

Opposition Item B-2 (C14-2021-0003) Sun Auto

My name is William (Trey) Neinast and I live at 1000 S. Riviera Cir. in Cedar Park, TX with my wife and my nearly two-year-old son. While I am a Cedar Park resident and therefore not technically a resident of the City of Austin, I am one of the property owners who would be most affected by this change as my home backs up directly to the parcel of land in question. Myself and my family are in opposition to this proposed zoning change.

Three Main Points:

- 1) The current zoning is fair and appropriate per both the applicant and staff.
- 2) The Imagine Austin Comprehensive Plan has several policies that are not in alignment with this proposed zoning change.
- 3) At least one study has found that home proximity to auto repair shops is linked with an increased likelihood for childhood leukemia.

Point 1 (Current Zoning is Fair and Appropriate)

- The zoning for this parcel of land was last reviewed by the City of Austin in 2013. The applicant proposed a zoning change from SF-6 to GR but was granted a zoning of LR instead. **(Reference 1: (<http://www.austintexas.gov/edims/document.cfm?id=193776>))**
- The applicant agreed that the LR zoning was appropriate. **(Reference 1)**
- While Austin has undergone many changes over the last several years, this specific area has not. The description of the current site characteristics, adjacent land development and uses, and relevant roadways is virtually identical between the 2013 zoning review and the 2021 review. **(Reference 1 and Reference 2: (<http://www.austintexas.gov/edims/document.cfm?id=362047>))**
- The only difference between 2013 and now regarding this specific area is that an apartment complex that was under construction in 2013 is now complete and operational as of 2021. **(Reference 1 and 2)**
- There is an **error** in the 2021 Zoning Review document. It is stated that the Cedar Park portion of this land is currently zoned as Local Retail – Conditional Overlay. This is not true. The City of Cedar Park Planning and Zoning commission reviewed a proposal to change this portion of land from Medium Density Residential to Local Retail in August 2020 and did **not** approve this change. The proposal was withdrawn from City Council on 12/3/20 and has not been taken back up for consideration since. The part of this land in Cedar Park is currently zoned for Medium Density Residential. **(Reference 3: (<https://meetings.municode.com/d/f?u=https://mccmeetings.blob.core.usgovcloudapi>))**

[net/cptx-pubu/MEET-Minutes-f40998be20254cf690f5df46f4331853.pdf&n=Minutes-2020-08-18_Planning%20and%20Zoning%20Meeting-August%2018,%202020%206.30%20PM.pdf](https://meetings.municode.com/d/f?u=https://mccmeetings.blob.core.usgovcloudapi.net/cptx-pubu/MEET-Minutes-f40998be20254cf690f5df46f4331853.pdf&n=Minutes-2020-08-18_Planning%20and%20Zoning%20Meeting-August%2018,%202020%206.30%20PM.pdf)) and **Reference 4:** (<https://meetings.municode.com/d/f?u=https://mccmeetings.blob.core.usgovcloudapi.net/cptx-pubu/MEET-Minutes-fed93004fe924a519df13108c312e1e0.pdf&n=Minutes-12.03.20%20%20City%20Council%20Mtg.-December%203,%202020%206.00%20PM.pdf>)

- The current zoning of LR is not overly restrictive to the applicant's ability to develop this parcel of land as agreed to by the applicant themselves in 2013. There are many types of businesses already allowed to be built on this piece of property. Most of which would more accurately fulfill the desire of the city to provide neighborhood services to residents that are within walking and biking distance. **(Reference 5:** (http://www.austintexas.gov/sites/default/files/files/Planning/Zoning/permitted_use_chart.pdf))

Point 2 (Conflicts with Imagine Austin Comprehensive Plan)

