

A U S T I N C I T Y C O U N C I L  
**AGENDA**

Thursday, October 19, 2006

+ Back Print

**Zoning Ordinances / Restrictive Covenants  
(HEARINGS CLOSED)  
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 58**

**Subject:** C14-06-0079 - Bluebonnet Creek - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2215 Bluebonnet Lane (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to multi-family residence-medium density conditional overlay (MF-3-CO) combining district zoning. First reading approved on August 24, 2006. Vote: 7-0. Second reading approved on September 28, 2006. Vote: 7-0. Applicant and Agent: David Ward. City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

**Additional Backup Material**

(click to open)

- ☐ Staff Report
- ☐ Ordinance

**For More Information:**

### THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-06-0079; Bluebonnet Creek

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2215 Bluebonnet Lane (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to multifamily residence medium density-conditional overlay (MF-3-CO) combining district zoning.

DEPARTMENT COMMENTS:

APPLICANT/AGENT: David Ward

OWNER: David Ward

DATE OF FIRST READING: 8/24/06 Approved Planning Commission recommendation of MF-3-CO and directed the applicant to meet with the City's Urban Design Office on issues of how this project will relate to the street. (7-0)

DATE OF SECOND READING: 9/28/06 The second reading of the ordinance for multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning was approved. (7-0)

PLANNING COMMISSION ACTION: APPROVED MF-3-CO ZONING; WITH A 25-FEET SETBACK FROM THE FRONT PROPERTY LINE, LIMITED TO 30-FEET IN HEIGHT OR 2-STORIES FOR THE FIRST 75-FEET BACK FROM THE PROPERTY LINE.

[M MOORE, G STEGEMAN 2<sup>ND</sup>] (6-0) D SULLIVAN, K.JACKSON – OFF DAIS,  
C GALINDO – ABSENT

CITY COUNCIL ACTION.

ORDINANCE NUMBER:

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

ORDINANCE NO. \_\_\_\_\_

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**  
2 **PROPERTY LOCATED AT 2215 BLUEBONNET LANE FROM FAMILY**  
3 **RESIDENCE (SF-3) DISTRICT TO MULTIFAMILY RESIDENCE MEDIUM**  
4 **DENSITY-CONDITIONAL OVERLAY (MF-3-CO) COMBINING DISTRICT.**

5  
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7  
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
9 change the base district from family residence (SF-3) district to multifamily residence  
10 medium density-conditional overlay (MF-3-CO) combining district on the property  
11 described in Zoning Case No. C14-06-0079, on file at the Neighborhood Planning and  
12 Zoning Department, as follows:

13  
14 A portion of Lot 1, and all of Lot 2, Stella V Addcox Subdivision, a subdivision in  
15 the City of Austin, Travis County, Texas, more particularly described in Document  
16 No. 2002166858, of the Official Public Records of Travis County, Texas (the  
17 "Property"),

18  
19 locally known as 2215 Bluebonnet Lane, in the City of Austin, Travis County, Texas, and  
20 generally identified in the map attached as Exhibit "A".

21  
22 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
23 established by this ordinance is subject to the following conditions:

- 24  
25 1. A 25-foot building setback shall be established and maintained along the Bluebonnet  
26 Lane right-of-way.  
27  
28 2. The maximum height of a building or structure constructed within 75 feet of the  
29 Bluebonnet Lane right-of-way is 30 feet from ground level.  
30  
31 3. The maximum height of a building or structure constructed within 75 feet of the  
32 Bluebonnet Lane right-of-way is two stories.

33  
34 Except as specifically restricted under this ordinance, the Property may be developed and  
35 used in accordance with the regulations established for the multifamily residence medium  
36 density (MF-3) base district and other applicable requirements of the City Code.  
37

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.

**PASSED AND APPROVED**

\_\_\_\_\_, 2006

§  
§  
§

Will Wynn  
Mayor

**APPROVED:**

David Allan Smith  
City Attorney

**ATTEST:**

Shirley A. Gentry  
City Clerk



**ZONING CHANGE REVIEW SHEET****CASE:** C14-06-0079**PC Date:** May 23, 2006  
June 13, 2006**ADDRESS:** 2215 Bluebonnet Lane**OWNER/APPLICANT:** David Ward**AGENT:** David Ward**ZONING FROM:** SF-3**TO:** MF-3**AREA:** 0.565 acres**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of MF-3.

**PLANNING COMMISSION RECOMMENDATION:****May 23, 2006:** Postponed to June 13 at the request of staff.**June 13, 2006:** APPROVED MF-3-CO ZONING; WITH A 25-FEET SETBACK FROM THE FRONT PROPERTY LINE; LIMITED TO 30-FEET IN HEIGHT OR 2-STORIES FOR THE FIRST 75-FEET BACK FROM THE PROPERTY LINE. [M.MOORE, G.STEGEMAN 2<sup>ND</sup>] (6-0) D.SULLIVAN, K.JACKSON – OFF DAIS, C.GALINDO – ABSENT**DEPARTMENT COMMENTS:**

The property is located a neighborhood collector near its intersection with South Lamar Blvd. The site is currently developed with a single family residence. The proposed rezoning is to MF-3. Staff supports the request

City Council approved MF-3-CO on first reading on 8/24/06 and directed the applicant to meet with the City's Urban Design Office on issues of how this project will relate to the street. The City's Design Officer's memo and the applicant's response are attached.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Single Family House
<i>North</i>	MF-3	Low density apartments
<i>South</i>	MF-3 and CS	Residential and Commercial uses
<i>East</i>	CS	Service Station and other commercial uses
<i>West</i>	SF-3	Single Family Homes

**AREA STUDY:** The property lies within the proposed Zilker Neighborhood Planning Area

**TIA:** 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]

**WATERSHED:** West Bouldin Creek

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

- Zilker Neighborhood Association
- South Central Coalition
- Austin Neighborhoods Council
- Barton Springs/Edwards Aquifer Conservation District
- Austin Independent School District

**SCHOOLS: (AISD)**

Zilker Elementary School      O. Henry Middle School      Austin High School

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification
Bluebonnet Lane	58'	40'	Collector

There are existing sidewalks along Bluebonnet Lane.

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

Capital Metro bus service is available along Bluebonnet Lane.

**CITY COUNCIL DATE:**    **ACTION:**

<b>July 27, 2006</b>	Postponed to August 10, 2006 at the request of the neighborhood
<b>August 10, 2006</b>	Postponed to August 24 by City Council
<b>August 24, 2006</b>	Approved Planning Commission recommendation of MF-3-CO and directed the applicant to meet with the City's Urban Design Office on issues of how this project will relate to the street. (7-0) - -
<b>September 28, 2006</b>	Approved MF-3-CO on second reading. (7-0)

C14-06-0079

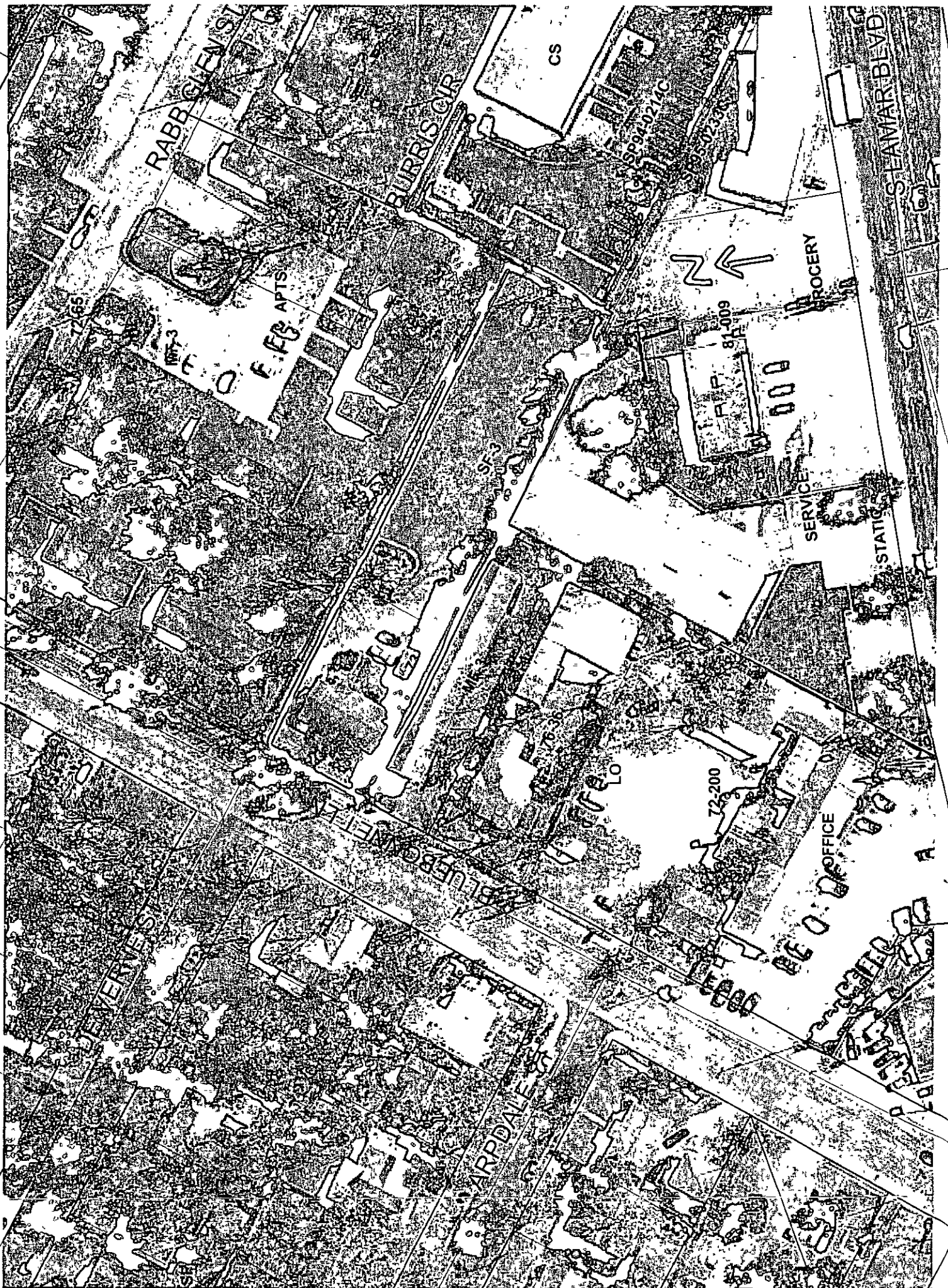
**ORDINANCE READINGS:**      1<sup>st</sup>      8/24/06      2<sup>nd</sup>      9/28/06      3<sup>rd</sup>

