

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2016-0097 – South Congress Residences

**P.C. DATE:** November 8, 2016  
December 13, 2016  
January 10, 2017

**ADDRESS:** 4714 South Congress Avenue

**DISTRICT AREA:** 3

**OWNER:** Diamond Real Estate Investment, Inc.  
(Curt Sutherland)

**APPLICANT:** Guefen  
Development Company  
(David Kulkarni)

**AGENT:** Alice Glasco Consulting (Alice Glasco)

**ZONING FROM:** CS-MU-CO-NP      **TO:** CS-MU-V-NP      **AREA:** 2.81 acres

### **SUMMARY 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 RECOMMENDATION:**

November 8, 2016: *APPROVED A POSTPONEMENT TO DECEMBER 13, 2016*  
*[P. SEEGER; F. KAZI – 2<sup>ND</sup>] (12-0) A. PINEYRO DE HOYOS – ABSENT*

December 13, 2016: *APPROVED A POSTPONEMENT REQUEST BY THE CONTACT TEAM TO JANUARY 10, 2017*  
*[P. SEEGER; T. WHITE – 2<sup>ND</sup>] (11-0) J. SHIEH – NOT PRESENT FOR PASSAGE OF THE CONSENT AGENDA; T. NUCKOLS; A. PINEYRO DE HOYOS – ABSENT*

January 10, 2017: *APPROVED CS-MU-V-NP DISTRICT ZONING AS STAFF RECOMMENDED, WITH ADDITIONAL CONDITIONS TO PROVIDE 10% RENTAL UNITS AT 60% MEDIAN FAMILY INCOME WITH A 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<sup>TH</sup> SOUTH CONGRESS COMBINED NEIGHBORHOOD PLAN CONTACT TEAM MEETING, TO THE EXTENT POSSIBLE.*

*[J. SCHISSLER; M. WILSON – 2<sup>ND</sup>] (12-1) P. SEEGER – NAY*

**ISSUES:**

The South Congress Combined Neighborhood Plan Contact Team has provided correspondence in opposition to the proposed addition of –V to the existing zoning that applies to this property. The Battle Bend Springs Homeowners Association (BBSHOA) is also opposed. Please refer to correspondence attached at the back of this report.

On Wednesday evening, October 12, 2016, the Contact Team met with the Agent at the Pleasant Hill Library. Staff was also in attendance. Questions from the Contact Team and answers from the Applicant are attached at the back of this report.

**DEPARTMENT COMMENTS:**

The subject lot is located on South Congress Avenue, a major arterial and contains a pawn shop, a beauty salon, and a commercial kitchen. It has had general commercial services – mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) zoning since Council approved the West Congress Neighborhood Plan rezonings in August 2005. Under the current zoning, between 102 units (2 bedrooms) and 153 units (efficiencies) could be built. This property was identified as one of several addresses comprising Tract 16, and the -CO requires a 30-foot wide vegetative buffer directly adjacent to properties zoned or used as SF-3. Please note that this property is not directly adjacent to SF-3 zoning or use. There are consumer service related and auto-related uses along both sides of Congress Avenue in the vicinity (CS-MU-CO-NP; CS-1-MU-CO-NP; CS-MU-NP) and undeveloped land to the west, in proximity to the Williamson Creek Greenbelt (P-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the property and add a vertical mixed use building (–V) combining district to the existing zoning and subsequently develop it with 253 apartment units and 4,994 square feet of retail uses.

The property is designated as Mixed Use on the adopted Future Land Use Map (as is most of South Congress Avenue in the planning area), and the Mixed Use designation is defined as “An area that is appropriate for a mix of residential and non-residential uses.” Please refer to Exhibit B. 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 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 across the street.

The addition of –V provides an additional development option to a property, but 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.

A building built 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 (\$62,250), for a period of 40 years.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-MU-CO-NP	Pawn shop services; Personal services; Commercial kitchen
<i>North</i>	CS-MU-CO-NP	Automotive sales; Administrative and business offices; Hotel-Motel; Restaurant
<i>South</i>	CS-MU-CO-NP	Pet services; Automotive sales; Office
<i>East</i>	CS-MU-NP; CS-MU-CO-NP	Automotive repair; Convenience storage; Service station with food sales; Pawn shop services; Recording and rehearsing studio; Condominiums
<i>West</i>	CS-MU-CO-NP; P-NP	Undeveloped

**NEIGHBORHOOD PLANNING AREA:** South Congress Combined (West Congress)

**TIA:** Is not required

**WATERSHED:** Williamson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**SCHOOLS:**

An Educational Impact Statement (EIS) is provided as Attachment A.

St. Elmo Elementary School

Bedichek Middle School

Travis High School

**NEIGHBORHOOD ORGANIZATIONS:**

9 – Battle Bend Springs Homeowners Association

26 – Far South Austin Community Association

96 – Southeast Corner Alliance of Neighborhoods (SCAN)  
 352 – Greenwood Hills – Colonial Park Neighborhood Association  
 511 – Austin Neighborhoods Council  
 627 – Onion Creek Homeowners Assoc.  
 742 – Austin Independent School District  
 1108 – Perry Grid 644  
 1173 – South Congress Combined Neighborhood Plan Contact Team  
 1228 – Sierra Group, Austin Regional Group  
 1340 – Austin Heritage Tree Foundation  
 1363 – SEL Texas  
 1424 – Preservation Austin  
 1429 – Go!Austin/Vamos!Austin (GAVA) – 78745  
 1528 – Bike Austin  
 1530 – Friends of Austin Neighborhoods  
 1550 – Homeless Neighborhood Association  
 1578 – South Park Neighbors

### **CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2016-0106 – 4411 SOCO – 4411 S Congress Avenue	CS-MU-NP to CS-MU-V-NP	To be reviewed on December 13, 2016	To be reviewed on December 8, 2016
C14-03-0084 – Altus – 4801 S Congress Ave	SF-3; CS to MF-3	To Grant MF-3-CO w/CO for MF-2 density and prohibit vehicular access to Suburban Dr	Apvd MF-3-CO as Commission recommended (8-07- 2003).

### **RELATED CASES:**

The West 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; C14-05-0106 – Ordinance No. 20050818-Z003). The ordinance identified the subject tract as Tract 16 and rezoned the property from LI; CS; CS-CO and SF-3 to CS-MU-CO-NP, with the Conditional Overlay requiring a 30-foot wide vegetative buffer adjacent to property used or zoned SF-3-NP or more restrictive. This rezoning site is not adjacent to SF-3 zoned property, therefore, the CO does not apply. As part of the West Congress Neighborhood Plan Rezonings, the neighborhood mixed use building and the neighborhood urban center special uses were adopted for Tract 265.

The property was rezoned to CS-CO with the Conditional Overlay restricted to pawn shop services, personal services, professional offices and administrative/business offices in January 1992 (C14-91-0077 – DJ-X INC. (RESOLUTION TRUST CORP)). Ten (10) feet wide of right-of-way on South Congress Avenue was also dedicated.

The property is platted as The Will Thurman Subdivision, recorded in November 1967 (C8S-67-174). Please refer to Exhibit C.

**EXISTING STREET CHARACTERISTICS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
South Congress Avenue	94 feet	66 feet	Major Arterial Undivided 4 Lanes	Yes	Yes	Yes

FYI, according to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for South Congress Avenue.

**CITY COUNCIL DATE:** December 8, 2016

**ACTION:** Approved a Postponement request by Staff to January 26, 2017.  
Vote: 10-0, Mayor Pro Tem was off the dais.

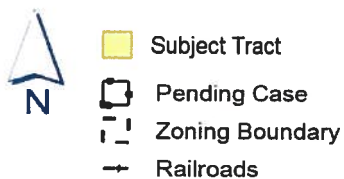
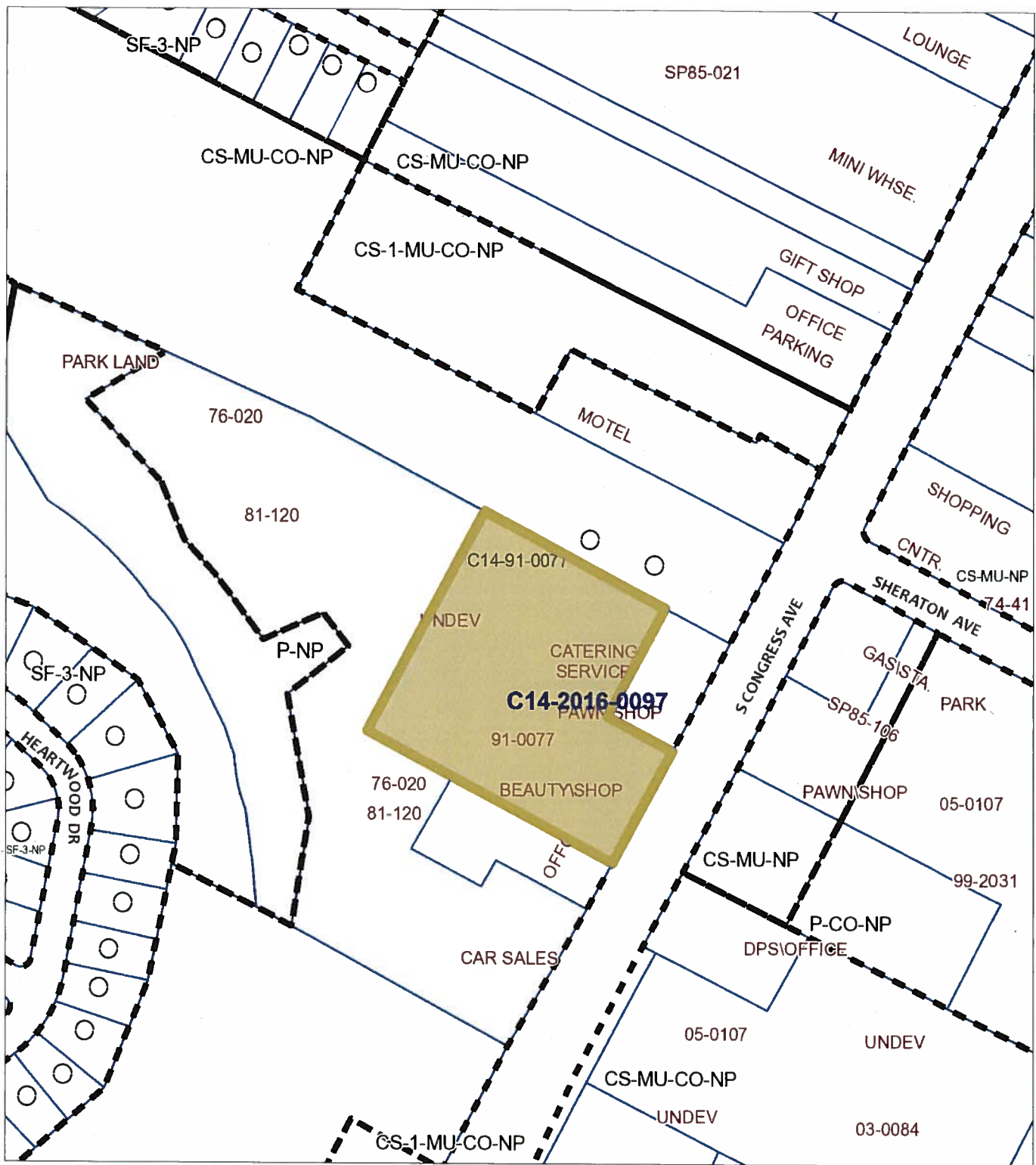
January 26, 2017

