

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Govalle/Johnston Terrace Combined (Govalle)

CASE#: NPA-2022-0016.02

DATE FILED: July 18, 2022 (In-cycle)

PROJECT NAME: Borden Tract

PC DATE: March 28, 2023
March 14, 2023
February 28, 2023
January 10, 2023

ADDRESS/ES: 21, 21 ½, 41, 71 Strandtman Cv and 11, 21, 41, 41 ½ Julieanna Cv

DISTRICT AREA: 3

SITE AREA: 21.383 acres

OWNER/APPLICANT: New Dairy Texas, LLC

AGENT: Armbrust & Brown (Richard T. Suttle, Jr.)

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

STAFF EMAIL: Maureen.Meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Industry

To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14-22-0121

From: LI-CO-NP

To: LI-PDA-NP

NEIGHBORHOOD PLAN ADOPTION DATE: March 27, 2003

CITY COUNCIL DATE: May 4, 2023

ACTION:

PLANNING COMMISSION RECOMMENDATION:

March 28, 2023 – After discussion, approved staff's recommendation for Mixed Use land use. [J. Thompson – 1st; C. Hempel -2nd] Vote: 13-0.

March 14, 2023 – Postponed to March 28, 2023 on the consent agenda at the request of the neighborhood. [R. Schneider – 1st; C. Hempel – 2nd] Vote: 9-0 [Y. Flores, J. Mushtaler, J. Shieh, and J. Thompson absent].

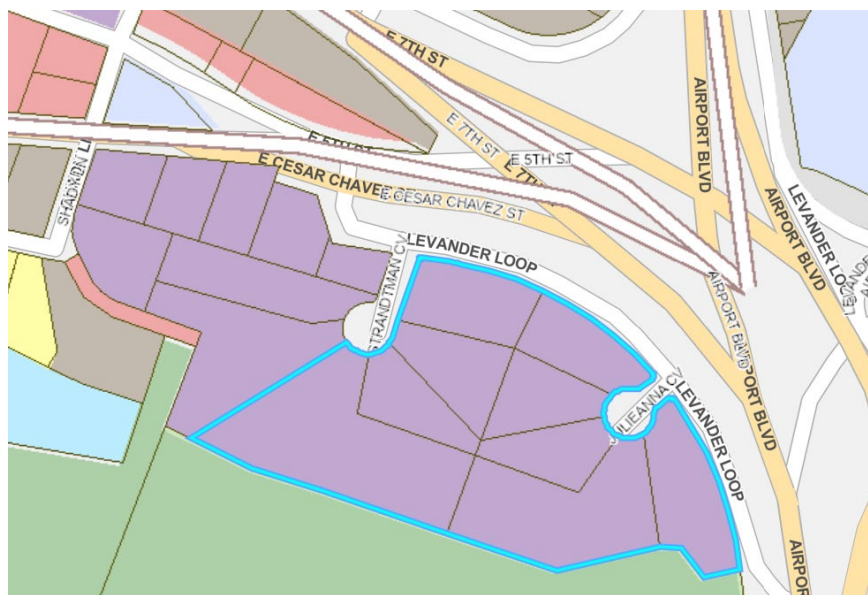
February 28, 2023 – Postponed to March 14, 2023 on the consent agenda at the request of staff. [R. Schneider – 1st; P. Howard – 2nd] Vote: 11-0 [Y. Flores absent. One vacancy on the dais].

January 10, 2023 – Postponed to February 28, 2023 on the consent agenda at the request of staff. [A. Azhar – 1st; J. Thompson – 2nd] Vote: 11-0 [P. Howard absent. One vacancy on the dais].

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

BASIS FOR STAFF'S RECOMMENDATION: The property is located near three activity corridors, E. Cesar Chavez Street, E. 7th Street and Airport Blvd and is currently a Borden Dairy facility. There is mixed use land use to the east and north of the site. Mixed Use land is appropriate for this location.

The applicant proposes a mixed-use development to include commercial, retail, hotel and multifamily uses. The proposed residential uses will provide additional housing choices for the City and the planning area.



Below are sections from the neighborhood plan that staff believes helps to support the proposed change:

Land Use Goals

Goal 1: **Adjacent land uses should be compatible.** (Sector Plan)²

Key Principles: Address the “over-zoning” of properties in the Govalle/Johnston Terrace Neighborhood Planning Area. (Sector Plan and modified by Gov/JT)

Non-residential development should not adversely affect existing businesses or neighborhoods, either by increases in traffic, noise, pollutants, or other safety hazards. (Sector Plan)

Goal 3: **Develop a balanced and varied pattern of land use.** (Sector Plan)

Key Principles: Provide a balance of land use and zoning for people to both live and work in the area. (Gov/JT)

Encourage mixed use so that residential uses are allowed on some commercial properties. (Gov/JT)

Provide opportunities for land uses that serve the needs of daily life (live, work, play, shop) in a convenient and walkable environment. (Gov/JT)

Housing

Goal 5: **Maintain an affordable and stable housing stock.** (Sector Plan)

Key Principles: Provide a diverse range of housing opportunities for all stages of life and income levels. (Sector Plan and modified by Gov/JT)

Increase home ownership opportunities. (Sector Plan)

Encourage the development of affordable single-family and multi-family units on vacant tracts in established neighborhoods. (Sector Plan)

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;

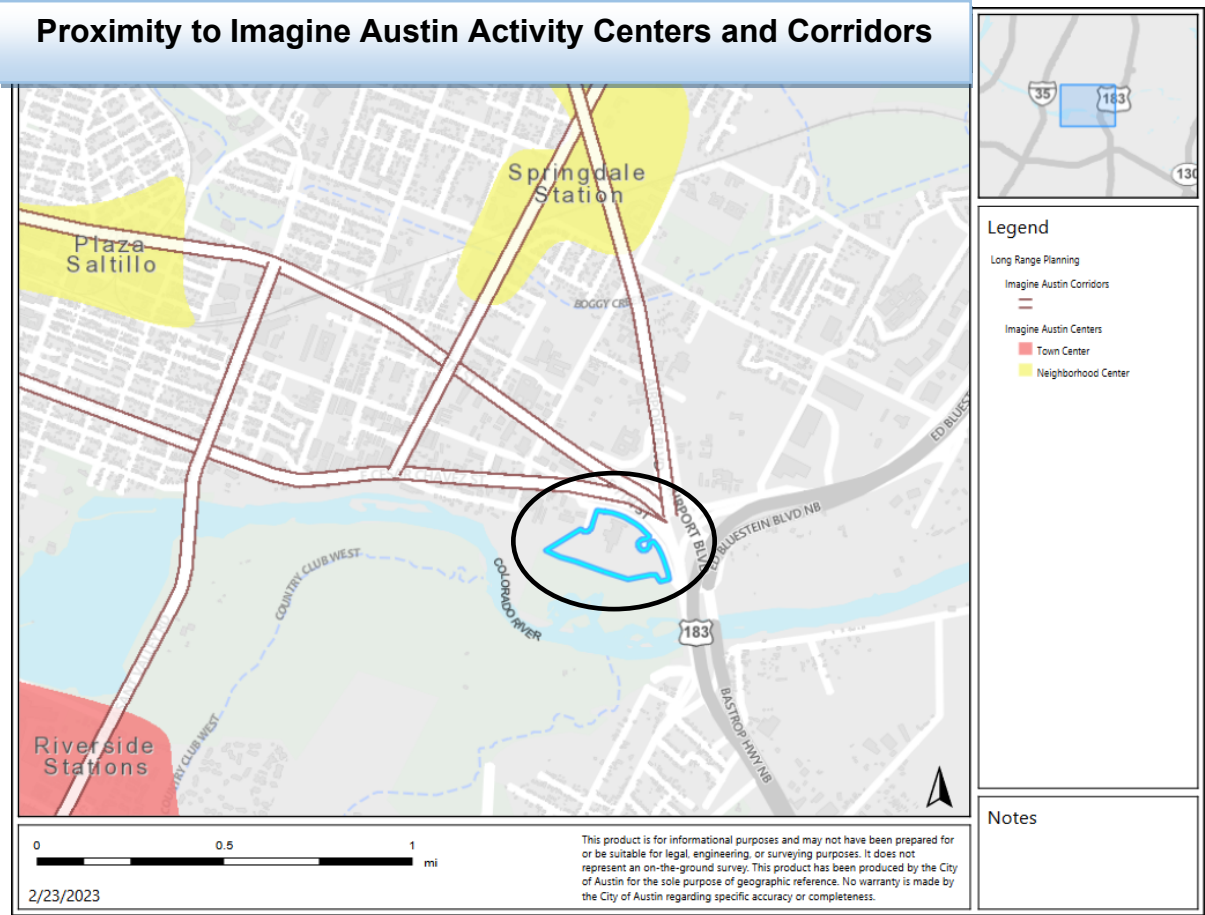
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition 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.

