

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2019-0069 – Saint Elmo Apartments    DISTRICT: 3

ZONING FROM: CS-MU-NP

TO: CS-MU-V-NP

ADDRESS: 4315 South Congress Avenue

SITE AREA: 1.4 acres

PROPERTY OWNER: Lampros Moumouris

AGENT: Rivera Engineering  
(Michael A. Rivera)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov))

**STAFF RECOMMENDATION (Revised on July 25, 2019):**

**The Staff recommendation is to grant general commercial services – mixed use – vertical mixed use building – neighborhood plan (CS-MU-V-NP) combining district zoning. For a summary of the basis of Staff's recommendation, see case manager comments.**

**PLANNING COMMISSION ACTION / RECOMMENDATION:**

**July 23, 2019: APPROVED CS-MU-V-NP DISTRICT ZONING, WITH CONDITIONS OF RIGHT-OF-WAY DEDICATION AND/OR RESERVATION AS STAFF RECOMMENDED, BY CONSENT**

***[P. SEEGER; A. AZHAR – 2<sup>ND</sup>] (10-0) R. SCHNEIDER, T. SHAW, J. THOMPSON – ABSENT***

**NOTE: APPLICANT AND NEIGHBORHOOD ARE WORKING ON A PRIVATE RESTRICTIVE COVENANT.**

**June 25, 2019: APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO JULY 23, 2019, BY CONSENT**

***[P. HOWARD; C. KENNY – 2<sup>ND</sup>] (11-0) P. SEEGER; J. SHIEH – ABSENT***

**CITY COUNCIL ACTION:**

**August 8, 2019:**

**ORDINANCE NUMBER:**

**ISSUES:**

On July 25, 2019, the Austin Transportation Department deferred the right-of-way dedication on South Congress Avenue (in accordance with the Austin Strategic Mobility Plan) to the site plan stage of development.

On Friday, June 7, 2019, the Applicant met with representatives of the South Congress Combined Neighborhood Plan Contact Team to discuss this case. Both parties are working on a private Restrictive Covenant that addresses affordable requirements for rental units,

sidewalks, an onsite pet area, additional parkland fee donation for Battle Bend Neighborhood Park and onsite lighting.

CASE MANAGER COMMENTS:

The subject undeveloped tract is located on South Congress Avenue, is undeveloped and has had general commercial services – mixed use – neighborhood plan (CS-MU-NP) zoning since Council approved the East Congress Neighborhood Plan rezonings in August 2005. There are retail and various commercial services, auto-related uses and apartments along both sides of Congress Avenue in the vicinity (CS-MU-NP; CS-MU-CO-NP/MF-6-CO-NP), and supply and industrial businesses to the east on Industrial Boulevard (LI-CO-NP; LI-PDA-NP; LI-NP). ***Please see Exhibits A and A-1 – Zoning Map and Aerial Exhibit.***

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 ground floor retail (up to 3,700 square feet) and 134 apartment units.

The property is designated as Mixed Use on the adopted Future Land Use Map (as is most of South Congress Avenue in the neighborhood planning area), and the Mixed Use designation is defined as “An area that is appropriate for a mix of residential and non-residential uses.” 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 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, although they do not apply to this tract.

A building constructed 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 (except where compatibility applies), 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 (\$65,100), for a period of 40 years.

**BASIS OF RECOMMENDATION:**

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 neighborhood plan (NP) 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 to the south at the southeast corner of East St. Elmo Road and approved site plans for vertical mixed use building development south of East St. Elmo Road.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-MU-NP	Undeveloped (formerly auto sales)
<i>North</i>	CS-MU-NP	Convenience storage; Auto repair; Equipment rental
<i>South</i>	CS-MU-NP; CS-MU-CO-NP/MF-6-CO-NP	Mobile food vending court; Convenience storage; Apartments with ground floor retail
<i>East</i>	LI-CO-NP; LI-PDA-NP; LI-NP	Supply and industrial businesses; Proposed for mixed use development
<i>West</i>	CS-MU-NP; CS-1-MU-CO-NP	Auto rentals and sales; General retail sales; Construction sales and service; Apartments; Administrative / business office; Commercial center

**NEIGHBORHOOD PLANNING AREA:** South Congress Combined (East Congress)

TIA: Is not required

**WATERSHED:** Williamson Creek – Suburban

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

SCHOOLS:

Galindo Elementary School

Bedichek Middle School

Travis High School

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Assoc.