**ORDINANCE READINGS:** 1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@austintexas.gov

**PHONE:** 512-974-7719



100 200 Feet

1" = 200'

## ZONING

ZONING CASE#: C14-2016-0097

EXHIBIT A

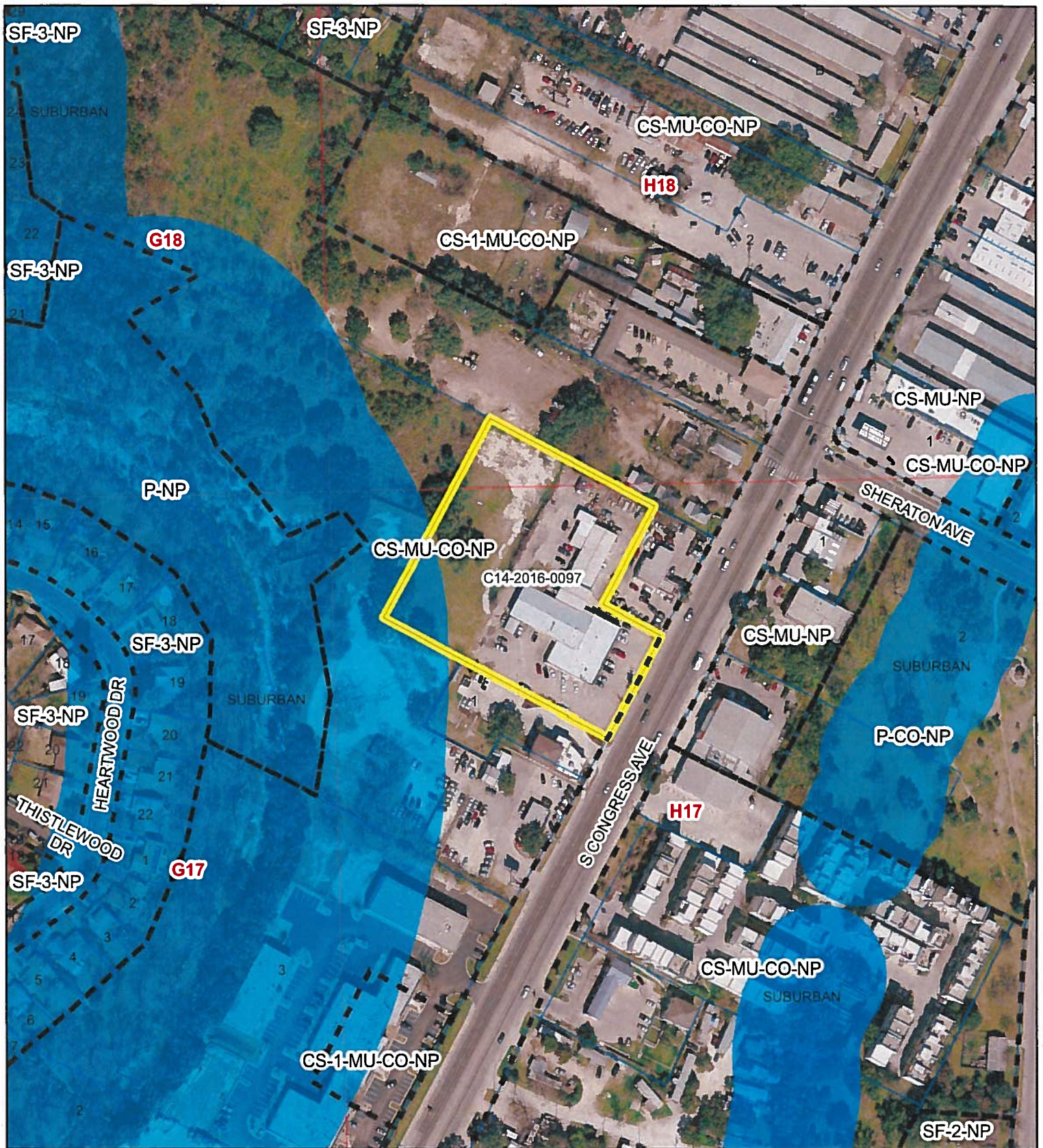


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

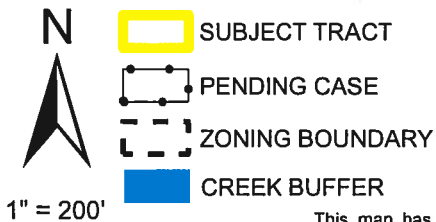
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## ZONING

## EXHIBIT A-1

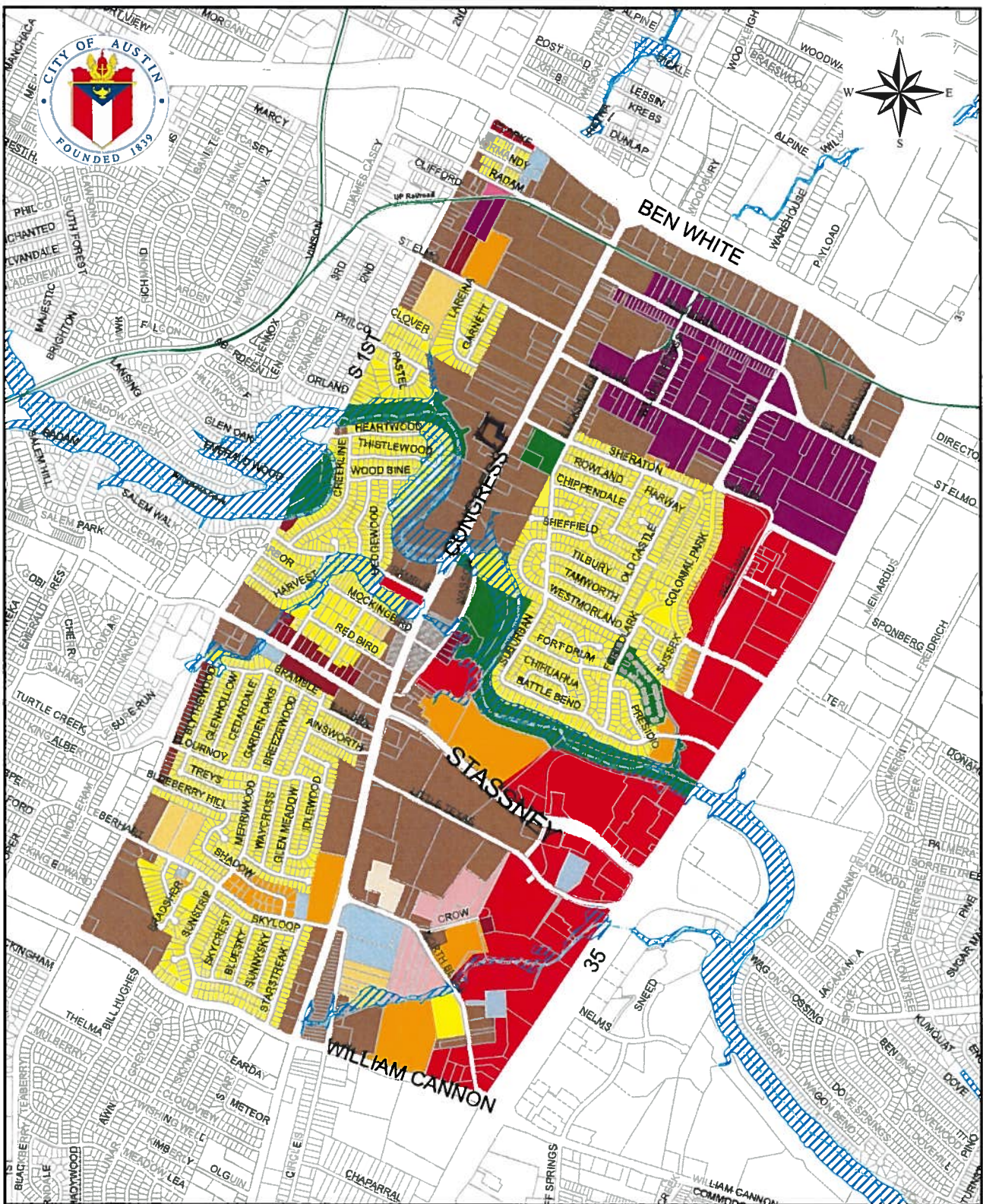


ZONING CASE#: C14-2016-0097  
 LOCATION: 4714 S. Congress Ave.  
 SUBJECT AREA: 2.8 ACRES  
 GRID: H17, H18  
 MANAGER: Wendy Rhoades



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.





