

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 45
AGENDA DATE: Thu 02/17/2005
PAGE: 1 of 1

SUBJECT: C14-04-0181.SH - Shire's Court - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2610, 2626, 2700 and 2902 Metcalfe Road; 1910 and 1916 Wickshire Lane (Country Club Creek Watershed) from family residence (SF-3) district zoning and limited office (LO) district zoning to townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning. First Reading on January 13, 2005. Vote: 6-0, Goodman off the dais. Second Reading on January 27, 2005. Vote: 6-0, Dunkerley-off the dais. Conditions met as follows: Conditional overlay and restrictive covenant incorporate the conditions imposed or accepted by Council at second ordinance reading. Applicants: The Estate of Opal Ault (Donna Koch), Henry W. Ault and June Oliver Ault, Herby's Joint Venture (Jimmy Nassour), George Washington Sanders, and Stephen G. Jackson). Agent: Benchmark Land Development, Inc. (David C. Mahn). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0181.SH

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2610, 2626, 2700 and 2902 Metcalfe Road; 1910 and 1916 Wickshire Lane (Country Club Creek Watershed) from family residence (SF-3) district zoning and limited office (LO) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. The Conditional Overlay limits the development of the property to: 1) a maximum of 300 dwelling units 11.538 units per acre); and 2) establishes that a building may not contain more than one residential unit. The Restrictive Covenant: 1) provides a minimum of one pedestrian access point along the east property line adjacent to the elementary school, 2) specifies that if at such time the adjacent property to the north becomes a public park, then the owner agrees to provide pedestrian access to the park from the project and 3) establishes that public vehicular access shall be provided through the property by way of a street extending between the terminus of Carlson Drive and Metcalfe Road.

DEPARTMENT COMMENTS:

On Friday, February 4th, the agent for the Applicants met with Neighborhood Housing and Community Department staff and Zoning staff to address access issues to and from the property. All parties agreed that in exchange for providing public vehicular access through the property by way of a street extending between the terminus of Carlson Drive and Metcalfe Road, the prohibition on vehicle controlled access devices at the ingress and egress of the property would be lifted. This agreement is captured in the Public Restrictive Covenant.

The Conditional Overlay incorporates the conditions imposed by the City Council at Second Reading.

Crime statistics for this area and information regarding the Pleasant Valley Villas multi-family residential project follow the Summary Sheet

OWNERS/APPLICANTS: The Estate of Opal Ault (Donna Koch); Henry W. Ault and June Oliver Ault; Herby's Joint Venture (Jimmy Nassour); George Washington Sanders; and Stephen G. Jackson.

AGENT: Benchmark Land Development, Inc. (David C. Mahn)

DATE OF FIRST READING: January 13, 2005, approved SF-6-CO district zoning as recommended by the Planning Commission, on 1st Reading with a Restrictive Covenant to address 1) prohibiting gating of the project, 2) access to the adjacent elementary school and 3) access to the adjacent property to the north if it becomes a public park, as recommended by the Planning Commission, on 1st Reading (6-0, Goodman off the dais).

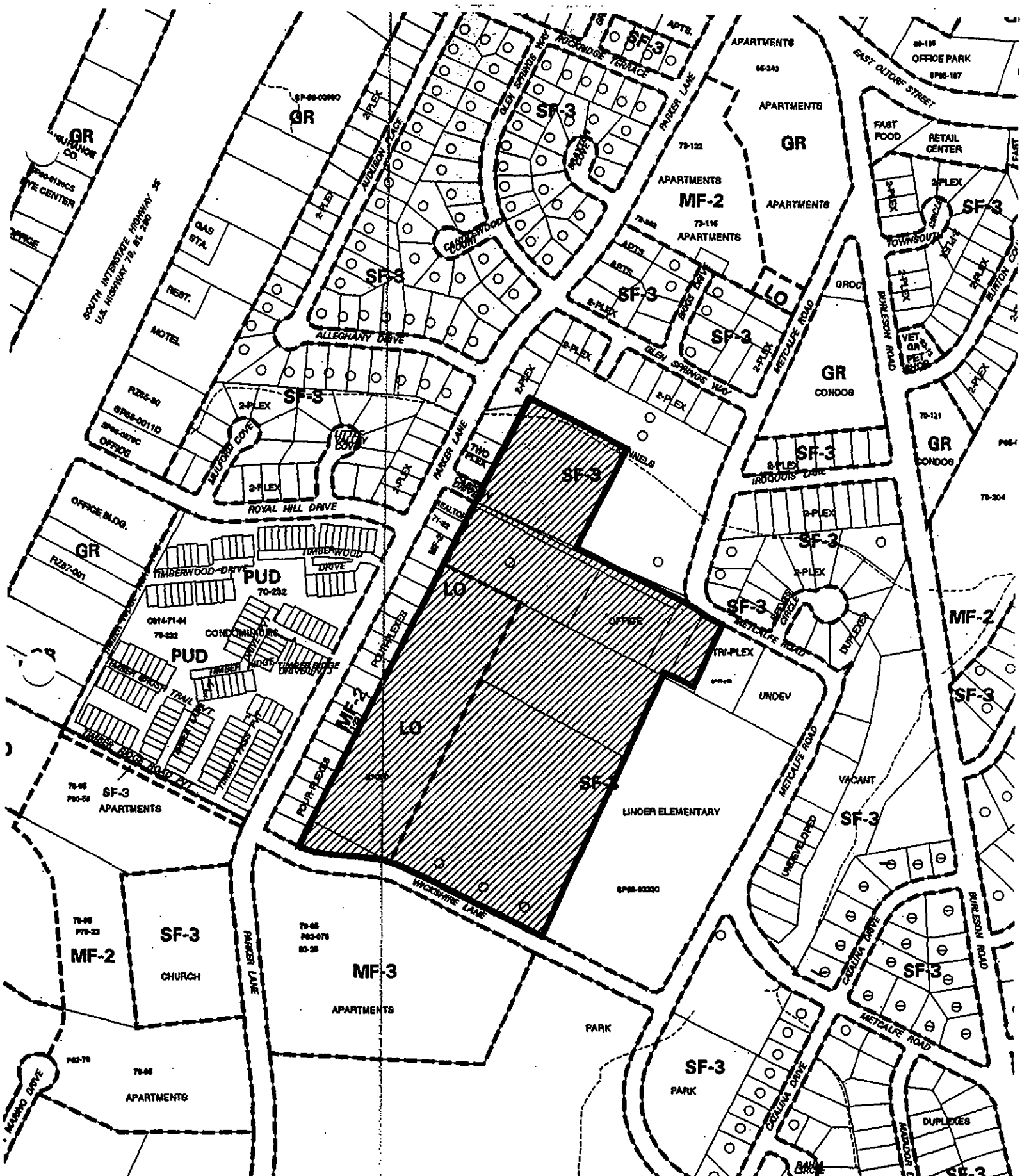
DATE OF SECOND READING: January 27, 2005, approved SF-6-CO district zoning with the Restrictive Covenant addressing access to the elementary school and to the potential parkland to the north as approved on 1st Reading, but removing the prohibition on gating, on 2nd Reading. Staff and the Applicant to further discuss gating of the project (6-0, Dunkerley – absent).

CITY COUNCIL HEARING DATE: February 17, 2005

CITY COUNCIL ACTION:

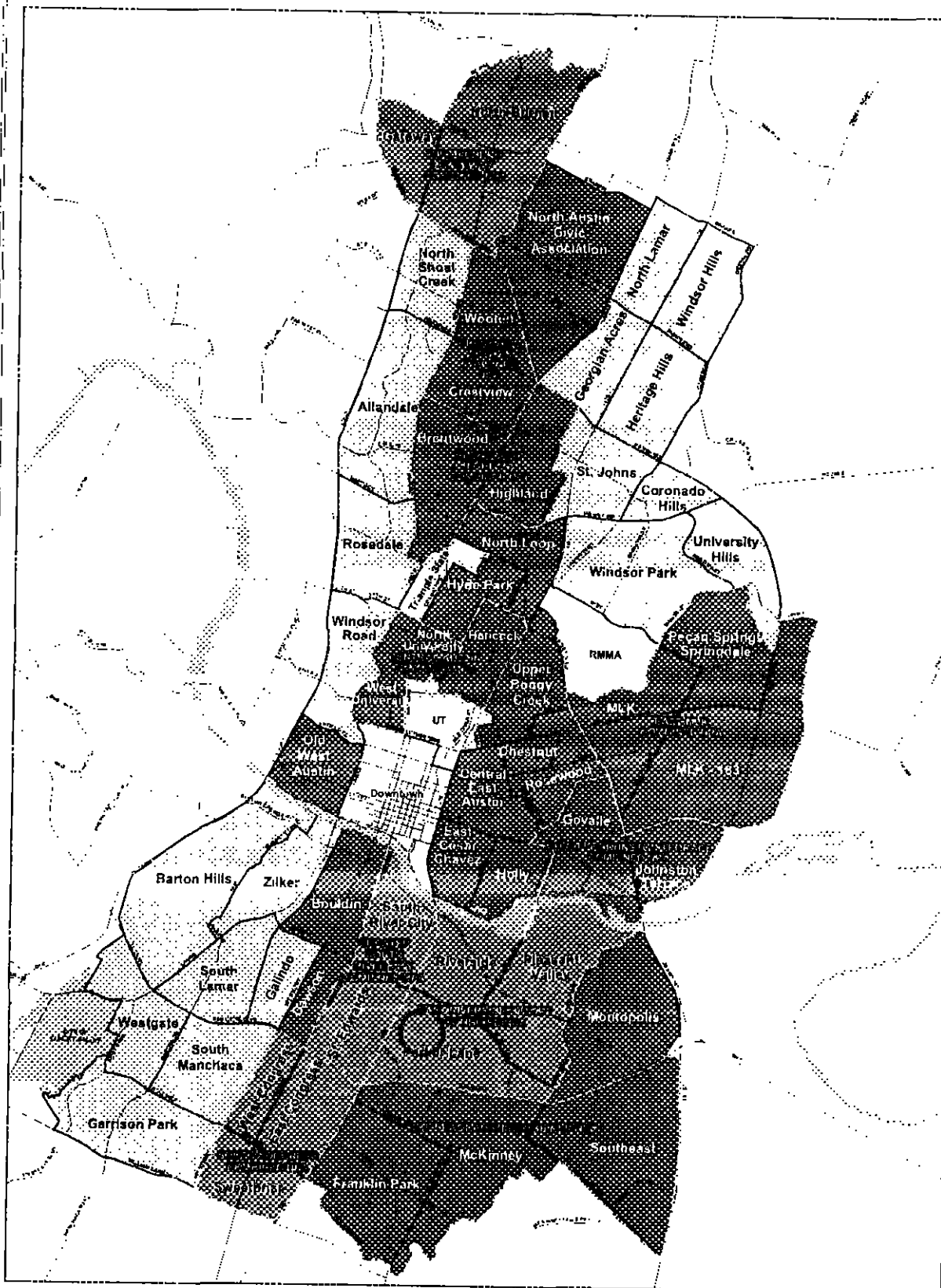
ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us



<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: W. WALSH</p>	<p align="center">ZONING</p> <p>CASE #: C14-04-0181.SH</p> <p>ADDRESS: 2610, 2626, 2700 & 2902 METCALFE RD & 1910 & 1916 WICKSHIRE LANE</p> <p>SUBJECT AREA (acres): 26</p> <p>DATE: 04-12</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p align="center">J18</p>
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1" = 400'



City of Austin Neighborhood Planning Areas



Office of the City of Austin
Neighborhood Planning & Zoning Department
August 20, 2004

Continued Neighborhood
Planning Areas

Neighborhood Plan Status

- Adopted Neighborhood Plan & Zoning
- Neighborhood Plan Underway
- Future Neighborhood Planning Area
- Non-Neighborhood Planning Area



This map has been produced by the City of Austin, the
sole purpose of making regional planning is to our
territorial or similar use. No liability is to be held
for accuracy or completeness.



MEMORANDUM

Austin Police Department

TO: Rudy Garza, Assistant Manager
FROM: Rick Coy, Assistant Chief
DATE: February 9, 2005
SUBJECT: Request for data

The attached maps and crime statistics include Part I crimes for 2003 and 2004 within the boundaries of Riverside, Oltorf, Peasant Valley and I-35.

These statistics show that crime in the area has decreased since 2003.

Comparison of Part I Index Crimes for PRA's 456 and 457 for the years of 2003 and 2004

This map has been produced by the Austin Police Department's Crime Analysis Unit for the sole purpose of geographic reference and is not warranted for any other use. No warranty is made by the Department regarding its accuracy or completeness.

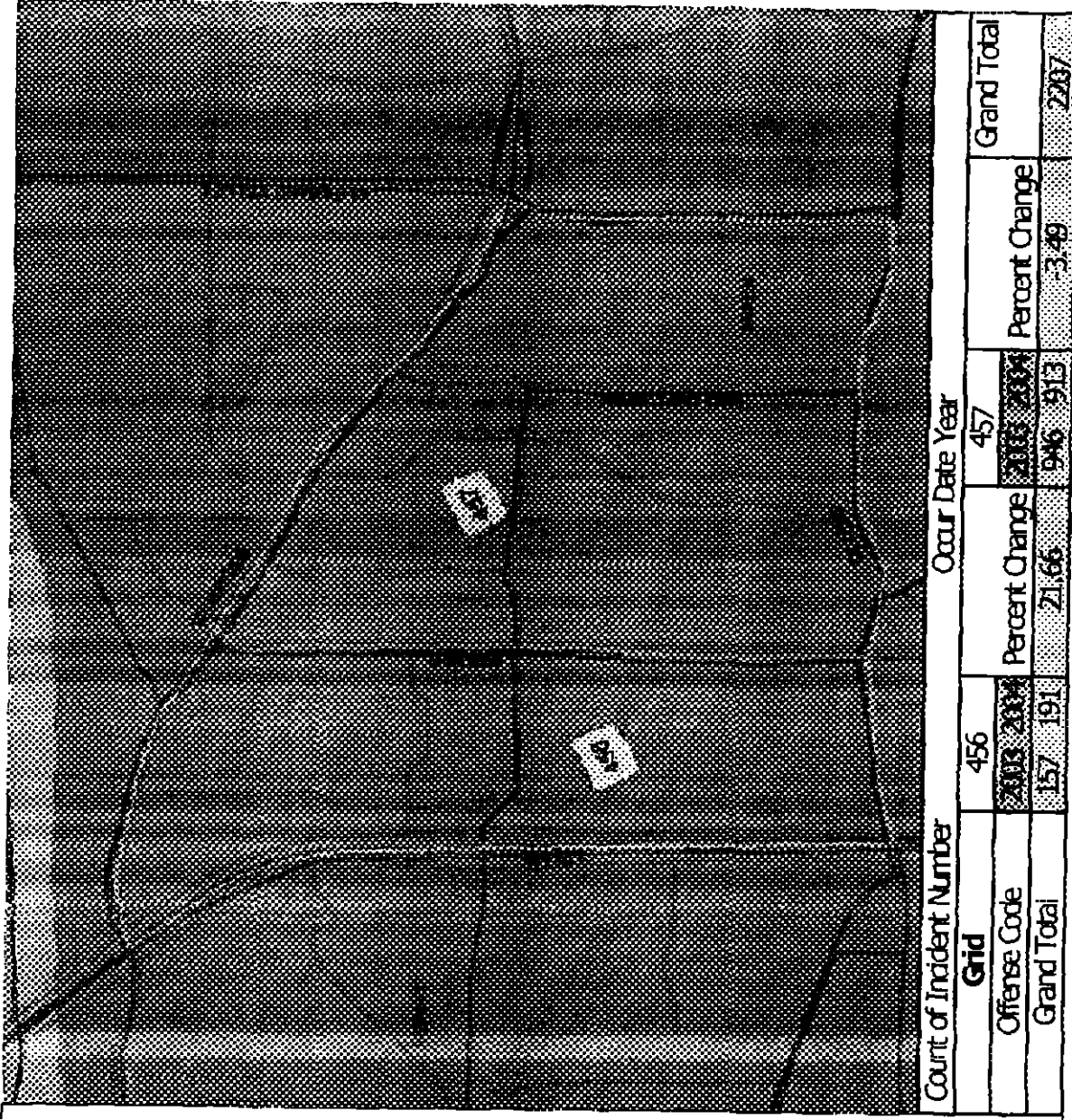
AUSTIN POLICE DEPARTMENT DATA DISCLAIMER

Understanding the following conditions will allow you to get the most value out of the data provided.

