

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHORHOOD PLAN:** Central West Combined Neighborhood Plan

**CASE#:** NPA-2014-0027.01

**DATE FILED:** February 5, 2014 (In-cycle)

**PROJECT NAME:** 2208 Lake Austin

**PC DATE:** April 8, 2014

**ADDRESS:** 2208 Lake Austin Blvd.

**SITE AREA:** Approx. 0.20 acres

**APPLICANT/OWNER:** 2208 Lake Austin, LLC (Vance Elliot)

**AGENT:** Alice Glasco Consulting (Alice Glasco)

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Neighborhood Commercial

**To:** Neighborhood Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** C14-2014-0015

**From:** LO-NP

**To:** LO-MU-NP

(Also termination of Restrictive Covenant Case number C14-80-016 (RCT) to allow residential uses)

**NEIGHBORHOOD PLAN ADOPTION DATE:** September 23, 2010

**PLANNING COMMISSION RECOMMENDATION:**

Public hearing closed.

1<sup>st</sup> Motion: The motion to approve staff's recommendation prohibiting short-term rentals were made by Commissioner Richard Hatfield, Commissioner Stephen Oliver seconded the motion on a vote of 4-4; Commissioners Myron Smith, Brian Roark, Danette Chimenti and Jean Stevens voted against the motion (nay). MOTION FAILED.

2<sup>nd</sup> Motion: The motion to deny staff's recommendation was made by Commissioner Jean Stevens; Commissioner Myron Smith seconded the motion on a vote of 4-4. MOTION FAILED.

Forward to City Council with no recommendation from Planning Commission.

**STAFF RECOMMENDATION:** Recommended.

**BASIS FOR STAFF'S RECOMMENDATION:** This property is located in the Deep Eddy commercial corridor as identified in the neighborhood plan document. On page 43 of the plan, recommendation L.2.6, states that this area "should remain a mix of neighborhood niche shops and offices." Although the text of the plan does not specifically reference residential uses along this corridor, neighborhood planning staff believes the applicant's request to change the land use from Neighborhood Commercial to Neighborhood Mixed Use to allow a residential use, in addition to the low-intensity office use, is appropriate for the property location along a major arterial and for the guiding land use principles in the Imagine Austin Comprehensive Plan listed below.

In the Community Life section of the plan document, it mentions the need for members of the community to keep a watchful eye on the neighborhood to keep the area safe. Having someone living on the property would provide a watchful eye on the property after office hours and provide awareness of activity on Lake Austin Boulevard after hours, as well.

***IMAGINE AUSTIN PLANNING PRINCIPLES***

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
  - ***The proposed change in the future land use map to Neighborhood Mixed Use to allow for a residential use is consistent with this principle because the property is within walking distance to businesses along Lake Austin Blvd and is 0.7 miles to O. Henry Middle School. In addition, the property is within walking distance to Eilers (Deep Eddy) Neighborhood Park and Veterans Pocket Park.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
  - ***The property is located on an activity corridor and is served by public transportation and is within walking distance to businesses along Lake Austin Blvd.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
  - ***The property is located on an activity corridor and would not be out-of-scale for the surrounding properties. The owners are taking an infill property and***

***redeveloping it into a live/work building that is compatible with the surrounding properties which are residential and low-intensity commercial uses.***

4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
  - ***The proposed live/work unit adds to the variety of housing choices in the area, which is predominately single family to the north.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.
  - ***The proposed modifications to the building are not incompatible with the surrounding uses.***
6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
  - ***The property is located in an area with existing infrastructure and is not being built on a greenfield site with no infrastructure.***
7. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
  - ***The property is located within walking distance to community-serving businesses and parks.***
8. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
  - ***Creating live/work units in the Austin could help reduce business and housing costs which could help businesses and entrepreneurs thrive.***
9. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
  - ***The proposed live/work unit would mean people who live in the building could also work there, thus reducing the need for a motor vehicle on a daily basis to commute to-and-from work. The area could be considered a complete community because of its proximity to a school, offices, retail businesses, parks and public transportation.***

The Neighborhood Mixed Use land use is appropriate for a low-intensity, low-density office building where the applicant proposes to add a residential use so they can live and work on the property without the need to drive to-and-from the home and work on a daily basis.

The property is located adjacent to residential zoning and land uses to the north, commercial uses to the east, west, and south, and is also located on an Activity Corridor, which encourages a mix of uses. As stated above, since the property fronts onto a major arterial that has access to public transportation and is within walking distance to the neighborhood

serving niche shops, offices, parks, and a school, adding a residential component is not incompatible for its location.

**CENTRAL WEST AUSTIN COMBINED NEIGHBORHOOD PLAN GOALS, OBJECTIVES, AND RECOMMENDATIONS:**

**LAND USE**

---

Goal Statement and Introduction:

Preserve and protect the historic character and integrity of Central West Austin's predominantly single-family neighborhoods, with their neighborhood-serving commercial centers, civic areas, safe parks, and attractive open spaces, so as to maintain the neighborhood's lifestyle, avoid increasing traffic, preserve the mature tree canopy, protect creeks and the lakes, and prevent flooding.

New commercial, retail, or multifamily should be located at the edges of the neighborhood and should be appropriately oriented and scaled, so that development transitions from more intensive uses along the edges to the single family neighborhood, to protect the existing single-family homes.

---

**Objective 2: Preserve and enhance existing multifamily housing and neighborhood-serving commercial districts, by encouraging renovation on existing sites.**

**L.2.6**

Deep Eddy's commercial corridor along Lake Austin Boulevard should remain a mix of neighborhood niche shops and offices. If redevelopment occurs, the open street feel and pedestrian friendliness of this corridor and its views of Lady Bird Lake and the western hills should be preserved. Redevelopment should also respect Lady Bird Lake, in keeping with the spirit of the Drinking Water Protection Zone and Waterfront Overlay. (Page 43)

**COMMUNITY LIFE**

---

Goal Statement & Introduction:

Central West Austin will foster and improve life for all ages through community interaction.

---

Active community living has allowed Central West Austin to remain relatively safe. Community involvement creates awareness and residents keep a watchful eye. (Page 81)

**Objective 1: Create more opportunities for interaction within the community.**

**C.1.5** Encourage local merchants to provide a greater variety of neighborhood retail services, restaurants, and other basic services. (Page 84)

**Objective 3: Central West Austin Neighborhoods will be safe from crime.**

C.3.1 Establish neighborhood watch programs to ensure better communication between law enforcement and citizens. Watch programs can include the designation of block leaders to create phone lists and coordinate vacation leave watches during travel seasons. (Page 84)

**DESCRIPTION OF ACTIVITY CORRIDORS IN THE IMAGINE AUSTIN COMPREHENSIVE PLAN**

**Activity Corridors**

Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

**LAND USE DESCRIPTIONS**

***EXISTING LAND USE***

**Neighborhood Commercial** - Lots or parcels containing small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale.

**Purpose**

1. Accommodate low-intensity commercial services that serve surrounding neighborhoods; and
2. Encourage small-scale retail within walking distance from residential areas.

### **Application**

1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single- family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used to encourage high intensity commercial to transition to residential uses.

### ***PROPOSED LAND USE***

**Neighborhood Mixed Use** - An area that is appropriate for a mix of neighborhood commercial (small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale) and small to medium-density residential uses.

### **Purpose**

1. Accommodate mixed use development in areas appropriate for a mix of residential uses and neighborhood commercial uses that serve surrounding neighborhoods; and
2. Provide transition from residential use to high intensity commercial or mixed use.

### **Application**

1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single- family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used as a transition from high intensity commercial and residential uses to single-family residential uses.

**BACKGROUND:** The application was filed on February 5, 2014, which is in-cycle for plan amendment applications for property located within neighborhood planning areas with City Council approved neighborhood planning areas located on the west side of I.H.-35.

The owner wants to change the future land use map from Neighborhood Commercial to Neighborhood Mixed Use. They are also requesting a change in zoning from LO-NP (Limited Office District – Neighborhood Plan) to LO-MU-NP (Limited Office District – Mixed Use – Neighborhood Plan). For more information on the applicant's zoning request, please see the zoning case report for case number C14-2014-0015.

The owner of the property wants to convert a portion of the existing office building into a residence for a live/work unit. There is also a public restrictive covenant that limits the use to only an office use, which the owner has requested to be terminated.

**PUBLIC MEETINGS:** The ordinance-required plan amendment meeting was held on March 12, 2014. Approximately 118 meeting notices were mailed to property owners and utility account holders living within 500 feet of the property, in addition to neighborhood organizations and environmental who requested notification for the area.

After city staff gave a general presentation about the applicant's request and planning process, Alice Glasco, the owner's agent, told the attendees that the property rezoned in the 1980's to Limited Office District with a public restrictive covenant (RC) that limits the property to office use only.

After her presentation, the following questions were asked:

**Q. When the City Council approved the case back in the 1980's, they put a RC for businesses only. Why do you want to change it? What's the point?**

A. Probably the City staff did not want it limited that way, but it was something the surrounding neighbors wanted. These owners just want to live there and also have their office.

**Q. You haven't said that only the owners would live there.**

A. They usually have a RC that limits the residential use to only the owners.

**Q. Since the owners/applicants are realtors, why did you buy the property knowing that they couldn't live there, then turn around and ask us to allow you to change it?**

A. Because they want to live and work on the property. They don't want to convert the building back to 100 %residential, but they to build a mixed use building so they can live and work there.

**Q. So they could build anything?**

A. The zoning already limits the building height and the limits the square feet. It would allow the same development standards as LO – Limited Office, but also allow residential.

**Q. Why are you asking for a zoning change now? Why didn't you participate during the Central West Austin Combined Planning process and ask for a rezoning then?**

A. The owners' response: We didn't own the property then. My husband was dealing with cancer and we were not able to participate.

**Q. We understand that commercial properties can have one residential use on it. Why don't you just terminate the RC instead of rezoning the whole property to MU?**

A. The Land Development Code allows a residential use on commercial property, but not more than 50% of the existing building. We want more than 50% of the building to be residential, which is why we're requesting to add MU to the LO zoning.

**Q. What is the percentage of the building you're proposing to be residential?**

A. About 2/3rds of the building would be residential.

**Q. Will all the parking be in the garage or will any be on the street?**

A. All the parking will be in the garage.

**Q. If the RC wasn't on the property that prohibited residential uses, would it be treated the same as the other properties?**

A. Yes.

**Q. Would you also modify the RC to exclude short-term rentals?**

A. Everyone else in the neighborhood has the option for short-term rentals, so I don't know why we would restrict this property.

