

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Southeast Combined (Southeast)

CASE#: NPA-2020-0014.01

DATE FILED: March 18, 2020 (Out-of-Cycle)

PROJECT NAME: 7135 E. Ben White Boulevard

PC DATE: July 28, 2020

ADDRESS: 7135 E. Ben White Blvd. SVRD EB

DISTRICT AREA: 2

SITE AREA: 18.068 acres

OWNER/APPLICANT: Jill Dorough Houghton, Trustee

AGENT: Smith Robertson, LLC (David Hartman)

CASE MANAGER: Maureen Meredith **PHONE:** (512) 974-2695

STAFF EMAIL: Maureen.meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Industry

To: Multifamily

Base District Zoning Change

Related Zoning Case: C14-2020-0042

From: LI-NP

To: MF-4-NP

NEIGHBORHOOD PLAN ADOPTION DATE: October 10, 2002

PLANNING COMMISSION RECOMMENDATION:

August 11, 2020 – (Pending)

July 28, 2020 – Approved on the consent agenda to postpone to the August 11, 2020 hearing at the request of staff. [F. Kazi – 1st; J. Thompson – 2nd] Vote: 12 – 0. [C. Hempel absent].

STAFF RECOMMENDATION: Not recommended for Multifamily land use as requested by the Applicant.

BASIS FOR STAFF'S RECOMMENDATION: The applicant proposes to change the future land use map from Industry to Multifamily with an associated zoning change to build a large multifamily development in an area primarily zoned for industrial uses. Although the land uses are primarily Industry, there is large tract of land to the east that is zoned CS-MU-MU, which would allow for residential uses. Adding the opportunity for more residential uses to an area designated as a Jobs Center in the Imagine Austin Comprehensive Plan and in an area designated in the Southeast Combined Neighborhood Plan for commercial and industrial uses is not supported by staff.

Below are sections of the Southeast Combined Neighborhood Plan that does not support the applicant's request.

IH-35 and Ben White Corridors



Goal 3 Encourage employment centers, commercial activities, and other non-residential development to locate along major thoroughfares.

Objective 3.1 Maintain prevailing land use pattern of commercial, office and industrial development to ensure compatibility of existing and future land uses. (Implementer: NPZD)

Action Item 8 Upzone DR & SF-zoned property along IH-35 and Ben White Boulevard to a zoning category that would allow for commercial and industrial uses. (Implementer: NPZD)

Industrial Zones

A distinctive element of the existing land use landscape within the Planning Areas is that there are defined districts with large amounts of existing industrial development, and numerous undeveloped properties with industrial zoning. The fact that this part of southeast Austin is surrounded by major



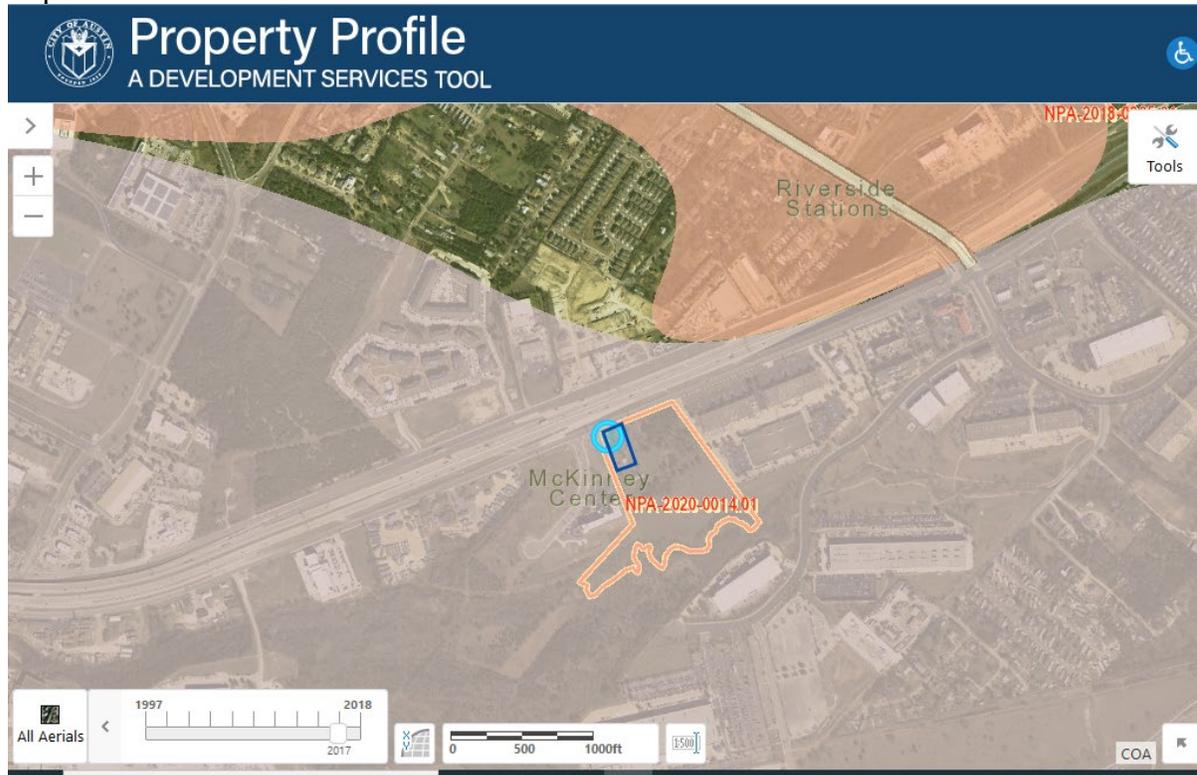
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Goal 5 Create land use and zoning recommendations that reflect the existing industrial nature of parts of the planning area.

Objective 5.1 Make non-industrial properties in areas with a dominant industrial character compatible with the prevailing land use scheme.

Below is the map that shows the property is located within a Jobs Center as identified in Imagine Austin Comprehensive Plan.

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.



LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Industry - Areas reserved for manufacturing and related uses that provide employment but are generally not compatible with other areas with lower intensity use. Industry includes general warehousing, manufacturing, research and development, and storage of hazardous materials.

Purpose

1. To confine potentially hazardous or nuisance-creating activities to defined districts;

2. To preserve areas within the city to increase employment opportunities and increased tax base;
3. To protect the City's strategic advantage as a high tech job center; and
4. To promote manufacturing and distribution activities in areas with access to major transportation systems.

Application

1. Make non-industrial properties in areas with a dominant industrial character compatible with the prevailing land use scheme;
2. Where needed, require a buffer area for industrial property that abuts residentially used land;
3. Industry should be applied to areas that are not appropriate for residential or mixed use development, such as land within the Airport Overlay; 4. In general, mixed use and permanent residential activities are not appropriate in industrial areas. An exception may be the edge of an industrial area along the interface with an area in which residential activities are appropriate. Such exceptions should be considered case by case, with careful attention to both land use compatibility and design;
5. Industry should not be either adjacent to or across the road from single family residential or schools;
6. Use roadways and/or commercial or office uses as a buffer between residential and industry; and
7. Smaller scale "local manufacturing" districts may be appropriate in some locations to preserve employment opportunities and cottage industries of local artisans. In these areas, hazardous industrial uses (i.e. basic industry, recycling centers, and scrap yards) should be prohibited.

PROPOSED LAND USE ON THE PROPERTY

Multifamily Residential - Higher-density housing with 3 or more units on one lot.

Purpose

1. Preserve existing multifamily and affordable housing;
2. Maintain and create affordable, safe, and well-managed rental housing; and
3. Make it possible for existing residents, both homeowners and renters, to continue to live in their neighborhoods.

