

ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0133 – 4401 South Congress Rezoning **P.C. DATE:** December 12, 2017
January 9, 2018

ADDRESS: 4401 South Congress Avenue

DISTRICT AREA: 3

OWNER: Sabot Development, Ltd.
(James W. Young)

APPLICANT: Graves, Dougherty, Hearon &
Moody, P.C. (Michael Whellan)

ZONING FROM: CS-MU-NP **TO:** CS-MU-V-NP **AREA:** 0.6836 acres
(29,777.62 square feet)

SUMMARY STAFF RECOMMENDATION (Revised on January 22, 2018):

The Staff recommendation is to grant general commercial services – mixed use – vertical mixed use building – conditional overlay – neighborhood plan (CS-MU-V-CO-NP) combining district zoning. The Conditional Overlay prohibits vehicular access to South Congress Avenue.

PLANNING COMMISSION RECOMMENDATION:

December 12, 2017: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO
JANUARY 9, 2018*

[J. SHIEH; P. SEEGER – 2ND] (12-0) A. DE HOYOS HART – ABSENT

January 9, 2018: *TO GRANT CS-MU-V-CO-NP AS STAFF RECOMMENDED*

[G. ANDERSON; P. SEEGER – 2ND] (12-0) T. NUCKOLS – ABSENT

ISSUES:

On Thursday evening, November 30, 2017, the Contact Team met with the Agent at the Pleasant Hill Library and the case at 4515 South Congress Avenue (C14-2017-0132).

The requirement for right-of-way dedication has been removed because there is now 60 feet of r-o-w from the centerline. The additional r-o-w was provided when the property was platted.

DEPARTMENT COMMENTS:

The subject lot is located on South Congress Avenue, a major arterial and East St. Elmo Road, a collector street, and contains an automotive sales use. It has had general commercial services – mixed use – neighborhood plan (CS-MU-NP) zoning since Council approval of the East Congress Neighborhood Plan rezonings in August 2005. Under the current zoning,

between 19 units (2 bedrooms) and 29 units (efficiencies) could be built. This property was identified as one of several addresses comprising Tract 112. There are consumer service related services and auto-related uses along both sides of Congress Avenue in the vicinity (CS-MU-CO-NP; CS-MU-CO-NP/MF-6-CO-NP; CS-MU-V-CO-NP; CS-MU-NP), and a mixture of industrial and commercial uses along St. Elmo Ro to the east (LI-NP; CS-CO-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 develop it with ground floor retail (up to 9,700 square feet) and 28 apartment units. The adjacent property to the south which extends to Lucksinger Lane on its east side is zoned CS-MU-V-CO-NP and is also in process for a site plan consisting of 240 apartment units, 7,200 square feet of specialty retail and 3,000 square feet of office uses (SP-2017-0261C – Hopf Tract). The two projects may have a unified appearance and to this end, the Staff does not recommend vehicular access to South Congress Avenue for this case, due to driveway spacing requirements of 200 feet on a major arterial.

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.” 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 directly to the north at the northeast corner of East St. Elmo Road. Please refer to Exhibit D.

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:

	ZONING	LAND USES
<i>Site</i>	CS-MU-NP	Automotive sales
<i>North</i>	CS-MU-CO-NP/MF-6-CO-NP	Mixed use buildings with 149 residential units and 22,692 s.f. of retail
<i>South</i>	CS-MU-V-CO-NP; CS-MU-NP	Vacant monument retail sales; Automotive repair
<i>East</i>	LI-NP; CS-MU-NP	Office/Warehouses
<i>West</i>	CS-MU-CO-NP; CS-1-MU-CO-NP	Retail sales (convenience); Business park; Church; Restaurant; Convenience storage

NEIGHBORHOOD PLANNING AREA: South Congress Combined (East Congress)

TIA: Is not required

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

St. Elmo Elementary School

Bedichek Middle School

Travis High School

NEIGHBORHOOD ORGANIZATIONS:

9 – Battle Bend Springs Homeowners 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

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

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0132 – 4515 S Congress Rezoning	CS-MU-NP and CS-MU-CO-NP to CS-MU-V-NP	Scheduled for 1-23- 2018	Scheduled for 2-1- 2018

