

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Greater South River City Combined (South River City)

CASE#: NPA-2019-0022.01

DATE FILED: February 27, 2019 (In-cycle)

PROJECT NAME: 200 Academy

PC DATE: August 10, 2021
June 23, 2020
January 14, 2020
August 13, 2019

ADDRESS/ES: 146 ½, 200, 200 ½, 204 ½ Academy Drive & 1006, 1020 Melissa Lane

DISTRICT AREA: 9

SITE AREA: 4.6076 acres

OWNER/APPLICANT: Spearhead Academy, LTD (Chris Wallin)

AGENT: Weiss Architecture, Inc. (Richard Weiss)

CASE MANAGER: Maureen Meredith, Housing and Planning Dept.

PHONE: (512) 974-2695

STAFF EMAIL: Maureen.Meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Mixed Use/Office

To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2020-0147

From: CS-1-NCCD-NP, CS-NCCD-NP, and MF-4-NCCD-NP

To: CS-1-MU-NP, CS-MU-NP and MF-4-NP

NEIGHBORHOOD PLAN ADOPTION DATE: September 29, 2005

PLANNING COMMISSION RECOMMENDATION:

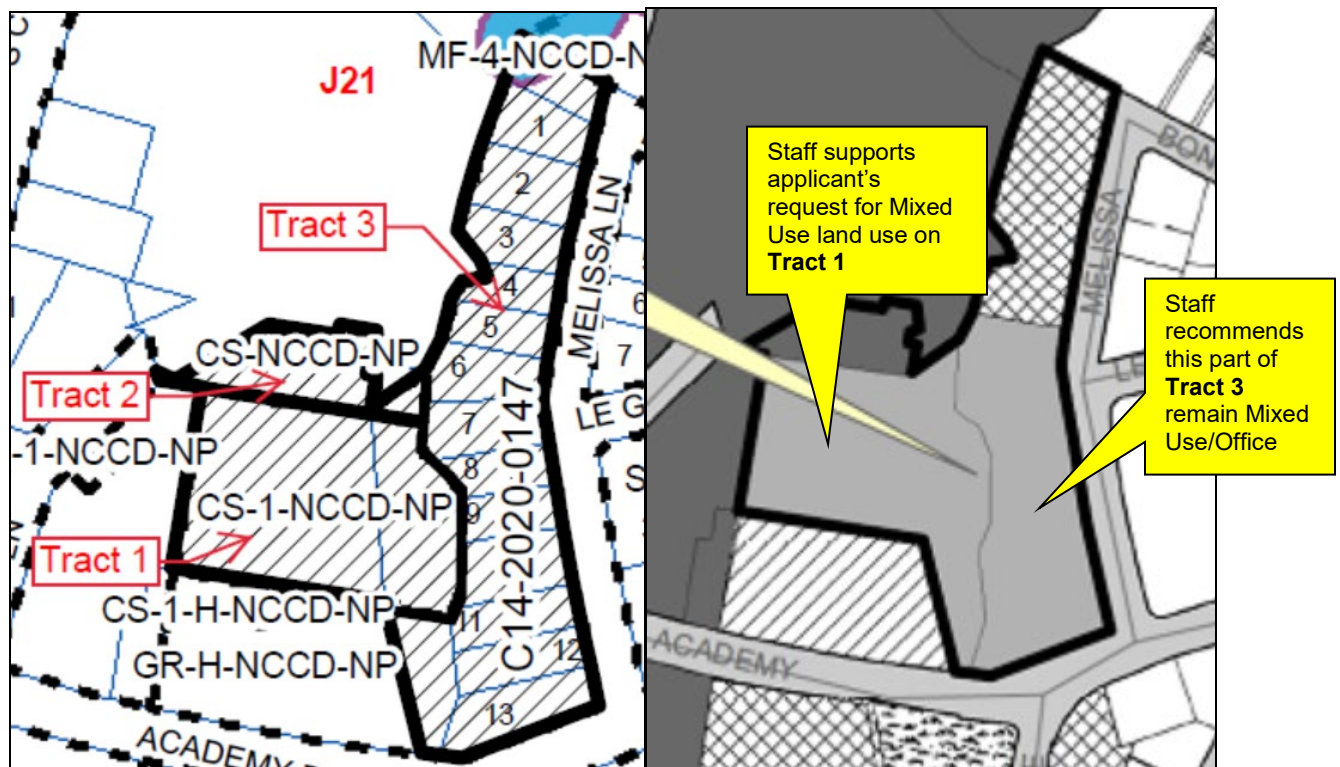
August 10, 2021 – [action pending]

June 23, 2020 – Approved for applicant’s request for an indefinite postponement on the consent agenda. [J. Thompson – 1st; R. Schneider – 2nd] Vote: 12-0 [P. Seeger absent].

January 14, 2020 – Approved for applicant’s request for an indefinite postponement on the consent agenda. [J. Thompson- 1st; C. Kenny – 2nd] Vote: 9-0 [A. Azhar, C. Hempel and P. Seeger absent. C. Llanes Pulido off the dais].

August 13, 2019 – Approved for staff’s request for an indefinite postponement on the consent agenda. [C. Kenny – 1st; G. Anderson – 2nd] Vote: 9-0 [A. Azhar, P. Howard, R. Schneider and P. Seeger absent].

STAFF RECOMMENDATION: Staff supports the applicant’s request for Mixed Use land on Tract 1 where the existing zoning is CS-1-NCCD-NP and the proposed zoning is CS-1-MU-NP. Staff recommends Mixed Use/Office remain on the portion of Tract 3 with the existing zoning of MF-4-NCCD-NP and the proposed zoning is MF-4-NP. This will provide a buffer between the single family residential zoning and land uses on the east side of Melissa Lane and the commercial uses proposed on the western part of the property.



BASIS FOR STAFF’S RECOMMENDATION: Staff supports the applicant’s request for Mixed Use land on Tract 1 because of the property’s proximity to South Congress Avenue, which is an Activity Corridor. Staff does not support the applicant’s request for Mixed Use land on the portion of Tract 3 with Mixed Use/Office land use to provide a buffer between the Mixed Use land use and the Single Family land use across Melissa Lane.

Below are sections of the Greater South River City Combined Neighborhood Plan that staff believes supports the applicant's request.

Vision

As responsible trustees, preserve, protect, and improve the quality and diversity of residential life in the Greater South River City neighborhood and support the success of institutions and locally owned businesses.

Land Use and Historic Preservation

Goal (A): Maintain the historic fabric and respect the established neighborhood character and natural assets.

Recommendation A6: Continue to regularly monitor and amend the Fairview Park Neighborhood Conservation Combining District (NCCD) (Figure 7.8) to address unforeseen consequences, changing situations, and appropriate land use changes. (SRCC)

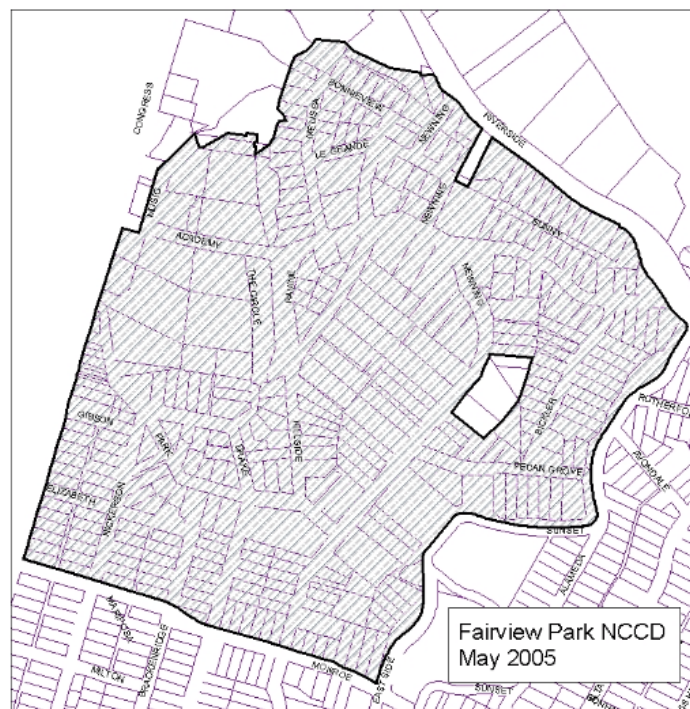


FIGURE 7.8: Fairview Park NCCD Boundaries

Goal (B): Identify and develop criteria for the interface between residences and commercial development.

Objective: Identify and develop criteria to encourage business along South Congress Avenue that serves and is compatible with the surrounding residential neighborhood.

Recommendation B5: Develop strategies fostering an eclectic blend of locally-owned businesses along South Congress. South Congress should not become a restaurant and bar district similar to downtown's E. 6th Street. Such strategies may include, but are not limited to:

- Recommend denial of any variance to minimum parking requirements (SRCC)
- Hold a forum with residents and business owners from both sides of S. Congress, economic development specialists, and other experts to conduct a study, make recommendations, and develop an implementation strategy (SRCC, Bouldin Neighborhood, AMA, SACA, NPZD, EGRSO)

Recommendation B6: Encourage the development of services on S. Congress needed by local residents (grocery store, deli, etc.). (AMA, SRCC, & NPZD)



Goal (C): Identify and develop criteria for density that result in a net benefit to the neighborhood.

Objective: Preserve housing affordability and increase diversity of housing types.

Recommendation C1: Identify areas where mixed use would enhance the livability of the neighborhoods and rezone accordingly. (NPZD)

Recommendation C2: Preserve existing multifamily housing. (SRCC)

Recommendation C3: Allow infill development to occur as indicated in Figure 7.10. (NPZD)

Transportation

Goal (D): Enhance the transportation network to allow residents to walk, bike, roll, ride, and drive safely.

Objective: Improve pedestrian safety and mobility throughout the neighborhood.

Objective: Improve bicycle safety and mobility throughout the neighborhood.

Objective: Improve the accessibility of public transit.

Objective: Improve auto safety and efficiency

Objective: Minimize the impacts of parking and arterial roadways on the neighborhood.

Objective: Promote multi-modal approaches to improve mobility.

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Mixed Use/Office - An area that is appropriate for a mix of residential and office uses.

