

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Central Austin Combined Neighborhood Plan

CASE#: NPA-2012-0019.01 **DATE FILED:** February 29, 2012 (In-cycle)

PC DATE: July 24, 2012
June 26, 2012
May 22, 2012

ADDRESS: 3206 West Avenue, 3205 and 3207 Grandview Street

AREA: Approx 0.59 acres

APPLICANT/OWNER: B & G Partners, L.P. (Richard D. Stilovich)

AGENT: Armbrust & Brown, PLLC (Amanda Morrow) and McCann Adams Studio (Jana McCann)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

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

Base District Zoning Change

Related Zoning Case: C14-2011-0133

From: LO-CO-NP **To:** GO-NP

PLAN ADOPTION DATE: August 2004

PLANNING COMMISSION RECOMMENDATION: On July 24, 2012, the motion to approve staff's recommendation for mixed use/office with neighborhood's agreement included, was approved by Commissioner Sandra Kirk's motion, Commissioner Alfonso Hernandez seconded the motion on a vote of 5-2; Commissioners Jean Stevens and Danette Chimenti voted against the motion (nay), Commissioner Richard Hatfield was absent, 1 vacancy on the commission.

Previous Actions:

On May 22, 2012, the motion to postpone to June 26, 2012 by the request of the applicant, was approved on the consent agenda by Commissioner Jean Stevens' motion, Commissioner Sandra Kirk seconded the motion on a vote of 8-0; Commissioner Dave Anderson was off the dais.

On June 26, 2012, the motion to postpone to July 24, 2012 by the request of the applicant, was approved on the consent agenda by Commissioner Mandy Dealey's motion, Commissioner

Richard Hatfield second the motion on a vote of 7-0; Commissioners Alfonso Hernandez and Jean Stevens were absent.

* Request made to send the case to the Neighborhood Planning Committee on July 18, 2012. Below are the official meeting minutes for that item on the July 18, 2012 agenda:

- a. **West 34th Street Redevelopment** – Amanda Morrow will discuss an NPA to amend Ordinance No. 040826-056, the Central Austin Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 3206 West Avenue, 3205 and 3207 Grandview Street (Shoal Creek Watershed; Waller Creek Watershed) from Single Family land use to Mixed Use/Office land use. (Discussion and/or Possible Action)

Members from the Heritage Neighborhood Association (in the Central Austin Combined Neighborhood Planning Area) and a “working group,” formed for the purpose of negotiating the NPA, explained that they were in talks with the NPA applicant over details of the proposed development on and around 3206 West Avenue and 3205 and 3207 Grandview Street. They further explained that the working group had been formed to discuss the NPA and proposed development with the NPA applicant, but had not been authorized to make any decisions; that would be left to the Heritage NA, and that the Central Austin Neighborhood Planning Advisory Committee (CANPAC) had expressed support for any decisions made by the Heritage NA. Both members of the working group and the applicant’s representatives (Amanda Morrow and Kevin Flahive, of Armbrust & Brown PLLC) expressed that although a great deal of headway had been made, there were still details yet to be worked out with the development proposal.

Members from the Heritage NA expressed concern that some details were still in flux, and stated that the Heritage NA (and supported by CANPAC) were opposed to the future land use map (FLUM) and zoning change proposed in the NPA, citing concerns that changing the lots at 3206 West Avenue and 3205 and 3207 Grandview Street from Single Family to Mixed Use/Office on the FLUM would eliminate a needed buffer, and would potentially reduce the size of a park area being discussed for those tracts.

Members of the working group indicated that they would continue to iron out details of the proposed development with the NPA applicant, and take the final proposal to the Heritage NA so that the Heritage NA could then vote on it before the NPA was taken back to the full Planning Commission to be heard. No action was taken.

STAFF RECOMMENDATION: Recommended

BASIS FOR RECOMMENDATION: The proposed plan amendment supports the following plan amendment Goals, Objectives, and Recommendations:

Vision

The Central Austin Neighborhood Plan shall preserve the historical character and integrity of single-family neighborhoods. It shall allow multifamily development and redevelopment in appropriate areas to reflect the historical nature and residential character of the neighborhood.

The plan will address the needs of a diverse, pedestrian-oriented community and provide safe parks and attractive open spaces. The plan will foster and create compatible density in areas that are appropriate for student housing; new development will be appropriately oriented and scaled relative to its neighborhood in the combined planning area.

Goal Four

West Campus should become a dense, vibrant, mixed-use and pedestrian oriented community.

Top Ten Priorities

1. Stop the incursion of new commercial and office uses into residential areas.
2. Buffer the predominantly single-family neighborhoods (West University and Shoal Crest) adjoining West Campus by limiting the mass, height, and scale of new multi-family development bordering these neighborhoods.

Goal One

Preserve the integrity and character of the single-family neighborhoods

Objective 1.4: Limit new commercial and multi-family spread into the single-family core of the neighborhoods by establishing a perimeter of apartments, offices, and commercial uses.

Recommendation 1 Preserve the commercial, office, and multi-family zoning surrounding the neighborhood and create a “hard edge” to prohibit incursions into the neighborhood.

Staff analysis: Although the plan states the need for a “hard edge” to protect residential areas from commercial uses, staff believes the alley serves as an appropriate edge to the existing residential uses.

Mixed Use/Office

An area that is appropriate for a mix of residential and office uses.

Purpose

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

Application

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

LAND USE PLANNING PRINCIPLES

- Minimize negative effects between incompatible land uses;
- Ensure that the decision will not create an arbitrary development pattern;
- Avoid creating undesirable precedents;
- Discourage intense uses within or adjacent to residential areas;

- Ensure similar treatment of land use decisions on similar properties
- Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;
- Ensure adequate transition between adjacent land uses and development intensities;

Staff Analysis: The request to change the FLUM from single family to mixed use office will expand the mixed use/office land use to the alley which will serve as a logical termination of the land use and will create the “hard edge” stated in the neighborhood plan.

- Ensure an adequate and diverse supply of housing for all income levels;

Staff Analysis: The land use request for Mixed Use/Office could have residential uses if the zoning permits it.

- Promote goals that provide additional environmental protection;
- Recognize current City Council priorities;

Staff Analysis: The existing development is a surface parking lot with medical office buildings. The proposed development will provide green space and water detention facilities.

- Promote expansion of the economic base and create job opportunities;
- Promote development that serves the needs of a diverse population.
- Balance individual property rights with community interests and goals;
- Consider infrastructure when making land use decisions;

Staff Analysis: The proposed development expands an existing medical office building, presumably will provide more job opportunities.

- Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas;
- Protect and promote historically and culturally significant areas;
- Minimize development in floodplains and environmentally sensitive areas;
- Consider regulations that address public safety as they pertain to future developments (e.g. overlay zones, pipeline ordinances that limit residential development);

Staff Analysis: These land use principles are not directly applicable to the plan amendment request.

BACKGROUND: The application was filed on February 29, 2012, which is in-cycle for City Council-approved neighborhood planning areas located on the west side of I.H.-35.

The applicant requests a change in the future land use map from Single Family to Mixed Use/Office. The zoning change request is to change the zoning from LO-CO-NP to GO-NP to expand the existing medical office building.

The properties associated with this case are part of a larger project at 801 West 34th Street with four zoning cases in process. This case was the only one which needed a plan amendment application.

PUBLIC MEETINGS: The community meeting was held on Monday, April 16, 2012. Approximately 300 notices were mailed to property owners and utility account holders living within 500 feet of the property in addition to neighborhood organizations and environmental groups registered for the area on the City’s Community Registry.

