

SECOND/THIRD READINGS SUMMARY SHEET

CASE: C14-2021-0100 (Grady and Brownie Mixed Use) DISTRICT: 4

ADDRESS: 10609, 10611, 10613, 10615 Brownie Drive and
10610, 10612, 10614 Middle Fiskville Road

APPLICANT: Grady & Brownie Investments LLC (Saleem Memon)

AGENT: Thrower Design (A. Ron Thrower)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

REQUEST:

Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 10609, 10611, 10613, 10615 Brownie Drive and 10610, 10612, 10614 Middle Fiskville Road (Little Walnut Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to MF-2-NP combining district zoning for Tract 1 and neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning for Tract 2.

PREVIOUS CITY COUNCIL ACTION:

November 4, 2021: Approved Planning Commission recommendation for MF-2-NP zoning for Tract 1 and LR-MU-NP zoning for Tract 2 by consent on 1st reading (8-3, Council Members A. Alter, K. Tovo and N. Harper-Madison-No); L. Pool-1st, A. Kitchen-2nd.

ISSUES: N/A

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0039 (Grady & Brownie Mixed Use) DISTRICT: 4

ZONING FROM: Tract 1: SF-3-NP
Tract 2: LR-NP

TO: Tract 1: MF-4-NP
Tract 2: CS-MU-NP

ADDRESS: 10609, 10611, 10613, 10615 Brownie Drive and
10610, 10612, 10614 Middle Fiskville Road

SITE AREA: Tract 1: 1.03 acres
Tract 2: 0.76 acres
1.795 acres (78,211.98 sq. ft.)

PROPERTY OWNER: Grady & Brownie Investments LLC (Saleem Memon)

AGENT: Thrower Design (A. Ron Thrower)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends MF-2-NP, Multifamily Residence-Low Density District-Neighborhood Plan Combining District, zoning for Tract 1 and LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining District, zoning for Tract 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 8, 2021: Postponed to July 13, 2021 at the neighborhood's request by consent (11-0); A. Azhar-1st, J. Mushtaler-2nd.

July 13, 2021: Postponed to July 27, 2021 at a neighbor's request by consent (8-0, A. Azhar, P. Howard, S. Praxis, C. Llanes-Pulido, R. Schneider - absent); C. Hempel-1st, Y. Flores-2nd.

July 27, 2021: Postponed to August 24, 2021 at the neighborhood's request (10-0); G. Cox-1st, C. Llanes-Pulido-2nd.

August 24, 2021: Postponed to September 14, 2021 at the applicant's request (11-0); C. Hempel-1st, R. Schneider - 2nd.

September 14, 2021: Motion to approve the staff's recommendation for MF-2-NP zoning for Tract 1 and LR-MU-NP zoning for Tract 2 (9-1, C. Llanes-Pullido-No); C. Hempel-1st, G. Cox-2nd. Commissioner A. Azhar abstained.

CITY COUNCIL ACTION:

October 21, 2021: Postponed to November 4, 2021 at the neighborhood's request (10-0, G. Casar-off the dais); A. Kitchen-1st, M. Kelly-2nd.

November 4, 2021: Approved Planning Commission recommendation for MF-2-NP zoning for Tract 1 and LR-MU-NP zoning for Tract 2 by consent on 1st reading (8-3, A. Alter, K. Tovo and N. Harper-Madison-No); L. Pool-1st, A. Kitchen-2nd.

November 18, 2021

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question consists of seven undeveloped lots located between Brownie Drive and Middle Fiskville Road at East Grady Drive. The lots to the north, across Grady Drive, are zoned SF-3-NP and LR-NP respectively and are undeveloped. Further to the north, is a manufacturing facility (former Golfsmith site) with IP-NP and CS-NP zoning. To the south and east along Brownie Drive are single-family residences zoned SF-2-NP and SF-3-NP. Along Middle Fiskville Road to the south, there are commercial uses (Third Coast Auto Sales Group) with LR-NP and CS-NP zoning. The applicant is requesting MF-4-NP zoning for Tract 1 and CS-MU-NP zoning for Tract 2 to allow for the development of residential dwelling units at the periphery of an established neighborhood and commercial uses fronting IH-35/Middle Fiskville Road (*please see Applicant's Request Letter – Exhibit C*).

In 2010, the North Lamar Combined Neighborhood Plan was devised for this area of the City. The neighborhood plan recommended Single-Family fronting Brownie Drive and Neighborhood Commercial fronting Middle Fiskville Road on the future land use map for this property (*please see North Lamar Combined NP FLUM – Exhibit D*). On June 24, 2010, the City Council approved the North Lamar Combined Neighborhood Plan along with accompanying rezoning for these tracts of land through case C14-2010-0048/ Ordinance No. 20100624-111.

The staff recommends MF-2-NP zoning for Tract 1 and LR-MU-NP zoning for Tract 2. MF-2-NP zoning on Tract 1 will permit the applicant to develop low density multifamily residential units in an area adjacent to single-family houses/zoning to south and west. The Multifamily Residence-Low Density district will provide for additional residential housing opportunities to be developed on an underutilized property that is located near two major arterial roadways, North Lamar Boulevard to the west and Braker Lane to the north, and a highway to the west, Interstate Highway-35 South Bound.

The staff recommends LR-MU-NP zoning for Tract 2 as the property fronts Middle Fiskville Road, a level 1 local roadway, not the IH-35 frontage road. The staff supports adding the MU, Mixed Use Combining District to the existing Neighborhood Commercial base zoning on Tract 2 to permit a mixture of residential, office, commercial and civic uses to be developed on a highly visible property located near the IH-35 frontage road. Neighborhood Commercial-Mixed Use zoning will permit the applicant to develop density on Tract 2 that is consistent with the multifamily density permitted under the MF-2-NP zoning on Tract 1. LR-MU-NP zoning on Tract 2 will provide a transition in the intensity of permitted uses from Middle Fiskville to MF-2-NP zoning on Tract 1 fronting Brownie Drive to the established single-family residential neighborhood to the west.

BASIS OF RECOMMENDATION:

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

Multifamily Residence (Low Density) district is intended to accommodate multifamily use with a maximum density of up to 23 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near single-family neighborhoods, and in selected areas where low density multifamily use is desirable.

