

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: East MLK Combined

CASE#: NPA-2015-0015.01

DATE FILED: July 27, 2015 (in-cycle)

PROJECT NAME: Kingsbery Community Solar Project

PC DATE: October 27, 2015

ADDRESS: 5017-1/2 Alf Avenue & 5109 1/2 Wilcox Avenue

DISTRICT AREA: 3

SITE AREA: Approx. 26.88 acres

OWNER: City of Austin / Austin Energy

APPLICANT: City of Austin / Austin Energy (Pamela England)

AGENT: PowerFin Partners (Katy Ngo)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single-Family & Recreation/Open Space

To: Utilities

Base District Zoning Change

Related Zoning Case: C14-2015-0101

From: Residence-Neighborhood Plan
Combining District (SF-3-NP)

To: Public-Neighborhood Plan
Combining District (P-NP)

NEIGHBORHOOD PLAN ADOPTION DATE: November 7, 2002

PLANNING COMMISSION RECOMMENDATION:

October 27, 2015 — Approved staff recommendation for Utilities land use. [J. Stevens – 1st; N. Zaragoza- 2nd] Vote: 9-0 [P. Seeger absent; S. Oliver recused himself from voting on the item; one vacancy].

STAFF RECOMMENDATION: Recommended.

BASIS FOR STAFF'S RECOMMENDATION

Existing Conditions

The site is within the Lower Tannehill Branch Subdistrict of the MLK-183 Neighborhood Planning Area which is part of the East MLK Combined Neighborhood Planning Area. The subdistrict is located at the southern portion of the combined planning area. The Subdistrict is largely residential with some commercial uses distributed along Springdale Road. The residential uses are mostly single-family houses with occasional duplexes distributed throughout the area. Ortega Elementary School is located within less than a quarter mile walking-distance to the site. To the south of the site, across the railroad tracks, is the future location of the thinkEAST, a 24-acre mixed use project located on a portion of the former east Austin "Tank Farm."

Based on revised floodplain maps the majority of the site is no longer within the 100-year flood plain. The only areas significantly within the flood plain are a drainage channel bisecting the site and a second small drainage channel in the northeast corner. There is also a petroleum pipeline running across the southern portion of the site. An environmental site assessment (ESA) submitted in conjunction with the associated zoning case indicates that there is groundwater contamination associated with the former tank farm once located to the south of the site. The ESA also indicates soil contamination associated with the Austin Energy transformer station. *See the report for case number C14-2015-0101 for more details.*

Although not directly associated with this project, there are related plans to locate a pedestrian/bicycle trail along the drainage facility bisecting the site. The proposed facility would improve mobility in the area by providing safer connection between those areas north and south of the Capital Metro railroad tracks. Funding for the trail has not been fully procured.

At the code-required neighborhood plan amendment public meeting held on Wednesday, September 23, 2015 a property owner on Prock Lane, Michelle Sain, discussed her experiences with illegal activity associated with the site. Specifically, she mentioned illegal dumping, drug sales, and prostitution.

At the plan amendment public meeting, community concerns were raised about the site design and the screening of the solar farm facilities. The representatives from PowerFin partners offered some options to help address these concerns; however, while attendees appeared to appreciate the intent of the options, the specifics left them less than satisfied. The PowerFin representative indicated that the design phase of the project was only in its earliest stages and they would consider the community's comments. Because the associated zoning case is for Public (P) zoning, the case will trigger the conditional use permit process and the specific issues raised by the community can be addressed at that time.

Recommendation

Staff supports the proposed code amendment from Single-Family and Recreation and Open Space to Utilities.

The plan itself is somewhat ambiguous about the proposed plan amendment and provides mixed direction. The text of the plan discusses preserving single-family zoning and the addition of parkland and open space for the planning area.

Goal Thirteen — Create more public open space, including parks and green spaces, improve existing parks and increase recreational amenities in the neighborhood. Page 4

Objective 1.1: Maintain single-family zoning in established residential areas. Page 44

Action 50 - Maintain single-family zoning in established residential areas. Page 71

The plan also specifically discusses the site.

