

## NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHBORHOOD PLAN:** East Riverside/Oltorf Combined

**CASE#:** NPA-2017-0021.01      **DATE FILED:** July 31, 2017 (In-cycle)

**PROJECT NAME:** East Riverside/Oltorf FLUM Amendment

**PC DATE:**

March 24, 2020

Jan. 28, 2020

Dec. 10, 2019

June 25, 2019

May 28, 2019

April 9, 2019

March 12, 2019

January 22, 2019

November 27, 2018

October 23, 2018

September 11, 2018

July 24, 2018

June 26, 2018

May 8, 2018

March 27, 2018

February 27, 2018

January 23, 2018

**ADDRESS:** 4530 E. Ben White Blvd.

**DISTRICT AREA:** 3

**SITE AREA:** 12.44 acres

**OWNER/APPLICANT:** 4530 East Ben White Associates, LLC (Trevor Belton,  
Authorized Signatory)

**AGENT:** Coats Rose (John M. Joseph)

**CASE MANAGER:** Maureen Meredith, Planning & Zoning Department

**PHONE:** (512) 974-2695

**EMAIL:** Maureen.meredith@austintexas.gov

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Single Family & Commercial

**To:** Mixed Use

**Base District Zoning Change:**

**Related Zoning Case:** C14-2019-0167

**From:** CS-CO-NP & SF-2-NP

**To:** CS-MU-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** November 16, 2006

**PLANNING COMMISSION RECOMMENDATION:**

*March 24, 2020 – (pending)*

*January 28, 2020* – Postponed to March 24, 2020 on the consent agenda at the request of the Applicant. [J. Thompson- 1<sup>st</sup>; A. Azar – 2<sup>nd</sup>] Vote: 11-0 [P. Seeger absent].

*December 10, 2019* – Postponed to January 28, 2020 on the consent agenda at the request of the Applicant. [C. Kenny – 1<sup>st</sup>; A. Azhar – 2<sup>nd</sup>] Vote: 11-0 [C. Hempel and P. Howard absent]

*June 25, 2019* – Indefinitely postponed on the consent agenda at the request of the Applicant. [P. Howard – 1<sup>st</sup>; C. Kenny – 2<sup>nd</sup>] 11-0 [P. Seeger and J. Shieh absent].

*May 28, 2019* – Postponed to June 25, 2019 on the consent agenda at the request of Staff. [J. Shieh – 1<sup>st</sup>; P. Howard – 2<sup>nd</sup>] Vote: 12 -0 [K. McGraw absent].

*April 9, 2019* – Postponed to May 28, 2019 on the consent agenda at the request of Staff. [J. Thompson -1<sup>st</sup>; C. Kenny – 2<sup>nd</sup>] Vote: 9-0 [K. McGraw, R. Schneider and P. Seeger absent].

*March 12, 2019* – Postponed to April 9, 2019 on the consent agenda at the request of Staff. [P. Seeger 1<sup>st</sup>; K. McGraw – 2<sup>nd</sup>] Vote; 12-0 [A. De Hoyos Hart absent].

*January 22, 2019* – Postponed to March 12, 2019 on the consent agenda at the request of Staff. [J. Schissler – 1<sup>st</sup>; C. Kenny – 2<sup>nd</sup>] Vote: 11-0 [A. De Hoyos Hart and P. Seeger absent].

*November 27, 2018* – Postponed to January 22, 2019 on the consent agenda at the request of Staff. [Y. Flores – 1<sup>st</sup> – P. Seeger – 2<sup>nd</sup>] Vote: 12-0 [D. Anderson absent].

*October 23, 2018* – Postponed to November 27, 2018 on the consent agenda at the request of staff. [P. Seeger; C. Kenny -2<sup>nd</sup>] Vote: 11-0 [A. De Hoyos Hart absent. One vacancy].

*September 11, 2018* – Postponed to October 23, 2018 on the consent agenda at the request of Staff. [J.Schissler – 1<sup>st</sup>; J. Thompson – 2<sup>nd</sup>] Vote: 11-0 [P. Seeger absent. One vacancy].

*July 24, 2018* – Postponed to September 11, 2018 on the consent agenda at the request of Staff. [G. Anderson- 1<sup>st</sup>; A. De Hoyos Hart – 2<sup>nd</sup>] Vote: 8-0 [F. Kazi, J. Shieh, J. Thompson, and T. White absent. One vacancy].

**June 26, 2018** – Postponed to July 24, 2018 on the consent agenda at the request of Staff. [F. Kazi – 1<sup>st</sup>; T. White – 2<sup>nd</sup>] Vote: 11-0 [J. Thompson absent. One vacancy].

**May 8, 2018** – Postponed to June 26, 2018 on the consent agenda at the request of Staff. [J. Schissler – 1<sup>st</sup>; C. Kenny – 2<sup>nd</sup>] Vote: 13-0.

**March 27, 2018** – Postponed to May 8, 2018 on the consent agenda at the request of Staff. [G. Anderson – 1<sup>st</sup>; J. Thompson- 2<sup>nd</sup>] Vote: 12-0 [P. Seeger absent].

**February 27, 2018** – Postponed on the consent agenda to March 27, 2018 at the request of Staff. [J. Schissler – 1<sup>st</sup>; J. Shieh – 2<sup>nd</sup>] Vote: 12-0 [J. Thompson absent].

**January 23, 2018** – Postponed on the consent agenda to February 27, 2018 at the request of Staff. [P. Seeger – 1<sup>st</sup>; G. Anderson -2<sup>nd</sup>] Vote: 10-0 [K. McGraw absent. A. De Hoyos Hart and J. Schissler off the dais].

**STAFF RECOMMENDATION:** Staff does not recommend the applicant's request for Mixed Use land use.

**BASIS FOR STAFF'S RECOMMENDATION:** The property is within 2,000 feet of hazardous material which is not suitable for a residential development. For more information, please see the zoning case report C14-2019-0167.

## Land Use

### Goal 1

Preserve and enhance the character of existing residential neighborhoods.

- R1 Retain single family uses in established single family neighborhoods (NPZD; Neighborhood).
- R2 Consider existing residential densities and current housing stock in future land use and zoning decisions to promote compatibility (NPZD; Neighborhood).

### Goal 4

Encourage a balanced mix of residential, civic, commercial, office and other land uses without adversely affecting adjacent residential neighborhoods.

- Obj. 4.1 Apply land use and zoning tools or options in specified areas to promote a mixture of uses.

## Transportation

### Goal 5

Enhance the transportation network to allow residents and visitors to travel around safely and efficiently by foot, bicycle, automobile and public transit.

Obj. 5.5 Encourage pedestrian and bike friendly neighborhoods by constructing and maintaining sidewalks and bikeways.

Obj. 5.6 Improve connectivity across high-traffic roadways to facilitate pedestrian and bicycle transportation.

