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1**ZONING CHANGE REVIEW SHEET****CASE:** C14-2012-0109
Sunflower**PC DATE:** February 26, 2013
March 26, 2013**ADDRESS:** 1201 Robert E Lee Road**AREA:** 3.147 acres**OWNER:** Joe Joseph, Jr. & Hazel Joseph**AGENT:** Vinson Radke Investments, LLC (Steven Radke)**ZONING FROM:** SF-3; Family Residence**ZONING TO:** SF-6; Townhouse and Condominium Residence with conditions**NEIGHBORHOOD PLAN AREA:** Zilker Neighborhood
(South Lamar Combined Neighborhood Plan Area)**SUMMARY STAFF RECOMMENDATION:**

To grant SF-6, Townhouse and Condominium Residence with the following conditions

- 1) The maximum number of dwelling units on the tract shall be limited to eighteen (18);
- 2) The maximum number of dwelling units per building shall be one (1) unit;
- 3) The maximum height of any building or structure shall be limited to thirty (30) feet;
- 4) The maximum impervious cover for the tract shall be forty percent (40%); and
- 5) Along the southeast, east, and south property lines adjacent to property zoned with a base district of SF-6:
 - a. No building may be built within 20' of the property line;
 - b. The maximum height of any building or structure within 25' of said property line shall be limited to 1 story or 15';

ZONING AND PLATTING COMMISSION RECOMMENDATION:

February 26, 2013

Postponed to March 26, 2013 at the Applicant's Request [On Consent Motion by Commissioner Stevens; Seconded by Commissioner Hernandez; Passed 7-0; Commissioner Roark Absent]

ISSUES:**Neighborhood Sentiment & Petition**

The conditions of staff recommendation listed above are drawn liberally from limitations offered by the applicant. Staff is unaware of any agreement between neighbors or neighborhood representatives (such as the Zilker Neighborhood Association) and the applicant on these, or other, issues. Indeed, the latest proposal by the applicant to neighboring properties was met with a counterproposal (see Exhibits G). Staff has been informed by the applicant that these self-imposed conditions are the result of back-and-forth proposals-and-feedback between the applicant and neighbors or neighborhood representatives. Staff has also been informed by a neighboring property owner that what's proposed and what's acceptable is still far apart.

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It is clear neighbors and neighborhood representatives do not support the rezoning request. In fact, a valid petition was submitted within 60 days of the application being filed. Though a petition has specific requirements for Council action rather than Commission recommendation, this petition, which indicates opposition of eligible property owners at nearly 75% as of March 18, 2013 (see Exhibit P), undoubtedly reflects neighboring property owners' sentiment against the rezoning request. Similarly, if the neighborhood association has adopted a position on the request, especially one of support, staff is unaware of such. Correspondence from neighborhood stakeholders has been attached (see Exhibit C); should additional correspondence from stakeholders or the neighborhood association be received prior to distribution of this report, it will be appended to Exhibit C.

Despite the lack of support and lack of agreement between the neighborhood, its representatives, and the applicant, the applicant continues to offer several other conditions to his request (see Exhibit G 3-4). These conditions include additional compatibility efforts or aesthetic concerns, such as screening along the adjoining SF-6 properties, shielded lighting, the use of non-reflective materials, and providing adequate and separate parking spots at each unit and for visitors. While zoning staff can support each of these items, our legal staff has advised these items cannot be mandated within a conditional overlay or public restrictive covenant. Staff has been informed by the applicant that he is amenable to pursuing a private restrictive agreement with the Zilker Neighborhood Association or adjoining neighbors that includes these items. However, the likelihood of negotiating and executing such a document in a timely manner prior to Council consideration of the zoning case is unknown.

Environmental Concerns

Many of the stated concerns expressed to staff reflect a concern over environmental matters. Specifically, these include the site's location on the Edwards Aquifer Recharge Zone, and the natural channel/drainage way on the eastern side of the property. There is a 35' wide drainage easement along the northeastern property line, and the area abutting the channel is identified as a critical water quality zone. Neighbors have recently begun to refer to this channel in their correspondence as "Little Zilker Creek."

There is additional concern about drainage, especially to Robert E. Lee, with the concern that such runoff would then flow into the Barton Creek Watershed (rather than directly into Lady Bird Lake). This concern may be the result of a staff environmental review standard comment that stated:

According to watershed maps, this site lies on or very close to the divide between the Barton Creek Watershed (Barton Springs Zone; Drinking Water Protection Zone) and the Ladybird Lake Watershed (Urban Watershed; Desired Development Zone). A geological and / or topographical analysis of the site may be needed to determine the exact boundaries of the aforementioned watersheds and zones.

Additional criteria for development in urban watersheds and the Barton Creek zone are listed. These review comments were issued September 10, 2012, and nothing further was required of the applicant at that time for the rezoning application. Since then the City's digital maps have been updated, and this data shows the site to be within the Lady Bird Lake (Town Lake) watershed. Nevertheless, the project engineer would still need to examine the topography and map the drainage boundary for the site prior to development. The City's watershed data is mostly based on modeling; a project engineer could demonstrate a different watershed boundary line using a more detailed site survey.

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In addition, section 25-8-2(C) of the Land Development Code requires that "For property within 1500 feet of a boundary, the director may require that an applicant provide a certified report from a geologist or hydrologist verifying the boundary location." Obviously this property is within the 1500-foot evaluation buffer, but a rezoning application is not the appropriate time to request a certified report. If there were a request for such a report, it would be at the time of site planning or subdivision.

Per staff in Watershed Protection, because of the 1500-ft verification zone, the most current geologic map for this area and 2-ft topographic data indicates that the site is within the contributing zone of Barton Spring Edwards Aquifer, because the surface runoff from the site drains down gradient of site to the recharge zone. Since watershed and recharge zone boundaries do not necessary coincide, this is a site that is technically an urban contributing zone.

Perhaps adding to the watershed status question is recent run-off and flooding, as reported by neighbors and assigned to the new construction of an SF-6 project adjacent and uphill from this site. The combination of watershed identification, and its implications to development, along with recent flooding, may have heightened awareness of potential environmental constraints and impacts regarding development of this site.

City staff is equally concerned about protecting the environment. One of the City's adopted zoning principles is that zoning should promote the goal of environmental protection. At the same time, zoning or rezoning of a site establishes the use and development standards of a site in general...as if the site were unencumbered by any constraints. Zoning sets the parameters of use and development, but lets the site's characteristics – including its environmental features – dictate the final use of and construction on a site.

Real world constraints – be they protected heritage trees, drainage ways, steep slopes, or critical environment features, among others – will limit actual on-the-ground development. Acknowledging and responding to such constraints is part of the site-planning and building permitting process. In other words, just because a site might be entitled to a certain number of residential units or density by means of zoning does not mean that gross number or density per acre is feasible given an ultimate buildable area and other standards, such as setbacks and height. In similar fashion, a site may become entitled to a specified maximum impervious cover by means of rezoning, but constructed below that allowance because of floodplain or the vagaries of topography.

In the end, staff can – and does – recognize this site may have environmental constraints that do not encumber a flat and barren tract; but the identification and accommodation of such environmental constraints occurs at the site planning, subdivision, or building construction stage, and does not preclude staff from recommending SF-6 base district zoning as the use for this site.

An argument might be made that the proposed SF-6, with its proposed maximum of 40% impervious cover, including the primary driveway, is more environmentally sensitive than SF-6 without a stated limit, which for the district defaults to 55%. One could also assert an SF-6 request is environmentally superior to a straightforward subdivision of the site, which could be developed with individual lots at 45% impervious cover, and public roadways serving the lots that increase that percentage over the site because right-of-way is not counted. Perhaps developing the site under a condo regime and SF-6 zoning offers more

environmental protection than similar development under subdivided SF-3 lots, given the inherent flexibility of spacing and location requirements in SF-6. If there is merit to this argument, staff welcomes it in this case, for staff recognizes that both SF-6 and SF-3 can be protective, or disruptive, of an existing environment.

Subdivision Update

A subdivision application for a final plat was submitted to the City for review. Submitted on March 6, 2013 (Case # C8-2013-0039.0A), the application is known as Blue Bonnet Hills and consists of 9 lots. The application passed through the "completeness review" and a full, formal application is due prior to April 20, 2013. At the time of drafting this staff report, and by happenstance only, the statutory disapproval of the application is on the Planning Commission agenda for this same date the rezoning case is to be considered. There is no procedural connection between the two, and action on one is not contingent upon action on the other.

Bus Service

Staff would like to acknowledge and thank two neighborhood residents for the update on Capital Metro bus service along Robert E Lee Road. Service on Route 29 has been suspended; therefore, there is no bus service in front of the site at this time, as was indicated in an earlier draft version of this report.

DEPARTMENT COMMENTS:

The subject tract is located on Robert E Lee Road approximately 300 feet south of the intersection of Meldridge Place and Rabb Road, or about ½ mile north of Barton Springs Road (see Exhibit A). Property to the south and southeast is zoned and developed as single-family condominiums; properties to the north and northeast are zoned and used as single-family residences. On the west side of Robert E Lee the properties are a mix of single-family, duplex, triplex, and condominiums, although all are zoned single-family (see Exhibit A-1 and A-2).

This property has been in the City limits since at least 1946. Most of the single-family homes in the immediate area date from the Fifties, although there has been some redevelopment by means of new construction. Apartments further west between Trailside Road and Barton Hills Drive date from the early Seventies. Duplexes are mixed in with single-family residences, and are mostly vintage Sixties and Seventies.

In 1977, a parcel at Trailside Drive and Robert E Lee was resubdivided, creating 7 individual lots. In 1981 the northern 2.3 acres of the subject tract, along with 4 acres along Meldridge Place was subdivided into a three-lot subdivision. The 4-acre tract was simultaneously rezoned to A-2, Condominium. Ten years later the 4-acre lot was vacated and replatted, and subsequently developed as the Zilker Skyline Condominiums. Most recently, the 1.6-acre tract to the south was rezoned SF-6 and developed as the Zilker Terrace Condominiums. Other than these three-examples of higher-density infill, the residential infill and redevelopment that has been occurring in the area has been accomplished on existing SF-3 zoned lots.