C14-2016-0106 – 4411 S Congress Ave and 4510 Lucksinger Ln	CS-MU-NP to CS-MU-V-NP	To Grant CS-MU-V- NP w/addl conds to provide 10% rental units at 60% MFI w/a unit mix reflecting the makeup of the units as the rest of the devt and all amenities will be available to the residents of the affordable units	Apvd CS-MU-V-CO- NP w/CO for 60' height limit (4-13- 2017).
C14-2016-0097 – South Congress Residences – 4714 S Congress Avenue	CS-MU-CO-NP to CS-MU-V-NP	To Grant CS-MU-V- NP w/addl conds to provide 10% rental units at 60% MFI w/a unit mix reflecting the makeup of the units as the rest of the development and all amenities will be available to the residents of the affordable units, and incorporating the conditions in the list of conditions from the October 19 th SCCNPCT meeting, to the extent possible.	Apvd CS-MU-V-CO- NP w/CO limiting height to 60', on 1 st Rdg (3-23-2017); 2 nd /3 rd Readings not yet scheduled
C14-2014-0034 – St. Elmo's Market and Lofts - 113 Industrial Blvd; 4323 S Congress Ave; 4300 Blk of Willow Springs Rd	CS-MU-NP; LI- NP; LI-CO-NP to LI-PDA-NP	To Grant LI-PDA-NP w/PDA for all permitted uses and conditional uses in LI w/certain prohibited uses, residential uses including multifamily and townhouse/condos, certain civic uses, adding cocktail lounge and hospital (ltd) as conditional uses, 25' front and side yard setbacks, 0' interior setback, 15' rear setback, 85% impervious cover, 1.5	Apvd LI-PDA-NP with Restrictive Covenant for the TIA as recommended by the Commission (11- 20-2014).

		to 1 floor-to-area ratio; Restrictive Covenant for the Traffic Impact Analysis	
C14-2007-0234 – South Urban Lofts – 4367 S Congress Ave	CS-MU-CO-NP; MF-6-NP to CS-MU-CO-NP; MF-6-CO-NP, to change a condition of zoning	To Grant CS-MU-CO- NP for first 15'; MF-6- CO-NP for 15-90', w/CO for 2,000 trips/day; 90% impervious cover, limit of 25 spaces in a surface parking facility, and list of prohibited uses	Apvd CS-MU-CO-NP; MF-6-CO-NP as Commission recommended (3-20- 2008).
C14-07-0009 – South Urban Lofts – 4367 S Congress Ave	CS-NP to CS- MU-CO-NP ; MF-6-NP	To Grant CS-MU-CO- NP for first 60'; MF-6- NP for 60-90' w/CO for 2,000 trips/day; 90% impervious cover, limit of 25 spaces in a surface parking facility, and list of prohibited uses	Apvd CS-MU-CO-NP; MF-6-CO-NP as Commission recommended, w/ Restrictive Covenant for minimum 2-star Green Building requirement (6-07- 2007).

RELATED CASES:

The East Congress Neighborhood Plan Area rezonings were completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on August 28, 2005 (NP-05-0020; C14-05-0107 – Ordinance No. 20050818-Z004). The property is a portion of Tract 112 that was rezoned to CS-MU-NP during the neighborhood plan rezonings (C14-05-0107 – Ordinance No. 20050818-Z004). As part of the East Congress Neighborhood Plan Rezonings, the neighborhood mixed use building and the neighborhood urban center special uses were adopted for Tract 112.

The rezoning area is platted as Lot 1, St. Elmo Square, a subdivision recorded in June 1993 (C8s-86-125). Please refer to Exhibit B.

A site plan is in process for 27 units and 9,700 square feet of specialty retail (SP-2017-0358C – Discovery Tract). Please refer to Exhibit C. Note: According to the Applicant, one unit will be added if –V zoning is approved, bringing the total to 28 units.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
South	114 feet	70 feet	Major Arterial	Yes	Yes	Yes

