NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Montopolis

CASE#: NPA-2016-0005.01 **DATE FILED**: July 1, 2016 (In-cycle)

PROJECT NAME: Thrasher Lane Lots

PC DATE: January 24, 2017
December 13, 2016
November 8, 2016
October 25, 2016

ADDRESSES: 2500, 2508, & 2514 Thrasher Lane

DISTRICT AREA: 3

SITE AREA: 7.997 acres

OWNER/APPLICANT: Dalor Limited Partnership (David Suissa)

AGENT: Permit Partners, LLC (David Cancialosi)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Commercial **To:** Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2016-0070
From: CS-NP **To:** CS-MU-NP

NEIGHBORHOOD PLAN ADOPTION DATE: September 27, 2001

PLANNING COMMISSION RECOMMENDATION:

January 24, 2017 – Approved staff recommendation for Mixed Use on lots 2500 and 2508 Thrasher Lane on the consent agenda. [T. White – 1st; P. Seeger – 2nd] Vote: 10-0 [F. Kazi, S. Oliver, and J. Vela III absent at time of consent agenda vote].

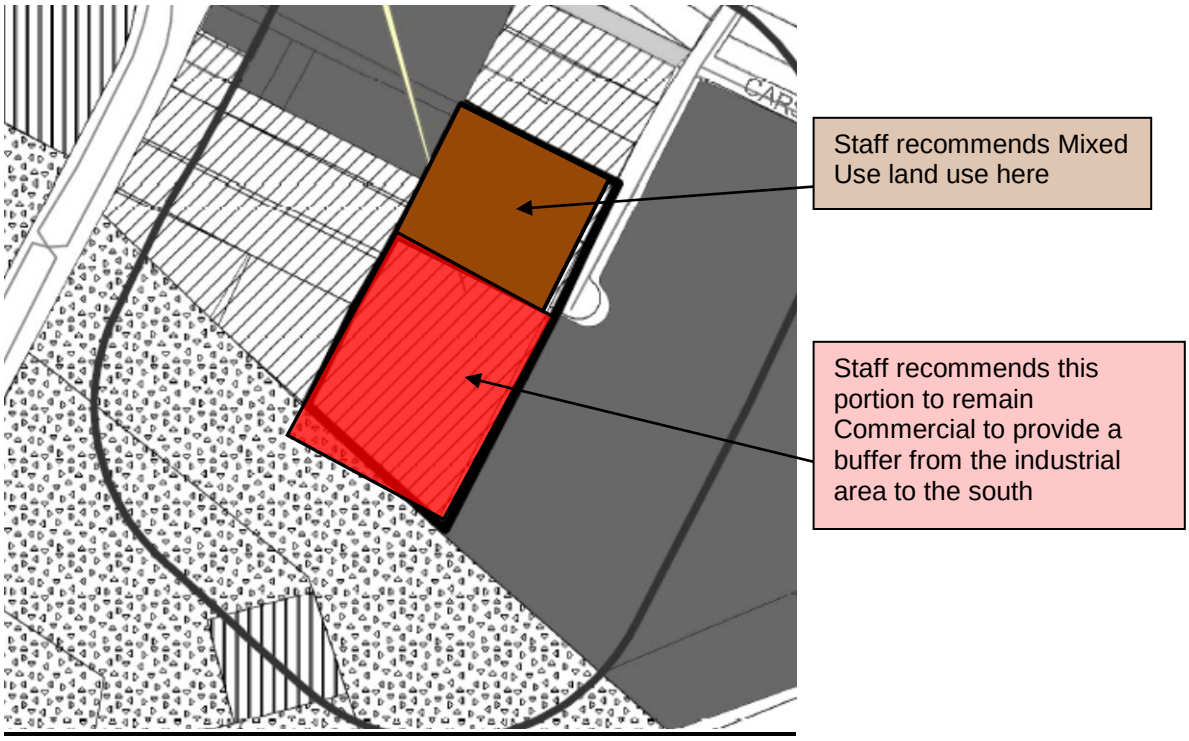
December 13, 2016 – Postponed on the consent agenda to the January 24, 2017 hearing at the request of the applicant. [P. Seeger – 1st; T. White – 2nd] Vote: 10-0 [T. Nuckols and A.

PineyroDeHoyos absent. J. Shieh arrived after vote on consent items. J. Schissler recused from Items C-4. N. Zaragoza recused from Item C-19].

November 8, 2016- Postponed on the consent agenda to the December 13, 2016 hearing at the request of staff. [P. Seeger – 1st; J. Schissler-2nd] Vote: 12-0 [A. PineyroDeHoyos absent. J. Schissler recused from item C-9].

October 25, 2016 – Postponed to the November 8, 2016 hearing at the request of the Montopolis Neighborhood Planning Contact Team. [J. Schissler – 1st; N. Zaragoza-2nd] Vote: 12-0 [Commissioner J. Shieh absent].

STAFF RECOMMENDATION: Staff recommends Mixed Use land use on the northern two tracts of land (2500 and 2508 Thrasher Lane), but does not recommend Mixed Use land use on the portion of the property adjacent to the industrially zoned property to the south at 2514 Thrasher Lane. See map below.



BASIS FOR STAFF'S RECOMMENDATION: Staff does not support the applicant's request to change the land use on the future land use map from Commercial to Mixed Use on the entire property because staff believes a commercial buffer should remain between the property located to the south that has industrial zoning and, although vacant at this time, could have industrial uses in the future. The applicant's request to change the land use to Mixed Use with an associated zoning change request to CS-MU-NP would allow a high-density residential development that staff believes should not be in close proximity to property that could be developed with incompatible industrial uses.

The Montopolis neighborhood plan supports the creation of homes for all stages of life, but it also wants to ensure compatibility between adjacent land uses. As stated above, residential uses adjacent to industrially zoned property is not compatible land uses.

LAND USE

Goal 1: Improve the Quality of Life in Montopolis through Land Use and Zoning Decisions.

Goal 2: Create Homes for all Stages of Life within Montopolis.

Objective 4: Enhance and protect existing single family housing.

Action 12: Preserve the existing Single Family uses and zoning in the older, established areas of Montopolis. (Please refer to the Proposed Future Land Use Map, for specific land uses and locations.)

Action 13: Preserve residential zoning in the interior of East Montopolis to allow for new homes to be built. (Please refer to the Figure 4: Future Land Use Map, for specific land uses and locations.)

Action 14: Preserve Single Family zoning in the interior of South Montopolis. (Please refer to the Proposed Future Land Use Map, for specific land uses and locations.)

Action 15: Provide information in both English and Spanish to homeowners regarding existing methods of preventing increases in their property taxes.

Objective 5: Create multiple housing types of varied intensities.

URBAN DESIGN

GOAL 7: Ensure Compatibility and Encourage a Complimentary Relationship Between Adjacent Land Uses.

In the Future Land Use Map, the neighborhood has expressed a preference for increasing or decreasing the occurrence of certain types of land uses in the neighborhood. The Guidelines show how these uses can be grouped together to create a complimentary mixture of uses while being designed so as to be compatible with each other.

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Commercial - Lots or parcels containing retail sales, services, hotel/motels and all recreational services that are predominantly privately owned and operated for profit (for

example, theaters and bowling alleys). Included are private institutional uses (convalescent homes and rest homes in which medical or surgical services are not a main function of the institution), but not hospitals.

