

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: North Lamar Combined (North Lamar)

CASE#: NPA-2021-0026.01 **DATE FILED:** March 12, 2021 (In-cycle, with winter storm deadline extension)

PROJECT NAME: Grady & Brownie Mixed Use

PC DATE: September 14, 2021
August 24, 2021
July 27, 2021
July 13, 2021
June 8, 2021

ADDRESS/ES: 10609, 10611, 10613, 10615 Brownie Drive (Tract 1) and 10610, 10612, 10614 Middle Fiskville Road (Tract 2)

DISTRICT AREA: 4

SITE AREA: 1.79 acres

OWNER/APPLICANT: Grady & Brownie Investments, LLC

AGENT: Thrower Design (Ron Thrower & Victoria Haase)

CASE MANAGER: Maureen Meredith, Housing & Planning Dept.

PHONE: (512) 974-2695

STAFF EMAIL: Maureen.Meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family (Tract 1) & Neighborhood Commercial (Tract 2)
To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2021-0039
From: SF-3-NP and LR-NP **To:** MF-4-NP and CS-MU-NP

NEIGHBORHOOD PLAN ADOPTION DATE: June 24, 2010

CITY COUNCIL DATE:

October 21, 2021

ACTION:

Pending

PLANNING COMMISSION RECOMMENDATION:

September 14, 2021 – After discussion, a motion to close the public hearing and approved the applicant’s request and staff’s recommendation for Mixed Use land use. [C. Hempel – 1st; G. Cox – 2nd] Vote: 9-1 [C. Llanes Pulido voted nay. A. Azhar abstained. J. Shieh and S. R. Praxis absent].

August 24, 2021 – Postponed to September 14, 2021 on the consent agenda at the request of the applicant. [C. Hempel-1st; R. Schneider – 2nd] Vote: 11-0 [G. Cox and Y. Flores absent].

July 27, 2021 – After discussion postponement, the case was postponed to August 24, 2021 to allow the applicant to work with the neighborhood. [G. Cox – 1st; C. Llanes Pulido – 2nd] Vote: 10-0 [P. Howard, T. Shaw and J. Thompson absent].

July 13, 2021 – Postponed to July 27, 2021 at the request of the neighborhood on the consent agenda. [C. Hempel – 1st; Y. Flores – 2nd] Vote: 8-0 [A. Azar, P. Howard, S. R. Praxis, C. Llanes Pulido and R. Schneider absent].

June 8, 2021 – Postponed to July 13, 2021 at the request of the neighborhood on the consent agenda. [A. Azar – 1st; J. Mushtaler – 2nd] Vote: 11-0 [Y. Flores and J. Shieh absent].

STAFF RECOMMENDATION: Staff supports the applicant’s request to change the future land use map from Single Family and Neighborhood Commercial land to Mixed Use land use.

BASIS FOR STAFF’S RECOMMENDATION: The property has frontage along the north side of Brownie Drive (Tract 1) and has frontage (Tract 2) along Middle Fiskville Road which runs along the I.H.-35 frontage road. Mixed Use land use appropriate in this location. The plan document supports new, higher density residential development to be located along major roadways. The property is proposed for a multifamily development with a possibility for commercial uses on Tract 2. The proposed residential uses will provide new housing options for the planning area and the City.

Objective L.1: Preserve the residential character of the neighborhoods in the NLCNPA.

Recommendation 119 Non-residential uses should not encroach into the established neighborhoods of the NLCNPA.

Objective L.2: Maintain a balanced residential character throughout the NLCNPA.

Recommendation 121 Limit the construction of new, large multi-family residential complexes throughout the NLCNPA.

Recommendation 122 New, more intense residential development should contain a mixed use element and be located along major roadways.

Objective L.5: Increase the housing options and/or homeownership opportunities within the NLCNPA.

Objective L.8: Preserve the largely commercial environment along the I-35 Corridor.

Recommendation 138 Retain all commercial future land use designations located along I-35.

Recommendation 139 Place restrictions on the development of new hotels/motels along I-35.

❖ **Preserve the commercial/industrial area in the northeastern corner of the NLCNPA.**

Although there are a few houses interspersed throughout the area, the northeastern corner of the NLCNPA is primarily a commercial district. Its relative separation from nearby residences makes this location ideal for the types of businesses currently operating—auto repair, storage, a major manufacturing facility (Golfsmith), and a variety of retail outlets and services.

Neighborhood stakeholders suggested two land use categories for this corner of the NLCNPA so to provide residents a variety of commercial services: commercial and neighborhood commercial. The commercial designation will be applied to the majority of this area while a handful of properties along Braker Lane, between Georgian Drive and Middle Fiskville Road will be designated neighborhood commercial. The neighborhood commercial designation will be more complementary to the single-family houses along the north side of Braker Lane.

Objective L.9: Create a node of commercial activity in the far northeastern corner of the NLCNPA.

Recommendation 140 Apply the commercial and neighborhood commercial future land use designations to the northeastern portion of the NLCNPA. See the Future Land Use Map for the properties to which each future land use designation is applied.

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Single family - Detached or two family residential uses at typical urban and/or suburban densities.

Purpose

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

Application

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

Neighborhood Commercial - Lots or parcels containing small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale.

Purpose

1. Accommodate low-intensity commercial services that serve surrounding neighborhoods; and
2. Encourage small-scale retail within walking distance from residential areas.

Application

1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single-family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used to encourage high intensity commercial to transition to residential uses.

PROPOSED LAND USE ON THE PROPERTY

Mixed Use - An area that is appropriate for a mix of residential and non-residential uses.

