

ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0132 – 4515 South Congress Rezoning **P.C. DATE:** January 9, 2018
January 23, 2018
February 27, 2018

ADDRESS: 4515 South Congress Avenue; 134 Sheraton Avenue

DISTRICT AREA: 3

OWNER: Life Storage LP.
(Michael J. Rogers)

APPLICANT: Lemco Holdings, LLC
(David Cox)

AGENT: Armbrust & Brown, PLLC (Michael Whellan)

ZONING FROM: CS-MU-NP; CS-MU-CO-NP

TO: CS-MU-V-NP

AREA: 3.39 acres

SUMMARY STAFF RECOMMENDATION (Revised on February 6, 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 automotive sales, automotive washing (of any type) and pawn shop services, and limits development to 2,000 vehicle trips per day.

PLANNING COMMISSION RECOMMENDATION:

January 9, 2018: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO JANUARY 23, 2018*

[P. SEEGER; A. DE HOYOS HART – 2ND] (11-0) F. KAZI – NOT PRESENT FOR PASSAGE OF THE CONSENT AGENDA; T. NUCKOLS – ABSENT

January 23, 2018: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD PLAN CONTACT TEAM TO FEBRUARY 27, 2018*

[P. SEEGER; G. ANDERSON – 2ND] (10-0) A. DE HOYOS HART, J. SCHISSLER – NOT PRESENT FOR PASSAGE OF THE CONSENT AGENDA; K. MCGRAW – ABSENT

February 27, 2018: *APPROVED CS-MU-V-CO-NP DISTRICT ZONING AS STAFF RECOMMENDED*

[J. SCHISSLER; G. ANDERSON – 2ND] (12-0) J. THOMPSON – ABSENT

NOTE: *ENCOURAGE APPLICANT AND NEIGHBORHOOD TO CONTINUE TO WORK TOWARDS A PRIVATE RESTRICTIVE COVENANT PRIOR TO COUNCIL*

ISSUES:

The requirement to dedicate right-of-way on South Congress Avenue has been deferred to the time of site plan.

On Thursday evening, November 30, 2017, the Contact Team met with the Agent at the Pleasant Hill Library to discuss this rezoning case and the case at 4401 South Congress Avenue (C14-2017-0133). Correspondence from the Contact Team is attached at the back of the STaff report.

DEPARTMENT COMMENTS:

The subject lot is located on South Congress Avenue, a major arterial, Sheraton Avenue, a collector street, and Lucksinger Lane, a local street, and contains a convenience storage use. The rectangular tract extending between South Congress Avenue and Lucksinger Lane has had general commercial services – mixed use – neighborhood plan (CS-MU-NP) and the lot at the intersection of Sheraton Avenue and Lucksinger Lane is zoned general commercial services – mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) zoning, with the CO limiting height to 40 feet and prohibiting automotive sales, automotive washing and pawn shops. The zoning has been in place since Council approved the East Congress Neighborhood Plan rezonings in August 2005. This property consists of one of several addresses comprising Tract 112 and all of Tract 113. 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 single family residences and a manufactured home park to the east (SF-2- NP; LO-MU-NP; CS-MU-CO-NP). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View), B (Recorded Plat) and C (2005 NP Rezoning ordinance).

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 3,500 square feet) and 240 apartment units. The Applicant also requests to remove the 40 foot height limit that currently applies to the lot located at the corner of Sheraton and Lucksinger. The primary vehicular access is proposed from South Congress Avenue, with emergency vehicle access to either Sheraton or Lucksinger.

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 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, and although the Applicant requests to remove the 40 foot height limit, compatibility standards still apply along the east side of the property. In that regard, height is limited to 40 feet within 100 feet of residentially zoned or occupied properties in the Greenwood Hills subdivision, noting that this limitation includes the Lucksinger / Sheraton right-of-ways. Applying compatibility standards, approximately the eastern 40 feet of the current CS-MU-CO-NP property would remain at 40 feet in height, and the eastern 140 feet would be limited to 50 feet in height or less. The western 50 feet, adjacent to the commercial shopping center would be able to achieve 60 feet in height as allowed by the CS base district.

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 (except where compatibility applies), 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; CS-MU-CO-NP	Convenience storage
<i>North</i>	CS-MU-NP	Automotive repair; Vacant monument retail sales
<i>South</i>	CS-MU-V-CO-NP; CS-MU-NP	Service station; Commercial shopping center with personal services, personal improvement services, alternative financial services, offices and food sales; Auto repair; Battle Bend Park
<i>East</i>	SF-2-NP; LO-MU-NP; CS-MU-CO-NP	Single family residences in the Greenwood Hill Section 1 subdivision; Construction sales and services; Manufactured home park; Service station; Automotive repair; Small-scale multi-family residential (8 units)
<i>West</i>	CS-MU-CO-NP; CS-1-MU-CO-NP	Monument retail sales; Convenience storage; Administrative offices; Restaurant (general);

		Hotel-motel; Automotive repair; Pawn shop; Pet services
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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:

An Educational Impact Statement is provided as Attachment A.

Galindo 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
C14-2017-0133 – 4401 S Congress Rezoning	CS-MU-NP to CS-MU-V-NP	To Grant CS-MU-V- CO-NP w/CO prohibiting access to S Congress Ave and conds of r-o-w dedication on S Congress Ave	Apvd CS-MU-V-CO- NP as PC rec (3-8- 2018). <u>Note:</u> Staff deferred R-O-W dedication to site plan
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	Apvd CS-MU-V-CO- NP w/CO for 60' height limit (4-13- 2017).

		available to the residents of the affordable units	
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 to 1 floor-to-area ratio; Restrictive Covenant for the Traffic Impact Analysis	Apvd LI-PDA-NP with Restrictive Covenant for the TIA as recommended by the Commission (11-20-2014).
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	To Grant CS-MU-CO-NP for first 15'; MF-6-CO-NP for 15-90', w/CO for 2,000	Apvd CS-MU-CO-NP; MF-6-CO-NP as Commission recommended (3-20-

	change a condition of zoning	trips/day; 90% impervious cover, limit of 25 spaces in a surface parking facility, and list of prohibited uses	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 consists of a portion of Tract 112 that was rezoned to CS-MU-NP and Tract 113 rezoned to CS-MU-CO-NP with the CO limiting height to 40 feet and prohibiting automotive sales, automotive washing (of any type) and pawn shop services. As part of the East Congress Neighborhood Plan Rezonings, the neighborhood mixed use building and the neighborhood urban center special uses were adopted for Tracts 112 and 113.

The rezoning area consists of an unplatted tract that extends between South Congress Avenue and Lucksinger Lane and a platted lot at the northwest corner of Sheraton Avenue and Lucksinger Lane, known as Lot 2 of the Thom Farrell Subdivision, recorded in October 1973 (C8s-73-253). Please refer to Exhibit B. There are no site plans in process.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
South Congress Avenue	93 feet	65 feet	Major Arterial	Yes	Yes	Yes
Sheraton Avenue	70 feet	43 feet	Collector	Yes	No	Yes
Lucksinger Lane	70 feet	27 feet	Local	No	No	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: Approved a Postponement request by Staff to March 8, 2018 (11-0).

March 8, 2018

Case not on the agenda.