Neighborhood Commercial district is intended for neighborhood shopping facilities which provide limited business service and office facilities predominately for the convenience of residents of the neighborhood.

Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

2. *The proposed zoning should promote consistency and orderly planning.*

MF-2-NP zoning on Tract 1 is consistent with the surrounding residential development and SF-3 and SF-2 zoning to the north, south and east. The Multifamily Residence-Low Density district is intended to allow for low density multifamily residential uses near single family neighborhoods.

LR-MU-NP zoning on Tract 2 is consistent with the LR-NP zoning to the north, across E. Grady Lane and the LR-NP and CS-NP zoning to the south fronting onto Middle Fiskville Road. Neighborhood Commercial-Mixed Use-Neighborhood Plan combining district zoning will provide a transition in the intensity of permitted uses from Middle Fiskville to the MF-2-NP zoning on Tract 1 fronting Brownie Drive to the established single-family residential neighborhood to the west.

3. *The proposed zoning should allow for a reasonable use of the property.*

MF-2 zoning on Tract 1 will allow for additional housing options to be developed on an underutilized property that is located on a residential street near two major arterial roadways, North Lamar Boulevard to the west and Braker Lane to the north where public transportation is available (Capital Metro Rapid Bus Routes).

LR-MU-NP zoning on Tract 2 will permit the applicant to develop office, civic or commercial uses on the site to provide services to the proposed multifamily development on Brownie Drive and to the established single-family residential neighborhood to the east.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP, LR-NP	Undeveloped
<i>North</i>	SF-3-NP, LR-NP	Vacant Fenced Area, Undeveloped Lot
<i>East</i>	Right-of-Way	Interstate Highway-35 South Bound Frontage Road and Freeway
<i>South</i>	SF-3-NP, CS-NP, CS-CO-NP	Single-Family Residences, Auto Sales (Third Coast Auto Group)
<i>West</i>	SF-2-NP	Single-Family Residences

PLANNING AREA: North Lamar Neighborhood Plan

TIA: Deferred to the time of Site Plan

WATERSHED: Little Walnut Creek

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Friends of Austin Neighborhoods
 Go Austin Vamos Austin-North
 Homeless Neighborhood Association
 Mockingbird Hill Neighborhood Association
 Neighborhood Empowerment Foundation
 North Growth Corridor Alliance
 North Lamar Combined Neighborhood Plan Contact Team
 North Lamar Neighborhood Association
 SELTEXAS
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2016-0137 (Grady .46: 600 East Grady Drive)	SF-2-NP to SF-3-NP	2/14/15: Approved staff rec. of SF-3-NP zoning, with condition of ROW dedication, on consent (10-0, S. Oliver, J. Shieh, N. Zaragoza-absent); T. White-1 st , J. Vela-2 nd .	3/23/17: Approved SF-3-NP zoning, with conditions, on consent on 1 st reading (11-0) 4/13/17: Approved SF-3-NP zoning, with conditions (9-1, O. Houston-No, L. Pool-absent); P. Renteria-1 st , D. Garza-2 nd .

C14-2012-0023 (601 W. Applegate Drive: 601 W. Applegate Drive)	LO-MU-CO-NP to GR-MU-NP	6/12/12: Approved staff recommendation to deny the requested zoning (6-1, A. Hernandez-No, D. Anderson and D. Chimenti-absent); M. Dealey-1 st , D. Tiemann-2 nd .	6/28/12 : Denied the rezoning request (7-0); B. Spelman-1 st , L. Morrison-2 nd .
C14-2010-0048 (North Lamar NP Rezoning)	CR-CO to LO-MU-CO-NP	5/11/10: Approved the staff's recommendation for LO-MU-CO-NP zoning, with condition to remove Art Gallery, Art Workshop, and Counseling Services as prohibited uses, for Tract 20 (ABS 29 SUR 38 Applegate J ACR .17, Lot 1 Block K Mockingbird Hill Section 1 Subdivision, Lot 2 Block K Mockingbird Hill Section 1 Subdivision, and 601 West Applegate Drive); Vote: (8-0, J. Reddy-absent); C. Small-1 st , M. Dealey-2 nd .	6/24/10: Approved the North Lamar Combined Neighborhood Plan, except for tract 32 (postponed to July 29, 2010), and tracts 134 and 135B, on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote. Approved the North Lamar Neighborhood Plan Combining District (NP) was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
C14-05-0163 (Landrum-4: 601 W. Applegate Drive)	SF-2 to GR* *The applicant amended their rezoning request to CR zoning on November 14, 2005	10/18/05: Postponed to November 1, 2005 by the staff (9-0); J. Martinez-1 st , J. Gohil-2 nd . 11/01/05: Postponed to November 15, 2005 by the applicant (9-0); J. Martinez-1 st , J. Gohil-2 nd . 11/15/05: Case continued to January 17, 2006 ZAP Commission meeting (7-0, J. Gohil, J. Martinez – absent); M. Hawthorne-1 st , T. Rabago-2 nd). 1/17/06: Postponed to January 31, 2006 at the applicant's request (9-0); J. Martinez-1 st , J. Gohil-2 nd . 1/31/06: Approved CR-CO zoning with the following conditions: 1) Recreational Equipment Maintenance & Storage as the only permitted CR (Community Recreation) district use; 2) Permit SF-6 (Townhouse & Condominium Residence) district uses; 3) SF-6 (Townhouse & Condominium Residence) district site development standards; 4) Limit access to the driveway previously considered Motheral Drive (vacated Motheral	3/02/06: Approved CR-CO zoning on 1 st reading with the following additional restrictions: 18 foot height limitation, minimum of 6 foot solid fence around all four sides of the property with the additional provision that the fence along Applegate must be 10 feet off the north property line and must have landscaping in front of it, and driveway access would be from Motheral Drive (6-1, Kim-Nay); Alvarez-1 st , Wynn-2 nd 4/20/06: Approved CR-CO zoning with conditions by consent (6-0, D. Thomas-off dais); 2 nd /3 rd readings

