

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0148 – 1018 W 31st Street

P.C. DATE: October 14, 2014
October 28, 2014
November 12, 2014

ADDRESS: 1018 W 31st Street

OWNER/APPLICANT: Daughters of Charity Ministries, Inc. (Sister Jane Graves)

AGENT: McLean & Howard, LLP (Jeffrey Howard)

ZONING FROM: MF-2-NP **TO:** LO-MU-NP

AREA: .432 acres (18,817sq.ft.)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant Limited Office–Mixed Use–Conditional Overlay-Neighborhood Plan (LO-MU-CO-NP) Combining District, zoning with the following conditions:

1. The Conditional Overlay will prohibit the following uses:

Art Gallery	Community Recreation – Private
Art Workshop	Community Recreation – Public
Communication Services	Congregate Living
Medical Offices	Convalescent Services
Off-Site Accessory Parking	Counseling Services
Personal Services	Cultural Services
Professional Office	Day Care Services (Commercial)
Software Development	Day Care Services (General)
Community Garden	Day Care Services (Limited)
Urban Farm	Hospital Services (limited)
Club or Lodge	Public Primary Educational Services
College & University Facilities	Public Secondary Educational Services
Communication Service Facilities	Residential Treatment
Community Events	Safety Services
2. If the property has a residential use, the following development standards apply:
 - Minimum 8000sf lot size
 - Rear yard setback of 10 feet
 - Maximum 60% impervious cover
 - Maximum of 23 dwelling units/acre
3. The Conditional Overlay will restrict vehicle trips to no more than 2000 per day.

PLANNING COMMISSION RECOMMENDATION:

October 14, 2014; PULLED – NO ACTION TAKEN; TO BE RE-NOTICED FOR OCTOBER 28, 2014

October 28, 2014; Post-poned to November 12, 2014 by Neighborhood with Applicant in agreement.

November 12, 2014; APPROVED LO-MU-CO-NP DISTRICT ZONING AS RECOMMENDED BY STAFF WITH ADDITIONAL CONDITIONS READ INTO THE RECORD AS AGREED UPON BY THE NEIGHBORHOOD AND THE APPLICANT, BY CONSENT [R. HATFIELD; B. ROARK – 2ND] (8-0) L. VARGHESE – ABSENT.

DEPARTMENT COMMENTS:

The subject property is developed with multi-family use and is adjacent or in close proximity to a private school, single family, office and commercial uses. The applicant proposes to use the current structure as a kindergarten facility or as administrative and business offices for St. Andrews Episcopal School, the proposed buyer of the property. The applicant has agreed to a conditional overlay that would restrict the LO uses to private primary and secondary educational services in addition to administrative and business offices, and would restrict the MU uses to multifamily as is permitted on the property currently under Multi-Family Residence—Low Density (MF-2) zoning district.

Staff is recommending the applicant's request for LO-MU-NP zoning because the proposed zoning is compatible and consistent with the surrounding neighborhood office and commercial uses in the area. The zoning change is appropriate in this area as it a less intensive, non-residential use and serves as buffer between the single family properties on the south side of West 31st street and the more intensive commercial uses on the western side of the block that fronts Lamar Boulevard.

ISSUES:

On November 12, 2014, the West 31st Street Creekside Neighborhood Association and the Applicant established an agreement with provisions and additional conditions to those listed in the staff recommendation and that are supported by the Neighborhood Association. Please see the letter with the provisions of agreement attached at the back of this document (exhibit C). In the agreement, the applicant and the Neighborhood would like to prohibit Group Home, Class II use. However this is not allowed under the laws of The Fair Housing Act.

The Neighborhood and the Applicant are still negotiating an agreement of the location of play-ground facilities and equipment on the subject lot as well as particulars related to the fence.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-2-NP	Convent
<i>North</i>	GR-CO-NP	Parking Lot- associated w/the private school
<i>South</i>	SF-3-NP	Single Family Residential
<i>East</i>	SF-3-NP	Single Family Residential
<i>West</i>	SF-3-NP	Private School

NEIGHBORHOOD PLANNING AREA: Windsor Road, a part of the Central West Austin Combined Neighborhood Plan

TIA: not required

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

- 1200 Super Duper Neighborhood Objectors and Appealers Organization
- 1301 Central West Austin Neighborhood Plan Contact Team
- 1391 Central Austin Community Development Corporation
- 1363 SEL Texas
- 511 Austin Neighborhoods Council
- 1424 Preservation Austin
- 1075 Bike Austin
- 1144 West 31st Street Creekside Neighborhood Association
- 1447 Friends of Emma Barrientos MACC
- 1228 Sierra Club, Austin Regional Group
- 742 Austin Independent School District
- 1236 The Real Estate Council of Austin, Inc.
- 1340 Austin Heritage Tree Foundation
- 153 Bryker Woods Neighborhood Assn.
- 88 West Austin Neighborhood Group

SCHOOLS:

Bryker Woods Elementary School

O Henry Middle School

Austin High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2008-0003; Windsor Road Neighborhood Planning Area Vertical Mixed Use Bldg. Opt In/Opt Out Process	Add a vertical mixed use building (V) zoning to 14 tracts of land	To grant (01/29/2008)	Approve the addition of V zoning with 10% of rental units at 60% MFI; exempt from dimensional standards; subject to parking reductions; additional uses allowed in office districts on 14 tracts of land (05/22/2008).
C14-00-2075; Wabash Parking Lot Improvements - West 32 nd Street at Wabash Avenue	GO-CO to GR-CO	To grant GR with a parking lot as the only permitted GR use and all permitted LO uses intact (05/09/2000)	Approved GR-CO zoning, with the CO deleting prohibition of private primary and secondary education facilities (06/01/2000).
C14-98-0256;	SF-3, MF-2 to	To grant GO-CO w/conditions	Approved GO-CO w/conditions;