**Q. One reason you might be amendable to restricting short-term rentals when others are allowed the use, is because you are asking for a zoning change and they aren't.**

A. The property is in an area that has commercial uses, so why not allow short-term rentals?

**Q. My concern is traffic and safety issues. The alley is used as a road and you could build something big to generate more traffic.**

A. We're limited in how much more building we could build because we're at our impervious cover and we need to protect the large tree on the property.

**Q. What items in our neighborhood plan do you feel meets the request?**

A. To retain the uses on the street and the Waterfront Overlay allows residential uses just across the street. The City also has goals such as mixed use, live/work uses where people don't need to drive.

**Q. My concern is you could buy the property to the east and combined the two lots for a larger mixed use development. What can we do to prevent this? Can we do a restricted covenant to prevent this?**

A. We will be limited because of compatibility standards and the tree that we have to preserve.

**Q. If you removed the RC, based on the total size of your building, you could have 1,800 sq. ft. of office uses and 1,800 sq. ft. of residential, so you really don't need the mixed use overlay.**

A. Yes, that would be possible, but not ideal because we need more than 1,800 sq. feet of residential area.

Comments from the members of the Central West Combined Planning Contact Team:

- During the neighborhood planning process, the neighborhood was very clear where we wanted mixed use, which is shown the future land use map and this area of Deep Eddy is not an area we wanted to mixed use, which is why the map does not show Neighborhood Mixed Use.
- On page 43, under Objective 1: Preserve the existing single family neighborhoods of Central West Austin of the neighborhood plan, item L.2.6 specifically says that this area should remain a mix of neighborhood niche shops and offices. It does not mention residential uses, so your request is not compatible with the plan.



After all the questions were answered, the meeting adjourned.

The Central West Combined Planning Contact Team does not support the change in the future land use map and the proposed zoning change request. Please see their letter in this report.

At the back of this report are letters received from the public.

**CITY COUNCIL:**

**DATE:** May 15, 2014

**ACTION:** TO GRANT POSTPONEMENT REQUEST BY APPLICANT TO JUNE 12, 2014, BY CONSENT. [B. SPELMAN; M. MARTINEZ – 2<sup>ND</sup>] (7-0)

**CASE MANAGER:** Maureen Meredith

**PHONE:** (512) 974-2695

**EMAIL:** Maureen.meredith@austintexas.gov

Summary Letter Submitted with Application

Alice Glasco Consulting

5117 Valburn Court, Suite A  
Austin, TX 78731  
aliceglasco@mindspring.com  
512-231-8110 • 512-857-0187 Fax

February 1, 2014

Greg Guernsey, Director  
Planning and Development Review Department  
505 Barton Spring Road, Suite 500  
Austin, Texas 78704

RE: 2208 Lake Austin Blvd.

Dear Greg:

I represent the owners of the above referenced property in three cases – rezoning, plan amendment (FLUM change) and a restrictive covenant termination (C14-80-016). The subject property was encumbered with a restrictive covenant that is associated with zoning case number C14-8-016. As part of the rezoning process, a use restriction was approved by the City Council and it reads as follows:

The above described property will be restricted to professional use only, and will operate during professional office hours only.

**Justification Rezoning/Plan Amendment and Restrictive Covenant Termination:**

1. The property is currently zoned LO-NP. The proposed rezoning is LO-MU-NP, which is intended to allow office and residential use.
2. Section 25-2-894 of the Land Development Code reads as follows: "One dwelling unit is permitted as an accessory use if not more than 50 percent of the building is used for the dwelling unit. An occupant is not required to be engaged in the principal use."

The proposed rezoning of LO-MU-NP, and the termination of the restrictive covenant, would give the property owner the flexibility of having more than 50% of the building as residential.

3. The property owners would like to remodel the existing building and also add to it so they can live there and move their office from out of town – a true Live/Work use.
4. **Plan Amendment:** we are requesting to change the FLUM from office to mixed use.

Greg Guernsey, Director  
Planning and Development Review Department  
RE: 2208 Lake Austin Blvd.

5. **Restrictive Covenant Termination:** The existing restrictive covenant limits the site to professional office use only. Therefore, terminating the restrictive covenant would allow the property to accommodate both office and residential use.

The recorded restrictive covenant my client is seeking to terminate is attached. Please let me know if you have any questions or need additional information.

Sincerely,



Alice Glasco, President  
AG Consulting

Cc: Vance Elliot  
Cari Patterson  
Maureen Meredith, Neighborhood Planner  
Sherri Sirvaitis, Zoning Planner

Letter from the Central West Austin PCT

**CENTRAL WEST AUSTIN NEIGHBORHOOD PLAN CONTACT TEAM**

May 12, 2014

Organized 2010

*"To facilitate the implementation of the Central West Austin Combined Neighborhood Plan."*

**OFFICERS**

Michael Cannatti  
Chair

August Harris  
Vice Chair

Joyce Basciano  
Secretary

**EXECUTIVE COMMITTEE**

Michael Curry  
Craig Duewall  
Roya Johnson  
Jerry Lloyd  
Mark Nixon  
Blake Tollett  
Betty Trent  
Diane Umstead  
Tina Weinberger  
Vivian Wilson

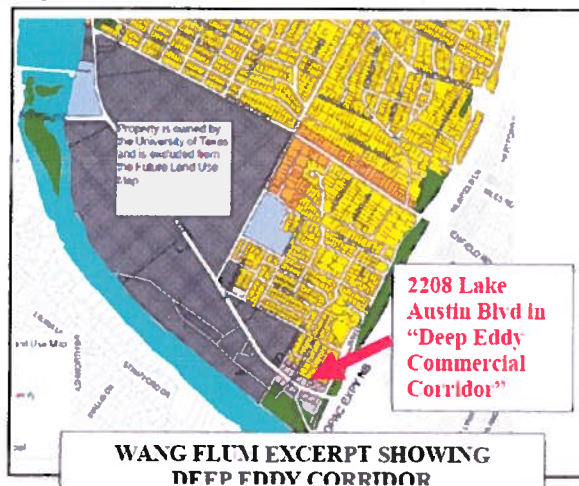
Honorable Mayor Leffingwell and City Council Members  
Austin City Council  
City Hall  
301 West 2nd Street  
Austin, Texas 78701

Re: Neighborhood Plan Amendment Case No. NPA-2014-0027.01 (2208 Lake Austin Boulevard)

Dear Mayor Leffingwell and Council Members:

The Central West Austin Neighborhood Plan Contact Team (PCT) opposes the requested amendment to our Future Land Use Map (FLUM) for 2208 Lake Austin Boulevard because it directly conflicts with specific guidance in our recently completed neighborhood plan and FLUM regarding the desired development and land use at this site.<sup>1</sup> As illustrated below, the proposed plan amendment would convert a vital "Neighborhood Commercial"

property serving our neighborhood's commercial needs to a neighborhood mixed for the purpose of increasing the size of the available residential use and to allow additional "short term rental" use(s) at the site. However, our FLUM explicitly retains "Neighborhood Commercial" land use at the location to provide a sustainable and compatibly scaled neighborhood-serving commercial area to serve the neighborhood's commercial needs, thereby advancing Imagine Austin's vision of a compact and connected Austin. On this point, our plan expressly designates the Deep Eddy's commercial corridor (where 2208 Lake Austin Blvd. is located) as one of the small areas of neighborhood-serving commercial districts that should be preserved because they serve the neighborhood's needs. See, Land Use Recommendation 2.6 ("Deep Eddy's commercial corridor along Lake Austin Boulevard should remain a mix of neighborhood niche shops and offices").



<sup>1</sup> In addition, the PCT voted to not oppose the termination of the public restrictive covenant.

Honorable Mayor Leffingwell and City Council Members  
May 12, 2014  
Page 2

A few short years ago, our neighborhood plan (NP) was approved by City Council to provide our community's vision for how growth and development should occur in our planning area. As you will recall, the major issue driving the planning process was the potential development of UT's Brackenridge Tract and the Austin State School properties. Since there will most certainly be significant residential, mixed use, and commercial development in these tracts, our NP process sought to plan for this growth and account for its presence while simultaneously protecting the character of the existing residential and commercial areas. Thus, our plan clearly recognizes that there will be growth, and attempts to provide guidance on where and how that growth should occur, but otherwise seeks to preserve the neighborhood's current residential character and supporting commercial services until the larger tracts are developed. In defiance of our plan's explicit guidance here, City Staff has recommended plan amendment by misstating our plan requirements (using draft plan language that was never approved) and by mischaracterizing "Imagine Austin Planning Principles" which actually weigh in favor of retaining our neighborhood commercial area.

**Neighborhood Plan Should Guide Decision:** When the actual plan language is considered, the proposed FLUM amendment -- to replace the FLUM's "neighborhood commercial" land use with "neighborhood mixed use" -- would reduce the available stock of shopping, food and other commercial services in our neighborhood, thereby violating numerous provisions from our neighborhood plan which seek to protect, preserve, promote, and enhance Deep Eddy's commercial corridor along Lake Austin Boulevard which serves as an important mix of neighborhood-serving niche shops and offices. 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 FLUM Amendment
"Central West Austin is a mature, stable and diverse community that includes a collection of four predominantly single family neighborhoods <u>supporting and supported by small-scale businesses</u> , with tree-lined streets and local schools, history, and amenities, <u>all of which are worthy of protection</u> " NP Vision Statement, p. 9.	The proposed neighborhood mixed use (NMU) does not protect the small-scale businesses located at the site, and actually reduces the available stock of shopping, food and other commercial services in our neighborhood since the proposed residential use would displace a potential shopping, food or other commercial service.
"The plan ... will promote a sustainable neighborhood with <u>compatibly scaled and located neighborhood-serving commercial</u> and civic areas, so as to maintain the neighborhood's quality of life, <u>avoid increasing traffic</u> , preserve the mature tree canopy, protect creeks and the lakes, and prevent flooding." NP Vision Statement, p. 9.	The proposed NMU does not promote neighborhood-serving commercial areas at the site, and actually reduces the available stock of shopping, food and other commercial services in our neighborhood since the proposed residential use would displace a potential shopping, food or other commercial service. The displacement of neighborhood commercial would also increase traffic as residents drive out of the neighborhood to obtain commercial services.
"Preserve and protect the historic character and integrity of Central West Austin's predominantly single-family neighborhoods, <u>with their neighborhood-serving commercial centers</u> , civic	The proposed NMU does not preserve and protect the existing neighborhood-serving commercial center located at the site, and actually reduces the available stock of shopping, food and