742 – Austin Independent School District

1173 – South Congress Combined Neighborhood Plan Contact Team

1228 – Sierra Group, Austin Regional Group

1363 – SEL Texas

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

1528 – Bike Austin

1530 – Friends of Austin Neighborhoods

1531 – South Austin Neighborhood Alliance

1550 – Homeless Neighborhood Association

1578 – South Park Neighbors

1616 – Neighborhood Empowerment Foundation

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0132 – 4515 South Congress Rezoning – 4515 S Congress Ave; 134 Sheraton Ave	CS-MU-NP; CS- MU-CO-NP to CS-MU-V-NP	To Grant CS-MU-V- CO-NP w/CO for list of prohibited uses and 2,000 trips/day. <u>Note</u> : Applicant and N'hood encouraged to work together on private RC	Apvd CS-MU-V-CO- NP Commission rec, but remove the –CO for the 2,000 trips/day limit (6-14-2018).
C14-2017-0133 – 4401 S Congress Rezoning	CS-MU-NP to CS-MU-V-NP	To Grant CS-MU-V- CO-NP w/CO prohibiting access to S Congress Ave and conds of r-o-w dedication on S Congress Ave	Apvd CS-MU-V-CO- NP as PC rec (3-8- 2018). <u>Note</u> : Staff deferred R-O-W dedication to site plan
C14-2016-0106 – 4411 S Congress Ave and 4510 Luckinger Ln	CS-MU-NP to CS-MU-V-NP	To Grant CS-MU-V- NP w/addl conds to provide 10% rental units at 60% MFI w/a unit mix reflecting the makeup of the units as the rest of the devt and all amenities will be available to the residents of the affordable units	Apvd CS-MU-V-CO- NP w/CO for 60' height limit (4-13-2017).
C14-2016-0097 – South Congress Residences – 4714 S Congress Avenue	CS-MU-CO-NP to CS-MU-V-NP	To Grant CS-MU-V- NP w/addl conds to provide 10% rental units at 60% MFI w/a	Apvd CS-MU-V-CO- NP w/CO limiting height to 60', on 1 <sup>st</sup> Rdg (3-23-2017); Case

		unit mix reflecting the makeup of the units as the rest of the development and all amenities will be available to the residents of the affordable units, and incorporating the conditions in the list of conditions from the October 19 <sup>th</sup> SCCNPCT meeting, to the extent possible.	Expired
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 w/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 –	CS-NP to CS-	To Grant CS-MU-CO-	Apvd CS-MU-CO-NP;

South Urban Lofts – 4367 S Congress Ave	MU-CO-NP; MF-6-NP	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 uses	MF-6-CO-NP as Commission recommended, w/ Restrictive Covenant for minimum 2-star Green Building requirement (6-07-2007).
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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 consists of a portion of Tract 108 that was rezoned to CS-MU-NP. 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 108.

The rezoning area consists of a portion of Fortview Addition, Block 26. There are no site plans in process.

#### EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South Congress Avenue	109 feet	68 feet	Major Arterial Divided, 4 lanes	Yes	Yes	Yes

#### OTHER STAFF COMMENTS:

##### Comprehensive Planning

This rezoning case is located on the east side of South Congress Avenue, which is 300 feet south of Industrial Boulevard, on a 1.40 acre lot that is undeveloped. The site was formerly a used car lot and auto salvage yard. This project is also located within the boundaries of East Congress Neighborhood Plan Area, which is part of the larger South Congress Combined Neighborhood Plan. Surrounding land uses include an auto service center, a convenience storage facility, a restaurant and a variety of light industrial uses to the north; to the south is a convenience storage facility, a food truck pavilion and an apartment/mixed use project; to the west is a Salvation Army facility, an industrial warehouse facility, and an apartment complex; and to the east are a variety of light industrial and warehouse uses. The proposed

use is multi-story mixed use project, to include: 134 residential units and 3,700 square feet of an unidentified commercial use.