## South Congress Combined Neighborhood Planning Area: Future Land Use Map

Produced by the City of Austin  
Planning and Zoning Department  
Adopted August 18, 2005  
Updated August 18, 2016

This map has been produced by the City of Austin Planning and Zoning Department for the sole purpose of aiding neighborhood planning decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

### Legend

- |                              |                         |
|------------------------------|-------------------------|
| Civic                        | Mobile Homes            |
| Commercial                   | Multifamily             |
| Higher-Density Single-Family | Office                  |
| Industry                     | Recreation & Open Space |
| Mixed Residential            | Residential Core        |
| Mixed Use                    | Rural Residential       |
| Mixed Use/Office             | Single-Family           |
|                              | 100-year Flood Plain    |
|                              | Creeks                  |

2,000 1,000 0 2,000 Feet

EXHIBIT B



Nov. 17-67 R.C.H.-A 4492 4.50

THE STATE OF TEXAS:  
COUNTY OF TRAVIS:

INC. KNOW ALL MEN BY THESE PRESENTS: That we, Austin Catering Service, a company organized and existing under the laws of the State of Texas, acting herein by and through its president Will Thurman of Travis County, Texas, do hereby subdivide 2.85 Acres of land out of and part of the Isaac Decker League in the City of Austin, Travis County, Texas, said 2.85 acres of land being the same land that was conveyed to us by a warranty deed of record in Volume 3332 at Pages 137-139 of the Travis County, Texas deed records and do hereby adopt this map or plat as our subdivision to be known as THE WILL THURMAN SUBDIVISION and do hereby dedicate to the public use all street and easements shown hereon.

Key Thurman  
Key Thurman, Secretary

Will Thurman  
Will Thurman, President

THE STATE OF TEXAS:  
COUNTY OF TRAVIS:

BEFORE ME, the undersigned authority, on this day, personally appeared Will Thurman, President of Austin Catering Service Incorporated, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that the same was the act and deed of the said Austin Catering Service Incorporated and that he executed the same for the purposes and considerations therein expressed and in the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 8th day of November, A.D. 1967



Betty J. Davern  
Notary Public, An and for Travis County, Texas

APPROVED FOR ACCEPTANCE:

Date Nov. 14, 1967

Hoyle M. Osborne  
Hoyle M. Osborne, Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, this the 16th day of November, A.D. 1967

Frank Brown  
Secretary

Edgar S. Jackson  
Chairman

FILED FOR RECORD: At 2:56 O'Clock P M., the 17 day of Nov., A.D., 1967

By Wanda Rich  
Deputy

Emilie Limberg  
Emilie Limberg, Clerk, County Court, Travis County, Texas

THE STATE OF TEXAS:  
COUNTY OF TRAVIS:

I, Emilie Limberg, Clerk of the County Court within and for the County and State aforesaid do hereby certify that the foregoing instrument of writing with its Certificate of Authentication was filed for record in my office on the 17 day of Nov., A.D., 1967, at 2:56 O'Clock, P M., and duly recorded on the 17 day of Nov., A.D., at 2:57 O'Clock, P M., in the Plat Records of said County and State, in Plat Book 37, at Page 6.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY the date last written above.

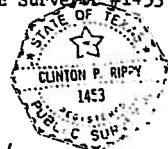
Wanda Rich  
Deputy



Emilie Limberg  
Emilie Limberg, Clerk, County Court, Travis County, Texas

Surveyed by: Clinton P. Rippey  
Clinton P. Rippey  
Registered Public Surveyor #1453

Date: 10-4-67



1967-174

VOL. 2270 P. 387  
BESSIE HAMILTON BLACKWELL

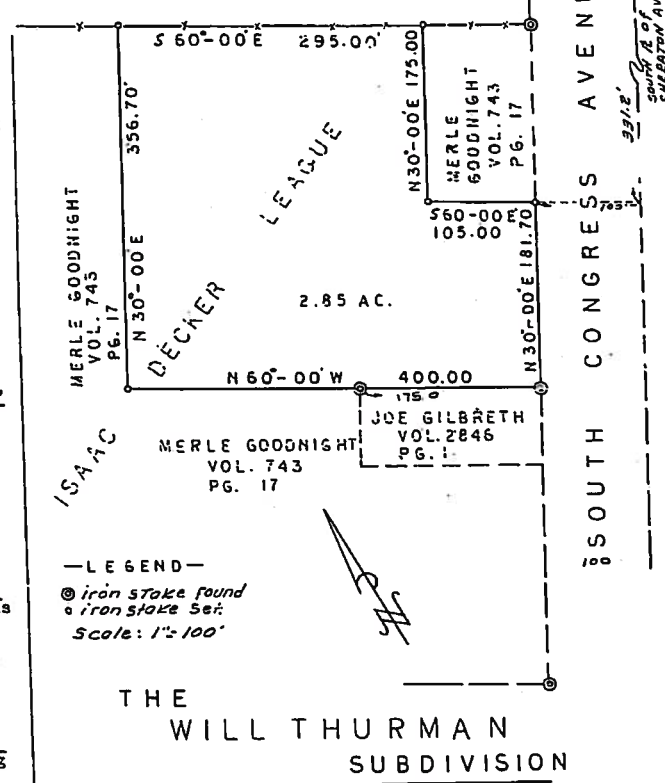


EXHIBIT C  
RECORDED PLAT

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



PROJECT NAME: South Congress Residences

ADDRESS/LOCATION: 4714 South Congress Avenue

CASE #: C14-2016-0097

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

# SF UNITS: \_\_\_\_\_ STUDENTS PER UNIT ASSUMPTION  
Elementary School: \_\_\_\_\_ Middle School: \_\_\_\_\_ High School: \_\_\_\_\_

# MF UNITS: 253 STUDENTS PER UNIT ASSUMPTION  
Elementary School: 0.069 Middle School: 0.027 High School: 0.037

## IMPACT ON SCHOOLS

The student yield factor for the south central region (across all grade levels) is 0.133 for apartment homes. The 253 multifamily unit development is projected to add approximately 33 students across all grade levels to the projected student population. It is estimated that of the 33 students, 17 will be assigned to St. Elmo Elementary School, 7 to Bedichek Middle School, and 9 to Travis High School.

The percent of permanent capacity by enrollment for SY 2020-21, including the additional students projected with this development, would be within the target range of 75-115% for Bedichek MS (89%), assuming the mobility rates remain the same. The projected additional students at St. Elmo ES and Crockett HS would not offset the anticipated decline in enrollment. St. Elmo (62%) and Crockett (58%) would continue to be below the target range of permanent capacity, assuming the mobility rates remain the same. All of the schools will be able to accommodate the projected additional student population from the proposed development.

## TRANSPORTATION IMPACT

St. Elmo ES is located within 2 miles of the proposed development; therefore students would not qualify for transportation unless a hazardous route condition was identified. Students within the proposed development attending Bedichek MS and Travis HS will qualify for transportation due to the distance from the proposed development to the schools.

## SAFETY IMPACT

There are no known safety impacts at this time.

Date Prepared: 10/20/2016

Director's Signature: \_\_\_\_\_

*Paul Turner*

10/20/16

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



## DATA ANALYSIS WORKSHEET

<b>ELEMENTARY SCHOOL:</b> St. Elmo	<b>RATING:</b> Met Standard
<b>ADDRESS:</b> 600 W. St. Elmo Road	<b>PERMANENT CAPACITY:</b> 411
<b>% QUALIFIED FOR FREE/REDUCED LUNCH:</b> 85.67%	<b>MOBILITY RATE:</b> -6.3%

<b>POPULATION (without mobility rate)</b>			
<b>ELEMENTARY SCHOOL STUDENTS</b>	<b>2015-16 Population</b>	<b>5- Year Projected Population (without proposed development)</b>	<b>5-Year Projected Population (with proposed development)</b>
<b>Number</b>	320	254	271
<b>% of Permanent Capacity</b>	78%	62%	66%

<b>ENROLLMENT (with mobility rate)</b>			
<b>ELEMENTARY SCHOOL STUDENTS</b>	<b>2015-16 Enrollment</b>	<b>5- Year Projected Enrollment* (without proposed development)</b>	<b>5-Year Projected Enrollment* (with proposed development)</b>
<b>Number</b>	300	238	255
<b>% of Permanent Capacity</b>	73%	58%	62%

<b>MIDDLE SCHOOL:</b> Bedichek	<b>RATING:</b> Met Standard
<b>ADDRESS:</b> 6800 Bill Hughes Road	<b>PERMANENT CAPACITY:</b> 941
<b>% QUALIFIED FOR FREE/REDUCED LUNCH:</b> 81.47%	<b>MOBILITY RATE:</b> -12.1%

<b>POPULATION (without mobility rate)</b>			
<b>MIDDLE SCHOOL STUDENTS</b>	<b>2015-16 Population</b>	<b>5- Year Projected Population (without proposed development)</b>	<b>5-Year Projected Population (with proposed development)</b>
<b>Number</b>	1,044	941	948
<b>% of Permanent Capacity</b>	111%	100%	101%

<b>ENROLLMENT (with mobility rate)</b>			
<b>MIDDLE SCHOOL STUDENTS</b>	<b>2015-16 Enrollment</b>	<b>5- Year Projected Enrollment* (without proposed development)</b>	<b>5-Year Projected Enrollment* (with proposed development)</b>
<b>Number</b>	918	827	834
<b>% of Permanent Capacity</b>	98%	88%	89%



# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



<b>HIGH SCHOOL:</b> Travis	<b>RATING:</b> Met Standard
<b>ADDRESS:</b> 1211 E. Oltorf	<b>PERMANENT CAPACITY:</b> 1,862
<b>% QUALIFIED FOR FREE/REDUCED LUNCH:</b> 83.79%	<b>MOBILITY RATE:</b> -26.1%

<b>POPULATION (without mobility rate)</b>			
<b>HIGH SCHOOL STUDENTS</b>	<b>2015-16 Population</b>	<b>5- Year Projected Population (without proposed development)</b>	<b>5-Year Projected Population (with proposed development)</b>
<b>Number</b>	1,780	1,438	1,447
<b>% of Permanent Capacity</b>	96%	77%	78%

<b>ENROLLMENT (with mobility rate)</b>			
<b>HIGH SCHOOL STUDENTS</b>	<b>2015-16 Enrollment</b>	<b>5- Year Projected Enrollment* (without proposed development)</b>	<b>5-Year Projected Enrollment* (with proposed development)</b>
<b>Number</b>	1,316	1,063	1,072
<b>% of Permanent Capacity</b>	71%	57%	58%

\*The 5-Year Projected Enrollment (with and without the proposed development) is an estimate calculated with the assumption that the stated mobility rates (transfers in and out of the school) remain the same over the 5-year period. These estimates are for the sole purpose of the Educational Impact Statement and should not be used for any other purposes.

