

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Montopolis Neighborhood Plan

CASE#: NPA-2018-0005.01 **DATE FILED:** July 25, 2018

PROJECT NAME: 1501 Airport Commerce

PC DATES: March 12, 2019
April 23, 2019
May 14, 2019
June 11, 2019
June 25, 2019
July 9, 2019
August 13, 2019
September 24, 2019

ADDRESS/ES: 1501 Airport Commerce Drive

DISTRICT AREA: 3

SITE AREA: Approx. 10.945 acres / 476,764 sf.

APPLICANT/OWNER: W2 HILL ACP II LP

AGENT: Amanda Swor; Drenner Group

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Commercial **To:** Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2019-0029

From: CS-CO-NP

To: CS-MU-CO-NP

NEIGHBORHOOD PLAN ADOPTION DATE: September 27, 2001

PLANNING COMMISSION RECOMMENDATION: On September 24, 2019, the motion to approve staff's recommendation to NOT GRANT Mixed Use land use was approved on a vote of 8-3-2 by Commissioner Todd Shaw's motion and Commissioner James Shieh second.

January 22, 2019 – Item postponed at planning staff's request to March 12, 2019 [APPROVED BY COMMISSIONER SCHISSLER, SECONDED BY COMMISSIONER KENNY ON A VOTE OF 11-0]

March 12, 2019 - Item postponed at planning staff's request to April 23, 2019 [APPROVED BY COMMISSIONER SEEGER, SECONDED BY COMMISSIONER MCGRAW ON A VOTE OF 12-0]

April 23, 2019 - Item postponed at planning staff's request to May 14, 2019 [APPROVED BY COMMISSIONER SCHISSLER, SECONDED BY COMMISSIONER KENNY ON A VOTE OF 13-0]

May 14, 2019 – Item postponed at applicant's request to June 11, 2019 [APPROVED BY COMMISSIONER SHIEH, SECONDED BY COMMISSIONER KENNY ON A VOTE OF 12-0, COMMISSIONER MCGRAW ABSENT]

June 11, 2019 – Item postponed at applicant's request to June 25, 2019 [APPROVED BY COMMISSIONER KENNY, SECONDED BY COMMISSIONER AZHAR ON A VOTE OF 12-0, COMMISSIONER SHAW ABSENT]

June 25, 2019 – Item postponed at applicant's request to July 9, 2019 [APPROVED BY COMMISSIONER HOWARD, SECONDED BY COMMISSIONER KENNY ON A VOTE OF 11-0, COMMISSIONERS SEEGER AND SHIEH ABSENT]

July 09, 2019 – Item postponed at applicant's request to August 13, 2019 [APPROVED BY COMMISSIONER SEEGER, SECONDED BY COMMISSIONER SCHNEIDER ON A VOTE OF 11-0, COMMISSIONERS HOWARD AND LLANES-PULIDO ABSENT]

August 13, 2019 – Item postponed at staff's request to September 24, 2019 [APPROVED BY COMMISSIONER KENNY, SECONDED BY COMMISSIONER ANDERSON ON A VOTE OF 9-0, COMMISSIONERS AZHAR, HOWARD, SCHNEIDER, AND SEEGER ABSENT]

September 24, 2019 – **On September 24, 2019, the motion to approve staff's recommendation to DENY Mixed Use land use was approved on a vote of 8-3-2 by Commissioner T. Shaw's motion and Commissioner J. Shieh second.**

STAFF RECOMMENDATION: Not Recommended

BASIS FOR STAFF'S RECOMMENDATION:

Staff does not support the applicant's request to change the future land use map from Commercial to Mixed Use for the following reasons:

1. The land use in the neighborhood plan FLUM at the time of introduction of the Airport Overlay Zone Three (Ordinance 25-13-45) was Commercial and not Residential, therefore residential uses were not grandfathered in.
2. The property is in the flight path and the Long-Range Planning group does not support residential uses within those boundaries.
3. The Montopolis Neighborhood Plan states in the Land Use section, Goal 1, Objective 3: Focus the highest intense commercial and industrial activities along Ben White Drive and U.S. Hwy 183. Airport-related businesses and services should be located at Austin-Bergstrom International Airport or along Ben White or U.S. 183. Action 11: Zone the properties along 183 and Ben White to allow commercial or limited industrial uses along these major corridors.
4. The Zoning group's finding that a plat note states that residential uses are not permitted on the property

Below are text and policies taken from the East Riverside/Oltorf Combined Neighborhood Plan that are applicable to the applicant's request.

