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ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0020
Oak Creek Village

P.C. DATE: May 14, 1013
May 28, 1013

ADDRESS: 2324 Wilson Street

AREA: 8.991 acres

OWNER: 2007 Travis Heights, LP (Rene D. Campos)

APPLICANT: Winstead PC (John Donisi)

ZONING FROM: MF-3-NP; Multifamily Residence Medium Density-Neighborhood Plan

ZONING TO: MF-6-NP; Multifamily Residence Highest Density-Neighborhood Plan
with Conditions

NEIGHBORHOOD PLAN AREA: Bouldin Creek

SUMMARY STAFF RECOMMENDATION

Staff recommends granting MF-6-CO-NP with conditions.

Conditions to MF-6 district zoning recommendation are:

- 1) The maximum building height shall be limited to 60;
- 2) The maximum building coverage shall be limited to 60%;
- 3) The maximum impervious cover shall be limited to 70%;
- 4) The maximum number of units shall be limited to 486; and
- 5) Primary vehicular access to the site shall be from W Oltorf Street and/or S 1st Street.

A public restrictive covenant, executed in tandem with Council consideration of the ordinance, will incorporate the owner's responsibilities related to traffic improvements or design requirements as listed on the attached, or subsequent, TIA memo (see Exhibit T). Additionally, the owner is required to post fiscal surety and meet other requirements prior to Council consideration.

PLANNING COMMISSION RECOMMENDATION:

May 14, 2013 Postponed at the request of the Bouldin Creek Neighborhood Association
(Consent Motion by J. Stevens, D. Chimenti – 2nd); 9-0. *

* The Bouldin Creek Neighborhood Association (BCNA) requested postponement until June 6; the applicant was amenable to a postponement, but only until May 28. The BCNA subsequently agreed to a two-week postponement until May 28 (see exhibits P).

DEPARTMENT COMMENTS:

This approximate 9-acre site is located between S 1st Street and Wilson Street, north of W Oltorf Street and south of W Live Oak Street. It is bounded primarily by commercial land uses along S 1st and Oltorf, and by single-family and duplex residential along W Live Oak and opposite Wilson (see Exhibits A). For the past 40 years the site has been occupied by Oak Creek Village, a 170-unit apartment complex of affordable housing administered under a federal Housing and Urban Development (HUD) program. Residents served by the program

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are at or below 50% of the local Median Family Income (MFI) level. Access to and from the site is provided by 2 driveways on Wilson Street. The campus currently consists of 27 2-story buildings and surface parking. The contract between HUD and the owner has reached its end, and the owner has proposed to redevelop the site as multifamily rental residential.

The specifics of the stated proposal are to relocate current residents of Oak Creek Village, raze and replace the existing affordable units, rehouse previous tenants who so choose, and develop additional market rate units, all in a phased construction scheme that extends several years. The stated intent is to replace the affordable housing units on a one-to-one basis, such that these new units would be available at the same affordability level and unit mix as existed on January 1, 2013. The owner has received a conditional commitment for a loan from the City (per Council action on February 28, 2013) and has applied to the Texas Department of Housing and Community Affairs for additional development funding.

In addition to replacement of the existing affordable housing units, the applicant is proposing up to 316 additional market-rate units, for a total site count of 486 units. Under the current MF-3-NP zoning, and accounting for tree preservation, compatibility, and other MF-3 development standards, the site could yield approximately 324 units. Feasibility aside, the owner has the choice of redeveloping the site with only affordable housing units, only market-rate units, or a mix of affordable and market-rate units. The stated preference is for development of both, and thus the request for MF-6 zoning that would allow for the additional density. The request is submitted with an offer to limit building and impervious coverage, along with height, to the standards of MF-4, and proposes to reconfigure access away from the single-family residential that fronts and takes access to Wilson Street.

For access, the applicant proposes access to Oltorf via the existing Durwood Street right-of-way and to S 1st St through a property already under ownership just north of a utility lot. The access to S 1st would roughly align with the existing Fletcher Street to the west, and involves crossing East Bouldin Creek and the 100-year floodplain (see Exhibit B). The existing two entrances on Wilson Street would be closed. A new entrance point on Wilson, at the very southern edge of the property, would be to a parking lot that serves the leasing office; the parking lot would not connect to, or provide circulation to, the apartment complex.

Neither City staff nor appointed and elected officials have the authority to require the applicant maintain a certain number or percentage of affordable units as part of the rezoning request. Consequently, while City staff might commend the owner for proposing to redevelop and keep affordable housing stock, staff cannot base a zoning recommendation on this expectation, or require such provision as a condition to a positive recommendation. As indicated in the Basis for Land Use Recommendation section, staff's consideration of the applicant's MF-6-NP-with-conditions request is based on a consideration of a total number of apartment units, regardless of whether some are affordable or not.

At the same time, staff is aware that the proposed affordable housing component could be ensured through a private legal document executed by the owner and a local neighborhood association, such as the Bouldin Creek Neighborhood Association (BCNA). Staff has been informed by the applicant that the current commitment from the owner would be 170 affordable units guaranteed to remain in place by binding legal instruments for a minimum period of 35 years, and an additional 3 affordable units would be provided, with rents of no greater than 60% MFI. Should the zoning request be received favorably by the Planning Commission and City Council, staff expects such documents relating to the provision of affordable housing would be executed prior to the Council's third reading of the zoning ordinance.

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Staff has received correspondence and comment forms from stakeholders related to the application (see Exhibit C). Additionally, the applicant has provided a conceptual plan for illustrative purposes (see Exhibit I). Please note, a site plan, renderings, or other illustrations may be conceptual in nature, may not necessarily comply with all aspects of the Land Development Code, have not been reviewed by staff for compliance with the LDC, are not required as part of the rezoning request, and are not in any way binding on the applicant or formally incorporated into an application.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-3-NP	Multifamily
<i>West (east of S 1st St)</i>	CS-MU-V- CO-NP	Automotive repair and detailing; various retail & commercial services; single-family residential; utility lot; and carpet cleaning service
<i>West (west of S 1st St)</i>	CS-MU-V- CO-NP	Food trailers; various restaurant & retail; car wash; restaurants; and auto service station
<i>East</i>	SF-3-NP	Wilson St; single-family and duplex residential; Euclid Ave
<i>North (south of Live Oak)</i>	SF-3-NP; CS- MU-CO-NP	Single-family and duplex residential
<i>North (north of Live Oak)</i>	CS-MU-CO- NP; CS-MU- V-CO-NP; SF-3-NP; MF- 3-NP	Strip retail; single-family residential; Phoenix House; Crockett Street
<i>South (north of Oltorf)</i>	CS-V-CO-NP; GR-CO-NP; LR-CO-NP; SF-3-NP	High-turnover restaurants; various retail and offices; and single-family residential
<i>South (south of Oltorf)</i>	CS-CO-NP; CS-1-CO-NP; GR-CO-NP; SF-3-NP; P- NP	Convenience store; various retail and commercial services; restaurant; single-family residential; and South Austin Activity Center

TIA: Under Review (see Exhibit T for staff memo)

DESIRED DEVELOPMENT ZONE: Yes

HILL COUNTRY ROADWAY: No

CAPITOL VIEW CORRIDOR: No

WATERSHED: East Bouldin Creek Watershed

NEIGHBORHOOD ORGANIZATIONS:

Bouldin Creek Neighborhood Assn.	127
Dawson Neighborhood Assn.	154
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
SoCo-South First St.	752

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Dawson Neighborhood Planning Contact Team	976
Homeless Neighborhood Organization	1037
Bouldin Creek Neighborhood Planning Team	1074
League of Bicycling Voters	1075
Perry Grid 614	1107
Austin Parks Foundation	1113
Super Duper Neighborhood Objectors and Appeals Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
South First IBIZ District	1323
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Beyond2ndNature	1409

SCHOOLS:

Austin Independent School District:

Travis Heights Elementary School

Fulmore Middle School

Travis High School

An Educational Impact Statement, prepared by the Austin Independent School District, indicates there will minimal, if any, impact to the area schools (see Exhibit S). The only anticipated impact is a slight increase to the local elementary school.