Purpose

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

Application

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

PROPOSED LAND USE ON THE PROPERTY

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

Purpose

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

2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;

3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;

4. Create viable development opportunities for underused center city sites;

5. Encourage the transition from non-residential to residential uses;

6. Provide flexibility in land use standards to anticipate changes in the marketplace;

7. Create additional opportunities for the development of residential uses and affordable housing; and

8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

Application

1. Allow mixed use development along major corridors and intersections;

2. Establish compatible mixed-use corridors along the neighborhood's edge

3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);

4. Mixed Use is generally not compatible with industrial development; however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;

5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and

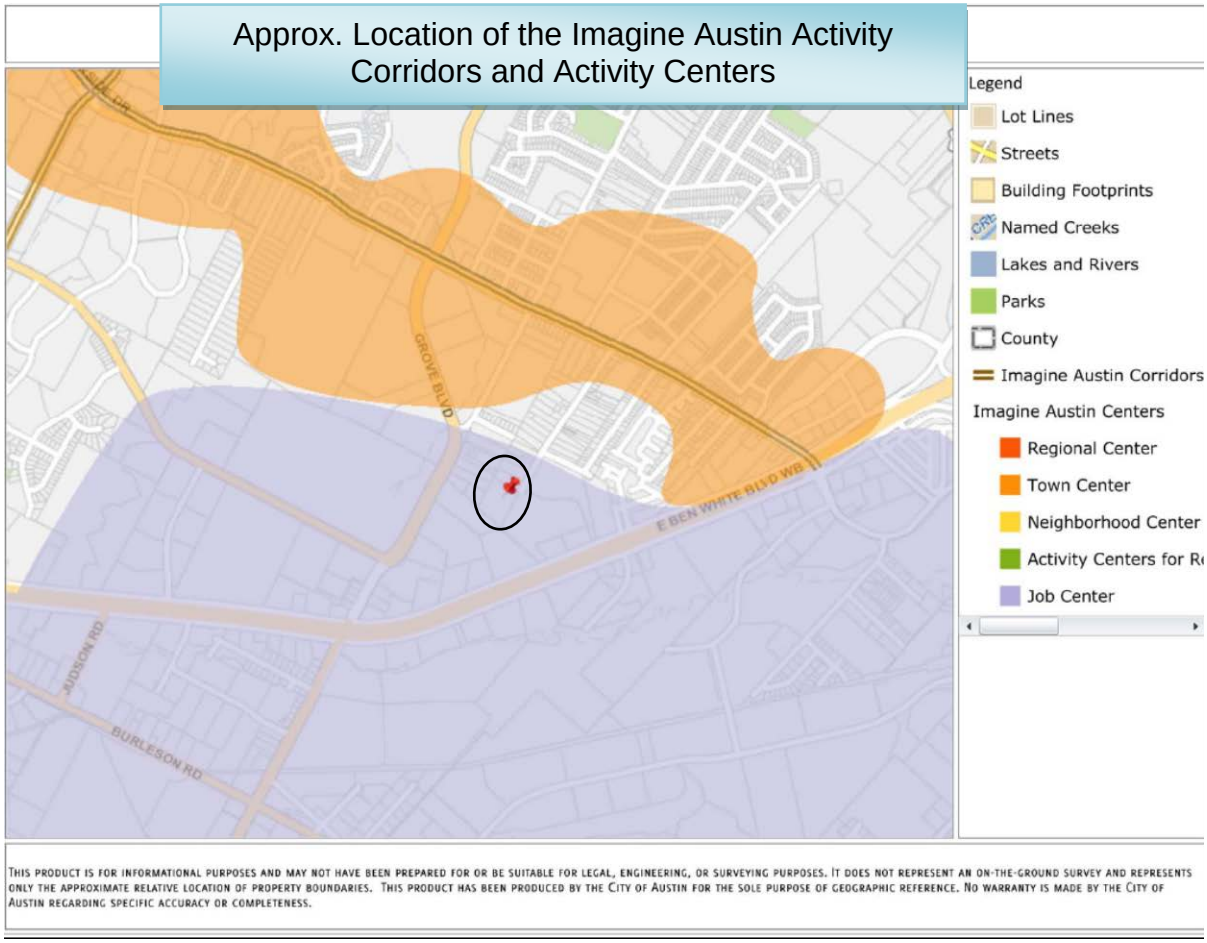
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

IMAGINE AUSTIN PLANNING PRINCIPLES

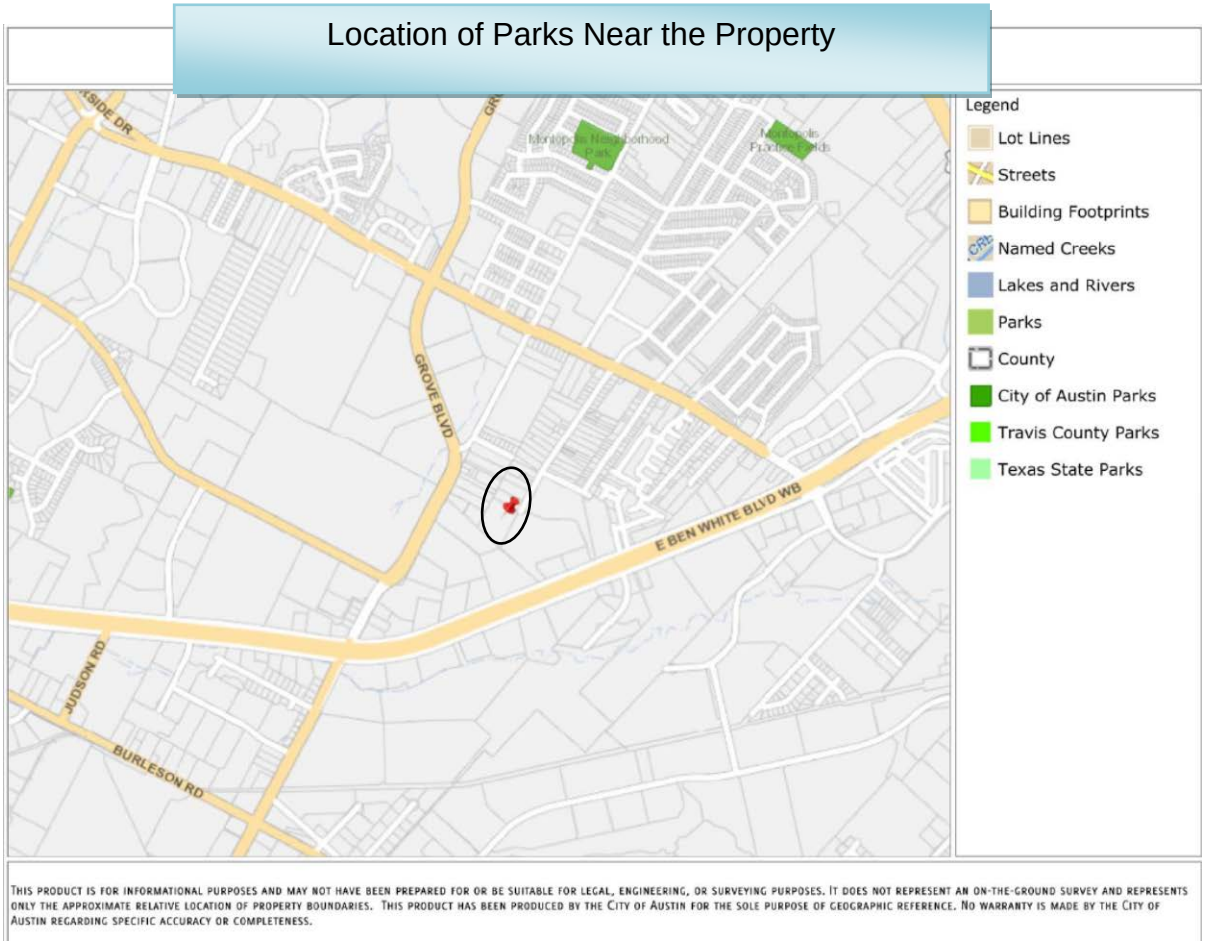
1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
    - ***Although the zoning change would allow for residential units that could provide a mix of housing types, it is not supported by staff because it is located adjacent to an industrially zoned area that staff believes is not compatible for residential 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 within a Job Center as identified on the Imagine Austin Comprehensive Plan's Growth Concept Map. Job Centers are not areas designated in the Comprehensive Plan as a location for residential units.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
    - ***The property is located within a Job Center as identified on the Imagine Austin Comprehensive Plan's Growth Concept Map. Job Centers are not areas designated in the Comprehensive Plan as a location for residential units.***

