

ZONING & PLATTING
COMMISSION

Handouts

DECEMBER 16, 2014

Rhoades, Wendy

From: John W Blunt <~~john@bluntprop.com~~>
Sent: Friday, December 12, 2014 10:37 AM
To: Rhoades, Wendy
Subject: RE: Application For Rezoning: Case No. C14-2014-0164 at 1208 West Slaughter Lane - Comments from owner of adjacent property
Attachments: 1208 West Slaughter Rezoning Application.pdf

Wendy,

City staff fails to recognize that 1208 West Slaughter Lane is not a true West Slaughter Lane property and as such should not be lumped together with the other SFR's to the east that have been converted to office use. The subject received that address back in 1961 when the house was built and the original property line extended out to what is today the dividing median on West Slaughter. The original access driveway off of West Slaughter Lane was terminated in 1984 during the widening and reconfiguration of West Slaughter Lane. Both the vehicle and pedestrian access to the house were relocated to Texas Oaks Drive, a narrow neighborhood artery, meaning it lost its identity as a West Slaughter property. Again, it is erroneous to lump this property with other properties to the east on West Slaughter Lane. You are comparing apples to oranges meaning your recommendation of 2,000 daily trips is nonsensical.

The city gave my property at 1206 West Slaughter Lane and my neighbor's property at 1204 West Slaughter Lane the zoning upgrade from SF-2 to LO-CO. The CO limits maximum daily trips to 2,000. The key point is that both of these properties have access driveways off of West Slaughter Lane more than 200 feet from the intersection with Texas Oaks Drive. In contrast, the sole access to 1208 West Slaughter is off Texas Oaks Drive less than 100 feet from the intersection with West Slaughter Lane which produces a very different situation than that of 1204 and 1206 West Slaughter. Giving 2,000 daily trips to 1208 West Slaughter is absurdly inappropriate especially since there is already major congestion at this traffic light due to the elementary school nearby on Texas Oaks Drive.

A few years ago, I sold a pad site to Dollar General at the northwest corner of Manchaca Road and Monarch Drive, just north of West Slaughter Lane. Prior to the sale, the city gave me the zoning upgrade to LR-CO. The CO prohibited service stations and drive-through facilities and limited maximum daily trips to 1,400. The city's reasoning for the low number of daily trips was to protect the neighborhood. Why wasn't this same logic applied to 1208 West Slaughter Lane?

But what is even more perplexing/troubling is the MU portion of the zoning change request that city staff oddly recommends:

To: GO-MU – General Office district is intended for offices and selected commercial uses predominately serving community and city-wide needs. MU – Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development

How could you possibly think this MU component is appropriate for a neighborhood street already struggling with major congestion? It's absurd. You are effectively granting them retail zoning. Based on antecedent, the city will cave on any issues relating to change of use (site plan) Specifically, the city will grant administrative variance to the site plan requirement meaning the applicants will not have to honor the 25 foot setback requirement between commercial and residential uses. The city is throwing the neighborhood under the bus. In addition, they will not be required to install a detention pond which will cause flooding issues on my property to the immediate east. The city is throwing me under the bus.

The applicants do not need to take out permits for commercial remodeling because they already converted the single-family residence to office use under the bogus guise of "Residential Remodel" which included a hugely disproportionate amount of flatwork relative to the building. On August 1, 2014, the applicants moved from the adjacent office building at 1206 West Slaughter with LO zoning to the SF-2 at 1208 West Slaughter with SF-2 zoning. They blatantly and deliberately violated city code by running their mortgage business from Day 1 out of a house that lacked proper zoning for commercial uses. Yet the city was fine with this. In short, the city is rewarding the applicants' dishonestly and subterfuge with unilateral variances for commercial building code shortcomings (MEP) and absurdly inappropriate zoning and density for the neighborhood. The subject at 1208 West Lane is not a Slaughter Lane property. Its true address should be 9407 Texas Oaks Drive. This key fact negates your logic and recommendations. At the very least, city staff's recommendation should include language requiring the applicants to reconfigure the parking lot and boundary fence to comply with city code mandating 25 foot setbacks between residential and commercial properties. City staff's recommendation should also require the applicants to install a detention pond to protect my property from flooding. City staff should revise their daily trips recommendation to 1,400 given the subject's location on a narrow, congested neighborhood street. City staff should rescind their recommendation of the MU component because the permitted uses are grossly inappropriate for the neighborhood. City staff's recommendation should be NO-CO with 1,400 maximum daily trips.

