

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Bouldin Creek

CASE#: NPA-2023-0013.02

DATE FILED: February 28, 2023

PROJECT NAME: 700 Dawson

PC DATE: October 25, 2023
October 10, 2023
September 26, 2023
August 22, 2023
August 8, 2023

ADDRESS/ES: 700 Dawson Road

DISTRICT AREA: 9

SITE AREA: 3.76 acs

OWNER/APPLICANT: Dawson Overlook, LLC (Terry and Mark Black)

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

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

STAFF EMAIL: Maureen.Meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Multifamily Residential

To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2023-0013.02

From: SF-3-NP

To: CS-MU-NP

NEIGHBORHOOD PLAN ADOPTION DATE: May 23, 2002

CITY COUNCIL DATE: November 30, 2023

ACTION:

PLANNING COMMISSION RECOMMENDATION:

October 24, 2023 – After discussion, approved applicant’s request for Mixed Use land use. [A. Woods – 1st; G. Anderson – 2nd] Vote: 8-3-1 (A. Haynes abstained. G. Cox, A. Phillips and J. Mushtaler. T. Shaw absent].

October 10, 2023 – Postponed to October 24, 2023 on the consent agenda at the request of the neighborhood. [A. Azhar – 1st; F. Maxwell – 2nd] Vote: 11 -0 [G. Cox and A. Phillips absent. J.P. Connolly abstained from Item 25].

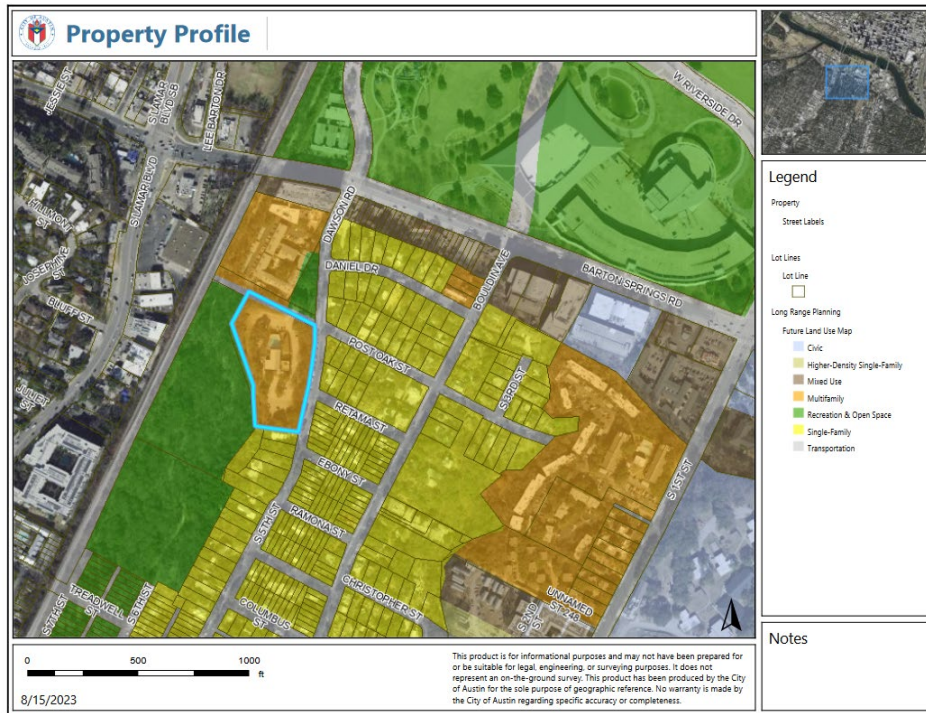
September 26, 2023 – Postponed to October 10, 2023 at the request of staff on the consent agenda. [A. Azhar – 1st; F. Maxwell – 2nd] Vote: 10-0 [C. Hempel and P. Howard absent].

August 22, 2023- Postponed to September 26, 2023 at the request of staff on the consent agenda. [A. Azhar – 1st; A. Woods – 2nd] Vote: 12-0 [A. Phillips off the dais pending completion of membership requirements].

August 8, 2023 – Postponed to August 22, 2023 at the request of staff on the consent agenda. [A. Azhar – 1st; F. Maxwell -2nd Vote: 10-0 [T. Shaw and J. Mushtaler absent. A. Phillips not on dais pending completion of membership requirements].

STAFF RECOMMENDATION: Not recommended for applicant’s request for Mixed Use land use.

BASIS FOR STAFF’S RECOMMENDATION: The property is in the interior of the neighborhood, not on a major corridor where mixed use land use and developments are more appropriately located. To the north of the property is Multifamily Residential and Recreation Open/Space land uses. To the east and south are Single Family land use, with Recreation/Open Space land use to the west. The zoning recommendation of CS-MU-NP is not supported by the zoning staff.



Below are sections from the Bouldin Creek Neighborhood plan staff believes does not support the applicant's request for Mixed use land use.

GOAL 1: Maintain established neighborhood character and assets

OBJECTIVE 1.1: Maintain the Single Family Residential Character of the Neighborhood Interior.

GOAL 3: Manage growth by encouraging development on major corridors and in existing higher-density nodes.

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Multifamily Residential - Higher-density housing with 3 or more units on one lot.

Purpose

1. Preserve existing multifamily and affordable housing;
2. Maintain and create affordable, safe, and well-managed rental housing; and
3. Make it possible for existing residents, both homeowners and renters, to continue to live in

their neighborhoods.

4. Applied to existing or proposed mobile home parks.

Application

1. Existing apartments should be designated as multifamily unless designated as mixed use;
2. Existing multifamily-zoned land should not be recommended for a less intense land use category, unless based on sound planning principles; and
3. Changing other land uses to multifamily should be encouraged on a case-by-case basis.

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.