After City staff gave a brief presentation, Amanda Morrow, one of the owner's representatives, said that they want to reach a mutually acceptable agreement with the neighborhood. Milton Hime, architect for the project, stated there are four tracts: Tract A, B, C, and D, all associated with a plan to redevelop a medical office building. Also proposed is a small pocket park about 0.4 acres in size near the water detention area on the southern part of the Tract C. Parking for the medial building will be underground and 70 to 80 feet from the existing homes to the south.

After the applicant's presentation, the following questions were asked:

Q. How many parking spaces will be required?

A. We will park at a ratio of 1 to 200 for an office building. Parking for each building will be provided on the lot in which the building is located.

Q. What will happen to the two Heritage trees?

A. Two protected trees will be removed, but will be replaced. The existing area that has parking lots will be green space.

Q. The neighborhood wants the 0.40 acre pocket park to be part of the City's Parks Department to ensure that it stays a park.

A. We will donate the 0.40 acre park to the City of Austin if they want it. But we could also so an easement that could accomplish the same thing.

Q. Every time we meet you show a different plan.

A. Yes, this plan is different because we've reduced the square footage of the buildings, but there are only a few more issues to resolve since our last meeting.

Q. Couldn't you sell the 0.40 acre park area?

A. Our intention is for it to become green space for the public.

Q. The loading area for Tract C moved, but should protect the trees.

A. We're still working it out with the City. We want to find a better way.

Q. The southeast side of Tract C, how does it work with compatibility?

A. There's a 25 foot alley, which takes care of the compatibility to single family.

The letter from the CANPAC Planning Contact Team is on page eight of this report.
A letter from the Heritage Neighborhood Association is on page nine.

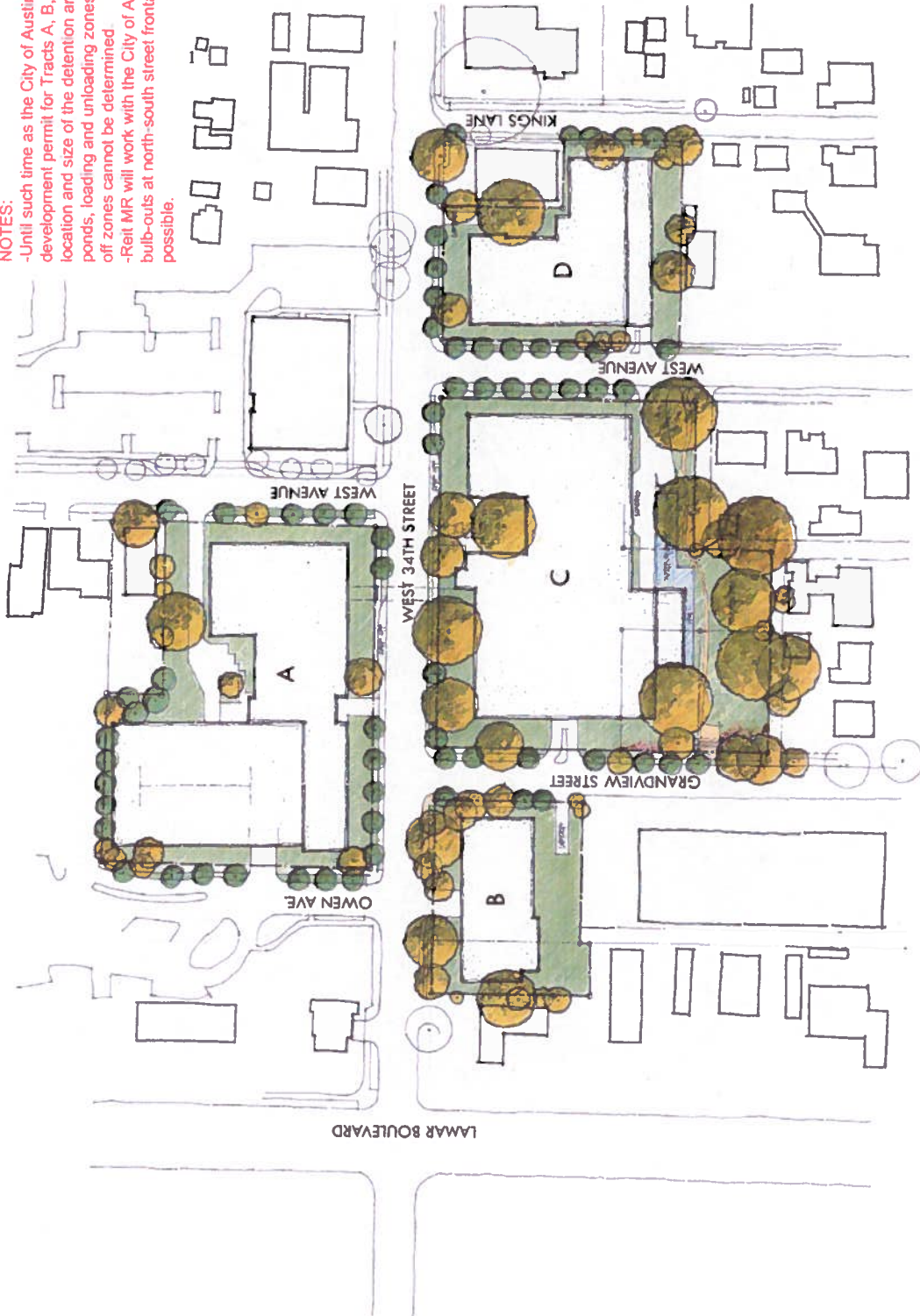
CITY COUNCIL DATE:

June 28, 2012	<u>ACTION:</u> Postponed to August 2, 2012
August 2, 2012	<u>ACTION:</u> Postponed to September 27, 2012
September 27, 2012	<u>ACTION:</u> Postponed to December 6, 2012
December 6, 2012	<u>ACTION:</u> Postponed to January 17, 2013
January 17, 2013	<u>ACTION:</u> Pending

CASE MANAGER: Maureen Meredith, Senior Planner, 974-2695

EMAIL: maureen.meredith@austin.texas.gov

NOTES:
 -Until such time as the City of Austin approves a site development permit for Tracts A, B, C or D, the exact location and size of the detention and/or water quality ponds, loading and unloading zones, and patient drop-off zones cannot be determined.
 -Reit MR will work with the City of Austin to provide bulb-outs at north-south street frontages where possible.



Letter from CANPAC PCT

From: Nuria Zaragoza

Sent: Tuesday, May 22, 2012 12:43 PM

To: Meredith, Maureen; betsy.greenberg@; Alfred Godfrey; Adam Stephens; lteam@

Subject: Corrected CANPAC position letter re: C14-2011-0131; C14-2011-0132; C14-2011-0133; C14-2011-0134 zoning change from CS-LO to CS-GO

May 22, 2012

To: City of Austin Planning Commission

Maureen Meredith, Clark Patterson

From: Nuria Zaragoza and Adam Stephens, Co-chairs, CANPAC Plan Team

Subject: cases C14-2011-0131; C14-2011-0132; C14-2011-0133; C14-2011-0134 zoning change from CS-LO to CS-GO (34th and West redevelopment)

The Plan Team for the Central Austin Combined Neighborhood Planning Area voted unanimously on 2-21-2012 to support the action of the Heritage neighborhood vote to:

1. Oppose the applications to change the zoning from LO to GO; and
2. Oppose the application to amend the neighborhood plan.

Thank you for your consideration of this CANPAC position.

Nuria Zaragoza

Co-Chair

Adam Stephens

Co-Chair

Letter from the Heritage Neighborhood Assn.

HNA: 34th Street Vote Results

Posted By: [stephen_austex](#) ▾ Thu Dec 13, 2012 8:41 pm | [Options](#) ▾

[Reply](#)

HNA Membership,

First, a huge thank you to everyone that came out this evening to vote for the 34th Street Agreement. We had 98-members vote this evening. The results were tallied after the poll closed and the final results are as follows...

