

ZONING CHANGE REVIEW SHEET**CASE:** C14-2016-0097 – South Congress Residences**P.C. DATE:** November 8, 2016
December 13, 2016**ADDRESS:** 4714 South Congress Avenue**DISTRICT AREA:** 3**OWNER:** Diamond Real Estate Investment, Inc.
(Curt Sutherland)**APPLICANT:** Guefen
Development Company
(David Kulkarni)**AGENT:** Alice Glasco Consulting (Alice Glasco)**ZONING FROM:** CS-MU-CO-NP**TO:** CS-MU-V-NP**AREA:** 2.81 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 contains a pawn shop, a beauty salon, and a commercial kitchen. It has had general commercial services –

mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) zoning since Council approved the West Congress Neighborhood Plan rezonings in August 2005. This property was identified as one of several addresses comprising Tract 16, and the -CO requires a 30-foot wide vegetative buffer directly adjacent to properties zoned or used as SF-3. Please note that this property is not directly adjacent to SF-3 zoning or use. There are consumer service related and auto-related uses along both sides of Congress Avenue in the vicinity (CS-MU-CO-NP; CS-1-MU-CO-NP; CS-MU-NP) and undeveloped land to the west, in proximity to the Williamson Creek Greenbelt (P-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 subsequently develop it with 253 apartment units and 4,994 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 across the street.

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-CO-NP	Pawn shop services; Personal services; Commercial kitchen
<i>North</i>	CS-MU-CO-NP	Automotive sales; Administrative and business offices; Hotel-Motel; Restaurant
<i>South</i>	CS-MU-CO-NP	Pet services; Automotive sales; Office
<i>East</i>	CS-MU-NP; CS-MU-CO-NP	Automotive repair; Convenience storage; Service station with food sales; Pawn shop services; Recording and rehearsing studio; Condominiums
<i>West</i>	CS-MU-CO-NP; P-NP	Undeveloped

NEIGHBORHOOD PLANNING AREA: South Congress Combined (West 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
C14-2016-0106 – 4411 SOCO – 4411 S Congress Avenue	CS-MU-NP to CS-MU-V-NP	To be reviewed on December 13, 2016	To be reviewed on December 8, 2016
C14-03-0084 – Altus – 4801 S Congress Ave	SF-3; CS to MF-3	To Grant MF-3-CO w/CO for MF-2 density and prohibit vehicular access to Suburban Dr	Apvd MF-3-CO as Commission recommended (8-07- 2003).

RELATED CASES:

The West 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; C14-05-0106 – Ordinance No. 20050818-Z003). The ordinance identified the subject tract as Tract 16 and rezoned the property from LI; CS; CS-CO and SF-3 to CS-MU-CO-NP, with the Conditional Overlay requiring a 30-foot wide vegetative buffer adjacent to property used or zoned SF-3-NP or more restrictive. This rezoning site is not adjacent to SF-3 zoned property, therefore, the CO does not apply. As part of the West Congress Neighborhood Plan Rezonings, the neighborhood mixed use building and the neighborhood urban center special uses were adopted for Tract 265.

The property was rezoned to CS-CO with the Conditional Overlay restricted to pawn shop services, personal services, professional offices and administrative/business offices in January 1992 (C14-91-0077 – DJ-X INC. (RESOLUTION TRUST CORP)). Ten (10) feet wide of right-of-way on South Congress Avenue was also dedicated.

The property is platted as The Will Thurman Subdivision, recorded in November 1967 (C8S-67-174). Please refer to Exhibit C.