### **Connectivity**

*The project is located within 500 feet of two CapMetro transit stops. This portion of South Congress Avenue has public sidewalks and unprotected bike lines but expansive curb cuts open directly onto large segments of the public sidewalks. The Walkscore for this site is 66/100, Somewhat Walkable, meaning some errands can 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-NP-V is permitted under this land use category. Mixed Use is defined as an area that is intended for a mix of residential and non-residential uses, including office, retail and commercial services.

The following text and policies are excerpted from the SCCNPA and are applicable to this case and go into great detail about future development along South Congress Avenue:

#### **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.**

#### **Top Ten Priorities (p. 14)**

3. Improve infrastructure along South Congress Avenue to make it pedestrian friendly. Undertake a corridor improvement study for South Congress Avenue. Implement new Commercial Design Standards.

**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 page 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.

### **St. Elmo Road District (pgs. 52-53)**

This is the most vibrant commercial district of the three and is the only section where most of South Congress Avenue is curbed and guttered. Although there is a good deal of activity in this district, the majority of the commercial uses are not conducive to creating and sustaining a pedestrian-oriented environment. Regardless, participants in the planning process considered this segment of South Congress Avenue the segment likely to first see redevelopment and revitalization.

Moreover, most of the land in the St. Elmo District could be redeveloped into more urban and pedestrian-oriented sites.

**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;
- (Add) 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)

**Recommendation 5:** Create an association of businesses along the portion of South Congress Avenue within the planning area. As more of the desired types of businesses locate along South Congress Avenue, such an association could help market the district as a unique destination for nearby residents, Central Texans, and out-of-town visitors.

**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. (pgs. 56-57)

**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.

**Recommendation 10:** Design and implement streetscape improvement to create a unique district along South Congress Avenue. An interesting and innovative program of streetscape improvements would greatly enhance the pedestrian environment along South Congress Avenue and contribute to the character of a unique South Congress District.

**Objective 2.3:** Commercial and mixed-use development along South Congress Avenue should not adversely affect adjacent neighborhoods. (p 58)

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

**Proposed Sidewalk Network (p. 78)**

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.

**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 1<sup>st</sup> 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

There are additional specific voluntary Urban Design Guidelines found in this plan, which specify the design aesthetic and layout of projects along South Congress Avenue.

The majority of policies and text in the SCCNPA state that the community wants to see the emergence of vibrant mixed use projects along South Congress Avenue to create a “funky Austin-centric” corridor, which is safe for pedestrians, well-designed and includes a variety of neighborhood serving uses. The proposed multi-family/mixed use project appears to be support the SCCNPA especially if it is designed to contribute to the South Congress Avenue corridor in terms of: scaling, design aesthetic, pedestrian orientation, landscaping and is a neighborhood serving mixed use project.

