

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**NEIGHBORHOOD PLAN:** East Riverside/Oltorf Combined**CASE#:** NPA-2018-0021.01 **DATE FILED:** July 12, 2018 (In-cycle)**PROJECT NAME:** East Riverside/Oltorf FLUM Amendment**PC DATE:**

Dec 11, 2018 - postponed Jan 22, 2019 - postponed
Mar 12, 2019 – postponed April 23, 2019 - postponed

ADDRESS: 5101 East Oltorf Street**DISTRICT AREA:** 3**SITE AREA:** 1.63 acres**OWNER/APPLICANT:** Charitable Holdings, II**AGENTS:** Armbrust & Brown, PLLC. Richard Suttle and Ferris Clements**CASE MANAGER:** Kathleen Fox, Planning & Zoning Department**PHONE:** (512) 974-7877**EMAIL:** kathleen.fox@austintexas.gov**TYPE OF AMENDMENT:****Change in Future Land Use Designation****From:** Commercial**To:** Mixed Use**Base District Zoning Change****Related Zoning Case:** C14-2018-0080**From:** GR-CO-NP**To:** CS-MU-CO-NP**NEIGHBORHOOD PLAN ADOPTION DATE:** November 16, 2006**PLANNING COMMISSION RECOMMENDATION:**

December 11, 2018 – Postponed to January 22, 2019 on the consent agenda at the request of staff. Close the Public Hearing and approve the consent agenda. K. McGraw – 1st; F. Kazi – 2nd Vote: 11 -0 [Y. Flores and C. Kenny absent. J. Schissler recused from item C-17]

January 22, 2018 – Postponed to March 12, 2019 on the consent agenda at the request of staff. Close the Public Hearing and approve the consent agenda.– J. Schissler 1st; C. Kenny – 2nd Vote: 11 -0 [A. De Hoyos Hart and P. Seeger absent.]

March 12, 2019 – Postponed to April 23, 2019 on the consent agenda at the request of staff. Close the Public Hearing and approve the consent agenda.– P. Seeger 1st; K. McGraw – 2nd Vote: 12 -0 [A. De Hoyos Hart absent.]

April 23, 2019 – Postponed to May 14, 2019 on the consent agenda at the request of staff. Close the Public Hearing and approve the consent agenda.– J. Schissler 1st; C. Kenny – 2nd Vote: 11 -0 [J. Shieh and P. Seeger absent.]

STAFF RECOMMENDATION: Not recommend Mixed Use future land use designation

BASIS FOR STAFF’S RECOMMENDATION: (1) The East Riverside Oltorf Combined Neighborhood Plan supports commercial and industrial uses along East Oltorf, and no more new multi-family housing being constructed in the planning area; (2) The property is located within a Job Center, as identified on the Growth Concept Map, which per Imagine Austin, is intended to accommodate those businesses not well-suited for residential or environmentally- sensitive areas. ‘Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics’; (3) The property abuts a chip manufacturing facility and a hazardous waste pipeline easement, which makes the property unsuitable for a residential use; and (4) The property is triangular in shape and located along a curve, which could present a traffic hazard for a high density multifamily project.

Below are text and policies taken from the East Riverside/Oltorf Combined Neighborhood Plan that are applicable to the applicant’s request.

Land Use

Taken from the East Oltorf Combined Neighborhood Plan:

Because of these facts, the Advisory Committee believes that the following planning principles and guidelines be applied to all proposed development and redevelopment within the East Riverside/Oltorf Combined Neighborhood Planning Area. **Pgs. 26 and 27**

- “First, do no harm”, i.e. no rezoning for rezoning’s sake. A zoning change affects the property owner, adjacent properties and property owners, and the City. Any change in zoning should be able to demonstrate the benefits of the change to the community.
- Preserve single-family homes and the character and assets of our traditional neighborhoods. Protect them from further encroachment from non-compatible and/or higher intensity uses by always providing a buffer equal to or greater than the existing buffer.
- Address the problems of current density before creating opportunities for additional growth and increased density.
- Devote time, money and resources to professional, comprehensive planning efforts for the E. Riverside Drive, Lakeshore Blvd., and Oltorf Street corridors with attention to traffic congestion, design standard parameters, compatibility with adjacent residential areas, pedestrian and bicycle access and public transit.

Goal 2 Increase home ownership opportunities that are compatible with surrounding properties. P. 30

Obj 2.1 Apply zoning tools or options in specified areas that promote housing types which are traditionally owner-occupied.

Obj. 4.2 Offer diverse commercial and office types to serve the retail and professional service needs in the community.

R32 Maintain opportunities for office uses on major corridors (NPZD; Neighborhood).

R33 Preserve locations with viable commercial uses such as Oltorf Street and the north side of Riverside Drive between Parker Lane and Pleasant Valley Road (NPZD; Neighborhood).

