

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';

PLANNING COMMISSION RECOMMENDATION:

March 26, 2013

Recommended Denial for SF-6-CO district zoning
(D. Chimenti, M. Smith – 2nd) 5-4 (R. Hatfield, A. Hernandez,
S. Oliver, J. Nortey voted nay)

February 26, 2013

Postponed to March 26, 2013 at the Applicant's Request
(Consent Motion by J. Stevens, A. Hernandez – 2nd); 7-0-0-2
(R. Hatfield, B. Roark absent) Commissioner Roark Absent]

ISSUES:**Neighborhood Sentiment & Valid Petition**

The conditions of staff recommendation listed above were drawn liberally from limitations offered by the applicant as part of the rezoning request. Staff remains 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 property owners was met with a counterproposal (see Exhibits G). Staff had been informed by the applicant that these self-imposed conditions were the result of back-and-forth proposals and feedback between the applicant and neighbors or neighborhood representatives. Staff can support the conditions offered by

the applicant. At the same time, staff had been informed by a neighboring property owner that what was proposed and what was deemed acceptable was still far apart. At the time of the Planning Commission meeting, it was clear neighbors and neighborhood representatives did not support the rezoning request. Correspondence from neighborhood stakeholders has been attached (see Exhibit C).

Similarly, City staff had not been informed whether the Zilker Neighborhood Association (ZNA) had adopted a position on the rezoning request. A memo outlining ZNA's opposition was presented to the Commission, and has been incorporated into stakeholders' correspondence (see Exhibit C, starting at page 62)

A valid petition was submitted within 60 days of the application being filed. 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. The status of the petition remains unchanged; there is a valid petition against the proposed rezoning.

Despite the lack of support and lack of agreement between the neighborhood, its representatives, and the applicant, the applicant continued 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." Assertions have been made by abutting property owners that there is a critical environmental feature on the property. City environmental staff and the applicant are currently working to assess the validity of this claim.

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 in staff review comments. 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.

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 necessarily coincide, this is a site that is technically an urban contributing zone.

Perhaps adding to the watershed status question is relatively 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 at the corner of Robert E Lee and Melridge Place (see Exhibit A-3). 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 condition of a 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 the "completeness review" and a full, formal application is currently under review. The applicant is currently working with City environmental staff to determine whether potential environmental features exist, and if so, to what extent such existence may impact development of the site.

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 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 Appealers 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:

| 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 | Plat 27.39 acres | Approved 11/20/1952 | Approved 11/26/1952 |

| | | | |
|---|---|---------------------|---------------------|
| Section 1 | into 95 lots | | |
| <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 |
| 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: May 23, 2013**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman
e-mail address: lee.heckman@austintexas.gov**PHONE:** 974-7604

SUMMARY STAFF RECOMMENDATION

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.

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.

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.

- **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.

- 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.

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.

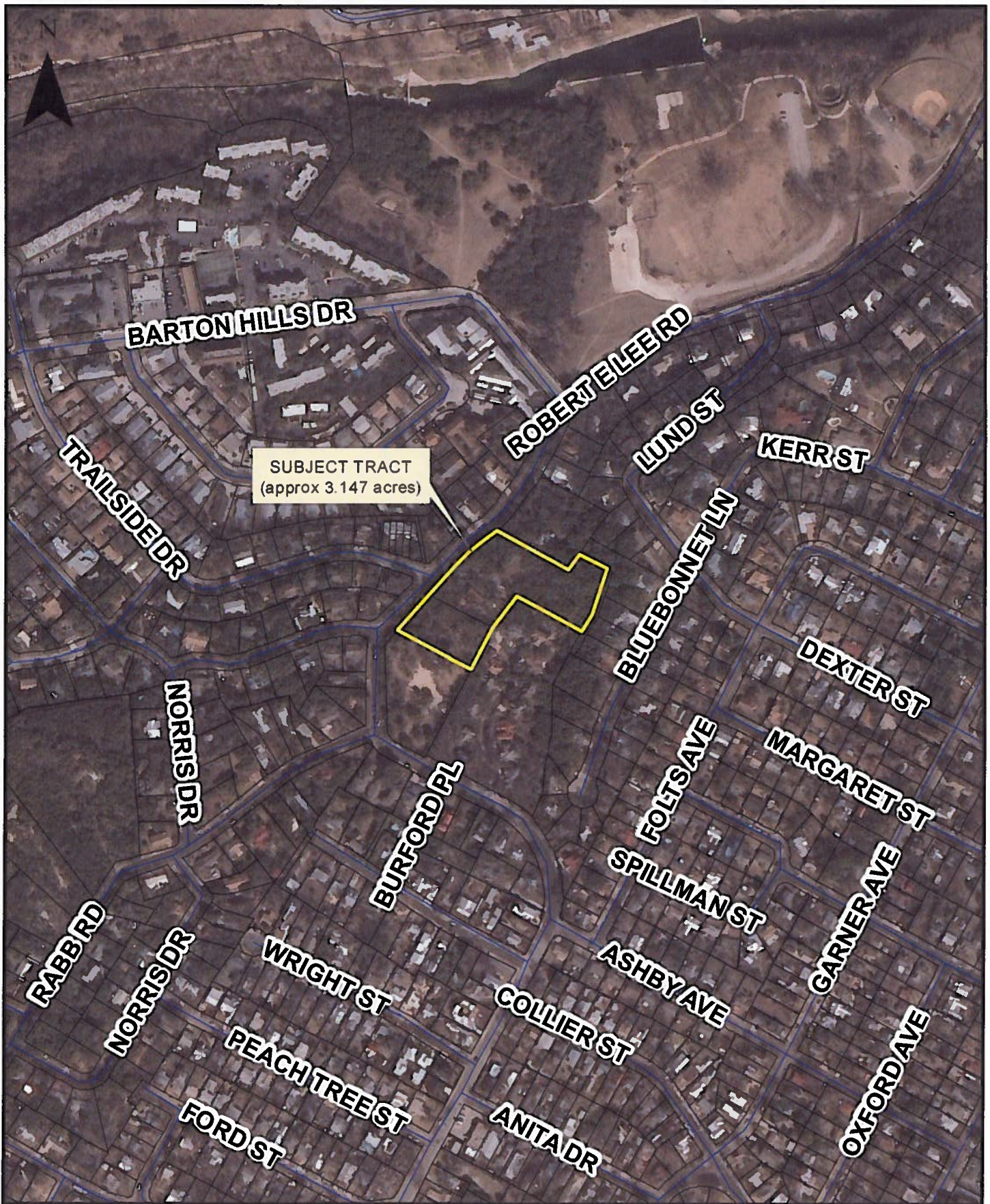
Once again, thank you for taking the time to contact us and thank you for riding Capital Metro. Please feel free to contact us in the future if you have any concerns, questions or suggestions regarding our service. You may reach our Customer Relations Department at 512-385-0190 or via our website at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

Respectfully,

Sondra Williams

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

CCR SWILLIAMS/3359
cc: VRIVERA



C14-2012-0109 / Sunflower

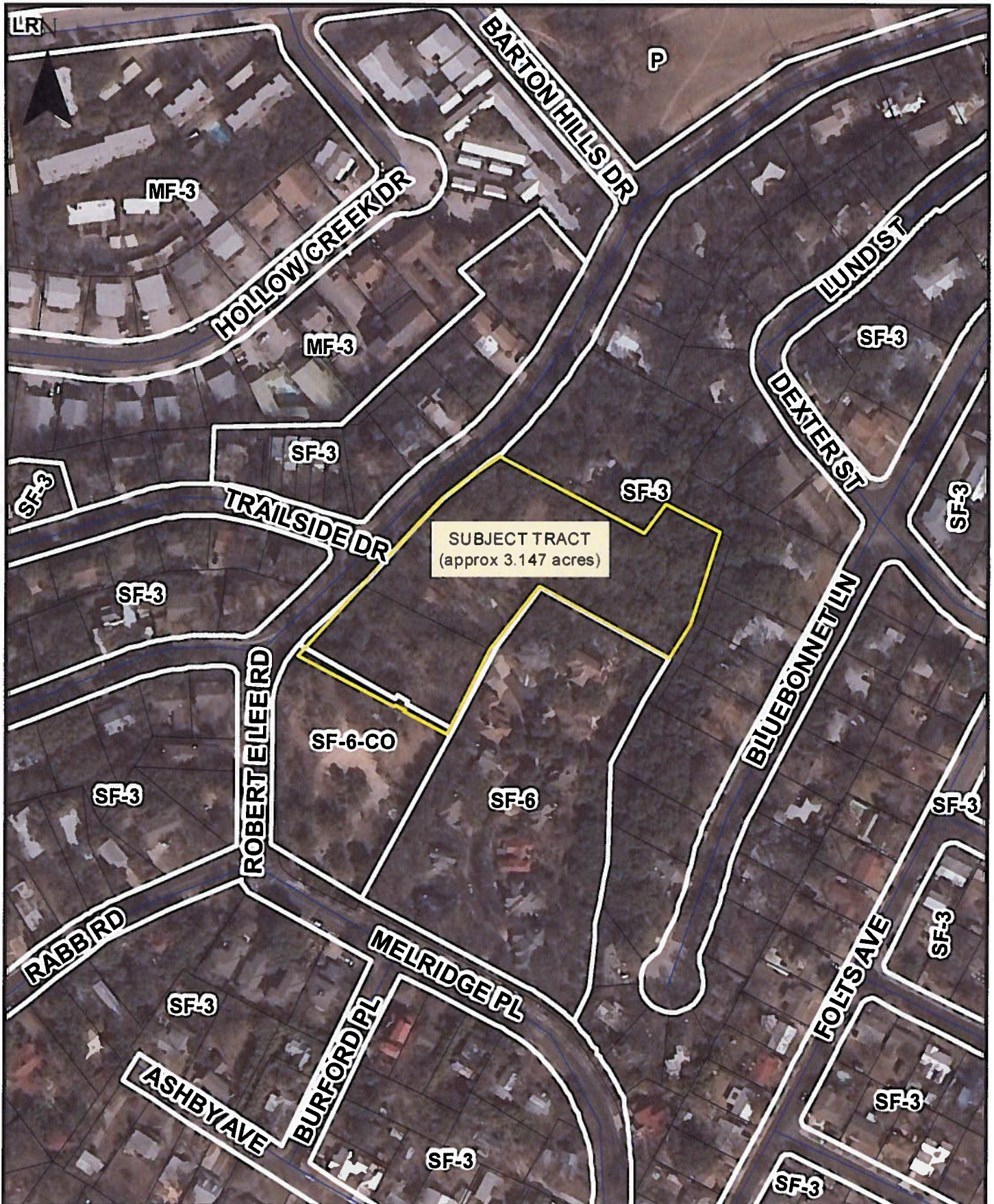


Image Data: 2011

Exhibit A - 2
Aerial & Zoning

0 100 200 400
Feet

1 inch = 200 feet

C14-2012-0109 / Sunflower

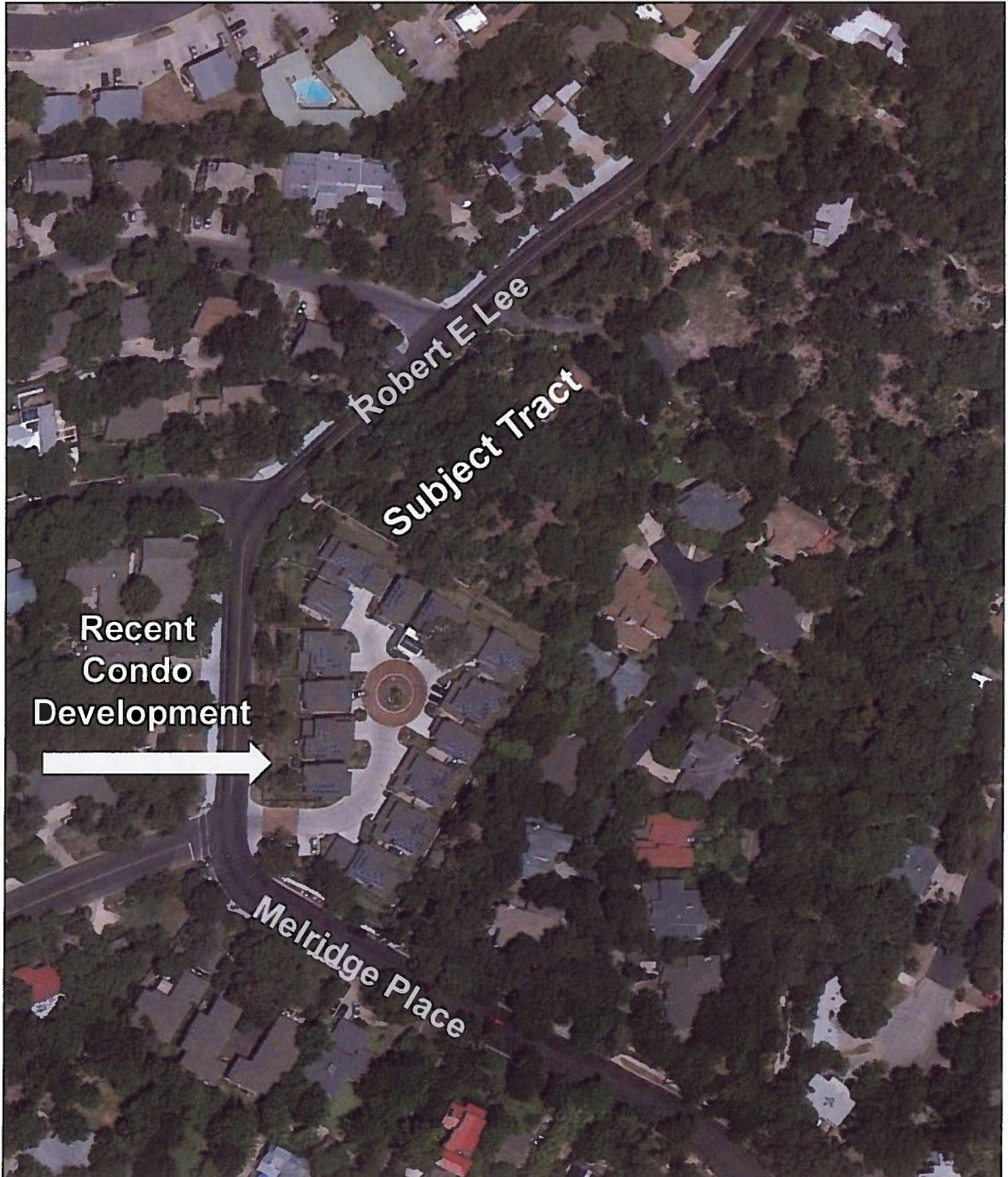


Exhibit A – 3
New SF-6 Development

Image Data: Google
Earth, 2013

SF-6 Zoning Based Condominium Concept



Exhibit B -



HAILEYstudio
architects + planning
207 San Jacinto Blvd. Suite 301
Austin, TX 78701
512.913.0068
www.haileystudio.com
hailey@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

SF-3 Zoning Based Subdivision Concept



Exhibit B - 2

HAILEYstudio
architects + planning
207 San Jacinto Blvd., Suite 301
Austin, Texas 78701
512.473.0386
hailey@haileystudio.com



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

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

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

-----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.

Street Address:
1801 S. MoPac
Suite 300
Austin, Texas 78746

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

T: 512.482.0614
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

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

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

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

G:\USERS\AEvans\Docs\DMD\Zilker Skyline\L Heckman 01.wpd

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.

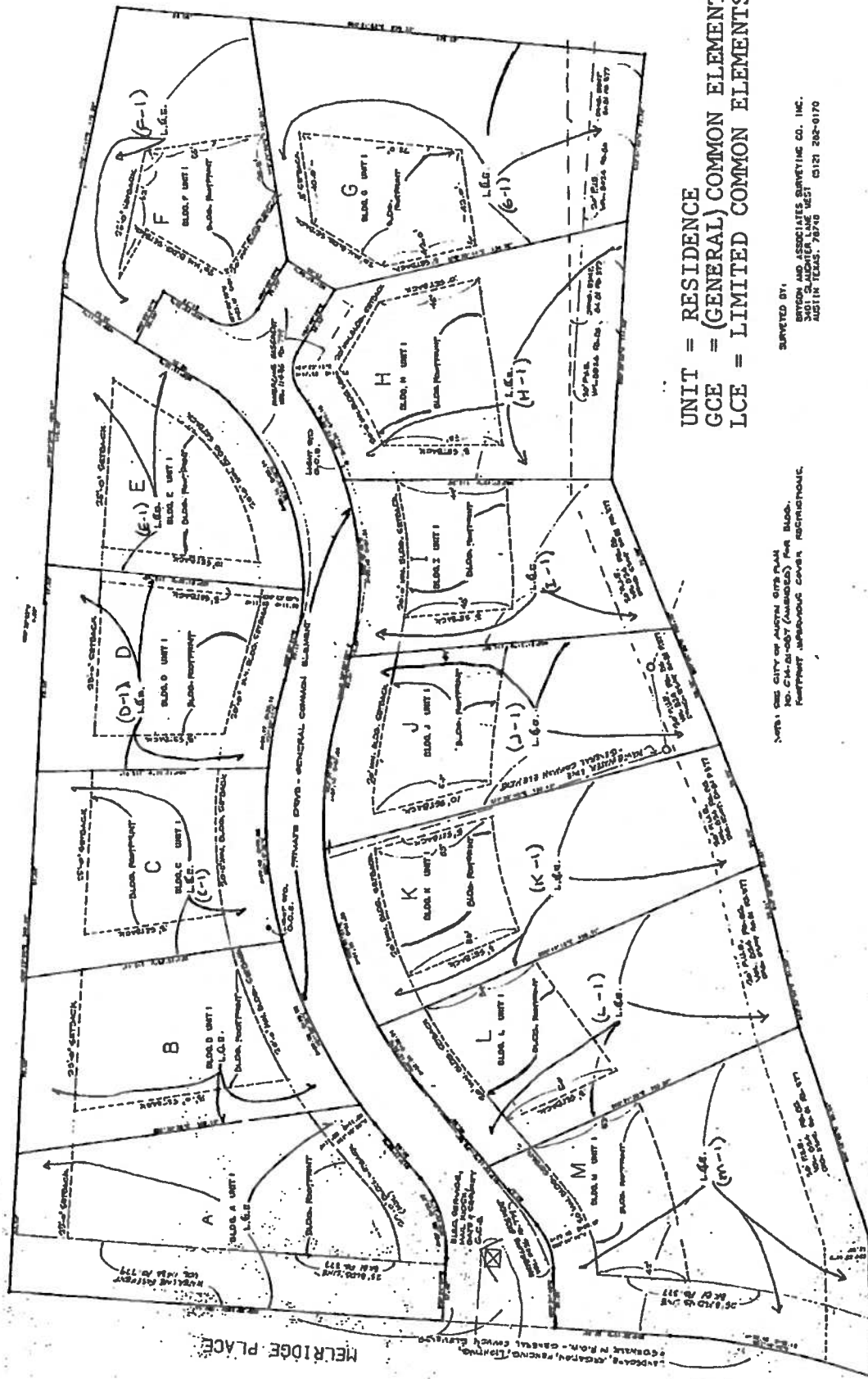
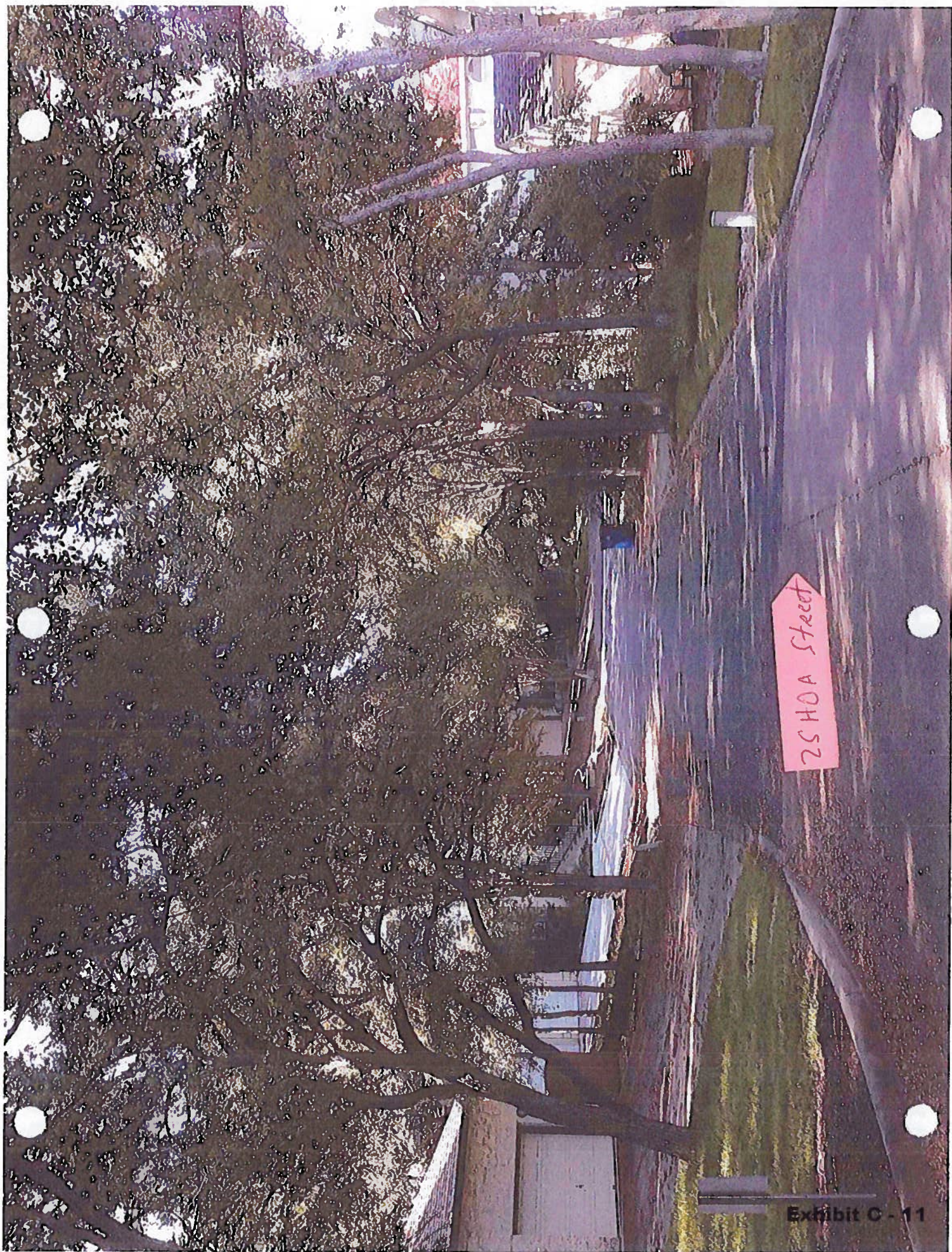


