

ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0013 – Foremost Zoning

Z.A.P. DATE: August 2, 2016

ADDRESS: 135 Foremost Drive

DISTRICT AREA: 2

OWNER/APPLICANT: Foremost Partners, Ltd.
(John McCormack)

AGENT: Coats Rose
(John M. Joseph)

ZONING FROM: GR

TO: MF-4

AREA: 14.6 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant multi-family residence – moderate-high density – conditional overlay (MF-4-CO) combining district zoning. The conditional overlay limits the daily number of vehicle trips to 2,000.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

August 2, 2016: *APPROVED MF-4-CO DISTRICT ZONING, AS STAFF
RECOMMENDED, BY CONSENT*

*[B. EVANS; S. LAVANI – 2ND] (8-0) G. ROJAS, B. GREENBERG, J. KIOLBASSA –
ABSENT*

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area is undeveloped and consists of a platted lot and an adjacent outparcel with frontage along South Congress Avenue, Foremost Drive and the southbound IH-35 service road, and is zoned community commercial (GR). The South IH-35 Transit Oriented Development (TOD) district encompasses this property as well as the surrounding area and was approved by the City Council on October 5, 2006. Development standards will be crafted during the station area plan process. The intent of a TOD district is to create a development that is compatible with and supportive of public transit and pedestrian-oriented environment. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant has requested multi-family residence-moderate-high density (MF-4) zoning and proposes to develop the property with a maximum of 300 apartments. Due to TXDOT access restrictions on the IH 35 service road and South Congress Avenue, driveways will be limited to Foremost Drive.

Staff recommends the Applicant's request for MF-4 district zoning given its location within a commercial corridor and a proposed transit oriented development (TOD) district, and the presence of similarly situated MF zoned properties.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Undeveloped
<i>North</i>	CS; GR; SF-3; SF-2; LI	Undeveloped; Church and parking area; Offices; South Boggy Creek; Cemetery
<i>South</i>	LI-CO	Undeveloped; Water quality pond; Food bank (vacant); Auto salvage
<i>East</i>	N/A	Southbound frontage road for IH-35
<i>West</i>	GR-CO; LI-CO; RR-CO; DR; SF-2	AC / Heating company; Auto salvage; Three residences; RV and boat storage; Warehouse

AREA STUDY: N/A

TIA: Is not required

WATERSHED: South Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

26 – Far South Austin Community Association
 96 – Southeast Corner Alliance of Neighborhoods (SCAN)
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 646 – Circle S Ridge Neighborhood Association
 742 – Austin Independent School District 1228 – Sierra Club, Austin Regional Group
 1258 – Del Valle Community Coalition 1306 – Parkridge Gardens
 1340 – Austin Heritage Tree Foundation 1363 – SEL Texas
 1372 – Peaceful Hill Preservation League 1374 – Friends of Williams Elementary
 1408 – Go! Austin/Vamos! Austin-Dove Springs
 1429 – Go!Austin/Vamos!Austin (GAVA) 1431 – Indian Hills Neighborhood Watch
 1438 – Dove Springs Neighborhood Association 1441 – Dove Springs Proud
 1494 – South Boggy Creek Neighborhood Association 1528 – Bike Austin
 1530 – Friends of Austin Neighborhoods

SCHOOLS:

An EIS is required. Please refer to Attachment A.

Pleasant Hill Elementary School Bedichek Middle School Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0100 – South Congress Storage Rezoning – 8008 S Congress Ave	DR to CS	To Grant CS-CO w/CO for a list of prohibited uses being auto repair, auto rental, auto sales, auto washing, vehicle storage, convenience storage, commercial blood plasma center, adult-oriented uses, and pawn shop services, 50' landscape buffer, 100' building setback adjacent to DR zoned property and 2,000 trips/day.	Apvd CS-CO as ZAP recommended, except that automotive washing (of any type), convenience storage and vehicle storage were removed from the prohibited use list (09-25-2008).
C14-2007-0032 – Verde Ladera – 7312, 7340, 7420, 7520 & 7700 IH-35 Srvc Rd SB	LI to MF-4-CO	To Grant MF-4-CO w/CO limiting height to 45' and 2,000 daily vehicle trips.	Apvd MF-4-CO as ZAP recommended (8-23-2007).
C14-06-0086 – Bill's Auto Parts – 8200 S Congress Ave	DR; SF-2 to LI	To Grant RR-CO; LI- CO w/CO for 2,000 trips, prohibit exterminating services and pawn shops	Apvd LI-CO as ZAP recommended (8-10-2006).
C14-00-2018 – Wattinger Acres – 114 Ralph Ablanedo Dr	DR to LI	To Grant LI-CO	Apvd LI-CO w/CO for 2,000 trips; no access to Hubach Ln; prohibited uses of scrap & salvage, pawn shops, service station, adult-oriented uses; auto sales and vehicle storage (05-11-2000).
C14-95-0048 – NFP Partnership Zoning Change – 8063-8131 Block of S Congress Ave	DR; SF-2 to LI	To Grant LI-CO	Apvd LI-CO w/ conditions including performance standards (6-22-1995).
C14-91-0047 – Dave Transportation Services, Inc. –	DR; SF-2 to LI	To Grant LI	Apvd LI-CO w/CO to prohibit general retail sales (general and convenience), PDA