Wabash Parking Lot Improvement s, 1019 West 32 nd Street	GO-CO	(08/24/1999).	40ft height restriction, and a list of prohibited GO uses (09/30/1999).
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RELATED CASES:

The subject property includes a 3,137sq.ft. piece of land that is not part of the zoning change requested in this application. This piece of the property was originally zoned SF-3 and was rezoned to GO-CO in 1999 and then from GO-CO to GR-CO to allow for primary and secondary educational facilities in 2000 (C14-98-0256 and C14-00-2075).

The subject property is within the boundaries of the Central West Austin Neighborhood Planning Area (NP-2010-0027, Ord. No. 20100923-102). The -NP combining district was appended to the existing MF-2 base district in 2010 (C14-2010-0051, Ord. No. 20100923-103).

There is a corresponding neighborhood plan amendment case (NPA-2014-0027.02) to change the land use designation on the Future Land Use Map (FLUM) from Multifamily to Mixed Use/Office.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
W. 31 st St.	55'	27'	Local	Yes	Yes	Yes
Wabash	25'	24'	Local	Yes	No	Yes

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on Wabash Street.

CITY COUNCIL DATE:

October 23, 2014;

November 6, 2014;

ACTION:

Pulled from hearing and re-noticed for November 6, 2014.

Postponed to November 20, 2014 by Staff.

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Tori Haase

PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov

STAFF RECOMMENDATION

The Staff's recommendation is to grant Limited Office–Mixed Use–Conditional Overlay-Neighborhood Plan (LO-MU-CO-NP) Combining District, zoning with the following conditions:

1. The Conditional Overlay will prohibit the following uses:

Art Gallery	Community Recreation – Private
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Communication Services	Congregate Living
Medical Offices	Convalescent Services
Off-Site Accessory Parking	Counseling Services
Personal Services	Cultural Services
Professional Office	Day Care Services (Commercial)
Software Development	Day Care Services (General)
Community Garden	Day Care Services (Limited)
Urban Farm	Hospital Services (limited)
Club or Lodge	Public Primary Educational Services
College & University Facilities	Public Secondary Educational Services
Communication Service Facilities	Residential Treatment
Community Events	Safety Services
2. If the property has a residential use, the following development standards apply:
 - a. Minimum 8000sf lot size
 - b. Rear yard setback of 10 feet
 - c. Maximum 60% impervious cover
 - d. Maximum of 23 dwelling units/acre
3. The Conditional Overlay will restrict vehicle trips to no more than 2000 per day

BACKGROUND

The subject property is .432 acres (18,817sf) located on the northeast corner of West 31st Street and Wabash Avenue. The structure built on the lot is around 5000sf. and dates to 1984. The structure has been used most recently as a convent for Daughters of Charity Ministries, Inc. The remainder of the lot is occupied by yard/green space and an asphalt driveway and parking lot at the back of the property and behind the residential structure. Driveway access to the property is from W 31st Street. To the west, across Wabash Avenue is St. Andrews Episcopal School which occupies a majority of the property that fronts the north side of W 31st Street from the W 34th Street cut-off to Lamar Boulevard. To the north of the subject property are parking lots owned and used by the school for faculty parking. There is a single family residence to the east and there is single family to the south of the property, on the opposite side of W 31st Street.

The applicant proposes to change the zoning from MF-2-NP to LO-MU-NP in order to add a kindergarten facility or administrative and business offices for St. Andrews Episcopal School, the proposed buyer of the property. The applicant has agreed to a conditional overlay that would restrict the LO uses to private primary and secondary educational services in addition to administrative and business offices, and would restrict the MU uses to multifamily as is permitted on the property currently under MF-2.

Staff is recommending the applicant's request for LO-MU-NP zoning because the proposed zoning is compatible and consistent with the surrounding neighborhood office and commercial uses in the area. The zoning change is appropriate in this area as it is a less intensive, non-residential use and serves as a buffer between the single family properties on the south side of West 31st street and the more intensive commercial uses on the western side of the block that fronts Lamar Boulevard.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Limited Office (LO) zoning district is intended for an office use that serves the neighborhood or community needs and that is located in or adjacent to residential neighborhoods.

The purpose of the Mixed Use (-MU-) zoning district is to maintain the ability to use the property as is currently allowed in the Multi-Family Residence—Low Density (MF-2) zoning district but also give the flexibility to allow for other less intensive office uses associated with the private school.

2. *Zoning should allow for reasonable use of the property.*

The LO-MU-NP zoning district is a reasonable use of the land because it will allow for a mixture of residential or office uses that are neighborhood oriented and are consistent with the surrounding commercial and office uses on adjacent properties.

3. *The proposed zoning should promote consistency and orderly planning.*

The LO-MU-NP zoning district would be compatible and consistent with the adjacent properties that have GO-CO-NP zoning and provides some order to as it provides a gradation of intensity of uses from the Single Family on the south side of West 31st to the Commercial uses along Lamar Boulevard.

