ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0136
(Austin Elm Terrace, LP)

P.C. DATE: January 14, 2014
February 25, 2014
March 25, 2014

ADDRESS: 3215 Exposition Boulevard

OWNER/APPLICANT: Austin Elm Terrace, LP (Steve Beuerlein)

AGENT: Husch Blackwell, LLP (Jerry L. Harris)

ZONING FROM: Unzoned, SF-3 **TO:** MF-2 **AREA:** 2.182 acres (95,044 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant SF-6-CO, Townhouse & Condominium Residence-Conditional Overlay District, zoning at this location. The conditional overlay includes conditions that were to be presented to the City Council at 3rd reading of the previous zoning case on this tract, C14-2007-0084. Therefore, the staff's recommendation for the conditional overlay (CO) is as follows:

1) The property shall be limited to a maximum of 20 dwelling units/9.17 dwelling units per acre.
2) Beginning 75-feet from the property line along Exposition Boulevard: a) the maximum height permitted shall be 2-stories or 32 feet, b) development shall comply with Subchapter F, Article 2, Section 2.7 (*Side Wall Articulation*) of the City Code, along the western façade of a building, c) condominium residential uses are prohibited.
3) Construction of a fence is prohibited along the property line adjacent to Exposition Boulevard.
4) A 25-feet wide vegetative buffer shall be provided/maintained beginning at the eastern edge of the sidewalk along Exposition Boulevard.

PLANNING COMMISSION RECOMMENDATION:

1/14/14: Postponed to February 25, 2014 at the applicant's request (8-0, Hatfield-absent).

2/25/14: Postponed to March 25, 2014 at the neighborhood's request (9-0); J. Stevens-1st, D. Chimenti-2nd.

3/25/14: Approved staff's recommendation of SF-6-CO zoning (6-2, S. Oliver and D. Anderson-No, M. Smith-absent); B. Roark-1st, D. Chimenti-2nd.

ISSUES:

At the March 25, 2014 Planning Commission meeting, there was a discussion concerning the intent of item #2a in the staff's recommendation. Several Commissioners said that they interpreted this condition to be a 75-foot building setback. The staff believed that the condition was an extension of the Compatibility Standards as a height limitation setback that was approved by City Council at 2nd reading and was written in the draft ordinance for the previous zoning case C14-2007-0084. The staff spoke to the former zoning case manager and he verified that the intent of this item was for a height setback, not a building setback, from Exposition Boulevard.

DEPARTMENT COMMENTS:

The property in question consists of a 2.182 acre site that fronts Exposition Boulevard. This property was auctioned by the State of Texas and was formerly part of the Austin State School. The majority of the property does not have designated zoning and is currently shown as Unzoned (UNZ). The site fronts a single-family residence, a religious assembly use (Westminster Presbyterian Church), and abuts the Austin State School. The applicant proposes to zone/rezone the property to the MF-2, Multifamily Residence-Limited Density district, to develop a 55 an older age restricted housing project with primarily underground parking on the site. The agent states in a letter submitted with the application that they would be willing to limit the site to 15.5 units per acre, have a 75-foot building setback from Exposition Boulevard and have an additional 25-foot height setback where no building would be constructed higher than 2-stories (Please see Zoning Application Letter-Attachment A). The applicant plans to have a single driveway access to Exposition Boulevard.

The staff is recommending SF-6-CO zoning as the site under consideration meets the purpose statement of the Townhouse & Condominium district designation. The proposed SF-6-CO zoning is compatible with existing residential uses along Exposition Boulevard. The recommended zoning classification will allow for a transition of land uses from MoPac Expressway west to the established residential neighborhood. SF-6-CO zoning will encourage a diversification of residential land uses in the area while allowing the proposed land use requested. The staff's recommendation is consistent with our previous recommendation in zoning cases C14-2007-0084 and C14-2010-0052 and with the City Council's actions in zoning case C14-2007-0084 for this property (please see Case Histories below).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	Unzoned, SF-3	Vacant
North	Unzoned.	Austin State School
South	Unzoned	Austin State School
East	Unzoned	Austin State School
West	SF-3	Religious Assembly (Westminster Presbyterian Church), Single-Family Residences

NEIGHBORHOOD PLAN: Central West Austin

TIA: Not Required

WATERSHED: Taylor Slough South

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
Austin Independent School District
Austin Monorail Project
Austin Neighborhoods Council
Bike Austin
Central West Austin Neighborhood Plan Contact Team
Highland Park West Balcones Area Neighborhood Association

Homeless Neighborhood Association
Preservation Austin
Save Barton Creek Association
SELTEXAS
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization
The Real Estate Council of Austin, Inc.
West Austin Neighborhood Group

SCHOOLS: Austin Independent School District:

- Casis Elementary School
- O. Henry Middle School
- Austin High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0052 (West Austin Neighborhood Group Planning Area Rezoning: Tract 101- 3215 Exposition Boulevard)	UNZ to SF-6-NP and High Density Single Family FLUM designation (staff) UNZ to MF-1-NP and Multifamily FLUM designation (property owner)	6/22/10: No recommendation	8/19/10: Recommended no Future Land Use Map or zoning category (5-2, L. Morrison, R. Shade-Nay); M. Martinez-1st, B. Spelman-2nd. 9/23/10: City Council's vote on 1st reading removed the Brackenridge Tract and 3215 Exposition Boulevard from the Future Land Use Map and these properties are not part of the vote at 2nd/3rd readings.
C14-2007-0084 (Elm Terrace: 3215 Exposition Blvd.)	UNZ to MF-1	8/28/07: Approved MF-1-CO zoning, with CO for a maximum number of 27 units (6-2, P. Hui and T. Atkins-Nay); J. Reddy-1st, M. Dealey-2nd.	9/27/07: Postponed to October 18, 2007 at the neighborhood's request 10/18/07: Postponed to November 29, 2007 with direction to the neighborhood and developer to select a mutually agreed upon facilitator for a meeting designed to work out the differences between the two. 11/29/07: The public hearing was closed and the first reading of the ordinance for townhouse and condominium residence (SF-6) district zoning with a limit of 20 units and direction to staff to obtain a site and architectural analysis prior to bringing the item back was approved with the following conditions on Mayor Pro Tem

			Dunkerley's motion, Council Member Cole's second on a 7-0 vote. The conditions include: 1) No walls; 2) Sidewalks must be up to Urban Sidewalk Standards with street trees; and 3) Units fronting on to Exposition must have front doors oriented to Exposition Boulevard. 1/31/08: Postponed to February 14, 2008 at the request of the neighborhood and the applicant 2/14/08: Postponed to February 28, 2008 at the Council's request on consent (5-0, J. Kim-absent; B. McCracken-off the dais) 2/28/08: Approved the second reading of the ordinance for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions was made by Mayor Pro Tem Dunkerley and seconded by Council Member Cole. The conditions were as follows: limit units to 20, with a CO limiting the structures on Exposition Boulevard to two stories, on site water quality and detention. Council Member Kim offered a friendly amendment to prohibit a fence along Exposition Boulevard and limiting construction to two stories or 32 feet for the first 75 feet of the property from the property line along Exposition Boulevard. The Restrictive Covenant conditions includes units facing Exposition Boulevard will have doors oriented toward Exposition Boulevard; requirement for 25 feet vegetative buffer along the Exposition frontage along the property line on Exposition; and require sidewalk articulation as per the McMansion ordinance for the façade of any building on the property. Mayor Pro Tem Dunkerley and Council

			Member Cole accepted all of the friendly amendments except the vegetative buffer and the 75 feet setback. The substitute motion to include a height setback of 75 feet passed on Council Member Kim's motion on a 6-1 vote. Mayor Pro Tem Dunkerley voted nay. The amended main motion approving the second reading of the ordinance was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote. Staff was directed to include on third reading the prohibition of condominium use on Exposition frontage. 3/27/08: Postponed to April 10, 2008 at the applicant's request on consent (6-0, S. Cole-off the dais) 4/10/08: Case was withdrawn by the applicant.
C14H-02-0017 (Gatewood House: 2900 Tarry Trail)		9/23/02: Approved SF-3-H zoning (9-0)	11/07/02: Approved SF-3-H zoning (7-0); all 3 readings
C14-96-0071 (Katherine Reynolds: 3003 West 35th Street)	SF-3 to SF-5-CO	07/30/96: Recommendation of SF-6-CO zoning subject to a 10-foot minimum building setback from all adjoining properties (5-0).	10/31/96: Granted SF-5-CO zoning (7-0), with the following conditions: • No structure or part of a structure shall be constructed or maintained within 10 feet of the perimeter of the property. • No structure or part of a structure shall be constructed or maintained within the area described in the metes & bounds description attached. • The number of dwelling units on the property shall not exceed six dwelling units within 3 buildings.