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

FYI, 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

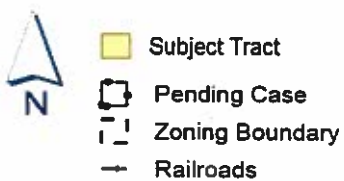
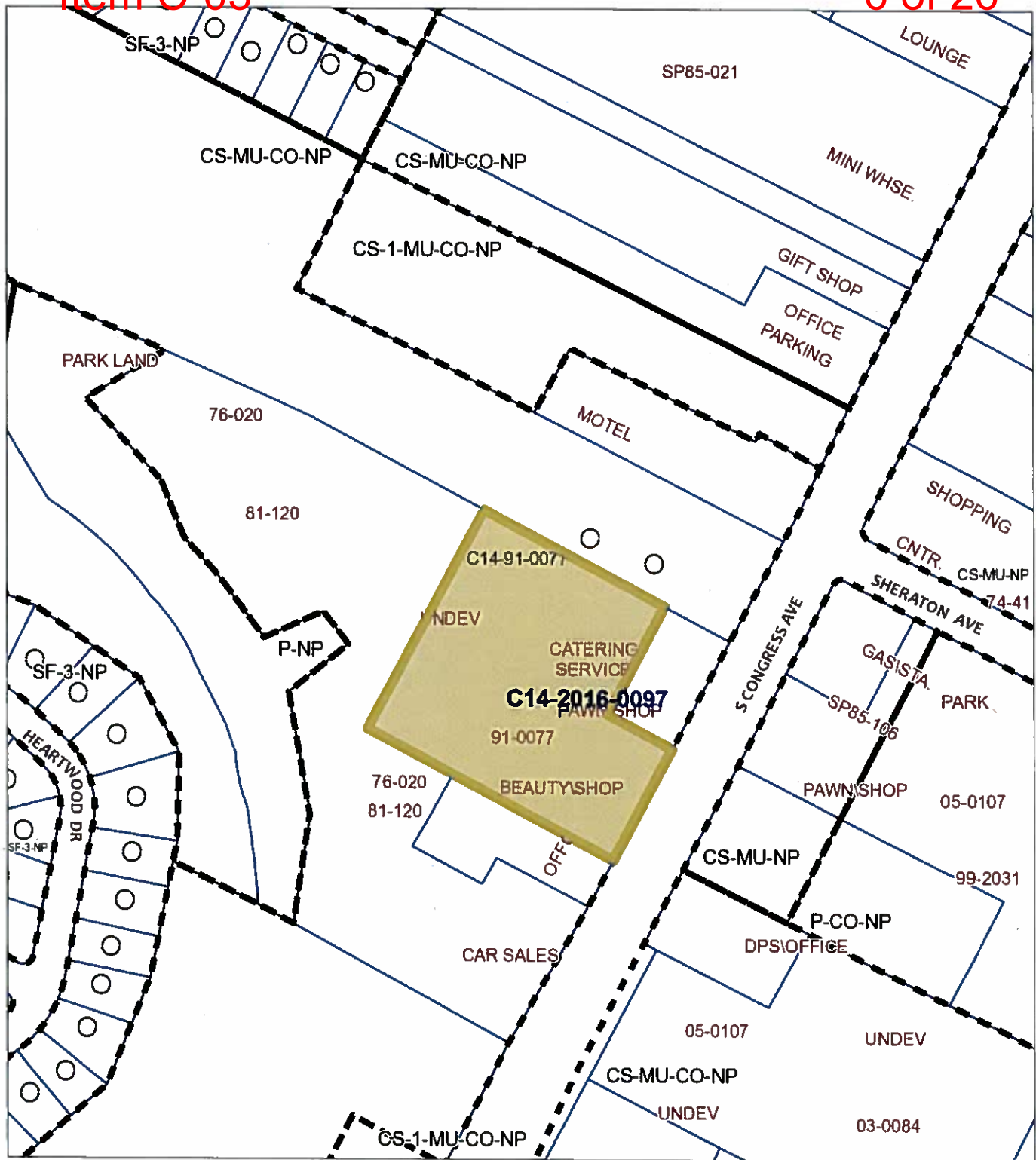
2nd