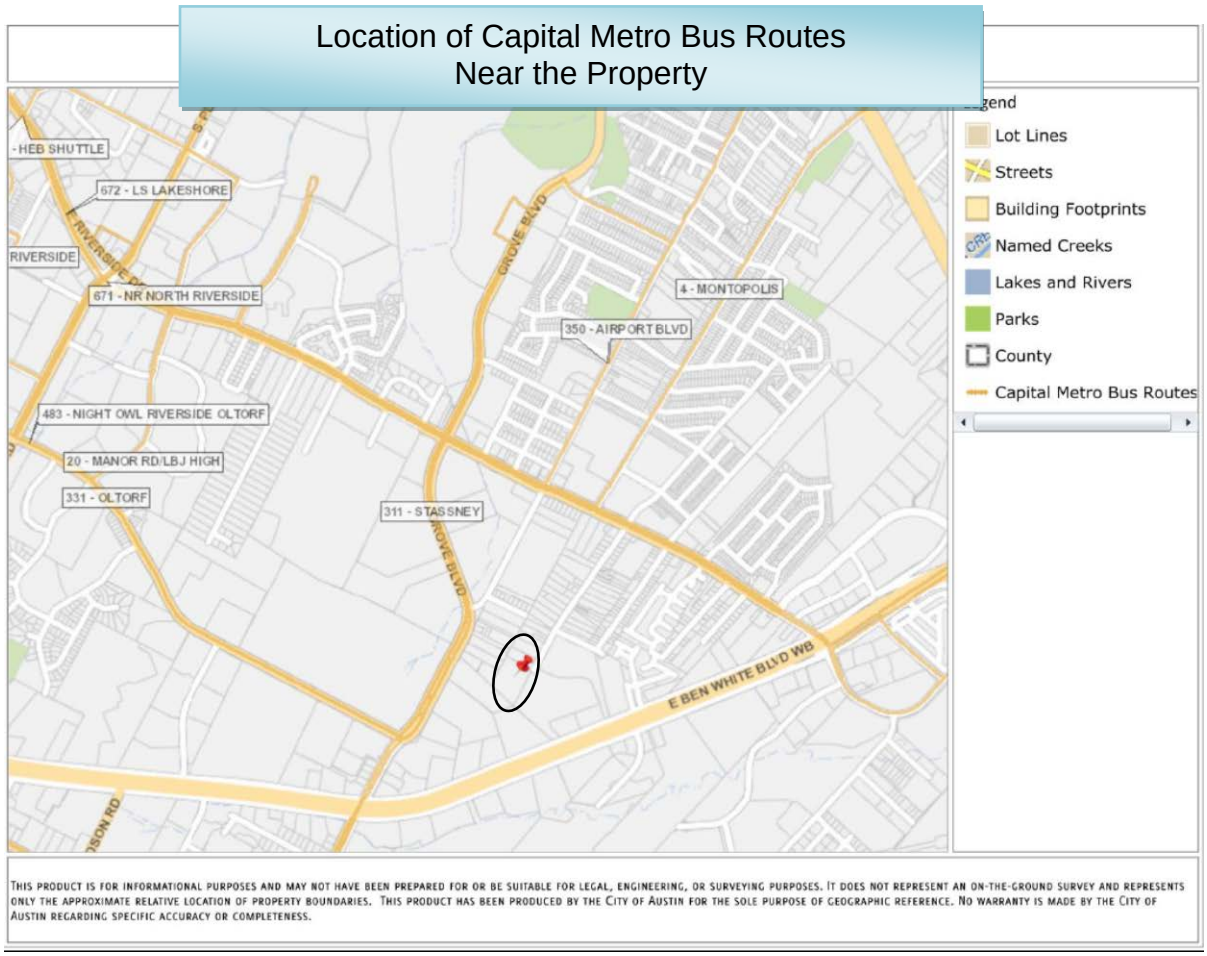
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
    - ***The proposed zoning of CS-MU would allow the possibility of residential units from single family homes to a large number of apartment dwelling units, the close proximity to industrially zoned property is not supported by staff.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.
    - ***Having residential property in close proximity to industrially zoning property is not a harmonious transition of land uses and development intensities.***
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 not located within an environmentally sensitive area.***
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.
    - ***Not applicable.***
8. Protect, preserve and promote historically and culturally significant areas.
    - ***Not applicable.***
9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
    - ***Not applicable.***
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
    - ***Not directly applicable.***
11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
    - ***Not applicable.***
12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
    - ***Not applicable.***

Approx. Location of the Imagine Austin Activity Corridors and Activity Centers



Location of Parks Near the Property





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 application was filed on July 1, 2016, which in in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The applicant proposes to change the land use on the future land use map from Commercial to Mixed use. In the associated zoning case, C14-2016-0070, the applicant proposes to change the zoning from CS-NP to CS-MU-NP to allow development flexibility, as stated in the application Summary letter.

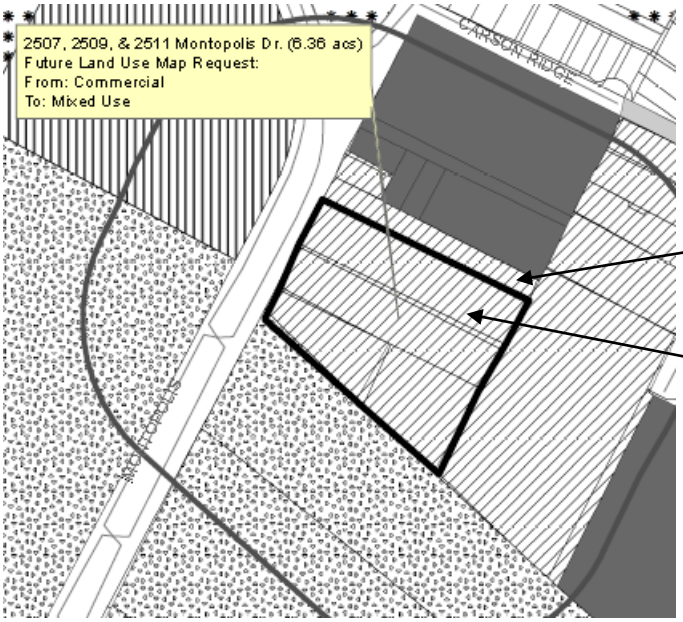
PUBLIC MEETINGS: The ordinance-required community meeting was held on September 6, 2016. Approximately 68 meeting notices were mailed to people who live or own property within 500 feet of the property, in addition to neighborhood and environmental groups who are registered on the community registry who requested notification for the area. Three people attended the meeting, two people who own property in the area and one city staff member.

At the meeting, no presentation was made by the applicant's agent because he did not attend the meeting for the following reason.

On September 6, 2016, the day of the meeting, a citizen called to say that the City's website did not have the application Summary Letter and the Applicant Criteria Worksheet posted to the website with the rest of the neighborhood plan amendment application. Once staff was informed of this, staff emailed that material to the citizen and to the Montopolis Neighborhood Plan Contact Team and also posted the documents to the website. The citizen said that because this material was missing from the website, he said the community meeting should be cancelled and rescheduled. Staff's position was that the community meeting is an informational meeting and that this material would typically be distributed at the meeting anyway. Because the meeting is informational in nature and no final action or community vote is taken for or against the case, staff decided to move forward with the community meeting.

The applicant's agent, David Cancialosi, was involved in this discussion and email exchanges with the citizen along with the Montopolis Neighborhood Planning Contact Team of which the citizen is a member. After staff informed the citizen, the applicant's agent, and the Montopolis Neighborhood Plan Contact Team that the meeting would not be cancelled, but would move forward, the applicant's agent decided he would not attend the community meeting. Staff informed him there would not be a rescheduled community meeting and that he was strongly encouraged to attend the meeting in case people showed up to ask him questions about the application. The applicant's agent did not attend the meeting.

At the meeting on September 6, 2016, two people who own property directly to the west of the property, John Stratton and James L. Brown, attended the meeting in addition to one city staff member. Mr. Stratton and Mr. Brown asked questions, but because the applicant's agent was not there to answer them so staff emailed the questions to him the following day and below are his responses.



James L. Brown owns this property

Jim Stratton owns this property. This plan amendment and zoning case has not been scheduled for public hearings at this time.

From: <Meredith>, Maureen <Maureen.Meredith@austintexas.gov>
Date: Wednesday, September 7, 2016 at 9:07 AM
To: David Cancialosi
Subject: RE: NPA 2016 0070 Thrasher Lane

The two property owners directly to the west of the property, John Stratton and James Brown, showed up.