Purpose

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

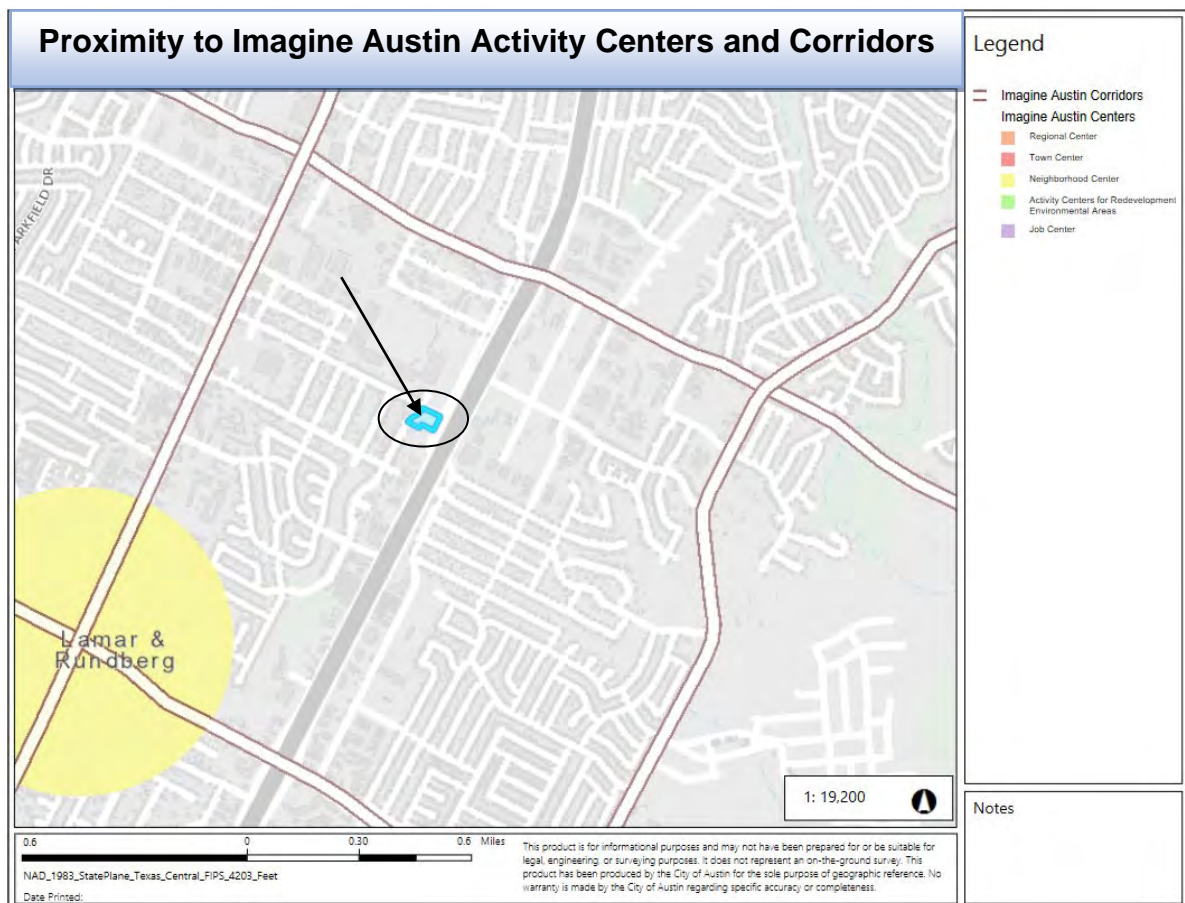
Application

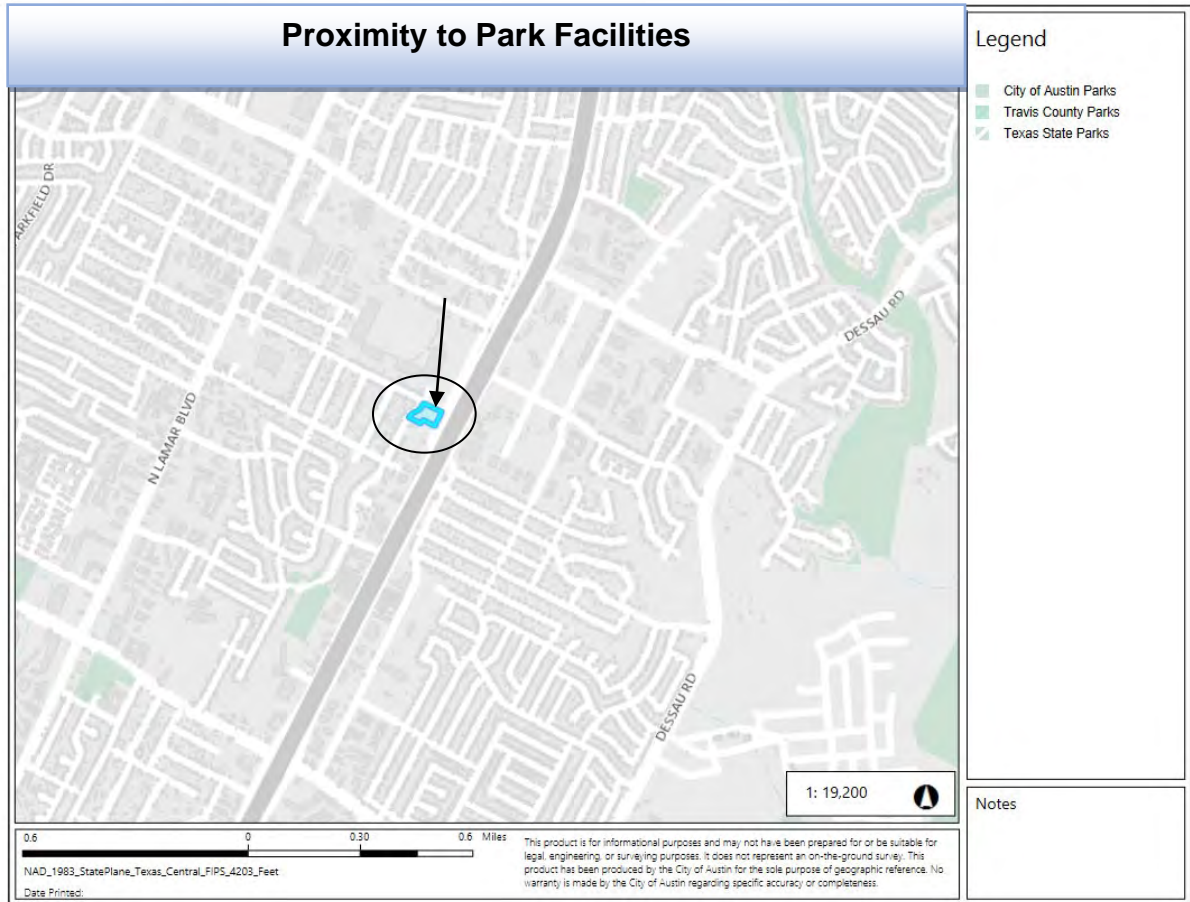
1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

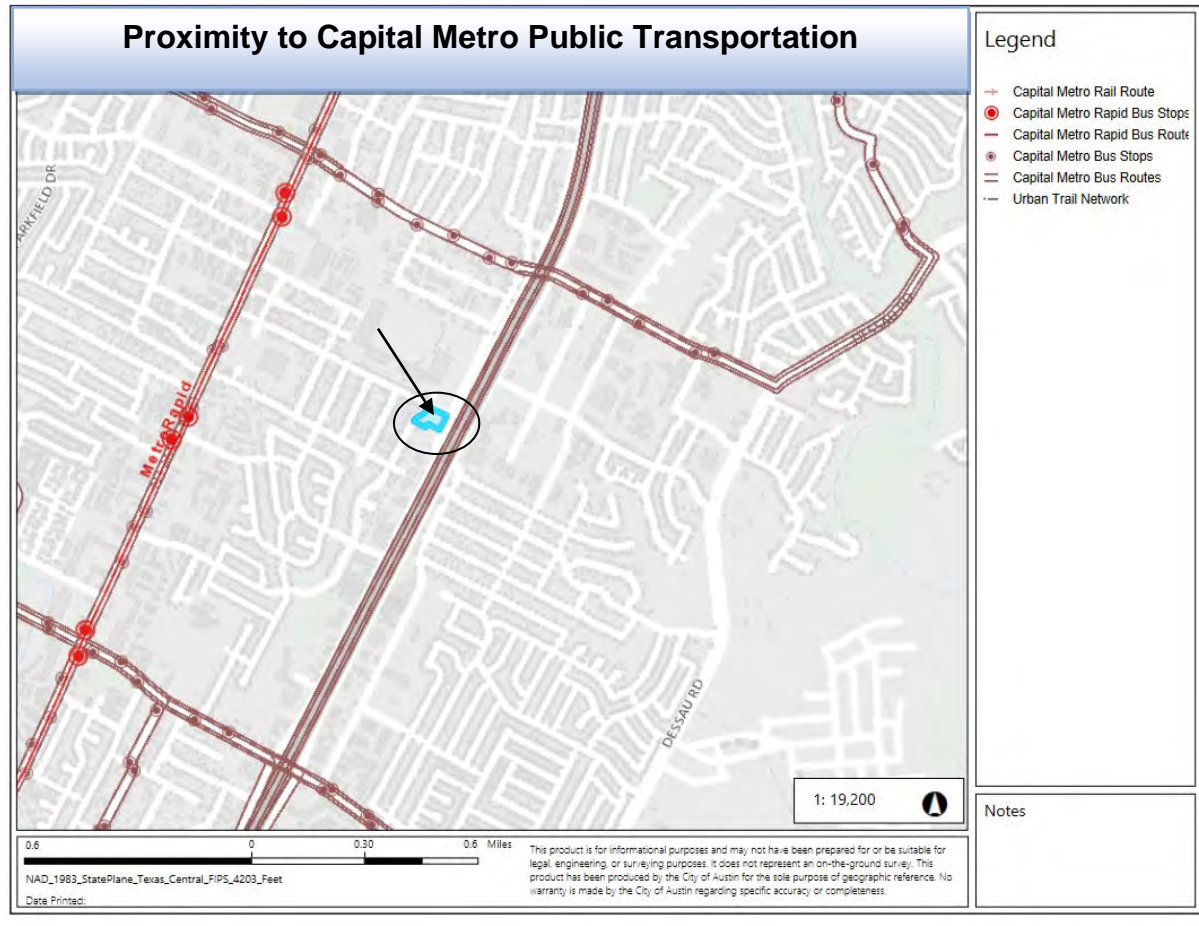
IMAGINE AUSTIN PLANNING PRINCIPLES

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - ***The applicant is proposing a multifamily development with commercial uses. The property is approximately 0.58 miles from North Lamar Blvd located to the west and 0.43 miles from E. Braker Lane located to the north where public transportation is available. There are numerous businesses located along these major corridors.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
 - ***The property is not located on an Imagine Austin activity corridor or center, but is near the frontage road of I.H.-35.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - ***The property is not located on an Imagine Austin activity corridor or center, but is near the frontage road of I.H.-35. Mixed Use land use is appropriate in this location. The property also has frontage along Brownie Drive, a residential street, where the multifamily residential uses are proposed.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - ***The applicant proposes multifamily and commercial uses on the property. The proposed multifamily uses would expand the housing choices.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - ***Mixed Use land use is appropriate in this location near I.H.-35.***
6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
 - ***The property is located in the Desired Development Zone.***
7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
 - ***Not applicable.***
8. Protect, preserve and promote historically and culturally significant areas.

- *To staff's knowledge there is no historic or cultural significance to this property.*
9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
- *Brownie Neighborhood Park is approximately 0.5 miles south of the property.*
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
- *If commercial uses are developed on the property, job opportunities could be generated for the area.*
11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
- *Not applicable.*
12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
- *Not applicable, unless structure meets Green Building Standards.*







IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

BACKGROUND: The application was filed on March 12, 2021. The deadline to submit plan amendment applications for the neighborhood planning areas located on the west side of I.H.-35 is February; however, because of the winter storm, staff extended the deadline to March 12, 2021.

The applicant proposes to change the land use on the future land use map from Single Family and Neighborhood Commercial to Mixed Use land use for multifamily and commercial uses.

The applicant proposes the change the zoning on the property from SF-3-NP and LR-NP to MF-4-NP and CS-MU-NP. For information on the proposed zoning, see case report C14-2021-0039.

PUBLIC MEETINGS: The ordinance-required community meeting was virtually held on April 21, 2021. The recorded meeting can be found at <https://www.speakupaustin.org/npa>. Approximately 156 meeting notices were mailed to people who own property or have a utility account within 500 feet of the property, in addition to neighborhood groups and environmental organizations who requested notification for the area on the Community Registry. Two city staff members attended the meeting in addition to the Victoria Haase and Ron Thrower, the applicant's agents. Two people attended from the neighborhood.

After staff gave a brief presentation on the proposed plan amendment and zoning change request, Victoria Haase, one of the applicant's agents, gave a presentation with the following information:

- There are two tracts: Tract 1 and Tract 2.
- The existing land use on Tract 1 is Single Family with existing zoning of SF-3-NP. The proposed zoning is MF-4-NP.
- The existing land use on Tract 2 is Neighborhood Commercial with existing zoning of LR-NP. The proposed zoning is CS-MU-NP.
- We are requesting Mixed Use land use on both tracts.
- Further down the development process we will have a better idea of what is achievable to be developed on the property.
- The proposed zoning would allow residential uses on both tracts; however, Tract 2 proposed zoning of CS-MU-NP would allow for a combination of residential and potentially commercial, which could include office and retail. Adding commercial spaces is going to be much less of the project, if at all, for the design project in the future.
- At this point in the process we have not gotten into the site planning stage

Q: I have lived in the neighborhood for my entire life. I feel this proposed change and the potential to have multifamily and/or mixed-use commercial will significantly alter the neighborhood community. It will increase security issues, foot traffic, as well as traffic in general. Has there been any consideration or interest in the effects that this development will have on our neighborhood and our community?