8300 S IH 35			performance standards and no structure within 25' of the front yard (7-11-1991).
C14-89-0077 – F. G. Spillman, et al – 8327-8413 Block of S Congress Ave	DR; SF-2 to LI	To Grant LI-CO with conditions	Apvd LI-CO w/CO for PDA performance standards, and no structure within 25' of the front yard (7-12-1990).

RELATED CASES:

The property is platted as Lot 2, Centennial Park, a subdivision recorded in March 1973 (C8-72-133) as well as unplatted acreage that corresponds with vacated right-of-way of South Congress Avenue. Please refer to Exhibit B. Although a 35-foot wide Texas Pipe Line Co. easement is shown on the eastern portion of the plat, the oil pipeline has been vacated and therefore is not considered hazardous.

The property was rezoned to the GR district on July 20, 1974 (C14-74-059 – Foremost Life Ins. Co. (Also 8000 Blk S Congress)).

The property was annexed into the Full Purpose jurisdiction on November 15, 1984 (C7A-83-017 A).

A rezoning request to LI-PDA for a Capital Metro park and ride facility was approved on First Reading on November 16, 2006, but was subsequently withdrawn by the Applicant (C14-06-0078 – South IH 35 Transit Facility). A corresponding site plan was submitted for the property in December 2006, but subsequently expired (SP-06-0773C – Capital Metropolitan Transportation Authority – S. IH-35 Transit Facility).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
IH-35	352 – 400 feet	110 feet	Freeway	No	No	
Foremost Drive	60 feet	45 feet	Collector	No	No	Yes
South Congress Avenue	125 feet	64 feet	Major Arterial	No		Yes