RELATED CASES: C14-2007-0084 (Previous Zoning Case)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Exposition Boulevard	Varies	Varies	Arterial	Yes	Yes	Yes

CITY COUNCIL DATE: February 13, 2014 — **ACTION:** Postponed to March 6, 2014 at the staff's request (6-0, S. Cole-off dais)

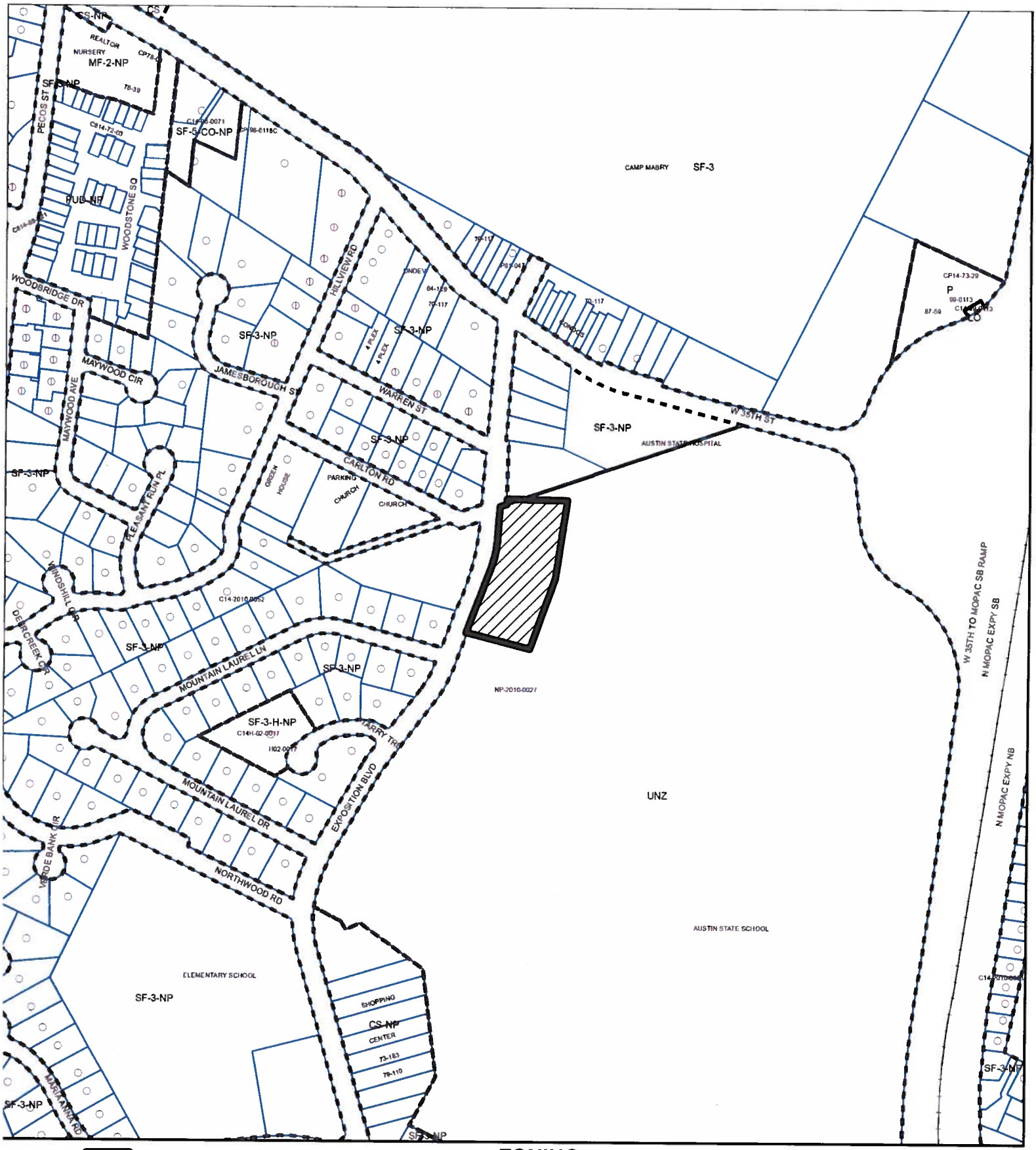
March 6, 2014 — **ACTION:** Postponed on consent to April 10, 2014 at the staff's request (6-0, L. Leffingwell-absent), B. Spelman's motion, C. Riley-2nd.

April 10, 2014 — **ACTION:**

ORDINANCE READINGS: 1st — 2nd — 3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis — **PHONE:** 974-3057, sherri.sirwaitis@ci.austin.tx.us



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

ZONING

ZONING CASE#: C14-2013-0136


MARIA ANNA RD
NORTHWOOD RD
MOUNTAIN LAUREL DR
TARRY TRL
MOUNTAIN LAUREL LN
PECOS ST
SCENIC DR
WOODBRIDGE DR
WARREN ST
MAYWOOD AVE
WOODSTONE SQ
JAMESBOROUGH ST
HILLVIEW RD
CARLTON RD
WARREN ST
W 35TH ST
EXPOSITION BLVD
W 35TH ST
N MOPAC EXPY NB
N MOPAC EXPY SB
FUNSTON ST
OAKMONT BLVD
W 32ND ST

STAFF RECOMMENDATION

The staff's recommendation is to grant SF-6-CO, Townhouse & Condominium Residence-Conditional Overlay District, zoning. The conditional overlay will:

1) Limit the development on the property to a maximum of 20 dwelling units/9.17 dwelling units per acre.
2) Beginning 75-feet from the property line along Exposition Boulevard: a) the maximum height permitted shall be 2-stories or 32 feet, b) development shall comply with Subchapter F, Article 2, Section 2.7 (*Side Wall Articulation*) of the City Code, along the western façade of a building, c) condominium residential uses are prohibited.
3) Construction of a fence is prohibited along the property line adjacent to Exposition Boulevard.
4) A 25-feet wide vegetative buffer shall be provided/maintained beginning at the eastern edge of the sidewalk along Exposition Boulevard.

BASIS FOR RECOMMENDATION

1) The recommended zoning should be consistent with the purpose statement of the district sought.

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

The recommended zoning classification will allow for residential land use diversification while encouraging a transition of land uses to the established neighborhood.

2) The proposed zoning should promote consistency and orderly planning.

The proposed zoning is consistent with development in this area as there are other properties in the immediate vicinity that are zoned for residential development at various densities. The existing uses to the west of the site, across Exposition Boulevard, include a religious assembly use and single-family residential uses.

EXISTING CONDITIONS

Site Characteristics

The site under consideration consists of a 2.182 acre site that fronts Exposition Boulevard. This property was auctioned by the State of Texas and was formerly part of the Austin State School. The tracts of land to the north, south and east are developed with the Austin State School. The lots to the west, across Exposition Boulevard, contain a religious assembly use and a single-family residence.

Comprehensive Planning

Unzoned and SF-3 to MF-2
November 7, 2013

This zoning case is located on a 2.18 acre vacant lot located on the east side of Exposition Boulevard. The property is also located within of the boundaries of the Central West Austin Combined Neighborhood Planning Area. The subject property is surrounding by the Austin State Supported Living Center to the north and east, a vacant parcel to the south, and a church and single family house to the west. Until 2007, this property used to be part of the Austin State Supported Living Center, which provides 24 hour/7 day a week services to over 300 individuals with intellectual and developmental disabilities. The proposed use for the subject property is 30 plus units of senior living condominiums.

Central West Austin Neighborhood Plan
The property is located within the boundaries of the Central West Austin Neighborhood Plan (CWANP) area but was not assigned a land use category on the CWANP Future Land Use Map (FLUM). During the adoption phase of this plan in August 2010, Council did not assign a FLUM category to this property. While the property was once part of the Austin State Supported Living Center, it is located in a transitional area between the Center and the adjacent neighborhood.
The following goals, objectives and text are applicable to the Austin State Supported Living Center and residential infill and redevelopment in the planning area.

