



**Zoning**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: Z-7**  
**AGENDA DATE: Thu 02/12/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-03-0096 - Central East Austin Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2017 and 2101 East 8<sup>th</sup> Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multifamily residence moderate-high density (MF-4) district zoning. Planning Commission Recommendation: To deny multi-family residence moderate-high density (MF-4) district zoning. Applicant: Louree Atkins. Agent: Bernice Butler. City Staff: Annick Beaudet, 974-2975

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-03-0096

**PC DATE:** December 23, 2003

**ADDRESS:** 2017-2101 East 8<sup>th</sup> Street

**OWNER/APPLICANT:** Louree Atkins

**AGENT:** Bernice Butler

**ZONING FROM:** SF-3-NP      **TO:** MF-4      **AREA:** .27 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of this rezoning request.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

December 23, 2003: Recommend denial of multifamily residence moderate-high density (MF-4) district zoning. Vote: 5-0. MA, DS-absent, LO-on leave.

### **ISSUES:**

The applicant requests a postponement for the City Council public hearing on January 8, 2004 to the February 12, 2004 City Council meeting. The applicant's agent lives in Florida and will be back in Austin around February the 12<sup>th</sup>, 2004 (the agent was present for the December 23, 2003 PC hearing). The applicant's agent is the owner's daughter.

### **DEPARTMENT COMMENTS:**

If it is the desire of the City Council to grant a rezoning at this location the addition of the neighborhood plan-combining district (NP) should be added to the base zoning recommendation.

There is an active substandard housing violation case for 2101 E. 8<sup>th</sup> Street (rear unit). (See Exhibit C).

The property is located within the boundaries of the Central East Austin Neighborhood Planning Area. Both The Blackshear/Prospect Hill Neighborhood Association and OCEAN do not support this rezoning request (see Exhibits A and B of this report).

The property was down zoned from MF-3 to SF-3-NP via the neighborhood planning process and subsequent rezonings on December 13, 2001. The boundaries of the Central East Austin Neighborhood Planning area are Martin Luther King Blvd. on the north, Chicon and Northwestern on the east, E. 7<sup>th</sup> Street on the south, and IH-35 on the west.

The properties were approved with a single-family land use designation on the Future Land Use Map in the Central East Austin Neighborhood Plan. The property owner would like to do a multi-family project on the two lots. A plan amendment to change the future land use back to multi-family land use designation is needed.

There is an associated neighborhood plan amendment application, NPA-03-0009.02. Staff also recommends denial of the neighborhood plan amendment.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Two family residential (1 two family residential use per lot)
<i>North</i>	SF-3-NP	Single family homes
<i>South</i>	CS-CO-MU-NP	Convenient store/gas station, professional offices
<i>East</i>	SF-3-NP	Single family homes
<i>West</i>	SF-3-NP	Single family homes

**AREA STUDY:** Central East Austin Neighborhood Plan **TIA:** No required.

**WATERSHED:** Town Lake **DESIRED DEVELOPMENT ZONE:** Yes.

**CAPITOL VIEW CORRIDOR:** No. **HILL COUNTRY ROADWAY:** No.

**NEIGHBORHOOD ORGANIZATIONS:**

Guadalupe Neighborhood Development Corp.  
Central East Austin Business Owners Association  
El Concilio, Coalition of Mexican American Neighborhoods  
Austin Neighborhoods Council  
Organization of Central East Austin Neighborhoods  
Park Springs Neighborhood Association

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>ZONING AND PLATTING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-01-0148	Central East Austin Neighborhood Plan	11-14-01: Recommended plan.	12-13-01: Adopted plan w/conditions.
C14-01-0166	Holly Neighborhood Plan	11-27-01: Recommended	12-13-01: Adopted plan w/conditions.
C14-03-0175	Central East Austin Plan Amendment to Create Subdistricts	12-9-02: No recommendation.	To be heard January 8, 2003.

**RELATED CASES:**

There are no current subdivision or site plan applications currently under review by the City of Austin. However, there is currently an active Neighborhood Plan Amendment (C14-03-0175) to create subdistricts within this neighborhood planning area. The subdistrict that this property falls within is requesting to remove the Urban Home Special Use and the Secondary Apartment Special Use as permitted uses.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
E. 8 <sup>th</sup> Street	60'	30'	Collector	N/A