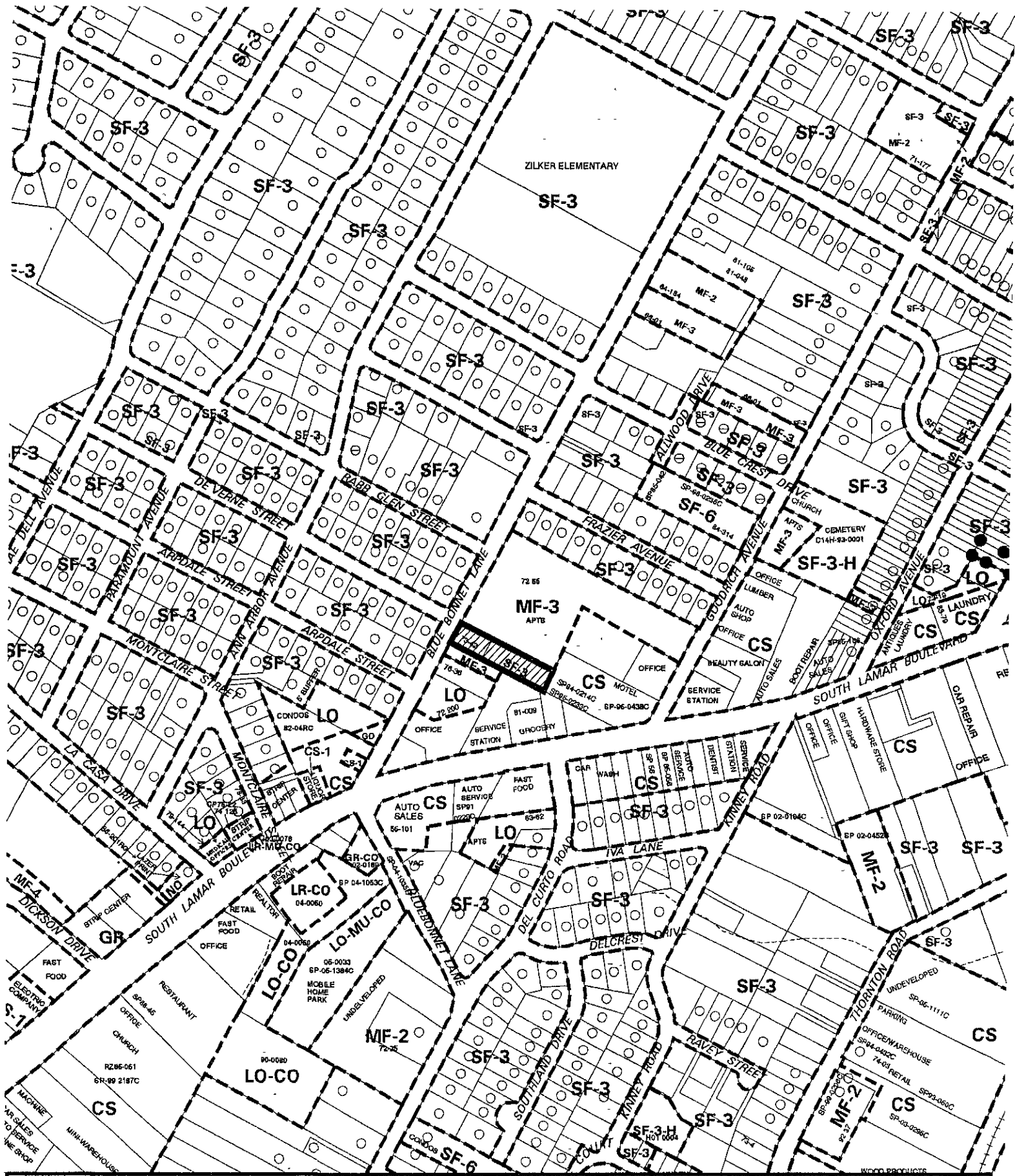
**ORDINANCE NUMBER:**


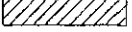


**CASE MANAGER:** Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us

**PHONE:** 974-2330







 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR R. HEIL	  	<b>ZONING</b> CASE #: C14-06-0079 ADDRESS 2215 BLUEBONNET LN SUBJECT AREA (acres) 0.565	DATE 06-04 INTLS SM	CITY GRID REFERENCE NUMBER G20
---	--	---	--	------------------------	---

## **SUMMARY STAFF RECOMMENDATION**

Staff recommends approval of MF-3.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character*

## **Site Plan**

- SP 1. This site is located within a Capitol View Corridor, South Lamar @ La Casa Drive; any new development would be required to development with certain height limitations. A Capitol View Corridor determination can be requested from the Development Assistance Center.
- SP 2. Site plans will be required for any new development other than single-family or duplex residential.
- SP 3. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

## **Compatibility Standards**

- SP 4. The site is subject to compatibility standards. Along the west property line, the following standards apply:
- No structure may be built within 19 5 feet of the side or rear 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 is allowed within 12 feet of the property.
  - No driveways are allowed within 7 feet of the property line.
  - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
  - for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.

- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property

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

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 136 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
Bluebonnet Lane	58'	40'	Collector

There are existing sidewalks along Bluebonnet Lane.

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

Capital Metro bus service is available along Bluebonnet Lane

### **Water and Wastewater**

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

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.

**Environmental**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin 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.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. 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.
4. According to flood plain maps, there is no flood plain within the project area.
5. 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.



## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Jim Robertson  
Urban Design Division  
Neighborhood Planning and Zoning Department

**CC:** City Manager Toby Futrell  
Assistant City Manager Laura Huffman

**DATE:** 7 September 2006

**SUBJECT:** Zoning Case for 2215 Bluebonnet Lane

On August 24<sup>th</sup> 2006, the City Council considered on First Reading a proposed zoning change for 2215 Bluebonnet Lane (Case No. C14-06-0079), from SF-3 to MF-3. At that Council meeting, the applicant was directed to meet with me prior to Second and Third Readings to discuss the urban design aspects of the project and explore whether there might be reasonable ways to improve the project's relationship with the street and the neighborhood. Council specifically directed the applicant to address two issues with me: (1) whether a wider sidewalk than initially proposed would be appropriate; and (2) making the front (west) elevation of the building, which faces Bluebonnet Lane a more street- and neighborhood-friendly face.

On September 5<sup>th</sup> I met at the property with the applicant, Dave Ward, who owns the parcel, to discuss the urban design aspects of his project. We had a very cordial meeting and exchanged a number of ideas about his project. The two paragraphs below summarize our discussion, and further information is provided in the attached document.

Sidewalk – The existing 4-5' wide sidewalk is typical of the sidewalks in this neighborhood. Some streets do not have sidewalks at all. If the applicant is able to retain the significant Live Oak tree at the front of the parcel and only a few feet from the sidewalk, I do not recommend installing a significantly wider sidewalk than currently exists, in the interest of protecting the tree. If that tree cannot be saved, then I recommend a 5-6' wide sidewalk.

West Elevation – The applicant agreed to explore whether the front apartment units could be re-oriented so as to have a front door facing the street. I acknowledge, however, that there may be substantial obstacles that may prevent this. In the event that approach proves impracticable, the applicant agreed to explore a number of means (discussed in more detail below) to "enliven" the west elevation and make it present a more "friendly face" to the street.

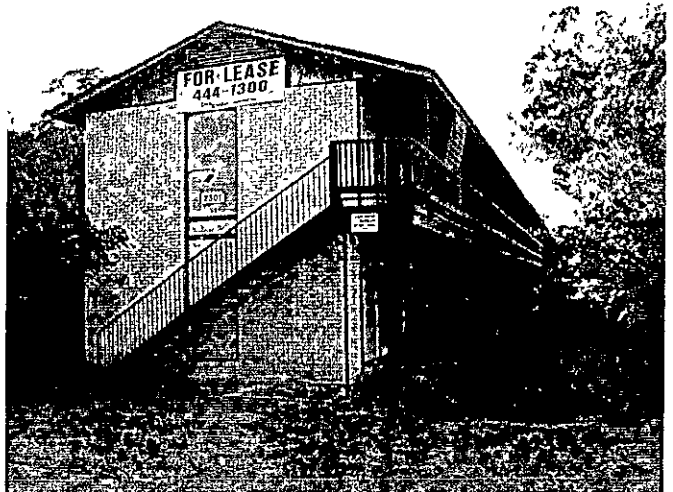
Background and Site Summary

As noted in the Council backup materials, the site is located on the east side of Bluebonnet Lane, in the first block north of the intersection of Bluebonnet and Lamar Boulevard.

The subject parcel backs up to a commercially-zoned (CS) parcel that fronts onto Lamar Boulevard, and currently has a one-story single family home that the applicant intends to demolish if his zoning change is approved and he moves forwards with his plans for apartments.



Immediately to the south of the subject parcel is a two-story apartment building.



Immediately to the north of the parcel is a tract with government-owned one-story duplex units.

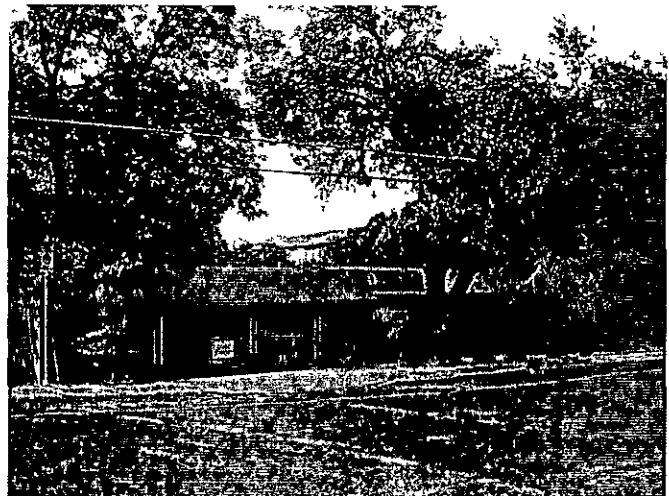


Across the street are single family homes.



The site is quite long and narrow, measuring approximately 345 feet from east to west, with only about 75 feet of frontage on Bluebonnet. There appear to be three significant trees on the property: a Live Oak tree roughly centered on the front of the property, just a few feet back from the sidewalk; a Pecan tree next to the north property line about 20' back from the right of way; and a very large Pecan tree near the north property line, between one-third and one-half of the way back from the west property line at the street. The latter two of these trees appear to be in good condition, with full canopies. The first of these trees (the Live Oak) is bisected by overhead utilities running along this side of the street, but nonetheless appears to be healthy. The land slopes gently from west to east, away from the street.

View of existing house with Live Oak tree bisected by overhead power lines (center right) and Pecan tree (left)





View of large Pecan



It is apparent from an examination of the site and of the applicant's site plan drawing that many of the site planning decisions were driven by two factors: the narrowness of the site and the goal of protecting the very large Pecan tree near the mid-point (front to rear) of the site. The decisions driven by these two factors included: splitting the project into two buildings; and placing the buildings along the north side of the site and running the access drive along the south side.

#### Sidewalk Issues

The existing sidewalk on the subject property is similar to the sidewalks to the north and south of the property alongside Bluebonnet. The sidewalk is 5-feet wide on the adjacent property to the south, though interrupted by a wide curb-cut on that property. At the curb cut for the existing driveway on the subject property, the sidewalk shifts from 5-feet wide to 4-feet wide, and continues that dimension northward along Bluebonnet.



View South Along Bluebonnet

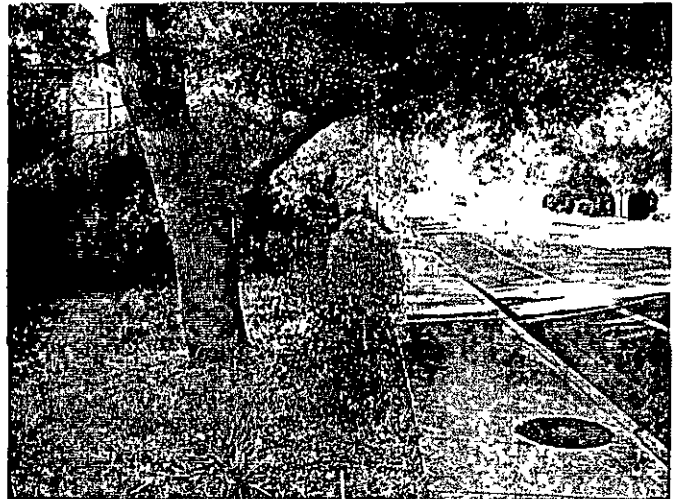


View North Along Bluebonnet

Sidewalks four or five feet in width seem to be standard along this stretch of Bluebonnet and throughout this neighborhood (to the extent there are sidewalks at all; DeVerne Street, which begins across Bluebonnet from the subject property, has no sidewalks at all) So, there is no existing precedent for a wider sidewalk along Bluebonnet.

In considering whether this project should break with precedent and install wider sidewalks, a strong factor is the presence of the significant Live Oak tree located just a few feet from the existing sidewalk. While this tree's condition is compromised by the overhead utilities that bisect the tree's canopy, I believe that it is nonetheless an asset to the subject parcel, the street, and the neighborhood.

The applicant expressed a strong interest in saving this tree, though its location might conflict with the fire marshal's request for a 30-foot wide throat to the driveway. The applicant indicated he would work with his design team and the fire marshal to accommodate both emergency vehicle access and saving the tree. If the applicant is successful in saving the Live Oak tree alongside the sidewalk, I am reluctant to recommend a wider sidewalk, which would probably further disturb the root zone of the tree and potentially cover the root zone with additional impervious cover. If the tree is saved, I recommended that the applicant consider using a "pervious concrete" (e.g., Ecocrete) for the sidewalk, driveway apron, and perhaps even the driveway itself.



