

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0039 (Grady & Brownie Mixed Use) DISTRICT: 4

ZONING FROM: Tract 1: SF-3-NP
Tract 2: LR-NP

TO: Tract 1: MF-4-NP
Tract 2: CS-MU-NP

ADDRESS: 10609, 10611, 10613, 10615 Brownie Drive and
10610, 10612, 10614 Middle Fiskville Road

SITE AREA: Tract 1: 1.03 acres
Tract 2: 0.76 acres
1.795 acres (78,211.98 sq. ft.)

PROPERTY OWNER: Grady & Brownie Investments LLC (Saleem Memon)

AGENT: Thrower Design (A. Ron Thrower)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends MF-2-NP, Multifamily Residence-Low Density District-Neighborhood Plan Combining District, zoning for Tract 1 and LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining District, zoning for Tract 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 8, 2021: Postponed to July 13, 2021 at the neighborhood's request by consent (11-0); A. Azhar-1st, J. Mushtaler-2nd.

July 13, 2021

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question consists of seven undeveloped lots located between Brownie Drive and Middle Fiskville Road at East Grady Drive. The lots to the north, across Grady Drive, are zoned SF-3-NP and LR-NP respectively and are undeveloped. Further to the north, is a manufacturing facility (former Golfsmith site) with IP-NP and CS-NP zoning. To the south and east along Brownie Drive are single-family residences zoned SF-2-NP and SF-3-NP. Along Middle Fiskville Road to the south, there are commercial uses (Third Coast Auto Sales Group) with LR-NP and CS-NP zoning. The applicant is requesting MF-4-NP zoning for Tract 1 and CS-MU-NP zoning for Tract 2 to allow for the development of residential dwelling units at the periphery of an established neighborhood and commercial uses fronting IH-35/Middle Fiskville Road (*please see Applicant's Request Letter – Exhibit C*).

In 2010, the North Lamar Combined Neighborhood Plan was devised for this area of the City. The neighborhood plan recommended Single-Family fronting Brownie Drive and Neighborhood Commercial fronting Middle Fiskville Road on the future land use map for this property (*please see North Lamar Combined NP FLUM – Exhibit D*). On June 24, 2010, the City Council approved the North Lamar Combined Neighborhood Plan along with accompanying rezoning for these tracts of land through case C14-2010-0048/ Ordinance No. 20100624-111.

The staff recommends MF-2-NP zoning for Tract 1 and LR-MU-NP zoning for Tract 2. MF-2-NP zoning on Tract 1 will permit the applicant to develop low density multifamily residential units in an area adjacent to single-family houses/zoning to south and west. The Multifamily Residence-Low Density district will provide for additional residential housing opportunities to be developed on an underutilized property that is located near two major arterial roadways, North Lamar Boulevard to the west and Braker Lane to the north, and a highway to the west, Interstate Highway-35 South Bound.

The staff recommends LR-MU-NP zoning for Tract 2 as the property fronts Middle Fiskville Road, a level 1 local roadway, not the IH-35 frontage road. The staff supports adding the MU, Mixed Use Combining District to the existing Neighborhood Commercial base zoning on Tract 2 to permit a mixture of residential, office, commercial and civic uses to be developed on a highly visible property located near the IH-35 frontage road. Neighborhood Commercial-Mixed Use zoning will permit the applicant to develop density on Tract 2 that is consistent with the multifamily density permitted under the MF-2-NP zoning on Tract 1. LR-MU-NP zoning on Tract 2 will provide a transition in the intensity of permitted uses from Middle Fiskville to MF-2-NP zoning on Tract 1 fronting Brownie Drive to the established single-family residential neighborhood to the west.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Multifamily Residence (Low Density) district is intended to accommodate multifamily use with a maximum density of up to 23 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near single-family neighborhoods, and in selected areas where low density multifamily use is desirable.

Neighborhood Commercial district is intended for neighborhood shopping facilities which provide limited business service and office facilities predominately for the convenience of residents of the neighborhood.

Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

2. *The proposed zoning should promote consistency and orderly planning.*

MF-2-NP zoning on Tract 1 is consistent with the surrounding residential development and SF-3 and SF-2 zoning to the north, south and east. The Multifamily Residence-Low Density district is intended to allow for low density multifamily residential uses near single family neighborhoods.

LR-MU-NP zoning on Tract 2 is consistent with the LR-NP zoning to the north, across E. Grady Lane and the LR-NP and CS-NP zoning to the south fronting onto Middle Fiskville Road. Neighborhood Commercial-Mixed Use-Neighborhood Plan combining district zoning will provide a transition in the intensity of permitted uses from Middle Fiskville to the MF-2-NP zoning on Tract 1 fronting Brownie Drive to the established single-family residential neighborhood to the west.

3. *The proposed zoning should allow for a reasonable use of the property.*

MF-2 zoning on Tract 1 will allow for additional housing options to be developed on an underutilized property that is located on a residential street near two major arterial roadways, North Lamar Boulevard to the west and Braker Lane to the north where public transportation is available (Capital Metro Rapid Bus Routes).