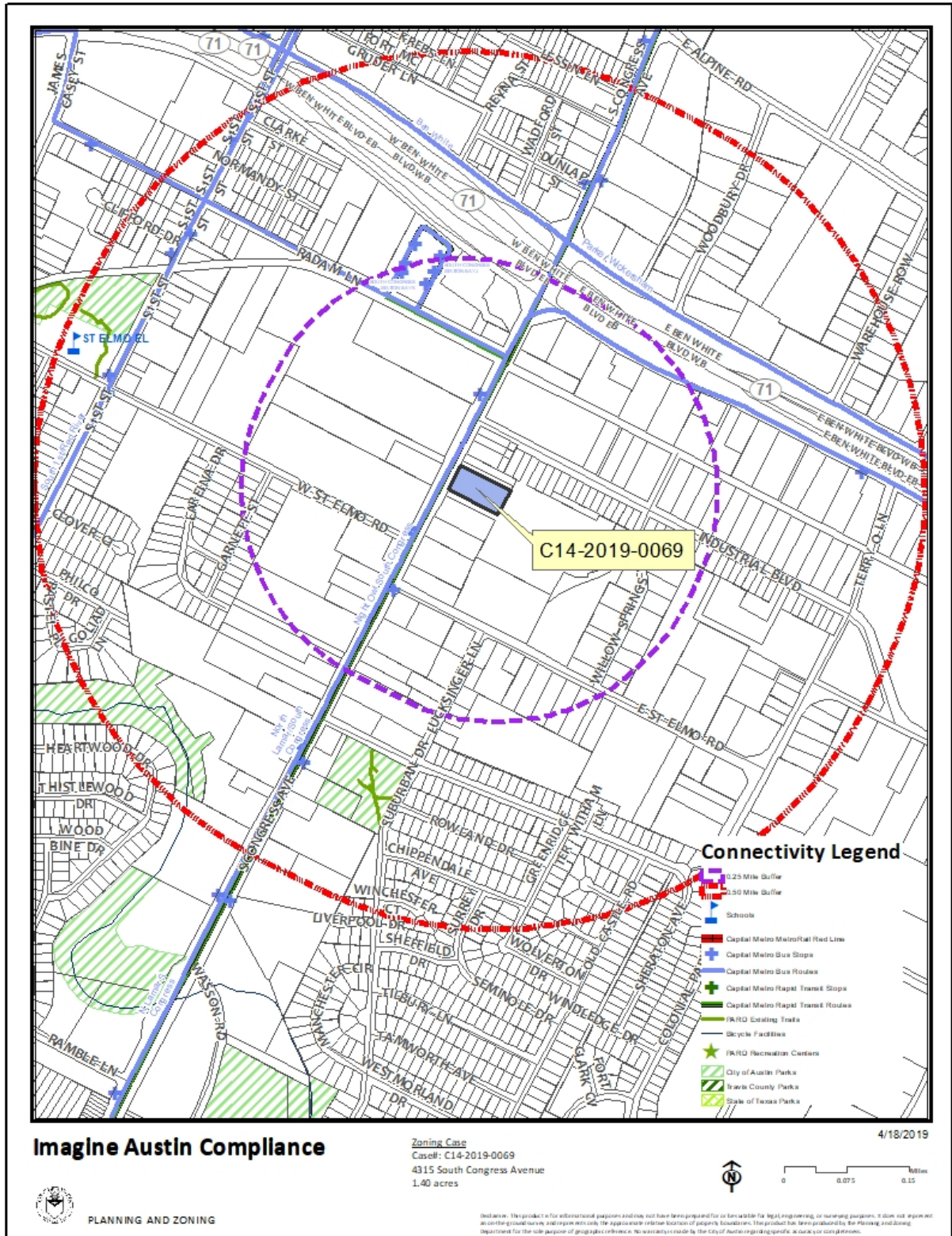
**Imagine Austin**

The property is located along an ‘**Activity Corridor**’, as identified on the Imagine Austin’s Growth Concept Map. 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* (p. 106).

The following Imagine Austin policies are also applicable to this case:

- **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.
- **HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

**Overall Conclusion:** South Congress Avenue is quickly transitioning away from industrial/warehouse uses and into a vibrant gateway into downtown Austin. The policies in the Imagine Austin Comprehensive Plan and the SCCNPA both support transitioning South Congress Avenue into a vibrant neighborhood serving, pedestrian oriented mixed use corridor.



### 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.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

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

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

### **DEMOLITION AND HISTORIC RESOURCES**

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building

demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

### **RESIDENTIAL DESIGN STANDARDS OVERLAY**

The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

#### Transportation

The traffic impact analysis for this site was waived because a Traffic Impact Analysis will be determined at the time of site plan application per LDC 25-6-113.

Additional right-of-way may be required at the time of subdivision and/or site plan.

This project is adjacent to a street that has been identified in Austin's Corridor Mobility Program (S Congress Ave.). At the time of site plan, Staff will contact Bryan Golden (bryan.golden@austintexas.gov) from Corridor Planning Office and ATD area engineer for streetscape coordination.

