

C14

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0136  
(Austin Elm Terrace, LP)

**P.C. DATE:** January 14, 2014

**ADDRESS:** 3215 Exposition Boulevard

**OWNER/APPLICANT:** Austin Elm Terrace, LP (Steve Beuerlein)

**AGENT:** Husch Blackwell, LLP (Jerry L. Harris)

**ZONING FROM:** Unzoned, SF-3      **TO:** MF-2      **AREA:** 2.182 acres (95,044 sq. ft.)

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant SF-6-CO, Townhouse & Condominium Residence-Conditional Overlay District, zoning at this location. The conditional overlay includes conditions that were to be presented to the City Council at 3<sup>rd</sup> reading of the previous zoning case on this tract, C14-2007-0084. Therefore, the staff's recommendation for the conditional overlay (CO) is as follows:

- 1) The property shall be limited to a maximum of 20 dwelling units/9.17 dwelling units per acre.
- 2) Beginning 75-feet from the property line along Exposition Boulevard: a) the maximum height permitted shall be 2-stories or 32 feet, b) development shall comply with Subchapter F, Article 2, Section 2.7 (*Side Wall Articulation*) of the City Code, along the western façade of a building, c) condominium residential uses are prohibited.
- 3) Construction of a fence is prohibited along the property line adjacent to Exposition Boulevard.
- 4) A 25-feet wide vegetative buffer shall be provided/maintained beginning at the eastern edge of the sidewalk along Exposition Boulevard.

**PLANNING COMMISSION RECOMMENDATION:**

**DEPARTMENT COMMENTS:**

The property in question consists of a 2.182 acre site that fronts Exposition Boulevard. This property was auctioned by the State of Texas and was formerly part of the Austin State School. The majority of the property does not have designated zoning and is currently shown as Unzoned (UNZ). The site fronts a single-family residence, a religious assembly use (Westminster Presbyterian Church), and abuts the Austin State School. The applicant proposes to zone/rezone the property to the MF-2, Multifamily Residence-Limited Density district, to develop a 55 an older age restricted housing project with primarily underground parking on the site. The agent states in a letter submitted with the application that they would be willing to limit the site to 15.5 units per acre, have a 75-foot building setback from Exposition Boulevard and have an additional 25-foot height setback where no building would be constructed higher than 2-stories (Please see Zoning Application Letter-Attachment A). The applicant plans to have a single driveway access to Exposition Boulevard.

The staff is recommending SF-6-CO zoning as the site under consideration meets the purpose statement of the Townhouse & Condominium district designation. The proposed SF-6-CO zoning is compatible with existing residential uses along Exposition Boulevard. The recommended zoning classification will allow for a transition of land uses from MoPac Expressway west to the established residential neighborhood. SF-6-CO zoning will encourage a diversification of residential land uses in

the area while allowing the proposed land use requested. The staff's recommendation is consistent with our previous recommendation in zoning cases C14-2007-0084 and C14-2010-0052 and with the City Council's actions in zoning case C14-2007-0084 for this property (please see Case Histories below).

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	Unzoned, SF-3	Vacant
<i>North</i>	Unzoned	Austin State School
<i>South</i>	Unzoned	Austin State School
<i>East</i>	Unzoned	Austin State School
<i>West</i>	SF-3	Religious Assembly (Westminster Presbyterian Church), Single-Family Residences

**NEIGHBORHOOD PLAN:** Central West Austin

**TIA:** Not Required

**WATERSHED:** Taylor Slough South

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Heritage Tree Foundation
- Austin Independent School District
- Austin Monorail Project
- Austin Neighborhoods Council
- Bike Austin
- Central West Austin Neighborhood Plan Contact Team
- Highland Park West Balcones Area Neighborhood Association
- Homeless Neighborhood Association
- Preservation Austin
- Save Barton Creek Association
- SELTEXAS
- Sierra Club, Austin Regional Group
- Super Duper Neighborhood Objectors and Appellers Organization
- The Real Estate Council of Austin, Inc.
- West Austin Neighborhood Group

**SCHOOLS:**

Austin Independent School District:

- Casis Elementary School
- O. Henry Middle School
- Austin High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
<p>C14-2010-0052 (West Austin Neighborhood Group Planning Area Rezoning: Tract 101- 3215 Exposition Boulevard)</p>	<p>UNZ to SF-6-NP and High Density Single Family FLUM designation (staff)  UNZ to MF-1-NP and Multifamily FLUM designation (property owner)</p>	<p>6/22/10: No recommendation</p>	<p>8/19/10: Recommended no Future Land Use Map or zoning category (5-2, L. Morrison, R. Shade-Nay); M. Martinez-1<sup>st</sup>, B. Spelman-2<sup>nd</sup>.  9/23/10: City Council's vote on 1<sup>st</sup> reading removed the Brackenridge Tract and 3215 Exposition Boulevard from the Future Land Use Map and these properties are not part of the vote at 2<sup>nd</sup>/3<sup>rd</sup> readings.</p>
<p>C14-2007-0084 (Elm Terrace: 3215 Exposition Blvd.)</p>	<p>UNZ to MF-1</p>	<p>8/28/07: Approved MF-1-CO zoning, with CO for a maximum number of 27 units (6-2, P. Hui and T. Atkins-Nay); J. Reddy-1<sup>st</sup>, M. Dealey-2<sup>nd</sup>.</p>	<p>9/27/07: Postponed to October 18, 2007 at the neighborhood's request  10/18/07: Postponed to November 29, 2007 with direction to the neighborhood and developer to select a mutually agreed upon facilitator for a meeting designed to work out the differences between the two.  11/29/07: The public hearing was closed and the first reading of the ordinance for townhouse and condominium residence (SF-6) district zoning with a limit of 20 units and direction to staff to obtain a site and architectural analysis prior to bringing the item back was approved with the following conditions on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote. The conditions include: 1) No walls; 2) Sidewalks must be up to Urban Sidewalk Standards with street trees; and 3) Units fronting on to Exposition must have front doors oriented to Exposition Boulevard.  1/31/08: Postponed to February 14, 2008 at the request of the neighborhood and the applicant  2/14/08: Postponed to February 28, 2008 at the Council's request on</p>

			<p>consent (5-0, J. Kim-absent; B. McCracken-off the dais)</p> <p>2/28/08: Approved the second reading of the ordinance for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions was made by Mayor Pro Tem Dunkerley and seconded by Council Member Cole. The conditions were as follows: limit units to 20, with a CO limiting the structures on Exposition Boulevard to two stories, on site water quality and detention.</p> <p>Council Member Kim offered a friendly amendment to prohibit a fence along Exposition Boulevard and limiting construction to two stories or 32 feet for the first 75 feet of the property from the property line along Exposition Boulevard. The Restrictive Covenant conditions includes units facing Exposition Boulevard will have doors oriented toward Exposition Boulevard; requirement for 25 feet vegetative buffer along the Exposition frontage along the property line on Exposition; and require sidewalk articulation as per the McMansion ordinance for the façade of any building on the property. Mayor Pro Tem Dunkerley and Council Member Cole accepted all of the friendly amendments except the vegetative buffer and 75 feet setback. The substitute motion to include a setback of 75 feet passed on Council Member Kim's motion on a 6-1 vote. Mayor Pro Tem Dunkerley voted nay. The amended main motion approving the second reading of the ordinance was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote. Staff was directed to include on third reading the prohibition of</p>
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			<p>condominium use on Exposition frontage.</p> <p>3/27/08: Postponed to April 10, 2008 at the applicant's request on consent (6-0, S. Cole-off the dais)</p> <p>4/10/08: Case was withdrawn by the applicant.</p>
C14H-02-0017 (Gatewood House: 2900 Tarry Trail)		9/23/02: Approved SF-3-H zoning (9-0)	11/07/02: Approved SF-3-H zoning (7-0), all 3 readings
C14-96-0071 (Katherine Reynolds: 3003 West 35 <sup>th</sup> Street)	SF-3 to SF-5-CO	07/30/96: Recommendation of SF-6-CO zoning subject to a 10-foot minimum building setback from all adjoining properties (5-0).	<p>10/31/96: Granted SF-5-CO zoning (7-0), with the following conditions:</p> <ul style="list-style-type: none"> <li>• No structure or part of a structure shall be constructed or maintained within 10 feet of the perimeter of the property.</li> <li>• No structure or part of a structure shall be constructed or maintained within the area described in the metes &amp; bounds description attached.</li> <li>• The number of dwelling units on the property shall not exceed six dwelling units within 3 buildings.</li> </ul>

