

### **THIRD READINGS SUMMARY SHEET**

CASE: C14-2020-0147 (200 Academy)

DISTRICT: 9

ADDRESS: 146 ½, 200, 200 ½, 204 ½ Academy Drive, 1006 and 1020 Melissa Lane

APPLICANT: Spearhead Academy LTD (Chris Wallin)

AGENT: Weiss Architecture Inc (Richard Weiss)

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

REQUEST:

Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 146 ½, 200, 200 ½ and 204 ½ Academy Drive and 1006 and 1020 Melissa Lane from commercial-liquor sales-neighborhood conservation-neighborhood plan (CS-1-NCCD-NP) combining district zoning to commercial-liquor sales-neighborhood conservation-neighborhood plan (CS-1-MU-NCCD-NP) combining district zoning for Tract 1, from general commercial services-neighborhood conservation-neighborhood plan (CS-NCCD-NP) combining district zoning to general commercial services-mixed use-neighborhood conservation-neighborhood plan (CS-MU-NCCD-NP) combining district zoning for Tract 2 and from multifamily residence moderate-high density-neighborhood conservation-neighborhood plan (MF-4-NCCD-NP) combining district zoning to multifamily residence moderate-high density-neighborhood conservation-neighborhood plan (MF-4-NCCD-NP) combining district zoning for Tract 3, with conditions.

PREVIOUS CITY COUNCIL ACTION:

May 5, 2022: Approved conditions passed on 1st reading of CS-1-MU-NCCD-NP zoning for Tract 1, CS-MU-NCCD-NP zoning for Tract 2, and MF-4-NCCD-NP zoning for Tract 3, with the conditions of the TIA, on 2nd reading by consent. Vote: (9-0, Council Member Kelly and Council Member Pool-absent); Council Member P. Renteria-1st, Council Member A. Alter-2nd.

January 27, 2022: Approved CS-1-MU-NCCD-NP zoning for Tract 1, CS-MU-NCCD-NP zoning for Tract 2, and MF-4-NCCD-NP zoning for Tract 3, with the conditions of the TIA, with amendments, on first reading only. Vote: (11-0); Council Member Tovo's motion, Council Member Pool's second.

Note: No direction was made regarding the size of cocktail lounge.

ISSUES:

Additional signatures have been added to the petition in opposition to the proposed rezoning. The petition is still valid and now stands at 46.46%. (Please see [Exhibit G](#)).

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2020-0147 - 200 Academy

DISTRICT: 9

ZONING REQUEST:

Tract 1: from CS-1-NCCD-NP to CS-1-MU-NP

Tract 2: from CS-NCCD-NP to CS-MU-NP

Tract 3: from MF-4-NCCD-NP to MF-4-NP

ADDRESS: 146 ½, 200, 200 ½, 204 ½ Academy Drive, 1006 and 1020 Melissa Lane

SITE AREA: 4.6 acres

PROPERTY OWNER: Spearhead Academy LTD (Chris Wallin)

AGENT: Weiss Architecture Inc (Richard Weiss)

CASE MANAGER: Kate Clark (512-974-1237, [kate.clark@austintexas.gov](mailto:kate.clark@austintexas.gov))

STAFF RECOMMENDATION:

**Staff recommends rezoning:**

**Tract 1 to commercial-liquor sales-mixed use-neighborhood conservation combining district-neighborhood plan (CS-1-MU-NCCD-NP) combining district zoning, to amend the NCCD's site development regulations, and permitted and conditional land uses.**

**Tract 2 to general commercial services-mixed use-neighborhood conservation combining district-neighborhood plan (CS-MU-NCCD-NP) combining district zoning, to amend the NCCD's site development regulations, and permitted and conditional land uses.**

**Tract 3 to multifamily residence moderate-high density-neighborhood conservation combining district-neighborhood plan (MF-4-NCCD-NP) combining district zoning, to amend the NCCD's site development regulations.**

**A Restrictive Covenant (RC) that includes all recommendations listed in the Transportation Impact Analysis Memo, dated October 11, 2021 as provided *Exhibit D: TIA Memo*. For a summary of the basis of staff's recommendation, see page 7 and 8.**

MUSIC COMMISSION ACTION / RECOMMENDATION:

**September 13, 2020      Approved the applicant's rezoning request. Vote: 7-0. [Chair Mahone and Vice-Chair Patterson abstained; Commissioners Limon and Sullivan were absent].**

**PLANNING COMMISSION ACTION / RECOMMENDATION:**

- October 12, 2021**      **Approved staff's recommendation of CS-1-MU-NCCD-NP on Tract 1 and CS-MU-NCCD-NP on Tract 2 to amend the NCCD, and the applicant's request of MF-4-CO-NP on Tract 3 to remove the tract from the NCCD, the CO will be to limit the maximum building height to 40 feet. The Planning Commission also approved a Restrictive Covenant that includes all recommendations listed in the Transportation Impact Analysis Memo, dated October 11, 2021. Vote 7-1. [Commissioner Cox – 1<sup>st</sup>, Commissioner Llanes Pulido – 2<sup>nd</sup>; Chair Shaw voted nay; Commissioners Llanes Pulido and Praxis abstained; Vice Chair Hempel and Commissioners Azhar and Connolly were absent].**
- September 14, 2021      Approved Commissioner Cox's request to postpone to October 12, 2021. Vote: 7-2. [Commissioner Cox – 1<sup>st</sup>, Commissioner Schneider – 2<sup>nd</sup>; Vice Chair Hempel and Commissioner Thompson voted nay; Commissioners Llanes Pulido and Connolly abstained].
- August 10, 2021      Approved neighborhood's request to postpone to September 14, 2021 on the consent agenda. Vote: 7-0. [Commissioner Thompson -1<sup>st</sup>, Commission Howard - 2<sup>nd</sup>; Commissioners Llanes Pulido and Shieh were off the dais; Vice Chair Hempel and Commissioners Connolly, Mushtaler and Schneider were absent].

**CITY COUNCIL ACTION:**

- November 18, 2021**      **Approved neighborhood's request to postpone to January 27, 2022. Vote: 9-1. [Council Member Ellis voted nay; Mayor Pro Tem was off the dais].**

CITY COUNCIL ACTION:

**January 27, 2022** The public hearing was conducted and a motion to close the public hearing and approve CS-1-MU-NCCD-NP zoning for Tract 1, CS-MU-NCCD-NP zoning for Tract 2, and MF-4-NCCD-NP zoning for Tract 3, with the conditions of the TIA, on first reading only, with the following amendment, was made on Council Member Tovo's motion, Council Member Pool's second. The amendment was:

**Tract 1 and Tract 2:**

- Tract 1 and 2 shall remain in the NCCD
- Amend the NCCD as follows:
  - o Increase the allowable units per acre from 15 units to current site development standards and regulation for mixed use
  - o Increase the maximum allowable building cover from 35% to current site development standards and regulations for mixed use
  - o Increase the maximum allowable impervious cover from 60% to current site development standards and regulations for mixed use
- Allow a music venue sized appropriately for this tract and its access along an interior neighborhood road: cocktail lounge use and/or indoor entertainment shall be a conditional use on Tract 1 for a size of 3000\* square feet of gross floor area.

**Tract 3:**

- Tract 3 shall remain in the NCCD
- Amend the NCCD with regard to the following site development standards and regulations:
  - o Eliminate compatibility buffer found in Part 2(B)
  - o Decrease compatibility buffer found in Part 2(A) from 100' to 75'
  - o Increase the allowable units per acre from 22 units to 36-54 units per acre (the amount allowable under an MF-4 base zoning limit)
  - o Increase the maximum allowable building cover from 35% to 60%
  - o Increase the maximum allowable impervious cover from 55% to 70%"

A motion to amend the amendment was approved on Council Member Ellis' motion, Council Member Fuentes' second on a 6-5 vote. Those voting aye were: Mayor Adler and Council Members Casar, Ellis, Fuentes, Harper-Madison, and Renteria. Those voting nay were: Mayor Pro Term Alter and Council Members Kelly, Kitchen, Pool, and Tovo. The amendment to the amendment was:

Increase the gross floor area size to 17,500 square feet.

A motion to amend the amendment, as amended, was approved on Council Member Kitchen's motion, Council Member Kelly' s second on a 6-5 vote. Those voting Those voting aye were: Mayor Adler, Mayor Pro Tem Alter, and Council Members Kelly, Kitchen, Pool, and Tovo. Those voting nay were: Council Members Casar, Ellis, Fuentes, Harper- Madison, and Renteria. The amendment to the amendment was:

Leave the gross floor area size at \_\_\_\_square feet.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance, as amended, on first reading only was approved on Council Member Tovo's motion, Council Member Pool's second on an 11-0 vote.

**Note:** No direction was made regarding the size of cocktail lounge.

<b>Current Zoning</b>	<b>Most Similar Base Zoning</b>
Tract 1: CS-1-NCCD-NP	NO (neighborhood office)
Tract 2: CS-NCCD-NP	NO (neighborhood office)
Tract 3: MF-4-NCCD-NP	MF-2 (multifamily residence low density)

The applicant is requesting to be removed from the Fairview Park NCCD. This NCCD was created in 1986 (Ordinance No. 86-0807-H) and has been amended three times since then. Two of those times were to add additional properties into the boundary (Ordinance No. 030717-119 and Ordinance No. 20100923-120) and the most recent to change the conditions of zoning on the property immediately west of this site (Ordinance No. 20141211-139).

On September 14, 2021 the Planning Commission heard and discussed this case. Commissioners acknowledged the historical relevance of the music venue but expressed concerns on rightsizing it for its location. The need for housing options and availability was also raised. The Commissioners voted to postpone this case to October 12, 2021 to allow the applicant and interested parties more time to discuss their individual concerns and needs for the proposed development.

Prior to the Public Hearing at Planning Commission on October 12, 2021, questions were provided to staff. Please see *Exhibit E: Questions to Staff* for all Commissioner questions and answers.

On October 21, 2021 a petition was filed opposing the rezoning of this property. **The current petition percentage is 22.45%, making this a valid petition.** Please see *Exhibit F: Formal Petition*, for a map of the petition area, list of property owners within the petition buffer and electronic signatures received.

The Planning Commission action on October 12, 2021 included staff's recommendation for Tracts 1 and 2 (to amend the NCCD) and the applicant's request for Tract 3 (to be removed from the NCCD) with the addition of a conditional overlay. Because Tracts 1 and 2 are being recommended to remain within the NCCD, land uses need to be added as permitted or conditional for these tracts. The following list of land uses are staff's recommendation for Tracts 1 and 2 if they remain within the NCCD:

#### **PERMITTED LAND USES (FOR TRACTS 1 and 2)**

##### **Residential Uses**

Bed & Breakfast (Group 1)  
 Bed & Breakfast (Group 2)  
 Condominium Residential  
 Duplex Residential  
 Group Residential  
 Multifamily Residential  
 Single-Family Attached Residential  
 Single-Family Residential  
 Townhouse Residential

Two-Family Residential  
 Short -Term Rental

**Commercial Uses**

Administrative and Business Offices  
 Alternative Financial Services  
 Art Gallery  
 Art Workshop  
 Business or Trade School  
 Business Support Services  
 Commercial Off-Street Parking  
 Communications Services  
 Consumer Convenience Services  
 Financial Services  
 Food Preparation  
 Food Sales  
 General Retail Sales (Convenience)  
 General Retail Sales (General)  
 Hotel-Motel  
 Indoor Entertainment  
 Indoor Sports and Recreation  
 Medical Offices (> 5000 SF gross floor area)  
 Medical Offices (<5000 SF gross floor area)  
 Off-Site Accessory Parking  
 Outdoor Sports and Recreation  
 Personal Improvement Services  
 Personal Services  
 Pet Services  
 Plant Nursery  
 Printing and Publishing  
 Professional Office  
 Restaurant (General)  
 Restaurant (Limited)  
 Software Development

Theater

**Agricultural Uses**

Community Garden  
 Urban Farm

**Civic Uses**

College and University Facilities  
 Communication Service Facilities  
 Community Recreation (Private)  
 Community Recreation (Public)  
 Counseling Services  
 Cultural Services  
 Day Care Services (Commercial)  
 Day Care Services (General)  
 Day Care Services (Limited)  
 Family Home  
 Group Home, Class I (General)  
 Group Home, Class I (Limited)  
 Group Home, Class II  
 Guidance Services  
 Hospital Services (Limited)  
 Local Utility Services  
 Private Primary Educational Facilities  
 Private Secondary Educational Facilities  
 Religious Assembly  
 Safety Services  
 Telecommunication Tower

**Industrial Uses**

Custom Manufacturing

**CONDITIONAL LAND USES****Tract 1:**

Cocktail Lounge (maximum 17,500 square feet allowed)  
 Outdoor Entertainment  
 Limited Warehousing and Distribution

**Tract 2:**

Outdoor Entertainment  
 Limited Warehousing and Distribution

The Planning Commission recommended the applicant's request for Tract 3 to be removed from the NCCD with a conditional overlay. If approved by City Council, this tract would be rezoned to MF-4-CO-NP. The conditional overlay is to limit the maximum building height to 40 feet.