Policy L.1.2 Maintain low intensity, low density residential use within the Drinking Water Protection Zone. (p 42)

Objective 3: All redevelopment should be compatible with the character of the adjacent neighborhood and should be guided by green design principles. (p 44)

Objective 6: If the Austin State Supported Living Center redevelops, it should be done in harmony with the adjacent neighborhood, transportation system, and natural resources. (p 47)

Policy L.6.2: The design of any redevelopment should be compact, mixed use, and walkable so that automobile trips are minimized. Re-development should result in harmonious residential development near the existing residential areas and concentrate the more intensive mixed use development toward the northeast corner of the tract at MoPac and 35thStreet. Preserving significant amounts of public and private open space is encouraged. (p 47)

Design Guidelines: (p 45)

- When redevelopment or remodeling of an existing structure occurs, it should be compatible in scale, height, setbacks, landscaping, tree cover, garage placement, façades, and architectural style of neighboring houses.
- New and remodeled multi-family and commercial development should be compatible with the immediate neighborhood by having similar setbacks, building scale, façades, and rooftops. To contribute to the health of the neighborhood, new development should include landscaping that creates usable open space, trees that shade the structure and street, parking placed to the rear or side of the building, windows and doors that promote friendliness and "eyes on the street," pedestrian amenities like light posts, and vegetative screening for air conditioners and dumpsters. It should also improve pedestrian and bicycle access between the property and immediate neighborhood wherever possible.

Conclusion: The CWACNP supports low density residential uses over environmentally sensitive areas (this property is located over the boundaries of the Edwards Aquifer Recharge Zone). The plan also encourages that all new redevelopment should be compatible (setbacks, building scale, facades

and rooftops) with adjacent residential development. Since this property was never been part of a single family residential subdivision, high density single family or low intensity multi-family seems appropriate as long as it is compatible (see design guidelines above) with adjoining institutional and single family land uses and meets the development requirements of the Drinking Water Protection Zone.

Imagine Austin

The property is located within the boundaries of the Edwards Aquifer Recharge Zone and is located within the boundaries of a suburban water zone. An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer. This property is also classified as, 'Other Development within City Limits', (p 107) which are areas of the city not included within centers or activity corridors as identified by the Growth Concept Map. Page 107 states that, *"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.*** *"*

The following IACP policies are applicable to this case:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

- **LUT P21**. Ensure that redevelopment in the Edwards Aquifer's recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.

- **HN 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.

- **HN 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.

Based upon the Imagine Austin policies referenced above that supports a variety of housing types and infill development, including housing for seniors and persons with disabilities, staff believes that this project is supported by Imagine Austin as long as environmental ordinances are considered and enforced and that the project is compatible with adjoining intuitional and residential land uses.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the MF-2 zoning district would be 60%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	*% of Net Site Area*	*% NSA with Transfers*
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Taylor Slough South Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to floodplain maps there is no floodplain in or within close proximity of the project location.

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

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

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.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Exposition Boulevard	60'	36'	Minor Arterial 2-Lane (MNR 2)	7,444 ('08)

There are existing sidewalks along Exposition Boulevard.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: Exposition Boulevard serves route no. 25 with an existing and recommended Bike Lane.

Eric Dusza with the Neighborhood Connectivity Division may have additional comments regarding multi-modal enhancements and facilities.

Capital Metro bus service (route no. 21 and 22) is available along Exposition Boulevard.

Water and Wastewater

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. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

HUSCH BLACKWELL
111 Congress Avenue, Suite 1400
Austin, Texas 78701
512.472.5456

Attachment A

Jerry L. Harris
512.479.9710 direct
512.479.1101 fax
jerry.harris@huschblackwell.com

October 14, 2013

Mr. Gregory Guernsey, Director
Planning and Development Review Dept.
City of Austin
Austin, Texas 78767-1088

Re: 3215 Exposition Residences/MF-2-CO Zoning Application

Dear Mr. Guernsey:

The attached zoning application covers 2.182 acres of land located at 3215 Exposition Boulevard. The vast majority of the property is currently unzoned, while a very tiny portion is zoned SF-3. On August 19, 2010 the property was excluded from the Central West Austin Combined Neighborhood Plan by the City Council. At the same time the City Council voted that the vast majority of the property would remain unzoned, that the very tiny portion of the property zoned SF-3 would remain zoned SF-3, and that there would be no future land use map designation for the entire property.

As you know, under the City's Land Development Code, MF-2 is classified as a low density multi-family district allowing up to 23 units per acre. Our project will be limited to 15.5 units per acre, well below the 23 units per acre allowed.

You may also recall that the City's Land Development code provides that MF-2 may be located near single-family neighborhoods or in an area where low density multi-family use is desired.

Therefore, we strongly believe that our site is ideal and appropriate for our proposed project.

Further, our project, in addition to being low density, provides use and development features which make it unique and which enable it to meet numerous planning goals and objectives, including the desirability of a diversity of housing within neighborhoods.

First, the project will be 55 and older age restricted, thereby providing greatly needed housing for seniors. This is totally in line with providing housing that meets the needs of our diverse population.

Second, our 75-foot building setback from Exposition Boulevard and our additional 25-foot no building higher than two (2) stories setback guarantee a beautiful streetscape, including existing and new trees and landscaping.

Third, our single driveway for the project avoids the necessity of having multiple driveways onto Exposition Boulevard.

Fourth, underground parking, except for six surface guest parking spaces, avoids any negative aspects of surface parking.

Our project will comply with all neighborhood compatibility standards, subdivision/site plan ordinances, and rules and regulations of the City of Austin.

Appropriate neighborhood restrictive covenants, City public restrictive covenants, and zoning ordinance conditional overlay provisions will be put in place to ensure the enforceability of all features of our project.

Our project will not be a precedent for MF-2 zoning. It will be a precedent for MF-2 zoning restricted to 55 and older housing, 15.5 units per acre, less than 2,000 trips per day, a 75-foot building setback, underground parking, and single-drive ingress and egress, and the other features of this project.

Please let me know if you have any questions or need any additional information at this time. We will be pleased to meet to discuss any and all aspects of this application at your convenience.

Very truly yours,

HUSCH BLACKWELL LLP

Jerry L. Harris

JLH/slm
Enclosure

4944879.1
61743.1

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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

www.austintexas.gov

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: C14-2013-0126
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: Dec 3, 2013, Zoning and Platting Commission
Jan 23, 2014, City Council

Tony Florence
Your Name (please print)

☐ I am in favor
☒ I object

10001 Liriope Cv Austin, Tx 78750
Your address(es) affected by this application

Signature

12-3-13
Date

Daytime Telephone: (512) 656-7308

Comments: This has been a long established Single family residential neighborhood. The rezoning of this property would increase the traffic flow through neighborhood which will cause hardship to the existing property owners and will have a negative effect on property values. This is a bad idea and would be a detriment to the existing home owners.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Nov 4, 201.

Mr. Patterson,

I live on Warren St, 3 ho
west of Exposition Blvd. Thanks
for sending the notice that one
again Mr. Beverlein wants to
develop property on Exposition.

Please NO! Exposition Blvd
bumper to bumper traffic in the
area many times during the day
Doesn't the City have any respo
to the homeowners and folks
are dependent on Exposition? It is
inconceivable to me that this
petition would go forward. & I
lived here on Warren 55 years
In the late 50's or early 60's we
paid the City $100 to go in on par
Warren. & know times change,
but why Shake a Neighborhoo

Cordially,

Claire Bre

Sirwaitis, Sherri

From: Vivian Wilson [redacted]
Sent: Tuesday, January 07, 2014 2:42 PM
To: Sirwaitis, Sherri
Cc: [redacted]
Subject: C14-2013-0136
Attachments: C14-2007-0084 ORD.pdf; Withdrawal Request - Elm Terrace.pdf

Good Afternoon Ms. Sirwaitis,

As a follow up to the email I sent this morning, I have attached a copy of the City Council Ordinance that Council was poised to support at third reading on this same property in 2008.
I have also attached a copy of the applicants withdrawal request.

If my neighbors and I are not able to meet with you in person prior to City Staff forming a recommendation for this property, we ask that you consider our concerns, as well as the prior council decision, before forming a final recommendation for the zoning of this property.

Our group of neighbors, as well as the WANG board, spent hundreds of hours studying the specifics of this site, meeting with the applicant and the applicant's agents, and meeting with city council members. We hired an urban planning company to provide a conceptual development plan for the entire State School tract, as we believe these parcels at 3215 Exposition should fit into a holistic and smart plan for the potential future development of the State School tract.

