

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHBORHOOD PLAN:** Southeast Austin Combined (McKinney)

**CASE#:** NPA-2022-0014.03

**DATE FILED:** August 03, 2022 (In-cycle)

**PROJECT NAME:** Chapman 71

**PC DATE:** January 10, 2023

January 24, 2023

**ADDRESS/ES:** 5010 Burleson Road; 3503, 3503 1/2 , 3505, 3507, 3533 Chapman Lane, 4905, 5001, 5005, 5005 1/2 , 5109 E. Ben White Blvd SVRD EB

**COUNCIL DISTRICT:** 2

**SITE AREA:** 13.028 acres

**OWNERS/APPLICANTS:** PlaceMKR Chapman LLC

**AGENT:** Armbrust and Brown, PLLC (Michael J. Whellan)

**CASE MANAGER:** Jesse Gutierrez

**PHONE:** (512) 974-1606

**STAFF EMAIL:** Jesse.Gutierrez@austintexas.gov

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Industry

**To:** Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** (not filed at time of this report and PC date)

**From:** LI-NP

**To:** CS-V-MU-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** October 10, 2002

**CITY COUNCIL DATE:** TBD

**ACTION:** TBD

**PLANNING COMMISSION RECOMMENDATION:** TBD, case will be heard on January 10, 2023 PC meeting.

**STAFF RECOMMENDATION:** Staff does NOT support the applicant's request for Mixed Use land use.

**BASIS FOR STAFF'S RECOMMENDATION:** Staff DOES NOT support the applicant's request for the following reasons:

Residential uses are not compatible with the dominant industrial character of the area.

There are no nearby uses and/or amenities that support a residential project.

Allowing for residential now in a primarily industrial job center of the city would create a precedent and cause a domino effect continuing the loss of industrial properties and land uses.

The subject properties are located within The McKinney Imagine Austin Job Center.

One of Imagine Austin's goals is to "continue to grow Austin's economy by investing in our workforce, education systems, entrepreneurs, and local businesses."

An ongoing and long-term action in the comprehensive plan that supports this goal is "actively recruit and retain businesses that create well-paying job opportunities for lower skilled and blue-collar jobs or that provide a path upwards from entry-level jobs." (Imagine Austin Comprehensive Plan. Chapter 5: Implementation and Measuring Success, page 193)

Industrial land uses in the city provide much needed space for small businesses, warehouse, manufacturing, and blue-collar work.

Changing the future land use to residential will inevitably push employers who rely on industrial properties further out of the city, taking blue-collar jobs elsewhere.

Future Project Connect and Austin Strategic Mobility Plan transit investments should support access to employment centers.

Industrial businesses in the McKinney Job Center can rely on proximity to the Austin Bergstrom Airport and Ben White.

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. (Imagine Austin Comprehensive Plan. Chapter 4: Shaping Austin: Building the Complete Community, Page 107).

## **The Southeast Austin Combined Neighborhood Plan**

### Land Use Goals and Action Items

#### IH-35 and Ben White Corridors (Page 55)

Goal 3 - Encourage employment centers, commercial activities, and other non-residential development to locate along major thoroughfares.

Objective 3.1 - Maintain prevailing land use pattern of commercial, office and industrial development to ensure compatibility of existing and future land uses. (Implementer: NPZD)

Action Item 8 - Upzone DR & SF-zoned property along IH-35 and Ben White Boulevard to a zoning category that would allow for commercial and industrial uses. (Implementer: NPZD)

#### Industrial Zones (Page 55)

A distinctive element of the existing land use landscape within the Planning Areas is that there are defined districts with large amounts of existing industrial development, and numerous undeveloped properties with industrial zoning. The fact that this part of southeast Austin is surrounded by major Southeast Combined Neighborhood Plan transportation corridors, has a large amount of undeveloped land, and is in close proximity to the airport makes it a very attractive location for industrial development.

The McKinney and Southeast NPAs host the majority of this type of construction, much of this in the form of large industrial office parks. Instead of rejecting industrial-type development around their homes, residents in the Franklin Park and McKinney NPAs have been successful at communicating and cooperating with nearby industrial property owners. Area residents have traditionally been amenable to those types of industrial uses that don't interfere with neighborhood activities or infringe upon their quality of life.

Goal 4 Ensure that existing residential and industrial zoned properties co-exist in a compatible manner. (Page 56)

Objective 4.1 Provide appropriate buffer zones between residential and industrial zoned properties.

Action Item 9 Where needed, create a conditional overlay for industrial property that abuts residentially-used land. (Implementer: NPZD)

Goal 5 Create land use and zoning recommendations that reflect the existing industrial nature of parts of the planning area. (Page 56)

Objective 5.1 Make non-industrial properties in areas with a dominant industrial character compatible with the prevailing land use scheme.

