

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0090 – Denizen Two

DISTRICT: 3

ZONING FROM: SF-6-CO

TO: SF-6-CO (*As amended*)

ADDRESS: 1001 Cumberland Road

SITE AREA: 1.38 Acres

PROPERTY OWNERS:

Salvation Army
(Andrew Kelly)

AGENT:

Alice Glasco Consulting
(Alice Glasco)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff supports the Applicant's request for rezoning from SF-6-CO to SF-6-CO. The conditions include:

- 1. No single building within the Property shall have a footprint or foundation/slab area which exceeds 10,000 square feet.**
- 2. The maximum height of a building or structure is 2 stories and 35 feet.**

For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

November 27, 2018: *TO GRANT SF-6-CO AS RECOMMENDED BY STAFF, ON CONSENT. (11-0) [Y. Flores- 1st, P. Seegar-2nd; G. Anderson- Absent]*

November 13, 2018: *TO GRANT POSTPONEMENT TO NOVEMBER 27, 2018 AS REQUESTED BY NEIGHBORHOOD, ON CONSENT (12-0). [P. Seeger- 1st, R. Schneider- 2nd; A. DeHoyos Hart- Absent]*

CITY COUNCIL ACTION:

January 31, 2019:

December 13, 2018: **TO GRANT POSTPONEMENT TO JANUARY 31, 2019 AT THE REQUEST OF THE NEIGHBORHOOD, ON CONSENT.**

ORDINANCE NUMBER:

ISSUES:

The subject property is located within the boundaries of the Galindo / South Lamar Combined Neighborhood Plan area, which is currently suspended. The rezoning request is to remove several of the requirements of the conditional overlay (CO) that was placed on the property when it was rezoned from MF-1-CO to SF-6-CO in 2007-2008. As negotiated with the neighborhood, the conditions listed above (building footprint and height) will remain unchanged.

CASE MANAGER COMMENTS:

The subject tract is located at the southwest corner of South 5th Street and Cumberland Road. The tract is a portion of a larger 10 acre tract that was also previously owned by the Salvation Army. The remainder of the tract is also zoned SF-6-CO and is developed with condominiums. Across Cumberland Road to the north is South Austin Recreation and Tennis Center, which is zoned P. The other properties surrounding the rezoning tract comprise a single family neighborhood zoned SF-3. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

The total 10 acre tract was rezoned in 2007-2008. The property was purchased from Salvation Army, and had a mix of uses on the site. The new owner planned to redevelop the entire property with condominiums, but the current rezoning tract was retained by Salvation Army for an office and church. Salvation Army has now decided to relocate these services, and the rezoning tract is proposed to be developed with condominium land use.

The conditional overlay on the total 10 acre tract modified several site development regulations. The majority of the conditions applied to the portion of the property that has already been developed, and therefore are no longer needed in an overlay. The condition that directly affects the proposed redevelopment on the 1.38 acre tract is the limit of 123 residential units overall. There are already 119 condos constructed, which leaves only 4 units for the subject tract. The property owner proposes building 17 units on this tract. ***Please see Exhibits C and D—Applicant Letter and Zoning Ordinance.***

Staff has received correspondence regarding the proposed rezoning. Please see Exhibit E-Correspondence.

The conditions that would be removed with the current request are as follows:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. The maximum number of residential units is 123 units.
- C. A 25-foot wide vegetative buffer shall be provided and maintained along the south property line. Improvements permitted within the buffer zone are limited to (i) community garden, playground, sidewalk, trails or egress to Garden Villa Lane, (ii) trees and other plantings, and (iii) drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
- E. Vehicular access from the Property to South 5th Street and to Cumberland Road is limited to one curb cut to each roadway.
- G. The portion of a building in a habitable attic shall not be counted as a story if it meets the requirements of Chapter 25-2, Subchapter F, Article 3.3.2.C. (Definitions and

Measurement).H. If the first story of a two-story building or structure constructed on South 5th Street is not more than three feet above the average elevation of South 5th Street as measured along the front elevation of the building or structure, then:

- 1) a garage may be built below grade; and
- 2) a garage built below grade shall not count as a story; and
- 3) a garage built below grade shall not be used as a residential unit.

STAFF RECOMMENDATION:

Staff supports the request to remove the conditions on the subject property, making it SF-6. This will allow the property owner to develop on the entire property, as originally intended. If left as is, only 4 residences could be constructed, each on approximately 1/3 acre. This density/scale would not reflect the character of the surrounding single family neighborhood. This site is better suited for infill development of more affordable residences.

BASIS OF RECOMMENDATION:

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

Townhouse and Condominium Residence 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 from single-family to multifamily use is appropriate.

2. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

The proposed rezoning would allow the development of 17 residential units in the urban core and creating infill development.

3. *Granting of the request should result in an equal treatment of similarly situated properties.*

SF-6 on this property will allow the site to develop in a comparable use and density as the 8.5 acre property that occupies the remainder of the block.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-6-CO	Undeveloped
North	P, SF-3	Indoor/Outdoor sports and recreation, Single family residential
South	SF-6-CO	Single family residential
East	SF-3	Single family residential
West	SF-3	Single family residential

NEIGHBORHOOD PLANNING AREA: Galindo / South Lamar Combined (Suspended)

TIA: N/A

WATERSHED: West Bouldin Creek

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
Austin Neighborhoods Council
Friends of Austin Neighborhoods
Neighborhood Empowerment Association
Galindo Elementary Neighborhood Association
Galindo Area Patriotic Porch Party

AISD
Bike Austin
Preservation Austin
South Central Coalition
Sierra Club
SELTexas

AREA CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2007-0129 1001 Cumberland Road	MF-1, MF-1-CO to SF-6-CO	11/27/2007: To grant SF-6-CO	02/14/2018: To grant SF-6-CO

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
				Yes	Yes	Yes
Cumberland Rd.	60'	40'	Local	Yes	Yes	Yes
5th St.	55'	26'	Local	Yes	Yes	Yes

OTHER STAFF COMMENTS:

COMPREHENSIVE PLANNING

Connectivity- The Walkscore for this site is 65/100, Somewhat Walkable, meaning some errands may be accomplished on foot. A Capital Metro transit stop is located directly across the street from the subject property. Public sidewalks are located in the immediate vicinity but not along the street frontage the City of Austin recreation center and tennis court sites. There are no existing urban trails within a quarter mile of this property.

Imagine Austin- The property is not located by an existing Activity Center and is a quarter of mile away from an existing Activity Corridor.

The following policies apply to this request:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based upon existing residential uses in the immediate vicinity, including multifamily, and a variety of connectivity options in the area (public sidewalks, a transit stop, park and recreation options and being located minutes away from Downtown Austin) this project appears to support the policies of the Imagine Austin Comprehensive Plan.