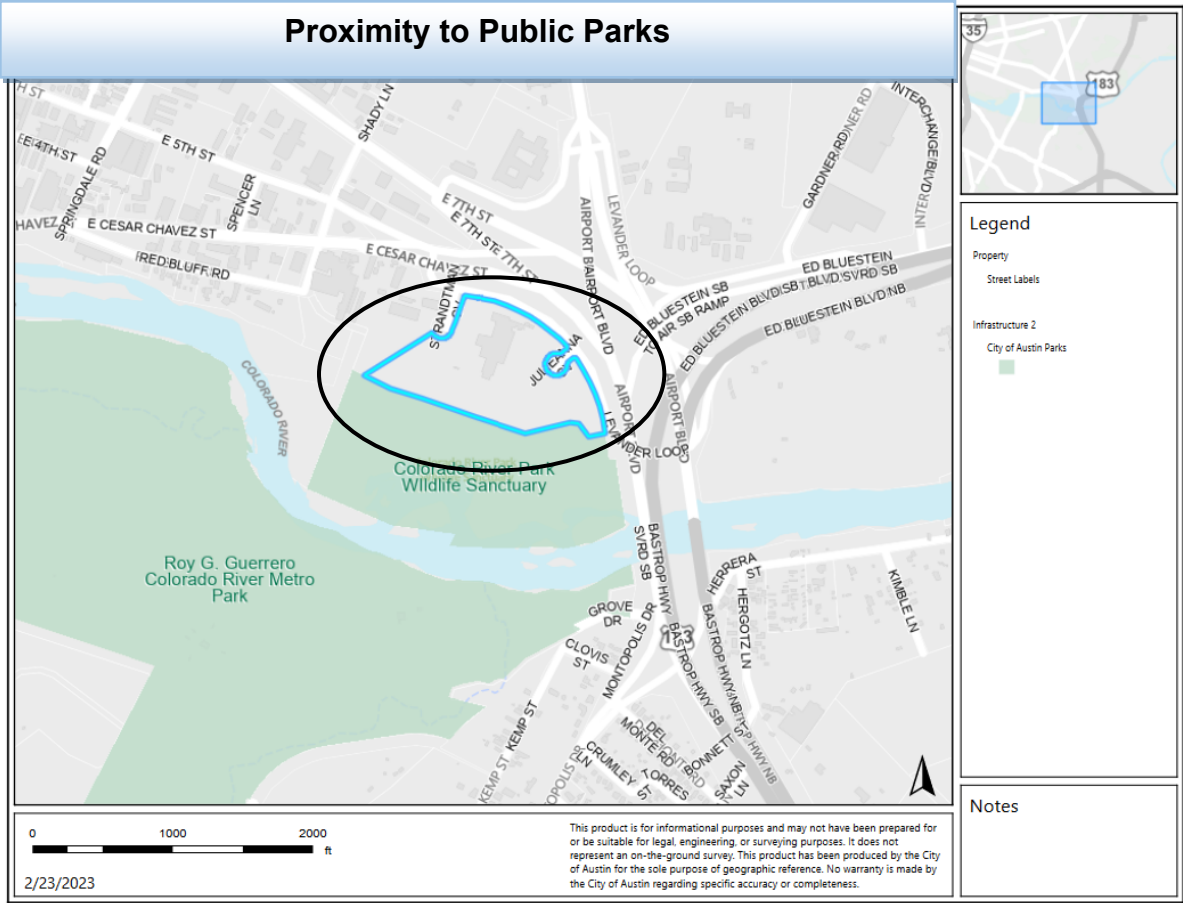
Application

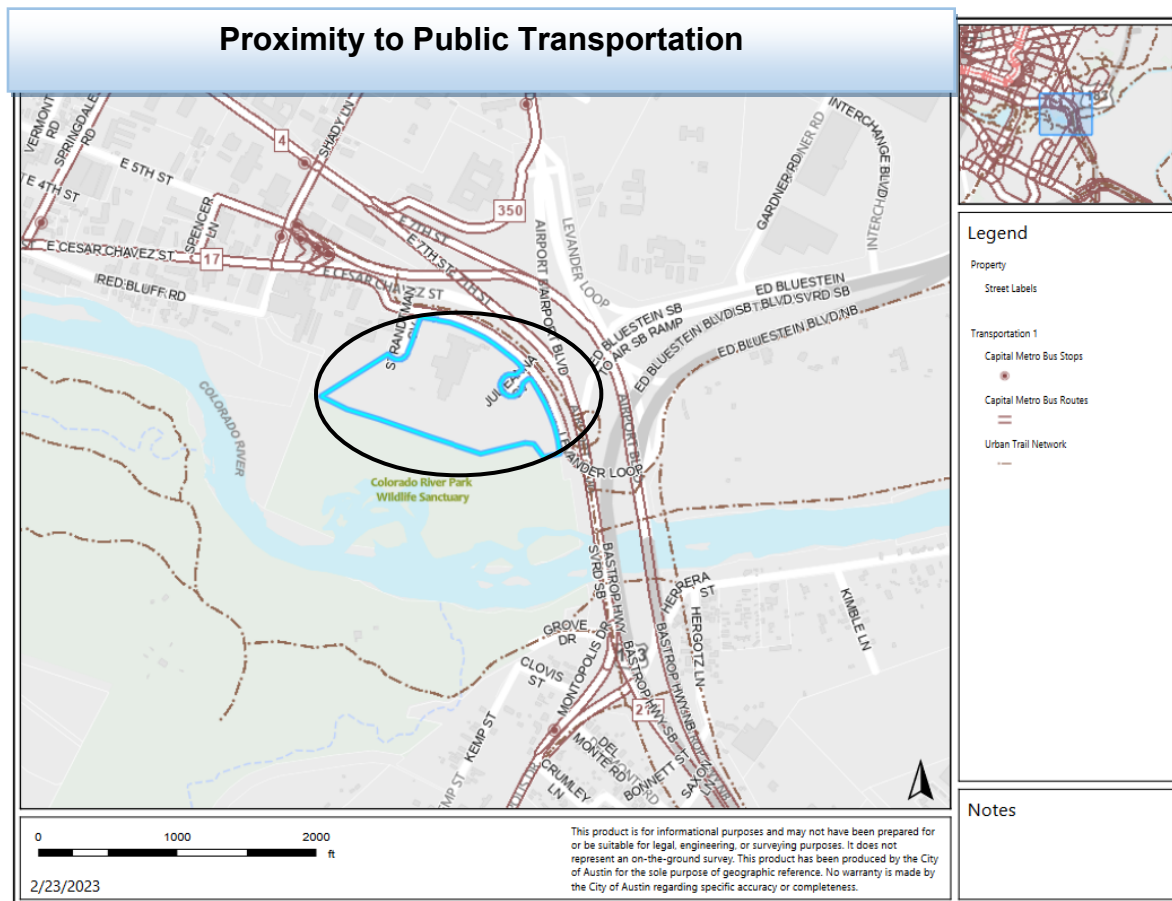
1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge;
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood 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.

| 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"> Property is at the end of three activity corridors: E. Cesar Chavez Street, E. 7th Street and Airport Blvd. |
| Yes | Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station. |
| | 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. • 1.4 miles from HEB on E. 7 th Street |
| | Connectivity and Education: Located within 0.50 miles from a public school or university. • 1.2 miles from Brooke Elementary School |
| Yes | Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail. |
| | 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.) |
| | Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing. |
| 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. |
| Yes | Mixed use: Provides a mix of residential and non-industrial uses. • Proposed development of commercial, retail, hotel and multifamily uses. |
| | Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center). |
| | 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. |
| 6 | Number of "Yes's" |
| Imagine Austin Priority Program PUD Specific Bonus Features | |
| n/a | 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). |
| n/a | 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. |
| n/a | Protects the Environment: Reduces greenhouse gas emissions, water, energy usage, and/or increases waste diversion. |
| n/a | 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. |
| n/a | 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. |
| n/a | Total Number of "Yes's" |







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 plan amendment application was filed on July 18, 2022 which is in-cycle for neighborhood planning areas located on the east side of IH-25.

The applicant proposes to change the future land use map from Industry to Mixed Use.

The applicant proposes to change the zoning from LI-NP (Limited Industrial Services district - Neighborhood Plan) to LI-PDA-NP (Limited Industrial Services district - Planned Development Area combining district – Neighborhood Plan) for a mixed use, commercial, retail, hotel and multifamily development.

PUBLIC MEETINGS: The ordinance-required community meeting was virtually held on September 16, 2022. Approximately 48 community meeting notices were mailed to people who rent or own property within 500 feet of the subject tract. Two staff members from the Housing and Planning Department attended, Mark Walters and Maureen Meredith. Four people representing the applicant attended, Richard T. Suttle, Jr., Amanda Hendrix and Amanda Morrow from Armbrust and Brown and Josh Lickteig and Scott Phillips from Endeavor Real Estate Group. Six people from the neighborhood attended.