Lower Tannehill Branch Subdistrict — General Recommendations

“The large City-owned property along the railroad tracks could also be developed with new single-family homes, provided drainage is improved to reduce the flood plain and there are adequate setbacks from the Equillon petroleum pipeline that runs through the property. Any undevelopable land can be left as open space.” Page 71

Action 53 - Develop public open space on the City-owned flood plain land near the railroad tracks. Page 71

Action 54 - Determine the feasibility of developing new single-family residential on some of the city-owned land near the railroad tracks. Page 71

However, the proposed solar farm that would be made possible by the plan amendment and zoning cases would address a number of concerns regarding illegal activity identified at the public meeting.

Goal Ten

Address neighborhood security by reducing illegal and dangerous activities and improving the sense of public safety. Page 4

Goal Eleven

Protect and enhance the neighborhood through code enforcement, property maintenance activities, and by reducing trash and dumping in the neighborhood. Page 4

East MLK Top Ten Action Items

10. Develop hike/bike trails along Walnut Creek, Little Walnut Creek, and the former Mo-Kan Railroad right-of-way. Page 5

Objective 11.4: Reduce illegal dumping activities in the neighborhood. Page 100

Furthermore, the environmental issues identified in the EIS and location of the petroleum pipeline make the site suboptimal for residential uses.

LAND USE DESCRIPTIONS

EXISTING LAND USES ON THE PROPERTY

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.

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

Recreational and Open Space

This category allows large public parks and recreation areas such as public and private golf courses, trails and easements, drainage - ways and detention basins, and any other public usage of large areas on permanent open land.

Purpose

1. Maintain, improve and extend existing parks and recreational facilities;
2. Open spaces that are currently in a naturalistic state should be preserved to the greatest extent possible; and
3. Any undevelopable land should be left as open space.

Application

1. All existing and planned parks, regardless of jurisdiction;
2. Private recreational areas and open space, such as golf courses, ball fields, and privately owned, dedicated open space; and
3. Land that is likely to remain primarily undeveloped, such as drainage easements, steep slopes, and flood plains in urban watersheds.

PROPOSED LAND USE ON THE PROPERTY

Utilities

Land used or dedicated for public and private utilities, including pipelines, utility lines, water and wastewater facilities, substations, and telephone.

Purpose

Preserve sites for utility distribution facilities that have specific location and siting requirements.

Application

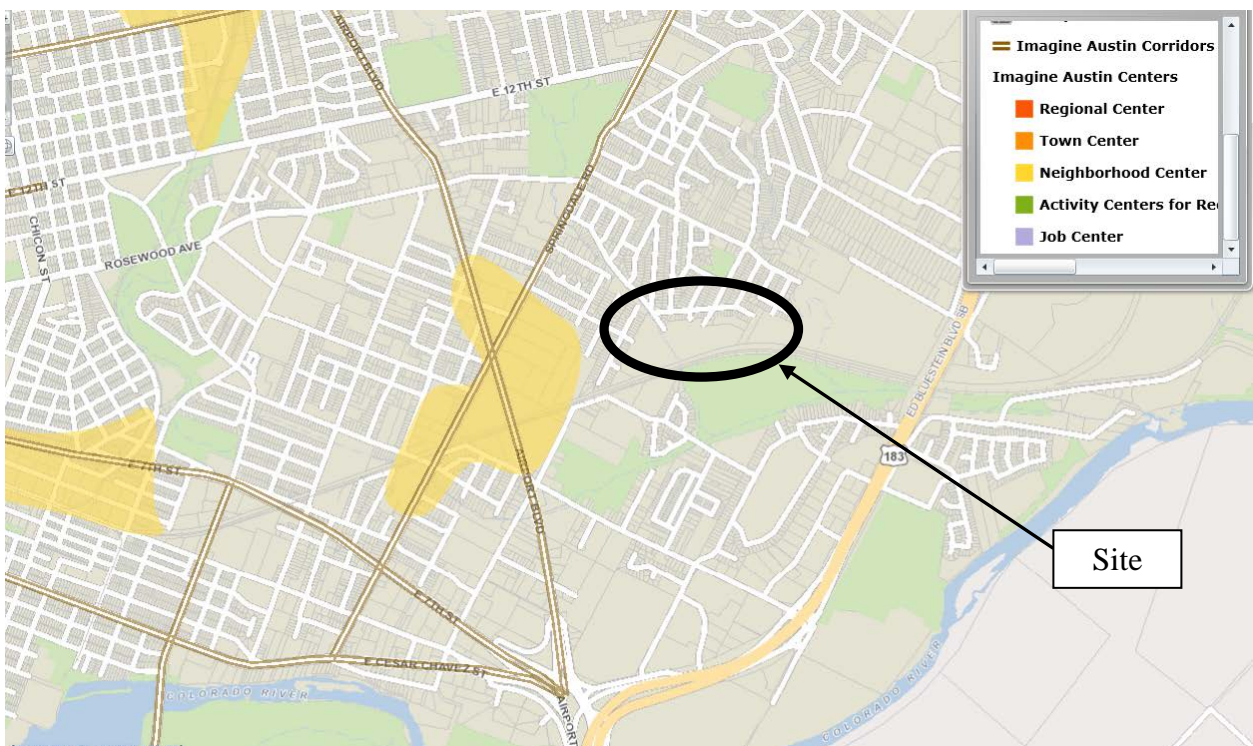
1. Applies to any existing or planned facility for the distribution of major utilities, such as electric substations, pumping stations, and telephone switching facilities; and
2. Does not apply to utility production or treatment facilities.