CITY COUNCIL DATE: September 22, 2016 **ACTION:**

ORDINANCE READINGS: 1st

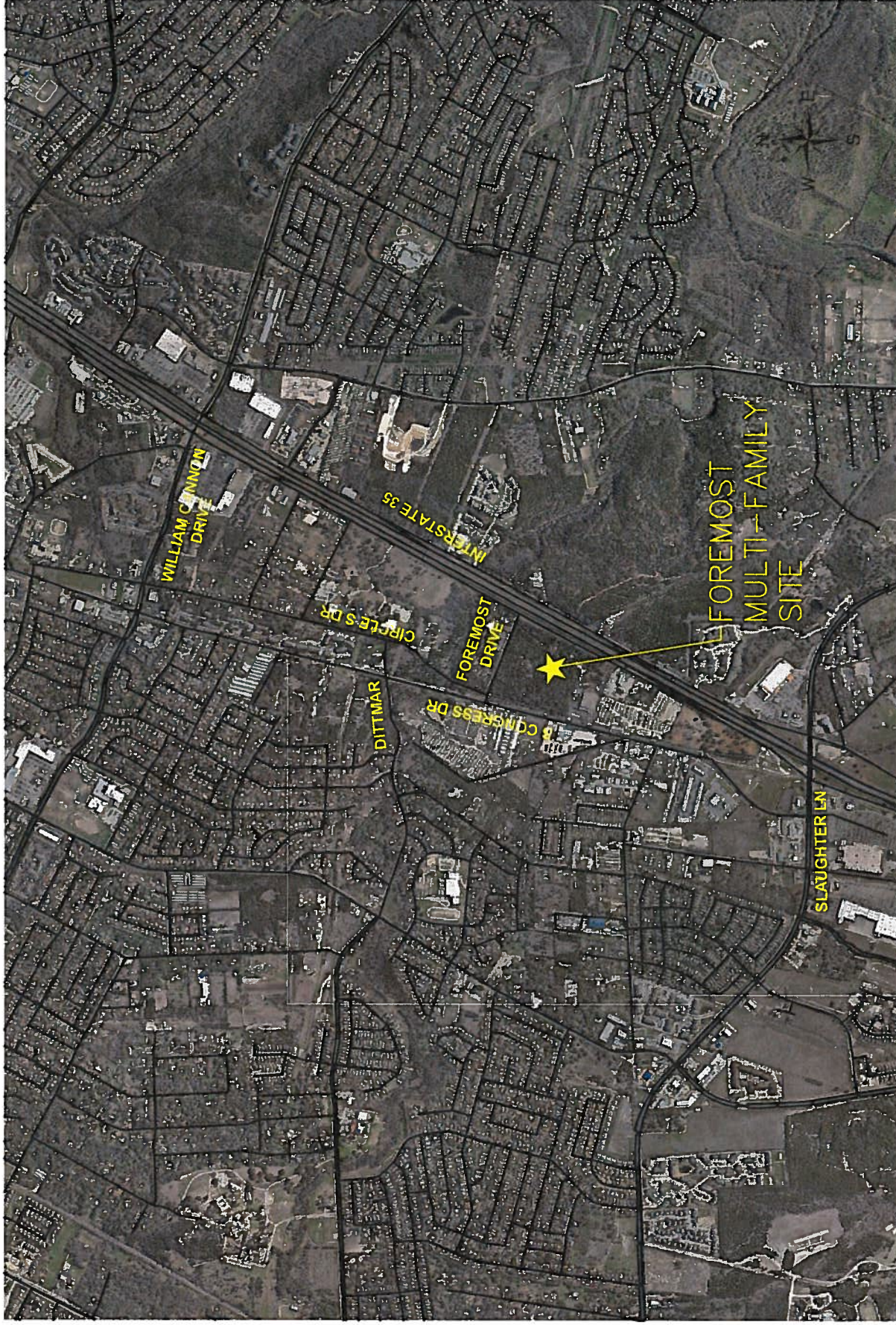
2nd

3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-7719