Action Item 10 Upzone DR & SF- zoned property in highly industrial areas to allow for industrial or commercial development. (Implementer: NPZD)

## **LAND USE DESCRIPTIONS**

### EXISTING LAND USE ON THE PROPERTY

**Industry** - Areas reserved for manufacturing and related uses that provide employment but are generally not compatible with other areas with lower intensity use. Industry includes general warehousing, manufacturing, research and development, and storage of hazardous materials.

### **Purpose**

1. To confine potentially hazardous or nuisance-creating activities to defined districts;
2. To preserve areas within the city to increase employment opportunities and increased tax base;
3. To protect the City's strategic advantage as a high-tech job center; and
4. To promote manufacturing and distribution activities in areas with access to major transportation systems.

### **Application**

1. Make non-industrial properties in areas with a dominant industrial character compatible with the prevailing land use scheme;
2. Where needed, require a buffer area for industrial property that abuts residentially used land;
3. Industry should be applied to areas that are not appropriate for residential or mixed use development, such as land within the Airport Overlay; 4. In general, mixed use and permanent residential activities are not appropriate in industrial areas. An exception may be the edge of an industrial area along the interface with an area in which residential activities are appropriate. Such exceptions should be considered case by case, with careful attention to both land use compatibility and design;
5. Industry should not be either adjacent to or across the road from single family residential or schools;

6. Use roadways and/or commercial or office uses as a buffer between residential and industry; and

7. Smaller scale “local manufacturing” districts may be appropriate in some locations to preserve employment opportunities and cottage industries of local artisans. In these areas, hazardous industrial uses (i.e. basic industry, recycling centers, and scrap yards) should be prohibited.

#### PROPOSED LAND USE ON THE PROPERTY

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

#### **Purpose**

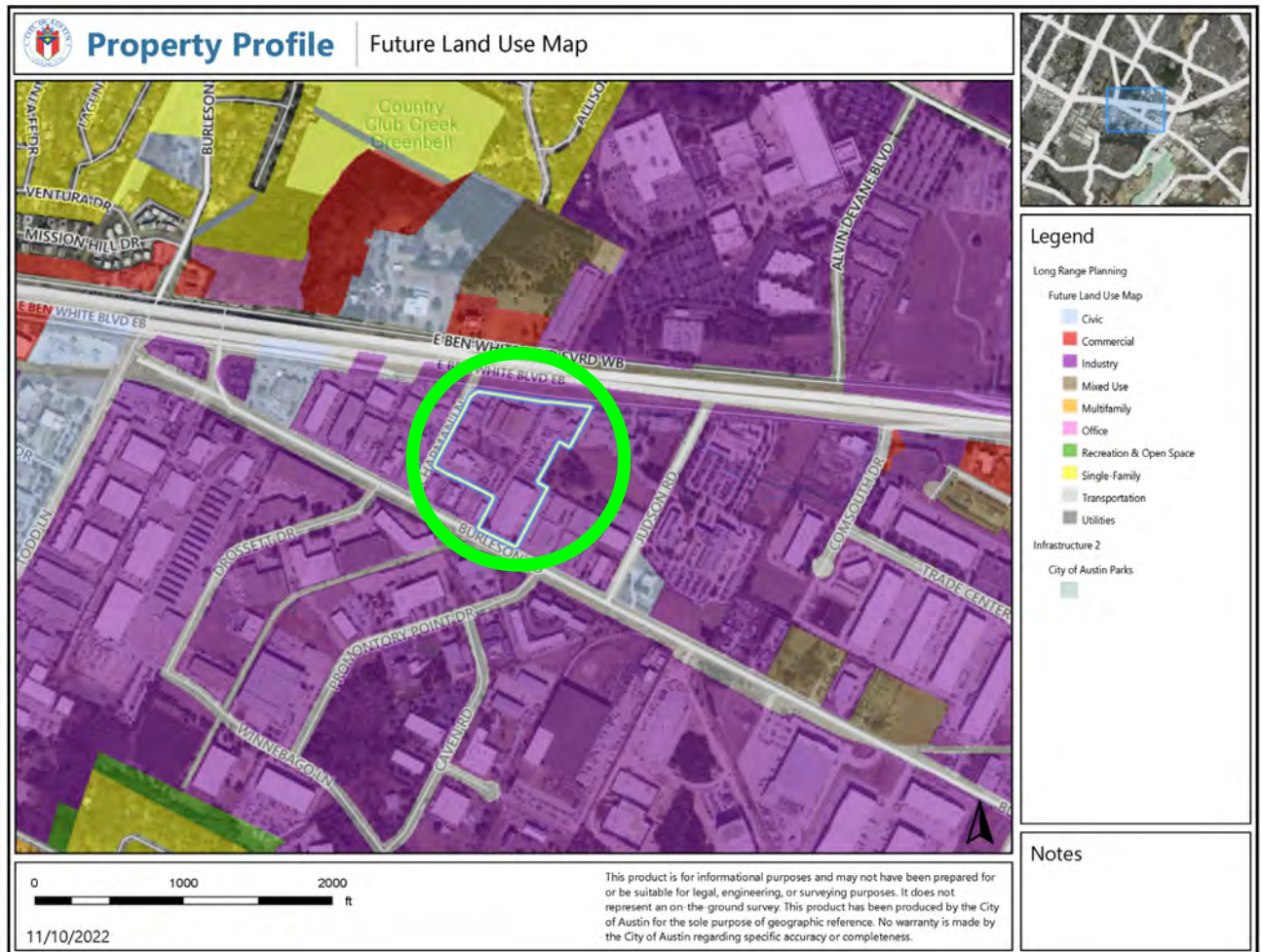
1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic 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);

