

ZONING CHANGE REVIEW SHEET**CASE:** C14-2016-0106 – 4411 SOCO**P.C. DATE:** November 8, 2016
December 13, 2016**ADDRESS:** 4411 South Congress Avenue and 4510 Lucksinger Lane**DISTRICT AREA:** 3**OWNERS:** Olivia and Harry Wilke**APPLICANT:** LEMCO Holdings, LLC
(David Cox)**AGENT:** Alice Glasco Consulting (Alice Glasco)**ZONING FROM:** CS-MU-NP**TO:** CS-MU-V-NP **AREA:** 2.934 acres**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services – mixed use – vertical mixed use building – neighborhood plan (CS-MU-V-NP) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

November 8, 2016: *APPROVED A POSTPONEMENT TO DECEMBER 13, 2016*
[P. SEEGER; F. KAZI – 2ND] (12-0) A. PINEYRODEHOYOS – ABSENT

December 13, 2016:

ISSUES:

The South Congress Combined Neighborhood Plan Contact Team has requested postponement to January 10, 2017. The postponement request is acceptable to the Applicant.

The South Congress Combined Neighborhood Plan Contact Team has provided correspondence in opposition to the proposed addition of –V to the existing zoning that applies to this property. Please refer to correspondence attached at the back of this report.

On Wednesday evening, October 12, 2016, the Contact Team met with the Agent at the Pleasant Hill Library. Staff was also in attendance. Questions from the Contact Team and answers from the Applicant are attached at the back of this report.

DEPARTMENT COMMENTS:

The subject lot is located on South Congress Avenue, a major arterial and Lucksinger Lane, a local street, contains a vacant monument retail sales use and a residence. It has had general commercial services – mixed use – neighborhood plan (CS-MU-NP) zoning since Council

approval of the East Congress Neighborhood Plan rezonings in August 2005. This property was identified as one of several addresses comprising Tract 112. There are consumer service related and auto-related uses along both sides of Congress Avenue in the vicinity (CS-MU-CO-NP; CS-MU-CO-NP/MF-6-CO-NP; CS-1-MU-CO-NP; CS-MU-NP), and a mixture of industrial, commercial and residential uses across Lucksinger Lane to the east (LI-NP; CS-MU-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the property and add a vertical mixed use building (-V) combining district to the existing zoning and develop it with 300 apartment units and 4,000 square feet of retail uses.

The property is designated as Mixed Use on the adopted Future Land Use Map (as is most of South Congress Avenue in the planning area), and the Mixed Use designation is defined as "An area that is appropriate for a mix of residential and non-residential uses." Please refer to Exhibit B. South Congress Avenue is also designated as a Core Transit Corridor. During the Vertical Mixed Use Overlay (VMU) Opt-in/Opt-out process conducted by the Neighborhood Planning and Zoning Department in 2007-09, an application to designate certain properties as appropriate to add the -V combining district or exclude other properties from the VMU overlay was not filed by the South Congress Combined Planning Contact Team. The subject property is one that is eligible and appropriate for the addition of -V because of its commercial zoning and uses, and location on a Core Transit Corridor. There are other recently constructed condominium and multifamily residential projects on this stretch of South Congress south of Ben White and north of Ramble Lane, including one under construction at the northeast corner of East St. Elmo Road.

The addition of -V provides an additional development option to a property, but allows it to retain the ability to redevelop under the existing CS base district. A -V does not grant: 1) additional height to the base zoning district which is 60 feet in the CS district or 2) additional impervious cover which is limited to 80 percent in the suburban portion of the Williamson Creek watershed. The addition of -V also does not waive applicable compatibility standards.

A building built under vertical mixed use building (-V) standards is required to contain a mix of residential and commercial uses, and the result is typically retail, restaurants and offices on the ground floor, and residential units on the upper levels. On the subject property, there is also the opportunity to waive: 1) the front and interior side setbacks, 2) the 2:1 floor-to-area ratio established by CS zoning, and 3) the minimum site area requirement which is the number of dwelling units on a site by requiring a certain amount of square footage for a specific type of multi-family unit (efficiency, one bedroom, two bedroom). A -V building is also eligible for 60 percent of the minimum requirement for off-street parking. Finally, a -V building has an established affordability level for rental units which is 10 percent of the residential units set aside for households earning no more than 80 percent of the current MFI (\$62,250), for a period of 40 years.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-NP	Monument retail sales (vacant); Residence
<i>North</i>	CS-MU-CO-NP; LI-NP	Automotive sales; Office / warehouses; Mixed use buildings with 149 residential units and 22,692 s.f. of retail (under construction)
<i>South</i>	CS-MU-NP	Automotive repair; Convenience storage; Vehicle storage; Service station with food sales
<i>East</i>	LI-NP; CS-MU-NP	Industrial; Two duplexes; Automotive repair; Manufactured home park
<i>West</i>	CS-MU-CO-NP; CS-1-MU-CO-NP	Administrative/business offices; Retail sales (convenience); Business park; Restaurants; Convenience storage; Hotel-motel

NEIGHBORHOOD PLANNING AREA: South Congress Combined (East Congress)

TIA: Is not required

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

An Educational Impact Statement (EIS) is provided as Attachment A.