LR-MU-NP zoning on Tract 2 will permit the applicant to develop office, civic or commercial uses on the site to provide services to the proposed multifamily development on Brownie Drive and to the established single-family residential neighborhood to the east.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP, LR-NP	Undeveloped
<i>North</i>	SF-3-NP, LR-NP	Vacant Fenced Area, Undeveloped Lot
<i>East</i>	Right-of-Way	Interstate Highway-35 South Bound Frontage Road and Freeway
<i>South</i>	SF-3-NP, CS-NP, CS-CO-NP	Single-Family Residences, Auto Sales (Third Coast Auto Group)
<i>West</i>	SF-2-NP	Single-Family Residences

PLANNING AREA: North Lamar Neighborhood Plan

TIA: Deferred to the time of Site Plan

WATERSHED: Little Walnut Creek

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Friends of Austin Neighborhoods
 Go Austin Vamos Austin-North
 Homeless Neighborhood Association
 Mockingbird Hill Neighborhood Association
 Neighborhood Empowerment Foundation
 North Growth Corridor Alliance
 North Lamar Combined Neighborhood Plan Contact Team
 North Lamar Neighborhood Association
 SELTEXAS
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2016-0137 (Grady .46: 600 East Grady Drive)	SF-2-NP to SF-3-NP	2/14/15: Approved staff rec. of SF-3-NP zoning, with condition of ROW dedication, on consent (10-0, S. Oliver, J. Shieh, N. Zaragoza-absent); T. White-1 st , J. Vela-2 nd .	3/23/17: Approved SF-3-NP zoning, with conditions, on consent on 1 st reading (11-0) 4/13/17: Approved SF-3-NP zoning, with conditions (9-1, O. Houston-No, L. Pool-absent); P. Renteria-1 st , D. Garza-2 nd .

C14-2012-0023 (601 W. Applegate Drive: 601 W. Applegate Drive)	LO-MU-CO-NP to GR-MU-NP	6/12/12: Approved staff recommendation to deny the requested zoning (6-1, A. Hernandez-No, D. Anderson and D. Chimenti-absent); M. Dealey-1 st , D. Tiemann-2 nd .	6/28/12 : Denied the rezoning request (7-0); B. Spelman-1 st , L. Morrison-2 nd .
C14-2010-0048 (North Lamar NP Rezoning)	CR-CO to LO-MU-CO-NP	5/11/10: Approved the staff's recommendation for LO-MU-CO-NP zoning, with condition to remove Art Gallery, Art Workshop, and Counseling Services as prohibited uses, for Tract 20 (ABS 29 SUR 38 Applegate J ACR .17, Lot 1 Block K Mockingbird Hill Section 1 Subdivision, Lot 2 Block K Mockingbird Hill Section 1 Subdivision, and 601 West Applegate Drive); Vote: (8-0, J. Reddy-absent); C. Small-1 st , M. Dealey-2 nd .	6/24/10: Approved the North Lamar Combined Neighborhood Plan, except for tract 32 (postponed to July 29, 2010), and tracts 134 and 135B, on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote. Approved the North Lamar Neighborhood Plan Combining District (NP) was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
C14-05-0163 (Landrum-4: 601 W. Applegate Drive)	SF-2 to GR* *The applicant amended their rezoning request to CR zoning on November 14, 2005	10/18/05: Postponed to November 1, 2005 by the staff (9-0); J. Martinez-1 st , J. Gohil-2 nd . 11/01/05: Postponed to November 15, 2005 by the applicant (9-0); J. Martinez-1 st , J. Gohil-2 nd . 11/15/05: Case continued to January 17, 2006 ZAP Commission meeting (7-0, J. Gohil, J. Martinez – absent); M. Hawthorne-1 st , T. Rabago-2 nd). 1/17/06: Postponed to January 31, 2006 at the applicant's request (9-0); J. Martinez-1 st , J. Gohil-2 nd . 1/31/06: Approved CR-CO zoning with the following conditions: 1) Recreational Equipment Maintenance & Storage as the only permitted CR (Community Recreation) district use; 2) Permit SF-6 (Townhouse & Condominium Residence) district uses; 3) SF-6 (Townhouse & Condominium Residence) district site development standards; 4) Limit access to the driveway previously considered Motheral Drive (vacated Motheral	3/02/06: Approved CR-CO zoning on 1 st reading with the following additional restrictions: 18 foot height limitation, minimum of 6 foot solid fence around all four sides of the property with the additional provision that the fence along Applegate must be 10 feet off the north property line and must have landscaping in front of it, and driveway access would be from Motheral Drive (6-1, Kim-Nay); Alvarez-1 st , Wynn-2 nd 4/20/06: Approved CR-CO zoning with conditions by consent (6-0, D. Thomas-off dais); 2 nd /3 rd readings

