

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: East MLK Combined Neighborhood Plan

CASE#: NPA-2020-0015.03 **DATE FILED:** July 31, 2020 (In-cycle)

PROJECT NAME: 6501 and 6705 Regiene Road

PC DATES: September 28, 2021
October 26, 2021
November 09, 2021

ADDRESS/ES: 6501 and 6705 Regiene Road

DISTRICT AREA: 1 **WATERSHED:** Boggy Creek

SITE AREA: Approx. 15.69 acres

APPLICANT/OWNER: KUNIKCO LLC (Daryl Kunik)

AGENT: Drenner Group, Leah M. Bojo (512) 807-2918

CASE MANAGER: Jesse Gutierrez **PHONE:** 512-974-1606

EMAIL: jesse.gutierrez@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Industry **To:** Major Planned Development

Base District Zoning Change

Related Zoning Case: C14-2020-0150

From: SF-2-NP & LI-NP

To: LI-PDA-NP

NEIGHBORHOOD PLAN ADOPTION DATE: November 7, 2002

PLANNING COMMISSION RECOMMENDATION:

November 09, 2021 – To be forwarded to City Council without a recommendation.

October 26, 2021 – Postponed to November 9, 2021 on a motion by Commissioner Shieh. [J. Shieh – 1st; G. Cox – 2nd] Vote: 13-0

September 28, 2021- Postponed on the consent agenda to October 26, 2021 at the request of the neighborhood. [A. Azhar – 1st; R. Schneider – 2nd] Vote: 10-0 [G. Cox and J. Shieh absent.

CITY COUNCIL DATE: November 18, 2021

ACTION: Approved on 1st Reading ONLY

CITY COUNCIL DATE: December 9, 2021

ACTION: Postponed to January 27, 2022 at the request of the neighborhood plan contact team

CITY COUNCIL DATE: January 27, 2022

ACTION: TBD

STAFF RECOMMENDATION: Recommend applicant's request of FLUM change to Major Planned Development

BASIS FOR STAFF'S RECOMMENDATION:

This 15.69-acre site located at 6501 & 6705 Regine Road currently has a FLUM designation of INDUSTRY. The site is undeveloped with no existing structures. There are a few single-family homes sandwiched between this property's boundary lines.

Directly north, a property was recently approved and rezoned from LI-NP to LI-PDA-NP. That case, 3443 Ed Bluestein Boulevard, proposes to redevelop 109.65 acres into a "mixed use, multi-tenant campus featuring a variety of commercial uses." That project was approved for maximum building heights ranging from 120 feet to 400 feet across 4 tracts.

Staff's reasons for recommending this project at 6501 & 6705 Regiene Road include the various opportunities proposed. These include new multifamily residential, office, retail, restaurant, and industrial/creative spaces. The opportunity to potentially connect to a future CapMetro Green Line train station nearby, the opportunity to create a trail connecting to the Southern Walnut Creek Greenbelt, and most important the opportunity to participate in the City of Austin's S.M.A.R.T. Housing Program.

Although the area was once a productive industrial zone this property in particular has remained vacant. Now that the 100 plus acre property to the north has been approved for mixed use under PDA zoning, it would be hard to envision industry being applied to 6501 & 6705 Regiene Road in the future.

There are still a lot of questions and variables of concern. Will this property connect in any way to the 109.65 acre project to the north? Connectivity to transit and pedestrian access within and surrounding the project area is a real concern to the Inclusive Planning staff. Currently there are

still industry type uses in areas to the north and west. Staff believes that there needs to be a greater effort to provide public benefits to the area in addition to the proposed 10% affordable housing that is required through the S.M.A.R.T. Housing Program.

Land Use (excerpts from East MLK Neighborhood Plan)

Goal One

Preserve established residential areas and improve opportunities for home ownership by promoting the rehabilitation of existing housing and new, infill housing compatible with the existing style of this neighborhood.

Objective 1.2: Promote new infill housing in appropriate locations.

Goal Two

Promote a mix of land uses that respect and enhance the existing neighborhood and address compatibility between residential, commercial, and industrial uses.

Objective 2.2: Reduce the impact of commercial and industrial uses on residential areas.

Goal Three

Preserve existing small businesses and encourage new neighborhood-serving commercial services in appropriate locations.

Goal Four

Promote the development and enhancement of the neighborhood's major corridors.

Goal Five

Provide housing that helps maintain the social and economic diversity of residents.

Objective 5.1: Allow a mix of residential types on larger tracts having access to major roadways.

Goal Six

Protect and enhance historic resources and structures and preserve the area's historic and cultural character.

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

Major Planned Developments - Master-planned developments for large multi-acre tracts that incorporate a wide variety of land uses that may include, but are not limited to, single family and multifamily residential, commercial, and clean industrial.

