

**PLANNING COMMISSISON
SITE PLAN - WAIVER ONLY
REVIEW SHEET**

C18
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CASE NUMBER: SP-2012-0284C

**PLANNING COMMISSION
HEARING DATE:** September 24, 2013

PROJECT NAME: Lightsey Condominiums

ADDRESS: 3001 Del Curto

APPLICANT: KBGE (Brian Estes P.E.)
105 W. Riverside Drive, Suite 110
Austin, Tx 78746

AGENT: PSW Lightsey (Ryan Diepenbrock)
2003 South 1st St.
Austin, TX 78704

CASE MANAGER: Nikki Hoelter Phone: 974-2863
Nikki.hoelter@austintexas.gov

PROPOSED DEVELOPMENT:

The applicant is proposing the development of 36 condominium units with parking, private drive, and detention/water quality ponds on 4.69 acres. All buildings will be 2 stories with a garage.

DESCRIPTION OF WAIVER:

To allow the construction of a structure (detention pond) within 25 feet or less from property in an urban family residence (SF-5) or more restrictive zoning district. [LDC Section 25-2-1063(B)(1)]

The applicant is requesting a 5 foot setback for the detention pond.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the waiver request to reduce the compatibility setback for the detention/water quality pond in order to protect two heritage trees in the northeast corner of the site. A six foot privacy fence will be erected along the north and east property lines to screen views of the site from neighboring residences.

C18/2

PROJECT INFORMATION

SITE AREA	204,296 sq. ft.	4.69 acres
EXISTING ZONING	SF-6-CO	
WATERSHED	West Bouldin (Urban)	
WATERSHED ORDINANCE	Comprehensive Watershed Ordinance	
TRAFFIC IMPACT ANALYSIS	Not required	
CAPITOL VIEW CORRIDOR	None	
PROPOSED ACCESS	Del Curto	
	Allowed/Required	Existing
FLOOR-AREA RATIO	N/A	N/A
BUILDING COVERAGE	40%	24.8%
IMPERVIOUS COVERAGE	55%	44.3%
PARKING	72	0

SUMMARY COMMENTS ON SITE PLAN:

The site currently has three single family residences, which will be demolished. The majority of the site is thick with trees and undisturbed vegetation. The development has been designed to protect all existing heritage trees, and a large portion of the other trees will be preserved.

The site was recently rezoned from SF-3 to SF-6-CO, Ordinance No. 20130214-061, with the intent of developing the property with condominiums in the proposed configuration. The conditional overlay 1) restricts the property to 232 trips per day, 2) vehicular access from the property to Lightsey Road is prohibited, all vehicular access to property shall be from other adjacent public streets or through other adjacent property, 3) driveway construction for access to Del Curto Road may not exceed one driveway cut, 4) development of the property may not exceed 36 dwelling units, 5) development of the property may not exceed an impervious coverage of 47.4% and 6) duplex residential and single family attached residential are prohibited uses. The site plan complies with all zoning requirements and conditional overlay restrictions.

All vehicular and pedestrian access will be from the one drive onto Del Curto.

The site plan will comply with all Land Development Code requirements prior to site plan approval and release.

COMPATIBILITY

The single family properties to the north and east will be screened by a six foot privacy fence.

This lot has more than 100 feet of street frontage and more than 20,000 square feet of site area, and according to Compatibility Standards Design Regulations [LDC 25-2-1063(B)(1)]; the minimum required setback for a structure is 25 feet from single family zoning or land use. There are single family homes adjacent to the subject site. All buildings, parking and drives meet the 25 foot setback requirement; the detention/filtration pond at the northeast corner is the only structure that triggers the waiver. The pond will be 5 feet from the property line.

The site complies with all other compatibility standard requirements, such as lighting, building height and setback.

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	SF-6-CO	Single family residences
<i>North</i>	SF-3, SF-5, SF-6-CO	Single family residence, condos (under construction)
<i>South</i>	SF-3	Single family residence
<i>East</i>	SF-3	Single family residence
<i>West</i>	SF-3, P-CO	Single family residence, public park (under construction)

