

## SECOND / THIRD READINGS SUMMARY SHEET

CASE NUMBER: NPA-2008-0021.01 and C14-2008-0162 – 1406 Parker

REQUEST:

Approve second / third readings of an ordinance amending Ordinance No. 20061116-055, the East Riverside – Oltorf Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from single-family to multifamily for the properties located at 1406, 1408, 1504 and 1506 Parker Lane (Town Lake Watershed).

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406, 1408, 1504 and 1506 Parker Lane (Town Lake Watershed) from family residence - neighborhood plan (SF-3-NP) combining district zoning to multifamily residence medium density - neighborhood plan (MF-3-NP) combining district zoning.

DEPARTMENT COMMENTS:

A valid petition has been filed in opposition to this rezoning request.

The subject tracts located at 1406, 1408, 1504, and 1506 Parker Lane are each currently occupied by one single-family structure; together, the lots total 0.957 acres. As part of the East Riverside - Oltorf neighborhood planning process, the subject tract was zoned SF-3-NP. The applicant is requesting the plan amendment to change the future land use designation in order to allow the future construction of approximately 18 condominium units. The applicant plans to demolish the existing structures located on the site.

On December 9, 2008, the Planning Commission approved staff's recommendation of higher-density single-family for the Neighborhood Plan Amendment; approved by Commissioner Sandra Kirk's motion, Commissioner Jay Reddy second the motion on a vote of 6-2; Commissioners Clint Small and Tracy Atkins voted against the motion (nay); Perla Cavazos resigned prior to this hearing.

On December 9, 2008 Planning Commission approved staff's recommendation of SF-6-CO-NP district zoning with conditions of:

- 25' setback on rear with vegetation;
- 2-story height limit or 35-feet;

The motion was approved by Commissioner Sandra Kirk's motion, Commissioner Jay Reddy second the motion on a vote of 6-2; Commissioners Clint Small and Tracy Atkins voted against the motion (nay); Commissioner Perla Cavazos resigned from the Commission prior to this hearing.

OWNER: Ryan Diepenbrock

DATE OF FIRST READING: March 5, 2009, approved SF-6-CO-NP district zoning on First Reading (5-2, Leffingwell and Morrison voted nay). The Conditional Overlay provides a 25 foot rear setback with vegetation and a 2-story height limit or 35 feet.

March 5, 2009, approved Higher-Density Single-Family land use on First Reading (5-2, Leffingwell and Morrison voted nay).

CITY COUNCIL HEARING DATE: April 2, 2009

CITY COUNCIL ACTION:

**ORDINANCE NUMBER:**

**ASSIGNED STAFF ZONING:** Joi Harden, 974-2212

e-mail: [joi.harden@ci.austin.tx.us](mailto:joi.harden@ci.austin.tx.us)

**ASSIGNED STAFF NEIGHBORHOOD PLANNING:** Jacob Browning, 974-7657

e-mail: [jacob.browning@ci.austin.tx.us](mailto:jacob.browning@ci.austin.tx.us)

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET AND  
ZONING CHANGE REVIEW SHEET**

**NEIGHBORHOOD PLAN:** East Riverside - Oltorf Combined Neighborhood Plan

**CASE #:** NPA-2008-0021.01 and C14-2008-0162

**PC DATE:** December 9, 2008  
November 25, 2008

**ADDRESS:** 1406, 1408, 1504, and 1506 Parker Lane

**SITE AREA:** 41,687 square feet (0.957 acres)

**APPLICANT:** Ryan Diepenbrock

**OWNERS:** Ryan Diepenbrock, Bryant Colman and Michael Hackett

**ZONING FROM:** SF-3-NP

**ZONING TO:** MF-3-NP

**LAND USE FROM:** Single-family

**TO:** Multifamily

**STAFF RECOMMENDATION:**

- 1.) The staff recommendation is to **DENY** the requested zoning change of MF-3-NP (Multifamily Residence Medium Density – Neighborhood Plan) district zoning from SF-3-NP (Family Residence – Neighborhood Plan) district zoning. Staff recommends **SF-6-CO-NP (Townhouse and Condominium Residence – Conditional Overlay - Neighborhood Plan)** district zoning. The conditional overlay would prohibit the construction of any structures within the back 50' of the property line.
- 2.) The staff recommendation is to **DENY** the requested change on the Future Land Use Map (FLUM) from Single-Family to Multifamily. Staff recommends a future land use designation of **Higher-Density Single-Family**.

**PLANNING COMMISSION RECOMMENDATION:** On December 9, 2008, the Planning Commission approved staff's recommendation of higher-density single-family for the Neighborhood Plan Amendment; approved by Commissioner Sandra Kirk's motion, Commissioner Jay Reddy second the motion on a vote of 6-2; Commissioners Clint Small and Tracy Atkins voted against the motion (nay); Perla Cavazos resigned prior to this hearing.

On December 9, 2008 Planning Commission approved staff's recommendation of SF-6-CO-NP district zoning with conditions of:

- 25' setback on rear with vegetation;
- 2-story height limit or 35-feet;

The motion was approved by Commissioner Sandra Kirk's motion, Commissioner Jay Reddy second the motion on a vote of 6-2; Commissioners Clint Small and Tracy Atkins voted against the motion (nay); Commissioner Perla Cavazos resigned from the Commission prior to this hearing.

**DEPARTMENT COMMENTS:** The East Riverside - Oltorf Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on November 11, 2006. The boundaries of the planning area are: IH-35 to the west, the Colorado River to the north, Grove Boulevard and Montopolis Drive to the east, and Highway 71 (Ben White Boulevard) to the south.

The subject tracts located at 1406, 1408, 1504, and 1506 Parker Lane are each currently occupied by one single-family structure; together, the lots total 0.957 acres. As part of the East Riverside - Oltorf neighborhood planning process, the subject tract was zoned SF-3-NP. The applicant is requesting the plan amendment to change the future land use designation in order to allow the future construction of approximately 18 condominium units. The applicant plans to demolish the existing structures located on the site.