**CASE MANAGER COMMENTS:**

This property is approximately 4.6 acres and is currently developed with the old Austin Opera House and associated surface parking. It was previously used as a music venue and recording studio. The performance areas have been converted into office space, but the recording studio remains. Adjacent zoning consists of CS-MU-V-NP to the north, CS-NCCD-NP to the west, GR-H-NCCD-NP to the south, and SF-3-H-NCCD-NP and SF-3-NCCD-NP to the east across Melissa Lane. Please refer to *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map*.

The applicant would like to build a mixed-use development on this property and is requesting to be removed from the NCCD. If the applicant's request was granted by City Council, they would be allowed to build under the current site development standards for each tract's base zoning district. The following tables illustrate what is currently allowed by code through the NCCD, what the applicant is requesting with this rezoning case and staff's recommendation.

<b>Tract 1 (CS-1-NCCD-NP) and Tract 2 (CS-NCCD-NP) Site Development Standards</b>			
Standard	Current Site Development Standards (per the NCCD)	Applicant Request (CS-1 and CS base zoning district standards)	Staff Recommendation
Zoning	CS-1-NCCD-NP CS-NCCD-NP	CS-1-MU-NP CS-MU-NP	CS-1-MU-NCCD-NP CS-MU-NCCD-NP
Floor Area Ratio	0.35:1	2:1	1.5:1
Height	35' of 2 stories	60'	60'
Building Coverage	35%	95%	75%
Impervious Cover	60%	95%	95%
Maximum Units per Acre	15	No unit cap	43 units per acres

<b>Tract 3 (MF-4-NCCD-NP) Site Development Standards</b>			
Standard	Current Site Development Standards (per the NCCD)	Applicant Request (MF-4 base zoning district standards)	Staff Recommendation (equivalent to MF-3 base zoning district standards)
Zoning	MF-4-NCCD-NP	MF-4-NP	MF-4-NCCD-NP

<b>Tract 3 (MF-4-NCCD-NP) Site Development Standards</b>			
Units Per Acre	22	No unit cap	36 units per acre plus MF-3 base zoning minimum site area requirements for each dwelling unit (1,200 SF for an efficiency dwelling unit; 1,500 SF, for a one-bedroom dwelling unit; and 1,800 SF for a dwelling unit with two or more bedrooms.)
Impervious Cover	55%	70%	65%

Per the current NCCD ordinance, only office uses (excluding medical office) are allowed within Tracts 1 and 2. Should the applicant's rezoning request to be removed from the NCCD on these tracts be granted by City Council, staff recommends prohibiting and making conditional the following land uses.

#### **PROHIBITED LAND USES (TRACT 1)**

Agricultural Sales and Services	Funeral Services
Automotive Rentals	Kennels
Automotive Repair Services	Laundry Services
Automotive Sales	Monument Retail Sales
Automotive Washing (of any type)	Pawn Shop Services
Bail Bond Services	Pedicab Storage and Dispatch
Building Maintenance Services	Research Services
Campground	Service Station
Commercial Blood Plasma Center	Vehicle Storage
Construction Sales and Services	Veterinary Services
Consumer Repair Services	Custom Manufacturing
Convenience Storage	Indoor Crop Production
Drop-Off Recycling Collection Facility	Club or Lodge
Electronic Prototype Assembly	Community Events
Electronic Testing	Congregate Living
Equipment Repair Services	Hospital Services (General)
Equipment Sales	Maintenance and Service Facilities
Exterminating Services	Residential Treatment

#### **CONDITIONAL LAND USES (TRACT 1)**

Cocktail Lounge (maximum 17,500 square feet allowed)



Limited Warehousing and Distribution  
Outdoor Entertainment

### **PROHIBITED LAND USES (TRACT 2)**

Agricultural Sales and Services  
Automotive Rentals  
Automotive Repair Services  
Automotive Sales  
Automotive Washing (of any type)  
Bail Bond Services  
Building Maintenance Services  
Campground  
Commercial Blood Plasma Center  
Construction Sales and Services  
Consumer Repair Services  
Convenience Storage  
Drop-Off Recycling Collection Facility  
Electronic Prototype Assembly  
Equipment Repair Services  
Equipment Sales  
Exterminating Services

Funeral Services  
Kennels  
Laundry Services  
Pawn Shop Services  
Pedicab Storage and Dispatch  
Research Services  
Service Station  
Vehicle Storage  
Veterinary Services  
Custom Manufacturing  
Club or Lodge  
Community Events  
Congregate Living  
Hospital Services (General)  
Maintenance and Service Facilities  
Residential Treatment

### **CONDITIONAL LAND USES (TRACT 2)**

Limited Warehousing and Distribution  
Outdoor Entertainment

### **BASIS OF RECOMMENDATION:**

1. *Granting of the request should result in an equal treatment of similarly situated properties.*

The Fairview Park NCCD was adopted by City Council in 1986. Since its creation properties have been added to the boundary or rezoned to allow for a change in entitlements but no properties have been removed from the boundary.

Rezoning this site to allow for additional entitlements and land uses while keeping it within the existing NCCD boundary would be consistent with past treatment of properties within this NCCD.

2. *The proposed zoning should promote consistency and orderly planning; Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

Tracts 1 and 2 of this property are surrounded by commercial base zoning districts. Allowing for an increase in site development standards and permitted land uses (including residential) would be consistent with the adjacent zoning pattern. Tract 3's current zoning is most closely aligned with the MF-2 zoning district. Allowing for the equivalent of MF-3 zoning on this tract would

still be compatible with single-family uses and provide a transition in land use and development intensity from S. Congress to Melissa Lane.

**EXISTING ZONING AND LAND USES:**

	Zoning	Land Uses
Site	CS-1-NCCD-NP, CS-NCCD-NP and MF-4-NCCD-NP	Administrative and Business Offices, Communications Services
North	CS-MU-V-NP	Multi-Family
South	GR-H-NCCD-NP	Hotel-Motel
East	SF-3-NCCD-NP and SF-3-H-NCCD-NP	Single-Family
West	CS-NCCD-NP	Hotel-Motel, Condominium Residential

**NEIGHBORHOOD PLANNING AREA:** Greater South River City (South River City)

**TIA:** A TIA was conducted with this rezoning case. Staff recommends creating a Public Restrictive Covenant that includes all recommendations listed in the Transportation Mitigation Memo, dated May 21, 2021 as provided in *Exhibit D: TIA Memo*. At time of site plan if triggered per LDC 25-6-113, amendments to the TIA may be conducted if required.

**WATERSHED:** East Bouldin Creek Watershed

**OVERLAYS:** ADU Approximate Area Reduced Parking, Neighborhood Conservation Combining District (Fairview Park), Residential Design Standards and Selected Sign Ordinances

**SCHOOLS:** Travis Heights Elementary, Lively Middle and Travis High Schools

**NEIGHBORHOOD ORGANIZATIONS**

Austin Independent School District	Neighborhood Empowerment Foundation
Austin Lost and Found Pets	Preservation Austin
Austin Neighborhoods Council	SELTexas
Bike Austin	Sierra Club, Austin Regional Group
Bouldin Creek Neighborhood Association	South Central Coalition
Bouldin Creek Neighborhood Planning Team	South Central Waterfront Advisory Board
Friends of Austin Neighborhoods	South River City Citizens Assn.
Greater South River City Combined	Zoning Committee of South River City
Homeless Neighborhood Association	Citizens

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2014-0117 and NPA-2014-0022.02 Terrace Hotel 110 Academy Drive	From CS-NCCD-NP to CS-NCCD-NP for Tracts 1A and 1B and to CS-1-NCCD-NP for Tract 2.	Approved staff's recommendations.	Approved Commission Recommendation (12/11/14).
C14-2013-0022 Congress Avenue Baptist Church 1511 Congress	From SF-3-NCCD-NP to GR-NCCD-NP	Denied request.	No Action (Case Expired).
C14-2010-0142 1307 Newning Avenue	To add "NCCD" zoning to the property.	Approved staff's recommendations.	Approved Commission's recommendation. (9/23/10).
C14-02-0067	To include an additional land (property) into Fairview Park Neighborhood NCCD.	Approved staff's recommendations.	Approved the inclusion of 48 tracts of land into the Park Neighborhood NCCD and revised language within the original ordinance for the affected 48 tracts. (7/17/03)

RELATED CASES:

NPA-2019-0022.01: this is neighborhood plan amendment (NPA) case being considered with this rezoning request.

C14-05-0139: This rezoning case established the South River City Neighborhood Plan Area. This property's base zoning district was not changed during this process (Ordinance No. 20050929-Z003).

C14-85-351: This rezoning case established the Fairview Park Neighborhood NCCD (Ordinance No. 86-0807-H).

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Melissa Lane	~50'	Existing	30'	1	No	No	
Academy Drive	66'	Existing	30'	1	No	Yes	Yes

OTHER STAFF COMMENTS:Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps, there is a floodplain within the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. 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.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 square feet cumulative is exceeded, and onsite control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PARD Review

- PR1: Parkland dedication will be required for the new residential units proposed by this development, multifamily with CS-MU-NCCD-NP, CS-1-MU-NCCD-NP and MF-4-NCCD-NP 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. 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](mailto: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

- SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP2. The site is subject to compatibility standards. Along the east and south property lines, 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.
- SP3. Additional design regulations will be enforced at the time a site plan is submitted.

### Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient existing right-of-way for Melissa Lane and Academy Drive. A traffic impact analysis (TIA) was required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA [LDC 25-6-142].

Comments will be provided in a separate memo, please see *Exhibit D: TIA Memo*.