4. Applied to existing or proposed mobile home parks.

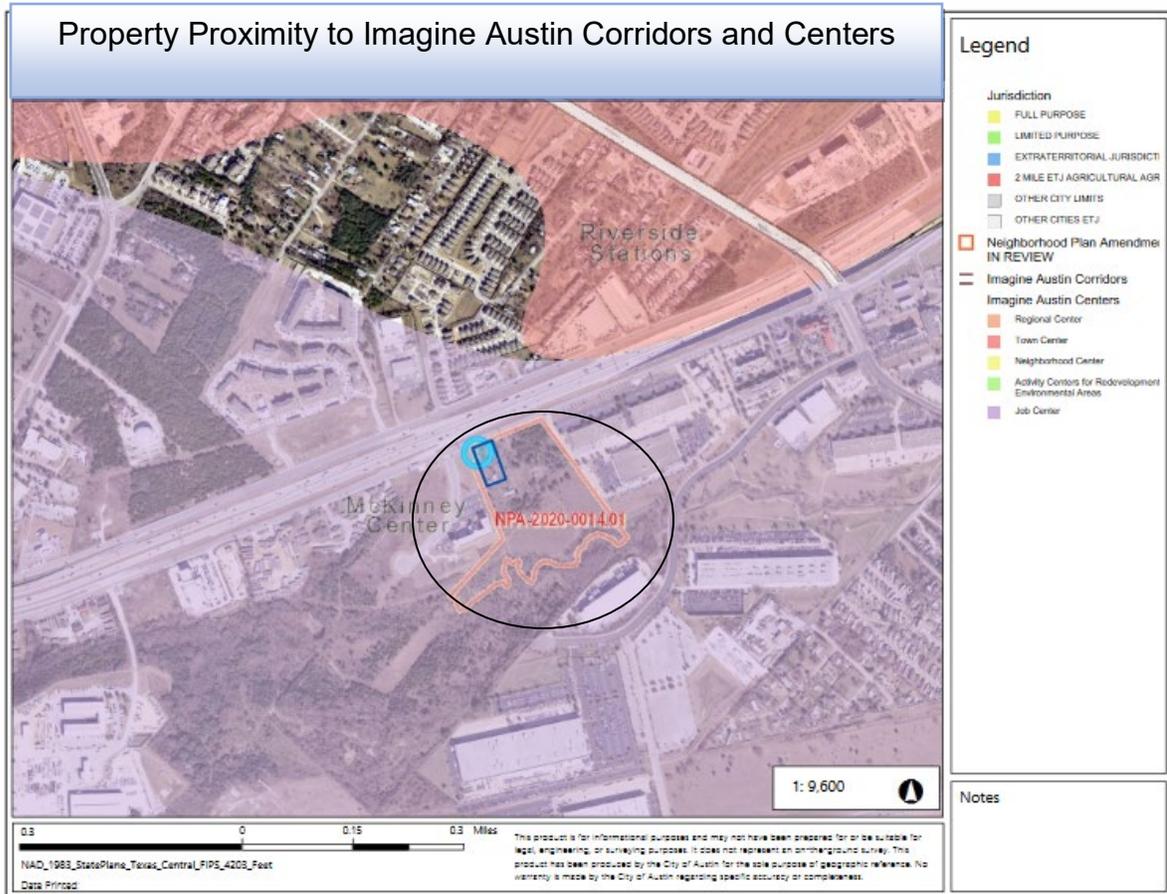
Application

1. Existing apartments should be designated as multifamily unless designated as mixed use;
2. Existing multifamily-zoned land should not be recommended for a less intense land use category, unless based on sound planning principles; and
3. Changing other land uses to multifamily should be encouraged on a case-by-case basis.

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 within an Imagine Austin Jobs Center that is not near public transportation options, but is near some commercial businesses, such as a data center, hotels and manufacture home sales. Although the applicant proposes to build a multifamily development which would provide a mix of housing types, the location of the development within an industrial area is not supported by staff.***
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 within an Imagine Austin Jobs Center that is not near public transportation options, but is near commercial businesses, such as a data center, hotels and manufacture home sales. Although the applicant proposes to build a multifamily development which would provide a mix of housing types, the location of the development within an industrial area is not supported by staff.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - ***The property is within a Jobs Center and on a highway which is a good location for industrial and commercial uses, but not for a multifamily development.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.

- ***The proposed development of a multifamily development would increase the number and variety of housing choices, although staff does not support the change in the future land use map to Multifamily because the property is located within an industrial area.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - ***Multifamily land use is not a harmonious land use to be located within an area that allows industrial 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 located in an environmentally sensitive area such as the Drinking Water Protection Zone. Although the applicant proposes to create a 16 acres public park, the associated multifamily development is not supported by staff in this location.***
 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.
 - ***Although the applicant proposes to create a 16 acres public park, the associated multifamily development is not supported by staff in this location.***
 8. Protect, preserve and promote historically and culturally significant areas.
 - ***To the best of staff’s knowledge, there are no historic or cultural significance to this property.***
 9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - ***There is a trail located near the property that is accessible to bicyclist and pedestrians.***
 10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - ***Not directly 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.***



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.

BACKGROUND: The application was filed on March 18, 2020 which is out-of-cycle for neighborhood planning areas located on the east side of I.H.-35, which would normally be the month of July. The Southeast Combined Neighborhood Plan Contact Team submitted a letter to allow the applicant to file out-of-cycle.

The applicant proposes to change the land use on the future land use map from Industry to Multifamily.

The applicant proposes to change the zoning on the property from LI-NP to MF-4-NP to build a multifamily development with 350-375 dwelling units. For more information on the proposed zoning, please see case report for C14-2020-0042.

PUBLIC MEETINGS: The ordinance-required community meeting was conducted virtually on June 24, 2020. Eighty-nine community meeting notices were mailed to people who live or own property within 500 feet of the subject property. Thirteen people virtually attended the meeting, in addition to five staff members who produced the virtual meeting, the applicant (Mac McElwrath) and his agent (David Hartman).

After staff gave a brief introduction to the planning process and the applicant's plan amendment and zoning change request, David Hartman and Mac McElwrath gave the following presentation.

David Hartman said the applicant is proposing a multifamily development with public land. He said the adjacent land uses are a hotel, data center and undeveloped land. Across the highway to the north are apartments. He said there are 18 acres of LI – Industrial zoning and to the west is about 56 acres of CS-MU zoning where residential uses are authorized. The proposed change in zoning to MF-4 would be similar to adjacent tracts. He said there was a recent zoning to the west near Montopolis Drive and E. Ben White for residential uses. He noted that the property is outside the Airport Overlay Zone where residential uses would be permitted.

He said the subject tract is about 18 acres with one vacant residential structure with no water quality or drainage controls. The applicant is proposing to build a multifamily development

of 350-375 multifamily units. The buildings will be two-, three-, and four-story garden-style development. Access will be exclusively to E. Ben White Blvd. Over 16 acres of public land will be provided located along Carson Creek. It will provide trail connectivity to Metro Center Drive. We chose the MF-4 zoning because it allows for flexibility in height for the four-story buildings.

Mac McElwarth spoke about the concept plan saying they are proposing 350-375 units laid out across the property in two-, three-, and four-story buildings consisting of townhome units and carriage houses above attached garages. There will be entirely surface parking. There will be a clubhouse, pool with common amenities. There is an existing trail system running through Metro Center development and Metro Center Drive. We have identified 16 acres of land on both sides of Carson Creek so the multifamily residents and others will have access to the trail. This is consistent with original trail system plans that were included in the Southeast neighborhood plan, but more so it's consistent with what Parks Department had wished for and we agree is a natural and beautiful amenity in Carson Creek.

Q. My concern is that this highway leads to the airport and it's already super congested. Adding all these units will add to this traffic.