**EXISTING ZONING AND LAND USES:**

|              | <b>FLUM</b>                  | <b>ZONING</b>  | <b>LAND USES</b>    |
|--------------|------------------------------|--|---------------------|
| <i>Site</i>  | Single-Family                | SF-3-NP  | Single Family Homes |
| <i>North</i> | Higher-Density Single-Family | MF-2-CO-NP (CO – restricts property to a maximum of 12 units total). | Townhomes/Condos    |
| <i>South</i> | Higher Density Single-Family | MF-2-NP  | Townhomes           |
| <i>East</i>  | None                         | MF-3-NP  | Apartments          |
| <i>West</i>  | Single-Family                | SF-3-NP  | Single Family Homes |

**NEIGHBORHOOD PLAN:** The property lies within the East Riverside - Oltorf Combined Neighborhood Plan adopted November 16, 2006.

**TIA:** A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

**WATERSHED:** Town Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED COMMUNITY ORGANIZATIONS:**

Southeast Coalition

Barton Springs/ Edwards Aquifer Conservation Dist.

Home Builders Association of Greater Austin

Southeast Austin Neighborhood Alliance

Southeast Austin Trails & Greenbelt Alliance

South River City Citizens Assn.

East Riverside/Oltorf & Montopolis Neighborhood Planning Team-COA Liason

Austin Neighborhoods Council

South Central Coalition

Homeless Neighborhood Organization

Austin Parks Foundation

PODER People Organized in Defense of Earth & Her Resources  
East Riverside / Oltorf Neighborhood Plan Contact

**SCHOOLS: (AISD)**

Sanchez Elementary School

Martin Middle School

Travis High School

**CASE HISTORIES:**

| NUMBER   | REQUEST           | COMMISSION  | CITY COUNCIL  |
|--|-------------------|---|---|
| C14-03-0077<br>1400 – 1404<br>Parker Lane                    | From SF-3 to MF-3 | 8/12/2003 ZAP APVD<br>MF-2 W/SF-6 DEV<br>REGS (5-4,<br>CJ/JC/JG/JD-NO)          | 10/9/2003 Council APVD<br>MF-2-CO (7-0); 2ND/3RD<br>RDG |
| C14-06-0188<br>1406 – 1506<br>Parker Lane<br>(Subject Tract) | From SF-3 to MF-4 | 2/13/2007 PC approved<br>staff's recommendation<br>to deny MF-4 zoning<br>(9-0) | 6/21/2007 Withdrawn by<br>applicant                     |

**ABUTTING STREETS:**

| Name           | ROW | Pavement | Class     | Sidewalk | Bus Route              | Bike Route       |
|----------------|-----|----------|-----------|----------|------------------------|------------------|
| Parker<br>Lane | 68' | 41'      | Collector | No       | 27, PB (UT<br>shuttle) | (Yes) Priority 1 |

**PUBLIC MEETINGS:** A neighborhood meeting regarding this case was held on Wednesday, September 3, 2008, at the Ruiz Branch of the Austin Public Library. Notices for the meeting were sent to the East Riverside - Oltorf Combined Neighborhood Planning Contact Team, area neighborhood associations, and to property owners and/or renters located within 500 feet of the subject tracts. Attached to this report are the notes from this neighborhood meeting.

**CITY COUNCIL DATE:**

February 12, 2009

**ACTION:**

This item was postponed to March 5, 2009, at the applicant's request, on consent, on Council Member Martinez' motion, Mayor Wynn's second on a 7-0 vote.

March 5, 2009

The public hearing was closed and the first reading of the ordinance to change the land use designation on the Future Land Use Map to higher-density-single family use designation was approved on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem McCracken and Council Members Cole, Martinez and Shade. Those voting nay were: Council Members Leffingwell and Morrison.

The public hearing was closed and the first reading of the ordinance for townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning was approved with the following limitations and with conditions on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem McCracken and Council Members Cole, Martinez and Shade. Those voting nay were: Council Members Leffingwell and Morrison. The limitations were as follows: 25' setback at the rear of all the lots with a vegetative buffer and a 2 story height limit or 35 feet.