St. Elmo Elementary School

Bedichek Middle School

Travis High School

NEIGHBORHOOD ORGANIZATIONS:

9 – Battle Bend Springs Homeowners Association

26 – Far South Austin Community Association

96 – Southeast Corner Alliance of Neighborhoods (SCAN)

352 – Greenwood Hills – Colonial Park Neighborhood Association

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Assoc.

742 – Austin Independent School District

1108 – Perry Grid 644

1173 – South Congress Combined Neighborhood Plan Contact Team

1228 – Sierra Group, Austin Regional Group

1340 – Austin Heritage Tree Foundation

1363 – SEL Texas

1424 – Preservation Austin

1429 – Go!Austin/Vamos!Austin (GAVA) – 78745

1528 – Bike Austin

1530 – Friends of Austin Neighborhoods

1550 – Homeless Neighborhood Association

1578 – South Park Neighbors

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2016-0097 – South Congress Residences – 4714 S Congress Avenue	CS-MU-CO-NP to CS-MU-V-NP	To be reviewed on December 13, 2016	To be reviewed on December 8, 2016
C14-2014-0034 – St. Elmo's Market and Lofts - 113 Industrial Blvd; 4323 S Congress Ave; 4300 Blk of Willow Springs Rd	CS-MU-NP; LI- NP; LI-CO-NP to LI-PDA-NP	To Grant LI-PDA-NP w/PDA for all permitted uses and conditional uses in LI with certain prohibited uses, residential uses including multifamily and townhouse/condos, certain civic uses, adding cocktail lounge and hospital (ltd) as conditional uses, 25' front and side yard setbacks, 0' interior setback, 15' rear setback, 85% impervious cover, 1.5 to 1 floor-to-area ratio; Restrictive Covenant for the Traffic Impact Analysis	Apvd LI-PDA-NP with Restrictive Covenant for the TIA as recommended by the Commission (11- 20-2014).
C14-2007-0234 – South Urban Lofts – 4367 S Congress Ave	CS-MU-CO-NP; MF-6-NP to CS-MU-CO-NP; MF-6-CO-NP, to change a condition of zoning	To Grant CS-MU-CO- NP for first 15'; MF-6- CO-NP for 15-90', w/CO for 2,000 trips/day; 90% impervious cover, limit of 25 spaces in a surface parking facility, and list of prohibited uses	Apvd CS-MU-CO-NP; MF-6-CO-NP as Commission recommended (3-20- 2008).
C14-07-0009 – South Urban Lofts – 4367 S Congress Ave	CS-NP to CS- MU-CO-NP ; MF-6-NP	To Grant CS-MU-CO- NP for first 60'; MF-6- NP for 60-90' w/CO for 2,000 trips/day; 90% impervious cover, limit of 25 spaces in a surface parking facility, and list of prohibited	Apvd CS-MU-CO-NP; MF-6-CO-NP as Commission recommended, w/ Restrictive Covenant for minimum 2-star Green Building requirement (6-07-

		uses	2007).
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RELATED CASES:

The East Congress Neighborhood Plan Area rezonings were completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on August 28, 2005 (NP-05-0020; C14-05-0107 – Ordinance No. 20050818-Z004). The property is a portion of Tract 112 that was rezoned to CS-MU-NP during the neighborhood plan rezonings (C14-05-0107 – Ordinance No. 20050818-Z004). As part of the East Congress Neighborhood Plan Rezonings, the neighborhood mixed use building and the neighborhood urban center special uses were adopted for Tract 112.

The property is a portion of Lot 25, Fortview, a subdivision of record in the Travis County Deed Records.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
South Congress Avenue	94 feet	66 feet	Major Arterial Undivided 4 Lanes	Yes	Yes	Yes, Routes No. 1 and 486

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for South Congress Avenue.

