

- 16. Rezoning: C14-2007-0048 - Fort Magruder**  
 Location: 3811 Wadford Street, West Bouldin Watershed, Dawson NPA  
 Owner/Applicant: Sonya Hunter  
 Agent: Thrower Design (Ron Thrower)  
 Request: From SF-3-NP to CS-MU-CO-NP  
 Staff Rec.: **Recommendation of GR-MU-CO-NP**  
 Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us  
 Neighborhood Planning & Zoning Department

***APPROVED STAFF'S RECOMMENDATION FOR GR-MU-CO-NP ZONING.  
 [S.KIRK, T.ATKINS 2<sup>ND</sup>] (8-0) P.CAVAZOS – ABSENT***

- 17. Rezoning: C814-2007-0009 - Hwy 71 Office PUD**  
 Location: 8500 West SH 71, Williamson Creek Watershed, East Oak Hill NPA  
 Owner/Applicant: Michael Knepp  
 Agent: Land Strategies (Paul Linehan)  
 Request: From RR to PUD  
 Staff Rec.: **Recommended**  
 Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us  
 Neighborhood Planning & Zoning Department

***APPROVED STAFF'S RECOMMENDATION FOR PUD ZONING; BY CONSENT.  
 [J.REDDY, C.RILEY 2<sup>ND</sup>] (8-0) P.CAVAZOS – ABSENT***

- 18. Rezoning: C14-06-0228 - Wolfcreek Development**  
 Location: 6825 Wolfcreek Pass, Williamson Creek - Barton Springs Zone  
 Watershed, West Oak Hill NPA  
 Owner/Applicant: Kelly and William Jelson, & Lynn Mickleburgh (Jon Crain)  
 Agent: Lopez-Phelps & Associates, LLC (Amelia Lopez-Phelps)  
 Request: From NO; SF-5 to LR-MU for Tract 1 and SF-6-CO for Tract 2  
 Staff Rec.: **Recommendation of LR-MU-CO and SF-6-CO with conditions**  
 Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
 Neighborhood Planning & Zoning Department

***APPROVED STAFF'S RECOMMENDATION FOR LR-MU-CO ZONING FOR TRACT 1;  
 SF-6-CO ZONING FOR TRACT 2. RESTRICTIVE COVENANT FOR THE CONDITIONS  
 OF THE NEIGHBORHOOD TRAFFIC ANALYSIS AND RIGHT-OF-WAY RESERVATION  
 ON U.S. HIGHWAY 290 WEST.  
 [J.REDDY, M.DEALEY 2<sup>ND</sup>] (6-2) D.SULLIVAN, T.ATKINS – NAY; P.CAVAZOS –  
 ABSENT***

### **SUMMARY**

*Wendy Walsh, staff, gave the Staff presentation.*

*Commissioner Sullivan – Do we have word from a neighborhood planning team in Oak Hill about this or any official neighborhood organization?*

Facilitator: Don Perryman, 974-2786  
 City Attorney: Gordon Bowman, 974-2346

*Ms. Walsh – I don't believe so at this time or it isn't been known to me.*

*Amelia Lopez-Phelps, applicant – We are proposing to develop a 21 unit gated condominium project; right now there's SF-5 and NO zoning and the original application was for MF-4 and GR-MU. After several discussions with City Staff and listening to their recommendations; although some of them trigger some additional variances that we will need to ask for, we agreed to modify our request to SF-6 and LR-MU. I would also like to point out that we would be transferring or using the impervious cover from the complete tract, which is a legal tract, to develop the 21 unit condo project; therefore, leaving no impervious cover based on current standards, to develop the commercial tract. However, because we do not have a site plan designed, we have a conceptual design, we do not know where the line will be and we would like to have the mixed use available to us. Since we are asking for the variances at the Board of Adjustment, we wanted to have some flexibility on the commercial tract, along 290, in the event that the variances do not get approved; we need some flexibility there to modify the site plan. The primary use for our client is to go ahead and develop this 21 unit condominium project, it will be owner occupied, it will be gated and we had several meetings with the neighborhood association. We had met with OHAN Group several times and participated in the Oak Hill Neighborhood Plan meetings. We have received some letters of support from OHAN for the GR-MU and MF-4, with the understanding that we would be limiting the density and that we are in compliance with SOS. We have some people from the neighborhood supporting us and some who are not supporting us for this project.*

*Amelia Lopez-Phelps presented a PowerPoint presentation explaining the proposed development; explaining the gates, the pool, the height of the development, trees etc.*

