

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**NEIGHBORHOOD PLAN:** Govalle/Johnston Terrace Combined**CASE#:** NPA-2016-0016.01**DATE FILED:** July 15, 2016 (In-cycle)**PROJECT NAME:** 3212 E. Cesar Chavez**PC DATES:**

July 25, 2017	March 28, 2017
July 11, 2017	February 28, 2017
June 13, 2017	January 24, 2017
May 23, 2017	December 13, 2016
May 9, 2017	

ADDRESSES: 3212 E. Cesar Chavez Street & 111 Tillery Street**DISTRICT AREA:** 3**SITE AREA:** Approx. 3.21 acres**OWNER/APPLICANT:** Painter Enterprises, Inc., a Texas corporation (Donald E. Painter)**AGENT:** Husch Blackwell (Nikelle Meade)**TYPE OF AMENDMENT:****Change in Future Land Use Designation****From:** Commercial and Industry **To:** Multifamily (Tract A) and Mixed Use (Tract B)

(Application amended on April 25, 2017 to add 111 Tillery Street and to change the land use request. The original application filed on July 26, 2017 was for a FLUM change request for Mixed Use on the entire property)

Base District Zoning Change**Related Zoning Case:** C14-2016-0079**From:** CS-CO-NP and LI-CO-NP**To:** CS-MU-V-CO-NP**NEIGHBORHOOD PLAN ADOPTION DATE:** March 27, 2003

PLANNING COMMISSION RECOMMENDATION:

July 25, 2017 -

July 11, 2017 – Postponed to the July 25, 2017 hearing date on the consent agenda at the request of the applicant. [J. Schissler – 1st; P. Seeger -2nd] Vote: 12-0 [J. Thompson absent].

June 13, 2017 – Postponed to the July 11, 2017 hearing date. [K. McGraw – 1st; T. White – 2nd] Vote: 9-2 [F. Kazi and J. Schissler voted nay. A. De Hoyos Hart absent].

May 23, 2017 – Postponed on the consent agenda to the June 13, 2017 hearing date at the request of staff. [P. Seeger 1st; N. Zaragoza – 2nd] Vote: 8-0 [Commissioners F. Kazi, A. De Hoyos Hart, J. Schissler, J. Thompson, and T. White absent]

May 9, 2017 – Postponed on the consent agenda to the May 23, 2017 hearing date at the request of staff. [J. Schissler- 1st; J. Vela- 2nd] Vote: 11-0 [Commissioners J. Thompson and T. White absent].

March 28, 2017 – Postponed on the consent agenda to May 9, 2017 at the request of staff. [K. McGraw – 1st; P. Seeger – 2nd] Vote: 12-0 [Commissioner T. White absent]

February 28, 2017 – Postponed on the consent agenda to March 28, 2017 at the request of staff. [P. Seeger – 1st; A. De Hoyos Hart – 2nd] Vote: 11-0 (Commissioners J. Thompson and T. White absent].

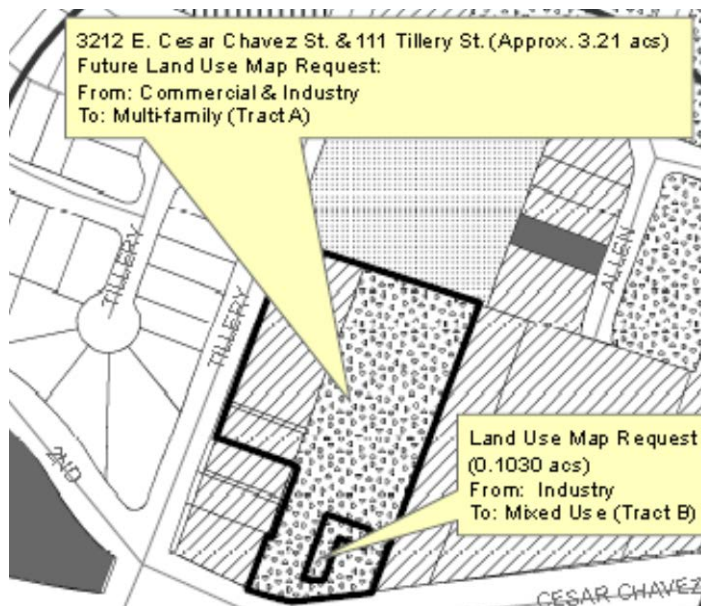
January 24, 2017 – Postponed on the consent agenda to February 28, 2017 at the request of staff. [T. White – 1st; P. Seeger – 2nd] Vote: 10-0 [Commissioner S. Oliver absent for consent agenda. Commissioners F. Kazi and J. Vela absent].

December 13, 2016 – Postponed on the consent agenda to January 24, 2017 at the request of staff. [P. Seeger – 1st; T. White – 2nd] Vote: 10-0 [Commissioners T. Nuckols and A. Pineyros De Hoyos absent; Commissioner J. Shieh absent for consent agenda, arrived late].

STAFF RECOMMENDATION: Staff recommends Mixed Use on the entire property.

BASIS FOR STAFF’S RECOMMENDATION: The applicant proposes to redevelop the property with a multifamily development with a small portion reserved for commercial uses. The request to change the future land use map is for Multifamily on Tract A and Mixed Use land use on Tract B (see map below) where the commercial uses are proposed. Staff supports Mixed Use on the entire tract because the proposed multifamily and commercial uses are compatible with the Mixed Use land use. Mixed Use land use is appropriate because the property is near the intersection of E. Cesar Chavez, Tillery Street, and E. 2nd Street, with Mixed Use land use to the south and southwest.

The Govalle/Johnston Terrace Neighborhood Plan supports a balanced and varied pattern of land uses and supports Mixed Use land uses which would allow residential uses.



Staff recommends Mixed Use land use on the entire property

Land Use Goals

Goal 1: Adjacent land uses should be compatible. (Sector Plan)²

Key Principles: Address the “over-zoning” of properties in the Govalle/Johnston Terrace Neighborhood Planning Area. (Sector Plan and modified by Gov/JT)

Non-residential development should not adversely affect existing businesses or neighborhoods, either by increases in traffic, noise, pollutants, or other safety hazards. (Sector Plan)

Goal 2: Preserve and protect current and future single-family neighborhoods. (Gov/JT)

Key Principles: Initiate appropriate rezoning to preserve and protect established and planned single-family neighborhoods. (Gov/JT)

Encourage higher density residential developments to locate near major intersections, and in locations that minimize conflicts with lower density single-family neighborhoods. (Sector Plan)

Encourage higher density non-residential land uses to locate near major intersections and in industrial districts/business parks. (Sector Plan)

Goal 3:

Develop a balanced and varied pattern of land use. (Sector Plan)

Key Principles:

Provide a balance of land use and zoning for people to both live and work in the area. (Gov/JT)

Encourage mixed use so that residential uses are allowed on some commercial properties. (Gov/JT)

Provide opportunities for land uses that serve the needs of daily life (live, work, play, shop) in a convenient and walkable environment. (Gov/JT)

Goal 4:

Create and preserve a sense of "human scale" to the built environment of the neighborhood. (Gov/JT)

Key Principles:

Ensure that new development and redevelopment respects the existing scale and character of the planning area. (Gov/JT)

Housing

Goal 5:

Maintain an affordable and stable housing stock. (Sector Plan)

Key Principles:

Provide a diverse range of housing opportunities for all stages of life and income levels. (Sector Plan and modified by Gov/JT)

Goal 8:

Increase opportunities for people to live in close proximity to daily needs such as shopping and transportation. (Gov/JT)

LAND USE DESCRIPTIONS

EXISTING LAND USES ON THE PROPERTY

Commercial - Lots or parcels containing retail sales, services, hotel/motels and all recreational services that are predominantly privately owned and operated for profit (for example, theaters and bowling alleys). Included are private institutional uses (convalescent homes and rest homes in which medical or surgical services are not a main function of the institution), but not hospitals.

Purpose

1. Encourage employment centers, commercial activities, and other non- residential development to locate along major thoroughfares; and

2. Reserve limited areas for intense, auto-oriented commercial uses that are generally not compatible with residential or mixed use environments.

Application

1. Focus the highest intensity commercial and industrial activities along freeways and major highways; and
2. Should be used in areas with good transportation access such as frontage roads and arterial roadways, which are generally not suitable for residential development.

Industry - Areas reserved for manufacturing and related uses that provide employment but are generally not compatible with other areas with lower intensity use. Industry includes general warehousing, manufacturing, research and development, and storage of hazardous materials

Purpose

1. To confine potentially hazardous or nuisance-creating activities to defined districts;
2. To preserve areas within the city to increase employment opportunities and increased tax base;
3. To protect the City's strategic advantage as a high tech job center; and
4. To promote manufacturing and distribution activities in areas with access to major transportation systems.

Application

1. Make non-industrial properties in areas with a dominant industrial character compatible with the prevailing land use scheme;
2. Where needed, require a buffer area for industrial property that abuts residentially used land;
3. Industry should be applied to areas that are not appropriate for residential or mixed use development, such as land within the Airport Overlay; 4. In general, mixed use and permanent residential activities are not appropriate in industrial areas. An exception may be the edge of an industrial area along the interface with an area in which residential activities are appropriate. Such exceptions should be considered case by case, with careful attention to both land use compatibility and design;
5. Industry should not be either adjacent to or across the road from single family residential or schools;

6. Use roadways and/or commercial or office uses as a buffer between residential and industry; and
7. Smaller scale “local manufacturing” districts may be appropriate in some locations to preserve employment opportunities and cottage industries of local artisans. In these areas, hazardous industrial uses (i.e. basic industry, recycling centers, and scrap yards) should be prohibited.

PROPOSED LAND USES 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.

Multifamily Residential - Higher-density housing with 3 or more units on one lot.

Purpose

1. Preserve existing multifamily and affordable housing;
2. Maintain and create affordable, safe, and well-managed rental housing; and
3. Make it possible for existing residents, both homeowners and renters, to continue to live in their neighborhoods.
4. Applied to existing or proposed mobile home parks.

