

THIRD READING SUMMARY SHEET

CASE: C14-2019-0082 – 600 Industrial Boulevard
Mixed Use

DISTRICT: 3

ADDRESS: 600 Industrial Boulevard

PROPERTY OWNER:
KC 600 Industrial LLC
(Mitchell S. Johnson)

AGENT:
Smith Robertson, L.L.P.
(David Hartman)

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

REQUEST: **Approve Third Reading**
 From limited industrial services-conditional overlay-
 neighborhood plan (LI-CO-NP)
 To limited industrial services-planned development area-
 neighborhood plan (LI-PDA-NP), with conditions

CITY COUNCIL ACTION:
January 23, 2020:

December 5, 2019: *APPROVED LI-PDA-NP DISTRICT ZONING, WITH CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS AS ON FIRST READING, ON SECOND READING. VOTE: 10-1, COUNCIL MEMBER HARPER-MADISON VOTED NAY.*

November 14, 2019: *APPROVED LI-PDA-NP DISTRICT ZONING, WITH CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS AS THE PLANNING COMMISSION RECOMMENDED, WITH AN ADDITIONAL RESTRICTION OF AN 85 FEET HEIGHT LIMIT, ON FIRST READING. VOTE: 11-0. NOTE: PUBLIC HEARING REMAINS OPEN*

October 17, 2019: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD PLAN CONTACT TEAM TO NOVEMBER 14, 2019. VOTE: 10-0, COUNCIL MEMBER TOVO – OFF THE DAIS*

ORDINANCE NUMBER:

ISSUES:

The ordinance and public Restrictive Covenant reflect Council action taken on First and Second Readings.

The Applicant and the Neighborhood Plan Contact Team continue to discuss the private Restrictive Covenant as it relates to the percentage of total units designated for affordable housing.

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0082 – 600 Industrial Boulevard Mixed Use DISTRICT: 3

ZONING FROM: LI-CO-NP

TO: LI-PDA-NP

ADDRESSES: 600 Industrial Boulevard

SITE AREA: 4.26 acres

PROPERTY OWNER: KC 600 Industrial LLC (Mitchell S. Johnson)

AGENT: Smith Robertson, L.L.P. (David Hartman)

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

STAFF RECOMMENDATION:

The Staff recommendation is to grant limited industrial services – planned development area – neighborhood plan (LI-PDA-NP) combining district zoning. *The basis of Staff's recommendation is provided on page 2.*

The Restrictive Covenant includes all recommendations listed in the Transportation Impact Analysis Memo, dated September 11, 2019, as provided in Attachment A.

PLANNING COMMISSION ACTION / RECOMMENDATION:

October 8, 2019: APPROVED LI-PDA-NP DISTRICT ZONING, WITH CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS AS STAFF RECOMMENDED, WITH BAIL BOND SERVICES AS AN ADDITIONAL PROHIBITED USE.

[G. ANDERSON; P. SEEGER – 2ND] (12-0) C. LLANES-PULIDO – ABSTAINED

September 24, 2019: APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD PLAN CONTACT TEAM TO OCTOBER 8, 2019

[P. SEEGER; J. THOMPSON – 2ND] (13-0)

CITY COUNCIL ACTION:

January 23, 2020:

December 5, 2019: APPROVED LI-PDA-NP DISTRICT ZONING, WITH CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS AS ON FIRST READING, ON SECOND READING. VOTE: 10-1, COUNCIL MEMBER HARPER-MADISON VOTED NAY.

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October 17, 2019: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD PLAN CONTACT TEAM TO NOVEMBER 14, 2019.*
VOTE: 10-0, COUNCIL MEMBER TOVO – OFF THE DAIS

ORDINANCE NUMBER:

ISSUES:

The Applicant and the Neighborhood Plan Contact Team continue to discuss the private Restrictive Covenant as it relates to the percentage of total units designated for affordable housing.

The Staff and the Planning Commission recommended a maximum building height of 90 feet for the subject property, as requested by the Applicant.

As a follow up to a Commissioner's question regarding potential contamination of sites within 500' of the subject property, there is no information regarding the environmental status of this group of properties. However, a review of the Texas Commission on Environmental Quality (TCEQ) Central Registry showed that there are no sites that are active in the remediation process which would indicate a current release to soil, groundwater or air.

The City-required meeting for the Neighborhood Plan Amendment application was held on Wednesday, August 7, 2019 at the One Texas Center. The Applicant and representatives of the Contact Team have met several times to discuss the proposed rezoning and neighborhood plan amendment and development of the property, with Staff attendance at a meeting on October 2, 2019. Discussions between the Applicant and Contact Team are ongoing. Correspondence from the Contact Team dated October 7th, October 15th and October 25th is attached at the back of this packet.

CASE MANAGER COMMENTS:

The subject property consists of four platted lots and a portion of a fifth lot and contains a few industrial warehouses and structures. The rezoning area is situated at the northwest corner of Industrial Boulevard and Terry O Lane, and there is a non-operational railroad spur and right-of-way that forms the north property line. The property has had limited industrial services – conditional overlay – neighborhood plan (LI-CO-NP) district zoning since 1994 and the Conditional Overlay limits the square footage of certain commercial uses. Development on Industrial Boulevard, Terry O Lane and East St. Elmo Road (east) is generally characterized by warehouses containing distribution and supply companies, fabrication companies, construction sales and service businesses, and outside storage uses (LI-NP; LI-CO-NP). ***Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).***

The Applicant proposes to rezone property to the limited industrial services – planned development area – neighborhood plan (LI-PDA-NP) district as the first step in preparing the site with a mixed use development. Project components include 400 multi-family residences, 12,850 square feet of retail uses, and a 5,326 square feet brewery.

As set forth in Land Development Code Section 25-2-441, the regulations of a planned development area (PDA) may modify: 1) permitted or conditional uses authorized by the base zoning district, 2) site development regulations except for compatibility standards, and 3) off-street parking or loading regulations, sign regulations or screening regulations applicable in the base district.

The Applicant's proposed PDA consists of the following elements:

- 1) allows for all permitted and conditional uses in the LI district, and continues to prohibit all prohibited uses in the LI district
- 2) establishes the following additional permitted residential, commercial and civic uses:

bed and breakfast (groups 1 and 2)	condominium residential
family home	group residential
guidance services	hospital services (limited)
multi-family residential	private primary educational facilities
private secondary educational facilities	public primary educational facilities
public secondary educational facilities	townhouse residential
- 3) establishes the following commercial uses as conditional:

cocktail lounge	hospital services (general)
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- 4) prohibit the following commercial and industrial uses:

basic industry	monument retail sales
recycling center	resource extraction
scrap and salvage	
- 5) Establishes that LI site development standards apply to the property, with the following modifications:
 - a) A maximum height of 90'
 - b) A maximum of 95% impervious cover and 95% building coverage
 - c) A minimum 10' front yard setback, a 10' street side setback, a 0-foot interior side yard setback and a 5' rear yard setback
 - d) No maximum floor-area-ratio (FAR) limitation

BASIS OF RECOMMENDATION:

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

The LI, limited industrial services district designation is for a commercial service use or limited manufacturing use generally located on a medium or large sized site. The PDA, planned development area combining district designation provides for industrial and commercial uses in certain commercial and industrial base districts. The NP, neighborhood plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Staff recommends the Applicant's request as described above for LI-PDA-NP district zoning based on the following: 1) the proposal is similar to that permitted on adjacent properties along East Ben White Boulevard, across Terry O Lane, and a 9.457 acre tract with Industrial Boulevard frontage to the west; 2) recognizing the property's proximity to the interchange of two freeways; and 3) the area is experiencing a degree of transition from stand-alone manufacturing uses to a mix of uses that include manufacturing, commercial and office uses and planned residential development.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI-CO-NP	Industrial warehouse and structures
<i>North</i>	CS-1-CO-NP; LI-PDA-NP	Railroad tracks; Cocktail lounge; General retail sales (general); Adult lounge
<i>South</i>	LI-NP	Construction sales and services businesses; Auto repair; Auto salvage
<i>East</i>	LI-PDA-NP	Recycling center
<i>West</i>	LI-NP	Construction sales and services businesses

NEIGHBORHOOD PLANNING AREA: South Congress Combined (East Congress)

WATERSHED: Blunn Creek – Urban TIA: Is required – Please refer to Attachment A

CAPITOL VIEW CORRIDOR: No SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 1173 – South Congress Combined Neighborhood Plan Contact Team
 1228 – Sierra Club, Austin Regional Group 1363 – SEL Texas
 1424 – Preservation Austin 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

SCHOOLS:

Galindo Elementary School Bedichek Middle School Travis High School

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2019-0069 –	CS-MU-NP to	To Grant CS-MU-V-	Apvd CS-MU-V-NP

Saint Elmo Apartments 4315 S Congress Ave	CS-MU-V-NP	NP	as Commission recommended (8-9-2019).
C14-2016-0024 – 440 E. St. Elmo Road, Bldg F	LI-NP to CS-1-CO-NP	To Grant CS-1-CO-NP w/CO prohibits adult-oriented businesses and limits the size of a cocktail lounge to 2,049 sf. Restrictive Covenant 1) limits the cocktail lounge use to a tasting room associated w/the distillery, and 2) permits wholesale and retail sale of alcoholic beverages, limited to that manufactured or produced by or for the distillery.	Apvd as Commission recommended (6-16-2016).
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/conditions for a Traffic Impact Analysis, and add'l conditions	Apvd LI-PDA-NP w/ PDA for dev't stds, permitted, cond'l, prohibited uses, and max. of 400 residential units, and RC for the TIA and require a shared walkway/bike path from S Congress Ave to the food sales use (11-20-2014).
C14-06-0126 – Warehouse Saloon – 4110 Terry O Ln	LI-PDA-NP to CS-1-NP	To Grant CS-1-CO-NP w/CO for 2,000 trips/day	Apvd as Commission recommended (8-24-2006).
C14-05-0107.01 – Tract A – 700 Industrial Blvd; 908-932 E St Elmo Rd; 4100-4326 Santiago St (<i>City-initiated, based on Council direction</i>)	LI-NP; CS-NP to LI-PDA-NP for modified site standards, add'l permitted uses, and conditional uses on 17.526 acres	To Grant LI-PDA-NP as filed	Apvd as Commission recommended (10-20-2005).

RELATED CASES:

The subject property is within the boundaries of the South Congress Combined (East Congress) Neighborhood Planning Area (NP-05-0020). The –NP combining district was

appended to the existing LI base district on August 18, 2005 (C14-05-0107). On April 7, 1994, the property was zoned LI-CO with the Conditional Overlay limiting the square footage of general retail sales, medical offices, restaurant, financial services, and food sales uses (C14-94-0028 – Wenco Distributors Remodel).

There is a corresponding neighborhood plan amendment case to change the land use designation on the Future Land Use Map (FLUM) from Industrial to Mixed Use (NPA-2019-0020.01).

The rezoning area is platted as Lots 10, 11, 12, 13, 14 and a portion of Lot 15, of the St. Elmo Heights Sec. 1 subdivision recorded in July 1951 (C8-1951-2000). Please refer to Exhibit B.

The property was annexed into the City limits in November 1969.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Industrial Boulevard	80 feet	34 feet	Local – 2 lanes	No	Yes, Route 374	No
Terry O Lane	80 feet	40 feet	Collector	No	No	No
St. Elmo Road (East and West)	72 feet (East); 56-72 feet (West)	28 feet (East); 42 feet (West)	Collector – 2 lanes	No (East) Yes (West)	Yes, Route 47	No

EXISTING CONDITIONS

Site Characteristics

The site contains a few industrial and warehouse buildings, and there appear to be no significant topographical constraints on the site.

Impervious Cover

Within the Blunn Creek (Urban) watershed, the maximum impervious cover allowed by the LI zoning district is 80%, and based on the zoning regulations. The Applicant requests a maximum 95% impervious cover.

OTHER STAFF COMMENTS:Drainage

The developer is required to submit a pre and post development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

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

Zoning district impervious cover limits apply in the Urban Watershed classification.

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.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

Site Plan

The proposed LI-PDA-NP zoning does not trigger the application of 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

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

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.

The site is in an area of capacity concern for wastewater service. 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 AND ATTACHMENT TO FOLLOW

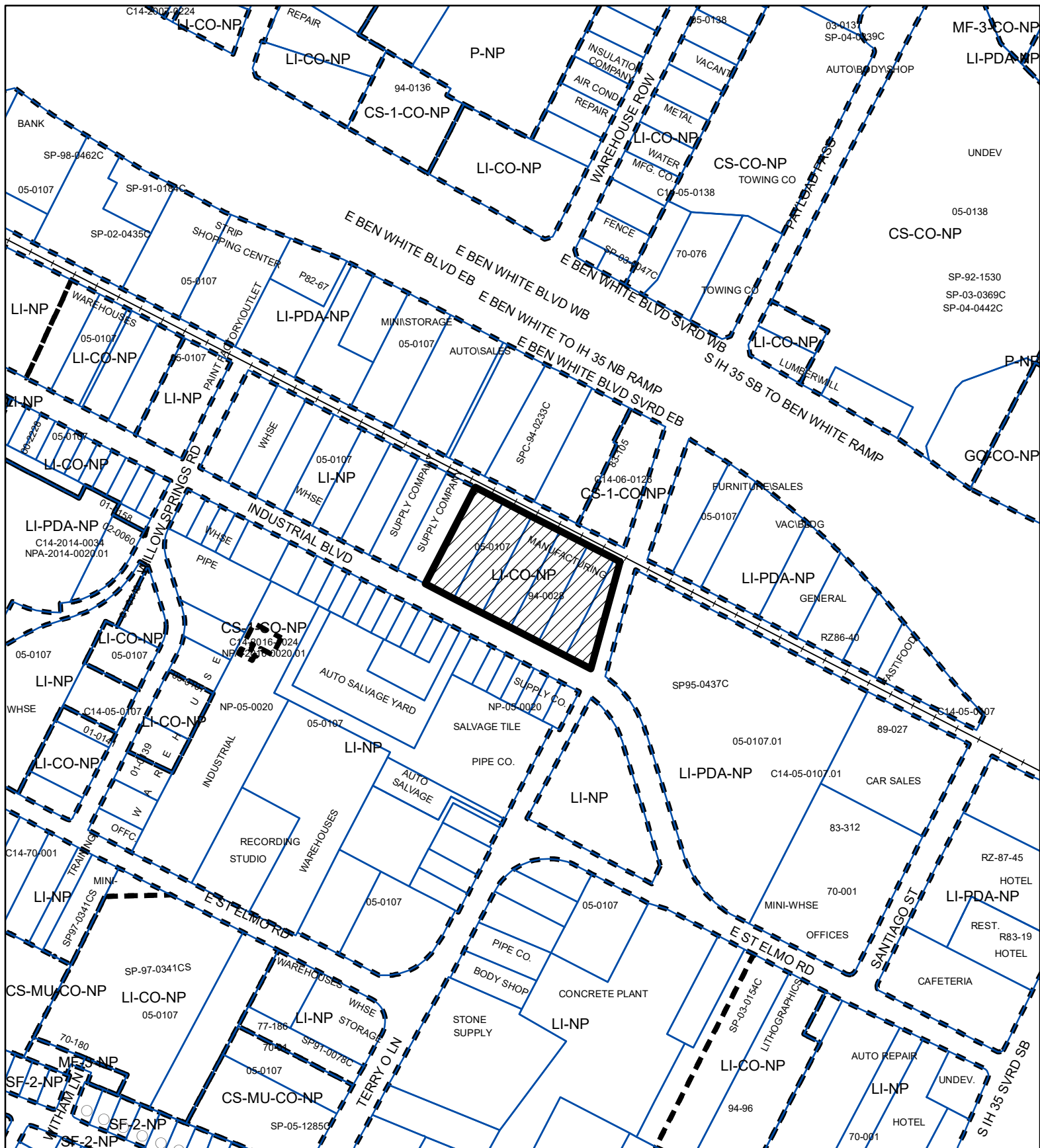
Exhibit A: Zoning Map and Exhibit A-1: Aerial Map

