

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Govalle/Johnston Terrace Combined

CASE#: NPA-2019-0016.01

DATE FILED: July 25, 2019 (In-cycle)

PROJECT NAME: Shady Lane Mixed Use

PC DATE: June 23, 2020
May 26, 2020
May 12, 2020
March 24, 2020 (hearing canceled)
February 25, 2020
January 14, 2020
December 17, 2019

ADDRESS: 914 Shady Lane

DISTRICT AREA: 3

SITE AREA: 4.13 acs (Tract 1: 1.719 acres; Tract 2A: 1.145 acres, Tract 2B: 1.271 acres)

OWNER/APPLICANT: Kimberly Beal and Stephanie Scherzer

AGENT: Glasco Consulting (Alice Glasco)

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

STAFF EMAIL: Maureen.meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation:

From: Water & Single Family

To: Higher Density Single Family &
Neighborhood Mixed Use (*as amended*)

Base District Zoning Change:

Related Zoning Case: C14-2019-0098

From: SF-3-NP

To: SF-6-NP & LR-MU-NP (*as amended*)

NEIGHBORHOOD PLAN ADOPTION DATE: March 27, 2003

PLANNING COMMISSION RECOMMENDATION:

June 23, 2020 – Approved for Higher Density Single Family and Neighborhood Mixed Use after discussion. [C. Llanes Pulido – 1st; A. Azar – 2nd] Vote: 12-0 [P. Seeger absent]

May 26, 2020 – Postponed to June 23, 2020 on the consent agenda at the request of the neighborhood. [C. Hempel – 1st; R. Schneider – 2nd] Vote: 12-0 [C. Llanes Pulido absent. J. Shieh recused from Item B-5. F. Kazi recused from Item B-10].

May 12, 2020 – Postponed to May 26, 2020 on the consent agenda at the request of the Govalle/Johnston Terrace Neighborhood Plan Contact Team. [P. Seeger – 1st; G. Anderson – 2nd] Vote: 13-0.

March 24, 2020 – Public Hearing Canceled. No action taken.

February 25, 2020– Postponed to March 24, 2020 on the consent agenda at the request of the Applicant. [R. Schneider – 1st; C. Kenny – 2nd] Vote: 12-0 [J. Shieh absent].

January 14, 2020 – Postponed on the consent agenda to February 25, 2020 at the request of the applicant. [J. Thompson – 1st; C. Kenny – 2nd] Vote: 9-0 [A. Azhar, C. Hempel, C. Llanes-Pulido and P. Seeger absent].

December 17, 2019 – Postponed to January 14, 2020 at the request of staff. [P. Howard – 1st; Y. Flores – 2nd] Vote: 10-0 [G. Anderson, C. Llanes-Pulido, T. Shaw absent].

STAFF RECOMMENDATION: Staff recommends the applicant’s request for Higher Density Single Family on Tract 1 and Neighborhood Mixed Use land use on Tract 2.

BASIS FOR STAFF’S RECOMMENDATION: Staff recommends the applicant’s request for Higher Density Single Family on Tract 1 because there is single family land use to the north of Boggy Creek and to the west with Civic land use to the south. Higher Density Single Family is appropriate in this location.

Staff recommends Neighborhood Mixed Use land use on Tract 2 because this Tract is across the street from residential and office uses and would provide the opportunity for small-scale, neighborhood-friendly commercial, office and residential uses.

The Govalle/Johnston Terrace Neighborhood Plan supports compatible and varied land uses, in addition to neighborhood-scale developments, which staff believes these land uses meet these goals.

Land Use Goals

Goal 1: **Adjacent land uses should be compatible.** (Sector Plan)²

Key Principles: Address the "over-zoning" of properties in the Govalle/Johnston Terrace Neighborhood Planning Area. (Sector Plan and modified by Gov/JT)

Non-residential development should not adversely affect existing businesses or neighborhoods, either by increases in traffic, noise, pollutants, or other safety hazards. (Sector Plan)

Goal 2: **Preserve and protect current and future single-family neighborhoods.** (Gov/JT)

Key Principles: Initiate appropriate rezoning to preserve and protect established and planned single-family neighborhoods. (Gov/JT)

Encourage higher density residential developments to locate near major intersections, and in locations that minimize conflicts with lower density single-family neighborhoods. (Sector Plan)

Encourage higher density non-residential land uses to locate near major intersections and in industrial districts/business parks. (Sector Plan)

Goal 3: **Develop a balanced and varied pattern of land use.** (Sector Plan)

Key Principles: Provide a balance of land use and zoning for people to both live and work in the area. (Gov/JT)

Encourage mixed use so that residential uses are allowed on some commercial properties. (Gov/JT)

Provide opportunities for land uses that serve the needs of daily life (live, work, play, shop) in a convenient and walkable environment. (Gov/JT)

Goal 4: **Create and preserve a sense of "human scale" to the built environment of the neighborhood.** (Gov/JT)

Key Principles: Ensure that new development and redevelopment respects the existing scale and character of the planning area. (Gov/JT)

Housing

Goal 5:	Maintain an affordable and stable housing stock. (Sector Plan)
Key Principles:	Provide a diverse range of housing opportunities for all stages of life and income levels. (Sector Plan and modified by Gov/JT) Increase home ownership opportunities. (Sector Plan) Encourage the development of affordable single-family and multi-family units on vacant tracts in established neighborhoods. (Sector Plan)

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Single family - Detached or two family residential uses at typical urban and/or suburban densities.

Purpose

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

Application

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

Water - Any public waters, including lakes, rivers, and creeks.

Purpose

1. Identify and preserve existing water features.

Application

1. Generally applies to any water feature, including lakes, creeks, rivers, and water courses; and
2. Not intended to be a prescriptive land use category, but an accurate reflection of future land use where water features are present.

PROPOSED LAND USES ON THE PROPERTY

Higher Density Single Family - Is housing, generally up to 15 units per acre, which includes townhouses and condominiums as well as traditional small-lot single family.

Purpose

1. Provide options for the development of higher-density, owner-occupied housing in urban areas; and
2. Encourage a mixture of moderate intensity residential on residential corridors.

Application

1. Appropriate to manage development on major corridors that are primarily residential in nature, and
2. Can be used to provide a buffer between high-density commercial and low-density residential areas.
3. Applied to existing or proposed mobile home parks.

Neighborhood Mixed Use - An area that is appropriate for a mix of neighborhood commercial (small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale) and small to medium-density residential uses.

Purpose

1. Accommodate mixed use development in areas appropriate for a mix of residential uses and neighborhood commercial uses that serve surrounding neighborhoods; and
2. Provide transition from residential use to high intensity commercial or mixed use.