Exhibit No. 2







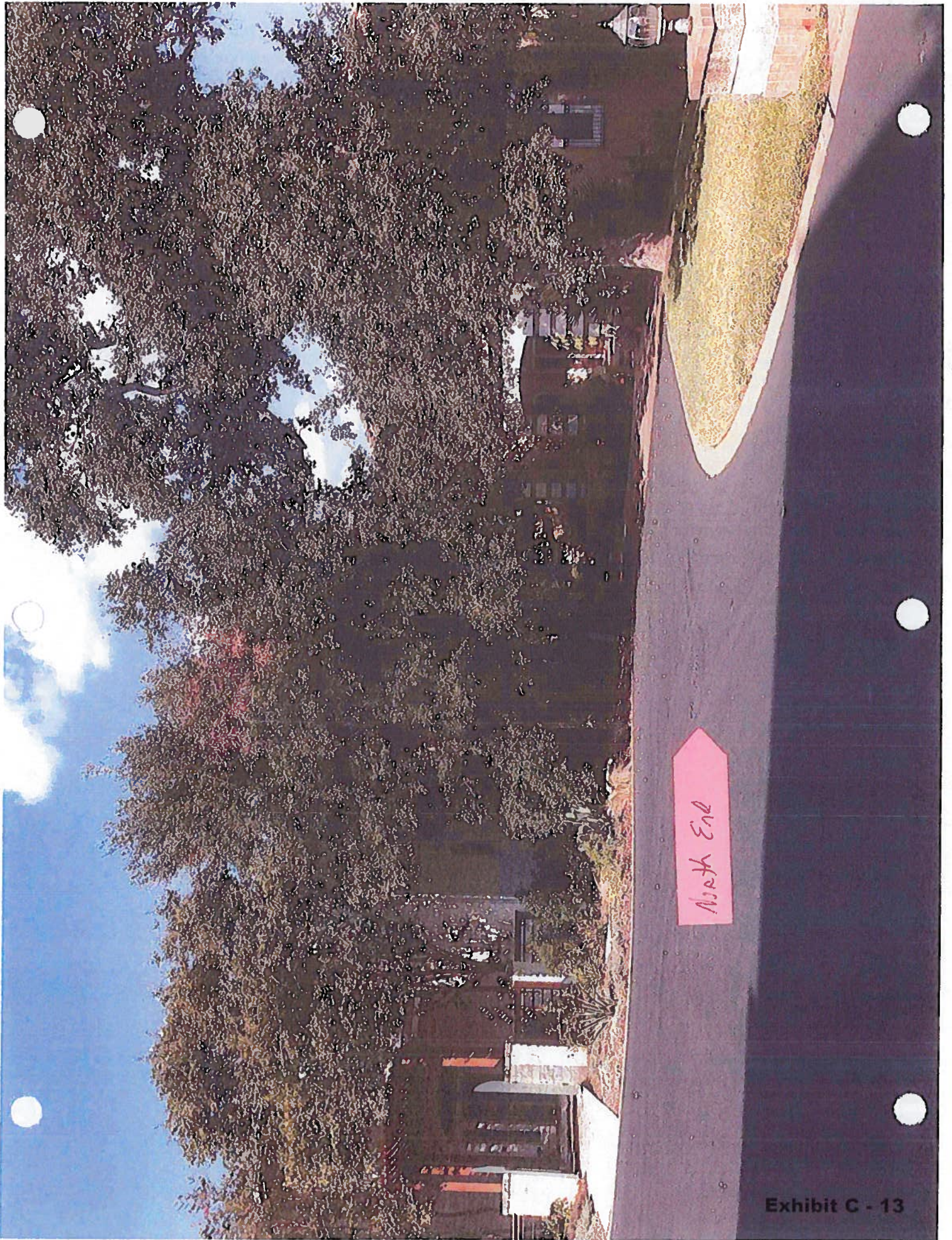




Exhibit C -14

Exhibit No. 3



Exhibit No. 4

NOTICE TO OUT NEIGHBORS

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



Exhibit No. 5



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

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]

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

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

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 unanimity 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

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

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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From: Karen Krog
Sent: Monday, October 15, 2012 9:24 PM
To: Heckman, Lee
Subject: Zoning request (Case #C14-2012-0109)

Dear Mr. Heckman

I am writing regarding the requested property zoning change for 1201 Robert E. Lee (Case #C14-2012-0109). I am an owner of a property within 200 feet of the property in question and have lived at my current address for 22 years. I bought my house largely because of its location in a beautiful green spot in the neighborhood, which is home to a variety of plant and animal life. I always knew that it was possible that some of the area would develop further but was reassured by the SF-3 zoning of the surrounding properties that the development would not be dense and that the character of the area would be preserved. Now, I find that the owners of 1201 Robert E. Lee are seeking to change the zoning to SF6 and that the city is actually considering this. The plan for 22 condominiums on 3 acres that are now sparsely developed is totally unacceptable to me as a long-term homeowner.

I understand the plan for increased densification in the inner city and am in support of this along major corridors, although I am concerned that much of the increased development is being done without adequate consideration of transportation and infrastructure issues. Our neighborhood as a whole has had frequent water/sewer leaks in recent years that have increased in recent months. Additionally, while density is increasing, neighborhood access to bus service has been cut, first by eliminating route 29 and most recently by cutting the Zilker/Barton Hills portion of the bus 30 route.

Our neighborhood will feel much of the brunt of development along South Lamar and Barton Springs Road in the form of increased traffic. I have been willing to live with all of this because of the other advantages of living in the inner city. However, I am not willing to live with increased density along Robert E. Lee and essential destruction of the single family nature of our part of the neighborhood.

For those unfamiliar with the topography of this area, it should be noted that there is a forest behind my house, complete with a creek (which the city refers to as a "drainage area" although it appears to be spring-fed, runs year-round, even in extreme drought, and drains, after it branches at Robert E. Lee, into Barton Creek both above and below the pool). Drainage from the increased density permitted along the creek on land which fronts Melridge has resulted in radical erosion along this creek, including erosion of my property and the destruction of several large trees. More development in the watershed of this creek will exacerbate this erosion, threatening further loss of trees and land. It also threatens erosion of the ground beneath a major sewer line which runs along the creek bed. The proposed development will also decrease the privacy that makes my home special and will displace the wildlife that I and my neighbors value and support. It should be noted that a recent development on an adjacent property that was "up-zoned" has caused flooding three times in recent months in the nearby Zilker Skyline development.

I urge you to consider the single family nature of the properties adjacent to the property in question and to deny this request for further densification of this area. Keep the density along major traffic corridors and not along this narrow stretch of Robert E. Lee adjacent to Zilker Park.
Thank you for your careful consideration of this matter.

Karen Krog

2007 Dexter
Austin, Texas 78704

From: Karen Krog
Sent: Tuesday, October 16, 2012 1:10 PM
To: Heckman, Lee
Subject: Zoning change request (Case #C14-2012-0109)

Dear Mr. Heckman,

I am very concerned about the requested zoning change for 1201 Robert E. Lee (Case #C14-2012-0109). My single-family residential property, which was purchased on the assurance that it was securely surrounded by SF-3 zoning, is within 200 feet of the property in question. Now, the owners of 1201 Robert E. Lee are seeking to change the zoning on three SF-3 lots to SF-6 so that they can economically benefit by building and selling 22 condominiums on those lots. Because their benefit would be at the expense of their neighbors, the livability of the larger neighborhood, and important environmental resources, I very strongly oppose city approval of the requested change, and urge you to recommend against it.

The contemplated change would radically alter my ability to realize values and benefits of my property that my family and I might otherwise reasonably expect to continue to enjoy. The market value of my lot would very likely decline as its margins are transformed from the undeveloped yards and woodlands of adjacent single-family lots to the visible impervious cover of 22 condominiums, parking lots and driveways. The current "single-family" character of my property and neighborhood would be essentially destroyed. The direct access to quiet, dark, natural beauty, wildlife habitat, and privacy which we currently enjoy would markedly deteriorate and probably disappear altogether. Were this to be allowed, I would regard it as an uncompensated taking of very important and valuable rights of mine in the service of the pecuniary interests of the applicants.

It is certainly not the case that the development in question represents the kind of "smart" densification of central Austin which the city should support. Such densification is generally beneficial only if it is supported by necessary infrastructure and transportation development and maintenance, and only if it does not occur at the expense of livability and the environment. That is not the case for this zoning change and the development it would enable. This area has no marginal infrastructure capacity to support the development. Simple assurance of continuous water and sewage service in our area is increasingly problematic because of maintenance too long deferred. Robert E. Lee, the street on which traffic from this development would rely, is already overburdened. Travel on it is characterized by the very long wait-times, frequent traffic jams, and air pollution that densification unsupported by adequate transportation development has infamously engendered throughout the city. Any increment of increase would only exacerbate mobility and livability problems. The city has no plans to improve this situation. Indeed, public transportation directly serving this area has recently been eliminated by Capital Metro.

Like many of the surrounding lots, my property backs to a forest growing along a spring-fed creek (which the city refers to as a "drainage area" although it has been "live" for the entirety of the more than two decades that we have lived on its banks). The creek flows or drains, after it forks at Robert E. Lee, into Barton Creek both above and below Barton Springs pool. It thus traverses that part of the Barton Springs recharge zone most proximate to the springs. Already, the increased volume of run-off from the increased density permitted along the creek on land just north of Melridge has eroded creek-side properties,

Exhibit C - 32

destroying tons of my property and several large trees in particular. More development in this watershed would exacerbate this erosion, threatening further loss of trees and land, and further deepening of the creek bed to a point, not very far distant now, where it can no longer serve as the foundation for a major sewer line that runs along it. Further, during heavy rains, water that is currently absorbed by unpaved land would be transformed by the contemplated development into polluted runoff that would flow directly into Barton Creek and the recharge zone for Barton Springs. Here, as with traffic, any margin for increased flows has long-since, and quite literally in this case, been eroded; such flows can only result in further destruction of property and the environment.

The proposed zoning change and the development it would allow serve only the narrow financial interests of the applicants. They would diminish or destroy market, use, livability, and environmental values for neighboring property owners, surrounding neighborhoods, and the city as a whole. I urge you to actively, and without qualification, oppose the change.

John Houghton
2007 Dexter
Austin, Texas 78704

From: John Sanders
Sent: Tuesday, October 16, 2012 2:52 PM
To: Heckman, Lee
Cc: [Removed]
Subject: Case No. C14-2012-0109 Project Location: 1201 Robert E. Lee Rd.

Lee, as you are aware I am one of the owners of 1113 Robert E. Lee, the property directly to the north of the subject property. Upon receiving notice of the owner's application to change the zoning from SF3 to SF6 I contacted the developer and exchange several calls/e-mails with him concerning the planned development. After considering the proposed plans I determined that I could not support the proposed change. I and my co-owners joined in the petition seeking to have the rezoning denied. I received a copy of the e-mail from David M. Davis to you dated Oct. 10, 2012 as well as the letter dated October 9, 2012 attached to the e-mail. I share all of Mr. Davis's concerns and hereby adopt his arguments. I am concerned about the drainage issues the new zoning will cause and I believe that the increased traffic on Robert E. Lee will inevitably lead to serious injuries and possible fatalities caused by a collision(s) between some mixture of pedestrians/cyclists and motor vehicles. I would suggest that anyone who has any doubt about the already dangerous situation on Robert E. Lee has only to sit on the subject property during the morning and afternoon rush hours to see exactly what I am talking about.

On a personal note we purchased this lot for the purpose of building our retirement home. We relied on the fact that our lot and the subject lots were all zoned SF 3. We would not have purchased it if they had been zoned SF 6. The introduction of multiple homes along our extensive common property line will render our property useless for the purpose for which we purchased it. Given the lengths that the owner of the subject property has gone to to disguise the preliminary work on the rezoning from his neighbors it is clear that he recognizes that the proposed rezoning is an incredibly poor fit for the neighborhood.

Please make this e-mail part of the official file. If you have any questions about any of the forgoing please feel free to call me.

John J. Sanders, IV

John T. Sanders, IV
Scroggins & Williamson, P.C.
1500 Candler Building
127 Peachtree Street, NE
Atlanta, GA 30303
T: (404) 893-3880
F: (404) 893-3886
E: [Removed]

From: David Davis
Sent: Tuesday, October 23, 2012 11:46 AM
To: Heckman, Lee
Cc: Andy Elder; Salee Davis; Jeannie DeFrese
Subject: Case No. C14-2012-0109 / 1201 Robert E. Lee Rd. SF-6 zoning request

Mr. Heckman: Attached are the signatures of the remaining Zilker Skyline Homeowner's who had not previously signed the petition created by Ms. DeFrese as individuals. Please add these individuals to those in opposition to the zoning change request. Besides the homeowner's association as an entity, now all of the 13 homeowners have also signed in opposition. Mr. Blankenship, Mr. Smithers and Mr. Meehan and Ms. Hudson own homes whose property lines are contiguous with the land for which re-zoning has been requested. Sincerely, David M. Davis

[See Exhibit P]

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

From: David Davis

Sent: Tuesday, October 23, 2012 2:34 PM

To: Heckman, Lee

Subject: Case No. C14-2012-0109 / Sophie Blankenship's Water Quality Study / Robert E. Lee Rd. SF-6
Zoning request [Part 1]

Mr. Heckman. [This email will be in multiple parts due to the size of the attachment photos]

I have attached a water quality study that was performed on the creek (incorrectly labeled a drainage ditch) that extends along the East boundary of the property at issue. It extends along the entire east side of Zilker Skyline and the east side of my property at 2133 Melridge Place. As noted in the documents previously provided, Zilker Skyline protected this creek as a part of our development and we continue to do so, respecting this tributary into Barton Creek and Lady Bird Johnson Lake. Sophie Blankenship is the daughter of Don Blankenship, Ph.D., who owns the home with his wife that is immediately West of my property and is contiguous to the subject property which surrounds the Blankenship property on two sides (Phase I to the South and Phase II to the East). He and his wife have signed the petition in opposition to the zoning request. Sophie prepared the study of the water as a poster presentation using recognized scientific / biologic principles. You will note that her study established both that the water is from a natural creek and that due to the quality of the water that it was clean and safe to play in (not at all a drainage ditch). The original is available for inspection. I would request on behalf of those opposed to this zoning change that the environmental review of the up-zoning application include this study and that it be provided to the appropriate person whom I understand from the file to be Mike Mcdougal. I also request that the study accompany any file forwarded to the planning / zoning commission and the City Council when appropriate.

Sincerely, David M. Davis,

2133 Melridge Place (Bldg. G, Unit 1, Zilker Skyline Homeowner) Austin, TX 78704

(h) 512-912-0803 / (o) 512-482-0614

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

From: Salee Davis

Sent: Tuesday, October 23, 2012 1:57 PM

To: David Davis

Subject: Sophie Blankenship's Water Quality Study

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

From: David Davis

Sent: Tuesday, October 23, 2012 3:44 PM

To: Heckman, Lee

Subject: Case No. C14-2012-0109 / Sophie Blankenship's Water Quality Study / Robert E. Lee Rd. SF-6
Zoning request Part 2

Mr. Heckman. [Part 2 of Email]

I have attached a water quality study

Sincerely, David M. Davis,
2133 Melridge Place (Bldg. G, Unit 1, Zilker Skyline Homeowner) Austin, TX 78704
(h) 512-912-0803 / (o) 512-482-0614

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

From: Salee Davis
Sent: Tuesday, October 23, 2012 1:57 PM
To: David Davis
Subject: Sophie Blankenship's Water Quality Study

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

From: David Davis
Sent: Tuesday, October 23, 2012 3:45 PM
To: Heckman, Lee
Subject: Case No. C14-2012-0109 / Sophie Blankenship's Water Quality Study / Robert E. Lee Rd. SF-6
Zoning request - Part 3

Mr. Heckman.

I have attached a water quality study Part 3

Sincerely, David M. Davis,
2133 Melridge Place (Bldg. G, Unit 1, Zilker Skyline Homeowner) Austin, TX 78704
(h) 512-912-0803 / (o) 512-482-0614

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

From: Salee Davis
Sent: Tuesday, October 23, 2012 1:57 PM
To: David Davis
Subject: Sophie Blankenship's Water Quality Study

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

From: David Davis
Sent: Tuesday, October 23, 2012 4:17 PM
To: Heckman, Lee
Subject: RE: Case No. C14-2012-0109 / Sophie Blankenship's Water Quality Study / Robert E. Lee Rd. SF-6
Zoning request - Part 3

Thank you very much.