Mr. Brown's questions and comments are:

- He understands there's a Joint Venture. It is correct?
- What is being proposed to be built?
- He's concerned about residential uses creeping towards the industrial area where Praxis Air is located. He says they off-gas daily and this cannot be good for residential uses being in the area.

Mr. Stratton's questions are:

- For a multifamily development, the property would need two ingress/egress points. He has no intentions of allowing your property owners to access through his property. He owns the lots in the map attached, which is another NPA case. How do they propose to provide access? He assumes there will be no access to Montopolis.

From: david cancialosi
Sent: Wednesday, September 07, 2016 10:19 AM
To: Meredith, Maureen
Subject: Re: NPA 2016 0070 Thrasher Lane

Maureen,

Thank you for forwarding the below questions to me.

Regarding Mr. Brown's questions:

1. The property is privately owned. If the MU is approved, it will change hands to another private owner.

2. Right now, nothing. There are no definitive plans for this property. However, a matrix of potential uses and market data are being reviewed. Thus, the Mixed Use overlay is being requested in order to achieve the highest and best use for this particular site.

3. Point taken into consideration.

Regarding Mr. Stratton's questions:

1. There are no development plans at this point so no ingress or egress points have been considered. I cannot envision a scenario where any development on my client's property is accessing Stratton's property.

The Montopolis Neighborhood Plan Contact Team letter of recommendation is on page 16 and 17.

CITY COUNCIL DATE:

December 8, 2016	**ACTION:** Postponed to the January 26, 2017 hearing at the request of staff. [E. Troxclair – 1st; D. Zimmerman- 2nd] Vote: 10-0 [Mayor Pro Tovo was absent]
January 26, 2017	**ACTION:** Postponed to the February 16, 2017 at the request of staff. [D. Garza – 1st; P. Renteria – 2nd] Vote: 11-0.
February 16, 2017	**ACTION:**

CASE MANAGER: Maureen Meredith **PHONE:** (512) 974-2695

EMAIL: maureen.meredith@austintexas.gov

Summary Letter Submitted by the Applicant

From the office of
PERMIT PARTNERS, LLC
105 W. Riverside, Suite 225
Austin, Texas 78704
David C. Cancialosi
512.593.5361 o
512.213.0261 f
david@permit-partners.com

June 22, 2016

City of Austin, Attention Maureen Meredith
505 Barton Springs Rd
Austin, Texas 78704

RE: NPA request for 2500, 2508, 2514 Thrasher Lane

To Whom It May Concern:

Please find the attached information supporting the applicant's request to amend the Montopolis Neighborhood Plan's designation of 3 contiguous lots addressed as 2500, 2508, and 2514 Thrasher Lane from *Commercial* to *Mixed Use*. The request is being submitted concurrent to a rezoning request for the same lots. That rezoning application is only requesting a change from CS-NP to CS-MU-NP.

The legal lots total approximately 7.9 acres in size and are legally known as ABS 24 Del Valle S 1.496 acres and ABS 24 Del Valle S 6.5 acres. The land is undeveloped and while there is no immediate plan(s) to improve the site, the assignment of *commercial* future land use by the Montopolis Neighborhood Plan in 2001 is worthy of reassessment given the (immediate and larger) geographical area's growth pattern over the prior 15 years. There have been and continue to be a number of private and publicly-funded long range planning and redevelopment efforts in the East Riverside Drive Corridor area between IH-35 and Austin Bergstrom Airport. There is no doubt that the current and future development patterns of this area have outpaced the future land use designations applied to certain parcels in the 2001 Montopolis Neighborhood Planning document.

As such, the area is in need of greater development flexibility. There is limited housing stock, great demand for increased housing types, and a limited number of parcels that offer mixed-use development opportunities which in turn reflect a lack of localized neighborhood services. Given the recent, current, and projected growth of this geographical area, it needs greater flexibility in order to meet, if not exceed, the standards and guidelines outlined in the Montopolis Neighborhood Plan as well as the City of Austin's Comprehensive Plan, *Imagine Austin*. Further, the Planning Commission and City Council

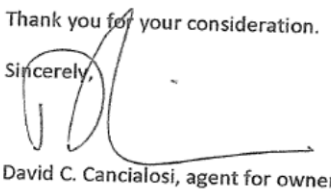
recognized the need for greater development flexibility when they unanimously passed on consent a rezoning request for 2407 and 2409 Montopolis Dr. in 2015, which requested a change from CS-NP to CS-MU-NP. That site is contiguous to the subject sites on Thrasher Lane and are controlled by the same entity, so there is assurance that a well-planned, consistent redevelopment plan would be implemented should my client decide to redevelop the aggregated sites.

My request is that Planning Commission and City Council consider this current application for an NPA from *commercial* to *mixed-use*. Doing so would reflect consistent decision making with the prior approval of *mixed-use* at 2407 and 2409 Montopolis Dr., and in turn, allow a more consistent yet flexible development pattern for the area.

Below, please find the required responses for all NPA applications as outlined in the Land Development Code.

Thank you for your consideration.

Sincerely,



David C. Cancialosi, agent for owner

Letter from the Montopolis Neighborhood Planning Contact Team

---------- Forwarded message ----------
From: **Susana Almanza**
Date: Mon, Nov 7, 2016 at 3:57 PM
Subject: MNPCT - 2500, 2508, & 2514 Thrasher Lane C14-2016-0070
To: bc-Stephen.Oliver@austintexas.gov
Cc: "Moore, Andrew" <Andrew.Moore@austintexas.gov>

Re: C14-2016-0070 Zoning Change from Commercial to Mixed Use-NP
NPA-2016-0005.-01

Dear Planning Commission Chair Stephen Oliver and Planning Commissioners:

The Montopolis Neighborhood Plan Contact Team (MNPCT) has reviewed the above zoning Change request and Neighborhood Plan Amendment for 2500, 2508, & 2514 Thrasher Lane. The MNPCT has the following concerns: 1) How this additional development might negatively impact residents living down stream from this development and other planned developments, due to past flooding of the Montopolis community, 2) No one has been able to tell us what size water line is in the area that will take in the overflow due to possible flooding, and 3) the impact of traffic on Thrasher.
If approved, the MNPCT request that all traffic for the above property, have their entrance off of Montopolis Drive and not Thrasher.

The MNPCT doesn't have a recommendation for this specific case, due to the fact that there is no site plan, and so we don't know what will actually be built. We do request that no housing be allowed to develop on the portion of the property adjacent to the industrially zoned property to the south for safety concerns for people. The MNPCT also request that if the zoning is approved that we be notified when the site plan for this property is submitted. We want to review and have input. The MNPCT presently has three separate zoning request but they are all in the general area (see attached map) and raise flooding and drainage concerns. Thank you, Susana Almanza, President Montopolis Neighborhood Contact Team

