Zoning Ordinances/Restrictive Covenants
CITY OF AUSTIN **AGENDA**
DATE: 4/20/2006

#70

RECOMMENDATION FOR COUNCIL ACTION

Subject: C14-05-0201 - 2100 Parker Lane - Approve third reading of an ordinance to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2100 Parker Lane (Harper's Branch Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions. First reading approved on March 2, 2006. Vote: 7-0. Second reading approved on April 6, 2006. Vote: 7-0. Applicant: Jim Cummings. Agent: Urban Design (Laura Toups). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

Requesting Department: NPZD

For More Information: Robert Heil, 974-2330.

THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0201 (2100 Parker Lane)

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2100 Parker Lane (Harper's Branch Creek Watershed) from family residence (SF-3) to townhouse condominium residence (SF-6) district zoning.

DEPARTMENT COMMENTS:

Staff recommends approval of SF-6-CO zoning. The conditional overlay is as follows:

1. Limit Density to 20 units with a maximum of 12 buildings.
2. Restrict site plan to one (1) driveway on Windoak.
3. If the rear of any proposed buildings on the site plan directly face Windok, then a vegetative buffer will be installed to visually screen from Windoak.
4. Site plan shall incorporate all protected trees. Developer will not request the removal of any living "protected tree" as defined by the COA tree ordinance.

The site is large single family zoned lot with a single large home. The request is to rezone the lot to allow townhouse and condominium development (SF-6-CO). The conditional overlay was drafted by the applicant following the public hearing to address the concerns raised by City Council.

A valid petition has been turned in opposing the application representing 20.88% of the property within 200 feet.

APPLICANT/OWNER: Jim Cummings

AGENT: Urban Design (Laura Toups)

DATE OF FIRST READING: March 2, 2006 (7-0).

DATE OF SECOND READING: April 6, 2006 (7-0).

CITY COUNCIL ACTION: Approved staff recommendation of townhouse and condominium development-conditional overlay (SF-6-CO) on second reading (7-0 vote).

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil, e-mail: robert.heil@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0201 **PC. DATE:** January 24, 2006
February 14, 2006

ADDRESS: 2100 Parker Lane

OWNER/APPLICANT: Jim Cummings

AGENT: Urban Design (Laura-Toups)

ZONING FROM: SF-3 **TO:** SF-6-CO

AREA: 2.125 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of SF-6-CO zoning. The conditional overlay is as follows:

1. Limit Density to 20 units with a maximum of 12 buildings.
2. Restrict site plan to one (1) driveway on Windoak.
3. If the rear of any proposed buildings on the site plan directly face Windok, then a vegetative buffer will be installed to visually screen from Windoak.
4. Site plan shall incorporate all protected trees. Developer will not request the removal of any living "protected tree" as defined by the COA tree ordinance.

PLANNING COMMISSION RECOMMENDATION:

January 24, 2006: Postponed to February 14, 2006.

February 14, 2006: ITEM FORWARDED TO CITY COUNCIL WITH NO RECOMMENDATION BY THE PLANNING COMMISSION.

1ST MOTION FAILED - TO APPROVE SF-6-CO DISTRICT ZONING; LIMITED TO A MAXIMUM OF 20 UNITS AND A MAXIMUM OF 12 STRUCTURES. [M.MOORE, C.GALINDO 2ND] (4-4) K.JACKSON, D.SULLIVAN, M.DEALEY, C.RILEY – NAY; J.REDDY – ABSENT

2ND MOTION FAILED – TO POSTPONE TO 03/28/06. [D.SULLIVAN, J.M.CORTEZ 2ND] (4-4) M.DEALEY, C.GALINDO, M.MOORE, G.STEGEMAN – NAY; J.REDDY – ABSENT

ITEM FORWARDED TO CITY COUNCIL WITH NO RECOMMENDATION BY THE PLANNING COMMISSION.

DEPARTMENT COMMENTS:

DEPARTMENT COMMENTS:

The site is large single family zoned lot with a single large home. The request is to rezone the lot to allow townhouse and condominium development (SF-6-CO). The conditional overlay was drafted by the applicant following the public hearing to address the concerns raised by City Council.

The site lies within the Riverside Neighborhood Plan area which is currently underway. The neighborhood plan was presented to the Planning Commission on October 25, 2005, and at that time the Commission postponed action until March 28, 2006. This site had not been discussed as part of the neighborhood plan process, and this request was not included in the October 25 presentation. However, since that time, the property owners have been discussing the project with representatives of the neighborhood and neighborhood planning team.

A valid petition has been turned in opposing the application representing 21% of the property within 200 feet.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3	Single Family Home
North	SF-3	Single Family Homes
South	LR, MF-3	Apartments
East	SF-3	Church
West	SF-3, MF-4 and CS-CO	Vacant Single Family lots, Detention Pond and Auto Repair

AREA STUDY: The site falls within the Riverside Neighborhood Plan, currently underway.

TIA: Not Required **WATERSHED:** Harper's Branch Creek

DESIRED DEVELOPMENT ZONE: Yes

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

REGISTERED COMMUNITY ORGANIZATIONS:

- South River City Citizens' Association
- Southeast Austin Neighborhood Alliance
- Crossing Gardenhome Owners Association
- Terrell Lane Interceptor Association
- Baron Springs/Edwards Aquifer Conservation District
- South Central Coallition
- PODER - People Organized to Defend Earth and her Resources
- Austin Neighborhoods Council
- East Riverside/Oltorf Neighborhood Planning Team

SCHOOLS:

- Travis Height Elementary School
- Fulmore Middle School
- Travis High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification
Parker Lane	70'	36'	Collector
Windoak Drive	50'	30'	Local

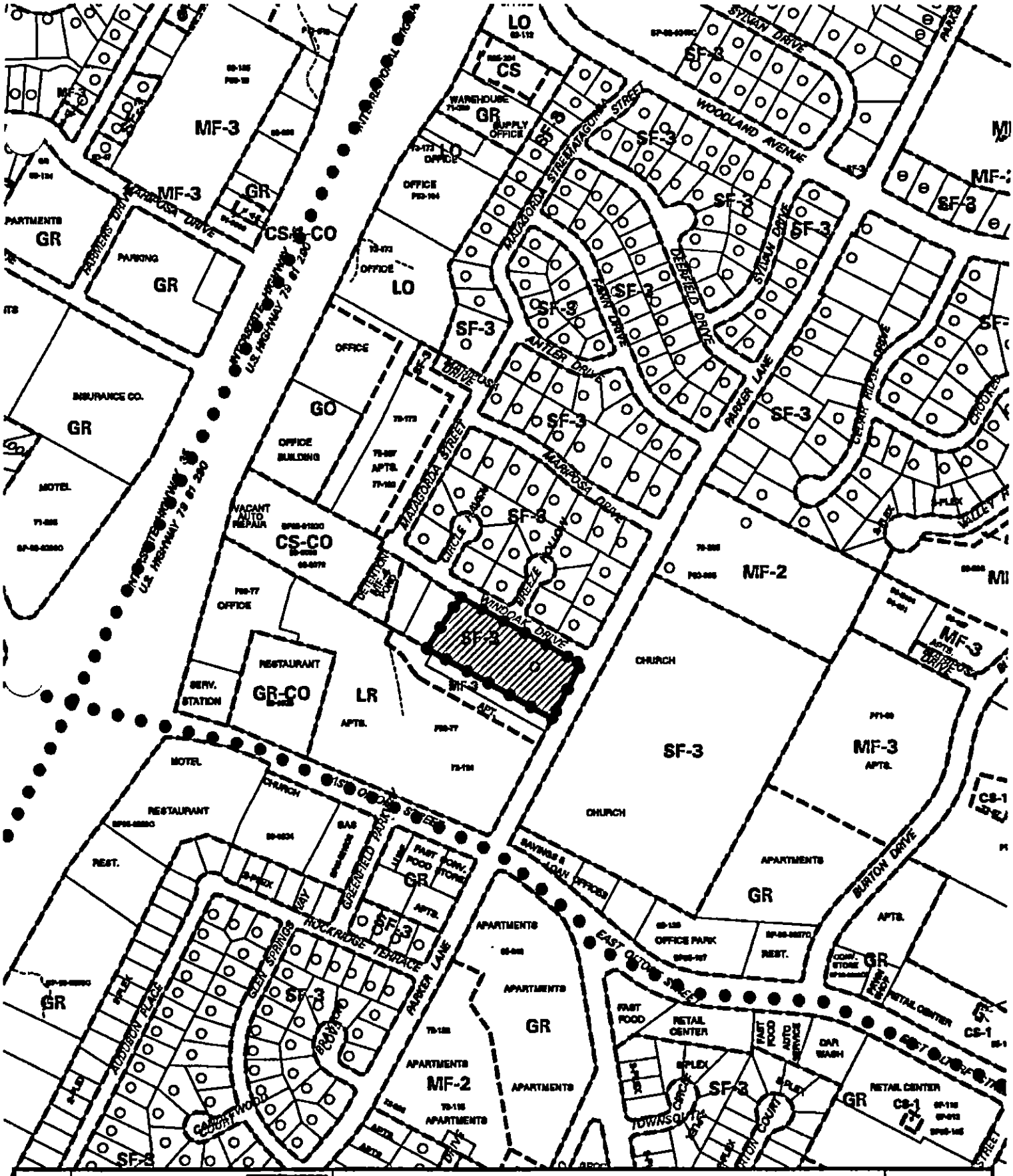
- There are existing sidewalks along Parker Lane.
- Parker Lane is classified in the Bicycle Plan as a Priority 1 bike route.
- Capital Metro bus service is available along Parker Lane.

CITY COUNCIL DATE:	ACTION:.
February 16, 2006	Postponed to March 2, 2006 by neighborhood and staff
March 2, 2006	The public hearing was closed and the first reading of the ordinance for townhouse and condominium residence (SF-6) district zoning was approved with instructions to staff to work through conditional overlays on Council Member Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.
April 6, 2006	Approved staff recommendation of townhouse and condominium development-conditional overlay (SF-6-CO) on second reading (7-0 vote).

ORDINANCE READINGS: 1st: 3/2/06 2nd 4/06/06 3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil PHONE: 974-2330
e-mail address: robert.heil@ci.austin.tx.us



N 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: R.HEIL	ZONING CASE #: C14-05-0201 ADDRESS: 2100 PARKER LN SUBJECT AREA (acres): 2.125	DATE: 05-11 INTLS: SM	CITY GRID REFERENCE NUMBER J19

SUMMARY STAFF RECOMMENDATION

Staff recommends approval of SF-6-CO zoning. The conditional overlay is as follows:

1. Limit Density to 20 units with a maximum of 12 buildings.
2. Restrict site plan to one (1) driveway on Windoak.
3. If the rear of any proposed buildings on the site plan directly face Windok, then a vegetative buffer will be installed to visually screen from Windoak.
4. Site plan shall incorporate all protected trees. Developer will not request the removal of any living "protected tree" as defined by the COA tree ordinance.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

SF-6 zoning would provide for a transition from the multi-family uses to the south and the single family uses to the north. Also, SF-6 zoning could provide opportunities for more flexible site development resulting in a higher level of tree preservation.

EXISTING CONDITIONS

Site Characteristics

The site is currently a large single family home. The house was constructed in 1965 and is not recognized as a historical structure by the City of Austin's Historic Preservation Officer. A demolition permit has been granted for the house.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Harpers Branch Creek 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 district impervious cover limits will apply.

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

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 rimrock, 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 185 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).

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]

Existing Street Characteristics:

Name	ROW	Pavement	Classification
Parker Lane	70'	36'	Collector
Windoak Drive	50'	30'	Local

There are existing sidewalks along Parker Lane.

Parker Lane is classified in the Bicycle Plan as a Priority 1 bike route.

Capital Metro bus service is available along Parker Lane.

Water and Wastewater

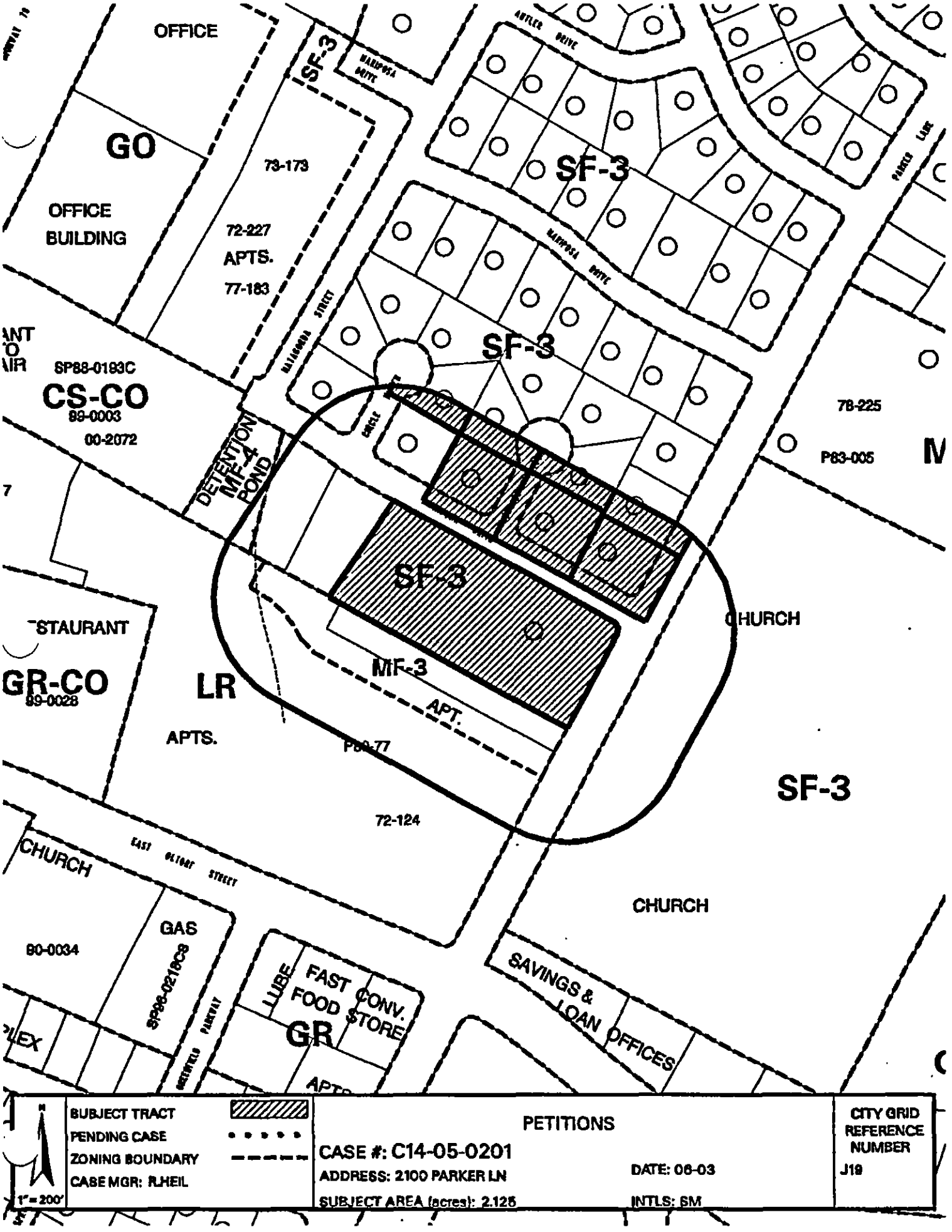
The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City.

Site Plan

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

- No structure may be built within 25 feet of the property line.

- 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.
- 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.


OFFICE
SF-3
GO
OFFICE BUILDING
73-173
72-227
APTS.
77-183
SF-3
SF-3
SP88-0183C
CS-CO
89-0003
00-2072
DETENTION MF-4 POND
78-225
P83-005
SF-3
MF-3
APT.
CHURCH
GR-CO
89-0028
LR
APTS.
72-124
SF-3
CHURCH
CHURCH
GAS
90-0034
SP96-0218CS
FAST CONV. FOOD STORE
GR
SAVINGS & LOAN OFFICES
APTS
BUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: R.HEIL
1" = 200'
PETITIONS
CASE #: C14-05-0201
ADDRESS: 2100 PARKER LN
SUBJECT AREA (acres): 2.125
DATE: 06-03
INTLS: SM
CITY GRID REFERENCE NUMBER
J19

PETITION

Case Number: **C14-05-0201** Date: Mar. 1, 2006

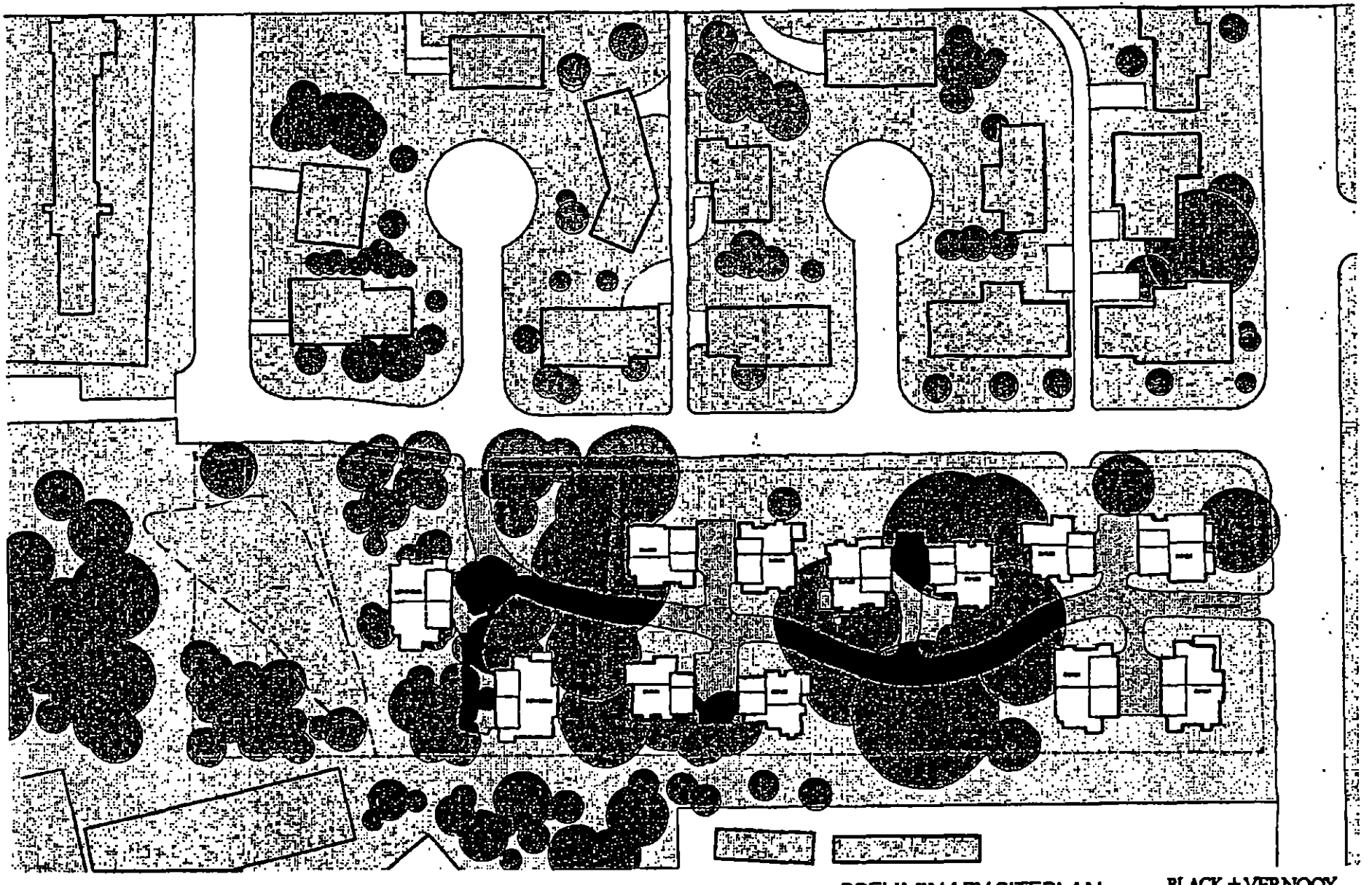
Total Area within 200' of subject tract: (sq. ft.) 388,616.51

1	03-0503-1010	LADD FRANK O & KWI M	7,107.76	1.83%
2	03-0503-1011	SONNENBERG JUDITH L	19,168.20	4.93%
3	03-0503-1012	OSGOOD MARY JO	19,758.71	5.08%
4	03-0503-1014	STEINHAUS JEFFERY J & JOAN M	5,998.89	1.54%
5	03-0503-1016	BRIGANTI FRANK & RAMAH	5,989.25	1.54%
6	03-0503-1020	LEE JAMES L & CHARLESTA K LEE	5,071.79	1.31%
7	03-0503-1017	MCCAFFERTY DANIEL J	18,038.12	4.64%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%

Validated By: Stacy Meeks

Total Area of Petitioner: 81,132.72

Total %: 20.88%



PRELIMINARY SITEPLAN

BLACK + VERNOOY

CITY PLANNING COMMISSION

February 14, 2006
City Hall – Council Chambers
301 W. 2nd Street
1st Floor
[Annotations & Zoning Summaries]

CALL TO ORDER – 6:00 P.M.
COMMENCED: 6:13 P.M. ***ADJOURNED: 12:35 A.M.***

_____John-Michael Cortez – Secretary	__A__Jay Reddy – Assistant Secretary
_____Mandy Dealey – Parliamentarian	_____Chris Riley - Chair
_____Cid Galindo	_____Gary Stegeman
_____Keith L. Jackson	_____Dave Sullivan – Vice Chair
_____Mathew Moore	

CONDUCT OF PUBLIC HEARINGS

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those FAVORING the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those OPPOSING the request.
7. Primary presentation (5 minutes).
8. Others opposing the request (3 minutes).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION OR CITIZENS THAT ARE UNABLE TO SPEAK BUT WOULD LIKE TO MAKE THE COMMISSION AWARE OF THEIR POSITION ARE REQUESTED to REGISTER BY SIGNING A CARD AT THE ENTRANCE.

Any interested party aggrieved by a decision of the Planning Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Planning Commission.

Facilitator: Sylvia Limon
City Attorney: Ross Crow, 974-2159

9. Rezoning: C14-05-0201 - 2100 Parker Lane

Location:	2100 Parker Lane, Harper's Branch Creek Watershed, Parker Lane NPA
Owner/Applicant:	FS Ventures (Jim Cummins)
Agent:	Urban Design (Laura Toups)
Request:	**FROM SF-3 TO SF-6**
Staff Rec.:	**RECOMMENDED**
Staff:	Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us Neighborhood Planning and Zoning

1ST MOTION FAILED - TO APPROVE SF-6-CO DISTRICT ZONING; LIMITED TO A MAXIMUM OF 20 UNITS AND A MAXIMUM OF 12 STRUCTURES. [M.MOORE, C.GALINDO 2ND] (4-4) K.JACKSON, D.SULLIVAN, M.DEALEY, C.RILEY – NAY; J.REDDY – ABSENT

2ND MOTION FAILED – TO POSTPONE TO 03/28/06. [D.SULLIVAN, J.M.CORTEZ 2ND] (4-4) M.DEALEY, C.GALINDO, M.MOORE, G.STEGEMAN – NAY; J.REDDY – ABSENT

ITEM FORWARDED TO CITY COUNCIL WITH NO RECOMMENDATION BY THE PLANNING COMMISSION.

SUMMARY

Robert Heil, staff, gave presentation.

10. ~~Rezoning:~~ C14-05-0200 - Rockin Y

Location:	~~7629, 7715~~ and 7739 West SH 71, Williamson Creek - Barton Springs Zone Watershed, West Oak Hill NPA
Owner/Applicant:	Eric Yerkovich; Michael Wayne Bomer and Crystal Lee Bomer
Agent:	Land Answers (Jim Wittliff)
Request:	**RR to LR-MU-CO**
Staff Rec.:	**RECOMMENDATION OF LR-MU-CO FOR TRACT 1; LO-MU-CO FOR TRACT 2**
Staff:	Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION FOR LR-MU-CO DISTRICT ZONING; WITH ADDED CONDITIONS OF 2000 VEHICLE TRIP LIMIT; 50' VEGETATIVE BUFFER FROM THE SF-1; PROHIBIT DRIVE-THRU AS AN ACCESSORY USE; 100' HEIGHT LIMITED TO 1 STORY; BY CONSENT. [D.SULLIVAN; M.DEALEY 2ND] (8-0) J.REDDY – ABSENT

Facilitator: Sylvia Limon
City Attorney: Ross Crow, 974-2159

Closed Caption Log, Council Meeting, 03/02/06

Note: Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records or transcripts, please contact the City Clerk at (512) 974-2210.

MAYOR, COUNCIL, THAT TAKES US TO OUR NEXT ITEM, ITEM NUMBER Z-9, THIS IS ZONING CASE C-14--05-0201. THIS IS A PARKER LANE, 2100 PARKER LANE. THIS IS FROM SF-3 TO SF-6. THE PLANNING COMMISSION FORWARDED THIS CASE TO YOU WITHOUT A RECOMMENDATION. THEY ACTUALLY MADE SEVERAL RECOMMENDATIONS. ONE TO APPROVE THE REQUEST LIMITING THE PROPERTY, SF-6 ZONING, LIMITING THE PROPERTY TO 20 UNITS AND 12 BUILDINGS. THAT FAILED ON A FOUR TO FOUR VOTE. THEY THEN CONSIDERED ALSO A POSTPONEMENT OF THE CASE AT THE PLANNING COMMISSION, AND THAT ENDED UP WITH A 4-4 VOTE. SO THIS CASE IS BEING BROUGHT TO YOU WITHOUT A FORMAL RECOMMENDATION OF THE PLANNING COMMISSION. THE APPLICANT DID REQUEST SF-6 ZONING. THE STAFF RECOMMENDED THE SF-6 ZONING AND THE PROPERTY IS APPROXIMATELY 2.125 ACRES OF LAND. THE OWNER IS MR. JIM CUMMINGS AND THE AGENT IS URBAN DESIGN GROUP. THE PROPERTY IS LOCATED AT THE CORNER OF WIND OAK AND PARKER, AND TO THE WEST OF THE PROPERTY IS A VACANT SF-3 AND MF-4 LAND. IMMEDIATELY TO THE NORTH IS SF-3 AND SINGLE-FAMILY HOMES. TO THE EAST IS A CHURCH PROPERTY ZONED SF-3 AND TO THE SOUTH ARE APARTMENTS THAT HAVE -- ARE ZONED MF-3 AND THE MAJORITY OF THE APARTMENT PROPERTY IS ZONED LR. THERE IS OPPOSITION TO THIS REZONING CASE THAT TAKES THE FORM ALSO OF A VALID PETITION THAT STAFF RECENTLY VERIFIED AT 20.88 PERCENT. MAINLY BY THE PROPERTY OWNERS THAT ARE TO THE NORTH OF WIND OAK THAT ARE OPPOSED TO THE REZONING REQUEST. THE SITE ALSO LIES WITHIN THE RIVERSIDE NEIGHBORHOOD PLANNING AREA, WHICH IS CURRENTLY UNDERWAY. IT WILL GO TO THE PLANNING COMMISSION IN MARCH AND PROBABLY WILL NOT GET TO YOU UNTIL APRIL. THE SITE HAS NOT BEEN DISCUSSED AS PART OF THE NEIGHBORHOOD PLANNING PROCESS AND THE REQUEST WAS NOT INCLUDED IN THE ORIGINAL OCTOBER 25TH PRESENTATION. I WANT TO POINT OUT, THOUGH, THAT SINCE THAT TIME PROPERTY OWNERS HAVE BEEN DISCUSSING THE PROJECT WITH REPRESENTATIVES OF THE NEIGHBORHOOD AND THE NEIGHBORHOOD PLANNING TEAM. THERE IS A HOUSE ON THE PROPERTY WHICH IS A PRETTY SIGNIFICANT STRUCTURE. IT'S NOT CONSIDERED AN HISTORIC STRUCTURE BY PRESERVATION OFFICER. IT WAS BUILT IN THE '60S. YOU MAY HAVE ACTUALLY SEEN A STATESMAN ARTICLE ABOUT THE HOUSE. IT'S A MANSION TYPE HOUSE. A DEMOLITION PERMIT HAS

BEEN ISSUED FOR THIS STRUCTURE. IF YOU HAVE ANY QUESTIONS, I'D BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME, AND THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL. IF NOT, WE'LL TAKE UP THE PUBLIC HEARING. WE'LL START WITH A FIVE-MINUTE PRESENTATION BY THE OWNER, APPLICANT, AGENT. WELCOME MS. TOOPZ. YOU WILL HAVE FIVE MINUTES AND WE'LL THEN HEAR FROM FOLKS WHO SUPPORT THE ZONING CASE, THOSE FOLKS IN OPPOSITION AND THEN MS. TOOPS YOU WILL HAVE TIME FOR REBUTTAL.

THANK YOU, MAYOR AND COUNCIL. STEWART SAMPLELY IS SIGNED UP IN FAVOR AND WE WERE GOING TO SHARE OUR COMBINED TIMES, IF I CAN. WHAT I'D LIKE TO DO IS START -- THIS IS ANOTHER OVERALL MAP, BUT I THINK IT'S A LITTLE CLEARER THAN THE ONE THAT YOU JUST SAW. WHAT YOU SEE HERE OUTLINED IN THE SOLID YELLOW IS THE ZONING CASE THAT IS BEFORE YOU. THE APPLICANT ALSO OWNS THE AREA IN THE DASHED LINE, AND THAT'S TWO SINGLE-FAMILY LOTS AND ANOTHER LOT THAT CONTAINS A POND ON IT, A MAN-MADE POND THAT'S BEEN ON THERE FOR MANY YEARS. AS YOU CAN SEE AS FAR AS COMPATIBILITY, WE OF COURSE ARE IN AGREEMENT WITH THE STAFF RELIGIOUS. WE HAVE -- THE STAFF RECOMMENDATION. WE HAVE THE TWO CHURCHES, CROSS PARKER APARTMENTS. WE BACK UP TO PROPERTIES ALONG I-35 AND ACROSS THE STREET IS THE SF-3 ZONING. THE REQUEST IS FOR SF-6, AND I THINK -- AS OUR PRESENTATION UNFOLDS, WE WILL ARE A PRESENTATION ABOUT ALL THE PLANNING THAT WENT INTO THIS. BUT SF-6 ALLOWS US A LOT MORE FLEXIBILITY WITH THE PROPERTY. WE HAVE MET WITH THE NEIGHBORHOOD ASSOCIATION. UNFORTUNATELY, THEY ARE STILL IN OPPOSITION, BUT BASICALLY THEIR CONCERNS, IF I CAN MAYBE SUMMARIZE THEM FOR YOU, ARE THE LOCATION OF THE UNITS AND TREES, DENSITY AND HEIGHT, BUFFER FROM THE NEIGHBORHOOD, FENCE, DRIVEWAY LOCATIONS, FLOODING, A PERFORMANCE BOND AND ASKING THAT NO VARIANCES BE GRANTED.

THE FIRST SIX OF THOSE ARE HANDLED BY THE SITE PLAN PROCESS, WHICH IS PART OF THE SF-6 ZONING. UNDER SF-3 THERE IS NO SITE PLAN PROCESS, SO OUR POSITION IS THERE'S NOT A NEED FOR A RESTRICTIVE COVENANT OR AN OVERLAY BECAUSE THOSE SPECIFICS ARE ADDRESSED THROUGH THE CITY SITE PLAN PROCESS WHICH LOOKS AT TREE PROTECTION, DRIVEWAY LOCATIONS, FLOODING, ENGINEERING AND SUCH. WANTING US TO POST A PERFORMANCE BOND IS SOMETHING THAT WE DO NOT AGREE WITH AND IT'S NEVER BEEN TOTALLY CLEAR WHAT THAT WOULD DO, BUT WE'RE NOT IN AGREEMENT WITH THAT. AND WE AREN'T ANTICIPATING ANY VARIANCES, BUT AGAIN, IT WAS NOT SOMETHING THAT WE WANTED TO AGREE WITH AT THIS TIME. SO AT THIS POINT WHAT I'D LIKE TO DO IS LET STEWART SAMPLELY WITH SINCLAIR BLACK'S OFFICE COME UP AND TALK ABOUT THE EXTENSIVE PLANNING THAT WENT INTO THIS REQUEST THAT'S HERE BEFORE YOU TODAY.

Mayor Wynn: THANK YOU. IS MICHAEL HAMILTON HERE? MICHAEL WAS WILLING TO DONATE HIS TIME TO YOU, STEWART, SO YOU WILL HAVE AN ADDITIONAL SIX MINUTES -- SIX MORE MINUTES IF YOU NEED IT.

I'M JUST PREPARING THE POWERPOINT.

GOOD EVENING, MAYOR, COUNCILMEMBERS, I'VE PREPARED A PRESENTATION FOR YOU THAT DETAILS THE PLANNING THAT WE'VE GONE THROUGH. YOU CAN SEE HERE IN THIS IMAGE THE SUBJECT PROPERTY THAT WE'RE TALKING ABOUT AND ITS RELATIONSHIP TO I-35 AND DOWNTOWN. THE EXISTING CONDITIONS OF THE SITE AS YOU CAN SEE THAT THERE'S ONE HOUSE ON 2.125 ACRES. THERE'S A DIAGRAM AND AERIAL THERE THAT SHOWS THIS. THESE ARE SOME IMAGES OF THE HOUSE FOR THOSE OF YOU THAT HAVE NOT BEEN TO IT BEFORE. SOME RELATIVELY MAGNIFICENT TREES. THESE ARE SOME IMAGES. THIS IS AN IMAGE FROM THE BACK OF THE SITE. AFTER THE -- THE MANSION WAS BUILT INSIDE OF THESE OLD TREES, AND VERY CLOSE TO THE HOUSE YOU CAN SEE SOME OF THESE IMAGES HERE. AND THE TREES HAVE (INDISCERNIBLE) VERY WELL. AND WHEN MICHAEL CAME TO US, WHAT WE TALKED ABOUT WAS HOW CAN YOU CREATE A PLAN THAT MAINTAINS THE SENSE OF PLACE AND ESTABLISHES A NEIGHBORHOOD RELATIONSHIP AND PROTECTS THE TREES? THIS IS NOT THE SOLUTION. IT'S DIVIDING THIS LOT INTO 50-FOOT LOTS. IT REALLY DESTROYS A SENSE OF PLACE. IT REALLY DOESN'T CREATE A NEIGHBORHOOD CONNECTION. IT PUTS THE DRIVEWAYS ALL OVER WIND OAK. SO WHAT WE DID WAS WE CREATED A PLAN. THAT PUT 12 BUILDINGS ON FOUR TRACTS. HOWEVER, WHAT WE'RE TALKING ABOUT TODAY, THE ZONING ONLY INCLUDES THE TRACT THAT IS HIGHLIGHTED. IT DOES NOT INCLUDE THE OTHER THREE TRACTS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] HOW THE PLAN CURRENTLY WORKS UNDER SF 3 ZONING, THE CURRENT ZONING. THIS PLAN, THE IDENTICAL PLAN CAN BE SUBDIVIDED WITHOUT ANY VARIANCES. ONCE THE LOTS ARE SUBDIVIDED THE DEVELOPMENT IS EXEMPT FROM THE SITE PLAN PROCESS. ALL OF THE UTILITIES MUST BE PROVIDED TO EACH LOT SEPARATELY. THERE'S LESS FLEXIBILITY AROUND THE EXISTING TREE ROOTS, THERE'S OVER 200 FEET OF THE STREET THAT HAS TO BE DUG UP TO -- [INDISCERNIBLE] VISUALLY THE PROPOSED PLAN WILL BE IDENTICAL SF 3 OR SF 6. I'M A LITTLE SHORT IDEA ABOUT THE FACTS. THE DEVELOPERS HAS BEEN IN CONSTANT COMMUNICATION WITH THE DEVELOPER SINCE JULY OF LAST YEAR. BEFORE HE EVEN PURCHASED THE PROPERTY. HE REQUESTED THAT THE SF 6 CHANGE THAT WAS SUPPORTED BY STAFF BE INCLUDED IN THE NEIGHBORHOOD PLAN IN SEPTEMBER. THE NEIGHBORHOOD PLAN WAS DELAYED IN OCTOBER AND THE DEVELOPER FILED A SEPARATE ZONING REQUEST PER STAFF'S RECOMMENDATION. THE DEVELOPER PRESENTED THIS CONCEPT PLAN IN JANUARY AND THE PLANNING COMMISSION TOOK NO ACTION IN FEBRUARY, STAFF RECOMMENDS THE ZONING CHANGE, THE CITY ARBORRIST SUPPORTS THE SF 6 APPROACH FOR THE TREES. AND THE HOUSE IS CURRENTLY UNDER DEMOLITION AS WE SPEAK. WE PROVIDE A

SENSIBLE AND COMPATIBLE PLAN, WE ASK FOR YOUR SUPPORT. THAT CONCLUDES MY PRESENTATION. AND IF YOU HAVE ANY QUESTIONS -- THIS IS THE SF 6 SITE PLAN.

Mayor Wynn: THANK YOU. QUESTIONS OF THE ARCHITECT, COUNCIL?

IF OUR TIME ISN'T UP YET, IF I COULD HIGHLIGHT A COUPLE OF OTHER ITEMS.

Mayor Wynn: STILL [INDISCERNIBLE] MINUTES LEFT. YES, MA'AM.

IS THE -- THE TREES HAVE BEEN A REAL STRONG TOPIC THROUGHOUT THE PROCESS, SO WHAT -- WHAT THE APPLICANT DID WAS HAVE -- HAVE THE CITY ARBORRIST COME OUT TO THE SITE TO LOOK AT THE EXISTING TREES. MIKE LOOKED AT THE TWO PLANS AND HAS STATED, AND HE CAME -- WE INVITED HIM TO A NEIGHBORHOOD MEETING THAT WE HAD WITH THE NEIGHBORHOOD ASSOCIATION, HE HAS STATED THAT THE SF 6 PLAN IS SUPERIOR IN PROTECTING THE TREES. OF COURSE HE ALSO UNDERSTANDS THAT WE COME THROUGH THEIR PROCESS WHERE WE HAVE TO PROVE WE ARE NOT COMPROMISING TOO MUCH OF THE ROOT SYSTEM. THIS IS A COMPREHENSIVE PLAN. A LOT OF DETAIL HAS GONE INTO IT. THE TREES ON THE PLAN ARE THE SURVEYED TREES. THERE WILL BE A LOT MORE DETAIL THAT GOES BEFORE WE GO TO SITE PLAN TO CREATE THE ENGINEERING DOCUMENTS FOR ALL OF THE DRAINAGE, FOR WATER QUALITY, AND FOR TREE PROTECTION. BUT ENOUGH WORK HAS BEEN DONE AT THIS TIME BY THE ARCHITECTS THAT WE FEEL CONFIDENT THAT WE CAN ACCOMPLISH THIS PLAN UNDER EITHER SCENARIO. BUT THE SF 6 DOES GIVE US GREATER FLEXIBILITY ONCE WE ENTER THE SITE BECAUSE BY LAW YOU HAVE TO SERVE EACH INDIVIDUAL SF 3 LOT WITH THE UTILITIES. SO -- I JUST WANTED TO ADD THOSE POINTS.

THANK YOU, MS. STOOPS, COUNCILMEMBER LEFFINGWELL?

Leffingwell: YOU SAID THAT THE -- THAT THE DEMOLITION PROCESS IS ALREADY UNDERWAY. YOU ARE TAKING THE HOUSE DOWN.

YES, SIR. I THINK THAT WAS PULLED IN JANUARY.

Leffingwell: THE -- THE HOUSE I WENT OUT AND SAW IT ACTUALLY IS SURROUNDED WITH PROTECTED CLASS OAK TREES. ARE ALL OF THOSE OAK TREES PROTECTED CLASS GOING TO BE SAVED DURING THE DEMOLITION PROCESS?

YES, SIR. WE'VE HAD THE ARBORRIST EVEN COME OUT TO HELP ADVISE US DURING THE DEMOLITION. AS YOU SAW FROM THE PHOTOGRAPHS THAT EXISTING HOUSE WAS BUILT VERY, VERY CLOSE TO THE EXISTING TREES. THE TREES OF HUNDREDS OF YEARS OLD, AT LEAST 100 YEARS OLD. YES, WE FULLY INTEND THE PLAN THAT WE ARE SHOWING YOU PROTECTS ALL OF THOSE TREES. HE'S TELLING ME IT'S SLAB

RATHER THAN A PIER AND BEAM SO WE ARE GOING THROUGH GREAT -- GREAT CONCERN AND I GUESS ARBORRIST ADVISED US AS WELL AS THE TREE CONSULTANTS THAT THE APPLICANT IS WORKING ON TO PROTECT THAT TREEVMENT ACTUALLY THIS PLAN AND STUART CAN PROBABLY ADD IT EVEN PROPOSES A BUILT, WE HAVE TO ACTUALLY LOCATE A BUILDING SIMILAR TO WHERE THE EXISTING HOUSE IS TO HELP SUPPORT THEM, AM I RIGHT, STUART? BECAUSE IT'S SORT OF GROWN INTO ITS OWN WITH THAT SUPPORT FROM THE EXISTING BUILDING. I KNOW THAT TREE PROTECTION PLAN AND YOUR -- THAT WILL BE DONE AT THE SITE PLAN STAGE AND APPROVED BUT ON -- AT THIS POINT THE ZONING IS ALREADY DONE, WE NEVER GET TO SEE IT AGAIN HERE. SO I WONDER WHAT KIND OF ASSURANCE YOU COULD GIVE US THAT THOSE -- THOSE OLDER PROTECTED CLASS TREES WOULD REMAIN AND BE UNDISTURBED BY THE DEVELOPMENT THAT YOU PROPOSE. IS THERE ANYTHING THAT YOU CAN SUGGEST, SIR?

WELL --

YEAH, STUART CAN ADDRESS THAT.

ON MONDAY, I KNOW THAT MIKE PLANS TO COME OUT TO THE SITE AND TO WORK WITH THE DEMOLITION CONTRACTOR. TO -- TO PROTECT THOSE TREES AT THAT POINT AND PROVIDE -- PROVIDE DEMOLITION CONTRACTOR WITH THE OWNER WITH THE WAYS TO -- TO TAKE APART THE HOUSE IN PIECES TO BE ABLE TO PROTECT THOSE TREES. SO THAT ONCE THE HOUSE GETS PULLED BACK -- ONE OF THE THINGS, OUR CONCERN IS THAT YOU COULD SEE SOME OF THE IMAGE THAT'S I SHOWED. THE HOUSE -- WHEN THE HOUSE WAS BUILT, HE BASICALLY CUT ALL OF THOSE TREE ROOTS, NESTLED THIS HOUSE ON THE TOP OF THE HILL. WHAT WE ARE TRYING TO DO IS PUT ANOTHER HOUSE -- LET ME GO BACK. THE HOUSE IS -- THE SLAB IS DESTROYED. THE HOUSE IS ONE OF THE REASONS THAT IT'S BEING DEMOLISHED, THE REASON THAT THE PROPERTY WAS SOLD TO THE CURRENT OWNER IS BECAUSE THE HOUSE CAN'T BE REPAIRED. [BUZZER SOUNDING] WHAT WE ARE DOING IS TAKING APART THE HOUSE PIECE BY PIECE, PUTTING ANOTHER HOUSE IN ITS PLACE TO MAKE SURE THAT IF YOU REMOVED THAT SLAB THAT TREE WOULD FALL OVER.

Leffingwell: I UNDERSTAND THAT. MY QUESTION IS, IS THERE SOME LEGAL INSTRUMENT THAT WE CAN PUT IN PLACE IN CONNECTION, MAYBE MR. GUERNSEY WOULD BE BETTER TO ANSWER THIS ACTUALLY. SOME -- SOME LEGAL INSTRUMENT, RESTRICTIVE COVENANT, ET CETERA, CONDITIONAL OVERLAY, TO -- TO ENSURE THAT -- THAT THE PROTECTED CLASS TREES REMAIN IN THE DEVELOPED SITE PLAN.

THE PROPERTY OPENER COULD OFFER THE CITY A PUBLIC RESTRICTIVE COVENANT THAT MAY LIMIT THE NUMBER OF CALIPER TREES THAT ARE REMOVED, COULD PROBABLY PRESCRIBE SOME REMEDY IF THEY HAD TO BE REMOVED BECAUSE OF CIRCUMSTANCES OF A DISEASED TREE OR TILLING LINE, ENCROACHMENT OR

SOMETHING ALONG THAT LINE. USUALLY THAT WOULD TURN BACK TO THE PROPERTY OWNER AND SAY WHAT COULD THEY OFFER AND THEN YOU WOULD GIVE IT TO THE ARBORRIST TO DO A REVIEW, SEE WHAT WOULD BE ADEQUATE, THIS IS ONLY READY FOR FIRST READING, IF THAT WAS THE COUNCIL'S DESIRE, YOU COULD WORK WITH -- WITH THE APPLICANT AND SEE WHAT THEY COULD DRAFT AND THEN HAVE THAT --

SO A RESTRICTIVE COVENANT WOULD THAT BE A --

IT COULD BE A PUBLIC COVENANT TO PRESERVE CERTAIN CALIPER SIZES OF TREES AND OFFER A REPLACEMENT TREES IF THEY HAD TO BE REMOVED BECAUSE OF -- BECAUSE OF CERTAIN CIRCUMSTANCES.

OKAY. THANK YOU. I JUST HAVE ONE MORE QUESTION AND THAT IS -- THAT IS -- YOU SAID THAT YOUR SF 3 DEVELOPMENT LOOKED JUST LIKE YOUR SF 6 DEVELOPMENT ON TOP OF THE GROUND AND THE ONLY DIFFERENCE IS -- IS THAT THE ONLY DIFFERENCE IS BENEATH THE GROUND.

IT IS, BECAUSE THROUGH THE USE OF FLAG LOTS YOU CAN STILL -- BECAUSE THE INTENTION IS STILL TO CREATE THE TYPE OF RESIDENTIAL COMMUNITY THAT HAS BEEN PLANNED, SO BASICALLY THROUGH FLAG LOTS, SO THAT YOU HAVE BUILT-INS BEHIND OTHER BUILDINGS, YOU CAN ACCOMPLISH THAT SAME WAY OUT. ESSENTIALLY WITH THE SF 6 YOU DON'T HAVE TO SUBWIDE.

YOU DON'T HAVE TO SUBDIVIDE AND THE BIG THING IS ONCE YOU ENTER THE SITE, IT'S CONSIDERED A PRIVATE UTILITY -- PRIVATE UTILITIES SO YOU HAVE THAT FLEXIBILITY, IN INDIVIDUAL LOTS IT'S GOING TO BE PUBLIC ACCESS WITH THE UTILITIES TO EACH LOT. BUT YES, YOU DON'T HAVE TO GO THROUGH SUBDIVISION. YOU STILL IN SUBDIVISION YOU HAVE CONSTRUCTION DOCUMENTS TO ADDRESS DRAINAGE AND WATER QUALITY. BUT YOU DON'T HAVE THE INTERIOR FLEXIBILITY. WITH THE TREES IN THE UTILITIES.

THANK YOU. THANK YOU. SO COUNCIL WITHOUT OBJECTION CONTINUING ON WITH OUR PUBLIC HEARING, THE NEXT SPEAKER SIGNED UP SINCLAIRE BLACK. I HAVEN'T SEEN MR. BLACK, SIGNED UP WISHING TO SPEAK IN FAVOR OF THE ZONING CASE.

WE NOW WILL HEAR FROM FOLKS WHO SIGNED UP IN OPPOSITION. OUR FIRST SPEAKER IS TONY HOUSE. WELCOME, TONY. I SEE SAGE WHITE WITH YOU. SAGE IS OFFERING HER TIME TO YOU, UP TO SIX MINUTES IF YOU NEED IT. YOU WILL BE FOLLOWED BY GAYLA GOLF.

THANK YOU MAYOR, MAYOR PRO TEM, COUNCILMEMBERS FOR THE OPPORTUNITY TO SPEAK IN OPPOSITION TO THE REZONING OF THE ANDRE MANSION PROPERTY. I'M TONY HOUSE, VICE-PRESIDENT OF SOUTH RIVER CITY CITIZENS NEIGHBORHOOD

ASSOCIATION. SUPPORTS THE NEIGHBORHOOD AND ITS OPPOSITION TO THE ZONING CHANGE. WITHOUT A CONDITIONAL OVERLAY THAT ADDRESSES THE FOLLOWING CONCERNS, THERE IS NO GUARANTEE THAT THE PROJECT WILL BE DEVELOPED AS APPLICANT HAS PROPOSED. THE CO SHOULD LIMIT THE DENSITY TO THE 10 DUPLEXES WITH THE STRUCTURES CITED TO PREVENTS AND MITIGATE ANY DAMAGE TO PROTECTED TREES ON THE PROPERTY. AUTO ACCESS SHOULD BE LIMITED TO PARKER LANE, IF THE BACK YARDS OF THE DEVELOPMENT FACE WIND OAK, A MATURE VEGETATIVE BUFFER AND PRIVACY FENCE SHOULD BE ESTABLISHED ALONG WINDOW AND LATER MAINTAINED BY THE CONDO ASSOCIATION, THIS WOULD SCREAM BACK YARD CLUTTER FROM THE VIEW OF THE EXISTING HOMES ON WIND OAK, THE EXISTING HOMES FRONT ON TO WIND OAK AND THEY WOULD NEED SCREENING FROM THE BACK SIDES OF THE DUPLEXES IF THEY ARE PLACED AS MR. HAMILTON HAD PROPOSED. APPLICANTS SHOULD AGREE NOT TO SEEK ANY VARIANCES FROM THE CURRENT SETBACKS AND COMPATIBILITY STANDARDS. NO MATTER HOW WONDERFUL APPLICANT'S PLAN MAY APPEAR, WITHOUT A CONDITIONAL OVERLAY THERE IS NO ASSURANCE THAT THIS NEIGHBORHOOD AND THE CITY WILL RECEIVE THE PROJECT THAT HAS BEEN PROMISED. TOO OFTEN THE GREAT DEVELOPMENT OF A NEIGHBORHOOD IS PROMISED, NEVER MATERIALIZES AFTER PROPERTY IS UPZONED. SOMETIMES DUE TO THE PROPERTY BEING FLIPPED AS SOON AS IT IS UPZONED. CONTRARY TO WHAT YOU HAVE BEEN TOLD, DURING THE EAST RIVERSIDE OLTORF COMBINED NEIGHBORHOOD PLANNING PROCESS, THIS PROPERTY WAS DISCUSSED AND HAS CONSISTENTLY BEEN DESIGNATED TO REMAIN SF-3. AS EVIDENCES BY THE CURRENT DRAFT OF OUR NEIGHBORHOOD PLAN, OF OUR PROPOSED NEIGHBORHOOD PLAN, THIS PROPERTY WAS IDENTIFIED IN THE FALL OF 2003 AS DESERVING SPECIAL RECOGNITION AND PRESERVATION. THAT'S ON PAGE 143. ON PAGE 139, PARD RESPONDED TO STAKEHOLDER'S REQUEST THAT THE CITY PURCHASE THE POND TRACT FOR A POCKET PARK. THIS PROPERTY WAS DISCUSSED DURING THE NEIGHBORHOOD PLANNING PROCESS AND STAKEHOLDERS WERE ADD MAPT THAT IT REMAIN ZONED AS SF 3. FOR THE PAST TWO YEARS, NEIGHBORHOOD PLANNING STAFF SUPPORTED THIS DESIGNATION ON THE PROPOSED FUTURE LAND USE MAP. NOW WITHOUT ANY DISCUSSION WITH OR NOTICE TO THE INTERIM NEIGHBORHOOD PLANNING CONTACT TEAM, PLANNING STAFF HAS CHANGED ITS RECOMMENDATION, CLOSED DOOR MEETINGS BETWEEN THE DEVELOPER AND PLANNING STAFF DO NOT CONSTITUTE PARTICIPATION IN NEIGHBORHOOD PLANNING. THE MOST IMPORTANT GOAL THIS THIS PLANNING AREA IS TO PRESERVE AND ENHANCE THE CHARACTER OF THE TRADITIONAL SINGLE FAMILY NEIGHBORHOODS. ALTHOUGH THE RIVERSIDE AREA, THAT'S THE SMALLEST IN ACREAGE OF THE THREE E ROCK PLANNING AREAS, IT IS THE MOST DENSELY POPULATED YET HAS THE SMALLEST NUMBER OF SINGLE FAMILY HOMES LEFT. THE NUMBER OF UPZONINGS HAS REDUCED OUR SINGLE FAMILY HOUSING TO ONLY 7.3%, LEAVING US WITH 85.3% MULTI-FAMILY HOUSING. ADD TO THIS OUR MINUSCULE 3% OF OPEN SPACE AND SURELY YOU CAN UNDERSTAND OUR RELUCTANCE TO AGREE TO ANY MORE DESTRUCTION OF VALUABLE INFRASTRUCTURE. THE MANSION PROPERTY IS THE SOUTHERN BOUNDARY OF THE

NEIGHBORHOOD PLANNING AREAS SINGLE FAMILY NEIGHBORHOOD AND IT SIMPLY CANNOT HANDLE ANY MORE ENCROACHMENT OF HIGH DENSITY ZONING. IF YOU GRANT THE ZONING CHANGE, UP BE CHOPPING OFF YET ANOTHER SLICE OF OUR NEIGHBORHOOD. AND IF THIS CONTINUES, SOON THERE WON'T BE ANY MIDDLE LEFT. PLEASE DENY THIS APPLICATION. THANK YOU.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: SO THE PROPERTY IS CURRENTLY ZONED SF 3 AND THE APPLICATION IS TO GO TO SF 6. BUT I WAS TRYING TO WRITE DOWN ALL OF THE THINGS THAT YOU SUGGESTED AS A CONDITIONAL OVERLAY, I HOPE THAT I GOT FOUR THINGS THERE. THOSE ARE WHAT YOU WERE SUGGESTING WOULD BE CONDITIONAL OVERLAYS IF THE PROPERTY WERE ZONED SF 6.

YES, SIR.

I ASSUME THAT WOULD BE TO ENSURE THAT THE -- THAT THE -- THE DEVELOPED PROPERTY LOOKS ON THE SURFACE JUST LIKE IT WOULD IF IT WERE SF 3.

WELL, IF -- IT COULD BE DEVELOPED UNDER SF 6 UNDER THAT SITE PLAN, BUT WITHOUT ANY -- WITHOUT A CONDITIONAL OVERLAY THERE'S NO GUARANTEE THAT THAT WILL BE DONE.

Leffingwell: EXACTLY. I COPIED 10 DUPLEX UNITS MAX.

UH-HUH.

ON THE -- THE CONDOS.

WELL. RIGHT. HE HAD [MULTIPLE VOICES]

Leffingwell: ACCESS ONLY TO PARKER LANE. VEGETATIVE BUFFER AND FENCE ON WINDOW AND -- AND TO -- TO NOT SEEK ANY SETBACK OR COMPATIBILITY VARIANCES.

YES, SIR.

IS THAT CORRECT.

UH-HUH.

THANKS.

THANK YOU, MS. HOUSE. GAYLA GOLF.

[INAUDIBLE - NO MIC]

Mayor Wynn: SURE. LET'S SEE.

MARY JOS ONS OSGOOD. THREE MINUTES FOLLOWED BY MS. GOLF.

THANK YOU VERY MUCH, MAYOR, CITY COUNCIL MEMBERS, FRIENDS. I'M MARY JO OSGOOD, THE NEIGHBORHOOD REPRESENTATIVE SRCC FOR THIS PARTICULAR AREA. I THANK YOU FOR THIS OPPORTUNITY TO SPEAK. I ALSO THANK YOU, MAYOR WYNN, IN PROTECTING THE NEIGHBORHOOD LAST TIME WHEN WE DID NOT HEAR BECAUSE WE WERE GIVEN A POSTPONEMENT, I DO KNOW THAT THE DEVELOPER ATTEMPTED TO SPEAK IN HIS OWN BEHALF. SO I DO REALLY, REALLY APPRECIATE AND WANT TO COMMEND YOU FOR PROTECTING US AND PLAYING BY THE RULES. I NEED TO -- I NEED TO CLARIFY A COUPLE OF THINGS THAT THE DEVELOPER MENTIONED. I GUESS -- I GUESS THE BIGGEST REASON THAT THE NEIGHBORHOOD IS AGAINST THIS PARTICULARLY ZONING AND WE UNDERSTAND ZONING IS NECESSARY, WE UNDERSTAND ZONING IS COMING, WE ARE NOT NECESSARILY AGAINST ZONING. BUT THERE'S A REAL PROBLEM WITH THE -- WITH THE -- I'M TRYING TO FIND A NICE WAY TO SAY IT. THERE'S A REAL PROBLEM WITH SOME OF THE INFORMATION THAT THE NEIGHBORHOOD IS GETTING. FOR EXAMPLE, WE CANNOT GET ANY STRAIGHT ANSWERS FROM THE DEVELOPER. WE GET A LOT OF MIXED SIGNALS. HE TALKS ABOUT -- ABOUT AN ONGOING RELATIONSHIP WITH THE NEIGHBORHOOD, THAT IS NOT CORRECT. I'VE GOT DATES. FIRST OF ALL, THE NEIGHBORHOOD, THE -- THE MAN WHO -- THE PROPERTY WAS FLIPPED, SOLD TO AN INDIVIDUAL ON APRIL THE 15th. THE FOLLOWING THURSDAY THE 21st, THE DEVELOPER -- THIS DEVELOPER -- THE FAMILY THAT FLIPPED THE PROPERTY, PUT THE PROPERTY UP ON THE MARKET. THE INDIVIDUAL THAT FLIPPED THE PROPERTY, MR. TODD CAVEN MET WITH THE NEIGHBORHOOD IN A VERY, VERY EMOTIONAL TIME AND WITH MR. HAMILTON TO TALK ABOUT WHAT HE WANTED TO PUT ON THAT PROPERTY. MR. HAMILTON AT THAT TIME SHOWED 45 DUPLEXES AND BASICALLY MADE THE STATEMENT THAT HE WOULD PUT DUPLEXES AND PAVEMENT OVER THAT POND. THAT THIS IS WHAT HE WAS GOING TO DO AND THAT -- THAT BASICALLY THAT'S WHAT HE WANTED. HE CANNOT OPEN THE PROPERTY AT THAT TIME, I MIGHT ADD. THE PROPERTY WAS PURCHASED ACTUALLY BY FS VENTURES. THE FUNDING FROM FS VENTURES CAME FROM A COMPANY CALLED -- FINKLESTEIN PARTNERS IN HOUSTON, TEXAS. THIS MONEY IS NOT EVEN COMING FROM OUR INNER MOST AREA OF AUSTIN. THIS IS DEVELOPER MONEY COMING FROM HOUSTON TO FUND FS VENTURES TO BUY THIS PROPERTY. THIS PARTICULAR DEVELOPER HAS NO INTEREST IN AUSTIN AND/OR IN THIS NEIGHBORHOOD. HE'S OUT TO MAKE MONEY. I ASKED FOR A MEETING AFTER THIS VERY CONTENTIOUS MEETING BACK IN -- BACK IN JULY. AGAIN THE DEVELOPER DIDN'T OWN THE PROPERTY [BUZZER SOUNDING] LONG STORY SHOT HE DID NOT WANT TO MEET WITH US. WE HAVE ASKED FOR THREE MEETINGS WITH THIS DEVELOPER. THREE OF THESE MEETINGS HAVE BEEN AT MY REQUEST, AT NO TIME HAS THE

DEVELOPER ASKED TO MEET WITH US. THE ISSUE ABOUT A -- ABOUT HAVING TO PUT UTILITY IN WATER LINES IS ERRONEOUS ON THE REAL ESTATE MAP WHERE THE PROPERTY IS CURRENTLY LISTED FOR SALE, IT SHOWS UTILITY LINES ON THE SOUTHERN EDGE OF THIS PROPERTY. THERE IS ALSO EXISTING WATER AND UTILITY LINES. THIS INFORMATION COMES FROM POLLY PRESLEY'S WEBSITE.

PLEASE CONCLUDE, YOUR TIME IS UP.

THANK YOU.

THANK YOU.

GAYLA GOLF, WELCOME, THREE MINUTES FOLLOWED BY ERIC PETERSON. I'M SORRY, EXAM.

WHAT IS THIS WEBSITE WITH THE WEB -- WITH THE WATER INFO? THAT YOU WERE TALKING ABOUT?

THE WEBSITE?

I'M SORRY, I DON'T HAVE THE URL. JUST GO TO THE POLLY PRESLEY REALITY WEBSITE. IT HAS THAT MANSION IN ITS ENTIRETY LISTED FOR SALE. ALSO POLLY PRESLEY HAS A SIGN THAT HAS NEVER BEEN TAKEN DOWN ON THE BACK THREE LOTS SHOWING THOSE THREE UNDEVELOPED LOTS FOR SALE. WE HAVE ASKED THE DEVELOPER ABOUT IT. HE'S BASICALLY SAID IT WAS A MISTAKE. WE ASKED HIM ABOUT THIS IN OUR JANUARY MEETING. THOSE SIGNS THAT THAT ADVERTISEMENT FOR THIS PROPERTY IS STILL ON THE WEBSITE.

IS PRESLEY, PRESSLEY OR SOME OTHER SPELLING?

YOU MIGHT ASK MR. HAMILTON. HE'S THE ONE THAT OWNS THIS PROPERTY. POLLY PRESLEY WAS HIS AGENT. I'M SURE THAT YOU CAN GIVE YOU THE CORRECT URL, BUT THIS IS CORRECT INFORMATION.

THANK YOU, MS. OSGOOD. FOLLOWED BY ERIC PETERSON.

HELLO. MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. THANKS FOR HEARING OUR COMMENTS TONIGHT. MY NAME IS GAIL GOFF, I HAVE LIVED JUST NORTH OF THIS PROPERTY FOR 30 YEARS. THIS PROPERTY IS THE OUTSIDE EDGE OF SINGLE FAMILY HOMES ON THE SOUTHERN EDGE OF OUR TRADITIONAL SINGLE FAMILY NEIGHBORHOOD. JACK, AN ENGINEER AND BILLER, OWNED THE LAND FROM PARKER LANE TO THE I-35 NORTHBOUND SERVICE ROAD. WHEN HE BUILT HIS MANSION HE MADE SURE TO ESTABLISH A 55-FOOT WIDE AREA TO BUFFER HIS FAMILY'S HOME

FROM THE COMMERCIAL ACTIVITIES ALONG NEARBY OLTORF STREET. WHEN THE DEVELOPMENT OF THE I-35 FRONTAGE TRACT OCCURRED, IT SPECIFICALLY CREATED SIGNIFICANT BUFFERS BETWEEN THE FAMILY HOME AND THE NEW COMMERCIAL DEVELOPMENT. ALSO, ALL ALONG LA MATRICULAR CONSULAR STREET, A 25-FOOT WIDE NATURAL AREA PROTECTS THE WESTERN SIDE OF THIS TRADITIONAL SINGLE FAMILY NEIGHBORHOOD. THIS GROUP OF CUSTOM-BUILT HOMES WHICH INCLUDES THE MANSION IS TUCKED RIGHT UP AGAINST SOME SIGNIFICANT TRAFFIC AND INTENSE COMMERCIAL ACTIVITY. BUT IT HAS IN PLACE SOME MAJOR PROTECTIVE BARRIERS WHICH HAVE PRESERVED AND IN FACT ENHANCED ALL OF THE PROPERTY VALUES HERE. ANY DEVELOPMENT ON THIS PROPERTY SHOULD PROVIDE AT MINIMUM THE SAME PROTECTION TO THE CUSTOM-BUILT HOMES ON WIND OAK THAT THE MANSION TRACTS CURRENTLY ENJOY. SINCE THESE HOMES WOULD THEN BECOME THE NEW OUTSIDE EDGE OF THE NEIGHBORHOOD. OR THE MANSION TRACTS SHOULD BE LEFT WITH THE CURRENT ZONING. IN ADDITION, OF COURSE, IT'S OBVIOUS FOR -- FOR WHAT WE HAVE SPOKEN ABOUT TONIGHT, THAT THE WONDERFUL TREES ON THE PROPERTY MUST BE PROTECTED. I WOULD ALSO LIKE TO REITERATE THAT THIS SITE WAS IN FACT -- DISCUSSED IN NEIGHBORHOOD PLANNING MEETINGS, BUT THEN THE INITIAL SURVEY WHERE IT WAS IDENTIFIED AS -- AS AN HISTORIC PLACE THAT DESERVES SPECIAL RECOGNITION AND PRESERVATION AND LATER AS A POSSIBLE POCKET PARK. BUT STAFF AND STAKEHOLDERS ALWAYS CONSIDERED IT BEST SUITED FOR SF 3. THE FIRST AND FOREMOST GOAL FOR THIS PLANNING AREA IS NOW AND HAS ALWAYS BEEN TO PROTECT AND PRESERVE THE -- THE CHARACTER OF OUR TRADITIONAL SINGLE FAMILY NEIGHBORHOODS. OUR ESTABLISHED NEIGHBORHOODS COVER ONLY A SMALL PERCENTAGE OF LAND IN THE EAST RIVERSIDE OLTORF COMBINED NEIGHBORHOOD PLANNING AREA, BUT THAT THEY SURVIVE AND THRIVE AS CRITICAL TO CREATING THE MIX OF HOUSING, COMMERCIAL AND OPEN SPACE WE DESIRE FOR THE FUTURE OF OUR AREA. PLEASE DO NOT GRANT THE ZONING CHANGE REQUEST FOR THIS PROPERTY. THANK YOU.

THANK YOU, MS. GOFF, ERIC PETERSON. WELCOME ERIC. LET'S SEE IS -- IS JIM LEE HERE? HOW ABOUT FRANK? HELLO, FRANK, ERIC UP TO NINE MINUTES IF YOU NEED IT. YOU WILL BE FOLLOWED BY PATRICIA WALLACE.

GOOD EVENING, MY NAME IS ERIC PETERSON, PLEASURE TO BE HERE WITH YOU MR. MAYOR AND COUNCILMEMBERS, FELLOW CITIZENS AND NEIGHBORS AND FAMILY. CAN I HAVE THIS ON, PLEASE? A COUPLE OF THREE WEEKS AGO, I MET WITH THIS DEVELOPER, HE SHOWED ME THE SITE PLAN THAT WAS MY INTENTION TO MEET WITH HIM SO THAT I COULD SEE WHAT HIS PLANS WERE FOR THE AREA HE HADN'T BEEN TOO PHIL SCOTT COMING WITH US IN THE PAST. I WANTED TO SEE WHAT TYPE OF ARCHITECTURE, WHETHER THEY FIT IN WITH THE CHARACTER OF THE NEIGHBORHOOD, WHETHER OR NOT I WAS GOING TO BE PROTECTED WITH -- WITH PROPERTY VALUES AND ET CETERA. THE FIRST THINGS THAT CAUGHT MY EYE ON THIS WAS -- WAS THAT THE -- THE PROPERTY DRAWING THAT THEY GAVE ME, THAT

THEY HAVE HAD FOR ALMOST A YEAR TO WORK ON APPEARED TO BE INCORRECT. IT SHOWED A LOT OF THE HOUSES THAT THEY ADMITTED TO BE OR STRUCTURES DIRECTLY ON THE PROTECTED TREES, AFTER FURTHER LOOKING AT THIS SITE PLAN I STARTED ASKING QUESTIONS AND THEY KEPT SAYING IT'S PRELIMINARY, PRELIMINARY, WE HAVEN'T REALLY GOT IT. THEY'VE HAD A WHOLE YEAR. I THINK BY NOW THEY HAVE GONE OUT AND STAKED WHAT HOUSES, WHAT SIZE LOTS THEY WANT TO PUT WHERE. ONE OF THE THINGS THAT CAUGHT MY EYE IMMEDIATELY WAS THAT THERE WAS FOR RETENTION POND. I WAS HIGHLY CONCERNED ABOUT BECAUSE THERE'S A OWE THERE'S A MAJOR DRAINAGE AREA PROBLEM, I'M AN ENGINEER WITH ABOUT 30 YEARS EXPERIENCE. AND -- AND THIS SOIL IS ALL CLAY, THERE'S A -- THERE'S A LARGE HILL IN THE PROPERTY IT'S KNOWN AS WINDY HILL. SO -- SO I BROUGHT UP THE -- THE RETENTION POND AND THE -- AND THEY BASICALLY SAID THEY WEREN'T REQUIRED TO GET INVOLVED WITH THAT. I ALSO ASKED QUESTIONS WHETHER THEY COULD TAKE THE STRUCTURES AND -- AND FACE THE DRIVEWAYS FOR WIND OAK AFTER WE APPROVED THE ZONING AND THEY HEDGED ON THAT. THAT BOTHERED ME BECAUSE ALL THAT I CAN SEE WAS A CLUSTER OF HOMES PUT TOGETHER TIGHTLY PUT. NEXT TO EACH OTHER WITH DRIVEWAYS. AND GARAGE DOORS FACING WINDOW, BASICALLY MAKING WINDOW LOOK LIKE AN ALLEYWAY. THESE TWO LOTS ON THE WEST SIDE OF THE -- OF THE -- OF THE PROPERTY, THEY ARE PROTECTED CURRENTLY BY -- BY DEED RESTRICTIONS, THAT'S WHY THEY HAVEN'T -- HAVEN'T ADDED THOSE TO THE MODELS, THE DEED RESTRICTIONS ARE FOR THE NEIGHBORHOOD PLAN AND THEY ARE ABOUT 50 YEARS OLD. SO -- SO THOSE TWO LOTS ARE PROTECTED, THEY WILL PROBABLY TRY TO -- TO CIRCUMVENT THE DEED RESTRICTIONS SOMETIME IN THE FUTURE. I'M SURE OF THAT. THE -- THE AERIAL VIEW OF THE PROPERTY, SHOWS -- I DON'T KNOW IF YOU CAN CLEAR THAT UP A LITTLE BIT. THE APARTMENT COMPLEX WHICH IS BUILT IN THE EARLY 80s AND WAS SUBDIVIDED BEFORE THEY HAD RETENTION PLAN IN EFFECT USES THIS POND WHICH IS THE -- THE HEAD WATERS TO THE -- TO THE HARPER'S CREEK AS IT'S RETENTION POND. SO IT CHANNELS ALL OF ITS WATER INTO THIS RETENTION POND. THE RETENTION POND ALSO HANDLES ALL OF THE WATER FROM THE NEIGHBORHOOD, THERE'S AN ALLEYWAY, IF YOU FOLLOW MY FINGER, ALONG HERE. AND DOWN THROUGH THE CENTER. THIS ALLEYWAY IS THE BOTTOM OF A CHANNEL WHICH IS WHERE THE OLD CREEK BED ONCE WAS. THE RETENTION POND ITSELF, IS NORMALLY FILLED WITH WATER. CAN YOU CLEAR THAT UP PLEASE, I DON'T KNOW HOW TO RUN YOUR SYSTEM. YOU WILL PROBABLY HAVE TO GO DOWN ON IT OR SOMETHING. I WILL TRY TO TAKE YOU THROUGH A VIRTUAL TOUR OF THIS NEIGHBORHOOD IF YOU HAVE GOT A -- A CHANCE TO ZOOM IN ON THESE. THE RETENTION POND IS -- IS INDEED ALWAYS FILLED WITH WATER. AND -- AND THAT IS A CONCERN, THE SOIL IS CLAY BASED. THE HOUSE IS ON A HILL. IN THE VALLEY. THIS IS A -- A A PICTURE OF LA MATRICULAR CONSULAR. YOU CAN SEE THE ROAD GOING DOWN -- PICTURE OF MATAGORDA. YOU CAN SEE THE ROAD GOING DOWN. BEHIND MATAGORDA IS AN AREA ZONED FOR OFFICES, THERE'S A TREE -- SET OF -- OF WHAT ARE -- WHAT DO THEY CALL THAT? GREENBELT THROUGH HERE. SOMETIME IN THE FUTURE,

CURRENTLY THERE'S A -- THERE'S A STORAGE UNIT HERE, SHURGART, CAN YOU ZOOM IN ON THAT PLEASE? THEY TOLD ME THAT YOU WOULD BE ABLE TO DO THIS FOR ME. IT'S HERE, IF THERE WAS TO BE ANY GROWTH, THEY PROBABLY WOULD BE ABLE TO MOVE INTO WHERE THOSE APARTMENTS ARE, THERE COULD BE AN ENTIRE WALL OF STORAGE UNITS GOING THAT ENTIRE LENGTH. THIS IS CRITICAL. THIS IS THE PROPERTY. THE TWO LOTS. THE POND. THE STORAGE UNIT. YOU CAN SEE THE GREEN GREENBELT AND WHERE THE APARTMENTS ARE. I WENT ON DOWN TO THE -- TO THE -- TO THE CITY OFFICES AND I PICKED UP SOME INFORMATION, WHAT I FOUND WAS SOME OF THE REGIONS THEY MIGHT WANT TO GO TO SF 6 VERSUS SF 3 CAN YOU ZOOM IN ON THAT FOR ME, PLEASE, IS THAT -- THAT -- THE COVERAGE IS 55% ON SF 6, BUT ONLY 45% ON SF 3. THAT CONCERNS ME, THAT COULD ONLY MEAN THEY WERE GOING TO BE COVERING MORE AREA. I ALSO PICKED UP SPECS ON WHAT WAS REQUIRED ON THE ZONING AND WAS GETTING INFORMATION THAT UNDER SF 3, THEY REQUIRED 7,000 SQUARE FEET FOR A DUPLEX, CAN YOU ZOOM IN ON THAT PLEASE, THANK YOU. AND -- AND UNDER SF 6, THEY COULD PUT A DUPLEX OR ANY MULTI-FAMILY ON ONLY 5,700 SQUARE FEET. THIS LAND IS ONLY 97 -- 9200 -- 92,000 SQUARE FEET. I WENT DOWN AND I PICKED UP THE LAYOUT, CAN YOU ZOOM IN ON THIS? THIS IS CRITICAL. YOU WILL SEE WIND OAK, THE AL LE WAY, THE MANSION. THE APARTMENT COMPLEX ISN'T IN THIS DRAWING, BUT IT IS THERE. THERE'S THE POND, YOU WILL NOTICE THE POND IS AT 575 FEET ABOVE SEA LEVEL. YOU WILL ALSO NOTICE THAT -- THAT LA MATRICULAR CONSULAR STREET HERE IS 576 FEET ABOVE SEA LEVEL. THERE'S ONLY ONE FOOT DIFFERENCE. YOU WILL ALSO NOTICE THAT -- THAT MY LOT AND MY NEIGHBOR'S LOT IS AT 570 FEET. BASICALLY FIVE FEET BELOW THAT RETENTION POND. THIS RETENTION POND IS THE HEAD WATER TO HARPER'S CREEK. THERE'S ONLY ONE SEWER LINE THAT CONNECTS HARPER'S CREEK FROM THIS POINT TO -- TO THE OTHER SIDE OF I-35. ONLY ONE PIPE. ALL OF THE WATER FROM THE APARTMENT COMPLEXES THE NORTH SIDE OF LA MATRICULAR CONSULAR STREET, THE CHURCH PROPERTY WHICH IS ZONED SF 3, CAN BE DENSELY DEVELOPED, THIS NEIGHBORHOOD ALL MUST USE THIS SINGLE CHANNEL, SHOULD THEY PUT SOME TYPE OF WALL OF PROPERTY ON THIS VALUABLE OFFICE SPACE LIKE -- LIKE SAY FOR EXAMPLE EXPANDING THAT STORAGE UNIT, THERE WOULD BE NOTHING TO DRAIN THIS WATER OUT OF HERE. TAKING YOU ON A VIRTUAL TOUR OF THE NEIGHBORHOOD --

PLEASE CONCLUDE, MR. PETERSON.

I BELIEVE THAT I HAVE BEEN GIVEN ABOUT THREE MINUTES FROM THREE OTHER PEOPLE?

YOU WERE GIVEN NINE MINUTES TOTAL.

VERY GOOD.

YOUR TIME IS NOW EXPIRED.

LOTS OF FOLKS WHO WANT TO SPEAK TO US AND --

I'M SORRY.

SO PLEASE CONCLUDE.

I WILL JUST VERY QUICKLY SHOW YOU -- NOT A PICTURE OF MY -- A PICTURE OF MY DOG, TRYING TO SHOW YOU THE HEIGHT OF THE WALL BACK HERE ON THIS PICTURE AND THIS WALL HERE IS SHOWING AND THIS PROPERTY SHOWING YOU THAT THE HEIGHT OF THIS HILL. AND THE NEIGHBORHOOD. OBVIOUSLY IT'S THE CITY'S RESPONSIBILITY TO PROTECT US AND STATE LAW DICTATES THAT YOU MUST SUPPLY US WITH SERVICES AND IMPORTANT SERVICES LIKE DRAINAGE, ESSENTIAL TO US, AND I DO NOT BELIEVE THAT YOU CAN DO THAT UNDER THIS CURRENT PLAN.

THANK YOU, MR. PETERSON. OUR NEXT SPEAKER IS PATRICIA WALLACE. AND YOU WILL BE FOLLOWED BY HELEN FLEMMING.

PAT VICIOUS SHOULD WALLACE SIGNED UP WISHING TO SPEAK IN OPPOSITION. AND MS. WALLACE WILL BE FOOL FOLLOWED BY HELEN FLEMMING, JOLLED BY JEAN MATHER. YES, MA'AM.

THANK YOU FOR LETTING ME ADDRESS YOU. I HAVE NEVER DONE THIS BEFORE.

WELCOME.

BUT I'M -- I FEEL PRIVILEGED TO HAVE THE OPPORTUNITY. MY NAME IS PATRICIA WALLACE, I LIVE IN AND OWN A HOME THAT'S IN -- IN AREA 7 OF THE -- OF THE SRCC NEIGHBORHOOD COMMUNITY ORGANIZATION. ACTUALLY, 6 AND 7 OF THAT ORGANIZATION IS THE STRIP OF SINGLE FAMILY HOMES THAT EXTENDS FROM THE ANDERWATHA PROPERTY ALL THE WAY UP TO RIVERSIDE DRIVE. MY MAIN CONCERN THAT I'M GOING TO ADDRESS ARE THE TREES. I THINK WE HAVE TO LOOK AT THIS PROPERTY NOT JUST AS A COLLECTION OF TREES, BUT AS AN ECOSYSTEM. THESE TREES ARE NOT JUST ANY ORDINARY OAK TREES. THESE TREES ARE -- ARE BELIEVED TO BE APPROXIMATELY 400 YEARS OLD. AND THAT ESTIMATE COMES TO US FROM DAVE MADDEN OF DAVEY TREE SERVICE, THAT -- AN ORGANIZATION WHICH IS -- HAS CARED FOR THESE TREES FOR THE PAST APPROXIMATELY 25 YEARS. HE BELIEVES THAT THEY ARE AMONG THE OLDEST TREES IN ALL OF AUSTIN. THEY ARE HUGE. MUCH LARGER IN CIRCUMFERENCE THAN WHAT'S REQUIRED BY THE CITY ORDINANCE TO BE PROTECTED AND TO REQUIRE A PERMIT TO CUT DOWN. WE CANNOT CONSIDER THESE TREES AS A CANDIDATE FOR -- FOR MITIGATION. YOU CAN'T CUT DOWN A 400-YEAR-OLD ENORMOUS OAK TREE AND PLANT SOME TWIG SOMEPLACE ELSE AND

THINK THAT THAT'S A FAIR TRADE. IT'S CERTAINLY WOULD BE OUT RAGOUS TO THINK THAT. NOW, AUSTIN CONSIDERS ITSELF TO HAVE A -- A -- ONE OF THE BEST TREE ORDINANCES IN ALL OF THE UNITED STATES. THAT PROBABLY IS TRUE. HOWEVER, UNFORTUNATELY, LIKE SO MANY OTHER ENVIRONMENTAL PROTECTIONS, WE HAVE A SYSTEM THAT IS REACTIVE RATHER THAN PROACTIVE. THIS ORDINANCE DOES PROVIDE THE NECESSITY OF APPLYING FOR A PERMIT TO CUT DOWN A TREE THAT'S OVER A CERTAIN CIRCUMFERENCE, WE HAVE BEEN IN -- I HAVE BEEN IN COMMUNICATION OVER THE LAST COUPLE OF DAYS WITH THE -- WITH THE CITY ARBORRIST AND HE'S -- HE ASSURES ME THAT THERE IS AT LEAST 8 TREES ON THIS PROPERTY THAT -- THAT ARE OF THE -- OF THE SIZE THAT -- THAT -- THAT REQUIRE THAT PERMIT. HOWEVER, HE'S IT. MEANING MR. AMBISE, HE IS -- IT'S UP TO HIM TO DECIDE. IF YOU LOOK AT THE HISTORY OF THIS AND -- ACROSS THE COUNTRY, THERE ARE OTHER PLACES THAT HAVE ORDINANCES LIKE OURS. AND IN ALMOST EVERY CASE WHEN AN OWE WHEN A DEVELOPER SAYS YES THIS IS A BEAUTIFUL TREE, BUT IT JUST IS IN MY WAY OF WHAT I WANT TO DO. IT'S ALMOST ALWAYS THEY GET TO CUT DOWN THE TREE AND DO SOME SORT OF MITIGATION. MR. -- MR. -- THE GUY FROM DAVEY TREE PROJECTS THAT OVER A PERIOD OF FIVE YEARS, IF WHAT -- WHAT MR. HAMILTON PROPOSES TO BUILD IS BUILT ALL OF THE TREES ON THAT PROPERTY WILL BE DEAD OR DYING. WE HAVE ONLY HAD TWO MEETINGS WITH MR. HAMILTON THAT WERE OPEN TO ALL OF THE NEIGHBORHOOD ORGANIZATION. THE SRCC MEMBERS. AFTER THAT HE SAID I'M DONE WITH YOU PEOPLE AND HE DID -- HE DID DEIGN TO MEET WITH SOME PEOPLE WHO WERE PARTIES TO RESTRICTIVE COVENANTS, WE HAVE GOTTEN MIXED INFORMATION. SO LATELY WE HAVE BEEN TRYING TO FIND OUT ABOUT -- ABOUT THE DEMOLITION. WE HAVE A COMPLICATED --

MS. WALLACE PLEASE CAN CONCLUDE YOUR TIME HAS EXPIRED. I WANT YOU TO KNOW THAT A DEMOLITION PERMIT WAS ISSUED IN NOVEMBER, IT WAS ISSUED BY THE CITY TO -- TO -- TO HABITAT FOR HUMANITY BECAUSE THE CITY WAS TOLD THAT HABITAT FOR HUMANITY HAD THE CONTRACT TO DEMOLISH THE -- THE MANSION. UNDERSTAND THAT HE CAN DEMOLISH THE MANSION OBVIOUSLY SEPARATE FROM THIS ZONING REQUEST. VARIATION REQUEST. WE HAVE FOUND OUT --

Mayor Wynn: PLEASE CONCLUDE, YOUR TIME EXPIRED, MA'AM. WE HAVE LOTS OF FOLKS AFTER YOU.

THERE IS NO VALID DEMOLITION PERMIT NOW. BECAUSE -- BECAUSE HABITAT TO HUMANITY DID NOT HAVE THE CONTRACT SO -- SO IT'S A -- IT'S ERRONEOUS APPLICATION THAT -- THAT HAS BEEN FAXED TO THE CITY AND AS OF TOMORROW MORNING, I EXPECT THAT -- THAT TO BE TOLD THAT -- THAT PERMIT HAS BEEN PULLED AND HAVE TO BE REPLACED WITH INFORMATION ABOUT WHO ACTUALLY HAS A CONTRACT TO DEMOLISH THE MANSION.

THANK YOU, MS. WALLACE.

OKAY.

NEXT SPEAKER IS HELEN FLEMMING. HELEN FLEMMING SIGNED UP WISHING TO SPEAK IN OPPOSITION. HELEN FOLLOWED BY GENE MATHER. FOLLOWED BY -- BY MAYBE -- WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD EVENING.

I WOULD LIKE TO DONATE MY HOURS -- MY MINUTES, PLEASE, TO -- TO MARY JO OSGOOD TO COMPLETE HER PRESENTATION.

Mayor Wynn: FAIR ENOUGH, COUNCIL WITHOUT OBJECTION, MS. OSGOOD, WELCOME BACK.

THANK YOU VERY MUCH. WE WERE TOLD THAT HABITAT FOR HUMANITY WOULD BE DOING THE DEMOLITION AND THE SALVAGE. WE CONTACTED HABITAT, THE DEMOLITION MANAGER, HE DID THE INITIAL BID, THERE IS NO CONTRACT. WE DON'T KNOW WHO IS DOING THE DEMOLITION. WE DON'T KNOW WHO IS DOING THE SALVAGE. WE WERE TOLD THAT THE -- THE DEVELOPER WOULD MEET WITH THE NEIGHBORHOOD. EVERY SINGLE MEETING THAT WE HAVE HAD, THERE'S ONLY BEEN FOUR TOTAL SINCE LAST JULY HAVE BEEN -- HAVE BEEN REQUESTED BY THE NEIGHBORHOOD, MR. EMBISE CAME OUT AND LOOKED AT THE TREES BECAUSE I PERSONALLY CALLED HIM. THE NEIGHBORHOOD ASKED HIM TO COME OUT AND LOOK AT THOSE TREES. I'M NOT SURE IF THERE WAS ANY CONTACT BETWEEN THE DEVELOPER AND EMBISE BEFORE THE NEIGHBORHOOD GOT INVOLVED. THE OTHER ISSUE IS THAT LINDA WHO SOLD THE PROPERTY BACK IN JULY TO THE PERSON THAT FLIPPED IT PUT $50,000 WORTH OF UPGRADES THINKING THAT SOMEBODY WOULD MOVE INTO HER HOUSE AND RAISE A FAMILY. THERE IS NO DAMAGE TO THAT HOUSE. THAT HOUSE IS AS SOLID AS IT WAS THE DAY IT WAS BUILT. AND THE OTHER ISSUE IS THAT -- IS THAT WE ARE VERY, VERY UPSET AND WE WILL CONTINUE TO FIGHT AGAINST THIS IN ANY WAY WE POSSIBLY CAN. THIS IS A LANDMARK FOR THE NEIGHBORHOOD, THIS IS REALLY GOING TO IMPACT OUR NEIGHBORHOOD IN A VERY, VERY, VERY NEGATIVE WAY. WE DON'T -- DON'T FEEL THAT WE CAN TRUST THE WORD OF THE DEVELOPER BECAUSE WE ARE GETTING DIFFERENT INFORMATION. THERE IS NO TRUST TO SO WE ARE NOT WANTING AT THIS POINT IN TIME TO EVEN CONSIDER A CONDITIONAL OVERLAY BECAUSE WE DON'T THINK THAT WE ARE GOING TO GET IT. I BELIEVE THIS MAN'S INTENT IS TO PUT UP A HIGH RISE FOR THAT PROPERTY. AND WE MAY END UP LIVING WITH SOMETHING THAT WE DON'T EVEN KNOW WHAT IT IS, IT'S GOING TO FLIP IT, WE ARE GOING TO END UP ON THAT PROPERTY. THAT'S MY CONCLUSION. I REALLY DO HOPE THAT YOU HEAR WHAT WE ARE SAYING, THAT YOU VALUE OUR NEIGHBORHOOD, YOU VALUE OUR CONCERNS AND THAT YOU ARE NOT GOING TO LET HOUSTON MONEY SWAY AND REALLY START TO HAVE AN IMPACT ON

THIS COMMUNITY BECAUSE THEN DEVELOPERS CARE ABOUT MONEY AND WE HAVE LOST THE FABRIC OF OUR NEIGHBORHOOD. THANK YOU.

THANK YOU, GENE MATHER, WELCOME. EXCUSE ME?

[INAUDIBLE - NO MIC]

WELCOME BACK, MR. PETERSON, THREE ADDITIONAL MINUTES.

HELLO, YES. THIS IS A PICTURE OF WIND OAK, YOU MIGHT NOTICE THAT IT'S ON A HILL. CAN YOU ZOOM IN ON THAT, PLEASE. I'M STILL TRYING TO FIGURE OUT HOW THEY ARE GOING TO TAKE THOSE LOWER LEVEL DUPLEXES AND SEND THAT SEWAGE UPHILL AS A -- AS THEY CLAIM THEY ARE GOING TO BE DOING. ONE OF THE THINGS THAT VERY MUCH CONCERNED ME WAS THE -- WAS THE STAFF RECOMMENDATION, I STARTED LOOKING AT THE STAFF RECOMMENDATION AND WAS VERY CONCERNED BECAUSE I ACTUALLY WENT DOWN TO THE OFFICE TO QUESTION THE GUY THAT RECOMMENDED THIS AND I SAYS, WELL WHAT'S GOING ON HERE. IT'S FULL OF AIR. AND -- OWE FULL OF ERRORS AND OMISSIONS. I GOT DIRECT WORD FROM THE PEOPLE IN THE PLANNING GROUP AND COMMISSION SAYING THERE WAS NEVER A MEETING OF THE DEVELOPER. IF A MEETING WITH THE ZONING OFFICE AND DEVELOPER CONSTITUTES A MEETING WITH THE NEIGHBORHOOD PLANNING, WELL THAT'S A CLOSED DOOR MEETING AND I DON'T ACCEPT THAT. I TURNED AROUND AND I STARTED LOOKING AT OTHER ISSUES THAT WERE INSIDE OF THIS HERE ZONING PAPERWORK THAT THE STAFF HAD TURNED AROUND AND SUBMITTED SAYING THAT THEY WERE GOING TO RECOMMEND IT. AND I SAW THINGS LIKE THERE WAS NO MENTION OF HILLS. AND CREEK AND FLOODING PROBLEMS AND AS A MATTER OF FACT IT WAS ACTUALLY WRITTEN OFF AS NOT BEING A PROBLEM. LOOK AT THAT. NO BLUFFS. I SHOW PICTURES OF BLUFFS. WHERE ONE HOUSE WAS -- WAS NEXT TO A LOT THAT WAS 10, 15 FEET TALLERER THAN IT. WELL, WHAT KIND OF RECOMMENDATION IS THIS? I MIGHT ASK. YOU KNOW, WHAT IS GOING ON HERE WITH FLEXIBILITY OF FLEET, TREE -- TREE PROTECTION? IT'S LIKE OKAY. THINGS LIKE WHERE IT SAYS TO THE WEST, IT'S A RETENTION POND AND AUTO REPAIR SHOP. THAT'S AN UNTRUE. THERE ARE TWO LOTS ZONED SF 3 WHICH ARE PROTECTED BY RESTRICTIVE COVENANTS. THIS RECOMMEND INDICATION BY YOUR STAFF, I WONDERED WHETHER HE EVEN GOT IN HIS CITY-OWNED CAR AND TOOK A THREE MINUTE DRIVE OUT TO THE AIR TO TAKE A LOOK AT IT TO SEE THE HILLS, TO SEE THE PROPERTY, TO SEE THE RETENTION POND. I'M GOING TO SAY THAT -- THAT IT IS THE DEVELOPER'S INTENTION TO MAXIMIZE HIS PROFIT AT THE EXPENSE OF THE PROPERTY OWNERS THAT ARE ALREADY LIVING THERE. I DON'T THINK THAT'S RIGHT. BECAUSE WHAT'S GOING TO BE THE RESULT IS HE'S GOING TO PUT IN SOME TYPE OF DEVELOPMENT TO IMPROVE HIS -- HIS MAXIMIZE HIS PROPERTY, IT'S GOING TO TURN AROUND THE COST OF REST OF US OR PROPERTY VALUES. DO YOU THINK THAT'S FAIR. THANK YOU.

THANK YOU, MR. PEARSON. ALSO SIGNED UP AND NOT WISHING TO SPEAK IN OPPOSITION WAS KARL BRAUGHN. IS KARL BRAUGHN HERE. HE HAS TO BE IN THE ROOM. THAT'S ALL THE PEOPLE FOR OR AGAINST, NOW A ONE-TIME THREE MINUTE REBUTTAL FOR -- YES, MA'AM? INNADIA, SORRY, COME ON UP IF YOU WOULD LIKE TO ADDRESS US. STATE YOUR NAME INTO THE MIC FOR THE RECORD. MY SYSTEM DOESN'T SHOW IT HERE.

MAYOR, MAYOR PRO TEM, CITY COUNCIL, MY NAME IS DELOIS LUNA, I AM MR. PETERSON'S NEXT DOOR NEIGHBOR. I AM JUST WANTING TO LET YOU KNOW ABOUT MY CONCERNS, MY CONCERNS BEING DRAINAGE. MY HOUSE SITS AT THE BOTTOM OF THE HILL ON CIRCLE HAVEN. THERE ARE ONLY TWO SEWER LINES FROM PARKER OR NOT SEWER LINES, I'M SORRY. GUTTERS. STORM SEWERS. FROM PARKER TO THE END OF WIND OAK. ALL I GET ALL THE WATER COMING DOWN FROM WIND OAK AND ALSO ON THE BACK SIDE I GET WATER COMING IN ON THAT EASEMENT. LAST YEAR I HAD ON MY SIDE YARD WHEN THAT POND BACKS UP IT BACKS UP INTO THE NEIGHBORHOOD. AND THAT POND BACKED UP INTO MY BACK YARD AND I HAD A -- A SWAMP FOR ABOUT TWO MONTHS. WATER ALSO COMING DOWN THE HILL, IT'S -- IT'S REALLY WHEN WE HAVE A BAD STORM, IT'S JUST REALLY GUSHING AND IT'S ALMOST SCARY TO SEE. I JUST WANTED TO ADDRESS THAT THIS IS A VERY, VERY SERIOUS PROBLEM, THE DRAINAGE AND I'M VERY CONCERNED BECAUSE ONE OF THE -- THEY WANT TO PUT A STREET ALSO AND IT WILL BE RIGHT DIRECTLY IN FRONT OF THE CIRCLE HAVEN, SO THAT MEANS MORE WATER. SO I DON'T WANT TO TAKE UP ANY MORE OF YOUR TIME, I JUST WANTED TO ADDRESS THIS ISSUE. THANK YOU.

THANK YOU. IS THERE ANYBODY ELSE WHO HAS ATTEMPTED TO USE OUR SIGN-UP SYSTEM FOR WHATEVER REASON THAT ISN'T SHOWING HERE ON MY SCREEN. THANK YOU ALL VERY MUCH. SO MS. TOUPES OR ANYBODY ELSE, A THREE MINUTE REBUTTAL.

THANK YOU, MAYOR. I WILL TRY TO FIT ALL OF THESE ITEMS PRETTY QUICKLY. THIS DRAWING IS IN YOUR PACKET. I APOLOGIZE THAT IT'S BLACK AND WHITE. WHAT YOU SEE HERE, THIS IS THE EXISTING NEIGHBORHOOD, THIS IS OUR PROPOSED DEVELOPMENT. I WANT TO SHOW YOU THIS IN TERMS OF COMPATIBILITY. OUR IMPERVIOUS COVER UNDER THIS PLAN IS ACTUALLY A BIT LESS THAN WHAT EXISTS IN THE EXISTING NEIGHBORHOOD. THE -- THE TREES DRIVE THE DESIGN ON THIS PROJECT. AND THE -- THE DRIVEWAY, WHAT WE HAVE DONE INSTEAD OF HAVING 10 DRIVEWAYS FROM SF 3, WE HAVE CONSOLIDATED THAT TO ONE DRIVEWAY AND THEY ARE CORRECT, THERE ARE TWO LOTS, WHICH ARE ZONED SF 3, THEY ARE DEED RESTRICTED TO SINGLE FAMILY HOUSES NOT DUPLEXES. SO WHAT OUR PLAN SHOWS IS TWO SINGLE FAMILY HOUSES WHICH WILL JOIN IN -- INTO THE COMMUNITY SO THAT THEY WOULD USE THAT -- THAT ACCESS, THIS DRIVE WHICH ACCESSES ONCE ON WINDOW AND ONCE ON PARKER. THE POND IS AT THE END, OUR PROPERTY DRAINS TO THE POND, THE APARTMENT COMPLEX NEXT TO US DOES HAVE DETENTION, IT

WAS DEVELOPED EARLY ON WHEN SOME OF THE WATER QUALITY RESTRICTIONS WEREN'T IN, THE DETENTION IS PROTECTED BY CITY ORDINANCE. OBVIOUSLY WE HAVE TO KEEP OUR DEVELOPED DRAINAGE TO THE PREEXISTING CONDITION. SO WE DRAINED TO THIS POND. THIS POND STILL DRAINS TO THE STORM SEWER WHICH CONTINUES ON TO TOWN LAKE. THE NEIGHBORHOOD DRAINS OTHER DIRECTION SO WE ARE DRAINING IN A – IN A WESTERLY DIRECTION INTO THE – INTO THE EXISTING POND, THE POND WILL BE PART OF THE SITE PLAN PROCESS TO ADDRESS DETENTION AND WATER QUALITY. THE ISSUE ABOUT BUFFERS THAT THEY BROUGHT UP AS WE SHOWED YOU ON THE PLAN, THE INTENTION IS TO HAVE THESE FRONT UNITS ADDRESS THE STREET. SO THAT BACK YARDS WOULD NOT BE FACING THE STREET, WE WILL DO SOME SORT OF A SCREENING, THERE WILL BE SOME SORT OF VEGETATIVE SCREENING AND PROBABLY A FENCE. THAT'S ALWAYS THAT DOUBLE EDGED THING. ARE WE A PART OF THE COMMUNITY OR ARE WE SEPARATED FROM THE COMMUNITY. BUT -- BUT CURRENT PLANS THERE WOULD PROBABLY BE A VEGETATIVE BUFFER ALONG THERE AS WELL AS A FENCE. GOING BACK TO I THINK LET'S SEE THE DEED RESTRICTIONS ON THE TREES, THERE ARE ACTUALLY 12 PROTECTED TREES, 19-INCH AND GREATER. THOSE ARE NOT -- THEY ARE NOT CUT DOWN OR THERE'S NO INTENTION TO HARM THOSE TREES IN THIS PLAN. WE ARE VERY AWARE OF HOW MANY LARGE TREES THAT ARE IN THIS PLAN. THE -- LET'S SEE. MR. HAMILTON DID INVITE THE CITY ARBORRISTS OUT. IT -- I'M SORRY THERE SEEMS TO BE SO MUCH I GUESS DISTRUST AMONG THE NEIGHBORHOOD, WE BELIEVE THAT THE PLAN THAT WE HAVE SHOWN IN JANUARY IS THE SAME PLAN AND UNFORTUNATELY WE HAD A NEW OWNER THAT BOUGHT IT IN JULY. AND THEN GOT INVOLVED IN TALKING TO -- TO THE CITY STAFF ABOUT THE NEIGHBORHOOD PLAN. PROPERTIES SELL AND -- AND I THINK THAT'S SOME OF THE CONCERN. IS THAT MY TIME?

THAT'S YOUR TIME, THANK YOU, MS. TOUPS, BUT HANG AROUND FOR QUESTIONS OR COMMENTS. COUNCIL THAT CONCLUDES THE PUBLIC HEARING PORTION OF THE CASE. COUNCILMEMBER DUNKERLY?

SF 3 ZONING. YOU COULD BUILD HOW MANY UNITS OR NOT UNITS, HOW MANY BUILDINGS AND HOW MANY UNITS ON THE PROPERTY THAT'S UP FOR REZONING?

WE COULD BUILD 10.

10.

7,000 SQUARE FOOT LOTS.

ON WITH YOUR SF 6 ZONING, WHICH I UNDERSTAND FROM THE DIAGRAMS, MUCH BETTER THAN I DID EARLIER, THE NEED -- THE FLEXIBILITY TO GET -- TO GET FOR THE

-- FOR THE NEW CONFIGURATION OF THE WATER LINES, HOW MANY UNITS WOULD YOU BUILD UNDER THAT CONFIGURATION.

10.

10 -- 10 DUPLEXES.

10 DUPLEXES FOR THE SAME NUMBER, THE ONLY DIFFERENCE IS IN THE CONFIGURATION OF THE WATER AND THE ABILITY TO -- TO -- TO PLACE THEM -- THEM MORE STRATEGICALLY AS FAR AS THE TREES ARE CONCERNED.

CORRECT.

THE ZONING ACTUALLY ALLOWS AS MUCH AS 12 UNITS TO THE ACRE. THE TREES DRIVE THE NUMBER.

IF WE WERE TO DO FIRST READING TONIGHT, WOULD THAT AGAIN -- THAT WOULD GIVE YOU AN OPPORTUNITY TO COME BACK IN TO SOME -- MAYBE A CO OR SOMETHING THAT WOULD RESTRICT IT TO THE SAME 10 UNITS AND DO SOME OTHER THINGS -- AS MR. LEFFINGWELL SAID ABOUT THE TREES, IF YOU COULD POSSIBLY WORK ON BOTH OF THOSE THINGS. I THINK THAT THE CONCERN THAT THE NEIGHBORS EXPRESSED IS REALLY A GOOD ONE AND THAT SOMETIMES WE ZONE THINGS AND THEN THEY -- YOU KNOW, THAT PROJECT GOES AWAY AND THERE'S A NEW PROJECT AND THERE ARE NOT ME RESTRICTIONS AND THEN THE WHOLE -- THE WHOLE SIDE IS OPEN AGAIN FOR REDEVELOPMENT AND -- AND IT'S NOT WHAT EITHER WE THOUGHT OR WHAT THE NEIGHBORHOOD HAD THOUGHT. WOULD THINK. I THINK THAT'S IMPORTANT THAT WE GET SOME RESTRICTIONS ON THE NUMBER OF BUILDINGS. SO THAT THEY ARE CONSISTENT OF ONE ZONING TO THE OTHER. ALL THAT WE ARE GETTING WITH THIS SF 6 ZONING IS THE -- IS THE STRATEGIC LOCATION AS FAR AS THE TREES AND THE CREATIVE USE OF THE WATER LINES. SO -- SO THAT WOULD BE ONE OF THE COMMENTS THAT I WOULD MAKE.

OKAY.

THAT'S NOT A PROBLEM.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER LEFFINGWELL?

WELL, I DID READ OFF THAT LIST, A WHILE BACK, TO THE -- TO THE PEOPLE WHO WERE SPEAKING IN OPPOSITION. AND I DON'T KNOW IF YOU COPIED THEM DOWN OR NOT.

I DID.

I WOULD JUST LIKE TO RUN THEM BY YOU AND SEE IF YOU HAVE ANY PROBLEMS WITH THEM. COUNCILMEMBER DUNKERLY MENTIONED THE MAXIMUM OF 10 DUPLEX UNITS ON THE -- ON THE TRACT.

AS LONG AS IT'S -- IT'S ACTUALLY 20 UNITS, WHAT THE PLANNING COMMISSION HAD GIVEN US -- THE THING THAT -- WITH 10 BUILDINGS, THE 10 BUILDINGS, WE WANTED THE OPTION TO POSSIBLY SPLIT A COUPLE OF THE BUILDINGS, IF THE TREES DIKT TAKE ITED THAT, THAT'S WHY THEIR MOTION WAS 20 UNITS, 12 BUILDINGS. WE WOULD LIKE SOME FLEXIBILITY THERE BECAUSE RIGHT NOW IT LOOKS LIKE YOU COULD HAVE THEM ALL JOINED BUT WE MIGHT HAVE TO SPLIT SOME.

Leffingwell: SOMETHING ALONG THOSE LINES. JUST TO ALLOW YOU TO BE ABLE TO AS YOU SAY SPLIT TO PROTECT YOUR TREES BECAUSE THAT WAS GOING TO BE A RESTRICTIVE COVENANT THEN I WOULD SUGGEST IT WAS -- WAS THAT ALL PROTECTED CLASS TREES REMAIN. BACK TO THE CO, I BELIEVE THE OTHER ONE THEY MENTIONED WAS ACCESS ONLY TO PARKER LANE WITH A VEGETATIVE BUFFER OR A FENCE ALONG WIND OAK AND SOMETHING ABOUT -- ABOUT NO SETBACK OR COMPATIBILITY VARIANCES. I CAN'T IMAGINE THAT ANY --

WE DON'T ANTICIPATE ANY VARIANCES, THE PROBLEM WITH THE ACCESS IS THAT WE ARE REDUCING THE POTENTIAL OF 10 TO 12 DRIVEWAYS TO ONE ON WIND OAK. SO -- SO WE HAVE ONE ACCESS ON WIND OAK, ONE ON PARKER. AND WE FEEL THAT THAT'S VERY REASONABLE, IT GIVES US FLEXIBILITY TO -- FOR FIRE, ACCESS THROUGH WITHOUT HAVING TO DO A CUL DE SAC IN THERE, WHICH IS MORE IMPERVIOUS COVER, SO WE DON'T THINK THAT ONE DRIVEWAY IS UNREASONABLE IN THAT -- IN THAT STREET. SO THAT WAS A STICKING POINT FOR US WAS THE ACCESS.

WOULD THAT BE NECESSARY FOR EMERGENCY REASONS TO HAVE A SECOND ACCESS POINT?

IT WAS, THE NEIGHBORHOOD OFFERED UP A GATED BUT THAT DIDN'T WORK FOR US. YOU KNOW, THE EMERGENCY GATES. SOMETIMES YOU HAVE THAT. WE BELIEVE FOR THE -- FOR THE COMMUNITY THAT WE ARE BUILDING THERE, WE REALLY NEED THAT FLEXIBILITY OF TWO ACCESS POINTS.

OKAY.

AND WHAT I THINK THAT I'M GETTING, CORRECT ME IF I'M WRONG, IS THAT MOST OF THE CONCERNS THAT I HAVE HEARD FROM THE NEIGHBORHOOD WOULD REFLECT AN UNDEVELOPED SITE BASICALLY. LEAVING IT THE WAY THAT IT IS. WHEN ACTUALLY THE CHOICE THAT WE ARE LOOKING AT IS BETWEEN SF 3 WITH X NUMBER OF UNITS

ON IT OR SF 6 WITH THE SAME NUMBER OF UNITS ON IT, AND IT MAY BE THAT -- THAT WE CAN OFFER GREATER PROTECTIONS FOR THE SITE ENVIRONMENTALLY AND COMPATIBILITY-WISE IN CONJUNCTION WITH THE SF 6 ZONING, THAT'S JUST A COUPLE OF THOUGHTS.

Mayor Wynn: COUNCILMEMBER, FURTHER COMMENTS, QUESTIONS?

Mayor Wynn: MR. GUERNSEY, STAFF IS READY FOR FIRST READING, DEPENDENT ON WHICH WAY WE GO. FIRST READING ONLY?

Guernsey: THAT'S CORRECT, WE ARE ONLY READY FOR FIRST READING ONLY. I WILL REMIND COUNCIL THERE IS A VALID PETITION THAT WOULD TAKE EFFECT AT THIRD READING. THAT WOULD REQUIRE SIX OUT OF A SEVEN VOTE OF COUNCIL AT THAT TIME. BUT THERE'S -- THERE'S ONLY FOUR VOTES NECESSARY TO□□ APPROVE IT ON FIRST READING TODAY.

THANK YOU.

COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR. I THINK MS. TOUPS MENTIONED SOME TYPE OF A RESTRICTION THAT WAS DISCUSSED AT THE PLANNING COMMISSION ABOUT THE NUMBER OF UNITS, NUMBER OF BUILDINGS. BUT I BELIEVE IT WAS FORWARDED TO US WITH NO -- WITH NO RECOMMENDATION OR AM I LOOKING AT THE WRONG BACKUP HERE?

NO, THE COMMISSION DID MAKE A LET ME ADDITION, BUT THE MOTION FAIL -- THE COMMISSION DID MAKE A RECOMMENDATION, BUT IT FAILED ON A 4-4 VOTE. MY UNDERSTANDING THE MOTION WAS FOR 20 UNITS, 12 BUILDINGS. I THINK THAT WAS JUST STATED --

Alvarez: ACTUALLY, I THINK THAT WAS RIGHT. JUST DIDN'T READ THAT PARTICULAR PART SINCE IT FAILED. THAT -- I WAS CURIOUS IF THERE WAS A PLANNING COMMISSION RECOMMENDATION ON RECORD BUT THEY DIDN'T HAVE THE REQUIRED NUMBER OF VOTES SEEMS LIKE.

Gurensey:: THAT'S CORRECT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] I WOULD MOVE APPROVAL ON FIRST READING OF THE STAFF RECOMMENDATION STAFF RECOMMENDATION OF SF 6.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER LEFFINGWELL. FURTHER DISCUSSION? COUNCILMEMBER ALVAREZ? [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Alvarez: IT'S BEHIND ME, SO I CAN'T REALLY SEE IT. HERE WE GO. THAT'S THE SAME TRACK OR DOES IT INCLUDE THAT UNDEVELOPED PORTION IN THE BACK.

THAT IS JUST THE TRACT, THE SUBJECT PROPERTY WE'RE TALKING ABOUT.

Alvarez: WHERE THE 10 OR 12 STRUCTURES WOULD GO. AND THEN THEY WOULD ACCESS ON WIND OAK.

THAT'S CORRECT.

THIS IS THE UNCREATE TIF SUBDIVISION, THOUGH. IT'S STRAIGHT LOTS. IT'S THE SIMPLEST, CHEAPEST THING THAT SOMEBODY COULD DO.

I DIDN'T KNOW IF THIS INCLUDED THAT BACK PORTION THAT HAS THE LARGE TREES.

THE LARGE TREES ARE ACTUALLY ON THIS PROPERTY, NOT THAT PLAN, NOT BACK WHERE THE POND --

THE LARGEST TREES ARE -- THE MANSION IS TUCKED BACK ON THE INSIDE OF THOSE TREES. SO THE LARGEST TREES ARE ACTUALLY THERE. YOU CAN SEE THE TREE. AND THEN THERE'S -- THEN YOU LOOK AT THE PLAN AND THE CLOSEST ALONG THERE'S AN OPEN LAWN AND A GROUPING OF TREES WHERE THE TREES ARE. THERE'S ANOTHER GROUP OF LARGE TREES AND THEN STARTING AT THAT ROAD WHERE THE PROPERTY LEAN LYON IS GOING BACK TO THE SINGLE-FAMILY LOTS THEY'RE ALL OVERGROWN, THEY HAVEN'T BEEN MAINTAINED AND THEY'RE NOT VERY BIG TREES, BUT WE WOULD CLEAN SOME OF THE SCRUB OUT.

I JUST WANTED TO MAKE SURE THAT I WAS CONDITIONING THOSE 10 LOTS ON THE SAME SIZE OF TRACT THAT WE WERE SHOWING THESE 10 PARTICULAR STRUCTURES.

I'LL LEAVE THIS UP HERE FOR YOU GUYS.

Alvarez: I THINK, MAYOR, FOR THAT REASON, IF YOU COULD -- YOU COULD POTENTIALLY SUBDIVIDE THIS THIS IN SUCH A WAY THAT YOU COULD HAVE 10 STRUCTURES OR 10 HOMES THAT THEMSELVES COULD BE POTENTIALLY TWO-UNIT STRUCTURES. AND I DO THINK THAT IT SEEMS LIKE A REASONABLE PROPOSAL, AND ACTUALLY ALLOWS FOR BETTER DESIGN WITH THE SITE AND THEN PROTECTION OF SOME OF THE IMPORTANT FEATURES. AND ACTUALLY, I THINK, MINIMIZES THE VISUAL IMPACT OF THE OTHER HOMES ON WIND OAK AND THE FACT THAT THOSE MAYBE MORE TRADITIONALLY SUBDIVIDED LOTS WOULD ACCESS WIND OAK THAN THE FACT THAT THERE MAY BE ONE DRIVEWAY ON WIND OAK. I DON'T THINK IT'S NECESSARILY A SIGNIFICANT ISSUE, BUT I WILL BE SUPPORTING THE MOTION AND JUST APPRECIATE EVERYBODY'S INPUT ON THIS MATTER.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FOR MY SAKE, STAFF -- AS COUNCILMEMBER ALVAREZ POINTED OUT, THE SUBDIVISION THAT CAN OCCUR UNDER SF-3, WHILE IT REQUIRES NO ZONING CHANGE, IT DOESN'T COME TO COUNCIL. AND WHEN THE SUBDIVISION GOES TO I GUESS THE PLANNING COMMISSION IS PERFUNCTORY AND STATE LAWMAN DATES THAT IT HAS TO BE APPROVED BY THE PLANNING COMMISSION IF IT MEETS JUST THE LOT DIMENSIONS.

IF THE SUBDIVISION MEETS THE TECHNICAL REQUIREMENTS, THE PLANNING COMMISSION IS REQUIRED TO APPROVE THE PLAT.

Mayor Wynn: IT'S OBLIGATED TO BE APPROVED BY THE PLANNING COMMISSION AND DOESN'T EVEN COME TO COUNCIL.

THEY ARE COULD HAVE REN ON THEIR DECISION.

Mayor Wynn: IT'S WITH THIS I WILL BE SUPPORTIVE ON FIRST READING. THIS ALLOWS US TO HAVE THESE DISCUSSIONS AND THE POTENTIAL FOR SOME SIGNIFICANT RESTRICTIONS, SOME COVENANTS, SOME OTHER CREATIVITY THAT IMPROVES WHAT WOULD BE A PERFUNCTORY REVIEW BY LAW. COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUST QUICKLY, MY SECOND WAS BASED ON THE ASSUMPTION THAT OF COURSE FIRST READING ONLY, AND THAT THE SUBSEQUENT READINGS WILL ADDRESS THE CO'S THAT WE CALLED OUT AND THE RESTRICTIVE COVENANT. WAS THAT YOUR INTENTION, COUNCILMEMBER?

Dunkerley: ABSOLUTELY. AS MANY AS WE CAN GET AGREEMENT ON. IT LOOKED LIKE MOST OF THEM, BOTH SIDES AGREED TO. PERHAPS SOME THOUGHT ABOUT ONE OF THEM, BUT THAT SHOULD COME BACK WITH SECOND READING. OKAY?

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I'M PICKING UP A LOT OF WILLINGNESS TO WORK TOGETHER AND I THINK THAT'S GOING TO BE A VERY HEALTHY THING BECAUSE IT PROPOSAL, IT APPEARS PRETTY GOOD, APPEARS VERY GOOD, BUT IT DOES REPRESENT A RADICAL CHANGE IN THE CHARACTER OF THAT NEIGHBORHOOD, WHICH IS NOT NECESSARILY A BAD THING, BUT IT IS SOMETHING THE NEIGHBORS SHOULD HAVE INPUT ON BECAUSE IT IS THEIR STREET. IT'S VERY IMPORTANT TO ME THAT WE HAVE THAT VERY OPEN DIALOGUE AND THE CAUSES AFFECTS SO MANY PEOPLE IN THEIR OWN HOMES, THEIR OWN PROPERTY VALUES, THEIR OWN DECISIONS ON LIVING ON THAT STREET, I'M REALLY GOING TO BE LOOKING TO SEE THAT WE DO HAVE THAT SEQUENCE CONSEQUENCE DEVELOPED SO THAT WE CAN GET THAT TRUST. I HAVE A LOT OF TRUST AND EXPERIENCE WITH THE PEOPLE WHO ARE DESIGNING THIS AND A LOT OF CREDIBILITY, BUT I DON'T KNOW THE OWNERS AND THEY APPEAR TO BE FROM -- THEY

WILL NOT BE RESIDENTS, THEY WILL BE INVESTORS, BUT THAT'S FINE. THAT'S WHY IT'S SO IMPORTANT THAT WE GET ALL THESE DETAILS NAILED DOWN BECAUSE AFTER IT'S ALL DONE THE FOLKS WILL STILL BE LIVING ON THAT STREET, AND SO THEY DESERVE A LOT OF SAY SO IN WHAT HAPPENS IN THE CHARACTER OF THEIR NEIGHBORHOOD.

Mayor Wynn: THANK YOU. YES?

MAR SI MORRISON WITH THE CITY LAW DEPARTMENT. I JUST WANTED TO MAKE IT CLEAR TO THE COUNCIL THAT SOME OF THESE CAN BE IN A CO, THE 20 UNITS, THE ACCESS, AND THE BUFFER. AS FAR AS THE TREES, I BELIEVE THAT CAN BE A PUBLIC RESTRICTIVE COVENANT. AS FAR AS NO VARIANCES, I BELIEVE IT WOULD HAVE TO BE A PRIVATE RESTRICTIVE COVENANT BETWEEN THE NEIGHBORHOOD AND THE LANDOWNER.

WE'LL BRING THIS BACK FOR SECOND READING AND WE'LL ASK THE APPLICANT TO PROPOSE THE CONDITIONAL OVERLAYS AND WE'LL WORK WITH THE APPLICANT. AS MAR SI SAID, SOME MAY HAVE TO BE IN A PRIVATE COVENANT THAT CAN'TING PLACED IN A PRIVATE COVENANT. WE'LL SHARE THAT WITH YOU, WE'LL THAT WITH THE NEIGHBORHOOD AND WHATEVER DECISION IS MADE AT SECOND READING WE'LL MOVE FORWARD AND FINALIZE THE COVENANTS AND ORDINANCES FOR FINAL RIDE REEDING AND THIRD READING IF EVERYTHING GOES WELL AT SECOND READING.

Mayor Wynn: COUNCILMEMBER KIM?

Kim: I THINK THIS IS A REASONABLE COMPROMISE AND THAT IT ALLOWS US TO PRESERVE THE OAK TREES ON THE PROPERTY AND ALSO PROVIDE MORE HOME OWNERSHIP OPPORTUNITIES FOR THE NEIGHBORHOOD. IT'S INTEGRATED WELL INTO THE NEIGHBORHOOD AND I LEARNED SOMETHING NEW ABOUT WATER METERS TO SF-6 ZONING VERSUS SF-3. SO THAT'S ANOTHER AREA WHERE WE CAN EXPLORE OPPORTUNITIES THERE FOR EFFICIENCIES. BUT I'LL BE SUPPORTING THE MOTION FOR SF-6.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, ALL THOSE IN FAVOR OF THE MOTION, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU VERY MUCH.