

**Rhoades, Wendy**

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**From:** Ryan Diepenbrock - PSW Real Estate <[ryan@pswrealestate.com](mailto:ryan@pswrealestate.com)>  
**Sent:** Wednesday, September 05, 2012 3:26 PM  
**To:** Rhoades, Wendy  
**Subject:** RE: For PC 9-11-2012 C14-2012-0031 900 S. 1st (Part 1)

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Wendy,

We decided to postpone this case indefinitely to pursue plans under the current zoning since we were not getting support from your group or the neighborhood group. Did you and I not finalize that? Is it on the agenda next week?

Regards,  
Ryan

-----Original Message-----

**From:** Rhoades, Wendy [<mailto:Wendy.Rhoades@austintexas.gov>]  
**Sent:** Tuesday, September 04, 2012 5:05 PM  
**To:** Anguiano, Dora: <[dora.anguiano@cityofaustin.org](mailto:dora.anguiano@cityofaustin.org)>  
**Subject:** FW: For PC 9-11-2012 C14-2012-0031 900 S. 1st (Part 1)

-----Original Message-----

**From:** [OTC05WestTexas@ci.austin.tx.us](mailto:OTC05WestTexas@ci.austin.tx.us)  
[<mailto:OTC05WestTexas@ci.austin.tx.us>]  
**Sent:** Tuesday, September 04, 2012 4:51 PM  
**To:** Rhoades, Wendy  
**Subject:** Scanned from OTC05WestTexas

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf

multifunction device Location: 5th Floor OTC PDRD  
Device Name: OTC05WestTexas

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## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2012-0033 – 900 S. 1<sup>st</sup> (Part 2)

**P.C. DATE:** June 12, 2012  
July 10, 2012  
July 24, 2012  
September 11, 2012

**ADDRESS:** 1000-1002 South 2<sup>nd</sup> Street and 705 Christopher Street

**OWNERS:** Margaret Quadlander

**AGENT:** PSW Homes, LLC  
(Ryan Diepenbrock)

**ZONING FROM:** SF-3-NP

**TO:** SF-6-NP

**AREA:** 0.4862 acres  
(21,178.872 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to deny the Applicant's request for townhouse and condominium residence – neighborhood plan (SF-6-NP) district zoning.

If the requested zoning is recommended for this site, 28 feet of right-of-way should be dedicated from the centerline of South 2<sup>nd</sup> Street in accordance with the Transportation Criteria Manual.

### **PLANNING COMMISSION RECOMMENDATION:**

June 12, 2012: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO JULY 10, 2012, BY CONSENT*

*[S. KIRK, J. STEVENS – 2ND] (6-0) D. SULLIVAN – NOT YET ARRIVED; D. ANDERSON, D. CHIMENTI – ABSENT*

July 10, 2012: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO JULY 24, 2012, BY CONSENT*

*[D. CHIMENTI; A. HERNANDEZ – 2ND] (6-0) D. ANDERSON, R. HATFIELD; J. STEVENS – ABSENT*

July 24, 2012: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO SEPTEMBER 11, 2012, BY CONSENT*

*[S. KIRK; J. STEVENS – 2ND] (8-0) R. HATFIELD – ABSENT*

September 11, 2012:

### **ISSUES:**

The Applicant would like to discuss the Staff recommendation with the Planning Commission.

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of four platted lots containing one single family residence and has access to South 2<sup>nd</sup> Street. Viola Street which forms the north property line is platted, but unbuilt. The site contains significant slopes and Bouldin Creek flows through its western portion. The lots are zoned family residence – neighborhood plan (SF-3-NP) district. There are single family residences and duplexes along South 2<sup>nd</sup> Street to the east and south (SF-3-NP), single family residences across the creek to the west on South 3<sup>rd</sup> and Christopher Streets (SF-3-NP), and two single family residences and undeveloped area on property zoned SF-3-NP and community commercial – mixed use – conditional overlay – neighborhood plan (GR-MU-CO-NP) districts. The commercially zoned property was intended to be used as a “retreat center” at the time the Bouldin Creek Neighborhood Plan Rezoning was approved, and the area to the north described above is the subject of a companion rezoning case (C14-2012-0031 – 900 S. 1<sup>st</sup> (Part 1)). The subject rezoning area and the adjacent area to the north form the “project area.” Although Viola Street is unbuilt, it is platted as right-of-way, thus necessitating two rezoning applications. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant proposes to develop the property with approximately 40 condominiums and has requested the townhouse and condominium residence – neighborhood plan (SF-6-NP) zoning district for the project area. As shown in the Applicant’s conceptual plan, access would be taken to South 2<sup>nd</sup> Street, and also involves development of a private drive extending through adjacent areas on South 1<sup>st</sup> Street that are not a part of this rezoning application, but are contemplated as part of a larger mixed use development. Please refer to Exhibit C.

Although the project area is adjacent to multi-family residential zoned property on the north, and there is GR-MU-CO-NP zoned property on the east side of South 2<sup>nd</sup> Street, Staff has concerns with the development of a more intensive residential use where vehicular access would only be taken to a local street. In addition, although the SF-6 district promotes clustered development, Staff has concerns that the site’s topographical constraints would result in a significant amount of site disturbance adjacent to a creek in developing the property for condominium use. Staff recommends maintaining the existing SF-3-NP zoning consistent with the residential pattern along South 2<sup>nd</sup> Street and other streets west of South 1<sup>st</sup> Street.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	One single family residence
<i>North</i>	GR-MU-CO-NP; SF-3-NP; MF-2-NP	Two single family residences and associated structures – please refer to C14-2012-0031; Condominiums; Apartments accessing South 1 <sup>st</sup> Street
<i>South</i>	SF-3-NP	Single family residences
<i>East</i>	GR-MU-CO-NP; SF-3-NP	Duplexes and single family residences; General retail sales (convenience) facing South 1 <sup>st</sup> Street

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West	SF-3-NP	Single family residences
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**NEIGHBORHOOD PLANNING AREA:** Bouldin Creek      **TIA:** Is not required

**WATERSHED:** East Bouldin Creek      **DESIRED DEVELOPMENT ZONE:** Yes

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

**NEIGHBORHOOD ORGANIZATIONS:**

127 – Bouldin Creek Neighborhood Association      498 – South Central Coalition  
 511 – Austin Neighborhoods Council      737 – Bouldin Creek COA Liaison  
 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin 1108 – Perry Grid 644  
 1037 – Homeless Neighborhood Association  
 1074 – Bouldin Creek Neighborhood Planning Team 1075 – League of Bicycling Voters  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 1224 – Austin Monorail Project      1228 – Sierra Club, Austin Regional Group  
 1236 – The Real Estate Council of Austin, Inc.      1323 – South First Ibiz District  
 1340 – Austin Heritage Tree Foundation      1363 – SEL Texas

**SCHOOLS:**

Becker Elementary School      Fulmore Middle School      Travis High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2011-0159 – Time Warner Cable Hub K Station – 801 ½ S. 1 <sup>st</sup> St.	SF-2-NP to NO- NP	To Grant	Approved NO-NP (1- 12-12).
C14-2007-0220 – Bouldin Creek NPA Vertical Mixed Use Building (V) Zoning Opt-In/Opt- Out Process – Bounded by S. Congress to the east, Ben White Blvd on the south, the UPRR tracks on the west, Lady Bird Lake on the north	To add V zoning to certain tracts within the Bouldin Creek NPA, as requested by the Neighborhood's application	To Grant V zoning	Approved V zoning on 18 tracts (12-13-07 and 1-10-08).