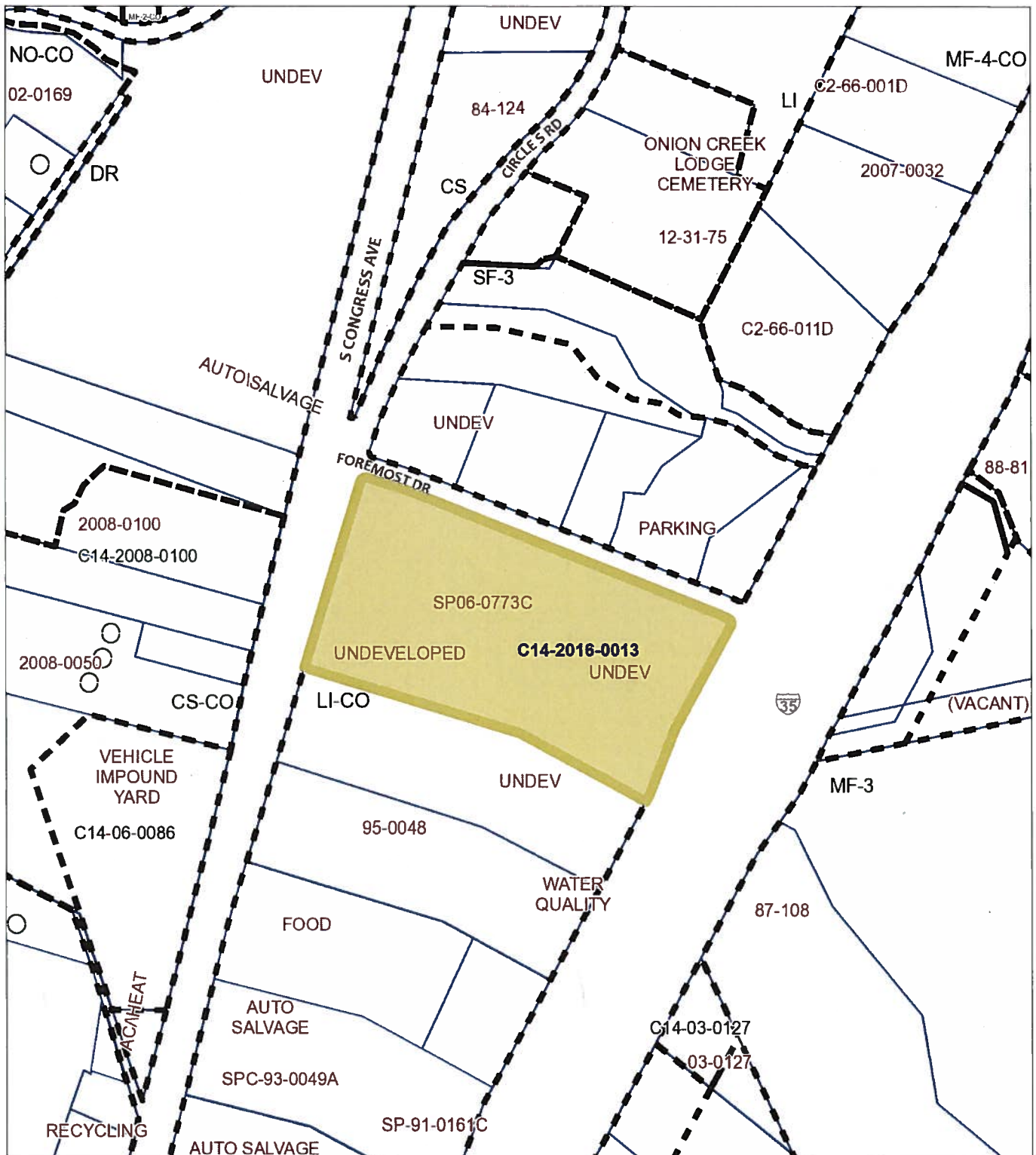


Kimley»Horn

FOREMOST MULTI-FAMILY DEVELOPMENT
AUSTIN, TEXAS

EXHIBIT 1

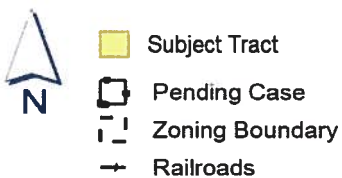
VICINITY MAP



ZONING

EXHIBIT A