4. *Zoning changes should promote a balance of intensities and densities.*

The LO-MU-NP zoning district will promote a balance of intensities and densities because it will be a buffer of less intensive office uses between the more intensive office and commercial uses from the lesser intensive, single family uses on the south side of West 35th Street.

5. *Zoning should promote compatibility with adjacent and nearby uses.*

The LO-MU-NP zoning district is compatible with the adjacent and nearby uses because it will allow less intensive office uses that are appropriate for close proximity to schools and residential uses.

EXISTING CONDITIONS

Site Characteristics

The site is developed with a single-story, multi-family structure. There does not appear to be any topographical constraints on the site. There are at least 6 trees of varying sizes along with green/yard space.

Impervious Cover

The maximum amount of impervious cover under the MF-2 zoning district is 60 percent. The maximum impervious cover allowed in LO is 70 percent. However, the applicant has agreed to maintain the existing impervious cover limit of 60 percent if granted the LO-MU-CO-NP zoning district.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rim rock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000sq.ft. (cumulative) is exceeded, and on site control for the two-year storm.

Transportation

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities exist and/or recommended along the adjoining streets as follows: W 31st Street.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Storm-Water Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm-water runoff will be mitigated through on-site storm-water detention ponds, or participation in the City of Austin Regional Storm-water Management Program if available.

Site Plan and Compatibility Standards




Any new development is subject to Subchapter E. Design Standards and Mixed Use. The site is located on an Urban Roadway. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the NORTH, SOUTH AND SOUTHEAST property lines, the following standards apply:

1. No structure may be built within 25 feet of the property line.
2. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
3. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
4. No parking or driveways are allowed within 25 feet of the property line.
5. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
6. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

Additional design regulations will be enforced at the time a site plan is submitted.


$$1'' = 200'$$

 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

ZONING
CASE#: C14-2014-0148

Exhibit A



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.



1' = 400'



Subject Property

ZONING

ZONING CASE#: C14-2014-0148
 LOCATION: 1015 W 31st Street
 SUBJECT AREA: .360 ACRES
 GRID: J25
 MANAGER: TORI HAASE

Exhibit B



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.

Haase, Victoria (Tori)

Subject: FW: St. Andrew's School Re-zoning Case; C14-2014-0145**Importance:** High**From:** Jeff Howard**Sent:** Friday, November 14, 2014 9:40 AM**To:** Haase, Victoria (Tori); Whellan, Michael**Subject:** St. Andrew's School Re-zoning Case; C14-2014-0145**Importance:** High

Tori,

I gave you my list of the additional changes to staff recommendation that we have agreed on with the Neighborhood. So I am copying Michael here to make sure it is correct. **In addition to the staff recommendation**, the following have been agreed to by the applicant and neighborhood and were included in the PC Recommendation:

1. **Additional Prohibited Uses. Private Secondary Educational Facilities and Local Utility Services shall be prohibited.** Michael, please note that the staff CO already prohibits Communications Service Facilities, Daycare Services and Public Educational Facilities. Also, as we discussed Family Home, Group Home and Telecommunications Tower cannot be prohibited in the CO, but will be prohibited in the private RC.
2. **MU Allowed Uses Based on MF-1.** MF-1 and MF-2 have the same allowed uses EXCEPT for Group Home, II which is conditional in MF-2 but not permitted in MF-1. **So, essentially, Group Home, II will be prohibited as it is MF-1.**
3. **For MU Allowed Uses, Site Development Regulations Based on MF-1.** Also, all MF-1 site development regulations will apply to any use allowed in MU but not to those allowed in LO.
4. **Height Restriction for LO Uses – Height is restricted to 30 feet or 2 stories for any uses allowed in the LO district, but not those allowed in MU** (i.e. Private Primary Education and Administrative and Business Office) .
5. **W. 31st Street Access Limitation.** Access to W. 31st shall be prohibited, EXCEPT for (i) temporary access as may be reasonably necessary for any construction on the Property, and (ii) parking for school staff (but not for any drop-off or pick-up); provided that, however, such staff parking cannot exceed 3 parking spaces and no such parking can be located within 12 feet of the western property line of 1014 W. 31st Street.

Thanks.

Jeffrey S. Howard

Partner

Barton Oaks Plaza, Building II
 901 South MoPac Expy | Ste 225
 Austin, Texas 78746
 512.328.2008 phone
 512.328.2409 fax
www.mcleanhowardlaw.com

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

Case Number(s): NPA-2014-0027.02, C14-2014-0148

ADDRESS: 1018 W. 31st Street, Austin, Texas

Contact: Maureen Meredith 512-974-2695

Public Hearing: 9/29/2014; 10/14/2014

Planning Commission

Planning and Development Review Department

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Kimberly Renner

Your Name (please print)

3018 N. Lamar Blvd. Austin, TX 78705

Your address(es) affected by this application

[Signature] 10/3/14

Signature

Date

Comments: I own the business located at the above address and support the
above zoning change.

If you use this form to comment, it may be returned to:
City of Austin
Planning and Development Review Department
505 Barton Springs Road
Austin, TX 78704

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Case Number(s): NPA-2014-0027.02, C14-2014-0148

ADDRESS: 1018 W. 31st Street, Austin, Texas

Contact: Maureen Meredith 512-974-2695

Public Hearing: 9/29/2014; 10/14/2014

Planning Commission

Planning and Development Review Department

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

DANIEL R. RENNERT

Your Name (please print)

1001 W. 31ST ST, AUSTIN, TX

Your address(es) affected by this application

[Signature] 10-3-14

Signature

Date

Comments: I ~~OWN~~ OWN AND MY FAMILY
LIVES IN THE MIXED USE BUILDING
AT 1001 W. 31ST ST. WE SUPPORT
THE PROPOSED ZONING CHANGE.
THANK YOU.

