

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Greater South River City Combined

CASE#: NPA-2016-0022.01 **DATE FILED:** September 16, 2016 (out-of-cycle)

PROJECT NAME: 3920 South IH 35

PC DATE: January 24, 2017

ADDRESS: 3920 IH-35 SB Service Rd.

DISTRICT AREA: 3

SITE AREA: 1.13 acres

OWNER/APPLICANT: 3920 IH 35 Holdings, Ltd (Jimmy Nassour)

AGENT: Alice Glasco Consulting (Alice Glasco)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Office

To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2016-105

From: GO-NP

To: CS-MU-V-NP

NEIGHBORHOOD PLAN ADOPTION DATE: September 29, 2005

PLANNING COMMISSION RECOMMENDATION:

January 17, 2017 -

STAFF RECOMMENDATION: Staff does not recommend the applicant's request for Mixed Use land use, but recommends Commercial land use.

BASIS FOR STAFF'S RECOMMENDATION: Staff does not support the applicant's request to change the future land use map to Mixed Use, but recommends Commercial land use. Staff believes Commercial land use is more compatible because of the property's location at the intersection of two major highways.

The neighborhood plan supports limited commercial and office uses along IH-35, but the applicant's request for Mixed Use land use with the zoning change request of CS-MU-V-NP would allow for commercial, office use, and residential uses. Staff does not support building more residential uses along busy highways.

The plan supports housing diversity and the preservation of existing multifamily housing. However, staff believes the applicant's desire to build a multifamily development at the intersection of two major highways is not an appropriate location for residential uses.

The following are Goals, Objectives, and Recommendations relevant to this plan amendment request:

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

Objective: Continue to allow office and limited commercial uses along IH-35, encouraging new development to respect the natural setting and to provide ample landscaping.

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

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

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

Recommendation C2: Preserve existing multifamily housing. (SRCC)

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

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

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.

PROPOSED LAND USE ON THE PROPERTY

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

Purpose

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

Application

1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);

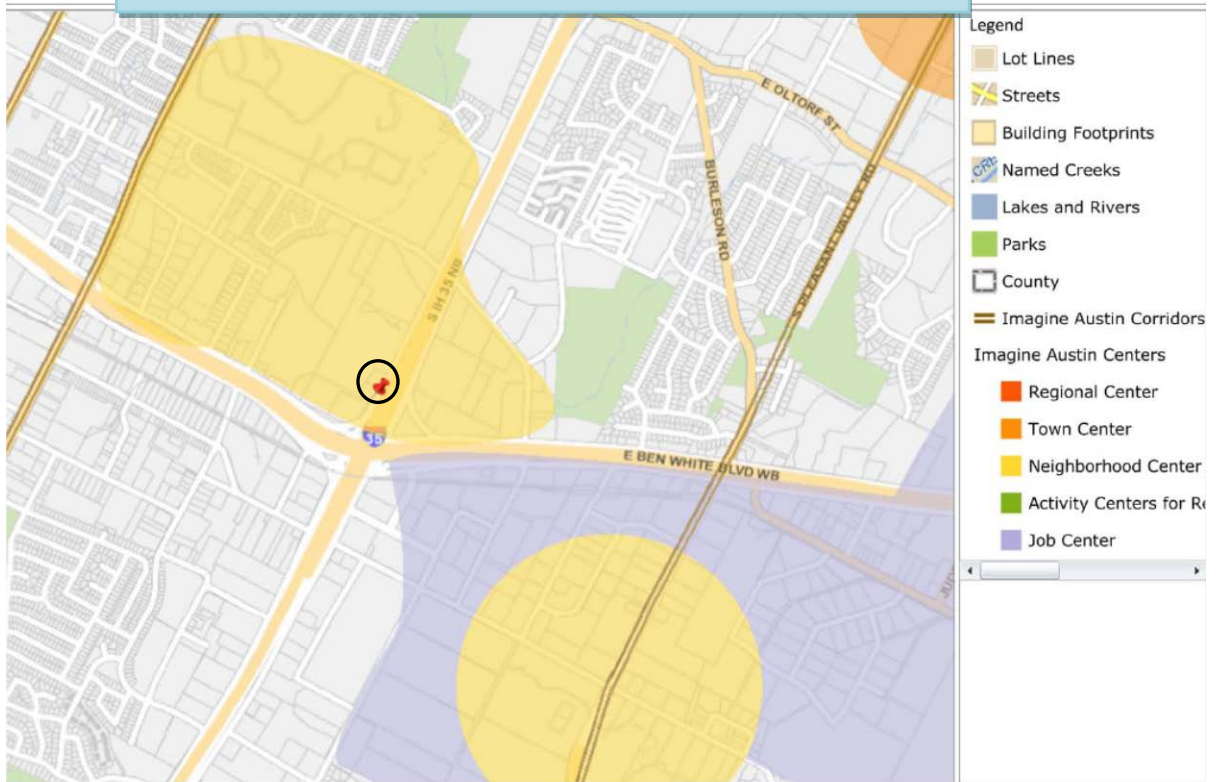
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

IMAGINE AUSTIN PLANNING PRINCIPLES

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - ***The applicant proposes a multifamily development would provide a mix of housing types, but staff believes this is not a good location for a multifamily development with the only access being along the frontage road of an interstate highway. This location is more appropriate for commercial and office uses.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
 - ***The property is not located within a Neighborhood Center as identified in the Imagine Austin Comprehensive Plan, but is not located on an Activity Corridor. Being located along an interstate highway would make this a challenging location to promote walking, bicycling or the use of public transportation.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - ***This development could be considered an in-fill development, although staff does not support the possibility for a multifamily development in this location.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - ***The applicant's zoning change request could expand the number and variety of housing choices; however, the location of the property near the intersection of two major highways is not a good location for residential uses. There are existing apartments along the highway, but staff is not encouraging the development of more high-density residential developments in these locations.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.