IMAGINE AUSTIN PLANNING PRINCIPLES

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - *The applicant is not proposing any residential uses so this principle is not applicable.*
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
 - *The proposed project is a solar farm and does not apply to this principle.*
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - *The proposed project is a passive solar farm and does not apply to this principle. There is an Imagine Austin Activity Center centered on the intersection of Springdale Road and Airport Boulevard. Design issues relating to screening the facility can be addressed through the separate conditional use permit process.*
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - *The applicant is not proposing any residential uses.*
5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - *Issues associated with the design of the project can be addressed through the conditional use permit process.*
6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
 - *The property is not located within an environmentally sensitive area.*
7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.

- *A trail through the project site is being considered as a supplemental project.*
- Protect, preserve and promote historically and culturally significant areas.
 - *Not applicable.*
 - Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - *Not applicable.*
 - Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - *Not applicable.*
 - Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
 - *No 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.
 - *No applicable.*

Approximate Location of Imagine Austin Activity Corridor and Centers



BACKGROUND: The application was filed on July 31, 2014, which is in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The applicant proposes to change the land use on the future land use map from Single-Family and Recreation/Open Space to Utilities for the purposes of building a solar energy generation facility.

PUBLIC MEETINGS: The ordinance-required plan amendment meeting was held on September 23, 2015. Approximately 400 meeting notices were mailed to property owners, utility account holders and interested parties within 500 feet of the property. Three members of the Contact team and two nearby property owners attended the meeting.

During the meeting a number of issues were raised by attendees:

- **Views:** People expressed concerns that the longstanding views would be eliminated due to the development of the site.
- **Screening:** The community was not favorably inclined toward the proposed screening of the site. At the meeting, a representative from PowerFin suggested a chain link fence topped with razor wire and plastic screening interwoven through the fence's links.
- **Access to the properties along Prock Lane:** The properties to the north of the site have used the site to access the back of their lots.
- **Bicycle/Pedestrian access through the site:** Attendees discussed the importance of providing safe access through the site and under the railroad tracks to improve the area's mobility, especially for school-aged children.
- **Limited nighttime lighting:** There was a concern over lighting for the site and while it is needed, it should not be intrusive to nearby residences.

CITY COUNCIL DATE: November 12, 2015 **ACTION:** First reading approved on consent on November 12, 2015. Vote: 11-0

CASE MANAGER: Mark Walters **PHONE:** (512) 974-7695

EMAIL: mark.walters@austintexas.gov

Letter from the E. MLK Planning Contact Team

To: Planning Commission and City Council members
Re: NPA-2015-0015.01
Date: October 21, 2015

On October 20, 2015, the East MLK Contact Team held a meeting in accordance with our bylaws to discuss the applicant's proposed future land use amendment from Single Family and Recreation/Open Space to Utilities for the properties located at 5017 ½ Alf Avenue & 5109 ½ Wilcox Avenue. Several members of the contact team attended the community meeting on September 23, 2015 and relayed feedback from surrounding neighbors which was taken into consideration by the contact team.