Exhibit B: Recorded Plat

Attachment A: Transportation Impact Analysis (TIA) Memo

Correspondence Received

Questions and Answers



ZONING

Exhibit A

ZONING CASE#: C14-2019-0082



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

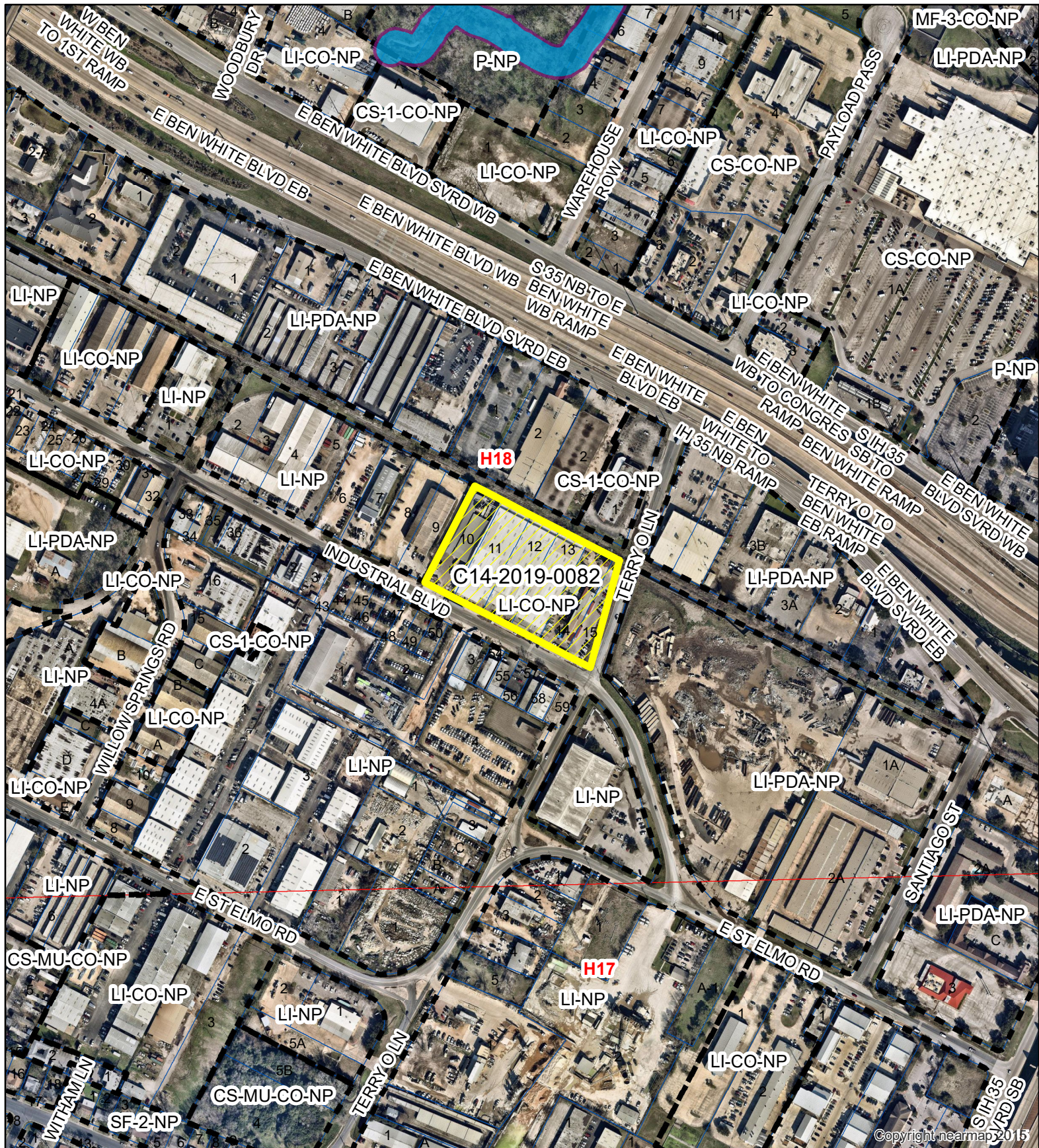
1" = 400'

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.

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: 5/30/2019



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1" = 400'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

600 Industrial Blvd. Mixed Use

ZONING CASE#: C14-2019-0082
 LOCATION: 600 Industrial Blvd.
 SUBJECT AREA: 4.26 Acres
 GRID: H18
 MANAGER: Wendy Rhoades

Exhibit A - 1



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.



MEMORANDUM

Date: September 11, 2019
To: Wendy Rhoades, PAZ Case Manager
CC: Dan Hennessey, P.E. (Director of Transportation)
Upal Barua, P. Eng., P.E., PTOE
Amber Mitchell, AICP
Joan Jenkins, EIT
Reference: 600 Industrial Boulevard – TIA Final Memo (ZON-C14-2019-0082)

Summary of the Transportation Impact Analysis (TIA):

The Austin Transportation Department (ATD) has reviewed the September 6, 2019 (received September 6, 2019) "600 Industrial Boulevard" Transportation Impact Study (TIA), prepared by Big Red Dog, Inc. The proposed land uses consist of 400 dwelling units of Multifamily (mid-rise), 12,850 square feet of Shopping Center and a 5,326 square foot brewery/beer garden. Development will be located at the northwest corner of the Terry-O Lane and Industrial Boulevard intersection, in southwest Austin, and is anticipated to be completed by 2023.

The following is a summary of the review findings and recommendations:

1. A Fee-in-lieu contribution to the City of Austin shall be made for the improvements identified in Table 2, totaling **\$233,125**, before the site development permit is issued. Please see attached invoice (Exhibit A).
2. Development of this property should not vary from the approved uses or deviate from the approved intensities and estimated traffic generation assumptions within the finalized TIA document, including land uses, trip generation, trip distribution, traffic controls, driveway locations, and other identified conditions. Any change in the assumptions made to the TIA document shall be reviewed by ATD and may require a new or updated TIA/addendum.
3. Two copies of the final TIA are required to be provided prior to the issuance of any site development permit. One should be delivered to ATD and one to DSD.
4. City staff reserves the right to reassign any or all the above monies to one or more of the identified improvements.
5. The findings and recommendations of this TIA memorandum remain valid until five (5) years from the date of this memo, after which a revised TIA or addendum may be required.

[Attachment A](#)

Site Location and Existing Conditions:

The proposed development is intending to use two existing driveways and one proposed, for site access. The driveway details are as mentioned below:

- Driveway A – Full access on Industrial Blvd.
- Driveway B - Full access on Industrial Blvd.
- Driveway C - Full access on Terry-O Ln.

Assumptions:

1. The following reductions were applied for this development:
 - Internal Capture for Retail Land Use (5.3% AM & 10% PM)
 - Pass-By Trips for Retail Land Use (34% PM)
 - Active-Modes and Transit (10% AM & PM)
2. Based on TxDOT AADT volume data, a two (2) percent annual growth rate was assumed to account for the increase in background traffic.
3. Below are the background projects that were assumed to contribute trips to surrounding roadway network in addition to forecasted traffic for 2020:
 - Saint Elmo Public Market
 - Aloft Hotel
 - Discovery Tract
 - Hopft Tract

Proposed Conditions:

Trip Generation and Land Use

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition), the development would generate approximately 3,913 average daily trips (ADT) upon final build-out. Table 1, below, shows the trip generation by land uses for the proposed development.

Proposed Land Use (ITE Code)	Size	24-Hour Two Way Volume	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
Multifamily Housing (Mid-Rise) (221)	400 DU	2,178	35	98	102	66
Shopping Center (820)	12.85 KSF	1,490	98	60	57	62
Winery (970)	5.326 KSF	245	8	3	20	19
Total		3,913	141	161	179	147

Improvements to Active Modes (Pedestrian and Bicycle Infrastructure)

Currently, there is no infrastructure for pedestrians and bicyclists in the area. The analysis identified many active modes infrastructure needs that would help meet the Austin Strategic Mobility Plan (ASMP) plans and enable seamless connectivity for pedestrians and bicyclists. Pedestrian and bicycle infrastructure improvements between S. Congress Ave.

and Terry-O Lane along Industrial Blvd. were identified as needs in the area based on the City Sidewalk Prioritization and Bicycle System plans.

As part of the proposed site construction, the applicant shall pay toward bicycle and pedestrian improvements as listed in Table 2.

Summary of Recommended Improvements

Table 2: Recommended Improvements and Developer's Share				
Intersection	Improvement	Cost	Pro-Rata Share %	Pro-Rata Share \$
TX-71 WB Frontage Road / South Congress Avenue TX-71 EB Frontage Road/ South Congress Avenue	Modify signal timing	\$5,000	100%	\$5,000
East Saint Elmo Road / South Congress Avenue	Modify signal timing	\$5,000	100%	\$5,000
Industrial Boulevard	Sidewalk on north side of roadway	\$175,000 Fee In-Lieu Payment to City		
	Buffered bike lane on south side of roadway.	\$13,125 Fee In-Lieu Payment to City		
Terry-O Lane	Sidewalk on west side of roadway	\$35,000 Fee In-Lieu Payment to City		
Total				\$233,125

If you have any questions or require additional information, please feel free to contact me at 512-974-1449.



