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ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0043
Shady Lane Mixed Use

P.C. DATE: August 25, 2015
August 11, 2015
July 28, 2015
June 23, 2015

ADDRESS: 500 Shady Lane

DISTRICT: 3

AREA: 2.7912 acres

OWNER: 600 Shady Lane Ltd. (Jimmy Nassour)

AGENT: Glasco Consulting (Alice Glasco)

FROM: LI-NP

TO: CS-MU-V-NP

WATERSHED: Colorado River

TIA: N/A

DESIRED DEVELOPMENT ZONE: Yes

SCENIC ROADWAY: No

NEIGHBORHOOD PLAN AREA: Govalle/Johnston Terrace

SUMMARY STAFF RECOMMENDATION:

Staff does not recommend general commercial services-mixed use-vertical mixed use-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

August 25, 2015:

August 11, 2015: The motion to postpone to August 11, 2015 by request of staff was approved on the consent agenda by Commissioner Jean Stevens, Commissioner James Schissler seconded the motion on a vote of 11-0; Commissioner John Thompson absent.

July 28, 2015: The motion to postpone to August 11, 2015 by request of staff was approved on the consent agenda by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

June 23, 2015: The motion to postpone to July 28, 2015 by request of the applicant was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Stephen Oliver seconded the motion on a vote of 8-0; Commissioner James Shieh was absent.

ISSUES

A Valid petition has been filed on this rezoning request. The petition has 32.21% of eligible signatures, so a super majority vote will be required at City Council to grant the CS-MU-V-NP request. Please refer to ***Exhibit A (Valid Petition).***

Preliminary review of the rezoning request led Staff to consider the CS-MU-V-NP request as potentially suitable for the location on Shady Lane. Additional information from City of Austin Fire Department regarding hazardous materials in the immediate vicinity of the property triggered more extensive reevaluation by the Staff, and has resulted in non-support for the rezoning request. Please refer to ***Exhibit B (Fire Department Correspondence).***

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DEPARTMENT COMMENTS:

Existing Conditions. The subject property is located on west side of Shady Lane, and is bounded by East 5th Street and East 7th Street on the south and north. The property is zoned LI-CO-NP and is currently developed with a vacant office/limited warehouse building. The property immediately to the west is also zoned LI-CO-NP, and is developed with a limited warehousing and distribution center that specializes in automotive and cleaning products. Further west are office / warehouse uses, truck rentals, and similar land uses, zoned LI-CO-NP, CS-V-CO-NP, and CS-CO-NP. North of the subject property, across East 7th Street are properties zoned CS-CO-NP and CS-V-CO-NP that are used for automotive sales and restaurant, respectively. Further north are properties zoned SF-3-NP, LI-CO-NP, GR-MU-NP, and CS-MU-NP. These properties are developed with a mix of residential and commercial land uses. East of the subject property, across Shady Lane, are properties zoned CS-CO-NP and CS-V-CO-NP, developed with a vacant office / warehouse building and an automotive repair service, respectively. South of the subject property, across East 5th Street, are properties zoned CS-CO-NP and P-NP. These are developed with construction sales and services, auto repair, and similar uses. Please refer to ***Exhibits C and D (Zoning Map and Aerial Exhibit).***

As stated in the Issues section of this report, City of Austin Fire Department has identified several authorized hazardous material storage facilities within 1,000 feet of the proposed rezoning tract. Of particular concern is a significant quantity of compressed natural gas that is stored on the property immediately east of the rezoning tract. Please refer to ***Exhibit B (Fire Department Correspondence).***

Zoning History: Although there have been a few individual rezoning cases initiated by property owners in the area, the majority of the existing zoning in the area was established via two City-initiated rezoning processes, beginning with the creation of the Govalle/Johnston Terrace Combined Neighborhood Plan. This planning process began in 2001 under City File # C14-02-0183.001 and was completed in 2003 with the adoption of Ordinance # 030327-lla, designed to reflect the goals of the neighborhood plan. As incorporated into the updated rezoning ordinance, the changes generally sought to reduce certain land uses that the community believed were too prevalent in the area—Liquor sales, Pawn shop services, Automotive related uses, and more.

The subject property and the two properties to the west were all rezoned from LI to LI-CO-NP in conjunction with the creation of the neighborhood plan. Ordinance # 030327-lla established the conditional overlay for these properties, and prohibits the following land uses: Basic industry, General warehousing and distribution, Liquor sales, Recycling center, Residential treatment, Resource extraction, and Scrap and salvage. The neighborhood plan established similar conditional overlays for other properties in the area, prohibiting land uses ranging from Adult oriented uses to Vehicle storage.

Zoning in the area was later modified under City File C14-2007-0259 - Govalle/Johnston Terrace Combined Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, another City-initiated rezoning effort. This process automatically added a V- zoning designation to eligible properties unless the property owner elected to opt-out of the V- designation. The properties in the vicinity of the rezoning tract that have the V- designation all received the designation as part of the 2007 City-initiated rezoning.
As stated previously, a few properties in the area have been rezoned separately from these two area-wide City-initiated rezonings. Those rezonings are listed on the Related Cases table.