A. There are significant drive aisle on E. Ben White Blvd. I don't have a concern that the highway won't be able to accommodate our traffic demand, but we will still go through Austin Transportation Department to ensure our site plan will work within the overall traffic system.

Q. How many units will be low-income?

A. We will have market rate units, but because we won't build a parking structure, we have reduced costs so our market rates will be lower than apartments that are on Riverside Drive. The Southeast Central Submarket is at 95.7% occupancy so there is a lot of demand at this price point.

Q. What are the prices of the rents?

A. The rent prices will be between \$900 - \$2,000 a month on this project.

Q. When you talk about rent prices, what MFI are you talking about for the rent?

A. We'd have to get back to you and look at the chart, but I think it would fall at least south of the 80% MFI for the \$900 units and the larger units in excess of 80% of MFI. We're not participating in housing credit program because this is not a priority location and subsidies were not available.

Q. \$2,000 a month for rent is high for this census tract in District 2.

A. We have some townhome units that are larger 3 bedroom, 2 ½ baths so these are the units with higher rent.

Q. Along Riverside Drive are homeless camps, although you said this isn't a target area, but there is a housing shortage.

A. I've been living in the area for 10 years and I'm familiar with the homeless camps. We are not building a homeless shelter but there are homeless shelters in proximity to this area with

what we are told has some vacancies. I do not challenge that affordable housing is not an issue in Austin, but I think we can make a dent in addressing the 95.8% occupancy rate in this market.

Q. What is the breakdown of family units and MFI used in District 2?

A. We don't have a granular breakdown, but it will be 60% - 70% one-bedroom units and 30-40% 2 – 3 bedroom. I can't tell you how many units will fall within the MFI but we start at \$900 which is about \$200 - \$300 less than MFI.

Q. Will you comply with Atlas 14 Guidelines?

A. Yes.

Q. 80% MFI is not affordable for District 2 occupants. South of Ben White is poor and won't put any dent or help any family in this area which is different than the overall for Austin.

A. I would say we are doing everything we can for this area that sits at 94.8% occupancy in this price point. There is not another multifamily development proposing this rate, they are often much higher. We are offering a lower rate that we think people will flock to.

Comment:

- The community in this area is low income where you will be serving. I just ask that you be sensitive to that.

CITY COUNCIL DATE:

August 27, 2020

ACTION: (pending)

**Out-of-Cycle Letter Authorization from
Neighborhood Plan Contact Team (NPCT)**

David Hartman

From: Ana Aguirre
Sent: Tuesday, March 10, 2020 6:55 AM
To: Maureen Meredith
Cc: David Hartman; Jason Lucio; ANA AGUIRRE
Subject: 7135 East Ben White Out-of-Cycle Neighborhood Plan Amendment Request

Good Morning Maureen,

The Southeast Combined Neighborhood Plan Contact Team (SCNPCT) held its monthly meeting yesterday. After hearing a presentation from Mr. David Hartman, the membership voted to approve the request for the out-of-cycle Neighborhood Plan Amendment for the property located at 7135 East Ben White. Please let me know if you should have any questions. Thank you for all you do. Ana

Ana Aguirre
Immediate Past Chair
SCNPCT

Ana Aguirre

I find the great thing in this world is not so much where we stand as in what direction we are moving. Oliver Wendell Holmes



**Letter of Recommendation from the Neighborhood
Plan Contact Team (NPCT)**

Southeast Combined Neighborhood Plan Contact Team

Ana Aguirre
Immediate Past Chair
PO Box 19748
Austin, TX 78760
512-708-0647
a-aguirre@prodigy.net

July 16, 2020

Conor Kenny, Chair
Yvette Flores, Secretary
Greg Anderson
Claire Hempel
Carmen Llanes Pulido
Patricia Seeger
Jeffrey Thompson
Richard Mendoza

Fayez Kazi, Vice-Chair
James Shieh, Parliamentarian
Awais Azhar
Patrick Howard
Robert Schneider
Todd Shaw
Don Leighton-Burwell
Ann Teich

RE: Neighborhood Plan Amendment Case Number: NPA-2020-0014.01
Rezoning Case Number: C14-2020-0042
Project Location: 7135 E. Ben White Blvd

Dear Honorable Chair Kenny and Commissioners:

The Southeast Combined Neighborhood Plan Contact Team (SCNPCT) has a history of supporting responsible development. Our Future Land Use Map (FLUM) area consists of single-family, multifamily, mixed use, commercial, office, civic, warehouse/limited office, and industry zones. The SCNPCT also serves students that attend the Austin and Del Valle Independent School Districts. With Austin Bergstrom International Airport (ABIA) being so close, we also have to consider the Airport Overlay.

With this in mind, the SCNPCT met on Monday, July 13, 2020, to discuss the presentation and information received during a neighborhood meeting held on June 24, 2020. The applicant and the owner also participated in the July 13, 2020 meeting to make one final presentation and answer any new questions. The SCNPCT considered the two following requests pertaining to the property located at 7135 E. Ben White Blvd: 1) Neighborhood Plan Amendment to change the land use designation on the FLUM from industry to multifamily land use; and 2) Rezoning from limited industrial service district - neighborhood plan (LI-NP) combining district zoning to multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. The SCNPCT also took into consideration input from neighborhood associations representing residents within the SCNPCT boundary.

With a quorum present, and based on the information provided, the SCNPT membership voted unanimously in favor of the following conditions as offered by the applicant:

- Changing the zoning from limited industrial to multifamily;
- 16.6 acres of parkland;
- Commitment to affordable housing of 10% of the units at 80% MFI for a minimum of 40 years;
- Preferred discount rental rate for Del Valle ISD, Austin ISD, KIPP, and IDEA employees; and
- On-site courtesy police officer with discount rental rate.

The SCNPT also voted unanimously and is respectfully requesting the following conditions for consideration by the applicant:

- Request to add Austin Bergstrom International Airport (ABIA) employees to the preferred discount rental rate; and
- Request a guarantee to codify the discount rates to Del Valle ISD, Austin ISD, KIPP, IDEA, and ABIA employees.

