

MAY 22, 2012 PC HRS Items 17 & 18

Meredith, Maureen

From: Aaron Choate [REDACTED]  
Sent: Monday, May 21, 2012 10:55 AM  
To: Meredith, Maureen; Patterson, Clark  
Cc: Kinney Girard  
Subject: Re: Cherrywood position on the 4020 Airport property FLUM and Zoning changes  
Attachments: CNA-reportonGeneralMeetingvoteonthe4020Airportrecommendation-rev05-21.pdf

Clark, Maureen,

My apologies, but it has been pointed out to me that my statement about the zoning restrictions was not clear. I have edited the letter I sent to you to reflect, specifically, that dropping the Restrictive Covenant was also opposed by the CNA membership at the February meeting. I am attaching the revision here.

Cheers,

Aaron Choate

On Mon, May 21, 2012 at 7:23 AM, Aaron Choate [REDACTED] wrote:  
Clark, Maureen,

I want to report that at our May General Meeting, our membership voted down the proposal of the Cherrywood Neighborhood Association steering committee on the 4020 property without providing an alternate motion. As such, CNA has no position on the proposals beyond our previously discussed opposition to the flum and zoning changes as requested by the owner of the property. I am including a brief letter that attempts to report the discord in our neighborhood related to this property. You will find both the steering committee recommendation and the "amended changes (to the original covenant) of the adjacent neighbors" included. \*please note\* I have made a correction to the SC recommendation to make it clear that Restaurant General, Medical Offices > 5000sqft and General Retail Sales (General) were intended to be excluded by the restriction of their lesser cohorts. I listed those as additional restrictions in a note in that section.

Cheers,

Aaron Choate

Chair of the Cherrywood Neighborhood Association Steering Committee

--  
[REDACTED]  
@aaronchoate

+Aaron Choate

[facebook.com/aaronchoate](https://www.facebook.com/aaronchoate)

University of Texas Libraries: <http://www.lib.utexas.edu>

REVOLT: <http://www.revoltev.com>

EVTradinPost: <http://www.evtradinpost.com>

*Attachment to Aaron Choate's  
email*

May 21, 2012

At the May 16th General Meeting of the Cherrywood Neighborhood Association (CNA), a motion to adopt the CNA Steering Committee's recommendation on the 4020 Airport property was voted down by a vote of 40 to 16. No alternative motion was offered at the meeting. Thus, the Cherrywood Neighborhood does not have a position beyond the opposition that was voiced at the February 15 meeting of the CNA membership for the FLUM, lifting of Restrictive Covenant and zoning changes requested by the applicant.

I am attaching both the recommendation of the steering committee and the position that has been distributed by Brian Graham-Moore who indicates that he speaks for a coalition of neighbors surrounding the property. The CNA attempted to find common ground on the issues related to the property and the Steering Committee recommendation you see here was based on a series of taskforce meetings, then also on a Land Use and Transportation meeting and then a Steering Committee meeting. All meetings were announced ahead of time and all of those who were interested were welcome to attend.

Despite the differences that can be found in the two positions, I would like to point out the effort that was put into crafting a set of additional restrictions in the Steering Committee recommendation on the percentage of the property that can be residential if an MU designation ends up being considered. Likewise, if the full height of the allowed building height is to be allowed, they must include a certain percentage of residential. Even if this property doesn't benefit from this work, it may prove to be useful to other neighborhoods who want to try and craft their zoning to encourage true mixed residential developments.

/Aaron Choate  
Chair of the Cherrywood Neighborhood Association Steering Committee

**4020 AIRPORT BOULEVARD**

**Cherrywood Neighborhood Association (CNA) Steering Committee (SC)  
recommended CNA Position**

CNA continues to oppose the applications as filed last year by the Owner, and after an intensive and lengthy process, we offer the following Recommendation concerning the FLUM, the Zoning and the proposed Restrictions:

**FLUM CHANGE:**

Change the Future Land Use Map (FLUM) designation from "Office" to "Neighborhood Mixed Use".

**ZONING CHANGE**

Change "LO-V-NP" to "LR-V-MU-NP" (or if some or all of the conditions are contained in a Conditional Overlay, "LR-V-MU-CO-NP").

**CONDITIONS**

Note that we understand that the following conditions may be codified through a Conditional Overlay (CO), a Public Restrictive Covenant, and/or a Private Restrictive Covenant. CNA recommends that COA Staff, Planning Commission and City Council utilize the most effective method to codify these Conditions.

**Prohibited Uses** (these are uses that are shown as allowed in LR base zoning, are proposed to be restricted; i.e. NOT ALLOWED on this site)

- Service Station
- Off-Site Accessory Parking
- Pet Services
- Financial Services
- Art Workshop
- Consumer Convenience Services
- Printing and Publishing
- Restaurant (Limited)

\*note\* the taskforce and Steering Committee intended to restrict the following uses, but that was no longer explicit when the document was rearranged.

- Restaurant General
- Medical Office (exceeding 5,000 sq. ft)
- General Retail Sales (general)

**Provisions related to the "MU" suffix** (these provisions are intended to encourage significant, but not exclusive, residential uses):

- The height of any building or buildings where residential is NOT included, or where residential use is less than 50% would be limited to 32 feet and a maximum of 2 stories.
- If residential uses ARE included, no one building, nor the entire development, may exceed 65% residential.

**Other provisions:**

- There shall be a masonry privacy wall along the west and south sides of the property, 8 feet high. The wall shall have vegetative buffer on all sides. Major native trees in the buffer are to be spaced no more than 30 feet apart.
- 24 Hour Security surveillance is required
- No compounding pharmacy shall be permitted.
- Any individual retail space shall have a maximum of 4,000 square feet
- No vehicular access to Schieffer
- Maximum gross building footprint area of 45,000 square feet
- All building windows facing adjacent private residential property shall be designed so that a person of average height (5'10"), sitting or standing in a normal posture, cannot see neighboring yards or windows of nearby homes. This shall be accomplished by the use of louvers, placement above normal eye level, or any other effective means. Any fixtures installed for this purpose shall be permanent and shall not be adjusted or removed by building tenants or owners.
- Business hours 7:00am-7:00pm
- Subchapter E lighting restrictions with the additional restriction that the source of light shall not be visible to adjacent property owners
- No portable structures
- No heavy equipment
- Site signage must follow the Scenic Roadway Sign ordinance
- Covenant violations permit prosecution and penalties of not less than \$10,000 for each infraction.
- Invalidity of any one part of the covenant by legal means does not invalidate the remainder.
- Requires a super majority of city council to modify, amend, or terminate the covenant.
- Walls, structures or screens which would obscure views to the areas between buildings and interior property lines from Airport Blvd or Schieffer Avenue are prohibited.