Goal 8: Provide affordable rental housing opportunities through the redevelopment of existing multifamily developments. Pgs 45 - 46

Obj. 8.1 Apply redevelopment tools that encourage provisions for affordable home rental. These redevelopment recommendations apply only to the following specific existing developments:

R107 Allow existing multi-family developments listed above not located in the 100 year flood plain to be rebuilt at the same height in stories, number of units, and building footprint provided that they meet S.M.A.R.T. Housing technical standards for accessibility, Green Building and Transit- oriented design; and meet the sprinkler requirements of the 2003 International Building Code if at least 10% of the units are “reasonably priced” (i.e. rent to households at or below 80% Median Family Income who spend no more than 30% of their gross income on rent and utilities).

Multifamily (Pg. 70) The combined planning area is unique in comparison to many parts of the city in that it has a dominance of multifamily development, primarily in the form of apartments. An overabundance of multifamily housing has resulted in problems related to traffic congestion, a high crime rate and inadequate infrastructure, and does not promote home ownership. Neighborhood Planning participants want to increase home ownership opportunities; more home-owning residents will enhance a sense of permanence and investment in the area. Neighborhood Planning participants desire to maintain a diverse range of housing opportunities for all stages of life and income levels as well as encourage a better housing balance.

LAND USE DESCRIPTIONS

EXISTING LAND USE 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.

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

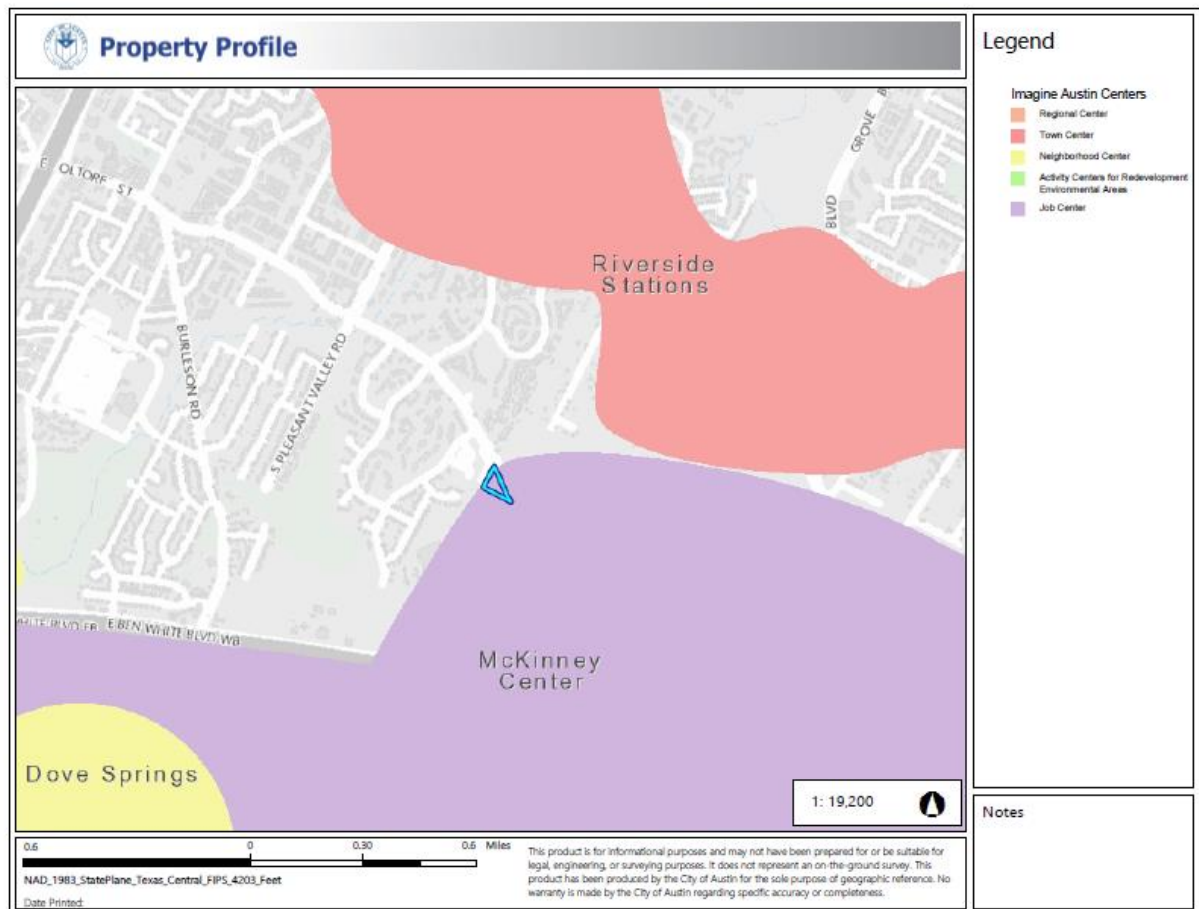
The property is located within the McKinney Center Job Center as identified on the Imagine Austin Growth Concept Map and adjacent to an industrial use (chip manufacture). Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage 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.