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Some 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.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

SITE PLAN

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP 2. 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.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 4. The site is subject to compatibility standards. Along the north, east and west property lines, the following standards apply:

- No structure may be built within 25 feet of the property line of the protected property.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line of the protected property.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line of the protected property.
- No parking or driveways are allowed within 25 feet of the property line of the protected property.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line of the protected property.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Additional design regulations will be enforced at the time a site plan is submitted

TRANSPORTATION

TR1. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

TR2. Additional right-of-way maybe required at the time of subdivision and/or site plan.

TR3. 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]

TR4. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a quiet street is recommended for Cumberland Rd and a buffered bike lane is recommended for S 5th St. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.

TR5. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
				Yes	Yes	Yes
Cumberland Rd.	60'	40'	Local	Yes	Yes	Yes
5th St.	55'	26'	Local	Yes	Yes	Yes

FYI – the existing driveways and sidewalks along 5th St and Cumberland Rd. may be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

WATER UTILITY

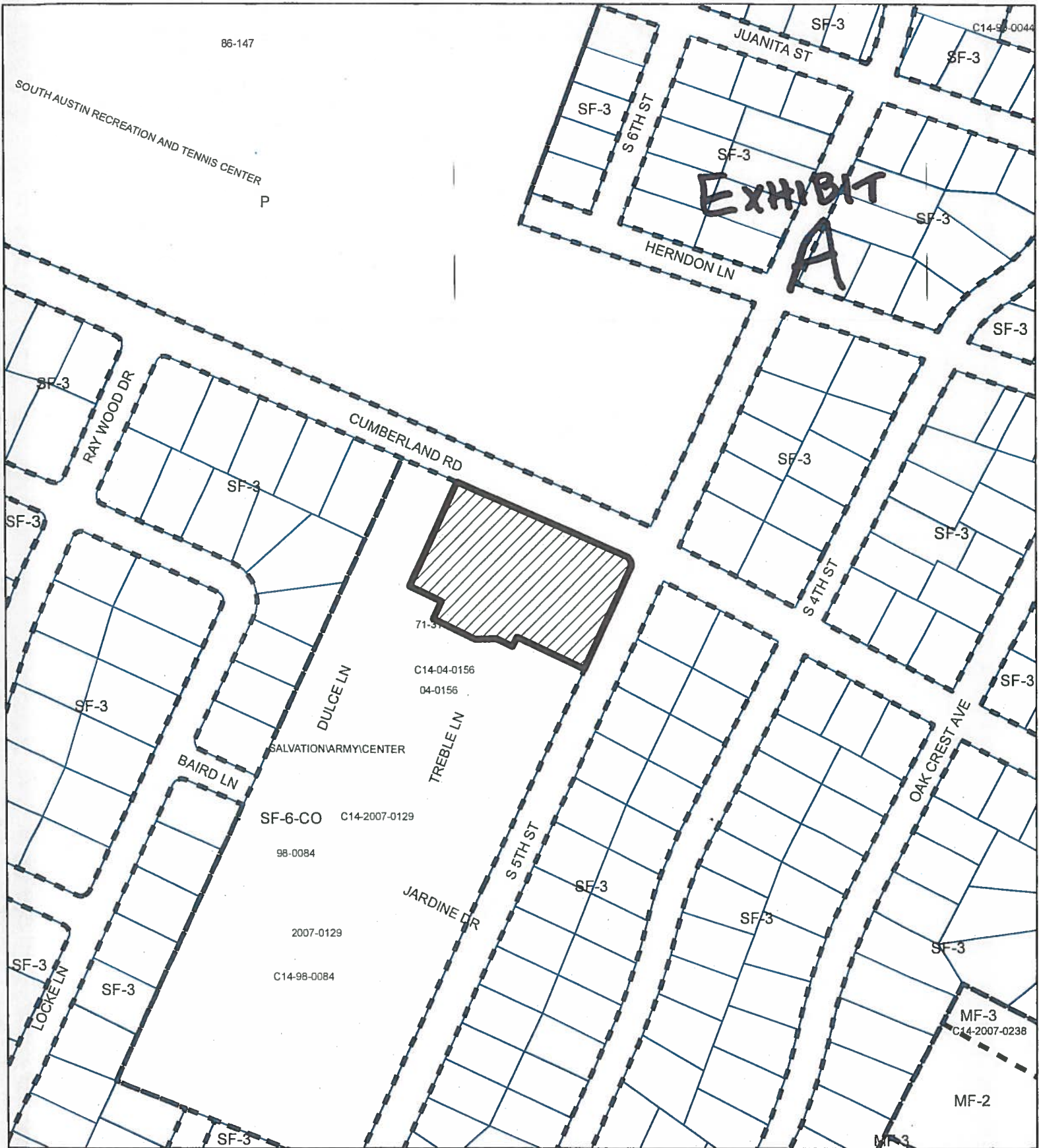
1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.




INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. Applicant Letter
- D. Zoning Ordinance
- E. Correspondence

86-147

SOUTH AUSTIN RECREATION AND TENNIS CENTER
P



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

Zoning Case

C14-2018-0090



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.

1" = 200'



1" = 200'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

DENIZEN TWO

ZONING CASE#: C14-2018-0090
 LOCATION: 1001 CUMBERLAND ROAD
 SUBJECT AREA: 1.38 ACRES
 GRID: H20
 MANAGER: HEATHER CHAFFIN



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

ALICE GLASCO CONSULTING

EXHIBIT

alice@agconsultingcompany.com * Tel. 512-231-8110 * Cell 512-626-4461

C

August 2, 2018

Mr. Greg Guernsey, Director
Neighborhood Planning and Zoning Department
505 Barton Spring Road, Suite 500
Austin, Texas 78704

RE: 1001 Cumberland Road Rezoning - Denizen Two

Dear Greg:

I represent MOMARK Development, LLC/MG Realty Investments, LLC (Terry Mitchell), the prospective buyer of the subject property, which is located at 1001 Cumberland Road.

The property is currently zoned SF-6-CO and our request is to change the zoning to SF-6. The subject property, which is owned by the Salvation Army, was part of a 10-acre parcel that was owned by the Army and was rezoned in 2007/2008 (C14-2007-0129 from MF-1-CO to SF-6-CO. The down-zoning was a result of negotiations with between the Galindo Elementary Neighborhood Association and MOMARK Development, LLC.

The main reason for rezoning to SF-6 is to remove all conditions that are listed under the conditional overlay in ordinance number 20080214-080 and simply let the site comply with SF-6 regulations, the approved subdivision plat (C8-2010-0064.OA), including density.