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3**RELATED CASES:**

The rezoning area is platted as Lots 1-3 and Lot 5 Block 3 of the Oak Cliff Addition (C8-1923-1325). There are no site plan applications approved or in process on the subject property. Please refer to Exhibit B.

The GR-MU-CO-NP portion of the project area was known as Tract 24 of the Bouldin Creek Neighborhood Planning Area Rezoning (C14-02-0031 – Ordinance No. 020523-33). The conditional overlay allows for all permitted and conditional SF-3 uses, and hotel-motel use. It also limits development of the property to 40% building coverage; 45% impervious cover; 35 feet maximum building height; 15,200 square feet of maximum building area; a 200-foot wide setback from the western property line for buildings, detention ponds and roads; shielding parking areas from residential properties by buildings/structures through the City's compatibility standards and the use of "mature" vegetation; and 15' maximum height for lampposts and external light fixtures. One of the provisions in the recorded private Restrictive Covenant signed by the property owner further establishes that a hotel-motel use shall be a "retreat center" defined as a nonprofit spiritually-oriented facility that facilitates individual or group activities for directed prayer, meditations, study and instruction (Travis County Document No. 2002096711). Please refer to Exhibit C.

There is a neighborhood plan amendment in process to change the Future Land Use Map from Single Family to Higher Density Single Family (NPA-2012-0013.02). The NPA covers both rezoning areas.

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
South 2nd Street	35 feet	20 feet	Local	No	No	No
South 3rd Street	60 feet	28 feet	Collector	Yes	Yes	Yes

**CITY COUNCIL DATE:** June 28, 2012

**ACTION:** Approved a Postponement request by the Staff to August 16, 2012 (6-0, Council Member Tovo recused herself).

August 16, 2012

Approved a Postponement request by the Staff to September 27, 2012 (5-0, Council Member Tovo recused herself, Council Member Spelman was absent).

September 27, 2012

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

C14-2012-0033

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**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

**PHONE:** 974-7719





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MAP

*OAK CLIFF ADDITION*

BEING A SUBDIVISION OF LOT NO. 3 BLOCK "B"  
OF THE JAMES E. BOULDIN ESTATE OUT OF  
THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEX.

SCALE 160 FEET - 1 INCH  
SUBMITTED BY O. J. HINTON.

**SUBMITTED BY O. J. HINTON.**

[illegible]

Og, Shinton

*State of Texas, #*  
*Camp of Texas #*  
County of Brewster, Brewster are the undersigned authorities on this day personally appeared G. W. Hines known to me, two persons,  
who as witness I declare to be the foregoing first-named one of  
us, and being duly sworn, depose and say that he received the purchase and  
contribution therefor as above stated.  
Given under my hand and seal of office this 1<sup>st</sup> day of January A.D. 1903.

May 3rd  
Davis County  
Tex

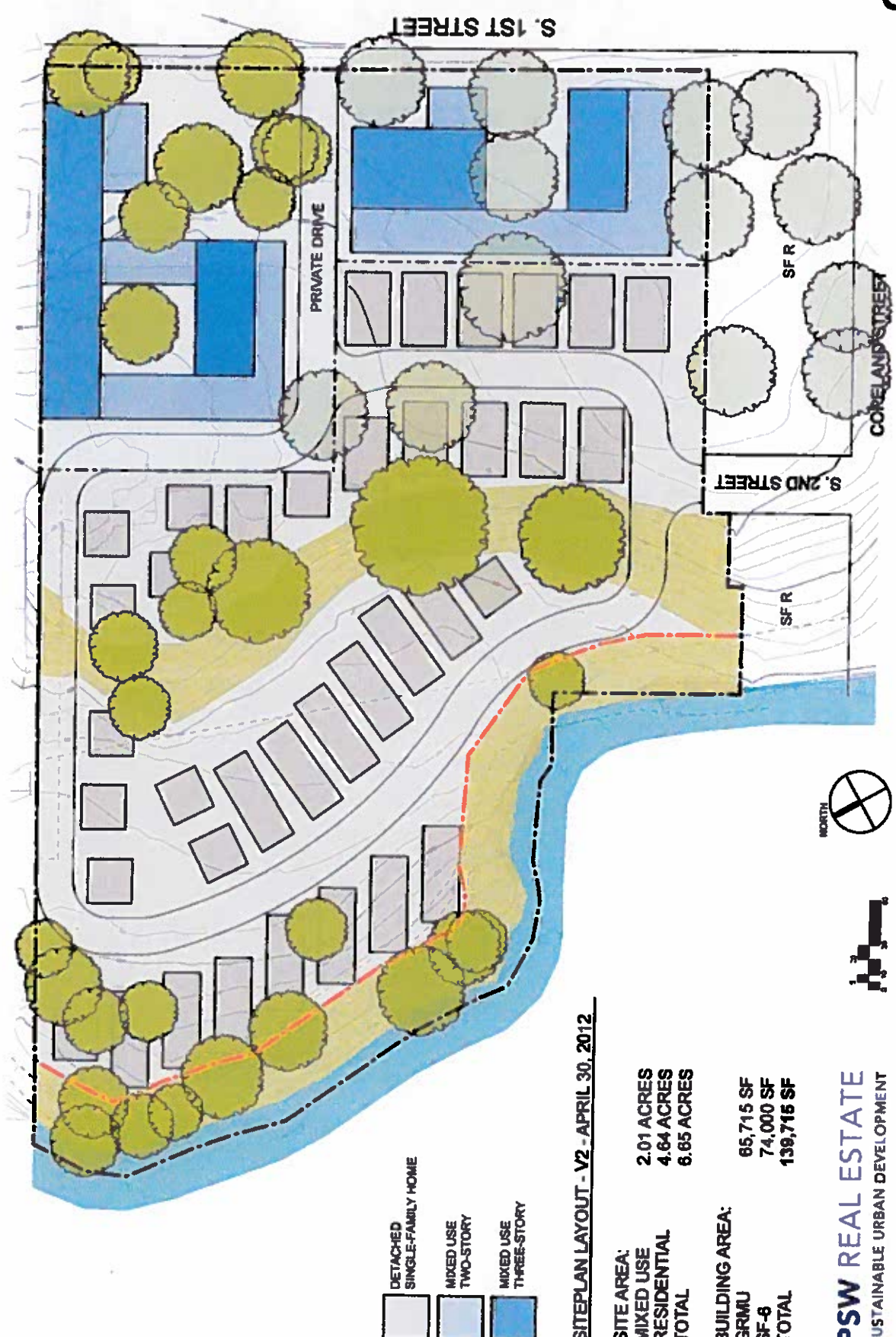
Philip Gault  
Aug 11, 1892

FILED 11<sup>00</sup>A.M. JAN. 11, 1923  
RECORDED 5<sup>30</sup>P.M. JAN. 11, 1923

EXHIBIT B  
RECORDED  
PST

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- DETACHED SINGLE-FAMILY HOME
- MIXED USE TWO-STORY
- MIXED USE THREE-STORY

**SITEPLAN LAYOUT - V2 - APRIL 30, 2012**

SITE AREA:	MIXED USE	2.01 ACRES
	RESIDENTIAL	4.64 ACRES
	TOTAL	6.65 ACRES
BUILDING AREA:	GRMU	65,715 SF
	SF-6	74,000 SF
	TOTAL	139,715 SF



