

C15-2016-0124
0131

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Heldenfels, Leane

From: [REDACTED]
Sent: Monday, February 13, 2017 11:56 AM
To: Heldenfels, Leane
Cc: Martin Harris
Subject: BOA H-1; L-3 Feb 13, 2017 Dawson NPCT Letter
Attachments: AUS-#6345224-v1-BoA_2_2017final_docx.docx

Hi Leane,

Please find a letter from Marty (copied) and me attached. We are the Chair and Co-chair of PCT respectively.

Feel free to call if you have any questions.

Greg

Greg Anderson
M: 512.426.1041
greg@walkableaustin.org

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H-1 C15-2016-0131

2510 and 2530 SOUTH CONGRESS AVENUE

The Dawson Neighborhood Contact Team supports approval of the variances requested in this case, and we support the proposed project. All of the properties along South Congress exist with different and varying established and prior code grandfathered in with previous codes before the mid 1990s and before Imagine Austin or CodeNext. From Commercial, State, or City needs, to multi-family, a funeral home or even a missionary church. And with jagged property edges- a varying commercial buffer zone edge along a major transportation corridor that then retains a rather shallow buffer for the Dawson neighborhood family usage inside.

With four city streets marked transportation corridors to define our Dawson neighborhood borders, there is not much left for a neighborhood hub interior to resonate. Comparing Dawson's size and borders to many of the other city designated neighborhoods, and you will see that changes on the exterior easily have a direct impact on the small interior core. And yet all have their own purpose and use to the city and the neighbors involved.

What we do know of these two particular properties is they are short wide, and extremely deep long- reaching from South Congress west to the interior single-family homes, SF-4s3s, to a street such as Euclid. Structures were built within feet of the adjacent property, using codes and understandings made long ago.

Dawson Neighborhood Plan:

The proposed project is consistent with the Dawson Neighborhood Plan.

Dawson citizens had united early in the neighborhood plan process. Remember that the DNA was one of the first, if not the first neighborhood association to apply with the city. The DNA Plan was adopted 1998, but the FLUM not until 2006. All before Austin Tomorrow Plan, Imagine Austin and CodeNEXT. The adopted DNPCT FLUM, voted in by city council in 2006, is a representative of the complexity of this. When we voted the FLUM we thought it combined with the Dawson NP approved in 1998. We tried to acknowledge land use as it was then presently coded. Some properties did not fit the established coding supplied by the city through present use or owner opinion/desire, and there were differing opinions on how to proceed abounding with the associated neighborhood property owners. The defined neighborhood edges and state/city corridors were pretty much left alone as the city, the state and the then yet un-established neighborhoods across all sides of the Dawson borders- our yet un-established NA next-door neighborhood areas, someday might arise, needing to be able to form and then voice/agree on their land use ideas likewise on those streets. We were guided to follow up later on this. And this is just after the Austinplan was abandoned and just after the city council started neighborhood planning in 1997.

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There has been a lot of learning since then on forming neighborhood plans since then. There have been a few changes to the FLUM since its adoption.

Heldenfels, Leane

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From: Martin Harris [REDACTED]
Sent: Monday, February 13, 2017 8:23 AM
To: Heldenfels, Leane
Cc: martinjharris@att.net
Subject: H-1 C15-2016-0131 2510 and 2530 SOUTH CONGRESS AVENUE

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This message is from Martin Harris. [REDACTED]

H-1 C15-2016-0131
2510 and 2530 SOUTH CONGRESS AVENUE

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The properties in Question:

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Church in Austin, at 2530 S. Congress, may have originally been a 1950s or so motor court on the main corridor to the state capital. There are still several motor courts, or remnants of, along the S Congress route, from Slaughter to past Oltorf still to be seen. The frontal small motor court dwellings on this property are placed close to the northern property line, with bedrooms within feet of the neighboring property. These said buildings still in use- housing church members and offices, expecting a certain kind of environment respecting their present occupancy. Coding and grandfathering from a gone city land use requirements.

The Guesthouse property sits between a washateria, HEB employee parking, SF-1 Euclid properties on a property line that shift along the western edge and then to the south to the two differing coded church properties.

The Original Permit Waiver Requests:

The Guesthouse Hotel owners want to build the access driveway on the west side due to established code, and make it useful widthwise for emergency vehicles to travel. A wall being built to buffer the sound and lights from their clients' cars on the next door neighbors' dwellings. In the back of the property there are several trees to preserve, a picnic area to protect the roots and a landscape that slopes down toward the west area of the property toward the Euclid properties. Small buildings and umbrellas will be built around the pool, bushes planted and landscaping to help absorb noise and water runoff. Gates and defined times to restrict the pool access. There will also be a shortened distance of open space before reaching the property line.

The GuestHouse Hotel development has been an ongoing process with the DNPCT for almost two years. There have been at least three or four of our bimonthly meetings over this time period that we have discussed these issues. The Church and affected neighbors were invited to participate in this process. Last summer we were told the process was moving forward soon.

