# NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

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

**CASE#:** NPA-2019-0022.01 **DATE FILED**: February 27, 2019 (In-cycle)

**PROJECT NAME**: 200 Academy

**PC DATE:** October 12, 2021
September 14, 2021
August 10, 2021
June 23, 2020
January 14, 2020
August 13, 2019

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

**DISTRICT AREA**: 9

**SITE AREA:** 4.6076 acres

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

**AGENT:** Weiss Architecture, Inc. (Richard Weiss)

**CASE MANAGER:** Maureen Meredith, Housing and Planning Dept.
**PHONE:** (512) 974-2695

**STAFF EMAIL:** Maureen.Meredith@austintexas.gov

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Mixed Use/Office **To:** Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** C14-2020-0147
**From:** CS-1-NCCD-NP, CS-NCCD-NP, and MF-4-NCCD-NP
**To:** CS-1-MU-NP, CS-MU-NP and MF-4-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** September 29, 2005

**PLANNING COMMISSION RECOMMENDATION**:

***October 12, 2021 –*** Approved staff's recommendation of Mixed Use land use on Tract 1. [G. Cox – 1st; C. Llanes Pulido – 2nd] Vote: 7-1 [Chair Shaw voted nay; C. Llanes Pulido and S. R. Praxis abstained. C. Hempel and A. Azhar, J.P. Connolly absent].

***September 14, 2021 –*** After discussion, a motion was approved to postpone the case to October 12, 2021 to allow the applicant additional time to work with the neighborhood. [G. Cox- 1st; R. Schneider – 2nd] Vote: 7-2 [C. Hempel and J. Thompson voted nay. C. Llanes Pulido and J. P. Conolly abstained. J. Shieh and S. R. Praxis absent].

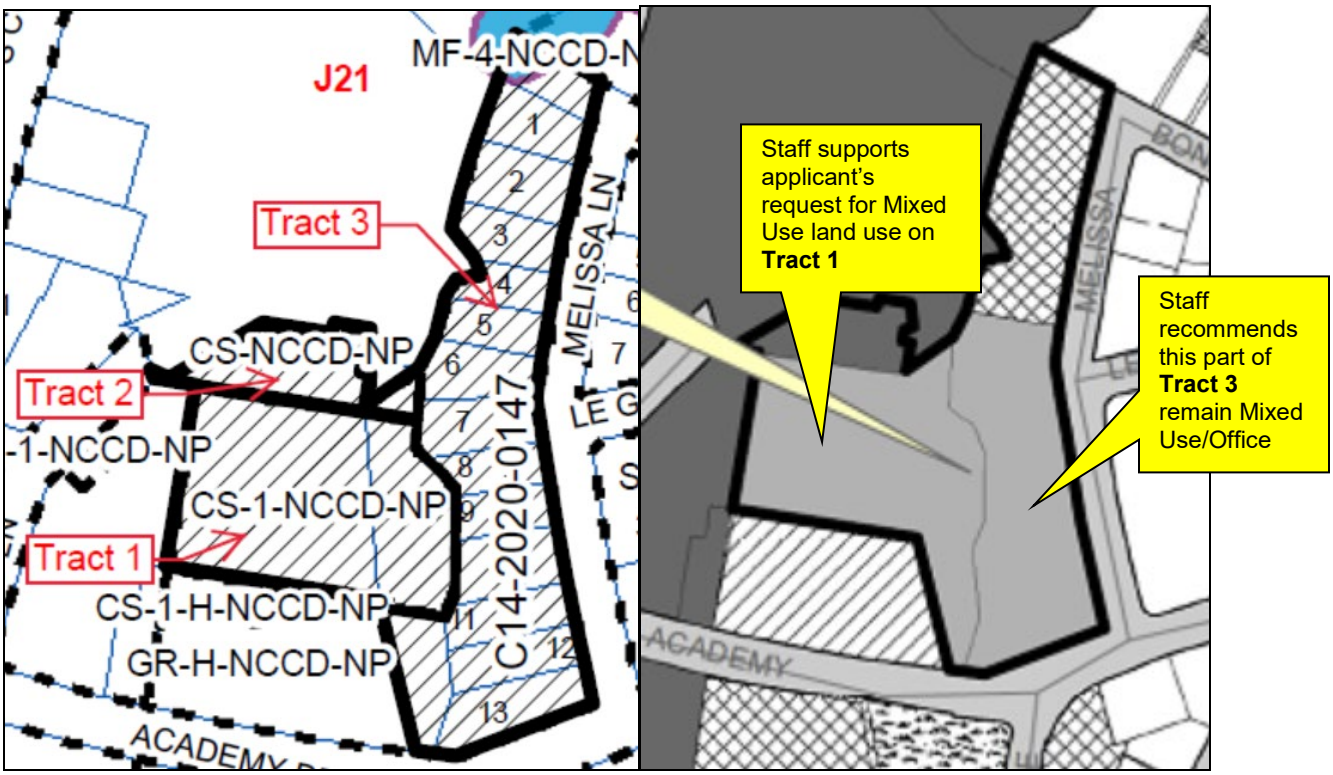
***August 10, 2021 –*** Postponed to September 14, 2021 at the request of the neighborhood, with applicant in agreement, on the consent agenda. [J. Thompson – 1st; P. Howard – 2nd] Vote: 7-0 [J. P. Connolly, G. Cox, C. Hempel, J. Mushtaler, R. Schneider and J. Shieh absent].

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

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

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

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




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

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

**Vision**

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

## Land Use and Historic Preservation

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

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

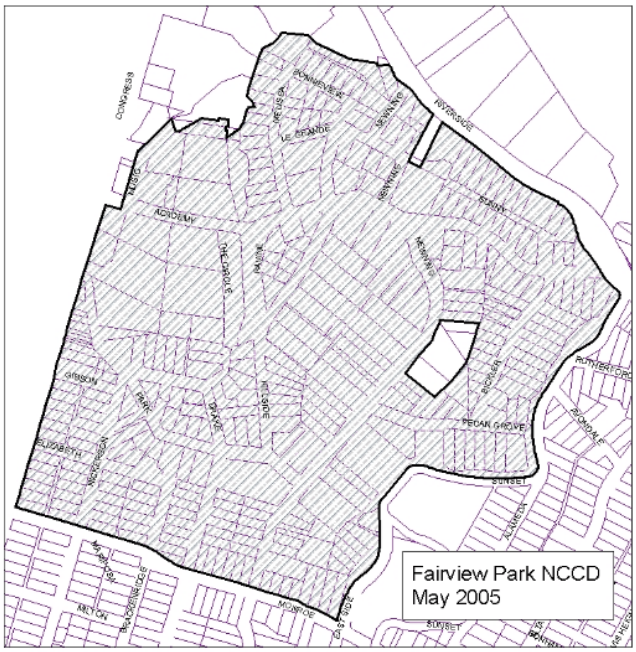



FIGURE 7.8: Fairview Park NCCD Boundaries

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

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

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

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

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

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

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

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

Recommendation C2: Preserve existing multifamily housing. (SRCC)

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

# Transportation

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

***Objective: Improve pedestrian safety and mobility throughout the neighborhood.***

***Objective: Improve bicycle safety and mobility throughout the neighborhood.***

***Objective: Improve the accessibility of public transit.***

***Objective: Improve auto safety and efficiency***

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

***Objective: Promote multi-modal approaches to improve mobility.***

## LAND USE DESCRIPTIONS

### *EXISTING LAND USE ON THE PROPERTY*

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

**Purpose**

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

**Application**

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

### *PROPOSED LAND USE ON THE PROPERTY*

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

**Purpose**

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;

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

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

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

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

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

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

**Application**

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

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

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

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

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

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

***IMAGINE AUSTIN PLANNING PRINCIPLES***

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
    - ***A portion of the property is zoned MF-4 which would allow for residential uses that could provide a mix of housing types. The property is near public***

***transportation that runs along South Congress Avenue that is a busy commercial corridor with a range of commercial uses.***

2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.

    - ***The property is located less than 400 feet from South Congress Avenue which is identified as an Activity Corridor that is well-served by public transit. It is a walkable and bikeable area where people who live there can access nearby businesses without the need for an automobile.***

3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.

    - ***The property is less than 400 feet from South Congress Avenue, which is a vibrant commercial corridor and identified as an Activity Corridor in the Imagine Austin Comprehensive Plan Growth Concept Map.***

4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.

    - ***The proposed zoning would allow for residential uses which could expand the number and variety of housing choices in Austin and the planning area.***

5. Ensure harmonious transitions between adjacent land uses and development intensities.

    - ***Given the property's proximity to South Congress Avenue, Mixed Use land use on Tract 1 is appropriate. Retaining the Mixed Use/Office land use on the southern portion of Tract 3 to provide a buffer between the commercial portion of the property and the single family uses along east side of Melissa Lane is also appropriate.***

6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.

    - ***The property is located in the Desired Development Zone and not the Drinking Water Protection Zone.***

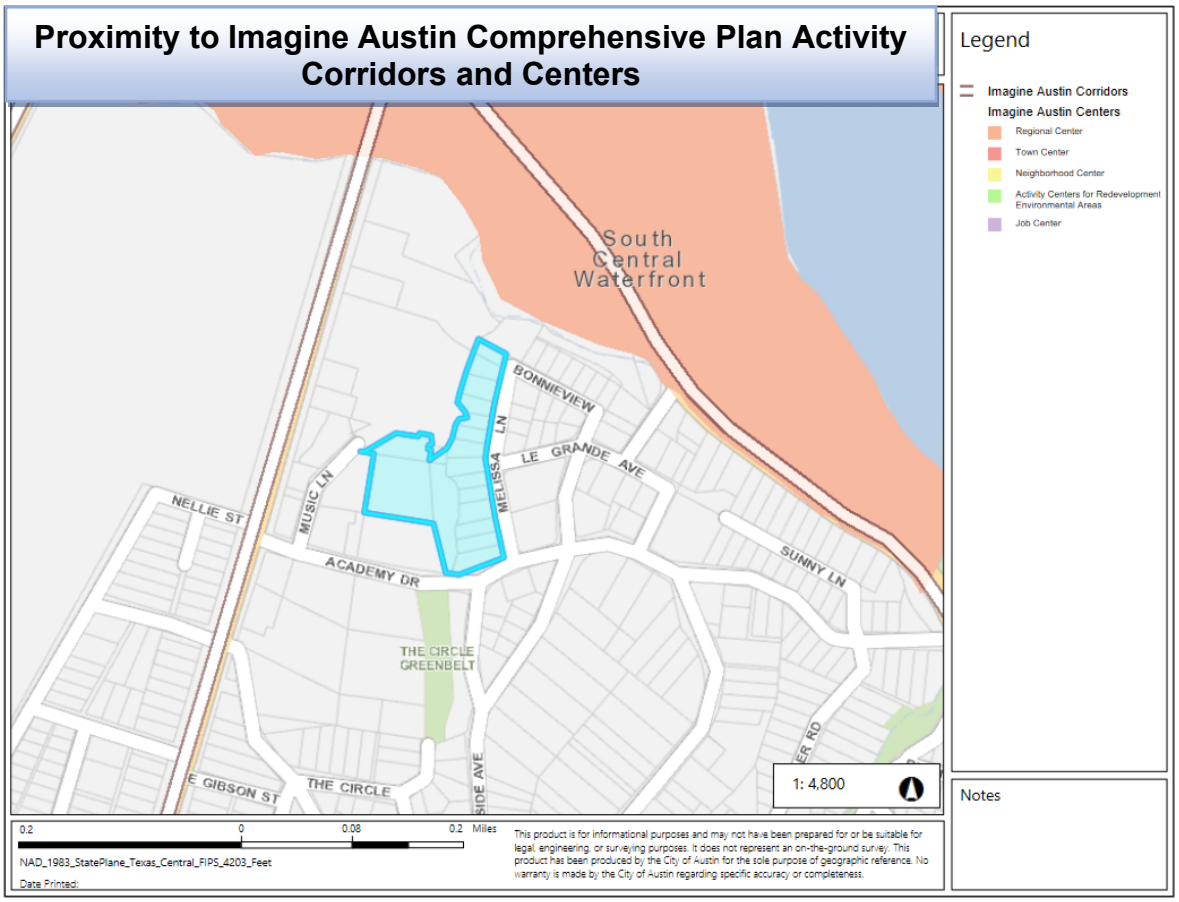
7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.