		Drive); 5)The applicant will provide a vegetative buffer along Applegate Drive; 6) The site shall be limited to less than 300 vehicle trips per day above the existing trip generation. Vote: (8-0, J. Gohil-absent)	
C14-04-0209	CS-CO, CS to CS-1	3/01/05: Approved staff rec. of CS-1-CO with following conditions: Prohibit Adult Oriented Businesses, Liquor Sales, Cocktail Lounge, Vehicle Storage, Pawn Shop Services, Indoor Entertainment, Exterminating Services, Guidance Services; limit height to a maximum of 40 feet; limit development to 2,000 vtpd (8-0)	3/24/05: Approved CS-1-CO (7-0); all 3 readings
C14-03-0150 (Gilleland Zoning Change: 606 West Grady Drive)	SF-2 to CS* *Amended to 'GR' on 11/5/03	11/4/03: Approved staff's recommendation to deny CS, General Commercial Services District, zoning (9-0)	12/11/03: The motion to deny zoning request was approved (7-0); Slusher-1 st , McCracken-2 nd . The motion to approve reconsideration of this item was approved (7-0); Slusher-1 st ; Thomas-2 nd . This item was postponed to January 29, 2004 (7-0); Slusher-1 st , Wynn-2 nd 1/29/04: Denied request (4-0), Thomas/ Goodman-absent, McCracken-off dais)
C14-01-0116	LO to CS	1/22/02: Approved staff alternate rec. of CS-CO; w/conditions (8-0)	2/28/02: Approved CS-CO w/other conditions (6-0); all 3 readings: 1) Subject to TIA conditions, 2) Prohibiting the following uses: a) Automotive Washing (of any type) b) Commercial Off-Street Parking c) Convenience Storage d) Equipment Sales e) Funeral Services f) Kennels g) Monument Retail Sales h) Outdoor Sports and Recreation i) Residential Treatment j) Local Utility Services k) Service Station l) Campground m) Construction Sales and Services n) Equipment Repair Services o) Exterminating Services

			<p>p) Hotel-motel</p> <p>q) Laundry Services</p> <p>r) Outdoor Entertainment</p> <p>s) Vehicle Storage</p> <p>t) Community Recreation (public)</p> <p>u) Community Recreation (private)</p> <p>v) Off-site Accessory Parking</p> <p>w) Drop-off Recycling Collection Facility</p> <p>3) Prohibit Drive-in Service</p>
C14-01-0037	MF-2, SF-3, SF-2 to NO-NP	4/17/01: Approved staff rec. of NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP (9-0)	<p>5/24/01: Approved PC rec. on all 3 readings, except Tract 9 (1st reading only); (6-0)</p> <p>8/9/01: Approved CS-NP for Tract 9 (7-0); 2nd/3rd readings</p>

RELATED CASES:

C14-2010-0048 (North Lamar Neighborhood Plan Rezoning)

C14-85-0178 (Mockingbird Hill Area Study Rezoning)

C14-2010-0048 – Previous Zoning Case

C8-63-002 - Subdivision

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Middle Fiskville Rd	68'	50'	22'	1	Yes	No	Yes
Grady Rd	51'	50'	35'	1	Yes	Yes	Yes
Brownie Dr	52'	50'	36'	1	Yes	Yes	Yes

OTHER STAFF COMMENTS:Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is partially in the Little Walnut Creek Watershed which is classified as an Urban Watershed & partially in the Walnut Creek Watershed of the Colorado River Basin which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Zoning district impervious cover limits apply in the portion of the site that is in the Urban Watershed classification.

Under current watershed regulations, development or redevelopment on the portion of the site that is in the Suburban Watershed will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.

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

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

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

Fire

No comments.

Parks and Recreation

Parkland dedication will be required for the new residential units proposed by this development, multifamily with MF-4-NP and CS=MU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. One of the criteria is whether the site is located in a park deficient area. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

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

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.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

The site is subject to compatibility standards. Along the south property line (adjacent to SF-3-NP Zoning, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for Middle Fiskville Road, Grady Road, and Brownie Drive. A traffic impact analysis is waived, the determination is deferred to site plan application, when land use and intensity will be finalized. A neighborhood traffic analysis may be required at the time of site plan when uses and intensities are known.