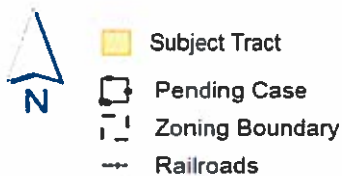
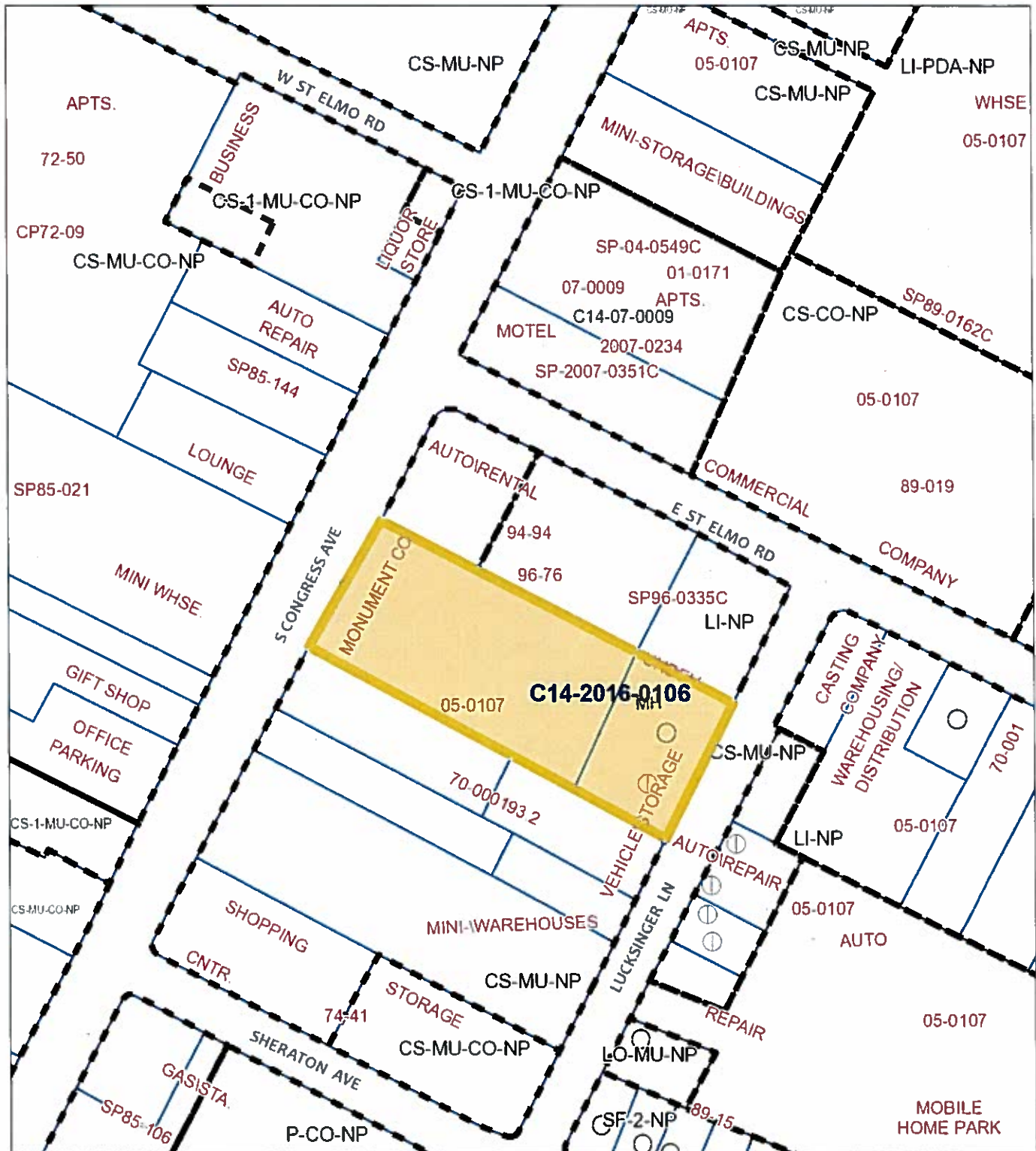
CITY COUNCIL DATE: December 8, 2016 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719



100 200 Feet

1" = 200'

