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MEMORANDUM

TO: Mr. Dave Anderson, Chair
Planning Commission Members

FROM: Heather Chaffin, Case Manager
Planning and Development Review Department

DATE: June 10, 2014

RE: **MDC Programs Annex Rezoning & Neighborhood Plan Amendment (NPA)**
C14-2014-0028 & NPA-2014-0011.01
Postponement Request by Staff

Staff is requesting a postponement from June 10, 2014, to June 24, 2014, for the above-referenced rezoning and NPA requests.

The Applicant and Neighborhood representatives have been working to reach agreement on the proposed rezoning, and need time to resolve remaining issue. Staff is facilitating these discussions.

Both the Applicant and Neighborhood representatives support the postponement request.

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

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NEIGHBORHOOD PLAN: North Loop Neighborhood Plan

CASE#: NPA-2014-0011.01 **DATE FILED:** February 24, 2014

PROJECT NAME: MDC Programs Annex

PC DATE: June 10, 2014
May 27, 2014

ADDRESSES: 1001 East 50th Street and 4915 Harmon Avenue

SITE AREA: Approx. 0.49 acres

APPLICANT/OWNER: Dick Rathgeber

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: Office

Base District Zoning Change

Related Zoning Case: C14-2014-0028

From: SF-3-NP

To: GO-CO-NP

NEIGHBORHOOD PLAN ADOPTION DATE: May 23, 2002

PLANNING COMMISSION RECOMMENDATION: On May 27, 2014, the motion to postpone to June 10, 2014 by request of staff was approved by Commissioner Richard Hatfield, Commissioner Nuria Zaragoza seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

STAFF RECOMMENDATION: Recommended.

BASIS FOR STAFF'S RECOMMENDATION: The two tracts of land are located at the southeast corner of Harmon Avenue and East 50th Street which are last remaining lots with residential zoning and land uses in this northeast/southeast area of the intersection. To the north, east and south are properties zoned CS-V-CO-NP and LO-CO-NP with Mixed Use, Office and Civic land uses.

Although the neighborhood plan stresses the importance of keeping the residential zoning in this area, staff believes the request to change the land use and zoning to office are an

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inevitable transition given the location of the properties and the surrounding zoning and land uses.

Sections from the North Loop Neighborhood Plan Document

North Loop Neighborhood Plan Vision Statement

In the year 2020 the North Loop Neighborhood Planning Area will be a vibrant, friendly and livable neighborhood that is characterized by: a variety of housing and people; pedestrian orientation with a network of sidewalks, as well as bike lanes; shady, tree-lined streets; a mix of land uses that complement the local neighborhood and are at a density which will support local businesses and transit; locally owned businesses that are neighborhood oriented; and parks and plazas which will act as public gathering places.

The North Loop Neighborhood Planning Area of the future is a vibrant mixed use neighborhood, where commercial and residential uses are combined, and designed in a way that creates an interesting streetscape and built environment. Compatibility is important, but so is uniqueness and a eclectic character.

The North Loop Neighborhood Planning Area of the future is envisioned as a place where the needs of everyday life are available within walking distance from where most people live. The neighborhood summed this up by saying 'all functions of daily life within walking distance'. Linked to the desire for a variety of activities, services and destinations within walking distance, is the neighborhood's commitment to creating a lively mix of uses within the North Loop Neighborhood Planning Area. The mix of uses in the neighborhood and the enhanced walkability will help to reduce the need for auto trips in the future, and will also build personal and community relationships.

NEIGHBORHOOD PLANNING GOALS

Principal Goal

To encourage well-designed neighborhood development that provides the needs of everyday life (shopping, employment, educational, spiritual, recreational, etc.) in locations that are readily and safely accessible within walking distance from where people live.

Goal 4: Encourage development of a diversity of neighborhood-oriented businesses.

Objective 4.1: Promote zoning that allows the development of small scale, neighborhood oriented businesses.

Objective 4.2: Encourage a balanced and diverse mix of independently owned, neighborhood businesses including green grocer, restaurants, coffee shops, bakery, pub, hardware store.

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Goal 5: Enhance the neighborhood's existing commercial corridors (Airport Boulevard, North Loop/53rd commercial center, Lamar Boulevard, and Koenig Lane).

Objective 5.1: Develop rezoning recommendations that would encourage mixed use and a greater diversity of land uses and businesses.

Objective 5.2: Develop Design Guidelines to support and improve safety, pedestrian accessibility, landscaping, and other design goals.

TRANSPORTATION GOALS

Goal 7: Improve vehicle, bicycle, and pedestrian safety.

Objective 7.1: Reduce cut-through and high speed traffic in residential areas.

Objective 7.2: Improve the safety of roadways and intersections in the neighborhood.

Vision for residential areas

For neighborhoods within the planning area, the preservation of residential interiors is important. Both Morningside-Ridgetop and Eye 35/Airport neighborhoods, for example, are surrounded by commercial development on I-35 and Airport Blvd. Being two major regional roads the presence of commercial is expected. However, there is a real fear of the continuing encroachment of this commercial property and the subsequent demise of the residential character of the interior sections of these neighborhoods. The vision for the Morningside-Ridgetop and Eye 35/Airport neighborhoods is for them to remain as residential and for the commercial areas to be confined to the frontage road and to Airport Blvd. On adoption of this plan, this Neighborhood Plan does not support further rezoning of residentially zoned property in the interior of these neighborhoods to commercial or other non-residential uses.

LAND USE DESCRIPTIONS

EXISTING LAND USE

Single Family - Single family detached or two family residential uses at typical urban and/or suburban densities

Purpose

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

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Application

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

PROPOSED LAND USE

Office - An area that provides for office uses as a transition from residential to commercial uses, or for large planned office areas. Permitted uses include business, professional, and financial offices as well as offices for individuals and non-profit organizations.

Purpose

1. Encourage office-related services in areas that cannot support the traffic generation of commercial uses;
2. Provide for small lot office conversions as a transition from commercial to residential uses; and
3. Preserve sites for employment and office related services.

Application

1. Appropriate for low volume streets such as collectors and minor arterials; and
2. Can be used to provide a transition between residential uses and more intense commercial and industrial uses.

IMAGINE AUSTIN PLANNING PRINCIPLES

- Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - *The request is to change the future land use map from single family to office, thus losing residential zoning and land uses. However, staff believes the location of these two tracts being surrounded on three sides with commercial zoning and land use makes them a less desirable location for residential uses.*
- 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.

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- *Not applicable.*
- Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - *Because the property has commercial zoning and land uses on three side, staff believes it is an inevitable that these two lots would transition to a commercial use.*
- Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - *The request is to change the future land use map from single family to office, thus losing residential zoning and land uses. However, staff believes the location of these two tracts of land being surrounded on three sides with commercial zoning land use makes theme less desirable for residential uses.*
- Ensure harmonious transitions between adjacent land uses and development intensities.
 - *Staff believes office land is more appropriate than single family given its location.*
- 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.
 - *Not applicable.*
- 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 applicant has agreed to add a community garden on the property in addition to the proposed parking lot.*
- Protect, preserve and promote historically and culturally significant areas.
 - *The older home on the property is not designated a historic structure.*
- Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - *The proposed parking lot will provide additional parking for the non-profit Manos de Cristo, which provides affordable dental care, among other services for low-income people.*
- Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - *The proposed parking lot will provide needed parking for an existing non-profit organization that provides a number of jobs in the area.*
- Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.