ZONING CASE#: C14-2016-0013



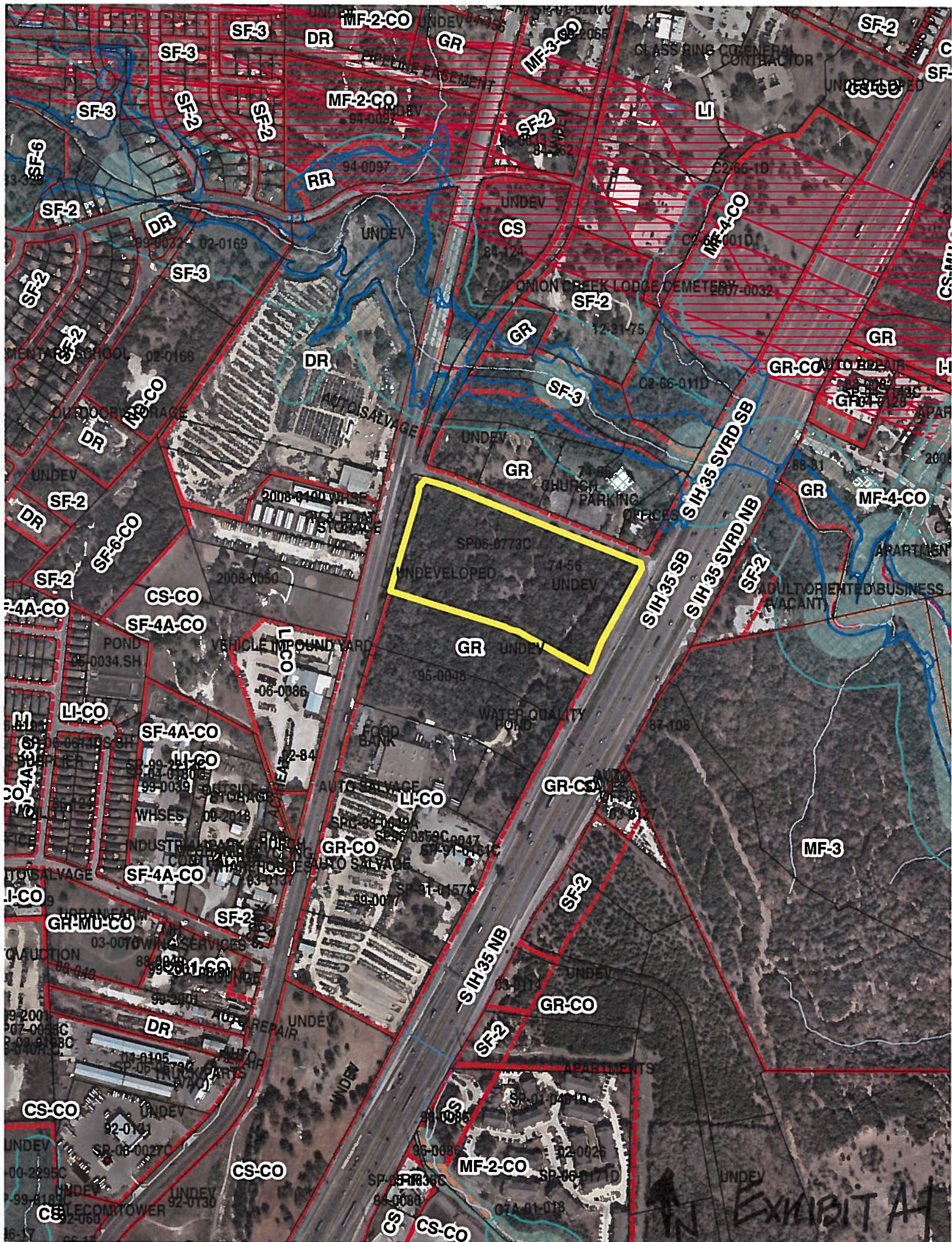
200 400
Feet

1" = 400'

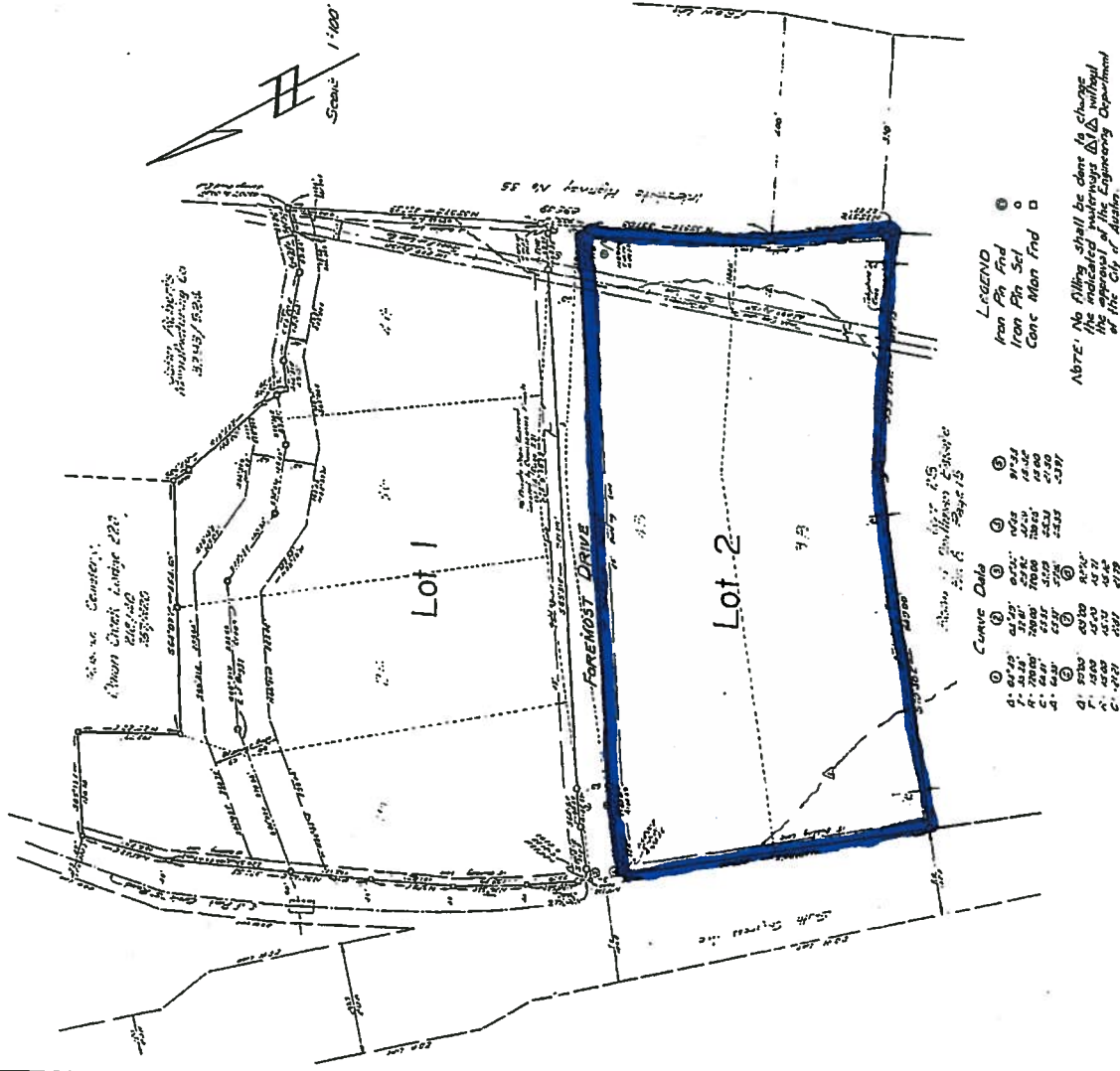
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.