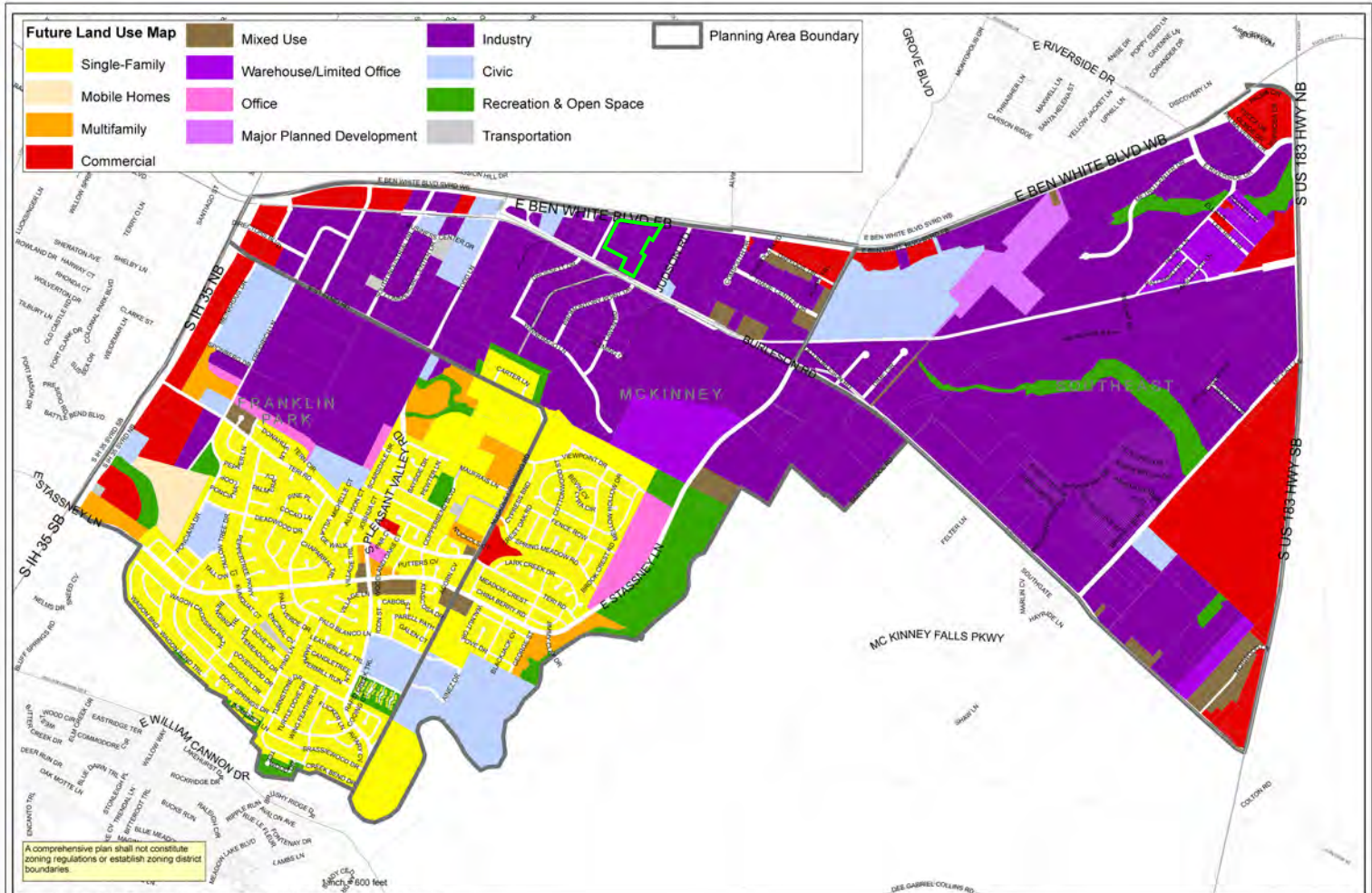
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating 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.