- a) Due to methodological differences in data collection, different data sources or reports may produce different statistics.
- b) The data is continuously being updated. The data provided represents a particular point in time and does not reflect the dynamic nature of our databases.
- c) The data here may not reflect official Texas DPS, FBI UCR or NIBRS numbers.
- d) The Austin Police Department cannot assume any liability for any decision(s) made or action taken or not taken by the recipient in reliance upon any information or data provided.

With these conditions in mind, we hope the information provided is helpful to you in your endeavors.

Source: Datawarehouse and APP GIS data, February 7, 2005



RESTRICTIVE COVENANT

*As discussed between
Staff and the Applicant
after SECOND READING*

OWNER: Henry W. Ault and June Oliver Ault
The Estate of Opal Ault
Herby's Joint Venture
George Washington Sanders, Jr.
Stephen G. Jackson

ADDRESS: 6001 West William Cannon Drive, Suite 201, Austin, Texas 78749

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 26.056 acre tract of land out of the Santiago del Valle Grant, Abstract No. 24, in Travis County, said tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner, whether one or more, of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. One pedestrian access shall be provided at a designated point along the east property line adjacent to the elementary school.
2. In the event property adjacent to the north property line is developed as a public park, Owner shall provide pedestrian and bicycle access to the park from the Property.
3. Owner shall provide for public vehicular access through the Property by way of a street extending between the terminus of Carlson Drive and Metcalfe Road.
4. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
5. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
6. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

7. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2005.

OWNER:

**Benchmark Land Development, Inc.,
a Texas corporation,
Attorney-in-fact for the Owner:**

Henry W. Ault and June Oliver Ault
The Estate of Opal Ault
Herby's Joint Venture
George Washington Sanders, Jr.
Stephen G. Jackson

By: _____
**David C. Mahn,
Vice President,
Benchmark Land Development, Inc.**

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2005, by David C. Mahn, Vice President of Benchmark Land Development, Inc., a Texas corporation, on behalf of the corporation, and the corporation acknowledged this instrument as attorney-in-fact on behalf of Henry W. Ault and June Oliver Ault; The Estate of Opal Ault; Herby's Joint Venture; George Washington Sanders, Jr.; and Stephen G. Jackson.

Notary Public, State of Texas

EXHIBIT A

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT 24, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO HENRY W. AULT IN VOLUME 8000, PAGE 270 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO HENRY W. AULT IN VOLUME 5916, PAGE 60 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO H. L. AULT IN VOLUME 719, PAGE 458 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO HERBY'S JOINT VENTURE IN VOLUME 11934, PAGE 2259 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO STEVEN JACKSON IN VOLUME 10007, PAGE 738 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO GEORGE W. SANDERS, JR. IN DOCUMENT NO. 2004017583 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO GEORGE W. SANDERS, JR. IN DOCUMENT NO. 2002249520 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 26.056 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod found at the southwest corner of said Ault tract recorded in Volume 8000, Page 270, being also at the southeast corner of the Resubdivision of Blocks E and F of Greenbriar Section Two, a subdivision recorded in Volume 55, Page 61 of the Plat Records of Travis County, Texas, and being in the north right-of-way line of Wickshire Lane, a 60-foot wide right-of-way dedicated to the public by the plat The Knoll III, recorded in Volume 83, Page 150D of the Plat Records of Travis County, Texas, for the southwest corner and the **POINT OF BEGINNING** of the herein described 26.056 acre tract of land,

THENCE, departing the north right-of-way line of said Wickshire Lane, with the east line of said Resubdivision of Blocks E and F of Greenbriar Section Two, the following three (3) courses and distances, numbered 1 through 3,

1. N30°12'52"E, a distance of 80.06 feet to a concrete monument found,
2. N61°26'03"W, a distance of 5.55 feet to an iron rod found, and
3. N30°22'32"E, a distance of 965.12 feet to an iron pipe found at the northwest corner of said Ault tract recorded in Volume 5916, Page 60, being also the southwest corner of said Jackson tract,

THENCE, with the west line of said Jackson tract, being also the east line of said Greenbriar Section Two, N30°23'54"E, a distance of 231.40 feet to a calculated point, for the northwest corner of said Jackson tract, being also the southwest corner of said Sanders tract recorded in Document No. 2004017583,

THENCE, with the west line of said Sanders tract and the west line of said Sanders tract recorded in Document No. 2002249520, N30°01'27"E, a distance of 365.82 feet to a calculated

point in the east line of Lot 4 of Greenbriar Section Three, a subdivision recorded in Volume 57, Page 53 of the Plat Records of Travis County, Texas,

THENCE, crossing said Sanders tract, S58°44'22"E, a distance of 360.05 feet to a calculated point at an interior corner of said Sanders tract,

THENCE, with an east line of said Sanders tract, S30°01'38"W, a distance of 359.69 feet to a calculated point in the north line of said Jackson tract at the southwest corner of that certain tract of land described in a deed to Marlton O. Metcalfe, recorded in Document No. 2004020393 of the Official Public Records of Travis County, Texas,

THENCE, with the north line of said Jackson tract, being also the south line of said Metcalfe tract, the following two (2) courses and distances, numbered 1 and 2,

1. S59°42'48"E, a distance of 86.43 feet to a calculated point, and
2. S59°49'01"E, a distance of 290.21 feet to a calculated point at the southeast corner of said Metcalfe tract, being also in the south right-of-way line of Metcalfe Road,

THENCE, continuing with the north line of said Jackson tract, being also the south right-of-way line of said Metcalfe Road, the following three (3) courses and distances, numbered 1 through 3,

1. S59°26'46"E, a distance of 55.67 feet to a calculated point,
2. with a curve to the left having a radius of 129.99 feet, an arc length of 42.89 feet and whose chord bears, S49°59'36"E, a distance of 42.70 feet to a calculated point, and
3. S59°26'46"E, a distance of 57.16 feet to a calculated point at the northeast corner of said Jackson tract, being also the northwest corner of that certain tract of land described in a deed to Alicia Lown, recorded in Document No. 2004100347 of the Official Public Records of Travis County, Texas,

THENCE, with the east line of said Jackson tract, being also the west line of said Lown tract, S27°41'24"W, a distance of 226.64 feet to a calculated point at the southeast corner of said Jackson tract, being also in the north line of that certain tract of land described in a deed to the Austin Independent School District, recorded in Volume 2870, Page 47 of the Deed Records of Travis County, Texas,

THENCE, with the south line of said Jackson tract, being also the north line of said Austin Independent School District tract, N60°48'01"W, a distance of 104.27 feet to an iron pipe found at the northwest corner of said Austin Independent School District tract, being also the northeast corner of said Herby's Joint Venture tract,

THENCE, with the west line of said Austin Independent School District tract, being also the east line of said Herby's Joint Venture tract, S27°46'19"W, a distance of 318.42 feet to an iron rod found at the southeast corner of said Herby's Joint Venture tract, being also the northeast corner of said Ault tract recorded in Volume 719, Page 458,

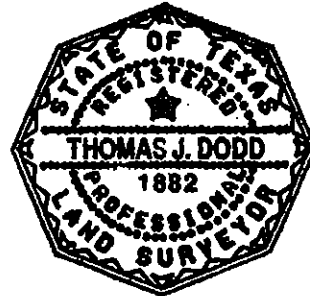
THENCE, continuing with the west line of said Austin Independent School District tract, being also the east line of said Ault tract, S27°46'19"W, a distance of 630.99 feet to an iron rod found at the southeast corner of said Ault tract, being also in the north right-of-way line of said Wickshire Lane,

THENCE, with the south line of said Ault tracts, being also the north right-of-way line of said Wickshire Lane, the following four (4) courses and distances, numbered 1 through 4,

1. N59°45'13"W, a distance of 494.61 feet to an iron rod found at a point of curvature to the left,
2. with said curve to the left having a radius of 270.00 feet, an arc length of 110.35 feet and whose chord bears, N71°31'13"W, a distance of 109.58 feet to an iron rod found at a point of tangency,
3. N82°07'13"W, a distance of 110.48 feet to an iron rod found at a point of curvature to the right, and
4. with said curve to the right having a radius of 330.00 feet, an arc length of 135.25 feet and whose chord bears, N71°30'13"W, a distance of 134.31 feet to the **POINT OF BEGINNING** and containing 26.056 Acres of Land.

Surveyed by: _____

Thomas J. Dodd ~ R.P.L. No. 1882
Carlson, Brigrance & Doering, Inc.
3401 Slaughter Lane West
Austin, TX 78748 (512) 280-5160



BEARING BASIS IS FROM AULT TRACT
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• As approved at First Reading

RESTRICTIVE COVENANT

OWNER: Henry W. Ault and June Oliver Ault
The Estate of Opal Ault
Herby's Joint Venture
George Washington Sanders, Jr.
Stephen G. Jackson

ADDRESS: 6001 West William Cannon Drive, Suite 201, Austin, Texas 78749

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 26.056 acre tract of land out of the Santiago del Valle Grant, Abstract No. 24, in Travis County, said tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner, whether one or more, of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. One pedestrian access shall be provided at a designated point along the east property line adjacent to the elementary school.
2. In the event property adjacent to the north property line is developed as a public park, Owner shall provide pedestrian and bicycle access to the park from the Property.
3. A vehicle-controlled access device is prohibited at the ingress and egress of the Property at Metcalfe Road, Wickshire Lane, and Carlson Drive.
4. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
5. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
6. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

7. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2005.

OWNER:

**Benchmark Land Development, Inc.,
a Texas corporation,
Attorney-in-fact for the Owner:**

Henry W. Ault and June Oliver Ault
The Estate of Opal Ault
Herby's Joint Venture
George Washington Sanders, Jr.
Stephen G. Jackson

By: _____
**David C. Mahn,
Vice President,
Benchmark Land Development, Inc.**

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2005, by David C. Mahn, Vice President of Benchmark Land Development, Inc., a Texas corporation, on behalf of the corporation, and the corporation acknowledged this instrument as attorney-in-fact on behalf of Henry W. Ault and June Oliver Ault; The Estate of Opal Ault; Herby's Joint Venture; George Washington Sanders, Jr.; and Stephen G. Jackson.

Notary Public, State of Texas

EXHIBIT A

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT 24, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO HENRY W. AULT IN VOLUME 8000, PAGE 270 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO HENRY W. AULT IN VOLUME 5916, PAGE 60 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO H. L. AULT IN VOLUME 719, PAGE 458 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO HERBY'S JOINT VENTURE IN VOLUME 11934, PAGE 2259 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO STEVEN JACKSON IN VOLUME 10007, PAGE 738 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO GEORGE W. SANDERS, JR. IN DOCUMENT NO. 2004017583 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO GEORGE W. SANDERS, JR. IN DOCUMENT NO. 2002249520 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 26.056 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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THENCE, departing the north right-of-way line of said Wickshire Lane, with the east line of said Resubdivision of Blocks E and F of Greenbriar Section Two, the following three (3) courses and distances, numbered 1 through 3,

1. N30°12'52"E, a distance of 80.06 feet to a concrete monument found,
2. N61°26'03"W, a distance of 5.55 feet to an iron rod found, and
3. N30°22'32"E, a distance of 965.12 feet to an iron pipe found at the northwest corner of said Ault tract recorded in Volume 5916, Page 60, being also the southwest corner of said Jackson tract,

THENCE, with the west line of said Jackson tract, being also the east line of said Greenbriar Section Two, N30°23'54"E, a distance of 231.40 feet to a calculated point, for the northwest corner of said Jackson tract, being also the southwest corner of said Sanders tract recorded in Document No. 2004017583,

THENCE, with the west line of said Sanders tract and the west line of said Sanders tract recorded in Document No. 2002249520, N30°01'27"E, a distance of 365.82 feet to a calculated

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THENCE, with the north line of said Jackson tract, being also the south line of said Metcalfe tract, the following two (2) courses and distances, numbered 1 and 2,

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2. S59°49'01"E, a distance of 290.21 feet to a calculated point at the southeast corner of said Metcalfe tract, being also in the south right-of-way line of Metcalfe Road,

THENCE, continuing with the north line of said Jackson tract, being also the south right-of-way line of said Metcalfe Road, the following three (3) courses and distances, numbered 1 through 3,

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THENCE, with the east line of said Jackson tract, being also the west line of said Lown tract, S27°41'24"W, a distance of 226.64 feet to a calculated point at the southeast corner of said Jackson tract, being also in the north line of that certain tract of land described in a deed to the Austin Independent School District, recorded in Volume 2870, Page 47 of the Deed Records of Travis County, Texas,

THENCE, with the south line of said Jackson tract, being also the north line of said Austin Independent School District tract, N60°48'01"W, a distance of 104.27 feet to an iron pipe found at the northwest corner of said Austin Independent School District tract, being also the northeast corner of said Herby's Joint Venture tract,


THENCE, with the west line of said Austin Independent School District tract, being also the east line of said Herby's Joint Venture tract, S27°46'19"W, a distance of 318.42 feet to an iron rod found at the southeast corner of said Herby's Joint Venture tract, being also the northeast corner of said Ault tract recorded in Volume 719, Page 458,

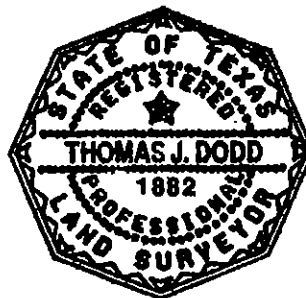
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Surveyed by:


Thomas J. Dodd ~ R.P.L. No. 1882
Carlson, Brigance & Doering, Inc.
3401 Slaughter Lane West
Austin, TX 78748 (512) 280-5160



BEARING BASIS IS FROM AULT TRACT
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ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2610, 2626, 2700, AND 2902 METCALFE ROAD AND 1910 AND 1916 WICKSHIRE LANE FROM FAMILY RESIDENCE (SF-3) DISTRICT AND LIMITED OFFICE (LO) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence (SF-3) district and limited office (LO) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district on the property described in Zoning Case No. C14-04-0181.SH, on file at the Neighborhood Planning and Zoning Department, as follows:

A 26.056 acre tract of land, more or less, out of the Santiago del Valle Grant Abstract 24, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 2610, 2626, 2700 and 2902 Metcalfe Road, and 1910 and 1916 Wickshire Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B"

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

1. Development of the Property may not exceed 300 residential units.
2. Development of the Property may not exceed 11.538 residential units per acre.
3. A building may contain only one residential unit.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the townhouse and condominium residence (SF-6) base district and other applicable requirements of the City Code.

1 **PART 3.** This ordinance takes effect on _____, 2005.