CENTENNIAL PARK



STATE OF TEXAS: COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS: That we, CIB Investment Co., a Partnership of Travis County, Texas, owner of lots 34, 48, 16, 28, 36 and 46 of Block 1, Spillman Estate, a subdivision of record in Book 8 Page 15 of the Plat Records of Travis County, Texas, being out of and a part of the William Cannon League, in Travis County, Texas, conveyed to us by deed of record in Volume 4277 of Page 215 of the Deed Records of Travis County, Texas, do hereby resubdivide said lots 34, 48, 16, 28, 36, and 46 of the said Spillman Estate in accordance with the attached plat, said subdivision to be known as CENTENNIAL PARK and being subject to any easements or restrictions heretofore granted, and we do hereby dedicate to the public the use of the streets and easements as shown hereon.

WITNESS THE HAND OF Wilfred D. Christner and Harvey C. Broussard this the 22nd day of November, 1972.

ATTEST *Wilfred D. Christner*
CIB Investment Co.
Wilfred D. Christner, partner

Harvey C. Broussard
Harvey C. Broussard, partner

STATE OF TEXAS: COUNTY OF TRAVIS: BEFORE ME THE UNDERSIGNED AUTHORITY, a Notary Public in and for the said county and state, on this day personally appeared Wilfred D. Christner known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 22nd day of November A.D. 1972.

Wilfred D. Christner
Notary Public in and for Travis County, Texas

STATE OF TEXAS: COUNTY OF TRAVIS: BEFORE ME THE UNDERSIGNED AUTHORITY, a Notary Public in and for the said county and state, on this day personally appeared Harvey C. Broussard known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 22nd day of November A.D. 1972.

Harvey C. Broussard
Notary Public in and for Travis County, Texas

APPROVED FOR ACCEPTANCE
This the 27th day of March, 1973.
Richard A. Little
Richard A. Little, Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD
By the Board of Commissioners of the City of Austin, Texas, on this 27th day of March, 1973.
Richard A. Little
Chairman

FILED FOR RECORD on the 27th day of March, 1973, at 1:30 p.m.
Travis County, Texas.
By *Richard A. Little*
Deputy

STATE OF TEXAS: COUNTY OF TRAVIS: I, DORIS SHROPSHIRE, clerk of the County Court within and for the County and State aforesaid do hereby certify that the within and foregoing instrument, certified by the Notary Public in and for Travis County, Texas, and was duly recorded on the 27th day of March, A.D. 1973 at 1:30 p.m. in Book 11, Page 33 of the Plat Records of Travis County, Texas.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT of said county, the last date written above.

Doris Shropshire, Clerk County Court, Travis County, Texas.

By *Richard A. Little*
Deputy

ENGINEERING & SURVEYING BY:
Robert M. Holmes
Robert M. Holmes
Registered Professional Engineer
Austin, Texas

This is to certify that I have completed with Chapter 251.27 of the 1951 City Code of Austin, Texas.

For Part of Variation of P. ends of Lot 1, see Vol. 6571 Pg. 1836 David Rando

EXHIBIT B
RECORDED
PLAT

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



PROJECT NAME: Foremost Zoning

ADDRESS/LOCATION: 135 Foremost Drive

CASE #: C14-2016-0013

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

SF UNITS: _____ STUDENTS PER UNIT ASSUMPTION
Elementary School: _____ Middle School: _____ High School: _____

MF UNITS: 330 STUDENTS PER UNIT ASSUMPTION
Elementary School: .069 Middle School: .027 High School: .037

IMPACT ON SCHOOLS

The student yield factor for the south central region (across all grade levels) is 0.133 for apartment homes. The 330 multifamily unit development is projected to add approximately 44 students across all grade levels to the projected student population. It is estimated that of the 44 students, 23 will be assigned to Pleasant Hill Elementary School, 9 to Bedichek Middle School, and 12 to Crockett 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 Pleasant Hill ES (106%) and Bedichek MS (89%), assuming the mobility rates remain the same. The projected additional students at Crockett HS would not offset the anticipated decline in enrollment. Crockett would continue to be below the target range of permanent capacity at 64%, 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

Pleasant Hill ES and Bedichek MS are 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 Crockett HS will qualify for transportation due to the distance from the proposed development to the schools. Existing buses should be able to accommodate the additional Crockett students.