### Austin Water Utility

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

approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

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

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

#### INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

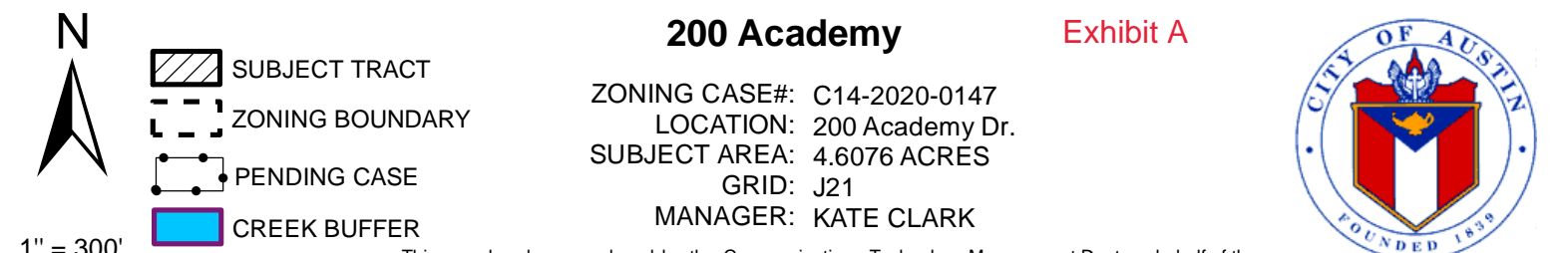
Exhibit B: Aerial Map

Exhibit C: Correspondence Received

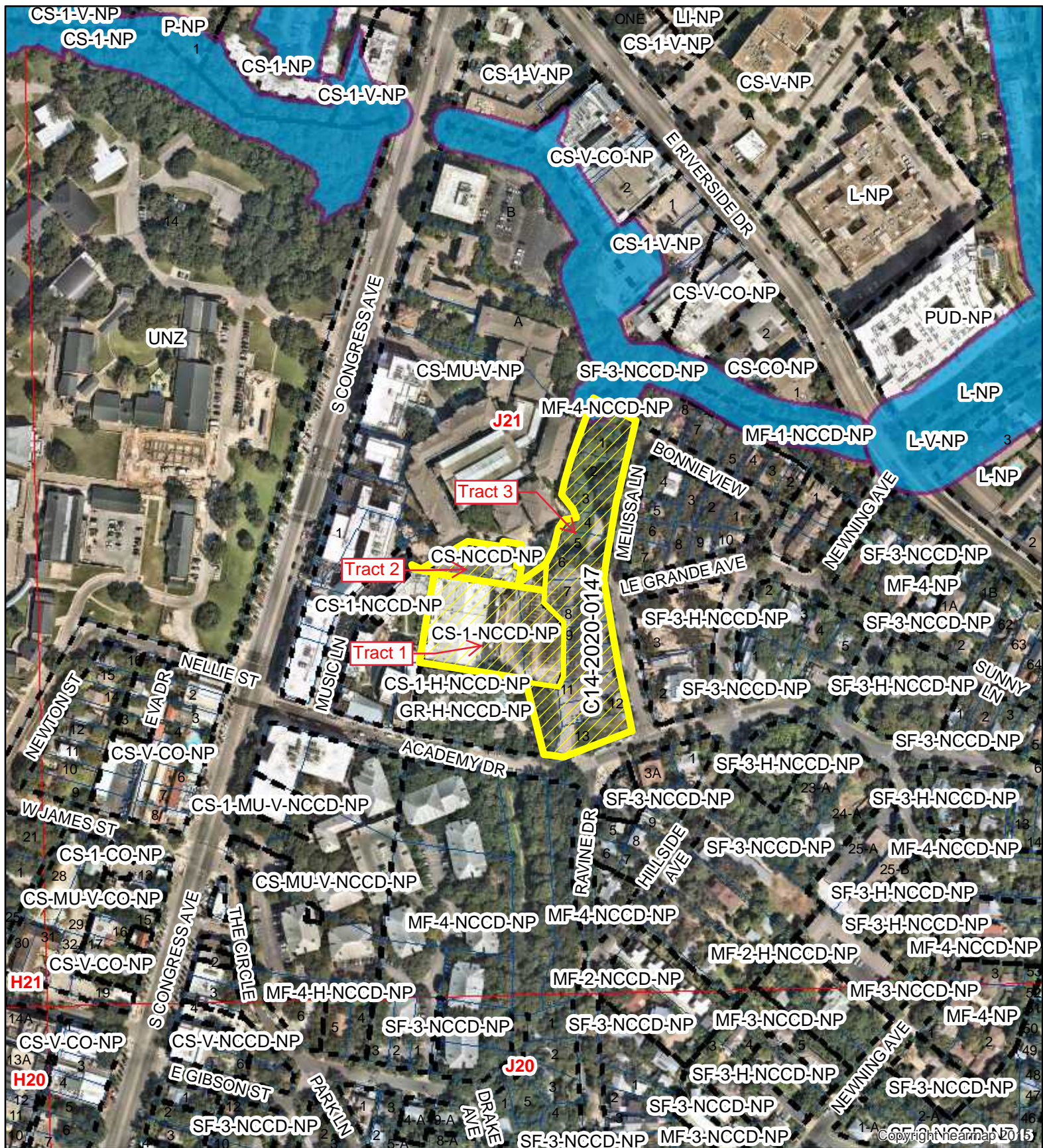
Exhibit D: TIA Memo

Exhibit E: Questions to Staff

Exhibit F: Formal Petition

The logo of the City of Austin, featuring a shield with a red top section containing a white star and a blue bottom section containing a white torch. The shield is set against a circular background with the text "CITY OF AUSTIN" at the top and "FOUNDED 1839" at the bottom.





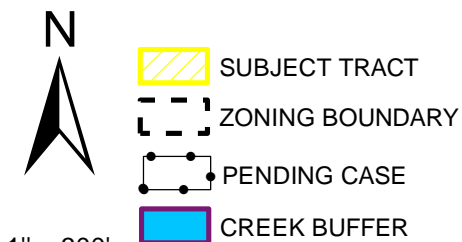
## 200 Academy

Exhibit B

ZONING CASE#: C14-2020-0147  
 LOCATION: 200 Academy Dr.  
 SUBJECT AREA: 4.6076 ACRES  
 GRID: J21  
 MANAGER: KATE CLARK



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.





## Exhibit C

April 18, 2019

Dear Mr. Weiss and Mr. Wallin,

Re: NPA-2019-0022.01 for 200 Academy

Thank you for your recent presentation to the Greater South River City Combined (GSRCC) Neighborhood Planning Contact Team (NPCT). We appreciate hearing from you and Will about your proposed plan amendment.

The NPCT voted to support the neighbors in attendance who unanimously opposed your project to amend our GSRCC NP, citing below the problems it will bring to the interior of the neighborhood:

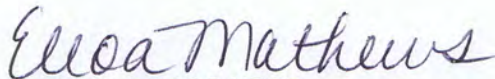
- Alcohol sales bring inebriated people into our residential neighborhood. Neighbors along the S. Congress corridor are experiencing increased trespassing by customers who urinate, defecate, engage in sex acts, use drugs, and/or pass out. Adding an alcohol sales outlet interior to the neighborhood on a residential street will only worsen these problems.
- An influx of additional traffic in an already crowded part of the neighborhood. Your proposed restricted access and egress for automobiles entering and exiting the site on Academy and Melissa St. would not address the majority of the traffic, which is likely to be ride-shares routed through the neighborhood by commercial wayfinder apps. Your site does not have access to S. Congress; therefore it is not on a commercial corridor where the uses you propose and the attendant traffic are appropriate.

The neighbors are not opposed to office and residential uses, which are allowed under the current zoning, established by City of Austin Ordinance #20050929-Z001 and C14-05-0138. These ordinances created the Greater South River City Combined Neighborhood Plan. Page 4 states that the #1 goal of the plan is to "Maintain the historic fabric and respect the established neighborhood character and natural assets".

Since the neighbors cannot support your proposed project, they, and the Contact Team, see no need to pursue amending the NCCD (established by City of Austin Ordinance C14-05-0138 and #20050818-Z003). Several of the adjacent neighbors have downzoned their large properties in accordance with GSRCC NP recommendation A7 and would like to see your property maintain a use that is compatible with the quality of life expected in a residential neighborhood. The museum, restaurant/alcohol sales and retail uses you are requesting are appropriate for a commercial corridor, not inside a residential neighborhood.

We are happy to hear from you regarding a proposed plan amendment that would not be likely to result in the loss of the quiet enjoyment of the neighbor's property and public safety problems that the use currently proposed will create.

Sincerely,



Elloa Mathews, Chair, GSRCC NPCT

Cc: Maureen Meredith, COA Neighborhood Plan Amendment Case Manager

Stevie Greathouse, COA Program Manager, Neighborhood Plan Contact Teams

D9 Council Member Kathie Tovo

D9 Planning Commissioner Karen McGraw

SRCC President and Vice President Eric Cassady and Dan Fredine

SRCC Area 1 Coordinator Claudette Lowe



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to 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.

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

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

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

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

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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

Case Number: C14-2020-0147

Contact: Kate Clark, 512-974-1237

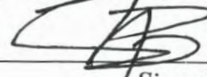
Public Hearing: August 10, 2021, Planning Commission

Cameron Riffe

Your Name (please print)

1103 Hillside ave

Your address(es) affected by this application (optional)



Signature

☐ I am in favor  
☒ I object

Aug 4th 2021  
Date

Daytime Telephone (Optional):

Comments: The Foot & Car Traffic would best be directed out of The neighborhood.  
There is a road behind this property that goes thru the muse apts, by equinox & connects to congress. Make that an entrance/exit & use melissa street for emergency use only. What about the Green space Richard assured would be made on the property?

If you use this form to comment, it may be returned to:  
City of Austin, Housing & Planning Department  
Kate Clark  
P. O. Box 1088, Austin, TX 78767

Or email to:  
[Kate.Clark@austintexas.gov](mailto:Kate.Clark@austintexas.gov)

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to 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.

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**Case Number: C14-2020-0147**

**Contact: Kate Clark, 512-974-1237**

**Public Hearing: August 10, 2021, Planning Commission**

*Cene Lowke*  
Your Name (please print)

*211 Bonarview St 78704*  
Your address(es) affected by this application (optional)

☐ I am in favor  
☒ I object

*[Signature]*  
Signature

*8/10/21*  
Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments: *This area is already too populated and cannot take additional traffic. Getting home down academy from Congress is already tedious*

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

City of Austin, Housing & Planning Department

**Kate Clark**

P. O. Box 1088, Austin, TX 78767

Or email to:

**Kate.Clark@austintexas.gov**



September 3, 2021

Kate Clark, Senior Planner, City of Austin Housing and Planning Department

[Kate.Clark@austintexas.gov](mailto:Kate.Clark@austintexas.gov)

Todd Shaw, Chair, Austin Planning Commission

[Bc-Todd.Shaw@austintexas.gov](mailto:Bc-Todd.Shaw@austintexas.gov)

Dear Kate and Commissioner Shaw,

Re: NPA-2019-0022.01 for 200 Academy

The Greater South River City Combined (GSRCC) Neighborhood Plan Contact Team (NPCT) acknowledges the applicant's original presentation for a FLUM change on 200 Academy in April 2019. In more recent meetings with the NPCT subcommittee in August 2021, we were presented the current proposal and the results of the TIA.

As we expressed in 2019, the neighborhood continues to believe that the proposed development is in conflict not only with current residents' goals but with the long-standing planning efforts of the neighborhood as outlined in the Fairview Park NCCD, Neighborhood Plan and the Greater South River City Combined Neighborhood Plan Future Land Use Map.

The proposal is inconsistent with all of these planning efforts on all fronts.

On August 28, 2021 the NPCT unanimously voted to oppose the project, citing below a summary of major points:

- The proposed uses of Concert Venue/Cocktail Lounge and high turnover restaurant are inappropriate. The location of this site deep into a solely-residential part of the neighborhood with the only possible roadway access being a residential street violates land use principles and is totally incompatible with the surrounding, existing neighborhood use. The project has no direct access to S. Congress.
- The Neighborhood Plan charges the Contact Team to "act as stewards of the Plan" and this proposed FLUM change would violate the Plan and hinder the implementation of its recommendations.
- The proposed project is contrary to almost all the provisions of the Neighborhood Plan (which was approved after nearly 2 years of stakeholder input including city staff, Planning Commission, and the City Council). Specifically:
  - a. Plan Goal # 1: "Maintain the historic fabric and respect the established neighborhood character and natural assets."
  - b. Planning Priority # 1: "New construction and remodeling should be built in proportion to surrounding homes. This includes limiting height, massing, and maintaining appropriate setbacks."
  - c. Transportation Objective: "Improve pedestrian safety and mobility throughout the



neighborhood.” Note that the proposal is even more problematic in this regard today than it was at the time this Objective was voted upon since Academy Dr. no longer connects to Riverside Drive. Additionally, there are problems with the current TIA regarding traffic counts, square footage of uses and constructability of sidewalk improvements.