Richard T. Suttle, Jr. provided the following information:

- The current zoning is LI-CO-NP with the future land use as Industry
- We propose to amend FLUM to Mixed Use.
- We've had several meetings with Daniel and PODER.
- We propose a mixed of residential, commercial and office uses.
- Proposed is a 120-foot building along road with it scaled back towards preserve area.
- We have filed rezoning application.
- As city is growing and we think the site would be better for mixed use.
- Proposed is 95% building coverage, 95% IC, FAR 4:1, 120 max. building height

Q: How tall is the overpass near the property? A 120-foot building would be a serious obstruction of our views.

A: The overpass is 60 feet.

Q: Main concern is traffic on Levander Loop and impact on the adjacent wildlife preserve.

A: There will be a traffic study at the site plan stage. For the preserve, we are still studying that. This will happen at site plan stage.

Q: My follow up question/comment is that I don't understand how citizens/City can approve when we don't have answers to traffic study or environmental impact mitigation. That seems fundamental.

A: This is always the issue we run into. We try to determine what basic uses will be then you solve for traffic.

Q: The preserve is there and the river. How does the Waterfront Overlay come into play and how will the river be protected during construction.

A: The overlay does not apply this tract because we're off the river. The water quality will be taken care of with compliance with the watershed ordinance. We will have a full storm water protection plan that the City requires. It will probably be more robust than exists today.

Q: With the new extension to the airport that the height restrictions will be expanded. Will that affect your property?

A: Not that we're aware of, but we will comply with all the Airport Overlays.

Q: Will you present the Environmental Study and Traffic Impact Analysis before the zoning case will be approved?

A: It will come after.

Q: Will the development be a hotel, commercial or apartments?

A: The plan is to have a mixed of all you stated.

Comments:

- The Govalle/JT NPCT wants a scaled-down development with max. 60 feet height, 50% IC and 50-to-100-foot buffer from the greenbelt.
- The Borden Tract doesn't affect the preserve at all. It is low impact. A dense project will have adverse effects on the preserve and on traffic.

Applicant Summary Letter from Application

ncil: May 4, 2023

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

Richard T. Suttle, Jr.
(512) 435-2310
rsuttle@abainst.com

July 14, 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 property located at 21 Strandman Cove, 21 ½ Strandman Cove, 41 Strandman Cove, 71 Strandman Cove, 11 Julieanna Cove, 21 Julieanna Cove, 41 Julieanna Cove, & 41 ½ Julieanna Cove, Austin, Texas, 78702, also known as TCAD Parcel No. 0200160432, 0200160434, 0302170108, and 0302170107 (the "Application")

Dear Ms. Truelove:

This letter, along with the Application is submitted to amend the Future Land Use Map ("FLUM") for property located at 21, 21 1/2, 41, and 71 Strandman Cove, and 11, 21, and 41, and 41 1/2 Julieanna Cove (the "Property").

The Property is approximately ±21.38 acres and is zoned Limited Industrial – Conditional Overlay Combining District – Neighborhood Plan Combining District ("LI-CO-NP") by Ordinance 030327-11a. The Property is situated in the Govalle/Johnston Terrace Combined Neighborhood Planning Area and is currently developed with the Borden Dairy facility. The proposed project will consist of a mixed-use development including multi-family residential, office, retail, and hotel uses (the "Project").

In order to facilitate development of the Project, a zoning application will be submitted in conjunction with the Application to rezone the Property from LI-CO-NP to Limited Industrial District – Planned Development Combining District – Neighborhood Plan Combining District ("LI-PDA-NP"). The FLUM established by the Neighborhood Plan identifies the Property as industry. This Application requests to change the FLUM on the Property from Industry to Mixed-Use so that the FLUM is consistent with the proposed rezoning.

Thank you in advance for your time and consideration of this Application. If you have any questions, comments, or need additional information, please do not hesitate to contact me at (512) 435-2310 or Amanda Morrow at (512) 435-2368.

{W1161343.1}

ARMBRUST & BROWN, PLLC
Page 2

Very truly yours,

ARMBRUST & BROWN, PLLC



Richard T. Suttle, Jr.

cc: Jerry Rusthoven
Maureen Meredith
Amanda Morrow
Amanda Surman

{W1161343.1}

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

From: Daniel Llanes

Sent: Wednesday, March 22, 2023 1:30 PM

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

Cc: Cohen, Jessica - BC <BC-Jessica.Cohen@austintexas.gov>; Thompson, Jeffrey - BC <bc-Jeffrey.Thompson@austintexas.gov>; Flores, Yvette - BC <bc-Yvette.Flores@austintexas.gov>; Howard, Patrick - BC <BC-Patrick.Howard@austintexas.gov>; Cox, Grayson - BC <BC-Grayson.Cox@austintexas.gov>; Connolly, Joao - BC <BC-Joao.Connolly@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; Mushtaler, Jennifer - BC <BC-Jennifer.Mushtaler@austintexas.gov>; Azhar, Awais - BC <BC-Awais.Azhar@austintexas.gov>; Woods, Alice - BC <BC-Alice.Woods@austintexas.gov>; Anderson, Greg - BC <bc-Greg.Anderson@austintexas.gov>; Hempel, Claire - BC <BC-Claire.Hempel@austintexas.gov>; Singh, Arati - BC <BC-Arati.Singh@austintexas.gov>; Richard Suttle <RSuttle@abaustin.com>; Amanda Hendrix <ahendrix@abaustin.com>

Subject: NPA-2022-0016.02_Borden Tract -

*** External Email - Exercise Caution ***

Dear Planning Commissioners and City Council Members,

I am writing on behalf of the **Govalle/Johnston Terrace Neighborhood Planning Team** regarding the **case # NPA-2022-0016.02_Borden Tract**.

We have had several discussions with the applicant, and were able to find common ground on a recommendation of an approximate 100' no build buffer from the Colorado River Preserve.

However, we could not find agreement on height & impervious cover.

Currently 60' height maximum and 50% impervious cover are current code regs for this site.

The applicant started with a 120' height max and 95% impervious cover. The Contact Team rejected this proposal. After some negotiation,

the applicant offered a 90' maximum height proposal but there is no support for that, but the

Contact Team offered a 75' maximum height but the **applicant rejected** that.

The Contact Team is willing to **SUPPORT** proposal of 75' maximum height/65% impervious cover, and is

OPPOSED to height limits beyond 75' maximum height and 65% impervious cover.

Please feel free to contact me directly with any questions or comments you may have regarding this case.

