

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0010 – Project Mirabeau

DISTRICT: 9

ZONING FROM: LR-CO-NP

TO: CS-CO-NP

ADDRESS: 1901 North Lamar Boulevard

SITE AREA: 0.51 acres (22,216 sq. ft.)

PROPERTY OWNER:

Tempe Surf, LLC (Andrew Geller, Manager)

AGENT:

Thrower Design, (A. Ron Thrower and Victoria Haase) (512) 476-4456

CASE MANAGER Mark Graham (512-974-3574, mark.graham@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant neighborhood commercial – conditional overlay – neighborhood plan (LR-CO-NP) combining district zoning. The CO is for the following:

- A. No vehicular access from the site to Lamar and access to the site shall be from other adjacent street or through adjacent site;
- B. Maximum building height is 30 feet.
- C. Maximum building height is two stories.
- D. Prohibited uses: Consumer Convenience Services, consumer repair services, food sales, off-site accessory parking, personal services, pet services, restaurant (limited), service station; and
- E. Conditional Uses: food sales, restaurant (general);
- F. Drive-in service use is prohibited as an accessory use to commercial uses.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 25, 2021

CITY COUNCIL ACTION:

July 29, 2021

ORDINANCE NUMBER:

ISSUES

Some of the conditional overlays are carried forward from previous zoning cases and reflect agreements between the applicants and neighborhoods. The provision limiting vehicle trips is no longer included in conditional overlays. The list of prohibited uses below is acceptable to staff. Two of the uses previously included were removed. One of the uses, Alternative Financial Services, would not be allowed at this location based on distancing requirements from residential zones. Another use that the Applicant proposed to prohibit, guidance services, is a use that the City refrains from prohibiting based on advice from the Law Department. Neither of these uses are listed in B, (prohibited uses), even though the applicant and neighborhood agreed to list them. Items C. and D. below were carried forward from the previous zoning case.

- A. No vehicular access from the site to Lamar and access to the site shall be from other adjacent street or through adjacent site;
- B. Prohibited uses: Consumer Convenience Services, consumer repair services, food sales, off-site accessory parking, personal services, pet services, restaurant (limited), service station; and
- C. Conditional Uses: food sales, restaurant (general);
- D. Drive-in service use is prohibited as an accessory use to commercial uses.

The Applicant and the neighborhoods negotiated and agreed to include some provisions that are more restrictive than the requirements in the base zone district. These conditions will also be included in the conditional overlay (CO) at their request.

- E. Maximum building height is 30 feet
- F. Maximum building height is two stories

Issues mentioned in calls and emails

- Neighborhood concerns about noise, odors, hours of operation and the proposed increase in the intensity of use and variety of uses permitted by the proposed CS zone district.
- Neighbors specifically mentioned not wanting rooftop uses. They are associated with noise from people, amplified sound, smoking and other impacts.

Location and Context

The rezoning tract is in the West University portion of the Central Austin Combined Neighborhood Plan. The land use on the Future Land Use Map (FLUM) is Commercial and a Neighborhood Plan Amendment is **not required** for the requested zoning change.

The 0.51-acre (22,216 square feet) rezoning tract is located on the north side of West Martin Luther King, Jr. Boulevard (MLK) at the intersection with North Lamar Boulevard (Lamar), addressed as 1901 N. Lamar Boulevard. The tract is a corner lot on the east side of Lamar and developed with a one-story office building (estimated 7,500 sq. ft.) and surface parking.

1997 Rezoning: Office to Commercial

Prior to 1997, the tract was zoned for limited office (LO) uses. It was rezoned in 1997 (Ordinance No. 970904-L) to neighborhood commercial-conditional overlay (LR-CO) combining district. Dreyfus Antiques occupied the building from 1998 to about 2011.

There were four conditions in the conditional overlay of the 1997 Rezoning case:

1. Site uses must generate less than 2000 daily vehicle trips.
2. No direct vehicle access to Lamar Blvd.
3. 10 Prohibited uses: consumer convenience services, consumer repair services, financial services, food sales, guidance services, off-site accessory parking, personal services, pet services, restaurant (limited) and service station.
4. Restaurant (drive-in, fast-food) use and small plant nursery use are conditional uses.

2004 Rezoning: West University NP

The West University Neighborhood Plan (*Case #C14-04-0021*) was adopted by City Council in 2004 (*Ord. #20040826-057*) as 1 of 3 plans that make up the Central Austin Combined Neighborhood Plan. This rezoning added NP to the zoning string of “Tract 41,” LR-CO-NP. The Ordinance lists the same prohibited uses that were adopted in the 1997 rezoning.

2011 Rezoning: Adds Two Conditional Uses & Public Restrictive Covenant

The tract was rezoned again in 2011. (*C14-2011-0100*). Applicant requested a change from neighborhood commercial (LR) to community commercial (GR) base zoning. The application was subsequently modified to LR-CO-NP with modifications of the conditions. The rezoning added two conditions related to the building: maximum height 30 feet; maximum two stories. It also added two conditional uses to the entitlement: Food sales and Restaurant (general). In addition, a Public Restrictive Covenant (RC) was adopted (*C14-2011-0100, 20111110-094*) which relates to handling food waste, hours of trash pickup and restaurant operation and prohibited rooftop activity associated with the restaurant.

Current Zoning & Conditions

The current zoning on the subject tract is neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining zone district with limits on daily vehicle trips, site access, building height limited to 30 feet and two stories, 10 prohibited uses, two conditional uses and a prohibition against drive-in service as an accessory use. (*Ord.#20111110-094*)

1. Daily vehicle trips limited to 2000;
2. No vehicular access from the site to Lamar and access to the site shall be from other adjacent street or through adjacent site;
3. Maximum building height is 30 feet.
4. Maximum building height is two stories.

5. Prohibited uses: Consumer Convenience Services, consumer repair services, food sales, alternative financial services, off-site accessory parking, personal services, pet services, restaurant (limited), service station, guidance services; and
6. Conditional Uses: food sales, restaurant (general);
7. Drive-in service use is prohibited as an accessory use to commercial uses.

Applicant's Proposed Zoning and Conditions

Applicant seeks rezoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) district zoning with 51 prohibited land uses; and 12 conditional land uses. See attached list of Prohibited Uses and Conditional Uses.

Development Standards

Changing from the existing LR base zone to the requested CS base zone changes the Site Development Regulations that apply to the land. The applicant is proposing to keep the height limit of the existing CO: (30' and 2 stories). The development standards that will increase with rezoning to CS include maximum building coverage, maximum impervious cover and maximum floor area ratio (FAR).

<i>(from 25-2-492)</i> Site Development Regulations	LR-CO-NP <i>(existing)</i>	LR	CS
Maximum height	30' or 2 stories	40' or 3 stories	60'
Maximum building coverage	50%	50%	95%
Maximum impervious cover	80%	80%	95%
Maximum floor area ratio (FAR)	0.5:1	0.5:1	2:1

CASE MANAGER COMMENTS:

Applicant is proposing an office land use in general commercial services (CS) district zoning and prohibiting 54 of the land uses from the CS zone. The CS zone development standards would permit substantially more building and impervious cover and maximum floor area ratio. The staff is **not** supporting the request.

The proposed use is primarily for the Administrative Offices for a philanthropic foundation, the Sangreal Foundation based in Austin. The proposed 30,000 square foot building may be larger than necessary for the current needs of the foundation but would allow for future expansion into the space. The requested land uses would permit building management to lease space to compatible business until the foundation requires the space.

While the proposed use, Administrative and Business Office, is permitted with the existing LR-CO-NP zoning, the proposed maximum building area, building coverage and maximum impervious cover all increase with the requested change.

Staff has reviewed the request and determined that tract size, shape, location, topography and other factors suggest that this is not a good location for the increased intensity of “commercial and industrial activities with operating characteristics or traffic service requirements generally incompatible with residential environments,” the description of CS zoning.

Topography and Access

The site slopes from the north and east down toward to the south and west. The tract is located at the bottom of the steeply graded West Martin Luther King, Jr. Blvd. (MLK) that descends from Robbins Place (about two city blocks east) before reaching North Lamar Boulevard at a “T” intersection forcing all vehicles to turn. MLK is widest at the intersection with N. Lamar to accommodate double right turn lanes, a left turn lane, a single eastbound lane, and a climbing lane for bikes. MLK and North Lamar are both depicted on the Austin Strategic Mobility Plan (ASMP) on high injury network streets.

There is an additional access point to 1901 North Lamar Blvd. on the adjacent property to the north. (*Cross access agreement exists*). There is a double yellow line painted median in this section of North Lamar Blvd. prohibiting left turns from southbound Lamar.

North Lamar Boulevard slopes from north to south along Shoal Creek. As the Creek flows south during floods it expands beyond the greenway at Pease Park, across North Lamar and onto the subject tract. The FEMA Floodplain is mapped around the existing building and the Fully Developed Floodplain map on the Property Profile tool shows the water line about 40’ into the site as measured from the property line. The west end of the existing building is within this mapped flooding area.

At the subject site, North Lamar Blvd. is **not** a Core Transit Corridor. Although Lamar is an Imagine Austin Corridor, the segment of North Lamar from West 15th Street to 29th Street has no other commercial zoning except the subject site. Public, office and residential zoning is most common. Though access to major streets is important for CS zoning, the site characteristics of the rezoning tract make it challenging to develop including lot shape, size, topography, Heritage trees, limited frontage, and periodic flooding. The single direct access point is on Martin Luther King, Jr. Boulevard and is close to the intersection which may limit turns to right in and out movements.

West University Neighborhood Plan

The rezoning site is Tract 41 in the West University Neighborhood Plan, part of the Central Austin Combined Neighborhood Plan (*Ord. # 040826-056, approved 08/26/2004*). The site is at the western edge of West University Neighborhood and lies just north of the Downtown Austin Plan, Judges Hill District, bounded by MLK Blvd.

The Future Land Use Map (FLUM) in the Central Austin Combined Neighborhood Plan (West University) shows the current use as Commercial. The proposed land use with the zoning change would be Commercial. A plan amendment is **not required**. That was the determination of the Neighborhood Planner assigned to the case. See attached letter dated January 13, 2020 from Maureen Meredith, Senior Planner

Maximum Building Area

In CS zoning with a FAR of 2:1, the applicant could build a building with twice the area of the site ($2 \times 22,216 = 44,432$ sq. ft.). With the current LR zoning and FAR of 0.5 the maximum building area is 11,108 sq. ft. The rezoning site is flanked by sites with GO base zoning with FAR of 1:1.

