

C13

Susan & Louis Zachos
2121 Melridge Place
Austin, Texas 78704
512-440-0690

October 26, 2010

Planning Commission
City of Austin
301 W. 2nd Street
Austin, TX 78701

Re: **C14-2010-0126 - Melridge Terrace – Proposed Rezoning**
1303 Robert E. Lee Road
October 26, 2010 Public Hearing; Planning Commission Agenda Item C.13
WE OBJECT, unless the Zoning Ordinance also:
Requires Single-Family Detached Homes; and
Prohibits Any Uses Harmful to Water Quality or Offsite Drainage

Dear Chairman Sullivan and Planning Commissioners:

We live in the Zilker Skyline subdivision, which lies immediately east and down-gradient from the proposed Melridge Terrace subdivision. We write to comment on the potential effect of the proposed re-zoning of the Melridge Terrace subdivision. We are represented in this matter by David Davis, who is authorized to speak for us at the Planning Commission meeting.

Single Family Detached Homes. The project's developers met with the Zilker Skyline homeowners' association, and have now promised that the final zoning ordinance will require:

- single-family detached homes, with no more than 14 units, and
- that all homes will meet two-story height limits for structures.

Based on that promise, we respectfully request that any Planning Commission action or recommendation on the final zoning ordinance incorporate those requirements. We object to any departure from these requirements because, among other things, more dense development of that property will alter the current use in a manner that will significantly adversely impact drainage, traffic and parking problems for the immediate area.

Drainage Waivers. We understand that the zoning issue before the Planning Commission today does not address the specifics of the site plan, which will be submitted later. However, we believe that the prior property owner got drainage or "detention" waivers in the subdivision plat approval process. The current developers have represented that they do not intend to rely on any detention or drainage waivers. Because drainage is a significant issue for us as downgradient landowners, it is essential that the zoning ordinance will not approve or "grandfather" any prior drainage or detention waivers. Thus, consistent with the developers' promises, we request action stating that any Planning Commission recommendation or approval will not authorize existing drainage waivers.

Correction regarding the Watershed. The agenda posting notes that the property is in the "Town Lake Watershed." However, City staff informed me that the property has a topographic divide, and thus lies in two water sheds – both the Barton Springs and the Town Lake watersheds. Any zoning decision should consider potential adverse impacts to both watersheds.

Setbacks. The zoning change from SF-3 to SF-6 should not be granted if the decreased property-line set-backs, to be gained by rezoning, will authorize development that cannot meet the City's drainage requirements.

We are both geologists.¹ We have significant concerns that the changes in the surface drainage due to construction after re-zoning, along with the resulting increase in impermeable cover from 25% to 50%, will change the character of the runoff. Changes in the direction and intensity of the flow, as well as the increased sediment in runoff during construction, would require adjustments within our development to protect private property. More importantly, changes in the flow could overwhelm our Zilker Skyline subdivision's storm water infiltration system, causing sediment to flow into the small creek on the eastern border of our subdivision.

The prior property owner had agreed to an additional 15-foot water quality easement from our Zilker Skyline property line. With anything less, we are concerned that drainage controls will be incapable of meeting § 25-7-61 of the City's Code, which requires that any proposed development "*will not result in additional identifiable adverse flooding on other property,*" and that all subdivisions "*include on-site control of the two-year peak flow*" under the Drainage Criteria Manual and the Environmental Criteria Manual.

The developer has now committed to "[p]rovide appropriate on-site stormwater management controls to ensure downstream off site flows are at or below the current undeveloped condition flow rates (more specific than originally discussed)." Thus, consistent with the developers' promises, we request that any Planning Commission action or recommendation not only include this requirement, but carefully evaluate whether it will inadvertently authorize a use that cannot protect both impacted watersheds and down-stream property owners from harm due to changes in drainage.

We very much appreciated the developers' meeting with us. However, we just want to be sure that the re-zoning does not create a use that is inconsistent with water quality protection and protection of our property from off-site drainage. Thank you.

Sincerely



Louis G. Zachos



Susan Zachos

¹ Susan G. Zachos is a Professional Geoscientist (PG No. 1975), licensed by the Texas Board of Professional Geoscientists, as well as an attorney in Texas. Louis G. Zachos, PhD (Geology) is currently a visiting assistant professor in the Department of Geology and Geological Engineering at the University of Mississippi.



