

### THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2019-0098

DISTRICT: 3

REQUEST: Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 914 Shady Lane (Boggy Creek Watershed). Applicant's Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning (Tract 1), townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning (Tract 2A), and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning (Tract 2B). First Reading approved on July 30, 2020. Vote 11-0. Second Reading approved on September 17, 2020. Vote: 10-0, Council Member Casar was off the dais. Owner/Applicant: Kimberly Beal and Stephanie Scherzer. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122.

DEPARTMENT COMMENTS: A valid petition has been filed on this case.

OWNER/APPLICANT: Kimberly Beal and Stephanie Scherzer

AGENT: Alice Glasco Consulting (Alice Glasco)

DATE OF FIRST READING: First reading approved on July 30, 2020.

CITY COUNCIL HEARING DATES/ACTION:

September 17, 2020: Close public hearing and approve second reading approved on September 17, 2020. Vote: 10-0, Council Member Casar was off the dais.

August 27, 2020: Postponed to September 17, 2020 at the request of staff, granted on consent.

July 30, 2020: Keep public hearing open and approve SF-6-CO-NP on Tract 1, SF-6-NP on Tract 2A, and LR-MU-CO-NP on Tract 2B as recommended by Commission on 1st reading only, on consent (11-0).

June 11, 2020: Postponement request by Staff to July 30, 2020, granted on consent.

May 21, 2020: Postponement request by Staff to June 11, 2020, granted on consent.

March 26, 2020: Meeting cancelled.

February 6, 2020: Postponement request by Staff to March 26, 2020, granted on consent.

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin

e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

## SECOND READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2019-0098

DISTRICT: 3

REQUEST: Conduct a public hearing and approve second reading of an ordinance amending City Code Title 25 by rezoning property locally known as 914 Shady Lane (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning (Tract 1), townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning (Tract 2A), and neighborhood commercial -mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning (Tract 2B). Owner/Applicant: Kimberly Beal and Stephanie Scherzer. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122.

DEPARTMENT COMMENTS: The public hearing has been left open. A valid petition has been filed on this case.

OWNER/APPLICANT: Kimberly Beal and Stephanie Scherzer

AGENT: Alice Glasco Consulting (Alice Glasco)

DATE OF FIRST READING: First reading approved on July 30, 2020.

CITY COUNCIL HEARING DATES/ACTION:

September 17, 2020:

August 27, 2020: Postponement request by Staff to September 17, 2020, granted on consent.

July 30, 2020: Keep public hearing open and approve SF-6-CO-NP on Tract 1, SF-6-CO-NP on Tract 2A, and LR-MU-CO-NP on Tract 2B as recommended by Commission on 1st reading only, on consent (11-0).

June 11, 2020: Postponement request by Staff to July 30, 2020, granted on consent.

May 21, 2020: Postponement request by Staff to June 11, 2020, granted on consent. March 26, 2020: Meeting cancelled.

February 6, 2020: Postponement request by Staff to March 26, 2020, granted on consent.

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin

e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2019-0098 - Shady Lane Mixed Use

DISTRICT: 3

ZONING FROM: SF-3-NP-NP

TO: SF-6-NP (Tract 1) and LR-MU-NP (Tract 2), as amended

ADDRESS: 914 Shady Lane

SITE AREA: 4.134 Acres (Tract 1: 1.72 Acres; Tract 2: 2.41 Acres)

PROPERTY OWNERS/APPLICANT:

Kimberly Beal and Stephanie Scherzer

AGENT:

Alice Glasco Consulting  
(Alice Glasco)

CASE MANAGER: Heather Chaffin (512-974-2122, [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov))

STAFF RECOMMENDATION:

**Staff supports the Applicant's request of SF-6-NP on Tract 1 and LR-MU-NP on Tract 2, as amended.** *For a summary of the basis of staff's recommendation, see case manager comments on page 3.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 23, 2020: To grant SF-6-CO-NP on Tract 1, SF-6-CO-NP on Tract 2A, and LR-MU-CO-NP on Tract 2B. Conditions for each tract are outlined in the Neighborhood Compromise Agreement (Exhibit G). (12-0) [Llanes-Pulido- 1st, Azar- 2nd]

May 26, 2020: Postponement request by Neighborhood to June 23, 2020, granted on consent.

May 12, 2020: Postponement request by Staff to May 26, 2020, granted on consent. March 24, 2020: Meeting cancelled.

February 25, 2020: Postponement request by Applicant to March 24, 2020, granted on consent.

January 14, 2020: Postponement request by Applicant to February 25, 2020, granted on consent.

CITY COUNCIL ACTION:

August 27, 2020:

July 30, 2020: Keep public hearing open and approve SF-6-CO-NP on Tract 1, SF-6-CO-NP on Tract 2A, and LR-MU-CO-NP on Tract 2B as recommended by Commission on 1st reading only, on consent (11-0).

June 11, 2020: Postponement request by Staff to July 30, 2020, granted on consent.

May 21, 2020: Postponement request by Staff to June 11, 2020, granted on consent.

March 26, 2020: Meeting cancelled.

February 6, 2020: Postponement request by Staff to March 26, 2020, granted on consent.

ORDINANCE NUMBER:

**ISSUES:**

The Applicant and Neighborhood have agreed to a compromise list of conditions for the proposed rezoning. The Planning Commission recommendation includes those conditions with the understanding that some items may not be enforceable by the City via Conditional Overlay (CO) or Public Restrictive Covenant (RC). ***Please see Exhibit G- Neighborhood Compromise Agreement.***

The Applicant originally requested CS-MU-NP on Tract 2 but has revised the request to LR-MU-NP. The compromise agreement would divide the property into Tracts 1, 2A, and 2B. ***Please see Exhibit H- Revised Zoning Map.***

A petition has been filed in opposition to the proposed rezoning. The petition currently stands at 28.09% of eligible signatures and meets the threshold of a Valid Petition. The petition may be withdrawn if the compromise is adopted.

The property is crossed by a section of Boggy Creek and is significantly impacted by the associated floodplain, water quality zones, and City drainage, utility, and access easements.

***Please see Exhibits C and D – Environmental Exhibit and Valid Petition Request.***

**CASE MANAGER COMMENTS:**

The subject property is located on the west side Shady Lane approximately 500 feet south of Airport Boulevard. The property is zoned SF-3-NP and is developed with a single family residence, urban farm, and related structures. Immediately south of the property is Anita Ferrales Coy Facility (formerly Allen Elementary) which is zoned P-NP. Immediately north of Tract 1, in the rear of the property, are single family residences zoned SF-3-NP. A SF-3-NP neighborhood extends further northwest to Bolm Road. Tract 2 is also adjacent to SF-3-NP lots, but also adjacent to GR-MU-NP lots that front Shady Lane. GR-MU-NP and GR-NP zoning lots extend north along Shady Lane to Airport Boulevard and are developed with automotive repair and single family uses. Directly across Shady Lane are properties zoned LO-MU-NP and SF-3-NP that are developed with a mix of uses, including art studio, administrative/business offices, and single family residential. Further northeast, across Shady Lane, is a fast food restaurant zoned CS-CO-NP. Southeast of the rezoning property are lots zoned SF-3-NP that face Shady Lane and Glissman Road. West and southwest of the property are lots zoned SF-3-NP developed with single family residential use; further west and southwest of the property are properties zoned CS-MU-CO-NP, LR-MU-NP, P-NP, and SF-3-NP that are developed with a mix of uses including single family residential, professional offices, religious assembly, urban farm, restaurant, and other land uses. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

As stated in the Issues section above, the property contains a section of Boggy Creek which limits vehicular access to the site. The subject property has frontage on Shady Lane but is adjacent to two local streets that are interior to the surrounding single family neighborhood. Mansell Avenue is located near the western boundary of the site, but the paved roadway does not extend across Boggy Creek; a pedestrian bridge extends across the creek, connecting the northern and southern portions of Mansell Avenue. Gullett Street dead ends north of the site. Vehicular access and creek protection are reviewed at time of site plan, but the constraints clearly limit if development of the property is able to achieve the maximum densities permitted under the proposed zoning classifications. ***Please see Exhibit C – Environmental Exhibit.***

Staff has received correspondence from neighbors in opposition, as well as a Valid Petition request. As stated in the Issues section, the petition currently stands at 28.09% of eligible

signatures, meeting the threshold of a Valid Petition. The Agent for the proposed rezoning and a consulting engineer have provided letters that include additional details about the physical constraints of the site and the proposed rezoning. Some of this correspondence addresses various proposed proposals/counter proposals that have not been agreed to by both parties. ***Please see Exhibits D and E– Valid Petition Request and Correspondence.***

The draft land development code (LDC) designates this property Residential 2B (R2B) zone which is intended to allow detached housing with accessory dwelling units (ADUs) or duplexes in a more urban setting. The commercial properties along Shady Lane to the north are designated Mixed-Use 5A (MU5A) which is intended to allow high-intensity multi-unit residential, office, service, retail, and entertainment uses. Across Shady Lane to the east are areas designated R2B, R2A and MU3. Residential 2A (R2A) zone is intended to allow detached housing with accessory dwelling units (ADUs) or duplexes in a more suburban setting; Mixed-Use 3 (MU3) zone is intended to provide a mix of low to medium scale residential and commercial uses, including employment, shopping and daily services. ***Please see Exhibit F- Draft LDC Zoning Exhibit.***

Staff supports the requested SF-6-NP on Tract 1 and LR-MU-NP on Tract 2. This property is significantly constrained by Boggy Creek which leaves limited area for development. If Tract 1 is developed with townhouse condominium land use, residential units could potentially be clustered near the termination of Mansell Lane. Clustered units allow residences to be placed closed together and further from the creek. Staff also supports LR-MU-NP for Tract 2. There are commercially zoned properties along Shady Lane that range in intensity, with more intense categories to the north near Airport Boulevard and less intense in the immediate area. LR-MU-NP would allow neighborhood commercial, residential, or mixed use development on the site, providing a transition toward the residential areas to west.