Notice on Planning commission Application

A short dated notice from the city (sent June 3rd and received June 6th, a week before our June 2016 meeting) to the DNCPT, the DNA, all concerned parties located within 500 feet of the registered property, and those requesting notice of the permit variance with the city was received after the printing of the approved June neighborhood newsletter was passed out to be delivered. A vote was needed the day of the next meeting, and only a day before the proposed city-planning meeting. Within this week period, we noticed the DNA list serve, and the NextDoor group (twice), notified the Church, and a neighbor on Euclid was to notify the Euclid residents.

(The Planning vote was originally scheduled for June 14th, but was later delayed until June 28th.)

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I cannot recall many Euclid neighbors being at the June meeting besides the several regular members present there that day and that spoke up. There was discussion from some wanting more concessions but not about preventing the vote.

The Church was present address their concerns. Notice was made of buildings in close proximity to the property line, with bedrooms almost directly next to where the driveway will run. (We did not know of the short distance until the day of the DNCPT meeting when several of us viewed the proposed hotel property. It was a grandfathered property clause from a time long past and was not noticed again until the day of the meeting. The being and business activity of this associated property, the church, was emphasized.

The requests of need for variances to build the hotel and the developers felt needs were discussed for most of the DNCPT meeting allotted time and their potential effects on surrounding property for a much shorter time. Both sides made their points known. The present DNPCT members voiced in for a good relative discussion. The DNPCT voted in favor of the Permit waivers.

The process moved forward through the Planning Commission and then toward the City Council. At this point

the Church employed a lawyer and found that they had a civic use clause that allowed for a larger buffer zone for them and for their entire property. The Guesthouse had, I was told talked to city planning to reveal any problems and was not made aware of this before moving forward and designing the building.

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The DNPCT had voted in good faith when we approved the waivers to our FLUM. At this point we were not sure how to follow forward. The permit was not kicked back to us and lawyers were becoming involved. It was becoming really a problem between two neighbors. Contact teams are not designed to deal with this sort of thing long term and we waited and watched. Eventually it went to BoA, where it is now.

Many of the Euclid responses happened after the August meeting when we voted. And within the time frame of when the Church did their walk in the neighborhood. These neighbors did not hear both sides or even probably hear the other side. Photos were provided to show the building backing up to the Euclid fence line. We had both the Guesthouse Hotel, the Church and local affected neighbors return to follow up at a later meeting to readdress concerns and again allow for both sides to present. There were more Euclid neighbors but the discussion still did not seem to lead for a change to reproach another vote and again the city was now involved with both groups.

The Guesthouse group has made a valid attempt to buffer the possible noise and sight problems with fences and vegetation from the beginning and throughout the process. They offered to amend their designs throughout the process and seemed to want to work with all concerned to move forward.

What the Church is asking for with the civic use clause will prevent anything from ever being built on the adjacent land. There is already a State Juvenile Building and some apartments on the south side but distanced separated due to the parking lot that was built probably within the last thirty to forty years and were allowed to be built.

The land that the Guesthouse intends to build on has been a neighborhood nuisance problem for years with transient populations squatting there until the police have to be called. Guesthouse has now placed a fence around the property.

The very rights that the Church is stating why the Guesthouse cannot be built are also the very rights they claim to want to preserve for themselves, their guests, and their property.

Guesthouse has already an example of what will take place on this property in Chicago. Is it that much different than what is allowed just north on S. Congress? Have there not been similar discussions of coding and permitting applied there when another church on the South Congress east side gave up its parking property to allow building next to it? Is this not a corridor question, a need for our city to provide more hotel rooms around the heart of the inner city? This is not a \$50 a night establishment, will there not be someone on site to address problems, will the pool times not be controlled to prevent most problems of noise and such? Is there even a use of land that could ever be approved under the limited standards set before you now to discuss? Has there ever been as proper meeting by both sides to compromise and actually look at what is proposed?

The neighborhood members that voted that night in June looked at the presentation from both sides, understood as best as citizens can for the short period of time that they can witness and ingest the presented information and with trying to think about the neighborhood Plan, the FLUM and what and how it might fit into the future of our neighborhood and made their decision.

It was made by neighbors for the neighborhood as best we could. Was it the right call for all, and could it have gone another way?

Our CT tried to do what we were designed to do. Meet with both sides, listen to what was being proposed and how it will affect neighbors and the neighborhood and still support the NP document and FLUM, as we understood it to be. As they are waivers from the existing FLUM plan, we can allow them to move forward or not. Thus permitting allowing for changes to fit special needs that are brought forward by existing situations, coding as it exists and needs to add to city and neighborhood needs and the developers desires. We present our

opinion to give the city an idea of how we see it affecting us. It is a recommendation from those in the neighborhood area to the city beings that will actually make the final decision that they also feel is best for the area and the city fitting in with the present city plan, considering that it is on a corridor and how this maybe followed up in the new city planning that is now beginning to be brought forward.

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Thank you for considering this.

Martin Harris
Chair, Dawson Neighborhood Contact Team