Thank you for your consideration,

Daniel Llanes, Chair
G/JTNP Contact Team
512-431-9665

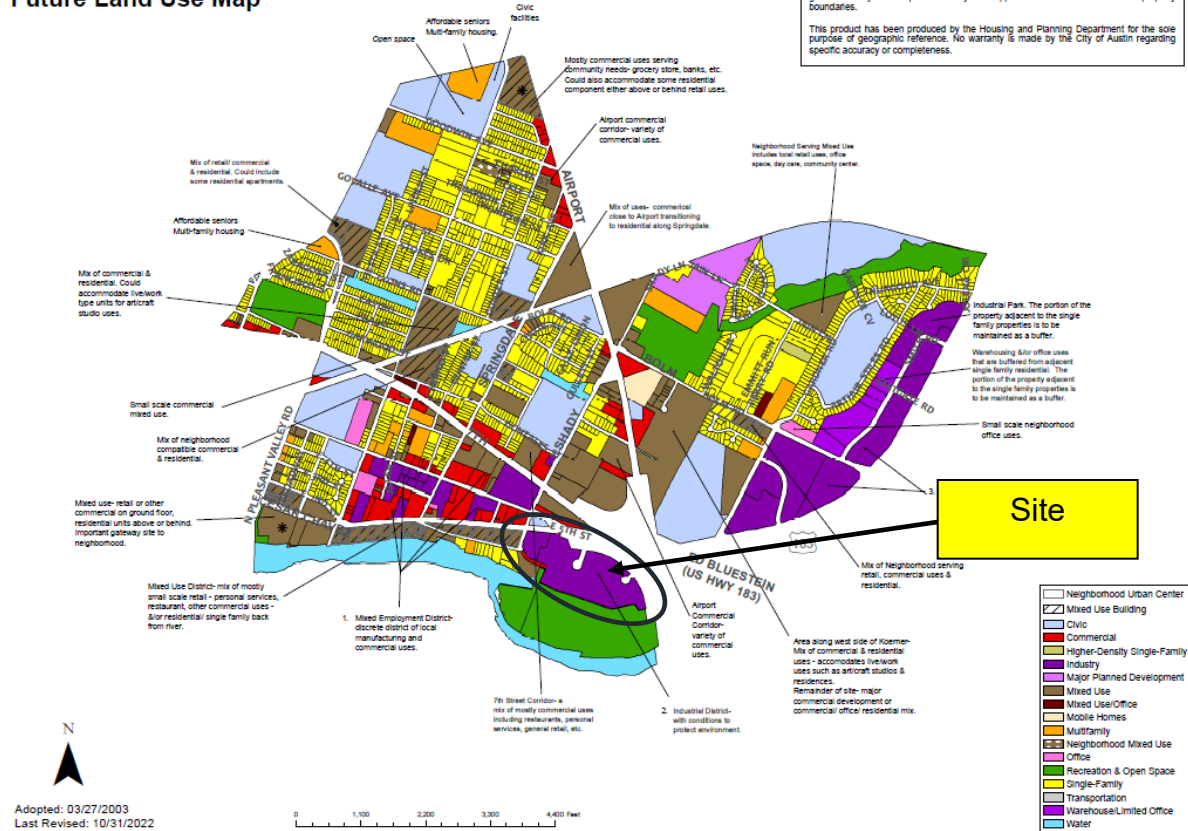
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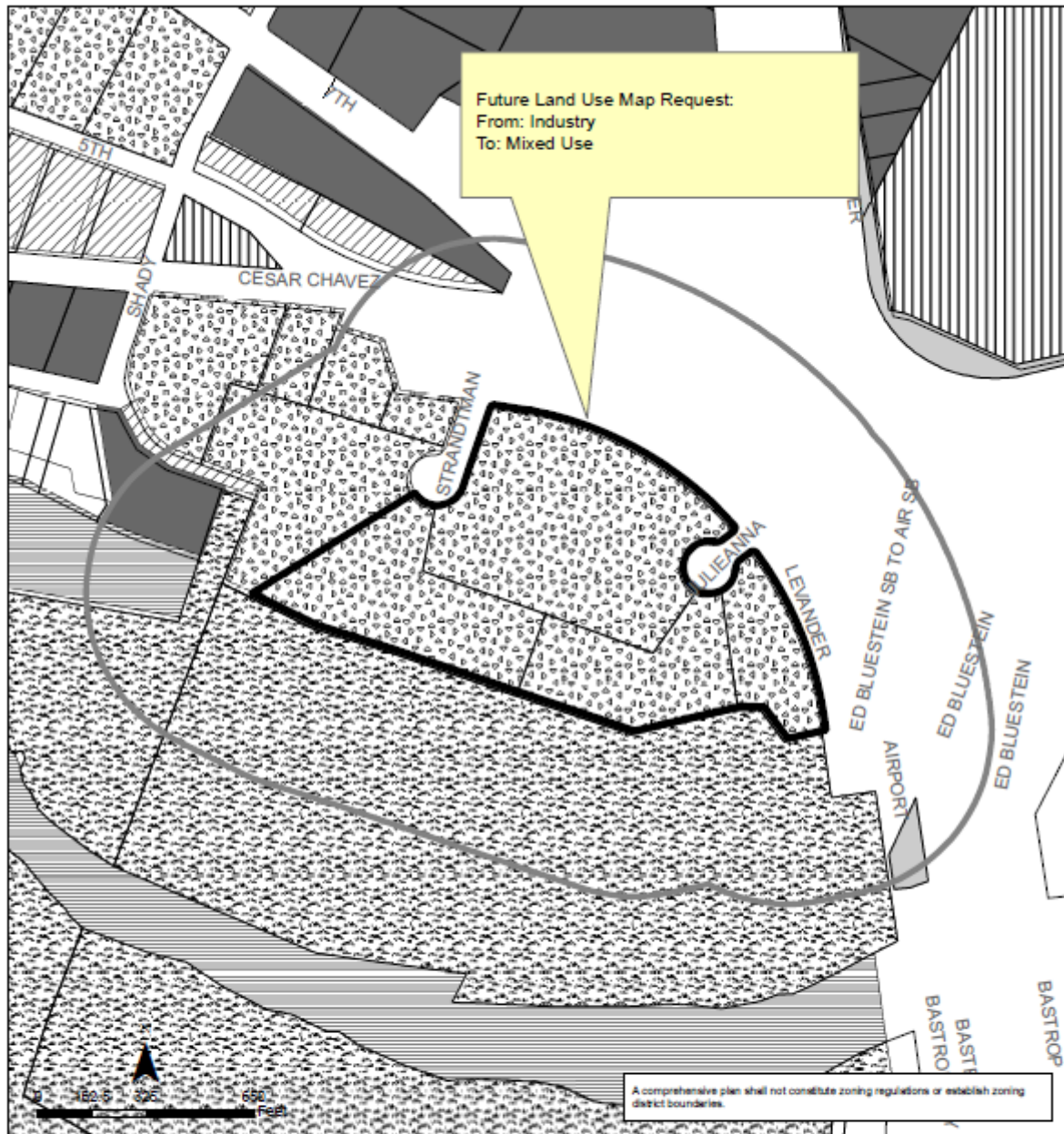
Govalle / Johnston Terrace Combined Neighborhood Plan Future Land Use Map

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

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.

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Govalle/Johnston Terrace Combined (Govalle) Neighborhood Planning Area NPA-2022-0016.02

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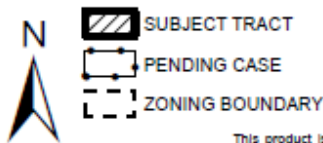
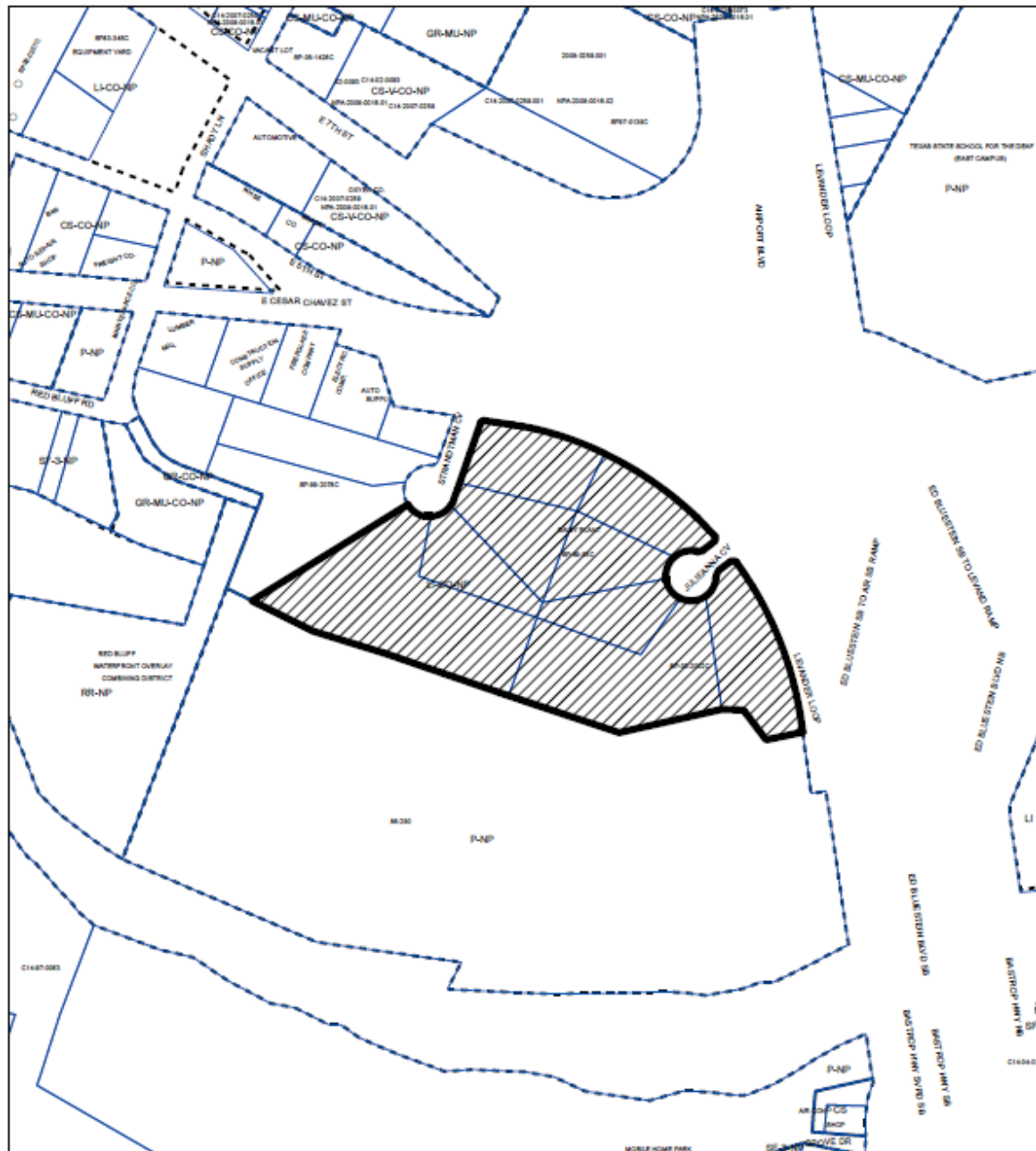
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City of Austin
Housing and Planning Department
Created on 8/8/2022, by: MeeksS

