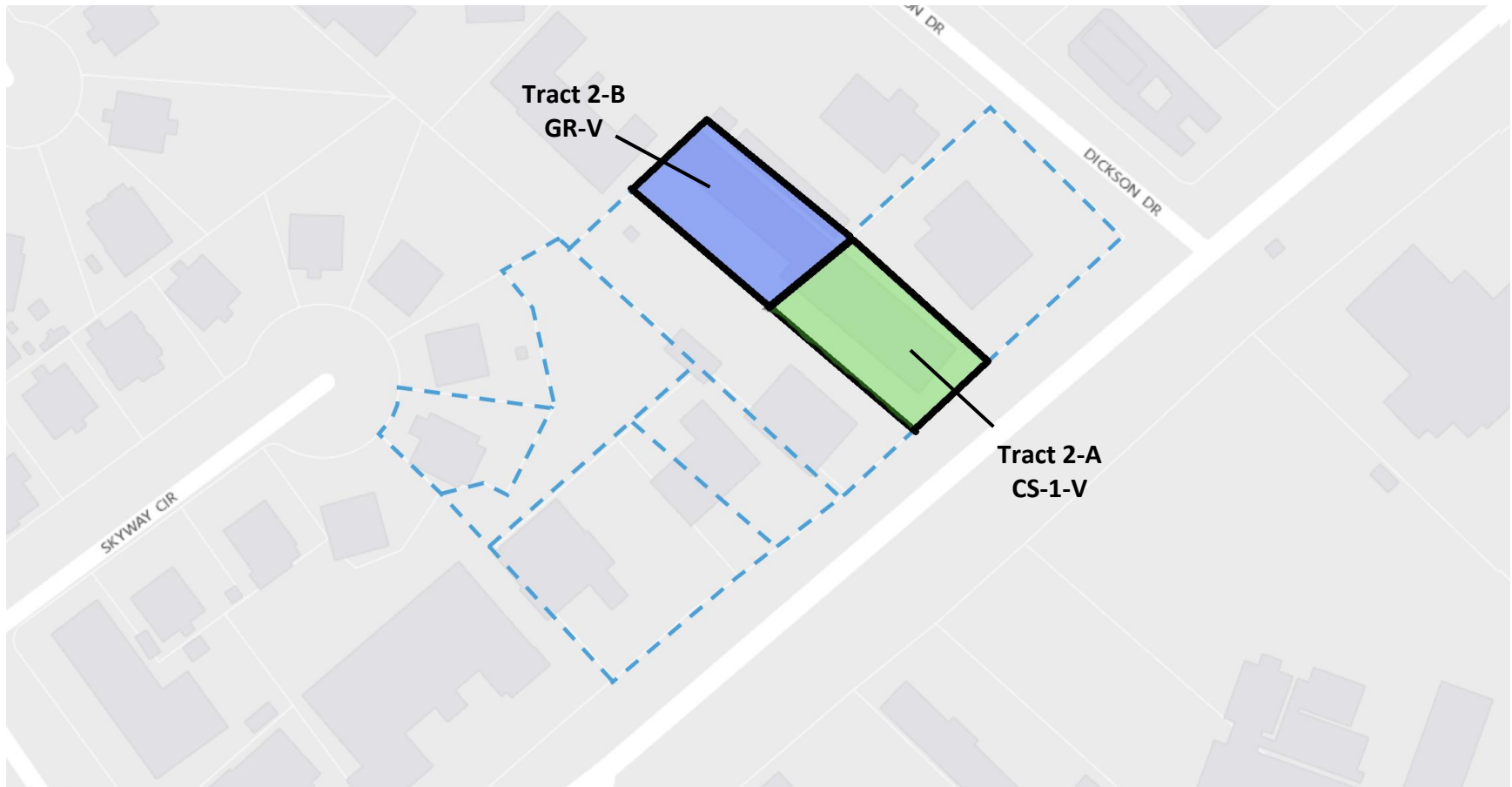
Existing Zoning



Tract 1 – Existing Zoning



Tract 2 – Existing Zoning



Tract 3 – Existing Zoning



Tract 4 – Existing Zoning



Tract 5 – Existing Zoning



Tract 6 – Existing Zoning



Tract 7 – Existing Zoning