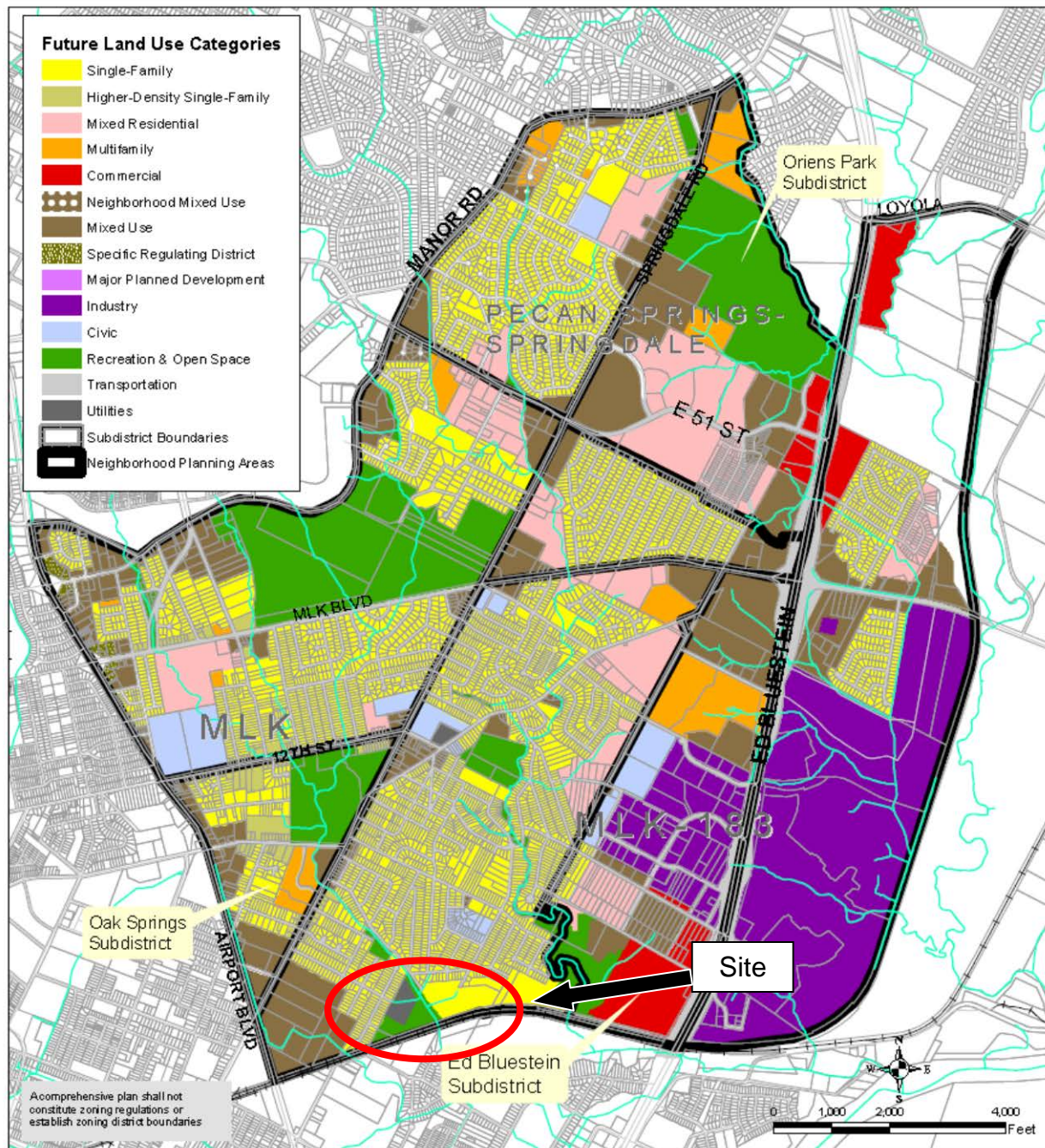
The contact team **voted in favor** of the applicant's request for a Utilities use designation. This vote was made with the following considerations:

- Alignment with neighborhood plan Action Item 28- "Develop public open space on the City-owned flood plain land near the railroad tracks" based on the assumption that PowerFin/AE would incorporate an educational element to the solar array accessible to the general public.
- Proximity to an existing electrical substation.
- It was noted that the properties have been owned by Austin Energy for several decades. It was the opinion of the contact team that the properties should have been designated as utility when the East MLK Neighborhood Plan was formed.