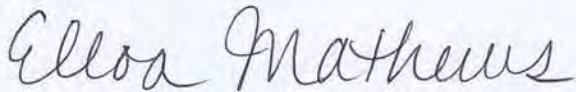
- The proposed changes would also violate the goals of the NCCD. Per the City: *“The purpose of an NCCD is to establish development regulations for unique neighborhoods in order to preserve their traditional character while allowing for controlled growth to occur. An NCCD . . . sets standards for redevelopment that is compatible with the unique character of the neighborhood.”*
- A Concert venue would recreate the problem that Texas Monthly described in an article about the Austin Opry House: “The friction with the neighborhood never did die down.”

The neighbors are not opposed to office and residential uses, which are allowed under the current zoning, established by City of Austin Ordinance #20050929-Z001 and C14-05-0138. These ordinances created the Greater South River City Combined Neighborhood Plan. Page 4 states that the #1 goal of the plan is to “Maintain the historic fabric and respect the established neighborhood character and natural assets”.

This proposal to erect a night club, concert venue and high turnover restaurant in this location could not be more contradictory with this intent.

For these reasons, we strongly oppose the requested FLUM change.

Sincerely,



Elloa Mathews, Chair, GSRCC NPCT

Cc: Richard Weiss, Agent for applicant

Maureen Meredith, COA Neighborhood Plan Amendment Case Manager

Stevie Greathouse, COA Program Manager, Neighborhood Plan Contact Teams

D9 Council Member Kathie Tovo

Todd Shaw, Chair, Austin Planning Commission

D9 Planning Commissioner Carmen Llanes Pulido

SRCC President Cynthia Milne

SRCC Area 1 Coordinator Claudette Lowe

September 3, 2021

Re: NPA-2019-0022.01 for 200 Academy

p.2

## Clark, Kate

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**From:** Jon David Swann  
**Sent:** Tuesday, September 7, 2021 2:39 PM  
**To:** Clark, Kate  
**Subject:** NPA-2019-0022.01  
**Attachments:** COA FLUM change comment form 200 Academy.pdf

\*\*\* External Email - Exercise Caution \*\*\*

Subject: NPA-2019-0022.01

Dear Ms. Clark:

(Please include this email message with the subject case materials so the Planning Commission can be informed that the proposed FLUM change is a bad idea.)

Dear Commissioners:

The proposed use profoundly violates our Neighborhood Plan, and it also violates the intended nature and character of our residential neighborhood. The change must not be approved.

During my tenure as President of South River City Citizens we experienced chronic and significant disturbance from live music venues located at the site. We do not want that experience to be repeated. The developer needs to find an appropriate location for the noise, litter, and traffic that will accompany his desired use.

Our planning team has met with the developer's representative, and we have listened to his plans. I am very familiar with the site, and I lived at 122B Academy Drive for about a year. The uses indicated in our Neighborhood Plan are still reasonable uses. Our Neighborhood Plan was developed and has been maintained at great cost and effort by neighbors and city staff. The Plan is documented as a City of Austin ordinance.

Thank you for your support. It is not necessary to sacrifice 100% of the Austin quality of life to allow developers to increase their wealth.

Jon David Swann  
505 Lone Oak DR  
Austin, TX 78704

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





# NOTICE OF PUBLIC HEARING TO AMEND A NEIGHBORHOOD PLAN

Mailing Date of this Notice: July 30, 2021

Case Number: NPA-2019-0022.01

**Este aviso es para informarles de una junta pública sobre un cambio en el uso de la tierra indicado abajo. Si usted desea recibir información en español por favor llame al (512) 974-3531.**

The Housing and Planning Department has received an application for an amendment to the Greater South River City Combined Neighborhood Plan for property(ies) referenced below. This notice has been mailed to you because you own property, are a registered environmental or neighborhood organization, or have a utility service address within 500 feet of the subject property.

The requested plan amendment will be reviewed and acted on at two public hearings: First, before the Planning Commission and then before the City Council. At a public hearing, the Planning Commission reviews and evaluates City staff's recommendation and public input and then sends its recommendation to the City Council. For additional information on the City of Austin's Land Development Process, visit our website, <http://www.austintexas.gov/planning> or to find out more about the Greater South River City Combined Neighborhood Plan, go to <http://www.austintexas.gov/page/neighborhood-planning-areas>.

<b>Owner/Applicant:</b>	SPEARHEAD ACADEMY LTD (Chris Wallin)
<b>Agent:</b>	Weiss Architecture Inc (Richard Weiss) - (512) 924-0433
<b>Project Name:</b>	200 Academy
<b>Project Address(es):</b>	146 ½, 200, 200 ½ and 204 ½ Academy Drive and 1006 & 1020 Melissa Lane
<b>Related Zoning Case:</b>	C14-2020-0147

**AMENDMENT REQUEST:** To change the future land use designation for the specified property within the Greater South River City Combined Neighborhood Plan **from** Mixed Use/Office **to** Mixed Use (refer to attached map).

## LAND USE DEFINITIONS:

**Mixed Use/Office** - An area that is appropriate for a mix of residential and office uses.

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

This application is scheduled to be heard by the **Planning Commission** on **August 10, 2021**. The meeting will be held **online** and viewable at <http://www.atxn.tv> beginning at **6:00 p.m.** **To find out how to participate in the meeting, please contact the case manager listed below by email or phone or go to the following website: Planning Commission:** <http://www.austintexas.gov/content/planning-commission>. **You must register in advance to speak at the hearing. The deadline to register is 12:00 noon on Monday, August 9, 2021.**

You can find more information on this application by inserting the case number at the following Web site: <https://abc.austintexas.gov/web/permit/public-search-other> If you have any questions concerning the plan amendment application, please contact Maureen Meredith of the Housing and Planning Department at 512-974-2695 or via email at [maureen.meredith@austintexas.gov](mailto:maureen.meredith@austintexas.gov) and refer to the Case Number at the top right of this notice. For additional information on the City of Austin's land development process, please visit our web site at: [www.austintexas.gov/planning](http://www.austintexas.gov/planning).



## PUBLIC HEARING INFORMATION

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

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

During its public hearing, the City Council may grant or deny a plan amendment request, or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Housing and Planning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website:

[www.austintexas.gov/department/neighborhood-planning](http://www.austintexas.gov/department/neighborhood-planning).

*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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.*

*Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes de la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial. La correspondencia y la información enviada a la Ciudad de Austin están sujetas a la Ley de Información Pública de Texas (Capítulo 552) y pueden ser publicadas en línea.*

## PUBLIC HEARING COMMENT FORM

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

City of Austin  
Housing and Planning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

**Case Number:** NPA-2019-0022.01

**Contact:** Maureen Meredith, PH: 512-974-2695 or

Maureen.Meredith@austintexas.gov

**Public Hearing:** Aug 10, 2021 - Planning Commission

☐ I am in favor  
☐ I object

Your Name (please print) \_\_\_\_\_

Your address(es) affected by this application \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Comments: \_\_\_\_\_

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## Clark, Kate

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**From:** Laura Touns  
**Sent:** Tuesday, September 7, 2021 3:34 PM  
**To:** Clark, Kate; Meredith, Maureen  
**Subject:** NPA-2019-0022.01and C14-2020-0147  
**Attachments:** 200 Academy final report 08.28.21.pdf

\*\*\* External Email - Exercise Caution \*\*\*

Dear Kate and Maureen,

I am a resident of 305 Le Grande Ave and have lived at this location since 1990. I wish to express my strong opposition to the two referenced cases for 200 Academy Drive. I have issues with some of the information included in the TIA and I also believe that the requested uses are inappropriate. I am in opposition to the applicant's request as well as the staff recommendation. Highlights of my opposition are the follow:

The tract is adjacent to SF houses and the existing allowed uses of Office and Multifamily are appropriate Transition uses/zoning. The requested Cocktail Lounge, Restaurant/Retail uses are Not appropriate.

The only access for the site is Academy Drive, a neighborhood street.

The TIA has several problems including counts taken during a time when Academy was closed at S. Congress due to construction and uses smaller square footages for future traffic projections.

I was the chair for a subcommittee of residents on the NPCT. We met with the applicant and looked at all the applicable information on this case and produced the attached report. It contains more details regarding issues with the application and the staff recommendation.

Thank you,

Laura Touns

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

Greater South River City Neighborhood Plan Contact Team  
200 Academy Sub-Committee Report  
08-17-21

Applications: NPA-2019-0022.01 (Neighborhood Plan Amendment filed Feb 27, 2019)  
C14-2020-0147 (Zoning Change Application filed

Subcommittee Members: Laura Toups (chair), Claudette Lowe, Colin Corgan, Brian Beattie, Valerie Fowler

### **SUMMARY OF MEETINGS AND ACTIONS TO DATE:**

#### Subcommittee Meetings:

July 25, 2021 Applicant's agent, Richard Weiss met with Laura Toups to discuss details of the application.

August 5, 2021 Applicant, Chris Wallin and agent Richard Weiss met with entire sub-committee to present application requests, project concept and address questions/concerns.

#### Full Contact Team Meeting:

April 2019 Grace United Methodist Church heard initial presentation from applicant

#### Planning Department Meeting:

January 13, 2021 City of Austin Planning Dept. presentation by applicant

#### Postponement by Staff:

August 13, 2019 – City staff's request for an indefinite postponement.

#### Postponements by Applicant:

January 14, 2020 – Applicant's request for an indefinite postponement.

June 23, 2020 – Applicant's request for an indefinite postponement.

#### Postponement by NPCT:

August 10, 2021

### **EXECUTIVE SUMMARY TIMELINE**

- The GSRCC Neighborhood Planning Contact Team (NPCT) met with the applicant in April 2019 when application for the Neighborhood Plan FLUM Amendment was filed.
- The NPCT issued a letter in opposition in response to the project as proposed on April 18, 2019.
- The NPCT did not hear a response from the applicant.
- The applicant filed a zoning change application in late 2020.
- The applicant filed a TIA with the City of Austin in October 2020 and completed the required TIA review with the City in May 2021.
- The NPCT and subcommittee of concerned neighbors have worked to review the TIA, the new uses proposed in the TIA and the concepts presented by the applicant.

The SRCC neighbors have worked for many years in a progressive planning approach which is evidenced by the adoption of the first city NCCD for Fairview Park which was developed and adopted at a time when the city had not even approached neighborhood planning yet. As the neighborhood

adjoins South Congress there was early acknowledgement that commercial and mixed use would develop along the S. Congress corridor and there would be a threat to preservation of the historic neighborhood of Fairview Park. The neighborhood, while many may be disappointed by the changes to S. Congress from its (slower feel of the) loss of local merchants, accepts the increased density, commercial development and "tourist destination" it has become, of course, we have no choice really. But the NCCD was put into place and the FLUM developed to allow Office and Multifamily use on the 200 Academy property which is an appropriate transitional use next to single family. A music venue on this property, which does not have frontage or access to S. Congress is not an acceptable use to the neighborhood. It is deep into the neighborhood with its only access from a neighborhood collector street with 30' of pavement.

### **SUBCOMMITTEE RECOMMENDATION**

It is recommended that the FLUM not be amended to allow more intense uses as proposed by this application.

### **HISTORY OF MUSIC VENUE**

**Applicant believes that the need for a 'cocktail lounge' music venue at this location is driven by its history. The following is our response to this argument.**

*The following was prepared by Brian Beattie who along with wife Valerie Fowler live at 1211 Ravine, across from 200 Academy.*

*"I am a lifelong professional musician/ record producer. I saw lots of great shows at The Opry House, I played there a few times myself, and I've made a quite a few records at Arlyn, the recording studio within the 200 Academy complex. And somehow, I still love music! Additionally, I'm no "nimby", and I would welcome the redevelopment of the property at 200 Academy." Brian Beattie.*

### ***Problems with the venues:***

The developers want to use the branding and value of the property's association with "The Austin Opry House" as a centerpiece of their development. Although I greatly appreciate the history of the Opry House and the many legendary acts that came to play there, there is a second, parallel history that replayed again and again during the Opry House's relatively brief tenure. During the 16 or so years of the Opry House's existence, there was a constant battle with the neighborhood over the noise, parking and behavior of the well lubricated patrons spilling out en masse into the neighborhood as the shows ended late in the night. The owners of the **Texas Opry House in '74**, and the **Austin Opry House between 77 and 87**, and the **Terrace/ Opera House in the late 80's and early 90's** constantly attempted to mitigate the effects that the club had on the neighborhood, but the same problems played out again and again.