C18/3

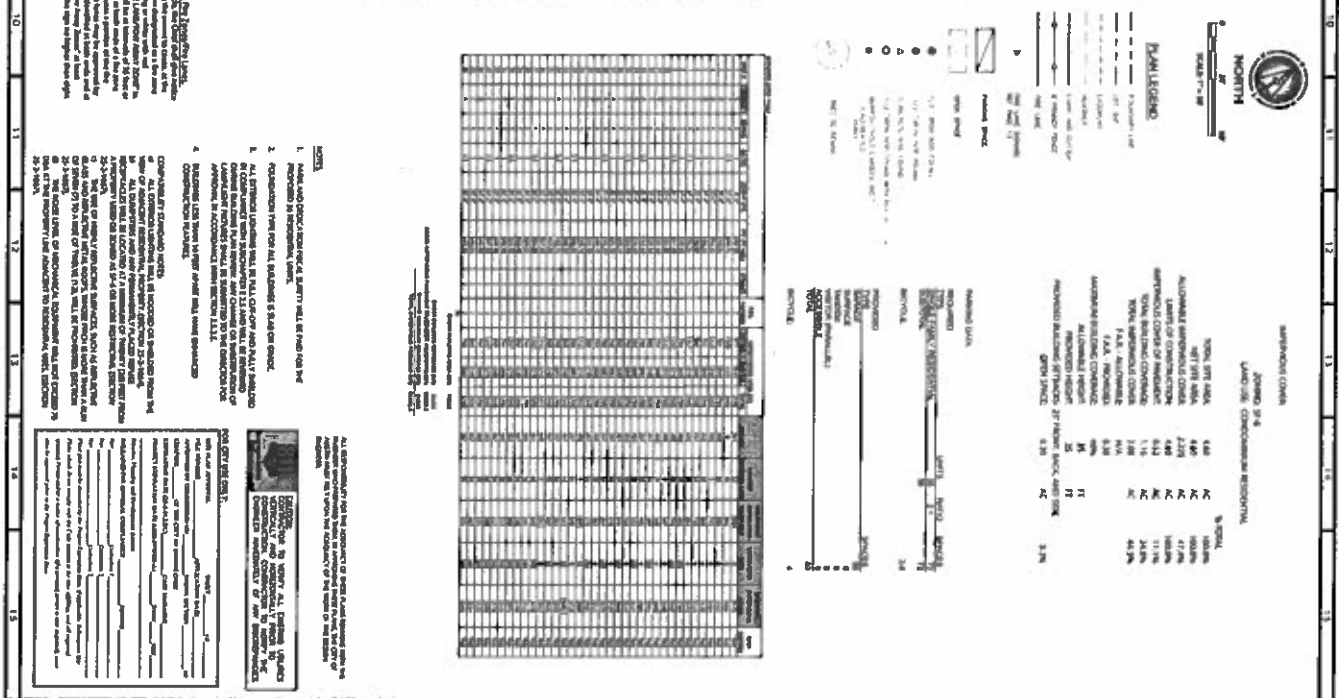