**SUMMARY 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.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

*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 NP, neighborhood plan 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, including one across the street.

**EXISTING CONDITIONS****Site Characteristics**

The subject rezoning area contains commercial uses and a few groupings of trees on its west side.

**Impervious Cover**

The maximum impervious cover allowed by CS zoning district would be 80%, which is based on the more restrictive watershed regulations described below.

**Comprehensive Planning**

This rezoning case is located on the west side of S. Congress Avenue, on a 2.81 acre parcel that contains a variety of retail uses. The property is located in the South Congress Combined Neighborhood Planning Area, in the West Congress NP. Surrounding land uses includes a used car retailer to the north, a vet clinic to the south, undeveloped land to the west (part of

the Williamson Creek Greenbelt), and a condo complex to the east. The proposed use is vertical mixed use building, with 253 units of multifamily apartments and 4,995 sq. ft. of general commercial.

### **Connectivity**

The Walkscore was unavailable during the writing of this report. However, narrow public sidewalks are available along the property line but the extremely wide curb cuts located on the same side of the street make walking in this area problematic. Public transit stops are located within close walking distance of the project area, along S. Congress Avenue.

### **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 and non-residential uses, including retail and commercial services. The following text and policies are excerpted from the SCCNPA and are applicable to this case:

**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.

**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.

**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;
- 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. (p 56)

**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.

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

#### **Proposed Sidewalk Network**

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. (p 78)

**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. (Design Guidelines are included in the plan to offer suggestions to commercial developers along S. Congress Avenue.)

**Conclusions:** South Congress Avenue in recent years has transitioned away from industrial and warehouse uses, and is now a vibrant gateway into downtown Austin. A variety of neighborhood serving commercial and mixed use projects have been going up, including neighborhood friendly restaurants, coffee shops, retail stores, and high density residential uses. The SCCNP includes a number of goals, objectives, recommendations and text language that supports creating pedestrian friendly, vibrant mixed use projects along S. Congress Avenue. A mixed use project appears to be supported the SCCNPA as long as the developer takes into consideration into making the project aesthetically pleasing according to the design guidelines, and ensuring it is project pedestrian friendly.

**Imagine Austin**

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being located along an **Activity Corridor**, which are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following Imagine Austin policies are applicable to this project:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, **corridors** and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **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.

Based upon this property being: (1) situated along an **Activity Corridor** as designated on the Growth Concept Map, which supports commercial and multifamily uses; (2) the Imagine Austin policies referenced above that supports a variety of development, including mixed use, and (3) the SCCNPA supporting mixed use, this project appears to be supported by Imagine Austin.

### **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 a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other 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.

### **Site Plan**

Site plans will be required for any new development other than single-family or duplex residential.



Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the *south and west* property lines, the following standards apply:

- For a structure more than 100 feet but not more than 300 feet from property line, height is restricted to 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line
- For a structure more than 300 feet but not more than 540 feet from property line, height is restricted to 60 feet plus one foot for each 4 feet of distance in excess of 300 feet from property line

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

### **Transportation**

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for South Congress Avenue. If the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for South Congress Avenue according to the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55]. *FYI, additional right-of-way may be required at the time of subdivision and/or site plan.*

FYI, a traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

### **Water / Wastewater**

Should site plans be submitted for these tracts a wastewater Service Extension Request will be required.

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. 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.

4714 South Congress Avenue  
Case no. C14-2016-0097  
**Rezoning request from: CS-MU-CO-NP to CS-MU-V-NP**

List of Conditions from the October 19<sup>th</sup> South Congress Combined Neighborhood Plan  
Contact Team Meeting

1. Affordable housing: consider offering more than 10% of the units as affordable – consider between 15-25% at 50% MFI or lower in perpetuity?

**Response: The developer is willing to provide 15% of the units at 80% MFI.**

2. All affordable units will be spread among all unit types and all amenities will be available to the residents of the affordable units.

**Response: The developer agrees to provide a mix of 1br, 2br and 3br units for the affordable housing program. The affordable units will have the same rights and privileges including access to all amenities as the market rate units.**

3. Fifty percent (50%) of the units will be 3 bedrooms for families.

**Response: The developer is willing to provide 3% of the units as 3 bedroom units for families. This is based on the projected demand and absorption for 3br units in this location.**

4. Building height: agree not to seek a variance to exceed the currently allowed to building height to 60 feet.

**Response: The developer agrees to place a restrictive covenant on the property that will limit the building height to 60 feet.**

5. Can the developer provide relocation assistance to the existing commercial renters?

**Response: The developer is willing to provide relocation assistance to the existing commercial renters.**

6. Can the developer provide x amount of square footage at x amount of reduced rents (indicate what percentage of market)

**Response: The developer is willing to provide 1,500 square feet of reduced rent equal to 80% of market rate for a period of 5 (five) years.**

7. Will a TIA be required? If yes, when will it be prepared?

**Response:**

**As a follow- up to our meeting with the contact team on June 15, 2016, we told the contact team that the developer would voluntarily prepare a TIA – which was before filing the rezoning application or consulting with city staff.**

**However, after filing the zoning case, city staff waived the TIA because the existing uses generate ore vehicle trips that the prosed uses. Apparently, if a TIA is not required by the city code, city staff will not accept a voluntary TIA for review.**

**Right-of- way (ROW) dedication:** City transportation staff has requested, as a condition of zoning, dedication of 57 feet of ROW from the existing center line of South Congress Avenue for future widening of the Road in accordance with the Austin Metropolitan Area Transportation Plan.



## **ALICE GLASCO CONSULTING**

**44 11 and 4714 Couth Congress Avenue**

**Case no. C14-2016-0097 and C14-2016-0106**

**Rezoning request from: CS-MU-CO-NP to CS-MU-V-NP**

**10/26/16**

Responses to follow-up questions from the South Congress Combined Neighborhood Plan Contact Team Meeting held on October 19<sup>th</sup>, 2016

1. **Concern/Question:** Blocked fire hydrants, blocked pedestrian walkways, and parking in areas not permitted for parking. How will these developments not impede with our public safety and assure us that we will not have any of these concerns/problems.

**Response:** On both projects, workers will park on site in the staging area and after the parking garage is built, they will park in the garage.

2. **Concern/Question:** Who will pay for basic infrastructure costs related to the development (water, new pipes, etc.) that will be needed, do the citizens pick up the cost or the development.

**Response:** On both projects - the developer will pay for all infrastructure costs related to the development (water, new pipes, etc.)

3. And who will make sure that the road (pot holes fixed) is back to equal or greater than before the development came in for both 4714 & 4411.

**Response:** The developers will comply with the City of Austin ordinances that require developers to repair damages made to the street in the vicinity of the development site.

4. Water retention pond type, flooding considerations.

**Response:** both sites will have detention ponds which will help alleviate/improve any flooding in the area.

5. Fees in lieu off:

6. **Response:** Both developers are not planning on seeking any fees-in-lieu.

7. Trees:

**Response:** Both projects will comply with the City's tree ordinance.

8. Designated construction parking areas.

**Response:** On both projects, workers will park on site in the staging area and after the parking garage is built, they will park in the garage.

9. Traffic analysis-outcome:

**Response:** For 4411 South Congress Ave, at the time of site plan, if the proposed uses exceed 2,000 trips, the city code requires that a traffic impact analysis be submitted. For 4714 South Congress Ave, at the time of site plan, if the proposed uses exceed the trips that are currently generated by the existing uses, then a TIA will be required and both developers will comply accordingly.

10. Light management:

**Response:** The commercial design guidelines have lighting requirements that apply to both projects.

11. Noise, etc.

**Response:** Both developers will comply with all noise mitigation requirements that are in the land development code and other city codes.

# Cost of Housing in Austin

	Affordable 1 bedroom (1 person household income)	Buy-Down 1 year (subsidy required)	Cumulative Buy-Down over 40 years	Affordable 3 bedroom (4 person household)	Buy-Down 1 year (subsidy required)	Cumulative Buy-Down over 40 years
Average Market Rate Rent	\$976			\$1,534		
80% MFI	\$1,005	No subsidy	No subsidy	\$1,434	\$100	\$18,056
60% MFI	\$753	\$223	\$40,264	\$1,075	\$459	\$82,875
50% MFI	\$628	\$348	\$62,833	\$896	\$638	\$115,194
30% MFI	\$377	\$599	\$108,153	\$566	\$968	\$174,778

Market rate based on The Austin Multi-Family Trends Report 2015 4th Quarter - Austin MSA averages by bedroom size.