Water Utility

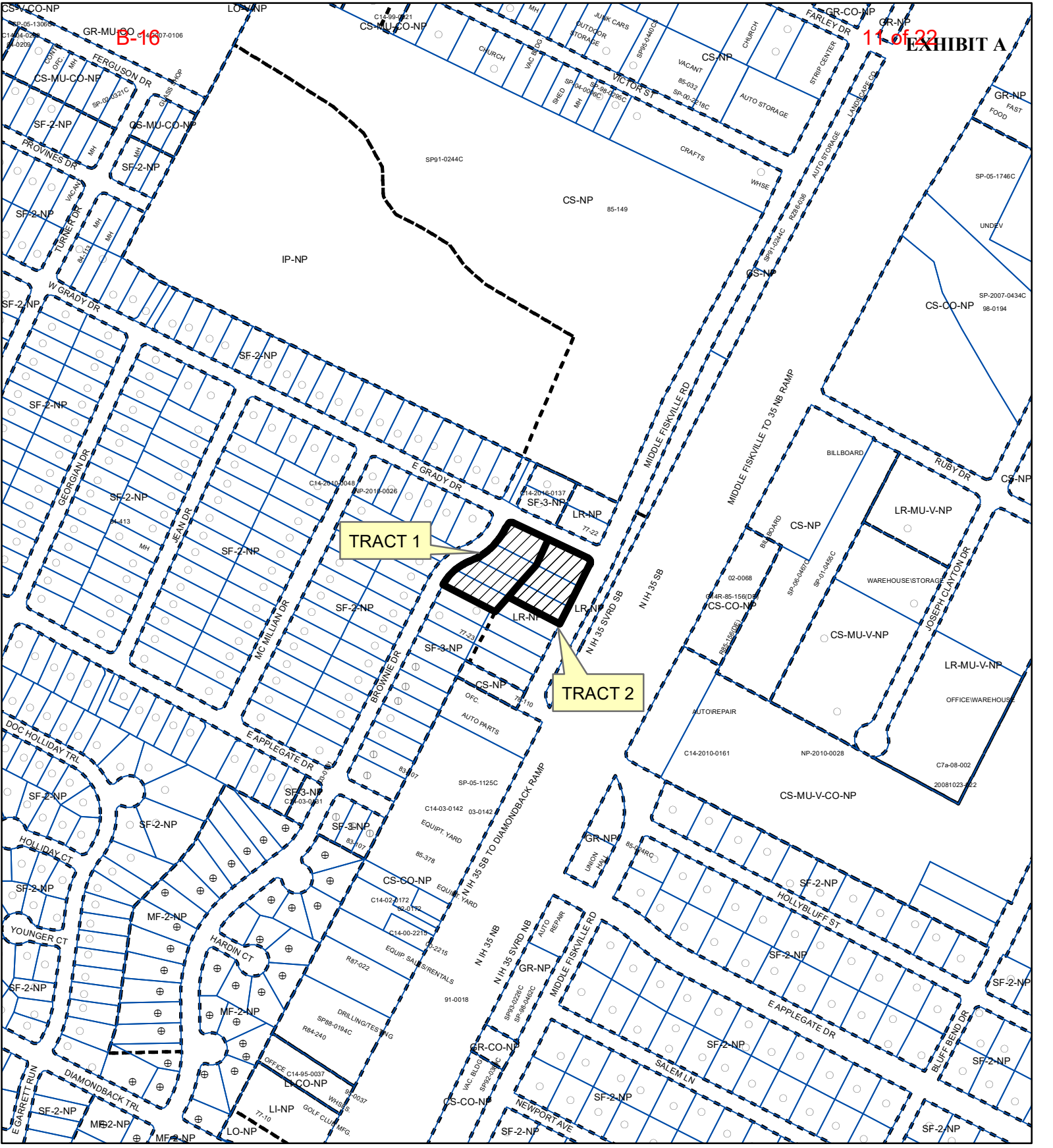
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.


Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

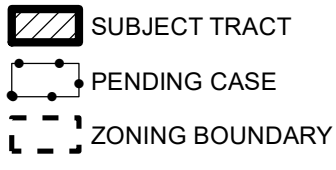


The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. North Lamar Combined Neighborhood Plan FLUM
- E. Correspondence from Interested Parties





 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2021-0039

1" = 400'

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.

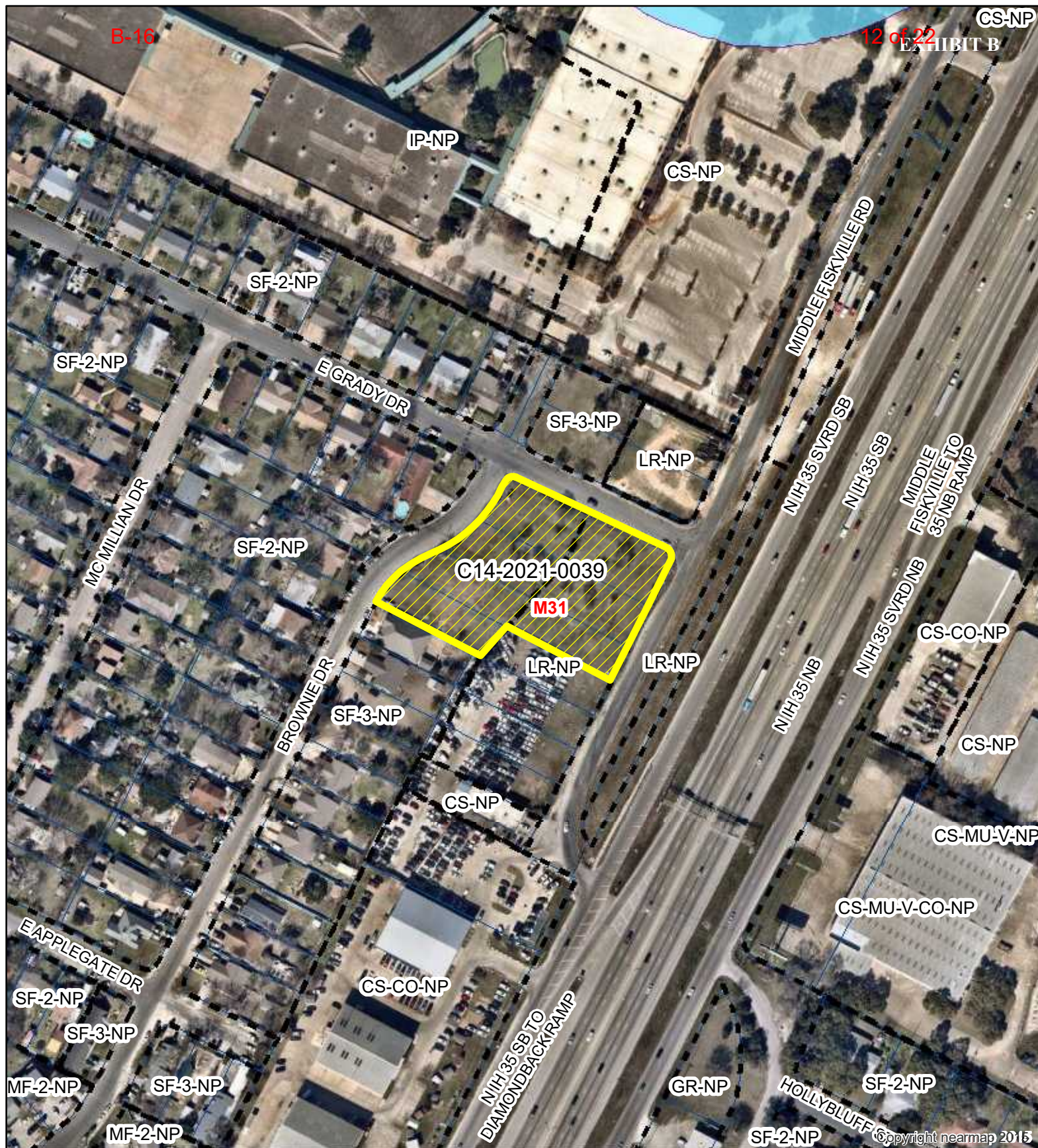
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Created: 3/23/2021

