Item # 151

MEMORANDUM

TO: **Mayor and Council**

FROM: **Greg Guernsey, Director**
Planning and Development Review Department

DATE: **August 5, 2014**

SUBJECT: **C14-2014-0070 / Brown-Valdez / Agenda Item 151**

After additional discussion between the applicants and a neighborhood stakeholder who had filed a petition, the applicants and petitioner have reached a compromise and the petition has been withdrawn (see accompanying correspondence).

Specifically, a new condition limiting development of the property to nine (9) residential units has been agreed to by the applicants and stakeholder. This condition will be read into the record at the August 7, 2014 City Council meeting. Staff is unaware of any opposition to the application at this time, and the item will be offered for Consent approval on First Reading.

Wendy W. Rhoades for

Greg Guernsey, Director
Planning and Development Review Department

x: Marc A. Ott, City Manager
Sue Edwards, Assistant City Manager

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

From: Dr. Fred McGhee
Sent: Monday, August 04, 2014 12:46 PM
To: Heckman, Lee
Cc: Ron and Simon Brown-Valdez; Rusthoven, Jerry; Goddard Lisa; Whittington Keith; John Knox; Medina Johnny; Taylor Caitlin; Karen Kopicki; Brown Jennifer; Guernsey, Greg

Subject: Re: Brown Valdez: Residential Unit Cap Condition

Hi Lee,

We accepted 9, but would prefer 8.

Consent agenda for first reading is fine by us. We believe that by meeting with us that Messrs. Brown-Valdez will make a fine addition to the neighborhood.

Regards,

flm

From: Heckman, Lee
Sent: Monday, August 04, 2014 12:42 PM
To: Ron and Simon Brown-Valdez; 'Dr. Fred McGhee'
Cc: Jerry Rusthoven
Subject: Brown Valdez: Residential Unit Cap Condition

Gentlemen:

I am happy that your meeting and discussion was productive. Before I append your respective emails to the staff materials, I wish to clarify the maximum number of residential units. In the first note from the applicant the number of units is specified as 9. In the response from Dr. McGhee the number is specified as 8. Is the specific number still under discussion?

Whatever that number is, if you reach agreement then this case may be offered as part of the Consent agenda for First Reading. Greg Guernsey can read this new condition into the record along with the Planning Commission recommendation when he introduces the case. Presuming the Council adopts the condition, it would be added to the ordinance. The amended ordinance would likely return to the Council for 2nd & 3rd Readings on 8/28.

Lee

From: Dr. Fred McGhee
Sent: Monday, August 04, 2014 10:52 AM
To: Heckman, Lee
Cc: Almanza Susana; Brown Valdez; Guernsey, Greg; Martinez, Mike [Council Member]; Spelman, William; Riley, Chris; Morrison, Laura; Tovo, Kathie; Whittington Keith; Goddard Lisa; Whittington Keith; John Knox; Medina Johnny; Taylor Caitlin; Karen Kopicki; Brown Jennifer
Subject: Valid Petition for 6500 Carson Ridge

Good Morning Mr. Heckman,

After meeting with the applicants for case C14-2014-0070 and discussing our issues, the valid petition applicants have agreed to withdraw their petition request. This does not mean, however, that we agree with a potential maximum build-out of the applicant's property. Given the narrowness of these two lots, the maximum number of units that we feel makes sense is 8 not 9 single family dwellings.

We also wish to make the following comments:

1.) The "stand of trees" mentioned in the department comments section of the zoning change review sheet no longer exist. The owners of 6404 and 6412 Carson Ridge and their adjoining properties engaged in unpermitted wholesale devegetation of their lots, which caused significant runoff problems for the Carson Ridge HOA (at considerable cost). We are in communication with city environmental inspectors and arborists regarding the matter.

2.) It is our understanding that the upzoning of the lots owned by Messrs. Brown-Valdez will terminate a potential dispute regarding a driveway easement running through 6410 and 6412 Carson Ridge; however this raises the question of whether another request for SF-6 zoning along these newly cleared lots will be in our future. Given Mr. Stafford's (Big Spring Properties, LLC) callous disregard for city runoff or heritage tree regulations—not to mention his lack of contact with the Carson Ridge HOA or NA—we remain concerned about future adverse impacts.

3.) In its zoning case history for this tract city staff states that "this property has been within the full purpose city limits since at least December, 1951." The annexation history of Montopolis is not as simple as this statement would have you believe. I have attached a copy of a map from Page 19 of my forthcoming history of the Montopolis neighborhood, which I think furnishes some important historic context for that facile statement. This USGS topographic map is from 1955.

4.) Also left unclarified in the discussion of the zoning case histories in the area is the fact that there are serious environmental restrictions governing residential development opportunities in this portion of Montopolis. The presence of SEMATECH, AMD and Praxair have served as obstacles to residential development in the past, and continue to be important factors for planners to consider. These considerations were a factor in the permitting of the Lofts at Carson Ridge and those fundamentals have not significantly changed.

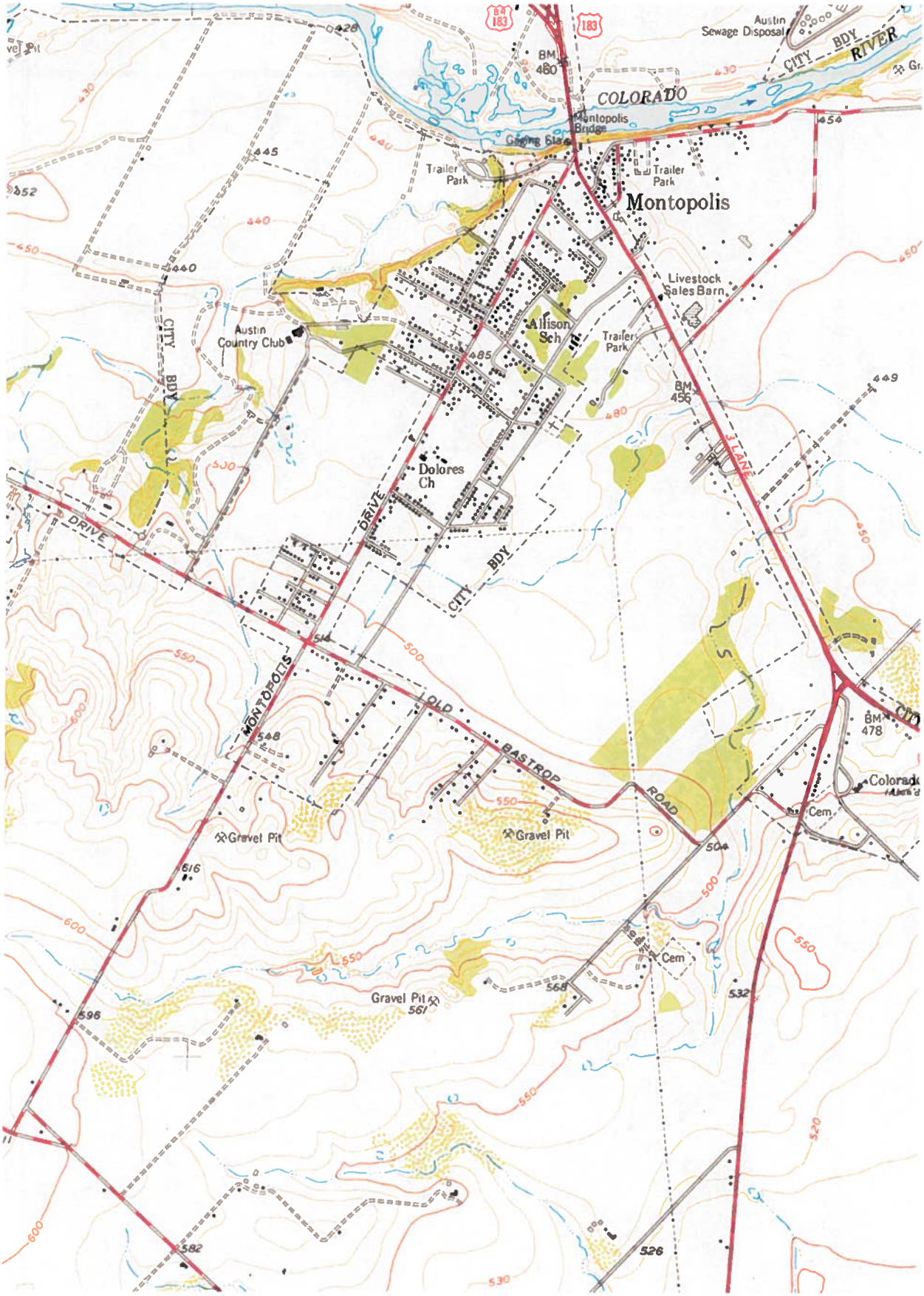
5.) Lastly, we also disagree with the staff interpretation of the Montopolis Neighborhood Plan. As was pointed out in the 600 Kemp case, Objectives 4 and 5 of our plan should

NOT be interpreted to mean that wholesale upzoning is what the plan envisioned. The original Future Land Use Map included in the plan DID argue for future residential use (outlined in blue) along Frontier Valley, and such development eventually was permitted and supported via city bond funding to produce the Riverside Meadows development. It was the intent of the framers of the plan at the time to generate such additional housing but NOT at the expense of existing SF-3 zoning, including in South Montopolis. The history on this point, both oral and documentary, is clear, and city staff has been taking excessive liberties with a neighborhood plan that is clearly in need of modification and upgrading.

To summarize: we are dropping our valid petition and look forward to assisting Messrs. Brown-Valdez build high quality greenbuilt housing. As they develop a site plan and begin to proceed, we think it will become clear that 8 dwellings at this site will be more appropriate than 9 dwellings. We also wish to place our concerns about further development along Carson Ridge on the record. We will not support SF-6 zoning for these smaller lots.

Thank you for your service and the opportunity to furnish these comments,

flm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Montopolis Bridge
Gaging Sta.
Trailer Park
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Livestock Sales Barn
Austin Country Club
Allison Sch
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BM 456
CITY BDY
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-----Original Message-----
From: Brown Valdez
Sent: Monday, August 04, 2014 9:32 AM
To: Heckman, Lee
Cc: Fred McGhee; Susana Almanza
Subject: Agreement to withdraw Petition

Dear Mr Heckman,

Yesterday we met with Dr. McGhee, the Petition Sponsor, and Susana Almanza to discuss Dr. McGhee's and fellow petitioners concerns about our zoning case C14-2014-0070.

The development density was the cause of concern and all parties agreed to cap the number of dwellings on the site to 9 units. This will match the density per acre for the Carson Ridge Condominiums. With this agreement Dr McGhee said he will withdraw the petition.

Dr McGhee said he will follow up with you before Thursday's city Council hearing to confirm and formally withdraw the protest.

Thank you,

Simon & Ronaldo Brown-Valdez