Purpose

1. Accommodate mixed use development in areas that are not appropriate for general commercial development; and
2. Provide a transition from residential use to non-residential or mixed use.

Application

1. Appropriate for areas such as minor corridors or local streets adjacent to commercial areas;
2. May be used to encourage commercial uses to transition to residential use; and
3. Provide limited opportunities for live/work residential in urban areas.

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.

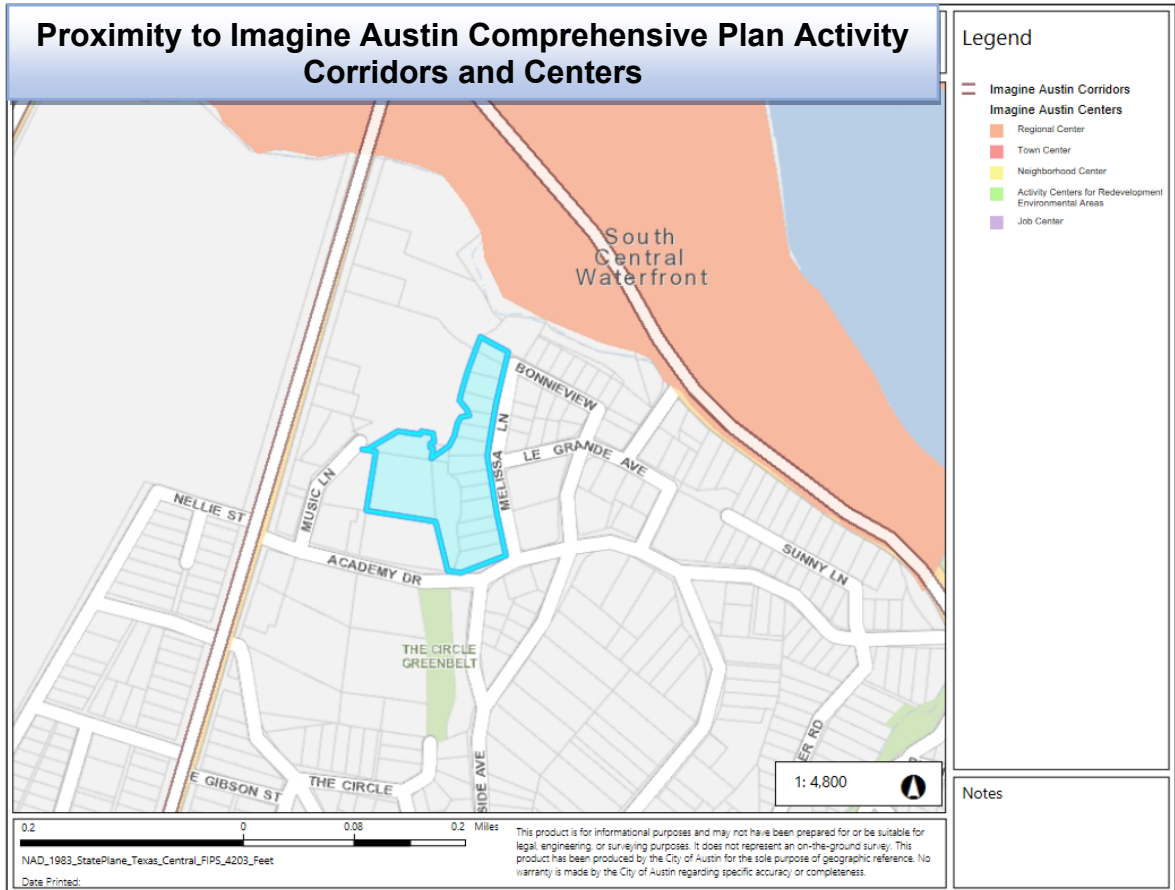
Application

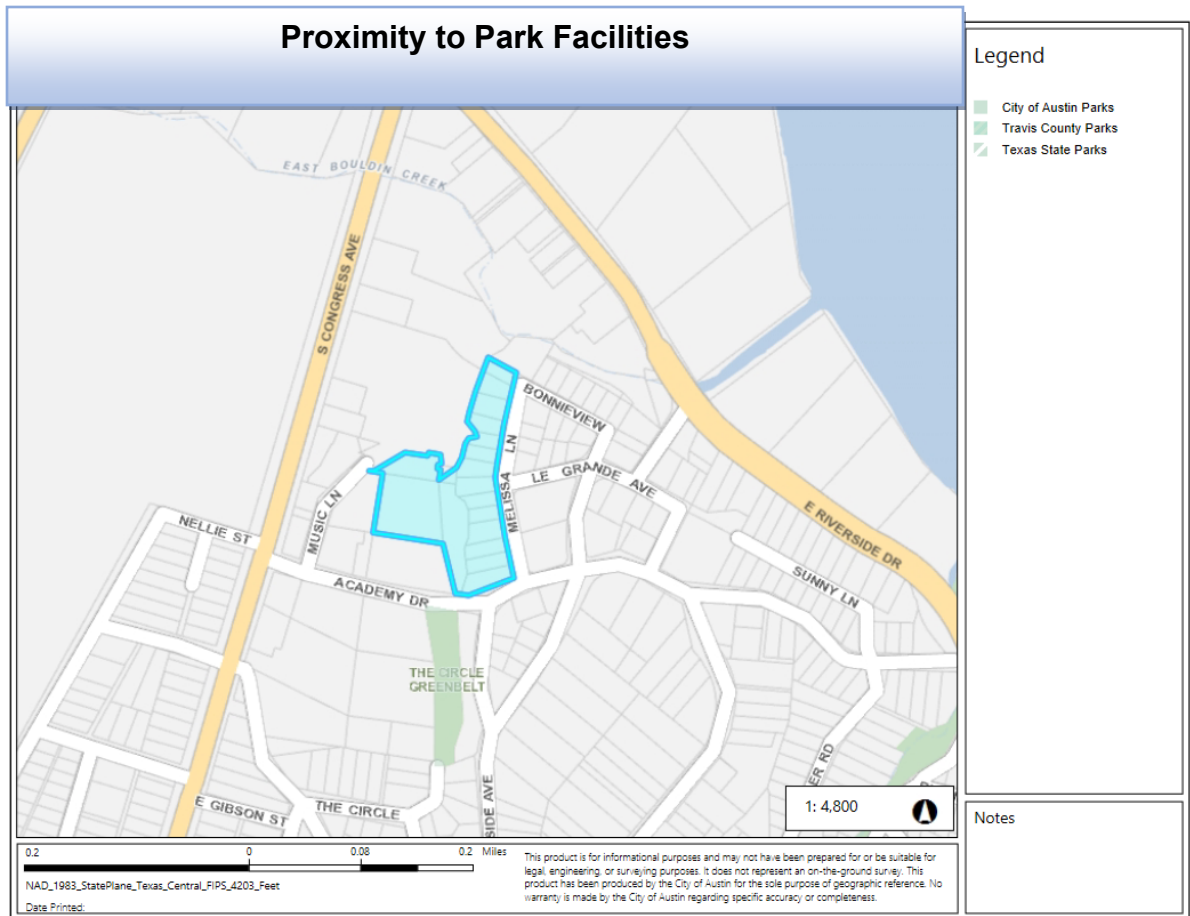
1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood 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.