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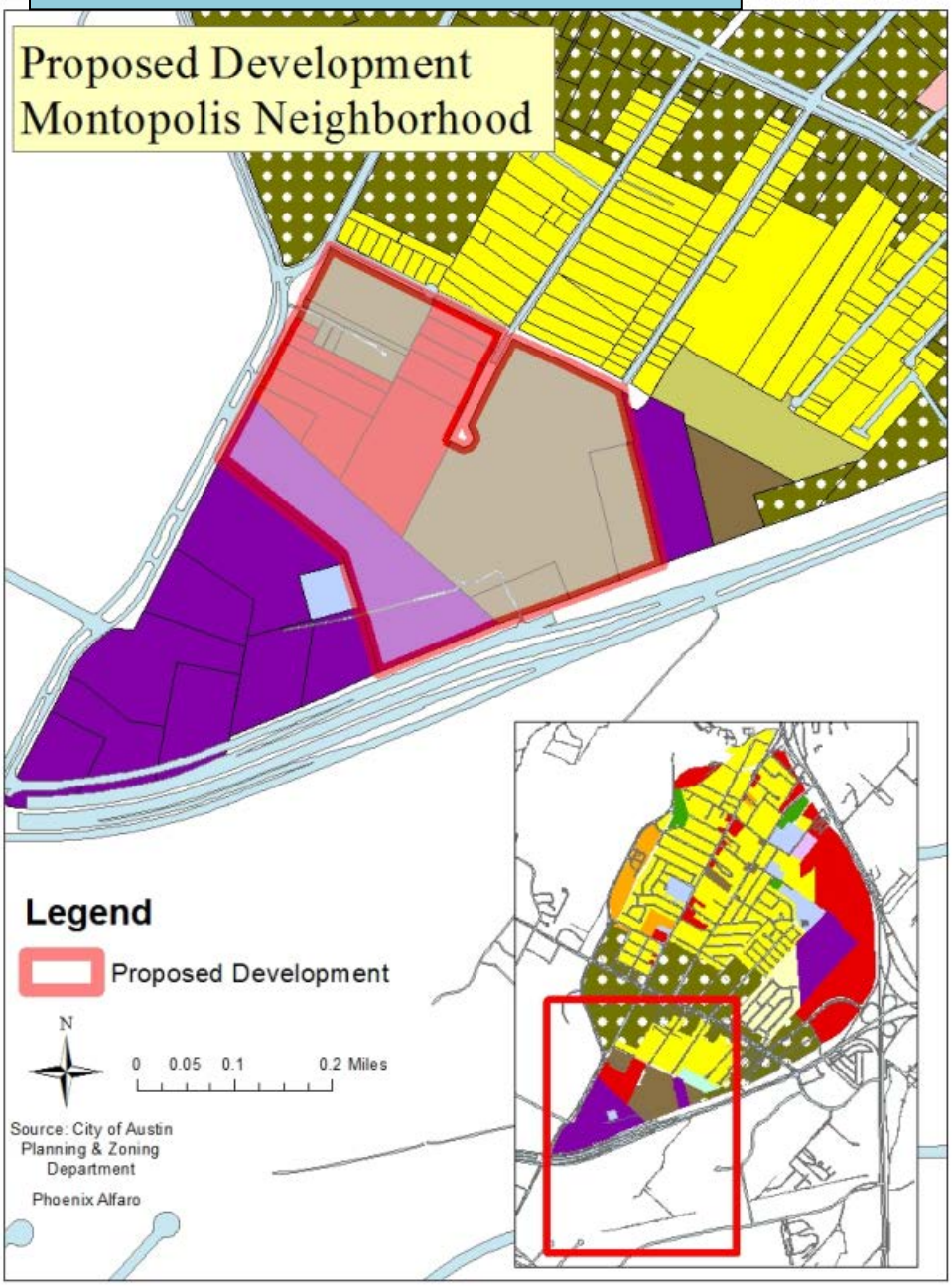
PODER
P.O. Box 6237
Austin, TX 78762-6237
www.poder-texas.org