Please forward this email to your fellow city staffers and Ms. Betty Baker.

Thank you.

John W Blunt
1206 West Slaughter Lane
512-619-5936

From: Rhoades, Wendy [mailto:Wendy.Rhoades@austintexas.gov]
Sent: Tuesday, December 09, 2014 8:48 PM
To: John W Blunt
Subject: RE: Application For Rezoning: Case No. C14-2014-0164 - footnote to previous email

John,
Thank you for your continued interest in this case. Staff is recommending LO-MU-CO district zoning for the property, along with a Restrictive Covenant for the conditions of the neighborhood traffic analysis. Since 1998, rezoning requests from SF-2 to commercial and office districts have been approved for all of the remaining properties to the east, largely based on the upgrade of Slaughter Lane to an arterial roadway. The rezonings have provided for the conversion of single family residences to office, neighborhood serving commercial, and civic uses.

Our recommendation is based on the context of its location at the intersection of an arterial and neighborhood collector street, consistency in zoning and compatibility with the office and civic uses to the east. The Conditional Overlay limits the property to 2,000 vehicle trips per day and prohibits access to West Slaughter Lane because the property is within 100 feet of a signaled intersection along a major arterial. The Neighborhood Traffic Analysis concludes that the traffic along Texas Oaks Drive does not exceed the desirable operating levels of 4,000 vehicle trips per day. The NTA was prepared under the Applicant's proposal for the GO base district, however a change of proposal to LO would not change the results of the NTA.

If the rezoning to GO-MU zoning as requested by the Applicant or LO-MU-CO zoning with conditions as recommended by the Staff be approved, then a Certificate of Occupancy, a change of use (site plan) and permits for commercial remodeling are still required.

Wendy

From: John W Blunt [mailto:john.blunt@cityofaustintexas.com]
Sent: Monday, December 08, 2014 9:05 AM
To: Rhoades, Wendy
Subject: RE: Application For Rezoning: Case No. C14-2014-0164 - footnote to previous email

Wendy,

There are two key issues: 1) appropriate rezoning based on traffic and neighborhood characteristics and 2) protecting the neighborhood from people who circumvent the system. The petitioners did a "residential remodel" to avoid compliance with city-mandated retrofit and upgrades from residential to commercial uses. This so-called residential remodel was a complete retrofit from single-family to commercial office use that included the installation of a huge concrete parking lot that extends within 5 feet of the adjoining residential property to the north. This would not have been allowed if the petitioners had followed proper protocol and obtained the zoning change before completing the rehab and retrofit to commercial use. The city sets a very bad precedent by allowing this type of behavior.

The petitioners moved their business from the adjacent office building at 1206 West Slaughter on August 1, 2014. In other words, the residential remodel was pure scam. At the very least, the petitioners should be required to reconfigure the parking lot to honor the statutory 25-foot setback between commercial and residential properties. The petitioners should also be required to install a detention pond to protect my property at 1206 West Slaughter from their excessive storm water sheet flow. My property is down topo gradient from the petitioner's property. As a footnote, the city historically has resisted higher-density zoning for residential properties converted to commercial uses whose sole access is off a neighborhood roadway.

Thanks,

John W Blunt
1206 West Slaughter Lane
512-619-5936

From: Rhoades, Wendy [mailto:Wendy.Rhoades@austintexas.gov]
Sent: Monday, November 17, 2014 2:35 PM
To: John W Blunt
Subject: RE: Application For Rezoning: Case No. C14-2014-0164 - footnote to previous email

John,

The results from the neighborhood traffic analysis will help to inform Staff's recommendation for the appropriate zoning district (GO as requested by the Applicant, or LO, or NO), any restrictions on access to Slaughter or Texas Oaks, and the daily vehicle trip limit.

