

September 24, 2019 Planning Commission Agenda Q & A Report

C. PUBLIC HEARINGS

- 1. Plan Amendment:** [**NPA-2019-0020.04 - 600 Industrial Blvd; District 3**](#)
Location: 600 Industrial Boulevard, Blunn Creek Watershed; South Congress Combined (East Congress) NP Area
Owner/Applicant: KC 600 Industrial LLC (Mitchell S. Johnson)
Agent: Smith Robertson, L.L.P. (David Hartman)
Request: Industry to Mixed Use land use
Staff Rec.: **Recommended**
Staff: [Jesse Gutierrez](#), 512-974-1606
Planning and Zoning Department
- 2. Rezoning:** **C14-2019-0082 - 600 Industrial Blvd; District 3**
Location: 600 Industrial Boulevard, Blunn Creek Watershed; South Congress Combined (East Congress) NP Area
Owner/Applicant: KC 600 Industrial LLC (Mitchell S. Johnson)
Agent: Smith Robertson, L.L.P. (David Hartman)
Request: LI-CO-NP to LI-PDA-NP
Staff Rec.: **Recommended, with conditions**
Staff: [Wendy Rhoades](#), 512-974-7719
Planning and Zoning Department

Question: Commissioner Shaw

Staff report - "During this time, there have been seven approved zoning change requests to allow mixed use and dense residential development. While these requests were mostly in alignment with the South Congress Combined Neighborhood Plan, they are probable precursors of development that will change the fundamental heavy commercial/industrial character of the area. Although most of these were along or within a quarter mile of South Congress Avenue, the 600 Industrial Boulevard zoning case and associated plan amendment (.4 miles from South Congress Avenue) is another indicator of this change."

Question 1

It is 2300 ft from S. Congress, the nearest IA corridor/TPN. This is greater than a quarter mile. Staff mentions other properties within a quarter mile of S. Congress. Please provide addresses for these re-zoned properties and detail how this rezoning fits with IA direction for compact and connected?

Question 2

Is there an accessible sidewalk system from site to S. Congress?

Staff report: "As the need for more housing continues, there has been an increase of zoning cases across Austin to convert industrial-zoned sites to residential. In some industrial areas increased property tax

assessments are driving the conversion to residential as owners and tenants cannot afford their higher tax bills. This trend can lead to undesirable outcomes. The intrusion of residential uses into industrial areas can impose health and safety issues on these residents, particularly if they live proximate to hazardous chemical locations. Additionally, allowing residential units near industrial or intense commercial sites can place a burden on those uses as future residents adversely react to the sounds, smells, vibrations, and heavy traffic inherent to these areas. As these industrial areas within the city shrink and disappear, there is broader risk to the economy. These areas are a key component to a diverse job base and to maintaining a diverse working population within the city limits. The City of Austin's Master Community Workforce Plan (June 2017) has a goal to "make Austin more affordable by improving economically disadvantaged residents' access to better economic opportunities". The plan's priority is to provide access to "middle-skill jobs." Replacing viable and thriving industrial and warehouse districts with market rate housing and service-oriented uses reduces the opportunity for the middle-skill job sector. To address this issue, the Planning and Zoning Department recommends conducting a study to identify the numerical and geographic scope of these conversions and develop recommendations to address the issue."

Question 3

In excerpts above, Staff is recommending a study to identify risks associated with allowing residential in industrial zones.

Why would staff recommend this rezoning, potentially putting residence at risk, prior to completing the recommended study? Shouldn't the planning come first?

Question 4

What are the types of businesses within 500 ft of this property and chemicals used or stored?

Question 5

As many industrial operations result in the contamination of soils and groundwater, are there any contaminated sites within 500 ft. of this property?

Question 6

P-Men's Club is just on other side of railroad tracks behind property. Are there any zoning restrictions related to distance between adult oriented businesses and residential uses?

Question 7

The table showing recent zoning actions is incomplete. What was granted on 700 Industrial?