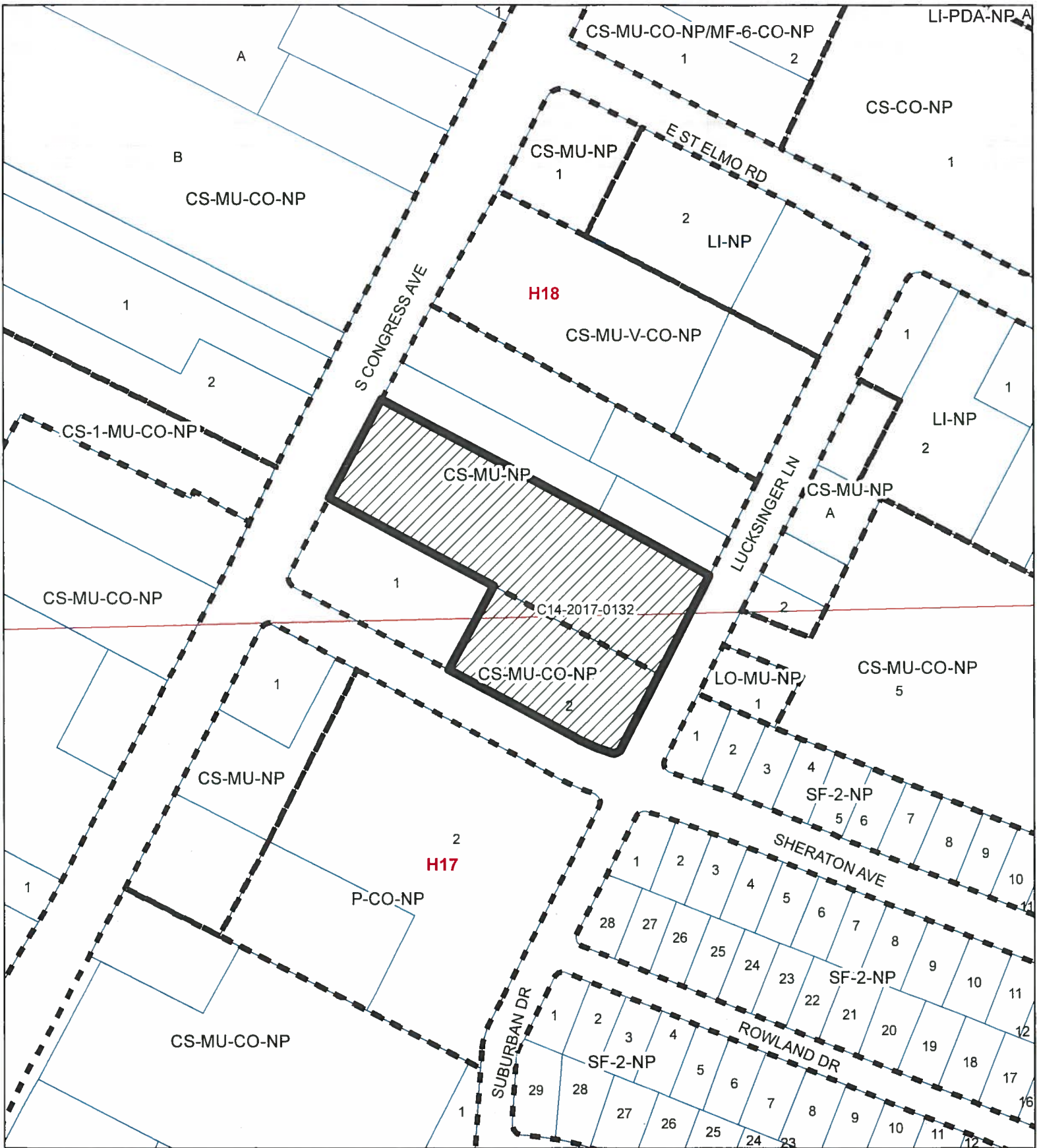
April 12, 2018

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-7719



4515 SOUTH CONGRESS REZONING *Exhibit A*

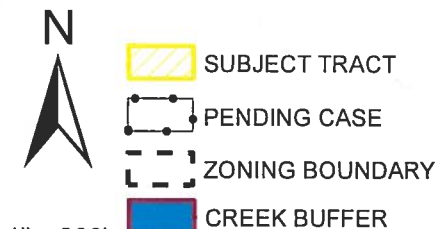
ZONING CASE#: C14-2017-0132
 LOCATION: 4515 SOUTH CONGRESS AVENUE
 SUBJECT AREA: 3.39 ACRES
 GRID: H17 & H18
 MANAGER: WENDY RHOADES

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 200'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY
-  CREEK BUFFER



4515 SOUTH CONGRESS REZONING

ZONING CASE#: C14-2017-0132
 LOCATION: 4515 SOUTH CONGRESS AVENUE
 SUBJECT AREA: 3.39 ACRES
 GRID: H17 & H18
 MANAGER: WENDY RHOADES

EXHIBIT A-1



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ORDINANCE NO. 20050818-Z004

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS ON APPROXIMATELY 772.82 ACRES OF LAND GENERALLY KNOWN AS THE EAST CONGRESS NEIGHBORHOOD PLAN AREA AND TO CHANGE THE BASE ZONING DISTRICTS ON 36 TRACTS OF LAND.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to each base zoning district within the property and to change the base zoning districts on 36 tracts of land within the property described in **Zoning Case No. C14-05-0107**, on file at the Neighborhood Planning and Zoning Department, as follows:

Approximately 772.82 acres of land in the City of Austin, Travis County, Texas, more particularly described and identified in the attached Exhibit "A" incorporated into this ordinance (the "Property"),

generally known as the East Congress neighborhood plan combining district, locally known as the area bounded by Stassney Lane on the south, IH-35 on the east, Ben White Boulevard on the north, and South Congress Avenue on the west, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

Except as provided in this ordinance, the existing base zoning districts and conditions remain in effect.

PART 2. The base zoning districts for the 36 tracts of land are changed from rural residence (RR) district, single family residence standard lot (SF-2) district, interim family residence (I-SF-3) district, family residence (SF-3) district, multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, multifamily residence medium density-conditional overlay (MF-3-CO) combining district, neighborhood office (NO) district, limited office (LO) district, community commercial (GR) district, community commercial-conditional overlay (GR-CO) combining district, warehouse limited office-conditional overlay (W/LO-CO) combining district, general commercial services (CS) district, and commercial-liquor sales (CS-1) district, commercial-liquor sales-conditional overlay (CS-1-CO) combining district, limited industrial services (LI) district, and limited industrial services-conditional overlay (LI-CO)

combining district to limited office-mixed use-neighborhood plan (LO-MU-NP) combining district, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district, general commercial services-neighborhood plan (CS-NP) combining district, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, commercial-liquor sales-mixed use-neighborhood plan (CS-I-MU-NP) combining district, limited industrial services-neighborhood plan (LI-NP) combining district, limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district, public-neighborhood plan (P-NP) combining district, and limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district, as more particularly described and identified in the chart below:

TRACT NO.	ADDRESS	FROM	TO
101	133, 201, 205 E Ben White Blvd; 4101 & 4141 S Congress Ave	LI, SF-3	LI-PDA-NP
102	321-505 (odd only) E Ben White Blvd; 0 E Ben White Blvd (DECKER I 15X400 FT ABS 8 SUR 20); 4110 Terry-O Ln	LI, CS-1, CS-1-CO	LI-PDA-NP
103	601, 701, 705, 711, 717, & 1001 E Ben White Blvd	LI	LI-PDA-NP
104	4108, 4216, 4118, 4200, 4222 S Interstate Hy 35 Svc Rd SB	LI	LI-PDA-NP
105	4201 S Congress Ave	LI	LI-NP
107	121 Industrial Blvd	SF-3	LI-NP
108	4241, 4243, 4235, & 4237, & 4315 S Congress Ave; 0 S Congress Ave (FORTVIEW ADDN 53.36 X 181.61FT AV BLK 27)	LI, CS, SF-3	CS-MU-NP
110	4355 - 4415 (odd only) S Congress Ave	LI, CS, GR-CO, SF-3	CS-MU-NP
111	115 E St Elmo Rd	LI-CO	LI-NP
112	4401 (ST ELMO SQUARE LOT 1) S Congress Ave; 4411, 4501, & 4515 S Congress Ave; 4500 Lucksinger Ln (FORTVIEW ADDN .75 ACR OF BLK 25)	LI, CS, SF-3	CS-MU-NP
113	134 Sheraton Ave	CS	CS-MU-CO-NP
114	4619 S Congress Ave	CS	CS-MU-NP
115	4417 Lucksinger Ln	SF-3	CS-MU-NP
116	315E St Elmo Rd	SF-3	LI-NP
117	4513 Lucksinger Ln	SF-3	LO-MU-NP

TRACT NO.	ADDRESS	FROM	TO
146	5303 - 5327 S Congress Ave (odd only) and 5210 - 5308 Wasson Rd (even only) and 102 E Mockingbird Ln (PLEASANT HILL ADDN LOTS 28-58 BLK 7A)	CS, MF-2, SF-3	CS-MU-NP
147	5301 S Congress Ave	CS-1	CS-1-MU-NP
150	5401 - 5501 S Congress Ave (odd only) (PLEASANT HILL ADDN LOTS 12-25 BLK 7 and PLEASANT HILL ADDN LOT 2-A-A * LESS SE TRI RESUB OF LOT 2-A THE RESUB OF LOT 1-11 BLK 7 and PLEASANT HILL ADDN LOT 2-A-B * RESUB OF LOT 2-A THE RESUB OF LOT 1-11 BLK 7)	CS	CS-MU-NP
151	5409 - 5509 Wasson Rd (odd only); 114 E Stassney Ln	CS, GR	CS-MU-NP

PART 3. The following applies to an existing legal lot with single-family residential use or secondary apartment special use within the boundaries of the NP combining district:

1. The minimum lot area is 2,500 square feet.
2. The minimum lot width is 25 feet.
3. For a lot with an area of 4,000 square feet or less, the impervious coverage may not exceed 65 percent.