Wendy

From: John W Blunt [mailto:john.blunt@cityofaustintexas.com]
Sent: Saturday, November 15, 2014 10:10 AM
To: Rhoades, Wendy
Subject: RE: Application For Rezoning: Case No. C14-2014-0164 - footnote to previous email

Wendy,

I want to add that the owners of 1200, 1204 and 1206 West Slaughter were denied GO and LR zoning in the recent past and instead had to settle for LO or LO-CO. The city's reasoning was that any zoning district allowing higher density than LO was inappropriate for the neighborhood along that stretch of West Slaughter Lane (north line). The city needs to be

consistent and deny the applicant's request for GO zoning with a CO that allows ridiculously inappropriate uses at the entrance to a dense residential subdivision with sole access on a narrow, already heavily congested neighborhood feeder with elementary school nearby. The only reasonable and justifiable zoning change for the property at 1208 West Slaughter is NO - Neighborhood Office with CO allowing maximum of 900 daily trips. I am sure their hapless neighbor to the immediate north at 9405 Texas Oaks Drive will readily agree.

Thank you.

John W. Blunt, Jr.

From: Rhoades, Wendy [mailto:Wendy.Rhoades@austintexas.gov]
Sent: Thursday, November 13, 2014 3:42 PM
To: John W Blunt
Subject: RE: Application For Rezoning: Case No. C14-2014-0164

Mr. Blunt,

Thank you for your comments, which I will attach to the Staff report for consideration by the Zoning and Platting Commission. The Staff is requesting postponement of this case to December 2, 2014 in order to coordinate with the Applicant on a neighborhood traffic analysis and prepare related support material.

Sincerely,
Wendy Rhoades

From: John W Blunt [mailto:~~John.W.Blunt@jwblunt.com~~]
Sent: Thursday, November 13, 2014 9:45 AM
To: Rhoades, Wendy
Subject: Application For Rezoning: Case No. C14-2014-0164

Wendy,

As the owner of the property adjacent to 1208 West Slaughter Lane, I strongly oppose the applicant's request for ridiculously dense, inappropriate rezoning for the reasons cited in detail below in an email to the city's code enforcement department. The owners of 1208 West Slaughter should only be allowed zoning upgrade to NO "Neighborhood Office" with conditional overlay of 900 daily trips. Period. Nothing more. Any language in the conditional overlay allowing mixed-use or commercial uses other than light office should be purged. The owners should also be required as a condition of rezoning to bring the building into compliance with commercial code including the replacement of hazardous, old wiring with metalclad. The owners should also be required as a condition of rezoning to reconfigure the parking lot with a 25' setback from the adjacent residential property to the north at 9405 Texas Oaks Drive. The owners should be required as a condition of rezoning to install a concrete detention pond to protect my property at 1206 West Slaughter to the immediate east from excessive storm water sheet flow.

Thanks,

John W Blunt
1206 West Slaughter Lane
512-619-5936

Email to Jerry Reynolds:

Just because the scofflaws at 1208 West Slaughter are seeking a zoning change after-the-fact does not mitigate the harm your inaction and dereliction of duty have inflicted on the Texas Oaks Neighborhood. You played right into the owners' hand as expected. Your "all's well that ends well" attitude is egregiously off the mark. Commercial uses at 1208 West Slaughter are inappropriate for the neighborhood. What you fail to realize is that the sole access to 1208 West Slaughter is off Texas Oaks Drive which is a small neighborhood feeder. Traffic is very heavy in the mornings and afternoons due to Casey Elementary School being located diagonally across the street from 1208 West Slaughter. You conveniently overlooked the safety hazard created by the commercial use and huge new parking lot at 1208 West Slaughter. There are typically 10-15 vehicles parked at this location during working hours. See photo pasted below. This sudden increase of vehicles with egress-ingress problems greatly exacerbate already heavy traffic congestion and safety concerns at the intersection of West Slaughter and Texas Oaks.