Answer: Staff

Question 1:

Below is a list of rezoning cases in proximity to the subject property that allow for residential uses to occur:

1. 700 – 710 Industrial Blvd – LI-PDA-NP zoning approved by Council on October 20, 2005

2. 113 Industrial Blvd – LI-PDA-NP zoning approved by Council on November 20, 2014
3. Ben White Blvd between S Congress Avenue and IH-35; IH-35 frontage to E St Elmo Rd – LI-PDA-NP zoning approved by Council on August 18, 2005
4. 4315 S Congress Ave – CS-MU-V-NP zonings approved by Council on August 8, 2019
5. 4367 S Congress Ave – CS-MU-CO-NP and MF-6-CO-NP zonings approved by Council on March 20, 2008
6. 4401 S Congress Ave – CS-MU-V-NP zoning approved by Council on March 8, 2018
7. 4411 S Congress Ave and 4510 Lucksinger Ln – CS-MU-V-NP zoning approved by Council on April 13, 2017

The property can be said to align with *Imagine Austin* direction for a compact and connected Austin for the following reasons:

- The property is located approximately 0.39 miles directly east of South Congress Boulevard, which is an Imagine Austin Activity Corridor with several bus routes including the 1 and 486 CapMetro bus lines and the 801 MetroRapid Bus line. The property is 0.09 miles directly south of East Ben White Blvd. and the 310 CapMetro bus line.
- The nearby projects - St. Elmo Brewing Company and St. Elmo Market and Lofts provide similar uses. The properties immediately north and to the west were rezoned to LI-PDA-NP as part of the South Congress Combined Neighborhood Plan in 2005. There are several Vertical Mixed-Use zonings on South Congress that point to a change in the local use and character of the area.
- The applicant's estimated 400 market rate rental units will provide additional housing choices for the area and the city. There are discussions to set aside 10% of those units at 80% MFI.
- The project aims pay into the creation of a future sidewalk network connecting the property to South Congress Avenue.
- The planned project will bring in new retail and hospitality uses (brewery and beer garden) as well as jobs for those amenities.

Question 2 : No

Question 3

- The Austin Fire Department assesses the actual risks of exposure to any hazardous materials. Their hazardous materials risk assessment of nearby businesses concluded that while there are industrial chemicals in the area, they were not of sufficient quantities to recommend against the introduction of residential uses at this location.
- The study being recommended by the Long-Range Planning division is not a health risk study, but rather would look at the City's remaining industrial areas and identify where districts might be created to preserve industrial and manufacturing uses. As the national and local economy shifts, the reality is that more properties with previous industrial uses are converting to lighter uses - such as housing and mixed use. The intent of this study is to identify where industrial uses

are clustered and if those areas are thriving, how it might be possible to preserve them and the jobs they create.

Question 4

- 1) Please refer to attached list from the Austin Fire Department, and list with corresponding map of businesses in proximity to the rezoning case. See Shaw Item C-01 / C-02 Question 4 Exhibit A

Question 5

Unknown at this time. Staff is coordinating with Watershed Protection staff to find out if additional information is available.

Question 6

No. As information, there is a 1,000 distance separation requirement if 50 percent or more of the lots within a 1,000 foot radius are zoned or used for a residential use. There is also a 1,000' distance requirement between adult-oriented businesses and certain civic uses such as churches, schools, and public parks. This site does not meet either of the above criteria.

Question 7

An application for LI-PDA-NP zoning at 700 Industrial Boulevard was initiated by Staff at the direction of City Council concurrent with approval of the South Congress rezonings in August 2005. In accordance with Council direction, the rezoning case for LI-PDA-NP was initiated by Staff, Planning Commission recommended approval of LI-PDA-NP and Council approved the request on October 20, 2005.