# Original Covenant for 4020 Airport Contrasted by Amended Changes of Adjacent Neighbors

Original Covenant Description	Amended Covenant Change
Zoning Code of O-1 Office District	LO per City Council vote of 2010. Vertical Mixed Use (VMU) an option.
List of businesses not allowed	List of allowed business categories under LO, as amended.
6 foot privacy fence	At least 8 foot privacy masonry fence kept in good repair with vegetative buffer on all sides not less than 15 feet in width. Major native trees spaced no more than 30 feet apart.
Privacy description	No change. Privacy is very important. Subchapter E guidelines are satisfactory.
No 24 hour activity	Business hours to be 7 a.m. to 7 p.m.
Lighting restrictions	No change, Subchapter E guidelines are satisfactory
No portable structures	No change
No heavy equipment	No change
Improvements per Site Plan Ex. A	Delete old Ex. A. Owners to show site plan with setbacks clearly shown with no less than 30% adjacent homeowners approval
Style of roof	Delete
Two stories only	Change. Two are permitted if VMU, with <u>maximum</u> height of 32 feet. This includes roof line.
Gross building cannot exceed 40,000 sq ft	Gross building cannot exceed 45,000 sq ft, not including compatibility standards, drainage ways, flood plains, and water quality setbacks.
Trash restrictions	As required in Subchapter E
No signs	Painted only with or without soft lighting. No kinetic or moving signs.
Security patrols	24 hour video surveillance if commercial use
New codes/ordinances must be met	No change.
Covenant violation permits prosecution	Violations permit prosecution and penalties of not less than \$10,000 for each infraction.
Invalidation of any one part of the covenant by legal means does not invalidate remainder.	No change
City Council can modify, amend or terminate with a three quarter vote	Requires a super majority to modify, amend, or terminate this covenant.
	No ingress or egress at Schieffer Avenue

	<b>Amended Zoning Code</b>
<b>Type of Business</b>	<b>LO (Limited Office)</b>
<b>Administrative/business office</b>	<b>Permitted</b>
<b>Art Gallery</b>	<b>Permitted</b>
<b>Art Workshop</b>	<b>NP</b>
<b>Consumer Convenience Services</b>	<b>NP</b>
<b>Medical Offices (5K sq ft or less)</b>	<b>NP</b>
<b>Medical Offices (exceeding 5K sq ft)</b>	<b>NP</b>
<b>Professional Office</b>	<b>Permitted</b>
<b>Software Development</b>	<b>Permitted</b>
<b>Special Historic Use</b>	<b>Conditional</b>
<b>Community Garden</b>	<b>Permitted</b>
<b>Urban Farm</b>	<b>Permitted</b>

Legend: NP = not permitted

## PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before 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 amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a 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 plan amendment request, or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website: <http://www.austintexas.gov/department/planning>.

## PUBLIC HEARING COMMENT FORM

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

City of Austin  
Planning and Development Review Department  
974-2695

P. O. Box 1088

Austin, TX 78767-8810

RECEIVED  
5/18/12

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2011-0012.01

Contact: Maureen Meredith, (512) 974-2695

Public Hearing: May 22, 2012, Planning Commission

Public Hearing: June 28, 2012, City Council

Your Name (please print)

Brian Graham-Moore

Your address(es) affected by this application

Brian Graham-Moore 7100 E. 5th St

☐ I am in favor  
☒ I object

Signature

Date

Comments:

This zoning change will adversely impact safety & security.

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Case Number: NPA-2011-0012.01

Contact: Maureen Meredith, (512) 974-2695

Public Hearing: May 22, 2012, Planning Commission

Public Hearing: June 28, 2012, City Council

Your Name (please print)

EARL BURG

Your address(es) affected by this application

Carl Burg

Signature

Date

5/14/12

☐ I am in favor  
☒ I object

Comments:

Security & safety will be

compromised



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Case Number: NPA-2011-0012.01

Contact: Maureen Meredith, (512) 974-2695

Public Hearing: May 22, 2012, Planning Commission

Public Hearing: June 28, 2012, City Council

Your Name (please print)

BARBARA IRWIN

Your address(es) affected by this application

3905 GRAYSON LANE

Signature

Date

5/17/12

☐ I am in favor  
☐ I object

Comments:

PLEASE — DO NOT LET THE  
COVENANTS THAT WAS IN PLACE  
WITH THE OWNER OF THIS PROPERTY  
BOUGHT IT — I KNEW IT — THE  
NEIGHBORHOOD SURROUNDING THIS  
PROPERTY WOULD BE GREATLY AFFECTED  
IN A NEGATIVE WAY — NOT ONLY PRIVATELY  
BUT PROPERTY VALUES WOULD BE  
DETERIMENTAL — HAVE MERCY — I THINK  
I CONSIDER THE GOLDEN RULE —  
THANK YOU!

RECEIVED  
5/18/12

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Case Number: NPA-2011-0012.01

Contact: Maureen Meredith, (512) 974-2695

Public Hearing: May 22, 2012, Planning Commission

Public Hearing: June 28, 2012, City Council

Your Name (please print)

RAYMOND ZAPLATA

Your address(es) affected by this application

4000 CRESCENT DR. 5-18-12

Signature

Date

☐ I am in favor  
☒ I object

Comments: PROPERTY BACKS TO A WET

WEATHER CREEK (FLOOD PLANE?)

TRAFFIC PATTERNS ARE VERY

INCONVENIENT TO ACCESS AIRPORT BL

ADDITIONAL NOISE / TRAFFIC TO

NEIGHBORHOOD

ACROSS STREET (AIRPORT DEVELOPMENT)

IS PLENTY OF COMMERCIAL OFFICE

ALREADY.

THE INTENT OF OWNER IS TO SELL

THE PROPERTY FOR MORE MONEY NOT

WANT MORE HIGH DENSITY

9/14, 2014

RECEIVED  
5/12/12

**Meredith, Maureen**

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**From:** Greenleaf, Gale R [REDACTED]  
**Sent:** Tuesday, May 22, 2012 12:37 PM  
**To:** Meredith, Maureen  
**Subject:** NPA-2011-0012.01 - 4020 Airport

Dr. Gale Greenleaf  
1714 Giles St.  
Several blocks from Airport Blvd.  
28 years in residence, 3 indoor/outdoor cats

Dear Members of the Planning Commission,

I understand and agree that a property owner has the right to develop his or her property, but as a neighbor(s) and property owner whose life and safety will be impacted, I believe that the change in zoning from LO-V-NP to LR as proposed by the City Staff, or GR as requested by the 4020 owner, would allow more commercial and intensive development than is fitting for a residential area, and would adversely affect my home, privacy, noise, and traffic. I have noticed a huge increase in noise and traffic since the Mueller development began. I never used to be able to hear Airport traffic from my house and can now hear it all too well.

I am concerned with the probability of an increase in cut through traffic and the resulting deterioration of the safety of our streets.

I also think that the tract is narrow, it backs up to a creek, and intensive development could cause flooding and degradation of water quality downstream. I also think it is extremely unfair to the neighbors who back up to the property in question who bought their homes with the covenant in place and the expectation that they would not have commercial development in their own back yards.

I support keeping the zoning LO-V-NP, and removing the restricted covenants only if replaced with an amended restrictive covenant.

Thank you.

Gale R. Greenleaf

**Meredith, Maureen**

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**From:** Janet Evans [REDACTED]  
**Sent:** Monday, May 21, 2012 7:15 PM  
**To:** Meredith, Maureen  
**Subject:** NPA-2011-0012.01 - 4020 Airport

**NPA-2011-0012.01 - 4020 Airport,**  
and send to:

To: Planning Commission  
Re: 4020 Airport Blvd  
Case #: NPA 2011 0012.01  
Date: May 22, 2012

Janet Rybiski Evans  
4006 Crescent Drive  
Austin TX 78722

I love three (3) short blocks from the proposed site and have live in my house since 1984. I fear that further development of this small piece of property will increase cut thru traffic on my street and others that are close to 4020 Airport Blvd. I have four grandchildren who often ride their bicycles up and down Crescent Drive which is a quiet little short street. Neighbors walk their dogs and moms stroll their babies.