## Future Land Use Map (site focus)





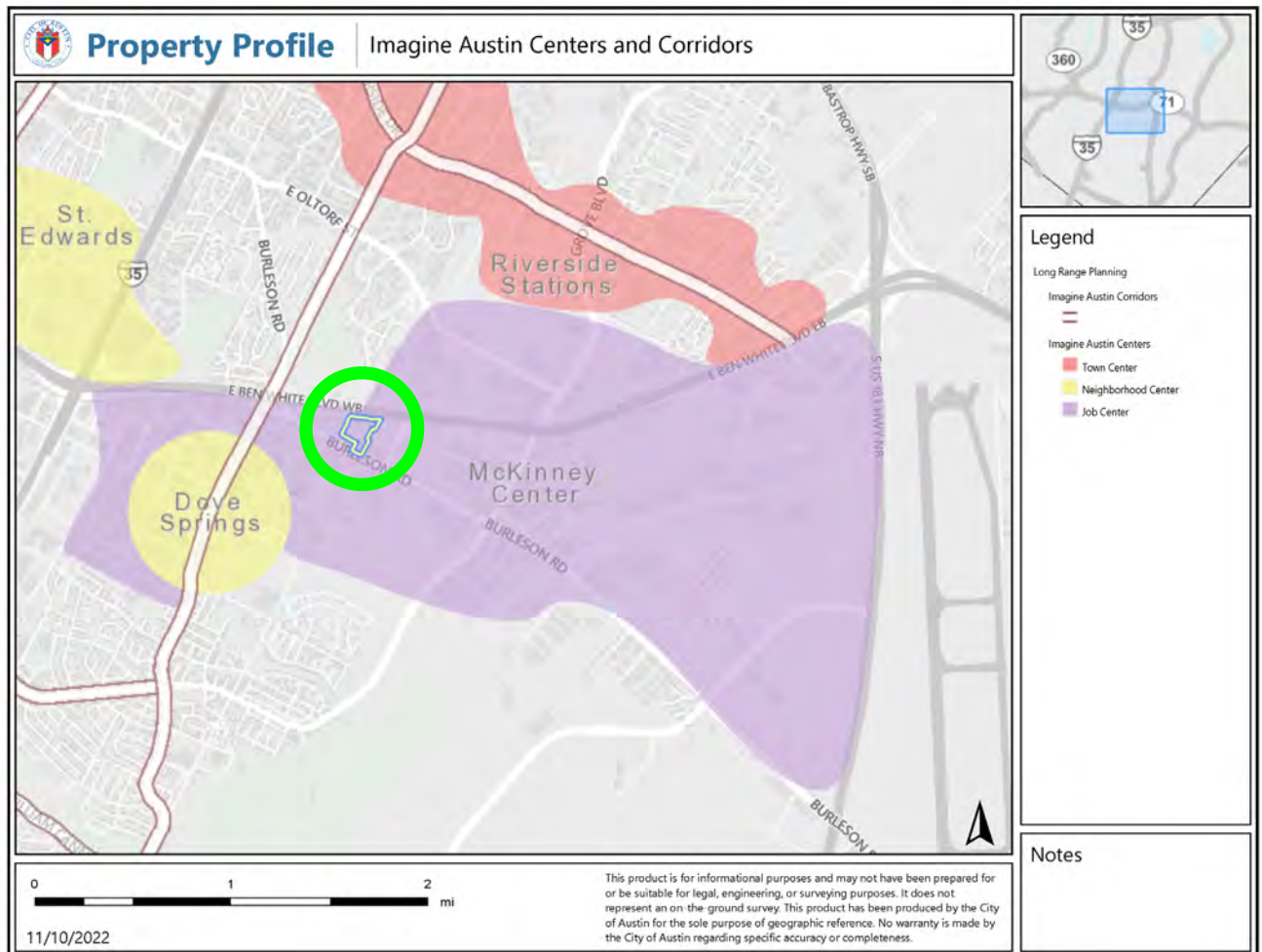
### Future Land Use Map (Neighborhood Plan area)





Yes	Imagine Austin Decision Guidelines
<b>Complete Community Measures</b>	
Yes	<b>Imagine Austin Growth Concept Map:</b> 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. <b>Name(s) of Activity Center/Activity Corridor/Job Center:</b> <ul style="list-style-type: none"> <li>• Inside the McKinney Job Center</li> <li>• Near Dove Springs Neighborhood Center</li> </ul>
No	<b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station.
Yes	<b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane.
Yes	<b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
No	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
No	<b>Connectivity and Education:</b> Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> <li>•</li> </ul>
No	<b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> <li>•</li> </ul>
No	<b>Connectivity and Health:</b> 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"> <li>• 1 mile from METSI Urgent Care, 1614 E. 6<sup>th</sup> Street</li> </ul>
Yes	<b>Housing Affordability:</b> 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"> <li>• Proposes 10% units at 60% MFI, if built with VMU</li> </ul>
Yes	<b>Housing Choice:</b> 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	<b>Mixed use:</b> Provides a mix of residential and non-industrial uses.
No	<b>Culture and Creative Economy:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
No	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.
No	<b>Creative Economy:</b> Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
No	<b>Workforce Development, the Economy and Education:</b> 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.
No	<b>Industrial Land:</b> Preserves or enhances industrial land.
6	<b>Number of "Yes's"</b>
<b>Imagine Austin Priority Program PUD Specific Bonus Features</b>	
	<b>Public Space Features and Public Art:</b> 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).
	<b>Integrates and/or Expands Green Infrastructure:</b> 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.
	<b>Protects the Environment:</b> Reduces greenhouse gas emissions, water, energy usage, and/or increases waste diversion.
	<b>Protects Environmentally Sensitive Lands:</b> 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.
	<b>Water/Wastewater Infrastructure:</b> 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.
	<b>Total Number of "Yes's"</b>