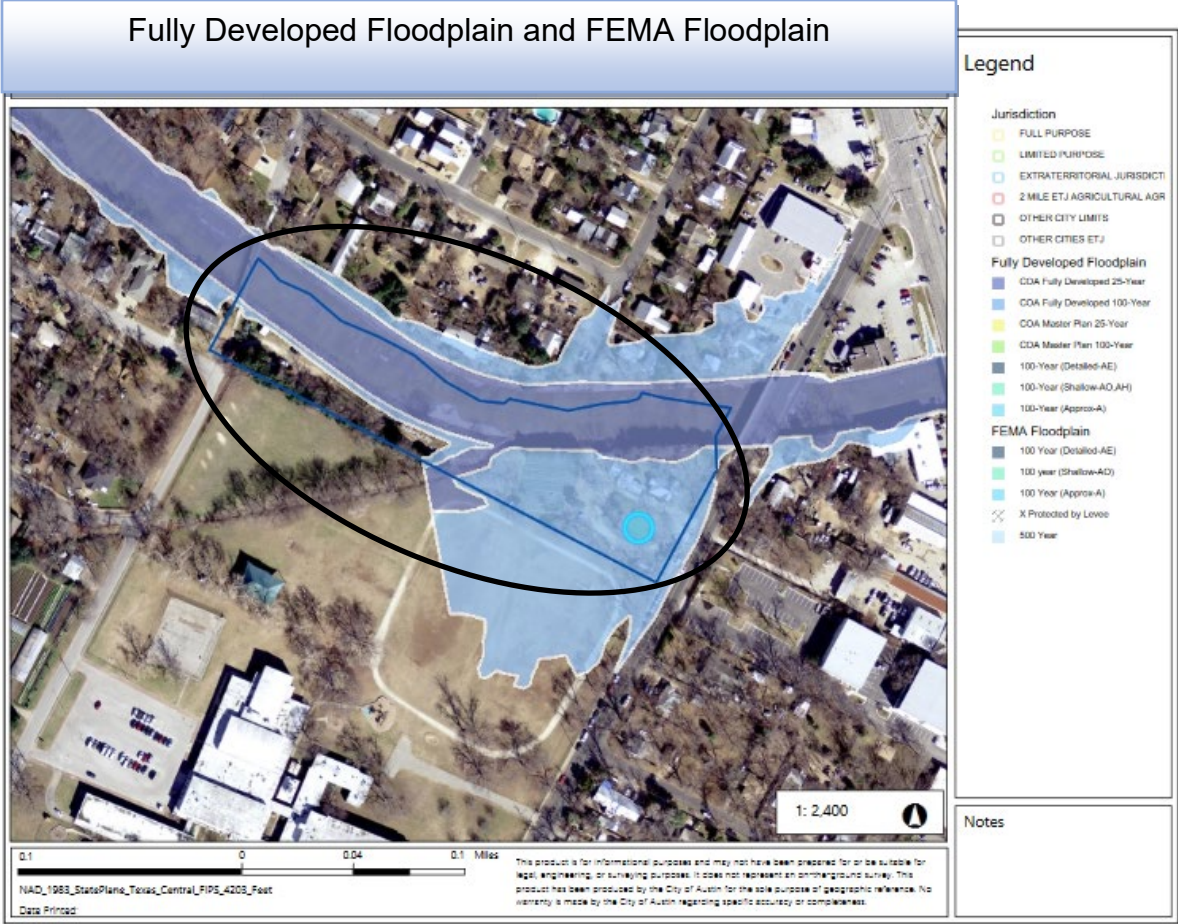
Application

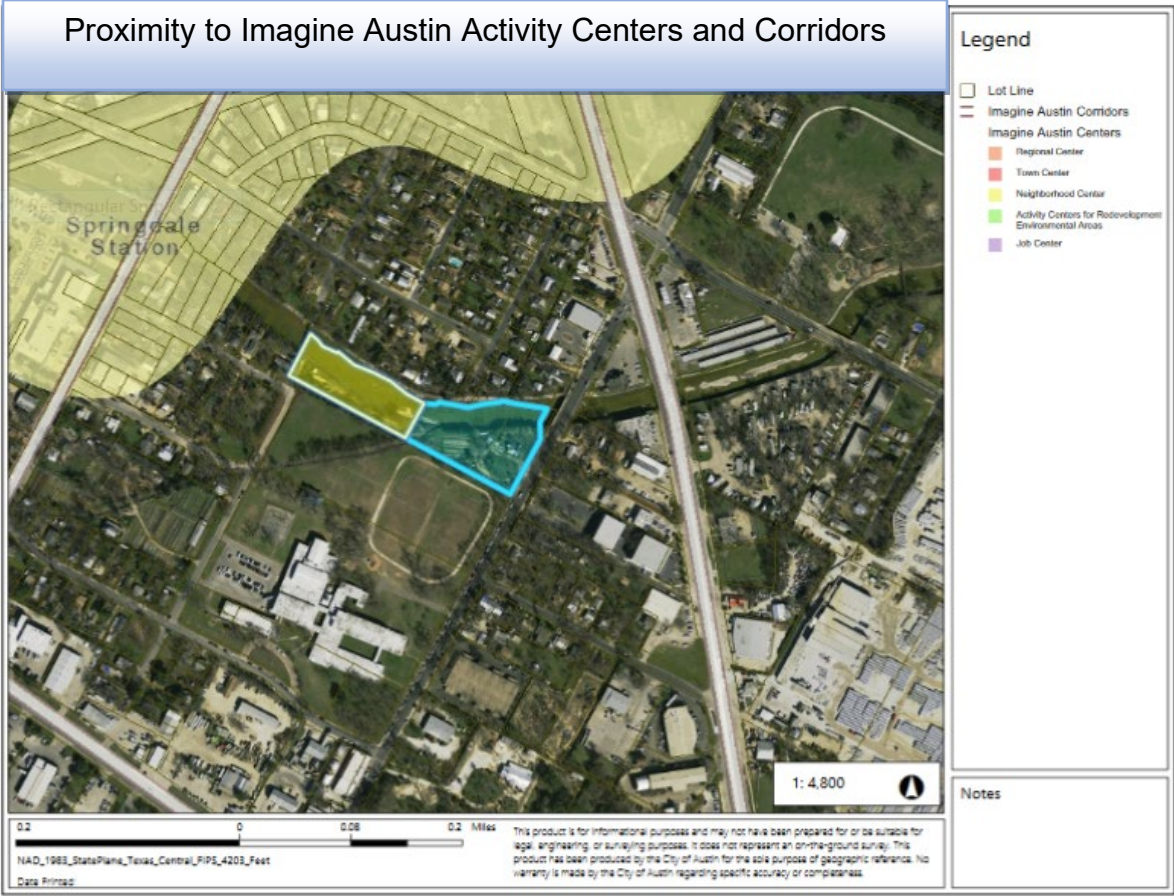
1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single-family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used as a transition from high intensity commercial and residential uses to single-family residential uses.

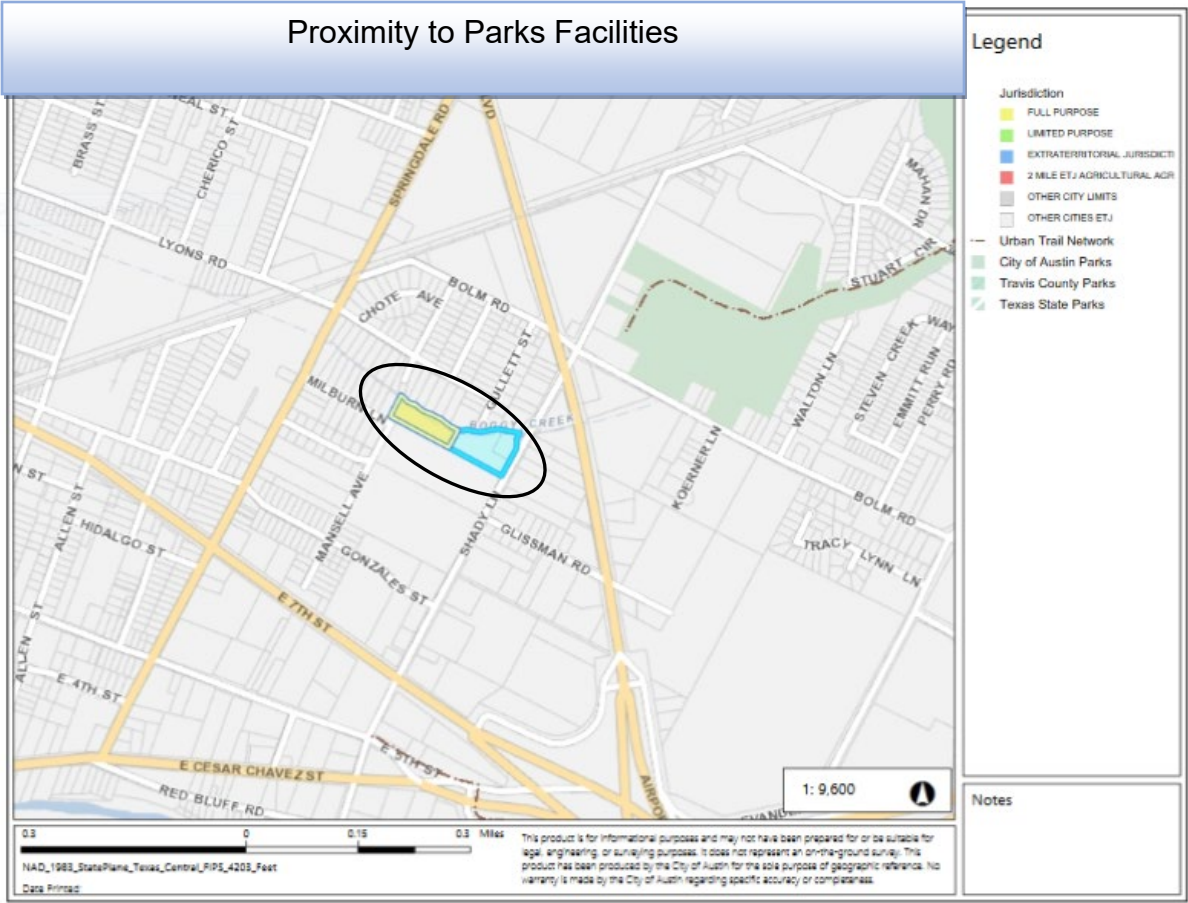
IMAGINE AUSTIN PLANNING PRINCIPLES

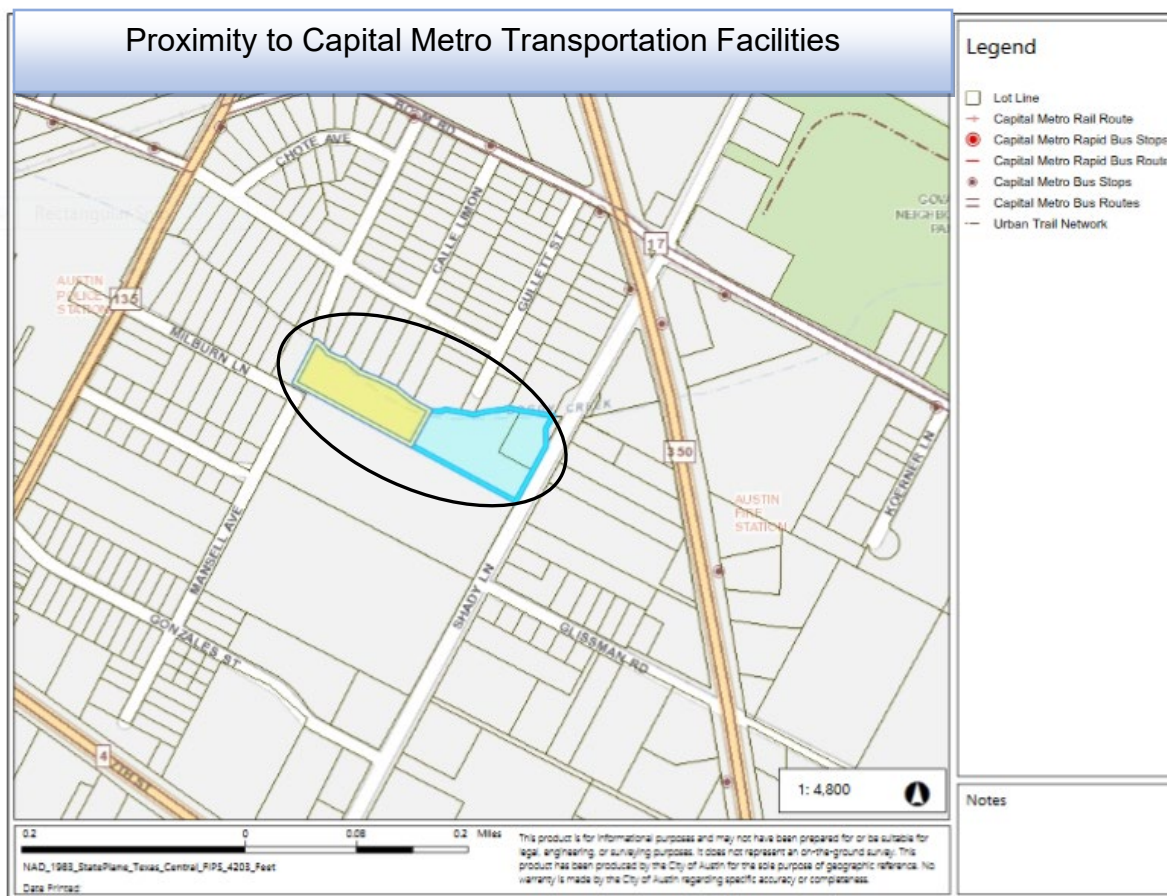
1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - ***The property is near Capital Metro bus routes and is within walking distance to a number of businesses and services. The land uses could accommodate zoning that would provide a mix of housing types for a variety of incomes.***
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 between Springdale Station Activity Center and Airport Blvd which is an Activity Corridor on the Imagine Austin Growth Concept Map.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - ***Because the property is not located on an activity corridor or within an activity center, Neighborhood Mixed Use is an appropriate land use along Shady Lane.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - ***The Higher Density Single Family and Neighborhood Mixed Use land use would provide the opportunity to expand the number and variety of housing choices.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - ***High Density Single Family and Neighborhood Mixed Use land is compatible for this location.***
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 in the Edwards Aquifer Recharge zone, but much of the property is within the City of Austin Fully Developed 25-year Floodplain.***