PART 4. The following applies to a single-family residential use, a duplex residential use, or a two-family residential use within the boundaries of the NP combining district:

1. Impervious cover and parking placement restrictions apply as set forth in Section 25-2-1603 of the Code.
2. Front or side yard parking restrictions apply as set forth in Section 25-2-1406 of the Code.

PART 5. Tracts 105, 108, 110-115, 117, 120-121, 125-126, 128, 142, 144-147, and 150-151 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code.

PART 6. Tracts 105, 108, 110-114, 117, 120-121, 125-126, 128, 145-147, and 150-151 may be developed as a neighborhood urban center special use as set forth in Sections 25-2-1521 through 25-2-1524 of the Code.

PART 7. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A 30-foot wide vegetative buffer shall be established and maintained along the property lines of Tracts 119, 120, 128 and 135, that are adjacent to a property used or zoned family residence-neighborhood plan (SF-3-NP) combining district or more restrictive.
2. The maximum height of a building or structure on Tract 113 is 40 feet from ground level.
3. The following uses are prohibited uses of Tract 113:
 - Pawn shop services
 - Automotive washing (of any type)
 - Automotive sales
4. Vehicular access from Tract 126 to Suburban Drive is prohibited. All vehicular access to the tract shall be from other adjacent public streets or through other adjacent property.
5. Development of Tract 126 may not exceed a density of 23 residential units per acre.
6. A site plan or building permit for Tract 131 may not be approved, released, or issued, if the completed development or uses of the tract, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
7. Vegetation and a six-foot high fence shall be provided and maintained for screening along the north and south property lines of Tract 131 that abut adjacent residential development as set forth in Section 25-2-1066.

PART 9. This ordinance takes effect on August 29, 2005.

PASSED AND APPROVED

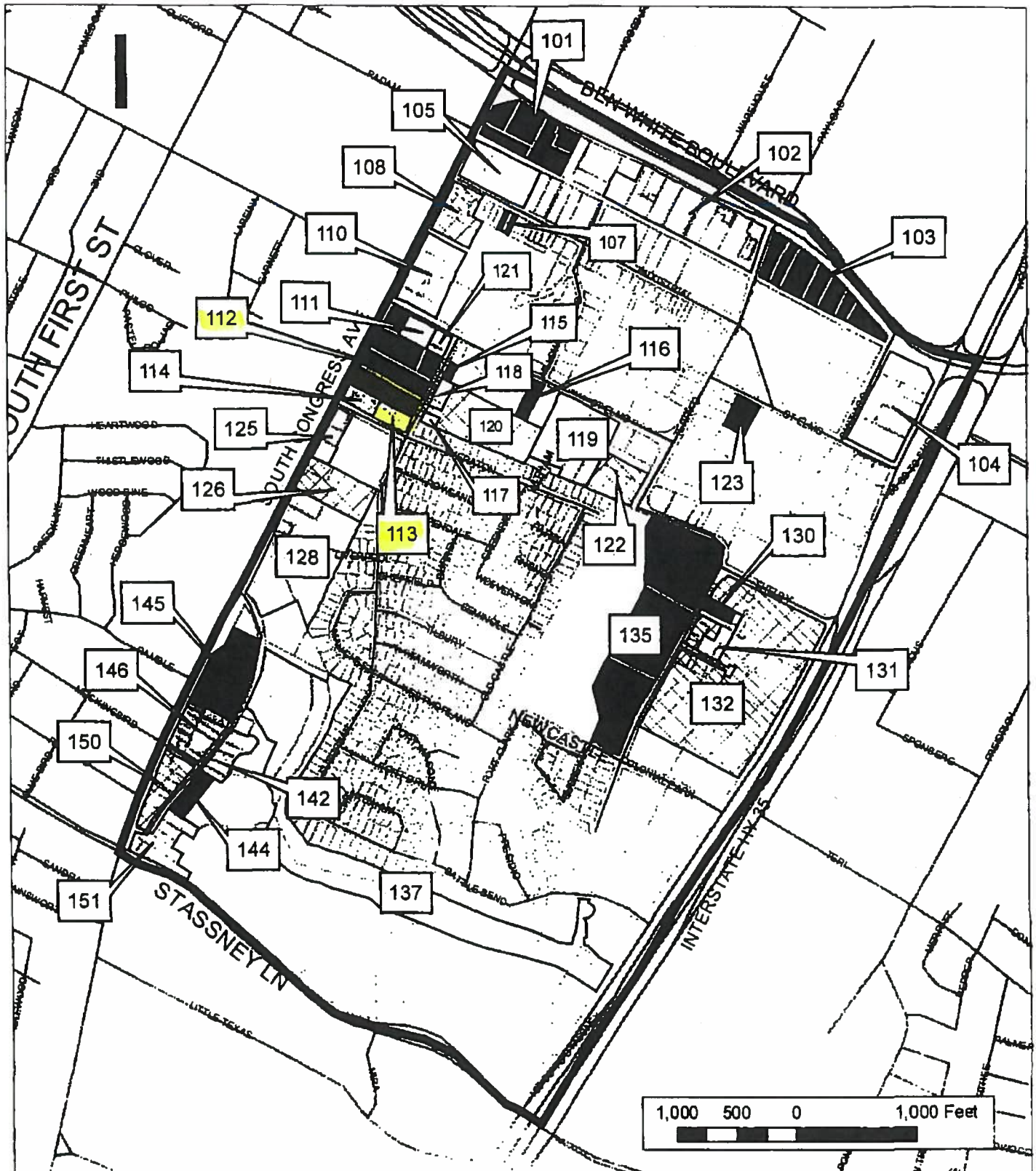
August 18, 2005

§
§
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Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk



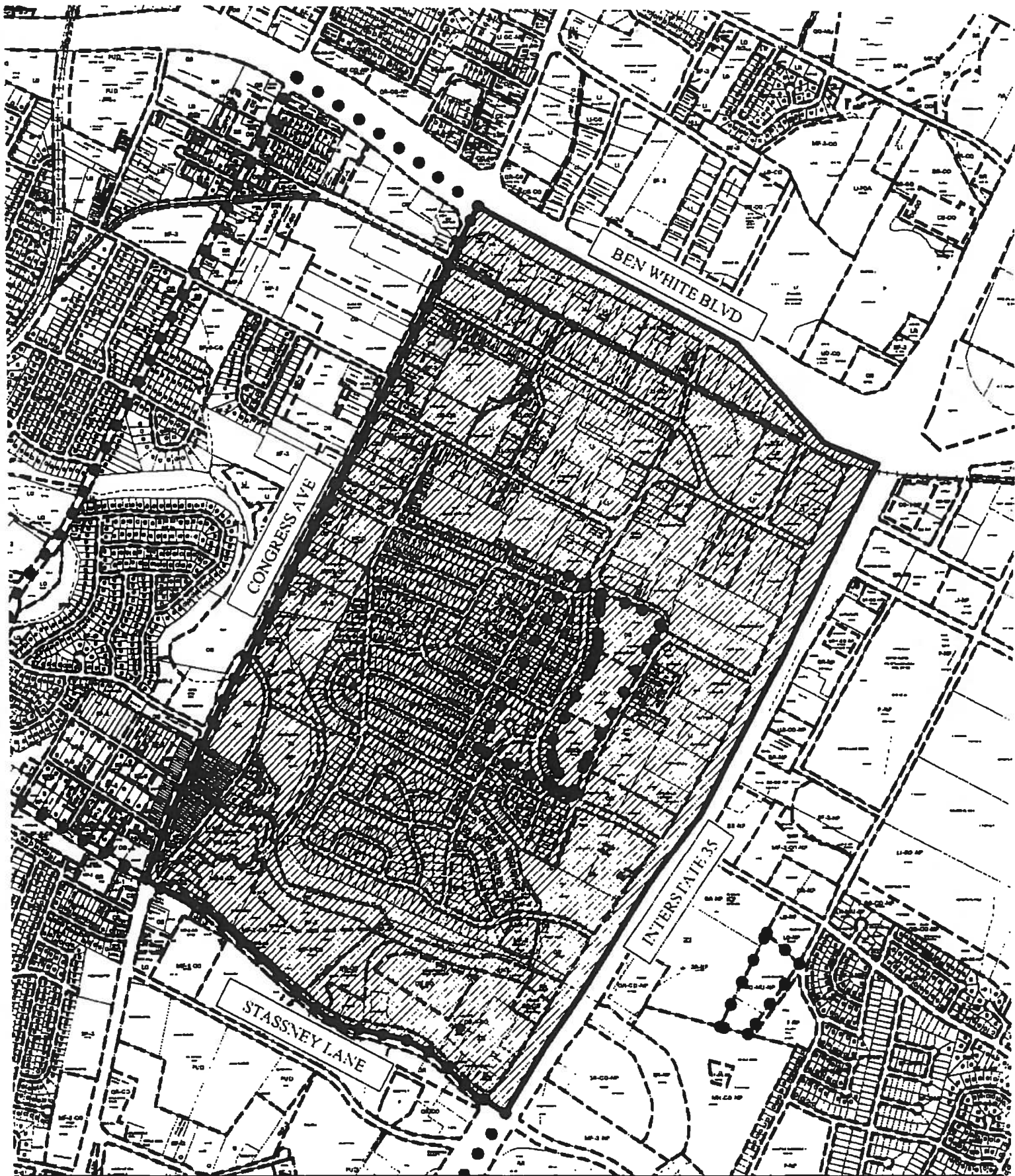
East Congress Neighborhood Planning Area:
Proposed Tracts for Rezoning
Case #C14-05-0107



Exhibit A



City of Austin
Neighborhood Planning and Zoning Department



 1" = 1200'	SUBJECT TRACT 	ZONING EXHIBIT B	CITY GRID REFERENCE NUMBER H16-18		
	PENDING CASE 				
	ZONING BOUNDARY 			CASE #: C14-05-0107	
	CASE MGR: W. WALSH			ADDRESS: EAST CONGRESS NEIGHBORHOOD PLANNING AREA SUBJECT AREA (acres): N/A	DATE: 05-07 INTLS: SM

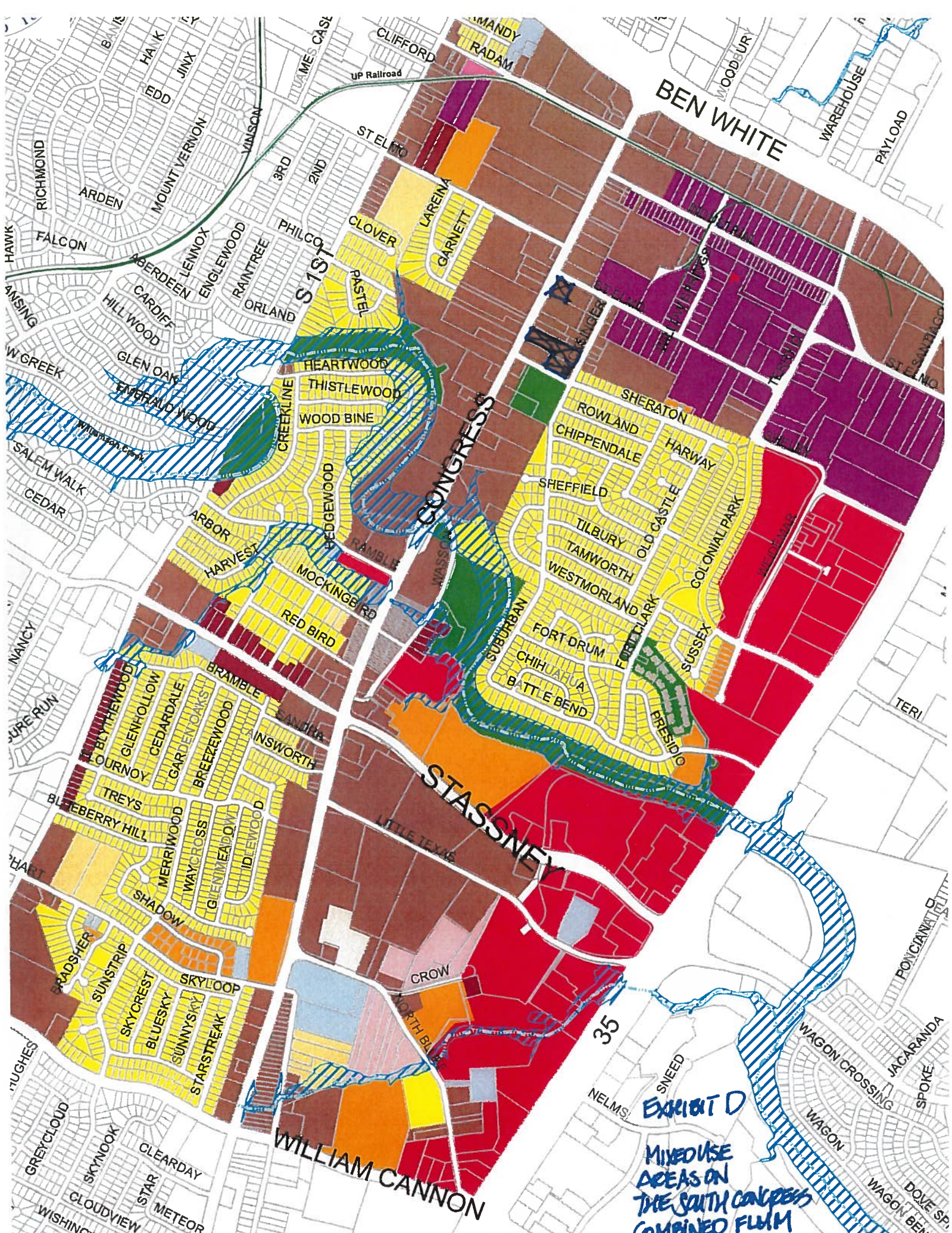


EXHIBIT D

MIXED USE
AREAS ON
THE SOUTH CANYON
COMBINED FLUM

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



PROJECT NAME: 4515 South Congress Rezoning & 134 Sheraton Avenue

ADDRESS/LOCATION: 4515 South Congress Avenue

CASE #: C14-2017-0132

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

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

MF UNITS: 270 STUDENTS PER UNIT ASSUMPTION
Elementary School: 0.049 Middle School: 0.018 High School: 0.020

IMPACT ON SCHOOLS

The student yield factor for the central region of 0.087 (across all grade levels) for apartment homes was used to determine the number of projected students. The 270 multifamily development is projected to add approximately 23 students across all grade levels to the projected student population. However, because the project is proposed to include only one and two bedroom units, the number of students from this development may be lower than projected. It is estimated that of the 23 students, 13 will be assigned to Galindo Elementary School, 5 to Bedichek Middle School, and 5 to Travis High School.

The percent of permanent capacity by enrollment for SY 2021-22, including the additional students projected with this development, would be within the utilization target range of 75-115% for Galindo ES (81%) and Bedichek MS (83%); and would be below the target range at Travis HS (63%) due to projected student population decline within the attendance area. These enrollment projections assume the current mobility rates remain the same. All of these schools will be able to accommodate the projected additional student population from the proposed development.

TRANSPORTATION IMPACT

Students within the proposed development attending Galindo ES, Bedichek MS or Crockett HS would qualify for transportation due to the distance from the proposed development to the schools and can be accommodated on existing buses.

SAFETY IMPACT

There are no known safety impacts at this time.

Date Prepared: 14 December 17

Director's Signature: Ben Wusau

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Galindo

RATING: Met Standard

ADDRESS: 3800 S Second Street

PERMANENT CAPACITY: 711

% QUALIFIED FOR FREE/REDUCED LUNCH: 90.42%

MOBILITY RATE: +5.6%

POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2016-17 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	556	536	549
% of Permanent Capacity	78%	75%	77%

ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2016-17 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	587	566	579
% of Permanent Capacity	83%	80%	81%

MIDDLE SCHOOL: Bedichek

RATING: Met Standard

ADDRESS: 6800 Bill Hughes Road

PERMANENT CAPACITY: 941

% QUALIFIED FOR FREE/REDUCED LUNCH: 84.47%

MOBILITY RATE: -12.1%

POPULATION (without mobility rate)

MIDDLE SCHOOL STUDENTS	2016-17 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,012	880	885
% of Permanent Capacity	108%	94%	94%

ENROLLMENT (with mobility rate)

MIDDLE SCHOOL STUDENTS	2016-17 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	890	774	779
% of Permanent Capacity	95%	82%	83%

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



HIGH SCHOOL: Travis	RATING: Met Standard
ADDRESS: 1211 E Oltorf Street	PERMANENT CAPACITY: 1,862
% QUALIFIED FOR FREE/REDUCED LUNCH: 84.93%	MOBILITY RATE: -15.6%

POPULATION (without mobility rate)

HIGH SCHOOL STUDENTS	2016-17 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,806	1,385	1,390
% of Permanent Capacity	97%	74%	75%

ENROLLMENT (with mobility rate)

HIGH SCHOOL STUDENTS	2016-17 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	1,524	1,169	1,174
% of Permanent Capacity	82%	63%	63%

*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 (Revised on February 6, 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 automotive sales, automotive washing (of any type) and pawn shop services, and limits development to 2,000 vehicle trips per day.

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 neighborhood plan (NP) 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.

The addition of –V also does not waive applicable compatibility standards, and although the Applicant requests to remove the 40 foot height limit, compatibility standards still apply along the east side of the property. In that regard, height is limited to 40 feet within 100 feet of residentially zoned or occupied properties in the Greenwood Hills subdivision, noting that this limitation includes the Lucksinger / Sheraton right-of-ways. Applying compatibility standards, approximately the eastern 40 feet of the current CS-MU-CO-NP property would remain at 40 feet in height, and the eastern 140 feet would be limited to 50 feet in height or less. The western 50 feet, adjacent to the commercial shopping center would be able to achieve 60 feet in height as allowed by the CS base district.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area contains a convenience storage use. There is a treeline along the southwest property line, adjacent to a drainage swale.

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 a double frontage lot, which is on the east side of S. Congress Avenue, the west side of Lucksinger Lane, and the north side of Sheraton Avenue. The two tracts when combined total 3.39 acres in size and currently contains a convenience storage facility and a warehouse. 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 an auto body shop to the north; a gas station and the Battle Bend Neighborhood Park to the south; single family houses to the east; and a restaurant and office to the west. The proposed use is a 240 unit vertical mixed use project, and remove the CO, which currently limits the building height to 40 ft. or less.

Connectivity

The project is located less than 200 ft. away from a CapMetro station. Public sidewalks are located partially along S. Congress and Sheraton Avenues but not along Lucksinger Lane. The Walkscore for this site is 60/100, 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 Zone CS-MU-NP-V 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 in the South Congress NP, 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.

No trees are located on this property. 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 4515 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 4515 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 C14-2017-0132.

Site Plan

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

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

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

Compatibility Standards

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

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Additional design regulations will be enforced at the time a 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.

The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for Congress Avenue. If the requested zoning is granted, then 57 feet of right-of-way should be dedicated from the existing centerline of Congress Avenue in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. **This requirement has been deferred to the site plan phase.**

A Neighborhood Traffic Analysis may be required at the time of site plan if the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 vehicle trips per day [LDC, Sec. 25-6-114].

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

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.

PUBLIC HEARING INFORMATION

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

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

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

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

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

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

Case Number: C14-2017-0132

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: January 9, 2018, Planning Commission
February 01, 2018, City Council

Kim Klataske, Edgardo Roveth
Your Name (please print)

☐ I am in favor
☒ I object

4513 LUCKSINGER LANE

Your address(es) affected by this application

K. Klataske
Signature

1/8/18
Date

Daytime Telephone: 512-806-9506

Comments: My concerns being the homeowner facing the property and that a vertical development will block the sunlight to my house. It is also proposed that apartments will be facing my property, which affects our privacy. In addition, traffic on the small street in front of our house - Lucksinger Lane, will inevitably increase, causing issues.

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

City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

Rhodes, Wendy

From: mariocantu <mario.cantu@myoncal.com>
Sent: Monday, January 22, 2018 3:29 PM
To: Rhodes, Wendy
Cc: Alix Horton; [REDACTED]; Caitlin Admire
Subject: SCCNPCT requesting postponement for Case Number C14-2017-0132 4515 S. Congress / 134 Sheraton.
Attachments: Requests from the South Congress Combined Neighborhood Contact Team – SCCNPCT_01-17-18.pdf

Wendy,

The SCCNPCT would like to request a postponement for Case Number: C14-2017-0132 4515 S. Congress / 134 Sheraton from January 23rd planning commission meeting to February 27th 2018. We would like to have more time for a site plan review, affordable housing matrix, and to sort out a restrictive covenant.

Thank you.

Mario Cantu Chair South Congress Combined Neighborhood Plan Contact Team - SCCNPCT.

Requests from the South Congress Combined Neighborhood Contact Team – SCCNPCT

Conversation with the developer relating to projected units for 4515 S. Congress 250 units projected for 4515 S. Congress 10%-80% MFI with 1 unit at 10%-60%.

If the units would increase to 280 – 25 units 80%MFI & 3 units 60%MFI.

- Consider a restrictive covenant for a commitment to:
 1. Entrances & exits designated as fire/emergency response to remain designated for that use only.
 2. Onsite pet use area – designated area within the development.
 3. Ensure the garage is wrapped to decrease light pollution from the development – minimizes light/lighting pollution into residential property.
- Not to widen Lucksinger Road so that traffic on that street will remain the same.

- Ask for at least 10% affordable units at 60% MFI, on 2-3 bedroom units
- Sign off ensuring that Lucksinger exits are only for emergency vehicles
- Additional water retention; ensuring water isn't sent out into neighborhood along Sheraton
- Don't want lights shining into park and neighborhood from garage
- Onsite area for pets on both locations
- Agreements about maintaining quality of life for neighbors during construction with go-to person, ensured via performance bond
- Sidewalk improvements on Lucksinger
- Street improvements on Lucksinger
- Ensure garage is wrapped
- Voted unanimously to approve these requests

From the SCCNPCT - South Congress Combined Neighborhood Plan Contact Team.

Case Number: C14-2017-0132

Project Name: 4515 S. Congress

Project Location: 134 Sheraton

Zoning Change: From CS-MU-CO-NP to CS-MU-V-NP

In conversation with the developer relating to projected units for 4515 S. Congress, the developer stated that 250 units are projected for 4515 S. Congress. 10% of the units would be affordable housing at 80% of Median Family Income with 1 unit at 60% of Median Family Income.

If the projected units would increase to 280, 25 units would be at 80% Median Family Income & 3 units would be at 60%MFI.

The SCCNPCT is requesting a restrictive covenant with commitments to the following:

1. Entrances & exits designated as **fire/emergency response** to remain designated for that use only.
 2. Onsite pet use area – designated area placed within the development. The pet population for 280 units is approximately 39 dogs – total population for dogs is 63, placing an additional burden on Battle Bend Park. The SCCNPCT would like to mitigate the effect on Battle Bend Park with an **onsite pet area**.
 3. Ensure the garage is wrapped to decrease light pollution from the development in order to minimize light pollution into residential property. Adopt outdoor lighting equal or greater to the **City of Westlake Hills lighting ordinance on areas facing Lucksinger Lane and Sheraton Avenue**. The SCCNPCT seeks to promote the effective and reasonable artificial exterior illumination within the residential and contact team area. The SCCNPCT finds that improperly designed light fixtures cause glare, light pollution, and wasted resources. In addition, glare and light pollution can result in: hazardous circulation conditions for all modes of transportation; the diminishing ability to view the night sky; light trespass; and an unattractive townscape/area.
- The residents who live in and near the Sheraton & Lucksinger area value the natural environment, including the beauty of Battle Bend Springs Park, and South Congress Ave.
 - The SCCNPCT desires to protect the health, safety and welfare of the general public, and to protect the night sky that adds to the quality of life and economic well-being of the neighborhood.

4. Widen Lucksinger Road on the development side rather than on the neighborhood side so that traffic on that street will remain the same. In addition, make sidewalk improvements on Lucksinger Lane and support street improvements on Lucksinger.
5. Include additional water retention and ensure that water isn't sent out into neighborhood along Sheraton Avenue.
6. Agreements about maintaining quality of life for neighbors during construction with go-to person, ensured via performance bond.

Voted by the South Congress Combined Neighborhood Plan Contact Team.

CITY OF WEST LAKE HILLS

AMENDMENT No. _____

EXTERIOR LIGHTING

AN ORDINANCE ENACTING CHAPTER 24 , ARTICLE 24.03, OF THE WEST LAKE HILLS CODE OF ORDINANCES; MODIFYING THE REGULATIONS FOR OUTDOOR LIGHTING; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; CODIFICATION; PROPER NOTICE & HEARING; PURPOSE; EXTERIOR LIGHTING STANDARDS FOR ALL DISTRICTS; SPECIFIC STANDARDS FOR R-1 DISTRICTS; LIGHTING CURFEWS; PROHIBITIONS; MATERIALS AND METHODS OF INSTALLATION; EXEMPTIONS; CONFORMANCE WITH APPLICABLE CODES; PUBLIC NUISANCES; CONFLICTS; VIOLATIONS; PENALTIES INCLUDING FINES NOT TO EXCEED \$500 PER OCCURRENCE WITH EACH VIOLATION CONSTITUTING A SEPARATE OFFENSE; DEFINITIONS; SCOPE; AND EXHIBITS

- WHEREAS,** the City Council of the City of West Lake Hills ("City Council") seeks to promote the effective and reasonable artificial exterior illumination within the City Limits; and
- WHEREAS,** the City was advised by an experienced lighting consultant during the creation of this Ordinance; and
- WHEREAS,** the City was presented with scientific studies on the health and safety risks of certain lighting devices; and
- WHEREAS,** the City Council finds that improperly designed light fixtures cause glare, light pollution and wasted resources; and
- WHEREAS,** glare and light pollution can result in: hazardous circulation conditions for all modes of transportation; the diminishing ability to view the night sky; light trespass; and an unattractive townscape; and
- WHEREAS,** the people who live in and near the City value the natural environment, including the beauty of the Hill Country and high quality of the night sky; and

WHEREAS, the City desires to protect the health, safety and welfare of the general public, and to protect the night sky that adds to the quality of life and economic well-being of the City; and

WHEREAS, these lighting regulations are not intended to sacrifice the safety of our citizens or visitors, or the security of property, but instead will result in safer, efficient and more cost-effective lighting; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the specific authority to regulate the use and development of land through zoning; and

WHEREAS, pursuant to Chapter 214 of the Texas Local Government Code, the City has the specific authority to adopt building codes and regulate the construction of buildings and structures; and

WHEREAS, pursuant to Chapter 217 of the Texas Local Government Code, the City has the specific authority to define, prohibit and abate public nuisances; and

WHEREAS, the City Council finds that the restrictions and amendments imposed by this Ordinance are characterized as reasonable, necessary, and proper for the good government of the City of West Lake Hills.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Lake Hills:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 24, Article 24.03 of the City of West Lake Hills Code of Ordinances is hereby amended so to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the ____ day of _____ 2014, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of West Lake Hills, Texas.

CITY OF WEST LAKE HILLS:

by: _____

Dave Claunch, Mayor

ATTEST:

Janet Rogers, City Secretary

City of West Lake Hills

CODE OF ORDINANCES

CHAPTER 24: ENVIRONMENTAL PROTECTION

ARTICLE 24.03 OUTDOOR LIGHTING

Sec. 24.03.000 Purpose

The City of West Lake Hills is a unique and pleasant place to live. Its very special quality is derived from its rugged terrain, beautiful views, dense foliage, unspoiled creeks, wildlife, large areas of relatively low population density, and dark night skies. The primary purpose of this Article is to preserve and protect the safe and appropriate night time use and enjoyment of all properties in the community of West Lake Hills through the establishment and enforcement of reasonable and consistent exterior lighting standards. This will be accomplished by ensuring that Exterior Lighting be designed, installed, and maintained to control glare and light trespass, thereby minimizing the adverse effects of artificial light on residents, vehicle operators, and pedestrians; to conserve energy and resources; and to prevent the degradation of the night time visual environment. The standards of this Article are intended to protect the general welfare by allowing sufficient (but not excessive) lighting for walkways, driveways, building entrances, loading areas, and common areas; to minimize the adverse effects of inappropriate lighting; and to provide for the safety and security of people and property in the City of West Lake Hills, particularly at points of ingress and egress.

Sec. 24.003.001 Definitions

B-U-G Ratings: A luminaire classification system with ratings for backlight (B), up-light (U), and glare (G). The Backlight component of the rating system takes into account the amount of light in the BL, BM, BH and BVH zones depicted in Figure A below. The Up-light component takes into account the amount of light in the UH and UL zones. The Glare component takes into account the amount of light in the FH, FVH, BH and BVH zones.

Exterior Lighting: Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Non-residential fixtures that are installed indoors that cause light to shine outside are considered outdoor lighting for the intent of this Article.

Fully Shielded Luminaire: A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

Light Trespass: Light emitted from fixtures designed or installed in a manner that causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky. If light directly from the bulb or diffusing elements is visible from any other property then the light is trespassing onto said property.

Lumen: The unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from "watt," a measure of power consumption). For the purposes of this Article, the lumen output values shall be the initial lumen output ratings of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.
(Abbreviated lm)

Luminaire Lumens: For luminaires with relative photometry per IES, it is calculated as the sum of the Luminaire Lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

Person: A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship.

Up-lighting: Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

Sec. 24.03.002 External Lighting Permits.

- (a) It is an offense for a person to install new exterior lighting systems after _____, 2014 without having applied for and received an exterior lighting permit from the city.
- (b) Building permits and site plans for construction of a building or structure (as those terms are defined in Article 22.03 of this Code) can only be issued concurrently with or subsequent to the issuance of an exterior lighting permit from the city.
- (c) Exterior lighting permits for new construction will be issued upon the city's approval of an exterior lighting plan submitted to the city that conforms to the standards established by this Article or for which a variance was approved by the Board of Adjustment.
 - (1) Nonresidential lighting plans require city council approval.
 - (2) Residential lighting plans for new construction require approval of the city administrator or city inspector.

(d) Applications: All exterior lighting permit applications relating to new construction shall include an exterior lighting plan to be reviewed for compliance with this Article. To be deemed administratively complete, exterior lighting plans are required to include the following:

- (1) A layout of the property with the location and mounting height of each proposed or existing light fixture.
- (2) For each proposed or existing light fixture provide:
 - (A) Fixture description including the type and wattage of the bulb(s).
 - (B) Quantity.
 - (C) Luminaire Lumens for the light fixture (total for all bulbs in the fixture).
- (3) Total Luminaire Lumens for all exterior lights in the lighting plan.

Sec. 24.03.003 Standards for all districts

(a) Shielding. All exterior lighting in all districts shall be shielded, hooded, or diffused so that the source of light is not visible from any other property and is fully shielded as defined in this Article. The mounting height, topography and proximity to other properties may cause even a fully shielded light fixture to require additional shielding to prevent the source of the light from being visible from any other property.

(b) Parking or loading areas. All lighting used to illuminate any off-street parking or loading areas shall be so designed and installed as to be confined within and directed onto the parking or loading area only.

(c) Holiday lighting.

(1) Exterior lights intended as holiday decorations are exempt from the restrictions of this article between Thanksgiving Day and January 8, unless in response to a resident complaint the city inspector deems that such lights constitute Light Trespass or interfere with the reasonable use and enjoyment of any other property.

(2) Ground mounted floodlights are permitted if they are shielded/hooded to prevent the light source from being directly visible from any other property or public streets and light output does not exceed 1,260 lumens.

(d) ATMs and Fuel Dispensing Pumps. The Luminaire Lumens per square foot of all existing and proposed lights in the area regulated by the State of Texas or the Federal Government surrounding an Automated Teller Machine (ATM) or fuel dispensing pumps shall comply with this Article except to the extent necessary to comply with requirements promulgated by the State

of Texas or the Federal Government.

Sec. 24.03.004 Standards for R-1 residential districts

(a) Maximum Lumen limit. Light fixtures on residential properties, unless otherwise specified at a lower limit for specific applications, are not to exceed 1,260 lumens each and shall be spaced so that the Luminaire Lumens per square foot of all lights in the illuminated area does not exceed 1.25, unless specifically allowed in this Article.

(b) Height limit. Light fixtures in residential districts shall not exceed a height of 25 feet measured from the ground/pavement to the bottom/base of the fixture.

(c) Perimeter. Light fixtures at the perimeter of the property are limited to two fixtures at the driveway entrance(s), a mailbox fixture and one additional light fixture for a footpath entry. No other perimeter lighting is permitted.

(d) Setback lighting. No light fixtures shall be installed in any setbacks except for lighting installed in accordance with Section 24.03.004(c).

(e) Private walkway lighting. Private walkway lights are not to exceed 385 lumens each and shall be included in the Maximum Lumen Limit for the property.

(f) Security and Safety Lighting.

(1) *Standard security and safety lighting.* Shielded, hooded, or diffused lighting installed to illuminate points of ingress and egress, such as garage doors, windows, and front doors (and not including landscaping or accent lighting), is standard security and safety lighting. Such lighting can be operated without curfew.

(2) *Manually Operated Security or Safety Lighting.* Resident-operated security lighting, such as floodlights, installed to illuminate specific areas around a residence in response to a perceived security threat is manually operated security or safety lighting. Such lighting should be turned off as soon as the perceived security threat is no more.

(3) *Motion sensing security lighting.* Lighting installed to illuminate points around a residence automatically upon detecting motion is motion sensing security lighting. Such lighting should be operated with a timer, which should be set to stay on for no longer than 10 minutes.

(g) Sport Court Lighting. Sport court lighting must not emit more than 30 Luminaire Lumens per square foot of playing surface. The lights must be turned off no later than 11:00 pm. Sport court lighting must be approval by the city administrator in advance of construction.

(h) Landscape/Yard lighting. Light sources for illuminating landscape features shall be shielded, hooded, or diffused and shall not be illuminated after 11:00 p.m. Individual fixtures shall not exceed 800 lumens and shall be included in the Maximum Lumen Limit for the property. A landscape lighting plan must be submitted and approved by the city administrator prior to starting installation.

(i) All residential lighting should be turned off by 11:00 p.m. with the exception of the safety and security lighting, as well as perimeter lighting as defined in this Section.

Sec 24.03.005 Standards for O, GUI, B-1, and B-2 districts.

(a) Maximum Lumen limit. Light fixtures on properties in the O, GUI, B-1 and B-2 districts are limited to 3,600 lumens each and must be spaced so that the Luminaire Lumens per square foot of all existing and proposed lights in the illuminated area do not exceed 2.5 unless specifically allowed in this Article.

(b) General parking and pedestrian areas. Light fixtures for parking and pedestrian areas in these districts shall conform to the following:

(1) Light fixtures shall not exceed a height of 25 feet measured from the ground/pavement to the bottom/base of the fixture.

(2) Light Fixtures shall be limited to two per pole and shall have a zero Up-light rating and either a zero or one Glare rating within the BUG rating system or, if not rated, shall be fully shielded and installed so that the source of light is not visible from any other property.

(3) Building-mounted wall packs shall have a zero Up-light rating and a zero Glare rating within the BUG rating system, or if not rated, shall be fully shielded and installed so that the source of light is not visible from any other property.

(4) Luminaire Lumens per square foot of illuminated area for covered parking facilities shall not exceed 5.0.

(c) Landscape / Yard lighting. Light sources for illuminating landscape features shall not be visible from any other property nor be illuminated after 11:00 p.m. Individual fixtures shall not exceed 1,050 lumens and shall be spaced so that the Luminaire Lumens per square foot of all existing and proposed lights in the illuminated area shall not exceed 1.25. A landscape lighting plan must be submitted and approved by the city council prior to starting installation. All existing outdoor lighting must be included in the plan.

(d) Light fixtures shall utilize lamps with a color temperature rating of 3,500K or below or other lamp specifications approved by the city council. This is not a design goal but a maximum allowable color temperature rating..

(e) Lighting must be turned off or have the lumen output reduced to half of normal by the later of one hour after closing or 11:00 p.m.

Sec 24.03.006 Standards for B-3 districts.

(a) Maximum Lumen limit. Light fixtures on properties in B-3 districts shall not exceed 3,600 lumens each and must be spaced so that the Luminaire Lumens per square foot of all existing and proposed lights in the illuminated area shall not exceed 2.5 unless specifically allowed in this Article.

(b) Light fixtures, whether pole or building mounted, shall not exceed a height of 28 feet measured from the ground/pavement to the bottom of the fixture (see exhibit 1).

(c) Fixtures shall be limited to four per pole and shall have a zero Up-light rating and either a zero or one Glare rating within the BUG rating system or, if not rated, shall be fully shielded and installed so that the source of light is not visible from any other property.

(d) Building-mounted wall packs shall have a zero Up-light rating and a zero Glare rating within the BUG rating system, or if not rated, shall be fully shielded and installed so that the source of light is not visible from any other property.

(e) Luminaire Lumens per square foot of illuminated area for covered parking facilities shall not exceed 5.0.

(f) Landscape lighting.

(1) Landscape lights shall be spaced so that Luminaire Lumens per square foot of all existing and proposed lights in the illuminated area shall not exceed 1.25. A landscape lighting plan must be submitted and approved by the city council prior to starting installation. All existing and proposed outdoor lighting must be included in the plan.

(A) Landscape lighting for features such as tree lighting, whose fixtures have an initial lumens rating more than 385 lumens, shall be achieved using the "moon lighting" method whereby the light source is located above and not on the ground (see exhibit 4).

(B) Light sources for illuminating landscape features shall not be visible from any other property nor be illuminated after 11:00 p.m.

(C) Lamps shall be housed in bullet style enclosures (see exhibit 5) with an extending truncated shield to maximize cutoff.

(D) Individual fixtures, which do not allow light to escape above a horizontal line through the lowest part of the fixture, shall not exceed 1,650 lumens.

(E) Individual fixtures which allow light to escape above a horizontal line through the lowest part of the fixture are not to exceed a rating of 385 lumens and shall be hooded, diffused or otherwise designed and installed so that the source of the light is not visible from any other property.

(g) Light fixtures shall utilize lamps with a color temperature rating of 4,000K or below or other lamp specifications approved by the city council. This is not a design goal but a maximum allowable color temperature rating.

(h) Lighting must be turned off or have the lumen output reduced to half of normal by the later of one hour after closing or 11:00 p.m.

Sec. 24.03.007 Prohibitions

No exterior lighting permit will be issued for, and it is an offense for a person to perform any of the following:

(a) Install street lighting.

(b) Install or operate outdoor lighting equipment dusk-to-dawn, except for the lighting of businesses that remain open 24 hours a day.

(c) Install or operate searchlights or lasers.

(d) Up-lighting. With certain exceptions, it is an offense to install or operate up-lighting. The following exceptions are allowed provided the lighting is installed so that the source of the light is shielded, hooded or diffuse so as not to be visible from any other property.

(1) Low level landscape lighting where each fixture does exceed 385 lumens, provided the fixture has a diffuser installed and the Luminaire Lumens of all the existing and proposed fixtures is limited to the lumens per square foot cap defined for that particular district.

(2) Illumination of governmental flags is required to be from above. However, flagpoles for governmental flags shorter than 22 feet tall may be illuminated with up to two spot type fixtures whose total Luminaire Lumens is no more than 75 lumens per foot, measured from the bulb to the top of the flagpole. The fixture is to be mounted with the lens perpendicular to the flagpole and the illumination pointing straight up at the flag.

(e) Light trespass. Exterior lighting shall be designed to minimize Light Trespass to preserve the rural character of the city. Light trespass is a public nuisance. It is an offense for a person to knowingly install, maintain, or operate exterior lights that shine directly into the eyes of any occupant of any vehicle on any public or private road, onto adjacent property, or where the illumination interferes with the visibility or readability of any traffic signs or devices.

Sec. 24.03.008 Exemptions from regulation

The following forms of lighting are exempt from compliance with this Article:

- (a) Lighting produced directly by the combustion of fossil fuels.
- (b) Lighting used by law enforcement, fire and other emergency services.
- (c) Lighting employed during emergency repairs of roads and utilities provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (d) Lighting required by law to be installed on motor vehicles.
- (e) Lighting required for the safe operation of aircrafts.

Sec. 24.03.009 Conformance with applicable codes

- (a) All artificial outdoor lighting fixtures shall be installed and operated in conformance with the provisions of this article, chapter 32 (Signs), chapter 38 (Zoning), and all other Code provisions.
- (b) All outdoor lighting fixtures shall be installed and operated in conformance with the building code and electrical code of the city, chapter 22.
- (c) The replacement, enlargement, alteration, repair or improvement of any existing outdoor lighting equipment which becomes damaged or inoperable with equipment which does not conform to this article is prohibited. This prohibition applies to all fixtures exempted in section 24.03.005(a).

Section 24.03.010 Grandfathering

- (a) All exterior lighting installed on or before _____, 2014, that is not in conformance with this Article shall be brought into conformance with this Article within six (6) years.

Sec. 24.03.011 Variances

The Board of Adjustment is authorized to approve variances and alternate design standards for exterior lighting plans. The process and standards for consideration and determinations upon variance requests shall be as established in Article 38.02.

Sec. 24.03.012 Public nuisance

(a) Any lighting fixture erected, constructed, enlarged, altered, repaired, moved, improved, or converted contrary to the provisions of this article shall be, and the same is hereby declared to be, unlawful and a public nuisance.

(b) The city council or its appointed authority shall, as appropriate, upon order of the city council or its appointed authority, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain a permit as required by this article shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement or conversion of an outdoor lighting structure.

Sec. 24.03.013 Conflicts

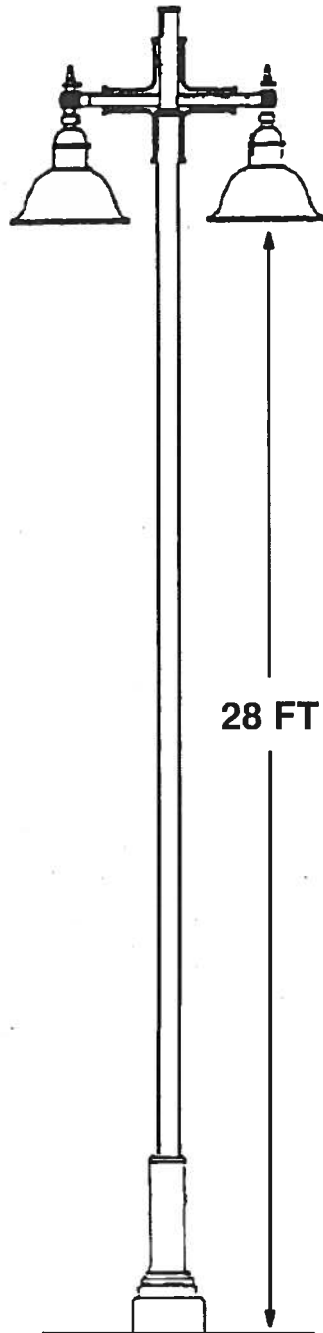
Where any provision of this article conflicts with the statutes, codes or laws of the United States of America or the state, the most restrictive shall apply unless otherwise required by law.

Sec. 24.03.014 Violations and penalties

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve or convert any exterior lighting of any type, or cause the same to be done, contrary to or in violation of any provision of this article.

(b) Any person convicted of a violation of this article shall be punished by a fine of not more than \$500.00.

EXHIBIT 1



(1996 Code, ch. 34, art. V, ex. 2)

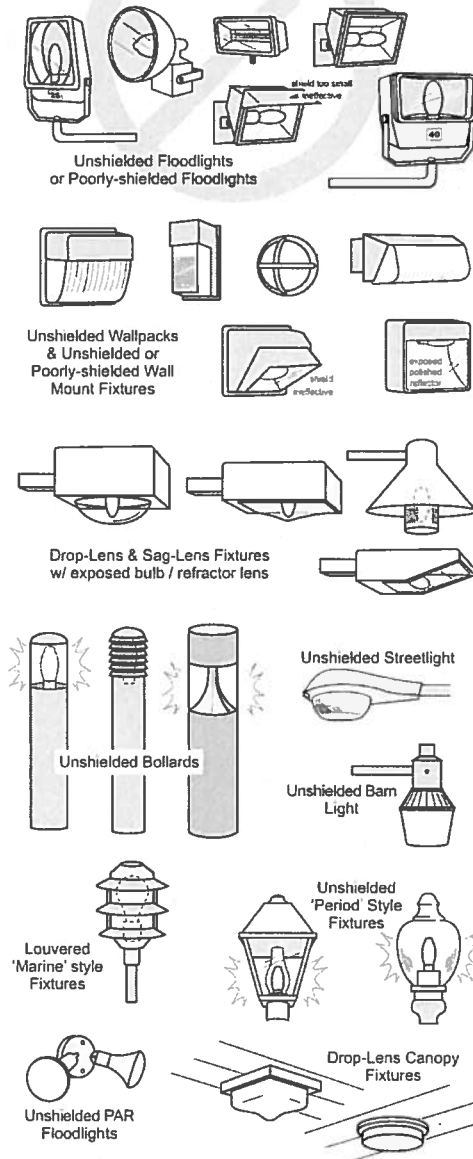
Exhibit ??

Better Lights for Better Nights

Help eliminate light pollution. Select the best fixture for your application using this guide. Use the lowest wattage bulb appropriate for the task and turn off the light when it's not being used.

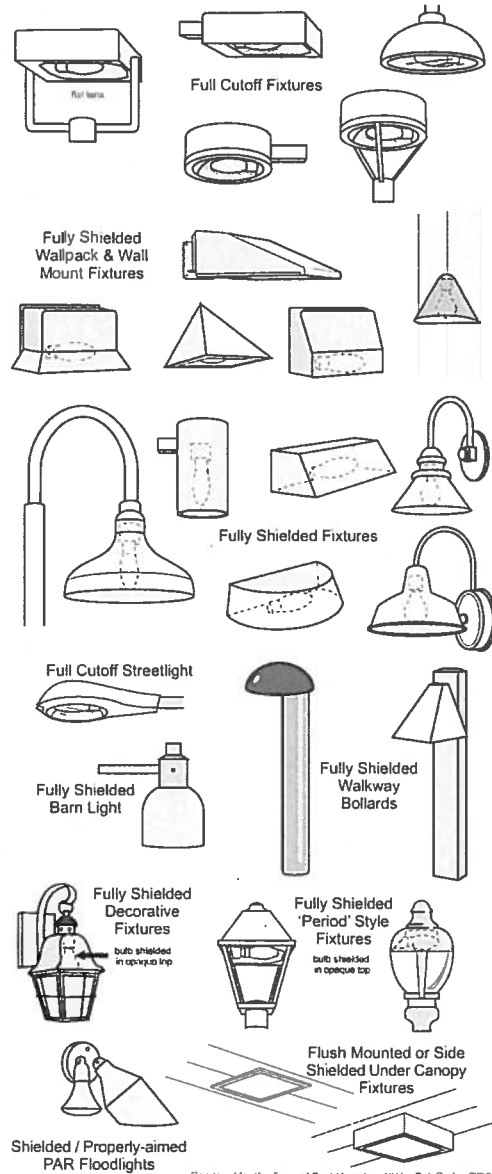
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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Rhoades, Wendy

From: mariocantu <[REDACTED]>
Sent: Wednesday, February 28, 2018 12:39 PM
To: Michael Whellan
Cc: Rhoades, Wendy; Alix Horton; Caitlin Admire; [REDACTED]; Kim Klataske
Subject: Re: Postponement Request for 4515 South Congress Ave; 134 Sheraton Avenue; C14-2017-0132

Kim,

I included you on this email.

M.

On Feb 28, 2018, at 12:36 PM, mariocantu <[REDACTED]> wrote:

Mr. Whellen,

Correct to postpone due to David being away and for us to have more time for the 4515 S. Congress zoning. The only other item from our area that will be on the March 8th agenda 3rd reading for 4401 S. Congress.

Note: that our contact team meeting will be on March 21st at the same location as previous meetings 7pm. The next council meeting for 4515 S. Congress will be March 23rd, and the one after that date will be March 29th.

M.

On Feb 28, 2018, at 9:16 AM, Michael Whellan <[REDACTED]> wrote:

Wendy – per our conversation last night with Mario Cantu and Kim Klataske, the applicant is requesting a postponement of the City Council hearing for this case from March 8th to March 22nd. Last night, Mario Cantu and Kim Klataske indicated that they were fine with this. I have copied Mario and other members of the contact team on this email; I do not have Kim's email address (Mario, would you please forward to her).

Thanks.

MJW.