



From: Peter
Sent: Thursday, May 05, 2011 3:57 PM
To: Meredith, Maureen
Cc: Rye, Stephen
Subject: RE: Mtg Follow up: NPA-2011-0001.01 -- 141 W. Oltorf

Dear Maureen,

Thanks for facilitating the meeting and providing a comprehensive set of documentation as background.

The discussion with neighborhood individuals covered barriers to the proposed change and ways to accommodate the applicant's desires.

The mission of the Dawson Plan Team is to be good stewards of the Neighborhood Plan and to preserve and enhance the neighborhood's character and natural beauty. The full Plan Team has not met to vote on this issue as yet, but the following are reasons why this application would not be acceptable.

The proposed change violates the Dawson Neighborhood Plan (p. 14):

Objectives: *Preserve the residential character of the interior of the neighborhood and the commercial character of South First Street and South Congress Avenue.*

Action Items: *The Planning Commission and City Council should uphold and preserve the residential zoning of the interior of the neighborhood. They should not allow lots outside the Congress and South First Street corridors to be zoned for commercial or more intensive uses.*

The adopted Bouldin Neighborhood Plan states (p. 27):

"Commercial development should only be accommodated at the major intersections with S. Congress, S. 1st, and S. 5th, and the Union Pacific Railroad Tracks. Additionally, new development on Oltorf should respect the recommendations in the adopted Dawson Neighborhood Plan".

Additionally, the plan team found that a majority of homeowners along Oltorf opposed developing this street as commercial so the plan recommends giving property owners the option to develop their properties as higher-density single family uses such as townhouses and condominiums.

The change would violate the residential corridor established by these two plans that runs from the School for the Deaf to Ben White Boulevard. This corridor is sandwiched between two commercial corridors.

The change would set a precedent for more commercial applications and expansion, aka "commercial creep", along Oltorf.

Many of the residents who abut and live within 500 feet of this property have already indicated to me their opposition to the change. Also, historically, similar proposed changes to properties on this section of Oltorf were opposed and not approved. Since that time these properties have been improved and now benefit from increased value and quality

H.E.B. has worked with the neighbors to deal with issues and has installed a concrete barrier at the boundary with the residential properties. This change would break that barrier.



The Proposed zoning is combined between GO and NO and MU uses in order to suit the applicant's particular desires. The Zoning and Plan Amendments lack the reality of the realized change. There is no plan attached to the application to demonstrate conformity to standards and requirements. The property has no compliant driveways or parking, no ADA access and has a 880 square feet single family house with a garage 240 square feet on a lot size of 6412 square feet. When the property is inevitably sold these restrictions will most likely instigate further change or a non-compliant issue.

Peter Davis, Chair
Dawson Planning Contact Team

From: Sandy McMillan
To: Meredith, Maureen ; Rye, Stephen
Cc: Peter Davis ; Becky Sheller ; Kathleen Magor ; Myron Smith
Sent: Thursday, May 05, 2011 5:10 PM
Subject: 141 W. Oltorf NPA and zoning change

Dear Ms Meredith, Mr. Rye and Planning Staff,

RE: NPA-2011-0001.01 & C14-2011-0015

We would like to reiterate our opposition to the proposed neighborhood plan amendment and zoning change for 141 W. Oltorf.

Before Ms Pixley purchased the property about six years ago, she and her Realtor approached us to tell us that she planned to buy the property and open a hair salon. We told her then that we would were not happy with that because the change to commercial property would negatively affect us and our property. The change would set a precedent for commercial creep and it would decrease our property value.

We also told Ms Pixley such a change would violate the neighborhood plan and suggested she familiarize herself with the plan and contact the Dawson Neighborhood Plan Team's Executive Committee for more information about the plan amendment process. This conversation was discussed on the neighborhood listserv at the time.

Our property has Oltorf running along the north property line and changing 141 W. Oltorf to commercial would mean that we would have a second negative activity to contend with.

Ms Pixley purchased the property knowing how we felt about it and without pursuing any information about the zoning issues or the Neighborhood Plan.

At the April 20, 2011, community meeting, Ms Pixley repeatedly stated that she had no plans to sell the property and merely wanted to find a legal means to operate and advertise the business that she has been running at the site for some time. However, she also stated that she tried to sell the property a few years ago, but the interested buyers wanted a commercial zoning on the property. At that time the property market was in a downturn and many nearby properties, including commercial properties, continue to linger on the market.

When we purchased our property, which has a boundary on Oltorf, we researched the zoning and neighborhood plan to understand the situation. With that knowledge we invested in the run down house, embarking on a complete renovation and constructing a duplex unit that respects the zoning limitations and codes. The construction also complied with Austin Energy Green building guidelines.

Sincerely,

Sandy McMillan and Peter Davis

2401 Euclid Ave.