Map attached to Susana Almanza's email



Carson Ridge NA
2316 Thrasher Lane
Austin, TX 78741-6622

T 512-275-6027
F 512-716-8001

t

July 15, 2016

RE: 2514 Thrasher Lane Zoning Change Request, Case # NPA-2016-0005.01

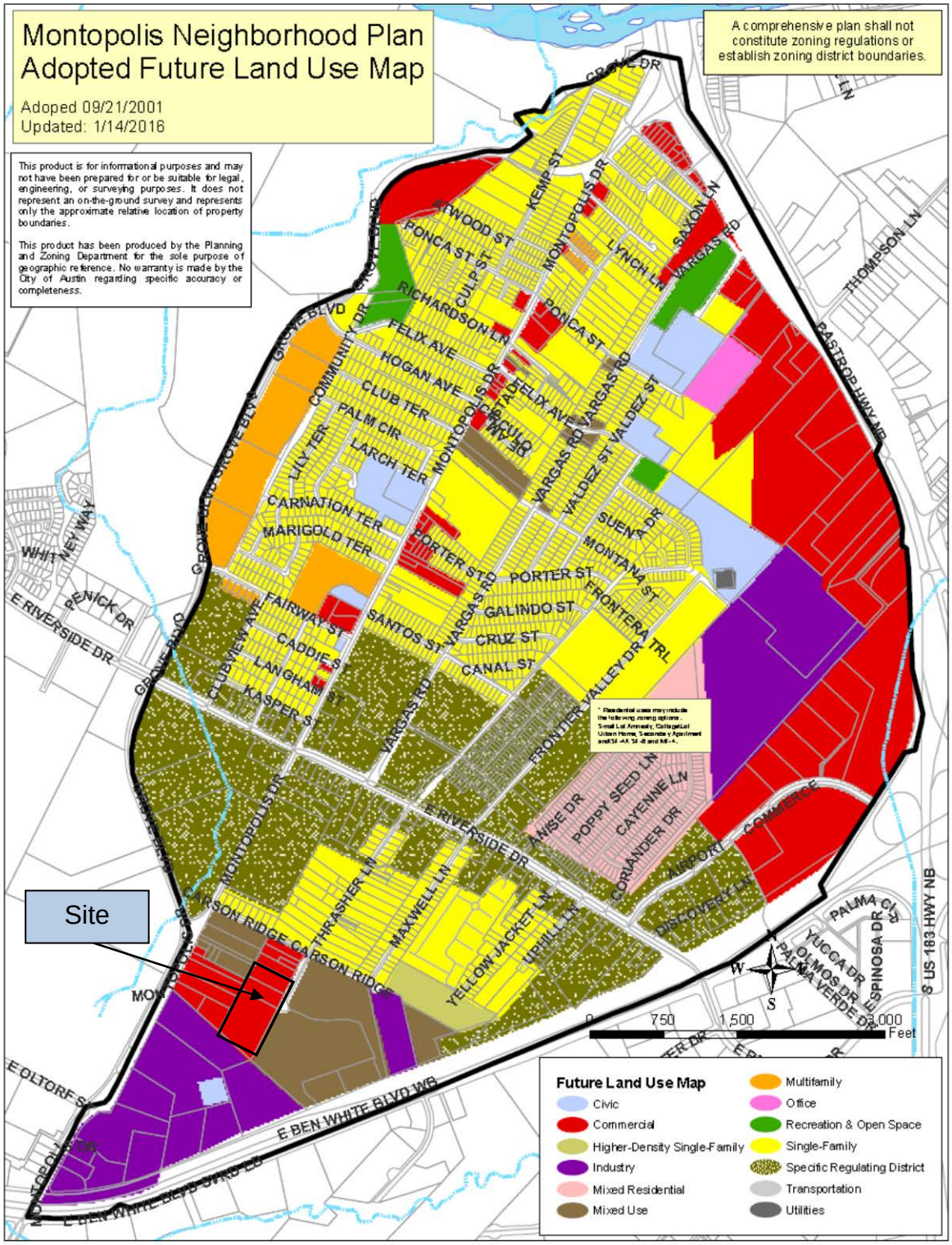
Dear Ms. Meredith,

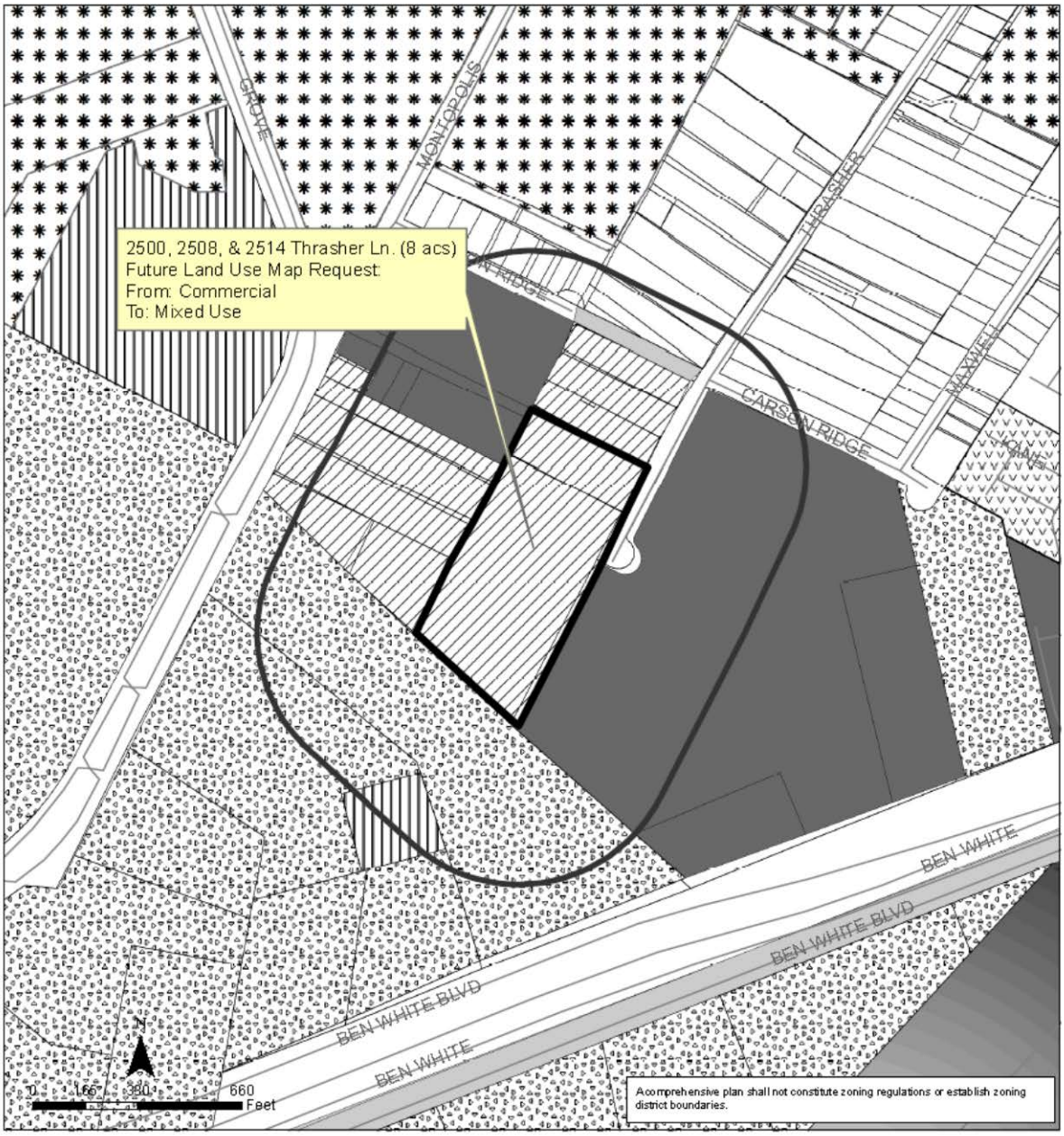
The Carson Ridge Neighborhood Association welcomes appropriate residential development in our section of the the Montopolis planning area. We do not support CS-MU zoning or the land use map changes requested by the applicant for the following reasons:

- Although zoned commercial, this part of the Montopolis neighborhood planning area is filled with single family homes. Higher density mixed land use is incompatible with the goals of the neighborhood plan and the desires of our neighborhood.
- Thrasher Lane cannot support increases in vehicular traffic. The street currently dead-ends, which is how it should remain. Any vehicular access to this property should be along Montopolis Drive.
- Neither the applicant nor his representative have contacted our neighborhood association to discuss their plans, despite the fact that our association is listed in the city's neighborhood registry. This type of disregard does not inspire confidence that the applicant is interested in fitting into our community without adversely impacting our quality of life.

Fred L. McGhee, Ph.D.

President


Montopolis Neighborhood Plan
Adopted Future Land Use Map
Adopted 09/21/2001
Updated: 1/14/2016
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.
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.
Site
Future Land Use Map
Civic
Commercial
Higher-Density Single-Family
Industry
Mixed Residential
Mixed Use
Multifamily
Office
Recreation & Open Space
Single-Family
Specific Regulating District
Transportation
Utilities
0
750
1,500
3,000
Feet
E RIVERSIDE DR
E BEN WHITE BLVD WB
E BEN WHITE BLVD EB
S US 183 HWY NB
PASTRORIA HWY NB
THOMPSON LN
KEMP ST
ATWOOD ST
PONCA ST
CULP ST
MONTOPOLIS DR
LYNCH LN
SAXON LN
VARGAS RD
RICHARDSON LN
FELIX AVE
HOGAN AVE
CLUB TER
PALM CIR
LARCH TER
LILY TER
CARNATION TER
MARIGOLD TER
PORTER ST
GALINDO ST
CRUZ ST
CANAL ST
SANTOS ST
FAIRWAY ST
CADDIE ST
LANGHAM ST
KASPER ST
VALDEZ ST
SUENA DR
MONTANA ST
FRONTERA TRL
FRONTIER VALLEY DR
ANISE DR
POPPY SEED LN
CAYENNE LN
CORIANDER DR
AIRPORT
COMMERCE
DISCOVERY CT
PALMA CIR
YUCCA DR
OLMOS DR
PALMA VERDE DR
ESPINOSA DR
CARSON RIDGE
THRASHER LN
MAXWELL LN
YELLOW JACKET LN
UPHILL LN
E OLTORF ST
WHITNEY WAY
PENICK DR
GROVE BLVD
CLUBVIEW AVE