**PSW REAL ESTATE**  
SUSTAINABLE URBAN DEVELOPMENT

EXHIBIT C  
APPLICANT'S CONCEPTUAL PLAN

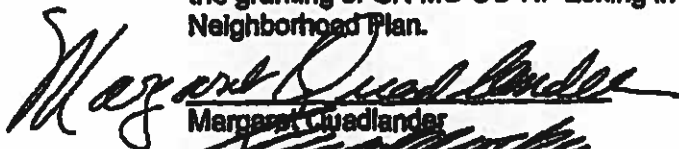

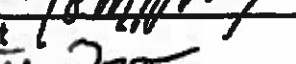
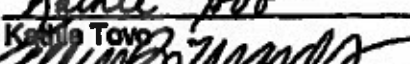


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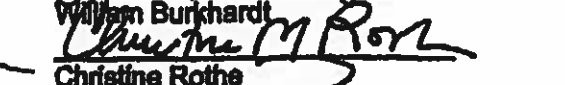
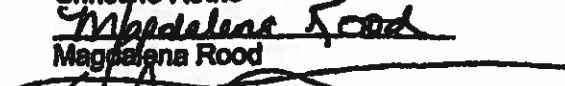


**Dispute Resolution Agreement**  
**ADR Case Number 02-03**  
**Zoning case C14-02-0031**

The undersigned parties have reached Agreement for the disputed zoning case noted above which was referred by the Austin City Council for resolution under the City of Austin Dispute Resolution Program.

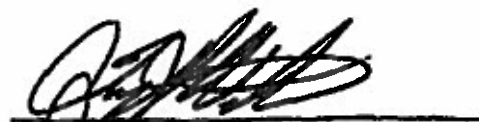
The terms of the Agreement are detailed in Exhibit A, draft ordinance provisions rezoning the subject property to GR-MU-CO-NP zoning district with the Conditional Overlay itemizing specific restrictions as provided in the City of Austin Land Development Code, and Exhibit B, modified language to Action Item 8 of the Bouldin Creek Neighborhood Plan. There will also be a private restrictive covenant among the owner of the subject tract, the Bouldin Creek Neighborhood Association and the undersigned adjoining property owners to restrict the hotel/motel use to that of a "retreat center". This covenant will be signed and executed prior to City Council action.

The parties represent that with the attached conditions, they jointly recommend the granting of GR-MU-CO-NP zoning in this case and the amendment to the Neighborhood Plan.

  
Margaret Quadlander  
  
Sarah Crocker  
  
Tom Hurt  
  
Kathie Tovo  
  
Ellen Richards  
  
Sean Kelly, President  
Bouldin Creek Neighborhood Association

  
William Burkhardt  
  
Christine Rothe  
  
Magdalena Rood  
  
Stuart Hampton  
  
Sylvie Skiles

Witness & Attest:

  
Tracy H. Watson  
Dispute Resolution Officer  
City of Austin



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**Exhibit A**  
**Zoning Case - C14-02-0031**  
**Tract 24 - Bouldin Creek Neighborhood Plan**

**Conditional Overlay Provisions**

**Site development Standards**

- o 40% Maximum Building Coverage.
- o 45% Maximum Impervious Coverage.
- o 35' Maximum Building Height.
- o 15,200 sq. ft. Maximum Building Area.
- o Applicable only to any "hotel/motel" development: Lot 9, Abe Williams Subdivision shall have a 150-foot setback from the western property line for detention ponds and a 200-foot setback from the western property line for all other uses including, but not limited to, buildings, parking areas or roads for vehicles; Lot 10, Abe Williams Subdivision shall have a 200 foot setback from the western property line for all uses, including, but not limited to, buildings, detention ponds, parking areas or roads for vehicles.
- o Parking to be shielded from residential properties by buildings or structures or other methods in accordance with compatibility standards in the Land Development Code and that any landscaping used be "mature" vegetation as defined in the Land Development Code or set in other City standards.
- o All lampposts and external light fixtures to be restricted to 15' in height.

**Permitted Uses**

All permitted SF-3 uses.  
Hotel/Motel

**Conditional Uses**

All SF-3 conditional uses.

**Prohibited Uses**

**Residential Uses**

All SF-4 through MF-6 uses.

**Commercial Uses**

Administrative and  
Business Offices  
Art and Craft Studio  
(Limited)  
Automotive Rentals  
Automotive Repair  
Services  
Automotive Sales  
Automotive Washing (of  
any type)  
Business or Trade School  
Business Support Services

Commercial Off-Street  
Parking  
Communication Services  
Consumer Convenience  
Services  
Consumer Repair Services  
Drop-Off Recycling Facility  
Exterminating Services  
Financial Services  
Food Sales  
Funeral Services

General Retail Sales  
(General)  
General Retail Sales  
(Convenience)  
Indoor Entertainment  
Indoor Sports and  
Recreation  
Medical Offices—  
exceeding 5000 sq. ft.  
gross floor area

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Medical Offices—not  
exceeding 5000 sq. ft  
gross floor area  
Off-Site Accessory Parking  
Outdoor Entertainment  
Outdoor Sports and  
Recreation  
Pawn Shop Services  
Urban Farm

Personal Improvement  
Services  
Personal Services  
Pet Services  
Plant Nursery  
Professional Office  
Research Services

Restaurant (Drive-In, Fast-  
Food)  
Restaurant (General)  
Restaurant (Limited)  
Service Station  
Software Development  
Special Use Historic  
Theater

**Industrial Uses**  
Custom Manufacturing

**Civic Uses**  
Club or Lodge  
College and University Facilities  
Communication Service Facilities  
Community Recreation (Private)  
Community Recreation (Public)  
Congregate Living  
Counseling Services  
Cultural Services  
Day Care Services (All Types)  
Group Home, Class II  
Guidance Services  
Hospital Services (General)  
Hospital Services (Limited)  
Local Utility Services  
Private Primary Education Facilities  
Private Secondary Education Facilities  
Public Primary Education Facilities  
Public Secondary Education Facilities  
Residential Treatment  
Safety Services  
Telecommunications Tower

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**EXHIBIT B**

The Bouldin Creek Neighborhood Plan is amended to read:

**Action Item 8:**

a) A Retreat Center will be allowed on Tract 24 while the rest of the land will be left as open space to protect the creek. Lead implementer: NPZD

For Tract 24, the following conditions apply:

- o 40% Maximum Building Coverage.
- o 45% Maximum Impervious Coverage.
- o 35' Maximum Building Height.
- o 15,200 sq. ft. Maximum Building Area.
- o Applicable only to any "hotel/motel" development: Lot 9, Abe Williams Subdivision shall have a 150-foot setback from the western property line for detention ponds and a 200-foot setback from the western property line for all other uses including, but not limited to, buildings, parking areas or roads for vehicles; Lot 10, Abe Williams Subdivision shall have a 200 foot setback from the western property line for all uses, including, but not limited to, buildings, detention ponds, parking areas or roads for vehicles.
- o Parking to be shielded from residential properties by buildings or structures or other methods in accordance with compatibility standards in the Land Development Code and that any landscaping used be "mature" vegetation as defined in the Land Development Code or as set in other City standards.
- o All lampposts and external light fixtures to be restricted to 15' in height.