		Drive); 5)The applicant will provide a vegetative buffer along Applegate Drive; 6) The site shall be limited to less than 300 vehicle trips per day above the existing trip generation. Vote: (8-0, J. Gohil-absent)	
C14-04-0209	CS-CO, CS to CS-1	3/01/05: Approved staff rec. of CS-1-CO with following conditions: Prohibit Adult Oriented Businesses, Liquor Sales, Cocktail Lounge, Vehicle Storage, Pawn Shop Services, Indoor Entertainment, Exterminating Services, Guidance Services; limit height to a maximum of 40 feet; limit development to 2,000 vtpd (8-0)	3/24/05: Approved CS-1-CO (7-0); all 3 readings
C14-03-0150 (Gilleland Zoning Change: 606 West Grady Drive)	SF-2 to CS* *Amended to 'GR' on 11/5/03	11/4/03: Approved staff's recommendation to deny CS, General Commercial Services District, zoning (9-0)	12/11/03: The motion to deny zoning request was approved (7-0); Slusher-1 st , McCracken-2 nd . The motion to approve reconsideration of this item was approved (7-0); Slusher-1 st ; Thomas-2 nd . This item was postponed to January 29, 2004 (7-0); Slusher-1 st , Wynn-2 nd 1/29/04: Denied request (4-0), Thomas/ Goodman-absent, McCracken-off dais)
C14-01-0116	LO to CS	1/22/02: Approved staff alternate rec. of CS-CO; w/conditions (8-0)	2/28/02: Approved CS-CO w/other conditions (6-0); all 3 readings: 1) Subject to TIA conditions, 2) Prohibiting the following uses: a) Automotive Washing (of any type) b) Commercial Off-Street Parking c) Convenience Storage d) Equipment Sales e) Funeral Services f) Kennels g) Monument Retail Sales h) Outdoor Sports and Recreation i) Residential Treatment j) Local Utility Services k) Service Station l) Campground m) Construction Sales and Services n) Equipment Repair Services o) Exterminating Services

			<p>p) Hotel-motel</p> <p>q) Laundry Services</p> <p>r) Outdoor Entertainment</p> <p>s) Vehicle Storage</p> <p>t) Community Recreation (public)</p> <p>u) Community Recreation (private)</p> <p>v) Off-site Accessory Parking</p> <p>w) Drop-off Recycling Collection Facility</p> <p>3) Prohibit Drive-in Service</p>
C14-01-0037	MF-2, SF-3, SF-2 to NO-NP	4/17/01: Approved staff rec. of NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP (9-0)	<p>5/24/01: Approved PC rec. on all 3 readings, except Tract 9 (1st reading only); (6-0)</p> <p>8/9/01: Approved CS-NP for Tract 9 (7-0); 2nd/3rd readings</p>

RELATED CASES:

C14-2010-0048 (North Lamar Neighborhood Plan Rezoning)

C14-85-0178 (Mockingbird Hill Area Study Rezoning)

C14-2010-0048 – Previous Zoning Case

C8-63-002 - Subdivision

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Middle Fiskville Rd	68'	50'	22'	1	Yes	No	Yes
Grady Rd	51'	50'	35'	1	Yes	Yes	Yes
Brownie Dr	52'	50'	36'	1	Yes	Yes	Yes

OTHER STAFF COMMENTS:Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is partially in the Little Walnut Creek Watershed which is classified as an Urban Watershed & partially in the Walnut Creek Watershed of the Colorado River Basin which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Zoning district impervious cover limits apply in the portion of the site that is in the Urban Watershed classification.

Under current watershed regulations, development or redevelopment on the portion of the site that is in the Suburban Watershed will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is a floodplain within or adjacent to 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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

At this time, no information has been provided as to whether this property has any ls that preempt current water quality or Code requirements.

Fire

No comments.

Parks and Recreation

Parkland dedication will be required for the new residential units proposed by this development, multifamily with MF-4-NP and CS=MU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. One of the criteria is whether the site is located in a park deficient area. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

The site is subject to compatibility standards. Along the south property line (adjacent to SF-3-NP Zoning, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for Middle Fiskville Road, Grady Road, and Brownie Drive. A traffic impact analysis is waived, the determination is deferred to site plan application, when land use and intensity will be finalized. A neighborhood traffic analysis may be required at the time of site plan when uses and intensities are known.

Water Utility

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.

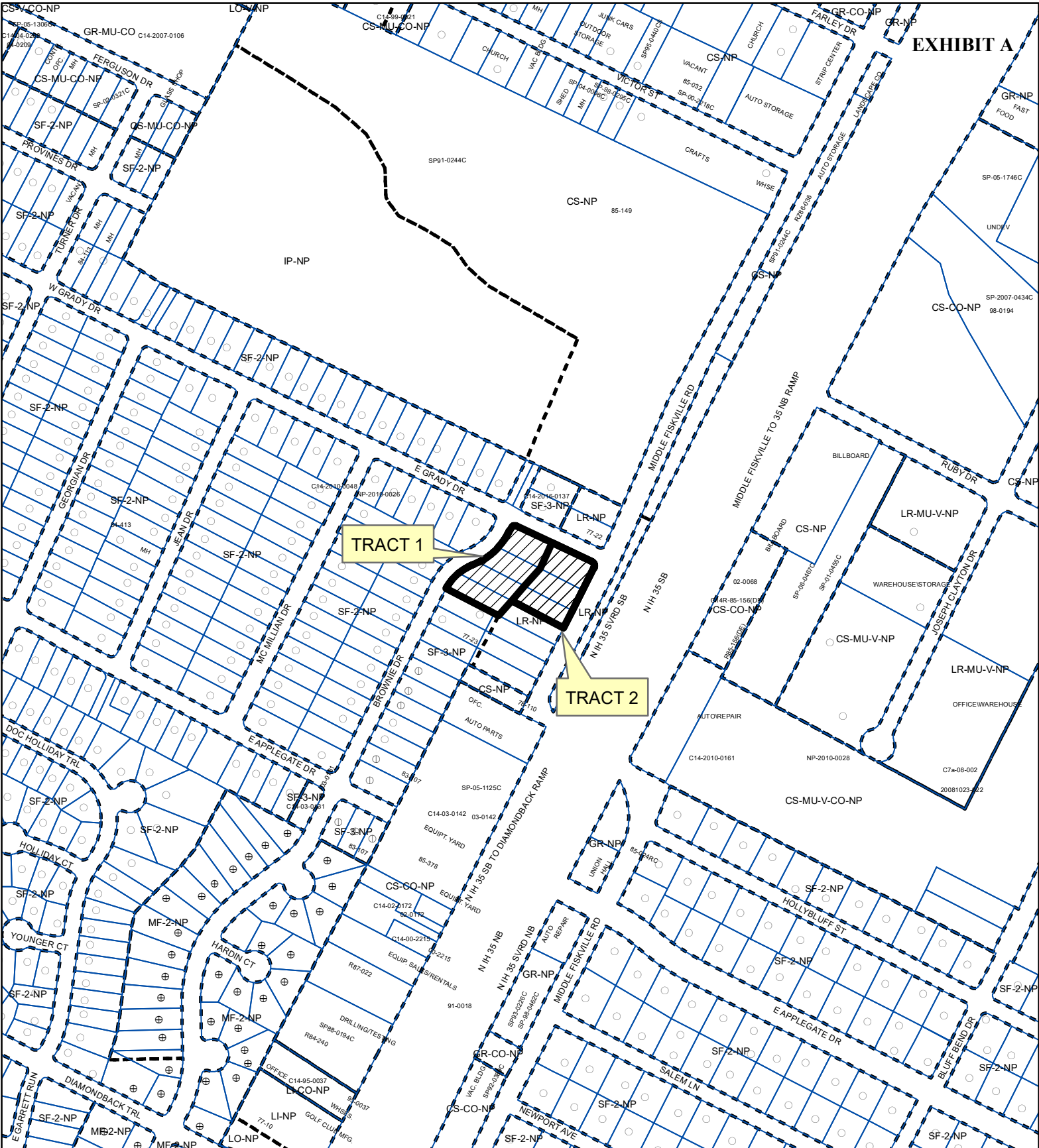
Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