Produced by Austin Investor Interests, LLC

	Affordable 1 bedroom (1 person household income)	Buy-Down 1 year (subsidy required)	Cumulative Buy-Down over 40 years	Affordable 3 bedroom (4 person household)	Buy-Down 1 year (subsidy required)	Cumulative Buy-Down over 40 years
Average Market Rate Rent	\$1,100			\$1,800		
80% MFI	\$1,005	\$95	\$17,153	\$1,434	\$366	\$66,083
60% MFI	\$753	\$347	\$62,653	\$1,075	\$725	\$130,903
50% MFI	\$628	\$472	\$85,222	\$896	\$904	\$163,222
30% MFI	\$377	\$723	\$130,542	\$566	\$1,234	\$222,806

Market rate based on Zillow.com Austin Median Rental List Price for April 2016



City of Austin, Neighborhood Housing and Community Development Office  
P.O. Box 1088, Austin, Texas 78767  
(512) 974-3100 Fax (512) 974-3161 [www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

FY 2016 Area Median Family Income  
For Travis County, Texas  
\$77,800 (4-person household) MSA:  
Austin – Round Rock, TX.

## 2016 HOME Program Income Limits by Household Size Effective Date: June 6, 2016

Median Income Limit	1 Person Household	2 Person Household	3 Person Household	4 Person Household	5 Person Household	6 Person Household	7 Person Household	8 Person Household
20%	10,900	12,450	14,000	15,560	16,800	18,050	19,300	20,550
* 30%	16,350	18,700	21,050	23,350	25,250	27,100	29,000	30,850
(30% MFI is defined by HUD as extremely low-income)								
40%	21,800	24,900	28,000	31,120	33,600	36,100	38,600	41,100
* 50%	27,250	31,150	35,050	38,900	42,050	45,150	48,250	51,350
(50% MFI is defined by HUD as very low income)								
* 60%	32,700	37,380	42,060	46,680	50,460	54,180	57,900	61,620
65%	35,400	40,450	45,000	50,570	54,600	58,650	62,700	66,750
70%	38,100	43,550	49,000	54,460	58,800	63,150	67,550	71,900
* 80%	43,600	49,800	56,050	62,250	67,250	72,250	77,200	82,200
(80% MFI is defined by HUD as low-income)								
100%	54,450	62,250	70,000	77,800	84,000	90,250	96,400	102,700
120%	65,350	74,700	84,000	93,360	100,850	108,300	115,750	123,250
140%	76,250	87,150	98,050	108,920	117,650	126,350	135,050	143,750

\* Income provided by HUD.

Other income limits calculated by NHCD based on the formula used by HUD.  
MFI Chart was expanded to include other percentages used by NHCD.



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number: C14-2016-0097**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearings: November 8, 2016, Planning Commission**

**December 8, 2016, City Council**

*Larry Connelly*

*Your Name (please print)*

*4801 South Congress Ave, S.B.*

*Your address(es) affected by this application*

*Larry Connelly*

*Signature*

*Date*

*512-466-7257*

*Daytime Telephone:*

*Comments:*

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor  
☐ I object

November 3, 2016

To: Planning Commissioners

Cc: Alice Glasco, Jerry Rusthoven, Wendy Rhoades, Maureen Meredith, Margaret Valenti

Dear Planning Commissioners,

The South Congress Combined Neighborhood Plan Contact Team (SCCNPCT) met with Alice Glasco representing a developer to discuss a request for a zoning change in our planning area. SCCNPCT met on June 30, 2016 to discuss the following zoning change application

4714 South Congress Avenue

Case No. C14-2016-0097

Rezoning request from: CS-MU-CO-NP to CS-MU-V-NP

The SCCNPCT voted to oppose this zoning change because it does not fit in with our approved Neighborhood Plan. We ask that you, please, vote NO to granting this change. Doubling the density allowed by the existing zoning on this and future projects will overwhelm existing road and sewer infrastructure in the area, and overburden our neighborhood park. The developer's offer to include affordable housing in the project in exchange for the zoning change will not significantly or effectively increase affordable housing in the area, and does not offset the burdens on the neighborhood imposed by the zoning change.

The SCCNPCT supports meaningful attempts to build new affordable housing in our area. For example, the Foundation Communities (<http://foundcom.org>) developments at Sierra Ridge, 201 W. St. Elmo Rd. and Sierra Vista, 4320 S. Congress Avenue, provide affordable housing for low to moderate income individuals and families (to as low as 30% of area MFI, <https://foundcom.org/housing/our-austin-communities>), including support services in the areas of education, financial stability and health.

A second example of effective affordable housing that we would like to see in our area has been permitted and will be built in McKinney, Texas: The Post Oak Apartments by Ground Floor Development (<http://groundfloordev.com/news>). This developer is currently building the St. Elmo Public Market project in our planning area on South Congress Avenue. The Post Oak Apartments will have 182 units, of which 130 (70% of units) will be affordable housing for people at 60% of MFI. Financing for this type of affordable housing is available through the Texas State Affordable Housing Corporation (<http://www.tsahc.org/developers-property-managers>).

The SCCNPCT believes in more meaningful and effective attempts to include affordable housing in commercial developments, such as 25% of units built designated as affordable at 60% of MFI. What was offered by the developer is not enough to mitigate the challenges faced by the neighborhood resulting from the increased density. The SCCNPCT asks that you vote NO on this zoning change.

Best regards,

Mario Cantu, [mariocantu@myexcel.com](mailto:mariocantu@myexcel.com)  
Chairman, SCCNPCT

## Rhoades, Wendy

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**From:** mariocantu [REDACTED]  
**Sent:** Monday, December 05, 2016 12:21 PM  
**To:** Rhoades, Wendy  
**Cc:** George Last Name Not Required; Michael Fossum; Alix Horton; Greg Steinberg  
**Subject:** SCCNPCT- Request a postponement on hearing case numbers C14-2016-0106 and C14-2016-0097 from the December 13, 2016 (PC) meeting to the January 10, 2017 (PC) meeting. (4411 & 4714 S. Congress Ave)

Wendy,

The South Congress Combined Neighborhood Contact Team (SCCNPCT) would like to request a postponement on hearing case numbers C14-2016-0106 and C14-2016-0097 from the December 13, 2016 Planning Commission (PC) meeting to the January 10, 2017 PC meeting. It is our understanding that Chairman Stephen Oliver requested that anyone who could reschedule their case to January 10, 2017 to please do so due to the high case load for the PC agenda on December 13, 2016.

An agenda loaded with too many cases results in the merits of each case not being fully and fairly discussed (particularly after midnight). This is not fair to the applicant, the neighborhood, or the PC members. Members of the SCCNPCT have personally seen this in past meetings at the PC and City Council, and want to avoid this by delaying the cases until January 10, 2017.

In addition, there are members of the SCCNPCT who are unable to attend the December 13, 2016 PC meeting due to family, holiday, or work commitments. They will be free to attend the PC meeting on January 10, 2017, and would appreciate the PC granting the delay.

Please contact Ms. Alice Glasco to inform her of our request, and let us know if the request will be on the December 13, 2016 PC Agenda as a consent item.

Thank you.

Best Regards,

Mario Cantu, Chairman SCCNPCT

## **Rhoades, Wendy**

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**From:** Alice Glasco <[alice@glascoconsulting.com](mailto:alice@glascoconsulting.com)>  
**Sent:** Wednesday, December 07, 2016 10:33 AM  
**To:** Rhoades, Wendy  
**Subject:** RE: Postponement request from SCCNPCT for South Congress cases

Wendy,

My clients are okay with the postponement request.

Alice Glasco, President  
Alice Glasco Consulting  
512-231-8110 W  
512-626-4461 C  
Email: [alice@glascoconsulting.com](mailto:alice@glascoconsulting.com)

-----Original Message-----

**From:** Rhoades, Wendy [<mailto:Wendy.Rhoades@austintexas.gov>]  
**Sent:** Monday, December 05, 2016 1:34 PM  
**To:** Alice Glasco  
**Subject:** FW: Postponement request from SCCNPCT for South Congress cases

Alice,  
Attached is the postponement request I received earlier today from the SCCNPCT. Please let me know if your client is in agreement with the request to postpone to the January 10, 2017 Planning Commission meeting.

Wendy



January 4, 2017

Dear Planning Commissioners:

My name is Michael Fossum, and I am a member of the South Congress Combined Neighborhood Plan Contact Team (SCCNPCT). At the Planning Commission (PC) meeting on January 10, 2017, you will consider the following two zoning change cases:

4411 South Congress Avenue  
Case No. C14-2016-0106  
Rezoning request from: CS-MU-CO-NP to CS-MU-V-NP

4714 South Congress Avenue  
Case No. C14-2016-0097  
Rezoning request from: CS-MU-CO-NP to CS-MU-V-NP

I have attached some information about our area for your review. I am opposed to these zoning changes, and I will speak to PC at the meeting about my opposition, and why the SCCNPCT voted against these zoning changes. I ask that you, please, vote NO to granting this change. Doubling the density allowed by the existing zoning on this and future projects will overwhelm existing road and sewer infrastructure in the area, and overburden our neighborhood park. The information that I have attached supports this and is as follows:

Capital Improvement Plan: This is from the City of Austin website where our Neighborhood Plan is archived. This plan (dated 2013) shows where bond money will be spent on projects in our Neighborhood Plan area. The Plan shows that there is no bond money allocated to improve traffic flow on Congress Avenue. The transportation bond that passed in 2016 does not allocate any money for capital improvements, only some money for a study of the Congress Avenue Corridor.

Email from Mike Russ, Project Manager for the City of Austin, Williamson Creek sewer line repair: The existing sewer line that serves our area is near capacity and in need of repair. The city is starting a project to add more sewer capacity to the area. The timeline and funding is uncertain for this project, and density should not be increased if the infrastructure is not in place to accommodate the new development.

Future Land Use Map (FLUM): The FLUM shows our planning area, and the MU zoning along the main corridors. The only park in the area is at the corner of South Congress Avenue and Sheraton Avenue. The park is about 5 acres in size. Doubling the density of the MU zoning in the planning area will overwhelm the one small neighborhood park that is available.

