

**Motion #3: Land Use Recommendation L.6.2 related to the Austin State School**

**Recommended by:** *Neighborhood Plan Subcommittee*

**L.6.2**

The design of any redevelopment should be compact, mixed use, and walkable so that automobile trips are minimized. Redevelopment should result in harmonious *residential* development near the existing residential areas and concentrate the *more intensive mixed use* development toward the northeast corner of the tract at MoPac and 35<sup>th</sup> Street. Preserving significant amounts of public and private open space is encouraged.

**Recommended by:** *Neighborhood*

**L.6.2**

The design of any redevelopment should be compact, mixed use, and walkable so that automobile trips are minimized. Redevelopment should result in harmonious, *single-family* development near the existing residential areas and concentrate the more intensive mixed use development toward the northeast corner of the tract at MoPac and 35<sup>th</sup> Street. Preserving significant amounts of public and private open space is encouraged.

**Motion #4: Land Use Objective 7 and Recommendation L.7.1 related to the Brackenridge Tract**

**Recommended by:** *Neighborhood*

**7: Encourage the University of Texas to keep the Lions Municipal Golf Course, West Austin Youth Association, and Field Research Laboratory uses in place with consideration made for additional recreational opportunities on site, and to otherwise comply with the parameters established by the 1989 Brackenridge Tract Development Agreement.**



The Brackenridge Tract is a vital part of the planning area. Not only does the Tract provide numerous critical functions for research and graduate student family housing, its existing uses are also a valued and integral part of the surrounding West Austin community. The Brackenridge Field Laboratory use is one of the University's most highly acclaimed and nationally ranked academic programs. In addition, there are Graduate Student Housing uses which support of the University's graduate students and doctoral candidates, and provide diversity in terms of race and economics as well as allowing for residents to interact with each other and learn lessons such as tolerance and understanding. There are also valued public recreational uses at the West Austin Youth Association (WAYA) facility and the historically recognized Lions Municipal Golf Course. Because most of the Tract lies within either the Lake Austin Watershed or the Town Lake Watershed and is within our Drinking Water Protection Zone, any adverse development could degrade the environment and water quality for the citizens of Austin and those downstream from Austin.

It is also recognized that the Tract represents a significant opportunity for both the University of Texas and the community, but that opportunity does not lie solely in its development potential.

**L.7.1**

Create recreational opportunities and community events that coexists with the existing Brackenridge Tract uses and residents.

**L.7.2**

Encourage a tree survey at the Brackenridge Tract to determine whether there are any trees that meet the City's tree protection requirements.

**L.7.3**

The Brackenridge Tract is encouraged to have more events and activities that include the surrounding neighborhood.

**L.7.4**

Work with the City of Austin and the University of Texas to communicate the desire of keeping the Lions Municipal Golf Course and West Austin Youth Association uses in place.

**L.7.5**

The Lions Municipal Golf Course (141.38 Acres) should remain an affordable, public golf course in perpetuity with consideration made for the addition of non-golfing recreational opportunities on site. We actively support the acquisition of this tract by the City of Austin utilizing any available means including cash and non-cash alternatives.

**L.7.6**

The West Austin Youth Association Tract (14.56 Acres) should remain under the control of this nationally recognized, privately funded, non-profit organization that provides positive recreational opportunities through 30 separate programs for more than 4,000 youngsters annually from throughout Austin.

**L.7.7**

The University of Texas at Austin Brackenridge Field Laboratory (81.97 Acres) should remain at its current unique and irreplaceable location.

**L.7.8**

The Colorado Apartment and Brackenridge Apartment Tracts (74.24 Acres) should be redeveloped to include denser graduate student, doctoral candidate and faculty housing as well as neighborhood retail/neighborhood mixed use development, the latter at a level and in a manner that does not exceed the terms of the 1989 Brackenridge Tract Development Agreement for non-university purposes.

**L.7.9**

The Deep Eddy Tract (16.42 Acres) that includes the Gables Apartments, CVS Pharmacy and 7 Eleven, if chosen to be redeveloped, should be redeveloped in such a way as to maximize the protection of the Deep Eddy neighborhood adjacent by mitigating the potential for related cut-through traffic and overflow parking. Further, any new construction should transition away from the residential portion of the adjacent neighborhood.

**L.7.10**

The Boat Town Tract (2.58 Acres) including Oyster Landing should remain unchanged. Any proposed changes at Oyster Landing should be carefully examined so as not to exacerbate difficulties currently experienced at certain times, regarding parking, and pedestrian and car traffic.

**L.7.11**

The Park Street Tract (13.21 Acres) that includes the LCRA and ancillary surface parking should remain unchanged, unless sufficient free public parking remains on

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site to meet the parking demand of the Boat Town Tract as well as any additional development.

#### **L.7.12**

The Randall's Tract (2.64 Acres) should remain under its current land use though reconfiguration of the site itself might be beneficial.

#### **L.7.13**

Any additional development, per L.7.5, L.7.6, and L.7.11, should be compatible along Enfield Road with the adjacent Tarrytown neighborhood.

### **8: If the Brackenridge Tract is (re)developed, it should be done in harmony with the adjacent neighborhoods, transportation system, and natural resources.**

As a part of the neighborhood planning process and in response to the University's stated interest in redeveloping the Brackenridge Tract, the City hosted a meeting to discuss stakeholders' interest in the future of the Brackenridge Tract. The sidebar lists the interests that were identified during this meeting as well as other neighborhood meetings. The University also had a public process which included a series of meetings to obtain public input on the creation of one or more conceptual master plans under certain assumed development constraints.

In the event that The University of Texas Board of Regents decides to allow redevelopment of any kind to take place on the Lions Municipal Golf Course and WAYA tracts in direct opposition to the desires of the West Austin community, any such redevelopment should be limited by the terms of the 1989 Brackenridge Tract Development Agreement, a binding intergovernmental agreement still in full force and effect, which was negotiated in good faith to allow more intense development for the Gables tract, Colorado and Brackenridge Apartment tracts, Oyster Landing, and the Park Tract (where the LCRA is now) as a "transfer of development" from the Lions Municipal Golf Course and the Field Research Laboratory.

#### **L.8.1**

Redevelopment should be accomplished through a master plan that encompasses the entire tract and integrates it into the neighborhood. Piecemeal development should be discouraged.

#### **L.8.2**

The design of any redevelopment should be compact, mixed use, and walkable so that automobile trips are minimized. Redevelopment should result in harmonious residential development near the existing residential areas and concentrate the more intensive mixed use development toward the southern portion of the Tract along Lake Austin Boulevard, provided that the shoreline strip or region along Lady Bird Lake is preserved as natural, open or green space. Preserving significant amounts of invaluable urban green space and its remarkable trees is encouraged.

#### **L.8.3**

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Preserve waterfront land and comply with the City of Austin's Waterfront Overlay along Lady Bird Lake. Preserve vegetative buffers, including trees, wherever development occurs adjacent to existing residential neighborhoods. Provide additional vegetative buffers, including trees, for development more intense than single family.

#### **L.8.4**

Redevelopment should comply with City of Austin stormwater regulations. Water quality devices should be installed to minimize pollution. These systems should also incorporate recreational opportunities for the public, such as walking trails around attractive and landscaped detention ponds. Landscaping should be based on applicable city requirements to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

#### **L.8.5**

Redevelopment should avoid environmentally sensitive resources such as protected trees, wetlands, waterbodies, and endangered or threatened plant or wildlife habitat.

#### **L.8.6**

Redevelopment should be sensitive to any historically significant resources and should make every effort to protect and preserve these resources.

#### **L.8.7**

Any redevelopment should not significantly increase motor vehicle traffic in the surrounding Tarrytown, Deep Eddy and West Lake Hills neighborhoods. Any additional traffic volumes generated as a result of redevelopment should be directed away from the existing residential neighborhoods. There should be no street access to such redevelopment along Enfield Road between Lake Austin Boulevard and Exposition Boulevard that would promote cut-through traffic on adjacent and nearby neighborhood streets.

#### **L.8.8**

Should comply with all City of Austin codes and ordinances as well as its zoning and land use regulations.

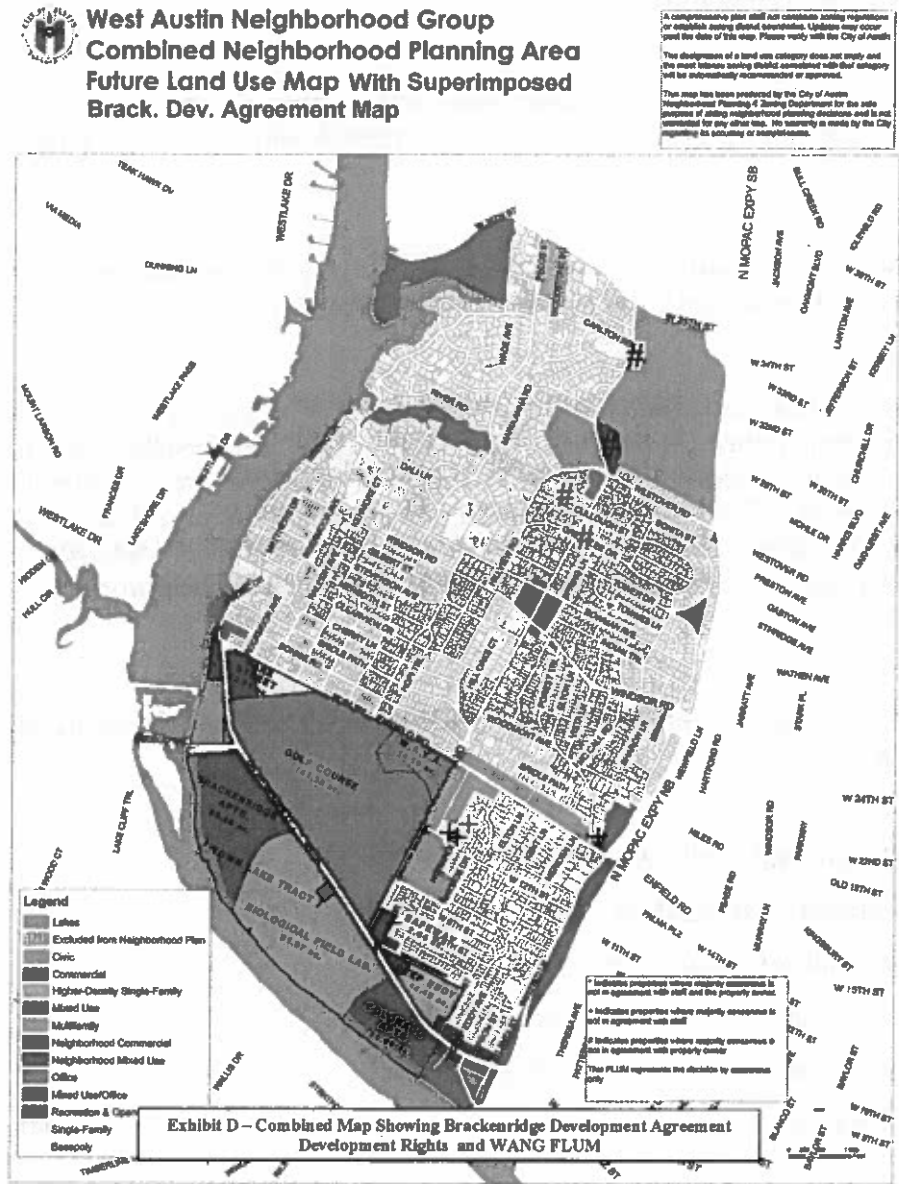
#### **L.8.9**

Should be limited to and not exceed the overall development limitations established by the 1989 Brackenridge Development Agreement, a binding intergovernmental agreement negotiated in good faith by the University of Texas System, the City of Austin and the Austin community.

NOTE: The Overall Development Limitation calls for no more than 1,700,000 sq. ft. of development for Non-University Purposes. Section 7.8, page 92 of BDA.

L.8.10

Should strive for no net loss in affordable student housing resulting from potential relocation of the Colorado and Brackenridge Apartments.



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## Exhibit F Comparative Analysis

### Density

|            | WANG<br>PA | BTDA  | % Increase | Brack Park | % Increase | Brack<br>Village | % Increase |
|------------|------------|-------|------------|------------|------------|------------------|------------|
| D.U.s      | 5,320      | 1480  | 28%        | 6645       | 125%       | 8698             | 164%       |
| Units/Acre |            | 16/22 |            | 19         |            | 25               |            |

The D.U.s enumerated here do not include any student housing as University development is exempted from the agreement. The BTDA number above assumes that, based on stakeholder input to the University including its Division of Student Housing and its Graduate Student Assembly – with the support of the community, that the 515 D.U. located on site are replaced by comparable units in any redevelopment of the Colorado and Brackenridge Apartment Tracts. Were student housing to be eliminated, net D.U. gain would be 18%.

Cooper Robertson's Brackenridge Park and Brackenridge Village include at least 165 acres more in redeveloped area by taking critical urban greenspace. The Village plan exacerbates that further by taking the University's irreplaceable Brackenridge Field Lab to accommodate additional density.

Note: The Mueller Development and the Domain are at 6 and 15 units per acre respectively.

### Population Density

The Planning Area has a gross average population per acre of 5.8. The City of Austin's statistical analysis of 63 selected neighborhoods reveals a gross population density of 6.8 per acre. Citywide, the average population per acre is 3.83. CWANPA deviates by 1 person per acre based on the selected neighborhoods and nearly 2 more per acre than the citywide average. This former is comparable to density at the Triangle and places the planning area within one person per acre, more or less, to most comparable neighborhoods including Allandale, Barton Hill, Highland, Montopolis and Crestview. It is a fallacy that CWANPA is less dense than any but the most densely populated neighborhoods on a gross basis. Redevelopment of any portion of the Brackenridge Tract will have a dramatic increase in gross population per acre.

### Affordability

Current University housing (515 D.U.) on the Brackenridge and Colorado Apartment Tracts is priced predominately around 10% MFI and 30% of generally accepted low income affordability targets. The Gables Lake Austin project is now 15 year old and is used because of its proximity to the Brackenridge and Colorado Apartments.

MFI    \$6,108.33/mo                      30% MFI            \$1,832.50/mo

| Unit<br>Rent | UT 1 Br<br>\$510/\$541<br>28%/29.5% LI<br>8% MFI | UT 2 Br<br>\$583/\$615<br>32%/33.5% LI<br>10% MFI | Gables 1 Br<br>\$1402<br>76.5% LI<br>23% MFI | Gables 2 Br<br>\$1850<br>101%LI<br>30% MFI |
|--------------|--|---|--|--|
|--------------|--|---|--|--|

Redevelopment for non-University purposes does not preclude inclusion of a mix of market and University housing. None of the limitations imposed by the Brackenridge



Tract Development Agreement restrict University development on the Tract. Community consensus is that University housing be retained to meet both affordability and diversity objectives.