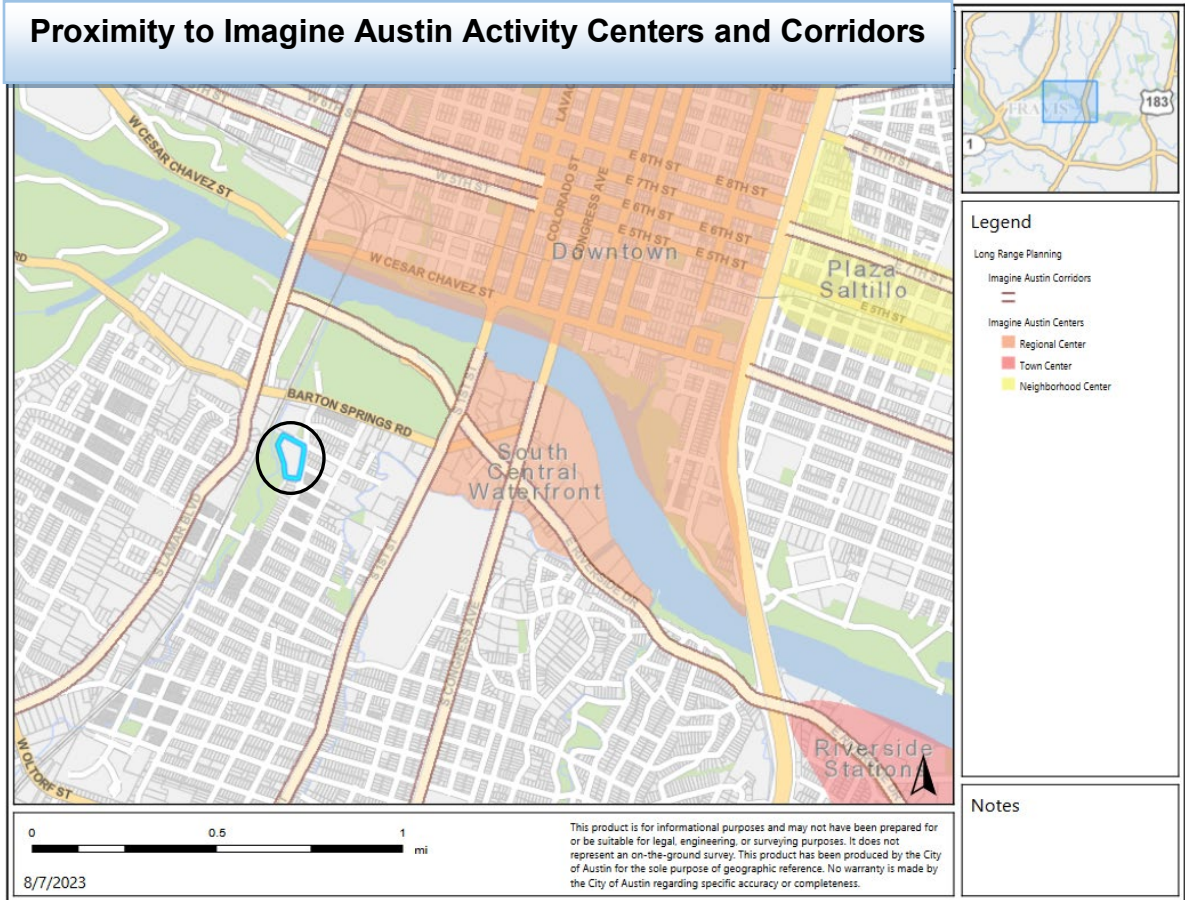
Application

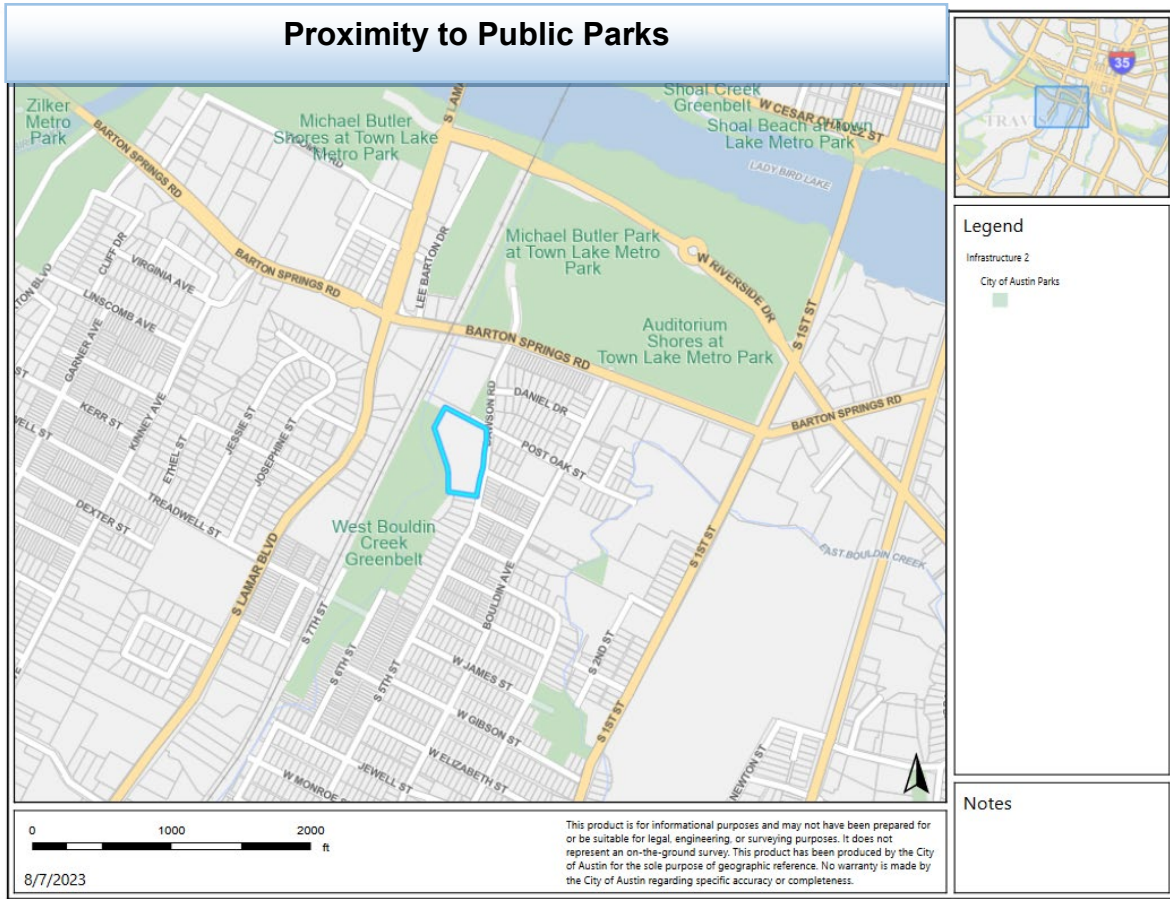
1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood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

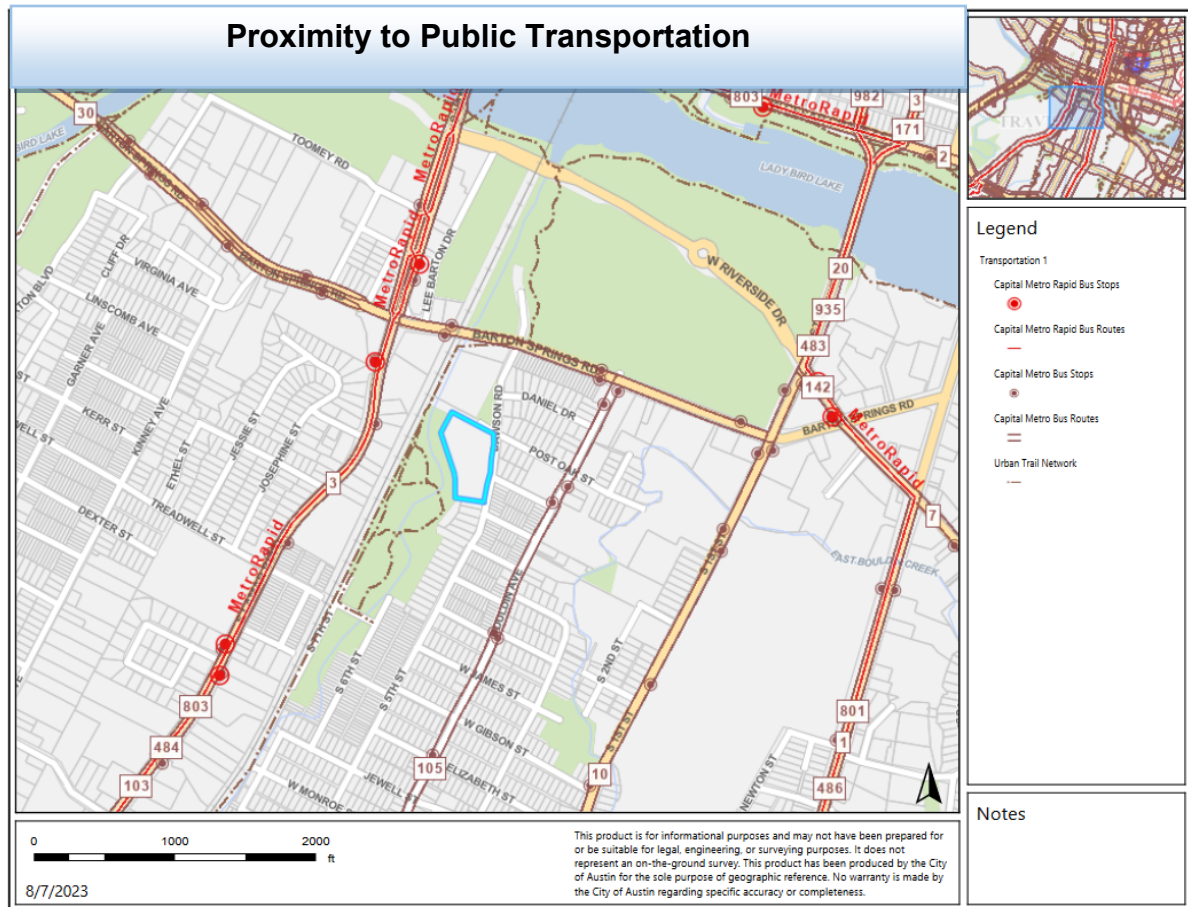
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating 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"> • 0.32 miles from S. Congress Ave. • 0.10 miles from S. Lamar Blvd. • 0.34 miles from W. Riverside Drive. • 0.39 miles from South Central Waterfront Regional Center
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. <ul style="list-style-type: none"> • Sidewalks on east side of Dawson Road
Yes	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center. <ul style="list-style-type: none"> • Businesses along W. Riverside Drive, S. Lamar and S. Congress Ave.
Yes	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market. <ul style="list-style-type: none"> • 0.4 miles Thom's Market
	Connectivity and Education: Located within 0.50 miles from a public school or university.
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. <ul style="list-style-type: none"> • No affordable housing proposed.
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. <ul style="list-style-type: none"> • No housing is proposed, but the CS-MU zoning would allow for residential uses.
Yes	Mixed use: Provides a mix of residential and non-industrial uses. <ul style="list-style-type: none"> • A mixed use development is not proposed, but the CS-MU zoning would allow for a mixed use development.
	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"> • 0.8 miles from Twin Oaks 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.
8	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.
PUD zoning is not proposed	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 February 28, 2023, which is in-cycle for neighborhood planning areas located on the west side of IH-35.

