

Mr. Rivera,

Attached please find a letter in opposition to Item 11 on tonight's agenda - C14-2018-0155 (3303 Manor Road; District 1).

Please distribute this correspondence to the Commission members at your earliest opportunity. I plan to attend tonight's meeting to address these issues and answer any questions the Commission may have.

Let me know if you have any questions.

Best,

Matt Tynan

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Matthew W. Tynan

Attorney & Counselor at Law

1801 East 51st Street

Suite 365-105

Austin, Texas 78723

Phone (512) 923-7112

September 24, 2019

VIA EMAIL: andrew.rivera@austintexas.gov

City of Austin
Planning Commission
ATTN: Andrew Rivera
124 8th St., Third floor
Austin, 78701

**Subject: C14-2018-0155 (3303 Manor Road; District 1)
Item #11 on the 9/24/19 Agenda (Rezoning)**

Members of the Planning Commission for the City of Austin:

This correspondence is submitted with regard to the above-referenced case involving the requested rezoning of properties located at 3303 Manor Road, 2205 Tillery Street, and 2205 Tillery Street.

Background:

The scope of the requested rezoning involves two (2) separate parcels, with three (3) individual zoning designations, at the southeast corner of the intersection of Manor Road and Tillery Street. The whole of the property considered encompasses 2.882 acres and borders single-family homes within the J.J. Seabrook Neighborhood. The property was last used by a landscaping company and is generally undeveloped.

Request:

The owner is requesting that each of the parcels be granted the same zoning designation, and that this collective designation be changed to CS-MU-V-CO-NP from the current designations of CS-V-CO-NP, CS-CO-NP and SF-3. The applicant has indicated that their sole plan is to obtain a zoning classification that would permit the construction of 150 residential units on the property.

City Staff Recommendation:

Staff has presented this commission with a recommendation in support of rezoning. In support of this position staff has offered the following:

- a) The rezoning is necessary to support residential use;
- b) The rezoning would create a transition from commercial properties to the single family residences in the J.J. Seabrook Neighborhood;
- c) The completed traffic analysis provided more detail by examining all properties and found the proposed rezoning appropriate;
- d) Rezoning provides equal treatment of similarly situated properties; and
- e) The rezoning is necessary to allow for reasonable use of the property.

Issues:

The recommendation presented to this Commission is predicated on inaccurate and incomplete information. Staff's recommendation is errant, or, at minimum, premature based on the information available and the analysis performed.

1. It is not clear that the zoning change is required for residential use of the property.

The applicant and Staff have claimed that no residential use is permitted on the property under the current zoning (apart from the sliver of property zoned SF-3 that encompasses the creek and creek floodplain on the eastern portion of the combined property). This conclusion appears to be inaccurate. The largest section of the property is zoned CS-V-CO-NP. The "CS" commercial designation is modified by the "V" with allows for the development of a Vertical Mixed-Use structure. Specifically, the currently controlling zoning ordinance (Ord. 021107-Z-12c) expressly allows the construction of a neighborhood mixed use building special use in accordance with Sections 25-2-1502 through 25-2-1504 of the City Code. This designation was modified to add the option of "Vertical Mixed Use" on a portion of the property in 2008 (Ord. 20080320-048). Perhaps most telling here is that the property immediately adjacent to the subject property is zoned CS-V-CO-NP and has been approved by City Staff for the construction of (at least) 114 residential units with any necessity of rezoning (See Case # SP-2019-0220C). Based on the foregoing, Staff needs to provide additional details as to existing potential for residential use of the property. If the rezoning would simply permit more residential use, an easier administrative/review process, or a more profitable development then that should be stated clearly.

2. Development of the subject property into a large residential development does not serve as a transition into a neighborhood of single-family homes.

Stepped-down mixed-use developments can often serve as a functional transition between commercial and residential zones. However, overuse of "transition" developments is often to blame for overrunning and displacing both uses between which they are intending to create a buffer. The primary culprit for this overuse is a failure of foresight and comprehensive planning on a neighborhood scale. Staff believes that this proposed rezoning will facilitate a transition development between the commercial uses of Manor Road and the single-family residences in the J.J. Seabrook Neighborhood. This is a disingenuous suggestion. The proposed size of the residential development on this rezoned property – in such close geographic proximity to the single-family homes – will serve as a disruption, not a transition. The displacing force of large residential developments on single-family neighborhoods has been seen all over East Austin and this "wedge" would be no different. In concept, a transitional multifamily development on this property would be limited and discrete – facilitating a significantly smaller number of units, on a smaller scale, and of a house type that more properly blends with the existing neighborhood (duplexes, townhomes, garden homes). In addition, Staff's approval and encouragement of a large apartment complex immediately to the west of the subject property further undercuts the need for another "transition" property. The subject property is now located between a single-family neighborhood and a multifamily development and any benefit of buffering between traditionally incompatible uses has been all but eliminated.

