



June 3, 2019

Emily Jones
3219 Manor Rd
Austin TX, 78723

Property Description: 1.658AC OLT 50 DIVISION B

Re: C15-2019-0033

Dear Emily,

Austin Energy (AE) has reviewed your application for the above referenced property, requesting that the Board of Adjustment consider a variance(s) from the maximum allowable Compatibility Height requirements of - Article 10, Compatibility Standards, Division 2 – Development Standards, Section 25-2-1063 (C) (2) and (3) (Height Limitations and Setbacks for Large Sites) in order to construct a 60 foot Multi-Family use in a "CS-V-CO-NP", General Commercial Services – Vertical Mixed Use – Conditional Overlay –Neighborhood Plan zoning district. (MLK Neighborhood Plan)

The above request for variance is **DENIED BY AUSTIN ENERGY (AE)**, the proposed structure is in conflict with existing AE facilities and clearance requirements. The layout of building will need to meet clearances. Owner/applicant must obtain written approval of conflict resolution from Eben Kellogg, Austin Energy - Public Involvement/Real Estate Services, prior to BOA approval.

In order for the above application to comply with our requirements, It is recommended that owner/applicant contact Austin Energy Electric Design North, Team Lead, Brian Van Dyke, at 512-505-7247 or brian.vandyke@austinenergy.com for site specific recommendations to proposed structure to comply with AE clearances and how to remove and relocate the current existing electric facilities.

Please use this link to be advised of our clearance and safety requirements which are additional conditions of the above review action:

https://library.municode.com/tx/austin/codes/utilities_criteria_manual?nodeId=S1AUENDECR_1.10.0CLSARE

If you require further information or have any questions regarding the above comments, please contact our office. Thank you.

Eben Kellogg, Property Agent
Austin Energy
Public Involvement | Real Estate Services
2500 Montopolis Drive
Austin, TX 78741
(512) 322-6050

BOA CASE REVIEW SHEET

CASE: C15-2019-0033**BOA DATE:** June 10, 2019**ADDRESS:** 3219 Manor Rd**COUNCIL DISTRICT:** 1**OWNER:** Bryan Cumby**AGENT:** Emily Jones**ZONING:** CS-V-CO-NP**LEGAL DESCRIPTION:** 1.658AC OLT 50 DIVISION B**VARIANCE REQUEST:** Height increase from 40 ft. to 60 ft.**SUMMARY:** to erect Multi-Family**ISSUES:** zoning ordinance 021107-Z-12C limits development

	ZONING	LAND USES
<i>Site</i>	CS-V-CO-NP	Multi-Family
<i>North</i>	CS-MU-V-NP	Commercial, Multi-Family
<i>South</i>	CS-MU-CO-NP	Commercial, Single-Family
<i>East</i>	CS-V-CO-NP	Commercial
<i>West</i>	GR-V-NP	Commercial

NEIGHBORHOOD ORGANIZATIONS: Anaberly Airport Association, Austin Independent School District, Austin Neighborhoods Council, Bike Austin, Black Improvement Association, Claim Your Destiny Foundation, Del Valle Community Coalition, East Austin Conservancy, East MLK Combined Neighborhood Plan Contact Team, Friends of Austin Neighborhoods, Hill Country Conservancy, Homeless Neighborhood Association, J.J. Seabrook Neighborhood Assn., Neighborhood Empowerment Foundation, Neighbors United for Progress, Preservation Austin, SEL Texas, Sierra Club – Austin Regional Group

I-2/2



NOTIFICATIONS

CASE#: C15-2019-0033
LOCATION: 3219 MANOR RD



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 333'

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.





CITY OF AUSTIN
Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____	ROW # _____	Tax # _____
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Section 1: Applicant Statement

Street Address: 3219 Manor Road

Subdivision Legal Description:

1.658 acres out of Outlot 50, Division B, of the Original City of Austin, Travis County, as recorded in the General Land Office of the State of Texas

Lot(s): _____ Block(s): _____

Outlot: 50 Division: B

Zoning District: CS-V-CO-NP

I/We Emily Jones, Mid-City Development on behalf of myself/ourselves as authorized agent for 3219 Manor MU, Ltd. affirm that on Month May, Day 14, Year 2019, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

Erect Attach Complete Remodel Maintain Other: _____

Type of Structure: Multi-Family

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-1063(C)(2) and (C)(3)

Height required under Code to graduated up from 40 feet depending on distance from triggering property. The variance request is for a uniform 60 feet for the entire project.

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

The zoning ordinance for this property (Ord. 021107-Z-12c) limits development by prohibiting vehicular access to Tillery Street and requiring a 15-foot wide vegetative buffer along the property line adjacent to Tillery Street. Combined with the trees located in the middle of the property, the buildable area is constrained. These restrictions push the structure towards the triggering properties. Therefore, a uniform height at the zoning district's standard height of 60 feet along this corridor is not possible under Compatibility Standards causing a significant reduction in both market rate and affordable units.

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

This is the only property along Tillery Street prohibited from taking access to/from Tillery Street, forcing the only access on Manor Road. The complications resulting from the location of overhead lines, the vegetative buffer, the access prohibition, and the cluster of Heritage trees make this property unique. Section 25-8-646(A) requires a variance be sought to eliminate the need to remove heritage trees.

b) The hardship is not general to the area in which the property is located because:

The vegetative buffer required by the zoning ordinance essentially creates a setback larger than that required by the City Code for the CS zoning district. Of the 3 properties which trigger compatibility standards, 2 are behind other commercial buildings. The only property with visual of the subject tract is diagonal across Tillery Street and facing away. Restricting the development based on these properties does not further the purpose of the Compatibility Standards.

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

See Section 6 (Additional Space) below.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

- 1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

n/a

- 2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

n/a

- 3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

n/a

- 4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

n/a

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature:  Date: 5/14/19

Applicant Name (typed or printed): Emily Jones, Mid-City Development

Applicant Mailing Address: 9229 Waterford Centre Blvd, Bldg C, Ste 100

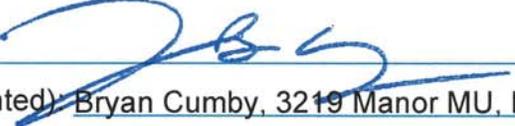
City: Austin State: TX Zip: 78758

Phone (will be public information): (512) 637-6932

Email (optional – will be public information): _____

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature:  Date: 5/14/19

Owner Name (typed or printed): Bryan Cumby, 3219 Manor MU, Ltd.

Owner Mailing Address: 9229 Waterford Centre Blvd., Bldg C, Ste 100

City: Austin State: TX Zip: 78757

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Emily Jones, Mid-City Development

Agent Mailing Address: 9229 Waterford Centre Blvd, Bldg C, Ste 100

City: Austin State: TX Zip: 78758

Phone (will be public information): (512) 637-6932

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Additional Space (continued)

This area is on an Imagine Austin Activity Corridor. With apartments, commercial, and single family residences, this area is thriving with a mix of uses. Considering mass transit is available in front of the proposed development and the property is within walking distance of park and open space, the location is perfect for much needed housing. This proposed project will not alter the character of the area. In fact, by waiving the height limitation under 25-2-1063, more quality rental units with more affordable housing will be constructed on this urban infill without existing residents to be displaced.

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MEMORANDUM

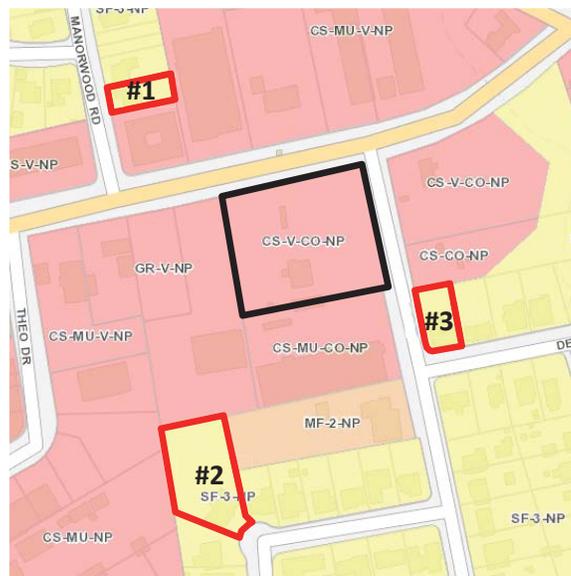
TO: William Burkhardt, Chair of the Board of Adjustments
Members of the Board of Adjustments

DATE: May 24, 2019

SUBJECT: Variance Request for 3219 Manor Road, Austin, Texas 78723 (the “Property”)
Case File No. C15-2019-0033

The purpose of this Memorandum is to provide supplemental information for the application filed to request a variance from Section 25-2-1063(C)(2) and (C)(3) of the City of Austin (“City”) Code of Ordinances (“Code”). This section of the Code is also known as “Compatibility Standards.” The request is for a variance from the graduated height limitations outlined in the Compatibility Standards to allow for a single, uniform height of sixty (60) feet as allowed under the assigned zoning designation of CS-V-CO-NP. Approval of the variance will allow for the placement of the new multifamily residential building in a location that fully complies with the zoning ordinance for the Property, saves a cluster of trees located in the middle of the Property, and allows for additional housing supply and affordable housing units in this proposed vertical mixed use building. Additional information about the Property is included in **Exhibit A**. Please note, that this project is NOT at the building permit stage, so the applicant does not have signed and sealed architectural drawings of the proposed building at this time. The exhibits provided with this memorandum, while not signed and sealed, do meet the requirements of the BOA Community Guidebook.