Restrictive Covenant

When the Conditional Uses were added to the CO in 2011, a Public Restrictive Covenant Document # 20111117812) was approved to regulate issues related to food and restaurant uses. The hours that dumpsters could be serviced, the hours the restaurant could operate, use of a roof top deck for restaurant use is prohibited, a fence was to be constructed and a heritage tree protected. There is no application with the current case to modify or terminate the RC.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The applicant's request for general commercial services (CS) base zoning with a conditional overlay (CO) of 51 prohibited uses is sought for the purpose of the development standards.

The applicant is proposing an office use. Administrative and Business Offices are a permitted use in the existing LR-CO-NP district as well as the office districts.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The adjacent use to the north is a professional office building and the adjacent use to the east is an off-site accessory parking structure which is permitted in LR and GO. The CS development regulations would allow more lot coverage and more building area than the adjacent and nearby uses.

3. *Zoning should allow for reasonable use of the property.*

Building out the LR zoned site to the limits of the LR zone is a reasonable use of the property. The applicant is asking for more building coverage, more total impervious cover and more building area than is reasonable for the location of the subject property. The rezoning tract has flood plain and this may not be a good location to increase impervious cover.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	LR-CO-NP	Bank, Mortgage Offices
North	GO-NP, SF-3-CO-NP, SF-3-H-CO-NP	Consulting Offices, detached residences

	Zoning	Land Uses
South	Across MLK Blvd. GO, Across Lamar BLVD. P	Advertising Offices, Pease Park
East	GO-MU-CO-NP	Structured Parking (5 story including roof parking), residential
West	P	Pease Park

NEIGHBORHOOD PLANNING AREA: West University Sub Area of Central Austin
Combined Neighborhood Plan, adopted August 26, 2004.

TIA: The traffic impact analysis has been waived for the following reason: The determination is deferred until site plan application, when land use and intensity will be finalized.

WATERSHED: Shoal Creek, Urban (maximum impervious cover is regulated by zone district).

Impervious Coverage, Floor Area Ratio, Height

Zone District	Building Coverage	Maximum Coverage	Floor Area Ratio	Height	Height 1901 N. Lamar LR-CO-NP
LR	50%	80%	0.5:1	40' and 3 stories	30' and 2 stories
CS	95%	95%	2:1	60'	
GO	60%	80%	1:1	60'	
GR	75%	90%	1:1	60'	

OVERLAYS: ADU Approximate Area Reduced Parking; Residential Design Standards:
LDC/25-2-Subchapter F

SCHOOLS: AISD:

Casis Elementary

O'Henry Middle

Austin High

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Bike Austin
CANPAC (Central Austin Neigh Plan Area Committee)

Caswell Heights Neighborhood Association
Central Austin Community Development Corporation
Central Austin Urbanists
Friends of Austin Neighborhoods

Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Original West University Neigh Assoc. (The)
 Preservation Austin

SELTexas
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group
 University Area Partners

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2007-0262	Rezone 20.42 ac. To add vertical mixed use building (V) to certain tracts located in the Central Austin Combined Neighborhood Planning Area. Subject property, 1901 N. Lamar Blvd. was one of three parcels in Tract 41 that were excluded from (V). (p 10 of 12 in Ord.)	To grant	Apvd. 06/11/2009 Ord.#20090611-056
C14-04-0021	Central Austin Combined Neighborhood Plan (West University).	To grant	Apvd.09/02/2004 Ord.#040902-57
C14H-2013-0007 1911 Cliff Street Cranfill-Beacham Apartments	Rezone from MF-2-CO-NP to MF-2-CO-NP-H. Part 3. Conditions: A. Maximum building height 30 feet. B. Prohibited uses: Club or lodge, Community recreation (private).	To grant	Apvd.12/12/2013 Ord.#20131212-128
C14H-2007-0013 1305 W. 22 nd Street Goff-Radkey House	Rezone from SF-3-CO-NP to SF3-H-CO-NP. Part 3 Conditions: A. Maximum building height is 30 feet. B. Prohibited uses: club or lodge, community recreation (private).	To grant	Apvd.10/18/2007 Ord.#20071018-058
C14-2010-0101 1808 Vance Circle Shoal Creek Blvd.	Rezone 0.413 ac. From SF-3 to GO	To deny	Withdrawn
C14H-06-0038 1901 Cliff Street Thomas Cranfill House	Rezone from SF-3-CO-NP to SF-3-H-CO-NP. Part 3 Conditions: A. Maximum building height is 30 feet. B. Prohibited uses: club or lodge, community recreation (private).	To grant	Apvd.10/18/2007 Ord.#20071018-057
C14-2007-0262 Bounded by 45 th , IH-35, MLK, Jr. Blvd., & Lamar Blvd.	Rezone 20.42 acres to add Vertical Mixed Use Building (V).	City initiated	Apvd. 06/11/2009 Ord.#20090611-056
C14-97-102 & C14-2011-0100 Dreyfus Antiques	Dreyfus Antiques Brocante Restrictive Covenant with City of Austin Terminated		Apvd.10/11/2011

Number	Request	Commission	City Council
C14H-05-0001 Patterson House 1908 Cliff Street	Rezone from SF-3-CO-NP to SF-3-H-CO-NP. Part 2. Conditions: 1. Maximum building height 30 feet. 2. Prohibited uses: club or lodge, community recreation (private).	To grant	Apvd. 04/14/2005 Ord.#20050414-Z004
C14H-2017-0039 Carrington Bluff on Carrington- Morrison-O'Reilly - Molesworth House	Rezone 0.3190 ac. from SF-3-CO-NP to CF-3-H-CO-NP. Part 2 Conditions: 1. Prohibited uses: Club or lodge, community recreation (private). 11701518	To grant	Apvd. 08/14/2017 Ord.# 20170803-085
C14-2011-0100 Dreyfus Rezoning	Rezone 0.51 ac from LR-CO-NP to LU-CO-NP		Apvd. 11/10/2011 Ord.#20111110-094

LEGAL DESCRIPTION:Lamar at 19th, Lot 3 OLT 13 Div E

Deed conveying property to present owner: 2011188587

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for Lamar Boulevard and Martin Luther King Jr Boulevard. Traffic impact analysis was waived, the determination is deferred until site plan application, when land use and intensity will be finalized.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Lamar Blvd	106'	94'	64'	3	Yes	Yes	Yes
Martin Luther King Jr Blvd	86'	74'	55'	3	Yes	Yes	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

This case is located on the northeast corner of North Lamar Boulevard and East Martin Luther King Boulevard on a 0.51 acre property that contains a bank. The property is located along the **North Lamar Activity Corridor** and within boundaries of the Central Austin Combined Neighborhood Planning Area (West University). Surrounding land uses includes offices and residential uses to the north; to the south is an office building; to the west is a Pease District Park; and to the east is parking garage and residential uses. The proposal is to demolish the existing building and build an office building.

Connectivity

There are public sidewalks along North Lamar Boulevard and East Martin Luther King Boulevard. A public transit stop is located less than 200 feet from the subject property.

Central Austin Combined Neighborhood Planning Area (CACNP)

The Central Austin Combined Neighborhood Plan Future Land Use Map designates the subject area as being classified as Commercial, which is intended for retail sales, services, motels/hotels, and all recreational services that are predominately privately owned and operated for profit. This FLUM category is intended to encourage employment centers, commercial activities, and other non-residential development. Zones LR, GR and CS are permitted under the Commercial FLUM category.

Imagine Austin

Based on the property being located along an Activity Corridor, which allows for commercial and office uses, this proposal supports the Imagine Austin Comprehensive Plan.

Environmental

1. The site is located over the Edwards Aquifer Verification Zone. A geologist assessment is necessary to determine the Recharge Zone boundary.
2. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
3. Zoning district impervious cover limits apply in the Urban Watershed classification.
4. According to floodplain maps there is a floodplain within the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
5. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

6. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
7. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

Parks and Recreation Department

PR1: Parkland dedication will be required for any new residential units proposed by this development, CS-MU-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. There are currently no parkland requirements for uses other than residential and hotel. The proposed use is currently office; as such, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

If the proposed development does change to include residential use, the applicants can request a determination of parkland dedication requirements in advance of site plan or subdivision applications. If desired, please contact this reviewer: thomas.rowlinson@austintexas.gov. PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

- SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP2. The site is subject to compatibility standards. Along the north property line, the following standards apply:
 - i. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- SP3. Additional design regulations will be enforced at the time a site plan is submitted.

