

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0093 – 4329 S Congress Avenue

DISTRICT: 3

ZONING FROM: CS-MU-NP

TO: CS-MU-V-NP

ADDRESS: 4329 – 4341 South Congress Avenue

SITE AREA: 2.376 acres

PROPERTY OWNER: South Congress Development LLC AGENT: Drenner Group PC
(Amanda Swor)

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

STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – mixed use – vertical mixed use building – neighborhood plan (CS-MU-V-NP) combining district zoning.

PLANNING COMMISSION ACTION / RECOMMENDATION:

October 27, 2020: *APPROVED CS-MU-V-CO-NP DISTRICT ZONING WITH THE CONDITIONAL OVERLAY PROHIBITING ADULT-ORIENTED BUSINESSES, ALTERNATIVE FINANCIAL SERVICES, BAIL BOND SERVICES AND OUTDOOR ENTERTAINMENT*

[G. ANDERSON; C. HEMPEL – 2ND] (10-0-1) J. SHIEH – ABSENT; C. LLANES PULIDO – ABSTAINED; ONE VACANCY ON THE COMMISSION

October 13, 2020: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT AND THE NEIGHBORHOOD TO OCTOBER 27, 2020*

[J. THOMPSON; A. AZHAR – 2ND] (12-0) ONE VACANCY ON THE COMMISSION

CITY COUNCIL ACTION:

November 12, 2020:

ORDINANCE NUMBER:

ISSUES:

The Applicant has discussed this case with the South Congress Combined Neighborhood Plan Contact Team.

CASE MANAGER COMMENTS:

The subject tract is located on South Congress Avenue, is developed with a mobile food vending court and a self-storage facility, and has had general commercial services – mixed use – neighborhood plan (CS-MU-NP) zoning since Council approved the East Congress Neighborhood Plan rezonings in August 2005. There are retail and various commercial

services, auto-related uses and apartments along both sides of Congress Avenue in the vicinity (CS-MU-NP; CS-MU-V-NP; CS-MU-CO-NP/MF-6-CO-NP). ***Please see Exhibits A and A-1 – Zoning Map and Aerial Exhibit.***

The Applicant proposes to rezone the property and add a vertical mixed use building (–V) combining district to the existing zoning and develop it with up to 280 apartment units and 5,500 square feet of ground floor retail and restaurant uses.

The property is designated as Mixed Use on the adopted Future Land Use Map (as is most of South Congress Avenue in the neighborhood planning area), and the Mixed Use designation is defined as “An area that is appropriate for a mix of residential and non-residential uses.” South Congress Avenue is also designated as a Core Transit Corridor. During the Vertical Mixed Use Overlay (VMU) Opt-in/Opt-out process conducted by the Neighborhood Planning and Zoning Department in 2007-09, an application to designate certain properties as appropriate to add the –V combining district or exclude other properties from the VMU overlay was not filed by the South Congress Combined Planning Contact Team.

The addition of –V provides an additional development option to a property and allows it to retain the ability to redevelop under the existing CS base district. A –V does not grant: 1) additional height to the base zoning district which is 60 feet in the CS district or 2) additional impervious cover which is limited to 80 percent in the suburban portion of the Williamson Creek watershed. The addition of –V also does not waive applicable compatibility standards, although they do not apply to this tract.

A building constructed under vertical mixed use building (–V) standards is required to contain a mix of residential and commercial uses, and the result is typically retail, restaurants and offices on the ground floor, and residential units on the upper levels. On the subject property, there is also the opportunity to waive: 1) the front and interior side setbacks, 2) the 2:1 floor-to-area ratio established by CS zoning, and 3) the minimum site area requirement which is the number of dwelling units on a site by requiring a certain amount of square footage for a specific type of multi-family unit (efficiency, one bedroom, two bedroom). A –V building is also eligible for 60 percent of the minimum requirement for off-street parking. Finally, a –V building has an established affordability level for rental units which is 10 percent of the residential units set aside for households earning no more than 80 percent of the current MFI (\$78,100 is the 2020 Income Limit for a 4-person household), for a period of 40 years.

BASIS OF RECOMMENDATION:

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

The proposed general commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The vertical mixed use building (V) combining

district may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses within a vertical mixed use building. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *Zoning should promote clearly identified community goals such as creating employment opportunities or providing for affordable housing.*

The subject property is one that is eligible and appropriate for the addition of –V because of its commercial zoning and uses, and location on a Core Transit Corridor. There are other recently constructed condominium and multifamily residential projects on this stretch of South Congress south of Ben White and north of Ramble Lane, including one at the northeast corner of East St. Elmo Road and approved site plans for vertical mixed use building development south of East St. Elmo Road.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-NP	Mobile food vending court; Self-storage facility
<i>North</i>	CS-MU-V-NP	Undeveloped (proposed for 150 apartment units); Equipment rentals; Auto repair
<i>South</i>	CS-MU-CO-NP / MF-6-CO-NP	Apartments with ground floor retail
<i>East</i>	LI-PDA-NP; CS-CO-NP	Two multifamily residential buildings (387 units) / one 78,682 sf general office building; two parking garages; Manufacturing
<i>West</i>	CS-MU-NP; CS-MU-V-NP	Apartments; Undeveloped; Construction sales and services