1303 E. Robert E. Lee REZONING SUMMARY

October 18th 2010

Since last year, we've been working to rezone 1303 Robert E. Lee for a better alternative than the existing approved SF-3 subdivision (currently approved for 12 duplexes w/ a full storm detention waiver). Through working with the ZNA Executive Committee and city staff we've been able to come up with some conditions to rezone the property to SF-6 to allow for a more appropriate single family project. These include:

1. Result in total impervious cover of less than 50%,
2. Preserve the existing, iconic landscape character of the property within the neighborhood (i.e., trees and limestone outcrops),
3. Meet two-story height limits for structures,
4. Detached housing with a max of 14 units,
5. Provide appropriate on-site stormwater management controls to ensure downstream off site flows are at or below the current undeveloped condition flow rates (more specific than originally discussed).

The timeline is as follows:

Tuesday, Oct 26th – Planning Commission (included on Consent Agenda)

Thursday, Nov 18th – City Council

We are asking ZNA to submit these conditions within a letter of support this week to be included in the city's staff report for next week's Planning Commission hearing.

Please advise if there is any other information we can provide or if there is anything else we can do between now and then to make this process as smooth and easy as possible for your group.

C 13

Rye, Stephen

From: Ryan Diepenbrock - PSW Real Estate [redacted]
Sent: Monday, October 25, 2010 11:59 AM
To: 'Zilker NA'; 'Anthony Siela'; Rye, Stephen
Cc: znaexcom@yahoogroups.com
Subject: RE: Rezoning of 1303 Robt. E. Lee
Follow Up Flag: Follow up
Flag Status: Red

Stephen,

We are in agreement with these conditions and want to make sure they get appropriately put into our zoning request for Tuesday's planning commission meeting.

Thanks again,
 Ryan

From: Zilker NA [redacted]
Sent: Friday, October 22, 2010 6:40 PM
To: 'Anthony Siela'; 'Ryan Diepenbrock'; 'Ryan Diepenbrock'; 'Rye, Stephen'
Cc: znaexcom@yahoogroups.com
Subject: Rezoning of 1303 Robt. E. Lee

Hello, Anthony, Ryan, and Mr. Rye.

Please accept our apologies for our delayed response on the rezoning case at 1303 Robt. E. Lee. The executive committee of the Zilker Neighborhood Association supports the proposed rezoning to SF6 with the following conditions:

1. Limit total impervious cover to less than 50%
2. Preserve the existing, iconic landscape character of the property (i.e., trees and limestone outcrops)
3. Limit structures to two-story height
4. Limit housing to 14 detached units
5. Provide appropriate on-site stormwater management controls to ensure downstream off site flows are at or below the current undeveloped condition flow rates.
6. No sidewalk waivers. This site occupies a critical position for access to Barton Springs Pool and Zilker Park, and the additional traffic generated by this project will require sidewalk and bike lane improvements.
7. Locate driveway at the intersection with Rabb. No other driveways cut into the limestone outcrop on Robt. E. Lee.

We have not had a chance to determine the best ways to achieve these goals (through conditional overlays or otherwise), but we are confident that it can be worked out by the time the case goes to City Council. We will have someone at the Planning Commission hearing to affirm our support for moving forward with the project. Thank you for your patience.

Sincerely,
 Lorraine Atherton, on behalf of the ZNA executive committee

10/26/2010

Rye, Stephen

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Sent: Friday, October 22, 2010 6:40 PM
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Sincerely,
Lorraine Atherton, on behalf of the ZNA executive committee

10/25/2010

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2010-0126

Contact: Stephen Rye, 512-974-7604

Public Hearing: Oct. 26, 2010, Planning Commission
Nov. 18, 2010, City Council

Your Name (p. Jesse Gutierrez & Carolyn Mann
Austin, TX 78704-2035)

☒ I am in favor
☐ I object

Your Address(es) affected by this application

Central Austin

10-16-2010

Signature

Date

Daytime Telephone: [redacted]

Comments:

Our preferred use of this property would be a park for the use of Barton Hills & Greber Neighborhoods; however, if that is not possible, the only economically feasible alternative is multi-family (on a very small scale). We would prefer make families enjoying our wonderful neighborhood!