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

From: Heckman, Lee [<mailto:Lee.Heckman@austintexas.gov>]
Sent: Tuesday, October 23, 2012 4:15 PM
To: David Davis

Subject: RE: Case No. C14-2012-0109 / Sophie Blankenship's Water Quality Study / Robert E. Lee Rd. SF-6
Zoning request - Part 3

Mr. Davis:

Thank you for forwarding this report. I have forwarded to Mike McDougal as requested and will include in the backup materials for the Planning Commission and City Council when the case is scheduled for their review and consideration.

Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

Tel: 512 – 974 – 7604
Fax: 512 – 974 – 6054
Email: lee.heckman@austintexas.gov

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

From: David Davis
Sent: Tuesday, October 23, 2012 3:45 PM
To: Heckman, Lee
Subject: Case No. C14-2012-0109 / Sophie Blankenship's Water Quality Study / Robert E. Lee Rd. SF-6
Zoning request - Part 3

Mr. Heckman.

I have attached a water quality study Part 3

Sincerely, David M. Davis,
2133 Melridge Place (Bldg. G, Unit 1, Zilker Skyline Homeowner) Austin, TX 78704
(h) 512-912-0803 / (o) 512-482-0614

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

From: Salee Davis
Sent: Tuesday, October 23, 2012 1:57 PM
To: David Davis
Subject: Sophie Blankenship's Water Quality Study

[See Exhibit D]

From: Robert Coe
Sent: Friday, October 26, 2012 12:50 PM
To: Heckman, Lee; [Removed]
Subject: Zoning Change Request C14-2012-0109
October 26, 2012

City Council and Zilker Neighborhood Association
RE: Case# C14-2012-0109
Property Requesting Zoning Change – 1201 Robert E. Lee

The requested zoning change for this property is not appropriate.

I have lived in my home adjacent to the property in question for over 30 years. This is a predominately single family home neighborhood and one of the main reasons we moved here. While we are not opposed to development, we feel that this area should remain SF-3.

The proposed zoning change would add incompatible density to already crowded roadways and infrastructure, and would set a bad precedent for nearby properties that may go on the market in the future.

The request to change zoning to SF-6 would also adversely impact the character of the neighborhood, the green space and wildlife corridor that currently exists and add to light and noise pollution. I sincerely request that you deny this zoning change.

Robert Coe
1108 Bluebonnet Lane

From: Jenny Jones
Sent: Thursday, November 01, 2012 9:04 AM
To: Heckman, Lee
Cc: [Removed] Stephen Jones; Claire Secker
Subject: Objection to Zoning Change Requested by 1201 Robert E. Lee

As homeowners on Robert E Lee Road, we are opposed to the Zoning change requested for 1201 Robert E Lee Road.

As has been well stated by other neighborhood residents, we do not see upzoning this property to SF-6 as an appropriate use of the land. Increased density, loss of green space, increased runoff, and increased traffic are not acceptable to us as neighbors.

In addition, the recently-announced development of major apartment projects occurring east of our neighborhood, on Lamar, and north of our neighborhood, on Barton Springs, will be contributing additional traffic and density to the community as it is.

Other considerations include the fact that:

- the bulk of the surrounding area is SF-3 zoned
- the adjacent property that was upzoned to SF-6 changed at the last minute to accommodate road access. That development has only 13 houses on 5 acres; the proposed development at 1201 has 22 units on 3 acres!!!

In short, the proposed development sets an undesirable precedent for this signature Austin neighborhood, will create erosion and destroy a natural spring creek on the property, will destroy a wildlife corridor.

Please communicate our opposition to the proposed change.

Thanks,
Stephen and Jenny Jones

From: ben smithers

Sent: Sunday, November 04, 2012 11:52 AM

To: Heckman, Lee

Cc: Salee Davis; Gerald Smolinsky; Cheryl Speaker; Shannon Patton

Subject: Zoning Change case# c14-2012-0109

Dear Mr. Heckman,

I am the owner of 2130 Melridge Place, one of 13 homes on 5 acres in Zilker Skyline adjacent to the proposed development of 22 homes on 3 acres if this zoning change is approved and I strongly object on these grounds. It is not compatible with SF-3 which is the bulk of the property surrounding it. The only reason why Zilker Skyline is SF-6 is because of rules regarding a road running through the center of it. The increased congestion will have a detrimental impact on the neighborhood and set a negative precedent for future development. Ben Smithers D.D.S.

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

From: David Davis

Sent: Tuesday, November 27, 2012 5:39 PM

To: Heckman, Lee

Cc: Don Blankenship; Salee Davis; Jeannie DeFrese

Subject: Case No. C14-2012-0109 / Robert E. Lee Rd. SF-6 Zoning request

Lee: In reviewing the creek water quality study photos I had previously sent you I noticed that I left two off; in particular one of the chronology of data compilation which is important. I have attached these photos for your file and sharing as you believe appropriate. I hope you had a good Thanksgiving. David

[See Exhibit D]

From: t th
Sent: Wednesday, January 30, 2013 2:13 PM
To: Heckman, Lee
Subject: #C14-2012-0109

Dear Mr. Heckman,

We write urging you to deny a request for zoning change, #C14-2012-0109, at 1201 Robert E Lee Rd. We are property owners at 2201 Trailside Dr and believe the increase in density, light and noise pollution would negatively impact our property value and quality of life in the neighborhood. Auto traffic on Robt. E Lee is already too heavy for this residential area. Additionally, the increased impervious cover could cause polluted runoff into the pristine waters of Barton Creek and Barton Springs.

Thank you for your careful consideration,
Jay and Tracy Thomas

PUBLIC HEARING INFORMATION

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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

R 2/22/13

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: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission

Apr 11, 2013, City Council

JOHN HOUGHTON

Your Name (please print)

2007 DEXTER

Your address(es) affected by this application

21 FEB, 2013

Date

Signature

Daytime Telephone: 447-2238 or 448-8721

Comments: UP GRADING THESE TRACTS WOULD NOT BE

COMPATIBLE WITH SURROUNDING SF3 USES OR

SUPPORTABLE BY THE IMMEDIATE ENVIRONMENT. UP ZONE

TO SF6 ON TWO TRACTS S.O.F THESE LOTS HAS ALREADY

CREATED RUN-OFF PROBLEMS ALONG THE CREEK RUNNING

THROUGH THE AREA (SEVERAL FEET OF ADJACENT PROPERTY

FLUDDING IF THE EASTERN SF-6 TRACT BY FLOWS FROM THE

WESTERN ONE. HEAVY FOOT-BIKE-CAR TRAFFIC ON

ROBERT E. LEE WOULD BECOME MORE DANGEROUS + DIFFICULT

THAN IT ALREADY IS. HEAVY RAINS WOULD

IF YOU USE THIS FORM TO COMMENT, IT MAY BE RETURNED TO: SEND COMMENTS

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

POLLUTED STREET,
CREEK + UNDERGROUND
FLOWS DIRECTLY INTO
THE ALREADY
OVERSATURATED
HYDROLOGICAL SYSTEM

PUBLIC HEARING INFORMATION

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R 2/22/13

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Case Number: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission

Apr 11, 2013, City Council

Katherine Haight

Your Name (please print)

2124 MELROSE PLACE

Your address(es) affected by this application

Katherine W. Haight

Signature

21-FEB

Date

Daytime Telephone: (512) 705-9276

Comments: Insufficient parking and traffic issues are not addressed

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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R2/22/13

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Case Number: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission

Apr 11, 2013, City Council

Saren Kroog
Your Name (please print)

2007 Dexter 78704

Your address(es) affected by this application

Karen Kroog
Signature

2-20-13
Date

Daytime Telephone: 512-447-2238 or 512-940-6510

Comments: This property is abutted by numerous single family homes, many of which are more than 50 years old. A previous decision to upzone an adjacent property has caused erosion in the creek running through the area and has caused flooding in some homes. There are also issues with run off crossing RE Lee and entering the Barton Creek Watershed. Additionally, RE Lee If you use this form to comment, it may be returned to: is a narrow street, both by cars & pedestrians (bikes). Increased density will only make the situation worse. I am not interested

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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

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

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Case Number: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission

Apr 11, 2013, City Council

Michael Haight
Your Name (please print)

2100 Melridge Place Unit B
Your address(es) affected by this application

Michael Haight
Signature

2/21/13
Date

Daytime Telephone: 512 965 8958

Comments: Object based on environmental impact concerns

☐ I am in favor
☒ I object

PUBLIC HEARING INFORMATION

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Case Number: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission

Apr 11, 2013, City Council

David Hoffman
Your Name (please print)

1101 Hollow Creek Dr

Your address(es) affected by this application #2208

78704

Date

Signature
Daytime Telephone: 512-354-6550

☐ I am in favor
☒ I object

Comments:

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

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

PUBLIC HEARING INFORMATION

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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

R 2/25/13

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: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission

Apr 11, 2013, City Council

John Thomas Sanders IV

Your Name (please print)

1113 Robert E. Lee

Your address(es) affected by this application

John F. Sanders IV

Signature

2/21/13

Date

Daytime Telephone: 404-893-3880

Comments: I don't think the board is directly involved with the rezoning. I don't think Robert E. Lee, that would be dangerous. With the way the rezoning is being pulled (like for a school or kind of rezoning there will be rezoning about and potentialities)

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

City of Austin
Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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R 2/20/2013

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Case Number: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission

Apr 11, 2013, City Council

Tracy Wise Thomas

Your Name (please print)

2201 TRAILSIDE DR, AUSTIN, 78704

Your address(es) affected by this application

2-16-13

Date

Signature

Daytime Telephone: 512-517-4669

Comments:

I strongly urge you to deny this application for zoning change. The impact of the increased density in this area would be negative for the environment, traffic flow and the scale of this residential area. SF3 is in keeping with the greater neighborhood.

Thank you!

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission

Apr 11, 2013, City Council

Your Name (please print)

☐ I am in favor
☒ I object

1118 Bluebonnet Ln.

Your address(es) affected by this application

Sharon Reynolds

Signature

Date

Daytime Telephone: 445-0733 - 695-3387

Comments:

I object because of the damage to eco-system of the Barton Creek + Spump - run off, wildlife, as well as parking + water on lot congestion. I brought this home because of its zoning + don't want to see it drastically change.

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission

Apr 11, 2013, City Council

Savvy Reynolds

Your Name (please print)

1118 Bluebonnet Ln

Your address(es) affected by this application

Savvy Reynolds

Signature

2-18-13

Date

Daytime Telephone: 445-0233

695-0848

Comments:

I object because of potential damage to Barton Creek Eco-System & increased pollution running. It is an unfair change in the zoning - especially for those of us whose land's back up to their project.

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

From: Riley Triggs
Sent: Monday, February 25, 2013 9:52 PM
To: Heckman, Lee
Subject: 1201 Robert E Lee Rd: No!

Lee,

I am strongly against the rezoning of 1201 Robert E Lee Rd Case Number C14-2012-0109. I fear this will be the floodgate to completely change the character of the neighborhood. Please see attached reply form in opposition to the proposed zoning change. Please do not change the character of this historically important neighborhood for the sake of an individual's profit motivation.

I understand from experience that my voice will not matter, but please take this as the strongest opposition possible to this action.

Thank you,

Riley Triggs
1005 Robert E Lee Rd
Austin, Texas 78704
512.636.3521

Riley Triggs || architect
University of Texas Design
Smart Building Initiative

PUBLIC HEARING INFORMATION

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Case Number: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission

Apr 11, 2013, City Council

RILEY TRIGGS

Your Name (please print)

1005 ROBERTA E LEE RD

Your address(es) affected by this application

Riley Triggs

Signature

Daytime Telephone: 512-630-3521

Date

25 FEB 2013

Comments: Incompatible zoning change!

This development is changing the character of the neighborhood and putting undo burden on existing home owners. Very upset about this!

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

Mr. Heckman,

I am forwarding my previous disapproval of this rezoning from the last notification to refresh your files.

Thank you,

Riley Triggs

Riley Triggs || architect

University of Texas Design

Smart Building Initiative

----- Forwarded message -----

From: Riley Triggs

Date: Tue, Oct 9, 2012 at 8:04 PM

Subject: C14-2012-0109

To: lee.heckman@austintexas.gov

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](tel:512.636.3521)

Riley Triggs || architect

University of Texas

Smart Building Initiative

From: Julie Hudnall
Sent: Tuesday, March 05, 2013 3:11 PM
To: Heckman, Lee
Subject: Opposition to up zoning of the new Sunflower Development

Hello Lee,

I live at 2129 Melridge Place in the Zilker Skyline subdivision. Our house is on the side of the creek. I'm opposed to the up zoning of the Sunflower development and have listed the key reasons for you.

1. The zoning recommendation ignores the significant impact to the Barton Springs watershed and the requirements that were imposed on Zilker Skyline Neighborhood for drainage and set back from the creek. The Zilker Terrace Condominium Project caused and is likely to continue to cause flooding of Zilker Skyline and degradation of the creek that abuts the Sunflower Project downstream from Zilker Skyline through storm water runoff. Density of Zilker Skyline (@ 3.33 units per acre) and not the significantly higher density of Zilker Skyline (8.75 units per acre or a "mid-point" between the two as referenced by the staff), should be the appropriate density reference. Zilker Skyline abuts the creek as does Sunflower such that significant drainage into the creek will be increased by the Sunflower project. Further, approving denser development on R.E.L. such that all drainage (whether to R.E.L. or to the creek) flows to the park will result in degradation of the South and Southeast areas of Zilker Park at Barton Springs to include the future subsurface habitat designation for the Barton Springs Blind Salamander. This is clearly inconsistent with the drainage requirements imposed on the contiguous Zilker Skyline and inconsistent with public pronouncements by the City of Austin regarding protection of water quality.
2. The Zilker Skyline was platted and developed consistent with the neighboring properties that abut the creek. The staff references the "precedent" of the Zilker Terrace neighborhood; but, ignores the "precedent" of the many single family homes on the East side of the Creek and North of Sunflower which are single family, one story homes. It is apparent that the staff did not take the opportunity to actually view the subject neighborhood; but, accepted the representations of the developer.
3. There will be significant impact on traffic and congestion on Robert E. Lee. R.E.L has no parking. It is a dangerous and congested two lane neighborhood road that is a key entrance to both the Barton Hills and Zilker neighborhoods as well as the "back door entrance" to Barton Springs Pool and Zilker Park. The potential street entrances to the proposed project are on a side of the road that does not have sidewalks or a defined bicycle lane, making access dangerous. As the "downhill" / North direction of R.E.L. is a shared bicycle and vehicle lane, it will pose particularly dangerous conditions to bicyclists. The location will be too dangerous for children to ingress or egress for foot or bicycle transportation to school.
4. There is no bus service on R.E.L. between the park and Melridge.
5. Heritage trees will not be protected as the lot has significant variation of topography. To construct 19 homes will require a significant leveling of much of the lot, removal of heritage trees and invasion of the root zones of the remaining trees. Plats provided by the Developer

evidence this intent to remove heritage trees. References to a “flat lot” ignore what is apparent from the topographical map; i.e., there are significant slopes on three sides of the property.

6. It is my understanding that the Zilker Neighborhood Association and over 65% of affected property owners oppose this development. The Zilker neighborhood has been impacted by a significant increase in multi-family homes such that our community infrastructure and our natural resources have and will be unfairly impacted. This negative impact includes the overuse of our roads, the loss of our night time skies, continual interruption of our peace and quiet at night and even loss of our access to our homes; all of which have will be further seriously eroded by the new development. In conjunction with the ever increasing over utilization of Zilker Park, the increase in population even now impacts our use of cellular phone and internet service. I am not aware of any other area in Austin that has been chosen for such intense development without apparent regard for the existing neighborhood.

Respectfully,

Julie Hudnall

JH Group
[512.589.7622](tel:512.589.7622)
[2129 Melridge Place](#)
[Austin, TX 78704](#)

Please excuse typos, sent from my iPad

JH Group
[512.589.7622](tel:512.589.7622)
[2129 Melridge Place](#)
[Austin, TX 78704](#)

Please excuse typos, sent from my iPad

From: Yang, Edward (Research)
Sent: Wednesday, March 06, 2013 11:34 AM
To: Heckman, Lee
Cc: 'EHY'
Subject: C814-2012-0160, Public Hearing March 12, 2013 Planning Commission; March 28, 2013 City Council

Dear Mr. Heckman,

Michael Simmons-Smith has already registered me as an Interested Party for this case.

Please submit this as my written objection to the zoning change for the above case number, project location 211 S. Lamar Blvd & 1211 W. Riverside Dr. I believe that the change would negatively impact the character and quality of the neighborhood, as well as contribute to the already choked off congested traffic, parking, and related safety issues in what is meant to be a park-like green environment next to Lady Bird trail.

I am also very concerned about the recent report in the Austin Statesman that the developers will be granted an exception to build taller than the normal 60-foot limit. The developer's paltry gesture for a \$420,000 contribution to the city's affordable housing fund is grossly insufficient when this is the typical cost of just a single condo unit in the neighborhood. I am a business man and not opposed to responsible development, but it is distasteful and injurious to our community when developers can circumvent our rules and laws with a middling payoff. Thank you,

Sincerely,

Edward H. Yang (please accept this as my e-signature)

Oppenheimer
Managing Director
Chemicals Equity Research
512-314-2619

Address affected by this application:
210 Lee Barton Dr. Unit 215
Austin, TX 78704

This communication and any attached files may contain information that is confidential or privileged. If this communication has been received in error, please delete or destroy it immediately. Please go to www.opco.com/EmailDisclosures

From: Donald Blankenship [mailto:ddbblankenship@gmail.com]

Sent: Monday, March 18, 2013 11:00 AM

To: Heckman, Lee

Cc: Hauwert, Nico

Subject: Re: case C14-2012-0109 comments on the environmental context for the "sunflower" development on Robert E. Lee Rd. (3 of 3)

Hello Lee,

I have attached my comments for the upcoming hearing on March 26th as a presentation on the "Environmental Context for the proposed Sunflower Development at 1201 Robert E. Lee Road." (case # C14-2012-0109). My name is Donald Blankenship and I am a Senior Research Scientist at UT-Austin with a Ph.D. in Geophysics and a focus on geology and hydrology beneath the Antarctic ice sheet. I have been asked by my neighbors to take a clean look at the geological and hydrological context of the site and any ramifications from the proposed rezoning/development.

As background, I live next to the proposed development and have been at this location for sixteen years. My daughter Sofie Blankenship is sixteen and a student at Austin's Liberal Arts and Sciences Academy; she has grown up in this house, so the creek adjacent to the proposed development has long been a focus for of interest for her. In particular, Sofie studied the site weekly for nine months in 2006 showing that the creek is quite healthy and sustained its flow throughout the year (and likely hosts a significant system of springs and seeps) . Because of her interest, there is a case to be made that our family probably has more long term data on the environmental status of the creek than anyone.

I obviously object to the rezoning of the property for the reasons laid out in my presentation. The main talk is 19Mbytes because of a suite of photos of the site and its environs but I would like to have it included in the draft report for the upcoming hearing on rezoning so please let me know if you are having any email/pdf problems. The second email is the summary slides for that talk and are much smaller in size just to be sure that something gets through the system. I will be present at the hearing and plan to speak. I have also cc'd my presentation to Nico Hauwert the COA hydrogeologist who was kind enough to answer my many background questions.

All the Best,
Don B.