Purpose

1. Provides flexibility in development for large sites but ensures compatibility between uses and good design.

Application

1. Generally used to designate pre-existing Planned Unit Developments or Planned Development Areas, or in response to proposed multiuse developments for large sites;
 2. By designating an area for this land use, the neighborhood plan signifies its support for the entire range of land uses included in the definition; and
- This designation should not be applied to single-use developments of any type.

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 that was previously comprised primarily of industrial land uses. This property in particular has remained undeveloped under the industry land use FLUM designation. As previously mentioned in this report, abutting this subject property to the northeast, the 3443 Ed Bluestein Boulevard project was recently approved for rezoning from LI-NP to LI-PDA-NP. That case proposes to redevelop 109.65 acres into a “mixed use, multi-tenant campus featuring a variety of commercial uses.” That project was approved for maximum building heights ranging from 120 feet to 400 feet across 4 tracts. That planned development in addition to 6501 Regiene has the potential to add a mix of uses that could help in creating a more complete community in this area.*
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 nearest CapMetro bus stop on MLK/FM 969 is located roughly 1.68 miles from the property. The 237/339 bus line feeds into Colony Park to the north and Tannehill Lane and Webberville Road to the west.*
 - *The project is in exploratory talks with CapMetro to connect with the proposed Green Line corridor.*
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - *The current neighborhood character is in transition from industrial uses to a mix of commercial, office, and multifamily. This project will contribute to the change in character from undeveloped to a mix of uses. There are several single-family homes along Regiene Road next to this undeveloped property. This property is not on an Activity Corridor or in an Imagine Austin Activity Center.*
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - *The project plans to participate in the City of Austin S.M.A.R.T. Housing Program.*
5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - *The mix of proposed land uses may be considered a buffer between former industrial uses and residential 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 project proposes a potential trail connection to the Southern Walnut Creek Greenbelt.***
 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.
 - ***The project proposes a potential trail connection to the Southern Walnut Creek Greenbelt.***
 - ***The sidewalk network is nonexistent as this is an undeveloped property. The property is near a handful of small residential homes located along Regiene Road. Regiene Road connects to Hibbetts Road, neither of which have sidewalks. The US 183 frontage road does have a sidewalk heading north to FM 969 which is about 1.38 miles from the property.***
 10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - ***The project proposes to add the following uses on site: multifamily residential, office, retail, restaurant, and industrial/creative spaces.***
 11. Sustain and grow Austin’s live music, festivals, theater, film, digital media, and new creative art forms.
 - ***The project proposes to add industrial/creative spaces.***
 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.
 - ***The project hopes to achieve a one-star Austin Entergy Green Building rating.***

BACKGROUND: The application was filed on July 31, 2020 (In-cycle).

The applicant proposes to change the land use designation of this property on the future land use map (FLUM) from Industry to Major Planned Development in order to allow for a mix of uses including Multifamily residential, office, retail, restaurant, and industrial/creative uses on this 15.69 acre site. The site’s primary access is from US-183 Service Road. The site is currently undeveloped.

The applicant proposes to change the zoning from SF-2-NP (Single-Family Residence Standard Lot – Neighborhood Plan) and LI-NP (Limited Industrial Service – Neighborhood Plan) to LI-PDA-NP (Limited Industrial Service – Planned Development Area Combining District – Neighborhood Plan) to allow for a mixed use development including commercial and multifamily uses. For more information on the zoning request, please see the case report for case number **C14-2020-0150**.

PUBLIC MEETING: The ordinance required plan amendment meeting was held on February 8, 2021. Approximately 101 meeting notices were mailed to property owners and renters located within 500 feet of the subject property. Additionally, an email was sent notifying the East MLK Combined Neighborhood Plan Contact Team of this meeting.

Two project team members affiliated with the property presented at the meeting. Three Housing and Planning Department staff members were in attendance and helped to facilitate the meeting. There were six (6) members of the public in attendance throughout with two joining at the end of the meeting. Leah Bojo presented on behalf of the property owner and Jesse Gutierrez on behalf of the Housing and Planning Department.

The property agent's presentation included answers to previous concerns raised by the Neighborhood Plan Contact Team via their list serve including a list of proposed uses, proposed site development standards and height, proposed parking scenario, dark sky compliance, aspirational connections to CapMetro Green Line and PARD Greenbelt, S.M.A.R.T. Housing participation and aspirational Green Building rating.

The applicant summarized the project site's features and constraints which include primary access to US-183, property floodplain, topography erosion zones, 100-foot transmission easement, and significant number of trees including 6 heritage trees.

The applicant is proposing a mix of uses on the site including multifamily residential, office, retail, restaurant, and industrial/creative space.