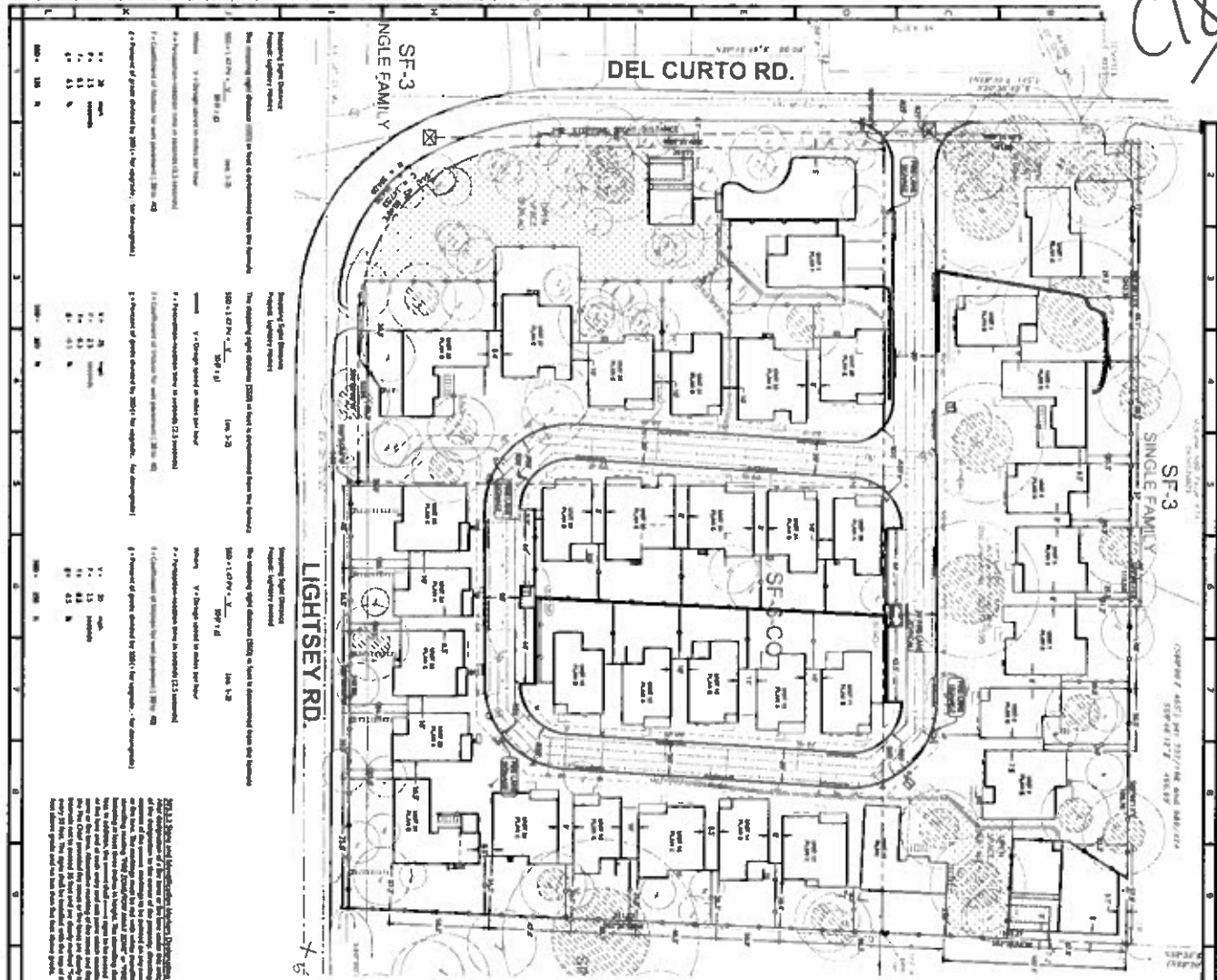
ABUTTING STREETS