**RELATED CASES:** C14-2007-0084 (Previous Zoning Case)

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Exposition Boulevard	Varies	Varies	Arterial	Yes	Yes	Yes

**CITY COUNCIL DATE:** February 13, 2014

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

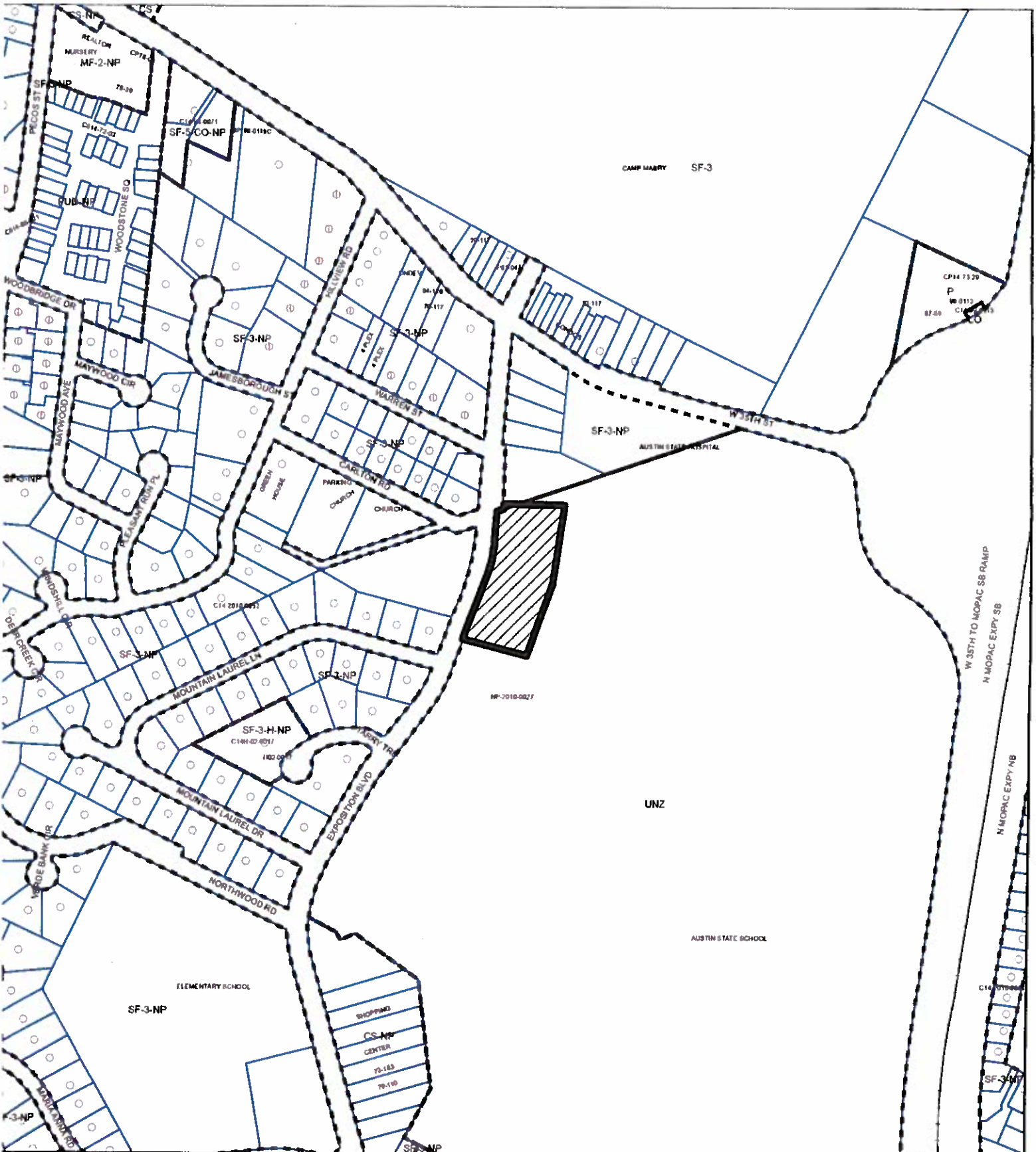
3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,