29 - For the 34th Street | REIT Final Agreement

69 - Against the 34th Street | REIT Final Agreement

This means that no one will execute the agreement on behalf of the HNA. I will ask the Steering Committee to come together to discuss next steps. Nikelle Meade will communicate our vote to REIT tomorrow.

Thank you again to the Working Group and everyone that attended tonight's meeting. Happy Holidays!

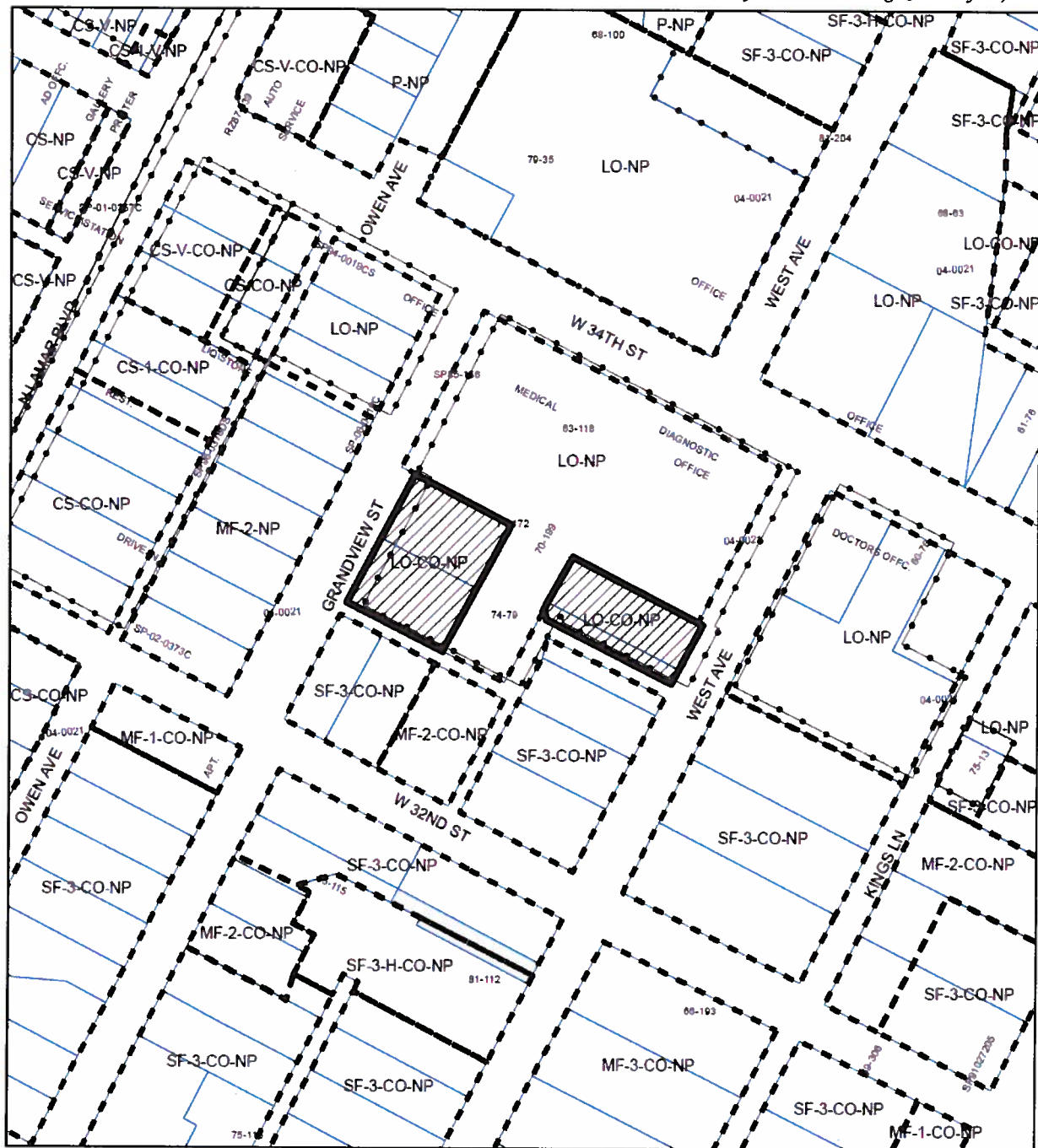
Regards,




stephen thomas

Stephen L. Thomas, CISSP
Director, West Area Channel Sales

Symantec Corporation
www.symantec.com

Office: (512) 215-8539 **Mobile:** (512) 750-8786 **Fax:** (512) 716-8005



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

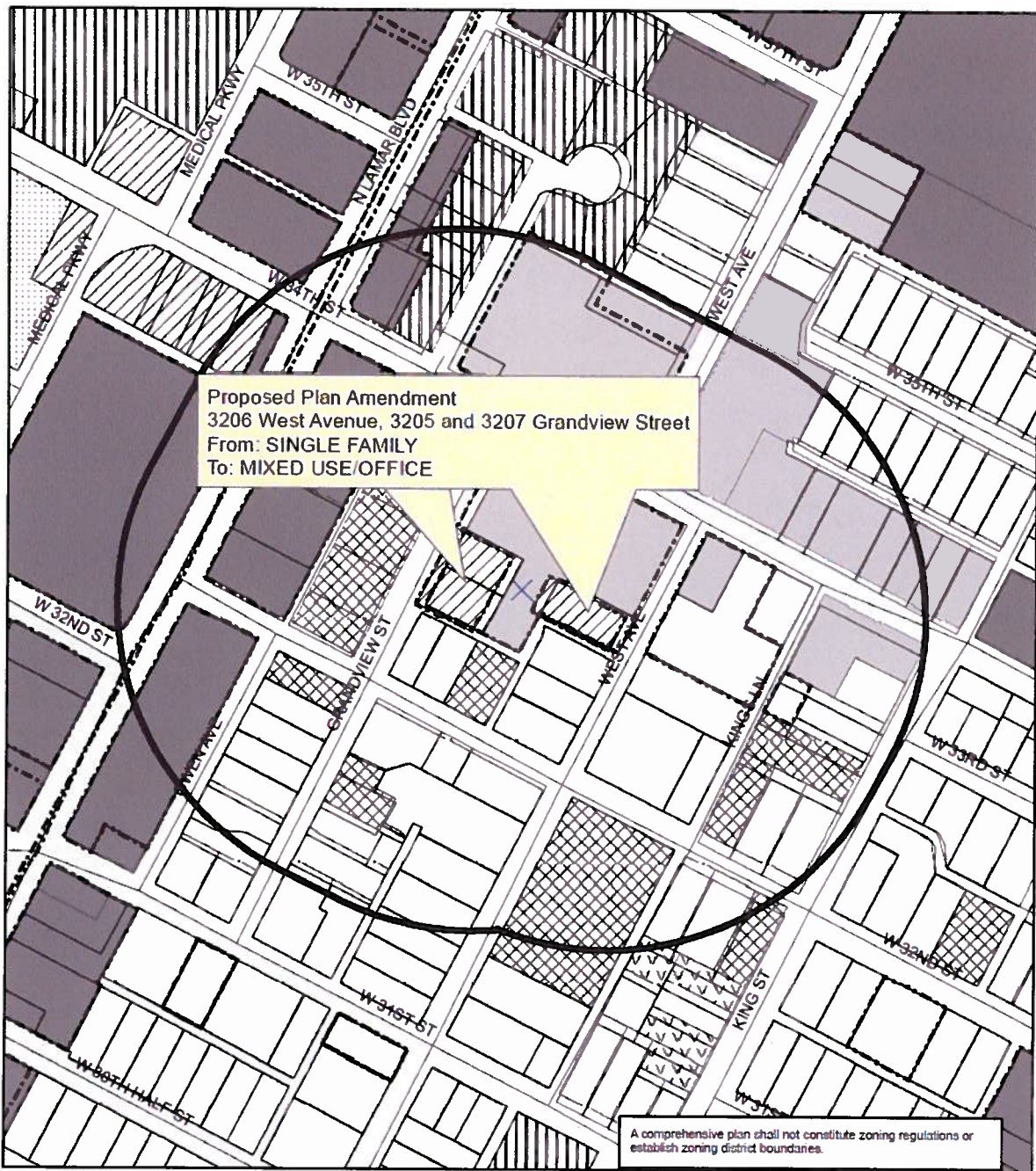
NEIGHBORHOOD PLAN AMENDMENT

NPA CASE#: NPA-2012-0019.01

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





Central Austin Combined Neighborhood Plan (West University) NPA-2012-0019.01

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.