The applicant proposes to change the future land use map from Multifamily Residential to Mixed use.

The applicant proposes to change the zoning on the property from SF-3-NP (Family Residence district – Neighborhood Plan) to CS-MU-NP (General Commercial Services district – Mixed Use combining district – Neighborhood Plan) for club/lodge and other uses to be determined. For more information on the proposed zoning, please see zoning case report C14-2023-0064.

PUBLIC MEETINGS: The ordinance-required community meeting was virtually held on May 31, 2023. The recorded meeting can be found here: <https://publicinput.com/neighborhoodplanamendmentcases>. Approximately 393 community meeting notices were mailed to utility account holders and property owners who live within 500 feet of the property, in addition to neighborhood and environmental groups who requested notification for the area. Two city staff members attended, Maureen Meredith and Mark Walters from the Planning Department. Three people associated with the applicant attended, Michael Whellan and Michael Gaudini from Armbrust and Brown, PLLC, the applicant's agents and Mark Black, one of the property owners. Twenty-five people from the neighborhood attended.

Below are highlights from Michael Whellan's presentation. His full presentation is included in this report.

- The request is to change the future land use map from Multifamily Residential to Mixed Use.
- The proposed rezoning is from SF-3-NP to CS-MU-NP. This zoning will allow for flexibility to run a family-run club.
- The Black family recently purchased the property.
- They want to reopen the building for a family-friendly gathering place.
- They want to have minimal construction and to update the existing construction.
- It's not a non-profit, so they will need the rezoning.
- The Black family met with the neighborhood before filing the NPA and zoning cases. They mailed a letter to the area and invited them to a meeting.

- If approved, the use would require a Conditional Use Permit (CUP) and would need to go back to the Planning Commission to allow the Club use.

Q: If not a club use, could the CS allow for a restaurant or other CS-allowed uses? What if the club didn't work out?

A: There are uses that would make sense there, like multifamily, but that can be managed through a CO in the zoning to prohibit certain uses, but we can work the neighborhood this. I know the Black family is not interested in automotive-related uses, but maybe allow residential uses, like condos. We would want to allow a restaurant, but maybe limit the size with a CO, but there are neighborhood restaurants near neighborhoods if done in appropriate size.

Q: What is the size of the membership club?

A: The High Road was 750 members; we would anticipate a smaller membership and would scale the membership into what would fit.

Q: When will you have your CO language developed, like uses, odors, sounds, etc.?

A: We will need to ask the zoning manager when the cases will be scheduled for PC and CC so we can know when to engage with the neighborhood.

Q: Will there be outdoor music?

A: Amplified sound is heavily regulated. We would need a permit. There are limited decibels you can have at the property lines and will need a special permit and with notice to neighbors to have amplified music.

Q: There are already a lot of cars that park on Dawson Road. I don't know if there will be parking on the street, but adjacent streets have Residential Parking Permits. How will parking be addressed?

A: This site will have the required amount of parking per city code for this use.

Q: The Private Club sound exclusivity, which the High Road was not. I would like to this club to be inclusive and create a space with a wide range of social economic background.

A: The Black family wants the club to be like a community living room and we also want the use to be open to people of different economic levels.

Q: Could the Terry Black's Barbeque move into the space? What if you decide to just put a big restaurant on the site. Zoning goes with the land. Could be some new property owner in the future.

A: We have no plans to do that. There will be a restaurant/food component, which is already there.

Q: Any idea of how much the membership dues be?

A: We want it to be affordable for the neighborhood.

Q: Will the restaurant be open to the members or open to the public?

A: The restaurant would be for members only. Also, the Heritage Oak Trees will be touched.

Q: If you don't make money from the private club, what is your backup plan?

A: We don't plan to sell the property, even if we don't make money.

Postponement Request



September 19, 2023
Bouldin Creek Neighborhood Association

TO: Maureen Meredith, Sherri Sirwaitis
CC: Joi Harden, Bradford Patterson, Michael Whellan

RE: Request for Postponement - **NPA-2023-0013.02 and C14-2023-0064_700**
Dawson Rd. - Planning Commission Meeting – September 26, 2023

Dear Maureen and Sherri,

The Bouldin Creek Neighborhood Association requests a postponement of cases NPA-2023-0013.02 and C14-2023-0064 scheduled for the September 26, 2023, Planning Commission hearing to October 10, 2023.

The reason for the requested postponement is that we are still negotiating with the applicant and need extra time to work with the adjacent neighbors on these cases.

Thank you for your consideration.

Sincerely,

BCNA President, Thom Parker

BCNA Zoning Chair, Jody Zemel

BOULDINCREEK.ORG

P.O. BOX 3683 AUSTIN, TX 78764

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

February 24, 2023

Via email

Joi Hardin, Interim Zoning Officer
Housing and Planning Department
City of Austin
1000 E. 11th St.
Austin, Texas 78704

Subject: Neighborhood plan amendment for Travis Central Appraisal District Parcels No. 0102020303 and 0102020304 (the "Property," locally known as 700 Dawson Rd.)

Dear Ms. Hardin,

On behalf of Dawson Overlook, LLC, please accept the attached neighborhood plan amendment application for the Property.

For over 60 years, the Property operated as the "High Road on Dawson," a local club and Elks Lodge. Recently, it was sold to the Black family (as the owners of Dawson Overlook, LLC) – a local family and the owners and operators of Terry Black's Barbecue.

The family is currently in the process of evaluating the Property and preparing a proposal for its future. They also are sensitive to the fact that this Property has a unique legacy and a unique location within the Bouldin neighborhood – and want to develop a plan that respects this unique context.

At this time, the family is still in the process of determining which zoning designation would best support their vision for the Property. However, given the city's February deadline for neighborhood plan amendments west of IH-35, the family has filed the attached Future Land Use Map ("FLUM") amendment application in order to preserve their ability to proceed with a rezoning case as soon as it is ready, likely in the near future.

For reference, the Future Land Use Map ("FLUM") currently designates the Property for Multifamily. To maintain flexibility and reserve the ability to propose a club or lodge use similar to that historically operated on the Property, the attached application package requests a Mixed Use designation.