If the requested zoning is recommended for this site, then at the time of site plan, 70 feet of right-of-way from the existing centerline shall be required for South Congress Avenue in accordance with the Austin Strategic Mobility Plan [LDC Sections 25-6-51 and 25-6-55].

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a Protected bike lane is recommended for S Congress Ave. At the time of site plan, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the [Bicycle Master Plan](#) for more information.

FYI – The existing driveways and sidewalks along S Congress Ave. may be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

FYI – The existing sidewalks along S Congress Ave. may need to be reconstructed to City of Austin standards in accordance with the Land Development Code and Transportation Criteria Manual at the time of the site plan application.

#### Austin Water Utility

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

#### INDEX OF EXHIBITS TO FOLLOW

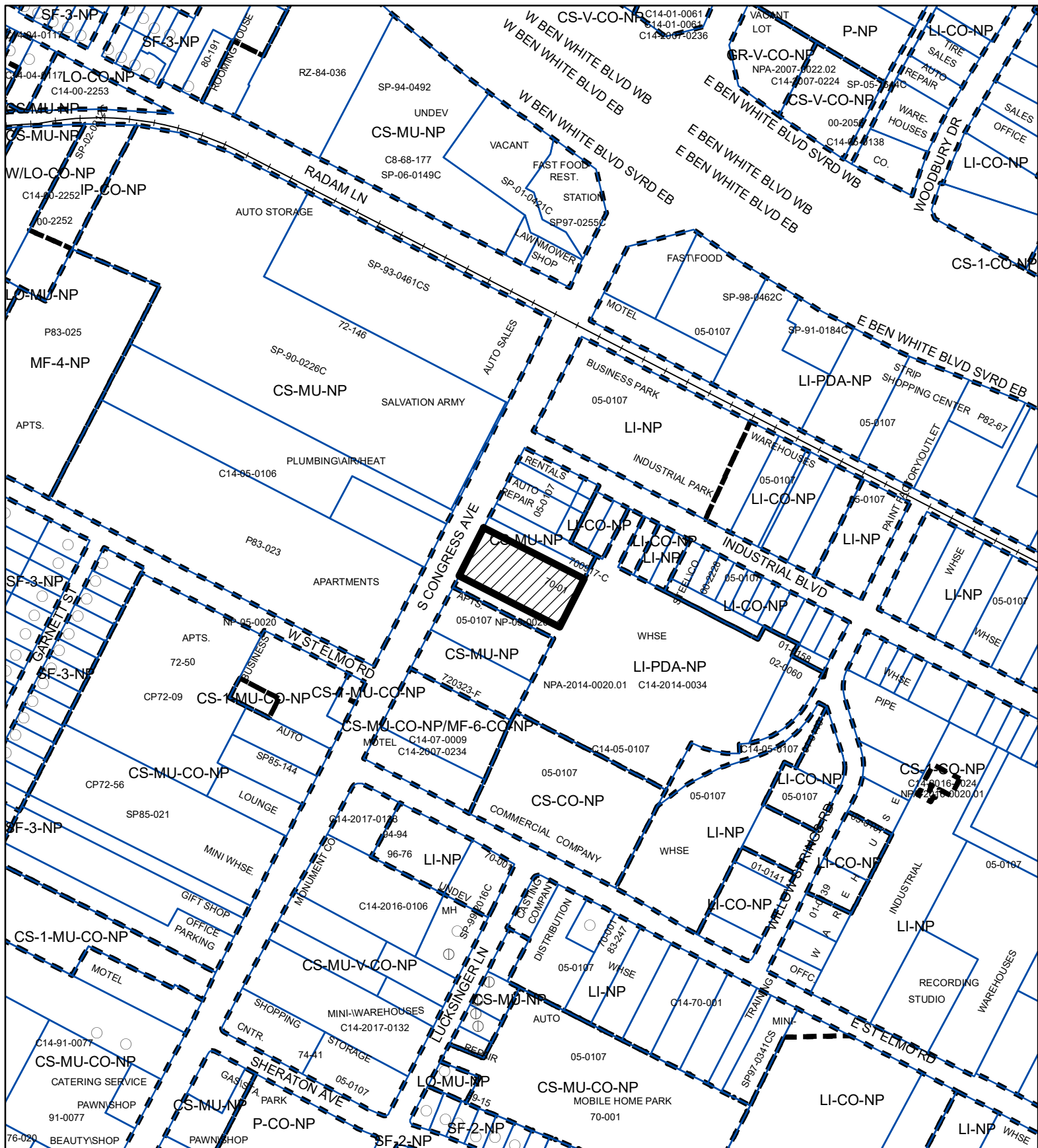
A: Zoning Map

A-1: Aerial Map

B: Recorded Plat

Correspondence Received








## ZONING

Exhibit A

ZONING CASE#: C14-2019-0069



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

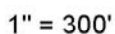
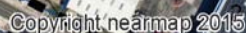
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Created: 4/15/2019





SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY



CREEK BUFFER

**SAINT ELMO APTS.**

Exhibit A - 1

ZONING CASE#: C14-2019-0069

LOCATION: 4315 S. CONGRESS AVE.

SUBJECT AREA: 1.4 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.



## Rhoades, Wendy

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**From:** mariocantu <mariocantu@myexcel.com>  
**Sent:** Tuesday, June 25, 2019 1:26 PM  
**To:** Rhoades, Wendy  
**Cc:** Keena Miller; Michael Fossum  
**Subject:** SCCNPCT 4315 S. Congress Case Number: C14-2019-0069

Wendy,

The SCCNPCT is requesting a postponement for tonight June 25, 2019 Planning Commission meeting regarding 4315 S. Congress Case Number: C14-2019-0069 to July 23, 2019 Planning Commission meeting.

We need more time from the applicant Mr. Rivera to sort our requests that we provided to him. Our intent is to provide the requests within a restrictive covenant.