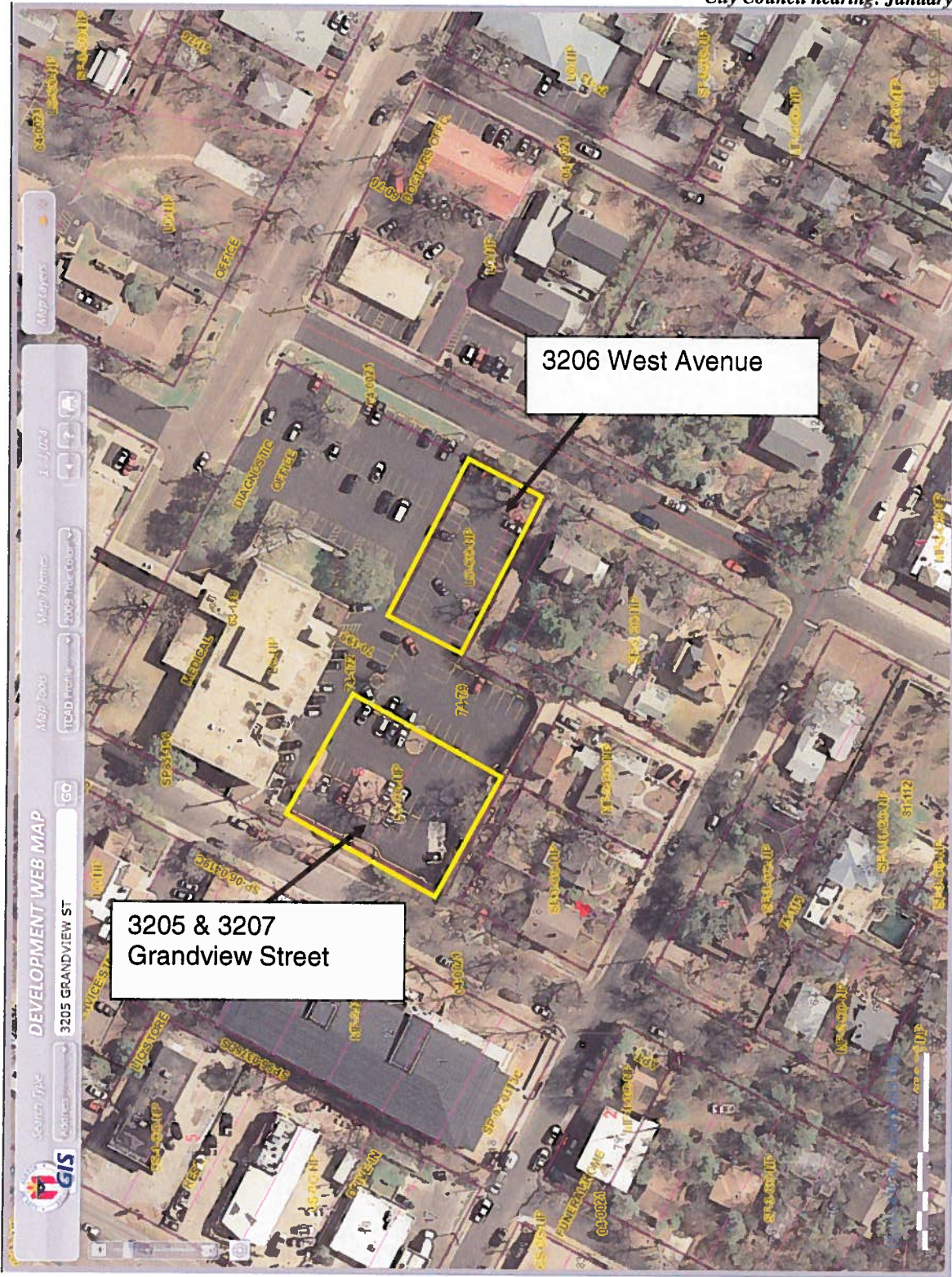
This product has been produced by the Planning and Development Review for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

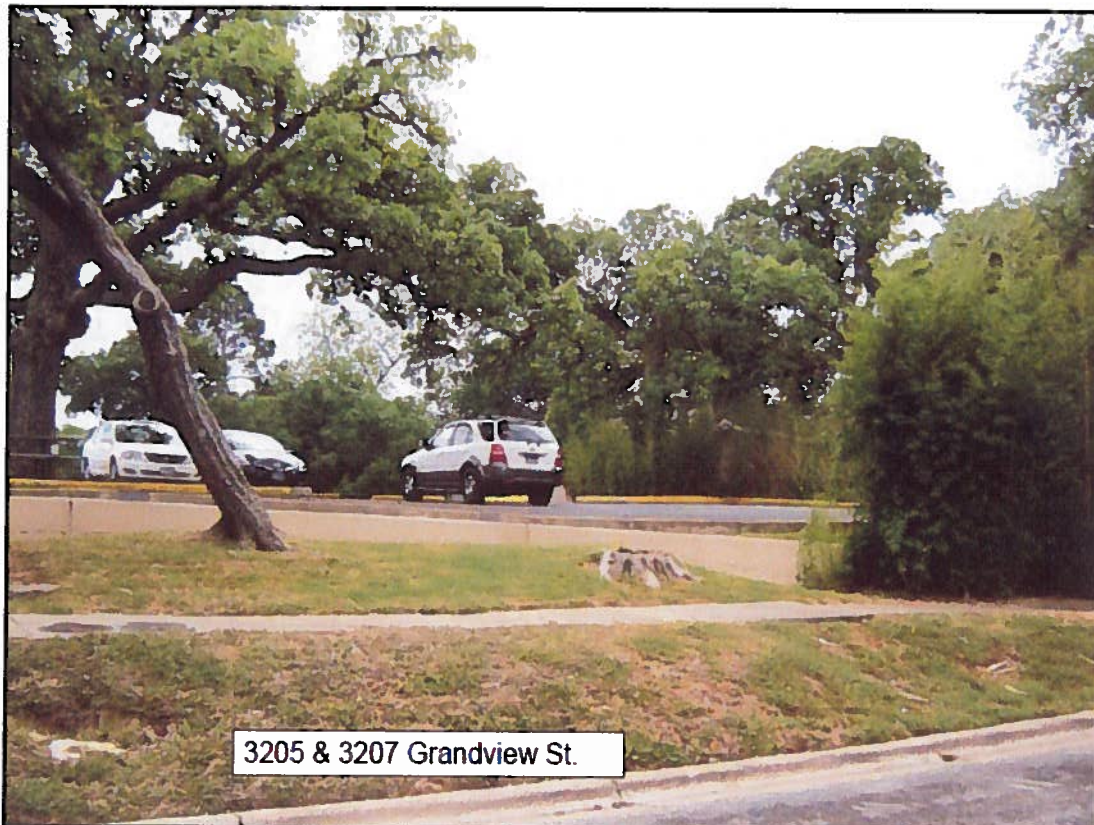


City of Austin
Planning and Development Review Department
Created on 04/02/2012_ M Meredith