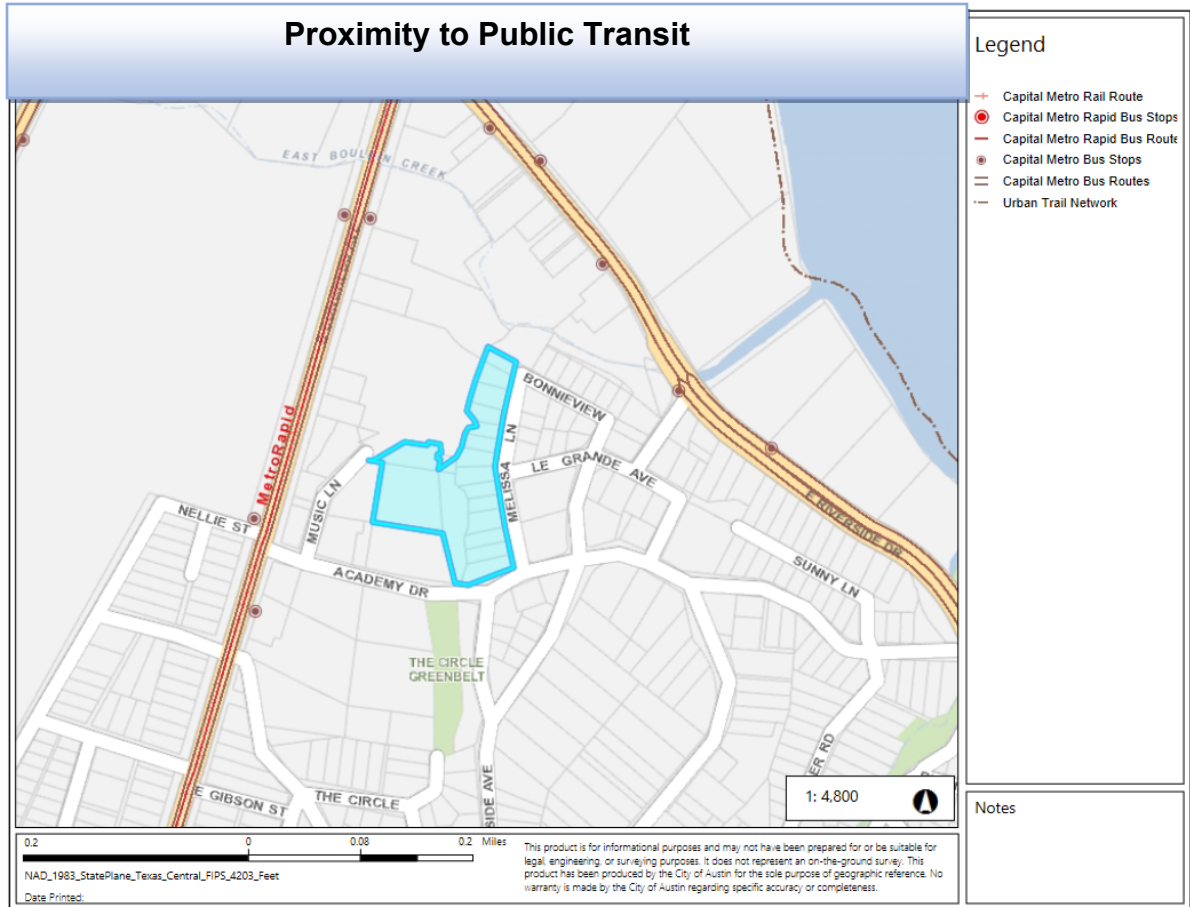
IMAGINE AUSTIN PLANNING PRINCIPLES

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.
 - *A portion of the property is zoned MF-4 which would allow for residential uses that could provide a mix of housing types. The property is near public transportation that runs along South Congress Avenue that is a busy commercial corridor with a range of commercial uses.*
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 less than 400 feet from South Congress Avenue which is identified as an Activity Corridor that is well-served by public transit. It is a walkable and bikeable area where people who live there can access nearby businesses without the need for an automobile.*
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 less than 400 feet from South Congress Avenue, which is a vibrant commercial corridor and identified as an Activity Corridor in the Imagine Austin Comprehensive Plan Growth Concept Map.*
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - *The proposed zoning would allow for residential uses which could expand the number and variety of housing choices in Austin and the planning area.*
5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - *Given the property's proximity to South Congress Avenue, Mixed Use land use on Tract 1 is appropriate. Retaining the Mixed Use/Office land use on the southern portion of Tract 3 to provide a buffer between the commercial portion of the property and the single family uses along east side of Melissa Lane is also appropriate.*
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 in the Desired Development Zone and not the Drinking Water Protection Zone.*
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 property is north of the Circle Green Belt and within walking distance to the Norwood Tract at Town Lake Metro Park.***
8. Protect, preserve and promote historically and culturally significant areas.
- ***The property does not have a historic marker for the concert venue that had previously operated on the property, but has been a location where well-known musicians have played.***
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 within a walkable and bikeable environment close to many businesses.***
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
- ***The applicant's proposal to open a music venue could expand the economic base and create job opportunities for the area and the city.***
11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
- ***The applicant proposes a zoning and plan amendment change to rebuild a music venue that had previously been operating on the property. See the applicant's presentation in this report for the historic and cultural context. The applicant's request supports this Imagine Austin Comprehensive Plan goal.***
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.***







200 Academy Drive

South River City, Austin, 78704

Commute to **Downtown Austin**

5 min
 15 min
 9 min
 30 min
 [View Routes](#)

[Favorite](#)
[Map](#)
[Nearby Apartments](#)

[Looking for a home for sale in Austin?](#)

Walk Score

82

Very Walkable

Most errands can be accomplished on foot.

Transit Score

60

Good Transit

Many nearby public transportation options.

Bike Score

81

Very Bikeable

Biking is convenient for most trips.

[About your score](#)
[Add scores to your site](#)

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 February 27, 2019, which is in-cycle for neighborhood planning areas located on the west side of I.H.-35.

The applicant requests a change in the future land use map from Mixed Use/Office to Mixed Use land use.

The zoning change application was filed on November 23, 2020. The rezoning request is to be removed from the Fairview Park NCCD Ordinance. The existing zoning is CS-1-NCCD-

NP, CS-NCCD-NP and MF-4-NCCT. The proposed zoning is CS-1-MU-NP, CS-MU-NP and MF-4-NP. Please see case report C14-2020-0147 for more information on the zoning request.

PUBLIC MEETINGS: The ordinance-required community meeting was virtually held on January 13, 2021. The recorded meeting can be found at <https://www.speakupaustin.org/npa>. Approximately 875 community meeting notices were mailed to people with a utility account (renters) or who own property within 500 feet of the subject tract, in addition to neighborhood and environmental groups who requested notification for the area on the City's Community Registry. Two staff members attended the meeting, including Richard Weiss, the applicant's agent and Chris Wallin, the owner/applicant. Twenty people from the neighborhood attended the meeting.

After staff gave a brief presentation, the applicant's agent, Richard Weiss, made a presentation, which can be found at the back of this report. Below is a summary of his remarks:

- The request is to remove the property from the NCCD.
- The existing zoning is CS-1-NCCD-NP, CS-NCCD-NP and MF-4-NCCD-NP.
- The proposed zoning is CS-1-MU-NP, CS-MU-NP and MF-4-NP.
- There is residential zoning of MF-4-NCCD-NP along the residential side of the property and commercial zoning along the western edge.
- In 1965 the majority of the property was a parking lot to serve the Terrace Motor Court.
- Richard Weiss gave a detailed history of the property. See slide presentation at the back of this report.
- The NCCD was put in place in 1986.
- The FAR went from 2:1 to 0.35, which is possibly the lowest assigned FAR for commercial property in the city.
- The building height went from 60 feet to 35 feet.
- Building coverage went from 95% to 65%.
- The uses are limited to light office and restricted residential use. Light office excludes Medical Offices.
- The unit cap on the commercial portion of the site is 15 units per acre whereas the CS-MU would have 34 to 54 units per acre.
- The NCCD also restricts live music which is the historical use of the site and has been the most relevant to Austin's history and culture. It also prohibits retail, museum, restaurant, office, gallery uses are prohibited.
- On the MF-4 part, it caps the number of units going from 34 to 54 units per acre on a typical MF-4 site to 22 units per acre, which is less than half.
- The impervious cover goes from 70% to 55%.
- A TIA was done and is being reviewed by staff.

After Mr. Weiss' presentation, the following questions were asked:

Q: When was the TIA submitted to the City and why didn't the NPCT get a copy?

A: I submitted the TIA in October 2020 and the final in November 2020. These are rough dates.

Staff's response: People can ask for a copy of the TIA from the zoning case manager. TIA's are related to the zoning application, so the plan amendment case manager would not have a TIA to send.

Q: We have had significant problems with parking in the neighborhood during the construction and development from South Congress Avenue and some destruction of trees. Your presentation doesn't address this. These streets were not designed for this kind of density. My property has a grinder pump because the sewer system was never completed. I feel like the capacity in this area is insufficient and I would like to know if something is going to be done about that with the development of this property.

A: We did a complete TIA to determine how the adjacent streets would be impacted. There are not any dramatic increases other than that one section of Academy that would change with a traffic circle. Right now, you can park on both sides of the street. I imagine we would have to do significant water, wastewater, electrical, all utility improvements for development on 200 Academy because we already know that the storm sewer easement is going to need to be addressed. The rest of the utilities will need to be upgraded as well.

Q: The TIA was done during the pandemic so it's not relevant.

A: The TIA was submitted during the pandemic, but the work was done pre-pandemic or during the construction from other some of the other projects.

Q: The Notice of Filing for Rezoning that we received in the mail describes the CS zoning as not compatible with residential environments, so why are you asking for this zoning?

A: The CS zoning is the base zoning that has always been on the site which allowed for the use which I believe contributes historically and culturally to the city. I would welcome any suggestions as to how we can accomplish our goals and at the same time honor your concerns. The existing overlay was overly restrictive and doesn't allow the city to realize what Austin has become in 2021 and not 1986.

Q: What is the proposed size of the entertainment venue?

A: What we are currently proposing would be less than 10,000 square feet, but it would differ depending on whether it is seated or standing. The original Austin Opera House was 16,000 square feet. There was also an 8,000 square foot secondary venue. We want to honor the Opera Housing and bring back music to Music Lane. We welcome any working group to discuss these issues in greater detail to see if we can come to a greater consensus.

Q: The NCCD says you cannot get a permit for something that doesn't meet the requirements of the NCCD. Do you have plans to build housing in the density prescribed by the NCCD?

A: Yes, that is what it says. We are asking to be removed from the NCCD so we can develop the property to MF-4 standards along Melissa Lane. If we can't come to terms with that, we will look at alternates.

Q: Do you think the overlay is going to make sense in the light that Academy is no longer being a through street, it dead ends at Riverside?

A: Academy still connects to Congress and Riverside. Again, I think this discussion is going to be around the TIA. Hopefully, we can get a group so we can review it together and talk about concerns and mitigation.

Q: Do you know the drainage area for the site?

A: Approximately 4.6 acres.

Comments:

- A traffic counter was put up during the pandemic, when school was out and Academy Drive was closed. I don't see how you could get an accurate traffic count. Also, my biggest concern is cut-through traffic.

CITY COUNCIL DATE:

ACTION:

Not scheduled at this time

Applicant Summary Letter from Application

ion: July 27, 2021

City of Austin Application Packet for Neighborhood Plan Amendment
For Individual Property Owner

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Neighborhood Plan Amendment SUMMARY LETTER

200 Academy has a rich history tied directly to the birth of the Austin music scene. This site was the home of the Terrace Motor Inn, constructed in the 1950's, and was purchased by Willie Neslon in 1976 to build the Texas Opera House. Willie first played the Armadillo Headquarters, down the street at Riverside and South 1st Street, on August 12, 1972, and he opened the Austin Opry House, later renamed the Austin Opera House, on June 28th 1977. He also opened his recording studio there, now Arlyn Studios, where Willie Nelson, Stevie Ray Vaughan, Bonnie Raitt, the Butthole Surfers, and countless artists recorded albums that have become part of Austin music history.

The building where the Opera House once thrived is still functioning as an office space, and the Opera House original stage is still housed inside, as is Arlyn Studios. The developer would like to build a modestly scaled mixed use project including residential uses (on the Melissa Lane side of the property), office use, and uses that celebrate the history of the property, including an Austin Music Museum, limited retail/restaurant, and a smaller version of the live music venue that was once housed here, in the original Opera House building/location and utilizing the original stage.

Even though the zoning is CS-1-NCCD NP for the existing building parcel, the NCCD limits uses on the property to only office and residential. The first step in realizing this project is initiating a Plan Amendment changing the FLUM for SRCC to allow for Mixed Use instead of Mixed Use/Office, a zoning designation that only exists on 8 parcels in the SRCC (5 in the NCCD), with 200 Academy being a larger area than the other 7 Mixed Use/Office parcels combined.