Thank you for your consideration. I am available to answer questions and discuss this application further.

Sincerely,



Michael J. Whellan

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

From: Bradford Patterson

Sent: Tuesday, October 3, 2023 2:18 PM

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

Cc: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Harden, Joi <Joi.Harden@austintexas.gov>; Michael Whellan <MWhellan@abaustin.com>; Jody Zemel <>; president@[REDACTED]; wgstexas@[REDACTED]; bsessa@[REDACTED]

Subject: NPA-2023-0013.02 700 Dawson

The Bouldin Creek Neighborhood Plan Contact Team convened October 2, 2023 and passed the following motion on an 11-1 vote with 5 abstentions from eligible voters.

At this time, based on information currently available, the Bouldin Creek Neighborhood Plan Contact Team does not recommend the requested plan amendment from multifamily to mixed use.

As Chair, I conveyed to the owner representatives present and on the phone that should an agreement be reached with the Bouldin Creek Neighborhood Association and/or a significant portion of the nearby neighbors, we could call for a meeting to present new information and reconsider the contact team's position. It was noted that such a meeting would not be feasible prior to the October 10, 2023 Planning Commission meeting.

Twenty-seven participants signed-in with an additional owner representative joining via phone. One of the owners of the subject property and one other attendee declared their conflict of interest and recused themselves from voting.

This was the second meeting of the contact team to discuss the plan amendment. The team met previously on August 1, 2023 with 30 participants, both members and non-members at that meeting.

Brad Patterson, Chair

Bouldin Creek Neighborhood Plan Contact Team

Neighborhood Association Letter of Recommendation



October 10, 2023

FROM: The Bouldin Creek Neighborhood Association
TO: The City of Austin Planning Commission
CC: Sherri Sirwatis, Maureen Meredith, Joi Hardin, Mark Walters

RE: 700 Dawson Rd. Zoning Case: C14-2023-0013.02 (From: SF-3-NP To: CS-MU-NP)
Related Neighborhood Plan Amendment: NPA-2023-0013.02
Owner/Applicant: Dawson Overlook, LLC (Terry and Mark Black)
Agent: Armbrust and Brown, PLLC (Michael J. Whellan)

Dear Planning Commission Members and Staff,

The Zoning Committee of the Bouldin Creek Neighborhood Association (BCNA) **supports a very restrictive Conditional Overlay (CO)** in order to facilitate the applicant's request for rezoning from SF-3-NP to GR-MU-CO-NP. The BCNA's support is based on the explicit understanding that a CO would limit permitted uses to Club/Lodge and Residential uses only as shown below:

For the purpose of clarity, BCNA **opposes** any rezoning that would allow the following: Hotel/Motel use, Restaurant use other than an accessory restaurant for a Club/Lodge "kitchen", Paid Parking or offsite parking use, and any other commercial uses not directly aligned with Residential use - all as codified in a Conditional Overlay directly tied to the zoning for this site.

Permitted Uses

Club or Lodge (conditional use)
Condominium Residential
Duplex Residential
Multifamily Residential
Single-Family Attached Residential
Single-Family Residential
Small lot Single-Family Residential
Townhouse Residential
Two-Family Residential

Additionally, the following base items listed in the Conditional Overlay would be included:

The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

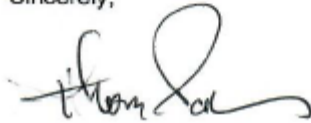
Bouldin Creek Neighborhood Association

P. O. Box 3863 Austin, Texas 78704

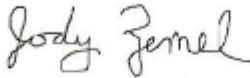
bouldincreek.org

- A. A structure may not be constructed less than 50 feet from a southern property line where the Property abuts a property with a single-family use. In this section, the term "structure" excludes fences, walls, gardens, vegetation, trails, benches, lights, or tables (without food or beverage service); except that driveways used exclusively for emergency access may be constructed not less than 25 feet from a southern property line where the Property abuts a property with a single-family use.
- B. A structure may not be constructed less than 50 feet from a property line abutting Dawson Road right-of-way. In this section, the term "structure" excludes fences, walls, gardens, vegetation, trails, benches, lights, tables (without food or beverage service), drives, driveways, any driveway approach, fire lanes, streets, or sidewalks.
- C. Between 50 feet and 100 feet from a southern property line where the Property abuts a property with a single-family use, a building's height may not exceed 40 feet.
- D. The maximum building coverage shall be 65%.
- E. The maximum impervious coverage shall be 80%.
- F. The maximum Floor Area Ratio shall be 0.85:1
- G. Residential, Club/Lodge and mandatory uses only.

Sincerely,



Thom Parker, President
Bouldin Creek Neighborhood Association



Jody Zemel, Zoning Chair
Bouldin Creek Neighborhood Association

Applicant Postponement Request

From: Michael Whellan <MWhellan@abaustin.com>
Sent: Tuesday, October 10, 2023 2:01 PM
To: Harden, Joi <Joi.Harden@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>
Cc: Thom Parker <>; jeff techbizdev <jeff@>; Judy Zemel (<>; Bradford Patterson <>; Brett Rhode <>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: Agenda #18 and 19 - postponement request to 10/24

External Email - Exercise Caution

I know that the neighborhood and the applicant have both previously sought a postponement; the neighborhood association is in the process of voting on a zoning committee proposal. Because the president has not yet advised us of the outcome, and because it is the afternoon of the meeting, the applicant is requesting a two-week postponement to 10/24 to allow us (i) to get the results from the neighborhood association and (ii) then have a chance to evaluate those results.

Thank you.

MJW.

Michael Whellan
Armbrust & Brown, PLLC
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744
(512) 435-2320 - Direct
(512) 435-2360 - Facsimile
mwhellan@abaustin.com
www.abaustin.com



Neighborhood Postponement Request



September 19, 2023
Bouldin Creek Neighborhood Association

TO: Maureen Meredith, Sherri Sirwaitis
CC: Joi Harden, Bradford Patterson, Michael Whellan

RE: Request for Postponement - **NPA-2023-0013.02 and C14-2023-0064_700**
Dawson Rd. - Planning Commission Meeting – September 26, 2023

Dear Maureen and Sherri,

The Bouldin Creek Neighborhood Association requests a postponement of cases NPA-2023-0013.02 and C14-2023-0064 scheduled for the September 26, 2023, Planning Commission hearing to October 10, 2023.

The reason for the requested postponement is that we are still negotiating with the applicant and need extra time to work with the adjacent neighbors on these cases.

Thank you for your consideration.