Pursuant to the Compatibility Standards, an SF-6 or less restrictive zoned property within 540 feet or less from a property in an SF-5 or more restrictive zoning district must comply with the height limitations outlined in Section 25-2-1063. As shown on the graphic below and **Exhibit B**, three (3) properties satisfy that criteria and trigger the Property’s compliance (“Triggering Property”). None of the Triggering Properties are adjacent to the Property.



Between the Property and the Triggering Property identified as #1 above is a two story multifamily residential complex. Between the Property and the Triggering Property identified as #2 is a 20,000 square foot building that houses the Motion Media Arts Center and a structure used to store tires. The Triggering Property identified as #3 faces Denver Avenue and is separated from the Property by Tillery Street.

This request for a variance from the height limitations in Section 25-2-1063(C)(2) and (C)(3) of the Code should respectfully be approved for the following reasons:

Reasonable Use

Although the existing structures on the Property will be demolished, resulting in a vacant property for the development of the multifamily project, the Property is burdened with serious site constraints that constitute hardships. Specifically, the limitations imposed by Zoning Ordinance No. 021107-Z-12c (“Zoning Ordinance”) and the existing protected and heritage trees create hardships that affect the location, layout, and size of the proposed building. By accommodating the hardships, the additional limitations of the Compatibility Standards do “not allow for a *reasonable use* of property”. It is important to note that Section 25-2-474 of the City Code allows for the granting of variances for the redevelopment of land. In addition, Section 25-2-474(A)(1) does not require a finding that the regulations deprive the property of “all use” but only that a “reasonable use” is disallowed. Section 25-2-1081(E) of the Austin City Code expressly allows Board of Adjustment (“BOA”) variances of Compatibility Standards. Therefore, the standard is not whether a Compatibility Standard compliant use could be developed, but instead whether the Compatibility Standards here, given the hardships on this site, do not allow for a “reasonable use.”

The variance from the height limitations would allow for a “reasonable use” by allowing development that meets the established zoning regulations for property and provide additional units (including additional affordable housing units) for much needed housing in this Imagine Austin Activity Corridor.

The Zoning Ordinance prohibits access from the Property to Tillery Street, requiring that access only be allowed from Manor Road. To appropriately comply with driveway spacing requirements and considering only one side of the Property may have an access point, the location of the access drive is forced to the northwest corner of the Property as shown on **Exhibit C**. Additionally, to conform with the City Fire Code regulations, the development must also be configured in a manner that permits fire hose accessibility to all sides of the building. As a result, the multifamily development must shift toward the eastern portion of the Property for the construction of parking and fire access in the rear of the Property as shown on **Exhibit C**. This shift not only reduces the size of the building, but also pushes the building closer to the Triggering Property on Denver Street.

In the center of the Property, as shown on **Exhibit C**, are several existing protected trees, including two heritage trees. A “super heritage” is located in the southwest corner of the Property. The

intent is to design the building in a manner that not only saves these trees, but also effortlessly incorporates them into the project. The solution is to form an enhanced courtyard around the trees in the center to provide a resident amenity, and to take advantage of the large shade tree in the southwest corner for a dog park. Section 25-8-646 of the City Code requires an applicant to seek a BOA variance before seeking to remove any heritage trees. This requirement inherently makes heritage trees a hardship for BOA variance purposes.

As a result of the restrictions in the Zoning Ordinance and the constraints from existing trees, the configuration options for the project are limited. The Zoning Ordinance forces the structure toward the eastern portion of the Property and reduces the square footage of the project. To save the trees in this area, the project must reduce the number of units and overall square footage to accommodate a courtyard. Compliance with the access restriction and the tree preservation requirements results in a loss of 36,180 square feet of otherwise allowable development, even under Compatibility Standards. Approval of the requested variance from the height restrictions of the Compatibility Standards would allow that lost square footage to be mitigated, compliance with neighborhood required access limitations, preserve heritage trees, while avoiding the denial of this reasonable use and allowing for optimal development potential.

The City Council has recently expressed a policy determination that uses, such as that proposed for this site, along this corridor should *not* be subject to Compatibility Standards. Accordingly, Council has by official action determined that such use unencumbered by Compatibility Standards is a “reasonable use”.

Hardship – Unique to the Property

As stated above, the hardships are the neighborhood zoning access limitation and presence of protected and heritage trees. This is the only Property with frontage on Tillery Street prohibited from accessing that roadway. The Zoning Ordinance does not limit any other properties in a similar fashion. In fact, the property directly across Tillery Street from the Property does not have the same prohibition, and a similarly situated property at the corner of Tillery Street and Martin Luther King Jr Boulevard with a zoning designation of CS-MU-NP is afforded two (2) access point to Tillery Street in addition to two (2) access drives to Martin Luther King Jr Boulevard. In addition, the protected and heritage trees located centrally on this site are also unique to this site. Therefore, the combination of the access prohibition and the arrangement of protected trees makes this Property unique.

Hardship – Not General to the Area

The area along Manor Road between Airport Boulevard and Tillery Street is not generally burdened with such hardships. In addition, this proposed urban infill property which will not displace any existing residents and will provide a vertical mixed use project with affordable housing is a project not generally found in this area. This Property is ideal for the vision outlined by the Council - mass transit is available in front of the Property on Manor Road; park and open space are within walking distance; and the area is need of housing, especially affordable housing. Not general to the area is Property ripe for a new housing development on urban infill that would substantially benefit the community with the addition of affordable housing options.

Area Character

With apartments, commercial, and single family residences, the character of the area is a healthy mixture of uses. However, as an Imagine Austin Activity Corridor, it is also an area that needs to focus on more housing options and opportunities and transit supportive densities. This proposed project will not alter the character of the area “adjacent to the property” but will instead enhance the area and provide much needed housing, including affordable housing, without displacing any current residents. The area “adjacent to the property” is commercial and the proposed project will provide a suitable buffer and transition to other residential uses in the area and also be consistent with the goals for this area and corridor.

The purpose of the Compatibility Standards is to minimize the impact of new construction on existing residential neighborhoods. Strict adherence to the standards based on the Triggering Properties identified above does not further the purpose of the Compatibility Standards. Triggering Properties #1 and #2 are located behind other buildings, blocking much of the visibility to this Property. Increased height will have little impact on the character of these single family homes. The only property with direct visual of the Property is Triggering Property #3 which is diagonal across Tillery Street and facing away from the Property. With the configuration of the building on the Property adjusted to north and with trees in the southeast corner, an additional buffer is provided between the Property and Triggering Property #3 reducing any impact created by the height of the multifamily building.

Conclusion

In preparation for this request, we are making significant efforts to communicate with neighbors and interested organizations. Meetings will be held to inform the neighbors of the project and information about the implications of the requested variance will be made readily available.

The height requested is the height typically allowed for the assigned zoning designation. The only other approach to avoid the denial of reasonable use and the resulting hardships is to seek a tree variance and request a removal of the access limitation contrary to the express neighborhood zoning ordinance limitations adopted specifically for this tract. Section 25-8-646(A) requires that a variance, such as this one, be sought to eliminate the need to remove trees, and a rezoning is a time-consuming endeavor. The proposed multifamily project would be able to provide more benefit to the community with the approval of the requested variance; therefore, an application for a variance from the height limitations under Section 25-2-1063(C)(2) and (C)(3) was respectfully submitted. We appreciate your consideration of this request.