#### **BASIS OF RECOMMENDATION:**

1. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The Strategic Housing Blueprint promotes a mix of housing types and densities across the city.

2. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

The subject property is in an area that transitions from the commercial corridor of Airport Boulevard to the north and the residential areas to the south and west. The property is also located along Shady Lane, which has a mix of commercial and residential zoning, and extends west into a residential neighborhood. The recommended zoning change would provide a transition between these areas.

3. *Zoning should allow for reasonable use of the property.*

The section of Boggy Creek that crosses the property severely constraints development of the site. SF-6-NP on Tract 1 would allow the flexible clustering of housing.

EXISTING ZONING AND LAND USES:

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Single family residential, Urban farm
<i>North</i>	SF-3-NP, GR-MU-NP, GR-NP	Single family residential, Automotive repair services
<i>South</i>	P-NP	Allen Elementary School
<i>East</i>	SF-3-NP, LO-MU-NP, CS-CO-NP	Single family residential, Art studio, Administrative/business offices, Limited restaurant
<i>West</i>	SF-3-NP, LR-MU-NP, CS-MU-CO-NP	Single family residential, Professional offices, Religious assembly, Urban farm, Restaurant

NEIGHBORHOOD PLANNING AREA: Govalle-Johnston Terrace Combined NP Area

SCHOOLS:

Govalle Elementary School  
 Martin Middle School  
 Eastside Memorial at Johnston High School

TIA: N/A

WATERSHED: Boggy Creek

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association	AISSD
SELTexas	Austin Innercity Alliance
Preservation Austin	Neighbors United for Progress
Del Valle Community Coalition	Sierra Club
Claim Your Destiny Foundation	Bike Austin
Friends of Austin Neighborhoods	PODER
Neighborhood Empowerment Foundation	Friends of Northeast Austin
Guadalupe Neighborhood Development Corporation	Black Improvement Association
Del Valle Community Coalition	East Austin Conservancy
El Concilio Mexican American Neighborhoods	United East Austin Coalition
African American Cultural Heritage District	
Govalle/Johnston Terrace Neighborhood Plan Contact Team	

AREA CASE HISTORIES:

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
<b>C14-201—0031 Springdale Farms</b>	CS-MU-CO-NP to CS-MU-CO-NP, to change a condition of zoning (Remove Restaurant (General), Restaurant (Limited), Convenience Retail, and Art	7/9/2019: To grant as recommended, on consent	8/8/2019: To grant as recommended, on consent

	Workshop from the list of prohibited uses; add a limit of 20 d.u./ac.		
<b>C14-2014-0123 Springdale Farm</b>	CS-MU-CO-NP to CS-MU-CO-NP, to change a condition of zoning (to add Outdoor Entertainment as permitted use). Request amended to include: < 2,000 vehicle trips per day; allow Outdoor Entertainment. Hours for Outdoor Entertainment land use shall be limited to the following: Friday and Saturday: 10:00 AM-11:00 PM; Sunday through Thursday: 11:00 AM-10 PM. Outdoor Entertainment prohibited within 80 feet from used or zoned SF properties. Max 30 Outdoor Entertainment events/year. Prohibited land uses: Alternative Financial Services, Bail Bond Services, Pedicab Storage/Dispatch, and Guidance Services.: Hospital Services (General), Maintenance and Service Facilities, Art and Craft Studio (General), Automotive Rental, Automotive Repair Services, Automotive Sales, Automotive Washing (Of Any Type), Business or Trade School, Business Support Services, Campground, Commercial Blood Plasma Center, Commercial Off-Street Parking, Consumer Convenience Services, Consumer Repair Services, Convenience Storage, Drop-Off Recycling Collection Facility, Electronic Prototype Assembly, Equipment Repair Services, Equipment Sales, Limited Warehousing & Distribution, Exterminating Services, Community Recreation (Public & Private), Financial Services, Food Sales, Funeral Services, General Retail Sales (Convenience), General Retail Sales (General), Kennels, Laundry Services, Monument Retail Sales, Off-Site Accessory Parking, Outdoor Sports and Recreation, Pawn Shop Services, Personal Improvement Services, Personal Services, Pet Services, Research Services, Restaurant (Drive-In, Fast Food), Restaurant (Limited, General), Service Station, Theater, Vehicle Storage, Veterinary Services, Custom Manufacturing, Club or	10/28/2014: To grant CS-MU-CO-NP with the following changes: the maximum number of outdoor entertainment events per year shall not be a condition of zoning, and may be addressed at time of conditional use permit; outdoor entertainment events, including set-up, shall not begin before 3:00 p.m. on school days; and the Decibel limit at the property line shall be 75 db max. (8-0)	12/11/2014: ORD NO. 20141211-147 Approved adding the following conditions: No. of events/year: < 50 people – no limit; 51 to 150 people – no more than 22 events; 150+ people – no more than 5 events. Hours of Events: Monday – Thursday - 3:00 p.m. to 8:00 p.m.; Friday - 3:00 p.m. to 9:00 p.m.; Saturday - 10:00 a.m. to 10:00 p.m.; Sunday - 10:00 a.m. to 8:00 p.m. No events over 150 will be allowed after 5:00 p.m. Amplified Sound Only permitted for 20 events of between 51 and 150 people, all other events are not amplified. Hours of amplified sound: Sunday through Friday from 10:00 a.m. to 8:00 p.m. and Saturday from 10:00 a.m. to 10:00 p.m. All sounds are limited to no more than 75 decibels. No amplified sound will be permitted during the last five days of “Spring Festival Season” as defined in 9-2-1(12)S. Location of Events: No events are held within 80 feet from any property zoned or used for

	Lounge, College and University Facilities, Congregate Living, Residential Treatment, Transitional Housing, Transportation Terminal, Hotel-Motel, Indoor Entertainment, and Indoor Sports and Recreation.		single family residential.  11/20/2014: Approved on 1 <sup>st</sup> reading only (5-1-1)
C14-2017-0090.SH Springdale Arts	SF-3-NP to GR-MU-NP (not recommended by Staff)	12/12/2017: To grant GR-MU-CO-NP (11-0). Conditions: NTA, Drive-in services prohibited; 8' privacy fence & 25' veg. buffer on north property line; Max 3 stories/40' height; Max 40% Comm'l uses; SF-5 and less intense uses only within 75 feet of the north property line; prohibited uses: Funeral svcs, Pawn shop svcs, Bail bond svcs, Auto repair svcs, Auto washing (of any type), Outdoor entertainment, Hospital svcs (general), Residential treatment, Med offices > 5,000 sf, Restaurant (general), Service station, Exterminating svcs, Alt financial svcs, Auto rentals, Auto sales, Drop-off recycling collection facility Outdoor sports and rec, Hospital services (ltd), Hotel-motel, Offsite accessory parking, Restaurant (ltd), Theater	02/15/2018: To grant GR-MU-CO-NP as rec by PC, Ord. 20180215-064

#### EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Shady Lane	70'	42'	ASMP Level 2	Yes	Yes	Yes
Gullett St*	50'	30'	ASMP Level 1	No	No	Yes
Mansell Ave*	50'	30'	ASMP Level 1	No	No	Yes

\*ROW abuts creek



OTHER STAFF COMMENTS:ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
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. At this time, site specific information is unavailable regarding 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.

SITE PLAN

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

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.

SP 3. 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 4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

SP 5. The site is subject to compatibility standards. Along the northeast, northwest, and southwest SF-3-NP property lines, 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, height limitation is 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. (use 540' radius)
- ☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less property in an SF-5 or more

restrictive zoning district.

☐ A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

SP 6. The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

### TRANSPORTATION

TR 1. 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. The Austin Strategic Mobility Plan requires 74 feet of right of way for Shady Lane. Additional right-of-way shall be required at the time of subdivision and/or site plan. According to the ASMP, a protected bike lane has been recommended along Shady lane.