[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



**ZONING**

**ZONING CASE#: C14-2013-0136**



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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









## STAFF RECOMMENDATION

The staff's recommendation is to grant SF-6-CO, Townhouse & Condominium Residence-Conditional Overlay District, zoning. The conditional overlay will:

- 1) Limit the development on the property to a maximum of 20 dwelling units/9.17 dwelling units per acre.
- 2) Beginning 75-feet from the property line along Exposition Boulevard: a) the maximum height permitted shall be 2-stories or 32 feet, b) development shall comply with Subchapter F, Article 2, Section 2.7 (*Side Wall Articulation*) of the City Code, along the western façade of a building, c) condominium residential uses are prohibited.
- 3) Construction of a fence is prohibited along the property line adjacent to Exposition Boulevard.
- 4) A 25-foot wide vegetative buffer shall be provided/maintained beginning at the eastern edge of the sidewalk along Exposition Boulevard.

## BASIS FOR RECOMMENDATION

- 1) *The recommended zoning should be consistent with the purpose statement of the district sought.*

Townhouse and condominium residence (SF-6) district is the designation for a moderate density single family, duplex, two-family, townhouse, and condominium use that is not subject to the spacing and location requirements for townhouse and condominium use in an SF-5 district. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multifamily residential use.

The recommended zoning classification will allow for residential land use diversification while encouraging a transition of land uses to the established neighborhood.

- 2) *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning is consistent with development in this area as there are other properties in the immediate vicinity that are zoned for residential development at various densities. The existing uses to the west of the site, across Exposition Boulevard, include a religious assembly use and single-family residential uses.

## EXISTING CONDITIONS

### Site Characteristics

The site under consideration consists of a 2.182 acre site that fronts Exposition Boulevard. This property was auctioned by the State of Texas and was formerly part of the Austin State School. The tracts of land to the north, south and east are developed with the Austin State School. The lots to the west, across Exposition Boulevard, contain a religious assembly use and a single-family residence.



## **Comprehensive Planning**

Unzoned and SF-3 to MF-2  
November 7, 2013

This zoning case is located on a 2.18 acre vacant lot located on the east side of Exposition Boulevard. The property is also located within of the boundaries of the Central West Austin Combined Neighborhood Planning Area. The subject property is surrounded by the Austin State Supported Living Center to the north and east, a vacant parcel to the south, and a church and single family house to the west. Until 2007, this property used to be part of the Austin State Supported Living Center, which provides 24 hour/7 day a week services to over 300 individuals with intellectual and developmental disabilities. The proposed use for the subject property is 30 plus units of senior living condominiums.

### **Central West Austin Neighborhood Plan**

The property is located within the boundaries of the Central West Austin Neighborhood Plan (CWANP) area but was not assigned a land use category on the CWANP Future Land Use Map (FLUM). During the adoption phase of this plan in August 2010, Council did not assign a FLUM category to this property. While the property was once part of the Austin State Supported Living Center, it is located in a transitional area between the Center and the adjacent neighborhood. The following goals, objectives and text are applicable to the Austin State Supported Living Center and residential infill and redevelopment in the planning area.