This rezoning request is driven by a proposed condominium project that will include 18 single-family detached residences on 3.147 acres. Although the applicant could feasibly subdivide the tract and achieve nearly the same number of residences under the existing SF-3 zoning (9 lots with duplexes), the applicant thinks the requested SF-6 zoning, with the conditions or limitations offered, will allow for a better community outcome – both in terms of

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the existing neighbors and future residents – than 18 duplex units. When comparing the two options for developing the site (see Exhibit B), the end result is similar, although the applicant has stated the SF-6 option is more aesthetically pleasing and environmentally sensitive.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3	Vacant single-family residence
North & Northeast	SF-3	Existing single-family residences
South & Southeast	SF-6; SF-6-CO	Existing single-family condominiums
West	SF-3	Robert E Lee Road; Existing single-family, duplex, triplex and condominiums

AREA STUDY: No

TIA: Not Required

CAPITOL VIEW CORRIDOR: No

WATERSHED: Lady Bird Lake

DESIRED DEVELOPMENT ZONE: Yes

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Barton Hills-Horseshoe Bend (Barton Hills NA)	7
Zilker Neighborhood Assn.	107
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
Home Builders Association of Greater Austin	786
Save Our Springs Alliance	943
Save Town Lake.Org	1004
Homeless Neighborhood Organization	1037
League of Bicycling Voters	1075
Perry Grid 614	1107
Austin Parks Foundation	1113
Super Duper Neighborhood Objectors and Appeals Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
SEL Texas	1363

SCHOOLS:

Austin Independent School District

Zilker Elementary School

O. Henry Middle School

Austin High School

ABUTTING STREETS:

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STREET	RIGHT-OF-WAY / PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC	BICYCLE PLAN	CAPITAL METRO*	SIDEWALKS
Robert E Lee Road	Varies / 37 feet	Collector	3070	Yes	No	No

* Updated March 14, 2013

CASE HISTORIES:

NUMBER	REQUEST	PC or ZAP COMMISSION	CITY COUNCIL
<i>South</i>			
1303 Robert E Lee (Zilker Terrace)			
C8-2009-0025.0A	Plat 1.586 acres into 6 single family lots	Approved 01/12/2010 [not recorded; withdrawn]	n/a
C14-2010-0126	(SF-3 to SF-6)	Approved SF-6-CO with conditions (# of units, ht., & imp. cover) 10/16/2010	Approved SF-6-CO with conditions; 11/18/2010
<i>Southeast</i>			
1200 Melridge (Zilker Skyline)			
C14-81-087	From "A" 1 st H&A to "A-2" (Condominium) 1 st H&A		Approved 03/11/1982
C8S-81-184	Plat 6.3 acres into 3 lots	Approved 12/15/1981	n/a
C14-81-087	Amend Site Plan	Approved 01/08/1991	Approved 05/09/1991
C8-91-0021.0A	Replat 3.9 acres into 1 lot	Approved 01/14/1992	n/a
<i>Northeast</i>			
South Lund Park Section 1	Plat 27.39 acres into 95 lots	Approved 11/20/1952	Approved 11/26/1952
<i>West of Robert E Lee</i>			
CP14-72-030 Barton Hills Dr and Trailside DR	252-Unit Site Plan	Approved 07/11/1972	n/a

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C14-64-13 1004-1208 & 1210-1326 Barton Hills Drive & 2602-2612 Trailside Drive	From I-A 1 st H&A to "LR" 1 st H&A and "B" 1 st H&A and		Approved 04/23/1964
C14-68-18 1100-1004 & 1106-1126 Robert E Lee	From I-A 1 st H&A to B 1 st H&A		Approved 07/15/1970
C14-69-095 1126-1316 Barton Hills Dr	1: From "I-A" to "B"		Approved 07/10/1969
1240-1316 Barton Hills Drive & 2600-2612 Trailside	2: From "LR" to "B"		
1126-1228 Barton Hills Drive	3: From "B" to "LR:"		

CITY COUNCIL DATE: April 11, 2013**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman
e-mail address: lee.heckman@austintexas.gov**PHONE:** 974-7604

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To grant SF-6, Townhouse and Condominium Residence district zoning with conditions

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

The existing family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

The requested townhouse and condominium residence (SF-6) district is the designation for a moderate density single family, duplex, two-family, townhouse, and condominium use that is not subject to the spacing and location requirements for townhouse and condominium use in an SF-5 district. An SF-6 district designation may be applied to a use in an area with large lots that have access to streets other than minor residential streets. An SF-6 district may be used as a transition between a single family and multifamily residential use.

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

The recommended zoning will allow residential development between an existing residential neighborhood and Robert E. Lee Road. The surrounding residential is predominately single-family detached, whether on individual lots as is the case to the north and northeast, or as detached single-family condo units as is the case to the south and southeast. The west side of Robert E Lee is a mix of single-family residential, duplexes, and other residential types. As such, the proposed SF-6 is compatible with adjacent and nearby uses, can serve as a transition between the single-family east of Robert E Lee and the mix of residential to the west, and still promote the existing single-family character of the surrounding neighborhood.

In addition, if the limitations or conditions offered by the applicant are adopted by the Commission and Council, staff believes this furthers compatibility for abutting neighbors and promotes the single-family character of the neighborhood. The new condo project to the south (Zilker Terrace) consists of 14 units on approximately 1.6 acres; the condo project to the southeast (Zilker Skyline) consists of 13 units on approximately 3.9 acres. At approximately 3.1 acres, if the subject tract was limited to 18 units as proposed, the resulting density is approximately 5.81 units/acre, almost midpoint between the two existing condos (at 8.75 and 3.33, respectively). Such a level of development also nearly approximates standard SF-3 density of 7.5 units/acre – not accounting for infrastructure, topographic, or environmental constraints.

Obviously there will be an impact on transportation. While ridership on existing bus service may increase in number, and more residents might choose to use the available bicycle lanes, there will also be more vehicles on Robert E Lee. However, given that the number of residential units, if capped as proposed, is approximately the same as could be developed under the existing zoning with duplex development, the difference in impact is likely minimal, any differences in vehicle ownership rates between renters and owners notwithstanding.

Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning.

Given the abutting SF-6 zoning to the south and southeast, this is clearly not a case of spot zoning, nor does it grant a special privilege. If Austin is to grow and evolve as a compact and connected city, as envisioned in the recently adopted comprehensive plan, then residential infill that provides additional housing units is necessary. Indeed, one of the primary mechanisms for achieving compact growth will be development, or redevelopment, of larger tracts such as this into higher density residential. That this tract is located on a roadway that has bike lanes only furthers the connectivity goals of this recently adopted plan. Unfortunately, a bus route traversing Robert E. Lee Road was recently suspended; there is, however, bus service nearby (Route 30, which travels Barton Springs Road).

Additionally, if Austin is to develop a diversity of housing types and choices under the policy of creating complete communities that recognize diverse financial and lifestyle needs, then this type of residential construction is an appropriate addition to this and nearly every other neighborhood. At the same time, the detached single-family style development proposed can further the comprehensive plan's goal of family-friendly communities in which existing neighborhood character is protected.

Granting a request for zoning should result in an equal treatment of similarly situated properties.

In the broader city-wide context, SF-6 is a reasonable option for multiple-acre parcels developed or redeveloped as residential infill. As indicated in the purpose statement of the district, SF-6 can be a transition to single-family residential. Given a large lot surrounded by existing SF-6 and SF-3, and an abutting collector street, SF-6 zoning is considered appropriate and therefore would be supported by staff for similarly situated properties elsewhere in the city, or elsewhere in this neighborhood, all other things being equal. Site-specific contextual variables will, of course, factor in to any staff recommendation.

In the local context, the subject tract abuts already zoned and developed SF-6 properties that also were once larger, family-residence parcels. These properties were provided the same treatment, by grant of rezoning to SF-6, that the current property requests.

When the adjoining Zilker Terrace project was rezoned in 2010, a number of conditions were adopted with the rezoning ordinance, conditions that had been negotiated with and agreed to by the neighborhood association. These conditions included a limitation on the number of units and maximums for height and impervious cover. The applicant in this case has modeled his offered conditions on that case, but is doing so without the benefit of neighborhood agreement.

In the case of Zilker Terrace, the maximum height adopted by ordinance was 2 stories and 35' feet, the impervious cover was capped at 50% and the number of units capped at 14, resulting in a density of 8.75 units/acre. The applicant is offering a similar set of conditions for a similarly situated property. In this case the applicant is offering a maximum height of 30 feet, an impervious cover limit of 40%, and a cap of 18 detached units. So the proposal is similar to the Zilker Terrace project approved for rezoning in 2011, but actually includes more stringent height, impervious cover, and density limits.

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By further way of comparison, Zilker Skyline was developed with a density of 3.33 units/acre, but when rezoned to "A-2" (Condominium), 1st Height and Area in 1981, there were, apparently, no other conditions or limitations imposed by ordinance.

Consequently, the request for rezoning to SF-6, if granted, would result in treating this property as similarly-situated, larger lots, have been treated elsewhere in the City, and in this very neighborhood. By adopting the conditions proposed, the property would be treated somewhat unequally when compared with basic SF-6 zoning and no conditions, but nearly identically as compared with the recently rezoned condo property adjacent to this tract.

Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in developing the staff recommendation. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan, does not identify anything specific for Robert E. Lee Road.

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EXISTING CONDITIONS & REVIEW

Site Characteristics

The subject tract is a 3.147-acre parcel with approximately 440 feet of frontage along Robert E. Lee Road. Other than the conversion from interim residential following annexation, the property has not been rezoned; it has only been partially platted. There is an existing 2750 square foot single-family house on the property, dating from the early 1950s. The property is characterized with abundant trees, and slopes to the north and east. Along the more eastern east property line that separates this tract from single-family, is a natural channel, 35-foot wide drainage easement, and critical water quality zone.

PDR Comprehensive Planning Review

The zoning case is located on the east side of Robert E Lee Road and is not located within the boundaries of a neighborhood planning area. Surrounding land uses include single family houses and vacant land to the south, single family houses to the north and east, and high density single family and apartments to the west. Robert E. Lee Road is the major residential arterial into this area of central Austin. The developer wants to build condos on this approximately 3 acre site.

The Growth Concept Map identifies nothing specific for Robert E Lee Road, however the overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve 'complete communities' across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. On page 107, found in Chapter 4 of the IACP it states, *"While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city."*

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses the promotion of different types of housing throughout Austin:

- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **H P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.
- **H P5.** Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.

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- **HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based upon Imagine Austin policies referenced above that supports a variety of housing types being located throughout Austin, and the project being located along a major residential arterial road, staff believes that the proposed residential use is supported by the Imagine Austin Comprehensive Plan.