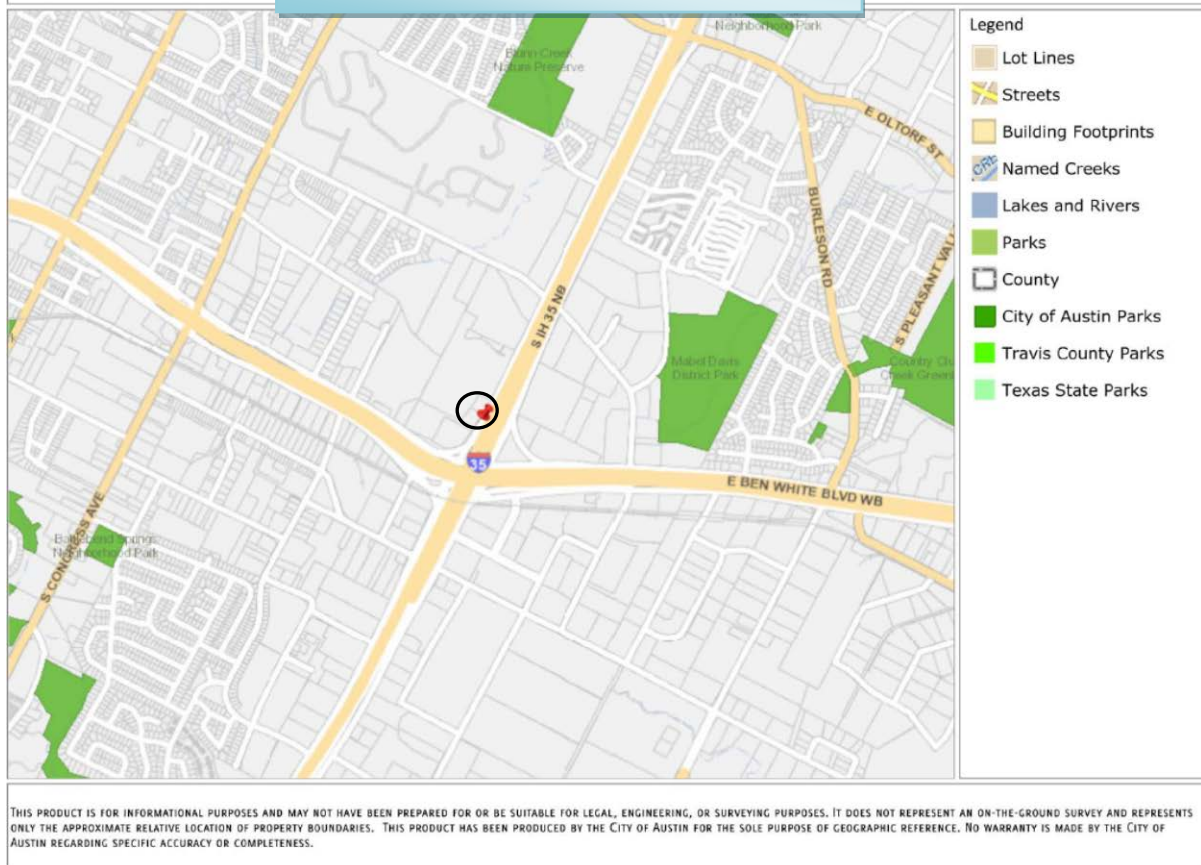
- ***The surrounding land uses are an office, a highway, a parking lot and a cemetery. Office or commercial uses are more appropriate and compatible for this location and not residential uses.***
6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
 - ***The property is not located in 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.
 - ***Not applicable.***
 8. Protect, preserve and promote historically and culturally significant areas.
 - ***Not applicable.***
 9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - ***Building a multifamily development along an interstate highway does not promote walking or biking.***
 10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - ***Not applicable.***
 11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
 - ***Not applicable.***
 12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
 - ***No applicable.***