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#: C14-2016-0097

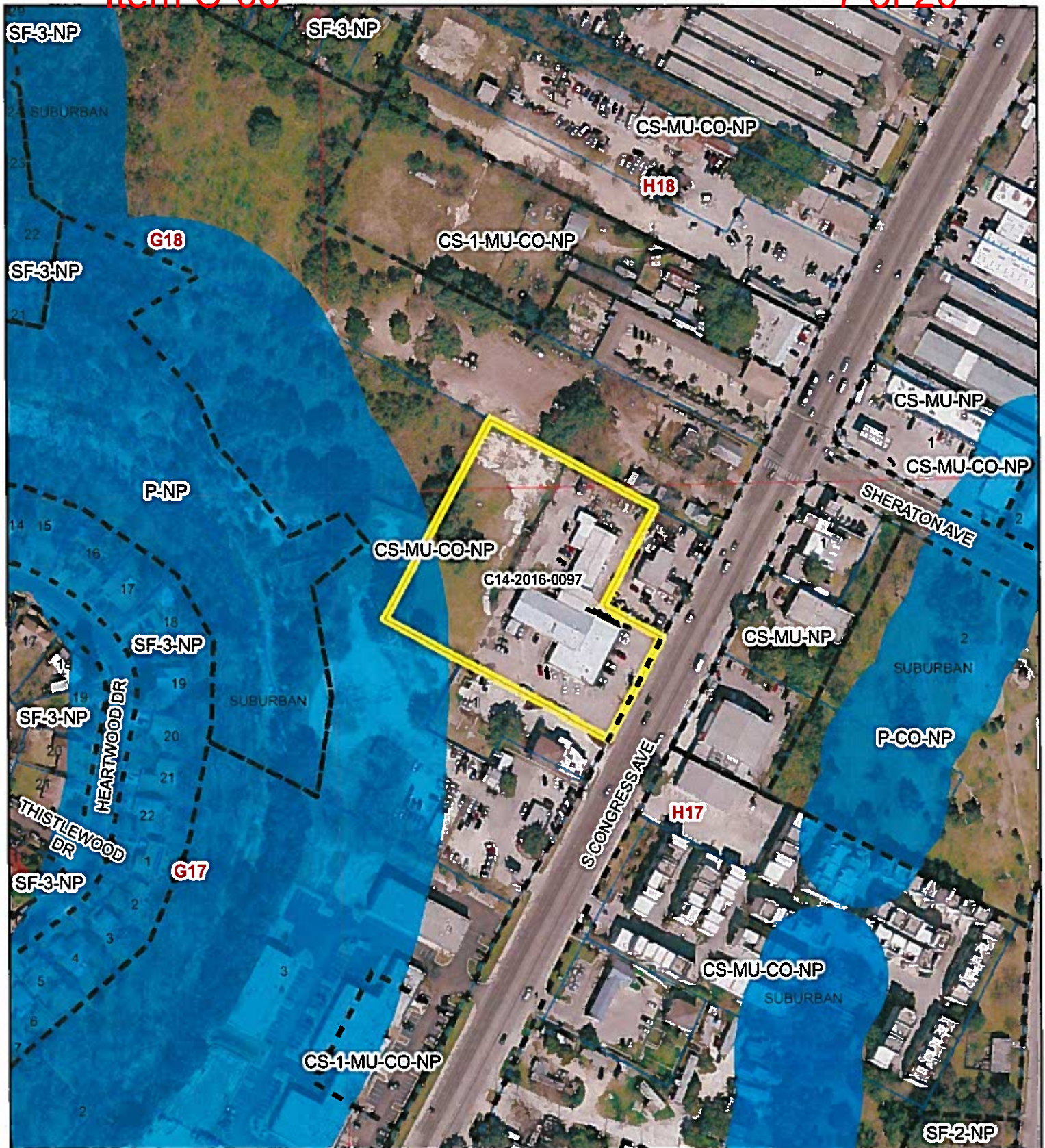
EXHIBIT A



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

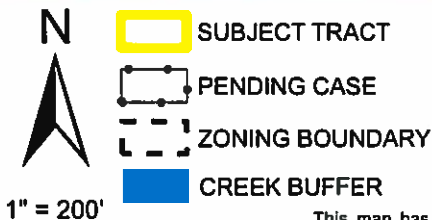
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Created 09/15/16