SAFETY IMPACT

AISD's Transportation Department recommends construction of a sidewalk along Foremost Drive and/or along S. Congress, depending on the ingress/egress. This proposed sidewalk(s) will connect to the existing sidewalk along S. Congress which currently ends on the north side of Foremost Drive. In addition, crosswalk striping is recommended due to the unique intersection at Circle S Road.

Date Prepared: 7/26/16

Director's Signature: Paul Turner

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Pleasant Hill	RATING: Met Standard
ADDRESS: 6405 Circle S Road	PERMANENT CAPACITY: 505
% QUALIFIED FOR FREE/REDUCED LUNCH: 88.33%	MOBILITY RATE: -5.4%

POPULATION (without mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2015-16 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	589	543	566
% of Permanent Capacity	117%	108%	112%

ENROLLMENT (with mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2015-16 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	557	513	536
% of Permanent Capacity	110%	102%	106%

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

POPULATION (without mobility rate)			
MIDDLE SCHOOL STUDENTS	2015-16 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,044	941	950
% of Permanent Capacity	111%	100%	101%

ENROLLMENT (with mobility rate)			
MIDDLE SCHOOL STUDENTS	2015-16 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	918	827	836
% of Permanent Capacity	98%	88%	89%

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



HIGH SCHOOL: Crockett	RATING: Met Standard
ADDRESS: 5601 Manchaca Road	PERMANENT CAPACITY: 2,163
% QUALIFIED FOR FREE/REDUCED LUNCH: 60.66%	MOBILITY RATE: -10.3%

POPULATION (without mobility rate)			
HIGH SCHOOL STUDENTS	2015-16 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,647	1,520	1,532
% of Permanent Capacity	76%	70%	71%

ENROLLMENT (with mobility rate)			
HIGH SCHOOL STUDENTS	2015-16 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	1,478	1,364	1,376
% of Permanent Capacity	68%	63%	64%

*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 multi-family residence – moderate-high density – conditional overlay (MF-4-CO) combining district zoning. The conditional overlay limits the daily number of vehicle trips to 2,000.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The multi-family residence – moderate-high density (MF-4) district is intended for residential and multi-family use with a maximum density of up to 54 units per acre, depending on unit size and mix. This district is appropriate for multi-family residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas.

2. Intensive multi-family zoning should be located on major arterials and highways.

Staff recommends the Applicant's request for MF-4 district zoning given its location within a commercial corridor and a proposed transit oriented development (TOD) district, and the presence of similarly situated MF zoned properties.

EXISTING CONDITIONS**Site Characteristics**

The site is undeveloped and dominated by a central plateau of over 6 acres of 0-15% slopes. The east and west side of the hill have steeper gradients. Runoff is conveyed toward the IH 35 service road and South Congress via several internal dry drainage channels. There are no classified waterways, Critical Water Quality Zone or Water Quality Transition Zone on the site.

The soils are comprised of mainly deep, gently sloping Blackland Prairie soils. The Austin-Eddy association consists of moderately deep and shallow, calcareous, clayey and loamy soils overlying chalk.

The vegetation is dominated by mature Ashe juniper with a scattering of live oak, Texas red oak, mountain laurel and other native understory plants. The undergrowth is much sparser on the undisturbed central portion of the property.

Impervious Cover

The maximum impervious cover allowed by the *MF-4 zoning district* is 60%, which is based on the more restrictive *watershed* regulations.

Comprehensive Planning

This zoning case is located on the south side of Foremost Drive, which is bracketed by S. Congress Avenue to west, and the S. IH 35 frontage road. This undeveloped parcel is approximately 14.6 acre and is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes undeveloped land, a church, and a small office to the north, undeveloped land to the south, the IH-35 frontage road to the east, and indoor/outdoor storage facility to the west. The proposed use is 300 unit multi-family apartment complex.

