

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**NEIGHORHOOD PLAN:** Holly**CASE#:** NPA-2022-0010.03**DATE FILED:** July 29, 2022 (In-cycle)**PROJECT NAME:** Holly Mixed Use**PC DATE:** November 8, 2022**ADDRESS/ES:** 2309 E. 2nd St.; 2320 E. Cesar Chavez S.t; 2315 E. 2nd S.t; 2403 E. 2nd St.; 2405 E. 2nd St.; 2409 E. 2nd St; 2411 E. 2nd St.**DISTRICT AREA:** 3**SITE AREA:** 1.1066 acres**OWNERS/APPLICANTS:** 2309 2nd St./2320 E. Cesar Chavez St.: 2324 ECC-Arc LLC, a Delaware limited liability company; 2315 E. 2nd St.: 2400 ECC-Arc LLC, a Delaware limited liability company; 2403 E. 2nd Street: Steven Yarak, Larry Yarak, Brenda Blair; 2405 E. 2nd Street: Danielle Murray; 2409 E. 2nd Street: Eleanore Bacon; 2411 E. 2nd Street: Ricardo David Rojo**AGENT:** Armbrust and Brown, PLLC (Ferris Clements)**CASE MANAGER:** Maureen Meredith**PHONE:** (512) 974-2695**STAFF EMAIL:** Maureen.Meredith@austintexas.gov**TYPE OF AMENDMENT:****Change in Future Land Use Designation****From:** Single Family and Civic**To:** Mixed Use**Base District Zoning Change****Related Zoning Case:** (not filed)**From:****To:****NEIGHBORHOOD PLAN ADOPTION DATE:** December 13, 2001**CITY COUNCIL DATE:** December 1, 2022**ACTION:**

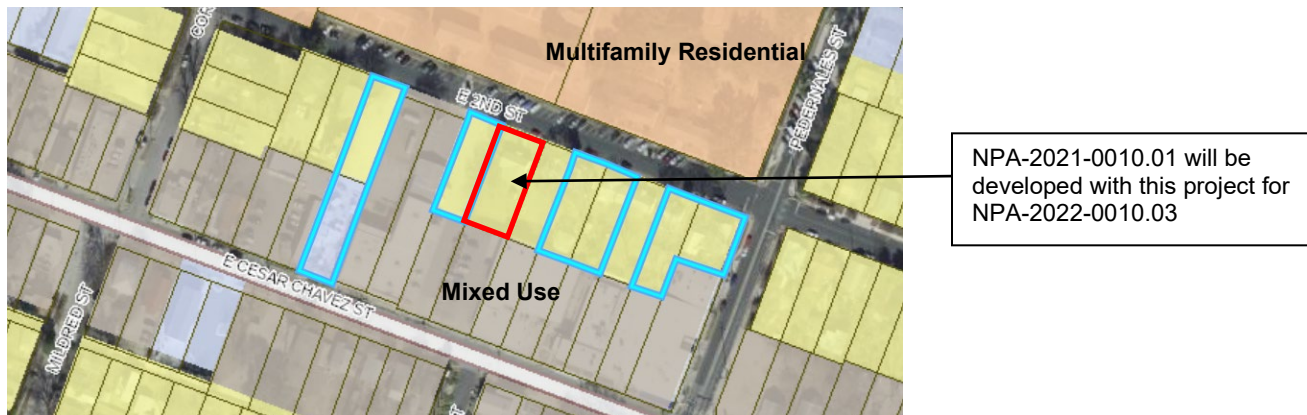
PLANNING COMMISSION RECOMMENDATION:

November 8, 2022 -

STAFF RECOMMENDATION: Staff supports the applicant's request for Mixed Use land use.

BASIS FOR STAFF'S RECOMMENDATION: Staff supports the applicant's request because the properties abut Mixed Use land use to the south. Extending the Mixed Use land use north to E. 2nd Street is appropriate. East Cesar Chavez Street is an activity corridor and is directly south of the properties. No zoning case has been filed at this time.

This project is proposed to be developed with previously filed NPA and Zoning cases associated with the property outlined in red below. The case numbers for that those cases are NPA-2021-0010.01 (Mixed Use request) and C14-2021-0121 (CS-MU-V-NP request). These previously filed cases have not been acted upon by Planning Commission or City Council at this time.



LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Civic - Any site for public or semi-public facilities, including governmental offices, police, fire facilities, hospitals, and public and private schools. Includes major religious facilities and other religious activities that are of a different type and scale than surrounding uses.

Purpose

1. Allow flexibility in development for major, multi-functional institutional uses that serve the greater community;

2. Manage the expansion of major institutional uses to prevent unnecessary impacts on established neighborhood areas;
3. Preserve the availability of sites for civic facilities to ensure that facilities are adequate for population growth;
4. Promote Civic uses that are accessible and useable for the neighborhood resident and maintain stability of types of public uses in the neighborhood;
5. May include housing facilities that are accessory to a civic use, such as student dormitories; and
6. Recognize suitable areas for public uses, such as hospitals and schools, that will minimize the impacts to residential areas.

Application

1. Any school, whether public or private;
2. Any campus-oriented civic facility, including all hospitals, colleges and universities, and major government administration facilities;
3. Any use that is always public in nature, such as fire and police stations, libraries, and museums;
4. Civic uses in a neighborhood setting that are of a significantly different scale than surrounding non-civic uses;
5. An existing civic use that is likely or encouraged to redevelop into a different land use should NOT be designated as civic; and
6. Civic uses that are permitted throughout the city, such as day care centers and religious assembly, should not be limited to only the civic land use designation.