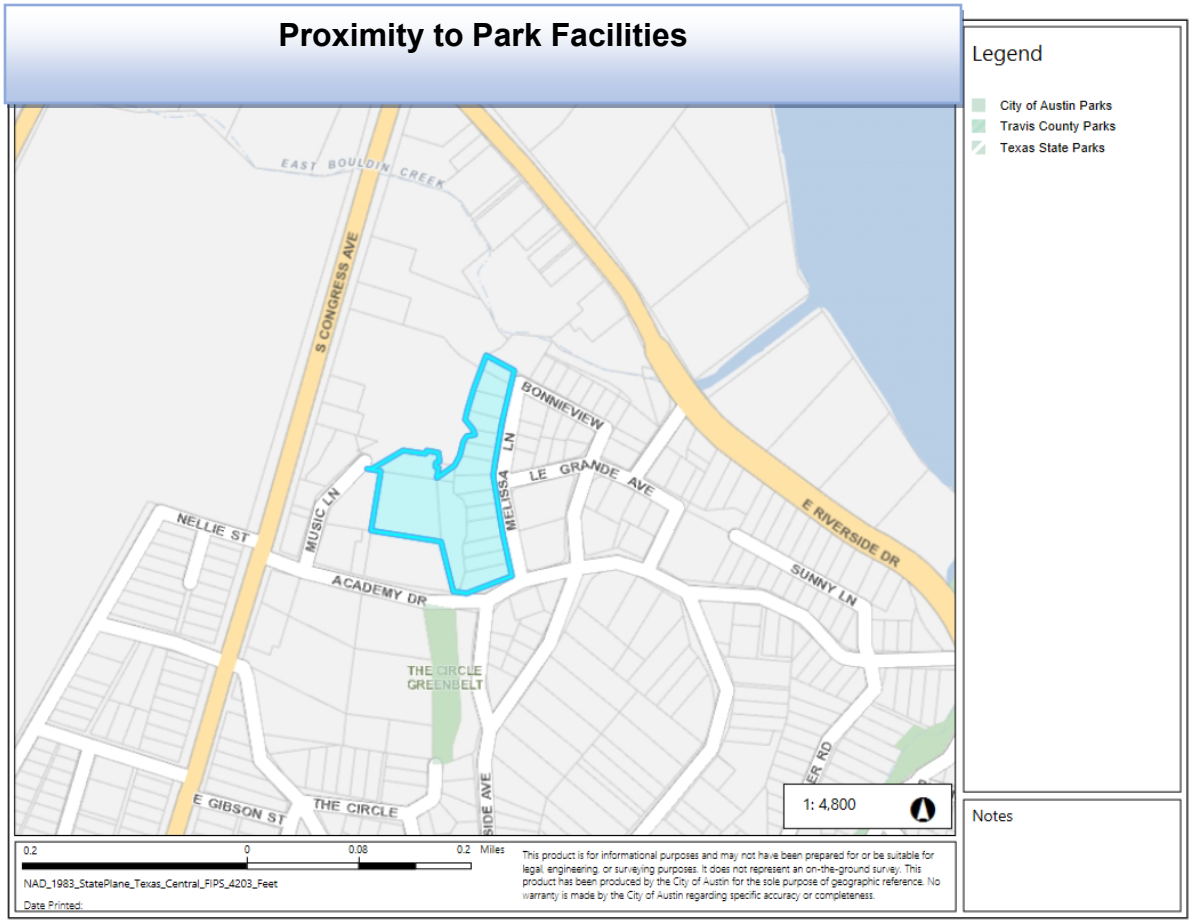
    - ***The property is north of the Circle Green Belt and within walking distance to the Norwood Tract at Town Lake Metro Park.***

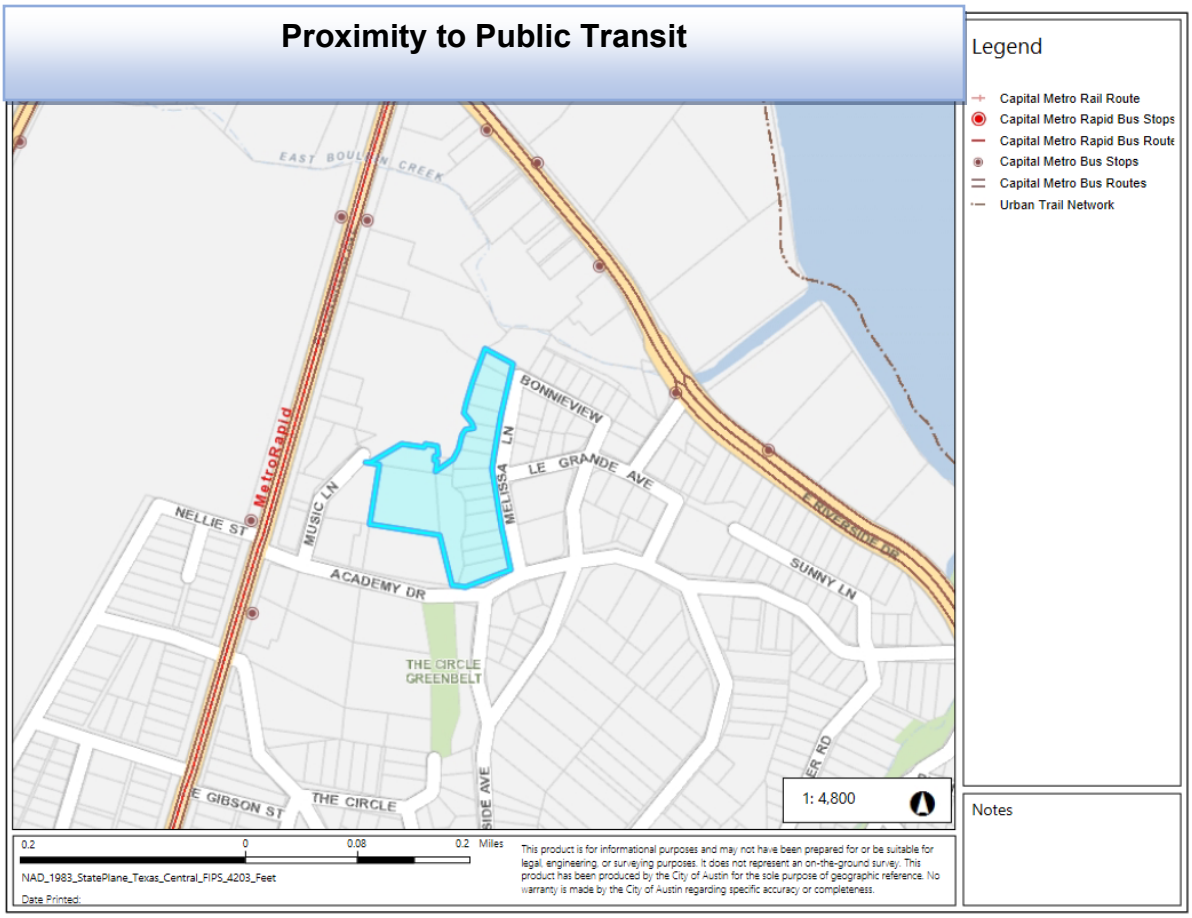
8. Protect, preserve and promote historically and culturally significant areas.

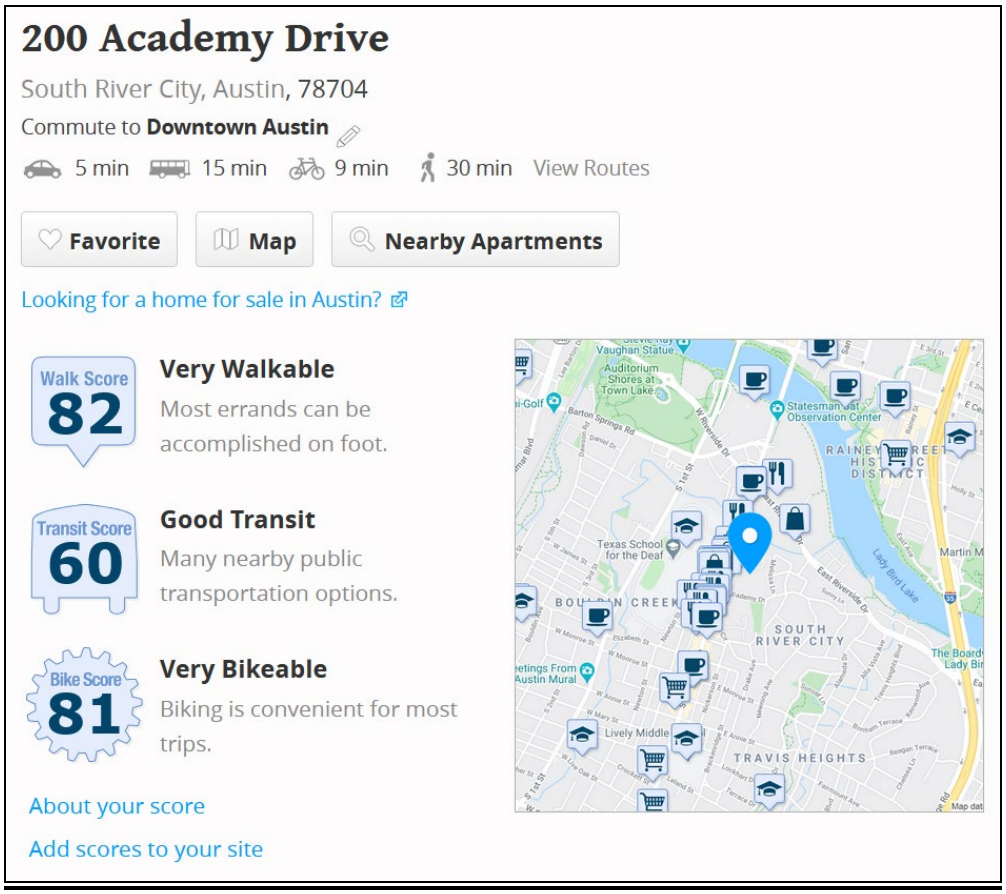
    - ***The property does not have a historic marker for the concert venue that had previously operated on the property but has been a location where well-known musicians have played.***

9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
    - ***The property is within a walkable and bikeable environment close to many businesses.***
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
    - ***The applicant's proposal to open a music venue could expand the economic base and create job opportunities for the area and the city.***
11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
    - ***The applicant proposes a zoning and plan amendment change to rebuild a music venue that had previously been operating on the property. See the applicant's presentation in this report for the historic and cultural context. The applicant's request supports this Imagine Austin Comprehensive Plan goal.***
12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
    - ***Not applicable.***


Proximity to Imagine Austin Comprehensive Plan Activity Corridors and Centers
South Central Waterfront
BONNIEVIEW
LE GRANDE AVE
MELISSA LN
MUSIC LN
NELLIE ST
ACADEMY DR
SUNNY LN
THE CIRCLE GREENBELT
E GIBSON ST
THE CIRCLE
SIDE AVE
1: 4,800
0.2 0 0.08 0.2 Miles
NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet
Date Printed:
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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.
Legend
Imagine Austin Corridors
Imagine Austin Centers
Regional Center
Town Center
Neighborhood Center
Activity Centers for Redevelopment Environmental Areas
Job Center
Notes


Proximity to Park Facilities
Legend
City of Austin Parks
Travis County Parks
Texas State Parks
EAST BOULDIN CREEK
S CONGRESS AVE
BONNIEVIEW
LE GRANDE AVE
MELISSA LN
MUSIC LN
NELLIE ST
ACADEMY DR
E RIVERSIDE DR
SUNNY LN
THE CIRCLE GREENBELT
E GIBSON ST
THE CIRCLE
SIDE AVE
1: 4,800
0.2
0
0.08
0.2 Miles
NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet
Date Printed:
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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.
Notes


Proximity to Public Transit
Legend
Capital Metro Rail Route
Capital Metro Rapid Bus Stops
Capital Metro Rapid Bus Route
Capital Metro Bus Stops
Capital Metro Bus Routes
Urban Trail Network
EAST BOULDIN CREEK
MetroRapid
NELLIE ST
MUSIC LN
MELISSA LN
BONNIEVIEW
LE GRANDE AVE
E RIVERSIDE DR
SUNNY LN
ACADEMY DR
THE CIRCLE GREENBELT
E GIBSON ST
THE CIRCLE
1: 4,800
0.2
0
0.08
0.2 Miles
NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet
Date Printed:
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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.
Notes




## IMAGINE AUSTIN GROWTH CONCEPT MAP

### *Definitions*

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

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

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

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

**BACKGROUND**: The plan amendment application was filed on February 27, 2019, which is in-cycle for neighborhood planning areas located on the west side of I.H.-35.

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

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

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

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

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

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

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

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

A: I submitted the TIA in October 2020 and the final in November 2020. These are rough dates.
Staff's response: People can ask for a copy of the TIA from the zoning case manager. TIA's are related to the zoning application, so the plan amendment case manager would not have a TIA to send.

***Q: We have had significant problems with parking in the neighborhood during the construction and development from South Congress Avenue and some destruction of trees. Your presentation doesn't address this. These streets were not designed for this kind of density. My property has a grinder pump because the sewer system was never completed. I feel like the capacity in this area is insufficient and I would like to know if something is going to be done about that with the development of this property.***
A: We did a complete TIA to determine how the adjacent streets would be impacted. There are not any dramatic increases other than that one section of Academy that would change with a traffic circle. Right now, you can park on both sides of the street. I imagine we would have to do significant water, wastewater, electrical, all utility improvements for development on 200 Academy because we already know that the storm sewer easement is going to need to be addressed. The rest of the utilities will need to be upgraded as well.

***Q: The TIA was done during the pandemic so it's not relevant.***
A: The TIA was submitted during the pandemic, but the work was done pre-pandemic or during the construction from other some of the other projects.

***Q: The Notice of Filing for Rezoning that we received in the mail describes the CS zoning as not compatible with residential environments, so why are you asking for this zoning?***
A: The CS zoning is the base zoning that has always been on the site which allowed for the use which I believe contributes historically and culturally to the city. I would welcome any suggestions as to how we can accomplish our goals and at the same time honor your concerns. The existing overlay was overly restrictive and doesn't allow the city to realize what Austin has become in 2021 and not 1986.

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

***Q: The NCCD says you cannot get a permit for something that doesn't meet the requirements of the NCCD. Do you have plans to build housing in the density prescribed by the NCCD?***
A: Yes, that is what it says. We are asking to be removed from the NCCD so we can develop the property to MF-4 standards along Melissa Lane. If we can't come to terms with that, we will look at alternates.

***Q: Do you think the overlay is going to make sense in the light that Academy is no longer being a through street, it dead ends at Riverside?***
A: Academy still connects to Congress and Riverside. Again, I think this discussion is going to be around the TIA. Hopefully, we can get a group so we can review it together and talk about concerns and mitigation.

***Q: Do you know the drainage area for the site?***
A: Approximately 4.6 acres.

***Comments:***

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

**CITY COUNCIL DATE:** **ACTION:**

Not scheduled at this time

## Neighborhood Plan Amendment

# SUMMARY LETTER

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

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

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

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

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

September 3, 2021

Kate Clark, Senior Planner, City of Austin Housing and Planning Department

Kate.Clark@austintexas.gov

Todd Shaw, Chair, Austin Planning Commission

Bc-Todd.Shaw@austintexas.gov

Dear Kate and Commissioner Shaw,

Re: NPA-2019-0022.01 for 200 Academy

The Greater South River City Combined (GSRCC) Neighborhood Plan Contact Team (NPCT) acknowledges the applicant's original presentation for a FLUM change on 200 Academy in April 2019. In more recent meetings with the NPCT subcommittee in August 2021, we were presented the current proposal and the results of the TIA.

As we expressed in 2019, the neighborhood continues to believe that the proposed development is in conflict not only with current residents' goals but with the long-standing planning efforts of the neighborhood as outlined in the Fairview Park NCCD, Neighborhood Plan and the Greater South River City Combined Neighborhood Plan Future Land Use Map.