The owners of the single-family residence zoned SF-2 at 1208 West Slaughter knowingly, blatantly and deliberately violated the law by commencing business operations without the required zoning change, change of use permit and commercial certificate of occupancy. They literally carried their office furniture and equipment from the adjacent office building at 1206 West Slaughter to 1208 West Slaughter. Their lease at 1206 West Slaughter expired July 31st and they started their mortgage business (Dawn Rush Dotson) at 1208 West Slaughter without missing a step the very next day on August 1st. And the city did nothing despite having full knowledge of this blatant and deliberate violation of city code. As a footnote, the two public notification signs put up by the city on Texas Oaks Drive and West Slaughter Lane were taken down as soon as they went up. I believe they should be replaced.

Proper protocol required the owners of 1208 West Slaughter to obtain a zoning change as a first step along with change of use permit and commercial certificate of occupancy. This would have triggered the possible need for a TIA as a condition of rezoning especially since the subject property is at the entrance to a dense residential subdivision with nearby Casey Elementary School. Site plan approval showing detention and filtration ponds also would have been required. In addition, the building would have had to comply with commercial building code including "MEP" and other critical code components. The wiring in that building is ancient and should be replaced with metalclad to accommodate commercial use. The new parking lot also would have had to pass commercial code with 25' setback from the residential property to the immediate north. This parking lot has twice the area of the building's footprint. How can the city ignore this ridiculous "residential remodel" scam?

Point is case is the hapless home owner at 9405 Texas Oaks Drive located just north of 1208 West Slaughter. Lucky guy. His electric bills in the summer will be 20% higher from the heat thrown off by the huge new concrete parking lot extending 16 feet from his front door not to mention the 15 cars baking in the July sun close to his house - not to mention the noise and noxious fumes. See plat map pasted below. You fail to grasp the concept of "neighborhood planning" and its underlying charter to protect neighborhoods from commercial encroachment. Commercial uses at 1208 West Slaughter are inappropriate for the neighborhood. City code requires a 25-foot setback between residential properties and those zoned SF-6 or higher. My property to the immediate east at 1206 West Slaughter has a history of flooding and the huge new parking lot at 1208 West Slaughter has exacerbated this problem considerably. This is why the owners of 1208 West Slaughter need to install a concrete storm water detention pond as a condition of rezoning.

Your inaction has enabled the owners of 1208 West Slaughter to circumvent crucial oversight associated with the zoning change process in Austin, TX. By allowing the owners of 1208 West Slaughter to game the system with their bogus "residential remodel," you have established an exceptionally bad precedent for the Texas Oaks Neighborhood and the entire city as well. Your inaction allowed illegal encroachment of a commercial use into a dense residential subdivision while worsening already terrible traffic congestion. Your inaction also emboldened the owners of 1208 West Slaughter to seek ridiculously dense/commercial rezoning totally inappropriate for the neighborhood. See attached. Your inaction has made a mockery of zoning and neighborhood planning. You should have shut down commercial uses at 1208 West Slaughter Lane when you were first notified of the violations in early August. Your inaction has caused the owners of 1208 West Slaughter to assume that rezoning is fait accompli. Your inaction will encourage others to commit the same violations in the future.

