

## SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2013-0020 – Oak Creek Village

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2324 Wilson Street (Bouldin Creek Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning with conditions.

The conditional overlay limits the number of units to 486, limits the maximum building height to 60 feet, limits maximum building and impervious cover to 60% and 70%, respectively, and prohibits access to Wilson Street for Residential Uses (as primary access will be via Durwood Street to Oltorf and/or from the property to South 1<sup>st</sup> Street).

The Public Restrictive Covenant is for conditions of the Traffic Impact Analysis, which has been reviewed and approved.

The applicant is also executing a private restrictive covenant with the Bouldin Creek Neighborhood Association that requires on-site affordable housing for 35 years, among other terms. Similarly, the applicant is executing a private agreement with the Oak Creek Tenants Council regarding relocation plans, services to be provided in the future, and other terms.

DEPARTMENT COMMENTS:

The Conditional Overlay and Public Restrictive Covenant incorporate the conditions imposed by the City Council at First Reading.

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

AGENT: Winstead PC (John Donisi).

DATE OF FIRST READING: June 6, 2009

CITY COUNCIL ACTION: Approved MF-6-CO-NP combining district zoning with a Public Restrictive Covenant for the conditions of the Traffic Impact Analysis, on First Reading (7-0).

CITY COUNCIL HEARING DATE: June 20, 2013. Note: Public Hearing Remains Open

ASSIGNED STAFF: Lee Heckman  
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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 1<sup>st</sup> 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).

**PLANNING COMMISSION RECOMMENDATION:**

May 28, 2013 To grant MF-6-CO district zoning with Conditions as Staff Recommended, with strong suggestion that Agreements between the Applicant and the Oak Creek Village Tenants' Association, and between the Applicant and Bouldin Creek Neighborhood Association, be finalized prior to Third Reading (D. Chimenti, R. Hatfield – 2<sup>nd</sup>); 8-0, A. Hernandez – Absent

May 14, 2013 Postponed at the request of the Bouldin Creek Neighborhood Association (Consent Motion by J. Stevens, D. Chimenti – 2<sup>nd</sup>); 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 1<sup>st</sup> 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 1<sup>st</sup> 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 173-unit apartment complex of affordable housing administered under a federal Housing and Urban Development (HUD) program. Residents served by the program 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 313 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 1<sup>st</sup> St through a property already under ownership just north of a utility lot. The access to S 1<sup>st</sup> 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 173 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.

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:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-3-NP	Multifamily
<i>West (east of S 1<sup>st</sup> 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 1<sup>st</sup> 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:** Approved (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
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 Appealers 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:****North of Oltorf**

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
C14-05-0152 (2008-A S 1 <sup>st</sup> 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 <sup>st</sup> H&A to "LR" 1 <sup>st</sup> H&A		Approved; 08/07/1969
C14-82-143 (508 W Live Oak)	"A" 1 <sup>st</sup> H&A to "C" 1 <sup>st</sup> H&A	Recommended; 11/02/1982	Approved; 01/86/1983
C14-69-087 (400-410 W Live Oak at Wilson)	"A" 1 <sup>st</sup> H&A to "B" 1 <sup>st</sup> H&A		Approved; 05/08/1969
C14-71-188 (418, 415-419 Crockett)	"A" 1 <sup>st</sup> H&A to "B" 1 <sup>st</sup> H&A	Recommended "BB" with RC for use of boardinghouse	Recommended "BB" on 1 <sup>st</sup> reading, 09/02/1972; case

		facilities, to revert to "A" if this use is discontinued.	dismissed 09/28/1972
C14-65-122 (204-306 Crockett & 2007-2011 Wilson)	"A" 1 <sup>st</sup> H&A to "B" 2 <sup>nd</sup> H&A	Denied; To Grant "B" 1 <sup>st</sup> H&A; 06/21/1965	Approved; 05/05/1966
C14-67-126 (107-303 Johanna at Wilson)	"A" 1 <sup>st</sup> H&A to "O" 1 <sup>st</sup> H&A; Amended to "B" 1 <sup>st</sup> H&A		Approved; 06/25/1970
C14-62-183 (106-204 Crockett)	"A" 1 <sup>st</sup> H&A to "B" 2 <sup>nd</sup> 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 <sup>nd</sup> )	SF-3 to MF-2 (Withdrawn 01/28/2002)		