Austin Water Utility

AW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

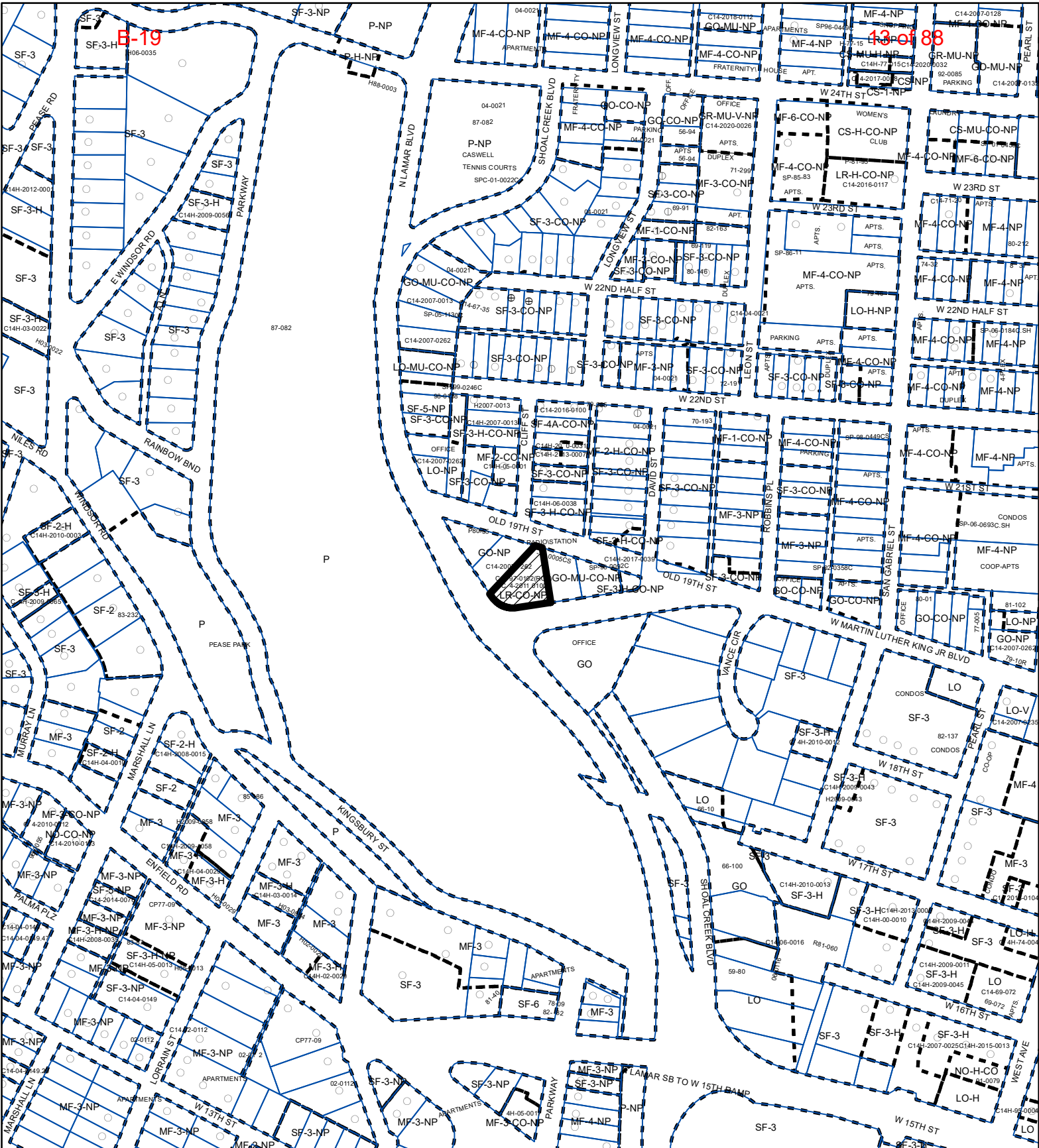
INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Applicant's List of Prohibited Uses and Conditional Uses with CS base zone

Correspondence Received



ZONING

Exhibit A

ZONING CASE#: C14-2021-0010



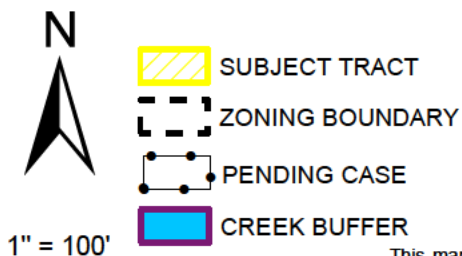
- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

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 Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

Created: 1/26/2021



Project Mirabeau

Exhibit B

ZONING CASE#: C14-2021-0010
 LOCATION: 1901 N. Lamar Blvd
 SUBJECT AREA: .51 Acres
 GRID: H23
 MANAGER: MARK GRAHAM



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Aus in regarding specific accuracy or completeness.

Project Mirabeau

Prohibited Uses

- 1 Agricultural Sales and Services
- 2 Automotive Rentals
- 3 Automotive Repair Services
- 4 Automotive Sales
- 5 Automotive Washing (of any type)
- 6 Bail Bond Services¹⁰
- 7 Building Maintenance Services
- 8 Business or Trade School
- 9 Business support Services
- 10 Campground
- 11 Commercial Blood Plasma Center
- 12 Commercial Off-Street Parking
- 13 Communications Services
- 14 Construction Sales and Services
- 15 Consumer Convenience Services
- 16 Consumer Repair Services
- 17 Convenience Storage
- 18 Drop-Off Recycling Collection Facility
- 19 Electronic Prototype Assembly¹⁵
- 20 Electronic Testing¹⁶
- 21 Equipment Repair Services
- 22 Equipment Sales
- 23 Exterminating Services
- 24 Food Preparation
- 25 Funeral Services
- 26 General Retail Sales (General)
- 27 Hospital Services (General)
- 28 Hotel-Motel
- 29 Indoor Entertainment
- 30 Indoor Sports and Recreation
- 31 Kennels
- 32 Laundry Services
- 33 Monument Retail Sales
- 34 Off-Site Accessory Parking¹⁴
- 35 Outdoor Entertainment
- 36 Outdoor Sports and Recreation
- 37 Pawn Shop Services
- 38 Pet Services
- 39 Plant Nursery
- 40 Printing and Publishing
- 41 Research Services
- 42 Restaurant (Limited)
- 43 Service Station
- 44 Theater
- 45 Vehicle Storage
- 46 Veterinary Services
- 47 Custom Manufacturing
- 48 Limited Warehousing and Distribution
- 49 Indoor Crop Production
- 50 Club or Lodge
- 51 Maintenance and Service Facilities

Rezoning Case C14-2021-0010

Conditional Uses

- 1 Alternative Financial Services (conditional)
- 2 Food Sales
- 3 Medical Offices—exceeding 5,000 sq. ft.
- 4 Personal Improvement Services
- 5 Hospital Services (limited)
- 6 Restaurant (General)
- 7 Community Recreation (Private)
- 8 Community Recreation (Public)
- 9 Congregate Living
- 10 Hospital Services (limited)
- 11 Residential Treatment
- 12 Telecommunication Tower (PC)

May 17, 2021

Dear Planning Commission Members:

We firmly object to and oppose the owner of 1901 N. Lamar's petition to change the zoning from Neighborhood Commercial Zoning [LC-CO-NP] to Commercial Services Zoning [CS-CO-NP]. Please consider the possible consequences of such a zoning change and how they will negatively impact the surrounding environment, neighborhood, and traffic patterns.

The property currently has a Conditional Overlay and Restrictive Covenants with three neighborhoods that collectively limit traffic, building height, and building usage.

What is unique about this location that needs to be preserved?

This property sits at the intersection of MLK Blvd. and Lamar Blvd. Along Lamar Blvd., from 15th Street to 29th, development has been limited on the east side of Lamar Blvd. to a handful of low-profile office buildings [low height and low sq. footage] and small residential complexes. There are no other CS zoned properties for approximately 12 blocks down Lamar Blvd. The properties surrounding this location are zoned either GO or SF, not CS.

This approach has allowed for a lush greenspace – Pease Park and Shoal Creek – to be beautifully curated by the city parks and private efforts on the west side of Lamar Blvd. **This is where our children play in the creek, ride their bikes, and play in the open field.** To allow a structure currently being petitioned for [up to 30,000 sq. ft.] is counter to what currently exists, and what should be allowed for in the future of this unique green corridor. This sets a negative trend for this increasingly rare green corridor in central Austin.

The environmental features of this property that need special care and concern.

The environmental features of this property include the following:

- a steep hill at the back [the residential neighborhood rests atop the hill];
- a Heritage Tree, estimated to be at least 325 years old;
- part of the property is in a designated flood plan.

Because of the size of the building and the increased impervious cover requested, it is of serious concern that the steep hill, identified as Del Rio Clay and Buda Limestone, will be disturbed and [almost certainly] lead to slope failure similar to those experienced nearby along Shoal Creek.

The proposed underground garage would require extensive excavation and [perhaps] dynamite; it is hard to imagine this not severely damaging the root system of the Heritage Tree.

A significant portion of this property is defined by FEMA as a “special flood hazard area” and an “area of flood hazard.” This existing designation coupled with future excavation and slope disturbance could exacerbate future flooding issues.



Beep, beep...HONK HONK...the traffic concerns.

The property owner is asking for CS zoning. According to the City of Austin Zoning Guide:

General Commercial Services District is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

This property is surrounded by three neighborhoods that already struggle with overwhelming traffic issues. The rezoning of this property will permit curb cuts, increased density, and expanded uses. All will result in increased traffic at an intersection that is already very precarious, and that increased traffic will spill into the neighborhoods in dangerous ways. As it is, we frequently contend with frustrated drivers thinking that our street – Vance Circle at the top of the previously mentioned hill – is a cut through to avoid the congested Lamar Blvd. and MLK Blvd. intersection. When they realize it is a dead end, they speed out of our street, putting our children, animals, and cars in danger. The intersection where the requested zoning change is located cannot be further exacerbated.

In conclusion, we ask **you to vote against the proposed rezoning** of 1901 N. Lamar Blvd. from Neighborhood Commercial Zoning [LR-CO-NP] to Commercial Services Zoning [CS-CO-NP].

Thank you,
Marisela and Marc Smookler
1809 Vance Cir., Austin, TX 78701

From: [Bob Ellis](#)
To: [Graham, Mark](#)
Cc: [Megan Meisenbach](#)
Subject: Opposition to proposed Zoning Change from LR-CO-NP to CS-CO-NP located at 1901 N. Lamar
Date: Monday, May 17, 2021 9:55:33 AM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am in opposition to the above referenced zoning change. Thank you in advance for your consideration.

Bob Ellis
1801 Vance Circle

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

From: [Jack Hayles](#)
To: [Graham, Mark](#)
Subject: AGAINST CHANGING ZONING AT 1901 NORTH LAMAR
Date: Sunday, May 16, 2021 9:06:49 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am reaching out to express my disapproval of the changing of the zoning at 1901 North Lamar. My name is Jackson Hayles. I live at 2414 Pearl St. Austin, TX 78705 of the Caswell Heights Neighborhood Association.

It goes against the neighborhood and puts younger adults at risk especially with the rise of homeless crime in Austin (cited by Mayor Adler and Governor Abbott among others). I am all for helping find habitable areas for the homeless, but I think West Campus is not the area. There are a lot of young adults who can not fend for themselves when attacked.

Thanks,
Jackson Hayles

--

Jack Hayles
The University of Texas at Austin, 2021
McCombs School of Business | Business Honors, Finance

615-419-8580

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From: [William Hastings](#)
To: [Graham, Mark](#)
Subject: Opposition to Proposed Zoning Change at 1901 North Lamar
Date: Sunday, May 16, 2021 6:12:42 PM

*** External Email - Exercise Caution ***

To: Austin Planning Commission

VIA EMAIL: mark.graham@austintexas.gov

I am writing as a long time neighboring home owner in opposition to the proposed zoning change at 1901 North Lamar to CS. I am all for sensible redevelopment but I believe having a project this large on such a small lot is incompatible with our neighborhood. I am also concerned about the increased traffic on an already congested North Lamar intersection. Finally, I worry about the environmental impacts such a development could potentially have on our neighborhood.

