

CF

**Penick Case**

**C14-2014-0159**

# Valid Petition

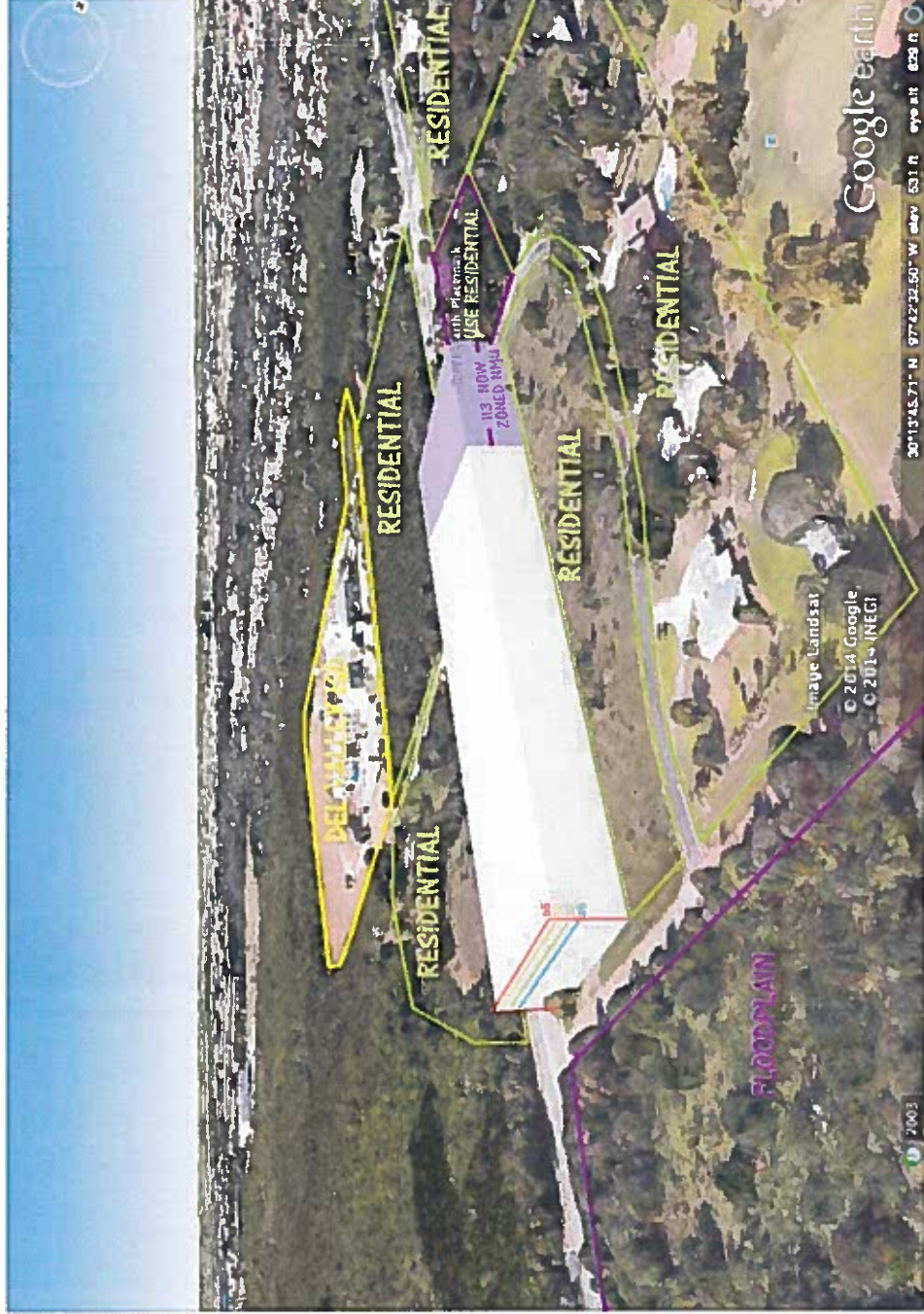
Now ERC

Reasons to oppose zoning request:

1. Incompatibility
2. Prior compromises to applicant
3. In 2012, City Council supported current zoning
4. Historic Neighborhood & Homes
5. Commercial Creeping
6. Water Quality
7. De-Value