### Proximity to Imagine Austin Activity Centers and Corridors



## IMAGINE AUSTIN GROWTH CONCEPT MAP (CENTERS AND CORRIDORS)

### *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, bikeable, 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 August 03, 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 INDUSTRY and MIXED USE.

There is currently no associated zoning case.

Following the submission of this NPA application, the applicant intends to submit a rezoning application seeking CS-V-MU-NP on the Property.

The applicant envisions a project that would create residential units, including a meaningful number of onsite affordable units as a condition of participation in the city's Vertical Mixed Use program.

**PUBLIC MEETINGS:** The ordinance-required community meeting was virtually held on October 27, 2022. The recorded meeting can be found at <https://www.speakupaustin.org/npa>. Approximately 234 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 April Brown from Armbrust and Brown. One person from the neighborhood plan contact team attended virtually via Teams.

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 property is on Burleson Road and Chapman Lane with frontage on east Ben White.
- The site is largely developed with surface parking lots with industrial and commercial uses.
- For this application we are requesting a FLUM change from Industry to Mixed Use.
- The site is less than ½ mile from Todd Lane which is an Imagine Austin Activity Corridor and a Transit Priority Network Roadway on the Austin Strategic Mobility Plan.
- Project would help implement Imagine Austin Complete Communities by providing a mix of housing types and expand number and variety of housing choices throughout Austin.

- ASMP and Project Connect call for higher transit supportive densities.
- Metro Rapid enhancement project on Todd Lane will ensure this project has transit access.
- Not changing sites entitlements at this time.
- Working on a multifamily residential proposal to submit for zoning change once details have been worked out.
- When we file the zoning application, it will come back to the community for further conversation and will go through a full review process.

***Q: Can you give this presentation to the neighborhood contact team?***

A: Yes, can give the same presentation to the contact team. I want to emphasize - we are not seeking rezoning, this is simply to change the Future Land Use Map from Industry to Mixed Use so we can come back with a zoning case that would allow multi-family. That is the direction we are heading in.

***Q: Have you checked with the fire department to see if there are hazardous materials nearby that would prohibit housing?***

A: No, not yet on this site.

**Comments:**



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

ATTORNEYS AND COUNSELORS

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July 27, 2022

Jerry Rusthoven, Chief Zoning Officer  
City of Austin  
Housing and Planning Department  
1000 E. 11<sup>th</sup> St.  
Austin, TX 78702

Re: Neighborhood Plan Amendment application for TCAD Parcel Nos. 0314060304, 0314080203, 0314080204, 0314080205, 0314080206, 0314080207, and 0316080104 (the "Property")

Dear Mr. Rusthoven:

I am submitting the enclosed Neighborhood Plan Amendment ("NPA") application to change the Future Land Use Map ("FLUM") designation for the Property from Industry to Mixed-Use. The Property is a 13.028-acre site located in the Southeast Austin Combined (McKinney) Neighborhood Planning Area currently zoned for LI-NP.

Following the submission of this NPA application, we intend to submit a rezoning application seeking CS-V-MU-NP on the Property. Our request is consistent with policy direction to allow residential uses on commercially zoned property and to increase housing capacity along major roadways. The envisioned project would create needed residential units in the city, including a meaningful number of onsite affordable units as a condition of participation in the city's Vertical Mixed Use program.

I appreciate your consideration and am available to answer your questions and provide further details.