The proposal is inconsistent with all of these planning efforts on all fronts.

On August 28, 2021 the NPCT unanimously voted to oppose the project, citing below a summary of major points:

- The proposed uses of Concert Venue/Cocktail Lounge and high turnover restaurant are inappropriate. The location of this site deep into a solely-residential part of the neighborhood with the only possible roadway access being a residential street violates land use principles and is totally incompatible with the surrounding, existing neighborhood use. The project has no direct access to S. Congress.
- The Neighborhood Plan charges the Contact Team to "act as stewards of the Plan" and this proposed FLUM change would violate the Plan and hinder the implementation of its recommendations.
- The proposed project is contrary to almost all the provisions of the Neighborhood Plan (which was approved after nearly 2 years of stakeholder input including city staff, Planning Commission, and the City Council). Specifically:
  a. Plan Goal # 1: "Maintain the historic fabric and respect the established neighborhood character and natural assets."
  b. Planning Priority # 1: "New construction and remodeling should be built in proportion to surrounding homes. This includes limiting height, massing, and maintaining appropriate setbacks."
  c. Transportation Objective: "Improve pedestrian safety and mobility throughout the

neighborhood." Note that the proposal is even more problematic in this regard today than it was at the time this Objective was voted upon since Academy Dr. no longer connects to Riverside Drive. Additionally, there are problems with the current TIA regarding traffic counts, square footage of uses and constructability of sidewalk improvements.

- The proposed changes would also violate the goals of the NCCD. Per the City: *"The purpose of an NCCD is to establish development regulations for unique neighborhoods in order to preserve their traditional character while allowing for controlled growth to occur. An NCCD . . . sets standards for redevelopment that is compatible with the unique character of the neighborhood."*
- A Concert venue would recreate the problem that Texas Monthly described in an article about the Austin Opry House: "The friction with the neighborhood never did die down."

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

This proposal to erect a night club, concert venue and high turnover restaurant in this location could not be more contradictory with this intent.

For these reasons, we strongly oppose the requested FLUM change.

Sincerely,

Elloa Mathews

Elloa Mathews, Chair, GSRCC NPCT

Cc: Richard Weiss, Agent for applicant

Maureen Meredith, COA Neighborhood Plan Amendment Case Manager

Stevie Greathouse, COA Program Manager, Neighborhood Plan Contact Teams

D9 Council Member Kathie Tovo

Todd Shaw, Chair, Austin Planning Commission

D9 Planning Commissioner Carmen Llanes Pulido

SRCC President Cynthia Milne

SRCC Area 1 Coordinator Claudette Lowe

Previous Recommendation Letter from the GSRC NPCT

April 18, 2019

Dear Mr. Weiss and Mr. Wallin,

Re: NPA-2019-0022.01 for 200 Academy

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

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

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

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

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

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

Sincerely, Elloa Mathews

Elloa Mathews, Chair,GSRCC NPCT

Cc: Maureen Meredith, COA Neighborhood Plan Amendment Case Manager

Stevie Greathouse, COA Program Manager, Neighborhood Plan Contact Teams

D9 Council Member Kathie Tovo

D9 Planning Commissioner Karen McGraw

SRCC President and Vice President Eric Cassady and Dan Fredine

SRCC Area 1 Coordinator Claudette Lowe

**MEMORANDUM**

**********

TO: Fayez Kazi, Chair and
Planning Commission Members

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

DATE: August 6, 2019

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

**********

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

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

Attachment: Map of property location

**MEMORANDUM**

**********

TO: Fayez Kazi, Chair and
Planning Commission Members

FROM: Maureen Meredith, Senior Planner
Planning and Zoning Department

DATE: January 7, 2020

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

**********

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

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

Attachment: Email from Richard Weiss
Map of property location

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

*** External Email - Exercise Caution ***

HI Maureen

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

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

Best,

**Richard Weiss**, AIA
President

WEISS ARCHITECTURE

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

**MEMORANDUM**

**********

TO: Conor Kenny, Chair
Planning Commission Members

FROM: Maureen Meredith, Senior Planner
Planning and Zoning Department

DATE: June 16, 2020

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

**********

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

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

Attachment: Email from Richard Weiss
Map of property location

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

HI Maureen

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

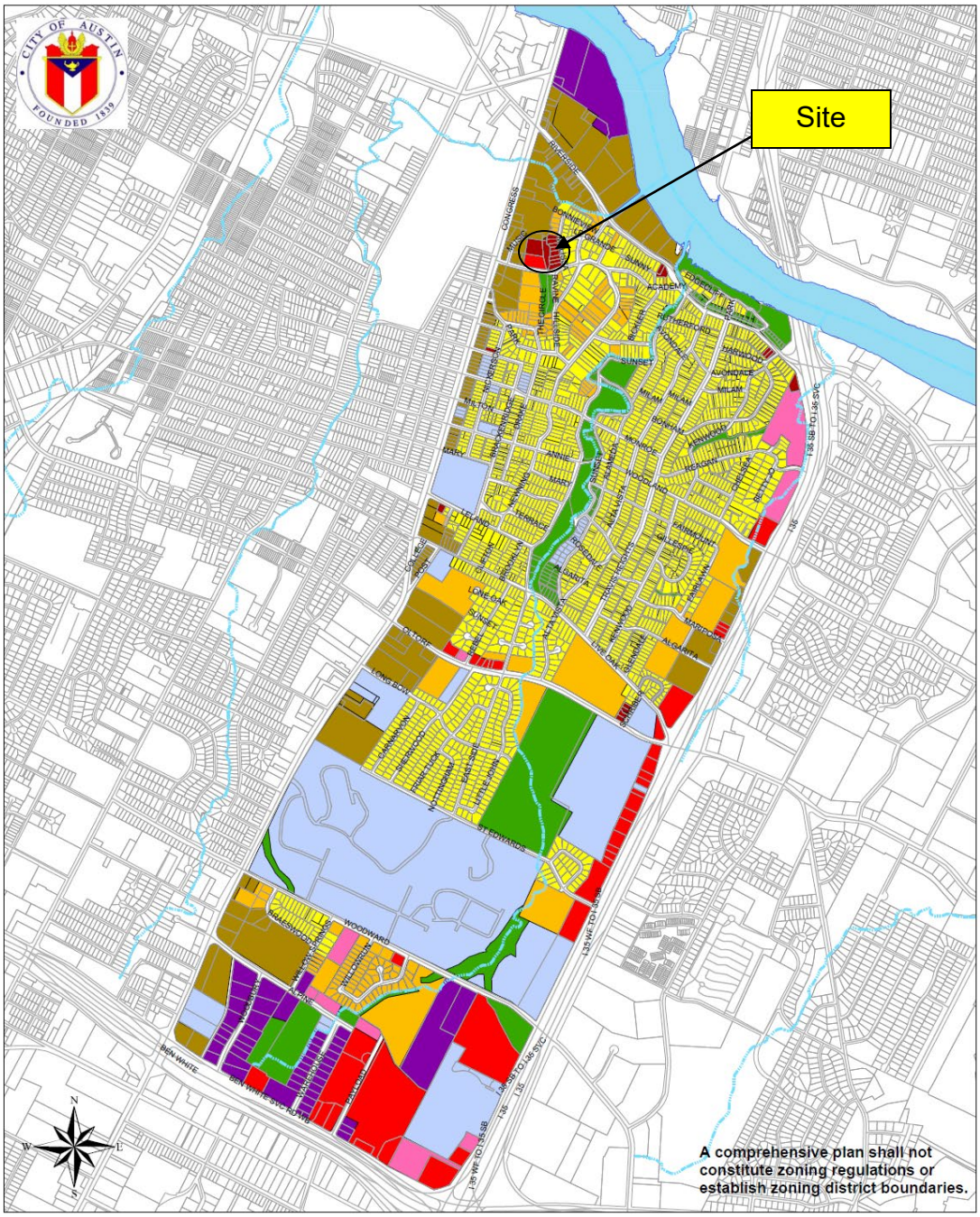
thanks

Best,

**Richard Weiss**, AIA
President

WEISS ARCHITECTURE

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




# Greater South River City Neighborhood Planning Area Future Land Use Map

**Date Adopted: 11/29/05**

Last Modified: 3/31/2017

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.

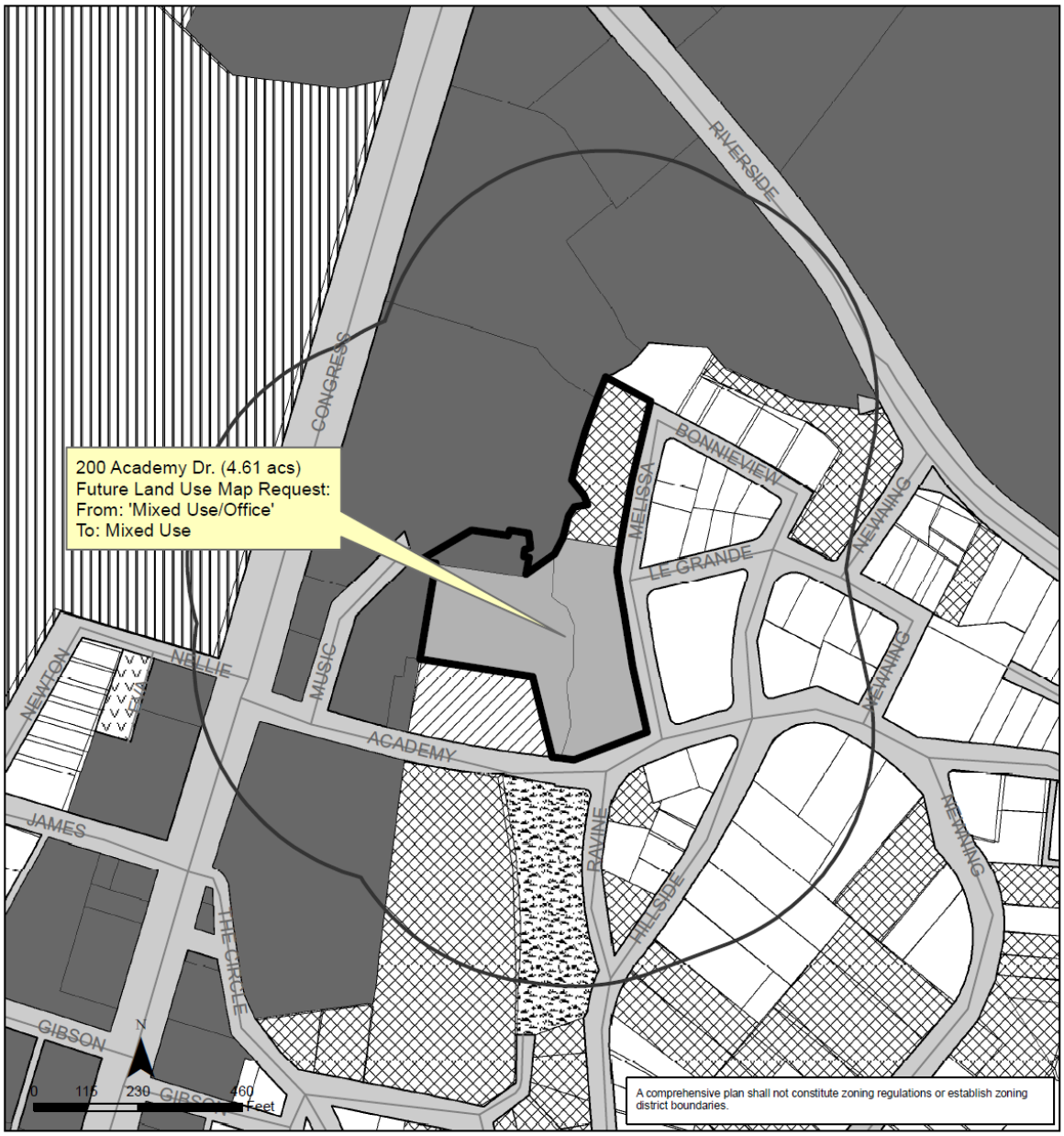
This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

0 750 1,500 3,000 Feet

1 in = 1,256 ft

**Future Land Use Map**

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




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

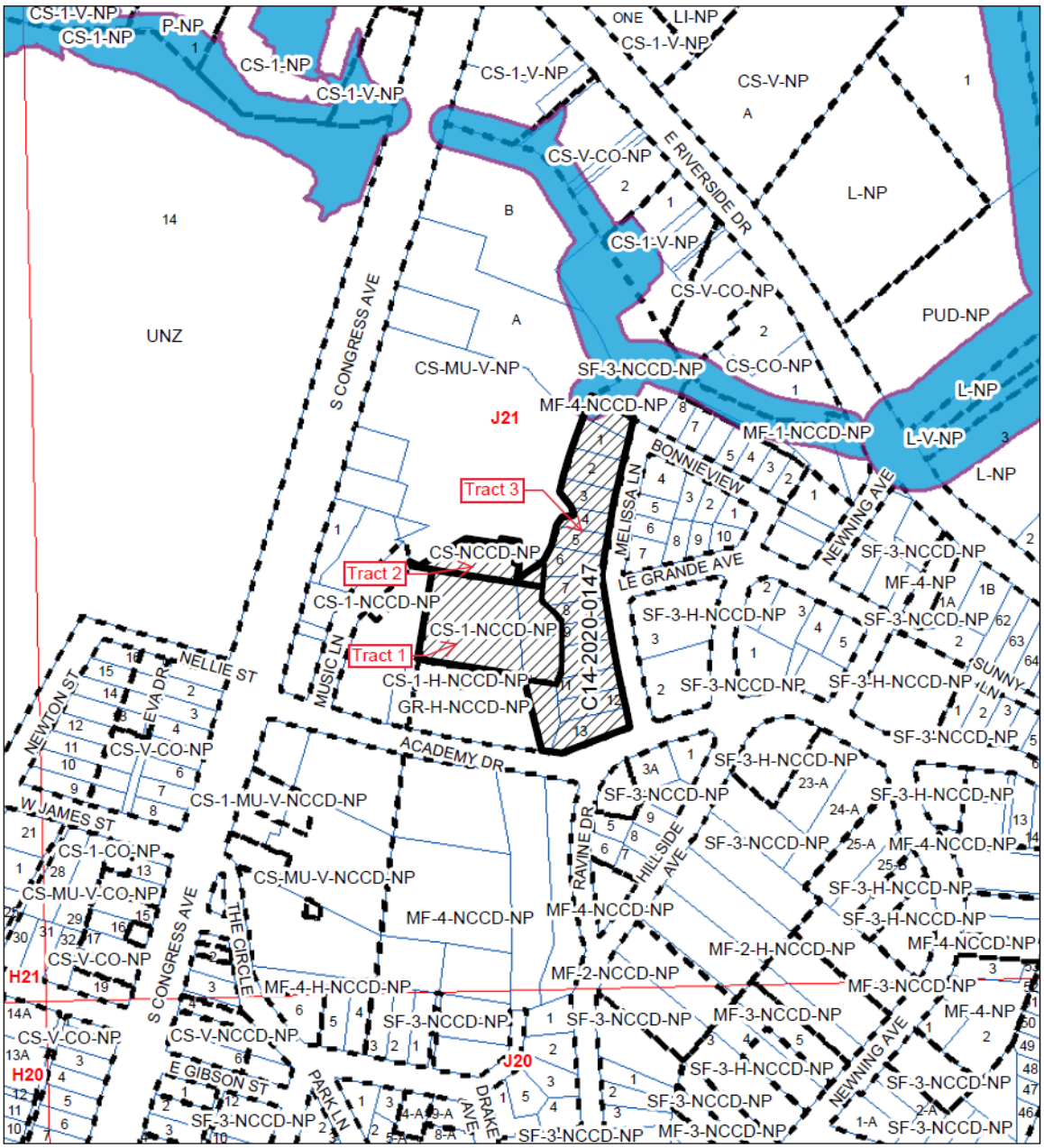
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