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Writer's Direct Number: (512) 499-4517

**Florence P. Mayne, J.D.**  
Executive Director  
[fmayne@utsystem.edu](mailto:fmayne@utsystem.edu)

June 9, 2010

Chairman Dave Sullivan  
Austin Planning Commission  
c/o Mr. Paul DiGiuseppe  
Neighborhood Planning & Zoning Department  
505 Barton Springs Road, 5th Floor  
Austin, Texas 78704

Via First Class Mail and Email:  
[sully.jumpnet@sbcglobal.net](mailto:sully.jumpnet@sbcglobal.net)

Mr. Paul DiGiuseppe  
Principal Planner  
Neighborhood Planning & Zoning Department  
505 Barton Springs Road, 5th Floor  
Austin, Texas 78704

Via First Class Mail and Email:  
[Paul.DiGiuseppe@ci.austin.tx.us](mailto:Paul.DiGiuseppe@ci.austin.tx.us)

Re: Central West Austin Combined Neighborhood Plan

Dear Chairman Sullivan and Mr. DiGiuseppe:

In the May 25 Planning Commission meeting, Mr. DiGiuseppe recommended that the Brackenridge Tract be excluded from the Central West Austin Combined Neighborhood Plan. Mr. DiGiuseppe stated in the meeting that the staff recommendation was based on the City's limited authority over state agencies such as The University of Texas and the fact that the U. T. System Board of Regents is presently involved in a planning process for the tract and has not yet made any decisions. He added that the recommendation is supported by the precedent of the City having excluded Austin Community College's Riverside tract in the neighborhood planning that included that area.

As the Neighborhood Plan Subcommittee and the full Planning Commission consider the staff's recommendations and the citizens' comments from the May 25th meeting of the Commission, I wish to relay to you that I appreciate the staff's thoughtful, realistic recommendation that the Brackenridge Tract be excluded. The staff's Objective 7 in the Land Use chapter proposes to "[c]ontinue working with stakeholders within the planning area, including the University of Texas, regarding the future of the Brackenridge Tract." I look forward to continuing the dialogue with City officials as the Board of Regents continues to evaluate the future of the tract in

The University of Texas at Arlington

The University of Texas at Austin

The University of Texas at Brownsville

The University of Texas at Dallas

The University of Texas at El Paso

The University of Texas - Pan American

The University of Texas  
of the Permian Basin

The University of Texas at San Antonio

The University of Texas at Tyler

The University of Texas  
Southwestern Medical Center at Dallas

The University of Texas  
Medical Branch at Galveston

The University of Texas  
Health Science Center at Houston

The University of Texas  
Health Science Center at San Antonio

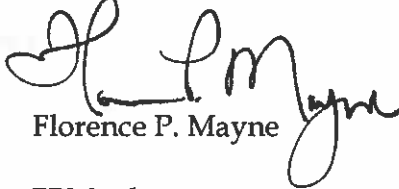
The University of Texas  
M. D. Anderson Cancer Center

The University of Texas  
Health Science Center at Tyler

[www.utsystem.edu](http://www.utsystem.edu)

the context of Colonel Brackenridge's express purpose for the gift of the Brackenridge Tract to the University: "advancing and promoting University education" at The University of Texas at Austin.

Sincerely,

A handwritten signature in cursive script, appearing to read "Florence P. Mayne".

Florence P. Mayne

FPM:mb

(11)

## Motion #12: Small Lot Amnesty

### **Recommended by:** *Neighborhood*

**From:** Michael R. Cannatti Sent: Wednesday, June 16, 2010 11:28 AM  
**To:** sully.jumpnet@sbcglobal.net; Danette Chimenti; jay\_reddy@dell.com; amdealey@aol.com; dave.anderson.07@gmail.com; clint\_small@hotmail.com; bdeleon78@gmail.com; vskirk@att.net; kbtovo@earthlink.net  
**Cc:** DiGiuseppe, Paul; wang-board@westaustinng.com; Michael Curry; Sara Marler; Vivian Wilson; Dealey Herndon; Cathy Kyle; MPowell@AtlanticTrust.com  
**Subject:** RE: Tonight's Central West Austin Combined Neighborhood Plan Subcommittee Hearing - June 16, 2010

**Attachments:** PC Neighborhood Plan Subcommittee Presentation.pdf  
Commissioners--

In advance of tonight's Neighborhood Plan Subcommittee meeting, we have prepared and attached a presentation outline relating the issues discussed at the May 25 Planning Commission hearing for the Central West Austin Combined Neighborhood Plan. In particular, there were requests from the commissioners relating to various land use and zoning matters, as well as the Austin State School and Brackenridge tracts and likely development thereon, and the impact of such development on our neighborhood planning process. We have attempted to organize this information (with linked exhibits) along the lines of the Motion Sheet for this case, although there are some "additional issues" listed at the end of the presentation outline.

The information presented concerning the development at the Brackenridge and Austin State School tracts shows that there are significant increases in density of residential and retail amenities in our planning area, both under the terms of the Brackenridge Development Agreement and the Cooper Robertson conceptual plan proposals. In addition, we would note that the plan proposes density-increasing land development uses in the alternative for both the Austin State School tract (as proposed in the proposed land use chapter) and the Brackenridge tract (as proposed by the neighborhood stakeholders, but excluded from the land use chapter).

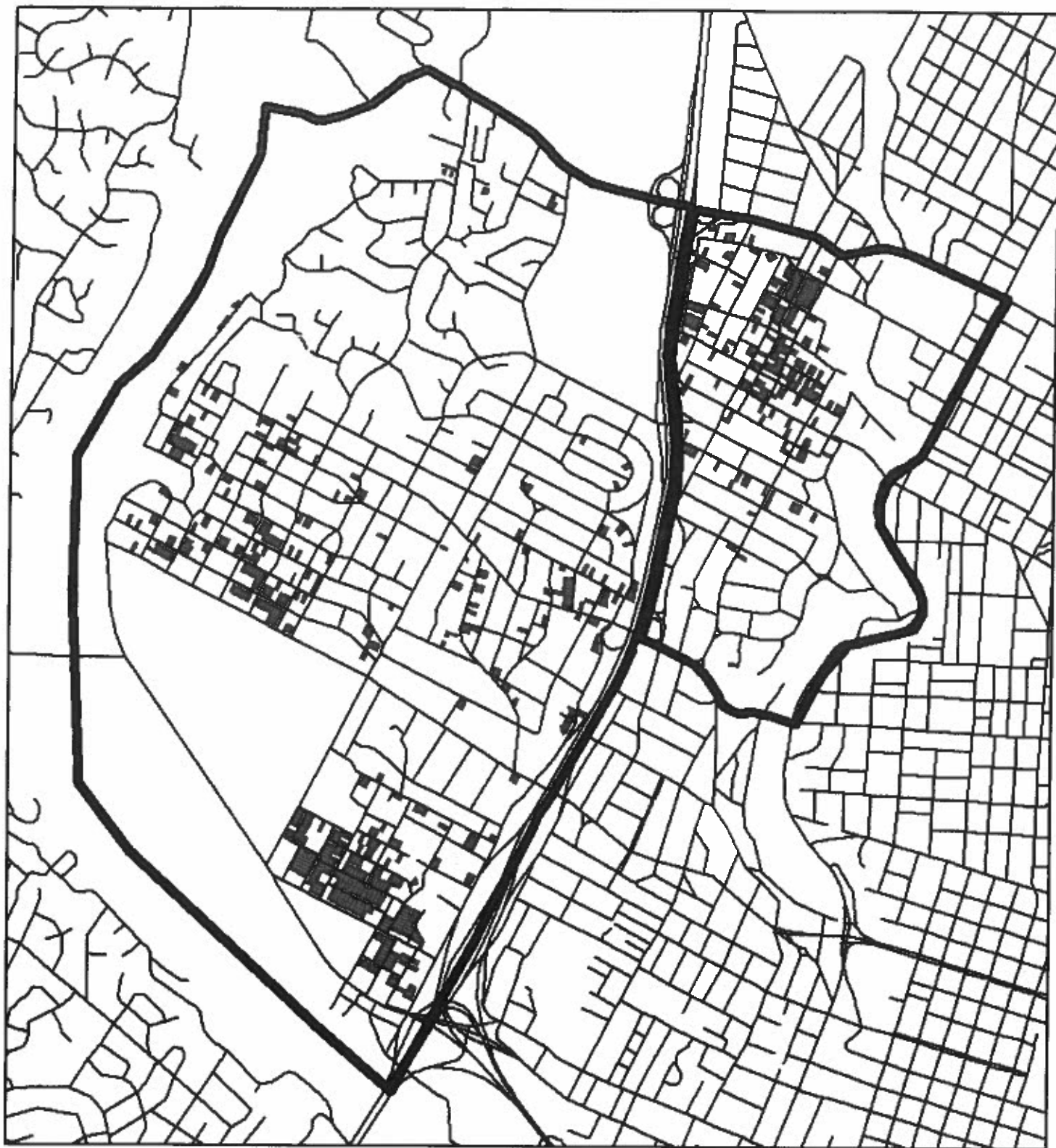
We have also presented information relating to the zoning cases which we can explain further at tonight's meeting. There may also be new information available tonight to bring to your attention regarding the subjects of Motions 18-20.

One last point regarding the infill options in this plan. Given the available duplex-based density increases and the likely development of the Brackenridge and Austin State School tracts in our planning area, there are certainly questions about the need for additional infill in our neighborhood. **Notwithstanding these concerns, the West Austin Neighborhood Group has voted to withdraw their opposition to the small lot amnesty infill recommendation from staff**

Thank you for your consideration of this information, and we look forward to meeting with you tonight.



Michael Rocco Cannatti  
West Austin Neighborhood Group





### Legend

#### Secondary Apt and Small Lot Amnesty Lots Infill Options

-  Secondary Apartments= 564 Lots
-  Small Lot Amnesty= 112 Lots



## Bryker Woods Neighborhood Association Austin, Texas

1907 West 34<sup>th</sup> Street  
Austin, Texas 78703  
May 22, 2010

Dave Sullivan, Chair  
Danette Chimenti  
Jay Reddy

Mandy Dealey  
Benjamin De Leon  
Clint Small

Dave Anderson  
Saundra Kirk  
Kathryne Tovo

Re: C14-2010-0051: 1717, 1721 1801, 1803 and 1805 W. 35<sup>th</sup> Street.  
Windsor Road Planning Area/Central West Austin Neighborhood Plan

Dear Commissioners,

We write on behalf of the Board of the Bryker Woods Neighborhood Association and as participating stakeholders in the CWANPA planning process. This letter will focus on a very specific but extremely important issue involved in the Plan: the Staff's application to rezone the above-referenced properties on West 35<sup>th</sup> St. from LO to LO-MU-NP. We urge you to recommend DENIAL of this application and vote to maintain the current zoning.

**1. Background.** These are five tracts representing four properties, two of which are multi-family residential and two of which are a combination of multi-family and small office uses. They are part of a block the Plan describes as a "building by building, horizontal collection of small neighborhood-serving businesses, stores, and apartments" L.2.7. They were developed before 1984 when multi-family use could be legally built on LO zoning. Notwithstanding their LO zoning, these properties are by Code conforming uses and conforming structures. See LDC §§ 25-2-942 and 25-2-962<sup>1</sup>. These legal conforming uses adjoin single family homes and the two have coexisted for decades.

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<sup>1</sup> § 25-2-942. USES CONFORMING ON MARCH 1, 1984. The use of a building, structure, or property that conformed with the zoning regulations in effect on March 1, 1984 is a conforming use notwithstanding the requirements of this chapter.

§ 25-2-962 STRUCTURES COMPLYING ON MARCH 1, 1984. (A) A structure that complied with the site development regulations in effect on March 1, 1984, is a complying structure notwithstanding the requirements of this chapter.

**2. The Community Opposes the Application.** The community consensus, voiced during the planning process, was to adopt the Neighborhood Commercial FLUM designation for these properties. That designation conforms to their existing zoning and both permits and encourages their continued use as "a horizontal collection of small neighborhood-serving businesses, stores, and apartments." The community expressed overwhelming opposition during the planning meetings to Staff's proposed FLUM designations and to its proposed zoning changes. The community is joined in its opposition by the Bryker Woods Neighborhood Association, the West Austin Neighborhood Group and the Pemberton Heights Neighborhood Association. Most importantly, the Staff's proposed FLUM and zoning changes are strongly opposed by the adjoining single family homeowners – the parties who will be most directly affected by a zoning decision. A valid petition in opposition has been filed and confirmed for each property under consideration. To grant the zoning changes under these circumstances would take the neighborhood out of "neighborhood planning" and would essentially mean that the public's participation was meaningless.

**3. Affordable Housing is at Stake.** The Plan calls for the preservation of "the existing multi-family residential uses" on W. 35<sup>th</sup> St. (L.2.1.). These properties are among the most affordable housing, if not the most affordable housing, in the Windsor Road planning area. They do not reflect the current high land values and new construction costs. Granting the application and changing the zoning to "mixed use" (LO-MU) would only serve to promote redevelopment of the properties into new mixed use projects, thereby eliminating the existing affordable housing and replacing it with new more expensive – and therefore less affordable -- units. In order to preserve this affordable housing that does exist in the planning area the Staff's zoning application for the W. 35<sup>th</sup> St. properties should be denied.

It is important to recall in this regard that during the Windsor Road Vertical Mixed Use process the Bryker Woods neighborhood recommended that 22.82 out of the 27.46 acres in the VMU Overlay District be confirmed as VMU zoned properties and that only 17% of the proposed district be "opted-out." The opted-out properties were largely made up of these W. 35<sup>th</sup> St. tracts, which provide more affordable housing than a VMU development. To promote affordability for a percentage of the confirmed VMU developments, the neighborhood recommended the 60% of MFI affordability option – the most affordable level offered. The Planning Commission and City Council both unanimously adopted these recommendations. The Staff's application is inconsistent with these prior decisions of the Planning Commission and City Council and with the will of the community reflected in those determinations.

**4. Our Neighbors Should Have a Voice.** If this application is granted and the properties are rezoned as part of the neighborhood planning process, the adjoining single family neighbors and the neighborhood as a whole will lose any voice whatsoever concerning a future mixed use



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development project. They will have no forum to make objections or request improvements, modifications or adjustments to the project. What Staff is proposing is a blanket rezoning of four properties (five lots) across the fence from single family homes. There are no development proposals. The Staff is the applicant. No one can say what any future mixed use projects on these properties will look like or what their impact, singularly or collectively, will be on the adjoining neighbors. Comparing site development standards among zoning districts is no substitute for input into a real project, subjected to public scrutiny. As a matter of simple fairness, the adjoining homeowners should have a chance to voice their opinion as to the appropriateness of any mixed use development that will overlook their back yards for the next 50 years. They should not lose that chance through the neighborhood planning process.

It should be noted that the text of the Plan provides that "[i]f these properties redevelop, encourage a similar scale and the preservation of affordable rental housing, which contributes to the diversity of the neighborhood." (L.2.1) Granting the zoning application as part of the Plan would remove any means or opportunity for the neighborhood to implement this provision. Rezoning these properties in this process silences our neighbors' voices and ties their hands.

**5. Conclusion.** The Staff's zoning application is unwarranted. There is no "non-conforming use" to "correct." Regardless, the Staff's rationale, were it fact-based, could not be used to justify a zoning change to the detriment of the community. There is overwhelming opposition to this application. It jeopardizes the existing affordable housing and leaves the adjoining homeowners and the neighborhood – and for that matter the Planning Commission and City Council -- with no say in any future mixed use development. Granting this application would be very bad policy and would reflect a failure of the neighborhood planning process.

We urge the Commission to adopt the community's Neighborhood Commercial FLUM recommendation and deny the Staff's application for rezoning. Thank you for all of your work on behalf of the citizens of Austin.