3. **Plan Amendment:** [NPA-2018-0005.01 - 1501 Airport Commerce; District 3](#)
 - Location: 1501 Airport Commerce Drive, Carson Creek Watershed; Montopolis NP Area
 - Owner/Applicant: W2 Hill ACP II LP
 - Agent: Drenner Group, PC (Amanda Swor)
 - Request: Commercial to Mixed Use land use
 - Staff Rec.: **Not Recommended**
 - Staff: [Jesse Gutierrez](#), 512-974-1606
Planning and Zoning Department

4. **Rezoning:** [C14-2019-0029 - 1501 Airport Commerce Dr; District 3](#)
Location: 1501 Airport Commerce Drive, Carson Creek Watershed;
Montopolis NP Area
Owner/Applicant: W2 Hill ACP II, LP
Agent: Drenner Group, PC (Amanda Swor)
Request: CS-CO-NP to CS-MU-CO-NP
Staff Rec.: **Not Recommended**
Staff: [Sherri Sirwaitis](#), 512-974-3057
Planning and Zoning Department

Question: Commissioner Hempel

- 1) I'm aware of a noise analysis that was done for the property that was not included in the backup material. Will that be made available for review?
- 2) Additionally, there was a Q&A submitted by the applicant to the airport staff that was not included. Will that be made available for review?
- 3) In past discussions about AO zones, there has been talk of potential to lose federal grants if residential is placed in AO zones. Can more information about this be provided pointing to specific language?

Answer: Staff

- 1) See Hempel Question 1 Exhibit A
- 2) See Memo, <http://www.austintexas.gov/edims/document.cfm?id=328222>
- 3) FAA Airport Compliance Manual- Order 5190.6B provides basic guidance for FAA personnel in interpreting and administering the various continuing commitments airport owners make to the United States as a condition for the grant of federal funds or the conveyance of federal property for airport purposes.

The FAA's Compliance Manual addresses this issue in relevant part:

In reviewing the reasonableness of airport access restrictions, the FAA must consider whether the sponsor has fulfilled its responsibilities regarding compatible land use under Grant Assurance 21, Compatible Land Use. Airport sponsors are obligated to take appropriate action, including the adoption of zoning laws, to the extent reasonable to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations, and take in account for current and reasonably foreseeable airport activity. Local land use planning, as a method of determining appropriate (and inappropriate) use of properties around airports, should be an integral part of the land use policy and regulatory tools used by state and local land use planning agencies. Very often, such land use planning coordination is hampered by the fact that an airport can be surrounded by multiple individual local governmental jurisdictions, each with its own planning process. Some airport authorities have the authority to control land use, but many do not. If the airport sponsor does not have authority to control local land use, FAA will not hold the actions of independent land use authorities against the airport sponsor.

However, FAA expects the airport sponsor to take reasonable actions to encourage independent land use authorities to make land use decisions that are compatible with aircraft operations. The airport sponsor should be proactive in opposing planning and proposals by independent authorities to permit development of new noncompatible land uses around the airport. (Emphasis Added).

Therefore, on August 9, 2001, the Austin City Council adopted Ordinance No. 010809-78, amending Title 25 of the Austin City Code to add new Chapter 25-13 (Airport Hazard and Land Use Regulations), to establish buffer zones, known as airport overlay zones, within the controlled compatible land use area near Austin-Bergstrom International Airport (AUS). As part of this new chapter Airport Overlay Zone AO-3 was created to:

Prevent the introduction of new non-compatible residential and school uses in and around high noise areas near the Airport, and recommendation of the FAA ABIA Noise Mitigation Part 150 Study of 2000 account for future noise impacted areas.

Protect the necessary future growth of the Airport with the potential expansion of the AO-2 due to the growth of airport operations and larger aircraft in the future.

On or about August 14, 2007, the Airport submitted its noise compatibility planning study to the FAA for approval under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR Part 150. This study expressly included the restrictions on residential development in the A03.

On or about December 7, 2007, the FAA approved the Airport's noise compatibility planning study including the subject overlays.

Question: Commissioner Seeger

Is there written documentation from the FAA stating airport funding would be lost if residential is approved in AO-3? If yes, please provide documentation prior to the hearing.

Answer: Pending

**13. Code
Amendment**

[Atlas 14](#)

Request: Discuss and consider an ordinance amending Title 25 and Title 30 of the City Code related to floodplain regulations.

