#### NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHORHOOD PLAN**: Holly

**CASE#:** NPA-2023-0010.02 **DATE FILED**: July 31, 2023

**PROJECT NAME**: East 2<sup>nd</sup> Street – 2300 Block

**PC DATE:** July 23, 2024

July 9, 2024 June 11, 2024 May 28, 2024 April 9, 2024 March 12, 2024 January 23, 2024 December 12, 2023

**ADDRESS/ES:** 109, 111, 113 Mildred Street and 2305, 2307 E. 2<sup>nd</sup> Street, 2311 E. 2<sup>nd</sup> Street

**DISTRICT AREA**: 3

**SITE AREA:** 0.7716

**OWNER/APPLICANT:** Patrica Ann Pope; LaFayette 2109, LLC; and Isdale Investments,

LLC; and Emily Kolb Isdale

**AGENT:** Armbrust & 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: Single Family To: Mixed Use

**Base District Zoning Change** 

Related Zoning Case: C14-2023-0027

From: SF-3-NP, CS-CO-MU-NP, LO-NP, LO-CO-MU-NP

To: CS-MU-V-CO-DB90-NP (as amended)

NEIGHBORHOOD PLAN ADOPTION DATE: December 13, 2001

#### **CITY COUNCIL DATE:**

September 12, 2024 <u>ACTION</u>: Approved First Reading

October 10, 2024 <u>ACTION:</u> Proposed for Second and Third

Readings

#### PLANNING COMMISSION RECOMMENDATION:

**July 23, 2024** – After discussion, approved for Mixed Use land use. [R. Johnson –  $1^{st}$ ; F. Woods –  $2^{nd}$ ] Vote: 10-0-1 [C. Hempel and D. Skidmore absent. N. Barrera-Ramirez abstained].

**July 9, 2024** – Postponed to July 23, 2024 on the consent agenda at the request of Staff. [A. Azhar – 1<sup>st</sup>; F. Maxwell – 2<sup>nd</sup>] Vote: 7-0 [G. Cox, J. Mushtaler and N. Barrera-Ramirez voted nay. C. Hempel, A. Phillips and P. Howard absent].

**June 11, 2024** – Postponed to July 9, 2024 on the consent agenda at the request of Staff. [A. Azhar –  $1^{st}$ ; F. Maxwell –  $2^{nd}$ ] Vote: 10-0 [J. Mushtaler off the dais. G. Cox and N. Barrera-Ramirez absent].

**May 28, 2024** – Postponed to June 11, 2024 on the consent agenda at the request of Staff. [F. Maxwell – 1<sup>st</sup>; A. Woods – 2<sup>nd</sup>] Vote: 10-0 [G. Cox off the dais. P. Howard and A. Phillips absent].

**April 9, 2024** – Postponed to May 28, 2024 on the consent agenda at the request of Staff. [A. Azhar –  $1^{st}$ ; F. Maxwell –  $2^{nd}$ ] Vote: 12-0 [A. Phillips off the dais].

**March 12, 2024**- Postponed to April 9, 2024 on the consent agenda at the request of Staff. [A. Woods  $-1^{st}$ ; F. Maxwell  $-2^{nd}$ ] Vote: 11-0 [C. Hempel and J. Mushtaler absent].

**January 23, 2024** – Postponed to March 12, 2024 on the consent agenda at the request of the Applicant. [G. Anderson –  $1^{st}$ ; F. Maxwell –  $2^{nd}$ ] Vote: 11-0 [J. P. Connolly and A. Woods absent].

**December 12, 2023** – Postponed to January 23, 2024 on the consent agenda at the request of the Applicant. [F. Maxwell – 1<sup>st</sup>; A. Azhar – 2<sup>nd</sup>] Vote: 11-0 [N. Barrera-Ramirez and P Howard absent].

**STAFF RECOMMENDATION:** To support the applicant's request for Mixed Use land use.

**BASIS FOR STAFF'S RECOMMENDATION**: The plan amendment application includes five properties with Single Family land use that is proposed for Mixed Use land use. The

associated zoning case includes a larger area, with most of the properties already with Mixed Use land use. The applicant proposes to develop the center portion of the street block with approximately 260 residential units and approximately 4,800 sq. ft. of commercial uses. The proposed development will provide additional housing for the area and the city.