If you use this form to comment, it may be returned to:
City of Austin
Planning and Development Review Department
505 Barton Springs Road
Austin, TX 78704

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ADDRESS: 1018 W. 31st Street, Austin, Texas

Contact: Maureen Meredith 512-974-2695

Public Hearing: 9/29/2014; 10/14/2014

Planning Commission

Planning and Development Review Department

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

John C. (Sean) Murphy & Katrina Murphy
Your Name (please print)

1109 W 31st St, Austin
Your address(es) affected by this application

Karl Z. Murphy 10/2/14
Signature Date

Comments: _____

If you use this form to comment, it may be returned to:
City of Austin
Planning and Development Review Department
505 Barton Springs Road
Austin, TX 78704



 COPY

DAUGHTERS
of CHARITY

PROVINCE of ST. LOUISE

Letter of Support for St. Andrews Episcopal School

September 25, 2014

Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

RE: Case No. NPA-2014-0027.02 (plan amendment)
Case No. C14-2014-0148 (zoning change)
Property Address: 1018 W. 31st Street

To Whom This May Concern,

On behalf of the Daughters of Charity, I would like to express our full support for the zoning change currently under consideration by the City of Austin. The property in question served as the residence for our Sisters who recently left Austin. (The Daughters served in Austin since 1902.) It is now time to pass this property on to another owner.

As neighbors of St. Andrews, we have had a chance to see firsthand the operations of the school and are confident that they will extend their expertise to the functions that will occupy our former residence. It is our understanding that the zoning change will allow the school to expand its operations across Wabash Street. We are confident that this is the best use for this property given that the mission of St. Andrews is similar in many ways to that of the Daughters.

Sincerely,



Sister Jane Graves
Treasurer



September 26, 2014

City of Austin
Planning and Development Review Department
Attn: Maureen Meredith
P.O. Box 1088
Austin, TX 78767

Dear Ms. Meredith,

Thank you for the community meeting notice sent on September 16, 2014. On behalf of Seton Medical Center Austin, I am writing to support both the zoning application C14-2014-0148 and Neighborhood Plan Amendment application NPA-2014-0027.02.

Seton Medical Center Austin is within 500 feet of the land described in the zoning and neighborhood plan amendment. I understand the applications were filed by the Daughters of Charity to allow the property to be used for private school use by St. Andrew's Episcopal School.

Seton Healthcare Family supports inspiring the next generation of healthcare professionals. St. Andrew's has always been a good neighbor in the area and a great asset to the community. Hopefully, their school use will help increase the pipeline of future doctors, nurses and clinical staff.

Please let me know if I can answer any questions.

Sincerely,

Thomas E. Gallagher
Executive Vice President – Administration

1345 Philomena St. • Austin, Texas 78723 • (512) 324-1000 • www.seton.net

Our mission inspires us to care for and improve the health of those we serve with a special concern for the poor and the vulnerable. We are called to be a sign of God's unconditional love for all and believe that all persons by their creation are endowed with dignity. Seton continues the Catholic tradition of service established by our founders: Vincent de Paul, Louise de Marillac and Elizabeth Ann Seton.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

Case Number(s): NPA-2014-0027.02, C14-2014-0148

ADDRESS: 1018 W. 31st Street, Austin, Texas

Contact: Maureen Meredith 512-974-2695

Public Hearing: 9/29/2014; 10/14/2014

Planning Commission

Planning and Development Review Department

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Corley Nelson Partnership, Ltd. (By: John Corley Nelson,
Your Name (please print) manager of general partner)

1301 W. 34th Street, Austin, TX.

Your address(es) affected by this application

By: John C. Nelson
Signature

9/27/14
Date

Comments: We strongly support the
requested change of zoning and land
use and feel that the resulting
project will be a substantial improvement
to the neighborhood.

If you use this form to comment, it may be returned to:
City of Austin
Planning and Development Review Department
505 Barton Springs Road
Austin, TX 78704

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ADDRESS: 1018 W. 31st Street, Austin, Texas

Contact: Maureen Meredith 512-974-2695

Public Hearing: 9/29/2014; 10/14/2014

Planning Commission

Planning and Development Review Department

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Corley Nelson Partnership, LTA. (By: John Corley Nelson,
Your Name (please print) manager of general partner)

906 W. 31st Street, Austin, TX
Your address(es) affected by this application

By: John C. Nelson 9/27/14
Signature Date

Comments: We strongly support the
requested change of zoning and
land use and feel that the
resulting project will be a
substantial improvement to the
neighborhood.