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 located on the south side of Boggy Creek and has a significant amount of the land within the flood plain. See map below.***
8. Protect, preserve and promote historically and culturally significant areas.
 - ***To the best of staffs' knowledge, there are no historic or cultural aspects to the property.***
9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - ***Not directly 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.***









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 25, 2019, which is in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The applicant proposes to change the future land use map from Water and Single Family to Higher Density Single Family and Neighborhood Mixed Use to build condos/duplexes and a commercial use on the property that has frontage on Shady Lane.

The applicant has an associated zoning case where they propose the change the zoning from SF-3-NP to SF-6-NP and *CS-MU-NP. Please see zoning case report C14-2019-0098 for more information on the zoning case. (*Note: On April 7, 2020 the applicant amended their application to a proposed zoning change request to LR-MU-NP).

PUBLIC MEETINGS: The ordinance-required community meeting was held on September 23, 2019. Approximately 252 meeting notices were mailed to people who live or have a utility account within 500 feet of the property, in addition to neighborhood organizations and environmental groups who requested notification for the area. Fifteen people attended the meeting, in addition to Alice Glasco, the applicant's agent, the two property owners, and one city staff member.

After staff gave a brief presentation about the applicant's request and the planning process in general, the owners made a presentation and then questions were asked.

Kim Beal, one of the property owners, said they bought the property 17 years ago. Shady Lane is now a commercial street with a lot of cars on it. They have had cats killed and now they have small children. We now have a vision for the property. We met with the Govalle/Johnston Terrace Neighborhood Plan Contact Team and they thought it could be commercial uses on the front part near Shady Lane and the back part proposed for residential. Kim said they are proposing three duplexes and they want to live in one of them. We want to live in the neighborhood. The two tracts are separated by a creek, so you cannot drive between them.

Q. I see from your plan you are proposing four buildings.

A. Yes, but it's conceptual.

Q. What is the proposed building height?

A. Three to four stories.

Q. What about the Atlas Flood Plain Maps?

A. The new flood plain maps cover more area. The new building would be in the 500 year flood plain. The building would have to be raised up two feet. The building height could be 32 -40 feet, but subject to compatibility. All the property along Shady Lane with CS zoning has a maximum height of 60 feet.

Q. You talked about Shady Lane having lots of cars and it being dangerous for pets and children, but how could your proposed rezoning make it safer?

A. We will have off-street parking, so we won't have cars parking on the street.

Q. Are you developing the property yourself?

A. We had a retirement community interested. The developer wanted to build four stories. We are interested in options that work for the neighborhood and for us. The front part proposed for commercial could be a joint venture, we could provide the land. We could have more control, but no one wants to talk to us because we don't have commercial zoning.

Q. We realize things change and people can say they will build something. Does your zoning regulate the impervious cover?

A. Yes, the zoning covers impervious cover and also the affected by the flood plain watershed.

Q. If you plan to live in one of the units on the property and the back part of the property is better to build on, why not just expand to live on the back part?

A. The house we have now is small, about 1200 sq. ft. It's too small for four people. The property is just too big for us to maintain and to pay taxes on. We need a more manageable space.

Q. What's on the property now?

A. There's a house, two trailers, a shed and some farm tools.

Q. What is the size of the three building in the back?

A. Maybe 4,000 sq. ft, but we don't know for sure. It would fall under the McMansion Ordinance.

Q. People ask for SF-6 zoning a lot, but they don't ask for SF-3 zoning. Why not ask for SF-3 zoning?

A. The property is currently zoned SF-3. The subdivision rules require subdivided land with each lot having access to a public street. The three lots don't have enough street frontage. SF-6 zoning allows a condo regime and we don't need to subdivide.

Q. Will your rezoning increase my taxes?

A. Your taxes should be frozen because you're older than 65.

Q. Will you have a maximum of 30 dwelling units?

A. We couldn't really fit that many dwelling units.

Q. The CS-MU zoning could be all office or commercial?

A. Yes, but we are limited to the allowable height.

Q. Will the school remain?

A. As far as we know.

Q. Why can't you subdivide it into three lots?

A. We can't do flag lots.

Q. You said a creek goes through this property, but this could be the last natural creek. I would hate for this to decrease the last part of a natural creek that has ducks.

A. The Watershed Department is there to help protect this. If we get the zoning, we must meet all regulations during the site plan review. All environmental features must be protected.

Q. I called the City for speed bumps on Bolm Road because we will have lots of traffic. The City said it would slow down emergency vehicles.

A. I will talk to the City and Public Works staff and look into it. Maybe we will have live/work units where people won't have to drive.

Q. Are you going to build it anyway?

A. We don't have the zoning to build, which is why we submitted the zoning case.

Q. Someone could purchase the farm from you and you could live in the back of the property.

A. We lost money on the urban farm, it's not really something people want to do.

Q. Could both tracts be SF-6?

A. CS-MU could also have SF-6 housing built on it.

Q. Maybe you could ask for MF zoning instead?

A. We will look at this, but MU allows for multifamily uses.

Q. Is the property listed for sale?

A. We've had limited interest for a restaurant and farm, but it didn't work out, but we have not listed it yet.

Q. Is there other zoning you would be willing to look at that would allow only affordable housing or senior housing. It would put some constraints on it. CS-MU would allow a lot of stuff.

A. We will look at MF zoning and possible conditional overlay to prohibit uses.

Q. Maybe you could sell on property but keep the other for yourself to build a home one.

A. There is commercial surrounding us. We either control what goes there or we sell it and someone else profits from it. We don't know how much land we have to sell because of the creek issue. The road to the west does not belong to the City, it belongs to AISD. We don't want to sell two single family lots.

Q. Can you split the property into two SF-3 lots?

A. We already have SF-3 zoning on the two lots. We don't want to pay the money to expand. It's not really livable. This is an opportunity zone. This is a way to bring public and private investors where people are looking to invest. We met with five groups of investors where we told them the neighborhood's needs such as access to health care, food, etc. I can't handle these three acres of land anymore. We are investing in the neighborhood and I would like to hear what you'd like to see here so we can be good stewards.

Comments:

- We lived in our house for 37 years. Shady Lane is like a race track and we tried to get speed bumps. This is caused by development in the neighborhood.

- I live on the property in one of the trailers. I know Kim and Stephanie's dedication to the land and they've turned it into a beautiful urban space. They love this land and the neighborhood. The neighborhood has changed. Adding more houses to the property would be a good thing. They are not in it for a quick buck. They are committed to what happens. Zoning to commercial would allow flexibility to what's possible.
- It's hard to say what we want on the property because we really want less traffic, less cars. There's so much development going around the area with more apartments.
- My concern is about noise. I don't want noise from a restaurant.
- We want affordable housing, not housing that crams as many people onto the property.
- There are small businesses being replaced. This would be a good location for small businesses.

CITY COUNCIL DATE:

ACTION:

January 23, 2020

ACTION: Postponed to March 26, 2020 at the request of staff on the consent agenda.

[A. Kitchen – 1st; A. Alter – 2nd] Vote 9-0 [J. Flannigan off the dais. Mayor Adler absent].

March 26, 2020

ACTION: Postponed to April 23, 2020 at the request of staff on the consent agenda. [L. Pool – 1st; J. Flannigan – 2nd] Vote: 11-0.

April 23, 2020

ACTION: Postponed to May 21, 2020 at the request of staff. [P. Ellis – 1st; D. Garza -2nd. Vote 11-0

May 21, 2020

ACTION: Postponed to June 11, 2020 at the request of staff.

June 11, 2020

ACTION: Postponed to July 30, 2020 at the request of staff.

July 30, 2020

ACTION: (PENDING)

ALICE GLASCO CONSULTING

alice@agconsultingcompany.com* Tel. 512-231-8110

July 22, 2019

Mr. Greg Guernsey, Director
Neighborhood Planning and Zoning Department
505 Barton Spring Road, Suite 500
Austin, Texas 78704

RE: Govalle /Johnson Terrace Combined Neighborhood Plan Amendment and rezoning
for 914 Shady Lane

Dear Greg:

I represent Kimberly Beal and Stephanie Scherzer, the owners 914 Shady Lane in a request to amend the Future Land Use Map (FLUM) of the Govalle /Johnson Terrace Combined Neighborhood Plan and associated rezoning.