Rezoning Request. The Applicant is requesting CS-MU-V-NP which would allow higher density mixed use density development than would be allowed without the V- designation. According to the application, the Applicant proposes a maximum of 252 multifamily units, 1,520 square feet of commercial/retail, and 2,040 square feet of restaurant. The Applicant has also agreed to a conditional overlay limiting the site to no more than 2,000 vehicular trips per day.

Additional information. Staff has received correspondence in support and in opposition to the rezoning request. Please refer to ***Exhibit E (Correspondence).***

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STAFF RECOMMENDATION:

Staff does not support the rezoning request of CS-MU-V-NP. The rezoning process initiated in conjunction with the Govalle/Johnston Terrace Combined Neighborhood Plan was focused in large part on limiting the expansion of unwanted land uses in the area. Some industrial zoned properties were reduced to general commercial services (LI to CS), and those industrial properties that remained were isolated to areas with distinct boundaries. The subject property and its immediate neighbors retained their industrial zoning classification, with the addition of the above mentioned conditional overlay. In 2007, the subject tract was eligible to receive a V- designation, but instead the owners elected to opt-out. Staff believes LI-CO-NP is the appropriate zoning designation for the property in part because the LI- designation has survived these two previous rezoning processes. Although several surrounding properties made zoning changes, this property maintained its industrial land use, character, and zoning. Even the properties in the area that have added residential or mixed use options via zoning have not changed their land uses or character. Finally, the information from City of Austin Fire Department regarding hazardous materials near the property must be considered when evaluating residential development.

1. *Zoning changes should promote the health, welfare, and safety, and otherwise fulfill the purposes of zoning as set forth in the Texas Local Government Code or the zoning ordinance.*

Health, welfare, and safety are generally considered the most important elements to consider in zoning—so much so that they are codified into state law, not just local policies and procedures. High density residential development adjacent to hazardous materials is strongly discouraged.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The proposed rezoning is not compatible with the surrounding land uses. High density residential is not appropriate in close proximity to limited industrial land uses.

3. *Zoning should promote the policy of locating more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The subject property has frontage on East 5th Street, East 7th Street, and Shady Lane. These roads are directly connected to major city roadways and state highways—East Cesar Chavez, Airport Boulevard, US 183. These are important connections for trucking and distribution routes that need to travel long distances.

4. *No change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/ or development restrictions for the property.*

The subject property and its immediate neighbors retained their industrial zoning classification even while the Govalle/Johnston Terrace Combined Neighborhood Plan reduced and isolated industrial properties in the community. In 2007, the subject tract was eligible to receive a V- designation, but instead the owners elected to opt-out. In general, properties in this area, including this one have maintained their light industrial land uses and character over the course of these planning efforts.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LI-CO-NP	Office / Warehouse
North	CS-CO-NP, CS-MU-CO-NP	Auto sales, General restaurant
South	CS-CO-NP, P-NP	Construction sales and services, Auto repair
East	CS-V-CO-NP, CS-CO-NP, P-NP	Auto repair, Vehicle storage, Vacant commercial building
West	LI-CO-NP, CS-MU-CO-NP, CS-V-CO-NP	Office / Warehouse, Auto rental, General retail

RELATED CASES:

NUMBER / NAME	REQUEST	COMMISSION	COUNCIL
C14-2009-0083 Justine's	CS-CO-NP to	10/27/2009: To grant as recommended	11/19/2009- Approved ORD NO. 20091119-092: CS-CO-NP to CS-MU-CO-NP- 1. Development of the Property may not exceed one residential unit. 2. A residential unit may not

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4710 East 5th	CS-MU-CO-NP	by Staff, on Consent.	exceed a height of 32 feet ort wo stories. 3. The following uses of the Property are prohibited uses: Adult oriented businesses, Campground, Kennels, Laundry services, Pawn shop services, Residential treatment, Vehicle storage. 4. The following uses of the Property are conditional uses: Agricultural sales and services, Automotive rentals, Automotive repair services, Automotive sales, Automotive washing (of any type), Building maintenance services, Construction sales and services, Commercial off-street parking, Equipment sales, Limited warehousing and distribution.5. Drive-in service as an accessory use to a commercial use,
C14-02-0093 Plaza Amistad 5100 East 7th Street	LI to CS	To grant as recommended by Staff, on Consent.	03/01/2009- Approved ORD. NO. 030109-22 : LI to CS-CO – 1. Site shall not exceed 2,000 trips per day. 2. The following are prohibited uses: Adult oriented businesses, Kennels, Residential treatment, Campground, Pawn shop services, Vehicle storage. 3. The following are conditional uses: Agricultural sales and services, Limited warehousing and distribution, Laundry services, Equipment repair services, Construction sales and services, Building maintenance services, Equipment sales. 4. 20' building setback from the east property line. 5. A solid fence shall be provided and maintained along the east property line.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
5th Street	60'	40'	Collector	Yes	No	Yes
7th Street	120'	MAU-4	Arterial	Yes	Yes	No
Shady Lane	70'	40'	Collector	Yes	No	Yes

