

Rhoades, Wendy

From: Ron Thrower ~~ron@throwerdesign.com~~
Sent: Thursday, December 04, 2014 3:02 PM
To: Heckman, Lee; Rhoades, Wendy; Rusthoven, Jerry
Cc: Trey and Lucy (TreyandLucy@SheffieldProperties.Biz)
Subject: Penick Rezoning - C14-2014-0159

cg

Jerry, Wendy, Lee,

Please accept this email as a request to postpone the above referenced rezoning case to January 13, 2015.

Ron Thrower

Thrower Design

510 South Congress Avenue, Suite 207

Mail: P.O. Box 41957

Austin, Texas 78704

512-476-4456 office

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1**ZONING CHANGE REVIEW SHEET****CASE:** C14-2014-0159**P.C. DATE:** December 09, 2014
November 12, 2014, October 21, 2014**ADDRESS:** 5600-7522 Penick Drive Rezoning**AREA:** 0.646 acre (approx. 28,129 square feet.)**NEIGHBORHOOD PLAN AREA:** East Riverside Corridor
(Pleasant Valley Neighborhood; East Riverside/Oltorf Neighborhood Plan Area)**OWNER:** Bill Greif**APPLICANT:** Thrower Design (Ron Thrower)**ZONING FROM:** SF-1-NP, single-family residence (large lot)-neighborhood plan**ZONING TO:** ERC, with a Subdistrict Designation of Neighborhood Mixed Use**SUMMARY STAFF RECOMMENDATION:**

To grant ERC zoning, and to further Designate Neighborhood Mixed Use as the ERC subdistrict by amending the East Riverside Corridor Regulating Plan Figure 1-2, which is in turn reflected on Figure 1-7, base height without development bonus.

PLANNING COMMISSION RECOMMENDATION:

November 12, 2014 Postponed to December 9, 2014 at the Request of the East Riverisde/Oltorf Neighborhood Plan Contact Team and Penick Drive Residents (Consent Motion: R. Hatfield; Second: B. Roark) 8-0 (Absent: L. Varghese).

October 28, 2014 Postponed to November 12, 2014 at the Request of Staff Consent Motion: J. Stevens; Second: A. Hernandez) 8-0 (Absent: B. Roark).

PROCEDURAL NOTE:

This application is being processed as a rezoning application (for purposes of notice, public hearings, petition rights, and so forth), similar to recent applications that amended the East Riverside Corridor Regulating Plan. The outcome, if the application is approved, would be both a zoning change (SF-1-NP to ERC) and an ERC Plan amendment (to designate the ERC Subdistrict on Figure 1-2, which is simultaneously reflected on Figure 1-7, Base Height). The application was filed on September 19, 2014.

On September 25, 2014, the City Council adopted a Resolution directing staff to initiate a code amendment that would establish additional procedures for an application proposing to amend the ERC Regulating Plan (Resolution No. 20140925-092). The additional processes are intended to align the process for amending the ERC Regulating Plan to be more like the process for neighborhood plan amendments rather than the process for a zoning case.

Specifically, the Resolution for the code amendment proposes that an amendment to Figure 1-2 (Subdistricts) would include enhanced participation such as conducting a community meeting with neighborhood contact teams and that contact teams would have the opportunity to submit a letter

CA 1/2

of recommendation regarding the application. This code amendment is under development (C20-2014-021).

The East Riverside/Oltorf Combined Neighborhood Plan Contact Team has provided correspondence indicating their opposition to the request, which would meet the intent of the Resolution (see Exhibit C-1).

PETITION:

Although a petition does not impose any requirements for voting by members of the Planning Commission, a petition was submitted on behalf of the residents north of Penick Drive to staff on October 31, 2014, with updates November 7, 2014 and November 19, 2014 (see Exhibit P). At the time of drafting this report, the petition, which currently stands at 27.43%, has met the threshold to be considered valid. (Should additional information and/or signatures be provided, staff will update the petition calculation accordingly.

DEPARTMENT COMMENTS:

The subject tract is located approximately 200 feet north of East Riverside Drive, stretching between Penick Drive to the west and Country Club Road to the east (see Exhibits A). The subject tract, as well as the property immediately to the north between the tract and Penick, was included in the ERC Regulating Plan, but was not rezoned to ERC.

Property immediately to the south, abutting Riverside, was zoned ERC and designated Neighborhood Mixed Use (NMU) subdistrict with the adoption of the East Riverside Corridor Regulating Plan in 2013 (see Exhibit E-1). With the exception of the westernmost portion of this ERC tract, the majority of that Riverside tract is also within a Hub boundary, and is also designated as eligible for participation in the density bonus program, should an owner wish to participate in the program at the time of site planning (see Exhibit E-2). The tract is eligible for development up to a maximum of 65 feet; however, owing to compatibility requirements within the ERC, buildings would be limited in height if adjacent to single-family or other triggering properties.

The subject tract, along with property immediately to the north and abutting Penick Drive, are four existing platted lots; these were also incorporated into the ERC Corridor with the Regulating Plan, but were not rezoned to ERC nor assigned a subdistrict designation. These lots were, however, assigned Special Regulating District (or SRD) as their future land use. These lots, including the subject tract, are outside the Hub boundary.

Penick Drive and the six SF-3-NP-zoned properties north of it are outside the boundary or the East Riverside Corridor. As such, they remain under the East Riverside/Oltorf Combined Neighborhood Plan. Likewise, the property beyond these residences, owned by Austin Community College and known as the Riverside Golf Course, is outside the boundary of the ERC, as is the Ruiz Public Library property to the northeast. Property to the east, across Country Club Drive and currently undeveloped, is within the ERC and is designated as NMU. Property to the west, across Penick, is also part of the ERC and designated NMU; a residence currently occupies that tract. To the south of Riverside Drive both NMU and CMU (Corridor Mixed Use) are found. Condominium residential, on either side of the new Rivers Edge Way, was developed under then-existing LO-MU zoning, which predated adoption of the ERC Regulating Plan.

The current request is to first, rezone the subject tract from SF-1-NP to ERC, and second, to designate the tract NMU. Although not part of the current rezoning/plan amendment application, the remainder of the four currently-zoned SF-1-NP lots are proposed to be resubdivided into five SF-1-NP lots through the subdivision process, upon completion of the rezoning/plan amendment

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application. Note, the resubdivision application (C8-2014-0206.0A) can move forward with or without the rezoning.

No proposed change to the location of the Hub boundary is proposed, nor is there a request to make this subject tract eligible for participation in the development bonus program. The request to rezone the property to ERC and assign NMU subdistrict designation is driven by the applicant's stated desire to have a more feasible property for development of a mixed-use project along Riverside, while simultaneously preserving single-family zoning along Penick Drive.

Correspondence from stakeholders has been attached (see Exhibit C).