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

Purpose

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

Application

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and

2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

PROPOSED LAND USE ON THE PROPERTY

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

Purpose

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

Application

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

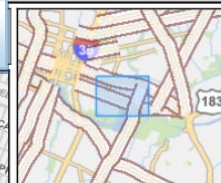
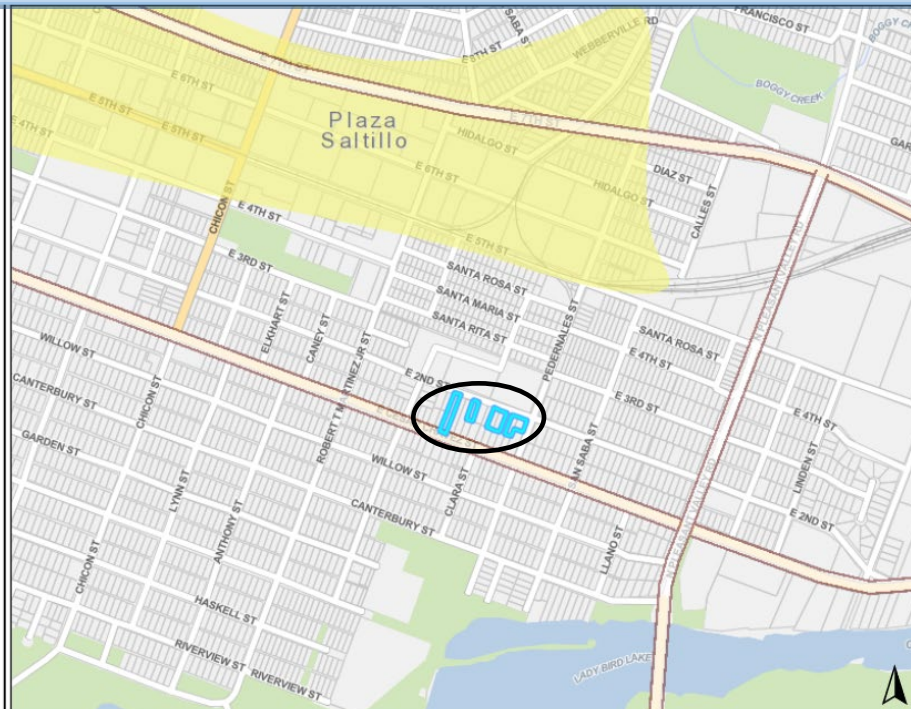
Transit Corridors (CTC) and Future Core Transit Corridors.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures	
Yes	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: <ul style="list-style-type: none"> Near East Cesar Chavez, an activity corridor
Yes	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Yes	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Yes	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
Yes	Connectivity and Education: Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> 0.3 miles from Zavala Elementary School
Yes	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> 0.3 miles from Pan American Neighborhood Park Recreation Center
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.) <ul style="list-style-type: none"> 1 mile from METSI Urgent Care, 1614 E. 6th Street
Yes	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing. <ul style="list-style-type: none"> Proposes 10% units at 60% MFI, if built with VMU
Yes	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint. Proposes 10% units at 60% MFI, if built with VMU
Yes	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center). <ul style="list-style-type: none"> 1.1 miles from Terrazas Library
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
9	Number of "Yes's"
Imagine Austin Priority Program PUD Specific Bonus Features	
	Public Space Features and Public Art: Incorporates public space features and/or public art into project (Ex: plazas, streetscapes, gardens, and other people-friendly spaces where different ages can socially interact).
	Integrates and/or Expands Green Infrastructure: Preserves or expands Austin's green infrastructure (ex: parkland, community gardens, green streets, creeks, stormwater features that mimic natural hydrology) into the urban environment and transportation network.
	Protects the Environment: Reduces greenhouse gas emissions, water, energy usage, and/or increases waste diversion.
	Protects Environmentally Sensitive Lands: Protects Austin's natural resources and environmental systems by limiting land use and transportation development over or near environmentally sensitive areas, preserves open space, and protects natural resources more than ordinance requirements.

Water/Wastewater Infrastructure: Sustainably manages Austin's water resources and stream corridors through on-site use of storm water, effective landscaping, flood mitigation, and other low-impact development techniques more than ordinance requirements.

Total Number of "Yes's"

Proximity to Imagine Austin Activity Centers and Corridors



Legend

- Long Range Planning
- Imagine Austin Corridors
- Imagine Austin Centers
- Neighborhood Center

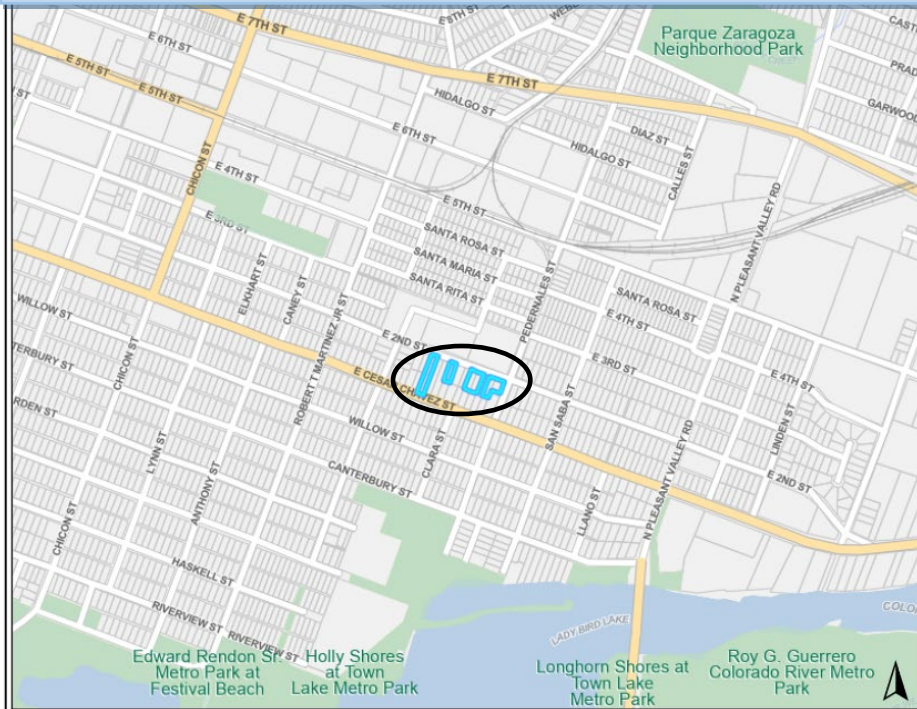
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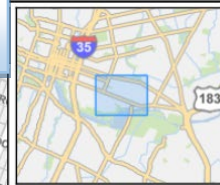
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Proximity to Public Parks