Please note, local residents and community stakeholders did express concerns with the aesthetics of the proposed array and would like to have some kind of visual block/buffer between the surrounding homes and the proposed array. They also expressed their desire for a dedicated passage/easement through the site for community adolescence currently using the vacant lot as a path to East Side Memorial High School from the neighborhood to the north. In addition, neighbors desired PowerFin/AE to provide partial funding/in kind donations for a structure that would provide safe access over or under the existing railroad, along the southern limits of the properties, to East Side Memorial.

The contact team recommends that Planning Commission and City Council approve the request for P-NP zoning.

Brent Laumen, East MLK Contact Team Chair
(512) 507-0544, emlkchair@gmail.com



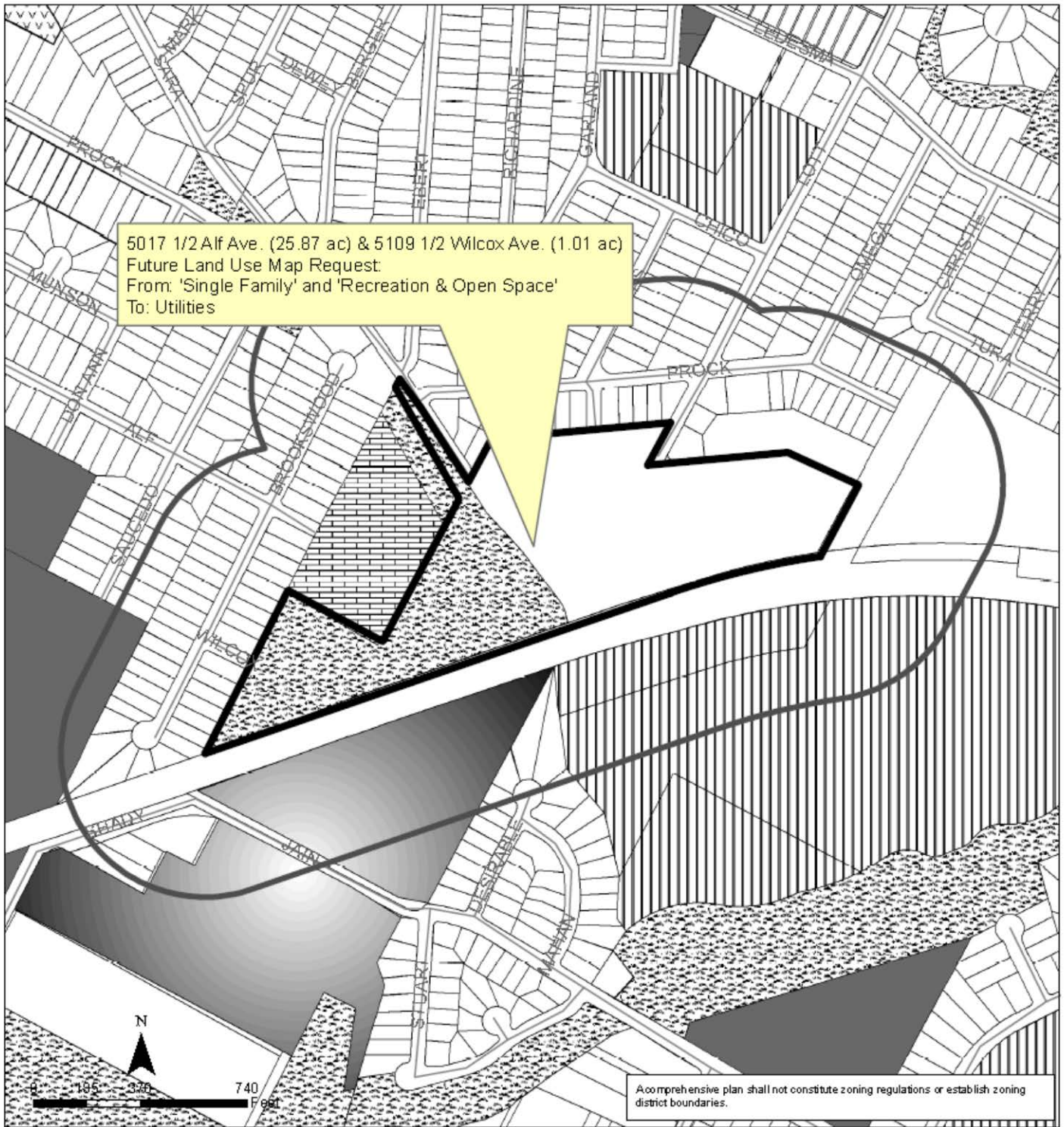
East MLK Combined Neighborhood Planning Area Future Land Use Map