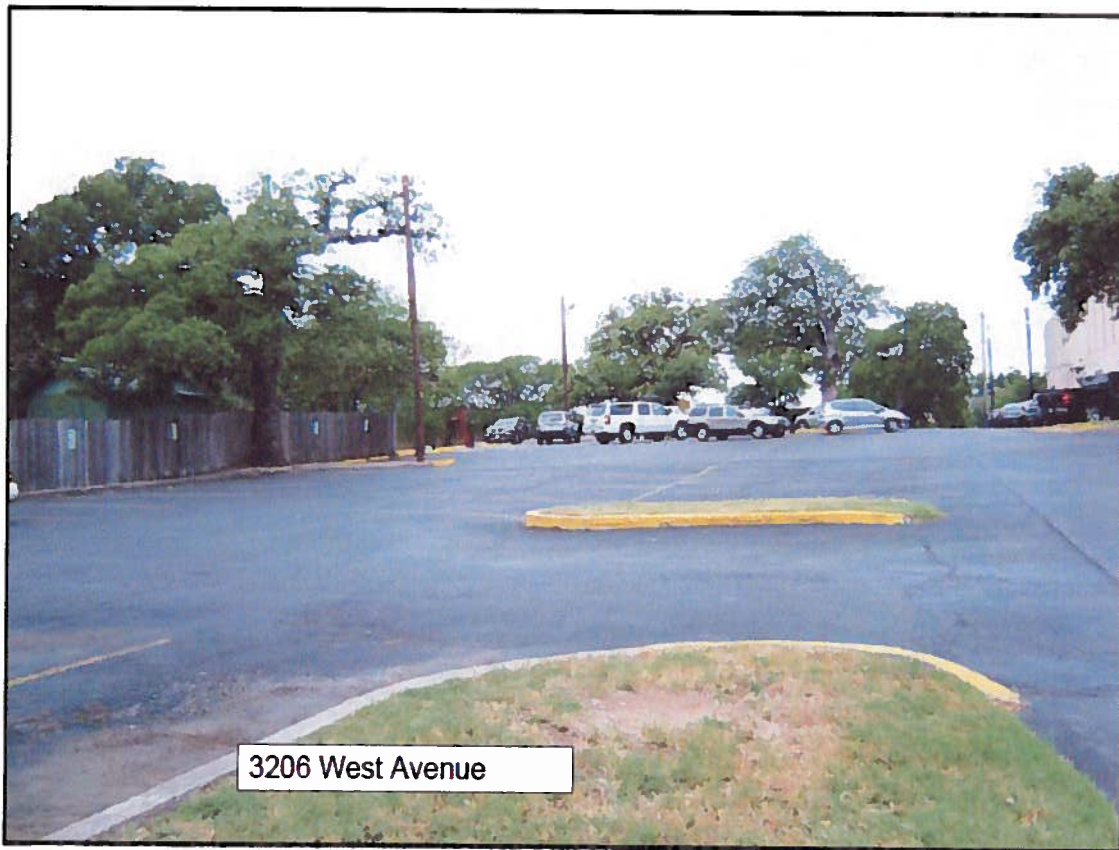


Legend	
	500ft notification boundary
SDE.flum_combined	
	Single-Family
	Higher-Density Single-Family
	Multi-Family
	Commercial
	Mixed Use
	Office
	Mixed Use/Office
	Civic