Street	Right-of-Way Width	Pavement Width	Classification
Lightsey	Varies	Varies	Collector
Del Curto	Varies	Varies	Collector

PLANNING COMMISSION ACTION: September 10, 2013 – Postponed by the neighborhood**NEIGHBORHOOD ORGNIZATIONS:**

Austin Neighborhoods Council
Austin Independent School District
Home Builders Association of Greater Austin
Homeless Neighborhood Association
League of Bicycling Voters
Super Duper Neighborhood Objectors and Appealers Organization
Austin Monorail Project
The Real Estate Council of Austin, Inc
Austin Park Foundation
South Lamar Neighborhood Association
Glen Allen Condo Association
Austin Heritage Tree Foundation
The Village at Kinney Court
South Central Coalition

C18/4



11 35

SP-2012-0284C

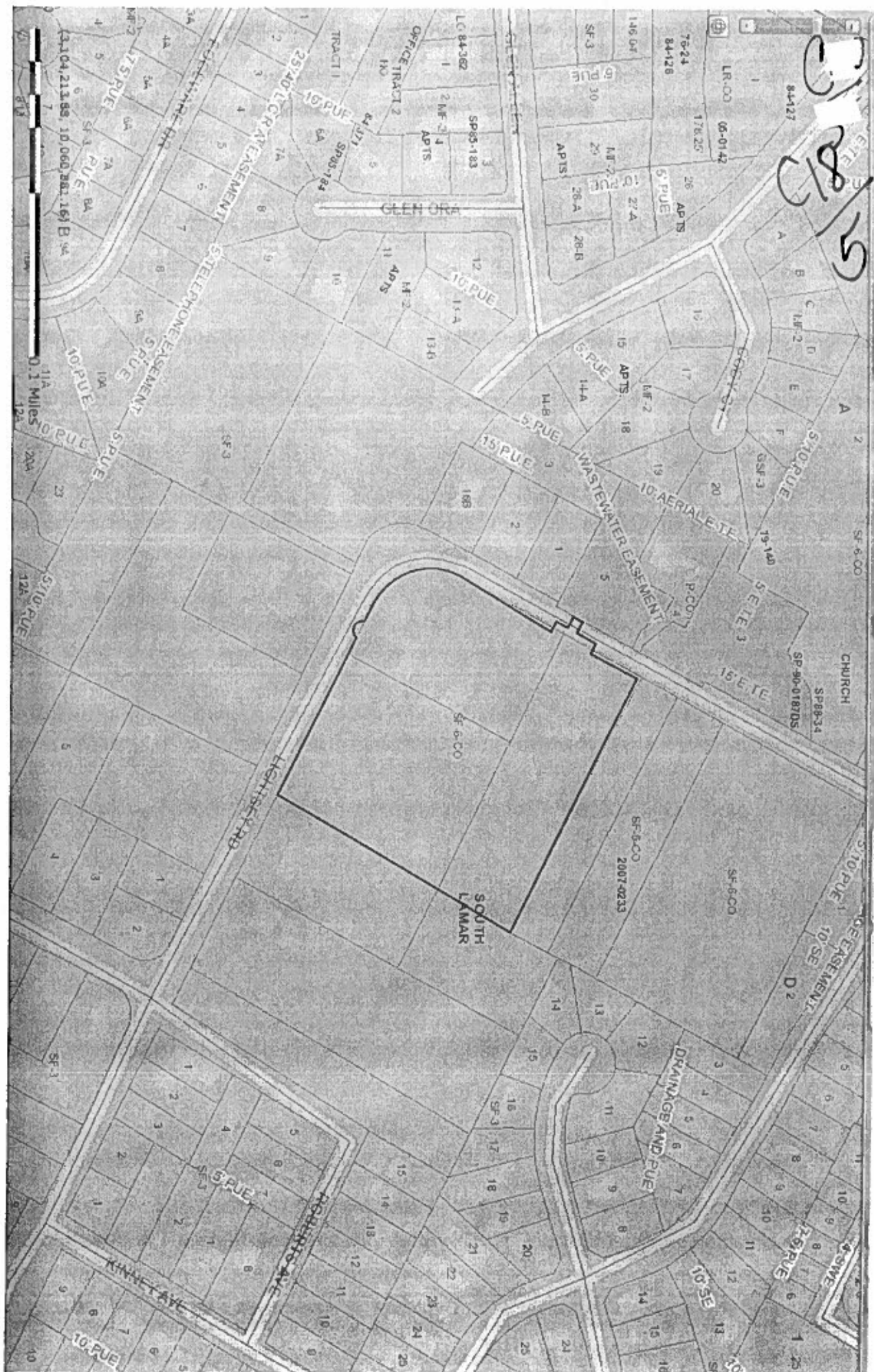
August 28, 2013

Lightsey Homes
SITE DEVELOPMENT PLANS
CITY OF AUSTIN, TRAVIS COUNTY, TX

SITE PLAN

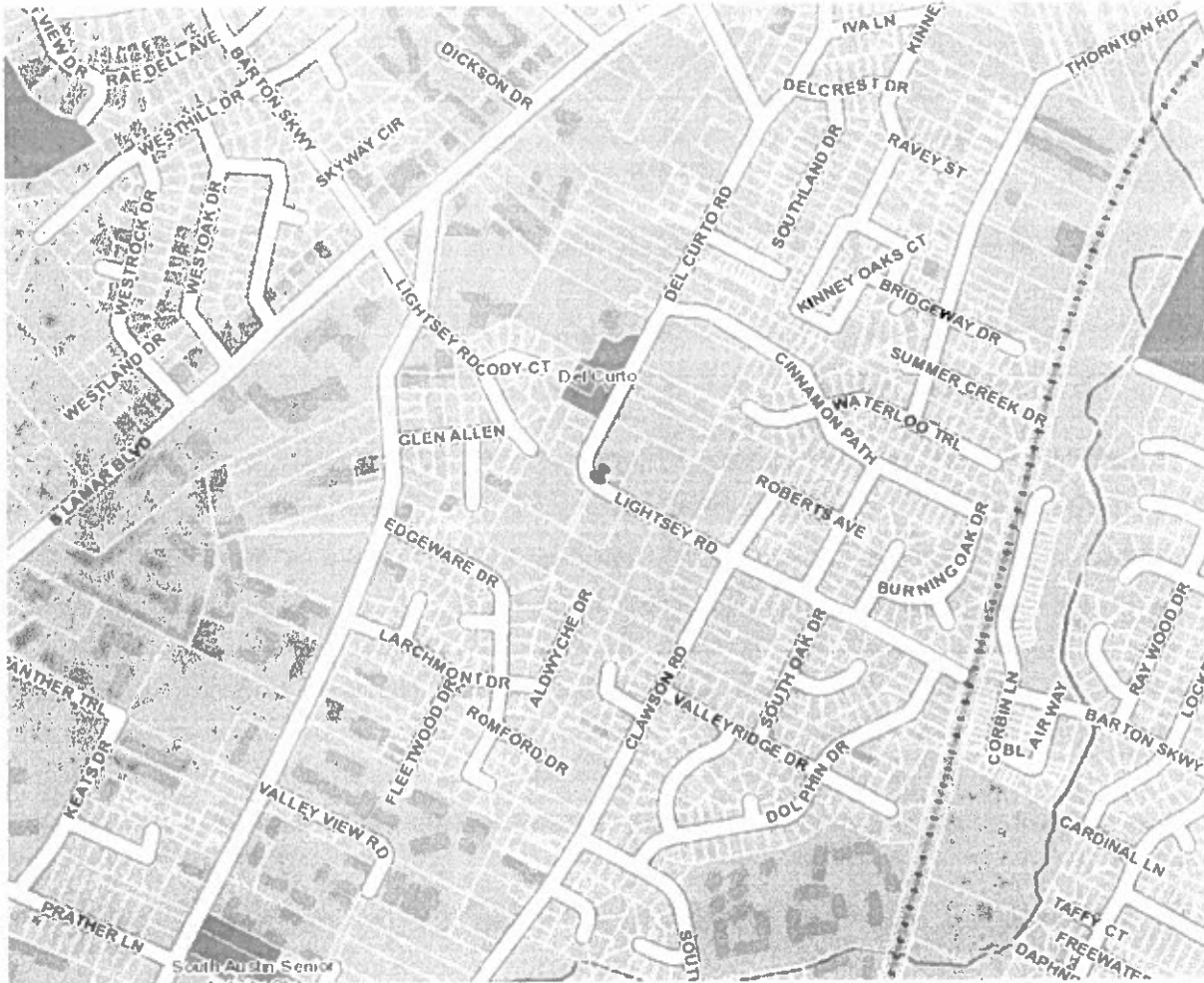
kbge
KIMBELL | BRUEHL | GARCIA | JESTES
190 West Riverside Drive, Ste 110, Austin, Texas 78746
P (512) 499-0400 www.kbgegroup.com
1899 5437 - 12802

PSW REAL ESTATE
2003 S. 1ST STREET
AUSTIN, TEXAS 78704
PHONE: (512) 620-1497



Location: 1706 & 1814 Lightsey and 2905 Del Curto, 78745

Q8
6



SCANNED

C18
/A



105 W Riverside, Suite 110
Austin, Texas 78704
512 | 439 | 0400
kbge-eng.com

KIMBELL | BRUEHL | GARCIA | ESTES

August 26, 2013

Ms. Nikki Hoelter
City of Austin – Planning and Development Review Department
505 Barton Springs Road
Austin, TX 78704

RE: SP-2012-0284C Lightsey Condominiums

Ms. Hoelter,