**Policy L.1.2** Maintain low intensity, low density residential use within the Drinking Water Protection Zone. (p 42)

**Objective 3:** All redevelopment should be compatible with the character of the adjacent neighborhood and should be guided by green design principles. (p 44)

**Objective 6:** If the Austin State Supported Living Center redevelops, it should be done in harmony with the adjacent neighborhood, transportation system, and natural resources. (p 47)

**Policy L.6.2:** The design of any redevelopment should be compact, mixed use, and walkable so that automobile trips are minimized. Re-development should result in harmonious residential development near the existing residential areas and concentrate the more intensive mixed use development toward the northeast corner of the tract at MoPac and 35th Street. Preserving significant amounts of public and private open space is encouraged. (p 47)

**Design Guidelines:** (p 45)

- When redevelopment or remodeling of an existing structure occurs, it should be compatible in scale, height, setbacks, landscaping, tree cover, garage placement, façades, and architectural style of neighboring houses.
- New and remodeled multi-family and commercial development should be compatible with the immediate neighborhood by having similar setbacks, building scale, façades, and rooftops. To contribute to the health of the neighborhood, new development should include landscaping that creates usable open space, trees that shade the structure and street, parking placed to the rear or side of the building, windows and doors that promote friendliness and “eyes on the street,” pedestrian amenities like light posts, and vegetative screening for air conditioners and dumpsters. It should also improve pedestrian and bicycle access between the property and immediate neighborhood wherever possible.

**Conclusion:** The CWANP supports low density residential uses over environmentally sensitive areas (this property is located over the boundaries of the Edwards Aquifer Recharge Zone). The plan also encourages that all new redevelopment should be compatible (setbacks, building scale, facades

and rooftops) with adjacent residential development. Since this property was never been part of a single family residential subdivision, high density single family or low intensity multi-family seems appropriate as long as it is compatible (see design guidelines above) with adjoining institutional and single family land uses and meets the development requirements of the Drinking Water Protection Zone.

### **Imagine Austin**

The property is located within the boundaries of the Edwards Aquifer Recharge Zone and is located within the boundaries of a suburban water zone. An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and “contribute” water to the aquifer. This property is also classified as, ‘Other Development within City Limits’, (p 107) which are areas of the city not included within centers or activity corridors as identified by the Growth Concept Map. Page 107 states that, *“While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas.-New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context.”*

The following IACP policies are applicable to this case:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P21.** Ensure that redevelopment in the Edwards Aquifer’s recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.
- **HN P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin’s diverse population.
- **HN P5.** Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.
- **HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based upon the Imagine Austin policies referenced above that supports a variety of housing types and infill development, including housing for seniors and persons with disabilities, staff believes that this project is supported by Imagine Austin as long as environmental ordinances are considered and enforced and that the project is compatible with adjoining institutional and residential land uses.

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

**Impervious Cover**

The maximum impervious cover allowed by the MF-2 zoning district would be 60%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Note: The most restrictive impervious cover limit applies.

**Environmental**

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Taylor Slough South Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to floodplain maps there is no floodplain in or within close proximity of the project location.

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

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

**Site Plan**

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.



**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

**Transportation**

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]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Exposition Boulevard	60'	36'	Minor Arterial 2-Lane (MNR 2)	7,444 ('08)

There are existing sidewalks along Exposition Boulevard.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: Exposition Boulevard serves route no. 25 with an existing and recommended Bike Lane.

Eric Dusza with the Neighborhood Connectivity Division may have additional comments regarding multi-modal enhancements and facilities.

Capital Metro bus service (route no. 21 and 22) is available along Exposition Boulevard.

**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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

**Jerry L. Harris**  
512.479.9710 direct  
512.479.1101 fax  
jerry.harris@huschblackwell.com

October 14, 2013

Mr. Gregory Guernsey, Director  
Planning and Development Review Dept.  
City of Austin  
Austin, Texas 78767-1088

Re: 3215 Exposition Residences/MF-2-CO Zoning Application

Dear Mr. Guernsey:

The attached zoning application covers 2.182 acres of land located at 3215 Exposition Boulevard. The vast majority of the property is currently unzoned, while a very tiny portion is zoned SF-3. On August 19, 2010 the property was excluded from the Central West Austin Combined Neighborhood Plan by the City Council. At the same time the City Council voted that the vast majority of the property would remain unzoned, that the very tiny portion of the property zoned SF-3 would remain zoned SF-3, and that there would be no future land use map designation for the entire property.