Below are sections of the Holly Plan staff believes supports the applicant's request. The plan emphasizes keeping the single-family residential uses in the planning area. However, it also promotes a mix of housing options for a range of incomes. The applicant's zoning proposal zoning of CS-MU-V-DB90, would provide for affordable housing opportunities for the planning area and the city if "V" or "DB90" are pursued as part of their development.

#### Land Use

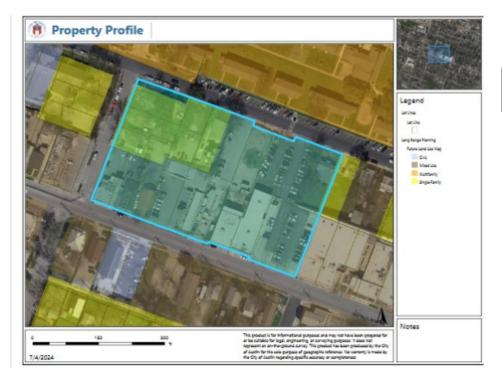
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- Goal 1: Promote a variety of housing options for a mixture of different incomes.
- Objective 1.2: Preserve existing affordable housing.
- Objective 1.3: Increase affordable housing opportunities for both home ownership and rental.
- Objective 1.4: Maintain and increase housing opportunities for low income workers.
- Objective 1.5: Preserve (SF) single family housing throughout the neighborhood.
  - Action Item 1.5.1: Preserve land for single-family homes in Residential District through the future land use plan. Neighborhood Planning & Zoning Department
- Objective 2.4: Encourage locally owned/managed businesses
  - Action Item 2.4.1: Pursue grants and loans for small start-up businesses. Holly
    Neighborhood Planning Team, Neighborhood Housing & Community Development
- Objective 2.5: Encourage appropriate uses and scale of commercial.

  Action Item 2.5.1: Encourage new development to adhere to the neighborhood design guidelines. Neighborhood Planning & Zoning Department



NPA-2023-0010.02 Area



C14-2024-0027 Area

#### **LAND USE DESCRIPTIONS:**

#### **EXISTING LAND USE:**

**Single family** - Single family detached or up to three residential uses at typical urban and/or suburban densities.

#### **Purpose**

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

#### **Application**

- 1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
- 2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

#### **PROPOSED LAND USE:**

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;

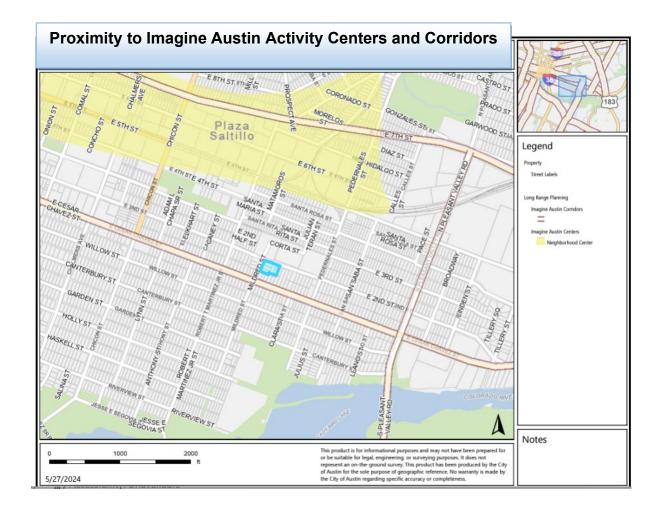
- 7. Create additional opportunities for the development of residential uses and affordable housing; and
- 8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