April 2, 2009

**ORDINANCE READING:** 1<sup>st</sup>      2<sup>nd</sup>      3<sup>rd</sup>

**ORDINANCE NUMBER:**

**NEIGHBORHOOD PLANNING CASE MANAGER:** Jacob Browning

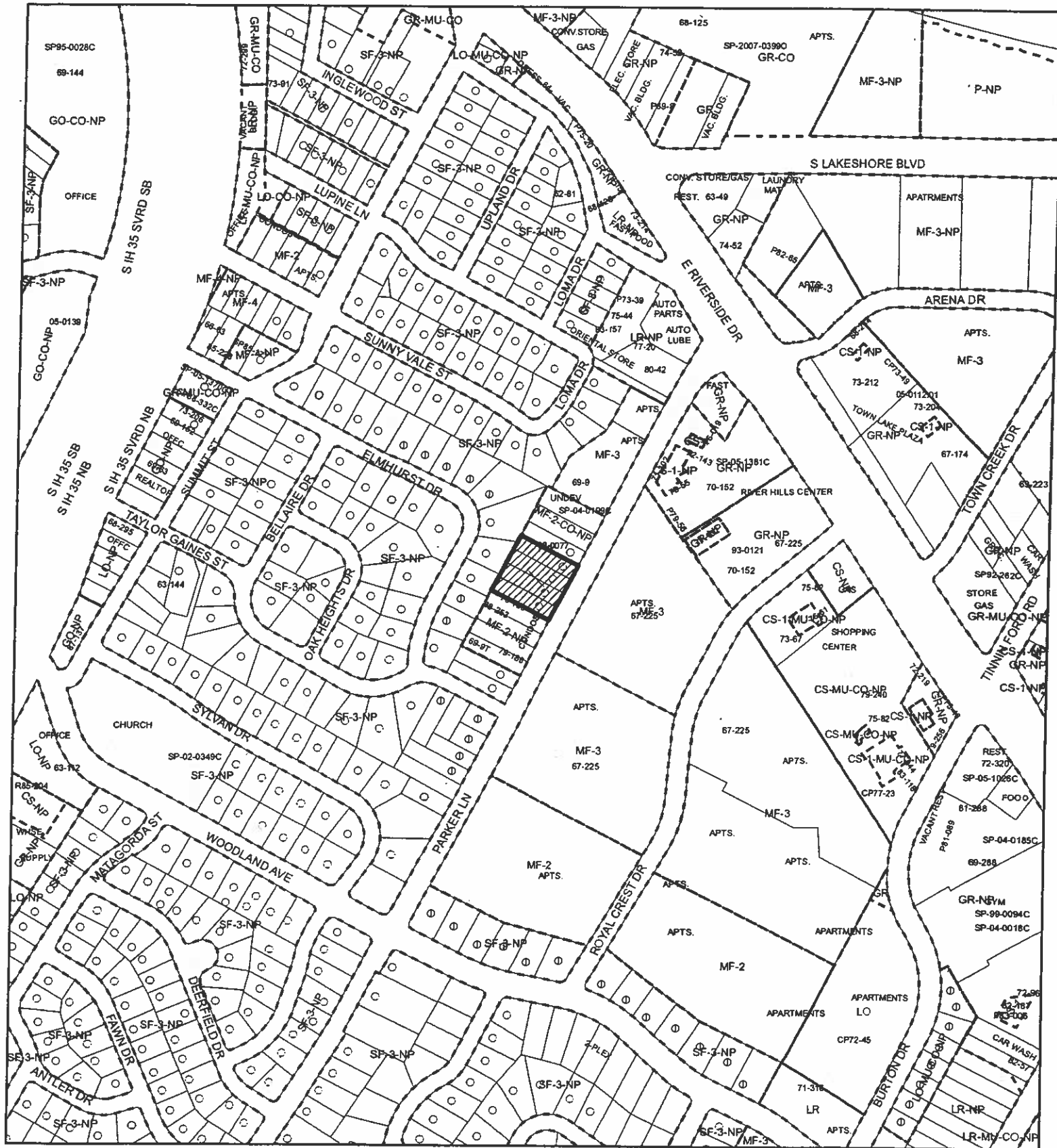
**PHONE:** 974-7657

**Email:** [jacob.browning@ci.austin.tx.us](mailto:jacob.browning@ci.austin.tx.us)




**ZONING CASE MANAGER:** Joi Harden

**PHONE:** 974-2122

**Email:** [joi.harden@ci.austin.tx.us](mailto:joi.harden@ci.austin.tx.us)



### ZONING

-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

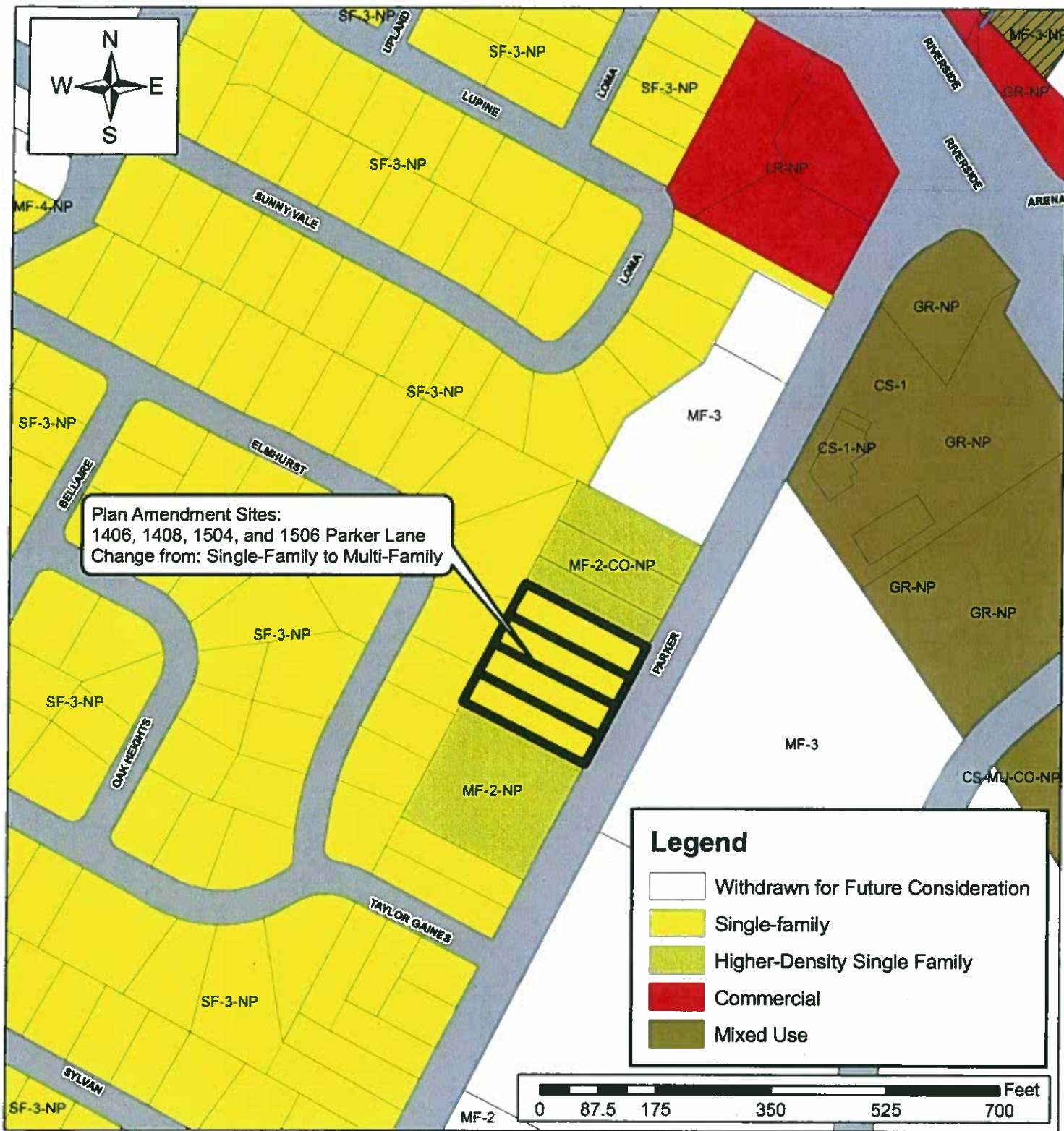
**ZONING CASE#:** C14-2008-0162  
**ADDRESS:** 1406 PARKER LANE  
**SUBJECT AREA:** 0.957 ACRES  
**GRID:** J20  
**MANAGER:** J. HARDEN

