

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Crestview/Wooten Combined Neighborhood Plan (CWCNP)

CASE#: NPA-07-0017.01

PC PUBLIC HEARING DATE: August 28, 2007

ADDRESSES & AREA: 6909 Ryan Dr. (5.475 acres), and 7520-7530 N. Lamar Blvd. (2.036 acres)

APPLICANTS: Austin Energy and Crestview Station LLR Land LP

OWNER: Austin Energy and Crestview Station LLR Land LP

AGENTS: Lena Lund (Austin Energy) and Alice Glasco (Crestview Station LLR Land LP)

TYPE OF AMENDMENT: Future Land Use Map Designation

Change in Future Land Use Designation

1. 7520-7530 N. Lamar Boulevard, (a grassy undeveloped lot owned by Crestview Station LLR Land LP) from **MAJOR PLANNED DEVELOPMENT USE** to **UTILITIES**; and
2. 6909 Ryan Drive, (an Austin Energy site currently containing a half a dozen warehouses and a supply depot), from **UTILITIES** to **MIXED USE**.

PLAN ADOPTION DATE: April 1, 2004 **NPCD ADOPTION DATE:** April 1, 2004

PREVIOUS CITY COUNCIL ACTION: Postponed on September 27, 2007

STAFF RECOMMENDATION: The staff recommendation is to **Approve** the requested change on the Future Land Use Map (FLUM) to Utilities for the N. Lamar Boulevard site, and to Mixed Use for the Ryan Drive site.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission agreed with staff and recommended Mixed Use for the Ryan Drive site, and Utilities for the N. Lamar Boulevard site. In their motion, the Planning Commission requested that the City Arborist explore adding landscaping along the street frontage of the N. Lamar Boulevard site. They also requested that Austin Energy explore adding public art to the wall that will surround the proposed substation to make it more aesthetically appealing.

BASIS FOR RECOMMENDATION: The recommendations for the two properties are broken into two parts, the (1) N. Lamar Boulevard site, and (2) Ryan Drive site.

The two properties are part of a property swap arrangement to permit Austin Energy to construct a new power substation on the N. Lamar Boulevard site. As part of the property swap, Austin Energy has agreed to sell their site on Ryan Drive to Crestview Station LLR Land LP, who eventually want to construct a mixed use development adjacent to the future commuter rail stop that will be located on the eastern side of the subject property, and within the Lamar

Boulevard/Justin Lane Transit Oriented Development District (TOD). The property swap came about through a City Council resolution, approved on March 23, 2006, which directed the City Manager to study the cost and feasibility of relocating Austin Energy's Justin Lane Service Center that fronts on Ryan Drive and Justine Lane, and determine the effect that such relocation would have in assisting in the development of the adjoining Lamar Boulevard/Justin Lane TOD.

Please note that this neighborhood plan amendment is only an **interim request** for both subject properties until such time that the station area plan for this area is completed. The specifics of the TOD zoning will be determined during the station area planning process, which is due to be reviewed by Council as early as October 2007.

Austin Energy has submitted this plan amendment out of cycle to complete an 18 month process that will address: (1) necessary zoning changes; (2) the neighborhood plan amendment process; (3) the Site Plan Development process; (4) the construction bid process; and (4) the physical construction of the new substation on N. Lamar Boulevard to make their Spring 2009 start-up deadline. This plan amendment was accepted out of cycle by the Director of the Neighborhood Planning and Zoning Department based on hardship circumstances; waiting until February 2008 would cause adverse delays to the construction of a needed substation. This new substation is needed adjacent to this portion of N. Lamar Blvd. to provide sufficient electric service to existing development in area, including future development associated with the TOD and to allow Austin Energy to power down the Koenig Lane substation and conduct needed repairs. (Please see the attached letters.)