Q&A

Q1. Are there any parkland dedication fees associated with this case?

A1. We are working with PARD to figure out parkland dedication fees. The exact amount is not known at this time. All developments have some sort of fee assessed by PARD for park land dedication.

Q2. South of this planned development there is a plan for Bolm Road District Park, a 70-acre development, and another recent project was able to secure its parkland dedication specifically for Bolm. We would ask if this project also had those types of fees that they be earmarked for Bolm as well, as you see fit.

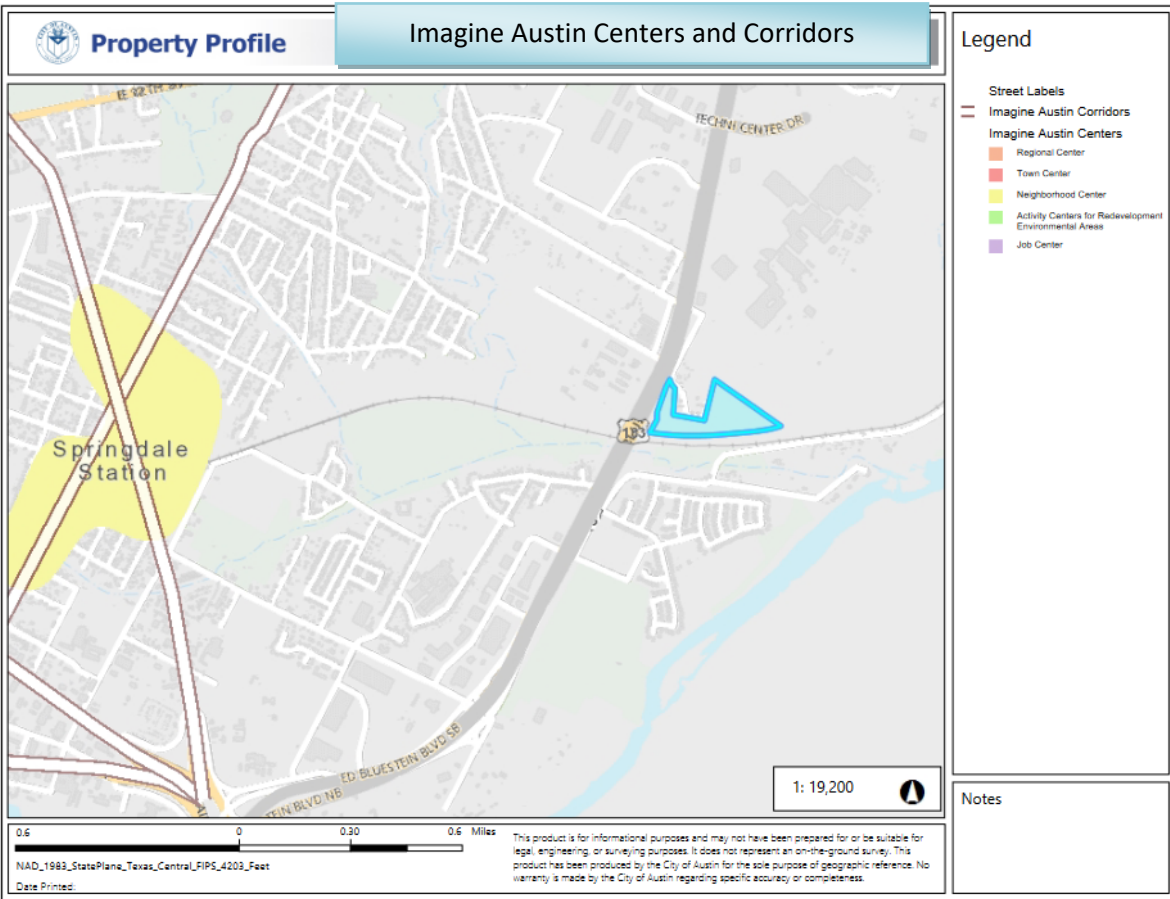
A2. That is really a staff decision, but it's good to know.

Q3. Preexisting hike and bike trails within the property, please be aware of those and hopefully incorporate those into the design. I was asked by another resident to pass that along.

A3. Sounds good, thank you.

Q4. When will this presentation be up on the SpeakUp Austin website?

A4. By tomorrow afternoon.



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, bikeable, 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.

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

Leah M. Bojo
direct dial: (512) 807-2918
lbojo@drennergroupp.com

DRENNER
GROUP

November 12, 2020

Ms. Rosie Truelove
Housing Planning Department
City of Austin
6310 Wilhelmina Delco Dr.
Austin, TX 78752

Via Electronic Delivery

Re: 6501 and 6705 Regiene Road – Zoning application for the 15.69-acre piece of property located at 6501 and 6705 Regiene Road in the City of Austin, Travis County, Texas (the "Property").

