

SECOND / THIRD READINGS SUMMARY SHEET

NEIGHBORHOOD PLANNING AMENDMENT CASE NUMBER: NPA-07-0017.01 – Austin Energy and Crestview Station

REQUEST:

Conduct a public hearing and approve second/third readings of a neighborhood plan amendment to change the Future Land Use Map Designation of 7520-7530 N. Lamar Boulevard, from **MAJOR PLANNED DEVELOPMENT** to **UTILITIES**. The subject property is located within the Crestview/Wooten Combined Neighborhood Planning Area.

DEPARTMENT COMMENTS:

On March 23, 2006, through a City Council resolution, the City Manager was asked to study the cost and feasibility of relocating Austin Energy's Justin Lane Service Center on Ryan Drive and determine the effect that such relocation would have in assisting in the development of the adjoining Lamar Boulevard/Justin Lane TOD (Transit Oriented Development) and commuter rail stop. 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 power substation on N. Lamar Boulevard to make their Spring 2009 energizing deadline. This new substation needs to be 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 reconstruct the Koenig Lane substation to replace aging equipment and facilities.

ISSUES:

This NPA is in conjunction with rezoning case number C14-2007-0095 – Justin Substation

OWNER/APPLICANT: Crestview Station LLR Land LP

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

DATE OF FIRST READING: November 29, 2007

CITY COUNCIL HEARING DATE: January 17, 2008

CITY COUNCIL ACTION:

November 29, 2007:

This item was approved on the consent by a vote: 6-0 (Cole-off the dais).

ASSIGNED STAFF: Kathleen Fox, e-mail: kathleen.fox@ci.austin.tx.us

ORDINANCE NO.

**AN ORDINANCE AMENDING ORDINANCE NO. 040401-Z-2, WHICH
ADOPTED THE CRESTVIEW/WOOTEN COMBINED NEIGHBORHOOD
PLAN AS AN ELEMENT OF THE AUSTIN TOMORROW COMPREHENSIVE
PLAN, TO ESTABLISH A LAND USE DESIGNATION ON THE FUTURE LAND
USE MAP FOR PROPERTY LOCATED AT 7520-7530 NORTH LAMAR
BOULEVARD.**

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

PART 1. Ordinance No. 040401-Z-2 adopted the Crestview/Wooten Combined
Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan.

PART 2. Ordinance No. 040401-Z-2 is amended to change the land use designation on
property located at 7520 – 7530 North Lamar Boulevard from Major Planned
Development to Utilities on the future land use map attached as Exhibit “A” and
incorporated in this ordinance, and described in File NPA-07-0017.01 at the
Neighborhood Planning and Zoning Department.

PART 3. This ordinance takes effect on _____, 2007.

PASSED AND APPROVED

_____, 2007 §
 §
 §
_____, 2007 §

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

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

CASE#: NPA-07-0017.01

PC PUBLIC HEARING DATE: August 28, 2007

ADDRESS & AREA: 7520-7530 N. Lamar Blvd. (2.036 acres)

APPLICANTS: Austin Energy and Crestview Station LLR Land LP

OWNER: Crestview Station LLR Land LP

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

TYPE OF AMENDMENT: Change in the Future Land Use Map Designation
7520-7530 N. Lamar Boulevard, (a grassy undeveloped lot owned by Crestview Station
LLR Land LP) from **MAJOR PLANNED DEVELOPMENT** to **UTILITIES**

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

PREVIOUS CITY COUNCIL ACTION: Postponed on September 27, 2007, and October 18, 2007. Council approved this case on the consent agenda during its first reading on November 29, 2007, by a vote: 6-0 (Cole-off the dais).

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. Please note, the rezoning and plan amendment for Ryan Drive, which had been part of a property swap deal and originally part of this application, has been withdrawn.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission agreed with staff and recommended a Utilities land use designation for the N. Lamar Boulevard site. In their motion, the Planning Commission requested that the City Arborist explore the possibility of 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 requested amendment is consistent with the Land Use recommendations in the Crestview/Wooten Combined Neighborhood Plan. See *Analysis* for more details.