CASE HISTORIES:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
North of Oltorf			
C14-05-0152 (2008-A S 1 st St)	SF-3-NP to LR-MU-NP	Recommended; 10/25/2005	Approved; 03/23/2006
C14-69-185 (510 W Live Oak)	"A" 1 st H&A to "LR" 1 st H&A		Approved; 08/07/1969
C14-82-143 (508 W Live Oak)	"A" 1 st H&A to "C" 1 st H&A	Recommended; 11/02/1982	Approved; 01/86/1983
C14-69-087 (400-410 W Live Oak at Wilson)	"A" 1 st H&A to "B" 1 st H&A		Approved; 05/08/1969
C14-71-188 (418, 415-419 Crockett)	"A" 1 st H&A to "B" 1 st H&A	Recommended "BB" with RC for use of boardinghouse facilities, to revert to "A" if this use is discontinued.	Recommended "BB" on 1 st reading, 09/02/1972; case dismissed 09/28/1972
C14-65-122 (204-306 Crockett & 2007-2011 Wilson)	"A" 1 st H&A to "B" 2 nd H&A	Denied; To Grant "B" 1 st H&A; 06/21/1965	Approved; 05/05/1966
C14-67-126 (107-303 Johanna	"A" 1 st H&A to "O" 1 st H&A;		Approved; 06/25/1970

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at Wilson)	Amended to "B" 1 st H&A		
C14-62-183 (106-204 Crockett)	"A" 1 st H&A to "B" 2 nd H&A		Approved; 02/07/1963
C14-00-2180 (607 Fletcher)	SF-3 to GO, Amended to LO	Denied LO; 10/17/2000	Denied LO; 03/22/2001
C14-01-0181 (2309-2311 S 2 nd)	SF-3 to MF-2 (Withdrawn 01/28/2002)		
Oltorf/South of Oltorf			
C14-84-259 (606-608 W Oltorf)	"A" 1 st H&A (SF-3) to NO	Recommended NO as amended; 01/08/1985	Approved NO with street deed; 02/27/1986
C14-00-2239 (605 W Oltorf)	SF-3 to NO	Recommended NO-MU; 12/19/2000	Approved NO-MU; 02/15/2001
C14-01-0061			
C14-98-0080 (504 W Oltorf)	LO to LR	Recommended LR-CO; 08/04/1998;	Approved as PC recommended; 05/06/1999
C14-97-0152 (310-312 W Oltorf) [City Initiated]	SF-3 to NO	Recommended NO; 12/16/1997	Approved NO w/Street Deed 02/26/1998
C14-00-2186 (306 W Oltorf)	SF-3 to NO	Recommended; 12/05/2000	Approved; 03/01/2001
C14-97-0070 (300-306 W Oltorf)	SF-3 to NO	Recommended; 09/30/1997	Approved; 10/30/1997
C14-72-44 (2501-2507 S 1 st St)	"A" 1 st H&A to "C" 1 st H&A		Approved; 05/18/1972
C14-86-223 (Gillis Park) [City Initiated]	CS and SF-3 to P	Recommended; 11/25/1986	Approved; 12/04/1986
C14-61-92 (2408 S 1 st St)	"C" 1 st H&A to "C-2" 1 st H&A	Recommended	Approved 08/10/1961
C14-69-002 (2410 S 1 st St)	"C" 1 st H&A to "C-2" 1 st H&A		Approved; 03/06/1969
C14-60-138 (2424 S 1 st St)	"A" 1 st H&A to "C" 1 st H&A		Approved; 12/08/1960
C14-99-0034 (2432 S 1 st St)	SF-3 to GO	Recommended GO; 04/20/1999	Approved LO; 07/22/1999
C14-04-0180 (2444 S 1 st St)	SF-3 to GR	Recommended GR-CO; 12/21/2004	Approved GR-CO; 01/27/2005
C14-06-0032 (2510 S 1 st St)	SF-3 to CS, GO, GR, LO with Conditions	Recommended CS-CO, GO-CO, GR-CO, LO-CO; 05/09/2006	Approved CS-CO, GO-CO, GR-CO, LO-CO; 09/28/2006

In addition to the cases noted above, Bouldin Creek Vertical Mixed Use (VMU) was adopted by the Council in December 2007 (C14-2007-0220). This applied vertical mixed use (V) district

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zoning to approximately 170 parcels tracts in the Bouldin Creek Neighborhood Plan area. Application of the V designation was primarily along Barton Springs Road, the west and east side of South 1st Street, and the west side of South Congress Avenue.

Likewise, on January 10, 2008, the Council adopted the VMU for the Galindo Neighborhood (C14-2007-0238); this resulted in approximately 25 parcels on the west side of South 1st Street, south of Oltorf Street, to be designated with V zoning. On that same date Council adopted an ordinance adding V district zoning to approximately 60 parcels in the Dawson Neighborhood Plan area (C14-2007-0236), which impacted properties on the east side of S 1st St and the west side of S Congress Ave, between Oltorf and Ben White Boulevard.

With the adoption of the Dawson Neighborhood Plan, adopted in December, 2001, Dawson properties were appended with the NP suffix (C14-01-0061). The Bouldin Creek Neighborhood Plan was adopted in May 2002, and the NP suffix was added to the zoning string of properties within that plan area as well (C14-02-0031).

RELATED CASES:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
C14-67-211 (400-404 Oltorf & 2204-2318 Wilson)	"A" 1 st H&A to "B" 1 st H&A	Recommended (per CC minutes)	Approved; 01/11/1968

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Wilson Street	57'	26'	Local	Yes	No	No

PROPOSED CONNECTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
W Oltorf Street	60' – 80'	approx. 40' - 50'	Arterial	Yes	Yes	Yes
S 1 st Street	60' – 70'	approx. 42' - 60'	Arterial	Yes	Yes	Yes
Durwood Street	approx. 40'	approx. 40'	Local	No	No	No

ABUTTING TRANSIT:

Name	Capital Metro Bus Service	Existing Bicycle Facility	Recommended Bicycle Facility (2009 Plan)
S 1 st Street	10: S 1 st / Red River 110: South Central Flyer	Shared Lane	Route 33: Bike Lane
W Oltorf	331: Crosstown	Shared Lane	Route 72: Bike Lane
W Live Oak	n/a	Wide Curb	Route 168: Bike Lane

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CITY COUNCIL DATE: June 6, 2013

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman
e-mail address: lee.heckman@austintexas.gov

PHONE: 974-7604

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STAFF RECOMMENDATION**C14-2013-0020****BACKGROUND**

The subject tract is just shy of 9 acres and is located between S 1st St and Wilson St, north of W Oltorf St and south of W Live Oak St. For the past four decades it has served as an affordable housing complex known as Oak Creek Village, serving residents at the 30% Median Family Income (MFI) level. The current campus consists of 27 2-story buildings and surface parking. Access to the site has been provided by 2 driveways on Wilson St. The contract for the provision of affordable housing has reached its end, and the owner proposes to replace the 170 affordable housing units one-for-one and develop up to an additional 313 units of market-rate units, and at least 3 additional affordable units (at the 60% MFI level), for a total of 486 units.

The site slopes from east to west, and from the southeast to the northwest; the western property line approximates the centerline of East Bouldin Creek. The proposal includes closure of the Wilson St driveways, providing new access to W Oltorf via the existing Durwood St right-of-way, and to S 1st via a lot at 2217 that nearly aligns with Fletcher St west of S 1st. Provision of this driveway will involve crossing the Creek and associated floodplain. There are mature trees on site, but it is unknown to what extent these are considered protected in terms of size and species, or to what extent these may be impacted by redevelopment until a site plan is submitted.

The request is rezoning from MF-3-NP to MF-6-NP with conditions

Multifamily residence medium density (MF-3) district is the designation for multifamily use with a maximum density of up to 36 units per acre, depending on unit size. An MF-3 district designation may be applied to a use in a multifamily residential area located near supporting transportation and commercial facilities in a centrally located area or in an area for which medium density multifamily use is desired.

Multifamily residence highest density (MF-6) district is the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired.

SUMMARY STAFF RECOMMENDATION

Staff recommends granting MF-6-CO-NP with conditions.

Conditions to MF-6 district zoning recommendation are:

- 1) The maximum building height shall be limited to 60;
- 2) The maximum building coverage shall be limited to 60%;
- 3) The maximum impervious cover shall be limited to 70%;
- 4) The maximum number of units shall be limited to 486; and
- 5) Primary vehicular access to the site shall be from W Oltorf Street and/or S 1st Street.