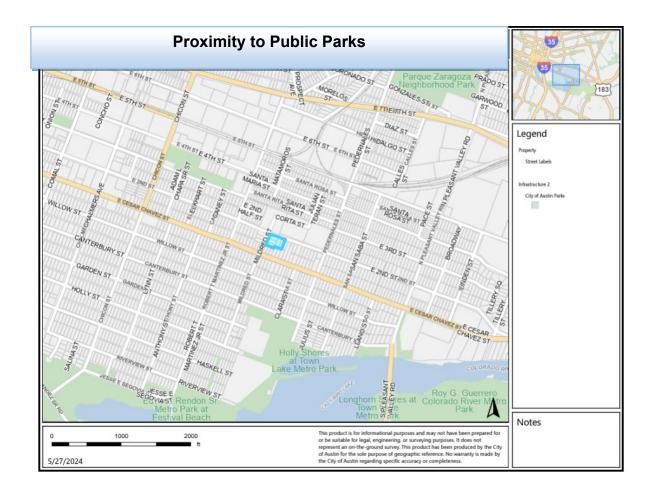
#### Application

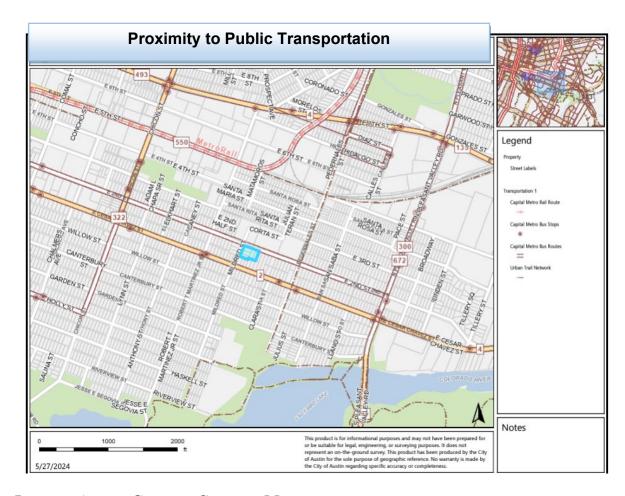
- 1. Allow mixed use development along major corridors and intersections;
- 2. Establish compatible mixed-use corridors along the neighborhood's edge
- 3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood 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:				
	Approx. 142 feet north of E. Cesar Chavez Street, an activity corridor.				
	Approx. 0.20 miles south of the Plaza Saltillo Neighborhood 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.				
Yes	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and				
	services, and/or employment center.				
Yes	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers				
	market.				
	0.4 miles from East 1 <sup>st</sup> Grocery				
	0.7 miles from H-E-B				
	0.8 miles form Royal Blue Grocery				
	1.3 miles from Whole Foods				
Yes	Connectivity and Education: Located within 0.50 miles from a public school or university.				
	0.2 miles from Zavala Elementary School				
	0.4 miles from UT Elementary Charter School				
	1.3 miles from Sanchez Elementary School				
Yes	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or				

	walking trail.			
	• 0.2 miles from Pan American Neighborhood Park			
	0.4 miles Metz Neighborhood Park			
	0.7 miles from Comal Pocket Park			
Yes	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.)			
	0.5 miles from Ascension Medical Group Seton Primary Care McCarty			
	0.7 miles from CommUnity Care East Austin Health Center			
Yes	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less)			
	and/or fee in lieu for affordable housing.			
	The applicant's request for DB90 would provide 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.			
	The proposed zoning would allow for residential units			
Yes	Mixed use: Provides a mix of residential and non-industrial uses.			
	The proposed zoning would allow for a mixed use development			
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).			
	1.0 miles from Terrazas Branch			
No	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.			
Not	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital,			
known	theater.)			
Not	Workforce Development, the Economy and Education: Expands the economic base by creating			
known	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	Industrial Land: Preserves or enhances industrial land.			
11	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.

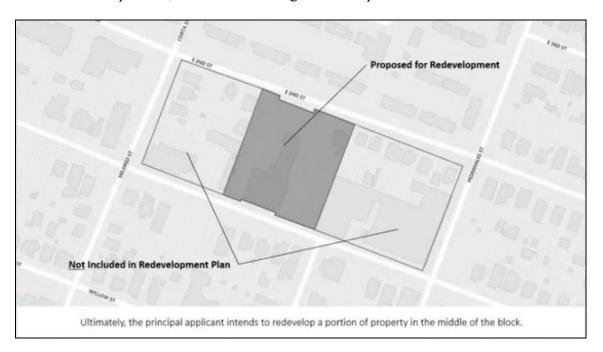
Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and 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 application was filed on July 31, 2023.

The applicant proposes to change the land use on the future land use map from Single Family to Mixed Use land use.

The applicant proposes to redevelop the center portion of the block for approximately 260 residential units and approximately 4,800 sq. ft. of commercial uses. The applicant said if DB90 or "V" is pursued, affordable housing will be required.