Background/History of the Salvation Army Site at Cumberland

MOMARK Development, LLC worked with the Salvation Army to rezone the entire 10 acres it owned at the corner of Cumberland and Fifth in 2007/2008 to be a residential community that integrated into the existing community. The developer agreed to preserve trees, offered and moved the South Austin Community Garden from its old location up the hill and allowed the Salvation Army to keep the community garden for all citizens to enjoy, and not just the future residents of what is, today, the Denizen Condos.

As the developer was about to start construction in 2011, the Salvation Army told MOMARK Development, LLC that it wanted to keep its existing structure (administrative building and a church) to serve this area. A site plan had been completed and approved for the entire 10 acres, however, the plan had to be modified in order to leave the Salvation Army administration building and church on what is today a 1.38-

Mr. Greg Guernsey
RE: 1001 Cumberland Road Rezoning - Denizen Two

acre lot - the area to be rezoned. A total of 119 condos were built (on 8.5 acres) out of the 123 maximum allowed under zoning case number: C14-2007-01289 (ordinance # 20080214-080).

Between 2011 and 2014, MOMARK Development, LLC built the Denizen community and added the community garden. After the Denizen was built, the Salvation Army demolished the building that was located on the subject site.

In 2017, representatives from the Army contacted MOMARK Development, LLC about the Army's desire to redevelop the 1.38-acre site as a residential community. The Army's representative indicated that the reason for the change in use was due to the changing demographics of the neighborhood. The Army also indicated that, with the change in the neighborhood, their clients had moved, primarily to the perimeter of our city. As a result, the Army has begun construction on several facilities at Rathgeber Village (near Mueller development) – including a new center that will serve families - women and children experiencing homelessness.

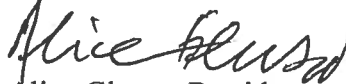
The Army has asked MOMARK Development, LLC/MG Realty Investments, LLC to purchase and develop the remaining property at Cumberland Road and South fifth so that it can use 100% of the proceeds towards Rathgeber Center for Women and Children. To be able to deliver the funds necessary to complete the center for women and children at Rathgeber Village, the developer needs to rezone the property to be able to construct 17 townhomes/condos.

JUSTIFICATION FOR REZONING

The rezoning to SF-6 without a density limit will enable the developer to provide housing for our city, and do so in a manner that completes and compliments the existing neighborhood.

We look forward to a positive staff recommendation. Please let me know if you have any questions or need additional information.

Sincerely,



Alice Glasco, President
AG Consulting

Cc: Terry Mitchell, MOMARK Development, LLC/MG Realty Investments, LLC
Andrew Moore, Zoning Planner

**EXHIBIT
D**

ORDINANCE NO. 20080214-080

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1001 CUMBERLAND ROAD FROM MULTIFAMILY RESIDENCE LIMITED DENSITY (MF-1) DISTRICT AND MULTIFAMILY RESIDENCE LIMITED DENSITY-CONDITIONAL OVERLAY (MF-1-CO) COMBINING DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT .

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No. C14-2007-0129, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From multifamily residence limited density (MF-1) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

Lot 1, Cumberland Center Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 70, Page 48, of the Plat Records of Travis County, Texas; and

Tract Two: From multifamily residence limited density-conditional overlay (MF-1-CO) combining district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

A 4.812 acre tract of land, more or less, being the south part of a 10.02 acre tract of land in the Issac Decker League, Survey 20, Abstract 8, said 10.02 acre tract of land being more particularly described by metes and bounds in a deed of record in Volume 4338, Page 810, Deed Records of Travis County, Texas (the "Property"),

locally known as 1001 Cumberland Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. The maximum number of residential units is 123 units.
- C. A 25-foot wide vegetative buffer shall be provided and maintained along the south property line. Improvements permitted within the buffer zone are limited to (i) community garden, playground, sidewalk, trails or egress to Garden Villa Lane, (ii) trees and other plantings, and (iii) drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
- D. No single building within the Property shall have a footprint or foundation/slab area which exceeds 10,000 square feet.
- E. Vehicular access from the Property to South 5th Street and to Cumberland Road is limited to one curb cut to each roadway.
- F. Except as otherwise provided in Sections G and H of this part, the maximum height of a building or structure constructed within 75 feet from South 5th Street and Cumberland Road is:
 - 1) two stories; and
 - 2) 35 feet.
- G. The portion of a building in a habitable attic shall not be counted as a story if it meets the requirements of Chapter 25-2, Subchapter F, Article 3.3.2.C. (*Definitions and Measurement*).


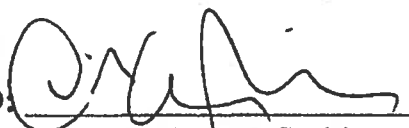
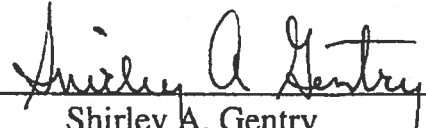
H. If the first story of a two-story building or structure constructed on South 5th Street is not more than three feet above the average elevation of South 5th Street as measured along the front elevation of the building or structure, then:

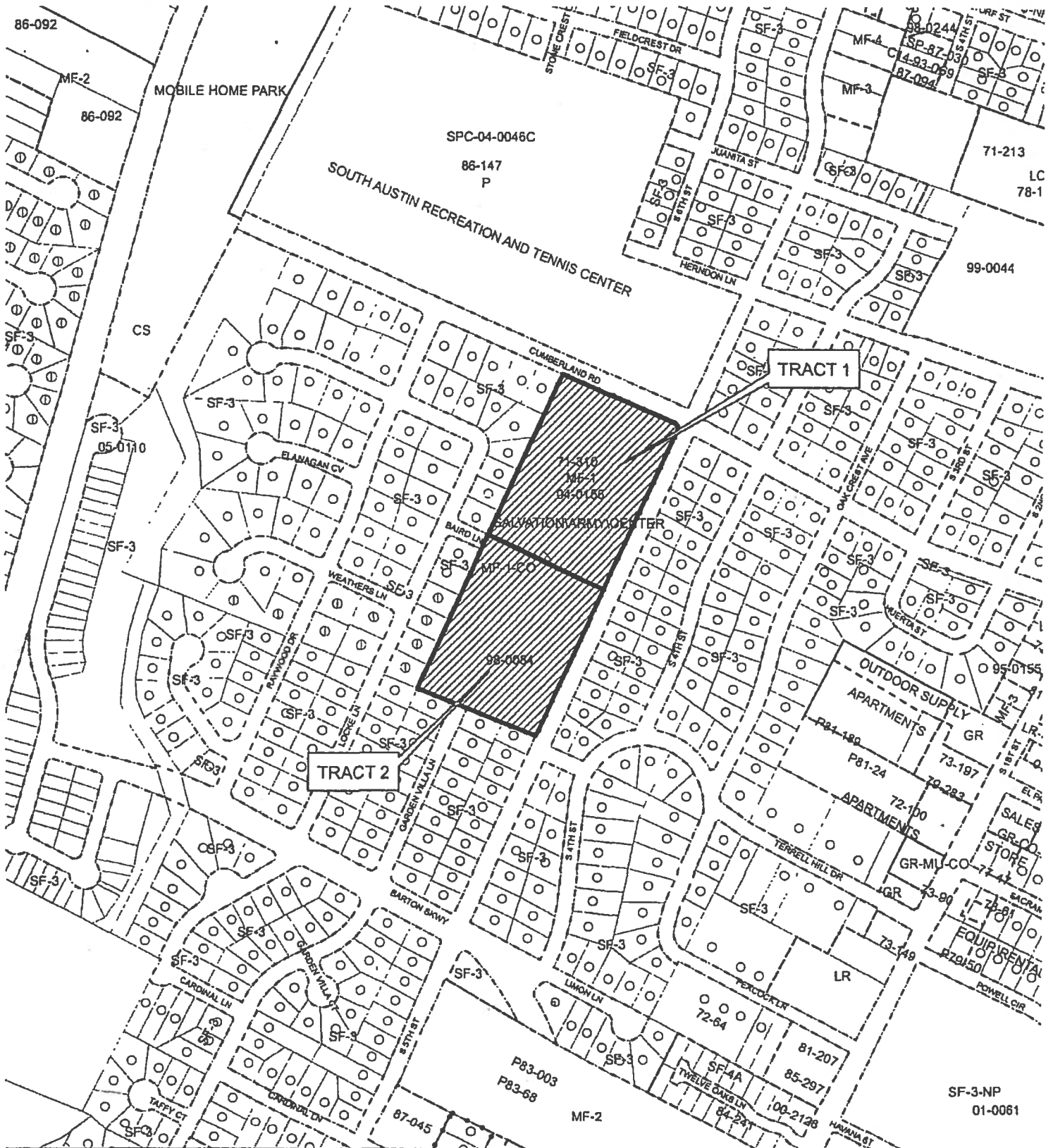
- 1) a garage may be built below grade; and
- 2) a garage built below grade shall not count as a story; and
- 3) a garage built below grade shall not be used as a residential unit.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the townhouse and condominium residence-conditional overlay (SF-6) base district, and other applicable requirements of the City Code.

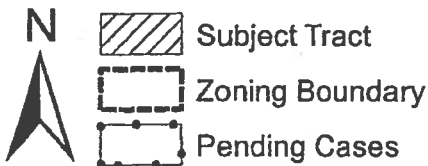
PART 3. This ordinance takes effect on February 25, 2008.

PASSED AND APPROVED

February 14	§ § §	 _____ Will Wynn Mayor
APPROVED:  _____ David Allan Smith City Attorney	ATTEST:  _____ Shirley A. Gentry City Clerk	



ZONING EXHIBIT A



1" = 400' OPERATOR: SM

ZONING CASE#: C14-2007-0129
 ADDRESS: 1001 CUMBERLAND RD
 SUBJECT AREA: 10.02 ACRES
 GRID: H19-20
 MANAGER: R. HEIL



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Chaffin, Heather

Subject: FW: Salvation Army Site - 1001 Cumberland

EXHIBIT
E

From: Alice Glasco

Sent: Wednesday, September 26, 2018 3:21 PM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Subject: Fwd: Salvation Army Site - 1001 Cumberland

FYI

Sent from my iPhone

Begin forwarded message:

From: Terry Mitchell

Date: September 24, 2018 at 4:20:51 PM CDT

To: Alice Glasco <

Subject: FW: Salvation Army

From Patty Sprinkle.

Terry Mitchell

Momark Development LLC

P.O. Box 5654

Austin, Texas 78763

O: (512) 391-1789

F: (512) 233-2331

C: (512) 924-8066

www.momarkdevelopment.com

On 9/24/18, 12:50 PM, "Patricia Sprinkle" < > wrote:

Hi Terry,

After trying to get a site plan from the city file with no luck to confirm the number of units, I walked over and counted the mailboxes! 119 as you said.

The information circulating through the neighborhood re the number of units was like an urban legend and my cognitive dissonance was further compounded by our meetings with you and Alice when the number 128 was used and not corrected.

My apologies but this needed independent verification which I tried to get from city staff but the file did not list number of units and did not have an updated site plan. Further confusing the issue is the condo declaration which states a maximum of 135 units may be built.

After the long process to get to the CO we have now, the neighborhood is once again concerned about rezoning the lot and what might happen if the owner decides to sell with the new entitlements y'all are seeking. Past history indicates that the Salvation Army makes plans that do not get actualized.

As mentioned before we would be willing to amend the CO to include the units that we all agree upon. We need a few more meetings with the concerned neighbors to get everyone on board. So please

let us know what works for you. Donna Coates is the Zoning person and she will be happy to help get this set up as soon as possible.

Again, my apologies for the misunderstanding.
Patty

Chaffin, Heather

Subject: FW: C14-2018-0090 - Reply

-----Original Message-----

From: Alice Glasco
Sent: Tuesday, November 06, 2018 5:53 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: RE: C14-2018-0090 - Reply

Heather,

We have met with eh Denizen HOA and the Galindo Elementary Neighborhood Association (GENA) 4 times and we have agreed to keep the following two conditions at their request:

D. No single building within the Property shall have a footprint or foundation/slab area which exceeds 10,000 square feet.

F. the maximum height of a building or structure is:

- 1) two stories; and
- 2) 35 feet.

Note: We are hoping to receive a letter of support from the Denizen HOA and GENA before the 11/13 PC hearing.

Alice Glasco, President
Alice Glasco Consulting
512-231-8110 W
512-626-4461 C
Email: alice@agconsultingcompany.com

Chaffin, Heather

Subject: FW: C14-2018-0090

From: Terry Mitchell

Sent: Friday, September 21, 2018 12:32 AM

To: Patricia Sprinkle <>; alice; Chaffin, Heather <Heather.Chaffin@austintexas.gov>;

Cc: Bob Price

Subject: Re: C14-2018-0090

Patty,

I have been out of town (our first granddaughter was born on Sunday) and then I had several days of all day meetings with partners/clients. I am now checking my emails (trying to catch up).

I am copying an email I just sent to Bob Price (I saw his email first) regarding the Tyndall. Someone's information is completely erroneous. There are only 119 units in the Denizen. No more.

Here is a copy of that email. We can talk after folks have had a chance to review:

Bob,

I have been out of town (granddaughter born on Sunday) and then in three full days of meetings. I am just getting to responding to emails.