Justin Good, P.E.
Austin Transportation Department

EXHIBIT A

INVOICE

TRANSPORTATION MITIGATION FEE IN-LIEU

DATE: September 11, 2019
TO: Dan Hennessey, P.E., PTOE (Big Red Dog)
CC: Alyssa Gutierrez (ATD Cashier)
901 S. Mopac Expressway, Bldg 5, Suite 300, Austin TX 78746
FROM: Justin Good, P.E. Austin Transportation Department
AMANDA CASE#: ZON-C14-2019-0082 (600 Industrial Boulevard)
FDU: 8401-2507-1103-4163

As a condition of approval for the site development permit, the applicant shall post a transportation mitigation fee with the City of Austin in the amount of **\$233,125.00** as listed in the TIA Final Memo in accordance with LDC. Staff has reviewed the fiscal estimates dated September 06, 2019, provided by Dan Hennessey of Big Red Dog, Inc. If you have any questions, please contact me at (512) 974-1449.

Office Use only:

Check:

Received by:



May 23, 2019

Mr. Greg Guernsey, Director
Planning and Zoning Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Via Hand Delivery

Re: 600 Industrial Boulevard Mixed Use Development - Rezoning Application for 4.26 acres located at 600 Industrial Boulevard, Austin, Texas ("Property")

Dear Mr. Guernsey:

We respectfully submit the enclosed rezoning application for 600 Industrial Boulevard Mixed Use development as representatives of the owners of the above stated Property. The proposed project is comprised of 400 residential multifamily units and a mix of retail, brewery/beer garden, and associated parking.

The current zoning of the Property is LI-CO-NP, and we are requesting LI-PDA-NP zoning. The Property lies within the South Congress Combined Neighborhood Plan. Accordingly, on February 28, 2019, we filed a Neighborhood Plan Amendment application to request that the South Congress Combined Neighborhood Plan FLUM be amended from Industry to Mixed Use for the Property.

Proposed Development Standards

The proposed development standards for the Property in connection with the zoning application are as follows:

- A. Uses. All permitted, conditional, and prohibited uses under LI zoning are permitted, conditional, and prohibited uses for the LI-PDA-NP zoning for the Property with the following modifications set forth in Section A(1) through A(3) below.
1. Permitted Uses. The following uses are additional permitted uses:
 - a) Bed and breakfast residential (Group 1)
 - b) Bed and breakfast residential (Group 2)
 - c) Condominium residential
 - d) Group residential
 - e) Multifamily residential
 - f) Townhouse residential
 - g) Family home
 - h) Group home, Class I (General)
 - i) Group home, Class I (Limited)
 - j) Group home, Class II
 - k) Guidance services
 - l) Hospital services (limited)
 - m) Private primary educational facilities
 - n) Private secondary educational facilities
 - o) Public primary educational facilities
 - p) Public secondary educational facilities

2. Conditional Uses.
 - a) Cocktail lounge
 - b) Hospital services (general)

3. Prohibited Uses.
 - a) Monument retail sales
 - b) Scrap and salvage
 - c) Basic industry
 - d) Recycling center
 - e) Resource extraction

B. Site Development Standards. LI site development standards and Sec. 25-2-648 (Planned Development Area Performance Standards) apply to the LI-PDA-NP zoning for the Property, with the following modifications set forth in Sec. B(1)-B(5) below.

1. Maximum Height: 90'
2. FAR: None
3. Impervious Coverage: 95%
4. Building Coverage: 95%
5. Setbacks:
 - a) Front yard: 10'
 - b) Street side yard: 10'
 - c) Interior side yard: 0
 - d) Rear yard setback: 5'

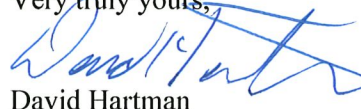
Rezoning/Plan Amendment Application Justification

The tracts located immediately adjacent to the Property to the north and east, along the southern frontage road of Ben White Boulevard from South Congress to I-35, and along the adjacent South I-35 frontage road are zoned LI-PDA-NP (see attached Exhibit A). In addition, the rezoning and neighborhood plan amendment approved adjacent to and southwest of the Property along Industrial Blvd. authorized the St. Elmo Market and Lofts mixed use development. More recently, a number of zoning cases authorizing multifamily projects have been approved in the area.

The proposed rezoning of LI-PDA-NP would allow a mixed use development with the same site development standards and uses (with the addition of authorizing group home use) as those specified in Ordinance No. 20050818-Z004, Part 8. Additionally, the proposed development is consistent with the goals of the South Congress Neighborhood Plan.

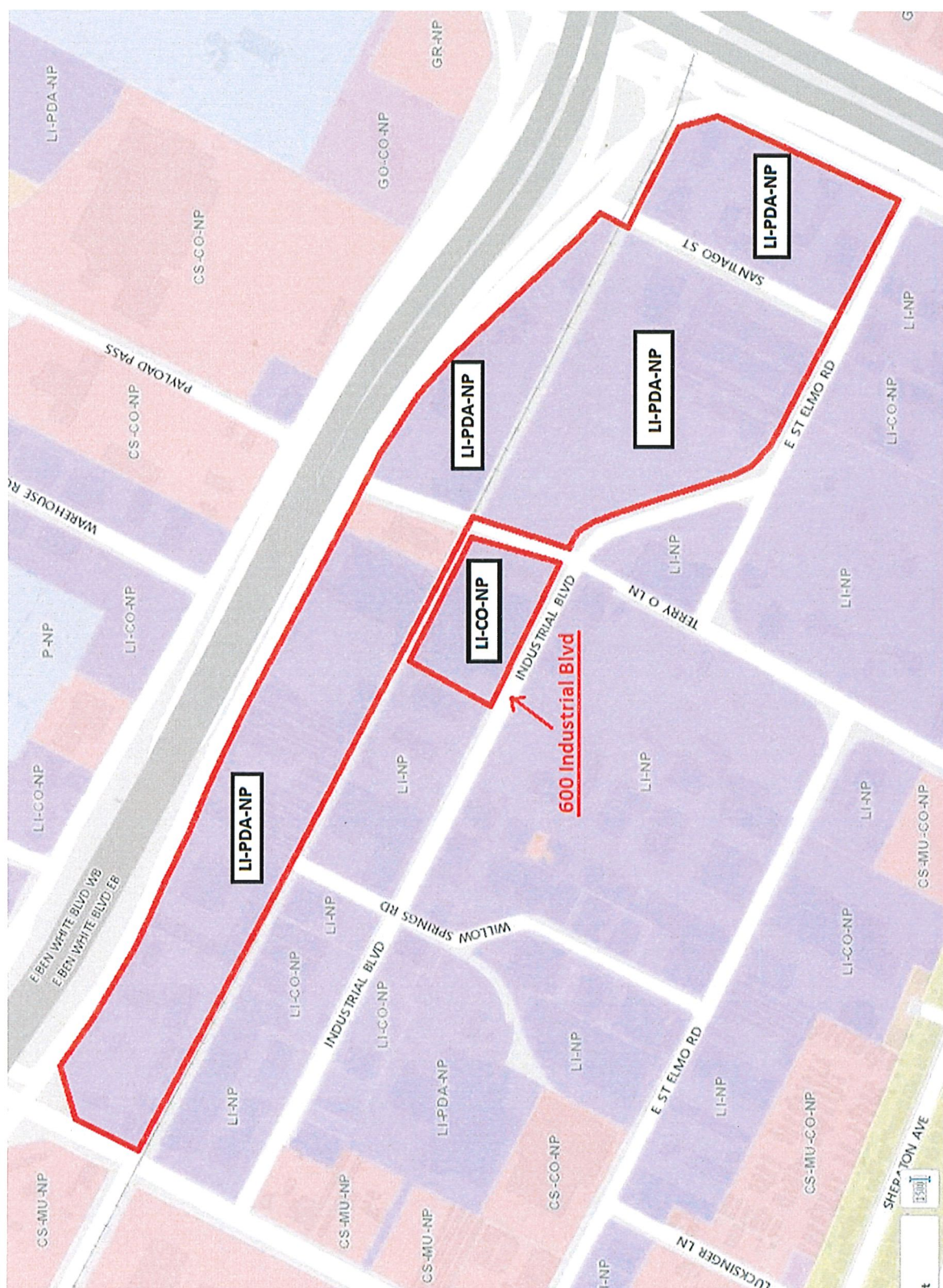
If you have any questions about the rezoning and neighborhood plan amendment application or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,



David Hartman

cc: Wendy Rhoades, Planning and Zoning Department, via hand delivery
Maureen Meredith, Planning and Zoning Department, via hand delivery
Jesse Gutierrez, Planning and Zoning Department, via hand delivery
Fletcher Roberts, Keller Capital, via electronic email

