Item B 2. 4802 S. Congress: applicant's remarks

- 1. Historical overview and current status:
- A) Attachment #1: Minutes from the July 1, 1976 City Council Meeting. Councilmember Hoffman in exchange for approval of a rezoning request ask for the donation for land along the creek to be donated as a greenbest to the city.
- B) Attachment #2: Hazel Goodnight Starkey, land owner, had a 7.916 inherited tract of land. In exchage for the rezoning she donated 2.4 acres for the original Williamson Creek Greenbelt tract.
- C) Attachment #3: The remainder 5.496 acres is the current parcel that is SP-2019-0600C (Wilder Project). This also shows most of the land dedication outlined in red.
- D) Attachment #4: Is a portion of the current TCAD section map. The 5.496 acres is outlined in red. Please notice the light Blue line noting Williamson Creek. The Wilder Project site is very irregular. The only portion that is developable is the portion fronting on Congress (200ft) which exteds into the site 150 ft. At that point the site is only 170 ft wide.
- E) Attachment #5: Is a larger scale of the buildable area of the site. The project is prepared to donate additional parkland and pay a fee any remaining balance. The only disagreement is over the requested Public Access Easement. PARD staff proposes to use the driveway for public access. This 25ft two way drive is the only access to the required parking garage. The driveway is placed to comply with the site requirements of the LDC. This drive also serves as access to the recycling and dumpster area. This drive is the required Fire Lane. The owner thinks and his legal council has raised concrns about a pedetrian and ADA approved path being an unaccepatble liability risk for the owner and the potential buyers of these condominiums. The owner believes a pedestrian path down the only driveway is simply not a safe situation.
- F). Attachment #6: The composite map of Williamson Creek is show. The Green is the current Greenbelt. The red is the proposed 4802 S. Congress (Wilder Project) Parkland donation. The balance of the Wilder site is outlined in red. The brown area is the platted subdivision on the west side of the creek (the lower, flater portion). These lots are in the flood plain and can't be developed. The owner and I think the aquisition of this propery presents a great opportunity for the expansion of the Williamson Creek Greenbelt. An expansion with easy multiple access points and with topography more suitable for level trails.

Conclusion: Staff has indicated they cannot waive the access requirement as it is an

"ordinance" requirement. We are asking the Parks and Recreation Board to support our request to not provide the Public Access Easement based upon the uniqueness of this site.

Thank you,

Mike McHone

would be compatible with the zoning and the use in the area and recommended its approval.

Councilmember Himmelblau stated that she had received some complaints about the traffic in the area, and Mr. Lillie pointed out that this particular use would be for after business hours and felt that it would not create a major traffic problem. He commented that the Urban Transportation Department could be asked to investigate Councilmember Himmelblau's concern.

Councilmember Linn moved that the Council grant "C-2" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion was seconded by Councilmember Trevino: (Applicant present)

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino,

Mayor Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau

Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial, lst Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

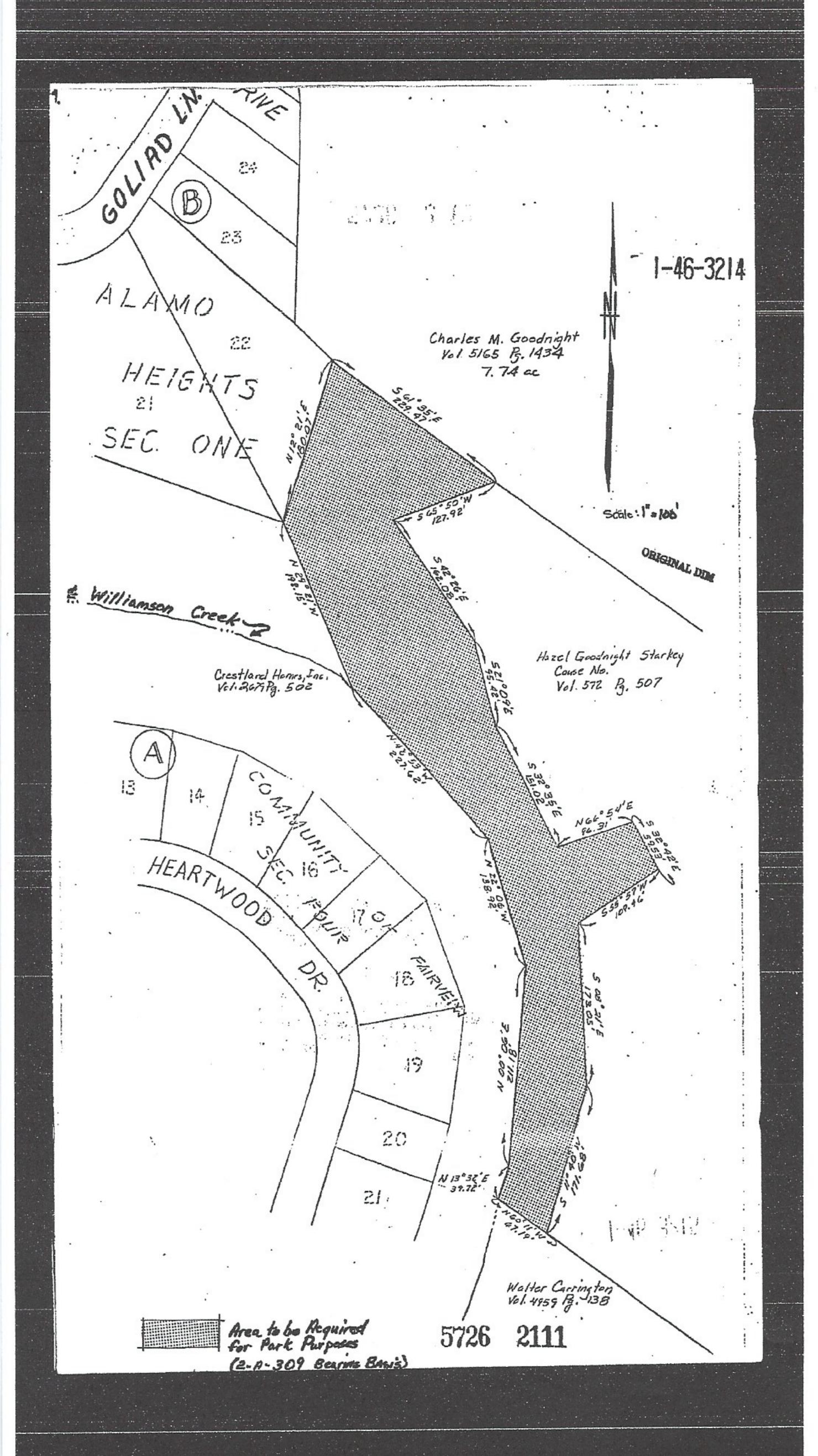
HAZEL GOODNIGHT STARKEY By Will Thurman, Jr. C14-76-020 47.14-4802 South Congress Avenue

"A" Residence
lst Height and Area
To "DL" Light Industrial
lst Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "A" Residence, 1st
Height and Area on 30 feet from
the bluff and "DL" Light
Industrial 1st Height and Area
on the remainder.

Mr. Lillie stated that this application does fall within an area designated for "DL" Light Industrial. This was before the Council several months ago without a favorable recommendation, and the applicant requested that it be sent back for a rehearing. On rehearing the Planning Commission did not recommend the zoning as requested but that it be amended whereby the west 30 feet of the bluff line would be "A" Residence and recommended "DL" zoning on the remainder of the property. The applicant is in agreement with this recommendation.

Councilmember Hofmann inquired of Mr. Starkey if he would be agreeable to dedicating the area to remain "A" residential, including the area down to the creek, as a greenbelt to the City. Mr. Starkey commented that this was his intention and he would be agreeable to this. Mr. A. E. Starkey pointed out that this property was owned by his wife, Mrs. Hazel Goodnight Starkey.

Councilmember Hofmann moved that the Council grant "A" Residence, 1st Height and Area on 30 feet from the bluff and "DL" Light Industrial, 1st Height and Area District on the remainder, with the understanding that the 30 feet of bluff line would be dedicated for greenbelt. The motion, seconded by Councilmember Lebermann, carried by the following vote:



top of creek bank-



THE WILL THURMAN SUBDIVISION VOL. 37, PG. 6

found 1/2" iron red bears 5 II 42" IA 4.55

1763

Tage

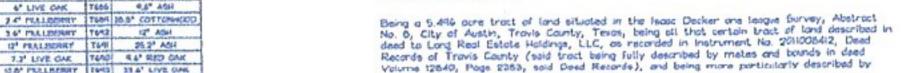
top of creek bank-

DIAMOND REAL ESTATE INVESTMENTS, INC. INST. NO. 2009/83446

D.R.T.C.T.







SEGINNING at a found 1/2-inch from rad at the west corner of The Milt Thurman Subdivision, as recorded in Volume 37, Page 6, Plot Records of Travis County, said iron rad being a re-entrent corner of sold Long tracts

PROPERTY DESCRIPTION

THENCE South 60° 00° 60° East (basis of bearing from aforesald deed 12840/2383), a distance of 140,00 feet along the common line of said Long tract and Therman Subdivision to a found 1/2-inch from rod at the north corner of that certain tract of land described in deed to Copilal Vet Investments, LLC, as recorded in Instrument No. 2010120670, oforesold Dead

THENCE South 30° 00' 00' Nest, a distance of 120 00 feet along the common line of said Long and Investments tracts to a point from which a found 1/2-inch iron rad bears North D7 East, a distance of 0.34 of and foot, said point being the west corner of said

THENCE South 60° 00' 00" East, a distance of HO.00 feet along eaid common line to a found

THENCE North 30" 00" 00" East, a distance of 30.00 feet along sold corresponding to a found 1/2-inch iran radi

THENCE South 60' 00' 00' East along said common line, possing the south corner of aforesold investments tract at a distance of 143.00 feet and continuing a total distance of 150.00 feet to a pipe roll fence corner at the most southerly east corner of ofcresold Long tract, said fence corner being on the northwest line of South Congress Avenue (variable suidth right-of-way).

THENCE South 30' 00' 00' West, a distance of 201.32 Feet along said northwest line to a set 1/2-Inch iron rod at the south corner of sold Long tract,

THENCE North 58' 59' 30' West, possing the east corner of Let 3, of Van Ach Park Subdivision, as recorded in Valume 66, Pages 1160 and 119A, afaresoid Plat Records, at a distance of 10.00 feet and continuing along the common line of sold Long tract and Lot 3 a total distance of 400.79 feet to a set 1/2-inch Iran rad;

THENCE North 61° 09' 50' West, a distance of 146 feet along sold common line to a set 1/2-inch from red, from which a found 1/2-inch from red boars South II* 42' Hest, a distance of 4.50 feet, sold set iron rod being the most southerly west corner of sold Long tract and the southeast corner of that certain tract of land described in deed to the City of Austin, as recorded in Volume 5726, Page 2107, afaresaid Deed Records:

THENCE along the common line of sold Long and City of Austin tracts the following nine (4) courses and distances:

North II' 53' 00' East - 168.21 feet to a set 1/2-inch Iron rad,

North 05" 12" 00" West - 173.04 feet to a set 1/2-inch iron rod; North 56' 09' 00' East - 109.42 feet to a set 1/2-inch Iron rod,

North 32" 30" CO" Heat - 54.51 feet to a set 1/2-inch iron rad/ South 67" 06" 00" Hest - 94.26 Feet to a set 1/2-inch iron rad;

North 32" 22' 00' West - 151,11 feet to a set 1/2-inch iron rod;

North 20' 53' 00' West - 95.42 feet to a set 1/2-inch iron rad,

North 42" 10" 00" West - 162.07 feet to a set 1/2-inch iron rad at the most northerly west corner of oforesaid Long tracts

THENCE North 64° 05' 00° East - 128.03 feet to a set 1/2-inch iron red at the north corner of sold Long tract and the northeast corner of aforesold City of Austin tract, sold iron red being on the southwest like of that certain tract of land described in deed to Diamond Real Estate Investmente, inc., as recorded in Instrument No. 2004:63646, oferesold Deed Records.

THENCE South 61' 23' 30' East, a distance of 511.09 feet along the common line of said Long and Diamond tracts to a point from which a found 1/2-inch iron rad bears South 57' Hest, a distance of 0.57 of one foot, said point being the most northerly east corner of

said Long tract and the north corner of aforesaid Thurman Subdivision; THENCE South 30' 00' 00' Hest, a distance of 356.35 feet along the corrmon line of sold Long tract and Thurman Bubdivision to the POINT OF BEGINNING and containing 234,403 square feet or 5.50 acres of land.

THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and expervision of the above described tract of land.

On this date the ecsements, rights-of-way or other locatable matters of record of which the undersigned has knowledge or two ligers advised are as shown or noted hereas

The subject property does not appear to be within the limits of a 100-year flood hazard zone according to the Map published by the Federal Emergency Management Agency, and has a Zone "X" Rating as shown by Map No. 484920585 H, dated SEFFEMBER 26, 2008. The statement that the property does ar does not lie within a 100-year flood zone is not to be taken as a representation that the property will ar will not flood. This survey is not to be used for construction purposes and was performed without the requirement or benefit of a title commitment. Use of this survey for any other purposes on by any other parties shall title commitment. Use of this survey for any other purpose or by any other parties shall be at their own risk and the undersigned is not responsible for any loss resulting therefrom. This survey is subject to any and all covenants and restrictions of record pertaining to the

NOTES:

- TREE.

CM - CONTROLLING MONUMENT. TBM - TEMPORARY BENCHMARK.

CONTOUR INTERVAL EQUALS ONE FOOT.

ELEVATIONS ARE BASED ON OFUS/CORS (NAVD 1986).

BEARINGS ARE BASED ON DEED RECORDED IN VOLUME 12840, PAGE 2363, D.R.T.C.T. ALL SET IRON RODS HAVE A PLASTIC CAP STAMPED "PRECISE LAND SURV."

[7] PRECISI

BOUNDARY & 1 4802 SOUTH