SCHOOLS:

Brooke Elementary School Martin Middle School Eastside Memorial at Johnston High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhoods Council
Del Valle Community Coalition
El Concilio Mexican-American Neighborhoods
East Town Lake Citizens Neighborhood Org.
Buena Vista Neighborhood Association
Cristo Rey Neighborhood Association
The Real Estate Council of Austin
Friends of the Emma Barrientos MACC
United East Austin Coalition
Sierra Club, Austin Regional Group
East Austin Conservancy
Tejano Town
PODER
Austin Heritage Tree Foundation
River Bluff Neighborhood Association
Govalle/Johnston Terrace Neighborhood Plan Team
Preservation Austin
African American Cultural Heritage District
Guadalupe Neighborhood Development Corporation
SELTexas

CITY COUNCIL DATE/ACTION:

September 10, 2015:

August 13, 2015: To grant postponement to September 10, 2015, as requested by staff, on consent.

ORDINANCE READINGS: 1st 2nd 3rd **ORDINANCE NUMBER:**

CASE MANAGER: Heather Chaffin **PHONE:** 512-974-2122

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SITE PLAN

SP 1 Site plans will be required for any new development other than single-family or duplex residential.

SP 2 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.

SP 3 The site is located within Austin-Bergstrom Overlay (Controlled Compatible Land Use Area). No use will be allow that create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. For more information, contact Joe Medici, Airport Planner, 530-6563. Approval from ABIA is required prior to site plan approval.

SP 4 FYI – Site has frontage on 7th Street which is designated as a Future Core Transit Corridor. No additional standards apply at this time.

TRANSPORTATION

TR1: No additional right-of-way is needed at this time.

TR2. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

TR3. Shady Lane is classified in the Bicycle Plan as Bikes Route No. 354 and 913. East 5th Street is classified in the Bicycle Plan as Bike Route No. 54.

TR4. Capital Metro bus service (Bus Route No. 004) is available along E. 7th Street. Capital Metro bus service is not available along Shady Lane and E. 5th Street.

TR5. There are existing sidewalks along Shady Lane, E. 5th Street and E. 7th Street.

TR6. The Public Works Dept. may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

TR7. Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
5th Street	60'	40'	Collector	Yes	No	Yes
7th Street	120'	MAU-4	Arterial	Yes	Yes	No
Shady Lane	70'	40'	Collector	Yes	No	Yes

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Colorado River Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

2. Zoning district impervious cover limits apply in the Urban Watershed classification.

3. According to floodplain maps there is no floodplain within or adjacent to the project location.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

WATER UTILITY

WW1. 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 the Austin Water Utility 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.

COATS | ROSE

A Professional Corporation

C4 7

EXHIBIT A

KELLY WRIGHT

kwright@coatsrose.com
Direct Dial
512.541.3599

May 27, 2015

VIA HAND DELIVERY
Heather Chaffin, Case Manager
City of Austin
505 Barton Springs Rd., 4th Floor
Austin, Texas 78704

Re: Shady Lane Mixed Use; Case Nos. C14-2015-0043 and NPA-2015-0016.01

Dear Ms. Chaffin,

Enclosed please find the original signatures on a Petition for the above-referenced cases. Please contact me with any questions.

Sincerely,

Kelly Wright

Kelly Wright

ACKNOWLEDGED:

_____

Enclosures

cc: Maureen Meredith, Case Manager

C4/8

PETITION

Date: 5/19/2015

File Number: C14-2015-0043

Address of Rezoning Request: 500 Shady Lane, Austin, Texas 78702

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LI-CO-NP.

The proposed mixed use zoning is inconsistent with the surrounding industrial/commercial businesses and the existing Industrial FLUM designation.

Texas Enterprises, Inc.

By: _____
Name: Ford Smith, Jr.
Title: President

Address: 5001 E. 5th Street, Austin, Texas 78702

Date: 5/19/2015

Contact Name: Pamela Madere

Phone Number: (512) 541-3594

4823-4035-7667.v1

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PETITION

Date: 5/19/2015

File Number: C14-2015-0043

Address of Rezoning Request: 500 Shady Lane, Austin, Texas 78702

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LI-CO-NP.

The proposed mixed use zoning is inconsistent with the surrounding industrial/commercial businesses and the existing Industrial FLUM designation.

KAF Development Company, Inc.