Application

1. Existing apartments should be designated as multifamily unless designated as mixed use;
2. Existing multifamily-zoned land should not be recommended for a less intense land use category, unless based on sound planning principles; and
3. Changing other land uses to multifamily should be encouraged on a case-by-case basis.

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 to build a multifamily development that will provide housing options for the planning area and the city. The property is located near bus routes, park facilities and commercial services.***

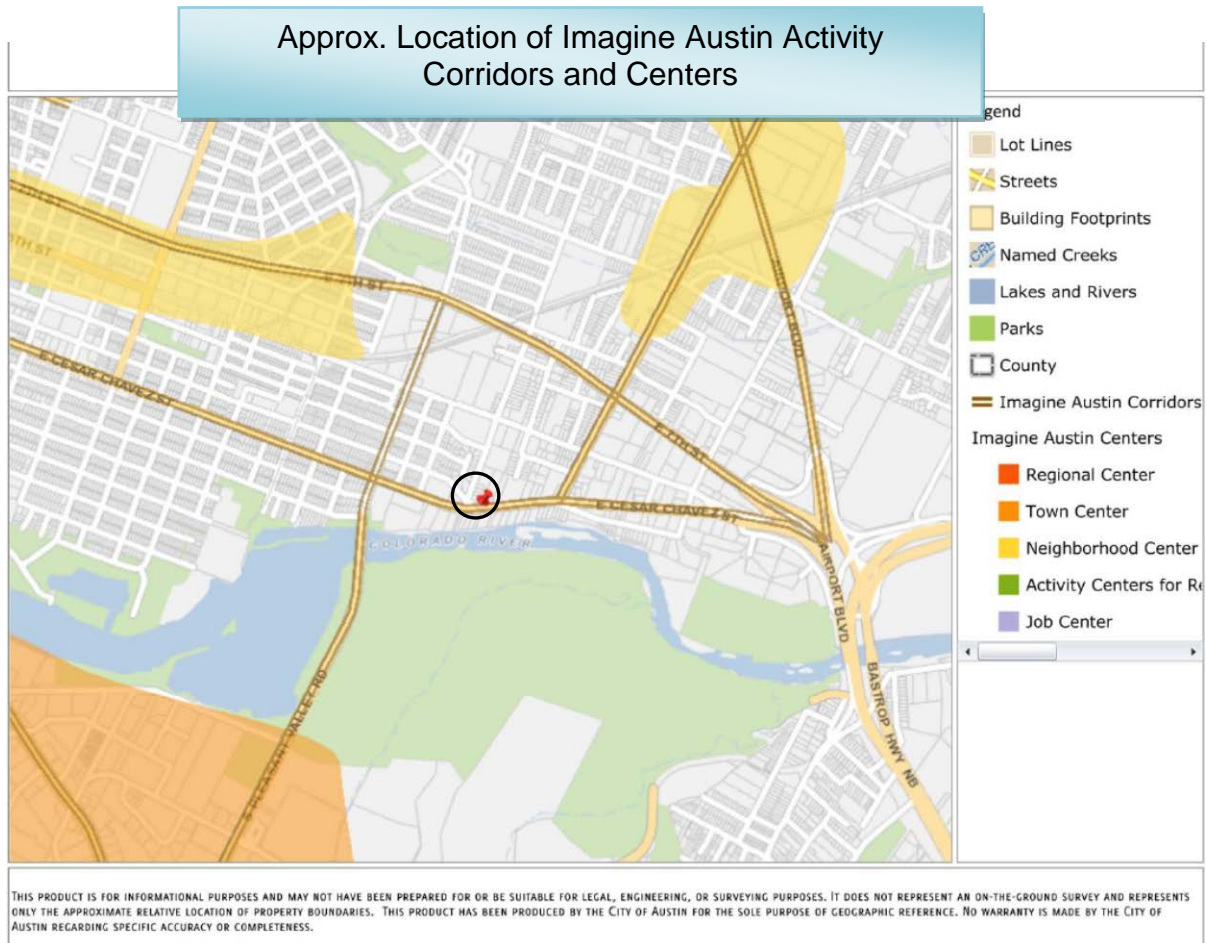
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
 - ***The property is located on E. Cesar Chavez Street which is an Activity Corridor as identified on the Growth Concept Map of the Imagine Austin Comprehensive Plan. The property is near public transit with routes on E. 7th Street, S. Pleasant Valley Road and on E. Cesar Chavez Street further to the west of S. Pleasant Valley Road.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - ***The property is located on E. Cesar Chavez Street which is an Activity Corridor as identified on the Growth Concept Map of the Imagine Austin Comprehensive Plan. The property is near public transit and***
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 proposal to build multifamily residential units will add housing choice to the planning area and the city.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - ***The request for Multifamily land use is appropriate for this location near the intersection of E. Cesar Chavez and Tillery Street.***
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, although directly to the south across E. Cesar Chavez Street is the Colorado River.***
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 directly 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.
 - ***Not directly applicable.***
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - ***Not directly applicable.***

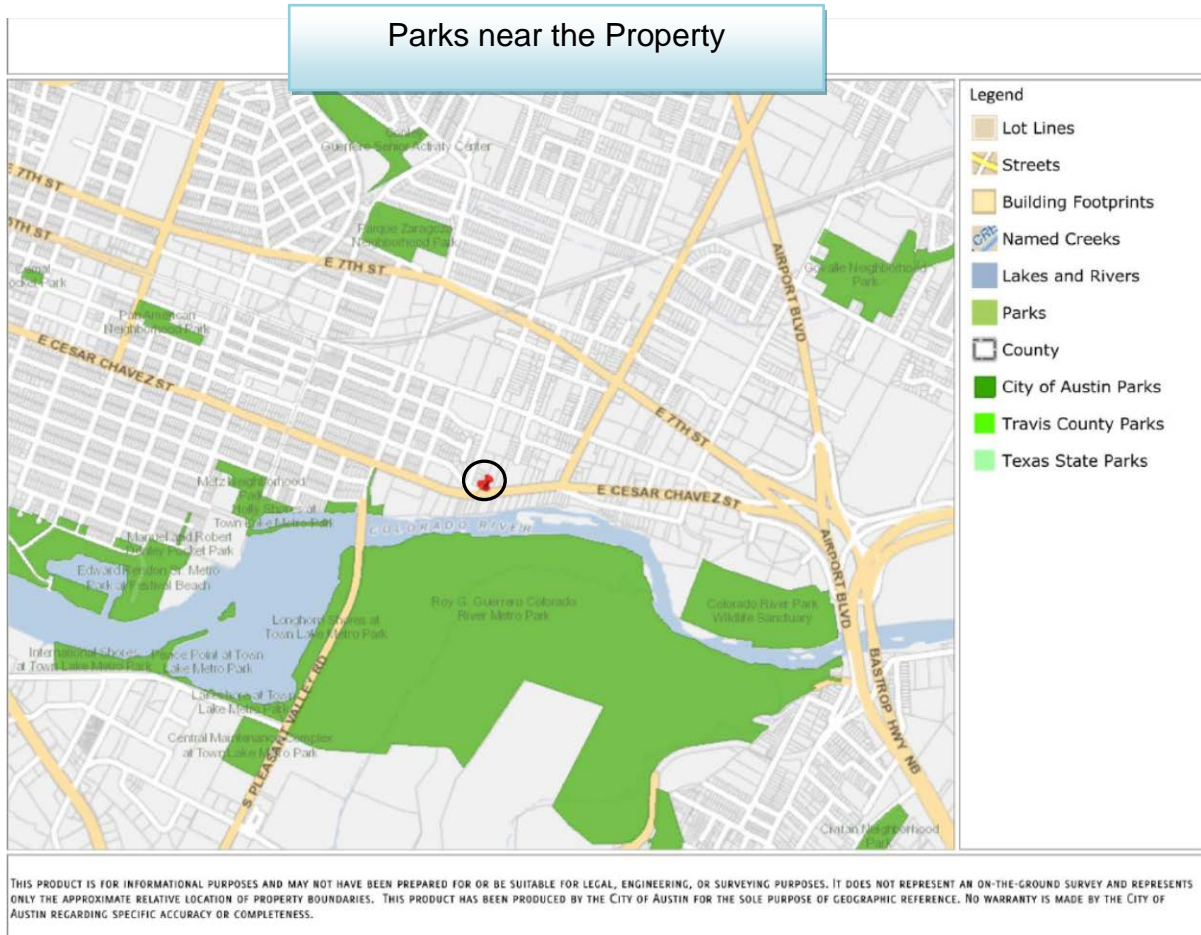
11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.

