

## **NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHORHOOD PLAN:** Dawson Neighborhood Plan

**CASE#:** NPA-08-0001.02

**PC DATE:** May 13, 2008

**CITY COUNCIL DATE:** August 7, 2008

**ADDRESS:** 3900 Wadford Street and 3907-B Reyna Street

**APPLICANT:** City of Austin

**OWNERS:** Janie Ybarra (3907-B Reyna Street) and Frank L. Sanchez (3900 Wadford St)

### **TYPE OF AMENDMENT:**

#### **Change in Future Land Use Designation**

The proposed amendment would change the land use designation on the Dawson Neighborhood Plan Future Land Use Map for two properties in an area in the southeast corner of the neighborhood, adjacent to Ben White Blvd. and one block west of S. Congress Ave., from **Single Family** to **Mixed-Use**. The change in designation will allow for the redevelopment of the subject properties into mixed-use development.

**PLAN ADOPTION DATE:** August 27, 1998

**NPCD ADOPTION DATE:** December 6, 2001 **FLUM ADOPTION DATE:** June 22, 2006

### **ISSUES:**

This plan amendment case was initiated by Planning Commission at the September 11, 2008 public hearing after a request from Ron Thrower to consider initiating such a case during the "Citizens to be Heard" portion of the August 28, 2008 Planning Commission. At the time of the September 11, 2008 hearing, Mr. Thrower provided letters from Ms. Ybarra and Mr. Sanchez (the property owners affected by this case) supporting the plan amendment for their properties. However, at a recent neighborhood meeting (April 14, 2008) Mr. Sanchez told City staff and neighborhood leadership that he no longer wants to be a part of this plan amendment case (attached is a letter from Mr. Sanchez expressing this opinion; this letter was sent to staff by a neighborhood representative in contact with Mr. Sanchez). Based on this testimony, the plan contact team voted to oppose the FLUM amendment for Mr. Sanchez's property. This case was postponed at the July 24, 2008 City Council Public Hearing to allow Mr. Sanchez an opportunity to speak to this issue; he was out of town and unable to attend the hearing on July 24.

**STAFF RECOMMENDATION:** Staff supports the city-initiated plan amendment for 3907-B Reyna Street. The property owner for 3900 Wadford St., Frank Sanchez, has at different times expressed both support and opposition to this plan amendment. While staff has a letter stating Mr. Sanchez's support for the plan amendment, in our most recent communications with Mr. Sanchez, he has told City staff that he does not support the plan amendment for his property. Though staff

feels that Mixed Use would be a suitable land use designation for this property, changing the designation for this property with the support of neither the property owner nor the plan contact team is unwarranted and staff therefore does not support the FLUM change for 3900 Wadford St.

**PLANNING COMMISSION RECOMMENDATION:** Planning Commission recommended amending the Dawson Neighborhood Plan Future Land Use Map by changing the future land use designation for 3900 Wadford Street and 3907-B Reyna Street from Single-Family to Mixed Use.

**BASIS FOR STAFF RECOMMENDATION:**

Staff supports a **Mixed Use** designation for the following reasons:

- As a result of the reconstruction of Ben White Blvd, this property and other single family properties on this block are now adjacent (or in very close proximity) to a limited access highway. The noise and traffic along Ben White Blvd make these properties no longer suitable for single family use.
- A Mixed Use future land use designation is used on many properties adjacent to Ben White in nearby planning areas (and even in the Dawson neighborhood in one case), making a Mixed Use designation at this location consistent with future land use designations for other areas along Ben White.
- This block is only one block away from Congress Avenue and the various current and future transit routes along this corridor. This proximity to transit makes the location ideal for the higher density residential uses associated with Mixed Use.
- Current and future development along Congress Avenue in this area will be adding more residents to the area and increasing demand for the types of neighborhood-serving commercial uses found in Mixed Use. Such commercial uses in this location would help meet this demand.