3219 Manor Project Info



I-2/12

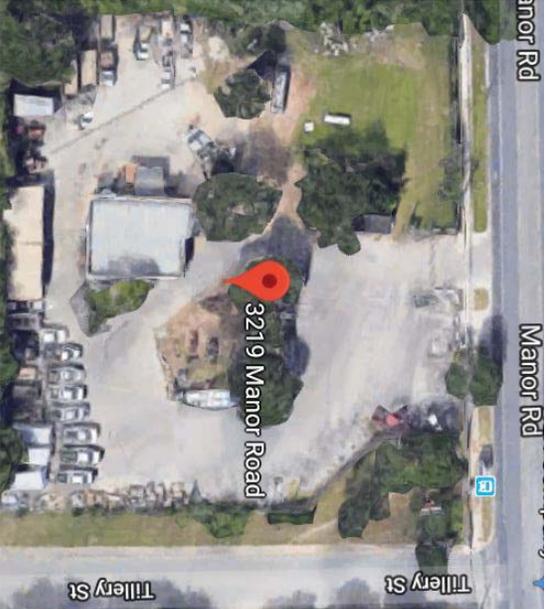
Site conditions:

Size and Shape: This rectangular parcel of land is approximately 1.6 acres

Topography: The land parcel has almost flat topography and has a few groupings of large trees.

Flood Plain: Does not fall into the Greater Austin FEMA floodplain

Zoning: The land parcel is currently zoned CS-V-CO-NP with an MU option. Zoning allows for 2.0 FAR with 72,222.50 sf resulting in 144,444.96 sf maximum FAR



3219 Manor RD: Triggering Properties Setbacks

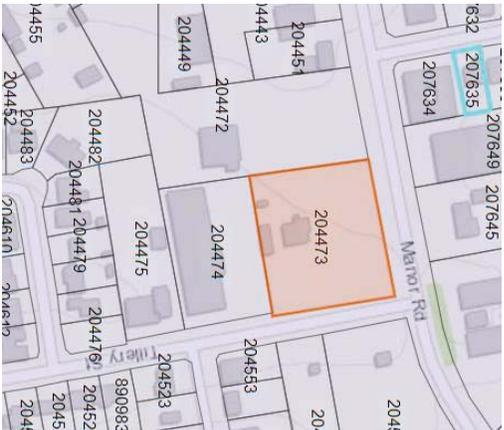
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SE: Southeastern compatibility setback due to SF3 across street and diagonal from subject property



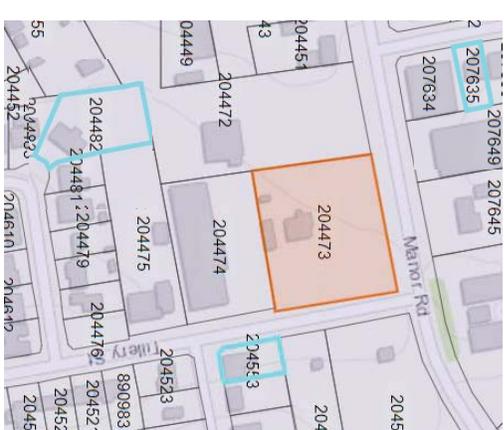
NW: Northwestern compatibility setback due to SF3 across street, diagonal, and behind another building from subject property



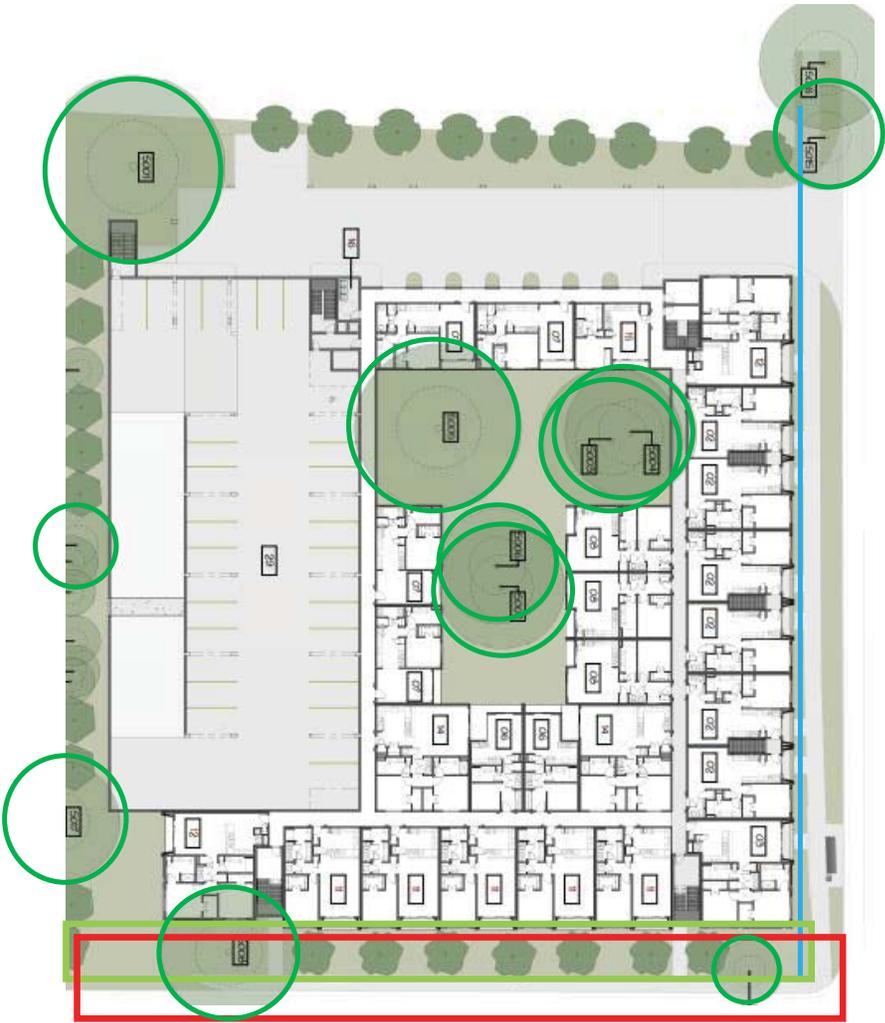
SW: Southwestern compatibility setback due to SF3 diagonal and behind another building(s) from subject property



Combined SE, NW, and SW: Three triggering properties on almost all sides of the subject property



3219 Manor RD: Other Property Specific Hardships

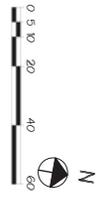


- Overhead lines in front of property
- Ordinance required vegetative buffer on Tillery
- Ordinance restriction of no vehicular access from Tillery
- Large and Heritage trees on property, including in main build pad location

MANOR ROAD SITE HARDSHIPS



- SITE HARDSHIPS**
- 1. RESTRICTED SITE ACCESS**
 - A 3026 SF X 2 FLOORS = 6042 SF
 - B 1282 SF X 3 FLOORS = 6410 SF
 - 2. SAVING HERITAGE TREES**
 - C 4395 SF X 4 FLOORS = 17580 SF
 - D 196 SF X 3 FLOORS = 5895 SF
- TOTAL UNAVAILABLE SF DUE TO HARDSHIPS:
- 36,180 SF
- SITE LEGEND**
- 20'7" REQUIRED HOSE LAY FROM EITHER FIRE LANE
 - GARAGE
 - GARAGE ENTRY (IF IT WENT FOR ITEM #1)



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- TREE LEGEND**
- PLANTING TREES
 - GEORGINA
 - SHAMPOO OAK
 - CHANDLER OAK
 - PLANTING TREES
- EXISTING TREE LEGEND**
- SC01 27' HOIST OAK
 - SC02 27' HOIST OAK
 - SC03 27' HOIST OAK
 - SC04 27' HOIST OAK
 - SC05 27' HOIST OAK 20' DB
 - SC06 27' HOIST OAK
 - SC07 27' HOIST OAK
 - SC08 27' HOIST OAK
 - SC09 27' HOIST OAK
 - SC10 27' HOIST OAK
 - SC11 27' HOIST OAK
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 - SC21 27' HOIST OAK
 - SC22 27' HOIST OAK
 - SC23 27' HOIST OAK
 - SC24 27' HOIST OAK
- ROOM LEGEND**
- 01 LEASING CENTER
 - 02 196' LINEN/STORAGE
 - 03 2 BK. LINEN/STORAGE
 - 04 2 BK. LINEN/STORAGE
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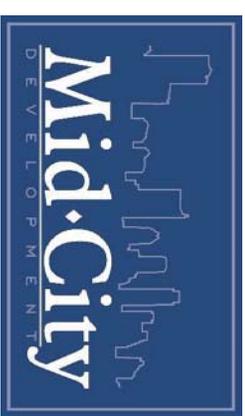
3219 Manor RD: Scenarios Chart