We plan to work with the neighborhood to create a zoning designation in the NCCD that will allow this project to benefit the neighborhood, tap in to the rich history of the property, and support the larger goal of Austin as the Live Music Capital of the World.

Planning Commission: July 27, 2021

Letter of Recommendation from the Neighborhood Plan Contact Team (NPCT)

April 18, 2019

Dear Mr. Weiss and Mr. Wallin,

Re: NPA-2019-0022.01 for 200 Academy

Thank you for your recent presentation to the Greater South River City Combined (GSRCC) Neighborhood Planning Contact Team (NPCT). We appreciate hearing from you and Will about your proposed plan amendment.

The NPCT voted to support the neighbors in attendance who unanimously opposed your project to amend our GSRCC NP, citing below the problems it will bring to the interior of the neighborhood:

- Alcohol sales bring inebriated people into our residential neighborhood. Neighbors along the S. Congress corridor are experiencing increased trespassing by customers who urinate, defecate, engage in sex acts, use drugs, and/or pass out. Adding an alcohol sales outlet interior to the neighborhood on a residential street will only worsen these problems.
- An influx of additional traffic in an already crowded part of the neighborhood. Your proposed restricted access and egress for automobiles entering and exiting the site on Academy and Melissa St. would not address the majority of the traffic, which is likely to be ride-shares routed through the neighborhood by commercial wayfinder apps. Your site does not have access to S. Congress; therefore it is not on a commercial corridor where the uses you propose and the attendant traffic are appropriate.

The neighbors are not opposed to office and residential uses, which are allowed under the current zoning, established by City of Austin Ordinance #20050929-Z001 and C14-05-0138. These ordinances created the Greater South River City Combined Neighborhood Plan. Page 4 states that the #1 goal of the plan is to "Maintain the historic fabric and respect the established neighborhood character and natural assets".

Since the neighbors cannot support your proposed project, they, and the Contact Team, see no need to pursue amending the NCCD (established by City of Austin Ordinance C14-05-0138 and #20050818-Z003). Several of the adjacent neighbors have downzoned their large properties in accordance with GSRCC NP recommendation A7 and would like to see your property maintain a use that is compatible with the quality of life expected in a residential neighborhood. The museum, restaurant/alcohol sales and retail uses you are requesting are appropriate for a commercial corridor, not inside a residential neighborhood.

We are happy to hear from you regarding a proposed plan amendment that would not be likely to result in the loss of the quiet enjoyment of the neighbor's property and public safety problems that the use currently proposed will create.

Sincerely, 
Elloa Mathews, Chair, GSRCC NPCT

Cc: Maureen Meredith, COA Neighborhood Plan Amendment Case Manager

Stevie Greathouse, COA Program Manager, Neighborhood Plan Contact Teams

D9 Council Member Kathie Tovo

D9 Planning Commissioner Karen McGraw

SRCC President and Vice President Eric Cassidy and Dan Fredine

SRCC Area 1 Coordinator Claudette Lowe

Indefinite Postponement Requests

Item C-02

1 of 2



MEMORANDUM

TO: Faye Kazi, Chair and
Planning Commission Members

FROM: Maureen Meredith, Senior Planner
Long Range Planning Division, Planning and Zoning Department

DATE: August 6, 2019

RE: **NPA-2019-0022.01 – 200 Academy Drive**
(No associated zoning case at this time)
Indefinite Postponement Request by the Staff

City Staff is requesting an indefinite postponement of the above-mentioned plan amendment case. The Applicant intends to file an associated rezoning case on the property which will include a traffic impact analysis (TIA). When both cases are ready to return, new public hearing notices will be sent with new Planning Commission and City Council hearing dates.

The postponement request was made in a timely manner and meets the Planning Commission's policy.

Attachment: Map of property location

B-07

1 of 3

**MEMORANDUM**

TO: Fayez Kazi, Chair and
Planning Commission Members

FROM: Maureen Meredith, Senior Planner
Planning and Zoning Department

DATE: January 7, 2020

RE: **NPA-2019-0022.01_200 Academy Dr.**
Applicant Indefinite Postponement Request

The Applicant requests an indefinite postponement of the above-referenced plan amendment case to see how the new Land Development Code moves forward. Please see the email from Richard Weiss, the Applicant's agent.

The postponement request was made in a timely manner and meets the Planning Commission's policy.

Attachment: Email from Richard Weiss
Map of property location

B-07

2 of 3

From: Richard Weiss [mailto:richard@weissarc.com]
Sent: Tuesday, January 07, 2020 5:24 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: 200 Academy postponement request

*** External Email - Exercise Caution ***

Hi Maureen

This email is to request an indefinite postponement of the 200 Academy neighborhood plan amendment at the hearing on the 14th. We do not wish to pursue the NPA until the code revision process is complete so we know exactly what to request.

Thank you for your help in navigating this process. I will attend the hearing on the 14th in case the PC has questions.

Best,

Richard Weiss, AIA
President



3355 Bee Cave Road #303, Austin Texas 78746
Studio: 512.447.6806 • richard@weissarc.com
www.weissarchitecture.com

B-1

1 of 3

**MEMORANDUM**

TO: Conor Kenny, Chair
Planning Commission Members

FROM: Maureen Meredith, Senior Planner
Planning and Zoning Department

DATE: June 16, 2020

RE: **NPA-2019-0022.01_200 Academy Dr.**
Applicant Indefinite Postponement Request

The Applicant requests an indefinite postponement of the above-referenced plan amendment case. Please see the attached email from Richard Weiss, the Applicant's agent.

The postponement request was made in a timely manner and meets the Planning Commission's policy.

Attachment: Email from Richard Weiss
Map of property location

From: Richard Weiss
Sent: Tuesday, June 02, 2020 9:39 AM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Chris@
Cc: Burns, Roderick <Roderick.Burns@austintexas.gov>
Subject: RE: Status?- NPA-2019-0022.01_200 Academy

Hi Maureen

We are working on our TIA for 200 Academy but would like to request an indefinite postponement until it is complete.

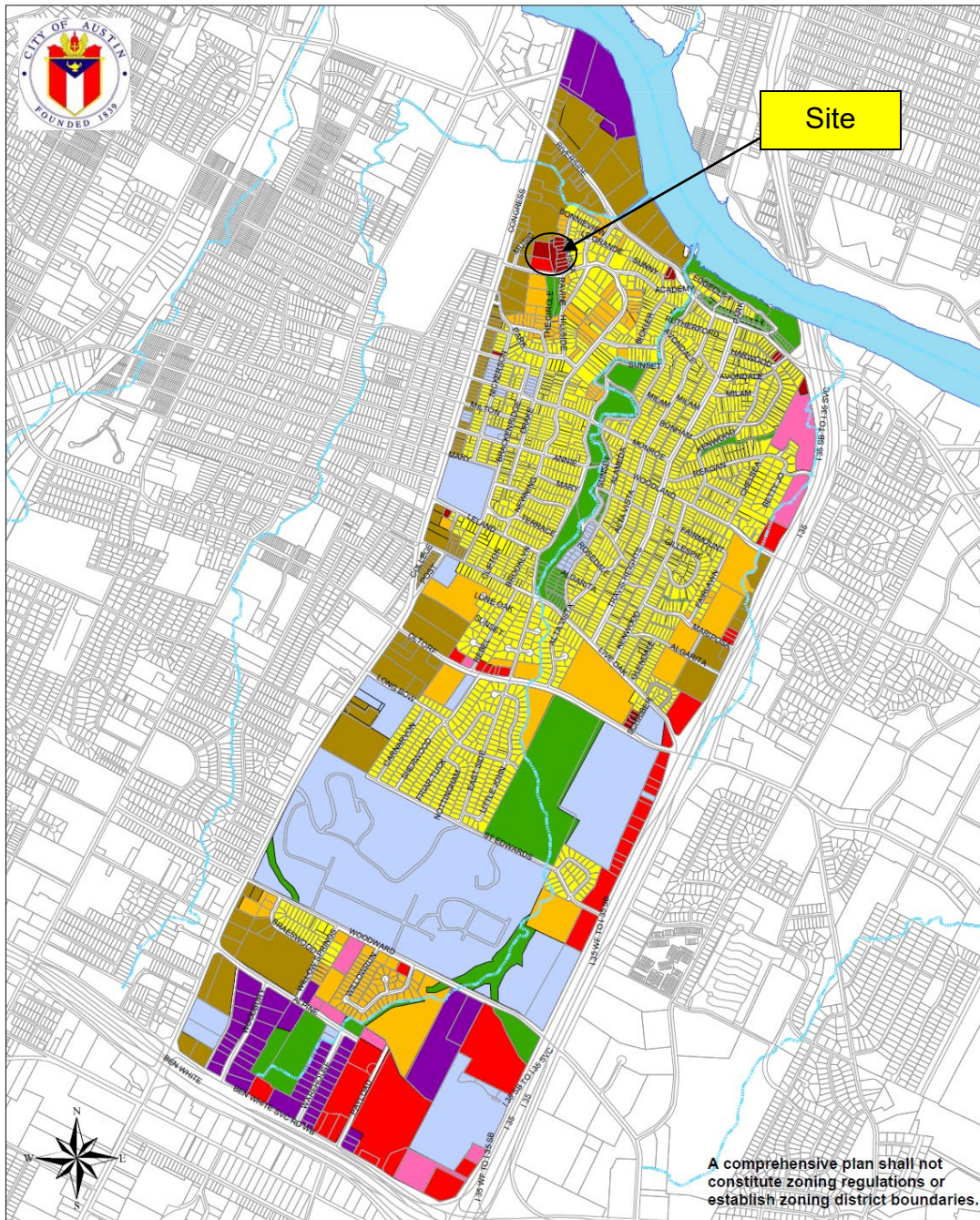
thanks

Best,

Richard Weiss, AIA
President



3355 Bee Cave Road #303, Austin Texas 78746
Studio: 512.447.6806 • richard@weissarc.com
www.weissarchitecture.com



Greater South River City Neighborhood Planning Area Future Land Use Map

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 Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Date Adopted: 11/29/05

Last Modified: 3/31/2017

0 750 1,500 3,000
Feet
1 in = 1,256 ft

Future Land Use Map	
	Civic
	Commercial
	Industry
	Mixed Use
	Mixed Use/Office
	Multi-family
	Office
	Recreation & Open Space
	Single-family
	Transportation