Sincerely,

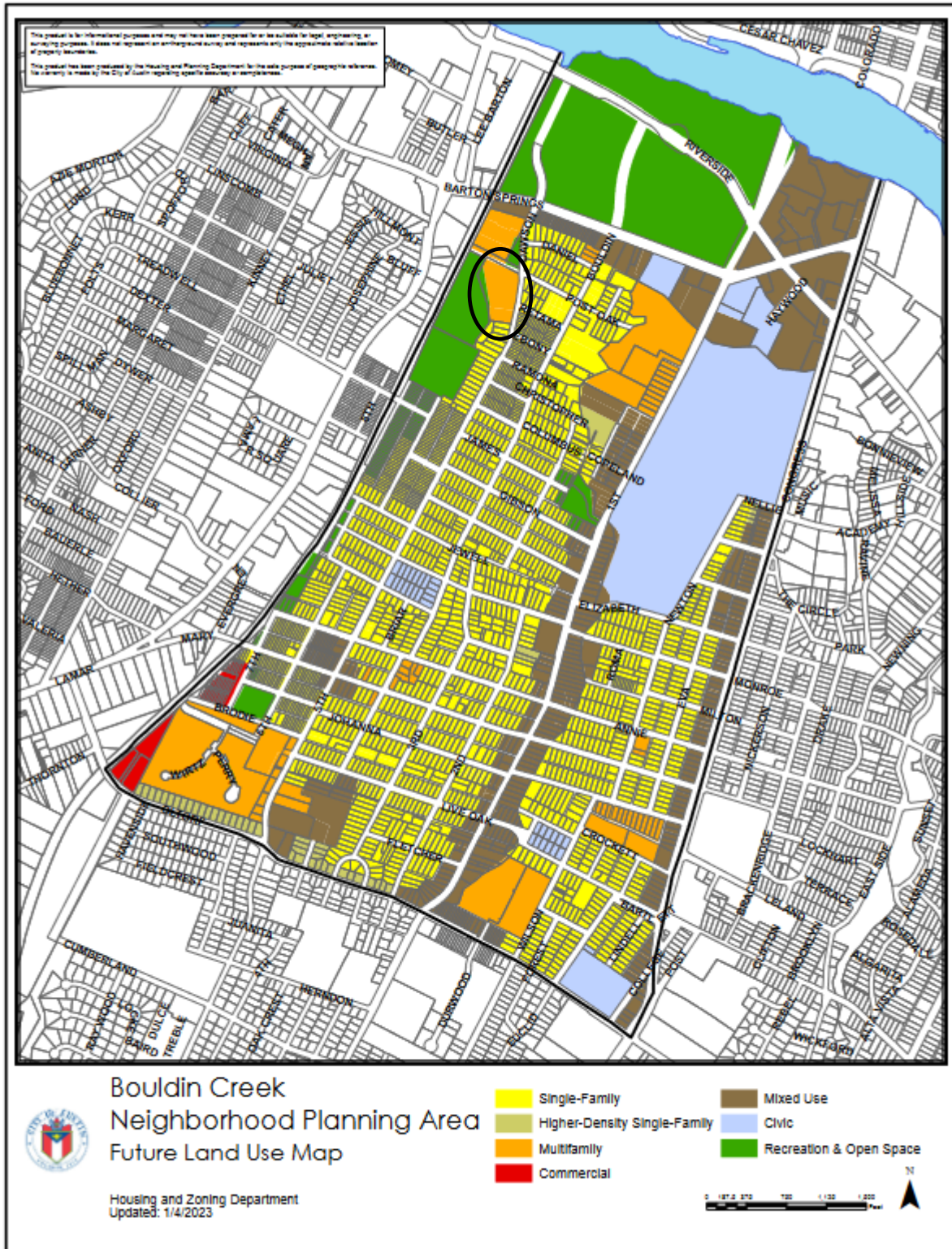
BCNA President, Thom Parker

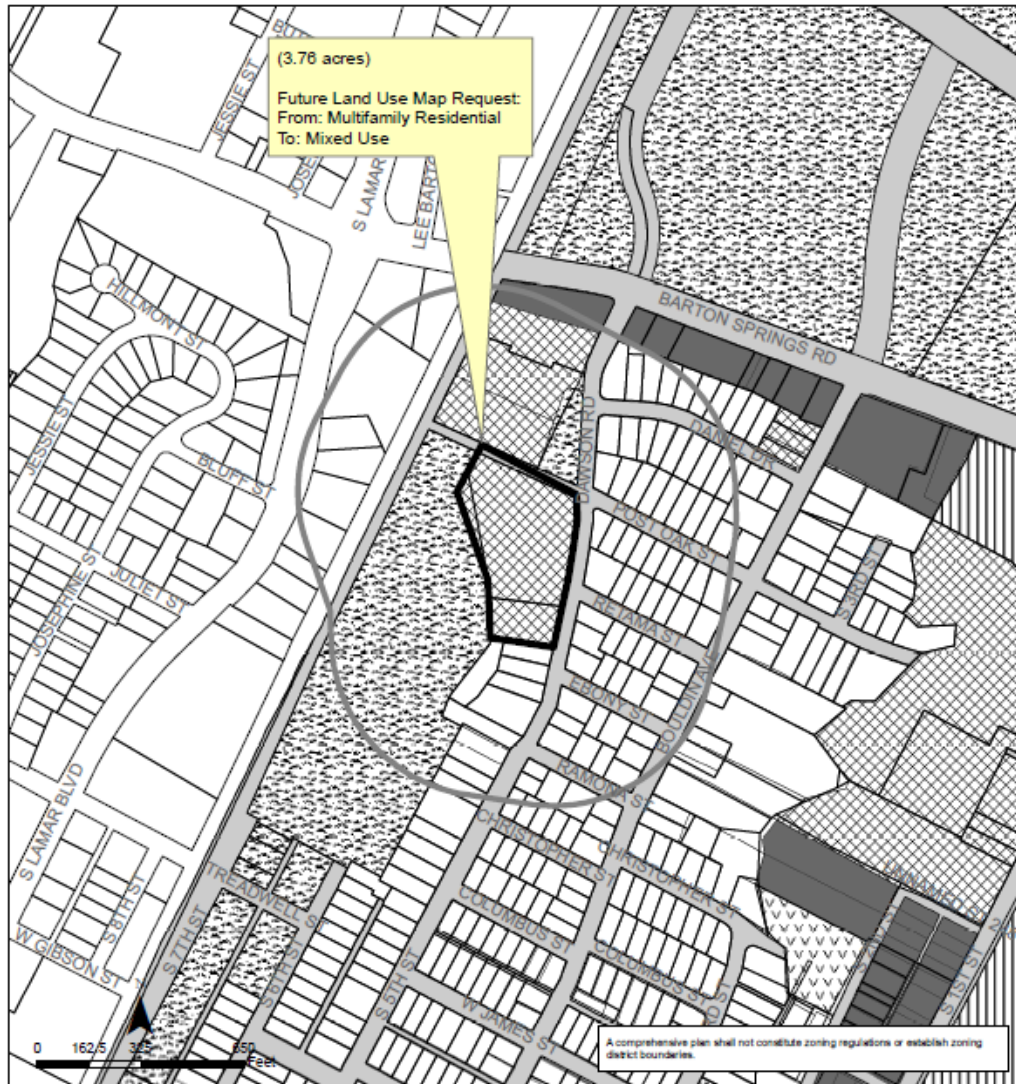
BCNA Zoning Chair, Jody Zemel

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

BOULDINCREEK.ORG

P.O. BOX 3683 AUSTIN, TX 78764





**Bouldin Creek Neighborhood Planning Area
NPA-2023-0013.02**

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.