Dear Ms. Truelove:

As representatives of the Owners of the Property, we respectfully submit the enclosed zoning application for 6501 and 6705 Regiene Road. The project is located in the full purpose jurisdiction of the City of Austin and consists of 15.69 acres located on the east side of U.S. Highway 183 at the northeast corner of U.S. Highway 183 and the Capital Metro railroad tracks. A portion of the Property also fronts Regiene Road, and the Capital Metro railroad tracks make up the southern boundary.

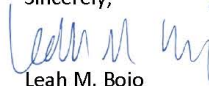
The Property is zoned SF-2-NP, Single-Family Residence Standard Lot – Neighborhood Plan, and LI-NP, Limited Industrial Services – Neighborhood Plan. The proposed rezoning is from SF-2-NP and LI-NP to LI-PDA, Limited Industrial Services – Planned Development Area. The purpose of this rezoning is to allow for a mixed use development including commercial and multifamily uses. The proposed amendments to the land development code are accompanied with this letter.

The Property is located within the East MLK Combined Planning Area – MLK/183 subdistrict and has a Future Land Use Map (FLUM) designation of Industry. A Neighborhood Plan Amendment (NPA) application was submitted to the City of Austin to amend the FLUM from Industry to Major Planned Development designation on July 31, 2020.

In conjunction with the rezoning request a Traffic Impact Analysis ("TIA") will be performed by the City. See attached TIA determination by Amber Mitchell dated October 14, 2020.

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.

Sincerely,



Leah M. Bojo
Drenner Group

cc: Jesse Gutierrez, Planning and Zoning Department (via electronic delivery)
Heather Chaffin, Planning and Zoning Department (via electronic delivery)
Joi Harden, Planning and Zoning Department (via electronic delivery)

200 Lee Barton Drive, Suite 100 | Austin, Texas 78704 | 512-807-2900 | www.drennergroupp.com

Letter of Recommendation from the Neighborhood Plan Contact Team

EMLK Contact Team
Re: Regiene Rd project
Case NPA-2020-0015.03
Oct 24, 2021

Hello Planning Commission, City Council Members, Mayor Pro Tem and Mayor,

The EMLK NPCT has been meeting with the developer's agent in the Regiene Rd case throughout 2021 and had multiple meetings in late summer and early this fall. It's a big project and we had a lot to cover!

We appreciated the creativity that the developer's agent, Leah Bojo, brought to our conversations. Our Co-Chairs led the discussions with Leah, because we don't have a neighborhood association which covers this area, and there aren't any other residents immediately impacted.

We were initially encouraged by the project because after the enhancements to Highway 183 have been made recently, it is exciting for our area to have some of the expected growth come our way. Also, we appreciate that the plans for the project have been updated to accommodate many of the standards outlined on [our website, EMLK Contact Team](#), including:

- access to the nearby Walnut Creek Trail
- a Cap Metro lite rail stop
- 1-star rating in the Austin Energy Green Building Program

There are other positive aspects of the project as well- (1) we understand that affordable commercial space, which we prioritized in our conversations with Leah, was incorporated into a private agreement. We believe that is one of the first agreements of that kind in the area, and hope that this becomes more standard. (2) We requested that the developer prioritize deep affordability in the residences, and at this time, they can commit to 10% of the units at 60% of MFI, which is a step better than many developments in our area; our request was 15-20% of the units at 50-60% MFI because our area specifically is seeing that the standard "affordability" is not helping residents stay or return to our area. 60% MFI should be reflective of fitting rents to this MFI. 80% MFI should not have the same rents as 60% MFI. We look forward to discussing housing affordability solutions further, separately. (3) A mix of uses on the property, which seem likely to be a significant destination for Austinites to frequent.

However, at our recent monthly meeting on Oct 18, our membership unanimously voted against the project as it currently stands; our primary concern is that the developer has not made a satisfactory commitment to ensure that the project will uphold the needed financial and safety protections for the workers on the jobsite. Our website states that, "In order to receive support, projects shall achieve... Certification in the Better Builder Program through the Workers Defense Project, or provide equivalent standards." The developer has signed a private agreement with the General Contractors of America - Austin chapter (AGC), but that organization does not have an existing program (we requested documentation and references)

to uphold these important standards. It is current knowledge in the Austin community that only the Workers Defense Project has a rigorous program in place to establish and monitor that the workers' financial and safety rights are upheld. As a working class neighborhood with many families that are impacted by the decisions made on construction sites, as well as residents that are other stakeholders in the construction industry, the discussion among our Contact Team centered around confusion - why wouldn't the developer make these important commitments to the community?