Dear Members of the Planning Commission,

I understand and agree that a property owner has the right to develop their property, but as a neighbor and property owner whose family will be impacted, I believe that the change in zoning from LO-V-NP to LR as proposed by the City Staff, or GR as requested by the 4020 owner would allow more commercial and intensive development than is fitting for a residential area, and would adversely affect my home and family. In particular I am concerned with:

- 1) an increase in cut through traffic and the resulting deterioration of the safety of our streets.
- 2) the tract is narrow, backs up on a creek and intensive development could cause flooding and degradation of water quality downstream)

I support keeping the zoning LO-V-NP, and removing the restricted covenants only if replaced with an amended restrictive covenant.

Thank you.

electronic signature

Janet R. Evans  
4006 Crescent Drive

**Meredith, Maureen**

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**From:** Kate Lawler [REDACTED]  
**Sent:** Monday, May 21, 2012 3:46 PM  
**To:** Meredith, Maureen  
**Subject:** NPA-2011-0012.01 - 4020 Airport

To: Planning Commission  
Re: 4020 Airport Blvd  
Case #: NPA 2011 0012.01  
Date: May 22, 2012

*From: Kate and Alex Kollaros*

*Location: 4003 Crescent Dr. (less than 2 blocks from 4020 Airport Blvd.)*

*Background: We bought this house 3 years ago and love the quiet and very walkable neighborhood. We now have a 1 year old son as well, with whom we walk frequently.*

Dear Members of the Planning Commission,

We understand that a property owner has the right to develop their property, but as neighbors and property owners whose families will be impacted, we believe that the change in zoning from LO-V-NP to LR as proposed by the City Staff, or GR as requested by the property owner, would allow more commercial and intensive development than is fitting for a residential area, and would adversely affect our home and family.

We are concerned about increased noise and light pollution, as well as the safety of our streets (and the children who live nearby). We are also concerned about the property values in the neighborhood, and how they would be impacted by a development that is not neighborhood friendly. It appears that there is limited demand for development in the area (the businesses further southeast on Airport have significant vacancy), and none of the existing businesses along this portion of Airport Blvd are very neighborhood friendly. Finally, the tract is narrow, backs up on a creek, and intensive development could cause flooding and degradation of water quality downstream.

We support keeping the zoning LO-V-NP, and removing the restricted covenants only if replaced with an amended restrictive covenant.

Sincerely,

Kate and Alex Kollaros

## Meredith, Maureen

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**From:** LDewitt [REDACTED]  
**Sent:** Monday, May 21, 2012 1:47 PM  
**To:** Meredith, Maureen  
**Subject:** NPA-2011-0012.01 - 4020 Airport

To: Planning Commission  
Re: 4020 Airport Blvd  
Case #: NPA 2011 0012.01  
Date: May 22, 2012

Lisa Fuka  
4012 Cherrywood Rd  
Austin, Texas 78722

Dear Members of the Planning Commission,

I live down Sheiffer and around the corner from 4020 which I pass by at least 4 times daily. We have lived here for 16 years. This has been the worst 18 months of living in Cherrywood because the neighborhood association tends not to listen to the neighborhood but only to the token few who show up at meetings. Our neighborhood association reports that it represents 1600 homes and business. The most well attended neighborhood meeting that I know of was held last week where just over 50 people attended. This represents less than 3 percent of our "buildings" and probably less than 2% if not 1% or our residents especially if you take into account some families were represented by 2 people. The people who are most concerned and have a vested interest because it is in their area about the 4020 site, have done an excellent job of polling residents, looking at properties that have already been built out and those that are available for sale, and at what are the possibilities with the property with the current zoning and a list of amendments they came up. This is not the same group as the CNA Task force list but a group of concerned neighbors and citizens of our community who will be most impacted.

I understand and agree that a property owner has the right to develop their property, but as a neighbor and property owner whose family will be impacted, I believe that the change in zoning from LO-V-NP to LR as proposed by the City Staff, or GR as requested by the 4020 owner would allow more commercial and intensive development than is fitting for a residential area, and would adversely affect our home and family.

I believe that changing the zoning is irresponsible. The change is being requested not to facilitate in developing the property but selling it. I do not understand why the property owner does not come up with a plan to develop it and then apply for the zoning change. Isn't this request for change like a cart before a horse?

With the proposed changes I am really concerned with:

- 1) an increase in cut through traffic and the resulting deterioration of the safety of our streets.
- 2) the tract is narrow, backs up on a creek and intensive development could cause flooding and degradation of water quality downstream)
- 3) the quality of allowable businesses
- 4) Developing something new when there is already space available in our area that has been sitting vacant or unused for years?

I support keeping the zoning LO-V-NP, and removing the restricted covenants only if replaced with an amended restrictive covenant.

Thank you.

Lisa Fuka

**Meredith, Maureen**

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**From:** margaretmills [REDACTED]  
**Sent:** Monday, May 21, 2012 1:42 PM  
**To:** Meredith, Maureen  
**Subject:** NPA-2011-0012.01 - 4020 Airport, AND - C14-83-307(RCT) - 4020 Airport

To: Planning Commission

Re: 4020 Airport Blvd.

Case #: NPA 2011 0012.01, and C14-83-307(RCT) - 4020 Airport

Date of Meeting: May 22, 2012

From: Margaret Mills  
1704 East 40th Street, Austin, Texas  
Home phone: 600-4741

(NOTE: I am 2 blocks from the 4020 Airport Blvd. tract, I have owned my home for 22 years, and I was a member of the Cherrywood Neighborhood Land Use and Transportation Committee's Task Force on the 4020 Airport rezoning request in March 2012)

Dear Members of the Planning Commission,

I understand and agree that a property owner has the right to develop their property, but as a neighbor and property owner who will be impacted, I believe that the change in zoning from LO-V-NP to LR (as proposed by the City Staff), or GR (as requested by the 4020 owner) would allow more commercial and intensive development than is compatible with a residential area, and would adversely affect my home and household.

In particular I am concerned with:

- 1) an increase in cut-through traffic through this residential neighborhood, between Airport Blvd, 38-1/2 and IH-35, and the resulting deterioration of the safety of our streets.
- 2) the tract appears to contain the headwaters to a tributary of Boggy Creek, with ground water seeps and a possible sinkhole, and most development could cause degradation of water quality downstream
- 3) the tract also contains many feet of supplemental fill, which would have to be removed for development, resulting in the overall elevation to fall into the 100-year flood plain, and increasing the risk of flooding to neighboring properties.

I support keeping the zoning LO-V-NP, and removing the restricted covenants only if replaced with an amended restrictive covenant.

Thank you for your attention to my concerns.

Margaret Mills

**Meredith, Maureen**

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**From:** KEARBY FEHR [REDACTED]  
**Sent:** Monday, May 21, 2012 12:20 PM  
**To:** Meredith, Maureen  
**Subject:** NPA-2011-0012.01 - 4020 Airport Blvd.

To: Planning Commission  
Re: 4020 Airport Blvd  
Case #: NPA 2011 0012.01  
Date: May 22, 2012

Kearby Fehr  
4018 Crescent Drive  
Austin 78722  
Location: 2 blocks from 4020 Airport Blvd  
Resided since 1956, owner of property.