ZONING

ZONING CASE#: C14-2016-0106

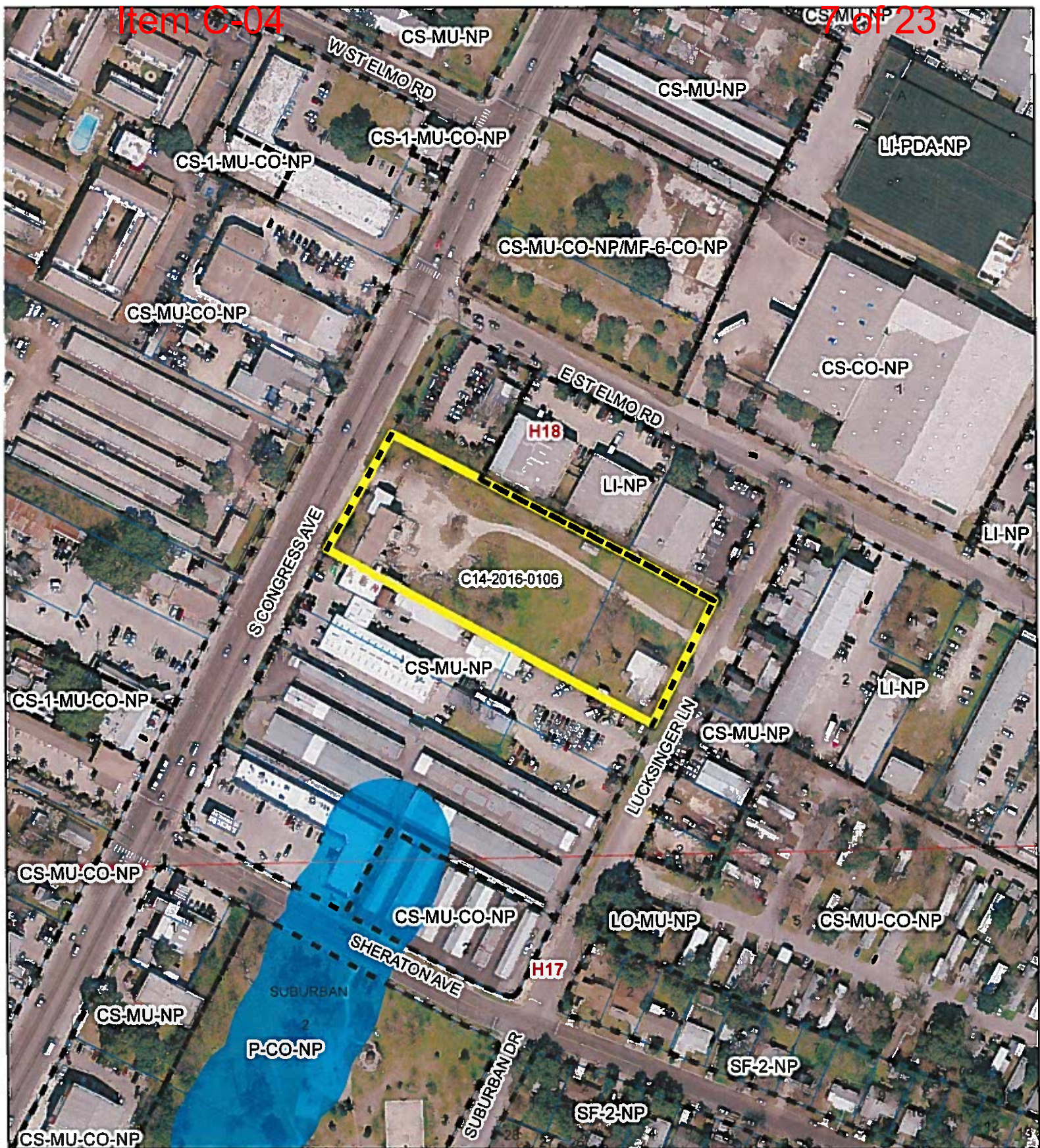
EXHIBIT A



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.