**Future Land Use**

- 500 ft. notif. boundary
- Subject Property
- Single-Family
- Higher-Density Single-Family
- Multi-Family
- Commercial
- Mixed Use
- Mixed Use/Office
- Industry
- Civic
- Recreation & Open Space
- Transportation
- Excluded from FLUM

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




N

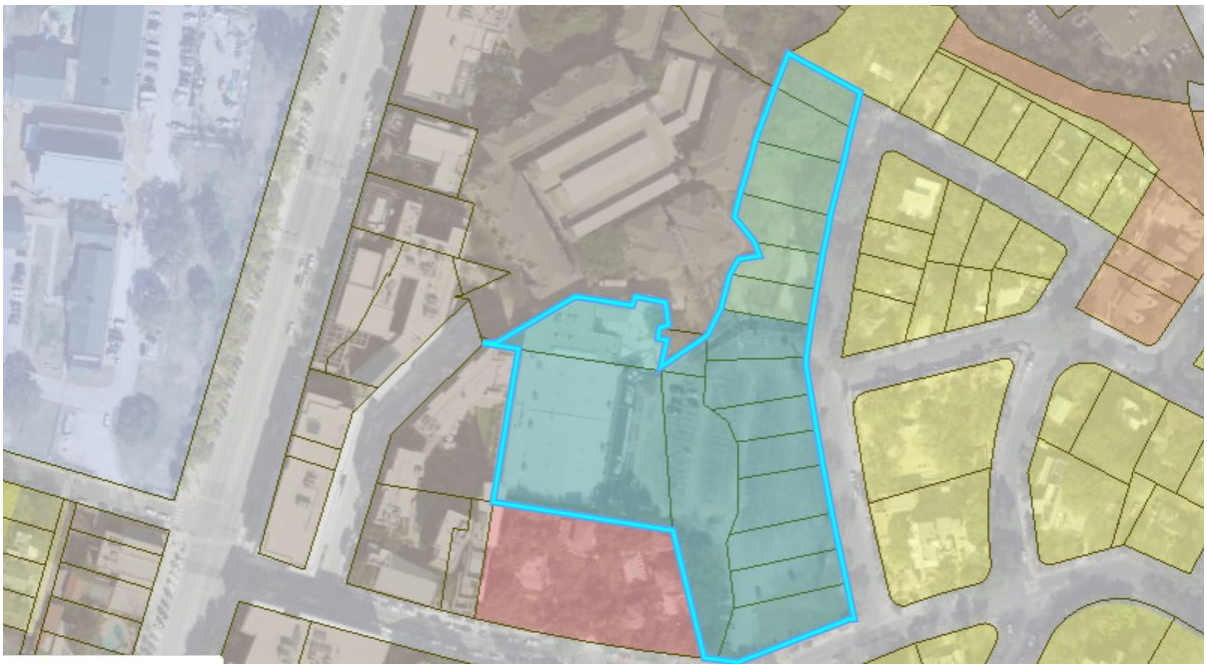
1" = 300'

SUBJECT TRACT
ZONING BOUNDARY
PENDING CASE
CREEK BUFFER

## 200 Academy

ZONING CASE#: C14-2020-0147
LOCATION: 200 Academy Dr.
SUBJECT AREA: 4.6076 ACRES
GRID: J21
MANAGER: KATE CLARK

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

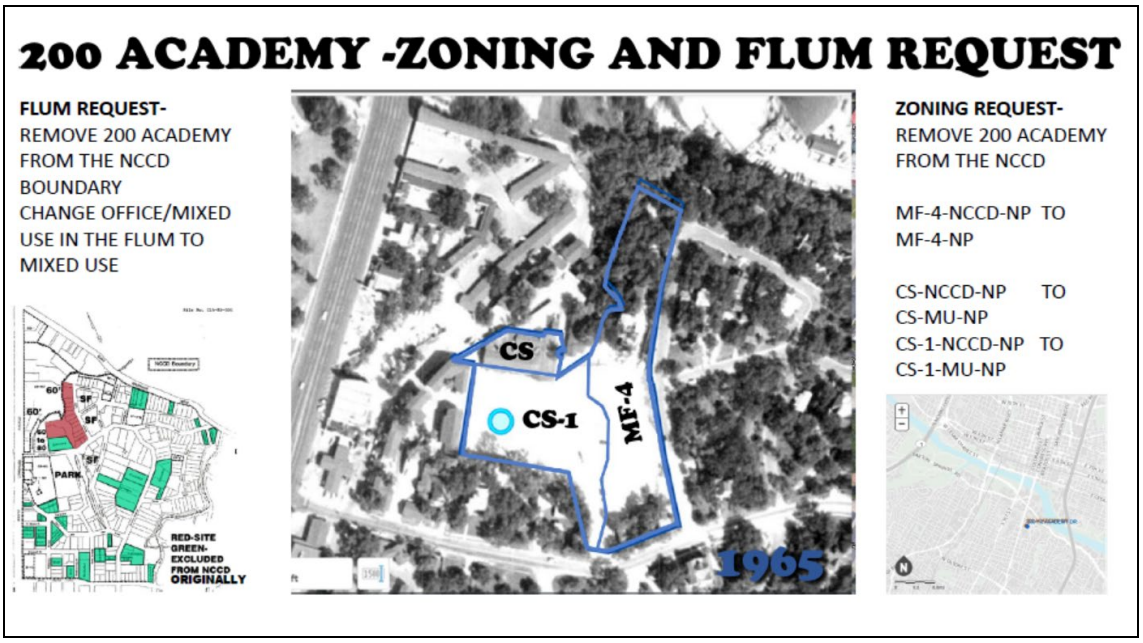


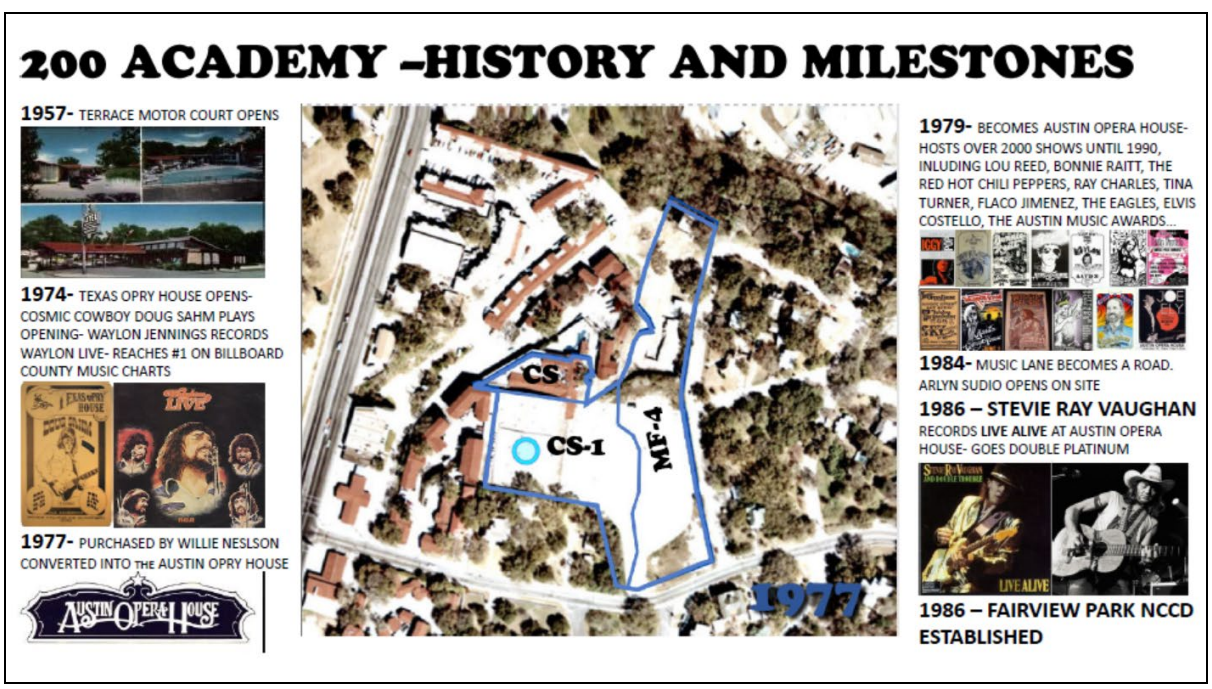
Future Land Use map

CS-CO-NP
MF-1-NCCD-N
CS-MU-V-NP
SF-3-NCCD-NP
CS-NCCD-NP
CS-1-NCCD-NP
SF-3-NCCD-NP
MF-4-NCCD-NP
GR-H-NCCD-NP
CS-MU-V-NCCD-NP

Zoning Map

**Applicant's January 13, 2021 community meeting presentation**



# 200 ACADEMY – IMPACTS OF THE 1986 NCCD

**CS AND CS-1**

**FLOOR AREA RATIO (F.A.R.)**
FROM 2:1 TO 0.35:1
(EXISITNG BUILDING IS OVER ALLOWABLE FAR ON C ZONED SITE AREA – 0.35 TO 1 IS LESS THAN SF-3 AND LOWEST IN SRCC)

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

**BUILDING COVERAGE**
FROM 95% TO 35%

**IMPERVIOUS COVER**
FROM 95% TO 65%

**USE**
LIMITED TO ONLY LIGHT OFFICE AND RESTRICTED RESIDENTIAL (15 UNITS/ACRE VS 34-54 UNITS/ACRE)
RESTRICTS **LIVE MUSIC** (COCKTAIL LOUNGE) RETAIL, MUSEUM, RETAIL, RESTAURANT, OFFICE, GALLERY…

**MF-4**

**UNIT CAP**
FROM 34-54 UNITS PER ACRE TO
22 UNITS PER ACRE
(LESS THAN HALF)

**IMPERVIOUS COVER**
FROM 70% TO 55%

**MASSING/F.A.R./HEIGHT**
REMAIN THE SAME-
THE SAME ENTITLEMENTS AS BASE ZONING (.75 TO 1 F.A.R.) HOWEVER THE **UNIT REDUCTION** REQUIRES **LARGER** AND **MORE EXPENSIVE** UNITS- THE **ANTITHESIS OF SMART GROWTH** IN AN AREA SPECIFICALLY TARGETED FOR RESIDENTIAL DEVELOPMENT, RESULTING IN THE **LARGEST HISTORICALLY ZONED PARKING LOT IN THE CITY OF AUSTIN**

# 200 ACADEMY – CURRENT CONTEXT

**SOUTH CONGRESS**

**THE MUSE APARTMENTS**
4 STORIES APTS- **MAX HEIGHT 60'**

**MUSIC LANE DEVELOPMENT**
A MIX OF RESIDENTIAL, OFFICE, RETAIL, RESTAURANTS, AND PARKING THAT FRONTS SOCO AND BACKS ON TO MUSIC LANE – **MAX HEIGHT 60'**

**THE MAGDALENA**
HOTEL AND RESIDENSES
**MAX HEIGHT 85'**

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

**HOTEL ST CECELIA – NOT IN THE NCCD**

**MULTI-FAMILY**

**MELISSA LANE AND NCCD**

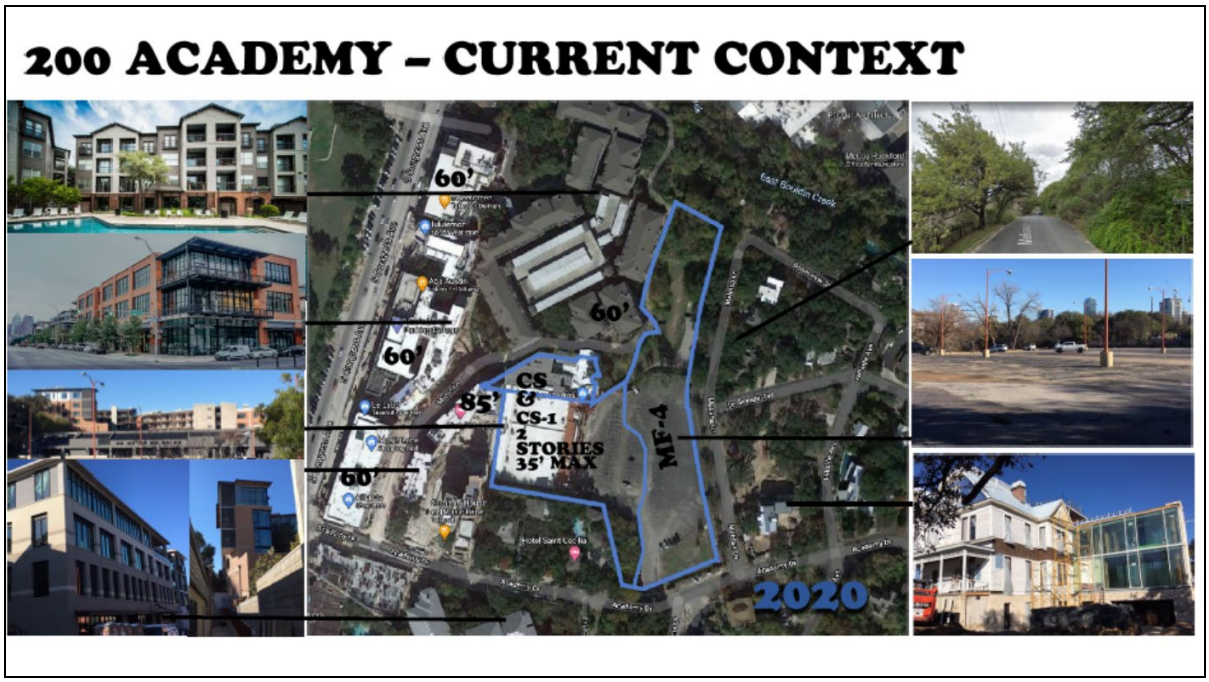
**206 BONNIEVIEW**
OWNED BY THE SAME OWNER AS 200 ACADEMY