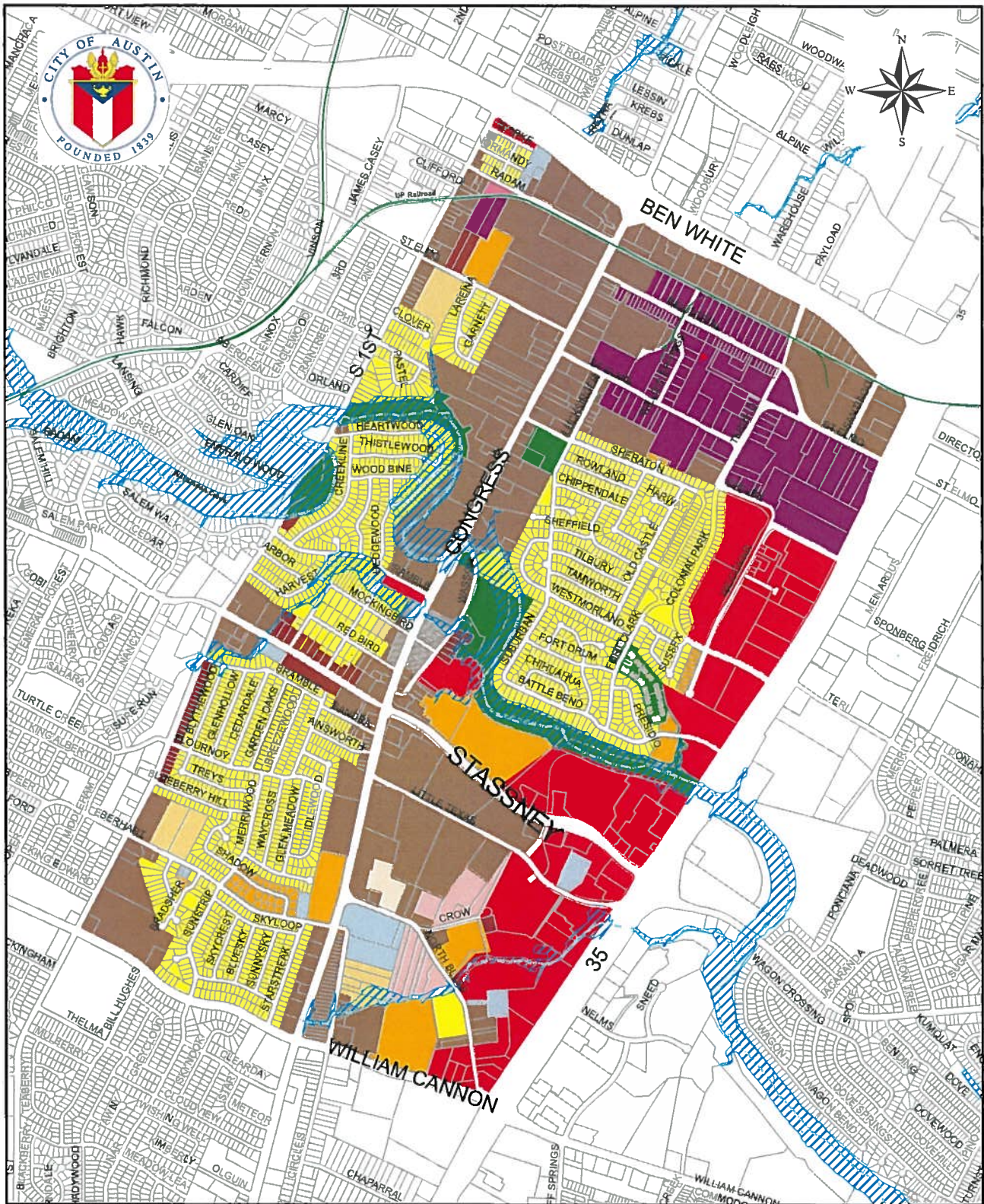
Survey of zoning of recent multi-unit projects: A survey of zoning for recent multi-unit projects in the plan area shows that projects can be built using existing zoning and be profitable while providing housing and benefits to the community.

Affordable housing survey: A survey of affordable housing in and adjacent to the plan area shows that there is a significant stock already available in the area.

Thank you for taking the time to review this material. I look forward to seeing you at the PC meeting on January 10<sup>th</sup>.

Best regards,

Michael Fossum

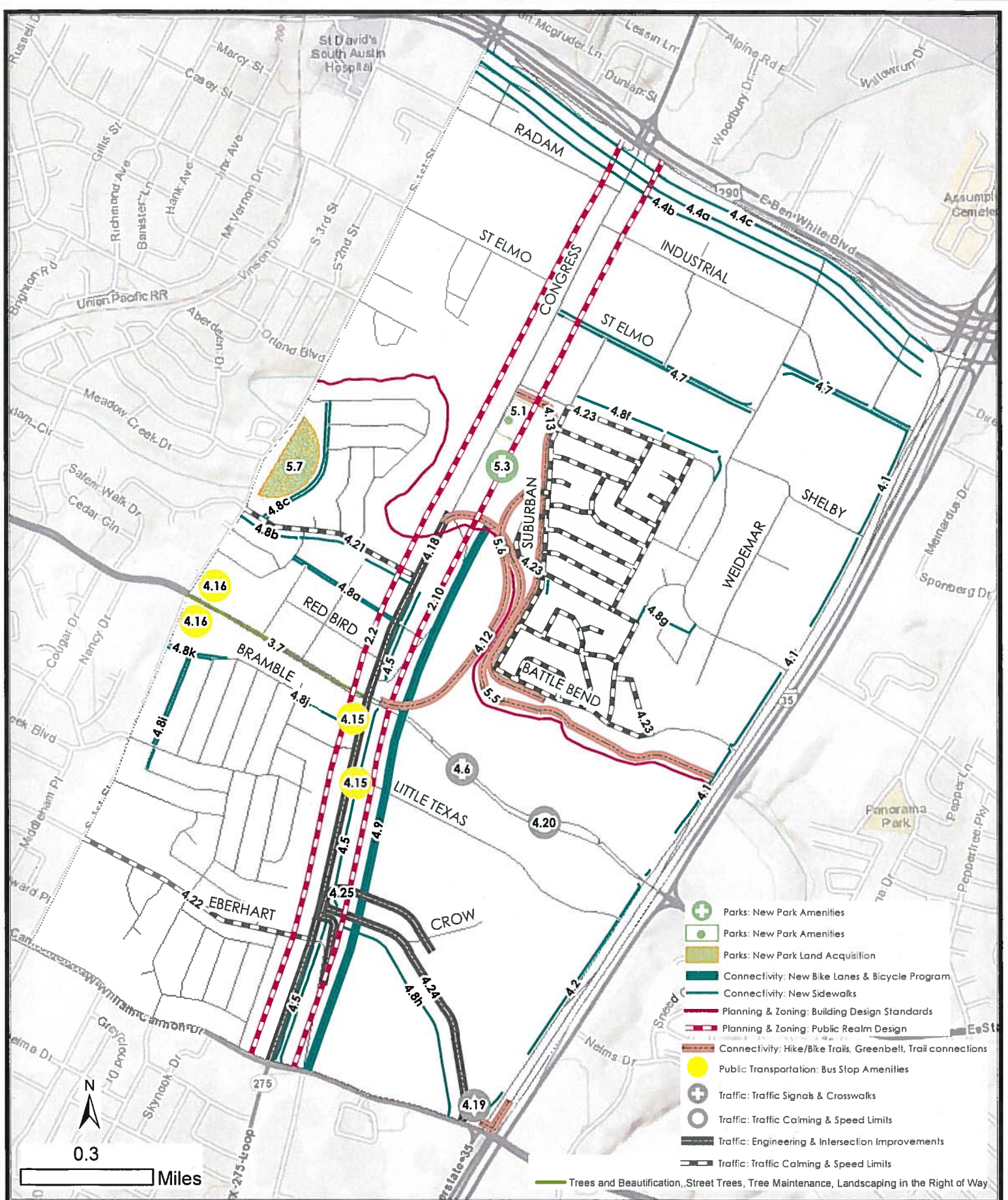


## South Congress Combined Neighborhood Planning Area: Future Land Use Map

Produced by the City of Austin  
Planning and Zoning Department  
Adopted August 18, 2005  
Updated August 18, 2016

This map has been produced by the City of Austin Planning & Zoning Department for the sole purpose of aiding neighborhood planning decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.





# South Congress Combined Neighborhood Plan Area-CIP Recommendations

5/9/2013



PLANNING AND DEVELOPMENT REVIEW DEPARTMENT

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 Development Review for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Hi All,

Thanks for your patience in waiting for the response. I added responses to the questions in a different color and underlined them. I am having a figure prepared to show where the sewage generated in your neighborhood area goes. The figure will come in a separate email.

Please contact me if you have any additional questions.

Mike Russ

**Supervising Engineer**

City of Austin | Austin Water, Collection System Engineering Division  
512-972-2054 | C: 512-699-0103



**From:** Michael Fossum [<mailto:mfossum@austin.rr.com>]

**Sent:** Wednesday, December 14, 2016 3:52 PM

**To:** Russ, Michael <[Michael.Russ@austintexas.gov](mailto:Michael.Russ@austintexas.gov)>; 'Greg Waner' <[gewaner@yahoo.com](mailto:gewaner@yahoo.com)>; [jmdonalds@att.net](mailto:jmdonalds@att.net); 'zoila vega' <[zvega@austin.rr.com](mailto:zvega@austin.rr.com)>; "Jim O'Brien" <[ojimo@earthlink.net](mailto:ojimo@earthlink.net)>; "mariocantu" <[mariocantu@myexcel.com](mailto:mariocantu@myexcel.com)>; 'treebrune' <[treebrune@gmail.com](mailto:treebrune@gmail.com)>

**Cc:** Smith, Connie <[Connie.Smith@austintexas.gov](mailto:Connie.Smith@austintexas.gov)>; Sweat, Kevin <[Kevin.Sweat@austintexas.gov](mailto:Kevin.Sweat@austintexas.gov)>; Whatley, Ronnie <[Ronnie.Whatley@austintexas.gov](mailto:Ronnie.Whatley@austintexas.gov)>; 'Gilbert Lane' <[GGLane@insituform.com](mailto:GGLane@insituform.com)>; 'Josh Awalt' <[jawalt@insituform.com](mailto:jawalt@insituform.com)>; Singleton, Micheal <[Micheal.Singleton@austintexas.gov](mailto:Micheal.Singleton@austintexas.gov)>

**Subject:** RE: Williamson Creek Pipe Lining Update - link to draft plans

Hi Mike:

Thank you for the update on the sewer line repair. It is great that you have found a way to access the northern creek bank without the planned stream crossing. I have not looked at the plans in detail yet, I will let you know if I have any questions or comments.