NEIGHBORHOOD PLANNING AREA: South Congress Combined (East Congress)

TIA: Is not required

WATERSHED: Williamson Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

An Educational Impact Statement is required. ***Please refer to Attachment A.***

Galindo Elementary School

Bedichek Middle School

Travis High School

COMMUNITY REGISTRY LIST:

9 – Battle Bend Springs Homeowners Association

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Assoc.

742 – Austin Independent School District

1173 – South Congress Combined Neighborhood Plan Contact Team

1228 – Sierra Group, Austin Regional Group

1363 – SEL Texas

1424 – Preservation Austin 1429 – Go!Austin/Vamos!Austin (GAVA) – 78745

1528 – Bike Austin
 1531 – South Austin Neighborhood Alliance
 1530 – Friends of Austin Neighborhoods
 1550 – Homeless Neighborhood Association
 1616 – Neighborhood Empowerment Foundation

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0008 – South Congress Multifamily – 4302 S Congress Ave	CS-MU-NP to CS-MU-V-NP	To Grant CS-MU-V-NP and conds of r-o-w dedication on S Congress Ave.	Apvd CS-MU-V-NP as Commission recommended (5-7-2020).
C14-2019-0069 – Saint Elmo Apartments – 4315 S Congress Ave	CS-MU-NP to CS-MU-V-NP	To Grant CS-MU-V-NP and conds of r-o-w dedication on S Congress Ave.	Apvd CS-MU-V-NP as Commission recommended (8-8-2019). <u>Note:</u> Staff deferred R-O-W dedication to site plan.
C14-2017-0132 – 4515 South Congress Rezoning – 4515 S Congress Ave; 134 Sheraton Ave	CS-MU-NP; CS-MU-CO-NP to CS-MU-V-NP	To Grant CS-MU-V-CO-NP w/CO for list of prohibited uses and 2,000 trips/day. <u>Note:</u> Applicant and N’hood encouraged to work together on private RC	Apvd CS-MU-V-CO-NP Commission rec, but remove the –CO for the 2,000 trips/day limit (6-14-2018).
C14-2017-0133 – 4401 S Congress Rezoning	CS-MU-NP to CS-MU-V-NP	To Grant CS-MU-V-CO-NP w/CO prohibiting access to S Congress Ave and conds of r-o-w dedication on S Congress Ave	Apvd CS-MU-V-CO-NP as PC rec (3-8-2018). <u>Note:</u> Staff deferred R-O-W dedication to site plan.
C14-2016-0106 – 4411 S Congress Ave and 4510 Lucksinger Ln	CS-MU-NP to CS-MU-V-NP	To Grant CS-MU-V-NP w/addl conds to provide 10% rental units at 60% MFI w/a unit mix reflecting the makeup of the units as the rest of the devt and all amenities will be available to the residents of the affordable units	Apvd CS-MU-V-CO-NP w/CO for 60’ height limit (4-13-2017).
C14-2016-0097 – South Congress Residences – 4714 S Congress Ave	CS-MU-CO-NP to CS-MU-V-NP	To Grant CS-MU-V-NP w/addl conds to provide 10% rental units at 60% MFI w/a	Apvd CS-MU-V-CO-NP w/CO limiting height to 60’, on 1 st Rdg (3-23-2017).

		unit mix reflecting the makeup of the units as the rest of the development and all amenities will be available to the residents of the affordable units, and incorporating the conditions in the list of conditions from the October 19 th SCCNPCT meeting, to the extent possible.	NOTE: Case Expired
C14-2014-0034 – St. Elmo’s Market and Lofts - 113 Industrial Blvd; 4323 S Congress Ave; 4300 Blk of Willow Springs Rd	CS-MU-NP; LI-NP; LI-CO-NP to LI-PDA-NP	To Grant LI-PDA-NP w/PDA for all permitted uses and conditional uses in LI w/certain prohibited uses, residential uses including multifamily and townhouse/condos, certain civic uses, adding cocktail lounge and hospital (ltd) as conditional uses, 25’ front and side yard setbacks, 0’ interior setback, 15’ rear setback, 85% impervious cover, 1.5 to 1 FAR; Restrictive Covenant for the Traffic Impact Analysis	Apvd LI-PDA-NP with Restrictive Covenant for the TIA as recommended by the Commission (11-20-2014).
C14-2007-0234 – South Urban Lofts – 4367 S Congress Ave	CS-MU-CO-NP; MF-6-NP to CS-MU-CO-NP; MF-6-CO-NP, to change a condition of zoning	To Grant CS-MU-CO-NP for first 15’; MF-6-CO-NP for 15-90’, w/CO for 2,000 trips/day; 90% impervious cover, limit of 25 spaces in a surface parking facility, and list of prohibited uses	Apvd CS-MU-CO-NP; MF-6-CO-NP as Commission recommended (3-20-2008).
C14-07-0009 – South Urban Lofts	CS-NP to CS-MU-CO-NP;	To Grant CS-MU-CO-NP for first 60’; MF-6-	Apvd CS-MU-CO-NP; MF-6-CO-NP as