A public restrictive covenant, executed in tandem with Council consideration of the ordinance, will incorporate the owner's responsibilities related to traffic improvements or design requirements as listed on the attached, or subsequent, TIA memo (see Exhibit T). Additionally,

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the owner is required to post fiscal surety and meet other requirements prior to Council consideration.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The Bouldin Creek Neighborhood Plan was adopted in 2002. At that time, future land use designations did not differentiate between levels of multifamily land use. Consequently, the FLUM developed as part of the planning process denotes the property as multifamily and no neighborhood plan amendment is required to allow for more intense multifamily use. In addition to being consistent with the FLUM of that Plan, the proposed project is consistent with Goal 1, Maintain Established Neighborhood Character and Assets. Specifically, the Plan states that: *multifamily development should be allowed in the interior of the neighborhood where already permitted by existing zoning.* Furthermore, new multifamily development should:

- 1) Have adequate offsite parking;
- 2) Provide adequate green space and buffers between multifamily and other land uses;
- 3) Be designed to mitigate or limit additional traffic impacts along residential streets or intersections; and
- 4) Not exceed 60 feet in height.

As proposed and conditioned, the project will provide onsite parking for all units and ancillary uses; no waiver will be sought to further reduce parking requirements or to use offsite parking or parking in public rights-of-way. As envisioned, the tallest buildings will be on the western and southern sides of the property, which is furthest away from the single-family residential to the east and north. The applicant has proposed limiting the tallest buildings to 60 feet, whereas MF-6 would allow 90 feet, and limit height to 40 feet for the rest of the property. The reconfiguration of vehicular access away from Wilson St to Durwood/Oltorf and S 1st St reduces the impact of the development on residential streets and places it on existing arterials.

While staff cannot comment on the provision of green space and buffers in the absence of a site plan, clearly the applicant is attempting to meet or exceed the goals of this neighborhood's plan. Moreover, should the applicant and another private party execute documents ensuring the project contains an affordable housing element, this would connect with one of the Top Ten Neighborhood Priorities as listed in the Plan, namely, *provide incentives for new affordable housing.* Granted, 170 units of affordable housing in this case is new/replacement rather than new/additional; yet the fact remains that the provision of affordable housing is consistent with the neighborhood's wishes as stated in the Plan.

Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing; and

The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

The presumption of affordable housing aside – which, if developed would clearly meet these principles, the proposal is for 486 units of rental housing on a site currently containing 170 units.

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The overall goal of the recently approved and adopted Imagine Austin Comprehensive Plan is to achieve 'complete communities' across Austin, where housing, community services, retail, employment, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another or easily accessible with public transit. Given this site's proximity and access to W Oltorf and S 1st Streets, both of which are characterized as commercial corridors and served with bus service, this site is ideally located. South 1st St is also designated as a Core Transit Corridor and an Image Austin Corridor. The former, as part of the City's commercial design standards, maintains specific requirements for wider sidewalks, building placement, street trees and planting zones, and off-street parking that will come into play as S 1st is redeveloped; the latter reflects this Core Transit Corridor status as well as a route that connects multiple activity or job centers or major transportation features. The site is also relatively close to Gillis Park and the South Austin Health Center, as well as several churches and educational campuses. The site's location and its redevelopment meet the *complete communities* goal of the Imagine Austin Plan, as well as that Plan's call for a mix of housing types.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors; and

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

MF-6 is the highest density of multifamily zoning currently contained in the Land Development Code. This district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired.

Although current access to the site is provided by Wilson Street, a local street, the proposed access is from Oltorf and S 1st, both of which are arterials. Though physically not abutting these arterials, for all intents and purposes, that is where the traffic impact will be. The additional of 316 residential units will have an impact to the existing transportation infrastructure; however, staff thinks the location of the proposed multifamily project on these arterials is justifiable, and certainly a preferred alternative to additional traffic on Wilson Street.

MF-6 zoning has been granted sparingly in the City. In fact, there are only 20 tracts with MF-6 zoning designation. Of those, 18 are accompanied by some form of conditional overlay. Eight of the twenty such-zoned parcels are south Lady Bird Lake, with the nearest one to this site being at 501 E Oltorf (now known as the District at So-Co Apartments). In similar fashion, the applicant has not requested unlimited MF-6 zoning. Instead, it has been requested with limits to height, building and impervious cover, and a cap on the maximum number of units. In fact, the proposal equates MF-4 development standards. The request for MF-6 is solely to account for the additional density allowance (i.e., units per acres) that would permit up to 486 units. That number, not by coincidence, is the number of units that could be constructed under and MF-4 zoning scenario.

The request can be perceived, and correctly so, as MF-4, but with additional density. Additional density is precisely what the MF-6 district is for. It affords the highest density and can be used in locations of close proximity to supporting transportation and commercial facilities. As noted above, W Oltorf and S 1st offer both. Though not adjacent to the central

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business district, downtown is nearby and easily accessible. Employment opportunities exist not only on S 1st and W Oltorf, but also along nearby S Congress and S Lamar, both within one-half mile of the property. Staff did not consider whether unlimited MF-6, which would represent high density multifamily use, is desirable for the site, but staff has concluded that the limited MF-6 as proposed is certainly reasonable.

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

The site currently contains 170 apartment units spread amongst 27 2-story buildings and associated surface parking. While the buildings have been professionally maintained, they are 40 year old apartment buildings. The proposal for 486 new units on this acreage, and a commitment to house all required parking onsite necessitates structured parking as well as the request for a more dense zoning district. Reduced-height development abutting the single-family and duplex residential along Wilson and W Live Oak Streets, as well as the relocation of the driveways from Wilson to S 1st and Oltorf Streets, helps reduce sensory and traffic impacts from a more intense multifamily project. Likewise, the City's compatibility standards, which did not exist at the time of the original construction, will further influence how this phased project is designed. Therefore, whether a new multifamily project is more compatible than an existing project is unknown with certainty; however, staff thinks the conditions recommended with the rezoning and the City's requirements for compatibility adequately protect adjacent and nearby single-family residents, and certainly steps have been offered to eliminate any detrimental impact.

Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner, nor result in spot zoning.

Austin continues to attract residents and our existing housing stock has appreciated in market price and lease rates. There is a need for affordable housing in Austin, affordable for those who are living below the City's median family income and served by affordable housing programs, and affordable for those who are earning a living wage but who stretch to meet monthly housing costs. There is also a need for rental housing, for those who prefer to rent or who are transitioning into or out of homeownership. This proposal helps satisfy that need.

Staff recognizes that replacing 170 affordable housing units with the same and adding 318 more may be perceived by some as a significant entitlement, or special privilege, for the owner. Staff is also aware that the owner is currently entitled to redevelop the site under MF-3 zoning with 324 units of market-rate apartments. The request is essentially for MF-4 development standards, with additional density.

In the end, staff thinks the City needs and would quickly absorb 486 units of rental housing; the demand exists. Furthermore, this location is a reasonable one for such a project, given that multifamily use already exists at the site and the locational benefits of the site to transit, commercial, and other elements as discussed above. Conditions to the request tailor the proposed zoning for the site, but no more so than the other 18 properties zoned MF-6-CO or MF-6-CO-NP. Staff thinks the request is reasonable and granting the request is warranted. Moreover, should 170 of the proposed units be developed as affordable for those in the 30% MFI demographic, staff is confident any perceived entitlement is balanced by need, and justified.

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SITE CHARACTERISTICS, EXISTING CONDITIONS, & REVIEW COMMENTS

The subject tract is located between S 1st St, Wilson St, W Oltorf St, and W Live Oak St and consists of 8.991 acres. It is developed with multifamily housing and associated surface parking, and is served by 2 driveways on Wilson St. The property slopes from east to west, and from the southeast to the northwest; the western property line approximates the centerline of East Bouldin Creek. Improvements exist within the floodplain. There are trees on site, but it is unknown to what extent these are considered protected in terms of size and species.

PDR Comprehensive Planning Review

The zoning case is located on the west side of Wilson Street and is located within the boundaries of the Bouldin Creek Neighborhood Planning Area. Surrounding land uses include single family houses to the north and east, commercial properties to the west, and a variety of residential, and commercial uses to the south. The developer wants to clear the existing multi-family apartment complex and build a new multi-family complex at a higher density.

The Future Land Use Map of the Bouldin Creek Neighborhood Plan identifies this property as 'Multi-Family.' The following objectives and actions in the Bouldin Creek NP support multi-family apartments.

- **Objective 1.1:** Maintain Single Family Residential Character (pg 14)
 - Properties located within the interior of the neighborhood that are zoned for single family should remain as single family land uses.
 - Multifamily development should be allowed in the interior of the neighborhood where already permitted by existing zoning.
 - New multifamily development should: have adequate off-street parking; provide adequate greenspace and buffers between multifamily and other land uses; be designed to mitigate or limit additional traffic impacts along residential streets or interactions; and not exceed 60 ft. in height.
- **Action 17:** Provide incentives to developers to include affordable housing units serving households at or below 80% of the Area Median Income by offering neighborhood support for such developments. (pg 20)

The Growth Concept Map identifies nothing specific for Wilson Street, 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

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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 the Bouldin Creek Neighborhood Plan and Imagine Austin policies referenced above that supports a variety of housing types being located throughout Austin, and replacing an existing multi-family development, staff believes that the proposed residential use is in compliance with both Imagine Austin and the Bouldin Creek Neighborhood Plan.

