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ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0084 – Amy L. Rogans

Z.A.P. DATE: July 20, 2010
September 7, 2010

ADDRESS: 8616 Cullen Lane

OWNER/AGENT: Austin's Used Cars (Amy L. Rogans)

ZONING FROM: SF-2

TO: CS-MU

AREA: 0.229 acres
(9,975 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay is to: 1) prohibit the following uses: automotive rentals; automotive repair services; automotive washing (of any type); communications services; community recreation (private); community recreation (public); congregate living; consumer repair services; counseling services; custom manufacturing; drop-off recycling collection facility; funeral services; guidance services; hotel-motel; indoor entertainment; medical offices (all types); off-site accessory parking; outdoor entertainment; pawn shop services; residential treatment; restaurant (limited); restaurant (general); service station; theater; 2) limit structure height to 30 feet; and 3) limit the number of daily vehicle trips to 2,000.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

July 20, 2010: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO SEPTEMBER 7, 2010.*

[S. BALDRIDGE; T. RABAGO – 2ND] (6-0) P. SEEGER – ILL

September 7, 2010:

ISSUES:

The property owner received a Notice of Violation for selling vehicles on SF-2 zoned property in December 2009.

The President of the Park Ridge Owners' Association has submitted a letter in opposition to the proposed rezoning, which is attached at the back of this report. A petition of 1.00% has been filed by the adjacent property owners in opposition to this rezoning request. Petition material is provided at the back of the packet.

DEPARTMENT COMMENTS:

The subject rezoning area contains an outdoor automotive sales use and is zoned single family residence standard lot (SF-2) district. There is one single family residence to the west which is owned by the Applicant and is located on the remainder of this subdivided lot (also zoned SF-2), and is not part of the rezoning case. The rezoning area borders on a mobile home residence and automotive repair use to the north (SF-2), automotive sales across Cullen Lane to the east (CS-CO), two single family residences, a warehouse, an upholstery shop and automotive repair to the south (SF-2). The Park Ridge subdivision is adjacent to the residential portion of the subject lot, to the west (SF-4A-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant reports that the automotive sales use has occurred on the property for the past 12 years and has requested general commercial services – mixed use (CS-MU) zoning as a step towards clearing the Notice of Violation. A site plan showing the improvements and customer parking areas is a subsequent step in the development process.

Staff examined the existing land use character, consulted aerial photography and researched other zoning cases on Cullen Lane prior to making a recommendation. Some land uses existed prior to annexation into the City limits in 1984 and therefore, commercial or industrial zoning brought these non-conforming uses into conformance with the Code. In other cases, commercial zoning either addressed a notice of violation or allowed for new development to occur. In all five zoning cases on Cullen Lane (please refer to the zoning map and to the Case Histories section on Page 3), automotive sales is a permitted use. Since the subject property is similarly situated, the Staff is able to recommend the automotive sales use, which is first allowed under community commercial (GR) zoning, along with conditional overlays that are consistent with other GR prohibited uses on the five Cullen Lane cases referenced above. Staff is not recommending the mixed use (MU) combining district since the rezoning area does not incorporate a residential component and Staff has concerns about additional residential development on a property that is adjacent to automotive repair, automotive sales and warehouse uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Automobile sales
<i>North</i>	SF-2; CS-CO	Mobile home residence; Auto Repair
<i>South</i>	SF-2	Two single family residences; Warehouse; Upholstery shop; Auto repair; Office Warehouse
<i>East</i>	CS-CO	Auto auction; Scrap and salvage
<i>West</i>	SF-2	One mobile home residence; One single family residence (on the same lot as the rezoning area); Single family residences within the Park Ridge subdivision

AREA STUDY: N/A**TIA:** Is not required

WATERSHED: Onion Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

- 26 – Far South Austin Community Association
- 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
- 742 – Austin Independent School District
- 786 – Home Builders Association of Greater Austin
- 1037 – Homeless Neighborhood Association
- 1075 – League of Bicycling Voters 1113 – Austin Parks Foundation
- 1200 – Super Duper Neighborhood Directors and Appealers Organization
- 1224 – Austin Monorail Project 1228 – Sierra Club, Austin Regional Group
- 1236 – The Real Estate Council of Austin, Inc.

SCHOOLS:

- Williams Elementary School Bedichek Middle School Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0209 – Big 4 – 221 Ralph Ablanado Drive	SF-2 to LI	To Grant LI-CO with scrap and salvage as the only permitted LI use, all GR uses, except for pawn shop services, and 300 trips per day.	Approved LI-CO, to allow scrap and salvage, all CS uses, except for pawn shop services which is prohibited, and 300 trips per day beyond that existing trips generated on site (3-23-06).
C14-04-0179 – Big 4 – 8602 Cullen Lane	DR; SF-2 to CS	To Grant CS-CO with CO for fencing; landscape buffer; 30' structure height; prohibited uses and 2,000 trips. Street deed required on Cullen Lane. Public Restrictive Covenant for hours of operation.	Approved CS-CO district zoning with Street Deed and Public Restrictive Covenant as ZAP recommended (03-10-05).
C14-03-0076 – Ferrell's Farmers Market – 203 Ralph	DR to GR-MU	To Grant GR-MU-CO, with the CO prohibiting all	Approved GR-MU-CO as ZAP recommended (7-17-03).