Our neighborhood welcomes increased density, as long as it is buffered appropriately and transitions adequately and responsibly from our established neighborhood. The various parcels at 3215 Exposition have a number of limitations which we would like to make you explicitly aware of.

Combined, these parcels have unprecedented frontage along Exposition for a residential property.
At 444' lineal feet along the roadway, the impact of a massive contiguous development type would overpower and loom over the small homes across Exposition. Likewise, a wall surrounding or defining a property of this size would also be unfriendly and unwelcoming to the neighborhood.

The church across from this proposed development sits lower than grade at street level, whereas 3215 Exposition sits much higher, and rises still approximately 40 feet toward the Northeast. This too, would greatly add to the looming and overpowering impact of a massive, contiguous development type.

Residents of the Mountain Laurel Addition across from this property live in homes with a deed restricted maximum of one story in height. Again, a massive development would loom over these small homes which sit on a much lower grade level than 3215 Exposition. We are also unable to leave our neighborhood without using Exposition boulevard. Each time I turn onto Exposition boulevard during peak times, I am risking life and limb.

The location of the entrance drive to this development is located for economic concerns rather than safety concerns. The drive location allows the applicant to use as little impervious cover as possible in the creation of a drive, thereby allowing more impervious cover to be occupied by building area. The drive location indicated on the plans is unsafe, as it sits just below the crest of a hill severely limiting visibility.

Finally, a significant challenge facing our neighborhood is the we are landlocked. To the west and south we are bordered by the lake. To the north, we are hemmed in by Camp Mabry. As 'bookends' on either end of our

neighborhood are the State School property, which is approximately 90 acres, and the Brack Tract, which is several hundred acres. If 35th and Lake Austin boulevard are overwhelmed, the residents of will all have to funnel onto the three remaining residential streets which access mopac, Westover, Windsor and Enfield.

We are certainly facing substantial increases in density in our neighborhood. Therefore, we believe it is not necessary to overbuild the property at 3215 Exposition. A multi-family zoning designation is unwarranted, and will set a dangerous precedent for the future development of the entire State School tract.

Please consider these concerns as you develop a recommendation for this site.

Sincerely,

Vivian Wilson
2703 Mountain Laurel Drive
Austin, Texas 78703
512-228-6210

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING PERMANENT ZONING FOR THE PROPERTY LOCATED AT 3215 EXPOSITION BOULEVARD AND CHANGING THE ZONING MAP FROM UNZONED (UNZ) TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT ON PARCELS ONE AND TWO AND REZONING AND CHANGING THE ZONING MAP FROM FAMILY RESIDENCE (SF-3) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT FOR PARCEL THREE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district and establish a zoning district on the property described in Zoning Case No. C14-2007-0084, on file at the Neighborhood Zoning and Planning Department, as follows:

Parcel One: From unzoned (UNZ) to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

A 1.082 acre tract of land, more or less, out of the Daniel J. Gilbert Survey No. 8, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, Save and Except Parcel Three; and

Parcel Two: From (UNZ) to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

A 1.100 acre tract of land, more or less, out of the Daniel J. Gilbert Survey No. 8, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated in this ordinance; and

Parcel Three: From family residence (SF-3) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

A 0.0085 acre (370 square feet) tract of land, more or less, being a portion of Parcel One described in this ordinance, the 0.0085 acre tract being more particularly described by metes and bounds in Exhibit "C" incorporated in this ordinance (the "Property"),

locally known as 3215 Exposition Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A. Development of the Property shall not exceed a density of 20 dwelling units.

B. Development of the Property shall not exceed a density of 9.17 dwelling units per acre.

C. Beginning 75-feet from the property line along Exposition Boulevard the following applies:

1. The maximum height of a building or structure may not exceed two stories;

2. The maximum height of a building or structure may not exceed 32 feet;

3. Development shall comply with Subchapter F, Article 2, Section 2.7 *(Side Wall Articulation)* of the City Code, along the western façade of a building.

4. A condominium residential use is prohibited.

D. A fence is prohibited along the property line adjacent to Exposition Boulevard.

E. A 25-foot wide vegetative buffer shall be provided beginning at the eastern edge of the sidewalk along Exposition Boulevard.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the townhouse and condominium residence (SF-6) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2008.

PASSED AND APPROVED

§
§
_____, 2008 § _____
Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk

BURLINGTON VENTURES, INC.

Phone: 512.472.3020
Fax: 512.451.0025
E-Mail: Steve@BurlingtonVentures.com

801 W. 38th Street, Ste. 301
Austin, TX 78705

P.O. Box 684702
Austin, TX 78768

April 10, 2008

Mr. Greg Guernsey
Director - Neighborhood Planning and Zoning Dept. - City of Austin
One Texas Center, 5th Floor
505 Barton Springs Rd
P.O. Box 1088
Austin, TX 78767

RE: C-14-2007-0084 – Elm Terrace

Mr. Guernsey,
I would like to thank you and the other members of the City of Austin Neighborhood Planning and Zoning Dept. for your professional assistance as you've work on the zoning application process for Elm Terrace. I am grateful for the time and energy that's been afforded my case. Further, I appreciate the thoughtful consideration and judgments extended by the Planning Commission and City Council in their hearings of this matter.

While all of the stakeholders have worked diligently to craft a solution, ultimately the density limitation and conditions imposed at 2nd reading do not allow me to achieve the goals of the project, which were to provide a diversity of housing types and a LEED-ND development. This past week, the City of Austin hosted the Center for New Urbanism conference, which promotes the type of development I had envisioned for this site. In order to continue the dialogue and hopefully apply some of the principles we all learned from the Congress for New Urbanism conference, I would like to withdraw my case.

I am hopeful that this withdrawal allows the benefit of time: time to heal some of the divisions within our community that this application has exposed and time for the various parties to engage in further discussion within the Neighborhood Planning Process – currently underway for the Central West Austin (CWA) – in order to assess the property's use in the context of the larger community's vision. Accordingly, I will commit to active participation in that process and continued dialog with my neighbors as well as the West Austin Neighborhood Group.

Truly,

Steve D. Beuerlein
President, as General Partner of Austin Elm Terrace, LP

Sirwaitis, Sherri

From: Anguiano, Dora
Sent: Tuesday, January 14, 2014 9:41 AM
To: Sirwaitis, Sherri
Subject: FW: (Re)zoning Case No. C14-2013-0136 (3215 Exposition - Austin Elm Terrace)
Attachments: CWANPCT Letter Concerning 3215 Exposition.pdf

From: Michael R. Cannatti [redacted]
Sent: Tuesday, January 14, 2014 9:32 AM
To: [redacted]'dave.anderson.07@gmail.com'; Anderson, Dave - BC; 'dchimenti@austin.rr.com'; Chimenti, Danette - BC; 'commjms@sbcglobal.net'; Stevens, Jean - BC; 'mnrghatfield@yahoo.com'; 'alfonsochernandez@gmail.com'; Hernandez, Alfonso - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC; 'jjjack2@austin.rr.com'
Cc: Anguiano, Dora
Subject: RE: (Re)zoning Case No. C14-2013-0136 (3215 Exposition - Austin Elm Terrace)

Honorable Members of the Planning Commission:

On behalf of the Central West Austin Neighborhood Plan Contact Team (PCT), we are writing in opposition to the MF2 zoning being requested for 3215 Exposition (Agenda Item 14) because the request conflicts with our Future Land Use Map and our neighborhood plan. In our role as the PCT for the planning area in which the property is located, we have a number of concerns about the proposed development, and have voted to support a "Single Family" land use designation for the property at 3215 Exposition for the reasons set forth in the attached letter.

Thank you for your consideration.