The property is currently zoned SF-3-NP. Our request is to change the FLUM from Single Family and Water to Higher-Density Single Family for tract 1, and Mixed Use for tract 2.

The majority of the subject property was erroneously designated as WATER when the neighborhood plan was initially adopted in 2003. The site has a single family house built in 1942 according to TCAD records and this portion of the site is designated as Single Family on the FLUM. The site, which comprises 4.134 acres, is also used as an urban farm and includes a concrete drainage easement which we believe, resulted in the erroneous designation of the majority of the site as WATER on the FLUM.

JUSTIFICATION FOR A PLAN AMENDMENT

1. A change to the FLUM would accomplish two things: correct a map error and allow for the rezoning of the site to allow residential and commercial uses.
2. The proposed amendment is consistent with the goals and objectives of the neighborhood plan. The land use goal and key principles that support our plan amendment request are as follows: Land Use Goal # 3: Develop a balanced and varied pattern of land use.

Mr. Greg Guernsey
RE: Govalle /Johnson Terrace Combined Neighborhood Plan Amendment and rezoning
for 914 Shady Lane

Key Principles

- Provide a balance of land use and zoning for people to both live and work in the area.
- Encourage mixed use so that residential uses are allowed on some commercial properties.
- Provide opportunities for land uses that serve the needs of daily life (live, work, play, shop).
- 3. The NPA is consistent with Imagine Austin Comprehensive Plan's policy – LUT P7, which states: encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

We look forward to a positive staff recommendation. Please let me know if you have any questions or need additional information.

Sincerely,



Alice Glasco, President
Alice Glasco Consulting

Cc: Maureen McCreddith, Neighborhood Planner

Applicant's Letter Revising Applications

From: Alice Glasco [mailto:alice@agconsultingcompany.com]
Sent: Tuesday, April 07, 2020 3:51 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Daniel Llanes - Govalle NPA
Subject: 914 Shady Lane Rezoning and NPA Cases

*** External Email - Exercise Caution ***

Dear Heather and Maureen,

When do you plan on rescheduling the 914 Shady cases? I am asking because I would like to amend the rezoning for **Tract 2 from CS-MU-NP to LR-MU-NP** so the notices will reflect the change. The request for Tract 1 will remain the same – **i.e. SF-6-NP.**

Compromise with Contact Team & Immediate Neighbors: The attached zoning map reflects the compromise zoning reached by the neighbors and the contact team on March 7, 2020. The area highlighted in yellow is SF-6-NP and the area highlighted in red is LR-MU. The compromise zoning is subject to the petition being withdrawn.

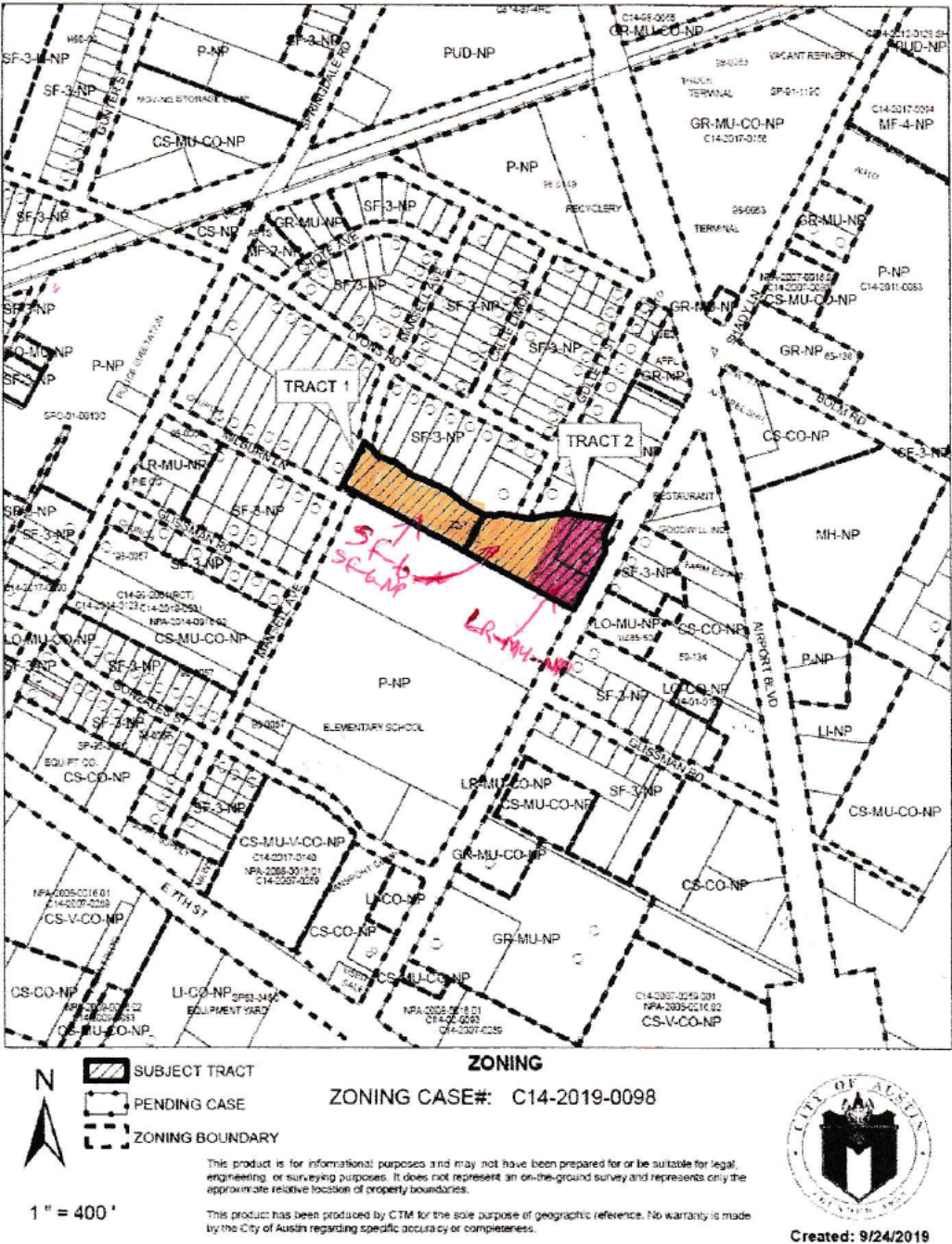
New public hearing notice: the new public hearing notice should reflect the staff recommendation/applicant's amended rezoning of: Tract 1(SF-6) and Tract 2(LR-MU-NP) and not the compromise since that is subject to the petition being withdrawn.

Thank you!

=====

Alice Glasco, President
Alice Glasco Consulting
512-231-8110 W
512-626-4461 C
Email: alice@agconsultingcompany.com

Attachment Map to Alice Glasco's Email Amending Applications



Letter of Recommendation from the Govalle/Johnson
Terrace Neighborhood Plan Contact Team (NPCT)

Govalle/Johnston Terrace Neighborhood Plan Contact Team
“Strength Through Unity”

To: Austin Planning Commission and City Council
From: G/JTNP Contact Team
RE: NPA-2019-0016.01 and C14-2019-0098 - 914 Shady Ln

Commissioners and Council members,

Please accept this letter on behalf of the **Govalle/Johnston Terrace Neighborhood Plan Contact Team**. After approximately 10 months of talks and negotiations with the applicant:

The Govalle/Johnston Terrace Neighborhood Plan Contact Team supports:

the valid petition

OR

The compromise agreement (agreement & map included) if the petition signers agree to withdraw the valid in favor of this compromise [agreement](#).

Please feel free to reach out to me with and further questions or comments regarding this case.

Thank you,

Daniel Llanes, Chair
G/JTNP Contact Team
512-431-9665

Govalle/Johnston Terrace Neighborhood Plan Contact Team
"Strength Through Unity"

Compromise Agreement 6/22/2020
Between

G/JTNP Contact Team & RainLily Farm

NPA-2019-0016.01 and C14-2019-0098 - 914 Shady Ln

Tract 2B (LR-MU-NP)

1. Minimum 8' tall above the finished grade of any parking lots opaque fence to block out vehicular traffic lights, reduce noise and to provide visual screening on the northern property line (which is in the creek, therefore we'd want the fence to be on the upper bank of the southern side of the creek, which is the top of the gabions).

2. Minimum 10' Creek Buffer to begin at the top of the gabions due south and along the northern side of the property (southern side of the creek). The creek buffer is to be fully vegetated per COA Environmental Criteria Manual SECTION 2 - LANDSCAPE 2.9.0 - SCREENING STANDARDS 2.9.1 – General - and is to include a diverse mix of native trees, shrubs, and groundcover. This buffer is to be maintained by the property owner, including annual removal of invasive species, and replacement of any sections that have declined due to drought, flooding, or misuse. The buffer zone is to be kept free of litter/debris at all times unless conditions within a utility easement or other easements supersede this requirement.

3. Vegetative Buffer (that meets City Screening Standards) along the creek side (northern side of property, southern side of the creek), along the fence, unless conditions within a utility easement or other easements supersede this requirement.

4. No service station.

5 No 24-hour businesses as per City code.

6. Prohibit consumer convenience use.

7. All required parking should be on site, includes parking reduction as allowed by code.

8. No "big box" retail stores (like Best Buy)

.....
Tract 2A (SF-6-NP)

1. Minimum 8' tall above the finished grade of any parking lots opaque fence to block out vehicular traffic lights, reduce noise and to provide visual screening on the northern property line (which is in the creek, therefore we'd want the fence to be on the upper bank of the southern side of the creek).