ABUTTING STREETS & TRANSIT:

Street Name	ROW Width	Pavement Width	Classification	Sidewalks	Bike Route	Bus Service (within ¼ mile)
Penick Drive	45'	28'	Local	No	No	Yes
Country Club Drive	76'	20'	Local	No	No	Yes

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-1-NP	Undeveloped
South	ERC (NMU)	Undeveloped; East Riverside Drive
North	SF-1-NP; SF-3-NP	Undeveloped; Penick Drive; Single-family residential
East	ERC (NMU)	Country Club Dr; Undeveloped
West	ERC (NMU)	Penick Drive; Single-family residential

TIA: Not Required

WATERSHED: Country Club East (suburban)

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:

COMMUNITY REGISTRY NAME

COMMUNITY REGISTRY ID

Southeast Austin Neighborhood Alliance	189
Crossing Gardenhome Owners Assn.	299
El Concilio Mexican-American Neighborhoods	477
Austin Neighborhoods Council	511
Montopolis Area Neighborhood Alliance	634
Austin Independent School District	742
Del Valle Independent School District	744
East Riverside/Oltorf Neighborhood Plan Contact Team	763
Chambord-Austin Owner's Association	913
Riverside Farms Road Neighborhood Assn.	934
PODER	972

Homeless Neighborhood Organization	1037
Bike Austin	1075
Carson Ridge Neighborhood Association	1145
Super Duper Neighborhood Objectors and Appeals Organization	1200
Montopolis Neighborhood Plan Contact Team	1227
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Pleasant Valley	1255
Austin Heritage Tree Foundation	1340
Del Valle Community Coalition	1258
Montopolis Neighborhood Association	1339
Montopolis Community Alliance	1357
SEL Texas	1363
Montopolis Neighborhood Association – El Concilio	1394
Preservation Austin	1424
East Austin Conservancy	1444
Friends of the Emma Barrientos MACC	1447

SCHOOLS:

Austin Independent School District:

Allison Elementary

Martin Middle School

Eastside Memorial HS at Johnston

ZONING CASE HISTORIES FOR THIS TRACT:

The Pleasant Valley Neighborhood, of which the subject tract and surrounding properties were a part, was part of the East Riverside/Oltorf Combined (EROC) Neighborhood Plan, adopted in November 2006, at which time the Neighborhood Plan (NP) combining district zoning was added to properties within the planning area (C14-05-0113). However, several of the properties, including the subject tract, were rezoned while the EROC Plan was being finalized. These tracts have case numbers associated with the neighborhood plans, but actually preceded the plan's adoption. For such cases listed below, the NP was appended to the zoning string with the adoption of the Pleasant Valley Neighborhood Plan combining district zoning.

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
5602, 5604, and 5700 Riverside C14-05-0113.03	SF-3 to SF-1 & LR- MU-CO	Recommended; 10/25/2005	Approved; 03/02/2006
5602 & 5604 Riverside C14-2012-0111b	ERC (NMU Subdistrict)	Recommended; 10/23/2012	Approved; 05/13/2013

ZONING CASE HISTORIES IN THE AREA:

As noted above, the properties north of Penick Drive were excluded from the East Riverside Corridor Regulating Plan; none of these SF-3 properties were rezoned as part of a neighborhood planning effort, save for the addition of the NP combining district zoning.

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Properties to south of Penick have been rezoned as part of the ERC Regulating Plan, and the East Riverside/Oltorf Neighborhood Plan before that.

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
North of Riverside Drive			
1601 Grove Blvd C14-05-0113.02 (part of NP)	SF-3 to SF-1 and LR-MU-CO	Recommended; 10/18/2005	Approved; 03/02/2006
C14-2012-0112 (part of ERC)	ERC (NMU Subdistrict)	Recommended; 10/23/2012	Approved; 05/13/2013
South of Riverside Drive			
5701 Riverside C14-06-0091	LO to LO-MU-CO	Recommended; 06/13/2006	Approved; 07/27/2006 (CO limits vtd & requires buffer)
5401 Riverside C14-06-0090	LO to LO-MU-CO	Recommended; 06/13/2006	Approved; 07/27/2006 (CO limits vtd)

CITY COUNCIL ACTION: Tentatively scheduled for January 29, 2015.

CASE MANAGERS:

Tonya Swartzendruber / tonya.swartzendruber@austintexas.gov / 512-974-3462

Lee Heckman / lee.heckman@austintexas.gov / 512-974-7604

Wendy Rhoades / wendy.rhoades@austintexas.gov / 512-974-7719

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6**SUMMARY STAFF RECOMMENDATION**

To grant ERC zoning, and to further Designate Neighborhood Mixed Use as the ERC subdistrict by amending the East Riverside Corridor Regulating Plan Figure 1-2, which is in turn reflected on Figure 1-7, base height without development bonus.

BACKGROUND/PURPOSE STATEMENTS

The current base zoning is SF-1-NP, or single-family residence (large lot)-neighborhood plan combining district zoning. The SF-1 zoning district is intended as an area for low density single-family residential use, with a minimum lot size of 10,000 square feet. This district is appropriate for locations where sloping terrain or environmental limitations preclude standard lot sizes, or where existing residential development has lots of 10,000 square feet or greater. NP – Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The propose zoning is ERC, or East Riverside Corridor. ERC is zoning intended for properties included within the East Riverside Corridor Master Plan and East Riverside Corridor Regulating Plan. The purpose of the ERC district is to provide appropriate standards to ensure a high quality appearance for development and redevelopment and promote pedestrian-friendly design, to improve access to transit services and create an environment that promotes walking and cycling, among other goals identified in the Master Plan. There are five subdistricts within the ERC zoning district; each has distinct site development and use standards to ensure that the development is in line with the East Riverside Corridor Master Plan vision. Additional standards apply depending on the roadway type(s) adjacent to the tract, and tracts within an ERC Hub may also have specific standards. For more information on the East Riverside Corridor Regulating Plan, please visit our web site at: <http://austintexas.gov/page/east-riverside-corridor-master-plan>

In addition, the proposed ERC subdistrict is NMU, or Neighborhood Mixed Use. This subdistrict is a medium density subdistrict within the East Riverside Corridor and provides for mid-rise residential with neighborhood-oriented retail and smaller employers. It is intended to have opportunities for attached residential and smaller-scale commercial uses (see Exhibit E-3 for a summary).

BASIS FOR RECOMMENDATION

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character; and

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

It is obvious that replacing SF-1 base zoning with ERC, Neighborhood Mixed Use at this location does bring NMU development closer to established SF-3 zoned homes outside of the ERC. However, compatibility is triggered by single family residential use, and entails limits to height and requires setbacks that would otherwise not apply in NMU. As adopted, the ERC Regulating Plan establishes three zones of Height and Form that step back and up away from triggering property. These zones include screening and restricted use zones, as well as the “building” zones (see Exhibit E-4).

NMU, as a subdistrict, is limited to a maximum height of 50 feet. In this particular case, the existing NMU tract along Riverside is 200 feet deep. If the zoning and plan amendment request

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is granted, the new NMU tract would be approximately 247' in depth. Normally, compatibility-triggering and abutting property would entail a 25' zone for screening and restricted use. The next 25' could only be 30' in height, with the next 50' at 40 feet in height, and so on. That leaves the southernmost portion of the property along Riverside with a maximum height of 60 feet based on compatibility, but capped at 50 feet maximum as determined by the NMU subdistrict.

The subject tract, which is just under 47' in width, would extend the NMU development closer to Penick; the setbacks and height limitation may or may not remain the same. An important aspect of the ERC is that compatibility is triggered by use – not zoning. Therefore, rather than compatibility starting at the boundary line between the proposed northern NMU/southern SF-1-NP boundary line, it would start at the outer, northern edge of Penick Drive, abutting the existing single-family residences.

That compatibility was triggered by use and not zoning was not understood by City staff until November 19, 2014, at which time it was communicated to Penick Drive residents with an invitation to meet and discuss further.

The real-world significance of this compatibility trigger is unknown. While it may seem that compatibility is reduced or even eliminated given the distance of the single-family residences to the proposed NMU line (a distance that varies between approximately 86 and 110 feet and includes approximately 50 feet of right-of-way), and that the NMU owner could construct a 40' building at that line, the reality is that the abutting single-family zoned lots are owned by the same entity seeking the rezoning. Any impacts by not meeting standard ERC (or even Subchapter E) compatibility standards would be to their own property. At the same time, if the SF-1-NP lots are developed first, then compatibility would be triggered by those new residences.

If the NMU request is approved, it could provide another 47 feet (of depth) along Riverside that could be built to a maximum height of 50 feet (per the subdistrict). The existing NMU is also within a transit Hub boundary (see Exhibit E-2), and is eligible for a maximum bonus height of 65' if the owner chooses to participate in the development bonus program at the time of site planning. The subject rezoning/ERC subdistrict designation tract is not proposed to be included in the Hub boundary; however, it could provide for additional opportunity for the adjacent property already in the Hub.