2
3
4 **PASSED AND APPROVED**

5
6 _____, 2005

7 §
8 §
9 §

10 
Will Wynn
Mayor

11
12
13 **APPROVED:** _____

ATTEST: _____

14 David Allan Smith
15 City Attorney

Shirley A. Brown
City Clerk

DRAFT

EXHIBIT A

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT 24, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO HENRY W. AULT IN VOLUME 8000, PAGE 270 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO HENRY W. AULT IN VOLUME 5916, PAGE 60 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO H. L. AULT IN VOLUME 719, PAGE 458 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO HERBY'S JOINT VENTURE IN VOLUME 11934, PAGE 2259 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO STEVEN JACKSON IN VOLUME 10007, PAGE 738 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO GEORGE W. SANDERS, JR. IN DOCUMENT NO. 2004017583 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO GEORGE W. SANDERS, JR. IN DOCUMENT NO. 2002249520 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 26.056 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod found at the southwest corner of said Ault tract recorded in Volume 8000, Page 270, being also at the southeast corner of the Resubdivision of Blocks E and F of Greenbriar Section Two, a subdivision recorded in Volume 55, Page 61 of the Plat Records of Travis County, Texas, and being in the north right-of-way line of Wickshire Lane, a 60-foot wide right-of-way dedicated to the public by the plat The Knoll III, recorded in Volume 83, Page 150D of the Plat Records of Travis County, Texas, for the southwest corner and the **POINT OF BEGINNING** of the herein described 26.056 acre tract of land,

THENCE, departing the north right-of-way line of said Wickshire Lane, with the east line of said Resubdivision of Blocks E and F of Greenbriar Section Two, the following three (3) courses and distances, numbered 1 through 3,

1. N30°12'52"E, a distance of 80.06 feet to a concrete monument found,
2. N61°26'03"W, a distance of 5.55 feet to an iron rod found, and
3. N30°22'32"E, a distance of 965.12 feet to an iron pipe found at the northwest corner of said Ault tract recorded in Volume 5916, Page 60, being also the southwest corner of said Jackson tract,

THENCE, with the west line of said Jackson tract, being also the east line of said Greenbriar Section Two, N30°23'54"E, a distance of 231.40 feet to a calculated point, for the northwest corner of said Jackson tract, being also the southwest corner of said Sanders tract recorded in Document No. 2004017583,

THENCE, with the west line of said Sanders tract and the west line of said Sanders tract recorded in Document No. 2002249520, N30°01'27"E, a distance of 365.82 feet to a calculated

point in the east line of Lot 4 of Greenbriar Section Three, a subdivision recorded in Volume 57, Page 53 of the Plat Records of Travis County, Texas,

THENCE, crossing said Sanders tract, S58°44'22"E, a distance of 360.05 feet to a calculated point at an interior corner of said Sanders tract,

THENCE, with an east line of said Sanders tract, S30°01'38"W, a distance of 359.69 feet to a calculated point in the north line of said Jackson tract at the southwest corner of that certain tract of land described in a deed to Marlton O. Metcalfe, recorded in Document No. 2004020393 of the Official Public Records of Travis County, Texas,

THENCE, with the north line of said Jackson tract, being also the south line of said Metcalfe tract, the following two (2) courses and distances, numbered 1 and 2,

1. S59°42'48"E, a distance of 86.43 feet to a calculated point, and
2. S59°49'01"E, a distance of 290.21 feet to a calculated point at the southeast corner of said Metcalfe tract, being also in the south right-of-way line of Metcalfe Road,

THENCE, continuing with the north line of said Jackson tract, being also the south right-of-way line of said Metcalfe Road, the following three (3) courses and distances, numbered 1 through 3,

1. S59°26'46"E, a distance of 55.67 feet to a calculated point,
2. with a curve to the left having a radius of 129.99 feet, an arc length of 42.89 feet and whose chord bears, S49°59'36"E, a distance of 42.70 feet to a calculated point, and
3. S59°26'46"E, a distance of 57.16 feet to a calculated point at the northeast corner of said Jackson tract, being also the northwest corner of that certain tract of land described in a deed to Alicia Lown, recorded in Document No. 2004100347 of the Official Public Records of Travis County, Texas,

THENCE, with the east line of said Jackson tract, being also the west line of said Lown tract, S27°41'24"W, a distance of 226.64 feet to a calculated point at the southeast corner of said Jackson tract, being also in the north line of that certain tract of land described in a deed to the Austin Independent School District, recorded in Volume 2870, Page 47 of the Deed Records of Travis County, Texas,

THENCE, with the south line of said Jackson tract, being also the north line of said Austin Independent School District tract, N60°48'01"W, a distance of 104.27 feet to an iron pipe found at the northwest corner of said Austin Independent School District tract, being also the northeast corner of said Herby's Joint Venture tract,

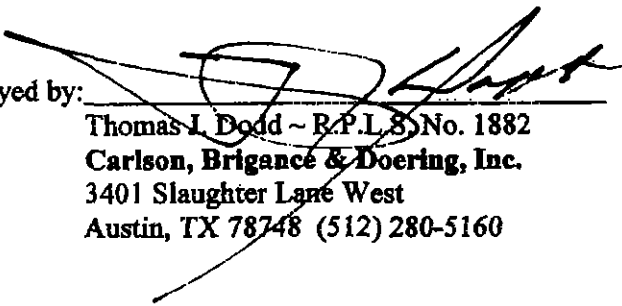
THENCE, with the west line of said Austin Independent School District tract, being also the east line of said Herby's Joint Venture tract, S27°46'19"W, a distance of 318.42 feet to an iron rod found at the southeast corner of said Herby's Joint Venture tract, being also the northeast corner of said Ault tract recorded in Volume 719, Page 458,

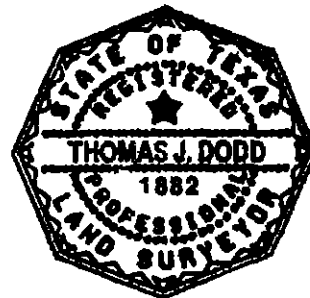
THENCE, continuing with the west line of said Austin Independent School District tract, being also the east line of said Ault tract, S27°46'19"W, a distance of 630.99 feet to an iron rod found at the southeast corner of said Ault tract, being also in the north right-of-way line of said Wickshire Lane,

THENCE, with the south line of said Ault tracts, being also the north right-of-way line of said Wickshire Lane, the following four (4) courses and distances, numbered 1 through 4,

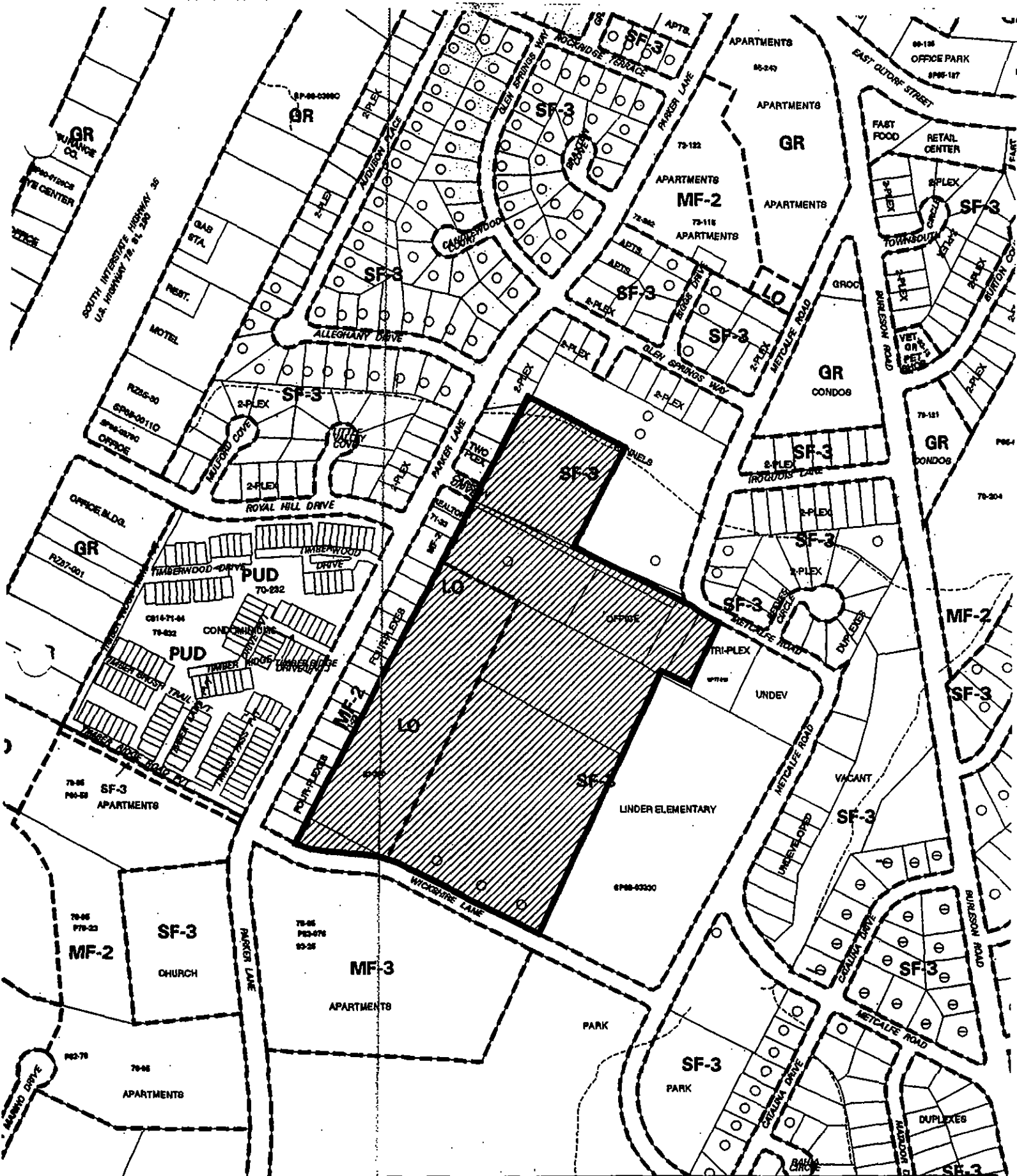
1. N59°45'13"W, a distance of 494.61 feet to an iron rod found at a point of curvature to the left,
2. with said curve to the left having a radius of 270.00 feet, an arc length of 110.35 feet and whose chord bears, N71°31'13"W, a distance of 109.58 feet to an iron rod found at a point of tangency,
3. N82°07'13"W, a distance of 110.48 feet to an iron rod found at a point of curvature to the right, and
4. with said curve to the right having a radius of 330.00 feet, an arc length of 135.25 feet and whose chord bears, N71°30'13"W, a distance of 134.31 feet to the **POINT OF BEGINNING** and containing 26.056 Acres of Land.




Surveyed by:


Thomas J. Dodd ~ R.P.L. No. 1882
Carlson, Brigrance & Doering, Inc.
3401 Slaughter Lane West
Austin, TX 78748 (512) 280-5160



BEARING BASIS IS FROM AULT TRACT
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<p>1" = 400'</p> <p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: W. WALSH</p>	<p align="center">ZONING Exhibit B</p> <p>CASE #: C14-04-0181.SH</p> <p>ADDRESS: 2610, 2626, 2700 & 2902 METCALFE RD & 1910 & 1916 WICKSHIRE LANE</p> <p>SUBJECT AREA (acres): 26</p> <p>DATE: 04-12</p> <p>INTLS: SM</p> <p align="right">CITY GRID REFERENCE NUMBER J18</p>
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December 2004

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**PREMIUM
PROJECTS**
20 Exemplary
Efforts in Design,
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SPECIAL CASE
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EXECUTIVE
OF THE YEAR

NHED/AHFC
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PROJECT OF THE YEAR: AFFORDABLE

Bungalow Bliss

Oak Valley Apartments

For everyone knows affordable apartment projects are difficult to piece together with their intricate layers of financing. So when a developer can put together an appealing, lower-density affordable project, it's quite an accomplishment. And that's just what Southwest Housing Development in Dallas did when it created the Oak Valley Apartments in Austin, Texas.

Developing the 41-acre site in the Texas hill country with Craftsman-style bungalows helped Southwest Housing Development secure bonds issued from the Austin Housing Finance Corporation. The Texas Department of Housing and Community Affairs also provided tax credits for the projects. This allowed the developer to create 180 duplexes that have more of a single-family feel, plus 100

apartments. "It really gives you a sense of single-family living instead of multifamily living," says Erik Earnshaw, project manager for Beeler, Guest, Owens Architects LP. "We give everyone their own front yard and back yard. They have individuality."

When it comes to densities, Brian Potashnik, president of Southwest Housing Development, says lower is better. "When you are doing affordable housing, it helps to lower densities," he says. "Historically there are problems in affordable housing when families are too close together. We've always tried to get lower density buildings that are townhouse-style done when we can."

Not only did Southwest Housing Development develop an attractive, low-density project with Oak Valley, it also developed one that didn't even feel



The low-density, affordable Oak Valley Apartments in Austin offer residents their own front and back yards.

affordable. "It's a family project," Earnshaw says. "It was affordable development that was designed so the residents wouldn't feel like they lived in an affordable development." — I. Shaver

Oak Valley Apartments

Location: Austin, Texas; Developer: Southwest Housing Development; Architect: Beeler, Guest, Owens Architects LP; Opened: December 2004; Units: 280; Rent: \$650 to \$215; Unit Mix: Two-, three- and four-bedrooms; Cool Stuff: Recreation center with computer labs and classroom space



MEMORANDUM

Austin Police Department

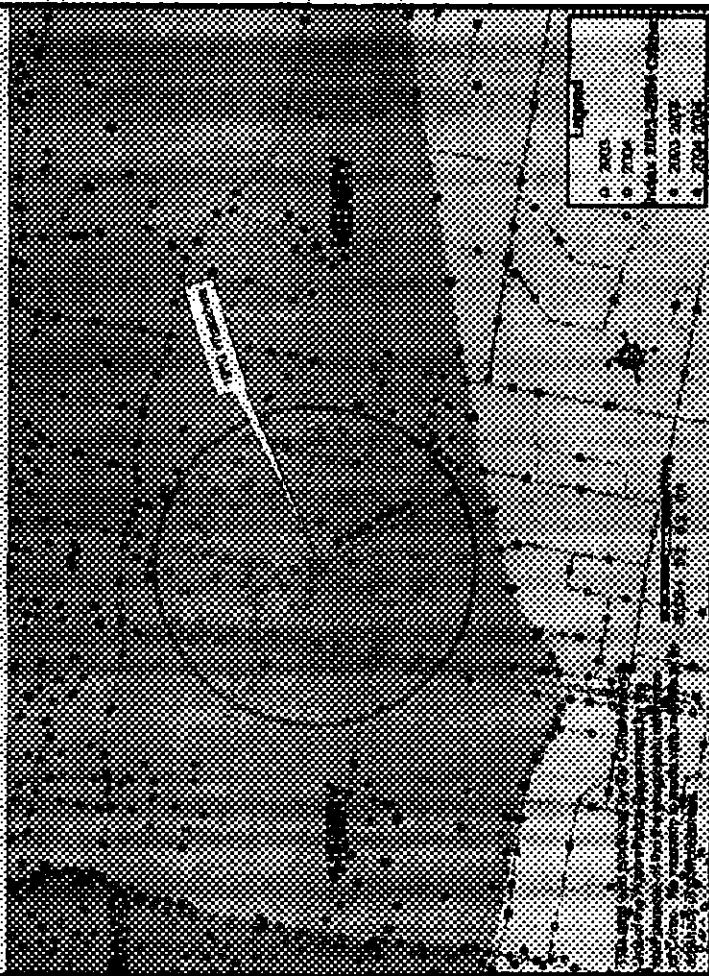
TO: Rudy Garza, Assistant Manager
FROM: Rick Coy, Assistant Chief
DATE: January 25, 2005
SUBJECT: Request for data on 1910 Wickshire

The attached maps and crime statistics include Part I crimes for 2003 and 2004 within a half-mile radius of 1910 Wickshire.

These statistics show that crime in the area around 1910 Wickshire has had a slight decrease since 2003.