Ablanedo Drive		residential uses except for the existing residences and 2,000 trips.	
C14-99-2001 – 8603 Cullen Avenue; 201 Ralph Ablanedo and 8503 South Congress Avenue	CS-CO to CS-CO, to delete a Conditional Overlay	To Grant CS-CO	Approved CS-CO, with CO for 2,000 trips; prohibit pawn shops and adult-oriented uses; F.A.R. of 1:1 (12-9-99).
C14-99-0112 – 8816 Cullen Lane	DR to CS for Tract 1; LO for Tract 2	To Grant CS-CO for Tract 1; LO-CO for Tract 2 being a 40' wide landscaped buffer and a 6' solid fence along the west property line; CS-CO for list of prohibited uses; 30' height limit; 2,000 trips; rollback to W/LO if construction sales & service use is a permitted use in that district; r-o-w dedication on Cullen Lane (approximately 5') (10-7-99).	Approved CS-CO for Tract 1; LO-CO for Tract 2 as Commission recommended (1-27-00).
C14-99-0075 – 8810 Cullen Lane	DR to CS for Tract 1; LO for Tract 2	To Grant CS-CO for Tract 1; LO-CO for Tract 2, with LO-CO being a 40' wide landscaped buffer and a 6' solid fence along the west property line; CS-CO for list of prohibited uses; 30' height limit; 2,000 trips; rollback to W/LO if construction sales & service use is a permitted use in that district; r-o-w dedication on Cullen	Approved CS-CO for Tract 1; LO-CO for Tract 2 as Commission recommended (9-30-99).

		Lane (approximately 5').	
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RELATED CASES:

The property was annexed into the City limits in November 1984 and was assigned SF-2 zoning.

As shown in Exhibit B, the zoning area is portion of Lot A, Ronald Farrell Addition, a subdivision recorded in 1977 (C8s-77-042). Five feet of right-of-way was dedicated with the subdivision.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Cullen Lane	50 feet	22 feet	Collector	No	Shared Lanes Exist / Recommended	No

CITY COUNCIL DATE: August 26, 2010

ACTION: Approved a Postponement request by the Staff to September 23, 2010 (7-0).

September 23, 2010

ORDINANCE READINGS: 1st

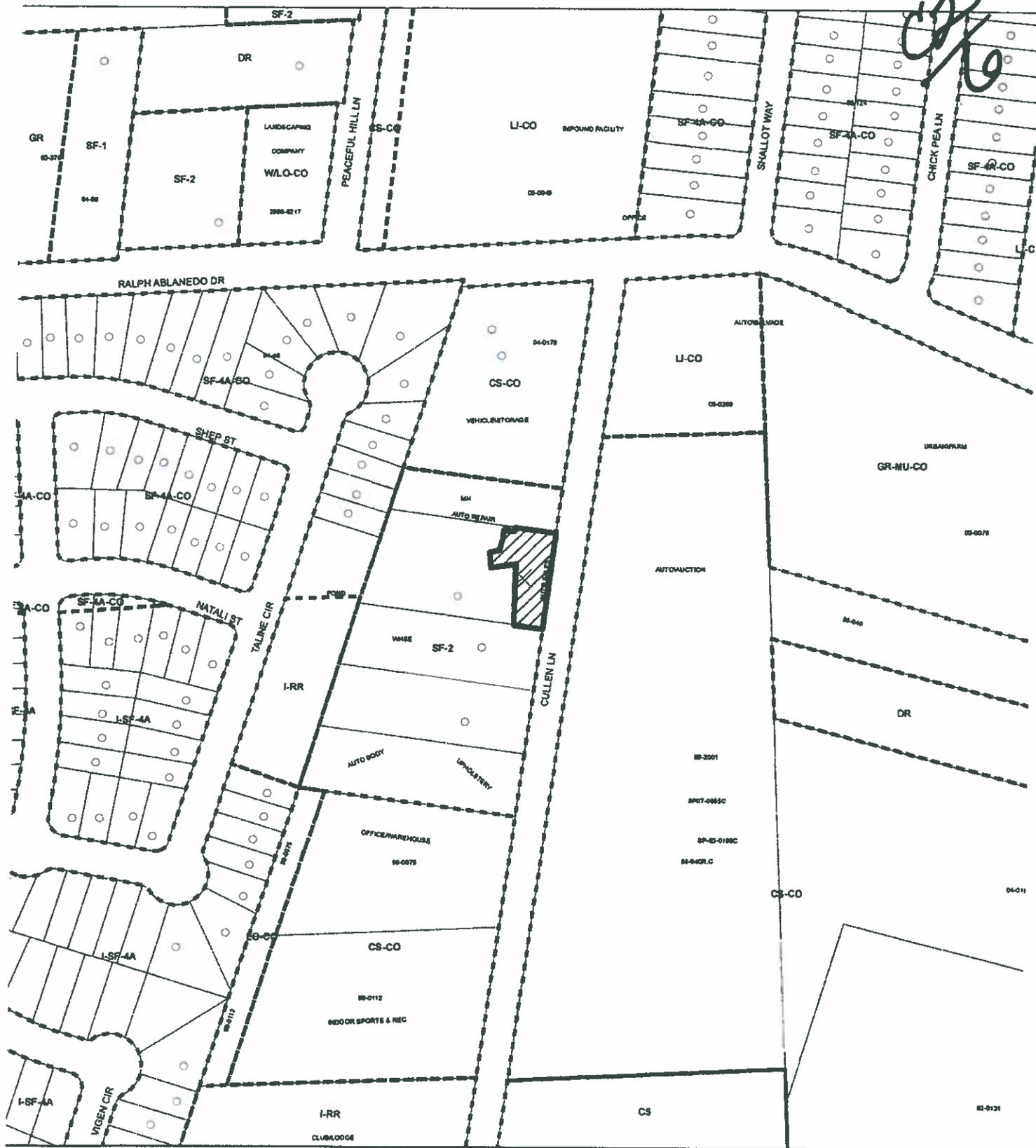
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



ZONING

Exhibit A

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2008-0084
 LOCATION: 8616 CULLEN LN
 SUBJECT AREA: 0.229 ACRES
 GRID: G14
 MANAGER: WENDY RHOADES



1" = 200'

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.