PDR Environmental Review

1. The site is located over the Edwards Aquifer Recharge Zone. According to watershed maps, this site lies on or very close to the divide between the Barton Creek Watershed (Barton Springs Zone; Drinking Water Protection Zone) and the Ladybird Lake Watershed (Urban Watershed; Desired Development Zone). A geological and / or topographical analysis of the site may be needed to determine the exact boundaries of the aforementioned watersheds and zones.
2. According to flood plain maps there is no flood plain within the project area.
3. 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.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.
6. The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

Following are watershed classification specific comments:

Urban

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

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- b. 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.

Barton Springs Zone

- a. Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the Edwards Aquifer Recharge Zone.
- b. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

PDR Site Plan Review

- SP 1. Any new development is subject to *Subchapter E: Design Standards and Mixed Use*. Additional applicable comments will be made when the site plan is submitted.
- SP 2. The site is subject to compatibility standards as per Article 10. Along the north, west and east property lines that adjoin or are across the street from properties zoned SF-5 or more restrictive, 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.
 - 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 ten feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
 - No parking or driveways are allowed within 25 feet of the property line of an adjoining property zoned SF-5 or more restrictive.
 - A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
 - Additional design regulations will be enforced at the time a site plan is submitted.

PDR Transportation Review

- TR1: No additional right-of-way is needed at this time.
- TR2: A traffic impact analysis is not required for this case because the traffic generated by the proposed land use will not exceed the threshold of 2,000 vehicle trips per day. LDC, 25-6-113.
- TR3: Robert E. Lee Road is classified in the Bicycle Plan as Bike Route No. 25.

TR4: Capital Metro bus service (Route No. 29) is available along Robert E. Lee Road.*

TR5: There are no existing sidewalks along Robert E. Lee Road.

TR6: Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Robert E. Lee Road	Varies	37'	Collector	3,070

* Route 29 has been suspended and bus service is currently unavailable along Robert E. Lee Road [Confirmed with Capital Metro on March 14, 2013; see attached].

PDR Austin Water Utility Review

WW1. 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 required by the land use. The water and wastewater utility plan 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.

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From: Williams, Sondra
Sent: Thursday, March 14, 2013 10:38 AM
To: Heckman, Lee
Subject: Your Comment Dated 3/11/2013

March 14, 2013

Dear Mr. Heckman:

Thank you for contacting Capital Metro. In your comments, you wanted to know if the #29 - Barton Hills route still existed.

Unfortunately, the #29 - Barton Hills route no longer exists. The #30 Barton Creek Square route travels near the Barton Lee area.

In the future, if you ever have questions about our rail, buses and trip plans, please feel free to contact the Go Line at 512.474.1200 and one of our representatives will gladly assist you. The hours of operation for the Go Line are Monday thru Friday from 7 AM to 8 PM and Saturdays and Sundays from 8AM to 5 PM.

Once again, thank you for taking the time to contact us and thank you for riding Capital Metro. Please feel free to contact us in the future if you have any concerns, questions or suggestions regarding our service. You may reach our Customer Relations Department at 512-385-0190 or via our website at www.capmetro.org.

Respectfully,

Sondra Williams

Customer Service Representative
Capital Metro. Transportation Auth.
512.474.1200 ext. 7629
sondra.williams@capmetro.org