- *Not applicable.*
- 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.*

BACKGROUND: The plan amendment application was filed on February 24, 2014, which is in-cycle for neighborhood planning areas with City Council-approved neighborhood plan located on the west side of I.H.-35.

The applicant proposes to change the land use on the future land use map from Single Family to Office.

The applicant proposed to rezone the property from SF-3-NP to GO-CO-NP to build a parking lot (43 parking spaces) for the Manos de Cristo non-profit organization located at 4911 Harmon Avenue. For more information on the zoning case please see the associated zoning case report C14-2014-0028.

Manos de Cristo is a non-profit organization located at 4911 Harmon Avenue that provides services for low-income patients, such as affordable dental care, educational programs (English as a Second Language, computer and citizenship classes) and basic needs services such as a food pantry and clothes closet. The dental clinic was added to the building in 2011.

PUBLIC MEETINGS: The ordinance-required plan amendment meeting was held on April 23, 2014. Approximately 182 meeting notices were mailed to property owners and utility account holders within 500 feet of the property in addition to neighborhood and environmental groups registered on the community registry who requested notification for this area.

After staff gave a brief introduction about the plan amendment process, Dick Rathgeber, the applicant and owner of the property, said he is requesting the rezoning of the property from SF-3-NP to GO-CO-NP to build a parking lot for the overflow cars that use the services at Manos de Cristo, a non-profit organization, located at 4911 Harmon Avenue, just the south of the property. The proposed parking lot will have forty-three parking spaces. He has also agreed to have a community garden on the property at the request of the neighborhood.

Mr. Rathgeber said the main entrance to the Manos de Cristo building at 4911 Harmon Avenue will be changed to 1001 E. 50th Street address and the Harmon Avenue entrance would either be closed or would have limited access. At the new Manos de Cristo address at 1001 E. 50th Street would be a new business sign. Manos de Cristo will have the option to buy property if the it is successfully rezoned. Since Manos only needs a parking lot, they are willing to prohibit all other uses in the GO zoning district except off-street accessory parking, their proposed use.

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After Mr. Rathgeber's presentation the following questions were asked:

Q. Manos de Cristo is good neighbor but the traffic noise from I.H.-35 is loud. Would you consider building a solid screen fence around the parking lot to help block the noise from I.H.-35?

A. I'm OK with a 10 foot high solid screen fence, we'll look into maybe a CMU (concrete masonry unit) wall.

Q. Can you talk about the timing of the transfer of the property to Manos de Cristo?

A. I gave Manos the option to buy the property at the price I paid for if the property gets rezoned.

Q. Can you talk about the security-aspect of the parking lot seeing that it will be unoccupied at night?

A. We will have surveillance cameras and maybe a gate across the parking lot entrance/exit that can be locked to prohibit unauthorized cars from parking there after hours.

Q. As I understand APD prefers see-through fences, but also the owner promises to kick people off of property.

A. Yes, we familiar with that issue of people loitering on the property and will make sure people leave the property. If it's after hours and a neighbor sees someone on the parking lot who shouldn't be there, they can call 311 to report it.

Q. Nearby neighbors are not thrilled about this zoning change for a parking lot. Once the clinic put in the dental clinic it increased the traffic on the property and caused the parking problems on Harmon Avenue. Maybe you should have changed the zoning on this property before they added the clinic to provide enough parking.

A. Unfortunately, the house at 1001 E. 50th Street wasn't for sale at that time the dental clinic was added.

Q. What would prevent you from selling the property so someone else could build something other than a parking lot?

A. I proposes a conditional overlay or deed restriction that limits the use to only a parking lot.

Q. Would it be possible to have a community garden on the property?

A. Yes, we can find a place for it on the property, but I don't know how big it would be.

Q. Do you plan to provide car parking for festivals?

A. No, we won't allow festival parking on the lot.

Q. Manos could move to a different building and sell this property to someone else.

A. A conditional overly that limits the property to only a parking lot would limit the ability for someone else to building something other than a parking lot on the property.

Q. How old is the house at 1001 E. 50th Street?

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A. It was built in 1918 and will be moved to another location. It won't be demolished.

Q. Will the neighbors be able to provide input on the design of the sign that will be on East 50th Street?

A. We'd love to get input from neighborhood.

Q. What will be the hours of operation at Manos for which people will need parking?

A. Monday through Thursday, 6:15 a.m. to 9:00 p.m.

Q. What is plan for the property if the zoning is not approved?

A. I'll need to fix up the house and try to sell it, but I'm not sure if people want to live next to a probation center.

Q. Will there be any changes to the existing parking lot at 4911 Harmon Ave.?

A. We will resurface it.

Q. Are you looking at alternatives methods to pave the new parking lot?

A. Yes, we're looking at alternatives to asphalt paving.

Q. What is the timeline if you get the property rezoned?

A. If we get the property rezoned, it would take around 60 days to finish the parking lot. Since it's not a big area, it shouldn't take too long.

Q. Will you plant crepe myrtles on the property?

A. Yes, we could do that because we want to make it look good.

After all the questions were asked, the meeting adjourned around 7:30 p.m.

The North Loop Planning Contact Team has not submitted a letter regarding the applicant's requests.

The Ridgetop Neighborhood Association submitted a letter on pages 10-11.

CITY COUNCIL DATE: June 26, 2014

ACTION: Pending

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

EMAIL: Maureen.meredith@austintexas.gov

Letter from the North Loop Planning Contact Team

(No letter from the planning contact team has been submitted at this time)

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May 20, 2014

Planning and Development Review Department, City of Austin
Maureen Meredith, Plan Amendment Planner, and Heather Chaffin, Zoning Planner

Re: Plan Amendment Case NPA-2014-0011.01; Zoning Case C14-2012-0028 – 1001 E. 50th St & 4915 Harmon Ave.

City of Austin Planning and Review Department:

On behalf of members, Ridgetop Neighborhood Association (RNA) leadership respectfully submits *conditional support* of the above-referenced plan amendment/rezoning applications by Mr. Dick Rathgeber and Manos de Cristo to change the Future Land Use Map at 1001 E. 50th St & 4915 Harmon Ave from Single Family to Office, and its zoning from SF-3-NP (Family Residence) to, as we understand it, LO-CO-MU-NP (Limited Office - Conditional Overlay - Mixed Use - Neighborhood). Neighborhood agreement is strictly conditioned as set out below.

RNA emphasizes that removal of residential zoning in our neighborhood core is wholly undesirable as a principle and goes strictly against our neighborhood plan and strong resident consensus. Also, Mr. Rathgeber and Manos desire a parking lot to better accommodate staff and clients and a parking lot is not considered a favorable feature in the neighborhood core. However, Mr. Rathgeber and Manos understand this and have worked extensively with us to identify ways to make the project more residential-friendly and mitigate negative impacts, including future incompatible uses.

Manos is a good neighbor and offers considerable mitigations and protections, and therefore RNA can support this proposal conditioned on the following protections and features, to be in place prior to City Council consideration and action:

- Deed restriction set by Mr. Rathgeber/Manos on both parcels, limiting future use to surface parking plus community garden only, in perpetuity with sole rights of removal to the neighborhood
- Zoning is no more aggressive than LO-CO-MU
- Conditional overlay restricts neighborhood-incompatible LO uses (communications services, large offices, and others)
- Protections and mitigations against impacts of increased lights, freeway noise, commercial activities, crime (loitering, camping), and impervious cover, with active RNA participation and input in the design process.