**Comments from the Dawson Neighborhood Plan**

One objective of the Dawson Neighborhood Plan is to “Preserve the residential character of the interior of the neighborhood and the commercial character of South First Street and South Congress Avenue.” While the plan does not specifically mention the areas in the neighborhood immediately adjacent to Ben White Blvd, the blocks adjacent to Ben White are located on the perimeter, rather than the interior of the neighborhood. Additionally, on the Dawson Neighborhood Plan’s FLUM, most properties abutting Ben White are designated either Mixed Use or Commercial.

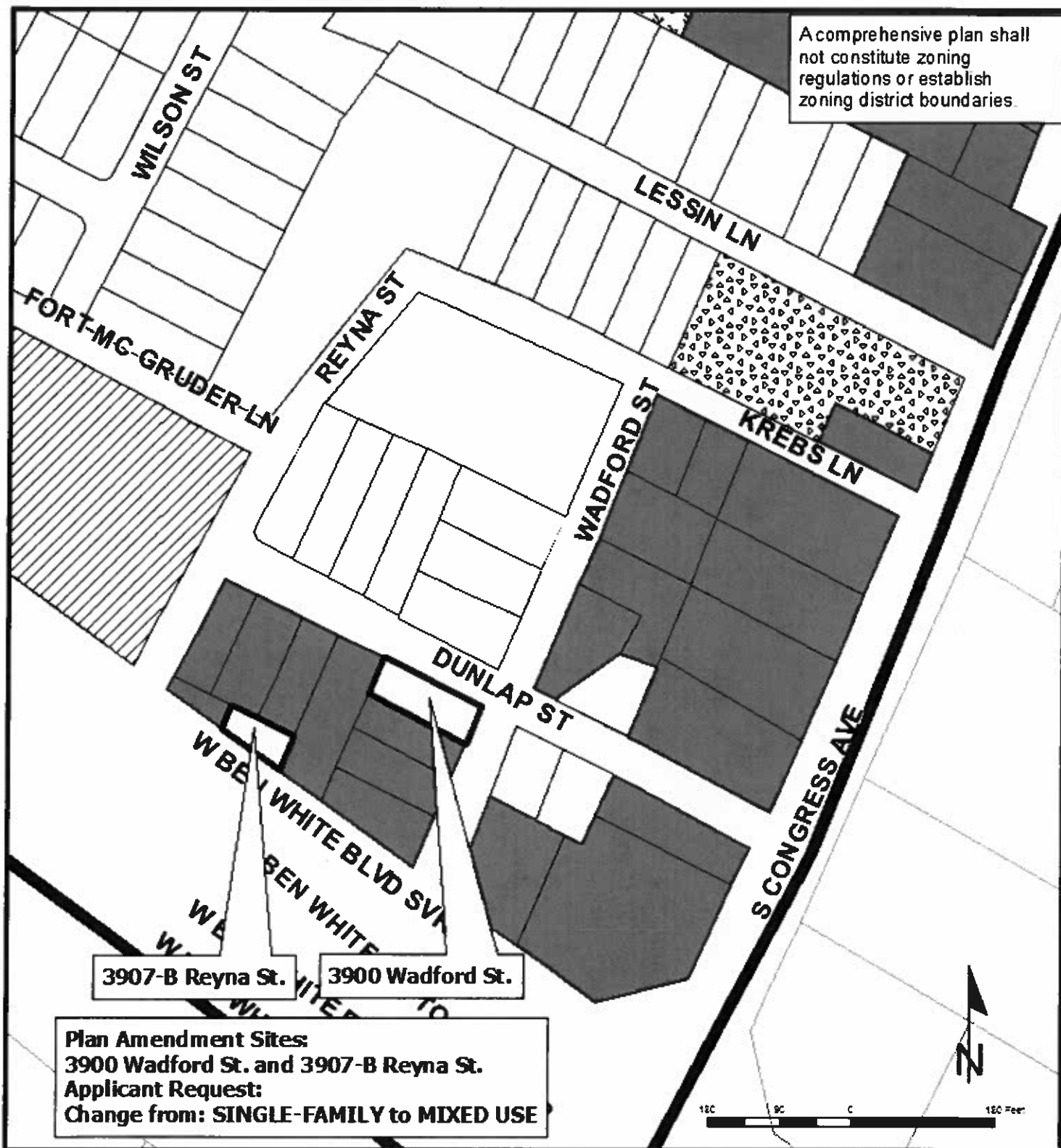
On October 18, 2007, the City Council approved a plan amendment designating most of this block as Mixed Use. This plan amendment would be consistent with the future land use designation for the rest of the block.