Count of INCIDENT N	Year	Offense Description	2003	2004	2005	2006	2007
0001		ROBBERY ON VEH	0	0	0	0	0
0002		THEFT	0	0	0	0	0
0003		THEFT OF VEH	0	0	0	0	0
0004		THEFT OF VEH	0	0	0	0	0
0005		THEFT OF VEH	0	0	0	0	0
0006		THEFT OF VEH	0	0	0	0	0
0007		THEFT OF VEH	0	0	0	0	0
0008		THEFT OF VEH	0	0	0	0	0
0009		THEFT OF VEH	0	0	0	0	0
0010		THEFT OF VEH	0	0	0	0	0
0011		THEFT OF VEH	0	0	0	0	0
0012		THEFT OF VEH	0	0	0	0	0
0013		THEFT OF VEH	0	0	0	0	0
0014		THEFT OF VEH	0	0	0	0	0
0015		THEFT OF VEH	0	0	0	0	0
0016		THEFT OF VEH	0	0	0	0	0
0017		THEFT OF VEH	0	0	0	0	0
0018		THEFT OF VEH	0	0	0	0	0
0019		THEFT OF VEH	0	0	0	0	0
0020		THEFT OF VEH	0	0	0	0	0
0021		THEFT OF VEH	0	0	0	0	0
0022		THEFT OF VEH	0	0	0	0	0
0023		THEFT OF VEH	0	0	0	0	0
0024		THEFT OF VEH	0	0	0	0	0
0025		THEFT OF VEH	0	0	0	0	0
0026		THEFT OF VEH	0	0	0	0	0
0027		THEFT OF VEH	0	0	0	0	0
0028		THEFT OF VEH	0	0	0	0	0
0029		THEFT OF VEH	0	0	0	0	0
0030		THEFT OF VEH	0	0	0	0	0
0031		THEFT OF VEH	0	0	0	0	0
0032		THEFT OF VEH	0	0	0	0	0
0033		THEFT OF VEH	0	0	0	0	0
0034		THEFT OF VEH	0	0	0	0	0
0035		THEFT OF VEH	0	0	0	0	0
0036		THEFT OF VEH	0	0	0	0	0
0037		THEFT OF VEH	0	0	0	0	0
0038		THEFT OF VEH	0	0	0	0	0
0039		THEFT OF VEH	0	0	0	0	0
0040		THEFT OF VEH	0	0	0	0	0
0041		THEFT OF VEH	0	0	0	0	0
0042		THEFT OF VEH	0	0	0	0	0
0043		THEFT OF VEH	0	0	0	0	0
0044		THEFT OF VEH	0	0	0	0	0
0045		THEFT OF VEH	0	0	0	0	0
0046		THEFT OF VEH	0	0	0	0	0
0047		THEFT OF VEH	0	0	0	0	0
0048		THEFT OF VEH	0	0	0	0	0
0049		THEFT OF VEH	0	0	0	0	0
0050		THEFT OF VEH	0	0	0	0	0
0051		THEFT OF VEH	0	0	0	0	0
0052		THEFT OF VEH	0	0	0	0	0
0053		THEFT OF VEH	0	0	0	0	0
0054		THEFT OF VEH	0	0	0	0	0
0055		THEFT OF VEH	0	0	0	0	0
0056		THEFT OF VEH	0	0	0	0	0
0057		THEFT OF VEH	0	0	0	0	0
0058		THEFT OF VEH	0	0	0	0	0
0059		THEFT OF VEH	0	0	0	0	0
0060		THEFT OF VEH	0	0	0	0	0
0061		THEFT OF VEH	0	0	0	0	0
0062		THEFT OF VEH	0	0	0	0	0
0063		THEFT OF VEH	0	0	0	0	0
0064		THEFT OF VEH	0	0	0	0	0
0065		THEFT OF VEH	0	0	0	0	0
0066		THEFT OF VEH	0	0	0	0	0
0067		THEFT OF VEH	0	0	0	0	0
0068		THEFT OF VEH	0	0	0	0	0
0069		THEFT OF VEH	0	0	0	0	0
0070		THEFT OF VEH	0	0	0	0	0
0071		THEFT OF VEH	0	0	0	0	0
0072		THEFT OF VEH	0	0	0	0	0
0073		THEFT OF VEH	0	0	0	0	0
0074		THEFT OF VEH	0	0	0	0	0
0075		THEFT OF VEH	0	0	0	0	0
0076		THEFT OF VEH	0	0	0	0	0
0077		THEFT OF VEH	0	0	0	0	0
0078		THEFT OF VEH	0	0	0	0	0
0079		THEFT OF VEH	0	0	0	0	0
0080		THEFT OF VEH	0	0	0	0	0
0081		THEFT OF VEH	0	0	0	0	0
0082		THEFT OF VEH	0	0	0	0	0
0083		THEFT OF VEH	0	0	0	0	0
0084		THEFT OF VEH	0	0	0	0	0
0085		THEFT OF VEH	0	0	0	0	0
0086		THEFT OF VEH	0	0	0	0	0
0087		THEFT OF VEH	0	0	0	0	0
0088		THEFT OF VEH	0	0	0	0	0
0089		THEFT OF VEH	0	0	0	0	0
0090		THEFT OF VEH	0	0	0	0	0
0091		THEFT OF VEH	0	0	0	0	0
0092		THEFT OF VEH	0	0	0	0	0
0093		THEFT OF VEH	0	0	0	0	0
0094		THEFT OF VEH	0	0	0	0	0
0095		THEFT OF VEH	0	0	0	0	0
0096		THEFT OF VEH	0	0	0	0	0
0097		THEFT OF VEH	0	0	0	0	0
0098		THEFT OF VEH	0	0	0	0	0
0099		THEFT OF VEH	0	0	0	0	0
0100		THEFT OF VEH	0	0	0	0	0

Select Crimes 2003-2004



This information was collected from the Versadex database on 11/27/05

AUSTIN POLICE DEPARTMENT DATA DISCLAIMER

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- Due to methodological differences in data collection, different data sources or reports may produce different statistics.
 - The data is continuously being updated. The data provided represents a particular point in time and does not reflect the dynamic nature of our databases.
 - The data here may not reflect official Texas DPS, FBI UCR or NIBRS numbers.
 - The Austin Police Department cannot assume any liability for any decisions made or action taken or not taken by the recipient in reliance upon any information or data provided.

With these conditions in mind, we hope the information provided is helpful to you in your endeavors.

AUSTIN POLICE DEPARTMENT RECORDS MANAGEMENT SYSTEM Indexed & Non-Indexed Offenses by Census Tract (includes Unfounded)

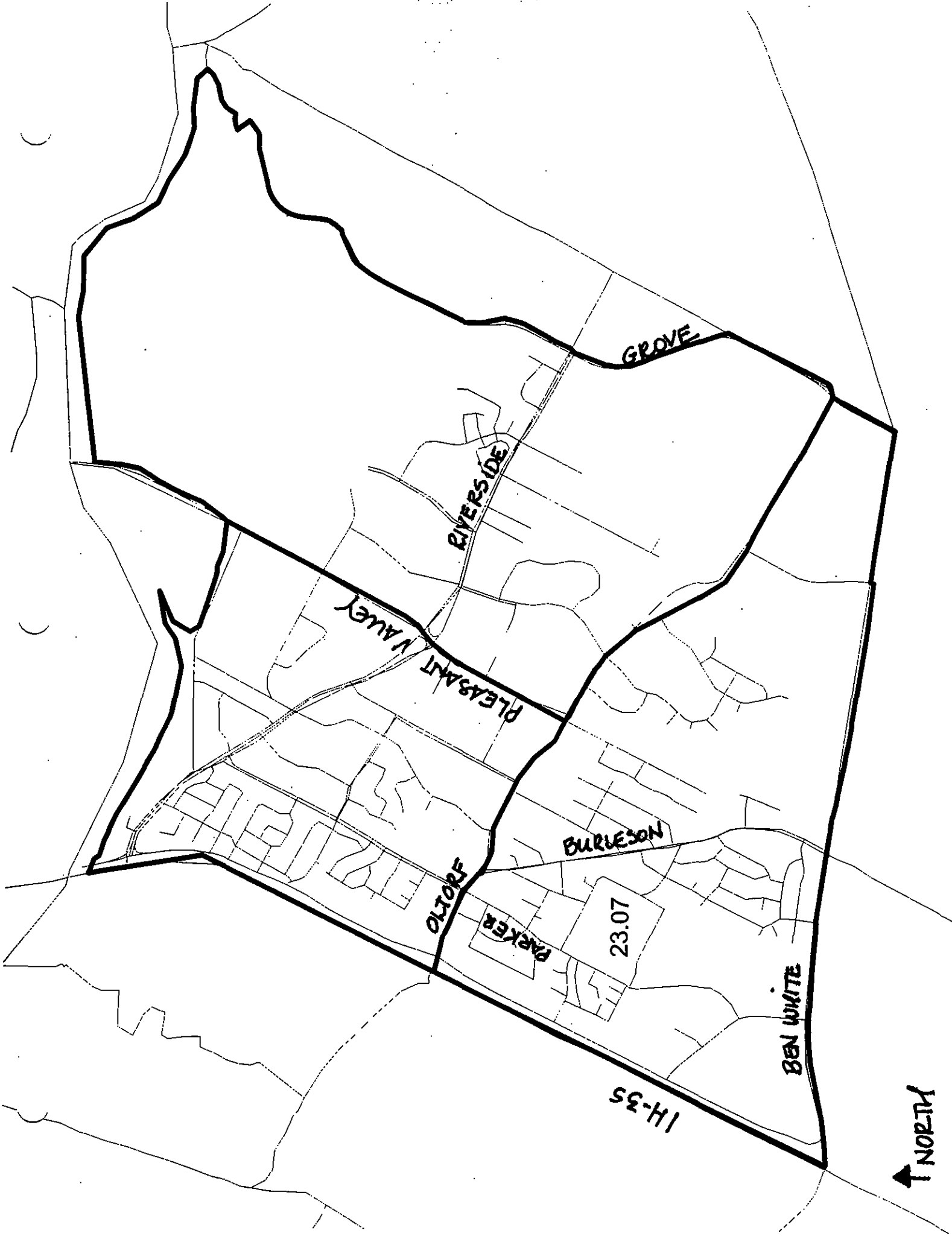
01/01/2004 thru 12/31/2004

Census Tract	MURDER	RAPE	ROBBERY	AGG Assault	BURGLARY	THEFT	MOTOR-V THEFT	ARSON	Indexed	Non-Indexed	Combined
22.02	3	4	4	13	84	111	13		230	665	895
22.05			9	13	113	119	13	3	270	751	1,021
22.06									0	3	3
22.03			2	3	11	140	17		173	741	914
22.04	2	6	63	53	36	528	57		609	2,015	2,624
23.07	5	19	22		114	343	53		553	931	1,484
23.08	6	27	17		62	463	43	7	620	1,343	2,003
23.10			11	17	62	125	23	3	141	620	861
23.12	7	24	43		117	535	43	3	728	1,284	2,002
23.12	1	5	3	15	49	159	23	2	258	888	1,146
23.13	1	24	9		54	331	32	1	644	962	1,606
23.14	2	8	10		58	286	24	1	357	630	1,027
23.15	16	14	14		89	183	10	1	206	432	638
23.16	1	27	30		112	264	51	2	407	943	1,430
24.02	2	23	16		81	179	26		531	826	1,357
24.03	3	6	13		46	207	44		319	619	937
24.04	1	1			4	31			35	54	89
24.09	1		7		24	45	4		101	237	338
24.10	1	3	7		38	92	14	2	153	446	600
24.11	2	15	26		46	170	41	3	315	1,199	2,004
24.12	1	9	10		51	105	14		156	540	696
24.13		1	22		55	123	19	1	231	590	821
24.14					6	12	1		20	24	44
24.17	1	4	14		83	238	28	1	370	352	1,322
24.18	1	6	7		41	178	14		197	350	547
24.19	1	5	3		43	150	25		233	506	739
24.20	2	12	31		120	329	35	4	547	1,348	1,895
24.22	2	3	2	5	26	82	6	1	132	487	620

AUSTIN POLICE DEPARTMENT DATA DISCLAIMER

Understanding the following conditions will allow you to get the most out of the data provided:

- Due to methodological differences in data collection, different data sources may produce different results.
- Our on-line database is continuously being updated. The data provided here reflects a particular point in time and does not reflect the current Versadex database.
- The data here may not reflect official Texas DPS, FBI UCR or NIBRS numbers.
- The Austin Police Department does not assume any liability for any omissions, errors or action taken or not taken by the recipient in reliance upon any information or data provided.



AUSTIN POLICE DEPARTMENT RECORDS MANAGEMENT SYSTEM

Indexed & Non-Indexed Offenses by Zip Code (Includes Unfounded)

01/05/2004 Hru 12/31/2004

Zip Code	MURDER	RAPE	ROBBERY	AGG ASSAULT	BURGLARY	THEFT	RECEIVED THEFT	ARSON	INDEXED	NOT INDEXED	Combined
78715	1	1	6	1	54	326	8	1	462	527	989
78735	1	1	1	1	14	65	4	1	68	181	249
78739	1	1	1	1	21	95	3	1	121	121	242
78739	1	1	1	1	12	46	9	1	72	124	196
78741	1	1	1	1	12	46	9	1	72	124	196
78742	1	1	1	1	12	46	9	1	72	124	196
78744	1	1	1	1	12	46	9	1	72	124	196
78744	1	1	1	1	12	46	9	1	72	124	196
78745	1	1	1	1	12	46	9	1	72	124	196
78746	1	1	1	1	12	46	9	1	72	124	196
78747	1	1	1	1	12	46	9	1	72	124	196
78748	1	1	1	1	12	46	9	1	72	124	196
78749	1	1	1	1	12	46	9	1	72	124	196
78750	1	1	1	1	12	46	9	1	72	124	196
78751	1	1	1	1	12	46	9	1	72	124	196
78752	1	1	1	1	12	46	9	1	72	124	196
78753	1	1	1	1	12	46	9	1	72	124	196
78754	1	1	1	1	12	46	9	1	72	124	196
78755	1	1	1	1	12	46	9	1	72	124	196
78756	1	1	1	1	12	46	9	1	72	124	196
78757	1	1	1	1	12	46	9	1	72	124	196
78758	1	1	1	1	12	46	9	1	72	124	196
78759	1	1	1	1	12	46	9	1	72	124	196
All Codes	27	309	1,428	1,834	6,735	32,406	2,852	104	44,498	90,522	135,020

AUSTIN POLICE DEPARTMENT DATA DISCLOSURE

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DE_Index_Zip

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0181.SH

P.C. DATE: December 14, 2004

ADDRESS: 2610, 2626, 2700 and 2902 Metcalfe Road; 1910 and 1916 Wickshire Lane

APPLICANTS: The Estate of Opal Ault (Donna Koch) **AGENT:** Benchmark Land Development,
Henry W. Ault & June Oliver Ault Inc. (David C. Mahn)
Herby's Joint Venture (Jimmy Nassour)
George Washington Sanders
Stephen G. Jackson

ZONING FROM: SF-3; LO

TO: SF-6-CO **AREA:** 26 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant townhouse and condominium residence – conditional overlay (SF-6-CO) combining district zoning. The Conditional Overlay limits the development of the property to: 1) a maximum of 300 dwelling units (11,538 units per acre); and 2) establishes that a building may not contain more than one residential unit.

PLANNING COMMISSION RECOMMENDATION:

December 14, 2004: *APPROVED SF-6-CO DISTRICT ZONING AS STAFF RECOMMENDED. RESTRICTIVE COVENANT TO PROHIBIT GATING OF THE RESIDENTIAL COMMUNITY, PROVIDE BIKE AND PEDESTRIAN ACCESS TO THE HIKE AND BIKE TRAIL ALONG THE NORTH PROPERTY LINE ADJACENT TO COUNTRY CLUB CREEK, PROVIDE PEDESTRIAN ACCESS ALONG THE EAST PROPERTY LINE WHERE ADJACENT TO LINDER ELEMENTARY SCHOOL.*

[D.S. – 1ST, C.M. – 2ND] (6-0) J.R., J.M.C. – ABSENT

ISSUES:

The applicant agrees with all components of the Planning Commission recommendation except for the Restrictive Covenant item that would prohibit gating of the proposed residential project.

The Director of Planning Services of AISD has provided a memo identifying the need to undertake school district boundary changes in order to alleviate overcrowding at Linder Elementary School. Please refer to Attachment A.

The applicant's agent met with City staff and neighborhood stakeholders of the East Riverside / Oltorf Neighborhood Plan Area to discuss the proposed project on June 1, 2004; June 15, 2004 and October 19, 2004. Notes from each meeting are provided as Attachment B. The Plan and accompanying zoning recommendations are anticipated to be forwarded to the Commission in May, 2005.

This rezoning case has been approved to participate in the City's SMART (Safe, Mixed-Income, Accessible, Reasonably-priced, Transit-Oriented) Housing expedited review program. Please refer to Attachment C.

DEPARTMENT COMMENTS:

The subject rezoning area consists of several unplatted tracts containing three single family residences, two unoccupied outbuildings and an office building. The southwestern portion of the property carries limited office (LO) district zoning by way of a 1983 zoning case, and the remainder carries family residence (SF-3) district zoning. The site accesses two collector streets: Metcalfe Road and Wickshire Lane, the latter of which is two-way street until it narrows to a one-way, single lane driveway bordering AISD's Linder Elementary School. The site also has access to Carlson Drive, a local street that terminates at the west property line and intersects with Parker Lane, a north-south collector street. The rezoning area is surrounded on the north by undeveloped property and duplexes (zoned SF-3); on the east by a triplex, undeveloped property, duplexes, and the elementary school (SF-3), on the south by apartments and Mabel Davis Park across Wickshire Lane (MF-3; P), and four-plexes, duplexes and townhomes are to the west (MF-2; PUD). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and A-2 (Rezoning Area within the Context of Parker Lane Neighborhood Plan Area).

The applicant proposes to rezone all tracts to the townhouse and condominium residence – conditional overlay (SF-6-CO) combining district zoning as the first step in the development of a 300-unit detached condominium project that is accessible to all adjacent roadways. Please refer to Exhibit B (Access / Distribution Points to Adjacent Roadways) and C (Conceptual Plans and Elevations of Residences).

Staff supports the applicant's rezoning request to SF-6-CO on the basis of the following considerations of the property: 1) The surrounding area includes single family residences, duplexes, four-plexes, townhomes and apartments, and SF-6 zoning would be compatible with the established character while further diversifying the housing options available; 2) consistent with the expressed stakeholder goals of providing for additional homeownership opportunities to occur; 3) traffic will be distributed to three collector streets; and 4) it is consistent with the Council's policy of providing opportunities for S.M.A.R.T. Housing to occur.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3; LO	Three single family residences; Two unoccupied outbuildings; Office for a publishing company
<i>North</i>	SF-3	Duplexes; Undeveloped
<i>South</i>	MF-3; P	Apartments; Park
<i>East</i>	SF-3	Linder Elementary School; Triplex; Undeveloped
<i>West</i>	MF-2; PUD; SF-3	Four-plexes; Duplexes; Townhomes; Single family residences

NEIGHBORHOOD PLANNING AREA: East **TIA:** Is not required
Riverside / Oltorf Combined NPA (Parker Lane)

WATERSHED: Country Club Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** Yes

NEIGHBORHOOD ORGANIZATIONS:

74 – South River City Citizens Association
 189 – Southeast Austin Neighborhood Alliance
 299 – Crossing Gardenhome Owners Association 300 – Terrell Lane Interceptor Association
 319 – Metcalfe Neighborhood Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 498 -- South Central Coalition
 694 -- Burleson Parker Neighborhood Association 511 – Austin Neighborhoods Council
 972 -- PODER People Organized in Defense of Earth & Her Resources

SCHOOLS:

Linder Elementary School Fulmore Middle School Travis High School

CASE HISTORIES:

There are no recent zoning case histories in the surrounding area.