10/21/2022

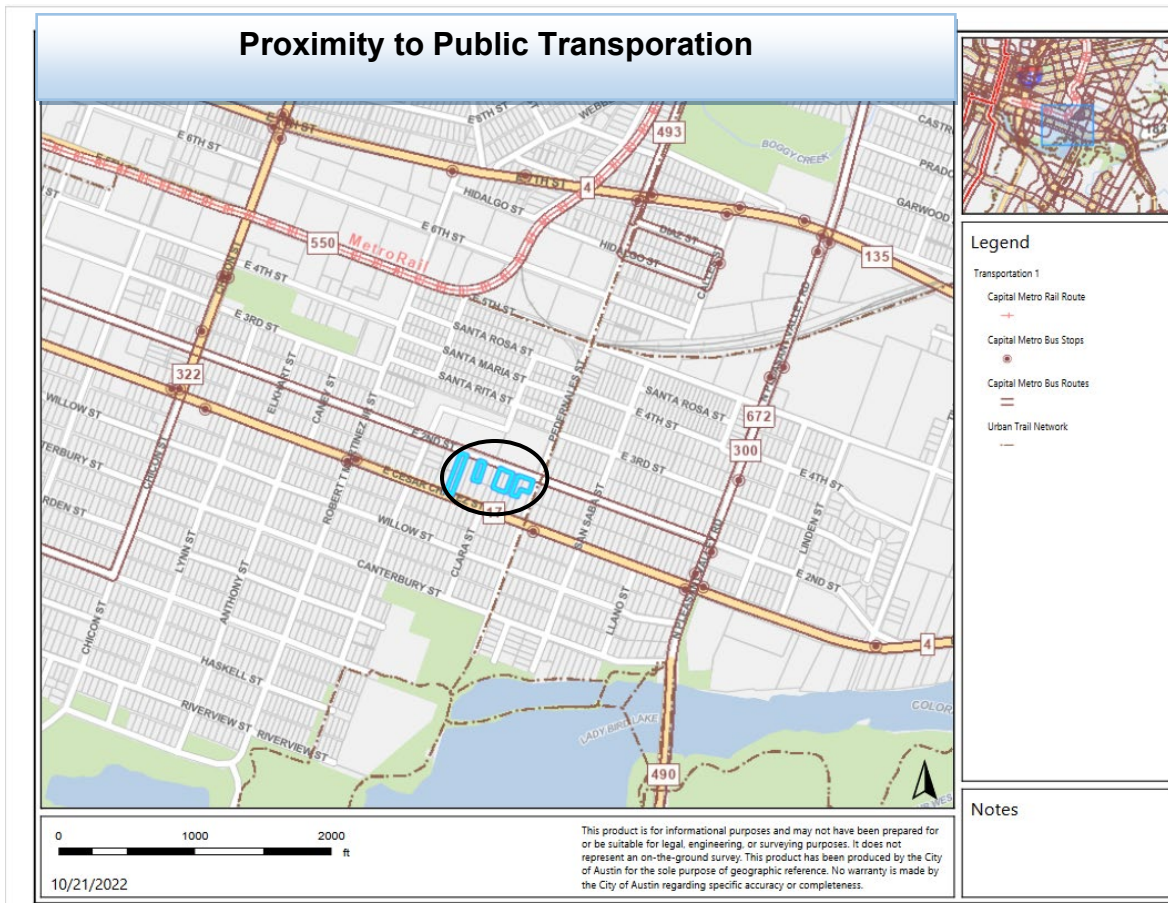
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Legend

Infrastructure 2
City of Austin Parks

Notes



IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

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

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional

centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

Regional Centers - Regional centers are the most urban places in the region. These centers are and will become the retail, cultural, recreational, and entertainment destinations for Central Texas. These are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. Housing in regional centers will mostly consist of low to high-rise apartments, mixed use buildings, row houses, and townhouses. However, other housing types, such as single-family units, may be included depending on the location and character of the center. The densities, buildings heights, and overall character of a center will depend on its location.

Activity Centers for Redevelopment in Sensitive Environmental Areas - Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context.

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

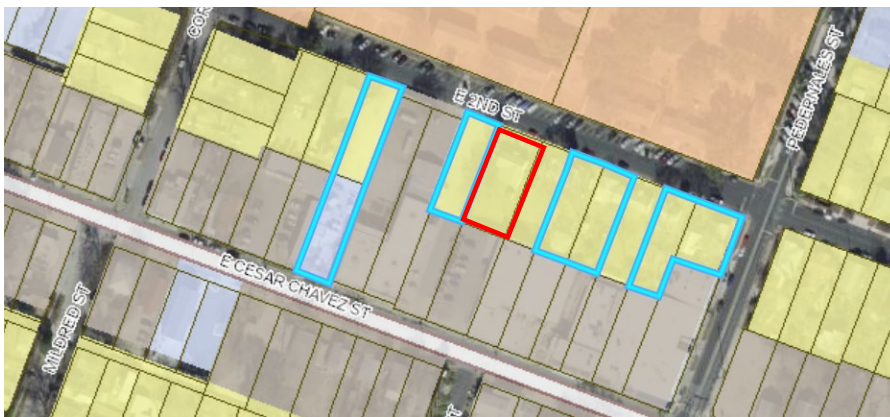
Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and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

space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

BACKGROUND: The application was filed on July 29, 2022 which is in-cycle for neighborhood planning areas located on the east side of IH-25.

The applicant proposes to change the land use on the future land use map from Civic and Single Family to Mixed Use. The applicant proposes a mixed-use development.

This project is proposed to be developed with previously filed NPA and Zoning cases associated with the property outlined in red below for 2317 E. 2nd Street. The case numbers are NPA-2021-0010.01 (Mixed Use request) and C14-2021-0121 (CS-MU-V-NP request). These previously filed cases have not been acted upon by Planning Commission or City Council at this time.