The applicant proposes to change the zoning on the property from SF-3-NP (Family Residence district – Neighborhood Plan), CS-CO-MU-NP (General Commercial Services district- Conditional Overlay combining district – Mixed Use combining district – Neighborhood Plan), LO-NP (Limited Office district – Neighborhood Mixed Use), LO-CO-MU-NP (Limited Office district – Conditional Overlay combining district – Mixed Use combining district – Neighborhood Plan) to CS-MU-V-CO-DB90-NP (General Commercial Services district – Mixed Use combining district – Vertical Mixed Use Building combining district – Density Bonus 90 combining district – Conditional Overlay combining district – Neighborhood Plan. For more information on the proposed zoning, see case report C14-2024-0027.

**PUBLIC MEETINGS**: The ordinance-required community meeting was virtually held on March 20, 2024. The recorded meeting can be found here:

https://publicinput.com/neighborhoodplanamendmentcases. Approximately 347 meeting notices were mailed to people with utility account or own property within 500 feet of the subject tracts. Maureen Meredith and Mark Walters from the Planning Department attended the meeting with Michael Whellan and Michael Gaudini from Armbrust & Brown, PLLC, the applicant's agents. Neville Rhone, Jr. and Zach Bartelt from Arc Capital Partners attended with one person from the neighborhood.

Below are highlights from Michael Whellan's presentation:

- There are two cases, the plan amendment case, and the rezoning case.
- Arc Capital owns "Holly Commons" and some adjacent properties. Other owners on the block have additionally joined the case to request rezoning for their properties, as well.
- Arc Capital is planning to redevelop the properties they own in the middle of the block that consists mainly of surface parking and a one-to-two story structure. Other areas are planned to remain.
- The adjacent owners are not developing their property as part of Arc's redevelopment project.
- The properties to be redeveloped are in the center of the street block. The properties on the western and eastern part of the block are not proposed to be redeveloped at this time. The Holly Commons is also not proposed to be redeveloped at this time.
- The northwestern tracts that have Single Family land use and are proposed for Mixed Use land use as the plan amendment application. Most of the block is already designated as Mixed Use. Mixed Use land use doesn't mean the existing single family uses cannot continue as single family.
- The area that is proposed to be rezoned covers a larger area than the plan amendment case. It covers the Arc properties and the neighbors to the west.
- We are proposing CS-MU-V-DB90-NP for a mix of commercial and residential uses. Right now, is estimated at around 260 residential units and 4,800 sq. ft. of retail, with DB90 bonus, the numbers could increase a bit. The "V" and DB90 zoning allows for the property to participate in a city-wide affordable housing program.

There were no questions.

#### **Comment from the one attendee:**

• I'm against land grabbing. These are Latino homes that need to be maintained as affordable housing. This is economic greed in taking our land. There are two landowners who oppose to this and do not want to be a part of this. This is a genocide of our people. We have a lot of density already. There is a brewery around Holly Commons so a liquor license will be sought. That brings negatives to our properties and our community. We know that White Supremacy prevails here. I'm against this and I will follow this to Planning Commission and City Council. I cannot, in good conscience, surrender single family zoning that was put in place in the neighborhood plan to protect the people and the neighborhood.

*Note:* Neville Rhone, Jr said he is sorry the attendee felt this way. He noted that Arc Capital is a black-owned firm and is sensitive to the community. The idea was to do something better with the parking lot. He said they are a community-focused organization that is minority-owned.

#### **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

July 28, 2023

Joi Hardin, Zoning Officer City of Austin Housing and Planning Department 1000 E. 11th St. Austin, Texas 78702

Re: Neighborhood plan amendment request for 2305, 2307, and 2311 E. 2nd St., and 109, 111, and

113 Mildred St. (collectively, the "Property")

Dear Ms. Hardin,

On behalf of Patrica Ann Pope, Emily Kolb Isdale, Isdale Investments, LLC, and LaFayette 2109, LLC (the "Owners"), I am submitting the attached neighborhood plan amendment application to request that the Future Land Use Map ("FLUM") for the Holly Neighborhood Plan area be changed from "Single Family" to "Mixed Use."