Donald D. Blankenship
2132 Melridge Place
Austin TX, 78704
[512-707-7323](tel:512-707-7323) (home)
[512-809-3755](tel:512-809-3755) (cell)

[See Exhibit E]

From: Tom Miesner
Sent: Monday, March 18, 2013 10:33 PM
To: Heckman, Lee
Cc: Tom Miesner; Kathryn Miesner
Subject: Rezoning Petition for 1201 Robert E. Lee

Mr. Heckman

The letter is about the zoning change request for 1201 Robert E. Lee. We have the good fortune of living at 1303 Robert E Lee – the development built by PSW that had been zoned SF 3 and was rezoned to a SF 6 to accommodate the development built there. We closed on this home May, 2013. This property is adjacent to the southern border of 1201 Robert E Lee so development on 1201 Robert E. Lee will affect us directly. This letter is not to support or oppose the zoning change. The letter, instead, discusses the increased density in the Zilker Neighborhood in general, the heavy traffic on Robert E. Lee, and the critical nature of the creek which roughly borders the east side of the property in question.

The development of 1303 Robert E. Lee has significantly changed the look of the neighborhood. As stated, we are thrilled to have the opportunity to purchase a new home in this most desirable area of Austin. But, increased population density must be wisely managed in terms of preserving green space and adding the infrastructure required to accommodate the increased population. When we bought our home, we were told informally the adjacent property at 1201 Robert E. Lee was intended to be deeded to the city of Austin to be held as undeveloped property. This thought made us feel comfortable that sufficient green space was being provided to counterbalance the increased density brought about by the development at 1303 Robert E. Lee. From a practical standpoint, we understand that the current zoning of 1201 Robert E. Lee could allow essentially the same density as changing to SF 6. Whichever zoning is used for development, there will be significant impact to Robert E. Lee and surrounding neighborhoods.

Currently Robert E Lee is a busy road. Many mornings, the traffic line to enter Barton Springs Road from Robert e. Lee is extensive. We were told that PSW worked with the city and the neighborhood to relocate the sidewalk – this is a wonderful safety feature. But, traffic is heavy along that curvy road. The proposed exit area of 1201 does not appear to be one of clear visibility, setting up an unsafe entrance to Robert E Lee OR requiring an additional stop sign on the descent / ascent of a steep hill. If development continues, at some point Robert E. Lee will have to be made four lane which will be difficult, costly, and have a significant effect on the neighborhoods bordering it.

In addition to our concern regarding traffic congestion and infrastructure, we are concerned with the impact on the creek which roughly borders the eastern portion of the property. We have hiked along this creek which we understand is informally named "Little Zilker Creek" and we have personally seen the spring pool and the water running down the creek from the spring. It is our understanding that this spring (and possibly other springs) goes subsurface before the Robert E. Lee surface diversion. We have personally seen this spring and feel there is a high likelihood the flow goes subsurface near the Barton Springs Pool. It is our understanding that recent research regarding this portion of Little Zilker Creek confirms it is a "critical environmental feature" and we believe steps must be taken to treat Little Zilker Creek accordingly.

Since living in the home, we have noted deer grazing in the tree filled adjacent property. Obviously home to many animals.

Inevitably, this property will be developed somehow. But, preserving green space and protecting Little Zilker Creek with an appropriate set back seems to be a great compromise. Wouldn't it be wonderful to work with the Joseph family and the developer to honor the Joseph's long time presence in South Austin and their stated desire not to develop their portion of the property by providing an appropriate amount of setback from Little Zilker Creek. Exactly how this setback would be used would have to be determined but it could have great natural benefit. We understand the economic forces that drove both of the sales but wouldn't it be great to retain some green space while utilizing only the less sensitive portion of the land for development.

Thanks for considering how to keep Austin a beautiful, friendly, and fun city.

Tom and Kathryn Miesner
1303 Robert E. Lee, Unit 8
Austin, Texas 78704

From: Zilker NA
Sent: Wednesday, March 20, 2013 4:27 PM
To: Heckman, Lee
Cc: Zilker Executive Committee
Subject: 1201 Robert E. Lee rezoning C14-2012-0109

Hello, Lee.

Please find attached four files presenting the Zilker Neighborhood Association's position regarding the rezoning case C14-2012-0109 at 1201 Robert E. Lee. We request that they be included in the city's files on this case, and in the materials for review by the Planning Commission and City Council. The files include a cover letter addressed to the Planning Commission summarizing ZNA's opposition to the requested rezoning, a statement of ZNA's position with a list of 10 conditions for upzoning, a copy of a letter from Public Works Director Lazarus, and a topo map.

Thanks for your help.

L. Atherton
for the ZNA zoning committee

Zilker Neighborhood Association

www.zilkerneighborhood.org ♦ zilkerna@austin.rr.com

1115 Kinney Ave. #42 ♦ Austin, TX 78704 ♦ 512-447-7681

March 20, 2013

Planning Commission
City of Austin

Dear Commissioners,

At the February 25, 2013, meeting of the Zilker Neighborhood Association, the general membership voted to support the neighbors who have signed a valid petition opposing the rezoning of 1201 Robert E. Lee Road. The membership directed the executive committee of ZNA to help the neighbors negotiate a more appropriate plan for the property in question than that proposed by Mr. Radke. The attachments to this letter describe the many constraints on this property and outline the conditions under which a rezoning to SF5 or SF6 might be appropriate.

In general, ZNA objects to the project proposed by Mr. Radke because:

- The steep terrain and the presence of potentially critical environmental features (spring-fed Little Zilker Creek) limit the buildable space to about 25,000 square feet, with an impervious cover limit of around 15%.
- Robert E. Lee Road is inadequate to handle any additional driveways or additional residential traffic on the hill between Melridge and Barton Hills Drive.
- Additional zoning density is not necessary or desirable within the SF3 areas of the Zilker and Barton Hills neighborhoods, even in areas that are not environmentally sensitive. Under the circumstances, any increase above the existing entitlement of 6 housing units would serve only to destroy a valuable site and leave the new residents stranded in inaccessible and dangerous houses.

These points are discussed in greater detail in the attachments.

Sincerely yours,

Lorraine Atherton
on behalf of the
ZNA Executive Committee

ZNA Officers, 2012–2013

Gardner Sumner, *President* ♦ Richard Gravois, *Vice President* ♦ Andy Elder, *Vice President*
Jacob Scheick, *Secretary* ♦ Merriman Smith, *Treasurer*
Tony Giustino, *ANC Delegate* ♦ Lorraine Atherton, *Newsletter Editor*

Rezoning C14-2012-0109
1201 Robert E. Lee Road
Zilker Neighborhood Association Position

Density

Increased zoning entitlements are not necessary anywhere within ZNA to promote infill or growth. Over the last 10 years, Zilker and the other South Central neighborhoods have encouraged efforts to redevelop corridors like South Lamar with higher density residential projects while protecting existing family-oriented housing within the neighborhood. As a result, in the last three years we have added thousands of housing units, mostly multifamily on S. Lamar and Barton Springs Road. There are also several new duplex and townhouse-style complexes on SF3 flaglots or parcels rezoned for SF5 or 6, creating a mix of housing options throughout the neighborhood. If all this new housing is occupied within the next few years, our population will increase by more than 50%, well beyond the capacity of the existing infrastructure and far in advance of planning for infrastructure improvements. The upzoning of fragile creekside and parkside sites such as 1201 Robert E. Lee is certainly not warranted to permit further growth.

Infrastructure: Roads and Drainage

Traffic: City staff determined long ago that sight distances are inadequate on Robert E. Lee and that a stop sign is warranted at the bottom of the hill. Traffic calming was designed to address the problem in 1999, and the plan was approved by a vote of the residents and property owners (65% +), but the RELee part of the plan was never installed. These issues must be addressed before housing density can be added on the RELee hill.

The addition of 10 or more housing units at either driveway on this hill would create extremely unsafe conditions. Access must be limited to one driveway north of the drive for the existing house, preferably at the north edge of the property. The city would have to install stop signs, prohibit left turns, and take action to reduce speeds on the hill. ZNA believes that any developer who stands to profit by dumping excessive car traffic onto neighborhood streets should be required to pay the entire cost of any mitigation, on top of the cost of installing sidewalks and curb and gutter on the development's street frontage.

It must be made clear that properties on RELee are not eligible for sidewalk waivers. As Howard Lazarus, director of Public Works, put it, "Zilker Park and Barton Springs Pool are regional and local amenities and therefore safe and efficient access for all modes of transportation is important." That was written at the conclusion of three years of attempts by developers to avoid construction of sidewalks at 1303 RELee. According to George Zapalac in June 2009, "Staff has determined that the fee in lieu is not appropriate in this case (1303 RELee, now called Zilker Terrace) because construction of the sidewalk is feasible. It does not meet the criteria in 25-6-354 (C) which would give the applicant the right to pay the fee, and it does not meet the criteria in 25-6-354 (D) which would give the applicant the option to pay the fee. The request for the fee in lieu has been denied." (The sidewalk requirement applies whether the property is resubdivided under SF3 or rezoned.)

In 2011 a subsequent owner at 1303 RELee offered to build an oversized sidewalk on the west side of RELee, resulting in the attached agreement with Public Works, committing the city to complete the sidewalk on the east side of RELee within a year of sidewalk construction on properties north of 1303 RELee. The current case includes most of those properties. Residents of those properties,

obviously, cannot use the sidewalk across the street, and if any more housing is permitted there, a sidewalk must be provided at least to the bottom of the hill with a crosswalk across RELee. Developers of these properties must agree not to request a sidewalk waiver.

By the way, Capital Metro no longer provides bus service on RELee. Residents on the RELee hill have no access to transit services and will be dependent on cars (or bicycles for the very brave) for transportation.

Storm Water and Environmental Protection: This property drains into the ditch along the south entrance to Barton Springs Pool. Whether the runoff pours directly into RELee on the west or into Little Zilker Creek on the east, it all ends up at the bottom of the hill on the south side of Barton Creek in the Water Quality Transition Zone, on the same side of the pool as the springs. Developers in this area will swear that it's in the "Town Lake" zone and not in any Barton Springs zone, but they are simply trying to deny the obvious, which is that Robert E. Lee, Little Zilker Creek, Barton Springs, and Barton Creek all drain into Town Lake through the same part of Zilker Park.

Any development on RELee must meet the highest water quality standards and be designed to reduce its effect on the city's water quality protections in the park. That includes the effect of erosion of the banks of the small creek known as Little Zilker Creek, which runs between RELee and Bluebonnet. No additional impervious cover should be permitted on either side of this creek before it is evaluated as a critical environmental feature. (See Dr. Don Blankenship's presentation on Little Zilker Creek and its springs.) The area that drains toward the street should be protected by detention/retention features similar to those at 2603 Rae Dell.

The terrain at 1201 RELee is very steep, with very little buildable space and difficult access for utility and emergency vehicles. It would be irresponsible to permit more than a handful of families to build and inhabit dwellings in harm's way from flooding, wildfire, and other weather disasters. The steepest parts of these lots must be protected, with their trees and native vegetation intact, to prevent any further degradation of this sensitive landscape. Based on a topographic map provided by the developer, ZNA recommends a setback of at least 150 feet from Little Zilker Creek and that no construction be permitted on the most southern of the three lots.

Impervious Cover

The existing impervious cover on the three lots combined is about 13,800 square feet, or 10%. Based on the terrain and water quality and environmental issues noted above, ZNA recommends an impervious cover limit of 15% (probably about 22,000 square feet total, depending on whether the driveways are included in the calculation). This would probably allow an additional 10,000 square feet of impervious cover.

ZNA Proposal for Rezoning

The ZNA executive committee would support a rezoning to SF5 or SF6 under the following conditions:

1. Density would be limited to 6 housing units for the entire property (all 3 lots), with 15% impervious cover, including the driveway.
2. No development would be permitted on the southern lot (Area A on topo map, just under 39,000 square feet), immediately downhill from Zilker Terrace. The lot would serve as a buffer between the excessive impervious cover of Zilker Terrace and the water quality features maintained by the Zilker Skyline homeowners.
3. No development would be permitted on the banks of Little Zilker Creek, within 150 feet of the most eastern boundary of the north lot (Area B on topo map).
4. Development on the north lot would be limited to 4 housing units, confined to an area of about 100 feet × 100 feet south of the 110-foot contour line and west of the existing greenhouse (Area C on topo map).
5. The northwest corner of the lot (Area D on topo map, below the building area) would be reserved for detention/retention features similar to those at 2603 Rae Dell and for protection of the existing trees and native vegetation.
6. Access to the 4 units on the north lot would be limited to the existing driveway at the northernmost corner of the lot.
7. The center lot would retain its current entitlement to 2 housing units, but impervious cover would be limited to the existing footprint. If the owner decides to redevelop the existing house as a duplex or two separate units, the current south driveway would be closed and access would be limited to the north driveway.
8. No waivers or fee in lieu for stormwater retention/detention.
9. No waivers or fee in lieu for sidewalks.
10. All trees and native vegetation within Area A, B, and D would be preserved. Outside those areas, all listed trees (8" or larger) would be preserved.



City of Austin
PUBLIC WORKS DEPARTMENT

PSW - site plan approval - Jerry

9/15 - initiation only date

May 20, 2011

Andy Elder, President
Zilker Neighborhood Association
2009 Arpdale
Austin, TX 78704

Craig Smith, President
Barton Hills Neighborhood Association
PO Box 2042
Austin, TX 78768

Re: Robert E. Lee Multi-Use Trail*

Dear Mr. Elder and Mr. Smith,

Thank you both and your respective organizations for your time and attention to the Robert E. Lee Rd Multi-Use Trail Project. Zilker Park and Barton Springs Pool are regional and local amenities and therefore safe and efficient access for all modes of transportation is important. Currently, there are no sidewalks on Robert E. Lee Rd from Rabb Rd to Barton Hills Dr. The applicant for the Melridge Terrace development, at the intersection of Robert E. Lee Rd and Rabb Rd, requested to construct their required sidewalk utilizing existing street space on the east side of the street. Public Works Department (PWD) staff denied this request based on engineering judgment, but will permit the developer to construct the required sidewalk on the west side of the street.

It is the City's desire to provide multi-modal connectivity and to leverage bond funds whenever possible. PWD has an opportunity with this development to provide an American with Disabilities Act (ADA) compliant multi-use trail from Rabb Rd to Barton Springs Rd on the west side of Robert E. Lee Rd. Because the City already programmed the multi-use trail improvements project from Barton Springs Rd to Barton Hills Dr, this opportunity leverages our funding to provide a complete route.

The City listened and understood the concerns raised by the Neighborhood Associations regarding a future sidewalk on the east side of Robert E. Lee Rd. The multi-use trail built on the west side of Robert E. Lee Rd will be moved outside the curb where necessary to allow the future construction of a sidewalk on the east side. When a continuous sidewalk is constructed along the east side of Robert E. Lee Rd from Barton Hills Dr. to the Melridge Terrace development by others, the City will construct the remaining sidewalk on the east side of Robert E. Lee Rd adjacent to the Melridge Terrace property within one year.

The goal of this project is to create complete sustainable transportation corridors as per the adopted Sidewalk Master Plan and Bicycle Master Plan.

Sincerely,

Howard Lazarus, P.E., Director, Public Works Department

*An area designed for the shared use of bicycles, pedestrians, or other designated users. (Austin 2009 Bicycle Master Plan Update)

The result of intense development of the land neighboring our home would be a great loss in quality of life for existing residents in the name of financial gain for developers, a land owner, and the city coffers. Already, because of "growth" as a city goal, quality of life has diminished greatly in the last dozen years, and a rezoning of this property would continue that trend. Presumably "zoning" is in place to maintain a certain quality of life, but what is the point if zoning status is readily changed when an individual or company wants to make a profit?

Particular concerns:

- 1) Aesthetic concerns: A lovely green space would be replaced by view-blocking two-story houses, ugly and heat-generating concrete drives, lights, noise-generating air conditioners and cars, making the immediate environment unpleasant for us and other neighbors. This is in addition to the incredible disruption of noise, dust, and traffic during the construction period. We have had to endure living next to construction sites for many of our years in Austin, and we wonder why noise concerns seem to apply to live music in the evenings but not deafening building noises early on weekend mornings and throughout the day.
- 2) Loss of community: Dense housing creates residents that are separate from the community. The Zilker neighborhood has a great community feel which makes living here the amazing experience it is, but residents in the new luxury mansions and secluded town-house types of residences tend to be removed from the community and even complain about being located in the quirky "78704" area. That "quirkiness" is what most of us longer-term residents appreciate about this unique neighborhood. It isn't just a bedroom "close to downtown". Zilker neighborhood is a community of people bound by walking the neighborhood with our kids and dogs, stopping at the Bluebonnet Market, and spending time at wonderful Zilker Elementary for school or play.
- 3) Increased traffic that is already problematic: During rush hour, cars waiting for the Barton Springs Road light to change line up to near our driveway, beyond Barton Hills Drive. People are in a hurry and not careful—I was nearly hit last week at the stop sign at the top of Robert E. Lee Road as someone plowed through the stop sign out of turn in a rush to get to work. Our son has to cross Robert E. Lee to walk to his bus stop and cars already careen down that hill in a crowd and at high speeds. We worry that someone might hit him or hit the school bus that stops at the bottom of the hill. In addition, car fumes fill the road here, and make bicycling or walking uncomfortable and unhealthy during rush hour.
- 4) Wildlife habitat will be lost: We regularly see great horned owls, have had nesting broad winged hawks, see grey foxes, coyotes, white tailed deer and many

others. If this land is paved over, these animals along this important creek side corridor to Barton Creek will likely vanish with their habitat.

Please consider "quality of life" for Austin resident and not just "financial growth". Is it so "smart" to grow when it involves such a loss of what Austin means to its current residents? Although we live in an area that is now considered "Central Austin", we are not "downtown" and don't want our neighborhood to lose its South Austin charms. On the other side of our community we see Lamar being made over into an incredibly dense housing zone and anticipate all the adverse effects that will bring. Please keep part of our neighborhood in tact as a viable community by voting no to rezoning the Robert E. Lee property.

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: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission
Apr 11, 2013, City Council

Helen Snook + Steve Stratakos

Your Name (please print)

1113 Robert E. Lee Rd.

Your address(es) affected by this application

Helen C. Snook + Steve Stratakos

Signature

☐ I am in favor
☒ I object

2/25/13
Date

Daytime Telephone: 512-444-3703

Comments: See attached

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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

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Case Number: C14-2012-0109
Contact: Lee Heckman, 512-974-7604
Public Hearing: Feb 26, 2013, Planning Commission
Apr 11, 2013, City Council

Greer Smith

Your Name (please print)

2107 Meadows Place Unit B

Your address(es) affected by this application

[Signature]

Signature

2.22.13

Date

Daytime Telephone: *(214) 801-2883*

Comments: *Suggest what KST is developing!*

See attached

[Signature]

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

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

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Case Number: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission

Apr 11, 2013, City Council

ROY TONO

Your Name (please print)

1901 DEXTER ST

Your Address(es) affected by this application

Dynwood Dr

2/19/2013

Date

Signature

Daytime Telephone: 512-472-1196

Comments: I am not in favor of changing the zoning. Increasing the density other than what is allowed in SF-2. The intent is to increase the number of units. Living in this area for 20 years I know the traffic impact as Robert Lee, Melridge & Glenbarnett and the safety issues that will happen if the zoning change happens

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

R 3/4/2013

PUBLIC HEARING INFORMATION

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www.austintexas.gov

R 03/05/2013

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Case Number: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission

Apr 11, 2013, City Council

BEN SMITHERS
Your Name (please print)

2130 MELRIDGE PLACE
Your address(es) affected by this application

☐ I am in favor
☒ I object

Signature

Date

Daytime Telephone: _____

Comments: Inconsistent with surrounding
homes.