Respectfully submitted,

Michael Rocco Cannatti
Chair, Central West Austin Neighborhood Plan Contact Team

CENTRAL WEST AUSTIN NEIGHBORHOOD PLAN CONTACT TEAM

January 13, 2014

David Anderson (Chair)
City of Austin Planning Commission
505 Barton Springs Rd.
Austin, Texas 78704

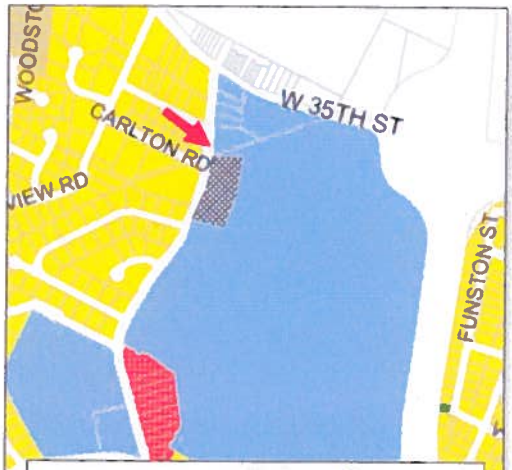
Re: (Re)zoning Case No. C14-2013-0136 (3215 Exposition – Austin Elm Terrace)

Honorable Members of the Planning Commission:

On behalf of the Central West Austin Neighborhood Plan Contact Team (PCT), we are writing in opposition to the MF2 zoning being requested for 3215 Exposition (Agenda Item 14) because the request conflicts with our Future Land Use Map and our neighborhood plan. In our role as the PCT for the planning area in which the property is located, we have a number of concerns about the proposed development, and have voted to support a "Single Family" land use designation for the property at 3215 Exposition. The applicant's request for MF2 zoning is inconsistent with a Single Family land use designation.

Our first concern is that this zoning case necessitates a neighborhood plan amendment since it seeks to rezone property within our planning area to MF2.[1] In particular and as illustrated below, the zoning case will require a zoning change at the northwest portion of the property since this portion of the property was not excluded from our FLUM. Even if all or some of the property at 3215 Exposition was excluded from the FLUM, as the applicant contends, there is no support in our neighborhood plan for such an intense multi-family land use designation at this location, and we oppose any such amendment/addition to our FLUM.

Site Map from Zoning Case C14-2013-0136
(Includes SF3 Property at NW Corner)



WANG FLUM -- Excluded Tract (Cross-hatch)
(Does Not Include NW Corner of Property)

[1] While City Staff does not agree that the FLUM exclusion covers only part of the proposed development, their citation of contradictory language from the City Council hearing transcript does not change the fact that the FLUM clearly shows that the excluded tract does not include the northwest corner of the subject property.

More importantly, the proposed MF2 zoning would violate numerous provisions from our neighborhood plan regarding land use goals and objectives which address the fact that "[t]here is particular interest in preserving harmony among land uses and in guarding against potential negative effects of future redevelopment of properties along … Exposition Boulevard." CWANP, p. 42. The relevant provisions of the neighborhood plan are briefly noted below along with comments identifying the conflicting features from the proposed development:

Neighborhood Plan Guidance	**Conflicting Features of 3215 Exposition**
"The Central West Austin Neighborhood Plan shall preserve the existing character and integrity of single-family neighborhoods to reflect the historical nature and residential character of the neighborhood." Vision Statement.	The proposed location of MF2 zoning adjacent to existing SF3 zoning violates the character and integrity of the adjacent single-family neighborhood.
"Development of property as … multi-family… should be in accordance with the Future Land Use Map, as informed by the Plan text, and should be appropriately oriented, scaled and buffered to protect the existing single-family homes from any intrusion and adverse effects from higher intensity uses…. Buffering to protect the existing single-family homes in the neighborhood is also desired." Land Use Goal.	There is no multi-family land use designated for this location or area in the Future Land Use Map or in any plan text. In addition, the proposed ***three-story*** MF2 development adjacent to existing ***one-story*** single family SF3 homes does not provide appropriate orientation, scaling, and buffering.
As noted in the Land Use Goal, "There is particular interest in preserving harmony among land uses and in guarding against potential negative effects of future redevelopment of properties along Lake Austin Boulevard and Exposition Boulevard."	According to the City of Austin's Neighborhood Planning Zoning Guide, MF2 and SF3 are **not harmonious land uses**. In the Zoning Guide, MF2 zoning is not identified as a district that may be used as a transition between a single family and higher intensity uses. However, SF6 is identified as being appropriate in selected areas where a transition from single-family is appropriate.
Under the Land Use Objective 1, the neighborhood plan seeks to "preserve the existing single-family uses within the neighborhood by not changing them to non-residential or multifamily uses." L.1.1.	The proposed development changes the zoning in the northwest corner from SF3 to MF2, in violation of Land Use Recommendation L1.1.
Under the Land Use Objective 1, the neighborhood plan seeks to "maintain low intensity, low density residential use within the Drinking Water Protection Zone." L.1.2.	The proposed MF2 development in the Drinking Water Protection Zone does not maintain low intensity, low density residential use, in violation of Land Use Recommendation L1.2.
Under the Land Use Objective 3, "all redevelopment should be compatible with the character of the adjacent neighborhood." Land Use Objective 3.	The proposed three-story MF2 development is not compatible with the character of the adjacent single-story single family homes on Exposition.

Neighborhood Plan Guidance	Conflicting Features of 3215 Exposition
Under the design guidelines for new multi-family development, "New and remodeled multi-family … development should be compatible with the immediate neighborhood by having similar setbacks, building scale, façades, and rooftops."	While the proposed development meets some of the design guidelines for new multi-family, the proposed three-story MF2 development is not compatible with the immediate neighborhood because it does not have similar setbacks and building scale to the single story homes in the immediate neighborhood.

Finally, it should be noted that, throughout the neighborhood plan process, there were extensive meetings and City Council deliberations dedicated to a similar proposal to develop the same property with less intensive MF1 zoning, but it was not included in the neighborhood plan. Instead, this proposal met with strong opposition by the neighborhood stakeholders during the neighborhood plan process. At one meeting, there was "consensus" that the property should be designated Single Family, notwithstanding the property owner's wishes for Multifamily. And in a second meeting, approximately 57 stakeholders stated there preference for SF-3 zoning and approximately 23 stakeholders preferred MF-1 zoning.

In conclusion, we respect the challenges of designing a commercially profitable development, and we commend the applicant for making efforts to address some of the potential adverse effects from the proposed higher intensity development. However, we nonetheless believe that the vision, goals, and objectives of our neighborhood plan are not being served by the proposed MF2 development at 3215 Exposition since it is not a harmonious land use with the adjacent single family homes. Instead, the neighborhood plan envisions a more gradual transitional land use to protect and buffer the existing single-family neighborhood across Exposition, as articulated in the Plan text provisions noted above. For the foregoing reasons, the Plan Contact Team (PCT) for the Central West Austin Neighborhood Plan supports a "Single Family" land use designation for the property at 3215 Exposition, and opposes an inconsistent MF2 zoning request. [2]

Thank you for your consideration.

Sincerely,

Michael Rocco Cannatti
Chair, Central West Austin Neighborhood Plan Contact Team

[2] Insofar as our NPCT jurisdiction concerns land use issues connected to our Future Land Use Map, we are not commenting upon City Staff's recommendation to support SF-6 zoning with additional limitations, other than to note that Staff's zoning recommendation is consistent with our support for "Single Family" land use at this site.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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

www.austintexas.gov

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: C14-2013-0136
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: Jan 14, 2014, Planning Commission
Feb 13, 2014, City Council

Catherine Kyle
Your Name (please print)

☐ I am in favor
☒ I object

2700 Mountain Laurel Ln
Your address(es) affected by this application

Catherine Kyle — 13 Jan 14
Signature — *Date*

Daytime Telephone: 512-413-7157

Comments: ~~As~~ Granting the applicant's zoning request of MF-2 ~~set~~ would set a dangerous precedent for future development along Exposition and at the State School should ~~Est~~ additional tract(s) be sold. MF-2 is not compatible with surrounding homes, which are deed restricted to one-story. ~~Dens~~ Allowing density of this magnitude among single family homes runs counter to the City's planning policies and should not be permitted.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2013-0136
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: Jan 14, 2014, Planning Commission
Feb 13, 2014, City Council

Carl Brooks Schuelke
Your Name (please print)

☐ I am in favor
☒ I object

2702 Carlton Road
Your address(es) affected by this application

C Brooks
Signature

1-14-14
Date

Daytime Telephone: 512-496-3868

Comments: I have a number of concerns about this proposal, but my biggest concern is traffic. This is an obstructed part of the road due to the hills on each side of the property, and the road is highly utilized, especially after 2:45 (when the school lets out) and every evening hours. This will make our entrance onto Exposition Blvd more dangerous, for dangerous for those leaving the proposed development, and generally make traffic at the intersection more difficult

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

WEST AUSTIN NEIGHBORHOOD GROUP

Organized 1973

"To preserve our neighborhood and protect it from deterioration."