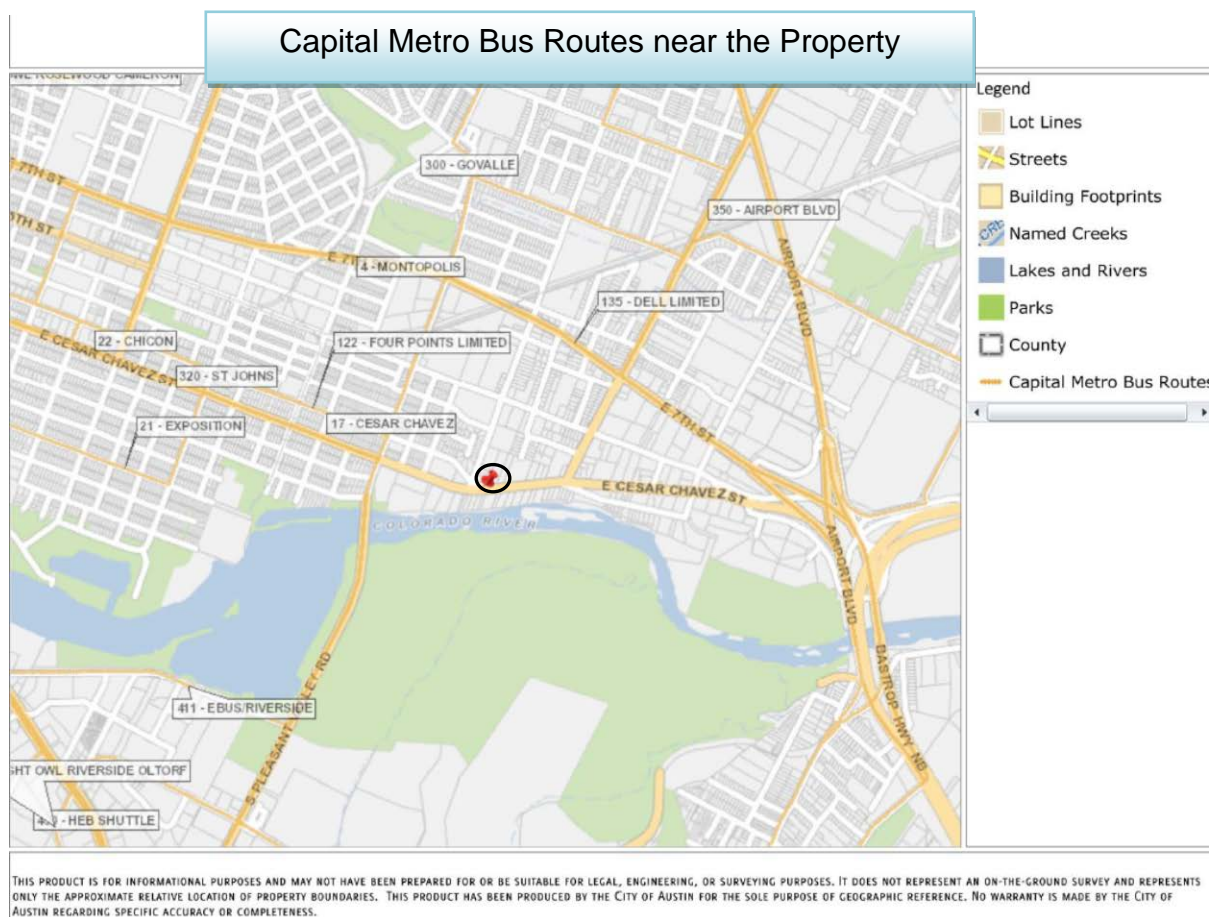
- *Not applicable.*

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.

- *Not applicable.*







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 July 15, 2016 which is in-cycle for neighborhood planning areas located on the east side of IH-25.

The applicant proposes to change the future land use map from Industry and Commercial to Multifamily and Mixed Use. The majority of the property (Tract A) is proposed for Multifamily land use and for MF-6-CO-NP zoning for approximately 306 apartment dwelling units. There is a small area of 0.10 acres (Tract B) proposed for Mixed Use land use and CS-MU-CO-NP zoning where approximately 4,487 square feet of commercial space is proposed.

For more information on the zoning request, please see case C14-2016-0079.

PUBLIC MEETINGS: The ordinance-required community meeting was held on August 30, 2016. Approximately 140 meeting notices were mailed to people who live or own property within 500 feet of the property, in addition to neighborhood organizations and environmental groups who requested notification for the area on the Community Registry. Two people who lived in the area attended the meeting, including two agents representing the owner, three people working with the prospective developer and one city staff member.

Nikelle Meade, the applicant's agent, said the property is currently an auto parts site. The proposed change to the future land use map is a request for Mixed Use land use. *(Note: the meeting was held before the application was amended on April 25, 2017 to include Multifamily land use request to the Mixed Use land use).* There is also a zoning change application for CS-MU-V-NP. *(Note: The zoning change application was amended on April 25, 2017 for a request for MF-6-CO-NP and CS-MU-CO-NP).* Because East Cesar Chavez Street is not a core transit corridor, she said there might need to be a variance to build a Vertical Mixed Use building here.

After Ms. Meade's presentation, John Burnham, a property developer, said he is interested in developing the property with multifamily units. He said he has been developing in Austin for five years and completed six projects in the area.

Q. Do you have a conceptual design?

A. Not really. We don't have a specific image, but we might build something like the Corazon development 1000 E 5th Street, but softer.

Q. We don't want bars in the development.

A. We won't have a bar, but we could have a restaurant that sells alcohol.

Q. Do you plan to ask for a variance?

A. We won't ask for any variances.

Q. We give deference to people who live around the development and listen to them regarding how it affects them.

A. We talked to everyone around this project and got input. We tried to incorporate their ideas into the development.

Q. Under the current zoning, could you build what want to build?

A. No, we have to add the Mixed Use Overlay to what we want to build.

Q. How much parking will you provide?

A. We will provide parking at on a market basis. We plan to provide more parking than is required for a VMU development. We can't count off-street parking. We need the VMU for the site area, not for the parking requirements.

Q. What is the breakdown of residential and commercial for your mixed use building?

A. What we propose is a development that is 95% residential and 5% commercial uses, which would be along East Cesar Chavez Street. The parking garage would be in the middle of the site. We have a full TIA, but we haven't had the final sign-off.

Comments:

- We want human-scaled buildings. We don't want big blocky buildings.
- We want a healthy environment, not just a warehouse for renters.
- We don't want this area to become like South Lamar Boulevard where there a big blocks of buildings.
- What you build will set a precedent to what is built on this corridor.

CITY COUNCIL DATE:

January 26, 2017

ACTION: Postponed to March 2, 2017 at the request of staff. [D. Garza – 1st; P. Renteria – 2nd] Vote: 11-0

March 2, 2017

ACTION: Postponed to April 6, 2017 at the request of staff. [E. Troxclair – 1st; J. Flannigan – 2nd] Vote: 10-0 [A. Kitchen off the dais]

April 6, 2017

ACTION: Postponed to May 18, 2017 at the request of staff. [A. Kitchen – 1st; P. Renteria – 2nd] Vote: 11-0

May 18, 2017

ACTION: Postponed to *August 3, 2017 at the request of staff. [D. Garza -1st; A. Alter – 2nd] Vote: 9-0 [G. Casar and E. Troxclair off the dais].

**June 22, 2017 (New notifications we were sent out for this date because the application was revised to add additional property and the FLUM request was amended).*

ACTION: Postpone to August 3, 2017 at the request of staff.

August 3, 2017

ACTION:

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

EMAIL: maureen.meredith@austintexas.gov

Summary Letter Submitted by the Applicant on July 15, 2016

City of Austin Application Packet for Neighborhood Plan Amendment
For Individual Property Owner

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Neighborhood Plan Amendment

SUMMARY LETTER

The Future Land Use Map (the "FLUM") for the Govalle/Johnston Terrace Combined Neighborhood Plan designates the Property as "Commercial" and "Industry" use. Applicant intends to redevelop the Property for multifamily use and retail use and is seeking to change the FLUM designation to "Mixed Use". The redevelopment will include approximately 306 apartment units and approximately 5,400 square feet of retail space.

The existing use of the Property is an auto-parts sales store with a related auto-parts scrapyard (Browning Auto Parts). The change in use of the Property from an auto-parts sales store and auto-parts scrapyard to a multi-family development with ground-floor retail space is well aligned with the goals of the Neighborhood Plan. For example, Action Item No. 1 of the Neighborhood Plan is to confine industrial uses to discrete districts that are separated and buffered from single-family residential uses. Part of the Property is situated across the street from a single-family development--meaning there is not currently a buffer between the auto-parts scrapyard and the single-family residential uses. The Neighborhood Plan specifically provides that multi-family developments should be located on the periphery of the existing neighborhoods and on tracts adjacent to single-family uses, but that are currently used for more intense land uses such as industrial or commercial (see page 41). Additionally, Land Use Goal No. 2 encourages higher density residential developments to locate near major intersections and in locations that minimize conflicts with lower density single-family neighborhoods. The Property is located at the intersection of E. Cesar Chavez, Tillery and E. 2nd, which is a busy intersection on a transitioning commercial corridor. The proposed multi-family development would provide a good buffer between the residential neighborhood on Tillery to the west and the surrounding commercial uses.

The current use of the Property is one of the more intense and industrious uses in the area. Many of the other commercial and industrial uses on this part of Cesar Chavez are much lighter and more consumer-oriented, and many of nearby warehouse tenants have recently moved out. For example, the remaining nearby warehouses are now occupied by a tent rental facility, a kick-boxing studio, and a plant nursery, and some of the nearby lots have even been converted into restaurants (Lustre Pearl and Jacoby's). The more appropriate location for industrial and intense commercial uses is in the industrial districts south of E. Cesar Chavez and on US 183, as identified in the Neighborhood Plan.

Lastly, Land Use Goal No. 3 encourages mixed use so that residential uses are allowed on some commercial properties. The proposed mixed-use apartment and retail development aligns perfectly with that goal.

Letter amending the original application
Received on April 25, 2017

HUSCH BLACKWELL

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Nikelle S. Meade
Partner
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512.226.7208 direct fax
nikelle.meade@huschblackwell.com

April 1, 2017

VIA HAND DELIVERY

Heather Chaffin
Planning & Development Review Dept
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Maureen Meredith, Senior Planner
City of Austin – Planning & Zoning Dept.
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Changes to Zoning Application C14-2016-0079; and
Neighborhood Plan Amendment NPA-2016-0016.01

Dear Heather and Maureen:

By this letter, we are requesting the following changes to the above-referenced applications:

1. In our original zoning application and neighborhood plan amendment referenced above, we requested a change in zoning from CS-CO-NP and LI-CO-NP to CS-MU-V-CO-NP. We are now requesting that the zoning be changed to MF-6-CO-NP as depicted on the next page, **EXCEPT** for a 0.1030-acre portion within the LI-CO-NP area which we request be changed to CS-MU-CO-NP (see diagram on next page and the attached legal description (the "To-Be-Mixed Use Tract")).
2. We would like to add a CO to the MF-6 portion of the Property which restricts the first 40 feet of development along Tillery Street to no more than 2 stories and 30 feet. This restricted area will be 300 feet (the length of the Property along Tillery Street) x 40 feet (the distance from the westernmost property line of the property to the point that is 40 feet eastward).