PUBLIC MEETINGS: The ordinance-required community meeting was virtually held on October 23, 2022. The recorded meeting can be found at <https://www.speakupaustin.org/npa>. Approximately 954 community meeting notices were mailed to people who rent or own property within 500 feet of the subject tracts. Two city staff members attended the meeting, Maureen Meredith and Jesse Gutierrez from the Housing and Planning Department. Two people representing the applicants attended, Michael Whellan and Ferris Clements from Armbrust and Brown. Zach Bartelt, Chris Cowan and Quincy Allen, the applicants for the plan amendment case attended, in addition to four people from the neighborhood.

Michael Whellan from Armbrust and Brown made a presentation. Below are highlights. His presentation is included in this report:

- There are two kinds of land use applications. The one we are discussing tonight is an amendment to the future land use map, which sets expectations for the direction that a property will go in the future.
- The FLUM change does not change actual entitlements for development standards that define what can be done on that property.
- Rezoning applications change things like the uses and the floor area ratio and other standards. We are here solely to discuss the FLUM change.
- The properties are owned by ARC Capital and members of the community who live nearby.

- Property at 2317 E. 2nd Street shown in purple on the map already as a previously filed NPA-2022-0010.01 and zoning case C14-2021-0121 that we are trying to sync-up with this case.
- For this application we are requesting a FLUM change from Single Family and Civic to Mixed Use.
- When we file the zoning application, it will come back to the community and will go through a full review process.

Q: Do you have an idea of if it's really going to be mixed-use like retail, office, residential. Any idea you can share?

A: We don't have a specific plan. We are acknowledging that that is the direction the community is going. Holly Commons is adjacent to the project. We want to create an opportunity for this concept of ground floor commercial with residential above, since there is a restaurant and brewery there.

Q: Do you have any idea of what zoning you will ask for when you file the zoning case?

A: The other case as 2317 E. 2nd Street we are request CS-MU-V-NP, so I suspect will request VMU in this zoning case so we can provide a true mix of uses that are required and also the affordable housing component.

Q: Do you have any plans to provide affordable housing beyond what the VMU requires?

A: We don't know yet.

Q: What's the advantage of filing the NPA application now instead of waiting for the zoning?

A: It's called a future land use map to give direction and guidance as they plan appropriate uses long-term.

Comments:

- I oppose these single-family homes being changed to Mixed Use. This will spread like a cancer to commercial on the street. I know the developer wants to develop the property to make more money. This is just more gentrification. I oppose this radical change. It will impact the other homes property taxes. It will end up like Rainey Street.

Applicant Summary Letter from Application**ARMBRUST & BROWN, PLLC**

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

FERRIS CLEMENTS
(512) 435-2337
fclements@abaustin.com

July 29, 2022

Rosie Truelove
Director, Housing & Planning Department City of
Austin
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Neighborhood Plan Amendment Application for the Property (defined below) (the
"Application")

Dear Mrs. Truelove:

This letter, along with the Application is submitted to amend the Future Land Use Map (**"FLUM"**) for property located at 2309 E 2nd Street (TCAD Parcel #0202100730), 2320 E. Cesar Chavez Street (TCAD Parcel #0202100723), 2315 E. 2nd Street (TCAD Parcel #0202100719), 2403 E. 2nd Street (TCAD Parcel #0202100710), 2405 E. 2nd Street (TCAD Parcel #0202100711), 2409 E. 2nd Street (TCAD Parcel #0202100713), and 2411 E. 2nd Street (TCAD Parcel #0202100729), Austin, Texas 78702 (the **"Property"**). The property is in the Holly Neighborhood Plan.

The FLUM established by the Neighborhood Plan identifies the Property as Civic and Single Family. This Application requests to change the FLUM on the Property from Civic and Single Family to Mixed-Use in order for the FLUM to be consistent with future rezoning.

Thank you in advance for your time and consideration of this Application. If you have any questions or need additional information, please do not hesitate to contact me at (512) 435-2320.