BACKGROUND: When Austin Energy originally acquired the Ryan Drive site, they planned to construct a substation to address needed system improvements in the area. However, on March 23, 2006, through a City Council resolution, the City Manager was asked to study the cost and feasibility of relocating Austin Energy's Justin Lane Service Center on Ryan Drive and determine the effect that such relocation would have in assisting in the development of the adjoining Lamar Boulevard/Justin Lane TOD (Transit Oriented Development) and commuter rail

stop. After reviewing the impact on the redevelopment of the property and overall TOD plan if Austin Energy built a substation on the Justin Lane property, Austin Energy approached Crestview Station LLR Land LP, the developers of the adjoining TOD, and negotiated a property swap. In this deal Crestview Station LLR Land LP (who own the N. Lamar Blvd. site) and Austin Energy (who own the Ryan Drive site) would have swapped properties. However during October 2007, Austin Energy decided to retain the ownership of the Ryan Drive site, drop their proposed plan amendment and rezoning application for Ryan Drive, and only pursue a rezoning request and neighborhood plan amendment for N. Lamar Blvd. for construction of a substation at that location.

Please note that this neighborhood plan amendment is only an interim request for the subject property 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 the winter of 2008.

Austin Energy has also 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 energizing 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 needs to be 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 reconstruct the Koenig Lane substation to replace aging equipment and facilities.

ANALYSIS:

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.) And as stated above, 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. Other portions of the CWCNP that appear to support a change to a Utilities land use designation for this area of N. Lamar Blvd. include:

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.*

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.

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 state:

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 all 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 would serve the neighborhood. A new substation would also appear to support more development along this portion of N. Lamar Blvd., including residential, commercial, and mixed use development, including the TOD. And 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. Finally, 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.