2. Minimum 10' Creek Buffer to begin at the top of the gabions due south and along the northern side of the property (southern side of the creek). The creek buffer is to be fully vegetated per COA Environmental Criteria Manual SECTION 2 -

LANDSCAPE 2.9.0 - SCREENING STANDARDS 2.9.1 -General- and is to include a diverse mix of native trees, shrubs, and groundcover. This buffer is to be maintained by the property owner, including annual removal of invasive species, and replacement of any sections that have declined due to drought, flooding, or misuse. The buffer zone is to be kept free of litter/debris at all times unless conditions within a utility easement or other easements supersede this requirement.

3. Vegetative Buffer (that meets City Screening Standards) along the creek side (northern side of property, southern side of the creek), along the fence, unless conditions within a utility easement or other easements supersede this requirement.

Tract 1 (SF-6-NP)

In the past, the Contact Team and the Neighborhoods have not supported a higher up zoning beyond SF-4 on SF-3 tracks. The Neighborhood is unwilling to set precedent on this track by changing from the SF-3 designation without condition. Agreed to SF-6 if for track #1 with the following conditions:

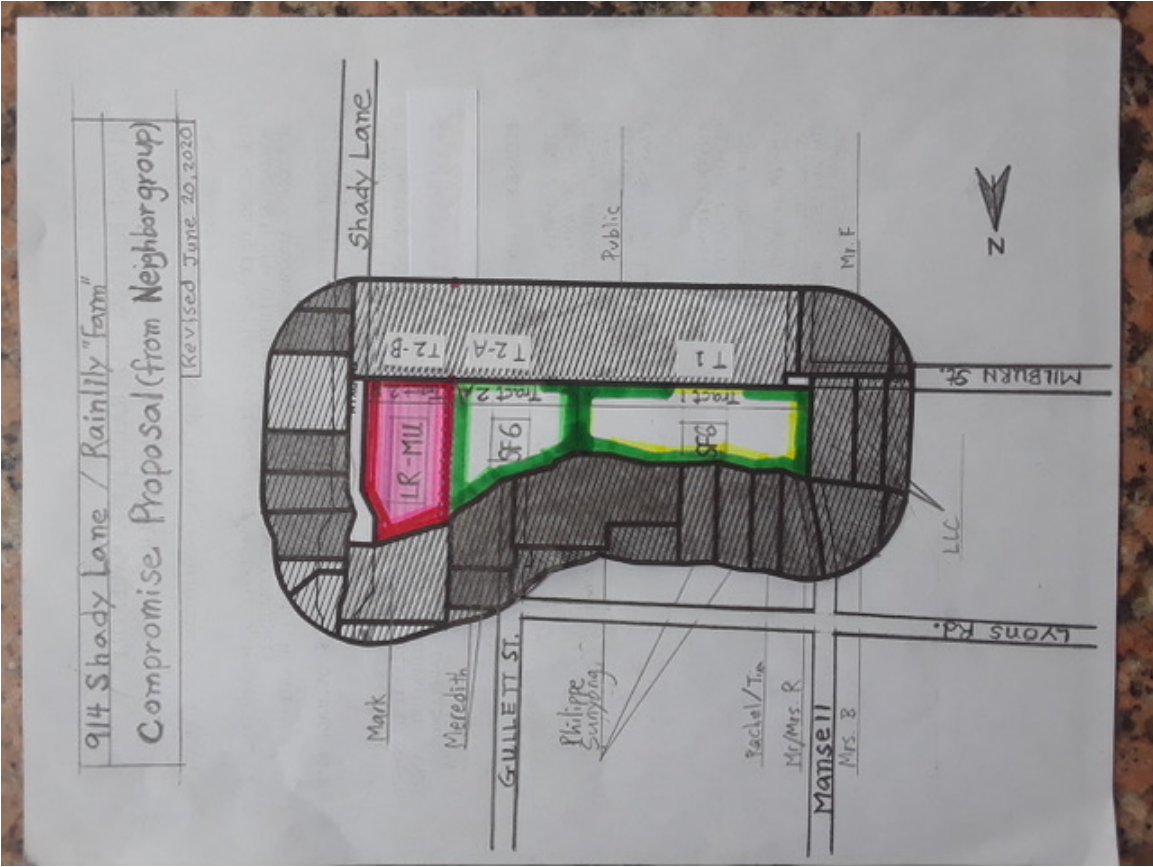
1. Adheres to SF-3 density and site development standards as part of a Conditional Overlay or a Restrictive Covenant.
2. No roadway or vehicular bridge over the creek between tracts 1 and 2.
3. Minimum 8' tall above the finished grade of any parking lots opaque fence to block out vehicular traffic lights, reduce noise and to provide visual screening on the northern property line (which is in the creek, therefore we'd want the fence to be on the upper bank of the southern side of the creek).
4. Minimum 10' Creek Buffer to begin at the top of the gabions due south and along the northern side of the property (southern side of the creek). The creek buffer is to be fully vegetated per COA Environmental Criteria Manual SECTION 2 - LANDSCAPE 2.9.0 - SCREENING STANDARDS 2.9.1 – General- and is to include a diverse mix of native trees, shrubs, and groundcover. This buffer is to be maintained by the property owner, including annual removal of invasive species, and replacement of any sections that have declined due to drought, flooding, or misuse. The buffer zone is to be kept free of litter/debris at all times unless conditions within a utility easement or other easements supersede this requirement.
5. Vegetative Buffer (that meets City Screening Standards) along the creek side (northern side of property, southern side of the creek), along the fence, unless conditions within a utility easement or other easements supersede this requirement.

Map: Reflects the compromise zoning:

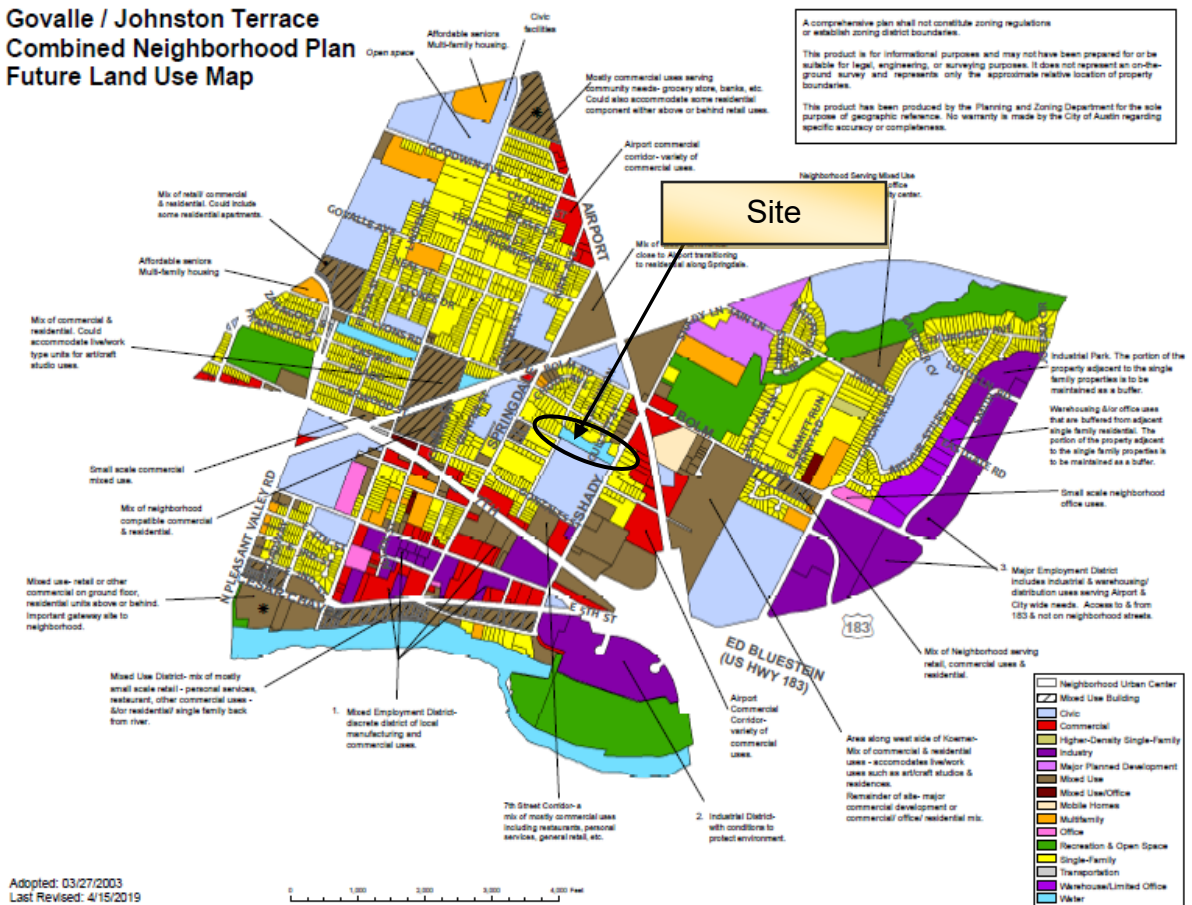
Tract 1 (SF-6-NP)