ZONING

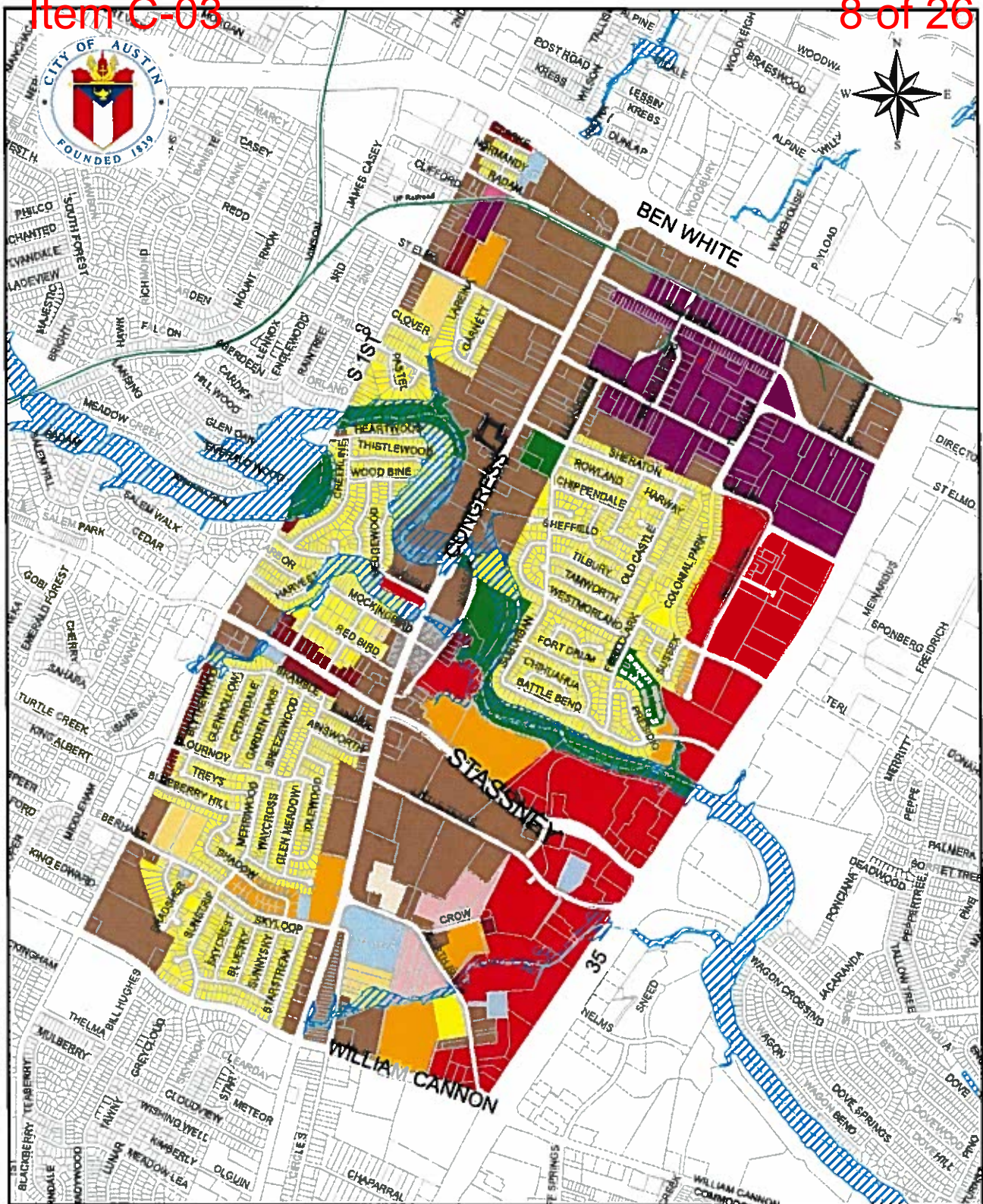
EXHIBIT A-1



ZONING CASE#: C14-2016-0097
 LOCATION: 4714 S. Congress Ave.
 SUBJECT AREA: 2.8 ACRES
 GRID: H17, 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 & 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.

Legend

- | | |
|------------------------------|-------------------------|
| Civic | Mobile Homes |
| Commercial | Multifamily |
| Higher-Density Single-Family | Office |
| Industry | Recreation & Open Space |
| Mixed Residential | Residential Core |
| Mixed Use | Rural Residential |
| Mixed Use/Office | Single-Family |
| | 100-year Flood Plain |
| | Creeks |

2,000 1,000 0 2,000 Feet

EXHIBIT B

Item C-03

9 of 26

Nov. 17-67 R.C.H.A. 4492 4.50

THE STATE OF TEXAS:
COUNTY OF TRAVIS:

INC. KNOW ALL MEN BY THESE PRESENTS: That we, Austin Catering Service, a company organized and existing under the laws of the State of Texas, acting herein by and through its president Will Thurman of Travis County, Texas, do hereby subdivide 2.85 Acres of land out of and part of the Isaac Decker League in the City