Land Use

Goal 1- Improve the Quality of Life in Montopolis through Land Use and Zoning Decisions.

Objective 3: Focus the highest intense commercial and industrial activities along Ben White Drive and U.S. Hwy 183. Airport-related businesses and services should be located at Austin-Bergstrom International Airport or along Ben White or U.S. 183.

Action 11: Zone the properties along 183 and Ben White to allow commercial or limited industrial uses along these major corridors. (Please refer to the Figure 4: Future Land Use Map, for specific land uses and locations.)

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Commercial

Lots or parcels containing retail sales, services, hotel/motels and all recreational services that are predominantly privately owned and operated for profit (for example, theaters and bowling alleys). Included are private institutional uses (convalescent homes and rest homes in which medical or surgical services are not a main function of the institution), but not hospitals.

Purpose:

1. Encourage employment centers, commercial activities, and other non- residential development to locate along major thoroughfares; and
2. Reserve limited areas for intense, auto-oriented commercial uses that are generally not compatible with residential or mixed-use environments.

Application:

1. Focus the highest intensity commercial and industrial activities along freeways and major highways; and
2. Should be used in areas with good transportation access such as frontage roads and arterial roadways, which are generally not suitable for residential development.

PROPOSED LAND USE ON THE PROPERTY

Mixed Use

An area that is appropriate for a mix of residential and non-residential uses.

Purpose:

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

Application:

1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development; however, it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed-use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

IMAGINE AUSTIN PLANNING PRINCIPLES

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - ***The property is located in an area comprised of commercial uses to the south west in the form of hotels and industrial uses and warehouses to the north west. Less than half a mile on East Riverside Drive the CapMetro #20 and #271 bus lines are available. There are sidewalks on Airport Commerce Drive leading to East Riverside Drive. There are not any bike lanes on Airport Commerce Drive.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
 - ***The property is located approximately 0.35 miles north east of East Riverside Drive, which is an Imagine Austin Activity Corridor with several bus routes.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - ***This property is not on an Activity Corridor, but is adjacent to the Imagine Austin Riverside Station Town Center. This development could be considered an infill project. There are no residential uses immediately surrounding the property. Surrounding Industrial and Commercial uses in addition to the property's siting in the Airport Overlay Zone make the project fall outside of the area context.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - ***The applicant's estimated 390 market rate rental units will provide additional housing choices for the area and the city.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - ***Mixed Use land use may be considered a buffer between industrial uses and residential uses, but not necessarily between industrial and commercial uses.***
6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
 - ***The property is not in an environmentally sensitive area.***
7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
 - ***The applicant has been asked by PARD to pay a fee-in-lieu for park space closer to residential uses near East Riverside Drive.***

8. Protect, preserve and promote historically and culturally significant areas.
 - *Not applicable.*
9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - *Not directly applicable.*
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - *Not applicable.*
11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
 - *Not applicable*
12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
 - *Not applicable*

BACKGROUND: The application was filed on July 25, 2018, which is in-cycle for neighborhood planning areas located on the east side of IH-35.

The applicant proposes to change the land use designation of this property on the future land use map (FLUM) from Commercial to Mixed Use in order to allow for residential uses on the 10.945 acre site. The parcel backs up onto East Ben White Blvd. and is located just west of U.S. Highway 183. The site is currently undeveloped.

The applicant proposes to change the zoning from CS-CO-NP (General Commercial Services) to CS-MU-CO-NP (General Commercial Services – Mixed Use) to allow for construction of residential uses. For more information on the zoning request, please see the case report for case number C14-2019-0029.

PUBLIC MEETING: The ordinance required plan amendment meeting was held on January 17, 2019. Approximately 217 meeting notices were mailed to property owners and renters located within 500 feet of the subject property. Additionally, an email was sent notifying the Montopolis neighborhood contact team of this meeting. Three (3) agents representing the property owner were in attendance along with two planning department staff members. There were zero (0) members of the public in attendance. The meeting began at 6:35pm and project agents Amanda Swor and Drew Raffaele presented to the two city staff members in attendance.

The agent's presentation included details including that there would be no access to and from E. Ben White Blvd. from the site and that a related zoning application was pending. The applicant was working with ATD to clear traffic impact hurdles and the project aims to produce 390-399 market rate apartment units; condos are not feasible. There are no heritage trees on site and the

final project will be under 50ft., most likely 4 stories tall. There are no specifics on parking and drainage as those will come with a site plan. PARD is requesting a fee-in-lieu for public open space to be created as a pocket park nearby. The project site is technically in the Del Valle School District.