Montopolis Neighborhood Planning Area
Case #: NPA-2016-0005.01

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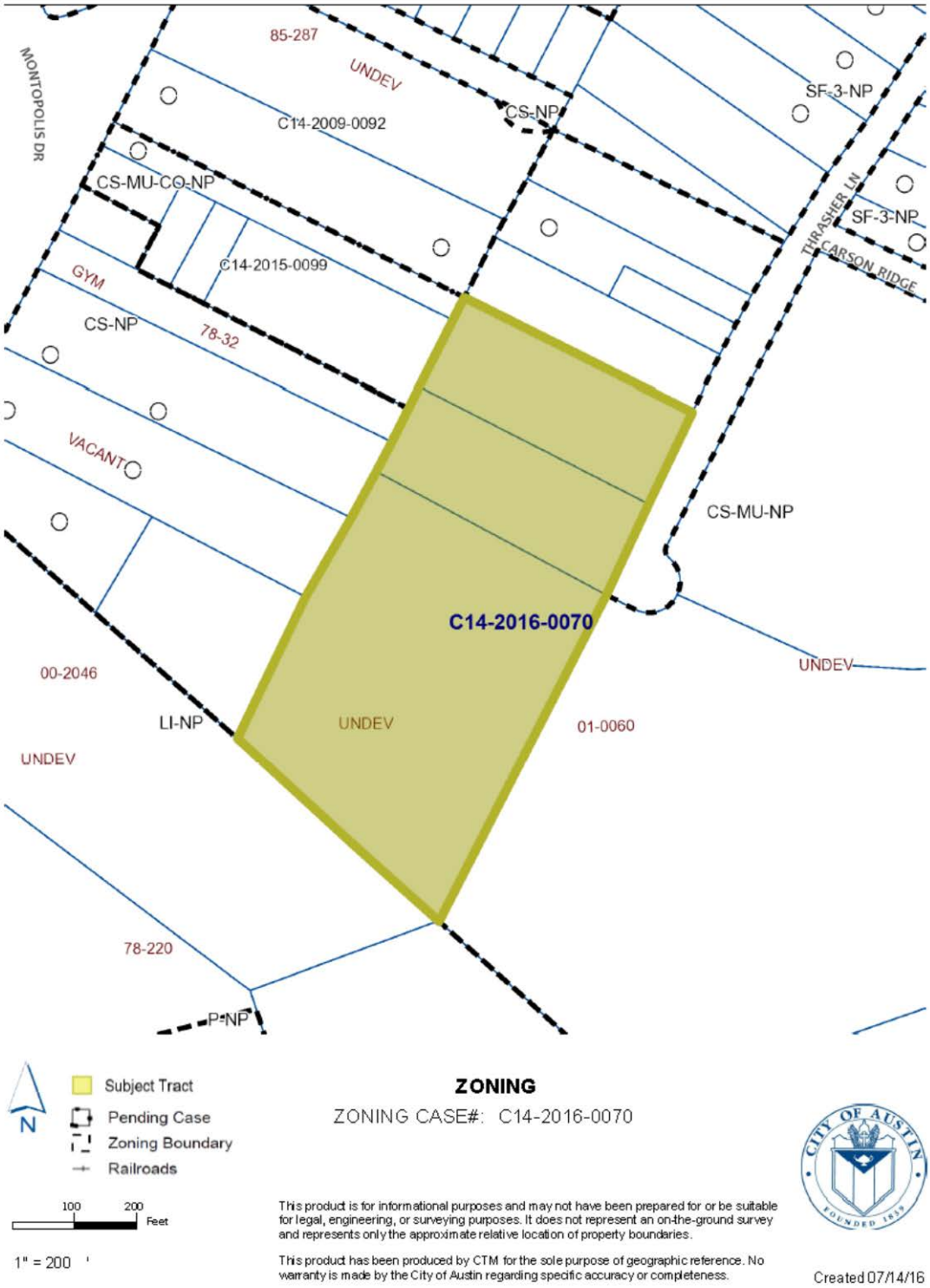
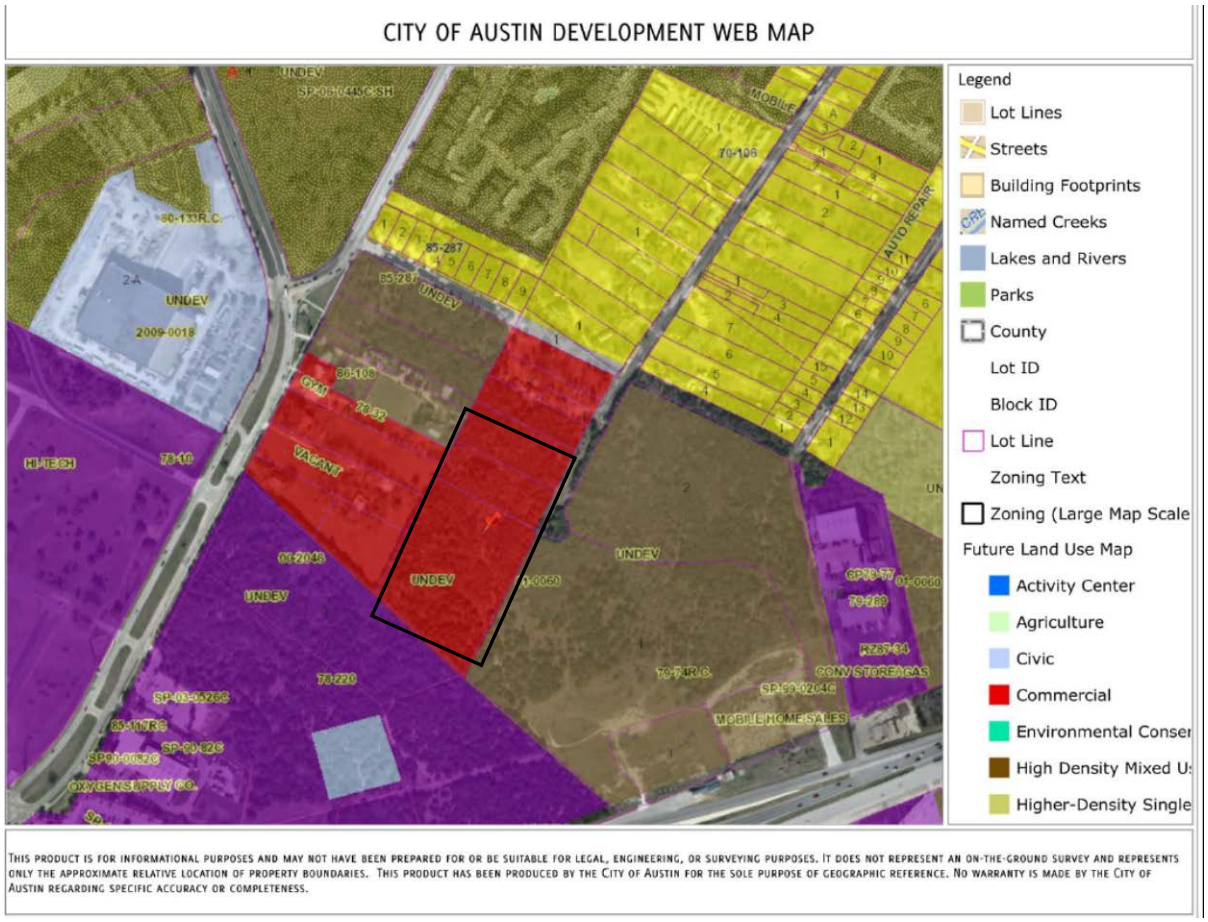
City of Austin
Planning and Zoning Department
Created on 7/11/2016, by: meredithm

Future Land Use

- 500 ft. Notification Boundary
- Subject Property
- Single-Family
- Higher-Density Single-Family
- Commercial
- Mixed Use
- Specific Regulating District
- Major Planned Development
- Industry
- Civic
- Transportation
- Utilities


85-287
UNDEV
MONTOPOLIS DR
C14-2009-0092
CS-NP
SF-3-NP
CS-MU-CO-NP
THRASHER LN
SF-3-NP
CARSON RIDGE
C14-2015-0099
GYM
CS-NP
78-32
VACANT
CS-MU-NP
C14-2016-0070
00-2046
UNDEV
LI-NP
UNDEV
01-0060
UNDEV
78-220
P-NP
Subject Tract
Pending Case
Zoning Boundary
Railroads
N
100
200
Feet
1" = 200
ZONING
ZONING CASE#: C14-2016-0070
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.
Created 07/14/16


CITY OF AUSTIN DEVELOPMENT WEB MAP
UNDEV
SP-03-0445C.SH
80-133R.C.
2-A
UNDEV
2009-0018
85-287
85-287
UNDEV
MOBILE
70-106
AUTO REPAIR
80-108
GR
70-32
VACANT
HI-TECH
70-10
UNDEV
UNDEV
UNDEV
78-220
SP-03-0526C
85-110R.C.
SP-01-0082C
OXY GEN SUPPLY CO.
70-74R.C.
CONV STOREAGAS
SP-03-0204C
MOBILE HOME SALES
Legend
Lot Lines
Streets
Building Footprints
Named Creeks
Lakes and Rivers
Parks
County
Lot ID
Block ID
Lot Line
Zoning Text
Zoning (Large Map Scale
Future Land Use Map
Activity Center
Agriculture
Civic
Commercial
Environmental Conser
High Density Mixed Us
Higher-Density Single
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CITY OF AUSTIN DEVELOPMENT WEB MAP

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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

RECEIVED
10/25/16

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-2016-0005.01
Contact: Maureen Meredith, phone: 512-974-2695
Public Hearings: Oct 25, 2016, Planning Commission
Dec 8, 2016, City Council

☐ **I am in favor**
☒ **I object**

JAMES L. BROWN
Your Name *(please print)*

2501 MONTOPOLIS DR AUSTIN 78741
Your address(es) affected by this application

J Brown 20 OCTOBER 2016
Signature Date

Comments: PLEASE SEE LETTER ATTACHED

20, October 2016

RECEIVED 11/25/16

James L Brown
2501 Montopolis Dr. Austin, Texas 78741

Maureen Meredith
PO Box 1088 Austin, Texas 78767-8810

I own the property at 2501 Montopolis Drive, and at this point in time, I object to any and all "mixed-use" amendments broadening the scope of the existing commercial and industrial sites between my property and the Praxair Company location. In essence, these developers are proposing to include housing units within these commercial and industrial sites, when within a 1,000 feet sits the industrial site, Praxair. To the best of my hearing, Praxair maintains an ongoing, and outdoor, graveyard shift beginning at about 2:00 A.M. each day. It is a noisy work shift and I am awakened by it regularly. My location is more like 2,000 feet away from Praxair, not at a 1,000'.

Praxair also off gasses on a regular bases. What they off-gas, I have no idea, but it certainly needs to be a part of any discussion in allowing residential to encroach on the Praxair industrial site. Hopefully, the off gassing is only air pressure.

I attended briefly the neighborhood hearings for these proposed "mixed-use" amendment changes when Maureen Meredith presented them to the local community. As it turns out, I was the only one representing the neighborhood. More importantly, Praxair was not represented. Just off hand, has anyone reading this letter taken the time to contact Praxair to get their input on the subject of encroaching residential? Can anyone on the Land Use Commission inform me what Praxair actually does off gas? This information is fundamental to any good decision making brought about by this particular zoning determination process.