of Austin, Travis County, Texas, said 2.85 acres of land being the same land that was conveyed to us by a warranty deed of record in Volume 3332 at Pages 137-139 of the Travis County, Texas deed records and do hereby adopt this map or plat as our subdivision to be known as THE WILL THURMAN SUBDIVISION and do hereby dedicate to the public use all street and easements shown hereon.

Will Thurman
Key Thurman, Secretary

Will Thurman
Will Thurman, President

THE STATE OF TEXAS:
COUNTY OF TRAVIS:

BEFORE ME, the undersigned authority, on this day, personally appeared Will Thurman, President of Austin Catering Service Incorporated, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that the same was the act and deed of the said Austin Catering Service Incorporated and that he executed the same for the purposes and considerations therein expressed and in the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 8th day of November, A.D. 1967

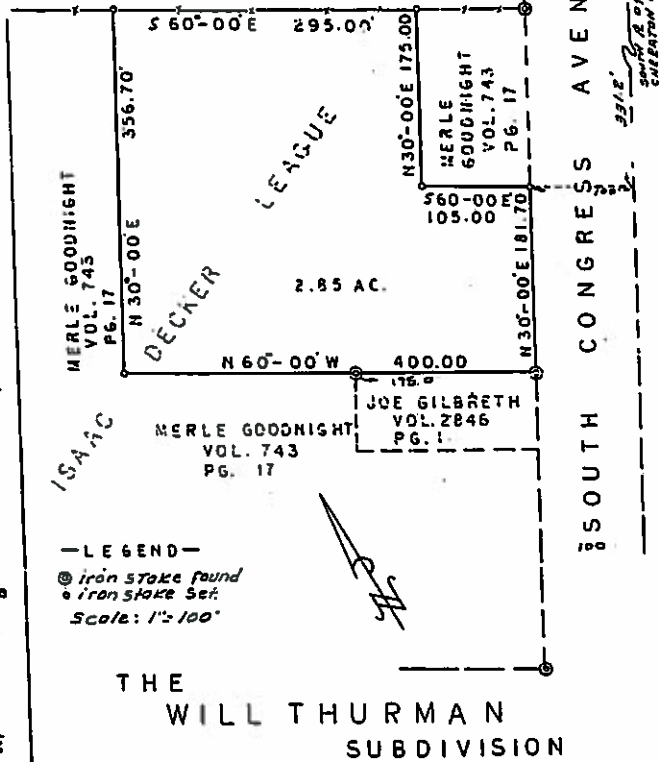


Betty J. Davern
Notary Public, At and for Travis County, Texas

APPROVED FOR ACCEPTANCE:

Date Nov. 14, 1967

Hoyle M. Osborne
Hoyle M. Osborne, Director of Planning

VOL. 2270 PS. 387
BESSIE HAMILTON BLACKWELL

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, this the 14th day of November, A.D. 1967

Kram Brown
Secretary

Edward B. Jackson
Chairman

FILED FOR RECORD: At 2:56 O'Clock P M., the 17 day of Nov., A.D., 1967

By Wanda Rich
Deputy

Emilie Limberg
Emilie Limberg, Clerk, County Court, Travis County, Texas

THE STATE OF TEXAS:
COUNTY OF TRAVIS:

I, Emilie Limberg, Clerk of the County Court within and for the County and State aforesaid do hereby certify that the foregoing instrument of writing with its Certificate of Authentication was filed for record in my office on the 17 day of Nov., A.D., 1967, at 2:56 O'Clock, P M., and duly recorded on the 17 day of Nov., A.D., at 2:57 O'Clock, P M., in the Plat Records of said County and State, in Plat Book 37, at Page 6.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY the date last written above.

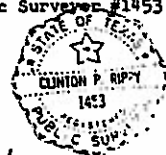
Wanda Rich
Deputy



Emilie Limberg
Emilie Limberg, Clerk, County Court, Travis County, Texas

Surveyed by:

Clinton P. Rippey
Clinton P. Rippey
Registered Public Surveyor #1453

Date: 10-4-67

196-67-174

THIS IS TO CERTIFY THAT AUSTIN CITY CODE CHAPTER 23.27 OF 1954 HAS BEEN COMPLIED WITH.

EXHIBIT C
RECORDED PLAT

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District

PROJECT NAME: South Congress Residences

ADDRESS/LOCATION: 4714 South Congress Avenue

CASE #: C14-2016-0097

☐ NEW SINGLE FAMILY☐ DEMOLITION OF MULTIFAMILY☒ NEW MULTIFAMILY☐ TAX CREDIT

SF UNITS: _____ STUDENTS PER UNIT ASSUMPTION
 Elementary School: _____ Middle School: _____ High School: _____

MF UNITS: 253 STUDENTS PER UNIT ASSUMPTION
 Elementary School: 0.069 Middle School: 0.027 High School: 0.037

IMPACT ON SCHOOLS

The student yield factor for the south central region (across all grade levels) is 0.133 for apartment homes. The 253 multifamily unit development is projected to add approximately 33 students across all grade levels to the projected student population. It is estimated that of the 33 students, 17 will be assigned to St. Elmo Elementary School, 7 to Bedichek Middle School, and 9 to Travis High School.

The percent of permanent capacity by enrollment for SY 2020-21, including the additional students projected with this development, would be within the target range of 75-115% for Bedichek MS (89%), assuming the mobility rates remain the same. The projected additional students at St. Elmo ES and Crockett HS would not offset the anticipated decline in enrollment. St. Elmo (62%) and Crockett (58%) would continue to be below the target range of permanent capacity, assuming the mobility rates remain the same. All of the schools will be able to accommodate the projected additional student population from the proposed development.

TRANSPORTATION IMPACT

St. Elmo ES is located within 2 miles of the proposed development; therefore students would not qualify for transportation unless a hazardous route condition was identified. Students within the proposed development attending Bedichek MS and Travis HS will qualify for transportation due to the distance from the proposed development to the schools.

SAFETY IMPACT

There are no known safety impacts at this time.