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay is to: 1) prohibit the following uses: automotive rentals; automotive repair services; automotive washing (of any type); communications services; community recreation (private); community recreation (public); congregate living; consumer repair services; counseling services; custom manufacturing; drop-off recycling collection facility; funeral services; guidance services; hotel-motel; indoor entertainment; medical offices (all types); off-site accessory parking; outdoor entertainment; pawn shop services; residential treatment; restaurant (limited); restaurant (general); service station; theater; 2) limit structure height to 30 feet, and 3) limit the number of daily vehicle trips to 2,000.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Applicant's Request: CS, General Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. MU – Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

Staff Recommendation: GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff examined the existing land use character, consulted aerial photography and researched other zoning cases on Cullen Lane prior to making a recommendation. Some land uses existed prior to annexation into the City limits in 1984 and therefore, commercial or industrial zoning brought these non-conforming uses into conformance with the Code. In other cases, commercial zoning either addressed a red-tag issue or allowed for new development to occur. In all five zoning cases on Cullen Lane (please refer to the zoning map and to the Case Histories section on Page 3), automotive sales is a permitted use. Since the subject property is similarly situated, the Staff is able to recommend the automotive sales use, which is first allowed under community commercial (GR) zoning, along with conditional overlays that are consistent with other GR prohibited uses on the five Cullen Lane cases referenced above. Staff is not recommending the mixed use (MU) combining district since the rezoning area does not incorporate a residential component and Staff has concerns about additional residential development on a property that is adjacent to automotive repair, automotive sales and warehouse uses.

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10**EXISTING CONDITIONS****Site Characteristics**

The subject rezoning area contains an outdoor automotive sales use. The site is flat and sparsely vegetated. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS or GR zoning districts would be 80%, which is based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Onion Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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 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.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Transportation

No additional right-of-way is needed at this time. If the property is redeveloped to a more intense GR land use, additional right-of-way may be required.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

For information, the number of parking spaces required for an outdoor automotive sales use is the total of one space for every 275 square feet of office use and one space for every 750 square feet of sales area.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his 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. 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.

Site Plan and Compatibility Standards

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

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.

- a. The site is subject to compatibility standards. Along all property lines, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. No parking or driveways are allowed within 25 feet of the property line.
- f. 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

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adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

- g. 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.
- h. 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.
- i. Additional design regulations will be enforced at the time a site plan is submitted.

Subj: Case # C14-2010-0084

Wendy,

My name is Jim Pallas. I own property at 8601 and 8602 Cullen Lane as well as 220 Ralph Ablanado Drive. We have spoken before concerning numerous zoning cases. I speak for myself but also have concern for those who use or live on Cullen Lane. This concern especially includes the residents of Parkridge Subdivision and Parkridge Gardens.

I received notice of filing on the 8616 Cullen Lane property recently. This property is one lot away from my property. I have serious concerns, both long and short term, for the use of this property. I am an advocate for property owners being able to use their property for commerce, when possible, especially considering rising property taxes and a deflating economy. Saying this, that property owner still must consider the overall effect they have on their community.

This property does not have grandfather rights, as they purchased this as a residence many years after annexation by the city. It was strictly residential. Having owned my business and property for over 30 years, I can testify to that, as can their neighbor adjacent and to the south of the Rogans' property. They chose to start a used car lot there even though that use was non-compliant to their zoning.

Cullen Lane is a very narrow and sub-standard roadway. The vehicular traffic count on that street is huge. The pedestrian traffic is also high, with families walking to South Park Meadows shopping center, many pushing strollers with babies. This is a very narrow street with unkept bar ditches which really needs gutters and sidewalks. The older Parkridge Subdivision and the newer Parkridge Gardens (Main Street's alleged Smart Housing subdivision) both have contributed to the traffic increases along Cullen Lane. Part of the problem is the egress to Slaughter Lane from Parkridge doesn't have a traffic light and Slaughter Lane is heavily traveled. Additionally, APD, EMS and AFD travel this road daily in emergency mode. The traffic safety issues point to the city's failure to direct action along this corridor in past zoning cases.

Austin's Used Cars, the Rogans' business, has never provided onsite parking for their customers. Because of this, customer cars end up blocking one lane of Cullen in front of their business. They have to park in the street because usually the Rogans' driveway is blocked or their gate is closed. Many of their customers actually park at my business and walk down.

The only way that I could see accepting this zoning change is for these conditions to be met.

1. The City of Austin needs to put up "No Parking" signs along Cullen Lane from Ralph Ablanado to Slaughter Lane. This will give teeth to APD for enforcement and complaints. Without doing this their request is unacceptable.
2. Austin's Used Cars must permanently designate 6-10 parking places accessible during working hours for customer parking, on their property. These spaces need to specifically be reserved for customers and not to be used for their used cars.
3. Specified hours of operation must be a part of the covenant. This property abuts residential properties and must be a consideration.
4. Privacy fencing must be installed on both the north and south borders of the property to extend within 10 feet of the Cullen Lane property line.
5. Dedication of a 10' strip across the Cullen Lane frontage for future road improvements.

An additional problem with this request is that it is ignoring the fact that they are using an adjacent tract of land abutting their north border which they also own. It currently has two mobile home on it, joined together to form one structure so that they were only required to have one septic tank. They also use that property for overflow storage for their used cars. Most of those vehicles are wrecked or inoperable. I have spoken with code-enforcement about the problem, as at times those overflow vehicles have ended up parked on my property. Additionally they were driving across my property to get to theirs as their driveway was blocked. Also, they have removed part of their fence between their two properties, apparently for egress to that property. My concern is

that it too is being used in a non-conforming manner and needs to be zoned at this time.