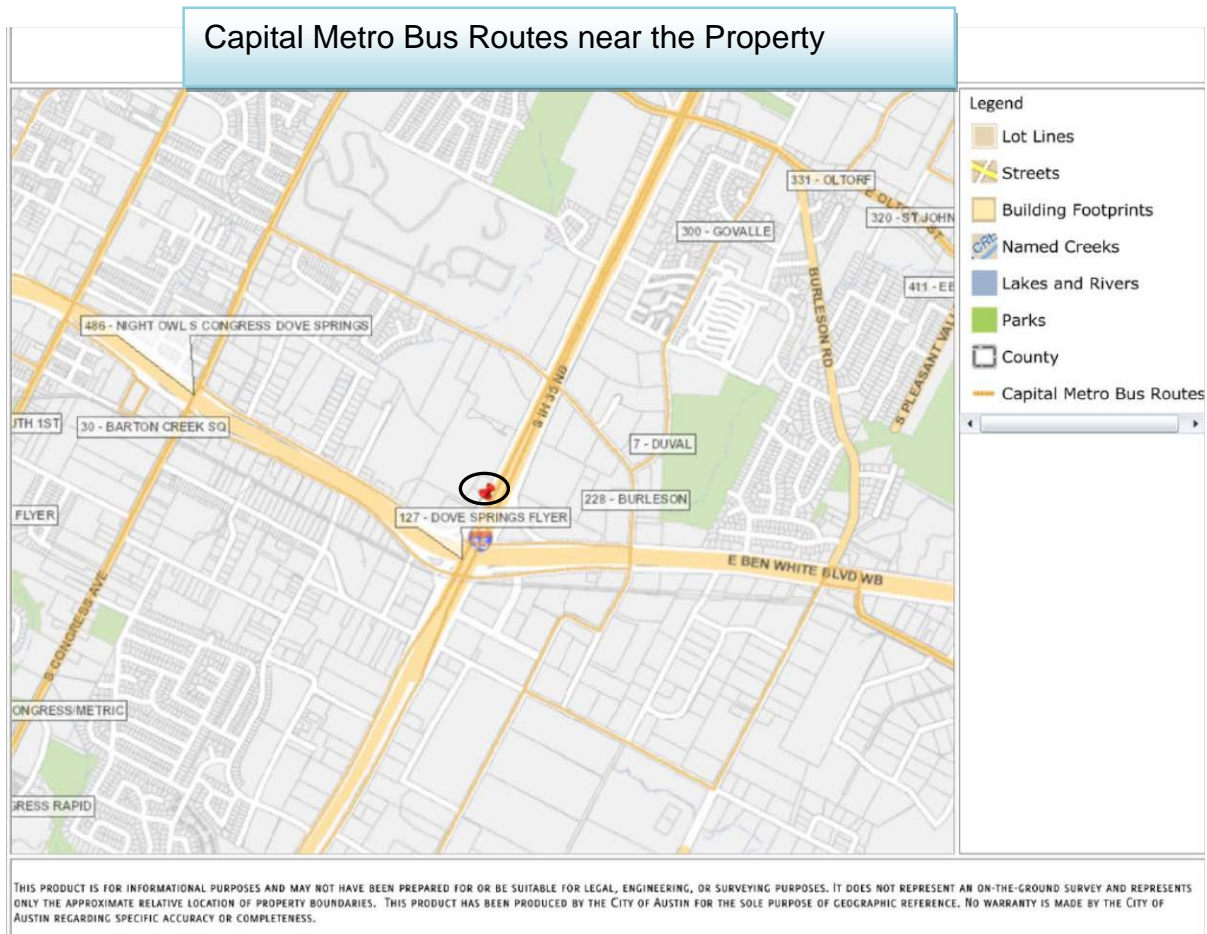
Approx. Location of Imagine Austin Activity
Centers and Corridors



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Parks near the Property





IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

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

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

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

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

BACKGROUND: The application was filed on September 16, 2016, which is out-of-cycle for neighborhood planning area located on the west side of IH-35. The Greater South River City Combined Planning Contact Team allowed the out-of-cycle application.

The applicant proposes to change the land use on the future land use map from Office to Mixed Use. The applicant proposes to change the zoning from GO-NP to CS-MU-V-NP. At the community meeting, the applicant said the proposed use was for a hotel; however, the proposed use was later changed to a possible multifamily development. For more information on the zoning change request, please see case report C14-2016-0105

PUBLIC MEETINGS: The ordinance-required community meeting was held on October 26, 2016. Thirty-one community meeting notice were mailed to people who live or own property within 500 feet of the property, including neighborhood organizations and environmental groups who requested notification for the area. Seven people attended the meeting which included two agents representing the applicant/owner and one city staff member.

Alice Glasco, the applicant's agent, told the attendees that the proposed zoning change from GO-NP to CS-MU-NP (on December 1, 2016 the zoning change request was amended to CS-MU-V-NP). The proposed change to the future land use map is from Office to Mixed Use. Alice Glasco said there is no specific use, although there have been people interested in buying the property to build a hotel. The current zoning of GO-General Office does not allow a hotel use. She said she met with the Greater South River City Combined Neighborhood Planning Contact Team to ask for an out-of-cycle plan amendment application, which they team allowed.

After this presentation, the attendees asked the following questions.

Q. Does the owner of this property also own the property next door?

A. No, but the owner of that property called to say they are OK with our zoning change request.

Q. What's driving the change?

A. What's driving the change is a desire to sell the property to allow for a hotel because we have been approached by hotel developers.