## **LAND USE DESCRIPTIONS**

### ***EXISTING LAND USE ON THE PROPERTY***

**Commercial** Lots or parcels containing retail sales, services, hotel/motels and all recreational services that are predominantly privately owned and operated for profit (for example, theaters and bowling alleys). Included are private institutional uses (convalescent homes and rest homes in which medical or surgical services are not a main function of the institution), but not hospitals.

#### **Purpose**

1. Encourage employment centers, commercial activities, and other non- residential development to locate along major thoroughfares; and
2. Reserve limited areas for intense, auto- oriented commercial uses that are generally not compatible with residential or mixed use environments.

#### **Application**

1. Focus the highest intensity commercial and industrial activities along freeways and major highways; and
2. Should be used in areas with good transportation access such as frontage roads and arterial roadways, which are generally not suitable for residential development.

### ***PROPOSED LAND USE ON THE PROPERTY***

**Mixed Use** - An area that is appropriate for a mix of residential and non- residential uses.

#### **Purpose**

1. Encourage more retail and commercial services within walking distance of residents;

2. Allow live- work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non- residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on- street activity in commercial areas after 5 p.m. and built- in customers for local businesses.

### **Application**

1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed- use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non- conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

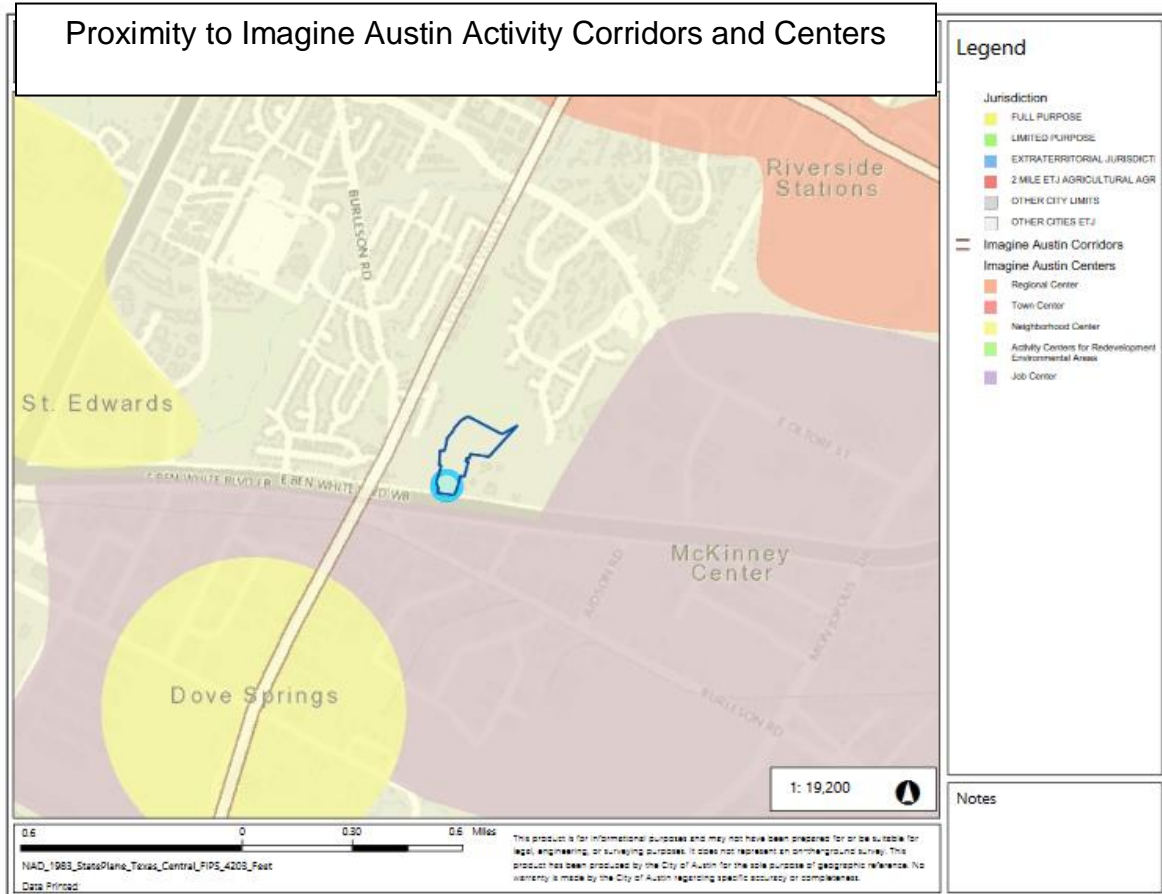
### **IMAGINE AUSTIN PLANNING PRINCIPLES**

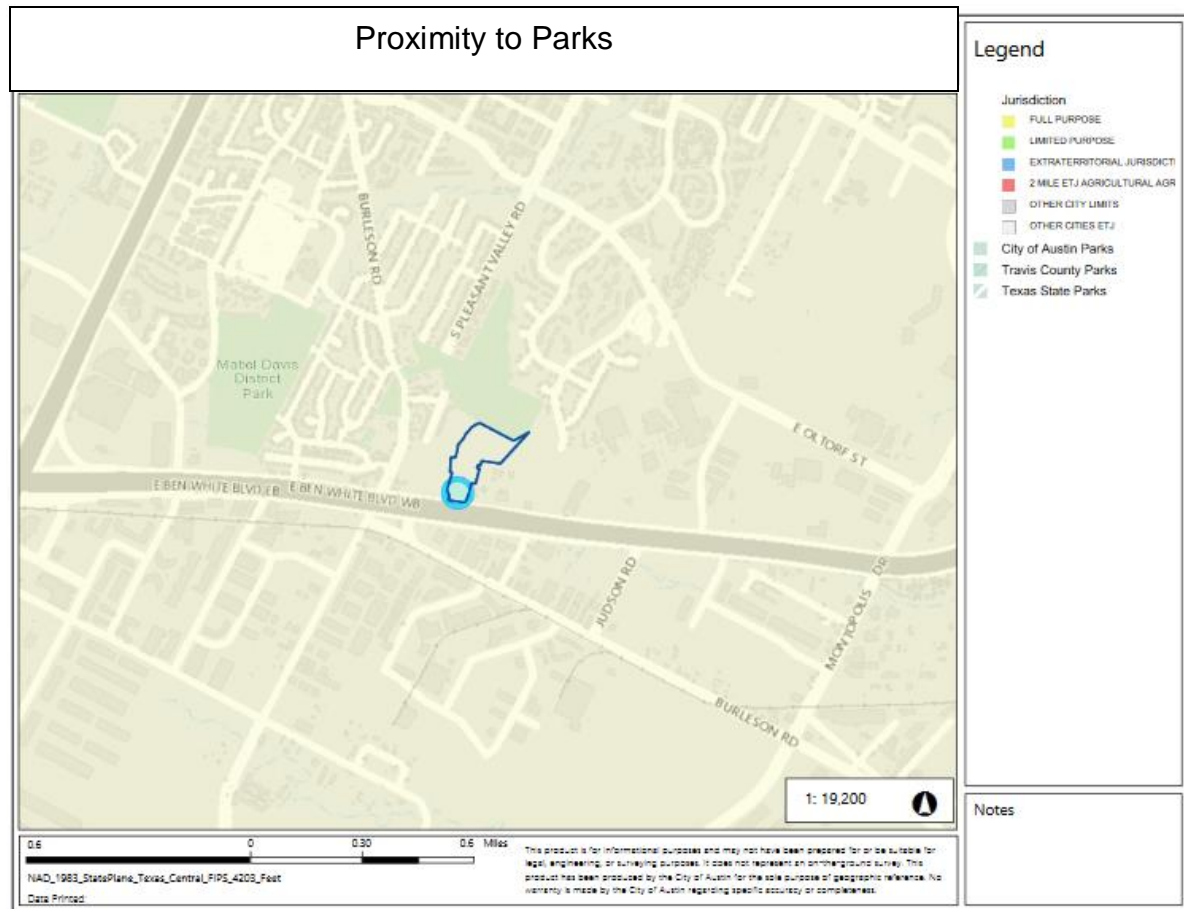
1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
  - *The property is located along E. Ben White Blvd which is not conducive for pedestrians and bicycling and has no public transportation near it. See map below. Although the applicant's proposal to build multifamily housing would provide additional housing types, it is located in an industrial area that had hazardous material within 2,000 feet of the property. Please see the associated zoning case report C14-2019-0167.*
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.