Since the Contact Team vote on Oct 18, we have been in touch with Mayor Pro Tem's office staff, Lauren Hartnett, and included supporting evidence that the General Contractor's lobby voted against and garnered support against worker's rights on several occasions at the state level.

And finally, we proposed a package of both short term benefits to the community as a gesture of goodwill from the developer, based on our knowledge of the needs of the area, and those were not accepted. We also discussed how long term benefits could be structured-community profit sharing based on square footage. We sent that framework to the Mayor Pro Tem's office separately, as requested.

As Mayor Pro Tem knows, the EMLK Contact Team members are working diligently with the community, to support the community amidst this period of great change in Austin. We respectfully submit this letter of recommendation not supporting the Regiene Rd project as it currently stands. It is our hope that our representatives will support us and require conditions or edits to the Regiene Rd project based on the concerns raised here.

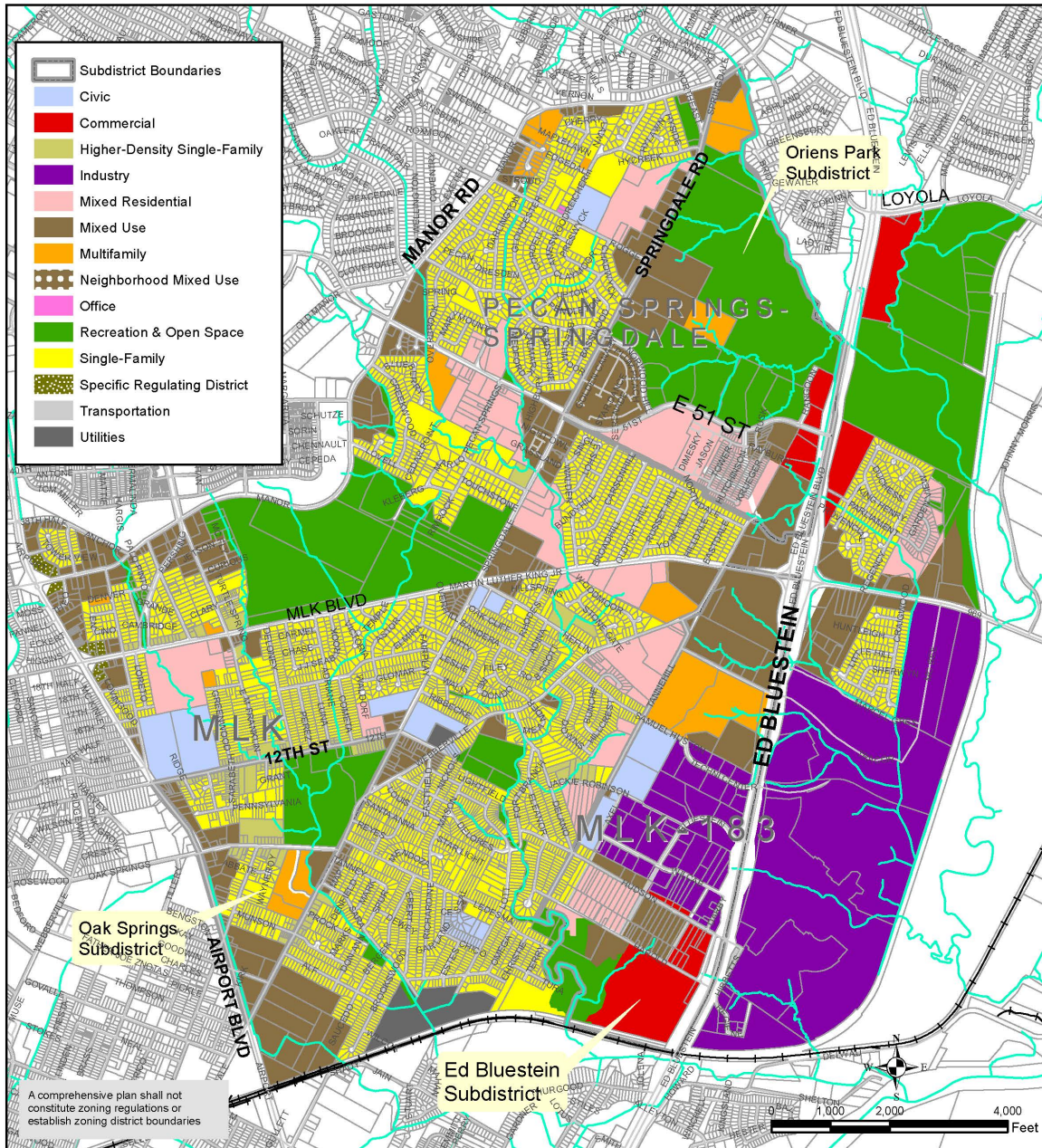
Thank you,

Angela B Garza, Melonie House-Dixon, Dianna Dean, Alexandria Anderson, Nadia Barbot
Co-Chairs, [East MLK Neighborhood Plan](#) Contact Team

Correspondence from Property Owner(s)

None at the time this report was submitted.