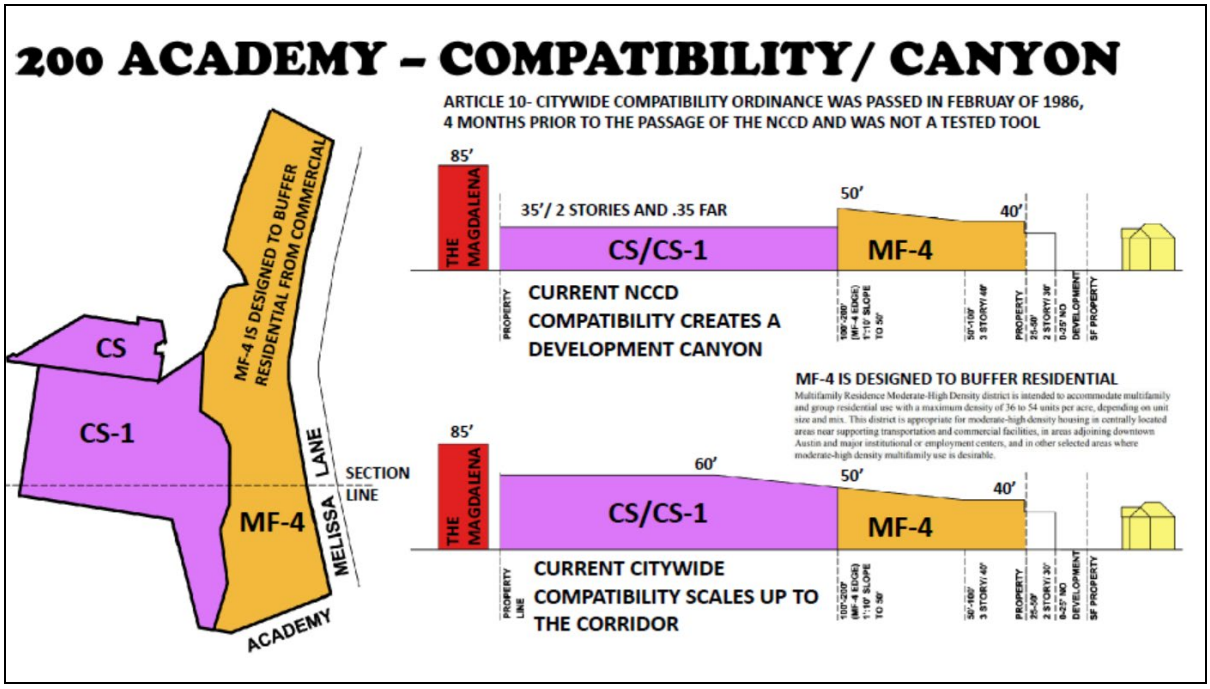
**207 BONNIEVIEW** –2002
**1013 MELISSA LANE** –1937
**1015 MELISSA LANE-** 1928
FACES LE GRAND AVENUE
CONTINUOUS VEGETATIVE BUFFER

**MF-4 ZONING PROVIDES A RESIDENTIAL BUFFER TO THE NEIGHBORHOOD**

**210 ACADEMY** - 1882-2018
FACES ACADEMY DRIVE-
CONTRIBUTING STRUCTURE
HISTORIC 4 STORY RESIDENCE UNDERGOING MODERN ADDITION

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


200 ACADEMY – CURRENT CONTEXT
60'
60'
60'
60'
85'
CS
&
CS-1
2
STORIES
35' MAX
MF-4
2020


200 ACADEMY – COMPATIBILITY/ CANYON
ARTICLE 10- CITYWIDE COMPATIBILITY ORDINANCE WAS PASSED IN FEBRUAY OF 1986,
4 MONTHS PRIOR TO THE PASSAGE OF THE NCCD AND WAS NOT A TESTED TOOL
CS
CS-1
MF-4 IS DESIGNED TO BUFFER RESIDENTIAL FROM COMMERCIAL
MF-4
MELISSA LANE
SECTION LINE
ACADEMY
85'
THE MAGDALENA
35'/ 2 STORIES AND .35 FAR
CS/CS-1
50'
40'
MF-4
CURRENT NCCD
COMPATIBILITY CREATES A
DEVELOPMENT CANYON
MF-4 IS DESIGNED TO BUFFER RESIDENTIAL
Multifamily Residence Moderate-High Density district is intended to accommodate multifamily and group residential use with a maximum density of 36 to 54 units per acre, depending on unit size and mix. This district is appropriate for moderate-high density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers, and in other selected areas where moderate-high density multifamily use is desirable.
85'
THE MAGDALENA
60'
CS/CS-1
50'
40'
MF-4
CURRENT CITYWIDE
COMPATIBILITY SCALES UP TO
THE CORRIDOR

# 200 ACADEMY – CONCERNS AND SOLUTIONS

## ALCOHOL

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

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

## TRAFFIC

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

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

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

# 200 ACADEMY – NCCD-WHY AND WHY NOT?

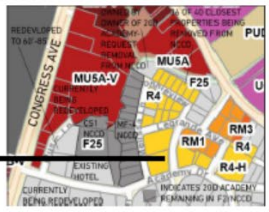
## 200 ACADEMY SHOULD NOT BE IN THE NCCD BECAUSE

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

**ARTICLE 10-COMPATIBILITY** (1986) AND
**SECTION 9-2 NOISE AND AMPLIFIED SOUND** (1992)

- THE NEW PROPOSED CODE HAS PROPOSED WAYS

TO ACCOMMODATE DENSITY IN THE NEIGHBORHOOD, **INCLUDING UPZONING SF IN THE NCCD- LET'S WORK TOGETHER PROVIDE DENSITY WITHOUT CHANGING THE EXISTING RESIDENTIAL FABRIC**



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

## Voice of Fairview Park NCCD

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

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

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

## Voice of South River City Citizens

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

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

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

# Voice of South River City Citizens

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

**FLOODING AND THE ENVIRONMENT**

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

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

# FLOODING CONCERNS bordering applicant's property

# Application to remove overlay

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

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

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

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

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

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

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

Excerpts from Ordinance No. 86 0807-H

ESTABLISHING SPECIAL COMPATIBILITY STANDARDS APPLICABLE TO ALL PROPERTY LOCATED IN THE FAIRVIEW PARK NEIGHBORHOOD

passed & approved 08/07/1986

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

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

## Voice of the Greater South River City Combined Neighborhood Planning Contact Team

excerpts from a letter to applicant 04/18/2019; no response rec'd

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

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

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

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

## Correspondence Received

-----Original Message-----
From: Seth Hurwitz
Sent: Wednesday, April 10, 2019 10:51 AM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Case NPA-2019-0022.01

Good Morning Ms. Meredith,

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

Thank you very much.

Sincerely,
Seth Hurwitz
220 Bonnieview St.
Austin TX 78704

---

**From:** Lee Schneider
**Sent:** Wednesday, April 03, 2019 1:49 PM
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>
**Subject:** 200 Academy: Case Number NPA-2019-0022.01

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

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

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

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

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

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

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

Thank you again for your time and consideration.

Lee & Laurie Schneider
1013 Melissa Lane
Austin, TX 78704

**PUBLIC HEARING COMMENT FORM**

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

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

**Case Number:** NPA-2019-0022.01
**Contact:** Maureen Meredith, Ph: 512-974-2695
**Public Hearings:** January 14, 2020 - Planning Commission

☐ **I am in favor**
☒ **I object**

LEE & LAURIE SCHNEIDER
Your Name *(please print)*

1013 MELISSA LANE 78704
Your address(es) affected by this application

Signature — Date: 1-9-20

Comments: WE ARE THE ONLY RESIDENCE ON MELISSA LANE. THIS PROPOSES REZONING FOR BUSINESS & COMMERCIAL USE LITERALLY OUTSIDE MY FRONT DOOR. THE LOT ACROSS FROM ME IS ZONED APPROPRIATELY FOR RESIDENTIAL USE ONLY AND SHOULD NOT BE CHANGED / UP ZONED

-----Original Message-----
From: Johannasullivan
Sent: Saturday, April 06, 2019 1:49 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: NPA-2019-0022.01

Good Day Maureen,

I live in the Fairview Park neighborhood and I have a few issues pertaining to the change in use of the property at 200 Academy. I understand that the current owners are asking for change in land use from Mixed Use/Office to Mixed Use. As a long time resident and property owner I do not welcome the entertainment business into our neighborhood. This is most inappropriate for a family residential area.
I strongly oppose this change.
I lived here in the days of Willie's Opera House and rest assured I was so glad when it closed. The entertainment district is close enough on Congress. Please do not allow this to go forward and invade the community further.
Thank you for your consideration,
Johanna Sullivan
1205 Hillside Ave.

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

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

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

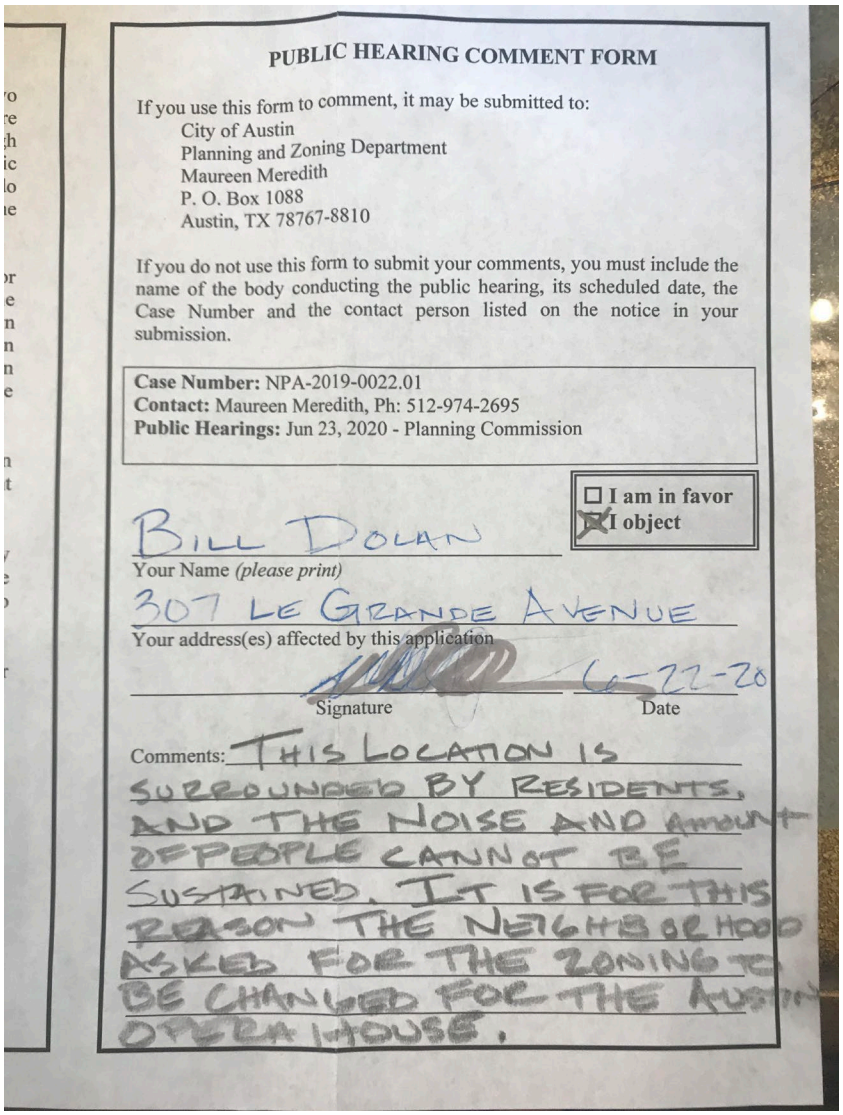
Colin Corgan
210 Academy Drive

---

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

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

---



PUBLIC HEARING COMMENT FORM

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

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

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

☐ I am in favor
☒ I object

BILL DOLAN
Your Name *(please print)*

307 LE GRANDE AVENUE
Your address(es) affected by this application

Signature — Date: 6-22-20

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

-----Original Message-----
From: Caroline Hurwitz
Sent: Wednesday, April 10, 2019 10:44 AM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Case NPA-2019-0022.01

Good Morning Ms. Meredith,

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

Thank you very much.

Sincerely,
Caroline Hurwitz
220 Bonnieview St.
Austin TX 78704

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

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

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

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

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

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

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

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

Thank your for your attention to this matter.

