

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Montopolis

CASE#: NPA-2017-0005.04

DATE FILED: September 26, 2017
(Out-of-cycle)

PROJECT NAME: 2514 Thrasher

PC DATE: December 12, 2017

ADDRESS: 2514 Thrasher Lane

DISTRICT AREA: 3

SITE AREA: 4.99 acres

OWNER/APPLICANT: Larry and Elizabeth Petree

AGENT: Drenner Group (Leah Bojo)

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-CO-NP

To: CS-MU-NP

NEIGHBORHOOD PLAN ADOPTION DATE: September 27, 2001

PLANNING COMMISSION RECOMMENDATION:

December 12, 2017 - Approved on the consent agenda for Mixed Use land use. [J. Shieh – 1st; P. Seeger – 2nd] Vote: 12-0 [A. De Hoyos Hart absent. F. Kazi and J. Schissler recused from Items C-22 and C-25].

STAFF RECOMMENDATION: Not recommended.

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 because there should be a commercial buffer between the Mixed Use land use to the north and industrial zoning to the south. 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 in close proximity to an area where industrial uses could be located.

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

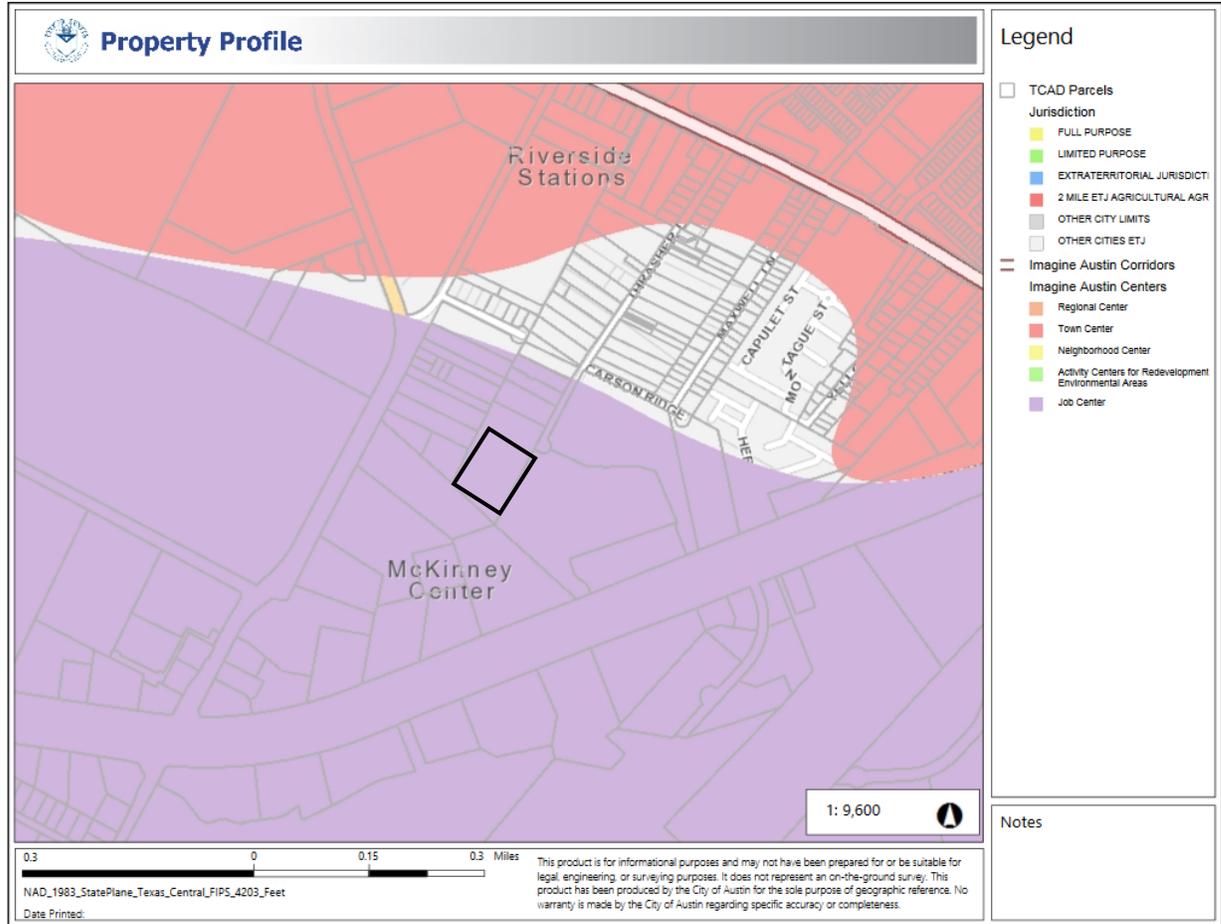
1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - ***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.***