Congress Avenue						
St. Elmo Road	72 feet	41 feet	Collector	No	Yes	Yes

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: February 1, 2018

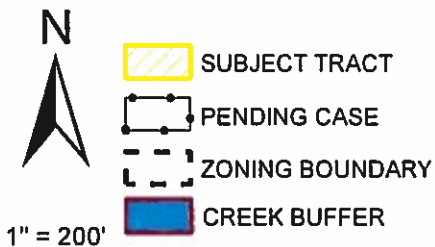
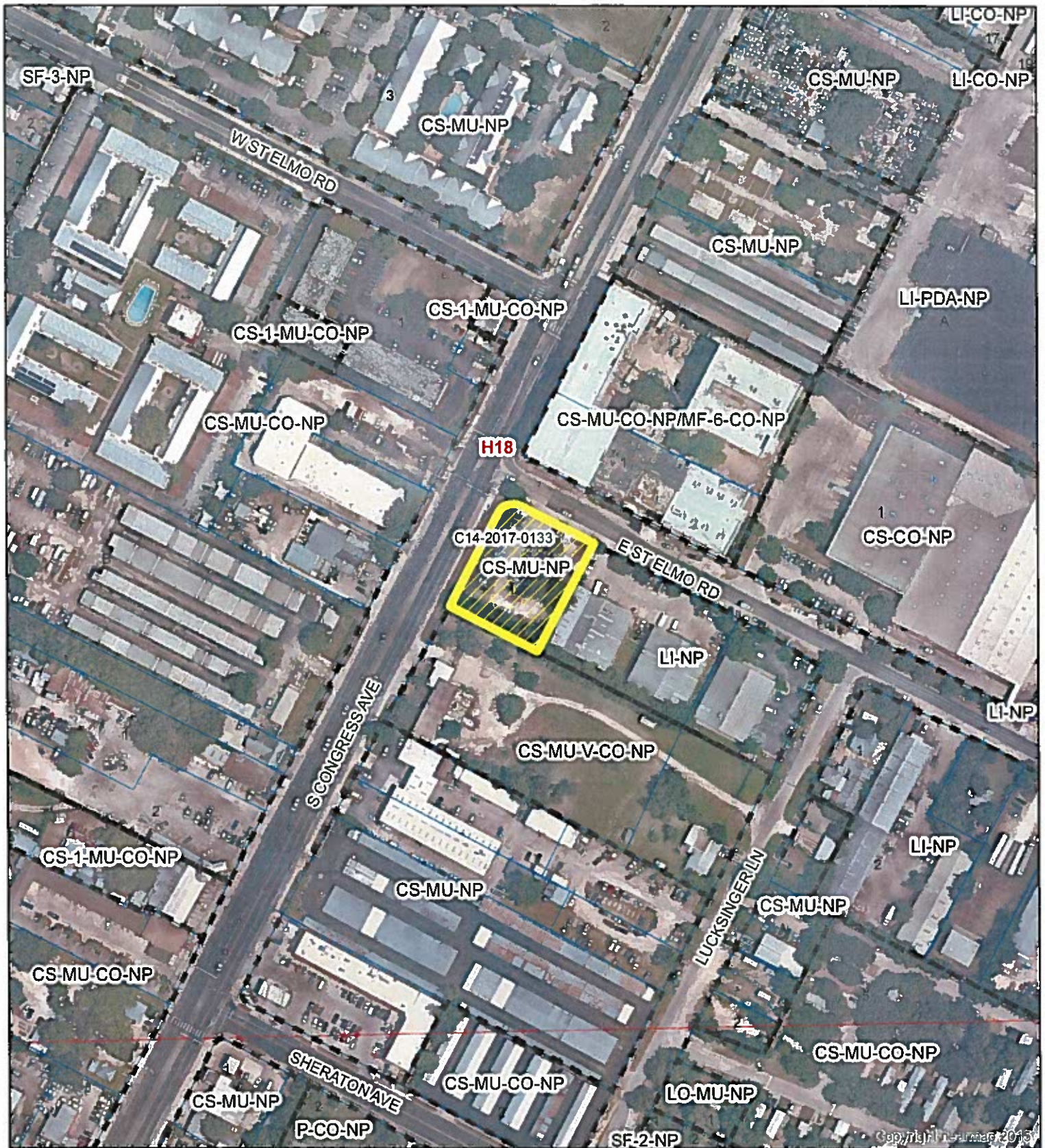
ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-7719



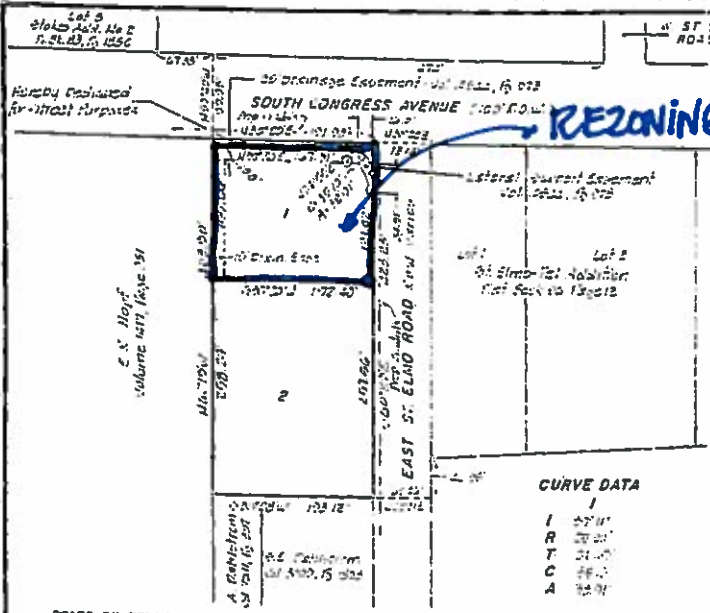
4401 SOUTH CONGRESS REZONING *Exhibit A-1*

ZONING CASE#: C14-2017-0133
 LOCATION: 4401 SOUTH CONGRESS AVENUE
 SUBJECT AREA: .68 ACRES
 GRID: 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.