FUTURE LAND USE MAP (Neighborhood Plan)



East MLK Combined Neighborhood Planning Area Future Land Use Map

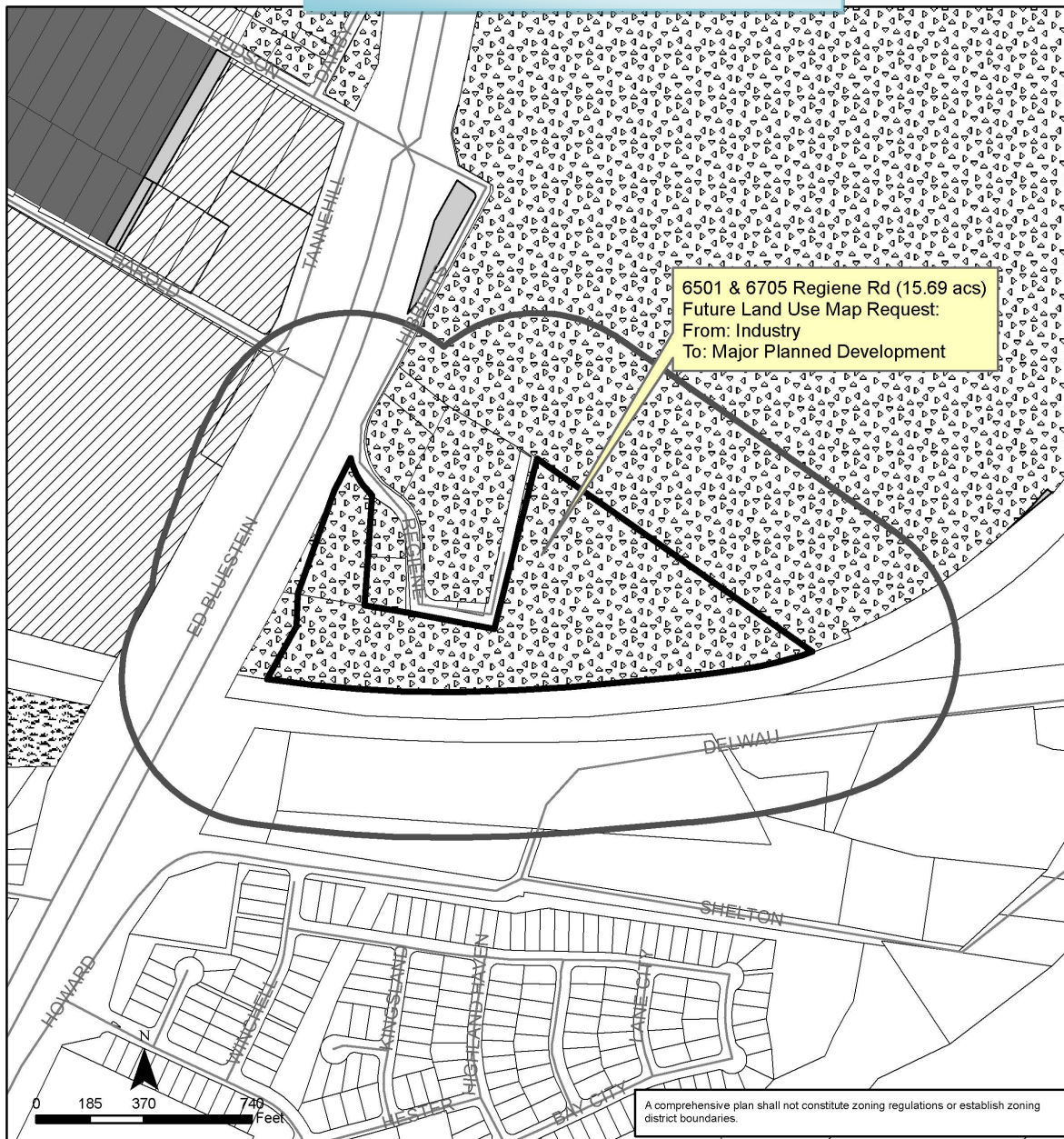
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning 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
Housing and Planning Department

Last Updated: 1/8/2021

FUTURE LAND USE MAP (B&W)