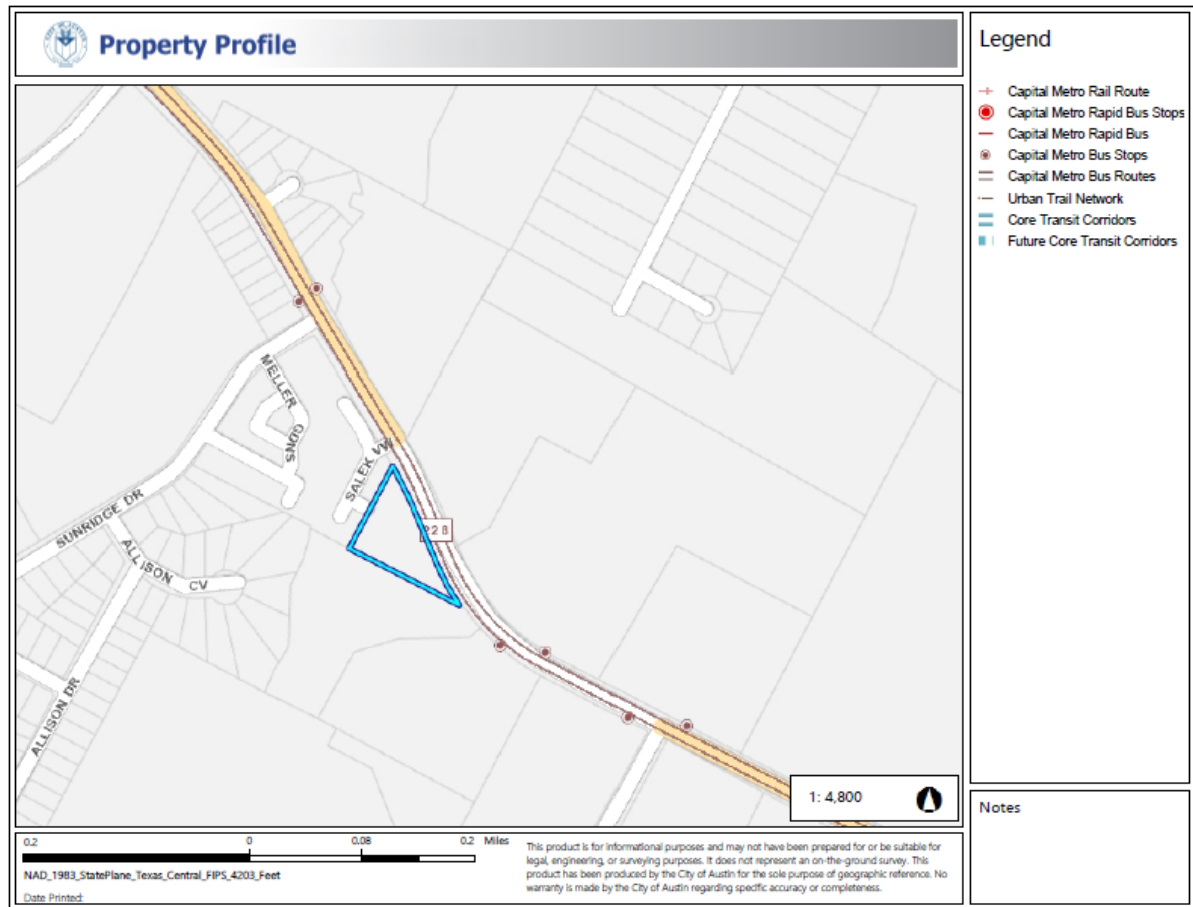
IMAGINE AUSTIN PLANNING PRINCIPLES

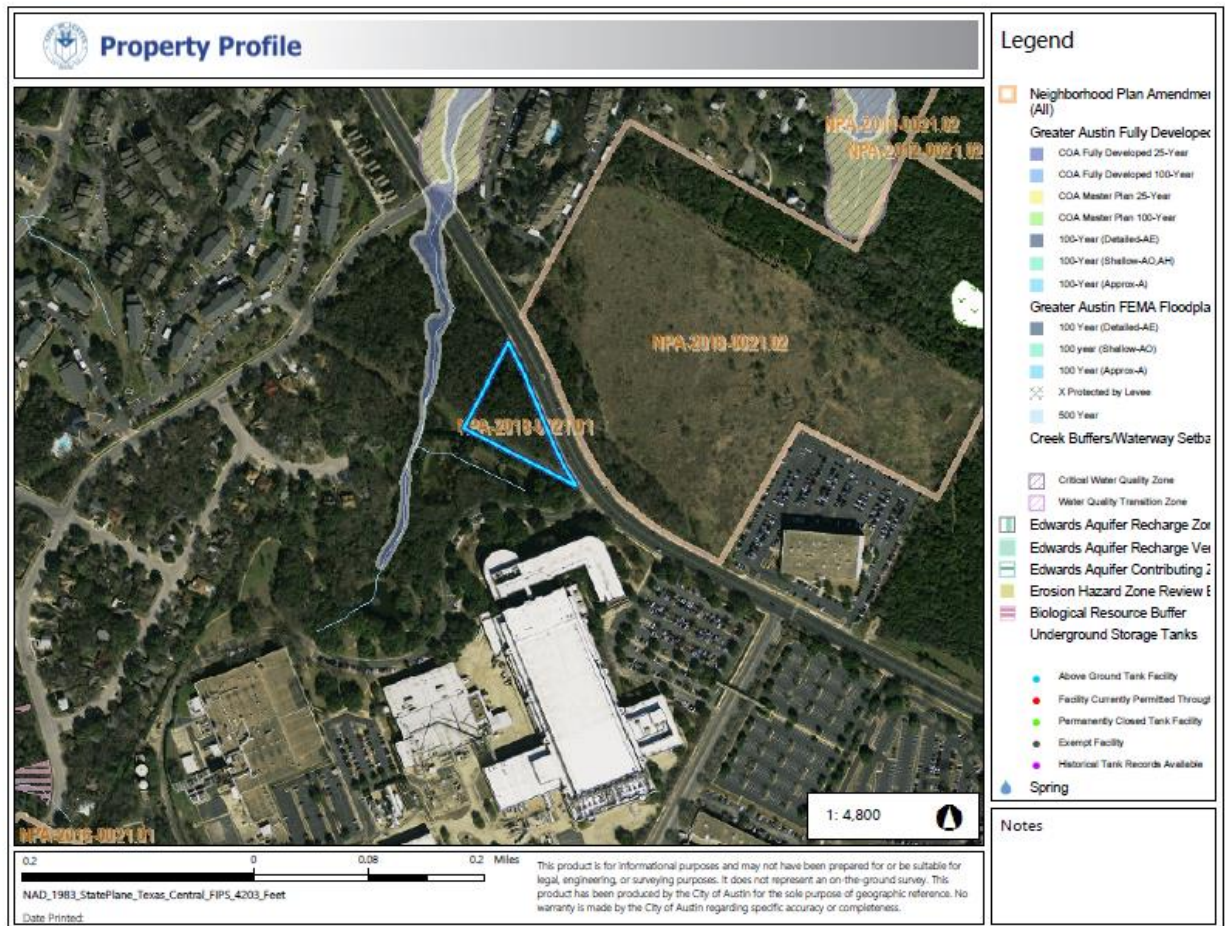
1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - The proposed multifamily would provide a mix of housing types and the property is located 200 ft. away from a Cap Metro Transit stop and bike lanes are located on both sides of Oltorf Street. Public sidewalks are also located along both sides of the street. Retail and commercial uses are limited in this area. The property also abuts a hazards pipeline and a chip manufacturing facility, which includes hazardous waste, which includes cancer causing chemicals. It is also located within the boundaries of a Job Center, which is not suitable for residential uses.

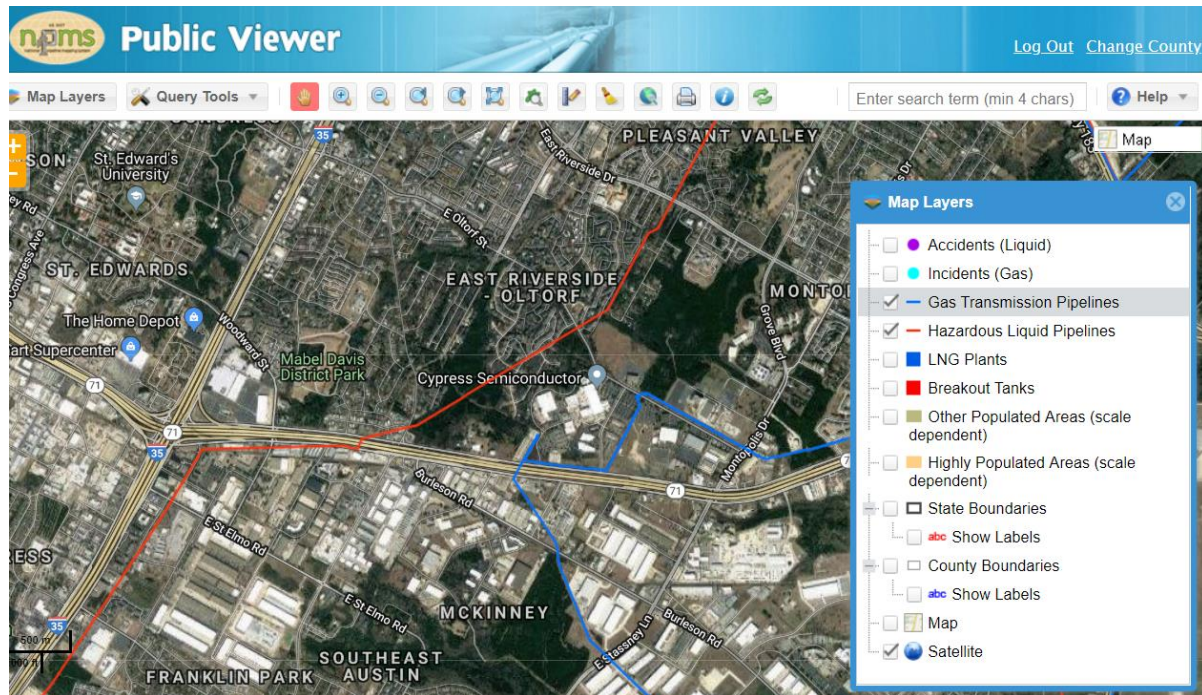
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
 - The property is located 200 ft. from a CapMetro Transit stop, and bike lanes and a public sidewalks are located along both sides of East Oltorf Street.
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 within the McKinney Job Center, as identified on the Imagine Austin Growth Concept Map, which is intended for industrial and some commercial uses but not residential uses.
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - The proposed project would offer more market rate multifamily housing, which is not intended to be located in a Job Center. A Job Center is intended for Industrial and some commercial uses.
5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - The property is abutting an industrial manufacturer to the south (Cypress Semiconductor), and residential uses, which are located to the northwest. The proposed residential use does not seem to be appropriate because it is next to a hazardous pipeline and an industrial use and within a Job Center.
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.
 - *Not applicable*
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.
 - *Not applicable*
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.
 - *Not applicable*