Dear Members of the Planning Commission:

I understand and agree that a property owner has the right to develop their property, but as a neighbor and property owner who will be impacted, I believe that the change in zoning from LO-V-VP to LR as proposed by the City Staff, or GR as requested by the 4020 owner, would allow more commercial and intensive development than is fitting for a residential area, and would adversely affect my home and my neighbors'.

In particular, I am concerned with an increase in cut through traffic and thus the resulting deterioration of the safety of our streets. In addition, 4020 is a narrow tract which backs up to a creek which could result in flooding and degradation of the water quality.

I support retaining the zoning LO-V-NP, and removing the restricted covenants only if replaced with an amended restrictive covenant.

Thank for considering this request:

Kearby Fehr  
4018 Crescemt Drive



**Meredith, Maureen**

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**From:** Tricia Mitchell Kim [REDACTED]  
**Sent:** Monday, May 21, 2012 9:24 AM  
**To:** Meredith, Maureen  
**Subject:** NPA-2011-0012.01 - 4020 Airport

To: Planning Commission  
Re: 4020 Airport Blvd  
Case #: NPA 2011 0012.01  
Date: May 20, 2012

Dear Members of the Planning Commission,

I am an eight year resident of the Cherrywood neighborhood. For six years, my husband and I lived at 4005 Crescent Drive, about two blocks from 4020 Airport Blvd. We have two young children, walk and bike on neighborhood streets, and use Patterson Park frequently. For the last year and a half, we have lived at 4102 Wildwood, which is about a half mile west of our former house.

I understand and agree that a property owner has the right to develop his property, but as a neighbor and property owner whose family will be impacted, I oppose the proposed change in zoning of the 4020 Airport Blvd. property from LO-V-NP to LR (as proposed by the City Staff) or GR (as requested by the 4020 owner). The proposed changes would allow more commercial and intensive development than is fitting for a residential area, and would adversely affect our neighborhood, home and family. In particular, I am concerned about an increase in cut through traffic and the resulting deterioration of the safety of our streets. We have already seen such an increase after the changes on Airport Blvd. to accommodate the Mueller Development. The cars that cut through the neighborhood, especially during rush hour, often exceed the speed limit for a residential area, despite road humps and other measures to calm traffic.

In addition, the tract is narrow and backs up on a creek. Intensive development could cause flooding of nearby homes and degradation of water quality downstream. I support keeping the zoning LO-V-NP, and removing the restricted covenants only if replaced with an amended restrictive covenant.

Thank you.

Tricia Mitchell Kim

**Meredith, Maureen**

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**From:** carol dawson [REDACTED]  
**Sent:** Monday, May 21, 2012 9:16 AM  
**To:** Meredith, Maureen  
**Subject:** NPA-2011-0012.01 - 4020 Airport

To: Planning Commission  
Re: 4020 Airport Blvd  
Case #: NPA 2011 0012.01  
Date: May 22, 2012

From: Carol Dawson  
4010 Crescent Dr.  
Austin 78722  
2 blocks from 4020 Airport Dr.  
My husband and I own this residential property.  
My husband, Jeffery Poehlmann, has lived at this address on Crescent Dr. for 30 years  
Our two-year-old granddaughter lives with us.  
Dear Members of the Planning Commission,

I understand and agree that a property owner has the right to develop their property, but as neighbors and property owners whose family will be impacted, my husband and I believe that the change in zoning from LO-V-NP to LR as proposed by the City Staff, or GR as requested by the 4020 owner would allow more commercial and intensive development than is fitting for a residential area, and would adversely affect our home and family.

In particular we are concerned with:

- 1) an increase in cut through traffic and the resulting deterioration of the safety of our streets.
- 2) the tract is narrow, backs up on a creek and intensive development could cause flooding and degradation of water quality downstream
- 3) We support keeping the zoning LO-V-NP, and removing the restricted covenants only if replaced with an amended restrictive covenant.

Thank you.

Carol Dawson

**Meredith, Maureen**

---

**From:** David Boston <permit5000@gmail.com>  
**Sent:** Friday, May 18, 2012 3:06 PM  
**To:** Meredith, Maureen  
**Cc:** Patterson, Clark  
**Subject:** Petitions for Case # C14-2011-0085 and NPA-2011-001201  
**Attachments:** 4020 Airport tract petitions 5-18-12.PDF

Maureen and Clark:

The above attachment is the signed petitions from **One Hundred and Five** of the residents and property owners within 500 feet of the referenced tract. Please include this with all of the materials for this presentation. The petition is for no change to the neighborhood plan FLUM , no to the zoning change request and no to rescinding the restrictive covenants.

Thank You

David Boston

Case # C14-2011-0085  
Case # NPA-2011-0012.01

Address: 4020 Airport Drive  
Deed Reference: 2004214923  
TCAD Plat # 0215121301

ADDENDUM To SIGNED "STATEMENT OF OPPOSITION", (page 1 of 2)  
providing Plat Numbers of Signators, corresponding to residence address.

---

<u>Address</u>	<u>TCAD Tax ID #</u>	<u>TCAD Plat # (Ref ID2 #)</u>
(Page 1 of Signatures, in order of signing:)		
4009 Vineland Drive	209494	0215121310 0000
4007 Vineland Drive	209493	0215121309 0000
4005 Vineland Drive	209492	0215121308 0000
1815 E. 40 <sup>th</sup> Street	209467	0215121103 0000
1817 E. 40 <sup>th</sup> Street	209468	0215121104 0000
4008 Vineland Drive	209388	0215020437 0000
4013 Vineland Drive	209496	0215121312 0000
4015 Vineland Drive	209497	0215121313 0000
4015 Vineland Drive	209497	0215121313 0000
4017 Vineland Drive	209498	0215121414 0000
4017 Vineland Drive	209498	0215121414 0000
4002 Vineland Drive	209391	0215120440 0000

Case # C14-2011-0085  
Case # NPA-2011-0012.01

Address: 4020 Airport Drive  
Deed Reference: 2004214923  
TCAD Plat # 0215121301

ADDENDUM To SIGNED "STATEMENT OF OPPOSITION", (page 2 of 2)  
providing Plat Numbers of Signators, corresponding to residence address.

---

<u>Address</u>	<u>TCAD Tax ID #</u>	<u>TCAD Plat # (Ref ID2 #)</u>
(Page 2 of Signatures, in order of signing:)		
4021 Vineland Drive	209500	0215121316 0000
4016 Vineland Drive	209384	0215120433 0000
4014 Vineland Drive	209385	0215120434 0000
4012 Vineland Drive	209386	0215120435 0000
4010 Vineland Drive	209387	0215120436 0000
4004 Vineland Drive	209390	0215120439 0000
4003 Vineland Drive	209491	0215121307 0000
1814 E. 40 <sup>th</sup> Street	209488	0215121304 0000
1814 E. 40 <sup>th</sup> Street	209488	0215121304 0000
1816 E. 40 <sup>th</sup> Street	209487	0215121303 0000
1816 E. 40 <sup>th</sup> Street	209487	0215121303 0000
1817 E. 40 <sup>th</sup> Street	209468	0215121104 0000

Case # C14-2011-0085

Address: 4020 Airport Blvd.  
Deed Reference  
2004214923

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 LO-V-NP And that all current restrictions remain in effect.

For some or all of the following reasons: flooding potential, >300 vehicles a day increase on a residential street, devaluation of adjacent properties, light and noise pollution, increased crime, increase in heat, aesthetic loss to the park and neighborhood.