Staff: [Kevin Shunk](#), Watershed Engineering Division Manager, Watershed Protection Department, (512) 974-9176

Question: Commissioner Shaw

Based on recent Austin Chronicle article (Link: <https://www.austinchronicle.com/news/2019-09-20/public-notice-think-global/>), Atlas 14 will make the 500-yr the 100-yr floodplain and the floodplain maps are based on properties being built-out to the allowed IC per current zoning.

Question 8

When new zones and maps are approved in revised land development code, will this affect the floodplain maps?

I am interested in knowing impacts of higher IC within corridors and transition areas.

Question 9

I am concerned that even if the watershed IC averages out the same that increased IC within corridors and transition areas will create flooding issues within neighborhoods in the transition areas.

If we have higher IC in our corridors and transition areas, will this affect ability of watersheds and current system of storm water controls and drains to manage the anticipated increased rainfall?

Question 10

Are there simple stormwater control options for missing middle development that could be used “off-the shelf” which would not require approval from a PE and would help prevent local flooding as density increases within transition areas?

Question 11

Do you recommend mapping transition areas within areas with documented localized flooding problems?

– "City staff is using the current 500-year floodplain as a proxy for the Atlas 14 100-year floodplain to guide the mapping of the transition zones"

Answer: Pending



September 19, 2019

Mr. John Cutrer
Chief Investment Officer
CityStreet Residential Partners
1300 Post Oak Blvd, Suite 1650
Houston, Texas 77056

**Re: Acoustical Consulting Services
Multifamily Development Near Austin-Bergstrom International Airport
Austin, Texas**

Letter Report – September 19, 2019

CityStreet Residential Partners (CSRP) has asked SLR International Corporation (SLR) to provide acoustical analysis concerning environmental noise impacts at a multifamily development site near Austin-Bergstrom International Airport (ABIA).

In June/July 2019, SLR conducted an Environmental Noise Survey at the site on behalf W2 Real Estate Partners (W2). Sound levels were monitored for a three-day period at three positions at or immediately adjacent to the site. CSRP has requested this updated analysis of the data from that survey, with the goal of characterizing the aircraft noise and the overall environmental noise conditions, as relevant to multifamily residential use of the site.

The day-night equivalent (DNL or L_{dn}) sound levels monitored at three locations from June 29 through July 1 ranged from 64.0 to 71.6 dBA L_{dn} . The higher levels occurred at the monitor closest to highways US Route 183 and Texas State Highway 71. Observations at the site indicated that the aircraft noise was secondary to the traffic noise contribution. The data and audio recordings were examined in detail, and the results support that observation. **Attachment A** gives more details about the sound isolation attempts.

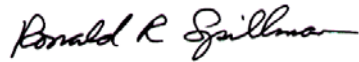
Microphones and sound level meters capture the combined contributions from all of the sound sources that reach them. SLR attempted to isolate or quantify the airport noise from the July data. However, in this case, and at this location, the contributions from aircraft operations were simply not loud enough to allow them to be clearly separated or quantified from the competing environmental sources.

The current ABIA noise contour shows this site to be over 1,000 feet outside of the 65 dBA L_{dn} contour line. Using a rough but conservative extrapolation, we would expect aircraft contributions to be on the order of 60 dBA L_{dn} at the development site. This fits with the observed sound level range from 64.0 to 71.6 dBA, and it supports the evaluation that airport operations are secondary noise sources at the site.

The sound levels monitored at the site are not unusual for an urban area, and are certainly compatible with multifamily residential development using common construction materials and methods. The architectural plans should be reviewed by an acoustical consultant to make sure that noise-sensitive elements such as glazing and exterior doors are satisfactory to meet the conditions, but no unusual or extreme treatments will be needed.

This concludes our currently authorized study.

SLR International Corporation

A handwritten signature in black ink, reading "Ronald R. Spillman".

Ronald R. Spillman, P.E.
Principal

A handwritten signature in black ink, reading "Sam Jamison".