CITY COUNCIL DATE: March 12, 2020 **ACTION:** Pending
CASE MANAGER: Jesse Gutierrez **PHONE:** 512-974-1606
EMAIL: jesse.gutierrez@austintexas.gov

CC Dates:

May 23, 2019 - The motion to postpone this item to June 20, 2019 at the request of staff was approved on Council Member Flannigan's motion, Council Member Casar's second on an 11-0 vote.

June 20, 2019 - This item was postponed to August 8, 2019 at the request of staff Council Member Pool's motion, Council Member Harper-Madison's second on an 11-0 vote.

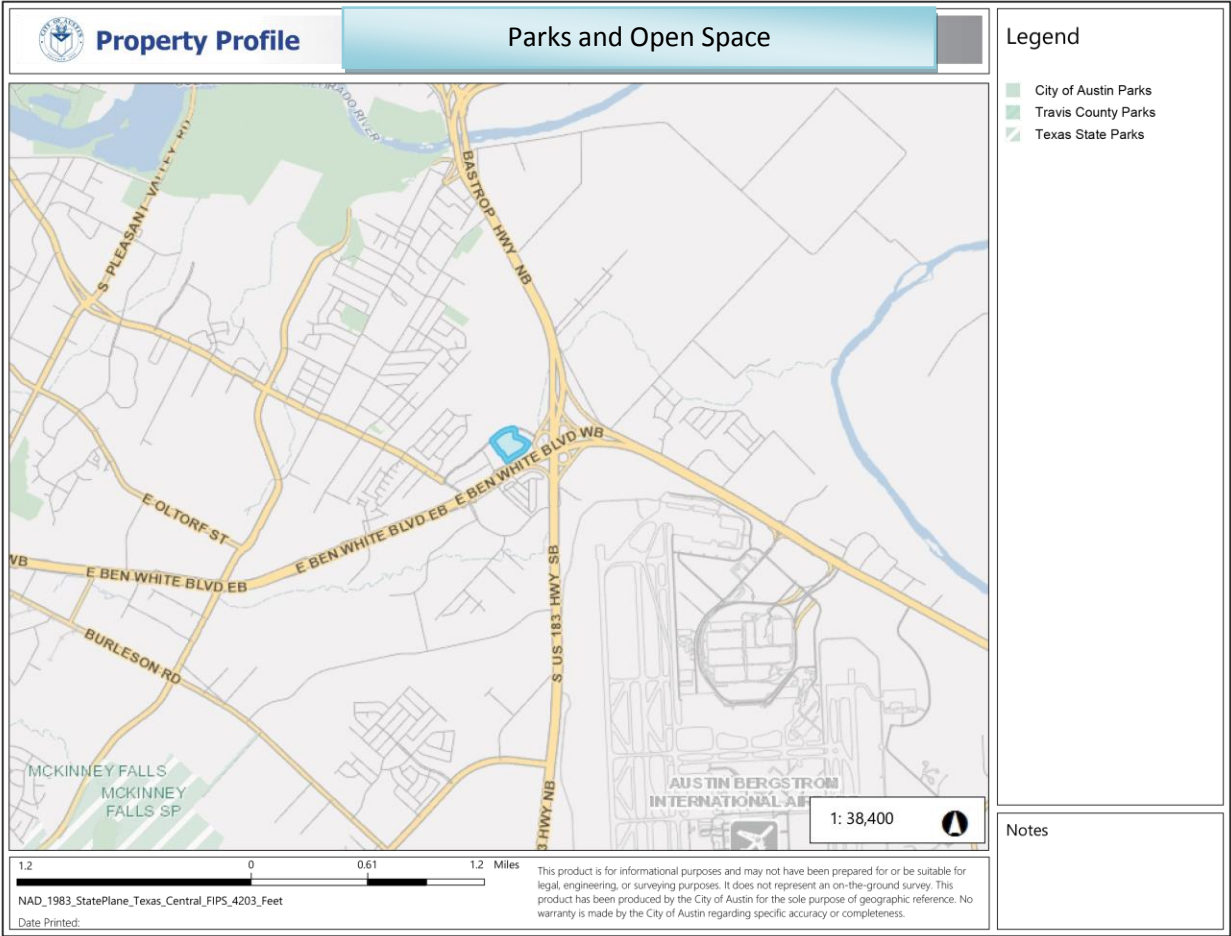
August 8, 2019 - This item was postponed to August 22, 2019 at the request of staff on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.