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

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. North Lamar Combined Neighborhood Plan FLUM
- E. Correspondence from Interested Parties
- F. Applicant's Request for Postponement
- G. Chart of Uses the Neighborhood Wants to Prohibit and the Land Owner is Agreeable to Prohibit by a Conditional Overlay

EXHIBIT A






TRACT 1

TRACT 2

ZONING

ZONING CASE#: C14-2021-0039



-  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: 3/23/2021

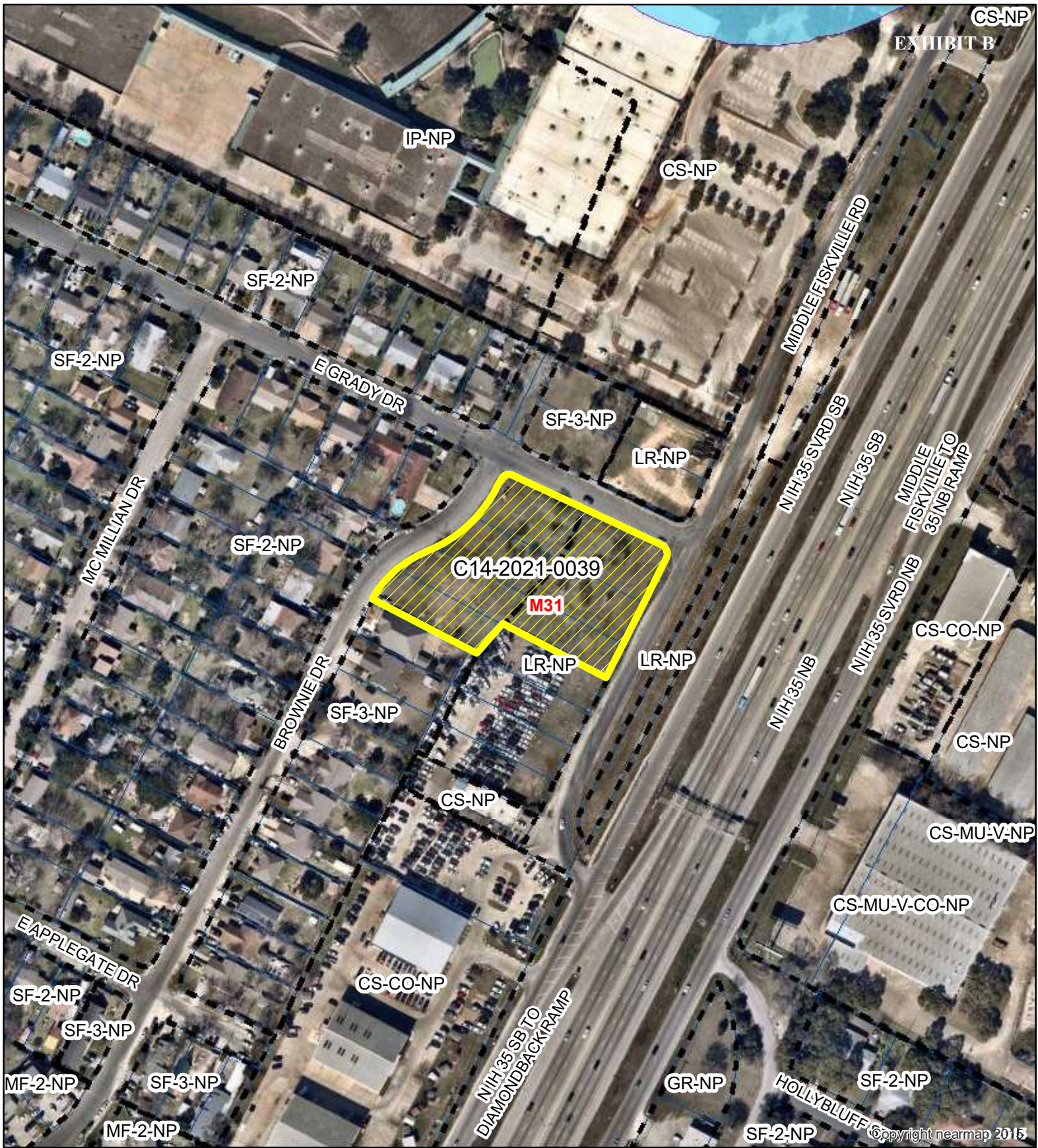


EXHIBIT B



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

1" = 200'

Grady & Brownie Mix Use

ZONING CASE#: C14-2021-0039
 LOCATION: 10609 - 10615 Brownie Dr.
 10610-10614 Middle Fiskville Rd.
 SUBJECT AREA: 1.795 Acres
 GRID: M31
 MANAGER: Sherri Sirwaitis



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 Austin regarding specific accuracy or completeness.