Sincerely,

Joyce Basciano, President  
Bryker Woods Neighborhood Association

Michael Curry, Chair  
BWNA Neighborhood Plan  
Subcommittee



16

## DiGiuseppe, Paul

**From:** Linda MacNeilage [Linda.MacNeilage@cityofaustin.net]  
**Sent:** Tuesday, June 22, 2010 10:05 AM  
**To:** Guernsey, Greg; DiGiuseppe, Paul; Dave Sullivan; Dave Anderson; Danette Chimenti; Benjamin Deleon; Kathryn Tovo; vskirk@att.net; Mandy Dealey; jay\_reddy@dell.com  
**Subject:** Please vote against rezoning of Tract 104, and Motion 18 and 19 re: Deep Eddy Section of WANG

### 7th and Hearn Street Neighbors:

The Central West Austin Neighborhood Planning process is nearing the end of a two year process. The Plan will be presented to the Planning Commission tonight, Tuesday, June 22, 2010 at 6:00 or later.

Some zoning changes are included that will greatly effect the future of the Deep Eddy neighborhood. You might consider going to the Planning Commission to express your opinion or emailing the Planning Commission at the addresses below. Following the Planning Commission decision, it will go to City Council.

700 Hearn Street is suggested by City Staff to be zoned to MF-6 which could allow a 90' high building (like downtown) in a neighborhood of mostly single family homes. This property is currently a 30-unit apartment complex of small, affordable units. At the point when it will be torn down in the future, the zoning of MF-6 would give it much higher density than it is now as a 2 story structure. It is almost a half acre and together with the other properties next door could become almost an acre that investors might want to develop to the max which would have a big impact on the homes around it. This is Tract 104 and is not a Motion like the others below but should be contested as it is the main issue and the others just follow from it.

Next door to 700 Hearn is 2309 Pruett St., an old fourplex that exists now on a lot that is not even big enough for a duplex under current city rules. The City Staff wants this property to be zoned a very high density MF-2. SF-6 or lower is what the neighbors who attended planning sessions wanted which would allow townhomes or a duplex and be more in keeping with single family homes nearby.

On the other side of the apartment complex is 2310 West 7th Street with SF-3 zoning recommended by staff which seems like the best choice although the owner would like it be high zoning to be able to join it to 700 Hearn to maximize their investment.

**PLEASE NOTE:** Tract 104 (700 Hearn) needs to be contested in addition to these two Motions that are on the Agenda at the Planning Commission tonight:

**Motion 18:** Contested FLUM designations with rezoning in WANG Planning Area (2309 Pruett Street) (Tract 105) PC NP Subcommittee  
**Recommendation:** Recommend MF-2 with conditional overlay limiting to four units.

**Motion 19:** Contested FLUM designations with rezoning in WANG Planning Area (2310 W. 7th Street) (Tract 106) PC NP Subcommittee  
**Recommendation:** Recommend SF-3.

### AN EMAIL TO SEND to Planning Commissioners could include:

1. Give your name and address.
2. Tract 104 (700 Hearn) needs to be contested and considered more carefully. A postponement would allow for neighbor input. MF-6 zoning is too high density for the area of single family homes around it. A massive structure and a higher volume of traffic would not be appropriate there.
3. Tract 105 (2309 Pruett Street) should be SF-6 or less zoning. The lot is not even big enough for a duplex by today's standards. Protest Staff recommendation of MF-2 which is too high density for that location.
4. Tract 106 (2310 West 7th Street) should be SF-3 to assist with massiveness and compatibility constraints on the future of the apartment building.

Dear Planning Commissioners, and City Staff:

6/22/2010

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I am writing to let you know of my concerns regarding the following proposed rezoning of properties in the Deep Eddy area of WANG:

MF-6 seems inappropriate for Tract 104, surrounded by single family residences.

SF-6 zoning would seem appropriate for Tract 105, rather than MF-2.

SF -3 would seem appropriate for Tract 106.

I would urge you to oppose Motion 18 and Motion 19.

It is important to respect the boundaries of our residential neighborhoods, and not set precedents which can then be used to further erode the neighborhood boundaries.

Thank you for your service to our city, and I appreciate your careful consideration of this issue.

Linda MacNeilage  
606 Harthan St.  
478-7069

6/22/2010

CS  
18  
**DiGiuseppe, Paul**

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**From:** Jeppe  
**Sent:** Tuesday, June 22, 2010 10:43 AM  
**To:** sully.jumpnet@sbcglobal.net; dave.anderson.07@gmail.com; danette.chimenti@gmail.com; bdeleon78@gmail.com; kbtovo@earthlink.net; vshirk@att.net; amdealey@aol.com; jay\_reddy@dell.com; DiGiuseppe, Paul; Guernsey, Greg  
**Subject:** Deep Eddy Neighborhood

Jeppe Gustin Ross  
901 Wayside Drive, 78703

1. Tract 104 (700 Hearn) needs to be contested and considered more carefully. A postponement would allow for neighbor input. MF-6 zoning is too high density for the area of single family homes around it. A massive structure and a higher volume of traffic would not be appropriate there.

2. Tract 105 (2309 Pruett Street) should be SF-6 or less zoning. The lot is not even big enough for a duplex by today's standards. I protest Staff recommendation of MF-2 which is too high density for that location.

3. Tract 106 (2310 West 7th Street) should be SF-3 to assist with massiveness and compatibility constraints on the future of the apartment building.

Thank you for your consideration of the current residents of this lovely neighborhood.

Sincerely,  
Jeppe Gustin Ross



**DiGiuseppe, Paul**

**From:** Stephen Ross [mailto:stephen.ross@utsa.edu]  
**Sent:** Tuesday, June 22, 2010 11:06 AM  
**To:** Dave Sullivan  
**Cc:** dave.anderson.07@gmail.com; danette.chimenti@gmail.com; bdeleon78@gmail.com; kbtovo@earthlink.net; vskirk@att.net; amdealey@aol.com; jay\_reddy@dell.com; DiGiuseppe, Paul; Guernsey, Greg  
**Subject:** Fwd: Deep Eddy Dilemma

Dear Dave,

This is Steve Ross. We have met several times regarding Musician's Cottages, through Charlie Faye. Please know that, just as everyone else in our Deep Eddy neighborhood I've spoken with: My family and I strongly oppose the proposed zoning changes as outlined in Sara Madera's email, below. Though our neighborhood has experienced some dense development (Eg: Gables apartments on Lake Austin Blvd.), we have been able to retain one of the few 'real' neighborhoods remaining in Austin: Mixed income, small scale residential, reasonable vehicular traffic, pedestrian friendly, wonderful urban forest, etc. We fear that the proposed changes would significantly damage the current character and livability of our much-loved neighborhood and open the door for even further negative impact.

We agree with this excerpt from Sara's email:

**AN EMAIL TO SEND to Planning Commissioners could include:**

1. Give your name and address.
2. Tract 104 (700 Hearn) needs to be contested and considered more carefully. A postponement would allow for neighbor input. MF-6 zoning is too high density for the area of single family homes around it. A massive structure and a higher volume of traffic would not be appropriate there.
3. Tract 105 (2309 Pruett Street) should be SF-6 or less zoning. The lot is not even big enough for a duplex by today's standards. Protest Staff recommendation of MF-2 which is too high density for that location.
4. Tract 106 (2310 West 7th Street) should be SF-3 to assist with massiveness and compatibility constraints on the future of the apartment building.

Thank you.

My best,

Steve Ross  
901 Wayside Dr.  
Austin, TX 78703

Stephen Ross

Sr. Lecturer  
School of Architecture

6/22/2010

(27)

University of Texas  
1 University Station B7500  
Austin, TX 78712-0222

Director  
Design Build Alliance  
1101 E 6th St, Suite A  
Austin, TX 78702  
[www.designbuildalliance.org](http://www.designbuildalliance.org)

Begin forwarded message:

-----Forwarded Message-----

From: Sara Madera

Sent: Jun 22, 2010 1:26 AM

To: [rickfitzgerald@mac.com](mailto:rickfitzgerald@mac.com), [pparker@parkersolutionsgroup.com](mailto:pparker@parkersolutionsgroup.com), [debrivers@riversfamily.us](mailto:debrivers@riversfamily.us), [ghadeerokayli@mac.com](mailto:ghadeerokayli@mac.com), [kpape](mailto:kpape@mac.com), Christopher Alguire, [ybmcdonald@swbell.net](mailto:ybmcdonald@swbell.net), [sjmcdonald@swbell.net](mailto:sjmcdonald@swbell.net), [amorrana@austin.rr.com](mailto:amorrana@austin.rr.com), [sherrimorrice@yahoo.com](mailto:sherrimorrice@yahoo.com), [sarah\\_mchaney@yahoo.com](mailto:sarah_mchaney@yahoo.com), [Jeppemarie@earthlink.net](mailto:Jeppemarie@earthlink.net), [rgarcia@gmail.com](mailto:rgarcia@gmail.com), [meganmurphy@austin.rr.com](mailto:meganmurphy@austin.rr.com)

Cc: [admin@austinkulayoga.com](mailto:admin@austinkulayoga.com), [ajsarmiento@gmail.com](mailto:ajsarmiento@gmail.com), [Bianca@biancamusic.com](mailto:Bianca@biancamusic.com), [blemons@austin.rr.com](mailto:blemons@austin.rr.com), [carter@mccrary.biz](mailto:carter@mccrary.biz), [Chris@designedge.com](mailto:Chris@designedge.com), [chris@whereswalton.com](mailto:chris@whereswalton.com), [christine\\_mayo@dell.com](mailto:christine_mayo@dell.com), [christine.burgess@earthlink.net](mailto:christine.burgess@earthlink.net), [derek.mcdonald@bakerbotts.com](mailto:derek.mcdonald@bakerbotts.com)

Subject: Deep Eddy Dilemma

7th and Hearn Street Neighbors:

The Central West Austin Neighborhood Planning process is nearing the end of a two year process. The Plan will be presented to the Planning Commission tonight, Tuesday, June 22, 2010 at 6:00 or later.

Some zoning changes are included that will greatly effect the future of the Deep Eddy neighborhood. You might consider going to the Planning Commission to express your opinion or emailing the Planning Commission at the addresses below. Following the Planning Commission decision, it will go to City Council.

700 Hearn Street is suggested by City Staff to be zoned to MF-6 which could allow a 90' high building (like downtown) in a neighborhood of mostly single family homes. This property is currently a 30-unit apartment complex of small, affordable units. At the point when it will be torn down in the future, the zoning of MF-6 would give it much higher density than it is now as a 2 story structure. It is almost a half acre and together with the other properties next door could become almost an acre that investors might want to develop to the max which would have a big impact on the homes around it. This is Tract 104 and is not a Motion like the others below but should be contested as it is the main issue and the others just follow from it.

Next door to 700 Hearn is 2309 Pruett St., an old fourplex that exists now on a lot that is not even big enough for a duplex under current city rules. The City Staff wants this property to be zoned a very high density MF-2. SF-6 or lower is what the neighbors who attended planning sessions wanted which would allow townhomes or a duplex and be more in keeping with single family homes nearby.

On the other side of the apartment complex is 2310 West 7th Street with SF-3 zoning recommended by staff which seems like the best choice although the owner would like it be high zoning to be able to join it to 700 Hearn to maximize their investment.

6/22/2010



22

PLEASE NOTE: Tract 104 (700 Hearn) needs to be contested in addition to these two Motions that are on the Agenda at the Planning Commission tonight:

**Motion 18:** Contested FLUM designations with rezoning in WANG Planning Area (2309 Pruett Street) (Tract 105) PC NP Subcommittee Recommendation: Recommend MF-2 with conditional overlay limiting to four units.

**Motion 19:** Contested FLUM designations with rezoning in WANG Planning Area (2310 W. 7<sup>th</sup> Street) (Tract 106) PC NP Subcommittee Recommendation: Recommend SF-3.

**AN EMAIL TO SEND to Planning Commissioners could include:**

1. Give your name and address.
2. Tract 104 (700 Hearn) needs to be contested and considered more carefully. A postponement would allow for neighbor input. MF-6 zoning is too high density for the area of single family homes around it. A massive structure and a higher volume of traffic would not be appropriate there.
3. Tract 105 (2309 Pruett Street) should be SF-6 or less zoning. The lot is not even big enough for a duplex by today's standards. Protest Staff recommendation of MF-2 which is too high density for that location.
4. Tract 106 (2310 West 7th Street) should be SF-3 to assist with massiveness and compatibility constraints on the future of the apartment building.

Planning Commissioner's email:

Dave Sullivan [sully.jumpnet@sbcglobal.net](mailto:sully.jumpnet@sbcglobal.net)

Dave Anderson [dave.anderson.07@gmail.com](mailto:dave.anderson.07@gmail.com)

Danette Chimenti [danette.chimenti@gmail.com](mailto:danette.chimenti@gmail.com)

Ben DeLeon [bdeleon78@gmail.com](mailto:bdeleon78@gmail.com)

Kathryne Tovo [kbtovo@earthlink.net](mailto:kbtovo@earthlink.net)

Saundra Kirk [vskirk@att.net](mailto:vskirk@att.net)

Mandy Dealey [amdealey@aol.com](mailto:amdealey@aol.com)

Jay Reddy [jay\\_reddy@dell.com](mailto:jay_reddy@dell.com)

David Anderson [dave.anderson.07@gmail.com](mailto:dave.anderson.07@gmail.com)

City Staff:

Paul DiGiuseppe Planner [paul.digiuseppe@ci.austin.tx.us](mailto:paul.digiuseppe@ci.austin.tx.us)

Greg Guernsey <[Greg.Guernsey@ci.austin.tx.us](mailto:Greg.Guernsey@ci.austin.tx.us)>

Remember, it's tonight. You can watch it on TV and Commissioners read emails while they are there.

Sara Madera

2408 Pruett Street

[Sara.Madera@austin.tx.us](mailto:Sara.Madera@austin.tx.us)

512-750-5536 mobile

Stephen Ross

Sr. Lecturer

6/22/2010

23

School of Architecture  
University of Texas  
1 University Station B7500  
Austin, TX 78712-0222

Director  
Design Build Alliance  
1101 E 6th St, Suite A  
Austin, TX 78702  
[www.designbuildalliance.org](http://www.designbuildalliance.org)

29

**DiGiuseppe, Paul**

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**From:** Bianca De Leon  
**Sent:** Tuesday, June 22, 2010 11:58 AM  
**To:** sully.jumpnet@sbcglobal.net; 'Dave Anderson'; 'Danette Chimenti'; 'Ben DeLeon'; 'Kathryne Tovo'; 'Saundra Kirk'; 'Mandy Dealey'; 'Jay Reddy'; 'David Anderson'; DiGiuseppe, Paul; Guernsey, Greg  
**Subject:** See previous email

Tract 104 (700 Hearn) needs to be contested and considered more carefully. A postponement would allow for neighbor input. MF-6 zoning is too high density for the area of single family homes around it. A massive structure and a higher volume of traffic would not be appropriate there. Tract 105 (2309 Pruett Street) should be SF-6 or less zoning. The lot is not even big enough for a duplex by today's standards. Protest Staff recommendation of MF-2 which is too high density for that location. Tract 106 (2310 West 7th Street) should be SF-3 to assist with massiveness and compatibility constraints on the future of the apartment building.

