



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-2
AGENDA DATE: Thu 05/13/2004
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 8th Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multifamily residence medium density (MF-3-CO) combining 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 8th Street

OWNER/APPLICANT: Louree Atkins

AGENT: Bernice Butler

ZONING FROM: SF-3-NP

TO: MF-4

AMENDED TO (2-12-04): MF-3-CO

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:

In response to neighborhood concerns, the applicant has amended the application to MF-3-CO, The conditional overlay combining district, as added via an application amendment on February 12, 2004, will limit the property to six (6) total dwelling units. See Exhibit D.

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. 8th 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).

This property, and all other adjacent properties on East 8th Street (between Chicon Street and Prospect Avenue), were 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 Jr. Blvd. on the north, Chicon and Northwestern on the east, E. 7th 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.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<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:

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION	CITY COUNCIL
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.	1-29-04: Approved a subdistrict for secondary apartment and urban home.

RELATED CASES:

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

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. Case C14-03-0175 was approved on January 29, 2004 to remove the Urban Home Special Use and the Secondary Apartment Special Use as permitted uses from the area in which this property is located.

ABUTTING STREETS:

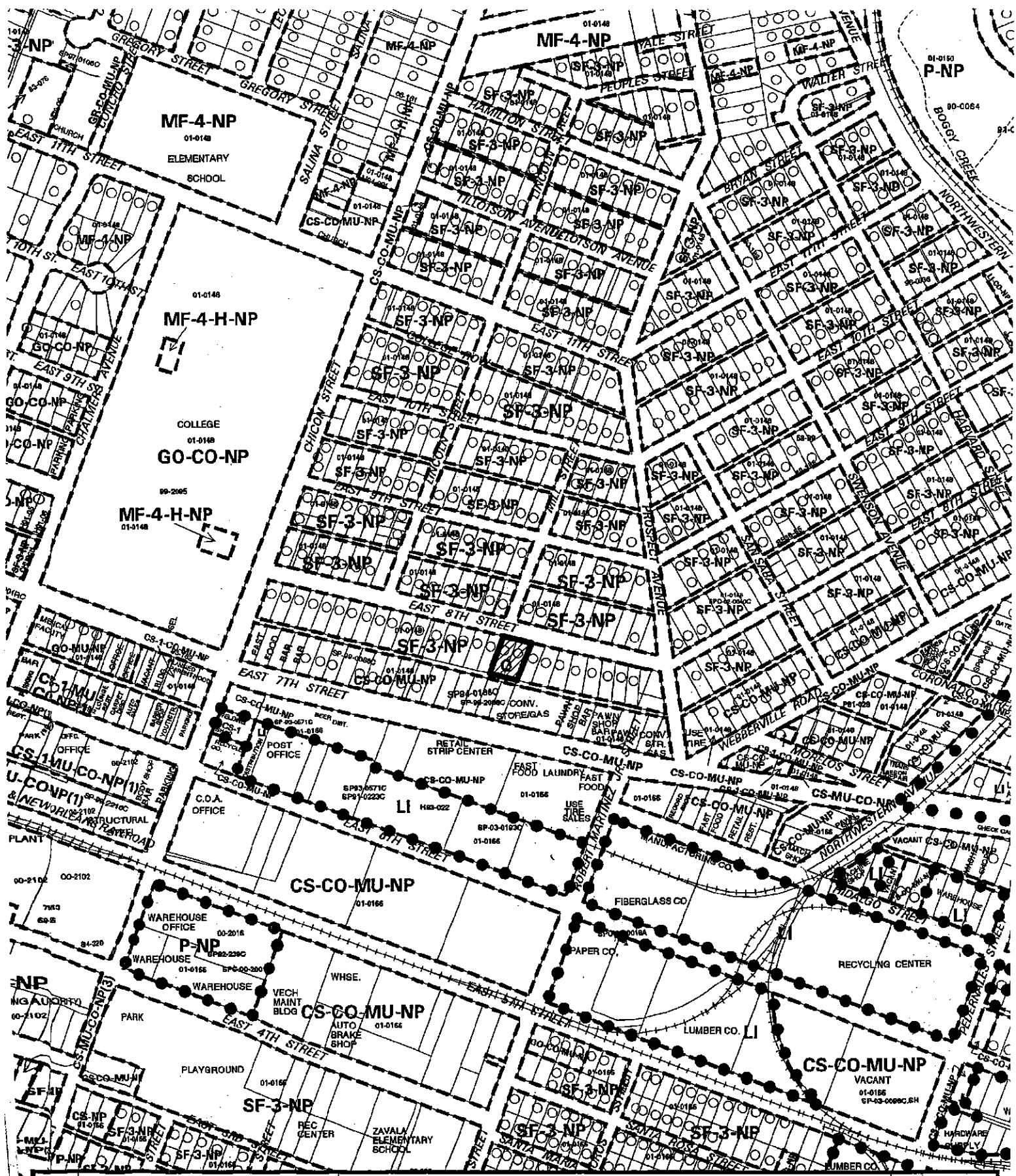
Name	ROW	Pavement	Classification	Daily Traffic
E. 8 th Street	60'	30'	Collector	N/A




CITY COUNCIL DATE: May 13, 2004

ACTION: 1-8-04: Postponed to 02-12-04. Applicant's 1st request (7-0).
2-12-04: Postponed to 03-04-04 on the 1st request of the neighborhood association (7-0).
3-4-04: Postponed to 5-13-04 . Applicant's request (6-0, McCracken absent).

ORDINANCE READINGS: 1st 2nd 3rd

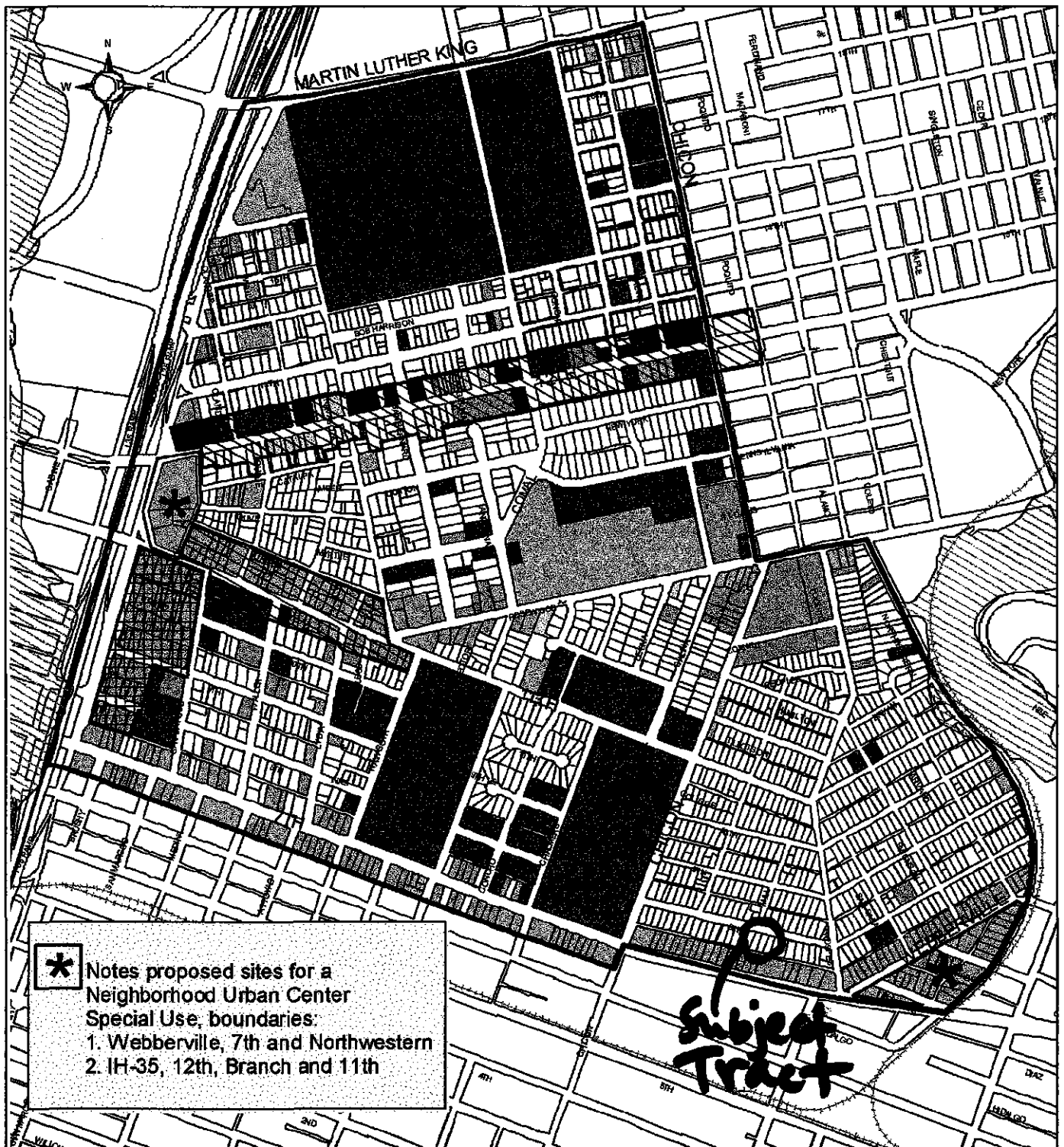
ORDINANCE NUMBER:**CASE MANAGER:** Annick Beaudet**PHONE:** 974-297**STAFF RECOMMENDATION****C14-03-0096**



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: A. BEAUDET

ZONING		CITY GRID REFERENCE NUMBER
CASE #: C14-03-0096	DATE: 03-06	K22
ADDRESS: 2017-2101 E 8TH ST	INTLS: SM	
SUBJECT AREA (acres): 0.270		





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 8, 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 recommends denial of this 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 11th 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.

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. 8th Street is not classified in the Bicycle Plan.

There are no existing sidewalks along E. 8th 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 th 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 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. 8th 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).

This property, and all other adjacent properties on East 8th Street (between Chicon Street and Prospect Avenue), were 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. 7th 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.

BLACKSHEAR/PROSPECT HILL NEIGHBORHOOD ASSOCIATION
2102 E. 8TH 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:

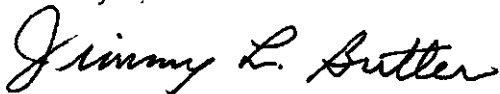
I am writing on behalf of the Neighborhood Association membership concerning rezoning of property located at 2017 to 2101 East 8th Street. We are opposed to the rezoning of said property and have expressed our view with the property owner in one of our regular neighborhood association meeting in prior 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. 8th 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
512-698-2549

907 E. 15th Street, Austin TX 78702-1024
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

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

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

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

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>
-------------	-------------------	-----------------------	---------------------------------	---------------------

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

12/03/2001

506

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

RECEIVED

FEB 12 2004

Neighborhood Planning & Zoning

TO: Members of City of Austin City Council

FROM: Bernice Butler, agent for Mrs. Louree Atkins, property owner

RE: Amendment of Rezoning & Plan Amendment Applications
for 2017 and 2101 East 8th Street
C14H-03-0096
Agenda Items Z-1 and Z-7

Dear Members of the Austin City Council:

My mother, Mrs. Atkins is the long-term owner of this property and we are desirous of redeveloping it, and thus seek this rezoning and amendment of the neighborhood plan in order to make it economically feasible for us to do so. The current use of the properties is multi-family, and one of the units has a code violation requiring extensive repair or demolition. Action on this violation is being held in abeyance pending the outcome of these rezoning/plan amendment applications.

Our Rezoning application # C14H-03-0096 requested a change from the SF-3-NP the imposed by the neighborhood plan, back to the original MF-4 which was in place prior to being down zoned by the neighborhood plan, so that we can build a 10-unit multifamily building. *We now wish to amend our request from MF-4 to MF-3, and build 6 units rather than 10 units as originally proposed, in order to be responsive to neighborhood concerns.*

We sincerely believe that our proposed project, which can only be realized by approval of the rezoning/plan amendment application will be of significant benefit to the neighborhood and the City of Austin, and will achieve the following goal:

Aid in revitalization of this disinvested Central East Austin neighborhood by demolishing currently dilapidated structures at 2101 and 2017 East 8th street, and build an attractive 6-unit apartment-home development.

Further, we believe that based upon the 14 "sound planning principles" that are to be applied in reviewing a request for a Plan amendment (as found on the City's website – www.ci.austin.tx.us/zoning/principles, it appears that the proposed project is appropriate in terms of many of the principles, including the following:

Principle #2) Adding some more compact, non-single family housing to this part of the planning area will help "ensure an adequate and diverse supply of housing for all income levels within the community."

Exhibit D-1

Principle #3) Since the Future Land Use Map for Central East Austin targets all the parcels directly across the alley to the south (fronting on to 7th street) as “Mixed-Use”, the proposed development will actually minimize “negative impacts between incompatible uses”, in that it provides for a transition from the mixed uses to the south (on 7th street) to the purely single family uses to the north

Principle #9) The proposed low-density multi-family development will help “ensure adequate transition” between the low-density, single family adjacent land uses and the high development intensities on 7th street

Principle #14) While respecting the residential-only land use of this particular stretch of east 8th street, the proposed development will “promote development that serves the needs of a diverse population.”

Also, in light of the Neighborhood Plan proposal that the intersection of east 7th and Northwestern Streets be targeted as a “neighborhood Urban Center,” a more compact, slightly denser form of development in this area so close to the Urban Center (which is a few blocks away), appears to be appropriate.

We have heard neighborhood concerns at three meetings, and have offered the following remedies and responses:

1. ***Proposed scale too large for property*** – we have reduced the number of units proposed from (10) 2 bedroom units to (6) 2 bedroom units- **see attached site plans**
2. ***Parking/Traffic*** – parking will be behind the residential buildings and accessed by using the alleyway shared with 7th street businesses.
3. ***Neighborhood character*** – what is planned is a well designed 2 story building whose architectural features are similar to and complementary to those of existing structures in the neighborhood, whose landscaping features are compatible with those nearby and that minimizes detracting from the surrounding neighborhood; and as we progress in the development process, we would like to bring back our drawings for your review – **see attached site plans and rendering.**
4. ***Apartment buildings in the neighborhood attract criminal elements such as drug pushers and others*** – If we all accept the theory that a better quality building will attract a better quality resident, then I think we can agree that by demolishing the existing buildings, we can rebuild quality residential property

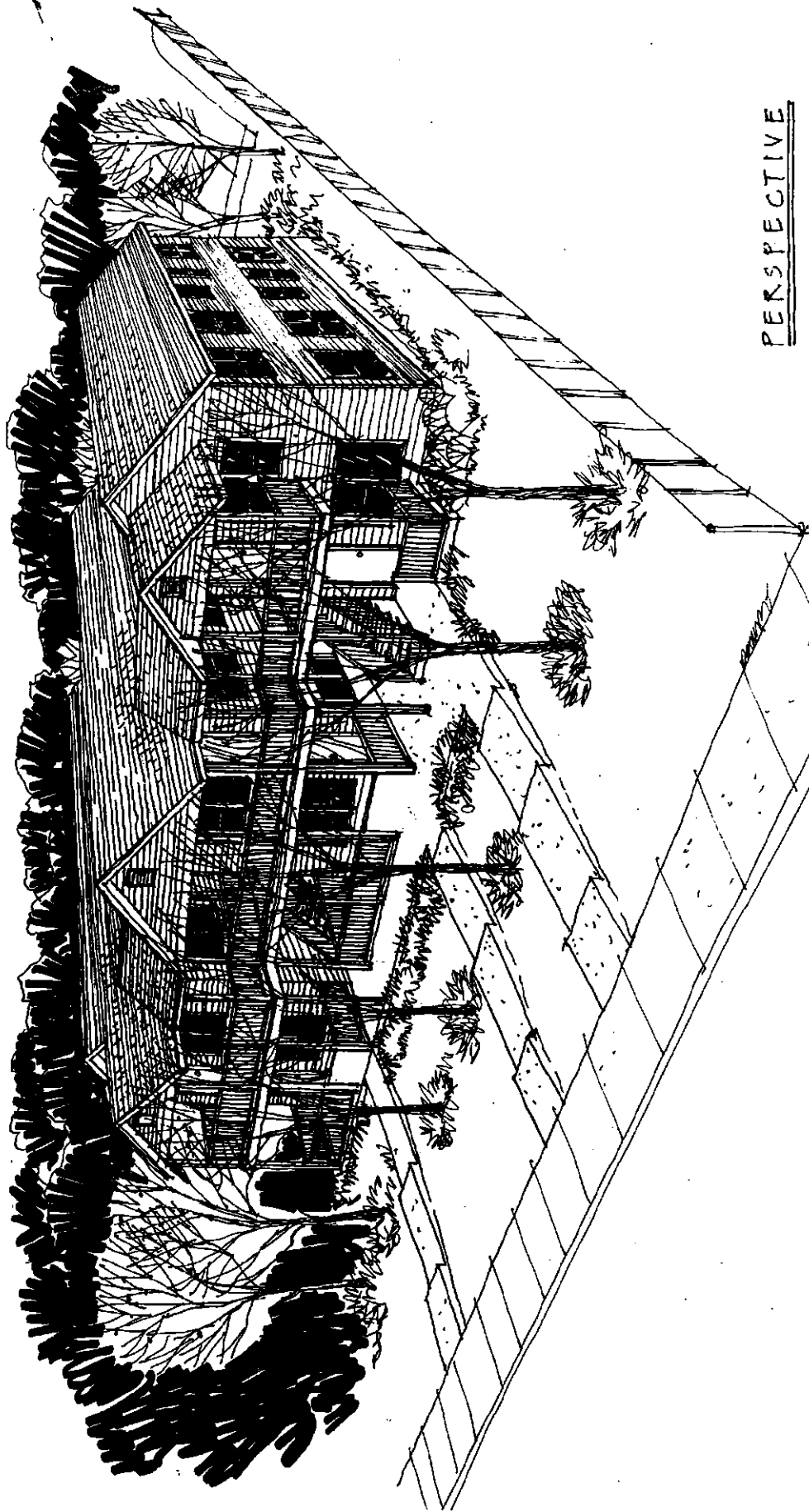
D-2

that can attract families and individuals paying \$800 per month or more, as compared to existing \$300 to \$600 per month, thus helping to enhance the quality of life in the area..

5. ***Neighborhood residents have been working on this plan for a very, very long time*** – We can appreciate this, and our plans, our investment, and, our taxes are also inextricably tied to the neighborhood plan. As such, my mother has followed the planning process, she has appeared before the neighborhood association, and she has advised the neighborhood association, City Planning staff and the City Council of her desire to maintain the MF 4 zoning designation and to build a multi-family building. In fact, we had to wait for rules to be created which allowed for and outlined the Neighborhood Plan amendment process, in which we are now engaged.

We appreciate your time, and thank you very much for your consideration.

D-3₃

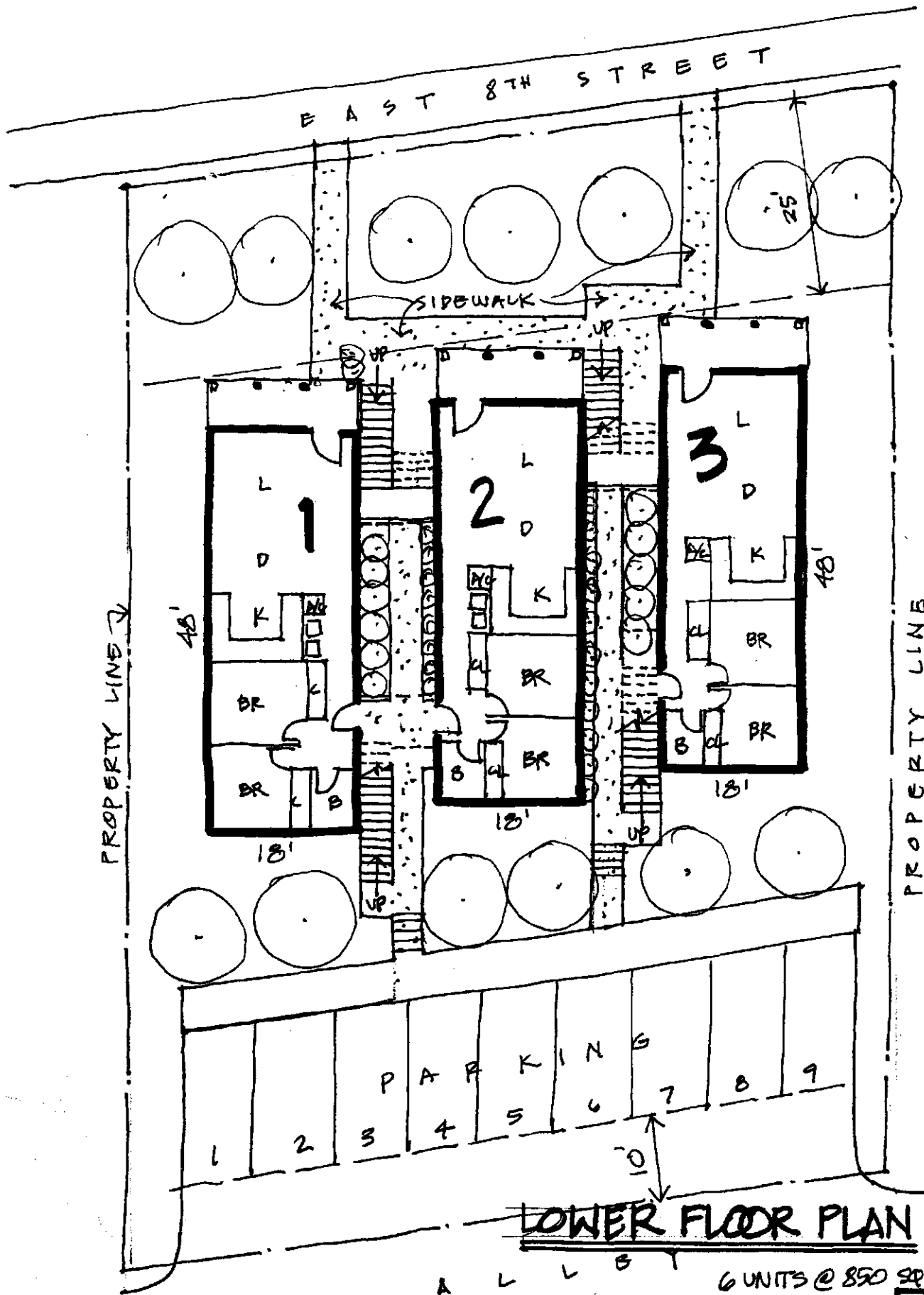


PERSPECTIVE

SIX UNITS • 2017 AND 2101 EAST 8TH ST
AUSTIN, TEX HATCH PARTNERSHIP LLP FEB. 10. 04

5

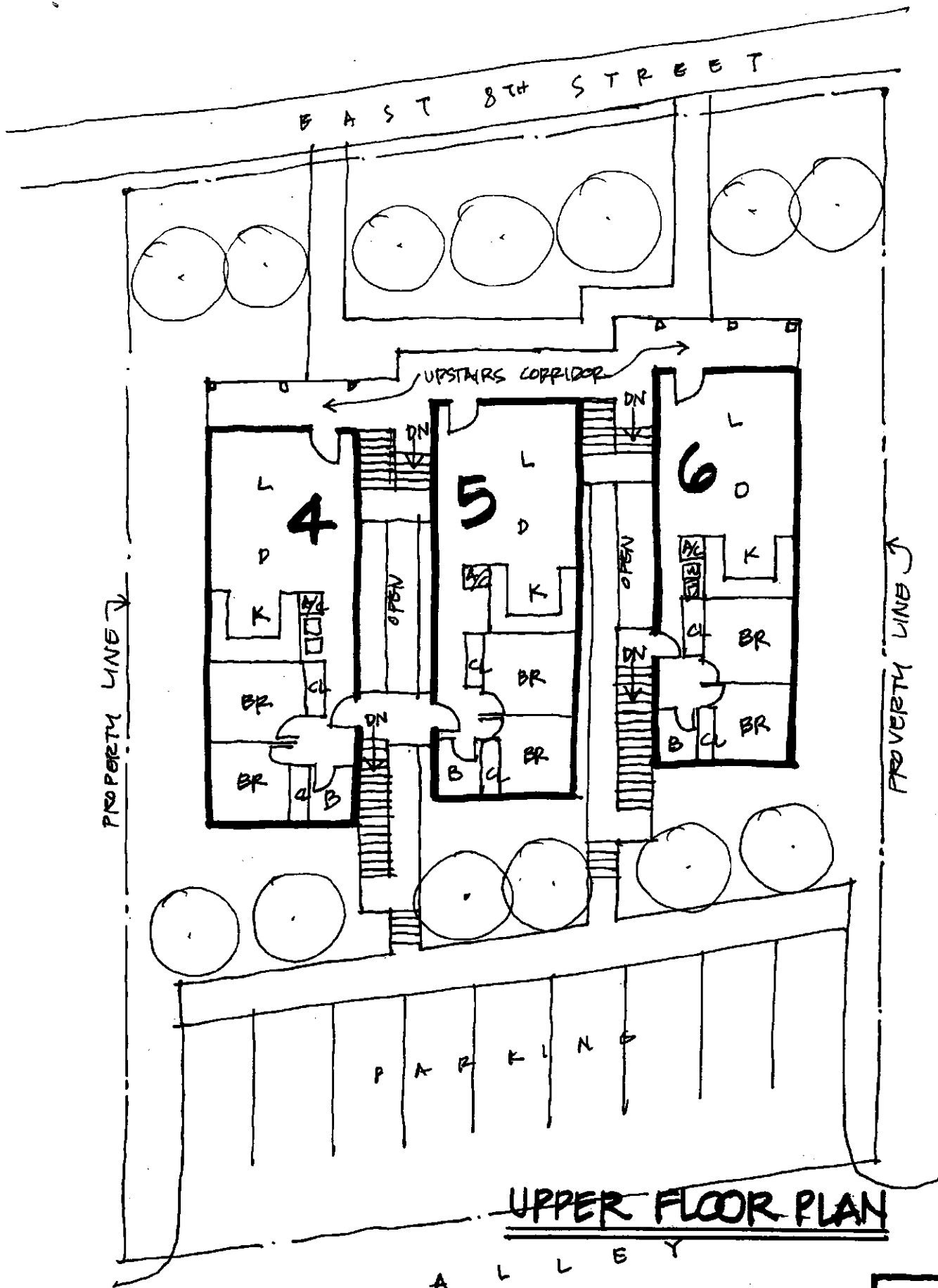
D-4



SIX UNITS • 2017 AND 2101 EAST 8TH ST
 AUSTIN, TEX. HATCH PARTNERSHIP LP JAN. 28. 04

6 UNITS @ 850 SQ. FT.

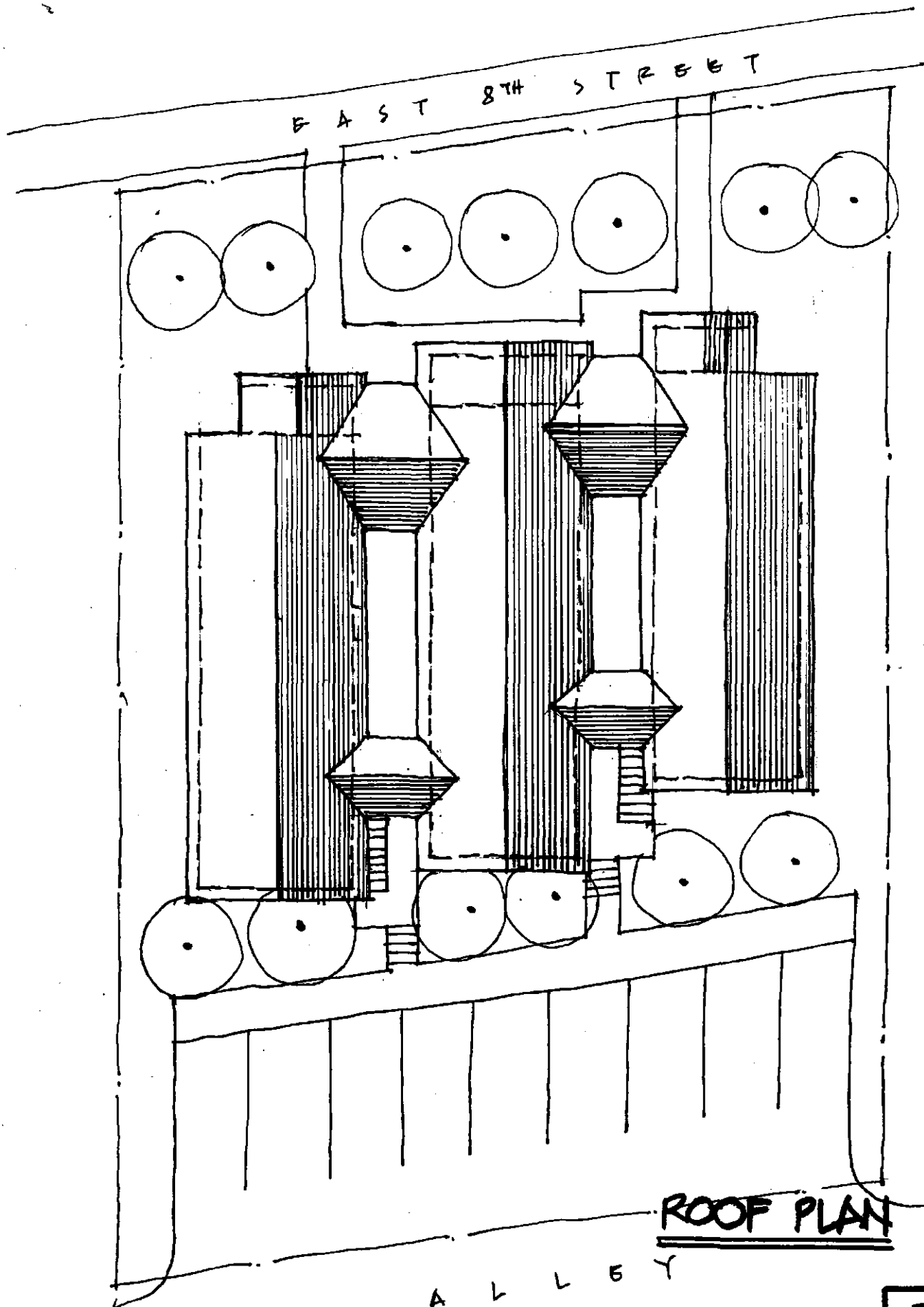
1
 1 of 4



SIX UNITS • 2017 AND 2101 EAST 8TH ST
 AUSTIN, TEX HATCH PARTNERSHIP LLP JAN. 28.04

2
 2 OF 4

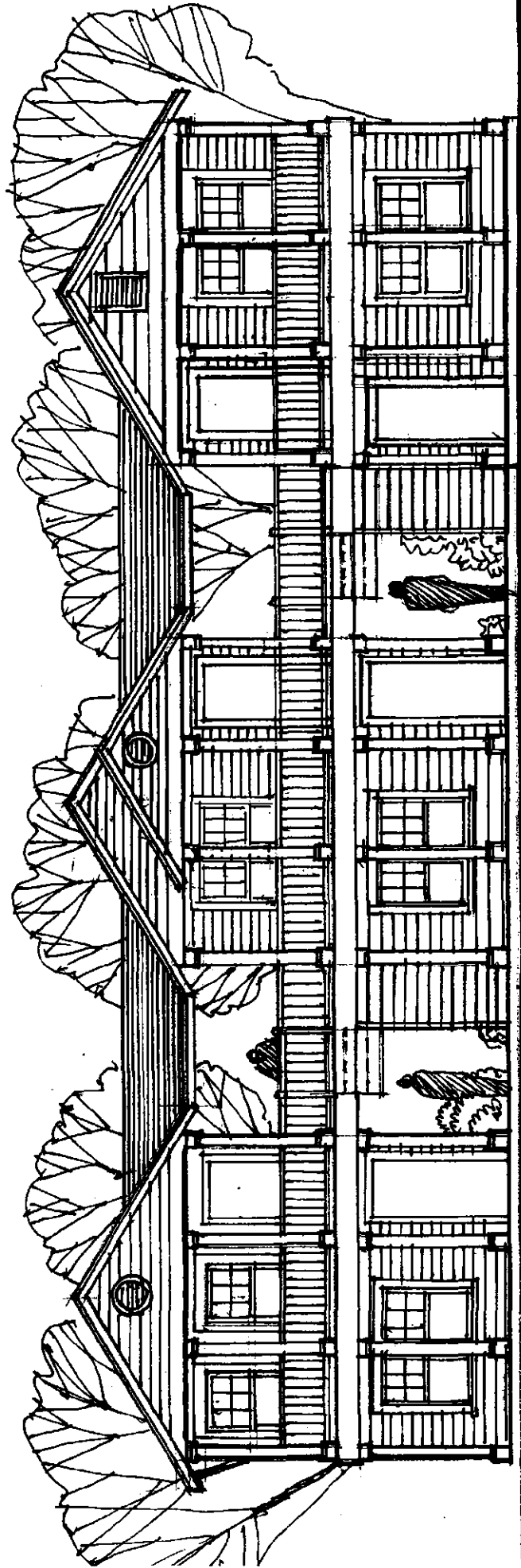
06



SIX UNITS • 2017 AND 2101 EAST 8TH ST
 AUSTIN, TEX HATCH PARTNERSHIP LLP JAN 28 04

3
 344

D-7



FRONT ELEVATION • 1/8"

D8

4
4-14

SIX UNITS • 2017 AND 2101 EAST 8TH ST
AUSTIN, TEX HATCH PARTNERSHIP LLP JAN. 28. 04

**THE GARDENS
APARTMENT HOMES
2101-2017 EAST 8TH STREET
AUSTIN, TX**

January 5, 2004

Mr. Jimmy Butler, Acting President
Blackshear Neighborhood Association
Austin, TX 78702

Dear Mr. Butler and members of Blackshear Neighborhood Assn.,

My Mother and I would like to take this opportunity to thank you for your dedicated stewardship efforts that are helping to stem the deterioration of the Black shear neighborhood and attempting to guide the neighborhood back to the once rich and healthy quality of life that the long term residents, such as Mrs. Nobles, can remember that they once enjoyed. My Mother and I share your desire and passion to revitalize this once grand old neighborhood.

While we obviously think that the investment of approximately \$1million that we are trying to make at 2017 and 2017 East 8th street will go a very long way toward helping to revitalize the neighborhood, we also recognize and understand you alls' desire to enhance the quality of life in Blackshear while working hard to turn around the flow of disinvestment in the neighborhood. It is in this spirit that I think we should join forces in our efforts to turn the disinvestment around and begin to revitalize the Blackshear neighborhood. We'd like to begin to work more closely with you by first addressing the concerns you've articulated at the two public discussions regarding approval of our project. Those are:

1. **Traffic** – parking will be under and in front of the residential bldg.; with help of Blackshear neighborhood assn. we may be able to provide additional access by widening and using the alleyway shared with 7th street businesses.
2. **Neighborhood character** – what is planned is a well designed 2 or 3 story building whose architectural features are similar to and complementary to those of existing structures in the neighborhood, whose landscaping features are compatible with those nearby and that minimizes detracting from the surrounding neighborhood.

09

3. ***Apartment buildings in the neighborhood attract criminal elements such as drug pushers and others*** – If we all accept the theory that a better quality building will attract a better quality resident, then I think we can agree that by demolishing the existing buildings, we can rebuild quality residential property that can attract families and individuals paying \$800 per month or more, as compared to existing \$300 to \$600 per month, thus helping to enhance the quality of life in the area..

We'd like to see if these remedies are sufficient to get support from the Blackshear neighborhood association for The Gardens apartment homes project.

Should you have questions or need additional information from us, please contact me at 762-8815 or by email at deedcobb@aol.com.

Thank you for your time, and I look forward to talking with you soon.

Bernice B. Butler

Cc: Nell Peterson
Louree Atkins

D-10

Beaudet, Annick

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-1ST, MM-2ND; MA, DS-ABSENT, LO-ON LEAVE)

DISCUSSION AND ACTION

3. **Code** C2O-03-020 - Amendments to Land Development Code relating to
Amendment: pedestrian-oriented uses and ROW vacations.
Staff: 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-1ST, MM-2ND; MA, DS-ABSENT, LO-ON LEAVE)

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

4. **Neighborhood** **NPA-03-0005.03.SH - Steiner Tract - Montopolis Neighborhood**
Plan Amendment: **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-1ST, MM-2ND; 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-1ST, MM-2ND; MA, DS-ABSENT, LO-ON LEAVE)

6. **Neighborhood** **NPA-03-0009.02 - Central East Austin Plan Amendment**
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 7th 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 8th 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 7th Street. They did consider East 8th 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 8th and 12th 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 8th Street, has been living on East 8th 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-1st, MC-2nd; LO- on leave, MA, DS-absent)

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

VOTE: 5-0 (NS-1ST, MC-2ND; 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.

7. Zoning: C14-03-0096 - Central East Austin Rezoning
 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.: **Not Recommended**
 Staff: Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

SEE ITEM 6 FOR DISCUSSION, MOTION AND VOTE.