RELATED CASES:

The tracts were annexed on September 6, 1973. The south and west 6.35 acres of the site was rezoned to the "O" Office, First Height and Area district on January 5, 1984 (converted to LO zoning by way of the 1984 Conversion Ordinance). The site plan attached to the Zoning Ordinance shows a two-story, 54,720 square foot building and surrounding parking areas with two driveway access points onto Wickshire Lane. There are no related subdivision or site plan cases on the subject property.

ABUTTING STREETS:

Name	R-O-W	Pavement	Classification	Volume in 2004
Wickshire Lane	60 feet	40 feet	Collector	506
Carlson Drive (stub-out)	50 feet	30 feet	Local	Not available
Metcalfe Road	50-70 feet	Varies	Collector	1,542
Parker Lane	70 feet	44 feet	Collector	8,734

- There are existing sidewalks along Wickshire Lane (south side), Carlson Drive (north side), Metcalfe Road (both sides), and Parker Lane (both sides).
- Capital Metro bus service is available along Parker Lane (Dove Springs #27) within ¼ mile of this property.
- Parker Lane is classified in the Bicycle Plan as a high Priority bike route (#59) within ¼ mile of this property.

CITY COUNCIL DATE: January 13, 2005

ACTION: Approved SF-6-CO district zoning with a Restrictive Covenant to address 1) prohibiting gating of the project, 2) access to the adjacent elementary school

and 3) access to the adjacent property to the north if it becomes a public park as recommended by the Planning Commission, on 1st Reading (6-0, Goodman off the dais).

January 27, 2005

Approved SF-6-CO district zoning with the Restrictive Covenant addressing access to the elementary school and to the potential park land to the north as approved on 1st Reading, but removing the prohibition on gating, on 2nd Reading. Staff and the Applicant to further discuss gating of the project (6-0, Dunkerley – absent).

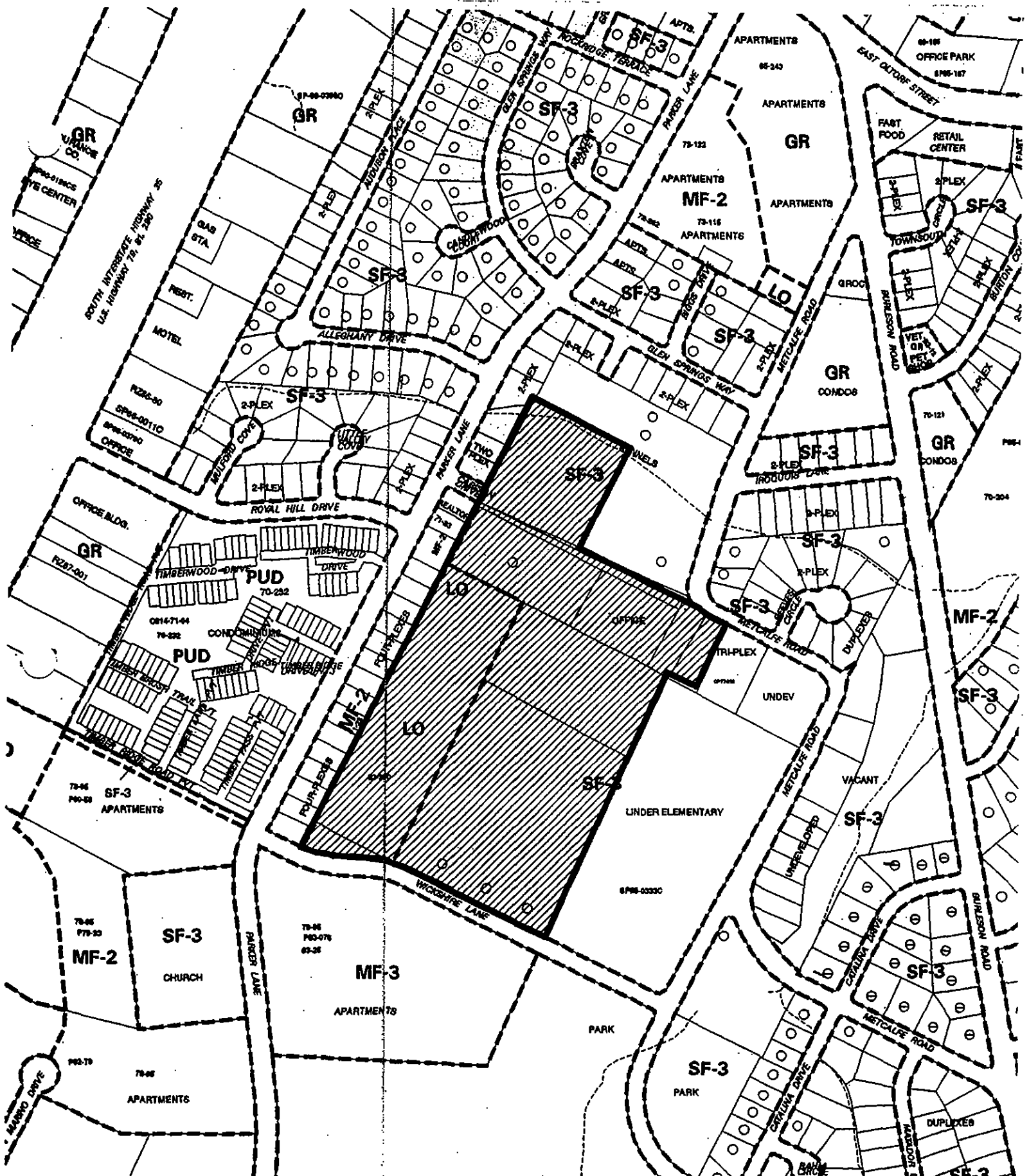
February 10, 2005




ORDINANCE READINGS: 1st January 13, 2005 2nd January 27, 2005 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



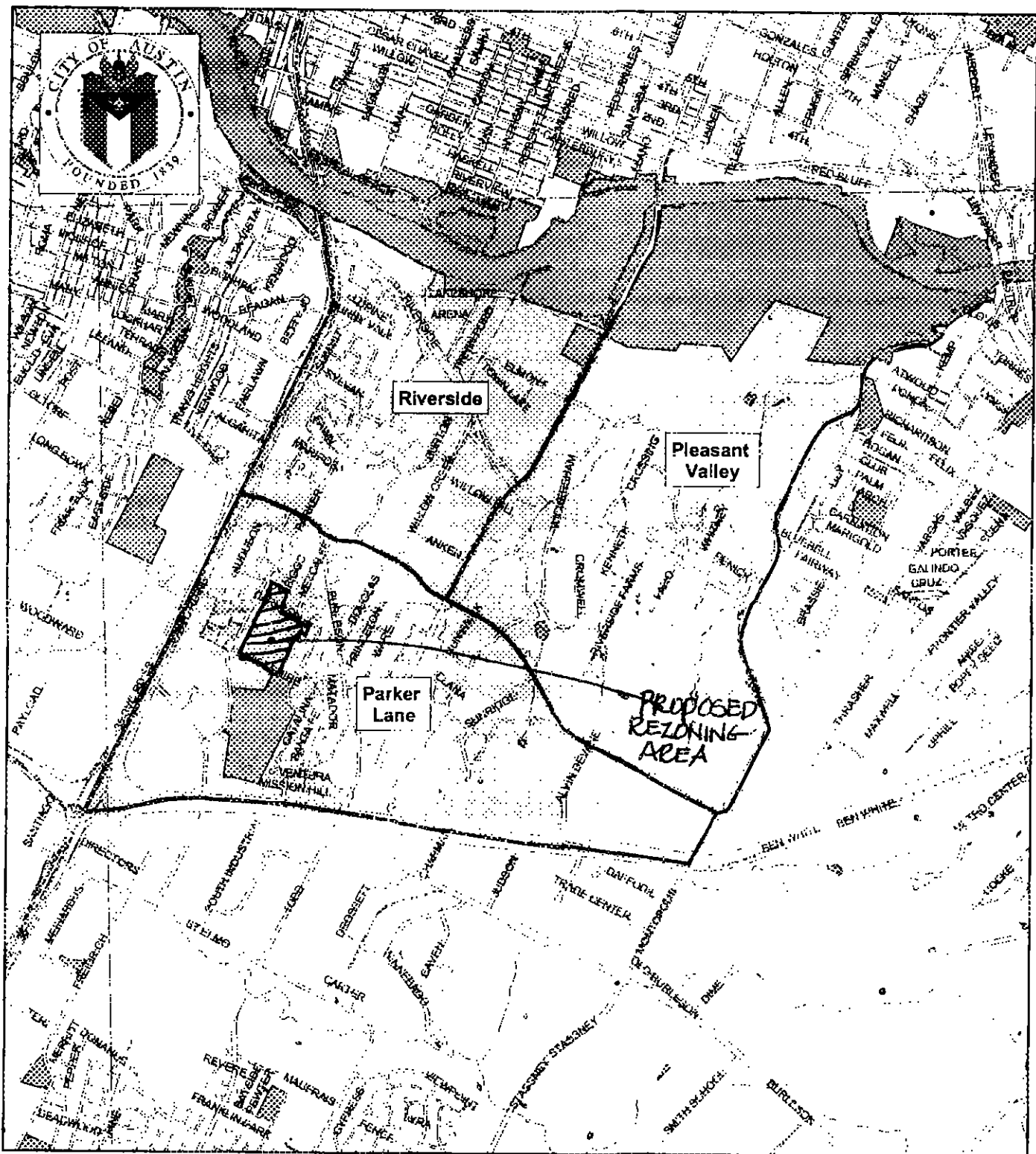
SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: W. WALSH

ZONING EXHIBIT A
 CASE #: C14-04-0181.SH
 ADDRESS: 2610, 2626, 2700 & 2902 METCALFE RD & 1910 & 1916 WICKSHIRE LANE
 SUBJECT AREA (acres): 26
 DATE: 04-12
 INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 J18

1" = 400'





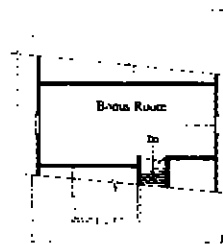
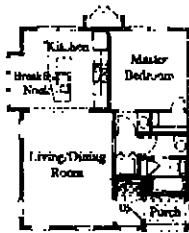
East Riverside/Oltorf Combined Neighborhood Planning Area

Legend

-  Park
-  Creek
-  Lake or Pond
-  Planning Area
-  Street

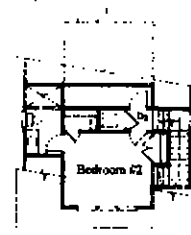
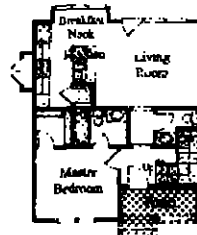
0 2,500 5,000 10,000 Feet

EXHIBIT A-2
REZONING AREA WITHIN NEIGHBORHOOD
PLANNING AREA



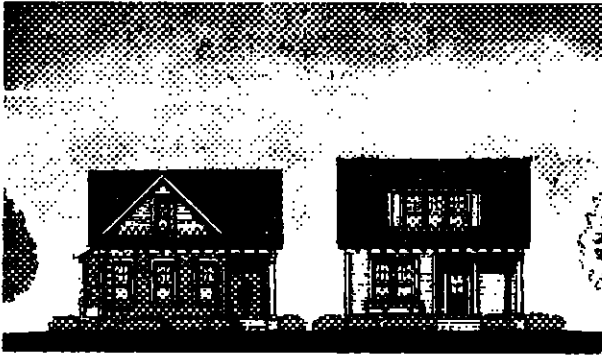
First Floor: 733 sf. Second Floor: 278 sf.

Cottage One: 1,011 sf.



First Floor: 707 sf. Second Floor: 328 sf.

Cottage Two: 1,035 sf.



Cottage One
Elevation



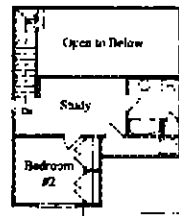
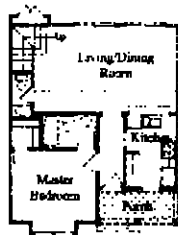
Cottage Two
Elevation



Cottage One
Alternate Elevation

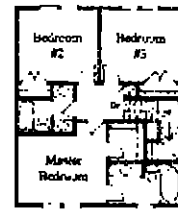
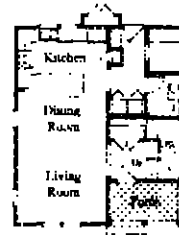


Cottage Two
Alternate Elevation



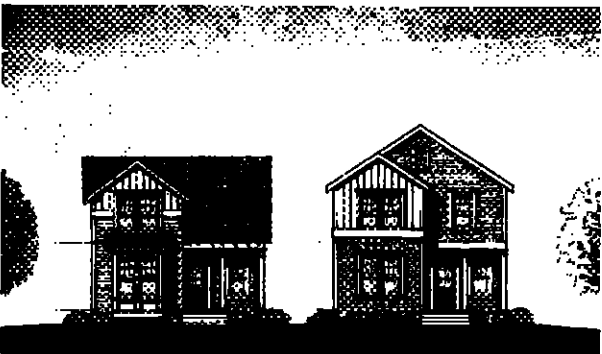
First Floor: 705 sf. Second Floor: 393 sf.

Cottage Three: 1,098 sf.



First Floor: 679 sf. Second Floor: 694 sf.

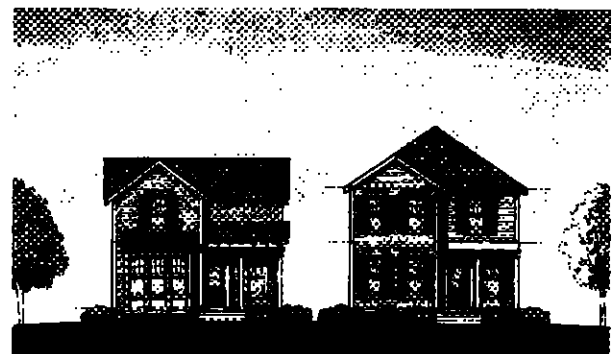
Cottage Four: 1,373 sf.