1. N. Lamar Boulevard Background and Recommendation:

The N. Lamar Boulevard site is an undeveloped grassy lot, situated between commercial uses to the north (a pawn shop) and south (a carpet warehouse); a small strip shopping center to the east (across the street from the subject property); and vacant land to the west (the former site of the Huntsman Chemical Plant.) The subject property is also located within the boundaries of the proposed Lamar Blvd./Justin Lane Transit Oriented Development District, which was approved by Council in May 2005.

The Future Land Use Map of the Crestview/Wooten Combined Neighborhood Plan (CWCNP) recommends 'Major Planned Development' for this portion of N. Lamar Boulevard, a land use that is intended to incorporate a wide variety of land uses that may include, but are not limited to single family and multifamily residential, commercial, and clean industrial uses.

On page 6 of the CWCNP, under the Introduction Chapter, Goals 2 and 3 state:

- 2. Preserve and enhance existing neighborhood friendly businesses and encourage neighborhood friendly ones in appropriate locations.*
- 3. Any new development or redevelopment should respect the single-family character of the neighborhood.*

On page 24 of the CWCNP, under the Land Use Chapter, Goals 3 and 5 state:

- 3. Any new development redevelopment should respect and complement single-family character the neighborhood.*

5. Promote enhancement of major corridors by encouraging better quality and a mix of neighborhood serving development and redevelopment and discouraging strip development.

On page 36 of the CWCNP, under the Land Use Chapter, Land Use Objective 9 states:

9. Encourage the redevelopment of Lamar Boulevard with more residential and neighborhood serving businesses.

Continuing on page 36 of the CWCNP, under Land Use Objective 9, Recommendations 1 and 2 states:

Land Use Objective 9: Encourage the redevelopment of Lamar Boulevard with more residential and neighborhood serving businesses.

1. Rezone any LI-zoned properties not currently used as industrial to CS, unless included as part of a Planned Development Area (PDA).

2. Encourage commercially zoned properties that do not front onto Lamar Boulevard to transition to residential uses by adding the Mixed-Use (MU) Combining District and limiting the intensity of commercial uses.

Staff's interpretation of these recommendations is that the CWCNP supports a variety of mixed use activities located along this portion of N. Lamar Boulevard, including commercial and clean industrial that serve the neighborhood. Although the property above is classified as a **Major Planned Development Use** in the CWCNP, the Plan also recommends that existing residential neighborhoods should be protected from intrusive development that is not in character with adjoining residential neighborhoods. Since the Austin Energy substation would be a non-polluting land use (clean industrial); moved away from an existing single family neighborhood located on Ryan Drive; and would be built in support of the Lamar/Justin Lane TOD (a mixed use development, which is supported by Land Use recommendation #2 above), staff believes that a proposed land use designation change along this portion of N. Lamar Boulevard would not be in contradiction of the goals and recommendations of the CWCNP. Staff also believes that it would be more appropriate to construct a substation (which would include three 90 ft. transmission poles) adjacent to existing commercial land uses and Austin Energy transmission lines already located along the heavily traveled N. Lamar Boulevard corridor, rather than near an established residential subdivision. Austin Energy has stated that if they cannot rezone the N. Lamar Blvd. property, they will have to construct their substation at the Justin Lane/Ryan Drive site to meet the energy needs in this area of Austin. Please note that under this scenario, the substation would be located adjacent to the commuter rail stop and would not be the highest and best use for the property.

2. Ryan Drive Background and Recommendation:

In November 2004, voters residing within the boundaries of the Capital Metropolitan Transportation Authority (CapMetro) service area approved the construction of a 32-mile commuter rail line connecting the cities of Austin and Leander. As part of the referendum, the site immediately adjoining the Austin Energy site on Ryan Drive, and across the railroad tracks, was chosen as the location of the Lamar Blvd./Justin Lane commuter rail stop. To facilitate the new commuter rail service, the City of Austin made a commitment to focus growth around transit facilities by supporting Transit-Oriented Development (TOD).

The Future Land Use Map of the CWCNP recommends 'Utilities' for this portion of Justin Lane and Ryan Drive because when the plan was adopted, the Austin Energy site was already in existence at this location and was thus labeled Utilities. Utilities is classified as a land use that is dedicated for public and private utilities, including pipelines, utility lines, water and wastewater facilities, substations and telephone.