This letter is to serve as a formal request for a variance regarding location of the proposed water quality and detention facilities for the above-referenced project. Per our discussion, we understand that our proposed pond locations of greater than five linear feet, yet less than twenty-five linear feet from our property line will require approval from the Planning Commission.

Please accept this request on our behalf and call me directly if there are any questions or concerns prior to our placement on the agenda. We truly appreciate your assistance with this request.

Thank you,

A handwritten signature in black ink, appearing to be 'B. Estes'.

Brian Estes, PE
Principal
kbge

Hoelter, Nikki

From: Jay Billig ~~[REDACTED]~~
Sent: Thursday, September 05, 2013 9:28 AM
To: Hoelter, Nikki; cindy.csillas@austintexas.gov
Subject: SP-2012-0284C

C18/8

Nikki and Cindy,

I received notice of the site plan listed above because I own property in the area.

There is a perfect storm of need coming to Del Curto and Lightsey very soon. I am in favor of this project and the one proposed for across the street on Lightsey. With that site plan, there is a connection planned through to Aldwyche which is excellent news. The time has now come to finally connect Lightsey through to the west to allow flow out to Lamar and Manchaca in that direction. Offering another access point into and through the neighborhood will help to ease the congestion on those main arterials as well as on the now-undersized Del Curto/Lightsey/Clawson. The connection has been platted for a decades and now is the time to complete it.