**OPERATOR:** S. MEEKS



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



# East Riverside-Oltorf Combined Neighborhood Plan Amendment

NPA-2008-0021.01

This map has been produced by the City of Austin Neighborhood Planning and Zoning Department for the sole purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy and completeness. A comprehensive plan shall not constitute zoning regulations or establish zoning



City of Austin  
Neighborhood Planning and Zoning Department





Plan Amendment Sites:  
1406, 1408, 1504, and 1506 Parker Lane  
Change from: Single-Family to Multi-Family

## East Riverside-Oltorf Combined Neighborhood Plan Amendment

NPA-2008-0021.01

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City of Austin  
Neighborhood Planning and Zoning Department

### **STAFF RECOMMENDATION:**

- 1.) The staff recommendation is to **DENY** the requested zoning change of MF-3-NP (Multifamily Residence Medium Density – Neighborhood Plan) district zoning from SF-3-NP (Family Residence – Neighborhood Plan) district zoning. Staff recommends **SF-6-CO-NP (Townhouse and Condominium Residence – Conditional Overlay - Neighborhood Plan)** district zoning. The conditional overlay would prohibit the construction of any structures within the back 50' of the property line.
- 2.) The staff recommendation is to **DENY** the requested change on the Future Land Use Map (FLUM) from Single-Family to Multifamily. Staff recommends a future land use designation of **Higher-Density Single-Family**.

**BASIS FOR RECOMMENDATION:** The requested amendment is not consistent with the Future Land Use Map or the goals and objectives found in the East Riverside - Oltorf Combined Neighborhood Plan.

**ANALYSIS:** The East Riverside - Oltorf Neighborhood's Future Land Use Map recommends *Single-Family* for the portion of Parker Lane on which the applicant's properties are located.

*Staff Comments: The proposed change from Single-Family to Multifamily along this portion of Parker Lane is in conflict with the East Riverside - Oltorf Combined Neighborhood Plan. The Higher-Density Single-Family future land use designation will be consistent with that of those properties directly adjacent to the north and south of the subject tracts.*

Throughout the planning process, an Advisory Committee developed certain planning principles that are to be considered "when evaluating development proposals" (p. 26). One such principle is to: "Preserve single-family homes and the character and assets of our traditional neighborhoods. Protect them from further encroachment from non-compatible and/or higher intensity uses by always providing a buffer equal to or greater than the existing buffer" (p. 27).

*Staff Comments: Although a buffer is not entirely present for the portion of Parker Lane upon which the subject properties are located, protection of the single-family nature of the adjacent neighborhood is important. The Higher-Density Single-Family land use designation will provide more protection of the adjacent single-family neighborhood's assets and character than the Multifamily land designation will allow. For the developer, Higher-Density Single-Family will provide less restrictive development standards than the current land use designation of Single-Family.*

With Goal 1 of the East Riverside - Oltorf Combined Neighborhood Plan, stakeholders wish to: "Preserve and enhance the character of existing residential neighborhoods." And, Recommendation 1 under this goal mandates the retention ". . . of single family uses in established single family neighborhoods" (p. 28).

*Staff Comments: The area on the western side of Parker Lane (and abutting the rear of the subject tracts) is a well-established, single-family neighborhood. The planned development of the four Parker Lane properties will not retain the single-family character of this area of the East Riverside - Oltorf Neighborhood.*

During the process, neighborhood stakeholders expressed an intent “. . . to increase home ownership opportunities; more home-owning residents will enhance a sense of permanence and investment in the area. Neighborhood Planning participants desire to maintain a diverse range of housing opportunities for all stages of life and income levels as well as encourage a better housing balance” (p. 70).

*Staff Comments: The Neighborhood Plan states an overabundance of rental units within this portion of the City; and, while the proposed development may offer a different type of “housing opportunity” and “home ownership opportunities” in this portion of EROC, there is no guarantee that this project will remain an owner-occupied one.*

To preserve the single-family nature of the nearby neighborhood and to promote a more diverse range of housing options (i.e., development opportunities) within the East Riverside - Oltorf Combined Neighborhood, staff recommends that a future land use designation of Higher-Density Single-Family will assist in meeting these needs.

#### **BASIS FOR RECOMMENDATION (ZONING PRINCIPLES):**

1. Zoning should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to neighborhood character.

The townhouse and condominium residence (SF-6) zoning district is compatible with the MF-2-CO zoning adjacent to the north (the CO restricts the property to 12 residential units) and the family residence (SF-3) district zoning adjacent to the west. The staff's recommendation of SF-6 is unlikely to result in detrimental impacts to the neighborhood character because the area already supports low to moderate multifamily uses as well as many duplex developments. In addition, there are many neighborhood and community commercial services in close proximity to support additional density in the area.

The conditional overlay recommended by staff restricts construction within the back 50' of the property line. The conditional overlay takes into consideration the difference in elevation between the subject tract and the adjacent single-family properties to the west.

2. Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

The SF-6 zoning would provide as a transition of zoning district intensity and uses between the MF-3 and SF-3 district zoning and uses to the east and to the west of the subject tract.