Examining areas to the north and south of the subject property on Ryan Drive and Justin Lane, the CWCNP recommends mixed use to the north (the site of a warehouse) and south (various auto services.) Looking to the west, the CWCNP recommends single family land use designation (where there is an apartment building), and water and major planned development land uses to the east (which includes a variety of commercial uses and vacant land).

On page 7 of the CWCNP, under Transportation Goals 1, 2, 3 and 7, it states:

- 1. Increase alternatives to driving by improving routes and facilities, access for pedestrians, bicycles, and public transportation.*
- 2. Preserve and improve routes for pedestrians, bicycles and public transportation.*
- 3. Maintain a transportation network that allows all residents to travel safely throughout the neighborhood by improving safety on major corridors and preserving and enhancing neighborhood-friendly streets.*
- 7. Maintain each neighborhood's and each individual's freedom to choose or oppose rapid transit, but plan for the possibility*

On page 24 of the CWCNP, under Land Use Goal 3, it states:

- 3. Any new development or redevelopment should respect and complement the single-family character of the neighborhood.*

On page 36 of the CWCNP, under Land Use Recommendation 2, it states:

- 2. Encourage commercially zoned properties that do not front onto Lamar Boulevard to transition to residential uses by adding the Mixed-Use (MU) Combining District and limiting the intensity of commercial uses.*

Staff's interpretation of the CWCNP goals above is that the Plan supports mixed use land uses along this portion of Justin Lane. Removing the Utilities land use designation for the Austin Energy site and making this 5.5 acre tract Mixed Use would enable the developer to construct a more cohesive, mixed use (residential and commercial land use), pedestrian friendly development on the subject property, which would be compatible with the nearby residential neighborhood, and the commuter rail stop. Based on the CWCNP, this plan amendment seems to follow the many goals and recommendations of the Plan.

ADDITIONAL BACKGROUND: The Crestview Neighborhood Association met with the applicants on July 31, 2007, to discuss this neighborhood plan amendment. Nine residents from the area attended this meeting. After a presentation and discussion by Austin Energy and the Crestview Station LLR developers, the Crestview Neighborhood Association (in lieu of the planning area not having an official contact team) recommended the following changes (by a vote to 5 to 0) in order to support this request: (1) That no road should cross into the 5+ acre tract on Justin Ln./Ryan Dr.; (2) That access onto the 5+ acre tract on Justin Ln./Ryan Dr. should only be limited to Justin Ln. and that no additional curb cuts could be permitted on Ryan Dr.; (3) That zoning should be limited to residential on the Justin Ln./Ryan Dr. tract, and mixed use should be

excluded. In their letter, the Crestview Neighborhood Association stated that mixed use should be located along major transportation corridors rather than within the interior of residential neighborhoods; (4) That the residential development on Justin Ln./Ryan Dr. tract should be no greater than 15 residential units per acre; (5) That the City should seriously consider utilizing the Justin Ln./Ryan Dr. tract for civic uses, such as a park, which the Crestview neighborhood lacks; and (6) For the N. Lamar Tract, they stated that while they have no major issues with the substation being located at this site, that they want the City to explore finding a better location along N. Lamar Blvd. (See attached email sent by the Crestview Neighborhood Association to read their full comments.) Please note, the recommendation made by the Crestview Neighborhood Association to exclude Mixed Use on the Justin Ln./Ryan Dr. site is not supported by the CWCNP, and some of the other conditions they made are related to the site plan review process, and not necessarily to the rezoning or plan amendment process. Regarding the issue of locating the substation to another area located along N. Lamar Boulevard, Austin Energy discussed during the neighborhood meeting that they had researched other locations in the area but had engineering and technical issues with locating a substation on other nearby sites. Regarding the issue of creating a park on the Justin Ln./Ryan Dr. property, this site is sizable and while the future development may include some kind of open space element, the adjacency of this parcel to the future commuter rail stop calls for a more transit supportive use.