E MLK Combined (MLK-183) Neighborhood Planning Area NPA-2020-0015.03

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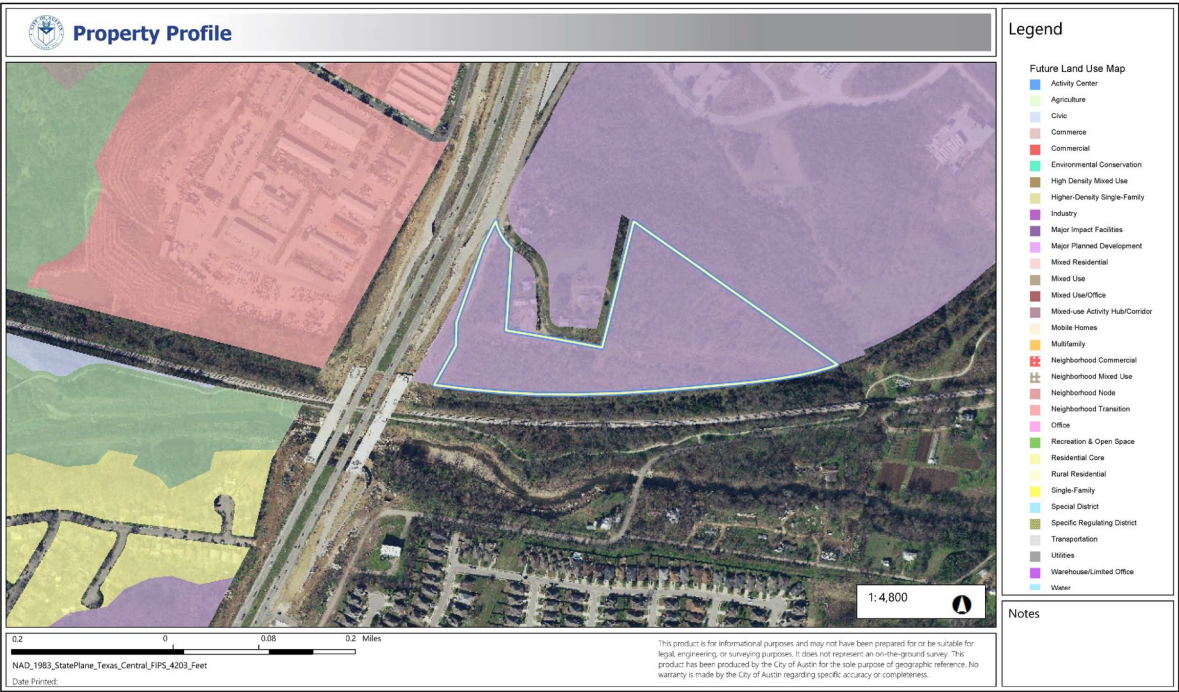


City of Austin
Planning and Zoning Department
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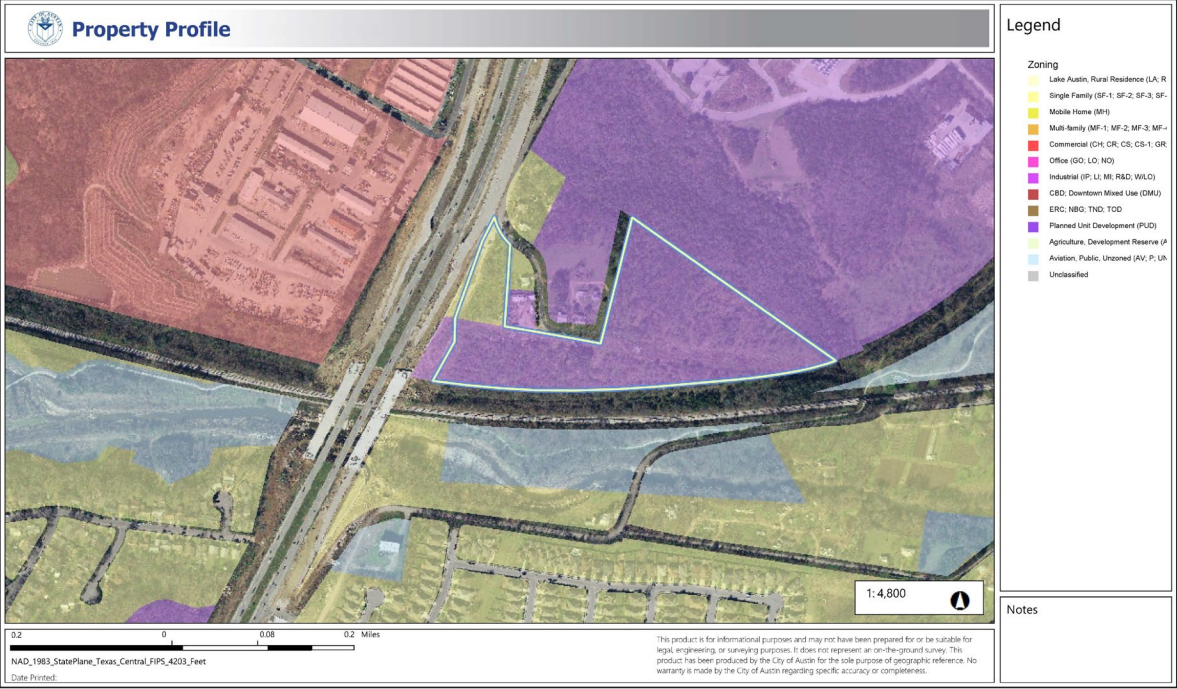
Future Land Use