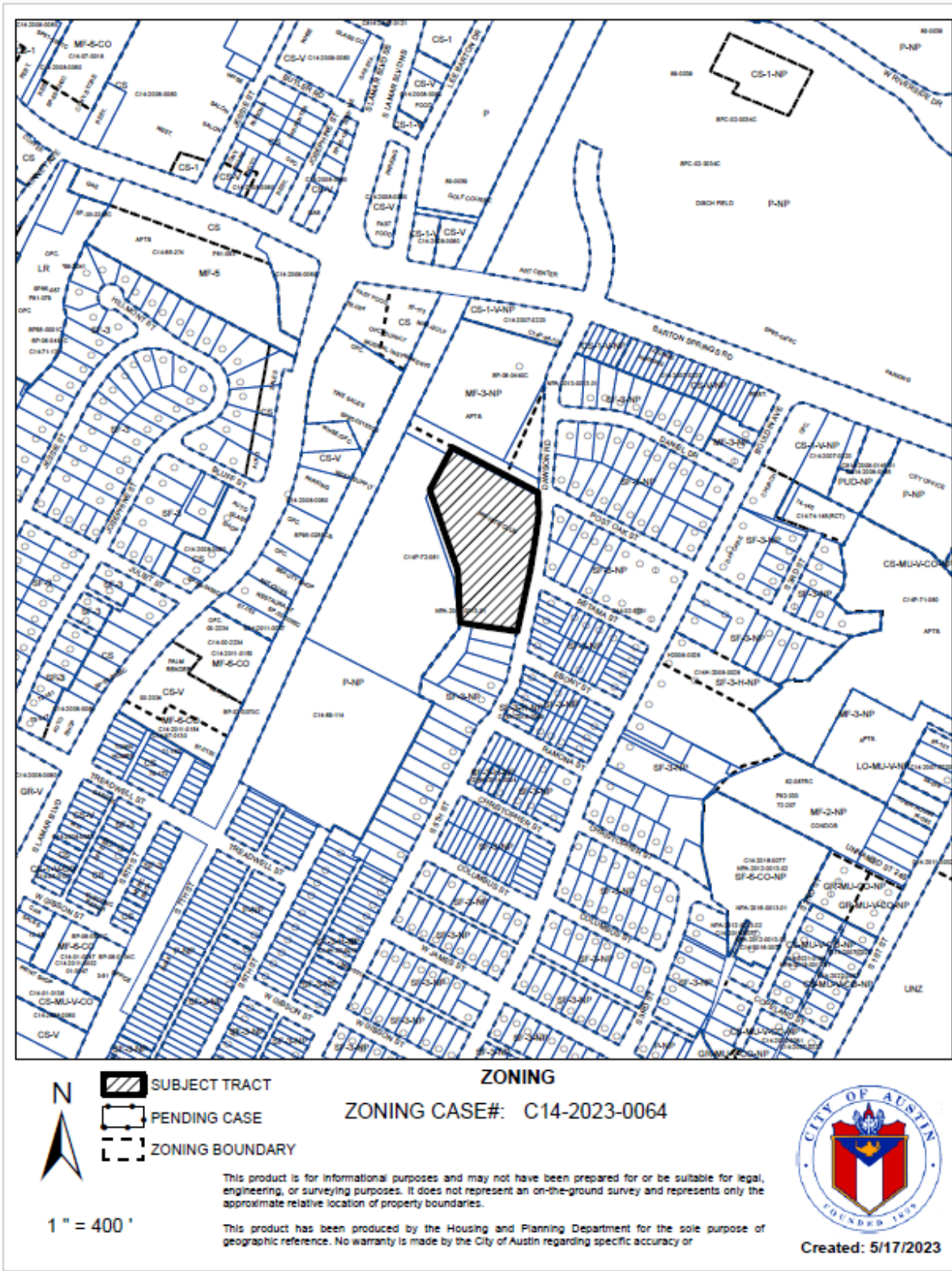
This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

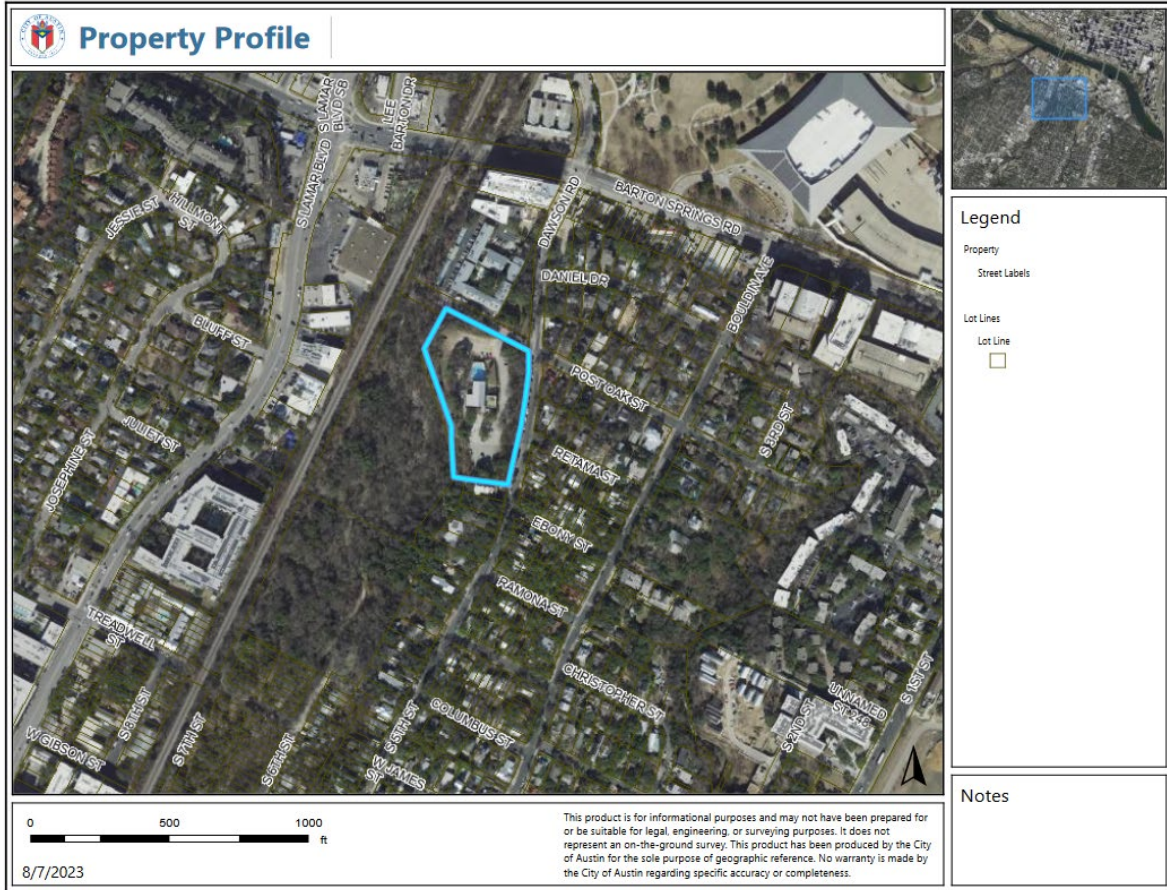


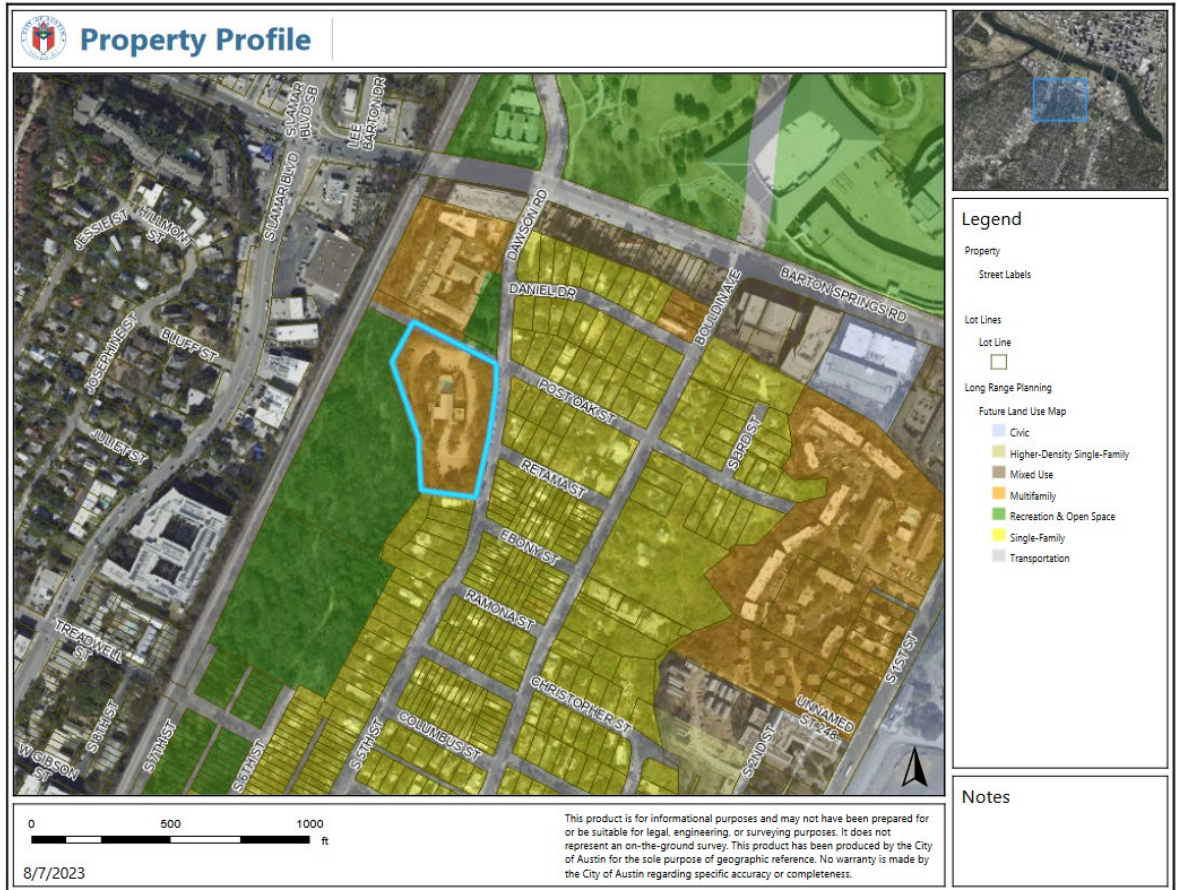
City of Austin
Housing and Planning Department
Created on 4/26/2023, by: MeeksS