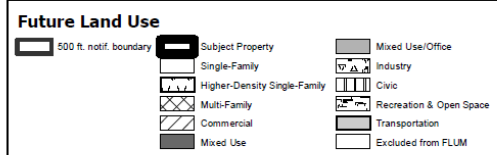
Greater South River City (South River City) Combined Neighborhood Planning Area NPA-2019-0022.01

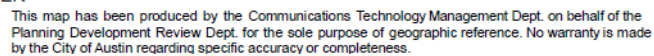
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

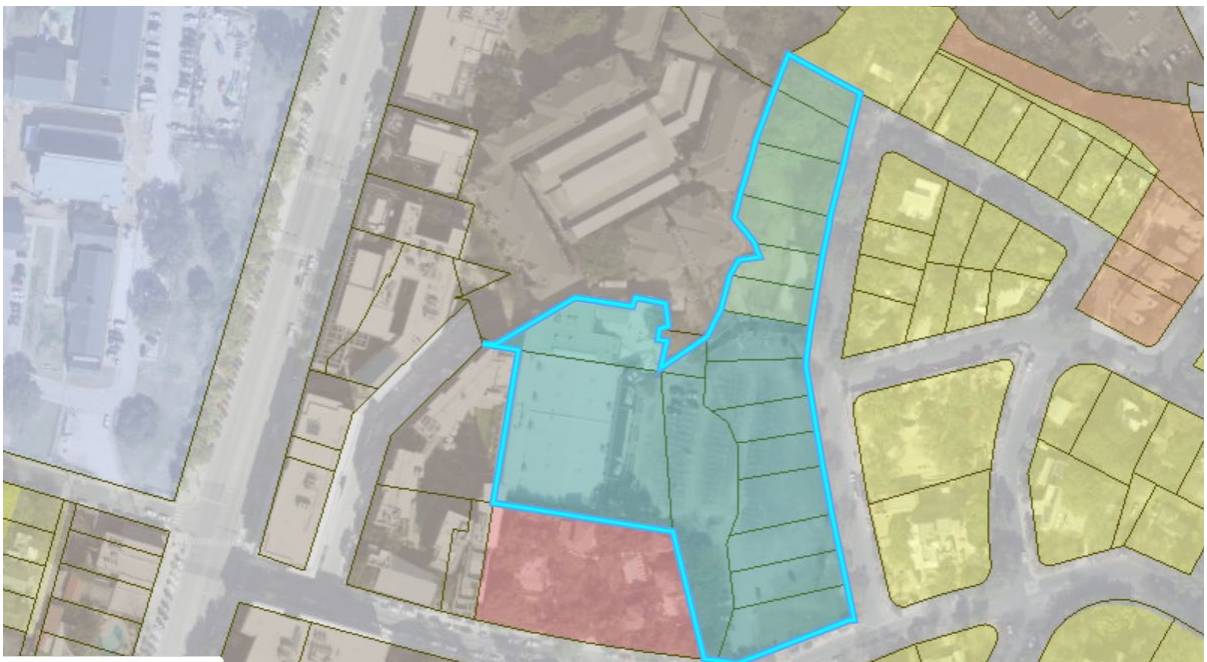
This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



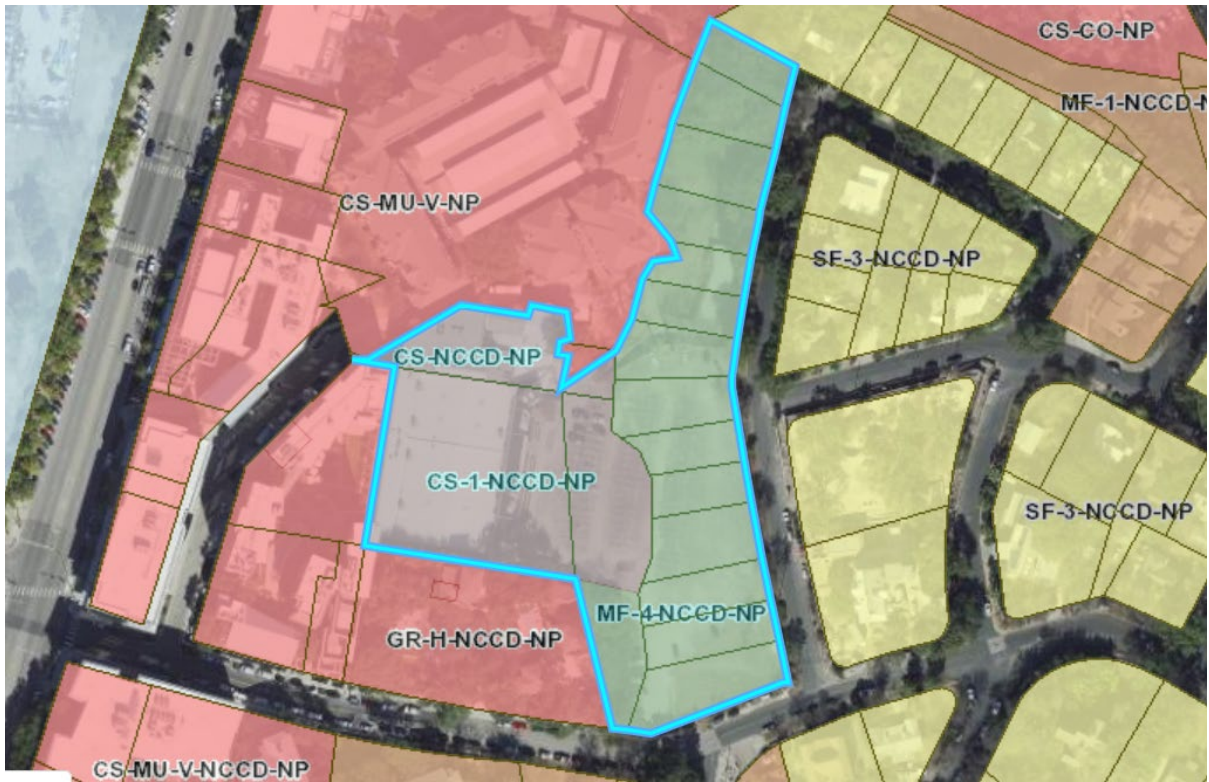
City of Austin
Planning and Zoning Department
Created on 3/5/2019, by: meredithm







Future Land Use map

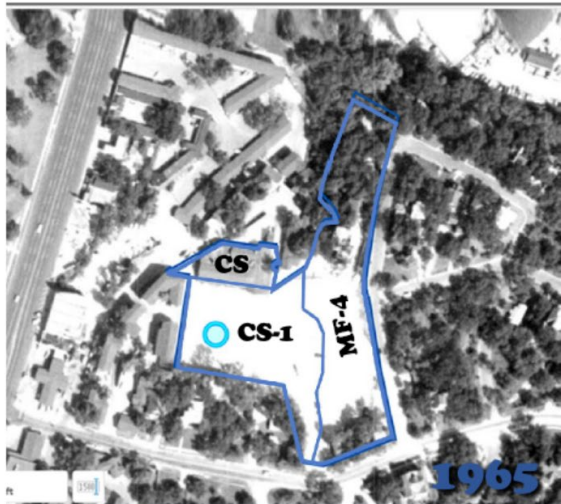


Zoning Map

Applicant's January 13, 2021 community meeting presentation

200 ACADEMY -ZONING AND FLUM REQUEST

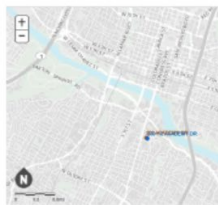
FLUM REQUEST-
REMOVE 200 ACADEMY
FROM THE NCCD
BOUNDARY
CHANGE OFFICE/MIXED
USE IN THE FLUM TO
MIXED USE



ZONING REQUEST-
REMOVE 200 ACADEMY
FROM THE NCCD

MF-4-NCCD-NP TO
MF-4-NP

CS-NCCD-NP TO
CS-MU-NP
CS-1-NCCD-NP TO
CS-1-MU-NP



200 ACADEMY -HISTORY AND MILESTONES

1957- TERRACE MOTOR COURT OPENS



1974- TEXAS OPRY HOUSE OPENS-
COSMIC COWBOY DOUG SAHM PLAYS
OPENING- WAYLON JENNINGS RECORDS
WAYLON LIVE- REACHES #1 ON BILLBOARD
COUNTY MUSIC CHARTS



1977- PURCHASED BY WILLIE NESLSON
CONVERTED INTO THE AUSTIN OPRY HOUSE



1979- BECOMES AUSTIN OPERA HOUSE-
HOSTS OVER 2000 SHOWS UNTIL 1990,
INCLUDING LOU REED, BONNIE RAITT, THE
RED HOT CHILI PEPPERS, RAY CHARLES, TINA
TURNER, FLACO JIMENEZ, THE EAGLES, ELVIS
COSTELLO, THE AUSTIN MUSIC AWARDS...



1984- MUSIC LANE BECOMES A ROAD.
ARLYN SUDIO OPENS ON SITE

1986 - STEVIE RAY VAUGHAN
RECORDS LIVE ALIVE AT AUSTIN OPERA
HOUSE- GOES DOUBLE PLATINUM



1986 - FAIRVIEW PARK NCCD
ESTABLISHED

200 ACADEMY - IMPACTS OF THE 1986 NCCD

CS AND CS-1

FLOOR AREA RATIO (F.A.R.)

FROM 2:1 TO **0.35:1**

(EXISTING BUILDING IS OVER ALLOWABLE FAR ON C ZONED SITE AREA - 0.35 TO 1 IS LESS THAN SF-3 AND LOWEST IN SRCC)

HEIGHT

FROM 60' TO **35' 2 STORIES**

BUILDING COVERAGE

FROM 95% TO **35%**

IMPERVIOUS COVER

FROM 95% TO **65%**

USE

LIMITED TO ONLY LIGHT

OFFICE AND RESTRICTED

RESIDENTIAL (15 UNITS/ACRE

VS 34-54 UNITS/ACRE)

RESTRICTS LIVE MUSIC (COCKTAIL LOUNGE) RETAIL, MUSEUM, RETAIL, RESTAURANT, OFFICE, GALLERY...