By: _____
Name: Ford Smith, Jr.
Title: Managing Partner

Address: 5005 E. 7th Street, Austin, Texas 78702

Date: 5/19/2015

Contact Name: Pamela Madere

Phone Number: (512) 541-3594

4835-6325-9427.v1

Case Number:

C14-2015-0043

PETITION

Date: 6/25/2015

Total Square Footage of Buffer: 412774.5753

Percentage of Square Footage Owned by Petitioners Within Buffer: 32.21%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Precent
0202160202	5020 E 7 ST	GARCIA DANIEL	no	25753.17	0.00%
0202160242	4819 GONZALES ST 78702	HENSLEY LAURA ELLEN G	no	17534.01	0.00%
0202160242	4819 GONZALES ST 78702	HENSLEY LAURA ELLEN G	no	19154.27	0.00%
0201150114	5005 E 7 ST 78702	KAF DEVELOPMENT COMPANY	yes	118792.30	28.78%
0200160205	5119 E 7 ST	KUHN MICHAEL J TRUSTEE	no	48476.67	0.00%
0200160204	5100 E 5 ST 78702	PANAGOPOULOS ANGELOS & CAROLE CAROLE ANN	no	24302.59	0.00%
0200160105	5100 E 7 ST 78702	PEDRO SS SERVICES INC	no	16532.72	0.00%
0201150202	5022 E CESAR CHAVEZ ST 78702	POWELL AUSTIN PROPERTIES LTD % POWELL INTERESTS	no	31718.72	0.00%
0201150208	5001 E 5 ST 78702	TEXAS ENTERPRISES INC	yes	14161.02	3.43%
0200160301	E CESAR CHAVEZ ST 78702	TRAVIS COUNTY TRUSTEE ATTN TAX DEPT	no	21156.04	0.00%
0201150203	5016 E CESAR CHAVEZ ST 78702	WAYNE LOUIS LLC	no	30736.75	0.00%
Total				**368318.26**	**32.21%**

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MANSELL AV

GONZALES ST

E 7TH ST

SHADY LN

SPENCER LN

E CESAR CHAVEZ ST

RED BLUFF RD

N

BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

CASE#: C14-2015-0043

" = 200 '

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

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CITY OF AUSTIN FOUNDED 1839

Chaffin, Heather

C4

EXHIBIT B12

From: Buys, Ron
Sent: Friday, August 14, 2015 4:54 PM
To: Chaffin, Heather
Subject: RE: Proposed mixed use development

We pulled up all the AFD hazmat locations within 1000 ft. There are several, but the one of most concern is on the lot to the west of your site, directly next door at 5005 E. 7th. It is called Allied Sales and I haven't had time to look at the specific size of containers that they have...but their inventory indicates they have about 3200 cubic feet of propane gas. I won't have time till next week to run the numbers, but there is a possibility, that a residential property next door would not be able to qualify for federal HUD dollars if such a grant wasw requested for this location (because of the flammable gas storage next door).
Even if there is no HUD involvement, their required analysis is a good starting point for seeing if apartments would be appropriate at this location.

I can put together a report for this just as we would if the City Economic Development Department were asking us to do a HUD analysis...our workload is pretty tight right now, when are you needing something?

Ron Buys, P.E.
Austin Fire Department
Prevention & Preparedness Services Division ; Engineering Services Section
One Texas Center, Ste. 200 ; 505 Barton Springs Road, Austin, Texas 78704
(512)974-0183

From: Chaffin, Heather
Sent: Wednesday, August 12, 2015 3:37 PM
To: Buys, Ron
Subject: Proposed mixed use development