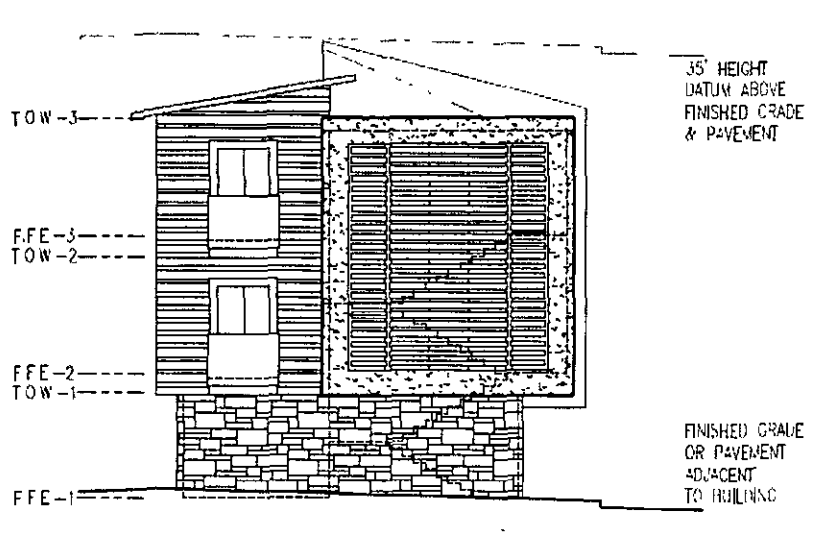
If the tree cannot be saved, then I would recommend a sidewalk of five or six feet wide alongside Bluebonnet.<sup>1</sup>

---

<sup>1</sup> Note that the recently passed Design Standards do not apply in this situation, since the "Urban Roadway Sidewalks and Building Placement" provisions apply only to "all non-residential zoning districts"

Streetside (West) Building Elevation

Council also requested that the applicant and I discuss modifications to the west face of the building closest to the street so that it would present a more “friendly” presence on the street. Below is a conceptual west elevation that the applicant provided to me.



Mr. Ward indicated a willingness to look at a number of options that would address this issue, including.

- The west elevation already has two relatively large windows – one on the second floor and one on the third. He and his designer will explore changing those windows to French doors and installing small balconies facing the street, which I encouraged. I recommended that the rail system for the balconies be of some non-opaque system so as to open up the balconies to the street. The applicant also should consider adding awning roofs over the balconies, as a means of making them more usable, providing solar shading for the doors, and providing interest to the west elevation.
- I believe that the horizontal lattice wood screen that the applicant intends to construct, screening the stairwell from the street, is a positive design element that will provide interest to the west elevation. This element might be especially attractive at night, when the lighted stairwell serves as sort of a “lantern.”
- The applicant is proposing that the west elevation of the building be broken into three offset planes, each clad in a different material: the base clad in stone; the stairwell in a smooth material with the lattice screen set into that face; and the apartment faces on the second and third stories clad in a horizontal, painted Hardie board material. I think these are positive design elements from the point of view of the street.

- The applicant will work with his designer in exploring the possibility of rotating or relocating the stairwell at the west end of the front building so that a building entrance, which would open onto the foot of that stairwell, could be placed on the west face of the building. This modification may prove difficult, however, for a number of reasons: code compliance with fire egress issues; reduction in parking spaces; etc.
- The applicant raised the possibility of installing a doorway on the ground floor at the west elevation, even if it is not truly a functional door or if it opens to a storage space rather than a resident entrance. I told him that I was skeptical of that idea, and that regardless of its function, any doorway installed in the west elevation should be treated with the same level of detailing as if it were a public entrance. This would include trim materials, door materials, perhaps a constructed awning over the doorway; etc.

-----

Please note that my conversation with Mr. Ward did not address, nor does this memorandum address the Planning Commission's recommendation to limit the project's height to 30-feet or two stories for the first 75-feet back from the front property line, as this does not appear to be an urban design issue that Council wished us to consider. Further, this memorandum does not address the application of compatibility standards to the site. According to the applicant, the site plan he submitted as part of his zoning application complies with compatibility standards.

**Rusthoven, Jerry**

---

**From:** Dave Ward [mailto:512.468.4944]  
**Sent:** Friday, September 22, 2006 10:27 AM  
**To:** Rusthoven, Jerry  
**Subject:** 2215 Bluebonnet: Jerry please call after you read this, 468-4944, thanks, Dave  
**Attachments:** Memo to Council.pdf; 2215 Bluebonnet Design #10 Balconies 9-06.pdf

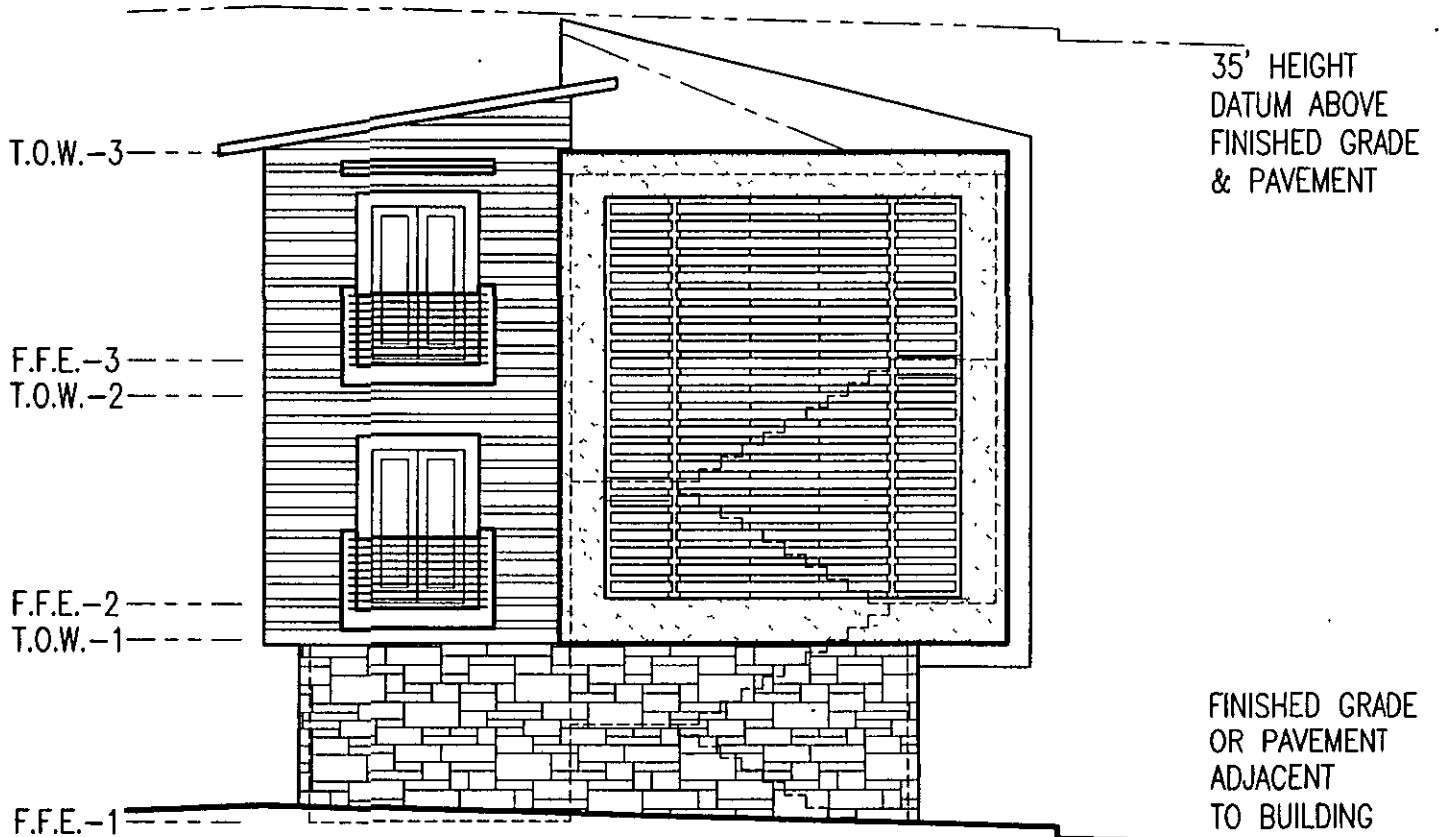
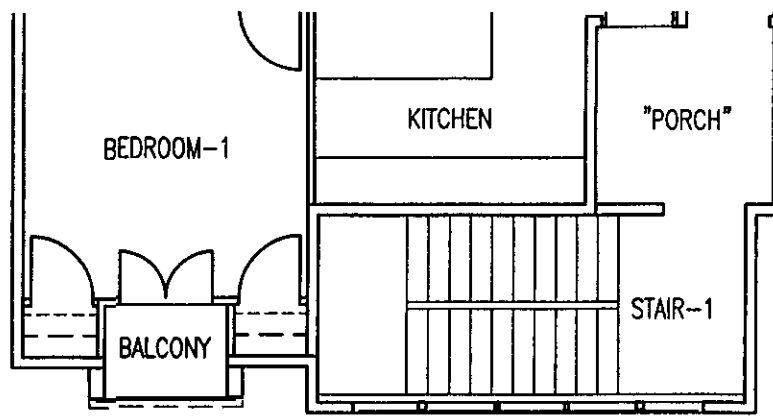
Jerry:

Please find Jim Robertson's report, and the revision to the design on the west side of the building to accommodate City Council's requests. We had a very cordial meeting and discussion on the complex and difficult issues regarding the development of this unique property. One of the issues involving the property is making the front of the building more street and neighborhood friendly. Another issue is the width of the sidewalk. The sidewalk north and south of the project is three to four feet in width. There is no sidewalk on the length of the nearest cross street, DeVerne Street. There are several issues in regard to the construction of an apartment complex. The large pecan, as noted in Jim's report, requires the building be separated to either side of the pecan. The large live oak is situated approximately in the middle of the front of the property. I would like to save both trees and also put in a safe driveway in accordance with fire department regulations. The sidewalks on either side of the property are 3 to 4 feet wide sidewalks. If a wider sidewalk is required, I will have to remove the live oak. The front of the building has been redesigned nine times with the intent of making it more street friendly and attractive to passerbys. The windows on the second and third floors have been converted to doors and with two balconies with awnings have been added to the front of the building. These will bring residents to the street side of the building and be more interactive with the neighborhood. The screening for the stairwells has been designed to be attractive and provide shade from the west sun and semi-private. They allow light and air to pass through freely. At night there will be a soft lighting effect due to the spacing of the partitions. The balconies on the same side of the building will allow light to filter towards the street, toward the west and Bluebonnet Lane. The awnings add another layer of interest and the building itself will have three different offset planes with three different materials. Cut Texas limestone, Cedar awnings, and hard-paneling on the left of the building. This building front will be a very pleasant visual addition to Bluebonnet. The building cannot be reoriented to allow the first apartment to face west. The additional personnel door at street level is not practical on several points. One is moving the stair to accommodate another floor facing the street requires shortening the length between the two stairwells in violation of fire code. It also requires the elimination of some off-street parking spaces required by code. The building has been reduced in height already to accommodate the Zilker Neighborhood Executive Committee's concerns to conform with SF3 building height requirements. The building to the immediate south has parking underneath and two living unit stories above. On a daily basis they have two vehicles parked between the building and the side walk, in their 'front yard'. The next building to the south, Three Ring Service, which L Atherton described to city council as a family business, supported by the neighborhood, has more impervious cover than my project. My building, which is a family run rental business, 2215 Bluebonnet, will be a very attractive and vital addition to the street. The other notes of the Planning Commission, which my ex-partner presided over, are beyond current zoning requirements and are not applicable under current code anywhere in Austin. The plan as presented complies with compatibility standards. As pointed out in Jim's report this should be the second and third readings for this project. It was delayed getting to the Planning Commission by negotiation with the neighborhood association and delayed twice at City Council once by ZNAExCom request and once by council members request. It is a financial hardship to prolong this. My understanding from the first reading at City Council was this would be the second and third reading on September 28. I appreciate your attention to this matter.