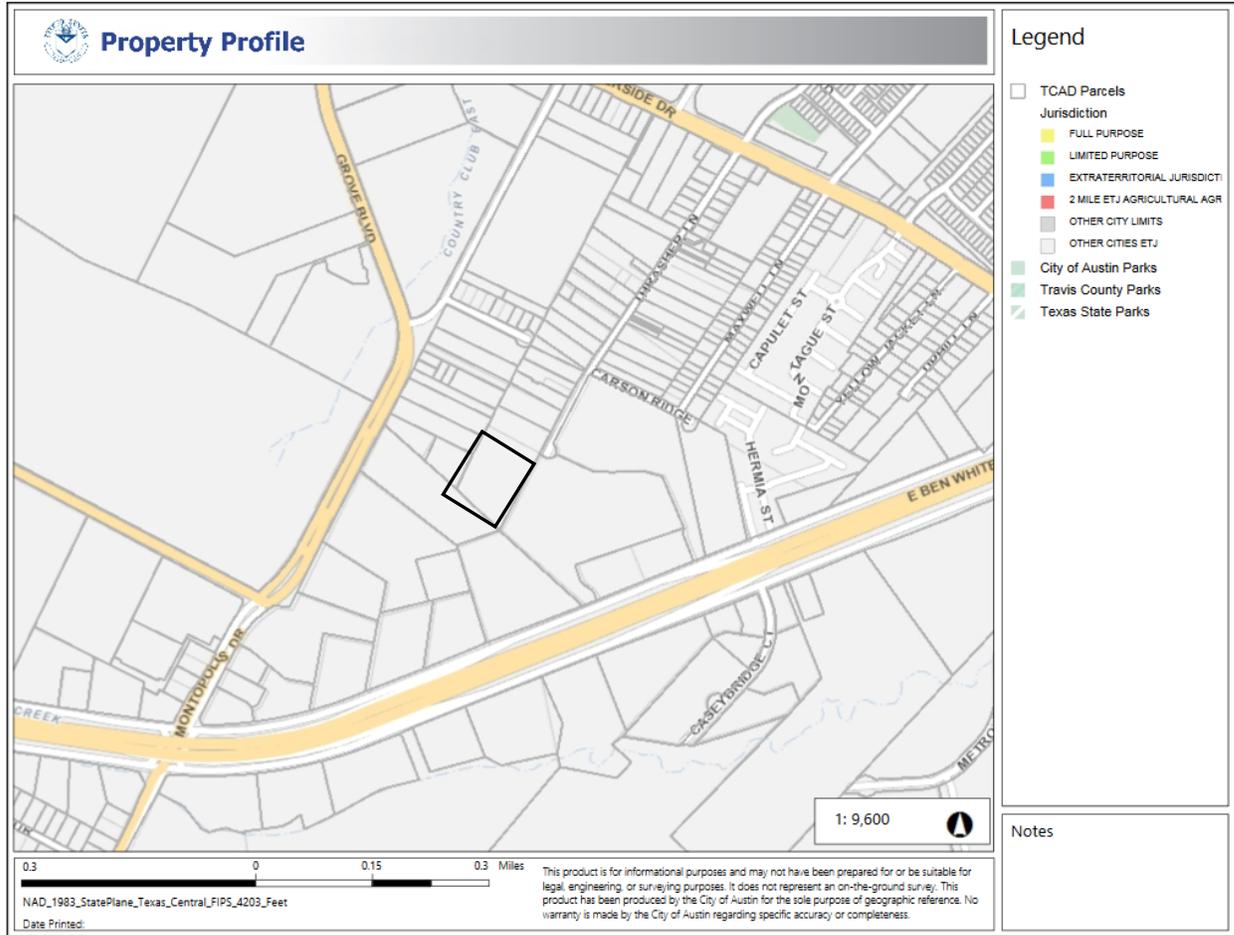
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
 - ***The property is located within a Job Center as identified 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.