Honorable Mayor Lettingwell and City Council Members  
May 12, 2014  
Page 3

Neighborhood Plan Guidance	Conflicting Features of FLUM Amendment
areas, safe parks, and attractive open spaces, so as to maintain the neighborhood's quality of life, avoid increasing traffic, preserve the mature tree canopy, protect creeks and the lakes, and prevent flooding." NP Land Use Goal, p. 41.	other commercial services in our neighborhood, thereby increasing traffic required to visit displaced shopping, food or other commercial services.
"Preserve or enhance, as appropriate, <u>existing</u> multifamily housing and <u>neighborhood-serving commercial districts</u> ." NP Land Use Objective 2, p. 42.	The proposed NMU does not preserve or enhance the existing neighborhood-serving commercial district at Deep Eddy, but instead reduces the available stock of shopping, food and other commercial services in our neighborhood.
<u>"Deep Eddy's commercial corridor along Lake Austin Boulevard should remain a mix of neighborhood niche shops and offices."</u> NP Land Use Recommendation 2.6, p. 43.	The "Neighborhood Commercial" Land Use for this site was the subject of two specific meetings during the NP process, and the neighborhood's consensus choice of "Neighborhood Commercial" <u>should not be casually disregarded.</u>
The NP specifically designates appropriate locations for "mixed use" development as being "the area surrounding Seton Medical Center and along 38th Street and Lamar Boulevard," "the northeast corner of the Windsor Road Planning Area," "along 38th Street and Lamar Boulevard," "along the north side of 31st Street," at the "Austin State Supported Living Center," and at the "Brackenridge Tract". NP Land Use Goal, Land Use Objective 4, Land Use Recommendation 4.1, Land Use Recommendation 4.4, Land Use Recommendation 6.2, and Land Use Objective 7.	There is no mixed use land use designated for <i>this location or area</i> in the Future Land Use Map or in any plan text. Instead, the NP specifies other locations for mixed use.

As seen above, there is substantial and explicit guidance from our neighborhood plan that we should protect, preserve, promote, and enhance Deep Eddy's commercial corridor along Lake Austin Boulevard as a mix of neighborhood-serving niche shops and offices. NP Land Use Recommendation 2.6, p. 43 ("Deep Eddy's commercial corridor along Lake Austin Boulevard including 2208 Lake Austin Boulevard) should remain a mix of neighborhood niche shops and offices."). In addition, there is ample guidance from our neighborhood plan on where mixed use should be located in the planning area, none of which points to the Deep Eddy area as an appropriate location for mixed use. We believe that the vision, goals, and objectives of our neighborhood plan are not being served by the proposed neighborhood mixed use development at 2208 Lake Austin Boulevard since it effectively displaces designated neighborhood commercial property use from our neighborhood in favor of a slightly larger residential use. Instead, the neighborhood plan envisions that the Deep Eddy Corridor continue to provide vital neighborhood commercial services for the surrounding residential neighborhood, as articulated in the Plan text provisions noted above.

Imagine Austin Supports "Neighborhood Commercial" for a Compact, Connected Austin: In recommending the plan amendment, Staff argues that residential use "is appropriate for the property location along a major arterial and for the guiding land use principles in the Imagine Austin Comprehensive Plan." Staff Recommendation, p. 2. In response, we would first note that residential

Honorable Mayor Leffingwell and City Council Members

May 12, 2014

Page 4

use is already allowed under the current zoning and land use under LDC Section 25-2-894. The only reason a FLUM amendment is being requested is that applicant now claims to need 200 additional square feet of residential space above what is allowed by LDC Section 25-2-894.

More importantly, we object to Staff's selective citation of passages from the Imagine Austin (IA) Plan to subvert clear, express, and repeated planning guidance from our neighborhood plan. Indeed, a careful reading of the IA Plan confirms that neighborhood commercial land use would more consistent with goals of the IA Plan than the additional residential mixed use being requested. For example, "neighborhood commercial" at this site would help "create complete neighborhoods ... that have ... access to ... retail, employment, [and] community services" by keeping commercial land uses within walking distance of the single family neighborhood, as called for by Housing Policy HN P10. The FLUM amendment effectively displaces "neighborhood commercial" from the neighborhood by expanding the residential component, thereby increasing transportation costs and making it more difficult to walk and bicycle to the displaced commercial services. Thus, retaining "neighborhood commercial" at this site would help align land use and transportation planning ... to achieve a compact and connected city in line with the Growth Concept Map" by keeping commercial land uses within walking distance of the single family neighborhood, as called for by Land Use Transportation Policy LUT P1. Retaining "neighborhood commercial" at this site would also help "promote development in compact centers, communities, or along corridors that are ... designed to encourage walking and bicycling, and reduce ... housing and transportation costs," as called for by Land Use Transportation Policy LUT P3. Retaining "neighborhood commercial" at this site would also "encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities," as called for by Land Use Transportation Policy LUT P7. In addition, "neighborhood commercial" at this site would help protect neighborhood character by ensuring context-sensitive development and directing more intensive development (such as neighborhood commercial) is to "designated redevelopment areas, corridors, and infill sites," as called for by Land Use Transportation Policy LUT P4. Keeping "neighborhood commercial" at this site would also help with "coordinating and planning for housing near public transportation networks ... to reduce household transportation costs and vehicle miles traveled," as called for by Housing Policy HN P4. Retaining "neighborhood commercial" will also "implement policies that ... nurture and retain small and local businesses," as called for by Economic Policy E P2.

**Conclusion:** In short, we do not see any good policy reason to change the community's land use decision or FLUM for this tract or by extension for that area. There are no changed circumstances since our NP was adopted in 2010. Nor is there any equitable argument for the FLUM change. **When all is boiled down, Applicant's FLUM amendment seeks to change a long term planning decision from our NP so that they could add about 200 sq. ft. to the residential accessory use portion of their building. That is not planning. And that is not our vision or plan for the neighborhood.**

For the foregoing reasons, the Plan Contact Team (PCT) for the Central West Austin Neighborhood Plan supports keeping the existing "Neighborhood Commercial" land use designation for the property at 2208 Lake Austin Boulevard, and opposes the requested Neighborhood Mixed Use FLUM amendment.

Thank you for your consideration.

Sincerely,

Michael Rocco Cannata

Chair, Central West Austin Neighborhood Plan Contact Team

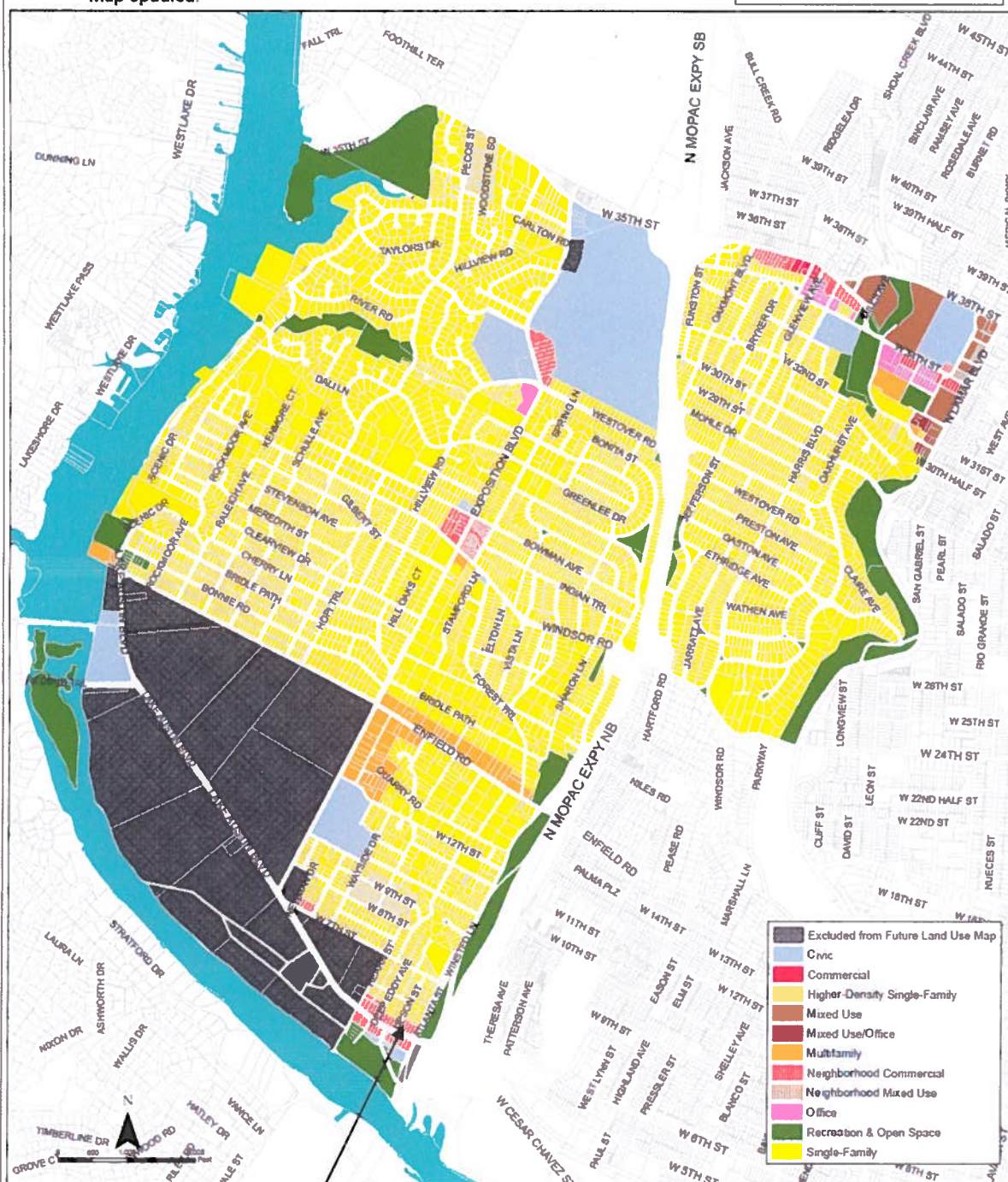


**Plan Adopted: September 23, 2010**  
**Map Updated:**

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. Updates may occur past the date of this map. Please verify with the City of Austin