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

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

PUBLIC HEARING INFORMATION

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

www.austintexas.gov

R 0315113

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: C14-2012-0109

Contact: Lee Heckman, 512-974-7604

Public Hearing: Feb 26, 2013, Planning Commission

Apr 11, 2013, City Council

Donna Ramsey Hinson
Your Name (please print)

1116 Bluebonnet Lane
Your address(es) affected by this application

Donna Ramsey Hinson 3-12-13
Signature Date

Daytime Telephone: 512-476-4811 ext. 38

Comments: Object to the rezoning of these properties.

The topography and location so close to Barton Springs makes them unsuitable for any form of density development. The clearing by these lots last year has dramatically increased erosion on the creek. All cleared areas within 150 feet of creek need to be replanted with native species, not duplexes or condos. Protection of Barton Springs is paramount.

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

**Zilker Elementary Science Fair
February 1, 2007**

ENTRY FORM

Title of Project

The Water Quality of my Creek

Student(s) Name(s):

1. Sofie Blankenship

2. _____

3. _____

Grade Level

5

Teacher

Ms. Ogren

Type of Project

- ☐ Collection
- ☐ Demonstration
- ☒ Experiment

Electrical Outlet required?

- ☐ YES
- ☒ NO

Reynolds

Problem

15004
by the water in the creek, and my horse
was nearly as dry as the ground he

Definition

Plafun™ oral contraceptive pills are the most effective birth control available.

БИБЛИОТЕКА

I think that the crack will be more except when it rains a lot but inside the rain might be collected from the air and it might also carry wind from the surrounding area.



Production

THE UNIVERSITY OF CHICAGO



It keeps the internal air dry, and self-heating, so that you can breathe in the fresh air without any of the problems of the other products.

RESEARCH

... of the ...

Other Data: _____

[Faint handwritten text]

...

10/10/10

...

Cardinal Point of Culture Center (Holt)



2010年12月10日

A blank, lined page from a notebook. The page is cream-colored with horizontal ruling lines. A vertical margin line is visible on the left side. The page is slightly aged and shows some minor discoloration.

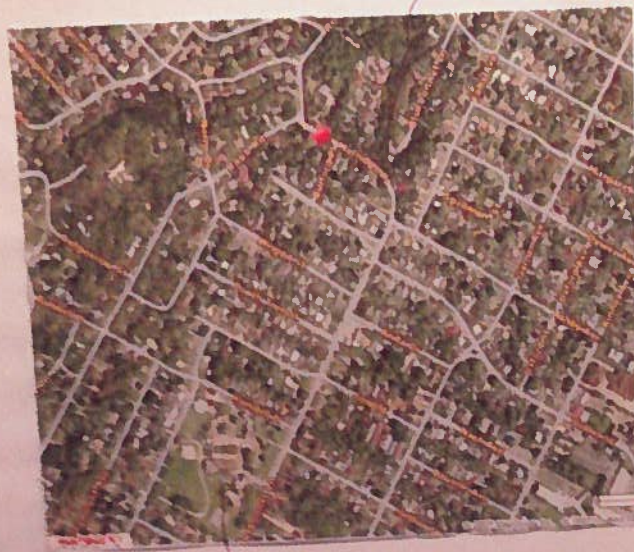
248

Conclusion

[illegible]

Background Information

This is a picture of the creek near my house. The creek is behind my house about halfway between Zilker School and Zilker Park. The creek starts next to Melridge Place from a large pipe that comes out from under the road. The creek is not there on the other side of the road. Sometimes there isn't any water coming from the pipe but there was always water where I took measurements because the creek has a spring 50 meters upstream from where I sampled the water. The creek drains into Town Lake.



When I started this project I decided that I needed to do tests on the water in the creek. I tested the following each week from April to December to see how polluted the creek is.

Dissolved Oxygen: I tested the dissolved oxygen because there must be enough dissolved oxygen in the water to help the animals survive and the creek stay healthy.

Nitrates and Phosphates: Nitrates and Phosphates are indicators of runoff from when it rains. Nitrate indicates fertilizer and phosphate is found in fertilizer, cleaning solutions, sewage and also naturally occurs in rocks. This may be bad for the health of the creek.

pH: pH measures how acidic or basic the water is. If the water is too acidic or basic it can eat away at your skin.

Coliform: Coliform may indicate fecal bacteria in the water that can make you sick. Not all coliform indicates fecal bacteria, you can test for E. coli to find out if there is fecal bacteria.

acidic or basic it can eat away at your skin.

Coliform: Coliform may indicate fecal bacteria in the water that can make you sick. Not all coliform indicates fecal bacteria, you can test for E. coli to find out if there is fecal bacteria.

Other Dangers of the Creek

There are some dangers about our creek that have nothing to do with the quality of the water. One of them is poison ivy. My mother was sitting on the bank of the creek to help me test the water quality. With realizing it she sat near a three-leafed reddish plant that turned out to be poison ivy. Her arm was itchy for a couple of months.

Another danger is the garbage that comes with runoff. I have found coke bottles, broken glass, steel cans, plastic bags, a carpet and even an x-rated dvd in the creek. You could easily cut yourself on some of the trash if you were not careful.

The banks of the creek are made of clay. They are steep and can be very slippery, especially after a rain.

Acknowledgements

Thank you to my mom for all her help on my project. I enjoyed going down to the creek with her. Thanks to my dad for all his wonderful editing. Thanks to my little brother Jackson for being the inspiration for the project and for showing me how many things can go wrong when you go to make measurements at a creek. Finally, thanks to my friends Maddie, Miriam and Loren for going down to the creek with me when they came to visit.

References

LaMotte Water Monitoring Kit Manual (code 5848), LaMotte Company, PO Box 329, Chestertown, MD 21620

Washington State Department of Health, Division of Environmental Health, Office of Drinking Water, Coliform Bacteria and Drinking Water, <http://www.doh.wa.gov/ehp/dw/Programs/coliform.htm>

Wilkes University, Center for Environmental Quality, Environmental Engineering and Engineering Department, Phosphates and Water Quality. Total Phosphorus and Phosphate Impact on Surface Waters, <http://www.water-research.net/phosphate.htm>

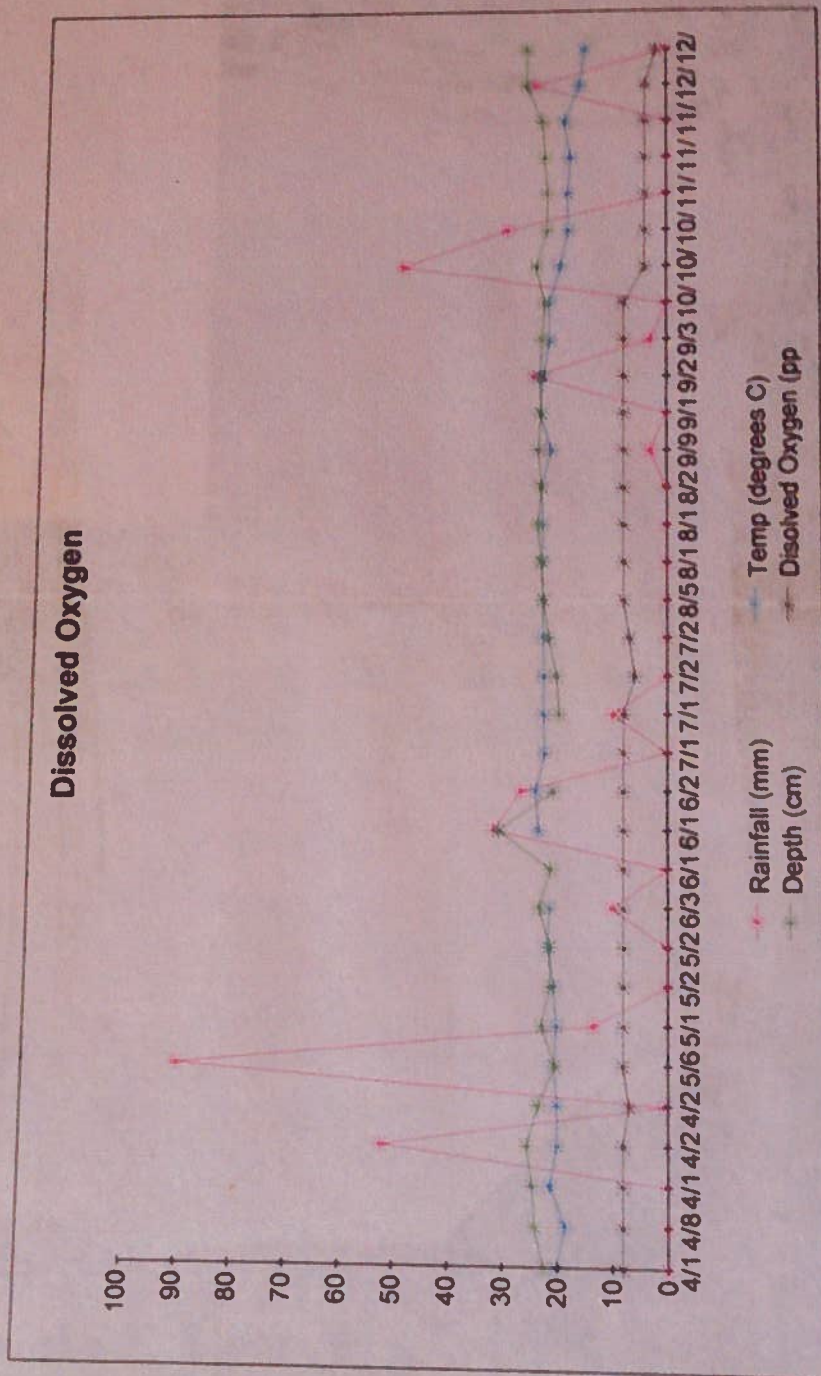
Southwest Florida Water Management District, Water Quality Monitoring <http://www.swfwmd.state.fl.us/education/kids/watermonitoring/measuring.html>

Conclusion

Overall the creek is pretty healthy. Only phosphate could be better. I found nothing in the water that would cause problems if you played in the water for awhile.

I was interested to see if the rainfall and temperature would affect the quality of the water in the creek. A couple of times when it rained a lot during the week I saw silt and bubbles on top of the water but this did not affect the results of the tests. Maybe if I had made the measurements immediately after the rain it would have changed the results.

The creek water is fine for me and my brother to play in.



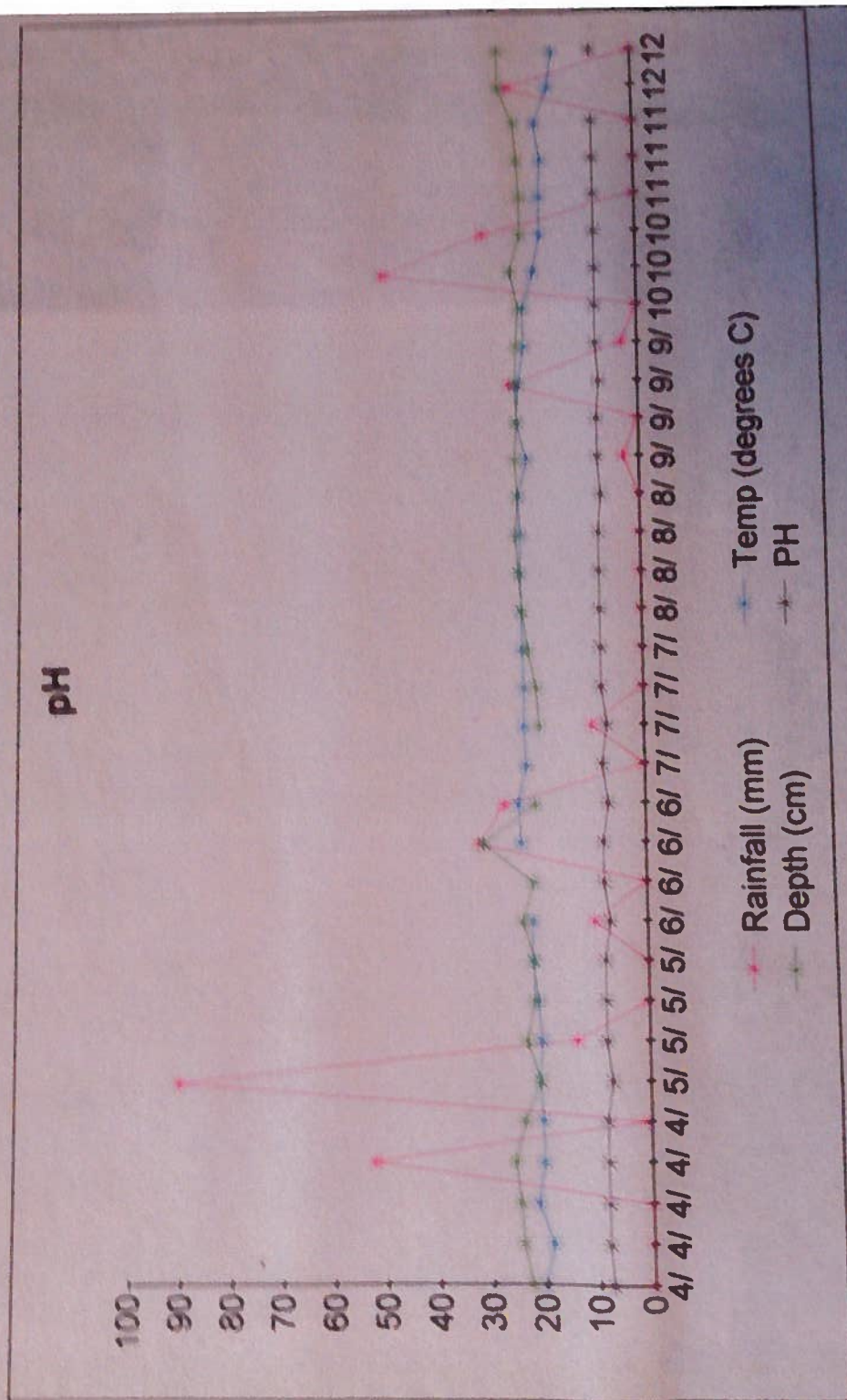


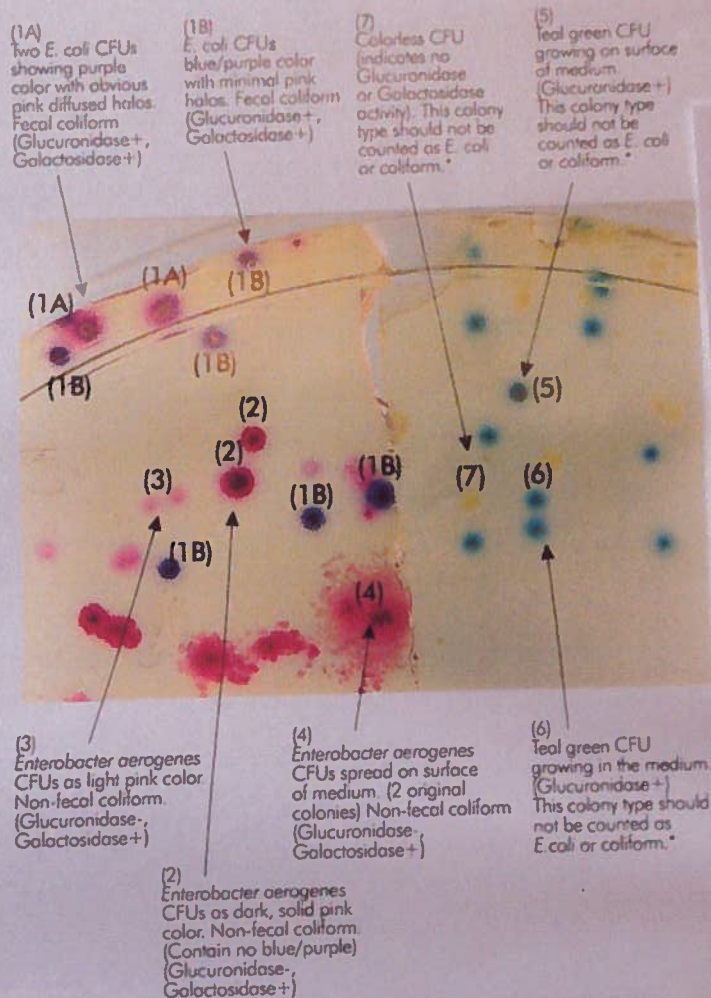
Exhibit D - 7

E. coli test colony comparison chart.

On my samples I saw lots of the pink coliform colonies but none of the purple E. coli colonies.

ColiQuant EZ Colony Color Guide

The left half of the photo (1-4) consists of colonies of *E. coli* (1A, 1B) and *Enterobacter aerogenes* (2, 3, 4) growing in/on ColiScan® Easygel® medium. The right half of the photo (5, 6, 7) represents the appearance of organisms other than *E. coli* or coliforms.



TOTAL COLIFORM, FE COLIFORM AND E. CO



*These teal or colorless types of colonies may be significant other types of bacteria (such as *Salmonella* spp. or *Shigella* spp.) or even rarely found atypical *E. coli* or coliforms, but should never be counted as *E. coli* or coliform without further biochemical testing. Photo and information for Color Guide supplied by Micrology Laboratories, LLC.

LaMotte Company • Chestertown • MD • 21620 • 800-344-3100 • www.lamotte.com 3-0034-cc-08

Results

Dissolved Oxygen

The dissolved oxygen tests showed that there were normal levels of dissolved oxygen throughout the year. Anything above 5 ppm is considered healthy for marine life, 2 ppm is needed to support fish. I did see dissolved oxygen go down as the water temperature decreased but this was within the normal range for dissolved oxygen.

Nitrate

I rarely saw any nitrate in the creek water. There were a couple of times when the nitrate levels were as high as 3 ppm, but water with nitrate levels of up to 40 ppm is considered drinkable so it was well within the safe range.

Phosphate

Sometimes the levels were a bit high on phosphate. Nitrate levels of 4 ppm are considered only fair, whereas 2 ppm is considered good. I do not know where the phosphate was coming from. Since I rarely saw nitrate I do not think there were many fertilizers washing into the creek. The phosphate could have been coming from a natural source such as rocks or from cleaning solutions washing into the creek. Since both the pH and the dissolved oxygen were good the phosphate did not appear to be affecting the health of the creek. The creek runs into Town Lake and the high phosphate levels could cause excessive plant growth in the lake but should not cause problems for playing in the creek.

pH

A pH level of 7.0 is considered neutral. A pH range of 6.5 to 8.2 is best for most organisms. The pH of the creek was always within this range.

Coliform

The coliform test always showed positive, which may be bad. Only some types of coliform are fecal coliform, the bad kind. I needed a better test for fecal coliform.

e. coli

Towards the end of our experiment I tested for e. coli because I were worried about the positive results of the coliform test. I never saw any e. coli growing in the petri dishes except for one time when I might have had 200 colonies per 100 mL. However in this case it was very difficult to judge if the colony was really the correct color for e.coli. It looked more like two colonies with different colors were growing one on top of the other. I do not believe I saw any e. coli.