Future Land Use

| | | | |
|--|--------------------------|--|-------------------------|
| | Subject Tract | | Mixed Use |
| | 500 ft. notifi. boundary | | Recreation & Open Space |
| | CMC | | Single-Family |
| | Commercial | | Transportation |
| | Industry | | Water |



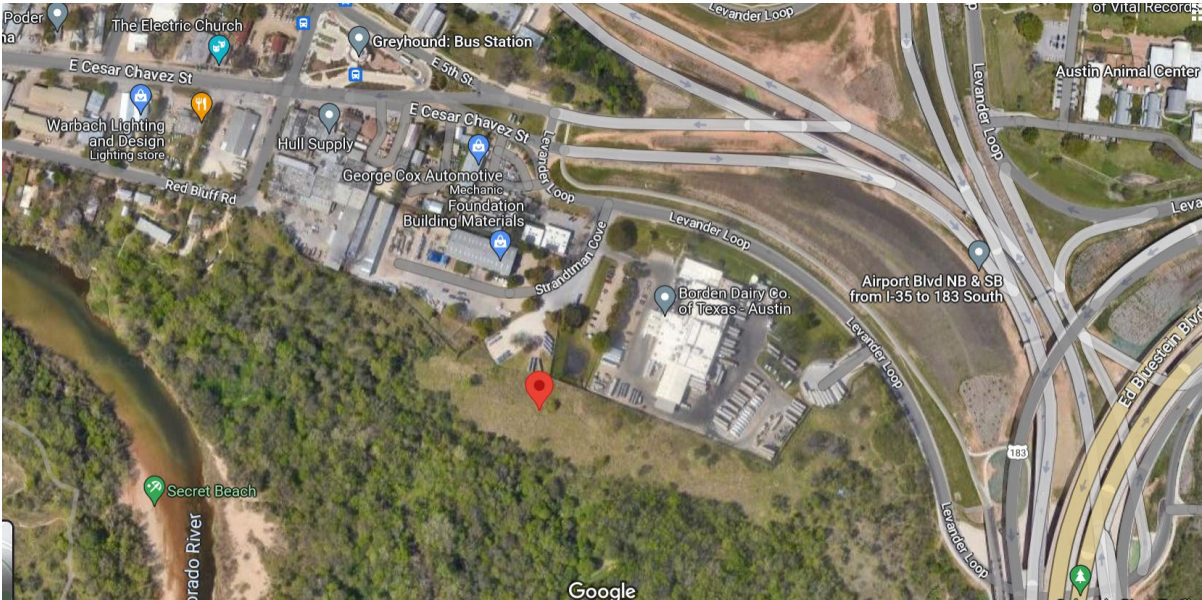
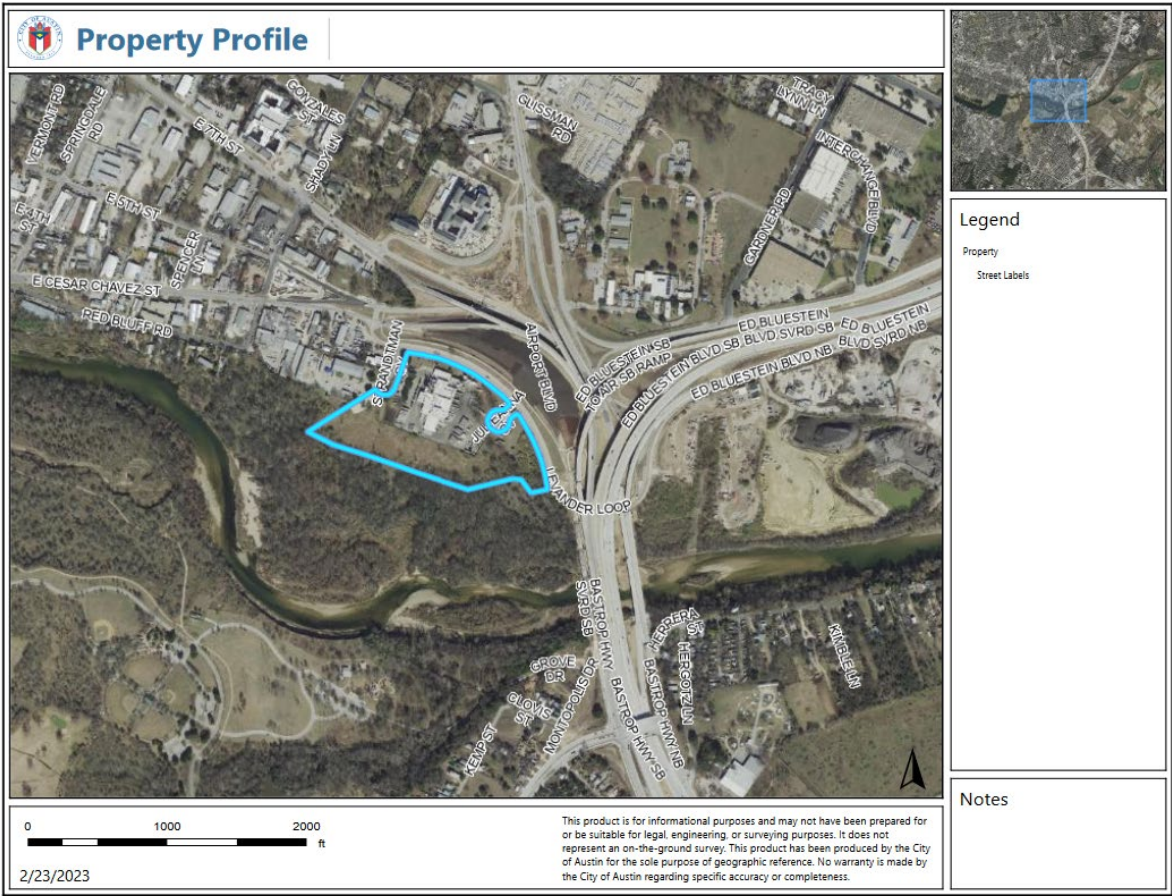
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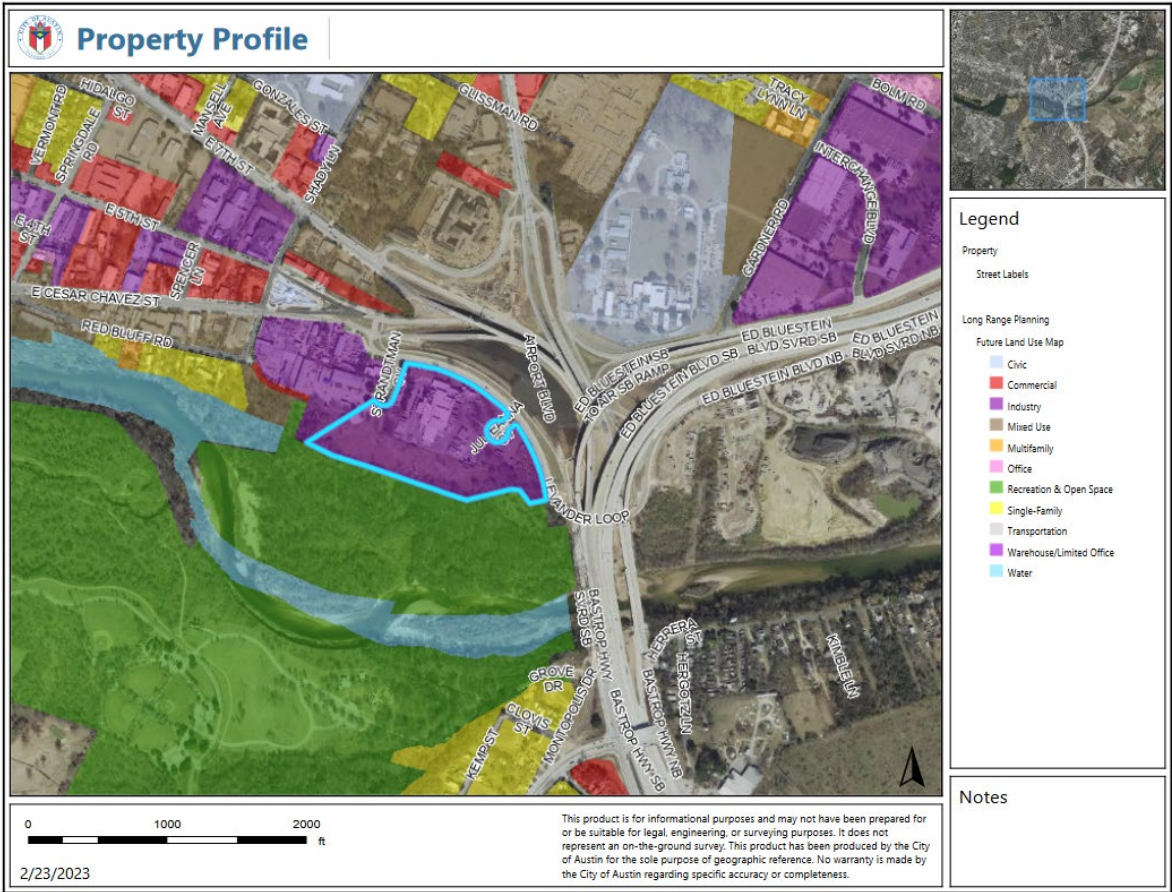
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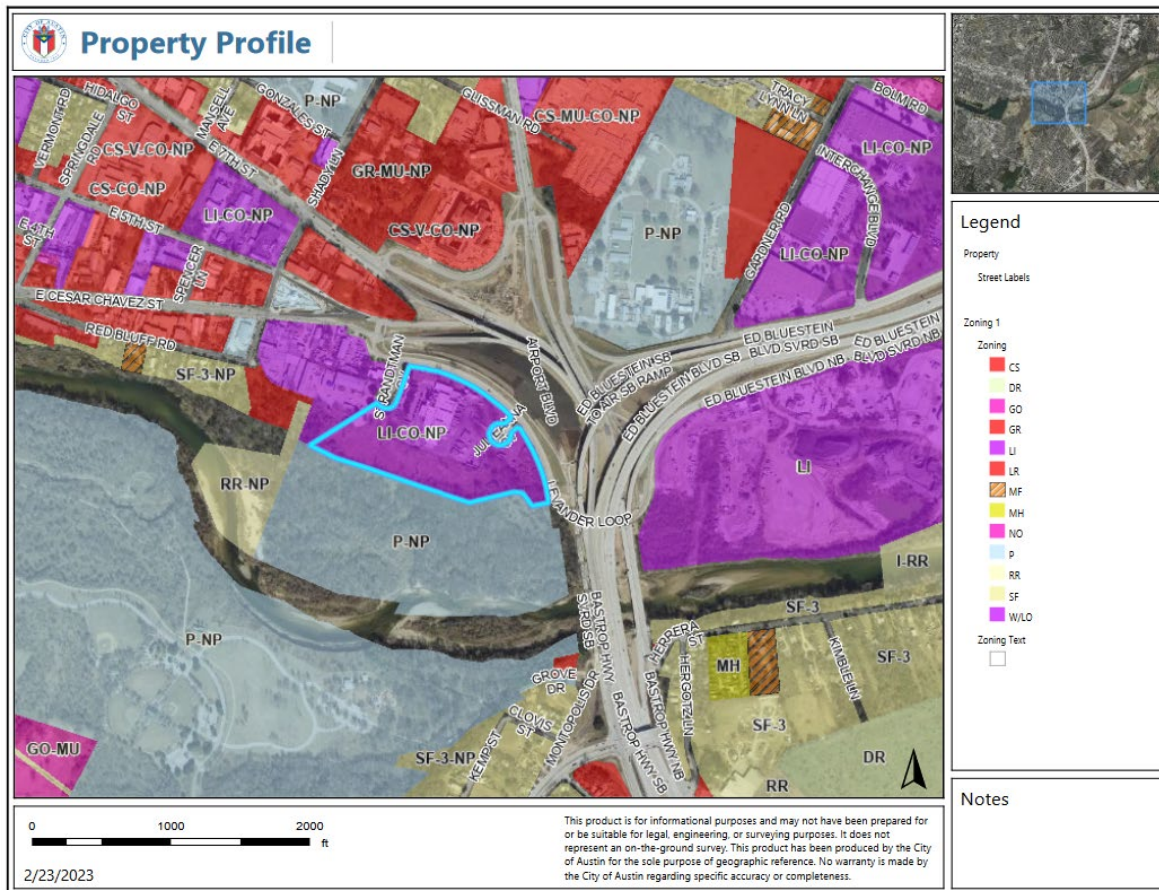
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Created: 9/8/2022