The Property is surrounded by parcels designated for Mixed Use to the east and to the south, and by roadways (East 2nd Street and Mildred Street) to the north and west. Other parcels are designated for Multifamily across East 2nd Street and for Single Family and Mixed Use across Mildred Street.

While there are not currently any associated rezoning cases for the Property, the Owners believe that a Mixed Use designation is appropriate policy guidance for the Future Land Use Map. We believe this request is supported by city policies calling for a mix of uses on blocks along corridors, such as East Cesar Chavez Street – and is supported by recent precedent in which several of the Owners' neighbors requested and received Mixed Use FLUM designations for their properties (through Cases No. NPA-2021-0010.01 and NPA-2022-0010.03).

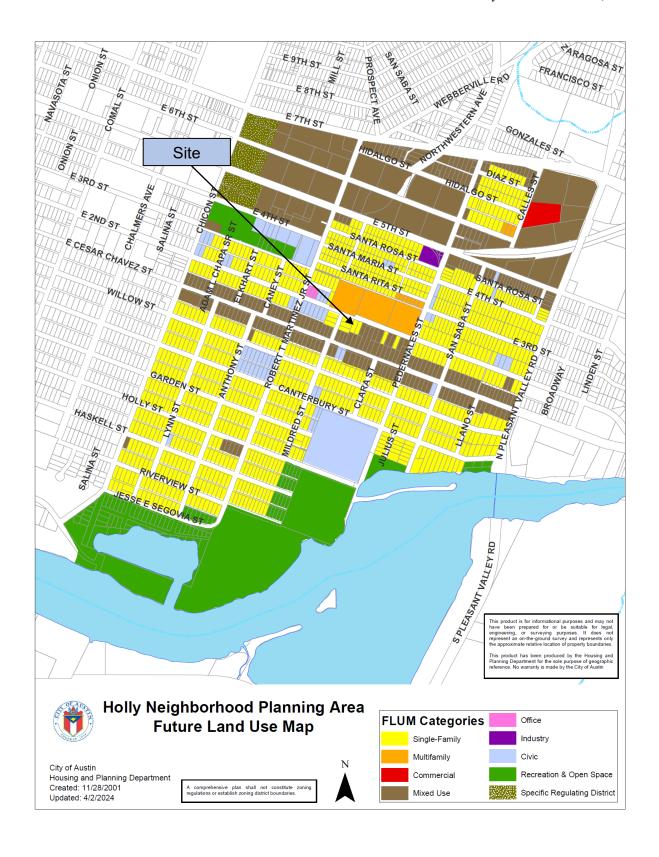
I appreciate your consideration and look forward to answering any questions and providing further details.

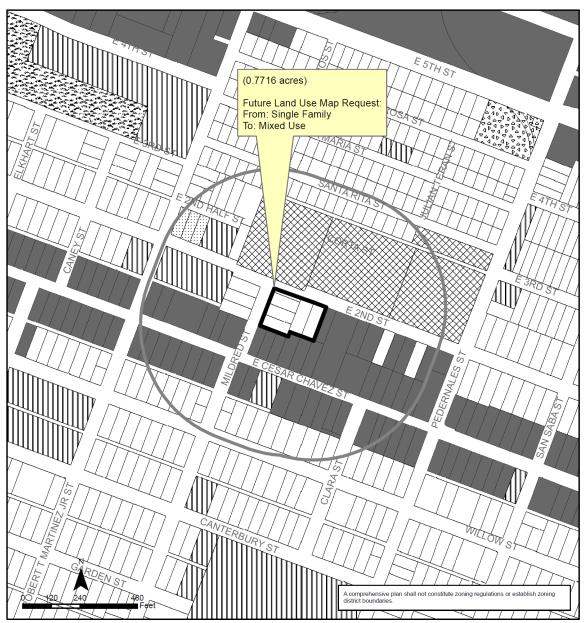
Respectfully,

Michael J. Whellan

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

(There is no neighborhood plan contact team in the Holly Planning Area)