Data collected from water samples from the creek.
April - December 2006

| Date | Rainfall (mm) | Temp (degrees C) | Depth (cm) | Phosphate (ppm) | pH | Dis. Oxygen (ppm) | Nitrate (ppm) | Coliform | e coli (cfu/100ml) |
|-----------|---------------|------------------|------------|-----------------|-----|-------------------|---------------|----------|--------------------|
| 4/1/2006 | 0 | 20 | 22.5 | 1 | 7.5 | 8 | 0.5 | TRUE | |
| 4/8/2006 | 0 | 18.5 | 24.0 | 4 | 8 | 8 | 0 | TRUE | |
| 4/15/2006 | 0 | 21.2 | 24.5 | 2 | 8 | 8 | 0 | TRUE | |
| 4/22/2006 | 52.3 | 22.5 | 24.5 | 2 | 8 | 8 | 0 | TRUE | |

From: Clamann, Andrew
Sent: Wednesday, October 24, 2012 9:34 AM
To: Heckman, Lee
Cc: Daniel, Leslie; McDougal, Mike
Subject: RE: C14-2012-0109 Water Quality Study

Mr. Heckman,

I have reviewed the documents. Sophie is clearly an outstanding student of science. Her presentation is both compelling and admirable. However, I am personally unable to use the data or conclusions because without detailed knowledge of procedures and QA/QC it would not be appropriate. Although this waterway has historically been marginalized, it is most certainly worthy of continued protection as a tributary to the surface water system and connection to an intensely utilized recreational area within a sensitive watershed.

If you want to provide this information to future boards/commissions/etc, my recommendation would be to compile the text and graphics in a single word doc or pdf and distribute accordingly.

Best wishes,

Andrew Clamann
Environmental Scientist
City of Austin, Watershed Protection
(512) 974-2694
andrew.clamann@austintexas.gov

Interested in information about our water quality monitoring?
Check out www.austintexas.gov/department/environmental-integrity-index

From: McDougal, Mike
Sent: Tuesday, October 23, 2012 4:25 PM
To: Heckman, Lee
Cc: Clamann, Andrew; Daniel, Leslie
Subject: FW: C14-2012-0109 Water Quality Study

Lee,

This is interesting information. But I think it might be more applicable to a water quality / drainage review engineer like Leslie Daniel and also perhaps to Andrew Clamann for wetlands biology.

My review discipline consists of determining whether or not a proposed development complies with current Code.

Thanks,
Mike
Mike McDougal
Environmental Review Specialist Senior
Land Use Review
City of Austin
974-6380

Please note my email address has changed to: mike.mcdougal@austintexas.gov

Exhibit D - 10

Background Information

This is a picture of the creek near my house. The creek is behind my house about halfway between Zilker School and Zilker Park. The creek starts next to Melridge Place from a large pipe that comes out from under the road. The creek is not there on the other side of the road. Sometimes there isn't any water coming from the pipe but there was always water where I took measurements because the creek has a spring 50 meters upstream from where I sampled the water. The creek drains into Town Lake.



From: Donald Blankenship
Sent: Monday, March 18, 2013 11:04 AM
To: Heckman, Lee
Cc: Hauwert, Nico
Subject: Re: case C14-2012-0109 comments on the environmental context for the "sunflower" development on Robert E. Lee Rd. (1 of 2)

Hello Lee,

I have attached my comments for the upcoming hearing on March 26th as a presentation on the "Environmental Context for the proposed Sunflower Development at 1201 Robert E. Lee Road." (case # C14-2012-0109). My name is Donald Blankenship and I am a Senior Research Scientist at UT-Austin with a Ph.D. in Geophysics and a focus on geology and hydrology beneath the Antarctic ice sheet. I have been asked by my neighbors to take a clean look at the geological and hydrological context of the site and any ramifications from the proposed rezoning/development.

As background, I live next to the proposed development and have been at this location for sixteen years. My daughter Sofie Blankenship is sixteen and a student at Austin's Liberal Arts and Sciences Academy; she has grown up in this house, so the creek adjacent to the proposed development has long been a focus for of interest for her. In particular, Sofie studied the site weekly for nine months in 2006 showing that the creek is quite healthy and sustained its flow throughout the year (and likely hosts a significant system of springs and seeps) . Because of her interest, there is a case to be made that our family probably has more long term data on the environmental status of the creek than anyone.

I obviously object to the rezoning of the property for the reasons laid out in my presentation. The main talk is 19Mbytes because of a suite of photos of the site and its environs but I would like to have it included in the draft report for the upcoming hearing on rezoning so please let me know if you are having any email/pdf problems. The second email is the summary slides for that talk and are much smaller in size just to be sure that something gets through the system. I will be present at the hearing and plan to speak. I have also cc'd my presentation to Nico Hauwert the COA hydrogeologist who was kind enough to answer my many background questions.

All the Best,
Don B.

Donald D. Blankenship
2132 Melridge Place
Austin TX, 78704
[512-707-7323](tel:512-707-7323) (home)
[512-809-3755](tel:512-809-3755) (cell)

Environmental Context for the
Proposed “Sunflower”
Development at 1201 Robert E. Lee,
Austin TX
(case C14-2012-0109)

Donald D. Blankenship, Ph.D.

Sofe L. Blankenship
(neighboring Zilker Skyline residents)

Summary (1)

Environmental Context for the Proposed “Sunflower” Development
at 1201 Robert E. Lee, Austin TX
(case C14-2012-0109)

- * The proposed “Sunflower” development and Little Zilker Creek downslope of it lie entirely within the Edwards Aquifer Recharge Zone.
- * The limestone grotto on Little Zilker Creek adjacent to the proposed development contains persistent springs lying within the Edwards Aquifer Recharge Zone and should be listed as a “Critical Environmental Feature” with appropriate development setbacks.

Summary (2)

Environmental Context for the Proposed “Sunflower” Development
at 1201 Robert E. Lee, Austin TX
(case C14-2012-0109)

- * The spring-fed grotto and any spring/seep system along Little Zilker Creek needs to be understood both hydrologically and biologically (and properly protected) before any major upslope development; the entire system should be considered for listing as a “Critical Environmental Feature”.
- * The persistent flow of Little Zilker Creek leaves the surface system and enters the Edwards Aquifer only a few hundred yards from the Main Spring at Barton Springs Pool; the hydrological connection between Little Zilker Creek, the Robert E. Lee culvert and the springs in Zilker Park must be understood before any major development.

Summary (3)

Environmental Context for the Proposed “Sunflower” Development
at 1201 Robert E. Lee, Austin TX
(case C14-2012-0109)

- * The outlet of Little Zilker Creek at the Robert E. Lee culvert lies within the Critical Subsurface Habitat (CSH) proposed for the Austin Blind Salamander by the US Fish and Wildlife Service (USFWS).
- * Note that any surface drainage down Robert E. Lee Rd. will enter the USFWS CSH at this culvert so hydrological connections between Little Zilker Creek, the Robert E. Lee culvert and Eliza, Main and Old Mill Springs in Zilker Park must be understood and accommodated before any major development along Little Zilker Creek or Robert E. Lee Rd..

Environmental Context for the
Proposed “Sunflower”
Development at 1201 Robert E. Lee,
Austin TX
(case C14-2012-0109)

Donald D. Blankenship, Ph.D.

Sofie L. Blankenship
(neighboring Zilker Skyline residents)

- <- recharge zone
sf - "sunflower"
zt - zilker terrace
zs - zilker skyline

Geological and Hydrological Context for Little Zilker Creek at the Proposed Sunflower Development



- The bed of Little Zilker Creek upstream of the proposed Sunflower development (along Zilker Skyline) is on Buda limestone (N.M. Hauwert, pers. comm., 2013) and its creek flow is intermittent until it reaches a significant limestone grotto downslope of the proposed development (see photo).
- Downstream of this grotto the flow of Little Zilker Creek persists throughout the year (S. L. Blankenship, Zilker School Science Fair, 2007).
- The limestone grotto on Little Zilker Creek adjacent to the proposed development contains persistent springs lying within the Edwards Aquifer Recharge Zone and should be listed as a “Critical Environmental Feature” with appropriate development setbacks.

Hydrology and Biology of Little Zilker Creek Adjacent to the Proposed Sunflower Development

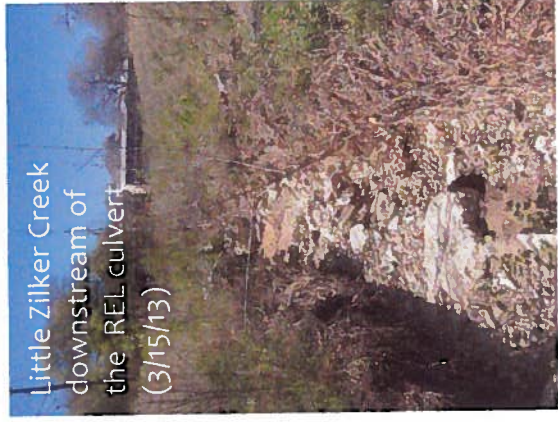


- The limestone grotto and the bed of Little Zilker Creek downstream of it (downslope of the proposed development) seem to be controlled by a significant fault in the Buda limestone (Nico Hawert, pers. comm., 2013); it is likely that *additional springs and seeps* (see photo) occur along this fault where it intersects Little Zilker Creek.
- The spring-fed grotto and any spring/seep system along Little Zilker Creek needs to be understood both hydrologically and biologically (and properly protected) before any major upslope development; the entire system should be considered for listing as a “Critical Environmental Feature”. **Exhibit E - 9**

Little Zilker Creek and Barton Springs



Little Zilker Creek
upstream at REL
culvert (3/15/13)



Little Zilker Creek
downstream of
the REL culvert
(3/15/13)

- The spring-fed grotto on Little Zilker Creek is about 500 yards from Main Spring in Barton Springs Pool; about 250 yards from the grotto, the flow of the creek enters Zilker Park at a culvert beneath Robert E. Lee Rd. (see photo).
- The persistent flow of Little Zilker Creek ponds on the upstream side of the Robert E. Lee culvert and exits the downstream side in the Zilker park; it then **disappears into the aquifer about 25 yards downstream from the culvert** (see photo).
- The persistent flow of Little Zilker Creek leaves the surface system and enters the Edwards Aquifer only a few hundred yards from the Main Spring at Barton Springs Pool; the hydrological connection between Little Zilker Creek, the Robert E. Lee culvert and the springs in Zilker Park must be understood before any major development.

Robert E. Lee Road and Barton Springs



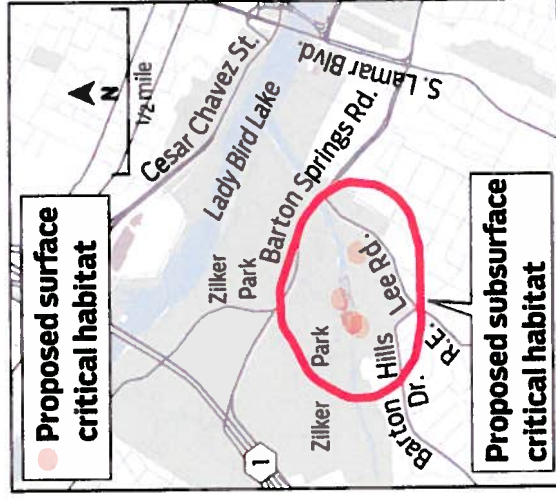
AUSTIN BLIND SALAMANDER

The Austin Blind Salamander is proposed for listing as an endangered species by the US Fish and Wildlife Service (USFWS); *this salamander has been observed at only three springs in Zilker Park (Eliza, Main and Old Mill) .*

The habitat of the Austin Blind Salamander is within the Edwards Aquifer so USFWS has proposed a “Critical Subsurface Habitat (CSH)” that extends approximately 330 yards from each of the three springs (see attached sketch); the outlet of Little Zilker Creek at the Robert E. Lee culvert lies within this proposed Critical Subsurface Habitat.

Note that any surface drainage down Robert E. Lee Rd. will enter the USFWS CSH at the culvert so hydrological connections between Little Zilker Creek, the Robert E. Lee culvert and Eliza, Main and Old Mill Springs in Zilker Park must be understood before any major development.

Exhibit E - 11



Source: U.S. Fish and Wildlife Service

From: Steven Radke
Sent: Monday, March 18, 2013 1:45 PM
To: Heckman, Lee
Subject: Re: Condition Response 1201 Robert E Lee

Lee,

Attached is the final set of conditions that I am willing to offer. All of these are based on feedback from neighbors on the petition and adjacent sites. These were offered March 5 and recently (March 16th) changed to 18 units max, all other conditions the same. The density change was in response to Mrs. DeFrese's email stating "neighbors are not happy with the density."

These were voluntary on my behalf given multiple meetings with those affected and feedback given on our project.

At this moment, I am not requesting a postponement of our 26th date. I simply asked Ms DeFrese that if the neighbors are "still considering my offer" by Tuesday March 19, I would like a letter of support in the request to postpone in hopes that the request would be granted at PC and I could still possibly work a deal. (Given your comments on neighbor/neighborhood support of postponement and willingness of PC to grant request second time around given this support.)

If they are not "still considering" the conditions offered and give me a no response or a negative by March 19, I don't see any reason to postpone and we will move forward.

In other words, and to answer your question, the postponement request will be determined in the next day or so.

Thanks

Steven

From: Steven Radke
Sent: Monday, March 18, 2013 7:59 AM
To: Heckman, Lee
Subject: Fwd: Condition Response 1201 Robert E Lee

Lee,

See below from my neighbor contact person. This was in response to the last set of conditions offered that were sent to you week before last.

In response to Mrs. DeFrese's email, I offered one last set of conditions as my final offer. **I offered to trim the density in a rezone to 18 stand-alone units.** Please document this as you prepare staff comments for our scheduled PC hearing date on the 26th of March. If I need to put this in a formal letter of offering, I will do so and send your way. I can summarize all of the conditions, including the 18 unit density max, in a 1 page doc, if you deem necessary.

I also requested that a response be given to me by Tues (tomorrow) of this week. If they are still "considering" I asked that they write a letter explaining the fact and support a PC postponement of 2 weeks. I have also asked that the ZNA sign off on this letter.

Thanks,

Steven Radke
Principal
VRI
[512.626.8645](tel:512.626.8645)

----- Forwarded message -----

From: **Jeannie Defrese**
Date: Sat, Mar 16, 2013 at 3:34 PM
Subject: Re: Condition Response
To: Steven Radke

Steven,

People are still considering and discussing and are generally unhappy with the density and creek set back.

Jeannie DeFrese
Triple Mint Real Estate
[512-431-8016](tel:512-431-8016)

Sent from iPhone - pls excuse any typos

On Mar 15, 2013, at 7:34 PM, Steven Radke wrote:

> Jeannie,
>
> Do we have a favorable response yet on the condition set offered in support for rezone? I would like to start gathering support letters so that I can address petition members/ with your help, with proof of support from those around us.
>
> Thanks and look forward to your response.
>
> Steven Radke
> Principal
> VRI
> [512.626.8645](tel:512.626.8645)

1201 ROBERT E LEE: SUNFLOWER



CASE # C14-2012-0109

OWNER: Joe and Hazel Joseph

AGENT: Vinson Radke Investments, LLC (VRI, LLC)

PROPOSED CONDITIONS - MARCH 16, 2013

The conditions below have been offered in writing, and to be adopted in the ordinance for zoning, by VRI, LLC on March 6, 2013 in exchange for support and removal of the valid petition for the application to rezone the subject tract from SF3 to SF6 (Case # C14-2012-0109).

The conditions offered are based on a meeting and neighbor/petition member feedback that took place on March 4, 2013 at 1112 Bluebonnet Ln, residence of Mrs. Jeannie DeFrese (Petition Contact Person).

CONDITONS OFFERED FOR SUPPORT IN APPLICATION TO REZONE SUBJECT PROPERTY FROM SF3 to SF6:

(Zoning Ordinance)

- Maximum Number of Dwelling Units is 18.
- Maximum Height of any structure is 30ft.
- Maximum Impervious Cover for the entire site is 40%.
- Along the Southeast, East, and South property lines that adjoin property zoned SF6, the following apply:
 - No building may be built within 20ft of the property line.
 - No building in excess of 1 story or 15ft may be constructed within 25 ft of the property line.
 - A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

- Each dwelling unit will have a minimum of 2 parking spaces and access to an area in which a 3rd vehicle can park. This could be on their driveway or in a guest spot , somewhere on the property.

(Private Restrictive Covenant)

- All exterior lighting will be low-density and down screened. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property.
- A highly reflective surface, including reflective glass will not be used on any buildings unless the surface is a solar panel.
- Metal Roofs may be used but must be painted or of a non-metallic finish.

VRI, LLC believes the conditions offered meet those demands of the neighbors while allowing enough flexibility in design to articulate buildings and create a more attractive Urban Community.

VRI has a specific goal of creating infill communities that are cohesive with their surroundings while offering a product that is not only attractive, but meets the needs of those who can contribute to the immediate neighborhood. We believe the stand-alone product class is a superior development plan to the alternative on larger sites when surrounded by like density.

Steven Radke
Principal
VRI, LLC
StevenRadke@VRIAustin.com
512.626.8645

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

From: Jeannie Defrese

Sent: Tuesday, March 19, 2013 8:27 PM

To: Steven Radke

Cc: David Davis; Heckman, Lee, [others]

Subject: Neighbor's Conditions/1201 Robert E Lee/Case number C14-2012-0109

Steven,

Attached is the neighbor's response to the conditions you proposed. These are supported by a large group of the petition signers.

I did not include another attachment with your conditions as mentioned in this document since we all already have copies of that.

Thank you,

Jeannie DeFrese

1112 Bluebonnet Lane

431-8016

All the conditions that Mr. Radke has already offered (attached for reference) with the following changes and additions:

- 150 foot creek setback which is what is our understanding of the city requirement when there is a "critical environmental feature" present - the SPRING.
- Agreement to revegetate at least the first 50 feet off the creek(creek front) with native species and a commitment to leave the entire 150 foot setback natural from here out.
- A maximum density level of 7 units which would be in keeping with the neighboring SF-6 development, Zilker Skyline, which is 3.3 units per acre. This would be calculated on the acreage actually available for development so it would NOT include the area in the 150 foot creek setback. Rough calculations show the developable area to be just over 2 acres so a density level of 7 units.
- Impervious coverage maximum of 40% as agreed to by the developer to be calculated also on the developable area, not the 150 foot creek setback.

The impervious cover is contingent on a couple of things. From the topographical information the developer has provided, much of the developable area

drains toward Robert E Lee - the Barton Creek Watershed. A thorough study should be made here and if this is the case and drainage enters this watershed, then impervious cover levels in the developable area should be kept below 15%. And from the study of the creek, if it is as it appears that the flow goes below surface into the Edwards Aquifer above Barton Springs then the lesser impervious cover should apply to any portion of the property which drains to the creek including along Robert E Lee to the culvert containing the creek at the south corner of Zilker Park.

November 30, 2012

Dear Neighbors,

As you are aware, we are in the process of selling part of our property for the development of homes. My father purchased thirteen acres in the Zilker neighborhood in 1950, which included the 4 plus acres where the Zilker Skyline Condo homes are now located, six acres across the drainage channel on the West side of Bluebonnet Lane, and the land where the home is located on 2000 Melridge Place. My father built our current home at 1201 Robert E Lee Rd in 1952. After both of my parents passed away, the 4.08 acres was sold to settle the Estate, which included six children, with only three of us living in Austin.

My wife and I purchased the family home in the 1980s from the Estate, at the same time the 4 acres were sold to the Skyline Developer. The land has set dormant, after the Skyline Community Condos were built, until last year, when I hired a State of Texas Certified Arborists to remove the non-native brush and trees from our property. This was to allow the large oak and elm trees to obtain proper sunlight and rain for survival and preservation. In 2011 one of the worst summer droughts in history took its toll on landscape in the area and our actions of vegetative clearing with intent to save the gorgeous heritage oaks worked!