Agent Presentation at the Sept. 16, 2022 Community Meeting

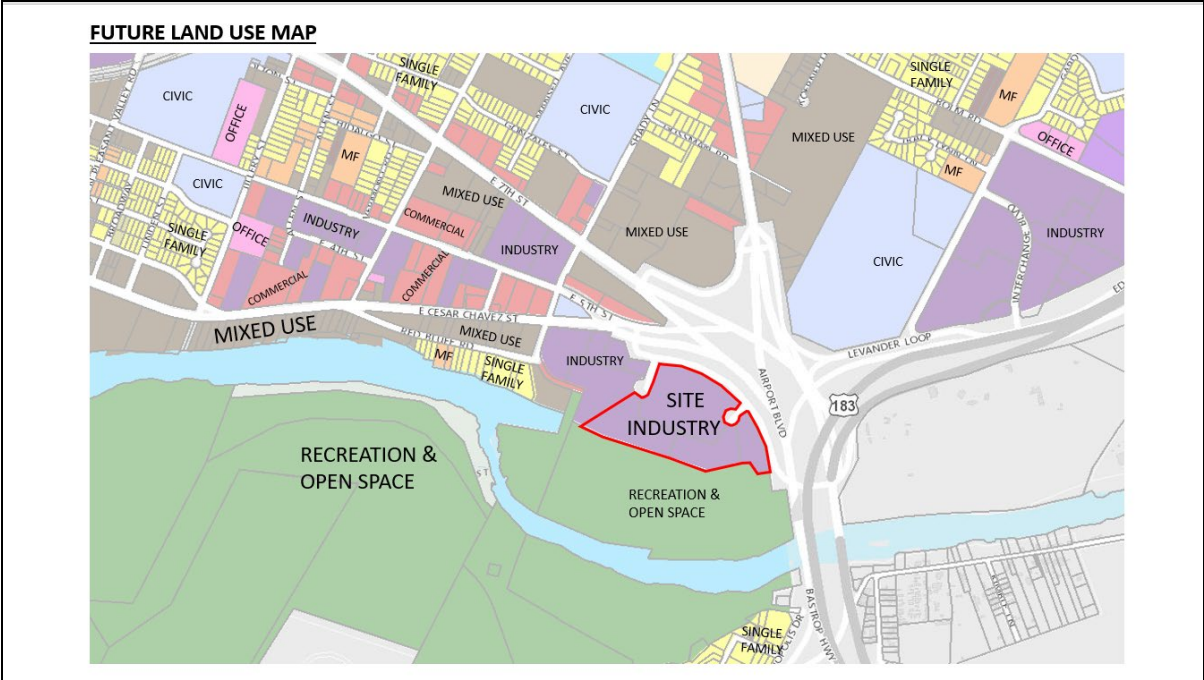
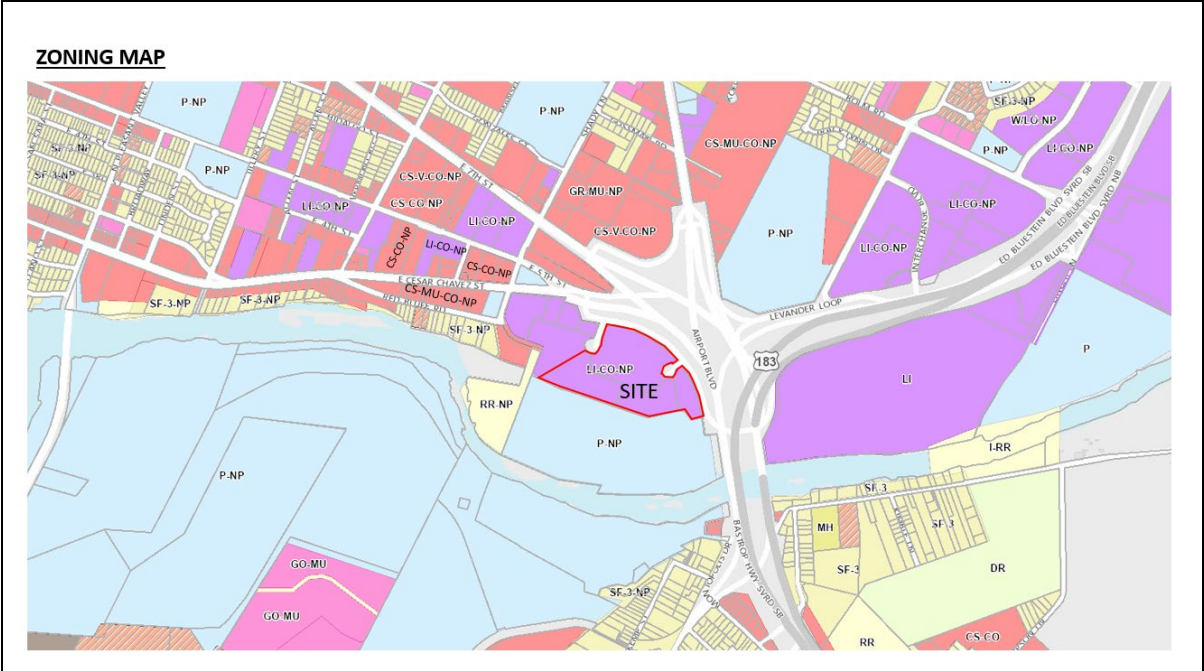
BORDEN

Neighborhood Plan Amendment

NPA-2022-0016.02

AERIAL





Correspondence Received

From: Lance Ellisor
Sent: Monday, September 26, 2022 6:34 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: NPA-2022-0016.02

*** External Email - Exercise Caution ***

In meeting now, adding this via email rather than creating consternation in the meeting ...