Q. Will there be prohibited uses?

A. Yes, we will work with you on this. We will look at the original ordinance when the plan was approved.

CITY COUNCIL DATE: February 16, 2017

ACTION:

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

EMAIL: maureen.meredith@austintexas.gov

Summary Letter Submitted by the Applicant

ALICE GLASCO CONSULTING

alice@agconsultingcompany.com * Tel. 512-231-8110 *Cell 512-626-4461

September 14, 2016

Greg Guernsey, Director
Neighborhood Planning and Zoning Department
505 Barton Spring Road, Suite 500
Austin, Texas 78704

RE: Plan Amendment and Rezoning 3920 S. IH 35 SB Service Road

Dear Greg:

I represent the owner of 3920 S. IH 35 SB Service Road in a request to rezone the property and amend the future land use map. The property is currently zoned GO-NP and is currently undeveloped. Our request is to change the zoning to CS-MU-NP and change the FLUM from office to mixed use. The purpose of the zoning change and plan amendment is to allow a diversity of land uses for the site – there is no specific use proposed right now.

JUSTIFICATION FOR REZONING AND PLAN AMENDMENT

1. The subject property is located on the frontage road of IH 35 south and is near the intersection of US Highway 71 and IH 35.
2. The site was originally zoned from SF-3 to GR-CO in 1994 (940728-G/case # C14-93-0156). However, the Neighborhood Plan, which was adopted in 2005 (20050929-Z002) incorrectly listed the tract (# 123) as being zoned LR & SF-3 and changed the zoning to GO-NP (see tract chart on page 2 of 4 of ordinance no. 940728-G).
3. Commercial mixed use is appropriate for this IH 35 frontage tract. The request for CS-MU-NP zoning and a FLUM change to mixed use is consistent with Goal B of the Greater South River Combined Neighborhood Plan (p. 43) states: "Continue to allow office and limited commercial uses along IH-35, encouraging new development..."GO-NP limits the site to an office use.
4. The NPA is consistent with Imagine Austin Comprehensive Plan's policy – LUT P7, which states: encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Greg Guernsey, Director

RE: Plan Amendment and Rezoning 3920 S. IH 35 SB Service Road

We look forward to a positive staff recommendation. Please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Alice Glasco". The signature is written in a cursive, flowing style.

Alice Glasco

Cc: Andrew Moore, Zoning Planner
Maureen Meredith, Neighborhood Planner

Out-of-Cycle Letter from the Greater South River City
Planning Contact Team

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

Subject:3920 S. IH-35 out-of-cycle application

Date:Wed, 07 Sep 2016 18:08:33 -0500

From:Terry

Reply-To:

To:Meredith, Maureen <Maureen.Meredith@austintexas.gov>

CC:other team members

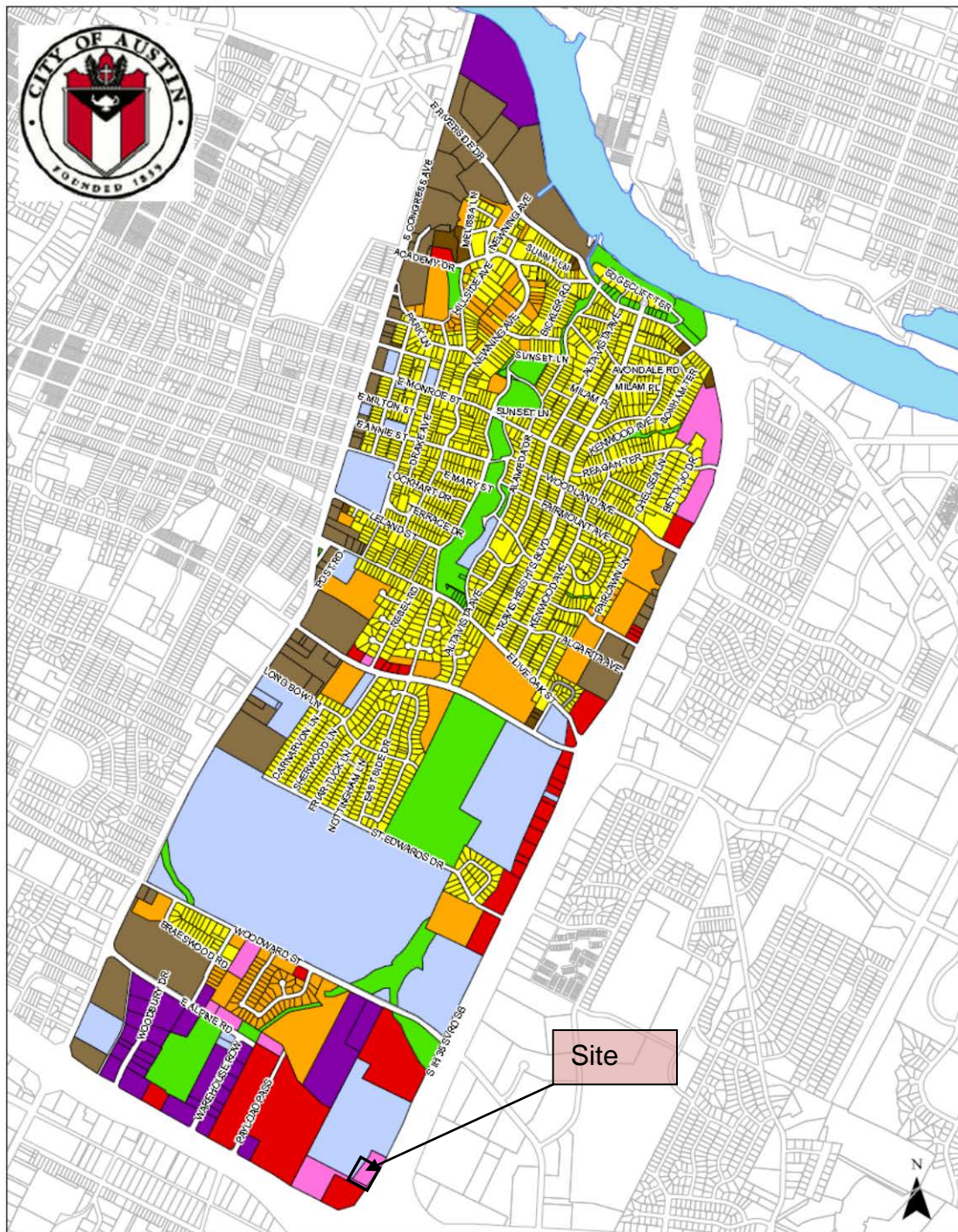
Hi Maureen,

It took us a while to obtain meeting space, but the Greater South River City Neighborhood Planning Contact Team met yesterday evening with Alice Glasco and her client Steve Portnoy regarding their request to file an out-of-cycle application for a NP amendment (office to mixed use) and zoning change (GO to CS MU) for their property at 3920 South IH-35 (on the southbound frontage road). The team unanimously agreed to allow the out-of-cycle application. Please let me know if you have any questions.

Thanks,
Terry Franz
GSRC NPCT Secretary

Greater South River City Planning Contact Team Letter of
Recommendation Letter

(Letter is pending)



Greater South River City Neighborhood Planning Area Future Land Use Map

Date Adopted: 11/29/05
Last Modified: 03/26/2015

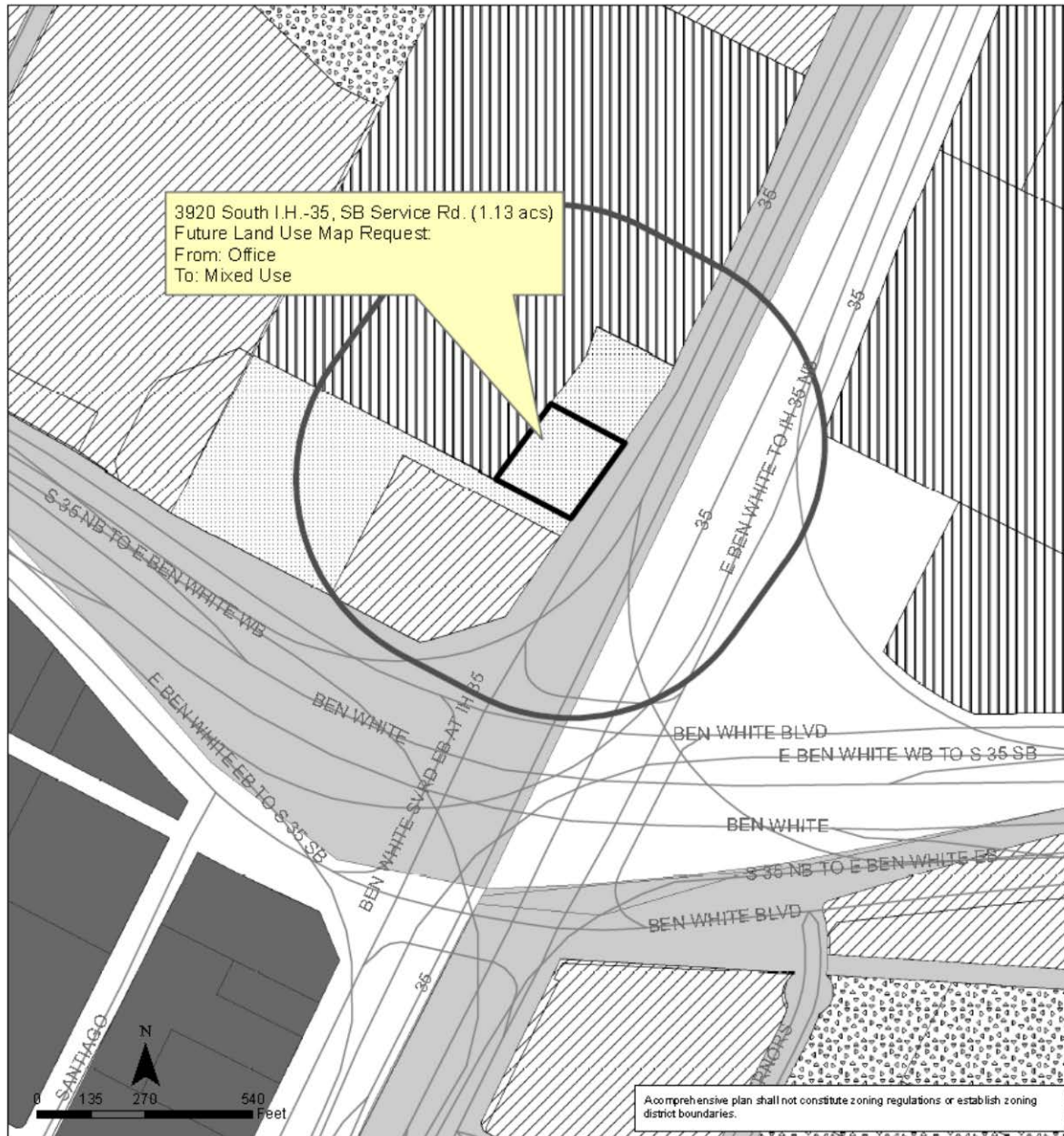
This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