AUS-6362876-1

Heather Chaffin and Maureen Meredith
April 1, 2017
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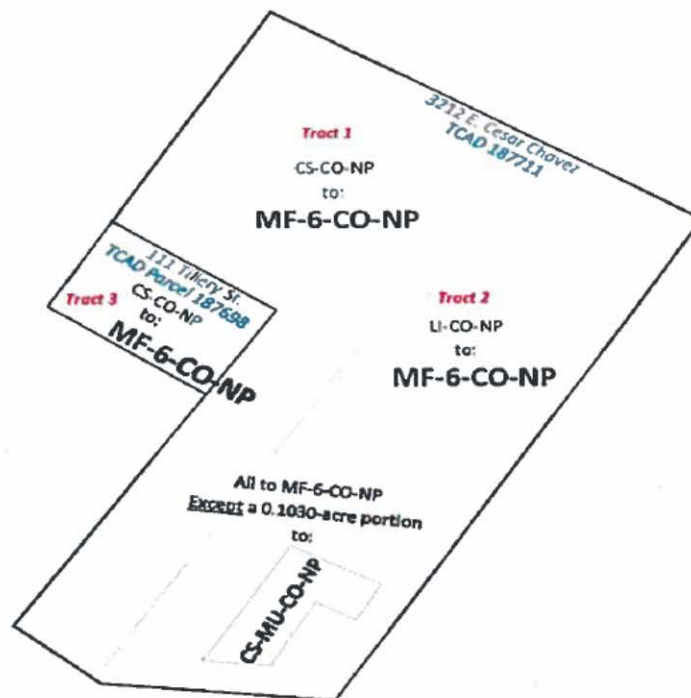
3. We are increasing the area to be rezoned by adding Tract 3, a 0.1924-acre tract of land located at 111 Tillery Street and are requesting this Tract 3 be rezoned from CS-CO-NP to MF-6-CO-NP. A supplemental zoning application and neighborhood plan amendment are attached showing the addition of this tract.
4. We are now asking to change the FLUM designation on the entire property from Commercial and Industry to Multifamily EXCEPT for the To-Be-Mixed Use Tract which we request be changed from Industry to Mixed Use.

Please let us know if you have any questions.

Sincerely,

Nikelle S. Meade

Enclosures



AUS-6362876-1

Govalle/Johnson Terrace NPCT Letter of
Recommendation

Govalle/Johnston Terrace Neighborhood Plan Contact Team
"Strength Through Unity"

May 10, 2017

Re: 3212 E. Cesar Chavez

Dear Commissioners and Council members,

Please accept this letter on behalf of the Govalle/Johnston Terrace Neighborhood Plan Contact Team as an expression of our

Opposition to the plan amendment application as presented, at 3212 E. Cesar Chavez.

We met with the developer, formed a sub committee to work with the applicant in an attempt to create a win-win solution, and to insure community benefits for our area.

The proposed amendment, as presented, is too dense, does not have any community benefit other than profit for the developer, and does not addresses true affordability, and being completely rental, does not provide any possibility for sustainability and equity for the Neighborhood.

The Contact Team proposed support for a reduction to 200 units, a diversity of unit size to include family housing, with 25% affordable units at 60% MFI, but the applicant refused to consider changing any part of their proposal.

They met with the CT on three occasions, but were unable to come up with a mutually beneficial agreement.

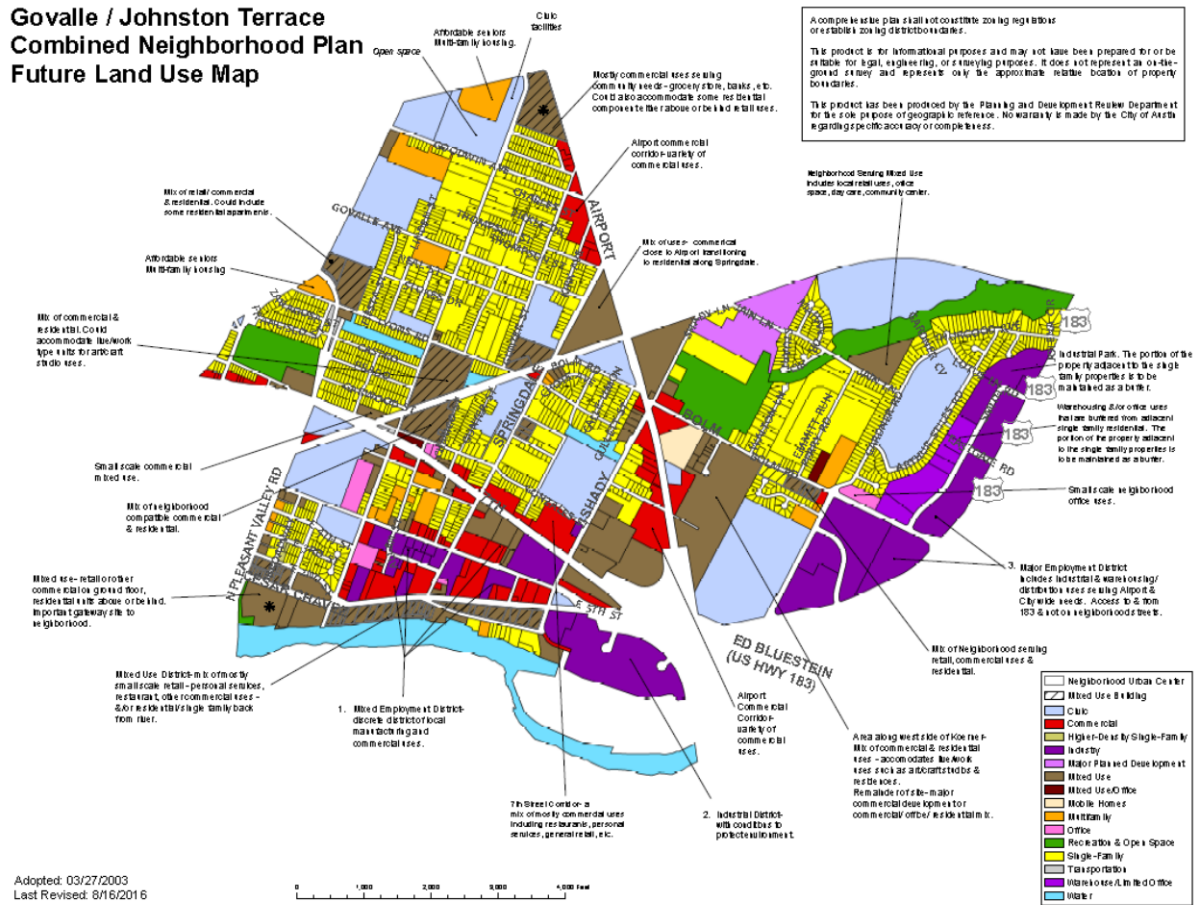
Please feel free to contact me with any comment or question you may have regarding this case.

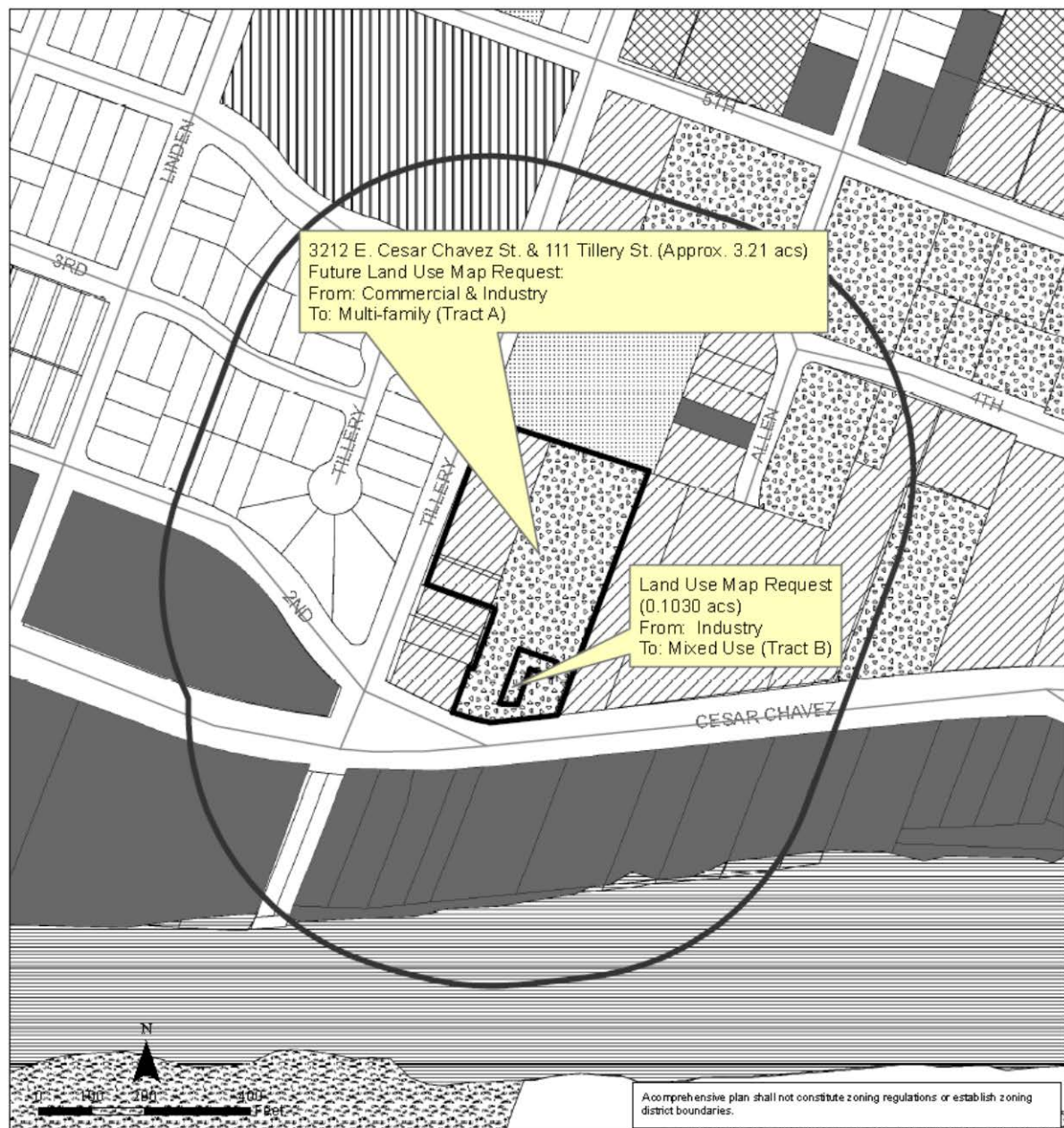
Thank you,



Daniel Llanes, Coordinator
Govalle/Jonston Terrace Neighborhood Plan Contact Team