Imagine Austin Growth Concept Centers and Corridor Map

Cap Metro Transit Stop Map

FEMA Flood Plain and Aquifer Map

Hazardous Liquid Pipeline and Gas Transmission Line Map**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 plan amendment application was filed on July 31, 2017, which is in-cycle for neighborhood planning area located on the east side of I.H—35.

The applicant proposes to change the future land use map (FLUM) from Commercial to Mixed lane use category to construct a 190-unit multifamily apartment complex. The existing zoning is GR-CO-NP. The applicant's agent said the proposed zoning would be CS-MU-NP.

PUBLIC MEETINGS: The ordinance required community meeting was held on October 29, 2018. Approximately 616 community meeting notices were mailed to people who have an Austin utility account or owner property within 500 feet of the subject property, in addition to neighborhood organizations and environmental groups who requested notification on the Community Registry for this area. Nineteen people attended the meeting, including one staff member, and two other staff members observed (Greg Guernsey and Mark Walters), and the applicant's agent, Ferris Clement. Trey Salinas and John Adams, who were also the developers representatives also attended this meeting and offered comments.

This community meeting began at 7:15 PM. Ms. Fox gave a brief introduction on tonight's meeting and explained the neighborhood plan amendment process and the proposed future land use map amendment. The request is to amend the EROC Future Land Use Map from Commercial to Mixed Use to build a 90 unit residential project. She explained that the site was approximately 1.6 acres in size.

Ferris Clements stated that the project was a request for mixed use to build a residential project with possible retail options on the ground floor. And instead of 90 units, the developer was looking to build up to 190 units and have a conditional overlay cap of no more than 2,000 trips per day. The zoning would allow them to go up to 60 ft.

Audience Question: How can you fit 190 units on a 1.6 acre parcel?

Ferris C: We will work with an engineer and see what we could fit on the site.

Audience Question: In terms of the Transportation Impact Assessment (TIA), would they be looking at the two tracts together?

Ferris C: The City would not be looking at the two tracts together, as they are completely separate zoning/neighborhood plan applications.

Audience Question: How much impervious surface coverage is allowed under GR versus GR-MU?

Ferris C: Its 90 percent for GR and 95 percent for GR-MU.

Audience Comment: Why did you amend the request from GR to GR-MU then to GR to CS-MU?

Ferris C.: Both permit a building to be up to 60 ft. tall.

Jan Long, EROC Contact Team Chair: The FAR (floor area ratio) for GR-MU is 1:1, while the FAR for CS-MU is 2:1

(Staff Note: CS-MU also allows more land uses than GR-MU)

Audience Question: Are you aware of the high pressure gas transmission located along the rear of the property?

Ferris C.: We are aware of this transmission line.

Audience Comment: A man said that currently there are other Conditional Overlays on the property, one of which does not allow for late night commercial activities. The neighborhood does not want any late night activities, like convenience stores, bars or restaurants located on the site. Will you be removing these conditional overlays?

Kathleen Fox explained that interested stakeholders in the neighborhood needed to attend the Planning Commission and City Council, and keep in touch with the Zoning Planner to check if the existing conditional overlays would be kept or removed. She also recommended filling out the comment section of the zoning and NPA notice and mailing it back to the zoning and plan amendment planners regarding their desire to keep the existing conditional overlays in place.

Audience Question: When do you expect to break ground on the site?

Trey Salinas: We are expecting to get the zoning cleared from January 2019 to June 2019.

Audience Question: What about hazardous chemicals at the computer chip factory?