ST. ELMO SQUARE



NOTES:

- 1) Lots along St. Elmo road may be assessed for a proportionate share of the cost of street improvements if street improvements are constructed by the City.
- 2) Prior to construction on lots in this subdivision, drainage plans will be submitted to the City of Austin for review. Mainfall run-off shall be held to the amount existing at undeveloped status by ponding or other approved methods. All proposed construction or site alteration on Lot 1 and 2 requires approval of a separate Waterway Development Permit.
- 3) No objects, including but not limited to: buildings, fences or landscaping which would significantly affect the hydraulic flow, shall be allowed in a drainage easement except as approved by the City of Austin.
- 4) Property owner shall provide for access to drainage easements as may be necessary and shall not prohibit access by governmental authorities.
- 5) All drainage easements on private property shall be maintained by the property owner or his assigns.
- 6) All water and wastewater system improvements must be in accordance with City of Austin Water and Wastewater System Design Criteria and Specifications. All water and wastewater plans must be presented to the City of Austin Water and Wastewater Utility for review and approval. All water and wastewater construction must be inspected by the City of Austin.
- 7) Off-street loading and unloading facilities shall be provided on all commercial and industrial lots.
- 8) Building setback lines shall be in conformance with City of Austin zoning ordinance requirements.
- 9) All signs shall comply with the City of Austin Sign Ordinance.
- 10) Development of Lots 1 and 2 is hereby restricted to use other than residential.
- 11) No lot in this subdivision shall be occupied until connected to the City of Austin Water and Wastewater System.
- 12) East St. Elmo Road to be upgraded by C.I.P. Project No. 8256972069.
- 13) Sidewalks along the subdivision side of South Congress Avenue and East St. Elmo Road are required to be constructed by the property owner after the abutting roadway is improved and concrete curbs are in place. Failure to construct the required sidewalks may result in the withholding of Certificates of Occupancy, building permits, or utility connections by the governing body or utility company.

- 14) WATERSHED STATUS - This subdivision is located in the Williamson Creek watershed, is classified as Suburban and shall be developed, constructed and maintained in conformance with the terms and conditions of Chapter 13-2, Article V and Chapter 13-7, Article I of the City of Austin Land Development Code. Land in this subdivision is restricted to the impervious cover limits of Section 13-2-524.
- 15) Erosion/sedimentation and/or Filtration basins are required for all development with impervious cover in excess of 20% of the Net Site Area of each lot pursuant to Section 13-7-12, LDC.
- 16) Maintenance of the water quality controls required above shall be to the standards and specifications contained in Chapter 13-7, Article 1, the Environmental Criteria Manual and other ordinances and regulations of the City of Austin.
- 17) No cut or fill shall exceed a depth of four feet except for structural excavation pursuant to Section 13-7-16, LDC.
- 18) There are no critical environmental features on this tract or within 150 feet of its boundary, Sec. 13-7-21, LDC. There are no Critical Water Quality Zones affecting the Subject Tract.
- 19) This subdivision was approved and recorded before the construction and acceptance of streets and other improvements. Pursuant to the terms of a Subdivision Improvement Agreement between the subdivider and the City of Austin, dated June 3, 1993, the subdivider is responsible for the construction of all improvements needed to serve the lots within the subdivision. This responsibility may be assigned in accordance with the terms of that agreement.

For the Subdivision Improvements Agreement pertaining to this subdivision, see separate instrument recorded in Vol. 11951 Pg. 414 in the Real Property Records of Travis County, Texas.

WFS100050.DOC

I, ROY D. SMITH AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLES WITH TITLE 13 OF THE AUSTIN CITY CODE OF 1981 AS AMENDED, IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

SURVEYED BY:
ROY D. SMITH SURVEYORS, P.C.
Roy D. Smith
ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
March 26, 1993

7289166000
MISC FILE CODE

CSs-86-125(U)

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, HARVEY SMITH AND WIFE, MILDRED SMITH, OWNERS OF A 1.472 ACRE PORTION OF LOT 25, FORTWYN ADDITION, A SUBDIVISION IN THE ISAAC DECKER LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS RECORDED IN BOOK 2, PAGE 606 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AS CONVEYED TO US BY DEED RECORDED IN VOLUME 3816, PAGE 653 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID PROPERTY HAVING BEEN BOUND FOR USAGE OTHER THAN ONE OR TWO RESIDENTIAL UNITS PER LOT FOR THE IMMEDIATE PRECEDING FIVE YEARS, AND THERE BEING NO RESTRICTIONS LIMITING SAID SUBDIVISION TO ONE OR TWO RESIDENTIAL UNITS PER LOT, PURSUANT TO CHAPTER 212.013, OF THE LOCAL GOVERNMENT CODE, DO HEREBY SUBDIVIDE THE SAID 1.472 ACRES OF LAND IN ACCORDANCE WITH THE PLAT AS SHOWN HEREON TO BE KNOWN AS ST. ELMO SQUARE AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON. SAID TRACT IS SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS OUR HANDS THIS THE 19th DAY OF April, 1993, A.D.