MF-4

UNIT CAP

FROM 34-54 UNITS PER ACRE TO

22 UNITS PER ACRE

(LESS THAN HALF)

IMPERVIOUS COVER

FROM 70% TO **55%**

MASSING/F.A.R./HEIGHT

REMAIN THE SAME-

THE SAME ENTITLEMENTS AS BASE ZONING (.75 TO 1 F.A.R.) HOWEVER THE **UNIT REDUCTION** REQUIRES **LARGER AND MORE EXPENSIVE** UNITS- THE **ANTITHESIS OF SMART GROWTH** IN AN AREA SPECIFICALLY TARGETED FOR RESIDENTIAL DEVELOPMENT, RESULTING IN THE

LARGEST HISTORICALLY ZONED PARKING LOT IN THE CITY OF AUSTIN

200 ACADEMY - CURRENT CONTEXT

SOUTH CONGRESS

THE MUSE APARTMENTS

4 STORIES APTS- **MAX HEIGHT 60'**

MUSIC LANE DEVELOPMENT

A MIX OF RESIDENTIAL, OFFICE, RETAIL, RESTAURANTS, AND PARKING THAT FRONTS SOCO AND BACKS ON TO MUSIC

LANE - **MAX HEIGHT 60'**

THE MAGDALENA

HOTEL AND RESIDENCES

MAX HEIGHT 85'

Created in honor of the patron saint of music and poetry, the Saint Cecilia takes inspiration from the great era of the late 1960's and early 1970's when a revolution of rock and roll and best poetry overran the hallowed halls of established convention. We pay tribute to the great creative legacy of our revolutionary idols and to the spirit of the artist that lies within us all.

HOTEL ST CECILIA - NOT IN THE NCCD

MULTI-FAMILY



MELISSA LANE AND NCCD

206 BONNIEVIEW

OWNED BY THE SAME OWNER AS 200 ACADEMY

207 BONNIEVIEW -2002

1013 MELISSA LANE -1937

1015 MELISSA LANE- 1928

FACES LE GRAND AVENUE

CONTINUOUS VEGETATIVE BUFFER

MF-4 ZONING PROVIDES A RESIDENTIAL BUFFER TO THE NEIGHBORHOOD

210 ACADEMY - 1882-2018

FACES ACADEMY DRIVE-

CONTRIBUTING STRUCTURE

HISTORIC 4 STORY RESIDENCE UNDERGOING MODERN ADDITION

MULTIFAMILY

THERE IS NO SINGLE FAMILY RESIDENTIAL WEST OF MELISSA LANE IN ACADEMY DRIVE

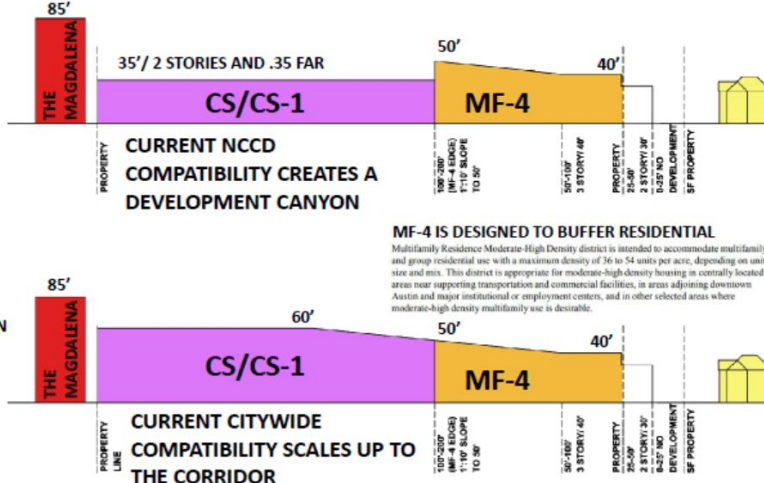


CS

CS-1

MF-4 IS DESIGNED TO BUFFER RESIDENTIAL FROM COMMERCIAL

MELISSA ACADEMY LANE



200 ACADEMY – CONCERNS AND SOLUTIONS

- Alcohol sales bring inebriated people into our residential neighborhood. Neighbors along the S. Congress corridor are experiencing increased trespassing by customers who urinate, defecate, engage in sex acts, use drugs, and/or pass out. Adding an alcohol sales outlet interior to the neighborhood on a residential street will only worsen these problems.

ALCOHOL

THE CS-1 AND CS ZONING IS LOCATED ALONG THE NORTHERN BORDER OF THE NCCD, NOT IN THE INTERIOR OF THE NEIGHBORHOOD, AND IS ADJACENT TO COMPATIBLE USES INCLUDING RESTAURANTS OFFICE AND RETAIL. ADDITIONALLY, THERE WILL BE PEDESTRIAN LINKAGE TO MUSIC LANE INTERNAL TO THE SITE. MF-4 IS ADJACENT TO THE 4 SINGLE FAMILY RESIDENCES ALONG MELISSA LANE, WHICH CREATES A RESIDENTIAL BUFFER THAT WILL LIMIT ACCESS TO THE NEIGHBORHOOD INTERIOR.

- An influx of additional traffic in an already crowded part of the neighborhood. Your proposed restricted access and egress for automobiles entering and exiting the site on Academy and Melissa St. would not address the majority of the traffic, which is likely to be ride-shares routed through the neighborhood by commercial wayfinder apps. Your site does not have access to S. Congress; therefore it is not on a commercial corridor where the uses you propose and the attendant traffic are appropriate.

TRAFFIC

OUR TIA PROPOSES A TRAFFIC CIRCLE LOCATED ON ACADEMY, PRIOR TO ANY SINGLE FAMILY, THAT WILL MITIGATE COMMERCIAL/ RIDESHARE TRAFFIC TO THE INTERIOR OF THE NEIGHBORHOOD. ADDITIONAL RIDESHARE FACILITIES WILL BE LOCATED ON MUSIC LANE



THE TIA SHOWS MINIMAL TRAFFIC IMPACTS ON NEWNING (5%) LEGRAND (10%) BONNIEVIEW (10-15%) AND MELISSA LANE (15-20%). THE ONLY MAJOR IMPACT IS THE 800' ON ACADEMY (50%) WEST OF 200, WHERE THERE IS NO SINGLE FAMILY. THIS PLAN WILL ALSO PROVIDE PEDESTRIAN AND TRANSIT IMPROVEMENTS THROUGHOUT THE NEIGHBORHOOD

200 ACADEMY - NCCD-WHY AND WHY NOT?

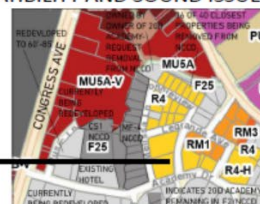
200 ACADEMY SHOULD NOT BE IN THE NCCD BECAUSE

- THE TRULY HISTORIC USE OF THE SITE AS THE **AUSTIN OPERA HOUSE** IS **PROHIBITED BY THE NCCD ON MUSIC LANE IN THE LIVE MUSIC CAPITOL OF THE WORLD**
- WASTE OF BASE ZONING POTENTIAL TO MEET CITY'S **HOUSING AND CULTURAL GOALS**
- ON THE EDGE OF THE NCCD AND **NOT A CONTRIBUTING STRUCTURE/** SITE TO THE NCCD
- OPPORTUNITY TO IMPROVE FAILING INFRASTRUCTURE AND UPDATE UTILITIES
- ADJACENT DEVELOPMENT ECLIPSES "MAXED OUT" 2 STORY STRUCTURE ON SITE
- THE OVERLAY ON MF-4 CREATES A **HISTORICALLY ZONED PARKING LOT**
- IDEAL LOCATION FOR PEDESTRIAN AND TRANSIT ACCESS TO DOWNTOWN/AMENITIES
- ADD ADDITIONAL HOUSING **WITHOUT DISPLACING A SINGLE RESIDENT**
- MOST UNDERUTILIZED PROPERTY IN FAIRVIEW PARK/ TRAVIS HEIGHTS
- CURRENT CODES NOT TESTED IN 1986 ADDRESS COMPATIBILITY AND SOUND ISSUES

ARTICLE 10-COMPATIBILITY (1986) AND

SECTION 9-2 NOISE AND AMPLIFIED SOUND (1992)

- THE NEW PROPOSED CODE HAS PROPOSED WAYS TO ACCOMMODATE DENSITY IN THE NEIGHBORHOOD, INCLUDING UPZONING SF IN THE NCCD- LET'S WORK TOGETHER PROVIDE DENSITY WITHOUT CHANGING—THE EXISTING RESIDENTIAL FABRIC



Presentation Made by Neighborhood at the January 13, 2021 Community Meeting

Voice of Fairview Park NCCD

*Petition signed by majority of Fairview Park property owners,
submitted to the City of Austin on or about March 15, 2020*

We, the undersigned owners of property affected by the proposed revisions to the Land Development Code, do hereby **protest against** any change of the Land Development Code that would amend, modify, repeal, zone, **rezone**, reclassify, **or otherwise change the zoning regulations or zoning districts applicable to any property within the boundary of the Fairview Park Neighborhood Conservation Combining District ("Fairview Park NCCD")** to any classification other than one containing NCCD **or that would remove any property from the boundaries and applicable zoning regulations of the Fairview Park NCCD.**

Currently, the zoning classifications of all properties within the Fairview Park NCCD boundary include "NCCD" to ensure certain permitted and conditional uses and applicable site development standards, as established by Ordinance No. 86-087-H and subsequently amended, **apply to all properties within the Fairview Park NCCD.** This Ordinance was the result of a limited area planning process. As proposed, the changes would arbitrarily remove the NCCD zoning classification from some properties and would result in a change to the zoning boundary. A signature on this protest shall remain valid for a period of two years beyond the listed Submission Date, unless earlier removed by the signatory. [emphasis added]

Voice of South River City Citizens

*Excerpts from resolution unanimously approved by
SRCC Neighborhood Ass'n, ~5,000 households, 09/02/2019*

COMPATIBILITY We agree that we may need to increase height on the corridors in order to attain more housing.