Exhibit A

September 24, 2019 Planning Commission Agenda Q & A Report

C. PUBLIC HEARINGS

1. **Plan Amendment:** [NPA-2019-0020.04 - 600 Industrial Blvd; District 3](#)
Location: 600 Industrial Boulevard, Blunn Creek Watershed; South Congress Combined (East Congress) NP Area
Owner/Applicant: KC 600 Industrial LLC (Mitchell S. Johnson)
Agent: Smith Robertson, L.L.P. (David Hartman)
Request: Industry to Mixed Use land use
Staff Rec.: **Recommended**
Staff: [Jesse Gutierrez](#), 512-974-1606
Planning and Zoning Department

2. **Rezoning:** **C14-2019-0082 - 600 Industrial Blvd; District 3**
Location: 600 Industrial Boulevard, Blunn Creek Watershed; South Congress Combined (East Congress) NP Area
Owner/Applicant: KC 600 Industrial LLC (Mitchell S. Johnson)
Agent: Smith Robertson, L.L.P. (David Hartman)
Request: LI-CO-NP to LI-PDA-NP
Staff Rec.: **Recommended, with conditions**
Staff: [Wendy Rhoades](#), 512-974-7719
Planning and Zoning Department

Question: Commissioner Shaw

Staff report - "During this time, there have been seven approved zoning change requests to allow mixed use and dense residential development. While these requests were mostly in alignment with the South Congress Combined Neighborhood Plan, they are probable precursors of development that will change the fundamental heavy commercial/industrial character of the area. Although most of these were along or within a quarter mile of South Congress Avenue, the 600 Industrial Boulevard zoning case and associated plan amendment (.4 miles from South Congress Avenue) is another indicator of this change."

Question 1

It is 2300 ft from S. Congress, the nearest IA corridor/TPN. This is greater than a quarter mile. Staff mentions other properties within a quarter mile of S. Congress. Please provide addresses for these rezoned properties and detail how this rezoning fits with IA direction for compact and connected?

Question 2

Is there an accessible sidewalk system from site to S. Congress?

Staff report: "As the need for more housing continues, there has been an increase of zoning cases across Austin to convert industrial-zoned sites to residential. In some industrial areas increased property tax

assessments are driving the conversion to residential as owners and tenants cannot afford their higher tax bills. This trend can lead to undesirable outcomes. The intrusion of residential uses into industrial areas can impose health and safety issues on these residents, particularly if they live proximate to hazardous chemical locations. Additionally, allowing residential units near industrial or intense commercial sites can place a burden on those uses as future residents adversely react to the sounds, smells, vibrations, and heavy traffic inherent to these areas. As these industrial areas within the city shrink and disappear, there is broader risk to the economy. These areas are a key component to a diverse job base and to maintaining a diverse working population within the city limits. The City of Austin's Master Community Workforce Plan (June 2017) has a goal to "make Austin more affordable by improving economically disadvantaged residents' access to better economic opportunities". The plan's priority is to provide access to "middle-skill jobs." Replacing viable and thriving industrial and warehouse districts with market rate housing and service-oriented uses reduces the opportunity for the middle-skill job sector. To address this issue, the Planning and Zoning Department recommends conducting a study to identify the numerical and geographic scope of these conversions and develop recommendations to address the issue."

Question 3

In excerpts above, Staff is recommending a study to identify risks associated with allowing residential in industrial zones.

Why would staff recommend this rezoning, potentially putting residence at risk, prior to completing the recommended study? Shouldn't the planning come first?

Question 4

What are the types of businesses within 500 ft of this property and chemicals used or stored?

Question 5

As many industrial operations result in the contamination of soils and groundwater, are there any contaminated sites within 500 ft. of this property?

Question 6

P-Men's Club is just on other side of railroad tracks behind property. Are there any zoning restrictions related to distance between adult oriented businesses and residential uses?

Question 7

The table showing recent zoning actions is incomplete. What was granted on 700 Industrial?

Answer: Staff

Question 1:

Below is a list of rezoning cases in proximity to the subject property that allow for residential uses to occur:

1. 700 – 710 Industrial Blvd – LI-PDA-NP zoning approved by Council on October 20, 2005

2. 113 Industrial Blvd – LI-PDA-NP zoning approved by Council on November 20, 2014
3. Ben White Blvd between S Congress Avenue and IH-35; IH-35 frontage to E St Elmo Rd – LI-PDA-NP zoning approved by Council on August 18, 2005
4. 4315 S Congress Ave – CS-MU-V-NP zonings approved by Council on August 8, 2019
5. 4367 S Congress Ave – CS-MU-CO-NP and MF-6-CO-NP zonings approved by Council on March 20, 2008
6. 4401 S Congress Ave – CS-MU-V-NP zoning approved by Council on March 8, 2018
7. 4411 S Congress Ave and 4510 Lucksinger Ln – CS-MU-V-NP zoning approved by Council on April 13, 2017

The property can be said to align with *Imagine Austin* direction for a compact and connected Austin for the following reasons:

- The property is located approximately 0.39 miles directly east of South Congress Boulevard, which is an Imagine Austin Activity Corridor with several bus routes including the 1 and 486 CapMetro bus lines and the 801 MetroRapid Bus line. The property is 0.09 miles directly south of East Ben White Blvd. and the 310 CapMetro bus line.
- The nearby projects - St. Elmo Brewing Company and St. Elmo Market and Lofts provide similar uses. The properties immediately north and to the west were rezoned to LI-PDA-NP as part of the South Congress Combined Neighborhood Plan in 2005. There are several Vertical Mixed-Use zonings on South Congress that point to a change in the local use and character of the area.
- The applicant's estimated 400 market rate rental units will provide additional housing choices for the area and the city. There are discussions to set aside 10% of those units at 80% MFI.
- The project aims pay into the creation of a future sidewalk network connecting the property to South Congress Avenue.
- The planned project will bring in new retail and hospitality uses (brewery and beer garden) as well as jobs for those amenities.

Question 2 : No

Question 3

- The Austin Fire Department assesses the actual risks of exposure to any hazardous materials. Their hazardous materials risk assessment of nearby businesses concluded that while there are industrial chemicals in the area, they were not of sufficient quantities to recommend against the introduction of residential uses at this location.
- The study being recommended by the Long-Range Planning division is not a health risk study, but rather would look at the City's remaining industrial areas and identify where districts might be created to preserve industrial and manufacturing uses. As the national and local economy shifts, the reality is that more properties with previous industrial uses are converting to lighter uses - such as housing and mixed use. The intent of this study is to identify where industrial uses

are clustered and if those areas are thriving, how it might be possible to preserve them and the jobs they create.

Question 4

- 1) Please refer to attached list from the Austin Fire Department, and list with corresponding map of businesses in proximity to the rezoning case. See Shaw Item C-01 / C-02 Question 4 Exhibit A

Question 5

Unknown at this time. Staff is coordinating with Watershed Protection staff to find out if additional information is available.

Question 6

No. As information, there is a 1,000 distance separation requirement if 50 percent or more of the lots within a 1,000 foot radius are zoned or used for a residential use. There is also a 1,000' distance requirement between adult-oriented businesses and certain civic uses such as churches, schools, and public parks. This site does not meet either of the above criteria.

Question 7

An application for LI-PDA-NP zoning at 700 Industrial Boulevard was initiated by Staff at the direction of City Council concurrent with approval of the South Congress rezonings in August 2005. In accordance with Council direction, the rezoning case for LI-PDA-NP was initiated by Staff, Planning Commission recommended approval of LI-PDA-NP and Council approved the request on October 20, 2005.

3. Plan Amendment: NPA-2018-0005.01 - 1501 Airport Commerce; District 3

Location: 1501 Airport Commerce Drive, Carson Creek Watershed;
Montopolis NP Area
Owner/Applicant: W2 Hill ACP II LP
Agent: Drenner Group, PC (Amanda Swor)
Request: Commercial to Mixed Use land use
Staff Rec.: **Not Recommended**
Staff: Jesse Gutierrez, 512-974-1606
Planning and Zoning Department

600 Industrial Blvd — C14-2019-0082

BUSINESS NAME	ADDRESS	HAZARDOUS MATERIALS	CURSORY CONSEQUENCE ANALYSIS
Compound Security	440 Industrial Blvd.	1,000 gallons – gasoline 500 gallons - #2 diesel	1,000 gallon AST: Risk factor: 7.2E-01 using AFD Hazardous Materials Risk Assessment (HMRA) for gasoline in a protected AST. It does not appear the ASTs were subject to plan review or inspection by AFD.
L & W Supply	503 Industrial Blvd	18-43 lb. C ₃ H ₈ cylinders	A consequence analysis is not required.
CMC Recycling	710 Industrial Blvd.	2,000 gallons - #2 diesel 500 gallons – gasoline 500 gallons – stationary C ₃ H ₈ container 300 gallons – refrigerated liquid oxygen	2K gallon Protected AST. Risk factor: 8.7E-01 using AFD HMRA for gasoline in a protected AST. 500 gallon stationary C₃H₈ container. Risk factor: 2.8E-02 using AFD HMRA for LPG refueling and a 150 foot separation distance. 300 gallon LOX stationary cryogenic container. Protective Action Distance of 330 feet based on 2016 ERG for UN 1077, Refrigerated Liquid Oxygen. The protective action distance is a small spill.