Bianca De Leon  
604 Upson St.  
Austin, Texas 78703  
USA  
512-477-6871  
biancamusic.com  
info@biancamusic.com



26

**DiGiuseppe, Paul**

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**From:** Bianca De Leon [mailto:[biancamusic.com](mailto:biancamusic.com)]  
**Sent:** Tuesday, June 22, 2010 11:56 AM  
**To:** sully.jumpnet@sbcglobal.net; 'Dave Anderson'; 'Danette Chimenti'; 'Ben DeLeon'; 'Kathryne Tovo'; 'Saundra Kirk'; 'Mandy Dealey'; 'Jay Reddy'; 'David Anderson'; DiGiuseppe, Paul; Guernsey, Greg  
**Subject:** zoning change ridiculous/don't do it!

The possibility of a 90' high building at 700 Hearn is crazy. Even if the building has sufficient parking for it's tenants, there is already a parking problem in the neighborhood. I can rarely park in front of my own house since the townhouses across the street are leased out to multiple students and each have their own cars and their visitor cars. This will also clearly be the problem at 700 Hearn. The building height is also extremely incongruous for the neighborhood and would dwarf nearby homes. No one wants to look out their backdoor and see a 90' high building. People in this neighborhood pay a lot of money in taxes to be here, not in a high-rise.

Bianca De Leon

Bianca De Leon  
604 Upson St.  
Austin, Texas 78703  
USA  
512-477-6871  
[biancamusic.com](http://biancamusic.com)  
[info@biancamusic.com](mailto:info@biancamusic.com)



DiGiuseppe, Paul

CJ  
28

**From:** Tuesday, June 22, 2010 1:05 PM  
**Sent:** sully.jumpnet@sbcglobal.net; amdealey@aol.com  
**To:** dave.anderson.07@gmail.com; danette.chimenti@gmail.com; bdeleon78@gmail.com;  
**Cc:** kbtovo@earthlink.net; vskirk@att.net; jay\_reddy@dell.com; DiGiuseppe, Paul; Guernsey, Greg

Dear Chairman Sully and Vice-Chair Dealy & Members of the Planning Commission:

My name is Sharon Edgar Greenhill. My husband, Jeff Sikora, and I live at 612 Deep Eddy Ave.

You will have before you tonight consideration of zoning changes in the Deep Eddy Neighborhood suggested by City Staff:

1. We STRONGLY OPPOSE staff recommendation to rezone 700 Hearn Street (Tract 104) to MF-6, a zoning classification that would allow up to 90 feet height construction. Such zoning classification is highly inappropriate for our single family neighborhood, would destroy the integrity of our area, and potentially increase traffic on 7th, which is already a dangerous cut-through street from the MoPac access..  
PLEASE OPPOSE the staff recommendation to rezone 700 Hearn Street to MF-6.
2. We STRONGLY OPPOSE staff recommendation to rezone 2309 Pruett Street (Tract 105) to MF-2, a density that is too high for the neighborhood, again for the same reasons above.  
PLEASE OPPOSE this recommendation.
3. We recommend SF-3 zoning for 2310 West 7th (Tract 106).

This neighborhood is truly special. All of us living here take pride in preserving the historic integrity which dominates the neighborhood. For example, Jeff and my house at 612 Deep Eddy dates to at least 1917, perhaps earlier. Many houses are equally as old. The neighborhood is an oasis sandwiched between commercial & high trafficked streets and MoPac. Please stand with us in our endeavors to keep the neighborhood intact and preserved for future generations.

Thank you,  
Sharon Edgar Greenhill  
612 Deep Eddy Ave  
Austin, TX 78703





**DiGiuseppe, Paul**

**From:** August W. Harris III [mailto:awharris@att.net]  
**Sent:** Tuesday, June 22, 2010 10:29 AM  
**To:** sully.jumpnet@sbcglobal.net; 'Danette Chimenti'; jay\_reddy@dell.com; amdealey@aol.com; dave.anderson.07@gmail.com; clint\_small@hotmail.com; bdeleon78@gmail.com; vskirk@att.net; kbtovo@earthlink.net  
**Cc:** DiGiuseppe, Paul; Guernsey, Greg; Edwards, Sue; wang-board@westaustinng.com; mcmediate@msn.com  
**Subject:** RE: PC-Central West Austin Combined Neighborhood Plan Hearing - June 22, 2010  
**Importance:** High  
**Attachments:** Land Use - Neighborhood Stakeholder Brack Tract Language.doc; FLUM Comparisons.doc; Brack FLUM.jpg

Commissioners:

On behalf of the Central West Austin neighborhood organizations, we would like to thank you for your service. Due to the hard work of the Neighborhood Planning Subcommittee, much was accomplished on June 16. I will outline the various motions pending before you in regard to the Central West Austin Combined Neighborhood Plan in order to make tomorrow evening's Planning Commission meeting as efficient as possible for all concerned.

**\*\*Prior to proceeding through the Motions, we must notify the Planning Commission that the rezoning for Tract 104 (TCAD 109577) located at 700 Hearn Street is now contested. Its current zoning is CS and staff has recommended MF-6 NP. This represents spot zoning and is incompatible with surrounding and adjacent land use. Our recommendation is to rezone SF-6 NP as transitional zoning in an SF-3 area. A petition in opposition is pending.**

**I. We respectfully request that you move for adoption the following NP Subcommittee recommendations.**

**Motion 8: Contested FLUM designations without rezoning in WANG Planning Area (2600/2601 and 2531/2527 Exposition – TUMC and Sanctuary)**

PC NP Subcommittee Recommendation: Maintain as Single Family land use.

**Motion 12: Contested Special Use Infill Options (Small Lot Amnesty)**

PC NP Subcommittee Recommendation: Recommend Small Lot Amnesty.

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PC NP Subcommittee Recommendation: Include Garage Placement tool in Windsor Road Planning Area, but not WANG Planning Area.

**Motion 15: Contested FLUM designations with rezoning in Windsor Road Planning Area (1717/1721/1801/1803/1805 W. 35<sup>th</sup> Street)**

PC NP Subcommittee Recommendation: Maintain current zoning and land use (Neighborhood Commercial FLUM). Note that there is a valid petition in this case.

**Motion 16: Contested FLUM designations with rezoning in Windsor Road Planning Area (3402 Kerbey Lane)**

6/22/2010



(31)

**DiGiuseppe, Paul**

**From:** Sara Madera [mailto:saramadera@cityofaustin.gov]  
**Sent:** Tuesday, June 22, 2010 2:37 PM  
**To:** DiGiuseppe, Paul  
**Subject:** Deep Eddy Dilemma

Planning Commission:

Please consider the following information I sent to the:

7th and Hearn Street Neighbors:

The Central West Austin Neighborhood Planning process is nearing the end of a two year process. The Plan will be presented to the Planning Commission tonight, Tuesday, June 22, 2010 at 6:00 or later.

Some zoning changes are included that will greatly effect the future of the Deep Eddy neighborhood. You might consider going to the Planning Commission to express your opinion or emailing the Planning Commission at the addresses below. Following the Planning Commission decision, it will go to City Council.

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On the other side of the apartment complex is 2310 West 7th Street with SF-3 zoning recommended by staff which seems like the best choice although the owner who lives next door to the 4plex and behind this one on West 7th would like it be high zoning to be able to join it to 700 Hearn to maximize their investment.

**PLEASE NOTE:** Tract 104 (700 Hearn) needs to be contested in addition to these two Motions that are on the Agenda at the Planning Commission tonight:

**Motion 18:** Contested FLUM designations with rezoning in WANG Planning Area (2309 Pruett Street) (Tract 105) PC NP Subcommittee  
**Recommendation:** Recommend MF-2 with conditional overlay limiting to four units.

**Motion 19:** Contested FLUM designations with rezoning in WANG Planning Area (2310 W. 7th Street) (Tract 106) PC NP Subcommittee  
**Recommendation:** Recommend SF-3.

**AN EMAIL TO SEND to Planning Commissioners could include:**

1. Give your name and address.
2. Tract 104 (700 Hearn) needs to be contested and considered more carefully. A postponement would allow for neighbor input. MF-6 zoning is too high density for the area of single family homes around it. A massive structure and a higher volume of traffic would not be appropriate there. SF-6 would be better.
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4. Tract 106 (2310 West 7th Street) should be SF-3 to assist with massiveness and compatibility constraints on the future of the apartment building.

Sara Madera

6/22/2010

2408 Pruett Street  
[Sara@SaraMadera.com](mailto:Sara@SaraMadera.com)  
512-750-5536 mobile

6/22/2010

**DiGiuseppe, Paul**

**From:** August W. Harris III [REDACTED]  
**Sent:** Tuesday, June 22, 2010 3:55 PM  
**To:** 'August W. Harris III'; sully.jumpnet@sbcglobal.net; 'Danette Chimenti'; jay\_reddy@dell.com; amdealey@aol.com; dave.anderson.07@gmail.com; clint\_small@hotmail.com; bdeleon78@gmail.com; vskirk@att.net; kbtovo@earthlink.net  
**Cc:** DiGiuseppe, Paul; Guernsey, Greg; Edwards, Sue; wang-board@westaustinng.com; mcmediate@msn.com  
**Subject:** RE: PC-Central West Austin Combined Neighborhood Plan Hearing - June 22, 2010 (Elm Terrace)  
**Importance:** High  
**Attachments:** Land Use - V-2 Neighborhood Stakeholder Brack Tract Language.doc

My sincere apologies to each of you for yet another email. There were several minor changes from the version that you received this morning. There were minor changes to L.8 and L.8.9 that should have been included in the version that you received this morning. Notably several of the changes simply state that the BTDA is "a binding intergovernmental agreement negotiated in good faith by the University of Texas System, the City of Austin and the Austin community." We believe that this clarifies the fact that this is an operating development agreement between the City and the University. We have suggested only a FLUM and not specific zoning nor have we submitted more detailed mapping (although you know we really would like to). We believe that the recommended FLUM is consistent with the BTDA.

Paul, please confirm that this version will be substituted in the Commissioner's package.

Thanks

**August W. Harris III**

President

Phone 512.320.8808

Fax 512.320.8684

 **Save a tree. Don't print this e-mail unless it's necessary.**

This electronic communication (including any attached document) may contain privileged and/or confidential information. This communication is intended only for the use of indicated e-mail addressees. If you are not an intended recipient of this communication, please be advised that any disclosure, dissemination, distribution, copying, or other use of this communication or any attached document is strictly prohibited. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached document.

**From:** August W. Harris III [REDACTED]  
**Sent:** Tuesday, June 22, 2010 1:10 PM  
**To:** 'sully.jumpnet@sbcglobal.net'; 'Danette Chimenti'; 'jay\_reddy@dell.com'; 'amdealey@aol.com'; 'dave.anderson.07@gmail.com'; 'clint\_small@hotmail.com'; 'bdeleon78@gmail.com'; 'vskirk@att.net'; 'kbtovo@earthlink.net'  
**Cc:** 'DiGiuseppe, Paul'; 'Guernsey, Greg'; 'Edwards, Sue'; 'wang-board@westaustinng.com'; 'mcmediate@msn.com'; 'Powell, Mark'; 'vivian.h.wilson@gmail.com'; 'Sara Marler'; 'dealey@herndontx.com'  
**Subject:** RE: PC-Central West Austin Combined Neighborhood Plan Hearing - June 22, 2010 (Elm Terrace)

6/22/2010

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[REDACTED]

**DiGiuseppe, Paul**


---

**From:** August W. Harris III [mailto:---]  
**Sent:** Tuesday, June 22, 2010 10:29 AM  
**To:** sully.jumpnet@sbcglobal.net; 'Danette Chimenti'; jay\_reddy@dell.com; amdealey@aol.com; dave.anderson.07@gmail.com; clint\_small@hotmail.com; bdeleon78@gmail.com; vskirk@att.net; kbtovo@earthlink.net  
**Cc:** DiGiuseppe, Paul; Guernsey, Greg; Edwards, Sue; wang-board@westaustinng.com; mcmediate@msn.com  
**Subject:** RE: PC-Central West Austin Combined Neighborhood Plan Hearing - June 22, 2010  
**Importance:** High  
**Attachments:** Land Use - Neighborhood Stakeholder Brack Tract Language.doc; FLUM Comparisons.doc; Brack FLUM.jpg

Commissioners:

On behalf of the Central West Austin neighborhood organizations, we would like to thank you for your service. Due to the hard work of the Neighborhood Planning Subcommittee, much was accomplished on June 16. I will outline the various motions pending before you in regard to the Central West Austin Combined Neighborhood Plan in order to make tomorrow evening's Planning Commission meeting as efficient as possible for all concerned.

**\*\*Prior to proceeding through the Motions, we must notify the Planning Commission that the rezoning for Tract 104 (TCAD 109577) located at 700 Hearn Street is now contested. Its current zoning is CS and staff has recommended MF-6 NP. This represents spot zoning and is incompatible with surrounding and adjacent land use. Our recommendation is to rezone SF-6 NP as transitional zoning in an SF-3 area. A petition in opposition is pending.**

**I. We respectfully request that you move for adoption the following NP Subcommittee recommendations.**

**Motion 8: Contested FLUM designations without rezoning in WANG Planning Area (2600/2601 and 2531/2527 Exposition – TUMC and Sanctuary)**

PC NP Subcommittee Recommendation: Maintain as Single Family land use.

**Motion 12: Contested Special Use Infill Options (Small Lot Amnesty)**

PC NP Subcommittee Recommendation: Recommend Small Lot Amnesty.

**Motion 13: Contested Neighborhood Plan Design Tools (Garage Placement)**

PC NP Subcommittee Recommendation: Include Garage Placement tool in Windsor Road Planning Area, but not WANG Planning Area.

**Motion 15: Contested FLUM designations with rezoning in Windsor Road Planning Area (1717/1721/1801/1803/1805 W. 35<sup>th</sup> Street)**

PC NP Subcommittee Recommendation: Maintain current zoning and land use (Neighborhood Commercial FLUM). Note that there is a valid petition in this case.

**Motion 16: Contested FLUM designations with rezoning in Windsor Road Planning Area (3402 Kerbey Lane)**

PC NP Subcommittee Recommendation: Recommend staff recommendation of Neighborhood Office.

**Motion 19: Contested FLUM designations with rezoning in WANG Planning Area (2310 W. 7<sup>th</sup> Street) (Tract 106)**

PC NP Subcommittee Recommendation: Recommend SF-3.

**Motion 20: Contested FLUM designations with rezoning in WANG Planning Area (1504 Robin Hood Trail) (Tract 111)**

PC NP Subcommittee Recommendation: Recommend Neighborhood Office.

**II. We respectfully request that you move for adoption the following NP Subcommittee recommendations with modifications.**

**Motion 3: Contested land use recommendation L.6.2 related to Austin State School**

PC NP Subcommittee Recommendation: Recommend following language:

**L.6.2** The design of any redevelopment should be compact, mixed use, and walkable so that automobile trips are minimized. Redevelopment should result in harmonious, residential development near the existing residential areas and concentrate the more intensive mixed use development toward the northeast corner of the tract at MoPac and 35th Street. Preserving significant amounts of public and private open space is encouraged.

We believe that the following language better reflects consensus and that the language above is too open-ended. While being more prescriptive, the following does allow the opportunity for denser single family development.

**L.6.2** The design of any redevelopment should be compact, mixed use, and walkable so that automobile trips are minimized. Redevelopment should result in harmonious single family residential development near the existing single family residential areas and concentrate the more intensive mixed use development toward the northeast corner of the tract at MoPac and 35th Street. Preserving significant amounts of public and private open space is encouraged.