"Retreat" shall be defined as a non-profit, "spiritually-oriented" facility that facilitates individual or group withdrawal for directed prayer, meditation, study and instruction.

b) New structures on Tract 25 should be permitted a height of 45 feet, a minimum setback and the 30% community open space condition on these properties should be waived.

This recommendation allows for the City to follow through on recommendations made in earlier public planning processes (including the Sector 12 plan of 1987) for a mixed-use designation on the Quadlander properties adjacent to multifamily zoning on S. 1<sup>st</sup> Street. The 45 feet height limit allows a small multifamily property to be developed as a buffer between the high-density apartment complexes immediately to the north and the 35-foot height properties to the south.



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May 23, 2002

Dear Council Members and City Staff:

As many of you know, our mediation sessions with property owner Margaret Quadlander regarding Tract 24 of the Bouldin Creek Neighborhood Plan came to a successful resolution on May 9, 2002.


Our agreement—the result of three mediation sessions between the property owner, the president of the Bouldin Creek Neighborhood Association, Neighborhood Planning Team representatives, and adjacent property owners and petition signers—proposes changes to the zoning ordinance and language. As part of the mediation agreement, Margaret Quadlander (owner of Tract 24), adjacent property owners William Burichardt, Tom Hurt, and Kathryn Tovo, and the Bouldin Creek Neighborhood Association were all parties to a private restrictive covenant prohibiting all commercial uses for this Tract except for those associated with a retreat, defined as "a nonprofit spiritually-oriented facility that facilitates individual or group activities for directed prayer, meditations, study and instruction." This restrictive covenant, signed on May 22, 2002, is now on file with Tracy Watson of the City of Austin Dispute Resolution Program. If the City Council approves the zoning changes, the property owner will file the covenant immediately after the Council meeting on May 23, 2002.


Please consider our part in the valid petition as an opposition only to the original language of the zoning ordinance and Neighborhood Plan as presented to the City Council on April 18, 2002. We are in full support of the mediation agreement, the proposed changes to the zoning ordinance and language in the Neighborhood Plan as represented in Exhibit A and Exhibit B, and the restrictive covenant.

Assuming that the final zoning ordinance will reflect the restrictions we agreed on in the mediation session and that the City Council will accept the mediation agreement and the proposed changes to the zoning ordinance and language in the Bouldin Creek Neighborhood Plan, you may consider our names withdrawn from the petition on file with the City of Austin Neighborhood Planning and Zoning Department.

We request that this letter and a copy of the restrictive covenant become part of the official zoning case file for this tract.

Sincerely,

  
William Burichardt  
802 Christopher St.  
Austin, TX, 78704

  
Tom Hurt  
800 Christopher St.  
Austin, TX, 78704

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# PETITION

Case Number:

C14-02-0031

Date:

Apr. 17, 2002

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

377,512.64

1	01-0201-0201	Hurl, Tom	14,874.81	3.94%
2	01-0201-0202	Burkhardt, William	21,878.85	5.74%
3	01-0201-0203	Skiles, Mark & Sylvia	7,814.12	2.02%
4	01-0201-0601	Schlesing, Paul	7,388.20	1.95%
5	01-0201-0107	Rothe, Christine	2,995.95	0.78%
6	01-0201-0212	Johnson, Eugene	18,370.49	4.87%
7	01-0201-0807	Pedraza, Ramiro	7,502.99	1.99%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%
26				0.00%
27				0.00%
28				0.00%
29				0.00%
30				0.00%
31				0.00%

Validated By:

Stacy Meeks

Total Area of Petitioner:

80,342.69

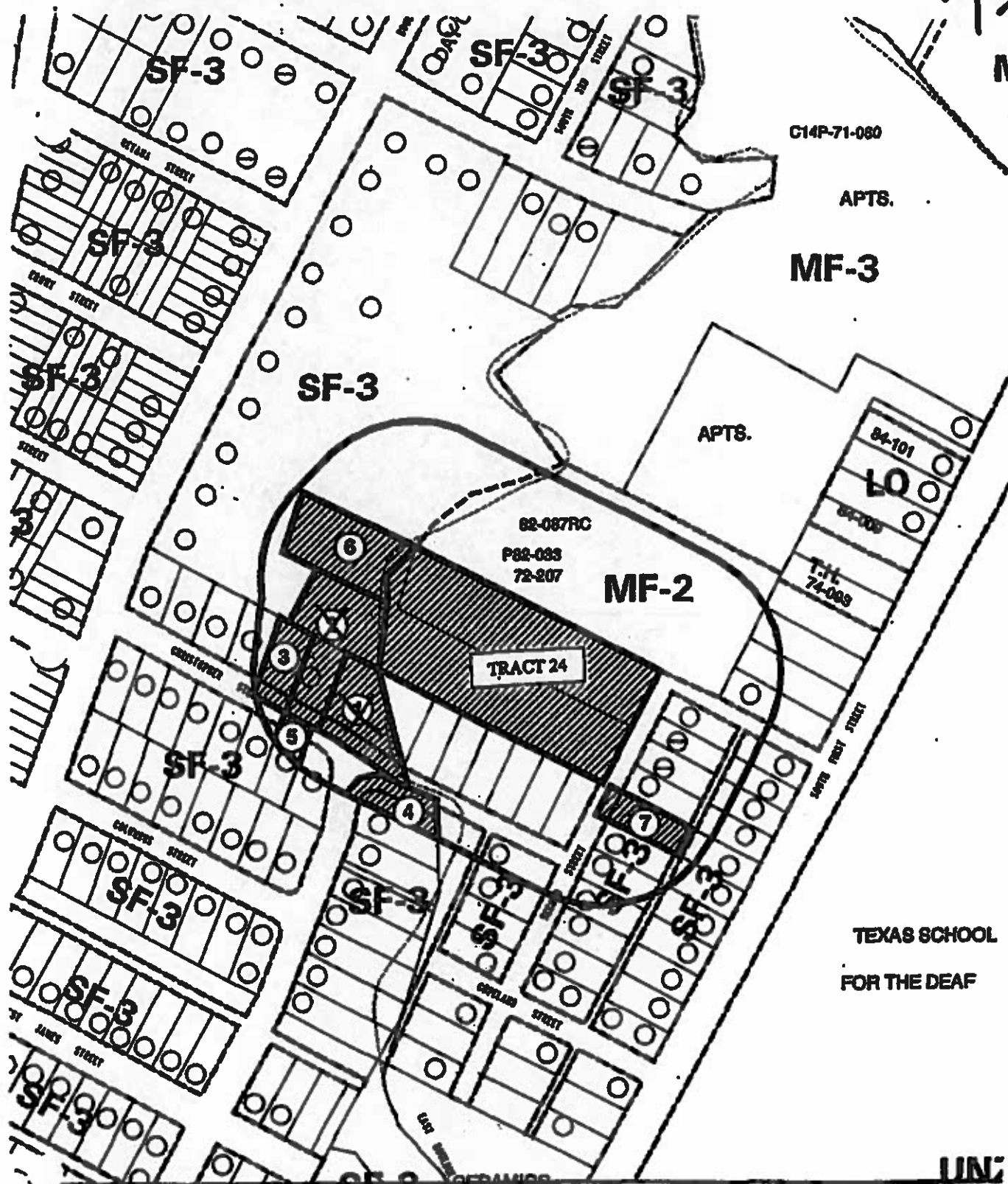
Total %

21.28%

= 9.68

11.60%

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N



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

CASE #: C14-02-0031  
ADDRESS: BOULDER CREEK  
NEIGHBORHOOD PLANNING AREA

PETITIONS

DATE: 02-04  
INTLS: SM

CITY GRID  
REFERENCE  
NUMBER  
J20-22, H20-2  
2



C10/18

RECEIVED

PETITION

APR 17 2002

Date: 4-13-02

File: C14-02-0031

Neighborhood Planning & Zoning

Address of Rezoning Request: 900 and 904 South 2<sup>nd</sup> St.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF3.