I have questions concerning the capacity of the sewer line. In one of our meetings, or when we were walking the area, I recall someone stating that the line was in dire need of repair, and is at full capacity. This is of concern to us as there are new condo and apartment developments being built on Congress Avenue, and more developments in the pipeline. I assume that these new developments have been or will be hooked up to the sewer line you are repairing. The area that we are concerned with is defined in our neighborhood plan, with the area boundaries being Ben White Blvd. to the north, South 1<sup>st</sup> Street to the west, IH 35 to the east, and William Cannon Drive to the south. The neighborhood contact team was visited by some folks from the city who told us that they were doing a preliminary study for an interceptor line to be located at the sewer line you are repairing by Wasson Road, to go south along Congress to William Cannon, and then out to Onion Creek. The intent is to take sewage from upstream of that location and route it away from the existing line. Some questions follow:



Is the sewer line that you are repairing at capacity now? The existing sewer line is near capacity now. To clarify, the project currently underway is to address the condition of the current wastewater line. It will be repaired by installing a new liner on the interior of the pipe, similar to a heavy duty coating. This will protect the sewer pipe and extend its useful life for many years to come. A new project, which just started, will address capacity, recent growth, and expected growth in the service area. Because new capital improvement projects take many years to plan, design, and construction, we have started this project to insure the new project is completed before the pipe reaches capacity. Austin Water plans to have several town hall meetings to discuss this new project and we will be sure to invite you and your neighborhood association to these meetings.

If the capacity is exceeded, can the sewage flow out of the manhole covers located in the creek bed? Yes, this is possible, however, Austin Water installs bolted and gasketed manhole lids in all creeks.

If the capacity is exceeded, can the sewage back up into people's homes? This is highly unlikely. The main in the creek is so much lower than the finished floor of the houses, so any backups will normally flow out of the lowest elevation.

Does being at capacity increase the chances for a line break or sewage spill? As noted before the line is near capacity. In general, sewer lines fail due to their condition, age, and reaching the end of their useful life. Sewage spills are also caused by debris, blockage, and occasionally during severe rain events, when the sewer systems are damaged during these storm events or the rainfall inundates the wastewater collection system. It should be noted that Austin Water has an active maintenance and operation program to minimize and prevent wastewater overflows and sewage spills.

If the capacity is exceeded, is there any part of the line that is more likely to break? Not really. If there is a failure in the wastewater collection system, it will be at the weakest point, which could be at the pipe or manholes. We have also seen failures in areas of exposed pipe; however, we are not aware of any exposed pipe in this specific project area.

Does all the sewage in the area I defined above flow into this line? No. Some flow crosses Ben White to the north and there is another crossing of IH 35 south of Stassney. I'll send a separate email with a figure created from our GIS system to show the wastewater flow in your neighborhood area.

Is there a map of the sewer lines in our area, showing what homes etc. drain into those lines?

Yes. Please see the map that will be sent separately.

Mario Cantu, the Chairman of our contact team, also had some questions:

How long will the project take to complete assuming no weather delays or unexpected problems? The lining of the existing pipe to address the current condition is anticipated to last approximately 4 to 6 months. We anticipate 2 months of preparation to be ready to line during which the route will be cleared, rock placed as a driving surface, and the bypass piping and pumps installed. The liner will be installed as 6 pieces, or

installations, over a month. The removal of the rock and vegetation restoration should take about a month. The best case scenario is a duration of 4 months of activity in the creek area. Rains or the threat of rains could delay work along the creek.

Are there any worst-case scenarios for the project (e.g. pipe break, truck overturn), and how likely are any of those to happen? As with all construction work, there are some risks; however, the project team is working to properly plan and mitigate these risks. The largest risks we see are the bypass pumping of the sewage during the construction work and lining of the pipe. To address this risk, we leak test the bypass pipes prior to the start of the bypass and provide staff on site during bypass pumping operations.

Are there any unexpected events related to the project that could happen that could result in residents being forced to leave their homes? Extremely unlikely. This work is routine for the contractor. We cannot foresee any such events to cause an evacuation.

Thank you for your hard work. I look forward to hearing from you. Thank you for your interest and questions.

Best regards,

Michael Fossum

512-739-5472

**From:** Russ, Michael [<mailto:Michael.Russ@austintexas.gov>]

**Sent:** Monday, December 12, 2016 4:12 PM

**To:** 'Greg Waner' <[gewaner@yahoo.com](mailto:gewaner@yahoo.com)>; 'jmdonalds@att.net' <[jmdonalds@att.net](mailto:jmdonalds@att.net)>; zoila vega (<[zvega@austin.rr.com](mailto:zvega@austin.rr.com)> <[zvega@austin.rr.com](mailto:zvega@austin.rr.com)>; mfoosum@austin.rr.com; "Jim O'Brien" <[ojimo@earthlink.net](mailto:ojimo@earthlink.net)>; "mariocantu" <[mariocantu@myexcel.com](mailto:mariocantu@myexcel.com)>

**Cc:** Smith, Connie <[Connie.Smith@austintexas.gov](mailto:Connie.Smith@austintexas.gov)>; Sweat, Kevin <[Kevin.Sweat@austintexas.gov](mailto:Kevin.Sweat@austintexas.gov)>; Whatley, Ronnie <[Ronnie.Whatley@austintexas.gov](mailto:Ronnie.Whatley@austintexas.gov)>; 'Gilbert Lane' <[GGLane@insituform.com](mailto:GGLane@insituform.com)>; 'Josh Awalt' <[jawalt@insituform.com](mailto:jawalt@insituform.com)>; Singleton, Micheal <[Micheal.Singleton@austintexas.gov](mailto:Micheal.Singleton@austintexas.gov)>

**Subject:** Williamson Creek Pipe Lining Update - link to draft plans

All,

We last walked as a group on August 4 and it is time for an update. We have been working thru the design and permitting issues and we think we have a lower impact access plan. We will still enter off Wasson Road and continue to the edge of the bank as originally planned, but not cross the creek. To access the northern bank, we plan to enter from IH 35. We are in discussions with DriveTime on the IH 35 frontage and they have agreed in principal to allow the trucks to enter thru their parking lot and continue to the western end of their property and continue thru their fence. Then the path will be down the gas pipeline easement and into the creek bed, proceed upstream, and then up onto the bank. Access to both ends will mean no large creek crossing structure across the creek and eliminate the clearing for truck access in the middle.

The plans are draft and don't show the DriveTime access yet, they show coming of the back of the Fiesta lot. As far as schedule, I am hopeful for late spring/early summer.

If you have any comments on the plans, I welcome hearing from you.

Below is a link to draft plans:

[ftp://ftp.ci.austin.tx.us/PWD ESD/EngineeringServices/AW WilliamsonCreekCIPP](ftp://ftp.ci.austin.tx.us/PWD_ESD/EngineeringServices/AW_WilliamsonCreekCIPP)

Mike Russ

**Supervising Engineer**

City of Austin | Austin Water, Collection System Engineering Division  
512-972-2054 | C: 512-699-0103



### Survey of Development Zoning South Congress Neighborhood Plan Area

This is a survey of the zoning for multi-unit developments since the neighborhood plan was adopted in 2005. The plan area is bordered by Ben White Boulevard to the north, by South 1<sup>st</sup> Street to the west, by IH 35 to the east, and by William Cannon Blvd. to the south. The survey was done on January 4, 2017, and the number of units at each entity was taken from information published on the internet, or came from direct contact with the staff at the entity.

Address	Name	Date of permit application, case number	Zoning	Units
301 West Stassney Lane	Sweetbriar	2/15/2013, 2013-015031 SP	GO-MU-CO-NP	35
4323 South Congress Ave.	St. Elmo District Market	2/26/2014, 2014-019093 ZC	LI-PDA-NP	400
4361 South Congress Ave.	Public Lofts	6/13/2007, 2007-128929 SP	GR-CO, CS Community Commercial	160
5010 and 5100 South Congress Avenue	SUR512	11/29/2012, 2013-119231 SP	CS-MU-CO-NP	352
604 North Bluff Drive	Skybridge Lofts	7/14/2010, 2010-060505 SP	MF-2-CO	112
304 East William Cannon Drive	Abacus Southside Apartments	6/7/2012, 2013-056655-SP	GR-MU	140
				Total=1199

## Survey of Affordable Housing

This is a survey of affordable housing available in or just outside the South Congress Neighborhood Plan area. The plan area is bordered by Ben White Boulevard to the north, by South 1<sup>st</sup> Street to the west, by IH 35 to the east, and by William Cannon Blvd. to the south. The survey was done on January 4, 2017, and the number of units at each entity was taken from information published on the internet, or came from direct contact with the staff at the entity. This survey has been modified to include the zoning of each entity, which is not included in the survey published in the Planning Commission back-up for the January 10, 2017 meeting.