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 read 'Victoria Haase', with a stylized, cursive script.

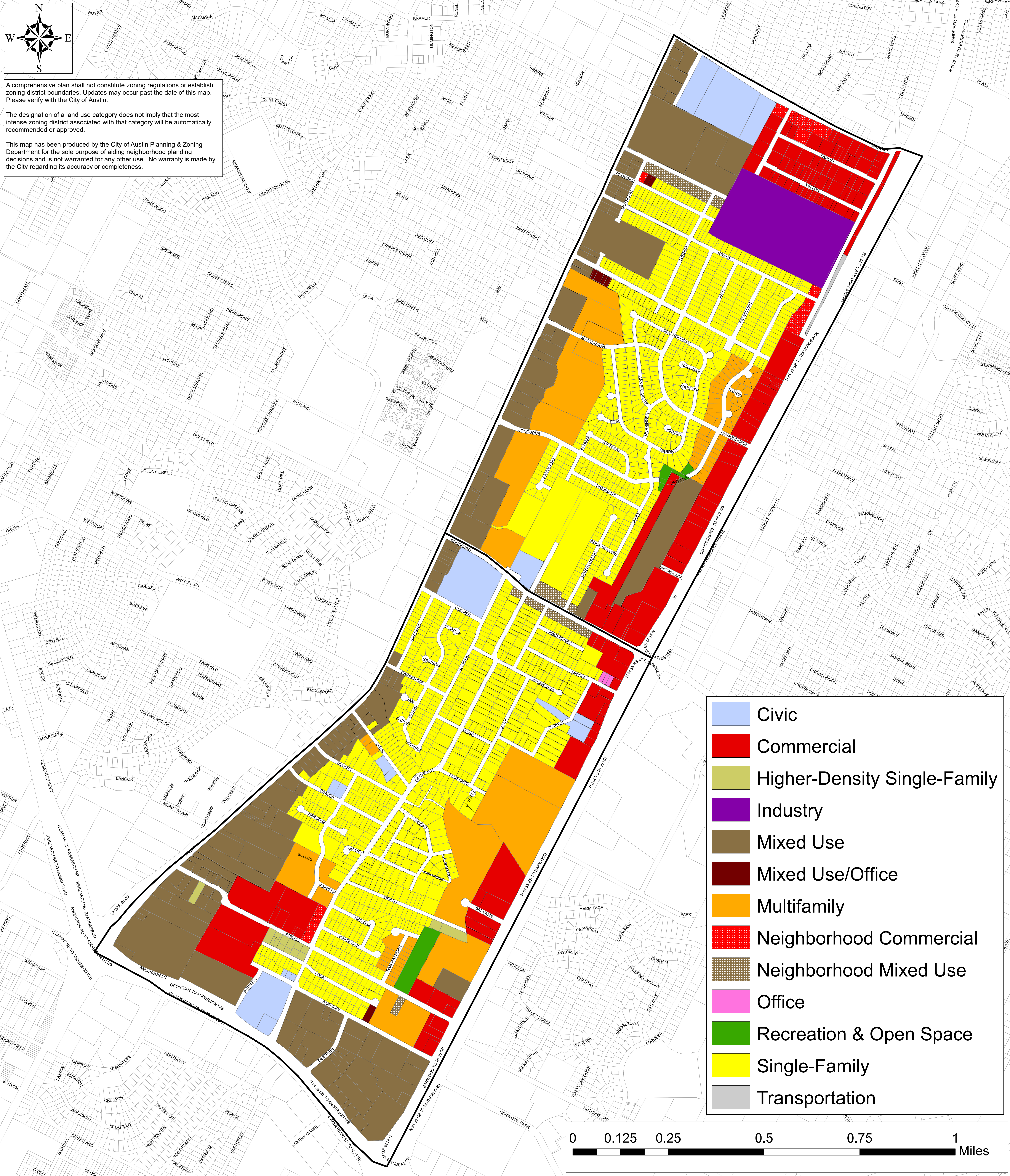
Victoria Haase



North Lamar Combined Neighborhood Planning Area Future Land Use Map

EXHIBIT D

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



From: Jade Lovera

To: maureen.meridith@austintexas.gov; [Sirwaitis, Sherri](#)

Cc:

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

Date: Thursday, April 22, 2021 7:11:39 AM

*** 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.

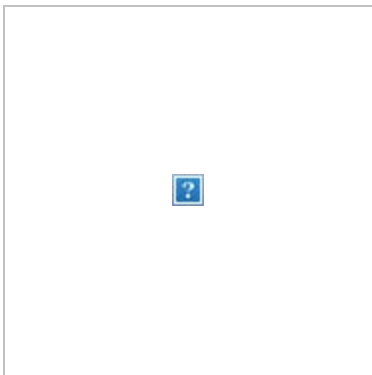
All in all, no raised concerns were addressed by the owner's representative. It appears to be an unfortunate classic case of targeting an underserved and overlooked community of minorities. I urge you to consider why the current future use plan was established and see that it was for the greatest and 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 Apartmentdata 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
512-771-9360

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From: Jose Quirindongo
To: [Sirwaitis, Sherri](#)
Subject: Fw: Copy
Date: Monday, June 7, 2021 7:12:14 PM

*** External Email - Exercise Caution ***

Dear Sherri,

This is my response for the Case Number: C14-2021-0039. Thank you!