B-16

CS-NP

12 of 22
EXHIBIT B

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SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

1" = 200'

Grady & Brownie Mix Use

ZONING CASE#: C14-2021-0039

LOCATION: 10609 - 10615 Brownie Dr.

10610-10614 Middle Fiskville Rd.

SUBJECT AREA: 1.795 Acres

GRID: M31

MANAGER: Sherri Sirwaitis



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



March 9, 2021

Ms. Maureen Meredith

Planner Senior

Mrs. Sherri Sirwaitis

Planner Senior

City of Austin, Housing & Planning Depart

RE: 10609, 10611, 10613, 10615 Brownie Drive & 10610, 10612, 10614 Middle Fiskville Road –
Neighborhood Plan Amendment and Rezoning

Maureen and Sherri,

On behalf of the property owner, we submit the Neighborhood Plan Amendment and Rezoning applications herein. The properties total 1.79 acres in the City of Austin full purpose jurisdiction and are platted as lots 1-4 and 6-8, Block D of the Northmede, Section 1 Subdivision. The North Lamar Combined Neighborhood Plan and Future Land Use Map applies and designates the 4 lots fronting Brownie Drive for *Single Family* use and the 3 lots fronting Middle Fiskville Road for *Neighborhood Commercial Use* (see maps attached). The properties on Brownie Drive have *Family Residence-Neighborhood Plan (SF-3-NP)* zoning and the properties on Middle Fiskville Road have *Neighborhood Commercial -Neighborhood Plan (LR-NP)* zoning.

The request is to amend the Future Land Use Map to *Mixed Use* and to rezone the properties on Brownie Drive to *Multifamily Residence Moderate-High Density-Neighborhood Plan (MF-4-NP)* and to rezone the properties on Middle Fiskville Road to *General Commercial Services-Mixed Use-Neighborhood Plan (CS-MU-NP)* zoning. The requests are appropriate as the proposed changes would allow for development of much needed residential dwelling units, placing greater residential densities to the periphery of an established, traditional neighborhood area and within a half-mile of existing transit service. Successful rezoning of these properties will create an appropriate transition in land use intensity between the Commercially zoned properties fronting IH35/Middle Fiskville Road and the interior Single Family zoned properties of this area that currently does not exist.

The property is in a decent location to accommodate greater residential density and is supported by many Imagine Austin Planning Principles.

P.O. BOX 41957, AUSTIN, TEXAS 78704

1. Creating complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offering a variety of transportation options, and having easy access to daily needs such as schools, retail, employment, community services, and parks and recreations options.
2. Supporting 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.
3. Protecting neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers, corridors, redevelopment, and infill site.
4. Expanding the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
5. Ensuring harmonious transitions between adjacent land uses and development intensities.
6. Protecting Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserving open space and protecting the function of the resource.
7. Encouraging active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.

While it is understood that the requested changes do not align with the North Lamar Combined Neighborhood Plan, Austin has gone through significant change and growth since the plan was adopted in 2009 to suggest that the requests are appropriate and urgently needed to bring more dwelling units to the City and to do so without creating further sprawl in our rural lands.

Thrower Design respectfully requests a favorable recommendation, and we are available for questions or discussion as needed.