I hope that you will take my comments into consideration when recommending appropriate action in this case.

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Respectfully,

Jim Pallas
jmpallas@aol.com
512-750-5071

7/7/2010

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Park Ridge Owners' Association, Inc.

June 27, 2010

Ms. Wendy Rhodes
Zoning and Platting Commission
One Texas Center
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Owner: Austin's Used Cards, Amy L. Rogans
Case Number C14-2010-0084
Property Subject to Petition: 8616 Cullen Lane
Proposed Zoning Change: From SF-2 to CS-MU

Dear Ms. Rhodes:

Please accept this letter as Park Ridge Owners Association, Inc.'s objection to the proposed rezoning of the above-referenced property. We oppose the rezoning of this property to any type of commercial zoning because this parcel is located directly adjacent to several homes in our neighborhood, and the properties are separated only by a chain link fence. Because there is at least one home located on the subject property, we feel that this property should properly remain zoned as SF. We believe that any zoning other than SF would give the current owner license to damage our right to peaceful enjoyment of our premises and the value of our property that we work hard to preserve.

Please accept this letter as our request that the Zoning and Platting Commission deny the request to rezone the property in question to any type of commercial zoning.

Thank you for all of your assistance in this regard. Please feel free to call Pat Edwards (Park Ridge HOA President) at 280-6562 if you have any questions.

Sincerely,


Pat Edwards
President

July 13, 2010

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Zoning and Platting Commission
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: Case No. C14-2010-0084
Austin's Used Cars; Amy L. Rogans, Owner
8616 Cullen Lane, Austin, TX 78748

Dear Commissioners:

Park Ridge Owners' Association, Inc. respectfully requests a continuance of the hearing currently scheduled for July 20, 2010 on the above-referenced matter to August 3, 2010. I am undergoing chemotherapy treatment and will not be well enough to attend the hearing on Tuesday, July 20, and some of the other interested parties have conflicts with that date. Park Ridge objects to the requested rezoning and is working with other affected property owners near the subject property on alternatives we can propose to ZAP. Please advise us as soon as possible if you cannot grant our request.

Thank you for your consideration. Please feel free to call Pat Edwards, President, at 512 280-6562 with any questions.

Sincerely,

PARK RIDGE OWNERS' ASSOCIATION, INC.

Pat Edwards

Patricia Edwards, President

cc: Wendy Rhodes, Zoning Review

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:

www.ci.austin.tx.us/development

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: C14-2010-0084

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: July 20, 2010, Zoning & Platting Commission

Aug. 26, 2010, City Council

Kelly Washam
Your Name (please print)

8717 Talme Circle Austin, TX 78747
Your address(es) affected by this application

Kelly Washam
Signature

7-12-10
Date

Daytime Telephone: 512-351-5021

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> Object

Comments: I am a board member of the Park Ridge Homeowners Association and own a home that backs up to the property in question. Concerning case #C14-200-0074, that will be heard publicly on July 20th, I object to the proposed development. I purchased my home with the understanding that there is a declared boundary between myself and where commercial operations may be built. The surrounding streets to our neighborhood pose traffic safety + noise concerns also. Please do Not add to this.

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

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PUBLIC HEARING INFORMATION

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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.

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Case Number: C14-2010-0084
 Contact: Wendy Rhoades, 512-974-7719
 Public Hearing: July 20, 2010, Zoning & Platting Commission
 Aug. 26, 2010, City Council

TRACY R. VINSON
 Your Name (please print)

I am in favor
 Object

8129 TALINE CIRCLE AUSTIN TX 78728
 Your address(es) affected by this application

Tracy R. Vinson
 Signature

7-19-10
 Date

Daytime Telephone: 512-426-9383

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin
 Planning & Development Review Department
 Wendy Rhoades
 P. O. Box 1088
 Austin, TX 78767-8810

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July 16, 2010

Ms. Betty Baker, Chair
Ms. Teresa Rabago
Ms Donna Tiemann
Ms. Sandra Baldrige
Ms. Cynthia Banks
Mr. Gregory Bourgeois
Ms. Patricia Seeger
Zoning and Platting Commission
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: Case No. C14-2010-0084
Applicant: Austin's Used Cars; Amy L. Rogans, Owner
Project Location: 8616 Cullen Lane, Austin, TX 78748

Dear Commissioners:

The above-referenced case is currently set to come before you on July 20, 2010. Park Ridge Owners' Association, Inc. hereby respectfully objects to the proposed rezoning of this lot for the following reasons:

1. The recommended zoning is not compatible with residential zoning, which adjoins this property. Many Park Ridge homeowners have been affected by recent rezoning cases along Cullen in the following ways: (i) the inability to sell our homes; (ii) excess noise; and (iii) the loss of the covenant of peaceful enjoyment of our homes. Attached as Exhibit A are pictures from the vantage point of our neighborhood showing what commercial-type zoning next to residential really looks like. Even though we had the supposed benefit of a 40-foot landscaped buffer in some of these cases, once the landscaping was removed by developers with no recourse, that buffer no longer served as any type of protection. In the instant case, we do not even have the benefit of a buffer zone and the property is at the very least an eyesore. Also, attached as Exhibit B please find a petition signed by homeowners who would be negatively impacted by the rezoning of this lot requesting that this zoning be denied.
2. It would appear that the City-designated setback and impervious cover rules have not been enforced in the placement of the home, the shack and the junked cars parked on the subject property. The shack that is the supposed office does not appear to meet the City's building codes, and we request that the Applicant be required to comply with existing all City laws, Codes and ordinances, and produce any necessary permits for the construction of any buildings and for sales, or, preferably, that this zoning be denied. See Chapter 25-2-900, City Code (the "Code").
3. There is insufficient parking available on the subject property and customers have been illegally parking along Cullen Street or in neighboring lots. Cullen Street only contains a five feet right of way and it was not designed or designated for parking. Parking is not addressed in Staff's proposal. There is little to no parking space available on this lot for the requested use and, therefore, this zoning should be denied.