Sam Jamison
Staff Consultant

Attachment A – Sound level isolation attempt

Attachment A



Attachment A: Sound level isolation attempt

CSRP asked SLR to attempt to separate and quantify noise contributions from aircraft operations received at the development site, based on data collected during a previous monitoring survey.

Measurement microphones gather sounds from all sources that impinge on them, but in many cases it is possible to successfully separate and quantify various contributors based on qualities such as frequency differences, variations with time, and even audible cues. The greater the difference in spectral content or temporal variation, the better the quality of separation.

In this case, it was not possible to clearly isolate or quantify aircraft contributions from the collected data. The airplane sound spectra were not sufficiently different from the traffic spectra, there was not a clear change in sound levels with time that could be attributed to aircraft, and planes were not clearly audible (on the audio recordings) over the fairly constant highway traffic.

As noted in our letter report, SLR's June/July 2019 sound survey for W2 Real Estate Partners was conducted over a three day period, with monitors at three locations on or next to the development site. See **Figure 1** for an aerial view of the site and the measurement locations used for the environmental survey.

For the attempt to separate sources, we focused on Measurement Location 3 (ML3) from the W2 study. This position was used because it was physically the farthest from SH 71, and should therefore receive a bit less traffic influence. **Table 1** shows the sound levels for the third monitoring day, with ML3 highlighted. The daytime (L_d) and nighttime (L_n) averages are shown, as well as the day-night equivalent levels (L_{dn}). The L_{dn} is a 24-hour logarithmic average with a 10 dBA penalty added to nighttime levels (10pm-7am).

Table 1 – Measured Ambient Sound Levels on Day 3 – Monday, July 1
(midnight to midnight)

Measurement Location	Daytime Level (L_d , dBA)	Nighttime Level (L_n , dBA)	Day-Night Equivalent Level (L_{dn} , dBA)
1	62.0	58.8	65.8
2	67.3	64.7	71.6
3	60.0	57.5	64.4

Figure 2 shows the 1-minute L_{eq} sound levels (in blue) versus time for the entire three-day survey at ML3. The data from the daytime on the third day of monitoring (July 1) had somewhat less wind or rain influence, so it was analyzed more closely to see if aircraft sounds could be isolated. **Figure 3** shows the zoomed-in portion of the data for ML3 on July 1. Notice that there is only a 10-dBA span on the y-axis. There was relatively little variation from minute-to-minute, which is typical for busy highway traffic conditions. Presumably, aircraft noise would coincide with peaks on the graph as planes take off or land, but there were only small peaks. Audio recordings were played for the loudest peaks (arbitrarily those over 63 dBA L_{eq}) to see if there were audible cues to the responsible noise source(s). The audible sources are annotated at the top of **Figure 3**, but there was only one instance where a jet (or jets) appeared to have flown quickly over the monitoring site. The other small noise excursions were clearly audibly attributable to trucks or motorcycles.