We appreciate Mr. Rathgeber and Manos' sensitivity to neighborhood concerns and responsiveness in seeking solutions. We do not take lightly the potential impact of this request on Harmon Triangle and nearby neighbors, and we firmly believe it was applicants' constructive, collaborative approach that allowed a majority of neighbors to consider and support the proposal.

Ridgetop NA will begin working with Mr. Rathgeber and Manos immediately to place protections attendant to removal of residential and placement of parking at this location, so the proposal can be timely brought forward to Council.

Respectfully,

Penelope Doherty, RNA President and
914 E. 49th St

Meredith Blackwelder, RNA Executive VP
925 E. 53 1/2 St

Cc: Dick Rathgeber via Manos de Cristo

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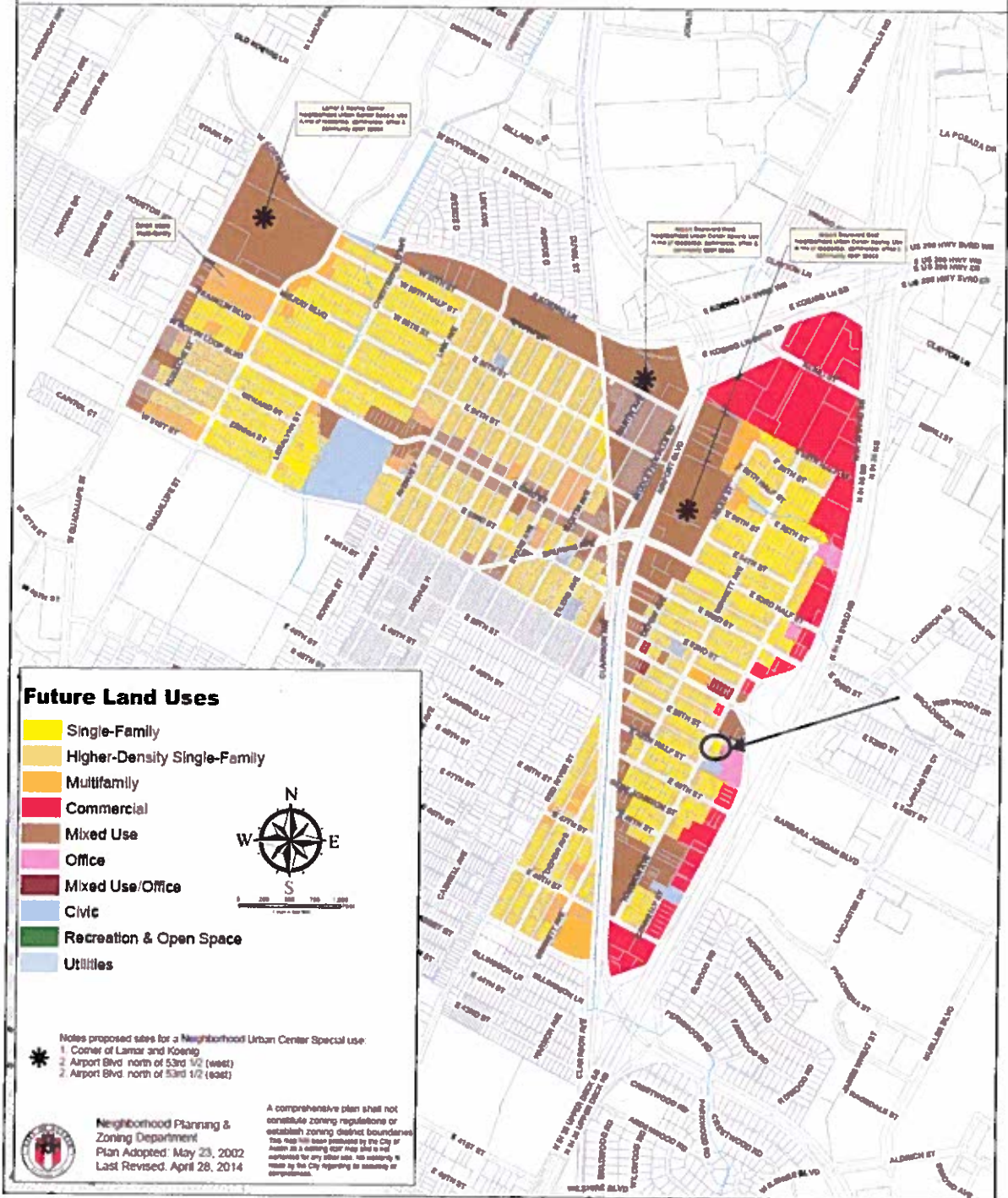
Ridgetop NA's recommendations for LO use restrictions attendant to the proposal

We respectfully request restriction *against* the following uses as incompatible to neighborhood residential core:

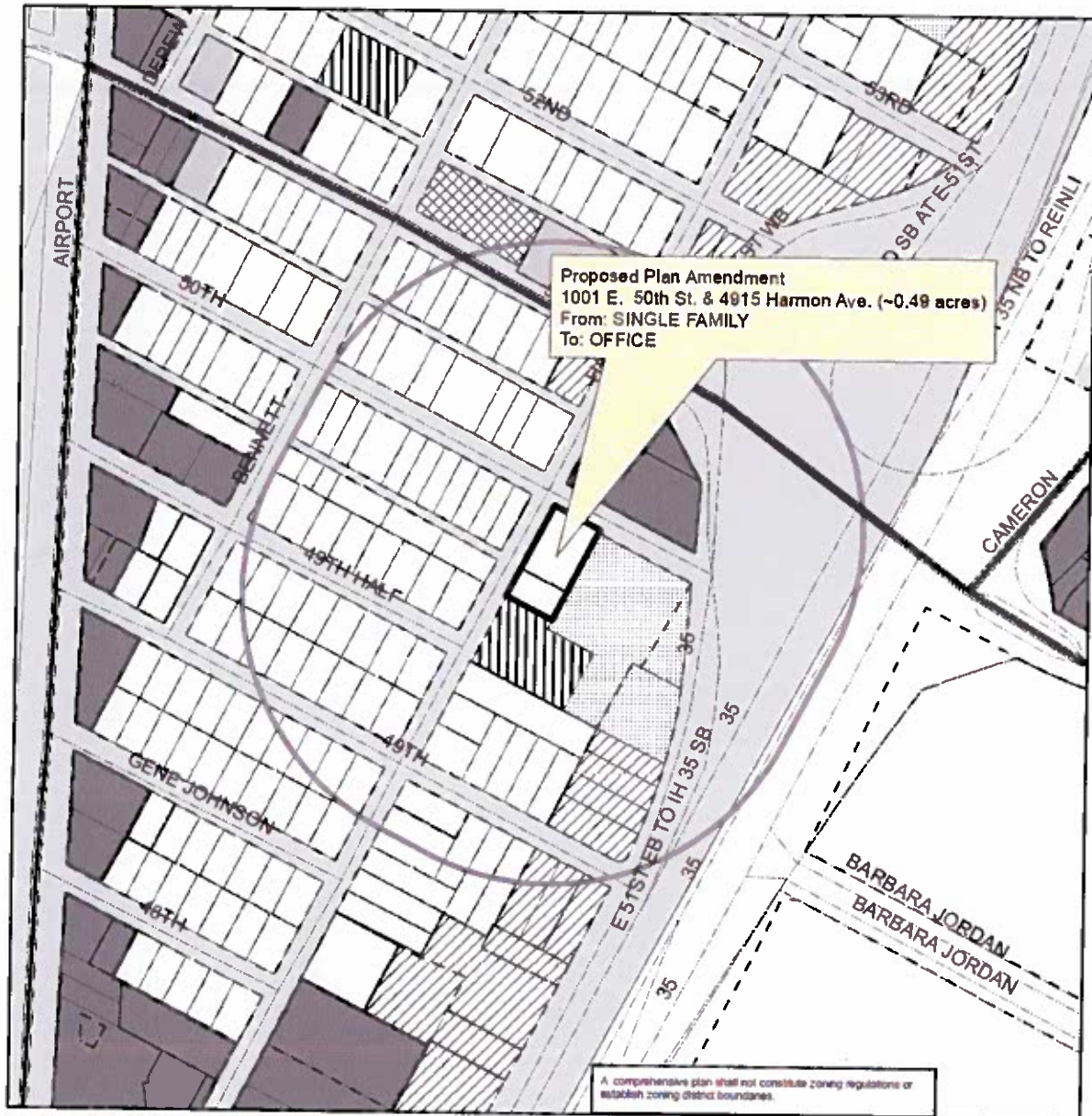
- Art Gallery
- Communications Services
- Medical Offices exceeding 5000sf
- Club or Lodge
- Communication Service Facilities
- Congregate Living
- Day Care Services
- Group Home (any)
- Residential Treatment
- Telecommunications Tower