Scenario	Current Restrictions in place	Trees If Tillery Access Allowed	Trees/Tillery If Western Trees Non-Existant	Trees/Tillery If W/Trees Non Exist & Tillery access allowed	SE & NW Compatibility Waived
3219 Manor Rd					
Total Stories	5	5	5	5	56'5"
Height Allowed Per Zoning	56'5"	56'5"	56'5"	56'5"	60'
Height Allowed Per Zoning	60'	60'	60'	60'	60'
Unit Qty	114	129	141	156	130
Units Gained		15	27	42	16
Affordable Unit Qty	12	13	15	16	13
Affordable Units Gained		1	3	4	1
Total Unit SF	99,092	111,954	122,410	135,272	113,971
Unit SF Gained		12,862	23,318	36,180	14,879
Restrictions in place:	1) Graduating set back and height limit due to SF across Tillery and diagonal from property. 2) Graduating set back and height limit NW due to SF use across Manor and behind another building 3) Graduating set back and height limit SW due to SF use diagonal from property and behind another building 4) Oak trees in center of building area 5) No property access from Tillery	1) Graduating set back and height limit due to SF across Tillery and diagonal from property. 2) Graduating set back and height limit NW due to SF use across Manor and behind another building 3) Graduating set back and height limit SW due to SF use diagonal from property and behind another building	1) Graduating set back and height limit due to SF across Tillery and diagonal from property. 2) Graduating set back and height limit NW due to SF use across Manor and behind another building 3) Graduating set back and height limit SW due to SF use diagonal from property and behind another building	1) Graduating set back and height limit due to SF across Tillery and diagonal from property. 2) Graduating set back and height limit NW due to SF use across Manor and behind another building 3) Graduating set back and height limit SW due to SF use diagonal from property and behind another building	3) Graduating set back and height limit SW due to SF use diagonal from property and behind another building 4) Oak trees in center of building area 5) No property access from Tillery
Current property specific hardships Added benefits of waiving compatibility	Vegetative buffer along Tillery. No property access along Tillery. Large and Heritage trees in middle of property/prime building zone. 3 triggering property compatibility set backs. OH lines at street front. Additional units in an area in need, including more affordable units.				

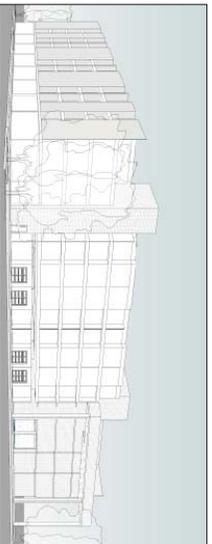
Waiving setbacks will add additional quality rental units, including some affordable housing, in a growing area of town.



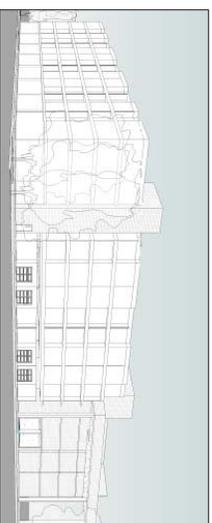
3219 Manor RD: Scenario Elevations



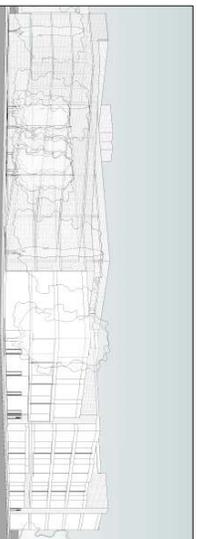
Current Restrictions: N and W sides shown



Compatibility Waived: N and W sides shown



Current Restrictions: S and E sides shown



Compatibility Waived: S and E sides shown





Manor Road
3219 Manor Road, Austin, TX 78723

Midcity Development
9229 Waterford Centre Blvd, BLDG C, Suite 100, Austin, TX
78758

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Manor Road
3219 Manor Road, Austin, TX 78723

Midcity Development
9229 Waterford Centre Blvd, Bldg C, Suite 100, Austin, TX
78758

ARCHITECTURE • LAND PLANNING • LANDSCAPE DESIGN • CONSTRUCTION ADMINISTRATION
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LEVEL 2 FLOOR PLAN

AREA NAME	AREA NO.	AREA TYPE	AREA DESCRIPTION	AREA AREA (SQ FT)	AREA PERCENTAGE (%)					
...
TOTAL				130,000	100	100	100	100	100	100

AREA NAME	AREA NO.	AREA TYPE	AREA DESCRIPTION	AREA AREA (SQ FT)	AREA PERCENTAGE (%)
...
TOTAL				130,000	100

AREA NAME	AREA NO.	AREA TYPE	AREA DESCRIPTION	AREA AREA (SQ FT)	AREA PERCENTAGE (%)
...
TOTAL				130,000	100



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ORDINANCE NO. 021107-Z-12c

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS ON APPROXIMATELY 990 ACRES OF LAND GENERALLY KNOWN AS THE MLK NEIGHBORHOOD PLAN AREA ("MLK") AND TO CHANGE THE BASE ZONING DISTRICTS ON 63 TRACTS OF LAND IN MLK.

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 add a neighborhood plan (NP) combining district to each base zoning district within the property and to change the base zoning districts on 63 tracts of land within the property described in Zoning Case No. C14-02-0142.003, on file at the Neighborhood Planning and Zoning Department, as follows:

Approximately 990 acres of land, in the City of Austin, Travis County, Texas, that includes the Oak Springs Subdistrict more particularly described and identified in the attached Exhibits "A" and "B" incorporated into this ordinance, (the "Property"), and, as follows,

Oak Springs Subdistrict bounded by East 12th Street on the north, Springdale Road on the south and east, and Airport Boulevard on the west,

generally known as the MLK neighborhood plan (NP) combining district, locally known as the property bounded by Anchor Lane, East 38 ½ Street and Manor Road on the north, East 51st Street on the east, Springdale Road on the south, and Airport Boulevard on the west, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The base zoning districts for the 63 tracts of land are changed from family residence (SF-3) district, multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, neighborhood office (NO) district, limited office (LO) district, neighborhood commercial (LR) district, community commercial (GR) district, general commercial services (CS) district, general commercial services-conditional overlay (CS-CO) combining district, commercial-liquor sales (CS-1) district, and limited industrial services (LI) district, to family residence-neighborhood plan (SF-3-NP) combining district, single family residence small lot-neighborhood plan (SF-4A-NP) combining district, townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district, multifamily residence low density-neighborhood plan (MF-2-NP)

combining district, neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district, limited office-mixed use-neighborhood plan (LO-MU-NP) combining district, neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district, community commercial-neighborhood plan (GR-NP) combining district, community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district, general commercial services-neighborhood plan (CS-NP) combining district, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, commercial-liquor sales-mixed use-neighborhood plan (CS-1-MU-NP) combining district, and public-neighborhood plan (P-NP) combining district, as more particularly described and identified in the chart below.

TRACT	ADDRESS	FROM	TO
201	5005 & 5029 Manor Road	GR, MF-2	GR-MU-NP
202	2909 & 2913 E 51st Street, 5000, 5001, 5002, 5003, 5004, & 5005 Blue Spruce Circle, 5000, 5001, 5003, 5005, & 5007 Cottonwood Circle	MF-2	NO-MU-NP
203	2967, 2989, 3005, & 3007 E 51st Street (LOT 2 SEFCIK SUBD SEC 2, LOTS 1A & 1B SEFCIK SUBD NO 3 & LOT 1 LONGFELLOW SUBD)	MF-2	MF-2-NP
204	4700 Pecan Springs Road (11.82 ACRES OF ABS 793 SUR 20 WARNELL H ACR 11.82)	SF-3	SF-4A-NP
205	3015-3107 E 51st Street & 4806-4912 Pecan Springs Road (LOTS 1-3 ROSEN ED ADDN, LOTS 1A & 2A PFAEFFLIN SUBD RESUB, LOTS 1-2 JOHNSON HELEN SUBD, LOTS 1-4 POEHLMAN ACRES & 4.12 ACRES OF ABS 793 SUR 20 WARNELL H ACR 4.12)	SF-3	SF-3-NP
206	5000 Pecan Springs Road	MF-2	MF-2-NP
207	4809, 4813, 4905, 5001, 5003, 5005B, 5007 & 5009 Pecan Springs Road, 4926 Springdale Road (S & W OF FORT BRANCH CREEK)	SF-3, MF-3	SF-3-NP
208	0 Springdale Road (ABS 793 SUR 20 WARNELL H ACR 2.059)	SF-3	GR-MU-CO-NP
209	4900 Springdale Road, 4926 Springdale Road (N & E OF FORT BRANCH CREEK)	GR, LO, MF-3	GR-MU-CO-NP
210	3811, 3823, & 3839 Airport Boulevard	CS	CS-MU-NP
211	3701 & 3737 Airport Boulevard	CS	CS-MU-NP
212	3737 Airport Boulevard	CS-1	CS-1-MU-NP
213	3101-3111 Manor Road, 2115-2215 Airport Boulevard, 2101-2199 Theo Drive (LOTS 1-10 OLT 50 DIV B AIRPORT & MANOR RD SUBD NO 3)	CS, GR	CS-MU-NP

TRACT	ADDRESS	FROM	TO
214	1901-2101 Airport Boulevard, 3200-3298 E MLK Boulevard, 2100-2198 Theo Drive (LOT 1 OLT 50 DIV B AIRPORT & MANOR RD SUBD NO 2, LOT 11-13 AIRPORT & MANOR RD SUBD NO 3, LOTS C & D TRINITY SUBD, LOT 31 OLT 50 DIV A ENCINO TERRACE, LOTS 2-3, 3A, 11-14 & 19-22 OLT 50 DIV A DELORES SUBD, LOT A THEO DR & MANOR RD SUBD, LOT 1 OLT 50 DIV B HENRY JIM ADDN, LOT 1 AIRPORT BUSINESS PARK SUBD)	CS, CS-CO, CS-1	CS-MU-NP
215	1805, 1809, 1815 & 1823 Airport Boulevard, 3223 & 3235 E MLK Boulevard	GR, SF-3	GR-MU-NP
216	1400 Tillery Street & 3205 E 14 ½ Street	NO, SF-3	LR-MU-NP
217	1181, 1191 & 1199 Airport Boulevard	CS-1	CS-1-MU-NP
218	1153, 1165, 1181, 1191 & 1199 Airport Boulevard, 3300, 3306, & 3312 Oak Springs Drive, 3301, 3311, & 3313 E 12th St, 0 Airport Boulevard (.322 AC OF OLT 15 DIVISION B)	LI, CS, GR, LO	CS-MU-NP
219	3404 Oak Springs Drive	LR	LR-MU-NP
220	1137-1149 Airport Boulevard, 1142 & 1144 Gunter Street, 3301- 3399 Oak Springs Drive (LOTS 3 & 4 BURKE C O ADDN, LOTS 1-3 HIRSH ARRAH NEAL SUBD NO 3, LOTS 1, 2, 3A & 4 OLT 58 DIV A HIRSH ARRAH NEAL SUBD, LOT 2 OLT 57 & 60 ROBERTSON-MCCULLOUGH ADDN, LOT 1 FREEDOM HOME BAPTIST CHURCH ADDN & .5 AC OF OLT 57 & 60 DIV A)	CS	CS-MU-NP
221	1131, 1133 & 1135 Airport Boulevard, 1137 Gunter St, 3706 & 3716 Goodwin Avenue	CS	CS-MU-NP
222	1119 Airport Boulevard, 3703 Goodwin Avenue	CS	CS-MU-NP
223	1921, 1923, 1925, 1927 & 1929 E 38 ½ St, 3808 Manorwood Road (LOTS 24-29 BLK A OLT 35 & 36 DIV C MANOR HILL & LOT 1 MANOR HILL ADDN RESUB OF BLK F & PART OF BLK A)	SF-3	GR-MU-CO-NP
224	2011 & 2027 Anchor Lane, 3138, 3200, 3220, 3300, & 3330 Manor Road	CS	CS-MU-NP
225	3112-3128 Manor Road (LOT 8 BLK D OLT 35 & 36 DIV C & PART OF SERVICE WAY MANOR HILL)	CS, CS-1, GR	CS-NP
226	3121, 3207 & 3313 Manor Road	GR	GR-NP
227	3219 Manor Road	CS-CO	CS-CO-NP
228	3303 Manor Road, 2205 Tillery Street	CS-CO	CS-CO-NP
229	2200 Tillery Street	LO	LO-MU-NP
230	3317 Manor Road, 2212 Palo Pinto Drive	LR	GR-CO-NP
231	3401 & 3403 Manor Road	LO, SF-3	GR-CO-NP
232	3501 Manor Road	LO	LO-NP
233	3511 & 3515 Manor Road, 0 Manor Road (.48 ACR OF LOT 2-3 & 14 BLK 1 OLT 51-52 DIV B CREST HAVEN ADDN)	GR, LO	GR-NP
234	2215 & 2263 EM Franklin Avenue, 3607 Manor Road	GR	GR-NP
235	2211 & 2213 EM Franklin Avenue	LI	CS-MU-CO-NP
236	2210 & 2220 EM Franklin Avenue, 2226 Pershing Drive	CS, GR, SF-3	LO-MU-NP
237	2101, 2107 & 2109 EM Franklin Avenue	LO, CS, CS-1	LO-MU-NP
238	0 Pershing Drive (PT OF LTS 1-2 & 46-47 BLK D & APPROX 1.00 AC OLT 51 DIV B MANOR RD ADDN, ADJ VAC PALO PINTO DR)	SF-3	P-NP
239	0 Palo Pinto Drive (APPROX 1.00 AC OF OLT 51 DIV B MANOR RD ADDN)	SF-3	P-NP

TRACT	ADDRESS	FROM	TO
240	1904 EM Franklin Avenue	GR	SF-3-NP
241	3510-3520 E MLK Boulevard (LOT 1 OLT 51-52 DIV B RAOCH MAUDE E SUBD)	GR	SF-6-NP
243	1704, 1706, 1710, 1804 & 1812 EM Franklin Avenue, 3417 & 3515 E MLK Boulevard, 0 E MLK Boulevard (ACR 2.40 OLT 23 DIVISION B), 0 EM Franklin Avenue (1.375 ACR OLT 23 DIVISION B), 0 E 17th Street (96 x 104 FEET OLT 23 DIVISION B, .33 AC OF OLT 23 DIVISION B)	SF-3, MF-3	SF-3-NP
244	1812 EM Franklin Avenue	CS	GR-NP
245	3601 & 3609 E MLK Boulevard, 1807 EM Franklin Avenue	GR	GR-NP
246	3707 E MLK Boulevard	NO, SF-3	LO-MU-NP
247	1707, 1801 & 1803 Overhill Drive, 1800, 1802 & 1806 Springdale Road	LR, LO	LO-MU-NP
248	1808 & 1810 Springdale Road, 4501, 4505, 4507 & 4509 E MLK Boulevard	LR, CS	GR-NP
249	1801 EM Franklin Avenue	MF-3	SF-6-NP
253	0 E 12th Street (EVERGREEN CEMETERY)	SF-3	P-NP
254	3317 E 12th Street	SF-3	LR-MU-NP
255	4000 & 4008 E 12th Street	CS	SF-6-NP
256	4104 E 12th Street	LR	SF-6-NP
257	4112-4122 E 12th Street	SF-3	SF-3-NP
258	1308 Springdale Road	SF-3	P-NP
259	1200, 1202 & 1204 Springdale Road, 4122 E 12th Street	CS-1, LR, MF-3, SF-3	GR-MU-NP
260	4121-4127 E 12th St (More specifically identified in exhibit "D")	SF-3	GR-MU-NP
261	4013-4119 E 12th St (More specifically identified in exhibit "D")	SF-3	SF-6-NP
262	1152 Springdale Road, 3703 & 4003 E 12th St	SF-3	P-NP
263	3500-3612 Oak Springs Drive (LOTS 1-9 NUEVA VIDA I-A, LOT 15 NUEVA VIDA II, LOT 3 HOBBS ADDN SEC 2 & 5.439 AC OUT OF OLT 17 DIV B)	MF-2	SF-6-NP
264	3301 Pennsylvania Avenue (LOT 17 & ADJ 31.4 FEET OF VACATED TILLERY STREET OLT 16 DIV B HUSTON SAM HEIGHTS)	LO, GR	SF-6-NP
265	1144 Gunter Street	MF-3, CS	SF-3-NP
266	1143, 1145, & 1147 Gunter Street, 1144 Wayneroy Drive, 3603 & 3605 Abbate Circle	MF-3	SF-3-NP
267	1076 Springdale Road (LOT 2 OLT 57 & 60 DIV A SPRINGDALE PARK)	GR	GR-NP

PART 3. The following applies to an existing legal lot with single-family residential use within the boundaries of the NP combining district:

1. The minimum lot area is 2,500 square feet.
2. The minimum lot width is 25 feet.
3. For a lot with an area of 3,500 square feet or less, the impervious coverage may not exceed 65 percent.

PART 4. Cottage special use is permitted on lots in residential districts within the boundaries of the Oak Springs Subdistrict as set forth in Sections 25-2-1442 through 25-2-1444 of the Code.

PART 5. Urban home special use is permitted on lots in residential districts within the boundaries of the Oak Springs Subdistrict as set forth in Sections 25-2-1422 through 25-2-1424 of the Code.

PART 6. Tracts 203, 205, 206, 207, 243, 257 and 263 may be developed as a residential infill special use as set forth in Sections 25-2-1532 through 25-2-1534 of the Code.

PART 7. Tracts 201, 208 through 237, 244 through 248, 254, 259, 260 and 267 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code.

PART 8. Tracts 222 and 233 may be developed as a neighborhood urban center special use as set forth in Sections 25-2-1521 through 25-2-1524 of the Code.

PART 9. The Property within the boundaries of the conditional overlay-combining district established by this ordinance is subject to the following conditions.

1. The following conditions apply to Tract 227:

A. Vehicular access from the Property to Tillery Street is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

B. A 15-foot wide vegetative buffer shall be provided and maintained along the east property line adjacent to Tillery Street. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

2. The following conditions apply to Tract 228:

A 15-foot wide vegetative buffer shall be provided and maintained along the west property line adjacent to Tillery Street and along the south property line adjacent to the property developed or zoned residential. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

3. The following uses are prohibited uses on Tracts 223, 230 and 231:

- | | |
|--|----------------------------|
| Automotive rentals | Automotive repair services |
| Automotive washing (of any type) | Automotive sales |
| Drop-off recycling collection facility | Exterminating services |
| Funeral services | Outdoor entertainment |
| Outdoor sports and recreation | Pawn shop services |

4. The following uses are prohibited uses on Tract 227:

- | | |
|---------------------------|--|
| Adult oriented businesses | Agricultural sales and services |
| Automotive sales | Campground |
| Convenience storage | Drop-off recycling collection facility |
| Equipment repair services | Exterminating services |
| Funeral services | Kennels |
| Outdoor entertainment | Outdoor sports and recreation |
| Pawn shop services | |

5. The following uses are prohibited uses on Tract 228:

- | | |
|--|------------------------------------|
| Adult oriented businesses | Agricultural sales and services |
| Automotive sales | Building and maintenance services |
| Campground | Convenience storage |
| Drop-off recycling collection facility | Electronic prototype assembly |
| Equipment repair services | Equipment sales |
| Exterminating services | Funeral services |
| Kennels | Laundry services |
| Limited warehousing and distribution | Maintenance and service facilities |
| Monument retail sales | Outdoor entertainment |
| Outdoor sports and recreation | Pawn shop services |
| Transitional housing | Vehicle storage |
| Veterinary services | |

6. The following uses are prohibited uses on Tract 235:

- | | |
|------------------------------------|--|
| Adult oriented businesses | Agricultural sales and services |
| Automotive washing (of any type) | Campground |
| Commercial blood plasma center | Commercial off-street parking |
| Construction sales and services | Convenience storage |
| Custom manufacturing | Equipment repair services |
| Equipment sales | Drop-off recycling collection facility |
| Laundry services | Limited warehousing and distribution |
| Maintenance and service facilities | Pawn shop services |
| Service station | Vehicle storage |

7. Drive-in service as an accessory use to commercial uses is a prohibited use on Tracts 208, 209 and 235.

8. The following uses are conditional uses on Tract 235:

- | | |
|-------------------------------|------------------------|
| Automotive sales | Exterminating services |
| Guidance services | Hotel-motel |
| Kennels | Monument retail sales |
| Outdoor sports and recreation | Residential treatment |

9. The following uses are prohibited uses on Tracts 208 and 209:

- | | |
|----------------------------|----------------------------------|
| Automotive rentals | Automotive washing (of any type) |
| Automotive repair services | Pawn shop services |
| Automotive sales | Service station |

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 10. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 11. This ordinance takes effect on November 18, 2002.

PASSED AND APPROVED

November 7, 2002

§
§
§

Gustavo L. Garcia

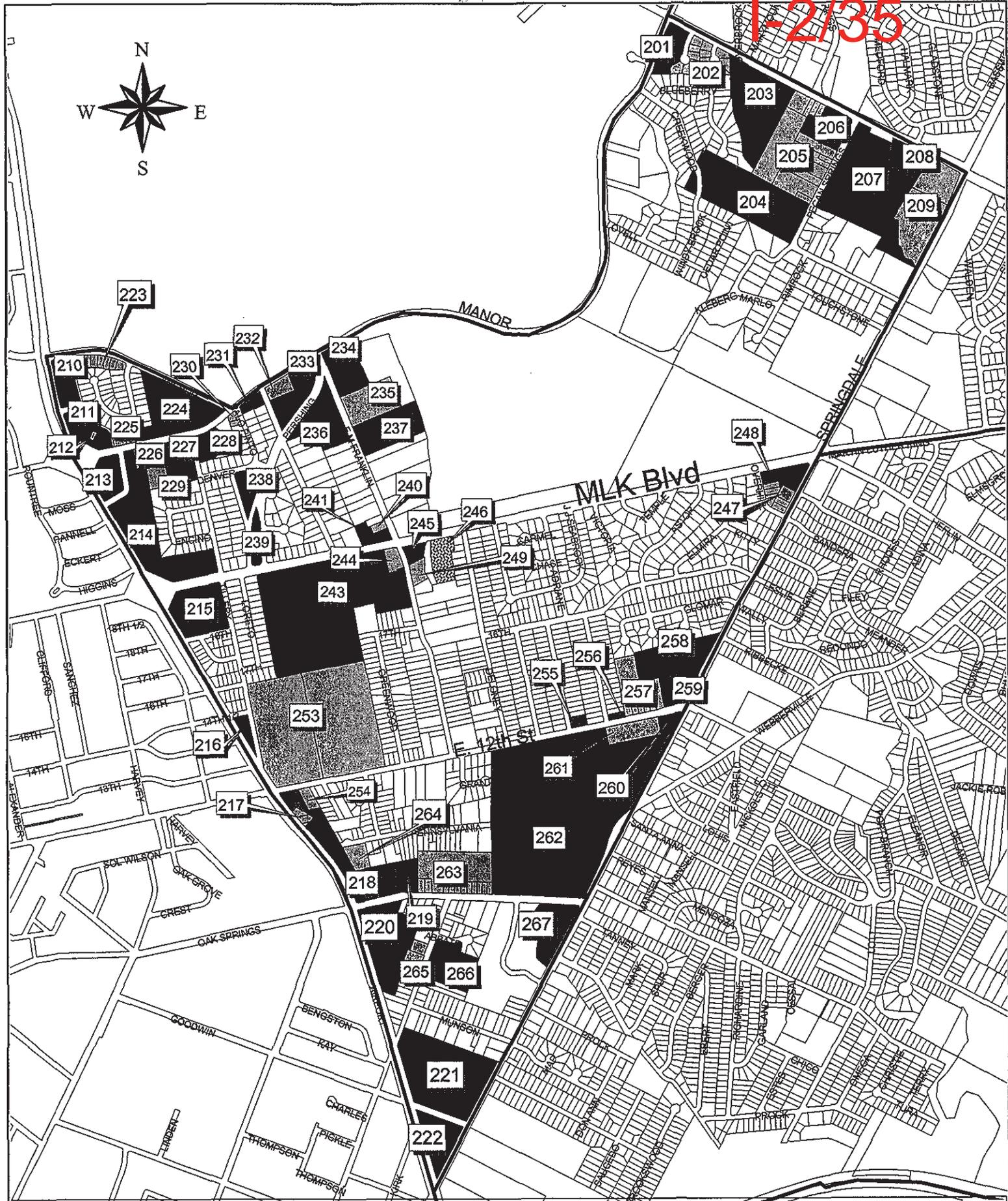
Gustavo L. Garcia
Mayor

APPROVED:

Sedora Jefferson
Sedora Jefferson
City Attorney

ATTEST:

Shirley A. Brown
Shirley A. Brown
City Clerk



MLK Neighborhood Plan Combining District
Case # C14-02-0142.003 *EXHIBIT A*

 Neighborhood Planning Area Boundaries
 Subdistrict Boundaries

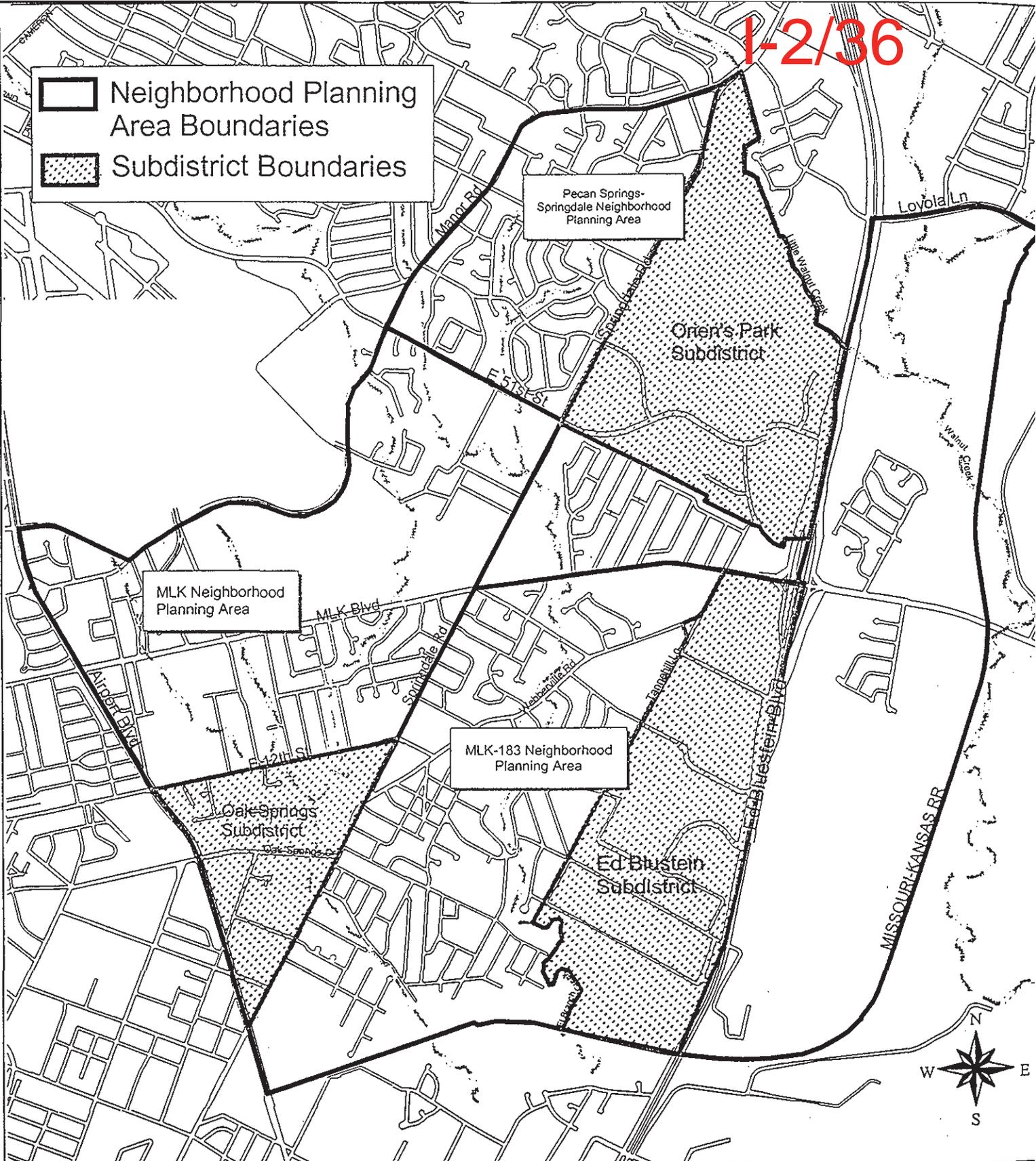
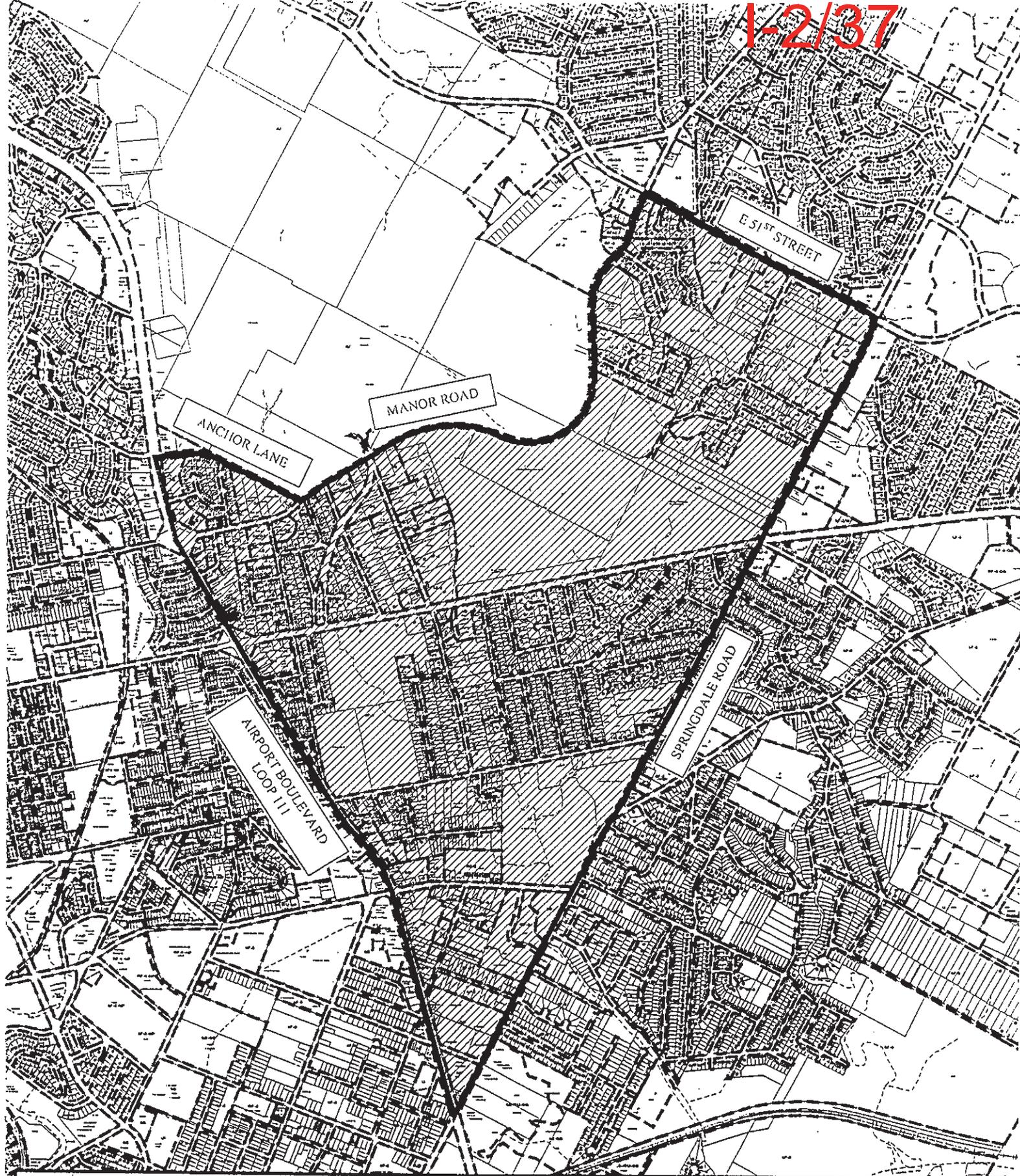


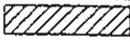
EXHIBIT B


**East MLK Combined Planning Area
 Neighborhood Planning Area
 and Subdistrict Boundaries**

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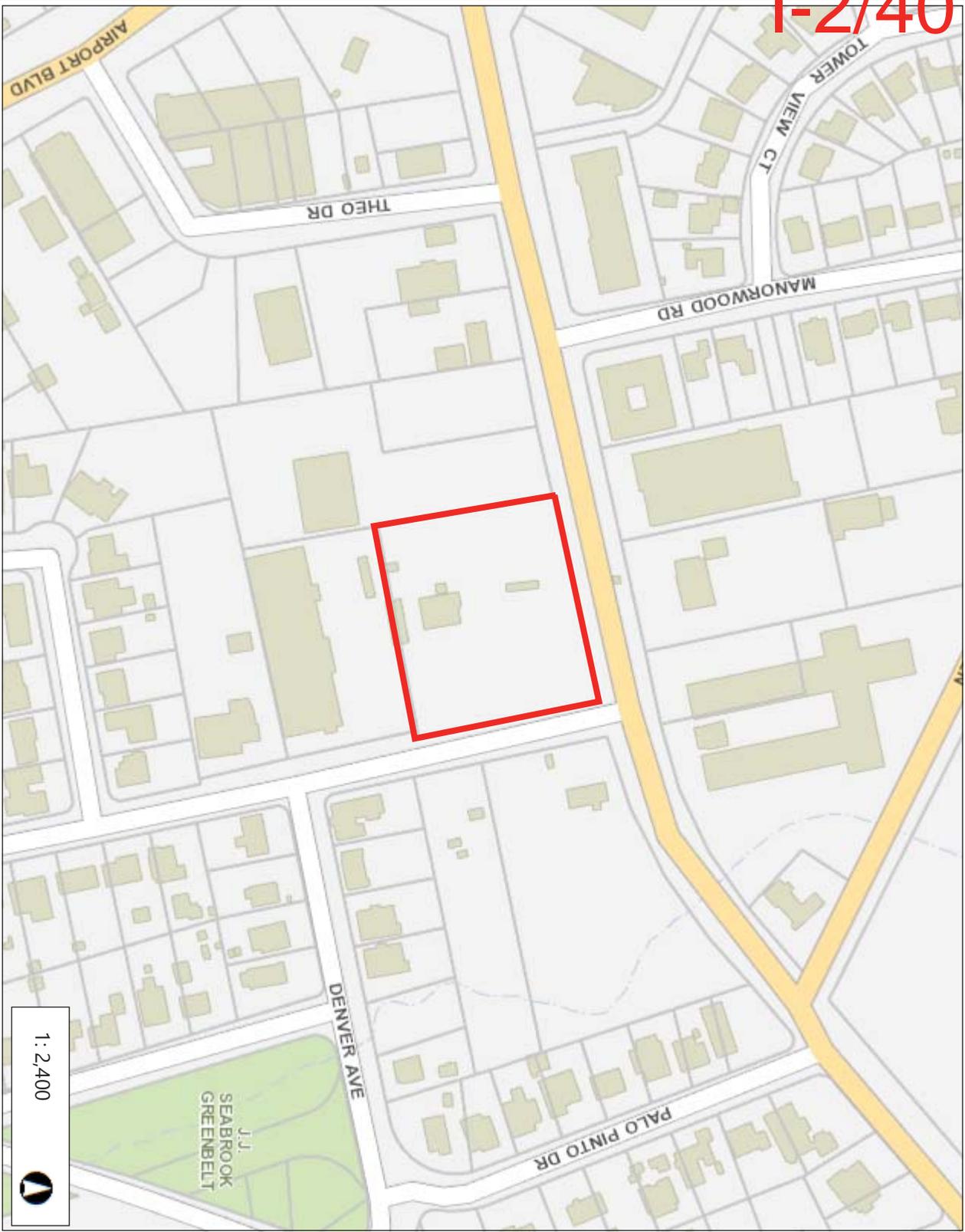
1-2/37



 1" = 1600'	SUBJECT TRACT 	ZONING <i>EXHIBIT C</i>		CITY GRID REFERENCE NUMBER M21-25	
	PENDING CASE 				CASE #: C14-02-0142.003
	ZONING BOUNDARY 	ADDRESS: MLK NPCD			DATE: 02-09
	CASE MGR: T. BOLT	SUBJECT AREA (acres): N/A			INTLS: SM



Property Profile



0.1
0
0.04
0.1 Miles

1:2,400



NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet
Date Printed:

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Legend

Notes

I-2/41

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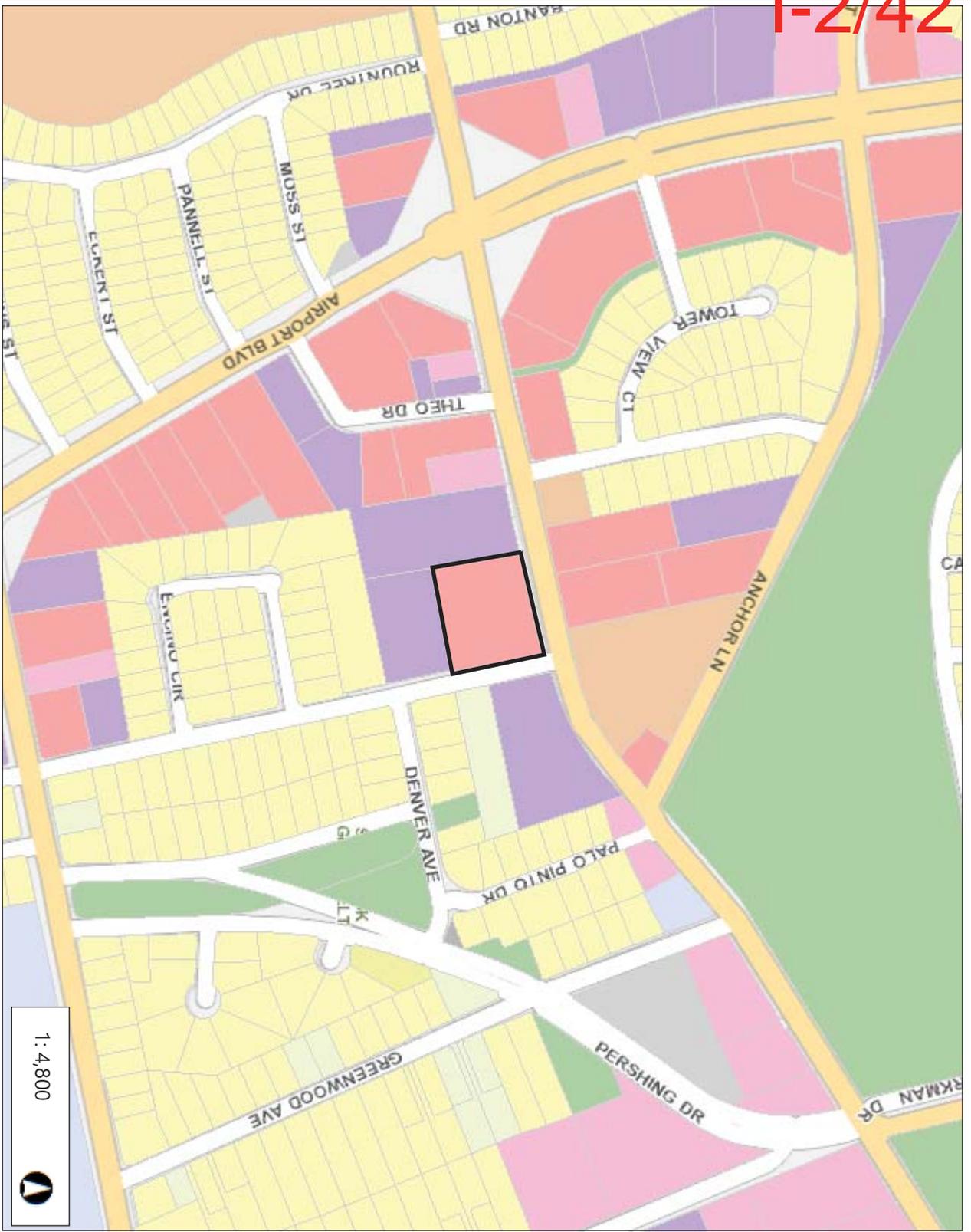
3219 Manor Rd

600 ft





Property Profile



1 : 4,800



0.2
0
0.08
0.2 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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Legend

- Land Use Inventory
- Single Family
- Mobile Home
- Large Lot Single Family
- Multi-family
- Commercial
- Mixed Use
- Office
- Industrial
- Resource Extraction
- Civic
- Open Space
- Transportation
- Roads
- Utilities
- Undeveloped
- Water
- Unknown

Notes

Notes