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

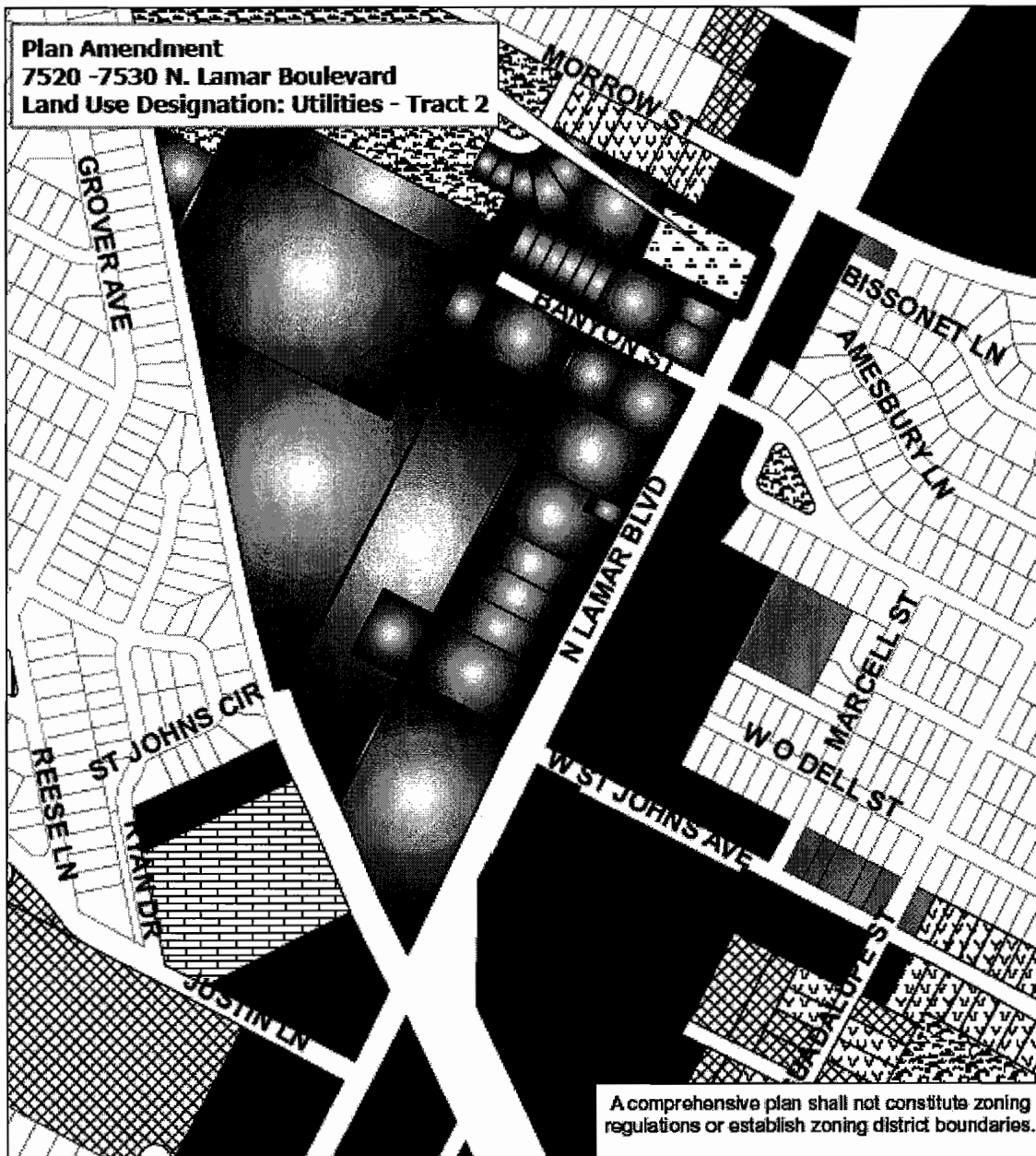
planning area not having an official contact team) recommended the following changes to the N. Lamar Blvd. site (by a vote to 5 to 0) in order to support this request: For the N. Lamar Tract, they stated that while they have no major issues with the substation being located at this site, that they want 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 issue of locating the substation along another portion of N. Lamar Boulevard was discussed by Austin Energy engineers during the neighborhood meeting. They explained that they had researched other locations in the area but due to engineering and technical issues, that they had difficulty in finding another suitable location to locate a substation on other nearby sites.

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: November 29, 2007

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

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



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.