Respectfully submitted, Dave

DAVE WARD  
 Direct.512.468.4944  
 [mailto:512.468.4944]

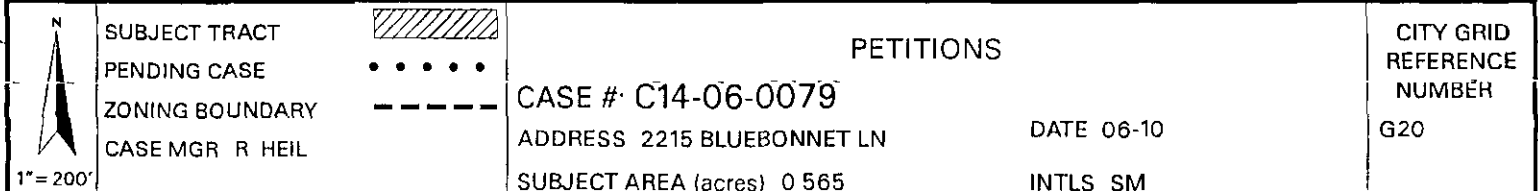
9/22/2006



2215 Bluebonnet  
for  
**DAVE WARD**  
468-4944  
DAVE351@SBCGLOBAL.NET

SCALE:  
1/8" = 1'  
DATE:  
21 SEP 06  
TITLE:  
0922a

david boren design  
512 554 5474  
DAVIDBOREN@GMAIL.COM



# PETITION

Case Number

**C14-06-0174**  
**TRACT 47**

Date

Oct 4, 2006

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

290,931.00

1	01-0008-0809	SIDES STEVEN B & MARY ANN	10,580.41	3.64%
2	01-0008-0907	DANZ ANN BURKHART TRUSTEE	724.22	0.25%
3	01-0008-0908	DANZ ANN BURKHART TRUSTEE	6,350.78	2.18%
4	01-0008-0909	BELLAMY MICHAEL SEVER MATTHEW &	12,649.55	4.35%
5	01-0008-0910	KATHLEEN	6,971.10	2.40%
6	04-0107-0303	DANZINGER ALLEN B	14,976.43	5.15%
7	04-0107-0327	MCKEAN VERNON	21,978.04	7.55%
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:

74,230.51

Total %

25.51%



## 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](http://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: C14-06-0079

Contact: Robert Heil, (512) 974-2330

Public Hearing:

May 23, 2006 Planning Commission



*Jo Walker*

Your Name (please print)

*2300-2302 Burr-Bonnet Ln*

Your address(es) affected by this application

*Jo Walker* *5-*

Signature

Date

Comments:

*DO DENSE POPULATION NOW*

*DO MUCH TRAFFIC NOW*

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

# **Zilker Neighborhood Association**

---

2008-B Rabb Glen • Austin, TX 78704 • 512-447-5877

23 August 2006

**RE: Case C14-06-0079, 2215 Bluebonnet Lane**

Dave Ward, applicant, requesting zoning change from SF-3 to MF-3

Mayor and City Council

This coming Thursday, August 24<sup>th</sup>, you will hear the case noted above. The Zilker Neighborhood Association opposes this zoning change request for the following reasons.

1. Conversion of SF-3 zoned properties to higher intensity uses is contradictory to the goals of maintaining the residential character of our neighborhood.
2. Such increased zoning will act as a precedent for other projects, increasing the pressure for commercial creep into the residential areas of the neighborhood.
3. The proposed project's density is not compatible with the adjacent residential neighbors and will negatively impact the quality of life in the area, especially for the residents of the Goodrich Place duplexes of the Austin Housing Authority
4. The proposed project's character is inappropriate and does not maintain the residential character of the street.

## **Planning Commission Recommendation**

The Planning Commission has recommended two conditional overlays to address the character and scale of the project to make it more compatible at the street. These recommendations are to limit the height of the building to 30 feet and two stories within 75 feet of the street. We appreciate these recommendations as a way to deal with the scale of the development facing the street, however they do not protect the neighbors to the north from more intrusive development on the remainder of the tract. MF-3 zoning on the back of the lot would allow up to 40 feet of height and no limit on the number of stories. Therefore we could see a four-story apartment or condo project 5 feet off the property line directly next to one- and two-story duplexes. Also, the Planning Commission recommendations do not address our concerns with regard to the precedent created by approving this zoning change.

## Compatibility Standards

We initially understood from the staff report on this case that compatibility standards would apply not only to protect the single-family homes across the street but would also be triggered by the Austin Housing Authority duplexes directly abutting this site on the north. In the past, the rule has always been that compatibility is based on use, not zoning. It is obvious that while the Austin Housing Authority site is zoned MF-3, its use is single-family, and compatibility standards should apply. However, staff has now informed us (as of yesterday) that the Austin Housing Authority duplexes would not trigger compatibility standards since they are not on individual lots. This is based on the following definition of multi-family residential uses

LDC, 25-2-3 (B) (6) Multi-family residential use is the use of a site for three or more dwelling units, within one or more buildings

This definition certainly makes sense for large-scale apartment complexes, but its application to this situation leaves the residents of the Housing Authority duplexes without the compatibility protections that would be available to any other families in a similar physical situation, just because they are on one lot. This interpretation, we feel, is unfair and should be remedied by tighter conditional overlays for this site

## The Precedent for Commercial Creep

This case clearly illustrates the problems neighborhoods have when zoning map designations, instead of actual uses, are used as the basis for staff's recommendation. When asked about the recommendation to support MF-3 on this tract, the response was that the zoning map showed MF-3 on either side and therefore it made sense to grant MF-3 to this tract. Unfortunately staff was not aware that even though the tract to the north is indeed MF-3, it is an Austin Housing Authority duplex project and the use is single-family. So we now have a staff recommendation based on a designation on a map while the on-the-ground condition is being ignored. It raises the question, What should our land use decisions be based on, an abstract map reference or what is actually on the site?

If this zoning change is approved, then all properties that have higher zoning than the actual use can be used to justify further upzoning of adjacent properties. In the Zilker neighborhood we have other sites with a mismatch between use and zoning, and approving this case will set a bad precedent that will make it harder to discourage commercial creep into the residential areas of our neighborhood and harder to preserve any of our affordable housing.

## Quality of Life Issues: Traffic, Parking, and Storm Water Run-off

If developed under the current SF-3 zoning this site could probably accommodate four homes, or if developed for duplexes it could be 6 units. Based on the developer's site plan we estimate there will be 10 to 12 units. This higher density will mean more car traffic on Bluebonnet, a street that has significant cut-through traffic already and is also a safe route for children on their way to Zilker Elementary or the playgrounds two blocks to the north.

On-street parking will be a problem because of the 20% reduction in the on-site parking requirement. Parking is prohibited on most of this block due to traffic calming between Arpdale and Rabb Glen, and the AHA duplexes have no on-site parking for the units facing Bluebonnet. AHA maintenance vehicles usually park on the sidewalk. There will be less than two spaces available on the street.

Finally the increase in impervious cover will only aggravate the drainage problems in the area. This site eventually drains into the West Bouldin Creek basin, an area already subject to flooding problems.

### ZNA Recommendation.

Based on all of these concerns, we believe there is a better zoning solution for this property, a solution that will address the neighborhood issues and allow the developer to build a financially successful project. Therefore we urge the City Council to adopt the following:

1. Maintain a 5,750 square foot SF-3 lot on the street front of the tract (protects against commercial creep and a bad precedent)
2. Limit the remainder of the tract to a building height of 30 feet and two stories (compatible with the AHA duplexes)
3. Limit the total number of units to eight (reduces traffic, impervious cover, and parking)
4. Limit impervious cover to a maximum of 55% (limits run-off)
5. Require 100% of the parking requirement (provides adequate parking)

Our association has used this approach successfully with a project on Kinney Avenue last year (C14-04-0145, 1209 Kinney), where the developer worked with us to protect the residential character of the area, keeping SF-3 zoning on the front of the lot, and he was still able to make a financially viable project.

We sincerely appreciate your consideration in this matter.

Jeff Jack  
ZNA President

GUERNSEY: THE FIRST ONE I'LL PRESENT IS OUR DISCUSSION ITEM NO 71, C 14-05-0179 FOR THE PROPERTY AT 9,009 SPRING LAKE DRIVE. THIS PROPERTY IS A REQUEST FOR A REZONING --

LEFFINGWELL: MAYOR, EXCUSE ME

MAYOR WYNN: MR. LEFFINGWELL

LEFFINGWELL: THAT CASE HAS A VALID PETITION ON IT. I REQUEST THAT WE TABLE IT UNTIL WE HAVE A FULL COUNCIL.

MAYOR WYNN. GOOD SUGGESTION. WITHOUT OBJECTION, WE WILL TABLE -- OR SET ASIDE 71, UNTIL WE HAVE A FULL COUNCIL NOTING THAT IT WILL TAKE A SUPER MAJORITY TO APPROVE THIS WE CAN NOW GO TO ITEM 75

→ GUERNSEY: 75 IS CASE C 14, 0079 THIS IS FOR THE PROPERTY LOCATED AT 2215 BLUEBONNET LANE. THIS IS A REZONING REQUEST FROM ~~ASSET~~ <sup>SF</sup> THREE OR FAMILY RESIDENCE ZONING TO MF 3 ZONING R ZONING CHT THE PLANNING COMMISSION RECOMMENDATION WAS TO APPROVE THE MF 3 CO ZONING WITH A 25-FOOT SETBACK, WHICH WOULD BE FROM THE FRONT PROPERTY LINE, THAT WOULD BE FROM BLUEBONNET LANE AND LIMITED TO A MAXIMUM 30 FEET IN HEIGHT OR TWO STORIES FOR THE FIRST 75 FEET FROM THAT SAME PROPERTY LINE THE PROPERTY IS LOCATED, AGAIN, ON BLUEBONNET LANE, AND THERE'S AN EXISTING SINGLE-FAMILY RESIDENCE ON THE PROPERTY TO THE NORTH ARE SOME LOW DENSITY APARTMENTS ZONED MF 3, TO THE SOUTH MF 3 AND CS AND CONTAIN RESIDENTIAL AND TO THE EAST THERE'S AND TO THE WEST IS SF-3 AND SINGLE-FAMILY HOMES ACROSS THE STREET AS I MENTIONED BEFORE, THERE ARE SOME PERSONS HERE THAT ARE SPEAKING IN OPPOSITION OF THIS REQUEST. AT. AT THIS TIME I'LL PAUSE AND IF YOU HAVE ANY OTHER QUESTIONS I'LL BE HAPPY TO ANSWER THEM AT THIS TIME

MAYOR WYNN: THANK YOU, MR. GUERNSEY QUESTIONS OF STAFF? COUNCIL? IF NOT, WE WILL CONDUCT OUR PUBLIC HEARING ON ITEM NO 75 THE MEMBER WILL HAVE A FIVE-MINUTE PRESENTATION FROM THE APPLICANT AND/OR OWNER AGENT WE WILL THEN HEAR FROM FOR FOLKS HARRY IN FAVOR OF THE ZONING CASE AND HEAR FROM FOLKS WHO ARE IN OPPOSITION THE APPLICANT WILL HAVE A ONE TIME THREE MINUTE REBUTTAL SO WE'LL WELCOME MR DAVID WARD, PERHAPS?