- Too much traffic all happening at once in the middle of the night when the shows let out,
- Too many people parking all up and down the streets of the neighborhood

- Too many drunk, loud, excited patrons wandering the neighborhood looking for their cars, or a place to pee, or to perform other natural acts that are usually private affairs when one's judgement is less clouded.
- Trash everywhere. Tons of bottles, beer cans, food containers, condoms, etc. Sort of what might be expected, near a bar.

***Continued Problems lead to restrictions:***

It happened in '74 as "The Texas Opry House", and that led to enough neighborhood complaints to shut the place down, and it happened immediately again when it re-opened as "The Austin Opry House" in '77. Within a short time, the owners had to severely limit the number of tickets they could sell, and the size and frequency of shows that they could produce, yet they could never mitigate what was beyond their control, which is the way that thousands of intoxicated, excited folks behave when they are released into the cool Austin night.

It became such a problem that the club's liquor license was eventually revoked by the TABC. There was NEVER a time when the "Opry House" existed that it was able to operate in a way that did not adversely affect the neighborhood.

***Additional Historic Facts:***

- After it was first platted out as "The Isaac Dekker League" the first developer of this property (James Swisher) donated the land that is presently used as South Congress Avenue as a thoroughfare for the southern approach to our lovely city. Anyone driving up South Congress Avenue is benefiting from his foresight. What a view! James Swisher lived on the property directly to the east of 200 Academy, across Melissa Street.
- Fairview Park was developed by Charles Newning in 1886, who bought the old Swisher Place and rebuilt it as a grand Victorian House. He developed the roadways and infrastructure within "Fairview Park" well before he even offered lots for sale. He created all of the present roadways in the neighborhood, including Academy Drive, which was initially called "Riverside", because it was the best way to head towards the southeastern part of town from south of the river. (The current "Riverside Ave" east of S. Congress was a flood prone sand bank before the Colorado was dammed)
- The area that is now 200 Academy was a park and picnic grounds for any number of events in early Austin History (Yes, lots of music and dancing back then as well!) Fairview Park has been a lovely, close in, urban neighborhood for the past 125 years. We had public transportation in the form of horse drawn, and then electric trolleys running right down Academy from the 1880's to the 1920's, and it was a boon to us all. Charles Newning developed the roadways that are still used today, and well loved by all that use them.
- "The Terrace", the hotel complex that originally developed the 200 Academy property in 1965, got international recognition as an innovator in creating parking solutions for the newly developing "Motor Court" culture. (this was in 1960) When they built "The Terrace Convention Center", it was opened as a "Private Club" (much in the same way that the bar at the Saint

Cecelia at 112 Academy operates.) Although the Terrace Motor Court hosted events with as many as 2000 people, there is no historical evidence that it ever disrupted the neighborhood. I believe this may be partially because the hotel complex spread over 15 acres at that point, so many if not all of the convention goers were actually staying at the Motor Court, so they could leave their cars in front of their cabin and walk down the well-manicured paths to the Convention Center and convene. The Terrace Convention Center also annually hosted the precursor to the Texas Book Festival, which was called the "Texas Writer's Round-up"

### ***In Summary:***

Every developer who owned the 200 Academy property up to the era of the "Opry House" was able to design their development so that it enhanced the livability and mobility of the neighborhood and city. The only difference in "The Opry House" from every other usage was its pure reliance on alcohol sales during musical events, the resulting density of use during those business hours, and the behavior of the patrons as they were released into the world.... again, and again. It was the first time that the use of the property hurt, instead of helped, the area surrounding it.

For many years after the Opry House was forced to close because of its incompatibility with the neighborhood, it was used as a business park. That was very acceptable, it generated money and jobs, and the constant comings and goings were peaceful.

Historically, the usage of the property at 200 Academy as a music venue, as legendary as it was, was very short lived. Maybe 16 years tops, and most of those years it was used very minimally because of the problems caused within the neighborhood, and the negotiated solutions. The property has been a great neighbor to us for the last 25 years. It has been sort of empty lately, but that has purely been the choice of the current owner. "The Austin Opry House" is a fine, well-loved brand, but, like "The Soap Creek Saloon", and "Austin City Limits", if it was moved to a more appropriate location, it could become something that hews more closely to the developers expectations and dreams. Bring on the development, bring us public transportation, housing, local markets, but PLEASE do not bring the same thing in that has proven time and again to be disruptive within the confines of a lovely, yet ever evolving historic neighborhood.

### **COMPATIBILITY OF USES PROPOSED**

Issues with the Staff Recommendations:

- Staff comment: *"Granting of the request should result in an equal treatment of similarly situated properties."*

This is not a valid statement as the properties that were rezoned within the NCCD had frontage and access on S. Congress which is a major arterial.

- Staff comment: *"The proposed zoning should promote consistency and orderly planning; Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities."*

The neighborhood believes that the current allowed used on the tracts for Office and Multi-family promote orderly and consistent planning and not the addition of a music venue and high turnover restaurant.

- Staff Comment: *"Tract 3's current zoning is most closely aligned with the MF-2 zoning district. Allowing for the equivalent of MF-3 zoning on this tract would still be compatible with single-family uses and provide a transition in land use and development intensity from S. Congress to Melissa Lane."*

The neighborhood believes that MF-2 is a more compatible use in this transition to SF-3.

- TIA staff memo recommendation supporting the proposed uses.

Neighborhood is concerned with the access to Academy Drive (66' ROW) and Melissa Lane (50' ROW). Both have 30' of pavement and are classified as Austin Strategic Mobility Plan (ASMP) 1 streets. Level 1 streets are the lowest category and referred to as Local streets. In the Transportation Criteria Manual (TCM) these streets are categorized as neighborhood collector and local residential. The high intensity uses of a 17,000 s.f. music venue and high turnover restaurant are not appropriate off of a Neighborhood Collector street.

## **TIA AND TRAFFIC/PARKING CONCERNS**

### **TIA:**

The applicant's TIA states the following:

*WGI collected 24-hour, bi-directional tube counts on Le Grande Avenue, Newning Avenue and Melissa Avenue on Tuesday, July 21, 2020. Tube counts on Academy Drive were collected on Tuesday, March 23, 2021. Since these tube counts were collected during the COVID-19 pandemic, an adjustment was made in order to account for the atypical/low volumes.*

The counts made in July 2020 were not only during a pandemic, it was also while Academy Drive at S. Congress was closed and had been closed for almost 2 years. Cut through traffic has built over the years for those cutting between S. Congress and Riverside Dr. via Newning/Le Grande/Hillside/Academy. Although counts were then taken on March 23, 2021, Academy was open

but continued construction at the intersection with S. Congress, along with its 2-year closure had greatly reduced cut-through traffic along with the pandemic continuing to affect traffic.

- **There does not appear to be an increased adjustment for the Bigger issue of the road closure at S. Congress.**
- **There were no updated 2021 tubes counts at Le Grande location.**
- **The TIA assumes a music venue of 10,000 s.f. We have been told by applicant that they are proposing a 17,000 venue.**

See ATTACHMENT 1 - City of Austin Staff TIA Memo for neighborhood item concerns provided in **YELLOW HIGHLIGHT** and comments in **RED**.

#### **TRAFFIC/PARKING CONCERNS:**

- Even with the proposed solution of a huge underground parking lot in the middle of a natural historic drainage, there will be many people who will simply want to eliminate the hassle (and cost) of the parking garage and park nearby on the neighboring streets. The only solutions that applicant was able to offer to that problem is that we should change the parking regulations within the neighborhood, outside of their development. They want to make Academy, between Congress and the entrance to the Opry House a "No Parking" street, and recommended that everyone that is affected outside of their development to ask the city to make their streets into "neighborhood parking only" zones. As we understand, that sort of parking regulation often causes more problems than it solves.
- The traffic generated by a 17,000 s.f. music venue that all leave and come at the same time will generate unacceptable problems for this residential neighborhood.

#### **ENVIRONMENTAL CONCERNS**

Although environment compliance is not detailed and required until the Site Development Permit phase the following concerns are provided:

1. There is a natural creek across from my house (at 1211 ravine dr). I believe it's historical name was "Swisher Branch". It used to extend all the way north to it's confluence with Bouldin Creek. In 1964, when the "Terrace Convention Center" and its parking lot were built (at 200 Academy), they diverted the creek into a storm drainage pipe, and then they paved over the creek and put up a parking lot. (not to mention the small valley on either side of the creek, lined with ancient

trees that had been used for years as a public picnic and gathering space, since Fairview Park was developed in 1886) The natural creek still exists across from my house at 1211 Ravine Dr., and it exists right beyond the lower (northern) extremity of the property at 200 Academy. There is a lovely little canyon down there where the piped creek dumps back into the natural waterway, about 100 yards or so before it's confluence with Bouldin Creek. There are known springs all throughout this area of our neighborhood. Nowadays, with modern zoning and environmental standards, you could never pave over an existing creek of this size in Austin. The developers seem to be unaware of the creek's existence. I believe their plans involve putting an underground parking lot right where the natural waterway used to flow. All of us need to understand the environmental impact of what they want to do before any plans are finalized. I would prefer for them to re-naturalize the waterway and use it as a green/commons/ park/ hike and bike area space to allow for a proper amount of pervious cover for the density of development that they're proposing. (Brian Beattie)





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## MEMORANDUM

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**Date:** May 21, 2021  
**To:** Ravali Kosaraju, P.E., PTOE, WGI Engineering  
**CC:** Curtis Beaty, P.E., Bryan Golden, Jayesh Dongre  
Austin Transportation Department  
Kate Clark, Housing and Planning Department  
**Reference:** 200 Academy  
Transportation Impact Analysis Final Memo  
C14-2020-0147

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**Summary of the Transportation Impact Analysis (TIA):**

The Austin Transportation Department (ATD) has reviewed the “200 Academy TIA” dated July 31, 2020 and subsequent updates received on November 25, 2020, January 29, 2021, March 26, 2021, and April 29, 2021 prepared by WGI Engineering. The 200 Academy TIA and all amendments thereto are collectively referred to herein as the “TIA”. The proposed 200 Academy development is located on the northwest corner of Academy Drive and Melissa Lane in Austin, shown in Figure 1 below.

The proposed project is anticipated to be completed by 2023 and would consist of 60,000 square feet of General Office, 4,000 square feet of Shopping Center, 8,000 square feet of High-Turnover Restaurant, 120 dwelling units of Multi-Family (Low-Rise) housing, 4,000 square feet Museum, and a 10,000 square feet Music Venue. SHOULD BE 17,000 S.F.

A Neighborhood Traffic Analysis, prepared by WGI Engineering, was also required for this site and can be found in Appendix A.

Below is a summary of our review findings and recommendations:

1. The applicant shall design and construct the improvements identified in Table 2b below and in Figure 2 prior to issuance of a

temporary certificate of occupancy (TCO) or certificate of occupancy (CO) at the time of the first site development permit. **Note:** Cost estimates should not be assumed to represent the maximum dollar value of improvements the applicant may be required to construct.

2. A fee-in-lieu contribution to the City of Austin shall be made for the improvements identified in Table 2a, totaling \$5,000, prior to issuance of the first site development permit.
3. The applicant shall provide an electronic copy of the final, updated version of the TIA report, including all supplemental documents, before 3<sup>rd</sup> reading.

4. City of Austin staff reserves the right to reassign any or all the funding to one or more of the improvements identified in the TIA.
5. The findings and recommendations of this TIA memorandum remain valid until five (5) years from the date of the traffic counts in the TIA or the date of this memo, whichever comes first, after which a revised TIA or addendum may be required.
6. The findings and recommendations of the TIA included in this memo are based on the land use, intensity, associated traffic information and analyses and phasing of the development considered in the TIA. Should any of these assumptions change, the applicant may need to complete a new TIA, or update the TIA as required by code at the time of site plan application.
7. Street Impact Fee Ordinances 20201220-061 [<https://www.austintexas.gov/edims/document.cfm?id=352887>] and 20201210-062 [<https://www.austintexas.gov/edims/document.cfm?id=352739>] have been adopted by City Council and are effective as of December 21, 2020. The City shall start collecting street impact fees with all building permits issued on or after June 21, 2022. For more information please visit the Street Impact Fee website [[austintexas.gov/streetimpactfee](https://austintexas.gov/streetimpactfee)].

