

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C814-06-0175.02 East Ave PUD

**P. C. DATE:** 2-24-2009

**ADDRESS:** 3400 N. IH 35 SVRD SB

**AREA:** 23.00 Acres

**APPLICANT:** East Avenue IG, L. P.  
(Andy Sarwal)

**AGENT:** Alice Glaso Consulting  
(Alice Glaso)

**NEIGHBORHOOD PLAN AREA:** Hancock

**CAPITOL VIEW:** No

**WATERSHED:** Boggy/Waller Creek

**T.I.A.:** No.

**HILL COUNTRY ROADWAY:** No

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** PUD-NP

**ZONING TO:** PUD-NP

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends an amendment to Planned Unit Development – Neighborhood Plan – PUD-NP for the East Avenue PUD to modify the setback along the North property line as shown on Exhibit “B”.

### **BASIS FOR RECOMMENDATION:**

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

While the East Avenue Planned Unit Development is exempt from external Compatibility Standards, reasonable consideration is being given to the single family development to the north with regards to setbacks and land use intensities.

### **PLANNING COMMISSION RECOMMENDATION:**

The motion to approve staff's recommendation for PUD zoning; was approved on the Consent Agenda by Commissioner Mandy Dealey's motion, Commissioner Chris Ewen second the motion on a vote of 9-0.

### **DEPARTMENT COMMENTS:**

The East Avenue Planned Unit Development is a twenty three acre PUD approved on March 26, 2007 by the City Council by Ordinance # 20070326-002. The proposed PUD is a mixed use development that includes single family condominiums, multi-family residential, retail/commercial and a hotel. The applicant submitted an *administrative* PUD amendment that called for three changes to the approved PUD plan. These three changes include the following:

1. Establish a new roadway cross-section for Concordia Avenue and the Concordia Avenue private drive extension.

2. Modify previously established alleyways within the PUD on Parcels B1 and B3.
3. Include additional architectural features on the eastern side of the East Avenue Development adjacent to IH 35 access road.

Further analysis of the roadway cross-section revealed that the proposed realignment of the alley on Parcel B3 also decreased the setback on the north property line of the proposed PUD. On the approved plan for the PUD, Parcel B3 shows a twenty foot alley (20') with a five foot setback (5') for a total of twenty five feet (25') between the proposed structure on Parcel B3 and the single family dwellings to the north. Also depicted on the PUD plan is a "buildable area limit" for parcel B3. In the second amendment, the applicant is proposing the realignment of the alley to no longer be adjacent to the north property line and to run in between the two townhome structures, thereby reducing the setback and moving outside of the "buildable area limit". The PUD is exempt from external Compatibility Standards. Since Compatibility Standards are waived for the PUD, and had the plan not depicted a "buildable area limit", the development could have come to within five feet (5') of the property line similar to that of Parcel B1 to the Northeast. The applicant is proposing a new setback of fifteen feet, seven inches (15'7") adjacent to the single family residences to the north. Moving the alley away from the single family dwellings will eliminate the potential of noise from vehicles, both private and public such as trash trucks while still providing adequate open space between the PUD and the single family residential uses to the north.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	PUD-NP	Mixed Use/Residential - Commercial
<b>NORTH</b>	SF-3-CO-NP	Single Family Residential
<b>SOUTH</b>	PUD-NP	Saint David's Medical Center
<b>EAST</b>	CS-MU-CO-NP	Office/Restaurant
<b>WEST</b>	MF-4-NP	Multi-Family

#### **CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C814-06-0068 St. David's	From GO-MU-NP, CS-NP & GR-CO-NP to PUD-NP	Approved PUD-NP [Vote: 6-2]	Approved PUD-NP [Vote: 7-0]
C14-95-0004 E. 32 <sup>nd</sup> St.	From MF-4 to GO	Approved GO [Vote: 7-0]	Approved GO [Vote: 5-0]

#### **NEIGHBORHOOD ORGANIZATION:**

- Mueller Neighborhoods Coalition
- Homeless Neighborhood Assoc.
- Upper Boggy Creek Neighborhood Planning Team
- Pointe Condo HOA
- Cherrywood Neighborhood Assoc.
- Anberly Airport Assoc.
- North Austin Neigh. Alliance
- C.A.N.P.A.C.
- Austin Neighborhood Council

**SCHOOLS:**

Lee Elementary School  
Kealing Middle School  
McCallum High School

**SITE PLAN COMMENTS RECEIVED:**

Site plan comments are cleared.