I just do NOT understand why we can't approve this *provisionally* contingent upon satisfactory environmental and traffic impact study. I myself am in the process of purchasing some land in another country. I get 60 days of due diligence both to make sure that my intents for the land are viable AND for the local agencies to ensure that my plans don't have an undue environmental impact. If either doesn't hold true, the purchase is canceled and I am not obliged to pay a dime (beyond studies I chose to do).

Why wouldn't this process work similarly?

- provisional approval
- studies
- City of Austin acceptance that the outcome of the studies are satisfactory
- final approval

This seems fair. All we are looking for is a fair process to ensure this doesn't get approved and then it ends up having an undue impact on the ecology or traffic & safety.

Thanks,
-- L

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Lance Ellisor

.....

From: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Sent: Wednesday, September 28, 2022 1:53 PM
To: Lance Ellisor <lance@ellisor.net>
Cc: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: RE: NPA-2022-0016.02 - Borden Tract

Answers below in red.

From: Lance Ellisor
Sent: Wednesday, September 28, 2022 1:49 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Re: NPA-2022-0016.02 - Borden Tract

*** External Email - Exercise Caution ***

Ah. So, for the sake of complete clarity, I interpret what you say to mean that, even if the rezoning is approved, the City still has the ability (and I assume responsibility) to both review and approve (or not) the proposed uses, including their impacts on traffic and ecology. Is that correct? **Yes**

If so, does the public get an opportunity to read/hear the City's impact assessment(s) before the proposed uses are finally approved? **The public can review the site plan, I'm not sure if traffic impact analyses (TIAs) are open to the public.**

And if so, how do I sign up to take advantage of that opportunity? Property owners within 500' are notified of filing of a site plan. **At that time you can contact the site plan case manager.**

Thanks,
-- L

On Wed, Sep 28, 2022 at 12:49 PM Chaffin, Heather
<Heather.Chaffin@austintexas.gov> wrote:

Lance,

Environmental and transportation review will be done at time of site plan. Zoning establishes site development standards and permitted land uses but does not establish what is actually proposed to be constructed/developed. At time of site plan the applicant will have to identify proposed uses, provide all engineering and transportation information, etc.

Heather

From: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Sent: Tuesday, September 27, 2022 10:37 AM
To: Lance Ellisor
Cc: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: RE: NPA-2022-0016.02 - Borden Tract

Lance,

Since the traffic and environmental review is part of the zoning case, I've forwarded your email to Heather Chaffin.

Maureen

.....

From: Lance Ellisor

Sent: Friday, March 10, 2023 12:58 PM

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

Subject: Re: Mar 14 PC - Speaker Registration

*** External Email - Exercise Caution ***

Thanks, Maureen. As I mentioned, I'm unable to attend as this is happening on the first day of Austin ISD spring break and my family and I will be away on vacation (with limited network access).

If there's any way to submit my comments/concerns in writing - or have them read (by you? someone else?) into the public record - that would be ideal. I have pasted them before for easy reference. I posted the below verbatim on my neighborhood's Next Door and at least a dozen neighbors shared my sentiments (hopefully some will join the call).

- I'm very concerned about the traffic impacts this will have on the exchange of Levander Loop, Cesar Chavez, and 183.
- I'm very concerned about the disruptive impacts of the construction on the wildlife of the adjacent preserve
- I'm very concerned about the long-term, ongoing impact of adding so many people and businesses to that site ... on the wildlife of the adjacent preserve and the river water quality and its ecology in general
- Finally, and maybe most pointedly, I believe that the the process for this should be fair and transparent. To wit, the City is responsible for ensuring that *objective* and *thorough* (albeit practical; they don't need to take years) traffic AND environmental impact studies are completed and reviewed by City officials who will be accountable, and deemed to be acceptable, and that all of this is done transparently & publicly before any final commitments/decisions are made. I'm not against "progress" or development. I just think that it should be done with appropriate diligence, done transparently and objectively. And given the specifics of this location -- the traffic bottleneck and the proximity to both the river and a preserve on the river -- it should be done more thoroughly than for, say, some city block off Springdale or something.

Neighborhood Postponement Request

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

From: Richard Suttle, Jr. <RSuttle@abaustin.com>

Sent: Friday, March 10, 2023 3:24 PM

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

Cc: Daniel Llanes <>; Raul Alvarez <>; Susana Almanza <>; Lonnie Limon <>; Amanda Hendrix <ahendrix@abaustin.com>; Amanda Morrow <amorrow@abaustin.com>; Harden, Joi <Joi.Harden@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Subject: Re: Postponement Request - Borden Track - NPA-2022-0016.02

*** External Email - Exercise Caution ***

We do not object to the neighborhoods request for postponement.

Sent from my iPhone

On Mar 10, 2023, at 1:56 PM, Meredith, Maureen <Maureen.Meredith@austintexas.gov> wrote:

Amanda H., Amanda M. and Richard:

Please let us know if you are OK with Daniel Llanes' postponement request to the March 28 PC hearing.

Maureen

From: Daniel Llanes <>

Sent: Friday, March 10, 2023 2:49 PM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Cc: Raul Alvarez <>; Susana Almanza <>; Lonnie Limon <lonnelimon@gmail.com>; Richard Suttle <>; Amanda Hendrix <ahendrix@abaustin.com>; Amanda Morrow <amorrow@abaustin.com>; Harden, Joi <Joi.Harden@austintexas.gov>

Subject: Postponement Request - Borden Track - NPA-2022-0016.02

Some people who received this message don't often get email from dllanesrb@earthlink.net<<mailto:dllanesrb@earthlink.net>>. Learn why this is important<<https://aka.ms/LearnAboutSenderIdentification>>

*** External Email - Exercise Caution ***

To: Maureen Meredith, Heather Chaffin and Planning Commissioners,

re: Postponement Request - Borden Track - NPA-2022-0016.02

Ms. Meredith and Planning Commissioners,

I am writing on behalf of the Govalle/Johnston Terrace Neighborhood Planning Team. We have been meeting with the applicant and after having met last week, we have mutually agreed to

Request a 2 week postponement

Of this case to give us more time to finalize our discussions.

Please confirm receipt and agreement to this request.

Thank you,

Daniel Llanes, Chair
G/JTNP Contact Team
512-431-9665

April 5, 2023

Joi Harden, Case Manager
City of Austin Housing and Planning Department
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Borden Tract Rezoning and NPA Applications (City of Austin Case No. C14-2022-0121 & NPA-2022-0016.02)

Dear Ms. Harden:

I am the owner of property located at 4826 E Cesar Chavez, 4824 E Cesar Chavez (Central Machine), 713 E Cesar Chavez and 4701 Red Bluff. As a nearby landowner, I am in support of the Borden Tract rezoning and NPA applications in review under City of Austin Case No. C14-2022-0121 & NPA-2022-0016.02. The redevelopment of the property will be a great addition to the neighborhood and bring much needed housing to the area.

Should you need any additional information or have any questions please do not hesitate to contact me.