Next SCCNPCT meeting will take place on July 17th.

Mario Cantu Chair SCCNPCT.

## 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](http://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: C14-2019-0069**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearings: June 25, 2019, Planning Commission;  
August 8, 2019, City Council**

PETER BARBARITO

Your Name (please print)

4361 SOUTH CONGRESS AVE

Your address(es) affected by this application

[Signature]

Signature

☐ I am in favor  
☒ I object

6/17/19

Date

Daytime Telephone: 786-566-1055

Comments: AUSTIN HAS MOVED MUCH TO  
QUICKLY WITH RESIDENTIAL BUS.  
MOST RECENTLY - PROJECTS  
ARE COMING UP FASTER THEN  
THEY ARE BEING BOUGHT -  
BY END USERS.  
LET'S SLOW DOWN THE PROCESS  
AND WORK ON GETTING ALL CITY DEPTS  
UP TO SPEED FIRST! THANKS -

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

**RESTRICTIVE COVENANT**

DATE: July 23, 2019

OWNER: Lampros Moumouris --

ADDRESS: 311 West 5<sup>th</sup> Street, #1102  
Austin, Texas 78701

PROPERTY: 4315 South Congress Avenue being all of that certain tract or parcel of land containing 1.3996 acres of land, more or less, being a portion of Lot 26, FORTVIEW ADDITION, a subdivision of a part of the Isaac Decker League, City of Austin, Travis County, Texas; being the tract of land described in the deed to Twin Oaks Associates of record in Volume 8777, Page 241 of the Real Property Records of Travis County, Texas.

WHEREAS, as of the date of this Restrictive Covenant, the Property is currently vacant secured by fencing and locks (the "Existing Project");

WHEREAS, the City of Austin Land Development Code (the "Code") Subchapter E § 4.3.3.E provides that a Vertical Mixed Use ("VMU") building satisfying certain affordability requirements is exempt from certain dimensional and parking standards that might otherwise be applicable to the building;

WHEREAS, the Owner may, subsequent to the date of this Restrictive Covenant, abandon the Existing Project, sell, and re-develop the Property, into a VMU building the South Congress Combined Neighborhood Contact Team shall be informed for new development.