- ***The property is located along the frontage road of E. Ben White Blvd and does not have vehicular access to any other road. E. Ben White Blvd is not conducive for walking and bicycling. There does not appear to have public transportation near the property. See map below.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
    - ***The property is located north of the McKinney Center industrial node as identified on the Imagine Austin Growth Concept Map and less than 1000 feet east of Burleson Road, which is identified as an Activity Corridor.***
  4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
    - ***Although the applicant's proposal to build multifamily units on the property would expand the number of housing choices, this location is not suitable.***
  5. Ensure harmonious transitions between adjacent land uses and development intensities.
    - ***The zoning case report, C14-2019-0167, states the property is within 2,000 feet hazardous materials and is not suitable for residential development.***
  6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
    - ***The property is located near a creek with floodplain and potential creek buffer.***
  7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
    - ***The applicant proposes expansion of a walking trail.***
  8. Protect, preserve and promote historically and culturally significant areas.
    - ***Not applicable.***
  9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
    - ***The property is located along a highway which would not be conducive to walking and bicycling, although there is a proposed walking trail.***
  10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
    - ***Not applicable.***
  11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
    - ***Not applicable.***

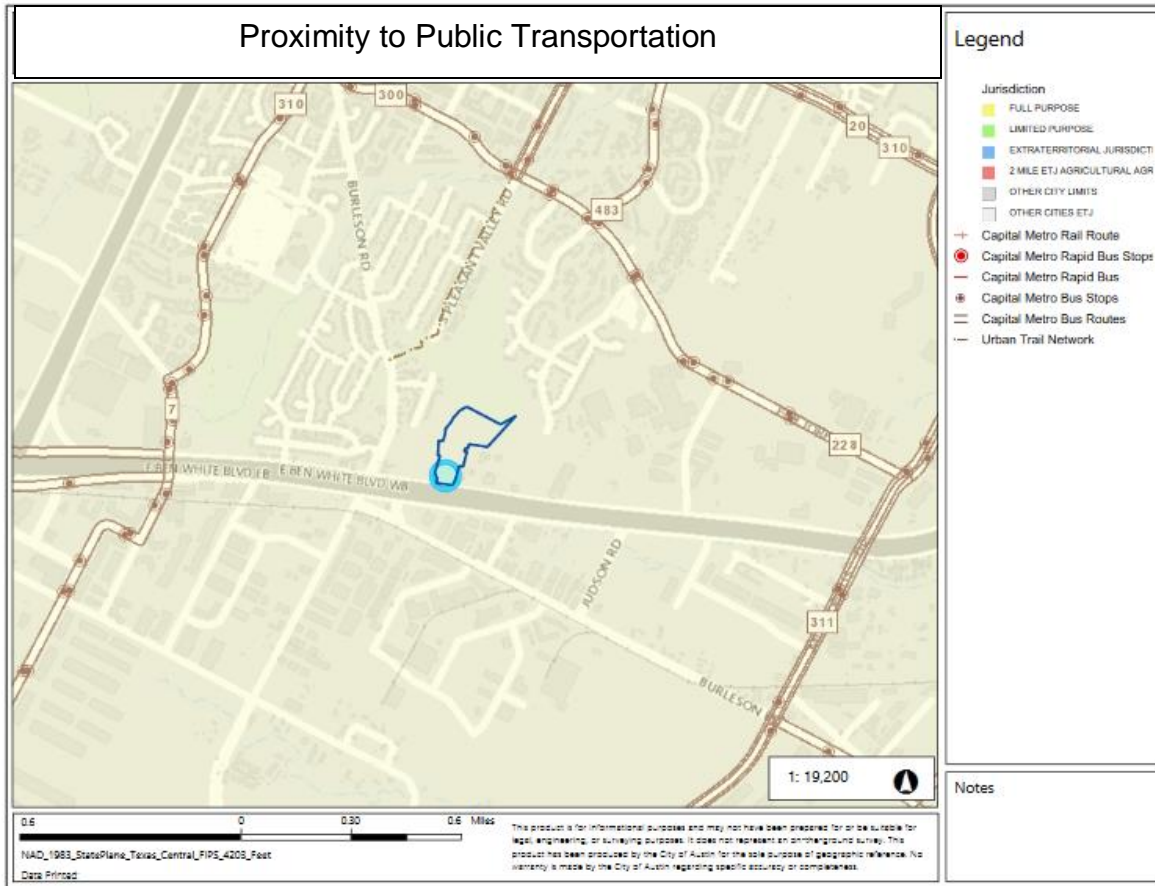
12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.

- *Not applicable.*









## IMAGINE AUSTIN GROWTH CONCEPT MAP

### Definitions

**Neighborhood Centers** - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

**Town Centers** - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although

fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

**Job Centers** - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

**Corridors** - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

**BACKGROUND:** The plan amendment application was filed on July 31, 2017, which is in-cycle for neighborhood planning area located on the east side of I.H—35.

The applicant proposes to change the future land use map (FLUM) from Single Family and Commercial to Mixed use.

The applicant proposes to rezone the property from SF-2-NP and CS-CO-NP to CS-MU-NP for a multifamily development. Please see the zoning case report C14-2019-0167 for more information.

Over the last eleven months or so, the property owner has been in negotiations with the City of Austin to possibly purchase the property which is why the case has been postponed numerous times. As of October 30, 2018 communication with the City's Real Estate Department has confirmed that the property owner has declined the City's appraised amount to purchase the property. Parks and Recreation Department and Watershed Department was looking at the property for a possible connection to Country Club Creek Trail Project and also for the critical environmental features.