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

Created 09/28/16



ZONING

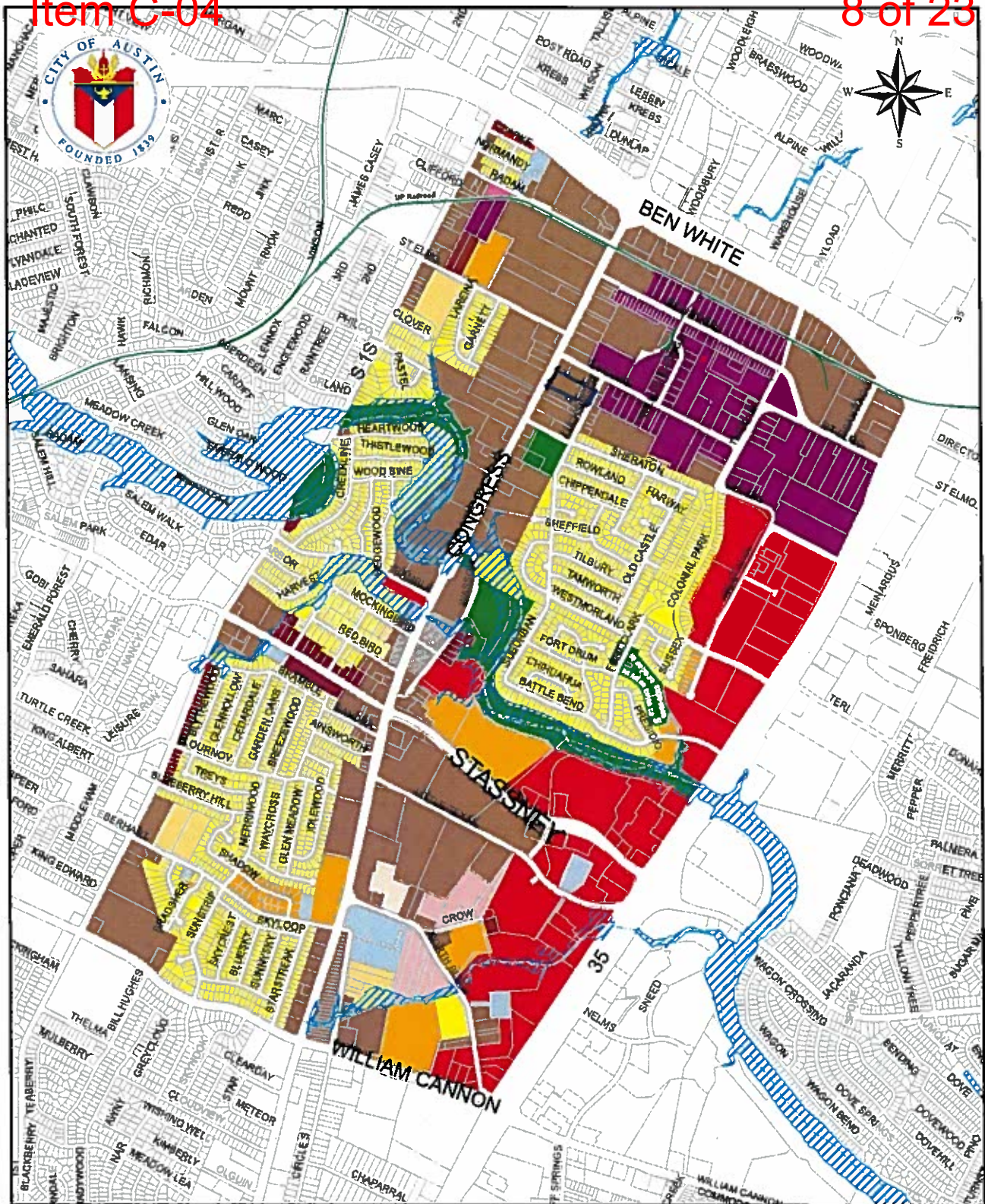
Exhibit A-1

- N
- 1" = 200'
- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY
- CREEK BUFFER

ZONING CASE#: C14-2016-0106
 LOCATION: 4411 S. Congress Ave.
 SUBJECT AREA: 2.934 ACRES
 GRID: H18
 MANAGER: Wendy Rhoades



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



South Congress Combined Neighborhood Planning Area: Future Land Use Map

Produced by the City of Austin
Planning and Zoning Department
Adopted August 18, 2005
Updated August 18, 2016

This map has been produced by the City of Austin Planning and Zoning Department for the sole purpose of aiding neighborhood planning decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

EXHIBIT B

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – mixed use – vertical mixed use building – neighborhood plan (CS-MU-V-NP) combining district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The proposed general commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in 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 NP, neighborhood plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. Zoning should promote clearly-identified community goals such as creating employment opportunities or providing for affordable housing.

The subject property is one that is eligible and appropriate for the addition of –V because of its commercial zoning and uses, and location on a Core Transit Corridor. There are other recently constructed condominium and multifamily residential projects on this stretch of South Congress south of Ben White and north of Ramble Lane, including one under construction at the northeast corner of East St. Elmo Road.

EXISTING CONDITIONS**Site Characteristics**

The subject rezoning area contains a vacant commercial building and a residence. There are several trees scattered throughout the property.

Impervious Cover

The maximum impervious cover allowed by CS zoning district would be 80%, which is based on the more restrictive watershed regulations described below.

Comprehensive Planning

This rezoning case is located on east side of S. Congress Avenue, which has a vacant commercial building on it. The property is approximately 2.93 acres in size and is located in the South Congress Combined Neighborhood Planning Area, within the East Congress NP.

Surrounding land uses includes a used car lot and an office / warehouse to the north; an automobile repair shop to the south; vehicle storage to the east, and convenience storage and retail to the west. The proposed use is a 300 unit multi-family apartment complex and 4,000 sq. feet of general retail.

Connectivity

A public transit stop is located within walking distance of this site, along S. Congress Avenue. Public sidewalks are located along both sides of this street, although the large curb cuts could make walking in this area problematic. The Walkscore for this site is 57/100, meaning some errands may be accomplished on foot.

South Congress Combined Neighborhood Plan (SCCNPA)

The SCCNPA Future Land Use Map (FLUM) classifies this portion of the planning areas as 'Mixed Use' and Zone CS-MU-V-NP is permitted under this land use category. Mixed Use is defined as an area that is intended for a mix and non-residential uses, including retail and commercial services. The following text and policies are excerpted from the SCCNPA and are applicable to this case:

Vision (p 13)

The neighborhoods of the South Congress Combined Neighborhood Planning Area should be quiet and safe communities. Tree-lined neighborhood streets should allow residents to safely travel by foot, bicycle, or car. Commercial streets, especially South Congress Avenue, should become more pedestrian-friendly and safely accessible from nearby neighborhoods. South Congress Avenue should become a mixed-use corridor serving local and regional needs.

GOAL TWO: South Congress Avenue should become a more vibrant, accessible mixed-use corridor and a destination for nearby residents and the citizens of Austin. (p 50)

Text from p. 50. The vision presented for South Congress Avenue is one where new development and redevelopment redefine the street in a more urban and pedestrian-friendly manner. This transformation could provide opportunities for new businesses serving nearby residents, people working in the area, other Austinites, Central Texans, and out-of-town visitors. It could include a greater variety of restaurants—large and small, an increased array of retail opportunities, and innovative residential designs reinforcing a more urban environment. As the character of the street changes, new development should be human-scaled and, where practical and appropriate, connect to adjacent, similarly designed projects.

The "Avenue" (p 52)

The two-mile segment of South Congress Avenue bisecting the planning area serves as the central corridor of the SCCNPA. An examination of the roadway indicates there are three general districts (See map on page 51). Identified by the major intersecting street, they are:

- St. Elmo Road District (location of subject property)
- Stassney Lane District
- Eberhart Lane District

The three districts share general characteristics such as a prevalence of land uses not conducive to walking, an abundance of curb cuts—in those stretches where there are curbs, significant amounts of undeveloped or underdeveloped land, and long stretches of roadway without signalized crossings at intersections.