January 14, 2014

via e-mail

City of Austin Planning Commission
City of Austin
P.O. Box 1088
Austin, Texas 78767-8810

Re: Contact: Sherri Sirwaitis, 512.974.3057
Case Number: C-14-2013-0136
Public Hearing: Jan 14, 2014 Planning Commission
Feb 13, 2014 City Council

Dear Commissioners:

In connection with the above-referenced case, the West Austin Neighborhood Group has voted in support of a motion to oppose the applicant's zoning request of MF-2, and to support the City staff's recommendation as follows:

The City Staff's recommendation is to grant SF-6-CO, Townhouse & Condominium Residence-Conditional Overlay District, at this location. The conditional overlay includes conditions that were to be presented to the City Council at the third reading of the previous zoning case on this tract, C14-2007-0084. Therefore, the staff's recommendation for the conditional overlay (CO) is as follows:

1) The property shall be limited to a maximum of 20 dwelling units/9.17 dwelling units per acre.
2) Beginning 75 feet from the property line along Exposition Boulevard:
   a) the maximum height permitted shall be 2 stories or 32 feet,
   b) development shall comply with Subchapter F, Article 2, Section 2.7 (Side Wall Articulation) of the City Code along the western facade of a building,
   c) condominium residential uses are prohibited.

3) Construction of a fence is prohibited along the property line adjacent to Exposition Boulevard.
4) A 25 foot vegetative buffer shall be provided/maintained beginning at the eastern edge of the sidewalk along Exposition Boulevard.

In addition, WANG requests that the conditions recommended by staff be made enforceable through a restrictive covenant between the property's owner and the adjacent neighbors and WANG.

WANG and the neighbors have several concerns. Primary is the precedent set by the zoning of this piece of property. Previously, the home of the director of the State Supported Living Center (fka Austin State School) was on the property. Mr. Beuerlein and his investors purchased the 2.7 acre tract from the State in 2007. Part of the tract was zoned SF-3, but the majority of the property was unzoned. The tract fronts Exposition for 444 linear feet. This section of Exposition, which is included in an unbroken line running from immediately north of Casis Village to the intersection of 35th Street and Exposition, is undeveloped green space save for one home, formerly occupied by the State School's director. Since acquiring the property, Mr. Beuerlein has demolished the house and has cut down several trees.

If multi-family zoning is permitted along this corridor, it will grant a toe-hold to any other developers who acquire property from the State along Exposition Boulevard and 35th Street toward MoPac. WANG supports development in a measured, balanced manner, taking into consideration adjacent land uses and transitional zoning. The applicant's request satisfies neither of these criteria. Moreover, the applicant has articulated no use of the property that could not be accomplished through a single family zoning category, such as SF-6.

The tract in question rises 40 feet above Exposition Boulevard. The church across the street sits downgrade. The subdivision across the street is deed-restricted to one-story structures. There are no structures on Exposition, with the exception of the Carillon office building, which have more than two stories. A three-story structure on Exposition would loom above adjacent structures and would not be in keeping with the existing development.

In addition, 3215 Exposition sits at the headwaters of Taylor Slough and Johnson Creek. It is an environmentally sensitive area, draining to Lake Austin, providing an important source of Austin's drinking water. The City has confirmed that sensitive wetlands are present in the headwaters.

The neighbors and WANG have spent literally hundreds of hours and untold expense in attempting to reach a compromise with Mr. Beuerlein. In August 2007, Mr. Beuerlein went to this Commission and to City Council to ask for MF-1 zoning and 28 units on the property. The neighbors strenuously opposed this intense densification of the tract, and 700 neighbors signed a petition supporting SF-3 zoning. At several meetings, neighbors have expressed an overwhelming (3:1) desire that single family zoning be applied in keeping with the surrounding property. However, in a spirit of compromise, the neighbors and WANG have acquiesced to the City staff's recommended SF-6 zoning recommendations with the additional restrictions noted.

Following Mr. Beuerlein's initial application, discussions continued between the stakeholders, including a formal mediation. By February 14, 2008, Mr. Beuerlein and the neighbors presented a joint proposal to Council which allowed for SF-6 zoning, 20-unit development, and a height limitation of 32', the same as City staff's current recommendation. Before the third reading, however, Mr. Beuerlein withdrew the zoning application. Since that time, the project has remained dormant, and it was excepted from the neighborhood's 2010 FLUM. In that process, the neighborhood again tried to reach an agreement with Mr. Beuerlein, but he continued to push for a multi-family designation. Mr. Beuerlein now returns to this Commission and to Council seeking even greater densification than ever requested before.

Thank you for your consideration of this matter.

Sincerely,

Catherine Kyle

Catherine Kyle
President
West Austin Neighborhood Group

PUBLIC HEARING INFORMATION

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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: C14-2013-0136
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: Jan 14, 2014, Planning Commission
Feb 13, 2014, City Council

Adrienne Inglis
Your Name (please print)

☑ I am in favor
☐ I object

3208 Exposition Blvd
Your address(es) affected by this application

Signature

12 Jan 14
Date

Daytime Telephone: 512 762 1153

Comments: I am a member at Westminster Presbyterian Church. I do not speak for the church. I support infill development to increase urban density. Sprawl contributes to air pollution, global climate change, traffic jams, and water pollution.

Thank you.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Sirwaitis, Sherri

From: Loudhouse Productions [redacted]
Sent: Wednesday, February 12, 2014 5:47 PM
To: Sirwaitis, Sherri
Subject: tomorrow's rezoning hearing
Attachments: img016.jpg

Hi Sherri-

Attached you will find Edythe Michel's response to the rezoning application she received in the mail (Case #C14-2013-0136 being heard by City Council tomorrow). Her comments are excerpted below.

Thank you for your time,

Andy Gately
per Edythe Michel

Comments:

Edythe Michel is against the rezoning proposition on Exposition Boulevard. Street runoff is a major problem in that neighborhood, which has led to flooding on many occasions in the past. Additional impervious cover will only exacerbate this. Commuters trying to avoid traffic jams on MoPac use Exposition as a high-speed shortcut around some of the congestion on the highway, which poses a danger to residents, pedestrians and pets. The intersection of West 38 1Ž2 St. and Exposition would only be worsened by the rezoning under consideration. Thank you for your consideration.

PUBLIC HEARING INFORMATION

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Case Number: C14-2013-0136
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: Jan 14, 2014, Planning Commission
Feb 13, 2014, City Council

Edythe Michel
Your Name (please print)

☐ I am in favor
☐ I object

2700 Warren & 3400 Exposition
Your address(es) affected by this application

Edythe Michel
Signature *Date*

Daytime Telephone: (512) 750-2556

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Sherri Sirwaitis
P O Box 1088

Sirwaitis, Sherri

From: Jose Agustin Martinez MD [redacted]
Sent: Wednesday, February 12, 2014 7:09 PM
To: Sirwaitis, Sherri
Subject: (C14-2013-0136)

As a soon to be empty nester, I believe the above mentioned project would be ideal for my wife and I. Please support. Otherwise, I will need to move bout TRAVIS county.

Thanks

Jose Agustin Martinez, MD
Austin Retina Associates
801 W. 38th street, Suite 200
Austin. Tx. 78705
[redacted]
W 512-451-0103
M 512-913-1542

ARA core values: Courtesy, Diligence, Integrity, Teamwork

Sent from my iPhone

Sirwaitis, Sherri

From: Loudhouse Productions <loudhouse@austin.rr.com>
Sent: Wednesday, February 12, 2014 5:42 PM
To: Sirwaitis, Sherri
Subject: Case #C14-2013-0136 response
Attachments: img015.jpg

Sherri-

Attached you will find Robert Michel's reply to the rezoning application he received in the mail (Case #C14-2013-0136 being heard by City Council tomorrow). His comments are excerpted below.

We will follow up tomorrow before the hearing via phone as well,

Thank you,

Andy Gately
per Robert Michel

Comments:

"Robert Michel opposes the proposed rezoning on Exposition Boulevard. Such a change would greatly effect the area, which is already rife with traffic issues. The intersection of Warren and Exposition suffers from high traffic volume. We also have people cutting through the neighborhood on Exposition (often while speeding) to avoid the bumper-to-bumper congestion on MoPac. Additionally, at Exposition and W. 38 1Ž2 St., runoff is a recurring problem as it is, without more impervious cover being added. The rezoning will have a negative impact on the flooding in the area, as well as the poor traffic conditions already in existence."