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cc: VRIVERA

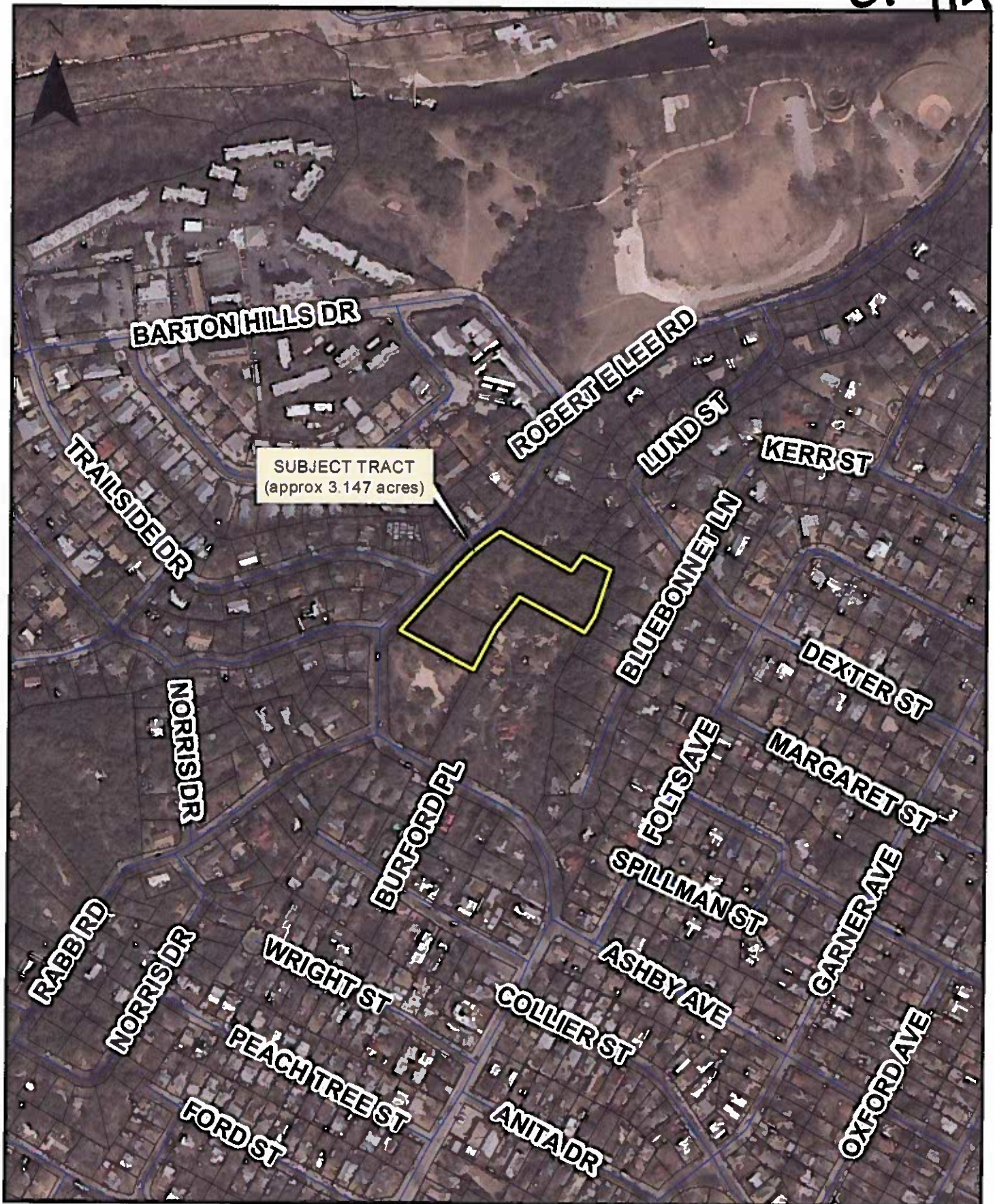


Image Data: 2011

Exhibit A - 1
Aerial0 200 400 800
Feet

1 inch = 400 feet

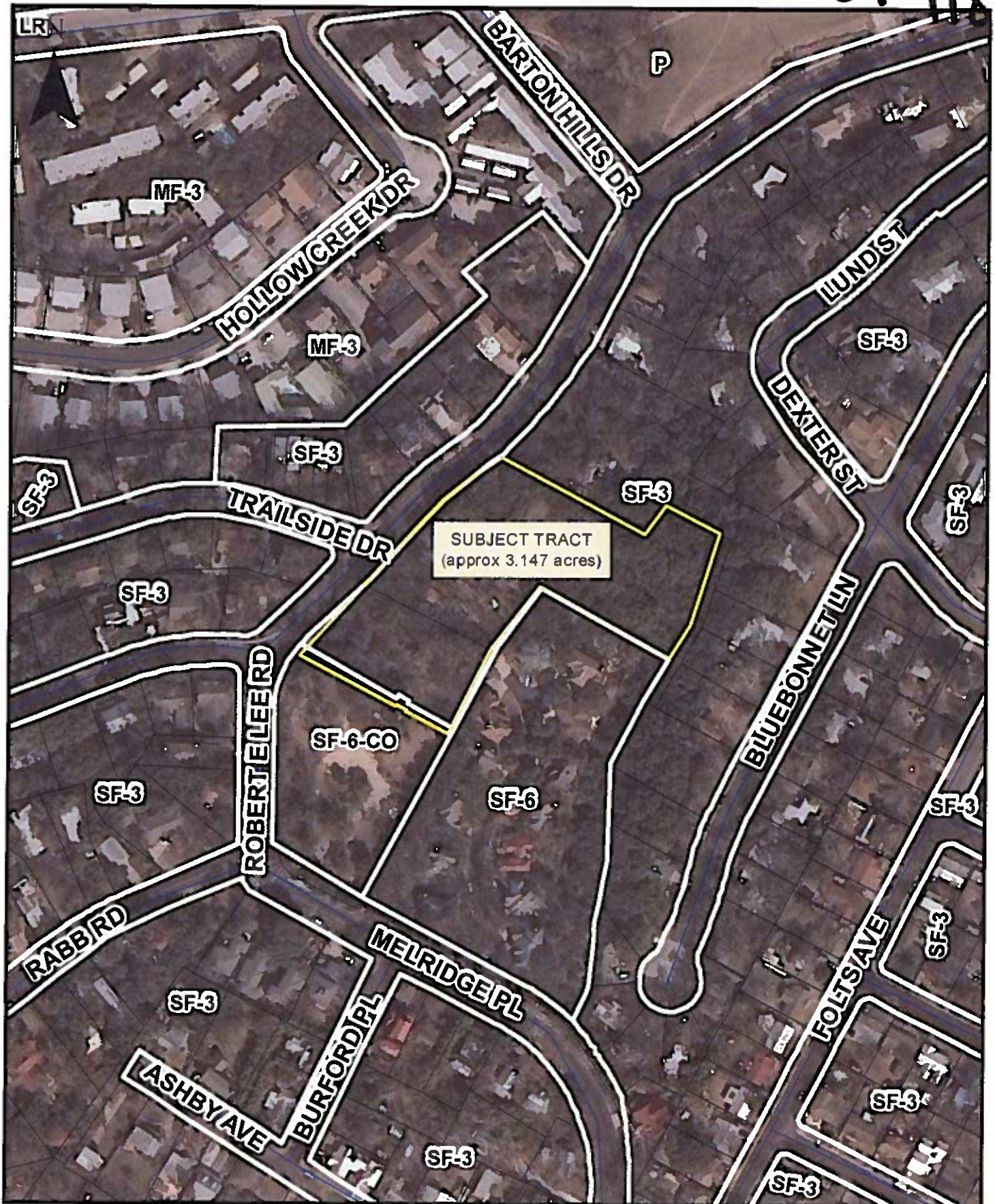


Image Data: 2011

Exhibit A - 2
Aerial & Zoning

0 100 200 400
Feet

1 inch = 200 feet

SF-6 Zoning Based Condominium Concept

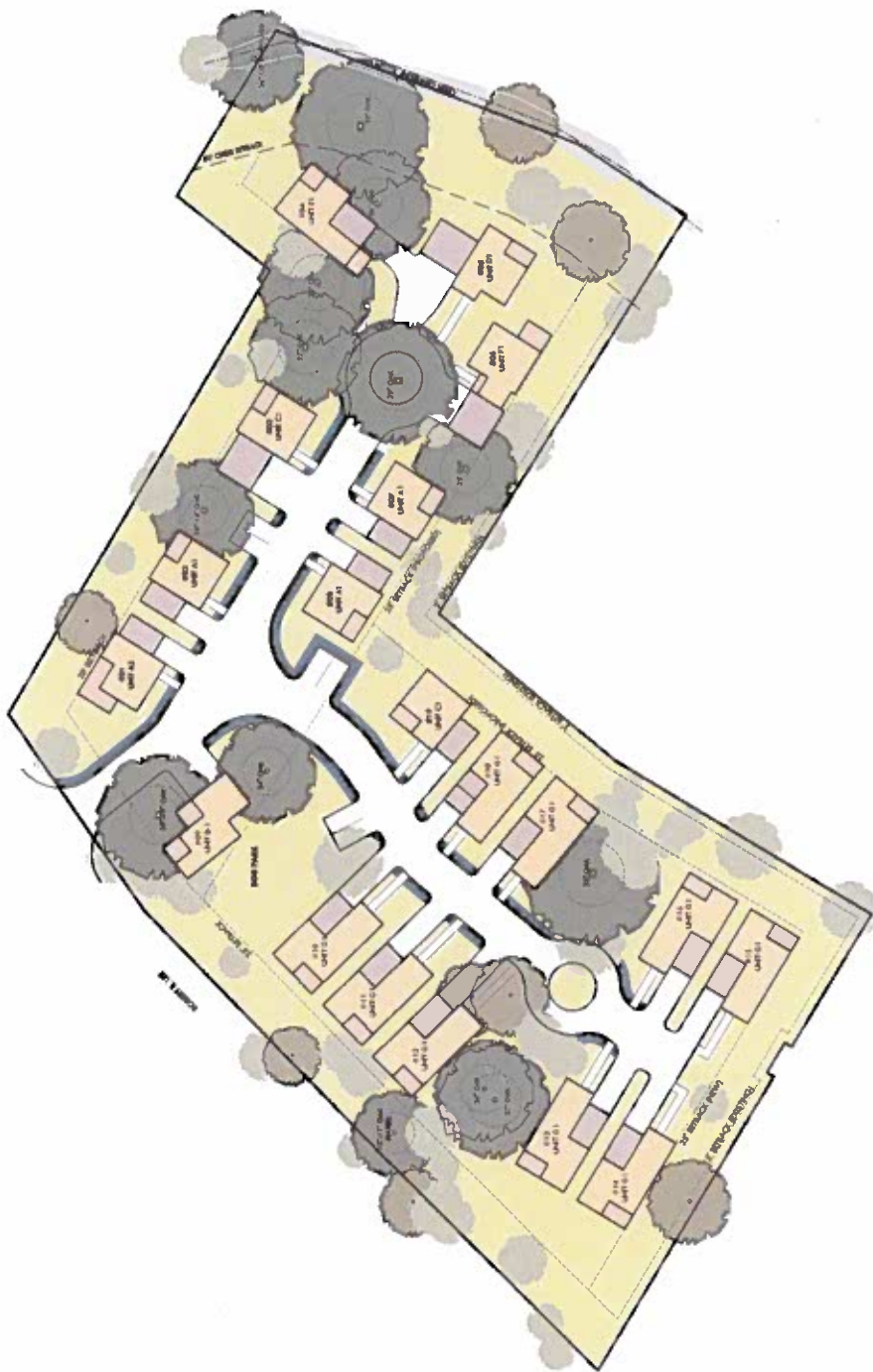


Exhibit B



HAILEY studio
architects + planners
207 San Antonio Blvd. Suite 301
Austin, Texas 78701
512.913.0098
www.haileystudio.com
info@haileystudio.com

Concept 5: SF-6 Zoning



0 30 60 120
SCALE: 1" = 60'
not for construction or regulatory approval

Sunflower
Vinson-Radke Investments, LLC
1201 Robert E. Lee Austin, Texas

SP-5.1
SF-6 concept 5

09/19

SF-3 Zoning Based Subdivision Concept



Exhibit B

HAILEYstudio
architects + planning
207 E. 10th Street, Suite 301
Austin, TX 78701
512.913.0285
www.haileystudio.com
hailey@haileystudio.com



0 30 60 120
SCALE: 1" = 60'
not for construction or regulatory approval

Sunflower
Vinson-Radke Investments, LLC
1201 Robert E. Lee Austin, Texas
COMMUNITY MEETING

A-2.2
Illustrative Plan
02.28.2013

C19
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From: Riley Triggs
Sent: Tuesday, October 09, 2012 8:05 PM
To: Heckman, Lee
Subject: C14-2012-0109

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21

Lee,

Please register my disapproval of the zoning change for 1201 Robert E Lee Rd.

The intended rezoning is incompatible with the rest of the neighborhood and is threatening the character of the neighborhood by increasing the density to unusual and uncomfortable levels. This will also further encourage the encroachment of larger scale development in the surrounding lots which is already evident through the rezoning of previous areas that are making this encroachment possible.

There are no obvious benefits to the City nor to the neighborhood, and only a single person, the developer, is set to gain from the change in the rules. Personal gain is certainly not a good reason to cause increased pressures in a neighborhood that is already suffering from bad decisions of the recent past, the inordinate inconveniences of regular events such as ACL, Trail of Lights, and Blues on the Green. The neighborhood continues to be denigrated by such actions of the City, and it is time to cease and desist economic exploitation at the expense of the character and livability of established communities. This decision should not be about economics of the few - it should be about preserving the character of an established, historically significant neighborhood of single family homes.

Please take this as the strongest possible disapproval of this latest rezoning encroachment on the fabric of an embattled neighborhood. I am going to be here a long time, and I do not wish to be further made uncomfortable and pressured out of the neighborhood I grew up in, helped build and serve.

Regards,
Riley Triggs
1005 Robert E Lee Rd
Austin, TX 78704
512.636.3521

Riley Triggs || architect
University of Texas
Smart Building Initiative

C19
/22

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

From: David Davis

Sent: Wednesday, October 10, 2012 1:14 PM

To: Heckman, Lee

Cc: Salee Davis; Jeannie DeFrese; Andy Elder

Subject: Case No. C14-2012-0109 / Project Location: 1201 Robert E. Lee Road

Dear Mr. Heckman:

Please accept the attached information in opposition to the Proposed re-zoning of the above reference project. I would appreciate being advised of all public hearings concerning the planning and zoning process. In addition, I would be pleased to visit with you should you believe it would be of assistance to you. I am copying Andy Elder, President of the Zilker Neighborhood Association, Ms. DeFrese who is also impacted by the project and my wife who is Secretary of the Zilker Skyline Homeowners Association.

Kindest regards,

David M. Davis

Attorney at Law

Davis & Wright, P.C.

1801 South Mopac, Ste. 300

Austin, TX 78746

512.482.0614 (Phone)

512.482.0342 (Fax)

www.dwlaw.com

DAVIS & WRIGHT, P.C.

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1801 S. MoPac
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Austin, Texas 78746

Mailing Address:
P.O. Box 2283
Austin, Texas 78768-2283

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F: 512.482.0342
www.dwlaw.com

October 9, 2012

Via Electronic Mail

Lee Heckman
One Texas Center
5th Floor
505 Barton Springs Rd.
Austin, TX 78704

RE: Case No. C14-2012-0109
Project Location: 1201 Robert E. Lee Rd.

Dear Mr. Heckman:

This letter is to formally advise you and the Land Use Commission and the City of Austin that my wife and I oppose the re-zoning of the above-referenced location from SF-3 to SF-6. We reside at 2133 Melridge Place, Austin, Texas 78704. Our property shares 176 1/3 feet of the south property line of the above-referenced project. As such we have a significant interest in the above request.

Our home is one of 13 single family homes included in the Zilker Skyline Condominiums (Unit 1, Building "G" together with the undivided interest in and to the common elements and limited common elements of appurtenant thereto). We have owned the property since we purchased it December 3, 1991. Our home and the other 12 single family homes in Zilker Skyline are placed on approximately 4 acres with an entry off of Melridge Place. The average density of the homes on the property is approximately .3 of an acre.

To illustrate the property where our homes are located I have attached as Exhibit 1 the plat of the Zilker Skyline with the established footprints of the 13 homes. Additionally, I have attached as Exhibit 2 photos of Zilker Skyline beginning at the gate on Melridge proceeding down the private road to the end concluding at our home which is on the northeast portion of the property. All of the homes were custom built and no two are the same.