**Oltorf/South of Oltorf**

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
C14-84-259 (606-608 W Oltorf)	"A" 1 <sup>st</sup> 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 <sup>st</sup> St)	"A" 1 <sup>st</sup> H&A to "C" 1 <sup>st</sup> 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 <sup>st</sup> St)	"C" 1 <sup>st</sup> H&A to "C-2" 1 <sup>st</sup> H&A	Recommended	Approved 08/10/1961
C14-69-002 (2410 S 1 <sup>st</sup> St)	"C" 1 <sup>st</sup> H&A to "C-2" 1 <sup>st</sup> H&A		Approved; 03/06/1969
C14-60-138	"A" 1 <sup>st</sup> H&A to		Approved; 12/08/1960

(2424 S 1 <sup>st</sup> St)	"C" 1 <sup>st</sup> H&A		
C14-99-0034 (2432 S 1 <sup>st</sup> St)	SF-3 to GO	Recommended GO; 04/20/1999	Approved LO; 07/22/1999
C14-04-0180 (2444 S 1 <sup>st</sup> St)	SF-3 to GR	Recommended GR-CO; 12/21/2004	Approved GR-CO; 01/27/2005
C14-06-0032 (2510 S 1 <sup>st</sup> 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 zoning to approximately 173 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 <sup>st</sup> H&A to "B" 1 <sup>st</sup> 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 <sup>st</sup> 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 <sup>st</sup> Street	10: S 1 <sup>st</sup> / 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

**CITY COUNCIL DATE:****June 6, 2013**Approved MF-6-CO-NP with Conditions (Motion by S. Cole;  
B. Spellman - 2<sup>nd</sup>) 7-0.**May 23, 2013**

Postponed to June 6 at the request of staff.

**ORDINANCE READINGS:****1<sup>st</sup>** June 6, 2013      **2<sup>nd</sup>**      **3<sup>rd</sup>****ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman  
e-mail address: lee.heckman@austintexas.gov**PHONE:** 974-7604



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

The subject tract is just shy of 9 acres and is located between S 1<sup>st</sup> 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 173 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 1<sup>st</sup> via a lot at 2217 that nearly aligns with Fletcher St west of S 1<sup>st</sup>. 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 1<sup>st</sup> 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 and/or adoption of a zoning ordinance.

### **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 off-street 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 1<sup>st</sup> 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, 173 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 173 units.

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 1<sup>st</sup> Streets, both of which are characterized as commercial corridors and served with bus service, this site is ideally located. South 1<sup>st</sup> St is also designated as a Core Transit Corridor and an Imagine 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 1<sup>st</sup> 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 1<sup>st</sup>, 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 addition of 313 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 of 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 1<sup>st</sup> offer both. Though not adjacent to the central

business district, downtown is nearby and easily accessible. Employment opportunities exist not only on S 1<sup>st</sup> 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 173 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 1<sup>st</sup> 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 173 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 173 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.

## **SITE CHARACTERISTICS, EXISTING CONDITIONS, & REVIEW COMMENTS**

The subject tract is located between S 1<sup>st</sup> 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*

*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.

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.







# C14-2013-0020 / Oak Creek Village



Imagery: 2011

Exhibit A-1:  
Aerial

0 200 400 800  
Feet

1 inch = 400 feet



# C14-2013-0020 / Oak Creek Village



## Imagery: 2011

## Exhibit A-2: Aerial & Zoning

0 75 150 300 Feet

1 inch = 150 feet



# C14-20123-0020 / Oak Creek Village



Imagery: 2011

**Exhibit B**  
**Proposed Access & Creek**

0 50 100 200 300  
Feet  
1 inch = 150 feet

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

**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](mailto:lee.heckman@austintexas.gov)

**Exhibit C - 2**



**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](http://www.coxmclain.com)

**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](mailto:joi.harden@austintexas.gov)>; laura.morrison <[laura.morrison@austintexas.gov](mailto:laura.morrison@austintexas.gov)>;

lee.leffingwell <[lee.leffingwell@austintexas.gov](mailto: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**

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 ape (81) did 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.