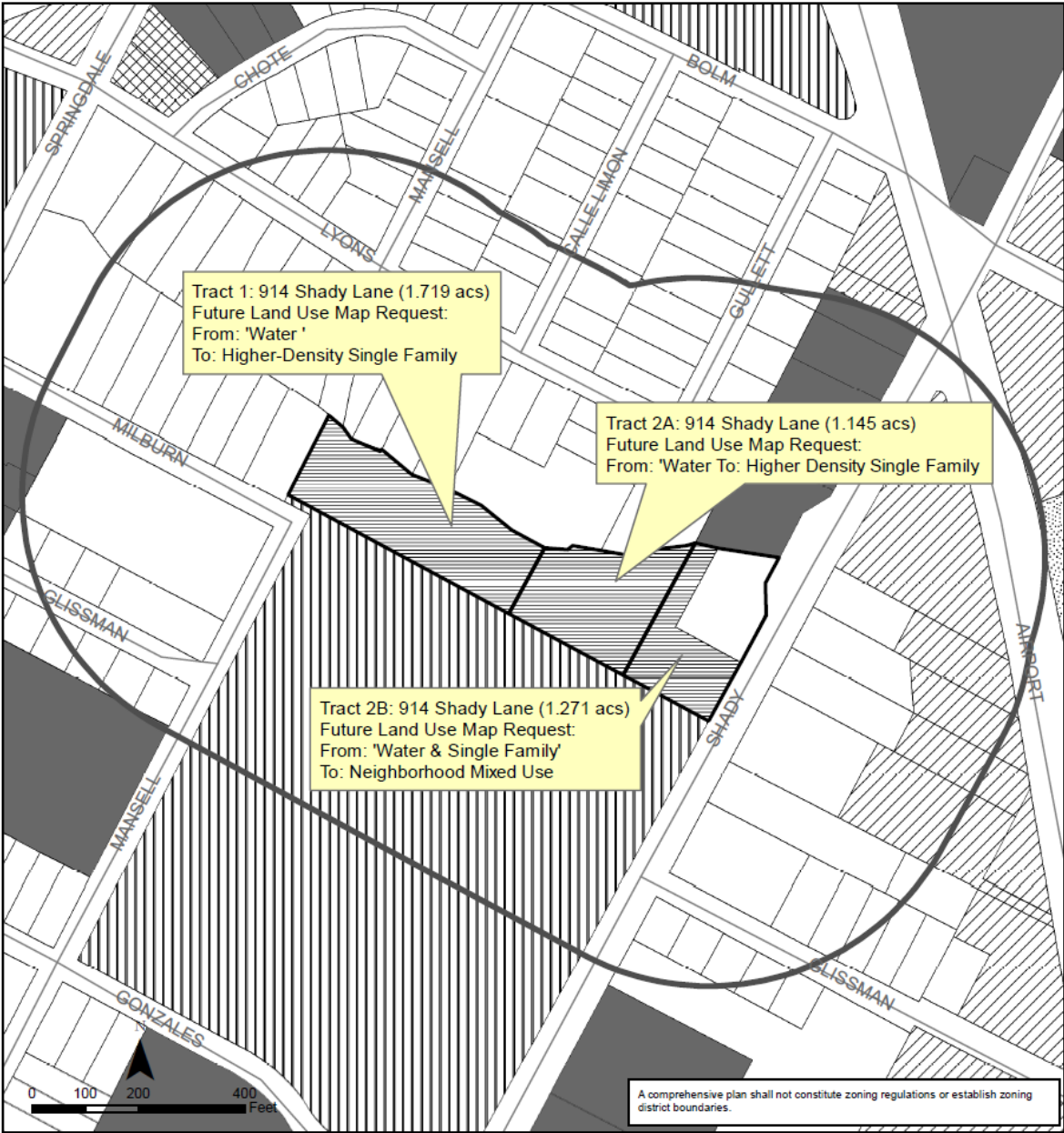
Tract 2A (SF-6-NP)

Tract 2B (LR-MU-NP)



**Govalle / Johnston Terrace
Combined Neighborhood Plan
Future Land Use Map**




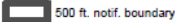
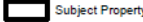

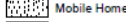
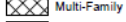
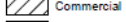
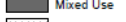
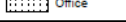


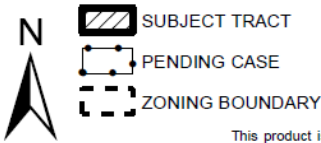
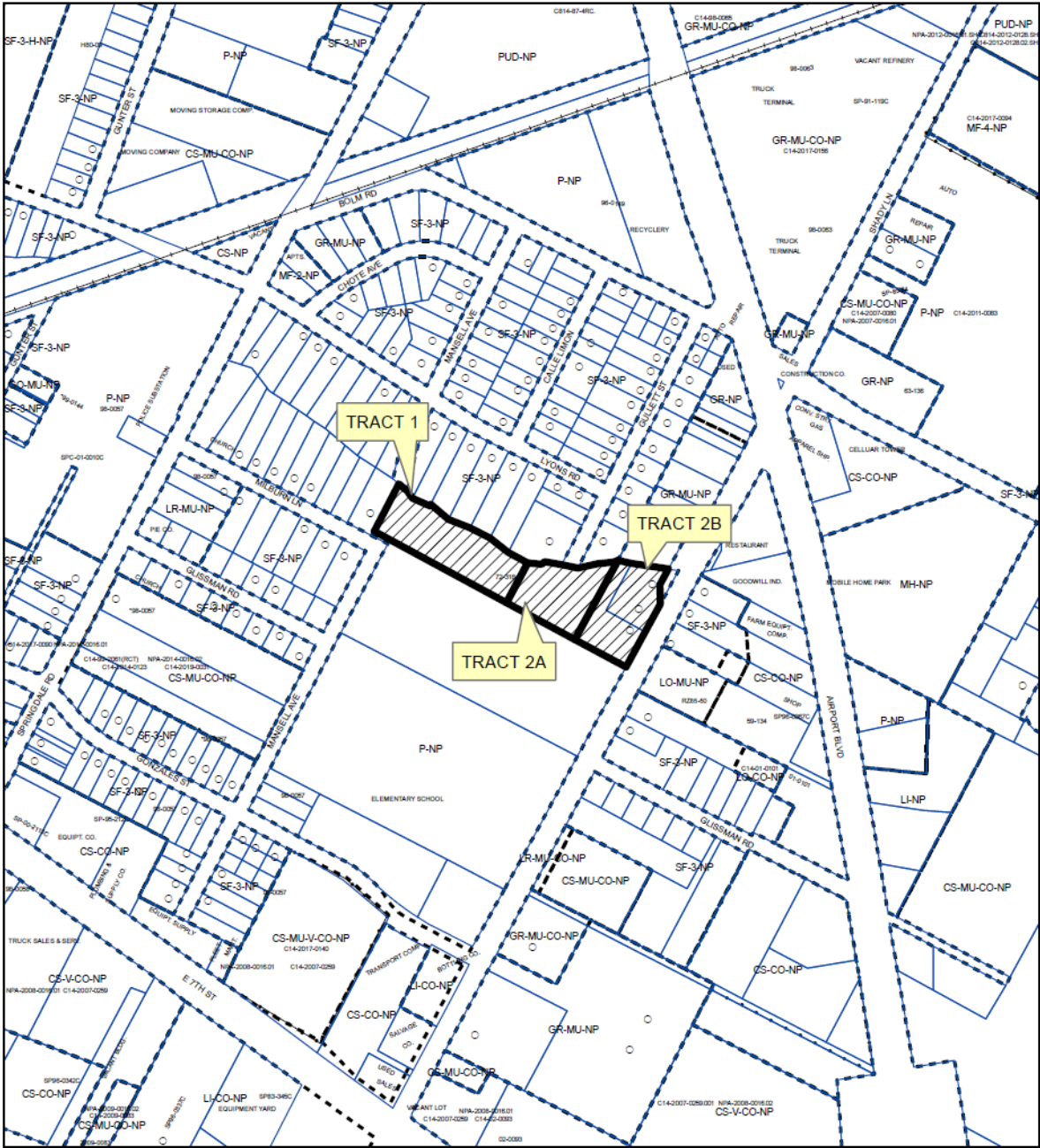
Govalle/Johnston Terrace Combined Neighborhood Planning Area
NPA-2019-0016.01

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 7/10/2020, by: meredithm

Future Land Use	
	Mixed Use/Office
	Major Planned Development
	Industry
	Civic
	Recreation & Open Space
	Transportation
	Utilities
	Water



1" = 400'