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Austin, TX 78704

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ADDRESS: 1018 W. 31st Street, Austin, Texas

Contact: Maureen Meredith 512-974-2695

Public Hearing: 9/29/2014; 10/14/2014

Planning Commission

Planning and Development Review Department

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Lauren Fish
Your Name (please print)

3125 W. Lamar, Austin, TX 78705
Your address(es) affected by this application

[Signature] 9/26/14
Signature Date

Comments: _____

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Austin, TX 78704

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ADDRESS: 1018 W. 31st Street, Austin, Texas

Contact: Maureen Meredith 512-974-2695

Public Hearing: 9/29/2014; 10/14/2014

Planning Commission

Planning and Development Review Department

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

PETER PINCOFFS - 3108 N. LAMAR L.P.
Your Name (please print)

3108 N. LAMAR
Your address(es) affected by this application

[Signature] 9/26/14
Signature Date

Comments: _____

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Austin, TX 78704

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ADDRESS: 1018 W. 31st Street, Austin, Texas

Contact: Maureen Meredith 512-974-2695

Public Hearing: 9/29/2014; 10/14/2014

Planning Commission

Planning and Development Review Department

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Laurens Fisk
Your Name (please print)

906 W. 31st Austin, TX 78705
Your address(es) affected by this application

[Signature] 9/26/14
Signature Date

Comments: _____

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505 Barton Springs Road
Austin, TX 78704

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

Case Number(s): NPA-2014-0027.02, C14-2014-0148

ADDRESS: 1018 W. 31st Street, Austin, Texas

Contact: Maureen Meredith 512-974-2695

Public Hearing: 9/29/2014; 10/14/2014

Planning Commission

Planning and Development Review Department

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Corley Nelson Partnership, Ltd. (By: John Corley Nelson,
Your Name (please print) manager of general partner)

3125 N. Lamar Blvd., Austin, TX.

Your address(es) affected by this application

By: John C. Nelson 9/27/14
Signature Date

Comments: We strongly support the
requested change of zoning and
land use and feel that the
resulting project will be a
substantial improvement to the
neighborhood.

If you use this form to comment, it may be returned to:
City of Austin
Planning and Development Review Department
505 Barton Springs Road
Austin, TX 78704

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ADDRESS: 1018 W. 31st Street, Austin, Texas

Contact: Maureen Meredith 512-974-2695

Public Hearing: 9/29/2014; 10/14/2014

Planning Commission

Planning and Development Review Department

☒ I am in favor
☐ I object

Corley Nelson Partnership, Ltd. (By: John Corley Nelson,
Your Name (please print) (manager of general partner)

3115 Owen Avenue, Austin, TX.

Your address(es) affected by this application

By: John C. Nelson 9/27/14
Signature Date

Comments: We strongly support the
requested change of zoning and
land use and feel that the
resulting project will be a
substantial improvement to the
neighborhood.

If you use this form to comment, it may be returned to:
City of Austin
Planning and Development Review Department
505 Barton Springs Road
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Case Number(s): NPA-2014-0027.02, C14-2014-0148

ADDRESS: 1018 W. 31st Street, Austin, Texas

Contact: Maureen Meredith 512-974-2695

Public Hearing: 9/29/2014; 10/14/2014

Planning Commission

Planning and Development Review Department

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Nelson Homestead Management, LLC / Nelson Investments
Your Name (please print)

(By: John Corley Nelson,
Manager)

3404 Glenview Ave., Austin, TX.
Your address(es) affected by this application

By: John C. Nelson 9/27/14
Signature Date

Comments: We lease the property at
3404 Glenview Ave. which is in
close proximity to the subject property
of this case. We think the proposed
changes of land use and zoning, as
well as the resulting project, will
be a substantial improvement to
the neighborhood. We strongly support
the change of zoning and land use.

If you use this form to comment, it may be returned to:
City of Austin
Planning and Development Review Department
505 Barton Springs Road
Austin, TX 78704

Haase, Victoria (Tori)

Subject: FW: St. Andrew's School

From: Glenys Wolff []

Sent: Saturday, October 11, 2014 3:48 PM

To: Haase, Victoria (Tori)

Subject: St. Andrew's School

To Whom It May Concern:

We live within 500 feet of the land described in Zoning application C14-2014-0148 and in Neighborhood Plan Amendment application NPA-2014-0027.02, and own two properties. We understand that these applications were filed by the Daughters of Charity to allow the property to be used for private school use by St. Andrew's School.

St. Andrew's has always been a great neighbor to the area and great asset to the community. We fully support both the re-zoning request and the neighborhood plan amendment request.

Thank you.

Glenys and Howard Wolf
1102 Belmont Parkway
1104 Belmont Parkway
Austin, TX 78703

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and 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 development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its 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 zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
<http://www.austintexas.gov/development>.

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Case Number: C14-2014-0148

Contact: Tori Haase, 512-974-7691

Public Hearing: Oct 14, 2014, Planning Commission

Oct 23, 2014, City Council

John Boardman, President Heritage N.A.

Your Name (please print)

Heritage Neighborhood Assoc.

Your address(es) affected by this application

[Signature]

Oct. 7, 2014

Date

Signature

Daytime Telephone: 512-771-4012

Comments:

The Steering Committee of the Heritage Neighborhood Association opposes this change to the West 31st Street Creekside Neighborhood ~~lot~~ is on the other side of Lamar from this property and has lots within 500 feet of this property.

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

City of Austin

Planning & Development Review Department

Tori Haase

P. O. Box 1088

Austin, TX 78767-8810

Haase, Victoria (Tori)

Subject: FW: CASE No. C14-2014-0148

From: Kathy Genet
Sent: Tuesday, October 28, 2014 9:29 AM
To: Haase, Victoria (Tori)
Subject: CASE No. C14-2014-0148

Hello Ms. Haase,

I am writing to express my strong opposition to the expansion of St. Andrew's School and the horrible effects it will have on the established neighborhood adjacent to the school.