If you are not the correct people to address this issue of connectivity, please direct me to the appropriate party.

Thanks,

JAY BILLIG jay@jaythings.com 512 914 5292

Hoelter, Nikki

From: Nancy Maclaine <[REDACTED]>
Sent: Saturday, September 07, 2013 12:24 PM
To: Hoelter, Nikki
Cc: Vic & Krista Ramirez; Ryan Diepenbrock; Gibbs, Carol
Subject: Re: SP-2012-0284C scheduled for waiver only hearing at PC 9/10/2013

C18/a

Sorry for the premature send on the previous email. Here is the correct one.

On Sat, Sep 7, 2013 at 12:21 PM, Nancy Maclaine <nancy.maclaine@gmail.com> wrote:
Hello Ms. Hoelter,

The neighborhood and nearby neighbors are in conversation with the folks at PW Realty and KBGE about this requested waiver. We and they have not come to a definitive decision. With the Labor Day weekend the lead time on this hearing was a little shorter than usual. At least one neighbor did not get her notification until Tuesday 9/3. Also the information on the hearing notice was entirely too vague (a "structure" in the compatibility setback could be anything.) The backup material for this case was not visible online until late Friday/early Saturday. That was the first chance we had to view the official wording.

The neighborhood association respectfully requests a postponement of this hearing to give us all time to understand the ramifications of this siting and possible alternatives. Please defer the hearing until at least 9/24.

thank you,

Nancy Maclaine
President 2013
South Lamar Neighborhood Association

C18/10

September 9, 2012

To Members of the Planning Commission:

We are the property owners immediately adjacent, along the eastern boundary, to the PSW property that is the subject of this variance request. We have met with representatives of PSW and have come to an agreement regarding the requested structure. We understand that the variance request is for the construction of one structure, which is to be a water quality/detention pond combination. After meeting with PSW representatives, we believe that, without the variance, the resulting pond structure would place that pond further uphill on the PSW property. Such a location would make that pond even more visible to our property and would present a more visual nuisance. We further believe that the variance would address our concerns regarding the potential visibility of the pond to our property and, as described below, have also reached an understanding regarding the pond to be constructed if a variance is to be granted.

For the record, we support the granting of the requested variance as described below:

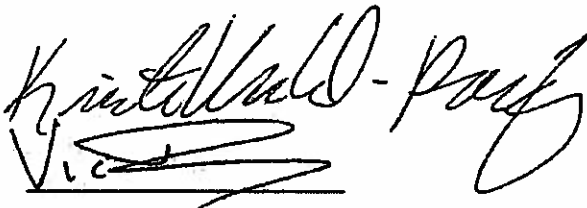
PSW is allowed to build one structure consisting of a water quality/detention pond combination (the Structure) to be located in the 25-foot compatibility setback, but not closer than 5 feet to any property line. The setback encroachment is limited to the pond in the northeast corner of the property. The encroachment may only occur into the setback from the northern property line (within 70 feet of the northeast property corner) and into the setback from the eastern property line (within 80 feet of the northeast property corner). PSW agrees to implement vegetative screening and/or a 6-foot minimum to 8-foot maximum privacy fence, as requested by the immediately adjacent property owners on the northern (located at _____ Del Curto) and eastern property boundaries (located at 1706 Lightsey Road, Austin, Texas 78704) (Adjacent Property Owners). PSW or its assigns will implement and establish vegetative screening, which will be required anywhere the Structure is within 25 feet of the property line and shall screen the full height of the Structure. The vegetative screen will consist of native or adaptive Central Texas trees and shrubs as requested by either of the Adjacent Property Owners. At the request of either of the Adjacent Property Owners, PSW may also construct the privacy fence, described above, anywhere the Structure is within 25 feet of the property line. No homes will be allowed to encroach into any compatibility setbacks.

Signed:

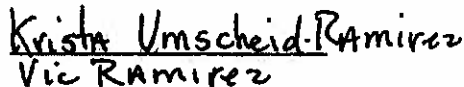
Signature

Print

Property Owner: _____ Del Curto


Vic Ramirez

Signature


Vic Ramirez

Print: Krista & Vic Ramirez

Property Owner: 1706 Lightsey Road

Hoelter, Nikki

C18/11

From: Hilary Dyer
Sent: Friday, September 06, 2013 8:16 AM
To: Hoelter, Nikki
Cc: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Norley, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC; Hatfield, Richard - BC
Subject: SP-2012-0284C (SP Compatibility Waiver) - Planning Commission 9/10/2013 - I OBJECT

Dear Ms. Hoelter and Planning Commission Members:

I am a property owner within 500 feet of the KBGE/PSW Lightsey Condominium development of case SP-2012-0284C.