0 750 1,500 2,250 3,000
Feet

1 inch = 1,200 feet

Future Land Use	
	Civic
	Commercial
	Industry
	Mixed Use
	Mixed Use/Office
	Multifamily
	Office
	Recreation & Open Space
	Single-Family
	Transportation



Greater South River City Combined Neighborhood Planning Area
NPA-2016-0022.01












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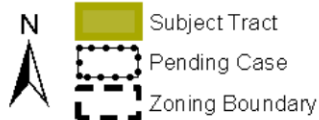
City of Austin
Planning and Zoning Department
Created on 9/21/2016, by: meredithm

Future Land Use

	500 ft. Notif. Boundary		Industry
	Subject Property		Civic
	Multi-Family		Recreation & Open Space
	Commercial		Transportation
	Mixed Use		Excluded from FLUM
	Office		

**ZONING**

Case#: C14-2016-0105



0 200 Feet

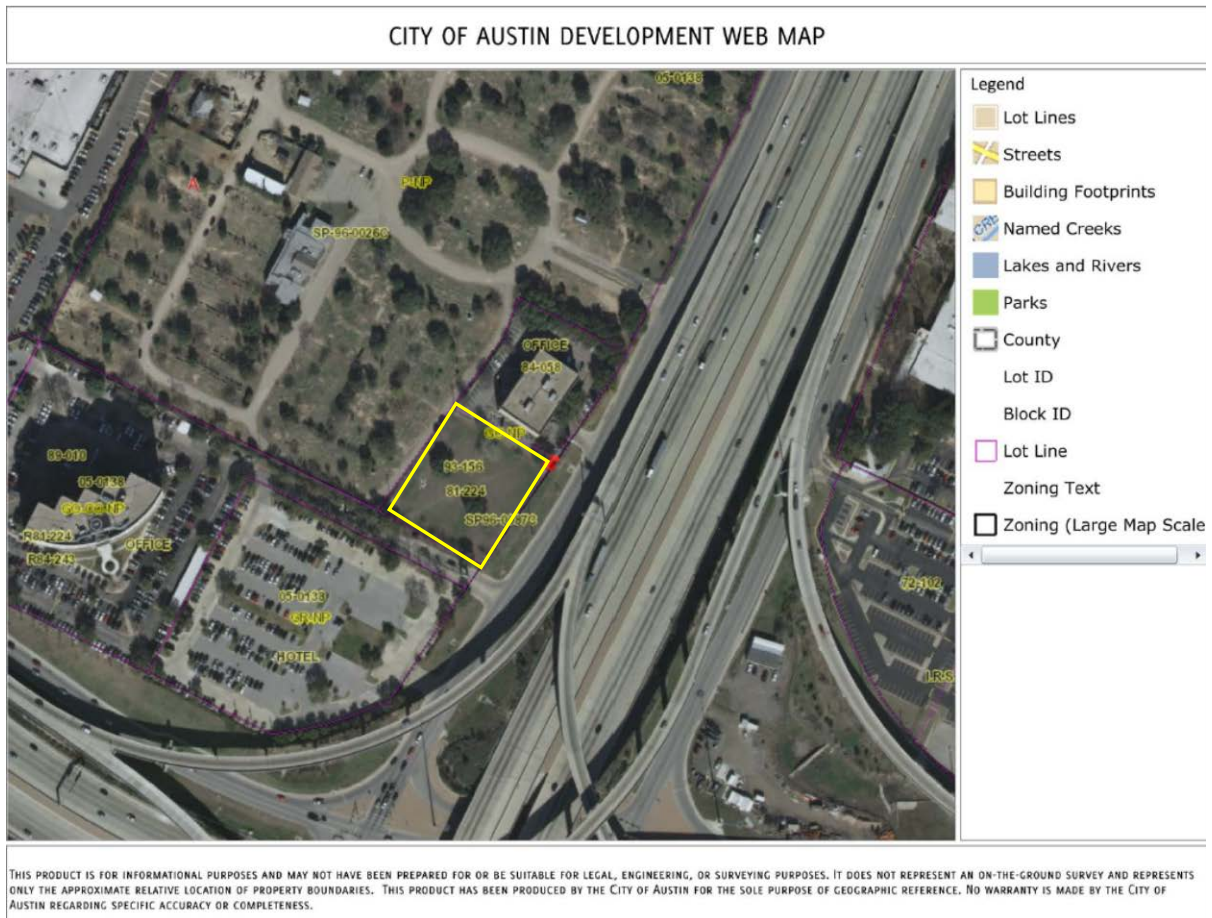
1" = 200'