**Motion 4: Contested land use objective 7 and recommendation 7.1 and FLUM related to Brackenridge Tract**

PC NP Subcommittee Recommendation: Adopt Neighborhood's proposed land use chapter provisions for Brackenridge Tract (Objectives 7-8 with recommendations), but with modifications to remove certain language in the original draft that might be considered inflammatory and to conform Recommendation L.8.2 to Recommendation L.6.2 set forth above.

You will find our recommended land use chapter provisions attached with changes made as requested by the NP Subcommittee. In addition, you will find a FLUM map for the Brackenridge Tract and an amended FLUM Comparison for the Brackenridge Tract

**III. We request that you move for adoption the following Neighborhood Stakeholder consensus recommendations. In each case, the NP Subcommittee recommendation was to pass the Motion to the full Planning Commission for consideration without recommendation.**

**Motion 6: Contested FLUM designations without rezoning in Windsor Road Planning Area (1014 W. 31<sup>st</sup> Street)**



Stakeholder Consensus Recommendation: Single Family (There is NO property owner recommendation.)

**Motion 7: Contested FLUM designations without rezoning in WANG Planning Area (3737 Exposition Boulevard – Casis Shopping Center)**

Neighborhood Commercial This category is recommended by both the Neighborhood Stakeholders and staff.

**Motion 9: Contested FLUM designations without rezoning in WANG Planning Area (1505 Forest Trail)**

Stakeholder Consensus Recommendation: Single Family (There is NO property owner recommendation.)

**Motion 10: Contested FLUM designations without rezoning in WANG Planning Area (2506/2508/2510 Quarry Road)**

Stakeholder Consensus Recommendation: Single Family (There is NO property owner recommendation.)

**Motion 11: Contested FLUM designations without rezoning in WANG Planning Area (1206 Norwalk Lane; 2508 & 2514 W. 12th Street; 2507/2509/2511 Quarry Road)**

Stakeholder Consensus Recommendation: Single Family (There is NO property owner recommendation.)

**Motion 18: Contested FLUM designations with rezoning in WANG Planning Area (2309 Pruett Street) (Tract 105)**

SF-6 NP. While the NP Subcommittee recommended MF-2 with a conditional overlay limiting the project to four units, we believe that SF-6 NP with a conditional overlay limiting the project to 4 units achieves the objective with a transitional zoning category. A petition is believed to be forthcoming in opposition to this rezoning recommendation by staff.

Please feel free to call upon me should you have any questions. Mike Cannatti is absent tonight so we will coordinate appropriately in hi absence.

**August W. Harris III**  
President  
West Austin Neighborhood Group  
Austin, Texas 78703  
Phone 512.320.8808  
Fax 512.320.8684

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6/22/2010

notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached document.

**From:** August W. Harris III [mailto:aharris@cityofaustin.org]

**Sent:** Tuesday, May 25, 2010 12:23 PM

**To:** sully.jumpnet@sbcglobal.net; 'Danette Chimenti'; jay\_reddy@dell.com; amdealey@aol.com; dave.anderson.07@gmail.com; clint\_small@hotmail.com; bdeleon78@gmail.com; vskirk@att.net; kbtovo@earthlink.net

**Cc:** 'DiGiuseppe, Paul'; 'Guernsey, Greg'; 'Edwards, Sue'; wang-board@westaustinng.com; mcmediate@msn.com

**Subject:** PC-Central West Austin Combined Neighborhood Plan Hearing - May 25, 2010

**Importance:** High

Commissioners,

Thank you for the time you have and will invest in the Central West Austin Combined Neighborhood Plan and thank you for your ongoing service. Prior to receiving notice of this hearing, I had been asked to assist Austin ISD, the Austin Police Department, the O.Henry PTA and the neighbors adjacent in regard to ongoing criminal activities on and around campus via a public forum being held at O.Henry Middle School at the same time as Planning Commission. It is my intent to arrive at the Planning Commission hearing as soon as possible.

Per previous emails and discussion with several though not all of you, I would like to point to the following. The only reason that West Austin asked to be advanced into Neighborhood Planning was because of the Brackenridge Tract and the State School. Had we been told at the time or even early on in the process that the City had decided to allow no meaningful planning of either, we would have either withdrawn our request or withdrawn from the planning process altogether thus saving time and scarce resources. There reached a point where, despite the futility of the process, we thought it best to trudge through to the conclusion of this experience.

Of note, roughly 23% of all land within the West Austin Neighborhood Group Planning Area and 17.8% of the Central West Austin Combined Neighborhood Plan as a whole is either owned by the University of Texas at Austin or the State of Texas. To not be able to include such a significant percentage of the total planning area in a plan, by its very nature, renders the Plan itself far less relevant. The Planning Area, absent these two tracts, is a highly stable neighborhood that by and large works well and is an asset to the City.

Within the next 9 years, the original term of the Brackenridge Tract Development Agreement will expire. Sites available for redevelopment **NOW** under the Agreement include nearly 75 acres along Lady Bird Lake currently occupied by the affordable and diverse UT owned Brackenridge and Colorado Apartments. Parenthetically, as you well know, we are striving to preserve the remaining undeveloped 150 acres of critical urban greenspace for civic use.

The WANG planning area has 5,320 dwelling units. Cooper Robertson & Partners has submitted two conceptual master plans to the Board of Regents. The less intensive but equally ill conceived Brackenridge Park Plan, if adopted, would add over 6,000 dwelling units for an increase of 113%. The other plan calls for far more. Other than downtown, few if any neighborhoods are facing this level of densification. Even an addition of 2,700 dwelling units or the equivalent of MF4 (36) on the Brackenridge and Colorado Apartment tracts would represent approximately a 50% increase, again far more than most neighborhoods citywide are facing, and perhaps an unsustainable number based on the environmentally sensitive nature of virtually all of the Tract not to mention the limits on infrastructure such as school and roads, both of which are at or over capacity in the Planning Area. Given the enormity of what will happen in some form, consideration of infill or any other strategy for densification

**DiGiuseppe, Paul**

---

**From:** August W. Harris III [mailto:awharris@westaustinng.com]  
**Sent:** Tuesday, June 22, 2010 1:10 PM  
**To:** sully.jumpnet@sbcglobal.net; 'Danette Chimenti'; jay\_reddy@dell.com; amdealey@aol.com; dave.anderson.07@gmail.com; clint\_small@hotmail.com; bdeleon78@gmail.com; vskirk@att.net; kbtovo@earthlink.net  
**Cc:** DiGiuseppe, Paul; Guernsey, Greg; Edwards, Sue; wang-board@westaustinng.com; mcmediate@msn.com; 'Powell, Mark'; vivian.h.wilson@gmail.com; 'Sara Marler'; dealey@herndontx.com  
**Subject:** RE: PC-Central West Austin Combined Neighborhood Plan Hearing - June 22, 2010 (Elm Terrace)


I have been asked to follow up on the Elm Terrace matter. It had been omitted from my previous email as we were waiting for some additional information.

**Motion 17: Contested FLUM designations with rezoning in WANG Planning Area (3215 Exposition Blvd - Elm Terrace)**

Stakeholder Majority Recommendation: Single Family SF-3-NP

The majority vote at the NP zoning meeting on Elm Terrace was Option 1: Single-Family SF-3-NP. As you are aware there is an 800 person petition in opposition to multi-family zoning on this tract.

Again, please do not hesitate to call with any questions.

**August W. Harris III**  
 President  
 West Austin Neighborhood Group  
 Phone 512.320.8808  
 Fax 512.320.8684  


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**From:** August W. Harris III [mailto:awharris@westaustinng.com]  
**Sent:** Tuesday, June 22, 2010 10:29 AM  
**To:** 'sully.jumpnet@sbcglobal.net'; 'Danette Chimenti'; 'jay\_reddy@dell.com'; 'amdealey@aol.com'; 'dave.anderson.07@gmail.com'; 'clint\_small@hotmail.com'; 'bdeleon78@gmail.com'; 'vskirk@att.net'; 'kbtovo@earthlink.net'  
**Cc:** 'DiGiuseppe, Paul'; 'Guernsey, Greg'; 'Edwards, Sue'; 'wang-board@westaustinng.com'; 'mcmediate@msn.com'  
**Subject:** RE: PC-Central West Austin Combined Neighborhood Plan Hearing - June 22, 2010  
**Importance:** High

Commissioners:

6/22/2010

On behalf of the Central West Austin neighborhood organizations, we would like to thank you for your service. Due to the hard work of the Neighborhood Planning Subcommittee, much was accomplished on June 16. I will outline the various motions pending before you in regard to the Central West Austin Combined Neighborhood Plan in order to make tomorrow evening's Planning Commission meeting as efficient as possible for all concerned.

**\*\*Prior to proceeding through the Motions, we must notify the Planning Commission that the rezoning for Tract 104 (TCAD 109577) located at 700 Hearn Street is now contested. Its current zoning is CS and staff has recommended MF-6 NP. This represents spot zoning and is incompatible with surrounding and adjacent land use. Our recommendation is to rezone SF-6 NP as transitional zoning in an SF-3 area. A petition in opposition is pending.**

**I. We respectfully request that you move for adoption the following NP Subcommittee recommendations.**

**Motion 8: Contested FLUM designations without rezoning in WANG Planning Area (2600/2601 and 2531/2527 Exposition – TUMC and Sanctuary)**

PC NP Subcommittee Recommendation: Maintain as Single Family land use.

**Motion 12: Contested Special Use Infill Options (Small Lot Amnesty)**

PC NP Subcommittee Recommendation: Recommend Small Lot Amnesty.

**Motion 13: Contested Neighborhood Plan Design Tools (Garage Placement)**

PC NP Subcommittee Recommendation: Include Garage Placement tool in Windsor Road Planning Area, but not WANG Planning Area.

**Motion 15: Contested FLUM designations with rezoning in Windsor Road Planning Area (1717/1721/1801/1803/1805 W. 35<sup>th</sup> Street)**

PC NP Subcommittee Recommendation: Maintain current zoning and land use (Neighborhood Commercial FLUM). Note that there is a valid petition in this case.

**Motion 16: Contested FLUM designations with rezoning in Windsor Road Planning Area (3402 Kerbey Lane)**

PC NP Subcommittee Recommendation: Recommend staff recommendation of Neighborhood Office.

**Motion 19: Contested FLUM designations with rezoning in WANG Planning Area (2310 W. 7<sup>th</sup> Street) (Tract 106)**

PC NP Subcommittee Recommendation: Recommend SF-3.

**Motion 20: Contested FLUM designations with rezoning in WANG Planning Area (1504 Robin Hood Trail) (Tract 111)**

PC NP Subcommittee Recommendation: Recommend Neighborhood Office.

**II. We respectfully request that you move for adoption the following NP Subcommittee recommendations with modifications.**

**Motion 3: Contested land use recommendation L.6.2 related to Austin State School**

C3-5

**Presentation of Central West Austin Combined Neighborhood Plan  
Motion Sheet Issues by Neighborhood Stakeholders**

**Motion 1: Uncontested portions of CWAC Neighborhood Plan**

**Motion 2: Uncontested rezoning recommendations from staff**

**Motion 3: Contested land use recommendation L.6.2 related to Austin State School**

| Consensus/Neighborhood Recommendation   | Staff Recommendation  |
|---|---|
| <p><b>L.6.2</b></p> <p>The design of any redevelopment should be compact, mixed use, and walkable so that automobile trips are minimized. Redevelopment should result in harmonious, low intensity single family development near the existing residential areas and concentrate the more intensive development toward the northeast corner of the tract at MoPac and 35th Street. Preserving significant amounts of public and private open space is encouraged.</p> | <p><b>L.6.2</b></p> <p>The future use of the school property should take into account the impact of such use on the surrounding neighborhood, and if developed should be compatible with the existing single-family homes in the neighborhood. Buffering to protect the existing single family homes in the neighborhood is encouraged as is preserving significant amounts of public and private open space.</p> |

- Please see Planning Study from Dealey Herndon showing compact, mixed use, and walkable redevelopment that includes harmonious, low intensity single family development near the existing residential areas and concentrates the more intensive development toward the northeast corner of the tract at MoPac and 35<sup>th</sup> Street. (Exhibit A).
- Please see Neighborhood's proposed land use chapter provisions for Austin State School Tract (Objectives 5-6 with recommendations) (Exhibit B).
- Please see Taylor Slough topographical map showing that Taylor Slough watershed does not cover northeast corner of tract, and therefore more intensive development in the north east corner can be done without negative implications of the Taylor Slough watershed (Exhibit C).

**Motion 4: Contested land use objective 7 and recommendation 7.1 and FLUM related to Brackenridge Tract**

- Neighborhood stakeholders strongly desire to provide planning guidance for Brackenridge and Austin State School tracts. These tracts were expressly included in our planning area by City Council. As they comprise more than 450 acres in total, development of these tracts will have a dramatic impact on our planning area.
- Please see Neighborhood's proposed land use chapter provisions for Brackenridge Tract (Objectives 7-8 with recommendations) modeled after land use chapter provisions for Austin State School Tract (Exhibit B).
- To understand the potential impact on our neighborhood of the Cooper Robertson suggested master plan, see map showing the Cooper Robertson concept plan merged with the WANG FLUM currently under consideration (Exhibit D). Neither we nor

any other stakeholder support the suggested Cooper Robertson master plans as neither is viable nor sustainable. Instead, we provide this to show that there are serious and ill-conceived recommendations that adversely impact our planning area including its critical urban green space. This would include 12-15 million square feet of commercial and residential development the equivalent of 20 to 25 Frost Bank Towers – virtually all of which would be located in the City's drinking water protection zone in the middle of a core suburban neighborhood.

- To see how much density could be added under UT's existing development per the Brackenridge Tract Development Agreement, please see the RECOMMENDED WANG FLUM showing "land use" intensity allowed by said Agreement (Exhibits E and E-2). The Agreement is a valid, existing agreement between the University of Texas, the City of Austin and the Austin community that dictates development on the Brackenridge Tract.
- Please see Comparative Analysis of density and affordability information prepared by August Harris to compare the Brackenridge Development Agreement and the Cooper Robertson proposals (Exhibit F).

**Motion 5:** Contested bicycle lanes in Windsor Road Planning Area

**Motion 6:** Contested FLUM designations without rezoning in Windsor Road Planning Area (1014 W. 31<sup>st</sup> Street)

**Motion 7:** Contested FLUM designations without rezoning in WANG Planning Area (3737 Exposition Boulevard – Tarrytown Shopping Center)

**Motion 8:** Contested FLUM designations without rezoning in WANG Planning Area (2600/2601 and 2531/2527 Exposition – TUMC and Sanctuary)

- Please follow neighborhood consensus and staff recommendation for SF-3 in keeping with long-standing policy and practice of maintaining other churches on Exposition as SF-3 properties.
- Please see memo from Blake Tollett (Exhibit G).