3. The traffic analysis performed in support of this rezoning is inaccurate and insufficient.

As part of the recommendation provided to this Commission by Staff a Neighborhood Traffic Analysis was performed (See Exhibit D). This analysis is rife with errors and derives support from too many unsupported assumptions. At the outset, the analysis is performed with the sole assumption (as provided by the applicant) that the property will ONLY be used for 150 multifamily dwelling units. There is no restriction in the proposed zoning change that would restrict development to this category or intensity. The

determination of trip generation – the cornerstone of a determination whether a zoning should be denied for exceeding desirable conditions – is only based on the applicant-supplied suggestion. A proper analysis should consider the maximum amount of development that could result from the zoning change – in terms of maximum trip generation – to accurately evaluate the potential impact on existing traffic and road infrastructure. The analysis goes on to accept another condition proposed by the applicant – access from either Manor Road or Tillery Street. Based on distances from intersections, bridge infrastructure, topography, proximity to other property entrances and traffic signals, and the unavailability of a dedicated turn lane, a cursory examination of this split access would reveal that ingress/egress from Manor Road is virtually impossible under existing rules and regulations. As a result, the whole of the trip count should be analyzed from Tillery Street access alone. This proper examination would show estimated traffic increases that far exceed any desirable daily volume on a neighborhood street. While the inaccurate analysis does show that the desirable volume would be slightly exceeded and require some mitigation, an accurate analysis would reveal to true impact of potential development resulting from the proposed rezoning and make clear the incompatibility of such a large residential development. Further dissolving any viability of this analysis, there is no consideration given to the residential development (114 unit minimum) that has been approved immediately adjacent to the subject property.

Conclusions:

Based on the information available and the analysis performed thus far, **I am opposed to the requested zoning change.** I ask the Commission to vote against recommending the applicant’s request. Staff recommendation is based on incomplete and questionable information. Nothing provided makes it clear that this rezoning is necessary to achieve equal treatment of similar properties. Nor has it been established that that the zoning change is required for reasonable use of the subject property. Questions remain unanswered as to the existing potential for any residential use of the property. The proposed function of a transition development is made superfluous by the approval of plans for an adjacent development to serve the same purpose. The provided traffic analysis relies on inaccurate assumptions supplied by the applicant and maintains limited applicability only if the development is restricted to very specific conditions which are not included in the proposed rezoning.

The Commission is being asked to make a zoning decision based on insufficient information riddled with problems, questions, and concerns. In such a situation the Commission should refuse to recommend a zoning change. In the alternative, at minimum, the Commission should withhold determination and continue this case until a time when these issues can be sufficiently and thoroughly addressed.

Thank you for your time and attention to this matter.

Sincerely,



Matthew W. Tynan

Attorney & Counselor at Law

1801 East 51st Street

Suite 365-105

Austin, Texas 78723

Phone (512) 923-7112

Member: J.J. Seabrook Neighborhood Association

From: Gayle Borst
Sent: Tuesday, September 24, 2019 9:57 AM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Agenda item 11 zoning change request for property at Manor and Tillery - Oppose

To the Members of the Planning Commission:

As a nearby resident to the above-cited property, I would like to oppose the zoning change requested. This proposed zoning change would pose a threat to one of the several unique, perennial creeks in our watershed. I moved to the east side to be able to enjoy the natural environment and flowing creeks, but this kind of intense development is threatening my quality of life here.

Please, please say "NO" to the requested zoning change.

Please read this into the record.

Most sincerely,
Gayle Borst
1604 Deloney St
Austin, TX 78721

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Gayle Borst
Stewardship, Inc.
512-478-9033 (office)
512-350-0001 (mobile)
www.StewardshipArchitecture.com

"Imagination is more important than knowledge" – Albert Einstein

From: Lauren Stanley <
Sent: Tuesday, September 24, 2019 9:09 AM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Case #C14-2018-0155 - comments

Good morning Mr. Rivera,

I am attaching a comment letter regarding Case # C14-2018-0155, at 3303 Manor Rd.

