

Rec'd 12/14 2:00 PM Z-24

December 12, 2005

Dear Mayor and Member of the Austin City Council,

My name is Silvia Ybarra and I live directly behind the property at 704 Gunter Street. I am opposed to the rezoning of this property from CS-CO-NP to CS-MU-CO-NP. I am a student and my schedule on December 15, 2005 will not allow for me to attend the City Council meeting. I have talked with the my neighbor's, who are also opposed to this rezoning, and they join me in requesting a postponement of Agenda Item's number 23 and 24 to January 26, 2006.

I believe that there are many ways that this situation can be resolved to allow for the appropriate zoning and development of this area. Allowing for mixed use zoning which DOES NOT REQUIRE actual mixed use development and will allow the development of single family homes (which the owner has said they will develop under the MU) is not the appropriate zoning for this area.

Thank you,



Silvia Ybarra, 3401 Gonzales Street

PETITION

Case Number:

C14-05-0122

Date:

Dec. 14, 2005

Total Area within 200' of subject tract: (sq. ft.)

242,658.18

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|----|---------------------|--|------------------|---------------|
| 1 | <u>02-0214-0801</u> | <u>PARNELL JEFFREY S & GREGORY R</u> | <u>19,774.05</u> | <u>8.15%</u> |
| 2 | <u>02-0214-0802</u> | <u>PARNELL JEFFREY S & GREGORY R</u> | <u>26,395.67</u> | <u>10.88%</u> |
| 3 | <u>02-0214-0803</u> | <u>YBARRA BENNIE</u> | <u>10,013.23</u> | <u>4.13%</u> |
| 4 | <u>02-0214-0808</u> | <u>OLIVER STACY</u> | <u>19,821.00</u> | <u>8.17%</u> |
| 5 | <u>02-0414-0408</u> | <u>GUTHRIE BOB & ANN</u> | <u>3,016.70</u> | <u>1.24%</u> |
| 6 | | | | <u>0.00%</u> |
| 7 | | | | <u>0.00%</u> |
| 8 | | | | <u>0.00%</u> |
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| 23 | | | | <u>0.00%</u> |
| 24 | | | | <u>0.00%</u> |
| 25 | | | | <u>0.00%</u> |

Validated By:

Stacy Meeks

Total Area of Petitioner:

79,020.64

Total %

32.56%

October 10, 2005

VIA E-MAIL

Chris Riley, Chair
Planning Commission

Matthew Moore
Planning Commission

John-Michael Vincent Cortez
Planning Commission

Jay Reddy
Planning Commission

Mandy Dealey
Planning Commission

Gary Stegeman
Planning Commission

Cid Galindo
Planning Commission

David Sullivan
Planning Commission

Keith Jackson
Planning Commission

Re: NPA-05-0016.01 and C14-05-0122 (704 Gunter)

Dear Chair and Members of the Planning Commission:

The future land use designation for 704 Gunter, as decided by consensus, was *red/commercial (no mixed use)*.

I just spoke with Mr. Llanes of the Govalle Planning Team, and he is prepared to amend his support letter based on the fact that staff did not forward him my comments to consider prior to issuing a letter of support to the applicant. He will most likely amend the letter to include the conditional overlay that I suggested and/or to support a two week postponement to re-address the applicant's proposal, as it has changed since the September 21, 2005 City facilitated Neighborhood Plan Amendment meeting.

We represent the adjacent property owner to the South (3414 East 7th Street). We are in favor of the requested CS-MU ONLY if there is an associated Conditional Overlay (CO) which prohibits all uses which would trigger compatibility on adjacent properties. The red/commercial designation was well thought out and it considered and respected the effect of compatibility on adjacent, small commercially zoned properties.

The uses we request to be prohibited via a CO are:

- Single Family Residential
- Single Family Attached Residential
- Duplex Residential
- Two Family Residential
- Small Lot Single Family
- Condominium Residential
- Bed and Breakfast Groups 1 & 2
- Retirement Housing (Small Site)
- Townhouse Residential

I attended the City facilitated Neighborhood Plan Amendment meeting. At that time, the proposal from this applicant was to construct seven (7) townhome/condominium units. Our client agreed with that proposal because townhome/condominium development is considered commercial development by the City of Austin and does not trigger compatibility setbacks. We agreed only if the owner agreed to impose a CO prohibiting all uses which would trigger compatibility setbacks. She agreed.

We thought we had an agreement to a Conditional Overlay and we would proceed on the Planning Commission consent agenda on October 11, 2005.

Sunday night (October 9, 2005) the owner sent an e-mail to City Staff and myself stating that she had changed her mind and was now considering doing two duplexes, on individual residential lots, and could not agree to our agreed upon Conditional Overlay. She did not include the Govalle Planning Team in this e-mail. This change was apparently due to the fact that she had consulted with the City Development Assistance Center and was told of parking requirements and site plan requirements. Apparently, the Development Assistance Center advised her to consider re-subdividing rather than developing as commercial multifamily.

The Planning Commission needs to be aware that this rezoning request has the effect of triggering compatibility on the property directly adjacent to the north and to the south. For the property to the south, this zoning change will render the site undevelopable, a MU designation will also render the property to the north less developable for true LR-MU mixed use development as the duplex uses (on separate lots), as proposed by Saldana Homes will trigger compatibility on both adjacent properties.

This owner can build four (4) or five (5) units on her existing lot, this would be accomplished through the site plan process and would not trigger compatibility on adjacent property. There is no reason, other than monetary, to not agree to a Conditional Overlay to prohibit uses which would trigger compatibility. She believes that a residential subdivision would be a cheaper process than a commercial site plan, to the detriment of her neighbor's.

The owner can develop two (2) duplexes on her existing lot, a situation which would not trigger compatibility standards and a situation which would have her neighbor, 3414 East 7th Street, in agreement to her proposal. All she has to do is honor what she agreed to at the City facilitated meeting and with me verbally on September 22, 2005.

Chair and Members of the Planning Commission
October 10, 2005
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Again, we ask that you either consider the CS-MU proposal with the addition of a CO which prohibits all uses which would trigger compatibility or grant a two week postponement to allow the property owner and adjacent neighbor to attempt to find a solution. The addition of the CO I have suggested still allows multifamily residential, which is what the owner proposed at the City facilitated meeting and what would not trigger compatibility standards upon the redevelopment of her neighbor's property to the north and to the south.

Yours very truly,

A handwritten signature in black ink that reads "Annick Beaudet". The signature is written in a cursive, flowing style.

Annick Beaudet
Land Development Coordinator

AUS:2620653.1
1.901

October 26, 2005

Chairman Riley and Members of the Austin Planning Commission

Re: Notice of Opposition - Zoning Case No. C14-05-0122, 704 Gunter

Dear Chairman Riley and Planning Commissioners:

The purpose of this letter is to express my position concerning the above-referenced zoning case. I am in opposition to the rezoning being requested based upon the proposed development plan for the property. My address is 3401 Gonzales Street, and my rear property line abuts the subject property. My family has lived at 3401 Gonzales for over 40 years, and we object to the proposed development of single-family houses or duplexes on this lot now zoned for commercial development. Not only will residential development on the 704 Gunter property put more residential homes in an inappropriate and unsafe location, but such development will also detrimentally affect the ability of me and my adjacent neighbors to the left and right to develop their properties in the future.

Please know that I attended your October 25th hearing on this case, but arrived too late to speak to ask for a postponement of the case. I was able to hear the other speakers in favor of postponement and concur with their comments and concerns. In short, I thank you for granting postponement of this case to allow for further study of the requested development and whether better development scenarios – that do not reduce the future value of our property – are possible.

It is my desire that this site be developed for commercial development, and I would support the addition of the MU overlay if and only if a real mixed-use project is required as a condition. It is my understanding that the addition of the MU overlay without such a requirement will allow for a solely-residential development for this site, including a low-density single-family or duplex development. Such a development is undesirable at this location for several reasons. First, it is not consistent with what was envisioned for this site – and other sites along the East 7th Street corridor – when our Govalle neighborhood plan was adopted. The plan clearly shows this site as commercial. Second, the proposed development would place the purchasers of those single family houses or duplexes in an unsafe situation, as this portion of 7th Street is among the busiest and most heavily-traveled streets in our community. It is hardly a neighborhood street suitable for single-family homes. Lastly, single-family residential development on Ms. Rocha's site will create a compatibility setback on our property and on all properties abutting Ms. Rocha's and will hinder our future ability to develop our properties with uses consistent with the commercial zoning established for our properties in the neighborhood plan. I understand from the City that single-family residences on Ms. Rocha's tract will trigger the requirement that we construct nothing for a distance of 25-feet from our rear property line. I

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also understand that no such setback would be triggered by a multi-family or commercial development on the site.

Again, our Govalle neighborhood plan clearly indicates that the property along East 7th Street not be residential or mixed-use. For this reason, we ask that you deny the requested zoning change. If it is the desire of the Commission to recommend the requested mixed-use, please place a condition on the property that will require that a true mixed-use development will be developed, not just residential. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Silvia Ybarra".

Silvia Ybarra
3401 Gonzales Street