Signature	Printed Name	Address	Contact Inf.	Tax Id #
<i>Gail Arredondo</i>	Gail Arredondo	4009 Vineland Dr	Sue Brubaker	209494
<i>Paul Burg</i>	PAUL BURG	4007 Vineland Dr	476-3702	209493
<i>Pierce Haynes</i>	PIERCE HAYNES	4005 VINELAND	477-2300	209492
<i>Chris Gonzalez</i>	CHRIS GONZALEZ	1815 E 40th	981 8127	209467
<i>Brian Graham-More</i>	Brian Graham-More	1817 E 40th	585-5180	209467
<i>Ryan Steglich</i>	Ryan Steglich	4006 Vineland Dr	983-6196	
<i>Cynthia Wise</i>	Cynthia Wise	4013 Vineland	626-1016	209496
<i>Alvin Youngblood</i>	ALVIN YOUNGBLOOD	4015 Vineland Dr	478-3012	209492
<i>Kathleen Youngblood</i>	Kathleen Youngblood	4015 Vineland Dr	478-3012	209497
<i>Kristin Goodwin</i>	Kristin Goodwin	4017 Vineland Dr	713-376-6191	
<i>Amar Mehta</i>	Amar Mehta	4017 Vineland Dr	713-203-2847	
<i>Raymond Valera</i>	RAYMOND VALERA	4002 VINELAND DR	690-4860	209391
<i>Pete Masun</i>	Pete Masun	4001 Vineland Dr	799-7203	
<i>Lacy Shaw</i>	LACY SHAW	1811 E 40th AVE	680-5330	
<i>Rene Nunge</i>	RENE NUNGE	1805 E 40th	208-0808	
<i>Garrett Boon</i>	Garrett Boon	4007 Brookview Pl	799-9618	
<i>Emily Nunge</i>	EMILY NUNGE	1713 SIMPHER AVE	613-1287	
<i>F.E. Ward</i>	F.E. WARD	4019 Vineland	472-3706	
<i>Charles H. Tenous</i>	CHARLES H. TENOUS	4021 VINELAND AVE	773-2283	
<i>Alfred Hernandez</i>	Alfred HERNANDEZ	4019 VINELAND DR	934-0898	
<i>Stephen Isale</i>	STEPHEN ISALE	4011 VINELAND	844-6114	
<i>G. Robertson</i>	G. Robertson	4006 Vineland	447-1452	

Address: 4020 Airport Blvd.  
Deed Reference  
2004214923

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For some or all of the following reasons: flooding potential, >300 vehicles a day increase on a residential street, devaluation of adjacent properties, light and noise pollution, increased crime, increase in heat, aesthetic losses to the park and neighborhood.

Signature	Printed Name	Address	Contact Inf.	Email
	Eric Steele	3700 Throckmoll St #2	512-299-8096	erasteel@yahoo.com
	Laura Grandi	3700 Throckmoll St #2	512-882-5589	grandilaura@yahoo.com
	Rafael Silva	3700 Throckmoll St	512-774-6969	rafael.silva@yahoo.com
	C. Hill	4120 Lakeside	512-631-1212	chill101@yahoo.com
	Luke Downs	4120 Lakeside	512-810-7608	lukesdowns@yahoo.com
	Andrey Smirnov	4120 Lakeside	512-810-7608	andrey.smirnov@yahoo.com
	Ruy Carrasco	2105 Throckmoll St	512-767-4134	Ruycarrasco@yahoo.com
	Ying Chen	2608 Tom Miller	512-455-5610	ying.chen@gmail.com
	Diana Bister	3900 29 Throckmoll	512-415-6644	dianabister@yahoo.com
	Mari	3900 29 Throckmoll	512-228-1534	mari.mari@yahoo.com
	Joe Denlon	4001 McCluskey	512-636-2581	joe.denlon@yahoo.com
	David	4001 McCluskey	512-636-2581	David.Denlon@yahoo.com
	Kristie Kocurek	2108 Tom Miller	512-308-9118	KKocurek@comcast.net
	GARRETH WILCOCK	1908 McCluskey	512-696-8873	GARRETH.WILCOCK@gmail.com
	Andrea Solito	1904 McCluskey St	512-391-6223	asolito@gmail.com
	Stephen Solito	1904 McCluskey St	512-391-6223	solito12@gmail.com
	Thomas LePori	905 McCluskey St	512-940-7047	ThomasLePori@gmail.com
	DAVID AMBUCK	1909 Emma Lane	512-636-2795	ambuckdavid@gmail.com

Case # C14-2011-0085

Address: 4020 Airport Blvd.  
Deed Reference  
2004214923

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 LO-V-NP. And that all current restrictions remain in effect.

For some or all of the following reasons: flooding potential, >300 vehicles a day increase on a residential street, devaluation of adjacent properties, light and noise pollution, increased crime. increase in heat, aesthetic loss to the park and neighborhood.

[illegible]



Case # C14-2011-0085

2004214923

heat, aesthetic losses to the park and neighborhood.

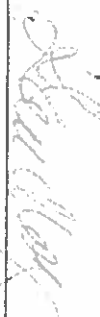
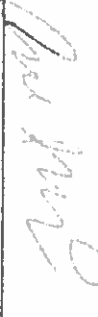




[illegible]

# Petition in Opposition to Zoning Change for 4020 Airport Blvd

Case # C14-2011-0085

Address: 4020 Airport Blvd.  
Deed Reference  
2004214923

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 LO-V-NP and request that all current restrictions remain in effect. We request this for some or all of the following reasons: flooding potential, >300 vehicles a day increase on a residential street, devaluation of adjacent properties, light and noise pollution, increased crime, increase in heat, aesthetic losses to the park and neighborhood.

Signature	Printed Name	Address (Austin, TX)	E-Mail/Telephone	Parcel ID No.
	Ken Smith	1709 S. White		
	Daniel A. McDaniel	4013 Greenway	fred@mc-daniel.com 481 4001	
	Amy Gaudin	4011 Rockledge	amy@gaudin.com	
	Jeff G. Green	4001 Rockledge	2 Brown 00248 brown.com	
	Lillian Barber	4005 Greenway	lbarber@comcast.net	
	Geoffrey Patten	4005 Greenway Rd.	geoff@patten.com geoffpatten@aol.com	

Case # C14-2011-0085

Address: 4020 Airport Blvd.  
Deed Reference  
2004214923

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 LO-V-NP And that all current restrictions remain in effect.

For some or all of the following reasons: flooding potential, >300 vehicles a day increase on a residential street, devaluation of adjacent properties, light and noise pollution, increased crime, increase in heat, aesthetic losses to the park and neighborhood.