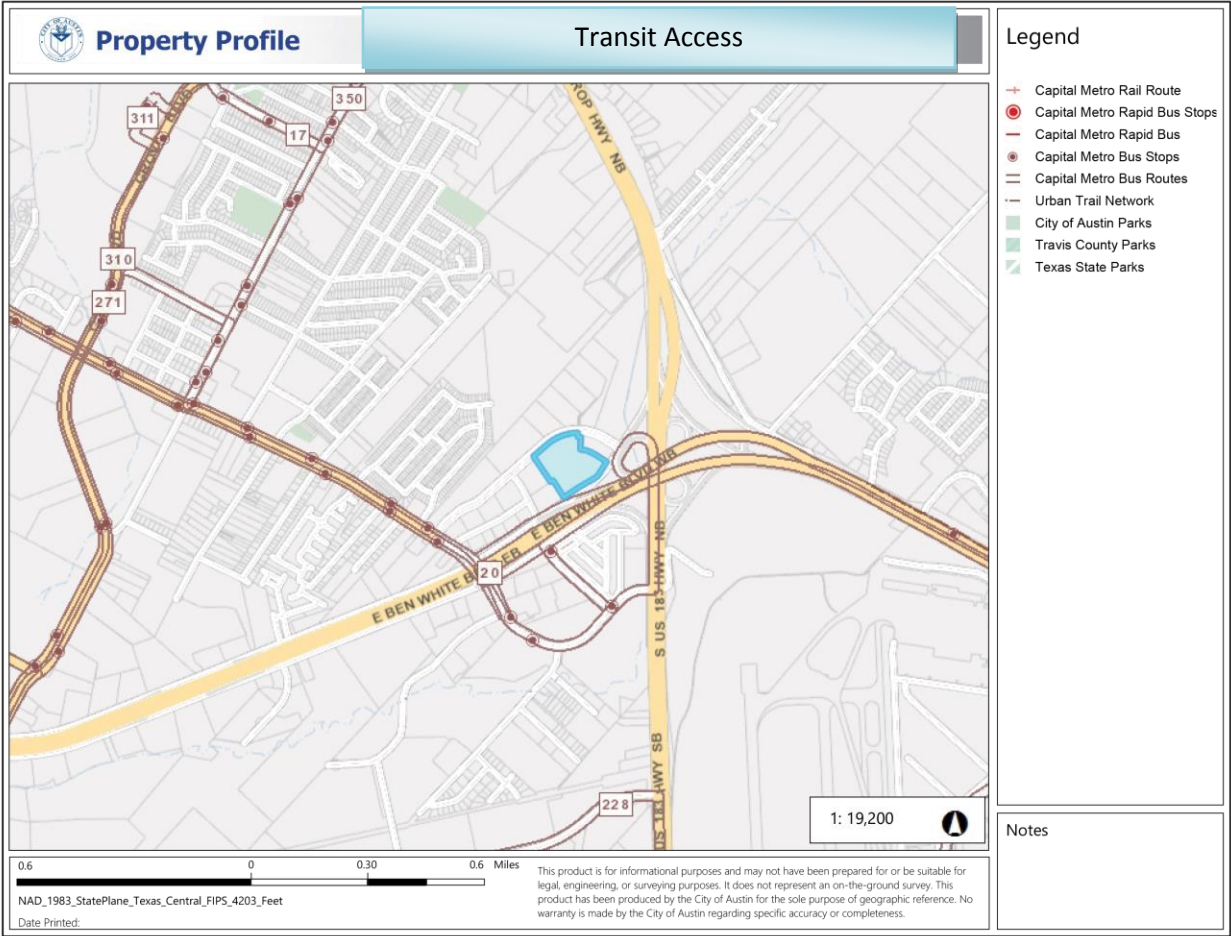
August 22, 2019 - This item was postponed to October 3, 2019 at the request of staff on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on a 9-0 vote. Council Members Alter and Casar were off the dais.