MAYOR WYNN YOU HAVE FIVE MINUTES

THANK YOU, MAYOR, MAYOR PRO TEM AND COUNCIL MEMBERS MY NAME IS DAVE WARD. I'M THE OWNER CURRENTLY OF THE PROPERTY AT 2215 BLUEBONNET. I'VE APPEARED BEFORE YOU IN THE PAST WHEN THE PROPERTY WAS UNDER CONTRACT,

AND I HAD TO CLOSE THE DEAL OR ELSE RISK LOSING A SUBSTANTIAL AMOUNT OF DEPOSIT MONEY WHICH WAS TIED TO THE ZONING CHANGE, SO I DON'T HAVE THAT OPTION ANYMORE. I DO OWN THE PROPERTY CURRENTLY, AND IF I -- IF I COULD -- LET'S SEE, DO YOU HAVE AN AERIAL THERE OF THE PROPERTY? LET ME PUT -- PROPERTY IS OUTLINED OBVIOUSLY, FACES BLUEBONNET ON THE UPPER PORTION OF THE PHOTOGRAPH IS SOUTH LAMAR BACKS UP TO A PARKING LOT THAT HAS SEVERAL BUSINESSES, INCLUDING BATTERIES PLUS ON.... ON THE SOUTH SIDE OF THE PROPERTY IS A THREE-STORY APARTMENT BUILDING. ON THE NORTH SIDE IS LOW INCOME HOUSING, TWO STORIES, AND ONE-STORY I'M PROPOSING A THREE-STORY APARTMENT BUILDING, PROVIDING JOBS AND INCOME TO A NUMBER OF WORKERS. I'M PROVIDING APARTMENTS GEARED TOWARDS THE AVERAGE INCOME INDIVIDUALS, WORKING CLASS PEOPLE, IN THE CITY OF AUSTIN WHO CAN'T AFFORD THE PROPERTY VALUES IN THE ZILKER NEIGHBORHOOD THERE'S STILL A GREAT DESIRE FOR MANY PEOPLE TO LIVE CLOSE INTO DOWNTOWN, BUT THEY CAN'T AFFORD TO BUY A HOUSE IN OUR NEIGHBORHOOD ANYMORE. SO THESE APARTMENTS WILL ADDRESS -- THERE WILL BE TEN UNITS TOTAL, EIGHT TWO BEDROOM AND BETWEEN TWO ONE BEDROOM UNITS. IT WILL ADDRESS THE NEED FOR ADDITIONAL IN FILL IN THE CITY. IT WILL ADDRESS THE NEED FOR MODERATELY PRICED DWELLINGS, LIVING UNITS. I'VE -- I DO NOT WANT TO CUT DOWN A 36-INCH PECAN TREE I'M SURE THE CITY WOULD NOT LIKE ME ON . TO CUT IT DOWN BUT IT'S A VERY NICE PART OF THE PROPERTY BUT BECAUSE IT IS IN THE LOWER PHOTOGRAPH -- OR LOWER PART OF THAT DRAWING, YOU CAN SEE THE CIRCLE, ABOUT A THIRD OF THE WAY BACK INTO THE PROPERTY, THAT IS A 36-INCH PECAN. WE ARE GOING TO SAVE THAT TREE, BUT THAT MANDATES, I DEVELOPED THE BUILDINGS THE WAY I HAVE THEM THERE THE AUSTIN FIRE DEPARTMENT HAS INFORMED MY ENGINEER AND ARCHITECT. THEY HAVE WANTED A 30-FOOT THROAT ON THE DRIVEWAY FOR SAFETY ISSUES. I CANNOT MOVE THE BUILDINGS BACK. THEY'RE AT MAXIMUM FROM THE STREET. I DO NOT HAVE THE ABILITY TO -- I DON'T HAVE THE SPACE TO PUT IN A FIRE TRUCK TURNAROUND IF YOU WILL, I WOULD ALSO LIKE TO -- I HAVE SOME PHOTOGRAPHS OF THE SURROUNDING PROPERTIES FACING ON BLUEBONNET AND THEN THE BACK OF THE PROPERTY WHICH IS -- IN THE BACK OF THE PROPERTY IS A PARKING LOT FOR THE BUSINESSES ON SOUTH LAMAR THE -- THE -- . IT IS SURROUNDED BY MF 3 ZONING. THAT ZONING, AS FAR AS I KNOW, HAS BEEN IN PLACE FOR YEARS, IF NOT DECADES. IT HAS NOT POSED A PROBLEM ABOUT CREEP-IN TO THE NEIGHBORHOOD. THAT'S ONE OF THE CONCERNS I HAVE BEEN IN ALMOST CONSTANT CONTACT WITH THE NEIGHBORHOOD ASSOCIATION, WITH -- THESE ARE THE PHOTOGRAPHS SHOWING THE UNIT ITSELF IN MY UPPER LEFT THE LOW INCOME HOUSING TWO-STORY UNITS NORTH OF THE PROPERTY, THE PECAN TREE, AND THEN FROM MY BACKYARD LOOKING SOUTH IS THE THREE-STORY APARTMENT BUILDING GETTING BACK TO THE NEIGHBORHOOD -- IF YOU WOULD CHANGE THAT TO THE SECOND PAGE, PLEASE I'VE ANSWERED NUMEROUS EMAILS FROM JEFF JACK AND THE NEIGHBORHOOD ASSOCIATION I'VE ADDRESSED ALL OF THE ISSUES THAT THEY HAVE BROUGHT OUT IN THEIR EMAILS I FEEL LIKE I'VE

ADDRESSED EVERYTHING APPROPRIATELY. THE TOP LEFT PHOTOGRAPH, AGAIN, IS THE APARTMENT BUILDING IMMEDIATELY TO THE SOUTH OF MY PROJECT. I THINK IT'S A GOOD PROJECT I'VE ACCOMMODATED A 35-FOOT HEIGHT LIMIT VERSES A 40-FOOT HEIGHT LIMIT AT MF 3 ZONING, ALLOWS 40 FEET. THE 35-FOOT HEIGHT LIMIT ON THE FRONT OF THE FRONT BUILDING IS SF-3 HEIGHT. SO AGAIN, I'VE TRIED TO FIT IN A GREAT PROJECT IN A NEIGHBORHOOD, PROVIDING JOBS AND THEN LIVING SPACE FOR AVERAGE FOLKS.

MAYOR WYNN: THANK YOU, MR. WARD YOUR FIVE MINUTES HAS EXPIRED. QUESTIONS FOR THE APPLICANT? COUNCIL MEMBER MARTINEZ?

MARTINEZ, I WANTED TO ASK, YOU TALKED ABOUT YOU'RE GOING TO BE CREATING MUCH NEEDED RENTAL UPTS. I WANTED TO ASK WHAT KIND OF PRICE RANGE THOSE RENTAL UNITS WERE GOING TO BE IN.

IN OUR NEIGHBORHOOD RIGHT NOW THEY RANGE FROM \$900 TO \$1,100 A MONTH FOR A TWO-BEDROOM UNIT, SO IT'S VERY DIFFICULT TO ESTABLISH AN EXACT FIGURE AT THIS POINT, BUT THAT IS -- FROM OTHER PEOPLE THAT DEAL IN APARTMENT UNITS IN MY NEIGHBORHOOD, THAT IS WHAT THEY'VE TOLD ME,. THAT THEY WILL BE PRICED AT OR PROBABLY BE PRICED AT.

MARTINEZ THANK YOU.

MAYOR WYNN FURTHER QUESTIONS, COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: ONE THING I CAN TELL FROM THE PROPOSAL, DENSITY, THAT'S JUST LIKE BIGGER SIDEWALKS DO YOU HAVE A -- ANY PROPOSAL ON THE SIDEWALK WIDTH IN THAT AREA? I DON'T KNOW WHAT'S THERE CURRENTLY

I BELIEVE THERE IS A STANDARD RESIDENTIAL SIDEWALK, WHICH OF COURSE I WILL MAINTAIN I HAVE NOT ADDRESSED A LARGER-TYPE SIDEWALKS. I THINK TO THE SOUTH OF THE PROPERTY WHERE THE APARTMENT BUILDING IS THERE'S A STANDARD 3-FOOT, 3 1/2 FOOT SIDEWALK AND THEN THREE RING CIRCUMSTANCE UZ SOUTH OF THAT AND ART'S RIB HOUSE IS SOUTH OF THAT AND THEN IT INTERSECTS WITH LAMAR. SO I WILL MAY NOT THOSE SIDEWALKS, OF COURSE

I THINK ONE OF THE THINGS YOU MIGHT WANT TO LOOK AT, WHEN YOU DO PUT A LOT MORE DENSITY, WHICH WE THINK IS A GOOD THING IF YOU DO IT RIGHT, IT'S IMPORTANT TO HAVE THE SIDEWALK WIDTH AND THE BUILDING ORIENTATION, SO IF IT'S A THREE FOOT SIDEWALK, THAT WILL NEED TO COME UP WITH SOMETHING WIDER THAN THAT, JUST FOR MORE DENSITY, BUT THOSE THINGS ALL WORK WELL TOGETHER AND SO I GUESS WE'LL NEED SOME GUIDANCE EITHER FROM YOUR STAFF

ON HOW -- YOU KNOW, WHAT -- WHAT THE RESPONSIBLE WIDTH MAY BE. WE SAW THE PREVIOUS -- PREVIOUSLY, 12-FOOT SIDEWALKS -- THE OTHER SIDE.

YES.

BMC SOME OF THIS MAY BE ABOUT HOW MUCH AREA YOU HAVE, BUT I THINK WE NEED TO LOOK AT SOMETHING WIDER THAN 3 FEET.

3W I WOULD BE WILLING TO WORK WITH STAFF ON THAT, ABSOLUTELY I AGREE.

BMC THE SECOND ISSUE ON THE DENSITY IS THE ORIENTATION IS A PROPOSAL TO HAVE -- IT LOOKS LIKE THE BUILDING WAS ORIENTED AWAY FROM THE STREET, OR AT LEAST WERE SOME OF THE UNITS ORIENTED TOWARD THE STREET?

DEW THE UNITS ARE NOT ORIENTED TOWARDS THE STREET THEY'RE ORIENTED SOUTH AND NORTH BECAUSE OF THE RESTRICTION OF THE LOT ITSELF. IT'S A LONG, NARROW LOT, AND I'M DOING LESS THAN WHAT CODE ALLOWS IN TERMS OF NUMBER OF UNITS, AND I'M PROVIDING -- I'M PROPOSING TO PROVIDE ONE MORE PARKING SPACE THAN WHAT IS REQUIRED OF ME. BUT AGAIN, THAT WILL ALL BE DETERMINED WHEN THE ENGINEER AND ARCHITECT SIT DOWN. ONCE I HAVE OBTAINED ZONING, IF I DO, IN FACT, OBTAIN MF 3, AND DETERMINE THAT LAYOUT BUT I BELIEVE AN OFF STREET PARKING I BELIEVE IN A LARGER SIDEWALK TO ACCOMMODATE, YOU KNOW --

WELL, MAYBE IT WOULD BE APPROPRIATE -- I THINK IF WE CAN WORK THROUGH THIS HERE TONIGHT OR NEXT -- AT THE NEXT -- BEFORE THE NEXT READING, BUT ON THINGS LIKE AT LEAST HAVING WINDOWS, YOU DON'T WANT BLANK WALLS FACING NEIGHBORHOOD STREETS.

WOULD YOU BE ABLE TO PUT UP THAT FIRST SCHEMATIC, THE LINE DRAWING? I THINK THIS ADDRESSES THE ISSUE I WAS NOT -- I WAS NOT -- THE TOP LEFT --

IT'S KIND OF CAN .. CUT OFF ON OUR SCREEN

WOULD YOU BE ABLE TO MOVE THAT? MY ARCHITECT AND I SPENT A NUMBER OF HOURS, I THINK IT WAS SIX, MAYBE SEVEN RENDITIONS, TO ADDRESS THAT VERY ISSUE, COUNCIL MEMBER MCCracken WE'VE ADDED WINDOWS TO THE WEST EXPOSURE THERE ARE FOUR DIFFERENT TYPES OF SIEGD, HARDY BACKER, SPLIT ROCK, STUCCO AND SUSTAIN CEDAR, AND AS YOU CAN SEE ON MY RIGHT ON THE PHOTOGRAPH, WE'RE DISGUIISING THE STAIRWAY SO THE PROPERTY TO THE SOUTH IT'S EXTERIOR STAIRWAY AND THEN A BRICK WALL WE HAVE WANTED TO MAKE THIS NEIGHBORHOOD FRIENDLY. WE'VE REDUCED THE HEIGHT AGAIN FROM 30 TO 45 FEET





I'LL SUGGEST TO YOU THAT I DON'T WANT ANY OF US, MYSELF INCLUDED, TO GET IN THE BUSINESS OF DESIGNING YOUR PROJECT FOR YOU, SO I THINK THE LIMIT TO WHERE WE -- OUR ROLE IS JUST TO MAKE SURE THAT THE URBAN PLANNING PRINCIPLES ABOUT RELATIONSHIPS OF BUILDING TO PUBLIC SPACES, SO MAYBE WE COULD JUST HAVE OUR URBAN DESIGN OFFICER WITH YOU, JUST TO MAKE SURE WE'RE GETTING OUR SIDE, THE PUBLIC SPACES AND THE PLANNING PRINCIPLES IN THERE BUT STAY AWAY FROM DESIGNING YOUR PROJECT OTHERWISE

VERY GOOD. THANK YOU

MAYOR WYNN: THANK YOU, MR. WARD. SO WE NORMALLY NOW WOULD HEAR FROM FOLKS IN SUPPORT OF THE ZONING THERE ARE NONE. WE KNOW GO TO THE FOLKS --

THAT WOULD BE ME, MAYOR

MAYOR WYNN. THANK YOU, MR. AWARD WE NOW HEAR FROM FOLKS IN OPPOSITION THE FIRST SPEAKER IS LORRAINE@ER TON? IS ROBERT SINGLETON HERE? AND PAULA BEARD IS PAULA HERE? LORRAINE, YOU'VE GOT SIX MINUTES, AND YOU'LL BE FOLLOWED BY ANDREW ELDER.