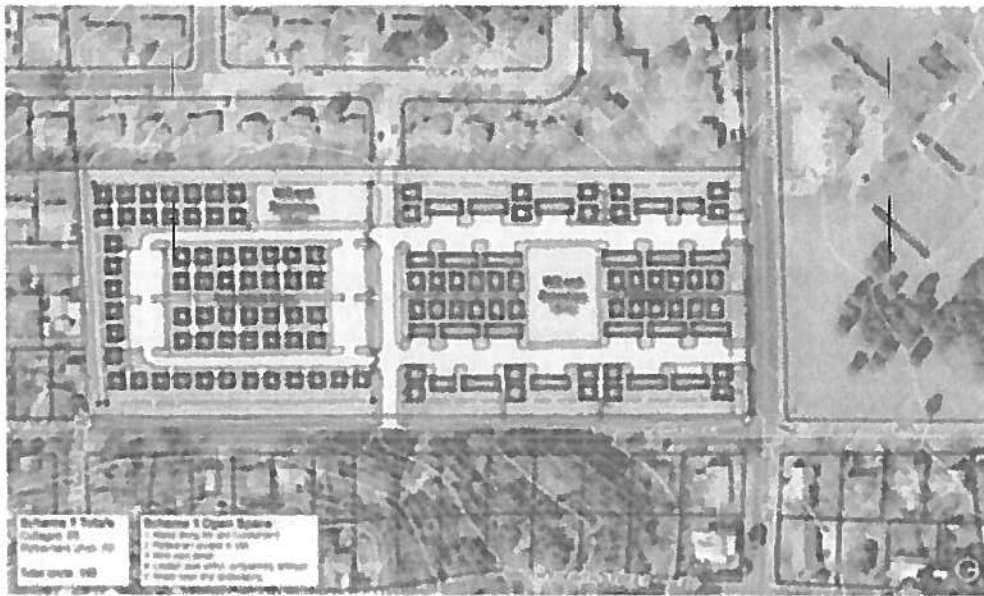
Something is very wrong. There are ONLY 119 units built in the Denizen. I built them:

- There are 7 duplex buildings: 14 units
- There are 10 "stacked flat" buildings:
 - 5 of them are 10-unit buildings
 - 2 on ground floor
 - 4 on second floor
 - 4 on third floor 50 units
 - 5 of them are 11-unit buildings
 - 3 on ground floor
 - 4 on second floor
 - 4 on third floor 55 units
- Total Units 119 units

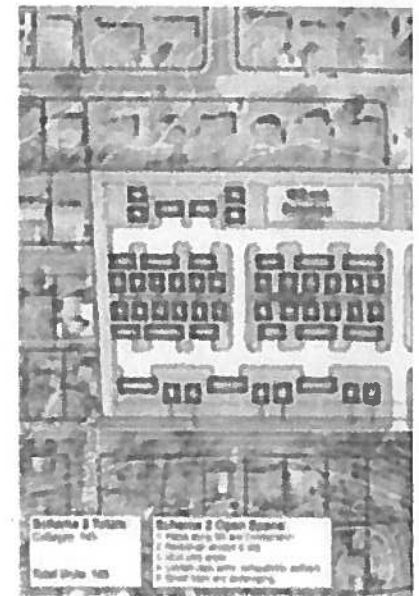
I don't know who got the wrong impression that there are more units, but there are not.

I am attempting to balance what is best for Austin (which would be 30 to 40 units prices at in the 300s or below) and what the neighborhood wants (which is far less) resulting in high priced units which exacerbates our affordability issues in Austin.

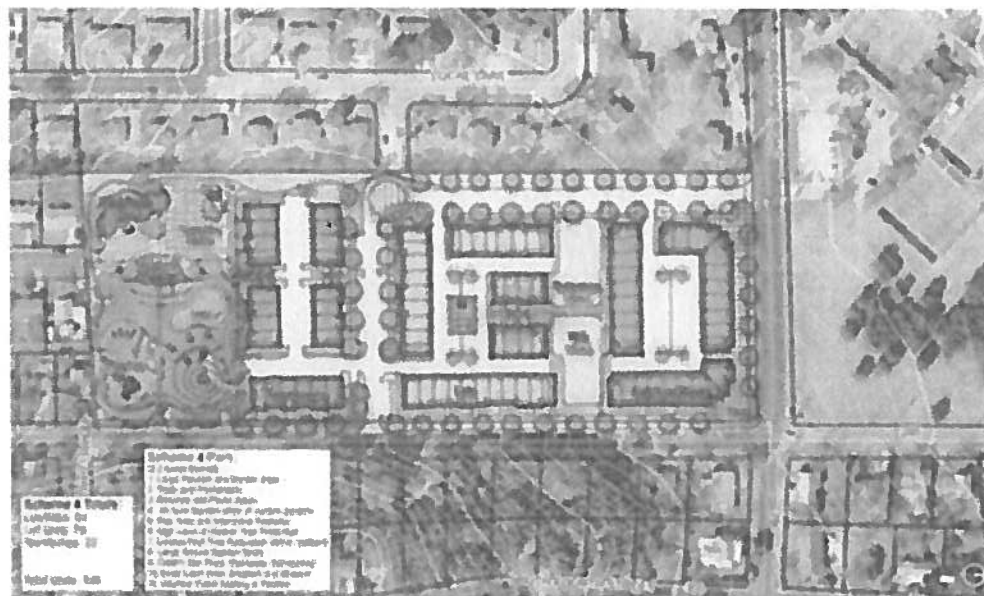
I want folks to remember that we originally met with the neighborhood and listened (in 2008). Some wanted single family (not possible as the pricing would have been extraordinarily high). Some wanted housing variety. Some wanted open space. We actually designed six plans providing different solutions to what the neighbors wanted.