3. The proposed zoning should be consistent with the purpose statement of the district sought.

The purpose statement for the SF-6 zoning district states, “ *townhouse and condominium residence district (SF-6) district is intended as an area for moderate density single family, duplex, two family, townhouse, and condominium use. SF-6 is appropriate in selected areas where a transition for single-family to multifamily use is appropriate.*”



The subject tract is nearby an established single family neighborhood and nearby existing low to moderate density multifamily development. The property is also in the desired development zone and in the central city, areas where a reasonable increase in density is desirable.

### **Site Characteristics**

The site is developed with single family residences with light naturally occurring vegetation. The lots slope downward from front to rear.

### **Impervious Cover**

The maximum impervious cover allowed by the MF-3 zoning district would be 65%. The maximum impervious cover allowed by the SF-6 zoning district would be 55%. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover regulation applies.

### **Transportation**

No additional right-of-way is needed for Parker Lane at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands. An aerial interpretation, and subsequent on-site inspection did confirm the presence of numerous large Class I trees that may be impacted by this proposed re-zoning.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Site Plan**

Please be aware that development within 540 feet of property zoned or used as single family or duplex property is subject to compliance with compatibility restrictions, including setbacks, height limitations, screening and lighting limits.

# PETITION

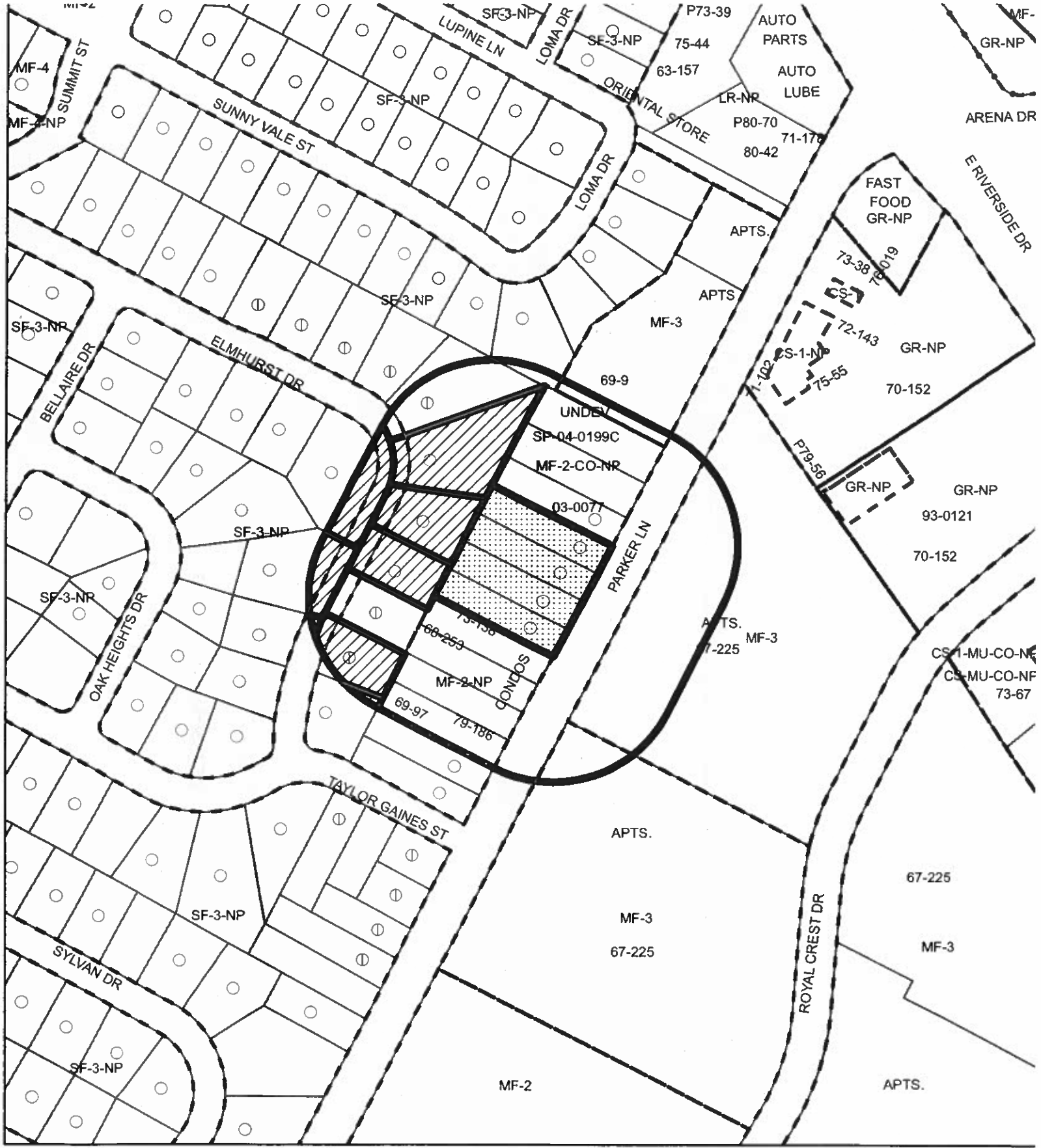
Case Number: **C14-2008-0162** Date: Dec. 10, 2008

**1406, 1408, 1504 & 1508 PARKER LANE**




Total Area Within 200' of Subject Tract 289,503.01

|    |            |  |            |       |
|----|------------|--|------------|-------|
| 1  | 0303050347 | IGNATOWSKI ROBERT<br>& J NOEL KVALE              | 675.547388 | 0.23% |
| 2  | 0303050348 | KEATING DOUGLAS                                  | 10377.83   | 3.58% |
| 3  | 0303050350 | BOHLS RICHARD A<br>TERRANELLA MARK               | 11503.07   | 3.97% |
| 4  | 0303050351 | TRUSTEE OF THE<br>SMUCK PAULA K &<br>DAVID BRUCE | 13633.08   | 4.71% |
| 5  | 0303050352 | WOODCOCK JIM F                                   | 22992.35   | 7.94% |
| 6  | 0303051004 | ARCHER JEFFREY W                                 | 9242.08    | 3.19% |
| 7  | 0303051005 |  | 5854.77    | 2.02% |
| 8  |            |  |            | 0.00% |
| 9  |            |  |            | 0.00% |
| 10 |            |  |            | 0.00% |
| 11 |            |  |            | 0.00% |
| 12 |            |  |            | 0.00% |
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| 25 |            |  |            | 0.00% |
| 26 |            |  |            | 0.00% |
| 27 |            |  |            | 0.00% |

|                    |                           |               |
|--------------------|---------------------------|---------------|
| Validated By:      | Total Area of Petitioner: | Total %       |
| <u>Stacy Meeks</u> | <u>74,278.73</u>          | <u>25.66%</u> |