Per ERC compatibility, buildings between 100 to 200 feet from triggering property can be a maximum of 60 feet in height; after a distance of 200 feet from such property, buildings can be 120 feet (both these maximums are limited by subdistrict allowances). Therefore, if the NMU was granted to the subject tract, and the owner participated in the development bonus program, the end result could be a building that was 65' in height, but that height would be, at a minimum, only allowed within the Hub boundary, which is between approximately 130 and 200 feet away from (currently) triggering properties. The existing Hub boundary, which excludes the existing NMU tract immediately east of Penick Drive, is not extended with this rezoning request. Outside the Hub boundary, buildings could be at most 50 feet in height (limited by NMU), provided this was 100 feet away from triggering property; height would be capped at 40 between a distance of 50 and 100 feet, and 30 feet for anything within a distance of 25 to 50 feet.

At the same time, NMU is limited to an FAR of 1:1. That, along with ER requirements for building placement and articulation requirements, will help ensure this is not developed as a monolithic building sprawling across the site. The request would allow for additional development; whatever form that might take under a "by NMU right" or "by bonus program participation," would center that additional development along Riverside.

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Staff is aware some may see this reduction in single-family residential area as an encroachment and detrimental to neighborhood character. However, given the compatibility standards of the ERC that address setbacks, height limitations, screening zones and other requirements, the potential mixed use development should be compatible with both existing uses on the opposite side of Penick and future uses between the subject tract and Penick – namely, single-family residential.

NMU as a subdistrict was intended to provide for mid-rise residential and neighborhood-oriented retail. It is less intense than Corridor Mixed Use, which lines much of Riverside Drive. As a subdistrict it is meant to be compatible with residential, from a use perspective, similar to the less intense office, multifamily, or commercial zoning districts. Staff thinks the request for NMU is one that promotes compatibility. As described above, one may anticipate that any additional development opportunities resulting from this request would be abutting Riverside. As such, this combined 247' deep tract would provide the classic transition from the most intense development along Riverside tapering down and away from Riverside through the currently zoned SF-1-NP tract and across Penick to existing SF-3-NP zoned residences.

Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan; and

The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

The subject tract and the remainder of the SF-1-NP property south of Penick was included within the ERCRP when it was adopted in May 2013. At that time the property was also designated SRD (Special Regulating District) for Future Land Use purposes. It was not, however, zoned ERC nor assigned a subdistrict designation, as were the tracts along Riverside.

With the exception for existing PUDs and public facilities (e.g., school, library, park), nearly all the property within the ERC boundary was zoned ERC and assigned a subdistrict designation. This tract and its SF-1-NP parent tract is one of those cases where it was not. However, staff is of the opinion that if some form of development under the ERC zoning designation and under the available ERC subdistricts was not expected, then the property would have been excluded from the adopted ERC boundary, retained its neighborhood plan FLUM designation, and not been assigned SRD. In short, if the property was included in the ERC, then it follows that it would be developed under ERC zoning and with an appropriate ERC subdistrict designation that provides uses and site development standards.

EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

Site Characteristics

The subject tract is undeveloped, as are its parent parcels to the north. The track is ostensibly flat. The highpoint for the area between Riverside and Penick is at Riverside, with an elevation change of about 10 feet as it slopes to the west, north, and east. There are small trees and shrubs on the parent parcel, but it is not thought any of these are protected. There are no known environmental features, and development of the tract should not be unduly constrained by topological or environmental features.

PDRD Environmental Review (9/30/2014) (MM)

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Country Club East Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.
2. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. No trees are located on this property. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PDRD Site Plan Review (1/2014) (MSS)

Development on this site will be subject to the *East Riverside Corridor Regulating Plan*. Additional comments will be provided upon submittal of a site plan.

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10**PDRD Transportation Review (9/29/2014) (BG)**

1. If the requested zoning is granted, it is recommended that access to Penick Drive be prohibited as a condition of zoning because it is a local street with single family zoning.
2. Additional right-of-way may be required at the time of subdivision and/or site plan.
3. If the requested zoning is granted, it is recommended that joint access be provided for the 4 lots along Penick Drive.
4. A traffic impact analysis may be required at the time of site plan based on proposed uses.
5. A Neighborhood Traffic Analysis may be required at the time of site plan unless access to Penick Drive is prohibited. LDC, Sec. 25-6-114.
6. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on Penick Drive or Country Club Drive.
7. Existing Street Characteristics:

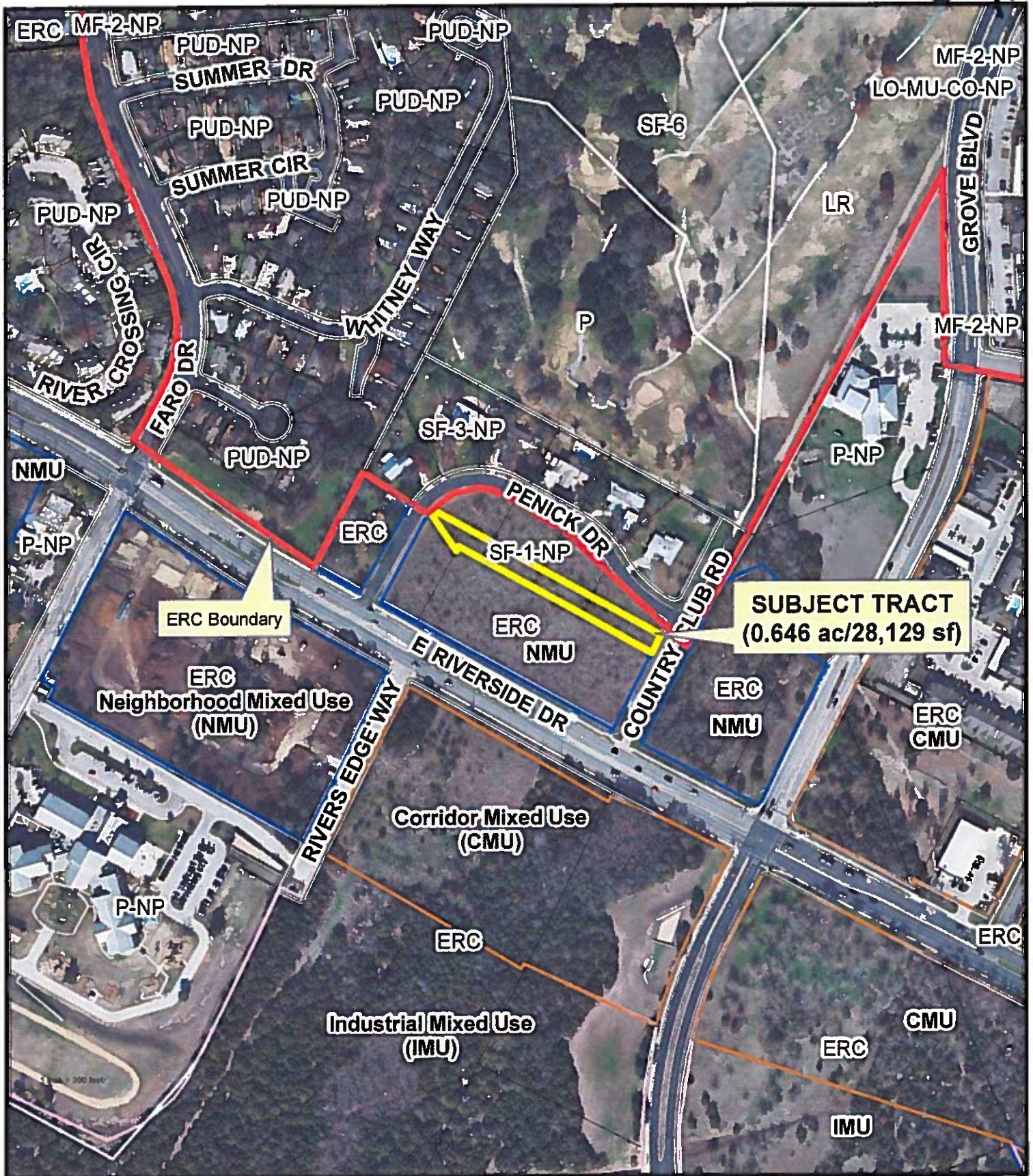
Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Penick Drive	45'	28'	Local	No	No	Yes
Country Club Drive	76'	20'	Local	No	No	Yes