City of Austin
Planning and Development Review Department

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Last Amended: October 17, 2013



East MLK Combined Neighborhood Planning Area NPA-2015-0015.01

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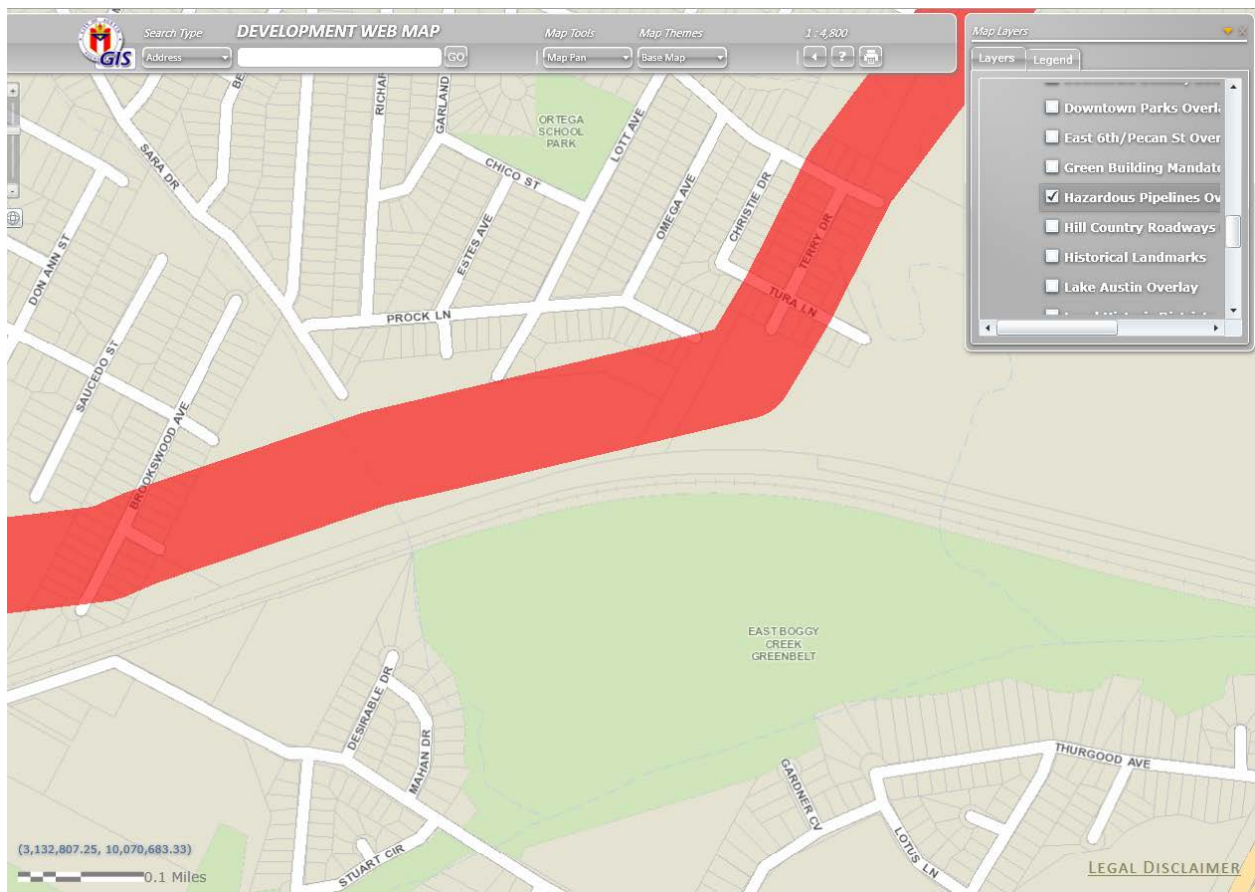