PUBLIC HEARING INFORMATION

oning/rezoning request will be reviewed and acted upon public hearings: before the Land Use Commission and y Council. Although applicants and/or their agent(s) are d to attend a public hearing, you are not required to However, if you do attend, you have the opportunity to OR or AGAINST the proposed development or change. nay also contact a neighborhood or environmental ation that has expressed an interest in an application g your neighborhood.

its public hearing, the board or commission may e or continue an application's hearing to a later date, or aluate the City staff's recommendation and public input ling its own recommendation to the City Council. If the r commission announces a specific date and time for a ement or continuation that is not later than 60 days e announcement, no further notice is required.

its public hearing, the City Council may grant or deny a request, or rezone the land to a less intensive zoning quested but in no case will it grant a more intensive

er, in order to allow for mixed use development, the l may add the MIXED USE (MU) COMBINING ICT to certain commercial districts. The MU ning District simply allows residential uses in addition e uses already allowed in the seven commercial zoning s. As a result, the MU Combining District allows the ation of office, retail, commercial, and residential uses single development.

ditional information on the City of Austin's land ment process, visit our website:

www.austintexas.gov

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

Case Number: C14-2013-0136
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: Jan 14, 2014, Planning Commission
Feb 13, 2014, City Council

Robert Michel

Your Name (please print)

☐ I am in favor
☒ I object

2700 Warren & 3400 Exposition

Your address(es) affected by this application

Signature

2/12/14

Date

Daytime Telephone: (512) 474-4314

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Sirwaitis, Sherri

From: JACK WOLFE [redacted]
Sent: Thursday, February 13, 2014 5:07 AM
To: Sirwaitis, Sherri
Subject: (C14-2013-0136) case number

Sherri, I support Steve Beurline's development proposal along Exposition. Currently, this site is an eyesore and Steve does a thoughtful job when doing new projects. This project will be well received by the neighborhood once completed.

Jack Wolfe
1205 F Norwalk Lane
Austin, Texas

Sirwaitis, Sherri

From: John Morran <jmorran@texasrealtycapital.com>
Sent: Friday, February 21, 2014 2:07 PM
To: Sirwaitis, Sherri
Cc: Anderson, Dave - BC; Smith, Myron - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Oliver, Stephen - BC; Roark, Brian - BC; Nortey, James - BC; Oliver, Stephen - BC; Leffingwell, Lee; Cole, Sheryl; Riley, Chris; Tovo, Kathie; Martinez, Mike [Council Member]; Morrison, Laura; Spelman, William
Subject: 3215 Exposition - Zoning Case C14-2013-0136

I am writing to you today to express my support for the 3215 Exposition development proposed by Burlington Ventures.

I have lived in Central Austin on Deep Eddy Ave for over 20 years. While I am sensitive to preserving the fabric of old Austin neighborhoods – I also think it is important for the City and the neighbors in Central Austin to be realistic of the growth in our city and encourage responsible, quality development. This site, and the proposed project, is a perfect example of what the city should encourage and not dismiss or discourage. We have a choice as a City – encourage responsible, in-fill development that helps provide more affordable housing options or block every reasonable development option and force more development away from the center of town – which will only negatively impact affordability, tax base, traffic and public schools.

This project in particular is well planned and designed to minimize impact on the neighborhood. It fills a need in the housing market that is not being adequately addressed in Central Austin . Last, it is being proposed by a long time local developer that has a stellar track record for quality, responsible development.

I hope it is as clear to you that the City must support this project.

John Morran
608 Deep Eddy Ave.

Sirwaitis, Sherri

From: Vickee Byrum <vickee@yellowdoordesign.com>
Sent: Sunday, February 16, 2014 12:37 PM
To: Sirwaitis, Sherri
Subject: 3215 Exposition Blvd. - Planning Commission

Dear Ms. Sirwaitis et al,

I am writing to you to pledge my support of the project at 3215 Exposition Blvd. that comes before you on February 25th.

I have been an active member of the Tarrytown community for over 14 years. In the past I was persuaded to sign a petition against multi-family zoning for this site. I confess negligence on my part because I did not take time to understand the intent of the development.

I learned more about the request when I expressed an acute need for a development just like 3215 Exposition! As an interior designer in Austin for the past 18 years, I have "downsized" several older clients. I assisted in moves to Westminster Manor, Woodstone and townhouses on Pecos. People have been forced out of Tarrytown after a lifetime of living there simply because there was nowhere for them to go. Their initial desire is always to stay in Tarrytown and move somewhere safe where they don't have the maintenance of their family home. People want to downsize and still be able to use the same grocery and dry cleaners they have for years. And their children still want them to be nearby and part of their lives.

The very definition of community is a sense of fellowship with others. Tarrytown is defined by community and it imperative that we meet the needs of our multi generational neighborhood by embracing a development that will enable families to stay close to one another.

And to those pesky homeowners who think in terms only of their immediate property taxes, I challenge them to think of the many benefits this project will bring to our neighborhood and yes, ultimately their property taxes.

I look forward to attending this zoning hearing (C14-2013-0136) to see our city government coming together to further enhance the city we all love.

all the best,

Vickee Byrum

Yellow Door Design
3212 Kerbey Lane
Austin, TX 78703
p 512.423.5230
f 512.482.8010
vickee@yellowdoordesign.com
www.yellowdoordesign.com

Sirwaitis, Sherri

From: [redacted]
Sent: Monday, February 24, 2014 3:07 PM
To: Sirwaitis, Sherri
Subject: zoning case (C14-2013-0136)

Dear Ms. Sirwaitis:

I am writing in support of the changes requested pursuant to C14-2013-0136, for the project known as 3215 Exposition scheduled for February 25. I am a resident of Austin for over 40 years and the exact demographic (active, single and over 60) that this type project would appeal to. I would love to move to a place that offers smaller floor plans, environmental responsibility, energy efficiency, sustainable development, and a walkable location. There seems to be a lack of affordable options such as this proposal in the West Austin neighborhood. I hope the Planning Commission will recommend the change.

Thank you.

Sincerely,

Berry Crowley

Berry Crowley | Beryl P. Crowley
Attorney & Counselor | Crowley Legal Recruiting LLC
P.O. Box 684189 | Austin, TX 78768-4189
Phone: 512-276-5077 | Fax: 512-276-5258
Cell: 512-750-1609 | [redacted]

Sirwaitis, Sherri

From: Patton Jones [redacted]
Sent: Monday, February 24, 2014 4:43 PM
To: Sirwaitis, Sherri
Cc: [redacted]
Dave.Anderson@austintexas.gov; Leffingwell, Lee; Myron.Smith@austintexas.gov; Alfonso.Hernandez@austintexas.gov; Cole, Sheryl; Jean.Stevens@austintexas.gov; Danette.Chimenti@austintexas.gov; Riley@austintexas.gov; Jeff.Jack@austintexas.gov; James.Nortey@austintexas.gov; Martinez, Mike [Council Member]; Stephen.Oliver@austintexas.gov; Brian.Roark@austintexas.gov; Tovo, Kathie; Morrison, Laura; Spelman, William
Subject: Zoning case # C14-2013-0136

Dear Sherri, Planning Commission, Council Members:

I am a Tarrytown home owner living close to the proposed 3215 Exposition single family project. I am for this project and want to register my support. Tarrytown needs an active seniors housing option. This is an efficient, low impact design that will serve a niche in our community (housing for the grandparents who need/want a home near to their family). Please support this project.

Sincerely,

Pat Jones • [redacted]
Principal
T 512-637-1213 • **M** 512-497-5511

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team website • current listings
www.arausa.com

RELATIONSHIPS
THAT DELIVER RESULTS.

Sirwaitis, Sherri

From: Coalter Baker <coalter@coalterbakercpa.com>
Sent: Monday, February 24, 2014 5:03 PM
To: dave.anderson@austintexas.gov; myro.rsmith@austintexas.gov; alfonso.hernandez@austintexas.gov; jean.stevens@austintexas.gov; danette.chimenti@austintexas.gov; jeff.jack@austintexas.gov; james.nortey@austintexas.gov; stephen.oliver@austintexas.gov; Sirwaitis, Sherri; Leffingwell, Lee; Cole, Sheryl; Riley, Chris; Martinez, Mike [Council Member]; Tovo, Kathie; Morrison, Laura; Spelman, William
Subject: 3215 Exposition zoning case C1420130136
Importance: High

Ladies and gentlemen:

I am submitting this email in support of the above referenced zoning case that is scheduled for February 25th. I have lived in the Tarrytown area for over 50 years and believe that the goals for this property are consistent with the theme of the surrounding neighborhood and should be allowed to proceed. There is a great need for residential alternatives for those 55 years and older. Since I have reached this age in recent years I know how valuable it is to have grocery, general retail, parks, churches and a post office within walking distance or by way of a very short drive down Exposition Blvd.