1" = 200'

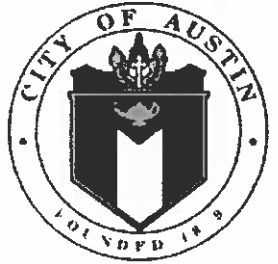
-  BUFFER
-  PROPERTY\_OWNER
-  SUBJECT\_TRACT

OPERATOR: S. MEEKS

### PETITION

CASE#: C14-2008-0162  
 ADDRESS: 1406, 1408, 1504 & 1508 PARKER LANE  
 GRID: J20  
 CASE MANAGER: J. HARDEN

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DEC 03 2008

Neighborhood Planning & Zoning

P E T I T I O N

Date: \_\_\_\_\_

File Number: C14-2008-0162

Address of

Rezoning Request: 1406, 1408, 1504  
+ 1508 Parker Ln.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3.

**Reasons for opposition include:**

- 1.) Any increase in building height would negatively impact the property values and livability of the abutting properties and the single family neighborhood to the west as a whole. Especially hard hit would be the abutting one story properties to the west.
- 2.) An increase in population density, height and impervious cover and a decrease in buffering vegetation does not provide a buffer or transition between the highly-saturated multifamily commercial area to the east and the single story properties and single family neighborhood to the west. In general, more, not less vegetation space is needed throughout the entire area.
- 3.) An increase in impervious cover and population density would negatively impact existing noise problems in the area and existing watershed problems to the west and to the north.
- 4.) No more multi-family properties are needed in the area. Any further increase in density would result in more traffic, an increased need for city emergency services and higher noise levels throughout the area.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

| Signature               | Printed Name     | Address                             |
|-------------------------|------------------|-------------------------------------|
| <u>Lucy F. Petrucci</u> | Lucy F. Petrucci | 1702 Elmhurst Dr., Austin, TX 78741 |
| <u>Mark Terranova</u>   | Mark Terranova   | 1702 Elmhurst Dr., Austin, TX 78741 |
| <u>Richard A. Bohls</u> | RICHARD A. BOHLS | 1704 Elmhurst Dr., Austin, TX 78741 |
| <u>Rob Ignatowski</u>   | Rob Ignatowski   | 1710 Elmhurst Dr., Austin, TX 78741 |
| <u>Joel Kvale</u>       | Joel Kvale       | 1710 Elmhurst Dr., Austin, TX 78741 |
| <u>Jim Woodcock</u>     | Jim Woodcock     | 1701 Elmhurst Dr., Austin, TX 78741 |
| <u>Jeffrey Archer</u>   | Jeffrey Archer   | 1705 Elmhurst Dr., Austin 78741     |

Date: 12/3/2008

Contact Name: Mark Terranova

Phone Number: 512/442-4947

|                     |              |                                |
|---------------------|--------------|--------------------------------|
| <u>Paula Smuck</u>  | Paula Smuck  | 1700 Elmhurst Dr Austin 78741  |
| <u>David Smuck</u>  | DAVID SMUCK  | 1700 ELMHURST DR. Austin 78741 |
| <u>Doug Keating</u> | Doug Keating | 1708 ELMHURST DR 78741         |

AUSTIN TX





**East Riverside - Oltorf Combined Neighborhood Planning Area  
Neighborhood Plan Amendment Meeting Notes, NPA-2008.0021.01  
Wednesday, September 3, 2008, 6:30 pm to 7:30 pm  
Ruiz Branch Library**

The neighborhood plan amendment meeting began at 6:30 p.m. at the Ruiz Branch Library with twenty-one people in attendance, including Jacob Browning of the Neighborhood Planning and Zoning Department; Mr. Ryan Diepenbrock, the applicant and owner of the properties seeking the plan amendment; and several members of the neighborhood plan contact team. A large future land use map and pictures of the subject properties were displayed while an agenda, a smaller future land use map, and recommendation excerpts from the East Riverside-Oltorf Combined Neighborhood Plan were available to all attendees.

Mr. Browning began the meeting by welcoming all attendees and by stating that the purpose of the night's meeting was to discuss the proposed plan amendment to change the future land use designation of the applicant's properties at 1406, 1408, 1504, and 1506 Parker Lane from single-family to multi-family. To do so, Mr. Browning explained, an amendment to the future land use map of the East Riverside-Oltorf Plan is needed so to allow the construction of condominium units on the subject properties. He informed the attendees that a zoning application had also been filed with the City; for further information, he also included information on the agenda regarding potential zoning classifications and their development standards.

As Mr. Browning was presenting recommendations of the neighborhood plan, a meeting attendee expressed her concern regarding the exclusion of a particular passage of the paragraph presented. She read the entire passage, mentioning that EROC has an overabundance of multi-family housing. Mr. Browning assured her that it was not excluded in order to sway future decisions in favor of the applicant, but only to mention the plan's goals of increased owner-occupation within the area.

Mr. Browning, then, introduced Mr. Ryan Diepenbrock to discuss his future plans for his properties.

Mr. Diepenbrock began his discussion by mentioning his wishes to improve the area in which his properties are located. The single-family structures currently on these properties are severely dilapidated and, in recent years, have been home to criminals. He expressed his intention to not repeat the mistakes made on the adjacent property (newly-constructed, townhome-like structures) although that property is the beginning of the progress that could be made in the area. Mr. Diepenbrock ensured meeting attendees that his condo project would be a well-maintained one.