Water Utility Review (09/25/2014) (NK)

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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Based on the rezone to multi-family use which requires 1500 GPM fire flow a water SER will be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

C14-2014-0159 / Penick Drive Rezoning

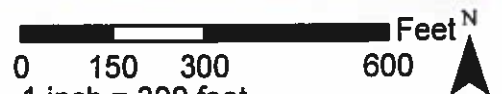
CA/12



Aerial: 2012-01

Exhibit A - 1

Aerial, Zoning, & ERC Subdistricts



C14-2014-0159 / Penick Drive Rezoning

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Aerial: 2012-01

Exhibit A - 2

Aerial, Zoning, & ERC Subdistricts



C14-2014-0159 / Penick Drive Rezoning

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Source: Google Earth; Accessed 2014-11-06

Exhibit A – 3
2014 Imagery

From: Malcolm Yeatts
Sent: Friday, October 24, 2014 2:58 PM
To: Heckman, Lee
Subject: Case C14-2014-0159

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/B

The EROC Contact Team has voted to oppose the zoning request C14-2014-0159 (Penick Drive).

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From: lpworkout
Sent: Sunday, October 19, 2014 5:25 PM
To: Heckman, Lee
Cc: Don Stewart
Subject: Rezoning case no. C14-2014-0159

Mr. Heckman, this email is in protest of the above referenced rezoning request. The contents of this email are also included in the response form which I will mail to you this week. I do not have contact information for all the Planning Commission members, but trust you will forward this or otherwise make available to them.

My husband Don Stewart and I have lived at 5608 Penick Drive for 23 years, during all of which time the neighborhood has been 100% owner-occupied single family residences. Maintenance and enhancement of the existing neighborhood character is paramount to us and to all our neighbors. Our home was the home of Harvey Penick during his years as golf pro at the original Austin Country Club, now Riverside Golf Course. The neighborhood always has acknowledged the value of honoring the Penick legacy by retaining its unique character.

In meetings through the years, Mr. Greif assured us that he too cares about the appearance and character of our neighborhood. In approximately 2004, we agreed to rezone the subject lots to SF-1 and minimize density development on Penick, in exchange for Mr. Greif rezoning his Riverside Drive frontage property to NMU so that he could develop that frontage property in keeping with the Riverside corridor master plan. Oral assurances were made that a sound or a green barrier would be included in an effort to insulate the single family homes from any retail development on Riverside. The current rezoning request and proposed development plans erode those assurances. We object to high density, multi story residential and commercial buildings, as they do not reflect the historical character of the neighborhood. There already is plenty of such development in the East Riverside Corridor, and the City must honor the EROC neighborhood plan goal to preserve the character of existing residential neighborhoods. We are unique, and construction of 300 apartments plus 3-story commercial buildings will destroy that.

We urge City staff and the Planning Commission to NOT approve rezoning of 5617-5717 Penick Drive.
Thank you for your time and thoughtful consideration.

Respectfully,

Donald Stewart

Linda Paulson

5608 Penick Dr

Austin, TX 78741

From: Eran G
Sent: Monday, October 20, 2014 12:57 PM
To: Chlimentl, Danette - BC
Cc: Heckman, Lee
Subject: Preserve the Harvey Penick Neighborhood

ca
/x

Danette,

The Harvey Penick Neighborrhood is 100% owner-occupied and is 100% unified against the proposed rezoning as it would certainly result in the destruction of the character of the neighborhood. The street is named after Legendary Austin Icon - Harvey Penick - who once lived on the street.

A decade ago, the owner of the tract that is requesting rezoning made an agreement with the neighborhood whereby the lots facing Riverside would become mixed use (our concession) if the Penick-facing lots would remain SF1- thereby ensuring the completion of our subdivision - retaining its current character.

This latest, proposed zoning change would drastically change the neighborhood and effectively be a complete railroading of this unique and unified neighborhood.

With the last round of zoning changes (2012) further concessions were made whereby one of the lots (corner lot of Penick and Riverside) switched from SF1 to NMU. And yet, now even more concessions are being requested.

Please include this email in file of record as this extremely relevant - from an Austin History perspective - Neighborhood wants it to be know that we are 100% unified against the proposed change. You will be hearing from other neighbors as well.

Please let me know your position on the proposed zoning change - and your thoughts on our chances of preventing the little guys from getting run-over by the developer/speculators.

Sincerely,

Eran Gronquist

5704 Penick Dr.

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From: Eran G
Sent: Monday, October 20, 2014 1:16 PM
To: Stevens, Jean - BC
Cc: Heckman, Lee
Subject: Harvey Penick Neighborhood - unified against destruction of historically significant neighborhood

Jean,

The Harvey Penick Neighborhood is 100% owner-occupied and is 100% unified against the proposed rezoning as it would certainly result in the destruction of the character of the neighborhood. Penick Dr. is named after Legendary Austin Icon - Harvey Penick - who once lived on the street. Harvey Penick wrote the Little Red Book - the best-selling Sports book of all times. He was also mentor to Tom Kite and Ben Crenshaw -and good friends with Darryl Royal. This is Austin History.

As someone who studied Transportation Planning in Grad School (Texas State MAG 1997), I understand and appreciate the need for higher densities along major corridors. However, there also needs to be a balance of protecting some neighborhoods, character and history. This neighborhood is unique and historically significant and deserves to be saved.

The latest, proposed zoning change would be very out of character for this stretch of Riverside. The Commercial creep into this area of riverside - that is currently all SF1 - is over-the-top. Over the last couple of years, the City allowed the development of a number of SF1 homes directly across Riverside from the proposed development - making an even larger (than currently zoned) commercial development at this site even more out of character (surrounded by residential on all sides).

The current zoning allows for significant commercial development the Riverside lots and we are unified against further changes.

Please let me know your position on this and please also include this on file for the record.

Sincerely,

Eran Gronquist

5704 Penick Dr.

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From: Eran G
Sent: Monday, October 20, 2014 1:39 PM
To: Hernandez, Alfonso - BC
Cc: Heckman, Lee
Subject: Preserve the Harvey Penick Neighborhood from extremely out of character commercial creep

Alfonso,

The Harvey Penick Neighborrhood is 100% owner-occupied and is 100% unified against the proposed rezoning as it would certainly result in the destruction of the character of the neighborhood. The street is named after Legendary Austin Icon - Harvey Penick - who once lived on the street.

A decade ago, the owner of the tract that is requesting rezoning made an agreement with the neighborhood whereby the lots facing Riverside would become mixed use (our concession) if the Penick-facing lots would remain SF1- thereby ensuring the completion of our subdivision - retaining its current character.

With the last round of zoning changes (2012) further concessions were made whereby one of the lots (corner lot of Penick and Riverside) switched from SF1 to mixed use. And yet, now even more concessions are being requested.

This latest, proposed zoning change constitutes overwhelming Commercial Creep - and would drastically change the character of the neighborhood. It would also effectively be a complete railroading of this unique, historical and unified neighborhood.

Please include this email in file of record as this extremely relevant (from an Austin History perspective) Neighborhood wants it to be known that we are 100% unified against the proposed change. You will be hearing from other neighbors as well.

Please let me know your position on the proposed zoning change - and your thoughts on our chances of preventing the little guys from getting run-over by the developer/speculators.

Sincerely,

Eran Gronquist

5704 Penick Dr.

C9
20

From: billy Cassis

Sent: Monday, October 20, 2014 5:05 PM

To: Heckman, Lee; Chimenti, Danette - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Oliver, Stephen - BC; Hatfield, Richard - BC; Jack, Jeff - BC; Nortey, James - BC; Roark, Brian - BC; Varghese, Lesley - BC; Zaragoza, Nuria - BC

Subject: Case for rezoning Sf-1 lots in Harvey Penick Neighborhood C14-2014-0159

Mr. Heckman, and all esteemed City of Austin Planning Commission members,

This is a formal notice of opposition to the proposed zoning change on Penick Dr.

File Number C14-2014-0159

The adjacent home owners/ residents have been working with the land owner/ applicant for more than 10 years to reach a mutually amicable site plan for the completion of our unique subdivision off of East Riverside Dr.

In that process, there have been prior applications for zoning change in which we have agreed to see large portions of this parcel that lie within the ERC plan to be re-zoned and re-subdivided in a way that is consistent with the ERC vision as well as Mr. Greif's desire to maximize the parcel's FAR and its speculative resale potential.

We had conceded to this within the limits of fulfilling a criteria for the completion of our subdivision in a way that is understood to be consistent with its inherent character, preventing any drastic change of use or intensity of development in order to preserve what we have been nurturing in this 60 year old, 100 percent owner-occupied neighborhood.

We advise the current zoning category of SF-1 to remain in place and planning commission withhold a recommendation to change the zoning or lot boundaries so that all involved parties maintain the integrity of established compatibility standards.

That said, the current application to re-subdivide and acquire more NMU area is beyond the limits of what surrounding property owners have the capacity to accept. As recent as 2012, the City Council voted to maintain the SF-1 category for the four remaining vacant lots in question, while the SF lot with Riverside frontage was given NMU zoning. Only one and a half years later, this latest proposal would reduce those SF lots buildable area into much smaller lots that cannot effectively offer the reflectivity and compatibility that we have clearly requested to remain in place in our concerted effort to simply see the subdivision completed as close to its original design as possible.

While the implications for change-of-use easements, triggering properties setbacks for density, height restrictions and the street's increased traffic burden are all issues that are of equal importance, they are too complex to address in this email. The parcel is located on a particularly poor sight line along west bound Riverside Dr at the outlet of Penick Dr. Any additional vehicular access proposed in a site plan at this location could be considered negligent from a design standpoint. The increased vehicular load of the adjacent Milestone development alone has placed increased hazards on this section of what is an

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incredibly busy street. Many area residents use turn lanes for u-turns to navigate coming and going into entrances that only offer one way access. The proposed density of the applicants parcel will create more traffic complexities that I am afraid at this point have not been scrutinized sufficiently. Additionally, in past EROC meetings, I was made aware of sensitivities regarding development of the parcel that lies within the Country Club Creek Watershed and potential hazards of storm water quality and management if density was the primary goal for development.

In summary, the previous and current property owners living on Penick Dr and members of the EROC team have worked with Mr Bill Greif for years and voted fairly in his favor for creating a development plan that met his criteria within the physical limits of the parcel itself. At this point, we see the latest application as a disregard for those years of practical planning in exchange for the pursuit of maximum density at the expense of our neighborhood's character, history, and its potential legacy. Thank you for your consideration in this matter, and I am always available for discussion. 512-632-2748

Kind Regards,

Billy Cassis

5602 Penick Dr

C9/22

From: Eran G
Sent: Tuesday, October 21, 2014 12:56 PM
To: Oliver, Stephen - BC
Cc: Heckman, Lee
Subject: Preserve the Harvey Penick Neighborhood - C14- 2014-0159

Mr. Oliver,

I am writing to you today to ensure that you are aware that our unified, 100% owner-occupied neighborhood is opposed to the Applicant's (Bill Greiff) rezoning request for a number of reasons - one reason is the preservation of neighborhood with historic significance - Harvey Penick is a legendary Austin icon.

There are numerous reasons why the current, MU zoning - on the Applicant's Riverside facing lots - is absolutely appropriate as-is. The tract is completely surrounded by residential homes (on both sides of Riverside).

I am pro high-density along the Riverside Corridor - and have been ever since becoming exposed to the Austin Tomorrow Plan of the 1970s when I took my first Graduate level Land Use Planning course in 1994. I did my Graduate Thesis on Austin Transportation - promoting the very type of smart growth the ERC hopes to achieve. I support it.

We have known for decades that Riverside should be developed at high densities - and that is why in 2004, an agreement was reached between the Applicant and the Neighborhood resulting in rezoning of the Applicant's Riverside-facing lots from residential to mixed use - in exchange, the Neighborhood secured zoning that protected it (Penick-facing lots remained SF - reflective of the Neighborhood). The problem is that sometime between 2004 and 2012 the ball was completely dropped on the (prior to 2012) undeveloped tract directly across Riverside from the Applicant's tract. It was developed in the last two years as residential (directly on Riverside).

So, the Applicant's current, and very appropriate MU zoning - when built out - will be surrounded by residential homes. It will stand out (because of the 2012 failure directly across Riverside - Millstone) and all of the previously existing SF homes - as being the only MU on that stretch of riverside.

However, the proposed density increase will make the only MU surrounded completely by residential homes REALLY stand out - and will not in any way be in character of the existing residential homes on all sides - or all of the residential units just erected directly across Riverside.

The Neighborhood made a concession in the 2004 agreement. Another concession was made in 2012 when a corner lot owned by the applicant was turned (appropriately) to MU. But this latest encroachment on a 100% unified and owner occupied and historically significant Neighborhood appears to be an (over) compensation for the failure of 2012 (residential directly this stretch of Riverside). Please include this email in file of record. Please also let me know if there is a time we can meet to discuss.

Sincerely,

Eran Gronquist
5704 Penick Dr.

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.

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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.

For additional information on the City of Austin's land development process, visit our website: <http://www.austintexas.gov/development>.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the 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: C14-2014-0159

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 28, 2014, Planning Commission

Nov 20, 2014, City Council

Donald M Stewart
Linda G Paulson

Your Name (please print)

☐ I am in favor
☒ I object

5608 Penick Dr

Your address(es) alleged by this application

Linda G Paulson

10/20/2014

Signature

Date

Daytime Telephone: (512) 589-7075

Comments: Our interest is to maintain & enhance the existing character of the neighborhood, which is 100% owner occupied single family residences. There are very few of these remaining in the EBC, & it is essential to keep this one in tact. This rezoning will erode the character, as it favors the way for high density multi-story development - this already is present in the Riverside Drive. Please let us maintain the Penick historical legacy by protecting integrity of our single family residences.

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

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

23/19

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.

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Case Number: C14-2014-0159

Contact: Lee Heckman, 512-974-7604

Public Hearings: Oct 28, 2014, Planning Commission

Nov 20, 2014, City Council

Bekha Patel
Your Name (please print)

☒ I am in favor
☐ I object

2101 Rivers Edge Way # 20
Your address(es) affected by this application

[Signature]
Signature

10/20/14
Date

Daytime Telephone: 4329400018

Comments:

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

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

29
24

From: Luke Dodson
Sent: Friday, November 07, 2014 3:59 PM
To: Heckman, Lee
Subject: Re: Petition for Penick Case C14-2014-0159

CA
2/25

Lee,

Just going on the record here.

I live at 5700 Penick Dr., Austin, TX

Me and my family of four are also opposed to this rezoning and re-subdividing.

I oppose the proposed rezoning. It's bad idea for our neighborhood, bad idea for East Riverside, bad idea for our city.

Luke dodson

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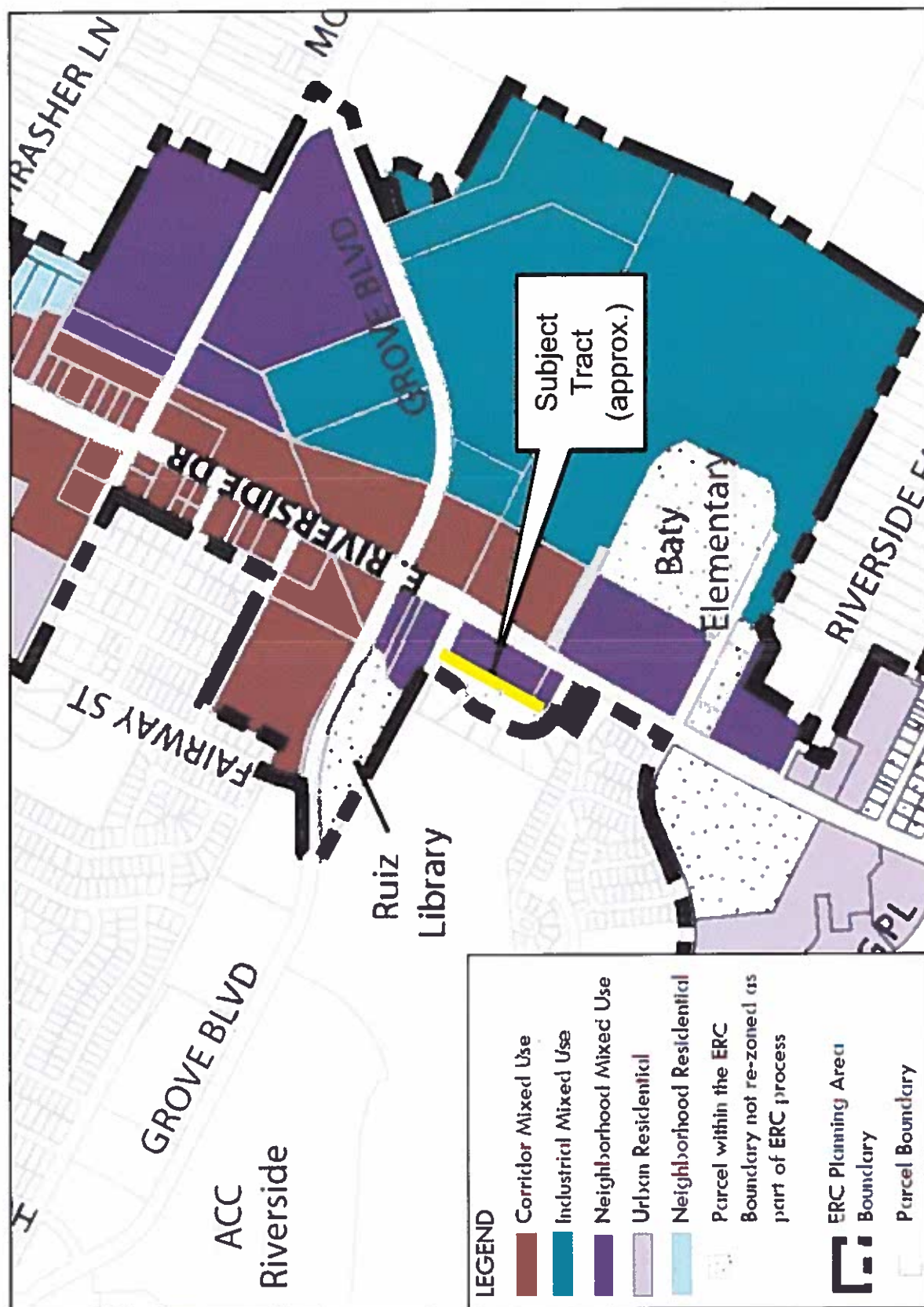


Exhibit E - 1 ERC Subdistricts

CA 27

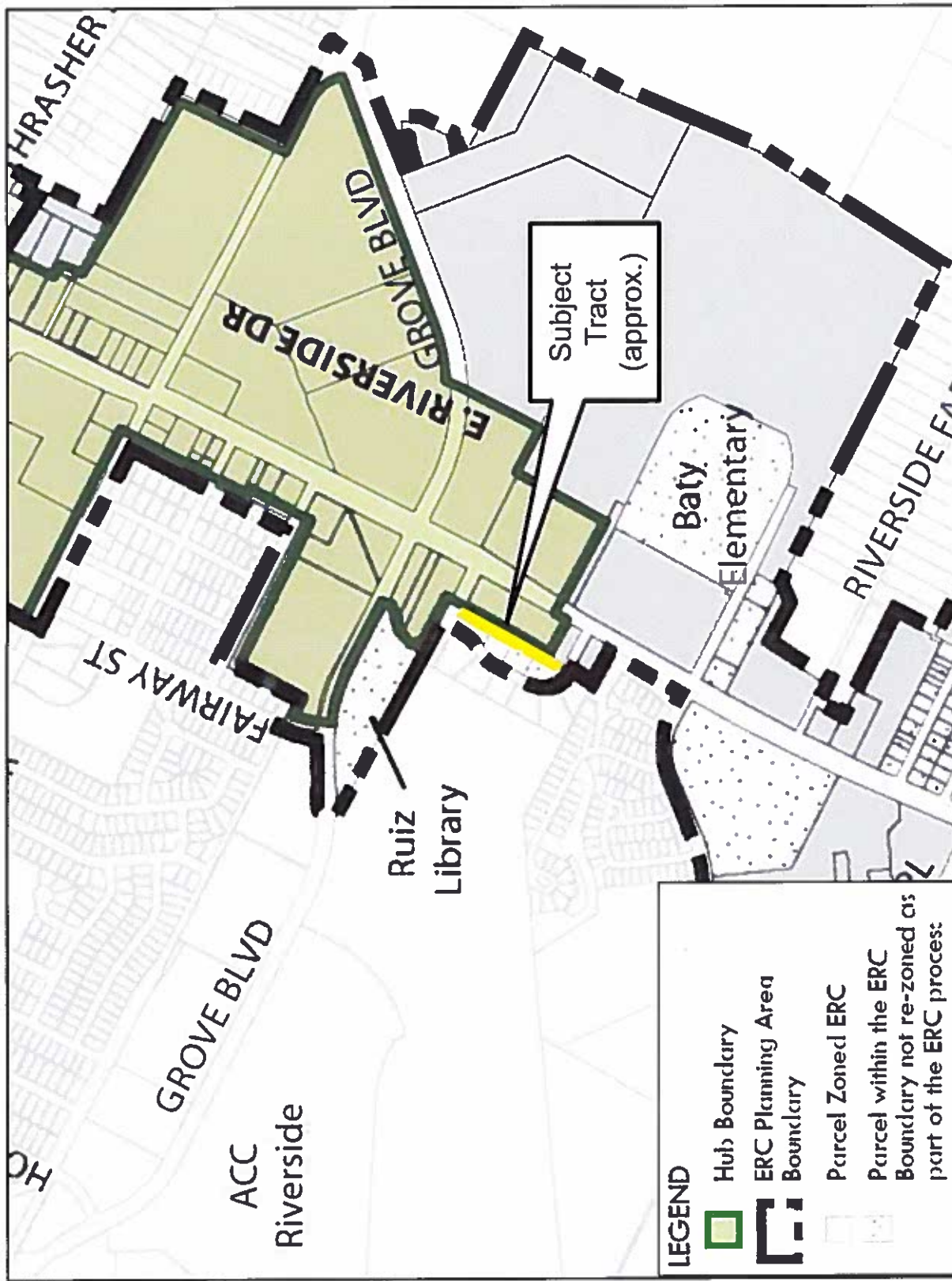


Exhibit E - 2 ERC Hub Boundary

Figure 1-11: Neighborhood Mixed Use (NMU)
Summary of NMU Subdistrict Development Standard

CMU	Lot Size	Floor to Area Ratio (FAR)	NEIGHBORHOOD MIXED USE (NMU) SUBDISTRICT	CMU
	Minimum Lot Size: 1,600 sf Minimum Lot Width: 20'	Maximum Floor-to-Area Ratio (FAR) by Right: 1:1 Desired minimum FAR: 60% of maximum FAR by right.		
	Minimum Setbacks	Building Height		
	Front and Street Side Yard*: No ground-level front yard or side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	Maximum Building Height: 50 feet Maximum Building Height with Development Bonus: See Figure 1-8.		
	Interior Side Yard: 0' Rear Yard: 0'	Compatibility		
IMU	Upper-Story Building Facade Street-Side Step-backs: The building facade at the fourth story and above must be stepped back a minimum of 10 feet from the ground-level building facade line.	See Section 4.2.4 for compatibility standards.	The Neighborhood Mixed Use Subdistrict provides for mid-rise residential with neighborhood-oriented retail and smaller employers. It is intended to have opportunities for attached residential and smaller-scale commercial uses.	IMU
NMU	Building Placement			NMU
UR	Building placement determined by Roadway type and Active Edge Designation. *See Fig. 1-3 for Roadway Type designation and Section 4.3 for design requirements.			UR
NR	Maximum Impervious Cover			NR
	Impervious Cover: 80% or Maximum Allowed by LDC 25-8.			

10' Min. Step-back after 3 stories

Max. 50' Building Height By Right

3 Stories

ABOVE:
Typical height limit and step back requirements for buildings within the Neighborhood Mixed Use (NMU) Subdistrict.*

*Max. Building Height with a Density Bonus is established on Figure 1-8.

ABOVE & BELOW:
Examples of development similar to that allowed in the Neighborhood Mixed Use Subdistrict.

Neighborhood Mixed Use (NMU) Land Use Summary*

Land Use	
Residential, attached	Permitted
Residential, detached	Not Permitted
Smaller-scale Retail (less than 50,000 sq. ft.)	Permitted
General Retail	Not Permitted
Office	Permitted
Warehousing & Light Manufacturing	Not Permitted
Education / Religion	Permitted
Hospitality (hotels/motels)	Permitted
Civic Uses (public)	Permitted

*The table above provides a summary only of land uses permitted within the Neighborhood Mixed Use Subdistrict. See Section 2.3.3. for a complete list of permitted land uses.

Exhibit E - 3 NMU Subdistrict

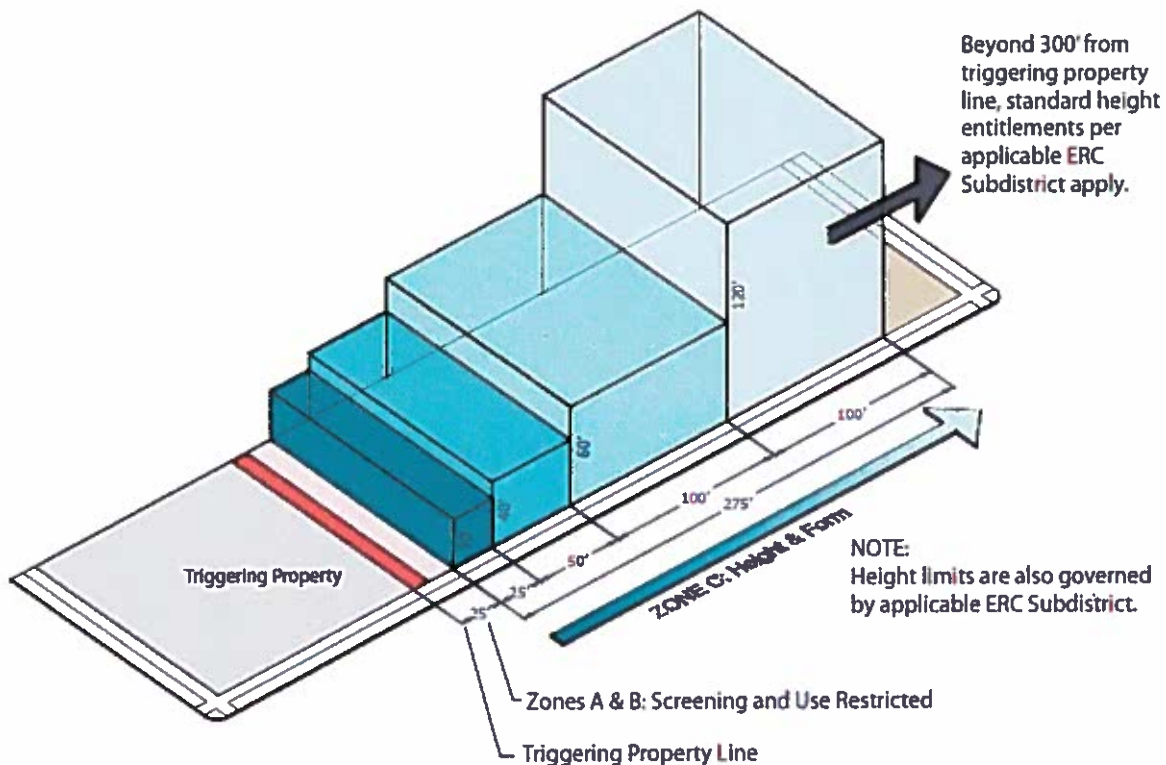


Figure 4-4: ERC Compatibility Height Restrictions

The compatibility standards for the ERC incorporate three Transition Zones: Zone A - Screening, Zone B - Use Restricted, and Zone C - Height & Form

c. Height

See Figure 4-4 for illustration of ERC compatibility height restrictions.

NOTE: Allowable height is also limited by the maximum allowable height for each ERC Subdistrict. Whichever height limit is most restrictive, per this section or ERC Subdistrict, determines the height allowed on the site.

- i. Between 25 and 50 feet from the triggering property line, no building or structure may exceed 30 feet or two stories in height.
- ii. Between 51 feet and 100 feet from the triggering property line, no building or structure may exceed 40 feet.
- iii. Between 101 feet and 200 feet from the triggering property line, no building or structure can exceed 60 feet.
- iv. Between 201 feet and 300 feet from the triggering property line, no building or structure can exceed 120 feet.

Exhibit E – 4 ERC Compatibility

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30

PETITION

Date: 10/28/14

To: Austin City Council

Permit/Complaint: 2014-101246 ZC

Case Number: C14-2014-0159

Address of Rezoning Request: 5617, 5701, 5709, 5717 Penick Drive

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby *protest against any change* of the Land Development Code which would zone the property in full or partially to any classification other than SF-1-NP.

REASONS:

1. **INCOMPATIBILITY:** significantly goes against preserving and enhancing the character of existing residential neighborhood...both immediate and along the corridor of new and older existing structures and zoning.
2. **RECENT COMPROMISES TO APPLICANT AND CITY:** supporting urban development/ERC with no reciprocation or upheld agreements
3. **IN 2012, CITY COUNCIL VOTED/PASSED SF1 ZONING:** rehashed, repackaged, redundant
4. **HISTORIC NEIGHBORHOOD AND HOMES** on the street
5. **COMMERCIAL CREEPING:** 10 years ago supported applicant with rezone, subdivide of 5 SF lots. 2 years ago, lost 1 SF lot to ERC.
6. **WATER QUALITY:** Country Club Creek watershed with artery and flood plain is next to subject property
7. **DE-VALUE:** no assurances to future development as all submitted renderings are speculative and do not show maximum potential this re-zoning creates.



ca 1/31

MAP#	ADDRESS	Parcel Tax ID ACRES
1	5704 Penick Dr	286716 03061201020000 0.8695
2	5702 Penick Dr	286717 03061201030000 0.599
3	5700 Penick Dr	286718 03061201040000 0.5251
4	5608 Penick Dr	286719 03061201050000 0.4744
5	5606 Penick Dr. A	286720 03061201060000 0.9949
5	5606 Penick Dr. B	286720 03061201060000 0.9949
6	5604 Penick Dr	286721 03061201070000 0.5381
7	5602 Penick Dr	286722 03061201120000 0.7329

	SIGNATURE	PRINTED NAME	ADDRESS	EMAIL / PH#
1		LUCY SHEFFIELD	5606 PENICK	512.784.3048
2		Linda G Paulsen	5608 Penick Dr	1200 Sout @ ch... / ...
3		DONALD M. STEWART	5608 PENICK DR	dsharley020 not men
4		LEM SHEFFIELD	5606 PENICK DR	(512) 573-4181
5		DAVID B. REARDON	5604 PENICK DR	brycellison@gmail.com 512.522.2742
6		JOHN Tschirhart	5606 Penick Dr.	512.784.3048
7		Billie Connors	5603 Penick Dr	512.632.2743
8		MIRIAM DOOLITTLE	5700 Penick Dr	512.615.642
9		Lori Doolittle	5700 Penick Dr	512.625.641
10		Nicholas L. Green	5701 Penick Dr	512.657.3931
11		STAN WEBER	5702 Penick Dr	18741
12		STAN WEBER	5702 Penick Dr	512.765.0252
3				

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Case Number:

C14-2014-0159**PETITION**

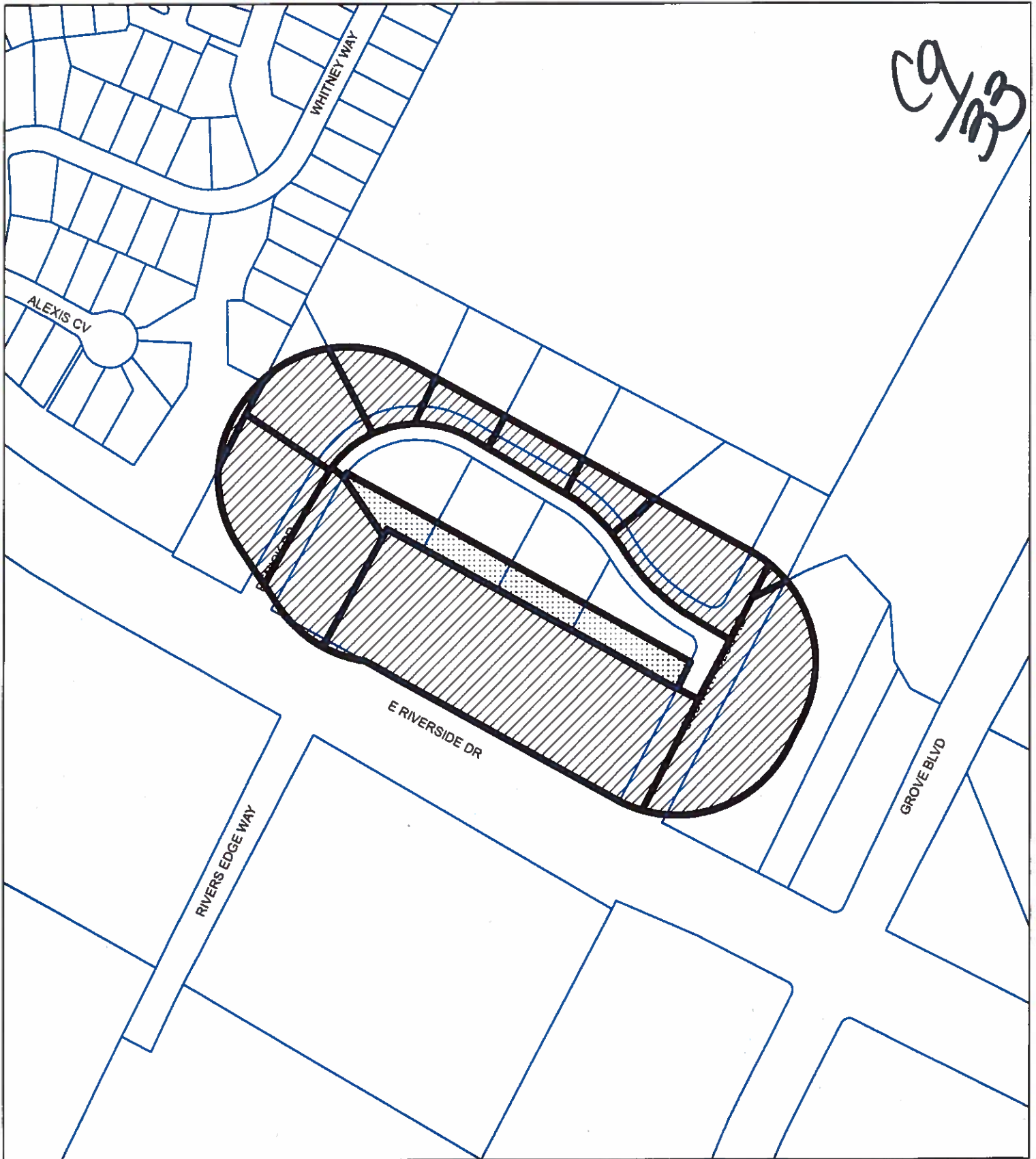
Date: 11/19/2014

Total Square Footage of Buffer: 390107.7758

Percentage of Square Footage Owned by Petitioners Within Buffer: 27.43%




Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0306120107	5604 PENICK DR 78741	ALLISON DAVID BRYCE	yes	21974.31	5.63%
0306120112	5602 PENICK DR 78741	CASSIS WILLIAM C	yes	26389.12	6.76%
0307130105	GROVE BLVD 78741	CITY OF AUSTIN ATTN: REAL ESTATE SERVICES DIVISION	no	1141.69	0.00%
0306120325	1723 WHITNEY WAY 78741	DECKER LAURA	no	13.81	0.00%
0306120104	5700 PENICK DR 78741	DODSON LUKE	yes	8489.99	2.18%
0306120449	FARO DR 78741	GARDENHOME OWNERS ASSOC INC % DAVID B EDELMAN CO	no	1687.98	0.00%
0306120208	5600 E RIVERSIDE DR 78741	GREIF YOUNT PARTNERSHIP % BILL GREIF	no	27734.87	0.00%
0306120213	5700 E RIVERSIDE DR 78741	GREIF YOUNT PARTNERSHIP % BILL GREIF	no	114210.58	0.00%
0306120102	5704 PENICK DR 78741	GRONQUIST SOPHIE M LIFE ESTATE	yes	28720.55	7.36%
0306120105	5608 PENICK DR 78741	STEWART DONALD M & LINDA G PAU LINDA G PAULSON	yes	7764.58	1.99%
0306120106	5606 PENICK DR 78741	TSCHIRHART JOHN W	yes	13683.55	3.51%
0306120103	5702 PENICK DR 78741	WEBER STANLEY EVAN & WAYNE GRONQUIST LIVING TRUST	no	8022.92	0.00%
0307130104	GROVE BLVD 78741	YOUNT LARRY K ETAL	no	53545.14	0.00%
Total				313379.09	27.43%



CA 1/13



-  BUFFER
-  PROPERTY_OWNER
-  SUBJECT_TRACT

PETITION

CASE#: C14-2014-0159

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.

Exhibit P - 4 CTM Eligible Area Map



1" = 200'