NOW, THEREFORE, for good and valuable consideration, it is declared that Owner shall hold, sell and convey the Property, subject to the following covenants and restrictions (this "**Restrictive Covenant**");

1. **Applicability.** Owner hereby acknowledges that the terms, covenants, conditions and provisions of this Restrictive Covenant shall only be binding on Owner and encumber the Property if (i) the City Council for the City of Austin has approved the re-zoning of the Property from CS-MU-NP to CS-MU-V-NP per the zoning ordinance approved on or around August 2019 (the "Zoning Ordinance") and (ii) the Project is developed in accordance with the Zoning Ordinance. If the City of Austin replaces the Code with a subsequent code or changes the zoning of the Property such that the Zoning Ordinance is no longer applicable, and the Property is developed under the subsequent code or pursuant to a subsequent zoning ordinance, this Restrictive Covenant shall not apply.
2. **Affordable Requirements for Rental Units.** If Owner seeks exemptions to the dimensional and parking requirements set forth in Subchapter E § 4.3.3.E of the Code, then Owner agrees that for a minimum of 40 years following the issuance of the certificate of occupancy, 5 percent of residential units in the VMU building of the total units the city will approve and the owner will build shall be reserved as affordable for rental or purchase by households earning no more than 60 percent of the Annual Median Family Income (MFI), and 5 percent of residential units in the VMU building of the total units the city will approve and the owner will build be reserved as affordable for rental or purchase by households earning no more than 80 percent of the MFI (for a total of 10 % affordable units). In addition, the owner shall contract with a nonprofit organization to manage the affordable units.

3. **Sidewalk(s) on South Congress Avenue.** Unless otherwise required by the City of Austin or other governmental agency with jurisdiction over the Property, the Property shall include a pedestrian sidewalk along the east side of South Congress Avenue.
4. **Onsite Pet Area.** Unless otherwise required by the City of Austin or other governmental agency with jurisdiction over the Property, the Project shall include a designated on-site pet area (provided the Project includes residential apartments).
5. **Additional Parkland Fee Donation.** Unless otherwise required by the City of Austin or other governmental agency with jurisdiction over the Property, the Project shall include payment of an additional parkland fee of \$5,000.00 specifically for use at the existing Battle Bend Neighborhood Park.
6. **Onsite Lighting.** Unless otherwise required by the City of Austin or other governmental agency with jurisdiction over the Property, the Project shall include all onsite lighting which shall meet the requirements of the city of Austin.
7. **Binding Effect.** The terms and conditions of this Restrictive Covenant shall inure to the benefit of and be binding upon the respective heirs, successors and assigns of Owner. Nothing in this Restrictive Covenant, express or implied, is intended to confer upon any party other than Owner or its respective successors and assigns any rights, remedies, obligations, or liabilities under or by reason of this Restrictive Covenant, except as expressly provided herein. This Restrictive Covenant shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in the Property or any part thereof.
8. **Severability.** If any part of this Restrictive Covenant shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Restrictive Covenant, and such remaining provisions of this Restrictive Covenant shall remain in full effect.

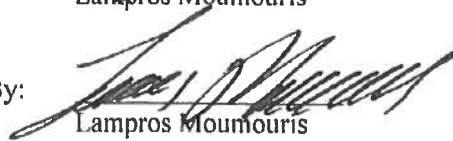
[Signature Page Follows]

**IN WITNESS WHEREOF**, this Restrictive Covenant has been duly executed and delivered as of the date first above written.

**OWNER:**

Lampros Moumouris

By:

  
Lampros Moumouris

STATE OF TEXAS


§

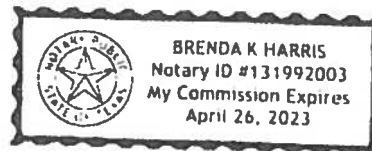
COUNTY OF TRAVIS

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This instrument was acknowledged before me on the 23 day of July, 2019 by Lampros Moumouris.

  
Notary Public, State of Texas



**AFTER RECORDING, RETURN TO:**

Michael A. Rivera, P.E.  
Rivera Engineering  
P. O. Box 90485  
Austin, TX 78709-0485