– 4367 S Congress Ave	MF-6-NP	NP for 60-90' w/CO for 2,000 trips/day; 90% impervious cover, limit of 25 spaces in a surface parking facility, and list of prohibited uses	Commission recommended, w/ Restrictive Covenant for minimum 2-star Green Building requirement (6-07-2007).
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RELATED CASES:

The East Congress Neighborhood Plan Area rezonings were completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on August 28, 2005 (NP-05-0020; C14-05-0107 – Ordinance No. 20050818-Z004). The property consists of a portion of Tract 110 that was rezoned to CS-MU-NP. As part of the East Congress Neighborhood Plan Rezonings, the neighborhood mixed use building and the neighborhood urban center special uses were adopted for Tract 110.

The rezoning area is a 2.376 acre portion of Block 26, Fortview Addition. There are no site plans in process.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South Congress Avenue	107 feet	70 feet	ASMP Level 3 (Major Arterial Divided, 4 lanes)	Yes	Bike Lane	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

This rezoning case is located on the east side of South Congress Avenue, on a 2.376 acre tract that contains several food trucks and a commercial storage facility. The property is located along the **South Congress Activity Corridor** and within the boundaries of the South Congress Combined Neighborhood Plan (East Congress). Surrounding land uses include cleared land, a convenience storage facility and a car repair shop to the north; to the south is a convenience storage facility and three mixed use buildings (shops and offices on first floor and residential on the floors above); to the west is an apartment complex; and to the east are light industrial and office/warehouse uses. The proposed use is multi-story mixed use project, with up to 280 multifamily units and approximately 5,500 square feet of ground floor commercial space, for a restaurant and retail uses.

Connectivity

The project is located within 300 feet of a CapMetro transit stop. This portion of South Congress Avenue has public sidewalks, unprotected bike lines and expansive curb cuts that open directly onto large segments of the public sidewalks. Mobility and connectivity options are average in the area.

South Congress Combined Neighborhood Plan (SCCNPA)

The SCCNPA Future Land Use Map (FLUM) classifies this portion of the planning areas as ‘**Mixed Use**’ and Zone CS-MU-V-NP is permitted under this land use category. Mixed Use is defined as an area that is intended for a mix of residential and non-residential uses, including office, retail and commercial services. The following text and policies are excerpted from the SCCNPA and are applicable to this case and go into great detail about future development along South Congress Avenue:

Vision (p 13)

The neighborhoods of the South Congress Combined Neighborhood Planning Area should be quiet and safe communities. Tree-lined neighborhood streets should allow residents to safely travel by foot, bicycle, or car. Commercial streets, **especially South Congress Avenue**, should become more pedestrian-friendly and safely accessible from nearby neighborhoods. **South Congress Avenue should become a mixed-use corridor serving local and regional needs.**

Top Ten Priorities (p. 14)

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

GOAL TWO: South Congress Avenue should become a **more vibrant, accessible mixed-use corridor and a destination for nearby residents and the citizens of Austin.** (p 50)

Text from p. 50. The vision presented for South Congress Avenue is one where new development and redevelopment redefine the street in a more urban and pedestrian-friendly manner. This transformation could provide opportunities for new businesses serving nearby residents, people working in the area, other Austinites, Central Texans, and out-of-town visitors. It could include a greater variety of restaurants—large and small, an increased array of retail opportunities, and innovative residential designs reinforcing a more urban environment. As the character of the street changes, new development should be human-scaled and, where practical and appropriate, connect to adjacent, similarly designed projects.

The “Avenue” (p 52)

The two-mile segment of South Congress Avenue bisecting the planning area serves as the central corridor of the SCCNPA. An examination of the roadway indicates there are three general districts (See map on page 51). Identified by the major intersecting street, they are:

- **St. Elmo Road District** (location of subject property); Stassney Lane District and the Eberhart Lane District

The three districts share general characteristics such as a prevalence of land uses not conducive to walking, an abundance of curb cuts—in those stretches where there are

curbs, significant amounts of undeveloped or underdeveloped land, and long stretches of roadway without signalized crossings at intersections.