Harvey Smith
Mildred Smith
Harvey Smith
Route 3, Box 30
Sandy, Texas 78665
Mildred Smith
Route 3, Box 30
Sandy, Texas 78665

STATE OF TEXAS
COUNTY OF TRAVIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 19th DAY OF April, 1993, A.D. BY HARVEY SMITH AND MILDRED SMITH.

Joe C. O'Quinn
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
My Commission expires: 9-19-95

ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, DEPARTMENT OF PLANNING AND DEVELOPMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE 21st DAY OF April, 1993, A.D.

Jim Smith, DIRECTOR - DEPARTMENT OF PLANNING AND DEVELOPMENT

STATE OF TEXAS
COUNTY OF TRAVIS

I, DANA DEBEAUVOIR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 21st DAY OF April, 1993, A.D. AT 8:10 O'CLOCK P.M. AND DULY RECORDED ON THE DAY OF June, 1993, A.D. AT 8:10 O'CLOCK P.M. H. PLAT RECORDS OF SAID COUNTY AND SHOWN IN PLAT BOOK 91, PAGE 350.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE 21st DAY OF June, 1993, A.D.

DANA DEBEAUVOIR, COUNTY CLERK, TRAVIS COUNTY, TEXAS

Deputy
Y. C. M.

FILED FOR RECORD AT 8:10 O'CLOCK A.M., THIS THE 21st DAY OF June, 1993, A.D.

DANA DEBEAUVOIR, COUNTY CLERK, TRAVIS COUNTY, TEXAS

Deputy
Y. C. M.

FLOOD PLAIN NOTE: The 100 Year Flood Plain is contained within the drainage easement as shown hereon. No portion of this tract is within the 100 Year Flood Plain of any waterway that is within the limits of study of the Federal Flood Insurance Administration FIRM Panel No. 480624 0080 B, dated September 2, 1981 for the City of Austin, Travis County, Texas.

Harvey Smith
HARVEY D. SMITH, P.E.
REGISTERED PROFESSIONAL ENGINEER NO. 54454
April 26, 1993