Thanks for your consideration and for your service on the Planning Commission.

Sincerely,

William D. Hastings

Caswell Heights Neighborhood Association

Member

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From: [Grady Schroer](#)
To: [Graham, Mark](#)
Subject: Zoning changes at 1901 North Lamar
Date: Saturday, May 15, 2021 6:59:58 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

My name is Grady Schroer at 2309 long view with the Caswell Heights Nieghborhood association and I am concerned with the proposed zoning changes at 1901 North Lamar.

I am concerned that this zoning change could very well impose danger and an unsafe environment on the people of the neighborhoods surrounding.

--

Graydon Schroer

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From: [Jackson Hanna](#)
To: [Graham, Mark](#)
Subject: 1901 N Lamar
Date: Saturday, May 15, 2021 4:13:48 PM

*** External Email - Exercise Caution ***

Dear Planning Commission,

The proposed project at 1901 N Lamar violates our neighborhood zoning rules and would be an extreme detriment to our community. Please reconsider building this real estate somewhere not dominated by young UT students.

Sincerely,
Jackson Hanna

Sent from my iPhone

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From: [will.hoffman](#)
To: [Graham, Mark](#)
Subject: Against Zoning at 1901 North Lamar
Date: Saturday, May 15, 2021 2:56:21 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am against changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

William Cook Hoffman
2309 Longview St.
Caswell Heights Neighborhood Association

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From: [V.R. Austin](#)
To: [Graham, Mark](#)
Subject: 1901 N Lamar
Date: Saturday, May 15, 2021 1:15:45 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members:

I would like to voice my opinion to the request to change the property at 1901 N Lamar from a LR to a CS property, I object! I live above this property at 1113 W 22 St.. I bought this property because I was assured that it is a protected neighborhood from stealth dorms and other invasive businesses that would ruin the serenity of the environment. This change in status would bring invasive businesses and encourage others along Lamar to want to change their status,too.

I object to this back door approach to destroying the covenants of the neighborhood.

John E. and Vickie R Austin
1113 22 St.
Austin, TX 78705

Sent from my iPad

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From: [Meredith Maycotte](#)
To: [Graham, Mark](#)
Subject: 1901 N. Lamar Zoning Change
Date: Saturday, May 15, 2021 9:33:04 AM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I would like to express my concern for a potential property development in my neighborhood. I am **AGAINST changing the zoning at 1901 N. Lamar to CS.**

Our neighborhood has worked hard to ensure compatibility in our area and the existing Conditional Overlay and the Private Restrictive Covenants have been agreed to and should be abided by. When a wealthy person comes in and buys up land and expects that restrictions don't apply to them, it degrades the trust between neighborhood residents, the city, and developers. Please help us prevent these unwanted changes that are being requested by someone who will never even live in our neighborhood.

Thanks for your time and consideration. We appreciate all the work you do to keep our growing city a place to attract families and residents and keep it an enjoyable place to live.

Best,
Meredith Maycotte
Caswell Heights Neighborhood Association Resident

Meredith Miles Maycotte
m#: 512.674.5207

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**Neill-Cochran House Museum**

2310 San Gabriel Street
Austin, Texas 78705-5014

May 14, 2021

City of Austin Planning Commission
c/o mark.graham@austintexas.gov

RE: 1901 N. Lamar Rezoning

Dear Planning Commission Members:

I am writing today in objection to the proposed rezoning of 1901 N. Lamar. I write both as the Executive Director of the Neill-Cochran House Museum, located just blocks from this site, and as a concerned citizen for whom the Lamar corridor and Shoal Creek watershed have been a vital artery throughout my 20+ years as an Austin resident.

I recognize that the City of Austin continues to grow, and with population growth we will continue to experience an expansion of urban density. However, such density cannot come at the expense of our regional geology. Back in 1839, Edwin Waller laid out the city with no consideration for topography. The resulting plan doomed the east side of downtown Austin to repeated flooding, the expense of which we continue to pay today. Aggressive construction within the Shoal Creek watershed will have a similarly disastrous result for central west Austin.

The property in question already has an 80% impervious cover allowance; this rezoning would allow the impervious cover allowance to grow to 95%, creating an additional burden for the already burdened Shoal Creek watershed. Not only is Shoal Creek an important recreational area for Austinites today and plays a vital role in the shedding of excess water in times of flooding, but it is a significant historical resource for our city. It served for centuries as a travel-way for Native people living and passing through Central Texas, and at the end of the Civil War it was a campground for Federal troops who came to Texas to enforce the peace. For all these reasons, the Shoal Creek watershed must be maintained and all zoning in the area should be carefully considered for its environmental impact.

The proposed zoning at 1901 N. Lamar would additionally allow the owners to dig (likely dynamite) into the bedrock to provide underground parking on the property, as well as to increase the height on the site to three stories, necessitating stronger foundations that would create deeper fissures in the limestone and caliche substrata.

The Neill-Cochran House Museum has experience (expensive experience) with the impact differential movement can create for surrounding properties. After the University Neighborhood Overlay Plan was adopted, numerous properties were redeveloped for density to the east of the Museum. The larger structures incorporated underground parking in some instances and in all instances involved the creation of

stronger and deeper foundations. The Museum experienced so many tremors due to the construction that it became necessary to stabilize the structure at the level of the foundation as well as in the area of every passageway and window. This project has the potential of creating similar geological issues for the neighborhood perched on the cliff above it.

Finally, this project has the strong potential to destroy an existing heritage oak tree which is itself part of the Shoal Creek watershed.

In closing, I believe strongly that the zoning application should be rejected. The site already is zoned for commercial use and has been home to businesses that have benefited the neighborhood and larger Austin community for decades. Allow it to continue to house such businesses, rather than to bring construction that would be detrimental not just to the site but to the entire geological area.

Best,



Rowena Houghton Dasch, PhD
Executive Director, Neill-Cochran House Museum

From: [Nuria Zaragoza](#)
To: [Graham, Mark](#)
Cc: [Karrie League](#)
Subject: 1901 North Lamar
Date: Monday, May 17, 2021 5:44:47 PM

*** External Email - Exercise Caution ***

Dear Me. Graham,

I wrote you back in March to state my individual position on this case when the sign first went up on the site, and before we were contacted by the agent. Since then, the agent has been in communication with our association to look at whether there is a compromise. We currently have all the information, and have scheduled a meeting for this Sunday. I realize it will be too late for our position to make it to the backup, so I am writing this email to alert commissioners that the association in which this parcel falls, Original West University Neighborhood Association, OWUNA, has not met yet and does not have an official position. We will email the commissioners directly before the hearing to report on the outcome of our meeting.

I sincerely appreciate your responsiveness through this process. I know your time is precious and you have been generous with it along the way.

Sincerely,

Nuria Zaragoza

Sent from my iPhone

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**Neill-Cochran House Museum**

2310 San Gabriel Street
Austin, Texas 78705-5014

May 14, 2021

TO: Austin City Planning Commission
VIA EMAIL: mark.graham@austintexas.gov
RE: Zoning change at 1901 North Lamar

I am writing as the chair of the working board of the nationally-recognized historic Neill-Cochran House Museum & Slave Quarters (Abner Cook, 1856) to express support for the Caswell Heights Neighborhood Association's position regarding a change of zoning to 1901 North Lamar Boulevard. As a historic landmark in this neighborhood, the Neill-Cochran House Museum cares deeply about the preservation of the neighborhood in both physical and cultural terms. The agreement of three neighborhood associations in support of three Private Restrictive Covenants (2011) should be sufficient indication that increased development of the 1901 Lamar property is inappropriate. What is especially worrisome in terms of risk to the neighborhood is the negative environmental impact that the additional excavation and impervious cover would likely have on the physical stability of the neighborhood on streets above and near this address; risk to the existing heritage tree is troubling, too.

Our organization, whose mission includes historic preservation, believes the preservation of the existing neighborhood has priority over envisioned commercial expansion at 1901 North Lamar.

The NCHM is eager to participate in reaching solutions to the challenges of growth and planning to which our historic neighborhood is being exposed, but its staff, its working board, and its owners (630 individuals across the state) cannot support the proposed zoning change.

Sincerely,

Karen Rechner Pope, PhD
NCHM Board Chair

From: [Pangle, Thomas L](#)
To: [Graham, Mark](#)
Cc: [Pangle, Lorraine S](#); [T Damron](#)
Subject: objection to change in zoning
Date: Thursday, May 13, 2021 10:26:09 AM

*** External Email - Exercise Caution ***

Dear Planning Commission Members

As longtime owner and resident of a home at 1200 West 22 ½ St. 78705 Austin, I object to the request that 1901 N. Lamar (Previous site of Benchmark Bank at the corner of MLK., Jr. and N. Lamar.) have a change in zoning FROM Limited Residential Zoning (LR-CO-NP) TO Commercial Services zoning (CS-CO-NP).

The requested CS zoning would be incompatible with the other zoning along Lamar and where it is located.

Given the size of the proposed building and the proposed underground parking, and the increased impervious cover being requested, the hill at the back of the property next to residential properties will be disturbed, including a heritage tree, with possible erosion and flooding.

Thank you for your attention and all your service to the community.

--

Thomas L. Pangle
Joe R. Long Endowed Chair in Democratic Studies
Department of Government
University of Texas at Austin

<http://www.la.utexas.edu/users/tlp374/>

Co-Director
Thomas Jefferson Center for the Study of Core Texts and Ideas

<http://www.utexas.edu/cola/centers/coretexts/>

Download papers and articles at
<http://utexas.academia.edu/ThomasPangle>

<https://www.amazon.com/author/thomaspangle>

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From: [Beverly Stringer](#)
To: [Graham, Mark](#)
Subject: 1901 N Lamar request for zoning change
Date: Tuesday, May 11, 2021 3:52:03 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

For all the concerns voiced through the Caswell Heights Neighborhood Association, I respectfully object to the change in zoning requested for the property at 1901 N Lamar. Homeowners rely on existing zoning rules, and it is most unfortunate to have to continually fight to maintain rules that were put into place when neighborhoods were a priority in our city. Please do your duty and uphold all of the existing rules pertaining to this property. Thank you for your consideration.