ARMBRUST & BROWN, PLLC
Page 2

Very truly yours,

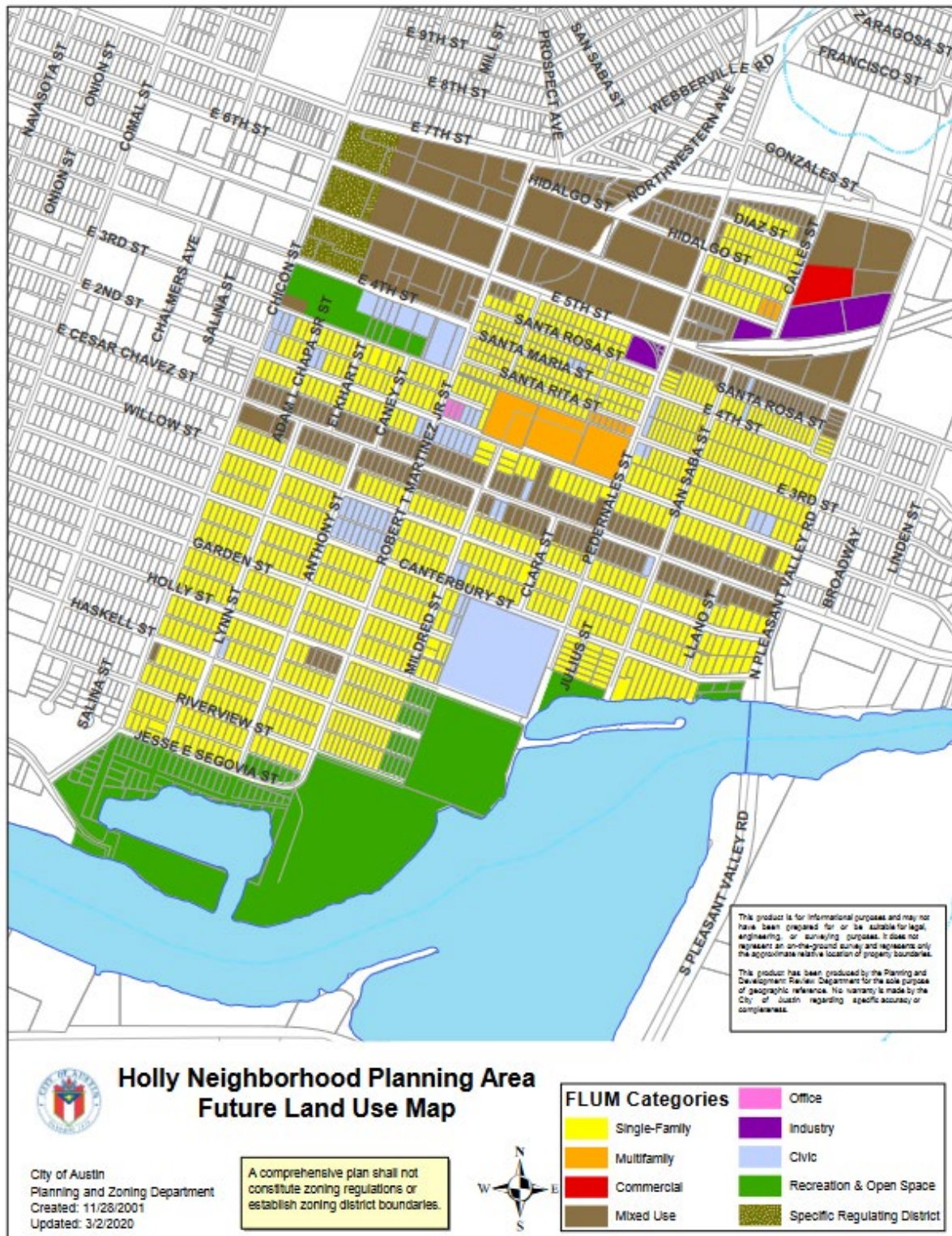
ARMBRUST & BROWN PLLC

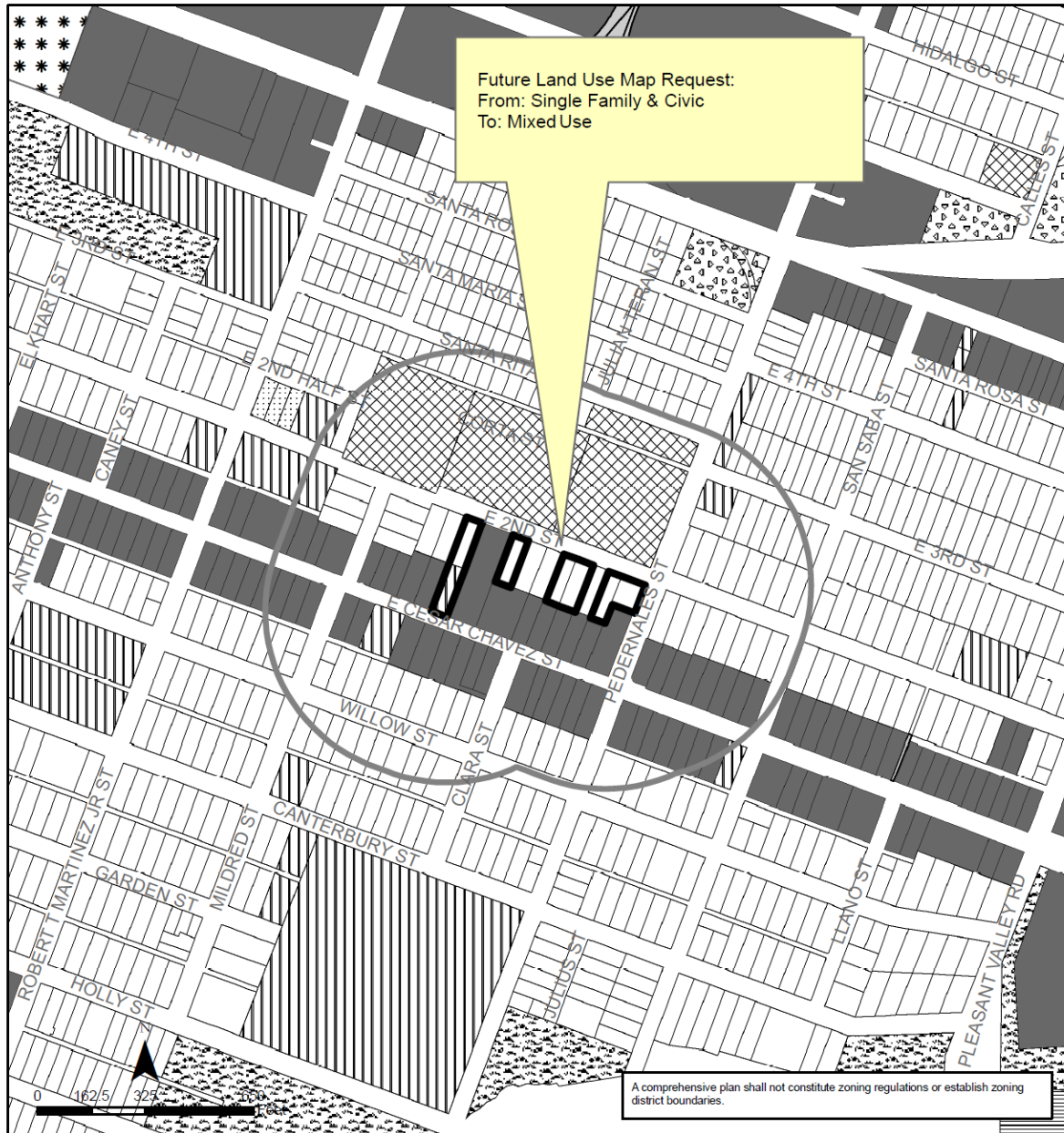

Ferris Clements

cc: Jerry Rusthoven, City of Austin
Michael Whellan, Armbrust &
Brown Michael Gaudini, Armbrust
& Brown Quincy Allen, Arc
Capital Partners Chris Cowan, Arc
Capital Partners