### FAVOR

*Commissioner Kirk – Seems like all 21 proposed units are spread around the ground, why would you need additional height; I can understand if they were stacked, but it seems like they are all on the ground.*

*Ms. Lopez-Phelps – Because we're limited to 25% impervious cover, it limits what we can develop on this property; the units should have enclosed parking garages, which is what we're proposing to include. In each unit, the first level has a 2 car parking garage enclosed with a study; then the living area is the upper two levels, which will result in a 35-foot height. We are also doing a peaked roof, which is more residential looking; than a flat roof. With the drive, we have to meet fire code, so the drive has to meet a certain width requirement and radius; that uses up some impervious cover.*

*Mrs. Lopez-Phelps showed the Commissioners a PowerPoint presentation of the proposed project. Lot # 6 has an open space so we will be providing additional vegetation; something that grows fast and fills out and approved by the City of Austin. The LR tract will not have any impervious cover left.*

*Commissioner Atkins – I think that's a slippery slope; if you look at the tract, it appears that the majority of the trees are on the site where you're planning to build and I don't see why you*

wouldn't shift towards Ben White and provide that cluster of trees as part of the amenities for the condominium association.

*Mrs. Lopez-Phelps – We don't have a slope map with us here this evening, but in the NO section and part of the SF toward 290, there's some slopes there that exceed the allowable area to develop on, so it was difficult to design to begin with; this is a conceptual site plan, it is not a final; but at the same time we have to stay away from the slopes.*

*Commissioner Reddy – Do you have an idea who the developer is trying to keep out with the gates? Is this considered a high crime area?*

*Mrs. Lopez-Phelps – No, I don't believe that's the reason for the gates; when you have a smaller development like this, in theory it's that a single person will most likely be the purchaser of a condominium or young homebuyers; it's something that the market would support. I know there's mixed feelings in the community whether or not it should be gated. To my knowledge it's not because of security reason.*

*Commissioner Reddy – Would the developer be open to doing the project without the gates?*

*Mrs. Lopez-Phelps – Yes he would.*

*Commissioner Reddy – We try to promote connectivity and pedestrian oriented uses adjacent to large scale residential and gates are really not compatible with that; thanks.*

*Mrs. Lopez-Phelps – Along Wolfcreek Pass, we are having wrought iron fence along the street as opposed to a solid fence.*

*Commissioner Atkins – What will the paving be on this drive? It's pretty wide and the only time it needs to be that wide is for emergency vehicles, is there a potential to use pervious concrete or grass on a portion of this?*

*Mr. Smith – As long as it meets the Fire Department's regulations for fire lanes. I believe that they accept grass; we can work on something more green than concrete.*

*Commissioner Atkins – That's something I'd like to work on; thank you.*

### FAVOR

*George Denbow, resident on Wolfcreek Pass – Spoke in favor.*

*Oscar Gallegos, resident – Spoke in favor.*

OPPOSITION

*James Stewart, resident – Spoke in opposition.*

*Commissioner Reddy – What design element are you opposed to?*

*Mr. Stewart – Our main concerns is the density and the clustering. The other concern is the height; the height is a variance that needs to be requested, but the whole plan itself is what we are concerned with.*

*Commissioner Riley – If SF-5 has a 35-foot height limit; in other words the height limit is exactly as it is now, I don't understand the objection to the height based on the rezoning.*

*Mr. Stewart – They are asking for allowances out and depth.*

*Commissioner Riley – The rezoning to us tonight doesn't change the height; someone can still go out and build a 35-foot high building. With the current zoning they can build 18 to 20 units; they are proposing 21 units; we are talking only about 1 unit increase.*

*Mr. Stewart – The type of unit that is being proposed, is our concern.*

*There was further discussion regarding density and height.*

*Brandy Stewart – Spoke in opposition.*

*Nancy Gunther – Spoke in opposition. Ms. Gunther expressed concern about traffic coming through the neighborhood to cut through.*

*Discussion regarding making U-Turns on Wolfcreek Pass was brought up by Ms. Gunther.*

*Commissioner Galindo – I just want to clarify that there is another option besides cutting through the neighborhoods on Wolfcreek Pass.*

*Kathy Bowles – Spoke in opposition. She expressed concerns regarding the height and density.*

*Commissioner Atkins – This is just another example of having 3D Models that show the side line from the adjacent property; it would be very helpful.*

