

Heldenfels, Leane

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**From:** Zilker NA [ZilkerNA@austin.tx.us]  
**Sent:** Tuesday, October 06, 2015 10:54 AM  
**To:** Heldenfels, Leane  
**Cc:** David King  
**Subject:** 1412-1414 Oltorf variances  
**Attachments:** ZNA on 1412Oltorf.docx

Re: C15-2015-0141, variance request at 1414 Oltorf

Good morning, Leane.

The Zoning Committee and Executive Committee of the Zilker Neighborhood Association have reviewed the requests for variances from compatibility setbacks at 1412 Oltorf. Attached is a letter describing our ongoing negotiations with the owner regarding the related rezoning case and site plan. Under the circumstances, and based on understandings described in the letter, the ZNA Executive Committee is not opposed to the variances. Please include the letter in the case file and backup materials for the Board of Adjustment hearing on Oct. 12.

Thank you.

Lorraine Atherton  
for the ZNA Zoning Committee

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## Zilker Neighborhood Association

♦ 2009 Arpdale ♦ Austin, TX 78704 ♦ 512-447-7681 ♦

October 6, 2015

To: Board of Adjustment

From: Zilker Neighborhood Association Executive Committee

Re: C15-2015-0141, variance request at 1414 Oltorf

### **ZNA position on Oltorf Market (1412 Oltorf site plan) variances, Oct 2015**

The ZNA Zoning Committee has been meeting with Mr. Trainer for the last year to work out details of ZNA's support for his proposal to rezone and redevelop 1414 Oltorf and his adjacent properties. Discussions are ongoing on the rezoning case, but we are prepared to report to the Board of Adjustment that the ZNA Executive Committee does not oppose the variances requested in Case No. C15-2015-0141, based on the understandings described below.

Over the last 18 years, ZNA has negotiated several rezoning agreements resulting in conditional overlays or other restrictions affecting these properties. They include Mr. Trainer's properties at 1414 Oltorf in 2011, 1412 Oltorf in 1997, and 2043 S. Lamar in 2005 and again in 2008 (ZNA's Vertical Mixed Use overlay), and the Rock N Roll Rental site at 1420 Oltorf in 2004. The ZNA Zoning Committee's primary concern is to see these existing agreements substantially preserved.

#### **A. Variances from setbacks at 1416 Oltorf**

The cases in 2011, 2005, and 2004 involved compatibility issues triggered by the residential use at 1416 Oltorf, the same property triggering the driveway and height variances requested here. In response to ZNA's requests, Mr. Trainer has agreed to several changes in his original plan that will mitigate these compatibility issues and help to preserve the intent of our previous agreements.

Chief among these changes are:

**Withdrawal of request for CS-1 zoning** to allow a cocktail lounge use on the property.

**A prohibition on late-hours alcohol sales**, which should reduce late-night car traffic on the driveway adjacent to the residential use. Besides the effect on residents at 1416 Oltorf, the increase in late-night traffic created by cocktail lounge uses and alcohol sales after midnight would exacerbate problems experienced by residents south of Oltorf, east of the creek, and west of South Lamar.

**A prohibition on live outdoor amplified music** within the compatibility setbacks. In the existing restrictive covenant with the City, from the 2011 case, the first restriction is "Live

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outdoor amplified music is prohibited on the Property." We do not expect that prohibition to be extended to the entire new project. However, prohibiting live outdoor amplified music to the east and north of 1416 Oltorf would protect residents west of South Lamar as well as residents at 1416 Oltorf. At this writing, we are negotiating the boundaries of the area of prohibition. Mr. Trainer has agreed that *outdoor music applications elsewhere on the property will not exceed the terms currently in effect for the rest of the neighborhood: 70 decibels, with cutoff times of 8 p.m. Sunday-Thursday and 10 p.m. Friday-Saturday.*

**Installation of improved screening (trees) on the side and back of 1416 Oltorf.**

Again, this reflects the intent of the restrictive covenant negotiated in 2011 and code requirements for "a fence, berm, or dense vegetation . . . to screen adjoining properties from views of parking."

**Use of superior streetscape and commercial design standards** on the Oltorf frontage.

Mr. Trainer is proposing to meet the design standards required on South Lamar (wider sidewalks with street trees and more landscaping) on the Oltorf side of the project. These design standards reflect the intent of our previous agreements at 1420 Oltorf in 2004, as well as the agreement at 1414 Oltorf in 2011.

**Preservation of the existing impervious cover limit of 90%** within the compatibility setback. The 2011 conditional overlay for 1414 Oltorf limits impervious cover to 90%. Mr. Trainer has made adjustments to his new site plan to insure that impervious cover within the compatibility setback does not exceed 90%.

**Restoration and enhancement of the creek and floodplain.** Mr. Trainer will work with the Watershed Protection Department on options for restoration and enhancement of the creek and floodplain to prevent erosion, preserve existing trees, and secure public access according to best practices developed by the Watershed Protection Department.

**Prohibition of certain uses.** The 2011 conditional overlay for 1414 Oltorf prohibits "drive-in service use as an accessory use to a commercial use." That conditional overlay and the 2005 conditional overlay for 2043 South Lamar also contain lists of prohibited uses. Mr. Trainer is working with the Zoning Committee to update and consolidate the lists of prohibited uses to be included in a new CO. At this writing, the list of uses being reviewed includes:

Adult oriented businesses	Drop-off recycling collection facility
Agricultural sales and services	Equipment sales
Automotive rentals	Equipment repair services
Automotive repair services	Exterminating services
Automotive sales	Funeral services
Automotive washing (of any type)	Kennels
Bail bond services	Laundry services
Campground	Limited warehousing and distribution
Construction sales and services	Outdoor entertainment
Convenience storage	

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Outdoor sports & recreation  
Pawn shop services  
Plant nursery  
Scrap and salvage services

Service station  
Vehicle storage  
Veterinary services

#### **B. Variances from setbacks at 1402 Oltorf**

The Zoning Committee is taking no position on variances triggered by the residential use at 1402 Oltorf. The owner at 1402 Oltorf applied for a variance earlier this year to redevelop the site with commercial uses; at that time it was clear that the site would be redeveloped as soon as Mr. Trainer's SF3 property is rezoned. We leave it to the property owners to agree to end their respective residential uses within a certain amount of time after the SF-3 parcel is rezoned to CS. That would remove the need for a variance.

#### **C. Variance from setback at City-owned SF-3 property**

The triangle of City-owned property at the railroad tracks is still zoned SF-3. That zoning creates a compatibility setback requirement. ZNA's interest in the property is that it remain available for future greenbelt access and public use. Of course, it will have little value as greenbelt access if Bouldin Creek's potential as a greenbelt is destroyed by adjacent overdevelopment. Mr. Trainer's project is attractive to ZNA because it appears to have the resources to protect the floodplain and urban forest, and Mr. Trainer is willing to work with the City and ZNA to establish precedents and a high standard for creek and forest protection, as described under "Restoration and enhancement of the creek and floodplain."

(signed)

Lorraine Atherton,

ZNA Zoning Committee member, on behalf of the ZNA Executive Committee

P.S. Regarding 2043 S. Lamar (Olivia parcel): The vertical mixed use overlay on 2043 S. Lamar has dimensional standards and parking reduction to 60%, along with the maximum affordable housing requirement, all of which ZNA wants to maintain. The VMU properties between Oltorf and W. Mary represent a significant part of ZNA's contribution to Austin's comprehensive plan, and the entire VMU proposal for South Lamar was approved by the general membership.