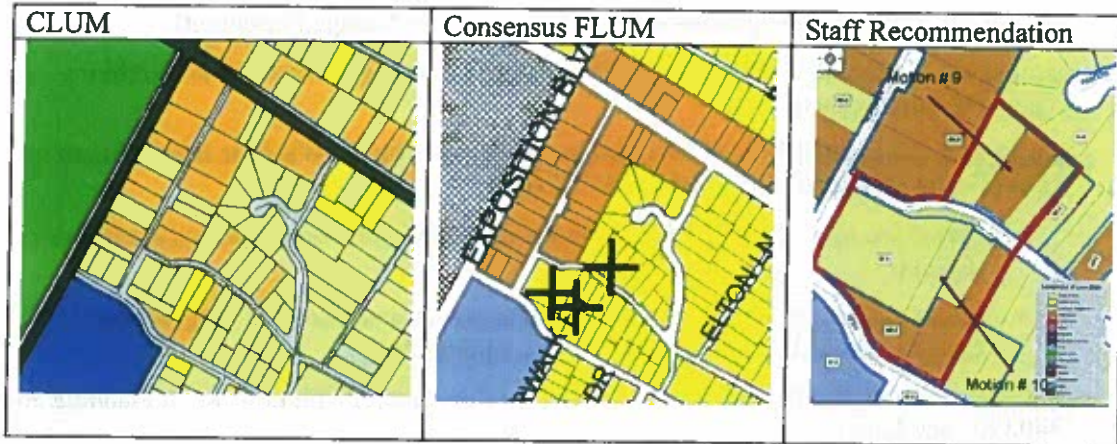
**Motion 9:** Contested FLUM designations without rezoning in WANG Planning Area (1505 Forest Trail)

**Motion 10:** Contested FLUM designations without rezoning in WANG Planning Area (2506/2508/2510 Quarry Road)



**Motion 11: Contested FLUM designations without rezoning in WANG Planning Area (1206 Norwalk Lane; 2508 & 2514 W. 12th Street; 2507/2509/2511 Quarry Road)**

- Please follow neighborhood consensus recommendation for SF-3 which removes the current mix of SF and MF lots and creates clean and continuous regions of SF and MF, as show below.



**Motion 12: Contested Special Use Infill Options (Small Lot Amnesty)**

- Neighborhood stakeholders strongly believe that inevitable development at Brackenridge and Austin State School tracts should be taken into account when evaluating infill and affordability of neighborhood because these are the logical locations for adding density, affordability, etc. Even under the existing development rights under the Brackenridge Development Agreement, a 28% increase in density could be obtained.
- The Plan calls for additional mixed use in the northeast section of the neighborhood (Objective 4) and specifically calls for mixed use development in the area of W.31st and Lamar (L.4.4). Additionally the Plan calls for the creation of new single family and multi-family housing on the site of St. Andrew's School should it relocate (L.4.5).
- Neighborhood stakeholders also believe that prevalence of large SF3 lots (average lot size 10,492 sf (WANG) / 9,583 sf (Windsor Road)) throughout planning area permit additional density through the duplex and secondary apartment options should property owners elect to redevelop their properties and should such redevelopment not violate legally binding deed restrictions. To this end, the neighborhood should be credited for not pushing for SF-2 zoning, which would have precluded duplexes.
- Demographic data shows very large available density increase (over 2,400 units, or 60%) from duplex and secondary apartments on lots over 7,000 sq.ft. (subject to deed restriction limitations):

| Neighborhood | 2006 SF/Duplex Parcels | 2006 Average Lot Square Footage | Available Duplex/Secondary Apt Density Increase |
|--------------|------------------------|---------------------------------|---|
| Tarrytown    | 2,581                  | 10,492<br>(Stand. Dev. 3503)    | Over 2,100 units                                |
| Windsor Road | 1,398                  | 9,583<br>(Stand. Dev. 3335)     | Approx. 300 units                               |

- Please see map illustrating the affordable housing options available for duplexes and secondary apartments in the planning area (Exhibit H).
- Concern with Infill Options Which Promote New Construction: One less expensive and more affordable house is demolished and replaced with one (or more) larger, more expensive, and less affordable houses.

**Motion 13:** Contested Neighborhood Plan Design Tools (Garage Placement)

**Motion 14:** Contested Neighborhood Plan Design Tools (Impervious Cover & Parking Placement Restrictions)

**Motion 15:** Contested FLUM designations with rezoning in Windsor Road Planning Area (1717/1721/1801/1803/1805 W. 35<sup>th</sup> Street)

- Please see May 22, 2010 letter from the Bryker Woods Neighborhood Association (Exhibit I).
- Please follow the neighborhood consensus recommendation for Neighborhood Commercial FLUM designation with no zoning change.

**Motion 16:** Contested FLUM designations without rezoning in Windsor Road Planning Area (3402 Kerbey Lane)

**Motion 17:** Contested FLUM designations without rezoning in WANG Planning Area (3215 Exposition Blvd - Elm Terrace)

- Please see Planning Study from Dealey Herndon showing compact, mixed use, and walkable redevelopment that includes harmonious, low intensity single family development near the existing residential areas and concentrates the more intensive development toward the northeast corner of the tract at MoPac and 35<sup>th</sup> Street (Exhibit A).
- Please see Taylor Slough topographical map showing that Taylor Slough watershed does not cover northeast corner of tract (Exhibit C).
- Please see 800 petition signatures to show strong stakeholder opposition to the property owner's proposed Multi-Family zoning.

**Motion 18:** Contested FLUM designations without rezoning in WANG Planning Area (2309 Pruett Street) (Tract 105)

- Please follow neighborhood consensus recommendation for SF-6 as a much more appropriate transition to adjacent single family properties than staff recommendation of MF-2.
- While City Staff originally supported MF for this tract based on the rationale that the rezoning process could not down-zone the property below what the current use is, the Planning Commission (Chair Sullivan?) at the last hearing stated at the previous hearing that down-zoning to a more restrictive zoning district is allowed.

**Motion 19:** Contested FLUM designations without rezoning in WANG Planning Area (2310 W. 7<sup>th</sup> Street) (Tract 106)

- Please follow neighborhood consensus and staff recommendation for SF-3, as the property owner is proposing MF-6 purely for personal enrichment purposes.

**Motion 20:** Contested FLUM designations without rezoning in WANG Planning Area (1504 Robin Hood Trail) (Tract 111)



- Please follow neighborhood consensus and staff recommendation for NO as the more appropriate zoning for surrounding single family properties, especially as the adjacent three corner properties are being rezoned to SF3-3 (Tracts 108, 109, 110).

**Additional Issues:**

- Corrections to Neighborhood in Context Chapter (Exhibit J)
- Particulars of Transportation Chapter were left out. For example:

| Neighborhood Recommendation  | Staff Recommendation   |
|--|--|
| <p><b>T.1.9</b></p> <ul style="list-style-type: none"> <li>• Recreate Lake Austin Boulevard as a gateway to Central West Austin destinations. It should become a real boulevard that provides equitable access between pedestrians, cyclists, transit users, and motorists and promotes recreation and socializing, but without expanding vehicle lanes. Figure 5.1 is a sample commuter boulevard. Should the University redevelop the Brackenridge Tract, recreating Lake Austin Boulevard becomes of greater importance. Please see the Sidebar for more specific information.</li> <li>• Any widening of Lake Austin Boulevard <b>must</b> be coupled with new pedestrian crossing structures, such as a pedestrian and bike crossing tunnel below LAB, a median with pedestrian safety zones similar to those on Barton Springs Road, or at a minimum, lighted crosswalks.</li> <li>• Increased density on the Brackenridge Tract should be addressed with additional transit and shuttle services connecting the Brackenridge Tract to the central downtown area.</li> </ul> | <p><b>T.1.9</b></p> <ul style="list-style-type: none"> <li>• Recreate Lake Austin Boulevard as a gateway to Central West Austin destinations. It should become a real boulevard that provides equitable access between pedestrians, cyclists, transit users, and motorists and promotes recreation and socializing, but without expanding vehicle lanes. Figure 5.1 is a sample commuter boulevard. Should the University redevelop the Brackenridge Tract, recreating Lake Austin Boulevard becomes of greater importance. Please see the Sidebar for more specific information.</li> </ul> |



Exhibit A - Austin State School Planning Study





## Land Use Draft

\* \* \*

### **5: Encourage the State of Texas to keep the Austin State School in its current location and become a more integrated asset in the neighborhood.**

The Austin State School is a vital member of the planning area. Not only does the school provide a critical function for its residents and their families, it also serves as an important asset in the planning area. It provides diversity in terms of race and economics as well as allowing for residents to interact with each other and learn lessons such as tolerance and understanding. The school serves as a transition from MoPac and the more intensive uses along 35<sup>th</sup> Street to the single-family neighborhood of Tarrytown. The school is split between the Water Supply Suburban watershed classification and Johnson Creek, an urban watershed. The school is also "high" in the watershed (in an upstream position) such that impacts from development would run the entire course of the creek down to its confluence with Lady Bird Lake. Approximately three acres of the site have been sold and are presently undeveloped. While there have been discussions about selling the remainder of the site for private development, there are no such immediate plans.



#### **L.5.1**

Create recreational opportunities and community events that coexists with the Austin State School facilities and residents.

#### **L.5.2**

Encourage a tree survey at the Austin State School to determine whether there are any trees that meet the City's tree protection requirements.

#### **L.5.3**

The Austin State School is encouraged to have more

## Neighborhood Stakeholder Proposed Land Use Chapter Provisions

events and activities that include the surrounding neighborhood.

### **L.5.4**

Work with the Austin State School and the State of Texas to communicate the desire of keeping the school at its current location.

## **6: If the Austin State School redevelops, it should be done in harmony with the adjacent neighborhood, transportation system, and natural resources.**

### **L.6.1**

Redevelopment should be accomplished through a master plan that encompasses the entire tract and integrates it into the neighborhood. Piecemeal development should be discouraged.

### **L.6.2**

The design of any redevelopment should be compact, mixed use, and walkable so that automobile trips are minimized. Redevelopment should result in harmonious residential development near the existing residential areas and concentrate the more intensive mixed use development toward the northeast corner of the tract at MoPac and 35th Street. Preserving significant amounts of public and private open space is encouraged.

### **L.6.3**

Preserve vegetative buffers, including trees, wherever development of the Austin State School occurs adjacent to existing residential neighborhoods. Provide additional vegetative buffers, including trees, for development more intense than existing single family.

### **L.6.4**

Redevelopment should comply with City of Austin stormwater regulations. Water quality devices should be

## Neighborhood Stakeholder Proposed Land Use Chapter Provisions

installed to minimize pollution. These systems should also incorporate recreational opportunities for the public, such as walking trails around attractive and landscaped detention ponds. Landscaping should be based on applicable city requirements to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

### **L.6.5**

Redevelopment should avoid environmentally sensitive resources such as protected trees, wetlands, waterbodies, and endangered or threatened plant or wildlife habitat.

### **L.6.6**

Redevelopment should be sensitive to any historically significant resources and should make every effort to protect and preserve these resources.

**7: Encourage the University of Texas to keep the Lions Municipal Golf Course, West Austin Youth Association, and Field Research Laboratory uses in place with consideration made for additional recreational opportunities on site, and to otherwise comply with the parameters established by the 1989 Brackenridge Tract Development Agreement.**

The Brackenridge Tract is a vital part of the planning area. Not only does the Tract provide numerous critical functions for research and graduate student family housing, its existing uses are also a valued and integral part of the surrounding West Austin community. The Brackenridge Field Laboratory use is one of the University's most highly acclaimed and nationally ranked academic programs. In addition, there are Graduate Student Housing uses which support of the University's graduate students and doctoral





## Neighborhood Stakeholder Proposed Land Use Chapter Provisions

candidates, and provide diversity in terms of race and economics as well as allowing for residents to interact with each other and learn lessons such as tolerance and understanding. There are also valued public recreational uses at the West Austin Youth Association (WAYA) facility and the historically recognized Lions Municipal Golf Course. Because most of the Tract lies within either the Lake Austin Watershed or the Town Lake Watershed and is within our Drinking Water Protection Zone, any adverse development could degrade the environment and water quality for the citizens of Austin and those downstream from Austin.

It is also recognized that the Tract represents a significant opportunity for both the University of Texas and the community, but that opportunity does not lie solely in its development potential.

### **L.7.1**

Create recreational opportunities and community events that coexists with the existing Brackenridge Tract uses and residents.

### **L.7.2**

Encourage a tree survey at the Brackenridge Tract to determine whether there are any trees that meet the City's tree protection requirements.

### **L.7.3**

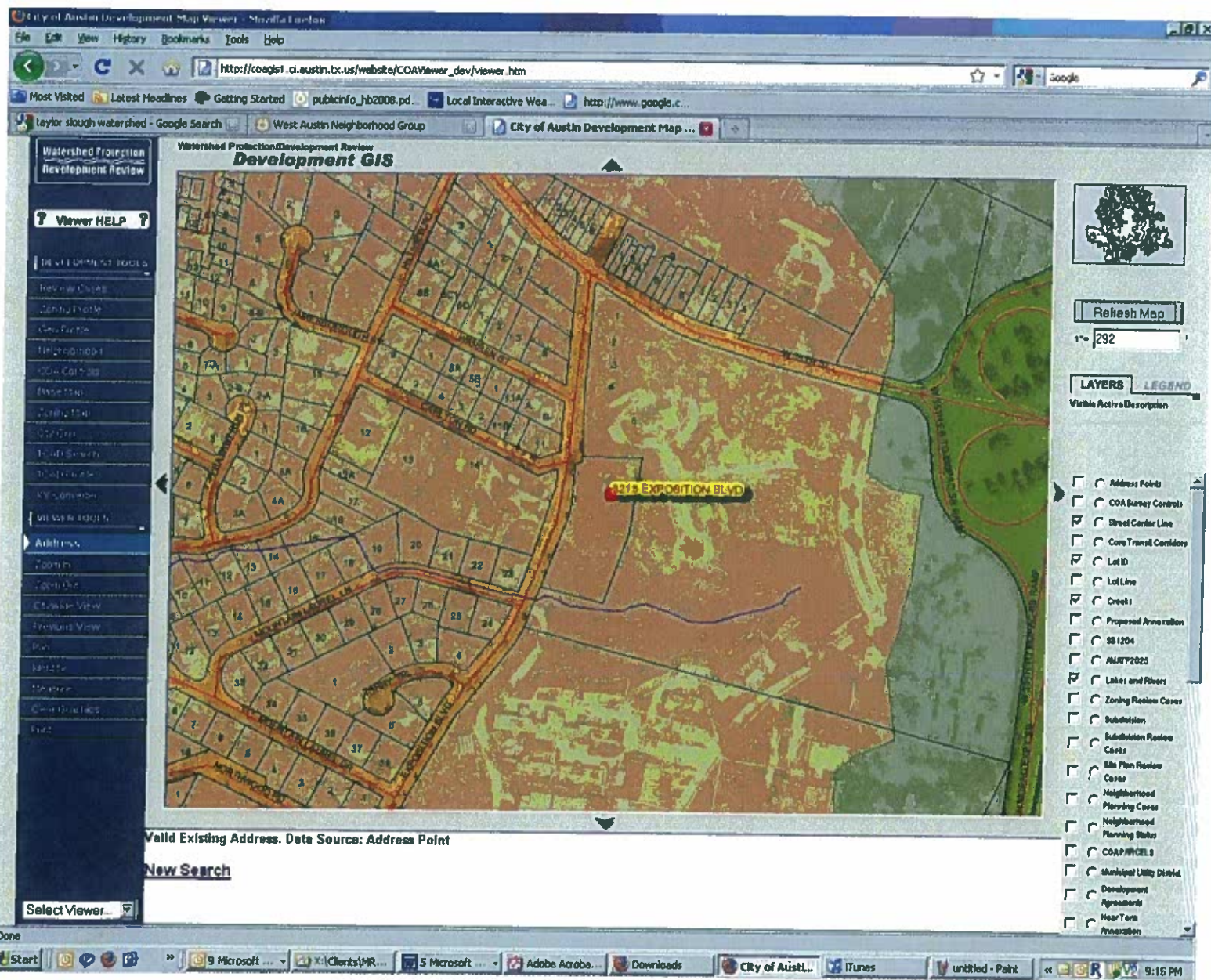
The Brackenridge Tract is encouraged to have more events and activities that include the surrounding neighborhood.