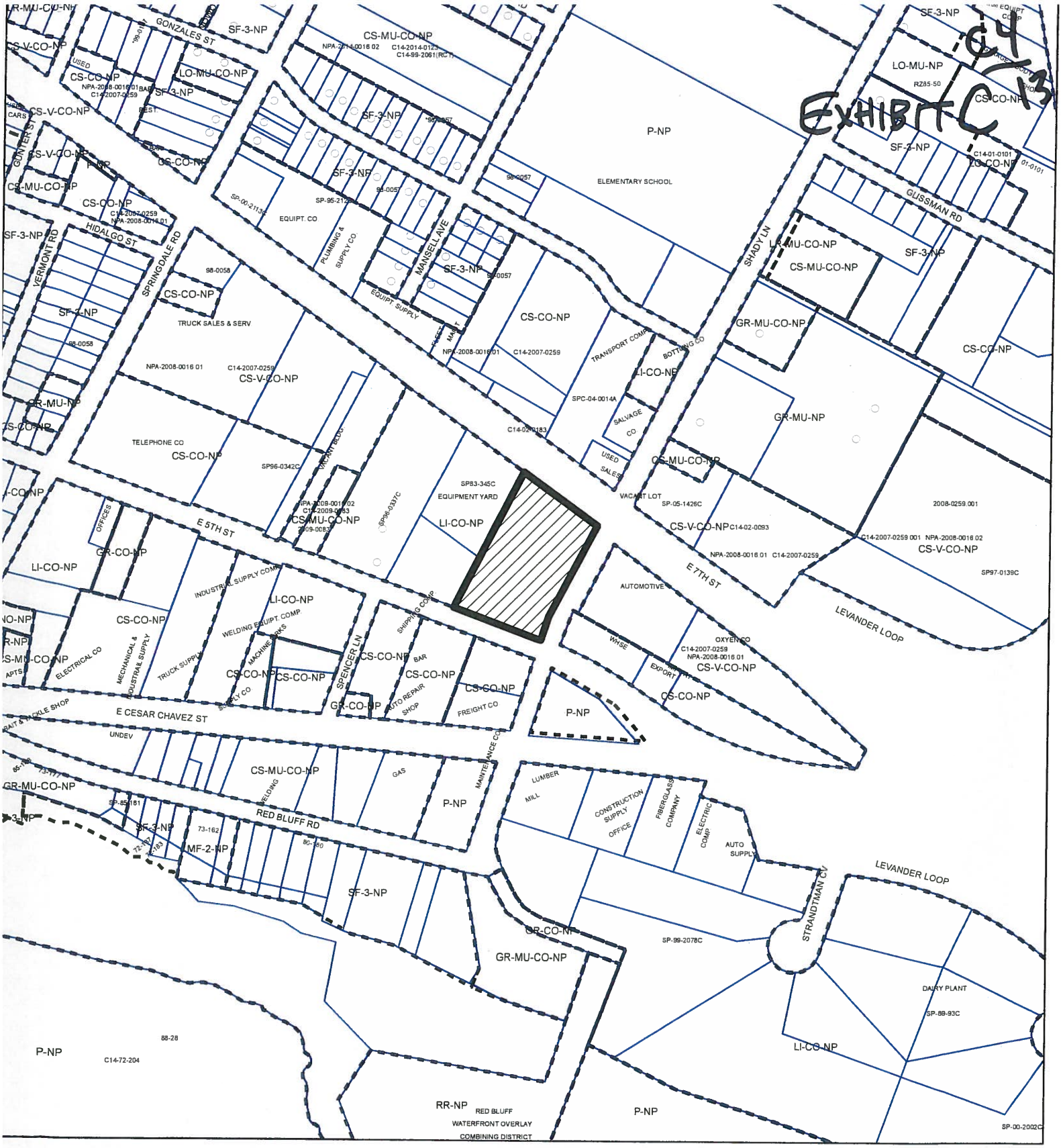
Ron,

Hello! Sorry we've been playing telephone tag; I appreciate your help on this item.

I've attached a copy of the zoning map for my case—it's located at 500 Shady Lane. There are several properties in the area that have signs for different gases (oxygen, natural gas) available for sale on site. I don't know "How much is too much" or "How close is too close" when it comes to these things. The Applicant is proposing 250-300 apartments, plus some commercial.

Most of the businesses with gas signs posted are small, but I did see Precision Oxygen & Supply about a block away, at 4927 E 5th St.

Can you advise me on this zoning case? Are there some general guidelines we (zoning planners) should look out for?