9515
3000
6/7/93

SCALE 1" = 100'
DATE: JANUARY, 1993

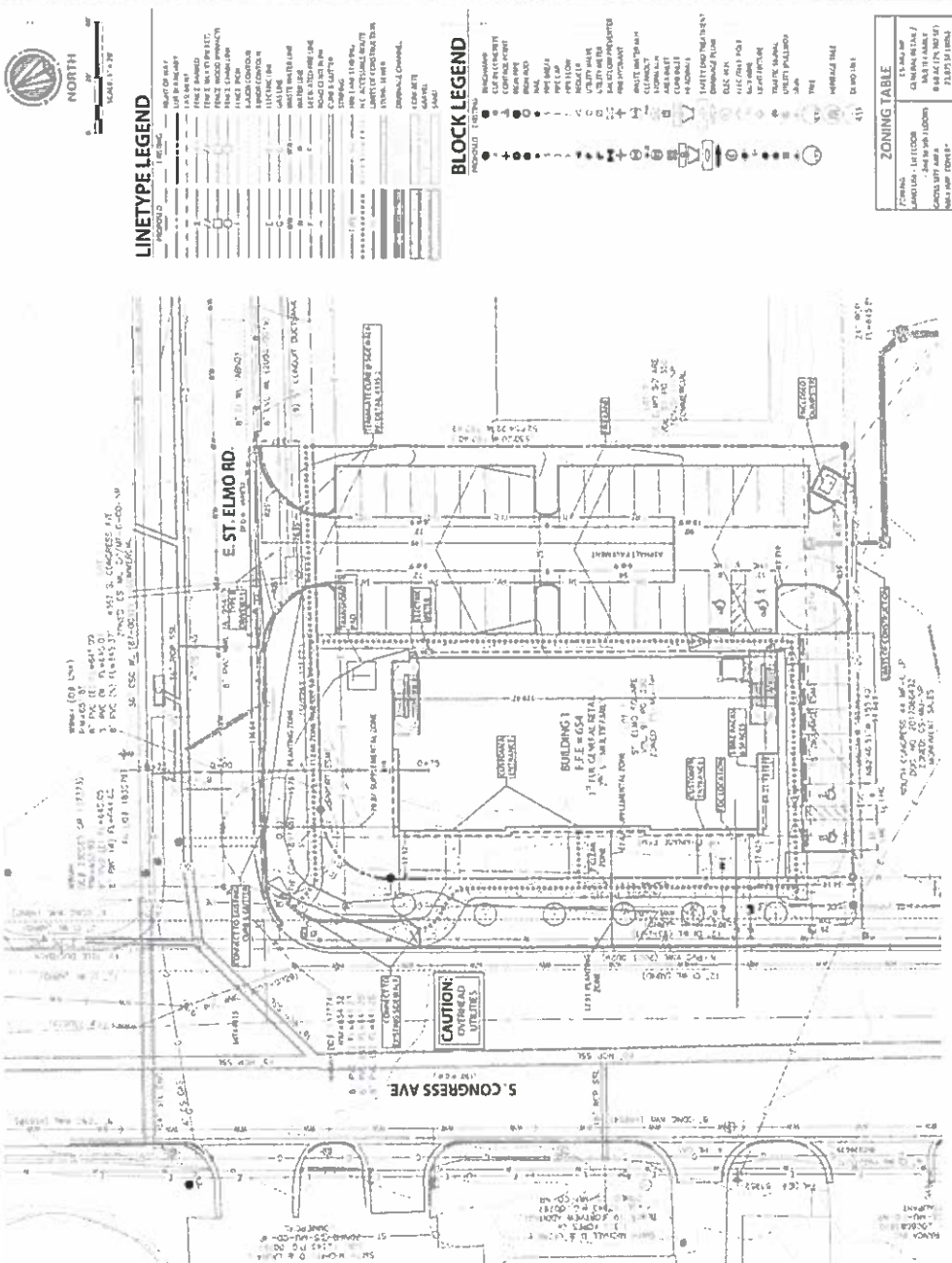
- LEGEND
- Iron Pin Found
 - Iron Pipe Found
 - Iron Pin Set
 - Concrete Foundation

EXHIBIT B-RECORDED PLAT

**DISCOVERY TRACT
SITE DEVELOPMENT PLANS**
CITY OF AUSTIN, TRAVIS COUNTY, TX
PROPOSED SITE PLAN



CLIENT INFORMATION
SABOT DEVELOPEMENT, LTD.
704 ROLLING GREEN DR.
LAKEWAY, TEXAS 78734
CONTACT:
PHONE:



BLOCK LEGEND

























LINETYPE LEGEND

[illegible]

ZONING TABLE

[illegible]

PROVIDED PARKING TABLE

DATE	DESCRIPTION	AMOUNT
10/1/77	STANDARD 10/1/77 10/1/77	10.00
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REQUIRED PARKING TABLE

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COMPATIBILITY STANDARDS NOTES:

1. ALL THREE TOPPIERS ARE REQUIRED TO BE IDENTIFIED USING ONE OF THE ALTERNATE METHODS.
2. ALL THREE TOPPIERS MUST HAVE BEEN IDENTIFIED USING THE ALTERNATE METHOD PRIOR TO THE BEGINNING OF THE EXAMINATION.
3. ALL THREE TOPPIERS MUST HAVE BEEN IDENTIFIED USING THE ALTERNATE METHOD PRIOR TO THE BEGINNING OF THE EXAMINATION.
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5. ALL THREE TOPPIERS MUST HAVE BEEN IDENTIFIED USING THE ALTERNATE METHOD PRIOR TO THE BEGINNING OF THE EXAMINATION.

SUBCHAPTER E NOTES:

1. ALL TESTED SUBJECTS, ONE IN 141, GOT OFF AND WALKED IN COMPANY WITH SUBPATRONE 121 AND DID NOT REQUIRE ANY OTHER ASSISTANCE. ALL OTHERS WERE CONSIDERED TO BE "LOST" TO THE GUYTON POLICE DEPARTMENT.
2. COMPANY WITH ALL COMING OF SEVEN SUBJECTS, AND TWO SUBPATRONE 121 IS REQUIRED, AND IS TO BE HELD BY COMPANY OFFICER. THE CODE FOR ALL SUBJECTS WAS 121. ALL SUBJECTS WERE RELEASED AND WALKING AND ASKED IN THE NAME OF ALL OF EQUAL QUALITY TO MAKE ALL OF THEM.