Connectivity: The property does not have public sidewalks situated along Foremost Drive or S. Congress Avenue but is within walking distance to public transportation.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this portion of South Congress Avenue as being located along an **Activity Corridor**. 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. 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.
- **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.
- **LUT P7.** Encourage infill and redevelopment opportunities **that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.**
- **H P1.** Distribute **a variety of housing types** throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.

Based upon this property being located along an Activity Corridor as identified by Imagine Austin and the policies above, both which support infill and multi-family apartments being situated along corridors, staff believes that this multi-family project is partially supported by the Imagine Austin Comprehensive Plan. Staff strongly recommends that the developer install public sidewalks along all three public streets, which abuts this property to promote walkability and connectivity in an area that is transitioning to commercial and residential uses. There are also no goods or services located near this property, necessitating residents to use a car to access goods and services. It is strongly encouraged that the developer add a commercial component to this project, such as a café or convenience store to serve the needs of its residents. Adding a placemaking feature, such as a pocket park or plaza would also be

beneficial for the residents of this apartment complex, by providing outdoor recreational space in an area that currently has none and create a more complete community.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the South Boggy 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.

Numerous 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

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. South Congress Avenue is a Future Core Transit Corridor.

The site is subject to compatibility standards. Along the north property line, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

It is recommended that at the time of site plan that all internal roadways, private driveways or streets to have sidewalks that connect to the public right-of-way. The sidewalk requirements shall be determined by the Transportation Criteria Manual.

It is recommended that at the time of site plan that internal roadways, private driveways or streets be stubbed out to the southern property line to provide for future connectivity per Complete Streets Ordinance No. 20140612-119.

If the requested zoning is granted, it is recommended that gates be prohibited.

It is recommended that at the time of site plan a public pedestrian and bicycle access easement connect from Congress to IH-35 along the southern property line for future pedestrian connection to S. Congress and bus stop in accordance with Complete Streets Ordinance No. 20140612-119. The public access easement design and construction details shall be determined and dedicated at the time of site plan and shall comply with the City of Austin Master Trail Plan.

Additional right-of-way may be required at the time of subdivision and/or site plan.

FYI – The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH 35. TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55].

This project is adjacent to a street where the curb is proposed to be moved to achieve superior bicycle facilities. At the time of site plan, Staff will contact Nathan Wilkes, Bicycle Program, ATD for guidance for the proper alignment.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bicycle lane is recommended for S. Congress and a shared use path/trail is recommended for S. IH-35 Frontage Road.

Water / Wastewater

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 the Austin Water Utility 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.

Rhoades, Wendy

From: JMPALLAS@aol.com
Sent: Monday, March 07, 2016 2:19 PM
To: Rhoades, Wendy
Subject: Case number C14-2016-0013

Mrs. Wendy Rhodes,

March 07, 2016

In representing Southside Wrecker Service at 8200 South Congress, a property within the 500 foot rule of the subject property to be developed at 135 Foremost Drive, I submit the following.

I have reviewed the proposal and look forward to this development. We welcome our new neighbors. Hopefully this development will have enough of a positive effect on our property values to offset the negative effects caused by the costs of the new "Drainage Charge".

We have only one issue with this project and any and all development occurring in the Austin area. The new calculations for the "Drainage Fee" are predatory, unreasonable, unaffordable and unfair. Council's action to mediate flooding in the Austin area at the unreasonable cost to taxpayers is causing an undue hardship to thousands of Austin residents and business owners. Continued development only exacerbates the problem. It seems that the financial windfall to the COA has Watershed celebrating while the citizens of Austin are suffering.

I may note that when Main Street built the Parkridge Gardens subdivision several years back, a group of which I was a part of protested that development. One reason we pointed out was the obvious threat of flooding adjoining properties. We were assured both by the developer and COA that flooding would not occur as a result of that development. Before the subdivision was completed, in fact, surrounding properties were flooded. In fact, one property owner did file suit and a settlement was reached for damages, permanently affecting their property use and value. Incidentally, the engineering company was sued as Main Street went out of business.

In conclusion, developers don't necessarily tell the whole truth but because an engineer signs off on incomplete and erroneous data (perhaps deliberate?), and the COA turns their head in their haste to get a bigger tax base, we are permanently and adversely affected. And of course the COA cannot be held liable for their part, yet they have engineers on staff that review those plans. Our property usage and property values are negatively affected by that negligence. And in part because of that we are now subject to this ridiculous "Drainage Charge".

If I can be of any assistance in facilitating this project, please let me know.

Sincerely,

Jim Pallas
jmpallas@aol.com
512-750-5071