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

There is no Neighborhood Plan Contact Team in the Holly Planning Area





Holly Neighborhood Planning Area NPA-2022-0010.03

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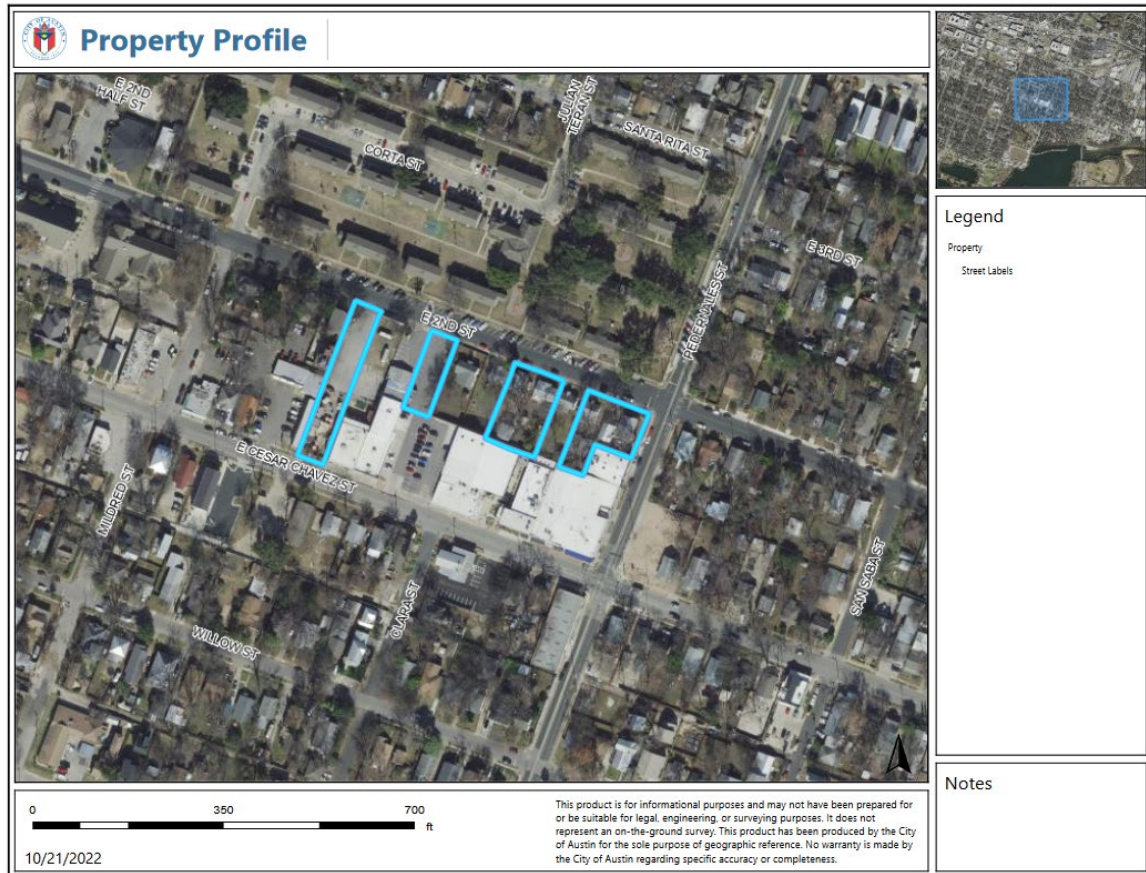