Concept 1



Concept 2



Concept 4



Concept 5

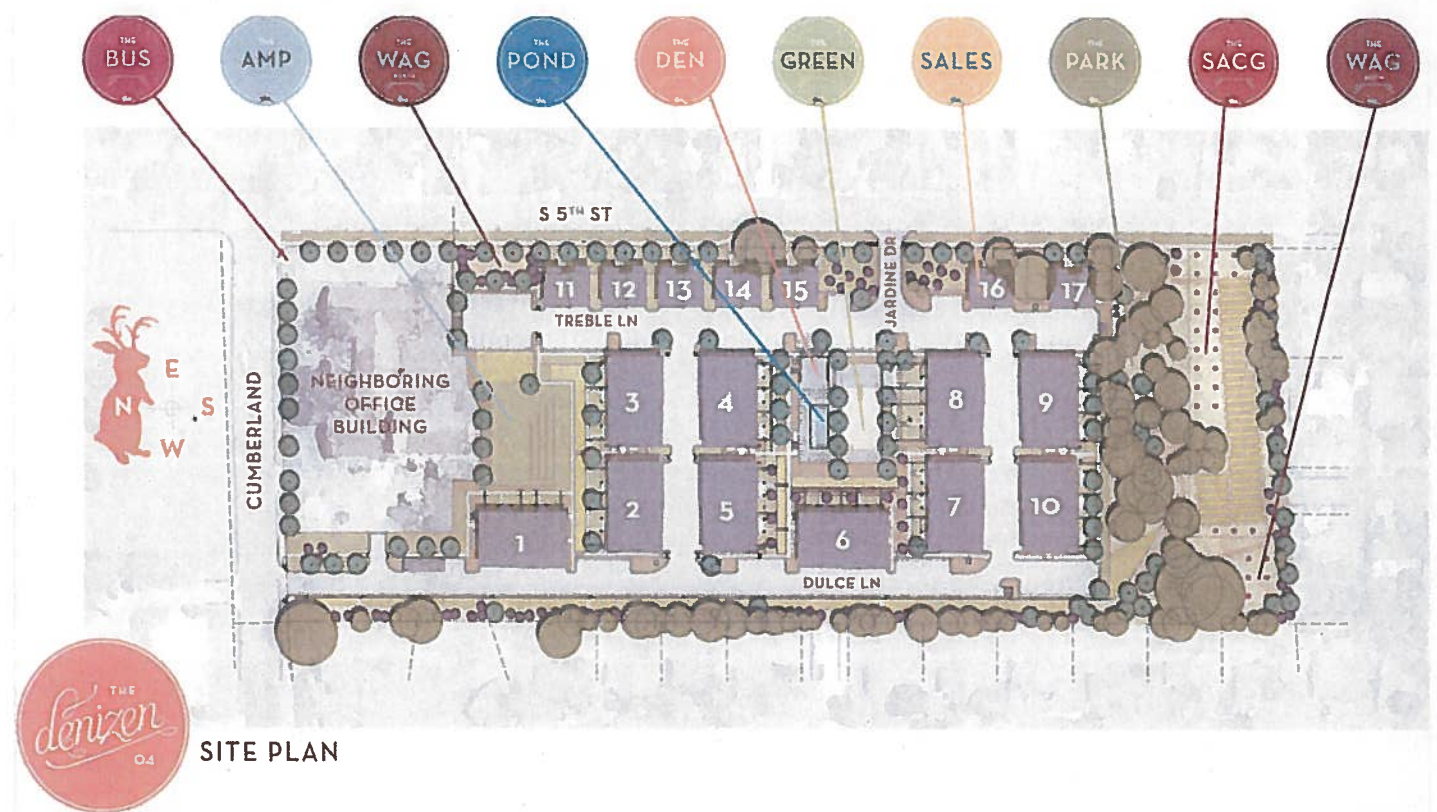
The proposed projects ranged in density from 145 units to 200 units. After a meeting and much discussion, the neighborhood focused on Concepts 3 and 4 as the most desirable. After further discussion, we agreed to reduce the zoning to 123 units. We then created over 3.5 acres of open space – including a 2-acre park. Within that park, we preserved the 20+ year-old South Austin

Community Garden – rent free. All that we asked is that the Community Garden reserve some slots for the Denizen residents. We believed that preserving that garden would bring the existing residents and the new Denizen residents together. We are, after all, one community. We all should help out each other.

We agreed with the Salvation Army to do a two-stage takedown of the property so they could take the proceeds from our first purchase, use it (with other funds) to build a new administrative facility. We then spent lots of money to prepare for the commencement of construction (in 2011). One month before we were to begin, the Army notified us that we could not purchase the second phase (the 1.38 acres we are now discussing) as they wanted to take our funds and rehabilitate the existing administrative building and church.

That change caused a lot of consternation as we had to redesign the site plan to move most of the units (all but four) up into the first phase.

And then we built 119 units. This is a copy of our marketing plan (showing the 7 duplex buildings, the 5 10-unit buildings, and the 5 11-unit buildings):



During construction, we met with the Army's architect and engineer to help them implement their vision of rehabbing their facility.

Sometime in 2014, the Army demolished its buildings.

Last year, the Salvation Army contacted me and asked me to purchase their remaining property as they were moving forward with the very important vision of providing housing for homeless mothers and their children. The Rathgeber Center for Women and Children will house 213 women and children.

To achieve their vision, we need a zoning change. As I mentioned, to help them raise funds, and then to serve those in most need, more density was needed. It was best for those in need that we seek more units – between 30 and 40 units. However, I understood from our previous work together, some would be okay with that (as we would be helping many with more attainable housing and provide funding for the homeless moms and children), but I know that many would not want that density.

So, I asked for 22 units – so we could do 20 townhome units (similar in scale as the townhomes in the Denizen along South Fifth) and then 2 affordable units.

In three meetings with the GENA executive committee, we discussed balancing the various interests and all thought that, if we could stay at SF-6 (which would yield 17 units), that would be something you could support. I said I couldn't do the 2 affordable units. That was deemed okay – if I could live with 17 units, this could work.

Is it the original zoning of 123 units in 2008? No. The Salvation Army (unlike most other organizations) is attempting to serve those most vulnerable in our city – homeless women and their children. They have asked me to help achieve this.

I need your help. I want to make it clear that I am not interested in fighting with folks. I work together to balance various interests to achieve what is best for the City. All of us are working together to achieve that vision.

I would hope and ask that I be able to meet with whomever and all – to discuss the project. Please feel free to disseminate this email. I would like to know that the correct information has been distributed to the GENA members.

Thanks very much for your time.

Terry

Terry Mitchell
Momark Development LLC
P.O. Box 5654
Austin, Texas 78763
O: (512) 391-1789
F: (512) 233-2331
C: (512) 924-8066



MOMARK

HUMANIST • HOUSING

From: "[REDACTED]" <[REDACTED]>

Date: Saturday, September 15, 2018 at 11:59 AM

To: Terry <[REDACTED]>, Alice Glasco <[REDACTED]>,
"heather.chaffin@austintexas.gov" <[REDACTED]>, "GENAx@yahoogroups.com"

<[REDACTED]>

<[REDACTED]>

Subject: C14-2018-0090

September 15, 2018

Re: C14-2018-0090

My comments in red.

Dear Terry,

Thank you for reaching out to the neighborhood regarding 1001 Cumberland Road. We are all in agreement the site is an eyesore and something suitable needs to be built there.

As it is now, GENA has communicated we are willing to allow more units to be built but disagree about the number proposed by you and the Salvation Army.