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

ZONING

ZONING CASE#: C14-2015-0043

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CITY OF AUSTIN FOUNDED 1839

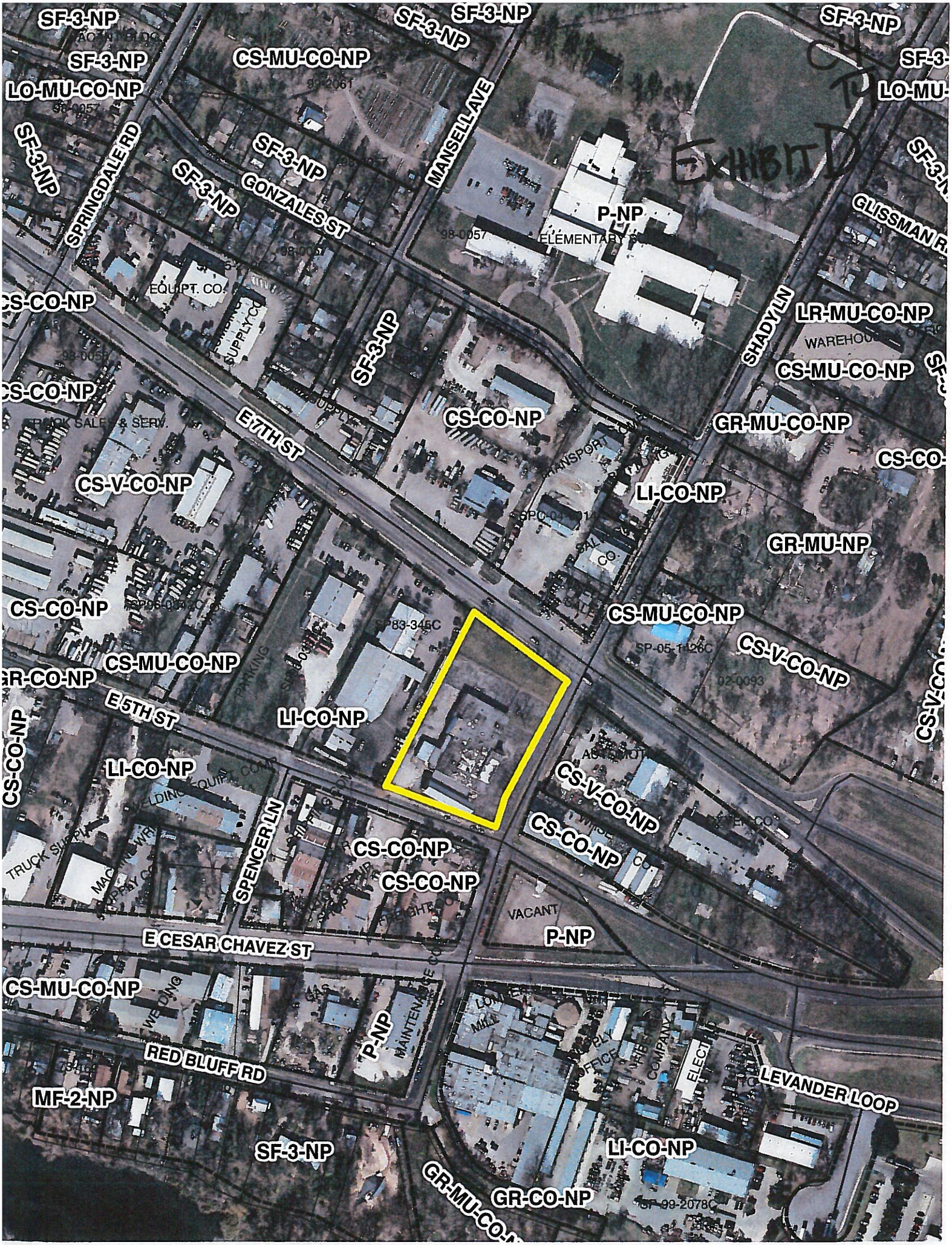
EXHIBIT D
SF-3-NP
CS-MU-CO-NP
LO-MU-CO-NP
SPRINGDALE RD
GONZALES ST
MANSELL AVE
P-NP
ELEMENTARY SCHOOL
GLISSMAN RD
SHADY LN
LR-MU-CO-NP
WAREHOUSE
CS-CO-NP
E 7TH ST
GR-MU-CO-NP
CS-V-CO-NP
LI-CO-NP
GR-MU-NP
SP-05-1126C
02-0093
SP83-345C
GR-CO-NP
E 5TH ST
SPENCER LN
VACANT
E CESAR CHAVEZ ST
RED BLUFF RD
LEVANDER LOOP
MF-2-NP
GR-MU-CO-NP
GR-CO-NP
SF-99-2078C

C4
TS

ALICE GLASCO CONSULTING

alice@agconsultingcompany.com* Tel. 512-231-8110 ***Cell 512-626-4461**

EXHIBITE

April 3rd, 2015

Greg Guernsey, Director
Neighborhood Planning and Zoning Department
505 Barton Spring Road, Suite 500
Austin, Texas 78704

RE: Rezoning and Plan Amendment for 500 Shady Lane

Dear Greg:

I represent the owner of 500 Shady Lane in a request to rezone the property and amend the future land use map (FLUM). The property is currently zoned LI-CO--NP. The site has a structure that is currently vacant. Our request is to change the zoning to CS-MU-V-NP and change the FLUM from industrial to mixed use. The intended use is a mixed use development.

JUSTIFICATION FOR REZONING AND PLAN AMENDMENT

1. The subject property is bounded by East 7th Street, an entry way into the city from the airport, East 5th Street and Shady Lane.

2. The request for CS-MU-V-NP zoning and a FLUM change to mixed use is consistent with the surrounding zoning.

We look forward to a positive staff recommendation. Please let me know if you have any questions or need additional information.

Sincerely,

Alice Glasco

Alice Glasco

Cc: Heather Chaffin, Zoning Planner
Maureen Meredith, Neighborhood Planner

Chaffin, Heather

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From: Charlie Henderson [redacted]
Sent: Wednesday, July 22, 2015 4:28 PM
To: Meredith, Maureen; Chaffin, Heather
Subject: Planning Commission CASE #C14-2015-0043- 500 Shady Lane

Dear Ms. Meredith and Ms. Chaffin,

I am writing as the representative of Matoka, Inc., a neighboring business , to express our opposition to the zoning change at 500 Shady Lane. Our property is located within 200 feet of the subject property, in fact we are directly across the street. Matoka, Inc. operates a commercial business that has been in this location for over 20 years. The zoning change is completely out of character with the immediate area and will have a very negative impact on our existing business. The density allowed by changing the zoning to MU-V is too great at 252 condos and 2800 trips per day for the stability of the immediate area and poses numerous safety concerns. I urge you to help preserve our immediate neighborhood and DENY the zoning request.

Please feel free to call if you have any questions.