As you know, under the City's Land Development Code, MF-2 is classified as a low density multi-family district allowing up to 23 units per acre. Our project will be limited to 15.5 units per acre, well below the 23 units per acre allowed.

You may also recall that the City's Land Development code provides that MF-2 may be located near single-family neighborhoods or in an area where low density multi-family use is desired.

Therefore, we strongly believe that our site is ideal and appropriate for our proposed project.

Further, our project, in addition to being low density, provides use and development features which make it unique and which enable it to meet numerous planning goals and objectives, including the desirability of a diversity of housing within neighborhoods.

First, the project will be 55 and older age restricted, thereby providing greatly needed housing for seniors. This is totally in line with providing housing that meets the needs of our diverse population.

Mr. Gregory Guernsey  
October 14, 2013  
Page 2

Second, our 75-foot building setback from Exposition Boulevard and our additional 25-foot no building higher than two (2) stories setback guarantee a beautiful streetscape, including existing and new trees and landscaping.

Third, our single driveway for the project avoids the necessity of having multiple driveways onto Exposition Boulevard.

Fourth, underground parking, except for six surface guest parking spaces, avoids any negative aspects of surface parking.

Our project will comply with all neighborhood compatibility standards, subdivision/site plan ordinances, and rules and regulations of the City of Austin.

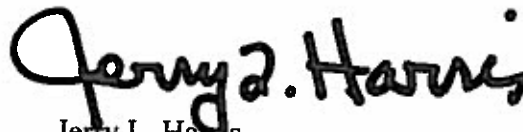
Appropriate neighborhood restrictive covenants, City public restrictive covenants, and zoning ordinance conditional overlay provisions will be put in place to ensure the enforceability of all features of our project.

Our project will not be a precedent for MF-2 zoning. It will be a precedent for MF-2 zoning restricted to 55 and older housing, 15.5 units per acre, less than 2,000 trips per day, a 75-foot building setback, underground parking, and single-drive ingress and egress, and the other features of this project.

Please let me know if you have any questions or need any additional information at this time. We will be pleased to meet to discuss any and all aspects of this application at your convenience.

Very truly yours,

HUSCH BLACKWELL LLP

  
Jerry L. Harris

JLH/slm  
Enclosure

4944879.1  
61743.1



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintexas.gov](http://www.austintexas.gov)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2013-0126

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Dec 3, 2013, Zoning and Platting Commission

Jan 23, 2014, City Council

Tony Florence  
Your Name (please print)

I am in favor  
 I object

1000 Liriope Cv Austin, Tx 78750

Your address(es) affected by this application

12-3-13

Date

Signature

Daytime Telephone: (512) 656-7308

Comments: This has been a long established

single family residential neighborhood.

The rezoning of this property would

increase the traffic flow through neighborhood

which will cause hardship to the existing

property owners and will have a negative

effect on property values. This is a

bad idea and would be a detriment

to the existing home owners.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Nov 4, 201.

Mr. Patterson,  
I live on Warren St, 3 blocks  
west of Exposition Blvd. Thank you  
for sending the notice that once  
again Mr. Beverlein wants to  
develop property on Exposition.

Please NO! Exposition Blvd is  
bump to bumper traffic in the  
area many times during the day.  
Doesn't the City have any respect  
to the homeowners and folks who  
are dependent on Exposition? It is  
inconceivable to me that this  
petition would go forward. I have  
lived here on Warren 55 years.  
In the late 50's or early 60's we  
paid the City \$100 to go in on par  
warren. I know times change,  
but why choke a neighborhood?

Cordially,

Clare Bre

## Sirwaitis, Sherri

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**From:** Vivian Wilson [REDACTED]  
**Sent:** Tuesday, January 07, 2014 2:42 PM  
**To:** Sirwaitis, Sherri  
**Cc:** [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]  
**Subject:** C14-2013-0136  
**Attachments:** C14-2007-0084 ORD.pdf; Withdrawal Request - Elm Terrace.pdf

Good Afternoon Ms. Sirwaitis,

As a follow up to the email I sent this morning, I have attached a copy of the City Council Ordinance that Council was poised to support at third reading on this same property in 2008. I have also attached a copy of the applicants withdrawal request.