A: Currently three of the tracts along the I.H-35 frontage road are zoned commercial, but have never been developed, but now there is a desire to develop them. I'm not sure why there is a concern that multifamily will increase security issues. I would like to hear more about that. Certainly, putting more dwelling units will increase foot traffic and vehicular traffic because it means more people are going to live where currently there aren't people living. The City's Comprehensive plan wants to decrease vehicular traffic and part of that is bringing enough density to the core of the city to support a robust mass transit. We are in a housing crisis and we don't have enough homes for the people who live or who are moving here. Not everyone wants a traditional single-family home.

Q: What size apartments are proposed?

A: It could be a combination of sizes of apartments. It could be as small as efficiencies or there could be one- or two-bedrooms units, or you could have three bedroom or four bedrooms. It is most common to have one- or two-bedroom units. Although our client has not fully looked into this possibility, the units might be for sale units for ownership and not for rent.

Q: What is the maximum number of units could you put on the property?

A: I can give you the maximum number but understand that that it's not likely we could get 100% that maximum number. From the Land Development Code, it says we could get up to 64 two-bedroom units on 1.79 acres, but that is highly unlikely that we could get that many units because the need for parking isles, open space, water detention area and because compatibility standards would apply because the property is adjacent to single family zoning and land uses.

Q: Does the applicant's own the land? When did they purchase it? Are they local? Can you tell me about other developments they were involved in?

A: Yes, they own the land. They purchased the property in two separate transactions in 2016 and 2019. They are a local investment company who have been in Austin for 35 years. I know they have some commercial developments, but I have to seek more clarification from them. I will have to get back to you on this.

Q. Is this is going to be strictly for multifamily? Will there be any gas stations?

A. This project will be mostly for multifamily and could potentially be 100% multifamily, but if there is a commercial component, there will be no gas stations, adult-oriented businesses, or pawnshops. If there are any commercial uses it would be small retail like a sandwich shop or professional offices on the bottom floor of the building, but they are really focusing on housing units here and less on commercial uses.

Q: Do the owners plan to sell the property? Are there any restrictions on their loans if they are obligated to keep the property?

A: It's looking like these will be condominium-type units, so in this situation the ownership would be with who purchases the units. Sometimes with affordable housing tax credit programs, there are conditions where those units must remain affordable depending on if the units are owned or rented. Since this project is not participating in any of those programs, those requirements would not apply.

Q: If they do become for-sale condos what would be the price ranges of the units?

A: That's hard to answer at this point because the prices will depend on the accumulated cost such as the fees they paid, how long it took for the project to get on the ground, the site planning costs, the traffic mitigation and just the overall cost of development. These costs will be spread out among the number of units they are able to build.

Comments:

- I believe there will probably be low-income family housing as a percentage of that multifamily housing and that will bring potentially different resident status here.
- Aside from the handful of houses that have recently sold and been renovated, everyone else is still the original families a large majority is Hispanic descent. I feel that this situation is going to affect those who are not able to use their voices which is why I made sure to show up today.
- Tract 2 which is already zoned commercial could potentially enhance the quality of life for the neighborhood; however, converting Tract 1 into multifamily could potentially hinder the community.
- Brownie and Grady streets are already being used for cut-through traffic.
- We're not in a housing crisis in that there are too few homes/apartments, but the problem is the prices are too high and people can't afford them.
- Brownie Neighborhood Park Plan is underway, and the development will hinder the joyful use of the park.
- I have no objections to adding apartments here because I had to go all the way up to Leander to find a place to live, some places have 400 people on a waiting list just to get into a house these days.

Summary Letter from Application

21, 2021



March 9, 2021

Ms. Maureen Meredith
Planner Senior
Mrs. Sherri Sirwaitis
Planner Senior
City of Austin, Housing & Planning Depart

RE: 10609, 10611, 10613, 10615 Brownie Drive & 10610, 10612, 10614 Middle Fiskville Road –
Neighborhood Plan Amendment and Rezoning

Maureen and Sherri,

On behalf of the property owner, we submit the Neighborhood Plan Amendment and Rezoning applications herein. The properties total 1.79 acres in the City of Austin full purpose jurisdiction and are platted as lots 1-4 and 6-8, Block D of the Northmede, Section 1 Subdivision. The North Lamar Combined Neighborhood Plan and Future Land Use Map applies and designates the 4 lots fronting Brownie Drive for *Single Family* use and the 3 lots fronting Middle Fiskville Road for *Neighborhood Commercial Use* (see maps attached). The properties on Brownie Drive have *Family Residence-Neighborhood Plan (SF-3-NP)* zoning and the properties on Middle Fiskville Road have *Neighborhood Commercial -Neighborhood Plan (LR-NP)* zoning.

The request is to amend the Future Land Use Map to *Mixed Use* and to rezone the properties on Brownie Drive to *Multifamily Residence Moderate-High Density-Neighborhood Plan (MF-4-NP)* and to rezone the properties on Middle Fiskville Road to *General Commercial Services-Mixed Use-Neighborhood Plan (CS-MU-NP)* zoning. The requests are appropriate as the proposed changes would allow for development of much needed residential dwelling units, placing greater residential densities to the periphery of an established, traditional neighborhood area and within a half-mile of existing transit service. Successful rezoning of these properties will create an appropriate transition in land use intensity between the Commercially zoned properties fronting IH35/Middle Fiskville Road and the interior Single Family zoned properties of this area that currently does not exist.

The property is in a decent location to accommodate greater residential density and is supported by many Imagine Austin Planning Principles.

P.O. BOX 41957, AUSTIN, TEXAS 78704

1. Creating complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offering a variety of transportation options, and having easy access to daily needs such as schools, retail, employment, community services, and parks and recreations options.
2. Supporting the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
3. Protecting neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers, corridors, redevelopment, and infill site.
4. Expanding the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
5. Ensuring harmonious transitions between adjacent land uses and development intensities.
6. Protecting Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserving open space and protecting the function of the resource.
7. Encouraging active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.

While it is understood that the requested changes do not align with the North Lamar Combined Neighborhood Plan, Austin has gone through significant change and growth since the plan was adopted in 2009 to suggest that the requests are appropriate and urgently needed to bring more dwelling units to the City and to do so without creating further sprawl in our rural lands.

Thrower Design respectfully requests a favorable recommendation, and we are available for questions or discussion as needed.

Sincerely,

A handwritten signature in black ink, appearing to be 'Victoria Haase', with a stylized, cursive script.

Victoria Haase

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

There is no neighborhood plan contact team for the
North Lamar Combined Neighborhood Planning area

Neighborhood Postponement Requests

June 3, 2021

TO:

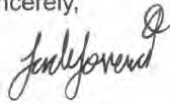
Sherri Sirwaitis
City of Austin
Housing & Planning Department
sherri.sirwaitis@austintexas.gov
512-974-3057

RE: Plan Amendment Case #: NPA-2021-0026.01 and Zoning
Case #: C14-2021-0039

I hereby formally request that the planning commission meeting scheduled for June 8th regarding Plan Amendment Case #: NPA-2021-0026.01 and Zoning Case #: C14-2021-0039 be postponed to the July 13th meeting agenda. The purpose of the postponement request is to increase community and neighborhood awareness, allow time to meet with the applicant representative to discuss neighborhood needs and to exercise Austin City Code valid petition rights. It is crucial that these meetings and outreach take place prior to the planning commission meeting.

Thank you for your time in this matter.

Sincerely,



Jade Lovera

Native Austinite and Neighborhood Resident

512-771-9360

From: jadelovera1@
Sent: Tuesday, July 6, 2021 3:52 PM
To: Victoria <Victoria@throwerdesign.com>
Subject: Re: Grady and Brownie Rezoning and Neighborhood Plan Amendment

Hi Victoria,

It has been very challenging scheduling a meeting; it is summertime, vacations are taking place and people are just getting back out into the world now that it is safer after being in quarantine for over a year in addition to various fluctuating work schedules.

I know you are interested in being able to meet with community neighbors and I want to facilitate that for you. I have been able to speak with several residents and pending a few to return from vacations in order to compile a date/time frame that would work best collectively to have the greatest attendance turnout. I kindly ask if you can you give us additional time to to get this accomplished? Which would postpone this to the July 27th commission meeting. It would be premature to proceed without you having the opportunity to speak with the community and collaborate on forward movements. I appreciate your understanding in this matter.

Thank you,

Jade

From: Victoria <Victoria@throwerdesign.com>
Sent: Friday, July 9, 2021 5:34 PM
To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Walters, Mark <Mark.Walters@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Harden, Joi <Joi.Harden@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: jadelovera1@ Ron Thrower <ront@throwerdesign.com>
Subject: RE: Grady and Brownie Rezoning and Neighborhood Plan Amendment

*** External Email - Exercise Caution ***

All,
Jade Lovera (cc'd here) has requested a second postponement to July 27th. We are agreeable to her request.
See below for greater info and please inform Commissioners.