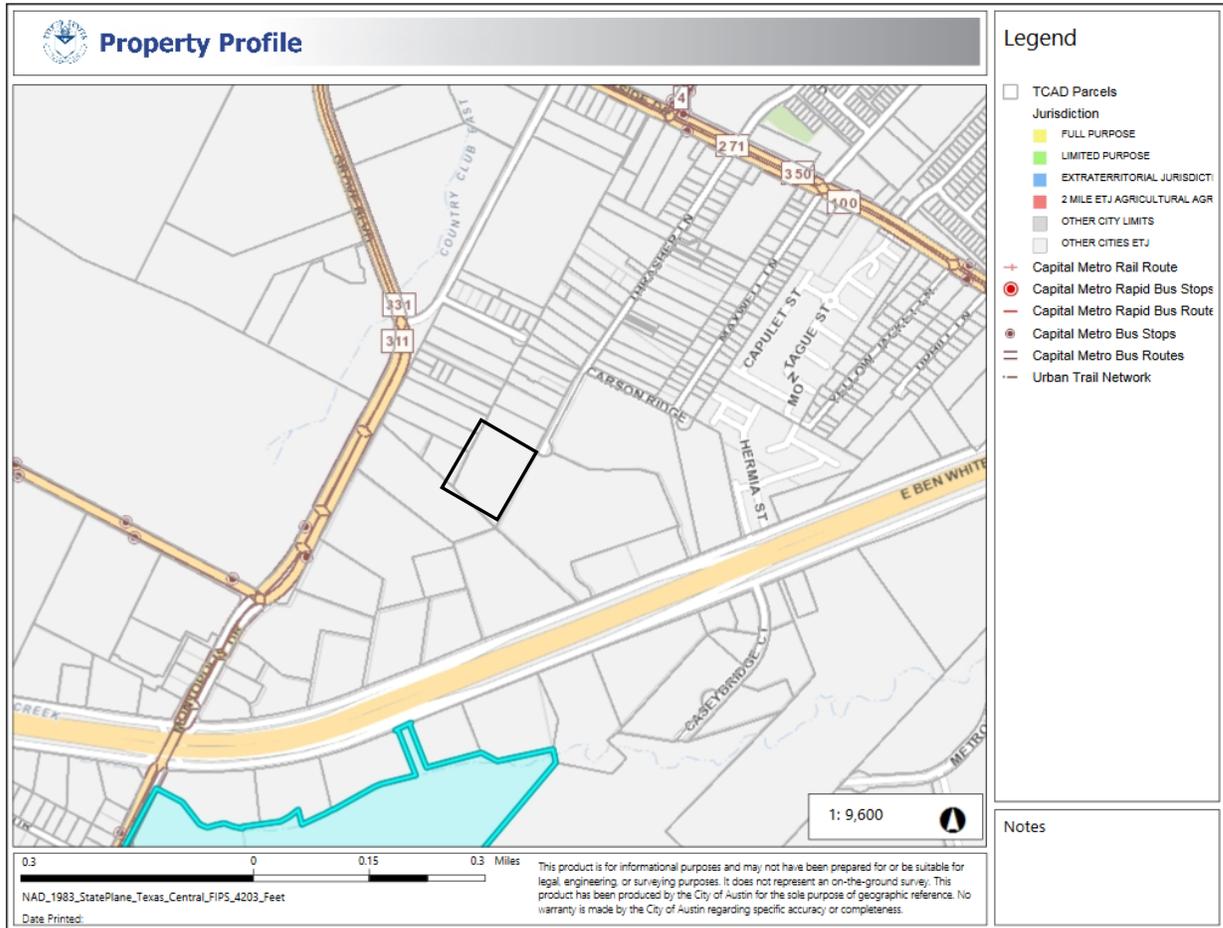
o *Not applicable.*

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.

o *Not applicable.*







IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

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

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