Signature	Printed Name	Address	Contact Inf.	Email
	Eric Steele	3900 Throckmull St #39	512-299-8096	erasteel@yahoo.com
	Laura Grandi	3900 Throckmull St #32	512-882-5589	grandikure80@gmail.com
	Rafael Silva	3900 Throckmull St	512-714-6769	rafael.silva@yahoo.com
	C. Hill	4120 Laureless	459-6312	CHill@chill.com
	Robert Polynon	3014 M. FOSTER	512-860-768	Robert.polynon@gmail.com
	Luke Dennis	4256 Rickman	512-551-9670	lukedennis@yahoo.com
	Andrej Smic	4120 Burkman	705-383-3117	andrej-smic@gmail.com
	Tami Adams	3537 W. BONE	705-111-5873	TamiAdams@yahoo.com
	Ruy Charrasco	2105 Intrepid St	512-767-4124	Rushiest9@gmail.com
	Kingchi Chen	2608 Tom Miller	512-655-5670	Jack.ye.chen@gmail.com
	Diana Buster	3900 29 Throckmull	512-415-6211	thedianabuster@gmail.com
	MARIA CHAVARRIA	3900 22 Throckmull	512-228-1534	maria.chavarria@yahoo.com
	Joe Denton	4101 M. Foster	512-616-2551	joedenton@yahoo.com
	David Henderson	3900 29 Throckmull	512-616-2551	dhenderson@yahoo.com
	Kristie Kocurek	2108 Tom Miller	512-308-8118	KKocurek@texastel.net
	GARRETH WILCOCK	1408 McCloskey	512-696-8873	GARRETH.WILCOCK@gmail.com
	Heather Jones	1904 Tom Miller	512-616-4575	15TERICA@TOMMILLER.COM
	Andrea Solito	1904 McCloskey St	512-391-6223	asolito@gmail.com
	Stephen Solito	1904 McCloskey St	512-391-6223	solito2@gmail.com
	Thomas Lepori	1905 McCloskey St	512-940-7047	ThomasLepori@gmail.com
	DAVID HAMBURGER	1909 Emma Lane	512-636-2795	hamburgerd@gmail.com







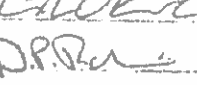


① 400 feet

Case # C14-2011-0085

Address: 4020 Airport Blvd.  
Deed Reference  
2004214923

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For some or all of the following reasons: flooding potential, >300 vehicles a day increase on a residential street, devaluation of adjacent properties, light and noise pollution, increased crime, increase in heat, aesthetic losses to the park and neighborhood

Signature	Printed Name	Address	Contact Inf.	Email
* 	Kin Chan	2200 Tom Miller St Austin, TX 78723	(512) 257-7804	k7chan@yahoo.com
* 	MITCH PRYOR	2204 TOM MILLER ST AUSTIN, TX 78723	(512) 423-1685	mpryor@gmail.com
* 	Donna Bueche	2204 Tom Miller St Austin, TX 78723	512 423 2496	donna.bueche@yahoo.com
* 	ME GLASSCOCK	2104 TOM MILLER ST AUSTIN, TX 78723	512-589-5630	mglasscock@austin.rr.com
* 	ANITA BOYLE	2000 Tom Miller St Austin, TX 78723	512-771-1657	amboyale@utexas.edu
* 	CAROLYN HAGLER	2012 Tom Miller Austin, TX 78723	512-350-6450	carolyn.hagler@yahoo.com
* 	Glenn Hagler	2012 Tom Miller Austin, TX 78723	512-796-6809	glennhagler@gmail.com
* 	BRIAN OSBORNE	2000 TOM MILLER ST. AUSTIN, TX 78723	512-365-7925	BRIAN_OSBORNE@yahoo.com
* 	David P. Rabalais	1912 Tom Miller Austin, TX 78723	512-426-3178	dprabalais@hotmail.com

**Address: 4020 Airport Blvd.**

**Deed Reference**

**2004214923**

**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 LO-V-NP and that all current restrictions remain in effect. For some or all of the following reasons: Flooding potential, > 300 vehicles a day increase on residential streets, devaluation of adjacent properties, light and noise pollution, increased crime, increase in heat, aesthetic loss to the park and neighborhood.**

[illegible]

Address: 4020 Airport Blvd  
Deed Reference: 2004214923




[illegible]

**Petition in Opposition to Zoning Change for 4020 Airport Blvd**

Case # C14-2011-0085

**Address: 4020 Airport Blvd.  
Deed Reference  
2004214923**

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 LO-V-NP and request that all current restrictions remain in effect. We request this for some or all of the following reasons: flooding potential, >300 vehicles a day increase on a residential street, devaluation of adjacent properties, light and noise pollution, increased crime, increase in heat, aesthetic losses to the park and neighborhood.

Signature	Printed Name	Address (Austin, TX)	E-Mail/Telephone	Parcel ID No.
	ADAM SPARUS	3907 CHERWOOD RD	ADAM SPARUS @ CMAIL.COM	
	Tina Posner	3901 CHERWOOD	tsposner@ earthlink.net	
	Hannah Vaughan	3903 CHERWOOD	hannahvaughan@ grandson.net	

1713 NO HOPIES  
1711 NO HANE

1709

NO HANE

1705

NO

HANE

1703

NO

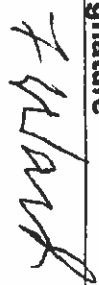
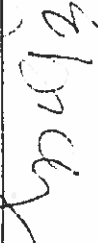


HANE

**Petition in Opposition to Zoning Change for 4020 Airport Blvd**

Case # C14-2011-0085

Address: 4020 Airport Blvd.  
Deed Reference  
2004214923

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 LO-V-NP and request that all current restrictions remain in effect. We request this for some or all of the following reasons: flooding potential, >300 vehicles a day increase on a residential street, devaluation of adjacent properties, light and noise pollution, increased crime, increase in heat, aesthetic losses to the park and neighborhood.

Signature	Printed Name	Address (Austin, TX)	E-Mail/Telephone	Parcel ID No.
	E. E. WARD	4918 VINELAND	472-3706	
	Elizabeth Diddy	1707 SHELLEY	414-2030	
	Christine Linnell	4017 Cherrywood Rd	796 9861	
	Ricardo Johnson	4001 Crescent Dr	478-2417	



**Petition in Opposition to Zoning Change for 4020 Airport Blvd**  
**Case # C14-2011-0085**

**Address: 4020 Airport Blvd.**  
**Deed Reference**  
**2004214923**

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 LO-V-NP and request that all current restrictions remain in effect. We request this for some or all of the following reasons: flooding potential, >300 vehicles a day increase on a residential street, devaluation of adjacent properties, light and noise pollution, increased crime, increase in heat, aesthetic losses to the park and neighborhood.

Signature	Printed Name	Address (Austin, TX)	E-Mail/Telephone	Parcel ID No.
<i>Donna Michele</i>	Donna S De Michele	3807 Willoughby	de.michej@hotmail.com	
<i>Robert E. Green</i>	Robert E Green	3503 Leffingwell		
<i>Cristen Peters</i>	Cristen Peters	1804 E. 38 <sup>th</sup> St.	cristenpeters@gmail.com	
<i>Isaiah Tibbs</i>	Isaiah Tibbs	4012 Crescent Dr. 78722	realto77@gmail.com	
<i>Margaret Stiles</i>	Margaret Stiles	1704 E. 40 <sup>th</sup> St 78722	marjaretstiles@peoplepc.com	



C18-19



## Upper Boggy Creek Neighborhood Plan Contact Team

Christopher Swanson, Chair  
John Lee, Vice Chair  
ubcnpt.chair@gmail.com  
wwd1@jclae.us  
1208 Norwood Rd  
Austin, Texas 78722  
Roscoe Overton, Secretary

22 May, 2012

Planning Commission

**Re: Resolution of the Upper Boggy Creek Planning Team for the 4020 Airport Property; File Number: NPA-2011-0012.01; C14-2011-0085**

To City of Austin Councilmember:

I am writing to inform you of the decision reached by the Upper Boggy Creek Neighborhood Plan Contact Team ("UBC") to recommend that the property referenced above be used as a green space, possibly as an extension of Patterson Park. We also recommend that the City of Austin pursue purchase of the property and consider adding the project to the current parks bond package.