**PUBLIC MEETINGS:** The ordinance required community meeting was held on September 19, 2017. Approximately 126 community meeting notices were mailed to people who have an Austin utility account or owner property within 500 feet, in addition to neighborhood organizations and environmental groups who requested notification on the Community Registry for this area. Eighteen people attended the meeting, including one city staff member and John Joseph, the applicant's agent.

After a brief presentation from City staff about the planning process and the applicant's request, John Joseph made the following presentation.

Mr. Joseph said the property is currently zoned CS-CO-NP and the conditional overlay limits many uses. There has been no interest in the property for commercial use and the owner is trying to liquidate the estate. The property has limited access so the owners thought it would be better for a small or medium-size multifamily use and not commercial uses. They don't have a design for the proposed multifamily use, nor have an idea of the number of dwelling units. There is no access to the north, east, or west. The only access is to the south on East Ben White Boulevard so there should be little impact on traffic on East Ben White Boulevard.

After his presentation, the following questions were asked:

Q. How many acres is the property?

A. There's a total of 12 acres, but only seven acres are usable because there is a creek on the property.

Q. What are the uses to the right of the property?

A. There's a church and a radio station.

Q. What is the net site area after the slopes?

A. That hasn't been computed yet.

Q. Is the property platted?

A. Yes, but for commercial uses. We will need to replat to remove the restrictions on the plat.

Q. Where will the access be?

A. All access will be off East Ben White Blvd.

Q. How many stories would the buildings be?

A. We don't know yet, but would meet the compatibility standards. The church would trigger compatibility.

Q. Is there an environmental report?

A. Not yet, but one will be done.

Q. When will it be done?

A. When the planned use is determined, there will be a site plan submitted then an environmental report will be submitted. This will happen no matter how we develop the property.

Q. I have a question about process....You submitted a plan amendment case but no zoning case.

A. We're trying to avoid spending money unless we know what you say. If we thought we could be the zoning, we'd file the zoning case.

Q. You said there is no interest in commercial uses on the property.

A. Yes, there has been zero interest in commercial.

Q. Our neighborhood plan says that property was a former land fill.

A. I don't know if it was a landfill, but a landfill must be certified when it's closed.

Q. During the neighborhood planning process we thought the property would be best as parkland.

A. The City has not approached us. If they want to buy it, they can contact use.

Q. The setback for waterways is 100 feet?

A. It depends on the type of waterway.

Q. Why would you request Mixed Use instead of Multifamily land use?

A. Mixed Use allows for a combination of retail and residential. We're not ruling out commercial uses.

Q. What is the value of the property?

A. I don't have numbers, besides, I couldn't really tell you that.

Q. What is at the north of the property?

A. There is a gas line utility easement.

**CITY COUNCIL DATE:**

**March 1, 2018**

**ACTION:** Postponed to March 22, 2018 at the request of staff. [D. Garza – 1<sup>st</sup>; A. Kitchen – 2<sup>nd</sup>] Vote 11-0

**March 22, 2018**

**ACTION:** Postponed to April 26, 2018 at the request of staff. [D. Garza – 1<sup>st</sup>; P. Renteria – 2<sup>nd</sup>] Vote: 8-0 [G. Casar and E. Troxclair off the dais. L. Pool was absent].

**April 26, 2018**

**ACTION:** Postponed to June 28, 2018 at the request of Staff. [O. Houston – 1<sup>st</sup>; D. Garza – 2<sup>nd</sup>] Vote: 9-0 [A. Alter off the dais. E. Troxclair absent].

**June 28, 2018**

**ACTION:** Postponed to August 9, 2018 at the request of Staff. [E. Troxclair – 1<sup>st</sup>; D. Garza – 2<sup>nd</sup>] Vote: 11-0.

**August 9, 2018**

**ACTION:** Postponed to September 20, 2018 at the request of Staff. [K. Tovo- 1<sup>st</sup>; D. Garza – 2<sup>nd</sup>] Vote: 10-0 [O. Houston off the dais].

**September 20, 2018**

**ACTION:** Postponed to November 15, 2018 at the request of Staff. [L. Pool – 1<sup>st</sup>; A. Kitchen – 2<sup>nd</sup>] Vote: 10-0 [A. Alter absent].

**November 15, 2018**

**ACTION:** Postponed to December 13, 2018 at the request of Staff. [D. Garza – 1<sup>st</sup>; L. Pool – 2<sup>nd</sup>] Vote: 10-0 [E. Troxclair off the dais.

**December 13, 2018**

**ACTION:** Postponed to February 7, 2019 at the request of Staff. [A. Alter – 1<sup>st</sup>; G. Casar – 2<sup>nd</sup>] Vote: 9-0 [Mayor Adler off the dais and P. Renteria absent].

**February 7, 2019**

**ACTION:** Postponed to April 11, 2019 at the request of Staff. [P. Renteria – 1<sup>st</sup>; J. Flannigan – 2<sup>nd</sup>] Vote: 11-0.

**April 11, 2019**

**ACTION:** Postponed to June 6, 2019 at the request of Staff. [J. Flannigan – 1<sup>st</sup>; P. Renteria – 2<sup>nd</sup>] Vote: 11-0.

**June 6, 2019**

**ACTION:** Postponed to June 20, 2019 at the request of Staff. [J. Flannigan – 1<sup>st</sup>; P. Renteria – 2<sup>nd</sup>] Vote: 10-0. [N. Harper-Madison absent].

**June 20, 2019**

**ACTION:** Postponed to August 8, 2019 at the request of Staff. [L. Pool – 1<sup>st</sup>; N. Harper-Madison – 2<sup>nd</sup>] Vote: 11-0.

**August 8, 2019**

**ACTION:** Postponed indefinitely at the request of Staff. [L. Pool – 1<sup>st</sup>; P. Renteria – 2<sup>nd</sup>] Vote: 11-0.

**February 20, 2020**

**ACTION:** Postponed to April 9, 2020 at the request of Staff.

**April 9, 2020**

**ACTION:** (pending)

Neighborhood Plan Amendment

**SUMMARY LETTER**

The Applicant would like to amend the FLUM from Commercial to Mixed Use to allow for greater flexibility on future development of the property. The change to the FLUM would create a buffer area between the existing single family residences to the east and the civic uses to the west. The Applicant intends to amend the zoning from CS-CO-NP to CS-MU-CO-NP, and will be submitting a Zoning Application in the near future

**Subject:** NPA-2017-0012.01

The EROC Contact Team has been working with the owner of the property at 4530 East Ben White for two years to reach an agreement on land use. The EROC Contact Team has voted to support this NPA with the understanding that the property owner will work with the city staff to create a Recreational Use Easement on the property. The Contact Team would like the Planning Commission to include in their recommendation to Council the agreement that the EROC Contact Team and the owner have made with the owner that will improve pedestrian connectivity in this area. This agreement includes public easement along the boundaries of the property. The EROC Contact Team would like City Council to direct the City Manager to allocate resources to create a Recreational Use Easement on this property in accordance with the agreement. Attached are presentations on the connectivity improvements and the Agreement with Attachments. Please include this information in the folder for the Planning Commissioners.