Beverly Stringer
1916 David Street
Austin TX 78705

Sent from my iPhone

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From: [Karrie League](#)
To: [Graham, Mark](#)
Cc: [Lloyd, Brent](#)
Subject: 1901 North Lamar
Date: Tuesday, March 2, 2021 1:40:32 PM

*** External Email - Exercise Caution ***

Dear Sir,

I am writing in my capacity as president of the Original West University Neighborhood Association. In 2011, our association worked hard to come to an arrangement with the bank in their upzoning of the property, which is positioned in a location with serious impact potential on our community. The bank was considerate of our concerns, and we represented their needs to the membership and came up with restrictions to the upzoning that made everyone happy.

For this latest upzoning, which has just come to our attention, no-one reached out to our neighborhood at all. We don't know what is intended there, and we fear that all the work we did to protect the neighborhood in the previous upzoning will be lost. Although we have not yet had time to have a neighborhood meeting about this, I am quite sure that everyone who voted last time will have the same feelings this time, and will rigorously oppose the upzoning if the same restrictions that were in place last time are not included this time around. In particular the height restriction and the covenants regarding handling of trash and waste are high priorities.

Thank you for your attention,

--

Karrie League
512-296-6728
President
OWUNA

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From: [Nuria Zaragoza](#)
To: [Graham, Mark](#)
Cc: [Lloyd, Brent](#); [Karrie League](#)
Subject: 1901 North Lamar- opposition to up-zoning request.
Date: Tuesday, March 2, 2021 11:33:11 AM
Attachments: [OWUNA 1901 North Lamar.pdf](#)

*** External Email - Exercise Caution ***

Dear Mr. Graham,

I am emailing to express my opposition of the requested re-zoning of 1901 North Lamar. I am attaching our letter to Council in support of the rezoning that was negotiated back in 2011. At that time, Richard Suttle had requested GR zoning. After many weeks of discussions and compromise, we arrived at the current zoning for the property. There was some opposition, but in general, it worked for the developer and for the neighborhood. The conditions that applied in our opposition to GR apply today. By extension, it is safe to say that CS is no more compatible with the site than GR.

In contrast to the process back in 2011, the Association has not been contacted by the agent requesting the zoning. Details of the plan are not known.

As you develop a staff recommendation for this case, I hope you will consider the past work that was done to evolve this parcel from LO to the current LR zoning. Given the massive density this area holds, and the fragile sliver of a historic residential area that remains, the dangerous nature of the intersection, and our neighborhood's history of supporting appropriate development, that you will support to maintain the current LR zoning on the site, with the CO's that were negotiated.

Sincerely,

Nuria Zaragoza

Sent from [Outlook](#)

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October 5, 2011

Mr. Greg Guernsey, Director
 Planning and Development Review Dept.
 City of Austin
 505 Barton Springs Road, 5th Floor
 Austin, Texas 78704

Re: 1901 North Lamar Boulevard
 C14-2011-0100 Change of Conditional Overlay
 C14-97-0102(RCT) Restrictive Covenant Termination

Dear Mr. Guernsey:

We write to you to express our support of the above-referenced application for rezoning 1901 North Lamar Boulevard, and terminating a public restrictive covenant.

The property is within the boundaries of the Original West University Neighborhood Association. Our neighborhood boundaries are Martin Luther King, Jr. Boulevard to the south, Lamar Boulevard to the west, 24th Street to the north, and San Gabriel Street to the east.

This project has the potential to significantly impact our historic neighborhood. We have spent much time and attention over four months negotiating an agreement with the owner's agent, the owner, and the potential buyer of the property.

After significant changes to the original proposal, our neighborhood association voted overwhelmingly to support the application. The agreement includes a combination of restrictions outlined in a Conditional Overlay, restrictions outlined in a Public Restrictive Covenant, and restrictions outlined in a Private Restrictive Covenant.

Many of our residents based their support on the desire to bring restaurant and retail services within walking distance of their homes. Others based their decision on the inevitable redevelopment of the site, and the benefit of working with a buyer willing to be responsive to neighborhood concerns.

Allowed uses:

Financial Services with no drive through

Personal Improvement Services

Food Sales - Conditional Use

Personal Services

General Retail Sales (Convenience)

Restaurant (General) – Conditional Use

Height Restriction:

The building height on the property will be limited to 30 feet or two stories.

Public Restrictive Covenant:

If a restaurant or food sales use is located on the property, then the following provisions apply:

- a. Servicing of trash dumpsters is not permitted between the hours of 10 p.m. and
- b. 6 a.m.
- c. Servicing of trash dumpster shall occur a minimum of once a week.
- d. Refuse, trash, and garbage, excluding recyclables, shall be kept in covered containers at all times.

Private Restrictive Covenant:

1. Cigarette sales are prohibited on the property.
2. Alcohol sales are for on-premises consumption only.
3. If a restaurant (general) use is located on the property, the following restriction applies:

No nationally recognized logos may be used on a pole-mounted sign on the property

Please do not hesitate to contact me should you have any questions.



Nuria Zaragoza

President OWUNA

From: [Nuria Zaragoza](#)
To: [Graham, Mark](#)
Cc: [Lloyd, Brent](#); [Karrie League](#)
Subject: 1901 North Lamar- opposition to up-zoning request.
Date: Tuesday, March 2, 2021 11:33:11 AM
Attachments: [OWUNA 1901 North Lamar.pdf](#)

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Dear Mr. Graham,

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In contrast to the process back in 2011, the Association has not been contacted by the agent requesting the zoning. Details of the plan are not known.

As you develop a staff recommendation for this case, I hope you will consider the past work that was done to evolve this parcel from LO to the current LR zoning. Given the massive density this area holds, and the fragile sliver of a historic residential area that remains, the dangerous nature of the intersection, and our neighborhood's history of supporting appropriate development, that you will support to maintain the current LR zoning on the site, with the CO's that were negotiated.

Sincerely,

Nuria Zaragoza

Sent from [Outlook](#)

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October 5, 2011

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 Planning and Development Review Dept.
 City of Austin
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 Austin, Texas 78704

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This project has the potential to significantly impact our historic neighborhood. We have spent much time and attention over four months negotiating an agreement with the owner's agent, the owner, and the potential buyer of the property.

After significant changes to the original proposal, our neighborhood association voted overwhelmingly to support the application. The agreement includes a combination of restrictions outlined in a Conditional Overlay, restrictions outlined in a Public Restrictive Covenant, and restrictions outlined in a Private Restrictive Covenant.

Many of our residents based their support on the desire to bring restaurant and retail services within walking distance of their homes. Others based their decision on the inevitable redevelopment of the site, and the benefit of working with a buyer willing to be responsive to neighborhood concerns.

Allowed uses:

Financial Services with no drive through	Personal Improvement Services
Food Sales - Conditional Use	Personal Services
General Retail Sales (Convenience)	Restaurant (General) – Conditional Use

Height Restriction:

The building height on the property will be limited to 30 feet or two stories.

Public Restrictive Covenant:

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- b. 6 a.m.
- c. Servicing of trash dumpster shall occur a minimum of once a week.
- d. Refuse, trash, and garbage, excluding recyclables, shall be kept in covered containers at all times.

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1. Cigarette sales are prohibited on the property.
2. Alcohol sales are for on-premises consumption only.
3. If a restaurant (general) use is located on the property, the following restriction applies:

No nationally recognized logos may be used on a pole-mounted sign on the property

Please do not hesitate to contact me should you have any questions.



Nuria Zaragoza

President OWUNA

From: [Nuria Zaragoza](#)
To: [Graham, Mark](#); [Lloyd, Brent](#)
Subject: Growth Concept Map and 1901 North Lamar
Date: Tuesday, March 2, 2021 2:19:39 PM

*** External Email - Exercise Caution ***

I apologize for the disjointed communication. I should have added to my last email the Imagine Austin context. If you look at the Growth Concept Map the intention is clear- to protect the area encompassing 1901 North Lamar Blvd. Most centers on the map are circles or general swaths. However, when the map was drafted, the neighborhood in which 1901 North Lamar lies, was clearly carved out of the larger regional center. The parcel in question, along with the other similar parcels along Lamar, up to 24th street, are intended for lower intensity. There have been significant remodels of those commercial parcels recently, in line with a scale that is compatible with the residential uses near them. 1901 North Lamar would be completely out of context even with the commercial parcels.

Thank you again,

Nuria Zaragoza

Sent from my iPhone

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From: damronhome@aol.com
 To: Graham, Mark
 Subject: 1901 N. Lamar Blvd. --- C14-2021-0010
 Date: Friday, May 21, 2021 12:53:02 PM

*** External Email - Exercise Caution ***

RE: 1901 N. Lamar Blvd.---Rezoning Request from LR-CO-NP to CS-CO-NP
Case Number: C14-2021-0010

Dear Planning Commission Members:

Caswell Heights Neighborhood Association would like to object to the proposed rezoning and proposed project for the following reasons:

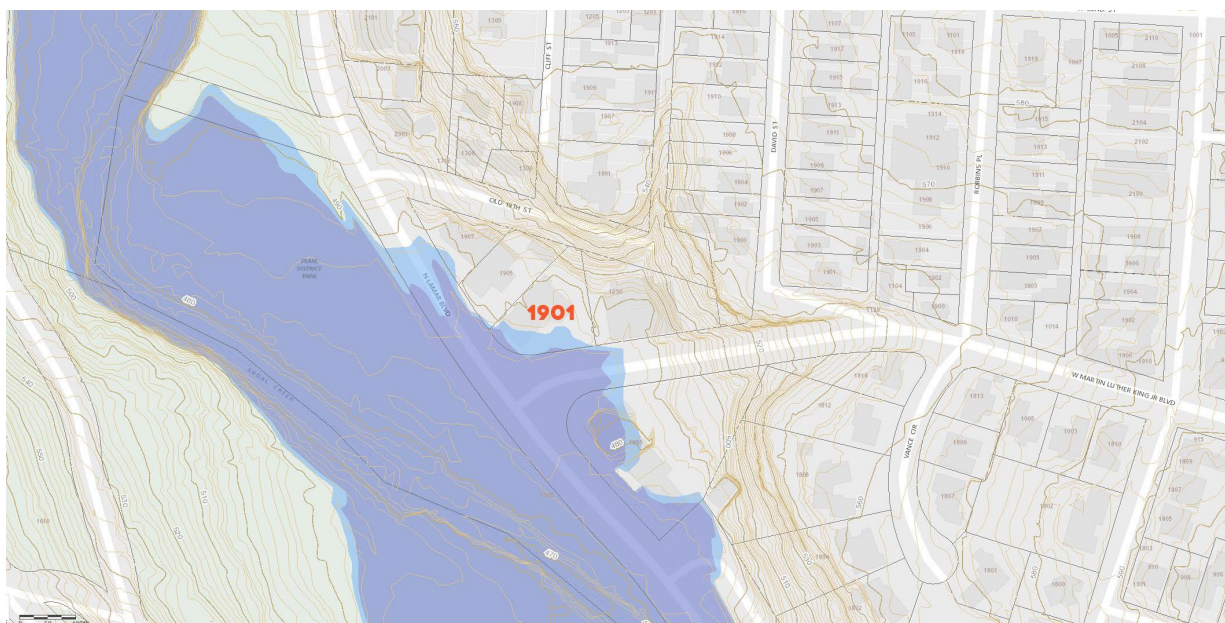
1. The current zoning has provided businesses that have benefited the surrounding neighborhoods and the downtown area for decades (such as Dreyfus Antiques and Benchmark Bank.)
2. This property currently allows for an 80% impervious cover and 50% building cover with LR zoning, which is more compatible with the neighborhoods. A rezoning to CS would allow an impervious cover allowance of 95%, and a building cover of 95%, and numerous new uses that would be incompatible with the neighborhoods around the site. To quote the **City of Austin's Zoning Guide, a zoning of CS "is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments."**