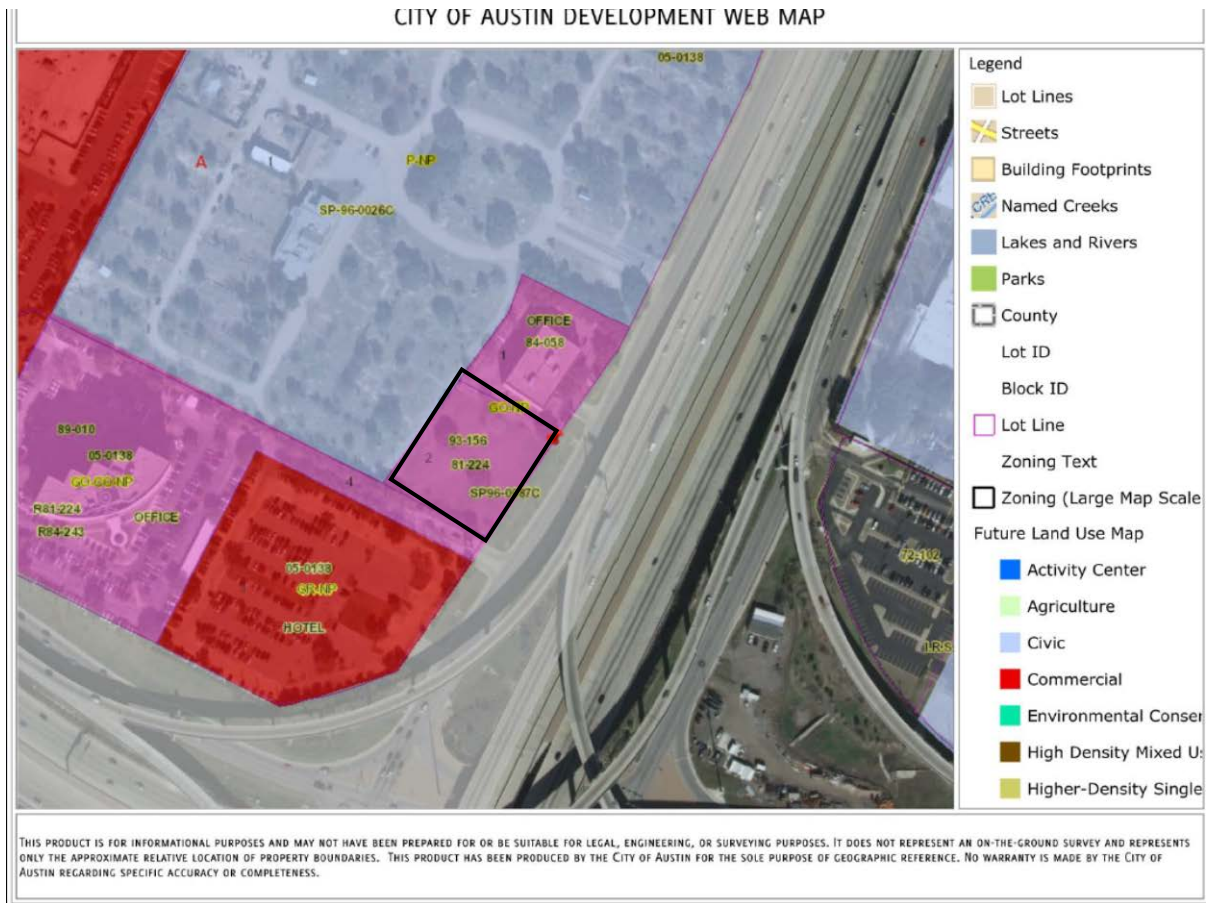
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Created: 9/22/2016





Provide this information with your plan amendment application.

Taken From: Article 16: Neighborhood Plan Amendment Ordinance

§ 25-1-810 - RECOMMENDATION CRITERIA.

(A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied.

(B) The applicant must demonstrate that:

(1) The proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;

Does this criterion apply to your proposed plan amendment application? X Yes ___ No

If there was a mapping error, explain here and provide documentation: The site was originally zoned from SF-3 to GR-CO in 1994 (940728-G/case # C14-93-0156). However, the Neighborhood Plan, which was adopted in 2005 (20050929-Z002) incorrectly listed the tract (# 123) as being zoned LR & SF-3 and changed the zoning to GO-NP. See attached tract chart from page 2 of 4 of ordinance no. (940728-G

(2) The denial of the proposed amendment would jeopardize public health, safety, or welfare;

Does this criterion apply to your application? ___ Yes X No

If this condition applies, explain here _____

(3) The proposed amendment is appropriate:

(a) because of a material change in circumstances since the adoption of the plan; and

(b) denial would result in a hardship to the applicant;

Does this criterion apply to your application? ☒ Yes ☐ No

If yes, explain here: Commercial mixed use is appropriate for this IH 35 frontage tract. GO-NP limits the site to an office use. Office vacancies in the area are high and office rents are too low to justify development. Granting the request will lead to job creation and tax base enhancement for the City.