**EAST RIVERSIDE/OLTORF COMBINED NEIGHBORHOOD PLAN**  
**Future Land Use Map**

**Legend:**

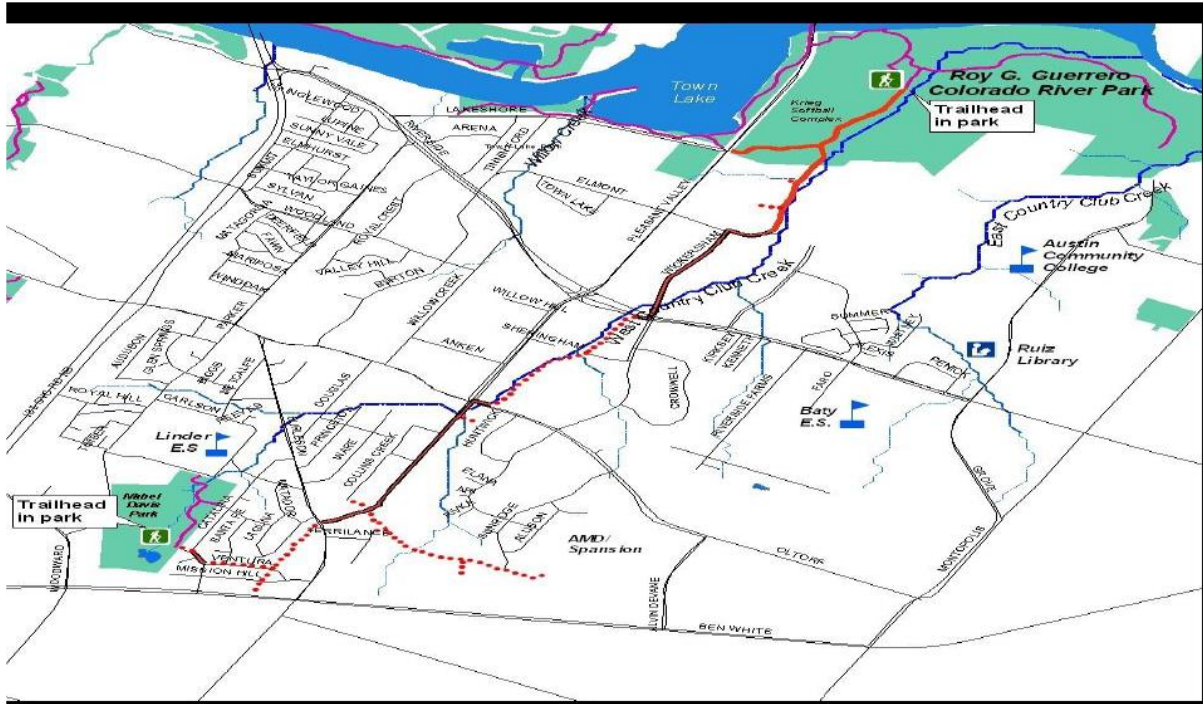
- Withdrawn - Proposed Future City Transit Corridor
- Civic
- Commercial
- Higher-Density Single-Family
- Medium Density
- Neighborhood Center
- Neighborhood Office
- Office
- Recreation & Open Space
- Rural/Residential
- Single-Family
- Specialty Residential District
- Transportation
- Urban
- Undeveloped for Future Consideration
- Excluded from Neighbored Plan
- Other
- Unsettled Landfill and/or Neighborhood Urban Center

**K**

Adopted November 10, 2009  
Last Amended May 9, 2013

Scale: 0 1,000 2,000 Feet

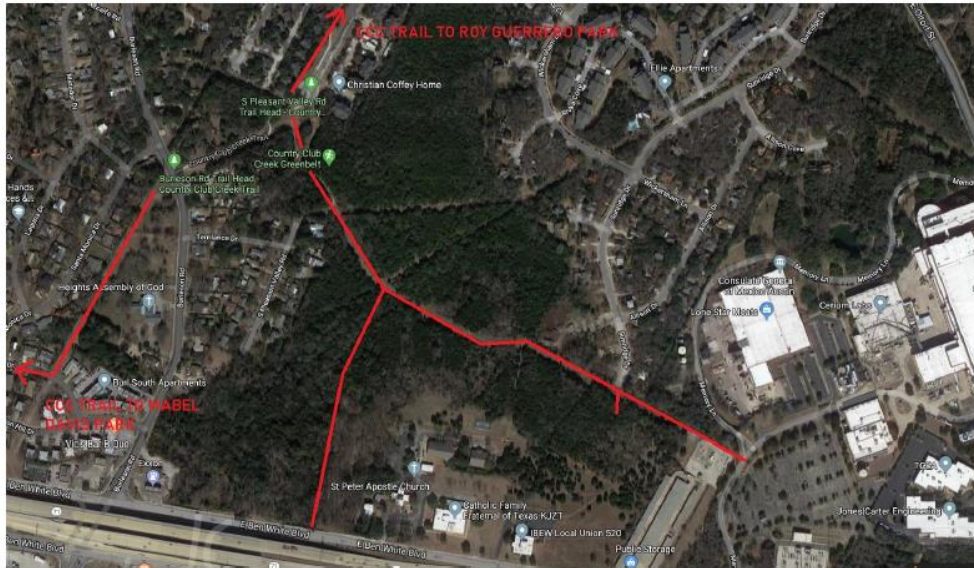




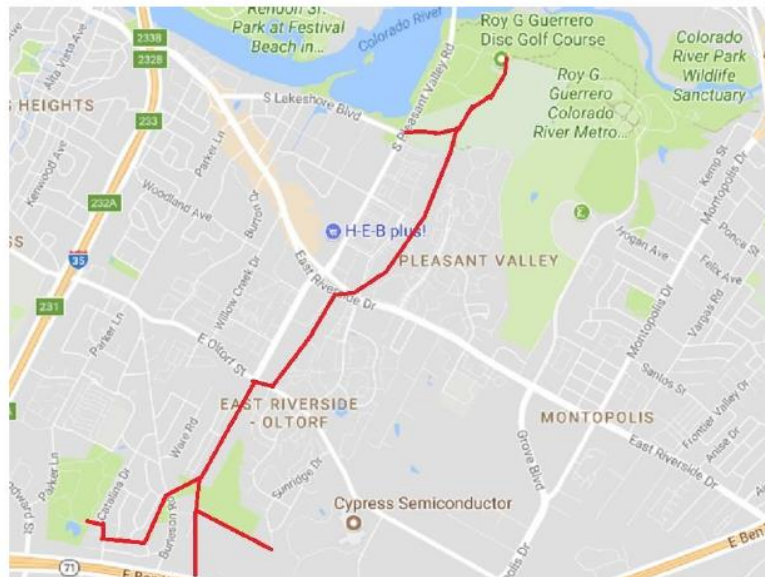
## COUNTRY CLUB CREEK GREENBELT



## NEW LINKS TO THE CCC TRAIL



## CCC TRAIL FROM BEN WHITE TO THE RIVER



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## EROC REQUEST TO COUNCIL

- Direct the City Manager to allocate the resources to work with the owner of the 4530 E. Ben White property to create a Recreational Use Easement along the north and west borders of the property.