City of Austin
Planning and Development Review Department
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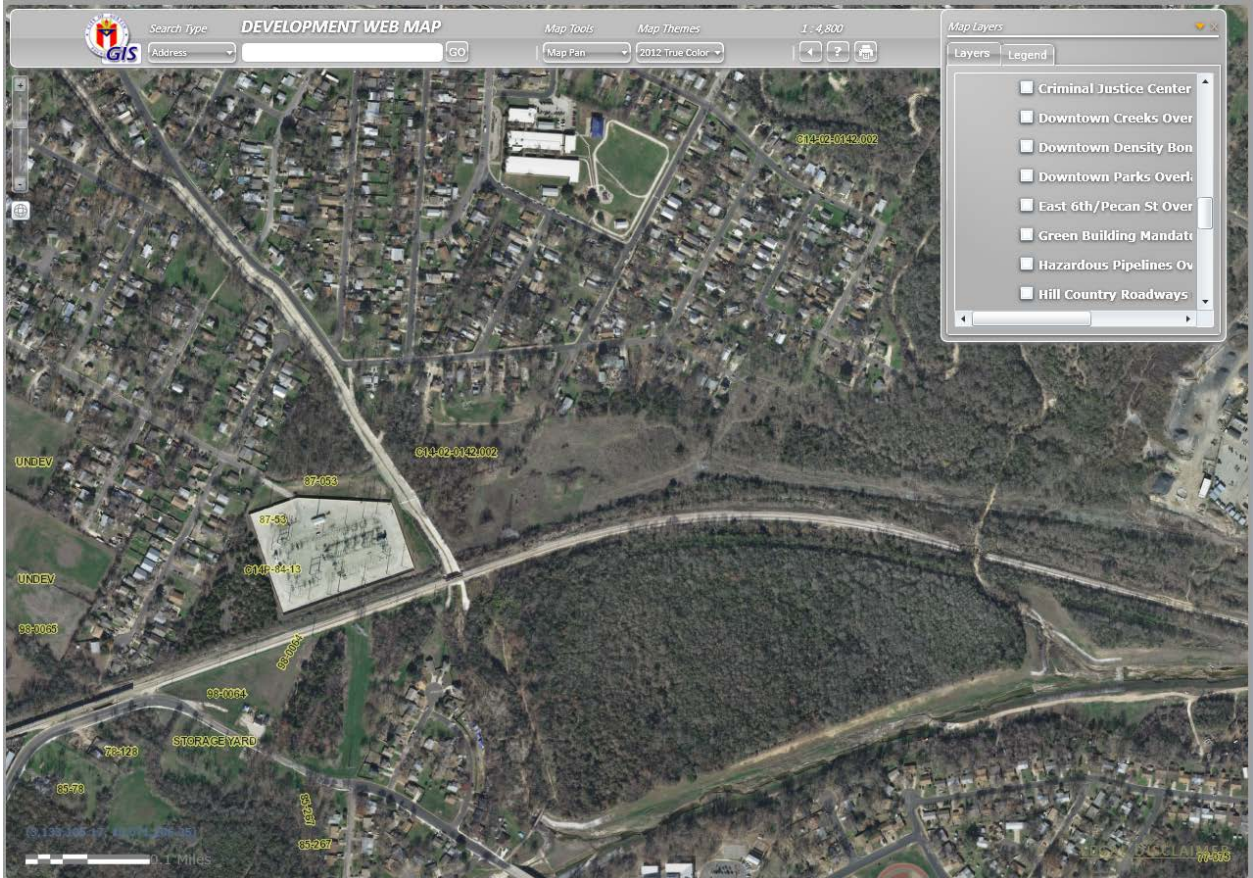
Future Land Use

	500 foot notification boundary		Mixed Use
	Subject Property		Major Planned Development
	Single-Family		Civic
	Higher-Density Single-Family		Recreation & Open Space
	Mixed Residential		Transportation
	Commercial		Utilities

Hazardous Pipeline Overlay



Aerial Photo of Site



100-Year Floodplain