PDR Environmental Review

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is a flood plain within the project area.

01/15

5. 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.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

PDR Site Plan Review

1. Site plans will be required for any new development other than single-family or duplex residential.
2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
3. Subchapter E, Internal Circulation Routes (2.3.1) applies to all zoning districts on an Urban Roadway. Because this site is over 5 acres, compliance with ICRs (block size, sidewalks and building placement) will be required upon redevelopment.
4. Subchapter E lighting requirements of Section 2.5 will apply.
5. Compliance with Section 2.7 of Subchapter E will apply for this site because there are more than 10 units, and because the site is over 2 acres. 5% of the gross site area must be devoted to private common open space, complying with the design regulations in 2.7.

PDR Transportation Review

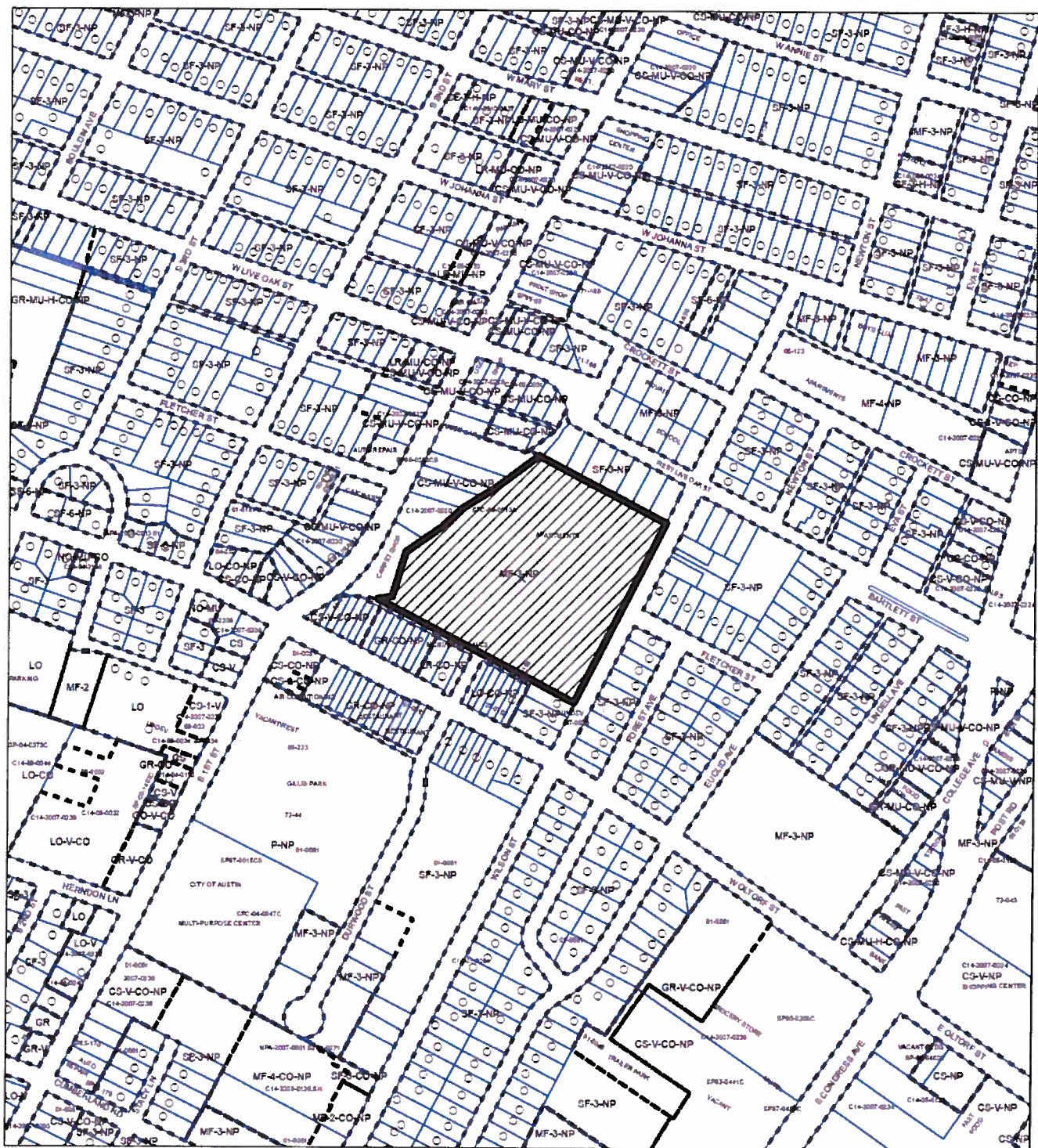
1. A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.
2. Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Wilson Street	57	26	Local	Yes	No	No

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.

C14/16



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

ZONING
ZONING CASE#: C14-2013-0020

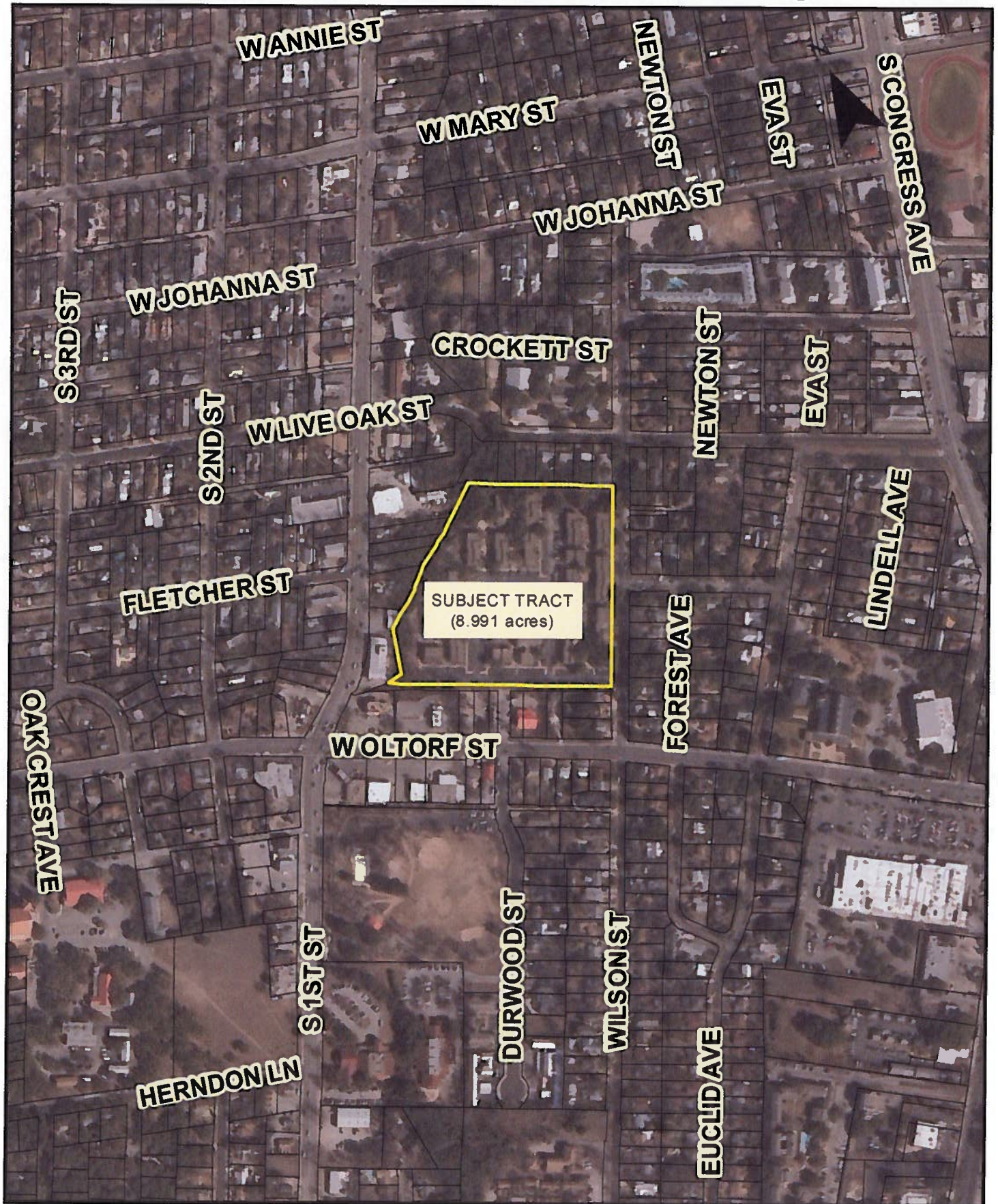
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



Exhibit A - Zoning Map

9/1/17



Imagery: 2011

Exhibit A-1:
Aerial

0 200 400 800 Feet
1 inch = 400 feet

C14-2013-0020 / Oak Creek Village

C/4/18



Imagery: 2011

Exhibit A-2:
Aerial & Zoning

0 75 150 300
Feet

1 inch = 150 feet

C14/19



Imagery: 2011

Exhibit B
Proposed Access & Creek

0 50 100 200 300 Feet

1 inch = 150 feet

04/20

Tom Sechrest

Sent: Tuesday, March 19, 2013 7:06 AM

To: Heckman, Lee

Subject: RE: Wilson Street Rezoning CASE NUMBER C14-2013-0020

I am a long-time resident of this neighborhood (just around the corner from the proposed rezoning) and I am AGAINST this rezoning.