Update: Staff is currently working with the Crestview/Wooten Combined Neighborhood Planning Area, representatives to form an official contact team that meets neighborhood plan amendment ordinance requirements. Because the CWCNP area does not currently have an official contact team, staff has accepted the Crestview Neighborhood Association comments in substitute.

CITY COUNCIL DATE: September 27, 2007

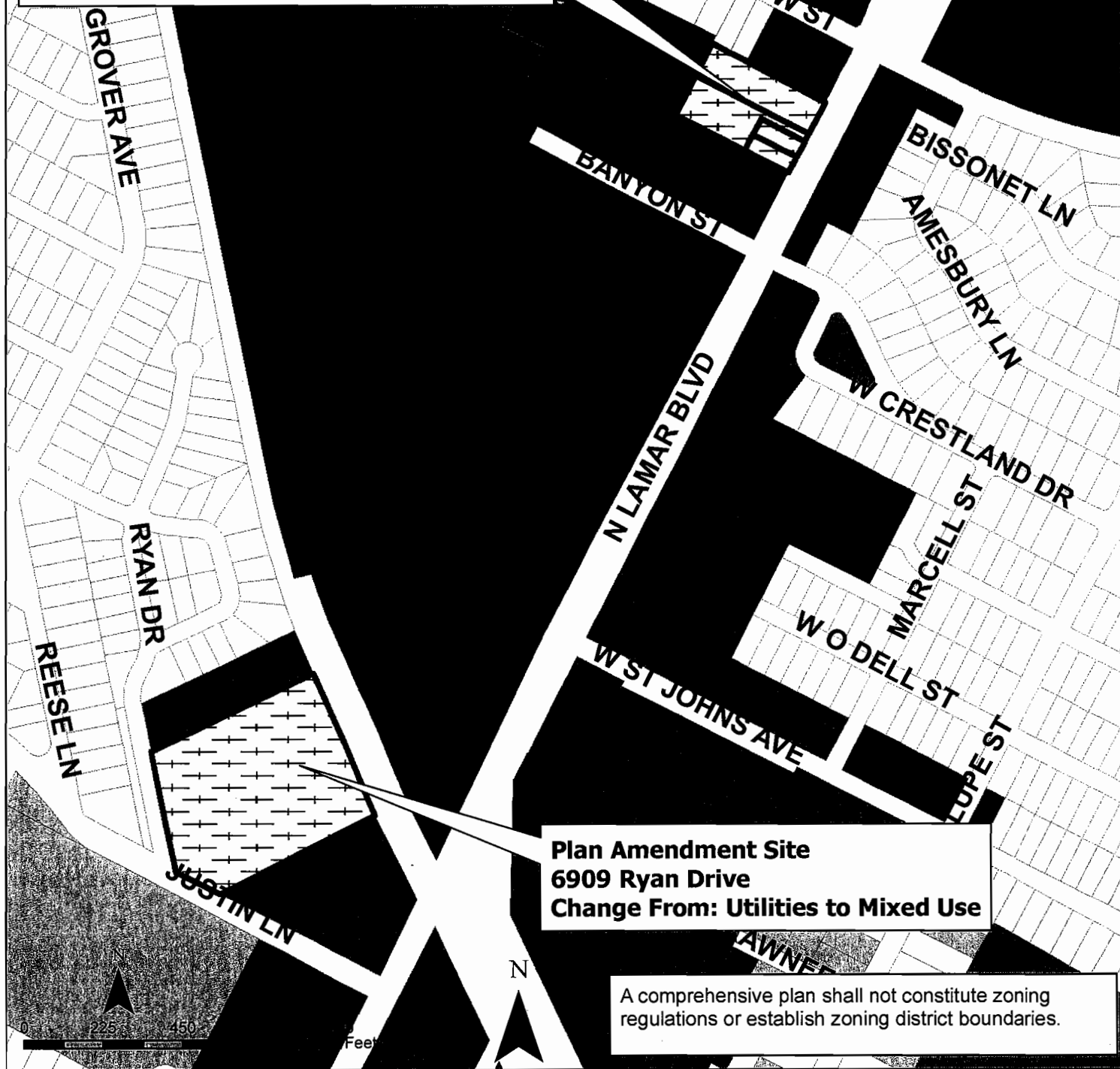
CASE MANAGER: Kathleen Fox (Plan Amendment) PHONE: 974-7877