MISC: Safety/Traffic – New information/oversite re: compatibility – Clarity on enforcement/intent, lack of knowledge for complicated section of ERC and no bona-fide site plan prohibits changes/negotiations/compromises

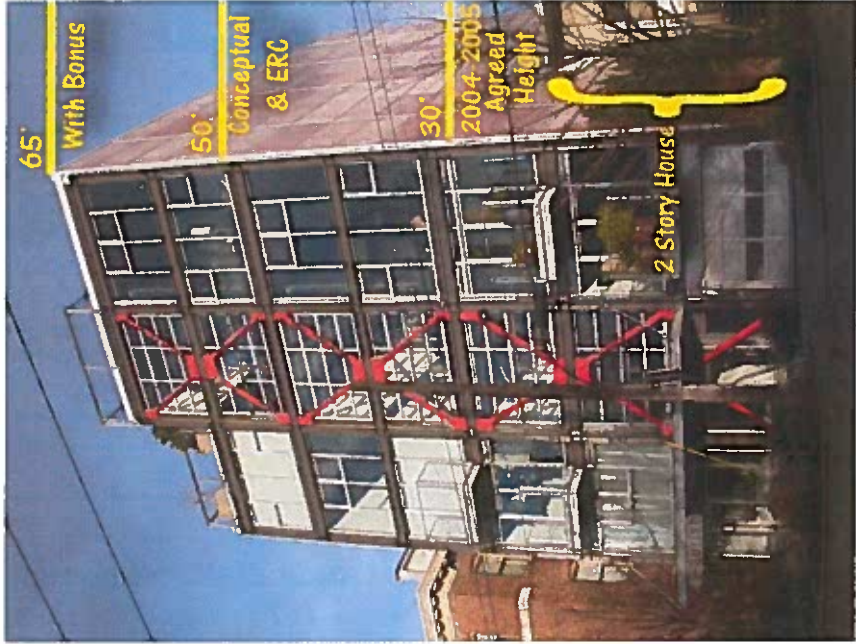
# 1. Incompatibility



# 60' building



# 4-5 stories



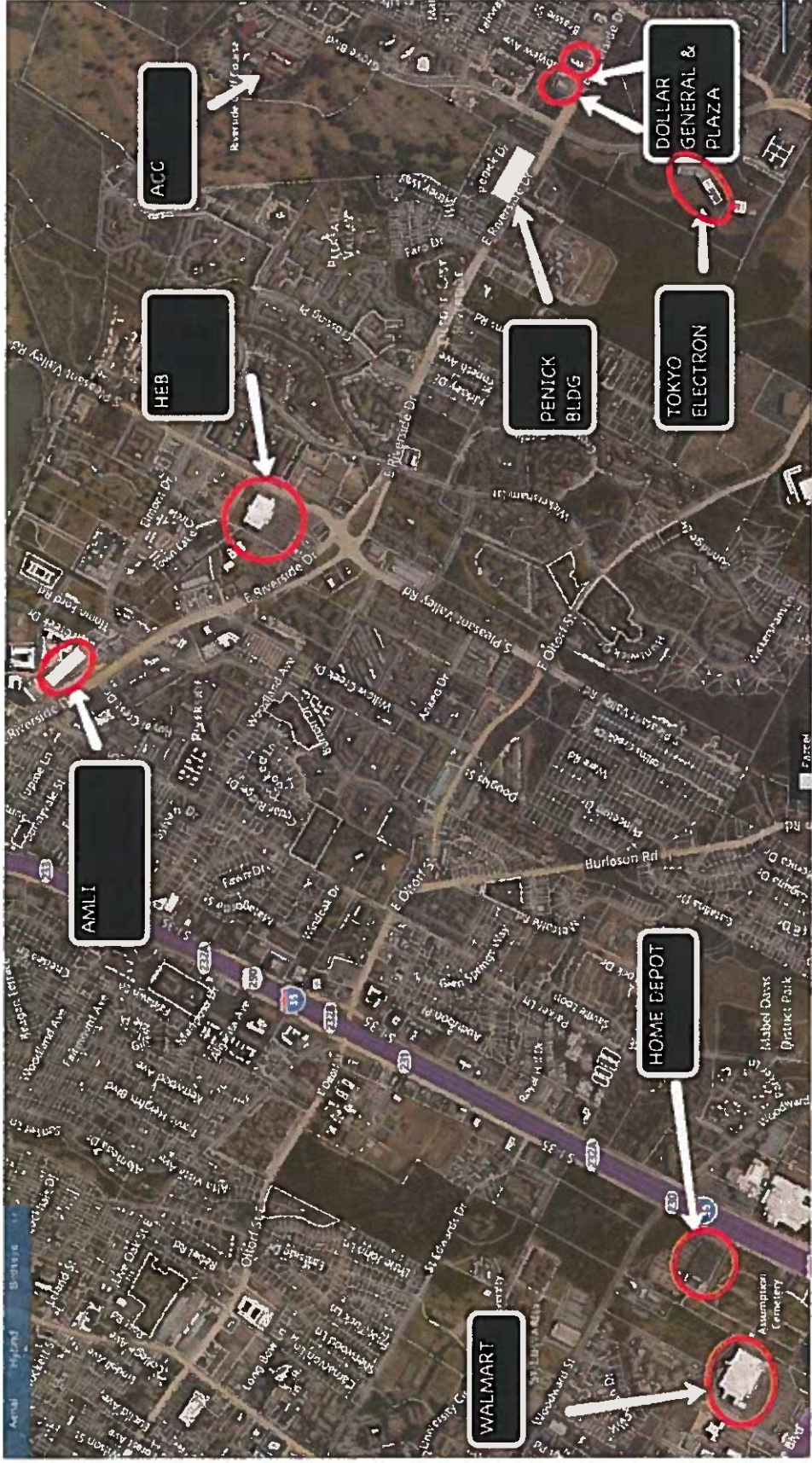
Structure 200' deep & 633' long



# Conceptual Plan merged with satellite view



Conceptual structure **WITHOUT** zoning, bigger than these commercial buildings





# General Dollar Store approximately

90' x 150'



New plaza appx 60' x 180'



# HEB Plus appx 500' x 300'



## 2/3 Recent Compromises – 2005

### City Council - 2012

- See 2005 email from city staff *As shown in EPC*

- LR-MU
- 5 SF-1 Lots
- 25' easement
- 25' traffic easement
- 8' high wall/Screening
- Traffic impact

...among other details

February 10, 2005

Sonya Lopez

City of Austin Neighborhood Planning & Zoning

On January 19, 2005, the Penick Neighborhood Association met at the home of Ray McDermott to discuss zoning changes that are being proposed for a development plan on Tracts 63 & 76 in the Pleasant Valley Planning Area. The plan was presented by the landowner/proposed developer, Bill Greif of the Greif/Yount Partnership. This plan calls for retail development along the frontage of 5600-5700 East Riverside Dr. on both tracts and would require a zoning change of said frontage portion of Tract 76 from SF-3 to LR-MU. Additionally, this plan shows a residential development behind the retail element as a requirement of the plan in order to be reflective of the existing neighborhood. The single family lots will benefit from a minor zoning change from SF-3 to a

SF-1. (see attached architectural drawing.) Also discussed at this meeting were the obligatory terms, conditions and additional details contingent to this specific plan and its proposed zoning changes. These conditions offer equitable guarantees to adjacent property owners, the proposed developer/landowner and the community as a whole in order to preserve & improve the quality of life, grow the neighborhood in a way that is aligned with the City of Austin's planning vision and ensure a development that offers sustainable services and dynamic contributions to the area without jeopardizing the integrity or the potential of the existing area. Unanimously, all present at this meeting approved Bill Greif's proposed development plan contingent upon the fulfillment of the following:

- These terms are defined below in 7 categories:
- 1) Conditional Overlays proposed through a zoning classification of LR-MU. The Planning Commission's summary of recommendations for compatible zoning use and recommendations of conditional overlays from comparable developments will be used as a basis for a formal listing of conditional overlays.
  - 2) Easement definitions, positive treatments of transitions between zoning elements and land use. (i.e. 25 ft. easement between land uses, 25 ft. traffic easement, required submission of variance form for 8 ft. high dividing wall between land uses. Wall specifications that satisfy sound and traffic abatement standards and adequately screen the commercial element from the single family homes. Thoughtful tree and shrub installations. Commercial stock@ plantings discouraged.
  - 3) Penick Place Restrictive Covenants (i.e. minimum

sq. ft. of residential units-1900 sq. ft total

Footprint, individual lot layouts and size

parameters, architectural design requirements; i.e.

maximum height restriction, buildings and lots footprint/location per

plan to be oriented for maximum efficiency/utilization of directional

patterns of the sun and wind, energy star rating compliances and

incentives, stormwater management

requirements for maintenance and improvement of Country Club Creek

watershed, list of building

materials not permitted, landscape installations appropriately

planned and chosen native species, etc. etc. Listing of prohibited

services or specific businesses.

No inquiries or suggestions have been made to the neighborhoods

restrictive covenants. These items are not at this time complete for

listing in this document.

4) Traffic Impact Analysis and an accompanying proposal

to provide adequate visibility for the safe ingress

and egress of motorists, cyclists and pedestrians.

Future impact of T.O.D. proposals or other traffic

corridor-related issues. Listing of setback distances for buildings

and parking areas to ensure adequate site lines and visibility.

5) Vehicular and pedestrian service access to the rear

of existing residences by Country Club Dr. and specifications for a

cul-de-sac appropriately sized to accommodate emergency vehicles,

trucks, R.V.'s and other service vehicles if Country Club Dr. is vacated

as a result of the development plan.

6) The specific identification of the Developer(s).

the neighborhood assoc. endorses this development

plan based on the inference that Greif/Yant

Partnership is the named developer and plan to carry out this

development through these design and use guidelines presented by

the neighborhood association of the Harvey Penick subdivision. The

neighborhood and adjacent land owners can not tolerate the threat of

loss of investment value through an arbitrary sale or the prokage of

tracts to outside interests that lead to developments with incompatible

zoning use or services that infringe on existing land use and value.

(turning the planning process into a big waste of time.)

7) A long range sustainability plan for the proposed development and

built footprint (i.e. Is it capable of adapting as the neighborhood

area's needs change? Whether market-driven, socially driven

or through municipal changes, adaptability to those needs are

considerations that are necessitated at this, the planning stage.

Flexibility in building systems and what services they can support are

vital for long term success and pertinence in a community. A business

plan or economic study is encouraged for submission as it reassures

city planners and residents of viable development potential and offers

dialogue and opportunities to improve development quality through plan

refinements.

The following persons present at the meeting have read

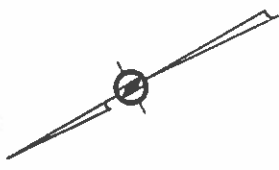
this document and agree with the plan offered by the Greif/Yount

partnership contingent on the above conditions and terms.

## 4. HISTORIC

- See original plat
  - Harvey Penick – Pro, Author, Icon, House
  - Age of neighborhood and homes

# PENICK PLACE



APPROVED FOR ACCEPTANCE

Date: 4-26-51  
*C. O. Leavelle*  
 C. O. Leavelle  
 Director of Public Works

APPROVED BY CITY PLAN COMMISSION

Date: April 12, 1951  
*W. H. Stein*  
 Chairman

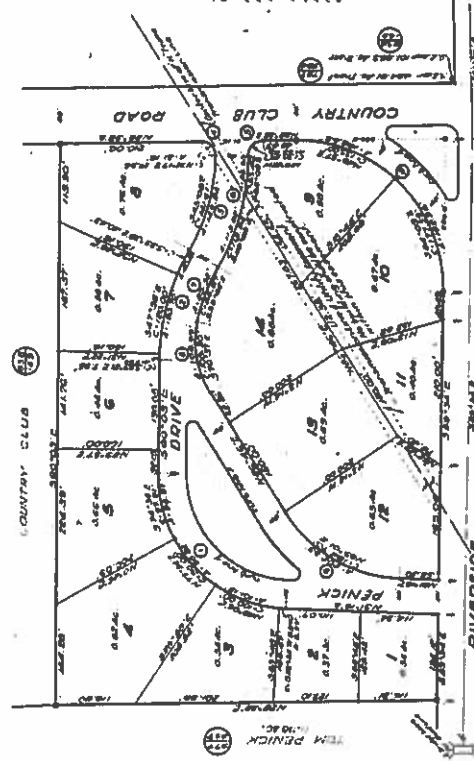
Date: April 12, 1951  
*W. H. Stein*  
 Secretary