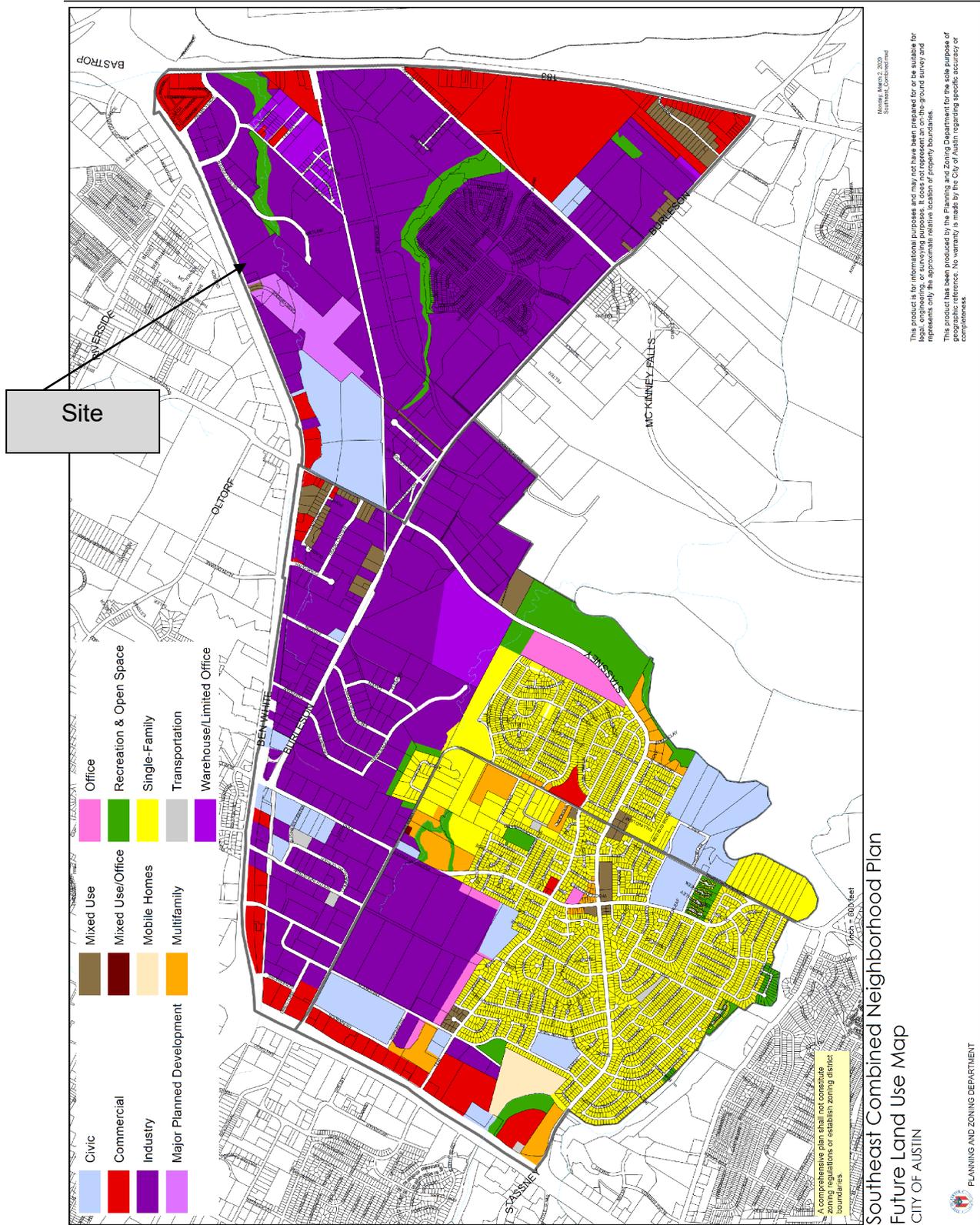
The SCNPT sees the value in changing the FLUM and zoning from industrial to multifamily recognizing the need for more housing stock in Austin. Additionally, the availability of parkland along Carson Creek will enhance the environment and quality of life for the future occupants of this proposed development as well current residents and employees in Southeast Austin. The SCNPT is very appreciative of the affordable housing being offered. The affordable housing will benefit employees of the AISD and DVISD school districts, the charter schools and a courtesy police officer. We hope the applicant will consider including ABIA employees, so they too can benefit from this opportunity.

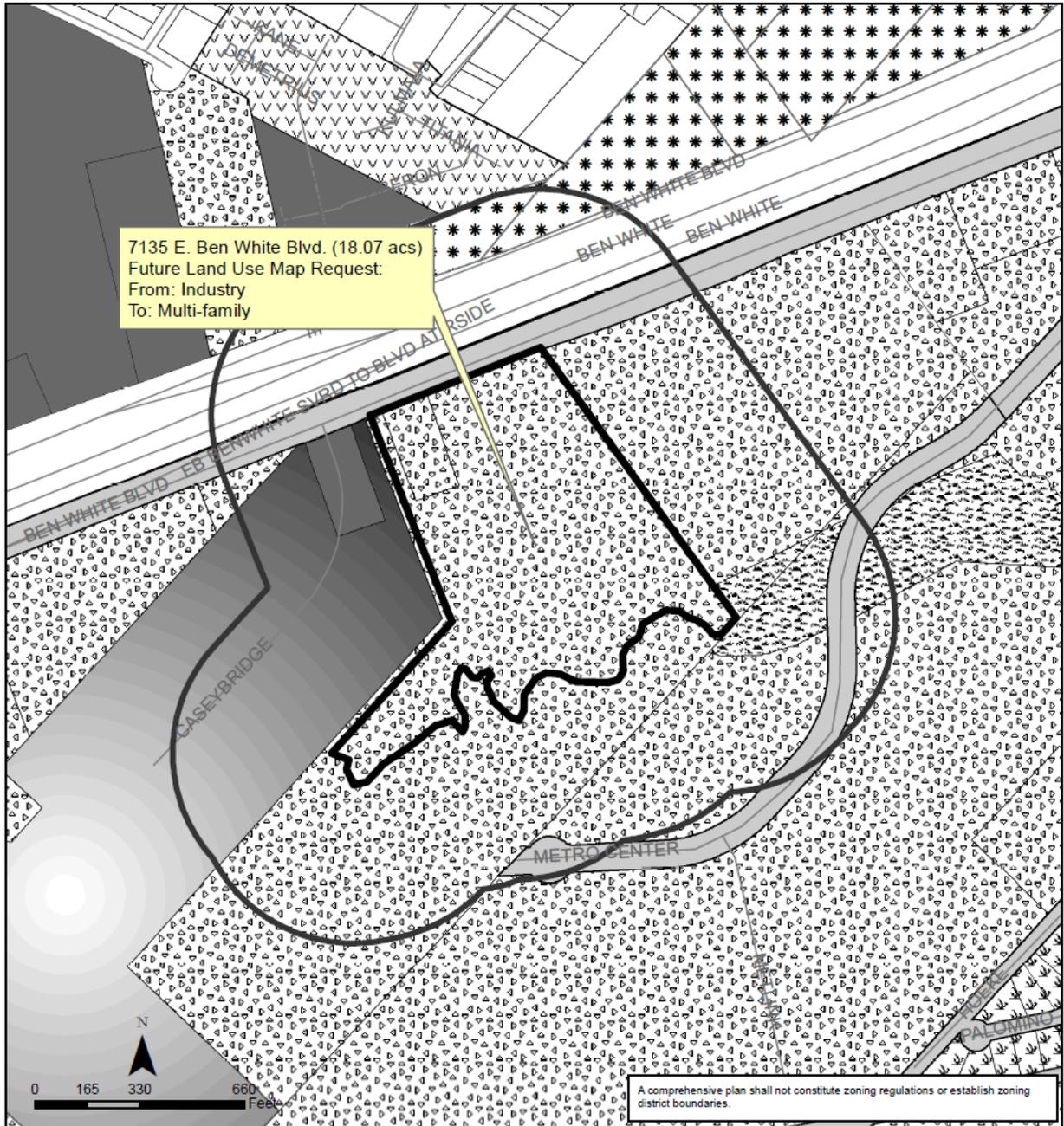
Respectfully submitted,



Ana Aguirre, Immediate Past Chair
Southeast Combined Neighborhood Plan Contact Team (SCNPT)