I am out of the country on business and unable to attend the hearings, but this neighborhood cannot easily handle the density that the developers are seeking. Worse, if these developers simply receive the rezoning and then sell, all bets are off. While I would not miss the "projects," as they have been a source of crime problems the entire time I have resided in the neighborhood (twenty plus years), adding that many more people to this side street would greatly diminish the quality of life in the neighborhood.

TOM SECHREST
2109 Newton Street
Austin TX 78704

01/21

From: Laura Raun
Sent: Sunday, March 24, 2013 5:06 PM
To: Heckman, Lee
Subject: Case # C-14-2013-0020

Dear Lee Heckman:

We reside at 206 Fletcher St. and would like to formally oppose this rezoning application on the grounds of excessive density that conflicts with the Bouldin Creek Neighborhood Plan in 3 ways.

When is the public hearing scheduled on this application?

1. MF6 does not maintain established neighborhood character and assets
2. MF 6 does not manage growth by encouraging development in existing higher-density nodes
3. MF 6 does not create a transportation network that allows residents to walk, bike, ride, roll, and drive safely

Please acknowledge that our opposition will be formally included in this application.

Thank you,

John S. and Laura R. Carroll

206 Fletcher St.
Austin, TX 78704

From: Heckman, Lee
Sent: Monday, March 25, 2013 11:44 AM
To: 'Laura Raun'
Subject: RE: Case # C-14-2013-0020

Ms. Raun:

Your correspondence will be included in any staff report submitted to the Planning Commission and City Council. Public hearing dates have not been scheduled by staff at this time. If you live within 500' of the subject property and received a Notice of Filing, you will also receive mailed notice of the public hearings.

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

Exhibit C - 2

01/22

From: Ashley McLain
Sent: Wednesday, March 20, 2013 9:42 PM
To: Heckman, Lee
Cc: JC Gmail
Subject: 2324 Wilson Street

Hi Lee. How are you?

I'm writing about the Wilson Street case. We live just down the street. We support the housing redevelopment that retains the affordable housing component, since our kids have attended Travis Heights Elementary and we understand there are about 80 kids that would be affected if the affordable housing is not retained.

We support the proposal to move ingress/egress off of Wilson Street. Still, there will be a large increase in traffic. There is already high speed traffic on Wilson Street in front of our house between West Live Oak and Johanna Street, despite Johanna representing a deadend for Wilson Street. What can we do to request a traffic control device in front of our house (near Crockett and Phoenix Academy?) That would be very helpful since we have many neighbors with small children and pets.

Thanks for considering my thoughts, Ashley

L. Ashley McLain, AICP
Principal
Cox|McLain Environmental Consulting, Inc.
6010 Balcones Dr. Suite 210
Austin, TX 78731
(office) 512-338-2223
(cell) 512-299-6856
www.coxmclain.com

C11/23

From: Linda
Sent: Tuesday, May 07, 2013 3:16 PM
To: Heckman, Lee
Subject: Re: C14-2013-0020, Oak Creek Village @ 2324 Wilson, Austin, Texas 78704

Mr. Heckman,

I received the Public Hearing Information regarding Oak Creek and there is not enough space on the form to articulate how wrong this appears to be.

The owner/developer presented the project as a redevelopment of existing Section 8/Low Income Housing and "Multi-Use/Market Rate" rentals to garner favor and a 200 million dollar tax credits to the neighborhood/Bouldin Creek Neighborhood Association (BCNA) and the City of Austin. We were all lied to which makes me mistrust or endorse any future project at this location for the same owner. Section 8 is a cash cow for an owner; a guaranteed income and Federal Government backing/guarantees unlike any other "landlord".

The added upscale apartments were meant to serve as a "movin on up" experience and abate the "us versus them" feelings expressed by current residents. Another concern is that the future Home Owners Assoc. *will not/cannot* be the same management company; difficult to manage the 9+ acres in such close proximity and promotes the *us versus them* scenario.

This project will take years from start to finish and down grade my property value with construction noise, traffic, dust, and dirt as it is directly across the street. No one sells property next to an ongoing construction site.

There is still no assurance that the additional 3rd story (currently 2 story structure) will not adversely affect my view to the west. It was reported by the developer during the meeting at St Ignacius church, that my view would lose 4-6 feet as the building along Wilson street would be dug/dropped to accommodate the 3rd story and not impede the view. My question still is and what is atop the roof (air conditioner units, heaters, air ducts, elevator equipment...).

Difficult to believe the owner-builder-developer now. It is clear that this was the intent from the beginning. A project this large does not change overnight and I would recommend the tax credit be withdrawn. If the owner cannot bank roll what is turning out to be a spec project; sell it and let a new developer come in.

Looking forward to the Hearing dates to uncover the truth of the project.

Linda Yost
218 Fletcher
Austin, Texas 78704

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

From: Linda
To: joi.harden <joi.harden@austintexas.gov>; laura.morrison <laura.morrison@austintexas.gov>; lee.leffingwell <lee.leffingwell@austintexas.gov>
Sent: Fri, Apr 26, 2013 12:47 pm
Subject: RE: C14-2013-0020, Oak Creek Village @ 2324 Wilson, Austin, Texas 78704
Neighbors,

I received an E-mail indicating that since receiving our Bouldin Creek Neighborhood Assoc. (BCNA's) endorsement for the 200+ million in "tax credits", the owner is now changing the "multi-use" rental 2/3 portion of the project to selling them. Let's keep informed as I am always leery of projects that change so quickly without our knowledge and prior to the zoning/planning approval.

My questions/suggestions RE: C14-2013-0020, Oak Creek Village @ 2324 Wilson, Austin, Texas 78704

Exhibit C - 4

01/24

1-what will be atop of the three story buildings along Wilson (heating, air conditioners...), and 2- that my vertical view impact ("compatible-along Wilson Street) will only lose approximately 4-6 feet with the third story addition as the grading will go DOWN to accommodate the new sloping of the property/addition.

Suggestions:


- *Impermeable fencing along Wilson Street
- *No Pedestrian gates (use office gate on south end of Wilson)
- *Security Cameras through out complex (welcome to post on my trees to face apartments/Wilson Street)
- *Austin Police Department (APD) to actually ticket/tow illegally parked cars/trucks along the west side of Wilson Street. It is not being enforced. APD responds and have waited up to 25 mins for cars to leave rather than ticket (still).
- *Noise complaints (late night parties) are being dealt with by Austin Police or the management company. There is a HIGH amount of foot and vehicle traffic (illegally parked on Wilson) going in and out of several apartments along Wilson, especially on Weds and Thurs nights.
- *Dogs running loose (no leashes)
- *Alcohol use and loud music out of illegally parked cars on Wilson (beer can litter)
- *Litter along Fletcher and Wilson street
- *Men working on their cars on Wilson (often illegally parked on the west or east side with doors wide open; creating driving hazards
- *Add speed bumps to lower vehicle speed
- *Add sidewalks on the south side of Fletcher Street (effect only 3 properties; none of which have curbside "improvements". These properties all have telephone poles/easements that would be conducive to adding sidewalks and would cut down on owners "lawn care"; providing somewhere for all of the pedestrian traffic to walk. Wilson already has sidewalks on the west side and Oltorf and Live Oak both had sidewalks.
- *Add Resident Restricted Parking (RPP) which would not include apartment/renters (they will have "enough parking for themselves and visitors) and that APD WILL enforce it.