At that time, we had no intentions of selling any of our property as we were working on putting in an extensive, and expensive, rainwater collection system, just off our front porch. VRI Austin approached us earlier this year with a comprehensive plan to develop the property in a peaceful and efficient manner. As we are in our early seventies, and our daughter is not interested in moving into the family home where we now reside, we listened to their offer, plans for the property, and decided, after negotiations, to accept. We may soon reach a point where we will not be able to navigate the hills and stairs in and around our home and will need to move to more "elderly-friendly" living quarters.

The rezoning is necessary to preserve all of the heritage trees and decrease the impervious cover as much as possible. VRI and its firm are "green" single family home builders. They have no interest in building dense developments that lend themselves to investor interest and depleted home values surrounding the project. They have a vision on our site to develop in a way that keeps integrity of the neighborhood in non-shared wall structures, limit the exclusivity central Austin has now obtained by making the homes affordable, and put a plan on the ground that will encourage a sense of community and allow families to move into the Zilker community. Their plans include solar energy, rainwater collection systems, and will provide for the use of environmentally friendly building materials.

I just wanted to attempt to bring some clarity to the situation, and I am hoping for your cooperation in getting this project to completion. As I understand, duplexes can be built on the property without any rezoning, which I do not want, since many are not owner-occupied, and would not maintain the stability our present neighborhood now enjoys. The duplex concept would increase impervious cover implications and require many more trees to be impacted on site.

Please feel free to contact me, if you have any further questions, or if I can provide additional information.

Joe & Hazel Joseph
1201 Robert E Lee Rd
Austin, Texas 78704
Phone: (512) 442-8467

Exhibit H

PETITION

Case Number: **C14-2012-0109**

Date: **3/18/2013**

| | |
|--|---------------|
| Total Square Footage of Buffer: | 480517.83 |
| Percentage of Square Footage Owned by Petitioners Within Buffer: | 74.14% |



Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

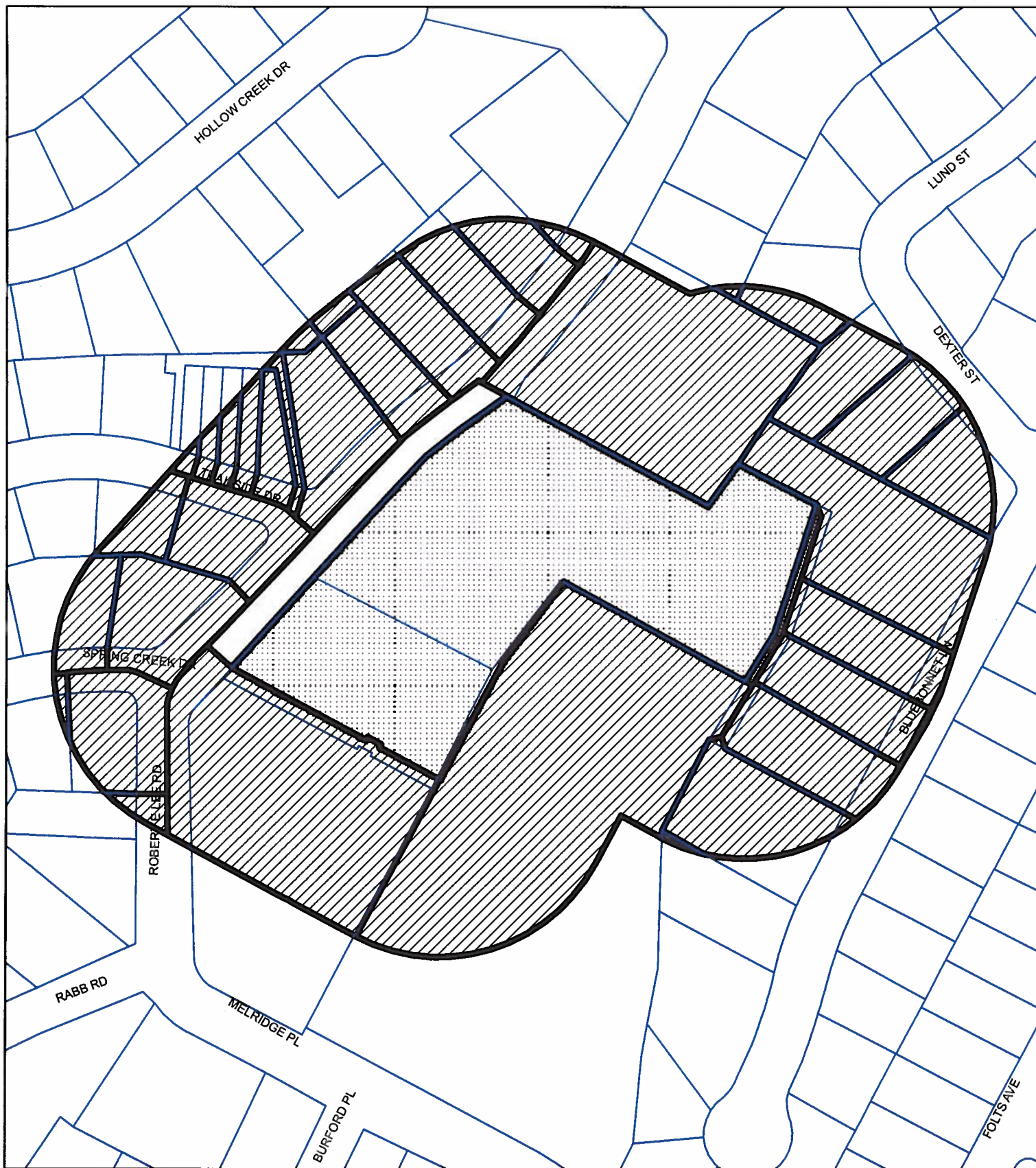
| # | TCAD ID | Address | Owner | Signature | Petition Area | Percent |
|----|-------------------|----------------------------|--|-----------|---------------|---------|
| 1 | <u>0103061126</u> | 1125 HOLLOW CREEK DR 78704 | BARTON COVE APARTMENTS II LLC | no | 1187.87 | 0.00% |
| 2 | <u>0103060347</u> | 1102 BLUEBONNET LN 78704 | BEEDLE CARMA R BIERY EVELYN | yes | 32,671.37 | 6.80% |
| 3 | <u>0103060303</u> | 1113 ROBERT E LEE RD 78704 | HUDSON & JOHN T SANDERS IV & | yes | 59038.25 | 12.29% |
| 4 | <u>0103060325</u> | 1105 ROBERT E LEE RD 78704 | BOEBEL WILLIAM R & ELIZABETH BARRETT-BOEBEL | yes | 260.41 | 0.05% |
| 5 | <u>0103060309</u> | 2005 DEXTER ST 78704 | BOLT MARTIN BROOKS III ET AL | no | 11444.54 | 0.00% |
| 6 | <u>0103061016</u> | 2203 TRAILSIDE DR 78704 | CEDARVIEW PROPERTIES LLC | no | 5034.22 | 0.00% |
| 7 | <u>0103061112</u> | 1104 ROBERT E LEE RD 78704 | CHAPA ISAAC E & JOYCE B | yes | 1366.89 | 0.28% |
| 8 | <u>0103060349</u> | 1108 BLUEBONNET LN 78704 | COE ROBERT ALAN | yes | 12774.35 | 2.66% |
| 9 | <u>0103060114</u> | 2203 SPRING CREEK DR 78704 | DAMMERT CHRIS | yes | 769.38 | 0.16% |
| 10 | <u>0103060351</u> | 1112 BLUEBONNET LN 78704 | DEFRESE JERRY & JEANNIE | yes | 16464.69 | 3.43% |
| 11 | <u>0103061119</u> | 2202 A TRAILSIDE DR 78704 | DESATNIK ERIC | no | 1342.24 | 0.00% |
| 12 | <u>0103060335</u> | 2009 DEXTER ST 78704 | ELWELL JAMES WELDON | yes | 3957.3144 | 0.82% |
| 13 | <u>0103061129</u> | 2202 TRAILSIDE DR 78704 | FISHER KIMBERLY | yes | 623.70 | 0.13% |
| 14 | <u>0103060115</u> | 2201 SPRING CREEK DR 78704 | FITZGERALD BILLY WILSON & ERNA RENE FITZGERALD | yes | 13,936.29 | 2.90% |
| 15 | <u>0103060345</u> | 1109 BLUEBONNET LN 78704 | FLACK ELIZABETH HODGE | no | 22.19 | 0.00% |




| | | | | | | |
|----|------------|-------------------------------|------------------------------------|-----|-----------|-------|
| | | 1107 BLUEBONNET LN | | | | |
| 16 | 0103060338 | 78704 | FOLK ROBERT L | no | 232.35 | 0.00% |
| | | 2200 C TRAILSIDE DR | | | | |
| 17 | 0103061128 | 78704 | GALVAN ALFREDO | no | 2,054.29 | 0.00% |
| | | 1114 ROBERT E LEE RD 78704 | GANTT DOROTHY WARREN BRYANT | no | 10,431.79 | 0.00% |
| 18 | 0103061114 | | | | | |
| 20 | 0103061015 | 2205 TRAILSIDE DR 78704 | HILTON FRANCES N | no | 0.34 | 0.00% |
| | | 1116 BLUEBONNET LN | | | | |
| 21 | 0103060352 | 78704 | HINSON DONNA R | yes | 254.59 | 0.05% |
| | | 2007 DEXTER ST 78704 | HOUGHTON JOHN G & KAREN E KROG | yes | 10,068.02 | 2.10% |
| 22 | 0103060336 | | | | | |
| 23 | 0103061106 | 1131 HOLLOW CREEK DR 78704 | HOWLAND JANE E | no | 785.39 | 0.00% |
| | | TRAILSIDE DR | KEALEY DAVID | | | |
| 24 | 0103061130 | 78704 | ETAL | yes | 1,989.69 | 0.41% |
| | | 2200 A TRAILSIDE DR | | | | |
| 25 | 0103061118 | 78704 | KEALEY DAVID J | yes | 4,754.66 | 0.99% |
| | | 2200 SPRING CREEK DR 78704 | LOWE RAYMOND C | yes | 15,347.60 | 3.19% |
| 26 | 0103061001 | | | | | |
| 27 | 0103061115 | 1116 ROBERT E LEE RD 78704 | PASSMORE BILLIE L | yes | 11,529.05 | 2.40% |
| | | 2003 DEXTER ST 78704 | PECK JOHN RONALD | yes | 9,651.26 | 2.01% |
| 28 | 0103060310 | | | | | |
| 29 | 0103060117 | 1304 ROBERT E LEE RD 78704 | RANDLE MALLORY B | yes | 1,782.06 | 0.37% |
| | | 1120 ROBERT E LEE RD 78704 | REYNOLDS CARY S & KERRY M PRICE | yes | 15,576.62 | 3.24% |
| 30 | 0103061117 | | | | | |
| 31 | 0103061116 | 1118 ROBERT E LEE RD 78704 | ROE KEVIN | no | 9,650.40 | 0.00% |
| | | 2200 B TRAILSIDE DR | | | | |
| 32 | 0103061127 | 78704 | SANDERS R H | yes | 2,905.47 | 0.60% |
| | | 1106 BLUEBONNET LN | SIGSBY ERIC E & JUDY B | yes | 12,570.50 | 2.62% |
| 33 | 0103060348 | 78704 | | | | |

| | | | | | | |
|----|-------------------|-----------------------|--------------------------|------------|------------------|----------------------|
| | | | SWINTON JOHN | | | |
| | | 2202 SPRING | WAYNE & K | | | |
| 34 | <u>0103061002</u> | <u>CREEK DR 78704</u> | <u>JEANNIE</u> | <u>yes</u> | <u>6,856.09</u> | <u>1.43%</u> |
| | | 2201 TRAILSIDE | THOMAS JAY S & | | | |
| 35 | <u>0103061017</u> | <u>DR 78704</u> | <u>TRACY S WISE</u> | <u>yes</u> | <u>13,352.97</u> | <u>2.78%</u> |
| | | 1110 | | | | |
| | | BLUEBONNET LN | WEISMAN DALE | | | |
| 36 | <u>0103060350</u> | <u>78704</u> | <u>ERIC</u> | <u>yes</u> | <u>14,696.84</u> | <u>3.06%</u> |
| | | 1303 ROBERT E | | | | |
| 37 | <u>0103060363</u> | <u>LEE RD 78704</u> | <u>ZILKER TERRACE LP</u> | <u>no</u> | <u>57,968.23</u> | <u>0.00%</u> |
| | | MELRIDGE | | | | |
| 38 | <u>0103061501</u> | <u>PLACE</u> | <u>ZILKER SKYLINE</u> | <u>yes</u> | <u>93,044.91</u> | <u>19.36%</u> |
| | | 1112 ROBERT E | | | | |
| 39 | <u>0103061701</u> | <u>LEE RD 78704</u> | <u>BENDER KATHRYN</u> | <u>no</u> | <u>7,669.53</u> | <u>0.00%</u> |
| | | | | | | Total % |
| | | | | | | <u>74.14%</u> |

The following parcel was incorrectly included in the list of properties within 200' of the subject tract. As indicated in the attached map, the property is on the east side of Bluebonnett Lane, and outside the 200' buffer. The relative percentages listed above will increase slightly to account for this removed parcel.

| <u>#</u> | <u>TCAD ID</u> | <u>Address</u> | <u>Owner</u> | <u>Signature</u> | <u>Petition Area</u> | <u>Percent</u> |
|----------|-------------------|----------------|----------------------------|------------------|----------------------|----------------|
| | | 1105 | | | | |
| | | BLUEBONNET LN | HANSON HARLIN | | | |
| 19 | <u>0103060346</u> | <u>78704</u> | <u>ALAN & RITA LEE</u> | <u>yes</u> | <u>76.32</u> | <u>0.02%</u> |



-  BUFFER
-  PROPERTY_OWNER
-  SUBJECT_TRACT

PETITION

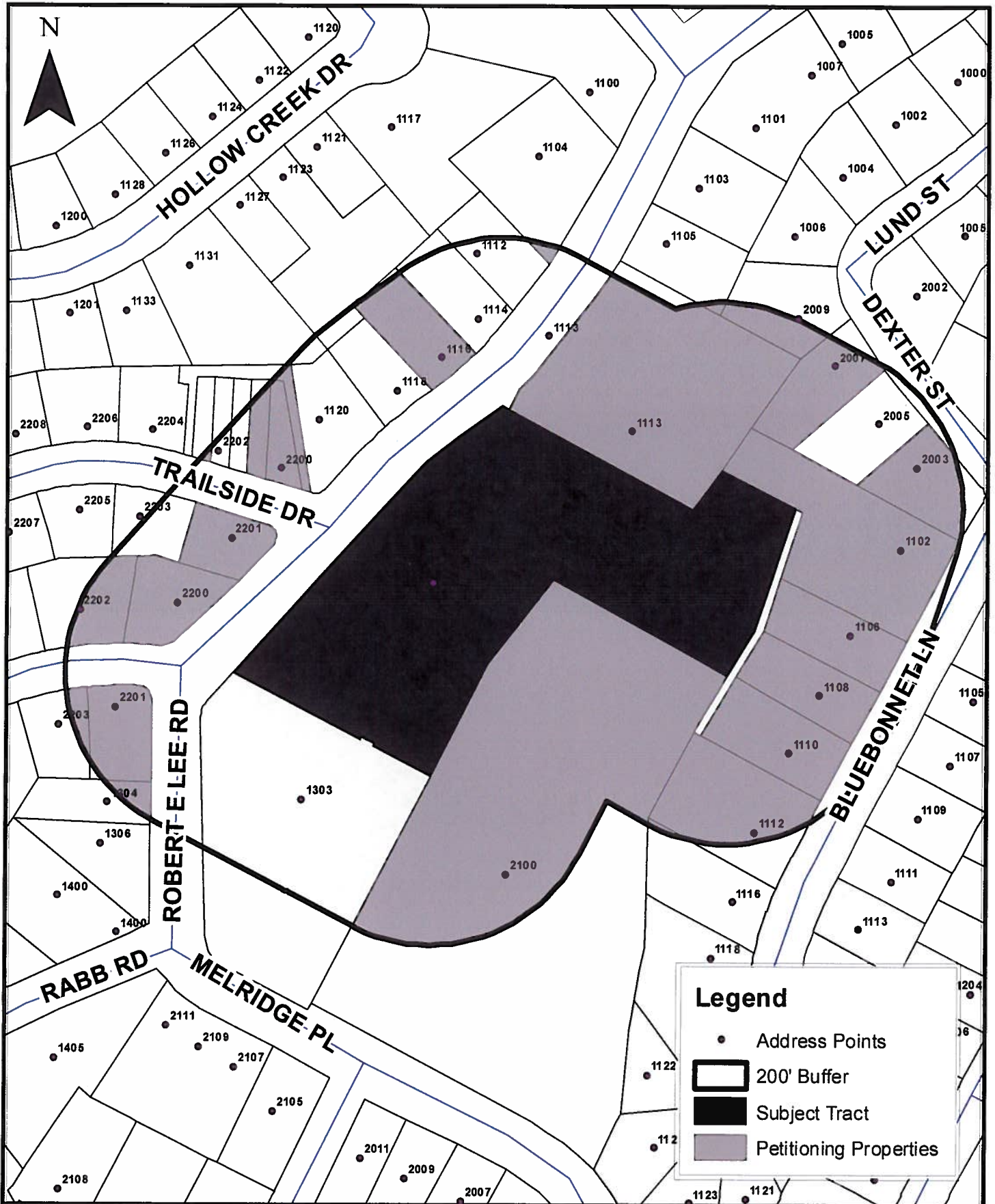
CASE#: C14-2012-0109
GIS Staff Map

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



C14-2012-0109 / Sunflower / Petitioning Properties



NOTE: This illustrative map is for educational and informational purposes only. No warranty is made regarding the completeness and accuracy of any data depicted or represented hereon. Drafted by LAH on 03/19/2013.

Annotated PDR Staff Map

Exhibit P - 6

September 27, 2012

Re: Case Number: C14-2012-0109



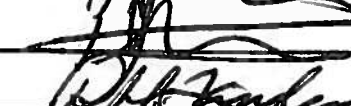
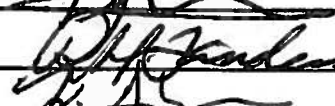
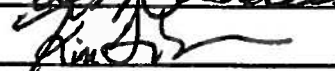
Address of Rezoning Request: 1201 Robert E. Lee Road

Austin City Council Members,

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 SF-3.

We do not see an upzoning to SF-6 as an appropriate use of the property. A main reason we bought our homes in this immediate area was because of the low density single family zoning of the adjacent properties. We do not want the increase in density that a Condominium Residence district will allow, nor the damages to our properties because of change in the zoning including, but not limited to diminished privacy and light and noise pollution. With a denser development, the resulting loss of green space, tree and plant loss, increased runoff in the adjacent creek/drainage, loss of habitat, and increased traffic are not acceptable to us as neighbors.