Govalle / Johnston Terrace Combined Neighborhood Plan Future Land Use Map





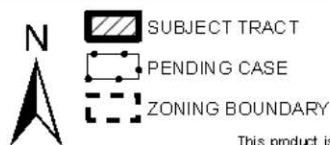
Govalle/Johnson Terrace Combined Neighborhood Planning Area NPA-2016-0016.01

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

City of Austin
Planning and Zoning Department
Created on 5/25/2017, by: meredithm

Future Land Use	
	500 ft. Notif. Boundary
	Subject Property
	Single-Family
	Higher-Density Single-Family
	Multi-Family
	Commercial
	Mixed Use
	Office
	Mixed Use/Office
	Industry
	Civic
	Recreation & Open Space
	Transportation
	Water



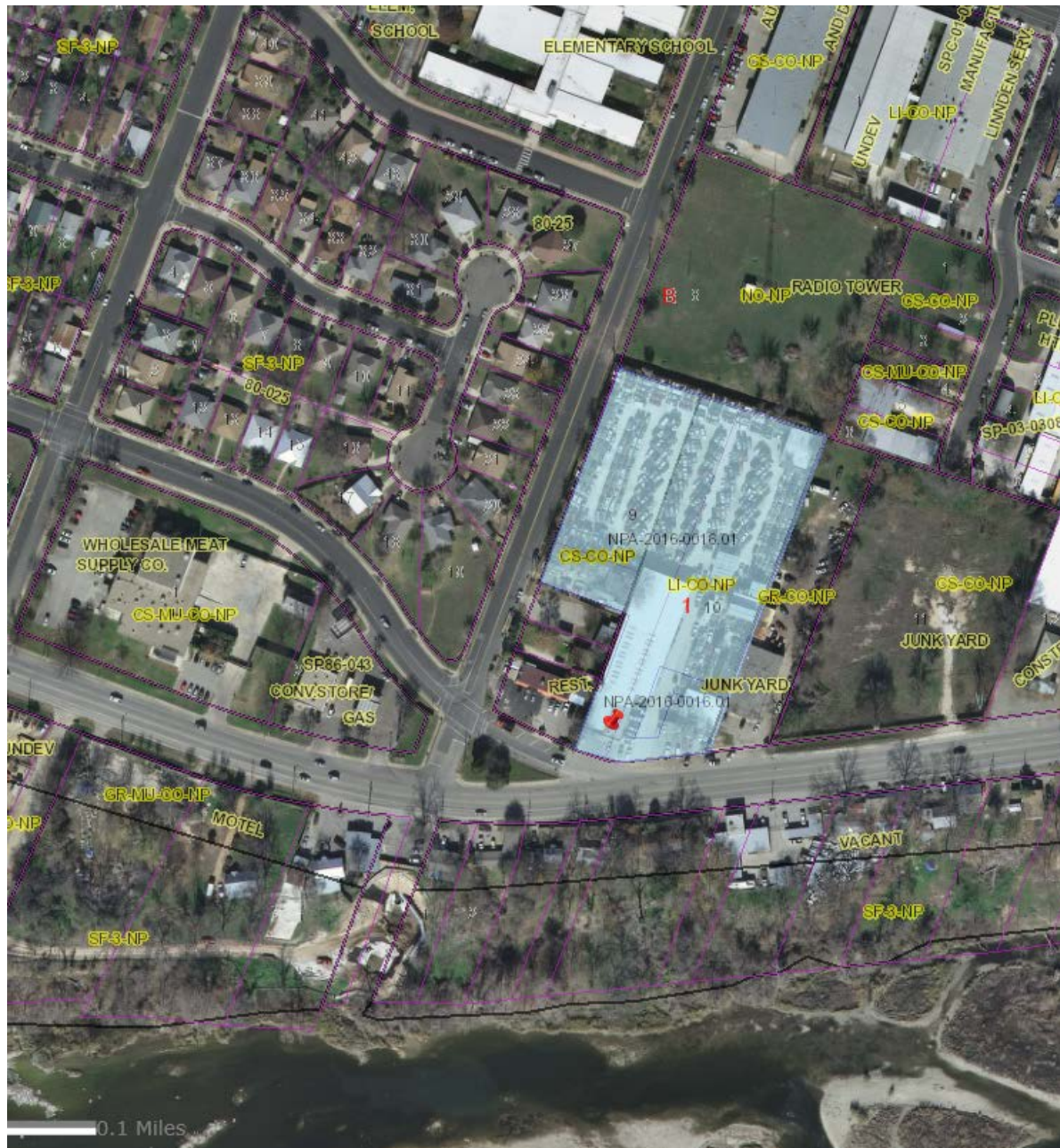
1" = 200'

ZONING
ZONING CASE#: C14-2016-0079

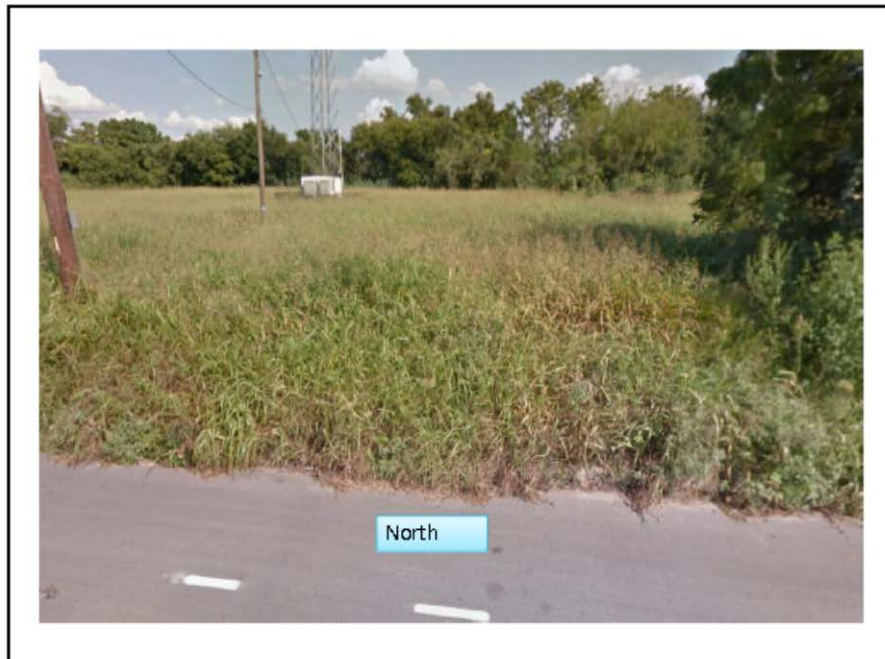
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.













Material Distributed by the Applicant's Agent at the August 30, 2016 Community Meeting

3212 E. CESAR CHAVEZ PACKET FOR CITY STAFF
NPA-2016-0016.01/ C14-2016-0079

Index

- 1. Fact sheet**
- 2. Aerial view of property- facing north**
- 3. Aerial view of property- facing east**
- 4. FLUM map with property outlined**
- 5. Zoning map showing surrounding properties**
- 6. Site plan**
- 7. Image board of similar projects/ designs**
- 8. Context photos showing the portions of Tillery and E. Cesar Chavez adjacent to the site**
- 9. Compatibility exhibit showing height of the project**

Material Distributed by the Applicant's Agent at the August 30, 2016 Community Meeting

3212 E. CESAR CHAVEZ FACT SHEET
NPA-2016-0016.01/ C14-2016-0079

Property Information

Address: 3212 E. Cesar Chavez, Austin, Texas 78702

Developer: Argyle Residential, LLC (a division of Cypress Real Estate Advisors)

Property Size: 3.124 acres (136,081 sq. ft.)