Sincerely,

Robert P. Schuwerk
207 Bonnieview Street
Austin, TX 78704

---

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

Hi Maureen,

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

Best,
Brett Rebal

---

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

Hi Maureen

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

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

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

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

Thanks for your attention-

Brian

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

# Opry House noise irks neighbors

By BRUCE HIGHT
Staff Writer

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

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

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

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

Gronquist goes on to say that "the through traffic and noise pollution alone is more than we could withstand on a long-term basis. The issue is that simple — our neighborhood survival.

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

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

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

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

"I don't know what else they expect us to do," O'Connor said. "I

(See OPRY, Page B4)

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

## OPRY — (Continued from Page B1) —

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

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

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

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

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

**From:** Laura Toups
**Sent:** Tuesday, September 7, 2021 3:34 PM
**To:** Clark, Kate <Kate.Clark@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>
**Subject:** NPA-2019-0022.01and C14-2020-0147

*** External Email - Exercise Caution ***

Dear Kate and Maureen,

I am a resident of 305 Le Grande Ave and have lived at this location since 1990. I wish to express my strong opposition to the two referenced cases for 200 Academy Drive. I have issues with some of the information included in the TIA and I also believe that the requested uses are inappropriate. I am in opposition to the applicant's request as well as the staff recommendation. Highlights of my opposition are the follow:

The tract is adjacent to SF houses and the existing allowed uses of Office and Multifamily are appropriate Transition uses/zoning. The requested Cocktail Lounge, Restaurant/Retail uses are Not appropriate.

The only access for the site is Academy Drive, a neighborhood street.

The TIA has several problems including counts taken during a time when Academy was closed at S. Congress due to construction and uses smaller square footages for future traffic projections.

I was the chair for a subcommittee of residents on the NPCT. We met with the applicant and looked at all the applicable information on this case and produced the attached report. It contains more details regarding issues with the application and the staff recommendation.

Thank you,

Laura Toups

Attachment to Laura Toup's email

Greater South River City Neighborhood Plan Contact Team
200 Academy Sub-Committee Report
08-17-21

Applications: NPA-2019-0022.01 (Neighborhood Plan Amendment filed Feb 27, 2019)
C14-2020-0147 (Zoning Change Application filed

Subcommittee Members: Laura Toups (chair), Claudette Lowe, Colin Corgan, Brian Beattie, Valerie Fowler

**SUMMARY OF MEETINGS AND ACTIONS TO DATE:**

Subcommittee Meetings:
July 25, 2021 Applicant's agent, Richard Weiss met with Laura Toups to discuss details of the application.
August 5, 2021 Applicant, Chris Wallin and agent Richard Weiss met with entire sub-committee to present application requests, project concept and address questions/concerns.
Full Contact Team Meeting:
April 2019 Grace United Methodist Church heard initial presentation from applicant
Planning Department Meeting:
January 13, 2021 City of Austin Planning Dept. presentation by applicant
Postponement by Staff:
August 13, 2019 – City staff's request for an indefinite postponement.
Postponements by Applicant:
January 14, 2020 – Applicant's request for an indefinite postponement.
June 23, 2020 – Applicant's request for an indefinite postponement.
Postponement by NPCT:
August 10, 2021

**EXECUTIVE SUMMARY TIMELINE**

- The GSRCC Neighborhood Planning Contact Team (NPCT) met with the applicant in April 2019 when application for the Neighborhood Plan FLUM Amendment was filed.
- The NPCT issued a letter in opposition in response to the project as proposed on April 18, 2019.
- The NPCT did not hear a response from the applicant.
- The applicant filed a zoning change application in late 2020.
- The applicant filed a TIA with the City of Austin in October 2020 and completed the required TIA review with the City in May 2021.
- The NPCT and subcommittee of concerned neighbors have worked to review the TIA, the new uses proposed in the TIA and the concepts presented by the applicant.

The SRCC neighbors have worked for many years in a progressive planning approach which is evidenced by the adoption of the first city NCCD for Fairview Park which was developed and adopted at a time when the city had not even approached neighborhood planning yet. As the neighborhood

Attachment to Laura Toup's email

adjoins South Congress there was early acknowledgement that commercial and mixed use would develop along the S. Congress corridor and there would be a threat to preservation of the historic neighborhood of Fairview Park. The neighborhood, while many may be disappointed by the changes to S. Congress from its (slower feel of the) loss of local merchants, accepts the increased density, commercial development and "tourist destination" it has become, of course, we have no choice really. But the NCCD was put into place and the FLUM developed to allow Office and Multifamily use on the 200 Academy property which is an appropriate transitional use next to single family. A music venue on this property, which does not have frontage or access to S. Congress is not an acceptable use to the neighborhood. It is deep into the neighborhood with its only access from a neighborhood collector street with 30' of pavement.

**SUBCOMMITTEE RECOMMENDATION**

It is recommended that the FLUM not be amended to allow more intense uses as proposed by this application.

**HISTORY OF MUSIC VENUE**

**Applicant believes that the need for a 'cocktail lounge' music venue at this location is driven by its history. The following is our response to this argument.**

*The following was prepared by Brian Beattie who along with wife Valerie Fowler live at 1211 Ravine, across from 200 Academy.*

*"I am a lifelong professional musician/ record producer. I saw lots of great shows at The Opry House, I played there a few times myself, and I've made a quite a few records at Arlyn, the recording studio within the 200 Academy complex. And somehow, I still love music! Additionally, I'm no "nimby", and I would welcome the redevelopment of the property at 200 Academy."* Brian Beattie.

***Problems with the venues:***

The developers want to use the branding and value of the property's association with "The Austin Opry House" as a centerpiece of their development. Although I greatly appreciate the history of the Opry House and the many legendary acts that came to play there, there is a second, parallel history that replayed again and again during the Opry House's relatively brief tenure. During the 16 or so years of the Opry House's existence, there was a constant battle with the neighborhood over the noise, parking and behavior of the well lubricated patrons spilling out en masse into the neighborhood as the shows ended late in the night. The owners of the **Texas Opry House in '74**, and the **Austin Opry House between 77 and 87**, and the **Terrace/ Opera House in the late 80's and early 90's** constantly attempted to mitigate the effects that the club had on the neighborhood, but the same problems played out again and again.

- Too much traffic all happening at once in the middle of the night when the shows let out,
- Too many people parking all up and down the streets of the neighborhood

Attachment to Laura Toup's email

- Too many drunk, loud, excited patrons wandering the neighborhood looking for their cars, or a place to pee, or to perform other natural acts that are usually private affairs when one's judgement is less clouded.
- Trash everywhere. Tons of bottles, beer cans, food containers, condoms, etc. Sort of what might be expected, near a bar.

***Continued Problems lead to restrictions:***
It happened in '74 as "The Texas Opry House", and that led to enough neighborhood complaints to shut the place down, and it happened immediately again when it re-opened as "The Austin Opry House" in '77. Within a short time, the owners had to severely limit the number of tickets they could sell, and the size and frequency of shows that they could produce, yet they could never mitigate what was beyond their control, which is the way that thousands of intoxicated, excited folks behave when they are released into the cool Austin night.

It became such a problem that the club's liquor license was eventually revoked by the TABC. There was NEVER a time when the "Opry House" existed that it was able to operate in a way that did not adversely affect the neighborhood.

***Additional Historic Facts:***

- After it was first platted out as "The Isaac Dekker League" the first developer of this property (James Swisher) donated the land that is presently used as South Congress Avenue as a thoroughfare for the southern approach to our lovely city. Anyone driving up South Congress Avenue is benefiting from his foresight. What a view! James Swisher lived on the property directly to the east of 200 Academy, across Melissa Street.
- Fairview Park was developed by Charles Newning in 1886, who bought the old Swisher Place and rebuilt it as a grand Victorian House. He developed the roadways and infrastructure within "Fairview Park" well before he even offered lots for sale. He created all of the present roadways in the neighborhood, including Academy Drive, which was initially called "Riverside", because it was the best way to head towards the southeastern part of town from south of the river. (The current "Riverside Ave" east of S. Congress was a flood prone sand bank before the Colorado was dammed)
- The area that is now 200 Academy was a park and picnic grounds for any number of events in early Austin History (Yes, lots of music and dancing back then as well!) Fairview Park has been a lovely, close in, urban neighborhood for the past 125 years. We had public transportation in the form of horse drawn, and then electric trolleys running right down Academy from the 1880's to the 1920's, and it was a boon to us all. Charles Newning developed the roadways that are still used today, and well loved by all that use them.
- "The Terrace", the hotel complex that originally developed the 200 Academy property in 1965, got international recognition as an innovator in creating parking solutions for the newly developing "Motor Court" culture. (this was in 1960) When they built "The Terrace Convention Center", it was opened as a "Private Club" (much in the same way that the bar at the Saint

Attachment to Laura Toup's email

Cecelia at 112 Academy operates.) Although the Terrace Motor Court hosted events with as many as 2000 people, there is no historical evidence that it ever disrupted the neighborhood. I believe this may be partially because the hotel complex spread over 15 acres at that point, so many if not all of the convention goers were actually staying at the Motor Court, so they could leave their cars in front of their cabin and walk down the well-manicured paths to the Convention Center and convene. The Terrace Convention Center also annually hosted the precursor to the Texas Book Festival, which was called the "Texas Writer's Round-up"

***In Summary:***
Every developer who owned the 200 Academy property up to the era of the "Opry House" was able to design their development so that it enhanced the livability and mobility of the neighborhood and city. The only difference in "The Opry House" from every other usage was its pure reliance on alcohol sales during musical events, the resulting density of use during those business hours, and the behavior of the patrons as they were released into the world…. again, and again. It was the first time that the use of the property hurt, instead of helped, the area surrounding it.

For many years after the Opry House was forced to close because of its incompatibility with the neighborhood, it was used as a business park. That was very acceptable, it generated money and jobs, and the constant comings and goings were peaceful.

Historically, the usage of the property at 200 Academy as a music venue, as legendary as it was, was very short lived. Maybe 16 years tops, and most of those years it was used very minimally because of the problems caused within the neighborhood, and the negotiated solutions. The property has been a great neighbor to us for the last 25 years. It has been sort of empty lately, but that has purely been the choice of the current owner. "The Austin Opry House" is a fine, well-loved brand, but, like "The Soap Creek Saloon", and "Austin City Limits", if it was moved to a more appropriate location, it could become something that hews more closely to the developers expectations and dreams. Bring on the development, bring us public transportation, housing, local markets, but PLEASE do not bring the same thing in that has proven time and again to be disruptive within the confines of a lovely, yet ever evolving historic neighborhood.

**COMPATIBILITY OF USES PROPOSED**

Issues with the Staff Recommendations:

- Staff comment: *"Granting of the request should result in an equal treatment of similarly situated properties."*

Attachment to Laura Toup's email

This is not a valid statement as the properties that were rezoned within the NCCD had frontage and access on S. Congress which is a major arterial.

- Staff comment: "*The proposed zoning should promote consistency and orderly planning; Zoning should*
  *promote a transition between adjacent and nearby zoning districts, land uses, and development intensities."*

  The neighborhood believes that the current allowed used on the tracts for Office and Multi-family promote orderly and consistent planning and not the addition of a music venue and high turnover restaurant.

- Staff Comment: "*Tract 3's current zoning is most closely aligned with the MF-2 zoning district. Allowing for the equivalent of MF-3 zoning on this tract would still be compatible with single-family uses and provide a transition in land use and development intensity from S. Congress to Melissa Lane."*

  The neighborhood believes that MF-2 is a more compatible use in this transition to SF-3.

- TIA staff memo recommendation supporting the proposed uses.

  Neighborhood is concerned with the access to Academy Drive (66' ROW) and Melissa Lane (50' ROW). Both have 30' of pavement and are classified as Austin Strategic Mobility Plan (ASMP) 1 streets. Level 1 streets are the lowest category and referred to as Local streets. In the Transportation Criteria Manual (TCM) these streets are categorized as neighborhood collector and local residential. The high intensity uses of a 17,000 s.f. music venue and high turnover restaurant are not appropriate off of a Neighborhood Collector street.

**<u>TIA AND TRAFFIC/PARKING CONCERNS</u>**

**TIA:**
The applicant's TIA states the following:

> *WGI collected 24-hour, bi-directional tube counts on Le Grande Avenue, Newning Avenue and Melissa Avenue on Tuesday, July 21, 2020. Tube counts on Academy Drive were collected on Tuesday, March 23, 2021. Since these tube counts were collected during the COVID-19 pandemic, an adjustment was made in order to account for the atypical/low volumes.*

The counts made in July 2020 were not only during a pandemic, it was also while Academy Drive at S. Congress was closed and had been closed for almost 2 years. Cut through traffic has built over the years for those cutting between S. Congress and Riverside Dr. via Newning/Le Grande/Hillside/Academy. Although counts were then taken on March 23, 2021, Academy was open

Attachment to Laura Toup's email

but continued construction at the intersection with S. Congress, along with its 2-year closure had greatly reduced cut-through traffic along with the pandemic continuing to affect traffic.

- **There does not appear to be an increased adjustment for the Bigger issue of the road closure at S. Congress.**
- **There were no updated 2021 tubes counts at Le Grande location.**
- **The TIA assumes a music venue of 10,000 s.f. We have been told by applicant that they are proposing a 17,000 venue.**

See *ATTACHMENT 1 - City of Austin Staff TIA Memo* for neighborhood item concerns provided in YELLOW HIGHLIGHT and comments in RED.

**TRAFFIC/PARKING CONCERNS:**

- Even with the proposed solution of a huge underground parking lot in the middle of a natural historic drainage, there will be many people who will simply want to eliminate the hassle (and cost) of the parking garage and park nearby on the neighboring streets. The only solutions that applicant was able to offer to that problem is that we should change the parking regulations within the neighborhood, outside of their development. They want to make Academy, between Congress and the entrance to the Opry House a "No Parking" street, and recommended that everyone that is affected outside of their development to ask the city to make their streets into "neighborhood parking only" zones. As we understand, that sort of parking regulation often causes more problems than it solves.
- The traffic generated by a 17,000 s.f. music venue that all leave and come at the same time will generate unacceptable problems for this residential neighborhood.