Thank you kindly,

Victoria Haase

Thrower Design

510 South Congress Avenue, Suite 207
Mail: P.O. Box 41957
Austin, Texas 78704

512-998-5900 Cell
512-476-4456 Office



**Applicant Postponement Request submitted for Aug. 24, 2021
Planning Commission hearing**

City Council Meeting September 21, 2021



August 16, 2021

Ms. Maureen Meredith
Planner Senior

Mrs. Sherri Sirwaitis
Planner Senior
City of Austin, Housing & Planning Depart

RE: 10609, 10611, 10613, 10615 Brownie Drive & 10610, 10612, 10614 Middle Fiskville Road –
Neighborhood Plan Amendment and Rezoning

Maureen and Sherri,

The landowner and I met with Jade and others from neighboring planning areas last week, August 11, 2021. As a result of that meeting, we plan to amend our request to include a CO that will prohibit many (CS) commercial uses that are not desired by the neighborhood or the landowner. More time is needed to establish the CO and therefore, we request a postponement of these cases from the August 24th Planning Commission hearing to the next available hearing on September 14th, 2021.

Please confirm receipt of this request.
Thank you,

A handwritten signature in black ink, appearing to read "Victoria Haase". The signature is fluid and cursive, with a large loop at the beginning.

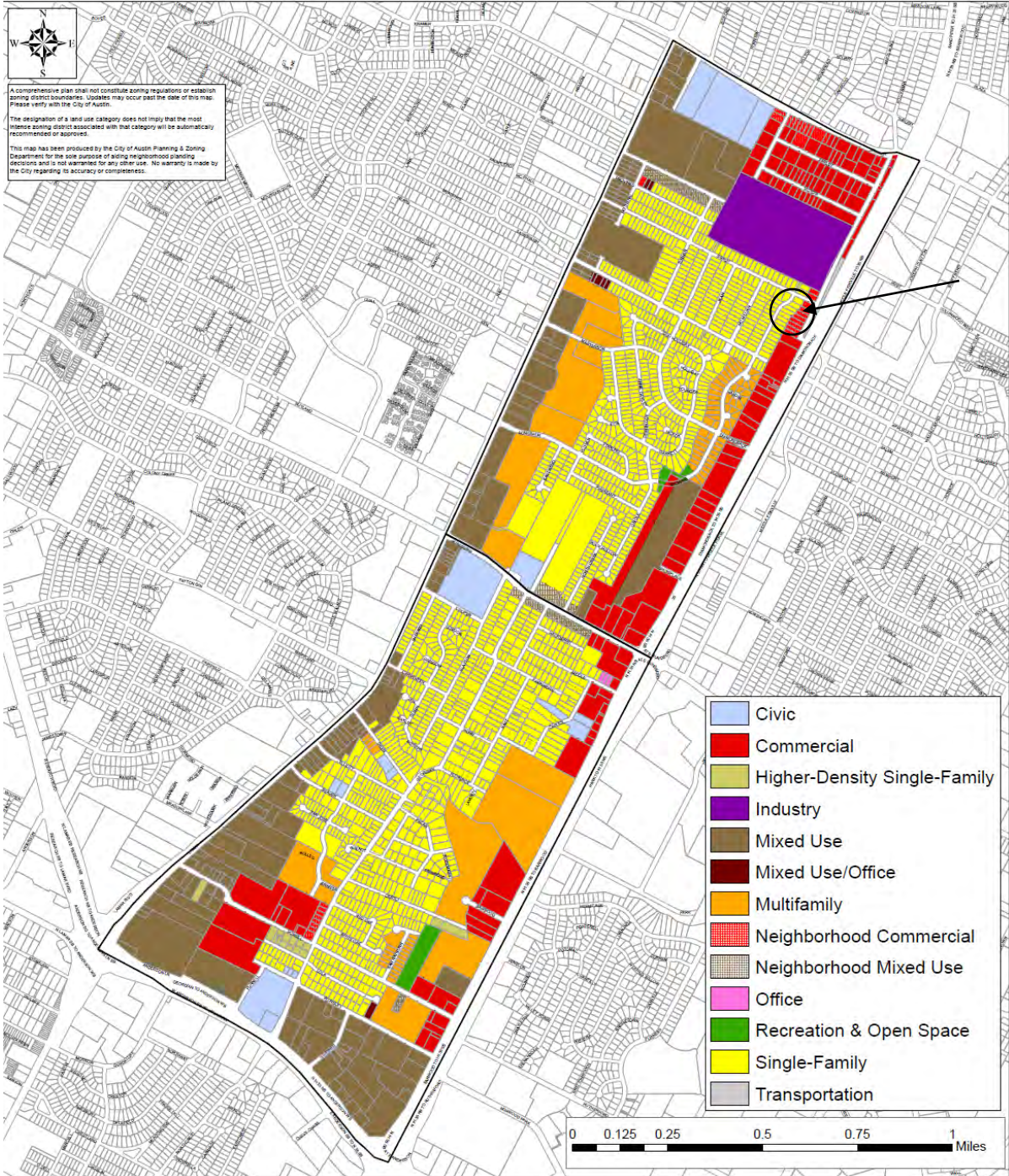
Victoria Haase

P.O. BOX 41957, AUSTIN, TEXAS 78704



North Lamar Combined Neighborhood Planning Area Future Land Use Map

Plan Adopted: June 24, 2010
Last Amended: Mar 26, 2020





North Lamar Combined (North Lamar) Neighborhood Planning Area NPA-2021-0026.01

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

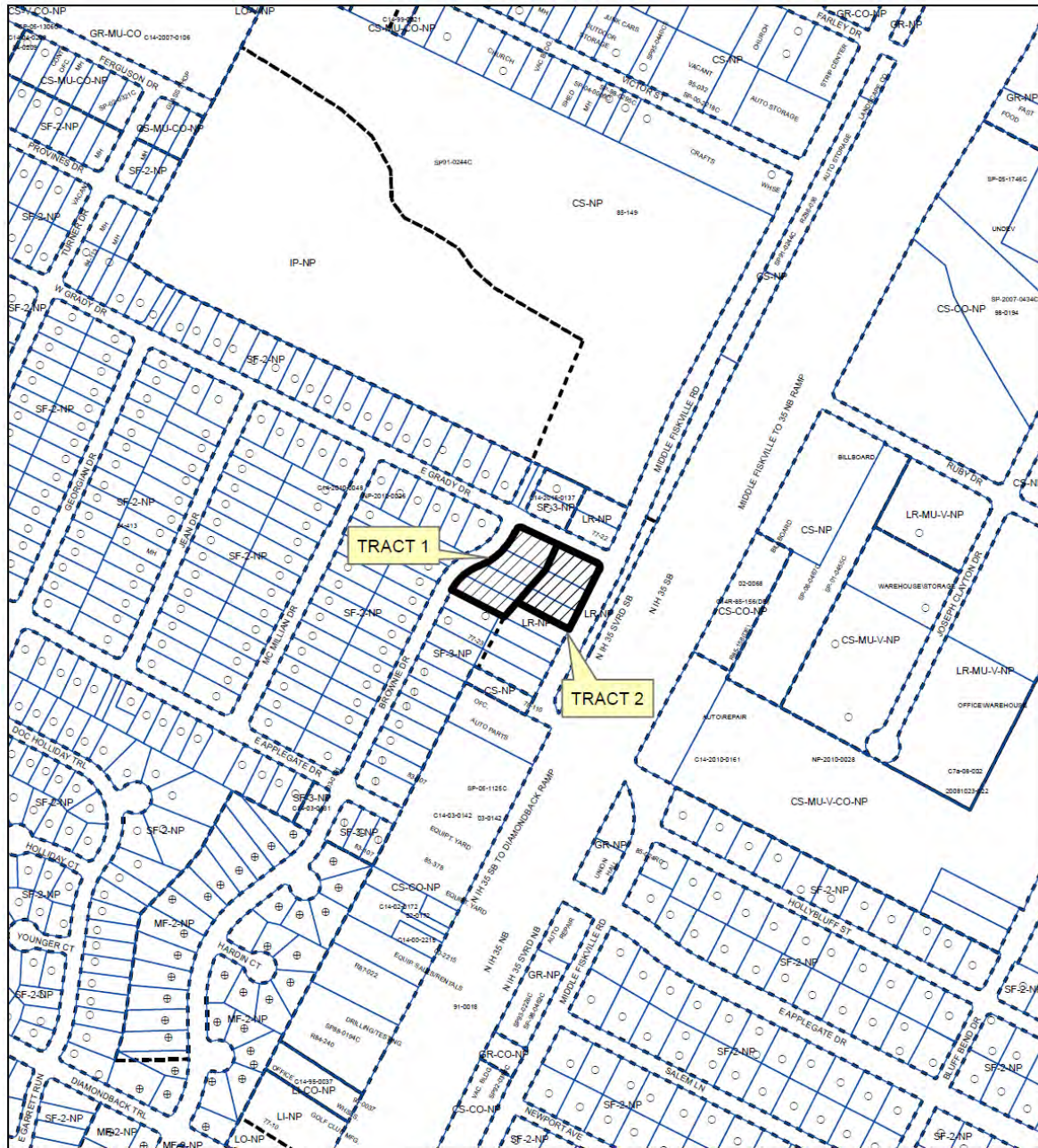
This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.