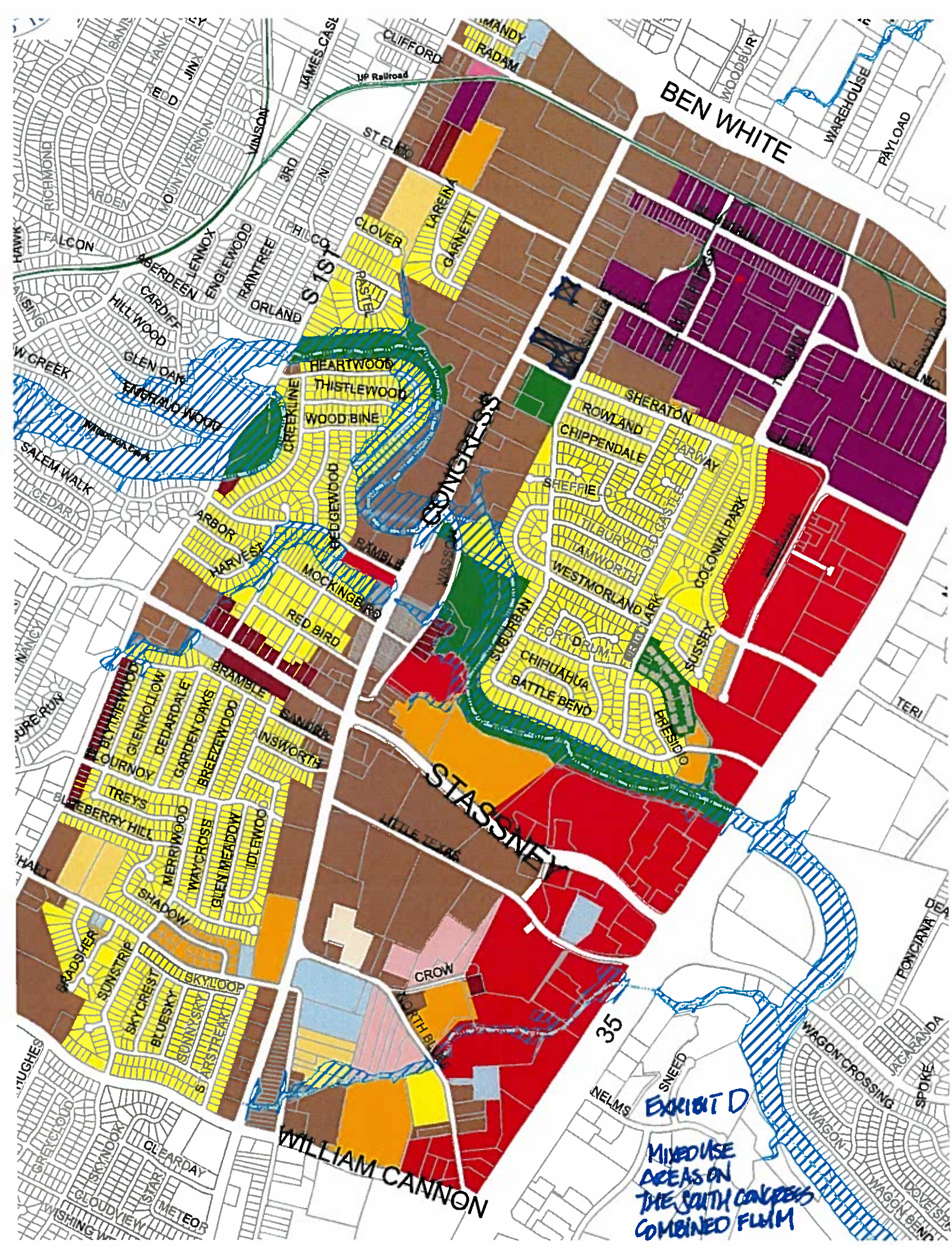
GENERAL CONSTRUCTION NOTES

1. All all-parameters (i.e. the adequacy of the model) tests are omnibus, i.e. the null hypothesis is that the model is adequate. The test statistic is a function of the log-likelihood ratio of the model and the log-likelihood ratio of the best model. The test statistic is a function of the log-likelihood ratio of the model and the log-likelihood ratio of the best model.
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SITE PLAN RELEASE NOTES:

- 1 a. determine the **COLLATERALITY** of the deed by recording it as ACTING as
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EXHIBIT C
SITE PLAN IN PROCESS



SUMMARY STAFF RECOMMENDATION (Revised on January 22, 2018):

The Staff recommendation is to grant general commercial services – mixed use – vertical mixed use building – conditional overlay – neighborhood plan (CS-MU-V-CO-NP) combining district zoning. The Conditional Overlay prohibits vehicular access to South Congress Avenue.