It is unlikely, with evening commitments, I'll be able to attend this evening's commission hearing. We will have a few folks from our neighborhood present however. I hope this letter is shared amongst all members of the commission.

Thank you very much,
Lauren

—
Lauren Woodward Stanley, AIA

STANLEY STUDIO
www.larsstanley.com
P 512.445.0444

Sept. 24, 2019
Re: Case # C14-2018-0155

To the Planning Commission,

I am writing with respect to the requested zoning change for the combined parcels at Manor Rd. and Tillery Rd.

I am a 15-year property owner and resident of JJ Seabrook neighborhood and a practicing architect. At the local level, I guided the EM Franklin Green Street (COA neighborhood partnering project) from concept to fruition, contributed to the Pershing Greenbelt restoration and urban trail, and participate yearly in greenbelt and street cleanups. I have been an officer/member of the contact team and the neighborhood association.

The JJ Seabrook neighborhood envisions a future livability that entails, among other things, the use and preservation of our green spaces and creeks.

Compact and Connected is a core principle of Imagine Austin. Less touted, but fundamental to our character as a city, is the principle that calls for **Integrating nature into the city**.

While we all recognize that Austin is growing and struggling to manage its growth, it is critical not to lose sight of how exactly we do it. We need to give close attention to how and where we develop, **on a site by site basis**, or we run the risk of trampling the quality of life we seek to maintain.

The combined property in question is on a semi-wooded piece of land that slopes to Tannehill Branch 1, a spring-fed creek that continues into the Pershing Greenbelt, a park land that Watershed, Public Works , and Transportation, along with neighbors, labored hard to improve and restore. It is a gem. The applicant property, just upstream, is in a unique position to make a positive contribution to its health, to the **health of local residents**, and to the health of a part of the city that will take on a major chunk of its growth. It is not an appropriate property to up-zone to any use that allows significant impervious cover and impacts from dense development that threaten this urban riparian area.

The city needs to feather in its green as it grows. Our resilience as a city depends on it. We must be as discerning as we can to find those spots, those urban glens, which can be interspersed and protected amongst the urban infill. This is one of those places.

I urge the Commission **not to approve the zoning change request**.

Sincerely,

Lauren Woodward Stanley, AIA

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

From: Lars Stanley <

Sent: Tuesday, September 24, 2019 8:16 AM

To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Cc: Roger Taylor Jr Dan Daniel <

Subject: Re: Agenda item 11 zoning change request for property at Manor and Tillery- case # C14-2018-0155

Please see my input below related to case number C14-2018-0155. Please convey to Planning Commission and the record.

Thanks.

Lars Stanley

Sent from my iPhone

> On Sep 24, 2019, at 8:09 AM, Lars Stanley < wrote:

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> Dear Planning Commission:

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> I am opposed to this zoning change request. This property includes a spring fed creek and is a headwater watershed and natural green belt that deserves to be protected as much as possible.

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> The natural riparian creek area on this property feeds directly into the JJ Seabrook Park which was restored by collaborative effort of the members of the JJ Seabrook Neighbored Assoc. as well as the Watershed Dept. , Parks and Recreation Department, and Public Works Department and completed about 3 years ago. Intense commercial development on this upstream property would negatively impact these previous efforts by many people downstream.

>

> "No" to the zoning change request - development should not destroy these delicate and important watersheds.

>

> Please read this into the record.

>

> Thanks ,

> Lars Stanley, FAIA

> 1901 EM Franklin

> Austin, TX 78723

From: Lars Stanle

Sent: Tuesday, September 24, 2019 8:10 AM

To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Cc: lars <Roger Taylor Jr < | Dan Daniel >
Subject: Agenda item 11 zoning change request for property at Manor and Tillery

Dear Planning Commission:

I am opposed to this zoning change request. This property includes a spring fed creek and is a headwater watershed and natural green belt that deserves to be protected as much as possible.

The natural riparian creek area on this property feeds directly into the JJ Seabrook Park which was restored by collaborative effort of the members of the JJ Seabrook Neighbored Assoc. as well as the Watershed Dept. , Parks and Recreation Department, and Public Works Department and completed about 3 years ago. Intense commercial development on this upstream property would negatively impact these previous efforts by many people downstream.

“No” to the zoning change request - development should not destroy these delicate and important watersheds.

Please read this into the record.

Thanks ,
Lars Stanley, FAIA
1901 EM Franklin
Austin, TX 78723