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)

☐ I am in favor  
☒ I object

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

Daymond Grieder 5/5/13  
Signature Date

Daytime Telephone: 512-916-8961

Comments: WE ARE STRONGLY OPPOSED TO THIS AGGRESSIVE ZONING CHANGE ON THE GROUNDS THAT IT WOULD DESTROY AN ORGANICALLY NEIGHBORHOOD WHICH SURROUND 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

## PUBLIC HEARING INFORMATION

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R 6/8/13

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.

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

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

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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

☐ I am in favor  
☒ Object

Patrick Gray 5-4-13  
Signature Date

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 this problem as well as increase the frequency of law enforcement issues which is also an ongoing problem. The party you maintain the existing zoning status or 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

Your Name (please print)

LINDA YOST

☐ I am in favor  
☒ I object

Your address(es) affected by this application

218 FLETCHER STREET  
AUS, TEX 78704

Signature

5/6/2013

Date

Daytime Telephone:

(512) 518 3623

Comments: THE OWNER/DEVELOPER LIED ABOUT

THE DISTRICT WITH A RE-DO ON THE SECTION  
OF FLETCHER STREET AND "MIXED-USE"  
"MIXED-USE" RENTALS, BUT THE 200  
MILLION DOLLAR CASE WAS APPROVED AND  
ENDORSED BY BOARD LATELY DEVELOPER  
ALICE (BUT) THE DISTRICT "CHANGED" TO  
SPEAKING THE URBAN DISTRICTS. THIS DOES NOT  
MEAN (W) I HAVE "MAYOR ON UP" / MY USE  
CASE, CANNOTS THE "US VS THEM" IN CLOSE  
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

PLANNING, HANDED  
THEY MANAGE THAT  
PROPERTIES NOW 21

11/12/2013

## INFORMACIÓN DE AUDIENCIA PÚBLICA

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

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

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

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](http://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)

☐ I am in favor  
☒ I object

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

Firma

Fecha

Daytime Telephone:

Comments:

BCNA & PCHM are well liked  
(all employees are mixed in)  
tax credits for private & public  
making project (5-11-13) off on the  
way for part of 5-11-13 (see below)  
this will take time from start to  
finish April was winning and  
represented from the street.  
X re-mailed you in

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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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.

R 5/20/13

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

DAW SCHULMAN

Your Name (please print)

603 W. LIVE OAK

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 51st/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

## PUBLIC HEARING INFORMATION

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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  
Date 5/14/2013

Daytime Telephone:

Comments: Concerned that extra height and density may happen The Creek and with 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 effects 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 (as affected by this application)

☐ I am in favor  
☒ I 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.

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R 5/13/13

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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

Randy & Suzie Harriman  
Your Name (please print)

☐ I am in favor  
☒ I object

2304 Euclid Ave.

Your address(es) affected by this application

[Signature]

Signature

5/7/13

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



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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

**From:** John Minter

**Sent:** Friday, May 24, 2013 6:17 PM

**To:** Heckman, Lee

**Subject:** Re: C14-2013-0020 / Oak Creek Village / 2324 Wilson Street Rezoning Materials

Mr. Heckman

My wife and I are owners of 2408 Wilson which we bought for our retirement. We strongly oppose granting high density zoning and this project. Our reasons are many and most have been expressed by our neighbors who have commented. The staff report quotes many high sounding city plans and studies. Let me quote just one study replicated many times over the years. Overcrowding leads to breakdown of social values, crime, and violence.

We don't need high density overcrowding and the neighborhood does not need or want this project.

Vote NO!

John A. Minter

On May 24, 2013, at 5:03 PM, Heckman, Lee wrote:

**From:** Tom Sechrest  
**Sent:** Friday, May 24, 2013 7:14 PM  
**To:** Heckman, Lee  
**Subject:** Re: C14-2013-0020 / Oak Creek Village / 2324 Wilson Street Rezoning Materials

It doesn't seem to matter what those in the neighborhood think. Going from 170 to more than 300 ADDITIONAL units (that's units, not people--number of people would be greater than 300) and going from 2-story to "no more than 60 feet high" will alter the character of the bordering neighborhoods indelibly. I'm not against development, and I'm not against density, But this is TOO dense and the height limit is TOO high. Those of us who have lived here for a long time and pay outrageous taxes merely because of the location--not because of the buildings--will bear the brunt of the radical recharacterization that will take place in the neighborhood. Even moving the entrances to Oltoft and South First will not change the fact that HUGE dense buildings completely out of sync with the adjacent neighborhoods will overshadow the homes that currently exist.