In approving this plan by the Commissioners of the County of Travis, Texas, it is understood that the building of all streets, roads, and other public improvements described herein shall be completed in accordance with the provisions of the City Charter and the City Code. The plan is approved on the condition that the applicant shall provide for the construction of all public improvements shown on this plan and shall be held responsible for the same. The plan is approved on the condition that the applicant shall be held responsible for the same. The plan is approved on the condition that the applicant shall be held responsible for the same.

STATE OF TEXAS  
 COUNTY OF TRAVIS  
 I, Miss Emily Limberg, Clerk of the County of Travis, Texas, do hereby certify that on the 26th day of April, 1951, the following plan was filed for record in this office and that the same has been duly returned in the minutes of the Board of Commissioners on the 26th day of April, 1951.

Miss Emily Limberg  
 County Clerk, Travis County, Texas  
 by *W. H. Stein*  
 Deputy

ASSASSINANTS  
 An easement of 6510 sq. feet reserved on the plan of Lots 1 thru 6, also 110 sq. feet on both sides of the dividing line between lots 514, 415, 718, 1113, 1114, 1115 and 1116.



Lot	Area	Area	Area
1	1.00 ac.	1.00 ac.	1.00 ac.
2	1.00 ac.	1.00 ac.	1.00 ac.
3	1.00 ac.	1.00 ac.	1.00 ac.
4	1.00 ac.	1.00 ac.	1.00 ac.
5	1.00 ac.	1.00 ac.	1.00 ac.
6	1.00 ac.	1.00 ac.	1.00 ac.
7	1.00 ac.	1.00 ac.	1.00 ac.
8	1.00 ac.	1.00 ac.	1.00 ac.
9	1.00 ac.	1.00 ac.	1.00 ac.
10	1.00 ac.	1.00 ac.	1.00 ac.
11	1.00 ac.	1.00 ac.	1.00 ac.
12	1.00 ac.	1.00 ac.	1.00 ac.

LEGEND  
 • Iron Stake Found  
 • Concrete monument set  
 • Travis County Deed Record  
 Scale 1" = 100 Feet

STATE OF TEXAS  
 COUNTY OF TRAVIS  
 KNOW ALL MEN BY THESE PRESENTS that I, Harry Brink, do hereby certify that on the 23rd day of April, 1951, the following plan was filed for record in this office and that the same has been duly returned in the minutes of the Board of Commissioners on the 23rd day of April, 1951.

Harry Brink  
 Chairman

STATE OF TEXAS  
 COUNTY OF TRAVIS  
 I, Miss Emily Limberg, Clerk of the County of Travis, Texas, do hereby certify that on the 23rd day of April, 1951, the following plan was filed for record in this office and that the same has been duly returned in the minutes of the Board of Commissioners on the 23rd day of April, 1951.

Miss Emily Limberg  
 County Clerk, Travis County, Texas

STATE OF TEXAS  
 COUNTY OF TRAVIS  
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Miss Emily Limberg  
 County Clerk, Travis County, Texas

ENGINEERS NOTE  
 6.99 Total Area in Subdivision  
 2.17 Total Area in Subdivision  
 4.82 Acres in Subdivision  
 Each house shall be connected to a sanitary sewer system as shown on the site plan and approved by the State Health Department in this subdivision.  
 SIGNED: *W. H. Stein*  
 W. H. Stein  
 Professional Engineer  
 Subscribed Mar. 3, 1951  
 Matthew C. McLaughlin  
 Matthew C. McLaughlin  
 Professional Engineer



## 5. Commercial Creeping

- Unique compatibility requirement
- City already took extra lot from the 5 agreed in 2005
- Keeping Single Family in ERC

# 6. Water Quality