This property is described as Tract 24 in the Bouldin Creek Neighborhood Planning Area Proposed Zoning Changes. The proposal to rezone Tract 24 (900 South 2<sup>nd</sup> St. and 904 South 2<sup>nd</sup> St.) to GR/MU/CONP "Hotel/Motel" violates our rights and expectations as neighboring property owners and directly violates the two most important goals of the Bouldin Creek Neighborhood Plan:

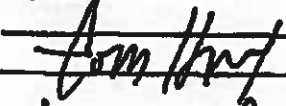
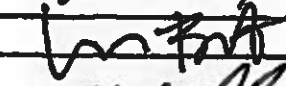
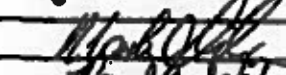
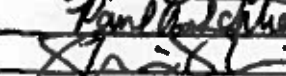
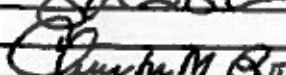
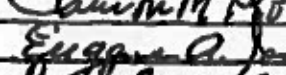
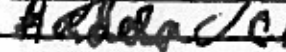
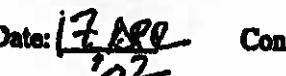
Goal 1: Maintain established neighborhood character and assets

•Objective 1.1: Maintain the single-family residential character of the neighborhood interior

Goal 2: Protect and enhance creeks and open spaces

•Objective 2.1: Protect East and West Bouldin Creeks to ensure the safety and enjoyment of the neighborhood residents

The Tract 24 owner's proposal to have 900 2<sup>nd</sup> South St. and 904 South 2<sup>nd</sup> St. rezoned for GR/MU/CONP "Hotel/Motel" classification would allow a developer to build a hotel or motel with a building area totaling 20,000 square feet in addition to the requisite parking, trash removal service areas, and fire truck access to the structure. Such construction would negatively affect the character and composition of a residential neighborhood that has been in existence for more than 90 years.

Signature	Printed Name	Address
	TOM HURT	800 CHRISTOPHER ST.
	WILLIAM BARKHARDT	802 CHRISTOPHER ST.
	Mark Skiles	804 Christopher St.
	Paul A. Schliesing	1003 S. 3rd St.
	Sylvie Skiles	804 CHRISTOPHER ST.
	Christine M. Rathe	803 Christopher St. Austin
	Eugene A. Johnson	903 Bouldin Austin 787
	Heidi C. Kerkova	909 S. 2nd St. Austin 787

Date: 7 APR  
'02

Contact Name and Phone: William Barkhardt  
512-750-6580

FROM : TOM HURT DESIGN

FAX NO. : 512 444 2020

Mar. 25 2002 11:17AM P2

C10  
19

Tom Hurt  
800 Christopher St., Austin, TX 78704  
tel 512 444-4821  
fax 512 444-2020

Ben Helmsath, Chair  
City of Austin Planning Commission  
Neighborhood Planning and Zoning Department  
P.O. Box 1088  
Austin, Texas 78707

March 26, 2002

Dear Mr. Helmsath,

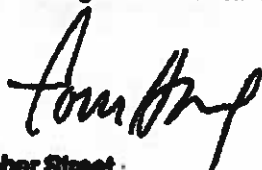
My wife and I are residents of 800 Christopher Street in the Boudin Creek Neighborhood. While we generally support the city's efforts to make zoning changes in this neighborhood, we are very concerned about a zoning proposal for a property that abuts our lot.

The property in question is indicated as Property 24 on the Planning and Zoning Department's plan of proposed changes. It is our understanding based on a discussion with Scott Williams that the proposal would change the zoning from SF-3 to a zoning that includes a commercial use - and in particular, hotel usage. This property is not accessible from a major traffic way and to my knowledge is surrounded by residential buildings, most of them single family houses. A hotel zoning for a property on 2<sup>nd</sup> Street does not seem to us consistent with reasonable in-fill strategies or with the general goals of Smart Growth.

When I bought my property on Christopher Street, I understood that it was surrounded by other SF-3 properties, and I was under the reasonable assumption that the zoning would remain residential. Kathie and I are willing to meet with the developer to discuss his or her specific plans for the property. But, given what we know about the proposal to date, we would like to state our objection to this zoning change.

Thank you for taking this letter into careful consideration.