CC: Wendy Rhoades, Planning and Zoning Department
David Hartman, Applicant





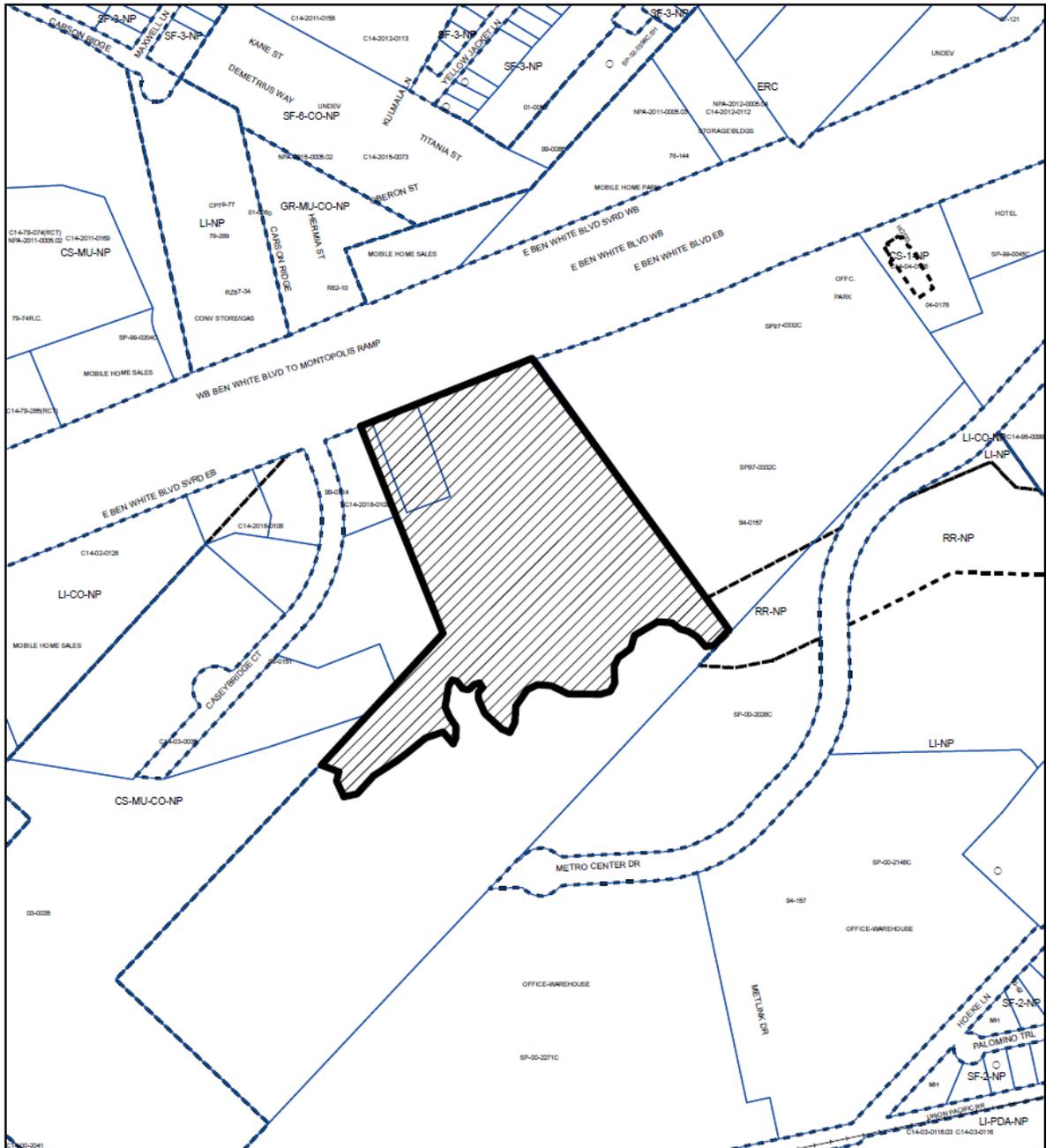
**Southeast Combined Neighborhood Planning Area
 NPA-2020-0014.01**

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 the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

City of Austin
 Planning and Zoning Department
 Created on 3/31/2020, by: meredithm

Future Land Use	
	500 ft. notif. boundary
	Subject Property
	Single-Family
	Higher-Density Single-Family
	Mixed Residential
	Commercial
	Mixed Use
	Specific Regulating District
	Warehouse/Limited Office
	Major Planned Development
	Industry
	Civic
	Recreation & Open Space
	Transportation



-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2020-0042

1" = 400'