Very respectfully,
Jose

PUBLIC HEARING INFORMATION	
<p>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 participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.</p>	<p>Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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.</p> <p>Case Number: C14-2021-0039 Contact: Sherri Sirwaitis, 512-974-3057 Public Hearing: June 8, 2021, Planning Commission</p> <p><u>Jose Quirindongo</u> Your Name (please print)</p> <p><u>505 EAST GRADY DR</u> Your address(es) affected by this application</p> <p><u>[Signature]</u> Signature</p> <p><u>07/07/2021</u> Date</p> <p>Daytime Telephone: <u>512-851-7546</u></p> <p>Comments: <u>THIS DEVELOPMENT WILL</u> <u>INTENSIFY TRAFFIC AND NOISE</u> <u>FOR THE NEIGHBORHOOD.</u> <u>THE GREEN AREAS CONTROL FLOODING</u> <u>AND NATURAL ECOSYSTEM STRENGTH</u> <u>WITH TREES AND GRASS.</u></p> <p>If you use this form to comment, it may be returned to: City of Austin, Planning & Zoning Department Sherri Sirwaitis P. O. Box 1088, Austin, TX 78767-8810 Or email to: sherri.sirwaitis@austintexas.gov</p>

[Sent from Yahoo Mail for iPhone](#)

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From: Hien, Do
To: sherri.sirwaitis@austintexas.gov; [Sirwaitis, Sherri](#)
Subject: Case #: C14-2021-0039 + NPA-2021-0026.01
Date: Tuesday, June 8, 2021 9:26:12 PM

*** 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

[Sent from Yahoo Mail for iPhone](#)

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From: preston king
To: [Sirwaitis, Sherri](#); [Meredith, Maureen](#)
Cc: [Rivera, Andrew](#)
Subject: Re: Zoning change request for brownie and Grady drive
Date: Wednesday, July 21, 2021 12:52:12 PM

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

Dear Neighbor,

We are the owners of the land located at the corner of Grady & Brownie Dr. We call Austin our home for over 40+ years & live & work near this property and believe in investing in our community & city.

We are reaching out to share with you that we are considering building a beautiful mix used project which will include residential office condominiums that will serve the whole community. We also imagine that it will serve as a sound barrier to the Highway noise to the neighborhood.

In order to accomplish this, we have submitted a zoning change application with the City of Austin Permit # **2021-038087 ZC** and we are looking for your support to make this empty land into an attractive development. We believe this project will improve the whole look & value of our neighborhood.

We appreciate your support.

Thank You

Querido vecino,

Somos los dueños del terreno ubicado en la esquina de Grady & Brownie Dr.

Llamamos a Austin nuestro hogar por más de 40 años y vivimos y trabajamos cerca de esta propiedad y creemos en invertir en nuestra comunidad y ciudad.

Nos comunicamos con usted para compartir con usted que estamos considerando construir un hermoso proyecto de uso mixto que incluirá condominios de oficinas residenciales que servirán a toda la comunidad. También imaginamos que servirá como barrera de sonido para el ruido de la Carretera al vecindario.

Para lograr esto, hemos presentado una solicitud de cambio de zonificación con el Permiso de la Ciudad de Austin # 2021-038087 ZC y estamos buscando su apoyo para hacer de este terreno vacío un desarrollo atractivo. Creemos que este proyecto mejorará la apariencia y el valor de nuestro vecindario.

Agradecemos su apoyo.

Gracias

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Hàng xóm thân mến,
Chúng tôi là chủ sở hữu của khu đất nằm ở góc Grady & Brownie Dr. Chúng tôi gọi Austin là nhà của chúng tôi trong hơn 40 năm và sống & làm việc gần khu đất này và tin tưởng vào việc đầu tư vào cộng đồng và thành phố của chúng tôi. Chúng tôi liên hệ để chia sẻ với bạn rằng chúng tôi đang xem xét xây dựng một dự án kết hợp sử dụng đẹp mắt, bao gồm các chung cư văn phòng để ở phục vụ cho cả cộng đồng. Chúng tôi cũng tưởng tượng rằng nó sẽ đóng vai trò như một rào cản âm thanh đối với tiếng ồn của Xa lộ đến khu vực lân cận.
Để đạt được điều này, chúng tôi đã gửi đơn đăng ký thay đổi quy hoạch với Giấy phép Thành phố Austin số 2021-038087 ZC và chúng tôi đang tìm kiếm sự hỗ trợ của bạn để biến vùng đất trống này trở thành một nơi phát triển hấp dẫn. Chúng tôi tin rằng dự án này sẽ cải thiện toàn bộ diện mạo và giá trị của khu vực lân cận của chúng tôi. Chúng tôi đánh giá cao sự hỗ trợ của bạn.
Cảm ơn bạn



Phuong Nguyen

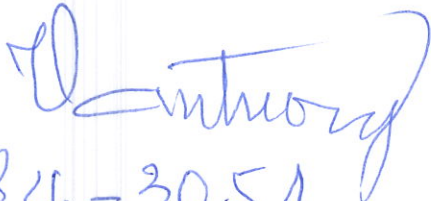
506 E. GRADY DR.

AUSTIN 78753

832 438 0985

Hàng xóm thân mến,
Chúng tôi là chủ sở hữu của khu đất nằm ở góc Grady & Brownie Dr. Chúng tôi gọi Austin là nhà của chúng tôi trong hơn 40 năm và sống & làm việc gần khu đất này và tin tưởng vào việc đầu tư vào cộng đồng và thành phố của chúng tôi. Chúng tôi liên hệ để chia sẻ với bạn rằng chúng tôi đang xem xét xây dựng một dự án kết hợp sử dụng đẹp mắt, bao gồm các chung cư văn phòng để ở phục vụ cho cả cộng đồng. Chúng tôi cũng tưởng tượng rằng nó sẽ đóng vai trò như một rào cản âm thanh đối với tiếng ồn của Xa lộ đến khu vực lân cận.

Để đạt được điều này, chúng tôi đã gửi đơn đăng ký thay đổi quy hoạch với Giấy phép Thành phố Austin số 2021-038087 ZC và chúng tôi đang tìm kiếm sự hỗ trợ của bạn để biến vùng đất trống này trở thành một nơi phát triển hấp dẫn. Chúng tôi tin rằng dự án này sẽ cải thiện toàn bộ diện mạo và giá trị của khu vực lân cận của chúng tôi. Chúng tôi đánh giá cao sự hỗ trợ của bạn.
Cảm ơn bạn


phone: 512-584-3051
// 554-554-2553

D. Anthony, Nguyen

Hàng xóm thân mến,
Chúng tôi là chủ sở hữu của khu đất nằm ở góc Grady & Brownie Dr. Chúng tôi gọi Austin là nhà của chúng tôi trong hơn 40 năm và sống & làm việc gần khu đất này và tin tưởng vào việc đầu tư vào cộng đồng và thành phố của chúng tôi. Chúng tôi liên hệ để chia sẻ với bạn rằng chúng tôi đang xem xét xây dựng một dự án kết hợp sử dụng đẹp mắt, bao gồm các chung cư văn phòng để ở phục vụ cho cả cộng đồng. Chúng tôi cũng tưởng tượng rằng nó sẽ đóng vai trò như một rào cản âm thanh đối với tiếng ồn của Xa lộ đến khu vực lân cận.
Để đạt được điều này, chúng tôi đã gửi đơn đăng ký thay đổi quy hoạch với Giấy phép Thành phố Austin số 2021-038087 ZC và chúng tôi đang tìm kiếm sự hỗ trợ của bạn để biến vùng đất trống này trở thành một nơi phát triển hấp dẫn. Chúng tôi tin rằng dự án này sẽ cải thiện toàn bộ diện mạo và giá trị của khu vực lân cận của chúng tôi.
Chúng tôi đánh giá cao sự hỗ trợ của bạn.
Cảm ơn bạn