**CITY COUNCIL DATE:** February 12, 2004

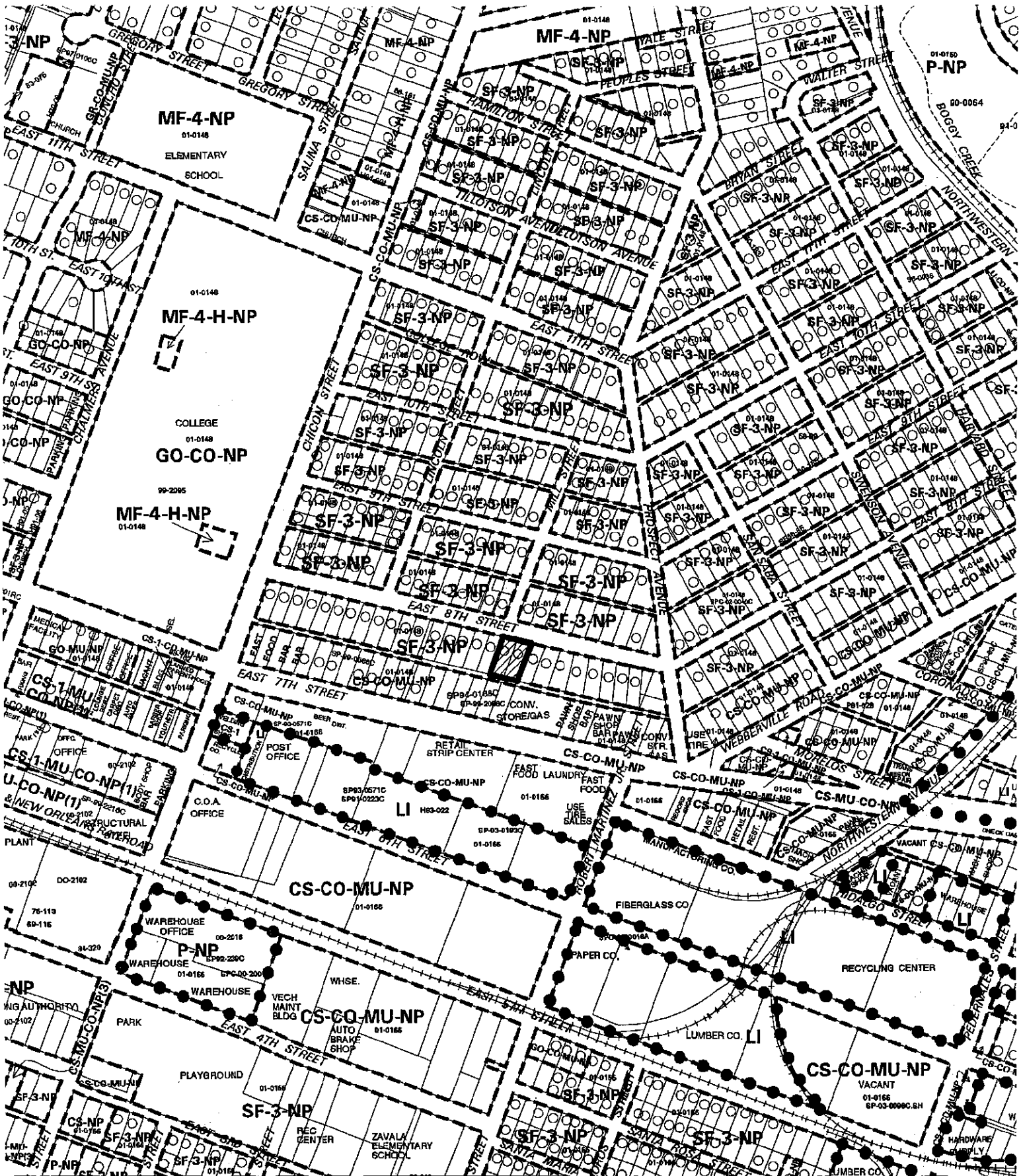
**ACTION:** 1-8-04: Postponed to 02-12-04. Applicant's 1<sup>st</sup> request (7-0).


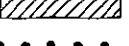


**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

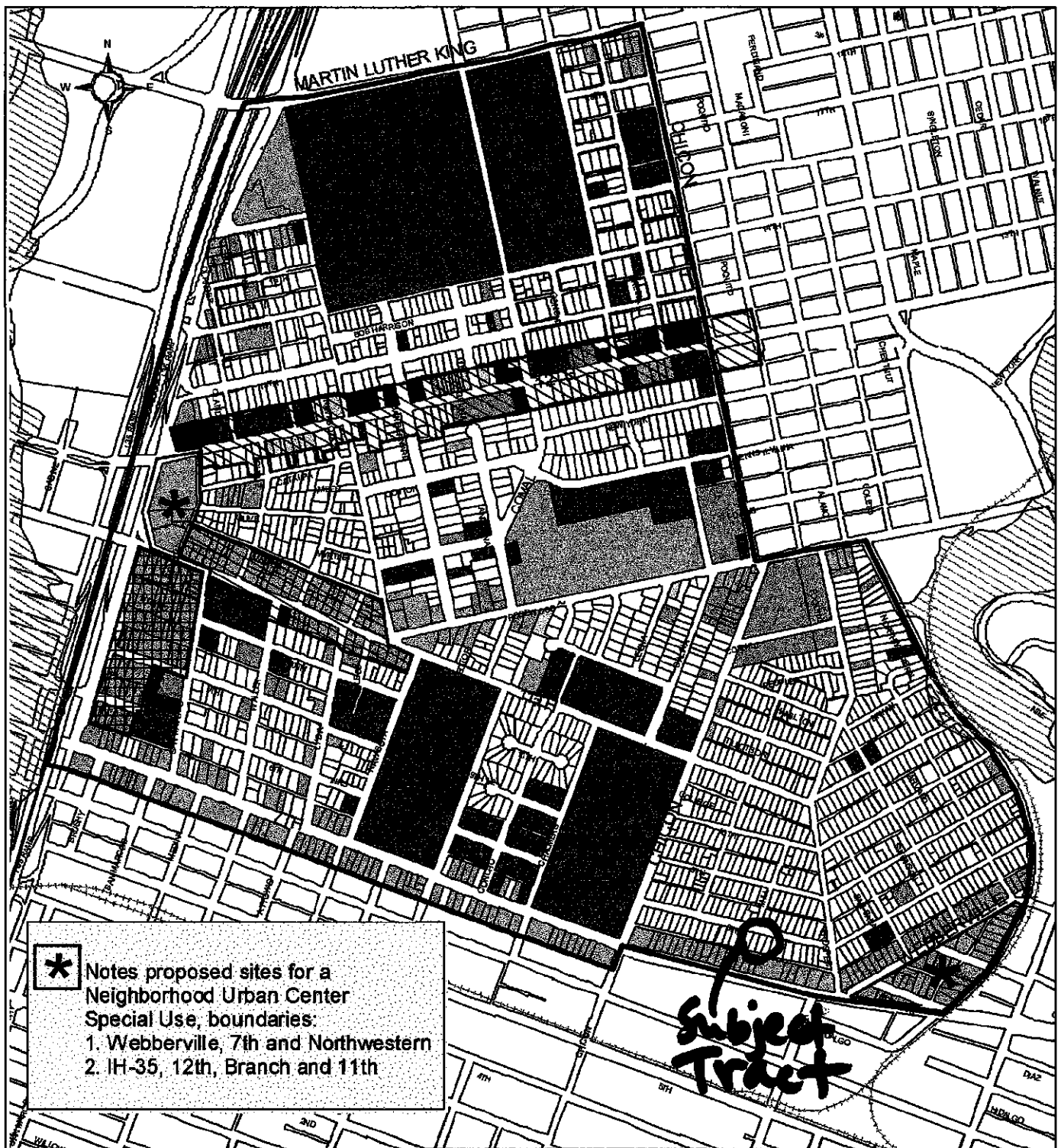
**CASE MANAGER:** Annick Beaudet

**PHONE:** 974-297



 1"=400'	SUBJECT TRACT		ZONING	CITY GRID REFERENCE NUMBER  K22
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: A. BEAUDET			
CASE #: C14-03-0096			DATE: 03-06	
ADDRESS: 2017-2101 E 8TH ST				
SUBJECT AREA (acres): 0.270			INTLS: SM	





## Central East Austin Neighborhood Planning Area Adopted Future Land Use Map



City of Austin  
Neighborhood Planning  
& Zoning Department  
created: February 16, 2001  
last modified: November 6, 2001

A comprehensive plan shall not  
constitute zoning regulations or  
establish zoning district boundaries.

This map has been produced by the City of  
Austin as a working staff map and is not  
warranted for any other use. No warranty is  
made by the City regarding its accuracy or  
completeness. Reproduction is not permitted  
without prior written permission from the  
Neighborhood Planning & Zoning Dept.,  
City of Austin.

### Future Land Use

- Single-family
- Single-family/ Townhome/  
Condo
- Multi-family
- Commercial
- Mixed Use
- Office
- Industry
- Civic
- Open Space

CEA Boundary

Railroads

Flood Plain

Bennett Tract & 11th Street NCCD  
Future Development

Austin Revitalization Authority  
(ARA) 11th & 12th Street Corridors

## **STAFF RECOMMENDATION**

**C14-03-0096**

Staff recommends denial of this MF-4 rezoning request.

## **BASIS FOR RECOMMENDATION**

1. The request is not in conformance with the adopted neighborhood plan. One of the Top Ten Neighborhood Priorities listed in the Central East Austin Neighborhood Plan (Page 5) was to: Pursue zoning rollbacks to single-family for properties in the Blackshear/ Prospect Hill area that are currently zoned multi-family, commercial, or industrial but used as single-family or are vacant lots to preserve existing housing and encourage infill (also referenced as Action 14). Also, Action 12 calls out to "Retain existing multi-family housing and allow new multi-family development on properties identified on the Future Land use Map as multifamily (orange color; see attached map). Ms. Atkins properties are designated as a single-family land use and therefore require a plan amendment to do a multi-family project.
2. The request is not compatible with adjacent land uses and zoning. The rezoning request does not promote an orderly land use pattern as the site is surrounded on three sides by single-family zoning and uses. The rezoning to a multifamily district at this location would create an isolated spot of increased density and a multifamily use that is not consistent with the adjacent uses or area uses. Also, the site is not situated in a location that would provide for a transition of zoning intensities.
3. This property lies within a clearly defined residential area bounded by the alley behind the subject tract, Chicon Street, Prospect Avenue, and East 11<sup>th</sup> Street. The downzoning of this property from MF-3 to SF-3 was done to conform to the existing uses on the site (per Action 14 of the neighborhood plan).
4. Conditions in the area have not changed significantly enough since the rezoning done on December 13, 2001 (neighborhood plan adoption date) to warrant a zoning change back to a multifamily designation.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is developed with a two, two-family residential uses (one two-family residential use per lot) with a shared driveway.

### **Impervious Cover**

The maximum impervious cover allowed by the MF-4 zoning district would be 70%. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake 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. Impervious cover is not limited in this watershed class. Therefore the zoning impervious cover restriction applies.



### **Environmental**

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rim rock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, no information has been provided as to whether this property has any pre-existing approvals that would preempt current water quality or Code requirements.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 59 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The proposed development of 10 apartment units will generate approximately 42 trips per day.

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]

E. 8<sup>th</sup> Street is not classified in the Bicycle Plan.

There are no existing sidewalks along E. 8<sup>th</sup> Street.

Capital Metro bus service is not available within 1/4 mile of this property.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
E. 8 <sup>th</sup> Street	60'	30'	Collector	N/A

### **Water and Wastewater**

The landowner intends to serve the tract with City of Austin water and wastewater utility service. If water or wastewater utility improvements are required, the landowner will be responsible for all cost and for providing the utility improvements.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable

flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Compatibility Standards**

This site is currently developed, if a new site plan is submitted, it will need to show compliance with compatibility standards on the east property line.

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

- No structure may be built within 25 feet of the west and east property lines.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

### **DEPARTMENT COMMENTS**

If it is the desire of the Planning Commission or the City Council to grant a rezoning at this location the addition of the neighborhood plan-combining district (NP) should be added to the base zoning recommendation.

There is an active substandard housing violation case for 2101 E. 8<sup>th</sup> Street (rear unit). (See Exhibit C).

The property is located within the boundaries of the Central East Austin Neighborhood Planning Area. Both The Blackshear/Prospect Hill Neighborhood Association and OCEAN do not support this rezoning request (see Exhibits A and B of this report).

The property was down zoned from MF-3 to SF-3-NP via the neighborhood planning process and subsequent rezonings on December 13, 2001. The boundaries of the Central East Austin Neighborhood Planning area are Martin Luther King Blvd. on the north, Chicon and Northwestern on the east, E. 7<sup>th</sup> Street on the south, and IH-35 on the west.

The properties were approved with a single-family land use designation on the Future Land Use Map in the Central East Austin Neighborhood Plan. The property owner would like to do a multi-family project on the two lots. A plan amendment to change the future land use back to multi-family land use designation is needed.

There is an associated neighborhood plan amendment application, NPA-03-0009.02. Staff also recommends denial of the neighborhood plan amendment.

BLACKSHEAR/PROSPECT HILL NEIGHBORHOOD ASSOCIATION  
2102 E. 8<sup>TH</sup> STREET  
AUSTIN, TEXAS 78702  
(512)476-3088

July 25, 2003

City of Austin Neighborhood Planning & Zoning Department  
Attn: Annick Beaudet  
505 Barton Springs Rd/PO Box 1088  
Austin, Texas 78767-8835

Re: In reference to File Number: C14-03-0096

Ms Beaudet:

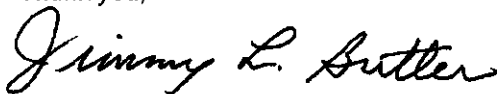
I am writing on behalf of the Neighborhood Association membership concerning rezoning of property located at 2017 to 2101 East 8<sup>th</sup> Street. We are opposed to the rezoning of said property and have expressed our view with the property owner in one of our regular neighborhood association meeting in prior months of this year.

We gave the property owner Ms Louree Atkins the opportunity to present her plans and ideas for said property on E. 8<sup>th</sup> Street. The membership and overall view is that we have fought and worked with city personnel and committees to maintain our zoning of single family housing.

Ms Atkins plans to build a multi family dwelling and/or apartments for this property location. We do not agree with these plans because it would create a far greater problem of parking that already exist, plus the lot is not large enough for what she proposes to build there.

The Neighborhood Association voted against her plans overall by the membership.

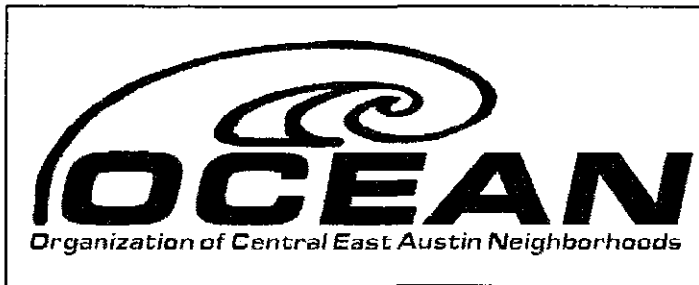
Thank you,



Jimmy L. Butler,  
Vice-President

Ora L. Nobles,  
President

Exhibit A



Mike Clark-Madison, President      907 E. 15<sup>th</sup> Street, Austin TX 78702-1024  
512-698-2549      ocean@centraleastaustin.org

November 16, 2003

TO:    Members of the City of Austin Planning Commission  
         Neighborhood Planning and Zoning Department, City of Austin

FROM: Mike Clark-Madison, President, OCEAN

RE:    Proposed amendment to the Central East Austin Neighborhood Plan –  
         2017/2101 East 8th Street

At its November 11 meeting, the OCEAN Community/Steering Committee and its Land Use Subcommittee both voted **not to endorse** the amendment to the CEANP proposed by Louree Atkins and Bernice Butler, changing the FLUM to show multi-family at this address and rezoning the property MF-4.

The Blackshear/Prospect Hill Neighborhood Association has gone on record opposing this project, and OCEAN rules would require a supermajority vote for the Community/Steering Committee to recommend otherwise. As it happens, the issue is moot, since the Committee shares many of the Blackshear concerns about the suitability of this location for this project. The subject property is located mid-block, is surrounded by single-family on all sides, and poses significant traffic and parking challenges for any high-density use. If we were to recommend properties in the Blackshear area that were suitable for redevelopment as multi-family, there would be many others higher on the list than this one. Like the Blackshear neighbors, OCEAN would like to see Ms. Atkins and Ms. Butler redevelop their property – but at a single-family scale consistent with the surrounding neighborhood.

Also, of course, as part of the CEANP implementation, the city **downzoned** this property and the others around it from MF-3 to SF-3. We see nothing in the circumstances of the current case that makes it necessary to change the zoning back (and indeed increase it) to enable this project.

If you have any questions or comments, please do not hesitate to contact me.

**Exhibit B**



# City of Austin

*Founded By Congress, Republic of Texas, 1839*

## **Neighborhood Planning and Zoning Department**

*One Texas Center, 505 Barton Springs Road*

*P.O. Box 1088, Austin, Tx 78767-8810*

*Telephone: (512) 499-2875*

December 5, 2001

### **NOTICE OF VIOLATION**

Via Certified Mail # 7099 3400 0016 8555 5694

Louree Atkins  
1801 Harvey Street  
Austin, Tx 78702-1662

**RE: 2101 E. 8th Street, Building Rear, Austin, Texas**  
**LEGALLY KNOWN AS: LOT 7 OLT 8-9 DIV B MORSE FRED C**

Dear Louree Atkins:

On Monday, December 03, 2001, I conducted an inspection of the property located at 2101 E. 8th Street for the City of Austin's Neighborhood Planning and Zoning Department. According to the Travis Central Appraisal District records you own this property. If you no longer own this property, you must execute an affidavit stating that you no longer own the property. More information about affidavits is attached to this notice.

#### Summary of the Findings of the Inspection(s):

A detailed inspection report is attached to this notice.

#### **Item Inspected: Residential Building**

An inspection of this item found it to be SUBSTANDARD.

In order to bring this item into compliance, you must:

- REPAIR THE RESIDENTIAL BUILDING within 21 days of the date this notice was mailed.

#### Permits Required

Permits may be obtained from the Permit Center, (512) 499-2747, which is located on the third floor of One Texas Center, 505 Barton Springs Road in Austin.

#### **Permits Required for the Residential Building**

In order to bring the residential building into compliance, you will need to obtain the following permit(s) and complete the work within 21 days of the date this notice was mailed.

- Plumbing Permit

*If this property is your recorded homestead, you may purchase the permit and make the repairs yourself. If this is not your recorded homestead, you must have a licensed contractor purchase the plumbing permit and allow the contractor to make the needed repairs.*

**Exhibit C**

**RE: 2101 E. 8th Street, Building Rear, Austin, Texas**

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**Appealing This Notice**

A legally interested person may appeal this notice to the Buildings and Standards Commission. The appeal must be filed no later than 20 days after the date this notice is mailed by the City of Austin. An appeal must have a brief statement why the violation is being appealed; give any facts that support the appeal; describe the relief sought; and present the reasons why the appealed notice or action should be reversed, changed or set aside.

After receipt of this notice, you may not sell or give away this property until you have given the buyer or other transferee a copy of this notice and given the name and address of the buyer to the Building Official. It is a misdemeanor to rent this property if the code violations on this property pose a danger to the health, safety and welfare of the tenants.

If compliance is not achieved within the timeframe given in this notice, a hold may be placed on utilities. This applies to any single-family residence or any unit of a multi-family structure affected by the identified violation(s).

If the violations are not corrected, any existing Certificate of Occupancy may be suspended or revoked. If the Certificate of Occupancy is suspended or revoked, the utility service to this property may be disconnected.

**THE CITY MAY ENFORCE ANY CIVIL PENALTY IN ACCORDANCE WITH STATE LAW.  
STATE LAW ALLOWS PENALTIES OF UP TO \$1000 PER DAY, PER VIOLATION.**

If you have any questions, you may contact me by telephone at (512) 974-2356 and by digital pager at (512) 802-3613 between 7:00 AM and 3:30 PM, Monday through Friday. You may also leave a voice mail message for me at any time.

Si tiene preguntas o requiera mas informacion, llamar por telefono a (512) 499-2875 por favor.

Sincerely,



Chris Maldonado, Inspector  
Code Compliance  
Neighborhood Planning and Zoning Department

XC: Lee Coleman  
2101 E. 8th Street (rear)  
Austin, Tx 78702  
Certified: 7099 3400 0016 8555 5700

- NOTICE OF VIOLATION of the 1994  
UNIFORM HOUSING CODE

**RE: 2101 E. 8th Street, Building Rear, Austin, Texas**

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### **AFFIDAVIT INFORMATION**

According to the real property records of Travis County, you own the real property described in this notice. If you no longer own the property, you must execute a notarized affidavit stating that you no longer own the property as well as the name and last known address of the person who acquired the property from you.

The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Enforcement at:

**Neighborhood Planning and  
Zoning Department  
One Texas Center  
505 Barton Springs Road  
P.O. Box 1088  
Austin, Texas 78767**

Your affidavit must be delivered no later than the 20th day after the date of receipt of this notice. If you do not send an affidavit, it will be presumed that you own this property, even if you do not. To receive more information or to acquire an affidavit form, call (512) 499-2875.

## Inspection Report

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THE SUBSTANDARD CONDITIONS LISTED BELOW ARE IN VIOLATION OF THE TERMS OF THE 1994 UNIFORM HOUSING CODE:

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Item Inspected: **Residential Building**

Code Category: **Structural Requirements**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
	12/03/2001	1001.3	Roof decking deteriorated at front porch.	Not Cleared

Code Category: **Faulty Weather Protection**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
	12/03/2001	1001.8	Window sill deteriorated at front window.	Not Cleared

Code Category: **Electrical Requirements**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
	12/03/2001	1001.5	TENANT CITATION - wiring not fastened to code at bedroom.	Not Cleared
	12/03/2001	1001.5	TENANT CITATION - unsafe to use extension cords for primary source.	Not Cleared

Code Category: **Plumbing**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
	12/03/2001	1001.6	S-trap not allowed at bathroom vanity.	Not Cleared
	12/03/2001	1001.6	Water lines contain cross connection at bath tub - lack freeze protection.	Not Cleared

Code Category: **Faulty Materials of Construction**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
	12/03/2001	1001.10	Door jam inadequate repair.	Not Cleared

Code Category: **Nuisance**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
	12/03/2001	1001.4	Holes in floors at kitchen and bathroom.	Not Cleared

Code Category: **Infestation**

Violations:	<u>Date Cited</u>	<u>Code Reference</u>	<u>Description of Violation</u>	<u>Date Cleared</u>
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**RE: 2101 E. 8th Street, Building Rear, Austin, Texas**

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*12/03/2001*

*506*

*TENANT CITATION - droppings located inside stove - Not Cleared  
unsanitary, attracting rodents, trap bait set on kitchen  
floor.*

**Beaudet, Annick**

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**From:** JIbutler6@aol.com  
**Sent:** Tuesday, December 23, 2003 4:53 PM  
**To:** annick.beaudet@ci.austin.tx.us  
**Subject:** Concerning Proposed Zoning Change - File C14-03-0096

I am writing to express my opposition to the proposed zoning change for 2017 - 2101 E. 8th Street. I am a resident who stay within 200 feet of the property proposed for zoning change and I do not agreed with the changes for the following reasons; 1. The neighborhood association of which I am vice-president worked so hard to get and was approved for single family zoning, 2. The property owner wants to build apartments on the property with parking under the building structure; the building would obstruct and change the view now enjoyed by the residents in this area, 3. The apartments would congest the intersection of Mill Street and E. 8th Street so that it would be unsafe for the neighborhood children and residents who regularly walk to and from school, neighborhood stores and other businesses along the 7th street business area. The traffic increase would be overwhelming for this already congested area.

I am asking that the planning commission do not pprove the Zoning Change requested by the property owner and agent. We ask that you please consider the wishes of the Neighborhood Association and it's membership in maintaining Single Family Zoning in the Blackshear/Prospect Hill Neighborhood of which has already been approved.

Thank you,  
Jimmy L. Butler,  
Vice-President of Blackshear/Prospect Hill Neighborhood Assn.  
and resident residing at 2102 E. 8th Street.

P. S.

I am unable to be present on tonight due to recent major surgery.

12/23/2003

# MEETING SUMMARY

APPROVED BY PC 1-13-04

## CITY PLANNING COMMISSION

December 23, 2003

One Texas Center

505 Barton Springs Road

Conference Room 325

CALL TO ORDER – 6:00 P.M. *COMMENCED AT 6:10PM.*

ABSENT Maggie Armstrong, Secretary

\_\_\_\_\_ Michael Casias

\_\_\_\_\_ Chris Riley, Vice Chair

\_\_\_\_\_ Cynthia Medlin, Asst. Secretary

\_\_\_\_\_ Niyanta Spelman

\_\_\_\_\_ Matthew Moore

ABSENT Dave Sullivan, Parliamentarian

ON LEAVE Lydia Ortiz, Chair

### A. REGULAR AGENDA

#### EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

#### CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

*NO SPEAKERS.*

#### APPROVAL OF MINUTES

2. Approval of minutes from December 9, 2003.

*MOTION: APPROVE BY CONSENT.*

*VOTE: 5-0 (NS-1<sup>ST</sup>, MM-2<sup>ND</sup>; MA, DS-ABSENT, LO-ON LEAVE)*

#### DISCUSSION AND ACTION

3. 

<b>Code</b>	<b>C2O-03-020 - Amendments to Land Development Code relating to</b>
<b>Amendment:</b>	<b>pedestrian-oriented uses and ROW vacations.</b>
<b>Staff:</b>	Katie Larsen, 974-6413, katie.larsen@ci.austin.tx.us
	Transportation, Planning & Sustainability Department

*MOTION: POSTPONE TO JANUARY 27, 2004 (REQUEST BY STAFF).*

*VOTE: 5-0 (NS-1<sup>ST</sup>, MM-2<sup>ND</sup>; MA, DS-ABSENT, LO-ON LEAVE)*

Facilitator: Katie Larsen, 974-6413  
katie.larsen@ci.austin.tx.us

4. **Neighborhood Plan Amendment:** **NPA-03-0005.03.SH - Steiner Tract - Montopolis Neighborhood Plan Amendment**  
Location: 7300-7320 Riverside Dr. & 900 Bastrop Hwy, Carson Creek Watershed, Montopolis NPA  
Owner/Applicant: Robert Steiner  
Agent: Minter, Joseph & Thornhill, P.C.  
Request: Amend the future land use map designation for a portion of this property from commercial to residential.  
Staff Rec.: **Not Recommended**  
Staff: Sonya Lopez, 974-7694, sonya.lopez@ci.austin.tx.us  
Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

**MOTION: POSTPONE TO JANUARY 13, 2004 (REQUEST BY STAFF).**

**VOTE: 5-0 (NS-1<sup>ST</sup>, MM-2<sup>ND</sup>; MA, DS-ABSENT, LO-ON LEAVE)**

5. **Zoning:** **C14-03-0154.SH - Steiner Tract**  
Location: 7300-7320 Riverside Dr. & 900 Bastrop Hwy, Carson Creek Watershed, Montopolis NPA  
Owner/Applicant: Robert Steiner  
Agent: Minter, Joseph & Thornhill, P.C. (John Joseph, Jr.)  
Request: Tract 1: SF-6-CO-NP to SF-4A-NP, Tract 2: MF-3-CO-NP to SF-4A-NP, Tract 3: CS-CO-NP to SF-4A-NP  
Staff Rec.: **Tracts 1 & 2- Recommended, Tract 3- Not Recommended**  
Staff: Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

**MOTION: POSTPONE TO JANUARY 13, 2004 (REQUEST BY STAFF).**

**VOTE: 5-0 (NS-1<sup>ST</sup>, MM-2<sup>ND</sup>; MA, DS-ABSENT, LO-ON LEAVE)**

6. **Neighborhood Plan Amendment:** **NPA-03-0009.02 - Central East Austin Plan Amendment**  
Location: 2017 & 2101 E. 8th Street, Townlake Watershed, Central East Austin NPA  
Owner/Applicant: Louree Atkins  
Agent: Bernice B. Butler  
Request: Amend the future land use map designation for property located at 2017 & 2101 E. 8th Street from single family to multi-family.  
Staff Rec.: **Not Recommended**  
Staff: Lisa Kocich, 974-3509, lisa.kocich@ci.austin.tx.us  
Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

## PUBLIC HEARING

Lisa Kocich presented the staff recommendation.

**FOR**

**Bernice Butler**, the applicant, presented a powerpoint presentation. The presentation included the following points:

The multi-family zoning will:

- jump-start neighborhood revitalization
- aide in elimination of slum and blight
- provide buffer between single-family and commercial development
- improve the quality of life for existing residents.

In addition, Ms. Butler pointed out that the cost of a new single-family home on the lot would exceed the market values of single-family houses in the area.

**AGAINST**

**Mike Clark-Madison**, with OCEAN, said that they agreed with the neighborhood concerns about traffic and congestion, but what they mostly saw is that the neighborhood did not support the multi-family. The neighborhood wants to encourage mixed-use multi-family development in the commercial corridors. The neighborhood would like to see the uses on East 7<sup>th</sup> Street, like the pawn shops, be replaced by new mixed-use development, and to preserve the single-family neighborhood. There is a lot of vacant property on 8<sup>th</sup> street, and substandard housing. The consistent message from the neighborhood is to have more single-family housing, even with the economic challenge. He said that until there are more opportunities to build single-family housing, there is not going to be additional support for multi-family. In principle, would like to see additional housing diversity.

Commissioner Moore asked Mr. Madison about compatibility. Mr. Madison responded that the experience in East Austin neighborhoods with multi-family is that they are not well-managed. There is strong opposition. In principle, a compatible mix of multi-family, but it is a challenge to convince the neighborhoods that there could be good multi-family projects.

Commissioner Moore asked Mr. Madison if he is suggesting that multi-family should be grouped together. Mr. Madison said that there was MF zoning applied to the area by planners determining this is a good area for multi-family. The neighborhood is not equipped to handle the additional density.

Commissioner Moore asked for clarification if the West Campus area is bad because of the mix of single and multi-family housing. Mr. Madison said that multi-family is permitted in the area, along East 7<sup>th</sup> Street. They did consider East 8<sup>th</sup> Street as the buffer zone, but there was not support for it by the neighborhood.

**Nell Peterson**, member of the Prospect Hill Neighborhood Association, was an active participant in the Central East Austin Neighborhood Association. They want to maintain the integrity of the neighborhood. They have surpassed the density as compared to others. There are more renters than homeowners in this area. Between East 8<sup>th</sup> and 12<sup>th</sup> Streets, there are many apartments. There are no sidewalks in the area which makes it unsafe, the streets are very narrow, and cars are parked on both sides. The proposed underground parking would result in a high height. She commented that they do not have a record of Ms. Butler being an active participant.

Commissioner Medlin asked Ms. Peterson about the neighborhood's perspective

**Briani Miriani** owns property in the Blackshear neighborhood, but does not live in the neighborhood. Agrees with the applicant that Blackshear needs a lot of help, but does not agree that a multi-family complex will help. The neighborhood is unstable, with a lot of crime. Home-owner housing would hold back the commercial just as well as multi-family.

**Richard Neuman**, owns property nearby, and agrees with the neighborhood association's viewpoint.

#### AGAINST, BUT DID NOT SPEAK

Tara Peterson-McGarity  
Bobbie Meddens

**Ora Nobles**, lives at 2008 East 8<sup>th</sup> Street, has been living on East 8<sup>th</sup> Street since 1964. The area is already crowded. There is not enough room for new housing. The alley is too narrow. The lots are not big enough and not wide enough. There is not enough room for a driveway. She mentioned that she tried to build a porch, but the City would not let her because there was not room for the porch.

#### REBUTTAL

Ms. Butler said she appreciates the neighborhood residents interest and participation- it is not usual to see that. She said that there is confusion about renters versus owners and single-family housing and multi-family housing. There is single-family housing that is rented. The Adela is one of the nicest properties and its multi-family. This project will not significantly increase parking on the street because parking will be provided on site. The owner has to do something since there is a City order to improve the housing on-site. Everyone agrees that there needs to be improvement in the neighborhood, but the finances need to work to make the improvements.

Commissioner Spelman asked if Louree, the owner, lives in the neighborhood. Ms. Butler, said no, she lives in McKinley Heights. Commissioner Spelman asked which house has the violation, and Ms. Butler said it is the secondary unit.

Louree Atkins said that she did not present her opposition at the Council hearing, but she did fax a letter to the Council.

#### AGAINST

**Julia Mitchell**, has lived in the neighborhood in 72 years, said the drugs and prostitution are real in the neighborhood. The neighbors are complaining about the crime near the apartments in the area.

#### REBUTTAL

Ms. Butler said that the Habitat houses are heavily subsidized.

**MOTION: Close public hearing.**

**VOTE: 5-0 (NS-1<sup>st</sup>, MC-2<sup>nd</sup>; LO- on leave, MA, DS-absent)**

**MOTION: APPROVE STAFF RECOMMENDATION (deny plan amendment and rezoning request).**

**VOTE: 5-0 (NS-1<sup>ST</sup>, MC-2<sup>ND</sup>; MA. DS-ABSENT, LO-ON LEAVE)**

Commissioner Spelman spoke to her motion:

- Time and effort goes into creating a neighborhood plan.
- A neighborhood plan provides a degree of certainty.
- Area residents have a vision for the neighborhood.
- Not sure how a 10 unit complex will fit on the site.

Commissioner Medlin said her support of the motion is because of the neighborhood's vision.

Commissioner Casias said he is the first to support multi-family and mixed neighborhoods, but deference needs to be given to the neighborhood plan. The neighborhood traded much density along the corridors to protect the core. The only way to develop the property with 10 units would require putting the building on stilts. If they have the transitional zone with multi-family, that would set a precedent to change the area.

Commissioner Moore said he would support the motion to give deference to the neighborhood plan. He commented though that the multi-family development would have to provide landscaping and water quality and flooding control. He personally thinks that the project should be built, but will support the neighborhood plan. He said the neighborhood plans need to support community goals.

Commissioner Riley said he supports the motion to support the neighborhood plan. He said that the neighborhood presented a good case that additional density can be accommodated along the corridors, as contemplated by the plan.

<b>7. Zoning:</b>	<b>C14-03-0096 - Central East Austin Rezoning</b>
Location:	2017-2101 East 8th Street, Townlake Watershed, Central East Austin NPA
Owner/Applicant:	Louree Atkins
Agent:	Bernice B. Butler
Request:	SF-3-NP to MF-4
Staff Rec.:	<b>Not Recommended</b>
Staff:	Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us Neighborhood Planning and Zoning Department

**SEE ITEM 6 FOR DISCUSSION, MOTION AND VOTE.**