The east property of Zilker Skyline includes significant setbacks from the creek that has been described variously as a "drainage ditch," and "ditch." The property includes on the eastern boundary a buffer zone and a Minor Tributary Protection Zone as shown on the plat of record in Volume 81, Page 377, of the Plat records of Travis County, Texas. The property also lies within

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the Upland Water Quality Zone as shown on the plat of record in Volume 81, Page 377 of the plat records of Travis County, Texas. It is subject to a 20 foot public utility easement located along the east property line granted to the City of Austin as described in Volume 8024, Page 86 of the Deed Records of Travis County, Texas. It is also subject to the Covenant to Maintain Storm Water Runoff Control Facility dated December 9, 1981, of record in Volume 7652, Page 2 of the Deed Records of Travis County, Texas. It is also subject to the terms of the Affidavit as to Pollution Abatement Plan of record in Volume 11436, Page 774 of the Real Property Records of Travis County, Texas. Directly east of our property and approximately 20 feet north of the property line is a freshwater spring that drains into the "drainage ditch" resulting in water remaining in the creek 365 days of the year. Attached as Exhibit 3 to this letter is a photo of the creek which illustrates that it is native. It drains into Barton Creek just north of the Barton Springs pool. There is also a trail along the creek that is used by wildlife including deer, fox and racoon. Additionally, the trail is used by children and their parents between Robert E. Lee and the Zilker Elementary School on Bluebonnet. The homes across the creek from Melridge to Dexter Street that have entrances on Bluebonnet Lane are all single-family SF-3 homes with all lots contiguous to the above-referenced project on the east and north sides being zoned SF-3.

The property that is currently under consideration for re-zoning is zoned SF-3 with a single-family home on the property owned by the party seeking re-zoning, Joe L. Joseph. Attached to this letter as Exhibit 4 is the notice that we received concerning the clearing of this property in the summer of 2011. The notice and accompanying photograph were the first indications that the Josephs might be planning to develop the property. However, we were assured by the notice and in person by the Josephs that they had no intention of developing the property. Until notice of the proposed zoning change was received shortly after September 13, 2012 with the City's Notice of Filing of Application for Re-Zoning, none of the property owners were given an opportunity to discuss the proposed zoning change or the development that is proposed for the contiguous property including the plan's First Phase of the Sunflower Project that involves 1.603 acres which abuts 235 feet of Zilker Skyline on the north side and approximately 281 feet on the west side with Phase 2 on approximately 1 ½ acres of land. The Sunflower Project is intended to place 23 homes on approximately 25% less land than the 13 homes in Zilker Skyline if placed. And, according to the plans presented to you and to the Zilker Neighborhood Association, Sunflower will include all or a portion of 5 homes with either the rear view or side view facing the north property line of Zilker Skyline. The plan density of Phase 1 will be approximately one building per .14 acres of land, more than 2 times the density of Zilker Skyline and more than 3 times the density of all of the adjacent SF-3 lots and homes.

My wife and I oppose the change in the zoning in that it is not based upon a public need but is the grant of a special privilege to Mr. and Mrs. Joseph and the developers of the property. The property can be sub-divided under its current zoning for the construction of homes that are the same or similar to the contiguous property.

Sub-dividing the property into SF-6 to allow the construction of condominiums most identical to the recently approved and constructed Zilker Terrace Subdivision which is located at the intersection of Melridge Place and Robert E. Lee is inconsistent and incompatible with the adjacent and nearby uses of the 1.56 acres that the re-zoning request concerns.

Further, re-zoning would provide unequal treatment for similar situated properties on the southeast and north sides of the property where significant easements and grants have been

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provided the City due to the creek that runs to the east of the above-referenced project. The placement of structures on land that drains into the creek and sits upon a Minor Tributary Protection Zone is inconsistent with General Ordinance 82 1118-N, adopted in 1982 by the City of Austin and is incompatible with all of the properties running from Melridge Place to the east boundary of Zilker Park where such zone has been protected. Further, this is evident from the drainage problems occasioned by the Zilker Terrace development. During construction and subsequent to the construction, during heavy rains, significant runoff was occasioned by the Zilker Terrace Subdivision. Since the Sunflower Project is planned to be of very similar density and be placed on very similar terrain that drains both to the east and west and also to the north it can be expected to significantly increase the runoff into both Barton Creek and Lady Bird Johnson Lake. See Exhibit 5 for property slope to east toward east boundary.

The single entrance to the entire project will be off Robert E. Lee Road. A principle of land development in Austin is that more intensive zoning should be near intersections of arterial roadways. Robert E. Lee is a heavily traveled neighborhood street of two lanes with a 2-way bicycle lane. There is no available parking on either side of the street. Similar to Zilker Terrace, the developers indicate that adequate off-street parking will be provided. However, as access on the property will be necessary for fire trucks and other emergency vehicles there will not be adequate parking provided. The same representations were made for Zilker Terrace, but vehicles now are frequently and routinely parked on Melridge Place significantly narrowing the two lane road which also now has a 2 lane separate bicycle path. The addition of 23 units on approximately 3 acres of land will generate a minimum of 40 vehicles for their owners without adequate capacity for guests of the owners. This will very likely drive guests or owners of the property to park on other streets in the neighborhood that terminate on Robert E. Lee, greatly increasing congestion and limiting access to the neighborhoods off Robert E. Lee.

Despite promises and diagrams that represent the saving of the principal trees on the property, it is apparent from experience with the Zilker Terrace Condominiums that the trees will not be adequately protected. In fact, the site plan for Phase 1 omits a significant oak tree from the drawing that is located on the south property line immediately adjacent to our property. You are referred to the site plan and the trees marked between buildings number 04 and 05 on the drawing. Attached as Exhibit 6 is a photograph taken October 7, 2012 of two century oaks that are located in the area identified between the two drawn structures that only marks a single oak.

The property is additionally incompatible with the property to the south in that there are only 5 foot set backs being placed with the adjacent property. The developers have chosen to leave 25 foot set backs to the north clearly in anticipation of a future re-zoning application of the property directly to the north which also abuts Robert E. Lee where a single-family structure currently exists on a sizeable lot. The purpose of the 5 foot setbacks is solely for the purpose of increasing density on the property and not for the purpose of providing compatible structures for the lot.

In summary, although we have signed a petition of neighbors who own property within 200 feet of the proposed area for the zoning change, we are specifically impacted negatively by the proposal. As can be seen from the Exhibits attached, we were specifically misled by the property owner as to the intended use of the property when it was being cleaned of small and medium sized trees a little over one year ago. It is obvious that the sole purpose of the re-zoning is to grant special privileges to the individual owner of the property to enable the construction of a project that is incompatible with the property on all four sides that are all currently zoned SF-3

Lee Heckman
October 9, 2012
Page 4

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except for and save for Zilker Skyline which was zoned SF-3 but still constructed to be compatible with the adjoining properties with individually built and designed single-family homes on moderate sized lots. Sunflower envisions not only more dense construction but significant impact on the drainage onto adjacent properties and into the Minor Tributary Protection Zone that drains into Zilker Park and into Barton Creek. The property will generate significant additional traffic and street parking in an area that is already restricted to traffic and parking resulting in a negative impact on neighborhood streets already challenged by traffic patterns that various traffic calming devices have failed to control. Drainage will be significant off the property despite representations that the property is "very flat," which even a very brief and cursory review will establish as inaccurate. In fact, 6 of the planned units are placed on land with significant slope (units 1, 6 - 9, and 11). Any effort to further flatten the property through grading will significantly destroy the uniqueness of the property and further increase anticipated drainage issues for the creek and surrounding properties.

It is my intention to be present at the Planning Commission meeting which I understand is to occur on October 23, 2012 and at that time will personally oppose the project. It is further my expectation that likely greater than 50% of the property owners within 200 feet of the proposed project will also join me in opposing the project. The property as zoned is ideal for the construction of homes consistent with the adjacent and nearby uses of the property and would promote compatibility, equal treatment, less traffic, and not be a grant of a special privilege to an individual owner. There has been no change of condition to warrant this significant change to the zoning.

Respectfully,



David M. Davis

cc: Land Use Commission
City Counsel
Zilker Neighborhood Association c/o Andy Elder, President

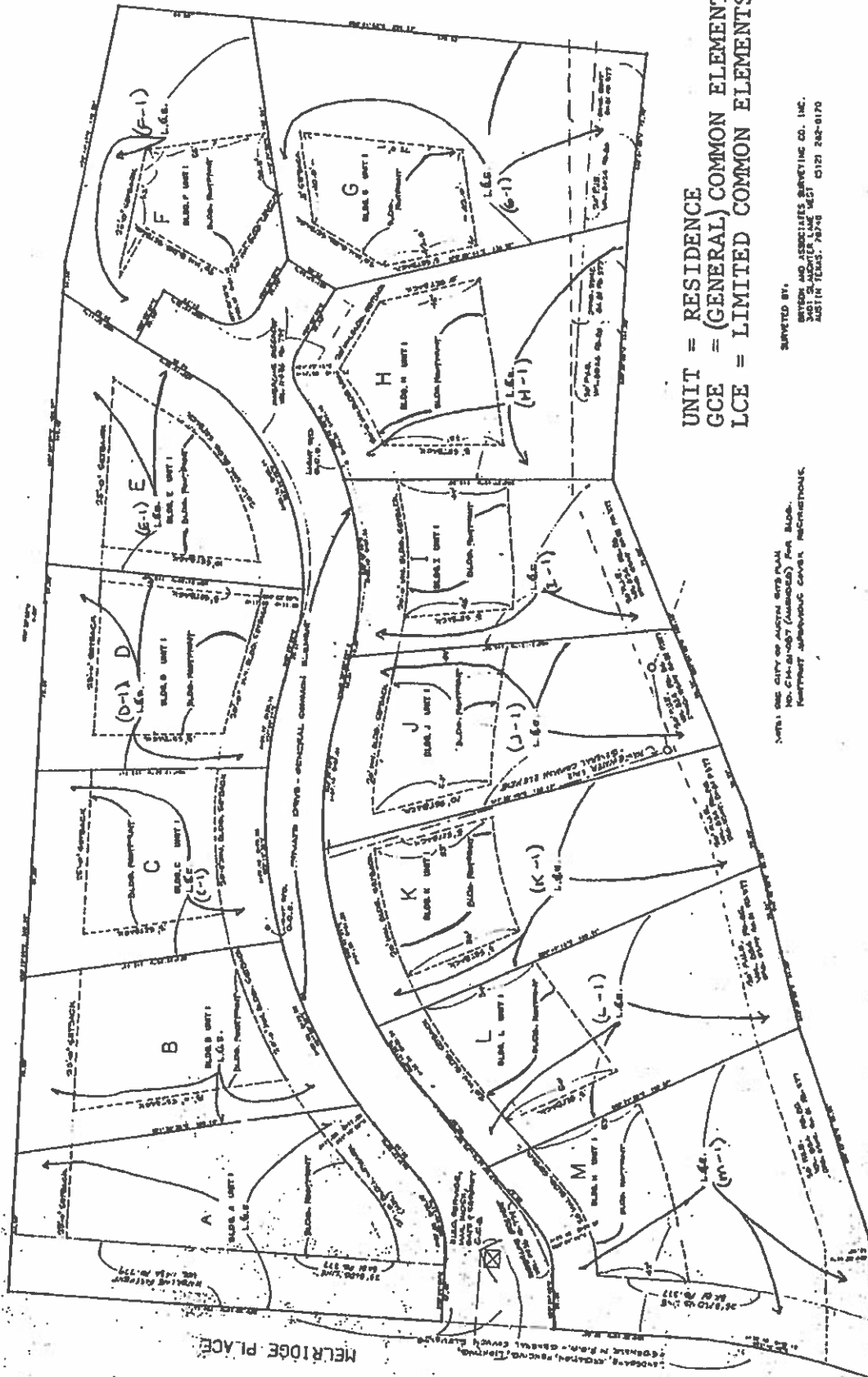
C19
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Exhibit No. 1

EXHIBIT "B"

PLAT OF ZILKER SKYLINE CONDOMINIUMS

LOT 1, ZILKER HILLTOP ADDITION, A SUBDIVISION OF
RECORD IN PLAT BOOK 81, PAGE 377, TRAVIS COUNTY TEXAS
PLAT RECORDS, SITUATED IN TRAVIS COUNTY, TEXAS.