I would be happy to discuss the matter with you further on behalf of UBC and I can answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Swanson'.

Christopher Swanson  
Chair UBC



Station and Drive-in Services Accessory use." This rezoning has not occurred, and arguably as a result of the existing restrictions, the property has remained undeveloped.

While the UBC has been involved in the discussion of rezoning since its inception, the most recent efforts have occurred over the last 18 months or so, with numerous meetings devoted almost entirely to this subject. UBC typically defers to the wishes of the neighborhood in which the property is located, in this case Cherrywood/Schieffer, and we have been provided with updates on the status of the case from representatives of the neighborhood more or less continuously over the time period.

Several months ago, Betty Terrell, an owner of the subject property, began attending our monthly meetings. She and/or her representative Mr. Bennett attended every meeting UBC held on the subject and answered every question we posed. They also attended meetings conducted by Cherrywood Neighborhood Association, a "Task Force" assembled to attempt to find a compromise set of restrictions on the property, and the Public Meeting conducted by the City. Ms. Terrell has spoken passionately about her desire to sell the property and the difficulties posed by the existing restrictions. We complement Ms. Terrell for her willing engagement in a lengthy process that ultimately could not reach agreement on a new set of restrictions for the property.

Ultimately, at the May 16th General Meeting of the Cherrywood Neighborhood Association ("CNA"), CNA voted against adopting a proposal for modified restrictions based on the Task Force recommendations. No alternative motion was offered at that meeting. Thus, the Cherrywood Neighborhood does not have an official position beyond the opposition to the changes originally proposed by the applicant. Cherrywood has never voted directly on the UBC position taken herein.

## **II. VARIOUS PROPOSALS**

Months of work from various groups on a complex topic cannot be easily summarized, but for those purposes I will refer to two alternative positions that have emerged from the process described above. First, there is the position of a group of neighbors lead by Brian Graham-Moore, which is reflected in the attached document labeled "Original Covenant for 4020 Airport Contrasted by Amended Changes of Adjacent Neighbors" with the column labeled "Amended Covenant Change" being the position espoused by this group. The other proposal is the one voted down at the General Meeting of CNA, which is based on the Task Force recommendations. A copy of that proposal is also attached for reference.

Both proposals reflect hours of work on the part of everyone involved however, neither garnered a clear majority of the neighborhood and, therefore, neither is recommended here. Ultimately, only the use of the property for green space was approved by a majority of UBC members.

## **III. CONCLUSION**



After a lengthy, open process involving all parties, during which several alternative proposals were developed and supported by various groups, the only one which has been endorsed by a majority of members of UBC is the use of the property for green or park space and we would recommend that the city pursue purchase of the property at fair market value and consider adding the project to the current parks bond package. To be clear, as a group we do not endorse any changes to the present zoning or restrictive covenants burdening the property. This is consistent with the position of the immediately surrounding neighbors as well as CNA.

I would be happy to discuss the matter with you further on behalf of UBC and I can answer any questions you may have.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Chris', followed by a long horizontal flourish.

Christopher Swanson  
Chair UBC





### Original Covenant for 4020 Airport Contrasted by Amended Changes of Adjacent Neighbors

Original Covenant Description	Amended Covenant Change
Zoning Code of O-1 Office District	LO per City Council vote of 2010. Vertical Mixed Use (VMU) an option.
List of businesses not allowed	List of allowed business categories under LO, as amended.
6 foot privacy fence	At least 8 foot privacy masonry fence kept in good repair with vegetative buffer on all sides not less than 15 feet in width. Major native trees spaced no more than 30 feet apart.
Privacy description	No change. Privacy is very important. Subchapter E guidelines are satisfactory.
No 24 hour activity	Business hours to be 7 a.m. to 7 p.m.
Lighting restrictions	No change, Subchapter E guidelines are satisfactory
No portable structures	No change
No heavy equipment	No change
Improvements per Site Plan Ex. A	Delete old Ex. A. Owners to show site plan with setbacks clearly shown with no less than 30% adjacent homeowners approval
Style of roof	Delete
Two stories only	Change. Two are permitted if VMU, with <u>maximum</u> height of 32 feet. This includes roof line.
Gross building cannot exceed 40,000 sq ft	Gross building cannot exceed 45,000 sq ft, not including compatibility standards, drainage ways, flood plains, and water quality setbacks.
Trash restrictions	As required in Subchapter E
No signs	Painted only with or without soft lighting. No kinetic or moving signs.
Security patrols	24 hour video surveillance if commercial use
New codes/ordinances must be met	No change.
Covenant violation permits prosecution	Violations permit prosecution and penalties of not less than \$10,000 for each infraction.
Invalidation of any one part of the covenant by legal means does not invalidate remainder.	No change
City Council can modify, amend or terminate with a three quarter vote	Requires a super majority to modify, amend, or terminate this covenant.
	No ingress or egress at Schieffer Avenue



<b>Type of Business</b>	<b>Amended Zoning Code</b>
	<b>LO (Limited Office)</b>
<b>Administrative/business office</b>	<b>Permitted</b>
<b>Art Gallery</b>	<b>Permitted</b>
<b>Art Workshop</b>	<b>NP</b>
<b>Consumer Convenience Services</b>	<b>NP</b>
<b>Medical Offices (5K sq ft or less)</b>	<b>NP</b>
<b>Medical Offices (exceeding 5K sq ft)</b>	<b>NP</b>
<b>Professional Office</b>	<b>Permitted</b>
<b>Software Development</b>	<b>Permitted</b>
<b>Special Historic Use</b>	<b>Conditional</b>
<b>Community Garden</b>	<b>Permitted</b>
<b>Urban Farm</b>	<b>Permitted</b>

**Legend: NP = not permitted**



**4020 AIRPORT BOULEVARD**

**Cherrywood Neighborhood Association (CNA) Steering Committee (SC)  
recommended CNA Position**

CNA continues to oppose the applications as filed last year by the Owner, and after an intensive and lengthy process, we offer the following Recommendation concerning the FLUM, the Zoning and the proposed Restrictions:

**FLUM CHANGE:**

Change the Future Land Use Map (FLUM) designation from "Office" to "Neighborhood Mixed Use".

**ZONING CHANGE**

Change "LO-V-NP" to "LR-V-MU-NP" (or if some or all of the conditions are contained in a Conditional Overlay, "LR-V-MU-CO-NP").

**CONDITIONS**

Note that we understand that the following conditions may be codified through a Conditional Overlay (CO), a Public Restrictive Covenant, and/or a Private Restrictive Covenant. CNA recommends that COA Staff, Planning Commission and City Council utilize the most effective method to codify these Conditions.

**Prohibited Uses** (these are uses that are shown as allowed in LR base zoning, are proposed to be restricted; i.e. NOT ALLOWED on this site)

- Service Station
- Off-Site Accessory Parking
- Pet Services
- Financial Services
- Art Workshop
- Consumer Convenience Services
- Printing and Publishing
- Restaurant (Limited)

\*note\* the taskforce and Steering Committee intended to restrict the following uses, but that was no longer explicit when the document was rearranged.

- Restaurant General
- Medical Office (exceeding 5,000 sq. ft)
- General Retail Sales (general)

**Provisions related to the "MU" suffix** (these provisions are intended to encourage significant, but not exclusive, residential uses):

- The height of any building or buildings where residential is NOT included, or where residential use is less than 50% would be limited to 32 feet and a maximum of 2 stories.
- If residential uses ARE included, no one building, nor the entire development, may exceed 65% residential.