The adjacent street characteristics are described in the table below:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Shady Lane	70'	42'	ASMP Level 2	Yes	Yes	Yes
Gullett St*	50'	30'	ASMP Level 1	No	No	Yes
Mansell Ave*	50'	30'	ASMP Level 1	No	No	Yes

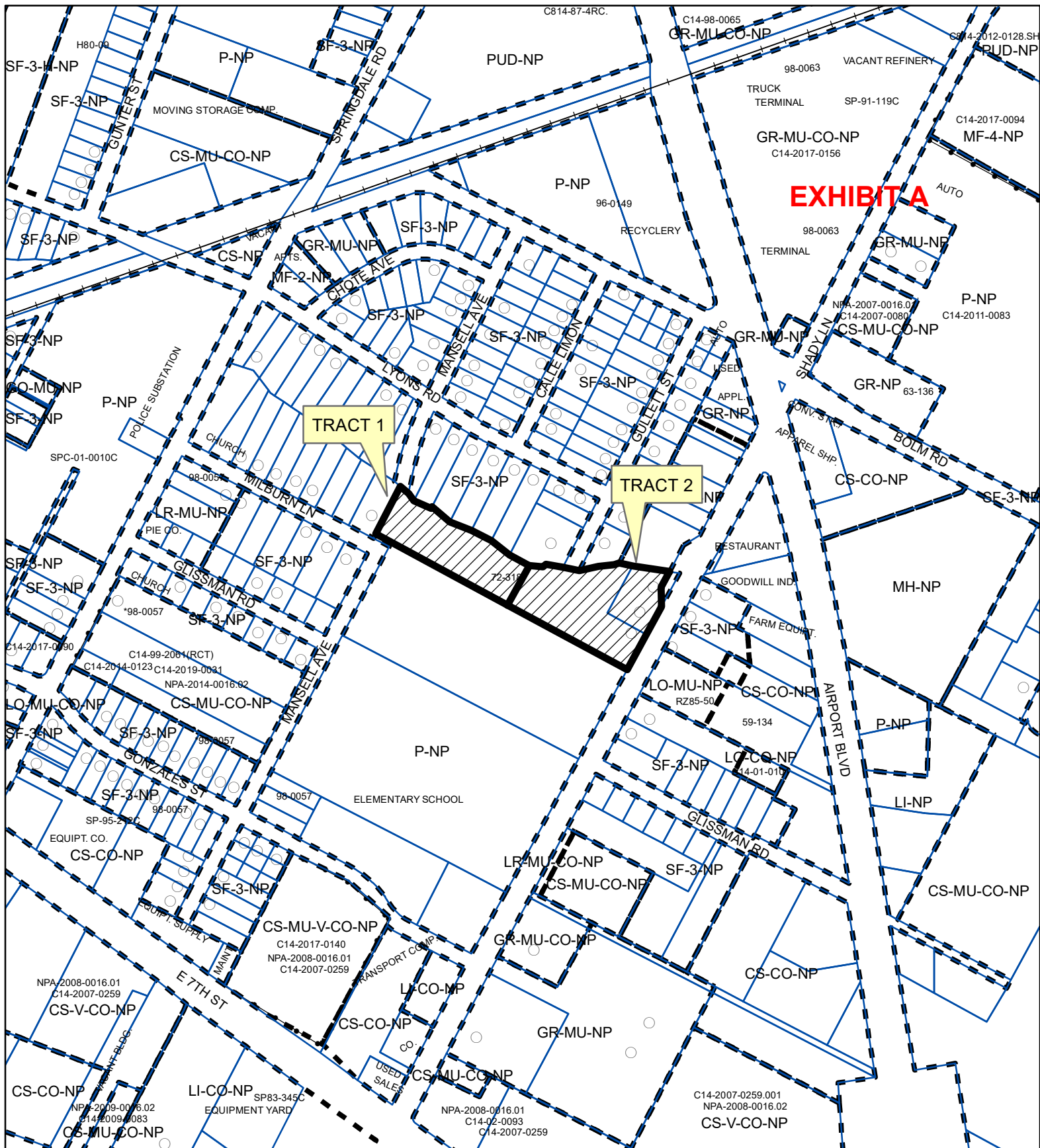
\*ROW abuts creek

### WATER UTILITY

1. 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 land use. 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.

### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. Environmental Exhibit
- D. Valid Petition Request
- E. Correspondence
- F. Draft LDC Zoning Exhibit
- G. Neighborhood Compromise Agreement
- H. Revised Zoning Map



**EXHIBIT A**




TRACT 1

TRACT 2

## ZONING

ZONING CASE#: C14-2019-0098



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

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.



Created: 9/24/2019





### SHADY LANE MIXED USE

ZONING CASE#: C14-2019-0098  
 LOCATION: 914 SHADY LANE  
 SUBJECT AREA: 4.13 Acres  
 GRID: L21  
 MANAGER: Heather Chaffin



N



1" = 400'



SUBJECT TRACT



ZONING BOUNDARY



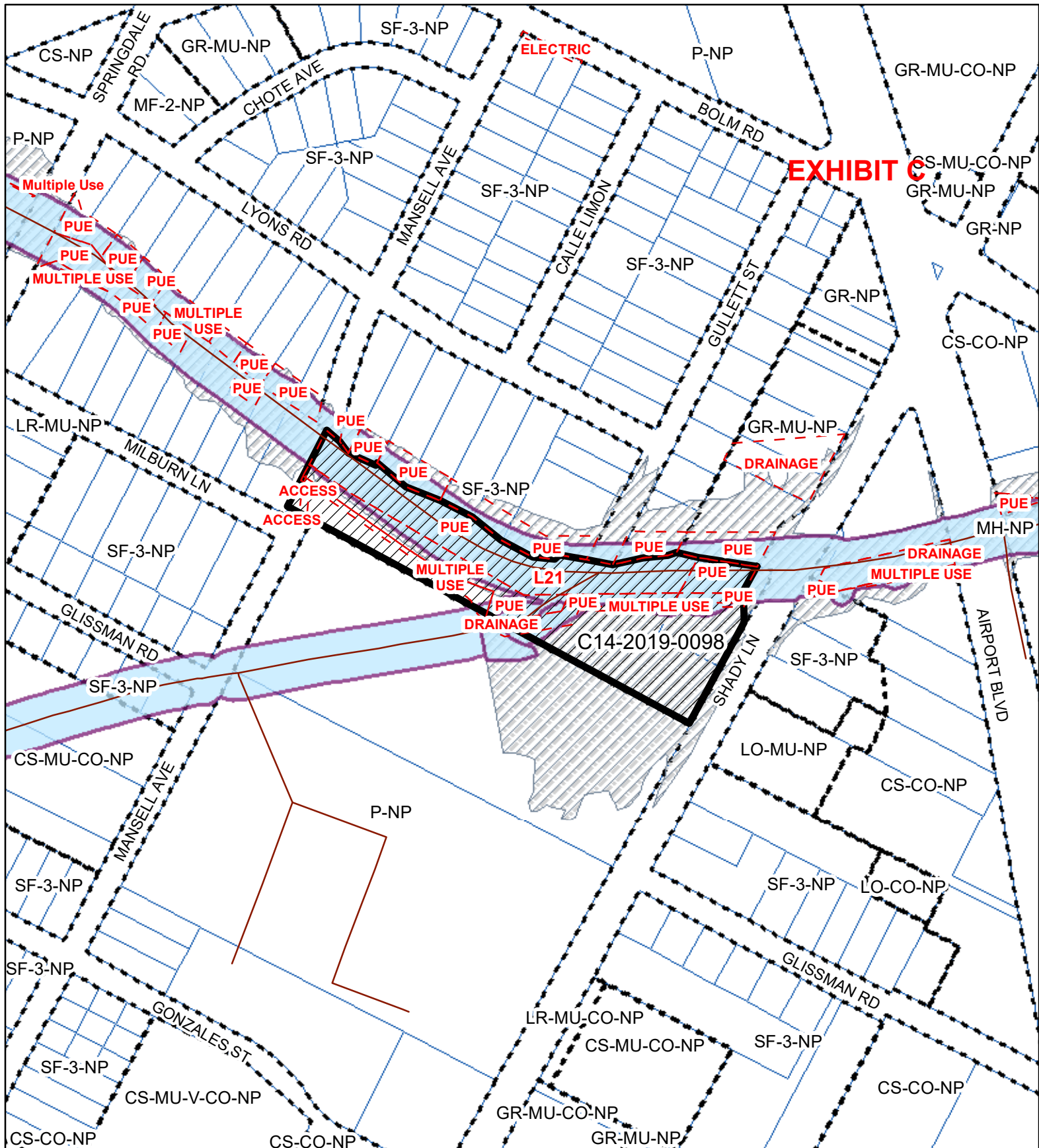
PENDING CASE



CREEK BUFFER

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





**EXHIBIT C**

**C14-2019-0098**

**Shady Lane Mixed Use**

ZONING CASE#: C14-2019-0098  
 LOCATION: 914 Shady Lane  
 SUBJECT AREA: 4.13 Acres  
 GRID: L21  
 MANAGER: Heather Chaffin



- SUBJECT TRACT
- ZONING BOUNDARY
- Utility Easements
- CREEK BUFFER
- FULLY DEVELOPED FLOODPLAIN



1" = 250'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

# RAIN LILY FARM - 914 SHADY LANE

**EXHIBIT D**

## REQUESTED A ZONING CHANGE + NEIGHBORHOOD PLAN AMENDMENT

From SF-3 to CS-MU and SF-6 with REMOVAL of the stream designation

## WE OPPOSE!

**Please Sign (in black ink) the Petition ASAP and mail to:**

**City of Austin  
Planning and Zoning Department  
Heather Chaffin  
PO Box 1088  
Austin, TX 78767-8810  
Case Number: C14-2019-0098 (and NOA-2019-0016.01)**