I would like to register my opposition to the requested Site Plan Compatibility Waiver that will be heard at Planning Commission on September 10, 2013.

I object to this compatibility waiver in the strongest terms possible and this is why: this property used to be SF-3 and was rezoned to SF-6 in February 2013. Prior to this, the neighbors surrounding the property negotiated with PSW for over one year about the zoning change. During that process, Ryan Diepenbrock of PSW constantly touted the larger setback with SF-6 as the reason why we should support their zoning change request.

Now, seven months later, after having obtained that SF-6 zoning in February, they want a waiver to encroach on this very same setback. This is absolutely unacceptable. Even worse, the neighbors whose property abuts this one showed good faith in working with PSW to get the zoning change and thus also the larger setback. That setback is the very reason why the neighborhood came together to support the upzoning to SF-6-CO.

It is simply outrageous that PSW/KBGE would now come back to try to get a lesser setback to further encroach on these very same properties.

I strongly object to a developer, in essence, writing their own zoning rules. They had their desired setback when the property was SF-3. Now they want both the increase in entitlements they got with SF-6, but also the setback of SF-3. This is outrageous.

Thank you for registering my opposition to this matter.

Sincerely,
Hilary A. Dyer
1705 Lightsey Rd.
Austin, TX 78704
512-440-1964

Hoelter, Nikki

C18/12

From: Steve Lacker
Sent: Saturday, September 07, 2013 8:00 PM
To: Hoelter, Nikki; Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC
Cc: Ann Lacker; sglacker@sbcglobal.net
Subject: Notice of OPPOSITION to compatibility waiver: SP-2012-0284C

Ms. Hoelter and members of the Planning Commission,

I am writing to inform you of my opposition to the request for compatibility waiver made by PSW Lightsey in case number SP-2012-0284C. Although I served on the South Lamar Neighborhood Association's zoning sub-group during the initial negotiations with the developer, staff, and planning commission leading to the current zoning and Conditional Overlay, I make this request for you to deny the waiver as an individual and nearby property owner, not as a representative of anyone other than myself and my family residing at 1704 Lightsey Road.

As background information, we negotiated in good faith with this developer for over TWO YEARS in order to come to the agreement finally reached. This plot of land prior to PSW ownership had 3 houses zoned SF-3, and the final agreement was an up zoning to SF-6 with a maximum of, I believe, 36 homes. This is a factor of TWELVE increase in density. We have been generous. I felt that a rational number of homes, based on sound engineering, for this very topographically demanding tract of land would have been in the mid to high twenties of homes. The developer was intractable in his claim that he couldn't make a profit at any less than 40 homes, and refused to budge more than a trivial amount. The nearest neighbors felt very much at-risk that he might rescind his up-zoning request and develop under SF-3, because he could have then built homes closer to them than the 25-foot setback required under SF-6. The point here is that **an absolute minimum setback of 25 feet from all adjoining properties was the lynchpin of the neighborhood's willingness to stop opposition at the currently allowed density.** I feel that it is unconscionable that the developer would now try to violate the cornerstone of the agreement. I for one would have held out for a conditional overlay of no more than about 28 homes in exchange for SF-6 and would have been happier letting him try to do any better at SF-3 had not the 25 foot setback been such a key component in the negotiations, and I believe that this request **must** be rejected for that reason. The neighborhood association members who have been part of previous up-zoning cases all took one look at the lot and his plan and realized that he could not possibly get 36 homes plus the required water quality and/or detention features on this land. The fact that he is now faced with having to build fewer homes in order to fit the water management features without **violating** the key 25 foot setback from neighbors is no surprise, and the current and future residents of this neighborhood should not suffer for a developer's poor planning.

Steve Lacker
sglacker@sbcglobal.net
1704 Lightsey Road
Austin TX 78704

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 name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SP-2012-0284C

Contact: Nikki Hoelter, 512-974-2863 or Cindy Casillas, 512-974-3437

Public Hearing: Planning Commission, September 10, 2013

CAROLYN ASHBY

Your Name (please print)

3300 ALDWYCHE AUSTIN, TX 78704

Your address(es) affected by this application

Carolyn Casillas

Signature

Aug. 31 2013

Date

Daytime Telephone: _____

Comments: *According to what they were*

granted they should have no more
than the entitlement they got.