# COATS | ROSE

A PROFESSIONAL CORPORATION

JOHN M. JOSEPH  
DIRECTOR

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DIRECT: (512) 541-3593  
FAX: (512) 469-9408

August 30, 2019

VIA EMAIL: [myeatts@austin.rr.com](mailto:myeatts@austin.rr.com)

East Riverside/Oltorf  
Neighborhood Plan Contact Team ("Team")  
C/O Malcolm Yeatts

Re: Neighborhood Plan Amendment Case No. NPA-2017-0021.01  
Address: 4530 E. Ben White Blvd., Austin, TX 78741

Dear Malcolm:

As you know I represent, 4530 East Ben White Associates, LLC ("Owner"), the owner of the above referenced property and am representing it in the pending Neighborhood Plan Amendment. I am providing this communication to you in an effort to outline an agreement between the Neighborhood Contact Team and Owner to secure the support of the Neighborhood Contact Team for the Neighborhood Plan Amendment and a concurrent zoning application to add "mixed use" to the current zoning, remove certain compatibility restrictions, add some permitted uses and set out a process for the conveyance of 1.1 acres for the purpose of a public hike and bike trail/Recreational Use Easement.

The following offer is an outline of a possible agreement.

#### Owner's Commitments


1. To allow the filing of the appropriate documentation conveying a non-exclusive easement, upon final approval of an ordinance fulfilling No. 2 below, of an approximate 1.1 acres site for a multi-purpose hike and bike trail along the north and west property boundary of the subject tract to the East Riverside/Oltorf Neighborhood Association (ERONA and EROC), as shown on the attached Exhibit "A".

2. Change the zoning of the property to CS-MU to allow between 36 and 54 units per acre of market rate residential rental properties allowing up to 5% of the units to be offered to families at 60% or less median family income, with height limited to 4 stories or 60 feet.

3. Support the amendment of the prohibited uses in Ordinance No. 000511-67 (Exhibit "B") to the following:

BARTON OAKS PLAZA, 901 S. MOPAC EXPWY, BLDG 1, STE 500, AUSTIN, TEXAS 78746  
PHONE: (512) 469-7987 FAX: (512) 469-9408  
[coatsrose.com](http://coatsrose.com)

HOUSTON | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS | CINCINNATI  
4820-8138-7682.v1

  
10/9/2019



August 30, 2019

Page 2

Agricultural Sales and Service Automotive Rentals

Automotive Repair Services Automotive Sales

Automotive Washing (of any type)

Campground

Commercial Off-Street Parking

Construction Sales and Service

Drop-Off Recycling Collection Facility

Equipment Sales

Equipment Repair Services

Funeral Services

Indoor Sports and Recreation

Laundry Services

Monument Retail Sales

Custom Manufacturing

Community Recreation (private)

Employee Recreation (non-profit)

Local Utility Services

Residential Treatment

Transitional Housing

Outdoor Entertainment


Outdoor Sports and Recreation

Pawn Shop Services

Building Maintenance Services

Pet Services

4820-8138-7682.v1

  
10/9/2019

August 30, 2019

Page 3

Convenience Storage  
Theater  
Vehicle Storage  
Veterinary Services  
Indoor Entertainment  
Kennels  
Scrap and Salvage  
Club or Lodge  
Communication Service Facilities  
Community Recreation (public)  
Counseling Services  
Maintenance and Service Facilities  
Safety Services  
Transportation Terminal

4. As long as the same can be accomplished without the necessity for a formal site development permit application, make application to the City seeking the appropriate variances necessary to allow for the construction of a multi-purpose hike and bike trail along the north and west property boundary of the subject tract.

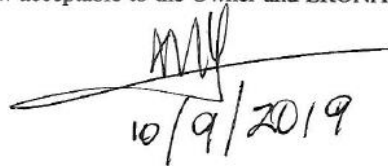
5. Make application for the waiver of compatibility standards along the east boundary of the property to allow for development within 25 feet of the east property line with a height limited to 4 stories or 60 feet.

6. Make application for the removal, or satisfactory amendment, of the compatibility restriction contained in zoning Ordinance No. 000511-67.

7. Make application for the removal of Note No. 2 on the Burleson-Ben White Subdivision Plat (Doc. No. 20010028) that states, "Development of this property is restricted to uses other than residential", (Exhibit "C").

8. Place in escrow, with an agreed upon title company or other escrow acceptable to the Owner and ERONA and EROC, the multi-purpose hike and bike trail easement upon the delivery to the agreed upon title company or other escrow acceptable to the Owner and ERONA

4820-8138-7682.v1

A handwritten signature, possibly "MVP", is written over a horizontal line. Below the signature, the date "10/9/2019" is handwritten.

August 30, 2019

Page 4

and EROC, of the signed agreement with the neighborhood and official resolution of the East Riverside/Oltorf Neighborhood Plan Contact Team.

9. To dedicate, by appropriate means of conveyance, the easement referenced above upon the approval of the requested zoning, variances and the waiver of compatibility, whichever occurs last in time.

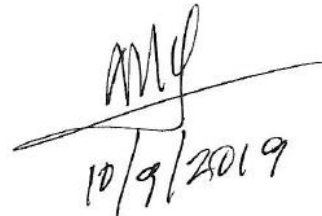
East Riverside/Oltorf Neighborhood Plan Contact Team Commitments.

1. To consider, approve, execute and deliver to the title company the agreement.
2. To support the pending Neighborhood Plan Amendment to Mixed Use.
3. To support a zoning application to change the current zoning to (either add "MU - mixed use" or change the current zoning to MF-4 with height limited to four (4) stories or sixty (60') feet.
4. To support the amendment of the prohibited uses listed in Ordinance No. 000511-67.
5. To support the removal of Note No. 2 on the Burleson-Ben White Subdivision Plat (Doc. No. 20010028) that states, "Development of this property is restricted to uses other than residential".
6. To support the removal or satisfactory amendment of the (church) compatibility restriction
7. Attend all board and commission meeting to support the applications.
8. Attend all Planning Commission meetings to support the applications.
9. Attend all City Council meetings to support the applications.

If this outline of the basic terms of an agreement is acceptable to the Team, please indicate by having the appropriate member indicate the Team's acceptance by signing in the place provided for that purpose below.

If you, or the Team, should have any questions please do not hesitate to contact me.

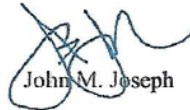
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A handwritten signature, possibly "MJP", is written over a horizontal line. Below the signature, the date "10/9/2019" is handwritten.

August 30, 2019  
Page 5

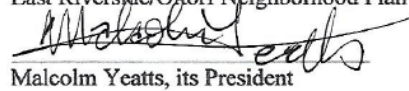
Your cooperation is very much appreciated.