Council District: District 3. Council Member Renteria

Neighborhood Planning Area: Govalle/ Johnston Terrace Combined

Zoning Information

Existing Zoning

Tract 1 (.8422 acres): CS-CO-NP

Tract 2 (2.2818 acres): LI-CO-NP

Proposed Zoning

Tract 1 (.8422 acres): CS-MU-V-CO-NP

Tract 2 (2.2818 acres): CS-MU-V-CO-NP

FLUM Designation

Existing FLUM Designation

Tract 1 (.8422 acres): Commercial

Tract 2 (2.2818 acres): Industry

Proposed FLUM Designation

Tract 1 (.8422 acres): Mixed Use

Tract 2 (2.2818 acres): Mixed Use

Proposed Project

306 Multi-family units; 4,400 sq. ft. of retail space

Existing Use

Browning Auto Parts (auto parts store and scrapyard)

Surrounding Uses

Adjacent uses: West: Restaurant (under construction) and vacant lots (zoned CS); North: Vacant lot with radio tower (zoned NO); East: Kickboxing studio (zoned GR)

Across Tillery: Single-family homes (all zoned SF-3)

Across E. Cesar Chavez: vacant lots, single-family homes, retail (all zoned GR-MU)

Parking

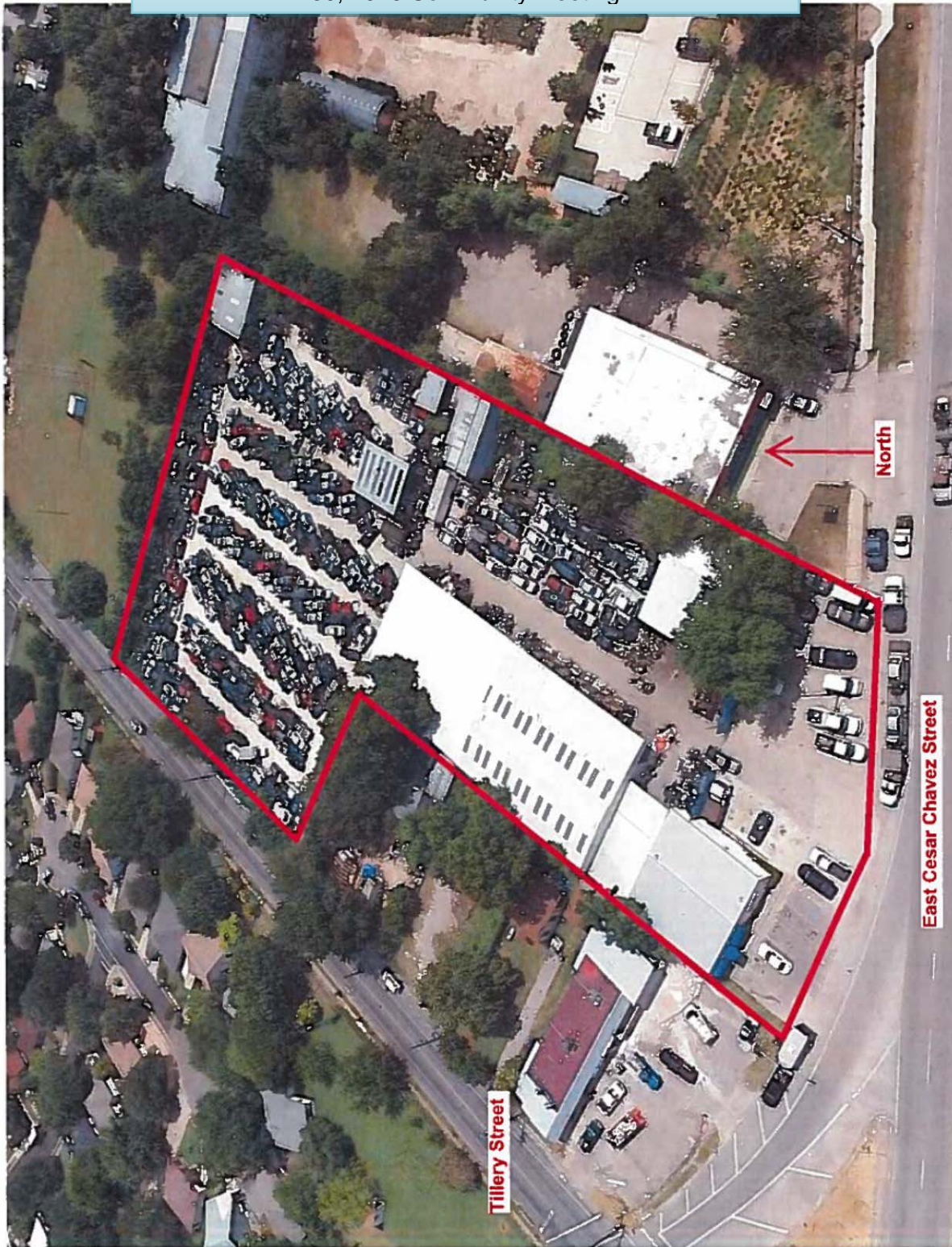
375 spaces to be provided

385 spaces required without any parking reductions; 308 spaces required with automatic 20% reduction

Amenities

Clubhouse / residents lounge; business center; large courtyard with pool, green space, and an outdoor kitchen; fitness center; 5th floor indoor / outdoor deck

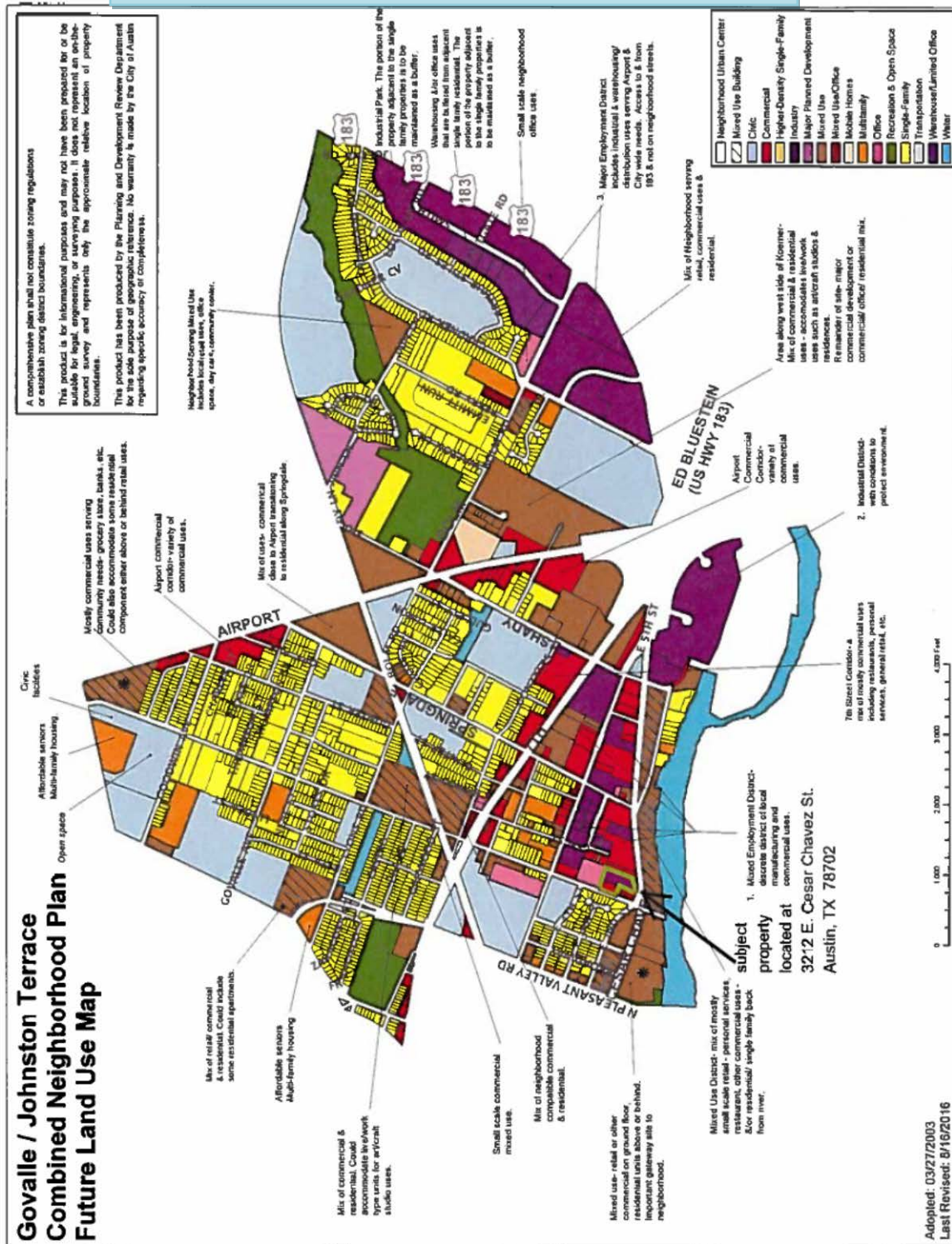
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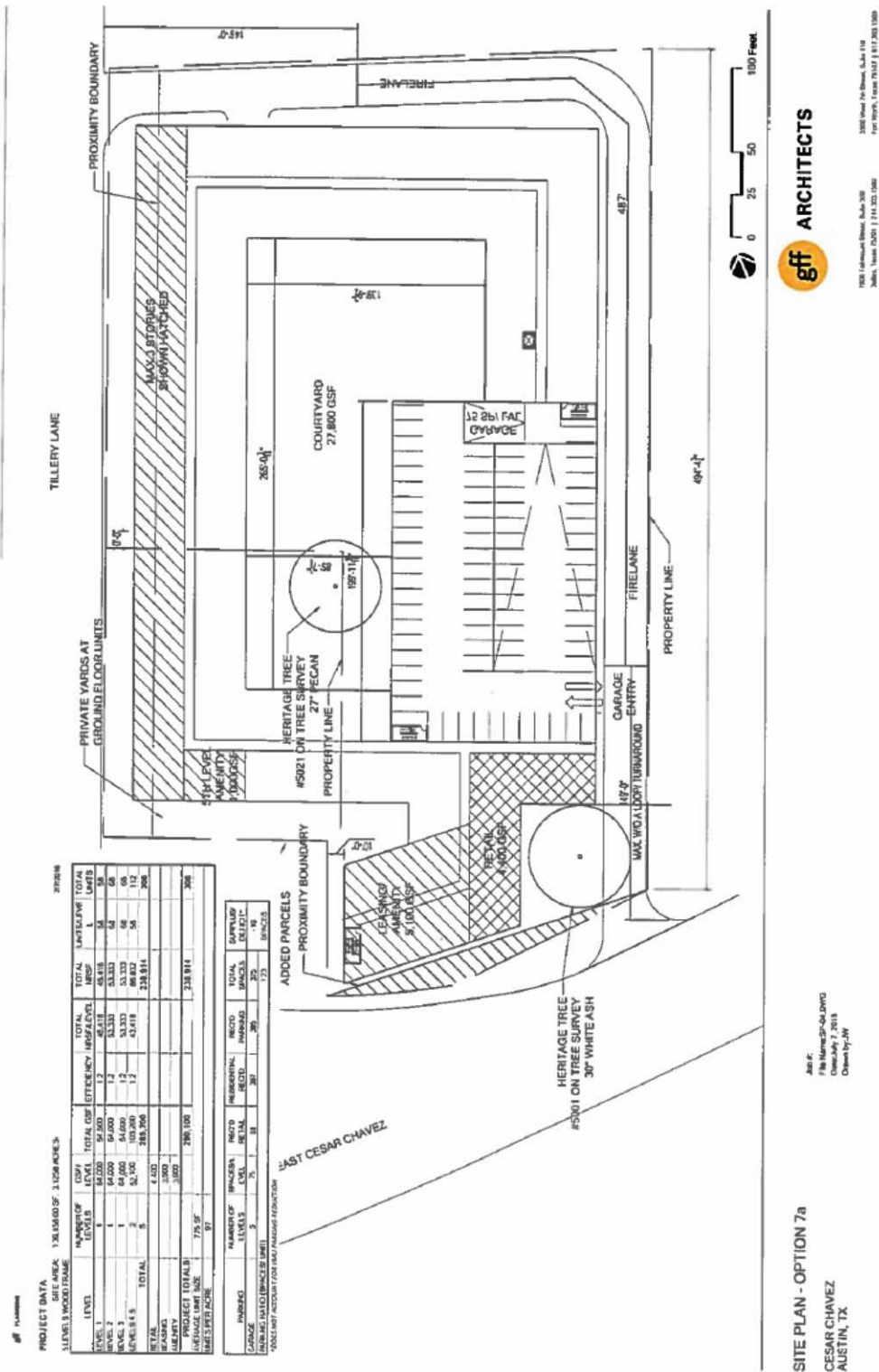