Trey Salinas explained that residential uses are required to be 500 ft. from chemicals and water that produce computer chips. He explained that in the past, water used in the production of computer chips was not treated onsite and used to be sent downstream to the water treatment facility. The water from computer chip manufactures then had to be heavily treated at the water treatment plant, which had to be filtered and cleaned and this cost was born by other customers and not the chip manufactures. Regulations were now in place that required computer chip manufactures bear this cost and they had to treat the waste water they used at chip plants onsite before they sent water downstream to the public water treatment facility.

Audience Question: Could you give us a multifamily project that has the same density of this proposed 190 multifamily project?

John Adams: AMLI on South Shore.

Audience Question: What are the amenities available to the residents? Will there be any outdoor greenspace?

Ferris C.: They are only at the initial design stage so nothing has been decided yet.

Audience Question: Is this property near the critical water zone?

Ferris C.: They are not near any of them.

Audience Comment: The stated that they did not think the developer could fit 190 residential units on this site.

Trey Salinas: He agreed that the siting within the project to fit 190 units would challenging not only because the property was triangular in shape but of because of the gas transmission line located along the edge of the property, which had required setback requirements and other safety requirements.

Audience Comment: They stated that providing parking for 190 units would also be an issue.

Trey Salinas Comment: If anyone has any question and to keep the dialogue going throughout this process, he encouraged the neighborhood to contact him, Ferris Clement, or Jim Adams. This information was provided at the meeting:

Trey Salina at Phone: (512) 925-1688

Jim Adams at (512) 435-2337 and Ferris Clements at (512) 435-2300

Audience Comment: They wanted the developer to keep the existing conditional overlay on the site. The meeting adjourned at 7:45 PM.

CITY COUNCIL DATE: **May 23, 2019**

Applicant Summary Letter from
Application

Planning Commission hearing: May 14, 2019

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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July 10, 2018

Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, TX 78704

Re: Rezoning of 5101 E. Oltorf Street (1.63 acre) (the "Application")

Dear Mr. Guernsey:

This firm represents and this letter is submitted on behalf of the Applicant for the above referenced Application. The area to be rezoned is comprised of a 1.63 acre tract of land located at 5101 E. Oltorf Street (the "Property"). A neighborhood plan amendment application is being submitted concurrently with the zoning request. The property is in the East Riverside/Oltorf Combined Neighborhood Plan for Parker Lane. This neighborhood plan designates the Future Land Use Map ("FLUM") for the Property as Commercial. The request is to change the FLUM for the Property from Commercial to Mixed Use.

The Property is zoned Community Commercial – Conditional Overlay – Neighborhood Plan (GR-CO-NP) and is currently vacant. The request is to rezone the Properties from GR-CO-NP to Community Commercial – Mixed Use – Conditional Overlay – Neighborhood Plan (GR-MU-CO-NP) to allow for residential units. The proposed project would be requesting access to E. Oltorf Street.

A Traffic Impact Analysis (TIA) has been waived since the proposed project will not exceed the allowable threshold established in the Land Development Code. The TIA Determination signed by Amber Mitchell on July 5, 2018 is included in the submittal package.

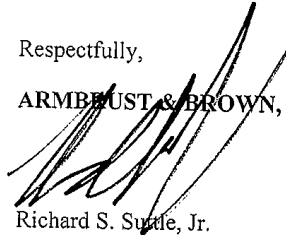
Thank you in advance for your time and consideration of this zoning request. If you have any questions or need additional information, please do not hesitate to contact me at (512) 435-2300.

{W0820113.1}

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Page 2

Respectfully,

ARMBRUST & BROWN, PLLC

A handwritten signature in black ink, appearing to read 'R. Suttle, Jr.', is written over the printed name of the firm.

Richard S. Suttle, Jr.

cc: Andrew Moore, City of Austin
G. Ferris Clements, Armbrust & Brown
J. Vaughn Brock, Charitable Holdings II