Cottage Three
Elevation



Cottage Four
Elevation



Cottage Three
Alternate Elevation



Cottage Four
Alternate Elevation

Plans and Elevations

Macmora, Ltd.
6001 West William Cannon Drive
Building 2, Suite 201
Austin, Texas 78749

Macmora Cottages
Austin, Texas

March 24, 2004

MEDICK ARCHITECTS
ARCHITECTS, TOWN PLANNERS,
LANDSCAPE ARCHITECTS
16 SOUTH CALVERT STREET, SUITE 200
BALTIMORE, MD 21202
TEL: 410.347.7800
FAX: 410.347.4700
www.medickarchitects.com

EXHIBIT C

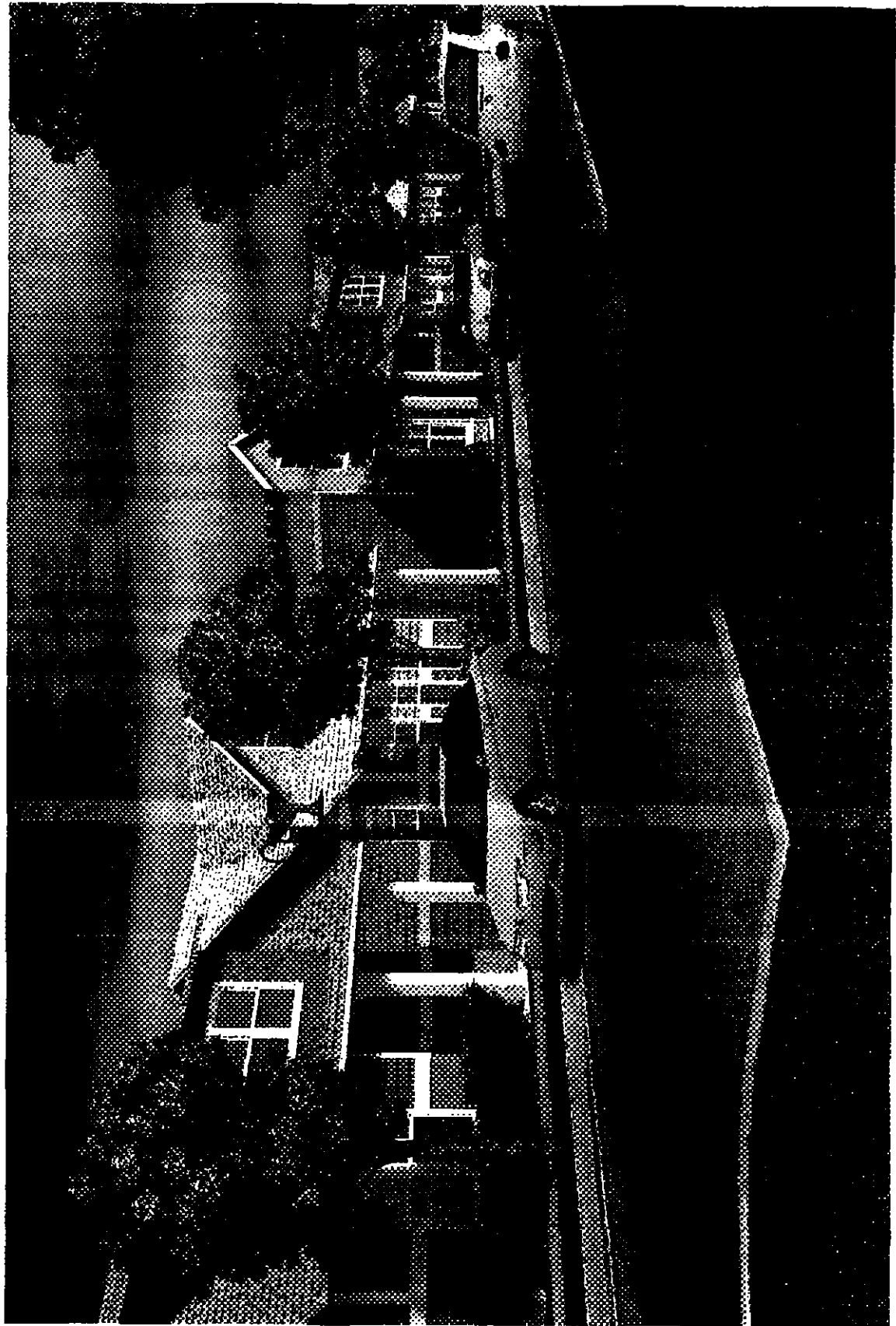
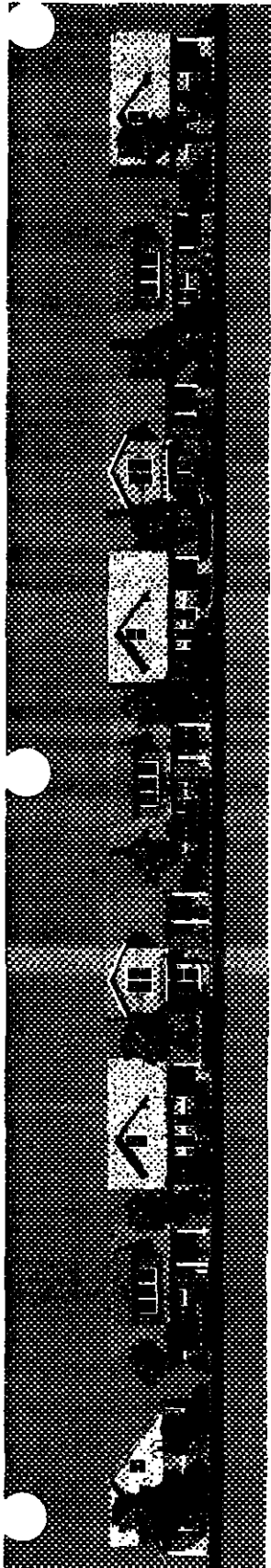


EXHIBIT C-1
STREET SCENE

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant townhouse and condominium residence – conditional overlay (SF-6-CO) combining district zoning. The Conditional Overlay limits the development of the property to: 1) a maximum of 300 dwelling units (11.538 units per acre); and 2) establish that a building may not contain more than one residential unit.

BACKGROUND

The subject rezoning area consists of several unplatted tracts containing three single family residences, two unoccupied outbuildings and an office building. The southwestern portion of the property carries limited office (LO) district zoning by way of a 1983 zoning case, and the remainder carries family residence (SF-3) district zoning. The site accesses two collector streets: Metcalfe Road and Wickshire Lane, the latter of which is two-way street until it narrows to a one-way, single lane driveway bordering AISD's Linder Elementary School. The site also has access to Carlson Drive, a local street that terminates at the west property line and intersects with Parker Lane, a north-south collector street. The rezoning area is surrounded on the north by undeveloped property and duplexes (zoned SF-3); on the east by a triplex, undeveloped property, duplexes, and the elementary school (SF-3), on the south by apartments and Mabel Davis Park across Wickshire Lane (MF-3; P), and four-plexes, duplexes and townhomes are to the west (MF-2; PUD).

The applicant proposes to rezone all tracts to the townhouse and condominium residence – conditional overlay (SF-6-CO) combining district zoning as the first step in the development of a 300-unit detached condominium project that is accessible to all adjacent roadways. Please refer to Exhibit B.

Staff supports the applicant's rezoning request to SF-6-CO on the basis of the following considerations of the property: 1) The surrounding area includes single family residences, duplexes, four-plexes, townhomes and apartments, and SF-6 zoning would be compatible with the established character while further diversifying the housing options available; 2) consistent with the expressed stakeholder goals of providing for additional homeownership opportunities to occur; 3) traffic will be distributed to three collector streets; and 4) it is consistent with the Council's policy of providing opportunities for S.M.A.R.T. Housing to occur.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The SF-6, Townhouse and Condominium Residence District, is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use. The applicant intends to develop the property with a condominium project consisting of detached units.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Staff supports the applicant's rezoning request to SF-6-CO on the basis of the following considerations of the property: 1) The surrounding area includes single family residences, duplexes, four-plexes, townhomes and apartments, and SF-6 zoning would be compatible with the established character while further diversifying the housing options available; 2) consistent with the expressed stakeholder goals of providing for additional homeownership opportunities to

occur; 3) traffic will be distributed to three collector streets; and 4) it is consistent with the Council's policy of providing opportunities for S.M.A.R.T. Housing to occur.

EXISTING CONDITIONS

Site Characteristics

The rezoning area consists of several tracts that together are developed with three single family residences, two unoccupied outbuildings and an office.

Impervious Cover

The maximum impervious cover allowed by the SF-6 district would be 55% which is a consistent figure between the zoning and watershed regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Country Club 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. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

According to flood plain maps, there is floodplain adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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.

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Transportation

No additional right-of-way is needed at this time. **For Information: Dedication of additional right-of-way for the future extension of Carlson Drive will be addressed during the subdivision application process.**

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

The trip generation under the requested zoning is estimated to be 2,262 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). **For Information: The applicant is proposing to develop a 300-unit condominium project under the S.M.A.R.T. Housing Program, which is estimated will generate approximately 1,758 trips per day.**

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, at own expense, will be responsible for providing. Also, 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 all associated city plan review and inspection fees.

The landowner must pay the tap and impact fee once the landowner makes an application for City water and wastewater utility tap permit.

Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

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.

Along the northeastern and eastern property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

- 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.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Austin ISD

Date: 11/22/04

To: Wend Walsh, City of Austin, Development Review and Inspection

From: Dan Robertson, Director of Planning Services

RE: Development Review of: C8-04-0181SH/Benchmark

The current elementary school, Linder is among the most overcrowded schools in AISD at an enrollment of 1,000 and a percentage of permanent capacity of 167%. Whatever the student yield of the planned development from this case, boundary changes will have to be undertaken and accomplished before the student impact from this case materializes.

I have had preliminary discussions with citizens involved in the neighborhood plan effort about this necessity and I am scheduled to discuss alternatives with the Linder Elementary Camps Advisory Committee in mid January after the district returns from the winter break.

My assumption is that I will be planning to reassign 200 to 300 students to other nearby schools and that that should provide sufficient space to absorb the students generated from the development contemplated in this case. Please keep me informed about when this case comes up for discussion, since it may require an appearance before the commission.

DR

6/10/2003

1

Attachment A
Page 1 of 2

Walsh, Wendy

From: dlobtsn@austin.isd.tenet.edu
Sent: Monday, December 13, 2004 12:54 PM
To: Walsh, Wendy
Subject: Fw: C14-03-0090 SH

Wendy of course this is 04-0181.SH

----- Forwarded by Dan Robertson/CAC/AISD on 12/13/04 12:53 PM -----

----->
| Dan Robertson |
| 12/13/04 12:06 PM |
----->

>----->
|
| To: wendy.walsh@ci.austin.tx.us
| cc:
| Subject: C14-03-0090 SH
|
>----->

Wendy-Based on 300 units my estimate is now ofr ^{total} 125 students, 60 elementary, 30 middle school and 35 high school. At the present time we have sufficient capacity for high school, but problems for either elementary or middle school. As I stated in my previous memo a substantial number of current Linder area students will have to be reassigned to make room for the students from the proposed development. Dan Robertson 414-3632 - NOT opposed to project

Jan 13th - meeting
with
Campus
Advisory
Council
• includes parents
• discuss alternatives

W/o project - reducing
capacity
anyway - due to
existing overcrowding
at school.
w/ project - shift occurs
in a nearer
future
Attachment A
page 2 of 2.



Summary Notes from East Riverside/Olton Neighborhood Planning Meeting- June 1, 2004

Purpose: To allow David Mahn an opportunity to present a proposal for a condominium single-family detached housing project on Wickshire at Parker Ln. and the neighborhood stakeholders a chance to express their opinions regarding the potential development and required rezoning.

Attendees:

Steve Jackson	Diane Huska	Sonya Lopez (NPZD)
Lillian Addington	Tim Mahoney	Laura Patlove (NPZD)
Myra Goepp	Linda Watkins	Steve Barney (NHCD)
Paul Robbins	Jason Hercules	Greta Goldberg (UT)
David Mahn	Margaret Goodwin	
Sam Ellison		
Carl Braun		

Meeting Notes

- Challenges of developing the site relate to cost, slope constraints (smaller building footprints are more feasible), and designing an affordable product (price range will most likely be between \$100,000 and \$160,000).
- Proposed development:
 - Detached single-family homes
 - Intention is for owner occupation
 - 2-3 bedrooms with flex space
 - 150-200 units (between 700 to 1,500 square feet)
 - Narrow streets and a neo-traditional style development
 - Condominium regime with an association to manage the site
 - There will be a common area/park
 - Option for fenced yards
 - Project will go under the SMART Housing Program
 - Most likely will have detached garages behind the homes, possibly with shared driveways (reduces impervious cover)
 - Traffic flow would be 3-5 trips per day per unit
- Zoning details:
 - Current zoning is LO for the western lot and SF-3 for the eastern lot
 - Building under SF-3 site development standards (e.g. minimum lot size 5,750 square feet) would not make this project economically feasible
 - MF-2 would be a more feasible zoning district to get the level of density required to make the project work from an economic standpoint
 - If MF-2 zoning were granted, a conditional overlay could be used to restrict apartments and duplexes

Attachment B



East Riverside/Oltorf Neighborhood Plan
Neighborhood Planning & Zoning Department

- SF-6 (High density single-family) could possible work on the site
- The developer does not anticipate the need to request any variances for the project
- Project timeline:
 - Developer is in the beginning stages of feasibility
 - With assurances that the zoning will go through they will move ahead with the next step
 - Zoning review process would be expedited since it would be a SMART Housing project (45 day timeline for the zoning case)

Considerations for the property owner to think about:

- Tree preservation
- Consider a certain amount of commercial development as part of the project (D. Mahn commented that the location of this property on a small local street- i.e. without good street visibility- does not make it an ideal site for commercial development.)
- The effect of adding more students to Linder, which is already at capacity (the developer plans to speak with AISD and may have an update at the next meeting)
- A single-family look and feeling is desired
- Consider filtration alternatives (comment was made that the City regulations often don't allow for such alternatives)
- Think about the additional traffic at Wickshire & Parker, especially turning left onto Parker

According to neighborhood representatives, SF-6 to MF-2 zoning would be agreeable as long as the above conditions are built in to restrict any future development to single-family detached structures.

The developer is going to discuss project specific with the City's Development Assistance Center to determine the exact zoning district that would work for this project and present the results of this discussion at the next meeting on Tuesday January 15th at 6:00pm at the same location.

Remember to look at our planning website for general planning details and also helpful zoning information (link to the neighborhood planning library): East Riverside/Oltorf Neighborhood Plan (<http://www.ci.austin.tx.us/zoning/eroc.htm>)



Summary Notes from East Riverside/Olton Neighborhood Planning Meeting- June 15, 2004

Purpose: David Mahn, the developer for a proposed housing project on Wickshire at Parker Ln., will share updated information regarding the project and the zoning that his project would require and get more community input.

Attendees:

Steve Jackson	Tim Packard	Sonya Lopez (NPZD)
Lillian Arrington	Tim Mahoney	Jackie Chuter (NPZD)
Toni House	Linda Watkins	Greta Goldberg (UT)
David Mahn	Margaret Goodwin	
Sam Ellison	Emily VanNiel	
Carl Braun	Renona Joplin	
Werner Koch	Jean Mather	
June Oliver Ault	Henry Winston Ault	
Barbara Aybar	Jan Long	
Donna Koch	Charlotte Clopton	
Lanny Clopton		

Meeting Notes

- Update from David Mahn:
 - His company is looking into purchasing the property to the north of the proposed residential project to aid with transportation accessibility. If this property is purchased traffic could be dispersed to different routes like Parker, Metcalfe, Carlson and Burleson to reduce the amount onto any one road. There is currently an access agreement through the property to the north to connect to Metcalfe.
 - Project will be single-family "cottages" that are affordable, and have a design that is attractive and appeals to a wide audience.
 - Houses will have different textures and colors, front porches and garages behind the house
 - It is estimated that forty students from this development would need to attend Linder. In response to concerns regarding Linder Elementary and the fact that it is already at overcapacity, Neighborhood Planning staff commented that they had spoken with Dan Robertson from AISD to let him know that the neighborhood planning process was going on in this area and that there were concerns raised about Linder. Dan agreed to come to a community meeting sometime during the Neighborhood Planning process to discuss short and long-range solutions to the problems associated with overcrowded schools in the area.



East Riverside/Oltorf Neighborhood Plan
Neighborhood Planning & Zoning Department

Neighborhood Planning staff will set this up. A possible short-range solution could be to alter school attendance boundaries.

- The zoning that the developer will be seeking is SF-6-CO (high density single-family)
 - A conditional overlay to limit development to SF detached housing will be used
- The desired density of the project is 10 units/acre
- Intended price of homes is \$100,000-\$150,000
 - What percentage of the homes will be "affordable" under SMART Housing standards?
 - The developer would like to go for 40% affordability but he is unsure at this stage what the final number will be
- A tree survey will be conducted as part of the development process
- Developer will market to owner-occupants
- Possible project amenities could include a park with views, trail to Mabel Davis

Comments:

- This is the last large tract in the immediate area with the potential for single-family development
- Developer should consider preserving existing trees in the buffer for the required compatibility setback
- Zoning process will take approximately 45 days before going to Planning Commission

Conclusions:

- The neighborhood stakeholders requested a report at the time of zoning application and notification of any updates/changes to the project.
- The next presentation to the group will be around the time of zoning application (the 45 day zoning process is triggered at this point)
- The developer offered to take anyone interested on a tour of some of their other projects like Plum Creek in Kyle and Bouldin Creek development @ Live Oak (near Green Pastures)

Remember to look at our planning website for general planning details and also helpful zoning information (link to the neighborhood planning library): East Riverside/Oltorf Neighborhood Plan (<http://www.ci.austin.tx.us/zoning/eroc.htm>)

Walsh, Wendy

From: Lopez, Sonya
Sent: Wednesday, October 06, 2004 4:09 PM
To: Chuter, Jackie; Kocich, Lisa
Cc: Walsh, Wendy; Hersh, Stuart
Subject: Wickshire Zoning Case Meeting

Dear East Riverside/Oltorf Neighborhood Planning Resident, Business/Property Owner or Renter,

I would like to inform you of a meeting that will be held to discuss a proposed zoning case at 1810-1918 Wickshire Lane (a map of the general area is attached as a .pdf). This property falls within the planning boundaries of the East Riverside/Oltorf Neighborhood Plan, however, it will be going to Planning Commission prior to the adoption of the Plan. The applicant for this case, David Mahn, has already met twice with interested individuals from the area and he would like to touch base with the group again since he is at the point of actually filing the case with the city. Meeting details are as follows:

Date: Tuesday October 19, 2004

Time: 6:30- 8:00pm

Location: 505 Barton Springs Rd. 5th floor (SE corner of S. 1st St. and Barton Springs Rd.)