Adjacent Streets Searched for AFD HMPs

> 4100 Terry-O Lane: Three type C permits.

>400 to 711 E. Ben White Blvd.: Two type C permits

PEAC Search

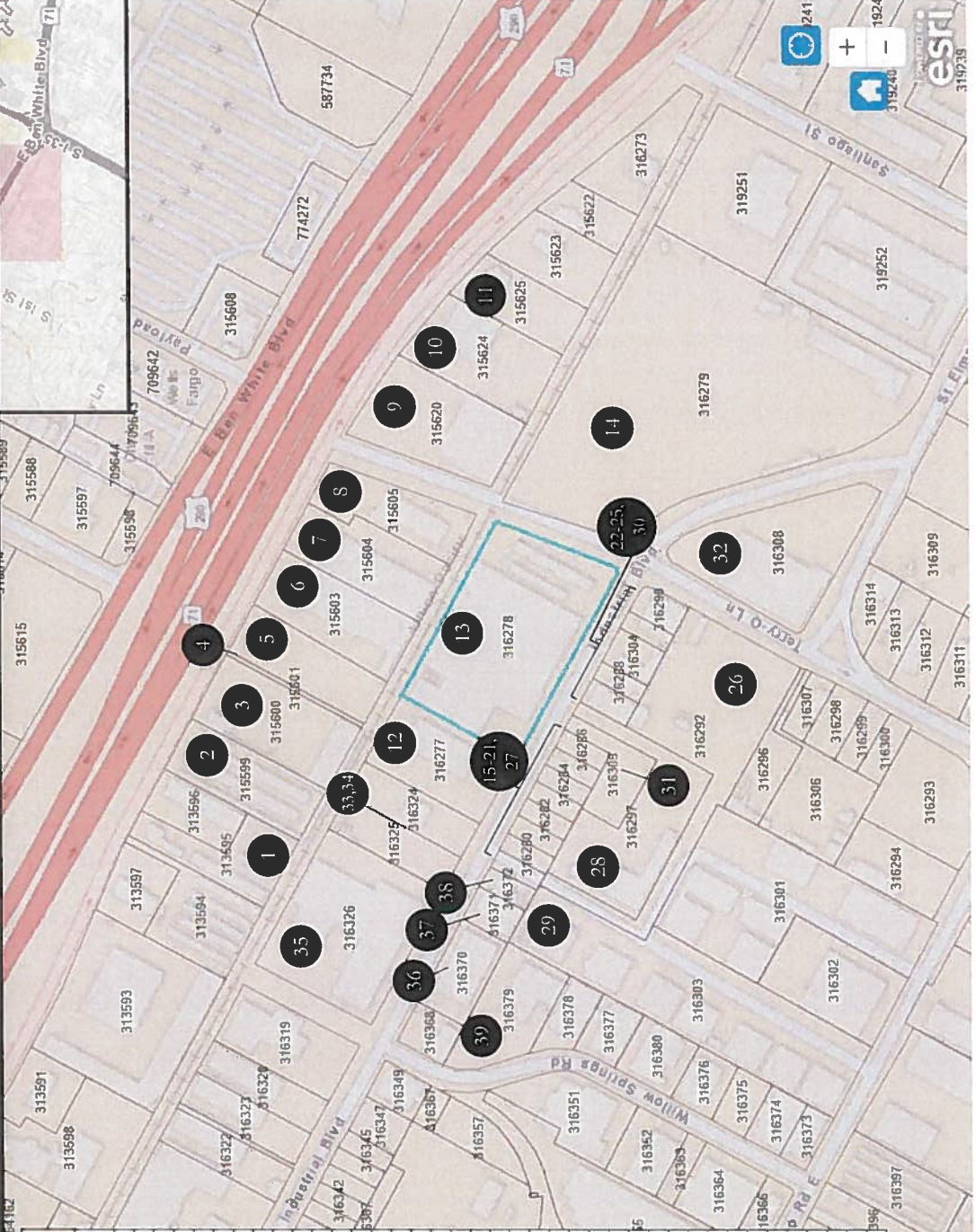
PEAC reports 8,000 lbs. #2 diesel at 4433 Terry-O Lane, Old Castle Materials. At a density of 7.1 lbs./gallon this equates to 1,126 gallons. No HM permit for this facility.

Prepared by Scott Stookey
Austin Fire Department – Fire Marshal's Office
June 6, 2019


	Add. #	Address Name	Lot/User Main Type	Lot/User Sub Type	Primary Businesses
1	403	E Ben White	Retail Services	Self-Storage Facility	Lone Star Self Storage
2	405	E Ben White	Retail Services	Self-Storage Facility	Ben White Mini Storage
3	411	E Ben White	Retail Services	Retail Services-Auto	Ben White Automotive
4	n/a	E Ben White	Easement	Power Line	n/a
5	n/a	E Ben White	Lot	Asphalt	Palazio Club Parking
6	501	E Ben White	Bar/Restaurant	Adult-Oriented Business	Palazio Club
7	505	E Ben White	Retail Services	Home Goods	R&R Discount Furniture
8	4110	Terry-O	Bars/Restaurants	Pool Hall	The Warehouse
9	601	E Ben White	Retail Services	Automotive	Caliber Collision
10	701	E Ben White	Warehouse	Service Center	Austin Community College
11	705	E Ben White	Bars/Restaurants	Restaurant	Bill Miller Barbecue
12	504	Industrial	Commercial Services	Plumbing Supply	Ferguson
13	600	Industrial	Warehouse	Storage, Distribution & Building Supply	Brazos, Hanes, JOSCO
14	700	Industrial	Commercial, Retail Services	Yard/Lot (Recycling & Scrap)	Commercial Metals Corp.
15	501	Industrial	Lot	Gravel	Dealership Parking
16	501	Industrial	Lot	Gravel	Dealership Parking
17	507	Industrial	Lot	Gravel	Dealership Parking
18	509	Industrial	Lot	Gravel	Dealership Parking
19	509 1/2	Industrial	Lot	Gravel	Dealership Parking
20	509 1/2	Industrial	Lot	Gravel	Dealership Parking
21	511	Industrial	Lot	Gravel	Dealership Parking
22	515	Industrial	Commercial Services	Plumbing Supply	Josco Plumbing Supply
23	517	Industrial	Retail Services	Automotive	Allstate Brake & Automot.
24	623	Industrial	Commercial Services	Machinery & Tool Supply	Dixie Tool
25	625	Industrial	Retail Services	Sports Facility	Austin Batting Cages
26	4208	Terry-O	Lot	Gravel	Dealership Parking
27	n/a	Industrial	Lot	Gravel	Dealership Parking
28	503	Industrial	Commercial Services	Building Supply	L&W Supply
29	440	E St Elmo	Bars/Restaurants & Flex Office	Winery, Distillery, Brewery, & Flex/Oth.	The Yard (Mixture of Uses)
30	613	Industrial	Commercial Services	Machinery & Tool Supply	Dixie Tool
31	n/a	Industrial	Lot	Gravel	Dealership Parking
32	700	E St Elmo	Commercial Services	Home Supply Gallery	Ferguson Gallery
33	440	Industrial	Commercial Services	Security	Compound Security Specialists
34	440	Industrial	Commercial Services	Security	Compound Security Specialists
35	300	Industrial	Warehouse	HVAC/Refrigeration Distribution	Insko Distributing
36	305	Industrial	Commercial Services	VACANT	n/a
37	435	Industrial	Commercial Services	Welding & Fabrication	South Austin Metals
38	439	Industrial	Commercial Services	Building Supply	Jamar Roofing & Sheet Metal
39	4211	Willow Springs	Commercial Services	Plumbing Supply	Morrison Supply