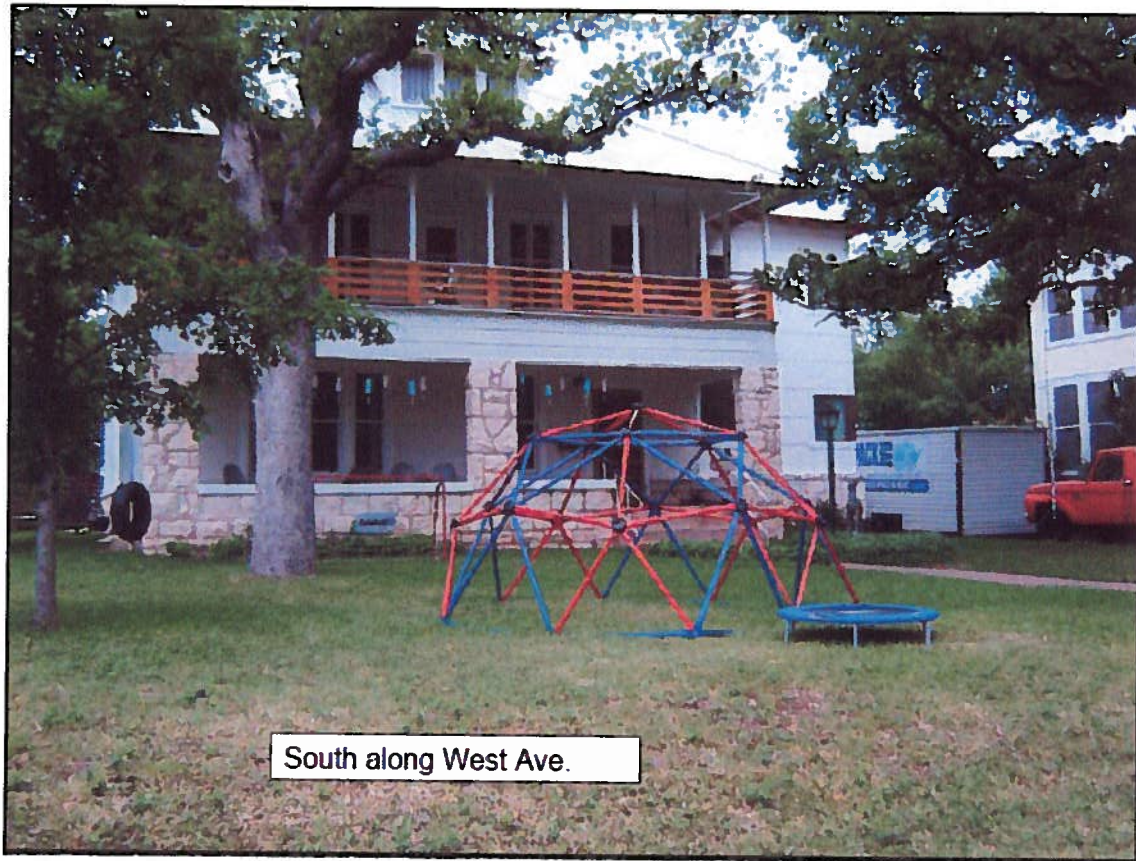


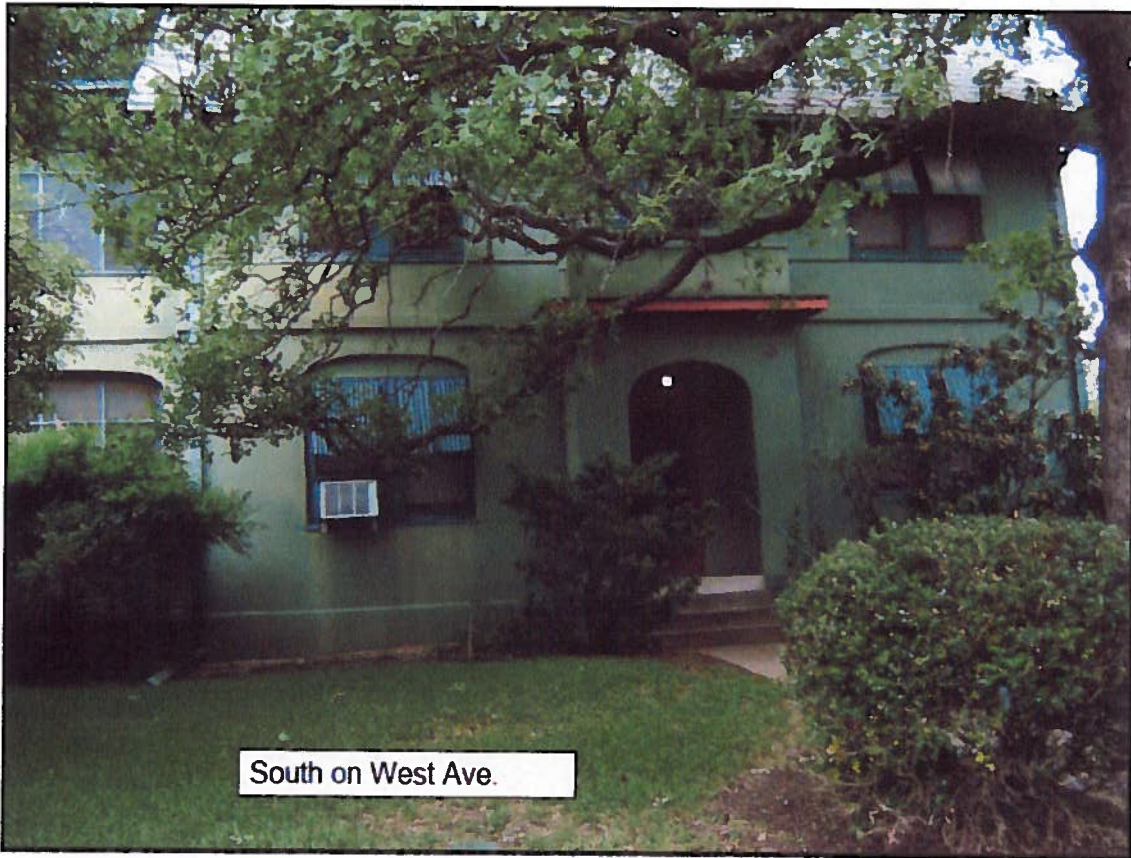
3205 & 3207 Grandview St.











From: Betsy Greenberg
Sent: Monday, May 14, 2012 10:48 AM
To: Meredith, Maureen; Patterson, Clark
Cc: heritageworkinggroup; Nikelle Meade
Subject: Re: West 34th Street Redevelopment - Correct date

I'm sorry. The Heritage Neighborhood Association met and voted on 5/7/2012 (not 2011). - Betsy Greenberg
To: Clark Patterson
Maureen Meredith

On Monday, 5/7/2012, the Heritage Neighborhood Association met and voted unanimously to

1. Oppose the proposed rezoning cases C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134
2. Oppose the proposed CANPAC plan amendment NPA-2012-0019.01

Please include this information in your staff report and consider the neighborhood opposition when making your recommendation on these cases.

Thank you for your attention.

Betsy Greenberg
Heritage NA Treasurer

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

From: Betsy Greenberg

Sent: Monday, May 14, 2012 10:40 AM

To: sully.jumpnet@sbcglobal.net; dchimenti@austin.rr.com; vskirk@att.net; amdealey@aol.com; dave.anderson.07@gmail.com; alfonsohernandez@gmail.com; commjms@sbcglobal.net; donna.plancom@gmail.com; Dick Hatfield

Cc: Meredith, Maureen

Subject: NPA-2012-0019.01 - W 34th Street Redevelopment

RE: NPA-2012-0019.01 - W 34th Street Redevelopment

Commissioners,

I am opposed to the proposed amendment to the CANPAC neighborhood plan. The subject tracts were deliberately labeled as single family on the future land use map to provide a buffer between the single family properties and the medical developments. This buffer is needed even more today as the property owner attempts to increase the allowed density on the rest of the property. In addition, these tracts are part of the property that the neighborhood and property owners are discussing for park use. If the plan amendment and associated zoning change is approved, the size of any possible park will be drastically reduced.

Please vote against the plan amendment.

Thank you for your attention.

Betsy Greenberg
3009 Washington Square

From: Will Clark
Sent: Monday, May 14, 2012 10:35 AM
To: sully.jumpnet@sbcglobal.net; dchimenti@austin.rr.com; vskirk@att.net;
amdealey@aol.com; dave.anderson.07@gmail.com; alfonsohernandez@gmail.com;
commjms@sbcglobal.net; donna.plancom@gmail.com; mnrghatfield@yahoo.com
Cc: Meredith, Maureen; Betsy Greenberg
Subject: NPA-2012-0019.01 - W 34th Street Redevelopment

Commissioners,

I am opposed to the proposed amendment to the CANPAC neighborhood plan. The subject tracts were deliberately labeled as single family on the future land use map to provide a buffer between the single family properties and the medical developments. This buffer is needed even more today as the property owner attempts to increase the allowed density on the rest of the property. In addition, these tracts are part of the property that the neighborhood and property owners are discussing for park use. If the plan amendment and associated zoning change is approved, the size of any possible park will be drastically reduced.

Please vote against the plan amendment.

Thank you for your attention.

Will Clark
3011 West Ave

Will Clark
Director, R&D
OpenText
512 741 1211 office
512 415 6260 mobile

From: Stephen Thomas
Sent: Monday, May 14, 2012 10:45 AM
To: sully.jumpnet@sbcglobal.net; dchimenti@austin.rr.com; vskirk@att.net;
amdealey@aol.com; dave.anderson.07@gmail.com; alfonsohernandez@gmail.com;
commjms@sbcglobal.net; donna.plancom@gmail.com; mnrghatfield@yahoo.com
Cc: Meredith, Maureen; 'stephen@slthomas.com'
Subject: NPA-2012-0019.01 - W 34th Street Redevelopment

Commissioners,

I am opposed to the proposed amendment to the CANPAC neighborhood plan. The subject tracts were deliberately labeled as single family on the future land use map to provide a buffer between the single family properties and the medical developments. This buffer is needed even more today as the property owner attempts to increase the allowed density on the rest of the property. This would set a bad precedent for future neighborhood planning efforts.

Please vote against the plan amendment.

Thank you for your attention.

Regards,

stephen thomas

Stephen L. Thomas, CISSP
District Manager, Sales
3001 Washington Square
Austin, TX 78705
Symantec Corporation
www.symantec.com

From: Susan Rodenko

Sent: Tuesday, May 15, 2012 11:02 AM

To: al@socialclubmedia.com; alfonsochernandez@gmail.com; amdealey@aol.com; commjms@sbcglobal.net; dave.anderson.07@gmail.com; dchimenti@austin.rr.com; donna.plancom@gmail.com; Meredith, Maureen; mnrghatfield@yahoo.com; sully.jumpnet@sbcglobal.net; vskirk@att.net

Subject: CanPac Plan Amendment RE: NPA-2012-0019=west 34th street redevelopment

Dear Planning Commission Members,

I am writing you to let you know I am adamantly against redevelopment. I live at 615 west 30th street and I am as of a few days ago the only single family home not slotted to be a not stealth dormitory on my block. This neighborhood is a gem. It is being swallowed up whole. Greedy developers are trampling each other to tear it apart and ruin it. WE are happy to live here and the neighbors are awesome. There is already too much traffic. Cars are being damaged and hit by city vehicles just trying to do their job. The area will become too congested with this new development. This is a neighborhood!!! Not a Business Plaza!! Please do not let our wonderful neighborhood become a complete mess. I feel free to let my children walk around, but if this goes up, I can't. It will change the way we live our lives. I will be afraid of the additional traffic. I can't imagine how the new influx of traffic and people will infiltrate the heart of our quiet neighborhood. It saddens me that these developers want to hurt soo many lives. It is deeply distressing that we as homeowners are being pushed out of our homes by zoning! There are other areas that need renewing that would be better suited for this type of business. Think of how it would affect you personally if a business went in right in the middle of your quiet neighborhood. We have businesses all around us. It makes no sense to me and quite elitist of these developers to want to plop a business right in our heart. We as homeowners DO NOT WANT THIS BUSINESS IN THE HEART OF OUR NEIGHBORHOOD! Please help us and DO NOT LET THIS HAPPEN!! It will irreparably change our neighborhood and ruin lives. Thank you for your concern.