City of Austin
Housing and Planning Department
Created on 3/24/2021, by: MeeksS

Future Land Use

	Subject Tract		Multi-Family
	500 ft. notif. boundary		Neighborhood Commercial
	Civic		Neighborhood Mixed Use
	Commercial		Single-Family
	Industry		Transportation
	Mixed Use		



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

ZONING

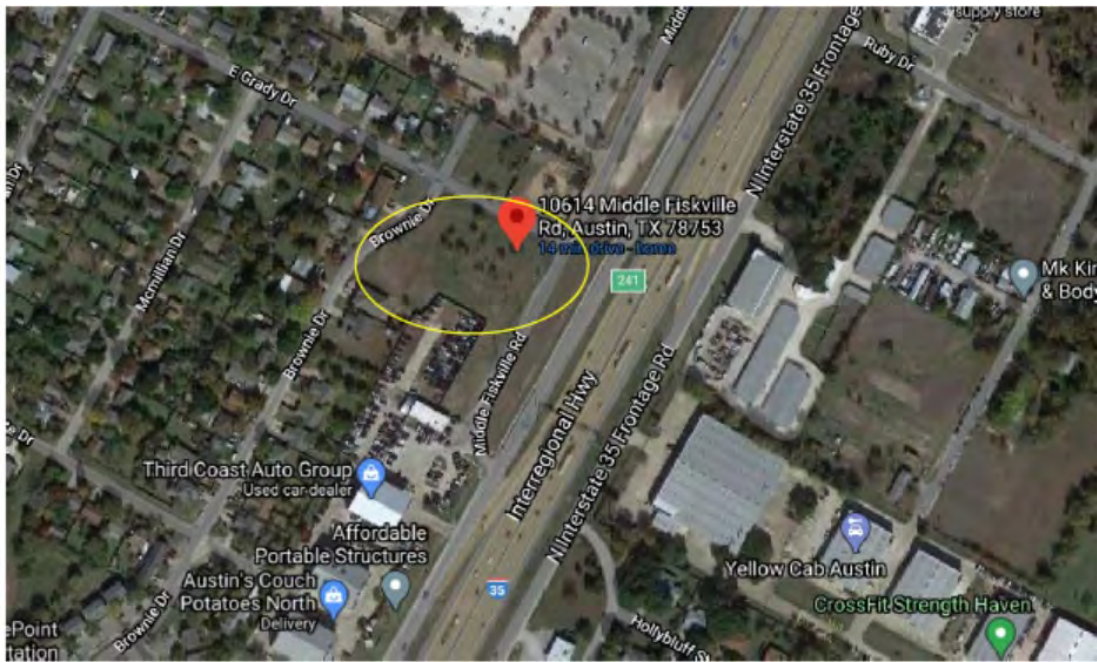
ZONING CASE#: C14-2021-0039

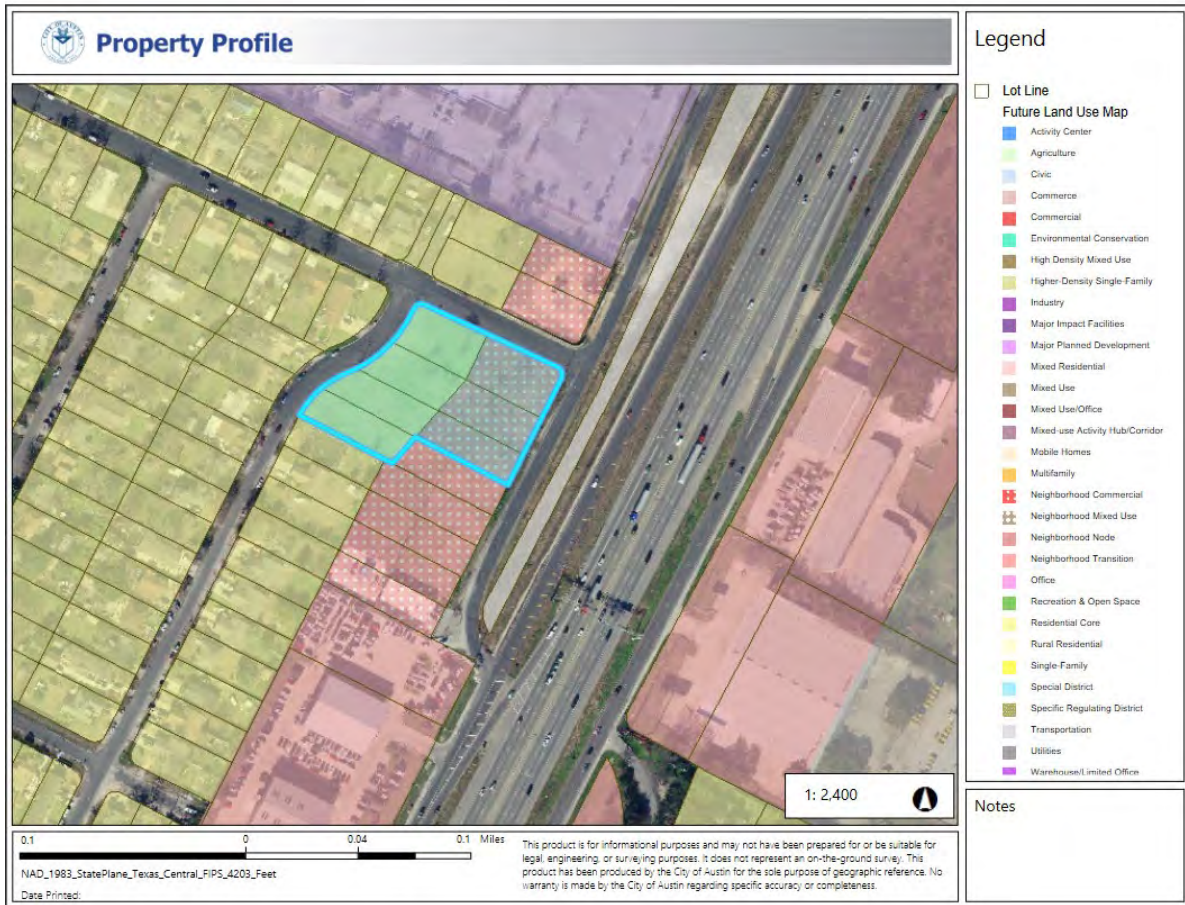
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

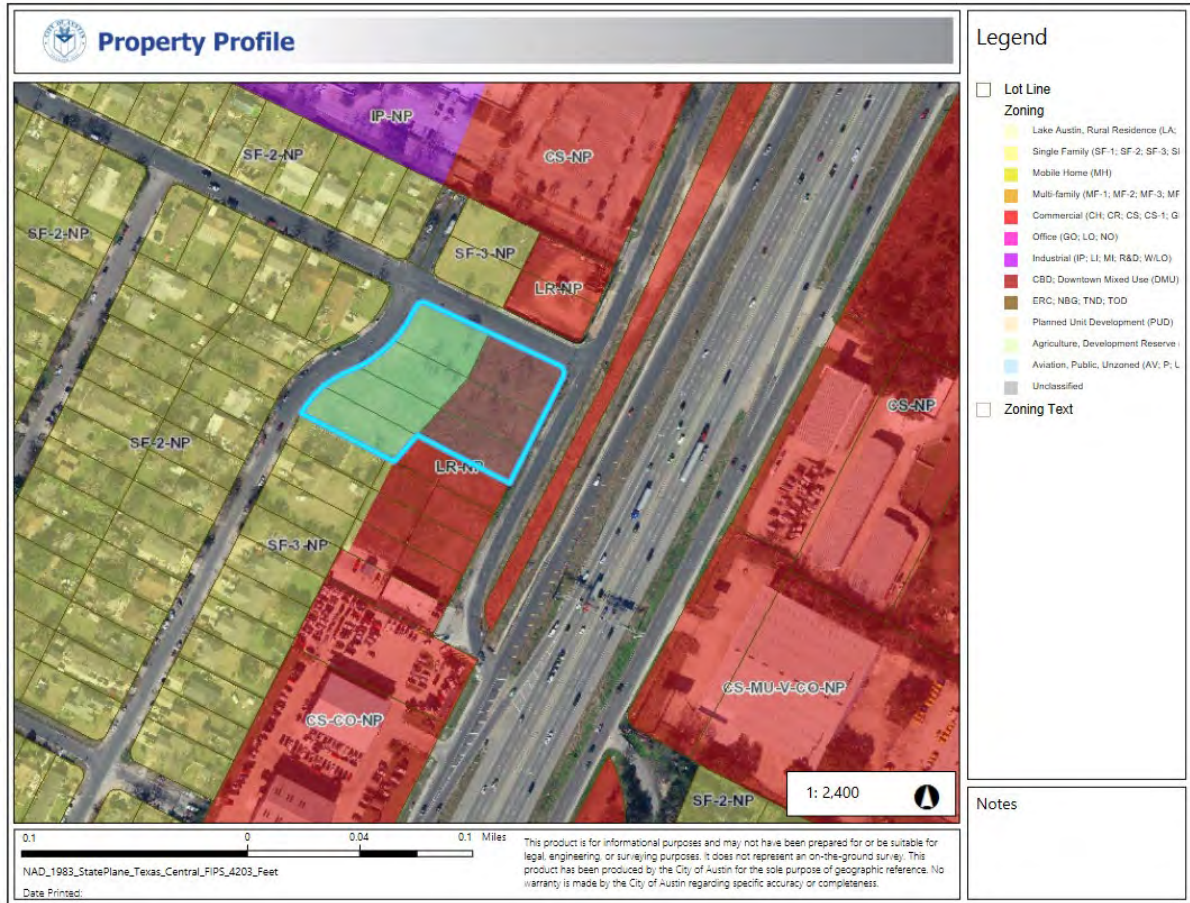
This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 3/23/2021