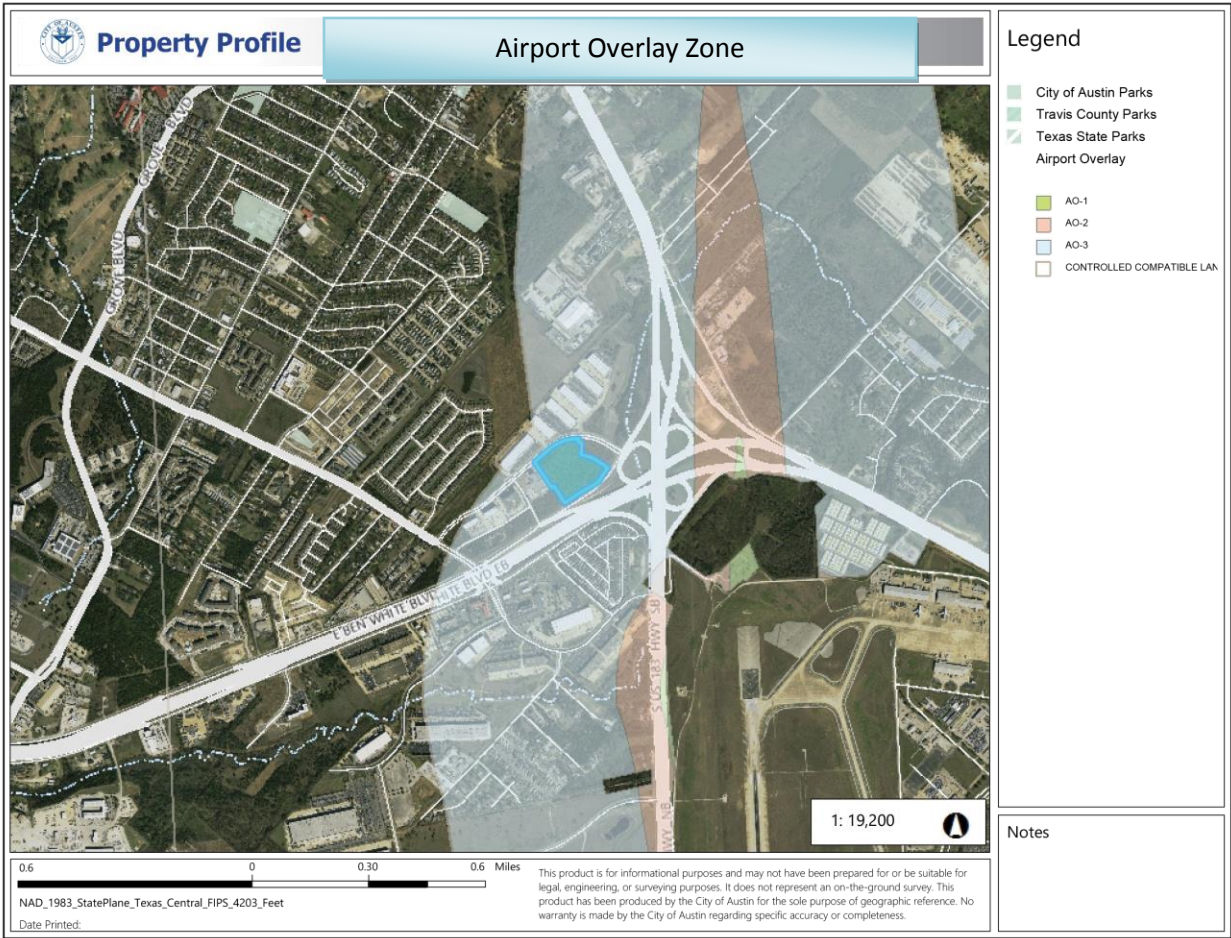
October 3, 2019 - This item was postponed to October 17, 2019 at the request of the applicant on Council Member Alter's motion, Council Member Pool's second on a 10-0 vote. Council Member Harper-Madison was absent.

October 17, 2019 - This item was postponed indefinitely.









IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and

could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

Applicant's Summary Letter

Amanda Swor
direct dial: (512) 807-2904
aswor@drennergroupp.com

**DRENNER
GROUP**

July 25, 2018

Mr. Greg Guernsey
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: 1501 Airport Commerce – Neighborhood Plan Amendment application for the 10.945 acre piece of property located at 1501 Airport Commerce Drive in Austin, Travis County, Texas (the "Property")

Dear Mr. Guernsey:

As representatives of the owner of the Property, we respectfully submit the enclosed Neighborhood Plan Amendment application package. The project is titled 1501 Airport Commerce, consists of 10.945 acres, and is located on the south side of Airport Commerce Drive, located in the full purpose jurisdiction of the City of Austin, and is north of the intersection of U.S. Highway 183 and East Ben White Blvd. The Property is currently undeveloped.