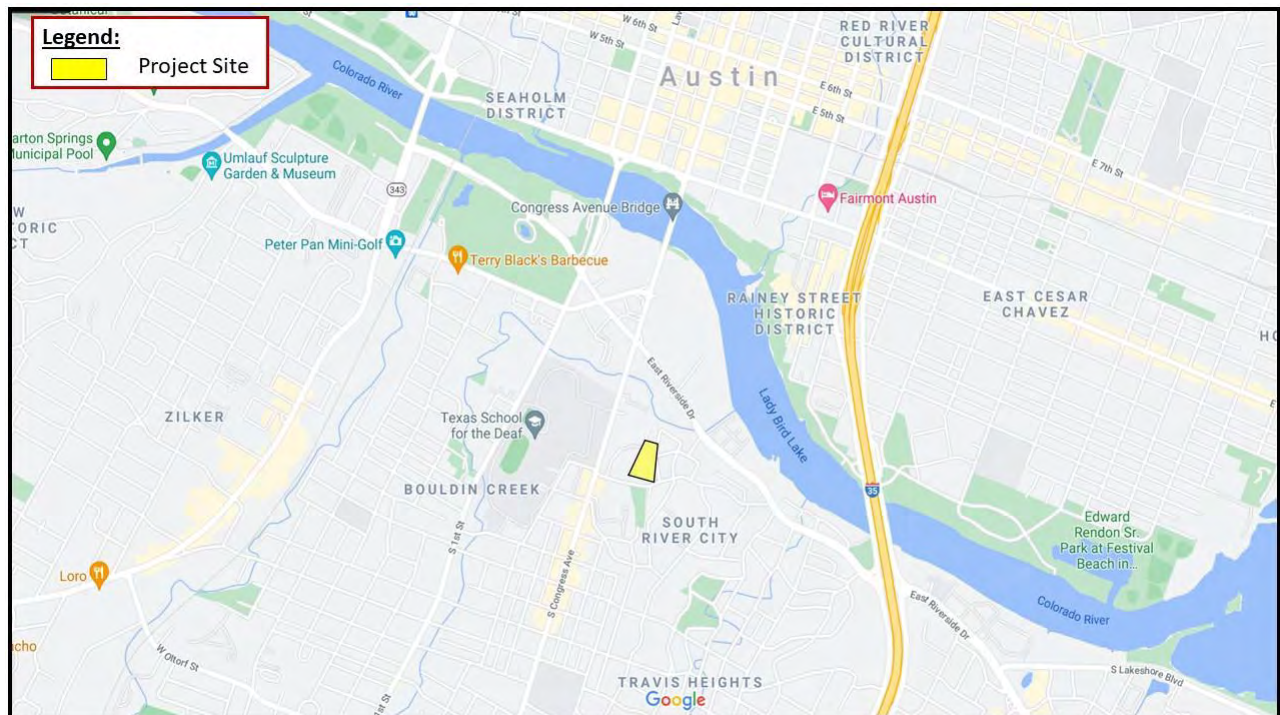


Figure 1: Site Location



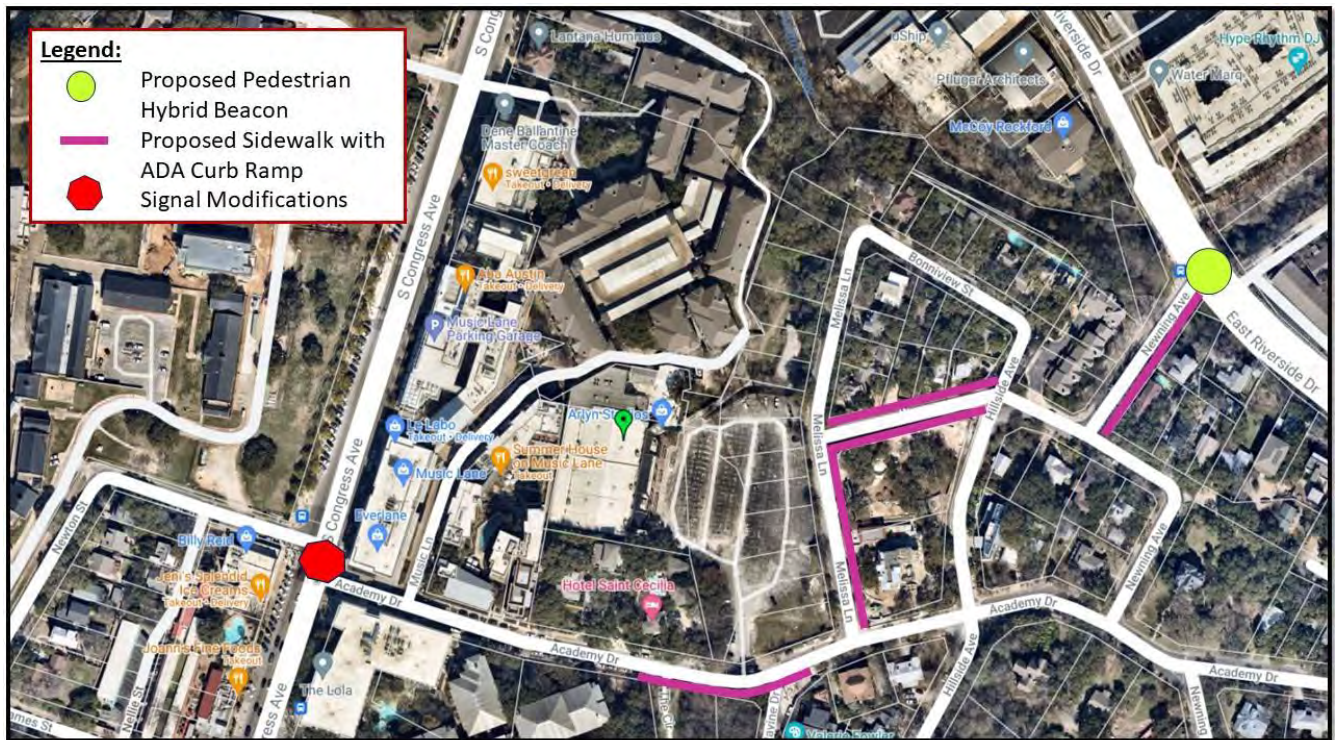


Figure 2: Transportation Mitigation Locations

**Assumptions:**

1. The TIA assumes that the development will be completed by 2023.
2. The project will have two access points: the primary driveway will exist along Academy Drive across from Ravine Drive and will serve all land uses. A second driveway will exist on Melissa Lane just north of the intersection with Le Grande Avenue that will provide access to the residential units only and will not have any parking provided for other land uses.
3. Based on TxDOT Traffic Count Database System (TCDS), a 2% annual growth rate was assumed to account for the increase in background traffic.
4. Various growth factors were calculated to account for COVID-19 traffic conditions. WHERE IS THE INCREASE ADJUSTMENT FOR COVID AND WHERE IS THE INCREASE ADJUSTMENT FOR CLOSURE OF ACADEMY DRIVE AT S. CONGRESS?
5. Transportation Demand Management (TDM) measures would reduce vehicle trips by 30%. A robust TDM plan will be submitted at the time of first site plan.
6. Listed below are the background projects that were assumed to contribute trips to surrounding roadway network in addition to forecasted site traffic:
  - a. The Magdalena Hotel: SP-2015-0345CT(R1)
  - b. 425 Riverside PUD: SP-2017-0494C
7. It should be noted that during this review, Capital Metro's Project Connect Plan was adopted and the design of all the rail lines are currently in progress. The design of Project Connect, particularly the Orange Line, might potentially affect traffic operations along South Congress Avenue and at Academy Drive. This may affect the operational assumptions contained in this TIA. ATD may require additional analysis at time of site plan if Project Connect's plans become more refined and alter traffic patterns along South Congress at the Academy Drive intersection.

8. At the time of first site plan, the following must be submitted for ATD's review and approval: a TDM plan, a traffic control plan for the music venue, the location of on-site TNC pick-up/drop-off, driveway design at Academy Drive that includes vehicle and truck turning templates, the location of for loading/unloading activities, and a final internal circulation design.

**Proposed Conditions:**

**Trip Generation and Land Use**

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (10<sup>th</sup> Edition), the development will generate approximately 3,933 unadjusted average daily vehicles trips (ADT) at full build out.

ITE Trip Generation Manual (10<sup>th</sup> Edition) does not capture the trip generation for music venue and museum as land uses, therefore, local data was used for these land uses.

Due the significant number of vehicle trips and the anticipated traffic load on the roadway network, the applicant has committed to a Transportation Demand Management (TDM) Plan to reduce their site vehicle trips by 30%.

Table 1 shows the adjusted trip generation after existing trips and TDM reductions.

<b>Table 1: Adjusted Trip Generation</b>						
ITE Code	Proposed Land Use	Size / Unit		24-Hour Two Way Volume (Approx.)	AM	PM
710	General Office	60,000	SF	646	83	70
820	Shopping Center	4,000	SF	674	154	50
932	High-Turnover Restaurant	8,000	SF	897	80	78
220	Multifamily Housing (Low Rise)	120	DU	866	57	69
*	Music Venue	10,000	SF	650	0	65
*	Museum	4,000	SF	200	0	20
<i>Unadjusted Trips</i>				<i>3,933</i>	<i>374</i>	<i>352</i>
<i>Existing Trips</i>				<i>(593)</i>	<i>(78)</i>	<i>(64)</i>
Subtotal				<i>3,340</i>	<i>296</i>	<i>288</i>
<i>TDM Reduction (30%)</i>				<i>(1,002)</i>	<i>(89)</i>	<i>(86)</i>
<b>Total Adjusted Trips</b>				<b>2,338</b>	<b>207</b>	<b>202</b>

Note: \* marked denotes Local data used

THE ASSUMED SF OF MUSIC VENUE IS INCORRECT.

### **Transportation Demand Management (TDM)**

The applicant has committed to a 30% TDM reduction to meet certain vehicle trip reduction targets. In the TDM plan, the applicant has identified several measures that could be incorporated with the site to achieve the targeted vehicle trip reduction. The applicant identified the following key TDM measures to reach the reduction target:

- Transit Elements (up to 7%)
- Pedestrian Access and Connectivity (5%)
- Bicycle Access and Connectivity (5%)
- Bicycle Parking (0.5%)
- Showers & Lockers (0.5%)
- Unbundled Parking (6%)
- Limit Parking Supply (6%)
- TDM Coordinator (1%)
- TMA Membership (3%)

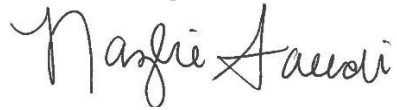
The applicant has the flexibility to pick and choose other relevant TDM measures at the time of site plan.

**Summary of Recommended Improvements:**

<b>Table 2a: Recommended Improvements (Fee-in-Lieu)</b>				
<b>Intersection</b>	<b>Improvement</b>	<b>Cost</b>	<b>Developer's Share %</b>	<b>Developer's Share \$</b>
South Congress Ave & Academy Dr/Nellie St	Signal Modifications	\$5,000	100%	\$5,000
<b>Total</b>		<b>\$5,000</b>	<b>-</b>	<b>\$5,000</b>
<b>Table 2b: Recommended Improvements (Construction)</b>				
<b>Intersection</b>	<b>Improvement</b>	<b>Cost</b>	<b>Developer's Share %</b>	<b>Developer's Share \$</b>
East Riverside Dr & Newning Ave	Pedestrian Hybrid Beacon (PHB)	\$150,000	100%	\$150,000
Le Grande Ave (north) from Melissa Ln to Hillside Ave  Le Grande Ave (south) from Melissa Ln to Hillside Ave *  Melissa Ln (east) from Le Grande Ave to Academy Dr *  Newning Ave (east) from E Riverside Dr to Le Grande Ave  Academy Dr (south) from ±200 ft west of Ravine Dr to ±50 ft east of Ravine Dr	Approximately 1,580 LF of 5 ft wide sidewalk construction	\$189,600	100%	\$189,600
<b>Total</b>		<b>\$339,600</b>	<b>-</b>	<b>\$339,600</b>

\* TOPOGRAPHICAL CONSTRAINTS WILL SEVERELY AFFECT CONSTRUCTIBILITY AND COST OF THIS SIDEWALK. THE CONNECTION TO EXISTING SIDEWALK FROM LE GRANDE TO RIVERSIDE CAN NEVER BE ADA COMPLIANT DUE TO THE STEEP HILL ON NEWNING.