(4) The proposed project:

(a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations;

Does this criterion apply to your application? ☐ Yes ☒ No

If yes, explain here

or

(b) promotes the recruitment or retention of an employment center with 100 or more employees;

Does either one of these criteria apply to your application? ☒ Yes ☐ No

If yes, explain here Under Imagine Austin Comprehensive Plan, the subject site is designated as Neighborhood Center which can support 2,500-7,000 jobs with zoning that allows a variety of uses.

(5) The proposed amendment is consistent with the goals and objectives of the neighborhood plan;

List the goals and objectives from the plan that you feel support your plan amendment request, along with your rationale for why it meets these goals/objectives. Use separate document if necessary: Figure 7.7 of the NP (p. 42) incorrectly shows the tract as "SF-3". Land Use Goal B (p. 43) states "Continue to allow office and limited commercial uses along IH-35, encouraging new development..."

(You can find the plan document here: <http://austintexas.gov/page/adopted-neighborhood-planning-areas-0>)

or

(6) The proposed amendment promotes additional S.M.A.R.T. Housing opportunities.

Is this a S.M.A.R.T. Housing project? ___Yes XNo

If yes, explain here and provide the letter from Neighborhood Housing and Community Development _____

(C) The applicant must demonstrate that:

- (1) the proposed amendment complies with applicable regulations and standards established by Title 25 (Land Development), the objectives of Chapter 25-2 (Zoning), and the purposes of the zoning district proposed for the subject property; and

https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE

Response: The NPA application is accompanied by a rezoning application and during the site plan review/approval stage, the proposed development at the time will comply with applicable regulations and standards of Chapter 25-2 (Zoning).

- (2) the proposed amendment is consistent with sound planning principles. (See attached)

LAND USE PLANNING PRINCIPLES*You can find the Guide to Land Use Standards here:*<http://www.austintexas.gov/department/neighborhood-planning-resources>

If you believe a principle does not apply to your proposed plan amendment application, write "Not applicable".

1. Ensure that the decision will not create an arbitrary development pattern;

Provide your analysis here: The decision to zone the site CS-MU-NP will not create an arbitrary development pattern. In fact, the requested zoning is consistent with the development pattern envisioned in the adopted FLUM for the St. Edwards NPA.

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

Provide your analysis here: N/A – commercial site

3. Minimize negative effects between incompatible land uses;

Provide your analysis here: The FLUM envisions commercial development adjacent to the subject site and therefore, incompatible land uses are not contemplated.

4. Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas;

Provide your analysis here: N/A

5. Discourage intense uses within or adjacent to residential areas;

Provide your analysis here: N/A – no adjacent or nearby residential uses

6. Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;

Provide your analysis here: Uses that can be developed under CS-MU zoning will not have adverse effects to residents in the rea.

7. Minimize development in floodplains and environmentally sensitive areas;

Provide your analysis here: N/A

8. Promote goals that provide additional environmental protection;

Provide your analysis here: Any proposed development would comply with all applicable codes and ordinances related to environmental protection.

9. Consider regulations that address public safety as they pertain to future developments (e.g. overlay zones, pipeline ordinances that limit residential development);

Provide your analysis here: N/A

10. Ensure adequate transition between adjacent land uses and development intensities;

Provide your analysis here: Any proposed development would comply with all applicable regulations.

11. Protect and promote historically and culturally significant areas;

Provide your analysis here: N/A

12. Recognize current City Council priorities; (Look at the Imagine Austin Comprehensive Plan Document found here: <http://austintexas.gov/departments/department/Imagine-Austin-Download-Center>. Appendix E. Framework for Decision Making, pages A-57 through A-58.)

Provide your analysis here: The proposed mixed use zoning will have the potential to promote the following items set forth in Appendix E: infill development /re-use of a previously developed site,, and create jobs in the community;

The NPA is consistent with Imagine Austin Comprehensive Plan's policy – LUT P7, which states: encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

13. Avoid creating undesirable precedents;

Provide your analysis here: The proposed commercial zoning is consistent with the adopted neighborhood plan and will therefore, not create any undesirable precedents

14. Promote expansion of the economic base and create job opportunities;

Provide your analysis here: Granting of zoning change request will create circumstances for new appropriate development on the site that will create jobs and enhance the tax base.

15. Ensure similar treatment of land use decisions on similar properties;

Provide your analysis here: Amending the FLUM to allow CS-MU zoning will actually treat the subject site in a similar manner to what is envisioned in the adopted neighborhood plan.

16. Balance individual property rights with community interests and goals;

Provide your analysis here: The requested FLUM amendment and rezoning are consistent with the adopted neighborhood plan.

17. Consider infrastructure when making land use decisions;

Provide your analysis here: There are adequate utilities contiguous to this IH 35 frontage road site.

18. Promote development that serves the needs of a diverse population.

Provide your analysis here: The requested mixed use zoning will indeed promote development that will serve the community.