

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2018-0111 – Westminster

DISTRICT: 10

ZONING FROM: GO and GO-MU-CO

TO: CS-MU-CO

ADDRESS: 4100 Jackson Avenue

SITE AREA: 9.2565 acres (403,215 square feet)

OWNER: Westminster Manor Health  
Facilities Corporation (Charles Borst)

APPLICANT: Land Use Solutions, LLC  
(Michele Haussmann)

CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)

STAFF RECOMMENDATION:

**Staff recommends General Commercial Services - Mixed Use - Conditional Overlay (CS-MU-CO) combining district zoning. Conditional Overlay to prohibit a set of uses (see page 3); and to set the following development standards:**

- **Minimum front yard setback: 15 feet**
- **Minimum street side yard setback: 15 feet**
- **Minimum interior yard setback: 5 feet**
- **Minimum rear yard setback: 5 feet**
- **Maximum building coverage: 60%**
- **Maximum impervious cover: 80%**

*For a summary of the basis of staff's recommendation, see case manager comments on page 3.*

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**February 5, 2019**      **Apvd CS-MU-CO combining district zoning as staff recommended [King, Greenberg - 2nd], Vote 7 – 0. Commissioners Aguirre, Barrera-Ramirez, Breithaupt and Lavani were off the dais.**

CITY COUNCIL ACTION:

**March 28, 2019**      **Scheduled for City Council**

ORDINANCE NUMBER:

## ISSUES:

Westminster Manor is a senior housing facility, self-described as a “Life Plan community” which provides a continuum of services for its residents, so that they may continue to live in the facility as their needs change. The Land Development Code defines the land use as Congregate Living, which applies to the current facility and the planned expansion. Westminster has operated in this location since 1967, the south building dates from that time, and the north building was added in 2009-10.

The southern portion of the property has general office (GO) zoning, and the northern portion has general office – mixed use – conditional overlay (GO-MU-CO). Approved in 1999, the existing conditional overlay prohibits a set of uses and limits that portion of the property to 2,000 trips per day (See Exhibit D, Ordinance 990909-74).

Now, the owners would like to expand the facility. Their plans include the construction of a large new building to the north, where a surface parking lot is now located; an addition to the central building; and a few smaller additions to the south building. The expansion would add 50 memory care units and 22 independent living units; upgrade many existing units; and add some amenities and underground parking.

The applicants have been advised that a new site plan will be required. The current entitlement for floor to area ratio (FAR) for the GO base zoning district is 1:1. The proposed project would exceed 1:1 FAR by a large margin. In fact, the existing site, taken as a whole, would exceed 1:1, and would be considered existing, non-complying with regards to FAR.

The CS base zone allows 2:1 FAR, which would be adequate to build the project. The only zoning step that can be taken to grant this FAR would be to rezone the property to CS. In other cases, applicants may be advised to go to the Board of Adjustment (BoA) to request a variance for such requirements. However, the BoA grants variances based on hardship of the individual property, and in this case there is no hardship.

The applicant conducted outreach to various neighborhood associations in the area to inform them of the application and seek input and support. The message that the applicants communicated was that Westminster is seeking the rezoning for no other reason than the planned expansion. Further, the applicant offered a self-imposed conditional overlay. This proposed overlay would 1) limit development standards to those of general office (GO), with the exception of FAR; 2) continue to prohibit the used prohibited under the 1999 zoning ordinance on the entire property; and 3) prohibit additional uses – all uses that are allowed in CS and not GO. A 2,000 trip limit is not proposed because, in transportation analysis, retirement housing generates relatively few trips.

Following the outreach process, the applicant received letters of no opposition and support from various associations, such as the Oakmont Heights and Ridgelea neighborhood associations (See Exhibit E, Letters from Neighborhood Associations).

CASE MANAGER COMMENTS:

The property currently is home to a congregate living (retirement housing) development with two multi-wing buildings and large courtyards. There is a surface parking lot to the north. The property takes access to Jackson Avenue and Bull Creek Road. Access to the property is not proposed to change at this time. Based on contour lines, there are minimal grade changes on the property, and it is not in the flood plain. The site is divided between two watersheds – Shoal Creek to the south, and Johnson Creek to the north.

To the north are properties zoned MF-4, and MF-6, which have two- and four-story multifamily complexes. To the southeast across Jackson Avenue are SF-3 zoned lots with single family homes, and one LO zoned property with a medical office. To the northeast is the Grove at Shoal Creek Planned Unit Development (PUD), and the land use plan identifies the section closest to the subject property as a “Mixed Use District.”

To the south is a large unzoned tract where an administrative office is located – the Texas Department of Motor Vehicles. Directly to the west is Mopac / Loop 1, and across the highway to the west is the Camp Mabry military outpost and museum, which is zoned SF-3.

BASIS OF RECOMMENDATION:

Staff recommends General Commercial Services - Mixed Use - Conditional Overlay (CS-MU-CO) combining district zoning.

The proposed conditional overlay would 1) limit development standards to those of GO, with the exception of FAR; 2) continue to prohibit the used prohibited under the 1999 zoning ordinance on the entire property; and 3) prohibit uses that are prohibited in GO but allowed in CS.

1) Development standards would be as follows:

- Minimum front yard setback: 15 feet
- Minimum street side yard setback: 15 feet
- Minimum interior yard setback: 5 feet
- Minimum rear yard setback: 5 feet
- Maximum building coverage: 60%
- Maximum impervious cover: 80%

2) Prohibited Uses – part of existing conditional overlay on the northern portion, to be extended to the entire property:

Bed and Breakfast (Group 1)  
 Bed and Breakfast (Group 2)  
 Administrative and Business Offices  
 Art Workshop  
 Business or Trade School

Business Support Services  
 Medical Offices (exceeding 5,000 sq. ft. gross floor area)  
 Medical Offices (not exceeding 5,000 sq. ft. gross floor area)

Off-Site Accessory Parking	Hospital Services (Limited)
Personal Services	Hospital Services (General)
Professional Office	Local Utility Services
Software Development	Private Primary Educational Facilities
Community Recreation (Public)	Public Primary Educational Facilities
Community Recreation (Private)	Private Secondary Educational Facilities
College or University Facilities	Public Secondary Educational Facilities
Cultural Services	Safety Services
Guidance Services	Multifamily Residential

3) Prohibited Uses – prohibited in GO, but allowed in CS:

Short-Term Rental	Indoor Entertainment
Agricultural Sales and Services	Indoor Sports and Recreation
Alternative Financial Services	Kennels
Automotive Rentals	Laundry Services
Automotive Repair Services	Monument Retail Sales
Automotive Sales	Outdoor Entertainment
Automotive Washing (of any type)	Outdoor Sports and Recreation
Bail Bond Services	Pawn Shop Services
Building Maintenance Services	Pedicab Storage and Dispatch
Campground	Personal Improvement Services
Commercial Blood Plasma Center	Pet Services
Commercial Off-Street Parking	Plant Nursery
Construction Sales and Services	Research Services
Consumer Convenience Services	Restaurant (General)
Consumer Repair Services	Restaurant (Limited)
Convenience Storage	Service Station
Drop-Off Recycling Collection Facility	Theater
Electronic Prototype Assembly	Vehicle Storage
Electronic Testing	Veterinary Services
Equipment Repair Services	Custom Manufacturing
Equipment Sales	Limited Warehousing and Distribution
Exterminating Services	Indoor Crop Production
Financial Services	Community Recreation (Private)
Food Preparation	Community Recreation (Public)
Food Sales	Maintenance and Service Facilities
Funeral Services	Residential Treatment
General Retail Sales (Convenience)	Transitional Housing
General Retail Sales (General)	Transportation Terminal
Hotel-Motel	

With regard to the base zone, staff has determined that the only way for this property to be allowed a 2:1 Floor to Area Ratio (FAR) is through a rezoning to CS. Whereas CS is considered one of the most intense zoning districts, the proposed conditional overlay would

effectively reduce the potential to develop the property to the full extent allowed in a CS, and restrict the intense land uses that are permitted in CS, but not in lower zoning categories.

Further, the proposed conditional overlay was worked out through an outreach process to several surrounding neighborhood organizations. The overlay is a key part of the neighborhood support for the rezoning and provides some assurance regarding the future of the property, as long as the conditional overlay would remain in effect.

Given that the sole object of the rezoning is to allow for 2:1 FAR, that the current proposal is for expansion of an existing facility in a location that is already developed and paved, that the proposed conditional overlay would severely limit future land uses which may be considered detrimental to the neighborhood, and that the applicant has involved the neighborhoods in the process of crafting the proposed conditional overlay, staff recommends the applicant's request as stated.

In addition to the reasons stated above, another basis for the recommendation is that the proposed zoning should satisfy a real public need and not provide special privilege to the owner. Just as general housing is needed in the city of Austin, retirement housing and options that allow seniors to age in place are also greatly needed. Imagine Austin's description of Complete Communities includes the following description: "These communities will be for Austinites of all ages. They will provide environments that support children at every stage of their development, young adults beginning their professional lives and families, and seniors aging gracefully in the neighborhoods where they raised their families."

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GO, GO-MU-CO	Congregate Living (Retirement Housing)
North	MF-4, MF-6-CO	Multifamily
South	Unzoned	Office (Texas Department of Motor Vehicles)
East	Bull Creek Rd, Jackson Ave, then PUD, LO, SF-3	Bull Creek Rd, Jackson Ave, then medical office, single family, vacant
West	Mopac, then SF-3	Mopac, then Military Base and Museum (Camp Mabry)

NEIGHBORHOOD PLANNING AREA: Rosedale

TIA: Not required

WATERSHED: Shoal Creek; Johnson Creek

OVERLAYS: Scenic Roadways (Loop 1 – Mopac)

SCHOOLS: Bryker Woods Elementary, O. Henry Middle School, Austin High School

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Oakmont Heights Neighborhood Assn
Austin Neighborhoods Council	Preservation Austin
Bike Austin	Ridgelea Neighborhood Assn
Bull Creek Road Coalition	Save Barton Creek Assn
Friends of Austin Neighborhoods	Seltexas
Friends of the Grove	Shoal Creek Conservancy
Highland Park West Balcones Area	Sierra Club Austin Regional Group
Homeless Neighborhood Association	TNR BCP - Travis County Natural Resources
Neighborhood Empowerment Foundation	Westminister Manor Residents' Association
North Austin Neighborhood Alliance	

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
<b>C14-99-0080 Congregation Agudas Achim 4200 Jackson Ave</b>	<b>LO and SF-3 to GO-MU-CO</b>	<b>06-15-99 – Apvd staff rec of GO- MU-CO</b>	<b>09-09-99 – Apvd 2<sup>nd</sup> and 3<sup>rd</sup> readings, GO-MU-CO</b>
C814-2015-0074 The Grove at Shoal Creek, Planned Unit Development (PUD)	Planned Unit Development	07-14-16 – Apvd PUD with conditions	12-15-16 – Apvd PUD zoning with amendments

RELATED CASES:

The northern portion of the property was rezoned from SF-3 and LO to GO-MU-CO in 1999 (C14-99-0080). The conditional overlay was for a set of prohibited uses, and a limit of 2,000 vehicle trips per day (See Exhibit D, Ordinance 990909-74).

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Bull Creek Drive	55 feet	40 feet	Collector	Yes	Yes, bike lane	Yes
Jackson Avenue	40-50 feet	30 feet	Collector	Yes	No	Yes
MOPAC / Loop 1	220 feet	175 feet	Highway	No	Yes, wide shoulder	No

OTHER STAFF COMMENTS:

Comprehensive Planning

This property is located on a 9.25 acre site, which is on the east side of Mopac Expressway and west side of Bull Creek Road and Jackson Avenue. The property contains a multistory senior living/assisted living complex called Westminster Manor, which includes recreational, medical services and two restaurants. The site is also located within the Rosedale Neighborhood Planning area, which does not have an adopted neighborhood plan. The property is surrounded by a senior living apartment building to the north; to the south is a Texas Department of Motor Vehicle office, and several office buildings; to the west is Mopac Expressway and Camp Mabry; and to the east are residential uses, a medical office, and stated owned property. The existing and proposed use is a mixed use congregate living facility, and the expansion of this uses on this property. Specifically, the project calls for the conversion of existing units from small studios to larger one and two bedroom units and approximately 50 additional assisted living memory units and up to 22 additional independent living units and underground parking and other new or upgraded amenities.

**Connectivity**

A public sidewalk is located along one side of the street; a public transit stop is located across the street on Bull Creek Road; and a bike lane is located along one side of Bull Creek Road. The Walkscore for this site is **37/100, Car Dependent**, meaning most errands require a car. There are no urban trails located within a half of a mile of this site. Connectivity

options (public sidewalks, bike lane, and a transit stop) appears above average, despite the Walkscore for this area.

### **Imagine Austin**

The property is not located along an Activity Corridor or near an Activity Center. The following IACP policies are applicable to this project:

- **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 P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **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 healthy food, schools, retail, employment, community services, and parks and recreation options.

### **Conclusion:**

The existing and proposed mixed use project provides senior living, medical services, open space, recreational and connectivity options. Based on the Imagine Austin text and policies above, which supports a variety of housing types for all ages; a variety of connectivity options available in the area; and the senior living being a predominant building type in the area, this project appears to support the policies of the Imagine Austin Comprehensive Plan.

### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek and Johnson 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. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to 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.

Few 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.

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.

At this time, no information has been provided as to whether this property has any preexisting approvals that 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.

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

The site is subject to compatibility standards. Along the southerly portion of the easterly property line, the following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line of the residentially zoned property along the east side of Jackson Avenue.
- No structure in excess of three stories or 40 feet in height may be constructed within 50 feet of the property line of the residentially zoned property along the east side of Jackson Avenue.
- 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.
- 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.

This site is within the Scenic Roadway Sign District .All signs must comply with Scenic Roadway Sign District regulations. Contact Viktor Auzenne at 512-974-2941 for more information.

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

### Transportation

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

A Neighborhood Traffic Analysis shall be required at the time of site plan if triggered per LDC 25-6-114. LDC. 25-6-114.

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]

30 feet of right-of-way has been dedicated from the existing centerline of Jackson Avenue with the subdivision application (C8-06-0104.0A) (recorded doc. no. 200600540). The site plan application has dedicated a sidewalk easement (recorded doc. no. 2009066819) to accommodate the required infrastructure along Bull Creek Road. Additionally, the existing right-of-way for Bull Creek Road is now 65 feet. No additional right-of-way is required for Bull Creek Road and Jackson Avenue with this zoning application.

The Austin Metropolitan Area Transportation Plan calls for 300 feet of right-of-way for N MOPAC Expressway. With the approval of the Texas Department of Transportation, 150 feet of right-of-way should be dedicated from the existing centerline of MOPAC Expressway in accordance with the AMATP at the time of the subdivision and/or site plan application, whichever comes first. Right-of-way dedication and reservation may be required. [LDC 25-6-51 and 25-6-55].

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

Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a buffered bike lane for all ages and abilities is recommended for Bull Creek Drive, and an urban trail is recommended for MOPAC. 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.

FYI – the existing driveways and sidewalks along Jackson Avenue and Bull Creek Drive 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.

FYI – sidewalk construction along MOPAC shall be reviewed and approved by the Texas Department of Transportation at the time of the site plan application.

FYI – the site may be required to comply with the cross-section identified in The Grove at Shoal Creek PUD (C814-2015-0074) for Bull Creek Drive (i.e. sidewalk and bicycle facilities).

### Austin Water Utility

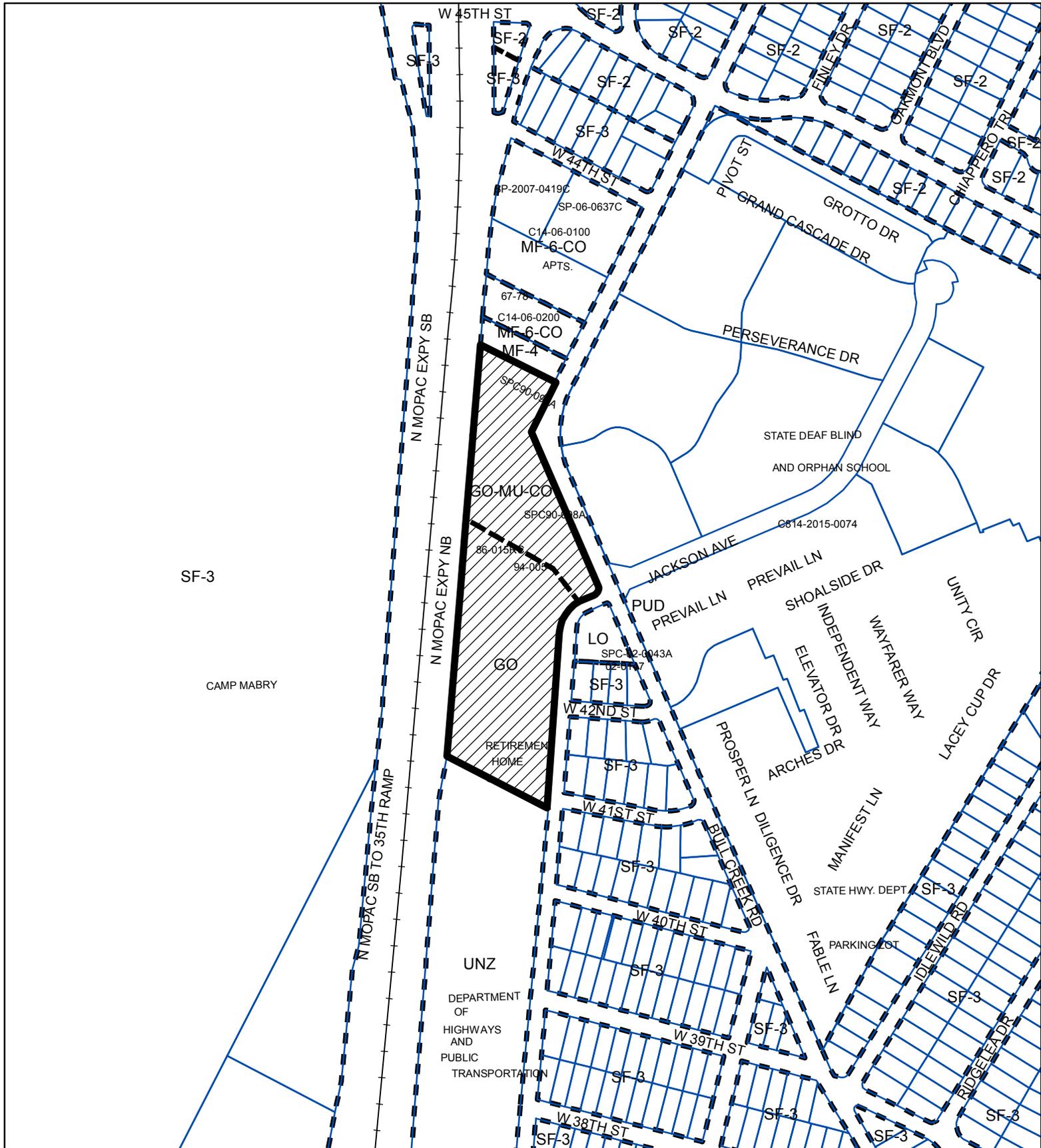
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water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

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.

### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant Request Letter - Revised
- D. 1999 Ordinance 990909-74, zoning change to GO-MU-CO
- E. Letters from Neighborhood Associations



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**Zoning Case**  
**C14-2018-0111**      **EXHIBIT A**



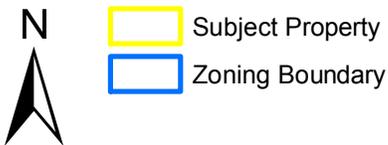
1" = 400'

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.



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## ZONING & VICINITY

Zoning Case: C14-2018-0111  
 Address: 4100 Jackson Ave  
 Subject Area: 9.2565 Acres  
 Case Manager: Scott Grantham

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**EXHIBIT B**



**LAND USE**  
**SOLUTIONS, LLC**

**EXHIBIT C**

LandUseSolutionsTX.com

**Michele Haussmann**  
**PRINCIPAL**  
[Michele@LandUseSolutionsTX.com](mailto:Michele@LandUseSolutionsTX.com)

January 10, 2019

Mr. Greg Guernsey, Director  
City of Austin  
Planning and Zoning Department  
[Greg.Guernsey@AustinTexas.gov](mailto:Greg.Guernsey@AustinTexas.gov)

VIA Electronic Mail

Re: Zoning Application – 9.26 acres located at 4100 Jackson Avenue in the City of Austin, Travis County, Texas (“Property”).

Dear Mr. Guernsey:

As representatives of the owner of the above stated Property, Westminster Manor Health Facilities Corporation (“Applicant”), I respectfully submit this letter to further confirm in detail the proposed Conditional Overlay (“CO”) to be included in the Zoning Ordinance. The CO is the same as originally proposed by the Applicant when the Zoning Application was submitted to the City of Austin on September 20, 2018.

The details of the proposed CO are as follows:

Restrict the Property to the GO base district zoning land uses and site development regulations, except for 2:1 FAR, as shown in highlighting in the table and prohibit the uses in the Prohibited Uses list below.

	GO	CS
MINIMUM LOT SIZE (square feet):	5,750	5,750

1001 Congress Avenue, Suite 250  
Austin, Texas 78701  
OFFICE 512.212.4114

10003 NW Military Hwy, Suite 2215  
San Antonio, Texas 78231  
OFFICE 210.812.2222



# LAND USE

SOLUTIONS, LLC

LandUseSolutionsTX.com

MINIMUM CORNER LOT AREA (square feet):		
MINIMUM LOT WIDTH:	50	50
MAXIMUM HEIGHT:	60	60
MINIMUM SETBACKS:		
FRONT YARD:	15	10
STREET SIDE YARD:	15	10
INTERIOR SIDE YARD:	5	—
REAR YARD:	5	—
MAXIMUM BUILDING COVERAGE:	60%	95%
MAXIMUM IMPERVIOUS COVER:	80%	95%
MAXIMUM FLOOR AREA RATIO	1:01	2:01

### Prohibited Uses List:

#### Uses prohibited in 1999 Zoning Ordinance:

- Bed and Breakfast
- Administrative and Business Offices
- Art and Craft Studio (Limited)
- Business or Trade School
- Business Support Services
- Medical Offices
- Off-Site Accessory Parking
- Personal Services
- Professional Office
- Software Development
- Community Recreation (Public and Private)
- College or University Facilities
- Cultural Services
- Guidance Services
- Hospital Services (Limited and General)
- Local Utility Services
- Private Primary Educational Facilities
- Public Primary Educational Facilities
- Private Secondary Educational Facilities
- Public Secondary Educational Facilities



**LAND USE**  
**SOLUTIONS, LLC**

LandUseSolutionsTX.com

Safety Services  
Multifamily Residential

Uses that are permitted in the CS zoning base district and not permitted in GO zoning base district:

Short-Term Rentals  
Agricultural Sales and Services  
Alternative Financial Services  
Automotive Rentals  
Automotive Repair Services  
Automotive Sales  
Automotive Washing (of any type)  
Bail Bond Services  
Building Maintenance Services  
Campground  
Commercial Blood Plasma Center  
Commercial Off-Street Parking  
Construction Sales and Services  
Consumer Convenience Services  
Consumer Repair Services  
Convenience Storage  
Drop-Off Recycling Collection Facility  
Electronic Prototype Assembly  
Electronic Testing  
Equipment Repair Services  
Equipment Sales  
Exterminating Services  
Financial Services  
Food Preparation  
Food Sales  
Funeral Services  
General Retail Sales (Convenience)  
General Retail Sales (General)  
Hotel-Motel  
Indoor Entertainment  
Indoor Sports and Recreation  
Kennels  
Laundry Services  
Monument Retail Sales



**LAND USE**  
**SOLUTIONS, LLC**

LandUseSolutionsTX.com

Outdoor Entertainment  
Outdoor Sports and Recreation  
Pawn Shop Services  
Pedicab Storage and Dispatch  
Personal Improvement Services  
Pet Services  
Plant Nursery  
Research Services  
Restaurant (General)  
Restaurant (Limited)  
Service Station  
Theater  
Vehicle Storage  
Veterinary Services  
Custom Manufacturing  
Limited Warehousing and Distribution  
Indoor Crop Production  
Community Recreation (Private)  
Community Recreation (Public)  
Maintenance and Service Facilities  
Residential Treatment  
Transitional Housing  
Transportation Terminal

Please let me know if you have any questions or need additional information. Thank you for your time and assistance with this request.

Respectfully,

Michele Haussmann

CC: Council Member Alison Alter, *via electronic mail*  
Council Member Leslie Pool, *via electronic mail*  
Jerry Rusthoven, City of Austin, *via electronic mail*  
Scott Grantham, City of Austin, *via electronic mail*  
Arten Avakian, Oakmont Heights, *via electronic mail*  
Steven Hardt, Ridgelea, *via electronic mail*  
Charles Borst, Westminster Manor, *via electronic mail*

**EXHIBIT D**

**ORDINANCE NO. 990909-74**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:**

**3.78 ACRE TRACT OF LAND OUT OF THOSE CERTAIN THREE TRACTS OF LAND IN THE CITY OF AUSTIN, FROM LIMITED OFFICE (LO) DISTRICT AND FAMILY RESIDENCE (SF-3) DISTRICT TO GENERAL OFFICE-MIXED USE-CONDITIONAL OVERLAY (GO-MU-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 4200 JACKSON AVENUE AND 4300 BULL CREEK ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

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

**PART 1.** The Zoning Map established by Chapter 25-2-191 of the City Code is amended to change the base zoning district from Limited Office (LO) district and Family Residence (SF-3) district to General Office-Mixed Use-Conditional Overlay (GO-MU-CO) combining district on the property described in File C14-99-0080, as follows:

3.78 acre tract of land out of three tracts of land in the City of Austin, Travis County, Texas, the 3.78 acre tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 4200 Jackson Avenue and 4300 Bull Creek Road, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

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

1. Notwithstanding any other provision of the City Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or

previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

2. The following uses of the Property are prohibited:

- |  |  |
|--|--|
| Bed and Breakfast                            | College or University Facilities         |
| Administrative and Business Offices          | Cultural Services                        |
| Art and Craft Studio (Limited)               | Guidance Services                        |
| Business or Trade School                     | Hospital Services (Limited and General)  |
| Business Support Services                    | Local Utility Services                   |
| Medical Offices                              | Private Primary Educational Facilities   |
| Off Site Accessory Parking                   | Private Secondary Educational Facilities |
| Personal Services                            | Public Primary Educational Facilities    |
| Professional Office                          | Public Secondary Educational Facilities  |
| Software Development                         | Safety Services                          |
| Community Recreation (Private<br>and Public) | Multifamily Residential                  |

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the General Office (GO) base district and other applicable requirements of the City Code.

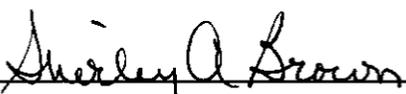
**PART 3.** The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

**PART 4.** This ordinance takes effect on September 20, 1999.

**PASSED AND APPROVED**

\_\_\_\_\_ September 9 \_\_\_\_\_, 1999

§  
§  
§   
Kirk Watson  
Mayor

APPROVED:  ATTEST:   
Andrew Martin  
City Attorney  
Shirley A. Brown  
City Clerk

## DESCRIPTION

DESCRIPTION OF 3.78 ACRES OF LAND, SAME BEING OUT OF THE FOLLOWING THREE TRACTS: 1) 3.01 ACRE TRACT OF LAND OUT OF THE DANIEL J. GILBERT SURVEY, DESCRIBED IN A DEED TO CONGREGATION AGUDAS ACHIM, OF RECORD IN VOLUME 1949, PAGE 191, DEED RECORDS OF TRAVIS COUNTY, TEXAS, LESS A 0.1999 OF ONE ACRE TRACT DESCRIBED IN A DEED TO WESTMINSTER MANOR HEALTH FACILITIES CORPORATION OF TRAVIS COUNTY, TEXAS, OF RECORD IN VOLUME 9712, PAGE 682, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS 2) PORTION OF VACATED MUELLER DRIVE AS VACATED IN VOLUME 4833, PAGE 1141 3) LOT 2, PRESBYTERIAN ADDITION 2, A SUBDIVISION OF RECORD IN BOOK 75, PAGE 345, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, DESCRIBED IN A DEED TO CONGREGATION AGUDAS ACHIM, OF RECORD IN VOLUME 5942, PAGE 1590, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.78 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4" iron pipe found at the southerly southwest corner of this tract, of said Lot 2, and of said Agudas Achim tract in Volume 5942, Page 1590, same being the east corner of Lot 1, of said Presbyterian Addition 2, said Lot 1 being described in a deed to Westminster Manor, Inc., of record in Volume 5904, Page 393, Deed Records of Travis County, Texas, same also being in the north line of Jackson Avenue;

THENCE, with the southwest line of this tract, of said Lot 2, and of said Agudas Achim tract in Volume 5942, Page 1590, N28°04'20"W 127.00 feet to a 1" iron pipe found at an angle point and N59°56'26"W 233.33 feet to a 1" iron pipe found at the west corner of said Lot 2 and of said Agudas Achim tract, same being in the center of said vacated Mueller Drive;

THENCE, with the southwest line of this tract, crossing said vacated Mueller Drive and continuing across said Agudas Achim tract in Volume 1949, Page 191, same being with the northeast line of said Westminster tract in Volume 9712, Page 682, N59°56'26"W 84.90 feet to a pk nail set at the westerly southwest corner of this tract, same being in the west line of said Agudas Achim tract in Volume 1949, Page 191 and in the east line of MoPac Expressway, same also being the north corner of said Westminster tract in Volume 9712, Page 682;

THENCE, with the west line of this tract and of said Agudas Achim tract in Volume 1949, Page 191, same being the east line of MoPac Expressway, N07°45'48"E 73.74 feet to a cross in a fence post in concrete and N07°47'48"E 493.77 feet to a 1/2" iron rod found at the northwest corner of this tract and of said Agudas Achim tract, same being the southwest corner of Lot 1, Georgetown Square, a subdivision of record in Book 35, Page 23, Plat Records of Travis County, Texas;

THENCE, with the northeast line of this tract and of said Agudas Achim tract in Volume 1949, Page 191, same being the south line of said Lot 1, S60°15'38"E at 261.64 feet passing the southeast corner of said Lot 1 and the southwest corner of a 5 foot strip

EXHIBIT "A"

990909-74

dedicated for street widening in Volume 3331, Page 2296, Deed Records of Travis County, Texas, and continuing with the south line of said 5 foot strip, in all a total of 266.64 feet to a 1 1/4" iron pipe found at the northerly east corner of this tract, same being in the west line of Bull Creek Road;

THENCE, with the east line of this tract and the west line of Bull Creek Road, the following four courses:

- 1) with the east line of said Agudas Achim tract in Volume 1949, Page 191,  $S29^{\circ}44'22''W$  173.74 feet to a cross set on a concrete curb at an angle point;
- 2) with the east line of said Agudas Achim tract in Volume 1949, Page 191,  $S23^{\circ}51'37''E$  6.49 feet to a 1" iron pipe found at an exterior ell corner of said Agudas Achim tract, same being the north corner of said vacated Mueller Drive;
- 3) with the northeast line of vacated Mueller Drive,  $S19^{\circ}08'43''E$  37.62 feet to a 1" iron pipe found at the north corner of said Lot 2 and of said Agudas Achim tract in Volume 5942, Page 1590, same being the west corner of a 5 foot strip dedicated for right-of-way in said Presbyterian Addition 2; and
- 4) with the northeast line of said Lot 2 and the southwest line of said 5 foot strip,  $S20^{\circ}19'30''E$  485.57 feet to a 7/8" iron pipe found at the most easterly southeast corner of this tract, same being the point of beginning of a curve whose radius is 25.00 feet;

THENCE, with a curving southeast line of this tract, of said Lot 2, and of said Agudas Achim tract in Volume 5942, Page 1590, same being the west line of said 5 foot strip, same being the transition curve from the west line of Bull Creek Road to the north line of Jackson Avenue, to the right, an arc distance of 39.12 feet, the chord of which bears  $S24^{\circ}44'01''W$  35.25 feet to a cross set on the back of a curb at the end of said curve at the most southerly southeast corner of this tract;

THENCE, with the south line of this tract, of said Lot 2, and of said Agudas Achim tract in Volume 5942, Page 1590, same being the north line of Jackson Avenue,  $S69^{\circ}37'08''W$  40.23 feet to a 60d nail found at the beginning of a curve whose radius is 113.53 feet, and continuing with said curve to the left, an arc distance of 19.86 feet, the chord of which bears  $S66^{\circ}54'08''W$  19.84 feet to the POINT OF BEGINNING and containing 3.78 acres of land within these metes and bounds.

SURVEYED BY: **McGRAY & McGRAY LAND SURVEYORS, INC.**  
3309 Hancock Dr., Austin, TX 78731 512/451-8591

  
Judith J. McGray, Reg. Public Surveyor No. 2093

1-23-86  
Date



SF-3

CAMP MABRY

MF-4

APTS.

67-78

SF-3

STATE DEAF, BLIND AND ORPHAN SCHOOL

STATE DEAF B AND ORPH.

UNZ

AND ORPH.

MISSOURI PACIFIC RAILROAD

MOPAC EXPRESSWAY NORTH

STATE HIGHWAY 1

86-0158C

94-0054

GO

SP86-033

LO

SF-3

WEST 42ND STREET

WEST 44TH STREET

BULL CREEK ROAD

BULL CREEK ROAD

JACKSON AVENUE

ST. YAGOWLE SPC091-098A

SPC91-098A



SUBJECT TRACT   
PENDING CASE   
ZONING BOUNDARY   
CASE MGR: E. MEADOWS *William*  
*990909-74*

CASE #: C14-99-0080  
ADDRESS: 4200 JACKSON AVE.  
SUBJECT AREA (acres): 3.780

ZONING EXHIBIT "B"

DATE: 99-05

INTLS: TRC

CITY GRID REFERENCE NUMBER  
H26

1" = 200'

WEST 41ST

## EXHIBIT E

# OAKMONT HEIGHTS NEIGHBORHOOD ASSOCIATION

January 28, 2019

Mr. Greg Guernsey, Director  
City of Austin  
Planning and Zoning Department  
greg.guernsey@austintexas.gov

Re: C-14-2018-0111  
Rezoning Application for Westminster Manor, 4100 Jackson Avenue

Dear Mr. Guernsey:

Westminster Manor is a major feature in our immediate area. Oakmont Heights neighbors are interested in the well-being of the facility, and also how it affects our neighborhood. We have a common boundary, share streets, and cope with the same traffic issues and effects of surrounding development.

Over the past several months, Oakmont Heights Neighborhood Association (OHNA) officers have met with and communicated with Mr. Charles Borst of Westminster Manor, and Ms. Michele Haussmann of Land Use Solutions, LLC, who prepared and filed the rezoning application on behalf of Westminster, to learn about Westminster's plans and the reasons for seeking a rezoning of the property, comprising 9.26 acres.

We appreciate that they reached out to us and gave us an opportunity to discuss potential issues in advance of submitting the application. Ms. Haussmann explained that the reason the rezoning is needed is for the maximum floor to area ratio (FAR) available under the proposed CS-MU zoning.

Several concerns we expressed are potential future uses of the rezoned property under a different owner, traffic, parking on Oakmont neighborhood streets by Westminster visitors and service providers, and the potential for significant additional expansion beyond that currently planned.

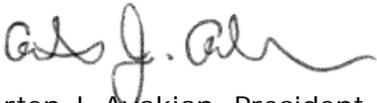
Ms. Haussmann explained further that they are not seeking any additional uses that would otherwise be permitted under CS-MU, and that they propose a conditional overlay (CO) as part of the rezoning to prohibit the additional uses. In addition, under the CO they would continue to prohibit the uses prohibited under an earlier rezoning in 1999. Also, Ms. Haussmann said that once the current expansion plans are implemented, the floor-to-area ratio (FAR) for the entire Westminster property would be near the maximum proposed 2:1.

We expect parking will continue to be a problem as Westminster may not be able to control where visitors and others park; however, Westminster has stated they will cooperate with the neighborhood to address parking and traffic issues, including minimizing disruptions during construction. A copy of a letter dated January 15, 2019, from Mr. Borst to OHNA, expressing that desire to cooperate is attached.

Mr. Greg Guernsey, Director  
City of Austin Planning and Zoning Department  
Page 2  
January 28, 2019

Our understanding of the uses that would be prohibited and the FAR calculations for the expansion plans rely on the representations made in the September 20, 2018, zoning application, as further clarified in a letter from Ms. Hausmann to you dated January 10, 2019. If all of the limits and prohibited uses indicated in those documents are incorporated into the rezoning ordinance, the OHNA would not oppose the rezoning.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. J. Avakian', written in a cursive style.

Arten J. Avakian, President  
Oakmont Heights Neighborhood Association

1813 West 36th Street  
Austin, Texas 78731

Attachment: January 15, 2019, letter from Charles Borst to OHNA

cc: Mr. Charles Borst, Westminster Manor,  
Ms. Michele Hausmann, Land Use Solutions, LLC, [michele@landusesolutionstx.com](mailto:michele@landusesolutionstx.com)  
Mr. Scott Grantham, City of Austin Planning and Zoning Department,  
[scott.grantham@austintexas.gov](mailto:scott.grantham@austintexas.gov)



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January 15, 2019

Mr. Arten Avakian, President  
Oakmont Neighborhood Association  


Re: Westminster Zoning Case

Dear Arten:

As you are aware, we have filed the zoning case for the Westminster property located at 4100 Jackson Avenue and consisting of 9.3 acres ("Property"). The current zoning is "GO-MU-CO" and "GO" and the requested zoning is "CS-MU," to allow for the continuation of the existing uses defined by the City of Austin ("City") as Congregate Living and more specifically described as retirement housing and convalescence services, assisted living, and uses related to Westminster providing services to the elderly. Enclosed is a copy of the zoning application and applicant's summary letter submitted to the City by Michele Haussmann with Land Use Solutions, LLC that describes the requested zoning and limitations.

"CS-MU," as limited in the application and this agreement, will allow Congregate Living uses as well as the following which are related to the operations of the Westminster facility:

- Convalescence Services
- Retirement Housing
- Congregative Living, including independent living, assisted living, memory care and skilled nursing care
- Private Community Recreation

Some uses that may be related to the operation of the facilities listed above could be day-care services (for the elderly), administrative business offices (for the retirement center), and medical offices to serve the residents of Westminster. The proposed zoning would allow the uses permitted in the existing "GO-MU-CO" zoning district and prohibit all additional uses allowed in the "CS" zoning district. Please see the attached list of prohibited uses. The proposed zoning also restricts the Property to the "GO" zoning site development regulations, except for FAR, as shown in yellow in the table below.





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	GO	CS
MINIMUM LOT SIZE (square feet):	5,750	5,750
MINIMUM CORNER LOT AREA (square feet):		
MINIMUM LOT WIDTH:	50	50
MAXIMUM HEIGHT:	60	60
MINIMUM SETBACKS:		
FRONT YARD:	15	10
STREET SIDE YARD:	15	10
INTERIOR SIDE YARD:	5	—
REAR YARD:	5	—
MAXIMUM BUILDING COVERAGE:	60%	95%
MAXIMUM IMPERVIOUS COVER:	80%	95%
MAXIMUM FLOOR AREA RATIO	1:01	2:01

The 2:1 FAR allowed in the CS zoning base district will allow for the proposed expansion as well as the conversion of the units in the Preston building. The FAR calculation for the Westminster property including the Preston building that was constructed in 1967 is 1.38:1. The FAR required for the expansion and conversion is 1.8:1. Westminster is proposing a maximum of 1.92:1 FAR to allow for possible future common area expansions to ensure they can properly provide for the residents into the future. The





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anticipated unit counts are described in the table below. The unit count table illustrates 138 additional units, 66 conversions, resulting in a net add of 72 units.

Level of Care	Beginning unit Count	Phase 1	Phase 2	Phase 3	Phase 4	Ending Unit Count
Independent Living	326	64	22	(33)	(33)	346
Assisted Living	22	36	(22)			36
Memory Care	0	38				38
Skilled Nursing / Memory Care	30		(30)			0
Skilled Nursing	55					55
Skilled Nursing Rehab	0		30			30
<b>TOTAL</b>	<b>433</b>	<b>138</b>	<b>0</b>	<b>(33)</b>	<b>(33)</b>	<b>505</b>

In addition to the use and site development limitations, Westminster has agreed with the neighborhood to do the following:

1. Westminster will cooperate and assist your neighborhood in its efforts to secure traffic calming measures and resident only/no parking zones on your neighborhood streets.
2. Westminster will provide code required parking on any new site plan for the property and will work to resolve parking issues on its existing facilities.
3. In developing initial and final site plans and implementing any site plan, Westminster will confer with the neighborhood, conduct traffic impact analyses as part of the planning process, and seek to minimize the traffic trips and on-street parking. If, based on the analysis, we determine that revisions to the requested zoning are needed, your neighborhood will be notified of the revisions.
4. Westminster agrees to make every good faith effort to minimize road closures and, if required, to provide not less than 14 days' advance notice of such closures.
5. Westminster agrees to provide not less than 30 days' advance notice of demolition and construction staging dates and times.
6. Westminster agrees to limit hours of construction to minimize neighborhood disruption.
7. Westminster agrees to provide not less than 30 days' advance notice of the dates of major activities that may cause traffic concerns, delays, loud noises, or utility problems.





# WESTMINSTER

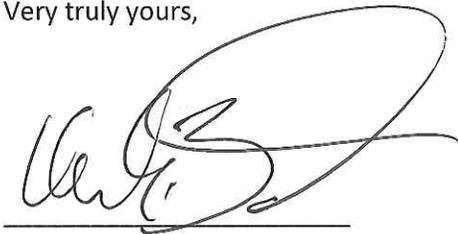
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I believe this outline is consistent with our discussions. My understanding was that the neighborhood would not oppose the zoning case if it were limited to the Westminster uses and site development regulations specified in this agreement. If these restrictions meet the neighborhood's approval, it would expedite the zoning process if the neighborhood could write us a brief letter of support, subject to the above limitations. I will then present this agreement to the Zoning and Platting Commission as an addition to the City staff recommendation and our request. If it is recommended by the Zoning and Platting Commission, we will have the opportunity to review the final ordinance and related documents prior to final approval by the City Council.

Please feel free to share this letter and the attachments with the neighborhood and let me know if you need any further information. Thank you for your time and attention to this matter.

Very truly yours,



Charles Borst

Executive Director, Westminster

CC: Michele Haussmann, Land Use Solutions, LLC, *via electronic mail*





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## Prohibited Uses List

The prohibited uses list would appear similar to this in the zoning ordinance:

The following uses are prohibited:

Uses prohibited in the Letter Agreement with Oakmont Neighborhood Association dated June 15, 1999:

- Lodginghouse Residential
- Administrative and Business Offices (except for services directly related to Westminster)
- Art and Craft Studio
- Bed and Breakfast
- Business or Trade School
- Business Support Services
- Medical Offices (except for services to Westminster residents)
- Multi-Family (except for Westminster residents)
- Off-Site Accessory Parking (except in connection with Westminster)
- Personal Services (except for services to Westminster residents)
- Professional Office
- Software Development
- College or University Facilities
- Counseling Services
- Day-Care Services (except in connection with Westminster)
- Guidance Services
- Hospital Services
- Local Utility Services
- Private and Public Educational Facilities
- Safety Services
- Group Residential (except for Westminster residents)
- Community Recreation (except that which is allowed and under the supervision of Westminster)

Additional prohibited uses in "CS" zoning, except as required for the operation of Westminster or services to Westminster residents.

- Short-Term Rentals
- Agricultural Sales and Services
- Alternative Financial Services
- Automotive Rentals
- Automotive Repair Services
- Automotive Sales





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Automotive Washing (of any type)  
Bail Bond Services  
Building Maintenance Services  
Campground  
Commercial Blood Plasma Center  
Commercial Off-Street Parking  
Construction Sales and Services  
Consumer Convenience Services  
Consumer Repair Services  
Convenience Storage  
Drop-Off Recycling Collection Facility  
Electronic Prototype Assembly  
Electronic Testing  
Equipment Repair Services  
Equipment Sales  
Exterminating Services  
Financial Services  
Food Preparation  
Food Sales  
Funeral Services  
General Retail Sales (Convenience)  
General Retail Sales (General)  
Hotel-Motel  
Indoor Entertainment  
Indoor Sports and Recreation  
Kennels  
Laundry Services  
Monument Retail Sales  
Outdoor Entertainment  
Outdoor Sports and Recreation  
Pawn Shop Services  
Pedicab Storage and Dispatch  
Personal Improvement Services  
Pet Services  
Plant Nursery  
Research Services  
Restaurant (General)  
Restaurant (Limited)  
Service Station  
Theater  
Vehicle Storage





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Custom Manufacturing  
Limited Warehousing and Distribution  
Indoor Crop Production  
Community Recreation (Private)  
Community Recreation (Public)  
Maintenance and Service Facilities  
Residential Treatment  
Transitional Housing  
Transportation Terminal





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January 7, 2019

Mr. Steven Hardt  
Ridgelea Neighborhood Association  


Re: Westminster Zoning Case

Dear Steven:

As you are aware, we have filed the zoning case for the Westminster property located at 4100 Jackson Avenue and consisting of 9.3 acres ("Property"). The current zoning is "GO-MU-CO" and "GO" and the requested zoning is "CS-MU," to allow for the continuation of the existing uses defined by the City of Austin ("City") as Congregate Living and more specifically described as retirement housing and convalescence services, assisted living, and uses related to Westminster providing services to the elderly. Enclosed is a copy of the zoning application and applicant's summary letter submitted to the City by Michele Haussmann with Land Use Solutions, LLC that describes the requested zoning and limitations.

"CS-MU," as limited in the application and this agreement, will allow Congregate Living uses as well as the following which are related to the operations of the Westminster facility:

- Convalescence Services
- Retirement Housing
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Some uses that may be related to the operation of the facilities listed above could be day-care services (for the elderly), administrative business offices (for the retirement center), and medical offices to serve the residents of Westminster. The proposed zoning would allow the uses permitted in the existing "GO-MU-CO" zoning district and prohibit all additional uses allowed in the "CS" zoning district. Please see the



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attached list of prohibited uses. The proposed zoning also restricts the Property to the “GO” zoning site development regulations, except for FAR, as shown in yellow in the table below.

	GO	CS
MINIMUM LOT SIZE (square feet):	5,750	5,750
MINIMUM CORNER LOT AREA (square feet):		
MINIMUM LOT WIDTH:	50	50
MAXIMUM HEIGHT:	60	60
MINIMUM SETBACKS:		
FRONT YARD:	15	10
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INTERIOR SIDE YARD:	5	—
REAR YARD:	5	—
MAXIMUM BUILDING COVERAGE:	60%	95%
MAXIMUM IMPERVIOUS COVER:	80%	95%
MAXIMUM FLOOR AREA RATIO	1:01	2:01





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The 2:1 FAR allowed in the CS zoning base district will allow for the proposed expansion as well as the conversion of the units in the Preston building. The FAR calculation for the Westminster property including the Preston building that was constructed in 1967 is 1.38:1. The FAR required for the expansion and conversion is 1.8:1. Westminster is proposing a maximum of 1.92:1 FAR to allow for possible future common area expansions to ensure they can properly provide for the residents into the future. The anticipated unit counts are described in the table below. The unit count table illustrates 138 additional units, 66 conversions, resulting in a net add of 72 units.

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In addition to the use and site development limitations, Westminster has agreed with the neighborhood to do the following:

1. Westminster agrees to make every good faith effort to minimize road closures and, if required, to provide not less than 14 days' advance notice of such closures.
2. Westminster agrees to provide not less than 30 days' advance notice of demolition and construction staging dates and times.
3. Westminster agrees to conduct all construction-related activities in accordance with applicable laws, ordinances, and regulations.





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- 4. Westminster agrees to provide not less than 30 days' advance notice of the dates of major activities that may cause traffic concerns, delays, loud noises, or utility problems.

I believe this outline is consistent with our discussions. My understanding was that the neighborhood would not oppose the zoning case if it were limited to the Westminster uses and site development regulations specified in this agreement. If these restrictions meet the neighborhood's approval, it would expedite the zoning process if the neighborhood could write us a brief letter of support, subject to the above limitations. I will then present this agreement to the Zoning and Platting Commission as an addition to the City staff recommendation and our request. If it is recommended by the Zoning and Platting Commission, we will have the opportunity to review the final ordinance and related documents prior to final approval by the City Council.

Please feel free to share this letter and the attachments with the neighborhood and let me know if you need any further information. Thank you for your time and attention to this matter.

Very truly yours,



Charles Borst  
Executive Director, Westminster

Agreed:



By: Steven Hardt, President  
For the Ridgelea Neighborhood Association

CC: Michele Haussmann, Land Use Solutions, LLC, *via electronic mail*





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The following uses are prohibited:

Uses prohibited in the Letter Agreement with Oakmont Neighborhood Association dated June 15, 1999:

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Art and Craft Studio  
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Business or Trade School  
Business Support Services  
Medical Offices (except for services to Westminster residents)  
Multi-Family (except for Westminster residents)  
Off-Site Accessory Parking (except in connection with Westminster)  
Personal Services (except for services to Westminster residents)  
Professional Office  
Software Development  
College or University Facilities  
Counseling Services  
Day-Care Services (except in connection with Westminster)  
Guidance Services  
Hospital Services  
Local Utility Services  
Private and Public Educational Facilities  
Safety Services  
Group Residential (except for Westminster residents)  
Community Recreation (except that which is allowed and under the supervision of Westminster)

Additional prohibited uses in "CS" zoning, except as required for the operation of Westminster or services to Westminster residents.

Short-Term Rentals  
Agricultural Sales and Services  
Alternative Financial Services  
Automotive Rentals  
Automotive Repair Services  
Automotive Sales





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Automotive Washing (of any type)  
Bail Bond Services  
Building Maintenance Services  
Campground  
Commercial Blood Plasma Center  
Commercial Off-Street Parking  
Construction Sales and Services  
Consumer Convenience Services  
Consumer Repair Services  
Convenience Storage  
Drop-Off Recycling Collection Facility  
Electronic Prototype Assembly  
Electronic Testing  
Equipment Repair Services  
Equipment Sales  
Exterminating Services  
Financial Services  
Food Preparation  
Food Sales  
Funeral Services  
General Retail Sales (Convenience)  
General Retail Sales (General)  
Hotel-Motel  
Indoor Entertainment  
Indoor Sports and Recreation  
Kennels  
Laundry Services  
Monument Retail Sales  
Outdoor Entertainment  
Outdoor Sports and Recreation  
Pawn Shop Services  
Pedicab Storage and Dispatch  
Personal Improvement Services  
Pet Services  
Plant Nursery  
Research Services  
Restaurant (General)  
Restaurant (Limited)  
Service Station  
Theater  
Vehicle Storage





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Limited Warehousing and Distribution  
Indoor Crop Production  
Community Recreation (Private)  
Community Recreation (Public)  
Maintenance and Service Facilities  
Residential Treatment  
Transitional Housing  
Transportation Terminal



January 21, 2019

Mr. Scott Grantham, Senior Planner  
City of Austin  
Planning and Zoning Department  
*Via Electronic Mail [Scott.Grantham@AustinTexas.gov](mailto:Scott.Grantham@AustinTexas.gov)*

Re: Westminster Rezoning Case City File Number C14-2018-0111

Dear Mr. Grantham,

As the Chair of the Ridgelea Neighborhood Association, I respectfully submit this letter expressing support for the Westminster rezoning. Westminster and their consultant team reached out to us to present the proposed rezoning and we have been in communication throughout the process. Westminster agreed to various restrictions and limitations on the proposed rezoning in a letter to me dated January 7, 2019. Given those restrictions, I, on behalf of the Ridgelea Neighborhood Association, support the rezoning. The rezoning will allow Westminster to continue serving seniors in our neighborhood, while preventing many of the potential changes that may in the future negatively affect our homes.

Sincerely,



Steven Hardt  
Chair  
Ridgelea Neighborhood Association

## 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/planning](http://www.austintexas.gov/planning)

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: C14-2018-0111

Contact: Scott Grantham, 512-974-3574

Public Hearing: Feb 05, 2019, Zoning and Platting Commission

Mar 28, 2019, City Council

Jessica Sterns

Your Name (please print)

1913 W 41st

Your address(es) affected by this application

I am in favor  
 Object except

*[Signature]*

Signature

Date

Daytime Telephone: 512 516 9136

1/29/2019

Comments: We live across from The Westministers

There are non stop vistors employees who use our street for parking.

Westminster does zero enforcing except with employees. This development will only increase traffic to our street.

They throw our bags block parking for 9 hours (st. truck) and are quite rude, disrespectful, speeding, slamming car doors, etc.

If you use this form to comment, it may be returned to: Please understand the Westminster is already there and creates a ton of traffic - Food delivery, ambulances, visitors, contractors, mini bus, employees. We are a peaceful street trying to maintain what them being run over.

City of Austin Planning & Zoning Department Scott Grantham P. O. Box 1088 Austin, TX 78767-8810

Mini bus, employees. We are a peaceful street trying to maintain what them being run over.

Solution: Give us residential permit parking