If you have any questions or require additional information, please contact me at 512-974-4073.

A handwritten signature in black ink that reads "Nazlie Saeedi". The signature is written in a cursive, flowing style.

Nazlie Saeedi, P.E.

Austin Transportation Department



## Clark, Kate

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**From:** Elloa Mathews  
**Sent:** Tuesday, September 7, 2021 4:41 PM  
**To:** Clark, Kate  
**Cc:** Meredith, Maureen  
**Subject:** Opposing NPA-2019-0022.01

\*\*\* External Email - Exercise Caution \*\*\*

Dear Ms. Clark and Planning Commissioners,

I write in opposition to this amendment to the Future Land Use Map at 200 Academy.

The property where this music venue/high turnover restaurant is proposed is not on S. Congress Ave. It is many lots interior to a residential neighborhood on a dead end neighborhood street. It is across the street from a house built in the late 1800's and surrounded by many small 100 year old homes.

The GSRCC Neighborhood Plan is an adopted city ordinance that carries the force of law. The Neighborhood Plan and FLUM was required by the City of Austin.

The damage caused by a regulatory gap or inappropriate amendments to this robust plan threatens to degrade the quality of our life and the effectiveness of our plan.

Like any good founding document, our Neighborhood Plan and Future Land Use Map has accommodated everything you see today in our neighborhood with only 6 variances since its adoption in 2005. Approximately 95% of the new commercial and multi family uses were built under the existing Neighborhood Plan without an amendment to the FLUM or zoning change.

In the case of 200 Academy, city staff has used our Neighborhood Plan to say that we condone a high turnover restaurant, a concert venue and museum on a 30 foot ROW street across from SF-3 zoned homes. WE DO NOT. This is not on the South Congress Corridor.

Nothing in our Neighborhood Plan could be used to justify the proposed music venue or restaurant uses at this site.

Elloa Mathews  
D9

**"City Charter requires zoning changes to '...be consistent with the comprehensive plan' "**

**From Imagine Austin Comprehensive Plan Section 1:2, p.15:**

***Through the process of comprehensive planning and the preparation, adoption and implementation of a comprehensive plan, the city intends to preserve, promote, protect and improve the public health, safety,***

*comfort, order, appearance, convenience and general welfare; prevent the overcrowding of land and avoid undue concentration or diffusion of population or land uses; facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, recreational facilities, housing and other facilities and services; and conserve, develop, utilize and protect natural resources*

**( Article X. Planning; Charter of the City of Austin, Texas)**

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



## PUBLIC HEARING INFORMATION

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

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

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

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

For additional information on the City of Austin's land development process, visit our website:

[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

**Case Number: C14-2020-0147**

**Contact: Kate Clark, 512-974-1237**

**Public Hearing: September 14, 2021, Planning Commission**

Valerie Fowler

Your Name (please print)

1211 Ravine Dr.

Your address(es) affected by this application (optional)

Valerie Fowler

Signature

☐ I am in favor  
☒ I object

9/7/21

Date

Daytime Telephone (Optional): 512 922-1737

Comments: My home is directly accross the street from the intersection of Academy Dr. and Ravine. I strongly object to further encroachment of this type (Bar, music Venue high turnover restaurant) of development on my doorstep. It contradicts the neighborhood's future land use map's plan. I bought my home in 1993 and remember the Opry House's impact on the neighborhood - trash - parking problems - and inadequate street infrastructure. This is a horrible idea. I object

If you use this form to comment, it may be returned to:  
City of Austin, Housing & Planning Department

**Kate Clark**

P. O. Box 1088, Austin, TX 78767

Or email to:

**Kate.Clark@austintexas.gov**

Thank you,  
Valerie Fowler





## NOTICE OF PUBLIC HEARING TO AMEND A NEIGHBORHOOD PLAN

Mailing Date of this Notice: Sept. 3, 2021

Case Number: NPA-2019-0022.01

**Este aviso es para informarles de una junta pública sobre un cambio en el uso de la tierra indicado abajo. Si usted desea recibir información en español por favor llame al (512) 974-3531.**

The Housing and Planning Department has received an application for an amendment to the Greater South River City Combined Neighborhood Plan for property(ies) referenced below. This notice has been mailed to you because you own property, are a registered environmental or neighborhood organization, or have a utility service address within 500 feet of the subject property.

The requested plan amendment will be reviewed and acted on at two public hearings: First, before the Planning Commission and then before the City Council. At a public hearing, the Planning Commission reviews and evaluates City staff's recommendation and public input and then sends its recommendation to the City Council. For additional information on the City of Austin's Land Development Process, visit our website, <http://www.austintexas.gov/planning> or to find out more about the Greater South River City Combined Neighborhood Plan, go to <http://www.austintexas.gov/page/neighborhood-planning-areas>.

<b>Owner/Applicant:</b>	SPEARHEAD ACADEMY LTD (Chris Wallin)
<b>Agent:</b>	Weiss Architecture Inc (Richard Weiss) - (512) 924-0433
<b>Project Name:</b>	200 Academy
<b>Project Address(es):</b>	146 ½, 200, 200 ½ and 204 ½ Academy Drive and 1006 & 1020 Melissa Lane
<b>Related Zoning Case:</b>	C14-2020-0147

**AMENDMENT REQUEST:** To change the future land use designation for the specified property within the Greater South River City Combined Neighborhood Plan **from** Mixed Use/Office **to** Mixed Use (refer to attached map).

### LAND USE DEFINITIONS:

**Mixed Use/Office** - An area that is appropriate for a mix of residential and office uses.

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

This application is scheduled to be heard by the **Planning Commission** on **September 14, 2021** beginning at **6:00 p.m.** The meeting will be held in-person at City Hall Council Chambers, 301 West 2<sup>nd</sup> Street but may be viewable online at <http://www.atxn.tv>.

**Public participation for this Public Hearing will be in-person only and no remote (by telephone) participation will be offered. To participate at this meeting, you must go to City Hall at 301 West 2nd Street and attend in-person.** For additional information on how to participate in the meeting, please contact the case manager listed below by email or phone or go to the Planning Commission website: <http://www.austintexas.gov/content/planning-commission>.

**If you have any questions concerning the plan amendment application please contact, Maureen Meredith of the Housing and Planning Department at 512-974-2695 or via email at [Maureen.Meredith@austintexas.gov](mailto:Maureen.Meredith@austintexas.gov) and refer to the Case Number at the top right of this notice.** For additional information on the City of Austin's land development process, please visit our web site at [www.austintexas.gov/planning](http://www.austintexas.gov/planning). You can find more information on this application by inserting the case number at the following website: <https://abc.austintexas.gov/web/permit/public-search-other>.

## PUBLIC HEARING INFORMATION

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

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

During its public hearing, the City Council may grant or deny a plan amendment request or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Housing and Planning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website:  
[www.austintexas.gov/departments/neighborhood-planning](http://www.austintexas.gov/departments/neighborhood-planning).

*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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.*

*Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes de la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial. La correspondencia y la información enviada a la Ciudad de Austin están sujetos a la Ley de Información Pública (Capítulo 552) y pueden ser publicadas en línea.*

## PUBLIC HEARING COMMENT FORM

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

City of Austin  
Housing and Planning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number, and the contact person listed on the notice in your submission.

**Case Number:** NPA-2019-0022.01

**Contact:** Maureen Meredith, Ph: 512-974-2695 or at  
[Maureen.Meredith@austintexas.gov](mailto:Maureen.Meredith@austintexas.gov)

**Public Hearing:** Sept. 14, 2021 - Planning Commission

☐ I am in favor  
☒ I object

Paula Kothmann

Your Name (*please print*)

311 W. Milton Street, 1317 Kenwood Avenue

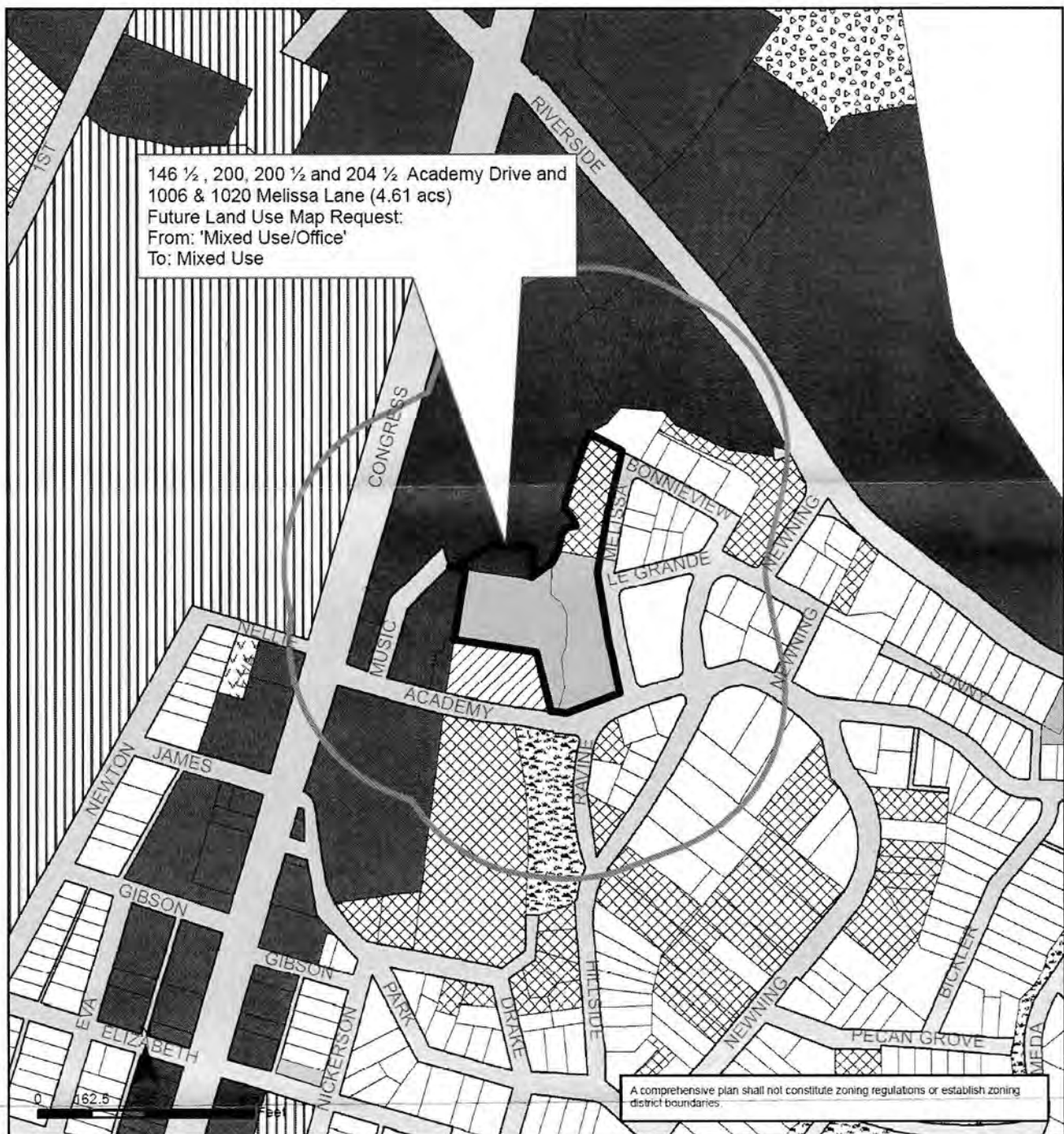
Your address(es) affected by this application

Signature

09/04/2021

Date

Comments: The applicant proposes a loud music venue and/or a high turnover restaurant in a residential neighborhood, which will have a severe negative impact on nearby residents. This blatant lack of consideration for current residents would set a terrible precedent for any urban core homeowners who pay very high taxes and expect quiet enjoyment of their homes. The request ignores the Neighborhood Plan compiled through years of hard work by resident volunteers & City staff. The applicant knew that these uses weren't



## Greater South River City (South River City) Combined Neighborhood Planning Area NPA-2019-0022.01

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 8/26/2021, by: MeeksS

### Future Land Use

	500 ft. notif. boundary		Mixed Use
	Subject Tract		Mixed Use/Office
	Civic		Multi-Family
	Commercial		Recreation & Open Space
	Higher-Density Single-Family		Single-Family
	Industry		Transportation





South River City Citizens Inc.  
P O Box 40632  
Austin TX 78704  
[www.srccatx.org](http://www.srccatx.org)

Cynthia Milne, President  
Megan Spencer, Vice President  
Will Andrews, Treasurer  
Dan Fredline, Secretary  
Mary Friedman, Membership Secretary

8 September 2021

Kate Clark, AICP, LEED HP  
Case Manager  
City of Austin Housing and Planning Dept.