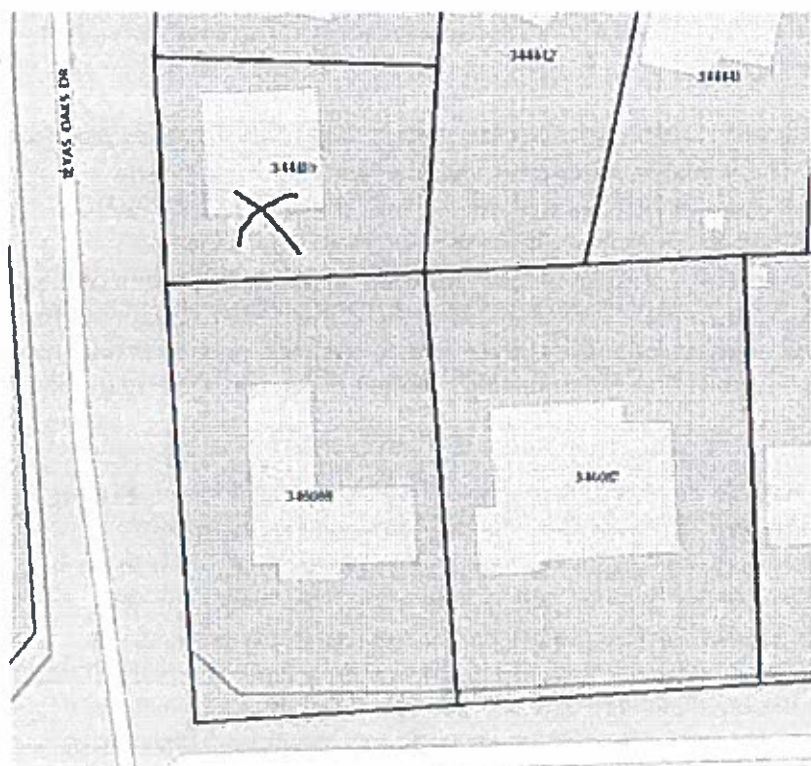
The owners of 1208 West Slaughter should only be allowed zoning upgrade to NO "Neighborhood Office" with conditional overlay of 900 daily trips. Period. Nothing more. Any language in the conditional overlay allowing mixed-use or commercial uses other than light office should be purged. The owners should also be required to bring the building into compliance with commercial code including the replacement of hazardous, old wiring with metalclad. The owners should also be required to reconfigure the parking lot with a 25' setback from the adjacent residential property to the north at 9405 Texas Oaks Drive. The owners should be required to install a concrete detention pond to protect my property at 1206 West Slaughter to the immediate east from excessive storm water sheet flow.

The city needs to put an end to this "residential remodel" scam which makes a mockery of zoning and neighborhood planning. One obvious solution is to prohibit any zoning upgrade for three years from the date of a residential remodel. The city needs to eliminate the incentive to game the system.

Cordially,

John W. Blunt, Jr.

512-619-5936



From: Reynolds, Jerry [mailto:Jerry.Reynolds@austintexas.gov]

Sent: Wednesday, November 05, 2014 10:49 AM

To: john@bluntproperties.com

Cc: pam.highsmith@austintexas.gov; Leach, Keith; Garrett, Elaine; Wilcox, Todd

Subject: FW: Blatant violations ignored by Code Enforcement - November 4, 2014

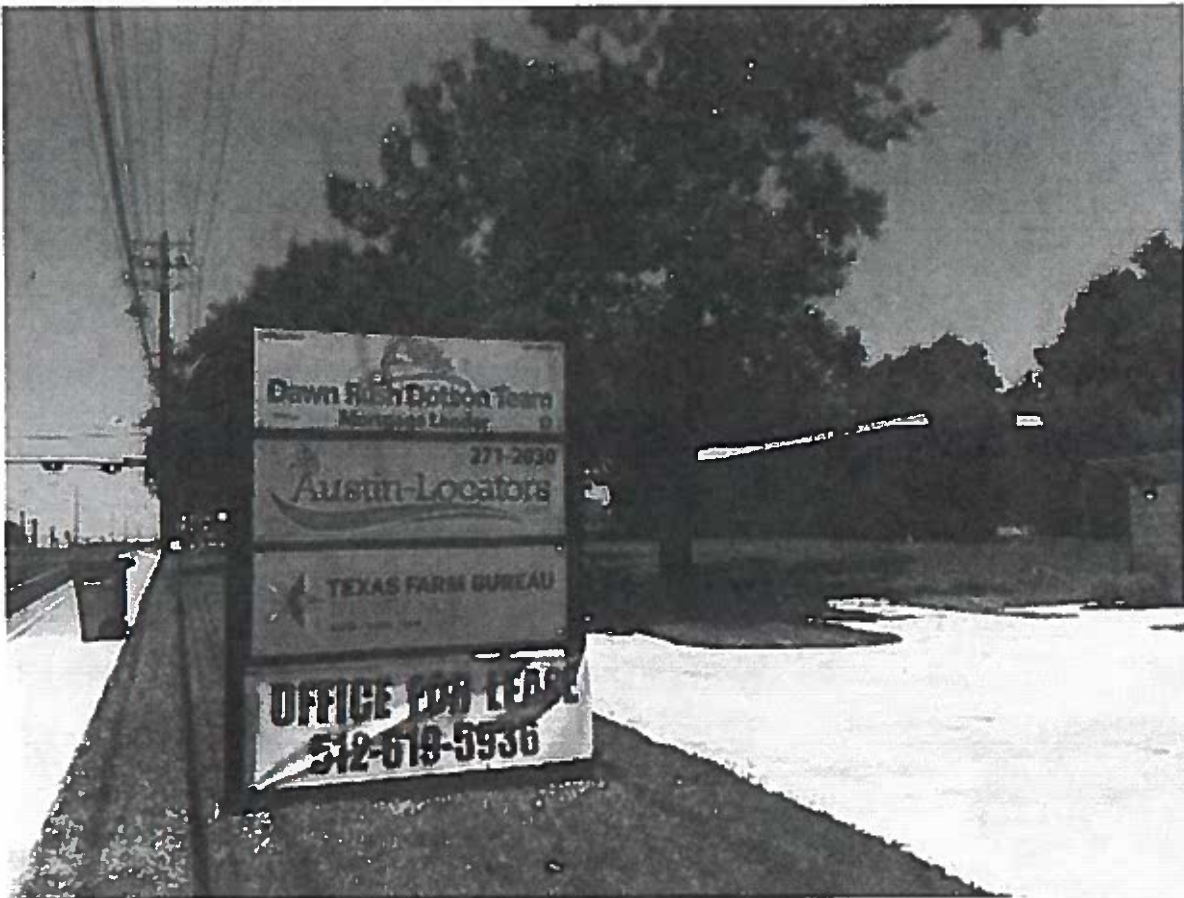
Mr. Blunt,

I am the South Division Assistant Manager, I have reviewed this case on 1208 West Slaughter Lane. I have found that the Code Department does have a current case on 1208 West Slaughter Lane, a notice of violation has been sent to the property owner. After further research I found the original building permit # 2014-071233 explained that if the use was not for a SF residence, a change of use would be required. I also found in the database that a rezoning case is in progress # 2014-105787ZC, if this property does not follow through with the procedures to bring the property into compliance, the Code Department will continue with legal action.


Jerry Reynolds

Jerry Reynolds
Assistant Division Manager
South District
Austin Code Department
512-974-1919





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Zoning Case C14-2014-0047

The Overlook at Spicewood Springs

Madam Chair and Commissioners,

On Tuesday you will again hear Tierra Concepts', Scott Taylor present to you The Overlook at Spicewood Springs Road. This time he is asking for LO. Earlier this year it was GO.

There was a valid petition however after hearing the facts about the case, Council voted it down.

I plan to present Tuesday but I realize the time is very limiting. Scott Taylor also brought you the Austin Board of Realtor Building. In watching the recording of that meeting in Jan. 2013 he states this about that development:

"From the street it will be 40 feet high"

"Parking will be down below in back"

"Look diminutive"

"The building will be down below grade"

"Cut in"

"Visually tucked down into the site"

"Down below Spicewood Springs Rd"

These were the stated facts from Scott Taylor. This building is over 77 feet tall, and over 114,600 square feet. The parking is all above grade and you can look through all levels of the parking garage to the valley on the other side from Spicewood Springs Road.

This building is nothing let Scott Taylor told you it would be, this is a fact.

His new project I expect will be the same. Even though neighbors gave him some parameters that they would accept he has done nothing to work with, nor show any good faith to them in return.

Having worked on the Master Plan for this area in the 1980's no building on that road was to have been more than 2 story high from street level. If he suggests, or staff suggests anything different it is not true.

He stated with the ABOR Building he met the Triangle Compatibility visually with neighboring properties. I am sure by now you realize Scott Taylor did not tell you the truth. I expect he will do the same with this project.

As a reminder this is zoned SF3. It is located in the Bull Creek Watershed, the Edwards Aquifer Recharge Zone, and The Golden Checkered Warbler Habitat. As mentioned the Balcones Civic Association Master

010

Plan has this tract states we recommend this tract in its entirety be retained as a conservatory and drainage easement." This tract has CEF's as well which Scott does show in his presentation.

The NWACA expected Spicewood Springs Rd to have been completed to Loop 360 in 1983. There are no plans, even though Scott Taylor presents a plan from 2005 in his presentation for this to happen. That would require a 25 foot cut into the road at the top of the hill from Loop 360, retaining walls, moving of water lines and telephone lines.

All current buildings are set back 25 feet on this road and nature is its best feature as it was designed to be by us that worked on this plan. A plan that makes NW Hills what it is today.

There are many flaws in his presentation. Even his drawing is out of proportion, it is not a 3 story building. The building is on top of the Rim Rock. Be advised that through the City's process Scott Taylor was able to build the ABOR building 5 feet from Rim Rock. Code states any building should be 150 feet from Rim Rock. So in the end he kept going back asking for additional variances over and over and now a building that is totally out of character disrupts everything we worked so hard for. The cut and fill for this building is over 18 feet.

I am asking that you please consider what you were told by Scott Taylor that day in January 2013 about what he was going to build and what he actually built. Please send a message that you do not and will not allow what did happen to happen again, nor will you believe what this developer states as history has shown he cannot be trusted.

If Staff supports this change then they too are being miss led and miss guided, and are not at all familiar with this area and its environmental features.

I ask that you vote "no" to a zoning change from SF3 to LO, that his proposal be denied. Our neighborhood has been changed forever by deceit. A building that should be on Loop 360 now sits towering on Spicewood Springs Rd. a two lane road that will not be changed. Scott Taylor has proven his lack of concern for your environment, your trust. Please Vote No. You have the power to say No.

"Buildings should fit the land not the land fit the buildings"

Thank you for your consideration,

Karen E. Sironi

Proposal



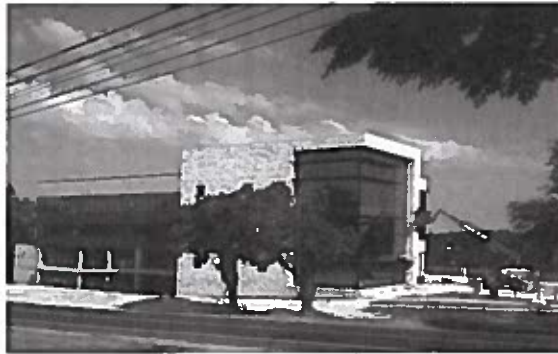
ABOR



Rim Rock



HARKIDE GARAGE



BCA Master Plan

Properties 4-1, 4-2, and 4-3

These properties comprise a large section of undeveloped land lying north of Spicewood Springs Road and bordered on the east by a private drive servicing a recent apartment complex and Adirondack Trail on the west. It is characterized by very rugged terrain and little buildable land. For that reason, we recommend that property 4-3 in its entirety be retained as a conservation and drainage easement, that property 4-2 be developed as low to medium density residential, and that property 4-1 be devoted to Office use. The portion of the Property 4-3 that is currently zoned Residence B should definitely be developed at very low density if at all.

Properties 4-1, 4-2

These two properties were purchased by the City of Austin in August 1980 to be used as a passive park. The 28.97 acres will include a narrow park road connecting Stack Avenue and the north-bound lane of Loop 389 (Capital of Texas Highway).

EXHIBIT V

Zoning Plan - Area 4