St. Andrews' expansion plans over the recent years have been daunting and unsettling to the neighbors who have lived nearby for decades. The vehicular traffic, parking nightmares, and encroachment onto private property on Shoal Creek Road is non stop. You have a group of Austinites who have paid taxes, maintained their homes and who are being considered obstacles by the school and often by the city.

I live further in the Bryker Woods neighborhood and use Bailey Park with my children, as it is our neighborhood park. I was told by the school I was no longer able to drive on city streets on two sides of the park because the school "owned" the streets. I was dumbfounded, but then found that yes, the school has sole use of those two city streets that encircle the park. The city will have to draw a line in the sand at some point and limit the school from further destroying what the neighborhood has rights to use: access to our taxpayer funded, city owned parks, use of our city streets, peaceful and quiet neighborhood environments.

This school is educating children of some of the most powerful people in Austin. We are neighbors and citizens. Your job should be to at some point hold the line on their unceasing desire to grow and consume and destroy the neighborhood that we love.

I strongly urge you to consider and talk with the neighbors adjacent to the school.

Thank you,
Kathy Genet
3000 Kerbey Lane
Austin TX 78703

512/940-4229

From: Mary OConnell

Sent: Wednesday, October 08, 2014 3:40 PM

To: Meredith, Maureen; Haase, Victoria (Tori)

Subject: NPA Case #: NPA-2014-0027.02 Zoning Case #: C14-2014-0148

Planning Development Review Department

City of Austin

Attn: Maureen Meredith, Senior Planner Plan Amendment

(512) 974-2695

maureen.meredith@austintexas.gov

Planning Development Review Department

City of Austin

Attn: Tori Haase, Zoning Planner

(512) 974-7691

tori.haase@austintexas.gov

Re: NPA Case #: NPA-2014-0027.02

Zoning Case #: C14-2014-0148

Dear Ms. Meredith and Dear Ms. Haase,

I am representing the owners of 1113 West 31st 78705. We are in full agreement with the letter you have received from Susan Philips. We oppose the request for the FLUM

amendment and the rezoning by St. Andrew's private school. Their request to add a Kindergarten is NOT in the best interest of our neighborhood and the impact on our street, our lives and our property values would be absolutely negative.

Thank you,

Mary OConnell Harvey

PUBLIC HEARING INFORMATION

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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

Case Number: C14-2014-0148

Contact: Tori Haase, 512-974-2727

Public Hearing: Oct 28, 2014, Planning Commission
Nov 6, 2014, City Council

Christopher L. & Susan Pickett
Your Name (please print)

☒ I am in favor
☐ I object

1101 Belmont Pkwy Austin TX 78703

Your address(es) affected by this application

10/21/14
Date

Signature

Daytime Telephone:

Comments:

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

City of Austin
Planning & Development Review Department

Tori Haase

P. O. Box 1088

Austin, TX 78767-8810

Haase, Victoria (Tori)

Subject:

FW: Case Number C14-2014-0148 - In Opposition

From: Sally Brackett

Sent: Monday, October 27, 2014 10:09 PM

To: Haase, Victoria (Tori)

Subject: Case Number C14-2014-0148 - In Opposition

I am writing to oppose the additional building at Wabash and 31st, Case number C14-2014-0148

Unless there is another option for traffic flow, the traffic on Shoal Creek would come to a standstill due to the increase in number of additional cars and make it almost impossible for those who live on Shoal Creek to leave/enter their own driveways. This street is notorious for people stopping in the through way while trying to navigate between the parked cars on either side of the street.

Please consider this request, and require the additional traffic flow to be moved to another street if this building is permitted.

Thank you,

Sally Brackett
3909 Ridgelea
Austin, Texas
512 452 9529

Marja Spearman
1014-B West 31st Street
Austin, Texas 78705

512-815-7534

October 23, 2014

Planning Development Review Department
City of Austin
Attn: Maureen Meredith, Senior Planner Plan Amendment
(512) 974-2695
maureen.meredith@austintexas.gov

Planning Development Review Department
City of Austin
Attn: Tori Haase, Zoning Planner
(512) 974-7691
tori.haase@austintexas.gov

Dear Ms. Meredith and Dear Ms. Haase:

Re: Opposition to the Rezoning Application by Daughters of Charity/St. Andrews
C14-2014-0145 and the Neighborhood Plan Amendment Application #
NPA-2014-0027 for the property located at 1018 West 31st Street

I attended the CWANPCT meeting on September 29th. Had I been present at the prior meeting, I would have aired my opposition to the expedited process they agreed to. I realize that is water under the Shoal Creek bridge now, yet it has heightened my concerns.

I have lived and worked adjacent to the property on West 31st Street over the last six years. I am also in the process of establishing a small business at 1004 and 1006 West 31st street. 1004 and 1006 are the two small LO-zoned houses, built around 1920, located on the North side of West 31st street. The renovation efforts there are focused on maintaining Neighborhood Character.

My residence is on the North side of 31st Street as well. Unfortunately, this area is not very accurately described in the FLUM. Yet the Plan does state that future development should develop at a scale appropriate with the neighborhood along 31st Street (L.4.4. – page 45), and **if the school leaves, it should be replaced by single family housing along 31st Street**. This will protect the homes on (the south side of) 31st street and promote neighborhood activity along the Shoal Creek Hike and Bike Trail."