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

City of Austin

Planning and Development Review - 4th floor

Nikki Hoelter

P. O. Box 1088

Austin, TX 78767-8810

C18
13

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
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For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

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Case Number: SP-2012-0284C

Contact: Nikki Hoelter, 512-974-2863 or Cindy Casillas, 512-974-3437

Public Hearing: Planning Commission, September 10, 2013

Nancy MacLaine Pres. South Lamar NA

Your Name (please print)

South Lamar Neighborhood Assoc.

Your address(es) affected by this application

in mail

5/13/13

Signature

Daytime Telephone: 512-589-2189

Date

Comments: Through the long process of the upzone to SF-6 this developer wanted that with SF-6 we could be assured of a 25' buffer against the SF-3 properties. Now they are trying to encroach. The gained a huge extra entitlement to develop via the upzone and now they want MORE!!! We told them all along that by the time they accomplished the development requirements of LDC they would have to adjust

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Planning and Development Review - 4th floor

Nikki Hoelter

P. O. Box 1088

Austin, TX 78767-8818

downwards. Now surprise they don't have room for units + required water quality pond. They should

re-plan with lower density.

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Case Number: SP-2012-0284C

Contact: Nikki Hoelter, 512-974-2863 or Cindy Casillas, 512-974-3437

Public Hearing: Planning Commission, September 10, 2013



☐ I am in favor
☐ I object

Your address(es) affected by this application

Mary Hoelter 9-1-13
Date

Signature

Daytime Telephone: 512-448-2428

Comments:

An SO NOT in

favor of this lane
addition to congestion
of this area

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

City of Austin

Planning and Development Review - 4th floor

Nikki Hoelter

P. O. Box 1088

Austin, TX 78767-8810

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PUBLIC HEARING INFORMATION

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Case Number: SP-2012-0284C

Contact: Nikki Hoelter, 512-974-2863 or Cindy Casillas, 512-974-3437

Public Hearing: Planning Commission, September 10, 2013

Jan King
Your Name (please print)

1809 Lightsey Rd

Your address(es) affected by this application.

9.6.13

Jan King
Signature

Date

Daytime Telephone:

Comments: I was opposed to allowing 36 units in the zoning case, and am equally opposed to any variances now. This site has too many challenges to be dense-packed like P&W likes to do. There are still several other issues pending in this site Plan review, so even if this variance they still probably can't squeeze in 36 units. Please just say NO. Make them build within SF6 entitlements and no more.

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

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Planning and Development Review - 4th floor

Nikki Hoelter

P. O. Box 1088

Austin, TX 78767-8810

C/8
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Case Number: SP-2012-0284C

Contact: Nikki Hoelter, 512-974-2863 or Cindy Casillas, 512-974-3437

Public Hearing: Planning Commission, September 10, 2013

BRYAN KING

Your Name (please print)

1809 LIGGETTSEY

Your address(es) affected by this application

Donna King

Signature

Daytime Telephone: 444-9268

Date

9-8-13

☐ I am in favor
☒ I object

Comments: WE SPEND A YEAR WORKING

ON COMPROMISE FOR THE SE-6 UPRONE

THAT INCLUDED NOTHING BEING

IN THE 25' SETBACKS.

NOTHING - THAT IS THE WHOLE

POINT IN A 25' UNZONATED BUFFER

AND VARIANCE

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

City of Austin

Planning and Development Review - 4th floor

Nikki Hoelter

P. O. Box 1088

Austin, TX 78767-8810

C/S
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PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property; or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

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 name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SP-2012-0284C

Contact: Nikki Hoelter, 512-974-2863 or Cindy Casillas, 512-974-3437

Public Hearing: Planning Commission, September 10, 2013

Deborah Stuart

Your Name (please print)

3106 Clawson Rd

Your address(es) affected by this application

Deborah Stuart

9-3-13

Signature

Date

Daytime Telephone: 512 627 2556

Comments: PSW used the 25' foot

setback as a bargaining tool with our neighborhood association to garner support for a rezoning. This request is totally unacceptable. If they want less setback, they are out of luck as they can't have it both ways. The Planning Commission should not support trickery. Help us!

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Nikki Hoelter

P. O. Box 1088

Austin, TX 78767-8810

CS
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