512 576-5058



TUAN NGUYEN

From: Crystal Starkey
To: [Sirwaitis, Sherri](#); [Meredith, Maureen](#)
Subject: Written Statement
Date: Friday, July 23, 2021 4:15:14 PM

*** 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

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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: Lyn Galbreth
To: [Rivera, Andrew](#); [Sirwaitis, Sherri](#); [Meredith, Maureen](#)
Cc: [Jade Lovera](#)
Subject: Citizen Stakeholder Comments on items #2 and #3 on Planning Commission Agenda for July 27, 2021
Date: Monday, July 26, 2021 10:17:10 PM
Attachments: [Lyn Galbreth Stakeholder Comments on items #2 and #3 on Planning Commission Agenda for July 27, 2021.docx](#)

*** External Email - Exercise Caution ***

For All City of Austin Planning Commissioners

Same content is attached and written below

Please add to the Case File for the following:

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... 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 neighborhoods to 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 I)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

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From: Stacy Beckwith
To: [Rivera, Andrew](#); [Sirwaitis, Sherri](#); [Meredith, Maureen](#)
Subject: Against rezone_Case #: NPA-2021-0026.01 and Zoning Case #: C14-2021-0039
Date: Tuesday, July 27, 2021 11:00:04 AM

*** External Email - Exercise Caution ***

Hello,

We are adamantly against the rezoning agenda for the Brownie \ Grady area. As someone who lives across the street from the large open field in contention i am doubly so. This neighborhood has thrived in its own kind of vibe for over 20 years and we do not want a development coming in and ruining the family atmosphere so many have thrived to establish. Nor do we want the higher taxes associated with such an eye sore. Please leave our community alone. It thrives well enough on its own without greed coming in.

10608 Brownie

Email

***Include Case #: NPA-2021-0026.01 and Zoning Case #: C14-2021-0039 on all communications

Sent from my iPad

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From: Hien, Do
To: [Meredith, Maureen](#); [Rivera, Andrew](#); sherri.sirwaitis@austintexas.gov
Cc: [Sirwaitis, Sherri](#)
Subject: Case#: C14-2021-0039 + NPA-2021-0026.01
Date: Tuesday, October 5, 2021 12:58:10 PM

Good afternoon Sherri, Maureen,

I object both case:

1. NPA-2021-0026.01
2. C14-2021-0039

Best regards,

Phuong Nguyen

5125993936 / 8324380985

Address affected by applications: 506 e grady dr, austin, Texas, 78753 (owner: Phuong Nguyen)

[Sent from Yahoo Mail for iPhone](#)

On Monday, September 13, 2021, 10:48 AM, Meredith, Maureen
<Maureen.Meredith@austintexas.gov> wrote:

Andrew:

Please submit as late back up for Sept. 14 PC, Grady & Brownie Mixed Use.

Thanks.

Maureen

From: Hien, Do <>
Sent: Friday, September 10, 2021 3:14 PM
To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Meredith, Maureen
<Maureen.Meredith@austintexas.gov>
Subject: Re: Case #: C14-2021-0039 + NPA-2021-0026.01

*** External Email - Exercise Caution ***

To: Sherri Sirwaitis
To: Maureen Meredith

I've noticed no difference between docs you sent in May.2021 and Sep.2021.

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,

Phuong Nguyen.

[Sent from Yahoo Mail for iPhone](#)

On Tuesday, June 8, 2021, 9:25 PM, Hien, Do <> wrote:

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

[Sent from Yahoo Mail for iPhone](#)

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Thrower Design LLC
LAND PLANNERS

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', with a stylized, flowing script.

Victoria Haase

P = Permitted Use C=Conditional Use — = Not Permitted	LR Current zoning	CS Requested zoning	NHOOD	Land Owner
RESIDENTIAL USES				
Bed & Breakfast (Group 1)	P	P	NO	Prohibit
Bed & Breakfast (Group 2)	P	P	NO	Prohibit
Condominium Residential	—	—		
Conservation Single Family Residential	—	—		
Duplex Residential	—	—		
Group Residential	—	—	MAYBE	
Mobile Home Residential	—	—	NO	
Multifamily Residential	—	—		
Retirement Housing (Small Site)	—	—	NO	
Retirement Housing (Large Site)	—	—	NO	
Single-Family Attached Residential	—	—		
Single-Family Residential	—	—		
Small Lot Single-Family Residential	—	—		
Townhouse Residential	—	—		
Two-Family Residential	—	—		
Short-Term Rental (Types 1 and 3) 13	—	—	NO	
COMMERCIAL USES				
Administrative and Business Offices	P	P		Keep
Agricultural Sales and Services	—	P	NO	Prohibit
Alternative Financial Services 12	C	P	NO	Prohibit
Art Gallery	P	P		Keep
Art Workshop	P	P		Keep
Automotive Rentals	—	P	NO	Keep
Automotive Repair Services	—	P	NO	Prohibit
Automotive Sales	—	P	NO	Keep
Automotive Washing (of any type)	—	P	NO	Prohibit
Bail Bond Services 10	—	PC	NO	Prohibit
Building Maintenance Services	—	P	NO	Prohibit
Business or Trade School	—	P	MAYBE	Keep
Business Support Services	—	P	MAYBE	Keep
Campground	—	P	NO	Prohibit
Carriage Stable	—	—	NO	
Cocktail Lounge	—	—	NO	
Commercial Blood Plasma Center	—	P5		Keep
Commercial Off-Street Parking	—	P	NO	Keep