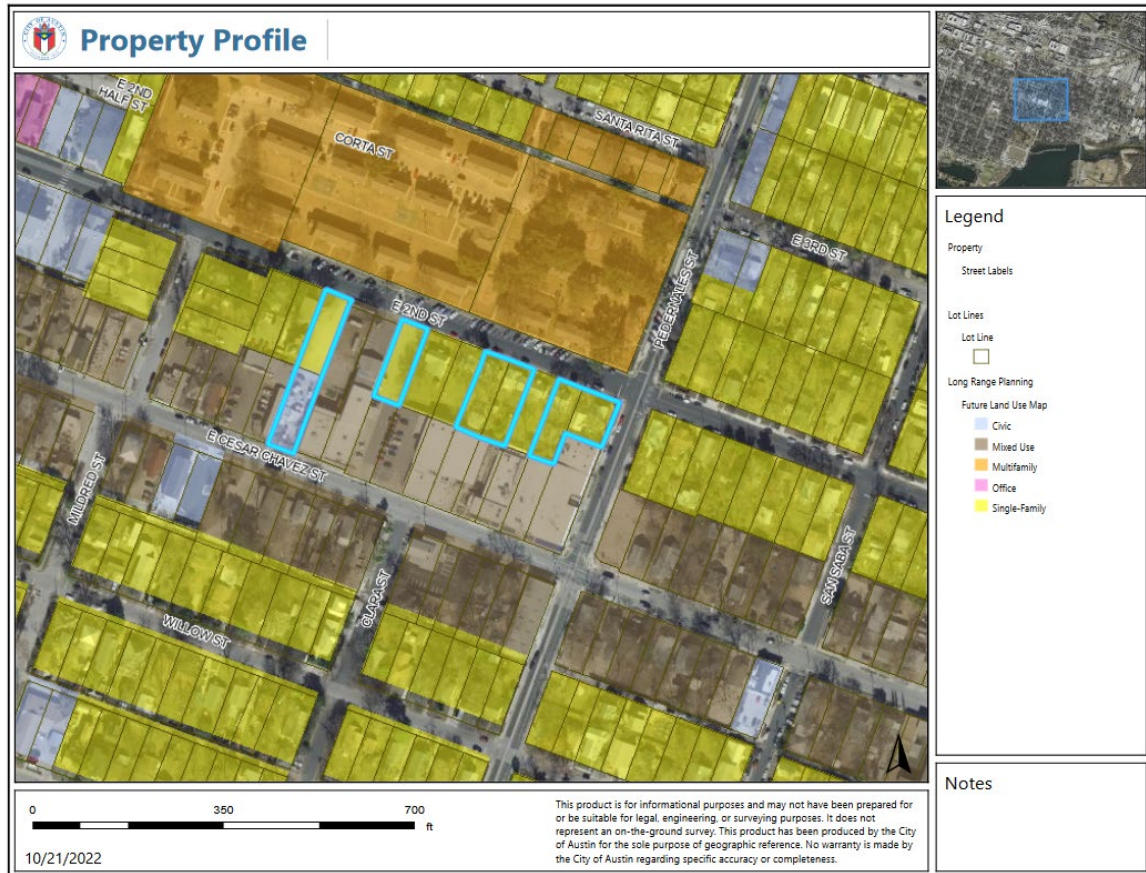
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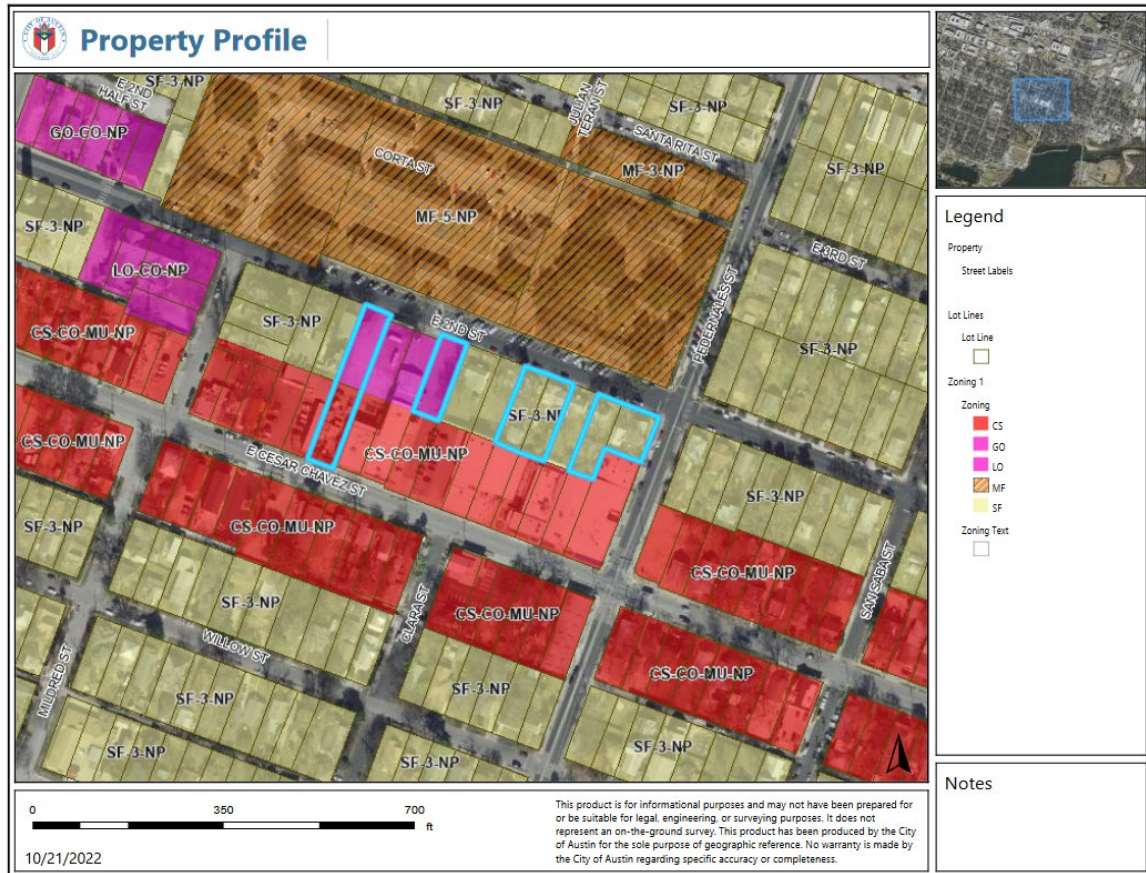
Future Land Use

	Subject Tract		Office
	500 ft. notif. boundary		Recreation & Open Space
	Civic		Single-Family
	Commercial		Specific Regulating District
	Industry		Transportation
	Mixed Use		Water
	Multi-Family		

5TH



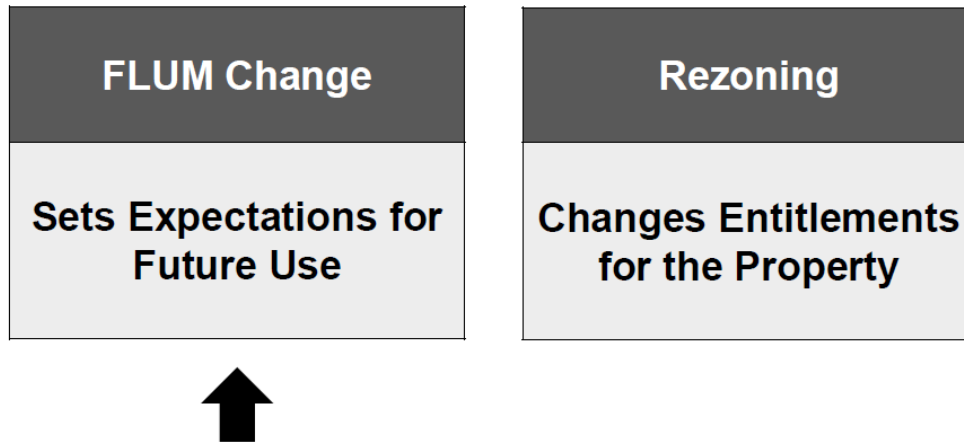




Applicant's Presentation at the Virtual Community Meeting

HOLLY MIXED USE
(NPA-2022-0010.03)

Future Land Use Map (FLUM) Change



The Properties



Tracts 1-3: Applicant (Arc)

Tracts 4-7: Neighbors

The Future Land Use Map (Existing)