This site would be negatively affected by a CS zoning because of the increased impervious cover, increased building cover, increased traffic, incompatible uses, harm to the heritage tree, and cause even more damage to the fragile Shoal Creek watershed

3. The rezoning would allow development that would surely add to the flooding that occurs on Lamar Blvd. In addition, the proposed underground garage will more than likely cause fractures that can lead to future slope failure and flooding since this area is made up of Buda limestone over an unstable Del Rio Clay formation.

"Reduced Shear Resistance High plasticity clays (e.g. Del Rio Formation) have a tendency to weaken overtime due to wetting and drying cycles and become less resistant to slope failures, especially during or following a significant rainfall. As moisture increases, the clay has a tendency to swell or take on water. Contrary, during periods of hot and dry weather the clay tends to shrink, forming cracks or joints with the clay mass. When present, cracks or joints provide a conduits for water to be more readily adsorbed into the clay fabric during rainfall events. A reduced shear strength of the Del Rio clay is quite possibly the main contributing factor in the recent slope failure event." (HDR - Engineering, Inc.) Referring to slope failure in Austin.

Please note, a portion of this property is directly in the flood plan.



We experienced floods in 2015, 2016, 2018, and 2019 on large sections of Lamar. The pictures below look more like rivers than N. Lamar Blvd. Please notice that one of the pictures is next to the site being considered for rezoning. The picture is directly across from the intersection of MLK, Jr. and N. Lamar Blvd. The city has already spent millions to study and repair flooding and slope damage along N. Lamar Blvd., and it would be considered negligent to allow zoning changes that would further contribute to property damage and increased flooding.



PROPERTY ACROSS THE STREET from 1901 N. Lamar Blvd.
(On the same side of Lamar at the intersection of MLK, Jr. and N. Lamar Blvd)



House Park/15th Street/Lamar Blvd.



1112 N. Lamar Blvd.



1112 N. Lamar Blvd.



909 N. Lamar Blvd.

4. There is a magnificent heritage Live Oak tree on the edge of this property that is approximately 300 years old. Any underground activity OR increase in impervious cover will most likely damage the roots and cause danger to the tree. We have fewer and fewer of these heritage trees around Austin, and the protection of this tree is important to the neighborhood and to the city.



We always work with the City of Austin for smart, beneficial growth as we expand in and around the neighborhoods, but we cannot agree to the rezoning OR the proposed project since we believe it would cause damage to the watershed, Shoal Creek Park, the heritage tree, and to the surrounding neighborhoods. Given the aforementioned considerations, it's abundantly clear why three neighborhood associations have worked to protect this site for over a decade. There is presently a conditional overlay, and three private restrictive covenants regarding this property.

We request that you help us protect this property for years to come by keeping the zoning LR-CO-NP and conditional overlay in place.

Thank you for your consideration.

Tressie Damron, President
Caswell Heights Neighborhood Association

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RE: 1901 N. Lamar Blvd. Rezoning Request from LR-CO-NP to CS-CO-NP Case Number: C14-2021-0010

May 20, 2021

Dear Planning Commission,

My name is Ted Lee Eubanks, and I live at 2201 A Lane, immediately across Shoal Creek from this proposed project. I am a certified interpretive planner, and I have worked in nature preserves, sanctuaries, and parks around the world for the past 35 years. For the past 25 years I have lived adjacent to Pease Park, one of the most historical parks in Austin and one of the last natural spaces remaining in the central city.

I object to the requested zoning change from LR-CO-NP to CS-CO-NP, and I object to the proposed project for these reasons:

With this incompatible CS zoning comes numerous commercial and industrial uses, which are inappropriate for our residential and recreational area. Pease Park is one of Austin's most important recreational parks, and this project threatens to undermine both its value to the public as well as its natural integrity.

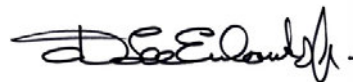
I am aware that there is a danger to the residential neighborhood directly above the project from slope failure in the Del Rio Clay and Buda Limestone formation. I live approximately one block from the most recent slope failure along Shoal Creek, one that this project threatens to replicate. It is irresponsible to approve a project that only sets the stage for the next failure.

I am also concerned about the threats that this project presents to the heritage oak at the corner of 19th (MLK) and Lamar. This tree has been damaged in the past yet work by the city has kept it not only alive but thriving at this urban location. Renderings of the proposed project show approximately half of this oak's root zone being impacted by the project. I request that any project at that site be designed in a way that completely avoids impacts to this majestic oak.

Finally, I am concerned about ways in which this project will exacerbate the flood risk along Lamar and Shoal Creek. We have experienced life-threatening floods on Shoal Creek in recent years, and with climate change and the continuing increase in impervious cover upstream this risk is only increasing. My understanding is that CS zoning allows 95% Impervious Cover and 95% Building Cover (LR zoning has 80% IC and 50% Building Cover). This is completely unacceptable and ignores the reality that this project will contribute significantly to the threats of flooding on Lamar Blvd and Shoal Creek.

Thank you for your consideration of my comments.

Sincerely,



Ted Lee Eubanks

From: [Megan Meisenbach](#)
To: [Graham, Mark](#)
Subject: Fwd: Objection to CS zoning for 1901 N. Lamar Please send to Mark Graham (Staff case manager for Austin) and copy me on your email THANK YOU!
Date: Tuesday, May 18, 2021 11:42:16 AM
Attachments: [zoning Map 1901 N Lamar.png](#)
[FEMA Flood map #!.png](#)
[FloodPro 1901 N. Lamar- elevations.png](#)
[Flood Lamar May 15, 2015.png](#)
[Collapse hill Wooldridge drive photo 2018 .docx](#)

*** External Email - Exercise Caution ***

Dear Mark,

I am forwarding this email from Ann Proctor, because your email address was not correct.

Sincerely, Megan

(Meisenbach)

----- Forwarded message -----

From: [REDACTED]

Date: Mon, May 17, 2021 at 6:00 AM

Subject: Fwd: Objection to CS zoning for 1901 N. Lamar Please send to Mark Graham (Staff case manager for Austin) and copy me on your email THANK YOU!

To: <mark.granham@austintexas.gov>

Cc: Megan Meisenbach [REDACTED]

Zoning map above

Mark.Graham@austintexas.gov

Dear Planning Commission,

I object to CS zoning for 1901 N. Lamar:

1. There is no CS zoning for 12 blocks or more blocks near this property.see zoning map attached This Zoning is not compatible with the fragile neighborhoods that surround it. I am

2. **Flooding** of Lamar happens frequently endangering lives, and flooding Shoal Creek.

CS Zoning includes 95% Impervious cover (non-absorptive of water run-off) and allows the property to have a 30,000 square feet building (and 95% building cover) where there is a less than 8,000 square foot building now.Developing this property at that percentage will add to the flooding.

3.1901 N. Lamar Blvd. includes an unstable steep slope of an **unstable geologic formation**, that (sloping 80 feet down) with which I am familiar, because nearby property has been surveyed by a licensed hydrogeologist and has a Critical Environmental feature, Canyon Rimrock.

Excavating the planned parking garage will add to the prospect of the unstable slope.

above MLK steep slope

Elevation flood map showing 560 feet above sea level falling sharply to 480 feet above sea level

1901 N. Lamar Blvd. rocky slope
Along Shoal Creek a row of houses has been subject to slop failure

Wooldrige Drive slope failure into Shoal Creek
City of Austin Report Cover showing 2015 Lamar flood

Newspaper article

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From: [Benjamin Burrow](#)
To: [Graham, Mark](#)
Subject: Zoning change
Date: Tuesday, May 18, 2021 3:04:13 PM

*** External Email - Exercise Caution ***

Greetings Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because this zoning is incompatible with the neighborhoods next to it.

Best regards,

Benjamin Burrow
The University of Texas at Austin, 2022
McCombs School of Business | Finance

713-542-6811

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From: [Lauren Siegel](#)
To: [Graham, Mark](#)
Cc: [Megan Meisenbach](#)
Subject: City Planning around Judge's Hill, 19th @Lamar
Date: Wednesday, May 19, 2021 7:53:09 PM

*** External Email - Exercise Caution ***

Dear City Case Manager Graham,

I would like to add our support for the following objections to zoning changes in the area of 19th and Lamar that you have received. We appreciate that Austin is growing, but feel it is important to retain some calm if at all possible. Resisting conversion of adjacent properties to commercial uses would help preserve our neighborhood.

Thank you,

Lauren and Phil Siegel

May 20, 2021

Dear Planning Commission,

We object to the requested zoning change from LR-CO-NP to CS-CO-NP, and we object to the proposed project for these reasons:

With this incompatible CS zoning comes numerous commercial and industrial uses, which are inappropriate for our residential area.