Communications Services	—	P		Keep
Construction Sales and Services	—	P	NO	Prohibit
Consumer Convenience Services	P	P	NO	Keep - fedex/UPS/Mailboxes etc.
Consumer Repair Services	P	P		Keep - computer/cell phone repair
Convenience Storage	—	P	NO	Prohibit
Drop-Off Recycling Collection Facility	—	P	NO	Prohibit
Electronic Prototype Assembly 15	—	P	MAYBE	Keep
Electronic Testing 16	—	P	MAYBE	Keep
Equipment Repair Services	—	P	NO	Prohibit
Equipment Sales	—	P	NO	Prohibit
Exterminating Services	—	P	NO	Prohibit
Financial Services	P	P	NO	Keep
Food Preparation	—	P	NO	Keep
Food Sales	P	P	MAYBE	Keep - Grocery store, bakery
Funeral Services	—	P	NO	Prohibit
General Retail Sales (Convenience)	P	P	NO	Keep - Cell phone stores, etc.
General Retail Sales (General)	11	P	NO	Prohibit
Hotel-Motel	—	P	NO	Prohibit
Indoor Entertainment	—	P	NO	Prohibit
Indoor Sports and Recreation	—	P	NO	Prohibit
Kennels	—	P	NO	Prohibit
Laundry Services	—	P		Keep
Liquor Sales	—	—	NO	
Marina	—	—	NO	
Medical Offices—exceeding 5,000 sq. ft. gross floor area	C	P	NO	Keep
Medical Offices—not exceeding 5,000 sq. ft. GFA	P	P		Keep
Monument Retail Sales	—	P	NO	Prohibit
Off-Site Accessory Parking 14	P	P	NO	Keep
Outdoor Entertainment	—	C	NO	Prohibit
Outdoor Sports and Recreation	—	P	NO	Prohibit
Pawn Shop Services	—	P	NO	Prohibit
Pedicab Storage and Dispatch	P	P	NO	Prohibit
Personal Improvement Services	11	P		Keep
Personal Services	P	P		Keep
Pet Services	P	P		Keep
Plant Nursery	C	P	NO	Prohibit
Printing and Publishing	P	P	MAYBE	Keep

Professional Office	P	P		Keep
Recreational Equipment Maint. & Stor.	—	—	NO	
Recreational Equipment Sales	—	—	NO	
Research Assembly Services	—	—	NO	
Research Services	—	P	NO	Prohibit
Research Testing Services	—	—	NO	
Research Warehousing Services	—	—	NO	
Restaurant (General)	11	P	NO	Keep
Restaurant (Limited)	P	P	NO	Keep
Scrap and Salvage	—	—	NO	
Service Station	P	P	NO	Prohibit
Software Development	P	P		
Special Use Historic	C	—	NO	
Stables	—	—	NO	
Theater	—	P	NO	Prohibit
Vehicle Storage	—	P	NO	Prohibit
Veterinary Services	—	P	NO	Prohibit
INDUSTRIAL USES				
Basic Industry	—	—	NO	
Custom Manufacturing	C	P	NO	Prohibit
General Warehousing and Distribution	—	—	NO	
Light Manufacturing	—	—	NO	
Limited Warehousing and Distribution	—	P	NO	Prohibit
Recycling Center	—	—	NO	
Resource Extraction	—	—	NO	
AGRICULTURAL USES				
Animal Production	—	—	NO	
Community Garden	P	P	NO	
Crop Production	—	—	NO	
Horticulture	—	—	NO	
Indoor Crop Production	—	P	NO	Prohibit
Support Housing	—	—	NO	
Urban Farm	P	P	NO	Prohibit
CIVIC USES				
Administrative Services	—	—		
Aviation Facilities	—	—	NO	
Camp	—	—	NO	
Cemetery	—	—	NO	
Club or Lodge	C	C	NO	Prohibit

College and University Facilities	P	P	NO	Prohibit
Communication Service Facilities	P	P		
Community Events	8	8	NO	Prohibit
Community Recreation (Private)	C	P	NO	Prohibit
Community Recreation (Public)	C	P	NO	Prohibit
Congregate Living	C	P	NO	Prohibit
Convalescent Services	—	—	NO	
Convention Center	—	—	NO	
Counseling Services	P	P		Keep
Cultural Services	P	P		Keep
Day Care Services (Commercial)	P	P	NO	
Day Care Services (General)	P	P	NO	
Day Care Services (Limited)	P	P	NO	
Detention Facilities	—	—	NO	
Employee Recreation	—	—	NO	
Family Home	P	P	NO	Prohibit
Group Home, Class I (General)	P	P	NO	Federal Law will not allow prohibition of this use.
Group Home, Class I (Limited)	P	P	NO	Federal Law will not allow prohibition of this use.
Group Home, Class II	C	P	NO	Federal Law will not allow prohibition of this use.
Guidance Services	P	P		Keep
Hospital Services (General)	—	C	NO	Prohibit
Hospital Services (Limited)	C	P	NO	Prohibit
Local Utility Services	P	P	NO	Federal Law will not allow prohibition of this use.
Maintenance and Service Facilities	—	P	NO	Prohibit
Major Public Facilities	—	—	NO	
Major Utility Facilities	—	—	NO	
Military Installations	—	—	NO	
Park and Recreation Services (General)	—	—	NO	
Park and Recreation Services (Special)	—	—	NO	
Postal Facilities	—	—	NO	
Private Primary Educational Facilities	P	P	NO	Prohibit
Private Secondary Educational Facilities	P	P	NO	Prohibit
Public Primary Educational Facilities	P	P	NO	Cannot prohibit per City Staff
Public Secondary Educational Facilities	P	P	NO	Cannot prohibit per City Staff
Railroad Facilities	—	—	NO	
Religious Assembly	P	P		Keep
Residential Treatment	C	P	NO	Prohibit
Safety Services	P	P	NO	Prohibit
Telecommunication Tower 7	PC	PC	NO	Federal Law will not allow prohibition of this use.

Transitional Housing	—	C	NO	Prohibit
Transportation Terminal	—	C	NO	Prohibit
All other Civic Uses	—	—	NO	