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North Loop Adopted Future Land Use Map



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North Loop Neighborhood Plan NPA-2014-0011.01

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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 March 3, 2014_M Meredith

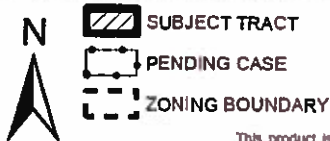
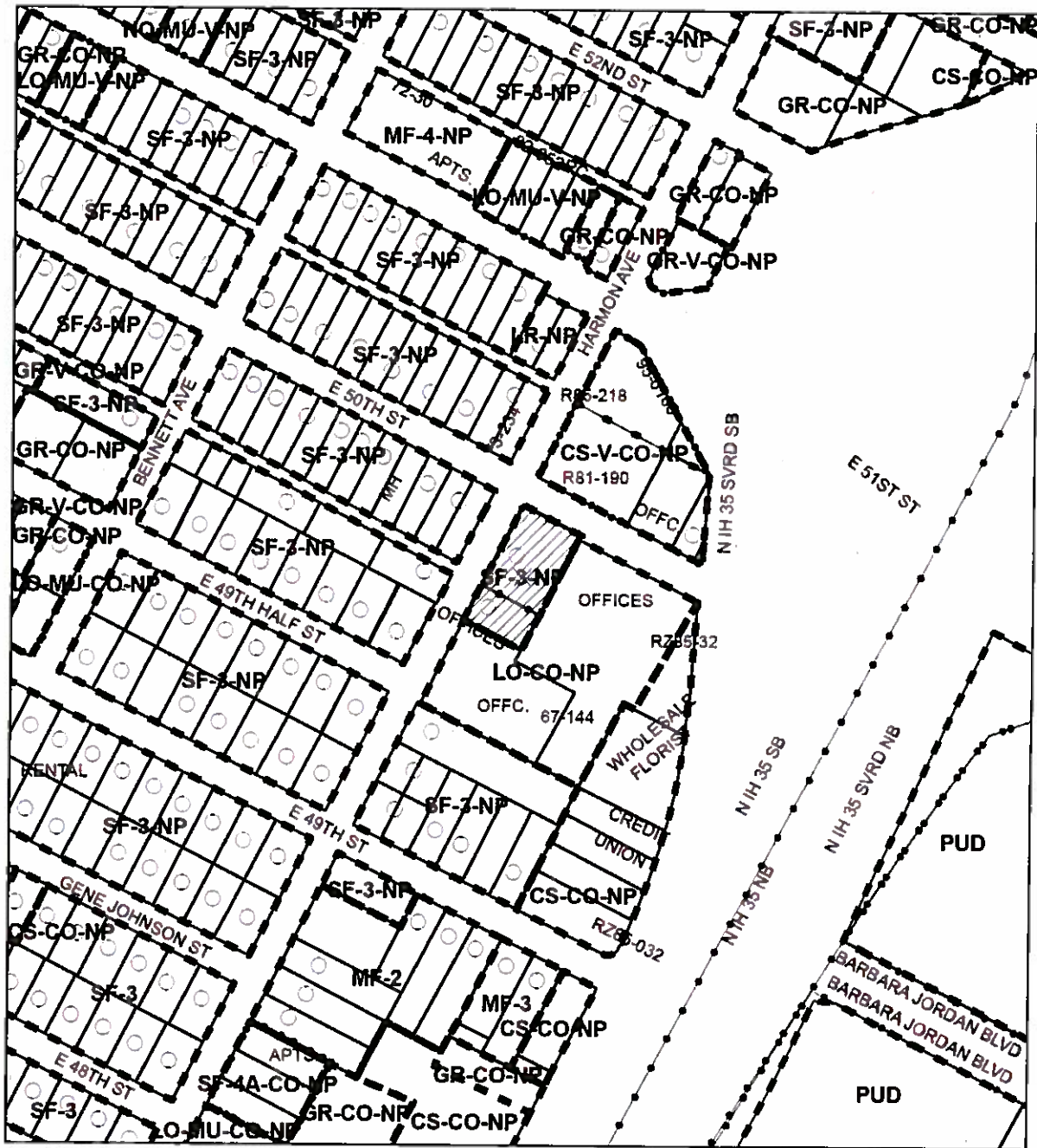
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Legend

- Core Transit Corridors
- 500ft notification boundary
- Zoning
- NPA CASES
- Cmt
- Commercial
- Mixed Use
- Mixed Use/Office
- Multi-Family
- Office
- Single-Family
- Transportation

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1" = 200'