Respectfully,

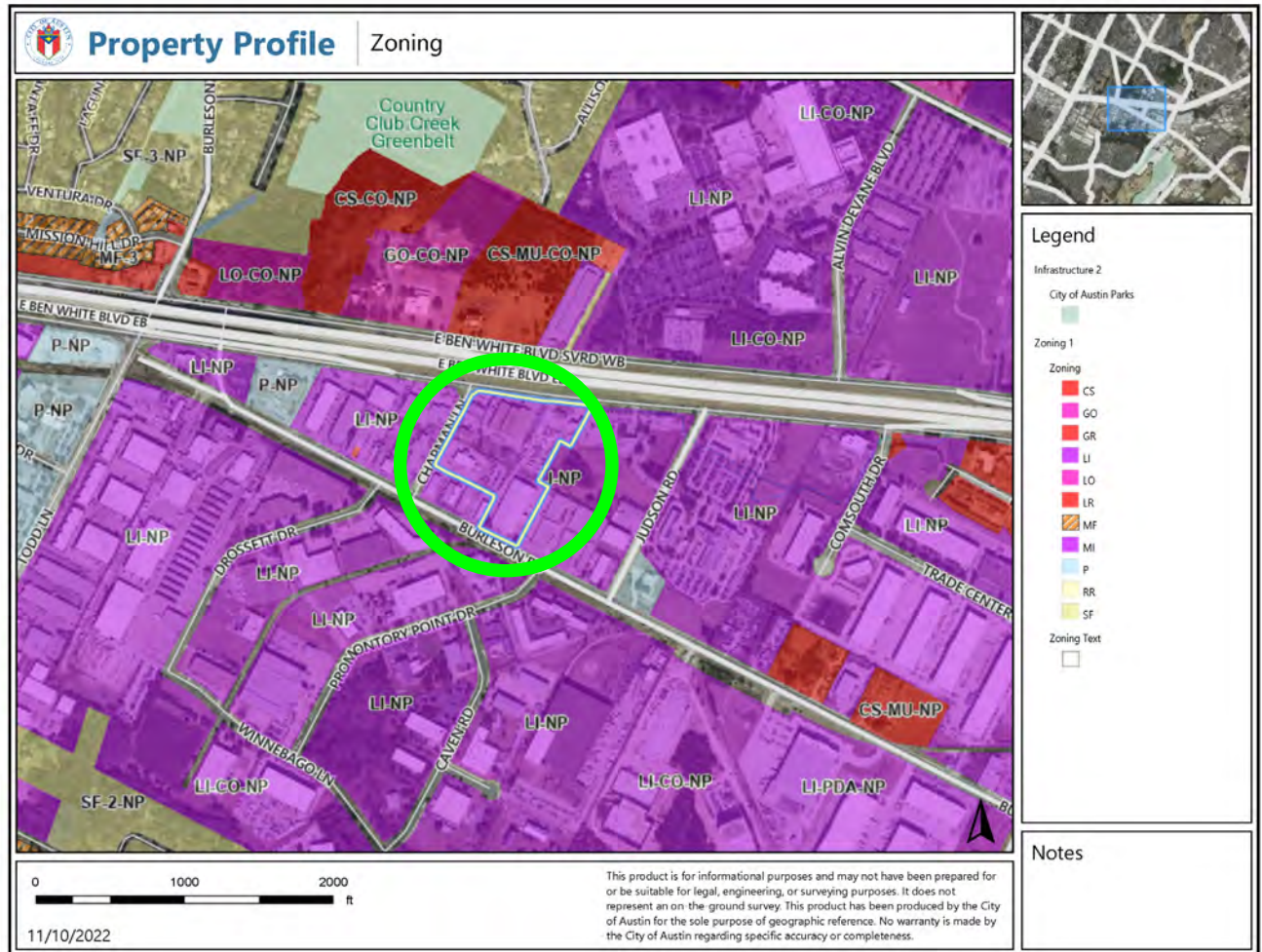


Michael J. Whellan

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

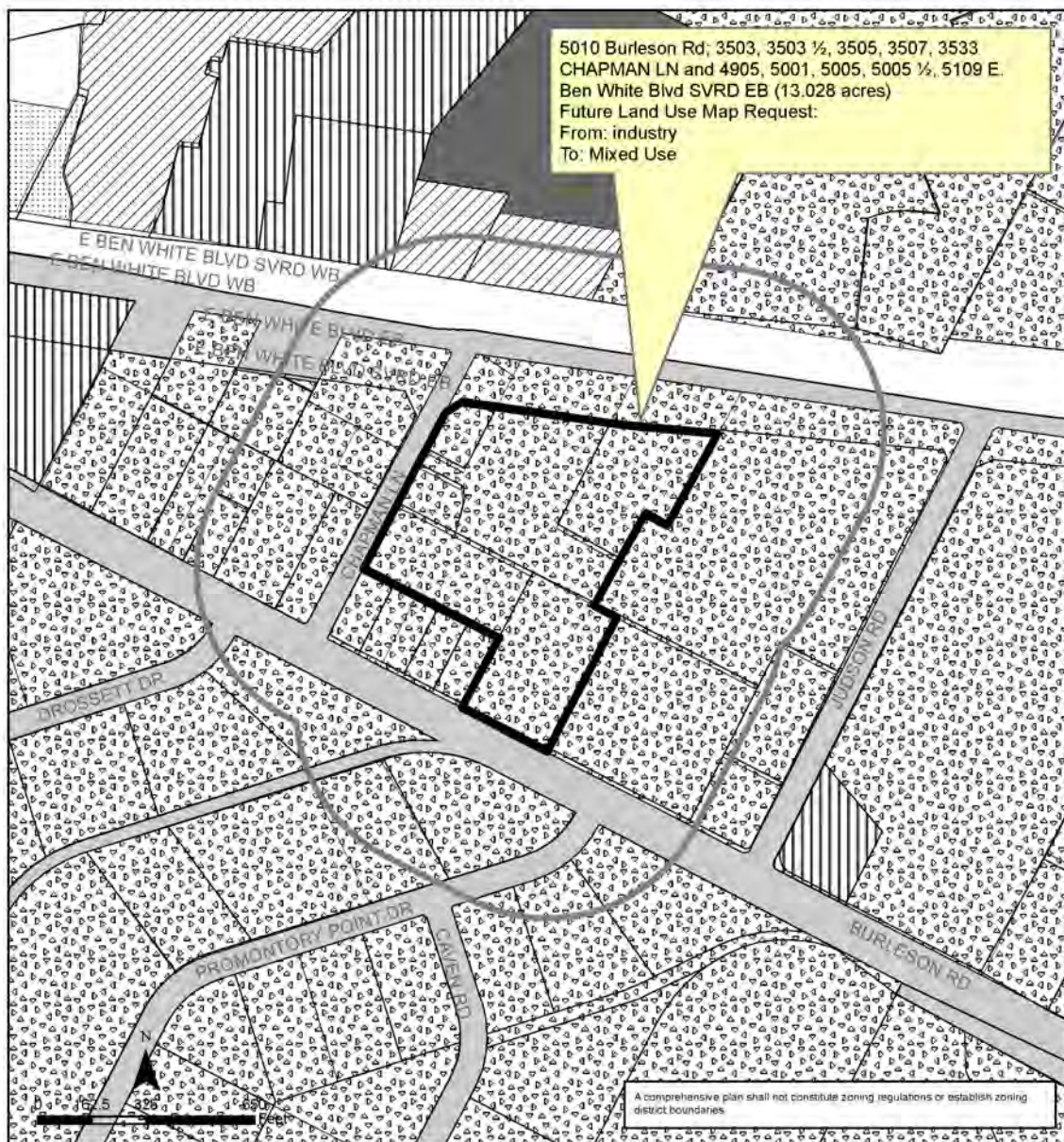
Waiting for letter from Southeast Austin Combined Planning Area

## Zoning





## Proposed FLUM change from