But our all-knowing city government likes this kind of idea and doesn't care about the characterization alteration in the neighborhood. The attitude is "you live downtown so you should expect this." We get nothing for our taxes except abuse.

So I'll go on record as against the highest density and height limits. But I don't expect my voice to be heard at all. I expect this project to be built as the city has pre-determined it will be.

**From:** Linda Yost

**Sent:** Saturday, May 25, 2013 4:30 PM

**To:** Heckman, Lee

**Subject:** Re: C14-2013-0020 / Oak Creek Village / 2324 Wilson Street Rezoning Materials

Lee,

Thanks for the info. I will be objecting to the project at the meeting and bringing my form on Tues.

Sadly, the last BCNA meeting at St Igneous was attended by a majority of Oak Creek Village apartment "residents" and their friends who were heard, counted and allowed to cast their "votes". Interesting since, BCNA members cannot vote at our regularly scheduled meetings without being "identified, registered and current in their dues" before casting votes.

My main complaint is that the current owner, management on property and the Austin Police Department have done nothing to address the current problems at the existing 170 units: chronic illegal parking in no parking/tow zones on Wilson Street (APD drives by and does not issue tickets or tow), trash on both sides of Wilson Street, current "residents" take up the legal parking on Wilson and Fletcher Streets; do not utilize Oak Creek Village 330 spaces provided, unsightly broken windows, cardboard, trash can tops, broken blinds in the windows, late night parties outside of apartments, often spilling over into the sidewalks and street (note no open container/alcohol policy), dogs running loose (no pet policy), hand to hand drug deals-exasperated by illegal parking (often parking against traffic/backwards on Wilson), working on cars on the street with open doors and often in no parking zones, unsupervised children at play-outside of the complex...these examples have been reported and impact everyone's living conditions.

170 current units will balloon to nearly 500. It is unbelievable that it will get better when the current status has not. Yes, the addition of speed bumps would slow down traffic on Wilson. Sidewalks along Fletcher is not practical or warranted. Pedestrian traffic is already handled by the west side of Wilson side walk running from Live Oak to Oltorf and side walks are again available on Oltorf and Live Oak running east and west to 1st and South Congress. Part of the charm of SoCo are the SMALL streets like Fletcher and Forest not having sidewalks. NOTE Fletcher has a mere SIX homes that have front doors along Fletcher and yet can utilize either Wilson or Euclid sidewalks to the main thorough fare of Oltorf and or Live Oak streets. The developer and City can find a better use for millions of dollars that can benefit more than six homes in the community.

Respectfully,  
Linda Yost

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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

Julio C. Perez

Your Name (please print)

407 W. Live Oak St.

Your address(es) affected by this application

Julio C. Perez

Signature

5/28/13

Date

Daytime Telephone: (512) 443-0801 (h) / (512) 825-4624 (cell)

Comments: Don't want my taxes to go up. I'm living on a fix income. This complex has never worked well on resolving issues with trash, noise, dust blown on to my property. Very concern that a larger complex will create more traffic to my neighborhood and surrounding large intersection's like S. Congress/W. 10th and S. 1st/W. 10th. Allowing this in a neighborhood will only encourage others to do the same, changing the neighborhood feel drastically. I strongly say NO. Look up the street and see what has been done on Wilson and Cumberland that street is not acceptable. 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 St, Austin, TX 78704

Your address(es) affected by this application

Linda M Yost

Signature

Date

Daytime Telephone:

512 513 3623

Comments:

The Cheapest Office/management and Austin Police are doing nothing to reduce/park: Liter, no parking/low away east side of Wilson St outside late night parties, drug trafficking laundry hang on fences, bad grass/over in Wilsons' residents' talking to legal parking on street (Wilson + Fletcher), current 170 units not under contract and there will be plenty 500 in the end of 14.

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

OVER

## INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / re zonificación 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.

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](http://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.