Sincerely,

Charlie Henderson

MATOKA
ENVIRONMENTAL CONTRACTORS
CHARLIE HENDERSON
512-385-1202 (O)
512-385-9344 (F)
www.matoka.com

Chaffin, Heather

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From: Ford Smith [redacted]
Sent: Wednesday, July 22, 2015 1:49 PM
To: Meredith, Maureen; Chaffin, Heather
Subject: Planning Commission CASE #C14-2015-0043- 500 Shady Lane

Dear Ms. Meredith

I am writing as the representative of Texas Enterprises, Inc., the landowner at 5001 East Fifth St., to express our opposition to the zoning change at 500 Shady Lane. Our property is located within 200 feet of the subject property. Texas Enterprises, Inc. operates Mighty Distributing of Austin on the property and TEI has owned the property for over 50 years. The zoning change is completely out of character with the immediate area and will have a very negative impact on our existing business. The density allowed by changing the zoning to MU-V is too great at 252 condos and 2800 trips per day for the stability of the immediate area and poses numerous safety concerns. I urge you to help preserve our immediate neighborhood and DENY the zoning request.

Please feel free to call if you have any questions.

Sincerely,

Ford Smith, Jr.

Texas Enterprises, Inc.
Mighty Distributing of Austin
512-385-2020

This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, use, disclosure or distribution by any person or entity other than the intended recipient(s) is prohibited. If you are not the intended recipient, please so advise the sender by reply e-mail and destroy all copies of the original email.

Chaffin, Heather

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From: Ford Smith, Jr [redacted]
Sent: Wednesday, July 22, 2015 1:07 PM
To: Meredith, Maureen; Chaffin, Heather
Subject: Planning Commission case# C14-2015-0043- 500 Shady Lane

Dear Ms. Meredith and Ms. Chaffin,

I am writing you as the representative of KAF Development Co, landowner of approximately 6 acres that joins the subject property to the west. We are OPPOSED to the applicant's zoning change application.

The immediate area around the subject property consists of low density commercial businesses and single family neighborhoods. This area has historically been very stable both from the low density businesses that have been in the area for decades and the single family residences that border the area bounded by Caesar Chavez to the south, Springdale to the west, Seventh Street to the north and the Montopolis Bridge to the east. Our business, Allied Sales Company has been in the area for over 50 years!

The applicant proposes the MU-V zoning designation that would allow the building of a very high density development consisting of 5 stories with 252 condos and mixed use retail. The density and traffic generated (2800 trips per day) will create numerous long term conflicts with our existing business Allied Sales Co. that adjoins the subject and the other existing businesses and single family residences in the immediate neighborhood. Of paramount concern is the safety of mixing commercial truck traffic with a significant amount of residential traffic. Our business typically starts operations in the morning at 5:30 with truck loading and movements creating a noise conflict with the project as well. There are few sidewalks currently so pedestrian traffic would also conflict.

There is no development or business that comes close to the density of the proposed project in the immediate area. This project should be denied as it is inconsistent with the existing businesses and neighborhood and would have a very negative long term impact on the future stability of the area.

Please feel free to call if you have any questions.

Sincerely,

Ford Smith

Ford Smith, Jr., President
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C4
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Dear Ms. Meredith and Ms. Chaffin,

I am writing on behalf of Longhorn International Trucks, LTD, we own roughly 11 acres from the corner of 7th and Springdale on the west to where Allied Sales property connects on the east and from Justine's on 5th street to where ATT is located at 5th and Springdale. I have enclosed a map below.

We are opposed to the zoning change on the property in question at the corner of 7th and Shady Ln. We are a large commercial truck dealership representing the International Brand and the IC school bus brand. Commercial trucks are very large and noisy, although we try to be as accommodating as possible to our neighbors I fear that the addition of 250+ apartments would cause issues. We have trucks that come in and out of our location starting at 5:00 AM and are open until 11:00 PM daily. We have been at this location since 1976. One of the primary concerns I have is the safety and quality of life that these new residents could encounter. I think that adding a large number of residential vehicles thereby increasing traffic to the already busy industrial and commercial traffic on 7th street would be a mistake.

I think that this project should be denied. There are no other high density properties (of this volume) anywhere around the proposed location. Please let me know if you have any questions, I would be happy to answer them.

Jeff Kyrish
Regional Vice President

C4
20

David Dacy
Wayne Louis LLC
3135 Honey Tree Lane
Austin, TX 78746

July 27, 2015

ATTN: City of Austin

RE: 500 Shady Lane

Future Land Use Map Amendment: NPA-2015-0016.01

Zoning Case No: C14-2015-0043

Our family has owned the property on E. 5th St., across the street from the subject property, for over 50 years. I attended the Govalle/Johnston Terrace Neighborhood Plan meeting regarding this case, held at the Willie May Kirk Public Library on May 6, 2015. I fully understand the applicant's request for a change to the FLUM and the companion zoning change from "LI-CO-NP" to "CS-MU-V-NP" and support the applicant's request. This area is undergoing change and the transition from the industrial uses allowed under "LI" zoning to this more moderate and flexible down-zoned category is in my opinion a benefit to surrounding neighbors.