EMAIL: kathleen.fox@ci.austin.tx.us

**Crestview/Wooten Combined Neighborhood Plan
Neighborhood Plan Amendment
Case # NPA-07-0017.01**



Plan Amendment Site
7520 -7530 N. Lamar Boulevard
Change From: Major Planned Development
To Utilities



Plan Amendment Site
6909 Ryan Drive
Change From: Utilities to Mixed Use

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

Crestview Neighborhood Plan Amendment NPA-07-0017.01

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

Future Land Use

	Single Family		Higher Density Mixed Use
	Higher Density Single Family		Major Planned Development
	Multifamily		Recreation and Open Space
	Mixed Use		



Created on 07/31/07



City of Austin

Neighborhood Planning and Zoning Department

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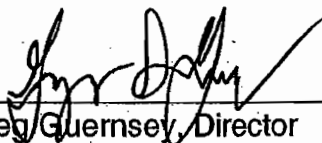
Neighborhood Plan Amendment Declaration of Hardship

This letter certifies that Case# NPA-07-0017.01, a proposed amendment to the Crestview Neighborhood Plan, meets at least one of the exemption criteria established below and is therefore not subject to the waiting period for filing a neighborhood plan amendment application. This letter **only** exempts the applicant from the waiting period and does not indicate a positive staff recommendation.

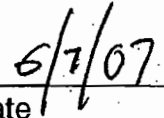
This case fulfills the following hardship criterion:

- ☐ A funded public improvement project that addresses public health and safety. This amendment is needed so that Austin Energy can provide reliable electric service to the surrounding area. Without this new substation, there will not be sufficient electric capacity to service the growth of the Crestview area, particularly in relation to the Crestview Station Transit-Oriented Development project. In addition, the existing Koenig Lane substation is in need of reconstruction due to the age of the equipment. The new substation must be energized prior to the work on the Koenig Lane substation. Austin Energy can meet their Spring 2009 timeframe to energize the new substation only if the amendment can be submitted earlier than the February 2008 amendment cycle.

Specific case details:



Greg Guernsey, Director
Neighborhood Planning and Zoning Department



Date



City of Austin

Austin's Community-Owned Electric Utility

www.austinenenergy.com

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

May 2, 2007

COPY

Greg Guernsey
Director NPZD
City of Austin
505 Barton Springs
Austin, Texas 78704

Re: Request to submit application for Neighborhood Plan Amendment out of cycle

Dear Greg,

Austin Energy (AE) currently owns a parcel of land located at 6909 Ryan Drive that was acquired for a future electric substation and other AE facilities. On March 23, 2006 the Austin City Council approved a resolution directing the City Manager to study the cost and feasibility of relocating Austin Energy's Justin Lane Service Center and the effect of such relocation on promoting development within the Lamar Boulevard/Justin Lane Transit-Oriented Development District (TOD). As a result of this resolution, a property trade was negotiated with Stratus Properties for a 1.94 acre parcel located in the 7500 Block of Lamar Boulevard between Morrow Street and Banyon Street. In order to complete this transaction the zoning of the Justin Lane property must be changed to GR-MU-CO and an amendment to the Crestview Neighborhood Plan to change the land use designation to Mixed Use is required. In addition, the zoning for the Lamar parcel will need to be changed to "P" and an amendment to the Crestview Neighborhood Plan to change the land use designation to Utilities is required. AE requests that the zoning change and neighborhood plan amendment for the Lamar parcel to occur concurrently with the 6909 Ryan Drive parcel.