Currently, the Property is zoned CS-CO-NP, General Commercial Services – Conditional Overlay – Neighborhood Plan. Subsequent to submittal of the Neighborhood Plan Amendment, a zoning application will be submitted to request a zoning change from CS-CO-NP to CS-MU-CO-NP, General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan, zoning district. The purpose of this rezoning is to allow for residential uses on the Property.

Per the Montopolis Neighborhood Planning Area, the Future Land Use Map shows the Property as Commercial, therefore a Neighborhood Plan Amendment is being submitted, requesting a change from Commercial to Mixed-Use. This request is consistent with the land uses surrounding the Property, which include residential, hotel, office and general commercial uses.

The Property is located within the Airport Overlay zone AO-3. Per 25-13-45 of the City code, residential uses are allowed on property that is located within a neighborhood plan combining district, if the neighborhood plan was adopted prior to December 31, 2001. The Property is located within the Montopolis Neighborhood Planning Area that was adopted on September 27, 2001; therefore, residential uses are permitted on the Property.

July 25, 2018
Page 2

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



Amanda Swor

cc: Joi Harden, Planning and Zoning Review Department (*via electronic delivery*)

Letter of Recommendation from the Montopolis NPCT

Montopolis Neighborhood Plan Contact Team

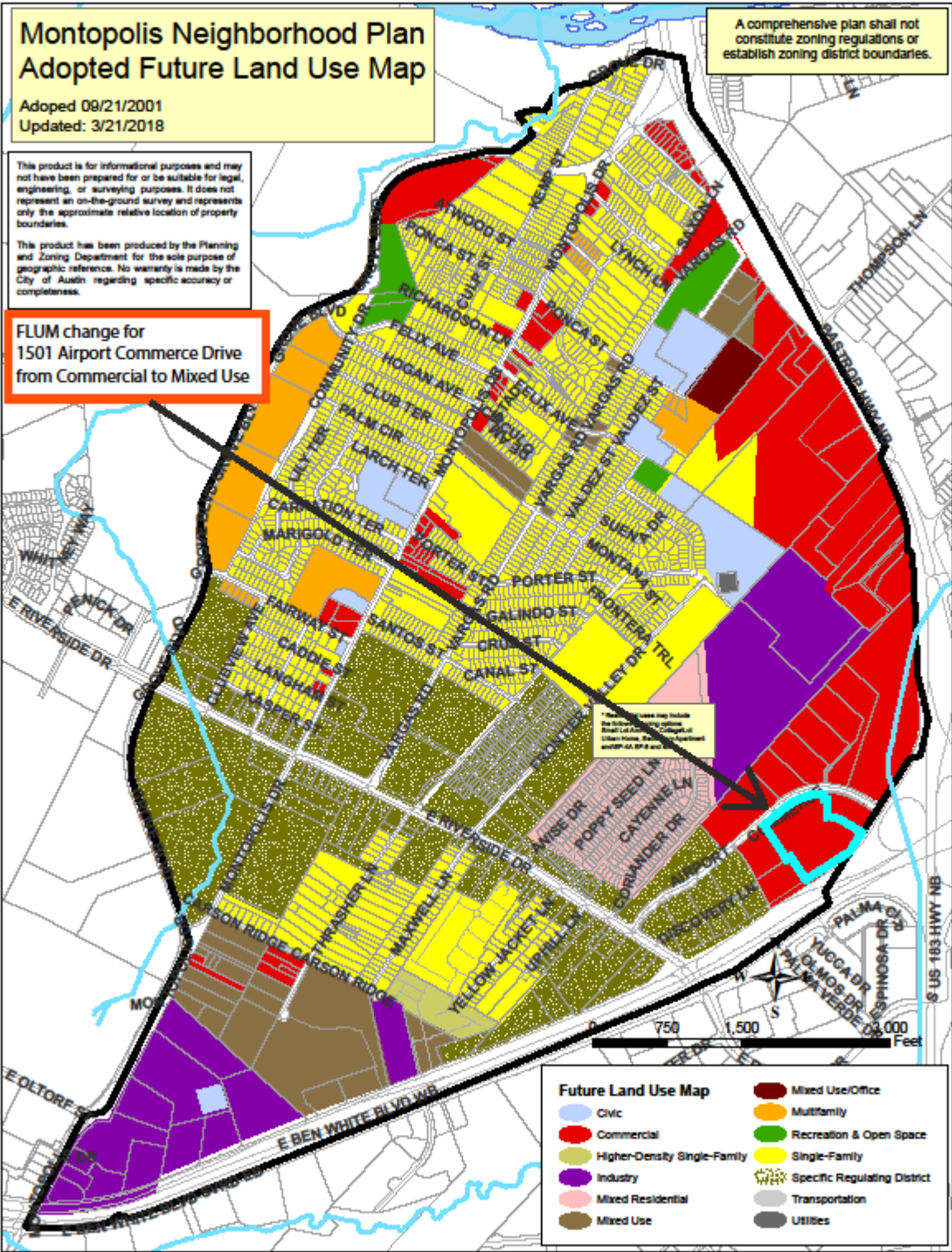
To: Jesse Guitierrez, Senior Planner, Planning & Zoning Department
From: Montopolis Neighborhood Plan Contact Team, Susana Almanza-
President
Date: April 17, 2019
Subject: NPA #2018-0005.01 – 1501 Airport Commerce