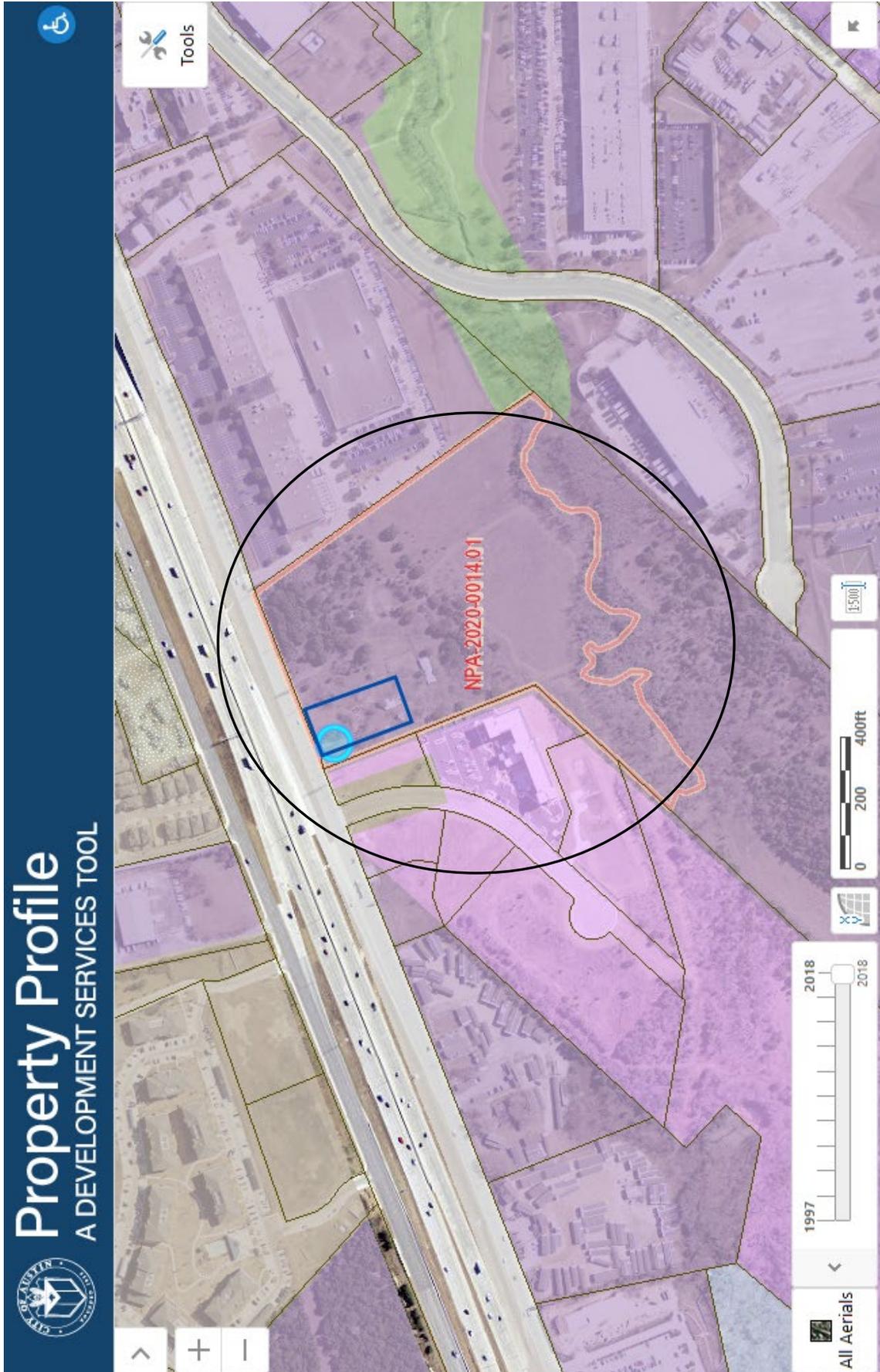
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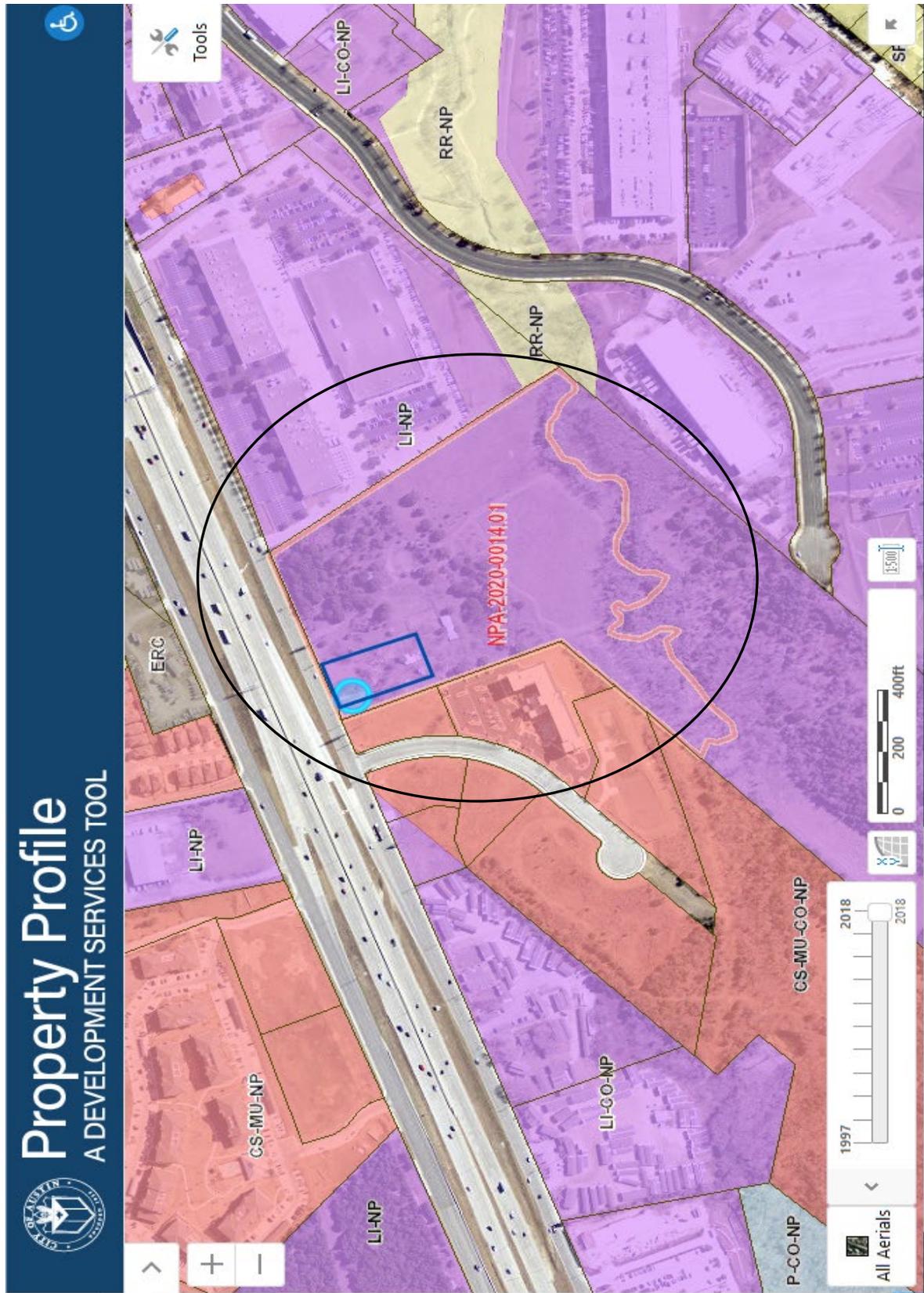
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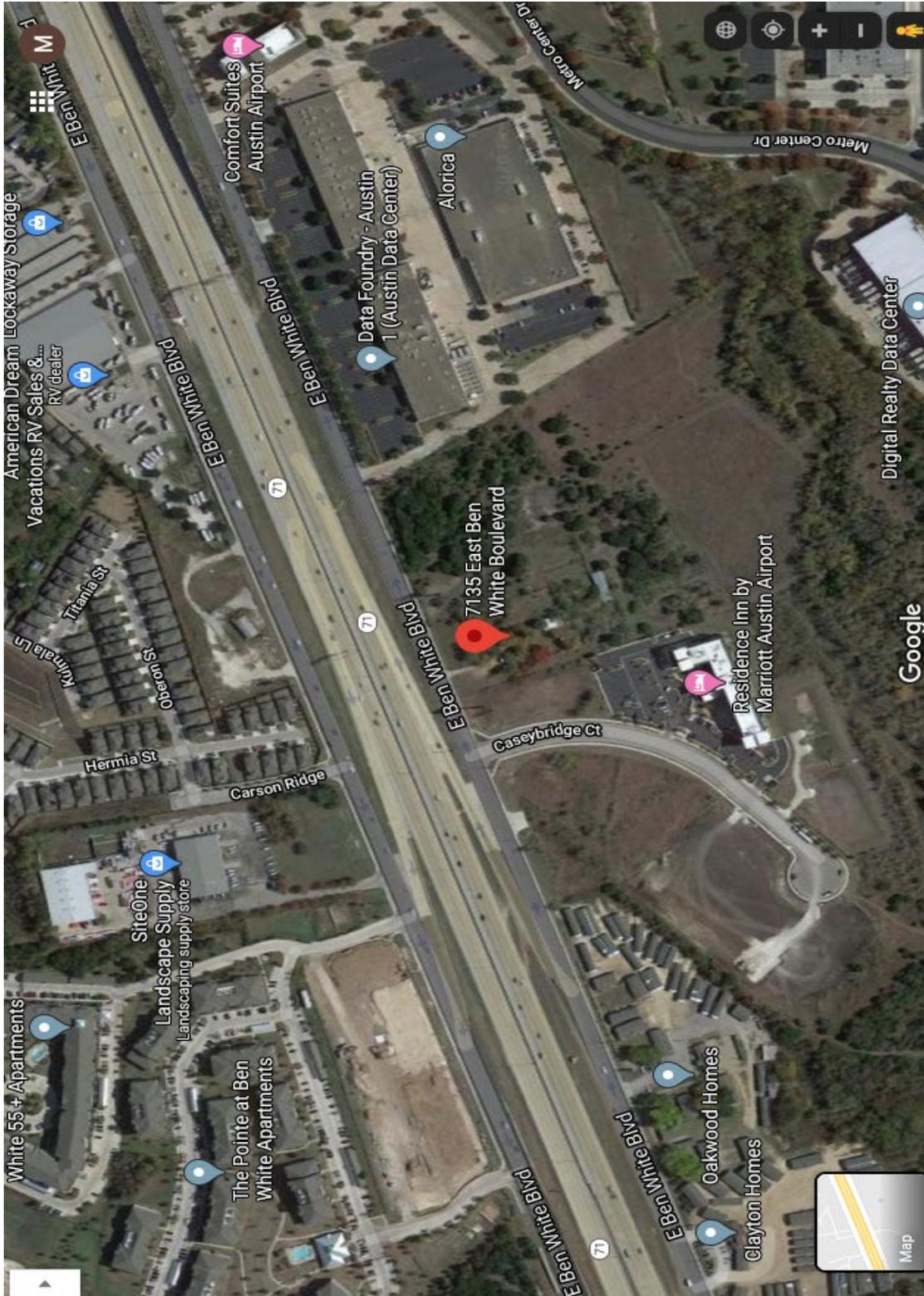