However, we believe that **we should retain compatibility standards within the neighborhoods** in order to retain the character, decrease congestion, and increase safe walkability.



Voice of South River City Citizens

Excepted from resolution unanimously approved by
SRCC Neighborhood Ass'n, ~5,000 households, 09/02/2019

FLOODING AND THE ENVIRONMENT

We agree with the proposed zoning changes' goal to address environmental concerns, such as a decrease in total impervious cover, especially in light of the vulnerability of SRCC neighbors to flooding, according to post Atlas 14 floodplain definitions.

However, developers often remove trees that prevent erosion & decrease temperatures. These trees add to the property values, and **we have the right to rigorously protect our property values in the State of Texas. The current infrastructure, such as water, wastewater, and utilities, likely would not support the proposed increase in density** [in the proposed LDCR]. **The City of Austin cannot afford litigation expenses if property owners sue for damage suffered because of overdevelopment. Development should not result in downstream flooding.** *[emphasis added]*

FLOODING CONCERNS bordering applicant's property



Application to remove overlay

■ NCCD overlay limitations on the **CS-1** portion of this parcel are as follows:

- A reduction of FAR from 2:1 to **0.35 to 1**
- A reduction in building coverage from **95%** to **35%**
- A reduction of impervious cover from **95%** to **65%**,
- A reduction in height from **60'** to **35'/2** stories (despite an 85' building on the adjacent lot)
- A reduction of commercial use to only office, (excluding medical office) which prevents the historic Austin Opera House from re-occupying the site.
- There is a limit of 15 units per acre and **adding MU** allows for 36-54 units per acre

NCCP overlay limitations on the **MF-4** portion of the site

- A reduction in maximum units from **36-54** to **22** units per acre
- A reduction in impervious cover from **70%** to **55%**

Excerpts from Ordinance No. 86 0807-H
ESTABLISHING SPECIAL COMPATIBILITY STANDARDS
APPLICABLE TO ALL PROPERTY LOCATED IN THE FAIRVIEW
PARK NEIGHBORHOOD
passed & approved 08/07/1986

...the following special compatibility **standards shall apply to any SF-6 or less restrictive development** occurring on property located within the Fairview Park neighborhood **and adjacent to or across the street from property used or zoned SF-3-NCCD** [emphasis added]

- A. No structure shall exceed two (2) stories (30) feet in height within one hundred (100) feet of property used or zoned SF-3-NCCD.**
- B. No structure shall exceed three (3) stories or forty (40) feet in height within three hundred (300) feet of a property used or zoned SF-3-NCCD.**

Excerpts from Ordinance No. 86 0807-H
 ESTABLISHING SPECIAL COMPATIBILITY STANDARDS
 APPLICABLE TO ALL PROPERTY LOCATED IN THE FAIRVIEW
 PARK NEIGHBORHOOD
 passed & approved 08/07/1986

"No structure shall exceed two (2) stories (30) feet in height within one hundred (100) feet of property used or zoned SF-3-NCCD."



House on
 Melissa Lane
 (SF-3-NCCD)
 w/in 100 ft of
 applicant's
 property

Voice of the Greater South River City Combined Neighborhood Planning Contact Team excerpts from a letter to applicant 04/18/2019; no response rec'd

...The NPCT voted to support the neighbors in attendance [of your presentation] who unanimously opposed your project to amend our GSRCC NP, citing below the problems it will bring to the interior of the neighborhood:

- * Alcohol sales bring inebriated people into our residential neighborhood . Neighbors along the S. Congress corridor are experiencing increased trespassing by customers who urinate, defecate, engage in sex acts, use drugs, and/or pass out. Adding an alcohol sales outlet interior to the neighborhood on a residential street will only worsen these problems.
- * An influx of additional traffic in an already crowded part of the neighborhood. Your proposed restricted access and egress for automobiles entering and exiting the site on Academy and Melissa St. would not address the majority of the traffic , which is likely to be ride-shares routed through the neighborhood by commercial wayfinder apps. Your site does not have access to S. Congress; therefore it is not on a commercial corridor where the uses you propose and the attendant traffic are appropriate..."
- "...We are happy to hear from you regarding a proposed plan amendment that would not be likely to result in the loss of the quiet enjoyment of the neighbor's property and public safety problems that the use currently proposed will create..."

Correspondence Received

-----Original Message-----

From: Seth Hurwitz

Sent: Wednesday, April 10, 2019 10:51 AM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>

Subject: Case NPA-2019-0022.01

Good Morning Ms. Meredith,

I am writing to oppose the proposed change from "Mixed Use Office" to "Mixed Use" for the project referenced above (NPA-2019-0022.01). I feel that this use is not appropriate for a residential setting, and would not be beneficial for our neighborhood.

Thank you very much.

Sincerely,

Seth Hurwitz

220 Bonnieview St.

Austin TX 78704

.....
From: Lee Schneider

Sent: Wednesday, April 03, 2019 1:49 PM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>

Subject: 200 Academy: Case Number NPA-2019-0022.01

Maureen: Thank you for returning my call recently and sharing your insight on the project. Subsequent to speaking with you, I met with the architect, Richard Weiss, and other interested parties in our neighborhood and would like to express the following concerns.

As a point of reference, we live directly across the street from the proposed plan amendment and are the only front facing home and active address on Melissa Lane. With that being said, my concerns related to the vision Richard outlined for us on March 19:

- I do not believe the proposal is suitable for our neighborhood. Retail and liquor sales would be taking place well into Fairview Park and the only such retail services not facing S. Congress or Riverside.
- Richard suggests 60 (sixty) townhomes, 24 of which would be crammed into the small lot across from me vacated by previously flooded residences. Proposed underground parking that would be no less than 48 cars (plus

guests) impacting a very short Melissa Lane approach creates a significant noisy and safety hazard.

- I do not believe the parcels should be combined. Under no circumstance should higher density housing beyond that which is already zoned for the larger parcel/property be allowed.
- The architect suggests 60 units of average 1100 sq. ft. which indicates apartment type building in a single family residence neighborhood.
- The plan is completely inconsistent with existing NCCD.
- The architects repeated comments centered on the fact the tax base for the property does not support the current land use and that the owner wants to maximize the number of units allowed through rezoning to make the property a viable investment. The existing zoning was in affect prior to his purchase and neighborhood residents should not be negatively impacted to enable maximizing profits for a developer.
- As this is a flood zone, what impact will this have on the creek and Lady Bird Lake?

To be clear, I am not opposed to development. We fully expected some type of housing would be developed across from us but purchased our home and made our upgrade/investment decisions based on current zoning requirements. The combining of the parcels and the changes proposed would not only negatively affect property values but would have a negative effect on our safety and quality of life.


Please list us as OPPOSED to the plan amendment and include this correspondence in any materials provided to responsible parties at the city and elsewhere who are responsible for this review. Also, please keep us posted, to the extent you can, of any developments related to this change.

Thank you again for your time and consideration.

Lee & Laurie Schneider
1013 Melissa Lane
Austin, TX 78704

.....

Planning Commission: July 27, 2021

PUBLIC HEARING COMMENT FORM	
<p>If you use this form to comment, it may be submitted to:</p> <p>City of Austin Planning and Zoning Department Maureen Meredith P. O. Box 1088 Austin, TX 78767-8810</p>	
<p>If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.</p>	
<p>Case Number: NPA-2019-0022.01 Contact: Maureen Meredith, Ph: 512-974-2695 Public Hearings: January 14, 2020 - Planning Commission</p>	
<p>Your Name (please print) LEE & LAURE SCHMIDT</p>	<p><input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object</p>
<p>1013 MELISSA LANE 78704</p>	
<p>Your address(es) affected by this application</p>	
<p> Signature</p>	<p>1-9-20 Date</p>
<p>Comments: WE ARE THE ONLY RESIDENCE ON MELISSA LANE. THIS PROPOSES RESIDING FOR BUSINESS & COMMERCIAL USE CURRENTLY OUTSIDE MY FRONT YARD. THE LOT AROUND FROM ME IS ZONED APPROPRIATELY FOR RESIDENTIAL USE ONLY AND SHOULD NOT BE CHANGED / UP ZONED</p>	

-----Original Message-----

From: Johannasullivan

Sent: Saturday, April 06, 2019 1:49 PM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>

Subject: NPA-2019-0022.01

Good Day Maureen,

I live in the Fairview Park neighborhood and I have a few issues pertaining to the change in use of the property at 200 Academy. I understand that the current owners are asking for change in land use from Mixed Use/Office to Mixed Use. As a long time resident and property owner I do not welcome the entertainment business into our neighborhood. This is most inappropriate for a family residential area.

I strongly oppose this change.

I lived here in the days of Willie's Opera House and rest assured I was so glad when it closed. The entertainment district is close enough on Congress. Please do not allow this to go forward and invade the community further.

Thank you for your consideration,

Johanna Sullivan

1205 Hillside Ave.

From: Colin Corgan
Sent: Wednesday, April 03, 2019 12:43 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Case Number NPA-2019-0022.01

Hello Maureen, I've received notice in my mailbox at 210 Academy Dr about the desire for my next door neighbor at 200 Academy Dr to change the South River City FLUM designation for his property to Mixed Use from Mixed Use/Office. I couldn't more strenuously oppose this request. The request seems to imply that the designation was an oversight but that's clearly not true. Properties in the area that are general mixed use almost exclusively have frontage on Congress, Oltorf, I-35 or Riverside - this clearly doesn't. Academy isn't even a through street - it ends at Riverside. This would be a highly inappropriate use case this deep in the neighborhood and while - like all residents of Austin - I support a vibrant music scene; music venues, liquor sales and nighttime commerce correlate to increases in crime, noise and neighborhood disruption and are better policed and managed on the major thoroughfares - not in the middle of quiet residential neighborhoods.

My home is an Austin historic home and I am following all of the guidelines given by the city of Austin for its current restoration. I might not like all of the rules but of course I'm following them. I purchased the property a couple of years ago because of the zoning of the neighborhood. It is unreasonable for the applicant to try to change the rules in a way that is to the disadvantage of all of the neighbors. I am more than happy to elaborate or discuss anything if you'd like and look forward to the opportunity to meet in person. If any clarification etc is desired I'm more than happy to help. Thanks so much for your time and I look forward to meeting!