I spoke to the regional manager at Praxair over the phone just a couple of weeks ago. I encouraged him to get involved in these zoning proceedings. He's a nice enough guy, but I received little or no feedback, or interest from him to be involved. In my opinion, he needs to be involved, especially on the subjects of off gassing, and the after hours noise pollution.

Lastly, about 15 years ago all of the zoning for this area was established after a development company proposed building multi-family housing next to, or close to the Praxair site. One of the arguments presented against the multi-family housing at the time was that the City of Austin had "learned it's lesson" from the Holly Street energy plant after it became engulfed by residential neighborhoods. The neighborhoods then organized in opposition to the plant's location. In the instance of Praxair fifteen years ago, the Land Use Commission and the City Council made some good zoning decisions to buffer the Praxair industrial site from residential development. If these undeveloped commercial and industrial sites in question are allowed the multi-use designation, the sites need to be atmospherically safe and reasonably quiet enough to allow for nighttime sleep. Right now, there is not adequate information in front of me to assure such a result. Therefore, I oppose these mixed-use rezoning proposals.

Respectfully,
James L Brown

Applicant Criteria Worksheet Submitted by the Applicant

§ 25-1-810 - RECOMMENDATION CRITERIA.

(A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied.

(B) The ***applicant*** must demonstrate that:

(1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;

Does this criterion apply to your proposed plan amendment application?___Yes __X_ No

If there was a mapping error, explain here and provide documentation: N/A

(2) the denial of the proposed amendment would jeopardize public health, safety, or welfare;

Does this criterion apply to your application? ___Yes X No

If this condition applies, explain here: **However, denial of a mixed-use future land use would substantially restrict redevelopment of the site.**

(3) the proposed amendment is appropriate:

(a) because of a material change in circumstances since the adoption of the plan; and

(b) denial would result in a hardship to the applicant;

Does this criteria apply to your application?_X__Yes ___No

If yes, explain here: **The NPA designation was adopted 15 years ago. There has been substantial redevelopment of the area since then. The site would be unreasonably restricted from creative redevelopment opportunities unless the mixed-use designation is added to the base zoning (which is remaining the same)**

(4) the proposed project:

(a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations;

Does this criterion apply to your application?___Yes X No

If yes, explain here **Technically it does not since there is no active development plans; however, any future development plan could certainly include superior environmental** protections or

(b) promotes the recruitment or retention of an employment center with 100 or more employees;

Does either one of these criterion apply to your application?__X__Yes ____No

If yes, explain here: **It is entirely possible that if the 7+ ac site was allowed a MU rezoning and NPA designation, that that type of zoning would attract a very unique redevelopment opportunity which could promote many types of commercial businesses serving the local neighborhood. However, since there are no current development plans it is not known for certain how many employee positions may be created.**

3

(5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan;

List the goals and objectives from the plan that you feel support your plan amendment request, along with your rationale for why it meets these goals/objectives. Use separate document if necessary: **The current request would improve the quality of life through land use decisions by allowing greater, more creative (re)development opportunities. The MU request would allow residential uses of many types versus the current commercial future land use designation, which only allows non-residential uses. The MU designation would allow for a more creative and innovative development which in turn would improve current traffic patterns and connectivity. And the MU designation combined with Subchapter E requirements would very likely result in a high quality aesthetic that compliments and respects the Montopolis area.**

or

(6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities.

Is this a S.M.A.R.T. Housing project? __X__Yes ____No

If yes, explain here and provide the letter from Neighborhood Housing and Community Development **While there are no development plans are this time, a future mixed-use development could certainly promote SMART housing opportunities.**

(C) The applicant must demonstrate that:

(1) the proposed amendment complies with applicable regulations and standards established by Title 25 (Land Development), the objectives of Chapter 25-2 (Zoning), and the purposes of the zoning district proposed for the subject property; **The proposed Mixed-Use amendment and it's concurrent rezoning request from CS-NP to CS-MU-NP absolutely reflect the objectives and purpose of the Land Development Code and the base CS zoning district by promoting a more consistent land use pattern while still allowing greater development flexibility which attracts creative, higher quality development opportunities. The current *commercial* FLUM designation restricts development opportunities to 2001-era thinking and does not incorporate recent, current nor future growth patterns in this area. Allowing a Mixed-Use designation would allow any future development to demonstrate, and possibly exceed, the applicable LDC regulations and related purposes and objectives.**

and

(2) the proposed amendment is consistent with sound planning principles. **See C-1 above and aforementioned opportunities to apply a more consistent land use pattern in the area given recent growth and zoning changes.**

LAND USE PLANNING PRINCIPLES

You can find the Guide to Land Use Standards here:
http://www.austintexas.gov/department/neighborhood-planning-resources)

Please DESCRIBE how your proposed plan amendment request will meet these principles. If you believe a principle does not apply to your proposed plan amendment application, write "Not applicable".

1. Ensure that the decision will not create an arbitrary development pattern;
Provide your analysis here: A Mixed-Use designation will allow more creative development that could include residential components. The area is surrounded by residential, yet the demand for current and future residential development is great. Allowing a MU designation would not be arbitrary given the city's recent approvals on several surrounding sites.

2. Ensure an adequate and diverse supply of housing for all income levels;
Provide your analysis here: A Mixed-Use designation would allow residential whereas the current commercial FLUM designation does not. An MU designation would entice a diverse housing component that currently cannot be applied to this site.

3. Minimize negative effects between incompatible land uses;
Provide your analysis here: This 7+ ac site is surrounded by multiple sites with an MU designation.

4. Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas;
Provide your analysis here: The base CS zoning would allow for hospitals and schools, but the MU designation would allow for a creative mix residential, commercial and civic uses.

5. Discourage intense uses within or adjacent to residential areas;
Provide your analysis here: The MU designation would allow a residential component to co-exist with uses allowed in the base CS zoning. The site is surrounded by CS-MU or GR-MU zoned sites. There is single family residential in the Carson Ridge neighborhood. It is not known how MU on the subject site would impact that area, but any development plan (site plan) could certainly take into account necessary components to discourage adverse or intensive uses deemed incompatible with surrounding residential areas.

6. Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;
Provide your analysis here: There are no current development plans, but this could be considered per a proposed development plan at the necessary time.

7. Minimize development in floodplains and environmentally sensitive areas;
Provide your analysis here: There are no current development plans, but this could be considered per a proposed development plan at the necessary time.

8. Promote goals that provide additional environmental protection;
Provide your analysis here: There are no current development plans, but this could be considered per a proposed development plan at the necessary time.

9. Consider regulations that address public safety as they pertain to future developments (e.g. overlay zones, pipeline ordinances that limit residential development);
Provide your analysis here: There are no current development plans but this could be considered per a proposed development plan at the necessary time.

10. Ensure adequate transition between adjacent land uses and development intensities;
Provide your analysis here: There are no current development plans but this could be considered per a proposed development plan at the necessary time.

11. Protect and promote historically and culturally significant areas;
Provide your analysis here: There are no current development plans but this could be considered per a proposed development plan at the necessary time.

12. Recognize current City Council priorities. Provide your analysis here: The city has approved several MU overlays in the area, thereby agreeing that an MU overlay is appropriate and consistent with the codified priorities.

13. Avoid creating undesirable precedents;
Provide your analysis here: The city has approved several MU overlays in the immediate area.

14. Promote expansion of the economic base and create job opportunities;
Provide your analysis here: There are no current development plans but this could be considered and analyzed per a proposed development plan at the necessary time.

15. Ensure similar treatment of land use decisions on similar properties;
Provide your analysis here: The city has approved several MU overlays in the immediate area.

16. Balance individual property rights with community interests and goals;
Provide your analysis here: The city has approved several MU overlays in the immediate area. The city policy makers have decided that MU is an appropriate balance of property rights and community interests and goals.

17. Consider infrastructure when making land use decisions;
Provide your analysis here: There are no current development plans but this could be considered and analyzed per a proposed development plan at the necessary time.

18. Promote development that serves the needs of a diverse population.
Provide your analysis here: There are no current development plans but this could be considered and analyzed per a proposed development plan at the necessary time.