VIA EMAIL: [Kate.Clark@austintexas.gov](mailto:Kate.Clark@austintexas.gov)

Re: Greater South River City Combined Neighborhood Plan Contact Team Opposition to  
Application for Amendment to Neighborhood Plan  
Owner/Applicant: Spearhead Academy Ltd Chris Wallin  
Project Name: 200 Academy (Zoning Case)  
Case No: C14-2020-0147  
Case No: NPA-2019-0022.01 (Neighborhood Plan Amendment)

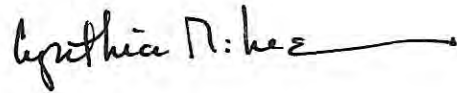
Dear Ms. Clark:

The SRCC Neighborhood Association fully supports the report of the Greater South River City Combined Neighborhood Plan Contact Team (NPCT) which has been submitted to the Planning and Zoning Dept. for its consideration. The proposed project is totally inappropriate zoning for the interior of a neighborhood. In particular, SRCC emphasizes the following findings of the Report:

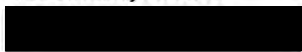
1. Applicant's proposal fails to maintain the historic fabric and fails to respect the established neighborhood character and natural assets.
2. New construction will not be built in proportion to surrounding homes. This includes limiting height, massing, and maintaining appropriate setbacks.
3. Applicant's Traffic Analysis memo failed to account for Covid traffic levels or what traffic will be like after Covid. The Analysis is therefore invalid and must be reconducted before the Commission can make an informed and valid assessment.
4. Applicant is proposing to remove NCCD protections even though the neighborhood is under intense redevelopment pressure.
5. Applicant's SoCo-type development will encroach upon the neighborhood with no clear line as to where it would ever stop.

We appreciate your thorough consideration of the Report.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Cynthia Milne", followed by a horizontal line.

Cynthia Milne  
President, SRCC



xc: Claudette Lowe, SRCC Area 1 Coordinator, NCCD  
Elloa Mathews, NPCT  
Laura Toups



## PUBLIC HEARING INFORMATION

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**Case Number: C14-2020-0147**

**Contact: Kate Clark, 512-974-1237**

**Public Hearing: September 14, 2021, Planning Commission**

STEVEN A. CLARK

Your Name (please print)

☐ I am in favor  
☒ I object

1227-D Hillside Ave, Austin Tx 78704

Your address(es) affected by this application (optional)

Steven A Clark

Signature

9/12/21

Date

Daytime Telephone (Optional): 512-492-5585

Comments: Over the last 10 years there has been a steady increase in noise, traffic and street parking on Hillside Ave. This project will increase all of those problems exponentially. Please do not approve this project. Thank you.

If you use this form to comment, it may be returned to:  
City of Austin, Housing & Planning Department

**Kate Clark**

P. O. Box 1088, Austin, TX 78767

Or email to:

**Kate.Clark@austintexas.gov**

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Case Number: C14-2020-0147

Contact: Kate Clark, 512-974-1237

Public Hearing: September 14, 2021, Planning Commission

SUSAN NASH FEKETY

Your Name (please print)

1301-B HILLSIDE AVENUE

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Your address(es) affected by this application (optional)

*Susan Nash Fekety*

12 Sep 2021

Signature

Date

Daytime Telephone (Optional):

Comments: I OBJECT TO THIS PROJECT. THE ADDITION OF 36-54 UNITS/ACRE HIGH DENSITY WILL GREATLY INCREASE TRAFFIC WITHIN RESIDENTIAL NEIGHBORHOODS DUE TO THE LIMITED ACCESS TO CONGRESS AVENUE & RIVERIAE DRIVE. THE SAME IS TRUE FOR ADDING TO THE COMMERCIAL PART OF THE PROJECT. PLEASE HELP PRESERVE OUR NEIGHBORHOOD'S NEIGHBORLIENESS & CHARACTER

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City of Austin, Housing & Planning Department

Kate Clark

P. O. Box 1088, Austin, TX 78767

Or email to:

[Kate.Clark@austintexas.gov](mailto:Kate.Clark@austintexas.gov)



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Case Number: C14-2020-0147

Contact: Kate Clark, 512-974-1237

Public Hearing: August 10, 2021, Planning Commission

Brian Beattie

Your Name (please print)

1211 ravine Dr.

Directly across  
the street from  
200 academy

☐ I am in favor  
☒ I object

Your address(es) affected by this application (optional)



Signature

8/3/21

Date

Daytime Telephone (Optional): 512 589 9426

Comments: My wife bought our house in 1993 so she experienced the tail end of the "Austin Opera House" era. Even though the neighborhood had successfully limited the number of events that the opera house could host, it was still a great burden on the residents. The over flow parking, the trash and noise and the sheer volume of Drunken patrons Before and after the events were incompatible with a residential neighborhood.

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

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Kate Clark

P. O. Box 1088, Austin, TX 78767

Or email to:

Kate.Clark@austintexas.gov

the proposed plans for 200 academy would bring an even greater volume of alcohol consumers and parties. It would shatter the balance of the neighborhood, which is already under pressure from the dense development on South Congress.



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Case Number: C14-2020-0147

Contact: Kate Clark, 512-974-1237

Public Hearing: November 18, 2021, City Council

ANITA R. TSCHUR

Your Name (please print)

1227 HILLSIDE AVE.

Your address(es) affected by this application (optional)

Anita R. Tschur

Signature

☐ I am in favor  
☒ I object

11/8/2021

Date

Daytime Telephone (Optional):

Comments:

- See attached -

If you use this form to comment, it may be returned to:  
City of Austin, Housing & Planning Department

Kate Clark

P. O. Box 1088, Austin, TX 78767

Or email to:

[Kate.Clark@austintexas.gov](mailto:Kate.Clark@austintexas.gov)

November 8, 2021

I have lived in Austin since 1981. Over the years I have seen Austin grow from a small town to a bustling city. The city has blossomed and residential Single Family housing has given way to condos and apartments. Travis Heights is one of the oldest neighborhoods in Austin. There are many Historical homes that are beautifully restored and huge oak trees that are just majestic. In order to maintain a vital part of our city's history we created NCCD to attract new residents into our older neighborhoods. As the commercial and retail development of South Congress has exploded, there has been steady encroachment in our neighborhood. Traffic from those Congress Ave. businesses have increased traffic on streets not made to be thoroughfares. Parking has become overwhelming for the families who live on these residential streets. Trash in our area have been unmanageable both from construction debris to people throwing out their personal food and beer cans etc.

Last weekend the amount of parking and traffic overwhelmed our streets and has become dangerous. Covid did give us a respite, but we started an escalation that still has not peaked. 200 Academy has started using the property for paid parking, but our neighborhood streets are packed while paid parking is minimal.

To dilute NCCD at the moment we need it most is not good growth. In the judicial opinion of Ruth Bader Ginsburg when the Supreme Court let the Voting Rights Act expire she wrote, "Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet." We all know how that turned out!

Please help us maintain the beauty and safety of our neighborhood. It is one of the reasons people move here!



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Case Number: C14-2020-0147

Contact: Kate Clark, 512-974-1237

Public Hearing: November 18, 2021, City Council

Brian Beattie

Your Name (please print)

1211 Ravine Dr.

Your address(es) affected by this application (optional)

Signature

Date

Daytime Telephone (Optional): 512 589 9426

Comments:

~~The proposed development~~  
The Austin Open House historically has been incompatible with the neighborhood. in 1974 to 1975, 1977 to the early 80's, and again when it briefly re-opened as "The Open House" in the 90's. The constant festival sized crowds caused non stop problems with crime, trash, and parking. Please do not bring back this business

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Kate Clark

P. O. Box 1088, Austin, TX 78767

Or email to:

Kate.Clark@austintexas.gov

☐ I am in favor  
☒ I object

in this place, where it has repeatedly proven to be harmful.



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**Case Number: C14-2020-0147**

**Contact: Kate Clark, 512-974-1237**

**Public Hearing: November 18, 2021, City Council**

MARYLIN OATON

Your Name (please print)

1227A Hillside Avenue

Your address(es) affected by this application (optional)

[Signature]

Signature

☐ I am in favor  
☒ I object

11/10/2021  
Date

Daytime Telephone (Optional): 512 924 - 7836

Comments: Traffic on Academy Drive is already dangerous for pedestrians, bicyclists + local residential traffic. This project does not have direct access to exit onto S. Congress and current paid parking in the area is NOT being used - small residential streets are clogged w/ traffic already. A music venue w/ retail is NOT appropriate in this location. More housing - YES, even dense housing - Please do not destroy our neighborhood by removing NCCP.

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

City of Austin, Housing & Planning Department

**Kate Clark**

P. O. Box 1088, Austin, TX 78767

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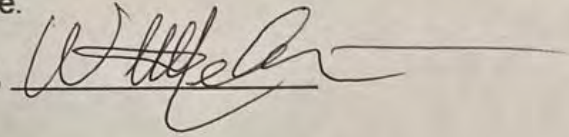
and allowing a music venue with a bar a few feet from our homes!



### The Austin Opry House

As a musician, and as a Texan, I'm looking forward to supporting the reopening of an Austin institution. Not only will we be able to see a venue close to my heart come back to the forefront, but we'll also be supporting local music businesses that have suffered the worst throughout the pandemic. In addition to the Opry house we'll be able to house music businesses that have struggled and need a place to land. This is the Austin that we came for. This is the Austin we want to continue.

Signed,

A handwritten signature in dark ink, appearing to be "Willie Nelson", written over a horizontal line.

9 SEPT 2021

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes de la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial. La correspondencia y la información enviada a la Ciudad de Austin están sujetas a la Ley de Información Pública de Texas (Capítulo 552) y serán publicadas en línea.

Numero de caso: C14-2020-0147

Persona designada: Kate Clark, 512-974-1237

Audiencia Publica: November 18, 2021, Cabildo Municipal

ROSALYN CLIFTON

Su nombre (en letra de molde)

☐ I am in favor  
☒ I object

1227 HILLSIDE AVE UNIT A

Su domicilio(s) afectado(s) por esta solicitud (opcional)

[Signature]

Firma

11-12-21

Fecha

Número de teléfono durante el día (opcional): 512-940-9760

Comments: Do not change the Zoning for this Property. Mixed use/office and MFI is appropriate for the neighborhood. The change would make traffic, noise, and trash so much worse and it is already terrible. Our quality of life is in your hands. Please vote NO to maintain Residential neighborhoods

Si usted usa esta forma para proveer comentarios, puede retornarlos:

City of Austin, Housing & Planning Department

Kate Clark