600 Industrial Blvd - Adjacent Tracts

Add. #	Address Name	Lot/Lier Main Type	Lot/Lier Sub-Type	Primary Business
1	401 E Ben White	Retail Servers	Self-Storage Facility	Long Star Self Storage
2	403 E Ben White	Retail Servers	Self-Storage Facility	Ben White Auto Storage
3	411 E Ben White	Retail Servers	Retail Servers-Auto	Ben White Automotive
4	n/a	Laundromat	Power Line	n/a
5	n/a	Lot	Appliances	Palms Club Parking
6	501 E Ben White	Rest. Restaurant	Adult Oriented Business	Palms Club
7	503 E Ben White	Retail Servers	Home Goods	Palms Discount Furniture
8	4110 Terry-O	Rest. Restaurant	Pool Hall	The Warehouse
9	601 E Ben White	Retail Servers	Automotive	Galler Collision
10	701 E Ben White	Warehouse	Server Center	Alumni Community College
11	705 E Ben White	Rest. Restaurants	Restaurant	Red Miller Redhouse
12	504 Industrial	Commercial Servers	Pharmacy Supply	Progen
13	600 Industrial	Warehouse	Storage, Distribution & Building Supply	Boons, Hous, P&S CO
14	700 Industrial	Commercial Servers	Yard Lot (Recycling & Scrap)	Commercial Metals Corp
15	501 Industrial	Lot	Gravel	Dealership Parking
16	501 Industrial	Lot	Gravel	Dealership Parking
17	507 Industrial	Lot	Gravel	Dealership Parking
18	509 Industrial	Lot	Gravel	Dealership Parking
19	509 1/2 Industrial	Lot	Gravel	Dealership Parking
20	509 1/2 Industrial	Lot	Gravel	Dealership Parking
21	511 Industrial	Lot	Gravel	Dealership Parking
22	515 Industrial	Commercial Servers	Pharmacy Supply	Joan Pharmacy Supply
23	517 Industrial	Retail Servers	Automotive	Allstate Home & Autoport
24	623 Industrial	Commercial Servers	Mechanics & Tool Supply	Deer Tool
25	625 Industrial	Retail Servers	Sports Facility	Alumni Rating Cages
26	n/a	Lot	Gravel	Dealership Parking
27	2700 Terry-O	Lot	Gravel	Dealership Parking
28	503 Industrial	Commercial Servers	Building Supply	Dealership Parking
29	440 E St Elmo	Rest. Restaurants & P&S Office	Winery, Distillery, Brewery, & P&S (On)	The Yard (Distillery & Use)
30	613 Industrial	Commercial Servers	Mechanics & Tool Supply	Deer Tool
31	n/a	Lot	Gravel	Dealership Parking
32	700 E St Elmo	Commercial Servers	Home Supply Gallery	Progen Gallery
33	440 Industrial	Commercial Servers	Security	Compound Security Specialists
34	440 Industrial	Commercial Servers	Security	Compound Security Specialists
35	300 Industrial	Warehouse	HVAC/R Refrigeration Distribution	Ben Distributing
36	305 Industrial	Commercial Servers	VACANT	n/a
37	435 Industrial	Commercial Servers	Welding & Fabrication	South Austin Metals
38	439 Industrial	Commercial Servers	Building Supply	Junior Roofing & Sheet Metal
39	4211 Willow Springs	Commercial Servers	Building Supply	Midwest Supply



Rhoades, Wendy

From: mariocantu 
Sent: Monday, September 23, 2019 9:03 AM
To: Rhoades, Wendy
Subject: Postponement Requests case No. C14-2019-0082

*** External Email - Exercise Caution ***

Wendy,

The SCCNPCT requests a postponement for the September 24th, 2019 Planning Commission case No. C14-2019-0082 - 600 Industrial Blvd.

Meeting in 2 weeks October 8th PC for case No. C14-2019-0082 because we are still discussing our concerns listed in the letter dated August 26 in your backup with the agent for the developer. Since then, the contact team communicated and met a few times with the agent, but it wasn't until last Wednesday that he gave us a few more details about their proposed development. Discussions continue.

Thank you.

Mario Cantu Chair SCCNPCT.

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to CSIRT@austintexas.gov.

DATE: October 7, 2019

TO: City of Austin Planning Commission
Council Member, Pio Renteria-District 3

CC: City of Austin Zoning Case Files
Wendy Rhoades wendy.Rhoades@austintexas.gov
Mayor, Steve Adler
Austin City Council Members
David Hartman dhartman@smith-robertson.com

FROM: South Congress Combined Neighborhood Plan Contact Team – SCCNPCT

RE: SCCNPCT Current Updates: Zoning Case No. C14-2019-0082 600 Industrial Blvd.

Dear Planning Commissioners and Council Member, Pio Renteria,

This is to inform you all that the property owner and representative team continue to work together with the South Congress Combined Neighborhood Plan Contact Team (SCCNPCT) for rezoning the above mentioned property, though a final decision to support or not support has not yet been reached.

This case, No. C14-2019-0082 600 Industrial Blvd., will be on the agenda before planning commission on October 8, 2019.

While the SCCNPCT has had the opportunity to express a number of our neighbor's concerns with the development team about the proposed mixed use project - most importantly **height** within the Industrial core as opposed to the South Congress corridor, as well as **affordability**, which continues to be a main priority of the SCCNPCT's so true affordable housing is provided for families and children living within the contact team area and in all of Austin, Texas - the contact team feels that neighbor requests and concerns are being with sincere concern, much thought and have been positively addressed thus far.

With negotiations still ongoing as we continue to work toward amenable compromises and considerations, the SCCNPCT will still need a vote to determine the stance for support or non-support for rezoning Case No. C14-2019-0082 600 Industrial Blvd. A decision at this juncture cannot yet be made.

Please ensure this letter is added to the above case file to serve as the SCCNPCT's update letter to Planning Commission regarding re-zoning of the above property, Zoning Case No. C14-2019-0082.

SCCNPCT's concerns and requests, below, include:

- Height concerns above 60 ft
- Affordable Housing 10% of total units @ 60% MFI, managed by a third-party nonprofit or housing partner. (Height 85 ft).
- Onsite Pet area
- Air Quality analysis for concerns for residents potentially living within the industrial area.
- AFD Austin Fire Department (Approved by AFD).
- Flood Mitigation within the area - cost to be provided by developer
- Parking and Overflow Parking for businesses
- Emergency evacuation procedure for residents
- Security
- Trees
- A contact person during construction
- Outdoor lighting, specifically from garage areas
- Road closures and parking for contractors during construction – provide a contact person.
- Sidewalk improvement costs to be provided by developer
- Straighten existing roads Terry O Lane and St. Elmo
- 400 apartment units projected
- Displacement
- Increased taxes
- Impact on neighbors/businesses

Please contact us if there are any questions. Thank you.

Respectfully,

Mario Cantu - Keena Miller - Michael Fossum - SCCNPCT

DATE: October 15, 2019

TO: Austin City Council
Council Member, Pio Renteria-District 3
Mayor, Steve Adler
City Council Members

CC: City of Austin Zoning Case Files
Wendy Rhoades Wendy.Rhoades@austintexas.gov
David Hartman dhartman@smith-robertson.com

FROM: South Congress Combined Neighborhood Plan Contact Team – SCCNPCT

RE: SCCNPCT Current Updates: Zoning Case No. C14-2019-0082 600 Industrial Blvd.
Dear Council Member, Pio Renteria,

This is to inform you all that the property owner's representative has been working with the South Congress Combined Neighborhood Plan Contact Team (SCCNPCT) for rezoning the above mentioned property. From CO-LI-NP to LI-PDA-NP

This case, No. C14-2019-0082 600 Industrial Blvd., will be on the agenda before City Council on October 17, 2019.

While the SCCNPCT has had meetings with the developer and the opportunity to express a number of our neighbor's concerns with the proposed development such as height within the Industrial core as opposed to the South Congress corridor, with negotiations still ongoing, and being able to agree with most of the requests and concerns, **we the SCCNPCT team will meet and vote on October 16th to determine this case to support or not support rezoning of Case No. C14-2019-0082 600 Industrial Blvd. The SCCNPCT has been in multiple conversations with the developer regarding a Restrictive Covenant for 600 Industrial Blvd. The SCCNPCT would like to maintain that our requests, concerns, and conversations shall be guaranteed within a Restrictive Covenant before meeting with City Council. For this reason, we are requesting a postponement for the October 17, 2019 Council meeting to November 14, 2019 City Council Meeting.**

We, the SCCNPCT, maintain Austin's affordability as a main priority so true affordable housing is provided for families and children living within the contact team area and in all of Austin, Texas.

Please ensure this letter is added to the above case file to serve as the SCCNPCT's update and postponement letter to City Council regarding re-zoning of the above property, Zoning Case No. C14-2019-0082.