Grateful,
Linda Yost
218 Fletcher Street
512-518-3623

5/5/13 Just A Note
CASE #
Dear Lee : C14-2013-0020

My husband's age (81) and ill health make it impossible for us to attend the scheduled hearings. I am 75 and try to not drive after dark any more.

Please make sure that our opposition, strong opposition to this zoning change and our reasons for it, are incorporated into your summary of the neighborhood feedback. Thank you and best regards.



www.austintexas.gov

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

Case Number: C14-2013-0020
Contact: Lee Heckman, 512-974-7604
Public Hearing: May 14, 2013, Planning Commission
May 23, 2013, City Council

DAGMAR & TERENCE GRIEDER
Your Name (please print)

502 W. LIVE OAK ST.
Your address(es) affected by this application

Dagmar Grieder
Signature

512-916-8961
Daytime Telephone

Comments: WE ARE STRONGLY OPPOSED TO THIS AGGRESSIVE ZONING CHANGE ON THE GROUNDS THAT IT WOULD DESTROY AN ORIGINALLY NEIGHBORHOOD WHICH SURROUNDS IT COMPLETELY. THIS ZONING CHANGE IS NOT LIKE OTHER PROJECTS RECENTLY APPROVED. IT DOES NOT FRONT ONTO A MAJOR THOROUGHFARE WHICH CAN ABSORB THE HUGE INCREASE IN TRAFFIC, PARKING, TRASH AND STREET CRIME.

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

01/25

PUBLIC HEARING INFORMATION

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R 5/8/13

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.

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Case Number: C14-2013-0020

Contact: Lee Heckman, 512-974-7604

Public Hearing: May 14, 2013, Planning Commission

May 23, 2013, City Council

Patrick Gray

Your Name (please print)

2305 Forest Ave., Austin, TX 78704

Your address(es) affected by this application

5-4-13

Date

Patrick Gray

Signature

Daytime Telephone: 432-967-5373

Comments: There is already off premises parking issues with residence from this complex. the feel any additional occupants will further compound the problem as well as increase the frequency of law enforcement issues which is also an ongoing problem. the plan you maintain the existing zoning status & concentrate on resolving the problems at hand. Thank you.

most sincerely,
Patrick + Lee Gray

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: C14-2013-0020

Contact: Lee Heckman, 512-974-7604

Public Hearing: May 14, 2013, Planning Commission

May 23, 2013, City Council

LINDA YOST

Your Name (please print)

218 FLETCHER STREET

Your address(es) affected by this application

AUS, TEX 78704

Linda Yost

Signature

Date

Daytime Telephone: 512-513-3623

Comments: THE OWNER/DEVELOPER LIED ABOUT THE PROJECT WITH A RE-DO ON THE SECTION OF "MIXING DISTRICT" AND "MIXED-USE" A "MIXED-USE" RENTALS, BUT THE ADJACENT TAX CREDIT WAS REQUESTED AND ENDED BY BOUNDED WITH A "MIXED-USE" ALONG (BUT) THE PROJECT "CHANGED" TO "MIXED-USE" DISTRICTS. THIS DOES NOT MEAN THE "MIXED-USE" MAPS ON UP" ON 11/14/13. THE "MIXED-USE" MAPS ON UP" ON 11/14/13. THE "MIXED-USE" MAPS ON UP" ON 11/14/13. THE "MIXED-USE" MAPS ON UP" ON 11/14/13.

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City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

PRIMITY. HANDS
THEY MANAGE THAT
PROPERTIES NEW 21

2/27

INFORMACIÓN DE AUDIENCIA PÚBLICA

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

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

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

R 05/08/13

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

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

www.austintexas.gov

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

Numero de caso: C14-2013-0020

Persona designada: Lee Heckman, 512-974-7604

Audiencia Publica: May 14, 2013, Planning Commission

May 23, 2013, City Council

Su nombre (en letra de molde)

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

Firma

Fecha

Daytime Telephone:

Comments:

BCNA & NEIGHBORS WOULD LIKE
TO ADD ENLIGHTENING TO THE MIXTURE IN
THE AREA TO BE GRANTED A PUD
MAKING PROPOSED (GILLMAN OFF OTHER
LANDS FOR PART OF GILLMAN (LANDS)
THIS WILL TAKE YOUNG FROM STREET &
BRING APART WARD EXISTING AND
REPRESENTED FROM THE STREET.
X DE-MARCEL JAY...

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

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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R 5/20/13

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Case Number: C14-2013-0020

Contact: Lee Heckman, 512-974-7604

Public Hearing: May 14, 2013, Planning Commission

May 23, 2013, City Council

DAW SCHUCKMAN

Your Name (please print)

603 W. LIVE OAK

☐ I am in favor
☒ object

Your address(es) affected by this application

5-14-13

Date

Signature

Daytime Telephone: 512-4418495

Comments: HIDDEN DENSITY WILL ONLY ADD

TO ALREADY CONGESTED

S. 1st. There are numerous traffic

accidents in this area. This

zoning change is not congruent

with safety in the Bouldin

Creek Neighborhood, especially

in lieu of the enormous condop-

development near S 1st / Ben White.

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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R 5114113

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Case Number: C14-2013-0020

Contact: Lee Heckman, 512-974-7604

Public Hearing: May 14, 2013, Planning Commission

May 23, 2013, City Council

MICHAEL MADDOX

Your Name (please print)

216 FLETCHER ST.

Your address(es) affected by this application

J. Michael Maddox

Signature

5/14/2013

Date

Daytime Telephone:

Comments: Concerned that extra height and density may happen. The creek and wildlife around the creek. I'm concerned as to what will happen to current residents of the apartments during construction. I am concerned about possible effect on the neighborhood plan.

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

Contact: Lee Heckman, 512-974-7604
Public Hearing: May 14, 2013, Planning Commission
May 23, 2013, City Council

Sidney Brammer

Your Name (please print)

216 Fletcher St.

Your address(es) affected by this application

☐ I am in favor
☒ Object

5/14/13

Date

Signature

Daytime Telephone: 512/657-8101

I am opposed to the rezoning application because:

- Traffic impact analysis is required and I feel certain that the impact will equate to increased traffic and parking problems in a neighborhood already beset with these issues, and a higher level of danger for pedestrians, especially children walking to school or playing in the neighborhood (schools in the immediate vicinity include Fulmore, Dawson, Becker, Galindo, Travis High, Travis Heights, St. Ignatius, not to mention the Boys and Girls Club and Gillis Park and Rec Center).
- An analysis of how the developer's plans comply or don't comply with the Bouldin Creek Neighborhood Plan. I feel certain there are many reasons why the proposed high density development will not fit the plan. Where is the design at this point?
- An analysis of the impact on the eastern flood plain along Bouldin Creek has not been done that I know of. The property line runs along the creek in back. Right now there is open space between two story apartment buildings and the watershed. What are height restrictions along an eastern watershed? I expect MF6 can go higher than MF3, so what will the lack of morning sun do to the health of the creek and its wildlife?

- The owner is 2007 Travis Heights LP, a subsidiary of Eureka Holdings, which is an out-of-town company that has only owned the property since 2007. This hardly indicates deep roots in the Bouldin Creek neighborhood community. Also, the company has shown itself to be VERY POOR MANAGERS of their property, not cracking down on the bad element that threatens the other members of the Oak Creek Village community and other nearby residents. There have been shootings, drug deals, sound complaints, trash complaints, and parking complaints that have NEVER been dealt with by this out-of-town company's management. Why should we assume that they'll do a better job with the property when it is higher density, i.e., more people problems? What will happen to the Title VIII working poor families who live in Oak Creek Village while the re-development is happening? I don't trust the owner to take care of these longtime neighbors and their children. Will their children be uprooted from their neighborhood schools?
- For me personally? I lose all afternoon sunlight from my sixty year old vegetable garden (4-5 hours of sunlight were already stolen when the city allowed a third turnover property owner next to me to build a second story on the original house next door and add a garage as big as the house right behind it. They also killed the 60 year old honeysuckle vines along the property line by shattering the roots with their bulldozer. With a 4-5 story edifice across the street, my family will lose the very food we eat. Lastly, I will never see another sunset from my front porch or living room window again. Not to mention that there will be 2-3 years of constant construction noise and back-up truck beeping, and caliche dust in the neighborhood, no more children around, and the wild life that we have loved watching from Bouldin Creek will be driven away for good.

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

5/14/13

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.