Industry to Mixed Use



### Southeast Combined (McKinney) Neighborhood Planning Area NPA-2022-0014.03

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.

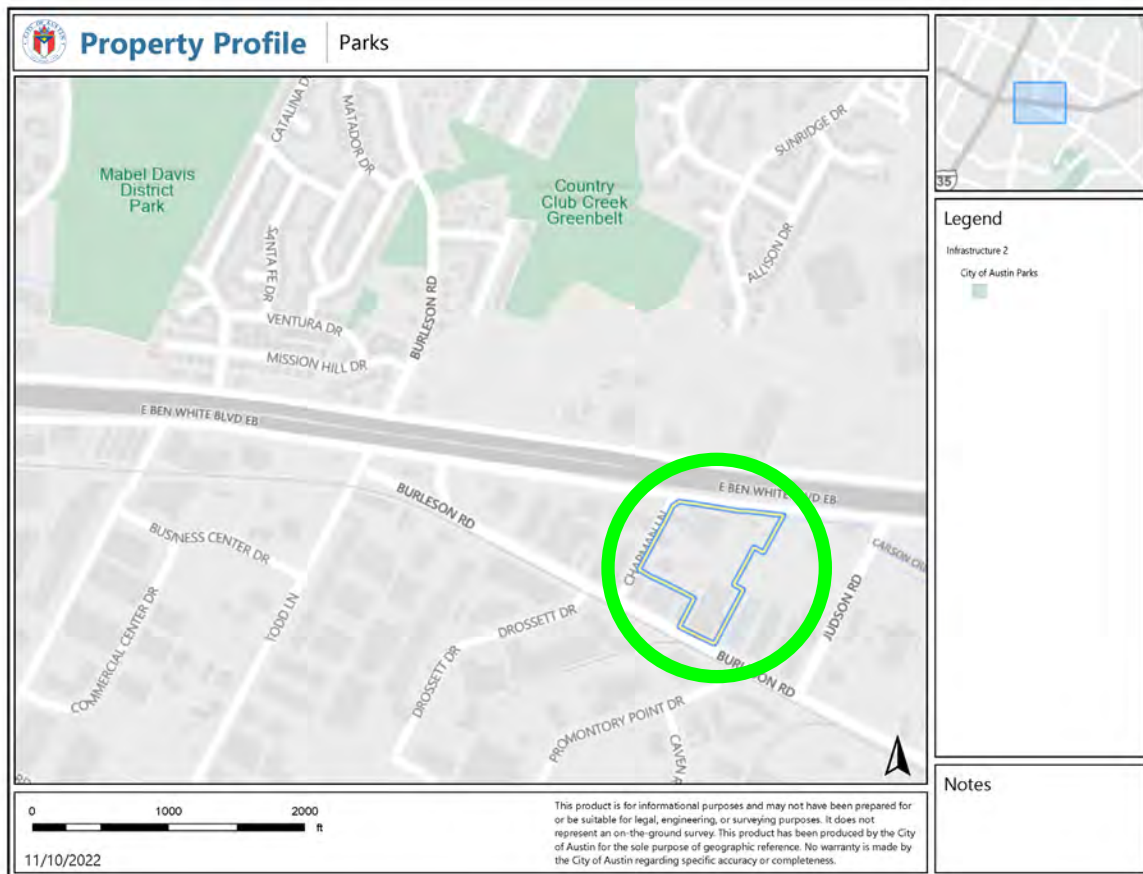


City of Austin  
Housing and Planning Department  
Created on 8/22/2022, by: MeeksS