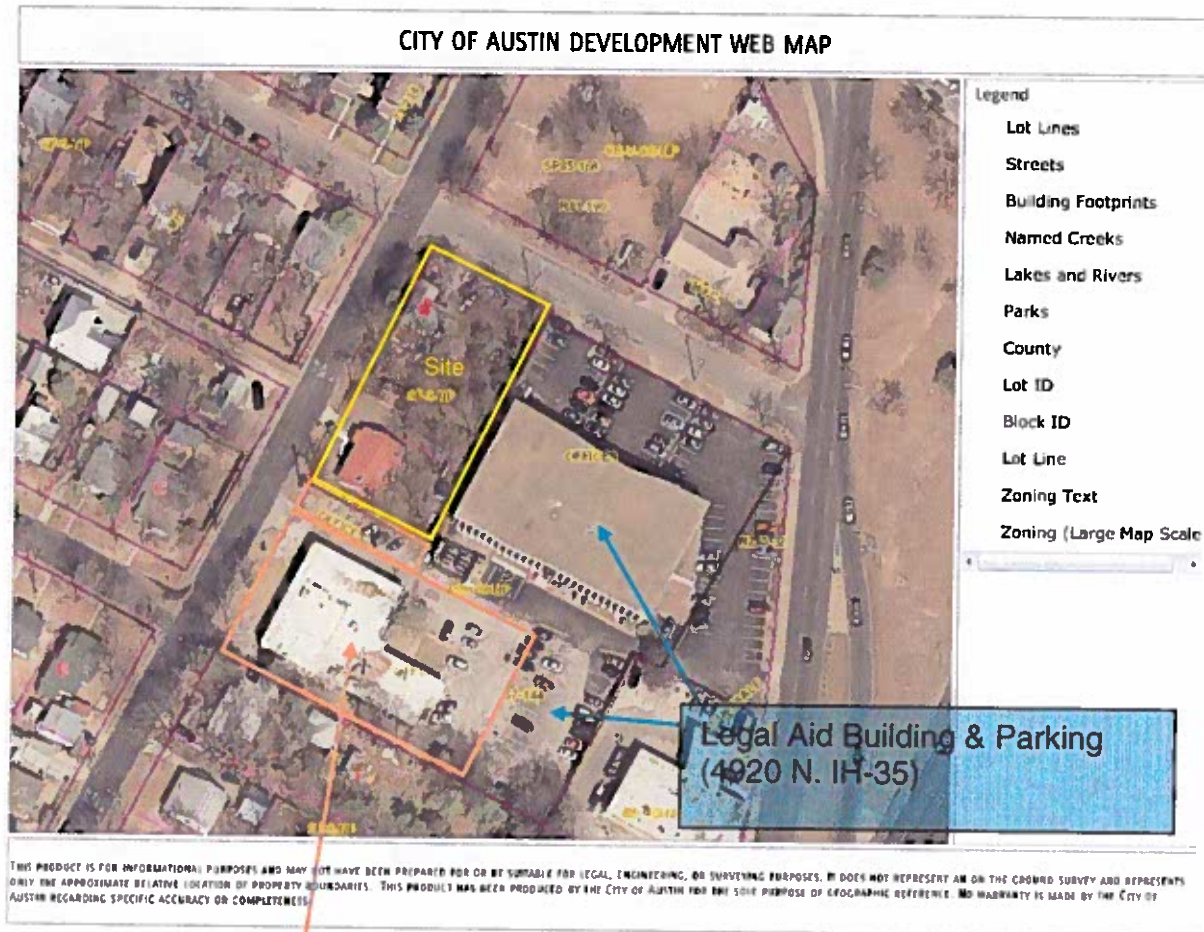
ZONING CASE
C14-2014-0028

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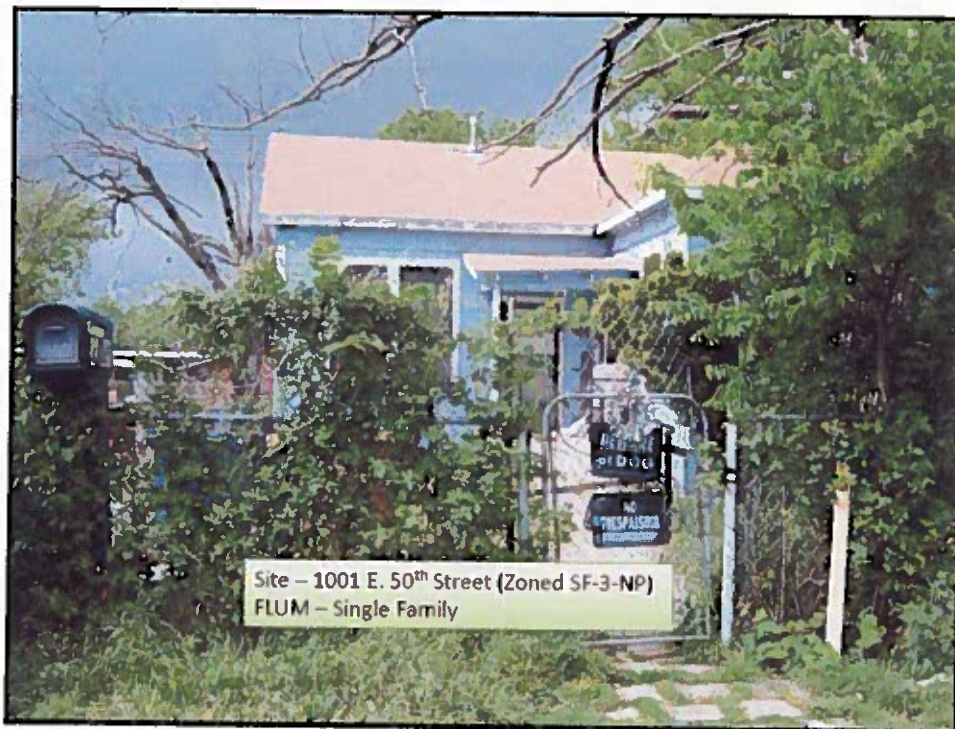
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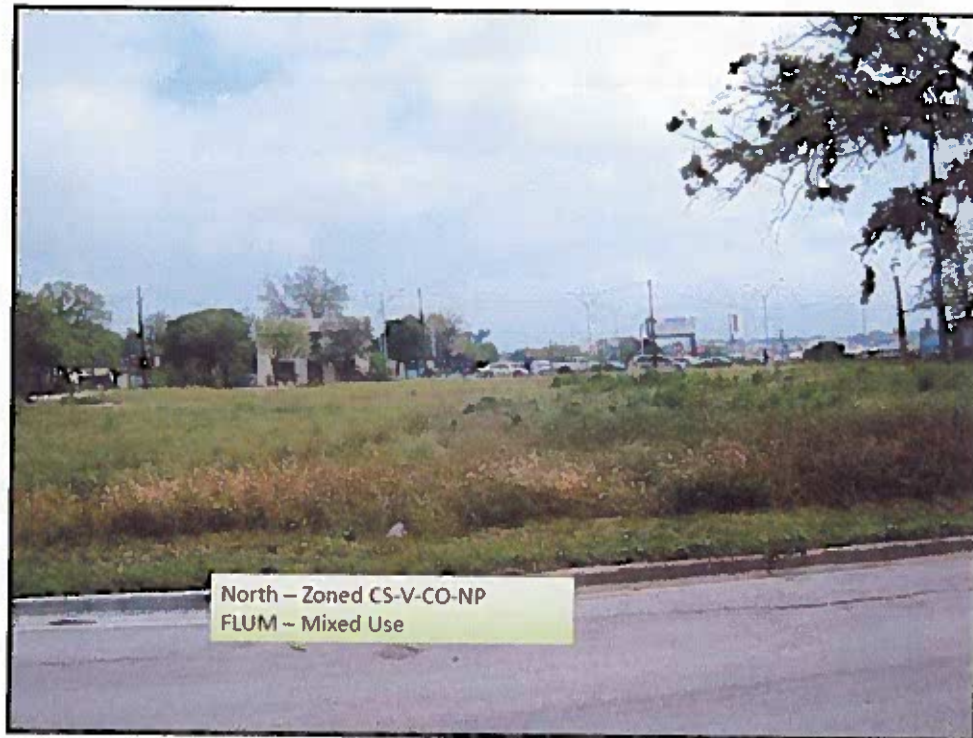
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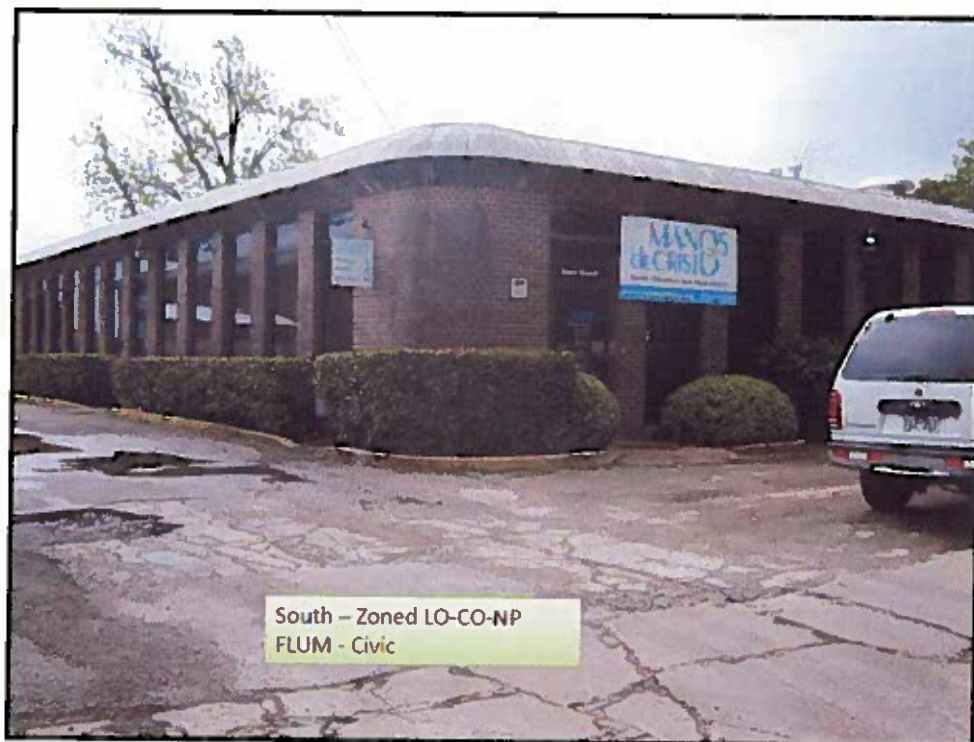
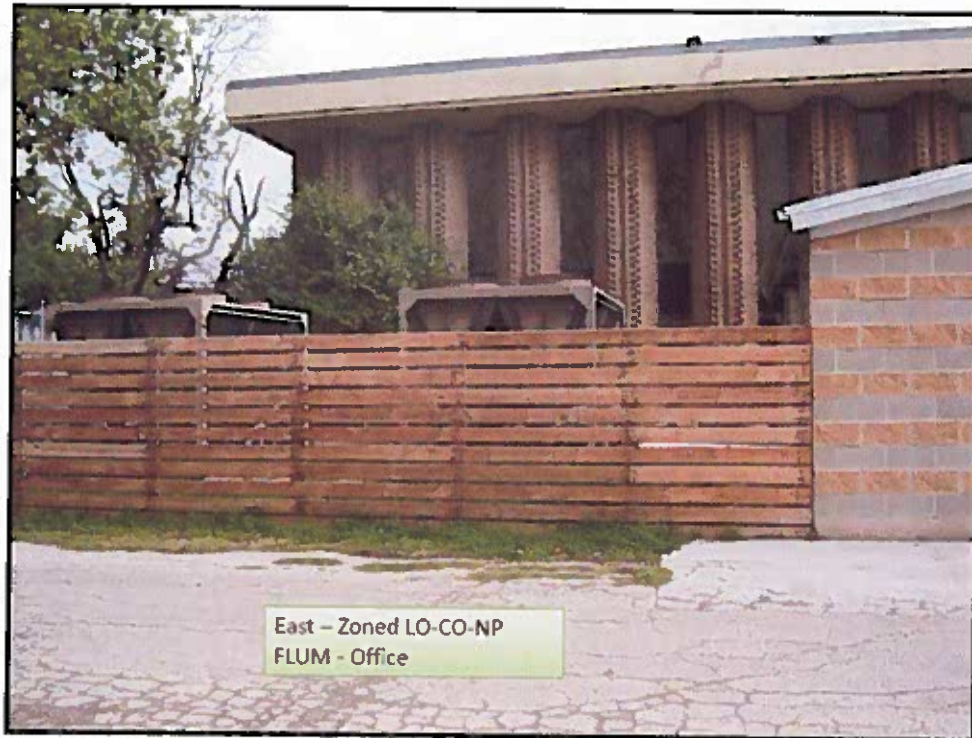