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

This is the most vibrant commercial district of the three and is the only section where most of South Congress Avenue is curbed and guttered. Although there is a good deal of activity in this district, the majority of the commercial uses are not conducive to creating and sustaining a pedestrian-oriented environment. Regardless, participants in the planning process considered this segment of South Congress Avenue the segment likely to first see redevelopment and revitalization. The re-invigorated Hill's Café Bel Air Condominiums currently under construction could spur the renewal of the northern segment of South Congress Avenue.

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

Objective 2.1: Create incentives and programs to promote a pedestrian-oriented corridor. (p 54)

Recommendation 1: Investigate the creation of programs or incentive packages to promote new pedestrian-oriented development or redevelopment. These may include public/private partnerships and/or changes to the land development code.

Recommendation 2: Conduct a corridor study along South Congress Avenue to determine means to enhance the streetscape and street life. Improvements could include:

- Street tree plantings and maintenance of trees;
- Consolidation of curb cuts;
- Pedestrian-friendly amenities such as awnings and landscaping, pedestrian-scaled signs, and public art;
- (Add) traffic safety improvements where appropriate.

Recommendation 3: Denote commercial properties along South Congress Avenue with a mixed-use future land use notation to promote mixed-use development. (p 56)

Objective 2.2: Improve the infrastructure along South Congress Avenue to make it pedestrian friendly. Upgrading the pedestrian environment is a safety issue and a means to create the vibrant, pedestrian-oriented district this plan envisions. (pgs. 56-57)

Recommendation 6: Consolidate curb cuts along South Congress Avenue and, where feasible, design joint access driveways as sites are developed or redeveloped.

Recommendation 7: Locate parking lots and parking structures beside, behind or beneath new commercial or mixed-use developments.

Recommendation 8: Orient new commercial or mixed-use development along South Congress Avenue toward the street and provide street trees and other amenities promoting a more pleasant pedestrian environment.

Recommendation 9: Create internal pedestrian and automobile circulation patterns reflecting traditional street networks in new commercial or mixed-use development on larger tracts located along South Congress Avenue.

Recommendation 10: Design and implement streetscape improvement to create a unique district along South Congress Avenue. An interesting and innovative

program of streetscape improvements would greatly enhance the pedestrian environment along South Congress Avenue and contribute to the character of a unique South Congress District.

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

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

TEXT: A different future is also envisioned for the other major thoroughfares in the planning area—Ben White Boulevard, Interstate Highway 35, Stassney Lane, William Cannon Drive, and South 1st Street. Each of these corridors should have a particular sense of place, whether it is a street with neighborhood-serving retail or a highway offering goods and services for the region. As development pressure in the SCCNPA increases, new growth, both residential and commercial, should be directed along these corridors.

Objective 3.3: New development along Stassney Lane between Interstate Highway 35 and South Congress Avenue should be more pedestrian-friendly. (p 64)

Recommendation 5: Assign the mixed-use future land use category to the vacant or easily redeveloped sites along Stassney Lane and Little Texas Lane to encourage vibrant, mixed-use, pedestrian-oriented development.

Objective 3.4: Stassney Lane from South Congress Avenue to South 1st Street should transition from the larger-scaled commercial areas east of South Congress Avenue to more neighborhood-scaled areas to the west.

Recommendation 6: Designate properties along Stassney Lane between South Congress Avenue and South 1st Street with the mixed-use future land use category.

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

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

South Congress Commercial Design Guidelines (p 95 – 99)

South Congress Avenue—Keep it “funky” -- Keeping South Austin “funky” is a major design theme for the redevelopment of the street. Each site and building should be thought of not as a singular project, but as part of the larger urban fabric. As South Congress takes on a decidedly more urban feel, it is vital to encourage new development to enhance the sense of place unique to South Austin. The urban design guidelines for South Congress Avenue set out to create a distinctive district with a “funky, Austin-centric” feel. This development should not be a replication of other areas of Austin; rather, a new expression of the energy, culture, and individuality embodied in the slogan: “Keep Austin Weird”. New development and redevelopment should build upon local and vernacular styles to bring forth a vibrant area reflective of

those people who choose to live, work, and do business along South Congress Avenue.

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

These corridors should take on a more pedestrian-friendly feel. Mixed-use development should be encouraged where possible. The character of development should be similar to South Congress, but on a more neighborhood scale. Again, the vision is to create spaces designed to allow people to be comfortable outside of their automobiles, and to enhance the mobility choices in the planning area.