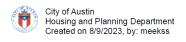


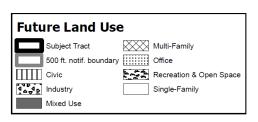


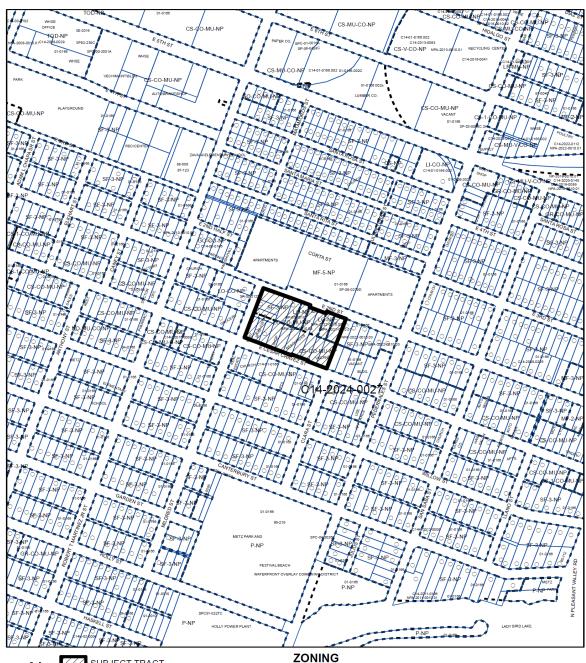
# Holly Neighborhood Planning Area NPA-2023-0010.02

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.

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N

SUBJECT TRACT

0.4.0.5.11

ZONING CASE#: C14-2024-0027

ZONING BOUNDARY

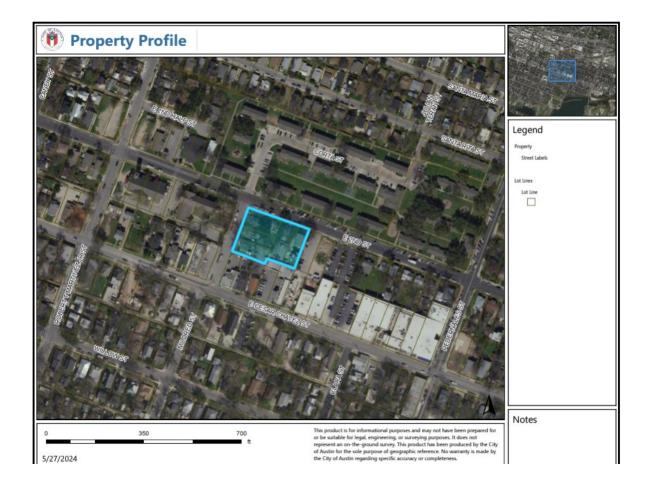
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1 " = 400 '

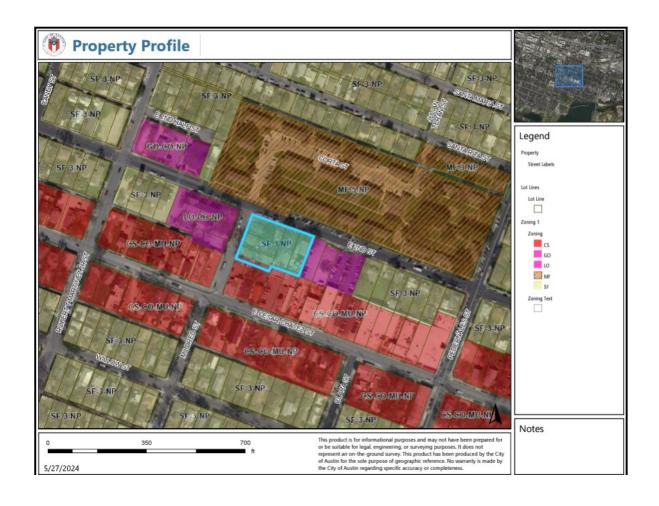
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Created: 3/6/2024







#### Michael Whellan's Presentation at the Virtual Community Meeting

# 2300 Block - East Cesar Chavez

Neighborhood Plan Amendment Case

### Summary

This item involves two related cases and a number of different owners on the 2300 block of East Cesar Chavez.