SCCNPCT's concerns and requests, below, include:

- Affordable Housing
- Onsite Pet area
- Air Quality analysis for concerns for residents potentially living within the industrial area.
- AFD Austin Fire Department (Approved by AFD).
- Flood Mitigation within the area - cost to be provided by developer
- Parking and Overflow Parking for businesses
- Emergency evacuation procedure for residents
- Security
- Trees
- Outdoor lighting, specifically from garage areas
- Road closures and parking for contractors during construction – provide a contact person.
- Sidewalk improvement costs to be provided by developer
- Straighten existing roads Terry O Lane and St. Elmo
- 400 apartment units projected
- Displacement
- Increased taxes
- Impact on neighbors/businesses
- Contact person during construction
- **Restrictive Covenant**

Please contact us if there are any questions. Thank you.

Respectfully, SCCNPCT Mario Cantu - Keena Miller - Michael Fossum

DATE: October 25, 2019

TO: District 3 Council Member, Pio Renteria

CC: City of Austin Mayor, Steve Adler
Austin City Council Members
dhartman@smith-robertson.com
Wendy Rhoades wendy.rhoades@austintexas.gov
Case File Back-up NPA-2019-0020.04, C14-2019-0082

FROM: South Congress Combined Neighborhood Plan Contact Team – SCCNPCT

RE: 600 Industrial Blvd
NPA-2019-0020.04 Request to change land use from Industry to Mixed Use
C14-2019-0082 Request to change LI-CO-NP to LI-PDA-NP (Conditional Overlay to Planned Development Area)

Dear Council Member Renteria,

We, the SCCNPCT, appreciate your support for last week's postponement regarding the proposed development and requests for the property at 600 Industrial Blvd. This case is now scheduled before council on Nov 14, 2019.

We want you to understand this is a very unique case soon to be before you with a request for height over 60 ft *inside* the St Elmo industrial core vs. in the Ben White or South Congress transit corridors where height/density is being focused. A mixed-use development including no more than 400 residential units is proposed, and the change to the FLUM is needed to allow height to 85' in order to do so. This would be the first project of its kind in this area to go to that kind of height.

You know the SCCNPCT's track record of pushing for affordable housing within each new development. We've been successful at negotiating to split the 10% usually required to gain 5% @ 60% MFI and 5% @ 80% MFI, and this has become the SCCNPCT's base line for supporting a new development seeking 60' vertical. It's what we can all live with and something we tend to support without issue. We consistently follow this similar process with each new case.

This owner – with 400 units - has agreed to provide 5% of total units @ 60% and 5%-80% MFI. Though with the additional, and unprecedented, height in this case, we feel more affordable units are warranted, and have been pushing for the full 10% @ 60% MFI.

With the MFI in this area closer to 40-50%, we feel this is an adequately justified request at 60% MFI to best benefit this area, our neighbors and address Austin's mid-tier housing crisis which is as serious as our homeless crisis. We understand that allowing only more top tier housing is not going to help, rather more displacement of residents and higher taxes will result. We would like to see each proposed development make a small investment towards an actual solution to the overall problem in our city, and this is where we really need your help to fully understand what's happening here, and why we asked to postpone this case to your November docket.

We have been meeting since July with the development team, working out neighbor requests, and it's been going positively. Though, we have simultaneously pushed to maintain that our requests, concerns and conversations shall be guaranteed within a Restrictive Covenant (RC) **prior** to council's first reading.

When a fully executed RC is completed – signed, sealed, registered with Travis County and delivered to the SCCNPCT - the SCCNPCT's letter of support will be provided, as long as 400 residential units are required.

We thank you again for supporting last week's postponement as we need more time to discuss any changes and discrepancies in order to get to the bottom of the owner/developer's real intent. We are not comfortable moving forward without proper assurances, in writing, and we ask for your help us to ensure the owner/developer's intent is genuine and guaranteed.

A case like this will set a ground-breaking precedent for this industrial area that is intended to be preserved per the Neighborhood Plan.

Thank you,
Mario Cantu
Keena Miller
Michael Fossum

DATE: November 13, 2019

TO: District 3 Council Member, Pio Renteria

CC: City of Austin Mayor, Steve Adler
Austin City Council Members
Case File Back-up NPA-2019-0020.04, C14-2019-0082

FROM: South Congress Combined Neighborhood Plan Contact Team – SCCNPCT

RE **UPDATE:** 600 Industrial Blvd
NPA-2019-0020.04 Request to change land use from Industry to Mixed Use
C14-2019-0082 Request to change LI-CO-NP to LI-PDA-NP (Conditional Overlay to Planned Development Area)

Dear Council Members and Renteria,

We, the SCCNPCT, appreciate your support for the postponement regarding the proposed development and requests for the property at 600 Industrial Blvd. This case is now scheduled before council on Nov 14, 2019.

We want you to understand this is a very unique case soon to be before you with a request for height over 60 ft inside the St Elmo industrial core vs. in the Ben White or South Congress transit corridors where height/density is being focused. A mixed-use development including no more than 400 residential units is proposed, and the change to the FLUM is needed to allow height to 85' in order to do so. This would be the first project of its kind to go to that kind of height.

You know the SCCNPCT's track record of pushing for affordable housing within each new development. We've been successful at negotiating to split the 10% usually required to gain 5% @ 60% MFI and 5% @ 80% MFI, and this has become the SCCNPCT's base line for supporting a new development seeking 60' vertical. It's what we can all live with and something we tend to support without issue. We consistently follow this similar process with each new case.

This owner – with 400 units - has agreed to provide 5% of total units @ 60% and 5%-80% MFI. Though with the additional, and unprecedented, height in this case, we feel more affordable units are warranted, and have been pushing for the full 10% @ 60% MFI.

With the MFI in this area closer to 40-50%, we feel this is an adequately justified request at 60% MFI to best benefit this area, our neighbors and address Austin's mid-tier housing crisis which is as serious as our homeless crisis. We understand that allowing only more top tier housing is not going to help, rather more displacement of residents and higher taxes will result. We would like to see each proposed development make a small investment towards an actual solution to the overall problem in our city, and this is where we really need your help to fully understand what's happening here, and why we asked to postpone this case to your November docket.

We have been meeting since July with the development team, working out neighbor requests, and it's been going positively. Though, we have simultaneously pushed to maintain that our requests, concerns and conversations shall be guaranteed within a Private Restrictive Covenant (RC) prior to council's first reading.

Previous applicants for similar cases have worked cooperatively with SCCNPCT and have followed the process which we have outlined to the applicant, that consists of the applicant and the SCCNPCT signing the Private RC, having it notarized, and then registered at Travis County prior to first reading. Then, the SCCNPCT will follow with a letter of support, which will be handed over or emailed prior to first reading. If a fully executed RC fails to be in place prior to first reading, the SCCNPCT will request a postponement. If after the postponement, there is still no fully executed Private RC prior to first reading, then the SCCNPCT cannot issue a letter of support. This process is relied upon as the guarantee that we, the SCCNPCT, and the applicant have a full understanding of the developer's commitment and intent.

We understand that the applicant will implement the associated Public and Private RCs (attached to the land) after approval of the rezoning, FLUM change and ordinance by the Austin City Council. Since the applicant will not sign, notarize and register the Private RC that we agreed upon two months ago, prior to first reading, the SCCNPCT cannot issue a letter of support for this development.

WHY did the SCCNPCT engaged the applicant and discussed a Private RC?: This decision is based on Austin City Council's track record of approving similar cases 100% of the time. So importantly, if we do not engage with applicants with concerns/issues from our residents about any proposed development, then we fail as stewards for our neighborhoods and our city.

If this case, at 600 Industrial, does not go through on November 14, 2019 and/or is rejected at third reading, the SCCNPCT will not be disappointed. Perhaps now is not the time to consider development within the industrial core.

In spite of our previous agreements regarding the private RC, this applicant has expressed to the SCCNPCT that he will not sign, notarize and register the Private RC until third reading due to potential concern/issues that could be raised by council during first, second or third readings. Due to this applicant's push for a modified process, we, the SCCNPCT, remain open to continued negotiations with the applicant between first, second and/or third readings. We assume that the applicant understands that City Council may request, express, and/or feel that more affordable housing or less height is more suitable. There is a critical and continued need to have and require multifamily and residential mixed units for our much-needed housing stock.

- If 600 Industrial does not go through on November 14, 2019 and is rejected at third reading, the SCCNPCT and areas we represent, will not be disappointed.
- We, the SCCNPCT, are open to continue conversations with the applicant between first, second, and third readings.
- We, the SCCNPCT, continue to strongly advocate and push for more affordable units mixed into any housing development, and we have repeatedly expressed these critical housing needs in our meetings with planning commission and City Council. We emphasize the desire for 10%-60% MFI at a minimum for a development that requests 85ft. height.

Thank you,
Mario Cantu
Keena Miller
Michael Fossum