*There was discussion regarding compatibility standards between SF-5 and SF-6.*

*Ms. Walsh – SF-6 is when compatibility standards kick in; the regulation that's cited is, "No structure in excess of 2 stories or 30-feet in height may be constructed within 50-feet of the property line." The Applicant is seeking a variance to locate a 35-foot structure within 25-feet of the property line; so that is the nature of the variance; the Board of Adjustment is considering this as well as the variance to the front setback on Wolfcreek Pass from 25 to 15 feet; I wanted to clarify that and I hope it helps in understanding the situation.*

*There was further discussion about compatibility standards between SF-5 & SF-6.*

*Mark Majek, resident – Spoke to a neutral position regarding this project.*

**REBUTTAL**

*Amelia Lopez-Phelps, applicant – Ms. Phelps explained to the Commissioners what could be built under SF-5 and under SF-6. This project is appropriate for the location; in all of the meetings that we had, we agreed and responded to everything that they had asked for and agreed to put a letter of agreement together to send to the rest of the neighbors to review and if they were satisfied with that letter that would be the trigger point for my client to spend more time and money to modify his site plan one more time. My client had offered to withdraw his request for the rear setback variance; unfortunately, they waited 2 weeks, the individuals, until the Board of Adjustment to let us know; after further discussion and review, they could not support the project. I really felt that we had an agreement. The density is the same; 25% impervious cover; so if you think about what we are asking, I think it's an appropriate use.*

*Commissioner Kirk – Has tract 2 been subdivided or is that 1 complete block of acreage?*

*Ms. Phelps – It is 1 legal lot.*

*Commissioner Kirk – Was this dependant on having subdivided lots?*

*Ms. Phelps – Yes, we will probably have to subdivide some of these lots; especially for the duplex.*

*Commissioner Kirk – The two different site plans; you have one different site plan and in our packet we have a complete different one that has the 8 units across the back and the pool is in the back; so I kind of understand what the people that are adjacent to the rear are saying about that; that they want distance between the project and their property. This is a very different dense feel having the units spread out in the drawing that's up now; so which one is the real site plan?*

*Ms. Phelps – We have been very honest and open with the neighborhood and we have showed them this plan; we have gone back and modify the plan each time, so they have not seen anything tonight; this is something that they have seen and we have had much discussion on; we've modified this based on a lot of the comments that the neighborhood association gave us; we did not do this on our own. The pool area was closer to lot 5, we did change that. The site plan that you have in your packet is the plan that was submitted when we first put in the application; since that plan, we have had numerous meetings and it has been modified.*

*John Crain – Explained the site plan that was in the Commissioner's packet and the site plan that was on the overhead projector.*

*Commissioner Stegeman – Did you say that at one time you agreed to a 50-foot setback and ...?*

*Mr. Crain – No sir. If I dropped my request for the variance, I can only go 30-feet high; I had agreed to do that and they would have had the buffer of the non-compatibility use of 25-feet; so they would have had some buildings; and I also agreed to open up these buildings one more time*

*and design it based on what they were asking for; they told me that they would support me on that, but they did not.*

*Commissioner Stegeman – Okay; so have you looked at SF-6 with no variances?*

*Mr. Crane – Well, I would like to have the front variance for sure because we are covered by SOS (Save Our Springs regulations) and we have a 25% impervious cover limit; anyway that we can lessen our impervious cover. I don't think the neighbors would have a problem with that because it'll help keep it away from them. I would not want to not ask for that variance. I only agreed to NOT ask for the back variance, only if they supported me; which they refuse to do.*

*There were more questions from the Commission regarding the site plan of this project (pool, amenities; variance).*

*Commissioner Dealey and Atkins moved to close the public hearing.*

*Commissioner Reddy – I move to approve Staff recommendation.*

*Commissioner Dealey – Second.*

*Commissioner Sullivan – Also that the elements of the T.I.A to be included and the right-of-way reservation.*

*Motion carried. (6-2)*

<b>19. Rezoning:</b>	<b>C14-2007-0016 - Stoney Ridge Phase D</b>
Location:	Elroy Road & Kellam Lane, Dry Creek East Watershed
Owner/Applicant:	MC Joint Venture (William Gurasich)
Agent:	Doucet & Associates, Inc. (Ted McConaghey)
Request:	From P and SF-2 to SF-4A
Staff Rec.:	<b>Recommended</b>
Staff:	Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us Neighborhood Planning & Zoning Department

**POSTPONED TO 07/10/07 (PC)**

**[C.GALINDO, S.KIRK 2<sup>ND</sup>] (7-0) P.CAVAZOS – ABSENT; M.DEALEY – LEFT EARLY**