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R 5/13/13

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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: C14-2013-0020

Contact: Lee Heckman, 512-974-7604

Public Hearing: May 14, 2013, Planning Commission

May 23, 2013, City Council

Randy & Suzie Harriman
Your Name (please print)

2304 Euclid Ave.
Your address(es) affected by this application

[Signature]
Signature

5/13/13
Date

Daytime Telephone: 441-2505

Comments: The developer is requesting extremely high density housing in this Bouldin Creek neighborhood. What will they do to offset the negative impact to the area, regarding traffic especially? We do not object to the low income housing - we object to the high number of all units this developer wants to build.

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.

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R 514113

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Case Number: C14-2013-0020

Contact: Lee Heckman, 512-974-7604

Public Hearing: May 14, 2013, Planning Commission
May 23, 2013, City Council

Connie Seibert
Your Name (please print)

2310 Forest Ave
Your address(es) affected by this application

Connie Seibert
Signature

5/9/13
Date

Daytime Telephone: *512.916.9660*

Comments:

The amount of traffic, noise and the sheer number of people are not supportable on this site. MF-3 (Medium Density) is reasonable and supportable. And I do not believe for one minute that developed will be providing low-income housing.

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

OAK CREEK VILLAGE APARTMENTS - PHASE 1

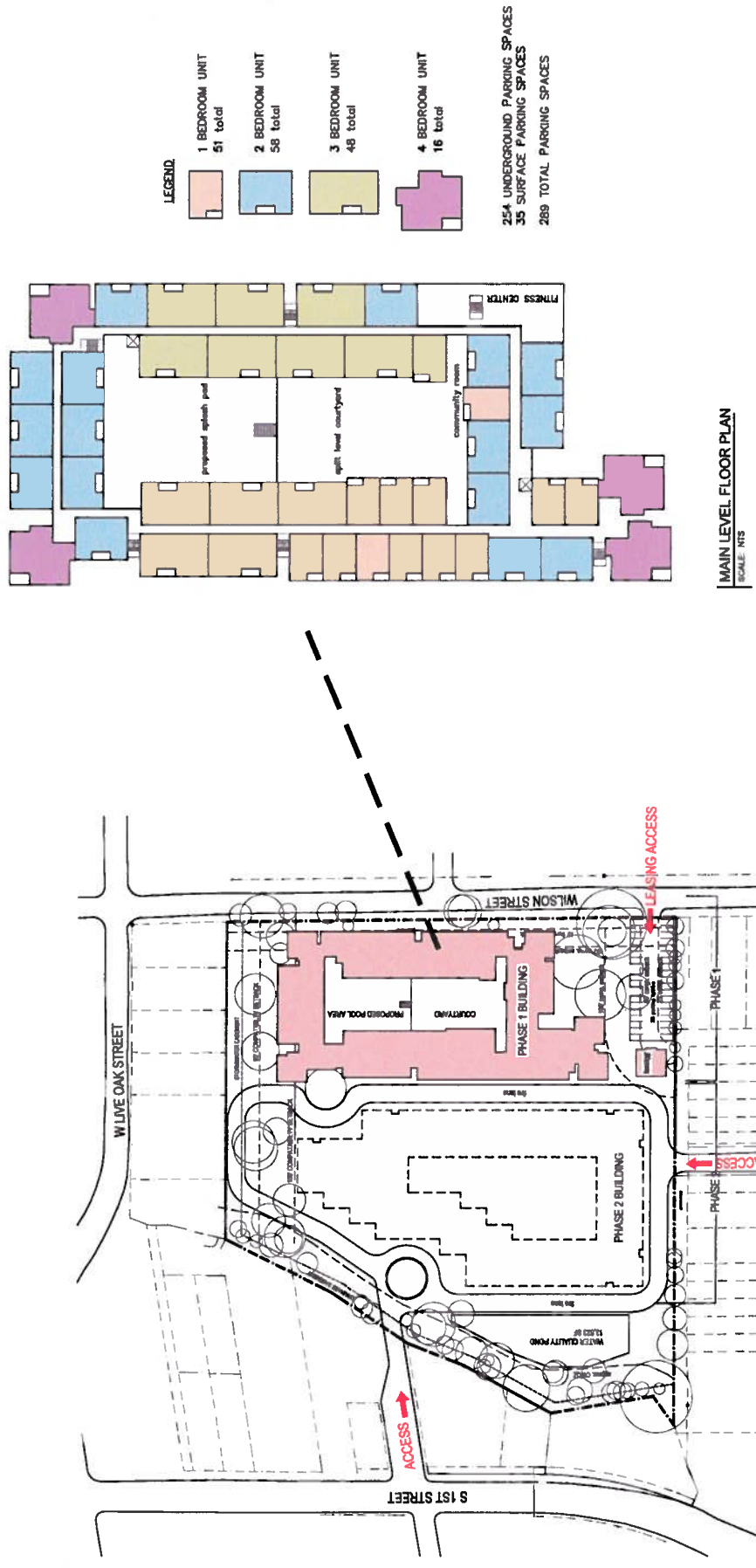


Exhibit I

01/94

011/35



May 8, 2011

Lee Heckman, AICP
City of Austin
Planning & Development Review Department – Zoning Division
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

RE: Case # C14-2013-0020, 2324 Wilson, Austin, Texas 78704

Dear Mr. Heckman,

The Bouldin Creek Neighborhood Association (BCNA) respectfully asks that the above mentioned Case, # C14-2013-0020, be postponed for review at the next Planning Commission meeting on May 14th until June 11, 2013.

BCNA is currently in negotiations with Eureka Holdings to construct a Conditional Overlay, a Private Restrictive Covenant and a Public Restrictive Covenant that will contain the terms of our negotiations. However, BCNA needs more time to review these draft documents and terms with the current residents of 2324 Wilson Street as well as neighbors located within 500 feet of the property.

We have notified Mark Rogers of Eureka Holdings of our intent to request a postponement but have not yet heard back from him.

Sincerely,

Cyndi Collen

Cyndi Collen
President

cc: Mark Rogers, Eureka Holdings
Nikelle Meade, Brown McCarroll

Bouldin Creek Neighborhood Association, P. O. Box 3683, Austin, Texas 78764

Email: cyncentral@me.com

Exhibit P - 1

C11/36

From: Kristy Kisling
Sent: Thursday, May 09, 2013 9:59 AM
To: Heckman, Lee
Subject: Postponement of Public Hearing

Kindly note that, I personally, and the BCNA would like a postponement of the Public Hearing for the following, currently scheduled for May 14 and May 23:

- Oak Creek Village Zoning Case # C14-2013-0020
- Address: 2324 Wilson, Austin, Texas 78704

Please honor our request for postponement, as we feel we need more time to properly inform the those concerned. I am, most definitely, against rezoning. I do NOT want the zoning to change from its current MF-3 status to MF-6. NO, NO, NO!!!!

I am a neighbor within 500 feet and I do not want to see more density! This neighborhood cannot take it, nor can the city of Austin, for that matter. We are increasing density way too fast and traffic is just out of control. Please consider this before allowing yet another developer to make a whole lot of money!

Best,
Kristy
212 W. Live Oak Street

Sent from my iPad

From: Nic
Sent: Thursday, May 09, 2013 7:58 AM
To: Heckman, Lee
Subject: Oak Creek Village Zoning Case # C14-2013-0020

I request postponement of zoning case for Oak Creek Village to allow time to review the plans. This is in my neighborhood. I would like the ability to review the proposal our neighborhood association is putting forth.

- Oak Creek Village Zoning Case # C14-2013-0020
- Address: 2324 Wilson, Austin, Texas 78704

Thanks you,

Nicole Reininger

011/57

401 Congress Avenue
Suite 2100
Austin, Texas 78701

512.370.2800 OFFICE
512.370.2850 FAX
winstead.com

May 10, 2013

direct dial: 512-370-2878
jdonisi@winstead.com

Mr. Lee Heckman, AICP
Zoning Case Manager, City of Austin
Planning & Development Review Department

VIA ELECTRONIC MAIL

Re: Zoning Case # C14-2013-0020

Dear Mr. Heckman,

We are in receipt of a request submitted by the Bouldin Creek Neighborhood Association (BCNA) seeking postponement of the above-mentioned case from May 14, 2013, to June 11, 2013.

We recognize that first postponement requests by neighborhood associations are traditionally granted, and we will not ask the Planning Commission to deny a postponement. But we respectfully request that a postponement of this case be to the May 28 Planning Commission meeting.

We have been in active discussions with BCNA regarding this zoning case since August of 2012. The negotiations and terms referenced by Ms. Collen in her letter have been agreed-to in principle since February, prior to the filing of this zoning case with the City on February 28, and prior to the filing of an application for tax credits with the Texas Department of Housing and Community Affairs on March 1. These negotiated items were memorialized into a term sheet provided to BCNA over two months ago, and into proposed conditional overlays and public and private restrictive covenants, at BCNA's request. Legal documents consistent with the term sheet were provided to BCNA for their review a full week prior to the date of this hearing. We have also agreed to cover legal fees of BCNA for their counsel to review these legal documents.