Sincerely,



Tom Hurt  
800 Christopher Street  
Austin, Texas

49/20

20	2300 S 5TH ST	0402040130	CHARLES WHITFORD	MF-3	MF-4NP	Mixed Use Building
20	2302 S 5TH ST	0402040131	ZADA TAYLOR	MF-3	MF-4NP	
21	2207 S 5TH ST	0402040223	PASTURES PROPERTIES INC	MF-3, LR	MF-4NP	
22	911 W LIVE OAK ST	0402030027	GREEN PASTURES 1888 INC	CS-H, LR-H, SF-3-H, MF-3-H	GR-MU-CO-HP-H	Mixed Use Building
23	2301 S 5TH ST	0402040222	GREEN PASTURES INVESTMENTS INC	LR, MF-3	GR-MU-CO-HP	Mixed Use Building
23	2311 S 5TH ST	0402040218	PASTURES PROPERTIES INC	LR	GR-MU-CO-HP	Mixed Use Building
23	910 W OLIVE ST	0402040217	PASTURES PROPERTIES INC	LR	GR-MU-CO-HP	Mixed Use Building
24	900 S 2ND ST	0102010911	MARGARET QUADLANDER	SF-3	GR-MU-CO-HP	
24	904 S 2ND ST	0102010912	MARGARET QUADLANDER	SF-3	GR-MU-CO-HP	
25	900 S 1ST ST	0102010912	MARGARET QUADLANDER	SF-3	GR-MU-CO-HP	
25	901 S 2ND ST	0102010911	MARGARET QUADLANDER	SF-3	GR-MU-CO-HP	Mixed Use Building
25	902 S 1ST ST	0102010913	MARGARET QUADLANDER	SF-3	GR-MU-CO-HP	Mixed Use Building
25	903 S 2ND ST	0102010912	MARGARET QUADLANDER	SF-3	GR-MU-CO-HP	Mixed Use Building
25	904 S 1ST ST	0102010914	MARGARET QUADLANDER	SF-3	GR-MU-CO-HP	Mixed Use Building
25	905 S 2ND ST	0102010909	MARGARET QUADLANDER	SF-3	GR-MU-CO-HP	Mixed Use Building
25	906 S 1ST ST	0102010915	MARGARET QUADLANDER	SF-3	GR-MU-CO-HP	Mixed Use Building
25	907 S 2ND ST	0102010908	GEORGE R MENDOZA	SF-3	GR-MU-CO-HP	Mixed Use Building
26	1000 S 1ST ST	0402010919	LESLIE MOORE & MAGDALENA ROOD	SF-3	GR-MU-CO-HP	Mixed Use Building
26	1002 S 1ST ST	0102010920	LESLIE MOORE & MAGDALENA ROOD	SF-3	GR-MU-CO-HP	Mixed Use Building
26	1008 S 1ST ST	0102010922	STUART & MARY HAMPTON	SF-3	GR-MU-CO-HP	Mixed Use Building
26	908 S 1ST ST	0102010916	DONNA HOBBS	SF-3	GR-MU-CO-HP	Mixed Use Building
26	910 S 1ST ST	0102010917	LESLIE MOORE & MAGDALENA ROOD	SF-3	GR-MU-CO-HP	Mixed Use Building
26	912 S 1ST ST	0102010918	LESLIE MOORE & MAGDALENA ROOD	SF-3	GR-MU-CO-HP	Mixed Use Building
27	1004 S 1ST ST	0102010921	DARRELL J STAMP	SF-3	GR-MU-CO-HP	Mixed Use Building
27	1100 S 1ST ST	0101011118	LESLIE MOORE & MAGDALENA ROOD	SF-3	GR-MU-CO-HP	Mixed Use Building
27	1102 S 1ST ST	0101011119	LESLIE MOORE & MAGDALENA ROOD	SF-3	GR-MU-CO-HP	Mixed Use Building
27	1104 S 1ST ST	0101011120	LESLIE MOORE & MAGDALENA ROOD	SF-3	GR-MU-CO-HP	Mixed Use Building
27	1106 S 1ST ST	0101011121	LESLIE MOORE & MAGDALENA ROOD	SF-3	GR-MU-CO-HP	Mixed Use Building
27	1108 S 1ST ST	0101011122	LESLIE MOORE & MAGDALENA ROOD	SF-3	GR-MU-CO-HP	Mixed Use Building
27	1110 S 1ST ST	0101011123	DAVID WOODS & ELLEN BARTTEL	SF-3	GR-MU-CO-HP	Mixed Use Building
27	1112 S 1ST ST	0101011124	LOIS EITZE	SF-3	GR-MU-CO-HP	Mixed Use Building
27	1114 S 1ST ST	0101011125	MOHAMMAD & SHAHIDA MEMON	SF-3	GR-MU-CO-HP	Mixed Use Building
27	1200 S 1ST ST	0101011126	JOSE LUIS BUSTAMANTE	SF-3, LO	GR-MU-CO-HP	Mixed Use Building
27	906 COPELAND ST	0101011136	LESLIE MOORE & MAGDALENA ROOD	SF-3	GR-MU-CO-HP	Mixed Use Building

ATTACHMENT 2  
PAGE 2



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21

15 & 16	CS to CS-MU-CO-NP	<p><b>Prohibited Uses:</b> Auto Rentals, Auto Sales, Pawn Shops, and Vehicle Storage.</p> <p><b>Conditional Uses:</b> Adult-Oriented Businesses; Building Maintenance Services; Equipment Repair Services; Limited Warehousing and Distribution; Maintenance and Service Facilities.</p>	NONE	Mixed Use Building
17 & 18	CR to LR-MU-CO-NP	<b>Conditional Uses:</b> Drive-Through Services	NONE	Mixed Use Building
19	SF-3, CS to SF-3-NP	Existing Single-Family Use		
20 & 21	LR, MF-3	Existing Multifamily Uses		
22 & 23	LR, MF-3, CS-H, LR-H, SF-3-H, MF-3-H to CR-MU-CO-NP, CR-MU-CO-NP-H	<p><b>Prohibited Uses:</b> Automotive Rentals; and Automotive Sales, Automotive Repair Services; Automotive Washing (of any type); Commercial Off-Street Parking; Communications Services; Drive-Through Services; Drop-Off Recycling Collection Facility; Extenuating Services; Funeral Services; General Retail Sales (General); Hospital Services (General); Pawn Shops; Service Stations.</p> <p><b>Conditional Uses:</b> Medical Offices exceeding 10,000 Sq Ft of gross floor area</p> <p>Permitted uses limited to: SF-3 Uses and Hotel/Motel (Plus some conditional uses)</p>	<p>1. 45' Maximum Height</p> <p>2. 75% Maximum Impervious Cover</p>	Mixed Use Building
24	SF-3 to CR-MU-CO-NP		<p>1. 45' Maximum Height</p> <p>2. 45% Maximum Impervious Cover</p> <p>3. 40% Maximum Building Coverage</p>	
25	SF-3 to CR-MU-CO-NP	<p><b>Prohibited Uses:</b> Automotive Rentals; and Automotive Sales, Automotive Repair Services; Automotive Washing (of any type); Commercial Off-Street Parking; Communications Services; Drive-Through Services; Drop-Off Recycling Collection Facility; Extenuating Services; Funeral Services; Pawn Shops; Service Stations.</p>	<p>1. No parking permitted in front of structure</p> <p>2. 45' Maximum Height</p>	Mixed Use Building



## MEMORANDUM

**TO:** Mayor and Council Members

**FROM:** Tracy Watson, Dispute Resolution Officer  
Office of Dispute Resolution

**DATE:** May 13, 2002

**SUBJECT:** Bouldin Neighborhood Plan Zoning Mediation

On April 28, 2002, Council referred zoning case C14-02-0031 of Tract 24 of the Bouldin Creek Neighborhood Plan for mediation. Between April 24<sup>th</sup> and May 9<sup>th</sup>, three sessions were conducted with the affected parties, including the property owner, her representative, nearby neighbors (including the signers of the valid petition), the Bouldin Creek Neighborhood Association President and representatives of the Neighborhood Planning Team.

On May 9, 2002, the parties agreed to revised conditions for the zoning case and language to amend Action Item 8 of the Bouldin Creek Neighborhood Plan. The Agreement also provides for execution of a private restrictive covenant among the parties which will be executed prior to these items coming back before Council for action.

Copies of the Mediation Agreement and Exhibits A and B are attached for your information. Neighborhood Planning and Zoning Department staff will process the zoning ordinance and Plan amendments. If you have any questions or require additional information, please contact me at 974-2352.

Tracy Watson  
Dispute Resolution Officer  
Office of Dispute Resolution

cc: Toby Futrell, City Manager  
Joe Canales, Deputy City Manager  
Alice Glasco, Director, Neighborhood Planning and Zoning Department  
Steven Rossiter, NPZD  
Wendy Walsh, NPZD  
Scott Whiteman, NPZD  
All Participants

C10/23



ORIGINAL  
FILED FOR RECORD

**RESTRICTIVE COVENANT**

**OWNER:** Margaret A. Quadlander

**ADDRESS:** 3809 Bailey Lane  
Austin, Travis County, Texas 78756-3909

**CONSIDERATION:** Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the Bouldin Creek Neighborhood Association and adjacent property owners, Tom Hurt, Kathryne Tovo and William Burkhardt (the "Adjacent Property Owners"), the receipt and sufficiency of which are acknowledged by the Owner.

**PROPERTY:** Lots 9 and 10, Abe Williams Subdivision, a subdivision in Travis County, Texas, more particularly described in a plat of record in Volume 328, Page 233, of the Plat Records of Travis County, Texas.

**RECITALS**

As a part of the zoning case process and to obtain the consent of the Bouldin Creek Neighborhood Association and the Adjacent Property Owners to the change in zoning included in the City of Austin zoning case C14-02-0031, the Owner has agreed to impress the Property with the following covenants and restrictions on the use of the Property.