Petition Contact Person - Jeannie DeFrese - (512)431-8016

| <u>Name</u> | <u>Address</u> | <u>Signature</u> |
|--------------------|--------------------|---|
| CARY REYNOLDS | 1120 R.E. LEE |  |
| DAVID KEALEY | 2200+ TRAILSIDE |  |
| DAVID KEALEY ET AL | 2200 TRAILSIDE |  |
| R.H. SANDERS | 2202 TRAILSIDE #B |  |
| Kim Fisher | 2202 B Trailside # |  |
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September 27, 2012

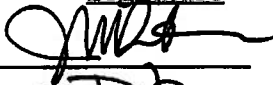
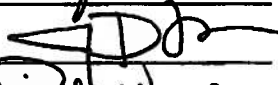
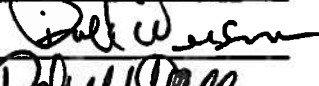



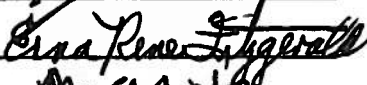
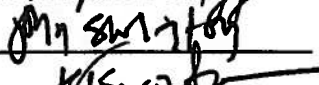
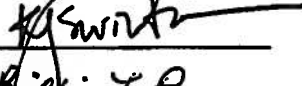
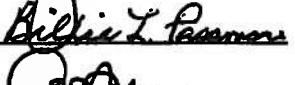


Re: Case Number: C14-2012-0109

Austin City Council Members,

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 SF-3.

We do not see an upzoning to SF-6 as an appropriate use of the property. A main reason we bought our homes in this immediate area was because of the low density single family zoning of the adjacent properties. We do not want the increase in density that a Condominium Residence district will allow, nor the damages to our properties because of change in the zoning including, but not limited to diminished privacy and light and noise pollution. With a denser development, the resulting loss of green space, tree and plant loss, increased runoff in the adjacent creek/drainage, loss of habitat, and increased traffic are not acceptable to us as neighbors.

Petition Contact Person - Jeannie DeFrese - (512)431-8016

| <u>Name</u> | <u>Address</u> | <u>Signature</u> |
|----------------------|------------------------|---|
| Jeannie DeFrese | 1112 Bluebonnet Lane |  |
| Jerry DeFrese | 1112 Bluebonnet Lane |  |
| Dale Eric Weisman | 1110 Bluebonnet Lane |  |
| Robert Alan Cor | 1108 Bluebonnet Lane |  |
| Donna R. Hinson | 1116 Bluebonnet Lane | |
| John R. Peck | 2003 Dexter Street |  |
| James Elwell | 2009 Dexter Street |  |
| Erna Rene Fitzgerald | 2201 Spring Creek |  |
| JOHN SWINTON | 2202 SPRING CREEK |  |
| KJ Swinton | 2202 Spring Creek |  |
| Billie L. Passmore | 1116 Robert E. Lee Rd. |  |
| Carma Beadle | 1102 Bluebonnet Ln. |  |
| BILL FITZGERALD | 2201 SPRING CREEK |  |

September 27, 2012

Re: Case Number: C14-2012-0109



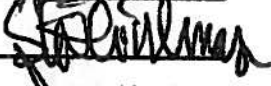
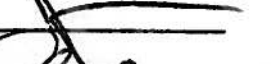







Address of Rezoning Request: 1201 Robert E. Lee Road

Austin City Council Members,

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Petition Contact Person - Jeannie DeFrese (512) 431-8016

| <u>Name</u> | <u>Address</u> | <u>Signature</u> |
|----------------------|--------------------------|---|
| Chris Dammert | 2203 Spring Creek Dr. |  |
| Vanessa Verzandvoort | 2203 Spring Creek Dr. |  |
| Steven Aicklmayer | 1303 Robert E Lee #14 |  |
| Jay Oberman | 1303 Robert E Lee #1 |  |
| Angela Oberman | 1303 Robert E Lee #1 |  |
| Russell Secker | " #13 |  |
| JONATHAN OSBORNE | 1303 Robert E Lee #6 |  |
| BRIGETTE OSBORNE | 1303 ROBERT E LEE #6 |  |
| RAYMOND LOWE | 2200A SPRING CREEK DR |  |
| TANYA LOWE | 2200 A SPRING CREEK DR. |  |
| Mallory B. Pandle | 1304-A Robert E. Lee Rd. |  |

September 27, 2012

Re: Case Number: C14-2012-0109

Address of Rezoning Request: 1201 Robert E. Lee Road

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| <u>Name</u> | <u>Address</u> | <u>Signature</u> |
|----------------------|-------------------------------|----------------------|
| Barbara Gail Sanders | 1113 Robert E. Lee Austin, TX | Barbara Gail Sanders |
| John T. Sanders IV | 1113 Robert E. Lee Austin TX | John T. Sanders |
| Evelyn H. Biery | 1113 Robert E. Lee Austin TX | Evelyn Biery |
| Karen E Krog | 2007 Dexter Austin, TX | Karen Krog |
| John G. Houghton | 2007 Dexter, Austin, TX | John G. Houghton |
| Donna R. Ramsey | 1116 Bluebonnet Austin TX | Donna Ramsey |
| Bob Boebel | 1105 Robert E. Lee Rd | Bob Boebel |
| Bill Boebel | 1105 Robert E. Lee Rd | Bill Boebel |
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Page

Re: Case Number: C14-2012-0109

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Petition Contact Person - Jeannie DeFrese (512)431-8016


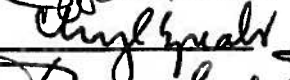
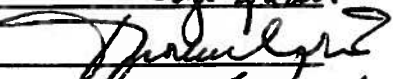

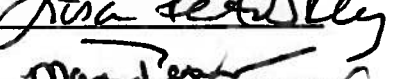
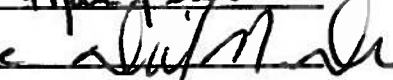
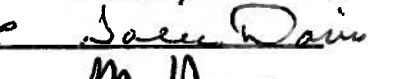
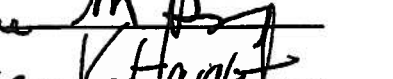
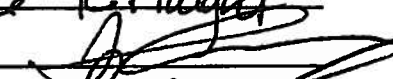



| <u>Name</u> | <u>Address</u> | <u>Signature</u> |
|-------------------|---------------------|---|
| C JEFF CLARKSON | 2123 MELRIDGE PL. |  |
| CHERYL V. SPEAKER | 2123 Melridge Pl |  |
| THOMAS WIATT | 2127 MELRIDGE PL |  |
| REINA WIATT | " |  |
| Lisa Petroskey | 2131 Melridge Pl |  |
| Mark Petroskey | 2131 Melridge Pl |  |
| DAVID M. DAVIS | 2133 Melridge Place |  |
| SALEE DAVIS | 2133 Melridge Place |  |
| Michael Haight | 2124 Melridge Place |  |
| Katherine Haight | 2124 Melridge Place |  |
| J.P. Maxwell | 2121 Melridge Pl |  |
| Twitty Maxwell | 2121 Melridge Pl |  |

Exhibit P - 11

September 27, 2012

Re: Case Number: C14-2012-0109

Address of Rezoning Request: 1201 Robert E. Lee Road

Austin City Council Members,

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 SF-3.

We do not see an upzoning to SF-6 as an appropriate use of the property. A main reason we bought our homes in this immediate area was because of the low density single family zoning of the adjacent properties. We do not want the increase in density that a Condominium Residence district will allow, nor the damages to our properties because of change in the zoning including, but not limited to diminished privacy and light and noise pollution. With a denser development, the resulting loss of green space, tree and plant loss, increased runoff in the adjacent creek/ drainage, loss of habitat, and increased traffic are not acceptable to us as neighbors.


Petition Contact Person - Jeannie DeFrese (512) 431-8016


Name

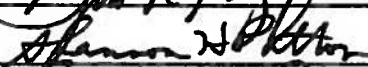
Address

Signature

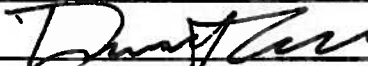
Thomas Hudnall 2129 Melridge Pl. 


Julie HUDNALL 2129 MELRIDGE PL 


Jill Kempf 2132 Melridge Pl 

Shannon H. Patton 2128 Melridge Place 

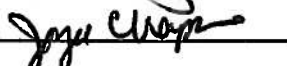
R. Michael Patton 2128 Melridge Place 

Daniel P. Carroll 2122 Melridge Pl 

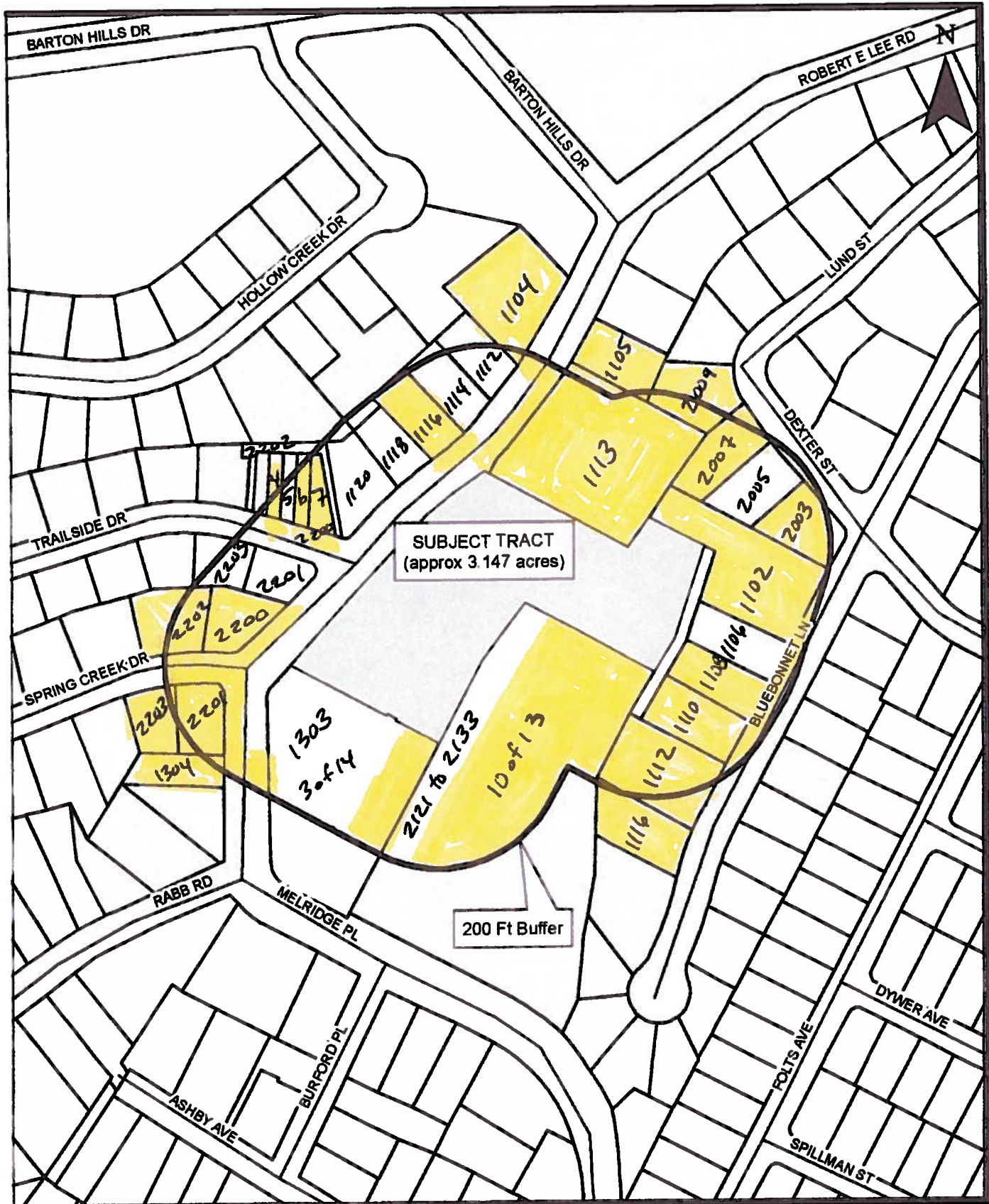
Gerald Smolinsky 2125 Melridge Pl. 

Marilyn Smolinsky 2135 Melridge Pl. Marilyn Smolinsky 

Isaac Chapin 1104 Robert E Lee 

Joyce Chapin 1104 Robert E Lee 

C14-2012-0109 / Sunflower



September 27, 2012

Re: Case Number: C14-2012-0109

Address of Rezoning Request: 1201 Robert E. Lee Road

Austin City Council Members,

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Petition Contact Person - Jeannie DeFrese - (512)431-8016

Name

Address

Signature

Jay Thomas 2201 Trail Side


TRACY WISE THOMAS - 2201 TRAILSIDE


January 28, 2012

RESOLUTION OF THE ZILKER SKYLINE HOMEOWNERS' ASSOCIATION

COME NOW homeowners of the Zilker Skyline Homeowners' Association, and officers, directors, and members of the Association hereby oppose the re-zoning of 1201 Robert E. Lee Road from SF-3 to SF-6 as proposed in Case No. C14-2012-0109. The Zilker Skyline Homeowners' Association opposes the re-zoning for the following reasons:

1. There is not a public need for the re-zoning and it is only a grant of special privilege to the individual owner;
2. The proposed re-zoning will not result in equal treatment for similarly situated properties;
3. The proposed re-zoning does not promote compatibility with the adjacent and nearby use and is, in fact, incompatible;
4. The more intensive zoning falls within an area of neighborhood streets already congested and overused despite efforts at placement of bicycle lanes and various traffic calming devices and is adjacent to important access to Zilker Park, Barton Springs pool and the various and significant uses of Zilker Park; and
5. The request for re-zoning does not arise from any change of condition which warrants such a significant change in density.


Printed Name: Daniel P. Carroll
Office: President


Printed Name: Salee Davis
Office: Secretary

11 October 2012

September 27, 2012

Re: Case Number: C14-2012-0109

Address of Rezoning Request: 1201 Robert E. Lee Road

Austin City Council Members,

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 SF-3.

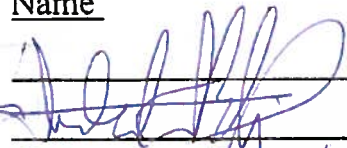
We do not see an upzoning to SF-6 as an appropriate use of the property. A main reason we bought our homes in this immediate area was because of the low density single family zoning of the adjacent properties. We do not want the increase in density that a Condominium Residence district will allow, nor the damages to our properties because of change in the zoning including, but not limited to diminished privacy and light and noise pollution. With a denser development, the resulting loss of green space, tree and plant loss, increased runoff in the adjacent creek/drainage, loss of habitat, and increased traffic are not acceptable to us as neighbors.

Petition Contact Person - Jeannie DeFrese - (512)431-8016

Name

Address

Signature



et

Donald Blankenship 2132 Melridge Place

Heather Hudson 2126 MELRIDGE PLACE

Kevin Meehan 2126 MERINGE PLACE

Ben Smithers 2130 Melridge Place BEN SMITHERS

From: David Davis

Sent: Tuesday, March 19, 2013 9:51 AM

To: Heckman, Lee

Cc: Jeannie DeFrese; Don & Jill Kempf Blankenship; Lorraine Atherton; David King; Gardner Sumner;; Lisa Petoskey; Kevin M. Meehan; Cheryl Speaker; Salee Davis; Julie; Marilyn & Gerald Smolinsky; Ben Smithers; Mike Patton; Michael Haight; Tom & Reina Wiatt

Subject: Case No. C14-2012-010-9 a/k/a The Sunflower Development, 1201 Robert E. Lee / Zilker Skyline Resolution

Lee: Based on concerns you raised with the authority under the Zilker Skyline Homeowners Association for the President and Secretary to sign on behalf of the Association, we passed the attached Resolution by Unanimous Written Consent opposing the Zoning change based upon the conditions currently in place. While we continue to work with the developer in an effort to reach an agreement, no agreement has been reached to date. We wanted to be sure that there was no doubt or confusion as to our opposition and would request that the attached be included within the City of Austin's file for review by the Planning Commission and, as necessary, the City Council. Thank you very much. David Davis, 2133 Melridge Place, Austin, TX 78704 (512-482-0614)

**UNANIMOUS WRITTEN CONSENT OF THE
MEMBERS OF THE ZILKER SKYLINE HOMEOWNERS ASSOCIATION**

The undersigned, being all of the members of The Zilker Skyline Homeowners Association, sign this instrument, or a counterpart hereof, in lieu of holding a meeting of the members of the Homeowners Association to evidence our unanimous consent to the resolution set forth below, with the same force and effect as if such resolution was adopted by unanimous vote at a duly called meeting of the members.

RESOLVED, that the Zilker Skyline Homeowners Association hereby opposes the rezoning of 1201 Robert E. Lee Road from SF-3 to SF-6 as proposed in Case No. C14-2012-0109. Zilker Skyline Homeowners Association opposes the rezoning for the following reasons:

1. There is not a public need for the rezoning. It is only a grant of special privilege to the individual owner and developer;
2. The proposed rezoning will not result in equal treatment for similarly situated property;
3. The proposed rezoning does not promote compatibility with the adjacent and nearby use and is, in fact, incompatible;
4. The more intensive zoning falls within an area of neighborhood streets already congested and overused despite efforts and placement of bicycle lanes and various traffic calming devices and is adjacent to important access to Zilker Park, Barton Springs Pool and the various and significant uses of Zilker Park;
5. The request for rezoning does not arise from any change of condition which warrants such a significant change in density;
6. The proposed rezoning will significantly impact the Barton Springs Watershed and ignores the requirements that were imposed on Zilker Skyline for drainage and setback from the adjacent creek, which will increase drainage flow to Zilker Park and the degradation of the south and southeast areas of Zilker Park at Barton Springs to include the future subsurface habitat designated for the Austin Blind Salamander;
7. The more intensive development will make a significant impact on traffic and congestion on Bluebonnet Road/Melridge Place/Robert E. Lee which is already a dangerous and congested two-lane neighborhood road that is a key entrance to both the Barton Hills and Zilker neighborhoods as well as the "back door" entrance to Barton Springs Pool and Zilker Park;
8. Because of the significant variations in topography on the creek side, the construction of the proposed 19 homes will require a significant leveling of the

property, removal of heritage trees and invasion of the root zones of the remaining trees;

9. The recent approval of a significant increase in multi-family homes in the Zilker neighborhood has already negatively impacted the community's infrastructure causing the overuse of our neighborhood roads, noise and light pollution, and other resources important to our community which, in conjunction with the ever-increasing utilization of Zilker Park and greater density in subdivisions like Sunflower seriously erodes the Zilker neighborhood.

Lisa Petoskey
Signature
President

Lisa Petoskey
Printed Name
2131 Melridge Pl
Address

Kevin McLean
Signature
Vice-President

Kevin McLean
Printed Name
2126 Melridge Pl.
Address

Cheryl Speaker
Signature
Treasurer

Cheryl Speaker
Printed Name
2123 Melridge Place
Address

Felicity M Maxwell
Signature
Secretary

Felicity M Maxwell
Printed Name
2721 Melridge
Address

David M. Davis
Signature

David M. Davis
Printed Name
2133 Melridge Pl, Austin 78704
Address

Ben Smithers
Signature

BEN SMITHERS
Printed Name

2130 MELRIDGE PLACE
Address

RMICHAEL PATTON
Signature

R MICHAEL PATTON
Printed Name

2128 MELRIDGE R.
Address

Donald Blankenship
Signature

Donald Blankenship
Printed Name

2132 Melridge Place
Address

JULIE HUONALL
Signature

JULIE HUONALL
Printed Name

2129 MELRIDGE PL
Address

Gerald Smolinsky
Signature

Gerald Smolinsky
Printed Name

2125 Melridge Pl.
Address

TOM WIATT
Signature

TOM WIATT
Printed Name

2127 MELRIDGE PLACE
Address

Exhibit P - 22

Michael Haight
Signature

Michael Haight
Printed Name

2124 Melridge Place
Address

Daniel P Carroll
Signature

Daniel P Carroll
Printed Name

2122 Melridge Pl
Address

Exhibit P - 23