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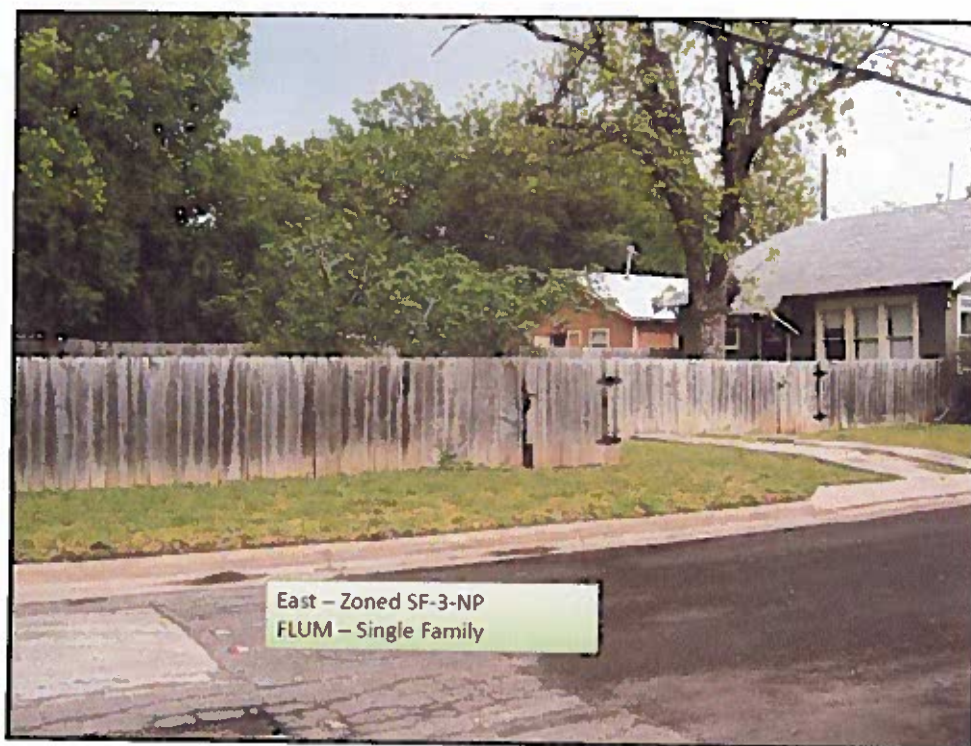
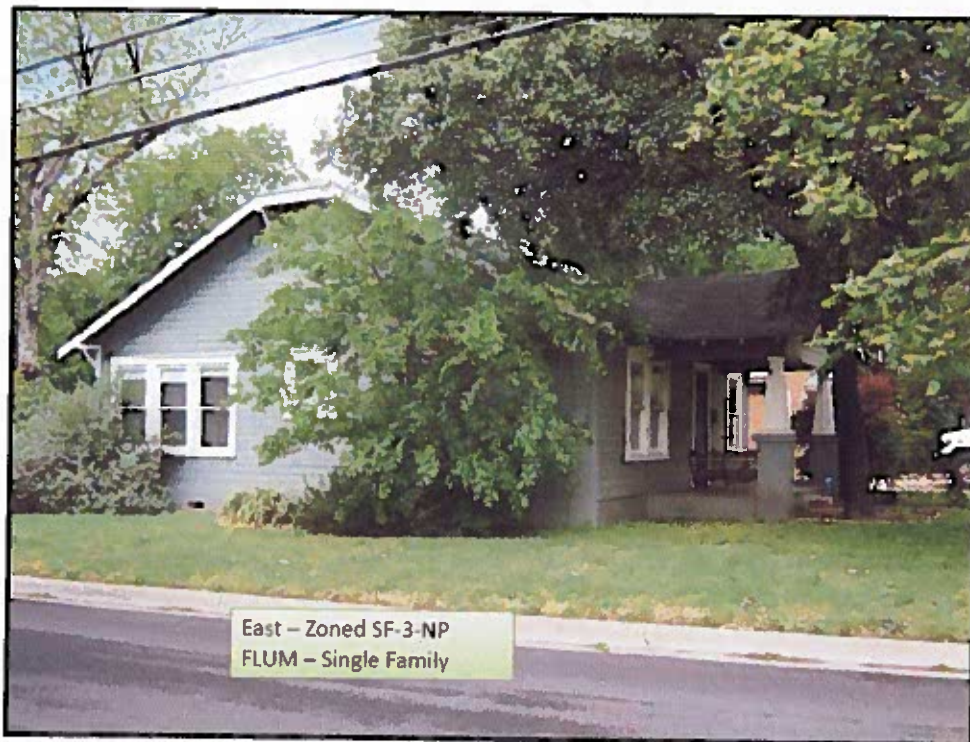
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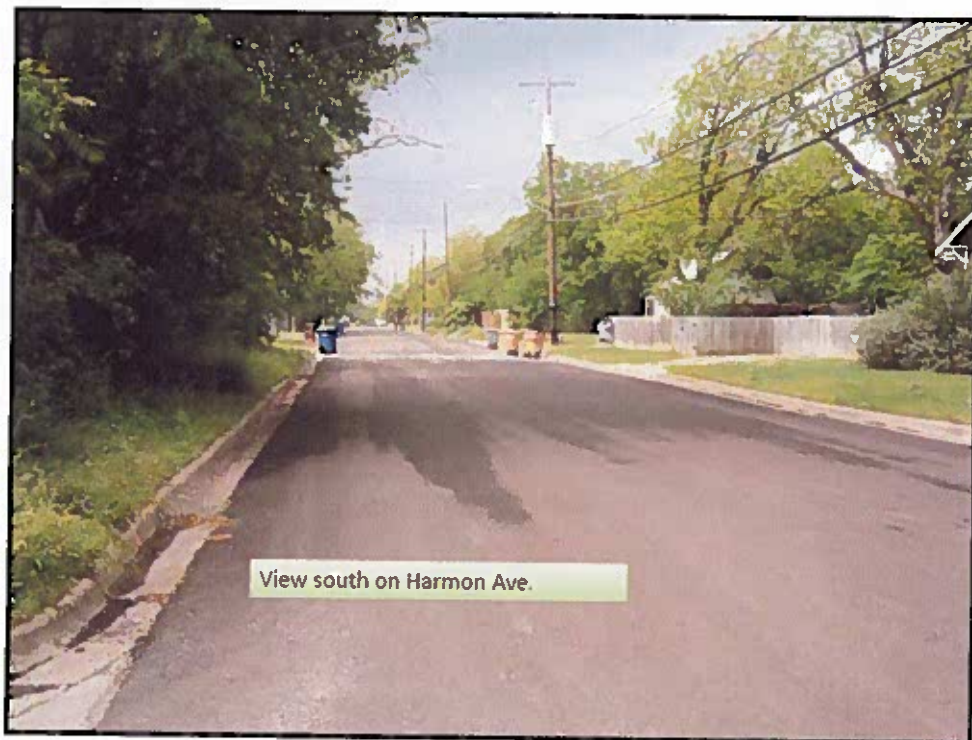
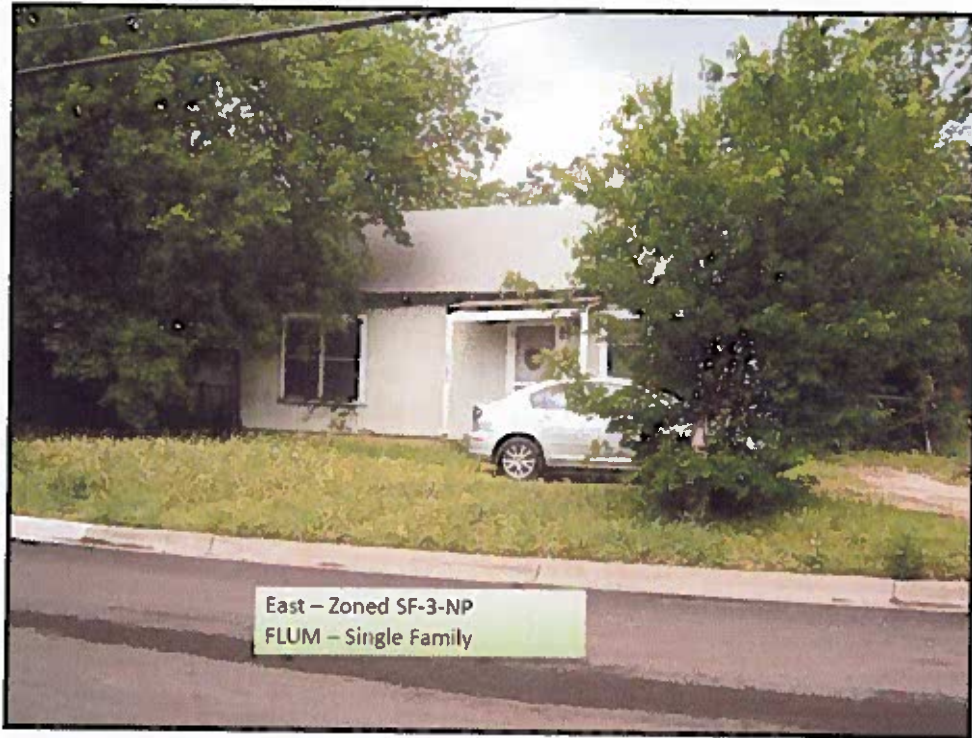
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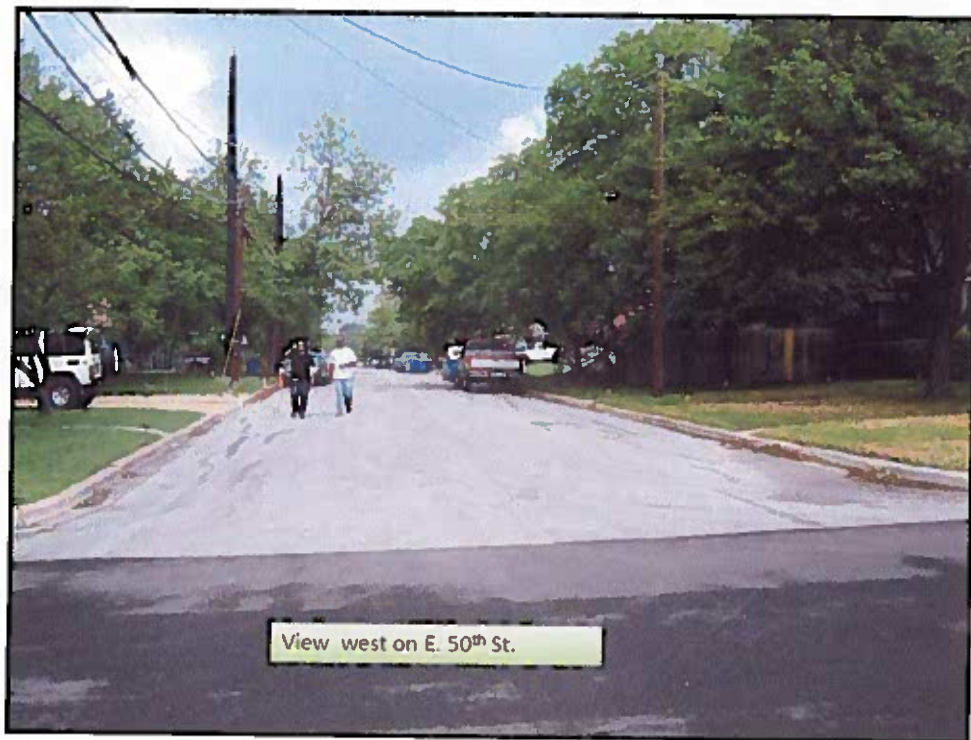
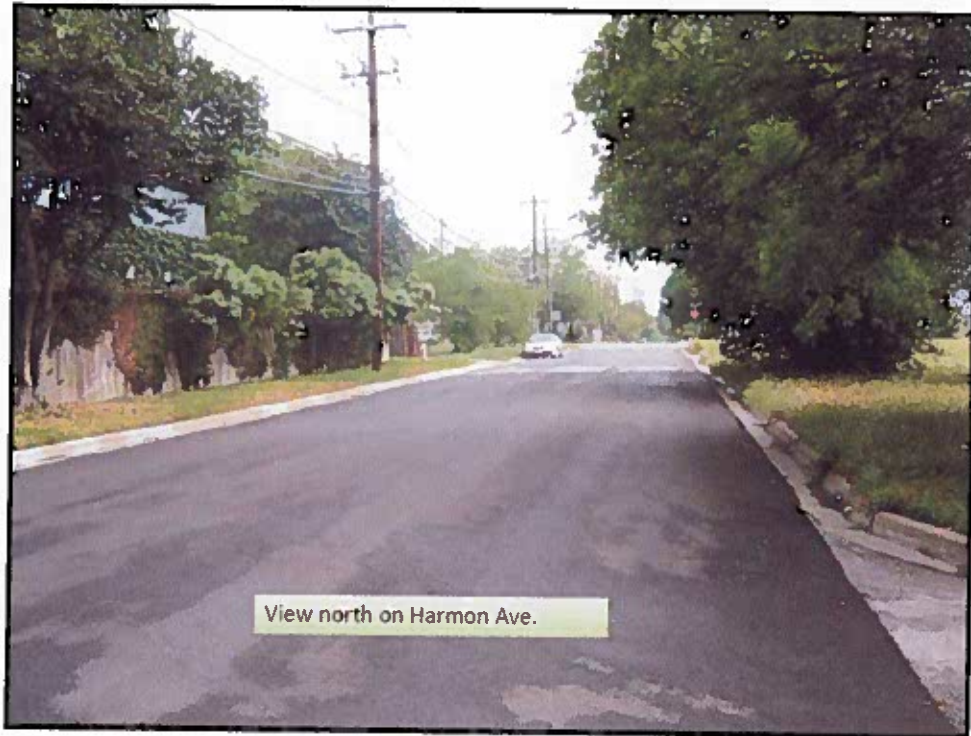