- Single-Family
- Mixed Use
- Civic

Tracts 1-2: 2324 ECC-Arc LLC

Tract 3: 2400 ECC-Arc LLC

Tract 4: Steven Yarak, Larry Yarak, & Brenda Blair

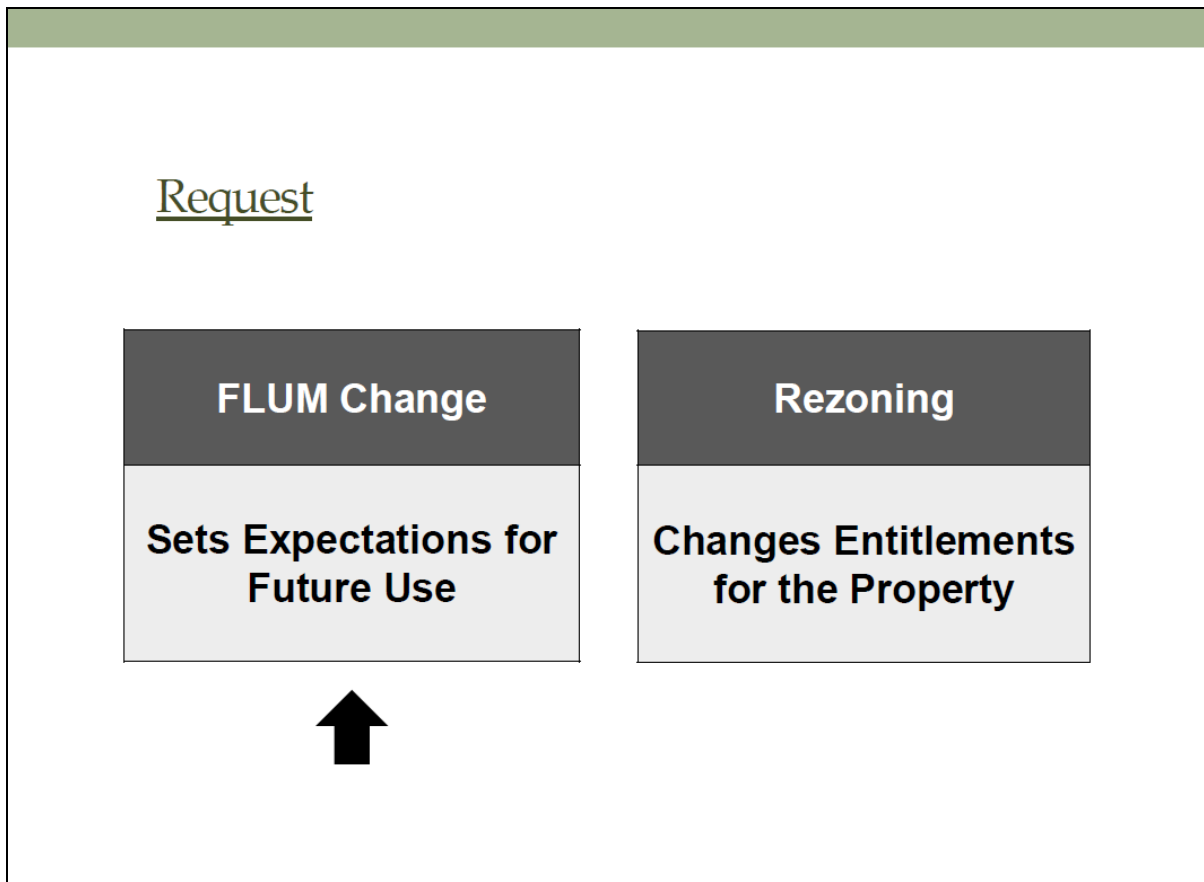
Tract 5: Danielle Murray

Tract 6: Eleanore Bacon

Tract 7: Ricardo David Rojo

Request

- **Future Land Use Map (“FLUM”) – All Properties**
 - Existing: Single Family and Civic
 - Request: **Mixed Use.**
- **Proposed Use:**
 - Future Expansion of Holly Commons (Arc)
 - Future Mixed-Use Consideration (Neighbors)



QUESTIONS

Ferris Clements – fclements@abaustin.com

512-435-2337

Correspondence Received

From: Mark Foohey

Sent: Sunday, October 30, 2022 10:53 AM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>

Subject: Case Number NPA-2022-0010.03

*** External Email - Exercise Caution ***

Ms. Meredith,

I received a notification in the mail for a hearing about case number NPA-2022-0010.03. There is a hearing with the Housing and Planning Department scheduled for 11/8 with the Planning Commission and 12/1 with the City Council. This is a request to change the land use designation for some properties in the Holly Neighborhood from single-family to mixed use.

I am strongly opposed to this change since there is already quite a bit of business and mixed use property in the area. This is largely situated along Caesar Chavez, but as it encroaches off the busier street and in and amongst family homes it is severely degrading the character of the neighborhood for people who want to live in a home with a nice yard. Please keep these properties as single family.

Thanks,
Mark Foohey
2502 E. 2nd Street
Austin, TX 78702

-----Original Message-----

From: Meredith, Maureen

Sent: Monday, October 31, 2022 8:46 AM

To: Gavino Fernandez <Michael Whellan <mwhellan@abaustin.com>

Subject: RE: the request of postponement of case # NPA-2022-0010.03 scheduled before the Austin Planning Commission meeting of November 8, 2022

Gavino:

The next regular PC meeting after November 8, 2022 is December 13, 2022.

Michael: Please let me know if you are OK with this postponement request. If you are, on November 8, 2022 it will be on the consent agenda for a neighborhood postponement to December 13, 2022.

Thanks.

Maureen

.....

-----Original Message-----

From: Gavino Fernandez <>

Sent: Saturday, October 29, 2022 9:50 AM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Gavino Fernandez <>; Michael Whellan <mwhellan@abaustin.com>

Subject: the request of postponement of case # NPA-2022-0010.03 scheduled before the Austin Planning Commission meeting of November 8, 2022

*** External Email - Exercise Caution ***

Please be advised of my request for a postponement for November 8, 2022, Austin Planning commission to its next regular meeting of December 2022. Please advise

Gavino Fernandez Jr,

El Concilio Mexican-American LandOwners De East Austin