Mr. Diepenbrock provided all attendees with a packet of information regarding his project's specifications. He plans to build 18 to 19 units that target the young professional population that cannot afford downtown housing; the condos will be one-, two-, and three-bedroom units. Mr. Diepenbrock explained that he seeks the land use

(and zoning) change to provide as many units as possible to this sector of the population. If the zoning is kept at SF-3, he said, he could only build 11 to 12 units on the properties. If the FLUM and zoning changes are granted, Mr. Diepenbrock stated that his project would not be as tall as anything built in a zoning district that is not SF (i.e., MF). He said that he owns this property and wants to find the best use for it.

### **Discussion Items and Questions**

An attendee asked why Mr. Diepenbrock was seeking MF-3. Mr. Diepenbrock responded by saying that MF-3 would allow him to spread the units out on the properties and keep their height down. Clarification was needed regarding the spreading out of the condo units; Mr. Diepenbrock said that the impervious coverage allowed under MF-3 (65%) provides for this option. Mr. Diepenbrock continued with a discussion of the placement of a detention pond as part of the proposed project. The pond is needed to mitigate runoff onto adjacent properties (especially those abutting the back of the subject properties). However, a variance will be needed to determine the exact location of the detention pond; the location of the pond invokes compatibility.

Mr. Diepenbrock stated that the zoning on the adjacent properties (MF-2-CO) is really what he needs to get his project rolling. The density allowed there is similar to what he is seeking to provide on his properties. He continued to say that developing single-family residences would not be financially feasible.

Included in Mr. Diepenbrock's packet was a zoning map denoting the zoning categories for all properties within the vicinity of his own. Pointing to this map, he said that during the planning process, his properties had been skipped over in regards to rezoning changes as allowed by the process.

Discussion, then, returned to the detention pond that will be located on the project site. Mr. Diepenbrock said that he envisions the pond being landscaped and winding through the back of the site. He also mentioned that there is no intention to demolish the mature trees along the backside of the properties. An attendee asked about the intended rear setbacks for the project; Mr. Diepenbrock said that the planned rear setback will be between 30 and 47 feet. Another attendee needed clarification regarding the type of trees currently present along the backside of the site; elm trees are present, Mr. Diepenbrock stated.

Regarding Mr. Diepenbrock's statement of "being skipped over," a meeting attendee mentioned that participants in the planning process chose SF-3 for his properties. She also pointed out that Parker Lane is a predominantly single-family thoroughfare. She continues: the previous owners of these properties had the chance to become involved in the process and to provide feedback regarding the zoning decisions made there. She also said that property owners are at fault for the degradation of their property.

Mr. Diepenbrock responded by saying that his properties had three different owners during the planning process and that they had not been involved in that process. In response, an attendee asked whether or not Mr. Diepenbrock realized that his properties

were zoned SF-3 when he bought them. He replied that he did realize the zoning, but that the zoning is incongruent with what he sees as the best option for the properties (i.e., condos).

A stakeholder mentioned the following planning principle as provided by Mr. Browning: "Preserve single-family homes and the character and assets of our traditional neighborhoods. Protect them from further encroachment from non-compatible and/or higher intensity uses by always providing a buffer equal to or greater than the existing buffer." He stated that the planned project is a higher-intensity use that furthers the encroachment of such development into EROC neighborhoods. Mr. Diepenbrock's four properties, he said, are the buffer between the traditional (single-family) neighborhoods and their multi-family counterparts and should remain that way.

A meeting attendee said that if you travel down Parker Lane, it is almost entirely single-family residences.

Another attendee mentioned that the owners of property located along Taylor Gaines Street want to redevelop that property and are waiting to see the outcome of this (Mr. Diepenbrock's) project.

Mr. Diepenbrock mentioned that drainage is being addressed in his project's plans and that he wants to find a solution for his properties that will work financially. A meeting attendee asked why Mr. Diepenbrock is not satisfied with keeping the zoning SF-3 if he could potentially build 11 to 12 units under that classification.

Mr. Diepenbrock was asked if market research had been done to determine if his units would actually serve the community. In fact, the research had been done. A meeting attendee said that no one wants to buy apartments that have been turned into condos; they want to buy single-family homes. Mr. Diepenbrock responded by saying that he has looked at affordable price points to offer his condos to those individuals that would not be able to afford housing in other centrally located areas of the city. He pointed to the new project next to his properties as having poor price points; they have been built, but aren't selling because they have high price points.

Concerns were also raised regarding the potential renting of the proposed units. An attendee mentioned that if ownership of these units is not guaranteed, then the neighborhood plan's initiatives would be wiped out. Mr. Diepenbrock said that his business plan was not to own and rent the units out.

Someone mentioned that Mr. Diepenbrock's case was heard last year and the powers-that-be (i.e., Planning Commission) supported the neighborhood plan.

Clarification was needed regarding the 65% impervious coverage (as allowed under MF-3 zoning) and the provision of parking and trash collection. Mr. Diepenbrock said that two parking spaces would be provided for each unit and a pad would be poured for the placement of trash bins. Mr. Diepenbrock did not know where this trash pad would be located on the site.

Mr. Diepenbrock said that all units would be two stories. He also offered performance patterns of similar developments he has done in other parts of the city. Two of five units within a project located at 30<sup>th</sup> and Speedway have been sold before the project has been completed.

Discussion once again returned to the detention pond and its construction. Mr. Diepenbrock said that the pond would be similar to another being planned at a similar project site; some concrete would be used in its construction with natural sediments shaved into the ground. He envisions the pond to become a natural feature of the property.

A meeting attendee mentioned two concerns she had regarding the proposed project: drainage and setbacks.

No one spoke in favor of the proposed change to the future land use map. The meeting adjourned at 7:25 p.m.