Date Prepared: 10/20/2016

Director's Signature:

10/20/16

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: St. Elmo	RATING: Met Standard
ADDRESS: 600 W. St. Elmo Road	PERMANENT CAPACITY: 411
% QUALIFIED FOR FREE/REDUCED LUNCH: 85.67%	MOBILITY RATE: -6.3%

POPULATION (without mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2015-16 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	320	254	271
% of Permanent Capacity	78%	62%	66%

ENROLLMENT (with mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2015-16 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	300	238	255
% of Permanent Capacity	73%	58%	62%

MIDDLE SCHOOL: Bedichek	RATING: Met Standard
ADDRESS: 6800 Bill Hughes Road	PERMANENT CAPACITY: 941
% QUALIFIED FOR FREE/REDUCED LUNCH: 81.47%	MOBILITY RATE: -12.1%

POPULATION (without mobility rate)			
MIDDLE SCHOOL STUDENTS	2015-16 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,044	941	948
% of Permanent Capacity	111%	100%	101%

ENROLLMENT (with mobility rate)			
MIDDLE SCHOOL STUDENTS	2015-16 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	918	827	834
% of Permanent Capacity	98%	88%	89%

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



HIGH SCHOOL: Travis	RATING: Met Standard
ADDRESS: 1211 E. Oltorf	PERMANENT CAPACITY: 1,862
% QUALIFIED FOR FREE/REDUCED LUNCH: 83.79%	MOBILITY RATE: -26.1%

POPULATION (without mobility rate)			
HIGH SCHOOL STUDENTS	2015-16 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,780	1,438	1,447
% of Permanent Capacity	96%	77%	78%

ENROLLMENT (with mobility rate)			
HIGH SCHOOL STUDENTS	2015-16 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	1,316	1,063	1,072
% of Permanent Capacity	71%	57%	58%

*The 5-Year Projected Enrollment (with and without the proposed development) is an estimate calculated with the assumption that the stated mobility rates (transfers in and out of the school) remain the same over the 5-year period. These estimates are for the sole purpose of the Educational Impact Statement and should not be used for any other purposes.

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, including one across the street.

EXISTING CONDITIONS**Site Characteristics**

The subject rezoning area contains commercial uses and a few groupings of trees on its west side.

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 the west side of S. Congress Avenue, on a 2.81 acre parcel that contains a variety of retail uses. The property is located in the South Congress Combined Neighborhood Planning Area, in the West Congress NP. Surrounding land uses includes a used car retailer to the north, a vet clinic to the south, undeveloped land to the west (part of

the Williamson Creek Greenbelt), and a condo complex to the east. The proposed use is vertical mixed use building, with 253 units of multifamily apartments and 4,995 sq. ft. of general commercial.

Connectivity

The Walkscore was unavailable during the writing of this report. However, narrow public sidewalks are available along the property line but the extremely wide curb cuts located on the same side of the street make walking in this area problematic. Public transit stops are located within close walking distance of the project area, along S. Congress Avenue.

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.

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 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)

Proposed Sidewalk Network

South Congress Avenue - The pedestrian infrastructure for South Congress Avenue in the SCCNPA is best characterized as fragmented. Sidewalks are installed along the street from Ben White Boulevard to Williamson Creek, but the number of curb cuts and wide driveways contribute to a disjointed pedestrian environment. South of the creek, the sidewalk network is, at best, incomplete. Pedestrians are often forced to walk along the shoulder of the road or in parking lots and driveways. (p 78)

Recommendation 5: Complete the sidewalk network along the east and west sides of South Congress Avenue from Williamson Creek to William Cannon Drive.

South Congress Commercial Design Guidelines (p 95 – 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.

Other Local Commercial Corridors—South Congress Avenue, South 1st Street, William Cannon Drive, Stassney Lane, and Ben White Boulevard from South 1st Street to South Congress Avenue

These corridors should take on a more pedestrian-friendly feel. Mixed-use development should be encouraged where possible. The character of development should be similar to South Congress, but on a more neighborhood scale. Again, the vision is to create spaces designed to allow people to be comfortable outside of their automobiles, and to enhance the mobility choices in the planning area. (Design Guidelines are included in the plan to offer suggestions to commercial developers along S. Congress Avenue.)