As you know the entire two tracts are zoned SF6 with a cap by Conditional Overlay of 123 units for the entire 10.2 acres. As it is right now, the Denizen at 128 units is in violation of the CO by 5 units and *no* more units may be built on the 10.2 acres. **This statement is completely untrue.**

If you subtract the 2 acres allotted for park and community gardens, the existing 128 units are crammed onto 6.9 acres with a density of 18.5 units per acre. When you add the 6.9 acres to the 1.3 acres, you have 8.2 acres, $128/8.2 = 15.6$. leaving you with 1.6 units per acre over allowed SF6 density. If you have 145 units divided by 8.2 acres you have a density of 17.68 units per acre. **Again, we do not have 128 units. We only have 119.**

The Denizen was sold to the neighborhood as 123 units on the entire 10.2 acres not on 6.9 acres. 5 more units were built despite the agreement. **This is not true.** As you have heard, there is opposition to your plan. Some do not like that our original agreement was breached by Momak and the Salvation Army. **Again, this assertion is untrue.** There are still many of the same neighbors who adjoin the site and know how many times the neighborhood has been asked to rezone for the Salvation Army.

We do want something to be built there and suggest 10-12 units is something the neighborhood might get behind. Again thank you for being willing to have this hard conversation. We look forward to meeting with you soon.

Sincerely,

Patty Sprinkle

Vice President GENA

Chaffin, Heather

Subject: FW: C-14-2018-0090 1001 Cumberland Road

From: Bob Price

Sent: Thursday, September 20, 2018 3:18 PM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Subject: C-14-2018-0090 1001 Cumberland Road

Hello Heather -

I'm the president of the Galindo Elementary Neighborhood Association. Members asked me to send Terry Mitchell, who is interested in developing the Salvation Army lot in our neighborhood, the letter I've pasted in below. Other Association officers suggested that I also send this copy of the letter along to you so that the City would have a sense of our position on the matter at this moment. I wanted to send this to you before end of business today, since I understand there is a meeting on the matter at your office tomorrow. (Or a related office? Or a committee or commission? Sorry - I'm new at this.)

Regards,

Bob Price

GENA president

Dear Terry,

I'm writing to you about the Salvation Army lot. We had a meeting about it on September 18th so neighbors could weigh in on the question of the zoning and so forth. The long and the short of it is that we plainly do not have a consensus that there should be a zoning change. The big dramatic development just in the last few days has to do with the number of units already built at the Denizen. We had all long thought that there were 119 units in the Denizen, and that the current zoning and conditional overlay would allow four more units on the Salvation Army lot, for a total of 123. But evidently there are actually already 128 units at the Denizen. As we understand it, the total (Denizen plus Salvation Army lot) is already five units beyond what should have been the permissible maximum, and now there is some consternation among neighbors, with one point of view being that no additional units should be built.

So we're at the beginning of a longer conversation. At our September 24th general membership meeting, we'll discuss the Salvation Army lot briefly, but we will surely need to have one or more zoning committee meetings open to our general membership after that date. We will not be ready on September 24th to call for a vote on whether to support any zoning change. I don't believe it would be productive for you and/or Alice to come to the September meeting given where things stand just now; you would be welcome at a future meeting, and we're happy to keep the lines of communication open with you in the meantime.

Regards,

Bob Price

GENA president

Chaffin, Heather

Subject: FW: C-14-2018-0090 1001 Cumberland Road

From: Patricia Sprinkle

Sent: Wednesday, September 19, 2018 4:11 PM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Renteria, Sabino <Sabino.Renteria@austintexas.gov>; Chincanchan, David <David.Chincanchan@austintexas.gov>; Tery Mitchell; Alice Glasco

Cc: galindo neighborhood
Subject: C-14-2018-0090 1001 Cumberland Road

September 19, 2018

Re: C14-2018-0090

Dear Heather,

Members of the Galindo Executive Committee met today at Twin Oaks Library with neighborhood community members to discuss and get feedback on the Salvation Army / Momark proposal for 1001 Cumberland Road. Many questions remain unanswered. Meeting attendees were understandably upset that the City violated its own ordinance; approving and permitting more than the 123 units specified by the Conditional Overlay.

As you are aware, the Denizen Condo Development is in violation of the Conditional Overlay by at least 5 units and nothing further may be built on the site.

The complexity of the issue and a candidate forum will not leave enough time at our September meeting for a full discussion and vote on the proposed zoning change. The next opportunity for a general membership vote is November 26, 2018. Our last neighborhood vote on this issue was in support of the Conditional Overlay as approved by City Council.

Please let me know if you have any further questions or concerns and what the staff recommendation is when it is finalized.

Sincerely,

Patty Sprinkle

GENA Vice President

pattysprinkle@gmail.com

Chaffin, Heather

Subject: FW: C14-2018-0090

From: Patricia Sprinkle

Sent: Saturday, September 15, 2018 11:51 AM

To: Terry Mitchell; alice glasco; Chaffin, Heather <Heather.Chaffin@austintexas.gov>;

Subject: C14-2018-0090

September 15, 2018

Re: C14-2018-0090

Dear Terry,

Thank you for reaching out to the neighborhood regarding 1001 Cumberland Road. We are all in agreement the site is an eyesore and something suitable needs to be built there.

As it is now, GENA has communicated we are willing to allow more units to be built but disagree about the number proposed by you and the Salvation Army.

As you know the entire two tracts are zoned SF6 with a cap by Conditional Overlay of 123 units for the entire 10.2 acres. As it is right now, the Denizen at 128 units is in violation of the CO by 5 units and *no* more units may be built on the 10.2 acres.

If you subtract the 2 acres allotted for park and community gardens, the existing 128 units are crammed onto 6.9 acres with a density of 18.5 units per acre. When you add the 6.9 acres to the 1.3 acres, you have 8.2 acres, $128/8.2 = 15.6$. leaving you with 1.6 units per acre over allowed SF6 density. If you have 145 units divided by 8.2 acres you have a density of 17.68 units per acre.

The Denizen was sold to the neighborhood as 123 units on the entire 10.2 acres not on 6.9 acres. 5 more units were built despite the agreement. As you have heard, there is opposition to your plan. Some do not like that our original agreement was breached by Momak and the Salvation Army. There are still many of the same neighbors who adjoin the site and know how many times the neighborhood has been asked to rezone for the Salvation Army.

We do want something to be built there and suggest 10-12 units is something the neighborhood might get behind. Again thank you for being willing to have this hard conversation. We look forward to meeting with you soon.