Sincerely,



John Scott
Central Machine Works
HNRB QOZB I LP
HNRB QOZB II LP

cc: Maureen Meredith
Adam Haynes
Felicity Maxwell
Joao Connolly
Grayson Cox
Patrick Howard
Todd Shaw
Jennifer Mushtaler
Awais Azhar
Alice Woods
Greg Anderson
Claire Hempel
Jeffrey Thompson
Yvette Flores

From: Christopher Brown <
Sent: Tuesday, March 28, 2023 11:35 AM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Cohen, Jessica - BC <BC-Jessica.Cohen@austintexas.gov>; Thompson, Jeffrey - BC <bc-Jeffrey.Thompson@austintexas.gov>; Flores, Yvette - BC <bc-Yvette.Flores@austintexas.gov>; Howard, Patrick - BC <BC-Patrick.Howard@austintexas.gov>; Cox, Grayson - BC <BC-Grayson.Cox@austintexas.gov>; Connolly, Joao - BC <BC-Joao.Connolly@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; Mushtaler, Jennifer - BC <BC-Jennifer.Mushtaler@austintexas.gov>; Azhar, Awais - BC <BC-Awais.Azhar@austintexas.gov>; Woods, Alice - BC <BC-Alice.Woods@austintexas.gov>; Anderson, Greg - BC <bc-Greg.Anderson@austintexas.gov>; Hempel, Claire - BC <BC-Claire.Hempel@austintexas.gov>; Singh, Arati - BC <BC-Arati.Singh@austintexas.gov>; Richard Suttle <RSuttle@abaustin.com>; Amanda Hendrix <ahendrix@abaustin.com>; Josh Lickteig <jlickteig@endeavor-re.com>
Subject: NPA-2022-0016.02 — Borden tract - opposition

*** External Email - Exercise Caution ***

Members of the City of Austin Planning Commission —

I write in my capacity as a Co-Founder of the Colorado River Conservancy, and as one of the closest homeowners to the proposed project, to express our opposition to the proposed rezoning of the parcels currently occupied by Borden Dairy from LI-CO-NP to LI-PDA-NP. Such rezoning would allow a commercial mixed-use project with the height and density permitted under the base light industrial zoning next to a 43-acre wildlife sanctuary. Allowing such zoning would permit a Domain-like project along one of the city's best-preserved natural areas—the Colorado River below Longhorn Dam. The staff's declared goal could be achieved with a more traditional commercial zoning, such as CS-MU.

The staff's materials almost completely omit to note that this project is next to the City's 43-acre Colorado River Wildlife Sanctuary, one of the many parklands acquired by the community in recent decades to protect the astonishingly unique resource we have in the green riparian corridor of the urban Colorado. The sanctuary is rich habitat for an abundant array of wild birds, mammals, and native plants, and a critical conservation area in one of the most well-preserved migratory corridors in the state. The stretch of the Colorado that runs from Longhorn Dam to the mouth of Walnut Creek is the only urban river in the state to qualify as "pristine waters" under the standard of last session's HB 4146.

Next to that preserve, staff's recommendation would allow an increase in human activity, as measured by traffic, from 467 trips a day to 21,875 trips a day. Under the code, the proposed LI-PDA zoning could allow development up to the maximums permitted under the base light industrial zoning: setbacks of 10 feet at front and street and zero at rear and sides, impervious cover of 95%, max FAR of 4:1, and height of up to 120 feet—double the height of the highway bridges the applicant cites as precedent.

The current industrial use of this site is, perhaps counterintuitively, very compatible with the adjacent natural areas. The Borden dairy only occupies a small portion of the lands the company owns, maintaining acres of undeveloped land as a buffer between it and the preserve. The industrial uses along the road have the effect of protecting the woodland habitat and river from more intensive human uses, and the undeveloped acres serve as unofficial annexes to the preserve.

In order to protect this corridor, we urge you to reject the proposed rezoning of these parcels to LI-PDA-NP. If a rezoning is in order for this site, it should be one that better protects the existing adjacent parklands and preserves.

Thank you,

Chris

Christopher Brown
<http://christopherbrown.com>
512.438.9299

From: Lance Ellisor <
Sent: Tuesday, March 28, 2023 10:01 AM
To: Harden, Joi <Joi.Harden@austintexas.gov>
Cc: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Re: Questions: Borden Tract

*** External Email - Exercise Caution ***

Thanks for the response.
I don't know what the term "zoning transportation analysis" means. If it is related to a traffic impact analysis, I would like to see it.
If so, I don't know where "the back up" is or how to access it. Can someone tell me?
I'm sorry I'm not more familiar with the terms & tools you guys use.

-- L

On Tue, Mar 28, 2023 at 9:54 AM Harden, Joi <Joi.Harden@austintexas.gov> wrote:
Hi Lance,

Those reports, if required, are not done at this time. A zoning transportation analysis was done, and you can find that information in the back up. Any additional traffic studies would be completed at the time of site plan. Thanks!

Best,

Joi Harden, AICP

Interim Zoning Officer|Zoning and Urban Design

City of Austin, Planning Department

O: (512) 974-1617

*Please note: E-mail correspondence to and from the City of Austin is subject to
required disclosure under the Texas Public Information Act.*

From: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Sent: Monday, March 27, 2023 7:42 PM

To: Lance Ellisor <**Cc:** Harden, Joi <Joi.Harden@austintexas.gov>
Subject: Questions: Borden Tract

Lance:

I've cc'd Joi Harden to see if she know if those reports have been done.

Maureen

From: Lance Ellisor <
Sent: Sunday, March 26, 2023 10:20 AM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Re: Speaker Registration: March 28, 2023 Planning Commission

*** External Email - Exercise Caution ***

Thanks.

Did the City ever complete a traffic impact study?
An environmental impact study?

If so, can I get a copy prior to the meeting?

-- L

Maybe this was sent from my iPhone and maybe it wasn't

On Mar 25, 2023, at 10:05 PM, Meredith, Maureen
<Maureen.Meredith@austintexas.gov> wrote:

Dear Interested Parties:

You have received this email because you expressed interest in one or more cases scheduled for the **March 28, 2023 Planning Commission hearing.** The agenda is attached. If you plan to register to speak at the public hearing, please be aware of the deadlines to register to speak provided below, with additional information in the agenda.

Here is the speaker registration link: <https://forms.office.com/g/irmTaGAqPp>

Joi Harden, Case Manager
City of Austin
Housing and Planning Department
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Borden Tract Rezoning and NPA Applications (City of Austin Case No. C14-2022-0121 & NPA-2022-0016.02)

Dear Ms. Harden:

I am the owner of the properties located at 5117 E Cesar Chavez, 3508 E Cesar Chavez, and 3411 E 4th St. As a neighboring landowner I am in support of the Borden Tract rezoning and NPA applications in review under City of Austin Case No. C14-2022-0121 & NPA-2022-0016.02. The redevelopment of the property will be a great addition to the neighborhood and bring much needed commerce to the area.

Should you need any additional information or have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Hull', with a stylized flourish at the end.

Richard Hull
Richard B. Hull Family Limited Partnership

cc: Maureen Meredith
Adam Haynes
Felicity Maxwell
Joao Connolly
Grayson Cox
Patrick Howard
Todd Shaw
Jennifer Mushtaler
Awais Azhar
Alice Woods
Greg Anderson
Claire Hempel
Jeffrey Thompson
Yvette Flores

March 23, 2023

Joi Harden, Case Manager
City of Austin
Housing and Planning Department
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Borden Tract Rezoning and NPA Applications (City of Austin Case No. C14-2022-0121 & NPA-2022-0016.02)

Dear Ms. Harden:

I am the owner of the properties located at 5323 Levander Loop and 5221 E Cesar Chavez. As a neighboring landowner I am in support of the Borden Tract rezoning and NPA applications in review under City of Austin Case No. C14-2022-0121 & NPA-2022-0016.02. I am excited about the existing industrial facility being redeveloped as a mixed use project that will bring additional housing to the neighborhood.

Should you need any additional information or have any questions please do not hesitate to contact me.

Sincerely,



Vijay Mehra
Viamar Properties LLC

cc: Maureen Meredith
Adam Haynes
Felicity Maxwell
Joao Connolly
Grayson Cox
Patrick Howard
Todd Shaw
Jennifer Mushtaler
Awais Azhar
Alice Woods
Greg Anderson
Claire Hempel
Jeffrey Thompson
Yvette Flores

From: Pantur, Inc.

Sent: Thursday, March 23, 2023 4:07 PM

To: Joi.Hardenaustin@texas.gov

Cc: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Haynes, Adam - BC <BC-Adam.Haynes@austintexas.gov>; bc-felicitymaxwell@austintexas.gov; bc-Joao.conolly@austintexas.gov; Cox, Grayson - BC <BC-Grayson.Cox@austintexas.gov>; Howard, Patrick - BC <BC-Patrick.Howard@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; Mushtaler, Jennifer - BC <BC-Jennifer.Mushtaler@austintexas.gov>; Azhar, Awais - BC <BC-Awais.Azhar@austintexas.gov>; bc-alicewoods@austintexas.gov; bc-GregAnderson@austintexas.gov; bc-clairehempel@austintexas.gov; Thompson, Jeffrey - BC <bc-Jeffrey.Thompson@austintexas.gov>; bc-Yvette.Flores@austintexas.govd

Subject: C14-2022-0121 NPA-2022-0016.02

*** External Email - Exercise Caution ***

Dear Ms. Harden:

My wife and I own property at 5100 East 5th.

This is to let you know that we both fully support the Borden track re-developed as a mixed use project.

We believe that adding housing in this neighborhood will greatly help to solve an existing problem that has plagued Austin for some time now.

Sincerely Yours,

Angelos Panagopoulos
Manager

Pantur, Inc. |
5126 East 5th Street
Austin, TX 78702-5101

Phone: (512) 385-6232
Fax: (512) 385-6253
E-mail: