

**Zone Hearings/App Ordinances/Restrictive Covenants
CITY OF AUSTIN**

AGENDA

DATE: 4/20/2006

#79

**RECOMMENDATION FOR
COUNCIL ACTION**

Subject: C14-06-0013 - Pavilion Condominiums - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11819 Pavilion Boulevard (Walnut Creek Watershed) from community commercial (GR) district zoning to multi-family residence-highest density (MF-6) district zoning. Zoning and Platting Commission Recommendation: To be considered by the Commission on May 2, 2006. Applicant: Mitchel and Rose Wong. Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps). City Staff: Sherri Sirwaitis, 974-3057.

Requesting Department: NPZD

For More Information:



MEMORANDUM

TO: Will Wynn, Mayor and Members of the
City Council

FROM: Greg Guernsey
Director, Neighborhood Planning and Zoning Department

DATE: April 10, 2006

RE: C14-06-0013 (Pavilion Condominiums) Postponement Request

The Neighborhood Planning and Zoning Department would like to request a postponement of the above mentioned case until May 18, 2006. The staff is requesting a postponement because the Zoning and Platting Commission postponed this case to May 2, 2006 at the neighborhood's request. On May 18, 2006, the staff will be able to bring the Commission's recommendation forward to the City Council for your review.

The postponement request was made in a timely manner and meets the City Council's policy.

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0013

Z.A.P. DATE: March 21, 2006

April 4, 2006

May 2, 2006

ADDRESS: 11819 Pavilion Boulevard

OWNER/APPLICANT: Mitchel and Rose Wong

AGENT: Lopez-Phelps & Associates
(Amelia Lopez-Phelps)

ZONING FROM: GR, SF-3 **TO:** MF-6

AREA: 3.263 acres

SUMMARY STAFF RECOMMENDATION:

Staff's recommendation is to grant MF-2, Multi-Family Residence-Low Density District, zoning.

ZONING AND PLATTING COMMISSION:

3/21/06: Postponed to April 4, 2006 by the applicant (8-0, J. Martinez-absent); M. Hawthorne-1st, J. Pinnelli-2nd.

4/06/06: Postponed to May 2, 2006 by the neighborhood (7-0, J. Pinnelli, T. Rabago-absent); J. Martinez-1st, M. Hawthorne-2nd.

DEPARTMENT COMMENTS:

The property in question is currently undeveloped. This tract of land slopes slightly to southeast and contains several large trees. The agent for this case has stated that the applicants are requesting a rezoning because they would like sell the property to developer who plans to construct a 120-foot condominium tower on this site (Preliminary Site Layout – Attachment A). The proposed development would allow for a 12-story building, containing approximately 130 residential units to be marketed as an owner occupied retirement community. In this request, the applicant is asking to rezone a portion of the SF-3 area along the eastern border of the property that currently provides a buffer between the office and commercial zoning to the west and the residential zoning to the east.

The staff does not recommend the applicant's request for MF-6, Multi-family Residence-Highest Density District, zoning for this property because the proposed zoning allows for height and densities that are not compatible with the existing single-family residential neighborhood located directly to the east. The staff presents an alternate recommendation of MF-2, Multi-Family Residence-Low Density District, zoning for the site under consideration. MF-2 zoning is appropriate for this tract of land because the MF-2 district designation may be applied to a use in a multifamily residential area located near single family neighborhoods or in an area for which low density multifamily use is desired. The proposed MF-2 zoning will allow for a maximum height of forty (40) feet and will permit a maximum density of up to 23 units per acre, depending on unit size.

The following table compares the applicant's request with the staff's recommendation for this case:

Zoning District:	MF-6	MF-2
Minimum Lot Size:	8,000 sq. ft.	8,000 sq. ft.
Minimum Lot Width:	50	50
Max Dwelling Units per Lot:	unlimited	23
Maximum Height:	90 feet	40 feet or 3 stories
Minimum Setbacks:		
Front Yard:	15	25
Street Side Yard:	15	15
Interior Side Yard:	5	5
Rear Yard:	10	10
Maximum Building Coverage:	70%	50%
Maximum Impervious Cover:	80%	60%

The staff's proposal for MF-2 zoning for this site will create a transition in uses from the commercial/retail uses permitted in the GR district zoning to the west to the single-family residential uses that exist in the SF-2 district to the east.

This tract of land is subject to compatibility standards/regulations because it abuts existing single family uses and SF-2 zoning to the east. The height on this property would be limited to 30 feet and 2 stories from 50 feet to 100 feet from the residential property, and to 3 stories and 40 feet beyond the 100 foot distance. Then, height is permitted to increase by 1 foot for each 10 feet of additional distance from the residential property. However, the agent for this case has stated that if the proposed MF-6 zoning is granted for this site, then the applicant will proceed to the Board of Adjustment to request variances to allow for additional height and to vary from the City of Austin compatibility regulations.

The applicant does not agree with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Undeveloped
<i>North</i>	GR	Hotel (Studio Hotels, 2 stories in height), Retail Strip Center fronting U.S. Highway 183 (Alvin's Sandwiches, Dry Cleaners, Impact Martial Arts, Dunkin Donuts)
<i>South</i>	LO, GR, SF-3	Car Wash, Restaurant (Sonic), Office Building (recently constructed, 3 stories in height), Restaurant (Antonio's)
<i>East</i>	SF-3, SF-2	Detention area, Single Family Residential Neighborhood
<i>West</i>	GR	Office (Austin Eye Center), Retail Sales (Academy)

AREA STUDY: U.S. 183/Jollyville Road Area Study

(This Area Study designates the property in question for commercial/GR district uses. The U.S. 183 Study was approved by the City Council in November of 1978. The Area Study recommended that a 120-foot deep strip of land along Jollyville Road be zoned "O" Office zoning (which was converted to LO, Limited Office, in 1985) and that a 200 foot strip of land along the west side of Jollyville Road be zoned "A" Residence (which was converted to SF-3, Family Residence, in 1985). The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date. The policy of SF-3 on the west side of Jollyville Road was never approved or implemented, and today the west side of Jollyville Road is primarily zoned office and multi-family, with the majority of office zoning being LO zoning. The recommendation for a 120-

foot strip of LO zoning along the eastern portion of Jollyville Road was incorporated into the Jollyville Road Study, which was adopted in 1984).

TIA: Not required

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

46 - North Oaks Neighborhood Association
157 - Courtyard Homeowners Association
426 - River Place Residential Community Association, Inc.
475 - Bull Creek Foundation

SCHOOLS:

North Oaks Elementary School
Canyon Vista Middle School
Anderson High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0088	LO to LR-CO	6/18/02: Approved staff's recommendation of LR-CO zoning, by consent (8-0, A. Adams-absent)	7/18/02: Approved LR-CO, prohibiting the following uses as offered by the applicant: Restaurant (Drive-in, Fast Food), Service Station, Counseling Services, Guidance Services, and Safety Services(7-0); all 3 readings
C14-01-0160	LO to GO	Withdrawn by applicant on 12/14/01	N/A
C14-89-0024	SF-2, GO to GR	Approved GR & SF-2 on 5/23/89	Approved GR & SF-2 (6-0); 1 st reading on 6/29/89 Approved GR & SF-2 (7-0); 2 nd / 3 rd readings on 10/04/90

RELATED CASES: There are no pending related cases.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Pavilion Blvd.	70'	40'	Collector	No	No	Yes

CITY COUNCIL DATE: April 20, 2006

ACTION:

ORDINANCE READINGS: 1st

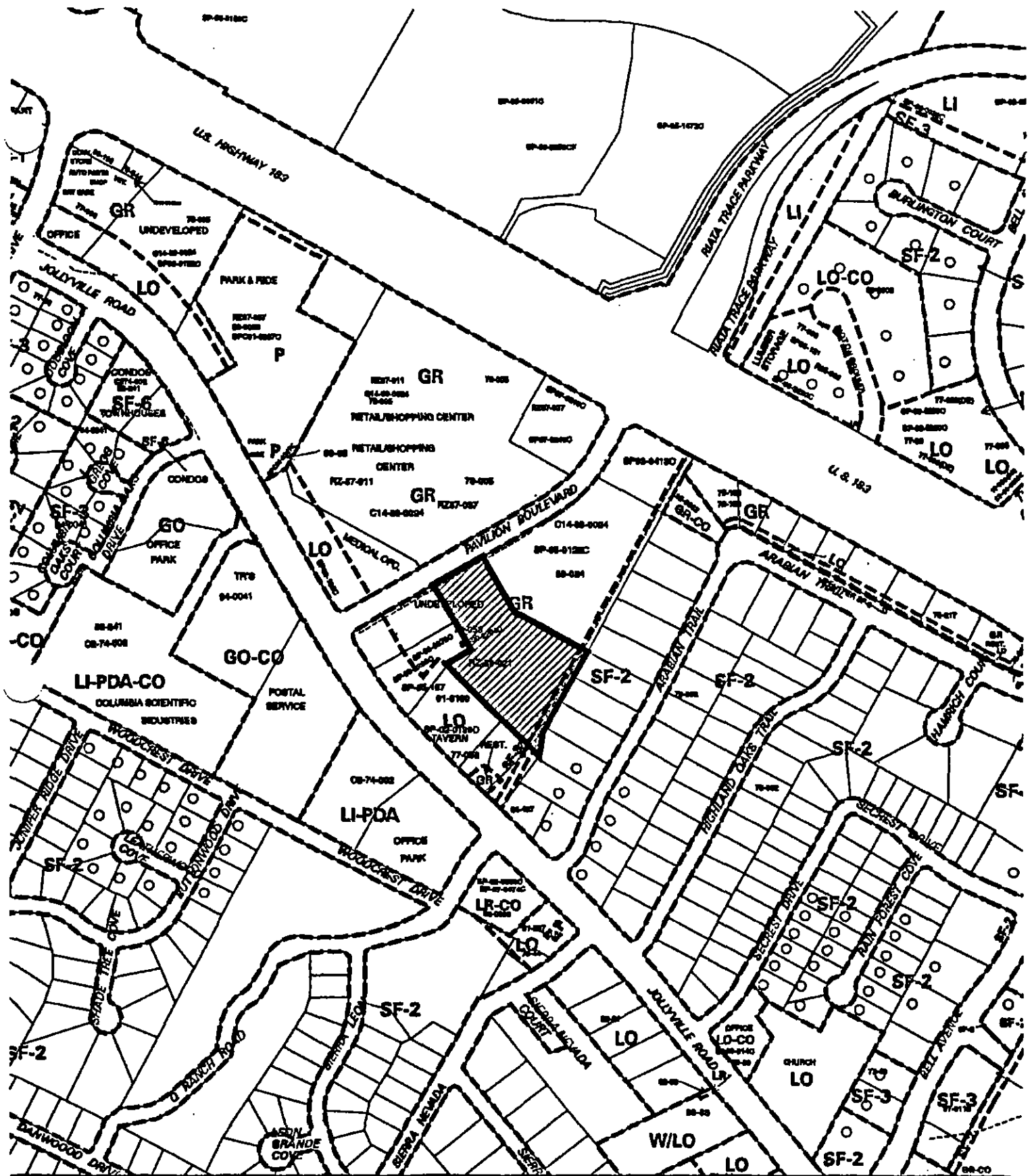
2nd

3rd

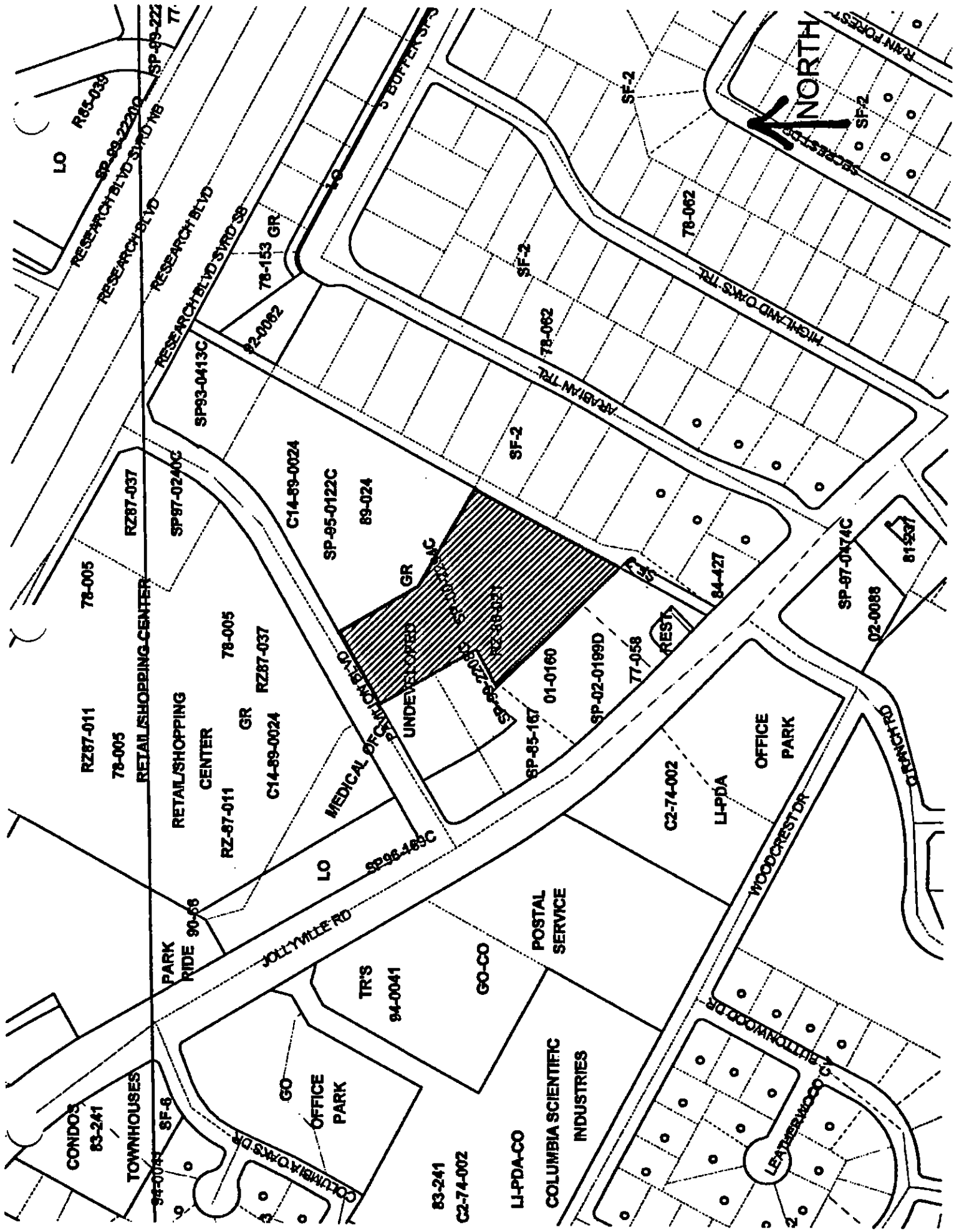
ORDINANCE NUMBER:

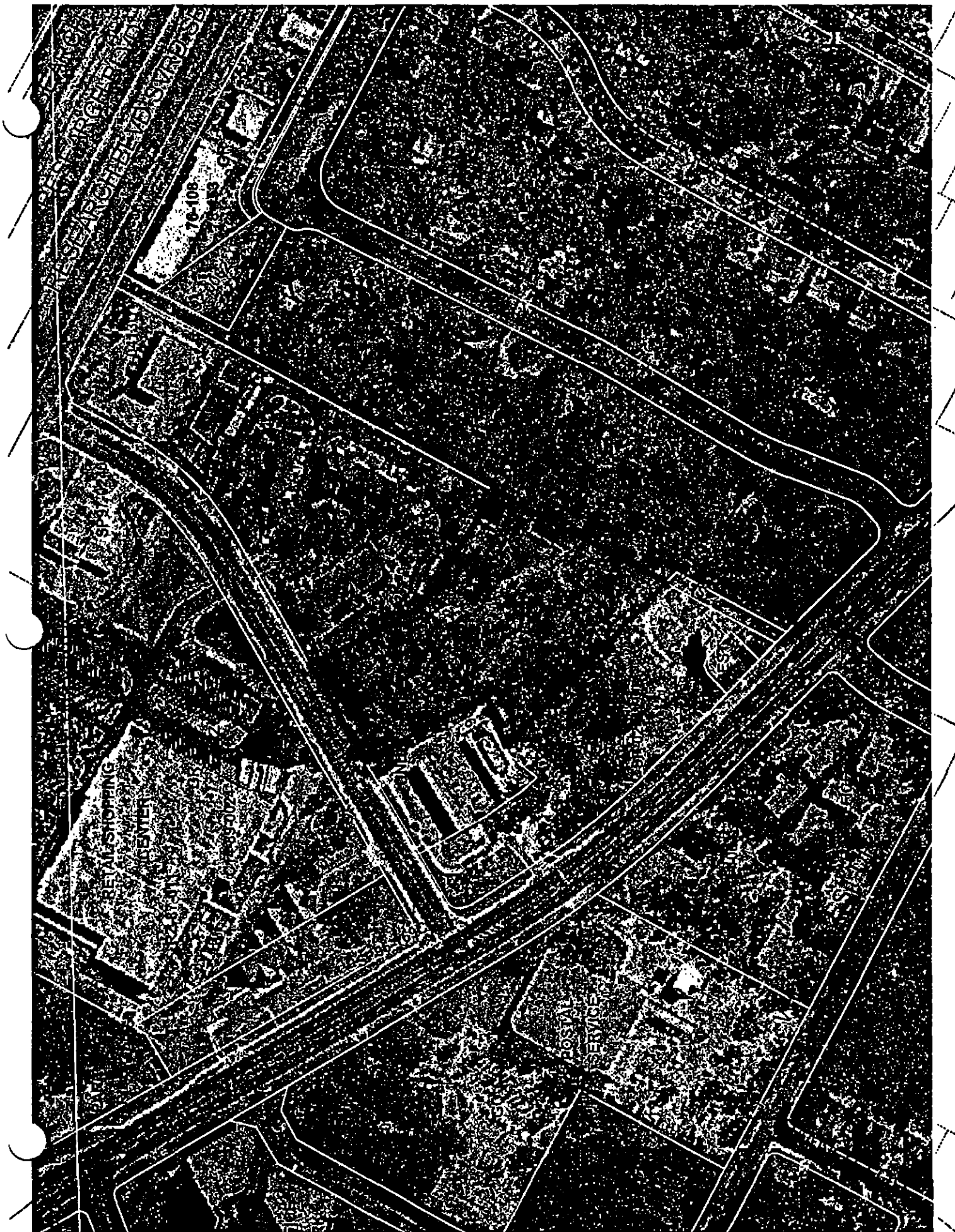
CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-06-0013 ADDRESS: 11819 PAVILION BLVD SUBJECT AREA (acres): 3.263		CITY GRID REFERENCE NUMBER H35
	PENDING CASE 			
	ZONING BOUNDARY 	DATE: 06-02 INTLS: SM		
	CASE MGR: S.SIRWAITIS			





STAFF RECOMMENDATION

Staff's recommendation is to grant MF-2, Multi-Family Residence-Low Density District, zoning.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The property in question does not meet the intent of the MF-6 district. The purpose statement of the MF-6 zoning district declares, "Multifamily residence highest density district is the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired." The site under consideration is not located within the central city near a major institution or employment center.

The staff's recommendation for the MF-2 zoning district would be consistent with the surrounding uses because the MF-2 district allows for height and densities that are compatible with the existing single-family residential neighborhood located directly to the east. The purpose statement of the MF-2 zoning district in the City of Austin Land Development Code expresses the following, "Multifamily residence low density district is the designation for a multifamily use with a maximum density of up to 23 units per acre, depending on unit size. An MF-2 district designation may be applied to a use in a multifamily residential area located near single family neighborhoods or in an area for which low density multifamily use is desired." The proposed tract of land is located adjacent to a single family neighborhood where low density multifamily uses are advisable.

2. *The proposed zoning should promote consistency and orderly planning.*

The staff's recommendation for MF-2 zoning for this site would promote consistency and orderly planning because it will create a transition in uses from the commercial/retail uses permitted in the GR district to the west to the single-family residential uses that exist in the SF-2 district to the east. The MF-2 zoning district allows for height and densities that are compatible with the existing single-family residential neighborhood that borders the site under consideration.

3. *Intensive multi-family zoning should be located on major arterials and highways.*

The property in question does not front or take access to a major arterial roadway. The site is located on a collector roadway, Pavilion Boulevard. The applicant's proposal for MF-6 zoning will allow for the development of a large residential tower on this site adjacent to existing two to three story office and commercial structures and one to two story single family residential homes. Therefore, the staff does not deem the requested zoning appropriate for this location as it does not conform with the surrounding intensity of permitted development standards.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently undeveloped. The property slopes slightly downward to southeast and contains several large trees.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the MF-6 zoning district would be 80%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Environmental

The site is located over the north Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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

At this time, 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.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

Transportation

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

The trip generation under the requested zoning is estimated to be 1,048 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]

Capital Metro bus service is available along US Highway 183 and Jollyville Road within ¼ mile of the subject site.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
Pavilion Blvd.	70'	40'	Collector	No	No	Yes

Water and Wastewater

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

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

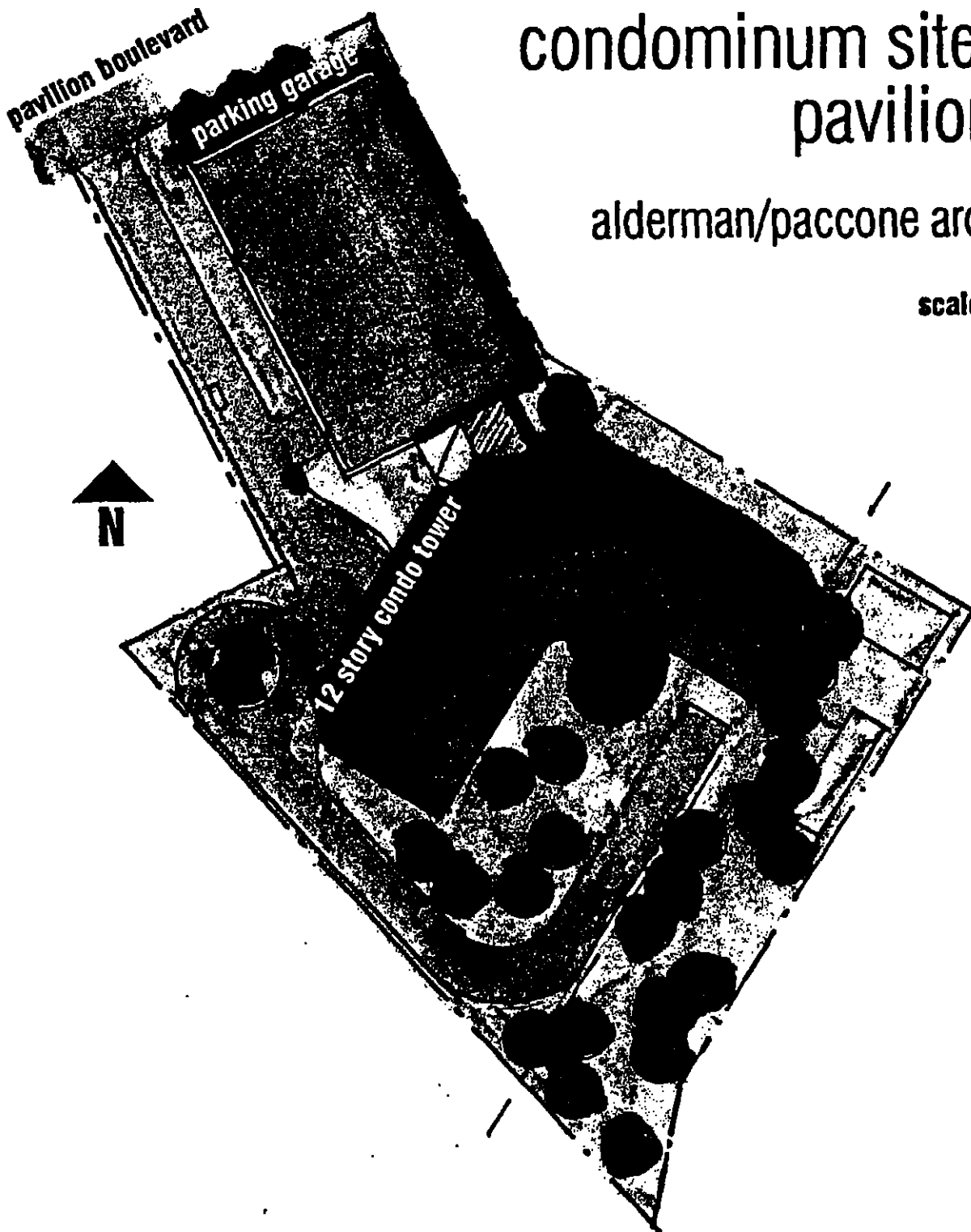
This property abuts single family zoning and use to the southeast (SF-2). The height on this property would be limited to 30 feet and 2 stories from 50 feet to 100 feet from the residential property, and to 3 stories and 40 feet beyond the 100 foot distance. Then, height is permitted to increase by 1 foot for each 10 feet of additional distance from the residential property. Since the height limit for MF-6 property is 90 feet, it appears that this property would require a variance (Board of Adjustment or Zoning and Platting Commission) to exceed the Compatibility height limits and to fully use the MF-6 density allowances.

This site has a number of large historic trees protected by the tree ordinance. Any proposed removal of one or more of them would require review and approval by the City Arborist, Michael Embesi, at 974-1876.

condominium site plan
pavilion site

alderman/paccone architects

scale: 1" = 80'



ROBSTERN COMPANY

Commercial Real Estate

Brokerage/Tenant Representation

March 5, 2006

RECEIVED

MAR 15 2006

Neighborhood Planning & Zoning

Mr. Greg Guernsey
Watershed Protection and Development Department
505 Barton Springs Rd., 5th Floor
Austin, Texas 78704

RE: Letter of Support
11819 Pavilion Drive
Case # C14-06-0013

Dear Mr. Guernsey:

We have been contacted by the agents representing the developer for the owner occupied residential project, proposed on the site address listed above. The consultants presented a twelve story, 131 unit residential condominium and parking garage, which would fill a need in this area of Austin. I am an owner of the Jollyville Professional Building directly adjacent to the property located at 11851 Jollyville Rd.

After review of the information provided, we have decided to lend our full support for the applicants' request for MF-6 to allow for the development of this project. We ask the Commission and City Council consider their support and approval in favor of the applicants' request, to allow for the development of this project. Your time and consideration would be appreciated.

Sincerely,


Rob Stern

11851 Jollyville Rd.
Austin, Texas 78759

4131 SPICEWOOD SPRINGS

SUITE N-1

AUSTIN, TEXAS 78759

TEL 512.502.1300

FAX 512.502.1301

CEL 512.422.2096

EM ROBSTERN@TEXAS.NET

RECEIVED

MAR 15 2006

Neighborhood Planning & Zoning

March 5, 2006

Mr. Greg Guernsey
Watershed Protection and Development Department
505 Barton Springs Rd., 5th Floor
Austin, Texas 78704

RE: Letter of Support
11819 Pavilion Drive
Case # C14-06-0013

Dear Mr. Guernsey:

We have been contacted by the agents representing the developer for the owner occupied residential project, proposed on the site address listed above. The consultants presented a twelve story, 131 unit residential condominium and parking garage, which would fill a need in this area of Austin. I am the owner of the Capitol Car Wash directly adjacent to the property located at 11885 Jollyville Rd.

After review of the information provided, we have decided to lend our full support for the applicants' request for MF-6 to allow for the development of this project. We ask the Commission and City Council consider their support and approval in favor of the applicants' request, to allow for the development of this project. Your time and consideration would be appreciated.

Sincerely,



Diana Abdi

Capitol Car Wash, Inc
7901 BeeCaves Rd, suite 16 (Mail Correspondence)
Austin, Texas 78759

March 3, 2006

RECEIVED

MAR 15 2006

Neighborhood Planning & Zoning

Mr. Greg Guernsey
Waterford Protection and Development Department
103 Barton Springs Rd., 5th Floor
Austin, Texas 78704

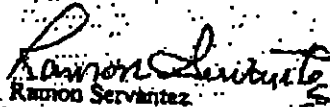
RE: Letter of Support
11819 Pavilion Drive
Case # C14-06-0013

Dear Mr. Guernsey:

We have been contacted by the agents representing the developer for the owner occupied residential project proposed on the site address listed above. The consultants presented a twelve story, 131 unit residential condominium and parking garage, which would fill a need in this area of Austin. I am the owner of the Antonio's Restaurant property located directly adjacent to the property at 11835 Jollyville Rd.

After review of the information provided, we have decided to lend our full support for the applicants' request for MF-6 to allow for the development of this project. We ask the Commission and City Council consider their support and approval in favor of the applicants' request to allow for the development of this project. Your time and consideration would be appreciated.

Sincerely,


Ramon Servantez

11835 Jollyville Rd.
Austin, Texas 78759

March 5, 2006

RECEIVED

MAR 15 2006

Neighborhood Planning & Zoning

Mr. Greg Guernsey
Watershed Protection and Development Department
505 Barton Springs Rd., 5th Floor
Austin, Texas 78704

RE: Letter of Support
11819 Pavilion Drive
Case # C14-06-0013

Dear Mr. Guernsey:

We have been contacted by the agents representing the developer for the owner occupied residential project, proposed on the site address listed above. The consultants presented a twelve story, 131 unit residential condominium and parking garage, which would fill a need in this area of Austin. I am the owner of the Sonic Drive-In restaurant located directly adjacent to the property at 11881 Jollyville Rd.

After review of the information provided, we have decided to lend our full support for the applicants' request for MF-6 to allow for the development of this project. We ask the Commission and City Council consider their support and approval in favor of the applicants' request, to allow for the development of this project. Your time and consideration would be appreciated.

Sincerely,



Jerry Conway

Sonic Drive-In of Austin
11881 Jollyville Rd.
Austin, Texas 78759

March 18, 2006

Mr. Greg Guernsey
Watershed Protection and Development Department
505 Barton Springs Rd., 5th Floor
Austin, Texas 78704

RECEIVED

MAR 23 2006

Neighborhood Planning & Zoning

RE: Letter of Support
11819 Pavilion Drive
Case # C14-06-0013

Dear Mr. Guernsey:

We have been contacted by the agents representing the developer for the owner occupied residential project, proposed on the site address listed above. The consultants presented a twelve story, 131 unit residential condominium and parking garage, which would fill a need in this area of Austin. I am a resident in Northwest Austin.

I see the need for this project to help in many ways to benefit Austin. First it would create a higher density of living to slow the urban sprawl. This is vital for Austin to develop communities that have all the requirements for living within a short distance. This project has a lot of food and entertainment already established with close distance. More related businesses would develop to support the higher density forming a community atmosphere. This project also has the extra benefit of being close to the future rail commuter system.

After review of the information provided, I have decided to lend my full support for the applicants' request for MF-6 to allow for the development of this project. We ask the Commission and City Council to consider their support and approval in favor of the applicants' request, to allow for the development of this project. Your time and consideration would be appreciated.

Sincerely,



Vernon Berger
6104 Twin Ledge Cove
Austin, Texas 78731

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.cl.austln.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0013

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

March 21, 2006 Zoning and Platting Commission

☐ I am in favor
☒ I object

Patrick & Beverly O'Malley
Your Name (please print)

11902 Arabian Trail

Your address(es) affected by this application

HT on 11902 Arabian Trail
Signature
Date 3-13-06

Comments:

1. 12 story building not in context with area
2. Zoned GR and needs to stay GR!
3. Traffic issues with high density development
4. negative affect on area schools
5. high density development
6. noise issue with high density development
7. decrease property values
8. Dark sun set

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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2000 Business Cards are FREE at www.austintx.com by of Austin's land

Please keep me advised.

Mud Oblique.

68

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0013

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

March 21, 2006 Zoning and Platting Commission

Guy W. Brower
Your Name (please print)

11901 Arabian Trail Austin 78758-2443

Your address(es) affected by this application

Guy W. Brower 3-12-06
Signature Date

Comments: I strongly oppose any and all matters that tend to break up our present neighborhood stake

My wife and I have lived in our home for 46 years

Why would any authority change the rules we have lived under all this time, just to accommodate a new development?

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

☐ I am in favor
☒ I object

PUBLIC HEARING INFORMATION

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www.ci.austin.tx.us/development

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Case Number: C14-06-0013

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

March 21, 2006 Zoning and Planning Commission

Jennifer Hreschie Troyfanham

Your Name (please print)

1903 Arabian Drive Austin 78759

Your address(es) affected by this application

Jennifer Hreschie

Signature

Date

3/12/06

Comments: We object to the Tache Stonebldg. MF-le is not zoned anywhere in the suburban markets between 310 & 670. A multi family building of this type will impede on the privacy of our homes. Which will lower our property values. MF-le is the most desired zoning and doesn't belong in a predominantly Residential location.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

Troy Farnham and Jennifer Horsch
11903 Arabian Trails
Austin, Texas 78759

March 12, 2006

City of Austin
Attn: Sherri Sirwaitis
P.O. Box 1088
Austin, Texas 78767-8810

RE: Rezoning Request from GR to MF-6, 11819 Pavilion Blvd.
Case Number: C14-06-0013

Dear Ms. Sirwaitis,

My husband and I were notified by consultants, Lopez-Phelps & Associates in January 2006, of their intention to re-zone the above referenced location from GR to MF-6. We are strongly opposed to the proposal.

The re-zoning proposal would allow a developer to construct a ninety foot building in the midst of several neighborhoods. According to Lopez and Phelps, the prospective buyer plans to build a twelve story residential condominium. This building will extend far above the present skyline which is typically two and three stories high. There are no other buildings of this height between the 360 and 620 corridor. Nor am I aware of a building of this height in the suburban area placed in the midst of three to four neighborhoods. Such a phallic obtrusion will surely lower the values of homes within the vicinity.

The private lives of those in our neighborhood as well as the outlying neighborhoods like Great Hills and Balcones Woods will be on display for those who reside in the proposed condominium. Those of us who enjoy working in our yard, swimming in our pools or playing with our children on the swing will be much more concerned with our actions and must assume we are being observed.

The homes in the Rain Tree Estates located behind the proposed sight are desirable because of their large wooded lots and established neighborhood. The neighbors in the area enjoy the location and have been in their homes for many years. Most of us have a large amount of equity built up that will be lost if our values are decreased. For some of us, that equity is our only significant investment.

My husband and I have briefly shared some of our primary concerns contained in this letter. However, we have many more issues yet to discuss with you before you make your decision. At this time, our goal is to let you know that we strongly oppose the proposal.

We thank you for your time and appreciate your attention.

Sincerely,

Troy Farnham and Jennifer Horsch
(512)249-0095

Sirwaitis, Sherri

From: Skip Cameron [scameron@austin.rr.com]
Sent: Saturday, March 18, 2006 11:16 PM
To: Sirwaitis, Sherri
Subject: Re: Postponement Zoning Case #C14-06-0013 11819 Pavilion Drive

Sherri:

FYI - please help us with this. Need a significant postponement on this one.
Skip Cameron

Subject: Postponement Zoning Case #C14-06-0013 11819 Pavilion Drive
Date: Sat, 18 Mar 2006 22:57:15 -0600
From: Skip Cameron <scameron@austin.rr.com>
To: Greg Guernsey <Greg.Guernsey@ci.austin.tx.us>

> Greg:

> See all the correspondence below.

>

> A 12 story condo on a 3.2 acre lot, which would require significant
> variances from City codes for height, units per acre and setbacks,
> would be setting a huge precedent in the 183 corridor, away from major
> highway intersections. It would have immense implications for this
> corridor and all of Austin. From the Airport to Leander, there are only two places along
183 with structures this tall - 183/360 and 183/620.

>

> This case has huge implications for the entire 183 corridor and for all of Austin.

> The adjacent neighborhood met with the applicant's consultant for the very first time
March 15.

> At that meeting the overwhelming majority of about 50 people present

> requested that they slow down, take time to provide more factual

> information they could not supply then, and let a thorough discussion

> and negotiation take place, so that hopefully all parties could approach the City with a
YES plan.

>

> The stakeholder group asked for a 120 day postponement, given the
> nature of this project and its ramifications.

>

> Can you to to help us get a longer postponement than the applicant is

> now requesting, against the overwhelming majority's wishes?

> The neighborhood does not want to blow it's one and only postponement at the outset of
this case.

> Please advise.

>

> Skip Cameron, President

> Bull Creek Foundation

> 8711 Bluegrass Drive

> Austin, TX 78759-7801

> (512) 794-0531

> --

> for more information www.bullcreek.net

> -----

> Saturday, March 18, 2006 11:43 AM

> To: greg.guernsey@ci.austin.tx.us

> cc: "'Stuart M. Alderman'" <salderman@aldermandesign.com>, 'J'

> <jshafer@austin.rr.com>, horsch@austin.rr.com,

> Robin@austingutterman.com, cpeterson@tha.org,

> janmcSorley@sbcglobal.net, swmeck@yahoo.com, sosborne@riverbend.com, cvgdixie@aol.com,

> 'Brad Shafer'

> <BShafer@Austin-Ind.com>, 'Nancy Costa' <ncosta@lopez-phelps.com>, 'Amelia Lopez-Phelps'

> <alp@lopez-phelps.com>,

> members@raintreeestatesaustin.org

> From: Amelia Lopez-Phelps <alp@lopez-phelps.com>

> Subject: Pavilion Zoning Case #C14-06-0013

>
> Mr. Greg Guernsey,
>
> Attached is a postponement request on behalf of our client's zoning
> case #C14-06-0013, scheduled on the Tuesday, March 21, 2006 Zoning
> and Platting Commissioner agenda. A signed copy will be faxed and the
> original delivered to your office first thing Monday morning. I have
> copied our contacts with the neighborhood with this message.
>
> Please feel free to contact me should you have any questions or require additional
information.
>
> Sincerely,
>
> Amelia Lopez-Phelps
> Lopez-Phelps & Associates, LLC
> 611 S. Congress, Ste. 340
> Austin, TX 78704
> P: 512-236-8707
> F: 512-236-8722
> -----
> Zoning and Platting Commission
> Ms. Betty Baker, Chair and Commissioners
> 505 Barton Springs Road, 5th Floor
> Austin, Texas 78704
>
> RE: Zoning Case #C14-06-0013
> 11819 Pavilion Drive
> Postpone Request
>
> Dear Ms. Baker and Commissioners:
>
> On behalf of our client, and as a result of our continuing discussions
> with the Stakeholders of the Rain Tree Estates / Highland Oaks
> neighborhoods, we are requesting that our zoning case #C14-06-0013 be
> postponed for two weeks from the March 21st Zoning and Platting
> Commission agenda. This will provide additional time needed to
> continue discussing our zoning case and proposed project. If additional time is needed
at the end of the two weeks, we will work with the neighborhood towards additional
postponement request(s), as is deemed necessary.
>
> Your time and consideration for our request would be appreciated.
>
> Sincerely,
>
> Amelia Lopez-Phelps
> Lopez-Phelps & Associates, LLC
> Agent for Applicant
> -----
> Subject: Arboretum Tower Project - Rezoning Case C14-06-0013
> Date: Thu, 16 Mar 2006 16:25:33 -0600
> From: Skip Cameron <scameron@austin.rr.com>
> To: Amelia Lopez-Phelps <alp@lopez-phelps.com>
>
> Amelia:
>
> Here are some of the details needed to evaluate this proposal and
> develop a framework for discussions and negotiations:
>
> Please send me the details of all Deed Restrictions and Covenants on this tract.
>
> Please advise when was this tract zoned GR and by whom?
>
> Please provide a list of all of Paul DeNucci's development projects in Austin.
>
> Please list all of Stuart Alderman's development projects in Austin.
>

> Please advise what date the option on the tract expires, if can it be
> extended, and if so for how long.
>
> Please provide me with details on the buildable volume under these scenarios:
> 1. Current GR zoning with no variances.
> 2. Staff recommended MF-2 zoning with no variances 3. Your requested
> SF-6 zoning with no variances 4. Your requested SF-6 zoning with
> variances and list the specific variances For 2,3,4 list the values
> offered to the neighbors and the citizens of Austin in exchange for
> the value granted by upzoning.
>
> In each of the above 1-4, please advise what drainage structures are
> required by code, and what variances (if any) you would seek.
>
> It is my hope that these answers will assist the area stakeholders in
> getting a better understanding
>
> of the issues and opportunities on this tract.
>
> I believe a small task team representing the area stakeholders will be formed soon.
> This should improve the efficiency of dialog with you.

> Thanks,

> Skip Cameron, President
> Bull Creek Foundation
> 8711 Bluegrass Drive
> Austin, TX 78759-7801
> (512) 794-0531

> --

> for more information www.bullcreek.net

> For better people mobility solutions see www.acprt.org

> -----
> Dear Ms. Amelia Lopez-Phelps: Wednesday, March 15, 2006

> The stakeholders of the Rain Tree Estates / Highland Oaks
> neighborhoods would like to thank you for the time you spent meeting
> with us this evening. The presentation was informative and after you
> left we continued a lively discussion with more questions and issues
> being raised. While there are many different opinions about the
> various parts of the proposal, there was a clear consensus of the more
> than 50 people at the meeting that we are interested in having a
> neighbor at the Pavilion property who is concerned about our
> community. Based upon what you told us tonight, we believe that your client may have
the potential to be such a neighbor and we are interested in talking with you further
about your proposal.

> With that said, we also understand that if this project is built as
> currently proposed, it will dramatically change the character of our
> neighborhood. In order to have a positive and productive dialogue
> with you about your proposal, we will need additional information from the developer.
We are particularly interested in:

- > (1) What can be constructed under the existing zoning of GR,
- > (2) What would be allowed by the City Staff's recommendation of MF-2
> zoning,
- > (3) What would be included in the building envelope that would be
> allowed under your request for
> MF-6 zoning and
- > (4) How the associated variances you will be requesting will impact
> the proposed building envelope and our community.

> To ensure that these complicated issues are fully understood by our
> neighbors, we are requesting that you produce diagrams of possible
> building envelopes and quantitative, written data and explanations on
> the amount of building area that would result from each option. Once

> we are provided with these diagrams and written documentation, we
> believe that we can better assess the impact of what was presented to us last night.
>
> At the end of our meeting we voted to continue discussing the project
> with you and to request that you ask for a 120-day postponement. We
> believe this time is necessary for you to sufficiently develop and
> disseminate the information we need and have requested. It will also
> provide our neighborhood with the necessary time to establish an
> effective communication system that will provide each member of the
> neighborhood with adequate access to relevant and meaningful
> information regarding your proposal. Additionally, this postponement
> will provide the time necessary for the stakeholders to thoroughly review and discuss
this proposal and other options in light of the additional information you will provide.
>
> Though we cannot guarantee that further negotiations will result in an
> acceptable compromise, we would sincerely like to find an appropriate
> design solution for this site that works for the developer and for our
> community. For this reason, we trust that your client will support
> the postponement to allow us sufficient time for this process. Please
> let us know by Friday, March 17, 2006 at 5:00 p.m. whether or not you are willing to
request a postponement of 120 days.
>
> You may email Brad at BShafer@Austin-Ind.com with your response.
>
> Again, thank you for your presentation this evening.
>
> Respectfully,
> RainTree Estates / Highland Oaks Stakeholders Copy ZAP Members, City
> Council and City Manager
>
> -----

--
Skip Cameron, President
Bull Creek Foundation
8711 Bluegrass Drive
Austin, TX 78759-7801
(512) 794-0531

--
for more information www.bullcreek.net

For better people mobility solutions see www.acprt.org

Sirwaitis, Sherri

From: Kevin [kevin@thesupper.net]
Sent: Monday, March 20, 2006 10:11 PM
To: Sirwaitis, Sherri; work
Subject: C14-06-0013

*Please explain what the following is doing in my neighborhood:

10. Rezoning: C14-06-0013 - Pavilion Condominiums

Location: 11819 Pavilion Boulevard, Walnut Creek Watershed

Owner/Applicant: Mitchel and Rose Wong

Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps)

Request: GR to MF-6

Staff Rec.: RECOMMENDATION PENDING

Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us Neighborhood Planning and Zoning Department

What descisions are being made at the Tuesday meeting?

From what I understand, MF-6 is the highest density allowed. Next door to to SF-2 and SF-3. Anyone even considering this has criminal intent. What traffic studies have been done to show that the area can support this much additional cars?

What will a high density high rise do to my property values? Will my tax rate reflect this drop?

Who is paying for the difference in my current property value, and where it will be after a very high density development goes in?

Why was the surrounding neighborhood not notified as to this travesty of zoning? There are NO signs up. I travel this road daily. I only heard by word of mouth from other neighbors.

Are you building a new police and fire substations next door?

Does the agent, Amelia Lopez-Phelps have an email address?

Once the door is openend for this type of density, will the rest of the Jollyville corridor be fair game?

This area is a neighborhood, highest density residential does not belong here. Put high density where it belongs, not next to single family residences.

Please do not allow a change of zoning. Hold the line. Maintain the quality of the neighborhood. Show that the city cares about its residents.

a concerned and angry resident

Kevin Locke
11804 Broad Oaks Dr
Austin, TX
512 656 3312

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0013

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

March 21, 2006 Zoning and Platting Commission

AMANDA BERGSTRAM

Your Name (please print)

11906 ARABIAN TRAIL

Your address(es) affected by this application

Amanda Bergstrom

Signature

Date

3/15/06

Comments:

☐ I am in favor
☒ I object

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-06-0013

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

March 21, 2006 Zoning and Platting Commission

Jennifer & Brad Shafer

Your Name (please print)

11900 Arabian Tr., Austin, TX 78759

Your address(es) affected by this application

J. Shafer

Signature

3-13-06

Date

Comments: I strongly oppose this rezoning to MF-6. The proposed use is a 12-story high rise adjacent to an established neighborhood of 1-story single-family homes. There are no buildings of this height anywhere in the area, much less overlooking private backyards. We are filing a petition to oppose the MF-6 zoning. (the neighborhood assoc.) We are concerned about our privacy, traffic, and our property values.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C14-06-0013

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

March 21, 2006 Zoning and Platting Commission

Carol Gay
Your Name (please print)

11904 Arabian Tr.
Your address(es) affected by this application

Austin to San Antonio 3-11-06
Date

☐ I am in favor
☒ I object

Comments:

these people want to build
a 12 story condo building
in this ~~area~~ neighborhood.
absolutely too high for the
area.
To Object.

Carol Gay
11904 Arabian Tr.
Austin
78759

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Case Number: C14-06-0013

I object

THIS PROJECT BELONGS DOWNTOWN
or at a Major Intersection

-NOT in a residential neighborhood.

I strongly object to this zoning and proposed building project. It is adjacent to an old, long established, quiet, residential neighborhood. It is an infringement on residential homes and peoples privacy for miles around.

It would lower our property re-sale value and increase our taxes.

It is detrimental to the environment.

This site is heavily wooded with very mature trees and most of the trees would have to be destroyed.

It would increase drainage problems, low water pressure, traffic problems, block the sun from peoples homes, create lighting in yards, the list goes on.

My home is adjacent to this building site. I also have another property ½ mile from this site which will be affected.

There is absolutely no reason why this project should be approved.

You cannot put a 12 story building next to one story homes!!!!!!!

Sincerely,
Sherry Osborne 335-7077
11810 Arabian Trail
6605 Danwood Drive