Número 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)

☐ I am in favor  
☒ I object

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

*Andy Gant*

Firma

Fecha

Daytime Telephone:

Comments: *Complex NO ALCOHOL, NO PETS, NO UN-  
SUPERVISED CHILDREN... NO ENFORCED. APD DOES  
NOT "FIELD MATHS" PEOPLE ARE TRUST THEY ROLL UP  
AND WAIT FOR PPD'S TO LEAVE. CHADERS NOT ALLOWED  
AS THE FEW RUN IT FOR THE MONEY. IF THE PRO ARE  
NOT CONTROLLED WHY 486? THE MAX HT IS NOT TO AFFECT ANY  
NEIGHBORHOODS "CITY" NAME THRU 4-6 FT? IT WOULD  
3 STORIES NOT 24 WHAT IS AROUND THE BLDGS? WHAT ABOUT  
"TOWNHOMES" WOULD SUPPORT LEAD AFFORDABLE HOUSING  
MAKING OUT TO THE 1/2 MILE? SHIP PAPER ST 510-20-20-20, FOR  
Si usted usa esta forma para proveer comentarios, puede retornarlos:  
much a Fox to Home, which goes  
City of Austin  
Planning & Development Review Department to Anna Oberst & Lisa*

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

The Business Card Doctor  
 10000 Wilshire Blvd., Suite 1000  
 Los Angeles, CA 90024  
 (310) 771-1111  
 Fax: (310) 771-1112  
 www.businesscarddoctor.com

The Business Card Doctor  
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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**

**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

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.

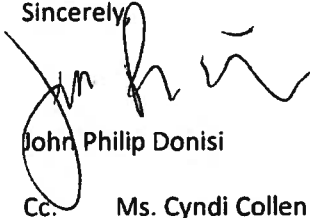
We have been in active discussions with BCNA regarding this zoning case since August of 2012. The negotiations and terms referenced by Ms. Collen in her letter have been agreed-to in principle since February, prior to the filing of this zoning case with the City on February 28, and prior to the filing 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**

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", written over the word "Sincerely,".

John Philip Donisi

Cc. Ms. Cyndi Collen

Ms. Nikelle Meade

Mr. Mark Rogers



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



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## 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.

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## 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.

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## SAFETY IMPACT

There are no safety impacts identified at this time.

Date Prepared: 05/23/2013

Director's Signature:

*Paul Turner*



**Date:** June 12, 2013  
**To:** Lee Heckman, Case Manager  
**CC:** Robert Halls, AICP, Robert J. Halls and Associates  
**Reference:** Oak Creek Village, C14-2013-0020

The existing Oak Creek Village site comprises approximately 8.83 acres in the northeast corner of the W. Oltorf Street/S. 1<sup>st</sup> Street intersection in central Austin. The site is currently zoned MF 3-NP and is the location of a 170 unit apartment complex.

The rezoning request is for MF 6 NP to allow for a 486 unit apartment complex. Access to the site would be provided via three (3) full purposed driveways located along S. 1<sup>st</sup> Street, Durwood Street, and Wilson Street.

Transportation Review staff has reviewed the traffic impact analysis that was prepared for the Oak Creek Village site in March 2013 (amended June 2013), and offers the following comments:

#### TRIP GENERATION

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the proposed development could generate approximately 3,069 unadjusted daily weekday trips. Of these, 285 trips will occur during the weekday peak-hour.

Table 1 below shows the unadjusted trip generation for the existing site:

**Table 1. Unadjusted Weekday Peak Hour Trip Generation for Existing Site**

Land Use	Size	Weekday 24-Hour Two-Way Volume	Weekday AM Peak Hour		Weekday PM Peak Hour	
			Enter	Exit	Enter	Exit
Multi-Family	170 units	1,154	17	70	72	39

Table 2 below shows the maximum unadjusted trip generation under the requested zoning:



**Table 2. Maximum Unadjusted Weekday Peak Hour Trip Generation Under Proposed Zoning**

Land Use	Size	Weekday 24-Hour Two-Way Volume	Weekday AM Peak Hour		Weekday PM Peak Hour	
			Enter	Exit	Enter	Exit
Multi-Family	486 units	3,069	48	193	185	100

### ASSUMPTIONS

1. Traffic growth rates for the area were determined using traffic counts conducted by Gram Traffic Inc. and from TxDOT and CAMPO projected daily volumes. Based on the available information, a 2 percent annual growth rate was applied to the study area roadways with the exception of Wilson and Fletcher streets. A one percent annual growth rate was assumed for these streets since they are short residential street that are fully built out.
2. A five (5) percent reduction in site generated trips was applied to account for transit.
3. No reductions were taken for pass-by trips or internal capture.