If you did not receive the notes from the previous two meetings or cannot attend the meeting but have questions or input to share, please contact me at 974-7694 or sonya.lopez@ci.austin.tx.us.

More information about the neighborhood planning process can be found at our website at www.ci.austin.tx.us/zoning. The East Riverside/Oltorf planning page is located at: <http://www.ci.austin.tx.us/zoning/eroc.htm>. For educational information on zoning please look at our neighborhood planning library at: <http://www.ci.austin.tx.us/zoning/library.htm>.

<<Map.pdf>>

Sincerely,



Map.pdf

Sonya Lopez
Neighborhood Planning and Zoning Department



Summary Notes from East Riverside/Oltorf Neighborhood Planning Meeting- Tuesday October 19, 2004

Purpose: David Mahn, the developer for a proposed housing project on Wickshire Ln. will share updated information regarding the project and the zoning that his project would require and get more community input. This is the third meeting held between David Mahn and interested parties to discuss this case.

Attendees:

Lillian Arrington	Judy Price	Sonya Lopez (NPZD)
Linda Watkins	David Mahn	Stuart Hersh (NHCD)
Carl Braun	Jean Mather	
June Oliver Ault	Henry Winston Ault	
Ann Joplin	Gordon Placette	
Ron Thrower	Lorilee Dodson	
Tim Trentham	Jim Crockett	
Dawn Cizmar	Gay Schrader	

Meeting Notes

Update from David Mahn:

- The product will be the same as presented at the first two meetings, detached condominium units. The footprint of each condo will be 25 feet wide by 30 feet long with a mixture of one and two story units. Approximately three hundred units are planned to be developed in stages, fifty to sixty units at a time. The developer intends to pre-sell units vs. speculative building.
- Design: the developer is striving to build an attractive project with appeal that fits in with the surrounding neighborhood.
- Price: condo prices may range from \$100,000 up to \$170,000 depending on the size of the unit.
- SMART Housing aspect: 40% of the units will be priced to house those who make 80% or less than the median family income for a household of four people, which is approximately \$56,000. According to Stuart Hersh, this project will be the first opportunity for single family development under the SMART Housing Program between I-35 and Grove. All other SF development has been further east. According to the developer, SMART Housing helps by cutting the permitting time in half and helps garner City support for a project.
- Lot size: the specifics are unknown at this time. This will be determined at the subdivision and site planning stages, which will follow zoning.
- Current developer activities: land survey, phase I environmental and a soils investigation (having small building footprints will reduce the risk of future foundation problems due to the expansive nature of soils throughout the area). The site planning process will begin after these activities have been completed.



East Riverside/Oltorf Neighborhood Plan
Neighborhood Planning & Zoning Department

- Project site details: at the time of the last meeting the project involved three tracts of land of approximately 17 acres. New land has been recently acquired adding three additional tracts of approximately 10 acres (total project size approximately 27 acres). The addition of the new tracts adds access points at Metcalfe and Carlson which will help disperse traffic instead of having it all flow to Parker Ln. from Wickshire.
- Elevation: the grade goes from about 632 ft. to around 564 ft. (from the Wickshire side to the northern end of the project site)
- A small park is still being considered in the southeast area of the site. The location of the potential park and other open space on the site (including at least one water detention pond) will be determined at the site planning stage.
- Past projects done by Benchmark Development:
 - Bouldin Creek Cottages
 - In Oak Hill at William Cannon & Beckett (88 condo units in duplex format)
 - Up north on Macmora Rd (2 acres)
 - Plum Creek in Hays County
- Building materials: the exterior of the units will most likely be hardiplank.
- Financing: Benchmark Development does not make loans but has two preferred lenders that future buyers can work with if they so choose.
- Traffic: it is estimated that each household will make between three to five trips per day. The three access points will disperse traffic. Construction traffic will be confined to a specific ingress and egress point.
- Schools: there is no new information since previous meetings. The developer is not sure what the housing mix will be so it is impossible to say how many children vs. how many non-children households there will be. The market will determine the housing mix.

Next Step:

David Mahn will proceed to file the zoning case and schedule a Planning Commission hearing. The zoning case manager is Wendy Walsh. She can be reached at 974-7719 or wendy.walsh@ci.austin.tx.us.

Remember to look at our planning website for general planning details and also helpful zoning information (link to the neighborhood planning library): [East Riverside/Oltorf Neighborhood Plan](http://www.ci.austin.tx.us/zoning/eroc.htm) (<http://www.ci.austin.tx.us/zoning/eroc.htm>)



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Office

Gina Copic, S.M.A.R.T. Housing Program Manager
 (512) 974-3180, Fax: (512) 974-3112, gina.copic@cityofaustin.tx.us

October 5, 2004 (revised from May 17, 2004)

S.M.A.R.T. Housing Certification
1910 Wickshire Ln Condominiums
 Myra Goepp, P.E. (448-0881 o, 923-3517 m)

TO WHOM IT MAY CONCERN:

Benchmark Land Development, Inc. is proposing to develop a 300-unit single-family detached condominium regime at 1910 Wickshire Ln in the Parker Lane Neighborhood Planning Area. NHCD certifies that the proposed development meets the S.M.A.R.T. Housing standards at the pre-submittal stage, subject to the applicant conducting meeting(s) with affected neighborhood groups to resolve issues before filing a zoning application, and attaining the required zoning. Since 40% of the units will serve families at 80% Median Family Income (MFI) or below, the development will be eligible for 100% waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. Expected fees waived include, but are not limited to, the following:

Zoning Fees	Miscellaneous Site Plan Fee	Electrical Permit
Board of Adjustment Fee	Construction Inspection Fees	Mechanical Permit
Subdivision Fees	Capital Recovery Fees	Plumbing Permit
Development Assessment Fees	Building Plan Review	
Consolidated Site Plan Fees	Building Permit	
Site Plan - Construction Element Fee	Concrete Permit	

Prior to filing of building permit applications and starting construction, the developer must:

- ♦ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy: Nathan Duxsey, 505-3703).
- ♦ For each individual permit application, submit the S.M.A.R.T. Housing Residential Completeness Check, Permit Application, and plans demonstrating compliance with visitability and transit-oriented standards to NHCD, 505 Barton Springs Road, 6th Floor

Before a Certificate of Occupancy will be granted, the development must:

- ♦ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ♦ Pass final inspection by NHCD to certify that Visitability standards have been met.

The applicant must demonstrate compliance with the reasonably-priced standard after the completion of the units, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact me at 974-3126 if you need additional information.

Steve Barney
 Steve Barney, S.M.A.R.T. Housing Project Coordinator
 Neighborhood Housing and Community Development Department

Cc: Gina Copic, NHCD
 Robby McArthur, WWW Taps
 Nathan Duxsey, Austin Energy
 Annick Beaudet, NPZID

Janet Gallagher, WPDR
 Stuart Hershi, NHCD
 Marcia Volpe, WPDR
 Javier Delgado, WPDR

Lisa Nickle, WPDR
 Ricardo Soliz, NPZID
 Adam Smith, NPZID
 Jim Lund, PW

Attachment C

Walsh, Wendy

From: JMather531@aol.com
Sent: Tuesday, December 14, 2004 1:32 PM
To: Walsh, Wendy
Subject: C14-04-0181

Dear Planning Commissioners:

When the East Riverside/Oltorf Planning Area first saw this proposal it encompassed the lower three lots, about two-thirds of the current area. We thought it was too large then but now it totals 300 units!

We know that there is a desperate need for low income housing and a small percentage of this development is aimed in that direction and surely the market price for smaller houses and smaller lots must be less than average. However, as planners you must consider the impact of any development on the total neighborhood.

After IH-35 was cut through the city in 1959 the area to the East has been treated as a stepchild. Now the City is paying the price for that neglect in a high crime rate, poor schools and, or course, lower tax revenues. It's time to take the same care in zoning for this area as would be done in a high tax revenue neighborhood. Small pockets of this housing would be acceptable anywhere and, yes, it is a step up from the tacky apartments that blanket the area, but a landscape of 300 of these tiny two story houses is like a bad movie! Note: traditional housing in Texas is not two-story on a small lot, even with a front porch and gabled roof.

We haven't seen a site plan and I don't think you will either but I hope I'm wrong. If you approve this plan, I think it is critical that you impose the following conditions.

- 1 Reduce it by half.
- 2 All streets to be lined both sides with native trees (oak, cedar elm, or pecan) fifty feet on center.
- 3 At least 20% open space.
- 3 Hike and bike trail along the creek to the North (a branch of Country Club) to continue the trail being proposed in the neighborhood plan.

Jean Mather
SRCC Planning Chair
444-4153

MEMORANDUM

TO: Chris Riley, Chair and Members of the Planning Commission

FROM: Dora Anguiano, Planning Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: January 19, 2005

SUBJECT: Planning Commission Summary

Attached is a Planning Commission summary, which will be forwarded to the City Council.

CASE # C14-04-0181.SH - Shire's Court (S.M.A.R.T. Housing)

3. Rezoning: **C14-04-0181.SH - Shire's Court (SMART Housing)**
Location: 2610, 2626, 2700 and 2902 Metcalfe Road; 1910 and 1916 Wickshire Lane, Country Club Creek Watershed, East Riverside / Oltorf Combined Neighborhood Planning Area (Parker Lane) NPA
Owner/Applicant: The Estate of Opal Ault (Donna Koch); Henry W. Ault and June Oliver Ault; Herby's Joint Venture (Jimmy Nassour); George Washington Sanders, Jr.; and Steven G. Jackson
Agent: Benchmark Land Development, Inc. (David C. Mahn)
Request: SF-3; LO to SF-6-CO
Staff Rec.: **RECOMMENDED**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

SUMMARY

Wendy Walsh, staff – Gave a staff presentation on this case. “It does access two main collector streets, which are Metcalfe Road and Wickshire Lane. The intent is to develop a 300 unit detached condominium project; this would be accessible to all of the adjacent roadways. Staff is supporting the zoning application on the basis that the surrounding area includes a number of residential uses and SF-6 zoning would be compatible with this character and further diversifies the housing options that are available. It is consistent with the established character”.

Commissioner Riley – “40% of the units are going to serve families at 80% median family income?”

Stuart Hersh, staff -- “Yes”.

Commissioner Riley – “So the remainder will be market rate?”

Mr. Hersh – “Yes sir”.

David Mahn, applicant -- Gave a brief description of previous projects that were done in Austin. “We are here because we see a need in the City of Austin, for people who want to live close to downtown, where they work, where they play, where they shop, yet, they want to own their homes, but they can't afford a \$300,000+ home close to downtown. We believe there's a strong need for that and we're trying to meet that need. To provide home for policemen, teachers, people who work for the City, State workers and people who work in restaurants and office buildings; there's a strong demand for that. We came up with a product; this was presented back in June in various neighborhood meetings that we attended, what it provides for...we have 4 plans that are in a cottage design; we want to make it very attractive and very efficient”. “Because of compatibility requirements there will be a 10-foot separation between the homes, the same standard that's required in a regular subdivision. I have been to 3 neighborhood meetings for this project; and a 4th meeting for a regional planning session; there were four issues that were raised in these

meetings. One was that there was no site plan; well, there's no site plan required at the zoning level and it's not prudent for us for a project of this magnitude and the cost to produce a site plan. We offered to agree to the Conditional Overlay for detached housing and to limit our density. We don't anticipate any variances; the compatibility standards require a 10-foot separation of the buildings. We will maintain the yards and the exterior of the homes; so from a maintenance standpoint, our community will look very well for the long term. The other issue was Linder Elementary capacity; we know that the school exceeds capacity, our plans, we believe, is not conducive to a family situation with children. The third issue that was raised was the price of the homes; that the price would be too low and it would hurt the values of the neighborhood; well, this is not going to be a subsidized project; it will be mostly market-driven. The neighborhood pricing in this area is all over the board, way under \$100,000; way over \$200,000; everything in between, so there's a wide variety of home prices in this area. The SMART Housing benefits, we need 40% of the product meeting 80% of the median family income. For a family of four in Austin, that's \$56,000 today; so 60% will be market driven; so we will offer a wide variety of price ranges for this community that will not hurt the values of the rest of the neighborhood. The fourth issue was traffic; there's 3 access points to this project; but most of the flow will go to Parker from Carlson and also from Wickshire; we also have the opportunity to access on Metcalfe. We believe traffic is going to disperse naturally to a number of different areas. Also there are two Capital Metro stops, one on Parker and on Burleson".

Commissioner Riley – "How will someone access the bus on Burleson? That stop looks like it would be a good distance from the project?"

Mr. Mahn – "I don't know the exact distance; I just wanted to point out that there is more than one bus stop for those that travel via bus".

Commissioner Sullivan – "Do you have a vision for what the internal street structure would be? Will Carlson be connected up to Metcalfe?"

Mr. Mahn – "We do anticipate Carlson to be one of our access points, we have not determined that yet because of drainage issues and how that might connect to Metcalfe."

Commissioner Hollon – "How are you going to set up the storm drainage on this site?"

Mr. Mahn – "We have looked at the site and we believe that it falls from the top of the hill to the bottom, so there will be a pond at the bottom of the flow. It drains from south to north generally".

Commissioner Hollon – "Can you show me where Country Club Creek is in relation to this project? I understand that this is in the Country Club Creek watershed?"

Mr. Mahn – (Pointing to the map) "I believe it's on the northern edge of our property".

Commissioner Hollon – "And that empties into Onion Creek?"

Mr. Mahn – “I’m not sure. It goes directly into the Colorado River”.

Commissioner Hollon – “I just so happen to be working on a project; my engineering company is working on a project, with the City of Austin, to stabilize parts of Country Club Creek, so I’m familiar with the area. I’m very concerned that the existing storm water control requirements are not getting the job done in this particular watershed just because it’s so erosive; it has had a lot of trouble. So I guess anytime Carson Creek, Country Club Creek, these creeks in these areas, it’s kind of a red flag for me. I’m going to encourage folks to work with the City staff in erosion and water quality folks to see if some additional measures might be possible, so that this project does not create additional cost to the community”.

Myra Goepp, engineer – “We’re aware that the east side area has highly erosive soils; those clay soils are very erosive. Our requirements will be to do appropriate detention. We have a lot of familiarity using different materials to slow down velocity of the storm water and bring it back to a natural flow. We will be incorporating those types of designs into this project. I understand your concern”.

Commissioner Hollon – “I would strongly encourage you to work with City staff and work with these problems”.

Commissioner Medlin – “Just to verify your request; you are asking for SF-6 and a minimum lot size of 5,750, is that correct?”

Mr. Mahn – “Yes”.

Commissioner Medlin – “So what would you say your average lot size is going to be?”

Mr. Mahn – “Well, this is more likely going to be a condominium project, so there won’t be lots per se; so it will be common ownership. There won’t be a minimum lot size other than meeting the overall lot minimum”.

Commissioner Medlin – “But the density would be the same as if you had single-family homes on 5,750 lots?”

Mr. Mahn – “No, that’s not how it works. The separation between the homes would be the same as a single family lot development”.

Commissioner Medlin – “So the configuration would be more common areas?”

Mr. Mahn – “Yes, it would all be common areas”.

Commissioner Medlin – “So does the density average out to a house on 5,750?”

Mr. Mahn – “No, it’s greater than that”.

Commissioner Sullivan – “Just to offer that typically a single-family (SF-2) subdivision has about 7 units per acre; this is 11 units per acre. This gives you an idea about how much more dense this is”.

Commissioner Medlin – “Thank you”.

Commissioner Galindo – “Do you have plans for a community center or a recreation center; something that would give the sense of a mixed use traditional neighborhood?”

Mr. Mahn – “There will be amenities on-site for the residents. We have targeted an area for a park or some sort of amenities; this is the area that we want to make public.”

Commissioner Moore – “Do you intend to make this a gated community?”

Mr. Mahn – “We haven’t decided that yet; we haven’t gone to that step in our decision process. It’s a consideration, but it’s not something that we’ve decided on”.

Commissioner Moore – “Have any of your other projects been gated communities?”

Mr. Mahn – “Two have”.

Commissioner Riley – “And what will that decision be based on; whether this one is gated or not?”

Mr. Mahn – “A number of things; first the cost. it’s expensive to build gates; depending on access points. The run about \$25,000 a piece for each access; another is marketability. Does the gate enhance or detract from the marketability from your project? So that’s the determination that needs to be made. I’m not sure if it would help or hurt our marketing efforts for this project”.