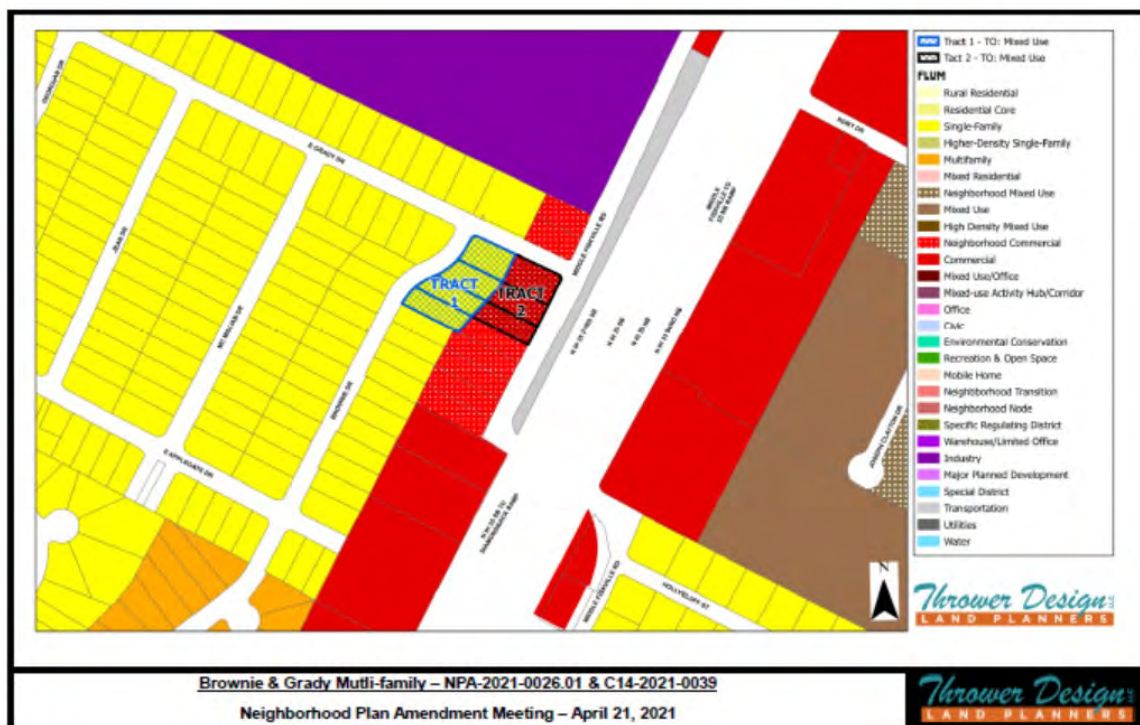
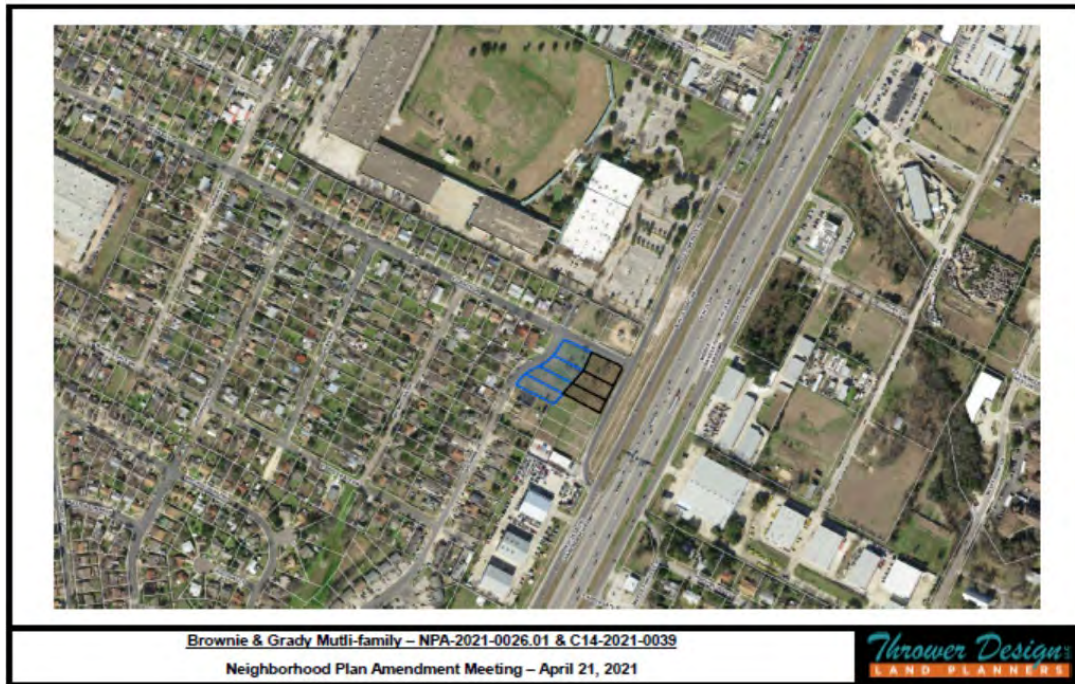








Applicant's Presentation at the April 21, 2021 Community Meeting



Communication Received

From: jadelovera1 @
Sent: Thursday, April 22, 2021 7:09 AM
To: maureen.meridith@austintexas.gov; Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
Cc: jadelovera1 @
Subject: Plan Amendment Case #: NPA-2021-0026.01 and Zoning Case #: C14-2021-0039

*** External Email - Exercise Caution ***

Hello,

This is in regards to Plan Amendment Case #: NPA-2021-0026.01 and Zoning Case #: C14-2021-0039, Property Addresses: 10609, 10611, 10613, 10615 Brownie Dr. and 10610, 10612, 10614 Middle Fiskville Rd.

I would like to add concerns and insights from the perspectives of current neighborhood residents especially those of us that live within 500ft. Please consider the quality of life and safety of the neighborhood residents as more important than the amount of money to be gained by investors. I will do my best to organize the points to be easily reviewed and considered.

The rezoning and plan amendment of the tracks on Middle Fiskville Dr to CS-MU-NP for general commercial service district & Brownie Dr to MF-4-NP for multifamily housing will directly and negatively impact the current and long-term established family character of the neighborhood in the following ways:

Exponentially increase foot traffic - bringing further exposure to our neighborhood creating higher safety and security concerns to the established residents. This includes concerns for physical safety of individuals as well as security of belongings and increased potential for theft. This additional foot traffic will create a direct infringement on the privacy of the current residents.

Exponentially increase automobile traffic - Our neighborhood is a hidden gem, however, many that are familiar with the area already use the neighborhood as a shortcut. Therefore the automobile traffic is currently in extreme excess at all times. There are frequently traffic incidents at the intersections on Brownie Dr as well as Grady Dr/Middle Fiskville Rd, in addition to traffic back ups during rush hour periods throughout the day. There was even a fatal accident at the corner of Brownie Dr and Grady Dr last year in the summer of 2020. Adding an additional 'up to 70+ residential units' will create an unmanageable traffic problem.

Gentrification of our neighborhood - Approving these petitions will enable the gentrification process to begin in our neighborhood. The majority of residents in this neighborhood have lived here for 20+ years and are minorities including hispanic and black families . The investor representative claimed there is a housing crisis, which will only be exaggerated as current long-term and life long residents will soon be forced to leave the

neighborhood because of the inflation of housing rates caused by the new construction and surplus of units becoming available. Surely, it cannot be true that our city values outside money coming in over established culture rich residents.

Diminish community culture - It is true what they say, beauty lies in the eyes of the beholder. However, culture and maintaining culture vibes that are already at a high risk of being forgotten little by little, should be protected, preserved and enhanced at all cost. This is literally the last piece of land in our neighborhood, simply because it has not been previously developed on, does not mean that it should be developed on and more specifically it should not be developed on against the established use plan. The building, even with careful architectural planning, will create a concrete eye sore for all of the current residents to face everyday for the rest of our lives, while the residents of the proposed apartment complex will turnover year after year.

The rezoning and plan amendment of the tracks on Middle Fiskville Dr from LR-NP to CS-MU-NP for general commercial service district is ultimately and absolutely unnecessary. This land is already zoned for neighborhood commercial use and therefore if, as claimed by the investors representative, they are not really interested in commercial use but may develop into a small commercial use space, this can already be accomplished with the current zoning in place on the land.

I strongly propose several other factors must be considered prior to any potential approval of zoning or future use plan is needed:

If these changes were to be approved, a serious and well thought out plan for traffic control is essential. The streets were not built for such high volume through traffic and as mentioned above, will pose even further extreme traffic concerns.

A more thorough understanding of the current owner/investors true intentions should be reviewed. Many mentions on the community meeting call were contradicting and continually changing throughout the explanation of their intent.

- When questioned about the timeframe that the owners planned to maintain the property after proposed construction, to determine if this was a long-term investment or a build and flip situation, the representative then scraped out of an answer claiming that the plan was to build condominiums which would be sold and not rented therefore proposing a condominium association to be as collective owners. However, initially on the call, it was revealed that the primary goal is to build an apartment complex on the space, specifically noting that 'not all people want or can afford to own homes'.
- In addition, there is a current for sale sign on the lot. This gives the impression that the owner may be trying to have the zoning changed in order to sell the land more quickly and at an extremely profitable rate. If this scenario is true, which it is highly possible, then the current claims of anticipated development ideas/plans, is completely irrelevant, as once the property is sold, the new owners will have their own plans to proceed with and at which time, the community and neighbors voices will bear no weight because the zoning and plan changes would have already been approved.
- Duplex and 2-family structures are currently allowable on the lots, this is in line with the current neighborhood growth infrastructure and could be a positive addition to

our neighborhood, pushing for rezoning to anything more is a direct form of disrespect to the established community and the infrastructure of the neighborhood would quickly carry the weight of the increased dense population creating a domino effect of problems to follow.