**TRANSPORTATION COMMENTS RECEIVED:**

Transportation comments are cleared

**CITY COUNCIL DATE:** 03/26/09

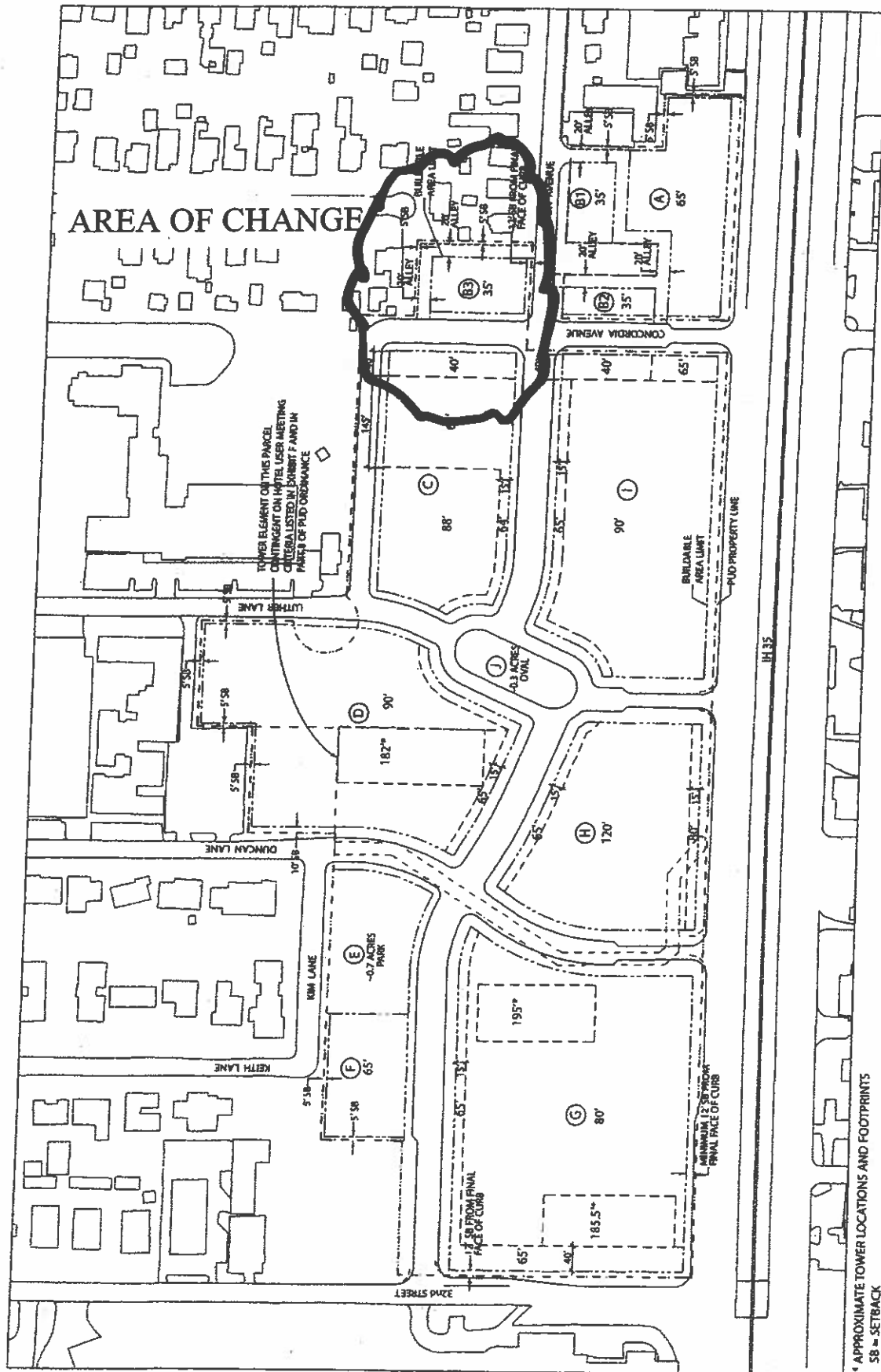
**ACTION:** Postponed to 4/23/09

**ORDINANCE READINGS:** 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson  
Clark.patterson@ci.austin.tx.us

**PHONE:** 974-7691



EAST AVENUE PUD  
EXHIBIT C-2: LAND USE PLAN  
MAXIMUM BUILDING AREA AND HEIGHT ZONES  
Prepared by ROMA Design Group