**ENVIRONMENTAL CONCERNS**

Although environment compliance is not detailed and required until the Site Development Permit phase the following concerns are provided:

1. There is a natural creek across from my house (at 1211 ravine dr). I believe it's historical name was "Swisher Branch". It used to extend all the way north to it's confluence with Bouldin Creek. In 1964, when the "Terrace Convention Center" and its parking lot were built (at 200 Academy), they diverted the creek into a storm drainage pipe, and then they paved over the creek and put up a parking lot. (not to mention the small valley on either side of the creek, lined with ancient

Attachment to Laura Toup's email

trees that had been used for years as a public picnic and gathering space, since Fairview Park was developed in 1886) The natural creek still exists across from my house at 1211 Ravine Dr., and it exists right beyond the lower (northern) extremity of the property at 200 Academy. There is a lovely little canyon down there where the piped creek dumps back into the natural waterway, about 100 yards or so before it's confluence with Bouldin Creek. There are known springs all throughout this area of our neighborhood. Nowadays, with modern zoning and environmental standards, you could never pave over an existing creek of this size in Austin. The developers seem to be unaware of the creek's existence. I believe their plans involve putting an underground parking lot right where the natural waterway used to flow. All of us need to understand the environmental impact of what they want to do before any plans are finalized. I would prefer for them to re-naturalize the waterway and use it as a green/commons/ park/ hike and bike area space to allow for a proper amount of pervious cover for the density of development that they're proposing. (Brian Beattie)

Attachment to Laura Toup's email

ATTACHMENT 1

**MEMORANDUM**

| | |
|---|---|
| **Date:** | May 21, 2021 |
| **To:** | Ravali Kosaraju, P.E., PTOE, WGI Engineering |
| **CC:** | Curtis Beaty, P.E., Bryan Golden, Jayesh Dongre<br>Austin Transportation Department<br>Kate Clark, Housing and Planning Department |
| **Reference:** | 200 Academy<br>Transportation Impact Analysis Final Memo<br>C14-2020-0147 |

**Summary of the Transportation Impact Analysis (TIA):**

The Austin Transportation Department (ATD) has reviewed the *"200 Academy TIA"* dated July 31, 2020 and subsequent updates received on November 25, 2020, January 29, 2021,
March 26, 2021, and April 29, 2021 prepared by WGI Engineering. The 200 Academy TIA and all amendments thereto are collectively referred to herein as the "TIA". The proposed 200 Academy development is located on the northwest corner of Academy Drive and Melissa Lane in Austin, shown in Figure 1 below.

The proposed project is anticipated to be completed by 2023 and would consist of 60,000 square feet of General Office, 4,000 square feet of Shopping Center, 8,000 square feet of High- Turnover Restaurant, 120 dwelling units of Multi-Family (Low-Rise) housing, 4,000 square feet Museum, and a 10,000 square feet Music Venue. SHOULD BE 17,000 S.F.

A Neighborhood Traffic Analysis, prepared by WGI Engineering, was also required for this site and can be found in Appendix A.

Below is a summary of our review findings and recommendations:

1. The applicant shall design and construct the improvements identified in Table 2b below and in Figure 2 prior to issuance of a

Attachment to Laura Toup's email

temporary certificate of occupancy (TCO) or certificate of occupancy (CO) at the time of the first site development permit. **Note:** Cost estimates *should not* be assumed to represent the maximum dollar value of improvements the applicant may be required to construct.

2. A fee-in-lieu contribution to the City of Austin shall be made for the improvements identified in Table 2a, totaling $5,000, prior to issuance of the first site development permit.

3. The applicant shall provide an electronic copy of the final, updated version of the TIA report, including all supplemental documents, before 3rd reading.

Attachment to Laura Toup's email

4. City of Austin staff reserves the right to reassign any or all the funding to one or more of the improvements identified in the TIA.

5. The findings and recommendations of this TIA memorandum remain valid until five (5) years from the date of the traffic counts in the TIA or the date of this memo, whichever comes first, after which a revised TIA or addendum may be required.

6. The findings and recommendations of the TIA included in this memo are based on the land use, intensity, associated traffic information and analyses and phasing of the development considered in the TIA. Should any of these assumptions change, the applicant may need to complete a new TIA, or update the TIA as required by code at the time of site plan application.

7. Street Impact Fee Ordinances 20201220-061 [https://www.austintexas.gov/edims/document.cfm?id=352887] and 20201210-062 [https://www.austintexas.gov/edims/document.cfm?id=352739] have been adopted by City Council and are effective as of December 21, 2020. The City shall start collecting street impact fees with all building permits issued on or after June 21, 2022.For more information please visit the Street Impact Fee website [austintexas.gov/streetimpactfee].

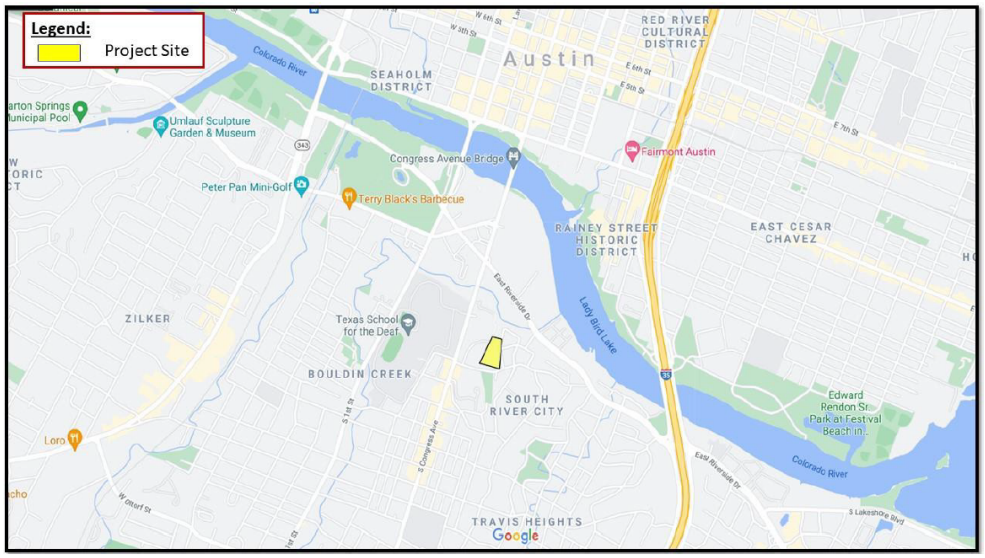



Figure 1: Site Location

Attachment to Laura Toup's email

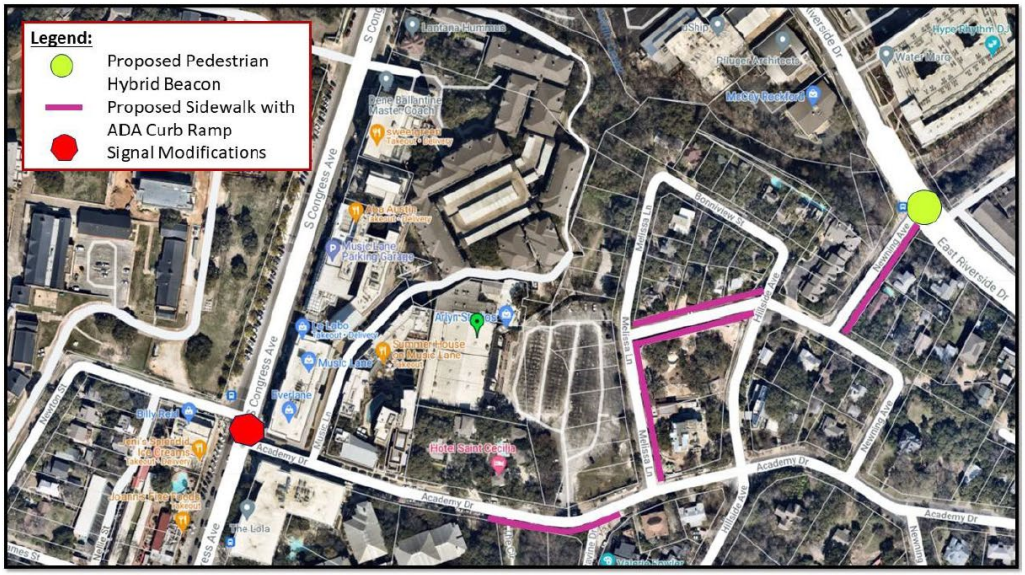



Figure 2: Transportation Mitigation Locations

**Assumptions:**

1. The TIA assumes that the development will be completed by 2023.
2. The project will have two access points: the primary driveway will exist along Academy Drive across from Ravine Drive and will serve all land uses. A second driveway will exist on Melissa Lane just north of the intersection with Le Grande Avenue that will provide access to the residential units only and will not have any parking provided for other land uses.
3. Based on TxDOT Traffic Count Database System (TCDS), a 2% annual growth rate was assumed to account for the increase in background traffic.
4. Various growth factors were calculated to account for COVID-19 traffic conditions. WHERE IS THE INCREASE ADJUSTMENT FOR COVID AND WHERE IS THE INCREASE ADJUSTMENT FOR CLOSURE OF ACADEMY DRIVE AT S. CONGRESS?
5. Transportation Demand Management (TDM) measures would reduce vehicle trips by 30%. A robust TDM plan will be submitted at the time of first site plan.
6. Listed below are the background projects that were assumed to contribute trips to surrounding roadway network in addition to forecasted site traffic:
   a. The Magdalena Hotel: SP-2015-0345CT(R1)
   b. 425 Riverside PUD: SP-2017-0494C
7. It should be noted that during this review, Capital Metro's Project Connect Plan was adopted and the design of all the rail lines are currently in progress. The design of Project Connect, particularly the Orange Line, might potentially affect traffic operations along South Congress Avenue and at Academy Drive. This may affect the operational assumptions contained in this TIA. ATD may require additional analysis at time of site plan if Project Connect's plans become more refined and alter traffic patterns along South Congress at the Academy Drive intersection.

Attachment to Laura Toup's email

8. At the time of first site plan, the following must be submitted for ATD's review and approval: a TDM plan, a traffic control plan for the music venue, the location of on-site TNC pick-up/drop- off, driveway design at Academy Drive that includes vehicle and truck turning templates, the location of for loading/unloading activities, and a final internal circulation design.

**Proposed Conditions:**

**Trip Generation and Land Use**

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition), the development will generate approximately 3,933 unadjusted average daily vehicles trips (ADT) at full build out.

ITE Trip Generation Manual (10th Edition) does not capture the trip generation for music venue and museum as land uses, therefore, local data was used for these land uses.

Due the significant number of vehicle trips and the anticipated traffic load on the roadway network, the applicant has committed to a Transportation Demand Management (TDM) Plan to reduce their site vehicle trips by 30%.

Table 1 shows the adjusted trip generation after existing trips and TDM reductions.

**Table 1: Adjusted Trip Generation**

| ITE Code | Proposed Land Use | Size / Unit | | 24-Hour Two Way Volume (Approx.) | AM | PM |
|---|---|---|---|---|---|---|
| 710 | General Office | 60,000 | SF | 646 | 83 | 70 |
| 820 | Shopping Center | 4,000 | SF | 674 | 154 | 50 |
| 932 | High-Turnover Restaurant | 8,000 | SF | 897 | 80 | 78 |
| 220 | Multifamily Housing (Low Rise) | 120 | DU | 866 | 57 | 69 |
| * | Music Venue | 10,000 | SF | 650 | 0 | 65 |
| * | Museum | 4,000 | SF | 200 | 0 | 20 |
| | | | *Unadjusted Trips* | *3,933* | *374* | *352* |
| | | | *Existing Trips* | *(593)* | *(78)* | *(64)* |
| | | | Subtotal | *3,340* | *296* | *288* |
| | | | *TDM Reduction (30%)* | *(1,002)* | *(89)* | *(86)* |
| | | | **Total Adjusted Trips** | **2,338** | **207** | **202** |

*Note:* * marked denotes Local data used

THE ASSUMED SF OF MUSIC VENUE IS INCORRECT.

Attachment to Laura Toup's email

**Transportation Demand Management (TDM)**

The applicant has committed to a 30% TDM reduction to meet certain vehicle trip reduction targets. In the TDM plan, the applicant has identified several measures that could be incorporated with the site to achieve the targeted vehicle trip reduction. The applicant identified the following key TDM measures to reach the reduction target:

- Transit Elements (up to 7%)
- Pedestrian Access and Connectivity (5%)
- Bicycle Access and Connectivity (5%)
- Bicycle Parking (0.5%)
- Showers & Lockers (0.5%)
- Unbundled Parking (6%)
- Limit Parking Supply (6%)
- TDM Coordinator (1%)
- TMA Membership (3%)

The applicant has the flexibility to pick and choose other relevant TDM measures at the time of site plan.

Attachment to Laura Toup's email

Summary of Recommended Improvements:

| Table 2a: Recommended Improvements (Fee-in-Lieu) | | | | |
|---|---|---|---|---|
| Intersection | Improvement | Cost | Developer's Share % | Developer's Share $ |
| South Congress Ave & Academy Dr/Nellie St | Signal Modifications | $5,000 | 100% | $5,000 |
| **Total** | | **$5,000** | **-** | **$5,000** |

| Table 2b: Recommended Improvements (Construction) | | | | |
|---|---|---|---|---|
| Intersection | Improvement | Cost | Developer's Share % | Developer's Share $ |
| East Riverside Dr & Newning Ave | Pedestrian Hybrid Beacon (PHB) | $150,000 | 100% | $150,000 |
| Le Grande Ave (north) from Melissa Ln to Hillside Ave<br><br>Le Grande Ave (south) from Melissa Ln to Hillside Ave *<br><br>Melissa Ln (east) from Le Grande Ave to Academy Dr *<br><br>Newning Ave (east) from E Riverside Dr to Le Grande Ave<br><br>Academy Dr (south) from ±200 ft west of Ravine Dr to ±50 ft east of Ravine Dr | Approximately 1,580 LF of 5 ft wide sidewalk construction | $189,600 | 100% | $189,600 |
| **Total** | | **$339,600** | **-** | **$339,600** |

* TOPOGRAPHICAL CONSTRAINTS WILL SEVERELY AFFECT CONSTRUCTIBILITY AND COST OF THIS SIDEWALK. THE CONNECTION TO EXISITING SIDEWALK FROM LE GRANDE TO RIVERSIDE CAN NEVER BE ADA COMPLIANT DUE TO THE STEEP HILL ON NEWNING.