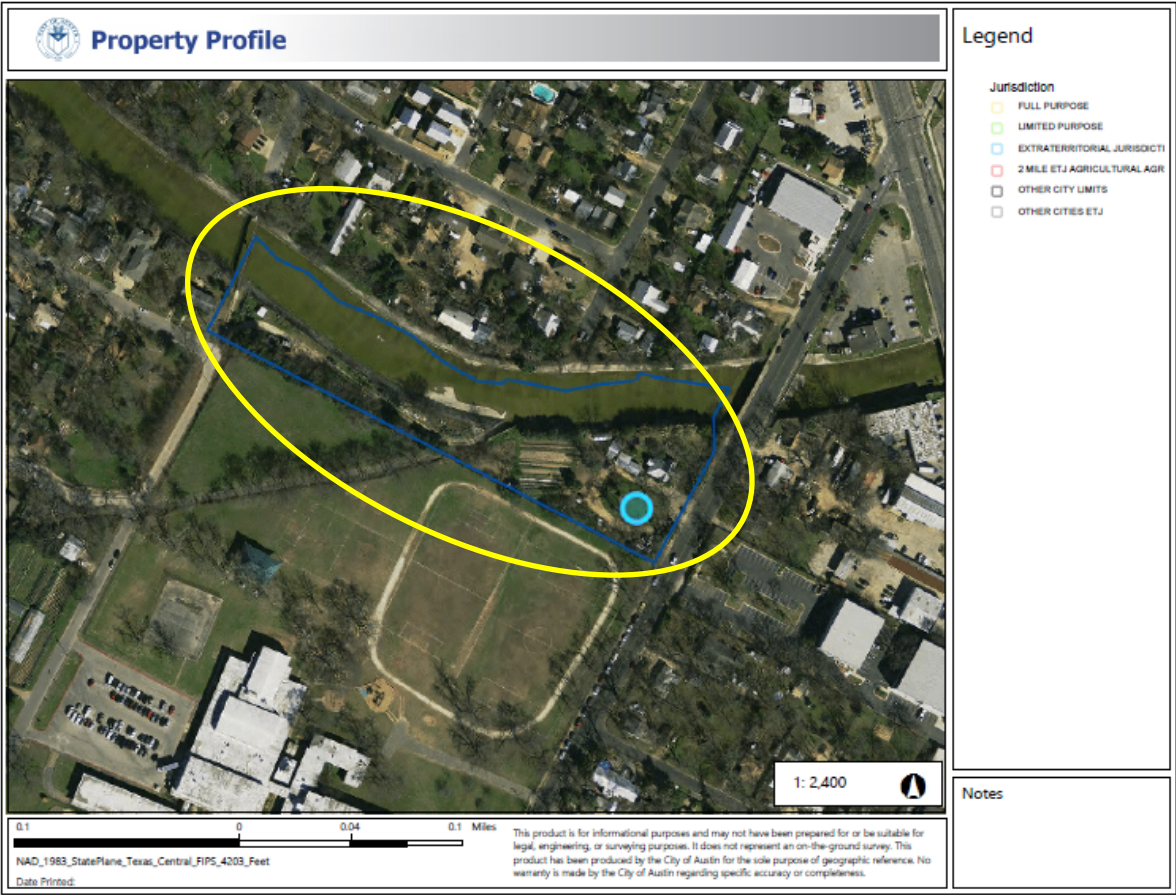
ZONING
ZONING CASE#: C14-2019-0098

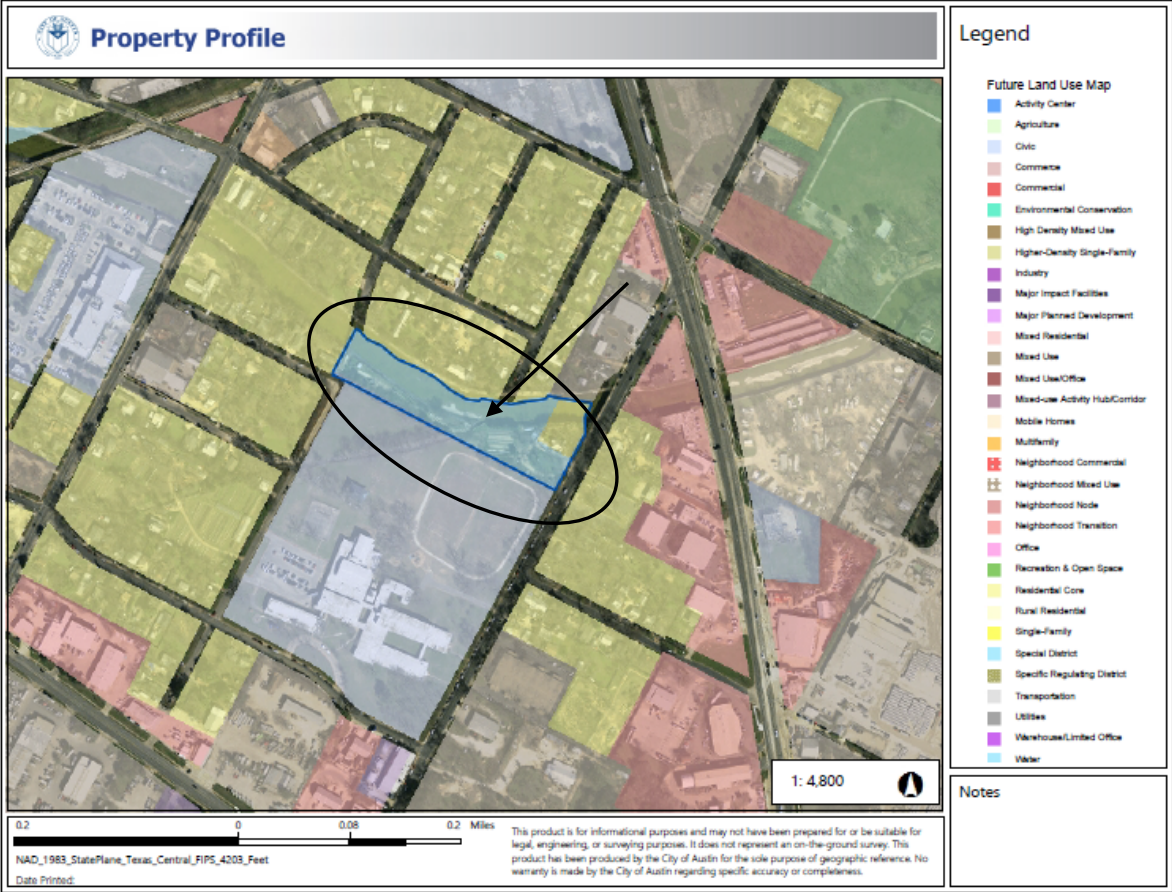
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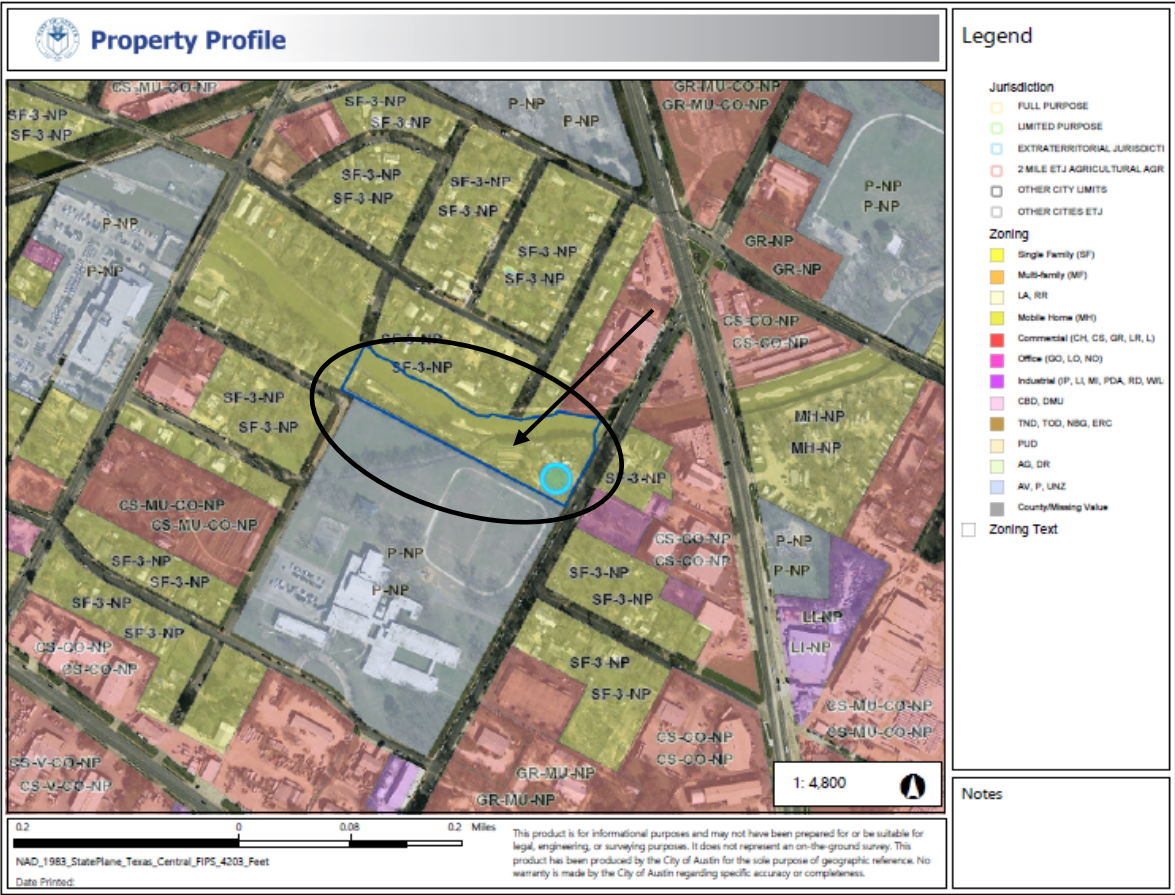
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 7/9/2020







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-2019-0016.01

Contact: Maureen Meredith, Ph: 512-974-2695

Public Hearings: Dec 17, 2019 - Planning Commission
Jan 23, 2020 - City Council

Co-chair Gravelle NA

Jessica Eley

Your Name (please print)

Co-chair of Neighborhood Association

Your address(es) affected by this application



Signature

☐ I am in favor
☒ I object

11-24-19

Date

Comments:

These tracts back up to a residential neighborhood. The prevailing winds & cement of boggy creek make this site unique in that any noise from this tract is amplified and conducted to the surrounding neighborhood. The long time residents STRONGLY object to commercial uses on this site, because of the unique way noise is amplified!!!

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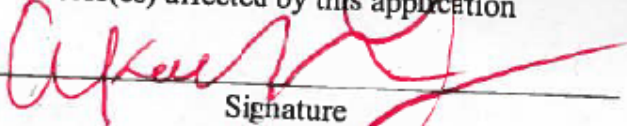
AKAYLA LEWIS

☐ I am in favor
☒ I object

Your Name (please print)

4600 MILBURN LANE

Your address(es) affected by this application



Signature

11.22.19

Date

Comments:

I'd rather a nice
public park. The closest is
Mueller. We don't need anymore
expensive condos or apartments.