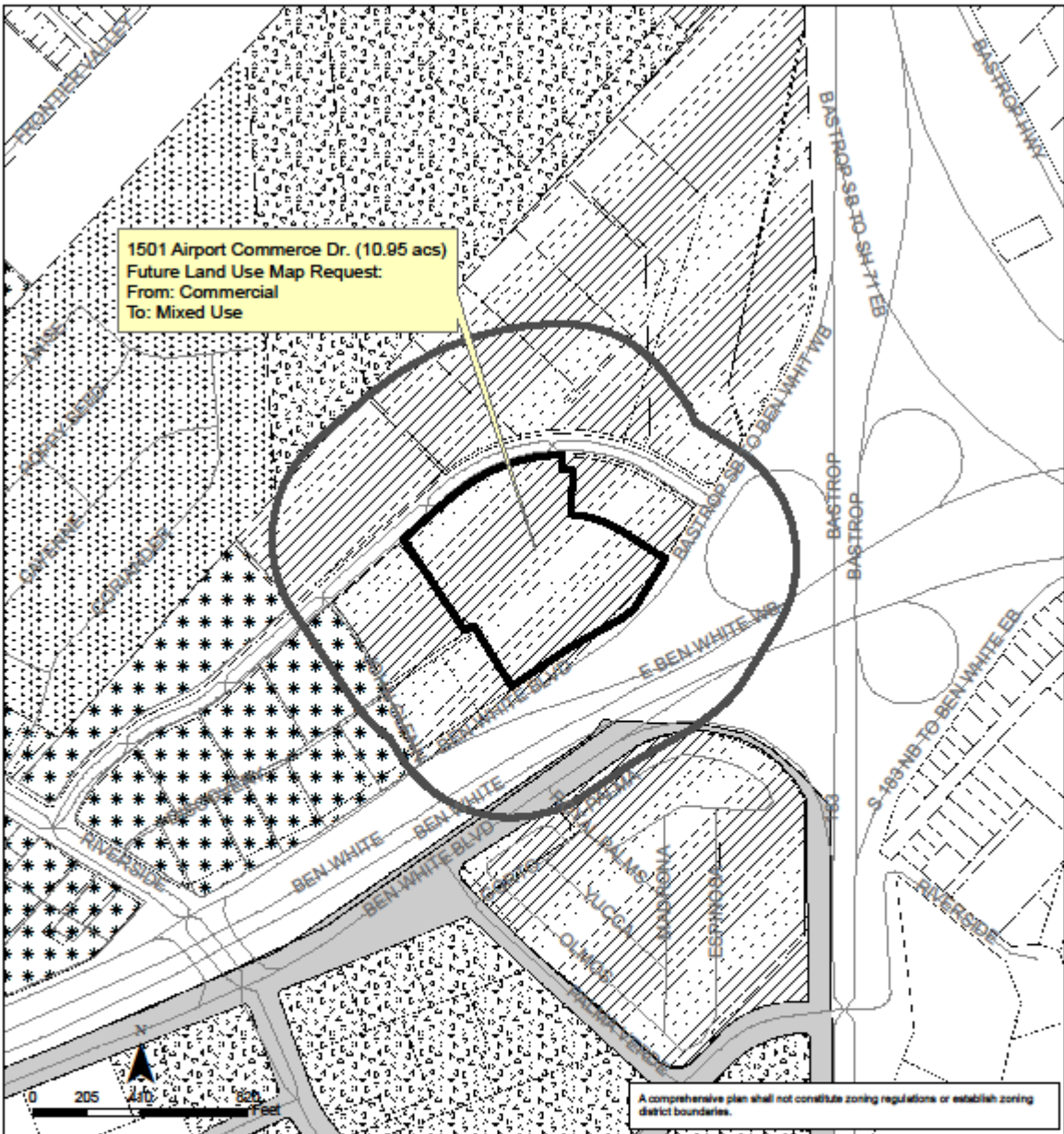
The Montopolis Neighborhood Plan Contact Team (MNPCT) met with representative Amanda Swor, agent for the property located at 1501 Airport Commerce on February 25th. The MNPCT reviewed the zoning request for 1501 Airport Commerce from CS-CO-NP to CS-MU-CO. After over a month of discussion the MNPCT endorses the zoning request for the project with the agreement that approximately 18 units at the 60% affordability level will be made available through this project development.