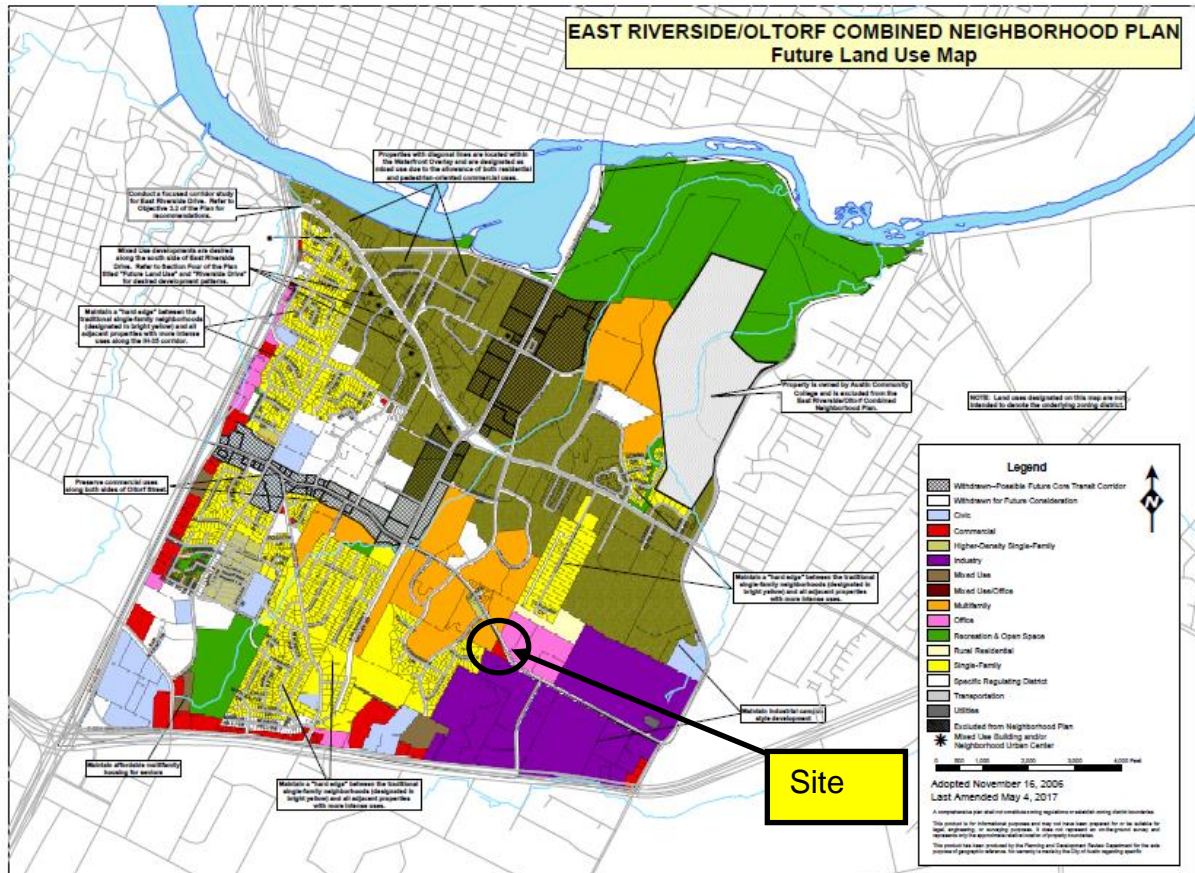
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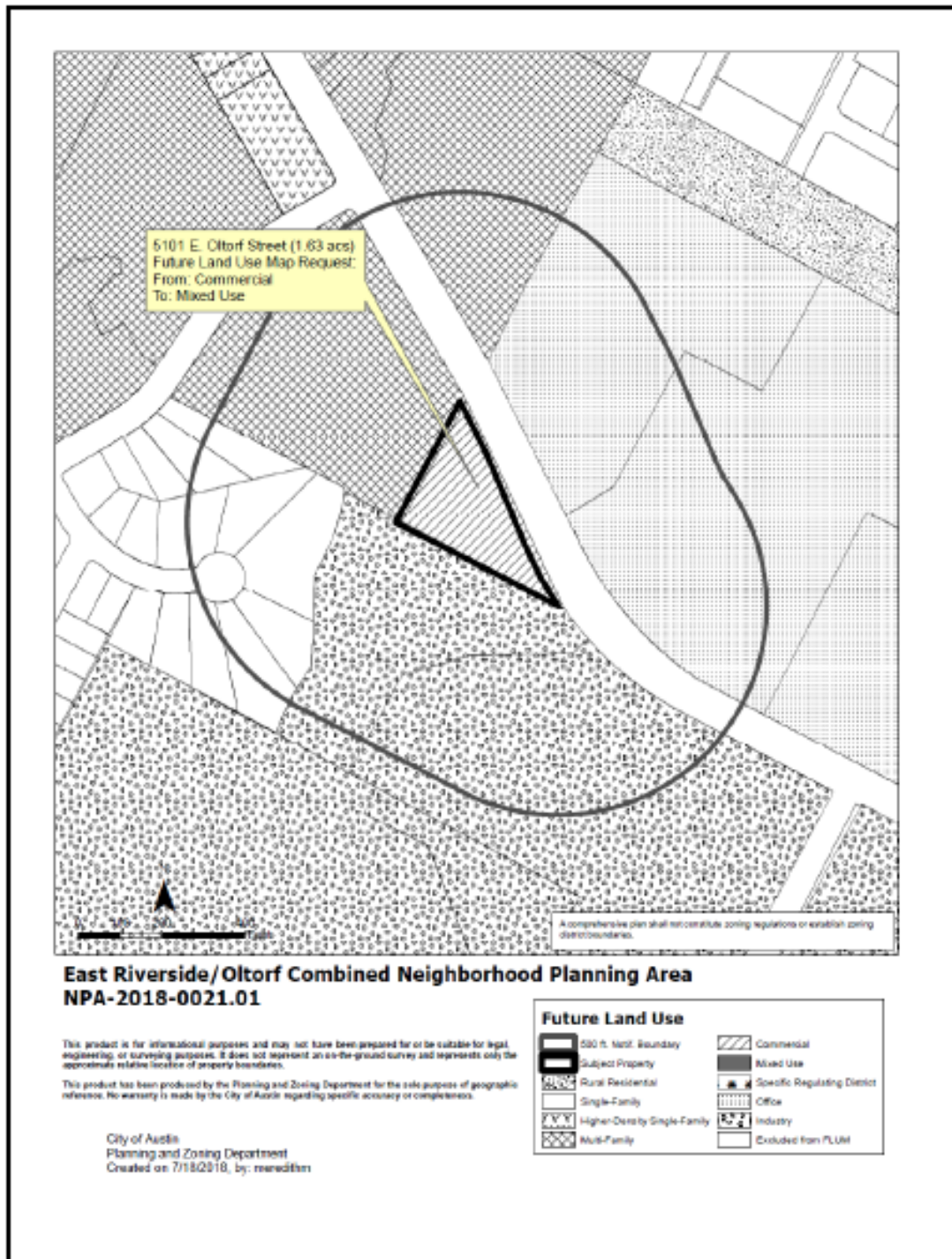
Letter of Recommendation from the Neighborhood Plan
Contact Team (NPCT)