Objective 2.1: Create incentives and programs to promote a pedestrian-oriented corridor. (p 54)

Recommendation 1: Investigate the creation of programs or incentive packages to promote new pedestrian-oriented development or redevelopment. These may include public/private partnerships and/or changes to the land development code.

Recommendation 2: Conduct a corridor study along South Congress Avenue to determine the means to enhance the streetscape and street life.

Improvements could include:

- Street tree plantings and maintenance of trees;
- Consolidation of curb cuts;
- Pedestrian-friendly amenities such as awnings and landscaping, pedestrian-scaled signs, and public art;
- Traffic safety improvements where appropriate.

Recommendation 3: Denote commercial properties along South Congress Avenue with a mixed-use future land use notation to promote mixed-use development. (p 56)

Objective 2.2: Improve the infrastructure along South Congress Avenue to make it pedestrian friendly. Upgrading the pedestrian environment is a safety issue and a means to create the vibrant, pedestrian-oriented district this plan envisions. (p 56)

Recommendation 6: Consolidate curb cuts along South Congress Avenue and, where feasible, design joint access driveways as sites are developed or redeveloped.

Recommendation 7: Locate parking lots and parking structures beside, behind or beneath new commercial or mixed-use developments.

Recommendation 8: Orient new commercial or mixed-use development along South Congress Avenue toward the street and provide street trees and other amenities promoting a more pleasant pedestrian environment.

Recommendation 9: Create internal pedestrian and automobile circulation patterns reflecting traditional street networks in new commercial or mixed-use development on larger tracts located along South Congress Avenue.

GOAL THREE: Focus mixed-use development and commercial uses along major commercial corridors and in specialized districts. (p 60)

Objective 3.3: New development along Stassney Lane between Interstate Highway 35 and South Congress Avenue should be more pedestrian-friendly. (p 64)

Recommendation 5: Assign the mixed-use future land use category to the vacant or easily redeveloped sites along Stassney Lane and Little Texas Lane to encourage vibrant, mixed-use, pedestrian-oriented development.

Objective 3.4: Stassney Lane from South Congress Avenue to South 1st Street should transition from the larger-scaled commercial areas east of South Congress Avenue to more neighborhood-scaled areas to the west.

Recommendation 6: Designate properties along Stassney Lane between South Congress Avenue and South 1st Street with the mixed-use future land use category.

South Congress Commercial Design Guidelines (p 91 – 99))

South Congress Avenue—Keep it “funky”

Keeping South Austin “funky” is a major design theme for the redevelopment of the street. Each site and building should be thought of not as a singular project, but as part of the larger urban fabric. As South Congress takes on a decidedly more urban feel, it is vital to encourage new development to enhance the sense of place unique to South Austin. The urban design guidelines for South Congress Avenue set out to create a distinctive district with a “funky, Austin-centric” feel. This development should not be a replication of other areas of Austin; rather, a new expression of the energy, culture, and individuality embodied in the slogan: “Keep Austin Weird”. New development and redevelopment should build upon local and vernacular styles to bring forth a vibrant area reflective of those people who choose to live, work, and do business along South Congress Avenue.

Residential Urban Design Guideline 1 - New multi-family development should reinforce an urban pattern. (pgs 92-93)

- New multi-family development should feel as if it a part of the community. Even if a new multi-family development is a large complex, the buildings and internal street network should be designed as if the project is part of a traditional neighborhood.
- Often apartment communities are separated from surrounding development and are discontinuous with adjacent neighborhoods. Multifamily housing should blend with nearby development. The circulation pattern of multifamily communities should continue the pattern of the established neighborhood or a grid pattern and should have multiple connection points for vehicles and pedestrians. Gated communities should be discouraged.

Residential Urban Design Guideline 2 - New multi-family development should be attractively landscaped to de-emphasize security features. When walls, fences, and other security devices are installed surrounding multifamily developments, landscaping with native materials should be used to screen and enhance their appearance.

Residential Urban Design Guideline 3 - Native stone and masonry should be the primary building materials.

Conclusions: South Congress Avenue is quickly transitioning away from industrial and warehouse uses, and is now a vibrant gateway into downtown Austin. A variety of neighborhood serving commercial and mixed uses now includes neighborhood friendly uses such as restaurants, bars, coffee shops, retail stores, and high density residential uses. A number of goals, objectives, recommendations and text language taken from the South Congress Combined Neighborhood Plan supports vibrant mixed use projects as the appropriate and desired land use along this heavily travelled corridor, and thus the **proposed mixed use project appears to be supported by the SCCNPA**. Staff encourages the developer to review and apply the voluntary design guidelines for multi-family uses when designing this project.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this section of South Congress Avenue is being along an **Activity Corridor**.

Activity corridors are 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.

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 P3.** Promote development in compact centers, communities, or **along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **HN P5.** Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.
- **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 the property being located along an Activity Corridor that encourages a variety of neighborhood serving land uses along corridors, including mixed use; and the Imagine Austin policies referenced above that supports mixed use and residential projects, this request appears to be supported by the Imagine Austin Comprehensive Plan.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<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%

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.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

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.