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3212 E. Cesar Chavez



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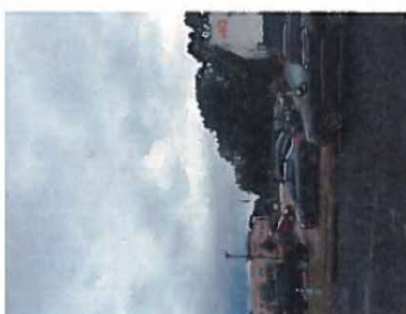
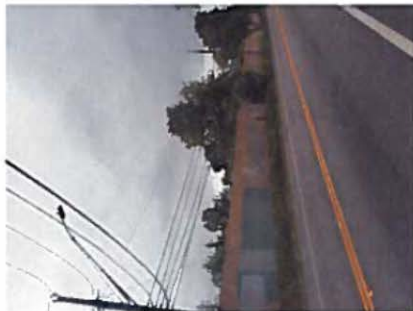
gff ARCHITECTS

2548 Fannin Street, Suite 300
Dallas, Texas 75201 | 214.303.1500

Job # 1600000000
File Name: 1600000000
Date: 08/26/16
Drawing: S01

Design Inspiration Imagery
Tilley/Cesar Chavez
Austin, TX

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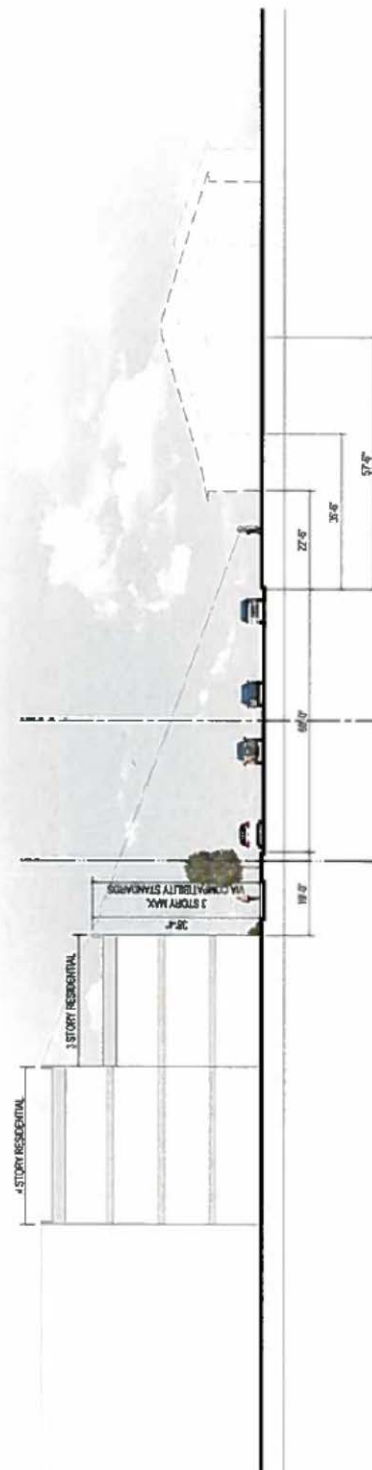


2008 / Farmington Street, Suite 300
Columbus, Texas 75201 | 214.303.1500
2008 / Pleasant 7th Street, Suite 110
Fort Worth, Texas 76107 | 817.303.1500

Context Photos
Cesar Chavez/Tillery
Austin, TX

ALL RIGHTS RESERVED
FOR REUSE ONLY
DATE 08/25/16
DOWNTOWN 340

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2000 E. Forward Street, Suite 202
Dallas, Texas 75201 | 214.263.1300
2000 West 7th Street, Suite 110
Fort Worth, Texas 76107 | 817.363.1300

Job #
File Name: SP-03.DWG
Date: 06/06/2016
Drawn by: JH, JKH

TILLERY STREET SECTION
CESAR CHAVEZ + TILLERY
AUSTIN, TX

Applicant Criteria Worksheet Submitted by the Applicant

Provide this information with your plan amendment application for the pre-application meeting with staff and also when you formally submit the application to the In-Take Division.

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? ___ Yes **X** No

If there was a mapping error, explain here and provide documentation: _____

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

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

If this condition applies, explain here There is more risk of environmental and noise pollution to the surrounding residential neighborhoods if the property is used for industrial purposes as compared to the proposed mixed use project.

- (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 criteria apply to your application? **X** Yes ___ No

If yes, explain here The site is no longer appropriate for industrial uses. Most of the nearby warehouse tenants have relocated and lighter commercial uses are replacing them (such as the plant nursery, kickboxing studio and Jacoby's restaurant). Since the adoption of the Plan, E. Cesar Chavez has become less industrial and more commercial and residential and as more families have started to move further east. An industrial use is no longer a reasonable use of this site because the site is now surrounded by residential uses to the west and commercial uses to the east.

- (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? **X** Yes ___ No

If yes, explain here The existing active auto-salvage yard will be removed from the Property. Additionally, the project will meet Austin Energy Green Building standards and is aiming to achieve a 2-star rating.

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

Does either one of these criterion apply to your application? _____ Yes **X** No

If yes, explain here _____

- (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: Action Item No. 1 of the Plan is to confine industrial uses to discrete districts that are separated and buffered from single-family residential uses. Part of the property is situated across the street from a single-family development--meaning there is not currently a buffer between the auto-parts scrapyard and the single-family residential uses. The Plan specifically provides that multi-family developments should be located on the periphery of the existing neighborhoods and on tracts adjacent to single-family uses, but that are currently used for more intense land uses such as industrial or commercial (see page 41). Additionally, Land Use Goal No. 2 encourages higher density residential developments to locate near major intersections and in locations that minimize conflicts with lower density single-family neighborhoods. The property is located at the intersection of E. Cesar Chavez, Tillery and E. 2nd, which is a busy intersection on a transitioning commercial corridor. The proposed multi-family development would provide a good buffer between the residential neighborhood on Tillery to the west and the surrounding commercial uses. Lastly, Land Use Goal No. 3 encourages mixed use so that residential uses are allowed on some commercial properties. The proposed mixed-use apartment and retail development aligns perfectly with that goal.

(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 X No

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

The project will comply with all applicable regulations and standards established by Title 25 under the CS-V zoning category. The project complies with the purpose of the CS-V zoning district, which is designed for mixed used buildings.

(https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LDE)

- (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 project will not create an arbitrary development pattern because a mixed use building is a perfect transition between the surrounding single family and commercial uses. Additionally, the tracts to the south and the southwest are zoned for commercial mixed use.

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

Provide your analysis here: There are no multifamily projects in the immediate vicinity of the site, so this project will add diversity to the housing supply in the area. Additionally, the project will include some affordable units.

3. Minimize negative effects between incompatible land uses;

Provide your analysis here: The project will minimize the effect of the surrounding commercial and industrial uses on the nearby single family developments because it will act as a buffer. Additionally, the project will replace an auto-parts sales store and scrapyard which is incompatible with the nearby single-family uses.

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

Provide your analysis here: Not applicable.

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

Provide your analysis here: The project will replace an auto-parts sales store and scrapyard which is incompatible with the nearby single-family uses.

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

Provide your analysis here: The proposed 5,400 sq. ft. retail space will be a use compatible with the multi-family development and surrounding neighborhood. Additionally, liquor-sales use is a prohibited use on this tract, and the retail space will be located on E. Cesar Chavez Street facing other commercial uses.

7. Minimize development in floodplains and environmentally sensitive areas;

Provide your analysis here: The property is not located within any of the following areas: floodplain, waterfront overlay, erosion hazard zone, waterway setback area, wetland, grassland, or biological resource buffer.

8. Promote goals that provide additional environmental protection;

Provide your analysis here: The existing active auto-salvage yard will be removed from the Property. Additionally, the project will meet Austin Energy Green Building standards and is aiming to achieve a 2-star rating.