Commissioner Riley – “Why was the Bouldin Creek Project gated?”

Mr. Mahn – “Because of the location; on the property itself, there was a crack house. We tore the house down, but the project sits next to a City of Austin subsidized apartment project that has a very high crime rate; so it was a concern from a marketing standpoint that buyers would be reluctant to go next to that kind of use next door. As it turned out, we had very few problems during our construction; and there hasn’t been a problem. That has been a very pleasant surprise”.

IN FAVOR

Jim Temple – “I live in Timber Ridge Townhomes. I am right next to the project development. For good or bad it’s going to impact me and my townhome community. It’s important to me that this get developed. I would like to see the developer consider purchasing the 4-plexes between his development and Parker and include those in the development. I think that would be a benefit to him and to the rest of the community

because that property has declined in the recent years and aren't a desirable development for anybody around that property. Yes, Linder Elementary is full and past capacity, but AISD has to deal with its own problems. We just passed a referendum for new schools; AISD is supposed to take care of those issues. Any children that will live in this development would be able to go to Linder and they will be able to walk to school".

Steve Jackson – "I'm one of the property owners under the contract; we are in legal non-conforming use there, we have a little publishing company. I like the neighborhood very much, if this goes through, I hope not to go very far. I have employees who live nearby; I don't live very far away. We're hoping that if we're out of there, that we would just go down Oltorf and stay as part of the neighborhood. It's a nice neighborhood and I favor this project".

Commissioner Riley – "You have an office there now and that will or will not be a part of this project?"

Mr. Jackson – "My site will be part of this project; I am selling. That building is about 50 years old; I love the neighborhood and I own the second biggest eyesore in it, which is the 4-plexes; and the other is the metal warehouse that's been there since anything else was, so we're grandfathered in; it's ugly".

Commissioner Riley – "Will that one be eliminated in connection with development?"

Mr. Jackson – "It will be gone".

Commissioner Hollon – "I would love to see more complexity as far as the; would this be a good place to have an office such as yours?"

Mr. Jackson – "Probably not, we bought that property a long time ago. I was just starting my business and we were making do with what we could get. We looked at adding a retail store front there, but we decided that there was so little traffic along Metcalfe that it wouldn't get any business and it would be a bad idea".

Donna Koch – "My family has been in the area since the 1940's. The developer is putting in the neighborhood what they want in that neighborhood, which is single-family homes; we're going to have to do something with the property; so I'm in favor of the development".

IN OPPOSITION

Carl Brown – "I'm with Burleson Heights Neighborhood Association; we are in opposition. These are units that could be sold to individuals; back in June, we were informed that there would be 120 to 170 units built. By mid October, it had changed to 300; I attended the meetings, the meetings were done through the neighborhood planning process, so there weren't really any meetings with neighborhoods, just people that chose to show up there and sometimes that neighborhood planning process is not well

represented by people who live in those neighborhoods. We don't feel that those units are compatible with what exists in the SF-3 areas; we look at Linder School and we had discussions with AISD; while the developer is saying that there won't be any children in these units; both AISD and I think there would be a rather significant number and families usually have children. There will be an impact in the school and AISD will have to take students that are in the area and move them to schools north across the river. On the issue of traffic, that appears to be no concern, but we were also told that this project would generate about 1,500 trips per day and that Parker Lane capacity was 6,000 and is currently at 5,000 trips per day; so I think there is something to be looked at with the traffic. There are concerns about the environmental aspects; we've noted that there has been a lot of erosion on Country Club Creek moving upstream; our properties borders on that creek, so this is a big concern. One of the common goals is to retain SF-2 and SF-3 properties in the southeast area; this is about the largest one left. We have very little of SF-2 and SF-3 left and as a goal of the neighborhood, we would like for you to consider that this be left as SF-3, to develop as the existing neighborhoods".

Commissioner Hollon - "It sounds like you're concerned about Linder Elementary increased enrollment as a result of this project; but if we go with straight SF-3, I would think that would have a larger component of children and more impact".

Mr. Jackson - "In conversations with Mr. Robertson (AISD), he felt that SF-3 would be less of a negative impact on Linder Elementary. He wants to continue with the dialogue with the neighborhood. There's a problems right now at Linder Elementary, this just exacerbates the problem". "If this zoning is achieved, I'd like to refer to Jean Mather's letter in your packet, which suggests that it be reduced by half and that all streets be lined, both sides, with Native Oak Trees, Oak Cedar, Elm or Pecan; 50-feet on center; and achieve at least 20% open space. Also to incorporate the hike and bike trail along the section of the creek that you're referring to; that has already been discussed with Parks & Recreation".

Commissioner Hollon - "Have you had a chance to talk with the developer about these items in the meetings yet?"

Mr. Jackson - "No, we were told that what was said at the last meeting was all that was required. I haven't been approached by the developer, our neighborhood hasn't really met with them, the only thing the neighborhood gets is whatever I can disseminate to the neighborhood. There really hasn't been a lot of neighborhood involvement on this because there haven't been meetings with neighborhoods".

Chris Riley - "Our packets indicate that there was a meeting with the Neighborhood Planning Team on June 1st, it was attended by 12 neighborhood representatives; a meeting on June 15th with the Neighborhood Planning Team, which involved 21 neighborhood representatives; and then a meeting on October 19th with the Neighborhood Planning Team that was attended by 16 neighborhood representatives".

Mr. Jackson – “That includes people from the whole planning area which is from Town Lake down to Ben White from I-35 East to Montopolis. I was there and there were a few people from the immediate area of this project”.

Commissioner Moore – “Do you know what percentage of the area, upstream from this, has detention?”

Mr. Mahn – “I do not know the percentage; a lot of this has been developed prior to; it’s more water quality filtration, as opposed to flood detention that’s moderating the erosive channel forming flows. We’ve had that flood ordinance since 1975 and we had the water quality ordinance, in this watershed, since 1989. I think a lot of this was already in place prior to ’89; I-35 contributes to that tributary and that’s one of the major problems of that”.

Commissioner Moore – “I think that every piece that gets developed, degrades the stream, but it’s also important to realize that a vast majority is from existing non-mitigated run-off”.

Mr. Mahn – “I would agree with that in part; you would have to look at the area, this is right on the creek”.

Commissioner Riley -- “You said that you don’t feel that this is compatible with the surrounding neighborhood; do you mean that the project as a whole because it has too many people?”

Mr. Jackson – “Yes, the density; what’s a house without the land that it sits on? Professional people like doctors & police, do not live in these types of places. Let’s be honest about it.”

Commissioner Riley – “Has the neighborhood ever talked about this project being gated?”

Mr. Jackson – “No, that never came up. I was at all the meetings and I never heard it come up”.

Commissioner Riley – “How would the neighborhood feel about that?”

Mr. Jackson – “I don’t know; we’ll have to talk about that. My initial thought would be that it might be necessary here; we’ll have to think about it”. “I have a list of people who are opposed to the project, but aren’t here to speak”.

Sam Ellison – “This is the very last SF-3 tract in this area and we hope that you would honor the original zoning of this property as it was meant to be developed. Population density is an issue in this area; the 78741 zip code is already the second highest density in population in Austin”. Mr. Ellison spoke to over crowding, safety in the neighborhood & vehicle trips in the area.

Commissioner Medlin – “Does anyone know what the LO strip between the MF and SF-3 is?”

Wendy Walsh, staff – “The LO portion was approved in 1984 for a two story office building that was about 54,000 square feet. The office was centered in the middle of that tract and there was parking on both sides; they had two access points to Wickshire Lane. It never got constructed”.

Commissioner Medlin – “What’s the density under LO?”

Ms. Walsh – “It’s 70% impervious cover”.

Hector Perez – “I have noticed an incredible increase in traffic; our son attends Fulmore Jr. High School and he takes the bus at Burleson and Catalina Street, it has gotten dangerous just crossing Burleson Road. It isn’t just Linder Elementary that would be affected. A lot of the children take the bus and go to Fulmore Middle School and Travis High School”. Mr. Perez spoke to increased traffic, the quality of life, density, Mable Davis Park being closed and overcrowding in the schools.

Velma Perez – Reiterated what Mr. Perez stated. “The problem with me is the density and the increased traffic. It will be sad if it does become a gated area. I am familiar with the school and it is overcrowded; the teachers are struggling to teach the students”.

Tom Pate – Spoke to increased traffic, safety in the neighborhood and multi-family in the area; and spoke about City Staff. “The Golden Rule is enforced; those who have the gold, makes the rules. I will take my opportunity to voice my displeasure each time. Mable Davis Park has been closed for years, contaminated with toxins and has been on the slow track for a clean up. I think that it has remained closed for so long, while the city has promoted this type of housing development in our area. We don’t matter to the city; our problem with transients camping in the area, led my wife to suggest that we put up a sign on Burleson that reads “If you are a transient, you’d be home by now”, by the way, this development is going to displace some homeless people. Has anyone talked to them? I am not against low-income or Affordable Housing, as long as it’s not in my neighborhood”.

Commissioner Moore – “Does anyone have an idea what these houses will sell for?”

Mr. Mahn – “It will be a wide range; probably from the low 100’s to 170’s or above, depending on what the market tells us to do”.

Commissioner Riley – “How much for a family of two, since you say that most of the people here aren’t going to have any children?”

Stuart Hersh – “I don’t have that chart in front of me; but for a single person it’s roughly 39,000 and for a two family household, it’s a little more than 40,000 or closer to 45,000”.

There was discussion on SMART Housing configurations as to the price of the homes and by the number of people living in the homes.

Commissioner Riley – “Mr. Pate, you said there was an issue with transients camping in the area; seems like you would want the area developed if that’s the problem you’re having”.

Mr. Pate – “I want the transients removed and the area undeveloped. I’ve called the police and they have done nothing; it’s a bad situation”.

[Laughter in audience]

Commissioner Riley – “You don’t see any connection between having that undeveloped property...you don’t see that as attracting the transients.”

Mr. Pate – “I think if the city would put its efforts at getting rid of the transients rather than hiring all these people that support SMART Growth, we could get those transients out of there; and let free market take place. Keep the zoning as it is, just because someone wants to sell their property and put some money in their pocket. That’s not good enough for me”.

Jennifer Ellis – “There is high density housing in this area; there is very little single-family in the area; I think this is the only large part of land that’s left in the area”. Ms. Ellis spoke to density, increase in traffic, and the overcrowding elementary school. “The school should be the one who purchases this land; they need more space”.

Javier Perez – “I grew up taking the bus to school and I had to walk also; now I’m considered for my little brother because the area is more densely packed; and he has to walk to catch the bus to school. I would hate to see a very eclectic diverse neighborhood turned into something degraded and to see my little brother grow up in that”.

Sherri Ranks – “I’m sort of in between. My concerns are, I have two duplexes and they are very well maintained. They are across the street from Carson Drive, which is now a little dead-end cul-de-sac, so I’m concerned about traffic going in and out of there. Right now traffic coming off Royal Hill Drive and turning off into Parker Lane is very busy. My mailboxes are taken out on a regular basis because of the traffic on that street. I am concerned about more traffic, more density. I would like to see a high dollar project go in there. We have Affordable Housing, it didn’t use to be all affordable housing over there, but because it has become a depressed area, there’s rental property and places for sale all over the place. The rents are very depressed; so we don’t need anymore affordable housing; because I have to fight to keep my rents where I could afford to pay my mortgages”.

REBUTTAL

Mr. Mahn -- "We are intending to sell these to owner occupants. We think that with more owner occupants in this neighborhood, there would be more opportunities for more participation in these neighborhood planning groups. There was complaints about the lack of participation in the sessions, I believe if there's more homeowners in these neighborhoods, you'll see more involvement to try to improve the conditions in their neighborhood".

Commissioner Sullivan -- "Did you consider SF-4A, instead of SF-6, so that you wouldn't have to do the condominium regime?"

Mr. Mahn -- "We couldn't get the density in order to be able to afford to do the project".

Commissioner Galindo -- "Would you be able to offer an opinion as to what the actual market value of the property is as it is currently zoned, versus what the market value would be under SF-6?"

Mr. Mahn -- "Probably half of what I'm paying for the property. If we can't make this work, it's not economically feasible for me to do this project, under the alternatives that are available...."

Commissioner Galindo -- "Let's separate away from this project... as a developer whose looked at lots of different types of projects and has a sense of what a property is worth as it is currently, if you were a real estate agent trying to find a client to buy it. What is the increment in value that we are creating or would be creating if we were to change the zoning from what it is today to what you're proposing for the existing land owners?"

Mr. Mahn -- "The completed value of the improvements that we're going to do, are probably going to be between 40 and 50 million dollars. You can probably build on this property between 100 and 140 duplexes".

Commissioner Riley -- "Is there anything in the smart housing program that would stand in the way of having a gated community?"

Mr. Hersh -- "We discourage it; we don't prohibit it, but we do discourage it".

Commissioner Riley -- "Is there any way that it can be addressed by a way of a conditional overlay, to restrict..."

Mr. Hersh -- "The owner has indicated a willingness to dialogue about any of the neighborhood concerns and those that they are able to accommodate to incorporate those in a Conditional Overlay. As the applicant said tonight, some of the concerns that you heard tonight, we heard today for the first time. There may or may not be opportunities to do that, we will be evaluating everything we heard tonight, in preparation for the conditional overlay that in companies this to City Council".

Mr. Mahn -- "I offered as a Conditional Overlay, not to attach any of the housing. That is not what the neighborhood wants; so I offered that".

Various questions were directed at Mr. Mahn regarding the project, by the Commissioners.

Questions were raised regarding parkland fees. It has been concluded that park land fees would apply to this SMART Housing project.

Commissioner Riley -- "On the hike and bike trail suggestion, do you have any reaction on the prospect for including a trail along the creek?"

Mr. Mahn -- "We want to promote walkability in this community; it's a small project, but we will do whatever we can to make it walkable".

Commissioner Riley -- "I don't know if that could be in a conditional overlay, but at least you're open to it".

Commissioner Hollon and Galindo motioned to close the public hearing.

Motion

Commissioner Sullivan -- "I move for staff recommendation".

Commissioner Medlin -- "I'll second".

Commissioner Sullivan -- "I want to express my dismay that the is against more children living adjacent to a school. I can understand that the school is overcrowded, I have campaigned for the school bonds, so I believe the solution is expanding schools; but I think we should also be looking at adding child age populations close to and adjacent to schools so that kids could walk or ride their bikes to school; so parents do not have to drive far to take their children to school. The issues regarding the school, to me, are moot and in fact I would encourage more children to live in the neighborhood. Second, we have approved a large amount of SF-4A, so this is another alternative to small lots. I think this is good in adding to the mix of affordable housing options. Regarding the density, this is much less dense than MF-1. Overall, I believe this is a good project for this location".

Commissioner Medlin -- "I support that Commissioner Sullivan said; I would like to add that I do think that the condominium project is in fact single-family and it will provide an opportunity for a high level of maintenance in that area, which would be desirable. It will have a tendency to improve some of the blighted areas in that part of town".

Commissioner Hollon -- "Will you include some of the considerations we talked about with the open space, hike and bike trails, trees etc.?"

Commissioner Riley – “I’d be interested in either a friendly amendment or a substitute motion to the extent of a Conditional Overlay that could address the issues of gating and a greenbelt along the creek. I would support something along those lines. I don’t think that you could require that they put in a greenbelt as a Conditional Overlay”.

Wendy Walsh, staff – “We may not be able to do the gating by a conditional overlay or the hike & bike trail. But by a restrictive covenant with the city, for both those issues, gating and providing access, it could be done by a restrictive covenant”.

**COMMISSION ACTION:
MOTION:**

**SULLIVAN, MEDLIN
APPROVED STAFF'S
RECOMMENDATION FOR SF-6-CO
ZONING.
RESTRICTIVE COVENANT FOR THE
FOLLOWING 3 ITEMS:**

- 1. GATING OF THE RESIDENTIAL
COMMUNITY IS PROHIBITED;**
- 2. PROVIDE BIKE & PEDESTRIAN
ACCESS TO THE HIKE & BIKE
TRAIL ALONG THE NORTH
PROPERTY LINE ADJACENT TO
COUNTRY CLUB CREEK;**
- 3. PROVIDE PEDESTRIAN ACCESS
ALONG THE EAST PROPERTY
LINE WHERE ADJACENT TO
LINDER ELEMENTARY
SCHOOL.**

AYES:

ABSENT:

**RILEY, SULLIVAN, MEDLIN,
GALINDO, HOLLON, MOORE
CORTEZ, REDDY**

MOTION CARRIED WITH VOTE: 6-0.