Created: 3/19/2020









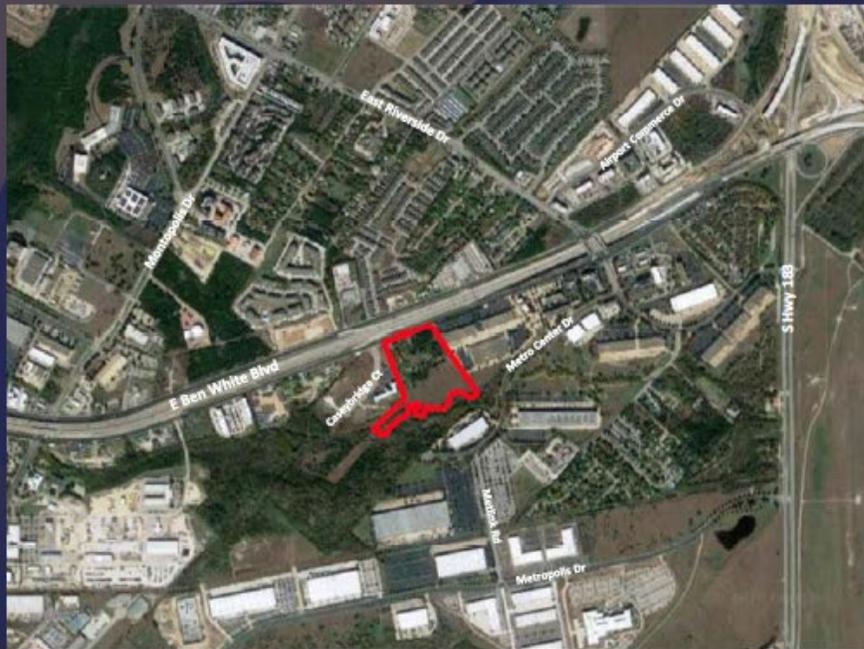
Applicant's Community Meeting Presentation

7135 E. Ben White
Multifamily and Public Parkland

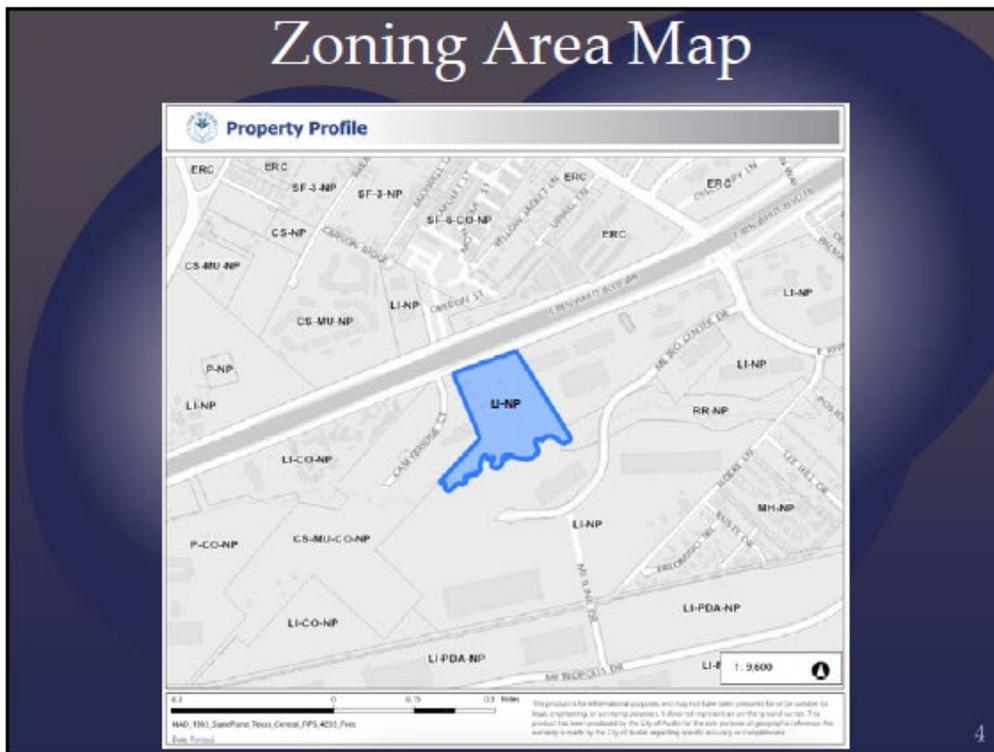
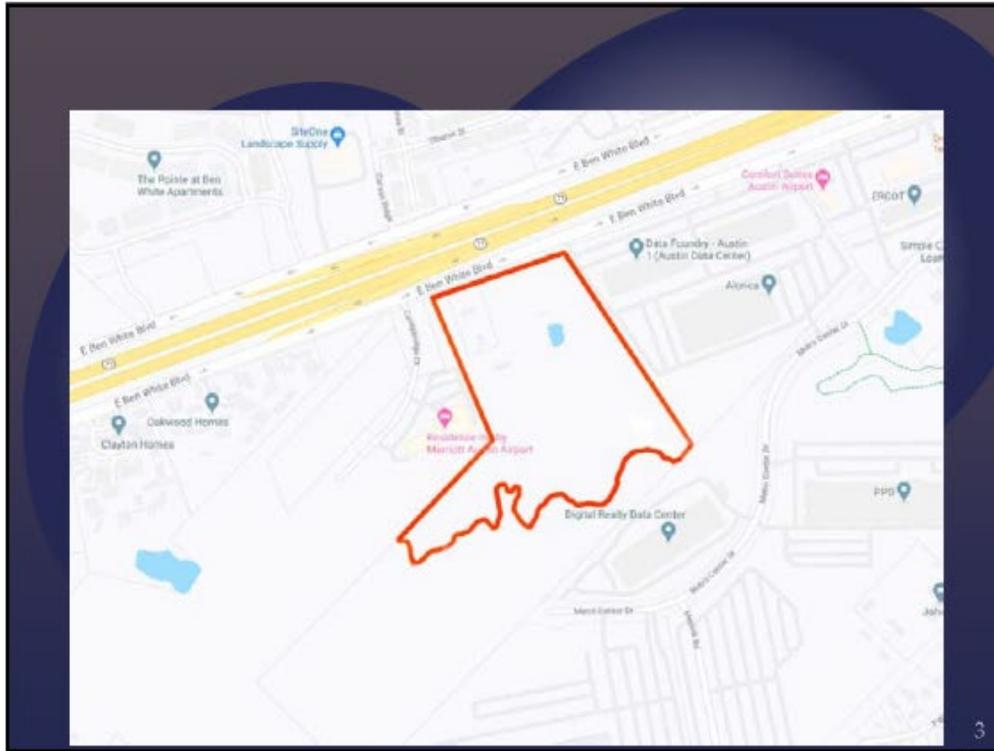
C14-2020-0042, NPA-2019-0014.01
June 24, 2020

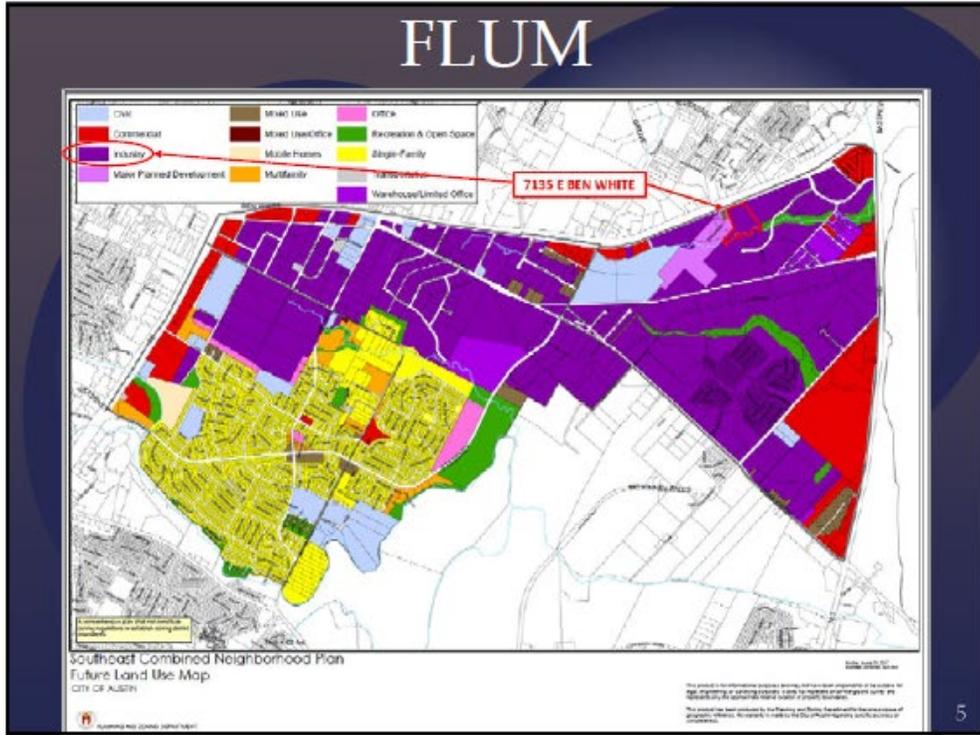
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Project Aerial



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Project Overview

18.064 acres; 1 vacant residential structure; no water quality or drainage control measures.