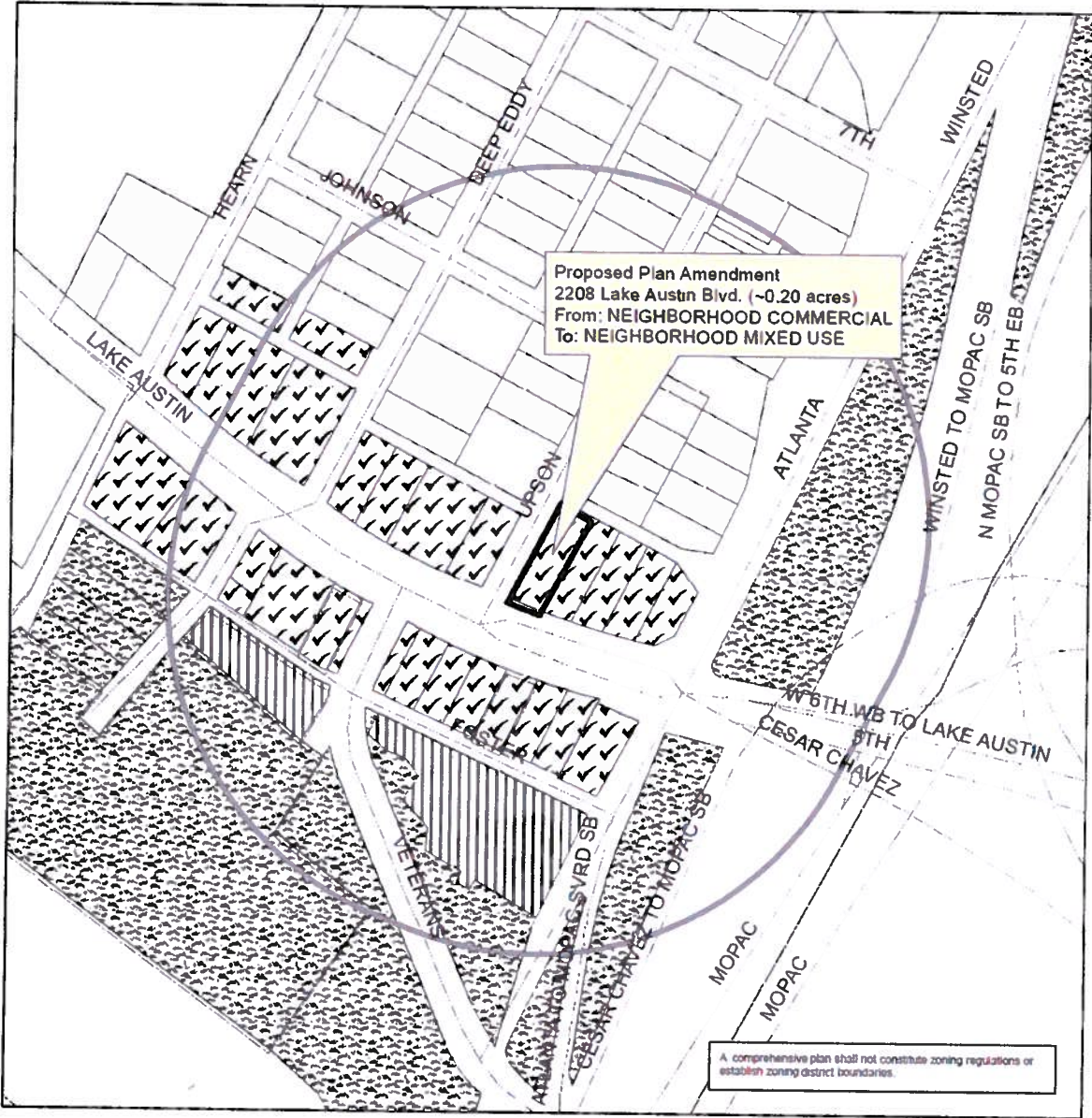
The designation of a land use category does not imply that the most intense zoning district associated with that category will be automatically recommended or approved.

This map has been produced by the City of Austin  
Neighborhood Planning & Zoning Department for the sole  
purpose of aiding neighborhood planning decisions and is not  
warranted for any other use. No warranty is made by the City  
regarding its accuracy or completeness.



Site





**Central West Austin Combined Neighborhood Plan  
NPA-2014-0027.01**

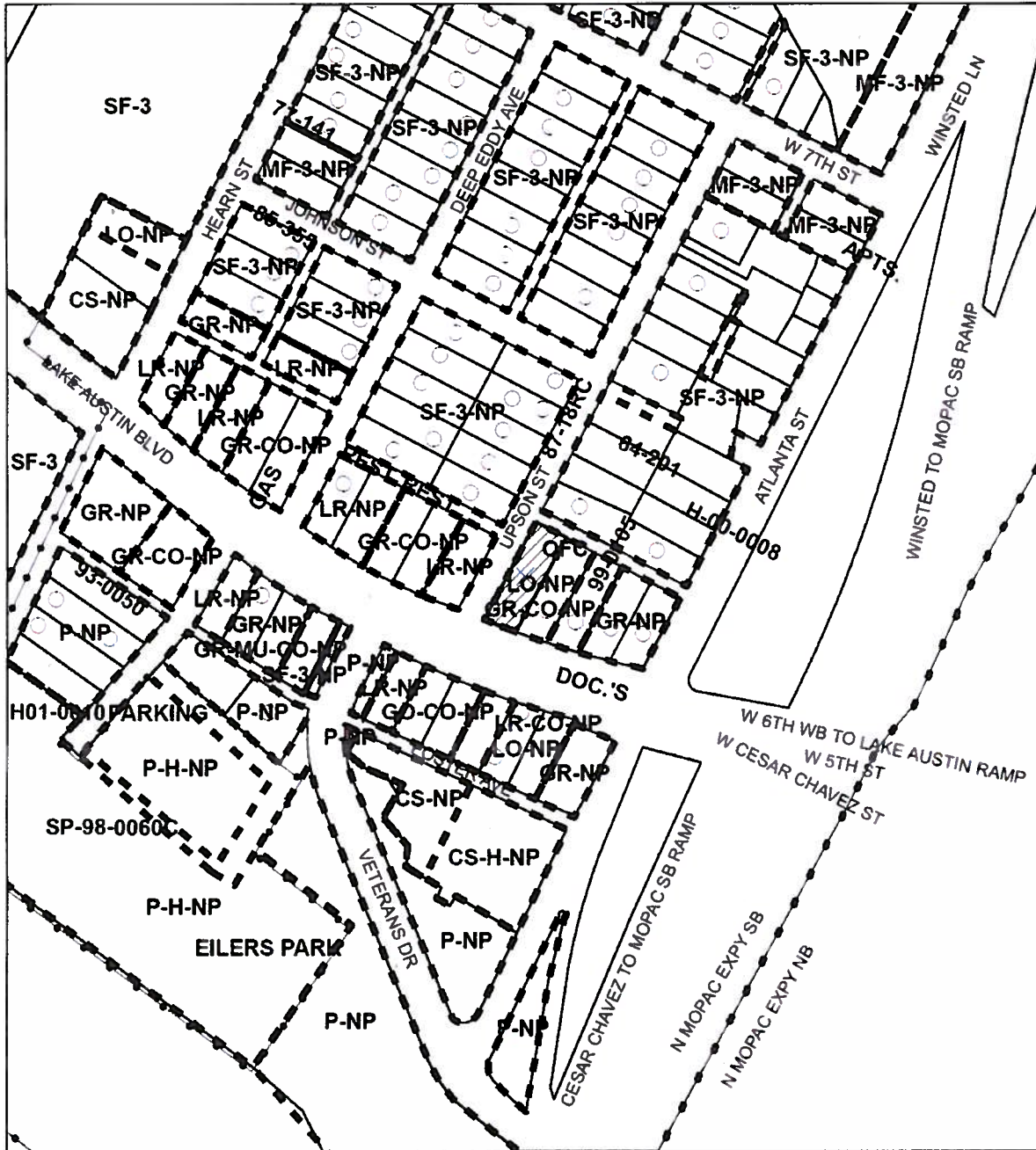
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.




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



City of Austin  
Planning and Development Review Department  
Created on Feb. 11, 2014\_M Meredith





-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

### ZONING CASE C14-2014-0015

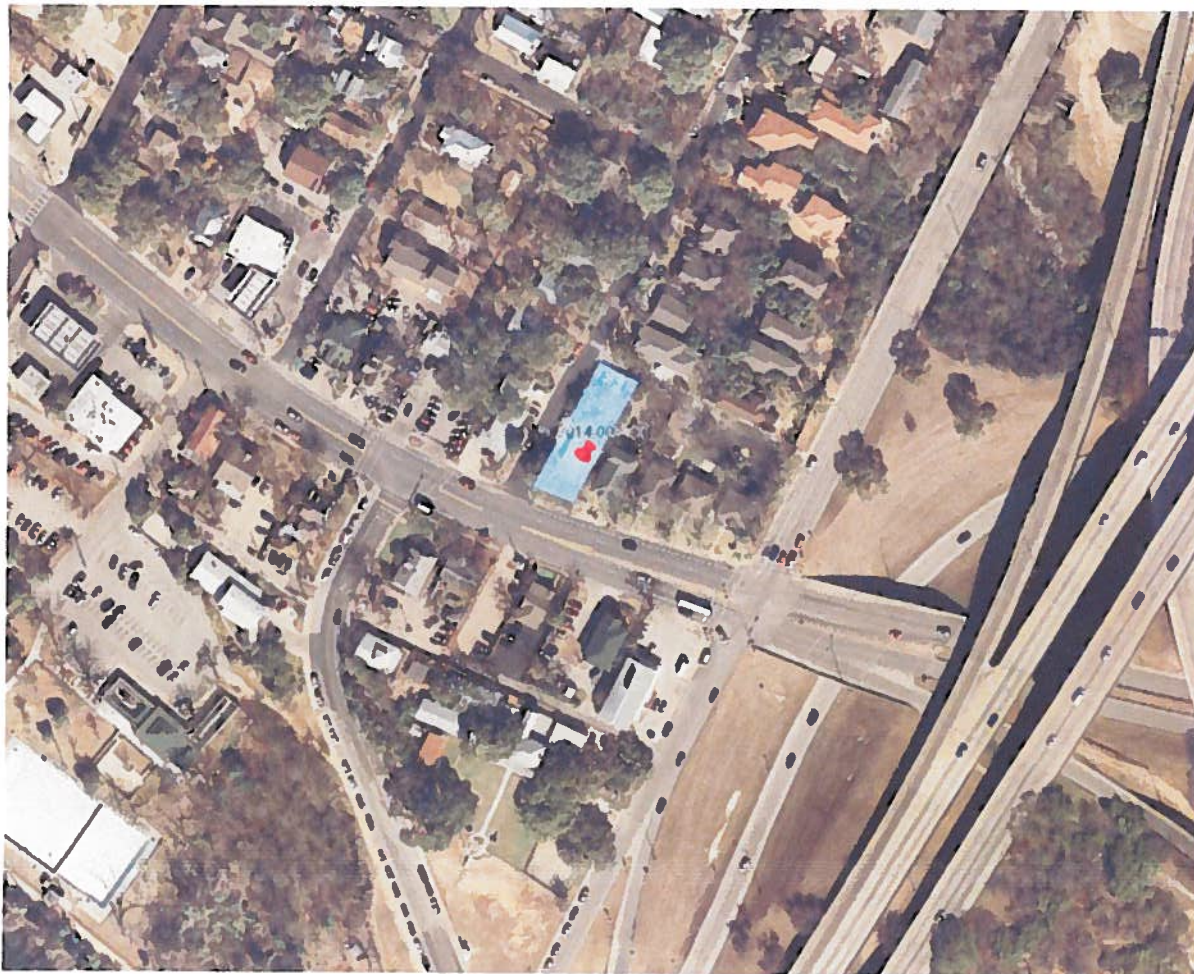
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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





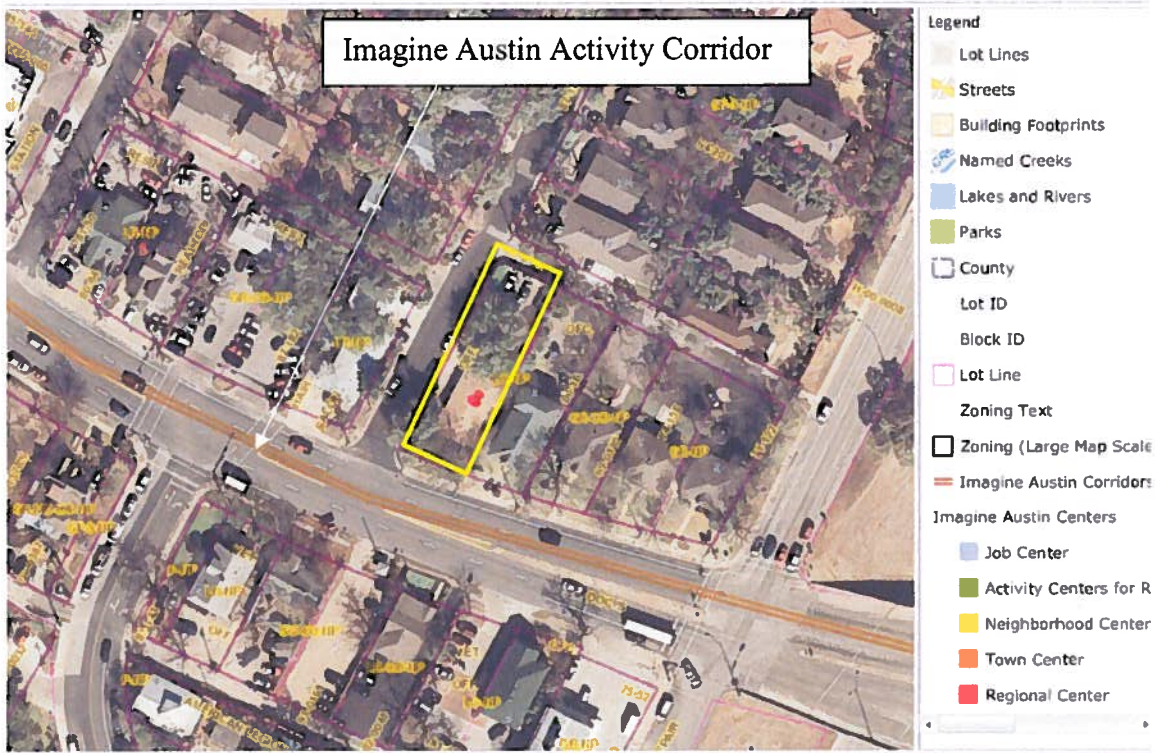






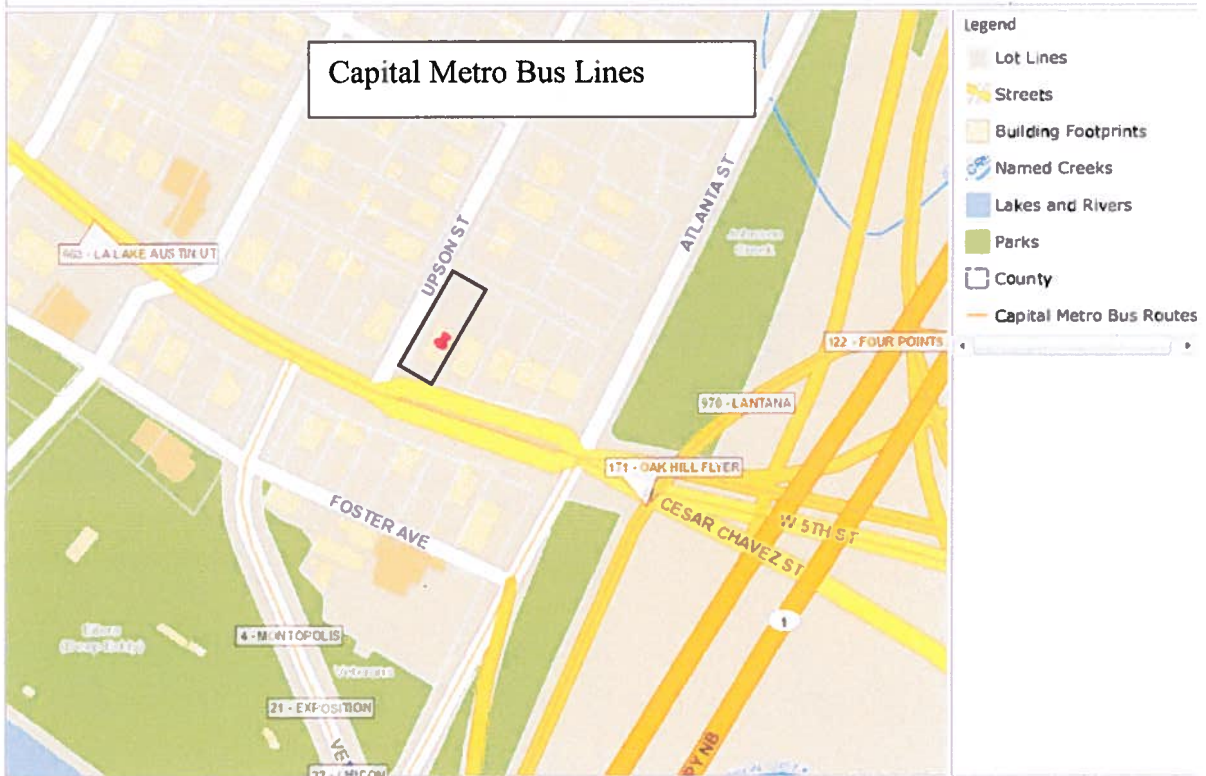


CITY OF AUSTIN DEVELOPMENT WEB MAP



THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON THE GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

CITY OF AUSTIN DEVELOPMENT WEB MAP





4-2-14

### 3-STORY BUILDING

**2-STORY RESIDENCE**  
2150 SQ. FT. | A/C | 600 SQ. FT. (DECK)

OVER  
OFFICE / GARAGE  
1484 SQ. FT.

2 SITE SECTION

FAR:	4,874 SQ FT	560
STRT	1,000	100
MAIN BUILDING:	2	10
OFFICE	600	100
RESTROOM		
BOOTH DRIVE		
GARAGE		
RESIDENCE/CONDO		

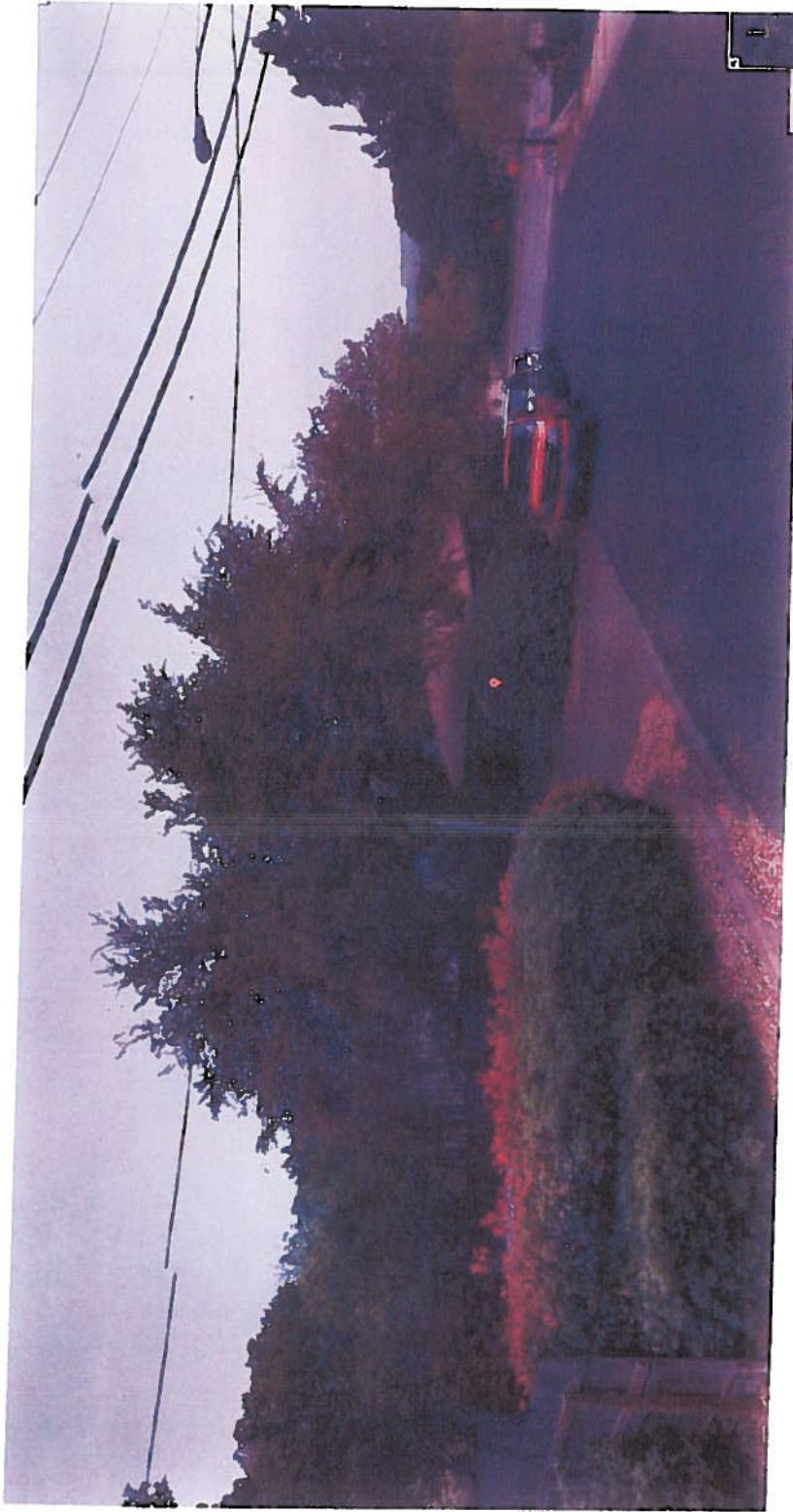
**LO-07**

## ACKNOWLEDGMENTS

## 1 SITE PLAN

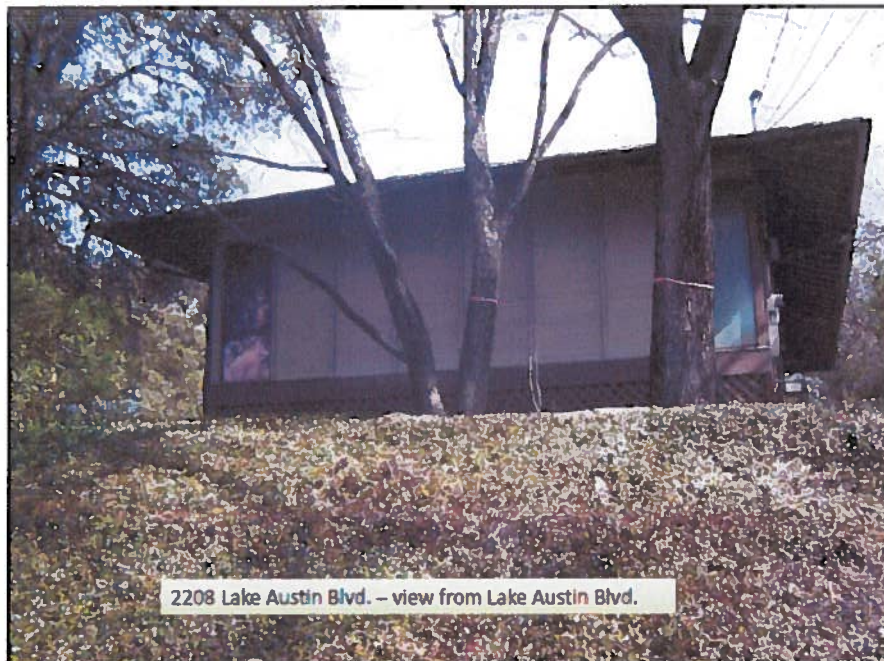
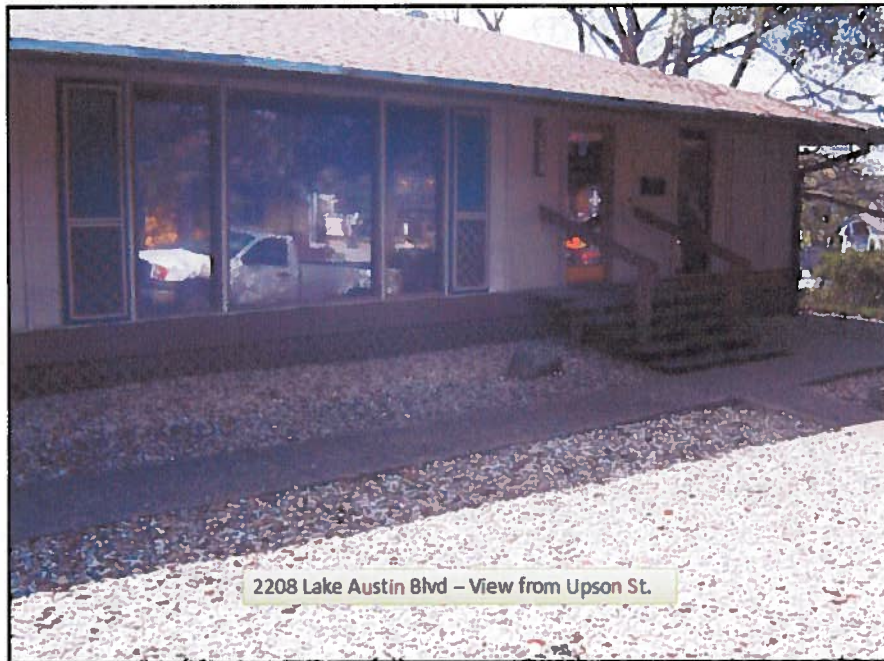
Page 1 of 2

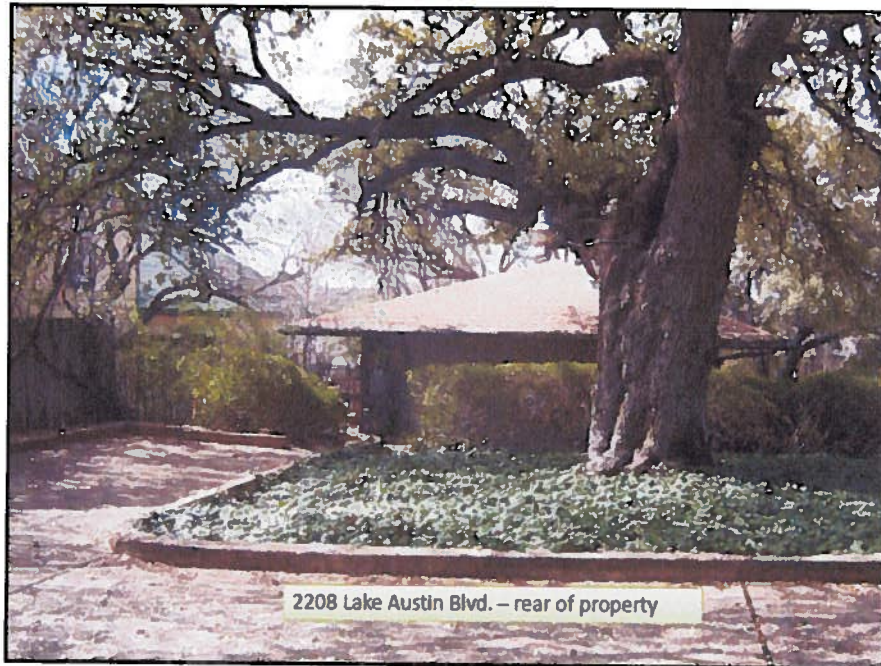
4-2-14



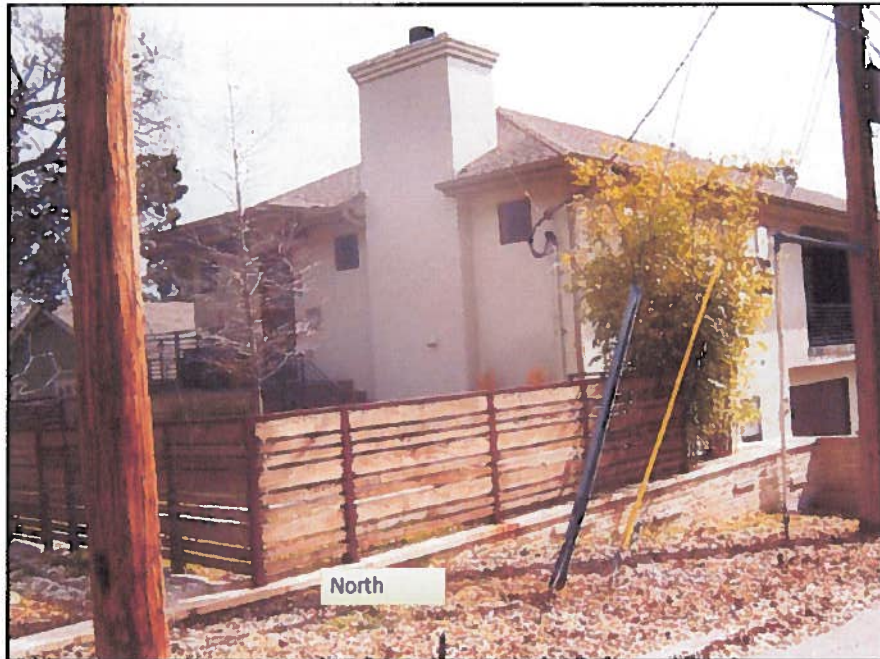
Page 2 of 3





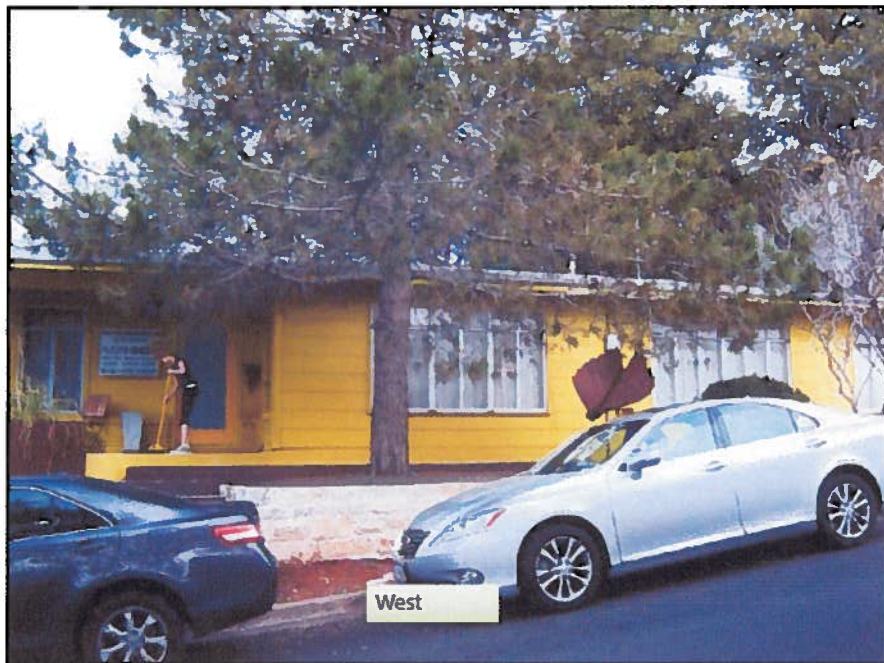


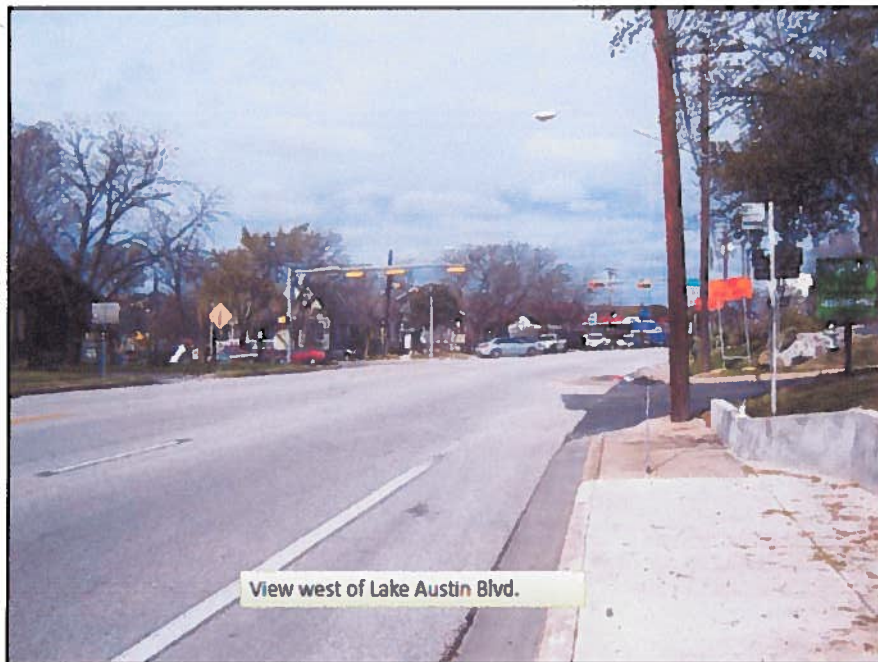
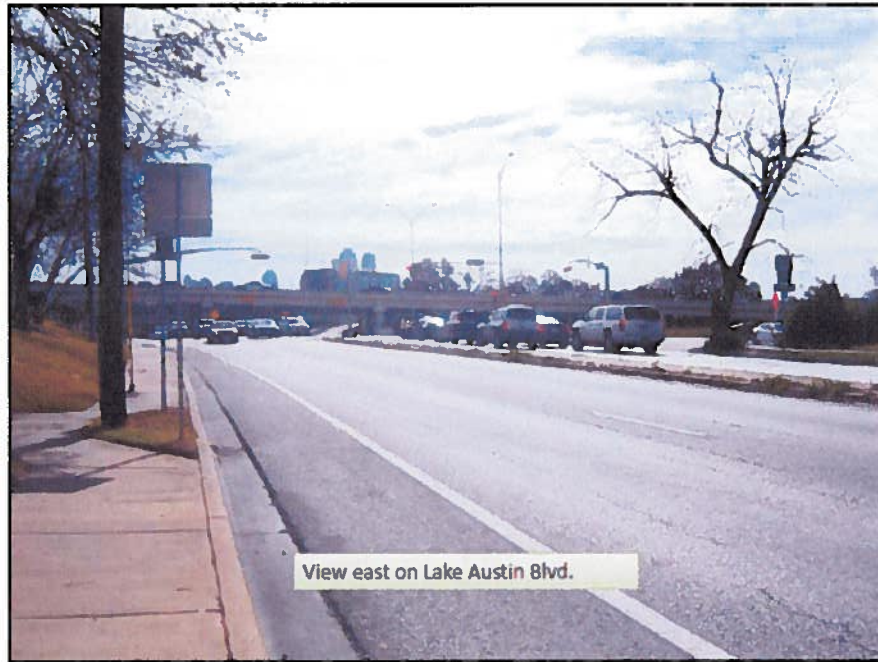












**PUBLIC HEARING COMMENT FORM**

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

City of Austin  
Planning and Development Review Department  
512-974-2695  
P. O. Box 1088  
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2014-0027.01  
Contact: Maureen Meredith  
Public Hearing: Apr 8, 2014, Planning Commission  
May 15, 2014, City Council

☐ I am in favor  
☒ I object

R. LAKE LOVELL  
Your Name (please print)

2206 LAKE AUSTIN BLVD. AUSTIN, TX 78705  
Your address(es) affected by this application

[Signature]      3/29/14  
Signature      Date

Comments:

---

---

---

---

---

---

---

---

---

---



To: Sherri Sirwaitis, Zoning Planner  
Maureen Meredith, Neighborhood Planner

Re: 2208 Lake Austin Blvd.

Date: March 31, 2014

Dear Sherri and Maureen,

I understand that the property owners at this address have requested a change to the land use.

As an architect, neighbor plan contact team member and long-time West Austin resident, I fully support the three applications that have been filed by Vance Elliot and Cari Patterson for 2208 Lake Austin Blvd.

I understand that the applicants have requested three changes:

Rezoning to allow residential and office use;

A plan amendment (a change to the FLUM) to allow a mix of office and residential to the site;

A termination of a restrictive covenant limiting the property to professional office use only.

It appears that the applicants desire to renovate and expand the existing small scale office building to add a residential unit which they could occupy while they work below at the same site. This will provide an additional residential and/or office space which will add to the housing and work options in the neighborhood.

The neighborhood plan for this corridor calls for a mix of small scale office and retail. The proposed project will maintain the desired small scale of development. Providing residential into that mix should only improve the quality of life in this area.

Limiting this property to only one use (professional office), as required by the restrictive covenant, seems in opposition to these goals and an unreasonable limitation for the use of any property.

A mixed use building along Lake Austin Blvd should also meet the goals of the Imagine Austin Plan, providing a walkable, vibrant variety of uses appropriate to this commercial corridor. I find this consistent with encouraging downtown living and encouraging a sustainable combination of land uses. I urge your full support for all three applications.

Sincerely,

A handwritten signature in blue ink, appearing to read "Betty J. Trent".

Betty J. Trent, AIA, LEED AP



**From:** Betty Trent  
**Sent:** Tuesday, May 13, 2014 8:29 PM  
**To:** Meredith, Maureen  
**Cc:** Michael R. Cannatti; Alice Glasco  
**Subject:** Re: Neighborhood Plan Amendment Case No. NPA-2014-0027.01 (2208 Lake Austin Boulevard)

I only needed to clarify that my support was as a private citizen and not as part of a contact team

Thanks

Betty

**R&K Investments**

5716 Hwy 290 West Suite 200.

Austin TX 78735

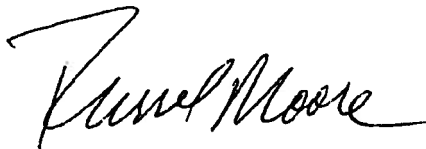
Maureen & Sherri -

As a neighborhood business/property owner (2201 Lake Austin Blvd), I fully support the three applications that have been filed by Vance Elliott and Cari Patterson for 2208 Lake Austin Blvd.

I understand that the applications include: (1) rezoning to allow housing and office use, (2) a change to the color of the land use map (plan amendment) to allow a mix of uses (office and residential) and (3) a restrictive covenant termination. It is also my understanding that the purpose of the applications is to allow the owner to remodel and expand the existing house so that they can live and work there.

A mixed use building along Lake Austin Blvd seems consistent with the encouraging downtown living and working, and helps relieve congestion on the busy streets of Austin. There should be no reason why the city shouldn't vote to support the applicants 3 requests.

Kindly,

A handwritten signature in black ink, appearing to read "Russel Moore". The signature is fluid and cursive, with the first name "Russel" and last name "Moore" clearly distinguishable.

Russel Moore

512.477.4353

RICHARD A. VIKTORIN  
506 Upson Street  
Austin, TX 78703

viktorin@

Thursday, March 27, 2014

To: Sherri Sirwaitis, Zoning Planner  
Maureen Meredith, Neighborhood Planner

Re: 2208 Lake Austin Blvd.

Date: Thursday, March 27, 2014

I am the property owner and resident of 506 Upson Street which is across Upson from the subject property. Over the last several weeks, I have received notice from Planning and Development Review regarding the land use changes at 2208 Lake Austin Blvd.; however, I was unable to attend the public meeting last week. The purpose of this letter is to support the changes Ms. Patterson and Mr. Elliot are requesting: I support the three applications that have been filed by Vance Elliot and Cari Patterson for 2208 Lake Austin Blvd.

I understand that the applications include: (1) rezoning to allow housing and office use, a change to the color of the land use map (plan amendment) to allow a mix of uses (office and residential) and a restrictive covenant termination. It is also my understanding that the purpose of the applications is to allow the owner to remodel and expand the existing house so the owners can live and work there, too. A mixed use building along Lake Austin Blvd makes a lot of sense to me. So, please vote for all three applications.

Sincerely,  
*Richard Viktorin*



To: Sherri Sirwaitis, Zoning Planner  
Maureen Meredith, Neighborhood Planner

Re: 2208 Lake Austin Blvd.

Date: March 21, 2014

As an architect, neighborhood business/property owner (2406 Lake Austin Blvd) & nearby (Clarksville) resident, I fully support the three applications that have been filed by Vance Elliot and Cari Patterson for 2208 Lake Austin Blvd.

I understand that the applications include: (1) rezoning to allow housing and office use, (2) a change to the color of the land use map (plan amendment) to allow a mix of uses (office and residential) and (3) a restrictive covenant termination. It is also my understanding that the purpose of the applications is to allow the owner to remodel and expand the existing house so that they can live and work there.

A mixed use building along Lake Austin Blvd makes a lot of sense to me. It seems consistent with encouraging downtown living & is a healthy combination of land uses. It would greatly increase security for area business owners to have more vested full-time residents in the neighborhood. I have no idea why there would be opposition to this project & urge your full support for all three applications.

Best Regards,

Randall E. Fromberg, AIA, CFP

2406 LAKE AUSTIN BLVD  
FROMBERG ASSOCIATES, LTD.  
AUSTIN, TEXAS 78703  
ARCHITECTURE  
512.495.9171 FAX 495.1837

**From:** Ragsdale Scott Cpa Ragsdale Scott CPA  
**Sent:** Thursday, April 03, 2014 10:11 AM  
**To:** Meredith, Maureen; Sirwaitis, Sherri  
**Subject:** 2208 Lake Austin Blvd

Hello:     Sherri Sirwaitis, Zoning Planner  
              Maureen Meredith, Neighborhood Planner

My name is Scott Ragsdale and I am a CPA and I have had my office at 2208 Lake Austin Blvd for about 24 of the last 25 years.

I support the three applications that have been filed by Vance Elliot and Cari Patterson for 2208 Lake Austin Blvd. because I have worked for decades at this location and I have lived within two miles of this location for about ten years, and I think the change would enhance the neighborhood and is consistent with expressed goals for many neighborhoods in this city.

I understand that the applications include: (1) rezoning to allow housing and office use, a change to the color of the land use map (plan amendment) to allow a mix of uses (office and residential) and a restrictive covenant termination. It is also my understanding that the purpose of the applications is to allow the owner to remodel and expand the existing house so the owners can live and work there, too. A mixed use building along Lake Austin Blvd makes a lot of sense to me.

Thanks for your consideration and I hope you vote for all three applications.

Sincerely,  
Scott Ragsdale, CPA

### PUBLIC HEARING COMMENT FORM

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

City of Austin

Planning and Development Review Department

512-974-2695

P. O. Box 1088

Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2014-0027.01

Contact: Maureen Meredith

Public Hearing: Apr 8, 2014, Planning Commission

May 15, 2014, City Council

☐ I am in favor  
☒ I object

Leah M Pozder  
Your Name (please print)

606 Upson St Austin TX  
Your address(es) affected by this application

[Signature] 3/30/2014  
Signature Date

Comments: \_\_\_\_\_

I object

# PUBLIC HEARING COMMENT FORM

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

City of Austin  
Planning and Development Review Department  
512-974-2695  
P. O. Box 1088  
Austin, TX 78767-8810

RECEIVED  
4/10/14

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2014-0027.01  
Contact: Maureen Meredith  
Public Hearing: Apr 8, 2014, Planning Commission  
May 15, 2014, City Council

☐ I am in favor  
☒ I object

BERNARD NUNN  
Your Name (please print)

Your address(es) affected by this application

602 YEEB EDDY  
Bernard Nunn  
Signature

Date

4/4/14  
7773

Comments:

BAD PRECEDENT.

NEIGHBORHOOD PLAN  
IS IN PLACE

# PUBLIC HEARING COMMENT FORM

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

City of Austin  
Planning and Development Review Department  
512-974-2695  
P. O. Box 1088  
Austin, TX 78767-8810

RECEIVED  
4/12/14

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2014-0027.01  
Contact: Maureen Meredith  
Public Hearing: Apr 8, 2014, Planning Commission  
May 15, 2014, City Council

☐ I am in favor  
☒ I object

NANCY NUNN  
Your Name (please print)

Your address(es) affected by this application

602 YEEB EDDY  
Nancy Nunn  
Signature

Date

4/4/14

Comments:

THIS CHANGE WOULD  
SET A BAD PRECEDENT  
FOR PROPERTIES ALONG  
LAKE AUSTIN BLVD

**From:** Sara Madera  
**Sent:** Tuesday, April 08, 2014 10:31 AM  
**To:** commjms@; Meredith, Maureen  
**Subject:** 2208 Lake Austin Blvd

WANG voted against the requested mixed use zoning. The neighborhood plan contact team voted against the FLUM amendment request for mixed use. The request to terminate the restrictive covenant doesn't seem good either.

I think WANG and the contact team are right to object to these changes for the property.

**Sara Madera**  
ABR,CNE,CRS,EPRO,GREEN,GRI,SRES  
Luxury Institute, Broker  
Platinum Top 50 Finalist 2012, 2013  
Turnquist Partners REALTORS® Austin TX  
<http://SaraMadera.com>  
512-469-0894 home office  
512-750-5536 mobile

\*\*\*\*\*

**From:** Sara Madera  
**Sent:** Tuesday, April 08, 2014 10:47 AM  
**To:** Alfonso.Hernandez@austintexas.gov; Brian.Roark@austintexas.gov;  
Danette.Chimenti@austintexas.gov  
**Cc:** Dave.Anderson@austintexas.gov; James.Nortey@austintexas.gov;  
Jean.Stevens@austintexas.gov; Meredith, Maureen; Myron.Smith@austintexas.gov;  
Stephen.Oliver@austintexas.gov; commjms@sbcglobal.net; mnrgatfield@yahoo.com  
**Subject:** 2208 Lake Austin Blvd.

I strongly urge you to deny the requested zoning change, FLUM amendment and restrictive covenant termination and to preserve the quality and character of our neighborhood and support the neighbors of Johnson Creek. Our WANG (West Austin Neighborhood Group) and our Neighborhood Plan Contact Team also voted against the requested zoning changes based on their review of the proposed usage for the property and opposition from residents within our neighborhood.

**Sara Madera**  
ABR,CNE,CRS,EPRO,GREEN,GRI,SRES  
Luxury Institute, Broker  
Platinum Top 50 Finalist 2012, 2013  
Turnquist Partners REALTORS® Austin TX  
<http://SaraMadera.com>  
512-469-0894 home office  
512-750-5536 mobile

\*\*\*\*\*



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

From: Annette Pizzini

Sent: Tuesday, April 08, 2014 10:29 AM

To: Alfonso.Hernandez@austintexas.gov; Brian.Roark@austintexas.gov;  
Danette.Chimenti@austintexas.gov; Dave.Anderson@austintexas.gov;  
James.Nortey@austintexas.gov; Jean.Stevens@austintexas.gov; Meredith, Maureen;  
Myron.Smith@austintexas.gov; Stephen.Oliver@austintexas.gov; commjms@sbcglobal.net;  
mnrghatfield@yahoo.com

Cc: Blake; Sara Madera; 'Susan Bell'; Tomas Pantin; Sharon Edgar Greenhill; Michael R. Cannatti; 'Joe Bennett'

Subject: 2208 Lake Austin Blvd.

Planning Commission,

Tonight the planning commission will hear a request of rezoning for the property located at 2208 Lake Austin Blvd. A request to rezone to Mixed Use, a FLUM amendment request and a request to terminate the restrictive covenant at the property.

I would like to voice my strong objection to the requests of rezoning, the FLUM amendment request and the request to terminate the restrictive covenant for the property located at 2208 Lake Austin Blvd.

This property fronts Lake Austin Blvd and also extends north on Upson St., which is entrance to the Johnson Creek neighborhood. Our neighborhood has diligently fought any type of commercial rezoning from encroaching into our small community.

If the property listed above is issued a rezoning permit, the FLUM amendment and the termination of the restrictive covenant, it will not only bring commercial zoning directly into our neighborhood but it will also set a precedence for our street (Upson) which acts as a barrier against office/mixed usage into our neighborhood. Our neighborhood, that is boxed in by Lake Austin Blvd., the MOPAC access road on Atlanta, and Exposition. It is also against our neighborhood plan to allow for commercial zoning within our residential streets.

The requested amendments and zoning changes do not preserve the character of our block, our neighborhood or the residents within our neighborhood.

I strongly urge you to deny the requested zoning change, FLUM amendment and restrictive covenant termination and to preserve the quality and character of our neighborhood and support the neighbors of Johnson Creek. Our WANG (West Austin Neighborhood Group) and our Neighborhood Plan Contact Team also voted against the requested zoning changes based on their review of the proposed usage for the property and opposition from residents within our neighborhood.

Thank you for your considerations,  
Annette Pizzini  
612 Upson St.  
Austin, TX 78703

\*\*\*\*\*

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

From: Jorge Gutierrez

Sent: Friday, April 04, 2014 11:24 AM

To: Meredith, Maureen; Sirwaitis, Sherri

Cc: JAG Gutierrez; Alice Glasco; Cari Patterson (cari@

Subject: Case #C14-2014-0015, Project Address: 2208 Lake Austin Blvd.

To: Sherri Sirwaitis, Zoning Planner

Maureen Meredith, Neighborhood Planner

Re: 2208 Lake Austin Blvd.

Ms. Sirwaitis and Ms. Meredith,

My wife and I live at 507 Upson Street across the alley from 2208 Lake Austin Blvd. Our home is 50 feet from this property. As the most immediate neighbors, we will be the most affected by whatever happens with this property.

We generally support the three applications that have been filed by Vance Elliot and Cari Patterson for 2208 Lake Austin Blvd. I attended the meeting at the Terrazas Library and reviewed the proposed plans. A mixed used building allowing for office and residential use makes sense for this location. The existing building is already used as an office, so adding residential use is a positive step in our view. Their design also seems to preserve the large trees on location.

As I have expressed to Ms. Patterson, we are very concerned about the heavy traffic in the alley between our two homes. Their property, together with the four buildings immediately East of them, contain about 50 parking spaces for clients and employees of businesses that operate at these five locations. Additionally, there is a condo development behind our home that contains at least another 100 parking spaces for occupants of those properties. The alley is heavily used and it is not designed for two-way traffic. Every day I see near accidents as cars face off coming and going in and out of the alley.

I have suggested to Ms. Patterson that their design, on the alley side, take into consideration this traffic hazard. A serious accident at this exit and entry point is only a matter of time. My hope is that they come up with a design for their side of the alley exit that reduces the risk of an accident at this exit and entry point. It may be as simple as removing vegetation at the corner to widen the scope of vision and placing signage to alert drivers to the risky alley traffic. Their architect may have other ideas about how to make the alley area safer for traffic and pedestrians.

Please let me know if there are any questions. Thank you.

Jorge A. Gutierrez