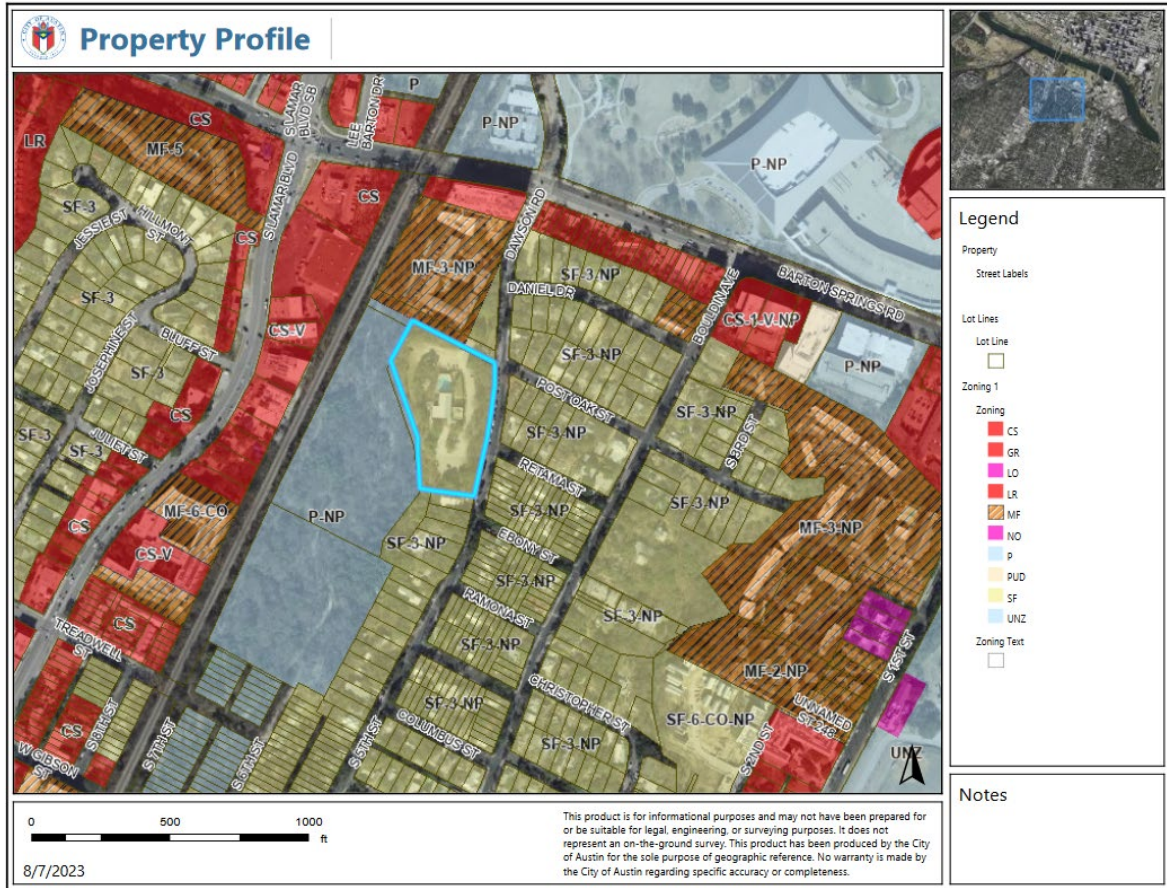
Future Land Use

	Subject Tract		Multifamily Residential
	500 ft. notif. boundary		Recreation & Open Space
	Civic		Single-Family
	Higher-Density Single-Family		Transportation
	Mixed Use		









**Michael Whellan's Presentation at the May 31, 2023
Virtual Community Meeting**

700 Dawson

Former 'High Road on Dawson' Site

1

Case Summary

The Black family – a local family and the owners and operators of the local Bouldin Creek business, Terry Black's Barbecue – recently purchased the former 'High Road on Dawson.'

The family wants to revitalize the existing 'High Road' building – including maintaining existing parking – and operate it as a gathering place for friends and neighbors, consistent with the site's history.

However, city rules only allow non-profit clubs at 700 Dawson. As a result, the Black family are requesting the approvals needed to allow them to operate 700 Dawson as a family-run business.

4

Case Summary

Case:

1. Neighborhood Plan Amendment

2. Rezoning

Purpose:

To set a high-level vision for future projects

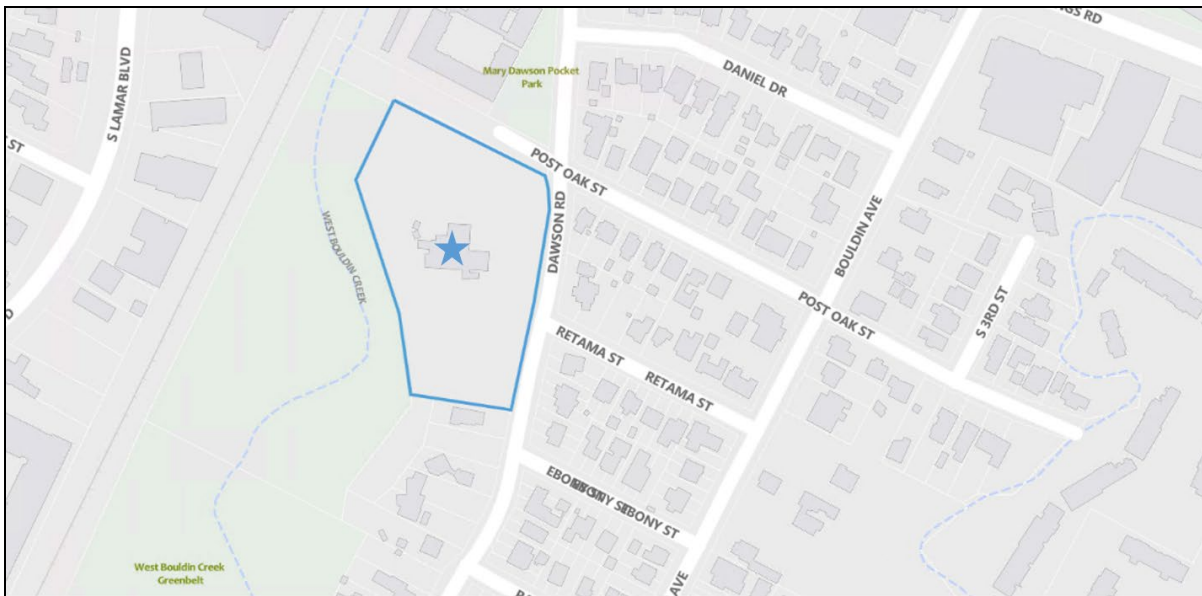
To set regulations that implement the vision