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4. There are no restrictions in Staff's current proposal that limit the number of cars to be sold on this lot. The impervious cover requirements as set out in the Code appear to be exceeded by all the current uses on the subject property. This issue needs to be addressed.

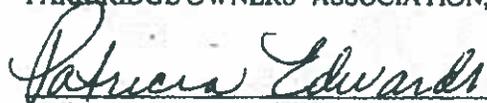
On July 14, Park Ridge Board President Pat Edwards and member Susan Hambright contacted Applicant Amy Rogans to discuss our concerns and to ask that she agree to our request for an extension of the hearing date because Ms. Edwards is currently undergoing chemotherapy treatment. Ms. Rogans declined to agree to the extension and refused to discuss our concerns. Ms. Rogans has shown disregard for her neighbors, her property is an eyesore, and we believe that if this property is granted any zoning classification other than SF-2, every property owner near her will suffer irreparable damage. Attached as Exhibit C are photos of the subject property in its current condition.

Park Ridge respectfully requests that the Commission deny the request to rezone for the above reasons. This lot is currently zoned SF-2, is surrounded by SF-2 zoning, and should remain zoned SF-2. In the alternative, we request that the Commission withhold ruling on this matter until the current Staff recommendations are amended to include restricting the following uses as set out in the Land Development Code: Bail bond services; business or trade school, business support services, commercial off-street parking, consumer convenience services, exterminating services, financial services, food preparation, food sales, indoor entertainment, outdoor sports and recreation, personal improvement services, personal services, pet services, printing and publishing, and day care services (all).

Thank you for your consideration. Please feel free to call Pat Edwards, President of Park Ridge Owners' Association, Inc., at 512 280-6562 with any questions.

Sincerely,

PARK RIDGE OWNERS' ASSOCIATION, INC.