Attachment A

Figure 1: Aerial View of Property and Environmental Survey Measurement Locations

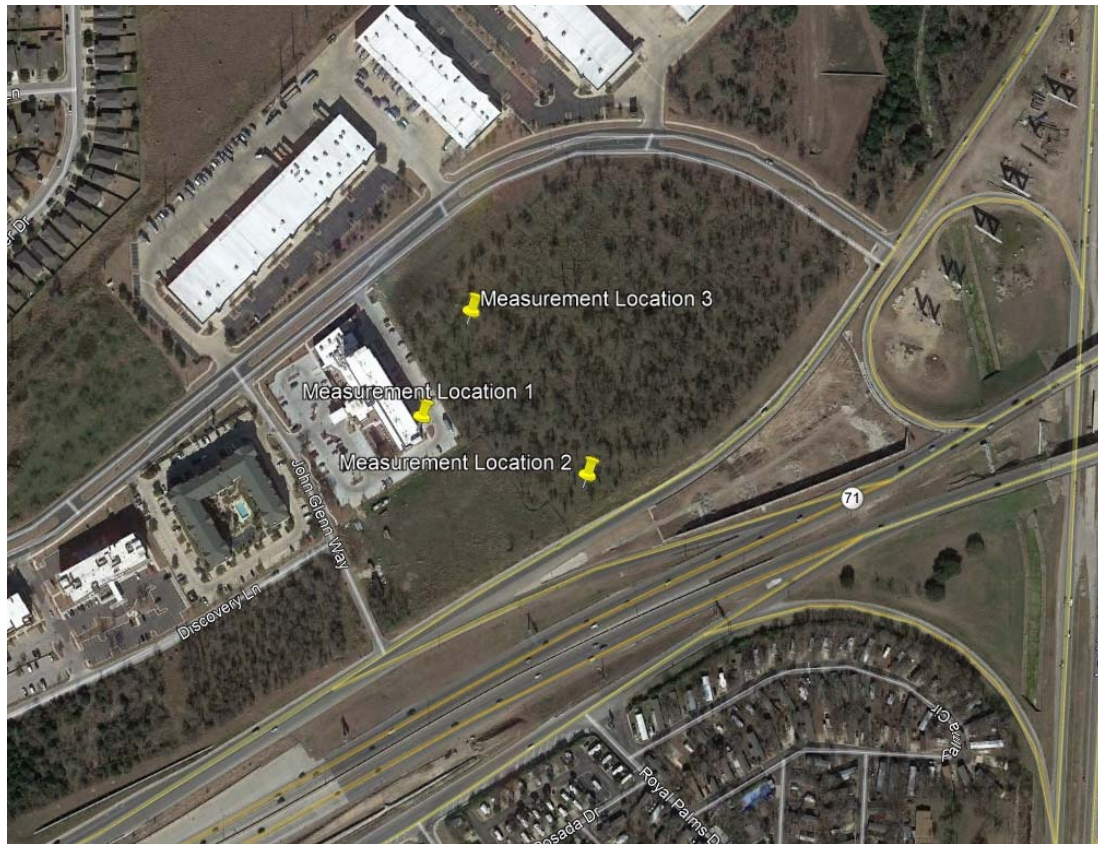
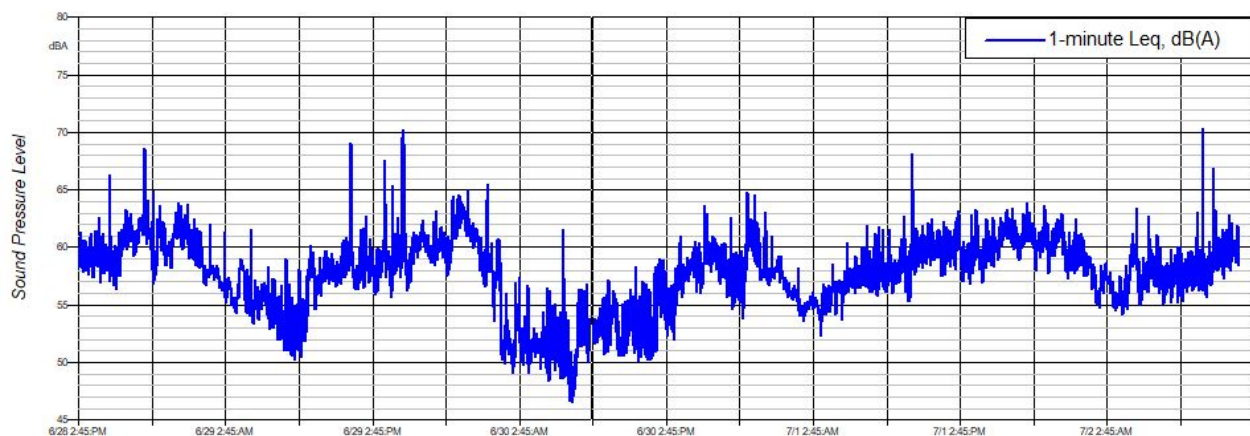


Image courtesy Google Earth

Figure 2: One Minute Average Sound Levels (L_{eq}) at Measurement Location 3

Attachment A



Figure 3: Sound Levels at Measurement Location 3 during Daytime of July 1