Attachment to Laura Toup's email

If you have any questions or require additional information, please contact me at512-974-4073.

Nazlie Saeedi, P.E.
Austin Transportation Department

# PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

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

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

**Case Number:** NPA-2019-0022.01
**Contact:** Maureen Meredith, PH: 512-974-2695 or Maureen.Meredith@austintexas.gov
**Public Hearing:** Aug 10, 2021 - Planning Commission

☐ I am in favor
☑ I object

Brian Beattie
Your Name *(please print)*

1211 ravine drive
Your address(es) affected by this application

Signature

8/3/21
Date

Comments: The proposed development would greatly increase the traffic in our neighborhood. The map shown on all of the Notices that we have recieved are inaccurate. The map depicts our street, Ravine drive as a through street. It has been a dead end since the '70's. Any traffic flow expert who is given accurate data about the volume of traffic in proximity to the proposed development and the increase in traffic that would occur if the development goes through as planned would be appalled.

## PUBLIC HEARING COMMENT FORM

If you use this form to comment; it may be submitted to:

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

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

**Case Number:** NPA-2019-0022.01
**Contact:** Maureen Meredith, PH: 512-974-2695 or Maureen.Meredith@austintexas.gov
**Public Hearing:** Aug 10, 2021 - Planning Commission

☐ **I am in favor**
☒ **I object**

Kim Lanzillotti
Your Name *(please print)*

3408 Willow Springs Rd
Your address(es) affected by this application

Signature — Date: 9/7/2021

Comments: As a resident of SRCC I object to this amendment to our neighborhood plan. This mixed use which includes a music venue, a bar, and a high turn over restaurant is not in compliance with the future Land Use Map. Furthermore it is proposed deep inside a residential neighborhood and not on the S. Congress corridor.

## PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

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

City of Austin
AUG 11 2021
NHCD / AHFC

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

**Case Number:** NPA-2019-0022.01
**Contact:** Maureen Meredith, PH: 512-974-2695 or Maureen.Meredith@austintexas.gov
**Public Hearing:** Aug 10, 2021 - Planning Commission

☐ **I am in favor**
☒ **I object**

Cameron Riffe
Your Name *(please print)*

1103 Hillside ave
Your address(es) affected by this application

Signature

Aug 4th 2021
Date

Comments: The Foot & Car Traffic would best be directed out of the neighborhood. There is a road behind this property that goes thru the muse apts, by equinox & connects to congress. Make that a entrance/exit & use Mellissa for emergency use only. What about the Green Space Richard assured would be made on the property?

**From:** Jon David Swann
**Sent:** Tuesday, September 7, 2021 2:39 PM
**To:** Clark, Kate <Kate.Clark@austintexas.gov>
**Subject:** NPA-2019-0022.01

*** External Email - Exercise Caution ***

Subject: NPA-2019-0022.01

Dear Ms. Clark:

(Please include this email message with the subject case materials so the Planning Commission can be informed that the proposed FLUM change is a bad idea.)

Dear Commissioners:

The proposed use profoundly violates our Neighborhood Plan, and it also violates the intended nature and character of our residential neighborhood. The change must not be approved.

During my tenure as President of South River City Citizens we experienced chronic and significant disturbance from live music venues located at the site. We do not want that experience to be repeated. The developer needs to find an appropriate location for the noise, litter, and traffic that will accompany his desired use.

Our planning team has met with the developer's representative, and we have listened to his plans. I am very familiar with the site, and I lived at 122B Academy Drive for about a year. The uses indicated in our Neighborhood Plan are still reasonable uses. Our Neighborhood Plan was developed and has been maintained at great cost and effort by neighbors and city staff. The Plan is documented as a City of Austin ordinance.

Thank you for your support. It is not necessary to sacrifice 100% of the Austin quality of life to allow developers to increase their wealth.

Jon David Swann
505 Lone Oak DR
Austin, TX 78704

**From:** Elloa Mathews
**Sent:** Tuesday, September 7, 2021 4:41 PM
**To:** Clark, Kate <Kate.Clark@austintexas.gov>
**Cc:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>
**Subject:** Opposing NPA-2019-0022.01

*** External Email - Exercise Caution ***

Dear Ms. Clark and Planning Commissioners,

I write in opposition to this amendment to the Future Land Use Map at 200 Academy.

The property where this music venue/high turnover restaurant is proposed is not on S. Congress Ave. It is many lots interior to a residential neighborhood on a dead end neighborhood street. It is across the street from a house built in the late 1800's and surrounded by many small 100 year old homes.

The GSRCC Neighborhood Plan is an adopted city ordinance that carries the force of law. The Neighborhood Plan and FLUM was required by the City of Austin.

The damage caused by a regulatory gap or inappropriate amendments to this robust plan threatens to degrade the quality of our life and the effectiveness of our plan.

Like any good founding document, our Neighborhood Plan and Future Land Use Map has accommodated everything you see today in our neighborhood with only 6 variances since its adoption in 2005. Approximately 95% of the new commercial and multi family uses were built under the existing Neighborhood Plan without an amendment to the FLUM or zoning change.

In the case of 200 Academy, city staff has used our Neighborhood Plan to say that we condone a high turnover restaurant, a concert venue and museum on a 30 foot ROW street across from SF-3 zoned homes. WE DO NOT. This is not on the South Congress Corridor.

Nothing in our Neighborhood Plan could be used to justify the proposed music venue or restaurant uses at this site.

Elloa Mathews
D9

**"City Charter requires zoning changes to '...be consistent with the comprehensive plan' ".**

**From Imagine Austin Comprehensive Plan Section 1:2, p.15:**

***Through the process of comprehensive planning and the preparation, adoption and implementation of a comprehensive plan, the city intends to preserve, promote, protect and improve the public health, safety, comfort, order, appearance, convenience and general welfare; prevent the overcrowding of land and avoid undue concentration or diffusion of population or land uses; facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, recreational facilities, housing and other facilities and services; and conserve, develop, utilize and protect natural resources***

**( Article X. Planning; Charter of the City of Austin, Texas)**

**PUBLIC HEARING COMMENT FORM**

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

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

**Case Number:** NPA-2019-0022.01
**Contact:** Maureen Meredith, Ph: 512-974-2695 or at Maureen.Meredith@austintexas.gov
**Public Hearing:** Sept. 14, 2021 - Planning Commission

☐ **I am in favor**
☒ **I object**

MARYLIN ORTON
Your Name *(please print)*

1227A Hillside Ave
Your address(es) affected by this application

Signature — 9/10/2021 Date

Comments: This proposed zoning change will negatively affect our neighborhood and community due to increased traffic on residential streets, noise and parking issues. This is in the middle of a residential area and not an appropriate location for music venue or bar. It is NOT a historic music venue

## PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

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

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

**Case Number:** NPA-2019-0022.01
**Contact:** Maureen Meredith, Ph: 512-974-2695 or at Maureen.Meredith@austintexas.gov
**Public Hearing:** Sept. 14, 2021 - Planning Commission

☐ **I am in favor**
☒ **I object**

ROSALYN CLIFTON
Your Name *(please print)*

1227 HILLSIDE AVE, UNIT A, AUSTIN 78704
Your address(es) affected by this application

Signature

09-10-21
Date

Comments: This proposed change will negatively effect travel, noise, and parking along my quiet residential street. Music venues and bars do not belong in Residential neighborhoods. The historic value of the Austin Opry House is not tied to this location. They can open it anywhere

**PUBLIC HEARING COMMENT FORM**

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

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

**Case Number:** NPA-2019-0022.01
**Contact:** Maureen Meredith, Ph: 512-974-2695 or at Maureen.Meredith@austintexas.gov
**Public Hearing:** Sept. 14, 2021 - Planning Commission

☐ **I am in favor**
☒ **I object**

Jane A. Thurmond
Your Name *(please print)*

1227 Hillside Ave., Apt. C
Your address(es) affected by this application

Jane A Thurmond — 9-12-2021
Signature — Date

Comments: Traffic, noise, the selling of more alcohol, live music, and high density residencies with limited avenues of entry and exit is inappropriate planning for this neighborhood.

**PUBLIC HEARING COMMENT FORM**

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

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

**Case Number:** NPA-2019-0022.01
**Contact:** Maureen Meredith, Ph: 512-974-2695 or at Maureen.Meredith@austintexas.gov
**Public Hearing:** Sept. 14, 2021 - Planning Commission

☐ **I am in favor**
■ **I object**

ANITA R. TSCHURR
Your Name *(please print)*

1227 HILLSIDE AVE. 78704
Your address(es) affected by this application

Anita R Tschurr — 9/12/2021
Signature — Date

Comments: I strongly object to the multiple amendments to this development. There has been many promises from developers including the S. Congress developments. There is extra parking, trash and noise which is specifically what they promised that the parking, noise & traffic would NOT affect our neighborhood and that has not been true at all! The trash is disgusting!!!

(continued on attached page)

To: Maureen Meredith

From: Anita R. Tschurr

Comments from Case Number: NPA-2019-0022.01

I strongly object to the numerous amendments attached to this property specifically the most recent request. In our neighborhood, we have had multiple long-term developments. The newest development on South Congress saw construction vehicles, trash, noise and parking that overran our street. They still are even though most of the construction is finished. The employees who work in those shops park on our street because the businesses ( retailers, restaurants, hotels and bars ) who promised they would have designated employee and customer parking were lying. The construction workers that use our street as a thoroughfare are kind enough to dump their food trash, after work beer cans, building materials and urinate and defecate in our small greenspace. That is unsanitary at the very least.

My neighborhood already has regulations as per NCCD and no matter how incredibly persuasive these folks are, I no longer believe that they want partnerships at all. Let them put up these developments in their neighborhoods. I personally spend a couple days a month cleaning up these areas. They are destroying the very thing that attracts people to this area! Academy, which is a street that we all use to head north and east from this area was closed for over 2 YEARS!!! This new one will be the same. Where will homeowners park for this newest debacle???

Please DO NOT approve these amendments!

Thank you,

Anita R. Tschurr

9/12/2021

## PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed amendment. You may also contact a registered neighborhood or environmental organization that that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a plan amendment request or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Housing and Planning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website: www.austintexas.gov/department/neighborhood-planning.

***Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.***

***Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes de la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial. La correspondencia y la información enviada a la Ciudad de Austin están sujetas a la Ley de Información Pública de Texas (Capítulo 552) y pueden ser publicadas en línea.***

## PUBLIC HEARING COMMENT FORM

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

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

**Case Number:** NPA-2019-0022.01
**Contact:** Maureen Meredith, Ph: 512-974-2695 or at Maureen.Meredith@austintexas.gov
**Public Hearing:** Sept. 14, 2021 - Planning Commission

☐ **I am in favor**
☒ **I object**

Paula Kothmann
Your Name *(please print)*

311 W. Milton Street, 1317 Kenwood Avenue
Your address(es) affected by this application

Signature — Date: 09/04/2021

Comments: The applicant proposes a loud music venue and/or a high turnover restaurant in a residential neighborhood, which will have a severe negative impact on nearby residents.This blatant lack of consideration for current residents would set a terrible precedent for any urban core homeowers who pay very high taxes and expect quiet enjoyment of their homes. The request ignores the Neighborhood Plan compiled through years of hard work by resident volunteers & City staff. The applicant knew that these uses weren't allowed when they bought the property and other neighborhoods with the expectation of no business next door. The City will be sued, wasting valuable resources.

SRCC
SOUTH RIVER CITY CITIZENS
AUSTIN TEXAS

South River City Citizens Inc.
P O Box 40632
Austin TX 78704
www.srccatx.org

Cynthia Milne, President
Megan Spencer, Vice President
Will Andrews, Treasurer
Dan Fredine, Secretary
Mary Friedman, Membership Secretary

8 September 2021

Kate Clark, AICP, LEED HP
Case Manager
City of Austin Housing and Planning Dept.

VIA EMAIL: Kate.Clark@austintexas.gov

Re: Greater South River City Combined Neighborhood Plan Contact Team Opposition to Application for Amendment to Neighborhood Plan
Owner/Applicant: Spearhead Academy Ltd Chris Wallin
Project Name: 200 Academy (Zoning Case)
Case No: C14-2020-0147
Case No: NPA-2019-0022.01 (Neighborhood Plan Amendment)

Dear Ms. Clark:

The SRCC Neighborhood Association fully supports the report of the Greater South River City Combined Neighborhood Plan Contact Team (NPCT) which has been submitted to the Planning and Zoning Dept. for its consideration. The proposed project is totally inappropriate zoning for the interior of a neighborhood. In particular, SRCC emphasizes the following findings of the Report:

1. Applicant's proposal fails to maintain the historic fabric and fails to respect the established neighborhood character and natural assets.
2. New construction will not be built in proportion to surrounding homes. This includes limiting height, massing, and maintaining appropriate setbacks.
3. Applicant's Traffic Analysis memo failed to account for Covid traffic levels or what traffic will be like after Covid. The Analysis is therefore invalid and must be reconducted before the Commission can make an informed and valid assessment.
4. Applicant is proposing to remove NCCD protections even though the neighborhood is under intense redevelopment pressure.
5. Applicant's SoCo-type development will encroach upon the neighborhood with no clear line as to where it would ever stop.

We appreciate your thorough consideration of the Report.

Very truly yours,

Cynthia Milne
President, SRCC
president@s[redacted]

xc: Claudette Lowe, SRCC Area 1 Coordinator, NCCD
Elloa Mathews, NPCT
Laura Toups

## PUBLIC HEARING COMMENT FORM

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

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

**Case Number:** NPA-2019-0022.01
**Contact:** Maureen Meredith, Ph: 512-974-2695 or at Maureen.Meredith@austintexas.gov
**Public Hearing:** Sept. 14, 2021 - Planning Commission

☐ I am in favor
☒ I object

Claudette Lowe
Your Name *(please print)*

400 Academy Drive
Your address(es) affected by this application

Claudette Lowe 9/6/21
Signature Date

Comments: I am adimently opposed to this development because a music venue + bar should not be allowed in the interior of a neighborhood
Thank you for your ~~con~~ consideration