Sincerely,

The Dr. George and Susan Rodenko Family

From: sofia martinez
Sent: Tuesday, May 15, 2012 1:17 PM
To: sully.jumpnet@sbcglobal.net; dchimenti@austin.rr.com; vskirk@att.net;
amdealey@aol.com; dave.anderson.07@gmail.com; alfonsohernandez@gmail.com;
commjms@sbcglobal.net; donna.plancom@gmail.com; mnrghatfield@yahoo.com
Cc: Meredith, Maureen
Subject: RE: NPA-2012-0019.01 - W 34th Street Redevelopment

Commissioners,

I am opposed to the proposed amendment to the CANPAC neighborhood plan.

The tracts named were labeled as single family on the future land use map to provide a buffer between the single family properties and the medical developments. This was part of the deliberate and thoughtful process that developed the neighborhood plan.

The buffer is needed even more now because the property owner is attempting to increase the allowed density on the rest of the property. In addition, these tracts are part of the property that the neighborhood and property owners are discussing for park use. If the plan amendment and associated zoning change is approved, the size of any possible park will be drastically reduced. The park would be an incredible resource for our neighborhood because currently we cannot walk to a park without crossing one of the busy streets bordering the neighborhood: Guadalupe, Lamar, 29th, and 38th St, yet we are a neighborhood full of children (three of them mine).

Please vote against the plan amendment.

Thank you,

Sofia Martinez

901 W 30th (since April 2001).

5/22/12 PC Hous Item # 12

PUBLIC HEARING COMMENT FORM	
<p>If you use this form to comment, it may be submitted to:</p> <p>City of Austin Planning and Development Review Department 974-2695 P. O. Box 1088 Austin, TX 78767-8810</p> <p>If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.</p>	
<p>Case Number: NPA-2012-0019.01 Contact: Maureen Meredith Public Hearing: May 22, 2012, Planning Commission June 28, 2012, City Council</p>	
<p><input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object</p>	
<p>Your Name (please print) <u>John Boardman & Mikal Grimes</u></p>	
<p>Your address(es) affected by this application <u>706 W 32nd St</u></p>	
<p>Signature <u>[Signature]</u> Date <u>May 15, 2012</u></p>	
<p>Comments: <u>Sent via email</u></p>	

From: Anne Heinen

Sent: Wednesday, May 16, 2012 12:01 PM

To: sully.jumpnet@sbcglobal.net; dchimenti@austin.rr.com; vskirk@att.net; amdealey@aol.com; dave.anderson.07@gmail.com; alfonsohernandez@gmail.com; commjms@sbcglobal.net; donna.plancom@gmail.com

Cc: Meredith, Maureen

Subject: Please vote against NPA-2012-0019.01 W 34th Street Redevelopment

Commissioners,

I am opposed to the proposed amendment to the CANPAC neighborhood plan. The subject tracts were deliberately labeled as single family on the future land use map to provide a buffer between the single family properties and the medical developments.

This buffer is needed even more today as the property owner attempts to increase the allowed density on the rest of the property. In addition, these tracts are part of the property that the neighborhood and property owners are discussing for park use. If the plan amendment and associated zoning change is approved, the size of any possible park will be drastically reduced. Please vote against the plan amendment. Thank you for your attention.

Regards,

Anne Heinen

Heritage Neighborhood Resident, HNA Steering Committee Member

From: Marc McDaniel

Sent: Wednesday, May 16, 2012 12:14 PM

To: sully.jumpnet@sbcglobal.net; dchimenti@austin.rr.com; vskirk@att.net; amdealey@aol.com; dave.anderson.07@gmail.com; alfonsohernandez@gmail.com; commjms@sbcglobal.net; donna.plancom@gmail.com; mnrghatfield@yahoo.com

Cc: Meredith, Maureen; Patterson, Clark

Subject: 34th Street Redevelopment: C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Please vote against changing the zoning from LO to GO on these cases.

Our mixed use neighborhood is trying to hold the line on further erosion of the residential component. The neighborhood plan allows from commercial development at the perimeter of the neighborhood, not in the middle. The Heritage Neighborhood is bounded by Guadalupe, Lamar, 29th, and 38th Streets which already has lots of medical office development. The proposed development is simply too large to for being near the center of the neighborhood (i.e. not on the perimeter).

The developer can already build 2x the existing structures with the existing zoning. Increasing the density with the GO zoning is simply inappropriate. Plus the medical offices that are proposed generate a lot of traffic (i.e. appointments every 15 minutes for multiple physicians= lots of frequent in/out traffic, lots of office workers). There is nothing I've seen in the developer's proposal that will significantly mitigate this addition traffic. 34th street already stacks up during peak hours....the issue of traffic has not been adequately addressed by the applicant.

I do not believe that the developer has negotiated with the Heritage Neighborhood in good faith to find a mutually beneficial agreement. The size of the proposed development has increased since the HNA agreed to negotiation. This sort of tactic reeks of "boost the price, then put it on sale" to make the customer feel they got a good deal.

The neighborhood plan is what it is. The neighborhood plan not be altered without the support of the residents. The developers knew what the limits on the property were before they acquired it.

The property should remain LO.

Marc McDaniel
811 W. 31st Street
Austin Texas 78705
512.431.3730 cell/text

From: Kisla

Sent: Wednesday, May 16, 2012 3:43 PM

To: sully.jumpnet@sbcglobal.net; dchimenti@austin.rr.com; vskirk@att.net; amdealey@aol.com; dave.anderson.07@gmail.com; alfonsochernandez@gmail.com; commjms@sbcglobal.net; donna.plancom@gmail.com; mnrghatfield@yahoo.com; Meredith, Maureen

Subject: RE: NPA-2012-0019.01 - W 34th Street Redevelopment

Commissioners,

I am opposed to the proposed amendment to the CANPAC neighborhood plan. The subject tracts were deliberately labeled as single family on the future land use map to provide a buffer between the single family properties and the medical developments. I specifically remember discussing this issue with my neighbors when we were developing the Neighborhood Plan, which I believe was finalized in 2004.

This buffer is needed even more today as the property owner attempts to increase the allowed density on the rest of the property. In addition, these tracts are part of the property that the neighborhood and property owners are discussing for park use. If the plan amendment and associated zoning change is approved, the size of any possible park will be drastically reduced.

Please vote against the plan amendment.

Thank you for your attention.

Kisla Jimenez and Jonathan Williams
3012 West Avenue
Austin, TX 78705

From: Lizzie Cain Clark
Sent: Thursday, May 17, 2012 11:39 AM
To: sully.jumpnet@sbcglobal.net; dchimenti@austin.rr.com; vskirk@att.net; amdealey@aol.com; dave.anderson.07@gmail.com; alfonsohernandez@gmail.com; commjms@sbcglobal.net; donna.plancom@gmail.com; mnrghatfield@yahoo.com
Cc: Meredith, Maureen
Subject: NPA-2012-0019.01 - W 34th Street Redevelopment

RE: NPA-2012-0019.01 - W 34th Street Redevelopment

Commissioners,

I write you to **oppose the proposed amendment to the CANPAC neighborhood plan.**

The subject tracts were deliberately labeled as single family on the future land use map to provide a buffer between the single family properties and the medical developments. This buffer is needed even more today as the property owner attempts to increase the allowed density on the rest of the property. In addition, these tracts are part of the property that the neighborhood and property owners are discussing for park use. If the plan amendment and associated zoning change is approved, the size of any possible park will be drastically reduced.