My residence at 1014, adjacent to the 1018 lot, has been zoned SF-3 for a long time. It was being built around the time the FLUM language was being drafted. The building came about after careful consideration to maintain the neighborhood residential character. In line with that we went through great expense to salvage and relocate several mature trees to other locations on the lot, observed generous setbacks and building scale, and built to receive an Austin's Green Energy 4-star home.

St. Andrews wants the FLUM changed to Mixed Use/Office and the zoning changed to LO-MU. This is what I have learned in the process of attending various meetings:

1. St. Andrews could and should have solicited involvement of their neighbors months earlier in the process. They chose not to, and created an urgency that doesn't really exist.
2. No changes to the FLUM or zoning are necessary for St. Andrews to establish a kindergarten. A site plan would be required under the conditional use permit.
3. The conditional use permit process would likely lead to more City of Austin site plan scrutiny.
4. St. Andrews based its request for the expedited process on its representation that applying for a conditional use permit would be a lengthy process. I am being told by others familiar with development issues that this is not necessarily so.
5. St. Andrews could use the property, zoned as LO alone, for a kindergarten and administrative offices.
6. The streets immediately surrounding the property are way too narrow (Austin City Code 25-2-832) for a private primary school on the east corner of Wabash and West 31st Street.
7. Adding the MU combining district is entirely unnecessary for the kindergarten and/or administrative offices St. Andrews is proposing.
The MU combining district would expand the land use unnecessarily and may give St. Andrews the opportunity to change other lots they own in the street to MU as well. I anticipate that if and when the school has outgrown this neighborhood (if it hasn't already), it would be advantageous to sell all they have come to own to a developer, rather than adhering to the "single family residences" FLUM guidelines mentioned previously. St. Andrews argument for the MU zoning is that the applicant (The Daughters of Charity/seller of the property) does not want to relinquish MF2 zoning uses in the process, in case of breach by St. Andrews. The seller would retain all of the MF2 uses under the MU designation. An overly expansive zoning change is NOT the right way to protect the seller from the buyer's breach.
8. The school traffic on West 31st street already poses a problem at its current capacity. St. Andrews is offering to attempt to route any additional traffic over 32nd street but it can't enforce that and that will not be enough to bring relief.

9. Jeff Howard explained on September 29th at the CWANPCT there would be 2 classes of 15 students requiring 40 trips total a day. In our last meeting with St. Andrews, we were told that the plan is to ultimately have at least 3 classes of 16 students, each requiring staff, and so potentially doubling the anticipated additional traffic, which is already at an unworkable volume.
10. At the September 29th CWANPCT meeting, Jeff Howard also clearly stated that St. Andrews would limit itself to a one-story structure. This too has since changed.
11. The neighborhood plan also stressed that neighborhood should be protected against cut-through traffic, increase in traffic, decrease of mature tree canopies, increase of walking and bicycling, and that the character and integrity of single-family neighborhoods needs to be protected by looking at the entire neighborhood – not just a single neighbor or entity like St. Andrews. Criteria on which the request to change the FLUM is based has not been submitted in the application.
12. We have let Jeff Howard know that we think seller should sit at the table with us while we are discussing these applications, and that his position as agent to the seller and buyer may be a conflict of interest.

Traffic

I have endured many unpleasant interactions and dangerous situations because of traffic conditions on West 31st Street and the other nearby narrow streets. Lately, we have experienced an increase in cut-through traffic. I have been unable to turn onto the street from Lamar because of stacked school traffic. I have had unpleasant interactions with those blocking driveways. I have had to back up the entire street because of meeting oncoming traffic head on. I have had to deal with individuals parking illegally. I have had to avoid individuals entering the traffic lane because the City has not tended to the overgrown bike lane. St. Andrews can commit to evaluating the traffic situation to helping protect the existing single-family homes from any intrusion and adverse effects from higher intensity uses as required by the Plan.

I know time is of the essence, to all of us, but until that time I hope:

- that the Central West Austin Neighborhood Association will NOT vote for the FLUM amendment and will allow us to come to agreement before any changes are green-lighted; and
- that the Planning Commission Meeting scheduled for October 28th will be postponed.

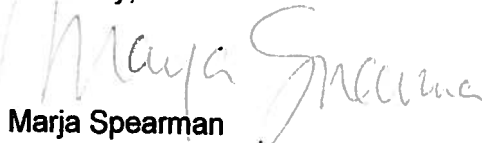
Please understand that the playing field is not level. St. Andrews board members know the rules and regulations involved by heart. Personally, I am overwhelmed learning about all the rules and regulations and processes involved, yet, like others in the street, I have worked long and hard hours trying to get up to speed as quickly as possible. I am still willing to keep working with St. Andrews to come to some kind of a solution that would serve all parties involved.

The West 31st Street Creekside Neighborhood Association members are eagerly awaiting a first draft agreement from St. Andrews after our last meeting on Monday the 20th.


May I also point out to you that the letters of support for the project forwarded to your team seem to come from those who are associated with St. Andrews (headmaster and current parents) and those not actually living on West 31st Street but on the other side of the creek, in actuality an entirely different neighborhood.

Also, I believe that the West 31st Street Creekside Neighborhood Association would very much like to see additional changes in FLUM language as it pertains to this small section of Austin, particularly that the property in question turns back to residential property as well when St. Andrews leaves the neighborhood.