Conclusions: South Congress Avenue in recent years has transitioned away from industrial and warehouse uses, and is now a vibrant gateway into downtown Austin. A variety of neighborhood serving commercial and mixed use projects have been going up, including neighborhood friendly restaurants, coffee shops, retail stores, and high density residential uses. The SCCNP includes a number of goals, objectives, recommendations and text language that supports creating pedestrian friendly, vibrant mixed use projects along S. Congress Avenue. A mixed use project appears to be supported the SCCNPA as long as the developer takes into consideration into making the project aesthetically pleasing according to the design guidelines, and ensuring it is project pedestrian friendly.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being located along an **Activity Corridor**, which are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following Imagine Austin policies are applicable to this project:

- **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 P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, **corridors** and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **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 upon this property being: (1) situated along an **Activity Corridor** as designated on the Growth Concept Map, which supports commercial and multifamily uses; (2) the Imagine Austin policies referenced above that supports a variety of development, including mixed use, and (3) the SCCNPA supporting mixed use, this project appears to be supported by Imagine Austin.

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 a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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 *south and west* property lines, the following standards apply:

- For a structure more than 100 feet but not more than 300 feet from property line, height is restricted to 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line
- For a structure more than 300 feet but not more than 540 feet from property line, height is restricted to 60 feet plus one foot for each 4 feet of distance in excess of 300 feet from 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]. *FYI, additional right-of-way may be required at the time of subdivision and/or site plan.*

FYI, a traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

Water / Wastewater

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

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

4714 South Congress Avenue

Case no. C14-2016-0097

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: The developer is willing to provide 15% of the units at 80% MFI.

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 agrees to provide a mix of 1br, 2br and 3br units for the affordable housing program. The affordable units will have the same rights and privileges including access to all amenities as the market rate units.

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

Response: The developer is willing to provide 3% of the units as 3 bedroom units for families. This is based on the projected demand and absorption for 3br units in this location.

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

Response: The developer agrees to place a restrictive covenant on the property that will limit the building height to 60 feet.

5. Can the developer provide relocation assistance to the existing commercial renters?

Response: The developer is willing to provide relocation assistance to the existing commercial renters.

6. Can the developer provide x amount of square footage at x amount of reduced rents (indicate what percentage of market)

Response: The developer is willing to provide 1,500 square feet of reduced rent equal to 80% of market rate for a period of 5 (five) years.

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

Response:

As a follow-up to our meeting with the contact team on June 15, 2016, we told the contact team that the developer would voluntarily prepare a TIA – which was before filing the rezoning application or consulting with city staff. However, after filing the zoning case, city staff waived the TIA because the existing uses generate ore vehicle trips that the prosed uses. Apparently, if a TIA is not required by the city code, city staff will not accept a voluntary TIA for review.

Right-of- way (ROW) dedication: City transportation staff has requested, as a condition of zoning, dedication of 57 feet of ROW from the existing center line of South Congress Avenue for future widening of the Road in accordance with the Austin Metropolitan Area Transportation Plan.

ALICE GLASCO CONSULTING**44 11 and 4714 Couth 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.

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 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: C14-2016-0097

Contact: Wendy Rhoades, 512-974-7719

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

Larry Connelly

Your Name (please print)

4801 South Congress Ave, S#

Your address(es) affected by this application

Larry Connelly

Signature

Date

Daytime Telephone: 512-466-7257

Comments:

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

November 3, 2016

To: Planning Commissioners

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

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. SCCNPCT met on June 30, 2016 to discuss the following zoning change application

4714 South Congress Avenue

Case No. C14-2016-0097

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@glascoconsulting.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@glascoconsulting.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