#### Future Land Use

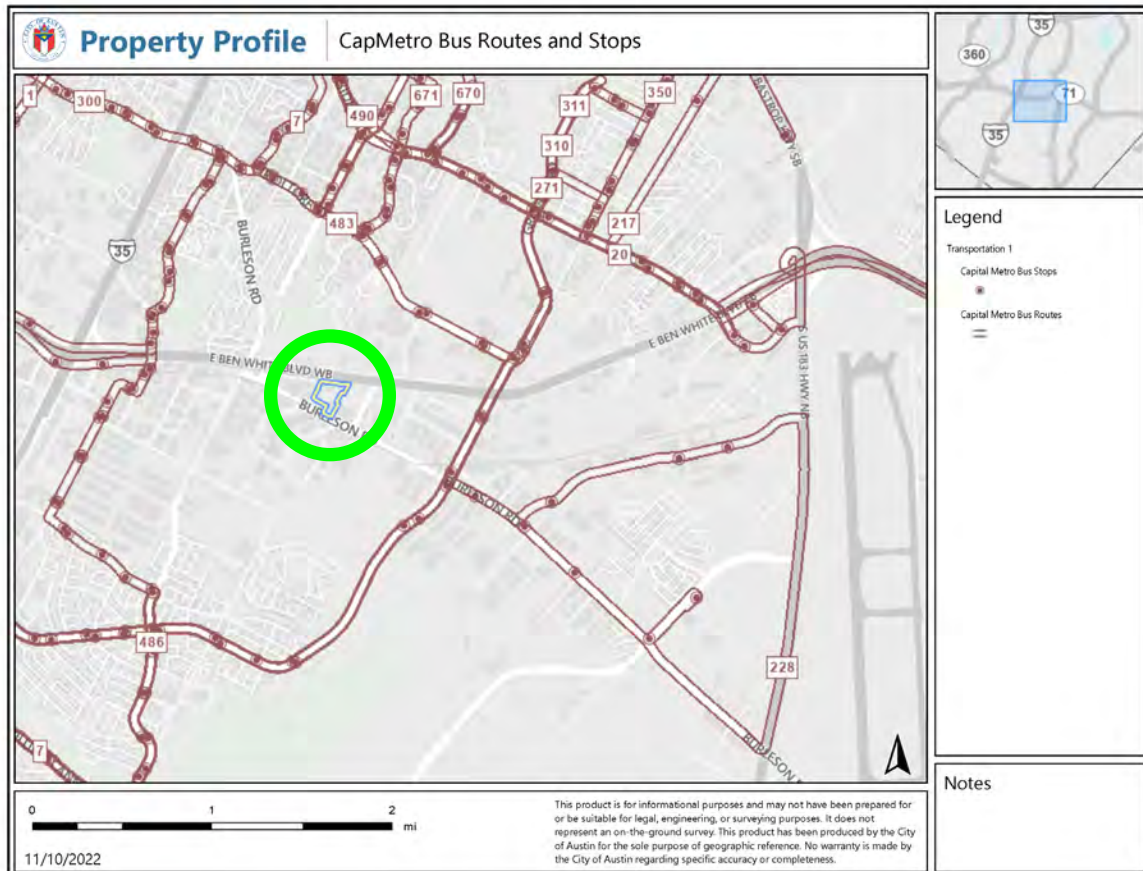
Subject Tract	Mixed Use
500 ft. notif. boundary	Office
Civic	Single-Family
Commercial	Transportation
Industry	

## Proximity to Public Parks





## Proximity to Public Transportation





**Correspondence Received**

**From:** David Bosada

**To:** Gutierrez, Jesse

**Subject:** Case NPA 2022 0014 03 zone amendment plan

**Date:** Saturday, October 15, 2022 3:13:52 PM

Mr. GUTIERREZ

I have been operating my business for over 10 years here. Seen two murders, one in my premises just recently. Countless trespasses by homeless people. Shootings. This area is a risk if you plan to allow housing development here. Bad idea.



I hope these systematic incidents which are now more common, are taken into consideration.

Respectfully

David Bosada  
Discount Body Shop  
3600 Chapman Ln  
Austin TX 78744



These are 2 separate events. I have video footage of an ok corral shooting too. Under investigation by APD.