500 ft notifi boundary	Subject Property	Warehouse/Limited Office
Single-Family	Mixed Residential	Industry
Commercial	Mixed Use	Civic
		Recreation & Open Space
		Transportation

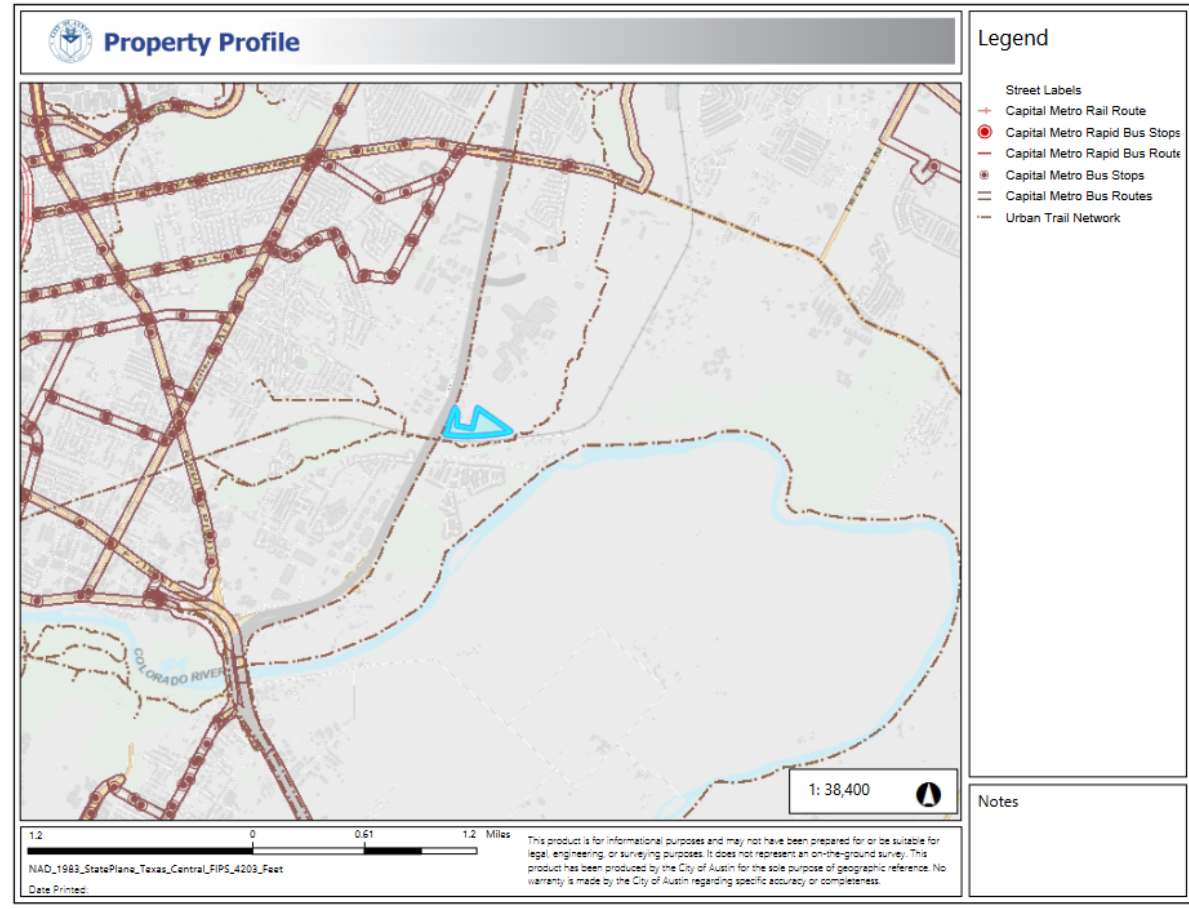
FUTURE LAND USE MAP DETAIL



ZONING



TRANSIT ACCESS



PARKS AND OPEN SPACE