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From: [Caswell Heights](#)
To: [Graham, Mark](#)
Subject: Fwd:
Date: Wednesday, May 19, 2021 9:14:16 PM

*** External Email - Exercise Caution ***

RE: 1901 N. Lamar Blvd. – Rezoning from LR-CO-NP to CS-CO-NP – Case number C14-2021-0010

Dear Planning Commission members,

I object to the proposed rezoning and the proposed plan for 1901 N. Lamar Blvd. for the following reasons:

1. The requested up-zoning of the property to CS-CO-NP is totally incompatible with the surrounding residential neighborhoods and Shoal Creek Park directly across the street from the property. The previous businesses at this address which were zoned LR-CO-NP - an antique store and a small bank - were much more appropriate to the location and traffic at this intersection where Martin Luther King, Jr. meets North Lamar at the bottom of the hill.
2. Accessing and exiting the property using MLK, Jr. would be a problem at those busy times of the day when cars are often lined up the hill past this property at the light waiting to turn onto Lamar. Accessing and exiting the property onto Lamar during busy times such as morning and afternoon rush hours and other busy times would most probably be impossible.
3. I am concerned about the long-time stability of the bluff hanging over the back of the property since I understand that the proposed project plans to have underground parking.
4. I am concerned about the beautiful heritage tree that is on the property. Building at the allowable 95% building/impervious cover would most likely damage the tree roots and eventually kill the tree. The tree is an important part of our neighborhood.
5. I am concerned that flooding may occur more frequently at the intersection of MLK, Jr. and Lamar with an allowance of 95% impervious cover on the property.
6. I am concerned that up-zoning this property will be a precedent for more of the same to march up Lamar.
7. CS zoning allows for many activities that I would not like to see (or hear) at that property,

It is the property that is being rezoned and not the project. If this property is up-zoned it is highly unlikely it will ever be downzoned. Even if the current applicant for the change does not build to the full allowable building/impervious cover that CS allows - or does not retain the property - there is no guarantee that others that follow him will not take full advantage of everything allowable under that zoning.

I ask that you please retain the LR-CO-NP zoning and condition overlay currently in place.

Thank you.

Barbara S. Bridges
1106 W. 22 ½ St.
Austin, TX 78705
(Caswell Heights Neighborhood)

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City, property owners still looking for middle ground over Shoal Creek fix

By Mark D. Wilson

Posted Jul 31, 2019 at 5:35 PM Updated Jul 31, 2019 at 6:31 PM



 BUY PHOTO

 HIDE CAPTION

Damage can be seen in May 2018 after a house on Wooldridge Drive above Shoal Creek lost part of its backyard in a landslide days earlier. [JAY JANNER / AMERICAN-STATESMAN]

A plan to repair and shore up a portion of the Shoal Creek Trail that collapsed last year is facing further delays as city staff and property owners whose homes were affected haven't been able to find a middle ground on how to carry out the project.

In a memo to the mayor and Austin City Council members Tuesday, Austin Watershed Protection

interim Director Jose Guerrero said the city is on pace to finalize a contract with design and construction firm Hayward Baker Inc. by the beginning of September. But the city still needs to acquire easements from property owners adjacent to Pease Park before they can work on their properties and begin construction.

“Some of the property owners are requesting assurances from the City that are incompatible with what is required for secure installation of the project,” the memo says. “To be sure, without acquiring the necessary property interests from each of the impacted property owners, our contractor, HBI, will not be able to begin construction of any approved work packages. It is therefore difficult to attach a schedule with any certainty to it.”

The memo provided city leaders with an update on the Shoal Creek Trail repair plans after council members approved \$20 million for the project.

The trail collapsed during heavy downpours in May 2018, sending a section of paved trail plummeting into the creek below. The area has continued to shift as more rainfall swept through Austin, causing increasing concerns about flooding in the area and the potential for continued landslides if the slope is not fixed.

Mike Kelly, managing engineer for Austin Watershed Protection, said there hasn't been any noticeable movement since May.

Kelly said the process of repairing the trail is still in a back-and-forth phase between the city and property owners whose homes were affected by the landslide. A series of letters sent to the city from attorneys representing property owners Michael and Bremond

MacDougall raised concerns about the “restrictive nature of the easement” the city requires to begin construction, adding that they believe it would have an adverse effect on the value of homes at the top of the slope.

The easements, a letter sent to the city in early July said, essentially limit the owners’ abilities to use their homes, patios and pools, prevent them from making improvements, hamper their ability to landscape and plant new vegetation, and absolves the city of responsibility for damage to their properties during construction.

“We understand the currently contemplated engineering design of the project requires restrictions and terms similar to what have been proposed in these easements,” the letter said. “However, we believe the project could be designed differently to have significantly less impact on the affected private property owners.”

The city has previously responded to homeowners’ earlier requests to modify the easements, but the owners felt they were not enough and would still affect their properties’ home values and livability.

“We believe the current design focused entirely on the City’s needs without consideration of its impact on the homes,” said a second letter sent July 9.

Michael MacDougall, who was forced to move out of his home after the collapse, told the American-Statesman on Wednesday that the city’s current plan is basically to ask private property owners to donate the use of their

homes and land to fix a public problem. He encouraged the city's staff to look at different designs that address the slope failure and allow property owners to return to their homes and use them.

"If there was a different design, we would be supportive," he said. "We've done everything we could do to be supportive, but the current design, we view as taking of our property and the use of private property to solve a public problem."

Kelly said he is concerned with the project's uncertain timeline, but believes property owners and the city should be able to reach an agreement as long as everyone stays at the negotiating table, provides their expectations and does everything they can to find a compromise everyone can live with.

From: [Binz DeWalch](#)
To: [Graham, Mark](#)
Subject: Disapproval of zoning changes
Date: Tuesday, May 18, 2021 2:40:57 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Binz DeWalch
1205 W 22nd st
Austin, TX 78705

Caswell Heights Neighborhood Association

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From: [Lilly Cone](#)
To: [Graham, Mark](#)
Subject: Negative environmental impact
Date: Tuesday, May 18, 2021 2:45:49 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

2414 Pearl Street
Austin, TX 78705
Caswell Heights Neighborhood Association

Lilly Cone

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From: [Marshall Ballard](#)
To: [Graham, Mark](#)
Subject: OBJECTION
Date: Tuesday, May 18, 2021 2:51:18 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Marshall Ballard
1903 Robbins Place
Austin, TX 78705
Caswell Heights Neighborhood Association

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From: [Carley Roberts](#)
To: [Graham, Mark](#)
Subject: Zoning at 1901 North Lamar
Date: Tuesday, May 18, 2021 2:52:22 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Carley Roberts
2832 San Gabriel Street
Austin, TX 78705
Caswell Heights Neighborhood Association

This is ridiculous. You really think having a homeless shelter on/near The University of Texas's campus will be ok? Think about all of the students who walk to campus daily. Matter of fact, think about the young women who walk around campus. This is beyond unsafe and a horrible location. Put them somewhere by the Airport or Del Valle and bring food trucks to them.

Best,

Carley Roberts

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From: [Robert Shively](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning Use
Date: Tuesday, May 18, 2021 2:52:45 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Robert Shively
2414 Pearl Street
Austin, TX 78705

Caswell Heights Neighborhood Association

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From: [Ben Parker](#)
To: [Graham, Mark](#)
Subject: Zoning Change
Date: Tuesday, May 18, 2021 2:55:26 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

David Benjamin Parker
1114 West 22nd Street
Austin, TX 78705
Caswell Heights Neighborhood Association

Sent from my iPhone

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From: [Julianna Buys](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning Use
Date: Tuesday, May 18, 2021 2:58:13 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Julianna Buys
2300 San Antonio Street
Austin, TX 78705
Caswell Heights Neighborhood Association

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From: [William Wade](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning Use
Date: Tuesday, May 18, 2021 2:58:56 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

William Wade
1109 W 22nd 1/2 St
Austin, TX 78705
Caswell Heights Neighborhood Association

--

William Wade
The University of Texas at Austin | McKetta Department of Chemical Engineering |
Cockrell School of Engineering
(817)-908-[REDACTED]

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From: [Chloe Kissner](#)
To: [Graham, Mark](#)
Subject: Incompatible zoning use
Date: Tuesday, May 18, 2021 2:59:45 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Chloe Kissner
2300 San Antonio st
Austin, TX 78705
Caswell Heights Neighborhood Association

Sent from my iPhone

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From: [Benjamin Burrow](#)
To: [Graham, Mark](#)
Subject: Zoning change
Date: Tuesday, May 18, 2021 3:04:13 PM

*** External Email - Exercise Caution ***

Greetings Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because this zoning is incompatible with the neighborhoods next to it.

Best regards,

Benjamin Burrow
The University of Texas at Austin, 2022
McCombs School of Business [REDACTED]
[REDACTED]
713-542-6811

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From: [Caswell Heights](#)
To: [Graham, Mark](#)
Subject: Fwd:
Date: Wednesday, May 19, 2021 9:14:16 PM

*** External Email - Exercise Caution ***

RE: 1901 N. Lamar Blvd. – Rezoning from LR-CO-NP to CS-CO-NP – Case number C14-2021-0010

Dear Planning Commission members,

I object to the proposed rezoning and the proposed plan for 1901 N. Lamar Blvd. for the following reasons:

1. The requested up-zoning of the property to CS-CO-NP is totally incompatible with the surrounding residential neighborhoods and Shoal Creek Park directly across the street from the property. The previous businesses at this address which were zoned LR-CO-NP - an antique store and a small bank - were much more appropriate to the location and traffic at this intersection where Martin Luther King, Jr. meets North Lamar at the bottom of the hill.
2. Accessing and exiting the property using MLK, Jr. would be a problem at those busy times of the day when cars are often lined up the hill past this property at the light waiting to turn onto Lamar. Accessing and exiting the property onto Lamar during busy times such as morning and afternoon rush hours and other busy times would most probably be impossible.
3. I am concerned about the long-time stability of the bluff hanging over the back of the property since I understand that the proposed project plans to have underground parking.
4. I am concerned about the beautiful heritage tree that is on the property. Building at the allowable 95% building/impervious cover would most likely damage the tree roots and eventually kill the tree. The tree is an important part of our neighborhood.
5. I am concerned that flooding may occur more frequently at the intersection of MLK, Jr. and Lamar with an allowance of 95% impervious cover on the property.
6. I am concerned that up-zoning this property will be a precedent for more of the same to march up Lamar.
7. CS zoning allows for many activities that I would not like to see (or hear) at that property,

It is the property that is being rezoned and not the project. If this property is up-zoned it is highly unlikely it will ever be downzoned. Even if the current applicant for the change does not build to the full allowable building/impervious cover that CS allows - or does not retain the property - there is no guarantee that others that follow him will not take full advantage of everything allowable under that zoning.

I ask that you please retain the LR-CO-NP zoning and condition overlay currently in place.

Thank you.