Sincerely,


Marja Spearman

Susan S. Philips
P.O. Box 5970
Austin, TX 78763


(512) 585-5955

October 8, 2014

Planning Development Review Department
City of Austin
Attn: Maureen Meredith, Senior Planner Plan Amendment
(512) 974-2695
maureen.meredith@austintexas.gov

Planning Development Review Department
City of Austin
Attn: Tori Haase, Zoning Planner
(512) 974-7691
tori.haase@austintexas.gov

Re: NPA Case #: NPA-2014-0027.02
Zoning Case #: C14-2014-0148

Dear Ms. Meredith and Dear Ms. Haase:

I am the manager of the LLC's that own 1004, 1006, 1011 and 1014 W 31st St, which gives me control of approximately 10% of property within a 200ft radius of 1018 W 31st St, some of which is adjacent to the property in question. I am writing to object to the above-referenced cases.

At the meeting of the Central West Austin Combined Neighborhood Planning Contact Team on September 29th, stakeholders made several requests. To date, I believe the only thing that has been provided to stakeholders is a copy of the letter given to Michael Cannatti by Jeff Howard, agent of the Applicant/Seller and the Buyer of the property, at that meeting.

Representatives of St Andrews have invited neighbors to meet with them today, October 8th, at 4 pm. So, I currently have no

understanding of what St Andrews will actually commit to and what legally binding assurances will be provided.

And, since the Planning Commission is now set to vote on this application on October 14th, we are running out of time to be fully informed because St. Andrews itself has created an urgency that does not exist. Therefore, I must oppose the request for the FLUM amendment and the rezoning. I do this on behalf of myself, and the LLC's. I reserve the right to withdraw my opposition if St Andrews provides additional information (via email to ssphilips@earthlink.net) before the next meeting of the Planning Contact Team on the 13th and the Planning Commission on the 14th.

St Andrews wants the FLUM changed to Mixed Use/Office and the zoning changed to LO-MU so that it can create a kindergarten. The property, as currently zoned, would allow a kindergarten under a conditional use permit. No changes are necessary for St Andrews to establish a kindergarten. A site plan would be required under the conditional use permit but it would go a long way to informing its neighbors and the City of Austin of its intentions and the impact on the neighborhood that the PLAN directs be preserved. I can appreciate that this would be a lengthy process but the discussions about the purchase and establishment of the kindergarten as well as active fundraising for this project have been on-going, in private, for well over a year. It is not necessary to now rush this process. Also, the request for MU is unnecessary under any scenario St Andrews has proposed, either a school or administrative offices. It would merely expand the uses of the property. It would not protect the existing single-family homes from any intrusion and adverse effects from higher intensity uses as required by the PLAN.

Applicant's Summary Letter concludes that a private school is an appropriate use for the property but does not offer any support for that position. References have been made to contract deadlines and nuns retiring, also with no support. No criteria is clearly stated on which the request to change the FLUM is based. Criteria for Staff Recommendation is required for the amendment for an individual property.

We were directed by the Contact Team to look to the PLAN (We looked at the entire PLAN and L.4.4. and L.4.5 – pages 45 and 46 respectively, page 2 of the ordinance implementing the PLAN, the Land Use Summary on page 10, etc.) One of the PLAN's objectives states that the West 31st St neighborhood is stable and worthy of preservation. (L1.1, page 42) The PLAN has as some of its objectives to protect against cut-through traffic, increasing traffic, preserve the mature tree canopy, encourage walking and bicycling and preserve the existing character and integrity of single-family neighborhoods. It is important to look at the entire neighborhood.

The application states that the tracts to the north of the property are indicated as mixed use/office on the FLUM but neglects to state that the tracts have substantially limiting conditional overlays. The tract immediately adjacent to the east is single family residential and the next tracts, while zoned LO, have two small 1920's houses with several protected trees. Careful decisions about those properties have been made in order to preserve the character and integrity of the neighborhood.

The application does not address the numerous homes on 31st St, the Shoal Creek Hike and Bike Trail or the statement in the PLAN that "if St Andrews leaves, it should be replaced by single family housing along 31st St." (L4.5, page 46.) Changing 1018 W 31st St to Mixed Use/Office is in no way consistent with current or future land uses.

Picture this: adding a kindergarten (for approximately 30 to 50 students, and possibly even day care services as well, increasing business hours from around 7:30am to 6:30pm) at the corner of two very narrow streets (See the Land Development Code Section 25-2-832), opposite the Shoal Creek Hike and Bike Trail, in a neighborhood already severely impacted by large quantities of cars waiting in line to pick up or drop off children to the St. Andrews elementary and middle schools at various times during the day.

And, it is worthwhile to mention the lack of sufficient public parking spaces in the vicinity of this corner, the additional noise of a kindergarten play-yard, adjacent to and/or facing other residential properties, the possible increase in impervious cover in an area

already prone to flooding, a possible decrease in rear setback, a possible loss of recently planted young trees to offset the sacrifice of very large trees elsewhere on St. Andrew's property.

And last, but not least, I also would like to point out the proven reduction in value of properties located adjacent to schools, and the hardship to sell properties like this in a timely manner. The kindergarten is not promoting compatibility with adjacent and nearby uses, as St. Andrews would like you to believe, and would result in detrimental impacts to the neighborhood character.

The granting of this expedited re-zoning application would set an undesirable precedent for other properties in the neighborhood, would be out of scale with the neighborhood along 31st Street, and would constitute a special privilege to an individual owner.

I encourage you to vote against the FLUM change and against the re-zoning request under the current circumstances.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan S. Philips', with a stylized, flowing script.

Susan S. Philips