<b>Name</b>	<b>Address</b>	<b># of Units</b>	<b>Zoning, Zoning Case or Ord.</b>	<b>Location</b>
Sierra Ridge	201 W. St. Elmo	149	CS-MU-CO-NP C14-05-0106	In plan area
Sierra Vista	4320 South Congress Ave.	238	CS-MU-NP C14-05-0106	In plan area
Heights on Congress Austin	2703 South Congress Ave.	172	CS-MU-V-NP P-NP CS-MU-NP C14-2007-0224 C14-05-0138	Just north of plan area
Circle S Apartments Austin	7201 South Congress	200	MF-3-CO 99-0225-70(b)	Just south of plan area
Woodway Square Austin	14700 Teri Rd.	240	CS-CO-NP 99-0225-70(b) 021010-12a 20070809-51	Just east of plan area
Eberhart Place	808 Eberhart Lane	37	SF-6-CO-NP C14-2014-0019	Just west of plan area
Shadowbend Ridge – Austin Low Rent Public Housing Apartments	6238 Shadow Bend	50	SF-3-NP C14-05-0105	In plan area
		Total units=1086		



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: [www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2016-0097

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: November 8, 2016, Planning Commission

December 8, 2016, City Council

Angela Baker  
Your Name (please print)

515 Battle Bend Blvd. 78745

Your address(es) affected by this application

Angela Baker

Signature

1/3/17

Date

Daytime Telephone:

512-363-0129

Comments:

The Battle Bend Springs Homeowners Association (BBSHOA) supports SCCCT in denying this zoning change. The BBSHOA unanimitously voted, as a board, to support the SCCCT points of issue, plus other negative effects this change would have to our neighborhood.

Thank you, Angela Baker, President, BBSHOA

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

**Planning Commission Meeting January 10,214**

**Agenda Item 17. – C14-2016-0097 – South Congress Residences**

**Agenda Item 18. – C14-2016-0106 – 4411 SOCO**

**Slide Presentation – Michael Fossum – Opposed to zoning change**

## **ORDINANCE NO. 20050818-Z001**

### **AN ORDINANCE AMENDING THE AUSTIN TOMORROW COMPREHENSIVE PLAN BY ADOPTING THE SOUTH CONGRESS COMBINED NEIGHBORHOOD PLAN.**

South Congress Combined Neighborhood Plan recommends action by the neighborhood planning team, the City, and by other agencies to preserve and improve the neighborhood. The South Congress Combined Neighborhood Plan has five major goals:

- (1) preserve and enhance the existing single-family neighborhoods and retain the affordability of these neighborhoods;
- (2) transform South Congress Avenue into a more vibrant, accessible mixed-use corridor and a destination for nearby residents and the citizens of Austin;
- (3) focus mixed-use development and commercial uses along major commercial corridors and in specialized districts;
- (4) improve the accessibility, convenience, and safety of all forms of transportation; and
- (5) preserve and enhance the public open spaces.

**Does changing zoning from MU to MU-V preserve and improve the neighborhood and further the Goals of the Plan?**

**Goal 1. No, adoption of V zoning will accelerate increases in property taxes.**

**Goal 2. No, South Congress is already a mixed use corridor, and V zoning will not make it more vibrant, and will decrease accessibility because of increased traffic.**

**Goal 3. No, mixed use development and commercial uses are already focused on the major corridors.**

**Goal 4. No, V zoning will decrease accessibility and convenience, and will compromise safety of all forms of transportation due to increased traffic and traffic congestion.**

**Goal 5. No, the added density from V zoning will lead to overuse of the only park in the area.**

**Traffic: Why pour gasoline on the fire?**

**In past conversations with council members and members of various boards: “Everybody hates traffic, it will worsen no matter what, give me a valid reason why you oppose project xyz.”**

**This time there is a choice:**

**Combined acreage of 2 sites = 5.7**

**Combined units on two sites with V zoning = 553**

**Granting V zoning roughly doubles the density on these two sites**

**Goodnight/Hill’s South Congress (4700 S. Congress Ave.) filings online indicate that they will soon develop 13.3 acres right next door.**

**Development will continue, granting V zoning will result in gridlock.**

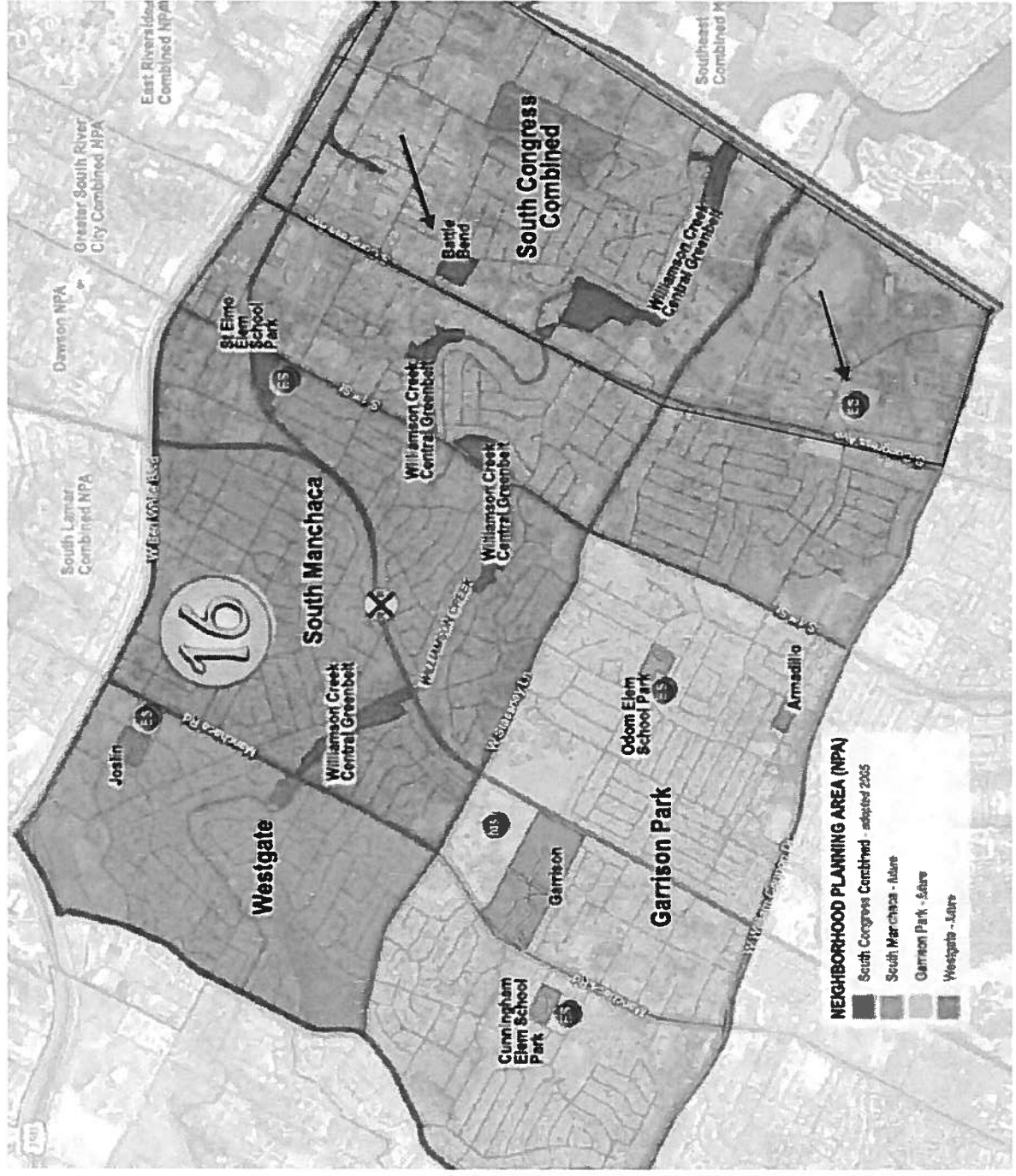
**No traffic relief any time soon:**

**Plan Area-CIP Recommendations 5/9/2013 – No bond money for improvements to South Congress Avenue**

**Traffic Bond passed 2016 – No bond money for improvements to South Congress Avenue, money for study only (1 of 10 study areas).**



**City Council 2011 Policy: Residents outside urban core should be in ½ mile walking distance of a park. Parks Master Plan calls for 1 acre of parkland per 1000 residents.**



**2011-2016 Long Range Plans for Land, Facilities, and Programs  
Parks and Recreation Department  
Vertical Mixed Use District Map  
VMU Building Combined Districts – Brown rectangles**



**Imagine Austin – Calls for high density in urban core.  
Urban core extends south to Ben White Blvd.  
VMU combined districts located in urban core.**



## Plan Area Affordable Housing Survey January 4, 2017

Name	Address	# of Units	Zoning, Zoning Case or Ord.	Location
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Shadowbend Ridge – Austin Low Rent Public Housing Apartments	6238 Shadow Bend	50	SF-3-NP C14-05-0105	In plan area
		Total units=1086		

## **Plan Area Affordable Housing in Context**

**Substantial existing stock of affordable housing in and immediately adjacent to plan area.**

**Adding 10% x 553 units = 55 units of affordable housing**

**Increasing existing stock by only 5%.**

**Cost of increased affordable housing stock is increased traffic, overuse of existing (inadequate) parkland, and decrease in quality of life.**

**Existing affordable housing stock consists of large developments with many units, a better choice would be to encourage more developments of this type.**



## Survey of Development Zoning in Neighborhood Plan Area January 4, 2017

Address	Name	Date of permit application, case number	Zoning	Units
301 West Stassney Lane	Sweetbriar	2/15/2013, 2013-015031 SP	GO-MU-CO-NP	35
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604 North Bluff Drive	Skybridge Lofts	7/14/2010, 2010-060505 SP	MF-2-CO	112
304 East William Cannon Drive	Abacus Southside Apartments	6/7/2012, 2013-056655-SP	GR-MU	140
				Total=1199

**Please deny the request for zoning change from CS-MU-CO-NP to CS-MU-V-NP**

**Neighborhood preference for development in plan area corridors is MU as codified in 2005 Neighborhood Plan and FLUM.**

**Residents and Contact Team met and discussed zoning change and voted against change.**

**Zoning change works against goals Neighborhood Plan.**

**Increased density results in making terrible traffic congestion worse.**

**Existing parkland is not adequate for future or existing residents.**

**The plan area is outside of the urban core. Higher density developments should be located in the urban core.**

**There is already substantial existing affordable housing in the plan area.**

**Larger more significant developments of affordable housing should be encouraged.**