Sincerely,

A handwritten signature in black ink, appearing to be 'Victoria Haase', with a stylized, cursive script.

Victoria Haase

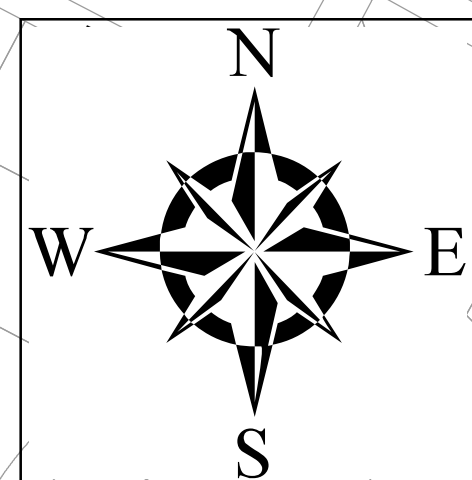


North Lamar Combined Neighborhood Planning Area Future Land Use Map

EXHIBIT D

Plan Adopted: June 24, 2010

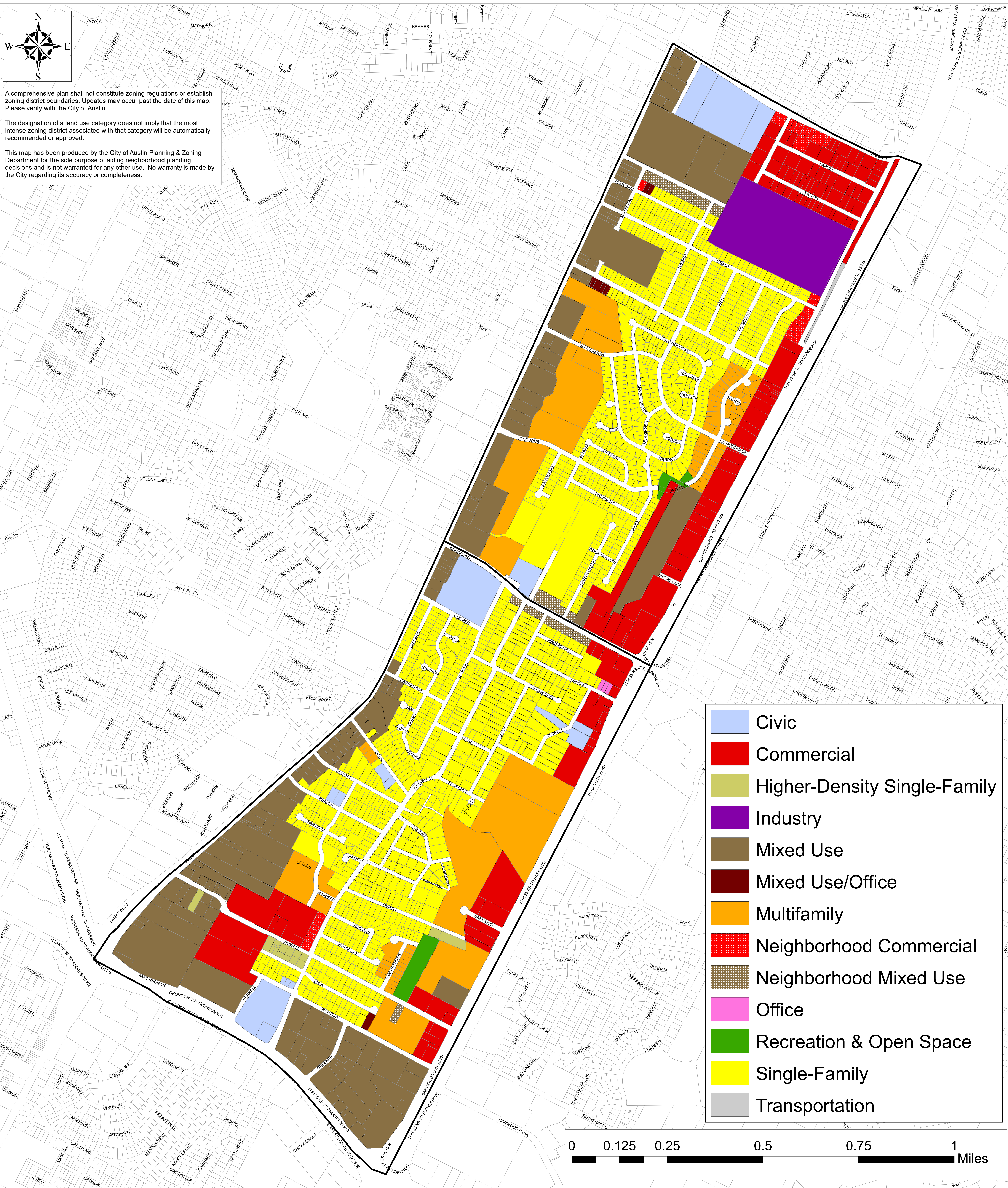
Last Amended: Mar 26, 2020



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. Updates may occur past the date of this map. Please verify with the City of Austin.