UNIT = RESIDENCE
GCE = (GENERAL) COMMON ELEMENTS
LCE = LIMITED COMMON ELEMENTS

SURVEYED BY:
BYRON AND ASSOCIATES SURVEYING CO., INC.
401 S. MORTIMER LANE WEST
AUSTIN TEXAS 78704

UNIT 1 SEE CITY OF AUSTIN ORD. 1981
NO. CH-61-007 (AMENDED) FOR BLOCK
REMARK: APPROXIMATE CROWN RECREATION

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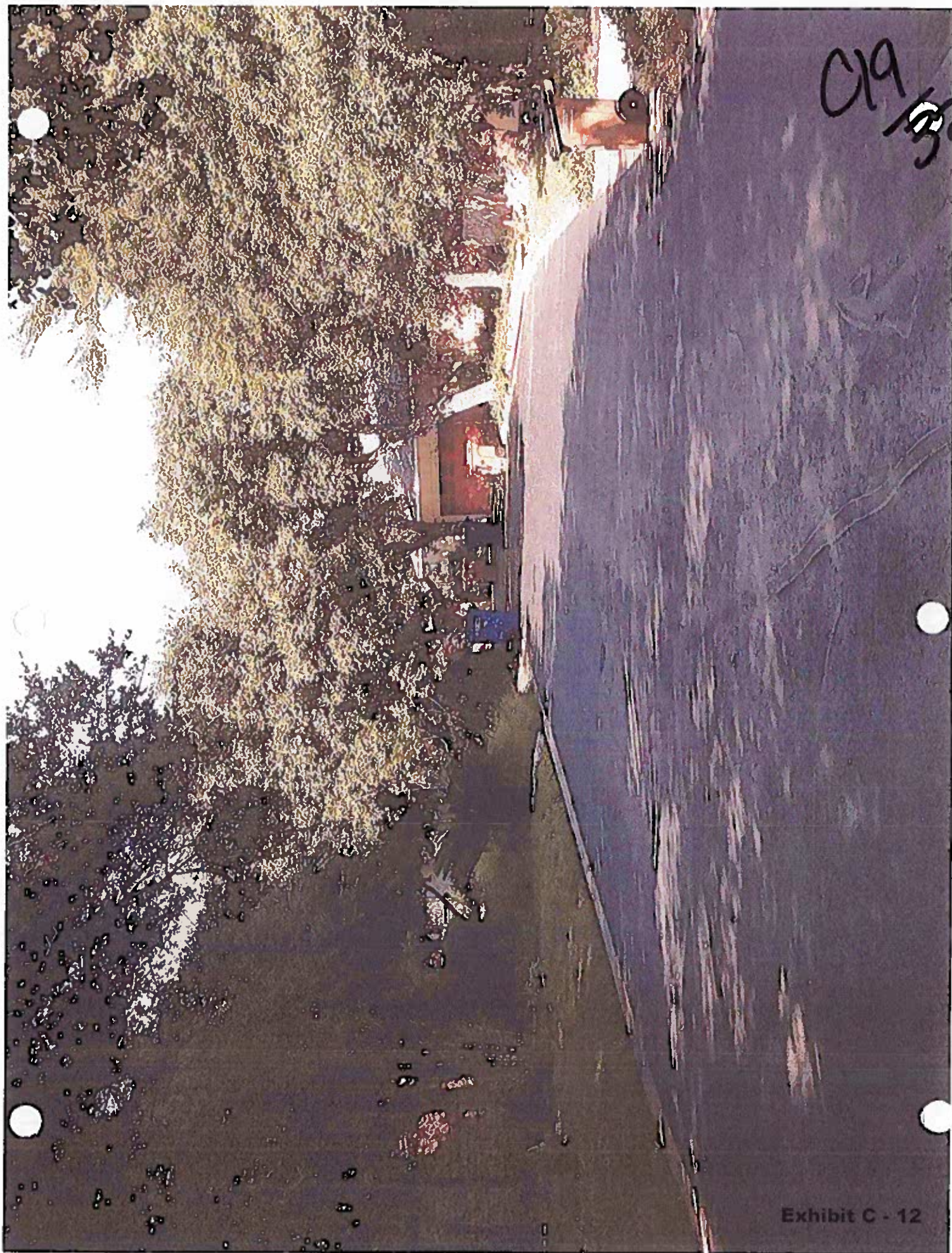
Exhibit No. 2