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

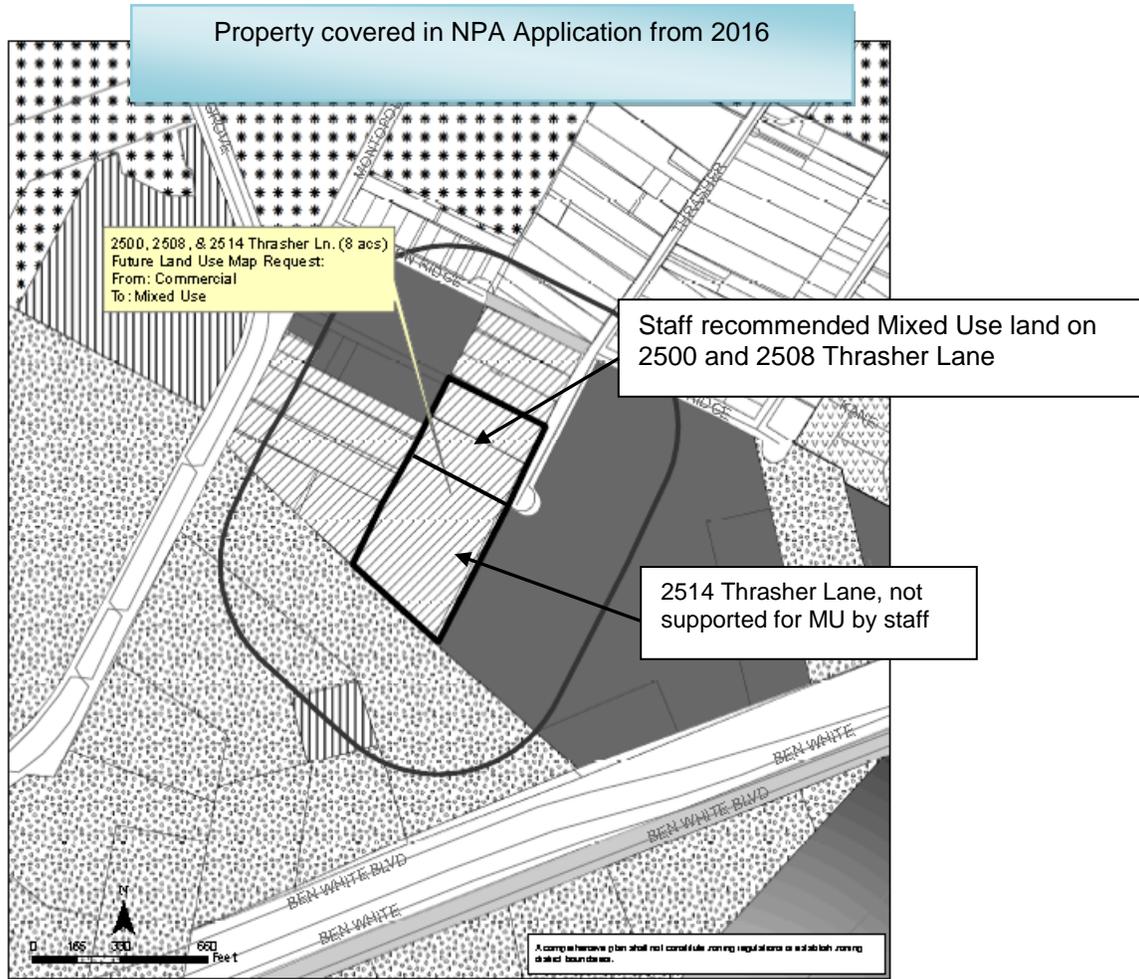
Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and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

BACKGROUND: The application was filed on July 1, 2016, which is 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.