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

City of Austin

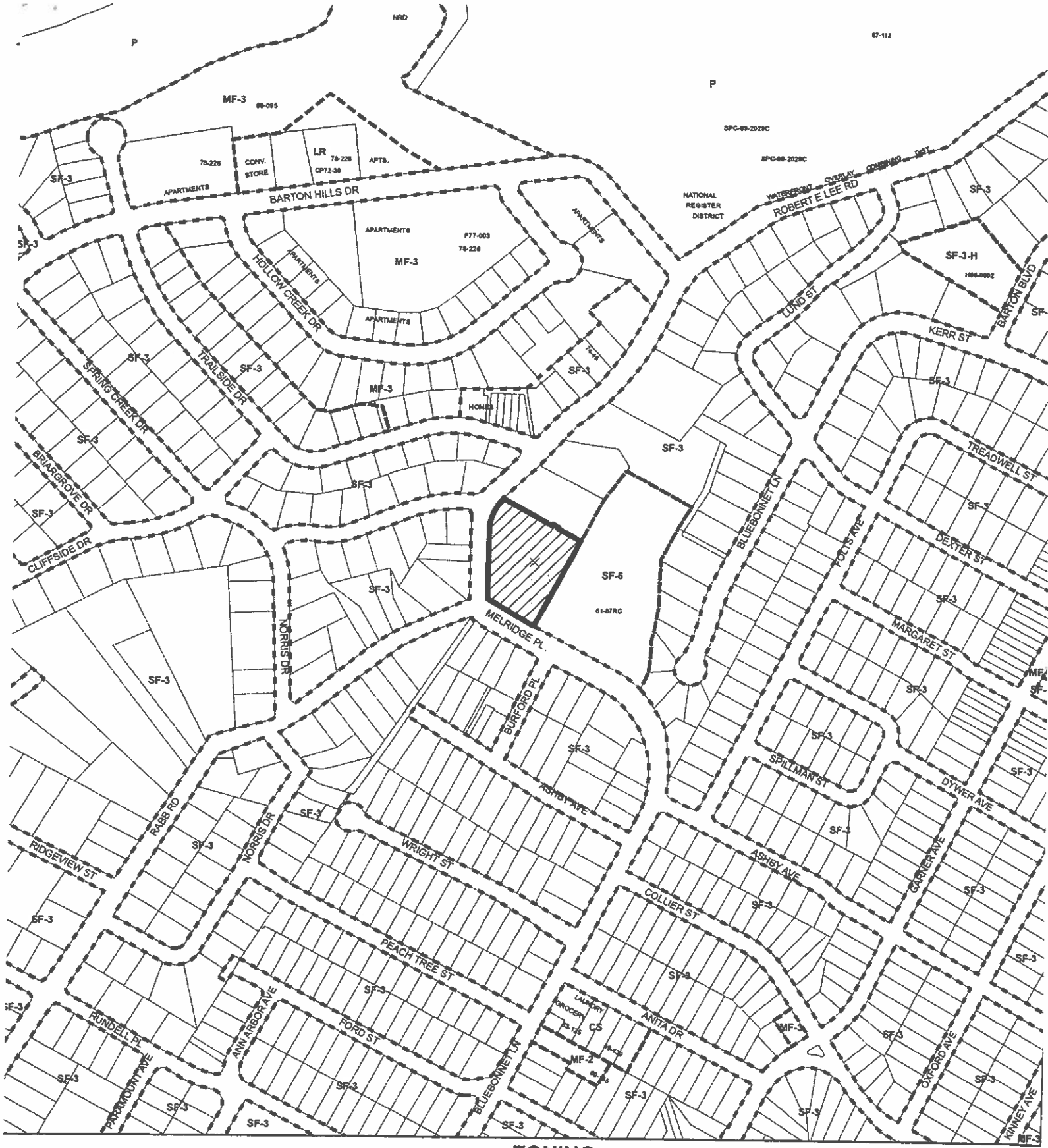
Planning & Development Review Department