**Be sure to include:**

Your signature (in black ink)

Your name

Your address

Your phone number (in case there are questions about your information)

**If you have questions, please contact:**

**Maureen Meredith / CoA Neighborhood Plan Case Manager 512.974.2695,  
maureen.meredith@austintexas.gov**

**Heather Chaffin / CoA Zoning Case Manager 512.974.2122,  
heather.chaffin@austintexas.gov**

**Alice Glasco / Applicants Consultant 512.231.8110**

**Pio Renteria / CoA City Council District 3 Member 512.978.2103**

**Please attend the next meeting:**

**SATURDAY, SEPT 28, 10:00am CITY MEETING**

Case Meeting: The case will come to the Neighborhood Contact Team. Neighbors should attend. Location: Poder Office / 4926 E Cesar Chavez St, Austin, TX 78702

# PETITION

**Date:** 9/23/2019

**File Number:** C14-2019-0098 and NOA-2019-0016.01

**Address of Rezoning Request:** 914 Shady Lane Austin, TX 78702

**To:** 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 SF-3.

## REASONS FOR PROTEST

1. Property is currently zoned SF-3 with NP in place.
2. We do not support a change or amendment to the Neighborhood Plan / Future Land Use Map.
3. Property is not a main corridor or transition zone and should not be considered for upzoning.
4. A zoning change would further exacerbate already overcrowded street parking spaces on Shady Lane.
5. A zoning change would add more noise, light pollution and traffic to our homes. The drainage built into Boggy Creek acts as an amplifier for any sound in the area.
6. Property currently holds "urban farm" status, which enables the property to hold events and conduct limited commercial activities.
7. The applicants have no plans for what type of businesses or what division, of specificity, of residential, commercial and industrial uses the property would be bringing to the neighborhood.
8. Zoning change (SF-3-NP to CS-MU, stream removal, and SF-6) positions the applicants to be able to build a road linking the MU to the SF portion, greatly increasing already over crowded streets and further endangering large amount of pedestrian and cyclist traffic, compromising safety.
9. The requested change would decrease the desirably value of our homes. Some of the neighbors and prospective buyers are favoring properties with the NP zoning precisely to keep CS and MU out of their homes.
10. The requested zoning change would negatively affect the wildlife and green space in the area. Currently the area is a respite for many native species and even rare species are spotted in the area.
11. The majority of the Tract requesting SF-6 is in a city easement and which includes a very popular and heavy traffic pedestrian bridge. A large portion of the Tract requesting CS-MU is in a city easement as well.
12. There are a large number of neighborhood properties nearby in corridors or transition zones that already have CS-MU or similar zoning to achieve these needs or could be rezoned without bringing development to an interior neighborhood. There are already more than a dozen large developments coming to Govalle that we have not yet seen or are prepared to deal with the implications of.
13. The school property has become a much loved park for families and very active soccer field. This is wonderful. However, it adds a ton of pedestrian, car traffic and parked cars to an overcrowded, small street. The visibility in this area is already a safety concern.

14. The neighborhood worked very hard to downzone the neighborhood not that long ago. Many of us still live in the neighborhood and remember this battle. We are not eager to see our efforts to keep the homes we have lived in for decades be erased by people wanting to turn a large profit by upzoning their property.
15. The Govalle Future Land Use Map (FLUM) states that that our our most important issue is, "preservation of single family housing".
16. The Govalle Future Land Use Map (FLUM) states that our Land Use Goals are, "Goal 1: Adjacent land use should be compatible. Goal 2: Preserve and protect current and support future single-family neighborhoods".
17. The traffic and safety issues are already a big concern for neighbors. We believe the area is already developing at a rate the city the can't keep up with in addressing the parking, traffic, transit and safety issues within. With the huge amount of housing being developed at Bolm/Airport intersection, a school being added at 831 Springdale and Springdale Farms headed for Mixed Use development, this will only add to the current safety concerns.
18. The current owners often and publicly advocated for the need for urban farms. We thank them for bringing this belief to everyone. We do believe our neighborhood needs urban farms.
19. The property seems to be pushing the boundaries of their current zoning and not sensitive to the surrounding area. This has brought a lack of trust to what they may do if granted rezoning.
20. Nearly 100% of property requesting CS-MU is in the floodplain and nearly 75% of the proposed SF-6. The definition of a floodplain is for it to be used by the city to regulate development.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address	Phone
	Robert Nash	8400-A Greenflint	512-779-3847
	Jason Fister	"	512-909-2024
	Lindsay Woodruff	Austin	512 625 4331
	Mike Farmer	3410 Bridle Path	512 474 7671
	Sarah Young	1422 Newning Ave.	415 984 3804
	CHARLES YOUNG	26 REESE DR	415-637-9585
	THOMAS GRAVES	611 VERMONT RD 78702	502-303-6441
	Hannah Kenah	1611 G. L. St Austin 78722	512-529-7299
	Jenna Carrens	4814-D Red River St 78751	409-553-9198
	DORTHEASTON WAYT MIKE TROY	4113 Idlewild Rd 4510 PECAN PL	512 547 7719 512-740-6811
	Jennifer Troy	4510 Pecan Pl	512 699 9934
	Aris Roberts-Kelly	2405 East 612	512-779-9814
	Mark Downs	2200 E. 612	512-633-9351
	Sharon Smith	1204 Choquette Dr	512 371 1413
	Melanie Schoppa	8604 Regal	(512) 293-9505
	Danielle Kahikina	827 Gullett St #B	860-214-5184
	Nelson Kahikina	827 Gullett St. #B	777-209-1094
	Molly Redfern	3905 Clawson	601-954-6993

Date: 9/23/2019 Contact Name: Tim Murphy

Phone Number: (512) 627-3902 Email: timurphy75@gmail.com

Margo Saurer margo.saurer@gmail.com 119 Central Ave, Eighth 7862  
612-661-8689



- (PLEASE USE BLACK INK WHEN SIGNING PETITION)

Date: 9/23/2019 Contact Name: Tim Murphy  
Phone Number: (512) 627-3902 Email: timurphy75@gmail.com

- (PLEASE USE BLACK INK WHEN SIGNING PETITION)

Date: 9/23/2019 Contact Name: Tim Murphy

Phone Number: (512) 627-3902 Email: [timurphy75@gmail.com](mailto:timurphy75@gmail.com)

14. The neighborhood worked very hard to downzone the neighborhood not that long ago. Many of us still live in the neighborhood and remember this battle. We are not eager to see our efforts to keep the homes we have lived in for decades be erased by people wanting to turn a large profit by upzoning their property.
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20. Nearly 100% of property requesting CS-MU is in the floodplain and nearly 75% of the proposed SF-6. The definition of a floodplain is for it to be used by the city to regulate development.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address	Phone
	BORAMI LEE	913 Linden St.	425 328 9780
	Katiana Hernandez	913 Linden St	385-245-3019
	M. Chung	913 Linden St.	255-328-9782
	Sal Garcia	2506 HALWOOD DR	281-458-2308
	Onu	5108 BENTONWOOD	562-697-390
	Rebecca Summersett	17000 Antioch Ave.	512-940-2117
	BRENDA SILVA	10511 DOERING LN.	512 354 6620
	Analicia Bazan	Lenin Pando Royal	38 971 6762
	Nancy Green	2310 Natalie Cv	512-745-2300
	Breanna Tenorio	403 E. B. B. B. B. B.	512-554-2217
	Elva Lopez	2208 Donahue Ln	512-767-9785
	Madeleine Franck	913 Linden Street	512 642 8813
	NORMA VENTURA	913 LINDEN STREET	832 460 8392

Date: 9/23/2019 Contact Name: Tim Murphy

Phone Number: (512) 627-3902 Email: timurphy75@gmail.com

Case Number:

**PETITION****C14-2019-0098**

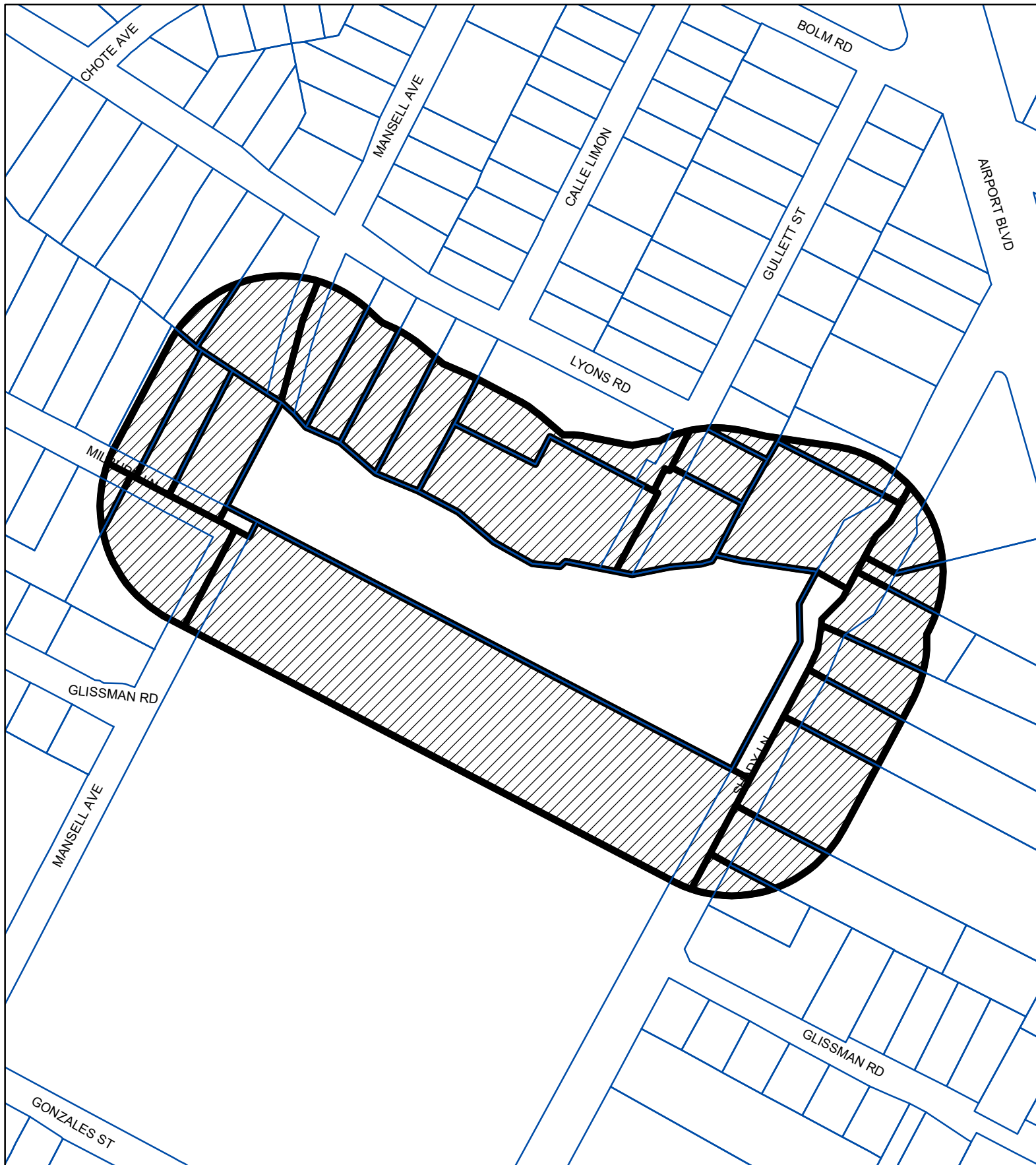
Date: 10/8/2019

Total Square Footage of Buffer: 597840.027

Percentage of Square Footage Owned by Petitioners Within Buffer: 28.09%

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	Percent
0202170102	915 SHADY LN 78702	828 AIRPORT LLC	no	13773.72	0.00%
0203180404	838 AIRPORT BLVD 78702	838 AIRPORT 2017 LP	no	5720.76	0.00%
0202170107	903 SHADY LN 78702	ARELLANO MANUEL	no	4668.15	0.00%
0202160103	4900 GONZALES ST 78702	AUSTIN PUBLIC SCHOOLS	no	179810.25	0.00%
0204160610	4803 LYONS RD 78702	BOCKHEIM RACHEL ANN & TIMOTHY W MURPHY	yes	12046.71	2.02%
0202160146	4703 MILBURN LN 78702	CARDONA ROSEMARY R & JULIO M	yes	2574.44	0.43%
0203180403	844 AIRPORT BLVD 78702	DANS-AIRPORT LLC	no	9391.70	0.00%
0204161108	4617 LYONS RD 78702	FIDELIA BONILLA	no	21843.62	0.00%
0204160305	827 GULLETT ST 78702	GARDNER MEREDITH	yes	19110.10	3.20%
0204160306	829 GULLETT ST 78702	GARDNER MEREDITH	yes	10004.28	1.67%
0204160606	4807 LYONS RD 78702	KLINEFELTER PHILIPPE & SUN YON	yes	14860.65	2.49%
0204160603	800 GULLETT ST 78702	KLINEFELTER PHILIPPE & SUNYONG	yes	51163.53	8.56%
0204160605	4805 LYONS RD 78702	KLINEFELTER PHILIPPE & SYNYONG	yes	14599.59	2.44%
0204161107	4615 LYONS RD 78702	LANGHAM LAURA C & ISRAEL PANTOJA	no	3191.73	0.00%
0202160149	4708 MILBURN LN 78702	MILBURN LANE LLC	no	19538.83	0.00%
0202160150	4706 MILBURN LN 78702	MILBURN LANE LLC	no	13180.80	0.00%
0204160611	4903 LYONS RD 78702	PECAN PROPERTIES	no	19567.37	0.00%
0202170109	814 AIRPORT BLVD 78702	PLUMBERS & PIPE FITTERS #286	no	26784.22	0.00%
0202160147	4705 MILBURN LN 78702	PLUMLEY FRANK	yes	28449.37	4.76%
0204160604	4801 LYONS RD 78702	RAMIREZ FEDERICO JR & RUTH	yes	15113.95	2.53%
0204160307	901 GULLETT ST 78702	REYES ELVIRA L	no	2414.23	0.00%
0202170108	905 SHADY LN 78702	ROSA RAUL & GUADALUPE G ROSA	no	12402.69	0.00%
0202170101	917 SHADY LN 78702	SAMS RADIATOR INC	no	13385.79	0.00%
0203180406	923 SHADY LN 78702	SAMS RADIATOR INC	no	14874.85	0.00%
0204160304	920 SHADY LN 78702	WIELAND MARK R	no	36864.42	0.00%
0204160315	SHADY LN 78702	WOODLAND BALL LLC	no	7164.25	0.00%
0202160301	Address Not Found		no	11645.16	0.00%
<b>Total</b>				<b>584145.17</b>	<b>28.09%</b>



N



BUFFER

PROPERTY\_OWNER

SUBJECT\_TRACT

## PETITION

Case#: C14-2019-0098

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.



1" = 200'

## ALICE GLASCO CONSULTING

[alice@agconsultingcompany.com](mailto:alice@agconsultingcompany.com)\* Tel. 512-231-8110

**EXHIBIT E**

July 22, 2019

Mr. Greg Guernsey, Director  
Neighborhood Planning and Zoning Department  
505 Barton Spring Road, Suite 500  
Austin, Texas 78704

RE: Govalle /Johnson Terrace Combined Neighborhood Plan Amendment and rezoning  
for 914 Shady Lane

Dear Greg:

I represent Kimberly Beal and Stephanie Scherzer, the owners 914 Shady Lane in a request to amend the Future Land Use Map (FLUM) of the Govalle /Johnson Terrace Combined Neighborhood Plan and associated rezoning.

The property is currently zoned SF-3-NP. Our request is to change the FLUM from Single Family and Water to Higher-Density Single Family for tract 1, and Mixed Use for tract 2.

The majority of the subject property was erroneously designated as WATER when the neighborhood plan was initially adopted in 2003. The site has a single family house built in 1942 according to TCAD records and this portion of the site is designated as Single Family on the FLUM. The site, which comprises 4.134 acres, is also used as an urban farm and includes a concrete drainage easement which we believe, resulted in the erroneous designation of the majority of the site as WATER on the FLUM.

### **JUSTIFICATION FOR A PLAN AMENDMENT**

1. A change to the FLUM would accomplish two things: correct a map error and allow for the rezoning of the site to allow residential and commercial uses.
2. The proposed amendment is consistent with the goals and objectives of the neighborhood plan. The land use goal and key principles that support our plan amendment request are as follows: Land Use Goal # 3: Develop a balanced and varied pattern of land use.



Mr. Greg Guernsey  
RE: Govalle /Johnson Terrace Combined Neighborhood Plan Amendment and rezoning  
for 914 Shady Lane

**Key Principles**

- Provide a balance of land use and zoning for people to both live and work in the area.
  - Encourage mixed use so that residential uses are allowed on some commercial properties.
  - Provide opportunities for land uses that serve the needs of daily life (live, work, play, shop).
3. The NPA is consistent with Imagine Austin Comprehensive Plan's policy – LUT P7, which states: encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

We look forward to a positive staff recommendation. Please let me know if you have any questions or need additional information.

Sincerely,



Alice Glasco, President  
Alice Glasco Consulting

Cc: Maureen Meredith, Neighborhood Planner



Engineering Solutions

July 16, 2019

**VIA E-Mail**

Mr. Greg Guernsey, Director  
City of Austin  
Planning and Zoning Department  
505 Barton Springs Road  
Austin, Texas 78704

**Re: 914 Shady Lane  
Rezoning and Neighborhood Plan Amendment  
TRE Job No: 1939-11743-51**

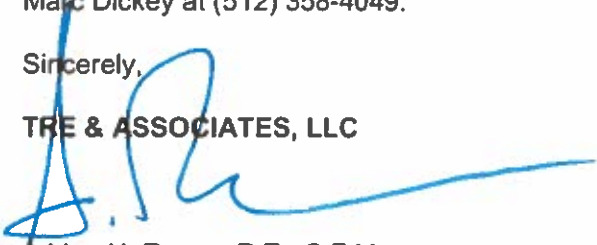
Dear Mr. Guernsey:

On behalf of the landowner for 914 Shady Lane, please let this letter serve as clarification regarding the future land use category for this property. As shown on the Govalle/Johnston Terrance Combined Neighborhood Planning Area Adopted Future Land Use Map dated April 1, 2003, this property is classified in the "Water" future land use category. The property comprises 4.134 acres and approximately 43% of the site is developable. The other 57% of the site is undevelopable because it contains a concrete drainage easement; part of Boggy Creek. According to City records, the property is zoned SF-3-NP and has been used as a single-family residence and urban farm. Based on the current zoning and use of the property as a residence, it is our opinion that the future land use category of "Water" was an error and should be changed to match the requested zoning of SF-6 for tract 1 and CS-MU for tract 2.

If you should have any questions or require additional information, please contact me or Marc Dickey at (512) 358-4049.

Sincerely,

**TRE & ASSOCIATES, LLC**

  
Adrian H. Rosas, P.E., C.F.M.  
Vice-President

AHR:rb  
Attachments

cc: Mr. Marc Dickey.; TRE & Associates, LLC  
Ms. Alice Glasco; Alice Glasco Consulting



**From:** Rachel Bockheim  
**Sent:** Tuesday, January 07, 2020 11:51 AM  
**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
**Cc:** SUNYONG CHUNG; Tim Murphy; Philippe Klinefelter; Meredith Gardner  
**Subject:** Re: city recommended zoning, still the same?

\*\*\* External Email - Exercise Caution \*\*\*

Hi Heather,

As you know, we would prefer to see the property remain SF-3, and remain a farm.

I have not heard from Rainlily since they told us they would go back to the drawing board and come back to us. Without hearing anything, we have met as neighbors (many times) to discuss the neighborhood needs and possible compromises in the inevitability it can't maintain as SF3. Since Rainlily has not followed up since September, I thought you may want to hear what we would be OK with considering as a compromise.

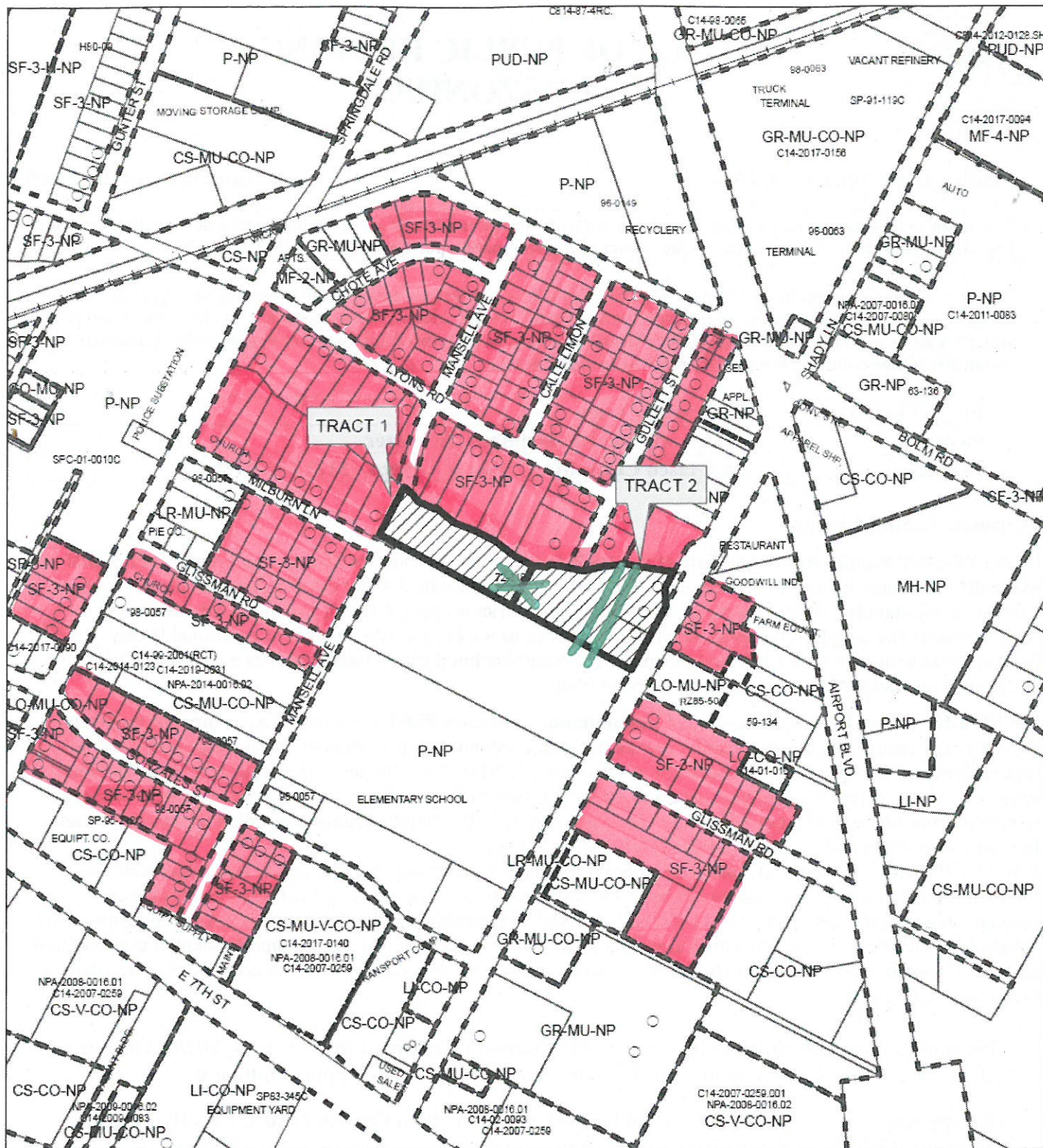
We hear from you (and Rainlily) that Shady Lane is part commercial, and that justifies thinking they could get that zoning. The majority of the property is not along Shady Lane, it's along Boggy Creek and in a residential, SF, neighborhood. We believe if any non residential zoning is granted, the tract requesting CS or LR zoning should be cut off to match the neighboring properties back reach. You can see where their house is already boxed out the Zoning map provided, Tract 2 should end there. (Drawing attached)




If you will be recommending the LR zoning, we would really like to see you consider ending Tract 2 to keep it along Shady Lane. Please see the attached map. The pink represents SF houses bordering their property. The green marker suggests possible new cut off areas for Tract 2. We believe this would be a more acceptable compromise to consider.

Let us know your thoughts.  
Thank you for keeping us involved!

Rachel Bockheim  
312.560.1799

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [CSIRT@austintexas.gov](mailto:CSIRT@austintexas.gov).



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

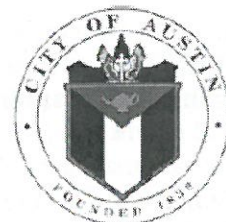
1" = 400'

## ZONING

### ZONING CASE#: C14-2019-0098

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.



Created: 9/24/2019

On May 19, 2020, at 12:40 PM, Alice Glasco < > wrote:

Daniel,

Please see our responses in blue below. Thank you for the opportunity to offer comments.

=====

Alice Glasco, President  
Alice Glasco Consulting  
512-231-8110 W  
512-626-4461 C  
Email:

**From:** Daniel Llanes <  
**Sent:** Monday, May 18, 2020 10:27 AM  
**To:** Alice Glasco <  
**Cc:** Chaffin, Heather <[Heather.Chaffin@austintexas.gov](mailto:Heather.Chaffin@austintexas.gov)>; Sun Yong Chong Potter/artist compound < >; Rachel Bockheim <  
**Subject:** RainLily Farm - NPA-2019-0016.01\_914 Shady Ln - Compromise proposal

Hi Alice,

Here is the finalized compromise proposal for your consideration. Please let us know if this is acceptable to you and your client.

thanks,

Daniel Llanes, Chair  
G/JTNP Contact Team  
512-431-9665

=====

**Subject:** Rainlily proposal, final

**LR tract ( [LR-MU-NP is acceptable as agreed to at the March 7<sup>th</sup> contact team meeting](#))**

1. Minimum 8' tall opaque fence to block out vehicular traffic lights, reduce noise and to provide visual screening on the North property line (which is in the creek, therefore we'd want the fence to be on the top of the North side of the creek. [Acceptable](#)
2. Vegetative Buffer (that meets City criteria) in the 25' setback. [We love plants and want them to be an integral part of the development of the land, however, due to](#)



the numerous public utility easements straddling the entire site, we prefer not to make this a condition of zoning in case there are conflicts with other city restrictions that we may not know at this time but would find out during the site plan stage.

3. Vegetative Buffer (that meets City criteria) along the creek side (North side), along the fence. We love plants and want them to be an integral part of the development of the land, however, due to the numerous public utility easements straddling the entire site, we prefer not to make this a condition of zoning in case there are conflicts with other city restrictions that we may not know at this time but would find out during the site plan stage.

4. no service station. [Acceptable](#)

5. no ATM or Post Box that opens 24hrs, or 24hr. convenience store like 7/11. [Acceptable](#) as long as the city can enforce the restrictions as a conditional overlay or a city-enforced restrictive covenant under city code definitions.

6. no consumer convenience conditional overlay. [Acceptable](#)

7. require 100% of the parking space. [Not acceptable](#)

8. no general retail stores (like BestBuy) -- they won't have the space for this but just in case. [Acceptable](#)

9. limit the height of the building to same as SF6. [Not acceptable](#) – LR building height is 40 feet or 3 stories while SF-6 is 35 feet (3 stories).

**SF-6 tract ( SF-6-NP is acceptable as agreed to at the March 7<sup>th</sup> contact team meeting)**

1. Minimum 8' tall opaque fence to block out vehicular traffic lights, reduce noise and to provide visual screening on the North property line (which is in the creek, therefore we'd want the fence to be on the top of the North side of the creek. [Acceptable](#)

2. Vegetative Buffer (that meets City criteria) along the creek side (North side), along the fence. We love plants and want them to be an integral part of the development of the land, however, due to the numerous public utility easements straddling the entire site, we prefer not to make this a condition of zoning in case there are conflicts with other city restrictions that we may not know at this time but would find out during the site plan stage.

**SF-3 tract ( SF-6-NP is preferable as agreed to at the March 7<sup>th</sup> contact team meeting)**

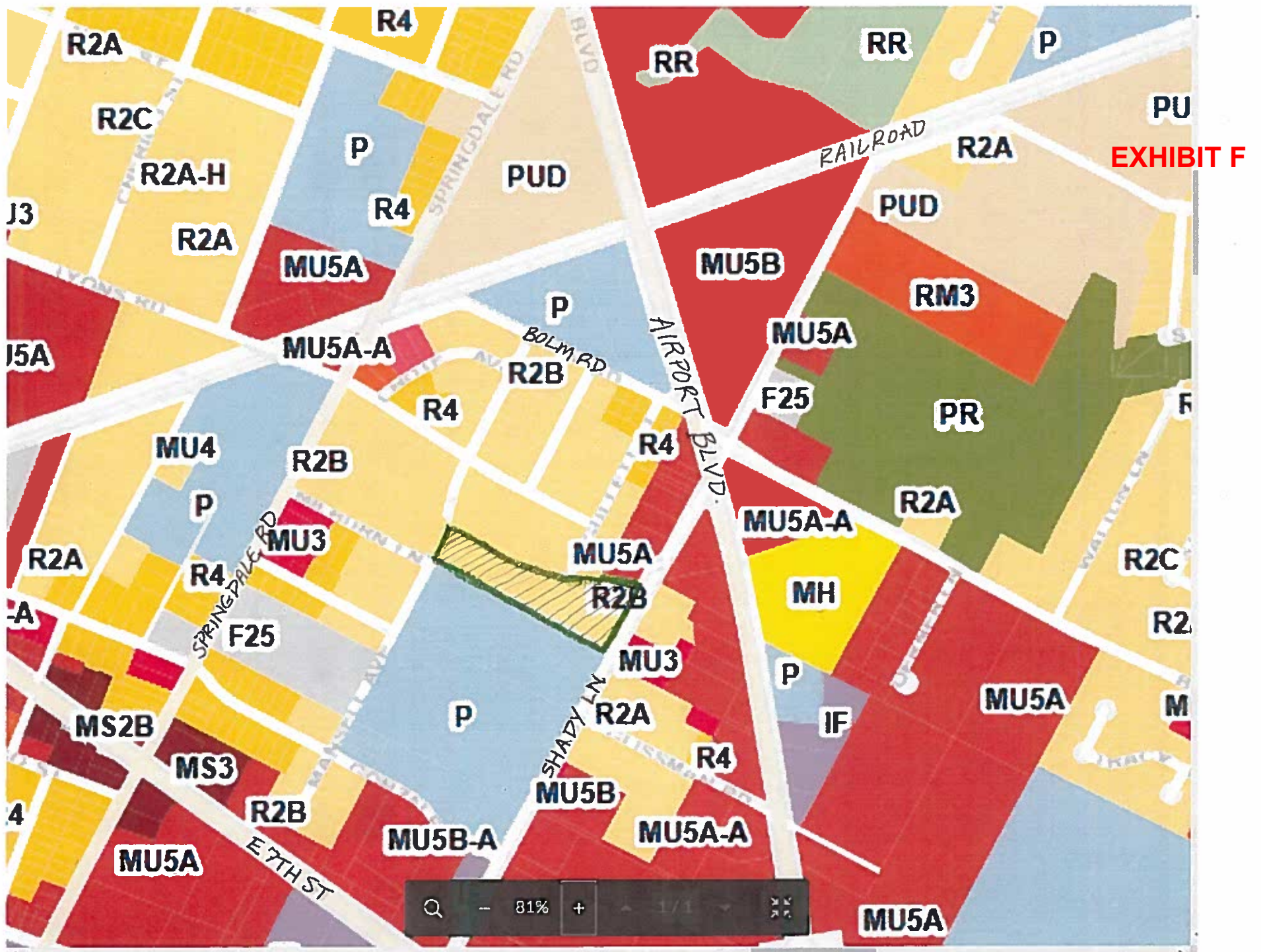
no requests

SF-3 is not acceptable, due to the unique and difficult shape of the lot, as explained by our engineer at the contact team meetings. The property is very large, but not able to

be made into flag lots. We are not seeking, nor would it be feasible to do more than 6 duplex units. We are seeking SF-6 only to deal with the unusual lot, and not for maximum density of SF-6. It is the only way we can add more than one structure for the giant space. It was a big surprise to us that this changed back, after the other comprises that we made. Our desire is to meet halfway, so that everyone gets some of what they want.







DRAFT LDC ZONING EXHIBIT

## EXHIBIT G

### **Govalle/Johnston Terrace Neighborhood Plan Contact Team** *"Strength Through Unity"*

To: Austin Planning Commission and City Council  
From: G/JTNP Contact Team  
RE: **NPA-2019-0016.01 and C14-2019-0098 - 914 Shady Ln**

Commissioners and Council members,

Please accept this letter on behalf of the **Govalle/Johnston Terrace Neighborhood Plan Contact Team**. After approximately 10 months of talks and negotiations with the applicant:

**The Govalle/Johnston Terrace Neighborhood Plan Contact Team supports:**  
**the valid petition**

**OR**

**The compromise agreement** (agreement & map included) if the petition signers agree to withdraw the valid in favor of this compromise [agreement](#).

Please feel free to reach out to me with and further questions or comments regarding this case.

Thank you,

Daniel Llanes, Chair  
G/JTNP Contact Team  
512-431-9665

**Govalle/Johnston Terrace Neighborhood Plan Contact Team**



***“Strength Through Unity”***

**Compromise Agreement 6/22/2020  
Between**

**G/JTNP Contact Team & RainLily Farm**

**NPA-2019-0016.01 and C14-2019-0098 - 914 Shady Ln**

**Tract 2B ( LR-MU-NP)**

1. Minimum 8' tall above the finished grade of any parking lots opaque fence to block out vehicular traffic lights, reduce noise and to provide visual screening on the northern property line (which is in the creek, therefore we'd want the fence to be on the upper bank of the southern side of the creek, which is the top of the gabions).

2. Minimum 10' Creek Buffer to begin at the top of the gabions due south and along the northern side of the property (southern side of the creek). The creek buffer is to be fully vegetated per COA Environmental Criteria Manual SECTION 2 - LANDSCAPE 2.9.0 - SCREENING STANDARDS 2.9.1 – General - and is to include a diverse mix of native trees, shrubs, and groundcover. This buffer is to be maintained by the property owner, including annual removal of invasive species, and replacement of any sections that have declined due to drought, flooding, or misuse. The buffer zone is to be kept free of litter/debris at all times unless conditions within a utility easement or other easements supersede this requirement.

3. Vegetative Buffer (that meets City Screening Standards) along the creek side (northern side of property, southern side of the creek), along the fence, unless conditions within a utility easement or other easements supersede this requirement.

4. No service station.

5 No 24-hour businesses as per City code.

6. Prohibit consumer convenience use.

7. All required parking should be on site, includes parking reduction as allowed by code.

8. No “big box” retail stores (like Best Buy)

.....

**Tract 2A ( SF-6-NP)**

1. Minimum 8' tall above the finished grade of any parking lots opaque fence to block out vehicular traffic lights, reduce noise and to provide visual screening on the northern property line (which is in the creek, therefore we'd want the fence to be on the upper bank of the southern side of the creek).

2. Minimum 10' Creek Buffer to begin at the top of the gabions due south and

along the northern side of the property (southern side of the creek). The creek buffer is to be fully vegetated per COA Environmental Criteria Manual SECTION 2 - LANDSCAPE 2.9.0 - SCREENING STANDARDS 2.9.1 -General- and is to include a diverse mix of native trees, shrubs, and groundcover. This buffer is to be maintained by the property owner, including annual removal of invasive species, and replacement of any sections that have declined due to drought, flooding, or misuse. The buffer zone is to be kept free of litter/debris at all times unless conditions within a utility easement or other easements supersede this requirement.

3. Vegetative Buffer (that meets City Screening Standards) along the creek side (northern side of property, southern side of the creek), along the fence, unless conditions within a utility easement or other easements supersede this requirement.

#### **Tract 1 ( SF-6-NP)**

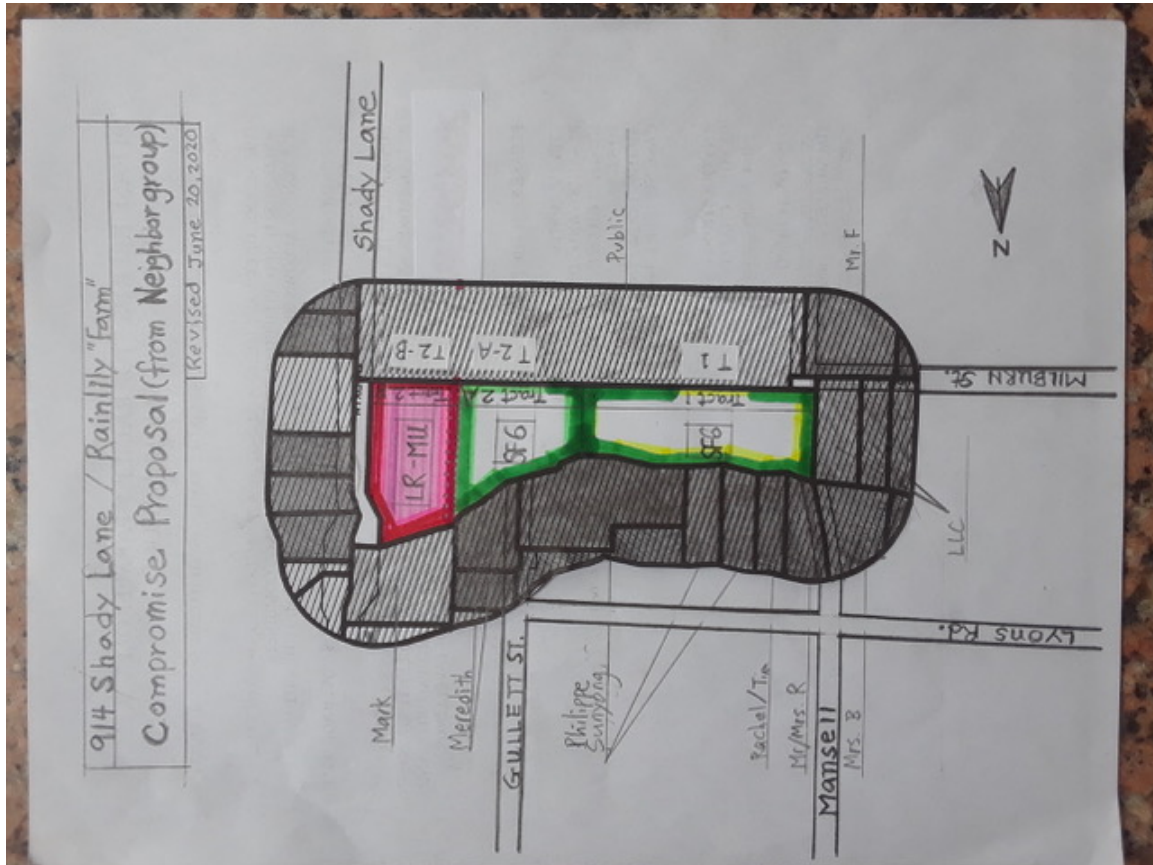
In the past, the Contact Team and the Neighborhoods have not supported a higher up zoning beyond SF-4 on SF-3 tracks. The Neighborhood is unwilling to set precedent on this track by changing from the SF-3 designation without condition. Agreed to SF-6 if for track #1 with the following conditions:

1. Adheres to SF-3 density and site development standards as part of a Conditional Overlay or a Restrictive Covenant.
2. No roadway or vehicular bridge over the creek between tracts 1 and 2.
3. Minimum 8' tall above the finished grade of any parking lots opaque fence to block out vehicular traffic lights, reduce noise and to provide visual screening on the northern property line (which is in the creek, therefore we'd want the fence to be on the upper bank of the southern side of the creek).
4. Minimum 10' Creek Buffer to begin at the top of the gabions due south and along the northern side of the property (southern side of the creek). The creek buffer is to be fully vegetated per COA Environmental Criteria Manual SECTION 2 - LANDSCAPE 2.9.0 - SCREENING STANDARDS 2.9.1 – General- and is to include a diverse mix of native trees, shrubs, and groundcover. This buffer is to be maintained by the property owner, including annual removal of invasive species, and replacement of any sections that have declined due to drought, flooding, or misuse. The buffer zone is to be kept free of litter/debris at all times unless conditions within a utility easement or other easements supersede this requirement.
5. Vegetative Buffer (that meets City Screening Standards) along the creek side (northern side of property, southern side of the creek), along the fence, unless

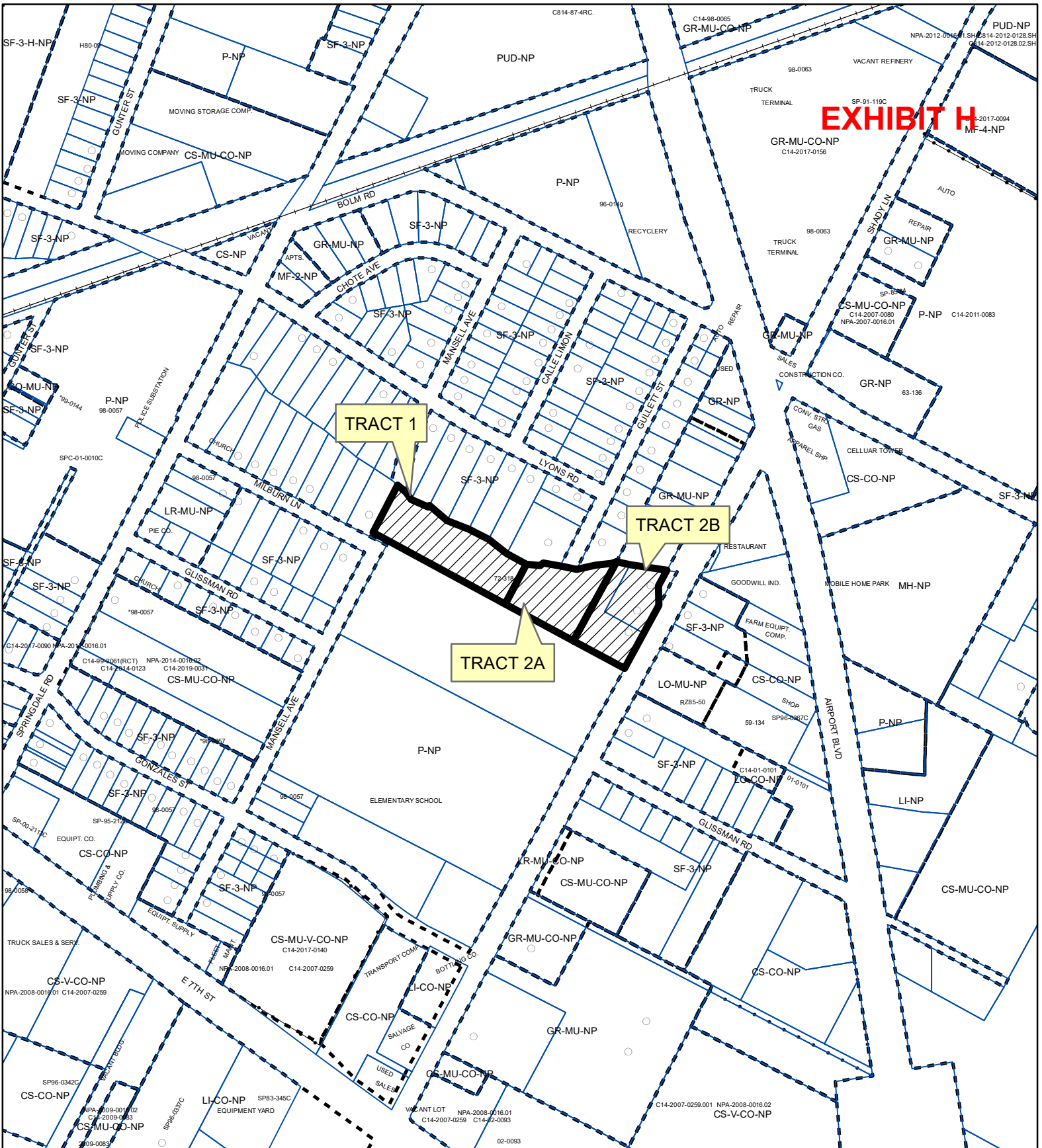
conditions within a utility easement or other easements supersede this requirement.




**Map: Reflects the compromise zoning:**

Tract 1 (SF-6-NP)  
Tract 2A (SF-6-NP)  
Tract 2B (LR-MU-NP)



# EXHIBIT H



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2019-0098

1" = 400'

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.



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