The designation of a land use category does not imply that the most intense zoning district associated with that category will be automatically recommended or approved.

This map has been produced by the City of Austin 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.



From:
To: maureen.meridith@austintexas.gov; [Sirwaitis, Sherri](#)
Cc:
Subject: Plan Amendment Case #: NPA-2021-0026.01 and Zoning Case #: C14-2021-0039
Date: Thursday, April 22, 2021 7:11:39 AM

*** External Email - Exercise Caution ***

Hello,

This is in regards to Plan Amendment Case #: NPA-2021-0026.01 and Zoning Case #: C14-2021-0039, Property Addresses: 10609, 10611, 10613, 10615 Brownie Dr. and 10610, 10612, 10614 Middle Fiskville Rd.

I would like to add concerns and insights from the perspectives of current neighborhood residents especially those of us that live within 500ft. Please consider the quality of life and safety of the neighborhood residents as more important than the amount of money to be gained by investors. I will do my best to organize the points to be easily reviewed and considered.

The rezoning and plan amendment of the tracks on Middle Fiskville Dr to CS-MU-NP for general commercial service district & Brownie Dr to MF-4-NP for multifamily housing will directly and negatively impact the current and long-term established family character of the neighborhood in the following ways:

Exponentially increase foot traffic - bringing further exposure to our neighborhood creating higher safety and security concerns to the established residents. This includes concerns for physical safety of individuals as well as security of belongings and increased potential for theft. This additional foot traffic will create a direct infringement on the privacy of the current residents.

Exponentially increase automobile traffic - Our neighborhood is a hidden gem, however, many that are familiar with the area already use the neighborhood as a shortcut. Therefore the automobile traffic is currently in extreme excess at all times. There are frequently traffic incidents at the intersections on Brownie Dr as well as Grady Dr/Middle Fiskville Rd, in addition to traffic back ups during rush hour periods throughout the day. There was even a fatal accident at the corner of Brownie Dr and Grady Dr last year in the summer of 2020. Adding an additional 'up to 70+ residential units' will create an unmanageable traffic problem.

Gentrification of our neighborhood - Approving these petitions will enable the

gentrification process to begin in our neighborhood. The majority of residents in this neighborhood have lived here for 20+ years and are minorities including hispanic and black families . The investor representative claimed there is a housing crisis, which will only be exaggerated as current long-term and life long residents will soon be forced to leave the neighborhood because of the inflation of housing rates caused by the new construction and surplus of units becoming available. Surely, it cannot be true that our city values outside money coming in over established culture rich residents.

Diminish community culture - It is true what they say, beauty lies in the eyes of the beholder. However, culture and maintaining culture vibes that are already at a high risk of being forgotten little by little, should be protected, preserved and enhanced at all cost. This is literally the last piece of land in our neighborhood, simply because it has not been previously developed on, does not mean that it should be developed on and more specifically it should not be developed on against the established use plan. The building, even with careful architectural planning, will create a concrete eye sore for all of the current residents to face everyday for the rest of our lives, while the residents of the proposed apartment complex will turnover year after year.

The rezoning and plan amendment of the tracks on Middle Fiskville Dr from LR-NP to CS-MU-NP for general commercial service district is ultimately and absolutely unnecessary. This land is already zoned for neighborhood commercial use and therefore if, as claimed by the investors representative, they are not really interested in commercial use but may develop into a small commercial use space, this can already be accomplished with the current zoning in place on the land.

I strongly propose several other factors must be considered prior to any potential approval of zoning or future use plan is needed:

If these changes were to be approved, a serious and well thought out plan for traffic control is essential. The streets were not built for such high volume through traffic and as mentioned above, will pose even further extreme traffic concerns.

A more thorough understanding of the current owner/investors true intentions should be reviewed. Many mentions on the community meeting call were contradicting and continually changing throughout the explanation of their intent.

- When questioned about the timeframe that the owners planned to maintain the property after proposed construction, to determine if this was a long-term investment or a build and flip situation, the representative then scraped out of

an answer claiming that the plan was to build condominiums which would be sold and not rented therefore proposing a condominium association to be as collective owners. However, initially on the call, it was revealed that the primary goal is to build an apartment complex on the space, specifically noting that 'not all people want or can afford to own homes'.

- In addition, there is a current for sale sign on the lot. This gives the impression that the owner may be trying to have the zoning changed in order to sell the land more quickly and at an extremely profitable rate. If this scenario is true, which it is highly possible, then the current claims of anticipated development ideas/plans, is completely irrelevant, as once the property is sold, the new owners will have their own plans to proceed with and at which time, the community and neighbors voices will bear no weight because the zoning and plan changes would have already been approved.
- Duplex and 2-family structures are currently allowable on the lots, this is in line with the current neighborhood growth infrastructure and could be a positive addition to our neighborhood, pushing for rezoning to anything more is a direct form of disrespect to the established community and the infrastructure of the neighborhood would quickly carry the weight of the increased dense population creating a domino effect of problems to follow.
- If the intentions of the owner were as pure and minimized as attempted to present, then, why are they applying for MF-4 medium to high density? Why not apply for MF-1 low density? This would align much more with their story of condominiums for sale and would be ample enough to achieve their goal given the limited space of the lots. This is direct evidence that the investors do not have any concern of the community neighborhood or preservation of our city.
- Why are they also pushing to change the zoning of the lots on Middle Fiskville to CS-MU, if their intentions are to possibly place office space or other 'community enhancing' businesses. The current zoning already allows for commercial use that would be an asset, not a hindrance to our community enjoyment of life.
- If this was to be approved, what conditions or red tape could be placed to ensure that the results are as explained? It does seem like intentions are malicious and the investor does not plan to stay by his word, this is a form of

civic bullying.