Patricia Edwards, President

Attachments

cc: Wendy Rhodes, Zoning Review

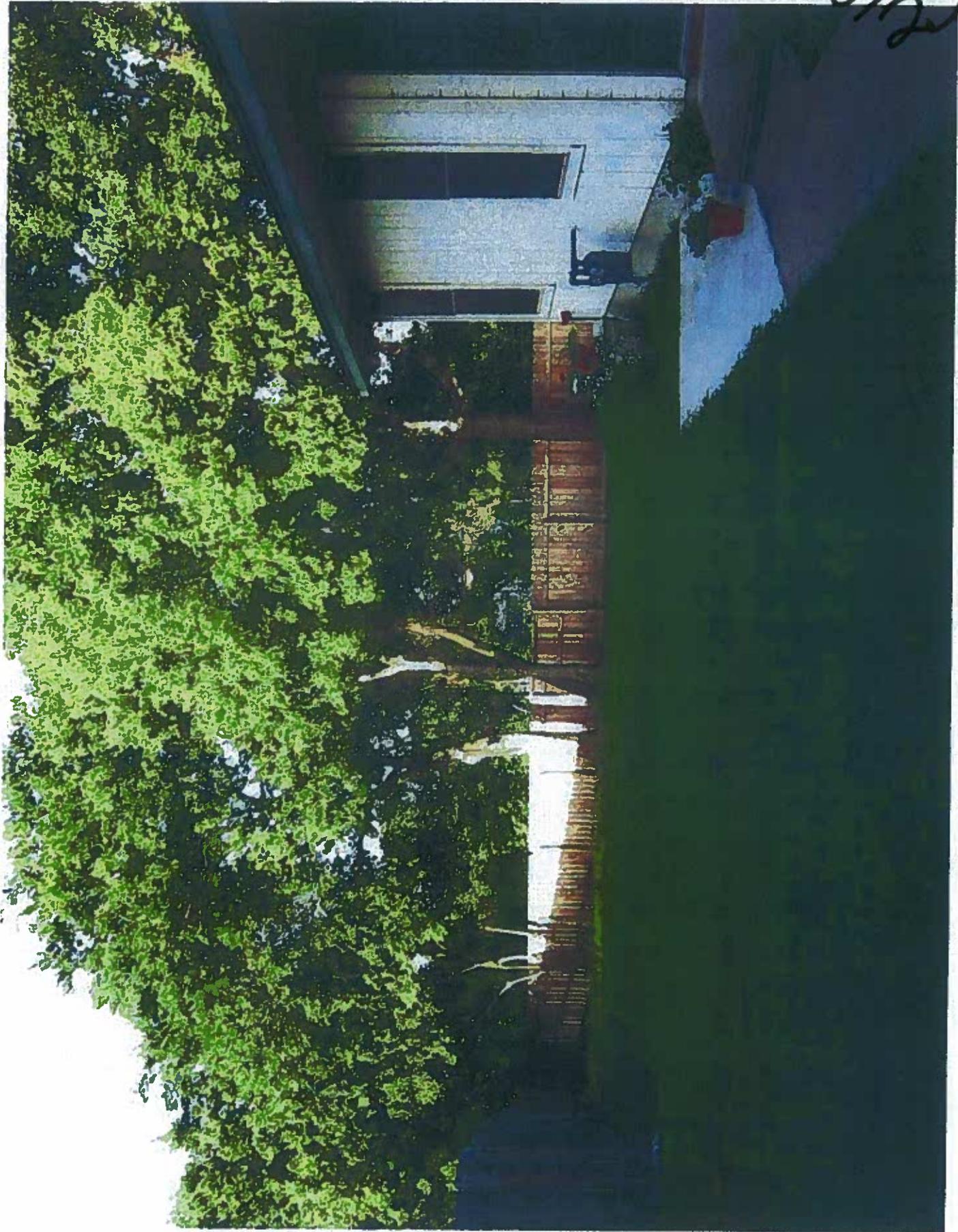
C2/21

EXHIBIT A
Pictures of Property Adjoining Park Ridge

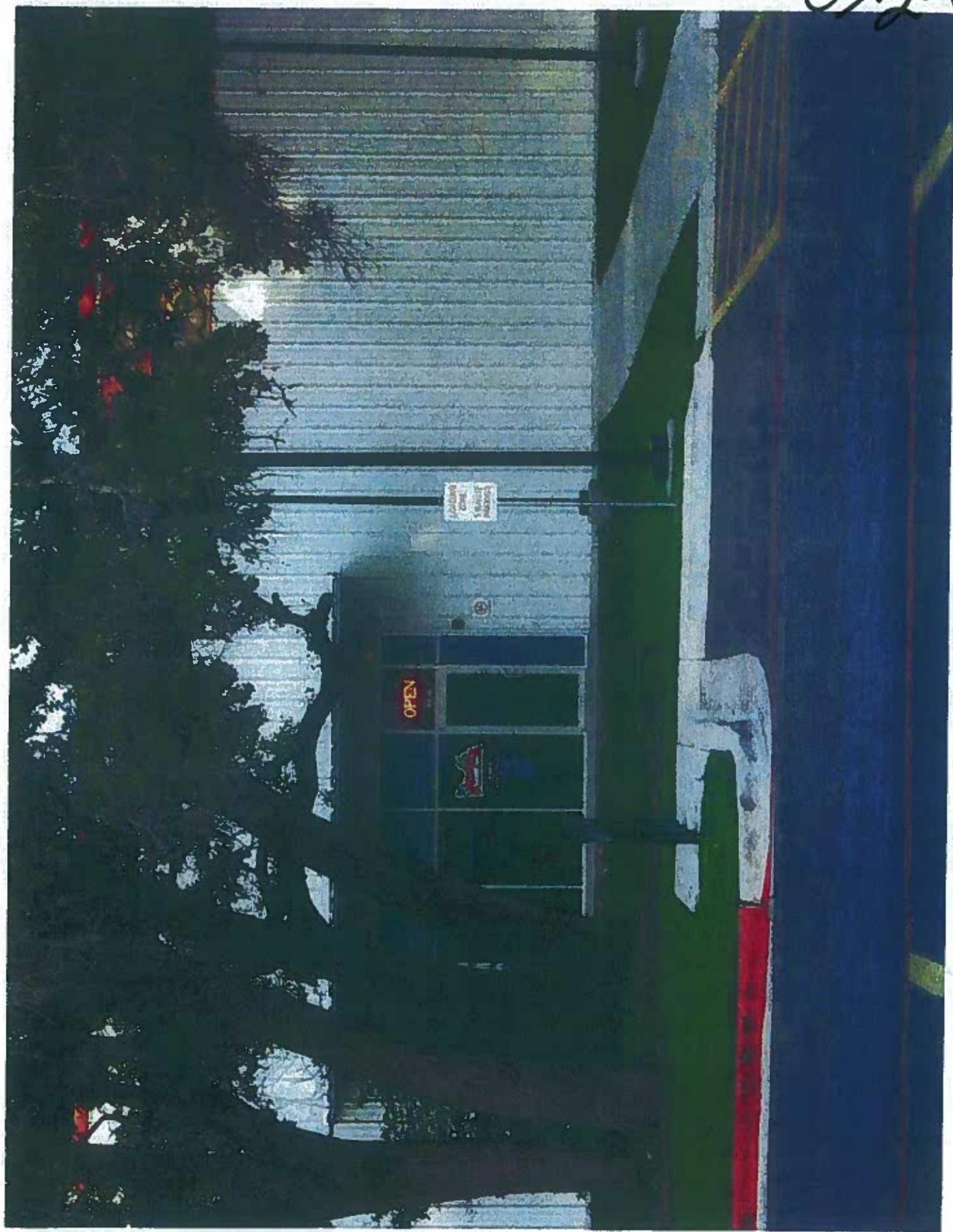
C2/22



C2/23



C2/24



C2
25

EXHIBIT B
Petition in Opposition of Zoning Request

C2
26

Park Ridge Owners' Association, Inc.

June 27, 2010

Ms. Wendy Rhodes
Zoning and Platting Commission
One Texas Center
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Owner: Austin's Used Cards, Amy L. Rogans
Case Number C14-2010-0084
Property Subject to Petition: 8616 Cullen Lane
Proposed Zoning Change: From SF-2 to CS-MU

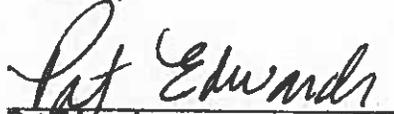
Dear Ms. Rhodes:

Enclosed please find a Petition to Oppose Rezoning signed by Park Ridge homeowners that are affected by the proposed rezoning of the above-referenced property. We oppose the rezoning of this property to any type of commercial zoning because this parcel is located directly adjacent to several homes in our neighborhood, and the properties are separated only by a chain link fence. Because there are homes located on the subject property, we feel that this property should properly remain zoned as SF. We believe that any zoning other than SF would give the current owner license to damage our right to peaceful enjoyment of our premises and the value of our property that we work hard to preserve.

