

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 greenbelt to the city.

B) Attachment #2: Hazel Goodnight Starkey, land owner, had a 7.916 inherited tract of land. In exchange 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 extends 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 concerns about a pedestrian and ADA approved path being an unacceptable 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 shown. 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, flatter portion). These lots are in the flood plain and can't be developed. The owner and I think the acquisition of this property 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,

A handwritten signature in blue ink, appearing to read "Mike McHone", written in a cursive style.

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, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

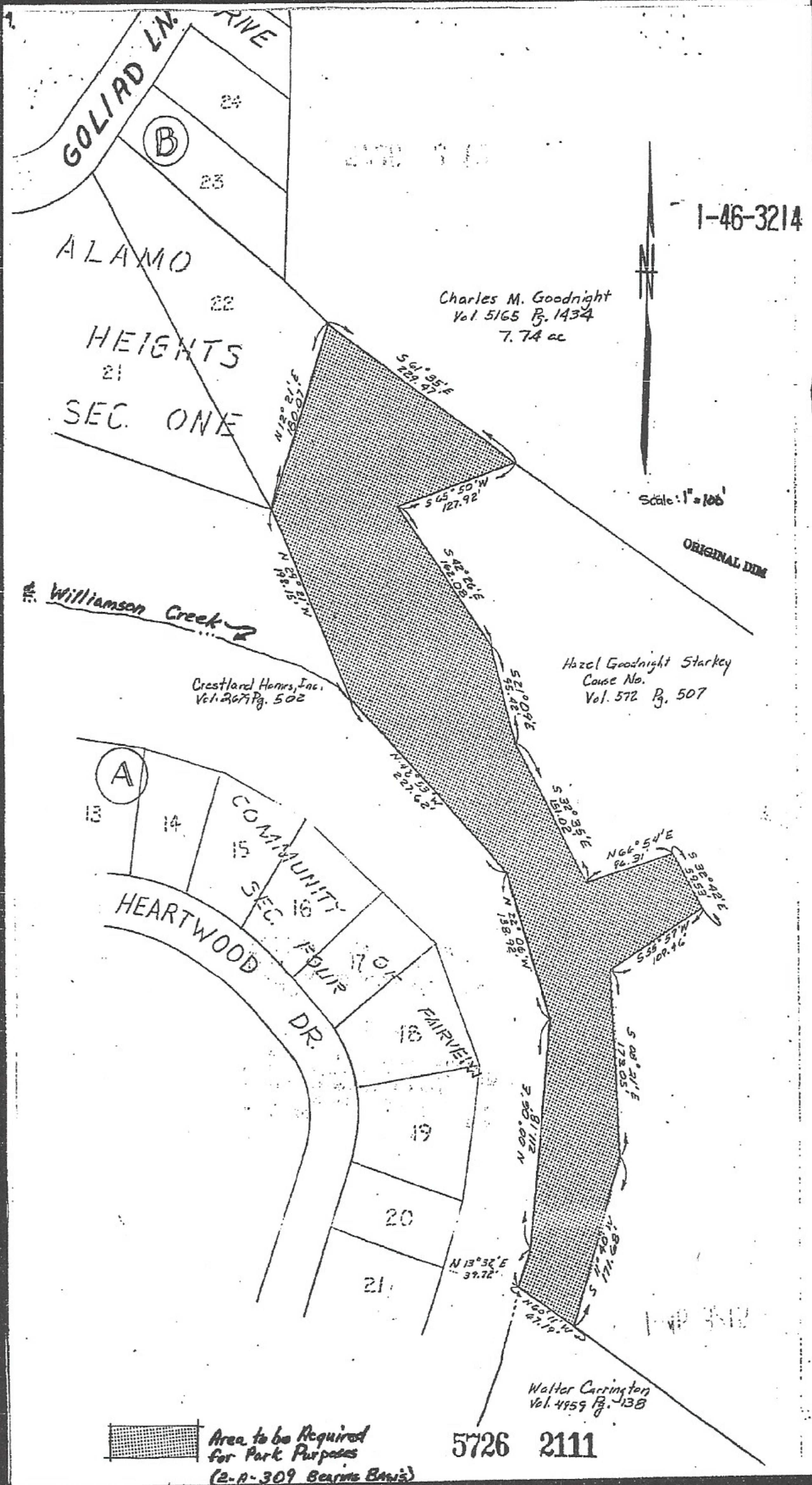
HAZEL GOODNIGHT 4734-4802 South
STARKEY Congress Avenue
By Will Thurman, Jr.
C14-76-020

From "C" Commercial and
"A" Residence
1st Height and Area
To "DL" Light Industrial
1st 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.

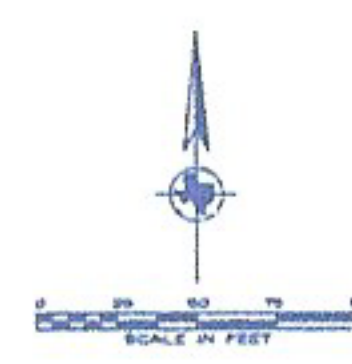
Mr. Lillie stated that this application does fall within an area designated for "DL" Light Industrial. This was before the Council several months ago without a favorable recommendation, and the applicant requested that it be sent back for a rehearing. On rehearing the Planning Commission did not recommend 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:



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THENCE South 30° 00' 00" West, a distance of 356.35 feet along the common line of said Long tract and Thurman Subdivision to the POINT OF BEGINNING and containing 239,403 square feet or 5.50 acres of land.

The subject property does not appear to lie 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. 48-05-03085 H, dated SEPTEMBER 26, 2008. The statement that the property does or does not lie within a 100-year flood hazard zone is for informational purposes only. The use of the 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 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 property.

NOTES:

- △ = TREE.
- CM = CONTROLLING MONUMENT.
- TBM = TEMPORARY BENCHMARK.
- CONTOUR INTERVAL EQUALS ONE FOOT.
- ELEVATIONS ARE BASED ON OPUS/2005 (NAVD 1985).
- BEARINGS ARE BASED ON DEED RECORDED IN VOLUME 12840, PAGE 2303, D.R.T.C.T.
- ALL SET IRON RODS HAVE A PLASTIC CAP STAMPED "PRECISE LAND SURV."



JUNE 1971
 JUNE
 03/01/72
 MEMO
 MEMO
 CARRY OVER
 MT
 FIELD NO. 1
 03/12/72
 03/12/72
 1-12-72-012-012
 044-1
 1" x 12"
 612-033
 1 of 1