### **L.7.4**

Work with the City of Austin and the University of Texas to communicate the desire of keeping the Lions Municipal Golf Course and West Austin Youth Association uses in place.

### **L.7.5**

The Lions Municipal Golf Course (141.38 Acres) should remain an affordable, public golf course in perpetuity with consideration made for the addition of non-golfing



**Exhibit C – Taylor Slough Map**





C 3 17

**Exhibit G – Memo re Church Rezoning at TUMC and Sanctuary on Exposition Blvd.**

**Motion 8:** Contested FLUM designations without rezoning in WANG planning area.  
The Sanctuary at 2600 Exposition Boulevard  
Tarrytown United Methodist Church (TUMC) at 2527, 2531 and 2601 Exposition  
Boulevard

**Current Use and Zoning:** Both tracts are currently used for religious purposes and both are zoned SF-3.

**Staff Land Use Recommendation:** Single-family

**Neighborhood Stakeholder land Use Recommendation:** Single-family

**Relevant History:** The neighborhood and the neighborhood association have welcomed religious uses in our residential core along Exposition Boulevard. In addition to the Sanctuary and TUMC, and also along Exposition Boulevard, are located the Episcopal Church of the Good Shepherd and Westminster Presbyterian Church. Over the years, we have worked together to find ways to allow the expansion of the churches' ministry with very minor expansions of their traditional campuses, and together we did this with no change of zoning district from the underlying district of SF-3. This was accomplished through administrative variances to site plans and variances to the Land Development Code, and the results were and have proven to be, satisfactory to all parties. For reference, please see:

The Episcopal Church of the Good Shepherd (C15-03-065)  
Westminster Presbyterian Church (C15-06-059)

**Consensus Language In The Land Use Chapter L.2.5**

The churches along Exposition Boulevard are valued institutions of the Central West Austin community and should remain into the future. If they are not able to stay and cannot be replaced by other churches, the properties should be used as single-family housing.

This language reflects City Staff's recommendation of a FLUM designation of single-family.

**Civic Use**

From the City of Austin Neighborhood Planning Guide to Land Use Standards (GLUS):

Any site for public or semi-public facilities, including governmental offices, police and fire facilities, hospitals, and public and private schools. Includes major religious facilities and other religious activities that are of a different type and scale than surrounding uses.

**Conclusion**

What the applicants are requesting on the FLUM is a Civic Use designation. Such a designation has the potential to destroy that portion of the neighborhood. Under Civic/Purpose in the GLUS there is a charge to “(R)ecognize suitable areas for public uses, such as hospitals and schools, that will minimize the impacts to residential areas”. While this is not a rezoning request, it is a predicate of intent. These are requests for entitlements that are completely out of character with their current uses as well as nearby residential uses. We respectfully ask the Commission to abide by the text in the Land Use Chapter and City Staffs’ recommendation and reject the requests to have the FLUM designation of Civic for these properties.

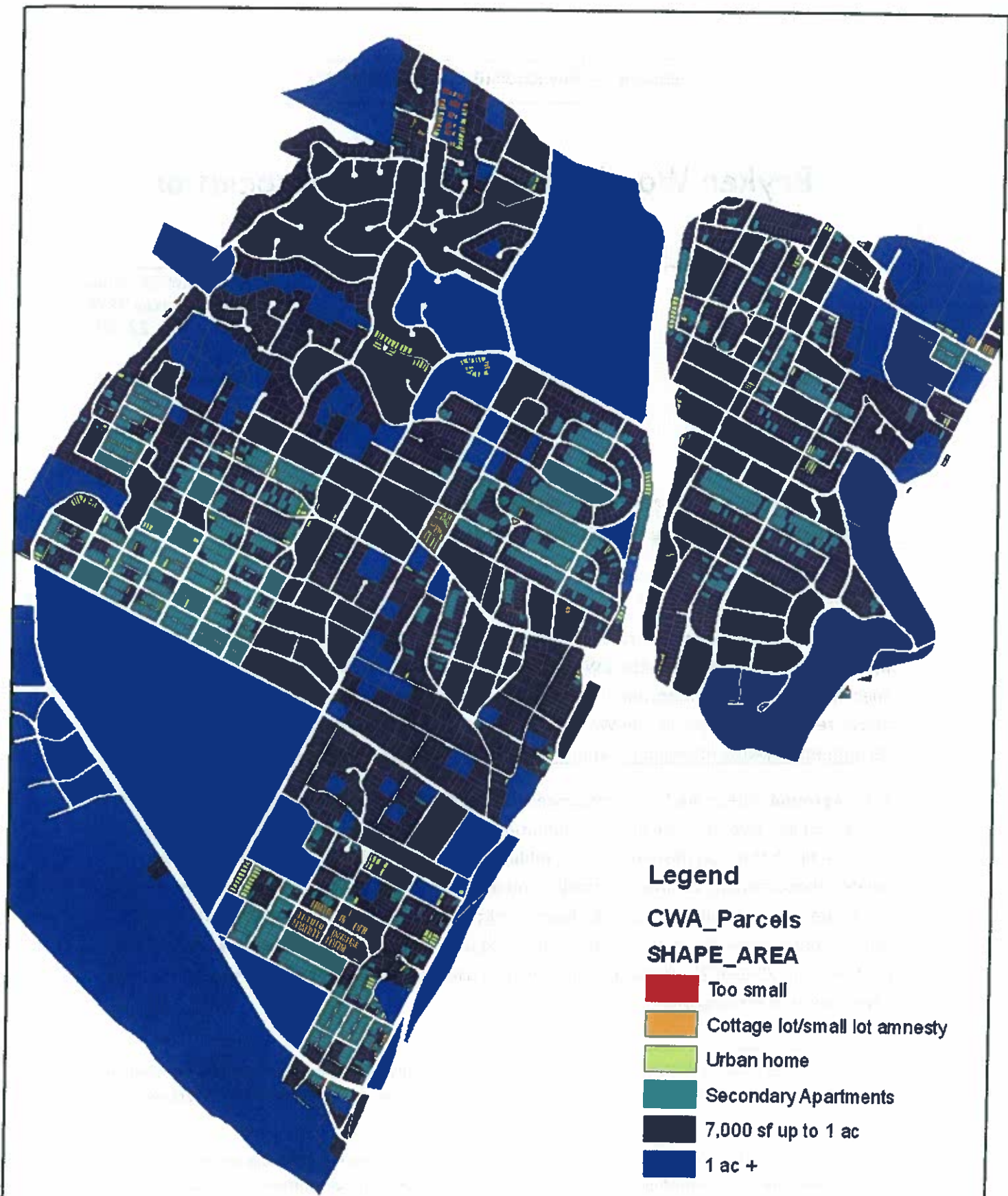


Exhibit H – Lot Size Map for WANG Planning Area

## Bryker Woods Neighborhood Association Austin, Texas

1907 West 34<sup>th</sup> Street  
Austin, Texas 78703  
May 22, 2010

Dave Sullivan, Chair  
Danette Chimenti  
Jay Reddy

Mandy Dealey  
Benjamin De Leon  
Clint Small

Dave Anderson  
Saundra Kirk  
Kathryne Tovo

Re: C14-2010-0051: 1717, 1721 1801, 1803 and 1805 W. 35<sup>th</sup> Street.  
Windsor Road Planning Area/Central West Austin Neighborhood Plan

Dear Commissioners,

We write on behalf of the Board of the Bryker Woods Neighborhood Association and as participating stakeholders in the CWANPA planning process. This letter will focus on a very specific but extremely important issue involved in the Plan: the Staff's application to rezone the above-referenced properties on West 35<sup>th</sup> St. from LO to LO-MU-NP. We urge you to recommend DENIAL of this application and vote to maintain the current zoning.

**1. Background.** These are five tracts representing four properties, two of which are multi-family residential and two of which are a combination of multi-family and small office uses. They are part of a block the Plan describes as a "building by building, horizontal collection of small neighborhood-serving businesses, stores, and apartments" L.2.7. They were developed before 1984 when multi-family use could be legally built on LO zoning. Notwithstanding their LO zoning, these properties are by Code conforming uses and conforming structures. See LDC §§ 25-2-942 and 25-2-962<sup>1</sup>. These legal conforming uses adjoin single family homes and the two have coexisted for decades.

<sup>1</sup> § 25-2-942. USES CONFORMING ON MARCH 1, 1984. The use of a building, structure, or property that conformed with the zoning regulations in effect on March 1, 1984 is a conforming use notwithstanding the requirements of this chapter.

§ 25-2-962 STRUCTURES COMPLYING ON MARCH 1, 1984. (A) A structure that complied with the site development regulations in effect on March 1, 1984, is a complying structure notwithstanding the requirements of this chapter.

**2. The Community Opposes the Application.** The community consensus, voiced during the planning process, was to adopt the Neighborhood Commercial FLUM designation for these properties. That designation conforms to their existing zoning and both permits and encourages their continued use as "a horizontal collection of small neighborhood-serving businesses, stores, and apartments." The community expressed overwhelming opposition during the planning meetings to Staff's proposed FLUM designations and to its proposed zoning changes. The community is joined in its opposition by the Bryker Woods Neighborhood Association, the West Austin Neighborhood Group and the Pemberton Heights Neighborhood Association. Most importantly, the Staff's proposed FLUM and zoning changes are strongly opposed by the adjoining single family homeowners – the parties who will be most directly affected by a zoning decision. A valid petition in opposition has been filed and confirmed for each property under consideration. To grant the zoning changes under these circumstances would take the neighborhood out of "neighborhood planning" and would essentially mean that the public's participation was meaningless.

**3. Affordable Housing is at Stake.** The Plan calls for the preservation of "the existing multi-family residential uses" on W. 35<sup>th</sup> St. (L.2.1.). These properties are among the most affordable housing, if not the most affordable housing, in the Windsor Road planning area. They do not reflect the current high land values and new construction costs. Granting the application and changing the zoning to "mixed use" (LO-MU) would only serve to promote redevelopment of the properties into new mixed use projects, thereby eliminating the existing affordable housing and replacing it with new more expensive – and therefore less affordable -- units. In order to preserve this affordable housing that does exist in the planning area the Staff's zoning application for the W. 35<sup>th</sup> St. properties should be denied.

It is important to recall in this regard that during the Windsor Road Vertical Mixed Use process the Bryker Woods neighborhood recommended that 22.82 out of the 27.46 acres in the VMU Overlay District be confirmed as VMU zoned properties and that only 17% of the proposed district be "opted-out." The opted-out properties were largely made up of these W. 35<sup>th</sup> St. tracts, which provide more affordable housing than a VMU development. To promote affordability for a percentage of the confirmed VMU developments, the neighborhood recommended the 60% of MFI affordability option – the most affordable level offered. The Planning Commission and City Council both unanimously adopted these recommendations. The Staff's application is inconsistent with these prior decisions of the Planning Commission and City Council and with the will of the community reflected in those determinations.

**4. Our Neighbors Should Have a Voice.** If this application is granted and the properties are rezoned as part of the neighborhood planning process, the adjoining single family neighbors and the neighborhood as a whole will lose any voice whatsoever concerning a future mixed use

development project. They will have no forum to make objections or request improvements, modifications or adjustments to the project. What Staff is proposing is a blanket rezoning of four properties (five lots) across the fence from single family homes. There are no development proposals. The Staff is the applicant. No one can say what any future mixed use projects on these properties will look like or what their impact, singularly or collectively, will be on the adjoining neighbors. Comparing site development standards among zoning districts is no substitute for input into a real project, subjected to public scrutiny. As a matter of simple fairness, the adjoining homeowners should have a chance to voice their opinion as to the appropriateness of any mixed use development that will overlook their back yards for the next 50 years. They should not lose that chance through the neighborhood planning process.

It should be noted that the text of the Plan provides that "[i]f these properties redevelop, encourage a similar scale and the preservation of affordable rental housing, which contributes to the diversity of the neighborhood." (L.2.1) Granting the zoning application as part of the Plan would remove any means or opportunity for the neighborhood to implement this provision. Rezoning these properties in this process silences our neighbors' voices and ties their hands.

**5. Conclusion.** The Staff's zoning application is unwarranted. There is no "non-conforming use" to "correct." Regardless, the Staff's rationale, were it fact-based, could not be used to justify a zoning change to the detriment of the community. There is overwhelming opposition to this application. It jeopardizes the existing affordable housing and leaves the adjoining homeowners and the neighborhood – and for that matter the Planning Commission and City Council -- with no say in any future mixed use development. Granting this application would be very bad policy and would reflect a failure of the neighborhood planning process.

We urge the Commission to adopt the community's Neighborhood Commercial FLUM recommendation and deny the Staff's application for rezoning. Thank you for all of your work on behalf of the citizens of Austin.

Sincerely,

Joyce Basciano, President  
Bryker Woods Neighborhood Association

Michael Curry, Chair  
BWNA Neighborhood Plan  
Subcommittee



**Exhibit J – Corrections to Neighborhood in Context Chapter**

5 23 10 Corrections needed re Neighborhood Context draft

**Brackenridge Tract and Lions Municipal Golf Course**

Instead, some of the property was sold while the rest has been for commerce,

NOTE: The property that was SOLD out of the Brack Tract was NOT SOLD until after the 1989 Brackenridge Development Agreement.... Thus, it would better represent the "history" of the tract to mention the sale of the property LAST in the recitation of its current uses....

MUNY was built in 1928 by the Lions Club of Austin. It has been a public golf course since 1934. when the City assumed the lease maintained by the University. Golfing legends Ben

NOTE: Muny was built in 1924 – the first 9 holes, and the second 9 completed by 1928. I would prefer to just use the 1924 date, since that is the date of the lease with UT. It began as a public golf course at that time. The Lions Club entity, the Austin Amusement something or other (see the wording on the Historic Marker) was transferred to the City of Austin in 1936-37, and the lease was re-negotiated as a 50 year lease between the City of Austin and UT.

course in Austin—in 2007, over 60,000 rounds were played. It was also the first

Please update year and rounds to 2008-09.... i.e., over 65,000 rounds.

racially integrated golf course in Central Texas.

Please add "public" prior to "golf course"... And "in Central Texas" does not fully express that as far as is known by scholars today, Lions was the first integrated public golf course in the southern states(as was stated in Paul's Power Point at the PC). It would be a lot more meaningful if the date of 1951 were added as the year it became integrated....

Tract. In 1973, the "Save MUNY" campaign was formed to prevent selling the golf course. That effort prompted the University and City to sign a lease that preserved MUNY. Again in 1987, efforts

I have recently re-read much of the old materials from 1973, as well as from 1987-89. In 1973, Save MUNY was formed to prevent cancellation of the city's lease and possible sale or lease for development. That effort prompted the University and the City to negotiate some additional benefits for the University in exchange for continuation of the lease until 1987.

ing two possible options for development. Both show the preservation of WAYA. In December 2009, the Board of Regents determined that the field lab would remain.