Colin Corgan
 210 Academy Drive

.....

From: Claudette
Sent: Monday, April 01, 2019 10:10 AM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: 200 Academy development

I am the SRCC representative for this area and would like to be added to the interested party list. Needless to say I am against any zoning change in that area. We worked very hard through the NCCD to keep retail out of the interior of the neighborhood. Since the NCCD can only be changed once a year, it is my opinion that the FLUM should not come up for consideration of change before the NCCD does. What would happen if the flum is changed and the NCCD was not allowed to be changed? Thanks for all your hard work. I don't envy your job of trying to make everyone happy.

Claudette Lowe
 Area ! SRCC coordinator

.....

Planning Commission: July 27, 2021

PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:
 City of Austin
 Planning and Zoning Department
 Maureen Meredith
 P. O. Box 1088
 Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2019-0022.01
 Contact: Maureen Meredith, Ph: 512-974-2695
 Public Hearings: Jun 23, 2020 - Planning Commission

☐ I am in favor
☒ I object

Your Name (please print)
 Bill DOWAN

307 LE GRANDE AVENUE

Your address(es) affected by this application
 6-22-20

Signature
 [Signature]

Date
 6-22-20

Comments:
 THIS LOCATION IS
 SURROUNDED BY RESIDENTS,
 AND THE NOISE AND AMOUNT
 OF PEOPLE CANNOT BE
 SUSTAINED. IT IS FOR THIS
 REASON THE NEIGHBORHOOD
 ASKED FOR THE ZONING TO
 BE CHANGED FOR THE AUSTIN
 OPERA HOUSE.

-----Original Message-----

From: Caroline Hurwitz

Sent: Wednesday, April 10, 2019 10:44 AM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>

Subject: Case NPA-2019-0022.01

Good Morning Ms. Meredith,

I am writing to oppose the proposed change from "Mixed Use Office" to "Mixed Use" for the project referenced above (NPA-2019-0022.01). I feel that this use is not appropriate for a residential setting, and would not be beneficial for our neighborhood.

Thank you very much.

Sincerely,
 Caroline Hurwitz
 220 Bonnieview St.
 Austin TX 78704

From: Rhoades, Wendy
Sent: Tuesday, April 02, 2019 5:48 PM
To: bschuwerk@
Cc: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: RE: NPA-2019-0022.01 - 200 Academy Dr.

Mr. Schuwerk,
 Please see my responses below.
 Sincerely,
 Wendy Rhoades

From: bschuwerk@
Sent: Thursday, March 28, 2019 5:06 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Harden, Joi <Joi.Harden@austintexas.gov>; Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Grantham, Scott <Scott.Grantham@austintexas.gov>
Cc: 'sarah Campbell' <>; 'Claudette' >; 'David Swann' <'Colin Corgan' <'Russell Fraser' <'Laura Toups' <bob schuwerk Suzanne Schuwerk <
Subject: RE: NPA-2019-0022.01 - 200 Academy Dr.

Hi, Maureen—I am a resident within 500 feet of the 200 Academy property that is currently the subject of an anticipated request for rezoning, and have three questions now concerning that matter. I may have others as time passes. I would appreciate it if you sent this email on to others more directly involved in zoning issues on behalf of the city if need be.

Is any portion of this property currently zoned as CS-1, as far as the City of Austin is concerned? Yes, the rear of 120-146 Academy Drive and the rear of 1101-1119 The Circle was rezoned from “B” Residence (present day MF zoning) to C-1, Commercial (present day CS-1) district on August 20, 1964 (C14-64-117 - Ordinance No. 640820-D). The CS-1 zoned area covers the former Austin Opry House and a portion of its parking lot.

- If the parcel is eventually divided into residential and nonresidential uses, must the pervious and impervious cover limits for one or the other of those categories be satisfied just from property within that portion zoned for that particular use? For example, if one portion of the property were zoned CS, which I understand under the applicable NCCD is limited to 35% building-related and 45% overall impervious covers, if the residential portion of the parcel has “pervious cover to spare,” could it be used to satisfy the pervious cover limits on the nonresidential portion of the parcel? No, development in each zoning area must abide by the impervious cover limits of that district;

that is, impervious cover cannot be “blended” across a site that includes more than one zoning district.

- If any portion of this parcel is in the 100-year flood plain, will it be able to be built on? No, not in the absence of obtaining Council approval of a variance permitting construction within the 100-year floodplain. Please note that a floodplain variance cannot be granted through a rezoning case and is a separate matter.

Thank your for your attention to this matter.

Sincerely,

Robert P. Schuwerk
207 Bonnieview Street
Austin, TX 78704

From: brett.rebal@
Sent: Sunday, April 07, 2019 4:11 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: NPA-2019-0022.01

Hi Maureen,

I'm a home-owner at 310 Le Grande Ave, just a block away from the proposed changes at 200 Academy. Simply put, my wife and I do not feel that a music venue is an appropriate land use modification for this site. We are extremely pro-density and love all the development on South Congress, however this property has no frontage on South Congress or any major arterial street. The inebriated concert-goers would be dropped in the middle of a residential area, causing all kinds of drunken chaos in a peaceful environment. In addition, the residential streets with their limited access to S Congress and Riverside would be overwhelmed by vehicular traffic. I believe the current designation of mixed use office would allow appropriate transition from the density of South Congress into a residential neighborhood without inserting nightlife in an inappropriate spot. Thank you very much for listening to the community's concerns.

Best,
Brett Rebal

From: brian beattie
Sent: Monday, April 08, 2019 12:27 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: 200 academy- case # NPA-2019-0022.01

Hi Maureen

I'm Brian Beattie. I called you a few weeks ago asking about this proposed zoning change at 200 Academy. Now that I am more thoroughly versed in what they intend to do, I am writing to express my opinion.

This neighborhood suffered for years when the Austin Opry House was in operation. I searched the Austin American Statesman's database with "Austin Opry House" as the keyword, and the attached article was the first thing to come up. (Almost every article about the Opry House in the paper is about problems they were causing within the neighborhood...) The attached article from 1977 is about the owner of the property's attempt to open a restaurant and change the zoning of the Opry house, and the neighborhood's resistance. The resentment about the noise and parking and the party atmosphere was palpable, and the memory is still alive. (The Austin Opry House closed soon after I moved here in the 90's...)

The zoning WAS inappropriate, and it is even more inappropriate now. This neighborhood historically fought against the Opry House's noise and chaos for YEARS, and any attempt to liberally change the zoning, ESPECIALLY if it involves creating a new PUD exclusively for this project, will be an expensive and unnecessary replay of the old days. (A long, potentially expensive fight that they will lose, if the neighborhood has any say.) Everyone who I have spoken to in this area (the people who LIVE here) is against the zoning change at 200 Academy. Not only is it inappropriate for the neighborhood, but this entire scenario played out already in the same exact spot years ago. The Opry House's existence in this neighborhood ONLY caused misery for the neighbors, and it's been historically proven. Something even MORE disruptive to the neighborhood would change this area into a mini 6th street, and that is not an appropriate use for a historic suburban neighborhood. These folks have NOT been good neighbors, even after the Opry House closed. (Arlyn Studios, a recording studio in the 200 academy complex for YEARS hosted a loud SXSW event in the parking lot that was vigorously opposed by the neighborhood, repeatedly promising that "This is the last year we'll do it", and then doing it again the following year.) In great contrast, the Saint Cecelia hotel on Academy worked extensively with the neighborhood association to get approval for their site, which included serious restrictions about the restaurant/ bar, and a prohibition on amplified music. They are swell neighbors, and they seem to be doing well, even with their voluntary restrictions.

Anyway, I just wanted to get my personal objections to the zoning change onto the record. I will participate in every public meeting that I can.

Thanks for your attention-

Brian

Opry House noise irks neighbors
 BRUCE HIGHT Staff Writer
The Austin American Statesman (1973-1987); Oct 31, 1977;
 ProQuest Historical Newspapers: The Austin American Statesman
 pg. B1

Opry House noise irks neighbors

By BRUCE HIGHT

Staff Writer

Overflow parking and intolerable noise threaten the existence of the neighborhood around the Austin Opry House, say residents who may take their complaint to the city's Planning Commission Tuesday night.

The Back Stage Restaurant & Bar, which is part of the Opry House's complex, has applied for a special permit throwing out the requirement that at least 51 per cent of its receipts come from selling food as compared to alcoholic beverages.

According to a letter to James T. O'Connor, manager of the Opry House complex, "it has become more obvious than ever that we (the neighborhood) cannot long survive if our neighborhood must serve as your patrons' parking lot."

The letter was signed by Wayne Gronquist, an attorney who said he was writing on behalf of the Fairview Park Neighborhood Association, the South River City Citizens and some neighborhood attorneys.

Gronquist goes on to say that "the through traffic and noise pollution alone is more than we could with-

stand on a long-term basis. The issue is that simple — our neighborhood survival.

"The more successful you become with your long-range plans, the quicker our demise," Gronquist wrote.

"With our very survival at stake, we must either convince you to respect our neighborhood integrity or force you out of business," Gronquist told O'Connor, adding that the neighborhood preferred "co-existence."

O'Connor said this morning he could not shut down the business with its \$2 million investment. Principal backer of the operation is Willie Nelson, the country music writer and performer.

The Opry House manager said numerous steps have been taken to cut down on its interference with the neighborhood, including expanded parking, direction of traffic directly from Academy to Congress Avenue and the hiring of additional security forces.

"I don't know what else they expect us to do," O'Connor said. "I (See OPRY, Page B4)

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OPRY— (Continued from Page B1)—

can't shut it down. It's my livelihood. We have over a \$28 million investment in this place."

O'Connor said the neighbors are trying to confuse the issue of the traffic and noise problems with the special permit for the bar. And, he claimed, he has even received threats on his life. He will have to talk with his attorney before deciding whether to pursue Tuesday night the application for the special permit, he said.

Gronquist said in his letter that the neighborhood wants the Opry House to "prevent your patrons from using our neighborhood as a thoroughfare and parking lot" and to "contain the sound of your music within your own building," as well as agree to a means of enforcing both.

Gronquist suggested meetings be held soon to work out the problems.

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