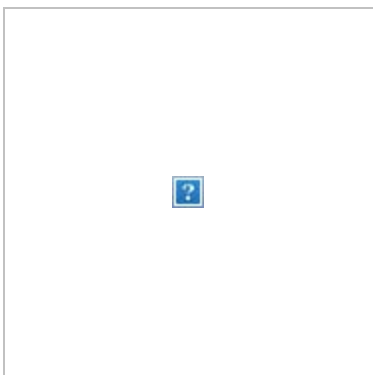
All in all, no raised concerns were addressed by the owner's representative. It appears to be an unfortunate classic case of targeting an underserved and overlooked community of minorities. I urge you to consider why the current future use plan was established and see that it was for the greatest and highest good of the community and city infrastructure.

Please see below chart of current apartment market conditions in Austin as of April 2021. (source)

https://www.apartmentdata.com/databases/marketlineADSonline_TXAU.pdf

According the Apartmentdata Austin's current overall Occupancy is 89.3%
Current Operating Supply: 1,075 communities 254,074 units,
Recently Opened (12 mo): 50 communities 13,928 units,
Under Construction: 56 communities 15,862,
units Proposed Construction: 107 communities 33,153 units.

This data clearly demonstrates that there will be an over saturated market once the 62,943 units are included in the market supply. Our neighborhood and community quality of life does not need to be altered to capitalize on the small plot of land that we have undeveloped in the neighborhood.



I am showing up and reaching out to be the voice of the collective in our neighborhood, many residents are not able to communicate their thoughts and feelings directly whether due to language barrier or due to the common fear of speaking up as a minority. Our voices deserve to be heard, our values deserve to be considered, our families and future concern of our quality of life deserve to be a priority focus. I kindly ask for empathy and understanding to what is in the greatest and highest good of the future of our neighborhood and our neighbors quality of life.

I also hereby formally inquire, is there any other course of action that can be taken to have this matter reviewed more deeply or provide more time to truly review all factors? Please advise what systems or protocols are in place to provide support to normal neighborhood citizens to navigate the city planning system.

Thank you in advance for your time, understanding and compassion in this life-altering matter. Feel free to reach out to me with any further questions.

Jade Lovera
512-771-9360

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From: Jose Quirindongo
 To: [Sirwaitis, Sherri](#)
 Subject: Fw: Copy
 Date: Monday, June 7, 2021 7:12:14 PM

*** External Email - Exercise Caution ***

Dear Sherri,

This is my response for the Case Number: C14-2021-0039. Thank you!

Very respectfully,
 Jose

PUBLIC HEARING INFORMATION	
<p>This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.</p> <p>During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.</p> <p>During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.</p> <p>However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.</p> <p>For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.</p>	<p>Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.</p> <p>Case Number: C14-2021-0039 Contact: Sherri Sirwaitis, 512-974-3057 Public Hearing: June 8, 2021, Planning Commission</p> <p><u>Jose Quirindongo</u> Your Name (please print)</p> <p><u>505 EAST GRADY DR</u> Your address(es) affected by this application</p> <p><u>[Signature]</u> Signature</p> <p><u>07/07/2021</u> Date</p> <p>Daytime Telephone: <u>512-851-7546</u></p> <p>Comments: <u>THIS DEVELOPMENT WILL</u> <u>INTENSIFY TRAFFIC AND NOISE</u> <u>FOR THE NEIGHBORHOOD.</u> <u>THE GREEN AREAS CONTROL FLOODING</u> <u>AND NATURAL ECOSYSTEM STRENGTH</u> <u>WITH TREES AND GRASS.</u></p> <p>If you use this form to comment, it may be returned to: City of Austin, Planning & Zoning Department Sherri Sirwaitis P. O. Box 1088, Austin, TX 78767-8810 Or email to: sherri.sirwaitis@austintexas.gov</p>

Sent from Yahoo Mail for iPhone

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From: Hien, Do
To: sherri.sirwaitis@austintexas.gov; [Sirwaitis, Sherri](#)
Subject: Case #: C14-2021-0039 + NPA-2021-0026.01
Date: Tuesday, June 8, 2021 9:26:12 PM

*** External Email - Exercise Caution ***

To Sherri Sirwaitis
To Maureen Meredith,

I object both cases:
Case #: C14-2021-0039 ;
NPA-2021-0026.01

Phuong Nguyen
5125993936
8324380985
Address affected by applications: 506 e grady dr, austin, texas, 78753

Best regards

[Sent from Yahoo Mail for iPhone](#)

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