MAYOR... .

MAYOR WYNN WELCOME, LORRAINE, YOU HAVE SIX MINUTES

DID YOU SAY SIX MINUTES?

MAYOR WYNN. UH-HUH

OKAY YES ACTUALLY ANDY ELDER ISN'T HERE SO I MAY HAVE TO DO --

MAYOR WYNN HAVE YOU GIVEN YOUR TIME UP TO?

MAYOR WYNN OKAY, SO YOU'LL HAVE NINE MINUTES IF YOU NEED IT, LORRAINE

OKAY. THE STAFF ANALYSIS ON THIS CASE HAS MISCHARACTERIZED THE ADJACENT HOUSING AUTHORITY PROJECT AS APARTMENTS THE PHOTOGRAPHS IN FRONT OF YOU SHOW THE -- THE TOP LEFT PHOTOGRAPH IS THE ACTUAL DUPLEX. HOUSING AUTHORITY DUPLEX THAT IS RIGHT NEXT TO THE SUBJECT PROPERTY THE TOP RIGHT IS THE PROPERTY ITSELF, THE EXISTING HOUSE, WHICH IS VERY, VERY SIMILAR TO THE HOUSING AUTHORITY'S HOUSES THEN THERE IS THE APARTMENT BUILDING THAT'S THE SOURCE -- ACTUAL SOURCE OF THE CONTENTION THAT THIS IS AN MF, MULTIFAMILY AREA, AND NEXT TO THAT IS THE THREE-RING SERVICE, WHICH IS ACTUALLY A VERY, VERY NICE STONE HOUSE YOU'LL NOTE THAT IN FRONT OF THE HOUSING AUTHORITY, IN THE DOORWAY TO THE HOUSING AUTHORITY DUPLEX ARE

CHILDREN. THERE ARE ALSO CHILDREN STANDING IN FRONT OF..... FRONT OF THREE-RING SERVICE. THERE ARE A LOT OF FAMILIES WITH CHILDREN IN THIS AREA. THE -- THERE ARE LOTS OF TREES BETWEEN THE TWO PROPERTIES, BETWEEN THE HOUSING AUTHORITY PROPERTIES, A HUGE SHADE TREE, CANOPY NOTICE THAT THE EXISTING APARTMENT BUILDING HAS ESSENTIALLY NO TREE CANOPY AROUND IT. AND THERE ARE NO CARS AT THE HOUSING AUTHORITY -- AROUND THE HOUSING AUTHORITY DUPLEXES THIS IS AN EXCELLENT, IDEAL PLACE FOR THESE CHILDREN TO LIVE AND GO TO ZILKER ELEMENTARY, WHICH IS A FEW BLOCKS AWAY ON BLUEBONNET. THE CHARACTER OF THE SURROUNDING PROPERTIES IS OVERWHELMINGLY SINGLE-FAMILY DUPLEXES. COULD YOU SHOW THE NEXT SET OF PHOTOS? WELL, THAT'S ACTUALLY THE -- THE HOUSING AUTHORITY -- THE BACK SIDE OF THE HOUSING AUTHORITY PROPERTY SHOWING THAT THEY ARE SINGLE-FAMILY SCALE, MOSTLY ONE STORY, AND THEN THE NEXT SET OF PHOTOS IS -- THESE ARE THE HOUSES ACROSS THE STREET, WHICH ARE ALL MOSTLY SINGLE STORY, SINGLE-FAMILY HOUSES OR DUPLEXES AND BECAUSE OF ITS LOCATION CLOSE TO ZILKER ELEMENTARY, THIS HOUSE IS OCCUPIED . . . . HOUSING IS OCCUPIED PREDOMINANTLY BY FAMILIES WITH CHILDREN. HERE IN ZILKER WE THINK THAT IS A GOOD THING. COMPATIBILITY REQUIREMENTS ARE SUPPOSED TO BE BASED ON THE EXISTING LAND USE, NOT ON 20 OR 30-YEAR-OLD MAP DESIGNATIONS, IF STAFF WOULD COMPLY COMPATIBILITY STANDARDS ONLY TO THESE FAMILIES ACROSS THE STREET, THE CHILDREN IN THE PUBLIC HOUSING, WHO WILL BE MOST AFFECTED BY THE PROPOSED APARTMENTS LOOMING OVER THEIR BEDROOM WINDOWS, ARE NOT CONSIDERED WORTHY OF THE SAME PROTECTION. HERE IN ZILKER WE THINK THAT'S UNCONSCIONABLE. Z AND A HAS LONG RELIED ON THE CITY'S COMPATIBLE STANDARDS TO MEDIATE TWO IMPORTANT ELEMENTS AFFECTING THE LIVABILITY OF OUR NEIGHBORHOOD ONE, WE WANT TO CULTIVATE A VIABLE, WALKABLE COMMERCIAL CORRIDOR ALONG SOUTH LAMAR WITH A MIX OF LOCAL RETAIL AND MULTIFAMILY HOUSING TWO, WE ALSO WANT TO PRESERVE THE QUALITY OF LIFE OF OUR EXISTING RESIDENTS AND CONTINUE TO ATTRACT A WIDE DIVERSITY OF FAMILIES WITH CHILDREN WHO WILL ATTEND ZILKER ELEMENTARY THE FAMILIES AT GOODRICH PLACE ARE A VITAL PART OF THE ZILKER COMMUNITY AND THEIR HOUSING MUST BE AFFORDED THE SAME COMPATIBILITY PROTECTIONS IF THAT COMMUNITY IS GOING TO REMAIN VIABLE THE BEAUTIFUL STONE HOUSE ADJACENT TO THE EXISTING APARTMENTS WITH THREE-RING SERVICE IN IT HAS OFFICE ZONING, BUT IT IS ESSENTIALLY A HOME OCCUPATION. SOMEONE OPERATES A BUSINESS OUT OF HIS HOME THERE WITHIN CITY CODE AND IN ZILKER WE THINK THAT'S A GOOD THING TOO THERE'S ALSO A ROW OF GARAGE-STYLE APARTMENTS BEHIND THAT MAIN HOUSE THEY ARE, BY THE WAY, MUCH MORE ATTRACTIVE THAN MR. WARD'S PROPOSAL IT PROVIDES AN EXCELLENT TRANSITION BETWEEN THE HEIGHT ON SOUTH LAMAR AND THE FAMILY FRIENDLY HOUSING ON BLUEBONNET THAT IS WHERE THE LINE SHOULD BE DRAWN THE EXISTING APARTMENTS WERE A MISTAKE. THEY SHOULD BE REDEVELOPED UNDER MORE THAN SF #- 5 OR SF-6 STANDARDS, AND THIS SF-3 PROPERTY SHOULD NOT BE BUMPED UP FOUR ZONING CATEGORIES TO MF 3 AND

SINCE ANDY IS NOT HERE -- I THINK HE HAD A PET EMERGENCY -- I WILL HAVE TO MOVE ON TO THE SORT OF NUTS AND BOLTS OF OUR NEIGHBORHOOD'S COMPROMISE PROPOSAL TO ZONE THE FRONT PART OF THIS LOT SF-3 WITH MF 3 ON THE BACK THE PROPOSAL THAT YOU SAW FROM MR WARD FOR THE BIG APARTMENT BUILDING, WHICH IS ESSENTIALLY THE SAME -- SAME SCALE AS THE OLD NOT VERY ATTRACTIVE AND NOT VERY WELL OCCUPIED APARTMENT BUILDING -- THAT PROPOSAL DOESN'T EVEN ADDRESS THE LIMITS THAT THE PLANNING COMMISSION TRIED TO PUT ON IT WITH THE 75-FOOT SETBACK FOR THE SECOND STORY AND ALL OF THAT WE WERE JUST ASTOUNDED WHEN WE SAW WHAT HE WAS PROPOSING IN THAT IT DIDN'T EVEN ADDRESS THE PLANNING COMMISSION PROPOSAL BUT YOU'LL SEE IN YOUR STAFF -- THE STAFF ANALYSIS ON COMPATIBILITY STANDARDS THAT THERE ARE A GREAT MANY COMPATIBILITY LIMITS TRIGGERED BY THE SINGLE-FAMILY HOUSES ACROSS THE STREET, AND WE WOULD PROPOSE THAT JUST PUTTING AN SF-3 LOT ON THE FRONT OF THIS ZONING, LEAVING THE ZONING ON THE STREET SF-3, WOULD BE A MUCH SIMPLER WAY TO HAVE A FRIENDLY -- A NEIGHBORHOOD-FRIENDLY, NEIGHBORHOOD SCALE, BECAUSE IT WOULD NOT -- IT WOULD NOT TRIGGER ALL THE COMPATIBILITY REQUIREMENTS. MR. WARD COULD BUILD A NICE DUPLEX ON THE FRONT, HAVE HIS MF-3 PROJECT ON THE BACK, AND MAINTAIN THE RESIDENTIAL SCALE ON THE STREET SO AS YOU'VE SEEN FROM THE LETTER -- I HOPE -- I HOPE YOU-ALL GOT THE EMAIL WITH THE LETTER FROM THE ZILKER NEIGHBORHOOD ASSOCIATION. OUR FOUR MAIN POINTS ARE THAT THE CONVERSION -- IS THAT IT?

MAYOR WYNN: THAT'S IT

I WILL -- I WILL REFER YOU TO THE LETTER FROM JEFF JACKSONVILLE, THE ZILKER NEIGHBORHOOD ASSOCIATION

MAYOR WYNN: FAIR ENOUGH THANK YOU, MS AFERTON AND I THOUGHT YOU SAID ANDY ELDER MAY NOT BE HERE HE SIGNED UP IN OPPOSITION HOW ABOUT GARDENER SUMNER? YOU'LL BE OUR NEXT SPEAKER. YOU'LL HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY MICHAEL MEYER.

THANK YOU, MAYOR, MEMBERS OF COUNCIL MY NAME IS GARDENER SUMNER I LIVE IN THE ZILKER NEIGHBORHOOD, AND THIS IS OF COURSE THE LOCATION ON BLUEBONNET WHERE THE PROPERTY UNDER QUESTION IS LOCATED AT 2215 THE OWNER OF THE PROPERTY ASSERTS, QUOTE, "THESE ARE RENTAL UNITS ADDRESSING THE AVERAGE INCOME AND THE INDIVIDUALS WHO WOULD LIKE TO LIVE CLOSE TO DOWNTOWN, PROVIDING NECESSARY ALTERNATIVES TO TODAY'S COSTLY HOUSING MARKET IT IS A TYPE OF HOUSING THAT ADDS DIVERSIFICATION TO THE ZILKER NEIGHBORHOOD HOUSING INVENTORY," UNQUOTE NOW, THERE ARE TWO PROBLEMS WITH THIS ASSERTION. NUMBER ONE, THIS SITE IS CLOSE TO ZILKER ELEMENTARY SCHOOL, NOT TO DOWNTOWN, AND THEREFORE IT SHOULD BE DEVELOPED FOR FAMILIES WITH CHILDREN NUMBER TWO, ZILKER IS ALREADY

OVERBURDENED WITH POORLY PLACED AND POORLY DESIGNED MULTIFAMILY HOUSING AND OUR NEIGHBORHOOD PLAN IS DIRECTED AT SUPPORTING THE CONVERSION OF COMMERCIAL PROPERTIES ON SOUTH LAMAR TO MULTIFAMILY RESIDENTIAL WITH MIXED USE, WHICH IS ALREADY TAKING PLACE IF I MAY HAVE THE DIAGRAM I LEFT HERE IS A MAP -- HERE IS A MAP OF THE MF UNITS IN PLACE IN 2001 IN YELLOW. IT'S DIFFICULT TO SEE THE NUMBERS IN THERE, BUT I'LL EXPLAIN THE NUMBERS IN A BIT. JUST LOOK AT THE COLORS. THERE ARE 1,134 OF THEM, MF UNITS ... UNITS. PLANNED UNITS ARE CIRCLED IN RED. THERE ARE 642 OF THESE. THE GRAND TOTAL IS 1,776 MF UNITS, AND THAT'S MORE THAN HALF THE TOTAL HOUSEHOLDS CURRENTLY IN THE NEIGHBORHOOD. WE HAVE A SHORTAGE OF AFFORDABLE HOUSING SUITABLE FOR FAMILIES WITH CHILDREN. THERE IS NO SHORTAGE OF HOUSING FOR YOUNG PROFESSIONALS WHO WOULD RATHER BE LIVING DOWNTOWN THE PLAN BEFORE YOU, THEREFORE, NOT SUITABLE FOR FAMILIES WITH CHILDREN CITY PLANNING STAFF BEGAN OUR NEIGHBORHOOD LAND USE MAP AND EXERCISE BY ANNOUNCING THAT THE SINGLE-FAMILY HOUSING WITHIN THE ZILKER AREA WOULD REMAIN UNTOUCHED, AND WE PROCEEDED TO FOCUS ON FINDING RESIDENTIAL OPPORTUNITIES ON THE BASIS -- I MEAN, ON THE COMMERCIAL CORRIDOR ALONG SOUTH LAMAR WE THOUGHT THAT WE AND STAFF AND THE COUNCIL WERE ALL ON THE SAME PAGE. JUST ONE MORE MINUTE IF I MAY, PLEASE IN SUMMARY, THE ILL CONSIDERED STAFF RECOMMENDATION BEFORE YOU TODAY CONTRADICTS AND UNDERMINES OUR NEIGHBORHOOD PLANNING EFFORTS, AND WE URGE YOU TO DENY THIS AND ANY OTHER UP ZONING REQUESTS IN BLUEBONNET. THANK YOU VERY MUCH

MAYOR WYNN: THANK YOU, MR. SUMNEAR. THANK YOU MICHAEL MEYER.