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

Conclusions: South Congress Avenue is quickly transitioning away from industrial and office/warehouse uses, and developing into a vibrant gateway into downtown Austin. A variety of neighborhood serving commercial and mixed use project along this corridor includes uses such as restaurants, bars, coffee shops, retail stores, and mixed use and high density residential uses. A large number of goals, objectives, recommendations and text language above are taken from the SCCNP identifies that states it wants to see vibrant mixed use projects along this heavily travelled avenue in order to transition properties along South Congress Avenue into a “funky Austin-centric” neighborhood serving corridor, which are pedestrian friendly, well designed, attractive and having a variety of neighborhood uses). **The proposed mixed use project appears to be supported-the SCCNPA especially if it contributes to the South Congress Avenue corridor in terms of: scaling, design aesthetic, pedestrian orientation, and landscaping and consideration of the commercial component to this project to make this a vibrant mixed use project.**

Imagine Austin

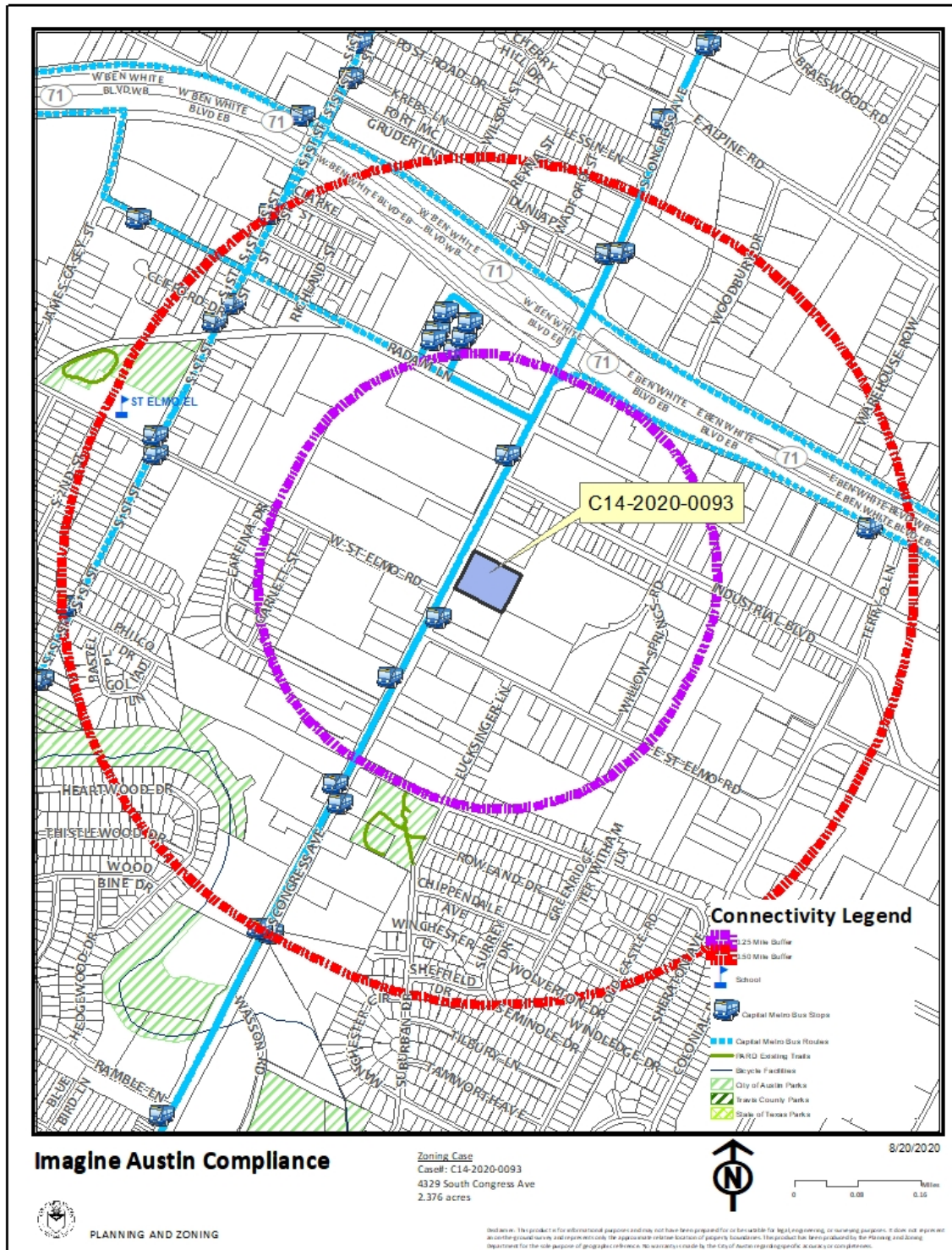
The property is located along an ‘**Activity Corridor**’, as identified on the Imagine Austin’s Growth Concept Map. Activity Corridors are characterized by *a variety of activities and types of buildings located along the roadway — shopping, restaurants and caf  s, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices* (p. 106).