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: There are no public safety regulations or overlays related to public safety applicable to this site.

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

Provide your analysis here: The proposed project is a perfect transition between single-family uses to the west and commercial and light industrial uses to the east.

11. Protect and promote historically and culturally significant areas;

Provide your analysis here: The current use of the site is not historically or culturally significant. By providing more housing on E. Cesar Chavez, there will be more people to support the nearby commercial uses that have cultural significance.

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

Provide your analysis here: The property is located on E. Cesar Chavez Street which is an Activity Corridor identified by the Imagine Austin Comprehensive Plan (IACP). The Plan provides that multi-story mixed-use buildings are appropriate along Activity Corridors (see p. 104). Additionally, Land Use and Transportation Policy No. 7 of the IACP encourages infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, biking and transit opportunities. The proposed project will place multi-family units in close proximity to work and retail uses. The proposed project is also located near many major bus and bike routes as well as the Metro-Rail and the Town Lake Hike and Bike Trail.

13. Avoid creating undesirable precedents;

Provide your analysis here: The proposed project will not create undesirable precedents because it fits within the goals of the Neighborhood Plan.

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

Provide your analysis here: The proposed project will promote expansion of the economic base and create job opportunities by placing residents close to downtown and other job corridors (such as Riverside and East 6th Street).

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

Provide your analysis here: There are 12 nearby tracts with a CS-V zoning designation within about a half-mile radius of the subject property. Additionally, there are three tracts in the immediate vicinity of the subject property that are designated as "Mixed Use" on the FLUM. Lastly, 3304 E. 5th Street (which is just north of the subject property) was re-zoned from GR to GR-MU in 2006.

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

Provide your analysis here: The project fits within the community's interests because it is aligned with the goals of the Neighborhood Plan as discussed above.

17. Consider infrastructure when making land use decisions;

Provide your analysis here: The property is in close proximity to nearby schools (Brooke Elementary, Zavala Elementary, and Metz Elementary), recreational facilities (Town Lake Hike and Bike Trail, Kreig Softball Complex Multi-Purpose Field, a volleyball court, and the Roy G. Guerrero Disc Golf Course), bus stations, and bike lanes. Additionally, the project will include sidewalk and streetscape upgrades. Lastly, there are plans for improvements to the water and wastewater infrastructure in the area.

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

Provide your analysis here: The proposed project will have a wide selection of residential units ranging in size and price to accommodate singles, couples and families with children.

From: Christopher Brown
Sent: Tuesday, March 28, 2017 1:41 PM
To: Meredith, Maureen; Chaffin, Heather
Cc: Daniel Llanes; Raul Alvarez
Subject: 3212 E. Cesar Chavez, NPA-2016-0016.01 and C14-2016-0079—Planning Commission

Maureen and Heather —

Can you confirm that the two agenda items for 3212 E. Cesar Chavez, NPA-2016-0016.01 and C14-2016-0079, are being postponed to May 9 as indicated on the online agenda? I am a member of the neighborhood working group on this project and was planning to attend to speak in opposition to these two related proposals listed as items 3 and 4 on the agenda:

<http://www.austintexas.gov/edims/document.cfm?id=274022>

My perspective on the proposal, if you are interested: The Cesar Chavez corridor between Pleasant Valley and 183, from Red Bluff Road and the river north to E. 7th, is currently characterized by a well-functioning delicate balance of three seemingly divergent land uses: light industrial, single-family residential, and wild parklands (the City's Colorado River Wildlife Preserve, the river itself, and Guerrero Park). Existing zoning in the plan accommodates compatible redevelopment, as we have seen here in recent years with former industrial uses being repurposed for creative office and artisanal use. Any rezoning or plan amendment to permit large multifamily projects would endanger this balance, and in other recent cases the City has agreed, as with the property at Shady Lane between 5th & 7th. If we wish to change the vision for this corridor, I believe we should do so through a fresh update to the plan that incorporates input from all stakeholders, including business owners as well as residents. And any multifamily projects should meet a high standard of economic inclusion & diversity to benefit from such rezoning, a standard the proposed project at 3212 does not meet.

I have copied Daniel Llanes and Raul Alvarez of our Contact Team, who are better qualified than me to opine on these matters.

Thanks!

Chris Brown

Christopher T. Brown
Attorney at Law PLLC
5013 Red Bluff Road
Austin, Texas 78702
T 512.236.0432
M 512.438.9299
<http://www.brownlawatx.com>
<http://www.linkedin.com/pub/christopher-brown/3/a6b/280/>

NPA-2016-0016.01

PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:
 City of Austin
 Planning and Zoning Department
 Maureen Meredith
 P. O. Box 1088
 Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2016-0016.01
 Contact: Maureen Meredith, Phone: 512-974-2695
 Public Hearings: Jun 13, 2017, Planning Commission
 June 22, 2017, City Council

☒ I am in favor
☐ I object

Your Name (please print) Betty Kurtz

Your address(es) affected by this application 3232 and 3306 E. Cesar Chavez

Your address(es) affected by this application 6-1-2017 Date

Signature Betty Kurtz

Comments:
 The subject property is in an area of East Cesar Chavez where many of the businesses and structures are relatively unattractive and inconsistent with the stylish developments of Oracle and Plaza Satillo, each of which are about one mile from 3212 E. Cesar Chavez.

Approval of the rezoning request would enable the property to be developed to achieve its best potential use and value, thus enhancing the style and personality of the surrounding area. This would benefit the city by increasing the potential tax appraisals, which are currently excessive for the present zoning.

NPA-2016-0016.01

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 P. O. Box 1088
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Case Number: NPA-2016-0016.01
 Contact: Maureen Meredith, Phone: 512-974-2695
 Public Hearings: Jun 13, 2017, Planning Commission
 June 22, 2017, City Council

☐ I am in favor
☒ I object

Your Name (please print) JEFF MURRAY

Your address(es) affected by this application 3301 E. 5th STREET

Your address(es) affected by this application 6/5/17 Date

Signature Jeff Murray

Comments: INVERTING A 300+ RESIDENTIAL UNIT INTO THIS COMMERCIAL/INDUSTRIAL AREA WILL NOT ONLY CONGEST AN ALREADY BUSY NEIGHBORHOOD, BUT WILL BE UNFAIR TO THE FUTURE RESIDENTS AS THEY WILL HAVE NO FORCE MAJEURE OF THE CONFLICTS THAT WILL ARISE WITH THE SURROUNDING BUSINESSES. CONFLICTS SUCH AS INSUFFICIENT PARKING, TRAFFIC CONGESTION, LAWFUL VEHICLE TRAFFIC, AND INDUSTRIAL NOISE LEVELS HAVE ALREADY CAUSED ISSUES WITH THE PREVIOUSLY CONVERTED MIXED USE LOTS ON E 5TH ST

(OVER)

that the applicant refers to, 300 units are entirely too many for such a lot, and will negatively impact the whole surrounding area.

GRANTING this ZONING CONVERSION will set a dangerous precedent, and will degrade the current living/working space atmosphere of the surrounding neighborhood and contribute to future friction and UN-SAFE living conditions for the prospective residents.

LARGE RESIDENTIAL DEVELOPMENTS such as this should be kept well away from commercial and industrial districts.

THE INTERSECTIONS of CESAR CHAVEZ/PLEASANT VALLEY RD. AND THE CESAR CHAVEZ/5TH ST/7TH ST/183 SOUTH INTERCHANGE ARE NOT CAPABLE of handling this large of a traffic increase, without causing major issues.

PUBLIC HEARING COMMENT FORM	
<p>If you use this form to comment, it may be submitted to:</p> <p>City of Austin Planning and Zoning Department Maureen Meredith P. O. Box 1088 Austin, TX 78767-8810</p> <p>If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.</p>	
<p>Case Number: NPA-2016-0016.01 Contact: Maureen Meredith, Phone: 512-974-2695 Public Hearings: Jun 13, 2017, Planning Commission June 22, 2017, City Council</p>	
<p><input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> Object</p>	
<p>Your Name (please print): Julie Adams</p>	
<p>Your address(es) affected by this application: 3009 E. 4th Street, 78702</p>	
<p>Signature: Julie Adams</p>	<p>Date: 6-6-17</p>
<p>Comments: The neighborhood is not equipped to handle the traffic of a multi-family unit. Already there is a tremendous amount of traffic. This change in zoning will change the character of the neighborhood and not for the better.</p>	

NPA-2016-0016.01

TEXAS ENTERPRISES, INC.

P.O. BOX 6116

AUSTIN, TEXAS 78762

June 12, 2017

Austin Planning Commission

c/o Maureen Meredith

Via email: Maureen.meredith@austintexas.gov

Dear Maureen,

Please let this letter serve as my notice of opposition to the rezoning of 3212 E. Cesar Chavez and 111 Tillery Street from CS-CO-NP and LI-CO-NP to CS-MU-V-CO-NP. I am the owner of several parcels and businesses in the immediate area located at 4911 & 5005 East 7th Street and 5001 East 5th Street.

I am opposed to the request because I do not believe there should be rezoning of any of the existing industrial sites in the area until the Govalle Neighborhood Association has had a chance to put together a comprehensive plan for the redevelopment of the existing neighborhood that will safeguard legacy light industrial businesses who wish to stay in the neighborhood. In the absence of a comprehensive plan many current legacy businesses could find themselves as a "nuisance" use by piecemeal approval of scattered MU-V zoning that contains high density residential uses. Most of these legacy businesses have a long and successful relationship with the residents of the Govalle neighborhood and have peacefully coexisted for decades. This request begins a process that will quickly upset the fiber of the Govalle neighborhood and could lead to major gentrification problems that the Govalle neighborhood is not prepared to deal with.

If you have any questions please feel free to call me at 512-385-2020.

Please share my comments with the individual Planning Commission members.

Sincerely,



Ford Smith, Jr.

Texas Enterprises, Inc.
4911 East Seventh St.
Austin, TX 78702