- **Adjacent Zoning:** CS-MU-CO-NP (56 acres), LI-NP, RR-NP, LI-PDA.
North of Ben White Blvd.: GR-MU-NP, CS-MU-NP.
- **Adjacent Uses:** Hotel, datacenter, office, undeveloped.
North of Ben White Blvd.: Apartments, condominiums.
- **Adjacent FLUM:** Planned Development Area, Industry, Recreation & Open Space.

Proposing 350 - 375 multifamily units

- 2, 3, and 4 story garden-style multifamily units throughout.
- Access: Ben White Blvd.

16.6 acres public parkland located along Carson Creek; connectivity to Metro Center Drive.

Contact Team Meeting March 9, 2020 authorized filing out-of-cycle NPA Application.

Zoning and Neighborhood Plan Amendment Applications submitted March 18, 2020.

- Change FLUM → Industry to Multifamily.
- Change Zoning → LI-NP to MF-4-NP.
 - Allows flexibility in height (60') for 4 story buildings.

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Concept Plan

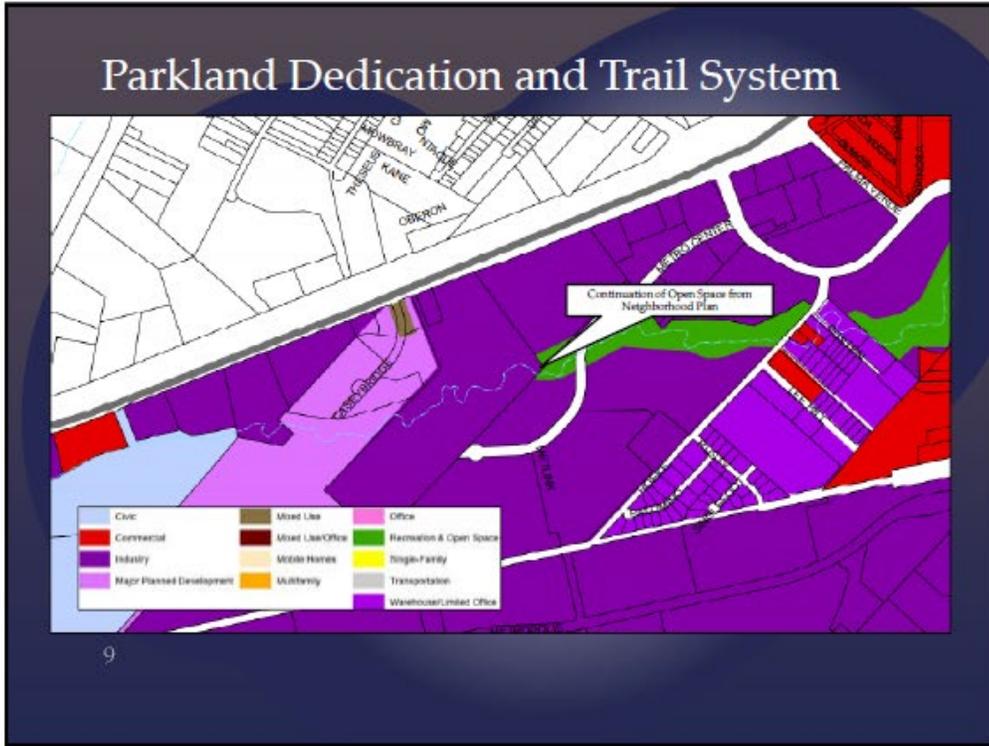


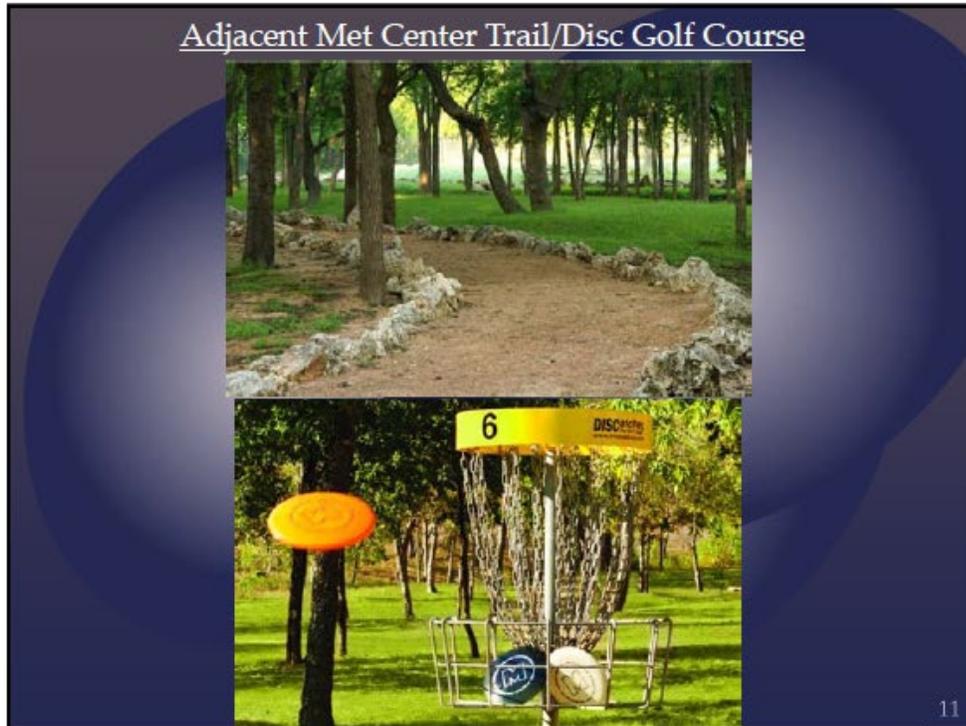
DAVIES
COLLABORATIVE

7135 Ben White - Massing Study
03-04-2020

Scale: 1"=80'

8





Proposed Neighborhood Plan FLUM Amendment Supports SECNP

- Goal One: Provide a balance of mixed-income housing options that will contribute to the neighborhood's vitality and stability and encourage the development of land uses that promote the interaction between residential and non-residential uses.
 - Objective 1.1. Explore opportunities for the development of a variety of housing and commercial options.
- Goal Eight: Preserve the unique, rare and significant features of the SECNP natural environment.
 - Objective 8.6 Encourage the environmentally-sensitive management of floodplains and promote their use as open space, such as greenways, parks, wildlife habitat, and pedestrian-friendly linkage corridors.
- Multifamily FLUM amendment authorizes housing and related parkland as identified in the Goals and Objectives of the SECNP.
- Request support of Multifamily FLUM Amendment, and Rezoning to MF-4-NP.

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