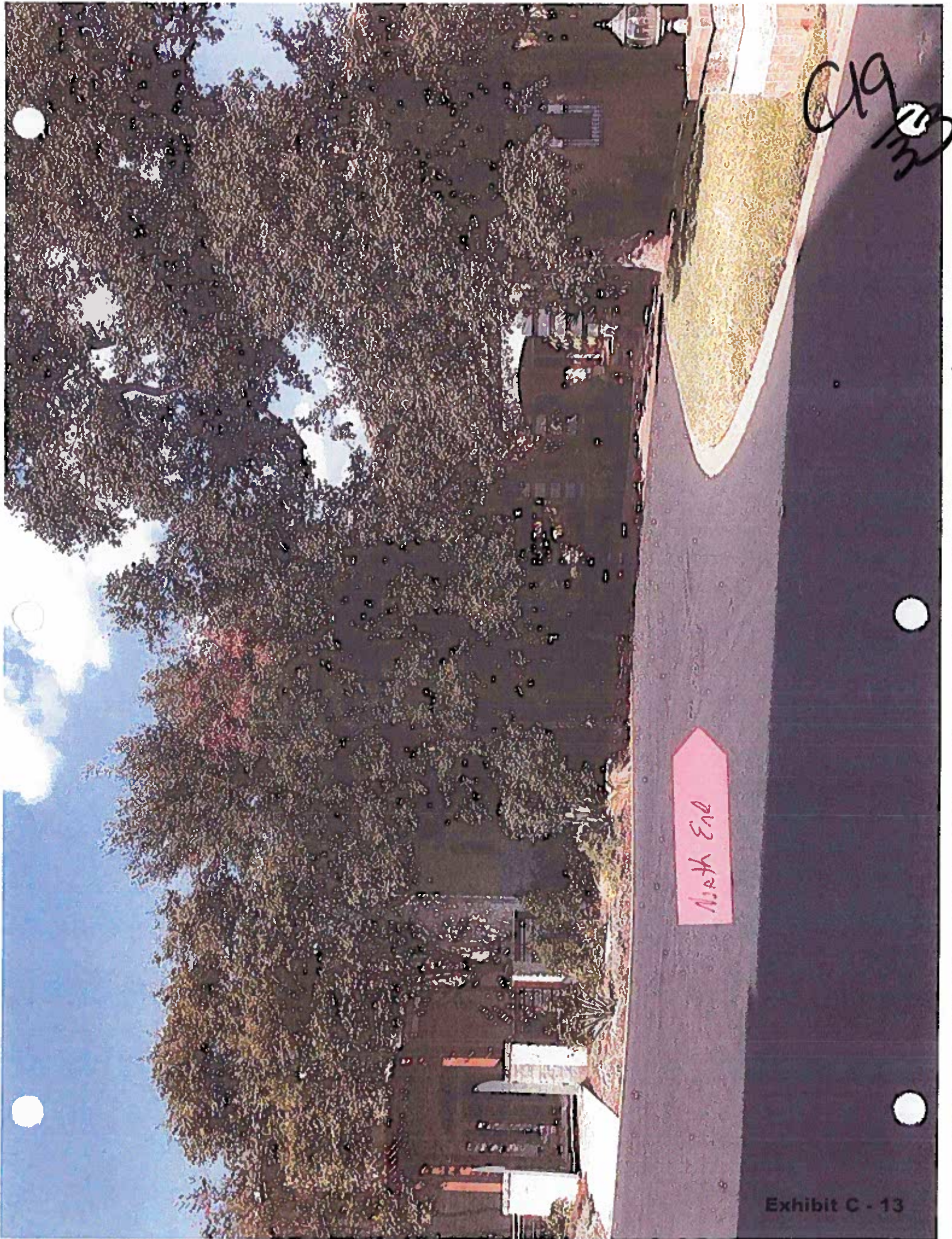


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2540A Street

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38



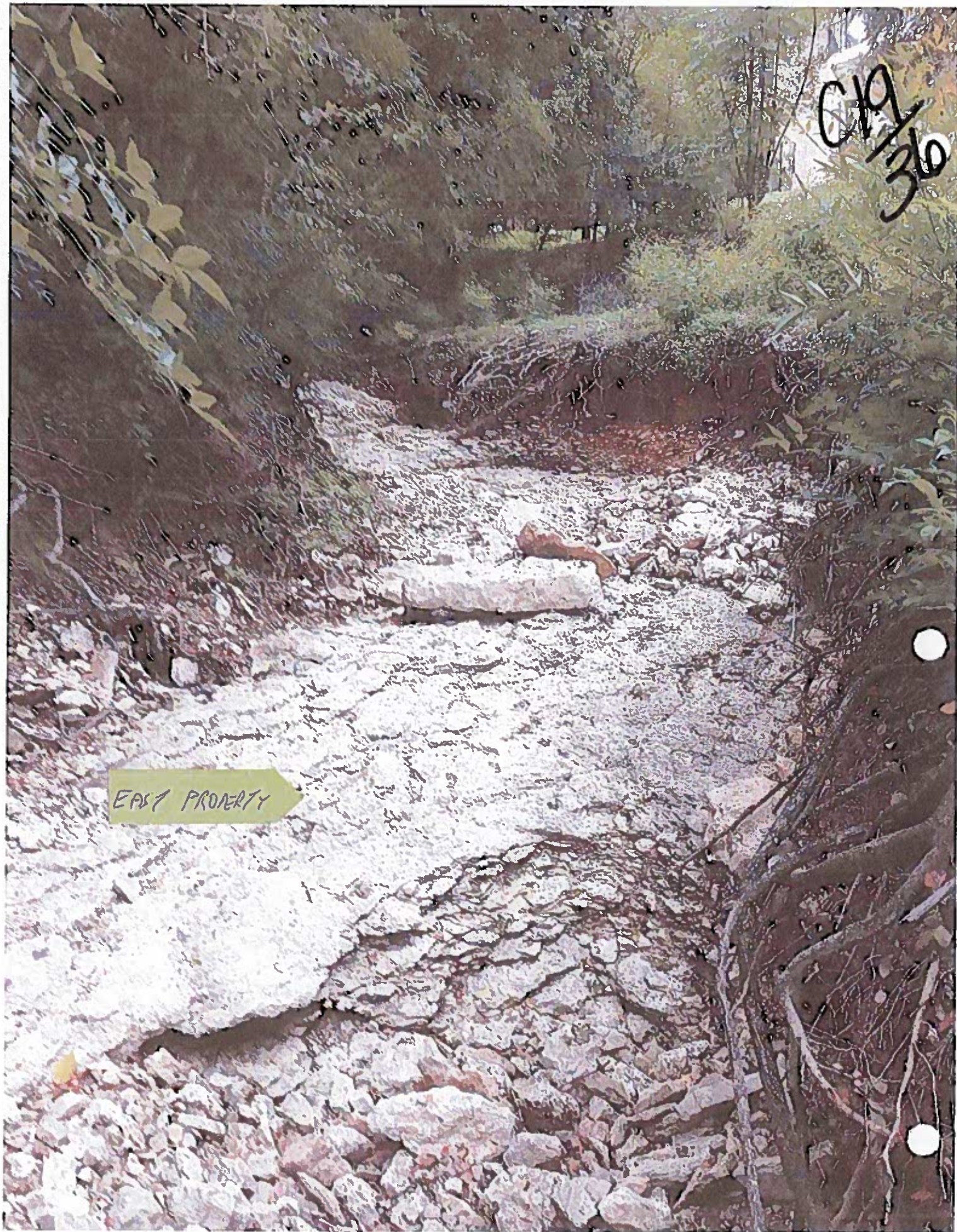


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2133 N. 1st St. #119

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Exhibit No. 3



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EAST PROPERTY

C19
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Exhibit No. 4

NOTICE TO OUT NEIGHBORS

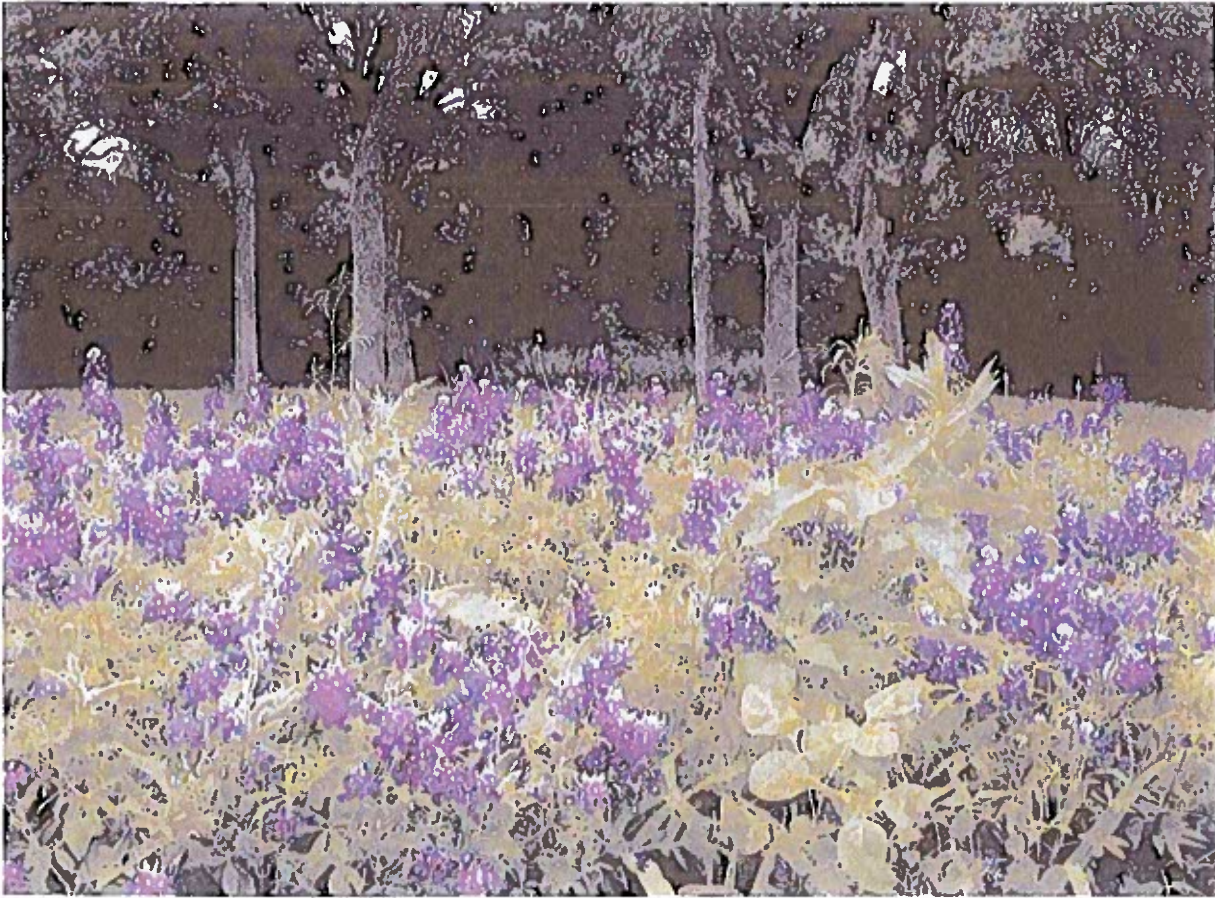
C19
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WITHIN THE NEXT FEW WEEKS, WE ARE GOING TO HAVE SOME TREE AND BRUSH WORK ON OUR PROPERTY.

THE GOAL IS TO REMOVE THE "JUNK" TREES, SUCH AS LIGUSTRUMS, AND NON-NATIVE BRUSH TO ALLOW THE OAKS AND ELMS TO RECEIVE PROPER SUN AND ENABLE THEM TO GROW AND FLURISH.

THE MULCH WILL BE LEFT ON THE GROUND TO TRY TO REJUVINATE THE GROUND COVER TO STIMULATE THE NATIVE BLUEBONNETS, WILDFLOWERS AND GRASSES THAT WERE HERE BEFORE THE SUNLIGHT WAS CUT OFF. (THE PHOTO IS OF THE AREA BEFORE ALL THE HOMES WERE BUILT IN YOUR SUBDIVISION, WHICH IS WHY THE STREET ENTERING MELLERIDGE IS NAMED BLUEBONNET LANE).

THE WORK WILL BE DONE BY A COMPANY THAT SPECIALIZES IN RESTORING LAND AND ENHANCING NATIVE TREES AND PLANTS. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT US AT 442-8467.
JOE & HAZEL JOSEPH