The following Imagine Austin policies are applicable to this case:

- **LUT P3. Promote development in compact centers, communities, or along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **HN P10. Create complete neighborhoods** across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

South Congress Avenue is identified as an Activity Corridor by the Imagine Austin Comprehensive Plan. The South Congress NPA also supports vibrant, neighborhood serving and pedestrian friendly mixed use projects. Based on the proposed mixed use project use and

improving mobility options in the area, this project appears to be support the policies of the Imagine Austin Comprehensive Plan.



Impervious Cover

The maximum impervious cover allowed by the CS base zoning district is 80%, based on the more restrictive *watershed* regulations.

Environmental

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

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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

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

PARD – Planning & Design Review

Parkland dedication will be required by the proposed development, CS-MU-V-NP, at the time of subdivision or site plan for new residential and/or hotel-motel units, per City Code § 25-1-601. Whether the requirement shall be met with dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. If fees in-lieu are required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the Applicant's request, PARD can provide an early determination of whether fee in-lieu of land will be allowed.

Site Plan and Compatibility Standards

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

If affordable housing units are intended to be built in order to receive the development standards available under the V designation, a letter from the Housing and Planning Department (HPD) certifying the units will be required with site plan submittal.

Transportation

The Austin Strategic Mobility Plan (ASMP) adopted April 11, 2019 calls for 130 feet of right-of-way for South Congress Avenue. It is recommended that 65 feet of right-of-way from the existing centerline be dedicated for South Congress according to the Transportation Plan with the submittal of the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

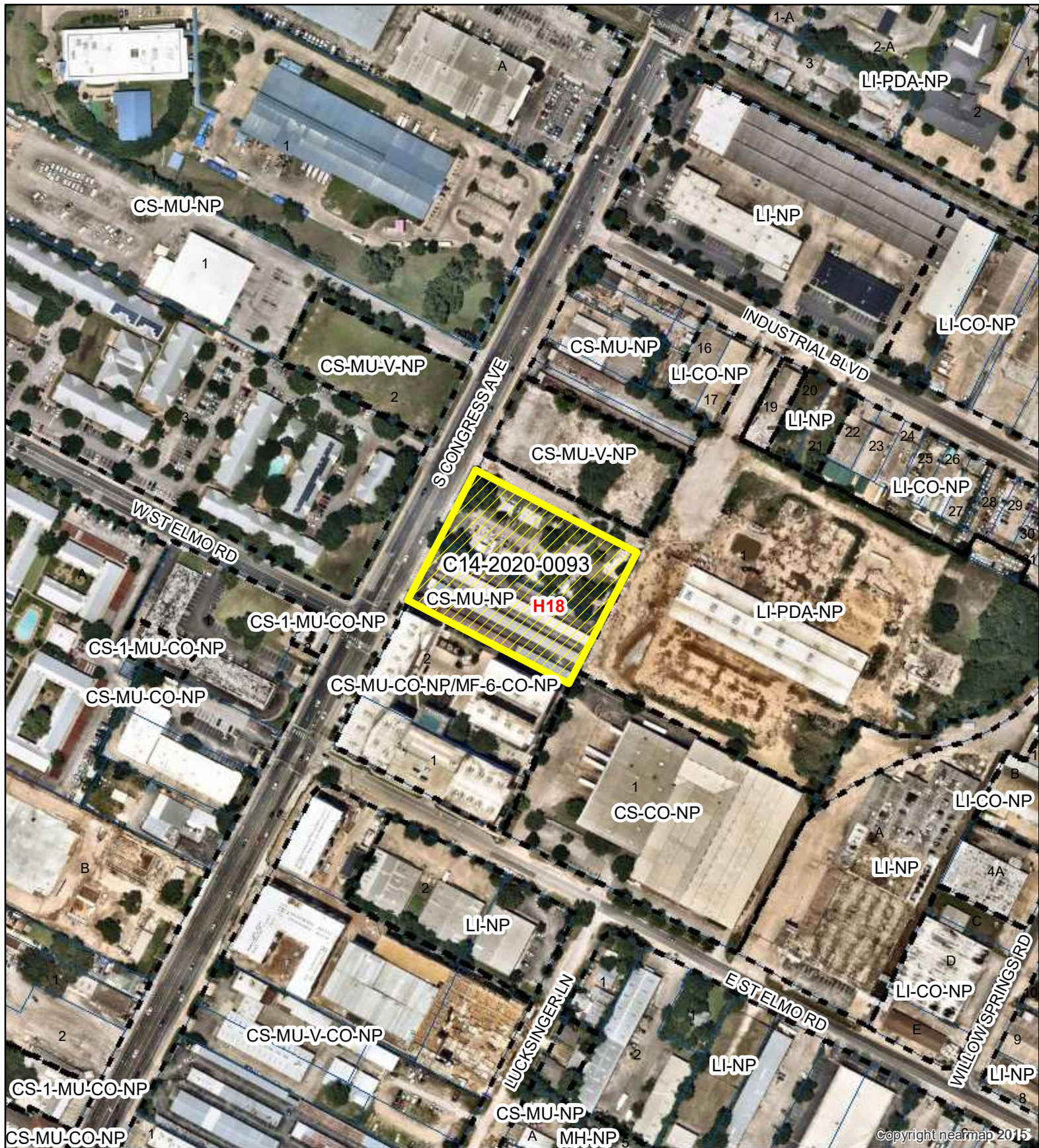
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS, ATTACHMENT AND CORRESPONDENCE TO FOLLOW