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 south of Ben White and north of Ramble Lane, including one recently constructed at the northeast corner of East St. Elmo Road.

EXISTING CONDITIONS**Site Characteristics**

The subject rezoning area contains an automotive sales use. There are several trees along the south property line.

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 southeast corner of S. Congress Avenue and E. St. Elmo Street, on a 0.68 acre lot that contains a used car lot. This project is also located within

boundaries of East Congress Neighborhood Plan Area, which is part of the larger South Congress Combined Neighborhood Planning Area. Surrounding land uses includes a large multi-story mixed use project to the north; a monument sales shop to the south; a cabinet maker to the east; and a church and office to the west. The proposed use is a 30 unit vertical mixed use project.

Connectivity

The project is located directly in front of a CapMetro station. Public sidewalks are located partially along S. Congress and sparsely along St. Elmo Street. The Walkscore for this site is 68/100, Somewhat Walkable, meaning some errands can be accomplished on foot.

South Congress Combined Neighborhood Plan (SCCNPA)

The SCCNPA Future Land Use Map (FLUM) classifies this portion of the planning areas as 'Mixed Use' and CS-MU-V-NP zoning 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 and go into great detail about future development along S.

Congress Avenue:

Vision (p 13)

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

Top Ten Priorities (p. 14)

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

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

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

The "Avenue" (p 52)

The two-mile segment of South Congress Avenue bisecting the planning area serves as the central corridor of the SCCNPA. An examination of the roadway indicates

there are three general districts (See map on page 51). Identified by the major intersecting street, they are:

- St. Elmo Road District (location of subject property)
- Stassney Lane District
- Eberhart Lane District

The three districts share general characteristics such as a prevalence of land uses not conducive to walking, an abundance of curb cuts—in those stretches where there are curbs, significant amounts of undeveloped or underdeveloped land, and long stretches of roadway without signalized crossings at intersections.

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommendation 10: Design and implement streetscape improvement to create a unique district along South Congress Avenue. An interesting and innovative program of streetscape improvements would greatly enhance the pedestrian environment along South Congress Avenue and contribute to the character of a unique South Congress District.

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

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

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

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

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

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

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

Proposed Sidewalk Network (p. 78)

South Congress Avenue The pedestrian infrastructure for South Congress Avenue in the SCCNPA is best characterized as fragmented. Sidewalks are installed along the street from Ben White Boulevard to Williamson Creek, but the number of curb cuts and wide driveways contribute to a disjointed pedestrian environment. South of the

creek, the sidewalk network is, at best, incomplete. Pedestrians are often forced to walk along the shoulder of the road or in parking lots and driveways.

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

South Congress Commercial Design Guidelines (p 95 – 99)

South Congress Avenue—Keep it “funky”

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

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

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

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

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

Imagine Austin

The property is located along an ‘**Activity Corridor**’, as identified on the Imagine Austin’s Growth Concept Map. Activity Corridors are characterized by *a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices* (p. 106). The property is also located over the Edwards Aquifer Recharge Zone, which is an environmentally sensitive area. The following Imagine Austin policies are applicable to this case:

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

Overall Conclusions: South Congress Avenue is identified as an Activity Corridor by the Imagine Austin Comprehensive Plan, and the South Congress NP Area, which supports vibrant, neighborhood serving and pedestrian friendly mixed use and multi-family projects. Based on the proposed use, this project appears to be supported by the Imagine Austin Comprehensive Plan.

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City’s Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

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

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

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%

Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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

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

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.

Fire Department

In December 2017, inspections were performed of the two exposure buildings at 220 and 210 E. St. Elmo Rd., respectively. The hazardous materials inventory at 220 E. St. Elmo Road has been reduced and they have removed a 500 gallon aboveground LP-Gas stationary container. The hazardous materials at this site present a minimal risk to the proposed apartment building at 4401 S. Congress Avenue if a spill or release occurs on site.

The hazardous materials inventory at 210 E. St. Elmo has changed and the amount of flammable liquids has increased. However, the size of the packaging and the stored liquids present a minimal risk to the proposed apartment building. AFDs Hazardous Materials Section is changing the inspection status on this building to High Priority because of the proximity of this building to 4401 and the new condominiums at 4361 S. Congress Avenue so we can better manage the hazardous materials and fire protection risks by increasing its inspection frequency.

Based on the hazard assessment, AFD will approve the proposed zoning change for C14-2017-0133.

Site Plan

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

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

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

If the requested zoning is granted, it is recommended that access to Congress Avenue be prohibited as a condition of zoning because of insufficient lot width for a driveway to a major arterial.

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, Sections 25-6-51 and 25-6-55].

Water / Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.