This tract of land was originally part of a plan amendment and zoning change application that was filed on July 1, 2016, case number NPA-2016-0005.01 for property addresses 2500, 2508, and 2415 Thrasher Lane. Staff did not recommend a change to mixed use on tract 2514 Thrasher because it was adjacent to industrial land use and zoning; however, all three tracts of land were presented to Planning Commission and City Council for consideration.

On March 23, 2017, City Council approved support staff's recommendation for mixed use land for property located at 2500 and 2508 Thrasher Lane, which did not include a recommendation for Mixed Use land use for 2514 Thrasher Lane. Planning and Zoning Department takes the position that because City Council did not approve the applicant's request for mixed use land use on 2514 Thrasher Lane, that the Council by default denied the FLUM change because all three tracts of land were presented to Council, but Council chose to support staff's recommendation to not approve the FLUM change to Mixed Use on 2514 Thrasher Lane. Because the property at 2415 Thrasher Lane was effectively denied by Council, Article 16 of the Plan Amendment Ordinance states that the applicant could not submit a plan amendment application for Mixed Use land use for one year after the date denied by Council. The property owner wanted to submit a new NPA application for 2514 Thrasher Lane requesting a change in the FLUM from Commercial to Mixed Use, but staff and the City's Law Department said the owner had to wait until after March 23, 2018. The property owner disagreed and on August 31, 2017 City Council approved an ordinance to waive the one year waiting period. See Ordinance on page 11.



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

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

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

| Future Land Use | |
|-----------------|-------------------------------|
| | SDO 01, Notification Boundary |
| | Subject Property |
| | Single-Family |
| | Higher-Density Single-Family |
| | Commercial |
| | Mixed Use |
| | Specific Regulating District |
| | Major Planned Development |
| | Industry |
| | Club |
| | Transportation |
| | Utilities |

PUBLIC MEETINGS: The ordinance required community meeting was held on November 16, 2017. Approximately 94 meeting notices were mail to people who live or own property within 500 feet of the subject property, in addition to neighborhood organizations and environmental groups who requested notification for the area.

On the date of the meeting, other than one city staff member and the applicant’s agent, Leah Bojo, no one else attended the meeting. After waiting for 30 minutes, the city staff member and Ms. Bojo left the room.

CITY COUNCIL DATE:

February 1, 2018

ACTION:

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

EMAIL: maureen.meredith@austintexas.gov

Ordinance City Council approved to allow out-of-cycle plan amendment application

ORDINANCE NO. 20170831-061

AN ORDINANCE WAIVING CERTAIN CITY CODE SECTIONS IN TITLE 25 TO ALLOW REZONING AND NEIGHBORHOOD PLAN AMENDMENT APPLICATIONS TO BE PROCESSED FOR PROPERTY LOCATED AT 2514 THRASHER LANE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. This ordinance waives applicable procedures in Chapter 25-1 (*General Requirements and Procedures*) and Chapter 25-2 (*Zoning*) in order to facilitate potential action on a zoning case for property at 2514 Thrasher Lane (hereafter "The Property"), which was previously considered on March 23, 2017, thereby facilitating reconsideration of the case outside of generally applicable timelines.

PART 2. City Code Sections 25-2-247 (*Restrictions on New Applications*), 25-1-502 (*Amendment; Review*), and 25-1-804 (*Application to Amend Neighborhood Plan*) are waived, to the minimum extent necessary, to permit the applicant to file applications to rezone and amend the neighborhood plan for the Property prior to expiration of this ordinance.