**AGREEMENT**

For and in consideration of the mutual promises contained herein and the above-stated Consideration:

1. The Owner impresses the Property with the following covenants and restrictions:
  - a. The Owner agrees that the only use of the Property within the GR zoning district and as defined under the Hotel/Motel classification shall be a "retreat center," defined as a nonprofit spiritually-oriented facility that facilitates individual or group activities for directed prayer, meditations, study and instruction.
  - b. No lamppost or external light fixture may be built on the Property or allowed to exist on the Property in excess of fifteen (15) feet in height.

C10/24

- c. The Owner agrees that should vegetation be used to meet the City of Austin compatibility standards, "mature" vegetation and/or plants in a minimum of 5-gallon containers shall be used, planted three (3) feet on center.
2. Should the property be completely developed under the provisions of the SF3 zoning district and not as a retreat center, the restrictions contained within paragraphs 1b and 1c will not be applicable.
  3. If any person or entity, including the Owner or any heir, personal representative, successor or assign of the Owner, violates any of the terms of this Restrictive Covenant, the Bouldin Creek Neighborhood Association, any member of the Bouldin Creek Neighborhood Association, and any of the Adjacent Property Owners, their heirs, legal representatives, successor or assigns, may enforce the above-stated restrictions and covenants in any court with competent jurisdiction. The remedies available to any person attempting to enforce the restrictions and covenants above-stated, in addition to other remedies, include an injunction to preclude the activity that is in violation of these agreements, damages and attorney's fees. The Owner agrees that, if a lawsuit is filed attempting to enforce the restrictions and covenants through an injunction, the sum of \$10,000.00 is an appropriate bond for a temporary restraining order and/or temporary injunction. The Owner also agrees that the above-stated remedies are cumulative and not exclusive.
  4. If any part of this agreement or any covenant or restriction is declared invalid by judgment or court order, this agreement shall be read as though the invalid provision were not contained in the agreement, and all other provisions of the agreement shall remain in full force and effect.
  5. The Owner agrees that the covenants and restrictions contained herein touch or concern the land, and that it is the intent of the parties that the restrictions and covenants contained herein run with the land. The restrictions and covenants contained herein are binding upon the Owner, Owner's heirs, personal representatives, successors and assigns.
  6. This agreement may be modified, amended or terminated only by joint action of the Owner of the Property, the Adjacent Property Owners, and the Bouldin Creek Neighborhood Association.



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1/25

SIGNED this the 22<sup>nd</sup> day of May, 2002.

OWNER:

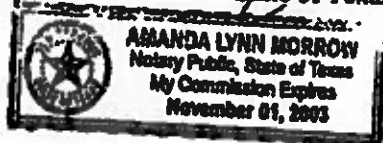
Margaret A. Quadlander  
Margaret A. Quadlander

STATE OF TEXAS  
COUNTY OF TRAVIS

2002 MAY 22

This instrument was acknowledged before me on the 22<sup>nd</sup> day of May, 2002 by  
Margaret A. Quadlander.

Amanda L. Morrow  
Notary Public in and for the State of Texas



~~AFTER RECORDING, RETURN TO.~~

~~Terrence L. Irion  
Attorney at Law  
3660 Stone Ridge Road, Suite B-102  
Austin, Texas 78746~~

WCD:kj #  
Hurt, Quadlander restr cov restrictive covenant

C10  
26

**AFTER RECORDING PLEASE RETURN TO:**  
**Crocker Consulting**  
**Sarah Crocker**  
**809 SOUTH LAMAR BLVD.**  
**AUSTIN, TEXAS 78704**

**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

05-24-2002 10:01 AM 2002080711  
BENAVIDESV \$15.00  
DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

C10  
27**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to deny the Applicant's request for townhouse and condominium residence – neighborhood plan (SF-6-NP) district zoning.

If the requested zoning is recommended for this site, 28 feet of right-of-way should be dedicated from the centerline of South 2<sup>nd</sup> Street in accordance with the Transportation Criteria Manual.

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

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

*Applicant's Request:* The townhouse and condominium residence (SF-6) district is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use.

*Staff Recommendation:* The family residence (SF-3) zoning district is intended as an area for moderate density single family residential use, with a minimum lot size of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

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

Although the property is adjacent to multi-family residential zoned property on its north side, and there is GR-MU-CO-NP zoned property on the east side of South 2<sup>nd</sup> Street, Staff has concerns with the development of a more intensive residential use where the sole access is taken to a local street. In addition, although the SF-6 base district promotes clustered development, Staff has concerns that the site's topographical constraints would result in a significant amount of site disturbance adjacent to a creek in developing the property for condominium use. Staff's recommends maintaining the existing SF-3-NP zoning which is consistent with the residential pattern along South 2<sup>nd</sup> Street and other streets west of South 1<sup>st</sup> Street.

**EXISTING CONDITIONS****Site Characteristics**

The subject lots are developed with two single family residences and slopes towards Bouldin Creek which extends through the property on its west side.

**Impervious Cover**

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

C10  
/28**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is a flood plain within the project area.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**Transportation**

If the requested zoning is recommended for this site, 28 feet of right-of-way should be dedicated from the centerline of South 2<sup>nd</sup> Street in accordance with the Transportation Criteria Manual [LDC, 25-6-55; TCM, Tables 1-7, 1-12].

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

**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments



C10  
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required by the land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Based on current public infrastructure configurations, it appears that service extension requests will be required to provide service to the proposed development. For more information pertaining to the Service Extension Request process and submittal requirements contact James Grabbs with the Austin Water Utility, Utility Development Services at 625 E. 10th St., 7<sup>th</sup> floor. Phone: 512-972-0207.

#### **Site Plan and Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential. This development is larger than two acres - if condominium uses are proposed for this site, it must comply with Section 2.7.3. standards for private common open space and pedestrian amenities.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along all property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 15 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

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

C10/30

**Rhoades, Wendy**

**From:** Meredith, Maureen  
**Sent:** Wednesday, June 06, 2012 1:29 PM  
**To:** Rhoades, Wendy  
**Subject:** FW: RE: 901 S. First zoning change application -- Bouldin Creek Neighborhood Plan Contact Team minutes

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**From:** Hampton, Stuart [mailto:~~stuart.hampton@bouldincreek.org~~]  
**Sent:** Monday, June 04, 2012 9:57 AM  
**To:** Meredith, Maureen  
**Subject:** FW: RE: 901 S. First zoning change application -- Bouldin Creek Neighborhood Plan Contact Team minutes

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**From:** Hampton, Stuart  
**Sent:** Monday, June 04, 2012 9:57 AM  
**To:** 'mailto:Maureen.Meredith@austintexas.gov'  
**Cc:** 'cassjoyn@yahoo.com'; 'npoulson@cs.com'; 'bradfordpatterson04@yahoo.com'; 'william@brkartstudio.com'  
**Subject:** RE: 901 S. First zoning change application -- Bouldin Creek Neighborhood Plan Contact Team minutes

Maureen,

Per you June 1<sup>st</sup> email. I concur with Will Burkhardt's clarification of the April 30 BCNPCT Motion.

Also, (as part of that motion) I believe the BCNPCT has attempted in good faith to negotiate an alternative site development option, but that PSW Real Estate have not come back to us for a second round of discussions, despite what was agreed to at the first meeting between neighborhood representatives and the developers in early May.