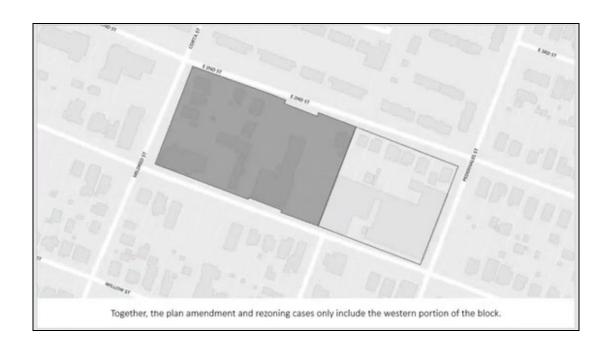
The principal applicant (Arc Capital) owns "Holly Commons" and some adjacent properties.

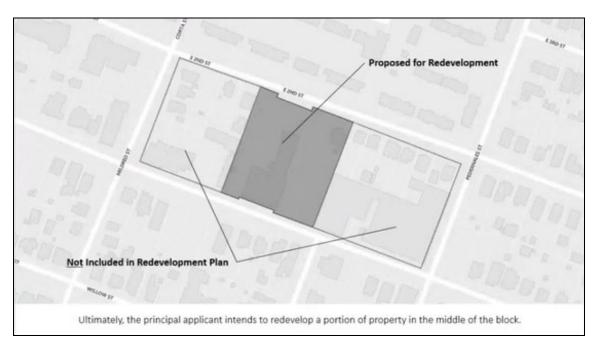
Other owners on the block have additionally joined the case to request rezoning for their properties, as well.

Ultimately, the principal applicant is planning to redevelop property they own in the middle of the block that currently consists mainly of surface parking and a one-to-two-story structure. Other areas are planned to remain.

Case	Involves	Reviewed By	Status
		City Staff	
Plan Amendment	Sets High-Level Policy	Planning Commission City Council	This Case
		City Staff	
Rezoning	Sets Site Regulations	Planning Commission City Council	Related to this Cas
Site Plan	Technical Project Review	City Staff	Future Process

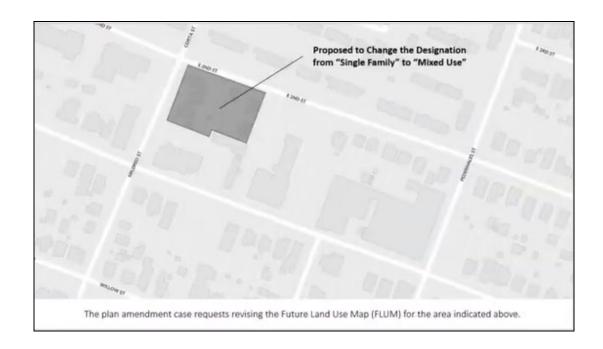




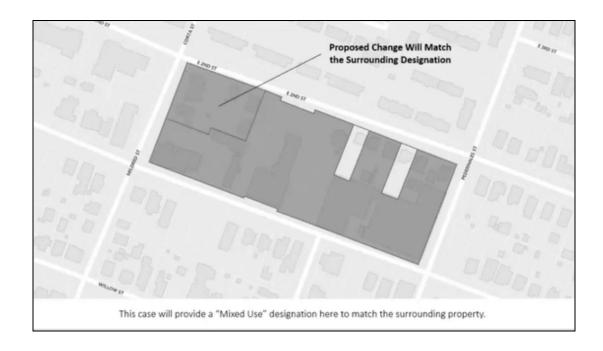




Case	Involves	Reviewed By	Status
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Rezoning	Sets Site Regulations	City Staff Planning Commission City Council	Related to this Case
Site Plan	Technical Project Review	City Staff	Future Process

This Case
ed to this Cas
ure Process

# Recap

Multiple owners are requesting two approvals, for a plan amendment and a rezoning.

The principal applicant plans to redevelop midblock property for a mix of residential and commercial uses.

Other owners have joined in the requested rezoning case – but have no redevelopment plans.

Correspondence Received
Case Number and the contact person listed on the notice in your submission.  Case Number: NPA-2022-0010.02 Contact: Maureen Mercelith, 512-974-2695 or Maureen-Mercelith@austintexas.gov Public Hearing: Apr 23, 2024 - Planning Commission NOOSE: Acast Chock 1002E. Acast Chock 2 Noose: Acast Chock 1002E. Acast Chock 2 Noose: Acast Chock 1002E. Acast Chock 2 Noor Name (please print) Your vaddress(es) affected by this application See achouse. Alternoof Signature Comments: