ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0001
Marlo Heights Rezoning

P.C. DATE: September 8, 2015
August 25, 2015
July 28, 2015
June 23, 2015
June 9, 2015

ADDRESS: 4905, 5001, and 5003 Pecan Springs Road

AREA: Tract 1: 1.37 acres
Tract 2: 6.36 acres
7.73 acres total (as amended)

DISTRICT: 1

OWNER: Christopher Chollet and Carianne Shulte, Luke and Peni Ellis, Stephen Reynolds

AGENT: Garrett-Ihnen Civil Engineers (Steve Ihnen)

FROM: SF-3-NP **TO:** MF-2-NP

NEIGHBORHOOD PLAN AREA: East MLK Combined NPA **SCENIC ROADWAY:** No

WATERSHED: Fort Branch Creek **TIA:** Neighborhood Traffic Analysis

DESIRED DEVELOPMENT ZONE: Yes **CAPITOL VIEW CORRIDOR:** No

SUMMARY STAFF RECOMMENDATION:

Staff does not support the MF-2-NP rezoning request. Staff offers the following alternate recommendation: Tract 1: MF-2-CO-NP and Tract 2: SF-6-CO-NP. The conditional overlay for Tract 1 (MF-2-CO-NP) would prohibit vehicular access to Tract 2. The conditional overlay for Tract 2 (SF-6-CO-NP) would limit the maximum number of dwelling units to 40.

The Applicant supports the alternate recommendation.

ISSUES:

The original rezoning application was for 7.02 acres of land to be rezoned from SF-3 to MF-2. The Applicant later added a parcel to the application, increasing the rezoning area to 7.73 acres and triggering renotification.

Pecan Springs Road is designated as a residential collector street, but currently is only constructed with 20' pavement and without curb and gutter. The Applicant is proposing to combine the rezoning area with GR-MU-CO property that fronts 51st Street and Springdale Road, providing alternative vehicular access.

A Valid Petition request has been filed by neighbors of the rezoning application. The petition has 37.94% of eligible signatures, meeting the 20% signature threshold. A super majority vote to approve the rezoning request will be required at City Council. Please see ***Exhibit A (Petition Request).***

PLANNING COMMISSION RECOMMENDATION:

September 8, 2015:

August 25, 2015: *TO GRANT A POSTPONEMENT TO SEPTEMBER 8, 2015, AS REQUESTED BY APPLICANT, ON CONSENT. (10-0) [J. Schissler- 1st, N. Zaragosa- 2nd; M. Wilson- Abstain; J. Stevens- Absent]*

July 28, 2015: *TO GRANT A POSTPONEMENT TO JUNE 23, 2015, AS REQUESTED BY STAFF, ON CONSENT. (10-0) [J. Schissler- 1st, P. Seegar- 2nd; J. Vela, M. Wilson- Absent]*

June 23, 2015: *TO GRANT A POSTPONEMENT TO July 28, 2015, AS REQUESTED BY PLANNING COMMISSION. (6-2) [A Hernandez- 1st, J. Stevens- 2nd; R. Hatfield- Nay; J. Shieh- Absent]*

June 9, 2015: *TO GRANT A POSTPONEMENT TO JUNE 23, 2015, AS REQUESTED BY NEIGHBORHOOD. (7-0) [R. Hatfield- 1st, J. Nortey- 2nd; D. Chimenti, S. Oliver- Absent]*

DEPARTMENT COMMENTS:

The subject property is on the east side of Pecan Springs Road, south of East 51st Street and west of Springdale Road. The property is comprised of multiple lots and is zoned SF-3. These lots are currently developed with single family residences. Lots immediately to the north and south are also zoned SF-3 and developed with single family residences. East of the subject property are lots that front East 51st Street and Springdale Road that are undeveloped and zoned GR-MU-CO-NP. West of the subject property, across Pecan Springs Road, are more single family residences zoned SF-3-NP, as well as property zoned MF-2-NP that is undeveloped. A branch of Tannehill Creek transects the property, which impedes the ability of vehicular connection between the eastern and western portions of the subject property. For that reason, Staff made recommendations for each portion—Tract 1 being the eastern portion and Tract 2 being the western portion. Please see ***Exhibits B and C (Zoning Map and Aerial View).***

The first Staff recommendation is that vehicular access not be permitted to connect Tract 1 and Tract 2 across the creek. This is based on both environmental and traffic generation concerns. The Applicant proposes combining Tract 1 with GR-MU-CO-NP property to the north and east, allowing Tract 1 to take access to East 51st or Springdale Road. Tract 2 takes access to Pecan Springs Road, a Residential Collector, so a Neighborhood Traffic Analysis (NTA) was required. Please see ***Exhibit D (NTA Memo).*** The increased traffic on Pecan Springs Road does not exceed desirable operating levels for a residential collector street of this size (1,086 vehicles per day projected; 1200 maximum). Staff recommends establishing a maximum of 40 residential units on Tract 2 to also minimize traffic impacts.

Correspondence related to the proposed rezoning is attached with this report. Please see ***Exhibit E (Correspondence).***

STAFF RECOMMENDATION:

Staff does not support the MF-2-NP rezoning request. Staff offers the following alternate recommendation: Tract 1: MF-2-CO-NP and Tract 2: SF-6-CO-NP. The conditional overlay for Tract 1 (MF-2-CO-NP) would prohibit vehicular access to Tract 2. The conditional overlay for Tract 2 (SF-6-CO-NP) would limit the maximum number of dwelling units to 40.

1. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*
   The subject property is comprised of three lots zoned SF-3. Adjacent to the property is the GR-MU-CO-NP tract, and other more intensive tracts surround this area—SF-4A, MF-2, GR-MU-CO, GR-CO, and more. The combined SF-6 and MF-2 will provide a transition between the SF-3 neighborhood and the

more intensive areas. Additionally, compatibility standards will provide buffering between the rezoning tract and the existing SF-3 properties to the north, west, and south.

2. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*
Projects that promote infill and high density residential create a wider variety of housing types and price ranges.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	Single family residences
North	SF-3-NP	Single family residences
South	SF-3-NP	Single family residences
East	GR-MU-CO-NP	Undeveloped
West	SF-3-NP, MF-2-NP	Single family residences, Undeveloped

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Pecan Springs Rd.	60'	20'	Residential Collector	No	No	Yes

RELATED ZONING CASES:

CITY FILE # / NAME	ZONING FROM	ZONING TO	STAFF REC.	PLANNING COMMISSION	CITY COUNCIL
C14-2011-0165 Randerson Creekside Rezoning 3108 E. 51st Street	SF-3-NP	MF-2-NP	SF-6-NP	4/24/2012: MF-2-CO-NP (9-0) with conditions as follows: Vehicular access to Pecan Springs Road is prohibited; max bldg height 37 feet or two stories; max bldg coverage 40%; max IC 55%; min site area 10,500 square feet; min 3,500 sf site area / dwelling unit; no parking in street yard; Multifamily residential use prohibited.	8/23/2012: Approved MF-2-CO-NP as recommended by PC, Ordinance No. 20120823-091
C14-2011-0040 St. Stephens Baptist Church 3103—3107 East 51st Street	SF-3-NP	MF-2-NP	MF-2-NP	7/12/2011: MF-2-NP as recommended (7-0)	7/28/2011: Approved MF-2-NP as recommended by PC, Ordinance No. 20110728-130
C14-02-0142 East MLK Combined Neighborhood Planning area	SF-3	SF-3-NP	SF-3-NP	10-9-02: Approved staff recommendation.	11-7-02: Approved neighborhood plan rezonings.

RELATED CASES: The Pecan Springs — Springdale Neighborhood Plan rezonings were approved by Council on November 7, 2002 (C 14-02-0142.001 — Ordinance No. 021 107-Zl2a). This NPA was later incorporated into the East MLK Combined NPA. The FLUM designation on this site is Mixed Residential and Mixed Use, so a neighborhood plan amendment is not required.

SCHOOLS:

Blanton Elementary School Pearce Middle School Reagan High School

NEIGHBORHOOD ORGANIZATIONS:

PODER
Austin Neighborhood Council
East MLK Neighborhood Combined
Anberly Airport Association I-tome Builders Association of Greater Austin
League of Bicycling Voters
Austin Parks Foundation
Pecan Springs — Springdale Neighborhood Association
Del Valle Community Coalition
East MLK Combined Neighborhood Contact Team
East MLK Combined Neighborhood Association
The Real Estate Council of Austin, Inc
Sierra Club, Austin Regional Group
Senate Hills Homeowners' Association

CITY COUNCIL DATE/ACTION: August 13, 2015: Postponed on consent to September10, 2015

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin **PHONE:** 512-974-2122
e-mail: heather.chaffin@austintexas.gov

ADDITIONAL STAFF COMMENTS:

SITE PLAN

SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Compatibility Standards

The site is subject to compatibility standards. Along the south and east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in with is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
- Additional design regulations will be enforced at the time a site plan is submitted.

TRANSPORTATION

TR1. Additional right-of-way may be required at the time of subdivision and/or site plan.

TR2. A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo. LDC, Sec. 25-6-114. Provide traffic counts for Pecan Springs Road to this reviewer to conduct the NTA.

TR3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

TR4. There is a Capital Metro bus stop approximately 1,400' walking distance at Springdale and E 51st.

TR5. Complete Street review:

a. The City of Austin shall prioritize opportunities to create a complete transportation network that provides connected facilities to serve all people and modes of travel, now and in the future (Complete Streets Policy, A, 2). In order to reduce traffic to Pecan Springs Road, it is recommended that a pedestrian public access easement be provided to the northeast corner of

the property to connect residential development to commercial development along Springdale Road. Exact dimensions and location will be reviewed at time of subdivision or site plan, whichever comes first.

b. If the requested zoning is granted, it is recommended that one curb cut be used for the development to access Pecan Springs Road. This will reduce points of conflict on to Pecan Springs and create a more pedestrian and bicycle friendly roadway.

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Branch Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

2. Zoning district impervious cover limits apply in the Urban Watershed classification.

3. According to floodplain maps there is a floodplain and a Critical Water Quality Zone within the project location. Development within the floodplain and within the Critical Water Quality Zone is limited per LDC 25-8.

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. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. 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. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

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.

WATER UTILITY

FYI: 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, 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. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

Case Number:

C14-2015-0001

PETITION

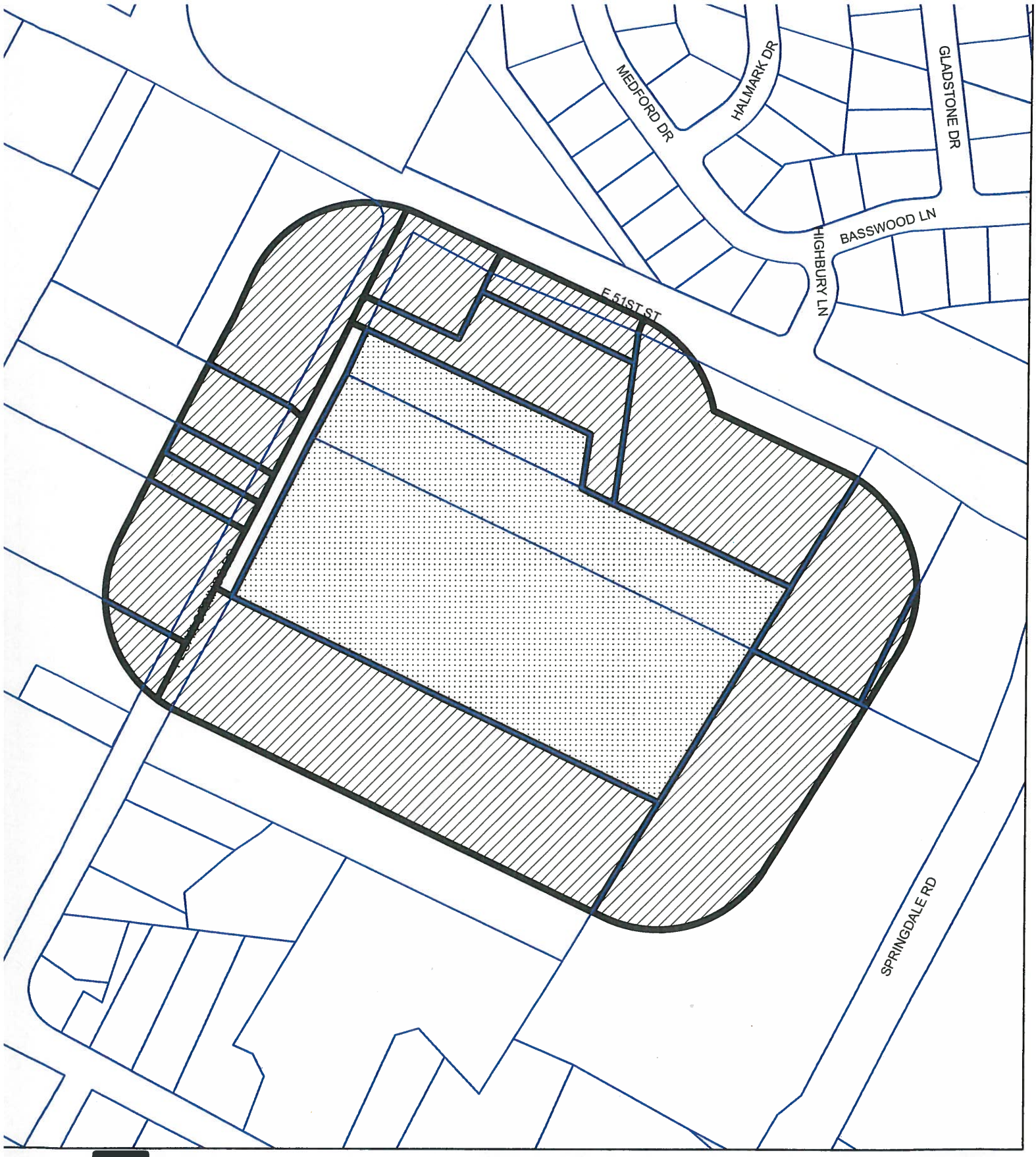
Date: 8/19/2015

Total Square Footage of Buffer: 615153.2152

Percentage of Square Footage Owned by Petitioners Within Buffer: 37.94%

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	Precent
0215210149	SPRINGDALE RD 78723	4900 SPRINGDALE ROAD L L C	no	49554.16	0.00%
0215210113	5007 PECAN SPRINGS RD 78723	5007 PECAN LLC ATTN JAMES T CAMERON	no	25177.98	0.00%
0215210150	5000 SPRINGDALE RD 78723	AUSTIN (SPRINGDALE) DTP V LLC % GBT REALTY CORPORATION	no	2956.84	0.00%
0216200129	4902 PECAN SPRINGS RD 78723	BROWN MATTHEW T & CARRIE A	yes	33401.28	5.43%
0215210114	5007 PECAN SPRINGS RD 78723	CITY OF AUSTIN	no	17755.42	0.00%
0215210133	5005 B PECAN SPRINGS RD 78723	JACKSON MILA A	no	50168.87	0.00%
0216200119	4906 PECAN SPRINGS RD 78723	KRAGER DANE T & RYAN E	yes	8577.50	1.39%
0216200118	4908 PECAN SPRINGS RD 78723	KRAGER THOMAS	yes	8421.43	1.37%
0216200107	4806 PECAN SPRINGS RD 78723	MONTOYA MARCO	yes	9624.01	1.56%
0215210105	4809 PECAN SPRINGS RD 78723	RING CHRISTOPHER & LYOVA ROSANOFF	yes	155087.63	25.21%
0217200315	3117 E 51 ST 78723	ST STEPHENS BAPTIST CHURCH	no	53539.94	0.00%
0216200109	4912 PECAN SPRINGS RD 78723	TALMA SIMONE A	yes	18253.32	2.97%
0215210145	4926 SPRINGDALE RD 78723	TEXAS INTOWNHOMES LLC	no	89651.43	0.00%
0215210126	SPRINGDALE RD 78723	WEICHERT FAMILY L P	no	79553.87	0.00%
Total				**601723.66**	**37.94%**



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BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

CASE#: C14-2015-0001

" = 200 '

CITY OF AUSTIN
FOUNDED 1839

Date: 06/13/2015

To: City of Austin City Council

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 to any classification other than the existing SF-3.

Zoning Case#: C14-2015-0001
Proposed Change: from SF-3 to MF-2
Location: 4905, 5001 & 5003 Pecan Springs Rd

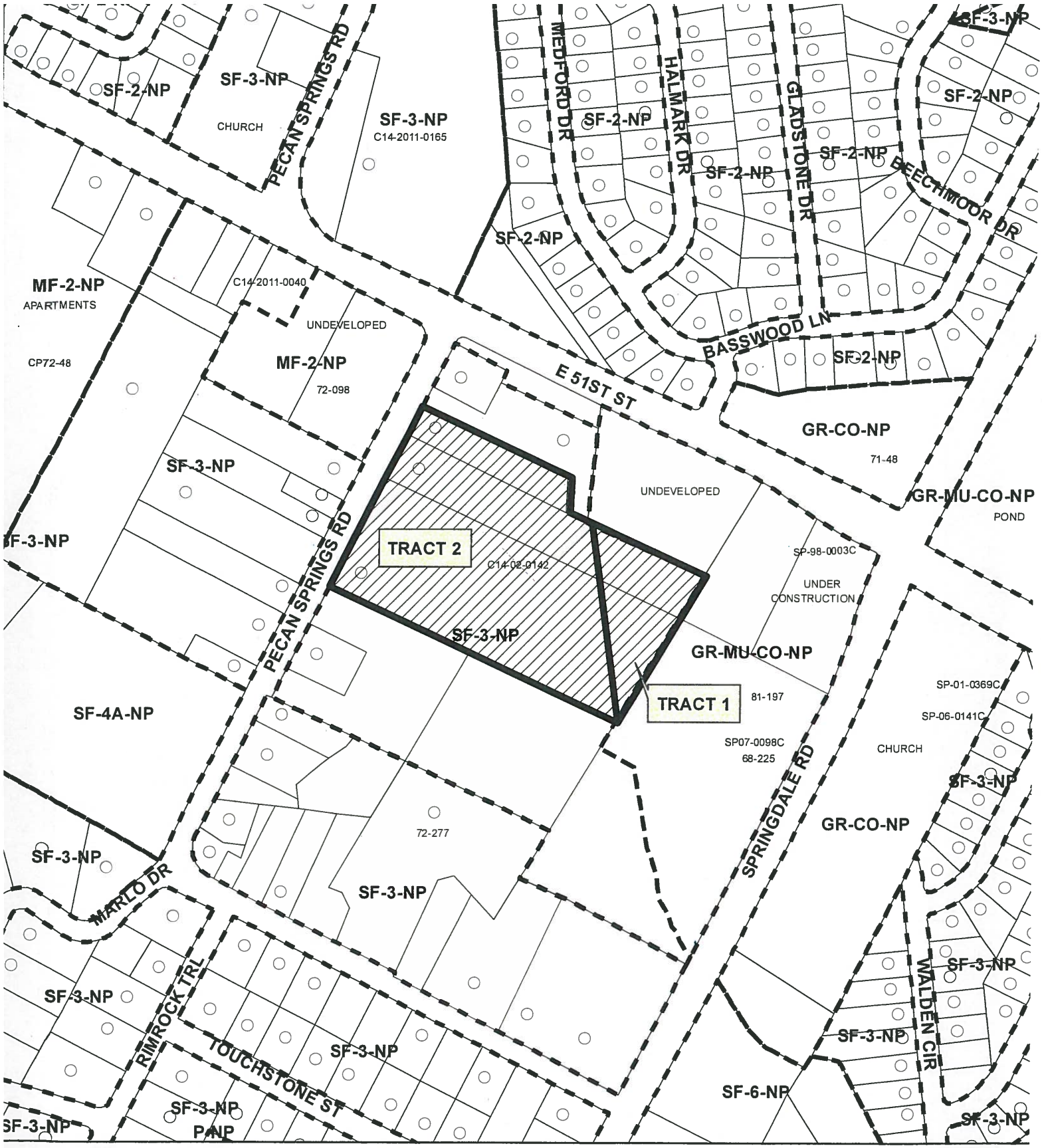
After the meeting with the developers on 3-16-2015 the neighbors living adjacent to the properties subject the zoning change request met to discuss what we would like our neighborhood and the subject lots to look like for the foreseeable future.

After discussion it became clear that we as neighbors all share a similar vision for this irreplaceable section of our community. That vision is to preserve and enhance the unique rural character by maintaining generous setbacks, limiting the number and scale of buildings, the number of added vehicle trips and driveways exiting on to Pecan Springs Road. The consensus is that any redevelopment should minimize the environmental and social impacts on this community and emphasize the existing open space and natural features. We feel this would best be accomplished through restricting the type of home built to single family residences that are limited in number and are in character with our established neighborhood. The disruption caused by the construction phase of a project of this scope would drastically impact those that currently live on this quite street for years.

Unfortunately, we do not see any way MF-2 zoning is compatible with this objective. Consequently, we are opposing the zoning change request. Our hope is that the developer will work with the established residents to co-create a common vision for development under the current SF-3 zoning that is compatible with this community and is a win-win for all.

Name (print)	Address	TCAD Property ID	Signature
Ryan Krager	4906 Pecan Springs Rd	210795	
Dane Krager	4906 Pecan Springs Rd	210795	
Tom Krager	4908 Pecan Springs Rd	210794	
Chris Ring	4809 Pecan Springs Rd	209599	
Marco Montoya	4806 Pecan Springs Rd	210789	
Marco Montoya	Pecan Springs Rd	210803	
M. Tyson Brown	4902 Pecan Springs Rd	210801	
Carrie Brown	4902 Pecan Springs Rd	210801	
Mark Jackson	5005 Pecan Springs Rd	209613	
Simone Talma	4912 Pecan Springs Rd	210791	

Contact Tyson Brown with any questions at: pssnapresident@gmail.com / 512-921-9935.



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

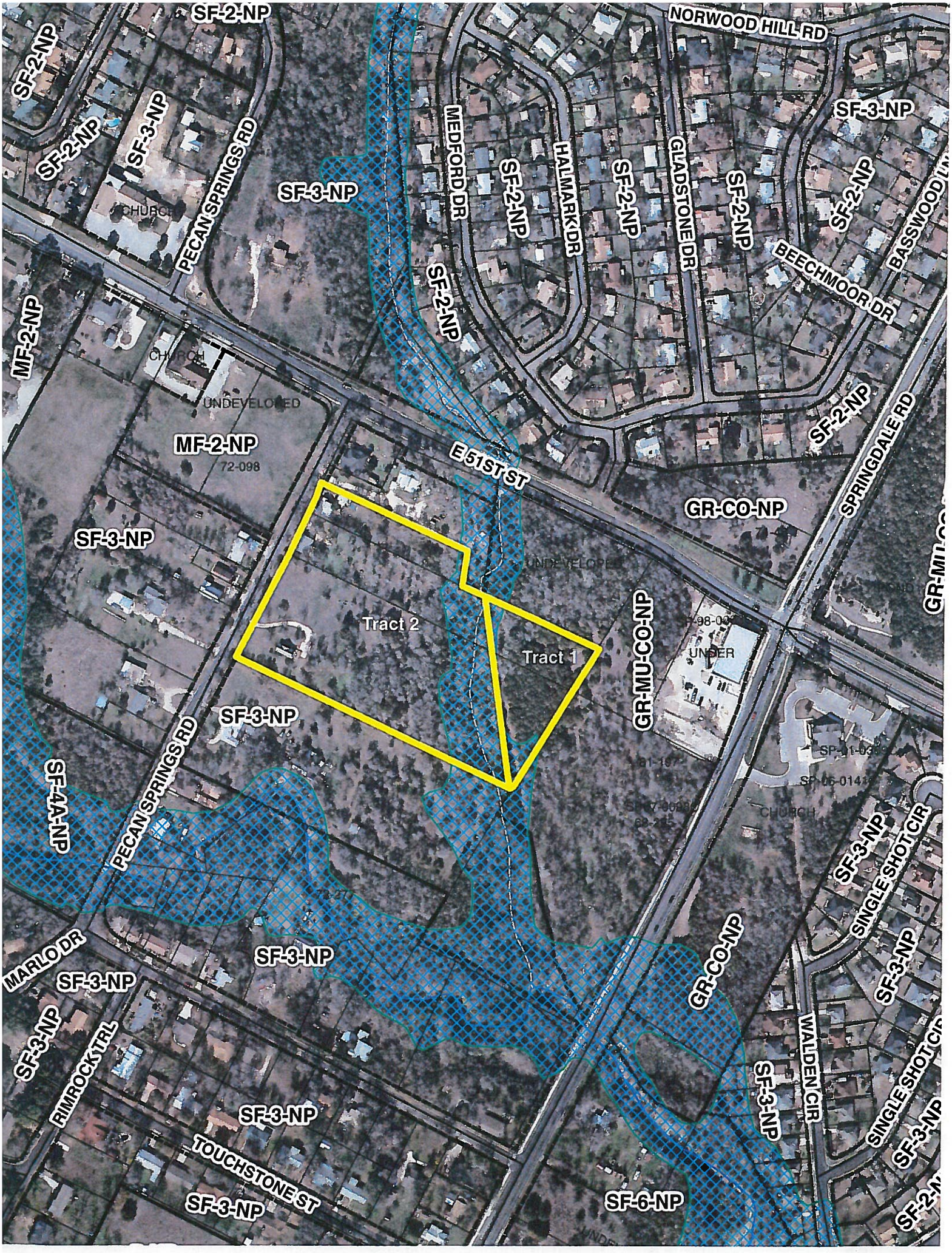
ZONING

CASE#: C14-2015-0001

1 " = 300 '

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.


SF-2-NP
SF-2-NP
SF-2-NP
SF-3-NP
SF-3-NP
PECAN SPRINGS RD
CHURCH
NORWOOD HILL RD
MEDFORD DR
SF-2-NP
HALMARK DR
SF-2-NP
GLADSTONE DR
SF-2-NP
SF-3-NP
SF-2-NP
BEECHMOOR DR
BASSWOOD DR
SF-2-NP
MF-2-NP
CHURCH
UNDEVELOPED
MF-2-NP
72-098
E 51ST ST
SF-2-NP
SPRINGDALE RD
GR-CO-NP
SF-3-NP
UNDEVELOPED
Tract 2
Tract 1
GR-MU-CO-NP
UNDER
SF-3-NP
PECAN SPRINGS RD
SF-4A-NP
CHURCH
SF-3-NP
SINGLE SHOT CIR
MARLO DR
SF-3-NP
SF-3-NP
SF-3-NP
GR-CO-NP
SF-3-NP
WALDEN CIR
SF-3-NP
RIMROCK TRL
SF-3-NP
SINGLE SHOT CIR
SF-3-NP
TOUCHSTONE ST
SF-3-NP
SF-6-NP
SF-2-NP

MEMORANDUM

TO: Heather Chaffin, Case Manager
CC: Mike Wilson, Garrett-Ihnen Civil Engineers
FROM: Amanda Couch, Senior Planner
DATE: June 14, 2015
SUBJECT: Neighborhood Traffic Analysis for Pecan Springs Road
Zoning Case # C14-2015-0001

The transportation section has performed a Neighborhood Traffic Impact Analysis for tract 2 of the above referenced case and offers the following comments.

The 6.36-acre tract is located at 5001 Pecan Springs Road. The site is currently zoned single family residence- neighborhood plan (SF-3-NP). The proposed zoning is Townhouse Condominium Residence (SF-6). Zoning to the east is primarily zoned commercially and to the south, west and east is single family.

Tract 2 of this zoning case was the only tract analyzed in the NTA because it will be the only tract taking access to Pecan Springs.

24 hour traffic counts were taken on Thursday, April 9th, 2015.

Roadways

Pecan Springs is classified as a Collector road with approximately 60' of ROW and 20' of pavement width.

No sidewalks or bike facilities exist.

Trip Generation and Traffic Analysis

Based on the Institute of Transportation Engineer's publication Trip Generation, the proposed 6.36 acre development, with the requested zoning of SF-6, could potentially generate 553 trips at max building out, excluding all setbacks and impervious cover limits.

Table 1.

Zoning	Size	Unadjusted Trip Generation
SF-6	6.36 acres	553
TOTAL		**553**

Table 2 represents the expected distribution of the 533 trips. This calculation is based in the existing distribution of total trips on both roadways.

Table 2.	
Street	**Traffic Distribution by Percent**
Pecan Springs Rd	100%
TOTAL	100%

Table 3 represents a breakdown of existing traffic on the adjacent roadways, proposed site traffic, total traffic after development and percentage increase.

Table 3.				
Street	**Existing Traffic (vpd)**	**Proposed New Site Traffic to Roadway**	**Overall Traffic**	**Percentage Increase in Traffic**
Pecan Springs Rd	533	553	1,086	104%

According to Section 25-6-116 of the Land Development Code, streets are operating at a desirable level if it does not exceed the following levels:

Pavement Width	Vehicles Per Day
Less than 30'	1,200
30' to less than 40'	1,800
40' or wider	4,000

Recommendations/Conclusions

1. A neighborhood Traffic Analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50% of the site frontage has an SF-5 or more restrictive zoning designation.

2. The traffic along Pecan Springs Road will not exceed the minimum requirements established in 25-6-116.

3. Development of this property should be limited to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in this neighborhood traffic analysis, including traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me 974-2881.

Amanda M. Couch

Amanda Couch
Senior Planner- Transportation Review
Planning and Development Review Department

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.

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/planning.**

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: C14-2015-0001
Contact: Heather Chaffin, 512-974-2122
Public Hearing: Jun 9, 2015, Planning Commission
Aug 13, 2015, City Council

Glenn Weichert
Your Name (please print)

☒ **I am in favor**
☐ **I object**

3821 Juniper Trace
Your address(es) affected by this application

Glenn K. Weichert 6/1/15
Signature *Date*

Daytime Telephone: (512) 263-2666 x101

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

Chaffin, Heather

From: Ted Hadji [redacted]
Sent: Wednesday, January 14, 2015 2:07 AM
To: Chaffin, Heather
Subject: Rezoning of 4905 and 5001 Pecan Springs Road

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Chaffin,

I am writing to voice my strong objection to the proposed rezoning of 4905 and 5001 Pecan Springs Road from single family to multi family. I am the homeowner of 3312 Touchstone St., where I live with my wife and 1 year old son. We moved to this neighborhood 2 years ago, attracted in part by the limited traffic flow through it. I support urban density and the reality of meeting the needs of our increasing population, but a large development like the one proposed for 4905 and 5001 Pecan Springs Road does not belong within an established, single family home, residential area, and especially not at the proposed site on Pecan Springs road. I would have no objection to such a proposed property on the periphery of our neighborhood, along 51st st or Springdale, as these roads are already heavily trafficked. I hope that you will not vote for the interests of a developer over those of the residents of our neighborhood.

I believe that this project will negatively impact the lives of the residents of Marlo Heights, and I strongly oppose it.

Sincerely,

Ted Hadzi-Antich Jr.

Chaffin, Heather

From: tom krager [redacted]
Sent: Tuesday, January 13, 2015 9:22 PM
To: Chaffin, Heather
Subject: Re zone of property on Pecan Springs Road

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Chaffin,
I wanted to take a few minutes to voice my opposition to the rezoning of 5001 Pecan Springs Rd. I recently purchased a home directly across the street from the parcel of land being considered for this zoning change.

With the 20 - 30 plus homes being applied for on a small tract seems to be quite excessive for this area let alone the condensing of their access to a single point on Pecan Springs Road. This would drastically affect the amount of traffic directly adjacent to my property.The construction needed to up grade streets, sewers, water, drainage curbs and gutters and retention required to be done prior to bringing such a project into perspective would seem excessive. And would the up grades stop at this sites limits, or would they continue to include all the neighbors on our streets and adequate protection for the creek?
I really think subdividing into acre or half acre tracts would be very lucrative for a developer in this area with individual access for each lot. It would have a much more beneficial impact to home values for all our neighbors, rather than a negative.

I moved to this neighborhood for a number of reasons. Both of my sons and their family's live in this neighborhood and I wanted to be close to my new grand children. It sounded nice to think they could walk over to Grandpas house to visit. Also, the area was neighborhood oriented with a minimal traffic flow. And when I learned 51st would not have its own access to the new Toll road, high density growth seemed unlikely. Especially tucked back away in this corner off the main drags. This is a quaint area of town, Bicyclists ride this street to avoid high traffic. I see my neighbors walking their dogs and children often playing on this street. This area has always been quiet.
Please be frugal in your assessment of this change. Lets not let the maximum always be the inspiration for growth.
Thank you for your time,
Sincerely,

Tom Krager
4908 Pecan Springs Rd.
Austin, Texas 78723
ToKrager@Yahoo.com

Tom Krager

Chaffin, Heather

From: Cliff Scott [redacted]
Sent: Tuesday, January 13, 2015 10:30 AM
To: Chaffin, Heather
Subject: Rezoning on Pecan Springs

Follow Up Flag: Follow up
Flag Status: Flagged

I have lived at 3312 Pecan Springs for over 30 years. During that time I have seen very little attention to our neighborhood by the city. Road repair long in coming, leaking sewer main for years, no sidewalks, etc. I personally like the rural nature of the hood. This zoning change is not appropriate for the area and sets a bad precedent. Thanks for your help in doing what you can to prevent this from happening. Cliff Scott Sent from my iPhone

Chaffin, Heather

From: Melitta Bustamante Berger [redacted]
Sent: Monday, January 12, 2015 9:30 PM
To: Chaffin, Heather
Subject: case# C14-2015-0001 Rezoning on Pecan Springs Road

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Chaffin
I am writing regarding the request for a zoning change from SF3 to MF2 for 7 acres at 4905 and 5001 Pecan Springs Road. I live up the road from these properties, on Marlo Drive, in East Marlo Heights. My husband and I moved here in 2005 and were amazed at the natural beauty and wildlife that could be enjoyed. There were roadrunners, hawks, rabbits, skunks and even a fox. Much of that has changed in the recent years with increasing development along Springdale and East 51st.

There are several multifamily units being planned for the area surrounding Marlo Heights. This is understandable, while at times unfortunate. One example of poor stewardship is the Dollar Store that opened at the corner of Springdale and East 51st. They had planted several trees along the sidewalks to make it less industrial, but of course, nobody takes care of them, and they have mostly died or are dying from the drought or poor planting techniques. And then there is the regular crime that occurs on or near that property. There have been several instances of helicopters and police cars circling above/through the neighborhood looking for some suspected criminal.

This neighborhood has regular creek and street clean-ups, and many of us participate in the National Night Out celebrations. Some graduate students worked to paint lovely murals on our bridge over the creek and it has helped it resist graffiti. We are also active in our neighborhood association, the Pecan Springs Springdale Hills NA, led for many years by DeWayne Lofton.

We feel a multiunit development would increase traffic terribly and take away from the neighborhood and friendly atmosphere we have. We know almost every neighbor on Pecan Springs Rd. There are many families with young children in Marlo Heights now, and there are no sidewalks, so we are constantly battling traffic to enjoy walking/riding bikes in the outdoors. We have a 4 year old daughter and a 6 month old son. Please help us retain the character of what we have now, especially since it has already suffered from development thus far. I encourage you to visit the area, so you can see how out of place such a development would be. Thanks so much for your time and consideration of this request.
Thank you,
Melitta Berger
4632 Marlo Dr
Austin, TX 78723
512-659-3129

Chaffin, Heather

From: John Van Ness [redacted]
Sent: Saturday, January 10, 2015 5:35 PM
To: Chaffin, Heather
Subject: Reguarding: https://www.austintexas.gov/devreview/b_...

Follow Up Flag: Follow up
Flag Status: Flagged

Ms Chaffin.

I strongly protest this rezoning effort. I have lived in this neighborhood for 30 years. As an Austin police office, I chose to live here due to the nature of the neighbor as, I am sure, did many of my neighbors.The lots are large with single family homes. Traffic on Pecan Springs Reduced dramatically when E 51st street was expanded through to Springdale. With the construction of one or more apartment complexes, on or adjoining Pecan Springs, the traffic will increase to numbers much greater even than those before the 51st street expansion! There are no sidewalks on Pecan Springs or other neighborhood streets. Pedestrians and cyclists will be put in danger with the traffic increase. The addition of sidewalks will be a financial burden on the city and ultimately tax payers. In addition, private property would have to be condemned for the placement. The narrow two lanes of Pecan Springs will not support high traffic. The city comes annually to repair large chug-holes and there have been several water main breaks with the light traffic. More problems are likely with a traffic increase. Since the Dollar Store opened a block away at E 51st and Springdale, crime has risen in the neighborhood. That store has been robbed numerous times and each time a man hunt occurs in our neighborhood. There has been a huge increase in thefts from yards and garages, Several burglaries of cars and homes have been reported -as well as home invasions. An apartment complex will very likely further increase the crime rate. The noise and light pollution as well as non point source pollution to the nearby creeks will also likely increase.
I am certain that there are many other negative factors to this development. Surly the above issue are enough to offset any benefit the development can produce. Our city, neighborhoods, residents and environment have suffered enough from development. Many of the beautiful natural features and cultural icons that drew people to Austin have been destroyed though "development," Now greed is the driving force.that develops without regard to the character and culture of the areas affected.
Please consider these factors in this very important decision that will negatively and permanently affect the lives of my neighbors and myself, Ask yourself- If you were I, would you want this development in your backyard?

Sincerely respectfully,

John A. Van Ness

4615 Marlo Dr
Austin, Tx 78723
512-657-2770

The Dahlia Llama when asked what surprised him most about humanity, he said: "Man, because he sacrifices his health in order to make money. Then, he sacrifices money to recuperate his health. And then, he is so anxious about the future that he does not enjoy the present; the result being that he does not live in the present or the future; he lives as if he is never going to die and then dies having never really lived."

Chaffin, Heather

From: Ryan Long [redacted]
Sent: Friday, January 09, 2015 11:33 PM
To: Chaffin, Heather
Subject: Case# C14-2015-0001 Rezoning on Pecan Springs Road

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Chaffin,

I wanted to take this opportunity to write to you about my opposition to the rezoning of 5001 Pecan Springs Rd. I live across the street with my husband, 2 dogs and our 6 month old son. We bought this home a year and a half ago because of the wonderful feel of this neighborhood. Allowing the developer that has purchased the land across the street from us to put some 30+ units would completely change this from being a neighborhood. Pecan Springs is a relatively quiet street where neighbors walk their dogs and where we hope to, one day, teach our kids to ride their bikes and walk to visit friends down the block. If so many units are going to right across the road, our street will become too busy , and potentially dangerous, for any of that to happen.
A project such as the one that is being proposed is more suited for a more heavily trafficked area, not on Pecan Springs.
If there is more that can be done so as to not let the charm of our neighborhood be taken, please let me know.
Thank you for taking the time to read this and hear our side of this case.
Sincerely,

Ryan Krager
4906 Pecan Springs Rd
214.766.4669

Chaffin, Heather

From: Chris Ring [redacted]
Sent: Thursday, January 08, 2015 1:35 PM
To: Chaffin, Heather
Subject: Case# C14-2015-0001 Rezoning on Pecan Springs Road

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Zoning Review Team Member-

I live in a unique section of Austin, the 4700 to 5000 block of Pecan Springs Road, a part of the East Marlo Heights neighborhood. This section of the street, developed in 1949, consists of large lots from 1 to 5 acres in size with a single modest home on each. There are creeks, mature trees and abundant natural beauty. The neighbors are close knit. We keep an eye out for each other. Several of us have adopted our 2 creeks and have regular cleanup events that maintain and clean the natural areas.
I fully understand and accept development is inevitable in our area.
Numerous projects are in the planning stages right now along 51st Street and especially Springdale Road. Every one are multifamily condo and apartment projects. The Reserve- 290 units, Springdale Creek
Condominiums- 40+ units, The Grove- 60+ units, St Stephens Condo- 60+, Rio Lado (HACA) redevelopment- potentially several hundreds, just to name a few within walking distance of my home.
I have been notified by the applicant through an Engineering Firm,
Garrett- Ihnen, that they are seeking a zoning change from SF3 to MF2 for 7 acres adjacent to me, 4905 and 5001 Pecan Springs Road. Both these lots are mid block on Pecan Springs Road and quite some distance (3
doors) south of 51st St.
While the Neighborhood Plan Future Land Use Map shows this area as mixed residential, I think it is clear the intent and spirit of it is to limit multi-family use to 51st St and maintain the current zoning and character upon Pecan Springs Road itself.
The current SF3 zoning allows considerable redevelopment that would threaten the existing character of the neighborhood, and that is worrisome enough without the prospect of a zoning change.
I could go on and on with reasons why this is wrong for our neighborhood but I will stop here and ask you to please consider supporting my neighbors and I in opposing a zoning change on our street.
Please feel free to call me at any time.
Thank You,
Chris Ring 512-927-7461
4809 Pecan Springs Road
Austin Tx, 78723

Chaffin, Heather

From: Carrie Brown [redacted]
Sent: Wednesday, January 14, 2015 9:30 AM
To: Chaffin, Heather
Subject: Rezoning Case: C14-2015-0001 (Pecan Springs Rd)

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Chaffin,

I live in the Marlo Heights East neighborhood, and am writing to express my opposition to the rezoning of 4905 & 5001 Pecan Springs Rd (Case #: C14-2015-0001) from SF-3 to MF-2. The two properties in question sit mid-street in a well-established residential area, and not fronting one of the busy access roads (51st Street/Springdale Rd) where zoning of this type would be more appropriate. The street contains modest homes on uniquely large lots, and the natural beauty and rural feel of the neighborhood contributes greatly to the quality of life for residents. The East MLK Neighborhood Plan recommends:

The neighborhood has expressed a desire to keep some of the area's rural character, which would require some additional considerations when proposing new development.

Action 20: Maintain single-family zoning in established residential areas.

There are currently multiple developments nearby going up along 51st Street and Springdale Road where multi-family zoning is more suitable. Under current zoning, considerable development can still be done on the property to a level that is very concerning.

Thank you for your consideration and time,

Carrie Brown
4902 Pecan Springs Rd
512-589-39

Chaffin, Heather

From: Dane Krager [redacted]
Sent: Wednesday, January 14, 2015 4:56 PM
To: Chaffin, Heather
Subject: Case# C14-2015-0001 Rezoning on Pecan Springs Road

Follow Up Flag: Follow up
Flag Status: Flagged

Good evening Ms. Chaffin,

My name is Dane Krager and I live across the street from the property that is proposing rezoning, at 4906 Pecan Springs Rd.
I have lived in Austin my whole life and am a business owner of a small community-based, local gym.
I oppose the rezoning of the lots across the street because it changes the personality of the neighborhood that is so important to why we wanted to live (and buy our home) here's year and a half ago. The true feeling of a neighborhood is quickly becoming scarce in this rapidly growing city. It would be a shame to let it happen here when there are many other more suitable plots of land for the proposed project. Our quiet street doesn't fit the bill, nor can the street support the probable traffic to go along with the many houses they want to build.
Thank you for taking the time to read this and consider what I have said.

Kind regards,
Dane Krager
Owner
Dane's Body Shop

Chaffin, Heather

From: Jarod Harmeier [redacted]
Sent: Wednesday, January 14, 2015 5:05 PM
To: Chaffin, Heather
Subject: Rezoning of 4905 and 5001 Pecan Springs Road

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I am writing you to formally oppose the request to rezone 4905 and 5001 Pecan Springs Rd. from single family to multi-family. If these properties fronted 51st St, I could possibly understand the rezoning, but since they are closer to the heart of our neighborhood, I feel strongly against this requested change.

My wife and I built our house at 4517 Rimrock Trail just last year, and we plan to make this neighborhood our home for decades to come. We love our neighborhood because of the rural feel, and we feel strongly that any zoning changes along these lines will be very detrimental to our beloved Marlo Heights.

Thanks,
Jarod Harmeier

Chaffin, Heather

From: Victor Saenz [redacted]
Sent: Thursday, January 15, 2015 1:03 AM
To: Chaffin, Heather; Erica Saenz
Subject: Re-zoning of 4905 and 5001 Pecan Springs Road

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Heather,

My name is Victor Saenz and live in the Marlo Heighs East neighborhood in East Austin with my spouse Erica and our young son Augie. I was recently made aware of a rezoning application submitted within my neighborhood to change two big plots of land (4905 and 5001 Pecan Springs Road) from single family to multi-family. I write to strongly oppose this change in zoning.

We recently built a new home in the neighborhood because of the wonderful "country" feel of this small pocket of Northeast Austin. While I understand that new developments are a fact of life in Austin, I also strongly believe in smart development that is in tune with the "feel" and "nature" of a neighborhood. Allowing this developer who purchased these plots of land to build 30+ units would completely change the nature of this small pocket of a neighborhood, from one that is walkable and liveable to one that is more congested, noisy, and potentially hazardous to the flood creek in the area. As my new neighbors have pointed out, Pecan Springs is a relatively quiet area where neighbors walk their dogs and where we hope to, one day, have our son ride his bike and walk to visit friends down the block. If so many units are going to be built in this small neighborhood, our under-developed streets will become busier and the quality of life in this charming corner of town will be compromised. A project such as the one being proposed is more suited for a more heavily trafficked area with a master plan that includes high density, multi-family units. The Marlo Heights East neighborhood in Pecan Springs is simply not suited for such a development.

Thank you for your consideration.

Victor & Erica Saenz
4601 Rimrock Trail
Austin, TX 78723

512-659-6246

Chaffin, Heather

From: Dorie Gilbert [redacted]
Sent: Thursday, January 15, 2015 11:59 AM
To: Chaffin, Heather
Subject: Opposition to Pecan Springs rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Regarding rezoning of 4905 and 5001 Pecan Springs Rd. My name is Dorie Gilbert and I am the owner of 4516 Rimrock Trail, a property nearby the proposed rezoning area. While I was not able to sign the neighborhood petition, I want to voice my opposition to the rezoning. I am against any development that would lower property values or quality of life for this community. This neighborhood is a perfect representation of diverse residents, majority homeowners, living together and taking great pride in their community. Too often the voices of East Austin residents are not heard but we hope you hear us loud and clear when we say we want high quality, affordable single family owned housing development rather than the rental properties proposed by this rezoning.
Sincerely
Dorie Gilbert

Sent from my iPhone

Chaffin, Heather

From: Benjamin Berger[redacted]
Sent: Thursday, January 15, 2015 12:22 PM
To: Chaffin, Heather
Subject: Opposition to Marlo Heights Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mz. Chaffin,

I am writing to you to voice my strong opposition to Marlo Heights Rezoning at 5001 Pecan Springs Road from SF-3-NP to MF-2. I have lived in Marlo Heights on Marlo Dr. for over ten years. My wife, daughter, son, and I have made this community our permanent home. My wife and I have been active members in our neighborhood association since the first month we moved into this community. Marlo Heights is a family oriented residential neighborhood that we have watched grow stronger, safer, and more friendly as people recognized the benefit of owning a home and improving their community. I understand the need for Austin to promote urban density. This should not be done at the expense of rising communities of home owners. The development needs to be shared throughout Austin; not just dumped on the East side yet again. There has already been approval for a nearly 300 unit low income housing on Springdale less than half a mile away from the Marlo Heights Rezoning. A multi unit town home complex is also being built just a few hundred feet away on 51st St. It it not fair to destroy our community of home owners for the Marlo Heights Rezoning. We currently don't have sidewalks or streets necessary to handle the traffic that already exists. I understand Austin needs more housing but the burden needs to be spread throughout Austin. Our community has already carried a greater burden of development then most other parts of Austin. There aren't enough roads, sidewalks, police, bus lines, and schools to serve what has already been approved. Please deny the Marlo Heights Rezoning request. It is because of families like mine moving to and working hard to improve Marlo Heights that developers even want to build here in the first place. Please don't punish those of us who worked hard to make our community of home owners what it is today. This is a working class neighborhood that deserves a chance to make a nice community like other parts of Austin. I have seen the trash, crime, and lack of commitment to the community (because people don't own an apartment) that existing multi family residences in this part of town have brought. I was attacked with rocks smashing into my car by residents of the now defunct Rio Lado section 8 housing on 51st street. Please say no to Marlo Heights Rezoning.

Thank you for your time and consideration,

Benjamin Berger

4632 Marlo Dr Austin TX 78723
512 791 3052

Chaffin, Heather

From: Matthew Tyson Brown [redacted]
Sent: Friday, January 30, 2015 8:35 PM
To: Chaffin, Heather
Cc: Matthew Tyson Brown
Subject: Case Number: C14-2015-0001

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ms. Chaffin,

I Just wanted to express my interest in Case Number: C14-2015-0001 for 4905 & 5001 Pecan Springs Rd. as a resident that lives across the street and as the new interim president of the Pecan Springs/Springdale Neighborhood Association (PSSNA). On the notice I received I didn't see instructions on how to become and "interested party" but wanted to let you know that I am very interested. I know you've heard from some of my neighbors but am requesting to be kept in the loop with this project. Please let me know if you have any questions and I hope you have a great weekend.

Many thanks,
Tyson Brown
512.921.9935

Chaffin, Heather

From: [redacted]
Sent: Monday, April 06, 2015 3:55 PM
To: Chaffin, Heather
Subject: 4905/5001 Pecan Springs Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Chaffin,

I am writing concerning the rezoning of 4905-5001 Pecan Springs Road, in our little Marlo Heights East neighborhood. My husband and I have lived there for ten years last July, with our two kids (5 and 8), five cats and three dachshunds, and a huge part of the neighborhood flavor is the rural feeling, especially upon entering the neighborhood at Pecan Springs off of 51st.

A giant apartment complex would completely destroy that charm.
Additionally, as it is, our neighborhood has experienced an increase in robberies, ditched stolen cars, and the occasional police chase since the Dollar General opened up nearby.

Today, we do feel safe letting our kids ride their bikes around the neighborhood and play up and down the streets, walking down to Pecan Springs to catch the school bus, but the increase in traffic brought by adding apartments, effectively doubling the population of the neighborhood, would make that risky and really reduce the quality of life for our neighbors.

Thanks for allowing us to have input into this issue, and please feel free to call or e-mail if you'd like more information.

Regards,

Jennie Costilow and Jason Grimley
4600 Rimrock Trail
Austin TX 78723
512-569-3181

Chaffin, Heather

From: Marco Montoya [redacted]
Sent: Wednesday, June 17, 2015 11:55 PM
To: Chaffin, Heather
Subject: Rezoning Case #: C14-2015-0001 / Montoya Written Comments / 23June2015
Attachments: Pecan Springs Planning Commission Presentation.docx

MEMORANDUM OF RECORD

DATE: June 17, 2015

TO: Ms. Heather Chaffin
Senior Planner/Case Manager
Planning and Development Review Department
City of Austin
Austin, Texas 78704

FROM: Mr. Marco Montoya
4806 Pecan Springs Road
Austin, Texas 78723

REFERENCE: Case Number C14-2015-0001

SUBJECT: Statement of Objection of Marco Montoya

Thank you for making time within your busy work schedule to facilitate my examination and review of the file pertaining to Case Number C14-2015-0001. Without question, much staff time and city resources have been spent on addressing this rezoning request.

As permitted, I am submitting to the Planning Commission, by electronic email medium, my above attached written comments regarding this case and its rezoning requests. It is not often that as a private citizen one has the opportunity to participate in the formulation
of public policy. Thus I appreciate this venue of public participation in a matter that directly affects myself, my real property, my physical neighborhood and the manner in which to consider my place in the future of Marlow Heights.

Thank you for including my attached submission in the materials of the Planning Commission members.

Cordially,

Marco Montoya
Pecan Springs Road Resident

STATEMENT OF OBJECTION OF MARCO MONTOYA
TO THE APPROVAL OF
ZONING CASE NUMBER: C14-2015-0001
Submitted to the Planning Commission: June 17, 2015
Meeting Date: June 23, 2015

A: INTRODUCTION
B: RATIONALES
C: OBJECTIONS
D. CONCLUSION
E: REFERENCE MATERIALS

Contact Information
Marco Montoya
4806 Pecan Springs Road
Austin, Texas 78723
[redacted]
512-619-5555

STATEMENT OF OBJECTION OF MARCO MONTOYA
TO THE APPROVAL OF ZONING CASE NUMBER: C14-2015-0001
Submitted: June 17, 2015
Meeting Date: June 23, 2015

A: INTRODUCTION:

My name is Marco Montoya. I am the property owner of 4806 Pecan Springs Road, Austin, Texas - a two acre parcel.

My property would be negatively impacted by the three rezoning requests under Case Number C14-2015-0001. I ask that my objection to the requests be read into the record; and that this submission be provided to the members of the Austin City Council.

I am opposed to the requests for rezoning City Tracts 205 and 207 from SF-3-NP and to rezone to MF-2, MF-2-NP as identified in the two *Notice of Public Hearing for Rezoning* as Tract 1 and Tract 2 or to re-zone Tract Two to SF-6 as mentioned on June 15, 2015 at the Zoning Office.

B: RATIONALES

The rationales for why the requests should not be approved are because:

Reason #1: Lack of Transparency.

The case number has been used twice with two different property sets (4901 and 5001 Pecan Springs Road and 4901, 5001 and 5003 Pecan Springs Road). In addition, the request has now been modified to request MF-2 status for Tract 1 and SF-6 status for Tract 2. Yet, as required the public has not been presented the yellow sign notifications identifying the progressive, unique and significant changes being made by the applicants. As of June 16, 2015 there has been no public or individual notice of the three specific zoning requests as required by Austin Municipal Code (AMC) including a SF-6 component. In some public settings, the lack of transparency would suggest a bias towards the applicant or a disregard for the opposing property owners. If this case is to proceed, then as required by the AMC, the currently scheduled public hearing is required to be cancelled and a new public hearing notice process is required to be initiated.

Reason #2: Lack of Clarity in Request.

The continuously changing requested re-zoning application not only has placed increased time and resource demands on the city's planning staff, but clearly indicates that the respective owners are not clear on their objectives for the respective properties proposed for re-zoning; and that even if approved their request would not reflect their intentions. At the start of this request, I was asked to consider the impact of shifting the part of my neighborhood from SF=-3-NP to MF-2-

NP. Now this has evolved into a configuration composed of MF-2-NP and SF-6. Concurrently the initial request was from two property owners and now it is from three owners. However, on the initial request Luke Ellis was identified as the owner of both 4905 and 5001 Pecan Springs Road while in the second mailed public hearing notice sent to us, Peni Ellis is shown as an additional owner. This implies that the other four persons share ownership of 5003 Pecan Springs Road, which I suggest is not true. I believe the Planning Commission should be clear not only on the public focus of the zoning review, but also regarding the ownership of the properties being discussed in public.

Neither the public hearing notice nor any other document presented to date by the Planning Department clarifies the correct property ownership pattern as required by the public notice requirements of the AMC. Since neither of the first two proposals was announced to the public as "withdrawn", it leaves open the question of whether the Planning Commission in being asked three separate and different re-zoning questions. Each property set requested brings into play a number of distinct zoning considerations as well as impacts to our city and, in particular, our neighborhood.

Reason #3: Lack of Neighborhood Planning Contact Team Approval.

As an impacted property owner, no copies of any staff report or minutes of any meeting has been provided me or to any other property owners and/or residents of the neighborhood in advance of the Planning Commission meeting regarding the decision outcome of the Neighborhood Planning Area leadership at either the area or subordinate levels. The City of Austin has made major investments of time and funding to promote localized future planning. While we can anticipate some short term impacts of the rezoning decisions we must live with, there is no awareness of the long-term consequences on the socio-ecology of our rural neighborhood. It appears that the role of the EAST MLK Combined-Neighborhood Plan has been disregarded or is non-existing. However, the expect plan increase of open space from zero to 19 percent appears lost to the conflict between neighborhood concerns and profitability in the guise of affordability. Recent discussions of the City Council regarding a rezoning case shows the conflict between neighborhood concerns and increased density otherwise stated as the neighborhood plan versus private profitability.

While reference is focused on 51st Street and Pecan Springs Road, the whole area has undergone and continues a transformation with:

(1) the recent Mueller area growth and associated traffic backlog from I-35 to Manor Road,
(2) the approval of the 60+ multi-unit Groves Project on 51st Street,
(3) the planned 51st Street re-birth of several hundred Rio Lado (HACA) re-developed apartment units adjoining Pecan Springs Road property owners on the west,
(4) the 20+ units expected at the St. Stephens Square approved development at 5002 and 5006 Pecan Springs Road,

(5) the planned 40+ Springdale Creek Condominiums adjoining Pecan Springs Road property owners on the east, and
(6) the approved 200+ Springdale Park units north on Springdale Road.

If either zoning request is approved with or without conditions, then the planning priority of the approved Neighborhood Plan to preserve the existing residential neighborhood has also become an Austin pipe dream without transparency.

We need a win-win between our community and the property owners/developer where, using the current zoning as baseline, the mutual benefits should balance out. It is the public duty of the Planning and Rezoning Commission to find the balancing point (as was done with The Ryan Companies). We recognize progress means change; and we agree with the need for affordability in housing access; but this request is being considered while the city's land development code is being re-written. As our mayor recently pointed out: *little has been done to bring neighborhoods into the development process earlier*.

Reason #4: Lack of Neighborhood Planning Plan Continuation.

The neighborhood plan recognized that 150 acres would be unavailable for future land use planning -15.4% of the Pecan Springs/Springdale area. The expected 5 percent increase in single family residences can be demonstrated in the densely populated Springhill Hills and the two adjoining developments. In a similar manner, the expected 19 percent increase in mixed residential housing and 1 percent growth in multifamily units appears to have been accomplished with the introduction of the rehabilitation of the Rio Lado apartments and the planned construction of the Grove, St Stephens Square, Springdale Creek and Springdale Park. All these units are within a three-minute radius of the Pecan Springs Road subject site. All these projects were aligned with the planned and approved objective of using major intersections and primary roads that are ideally suited for the mixed use development along the Manor Road and Springdale Road corridors recommended by the Commission and approved by the City Council. This was the plan after survey respondents to the city indicated they wanted to maintain existing single-family residential districts. Accordingly, the planning priority for Pecan Springs Road residents is to preserve the existing residential neighborhood which was adopted as Action 24 of the East MLK Combined Neighborhood Plan (Page 121) in November, 2002. This plan is the primary planning guide for my Pecan Springs Road community, the Pecan Spring/ Springdale area of the East MLK Combined Neighborhood and the City of Austin.

C. OBJECTIONS

Summary of Objections to Approval of Requested Rezoning

Using the June 2014 Zoning Guide of the twelve zoning principles for evaluating zoning requests established by the City of Austin, I object to the re-zoning requests as follows:

Principle #1: Zoning should be **consistent with the Future Land Use Map** (FLUM) or adopted neighborhood plan.

Objection #1: A review of the map (include in the Notice), and even the NP map with its dated data, indicates that the request is inconsistent with the planning goals that have otherwise been implemented along Manor Road and on Springdale Road as relates to GR-MU-CO-NP. Our SF-3-NP neighborhood reflects the plan's intention to surround our SF-3 housing cluster as an island surrounded by high and low SF-2 and 3 housing. Further rezoning would violate the approved projected and expected land use distributions. More importantly, it will have no impact on providing affordable Austin housing opportunities.

Principle #2: Zoning should **satisfy a public need and not constitute a grant of special privilege** to an individual owner; the request should not result in spot zoning.

Objection #2: Pecan Springs Road is identified as a collector road with almost 60 feet of ROW and an estimated 20 feet of pavement width with no defined, if available street parking space. These measurements are at best marginal for the proposed rezoning request. Given the existing approval of the St Stevens Square project and its traffic increase plus the expected additional minimum traffic increase of 51 percent traffic increase of this application, Pecan Springs Road will have exceeded its already limited road capacity. The result is that any additional zoning changes, for example to SF-6, would not be available to me, my neighbors, other Pecan Springs Road property owners, or other Marlow Heights residents dependent on this road. Recommending or approving the rezoning requests would give the current applicants a grant of special privilege.

Principle #3: Granting a request for zoning should result in an **equal treatment of similarly situated properties.**

Objection #3: Due to the physical status of Pecan Springs Road, it appears that the Zoning Commission would be unable to grant Pecan Springs Road or other Marlow Heights property owners a zoning change to SF-6 or MF-2 status.

Principle #4: Granting the zoning should not in any way set an **undesirable precedent for other properties** in the neighborhood or within other areas of the city.

Objection #4: The Planning Commission platting requests recommendations for the past three years indicates a total of 81.034 acres involving 282 lots were requested to be platted. The average lot recommended was 0.2873 of an acre. During the recent past, all final plat requests recommended by the Commission and approved were over the 5,750 square foot minimum lot size, and the two approved requests from SF-2 to MF-2 changeshave included conditions.

Principle #5: Zoning should allow for a **reasonable use of the property**.

Objection #5: Approval of the requests would prevent me, as a landowner, and the other property owners within the affected area, the reasonable use of property with identical zoning changes given the existing Pecan Springs Road would be further burdened with the already approved St. Stephen Square so that combined Pecan Springs Road traffic of the requested change would exceed approved limits.

Principle # 6: Zoning changes should **promote compatibility** with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

Objection #6: Four years ago, the Planning Commission recommended and the City Council approved the existing duplex on Pecan Springs Road. That zoning change did not promote compatibility with my house and that of my neighbors since the many sequential renters lacked a reasonable size lot, had outside parking space for one car and no safe or appropriate street parking for a second car or visitor.

Principle #7: Zoning should **promote a transition between adjacent and nearby zoning districts, land uses, and development intensities**.

Objection #7: A need for a transition from single-family to multifamily use has not been documented nor presented by the application. The application only seeks to build within the physical boundaries of our neighborhood plan. However, the applicants provide no materials nor make reference to how the proposed development would complement or supplement the approved land use projects. For example, what proportion of what land use project do they anticipate meeting for the East MLK Neighborhood Plan; or specifically the Pecan Springs/Springdale area.

Principle #8: Zoning should **promote the policy of locating retail and more intensive zoning near the intersections** of arterial roadways or at the intersections of arterials and major collectors.

Objection #8: In recent years, zoning has promoted locating retail activity to Springdale Road, a major collector road in the neighbor area. The area's intensive zoning on Springdale Road and the development of recent commercial zoning at the interactions of 51st Street and Springdale Road and Manor Road have been beneficial; and in concern with the Neighborhood Plan. However, given the approval of the Grove on 51st Street, further zoning changes to the proposed Tract 1 and Tract 2 will place undue demand on the street traffic carrying capacity representing examples of more intensive zoning.

Principle #9: The request should serve to **protect and preserve places** and areas of historical and cultural significance.

Objection #9. The existing, typical lot is more than 43,560 sq. ft. compared to the requested SF-6 minimum lot size of 5,750 sq. ft. or MF-2 lot size of 8,000 sq. ft. The request does not serve to protect and preserve the character of our neighborhood established over half a century ago and that has experienced growth from over four housing subdivisions since.

Principle #10: Zoning should **promote clearly identified community goals** such as creating employment opportunities or providing for affordable housing.

Objection #10. The application for rezoning of Tract 1 and Tract 2 is very explicit in not proposing to provide any affordable housing. This is a clearly identified city goal for all our communities, but unfortunately was considered by the application.

Principle #11: A **change in conditions has occurred** within the area indicating that there is a basis for changing the originally established zoning and/or development restrictions for the property.

Objection #11: The application fails to document a change in condition has occurred within my Pecan Springs neighborhood as a basis for changing the originally established zoning. I brought the property because of its rural setting, open space atmosphere and naturally green environment with its creeks. It is a statement of fact that for the past quarter century, rezoned housing development has been per the plan; and is clear evidence that no change in conditions has occurred. The only apparent change is that a profitable business arrangement has appeared based on contingent contracts based on anticipated zoning changes. If approved, some of our neighbors might get rich, but the Pecan Springs Road community and the Marlow Heights portion of the East MLK will become poor as we are forced to watch the disintegration of our rural character. In effect, there is no community benefit should the application be approved with or without conditions.

Principle #12: The zoning should be **consistent with the policies adopted** by the City and its related Commissions.

Objection #12: Given the existing Neighborhood Plan, it is evident that with the recently approved re-zoning requests in the larger Pecan Springs/Springdale area, much progress has been made by the community towards our Future Land Use both in terms of acreage and proportions, especially given the projected decrease in single family unit acreage. The applicants' rezoning requests over-reaches the city approved plan and its accomplishments in providing single, mixed and multi-family housing.

E: REFERENCE MATERIALS

Appendix 1. NEIGHBORHOOD PLAN

Projected Land Use based on the November 2002 Neighborhood Plan					
Pecan Springs/Springdale	**2000 Land Use**	**2000 Land Use**	**Future Land Use**	**Future Land Use**	**Future Land Use Change**
Land Usage	(%)	(acres)	(%)	(acres)	(acres)
Single Family	30%	289	35%	284.8	Less
Mixed Residential	0	0	19%	160.2	More
Multifamily	3%	30	4%	34.2	More
Commercial	1%	5	2%	15.1	More
Mixed Use	0%	0	20%	166.6	More
Office	2%	15	0	0	None
Industrial	8%	78	0%	0	None
Civic	3%	34	1%	7.9	Less
Open Space	0%	3	19%	155.4	More
Transportation/ROW	15%	148	0	0	None
Undeveloped	38%	372	0	0	None
Other	0%	0	0%	0	None
Total	**100%**	**974**	**100%**	**824**	**Less**

Source: East MLK Combined Neighborhood Plan (Page 121); November, 2002.

Appendix 2: ILLUSTRATIVE COMMISSION ACTIONS

Austin Planning Commission Historical Actions			**From 2012 to May 2015**	
RECOMMENDATION	**ACTION**	**INITIAL ACREAGE**	**LOTS APPROVED**	**ACRES PER LOT**
Approved	Re-subdivision	17.23	4	4.3075
Approved	Final Plat	9.7	56	0.1732
Approved	Final Plat	31.884	107	0.2979
Approved	Fort Dessau-II	12.53	59	0.2123
Disapproved	Cantarra IIA-2	19.85	2	9.9250
Approved	Final Plat	9.69	56	0.1730
Approved	SF-2 to MF-2	With Conditions		
Approved	SF-2 to MF-2	With Conditions		

Where 5,750 sq ft = 0.132 acre and all approved plats were much larger lot sizes.

Appendix 3: HISTORY OF ZONING REQUEST

CASE Number	Mailing Date	Owner	Project Location	Request
SP-2014-0357C	Ordinance #	021107-Z-12c	18 Nov 2002 and St. Stephen Square	Track 206 to MF-2-NP
	14 Oct 22014	St. Stephen's	5002 and 5006 Pecan Springs	Site Plan Approval
C14-2015-0001	Ordinance #	021107-Z-12c	18 Nov 2002	Tract 205 to SF-3-NP Tract 207 to SF-3-NP
	13 Jan 2015	Luke Elli	4905 and 5001 Pecan Springs Road (Two addresses)	Rezoning from SF-3-NP to MF-2.
	29 May 2015	Christopher Chollet and Carianne Shulte, Luke and Peni Ellis, and Stephen Reynolds	4905, 5001 and 5003 Pecan Springs Road (Three addresses)	Rezoning from SF-3-NP to MF-2 and three properties re-defined as Tract 1 and Tract 2.
	Office Visit	No Public Notice	Portion of 4905 and 5001 Pecan Springs Road treated as Tract 1 Portion of 4905, 5001 and 5003 Pecan Springs Road treated as Tract 2-unknown date	A. Request for Tract 1 as MF-2-NP - unknown date B. Request for Tract 2 as SF-6-NP - unknown date

Appendix 4: MARLO HEIGHTS NEIGHBORHOOD AND PECAN SPRINGS

Marlo Heights Property Owners with:		
	Relationship	**Location**
1	Direct economic interest	14 property owners within 500 feet
2	Direct neighborhood residence	102 properties within Marlo Heights
3	Direct street residency	=61 Pecan Springs Road properties
4		= 16 Rimrock properties
5		= 14 Touchstone properties
6		= 11 Marlo properties

Appendix 5. THE RECENT PUBLIC RECORD

Date	Source	Context
3 Feb 2015	Austin-American	Jim Duncan (former Austin Planning Director) Austin must improve use of planned unit developments (PUD): With a current zoning as baseline, developer benefits (e.g. density) should closely equal the value of benefits for a win-win where 2-stars energy systems are not acceptable versus 5 stars. The city, not the neighborhood, should do the negotiating with developer.
27 Feb 2015	Austin-American	Andra Lim (Reporter) Council approves East Austin affordable apartment complex: City Council rebuffed neighborhood group opposing 290 "affordable apartments at 5605 Springdale. PS/SHNA opposed the October 2014 approval by the Planning Commission with City Council denying the appeal by 10-0 with Don Zimmerman abstaining. The Ryan Companies had agreed to a 12 hour a day cafe and a community room of at least 500 square foot.
7 March 2015	Austin-American	Lilly Rockwell (Reporter) Zucker Report blasts office: The report is related to a rewrite of the city's land development code.
14 March 2015	Austin-American	Lilly Rockwell (Reporter) Austin splits embattled planning department: The report-based reorganization sets up the 324-person unit into Planning and Zoning Department (Greg Guernsey) and Development Review Department (Rodney Gonzales).
26 March 2015	Austin-American	Taylor Tompkins (Reporter) Adler aims to reduce backlog of development permits: Mayor Adler said neighborhoods and developers are continuing battling over projects because of the current system with each on opposite sides of the table. Neighborhoods should be engaged early in the process.
24 April 2015	Austin-American	Andra Lim (Reporter) Divided (city) council OKs apartment complex: The council in its third time hearing the case approved the highest-density multi-family zoning to allow 300 high-end apartments on Burnet Road near US 183. Council unwilling to defer to District 7 representative proposal on three separate occasions. Exposed was a split between those focused on neighborhood concerns and those concerned with density to address Austin's tight and unaffordable housing situation. Member Leslie Pool proposed a PUD approach to provide a "community benefit" such as a retail or restaurant meaning 225 units instead of 300. The builder suggested 15% affordable units, but no requirement was made in the approval. Pool's proposed died with a narrow vote and the approval won with 3 against.

Chaffin, Heather

From: Meade, Nikelle <[redacted]>
Sent: Tuesday, September 01, 2015 12:12 PM
To: Chaffin, Heather
Cc: Matthew Brown
Subject: Re: MARLO HEIGHTS REZONING

Heather,

One correction. I believe Simone Talma will also remain on the petition - 4912 Pecan Springs.

Tyson, if that is incorrect please let us know.

Nikelle

Sent from my IPad

> On Sep 1, 2015, at 6:08 PM, Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote:
>
> Great-- thanks for the update. I'll include memos/emails with the Staff Report.
>
> HC
>
> -----Original Message-----
> From: Meade, Nikelle [mailto:[redacted]]
> Sent: Tuesday, September 01, 2015 12:00 PM
> To: Chaffin, Heather
> Cc: Matthew Brown
> Subject: Re: MARLO HEIGHTS REZONING
>
> Heather,
>
> I wanted to give you an update on this case before your back-up is due for next Tuesday's hearing. We have reached an agreement with the neighbors for them to support staff recommendation with several conditions affecting Tract 2. We have a written agreement that is being executed now, and I should be able to deliver it to you by tomorrow at latest. Per our agreement, all neighbors except one will withdraw their names from the valid petition. The neighbor who has opted to not withdraw his name is Marco Montoya, but I do not believe he is planning to oppose the case at the public hearing.
>
> I have copied Tyson Brown, who has been serving as the primary representative for the neighbors, on this email.
>
> Please let me know if you have any questions, and look for an email from me tomorrow. Thanks.
>
> Nikelle
>
> Sent from my IPad
>