\* APPROXIMATE TOWER LOCATIONS AND FOOTPRINTS  
SB = SETBACK  
--- BUILDABLE AREA LIMIT

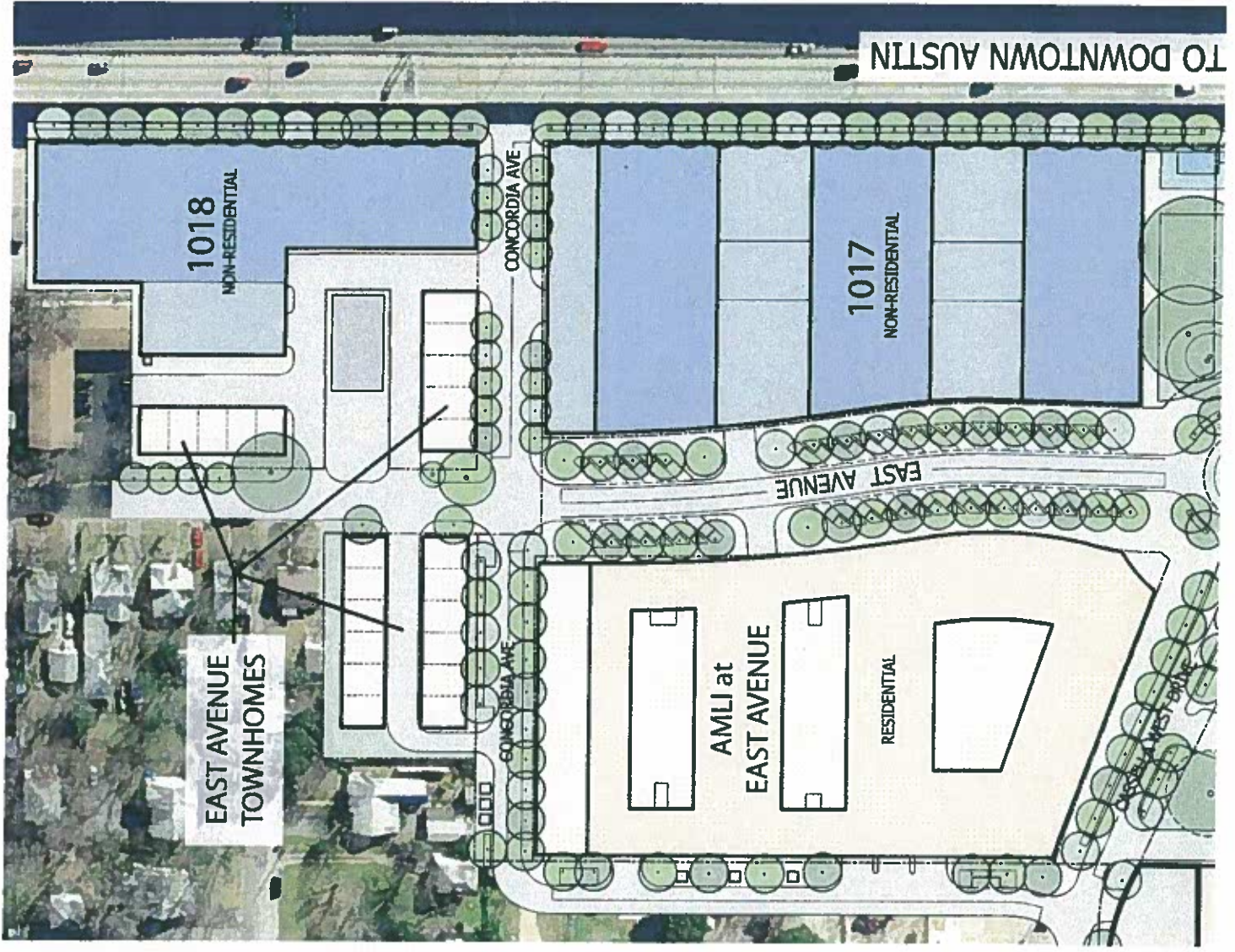




East Avenue - Original Site Plan



Proposed Townhome Configuration





## ***Hancock Neighborhood Association***

January 14, 2009

Mr. Andy Sarwal  
East Avenue  
P.O. Box 2201  
Austin, TX 78768

Dear Mr. Sarwal:

Hancock Neighborhood Associations (HNA) appreciates our opportunities to meet with you and East Avenue representatives to discuss the proposed change to setback on the townhomes at the northwest corner of Concordia Drive and Harmon known as Parcel 8a. A meeting of the HNA was held December 3, 2008, and the following proposal was approved:

1. The setback on the townhomes at the northwest corner of Concordia Drive and Harmon known as Parcel 8a would have a 15' 7" setback on the north side (with no driveway/alley on the north side)
2. The sidewalk on the south side of parcel 8a would be reduced to approximately 5'.
3. Only 1 alley will be located between the town homes, rather than the original design, which had 2 alleys.
4. The trash receptacles would be contained in the alley between the townhomes on parcel 8a.
5. There would be no vehicle access/cut-through provided via 921 East 37th street (which is a dead-end) to Concordia Dr.
6. The fencing between single family homes residences and townhomes will be esthetically pleasing stone.
7. All of the architectural drawings for the townhomes would go through the architectural control committee.

If you have any questions or would like to communicate with HNA, please feel free to contact me.

Sincerely,

Carolyn Palaima  
Hancock Neighborhood Association President  
680-5542  
c.palaima@austin.utexas.edu



A Sarwal <ansarwal@gmail.com>

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**(no subject)**

Steve Vinklerek <steve.vinklerek.h3l2@statefarm.com>

Tue, Mar 10, 2009 at 3:50 PM

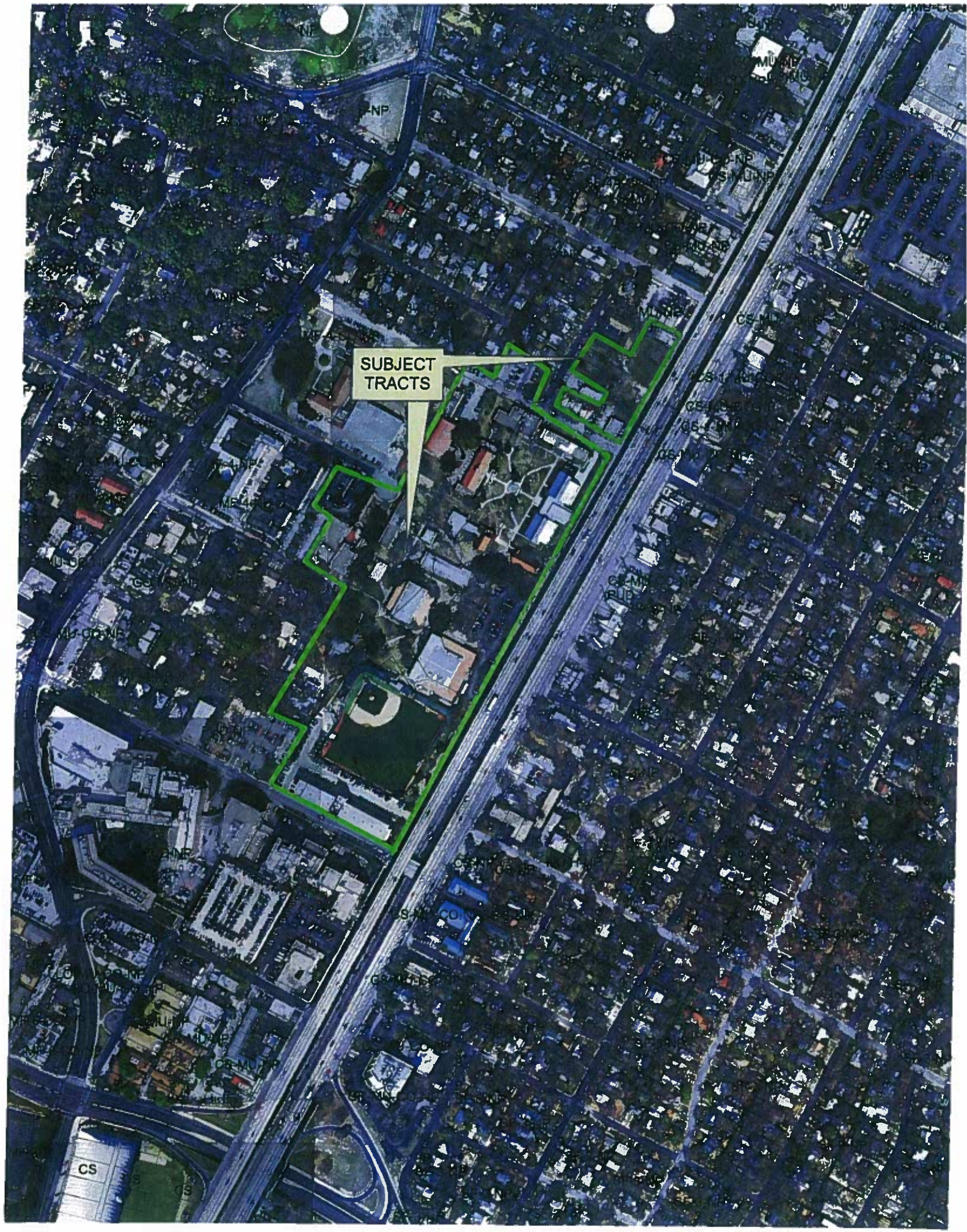
To: Andy Sarwal <ansarwal@gmail.com>

Dear Andy,

I am writing to confirm that I am a property owner who owns the land immediately adjacent to the East Avenue development and am most affected by what you are proposing. As you know, we have been working with you for the past several months and appreciate your cooperation. We, like the neighborhood, are fully supportive of what has been presented to the City and are sorry for all of the efforts you have made and still dealing with one outlier.