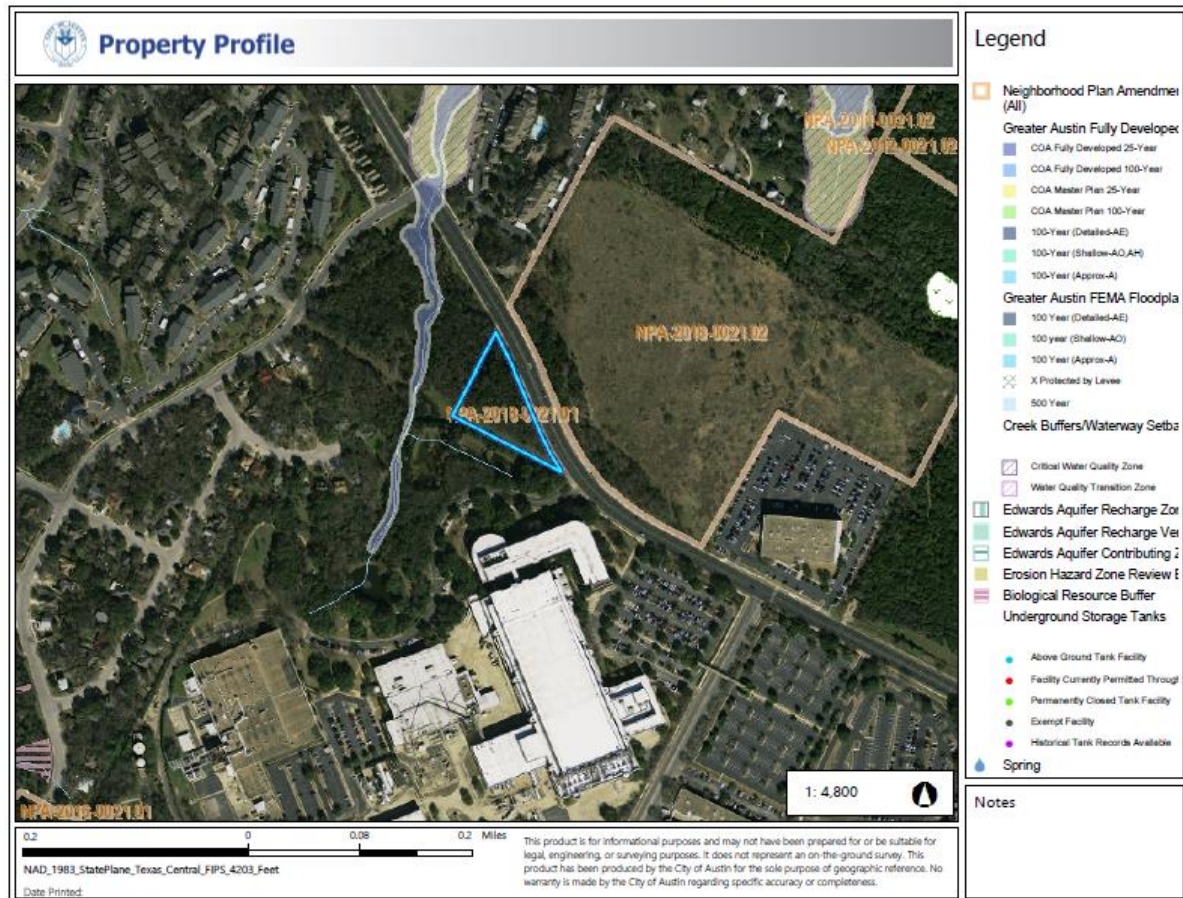
The contact team did not submit a Letter of Recommendation on the date of the report submittal.

Letter of Recommendation from Neighborhood
Association(s)

No letters were received on the date of the report submittal. EROC Contact Team President was informed of deadlines and new Planning Commission hearing date on May 14, 2019







(Insert Emails/Letters from Citizens received)

No letters or emails in favor or against this request were received by staff.