... "two possible options for development, neither of which preserve the golf course." Also, the Regents will, in 2019, re-visit whether the field lab remains. Please add about the golf course NOT being in the two options for development.

Approximately, eight properties are designated as local Historic Landmarks, including the Granger and Mayfield Houses. Lions Municipal Golf Course, Cassis Elementary, Reed Park, Walsh Boat Landing, Howson Library, Mayfield Preserve, and Johnson Creek Greenbelt are also important resources.

There is a lot more historical information about Brykerwoods and Pemberton than about Tarrytown.... As I have pointed out in a previous e-mail, there is a lot of "history" re how GW Brackenridge acquired the Brack Tract, African Americans who lived and farmed in the area, the industrial activities of lime kilns not only in the Deep Eddy area and quarrying on the Brack Tract, but also at Taylor Slough in the 1870's. Casis is misspelled – NOT cassis. There are historic markers at Lions Muny, Reed Park, and I think at Casis School, recognizing the Casis sisters for whom the school is named. There are markers at Mayfield Park and at Laguna Gloria....

public facilities include O'Henry Middle School and Johnson Creek Greenbelt.

I don't think there is an apostrophe in the name of O. Henry Middle School....

In 1893, the construction of the Great Granite Dam on the Colorado River was another milestone in the city's growth – This is from the Austin History Center website....

Dam, opened in 1895 and powered light towers, streetcars (including the one on

THUS I would prefer to talk about the construction of the dam being in 1893, rather than the dam opening in 1895....

Central West Austin's growth from 1990 to 2000 came largely through the addition of about 600 households.

NOTE: Part of the increase from 1990 to 2000 was the addition of 256 apartments on the Deep Eddy portion of the Brackenridge Tract. How many people would that be?? Over 42% of the 600 Households???



*All the updated information, after 2000 re demographics and housing, etc. is very good information – information that we should have had in hand during the NP meetings, but we did not....*

Re access to Lake Austin and Lady Bird Lake in the CWANP area – Note that the shoreline is primarily owned by UT and private landowners – Eilers Park on Lady Bird Lake is owned by City of Austin, as is Walsh Boat landing, and the land where Texas Rowing Center is located... (although City of Austin owns land where LCRA Redbud Center is located – and LCRA leases that land....)

Somewhere in Neighborhood in Context it is mentioned that most of the development pre-dates the city's watershed ordinances. In the discussion about the areas creeks, the connection should be made about the re-development taking place in the area, and the fact that the much larger houses mean more impervious cover than before, and that this means more dirty runoff in the creeks and into the lakes... What can be done about it in the Neighborhood Plan???? (Now I see that it is addressed in the Environment section – good)

dearing areas due many attributes in-

*Isn't there a word missing between "due" and "many"???  
the neighborhood as well as buffer the  
residential areas from more intensive  
uses. The planning area is remarkable*

*Shouldn't there be some explanation of what "more intensive uses" the neighborhood is buffered from?  
i.e., what, in particular did you have in mind? Such as buffering from Seton and the like along 35<sup>th</sup> St.?  
schools such as Cassis and Bryker*

*I still think Casis does not have two s's together....  
activity within the neighborhood; most  
of the planning area's anchoring institu-  
tions are located along the edge. These*

*Are you going to explain this? i.e., what are the "anchoring institutions" located on the edge??*

homes with some multi-family as well as  
Camp Mabry on the north side. This

*Shouldn't you mention the Davis Water Treatment Plant on the north side if you mention Camp Mabry???*

Lower Colorado River Authority pro-  
vides civic uses and allows for meeting

*The LCRA also has about 700 employees headquartered in those buildings, according to Thomas Mason, head of the LCRA.....*

hood. The Brackenridge Apartments pro-  
vide university-related housing and the

*Should say "Brackenridge and Colorado Apartments".....*

Cassis Elementary School and Cassis

PLEASE spell CASIS correctly...

Neighborhood center- The center in Tarrytown is along and near Exposition and Windsor Road where the Tarrytown Shopping Center, Howson Library

*I would say that the "center" of the West Austin Neighborhood area IS Exposition – all the way from 35<sup>th</sup> down to Lake Austin Blvd.. There are 4 churches with some associated pre-school programs, a State School, 2 public schools, Howson Library, Casis & Tarrytown shopping centers, as well as Randalls; plus apartments and single family homes, and the golf course/WAYA.*

Neighborhood interior streets- In order to correctly discuss the street system in Tarrytown, Tarrytown must be examined in smaller sections. Tarrytown as a whole has a combination of a grid system where roads interconnect in a

*This would be a good place to talk about the differences in elevations in the area – i.e., the little hills and sloping lots. Isn't that why this area developed without ALLEYS? And there were not sidewalks normally, either, were there???? Also, what about the SOILS??? (Or lack thereof....) The name "Scenic Drive" is very descriptive.... And it is certainly hilly, narrow, and winding in places.... Also, I think that one of the characteristics of the area is that the houses are NOT "cookie cutter" – i.e., different housing types – some small, some large, and built at different times – "typical" of what?*

The northwestern quadrant from Exposition west to Lake Austin north Windsor and the southeastern quadrant from Exposition east to MoPac and south of Windsor are more reflective of the suburban network. The northeastern

*Don't you think the topography of the land has something to do with the way the streets are arranged and built?????? Northwest Quadrant is definitely topography; the Southeast quadrant is due to CREEKS...*

However, the residential use is an eclectic mix of architectural styles of predominately one to two story single-family houses with a scattering of duplexes. Multi-family development also

**HOORAY!!! ECLECTIC!!**

Core residential area- The majority of Deep Eddy is one to two story single-family residences with duplexes scattered throughout the neighborhood. Lots tend to be smaller than the rest of the planning area. Multi-family is found along Enfield Road.

*And aren't the subdivisions and houses usually older than in Tarrytown?? With a lot of new, larger houses built on those smaller lots????*

*that leave the area unsightly and devoid of life. St. Andrews Episcopal School, considered to be a top educational facility, is also within this edge.*

*More could be said about St. Andrews... Right now it is wrapped in with "unsightly and devoid of life"... The Elementary School started small, facing residences on the south side, and Bailey Park on the north... Then it expanded west toward Shoal Creek, and north to 34<sup>th</sup>... With the Shoal Creek greenbelt and Bailey Park, it is not entirely in an area "unsightly and devoid of life"....*

*within the neighborhood. The West 31<sup>st</sup> Street neighborhood has one story single-family residences as well as administrative offices for St. Andrews School.*

*Don't the residences on the south side of 31<sup>st</sup>, across from St. Andrews, go down to Shoal Creek itself, or to some public greenbelt?*

*GENERAL COMMENTS: I like the greatly expanded parts of the Neighborhood in Context Chapter, dealing with the changing demographics, the tearing down and re-building of houses in the area, and the particular descriptions of the so-called 4 neighborhoods.... It is helpful. I think I would specifically mention all four of the churches in the area. You might also want to mention that R. A. Lewis Florist is no more – Mr. Lewis died, and his family kept the business going for a few years after that... Now it looks like it has been expanded, refurbished, and made into a architect's office! A very good metamorphosis!*

*The maps look nice. The charts for population, etc., are difficult to read on the computer screen..*



**DiGiuseppe, Paul**

**From:** [redacted]  
**Sent:** Tuesday, June 22, 2010 2:48 AM  
**To:** DiGiuseppe, Paul  
**Subject:** Central West Austin Neighborhood Plan, specifically 1801 West 35th Street

**Mr. DiGiuseppe, I do not have the e-mail addresses of the members of the Planning Commission who will be addressing the issue of the zoning on W. 35th Street. Will you please forward this e-mail on to them. I would appreciate that. Joan Johnson**

**To Paul DiGiuseppe and members of the Planning Commission: I just want to be clear about what I am going to be able to do with the property we own that has been in my family for over 60 years.**

**If we wanted to level the IV-Plex that is there and build us a lovely two story home would we be able to do that?**

**If we wanted to level the IV-Plex that is there and build two condos would we be able to do that?**

**If we wanted to renovate and update the present structure in any way to increase our revenue would we be able to do that without having the whole of Brykerwoods neighborhood voting on it or even having to go through extensive hoops with committees or commissions?**

**If either property owner on each side of us wanted to buy us out and expand their operations by either connecting present buildings, adding on to present buildings including making any of the structures two storied (or three or four storied or more), or leveling present buildings to build a new configuration, what would be their restrictions or their possibilities?**

**What if some group wanted to come in and buy the five properties or even two or three of the properties involved in this (1717,1721,1801,1803,1805) and level all present structures and build whatever commerical or office building they wanted to (ie, any number of stories with parking garage - underground or otherwise), would that be permitted?**

**The people (neighborhood association) seem to be having an undue influence on property that actually should not even be considered part of their hallowed Brykerwoods. W. 35th Street is a city thoroughfare with its' own set of traffic problems and uniqueness that is not shared by Brykerwood's residents living in the inner sections. It should not be bound by people who have such selfish interests and obviously carry such weight in decisions being made by individuals who are swayed by pressure.**

**I would appreciate clarification from all of you as to what you see happening to my property in the future.**

In a message dated 6/21/2010 12:12:24 P.M. Central Daylight Time, Paul.DiGiuseppe@ci.austin.tx.us writes:

Hi Ms. Culver:

It simply means they are recommending that your zoning remains the same and the use can continue. I'm also copying a portion of an e-mail I sent on December 7, 2009 regarding any future redevelopment.

IV) Conformance status

The properties contain residential uses that are not allowed under the Limited Office zoning. Conformance simply means whether a use of land is allowed under the zoning. The conformance status is important because it affects how property can

6/22/2010

develop or redevelop. There are four possible types of conformance:

- 1) Legal: The current use is allowed under the current zoning
- 2) Illegal: The current use was/is not allowed under a previous or current zoning code
- 3) Non-conforming: The current use is not allowed under current zoning but was allowed under zoning when the use was established
- 4) Section 25-2-942 which states that if a use conformed with zoning regulations in effect on March 1, 1984, the use is still a conforming use notwithstanding the requirements of Article 7: Nonconforming Uses (previously Section 13-3-331). The subject properties appear to meet this type because they were built prior to 1984. 25-2-942 was added as part of a major zoning code change in 1984. The City subsequently made another change to the zoning code in 1986 and again in the 1990s (which is the current zoning code).

Under this type of conformance, the property owner could build back to what is on the ground if a structure suffers extensive damage. Second, the property owner also has the ability to renovate their property as long as they stay within the current footprint. Third, the residential use cannot expand beyond the current footprint such as by adding another story or porch. Fourth, if a property owner wishes to tear down and redevelop their property (note: I am not referring to redevelopment due to damage), the property owner has the option of rebuilding the use in its current configuration. They also have the option of building under today's code and would have to meet the requirements of LO zoning.

By changing the zoning to LO-MU and making the use legal, a structure could be rebuilt in any way that meets the LO-MU development standards should any of the structures suffer extensive damage. Second, the properties can also be renovated in their existing footprint. Third, the properties would have the ability to expand the existing residential use assuming code requirements are met. Fourth, the property owner could not tear down and rebuild the current configuration but would have to meet today's code including compatibility standards, impervious cover, and the commercial design standards. This would result in a building that is further away from the single family homes when compared to existing buildings, less impervious concrete than what is currently on the ground, and the enforcement of compatibility standards and commercial design standards.

City staff's goal is to make the current uses legal by having a zoning option that matches the current uses.

Take care,

Paul

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From: Joaniejoy1@aol.com [mailto:joaniejoy1@aol.com]

Sent: Friday, June 18, 2010 4:29 PM

To: DiGiuseppe, Paul

Subject: Re: Central West Austin Neighborhood Plan

**Dear Mr. DiGiuseppe.....will you please explain to me exactly what that means. As a land owner, what am I able to do with my property that has been in my family for over 60 years?**

In a message dated 6/18/2010 10:40:04 A.M. Central Daylight Time, Paul.DiGiuseppe@ci.austin.tx.us writes:

Dear All:

I'm not sure if you were at the meeting on Wednesday but wanted to inform you that the Subcommittee recommended to the full Planning Commission that your property be designated as Neighborhood Commercial on the Future Land Use Map and retain your current zoning of Limited Office. The Planning Commission will hear the neighborhood plan, including the rezoning of your property, on Tuesday, June 22nd.

Sincerely,

Paul

Paul DiGiuseppe, Principal Planner  
City of Austin Planning and Development Review Department  
505 Barton Springs Rd., 5th floor  
Austin, TX 78704  
paul.digiuseppe@ci.austin.tx.us  
Phone: (512) 974-2865

## DiGiuseppe, Paul

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**From:** Joseph M. Bennett  
**Sent:** Tuesday, June 22, 2010 3:12 PM  
**To:** sully.jumpnet@sbcglobal.net; amdealey@aol.com  
**Cc:** dave.anderson.07@gmail.com; danette.chimenti@gmail.com; bdeleon78@gmail.com; kbtovo@earthlink.net; vskirk@att.net; jay\_reddy@dell.com; DiGiuseppe, Paul; Guernsey, Greg; sharonedgar5@sbcglobal.net; Amber Bennett  
**Subject:** RE: Deep Eddy Neighborhood  
**Attachments:** Joseph M Bennett.vcf

June 22, 2010

Dear Chairman Sully and Vice-Chair Dealy  
& Members of the Planning Commission:

My name is Joseph Bennett. My wife, Amber Bennett, and I live at 607 Deep Eddy Ave. We have lived here for the last 15 years.

You will have before you tonight consideration of zoning changes in the Deep Eddy Neighborhood suggested by City Staff:

1. We **STRONGLY OPPOSE** staff recommendation to rezone 700 Hearn Street (Tract 104) to MF-6, a zoning classification that would allow up to 90 feet height construction. Such zoning classification is highly inappropriate for our single family neighborhood, would destroy the integrity of our area, and potentially increase traffic on 7th, which is already a dangerous cut-through street from the MoPac access.. **PLEASE OPPOSE** the staff recommendation to rezone 700 Hearn Street to MF-6.
2. We **STRONGLY OPPOSE** staff recommendation to rezone 2309 Pruett Street (Tract 105) to MF-2, a density that is too high for the neighborhood, again for the same reasons above. **PLEASE OPPOSE** this recommendation.
3. We recommend SF-3 zoning for 2310 West 7th (Tract 106).

This neighborhood is truly special. All of us living here take pride in preserving the historic integrity which dominates the neighborhood.

For example, Our house at **607 Deep Eddy** was originally built in 1917. Several of the renovations in the neighborhood have been done in keeping with the original historic character of the neighborhood. Many houses are equally as old and were built during the same time period in what is known as the Charles Johnson Addition.

The neighborhood is an oasis sandwiched between commercial & streets with already high volumes of traffic and MoPac. Please stand with us in our endeavors to keep the neighborhood intact and preserved for future generations.

Thank you,  
Joseph M. Bennett, AIA  
607 Deep Eddy Ave  
Austin, TX 78703

Joe Bennett, AIA Architect  
Joseph M Bennett Architects  
2720 Bee Caves Rd. | Austin | Texas | 78746  
512 478 0057 | Office

~~http://www.jmbaarchitects.com~~  
~~http://www.jmbaarchitects.com~~

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