PUBLIC HEARING COMMENT FORM

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City of Austin
Planning and Zoning Department
Maureen Meredith
P. O. Box 1088
Austin, TX 78767-8810

RECEIVED
1/23/2020

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Case Number: NPA-2019-0016.01
Contact: Maureen Meredith, Ph: 512-974-2695
Public Hearings: Dec 17, 2019 - Planning Commission
Jan 23, 2020 - City Council

Your Name (please print)
TM MURPHY

☐ I am in favor
☒ I object

Your address(es) affected by this application
4803 LYONS RD. 78702

Signature
Date 12/9/19

Comments: THE MAJORITY OF 9/14 SHADY LN IS NOT ON SHADY LN, IT'S AN INTERIOR PROPERTY THAT ADJACENT A WATKINS STREET RD AND IS IN A FLOOD ZONE. THE ZONING HAS OWNERS ARE SEEKING LAND DEVELOPMENT PROPERTY IN THE NEIGHBORHOOD AND HAVE A VARIANCE EFFECT ON THE WATKINS STREET RD AND THE PROPERTY IS CURRENTLY ZONED IN THE NEIGHBORHOOD WITH THIS ZONING, WE DON'T NEED MORE.

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
1/23/2020

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Case Number: NPA-2019-0016.01
Contact: Maureen Meredith, Ph: 512-974-2695
Public Hearings: Dec 17, 2019 - Planning Commission
Jan 23, 2020 - City Council

Your Name (please print)
RACHEL BOCKHEIM

☐ I am in favor
☒ I object

Your address(es) affected by this application
4803 LYONS ROAD 78702
Signature
Date 12/9/2019

Comments: - opposite neighborhood plan - excessive noise and safety issues already exist with too much traffic and pressure sharing the interior neighborhood - displacement and over development in the area already a problem for people in Coville - lots of open and already zoned land undeveloped in the area on inside larger streets to accommodate any needs. →

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

Austin, TX 78767-8810

RECEIVED
12/17/17

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-2019-0016.01

Contact: Maureen Meredith, Ph: 512-974-2695

Public Hearings: Dec 17, 2019 - Planning Commission
Jan 23, 2020 - City Council

JOHN D. LIMON
Your Name (please print)

Your Name (please print)

909 CALLE LINCOLN

Your address(es) affected by this application

Signature John E. Fincher Date 12-14-2019

Signature _____

Date _____

Comments:

Comments: Protect our neighbor-
hoods. Go by the
Charle / Belmont Terrace
Neighborhood Planning
Team.

Shady Lane is actually a small street that's currently overcrowded. The majority of 914 Shady Lane is not on Shady Lane - it's in the middle of a neighborhood. 914's property is in a flood zone. It's also home to a natural creek bed and much wildlife. We need this property to remain green to protect our animal, wildlife and water habitat.

PUBLIC HEARING COMMENT FORM

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City of Austin
Planning and Zoning Department
Maureen Meredith
P. O. Box 1088
Austin, TX 78767-8810

RECEIVED
12/17/19

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Case Number: NPA-2019-0016.01
Contact: Maureen Meredith, Ph: 512-974-2695
Public Hearings: Dec 17, 2019 - Planning Commission
Jan 23, 2020 - City Council

☐ I am in favor
☒ I object

Your Name (please print)
Paul Limon

Your address(es) affected by this application
915 Calle Limon

Signature
Paul Limon

Date
12-16-2019

Comments:

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
12/17/19

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-2019-0016.01
Contact: Maureen Meredith, Ph: 512-974-2695
Public Hearings: Dec 17, 2019 - Planning Commission
Jan 23, 2020 - City Council

☐ I am in favor
☒ I object

Your Name (please print)
Martin D. Limon

Your address(es) affected by this application
908 Calle Limon

Signature
Martin D. Limon

Date
12-13-2019

Comments:

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
12/17/19

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-2019-0016.01
Contact: Maureen Meredith, Ph: 512-974-2695
Public Hearings: Dec 17, 2019 - Planning Commission
Jan 23, 2020 - City Council

John H. Limon
Your Name (please print)

905 Calle Limon
Your address(es) affected by this application

John H. Limon 12-15-2019
Signature Date

Comments: _____

☐ I am in favor
☒ I object

PUBLIC HEARING COMMENT FORM

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City of Austin
Planning and Zoning Department
Maureen Meredith
P. O. Box 1088
Austin, TX 78767-8810

RECEIVED
12/17/19

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-2019-0016.01
Contact: Maureen Meredith, Ph: 512-974-2695
Public Hearings: Dec 17, 2019 - Planning Commission
Jan 23, 2020 - City Council

Joshua Limon
Your Name (please print)

905 Calle Limon
Your address(es) affected by this application

Joshua Limon 12-13-2019
Signature Date

Comments: _____

☐ I am in favor
☒ I object

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-2019-0016.01
Contact: Maureen Meredith, PH: 512-974-2695
Public Hearing: May 12, 2020 - Planning Commission

☒ I am in favor
☐ I object

William Even
Your Name (please print)

4701 MILBURN LN.
Your address(es) affected by this application

W. Even 5/3/20
Signature Date

Comments:
THIS WILL MAKE A NICE
ADDITION TO OUR NEIGHBORHOOD.

Provide this information with your plan amendment application.

Taken From: Article 16: Neighborhood Plan Amendment Ordinance

§ 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 ☐ No

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

The majority of the subject property was erroneously designated as WATER when the neighborhood plan was initially adopted in 2003. The site has a single family house built in 1942 according to TCAD records and this portion of the site is designated as Single Family on the FLUM. The site, which comprises 4.134 acres, is also used as an urban farm and includes a concrete drainage easement which we believe, resulted in the erroneous designation of the majority of the site as WATER on the FLUM.

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

Does this criterion apply to your application? ☐ Yes ☒ No

If this condition applies, explain here _____

(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 criterion apply to your application? ☒ Yes ☐ No

If yes, explain here: A change to the FLUM would allow for increased residential units, and commercial uses. The addition of housing options is consistent with the goals of objectives of the neighborhood and the city.

(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 _____

_____ or

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

Does either one of these criteria apply to your application? ___ Yes X No

If yes, explain here _____

(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.

Land Use Goal # 3: Develop a balanced and varied pattern of land use.

Key Principles:

Provide a balance of land use and zoning for people to both live and work in the rea.

Encourage mixed use so that residential uses are allowed on some commercial properties,

Provide opportunities for land uses that serve the needs of daily life (live, work, play, shop).

(You can find the plan document here: <http://austintexas.gov/page/adopted-neighborhood-planning-areas-0>)

or

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

Is this a S.M.A.R.T. Housing project? ___Yes X No

If yes, explain here and provide the letter from Neighborhood Housing and Community Development _____

(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; and

https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE

Response: The NPA application will be accompanied by a rezoning application and during the site plan review/approval stage, the proposed development at that time, will comply with applicable regulations and standards of the land development code.

- (2) The proposed amendment is consistent with sound planning principles. (See attached)

LAND USE PLANNING PRINCIPLES

You can find the Guide to Land Use Standards here:

<http://www.austintexas.gov/departments/neighborhood-planning-resources>

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: The decision to rezone the site from SF-3-NP to SF-6-NP (tract 1) & CS-MU-NP(tract 2) will not create an arbitrary development pattern.

2. Ensure an adequate and diverse supply of housing for all income levels;
Provide your analysis here: The proposed development of approximately 6 duplexes/condos on tract 1 we believe, will add a diversity of housing in the neighborhood.

3. Minimize negative effects between incompatible land uses;
Provide your analysis here: The proposed duplexes/condo development on tract 1 is compatible with surrounding land uses in the area.

4. Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas;
Provide your analysis here: N/A

5. Discourage intense uses within or adjacent to residential areas;
Provide your analysis here: N/A

6. Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;

Provide your analysis here: This criterion will be met during the site plan stage.

7. Minimize development in floodplains and environmentally sensitive areas;
Provide your analysis here: The developer will comply with applicable environmental regulations during the site plan stage.

8. Promote goals that provide additional environmental protection;
Provide your analysis here: Any proposed development will comply with all applicable codes and ordinances related to environmental protection.

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: Any proposed development will comply with all applicable codes and ordinances.

10. Ensure adequate transition between adjacent land uses and development intensities;
Provide your analysis here: The proposed development will comply with all applicable regulations.

11. Protect and promote historically and culturally significant areas;
Provide your analysis here: N/A

12. Recognize current City Council priorities; (Look at the Imagine Austin Comprehensive Plan Document found here: <http://austintexas.gov/department/imagine-austin-download-center>. Appendix E. Framework for Decision Making, pages A-57 through A-58.)

Provide your analysis here: The proposed development has the potential to promote the following items set forth in Appendix E:

Infill development /re-use of a previously developed site and increases the variety of housing types available in the neighborhood.

13. Avoid creating undesirable precedents;

Provide your analysis here: The proposed SF-6 and CS-MU-N zoning will not create any undesirable precedents.

14. Promote expansion of the economic base and create job opportunities;

Provide your analysis here: N/A

15. Ensure similar treatment of land use decisions on similar properties;

Provide your analysis here: Amending the FLUM to allow additional housing in the planning area will treat the subject site in a similar manner to what is envisioned in the adopted neighborhood plan.

16. Balance individual property rights with community interests and goals;

Provide your analysis here: The requested FLUM amendment and rezoning will provide additional housing in a city that needs to add to the supply of housing within the city limits.

17. Consider infrastructure when making land use decisions;

Provide your analysis here: There is adequate infrastructure to accommodate additional housing on the subject site.

18. Promote development that serves the needs of a diverse population.

Provide your analysis here: The requested FLUM change and rezoning will, indeed, promote development that will serve the community.