**Browning, Jacob**

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**From:** Gayle Goff [gayle.goff@gmail.com]  
**Sent:** Friday, September 26, 2008 10:46 AM  
**To:** Guernsey, Greg; Harden, Joi; Browning, Jacob  
**Cc:** Carl Braun; Dawn Cizmar; Barb Fox; Toni House; Toni House; Krebs, Fred; Linda@SallingCPA.com; Jean Mather; May, Mike; Linda Watkins; Wayne Gronquist; Malcolm Yeatts; jlong91@austin.rr.com  
**Subject:** 1406-1506 Parker Lane-C14-2008-0162 & NPA-2008-0021.01

September 23, 2008

Re: C14-2008-0162 and NPA-2008-0021.01  
 1406-1506 Parker Lane  
 E Riverside Oltorf Combined (EROC) NPA

To: COA Neighborhood Planning & Zoning Dept.  
 Greg Guernsey, Joi Harden, Jacob Browning

After considering applicant's proposal, the 14 members of the EROC NPCT have voted unanimously as follows, in accordance with the NPCT Bylaws:

**the EROC NPCT does NOT support the zoning change request for 1406-1506 Parker Lane and recommends denial of the requested plan amendment in the above-noted cases.**

The reasons for this decision:

1. The proposed zoning change conflicts with the Neighborhood Plan and with the Future Land Use Map designation for these lots.
  - EROC NP (p. 27): A foremost planning principle is to "preserve single-family homes and the character and assets of our traditional neighborhoods. Protect them from further encroachment from non-compatible and/or higher intensity uses by always providing a buffer equal to or greater than the existing buffer." These single-family homes ARE the edge of a traditional neighborhood.
  - EROC NP (p. 27) designates many specific locations as opportunities for re-development in the area. These properties are not listed.
  - The EROC NPA is already dominated by multi-family development, with more than an additional 2500 units becoming available in the next few years. Applicant's proposal only increases the overabundance of this land use. The plan for the area clearly states that the "area is unique in comparison to many parts of the city in that it has a dominance of multifamily development, primarily in the form of apartments. An

overabundance of multifamily housing has resulted in problems related to traffic congestion, a high crime rate and inadequate infrastructure, and does not promote home ownership. Neighborhood Planning participants want to increase home ownership opportunities; more home-owning residents will enhance a sense of permanence and investment in the area. Planning participants desire to maintain a diverse range of housing opportunities for all stages of life and income levels as well as encourage a better housing balance." (EROC NP, p.70)

- Throughout the planning process, staff and stakeholders agreed that these properties should retain single-family residential classification.

2. The EROC NP (Goal 2, p. 30) stresses the need for increasing home-ownership opportunities. Re-development with current zoning meets this need. Sales statistics in the area confirm the need for single-family and single-family attached homes. Eight units can be built on these four lots with the existing zoning. Current zoning provides ample financial opportunity for the applicant.

3. The subject lots are located on the west side of Parker Ln., which is predominantly single-family and is the outside edge of Areas 6 and 7 of the SRCC Neighborhood Association. This single-family neighborhood has been a part of SRCC since its creation in 1972. The sole exception to single-family development south of Applicant's property all the way to Windoak is the condo development on Applicant's southern property line. In fact, from that property south all the way to Windoak, the west side of Parker Lane consists of 27 lots, 25 of which are single-family homes and two are duplexes.

We appreciate your consideration of our vote and the reasons therefor. Please include this letter as part of the back-up package for these cases.

Respectfully,

Gayle Goff  
Chair, EROC NPCT

**Browning, Jacob**

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**From:** Toni House [thouse@phonelaw.com]  
**Sent:** Tuesday, November 18, 2008 1:19 PM  
**To:** Browning, Jacob  
**Cc:** Harden, Joi; sully.jumpnet@sbcglobal.net; pcavazos\_planning@yahoo.com; jay\_reddy@dell.com; tracy.atkins@gmail.com; paulahui16@yahoo.com; saundra\_kirk@sbcglobal.net; chris@brandocular.com; clint\_small@hotmail.com; amdealey@aol.com  
**Subject:** 11/25/08 Agenda - 1406-1506 Parker Lane-C14-2008-0162 & NPA-2008-0021.01

Hi, Jacob - As discussed yesterday, I have pasted in below copies of the Resolution of the South River City Citizens Neighborhood Association opposing the proposed upzoning and neighborhood plan amendment referenced above. For your convenience, I have also pasted in the notification from the Chair of the E. Riverside/Oltorf Combined Neighborhood Planning Contact Team that the NPCT voted to oppose the proposed neighborhood plan amendment and upzoning of these properties. Please make these documents part of the record. Thank you.

Toni House, Secretary  
EROC NPCT  
Office: 225-0016

**RESOLUTION OPPOSING EROC NEIGHBORHOOD PLAN AMENDMENT  
AND RE-ZONINGS OF 1406 – 1506 PARKER LANE PROPERTIES**

South River City Citizens Neighborhood Association (SRCC) supports the E. Riverside/Oltorf Combined (EROC) Neighborhood Planning Contact Team and the affected property owners in their opposition to a proposed Neighborhood Plan Amendment (NPA-2008-0021.01) and Application for Rezoning (Case No. C14-2008-0162) that would up-zone properties on SRCC's eastern boundary from single-family (SF-3) to multi-family (MF-3) for the following reasons:

- The proposed zoning change conflicts with the EROC Neighborhood Plan and with the Future Land Use Map designation for these lots.
- The Riverside Neighborhood Planning Area is over-burdened with multi-family development – more than 85% of the land use is multi-family, with an additional 2,500 units approved and currently under construction or in the planning stages.
- Due to the imbalance in land use, Goal 2 of the EROC Neighborhood Plan stresses the need for increasing home-ownership opportunities. Re-development under the current zoning meets this need – multi-family zoning does not.
- The subject lots are located on the west side of Parker Ln., which is predominantly single-family and is the outside edge of Areas 6 and 7 of SRCC territory.

APPROVED October 6, 2008:  
South River City Citizens Neighborhood Assn.

By: /s/ Jean Mather  
Jean Mather, President

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September 23, 2008

Re: C14-2008-0162 and NPA-2008-0021.01  
1406-1506 Parker Lane  
E Riverside Oltorf Combined (EROC) NPA

11/18/2008