It is our understanding that the applicant has no objection to the transition taking place on our property which includes the rebuilding of a bar and restaurant/bar and that these changes will be not only mutually beneficial but also beneficial to the neighborhood. I urge your approval. Thank you for your consideration.

Sincerely,

David Dacy

Chaffin, Heather

C4
21

From: Daniel Llanes [redacted]
Sent: Tuesday, July 21, 2015 4:41 PM
To: Meredith, Maureen; Chaffin, Heather
Subject: Planning Commission case # C14-2015-0043, NPA-2015-0016.001 - 500 Shady Lane

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Meredith and Ms. Chaffin,

I am writing to you on behalf of the Govalle/Johnston Terrace Neighborhood Contact Team regarding the zoning case application at

500 Shady, case # c14-2015-0043 , NPA-2015-0016.01

The Contact Team has met twice with the applicant in an attempt to find common ground on their application, but the applicant was unwilling to compromise. Consequently, after review and discussion, and given that there is a valid petition in place opposing the zoning change, the

Govalle/Johnston Terrace Neighborhood Contact Team is

OPPOSED to the zoning change application for 500 Shady, case # c14-2015-0043, NPA-2015-0016.001

Please do not hesitate to contact me regarding this case if you have any questions or comments.

Thank you,

Daniel Llanes, Corrdinator for the Review Committee
Govalle/Johnston Terrace Neighborhood Contact Team
512-431-9665

C4
24

5. Parking garage: There should be no more than 2 levels above ground.

Response:
We would like to keep the current height of 60 feet in order to be able to provide adequate parking onsite for a mixed use project and as a result, keep parking out of adjoining neighborhoods.

6. Traffic
Traffic impact study for all scenarios
Provide on-site parking for entire project

Response:
The city code – section 25-6-8-113 requires a TIA if the projected traffic exceeds 2,000 trips. A TIA will be submitted per city code, if the proposed mix of uses, at the time of site plan submittal, generates more than 2,000 vehicle trips per day.

Parking will be provided on site for the entire project.

7. Added Suggestion - Produce Market, pharmacy

Response:
These uses can and will be considered at the time of site plan submittal to the city. Market demand and viability of uses are essential in attracting uses to any area of town.

C4
25

MEMORANDUM

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TO: Ms. Danette Chimenti, Chair
Planning Commission Members

FROM: Heather Chaffin, Case Manager
Planning and Development Review Department

DATE: June 23, 2015

RE: **Shady Lane Mixed Use**
C14-2015-0043 and NPA-2015-0016.01
District 3
Postponement Request by Applicant

****

The Applicant is requesting a postponement of the above referenced rezoning and neighborhood plan amendment (NPA) from June 23, 2015, to July 28, 2015. Additional time is needed to conduct meetings with neighborhood representatives. This is the Applicant's first postponement request.

Chaffin, Heather

C4
7/6

From: Alice Glasco[redacted]
Sent: Wednesday, June 17, 2015 10:42 AM
To: Chaffin, Heather; Meredith, Maureen
Cc: Steve Portno[redacted] Jimmy Nassour[redacted]
Subject: Postponement Request - 500 Shady Lane - C14-2015-0043/NPA-2015-0016.01

Heather and Maureen,

I would like to request a postponement of cases: C14-2015-0043 and NPA-2015-0016.01 (500 Shady Lane) from the June 23rd Planning Commission agenda to the July 28th, 2015, agenda so we can continue to work with the Govalle/Johnston Terrace Neighborhood Plan Contact Team.

Thank you for your assistance!

==========
Alice Glasco, President
Alice Glasco Consulting
512-231-8110 W
Email: a[redacted]

C4/27

MEMORANDUM

****

TO: Mr. Stephen Oliver, Chair
Planning Commission Members

FROM: Heather Chaffin, Case Manager
Planning and Zoning Department

DATE: July 28, 2015

RE: **Shady Lane Mixed Use**
C14-2015-0043 and NPA-2015-0016.01
District 3
Postponement Request by Staff

****

Staff is requesting a postponement of the above referenced rezoning and neighborhood plan amendment (NPA) from July 28, 2015, to August 11, 2015. The Applicant submitted an Educational Impact Statement (EIS) for review by AISD, but Staff did not route the EIS to AISD in time for a reply.

This is the first postponement request.

C4
28

MEMORANDUM

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TO: Mr. Stephen Oliver, Chair
Planning Commission Members

FROM: Heather Chaffin, Case Manager
Planning and Zoning Department

DATE: August 11, 2015

RE: **Shady Lane Mixed Use**
C14-2015-0043 and NPA-2015-0016.01
District 3
Postponement Request by Staff

****

Staff is requesting a postponement of the above referenced rezoning and neighborhood plan amendment (NPA) from August 11, 2015, to August 25, 2015. Staff needs additional time to evaluate the rezoning and neighborhood plan amendment requests.