**CITY COUNCIL DATE:** August 7, 2008

**ACTION:** Pending

**CASE MANAGER:** Andrew Holubeck

**EMAIL:** [andrew.holubeck@ci.austin.tx.us](mailto:andrew.holubeck@ci.austin.tx.us)



## Dawson Neighborhood Plan Amendment: NPA-08-0001.02

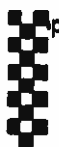
This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of aiding neighborhood planning decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.



Created by NPZD March 25, 2008

### FUTURE LAND USE

Single-Family	Office
Higher-Density Single-Family	Mixed Use/Office
Multi-Family	Major Planning Development
Commercial	Industry
Mixed Use	Civic
Warehouse/Limited Office	Recreation & Open Space
	Utility



Planning Commission  
City of Austin  
Austin, Texas 78704

Re: Initiation of Future Land Use Map amendment by Planning Commission

To Whom It May Concern – City of Austin, Texas

I take this opportunity to convey my consent to allow for the Planning Commission to initiate a Future Land Use Map amendment on my property located at 3900 Wadford Street to show my property as Mixed-Use.

If you have nay questions as to my support of this initiative please contact me at your convenience.

Sincerely,

Mr. Frank Sanchez  
Property Owner



## Application for a Neighborhood Plan Amendment

Owner/Applicant: JANIE YBARRA  
Project Name: FORT MAGRUDER 3  
Owner/Applicant Address: 6500 SKYCREST DRIVE, AUSTIN, 78745  
Owner/Applicant Phone: 512/  
Owner/Applicant Fax #: \_\_\_\_\_  
Agent: RON THROWER - THROWER DESIGN  
Agent Address: 2807 MANCHACA ROAD, BLDG. 2, AUSTIN, 78704  
Agent Phone: 512/476-4456  
Agent Fax #: 512/476-4454  
Name of Adopted Plan: Dawson  
Adoption Date: August 27, 1998  
Tax Parcel Number(s): 0409050427

☒ **Change in Future Land Use Designation\*\***

Requested change FROM: SF TO: MU  
Proposed Use: Mixed-Use  
Physical Location: 3907-B REYNA STREET  
Legal Description: SEE ATTACHED  
Acreage or Square Feet: \_\_\_\_\_  
Watershed Location: Bouldin

**\*\*Please attach map designating tract(s) to be changed**

☐ **Change of Plan Text**

Item and page number(s): \_\_\_\_\_  
Existing text: \_\_\_\_\_

Requested Change: \_\_\_\_\_

☐ **Base District Zoning Change (Requires separate zoning application)**

Property address (or legal description): \_\_\_\_\_  
Existing base zoning: \_\_\_\_\_  
Proposed base zoning: \_\_\_\_\_  
Related zoning case #: \_\_\_\_\_

☐ **Combining District/Overlay Zone change** (Not including Conditional Overlay or Neighborhood Plan Combining Districts) (Requires separate zoning application)

Property address (or legal description): \_\_\_\_\_  
Existing Combining District/Overlay Zone: \_\_\_\_\_  
Proposed Combining District/Overlay Zone: \_\_\_\_\_  
Related zoning case #: \_\_\_\_\_

☐ **Change in Conditional Overlay** (Requires separate zoning application)

Property address (or legal description): \_\_\_\_\_  
Existing conditions in ordinance: \_\_\_\_\_  
Proposed change in conditions: \_\_\_\_\_  
Related zoning case #: \_\_\_\_\_

☐ **Change in NPCD Special Use** (Requires separate zoning application)

☐ **Elimination of permitted Special Use**  
Tract location (Parcel addresses, Sub-district boundaries, or Plan Area): \_\_\_\_\_

☐ **Addition of permitted Special Use**    ☐ Area wide    ☐ Sub-district  
\_\_\_\_ Corner Store  
\_\_\_\_ Cottage Lot  
\_\_\_\_ Secondary Apartment  
\_\_\_\_ Small Lot Amnesty  
\_\_\_\_ Urban Home

Sub-district boundaries (if applicable) \_\_\_\_\_

☐ **Addition of permitted Special Use on a specific property:**  
\_\_\_\_ Neighborhood Mixed Use Building  
\_\_\_\_ Address or Location: \_\_\_\_\_  
\_\_\_\_ Neighborhood Urban Center:  
\_\_\_\_ Address or Location: \_\_\_\_\_  
\_\_\_\_ Residential Infill  
\_\_\_\_ Address or Location: \_\_\_\_\_

**Departmental Use Only**

Application Date: \_\_\_\_\_; Tentative Planning Commission Date: \_\_\_\_\_  
Tentative City Council Date: \_\_\_\_\_; Case Manager \_\_\_\_\_

Reason for Plan Amendment request: FLUM CHANGE ONLY

Please Print First and Last Name of Applicant/Agent JANIE Ybarra  
Signature/Date: [Signature] 3/25/07

July 2, 2008

Jim Lacey  
207 Dunlap St.  
Austin, TX 78704

Subject: Observer Commentary

For simplification I will address some of your comments in the sequence they appeared in the June 9, 2008 "Observer" and will omit certain names and facts.

- a) "Lone Holdout" - I elected not to sign a "Letter of Intent" to sell my property for personal reasons. Instead in 2007 I sent a contract to purchase my property (3900 Wadford St.) to the company you refer to. To further facilitate matters for the company I also wrote a letter to the "City of Austin Zoning and Planning" expressing my concerns and desires for my property.

The company failed to meet the deadline established for the "Earnest Money" this nullified their attempt to place 3900 Wadford St. on the FLUM Map. That is when certain individuals that had knowledge of this letter continued to pursue this for their self interest. Only this time they used the City as the applicant.

I have never pursued an attempt to have my property placed on the FLUM Map so how could I change my mind?

- b) "Accurate Reporting" - You defend the rights of a certain individual in your commentary. Yet you deny me the same right for rebuttal even though my name appears nine times in the commentary.
- c) "Confused" - Aging occurs naturally, its disturbing to know there are some that criticize this natural process, and more disturbing to know that the planning commission would allow such a comment to be stated.
- d) "FLUM Map" - You chose to buy in this neighborhood as it was, why all the criticism about the FLUM Map?
- e) "Piece Meal" - I don't recall having elected any one individual or individuals to represent me or my interests in any capacity.
- f) "Support" - I am not against what any one person is trying to do with their property as long as they don't try to represent me or involve my property.

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Jim Lacey  
July 2, 2008  
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- g) No one person has instilled in me or brainwashed me into thinking that Government is in some manner going to take my property away.

However, I am concerned when individuals use inside information to promote their self interest, and instill on others, neighborhood designations that been voted against, and to promote this in the name of "Best Planning Practices for the City" and "Best Interest for Property Owners".

Using these avenues to promote self interest will always irritate members that are committed to abide by the rules.

Frank L. Sanchez

cc: Myron D. Smith - President  
Dawson Neighborhood Association

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