It feels as if the developers are pushing ahead with their original plan, despite formal opposition from the Neighborhood Plan Contact Team, and have walked away from a negotiation mechanism established by that Contact Team.

BCNPT Motion, April 30.

"The BCNPT is opposed to the development as presented because of increased density, inadequate setback from East Bouldin Creek, and because it is inconsistent with fundamental precepts in the Neighborhood Plan. BCNPT is open to negotiating with PSW Homebuilders to address these concerns and appointed Will Burkhardt, Brad Patterson, and Stuart Hampton to negotiate with the developers. The appointed team will report back to the BCNPT within three weeks. "

Will Burkhardt's clarification on the motion

"By the way, in my opinion the motion may be more correctly characterized as objecting not so much to "increased density" as to uniform and unarticulated development, or a development proposal which currently fails to acknowledge certain fundamental precepts of the neighborhood plan's intent, the formal

C14/31

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: C14-2012-0033  
Contact: Wendy Rhoades, 512-974-7719  
Public Hearing: June 12, 2012, Planning Commission  
June 28, 2012, City Council

Julia Magness

Your Name (please print)

☒ I am in favor  
☐ I object

806 W. Tame St

Your address(es) affected by this application

Julia Magness

6/5/12  
Date

Daytime Telephone: 512-4976131

Comments: I am in favor of increased density in the Bouldin Neighborhood. My family & I own a lot of property in the area and believe that density near downtown will reduce sprawl.

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

City of Austin  
Planning & Development Review Department  
Wendy Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

construct of the neighborhood, and the immediate context; also, i believe most at the meeting supported the proposed development presented along the S. 1st lots."

Regards,

Stuart Hampton  
Chair,  
Bouldin Creek Neighborhood Plan Contact Team

C10  
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# 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.austintexas.gov](http://www.austintexas.gov)

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: C14-2012-0033  
Contact: Wendy Rhoades, 512-974-7719  
Public Hearing: June 12, 2012, Planning Commission  
June 28, 2012, City Council

*Charles Roben*  
Your Name (please print)

805 Christopher

Your address(es) affected by this application

*[Signature]*  
Signature

Daytime Telephone: 460-6466 / 560-5575

Comments: INCREASED traffic can not be supported @ Christopher / 3rd st. COWBOYS are inappropriate. The older horses in the area have minimal off street parking. Having owned 25+ yrs, there have been multiple accidents on the blind curve. During festivals, traffic comes head to head & backs out. Give us a break - QUADLANDER property has been historically

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

City of Austin  
Planning & Development Review Department  
Wendy Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

\$NOW THIS!

C10/33

FAX 974-6054 HHHN Wendy

## 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.austintexas.gov](http://www.austintexas.gov)

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: C14-2012-0033

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: June 12, 2012, Planning Commission

June 28, 2012, City Council

STUART + MARY HAMPTON

Your Name (please print)

1006 S. FIRST ST,

Your address(es) affected by this application

 Date 6/5/12

Daytime Telephone: 512-374-4579

Comments:

THE UNIFORM DEVELOPMENT AND

INCREASED DENSITY OF THE

SF6 UPRZONING DOES NOT

PROTECT THE SF3 ZONING CALLED

FIRE IN THE NEIGHBORHOOD INTERIOR

(E. GULFVIEW CREEK AREA) BY

THE NEIGHBORHOOD PLAN

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2012-0033

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: June 12, 2012, Planning Commission

June 28, 2012, City Council

Scott McNeary

Your Name (please print)

☐ I am in favor  
☒ I object

1001 S. 3rd St. 78704

Your address(es) affected by this application

[Signature] 65-12  
Daytime Telephone: \_\_\_\_\_ Date

Comments: Proposed zoning is in conflict  
with: 1. Surrounding single family homes  
2. The neighborhood plan (sanctioned by TREC/AE)  
3. Density compatibility with nearby homes  
4. The F.L.V.M. 5. A restrictive covenants in place,  
6. Water quality and nature habitat of Boult Creek  
The inter-portion of this parcel should  
be single family zoned.

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

City of Austin  
Planning & Development Review Department  
Wendy Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

C10/35



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**www.austintexas.gov**

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**Case Number: C14-2012-0033**

**Contact: Wendy Rhoades, 512-974-7719**

Public Hearing: June 12, 2012, Planning Commission

**June 28, 2012, City Council**

**Your Name (please print)**

East Columbus

☐ I am in favor  
☒ I object

*Your address(es) affected by this application*

Signature

**Daytime Telephone:**

**Comments:**

Comments: "Spot zoning" is against city  
state and federal laws.  
The city has not demonstrated  
the will to enforce zoning  
laws, parking violations, and  
building violations in the  
neighborhood. There is more  
thought to city goals needed.  
You want to attract investors  
If you use this form to comment, it may be returned to:

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

City of Austin

Planning &amp; Development Review Department

**Wendy Rhoades**

2. O. B. 12

Austin, TX 78767-8816

10/10/10



## INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / rezonificación será repasada y acción será tomada de acuerdo a dos audiencias públicas: ante la Comisión de Usos Urbanos y el cabildo municipal. Aunque solicitantes y/o su(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al proposito desarrollo urbano o cambio de zonificación. Usted también puede contactar a una organización de protección al medio ambiente u organización de vecinos que haya expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rézonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la *Internet*:

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Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes o durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

Numero de caso: C14-2012-0033

Persona designada: Wendy Rhoades, 512-974-7719

Audiencia Publica: Jun 12, 2012, Planning Commission

Jun 28, 2012, City Council

☐ I am in favor  
☒ I object

Su nombre (en letra de molde)

Su domicilio(s) afectado(s) por esta solicitud

Firma

Fecha

Daytime Telephone: 512 416-0217

Comments:

There is never enough parking. This will spill all over the neighborhood

Si usted usa esta forma para proveer comentarios, puede retornarlos :  
City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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## INFORMACIÓN DE AUDIENCIA PÚBLICA

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Numero de caso: C14-2012-0033

Persona designada: Wendy Rhoades, 512-974-7719

Audiencia Publica: Jun 12, 2012, Planning Commission

Jun 28, 2012, City Council

*DeDe Spontak*

Su nombre (en letra de molde)

*DD2 S1 St #107*

Su domicilio(s) afectado(s) por esta solicitud

*DeDe Spontak*

Firma

*6-12-12*

Fecha

Daytime Telephone:

Comments:

*This is a strain on the neighborhood. There are only narrow alleys around this property. The traffic would be unbearable parking will spill into the neighborhood*

Si usted usa esta forma para proveer comentarios, puede retornarlos :  
City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

*C10  
38*

**Rhoades, Wendy**

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**From:** Ryan Diepenbrock - PSW Real Estate  
**Sent:** Monday, July 23, 2012 11:00 AM  
**To:** Rhoades, Wendy  
**Cc:** Meredith, Maureen  
**Subject:** 900 S. 1st Street cases

C19  
39

Wendy,

We would like to request a postponement of our zoning and NP amendment cases (NPA-2012-0013.02 – 900 S. 1st Street) until September 11<sup>th</sup> to allow us to reconsider our request and potential plans.

Regards,

J. Ryan Diepenbrock  
PSW Homes, LLC  
Managing Member, Acquisitions and Finance  
Mobile: 480-650-4501  
<mailto:ryan@pswrealestate.com>  
[www.pswrealestate.com](http://www.pswrealestate.com)