The site is subject to compatibility standards. Along the *east* property line, the following standards apply:

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the triggering property line.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Transportation

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for South Congress Avenue. If the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for South Congress Avenue

according to the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55]. The additional right-of-way may be dedicated at the time of subdivision and/or site plan.

A traffic impact analysis (TIA) is required but has been deferred to the site plan stage when more details of land use(s) and land use intensities are available. A TIA will be required at the time of site plan if the development exceeds 2000 trips per day as a single project or cumulatively if built as two projects or more.

Water / Wastewater

Should site plans be submitted for these tracts a wastewater Service Extension Request will be required.

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. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. 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.

4411 Couth Congress Avenue

Case no. C14-2016-0106

Rezoning request from: CS-MU-CO-NP to CS-MU-V-NP

List of Conditions from the October 19th South Congress Combined Neighborhood Plan
Contact Team Meeting

1. Affordable housing: consider offering more than 10% of the units as affordable – consider between 15-25% at 50% MFI or lower in perpetuity?

Response: Project costs and market rents will not support this level of affordability, particularly at this location. The developer will comply with city code requirement of 10 % of the units at 80% MFI for VMU zoning

2. All affordable units will be spread among all unit types and all amenities will be available to the residents of the affordable units.

Response: The developer will provide a mix of units for affordable housing. All project amenities will be available to residents of the affordable units.

3. Fifty percent (50%) of the units will be 3 bedrooms for families.

Response: The unit mix will be determined at a later date. However, 3-bedroom units in urban locations generally do not lease well. Accordingly, the developer would anticipate only a small number of 3BR units.

4. Building height: agree not to seek a variance to exceed the currently allowed to building height to 60 feet.

Response: The developer agrees not to seek a variance to the 60 foot height limit.

5. Will a TIA be required? If yes, when will it be prepared?

Response: If the City determines that a TIA is required during the site plan stage, the developer will prepare one at that time.

ALICE GLASCO CONSULTING**4411 and 4714 South Congress Avenue****Case no. C14-2016-0097 and C14-2016-0106****Rezoning request from: CS-MU-CO-NP to CS-MU-V-NP****10/26/16**

Responses to follow-up questions from the South Congress Combined Neighborhood Plan Contact Team Meeting held on October 19th, 2016

1. **Concern/Question:** Blocked fire hydrants, blocked pedestrian walkways, and parking in areas not permitted for parking. How will these developments not impede with our public safety and assure us that we will not have any of these concerns/problems.

Response: On both projects, workers will park on site in the staging area and after the parking garage is built, they will park in the garage.

2. **Concern/Question:** Who will pay for basic infrastructure costs related to the development (water, new pipes, etc.) that will be needed, do the citizens pick up the cost or the development.

Response: On both projects - the developer will pay for all infrastructure costs related to the development (water, new pipes, etc.)

3. And who will make sure that the road (pot holes fixed) is back to equal or greater than before the development came in for both 4714 & 4411.

Response: The developers will comply with the City of Austin ordinances that require developers to repair damages made to the street in the vicinity of the development site.

4. Water retention pond type, flooding considerations.

Response: both sites will have detention ponds which will help alleviate/improve any flooding in the area.

5. Fees in lieu off:

6. **Response:** Both developers are not planning on seeking any fees-in-lieu.

7. Trees:

Response: Both projects will comply with the City's tree ordinance.

8. Designated construction parking areas.

Response: On both projects, workers will park on site in the staging area and after the parking garage is built, they will park in the garage.

9. Traffic analysis-outcome:

Response: For 4411 South Congress Ave, at the time of site plan, if the proposed uses exceed 2,000 trips, the city code requires that a traffic impact analysis be submitted. For 4714 South Congress Ave, at the time of site plan, if the proposed uses exceed the trips that are currently generated by the existing uses, then a TIA will be required and both developers will comply accordingly.

10. Light management:

Response: The commercial design guidelines have lighting requirements that apply to both projects.

11. Noise, etc.

Response: Both developers will comply with all noise mitigation requirements that are in the land development code and other city codes.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

Case Number: C14-2016-0106

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: November 8, 2016, Planning Commission
December 8, 2016, City Council

Wendy Rhoades

Your Name (please print)

4714 S. CONGRESS AVE

Your address(es) affected by this application

Wendy Rhoades

Signature

11/3/16

Date

Daytime Telephone: 512 422 7300

Comments:

LET THEM DEVELOPE SO
YOU CAN RECEIVE THE TAX
BENEFITS FOR THE CITY.