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H0

Exhibit No. 5

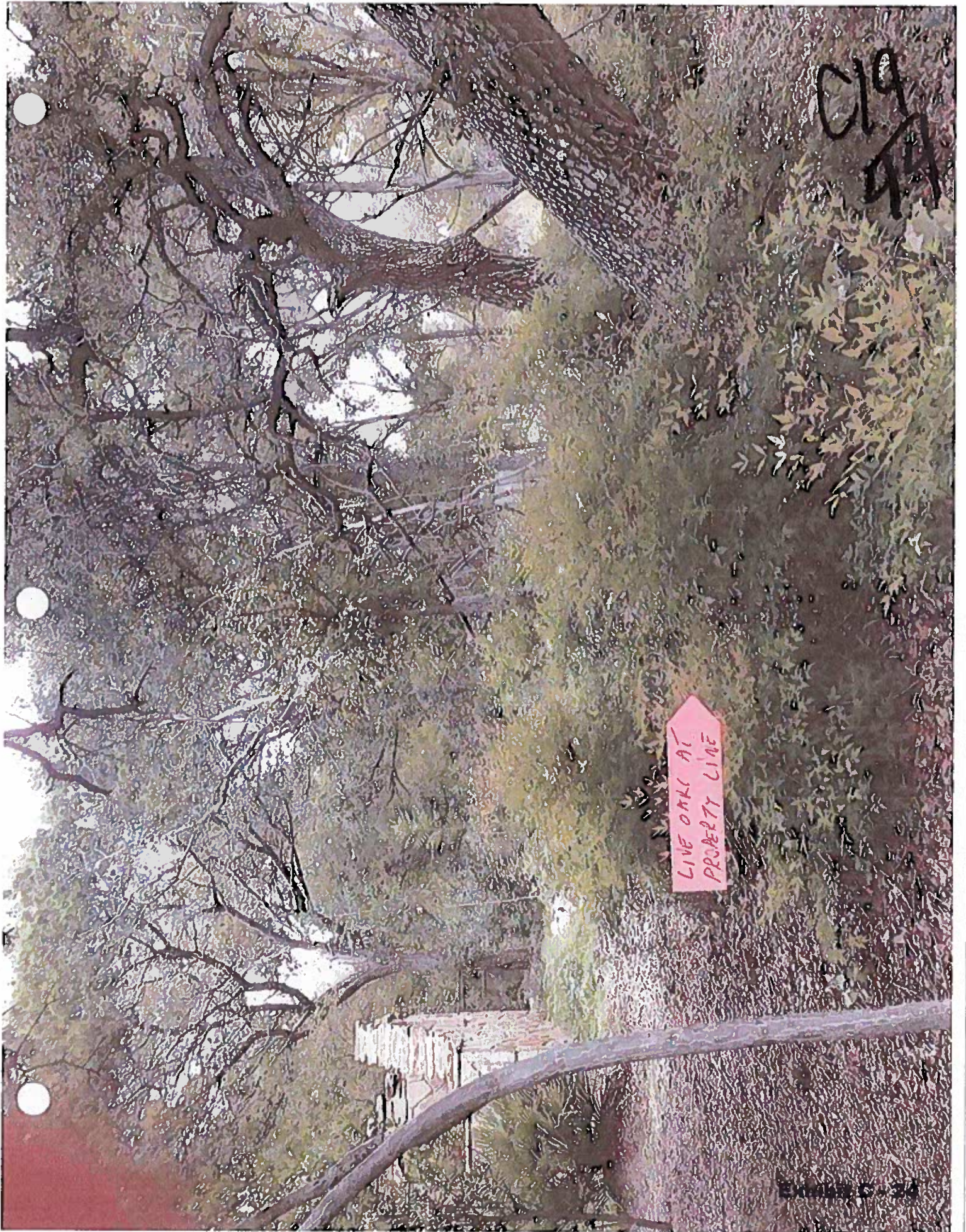


C19
H2

Exhibit No. 6



Exhibit C - 23



From: Jeannie DeFrese
Sent: Wednesday, October 10, 2012 3:33 PM
To: Heckman, Lee
Cc: David Davis; Salee Davis; Andy Elder; [Removed]
Subject: Petition in Opposition to Zoning Change - Case #C14-2012-0109/1201 Robert E. Lee

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45

Lee,

Thanks for meeting with me earlier today so I could deliver the original petition to you personally. I appreciate your time and your patience in answering all of my questions.

I've attached a copy of the petition that you received. Also attached is the map showing the 200' buffer zone with the properties of owners who's signatures are on the petition highlighted, the original of which was included with the original petition. I request that you share it with the other city planners who will be making the staff recommendations and report for the planning commission, as well as attaching it to the staff recommendations and report.

There are a few items about the petition that I wanted to note:

- ALL of owners in the adjacent 200 foot buffer zone who I was able to speak with signed the petition in opposition to the re-zoning.
- Property owners whose signatures are not on the petition were owners I was not able to reach and speak with regarding the petition.
- Finally, signatures of owners at 1303 Robert E. Lee which is 14 owners of condos in Zilker Terrace, were only lightly obtained ie. I spoke with only 4 unit owners at the address. None of the owners there had received the letter of notice from the city, so all were unaware of the re-zoning request. Because the county tax records are still showing the developer as the owner of the property, not the individual owners, the petition guidelines state that their signatures would not be valid for petition purposes without legal documentation of the ownership transfer. Because of this and the time factor in getting this petition to the city in time for verification prior to any hearing date, I did not focus time there. I will note that of the 4 owners I spoke with, all were in opposition to the zoning change and all signed the petition.

Please let me know if I can answer any questions regarding the petition. Thanks again for your time.

Jeannie

Jeannie DeFrese
Texas Monthly 2011 & 2012 Five Star Agent
Triple Mint Real Estate
512.431.8016
www.triplemintrealestate.com

Please click the link below for information about brokerage services
<http://www.trec.state.tx.us/pdf/contracts/OP-K.pdf>

[See Exhibit P]

Exhibit C - 25

From: Donna Ramsey
Sent: Thursday, October 11, 2012 8:49 PM
To: Heckman, Lee
Subject: Opposing case # C14-2012-0109

C19
46

1116 Bluebonnet Lane
Austin, Texas 78704
October 11, 2012

Dear Mr. Heckman-

As a homeowner for 18 years on Bluebonnet Lane, I wish to make known my objection to the up-zoning of properties on Robert E. Lee - case # C14-2012-0109.

Upzoning to SF-6 is not an appropriate use of the property. Our neighborhood until recently was composed of single family homes with a scattering of duplexes. These blended together to make an attractive neighborhood. Our homes are now being overwhelmed by oversized homes and condominiums. Single family lots are being combined and blocky, ugly homes and condos are being built with no consideration for the overall appearance of our neighborhood.

These oversized homes also come with oversized prices and are slowly driving longtime residents, who can no longer afford their property taxes, to leave.

Now, we are faced with the most insidious rezoning yet. Twenty-two units on three acres! My home was purchased as a single family home in a single family neighborhood. The increase in density that a Condominiums Residence district allows will damage the surrounding properties by diminishing privacy, increasing light and noise pollution, increasing the loss of green space, natural habitat, trees and ground cover, increasing runoff in the rocky creek and increasing traffic.

SF-6 zoning is not compatible with the majority of surrounding SF-3 properties. The Zilker Skyline's 11th hour re-zoning from SF-3 to SF-6 still rankles. We do not need more developments of this type in our neighborhood. Last year the owners of the lots in question cleared them "to bring back the wildflowers." The removal of so much ground cover has had a detrimental effect on the creek. There is a spring at the head of the creek which runs when we have received abundant rainfall sufficient to raise the aquifer to the point it will flow. The creek needs to be protected. The loss of trees, ground cover and habitat has also had a detrimental effect

Exhibit C - 26

on wildlife.

This up-zoning request fails to meet these Zoning Principles of the City of Austin:

"Zoning changes should promote compatibility with adjacent and nearby uses and should not result from in detrimental impacts to the neighborhood character."

"Granting of the zoning [in this instance Zilker Skyline] should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city."

"Zoning should promote the goal of environmental protection."

Please do not support this up-zoning.

With regards-

Donna Ramsey

C19
H7

C19
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From: David Davis
Sent: Friday, October 12, 2012 9:21 AM
To: Heckman, Lee
Cc: Andy Elder; Jeannie DeFrese; Salee Davis; Dan Carroll
Subject: C14-2012-0109 / Zoning up-zoning request for Sunflower Development

Dear Mr. Heckman: The Zilker Skyline Homeowners' Association met yesterday evening for our quarterly homeowners' meeting. Our 13 home neighborhood is in total unanimlty in opposition to the up-zoning. The Attached Resolution was adopted unanimously last evening. Although each of our homeowners will ultimately sign the petition circulated by Ms. DeFrese (all but one homeowner who is on the road back from Portland, OR, have now signed and will be filed with you shortly), we want the record to be very clear that we have adopted the attached resolution as a condominium regime based on the fact that we constructed our homes to be in conformity with our neighbors and because we have already been negatively impacted by traffic, environmental disruption by light and density and, significantly, by drainage from Zilker Terrace. The up-zoning request by Mr. Joseph is unwarranted and will be an extremely negative development for our community. Again, if for no other reason, the up-zoning should be denied due to the misrepresentations made to us by Mr. Joseph and he should not be allowed to outweigh our community for the sole purpose of financial gain when the current zoning allows him to already do that without disrupting his neighbors who are now in virtual unanimity in opposition to his request. Sincerely, David Davis (2133 Melridge Place)

[See Exhibit P]

From: Dale Weisman
Sent: Sunday, October 14, 2012 10:44 AM
To: Heckman, Lee
Cc: [Removed]
Subject: Objection to zoning change at 1201 Robert E. Lee -- Case # C14-2012-0109

C19
/49

Hi Lee and greetings to Zilker Neighborhood Association officers,

I am writing to voice my strong objection to a proposal to "upzone" the 3-acre parcel at 1201 Robert E. Lee from SF-3 to SF-6. I own a home at 1110 Bluebonnet on the west side of the cul de sac segment of Bluebonnet at the cross street of Dexter. My lot fronts a fragile yet abused spring-fed creek that is also on the property line of 1201 Robert E. Lee.

In my opinion, upzoning the parcel to SF-6 is not an appropriate use of the property, which is in the middle of well-established mostly single-family home neighborhood. The bulk of the surrounding area is zoned SF-3. A primary reason why I bought my home on Bluebonnet (in 1990) was because of the low-density single-family zoning of the adjacent properties and the resulting relative peace and quiet of the neighborhood.

I oppose the increase in density that an SF-6 zoning would allow; specifically it will allow a high-density condominium development with a proposed 22 units on 3 acres. This type of development is incompatible with the mostly single-family style development that surrounds 1201 Robert E. Lee. As a result, I believe the zoning change would negatively impact the value of my property (as well as my neighbors' values), and this in effect damages my property. Damages include diminished privacy, light and noise pollution, and more traffic congestion on Robert E. Lee. The denser development would also result in a loss of green space (native trees and foliage) and wildlife habitat and lead to increased runoff in the adjacent creek/drainage. The creek, which feeds into Barton Creek below the pool, is already experiencing severe erosion, and further high-density development will only exacerbate a bad situation. Furthermore, the upzoning sets an undesirable precedent for future/potential property developments in the predominately SF-3 areas of the Zilker neighborhood that will inevitably occur in the coming years.

For these reasons, please join me in rejecting the proposed zoning change for 1201 Robert E. Lee to SF-6. I and many of my neighbors are fully prepared and energized to fight this zoning change each step of the way -- all the way to the City Council and beyond.

Best regards,

Dale Weisman
1110 Bluebonnet Lane
Austin, TX 78704

C19
30

From: Mary Kragie

Sent: Monday, October 15, 2012 9:58 AM

To: Heckman, Lee

Subject: Case # C14-2012-0109

Dear Case # C14-2012-0109 Case Manager,

I am a Zilker neighbor who lives up the street from 1201 Robert E. Lee.

I would like to voice my strong opposition to the proposed zoning change from SF-3 to SF-6 for this property. My two primary concerns are:

1. The proximity of the property to Barton Springs pool. I believe this property is in the Barton Springs Watershed. Since the land slopes down to Robert E. Lee, it certainly looks like all the run-off from the land would flow into the springs and sunken garden area.
2. The additional traffic load on Robert E. Lee such a development would cause. Please drive down Robert E. Lee during the morning commute. The traffic is sometimes backed almost all the way up to 1201 Robert E. Lee.

May I ask that you confirm receipt of my email, so I know it has been read and included in the 1201 Robert E. Lee file?

Thank you for taking my concerns into consideration as the City makes its zoning decision on this land, and its impact on such a very, very special place in Austin.

Mary Kragie

Asuragen, Inc.

2150 Woodward Street, Suite 100

Austin, Texas 78744

T: 1-512-681-5295 F: 1-512-681-5201

Online: www.asuragen.com

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