Very truly yours,



John M. Joseph

Accepted:  
East Riverside/Olton Neighborhood Plan Contact Team



Malcolm Yeatts, its President

CHAIR EROC CONTACT TEAM

August \_\_\_\_, 2019

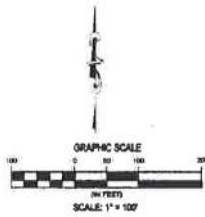
October 9 2019



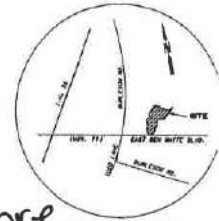
Doc # 200100028

# BURLESON - BEN WHITE SUBDIVISION

SUBMITTAL DATE: NOVEMBER 16, 1999



- LEGEND**
- = IRON ROD FOUND
  - = IRON ROD SET
  - ⊙ = IRON PIPE FOUND
  - ▲ = NAIL FOUND
  - P.U.L. = PUBLIC UTILITY EASEMENT
  - .... = PROPOSED SIDEWALK
  - = TxDOT CONCRETE MONUMENT FOUND
  - ✦ = CALCULATED POINT IN CREEK CHANNEL



*Hike and Bike Trail Easement will be no more than 1 acre. Actual configuration will be agreed by the NCT and Owner.*



**SURVEYOR'S CERTIFICATE**

I, JOHN NOELL, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH TITLE 13 OF THE AUSTIN CITY CODE, OF 1981, AS AMENDED, IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION ON THE GROUND.