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

City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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:

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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

Case Number: C14-2016-0106

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: November 8, 2016, Planning Commission
 December 8, 2016, City Council

CURTIS W. SUTHERLAND

Your Name (please print)

4340 S. CONGRESS AVE

Your address(es) affected by this application

Curtis W. Sutherland

Signature

Date

Daytime Telephone: 512-422-7300

Comments:

BUILD + TAX, BUILD + TAX,
BUILD + TAX

☐ I am in favor
☐ I object

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

City of Austin
 Planning & Zoning Department
 Wendy Rhoades
 P. O. Box 1088
 Austin, TX 78767-8810

To: Planning Commissioners

Cc: Alice Glasco, Jerry Rusthoven, Wendy Rhoades, Maureen Meredith, Margaret Valenti

November 3, 2016

Dear Planning Commissioners,

The South Congress Combined Neighborhood Plan Contact Team (SCCNPCT) met with Alice Glasco representing a developer to discuss a request for a zoning change in our planning area. The SCCNPCT met on November 2, 2016 to discuss the following zoning change application:

4411 South Congress Avenue
Case No. C14-2016-0106
Rezoning request from: CS-MU-CO-NP to CS-MU-V-NP

The SCCNPCT voted to oppose this zoning change because it does not fit in with our approved Neighborhood Plan. We ask that you, please, vote NO to granting this change. Doubling the density allowed by the existing zoning on this and future projects will overwhelm existing road and sewer infrastructure in the area, and overburden our neighborhood park. The developer's offer to include affordable housing in the project in exchange for the zoning change will not significantly or effectively increase affordable housing in the area, and does not offset the burdens on the neighborhood imposed by the zoning change.

The SCCNPCT supports meaningful attempts to build new affordable housing in our area. For example, the Foundation Communities (<http://foundcom.org>) developments at Sierra Ridge, 201 W. St. Elmo Rd. and Sierra Vista, 4320 S. Congress Avenue, provide affordable housing for low to moderate income individuals and families (to as low as 30% of area MFI, <https://foundcom.org/housing/our-austin-communities/>), including support services in the areas of education, financial stability and health.

A second example of effective affordable housing that we would like to see in our area has been permitted and will be built in McKinney, Texas: The Post Oak Apartments by Ground Floor Development (<http://groundfloordev.com/news>). This developer is currently building the St. Elmo Public Market project in our planning area on South Congress Avenue. The Post Oak Apartments will have 182 units, of which 130 (70% of units) will be affordable housing for people at 60% of MFI. Financing for this type of affordable housing is available through the Texas State Affordable Housing Corporation (<http://www.tsahc.org/developers-property-managers>).

The SCCNPCT believes in more meaningful and effective attempts to include affordable housing in commercial developments, such as 25% of units built designated as affordable at 60% of MFI. What was offered by the developer is not enough to mitigate the challenges faced by the neighborhood resulting from the increased density. The SCCNPCT asks that you vote NO on this zoning change.

Best regards,

Mario Cantu, mariocantu@myexcel.com
Chairman, SCCNPCT

Rhoades, Wendy

From: mariocantu <[REDACTED]>
Sent: Monday, December 05, 2016 12:21 PM
To: Rhoades, Wendy
Cc: George Last Name Not Required; Michael Fossum; Alix Horton; Greg Steinberg
Subject: SCCNPCT- Request a postponement on hearing case numbers C14-2016-0106 and C14-2016-0097 from the December 13, 2016 (PC) meeting to the January 10, 2017 (PC) meeting. (4411 & 4714 S. Congress Ave)

Wendy,

The South Congress Combined Neighborhood Contact Team (SCCNPCT) would like to request a postponement on hearing case numbers C14-2016-0106 and C14-2016-0097 from the December 13, 2016 Planning Commission (PC) meeting to the January 10, 2017 PC meeting. It is our understanding that Chairman Stephen Oliver requested that anyone who could reschedule their case to January 10, 2017 to please do so due to the high case load for the PC agenda on December 13, 2016.

An agenda loaded with too many cases results in the merits of each case not being fully and fairly discussed (particularly after midnight). This is not fair to the applicant, the neighborhood, or the PC members. Members of the SCCNPCT have personally seen this in past meetings at the PC and City Council, and want to avoid this by delaying the cases until January 10, 2017.

In addition, there are members of the SCCNPCT who are unable to attend the December 13, 2016 PC meeting due to family, holiday, or work commitments. They will be free to attend the PC meeting on January 10, 2017, and would appreciate the PC granting the delay.

Please contact Ms. Alice Glasco to inform her of our request, and let us know if the request will be on the December 13, 2016 PC Agenda as a consent item.

Thank you.

Best Regards,

Mario Cantu, Chairman SCCNPCT

Rhoades, Wendy

From: Alice Glasco <~~Alice.Glasco@aliceglascoconsulting.com~~>
Sent: Wednesday, December 07, 2016 10:33 AM
To: Rhoades, Wendy
Subject: RE: Postponement request from SCCNPCT for South Congress cases

Wendy,

My clients are okay with the postponement request.

Alice Glasco, President
Alice Glasco Consulting
512-231-8110 W
512-626-4461 C
Email: ~~Alice.Glasco@aliceglascoconsulting.com~~

-----Original Message-----

From: Rhoades, Wendy [<mailto:Wendy.Rhoades@austintexas.gov>]
Sent: Monday, December 05, 2016 1:34 PM
To: Alice Glasco
Subject: FW: Postponement request from SCCNPCT for South Congress cases

Alice,
Attached is the postponement request I received earlier today from the SCCNPCT. Please let me know if your client is in agreement with the request to postpone to the January 10, 2017 Planning Commission meeting.

Wendy