- The Imagine Austin Comprehensive Plan (IACP) is referenced in both the 2013 and 2021 reviews of this parcel of lands zoning. The IACP was implemented in 2012, and while it has been updated since then, none of the updates were related to the nature of this proposed zoning change. (All points below utilize **Reference 6:** (http://austintexas.gov/sites/default/files/files/Imagine_Austin/IACP_2018.pdf))
- Several policies were used to justify the zoning of LR, and several different ones are now being used to justify the zoning of GR.
- Dozens of policies exist within the IACP that serve as reasons to **not** grant this zoning change:
 - Land Use and Transportation (LUT) Policy 5: "Create healthy and family-friendly communities through development that includes a mix of land uses and housing types, affords realistic opportunities for transit, bicycle, and pedestrian travel, and provides community gathering spaces, neighborhood gardens and family farms, parks, and safe outdoor play areas for children." (Note: This is listed as a supporting policy, but I do not understand why.)
 - LUT P7: "Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities." (No one will walk to an auto body shop; people might walk to restaurants.)
 - LUT P11: "Promote complete street design that includes features such as traffic calming elements, street trees, wide sidewalks, and pedestrian, bicycle, and transit access throughout Austin, considering the safety needs of people of all ages and abilities."

- LUT P22: “Protect Austin’s natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.” (This parcel of land connects to nearby Rosemary Denny Park, has a creek that flows into a fishing pond there, and that will eventually flow into the lake in future Lakeline Park).
- LUT P23: “Integrate citywide and regional green infrastructure, to including such elements as preserves and parks, trails, stream corridors, green streets, greenways, agricultural lands, and the trail system, into the urban environment and the transportation network.” (An auto body shop is not an ideal way to integrate local parks and streams)
- Conservation and Environment (CE) Policy 3: “Expand the city’s green infrastructure network to include such elements as preserves and parks, trails, stream corridors, green streets, greenways, and agricultural lands.”
- CE P5: “Expand regional programs and planning for the purchase of conservation easements and open space for aquifer protection, stream and water quality protection, and wildlife habitat conservation, as well as sustainable agriculture.”
- CE P6: “Enhance the protection of creeks and floodplains to preserve environmentally sensitive areas and improve the quality of water entering the Colorado River through regional planning and improved coordination.”
- CE P7: “Protect and improve the water quality of the city’s creeks, lakes, and aquifers for use and the support of aquatic life.”
- CE P10: “Improve the air quality and reduce greenhouse gas emissions resulting from motor vehicle use, traffic and congestion, industrial sources, and waste.”
- CE P16: “Expand and improve regional collaboration and coordination in preserving Central Texas’ natural environment.”
- Society (S) Policy 20: “Enact land use and other planning policies that enhance the quality of life for families with children and promote family-friendly neighborhoods and services.”

Point 3: Childhood Leukemia Linked with Proximity to Auto Repair Shops

- At least one study has found that home proximity to auto repair shops is linked with an increased likelihood of developing childhood leukemia. **(Reference 7: <https://pubmed.ncbi.nlm.nih.gov/19213757/>)**
- While this is speculated to be related to the chemical benzene, there is no conclusive evidence that this is the sole contributing factor.
- Multiple families live in the houses that would be extremely near the proposed auto repair shop, some of them, like mine, have children younger than the age of two.
- Auto repair shops are not appropriate so close to residential sites, regardless of modern technology or methods.

Summary:

The current zoning for this parcel of land is not overly restrictive in terms of development. The applicant themselves has agreed to this. This parcel of land was previously reviewed and it was determined that LR was the appropriate zoning for this property. Since the last review, nothing has significantly changed regarding this property or the properties surrounding it. This land is near an already established park and contains a creek leading into a publicly accessible pond and lake. Per several IACP policies, an auto body shop is NOT appropriate for this piece of land, and the unique situation of this plot provides a possible opportunity for the Cities of Austin and Cedar Park to work together to purchase and preserve this greenspace and creek in the form of parkland. From a commonsense perspective, an auto body shop is not something that homeowners want just behind their backyards. From a scientific perspective, the link between a residential proximity to auto body shops and childhood leukemia is especially concerning. There is no need to rezone this land, there are plenty of things that are already eligible to be developed here. It does not make sense, and is not fair or appropriate, to change the zoning of this land for the sole purpose of making it easier for the property owner and applicant to build.