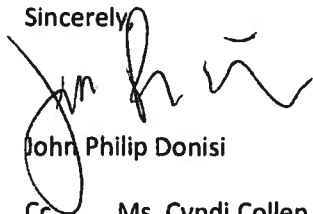
Throughout this process, we have consistently articulated that zoning approvals for this project need to be in place and effective by August 1, or tax credit funding from TDHCA, backed by a conditional funding commitment from the City of Austin, will be lost. Considering the City Council does not meet in the month of July, postponement of this case beyond May 28 puts in significant jeopardy the ability of the Council to consider this zoning case by the August 1 deadline.

Exhibit P - 3

04/38

In sum, we do not object to a postponement, but we request the case be postponed to May 28, as opposed to June 11, for the above-stated reasons.

Sincerely,

A handwritten signature in black ink, appearing to read "John Philip Donisi". The signature is fluid and cursive, with a large initial "J" and "P".

John Philip Donisi

Cc. Ms. Cyndi Collen

Ms. Nikelle Meade

Mr. Mark Rogers

01/39



May 13, 2011

Lee Heckman, AICP
City of Austin
Planning & Development Review Department – Zoning Division
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

RE: Case # C14-2013-0020, 2324 Wilson, Austin, Texas 78704

Dear Mr. Heckman,

The Bouldin Creek Neighborhood Association's (BCNA) Steering Committee has decided to capitulate to the applicant's desire for the above mentioned Case, # C14-2013-0020, to be heard at the May 28th Planning Commission.

A BCNA officer will be present at tomorrow night's Planning Commission to reiterate our position.

Sincerely,

Cyndi Collen

Cyndi Collen
President

cc: John Donisi, Winsted PC
Nikelle Meade, Brown McCarroll
Mark Rogers, Eureka Holdings
Chad Kimbell, BCNA Zoning Chair

Bouldin Creek Neighborhood Association, P. O. Box 3683, Austin, Texas 78764

Email: cyncentral@me.com

Exhibit P - 5

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent
School District



PROJECT NAME: Oak Creek Village

ADDRESS/LOCATION: 2324 Wilson Street

CASE #: C14-2013-0020

CITY COUNCIL DATE: _____

☐ NEW SINGLE FAMILY

☒ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☒ TAX CREDIT (170 units)

SF UNITS: _____

STUDENTS PER UNIT ASSUMPTION: (See

MF UNITS: 486 New Units/170 Demolished Units

STUDENTS PER UNIT ASSUMPTION: Narrative)

ELEMENTARY SCHOOL: Travis Heights

RATING: Recognized

ADDRESS: 2010 Alameda Drive

PERMANENT CAPACITY: 486

% QUALIFIED FOR FREE/REDUCED LUNCH: 76.6%

MOBILITY RATE: -2.4%

ELEMENTARY SCHOOL STUDENTS	Current Population	5- Year Projected Population	5-Year Projected Population (w/ proposed development)
Number	574	631	654
% of Permanent Capacity	118%	130%	133%

☒ INCREASE

☐ DECREASE

☐ NO IMPACT

MIDDLE SCHOOL: Fulmore

RATING: Academically Acceptable

ADDRESS: 201 East Mary Street

PERMANENT CAPACITY: 1,078

% QUALIFIED FOR FREE/REDUCED LUNCH: 79%

MOBILITY RATE: 14%

MIDDLE SCHOOL STUDENTS	Current Population	5- Year Projected Population	5-Year Projected Population (w/ proposed development)
Number	1,160	1,201	1,211
% of Permanent Capacity	108%	111%	112%

☐ INCREASE

☐ DECREASE

☒ NO IMPACT

HIGH SCHOOL: Travis

RATING: Academically Acceptable

ADDRESS: 1211 East Oltorf Street

PERMANENT CAPACITY: 1,862

% QUALIFIED FOR FREE/REDUCED LUNCH: 92.3%

MOBILITY RATE: -30%

HIGH SCHOOL STUDENTS	Current Population	5- Year Projected Population	5-Year Projected Population (w/ proposed development)
Number	1,947	2,029	2,042
% of Permanent Capacity	105%	109%	110%

☐ INCREASE

☐ DECREASE

☒ NO IMPACT

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent
School District



IMPACT ON SCHOOLS

The proposed development will be a phased construction. The first phase will involve the demolition of approximately half of the 170 low-income apartments and the construction of 170 new low-income apartments. The remaining portion of existing low-income apartments will then be demolished. Additional phases of the project will be the construction of 316 market rate apartments.

Currently, the apartment complex houses approximately 174 AISD students across all grades, and although there will be a period of time that these students are displaced, it is assumed that an equal number of students will replace them once phase one of the project is complete. Therefore, the only "net gain" of students will be a small number (35 across all grade levels) generated from the 316 market rate apartments, and should have a negligible effect on capacity at Fulmore Middle School and Travis High School. Travis Heights Elementary School may see a slight increase in enrollment that may place a further burden on its capacity.

TRANSPORTATION IMPACT

The proposed development is located within 2 miles of Travis Heights Elementary School, Fulmore Middle School, and Travis High School; therefore students would not qualify for transportation unless a hazardous route was identified.

SAFETY IMPACT

There are no safety impacts identified at this time.

Date Prepared: 05/23/2013

Director's Signature:

A handwritten signature in blue ink that reads "Paul Turner". The signature is written in a cursive style and is positioned above a horizontal line.

C14/40



MEMORANDUM

TO: Lee Heckman, PDRD-Current Planning
CC: Robert Halls, A.I.C.P., Joan Hudson, P.E.; Robert J. Halls and Associates
FROM: Joe Almazan, PDRD-Land Use Review
DATE: May 23, 2013
SUBJECT: Oak Creek Village Traffic Impact Analysis (TIA)
Zoning Case No.: C14-2013-0020
Staff Report Addendum

The Transportation Review Program is in the process of reviewing the Traffic Impact Analysis (TIA) for the Oak Creek Village zoning case (C14-2013-0020) prepared by Robert J. Halls and Associates dated March 9, 2013 and offer the following comments:

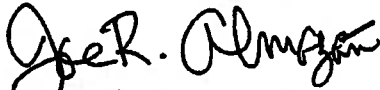
Recommendations/Conclusions

- (1) Prior to 3rd reading and approval of zoning case C14-2013-0020 at City Council, the posting of fiscal surety is required based on a pro-rata share of the listed roadway and traffic improvements from the engineer's cost estimates.
- (2) Final, written approval from the Austin Transportation Department is required prior to 1st reading of the zoning for the engineer's cost estimates of the recommended roadway and traffic improvements.
- (3) The applicant will coordinate with both the Public Works Department and Austin Transportation Department to modify the design of the future intersection of Fletcher St./S. 1st St./Site Driveway 3 to improve traffic operations for turning movements to/from Fletcher St., and to provide safe and convenient access to the site via Driveway 3. The applicant will pay a pro rata share of costs to implement the improvements.
- (4) The applicant will coordinate with both the Public Works Department and Austin Transportation Department to provide improvements to enhance mobility for all users along Live Oak Street. Improvements may include, but not be limited to, widening of the pavement up to 40 feet, sidewalks and curb ramps, and bicycle lane facilities. The applicant will pay a pro rata share of costs to implement the improvements.
- (5) The applicant will coordinate with Capital Metro to improve public transit access service at bus stops within ½ mile of the site. The applicant will contribute a pro rata share of the costs of implementing the improvements.
- (6) The applicant will notify existing businesses with frontage on Durwood Street of future improvements to the roadway and ensure that access will not be denied to their properties for purposes of parking, delivery and trash collection services during the construction phase of the project.

011/43

- (7) The applicant will contribute a pro rata share for the establishment of a traffic data collection box to be used by the Austin Transportation Department to determine needed system improvements in the area.
- (8) Site driveways should be constructed to the widths as recommended in the TIA and in accordance with the City of Austin Transportation Criteria Manual.
- (9) Three copies of the final version of the TIA incorporating all corrections and additions must be submitted prior to 3rd reading of the zoning.
- (10) Development of this property should be limited to uses and intensities which do not exceed or vary from the from the projected traffic conditions assumed in the TIA, including peak hour trip generation, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2674.



Joe R. Almazan
Development Services Process Coordinator
Land Use Review Division/Transportation Review Program
Planning and Development Review Department