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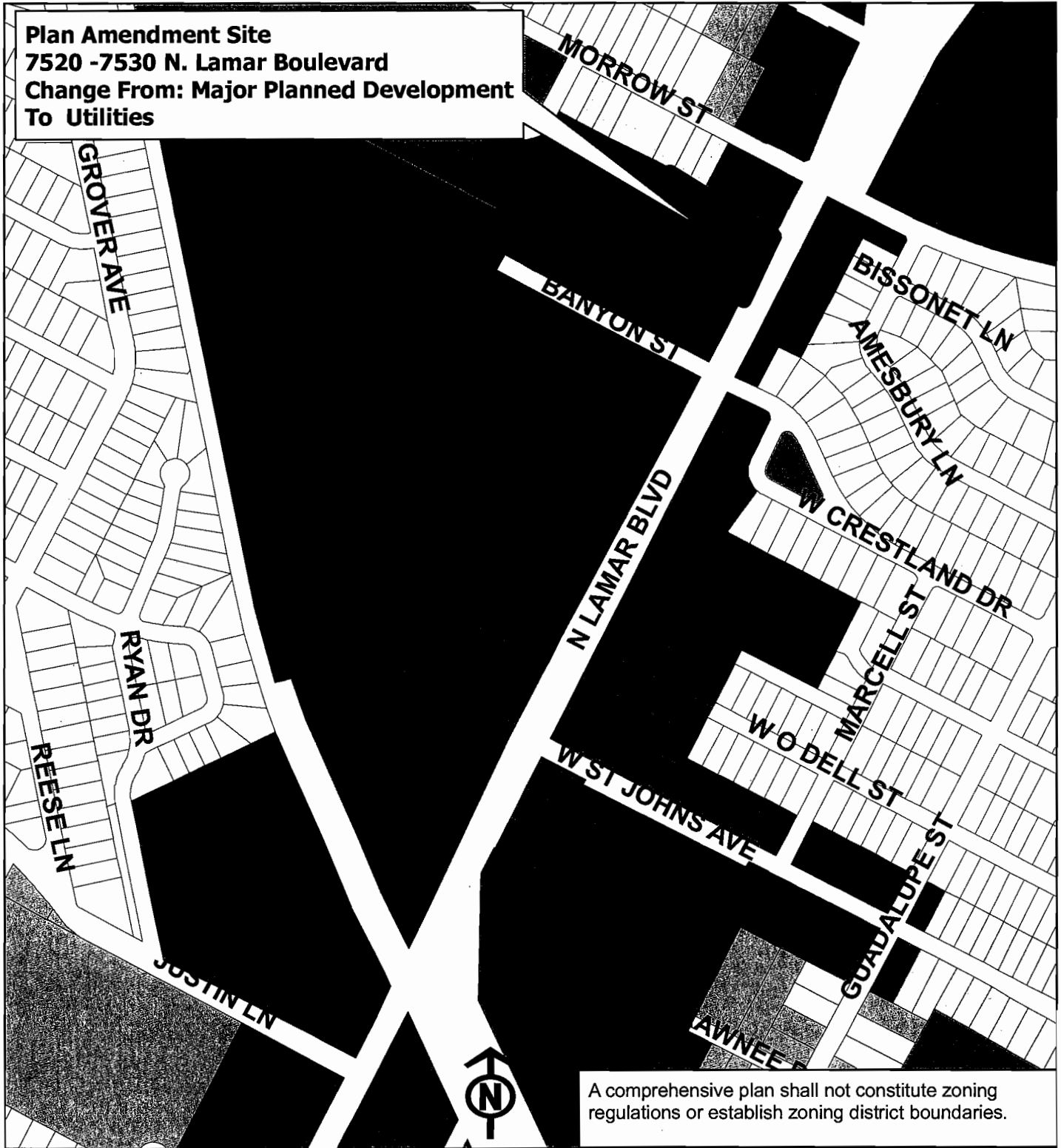


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Future Land Use Legend

	Single-Family		Warehouse/Limited Office
	Higher-Density Single-Family		Office
	Mixed Residential		Mixed Use/Office
	Multi-Family		Major Planned Development
	Commercial		Civic
	Mixed Use		Recreation & Open Space
	High Density Mixed-Use		Utilities

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



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

Crestview Neighborhood Plan Amendment NPA-07-0017.01

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Created on 07/31/07

0 225 450 900 Feet

Future Land Use

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



City of Austin

Neighborhood Planning and Zoning Department

505 Barton Springs • P.O. Box 1088 • Austin, Texas 78767-8835 • 512-974-7668

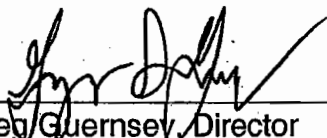
Neighborhood Plan Amendment Declaration of Hardship

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.

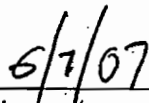
This case fulfills the following hardship criterion:

- ☐ 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.austinenergy.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.

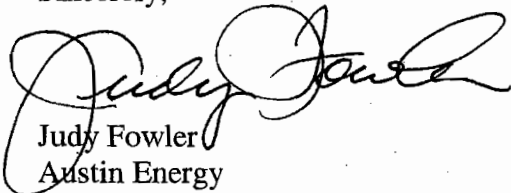
Due to the critical need for this proposed substation and the time constraints on construction of the substation, waiting until February 2008 imposes an undue hardship on Austin Energy.

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 and title.

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.