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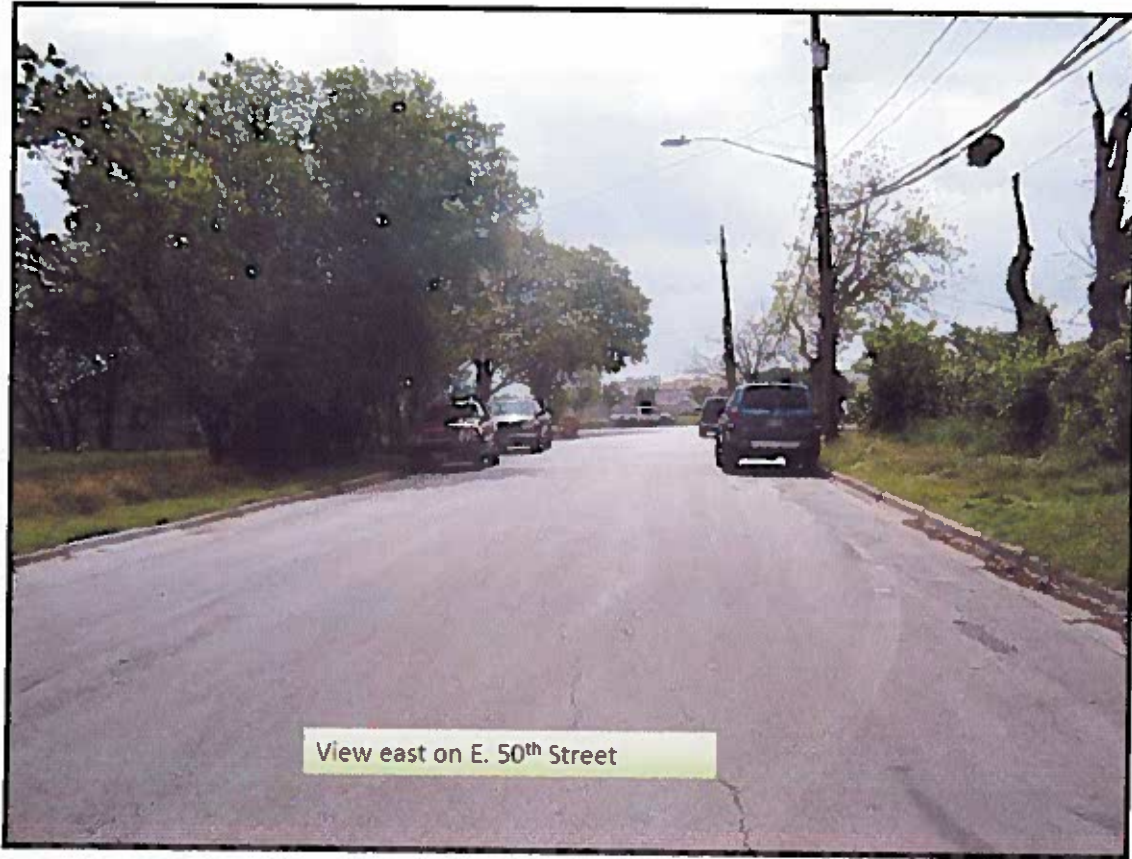
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PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to
City of Austin
Planning and Development Review Department
Maureen Meredith, Senior Planner
P. O. Box 1088
Austin, TX 78767-8110

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-2014-0011.01
Contact: Maureen Meredith
Public Hearing: May 27, 2014, Planning Commission
Jun 26, 2014, City Council

Dan & Susan
Plea Brand Mgr

☒ I am in favor
☐ I object

Your Name (please print)
4922 N IH 35

Your address(es) affected by this application

[Signature]
Signature

6/2/14
Date

Comments:

We are in favor as long
as the city plan is
for parking &
community gardens
only