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

Attachment A: Educational Impact Statement

Correspondence Received



4329 S Congress Ave

Exhibit A - 1

ZONING CASE#: C14-2020-0093
 LOCATION: 4329-4341 S. Congress Ave.
 SUBJECT AREA: 2.376 Acres
 GRID: H18
 MANAGER: Wendy Rhoades



1" = 250'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

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.

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



PROJECT NAME:

4329 S. Congress Ave

ADDRESS/LOCATION: 4329-4341 S. Congress Ave.

CASE #: C14-2020-0093

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

SF UNITS: _____ STUDENTS PER UNIT ASSUMPTION

Elementary School: _____ Middle School: _____ High School: _____

MF UNITS: 280 STUDENTS PER UNIT ASSUMPTION

Elementary School: .008 Middle School: .004 High School: .012

IMPACT ON SCHOOLS

The student yield factor of 0.024 (across all grade levels) for apartment homes was used to determine the number of projected students. This factor, provided by the district's demographer, is based on similar types of market rate developments. Research indicates that these new market rate units do not yield many students.

The mixed used development consists of 280 multifamily units, 3,000 square feet of retail, and a 2,500 square foot restaurant. The residential units are projected to add approximately 7 students across all grade levels to the projected student population. It is estimated that of the 7 students, 2 will be assigned to Galindo Elementary School, 2 to Bedichek Middle School, and 3 to Travis Early College High School.

The percent of permanent capacity by enrollment for SY 2023-24, including the additional students projected with this development, would be below the target range of 85-110% for Galindo ES (75%), Bedichek MS (70%) and Travis ECHS (70%). All of these schools will be able to accommodate the projected additional student population from the proposed development.

TRANSPORTATION IMPACT

Students within the proposed development attending Galindo, Bedichek or Travis will qualify for transportation due to the distance of the schools from the proposed development.

SAFETY IMPACT

At this time, there are not any known safety impacts.

Date Prepared: 9/21/2020

Executive Director: Beth Wilson

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Galindo	RATING: Met Standard
ADDRESS: 3800 S. Second St.	PERMANENT CAPACITY: 711
% QUALIFIED FOR FREE/REDUCED LUNCH: 69.03%	MOBILITY RATE: -1.3%

POPULATION (without mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2019-20 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	555	533	535
% of Permanent Capacity	78%	75%	75%

ENROLLMENT (with mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2019-20 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	548	534	536
% of Permanent Capacity	77%	75%	75%

MIDDLE SCHOOL: Bedichek	RATING: Improvement Requirement
ADDRESS: 6800 Bill Hughes Road	PERMANENT CAPACITY: 941
% QUALIFIED FOR FREE/REDUCED LUNCH: 59.64%	MOBILITY RATE: -10.1%

POPULATION (without mobility rate)			
MIDDLE SCHOOL STUDENTS	2019-20 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	944	695	697
% of Permanent Capacity	100%	74%	74%

ENROLLMENT (with mobility rate)			
MIDDLE SCHOOL STUDENTS	2019-20 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	849	657	659
% of Permanent Capacity	90%	70%	70%

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



HIGH SCHOOL: Travis	RATING: Met Standard
ADDRESS: 1211 E. Oltorf St.	PERMANENT CAPACITY: 1,784
% QUALIFIED FOR FREE/REDUCED LUNCH: 58.75%	MOBILITY RATE: -25.5%

POPULATION (without mobility rate)			
HIGH SCHOOL STUDENTS	2019-20 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,586	1,495	1,498
% of Permanent Capacity	89%	84%	84%

ENROLLMENT (with mobility rate)			
HIGH SCHOOL STUDENTS	2019-20 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	1,181	1,237	1,240
% of Permanent Capacity	66%	69%	70%

Signature: Beth Wilson

Email: beth.wilson@austinisd.org

DATE: October 11, 2020

TO: Case Manager: Wendy Rhodes Wendy.Rhoades@austintexas.gov

CC: Amanda Swor [REDACTED]

Case File: 4329-4341 S. Congress Ave C14-2020-0093.

FROM: South Congress Combined Neighborhood Plan Contact Team – SCCNPCT

Re: Requesting Postponement Planning Commission on October 13, 2020

Re: From: CS-MU-NP- General Services district.
To: CS-MU-V-NP- General Services district.