If my neighbors and I are not able to meet with you in person prior to City Staff forming a recommendation for this property, we ask that you consider our concerns, as well as the prior council decision, before forming a final recommendation for the zoning of this property.

Our group of neighbors, as well as the WANG board, spent hundreds of hours studying the specifics of this site, meeting with the applicant and the applicant's agents, and meeting with city council members. We hired an urban planning company to provide a conceptual development plan for the entire State School tract, as we believe these parcels at 3215 Exposition should fit into a holistic and smart plan for the potential future development of the State School tract.

Our neighborhood welcomes increased density, as long as it is buffered appropriately and transitions adequately and responsibly from our established neighborhood. The various parcels at 3215 Exposition have a number of limitations which we would like to make you explicitly aware of.

Combined, these parcels have unprecedented frontage along Exposition for a residential property. At 444' lineal feet along the roadway, the impact of a massive contiguous development type would overpower and loom over the small homes across Exposition. Likewise, a wall surrounding or defining a property of this size would also be unfriendly and unwelcoming to the neighborhood.

The church across from this proposed development sits lower than grade at street level, whereas 3215 Exposition sits much higher, and rises still approximately 40 feet toward the Northeast. This too, would greatly add to the looming and overpowering impact of a massive, contiguous development type.

Residents of the Mountain Laurel Addition across from this property live in homes with a deed restricted maximum of one story in height. Again, a massive development would loom over these small homes which sit on a much lower grade level than 3215 Exposition. We are also unable to leave our neighborhood without using Exposition boulevard. Each time I turn onto Exposition boulevard during peak times, I am risking life and limb.

The location of the entrance drive to this development is located for economic concerns rather than safety concerns. The drive location allows the applicant to use as little impervious cover as possible in the creation of a drive, thereby allowing more impervious cover to be occupied by building area. The drive location indicated on the plans is unsafe, as it sits just below the crest of a hill severely limiting visibility.

Finally, a significant challenge facing our neighborhood is the we are landlocked. To the west and south we are bordered by the lake. To the north, we are hemmed in by Camp Mabry. As 'bookends' on either end of our



neighborhood are the State School property, which is approximately 90 acres, and the Brack Tract, which is several hundred acres. If 35th and Lake Austin boulevard are overwhelmed, the residents of will all have to funnel onto the three remaining residential streets which access mopac, Westover, Windsor and Enfield.

We are certainly facing substantial increases in density in our neighborhood. Therefore, we believe it is not necessary to overbuild the property at 3215 Exposition. A multi-family zoning designation is unwarranted, and will set a dangerous precedent for the future development of the entire State School tract.

Please consider these concerns as you develop a recommendation for this site.

Sincerely,

Vivian Wilson  
2703 Mountain Laurel Drive  
Austin, Texas 78703  
512-228-6210

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE ESTABLISHING PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 3215 EXPOSITION BOULEVARD AND CHANGING  
3 THE ZONING MAP FROM UNZONED (UNZ) TO TOWNHOUSE AND  
4 CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO)  
5 COMBINING DISTRICT ON PARCELS ONE AND TWO AND REZONING AND  
6 CHANGING THE ZONING MAP FROM FAMILY RESIDENCE (SF-3) DISTRICT  
7 TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL  
8 OVERLAY (SF-6-CO) COMBINING DISTRICT FOR PARCEL THREE.

9  
10 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

11  
12 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
13 change the base district and establish a zoning district on the property described in Zoning  
14 Case No. C14-2007-0084, on file at the Neighborhood Zoning and Planning Department,  
15 as follows:

16  
17 Parcel One: From unzoned (UNZ) to townhouse and condominium residence-  
18 conditional overlay (SF-6-CO) combining district.

19  
20 A 1.082 acre tract of land, more or less, out of the Daniel J. Gilbert Survey No. 8,  
21 the tract of land being more particularly described by metes and bounds in Exhibit  
22 "A" incorporated into this ordinance, Save and Except Parcel Three; and

23  
24 Parcel Two: From (UNZ) to townhouse and condominium residence-conditional  
25 overlay (SF-6-CO) combining district.