Request:

From 'Multifamily' to 'Mixed Use'

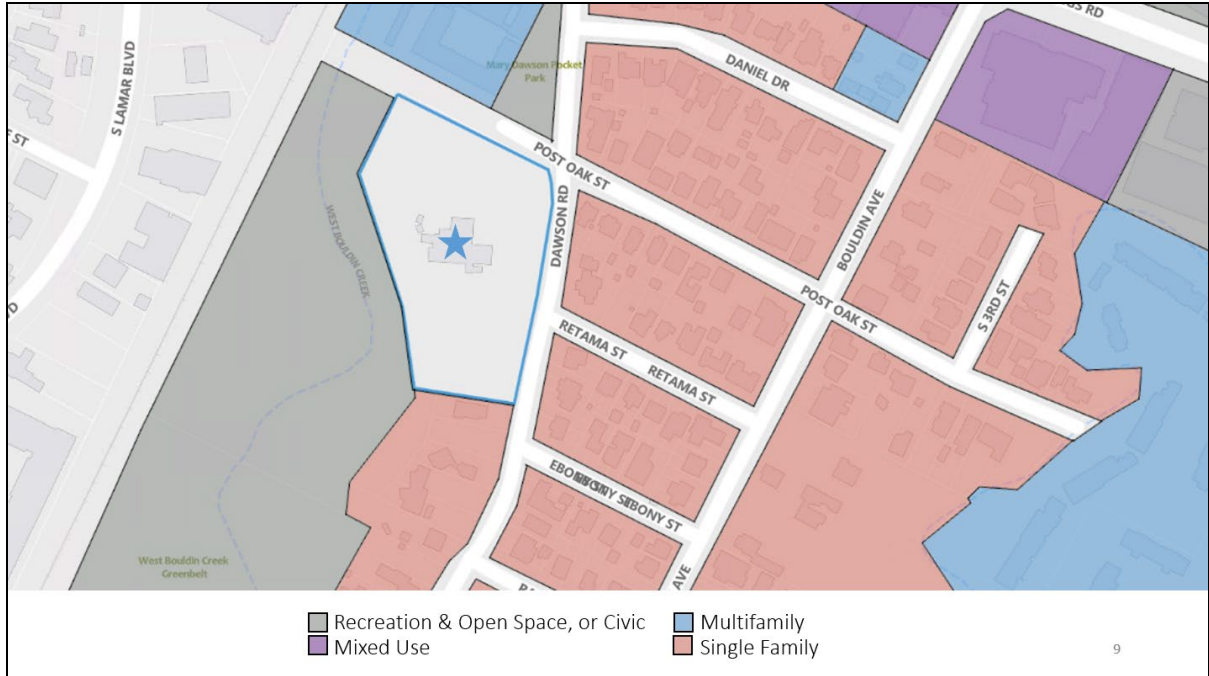
From 'SF-3-NP' to 'CS-MU-NP'

7



The Black family envisions 700 Dawson as a gathering place for neighbors and friends – consistent with the property's history and respectful of its place in the neighborhood.

8



Vision and Rationale

The Black family envisions 700 Dawson as a gathering place for neighbors and friends.

- The site is currently zoned for single-family and designated for future multifamily.
- The Austin Land Development Code allowed the site to operate as a club in the past through a narrow exception that applies only to non-profit organization.
- This request would allow the Black family, with their extensive experience operating a family-run business, to revitalize 700 Dawson and to manage it as a club use.



The Black family plans to revitalize the existing building and maintain the existing parking – with very little in the way of disruptive construction.

11

Case Timeline and Next Steps

- **Pre-Application Community Engagement.** The family met with neighbors and the Bouldin Creek Neighborhood Association prior to filing these applications – and sent out letters to residents in the surrounding area.
- **Staff Review and Planning Commission.** City staff will review the cases, make recommendations, and then bring the cases to Planning Commission for a public hearing, discussion, and recommendation vote.
- **City Council.** City Council will then hold a public hearing, discuss the requests, and ultimately vote on whether to approve them.
- **Conditional Use Permit.** Assuming Council approves these requests, the Black family will then need to submit for a special 'Conditional Use Permit' in order to operate the club, which requires Planning Commission approval.

12

Recap

The city currently designates 700 Dawson for single-family zoning and future multifamily use.

These designations do not allow the Black family to continue to operate 700 Dawson as a club use.

The Black family has applied for designations that would allow them to operate 700 Dawson as a club – consistent with the site’s history and respectful of its place in the neighborhood.

Correspondence Received

From: Peter A. Stoy
Sent: Sunday, July 30, 2023 4:52 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Pete Stoy <petestoy@me.com>
Subject: Case Number NPA-2023-0013.02

Maureen

I am writing today regarding Case Number NPA-2023-0013.02 in advance of Public Hearing on August 8th 2023 and the project location "700 Dawson". I highly object to the planned request to change this from residential to commercial and the development project in general. Those of us who actually live in the Bouldin Creek neighborhood love its proximity to downtown and Zilker Park but overly aggressive development threatens to turn our neighborhood into yet another commercial strip mall zone. What do the citizens of Austin gain by exploiting more residential spaces and adding to already high density in our neighborhood. I'd invite you to visit this stretch of Dawson road on a weekend afternoon and view the cars parked for blocks stretching from Barton Springs past Ramona. Traffic cannot even comfortably pass this already busy area and adding additional commercial traffic in our neighborhood is not warranted and poor civic use of space. As an Austin based business leader, I fully understand the importance of commercial development however I also understand that we are dependent on having downtown Austin be a great place to live and not just be a playground for visitors and tourists. There are hundreds of families that will be in close proximity to this project. How do we benefit from this type of community development? We do not need another bar, restaurant or apartment building in Bouldin Creek.

Pete Stoy

CEO, Hanger, Inc.

Empowering Human Potential Together

.....

PUBLIC HEARING COMMENT FORM

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

Maureen Meredith
City of Austin
Street Jones Bldg.
Planning Department
P. O. Box 1088
Austin, TX 78767-8810

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

Case Number: NPA-2023-0013.02
Contact: Maureen Meredith, 512-974-2695 or
Maureen.Meredith@austintexas.gov
Public Hearing: Aug 08, 2023 - Planning Commission

☒ I am in favor
☐ I object

Your Name (please print) Chad Ballentine
Your address(es) affected by this application 903 Daniel Dr Unit A
Signature [Signature] Date 7/27/23

Comments:
Add bollards for the sidewalk crossing on Daniel Dr @ Dawson to increase safety for pedestrians & wheelchair users. This allows the curbs to be closer to each other to allow for increased foot traffic. There is no sidewalk on the other side of Dawson.

PUBLIC HEARING COMMENT FORM

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

Maureen Meredith
City of Austin
Street Jones Bldg.
Planning Department
P. O. Box 1088
Austin, TX 78767-8810

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

Case Number: NPA-2023-0013.02
Contact: Maureen Meredith, 512-974-2695 or
Maureen.Meredith@austintexas.gov
Public Hearing: Aug 08, 2023 - Planning Commission

☐ I am in favor
☒ I object

Your Name (please print) William Wenzler
Your address(es) affected by this application 903 Daniel Dr #B
Signature [Signature] Date July 27

Comments:
Please add my e-mail to your notification list:
william.wenzler@gmail.com