Austin Energy hereby requests an exemption allowing an application for an amendment to the Crestview Neighborhood Plan to be filed out of cycle. Our substation engineers have determined that the future substation needs to be energized in the Spring of 2009 for the following reasons:

- To provide reliable electric service to the surrounding area and to pick up the load of the TOD.
- To pick up the existing load of Koenig Lane substation which is in dire need of reconstruction due to age of the equipment – the new substation on Lamar needs to be energized before the work on Koenig Lane can occur.

A minimum of 18 months is required to complete the zoning changes, the neighborhood plan amendment, the Site Development Permit process, the bid process for construction,

and the construction of the substation. If we were required to wait until February 2008 to file the Neighborhood Plan Amendment, then we would not meet our Spring 2009 date to energize the substation.

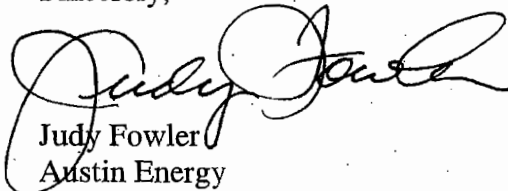
Due to the critical need for this proposed substation and the time constraints on construction of the substation, waiting until February 2008 imposes an undue hardship on Austin Energy.

In addition, it has been suggested that we consider a compact substation design with Gas Insulated Switchgear (GIS) at this location. The property on Lamar is almost two acres which would not constitute a need for this GIS design. Also, due to the location of the transmission lines that will connect to the proposed substation, the structures required for a GIS design would be very large and potentially defeat the visual benefits of the GIS substation.

Please contact me if you need any additional information or have any questions.

Thank you in advance for your consideration of this exemption request.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy Fowler", is written over the printed name.

Judy Fowler
Austin Energy
Manager, Public Involvement and Real Estate Services
322-6107

Fox, Kathleen

From: Chip Harris [cnachip@hotmail.com]
Sent: Sunday, August 05, 2007 9:20 PM
To: Fox, Kathleen
Subject: Crestview Neighborhood Plan Contact Team Zoning Recommendations

Ms. Fox,

Here are the zoning recommendations from the Crestview Neighborhood Plan Contact Team that were approved 5 - 0 at the meeting called by the City on Tuesday, July 31, 2007:

C14-2007-0094

We humbly request the following conditions be met by the applicant in order to gain our support for the zoning change:

1. That no road cross this 5+ acre tract that would connect Crestview Station on the north side of the tract with Justin Lane on the south side of the tract. Such a road would result in excessive cut-through traffic on Justin Lane which currently serves as a residential street with single family homes fronting most of the roadway.
2. That access to this tract be limited to one road with that road being Justin Lane. Consistent with this requirement, there would be no access from or to any other road including Ryan Drive.
3. That zoning be limited to residential zoning and exclude mixed use. The zoning requested by the City is one typically requiring locations accessible from major traffic ways. This location, with hardly 50 feet of frontage on Justin Lane, a residential street, has no access to major traffic ways such as Lamar Blvd. Mixed use development is more appropriate along a major transportation corridor rather than the interior of a residential neighborhood.
4. That the density of residential development on this site not be greater than 15 units per acre. This site cuts deeply into the interior of the Crestview neighborhood and will greatly impact the surrounding single family homes. As such, it would be preferable if this site were low density and serve as a transition between the commercial activity on Lamar Blvd. and the residential character of the neighborhood.
5. That the City seriously consider utilizing this property for a civic use in part or in whole. Currently, there is not one square inch of parkland in the Crestview neighborhood association boundaries resulting in our children having to leave our neighborhood in order to access a park or playground area.

C14-2007-0095

For this tract, the City is wishing to relocate its planned electric substation from Justin Lane to Lamar Blvd. While the Contact Team has no major issues with this proposal, we do think that there are locations that would better meet the City's requirements. For example, the property at 6901 Lamar Blvd. would be closer to the existing substation at Koenig Lane and on the same side of the street as the City's current transmission lines; both major advantages as expressed by Austin Energy.