26  
27 A 1.100 acre tract of land, more or less, out of the Daniel J. Gilbert Survey No. 8,  
28 the tract of land being more particularly described by metes and bounds in Exhibit  
29 "B" incorporated in this ordinance; and

30  
31 Parcel Three: From family residence (SF-3) district to townhouse and  
32 condominium residence-conditional overlay (SF-6-CO) combining district.

33  
34 A 0.0085 acre (370 square feet) tract of land, more or less, being a portion of  
35 Parcel One described in this ordinance, the 0.0085 acre tract being more  
36 particularly described by metes and bounds in Exhibit "C" incorporated in this  
37 ordinance (the "Property"),

1  
2 locally known as 3215 Exposition Boulevard, in the City of Austin, Travis County, Texas,  
3 and generally identified in the map attached as Exhibit "D".  
4

5 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
6 established by this ordinance is subject to the following conditions:  
7

- 8       A. Development of the Property shall not exceed a density of 20 dwelling units.  
9  
10       B. Development of the Property shall not exceed a density of 9.17 dwelling units  
11 per acre.  
12  
13       C. Beginning 75-feet from the property line along Exposition Boulevard the  
14 following applies:  
15  
16           1. The maximum height of a building or structure may not exceed two  
17 stories;  
18  
19           2. The maximum height of a building or structure may not exceed 32 feet;  
20  
21           3. Development shall comply with Subchapter F, Article 2, Section 2.7  
22 (*Side Wall Articulation*) of the City Code, along the western façade of a  
23 building.  
24  
25           4. A condominium residential use is prohibited.  
26  
27       D. A fence is prohibited along the property line adjacent to Exposition Boulevard.  
28  
29       E. A 25-foot wide vegetative buffer shall be provided beginning at the eastern  
30 edge of the sidewalk along Exposition Boulevard.  
31

32 Except as specifically restricted under this ordinance, the Property may be developed and  
33 used in accordance with the regulations established for the townhouse and condominium  
34 residence (SF-6) base district and other applicable requirements of the City Code.  
35  
36  
37  
38  
39  
40





**BURLINGTON  
VENTURES, INC.**

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Austin, TX 78705

P.O. Box 684702  
Austin, TX 78768

April 10, 2008

Mr. Greg Guemsey  
Director - Neighborhood Planning and Zoning Dept. - City of Austin  
One Texas Center, 5th Floor  
505 Barton Springs Rd  
P.O. Box 1088  
Austin, TX 78767

RE: C-14-2007-0084 – Elm Terrace

Mr. Guemsey,

I would like to thank you and the other members of the City of Austin Neighborhood Planning and Zoning Dept. for your professional assistance as you've work on the zoning application process for Elm Terrace. I am grateful for the time and energy that's been afforded my case. Further, I appreciate the thoughtful consideration and judgments extended by the Planning Commission and City Council in their hearings of this matter.

While all of the stakeholders have worked diligently to craft a solution, ultimately the density limitation and conditions imposed at 2nd reading do not allow me to achieve the goals of the project, which were to provide a diversity of housing types and a LEED-ND development. This past week, the City of Austin hosted the Center for New Urbanism conference, which promotes the type of development I had envisioned for this site. In order to continue the dialogue and hopefully apply some of the principles we all learned from the Congress for New Urbanism conference, I would like to withdraw my case.

I am hopeful that this withdrawal allows the benefit of time: time to heal some of the divisions within our community that this application has exposed and time for the various parties to engage in further discussion within the Neighborhood Planning Process – currently underway for the Central West Austin (CWA) – in order to assess the property's use in the context of the larger community's vision. Accordingly, I will commit to active participation in that process and continued dialog with my neighbors as well as the West Austin Neighborhood Group.

Truly,

A handwritten signature in blue ink that reads "Steve D. Beuerlein".

Steve D. Beuerlein  
President, as General Partner of Austin Elm Terrace, LP