Thank you,

Susana Almanza, President MNPCT

Email: poder.austin@gmail.com





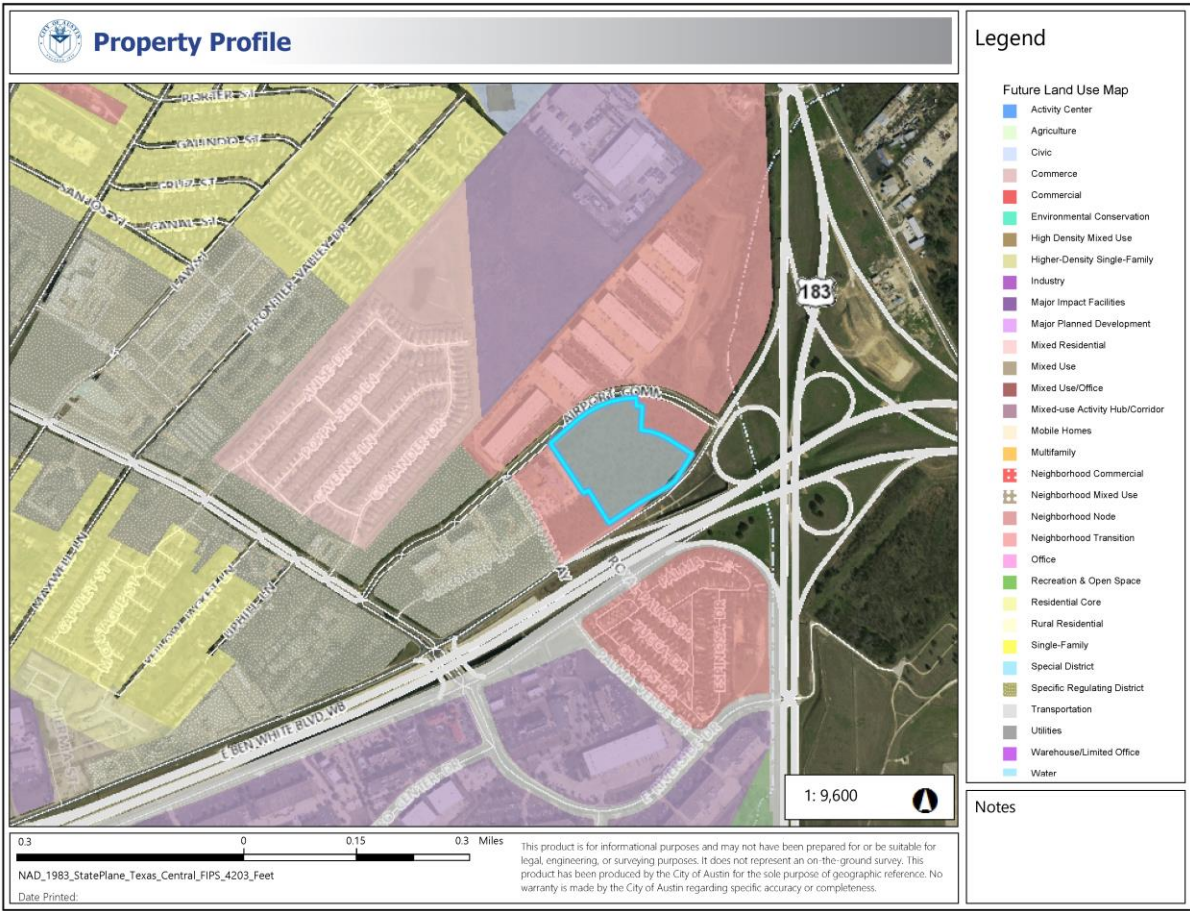
Montopolis Neighborhood Planning Area
NPA-2018-0005.01

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Future Land Use		

City of Austin
Planning and Zoning Department
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Correspondence from Property Owner(s)

None at this time.