SURVEYED BY: URBAN DESIGN GROUP



JOHN NOELL, R.P.L.S., NO. 2433  
URBAN DESIGN GROUP  
1640 STONERIDGE ROAD, E101  
AUSTIN, TEXAS 78746

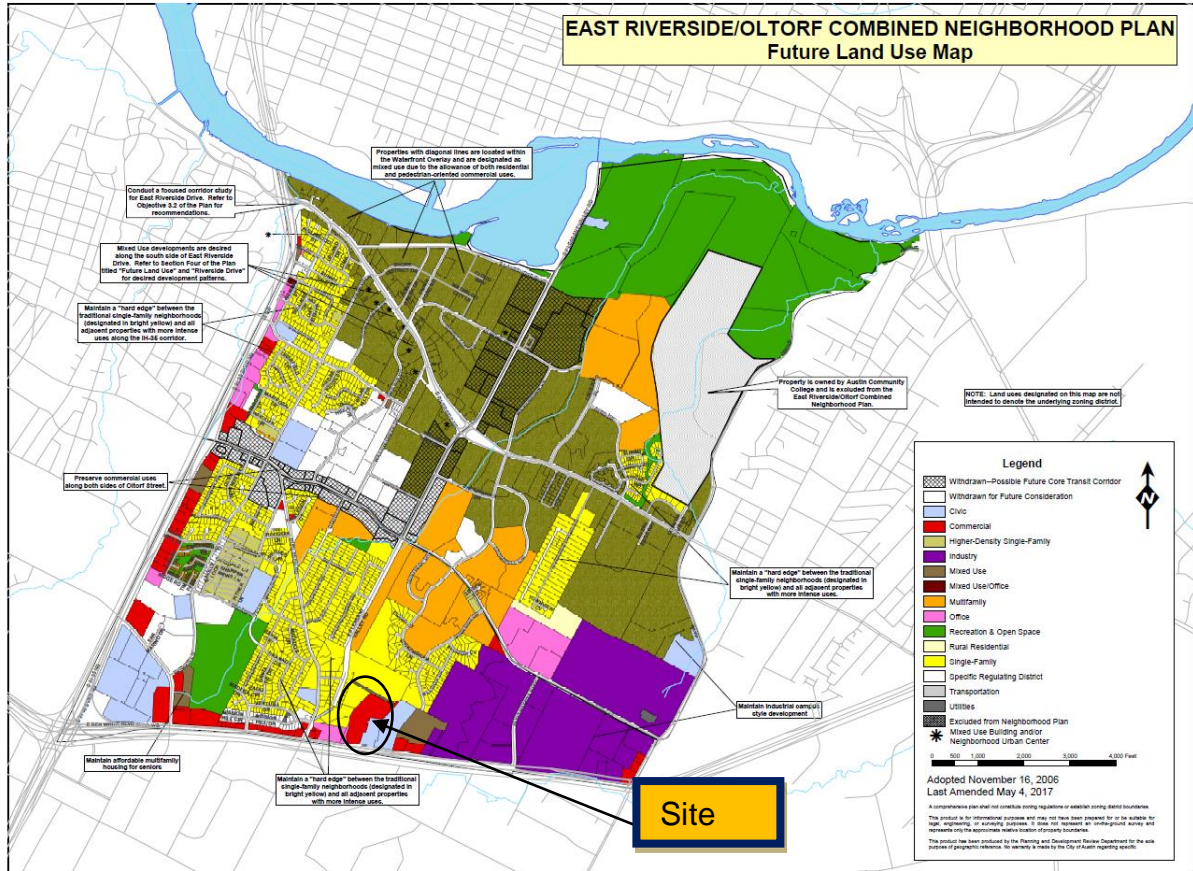
DATE: 10/19/00

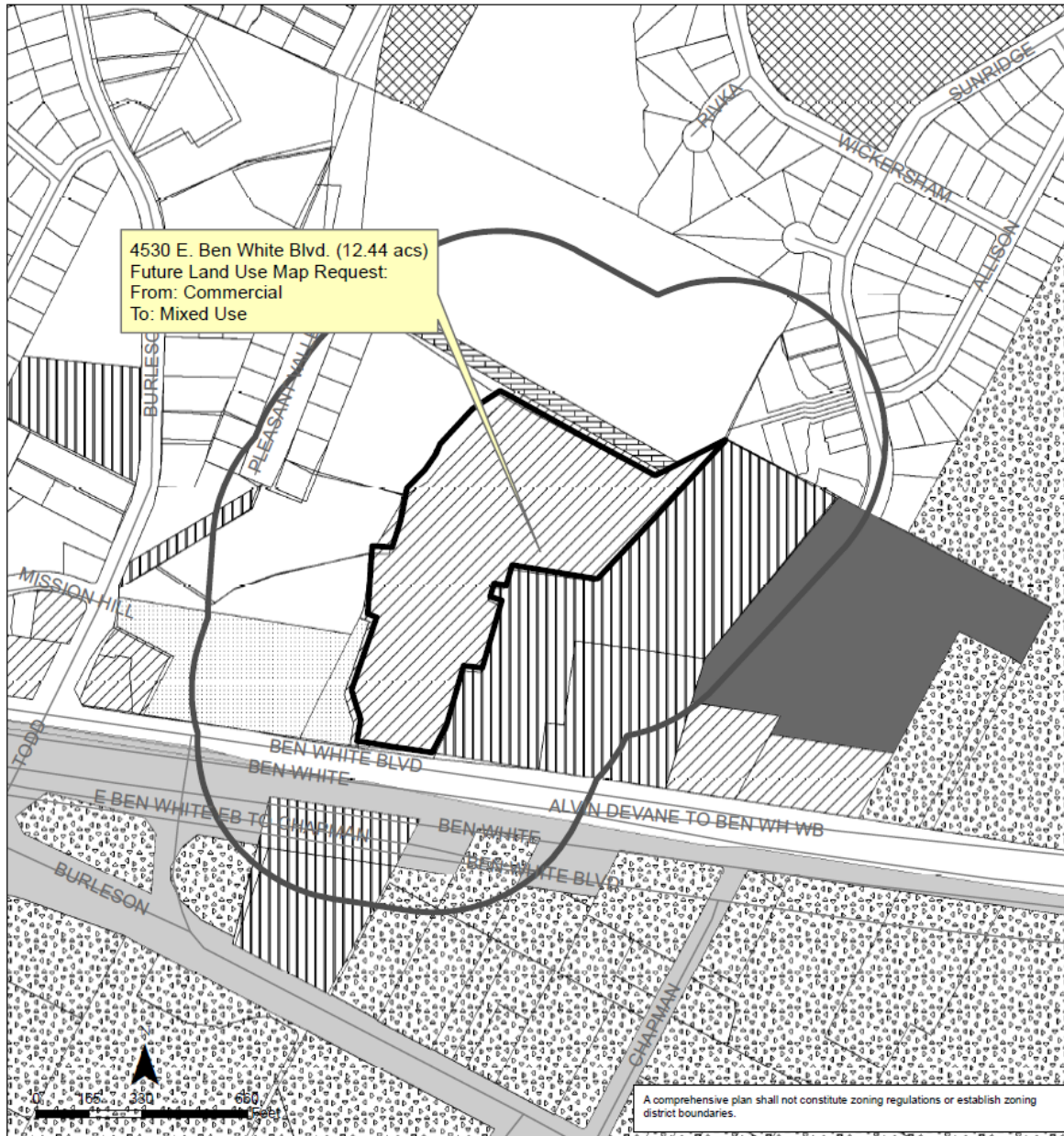
**UDG**  
Urban Design Group

UDG NO. 96027

C8-99-210

**EXHIBIT**  
**"A"**





## East Riverside/Oltorf Combined Neighborhood Planning Area NPA-2017-0021.01

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.

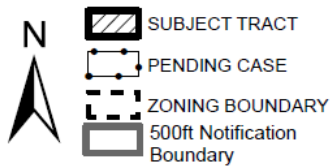
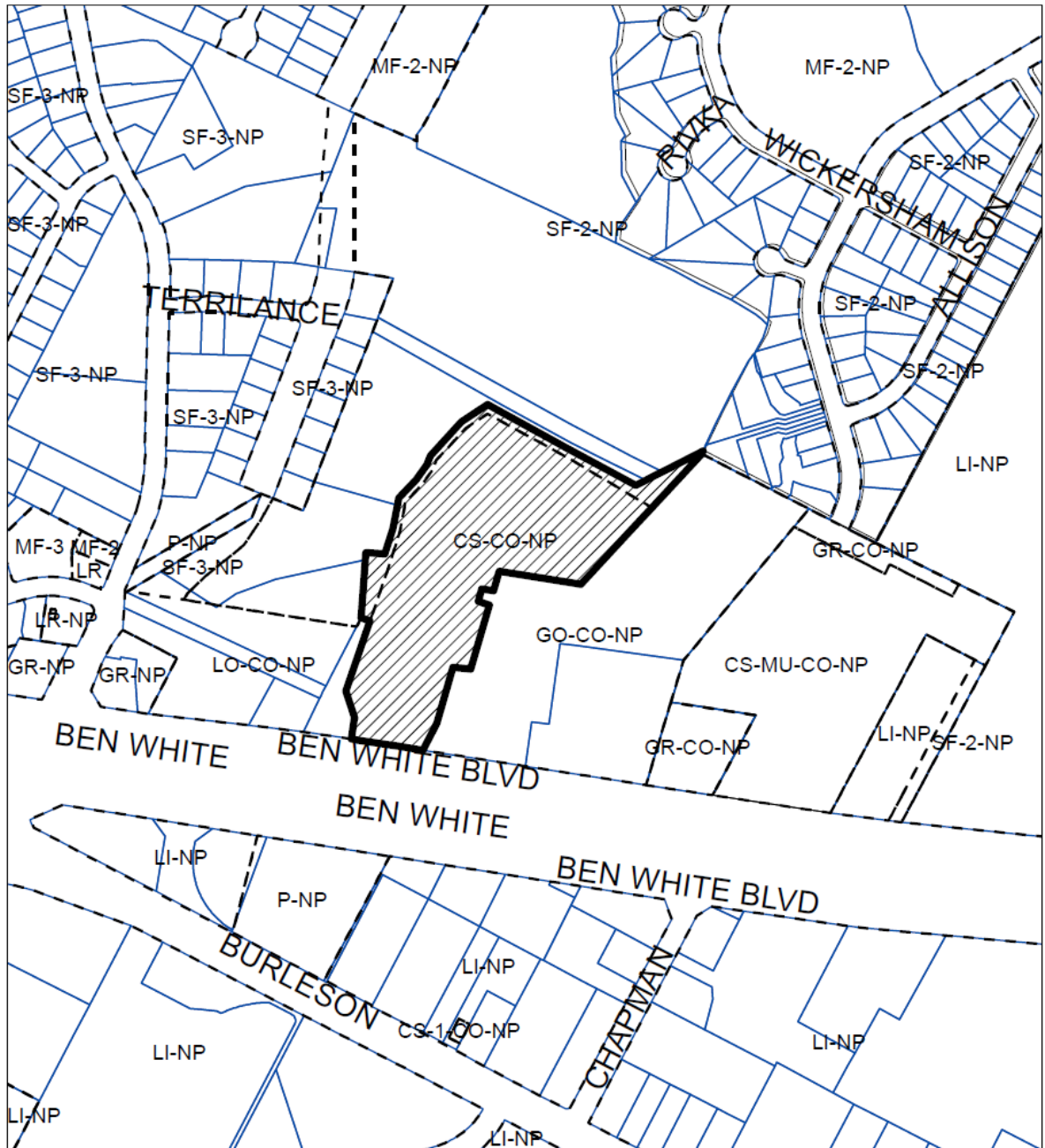
This product has been produced by the Planning and Development Review for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

City of Austin  
Planning and Zoning Department  
Created on 8/2/2017, by: meredithm

### Future Land Use

|                         |                    |
|-------------------------|--------------------|
| 500 ft. Notif. Boundary | Office             |
| Subject Property        | Industry           |
| Single-Family           | Civic              |
| Multi-Family            | Transportation     |
| Commercial              | Utilities          |
| Mixed Use               | Excluded from FLUM |





**ZONING MAP**

**Case Number:** NPA-2017-0021.01  
**Address:** 4530 E. Ben White Blvd.  
**Approx. 12.44 acres**

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