HI, I'M MIKE MEYER. I THOUGHT I HEARD, AND CORRECT ME IF I'M WROPG, BUT DIDN'T MR. WARD SAY THAT HE COULDN'T PROVIDE ACCESS FOR FIRE DEPARTMENT VEHICLE? I MEAN, IT SEEMS TO ME THAT'S THE BALL GAME IF YOU'RE BUILDING AN APARTMENT COMPLEX NEXT TO ANOTHER APARTMENT COMPLEX WITH ACCESS IN BETWEEN THE TWO THAT FIRE DEPARTMENT VEHICLES WOULD NEED TO FIGHT A FIRE, IT SEEMS LIKE THAT'S AN UNTENABLE SITUATION. SEEMS LIKE THAT TELLS YOU THAT THIS SITE IS INAPPROPRIATE FOR THIS DENSITY. THANK YOU.

MAYOR WYNN: THANK YOU.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ?

MARTINEZ: I THINK WHAT I HEARD IS THEY REQUEST A 30-FOOT WIDE ENTRY. ENTRYWAY INTO THE PROPERTY AND THE OWNER APPLICANT WAS COMPLYING WITH THAT.

MAYOR WYNN: WE'LL HEAR FROM HIM IN A SECOND, I'M SURE. ALLISON VON STIEM HAS SIGNED UP NOT WISHING TO SPEAK, ALSO IN OPPOSITION. SO THOSE ARE OUR CITIZENS IN OPPOSITION. NOW, MR. WARD HAS A ONE TIME THREE MINUTE REBUTTAL. WELCOME BACK, MR. WARD

MAYOR, COUNCIL MEMBERS, THANK YOU AGAIN. HOW DO I LOOK SINCE THE LAST TIME YOU SAW ME, MAYOR? YOU HAD ASKED THE FIRE CHIEF THAT AND DO I LOOK ANY WORSE FOR WEAR?

MAYOR WYNN: YOU LOOK A LITTLE MORE NERVOUS THAN --

WELL, YES, HE'S A MUCH BETTER SPEAKER THAN I AM. THE PROPERTY IS UNIQUE IN THAT IT'S LONG AND NARROW, AND THE 30-FOOT WIDE REQUEST BY THE FIRE DEPARTMENT IS TO ACCOMMODATE FIRE TRUCKS FOR FIRE FIGHTING. WHAT I SAID WAS I COULD NOT -- BECAUSE OF THE NARROWNESS OF THE LOT, I COULD NOT GIVE THEM A TURNAROUND, A HAMMER HEAD, TO TURN A TRUCK AROUND, SO I HAVE HAD TO PUT MY BUILDINGS WHERE THEY ARE SO THAT THEY ARE COVERED BY FIRE PROTECTION, BY THE FIRE HOSE LENGTH. I HAVE -- ALSO, BECAUSE I HAVE THAT PECAN TREE, THE 36-INCH PECAN TREE. SO ALL OF THOSE ARE REQUISITE TO THE CONDITIONS OF THE SITE. NOW, I GREW UP IN A WORKING CLASS FAMILY. MY MOTHER WAS A SINGLE MOTHER WHO RAISED THREE KIDS IN A TWO BEDROOM APARTMENT UNTIL I WAS 12. 12 YEARS OLD. NOW, TO SAY THAT THERE ARE NOT GOING TO BE ANY FAMILIES IN MY UNITS I THINK IS PRESUMPTUOUS. I GREW UP THAT WAY AND OF COURSE PEOPLE ARGUE I GREW UP OKAY, BUT I DID GROW UP IN AN APARTMENT FOR THE FIRST 12 YEARS OF MY LIFE, WITH A SINGLE MOM. SO I DON'T BELIEVE IT'S JUST FOR THE YOUNG FOLKS WHO WANT TO LIVE DOWNTOWN. THESE ARE UNITS THAT CAN ACCOMMODATE ALL AGES, WITH CHILDREN, WITHOUT CHILDREN. IT IS CLOSE PROXIMITY TO THE SCHOOL. I THINK IT'S ABOUT TWO BLOCKS AWAY. SO I -- I DON'T BELIEVE THAT'S A VIABLE CONCERN. THE ONLY OTHER THING I'D LIKE TO SAY IS THAT AFTER SEEING THE GENTLEMAN WHO SPOKE ABOUT THE NUMBER OF UNITS, I BETTER GET BUSY AND GET IT DONE FAST. SO I DON'T HAVE ANYTHING ELSE.

MAYOR WYNN: THANK YOU, MR. WARD. QUESTIONS OF MR. WARD? COUNCIL? THANK YOU. THANK YOU, SIR.

THANK YOU.

MAYOR WYNN: WELL, COUNCIL, THAT CONCLUDES THE PUBLIC HEARING ASPECT OF THIS CASE. QUESTIONS OF STAFF? COMMENTS? COUNCIL MEMBER MCCracken.

MCCracken: I HAVE A QUESTION, ACTUALLY FOR LORRAINE ATHERTON. GET YOUR PHOTOS UP HERE AGAIN. THEY MAY ALREADY BE UP THERE. RIGHT NOW I WANTED TO

TURN TO THE FIRST SET OF PHOTOS YOU HAD THERE'S ONE OF THAT APARTMENT BUILDING THERE.

THAT SORT OF PURPLE ONE WITH THE --

BOTTOM LEFT PHOTO WAS THE AN APARTMENT.

MCCRACKEN: THERE YOU GO. YOU MADE A COMMENT, THE NEIGHBORHOOD RECOMMENDATION WAS TO SINGLE-FAMILY ON THE FRONT AND THEN MF BEHIND, AND CAN YOU TELL ME WHY IT IS THAT THAT'S -- THAT'S WHAT THE NEIGHBORHOOD WANTS?

THAT PREFERS THE SINGLE-FAMILY -- SINGLE-FAMILY CHARACTER OF THE STREETSCAPE AND IS COMPATIBLE WITH THE SURROUNDING HOUSING AND IT ALSO ALSO -- THE WAY -- THE WAY ZONING RECOMMENDATIONS ARE MADE IS ESSENTIALLY STAFF GETS OUT -- OR THE DEVELOPER GETS OUT A MAP AND STARTS LOOKING FOR ISOLATED, YOU KNOW, MF OR COMMERCIAL PROPERTIES AND SAYS, "OH, THERE'S ONE RIGHT THERE, SO THAT MEANS WE CAN HAVE THE SAME ZONING, DO THE SAME UP-ZONING ACROSS THE STREET."

MCCRACKEN: LET ME ASK YOU SOMETHING REAL QUICK. THE REASON WHY I PICKED UP ON YOUR COMMENT ABOUT THE SINGLE-FAMILY WITH THE MULTIFAMILY BEHIND, AS I RECALL, YOU ALSO SAID THAT THAT MEANT THAT THERE COULD BE A DUPLEX, BE THAT SINGLE-FAMILY, THAT FRONTED THE LOT, THAT IT WOULD OPEN UP ONTO THE STREET AND IT WOULD PRESERVE THE NEIGHBORHOOD FEEL BUT WHAT I'M GATHERING SINCE YOU-ALL ARE FINE WITH THE MULTIFAMILY ON-SITE, THAT IT'S NOT THE DENSITY THAT'S THE OBJECTION, IT'S JUST THAT THE BUILDINGS ARE GOING TO BE KIND OF LIKE THAT BOTTOM LEFT, EVEN IF THEY'RE DRESSED UP, IS THAT CORRECT?

WELL, I -- I AM NOT HAPPY WITH MF, MELT I FAMILY, AT ALL ON THE SITE BUT GIVEN THAT CITY STAFF HAS DECIDED NOT TO APPLY COMPATIBILITY STANDARDS ON THIS SITE, WE HAVE TO LOOK FOR WHATEVER WE CAN TO PRESERVE THE -- THAT RESIDENTIAL QUALITY

MCCRACKEN I GUESS MY NEXT QUESTION TO YOU, CRAIG, WE'RE KIND OF GETTING A LESSON ABOUT SOMETHING WE SEE AS A COMMON THREAD THAT'S WHY I BRING IT UP. DENSITY, MAKING SURE THAT AS WE DO DENSITY WE DO IT IN A WAY THAT ENHANCES THE NEIGHBORHOOD AND THAT'S IMPORTANT PLANNING PRINCIPLES IN LOOKING AT THIS BOTTOM LEFT PHOTO OF THE APARTMENT THAT'S ON THE SCREEN, WHAT I'M GATHERING IS, IS THERE A WAY TO -- MAYBE WORK ON THE CITY'S URBAN DESIGN OFFICER BEFORE A SECOND READING, EVEN WHETHER IT'S MULTIFAMILY -- I GUESS IT COULD BE ALL MULTIFAMILY 3, TO SIMPLY SAY LET'S MAKE SURE THE

DEVELOPMENT IS COMPATIBLE WITH THE NEIGHBORHOOD STREET IN TERMS OF HAVING AT LEAST ONE OF THE UNITS TURNED OPEN ONTO THE STREET, WHICH WOULD BE KIND OF FUNCTIONALLY THE SAME AS SAYING A DUPLEX SF-3 BUT IT COULD BE AN APARTMENT, JUST AS LONG AS IT OPENS ON THE STREET AS OPPOSED TO ONE OF THESE SIDEWALL DEALS. DO YOU UNDERSTAND?

YES, COUNCIL MEMBER, AND THERE HAVE BEEN CASES IN THE ZILKER NEIGHBORHOOD WHERE ZILKER HAS WORKED WITH THE DEVELOPER AND AGREED TO A SMALLER STRUCTURE IN THE FRONT, LIKE A TWO STORY STRUCTURE IN THE FRONT, AND HAVING LARGER STRUCTURES IN THE BACK. YOU WOULD NEED TO STILL MAINTAIN MULTIFAMILY ZONING AT LEAST FOR A PORTION OF THE PROPERTY, BECAUSE YOU NEED TO HAVE --

MCCRACKEN I'M JUMPING ON YOU RIGHT THERE, BECAUSE I DON'T CARE ABOUT THE USE DESIGNATION BECAUSE -- BUT WHAT WE'RE HEARING ABOUT IS DAVE HAS GOT, YOU KNOW, TO BE ABLE TO EARN ENOUGH TO MAKE THE PROJECT WORK AND THE NEIGHBORHOODS UNDERSTANDABLY CARE ABOUT HOW THE PEOPLE -- WHATEVER ITS SIZE, RELATES TO THE STREET, SO IT SEEMS LIKE THERE'S A FAIR APPROACH LET'S FOCUS ON THE HOUSE. AT LEAST IF WE HAVE ONE OF THOSE TEN UNITS IS ORIENTED TO THE STREET, WHETHER IT'S A DUPLEX OR ACTUALLY AN APARTMENT IS AN ENTIRELY MF BUILDING BUT OPEN ON THE STREET, THAT WOULD PRESENT A DIFFERENT PROFILE FROM WHAT WE SEE IN THE BOTTOM LEFT OF THIS PICTURE, WHICH IS A NEIGHBORHOOD UNFRIENDLY DESIGN, SINCE WE DO DENSITY, MAKE SURE WE DO IT RIGHT BECAUSE WE HAVE THE BUILDING -- AT LEAST ONE PART OF THE APARTMENT BUILDING ORIENTED TO THE STREET, GIVES IT MORE OF A NEIGHBORHOOD FOCUS AS -- FOCUSED WAY MAYBE WERE WE ... .. WHAT WE COULD DO IS SAY, LET'S HAVE MR. WARD CONSULT WITH THE CITY'S URBAN DESIGN OFFICER BEFORE A SECOND READING TO MAKE SURE THAT URBAN PLANNING PRINCIPLES INVOLVED IN THIS PROJECT ARE MEETING THE VERY LEGITIMATE INTERESTS OF THE NEIGHBORHOOD ABOUT -- SPEAKS TO THE NEIGHBORHOOD AS OPPOSED TO THESE BLANK WALL THINGS LIKE WE SEE IN THAT PHOTO

(am) AND COUNCIL MEMBER, I THINK THE PLANNING COMMISSION TOOK THAT IN CONSIDERATION, IN THEIR RECOMMENDATION ASKING FOR A 25-FOOT SETBACK, WHICH IS THE SAME AS AN SF-3 ZONING DISTRICT, AND THEN LIMITED THE HEIGHT OF THE PROPERTY FOR THE FIRST 75 FEET TO BE TWO [INAUDIBLE] FEET IN HEIGHT.