The project envisions distributing the land and development costs over more units. This makes each individual unit more affordable and energy efficient when compared with existing housing in the area. Steve Beuerlein, the developer, has a history of high quality multi-family residential and commercial developments. He is a long-time resident of Tarrytown who understands the goals and desires of his neighbors. I believe he should be given an opportunity to make this 3215 Exposition Blvd. project a reality.

Sirwaitis, Sherri

From: [redacted]
Sent: Tuesday, February 25, 2014 12:31 PM
To: Dave.Anderson@austintexas.gov
Cc: Sirwaitis, Sherri
Subject: 3215 Exposition Blvd.

Dave,

As a resident who lives within one mile of this location, and a WANG member who has seen this property for 40 years, I want to voice my support for the request to rezone 3215 Exposition Blvd.. I think it is the appropriate scale, design and density for the neighborhood and for a street like Exposition Blvd., and think that the applicant has shown great patience, skill and creativity in formulating the design, and the age restriction. The project adds a mix of dwelling types that is needed in Tarrytown. It is never easy to re-zone property in affluent single family neighborhoods, but this is appropriate and should be supported.

Thank you.

KENT COLLINS
CENTRO DEVELOPMENT, LLC
2905 SAN GABRIEL STREET
SUITE 207
AUSTIN, TEXAS 78705
[redacted]
512-474-8700 (P)
512-656-9035 (C)

Sirwaitis, Sherri

From: Trent Thomas <tthomas24@gmail.com>
Sent: Wednesday, February 26, 2014 1:54 PM
Subject: 3215 Exposition - Planning Commission

I have lived within the West Austin Neighborhood Group boundaries since 1983 (my parents have since the late 60s) so I have witnessed firsthand the growth and changes to the neighborhood, including both benefits and challenges. As our city continues to grow rapidly, we need to seek responsible development initiatives to accommodate the growth and the challenges it creates, and benefit the collective whole of our tax base. While dense MF zoning to accommodate vertical development may be the answer to other parts of the city, preserving the cultural and aesthetic appeal of the West Austin Neighborhood is equally important.

The site at 3215 Exposition is a unique location which I strongly believe calls for responsible MF development which can accommodate our senior aged population, without jeopardizing the cultural and architectural appeal of the neighborhood. As older adults such as my parents begin to downsize their homes into their retirements, they need reasonably priced and single floor housing options within the neighborhood to prevent from having to move out of the city into rural areas. I have witnessed similar projects (although much larger and more vertical) in similar neighborhoods in Houston, and the projects ultimately were seen as huge successes as the developers made reasonable attempts to address the neighborhood group's concerns.

The proposed development at 3215 Exposition is a reasonable and responsible development plan that will allow older adults to maintain their standard of living through their retirements, which will in turn free up housing supply for young families who are seeking to move into the neighborhood. This site location is ideal for this type of development and will be a benefit to the greater good of both the neighborhood and city.

Thank you very much for your time and consideration!

Stephen T Thomas
West Austin Neighborhood Resident

Sirwaitis, Sherri

From: Loudhouse Productions <loudhouse@austin.rr.com>
Sent: Tuesday, March 04, 2014 2:14 PM
To: Sirwaitis, Sherri
Subject: Re: Case #C14-2013-0136 3215 Exposition Blvd.

Dear Ladies/Gentlemen:

Please let me express my opposition to the applicant's request for MF-2 in this case, and my support for the zoning recommendation put forth by the West Austin Neighborhood Group for SF-6. My neighbors and I would like to see constructed on the subject tract townhomes of the type as already exist close by at Exposition and 35th Street.

I own the property at the northwest corner of Exposition and Warren, so my property will be at the epicenter of the consequences of this decision. There are not now any apartments anywhere close to this area, so if this apartment project is approved it will set a precedent. I am sure that other owners will soon seek this same zoning, and probably closest to my property, first. You can be sure that there would, over time, be profound changes in the character of this area.

Thank you so much for your kind and careful consideration of this very important matter.

Yours very truly,

Edythe Michel
712 SPARKS AVE.
AUSTIN, TEXAS 78705

Sirwaitis, Sherri

From: John Lohr [redacted]
Sent: Wednesday, March 05, 2014 1:03 PM
To: Martinez, Mike [Council Member]
Cc: Sirwaitis, Sherri; Steve Beuerlein
Subject: zoning case (C14-2013-0136)

Dear Councilman Martinez,

I wanted to send my support for the zoning case for the property at 3215 Exposition. I live in the neighborhood and know there is great demand for a variety of housing options. This property is well suited for this proposal with easy access from the arterial and close proximity to retail services at Casis Village as well as on 38th street east of Mopac. This is a great example of creative land use. With the stipulation for over 55 residents, we can provide a well considered option in housing.

Thank you for your consideration and support.

Sincerely,

John L. Lohr
mobile 512 784-8477

EDYTHE MICHEL
712 SPARKS AVE.
AUSTIN, TEXAS 78705

March 3, 2014

Honorable Members of the City of Austin Planning Commission
c/o Sherri Sirwaitis
Senior Planner, Planning and Development Review Dept.
P. 0. Box 1088
Austin, TX 78767-8810
Sherri.sirwaitis@austintexas.gov

Re.: Case #C14-2013-0136
3215 Exposition Blvd.

Dear Ladies/Gentlemen:

Please let me express my opposition to the applicant's request for MF-2 in this case, and my support for the zoning recommendation put forth by the West Austin Neighborhood Group for SF-6. My neighbors and I would like to see constructed on the subject tract townhomes of the type as already exist close by at Exposition and 35th Street.

I own the property at the northwest corner of Exposition and Warren, so my property will be at the epicenter of the consequences of this decision. There are not now any apartments anywhere close to this area, so if this apartment project is approved it will set a precedent. I am sure that other owners will soon seek this same zoning, and probably closest to my property, first. You can be sure that there would, over time, be profound changes in the character of this area.

Thank you so much for your kind and careful consideration of this very important matter.

Yours very truly,

Edythe Michel

Sirwaitis, Sherri

From: Patton Jones <jones@arausa.com>
Sent: Tuesday, March 18, 2014 4:26 PM
To: Sirwaitis, Sherri
Cc: Dave.Anderson@austintexas.gov; Leffingwell, Lee; Myron.Smith@austintexas.gov; Alfonso.Hernandez@austintexas.gov; Cole, Sheryl; Jean.Stevens@austintexas.gov; Danette.Chimenti@austintexas.gov; Riley@austintexas.gov; Jeff.Jack@austintexas.gov; James.Nortey@austintexas.gov; Martinez, Mike [Council Member]; Stephen.Oliver@austintexas.gov; Brian.Roark@austintexas.gov; Tovo, Kathie; Morrison, Laura; Spelman, William
Subject: Zoning case # C14-2013-0136

Dear Sherri, Planning Commission, Council Members:

I am a Tarrytown home owner living close to the proposed 3215 Exposition single family project. I am for this project and want to register my support. Tarrytown needs an active seniors housing option. This is an efficient, low impact design that will serve a niche in our community (housing for the grandparents who need/want a home near to their family). Please support this project.

Sincerely,

Pat Jones • jones@arausa.com
Principal
T 512-637-1213 • **M** 512-497-5511

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RELATIONSHIPS
THAT DELIVER RESULTS.

Sirwaitis, Sherri

From: Matthew L Lamon <mattlamon@utexas.edu>
Sent: Saturday, March 22, 2014 12:58 PM
To: Sirwaitis, Sherri
Subject: My Support for C14-2013-0136 (3215 Exposition Blvd)

Ms. Sirwaitis,

Please accept this email as expression of my support for C14-2013-0136 at 3215 Exposition Blvd.

I live near the proposed project and believe it will be a net benefit to our community of West Austin and the whole city.

I appreciate the efforts of Mr. Beuerlein and his associates to visit with neighbors and his endeavor to bring this kind of project to our community.

While I regret that I cannot be present at the hearing, I hope you will consider this written testimony. Feel free to reach out to me if I can provide further perspective.

Best regards,

Matt Lamon