Table 3 below shows the adjusted trip generation by land use for the proposed development:

**Table 3. Adjusted Weekday Peak Hour Generation Under Requested Zoning**

Land Use	Size	Weekday 24-Hour Two-Way Volume	Weekday AM Peak Hour		Weekday PM Peak Hour	
			Enter	Exit	Enter	Exit
Multi-Family	486 units	2,915	46	184	176	95

Table 4 below provides a summary of the area transportation system:

**Table 4. Existing and Planned Roadways**

Roadway	Segment	Classification	Future Improvements	Bike Plan?
S. 1 <sup>st</sup> Street	Barton Springs to US 290	MNR 4	Existing	Yes
W. Oltorf Street	South Lamar to IH 35	MAU 4	Existing	Yes
W. Live Oak Street	S. 1 <sup>st</sup> Street to Congress Avenue	Collector	Existing	Yes
Fletcher Street	S. 3 <sup>rd</sup> Street to Euclid Avenue	Local	Existing	No
Wilson Street	Live Oak Street to Oltorf Street	Local	Existing	No
Durwood Street	Live Oak Street to Oltorf Street	Local	Existing	No

## TRAFFIC ANALYSIS

The impact of site development traffic on the existing area roadways was analyzed. Two time periods and three travel conditions were evaluated:

- 2013 Existing Conditions
- 2016 Forecasted Conditions
- 2016 Forecasted Conditions with Site Generated Traffic

The TIA assumes the following roadway improvements will be made prior to site build-out:

1. Widen pavement for Durwood Street north of W. Oltorf Street to allow for a minimum of 3 lanes.

### *Intersection Level of Service (LOS)*

The TIA analyzed 2 signalized intersections, 5 un-signalized intersections, and each of the site driveways. Table 5 shows the existing (2013) and projected (2016) levels of service results. The 2016 analysis assumes that all roadway and intersection improvement recommended in the TIA are constructed.

**Table 5. Intersection Level of Service**

Intersection	2013 Existing		2016 Forecasted		2016 Site + Forecasted	
	AM	PM	AM	PM	AM	PM
<b>Signalized Intersections</b>						
W. Oltorf St./S. 1 <sup>st</sup> Street	E	D	E	D	E	D
W. Live Oak St./S. 1 <sup>st</sup> Street	A	B	A	B	A	B
<b>Un-Signalized Intersections</b>						
Fletcher St./S. 1 <sup>st</sup> St.	A	A	A	A	A	A
Wilson St./W. Live Oak St.	A	A	A	B	A	A
Wilson St./Fletcher St.	A	A	A	A	A	A
Wilson St./W. Oltorf St.	A	A	A	A	A	A
Durwood St./W. Oltorf St.	A	A	A	A	A	A

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## RECOMMENDATIONS

1. Prior to final reading of zoning, the applicant will notify existing businesses with parking or 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.
2. Prior to final reading of zoning, the applicant will post 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. The required site fiscal will be as follows:

Total Program Cost = \$ 17,000

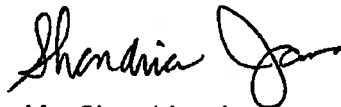
- Site share on S. 1st St. = \$ 375 (4.4%)
- Site share on Oltorf St. = \$ 790 (9.3%)

3. Prior to approval and release of any site plans, the applicant will post pro rata share for the cost to Widen Durwood Street north of W. Oltorf Street to allow for a minimum of three lanes of traffic (two southbound and one northbound). The applicant should submit a cost estimate signed and sealed by an engineer to verify the amount required for posting. It is recommended that these improvements be implemented by the applicant to assure safer access and circulation for the site.
4. Access to South 1<sup>st</sup> Street from the site shall be restricted to right in and right out movements only. Additionally, 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.
5. Prior to approval and release of any site plans, 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.
6. Prior to approval and release of any site plans, 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 five (5) percent of the total costs of implementing the improvements.
7. Site driveways should be constructed to the widths as recommended in the TIA and in accordance with the City of Austin Transportation Criteria Manual.
8. Three copies of the final version of the TIA incorporating all corrections and additions must be submitted prior to 3rd reading of the zoning.
9. 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,

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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 974-2628.



Ms. Shandrian Jarvis  
Senior Planner  
Planning and Development Review Department