MCCRACKEN: I'M TALKING ABOUT SOMETHING IN ADDITION TO THAT THOSE ARE ALL IMPORTANT

THE ORIENTATION OF THE BUILDING TO FACE THE STREET, SO THE DOORWAY WOULD FACE THE STREET FOR INSTANCE

MCCRACKEN THIS WILL BE DAVE'S DECISION, THEY COULD ORIENT INWARD, THAT'S A VERY CONSTRAINED LOT, BUT IF YOU'RE GOING TO HAVE A BUILDING THAT'S PART OF THE FAMILY NEIGHBORHOOD, AT LEAST IT NEEDS TO ORIENT TO THE NEIGHBORHOOD AS OPPOSED TO THAT APARTMENT BUILDING ORIENTED TO THE SIDE SO I THINK IF WE CAN GET JIM ROBERTSON AND DAVE WARD TOGETHER BEFORE SECOND AND THIRD READING WE CAN GET A PERSONAL OPINION, IS GET SOMETHING THAT HAS THE EXACT SAME NUMBER OF UNITS, EXACT SAME COST, SPEAKS TO WHAT LORRAINE WAS TALKING ABOUT THE ZILKER NEIGHBORHOOD, WHICH WE'RE DEFINITELY INTERESTED IN AND EVERYBODY WINS. THAT'S ABOUT DOING DENIES DIFFICULT WITH URBAN PLANNING AND DOING SOMETHING BETTER THAN WHAT WE SAW IN THAT PHOTO, WHICH IS THE OLD SCHOOL.

LET ME POINT OUT THE APPLICANT, DAVID, HAS BASICALLY INDICATED HE'S NOT IN FAVOR OF THE COMMISSION'S RECOMMENDATION, HE -- HE WAS BASICALLY ADVOCATING FOR A 35-FOOT HEIGHT, STARTING 25 FEET BACK FROM THAT PROPERTY LINE AND IT'S MY UNDERSTANDING THE NEIGHBORHOOD WAS OPPOSED TO THE MF-3 ZONING, SO BOTH THE NEIGHBORHOOD AND THE APPLICANT BOTH DISAGREE WITH THE COMMISSION'S RECOMMENDATION, BUT THAT -- THE COMMISSION'S 'S RECOMMENDATION APPEARS CLOSEST TO WHAT YOU ARE --

THE PLANNING COMMISSION -- I MEAN, IF EVERYBODY HAS TO GIVE A LITTLE BIT, THE MAIN THINGS WE'RE INTERESTED IN

MAYOR WYNN COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I WANT TO TALK ABOUT THE -- ABOUT THE CO, THE PLANNING COMMISSION -- THAT IS THE RECOMMENDATION OF THE CO IS A 30-FOOT HEAT LIMIT, WHICH -- IS THAT -- THAT'S THE SAME AS SF-3, IS IT NOT?

WELL, THE SF-3 HEIGHT ON IT TODAY IS 35 FEET.

LEFFINGWELL: 35 SO THIS IS LESS THAN THE SF-3

THAT'S CORRECT. AND THEY ALSO PLACED A TWO STORY HEIGHT LIMITATION, WHICH GOES BEYOND WHAT WOULD NORMALLY BE ALLOWED IN THE SF-3 DISTRICT THERE'S NOT A STORY LIMITATION, BUT THIS MIGHT BE SIMILAR TO THE LARGER HOUSE ORDINANCE THAT COUNCIL IS CONSIDERING AS WELL

LEFFINGWELL OKAY SO WE HAVE ANOTHER CO FOR 25-FOOT FRONT SETBACK AGAIN, IT'S THE SAME AS SF-3

THAT'S CORRECT



LEFFINGWELL: SO WHAT WE HAVE HERE IS WE HAVE MF-3 WITH SF-3 BUILDING RESTRICTIONS, BOTH WITH REGARD TO SETBACK AND HEIGHT. IS THAT NOT TRUE -- OR ACTUALLY WE'VE GOT LESS THAN SF-3 ON THE HEIGHT

THAT'S CORRECT.

LEFFINGWELL. OKAY. NOW, I WANT TO ADDRESS THE QUESTION, THE STATEMENT WAS MADE BY MS. ATHERTON THAT YOU'RE NOT -- YOU'RE INCORRECTLY APPLYING COMPATIBILITY STANDARDS. WOULD YOU EXPLAIN THAT TO US?

YES THE APPLICATION OF COMPATIBILITY STANDARDS DEALS WITH THE USE OR ZONING, AND IN THIS CASE THE ZONING NEXT DOOR IS MF-3, AND THE USE OF THE PROPERTY IS MULTIFAMILY. AND EVEN THOUGH THE STRUCTURES THEMSELVES MAY RESEMBLE A DUPLEX OR A SINGLE-FAMILY-TYPE DWELLING, MAY ONLY BE ONE STORY-OR TWO STORIES IN HEIGHT, COMPATIBILITY IS LOOKED AT BASED ON THE USAGE OF THE PROPERTY, AND THERE IS MORE THAN THREE UNITS ON THE PROPERTY. SO STAFF DOES NOT HAVE THE DISCRETION TO APPLY CAPACITY IBIITY. .... . COMPATIBILITY STANDARDS ON THIS PROPERTY AS BEING TRIGGERED BY THE PROPERTY NORTH, SIMPLY BECAUSE THE OWNER OR THE HOUSING AUTHORITY PROPERTY DEVELOPED WITH SMALLER MULTIFAMILY STRUCTURES. THERE'S STILL THREE OR MORE DWELLING UNITS ON THE NORTH PROPERTY -- AND THAT WOULD NOT TRIGGER COMPATIBILITY ON THIS PROPERTY.

LEFFINGWELL: IF IT WAS ZONED MF-3 BUT IT WAS A SINGLE-FAMILY HOUSE, THEIR COMPATIBILITY STANDARDS WOULD APPLY?

THAT'S RIGHT, OR MULTIFAMILY OR SINGLE-FAMILY, IT WOULD TRIGGER . COMPATIBILITY.

LEFFINGWELL I THOUGHT THAT'S WHAT I SAID MAYBE I DIDN'T. SO THERE'S NO COMPATIBILITY PROBLEM WITH THE HOUSES ACROSS THE STREET, WHICH ARE SF-3?

THERE WOULD NOT BE WITH RESPECT TO THE HEIGHT THAT ARE BEING PROPOSED THERE WOULD BE COMPATIBILITY STANDARDS TRIGGERED BY THE PROPERTIES IF HE WERE TO TRY TO BUILD A BUILDING TALLER AND CLOSER TO THE FRONT. THERE WOULD BE SCREENING REQUIREMENTS FOR MECHANICAL EQUIPMENT, SCREENING REQUIREMENTS FOR LIGHTING, SCREENING OF THE ACTUAL DUMPSTER ... . DUMPSTERS OR GARBAGE COLLECTION, TRASH COLLECTION AREAS SO EXAT COMPATIBILITIES APPLICABLE TO THIS PROPERTY BUT NOT BY THE PROPERTY TO THE NORTH

MAYOR WYNN. FURTHER QUESTIONS, COMMENTS FROM STAFF? OR ANYBODY ELSE?  
IF NOT I'LL ENTERTAIN A MOTION ON ITEM 75, WHICH WOULD INCLUDE TO CLOSE THE  
PUBLIC HEARING COUNCIL MEMBER MCCRACKEN?

MCCRACKEN YEAH, I'LL MOVE TO CLOSE THE PUBLIC HEARING AND PER THE  
APPROVE THE PLANNING COMMISSION RECOMMENDATION ON FIRST READING AND  
ALSO DIRECT THE CITY'S URBAN DESIGN OFFICE TO WORK WITH THE APPLICANT ON  
ISSUES OF HOW THIS PROJECT WILL RELATE TO THE STREET IN THE NEIGHBORHOOD,  
INCLUDING SIDEWALK WIDTH AND ORIENTATION AT LEAST, OF THE UNITS  
IMMEDIATELY FACING BLUEBONNET.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCRACKEN, SECKED BY COUNCIL  
MEMBER MARTINEZ TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST  
READING ONLY. PLANNING COMMITTEE RECOMMENDATION WITH FURTHER  
RECOMMENDATION OF STAFF ANY FURTHER COMMENTS? HEARING NONE, ALL  
THOSE IN FAVOR PLEASE SAY AYE.

AYE.

PASSES ON FIRST READING ONLY ON A VOTE OF 7-0. THANK YOU, MR GUERNSEY

THANK YOU. WE CAN CONTINUE AND GO BACK TO THE ITEM WE HAD EARLIER, ITEM  
NO. 71 THIS IS CASE C 14-05-0179 FOR THE PROPERTY AT 9,009 SPRING LAKE DRIVE  
THIS IS A REZONING BETWEEN ARE RESIDENTIAL TO RR, TO SF 1, WHICH STANDS TO  
SINGLE-FAMILY LARGE LOT DISTRICT ZONING. THE ZONING AND PLANNING  
COMMISSION RECOMMENDATION WAS TO APPROVE SF 1 C CO ZONING LIMITED TO  
TWO RESIDENTIAL UNITS TO...ON THE PROPERTY SINCE THE ZONING AND PLANNING  
COMMISSION MEETING, THERE HAS BEEN INVESTIGATION BY STAFF OF THE  
PROPERTY, AND LOOKING AT A CRITICAL ENVIRONMENTAL FEATURE, NAMELY A WET  
LAND, ON THE PROPERTY THAT HAS BEEN IDENTIFIED THAT WOULD SEVERELY LIMIT  
THE DEVELOPMENT POTENTIAL OF THIS PROPERTY AND WOULD MOST LIKELY  
REQUIRE AN ENVIRONMENTAL VARIANCE I KNOW THAT THERE'S BEEN DISCUSSIONS  
BETWEEN THE APPLICANT AND ENVIRONMENTAL STAFF, AND IN ADDITION, THE  
APPLICANT HAS COME BACK EARLIER THIS MONTH AND HAS AGREED TO REDUCE THE  
SIZE OF THE REZONING REQUEST, ALTHOUGH WE DON'T HAVE A SPECIFIC SET OF  
FIELD NOTES, BUT TO BE APPROXIMATELY 15,700 15,700 SQUARE FEET, OR 36 ACRES  
OF LAND, WHICH IS QUITE A BIT OF REDUCTION, ALMOST AN ACRE REDUCTION FROM  
THE ORIGINAL REQUEST ALSO, THAT THE PROPOSED SINGLE-FAMILY LOT THAT  
WOULD BE DEVELOPED WOULD HAVE A 50-FOOT BUILDING SETBACK FROM THE  
WETLAND LOCATION, THAT THE MAXIMUM PERVIOUS COVER ALLOWED ON THE LOT  
WOULD BE ABOUT 2,500 SQUARE FEET, AND THE MAXIMUM BUILDING FOOTPRINT  
WOULD BE LIMITED TO APPROXIMATELY 1500 SQUARE FEET AND WE DO HAVE A  
VALID PETITION IN OPPOSITION TO THIS REZONING REQUEST, AND THAT WOULD