- If the intentions of the owner were as pure and minimized as attempted to present, then, why are they applying for MF-4 medium to high density? Why not apply for MF-1 low density? This would align much more with their story of condominiums for sale and would be ample enough to achieve their goal given the limited space of the lots. This is direct evidence that the investors do not have any concern of the community neighborhood or preservation of our city.
- Why are they also pushing to change the zoning of the lots on Middle Fiskville to CS-MU, if their intentions are to possibly place office space or other 'community enhancing' businesses. The current zoning already allows for commercial use that would be an asset, not a hindrance to our community enjoyment of life.
- If this was to be approved, what conditions or red tape could be placed to ensure that the results are as explained? It does seem like intentions are malicious and the investor does not plan to stay by his word, this is a form of civic bullying.

All in all, no raised concerns were addressed by the owner's representative. It appears to be an unfortunate classic case of targeting an underserved and overlooked community of minorities. I urge you to consider why the current future use plan was established and see that it was for the greatest and highest good of the community and city infrastructure.

Please see below chart of current apartment market conditions in Austin as of April 2021.
(source) https://www.apartmentdata.com/databases/marketlineADSonline_TXAU.pdf

According the Apartment data Austin's current overall Occupancy is 89.3%
Current Operating Supply: 1,075 communities 254,074 units,
Recently Opened (12 mo): 50 communities 13,928 units,
Under Construction: 56 communities 15,862,
units Proposed Construction: 107 communities 33,153 units.

This data clearly demonstrates that there will be an over saturated market once the 62,943 units are included in the market supply. Our neighborhood and community quality of life does not need to be altered to capitalize on the small plot of land that we have undeveloped in the neighborhood.

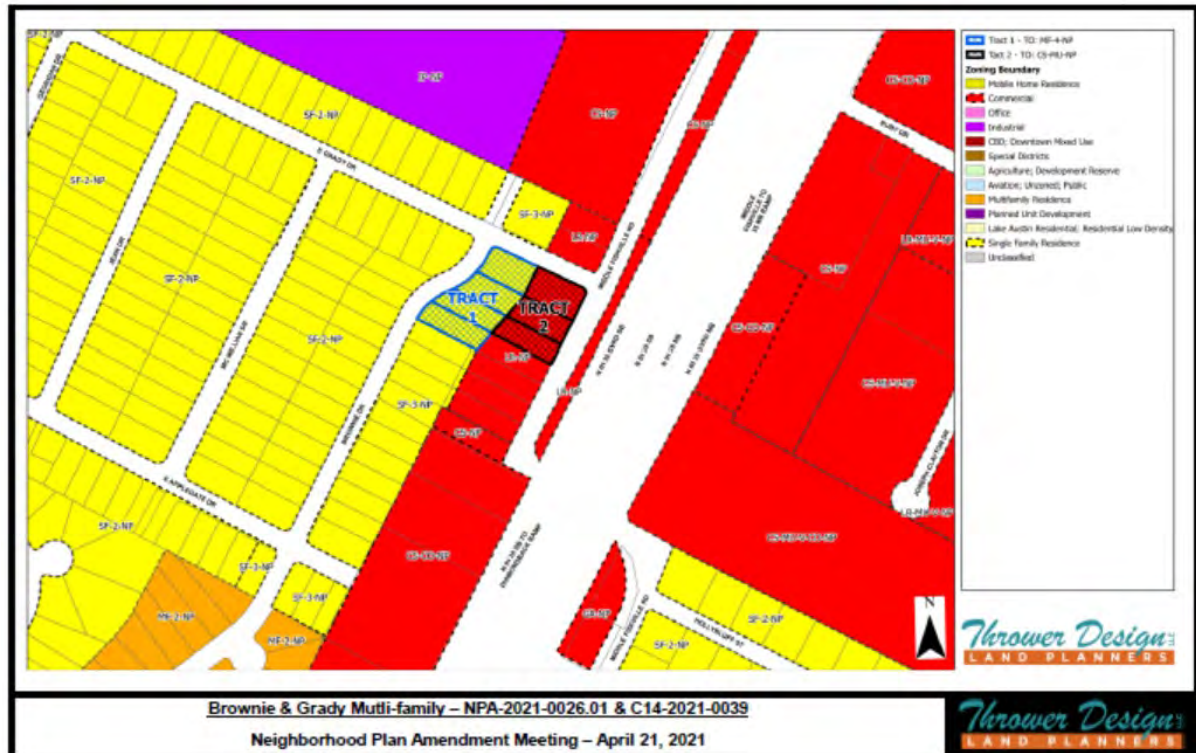
I am showing up and reaching out to be the voice of the collective in our neighborhood, many residents are not able to communicate their thoughts and feelings directly whether due to language barrier or due to the common fear of speaking up as a minority. Our voices deserve to be heard, our values deserve to be considered, our families and future concern of our quality of life deserve to be a priority focus. I kindly ask for empathy and understanding to what is in the greatest and highest good of the future of our neighborhood and our neighbors quality of life.

I also hereby formally inquire, is there any other course of action that can be taken to have this matter reviewed more deeply or provide more time to truly review all factors? Please

advise what systems or protocols are in place to provide support to normal neighborhood citizens to navigate the city planning system.

Thank you in advance for your time, understanding and compassion in this life-altering matter. Feel free to reach out to me with any further questions.

Jade Lovera



From: Sirwaitis, Sherri
Sent: Wednesday, June 09, 2021 10:25 AM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: FW: Case #: C14-2021-0039 + NPA-2021-0026.01

From: Hien, Do <
Sent: Tuesday, June 8, 2021 9:26 PM
To: sherri.sirwaitis@austintexas.gov; Sirwaitis, Sherri
<Sherri.Sirwaitis@austintexas.gov>
Subject: Case #: C14-2021-0039 + NPA-2021-0026.01

*** External Email - Exercise Caution ***

To Sherri Sirwaitis
To Maureen Meredith,

I object both cases:
Case #: C14-2021-0039 ;
NPA-2021-0026.01

Phuong Nguyen
5125993936
8324380985
Address affected by applications: 506 e grady dr, austin, texas, 78753

Best regards

.....

From: preston king
Sent: Wednesday, July 21, 2021 12:52 PM
To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Meredith, Maureen
<Maureen.Meredith@austintexas.gov>
Cc: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Re: Zoning change request for brownie and Grady drive

My statement

To whom it may concern:

I am writing in regards to the proposed zoning change at Brownie and Grady Drive. I live on Grady drive and have for 20 years. In that time, I have witnessed the traffic issues on Grady. My mailbox has been smashed, as has the one next door. Both my neighbors and those across the street have their parked cars hit. Our street can not handle more traffic that would be caused by a multi level condo building with retail on

the bottom. The streets in this area don't even have drainage and, except for Grady, are one lane. The other street this building would exit on is the very northern tip of Middle Fiskville, which is the same size it was when I 35 ran over it in the 50's. It is a small narrow street with no drainage. It cannot handle any more traffic. Any multi unit structure will flood out streets with more traffic.

thank you

p

.....

Citizen Stakeholder Comments on items #2 and #3 on Planning Commission
Agenda for July 27, 2021

For All City of Austin Planning Commissioners

Case **NPA-2021-0026.01**
Zoning Case **C14-2021-0039**
AGAINST

July 26, 2021

Emailed to : andrew.rivera@austintexas.gov, sherri.sirwaitis@austintexas.gov,
maureen.meredith@austintexas.gov

Greetings Planning Commissioners:

Thank you for listening to my voice on behalf of our community. I appreciate your efforts to provide service with integrity and thoughtful consideration on behalf of all of us in Austin .

I agree with Ms. Lovera's written statements I read in the case file about the damage it can do if you approve and recommend the applicant's proposed zoning changes. Her words and concepts are right on target.

The parcels under consideration as tract 1 and 2 are **already zoned appropriately** on the Neighborhood Plan (NP) Future Land Use Map (FLUM) if the health and well-being of the neighborhood and their contribution to the city overall is any part of your consideration.

I, and many others deeply invested in this community for the long term, spent two and a half years of our lives, our time, energy, and focus, working closely with City of Austin professional planning staff in crafting our neighborhood plan and FLUM. We did that because we believe the city of Austin's story that our neighborhood has value for its residents, businesses, schools, institutions, and culture, and can achieve an intelligent, integrated, harmonious greater good for our community and thus contribute to the larger city through the self determination of our neighborhood plan. We missed our kids' dance recitals, soccer games and spelling bees, etc. to do the intensive work to get it right. And we did get it right. Planning Commissioners recognized that, City Council recognized that, and between them made it an ordinance.

In those two and a half years we examined every parcel, every possible zoning option, every corridor, and existing and possible uses in the context of the goals, objectives, and vision for the planning area as it fits in the larger city. The FLUM

zoning on each parcel is connected and integrated with those goals and objectives to serve the overall whole vision of this becoming and remaining a thriving healthy part of north Austin.

I see from the staff backup report that staff cherry-picked bits and pieces of the NP narrative, took those out of their true context, and twisted them around in trying to find a way for them to benefit the applicant by erroneously applying them to these tracts. It is so disappointing to see this. The truth is there are other parcels to which those density and commercial objectives and goals actually do apply and you can see them in the FLUM, typically along THE ACTUAL, REAL corridors, and that is exactly where the applicant can and should seek to develop the intensity of use they desire for their profit goals.

Here are some neighborhood plan goals, priorities, and recommendations that **actually do apply** here:

My current comments are *italized* and **in red font**.