The CANPAC neighborhood plan was painstakingly developed, with appropriate foresight and compromises among all parties. It should be maintained in its current state.

Please vote against the plan amendment.

Thank you for your attention.

Lizzie Cain Clark

3011 West Avenue

512.323.6945

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

From: betsy.greenberg
On Behalf Of Betsy S Greenberg
Sent: Saturday, September 22, 2012 1:40 PM
To: Meredith, Maureen; Patterson, Clark
Subject: 34th St Redevelopment

Mr. Patterson and Ms. Meredith,

I would like to express my opposition to the neighborhood plan amendment and zoning requests as well as the agreement that REIT has offered to the Heritage neighborhood. Our neighborhood is a charming, historic, pedestrian friendly neighborhood with mature trees. The type of intense development allowed with GO zoning is simply not appropriate in the middle of our neighborhood. The sizes of the buildings will be too large and they will generate too much traffic.

I am particularly concerned about the hospital uses that are permitted under GO. The applicant described an outpatient surgery center when asked about the intended use at the Planning Commission meeting. This type of development will attract only cars, delivery vehicles, and ambulances instead of the pedestrians and cyclists that we like to see in our urban neighborhood. The applicant owns Bailey Square Medical Center, another surgery center at 34th St near Lamar with rooms for patients requiring 23 hour stays. The applicant has agreed to limit public hours from 5 am to 10 pm, so adjacent residential neighbors will be hearing car doors slam as patients are dropped off starting at 5:00 in the morning.

I do not feel that the amenities offered by REIT are anywhere near sufficient to mitigate the effect that this type of medical development will have on the neighborhood. They have proposed to provide a recreational easement in an area where they cannot build due to single family compatibility and Heritage trees. However, no park facilities have been agreed to and they will not agree to a playground that may create liability issues. The agreement that REIT has approved exempts impervious cover in the park from calculations, so the entire area can left paved exactly as it is now. REIT has also offered to provide \$120,000 in traffic mitigation money; unfortunately, this will do nothing to reduce the traffic generated by the development.

Thank you for your attention and service to the City of Austin.

Betsy Greenberg
3009 Washington Sq

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

From: betsy.greenberg@

On Behalf Of Betsy S Greenberg

Sent: Wednesday, September 26, 2012 11:14 AM

To: Patterson, Clark; Meredith, Maureen; Morrison, Laura; Spelman, William; Leffingwell, Lee; Tovo, Kathie; Riley, Chris; Martinez, Mike [Council Member]; Cole, Sheryl

Cc: amorrow@; heritageworkinggroup@

Subject: Heritage NA vote - 34th St. Redevelopment

At a general meeting on Monday, September 24, 2012, the Heritage NA voted on and passed (39-5-2) a motion saying that the agreement with REIT will not go to Council with neighborhood support until there is a neighborhood vote to support the final agreement. The receipt of final documents (unexecuted signature copies) will trigger notification for a vote in 2 weeks, or more if this occurs during holidays.

Please take this into account when considering a postponement date for the 34th St Redevelopment cases.

Thank you.

Betsy Greenberg
Heritage NA, Treasurer

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

Subject:34th Street Project in Heritage Neighborhood

Date:Sun, 06 Jan 2013 10:53:49 -0600

From:Kisla <kisla@

To:lee.leffingwell@austintexas.gov

CC:matt.curtis@austintexas.gov, nancy.williams@austintexas.gov

Dear Mayor Leffingwell,

With the upcoming Council meeting on January 17th where you will vote on the upzoning request for the 34th Street project in the Heritage Neighborhood (HNA), we wanted to reach out to you and share our thoughts and feelings.

We have lived in this neighborhood over ten years. It is one of those small communities that has a unique mix single family homes (some built in the 19th century, most built early 20th century), apartment buildings and commercial properties on its perimeter. All of us who live here understand and accept the urban nature of living in central Austin. It's wonderful to live walking/bike riding distance to grocery stores, the post office, the local elementary school, independently owned businesses, etc.

With trepidation we have watched the negotiation process between the HNA and the Boston-based landowner REIT which started in earnest just a year ago. Although we were opposed to the upzoning from the beginning, we were willing to listen and wait to see what REIT had to offer the HNA in exchange for this very valuable zoning .

The process has not been easy. From our point of view REIT's legal representation, with its sophisticated negotiating style, has been full of delays and smokescreens that has put the volunteer-based HNA at a disadvantage. REIT has the best land usage attorney on its side, while the HNA has had to pull together 50+ households to come to a consensus every step of the way. With such an important zoning change, inevitably opinions and emotions are raw.

But the resulting final agreement presented to the HNA just a few weeks ago on December 13th proved to be unacceptable by 70% of the neighborhood residents who showed up to vote (69 against the agreement, 29 for the agreement). Most folks are not convinced that a small recreational easement and traffic mediation monies and dumpster placements are enough to warrant the zoning change but more importantly, the contractual agreement itself would be very difficult for any neighborhood association to enforce. We both read this lengthy 4-part document and we think it is staggeringly favorable to the landowner. If enacted, the HNA will not be able to enforce this agreement; it is complicated, legally ambiguous and full of loopholes in favor of the landowner. The recent vote shows that many neighborhood residents feel this way as well.

We respectfully ask you to keep the current zoning on tracts C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134 in the Heritage Neighborhood. In addition,

REIT is requesting a change to GO to the FLUM on two lots that are zoned SF adjacent to these tracts, a change to which we are also opposed.

We all believe that the neighborhood plan that was agreed to and signed into law in 2004 should have protected us from having to address tract-by-tract re-zoning requests now and established that the middle of the neighborhood should be protected from anything higher than LO zoning. We do understand that REIT has a right to develop their property and turn a profit with their current LO zoning.

In closing we would like to state that in addition to the fact that the final agreement is disadvantageous to the HNA because it would be very difficult to enforce legally, an upzoning to GO on these tracts will set precedent for the rest of the LO tracts in the middle of the neighborhood. We accept the commercial nature of our business neighbors on our perimeter; GO is just not appropriate in the middle of the neighborhood and the land-use map should not be changed.

Please vote to keep the zoning on these tracts as is. Thank you for your attention and your service to the City of Austin.

Sincerely,

Kisla Jimenez and Jonathan Williams (owners of Tesoros Trading Company)
3012 West Avenue
Austin, TX 78705

From: betsy.greenberg@ On Behalf Of Betsy S Greenberg

Sent: Monday, January 07, 2013 2:33 PM

To: Meredith, Maureen; Patterson, Clark

Subject: West 34th St. Redevelopment - NPA-2012-0019, C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

After nearly a year of work on a possible agreement and over two years of discussions with the applicant, the Heritage Neighborhood Association held a meeting to vote on the final 34th Street Redevelopment agreement with REIT. Final unsigned legal documents (a redevelopment agreement, an escrow agreement, a recreational easement, and a restrictive covenant) were made available to the neighborhood in advance of the meeting. The meeting was held on December 13, 2012 and the resulting **vote was 29 For and 69 Against**. This means that the Heritage NA will not be executing an agreement with REIT and that the neighborhood does not support the zoning change from LO to GO or the proposed neighborhood plan amendment.

I am opposed to a change from LO to GO zoning, the NPA, and voted against the proposed agreement for the following reasons:

1. The mass of the **GO-zoned buildings would be out of scale** in the middle of the historic Heritage neighborhood,
2. The larger buildings would generate **too much traffic**,
3. The **hospital uses** and hours of operation are not compatible with a residential neighborhood,
4. The recreational easement, traffic mitigation money, and other **terms provided by the agreement are not sufficient to mitigate the effect** of the large GO development in the heart of our neighborhood, and
5. The legal documents were structured in such a way to make it **impossible for Heritage to make sure that REIT would adhere to the agreement**.

Betsy Greenberg

Heritage NA Treasurer