Sincerely,

Patty Sprinkle

Vice President GENA

Chaffin, Heather

Subject: FW: C14-2018- 0090

From: Patricia Sprinkle

Sent: Tuesday, November 13, 2018 10:22 AM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>; alice glasco; Terry Mitchell; Chincanchan, David

Subject: C14-2018- 0090

Good morning Heather,

GENA respectfully asks that C14-2018-0090 be postponed as notification was delayed to the nearby neighbors. Although the notice is dated November 2, 2018, it did not arrive until Thursday in my mailbox and on Friday to the adjacent neighbors.

Furthermore, GENA and the Denizen Condo Association met with Terry Mitchell and his representative Alice Glasco on November 3, 2018 to discuss concerns and number of units to be built. Neither mentioned that the PC meeting was already scheduled, choosing to blindside us, while we have been negotiating in good faith.

Unfortunately, due to short notice and illness, GENA does not have a representative able to attend tonight's meeting of the PC. This is such a complicated issue with a long history, it is unfair for it to go forward especially when the developer stands to make millions of dollars on the requested entitlement.

They are aware that Galindo will meet again as a neighborhood association in late November and that a vote will be taken then. As GENA indicated in an earlier letter, our current position is to support the terms of the February 14, 2008 RC and CO and until we have membership approval to change the terms. Until that time we will do our best to enforce the terms of the agreement.

Please let me know if further action is needed by Galindo to see that this request is honored.

Sincerely,
Patty Sprinkle
Vice President OF GENA
512-294-8303

Chaffin, Heather

Subject: FW: Cumberland/S. 5th Site - C14-2018-0090

From: kathryn kawazoe

Sent: Tuesday, November 13, 2018 12:34 AM

To: Terry Mitchell

Cc: alice glasco; denizenhoa.com; Patricia Sprinkle; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; S. E. Coursen; Susan R. Littleton ; Diana Zake; Ruby Roa

Subject: Cumberland/S. 5th Site - C14-2018-0090

Good morning, Terry.

I'm writing on behalf of the many neighbors in GENA and others who are just recently finding out about what's happening with the Salvation Army's/your request for a rezoning to do away with the conditional overlay that was agreed on for this site. Unfortunately, there hasn't been adequate communication with the general membership on this issue; updates were not sent through the GENA online group, nor was there any communication regarding previous meetings. There hasn't been a single meeting between you and GENA general membership, nor have you responded to any of the concerns that members have put forth.

Again, I think this may be partially due to lack of leadership on this issue within the Executive Committee (vs your/the Salvation Army's flat out refusal to attempt any sort of resolution with the neighborhood). The last meeting, for example, was supposed to be for the community to see 3-4 drawings that the Zoning Chair was supposed to ask you for 2 weeks before the meeting, which were to reflect input on what people wanted to see at the corner of S 5th/Cumberland. Input was to be solicited from the GENA and the larger community and compiled to communicate to you for some conceptual drawings/sketches. However, there was no call for input via the online group (which is our official communication line within General Membership). And there was no acknowledgement of input given at previous meetings, nor any drawings, at that Nov 3 meeting.

There were a few major components/input discussed at the previous neighbor meeting in October, which also did not have a notice sent out to the membership from the executive committee, but which Denizen residents did know to attend, plus a few GENA members. There was a broad spectrum of input - from envisioning 4 of the duplexes that are already along S. 5th (a Denizen resident volunteered this vision of 8 units, which I preliminarily agreed with, not having seen any visuals or scaled drawings), to including a community space that could be used for yoga or meditation classes or kids play groups, or providing more open space, both covered and uncovered. All of these were discussed as options within different contexts of a compromise for you/the Salvation Army wanting increased development entitlements. But, somehow, either none of this was communicated to you, or you simply didn't respond to it. In any case, it needs to be addressed.

I personally have advocated for more open space (as part of any compromise for more than 4 units), but when I saw that people were wanting more community space, I suggested something covered (that could be used in the sun or rain). The Denizen folks indicated that their pool/community space was always full, often past capacity. Other people suggested indoor community space for various reasons, including that the Rec Center never has rooms available for activities. I think that the existing Denizen development is successful because it did integrate this type of input & is a compromise between the community and the Salvation Army - they were able to sell their land for more since they were allowed to develop at a higher intensity, and you got to build more units, closer together, which allowed you to make more money. We, the neighborhood, worked with you, as the developer, for many months to get to an agreement that we felt 1) respected the neighborhood's desire to maintain current quality of life - keeping the Community Gardens, acquiring funds that we could use for transportation issues that would be exacerbated due to allowed increased density, & making sure # of units/density and building limitations were capped; and 2) allowed the Salvation Army to make much more money from the sale of their land since they'd be allowed to develop more units, and units joined like apartments, than would be allowed under SF-3 zoning.

The same type of compromise needs to happen here if the Salvation Army wants to fetch a price for increased density. The current position of GENA is to respect the Restrictive Covenant/CO, to which everyone has agreed - this allows for **4 more units**. Not 10, or 14, and not 17. Nothing has changed as far as desired future land use in the center of Galindo; even CodeNext didn't call for upzoning that area, and the neighborhood plans we worked on with the City and on our own all reflect that. We still have the same small inner neighborhood streets - they couldn't even put in bike lanes along an official bike path, which goes right past this site, because the streets are too narrow. The general consensus has *not* been to upzone the interior of the neighborhood, or any neighborhood in the south central area for that matter. There's still the option of doing increased density along the transportation corridor of S. 1st St., however, for anyone wishing to create denser development.

I don't think anyone wants to have to take time away from neighbors' schedules to get petitions going or start a campaign to enlighten people on how the neighborhood is, once again, being disrespected by the Salvation Army/a developer. Or to have to sue to enforce the RC. I find it all unnecessary, especially since I know you understand everything I'm saying - you worked for a doable resolution last time, and I'm sure one can be reached this time. Please do the right thing and be considerate of your Austin neighbors.

Sincerely,

Kathryn Kawazoe
Galindo Resident & past Executive Committee member
512.636.8548

Chaffin, Heather

Subject: FW: neighborhood position on item to be discussed TODAY: C14-2018-0090 - Salvation Army/Momark site @ Cumberland/S. 5th St

From: Bob Price

Sent: Tuesday, November 27, 2018 8:15 AM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Cc: Donna Coates

Subject: neighborhood position on item to be discussed TODAY: C14-2018-0090 - Salvation Army/Momark site @ Cumberland/S. 5th St

Hello Heather -

I am writing to relay the position of the Galindo Elementary Neighborhood Association regarding the zoning change request that MOMARK is bringing to the Planning Commission meeting today (C14-2018-0090). At our general membership meeting last night, those present discussed the proposed change. Here is the statement that we voted on and which won majority support: "GENA does not support the proposal for 17 units and asks Terry Mitchel to come and work with us on a solution with more than 4 units that gives something back to the community in exchange for the higher density." Please relay our position to the Planning Commission.

Thank you,
Bob Price
GENA president