PART 3. This ordinance expires on October 1, 2017.

PART 4. This ordinance takes effect on September 11, 2017.

PASSED AND APPROVED

_____ August 31, 2017

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§
§

Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk

Summary Letter Submitted by the Applicant

Leah Bojo
direct dial: (512) 807-2918
lbojo@drennergroupp.com

DRENNER
GROUP

September 26, 2017

Mr. Greg Guernsey
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: 2514 Thrasher– Rezoning and Neighborhood Plan Amendment application for the 4.99 acre property located at 2514 Thrasher Lane in Austin, Travis County, Texas (the “Property”)

Dear Mr. Guernsey:

As representatives of the owner of the Property, we respectfully submit the enclosed zoning and neighborhood plan amendment application package. The project is titled 2514 Thrasher, consists of 4.99 acres, and is located at 2514 Thrasher Lane. The Property is owned by Larry and Elizabeth Petree and is currently undeveloped. Ordinance 20170831-61 waives the applicable procedures in Chapters 25-1-804 and 25-2-247 to permit these applications to be processed. See attached.

The Property is zoned CS-CO-NP with the existing Conditional Overlay restricting the uses on the Property and limiting access to Thrasher Lane. This request is to rezone the Property from CS-CO-NP – Commercial Services – Conditional Overlay – Neighborhood Plan to CS-MU-NP – Commercial Services – Mixed Use – Neighborhood Plan zoning district to add the mixed use overlay allowing for the development of a multifamily residential project. The adjacent tracts are currently zoned for mixed use and rezoning the Property to CS-MU-NP is consistent with surrounding zoning and will allow the 4.99 acre tract to be developed as a residential project. We are aware of the hazardous materials stored on the Praxair site to the south and are willing to comply with the Austin Fire Department’s recommended buffer for residential units from that use.

A neighborhood plan amendment application is also being submitted to amend the Future Land Use Map for the 4.99 acre tract from Commercial to Mixed Use. The Property is designated as Commercial on the Montopolis Future Land Use Map. This request is to change the designation of the Property from Commercial to Mixed Use on the Montopolis Future Land Use Map to allow for multifamily development of the Property. This amendment supports the Montopolis Neighborhood Plan’s call for a mix of uses and for more housing units. This neighborhood plan amendment process will run concurrently with the rezoning process.

200 Lee Barton Drive, Suite 100 | Austin, Texas 78704 | 512-807-2900 | www.drennergroupp.com

September 26, 2017
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The Property is located in City Council District 3, in the Full Purpose Jurisdiction of the City of Austin, and within the Montopolis Neighborhood Planning Area. In conjunction with the rezoning request the Traffic Impact Analysis ("TIA") has been waived due to the traffic generated not reaching the thresholds required in the Land Development Code, see enclosed TIA waiver from Amber Mitchell dated July 25, 2017.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Leah M. Bojo
Drenner Group

cc: Jerry Rusthoven, Planning and Development Review Department *(via electronic delivery)*
Andrew Moore, Planning and Development Review Department *(via electronic delivery)*
Larry and Elizabeth Petree *(via electronic delivery)*