Applicant: Drenner Group PC, Amanda Swor

Case Manager: Wendy Rhodes Wendy.Rhoades@austintexas.gov

Dear Wendy Rhodes,

We, the SCCNPCT and Amanda Swor with the Drenner Group are agreeable to a mutual postponement about this case that will be presented to the Planning Commission on October 13, 2020. We the SCCNPCT have been in communication with the Drenner Group to sort items regarding the zoning case C14-2020-0093.

Thank you,
Mario Cantu, Keena Miller & SCCNPCT.

DATE: October 26, 2020

TO: City of Austin Planning Commissioners

FROM: South Congress Combined Neighborhood Plan Contact Team – SCCNPCT

CC: District 3 Council Member, Pio Renteria, Nicholas.Solorzano@austintexas.gov
Austin City Council Members
Case Manager: Wendy Rhodes Wendy.Rhodes@austintexas.gov

Re: Case File: C14-2020-0093 - 4329-4341 S Congress Ave
Planning Commission hearing October 27, 2020
Zoning change request - from CS-MU-NP- General Services district, to CS-MU-V-NP- General Services district
Applicant - Drenner Group PC, Amanda Swor

Dear Commissioners,

To bring everyone up to speed, and add to the case file, on the current status between the applicant and the SCCNPCT re: this zoning change request on the agenda before Planning Commission October 27, 2020.

The sticking point, again, is the lack of actual affordable housing being shoved into this area without regard for actual need or benefit to the area/neighbors, or any transportation analyses. We believe the required cursory 10% of units @ 80% AMI/MFI to be of little benefit.

You are aware of the SCCNPCT's stance - it remains as it always has, to work very hard to secure the maximum number of units at a minimum AMI/MFI for potential residents who ideally would like to come from within the district or contact team area to live in one of the many new developments.

There is currently zero affordable housing inventory available, stacked with long waiting lists, in an area where a resident of 78745 earns an average **\$27,967** a year, and the median household income in 78745 is **\$52,949** - quite far from Travis county's AMI/MFI of \$97,600, which all calculations to allow for "affordable housing" are based on.

We all know, the St. Elmo industrial area is a gem and still a critical asset to the entire city and important area of employment for skilled laborers, but is facing extinction as it's now being sold as the next best thing to developers all over the world. The original planned St Elmo Public/Market sold to neighbors many years ago has yet to be actualized, though now being piece-milled across the industrial area and inside core with more and more primarily market rate housing, skirting TIAs in many cases.

It is disappointing that with a growing homeless crisis staring us all in the faces, and we know for a fact that low-income renters are most impacted by rising housing costs, that we would aim to continue to further the housing divide with only high dollar, high rise apartments and condos that are certain to displace long-time residents and long-established businesses, **AND while during a worldwide pandemic and economic collapse with more housed residents very soon to face mass evictions. Many residents are already now cash poor, just trying to live from hour to hour, struggling to meet basic needs, food and rent.**

With this development a lot will be forever changed. We are facing five floors to replace single-story existing businesses with 280 efficiency, one-and two-bedroom apartment units on top of retail, taking out several small businesses, plus potentially allowing direct entry/exit onto South Congress in a highly congested area where traffic jammed making it increasingly difficult to access South Congress Ave by all East Congress residents who have only one west-side point of entry.

Working with the developer, Ms. Swor and the Drenner Group, we've come to some compromises thus far regarding a designated on-site pet area, and the following prohibited land uses:

- Adult-oriented businesses
- Alternative financial services (this includes payday loans)
- Bail bonds services
- Outdoor entertainment

Though we are still hoping to better resolve concerns expressed from current area residents re: truly affordable housing and secure funding from the area's parklands.

The SCCNPCT and area neighbors are now considering the developer's offer to split the 10% of units required by CoA (28 units) offered @ the cursory 80% AMI/MFI, to allow one half, or 14 units to be for renters @ 50% AMI/MFI. While 50% AMI/MFI is a number we definitely want to see, we are still pushing to see a full 10%, **only 14 more, units out of 266** remaining, at a lower AMI/MFI than the required 80%.

Also, after learning of fees on top of rent, such as security, amenities, parking, etc., the SCCNPCT has received agreement to include these additional renter fees that would be on top of rent, at the same AMI/MFI rates.

The SCCNPCT is often in a painful predicament asking for support of commissioners and help from our council members to please recognize that we, as volunteers, continuously face lawyers, developers, planning and zoning professionals on billable time. We must continue because we believe this to be some of the hardest, yet most important work we know toward to achieve equity, health, safety, and security for Austin families, their homes and their livelihoods.

With negotiations still underway, the SCCNPCT humbly asks commissioners tonight to pass on a recommendation at this time.

Thank you,
Mario Cantu, Keena Miller & SCCNPCT