Transportation Goal: Pedestrians, motorists, transit users, bicyclists, and mobility-impaired neighbors should be able to safely and efficiently travel throughout the North Lamar Combined Neighborhood Planning Area and to the rest of the City.

The safety of both pedestrians and motorists needs to be upheld and ensured.

The NLCNPA is bounded by four major traffic corridors: North Lamar Boulevard, I-

35, Braker Lane, and US Highway 183. Several neighborhood streets serve as cut-through routes, connecting these corridors to one another. These routes **include Grady Drive**

Drive... The accessibility and convenience of the major corridors has led to an increase in vehicular traffic and speed along the streets within the planning area, **compromising the safety** of those traveling throughout the NLCNPA.

Land Use Goal: Create a well-balanced land use pattern that benefits everybody in the North Lamar Combined Neighborhood Planning Area by assigning appropriate land uses to particular properties.

Limit the encroachment of intense uses into the residential portion(s) of a neighborhood

- ☐ Place complementary uses next to one another
- ☐ Establish a logical pattern of uses
- ☐ Place more intense uses (e.g., industry, commercial) along large, arterial roadways and away from residential neighborhoodsto limit adjacent incompatible uses.

Priority Action Item 9 Limit the construction of new, large multi-family residential complexes throughout the NLCNPA. (Recommendation 121)

In the planning process, stakeholders noted the need to provide housing options for current and future residents of the NLCNPA. To maintain a balanced residential character, housing options (both owner-occupied and rental units) must be readily available. However, **when compared to other planning areas, the NLCNPA contains a disproportionate amount of rental units and large apartment complexes**. Of the total number of residential units in the planning area, 80 percent

are rental and nearly 69 percent of all housing units within the NLCNPA are in multifamily developments (Table L)²². Stakeholders thought further development of such complexes should be restricted throughout the neighborhood: they believed a more balanced mix of housing options and homeownership opportunities will stabilize the area.

Recommendation 122 New, more intense residential development should contain a mixed use element and be located along major roadways. *Middle Fiskville, Brownie Drive, and Grady drive are NOT major roadways. IH-35 service road, North Lamar, Rundberg, and Anderson Lane are. The FLUM accurately represents the reality.*

Preserve the commercial/industrial area in the northeastern corner of the NLCNPA. *(The purpose of commercial means COMMERCIAL, not to defeat that goal by more intense residential through adding on MU)*

Although there are a few houses interspersed throughout the area, the northeastern corner of the NLCNPA is primarily a commercial district. Its relative separation from nearby residences makes this location ideal for the types of businesses currently operating—auto repair, storage, a major manufacturing facility (Golfsmith), and a variety of retail outlets and services. Neighborhood stakeholders suggested two land use categories for this corner of the

NLCNPA so to provide residents a variety of commercial services: commercial and neighborhood commercial. The commercial designation will be applied to the majority of this area while a handful of properties along Braker Lane, between Georgian Drive and Middle Fiskville Road will be designated neighborhood commercial. The neighborhood commercial designation will be more complementary to the single-family houses along the north side of Braker Lane.

Objective L.9: Create a node of commercial activity in the far northeastern corner of the NLCNPA. *.(The purpose of commercial means COMMERCIAL, not to defeat that goal by more intense residential through adding on MU)*

Recommendation 140 Apply the commercial and neighborhood commercial future land use designations to the northeastern portion of the NLCNPA. See the Future Land Use Map for the properties to which each future land use designation is applied.

These tracts are in the Eastern Crescent. We may be just a hair geographically west of IH-35, but we are more like the rest of the Crescent, like East Austin once was, than anywhere to our west. Our demographics in race-ethnicity, educational attainment, income level, economic opportunity level (and lack thereof), etc. make that clear.

The destruction of East Austin, the displacement and systemic dismantling of the long-term cultural communities there that public officials NOW go on record to lament as terrible, unfair, and “not who Austin really is,” could only be done with the support, the complicity, of past city of Austin officials supporting decisions to allow profit-driven developers and real estate opportunists to take down those communities piece by piece for their own greater profit, driving out those long term Austinites who had made the place what it was. Several of the cultural and economic

refugees from that disaster in East Austin facilitated by city officials moved here and settled because we were affordable, accepting, and didn't yet have developers seeing us as the next fruit ripe for profit-picking.

They see us now. Big Time. That is one thing this re-zoning application represents. As Commissioners appointed by Council having this awesome trusted responsibility and power over the lives of fellow Austinites, please do not assist in the dismantling of my community through recommending these piecemeal, inappropriate land uses and zoning decisions that will then only encourage more profiteers to come and take our community apart.

There is land in the NP FLUM zoned for the intensity level folks say Austin needs. These investors can buy that and build in an appropriate place that best serves the neighborhood and the city overall, and still make a tidy profit. We specifically built into the FLUM that opportunity to expand this kind of residential housing in places that make sense, even though for decades we've already been one of the highest density areas of Austin. Please deny this application and direct the developer to consider those opportunities instead.

Again, thank you for reading my input.

Respectfully,
Lyn Galbreth

8827 East Drive
Austin, TX, 78753
512/799-2521

.....

Southeast Combined Neighborhood Plan Contact Team

Ana Aguirre
Immediate Past Chair
PO Box 19748
Austin, TX 78760
512-708-0647
a-aguirre@prodigy.net

July 26, 2021

Todd Shaw, Chair
Yvette Flores, Secretary
Awais Azhar
Grayson Cox
Jennifer Mushtaler
Carmen Llanes Pulido
Jeffrey Thompson
Richard Mendoza, Ex-Officio

Claire Hempel, Vice-Chair
James Shieh, Parliamentarian
Joao Paulo Connolly
Patrick Howard
Solveji Rosa Praxis
Robert Schneider
Jessica Cohen, Ex-Officio
Arati Singh, AISD Ex-Officio

RE: Neighborhood Plan Amendment Case Number: NPA-2021-0026.01
Rezoning Case Number: C14-2021-0039

Dear Honorable Chair Shaw and Commissioners:

The Southeast Combined Neighborhood Plan Contact Team (SCNPCT) has a history of supporting responsible development. The SCNPCT held its regular monthly meeting on Monday, July 12, 2021, and met with representatives from the Rundberg area, who are part of the Eastern Crescent, to discuss the proposed FLUM and zoning changes pertaining to the properties located at 10609, 16011, 10613, 10615 Brownie Drive and 10610, 10612, 10614 Middle Fiskville Road: 1) Neighborhood Plan Amendment to change the land use designation on the FLUM from single family and neighborhood commercial to mixed use; and 2) Rezoning from SF-3-NP and LR-NP to MF-4-NP and CS-MU-NP. The SCNPCT took into consideration the information provided by the Rundberg area representatives.

With a quorum present and based on the information provided and comparing shared concerns of the residents within the Eastern Crescent, the SCNPCT membership voted unanimously not to support the proposed changes to the land use designation on the FLUM from single family and neighborhood commercial to mixed use land use and rezoning from SF-3-NP and LR-NP to MF-4-NP and CS-MU-NP. The SCNPCT voted to support the Rundberg area residents and join their efforts.

The shared historical concerns of the Eastern Crescent communities include the continued and unprecedented gentrification and displacement of low income and people of color residents. The

impact will include increased property values, which will result in increased property taxes for homeowners or increased rental fees for current residents. This basically guarantees an accelerated displacement of this vulnerable community. Additionally, families and children with long-term established neighborhood ties, including ties with neighborhood schools, current community resources and support systems will be pushed out. This results in destabilizing those relationships and adds cruel stressors as these same displaced residents will have to work on creating new support systems in whatever areas outside of the City of Austin they manage to find are affordable to them. There is no demonstrated neighborhood benefit to the current residents in this portion of the Eastern Crescent.

This proposal does not provide affordable housing comparable to the current population occupying this census tract. This area is lacking in parkland and the proposal refers to a fee-in-lieu as an option. If the fee-in-lieu option is utilized by the project, this will result in a higher rate of residents with no access to parkland, which will reduce the quality of life for current and future residents in this portion of the Eastern Crescent. Residents in the Eastern Crescent continue to be subjected to lower standards of a quality of life, which is unjust and discriminatory. Environmental concerns have been voiced – flooding and critical environmental features. What written assurances can be secured to ensure there is no adverse impact to current residents and properties and how will critical environmental features be protected?

We respectfully request the Planning Commission not approve the neighborhood plan amendment and zoning change requests. We respectfully request the Planning Commission carefully consider the long-term and overall impact such changes would have on the current and future residents of this portion of the Eastern Crescent. A sincere effort must be made to ensure these residents are not displaced and current substandard quality of life elements are improved on and families stabilized.

Respectfully submitted,

Ana T. Aguirre

Ana Aguirre, Immediate Past Chair
Southeast Combined Neighborhood Plan Contact Team (SCNPCT)

CC: Maureen Meredith, Housing and Planning Department
Sherri Sirwaitis, Housing and Planning Department

From: Crystal Starkey [mailto:crystaljstarkey@gmail.com]
Sent: Friday, July 23, 2021 4:23 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Meredith, Maureen
<Maureen.Meredith@austintexas.gov>
Subject: Written Statement

*** External Email - Exercise Caution ***

Hello,

I would like to submit a written statement of opposition to case #: NPA-2021-0026.01 and Zoning Case #: C14-2021-0039. The proposed rezoning would significantly impact the community dynamic, increase traffic congestion, increase vehicle accidents and potentially increase vehicle fatalities at the intersection which is exactly adjacent to my home. The influx of population to an already dense community will have detrimental impacts on the communities and property values.

--

Thanks,
Crystal Starkey