Letter from the Montopolis Neighborhood
Planning Contact Team

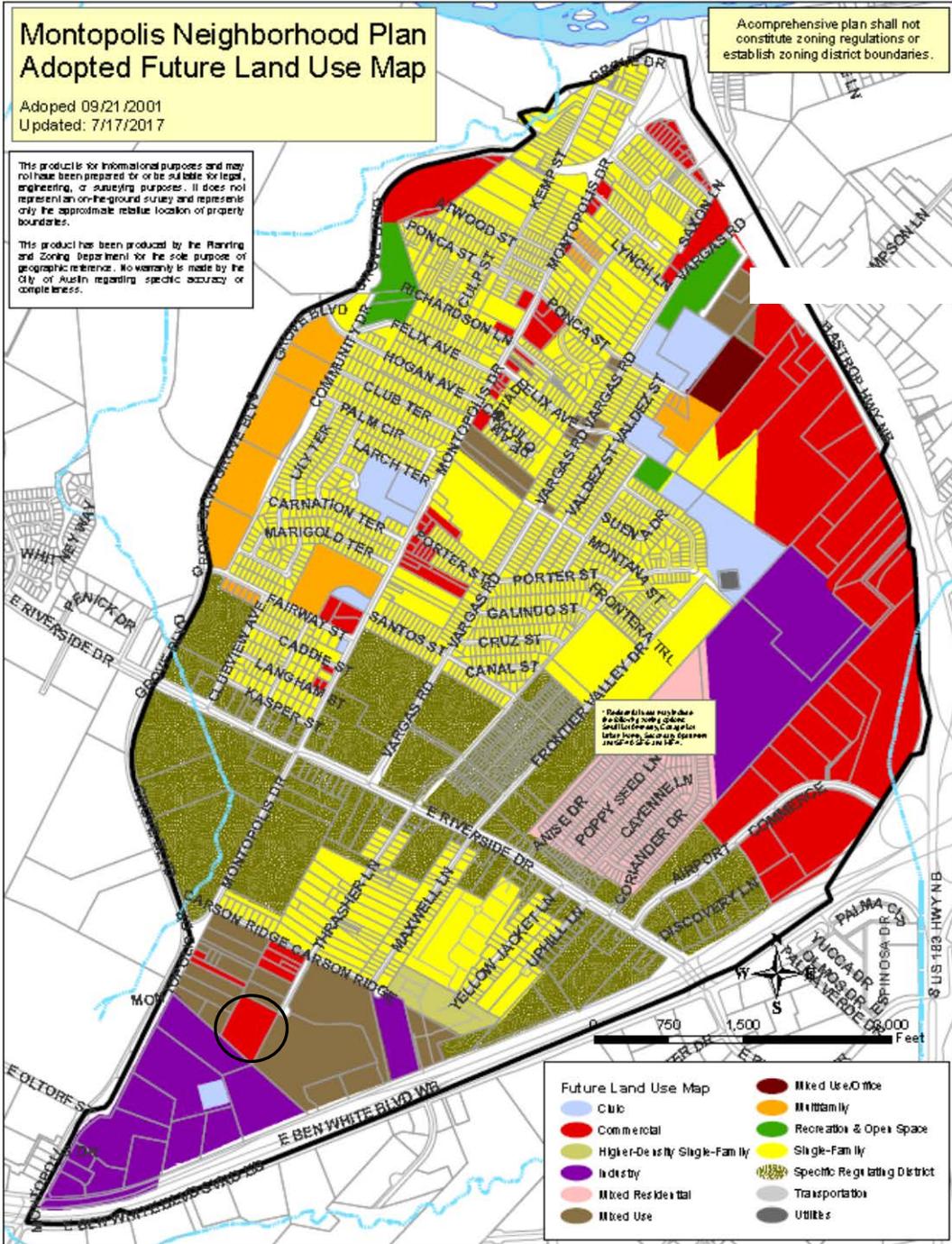
To: Planning Commission

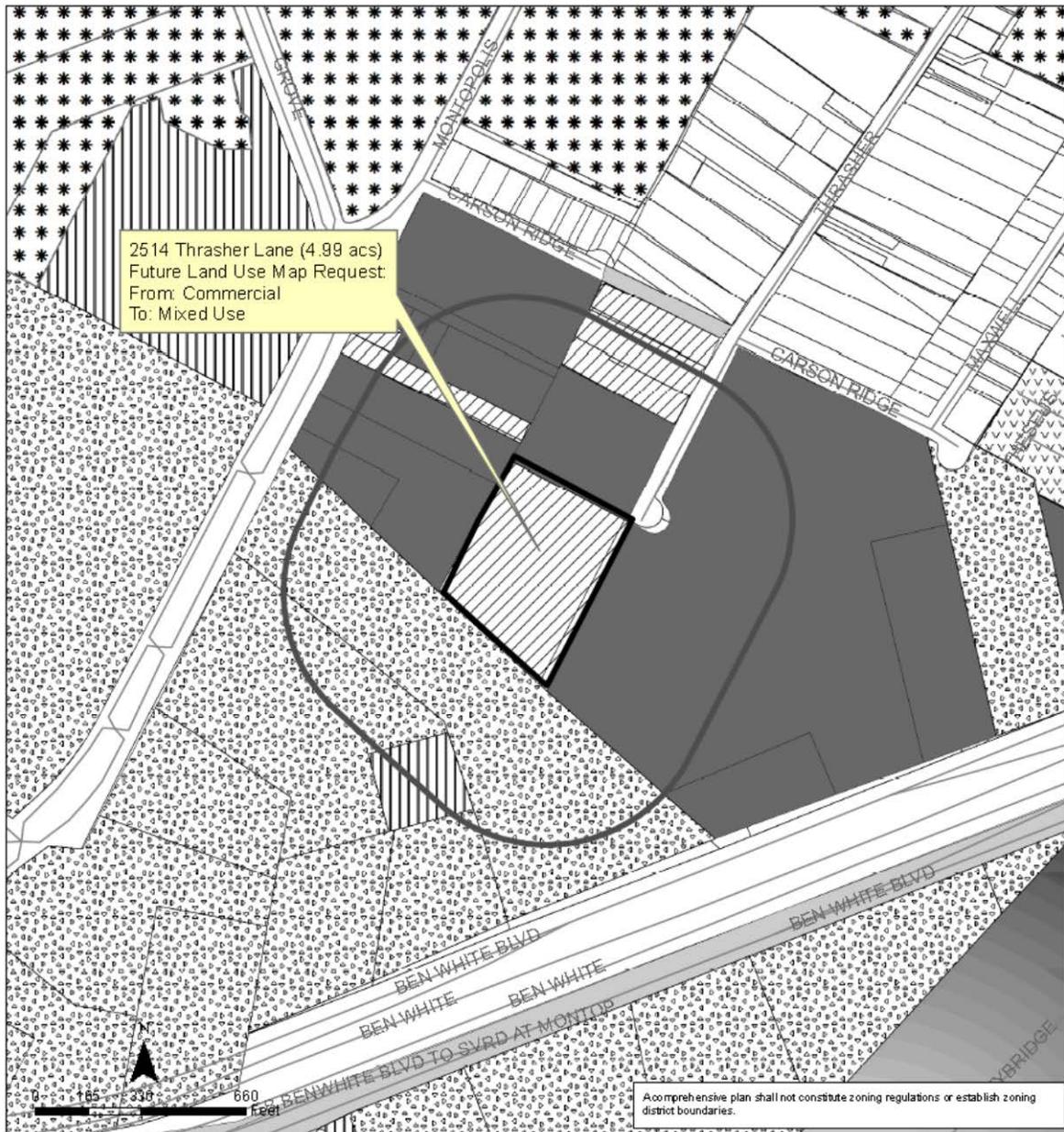
From: Montopolis Neighborhood Contact Team, Susana Almanza-President

Date: November 6th, 2017

RE: Zoning Change: Case C-14-2017-0125 & NPA-2017-0005.04 – 2514 Thrasher Lane.

The Montopolis Neighborhood Plan Contact Team met on October 30th, to discuss the above case and voted to approve the zoning change and Neighborhood Plan Amendment for 2514 Thrasher Lane. This approval is based solely with the understanding that this property will not have access through Thrasher Lane. The Montopolis Neighborhood Contact Team (MNPCT) is also requesting that drainage occurs through Montopolis Drive.





**Montopolis Neighborhood Planning Area
NPA-2017-0005.04**

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City of Austin
Planning and Zoning Department
Created on 10/19/2017, by: meredithm

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