Barbara S. Bridges
1106 W. 22 ½ St.
Austin, TX 78705
(Caswell Heights Neighborhood)

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From: [Tiffney Hanna](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning use
Date: Tuesday, May 18, 2021 3:10:53 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Jackson Hanna
2414 Pearl Street
Austin, TX 78705

Caswell Heights Neighborhood Association

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From: [Walker McCairns](#)
To: [Graham, Mark](#)
Date: Tuesday, May 18, 2021 3:11:17 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at [1901 North Lamar](#)

because the zoning is incompatible with the neighborhoods next to it.

Walker McCairns

2414 San Gabriel st

Casewell heights housing

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From: [William McCairns](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning use
Date: Tuesday, May 18, 2021 3:11:32 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at [1901 North Lamar](#) because the zoning is incompatible with the neighborhoods next to it.

William McCairns
2414 Pearl St. 78705 Austin, TX.

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From: [Tiffney Hanna](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning use
Date: Tuesday, May 18, 2021 3:12:45 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Charles Hanna
1109 W. 22nd 1/2 Street
[Austin, TX 78705](#)

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From: trozzojared@gmail.com
To: [Graham, Mark](#)
Subject: Incompatible Zoning Use
Date: Tuesday, May 18, 2021 3:18:09 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Jared Trozzo
2414 Pearl Street
Austin, TX 78705
Caswell Heights Neighborhood Association

Sent from [Mail](#) for Windows 10

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From: [Luke Stanford](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning Use
Date: Tuesday, May 18, 2021 3:38:08 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at [1901 North Lamar](#) because the zoning is incompatible with the neighborhoods next to it.

Luke Stanford
1104 west 22 1/2 street
Austin, TX 78705
Caswell Heights Neighborhood Association

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From: [Jenna Gaddy](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning Use
Date: Tuesday, May 18, 2021 4:20:53 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Jenna Gaddy
2300 San Antonio Street
Austin, TX 78705
Caswell Heights Neighborhood Association

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From: [Bennett Sikes](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning use
Date: Tuesday, May 18, 2021 4:43:35 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Bennett Sikes
[2414 Pearl Street](#)
[Austin, TX 78705](#)
Caswell Heights Neighborhood Association

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From: [Jennifer Korb](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning use
Date: Tuesday, May 18, 2021 4:44:33 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Carter Korb
2111 Rio Grande #1317
Austin, TX 78705

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From: [Kit Puls](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning Use
Date: Tuesday, May 18, 2021 4:49:30 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Thank you,
Kristopher Kit Blake Puls
Moody College of Communication
The University of [REDACTED]
[REDACTED]
817.996.8833

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From: [hayden.eversole](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning use
Date: Tuesday, May 18, 2021 7:08:01 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Hayden Eversole
2111 Rio Grande Street
Austin, TX 78705

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From: [Tannahill Love](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning Use
Date: Tuesday, May 18, 2021 8:51:39 PM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Tannahill Love
[2414 Pearl Street](#)
[Austin, TX 78705](#)
Caswell Heights Neighborhood Association

Sent from my iPhone



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From: [Megan Meisenbach](#)
To: [Graham, Mark](#)
Subject: Fwd: petition to change zoning of 1901 n Lamar
Date: Tuesday, May 18, 2021 9:59:55 PM

*** External Email - Exercise Caution ***

On Sat, May 15, 2021 at 1:19 PM Marion Sanford [REDACTED] wrote:

Dear Planning Commission Members;

I object to and oppose the new owner's petition to change the zoning of the property at the corner of Lamar and MLK, (1901 N Lamar) from NCZ to CSZ (from Neighborhood Commercial Zoning to Commercial Services Zoning). My home is on the corner of Vance Circle and MLK in what I believe is the last neighborhood between downtown and West Campus.

The neighborhood is thriving. A 30,000 sq ft building housing the operations allowed under CS zoning at the corner of Lamar and MLK will cause the widening of MLK and the end of the best use of my property as a residence. WHY? The residents of my neighborhood want to live in the 01 zip code.

There is also a conditional overlay on the property which we (the neighborhood) negotiated when the property was turned into Benchmark Bank. NOTHING in the neighborhood has changed. The development along Lamar between 29th and Enfield/15th hasn't changed, except I think, for a condo complex next to Caswell courts.

We need the NC zoning and we need the overlay if the neighborhood is going to live. No! No!! NO!!! Please do not grant this zoning change.

Yours,
Marion Sanford

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From: [ellis tucci](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning Use
Date: Wednesday, May 19, 2021 12:18:32 AM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Ellis Tucci
9147086096
1102 22 1/2 St, Austin, Texas,
University of Texas at Austin,
McCombs School of Business,
Finance

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From: [Jo Sue Howard](#)
To: [Graham, Mark](#)
Cc: [Megan Meisenbach](#)
Subject: C-14-2021-0010
Date: Wednesday, May 19, 2021 6:04:02 AM

*** External Email - Exercise Caution ***

Dear Planning Commissioners,

Re: Case number C-14-2021-0010

I am writing to object to the requested zoning change referenced in the above case number.

The city considers CS zoning incompatible with residential areas. The city zoning map, however, shows that there are a number of SF-3 zoned properties in close proximity, several on Old Nineteenth Street, which is immediately across the street from the subject property. The existence of these SF-3 zoned properties would mean the CS zoning is incompatible.

Another concern is vehicular access/egress to this property which is problematic due to the established traffic flow and also the increased traffic which would be generated by this project.

Additionally, the large amount of impervious cover being proposed will contribute to flooding on Lamar Blvd and Shoal Creek.

Thank you for your consideration.

Sincerely,

Jo Sue Howard
resident of Judges Hill Neighborhood

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From: [Hunter Hernandez](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning Use
Date: Wednesday, May 19, 2021 8:04:50 AM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Hunter Hernandez
2414 Pearl Street
Austin, TX 78705
Caswell Heights Neighborhood Association

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From: [John Anderson](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning use
Date: Wednesday, May 19, 2021 8:28:22 AM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

John Anderson
1107 West 22 1/2 Street
Austin, TX 78705

Caswell Heights Neighborhood Association

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From: [Olivia B. Ruiz](#)
To: [Graham, Mark](#)
Cc: [Olivia B. Ruiz](#)
Subject: 1901 N. Lamar Blvd.---Rezoning Request from LR-CO-NP to CS-CO-NP Case Number: C14-2021-0010
Date: Wednesday, May 19, 2021 8:56:03 AM

*** External Email - Exercise Caution ***

Dear Mr. Graham:

I strongly oppose the requested rezoning at MLK and Lamar.

Currently, the City of Austin is dealing with eroding Shoal Creek boundaries and is being sued by home owners living on top of Shoal Creek. It appears that no one in the COA is asking about the water run off from the lot. The lot has voluminous water run off from the cliffs behind this lot and it all drains onto Lamar and continues into Shoal Creek. Will this cause new erosion of Shoal Creek's shores?

The COA should not be contemplating an impervious coverage allowance of 95%. As a native Austinite, I have seen the COA destroy Shoal Creek, Boulding Creek, Boggy creek, and various other neighborhood creeks. All these creeks have flooding issues due to the City granting higher impervious covering to commercial, apartments, and other facilities that drain into these waters.


Granting this permit reminds me of old arguments neighborhood groups have had with the City — water management must be a top priority. All the new apartments, commercial buildings, and shopping centers such as the one on South Lamar and Treadwell only contribute to our water drainage issue. The COA needs to hire a water management expert to plan for all the city. Why is it that Holland, a country surrounded by water never floods? The Netherlands manage the sea and the rivers and provides a system that protects the coast and gives more room to rivers by deepening flood plains and constructing secondary channels. The COA has trouble managing creek erosion.

The lot at 1901 N. Lamar serves many neighborhoods - Old West Austin, Caswell Heights, Judge's Hill, and UT. Don't change something that isn't broken in order to appease an investor at the expense of neighborhoods and Shoal Creek. Leave well enough alone.

With the inevitable draught that continues to grow in Texas, we the City of Austin, the capital of state government, should be leaders in preserving our fresh waters and creating a system that does not allow flooding but times to preserves every single drop of drinkable water.

Thank you, Olivia

Olivia B. Ruiz
Board Certified - Civil Trial Law
Texas Board of Legal Certification

Law Office of Olivia B. Ruiz
P.O. Box 50142
2418 Spring Lane
Austin, Texas 78703
512. 569.5546 Office
512.233.2622 Fax


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From: [Rob McH](#)
To: [Graham, Mark](#)
Subject: Incompatible Zoning Use
Date: Wednesday, May 19, 2021 9:38:28 AM

*** External Email - Exercise Caution ***

Dear Planning Commission Members,

I am AGAINST changing the zoning at 1901 North Lamar because the zoning is incompatible with the neighborhoods next to it.

Robert McHenry
2414 Pearl Street
Austin, TX 78705
Caswell Heights Neighborhood Association

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PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2021-0010

Contact: Mark Graham, 512-974-3574

Public Hearing: May 25, 2021, Planning Commission

Beverly Stringer

Your Name (please print)

1916 David St.

Your address(es) affected by this application

Beverly Stringer

Signature

May 16, 2021

Date

Daytime Telephone: 512 497 7544

Comments: To preserve the "neighborhood"
component of this property is essential
to neighborhood preservation. This property
is directly across from a heavily used
park! Pedestrian traffic here is heavy.
Homeowners rely on existing zoning and
should not have to perpetually fight
to preserve neighborhoods. Do your duty
and support this neighborhood.

If you use this form to comment, it may be returned to:

City of Austin, Housing and Planning Department

Mark Graham

P. O. Box 1088, Austin, TX 78767

Or email to:

mark.graham@austintexas.gov

PUBLIC HEARING INFORMATION

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Case Number: C14-2021-0010

Contact: Mark Graham, 512-974-3574

Public Hearing: May 25, 2021, Planning Commission

Bob Stringer
Your Name (please print)

☐ I am in favor
☒ I object

1916 David St. 78705
Your address(es) affected by this application

Bob Stringer
Signature

May 17, 2021
Date

Daytime Telephone: 512 497 5599

Comments: I support the existing zoning
classifications. This is just another attempt
to destroy neighborhoods in the central city.

If you use this form to comment, it may be returned to:
City of Austin, Housing and Planning Department
Mark Graham
P. O. Box 1088, Austin, TX 78767
Or email to:
mark.graham@austintexas.gov