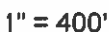
Steve Vinklerek





SUBJECT  
TRACTS





**Letter of Opposition to Changes to**  
**Properties Formerly Known As 921 E37th St by East Avenue Development**

Dear members of the City Council,

As a homeowner / resident on E37th St, I am shocked and dismayed about the actions of East Avenue Development regarding the properties formerly known as 921 E37th St.

By dividing this property into two parcels of land and selling one to a utility company (AT&T) for the purpose of installing two large (6-8' long, 4' high) telecommunications boxes, I feel that the goodwill and trust that has been built up for East Avenue Development has been severely eroded. These changes were not communicated to me by East Avenue Development, but discovered by a city inspector on March 24, 2009. AT&T also informed the city inspector that the single-family home on the lot was scheduled to be torn down in the future.

I object to:

- 921 E37th St being divided into multiple properties
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The ramifications of the above changes disrupt the appearance of our street and the last item especially has the potential to impact property value. Considering these factors and events, please do not approve PUD amendment proposals made by East Avenue Development until an agreement is reached between the neighborhood and East Ave Development regarding properties formerly known as 921 E37th St.

 Sincerely,  
(signature)

Sally Herlick (name)

904 E 37th, Austin (address)

~~herlick@earthlink.net~~ (contact)  
(512) 489-9631

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Sincerely,  
 (signature)  
Dennis M. Gargano Hannah Wynn (name)  
923 E 37th (address)  
(512) 618-8328 (contact)

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Sincerely,

Vivian Addcox (signature)

Vivian Addcox (name)

900 E 37th St (address)

\_\_\_\_\_ (contact)



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Matthew Stover

Sincerely,

 (signature)  
Karen Thompson (name)

908 E. 37th St. Apt. A (address)

312-217-4577 (contact)

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Sincerely,

Lauren Becker (signature)

Lauren Becker (name)

912 E. 37<sup>th</sup> Street (address)

[REDACTED] (contact)

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Sincerely,

 (signature)

Ben Pallister (name)

918 E. 37th St. (address)

210-385-5252 (contact)

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 Sincerely,  
\_\_\_\_\_(signature)  
Brian L. Kates \_\_\_\_\_(name)  
918 E 37<sup>th</sup> St. \_\_\_\_\_(address)  
(210) 269-1232 \_\_\_\_\_(contact)

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Sincerely,

 (signature)

Chris Betting (name)

918 E. 37th St (address)

432-296-8682 (contact)



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Sincerely,

Jana Brown (signature)  
Jana Brown (name)  
914 E37th (address)  
(512) 507 9128 (contact)

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Sincerely,

 (signature)

JAMES W. ADAMS (name)

905 E. 37TH (address)

474-0370 (contact)

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Sincerely,  
  (signature)  
BRIAN SMITH      BRADLEY BONEY (name)  
                                 925 E37th (address)  
                                 \_\_\_\_\_ (contact)

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Sincerely,

 (signature)

Robert Becht (name)

910 E37th St (address)

\_\_\_\_ (contact)

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Sincerely,

Christi Pate (signature)

CHRISTI PATE (name)

913 E 37th (address)

474.8784 (contact)



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Sincerely,

Carl F. Kenyon (signature)  
Carl F. Kenyon (name)  
917 E 37th St (address)  
(512) 947-6184 (contact)

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I object to:

- 921 E37th St being divided into multiple properties
- the placement of two large telecommunications boxes on the front lawn of what was formerly known as 921 E37th St
- Structures on 921 E37th St being torn down or the property being absorbed into development property

The ramifications of the above changes disrupt the appearance of our street and the last item especially has the potential to impact property value. Considering these factors and events, please do not approve PUD amendment proposals made by East Avenue Development until an agreement is reached between the neighborhood and East Ave Development regarding properties formerly known as 921 E37th St.

Sincerely,

Bart Whitley (signature)

Bart Whitley (name)

907 E. 37th (address)

512 470 4318 (contact)