Stephen Rye





P. O. Box 1088

Austin, TX 78767-8810

Jesse Gutierrez



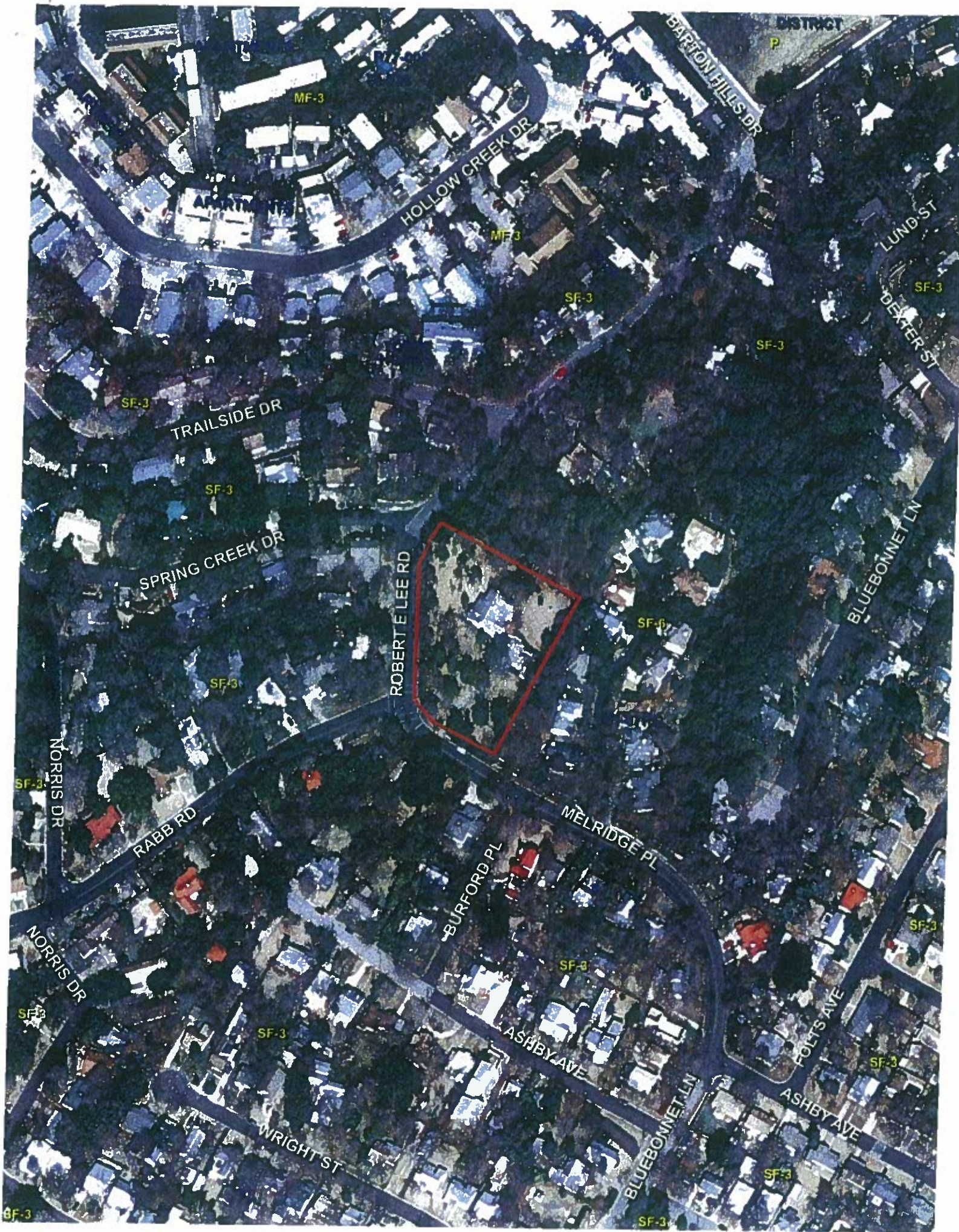
ZONING

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2010-0126
 LOCATION: 1303 ROBERT E LEE RD
 SUBJECT AREA: 1.58 ACRES
 GRID: G21
 MANAGER: STEVEN RYE



1' = 400'
 This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



DISTRICT

P

MF-3

APARTMENT

HOLLOW CREEK DR

MF-3

SF-3

SF-3

SF-3

TRAILSIDE DR

SF-3

SPRING CREEK DR

SF-3

ROBERT E LEE RD

SF-6

BLUEBONNET LN

NORRIS DR

SF-3

RABB RD

NORRIS DR

SF-3

BURFORD PL

MELRIDGE PL

SF-3

SF-3

ASHBY AVE

WRIGHT ST

BLUEBONNET LN

FOLTS AVE

SF-3

ASHBY AVE

SF-3

SF-3

SF-3