Please accept this petition as our request that the Zoning and Platting Commission deny the request to rezone the property in question.

Thank you for all of your assistance in this regard. Please feel free to call Pat Edwards (Park Ridge HOA President) at 280-6562 if you have any questions.

Sincerely,



Pat Edwards
President

C2/27

PETITION TO OPPOSE REZONING
CASE NUMBER C14-10-0084

TO THE AUSTIN CITY COUNCIL:

Owner: Austin's Used Cars Amy L Rogans
Property Subject to Petition: 8616 Cullen Lane
Proposed Zoning Change: From SF-2 to CS-MU

We, the undersigned owners of property affected by the requested zoning change described in the above-referenced file do hereby protest against any change which would rezone the property to any classification other than SF-2. This property directly adjoins residential property and we oppose any zoning that will increase the noise and traffic that would detrimentally affect the peaceful enjoyment of our homes. We also feel that any change in zoning of this property would negatively affect the value of our homes.

Printed Name	Signature	Address	Date
Leonard Leija	[Signature]	8712 Taline Cir	6-26-10
Lori Leija	[Signature]	8712 Taline Cir	6-26-10
Rafael Ontiveros	[Signature]	201 Shep St	6-27-10
Tracy Vaisan	[Signature]	8725 Taline Cir	6-27-10
ERIN Bowen	[Signature]	8713 Taline Cir	6-27-10
BRAID Bowen	[Signature]	8713 Taline Cir	6-27-10
PAT Edwards	[Signature]	8725 Taline Cir	6-27-10
Tom RASSA LV	[Signature]	8709 Taline Cir	6-28-10
Carmen Barboza	[Signature]	8705 Taline Cir	6-28-10
Juan Humbrecht	[Signature]	8701 Taline Cir	6-28-10
Shannon Berry	[Signature]	209 Shep St	6-28-10
James R. Cartwright	[Signature]	209 Shep St.	6-28-10
DONALD R JONES	[Signature]	8821 Taline Cir	6-28-10
MARY D JONES	[Signature]	" " "	" " "
Terry Romero	[Signature]	8816 Taline Cir	6-28-10
Michelle Evans	[Signature]	8833 Taline Cir	6-28-10
ARON SIFLER	[Signature]	8837 Taline Cir	6/28/10
Renee Sellers	[Signature]	8825 Taline Circle	6/28/10

C2/36

EXHIBIT C
Pictures of Subject Property

C2/37



C2/50



CP/ST



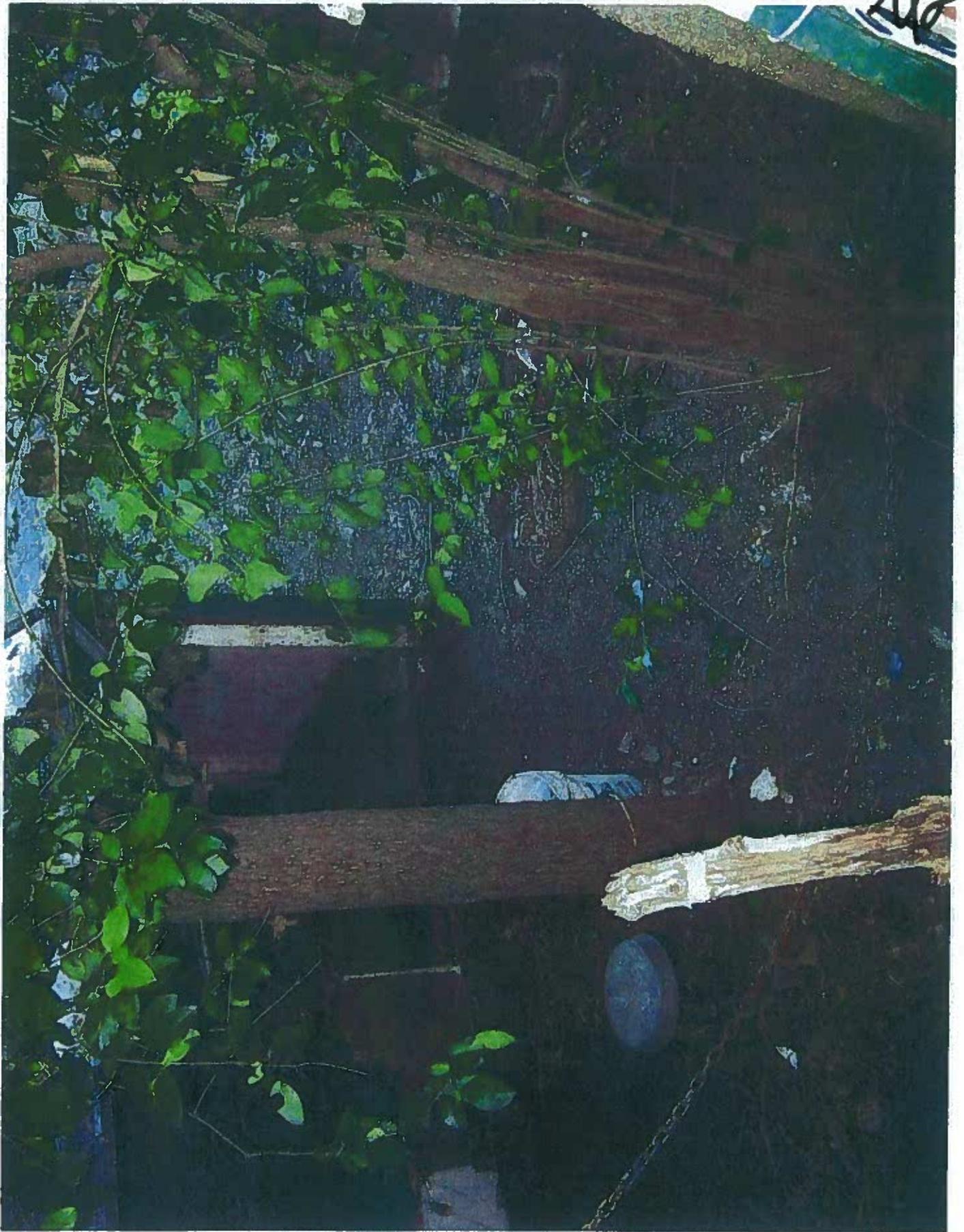
C7/20



C2/41



C2
42



C2/43



C2/44

PETITION

Case Number:

C14-2010-0084

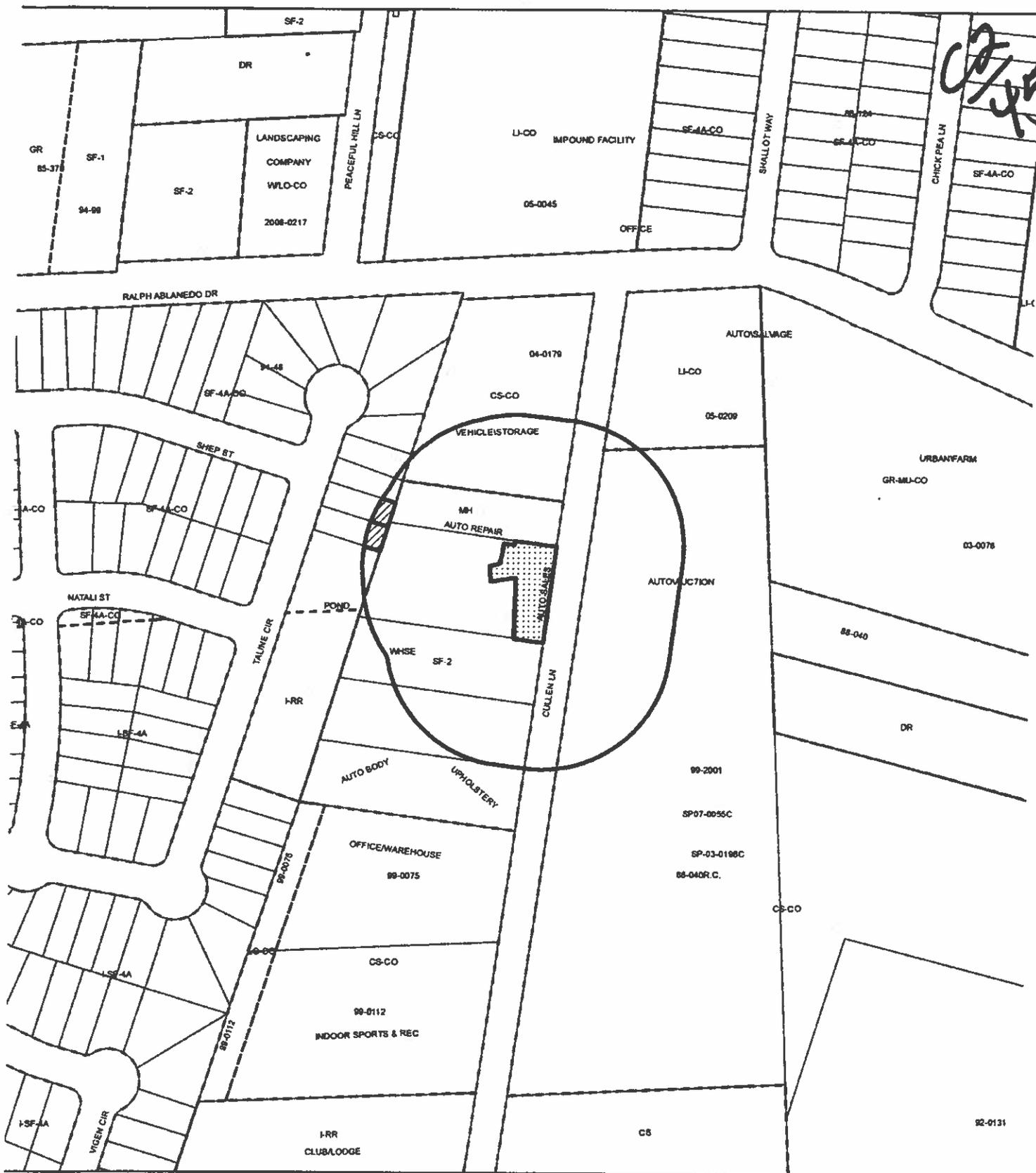
Date:

July 28, 2010

Total Area Within 200' of Subject Tract

216,799.46

1	<u>0430111061000</u>	<u>VINSON TRACY R</u>	<u>1141.80</u>	<u>0.53%</u>
2	<u>0430111062000</u>	<u>EDWARDS PATRICIA J</u>	<u>1034.60</u>	<u>0.48%</u>
3				<u>0.00%</u>
4				<u>0.00%</u>
5				<u>0.00%</u>
6				<u>0.00%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
19				<u>0.00%</u>
20				<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>
Validated By:			Total Area of Petitioner:	Total %
<u>Beau Barnett</u>			<u>2,176.41</u>	<u>1.00%</u>



-  BUFFER
-  PROPERTY_OWNER
-  SUBJECT_TRACT

PETITION

CASE#: C14-2010-0084
 ADDRESS: 8616 CULLEN LN
 GRID: G14
 CASE MANAGER: WENDY RHOADES

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.