**Other provisions:**

- There shall be a masonry privacy wall along the west and south sides of the property, 8 feet high. The wall shall have vegetative buffer on all sides. Major native trees in the buffer are to be spaced no more than 30 feet apart.
- 24 Hour Security surveillance is required
- No compounding pharmacy shall be permitted.
- Any individual retail space shall have a maximum of 4,000 square feet
- No vehicular access to Schieffer
- Maximum gross building footprint area of 45,000 square feet
- All building windows facing adjacent private residential property shall be designed so that a person of average height (5'10"), sitting or standing in a normal posture, cannot see neighboring yards or windows of nearby homes. This shall be accomplished by the use of louvers, placement above normal eye level, or any other effective means. Any fixtures installed for this purpose shall be permanent and shall not be adjusted or removed by building tenants or owners.
- Business hours 7:00am-7:00pm
- Subchapter E lighting restrictions with the additional restriction that the source of light shall not be visible to adjacent property owners
- No portable structures
- No heavy equipment
- Site signage must follow the Scenic Roadway Sign ordinance
- Covenant violations permit prosecution and penalties of not less than \$10,000 for each infraction.
- Invalidity of any one part of the covenant by legal means does not invalidate the remainder.
- Requires a super majority of city council to modify, amend, or terminate the covenant.
- Walls, structures or screens which would obscure views to the areas between buildings and interior property lines from Airport Blvd or Schieffer Avenue are prohibited.





May 20, 2012

At the May 16th General Meeting of the Cherrywood Neighborhood Association (CNA), a motion to adopt the CNA Steering Committee's recommendation on the 4020 Airport property was voted down by a vote of 40 to 16. No alternative motion was offered at the meeting. Thus, the Cherrywood Neighborhood does not have a position beyond the opposition that was voiced for the flum and zoning changes requested by the applicant at the February 15 meeting of the CNA membership.

I am attaching both the recommendation of the steering committee and the position that has been distributed by Brian Graham-Moore who indicates that he speaks for a coalition of neighbors surrounding the property. The CNA attempted to find common ground on the issues related to the property and the Steering Committee recommendation you see here was based on a series of taskforce meetings, then also on a Land Use and Transportation meeting and then a Steering Committee meeting. All meetings were announced ahead of time and all of those who were interested were welcome to attend.

Despite the differences that can be found in the two positions, I would like to point out the effort that was put into crafting a set of additional restrictions in the Steering Committee recommendation on the percentage of the property that can be residential if an MU designation ends up being considered. Likewise, if the full height of the allowed building height is to be allowed, they must include a certain percentage of residential. Even if this property doesn't benefit from this work, it may prove to be useful to other neighborhoods who want to try and craft their zoning to encourage true mixed residential developments.

/Aaron Choate

Chair of the Cherrywood Neighborhood Association Steering Committee



22 May 2012

C17-19

Planning Commissioners  
City of Austin

RE: Items 17, 18 & 19 on 22 May 2012 PC Agenda

Commissioners;

For many years I have come before this body as a representative of the Cherrywood Neighborhood Association (CNA), of which I was the founding Chair; of the Steering Committee (SC), of which I am a member; and of the Land Use and Transportation (LUT) Committee (formerly named the Planning, Zoning and Transportation Committee), on which I have served since its founding over twenty years ago and which I chaired until only a few weeks ago.

As you may remember, in the past Cherrywood has always tried to be supportive of City Planning initiatives while also acting to protect the interests of our neighborhood. In 2002, for instance, both City staff and the neighborhoods supported LR zoning for this property in the Upper Boggy Creek plan (item 19, page 42). Similarly, in 2010 the same neighborhoods supported VMU for the property, hoping that someday we might have a true mixed-use project there, similar to projects that we have supported on Manor road and which are recommended for all of our emerging Core Transit Corridors. My own goal in all of these initiatives has been to try to bring you a recommendation that has the support of my neighborhood, but recent circumstances prevent that now.

Tonight, then, I come to you only as a native Austinite, architect, urban designer, planner and 31 year resident of the Cherrywood Neighborhood. I have provided a packet of information that includes the recommendation of the Steering Committee of CNA, which was not supported at the recent General meeting, but which contains my personal support and which contains provisions which I hope you will vote to include in some form, be they a Conditional Overlay (CO), or in combination with Public and/or Private Restrictive Covenant(s). They are the result of the earnest hard work of a Task Force, the LUT Committee and the SC - all trying to strike a balance among the needs of the immediate neighbors, the neighborhood at large and the Land owners (4020 Airport).

I am happy to address any questions you may have.



Girard Kinney, AIA  
5 Kern Ramble  
Austin, Texas  
478.5042  
girard@kinneyarchitects.com



**4020 AIRPORT BOULEVARD**

**Cherrywood Neighborhood Association (CNA) Steering Committee (SC) recommended CNA Position**

CNA continues to oppose the applications as filed last year by the Owner, and after an intensive and lengthy process, we offer the following Recommendation concerning the FLUM, the Zoning and the proposed Restrictions:

**FLUM CHANGE:**

Change the Future Land Use Map (FLUM) designation from "Office" to "Neighborhood Mixed Use".

**ZONING CHANGE**

Change "LO-V-NP" to "LR-V-MU-NP" (or if some or all of the conditions are contained in a Conditional Overlay, "LR-V-MU-CO-NP").

**CONDITIONS**

Note that we understand that the following conditions may be codified through a Conditional Overlay (CO), a Public Restrictive Covenant, and/or a Private Restrictive Covenant. CNA recommends that COA Staff, Planning Commission and City Council utilize the most effective method to codify these Conditions.

**Prohibited Uses** (these are uses that are shown as allowed in LR base zoning, are proposed to be restricted; i.e. NOT ALLOWED on this site)

- Service Station
- Off-Site Accessory Parking
- Pet Services
- Financial Services
- Art Workshop
- Consumer Convenience Services
- Printing and Publishing
- Restaurant (Limited)

**Provisions related to the "MU" suffix** (these three provisions are intended to encourage significant, but not exclusive, residential uses):

- The height of any building or buildings where residential is NOT included, or where residential use is less than 50% would be limited to 32 feet and a maximum of 2 stories.
- If residential uses ARE included, no one building, nor the entire development, may exceed 65% residential.

**Other provisions:**

- There shall be a masonry privacy wall along the west and south sides of the property, 8 feet high. The wall shall have vegetative buffer on all sides. Major native trees in the buffer are to be spaced no more than 30 feet apart.
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- Subchapter E lighting restrictions with the additional restriction that the source of light shall not be visible to adjacent property owners
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- No heavy equipment
- Site signage must follow the Scenic Roadway Sign ordinance
- Covenant violations permit prosecution and penalties of not less than \$10,000 for each infraction.
- Invalidation of any one part of the covenant by legal means does not invalidate the remainder.
- Requires a super majority of city council to modify, amend, or terminate the covenant.
- Walls, structures or screens which would obscure views to the areas between buildings and interior property lines from Airport Blvd or Schieffer Avenue are prohibited.

Submitted by Girard Kinney, AIA

Former Chair, CNA Land Use and Transportation Committee

22-May-12		COMPARISON OF USES ALLOWED UNDER VARIOUS REGIMES FOR 4020 AIRPORT BLVD.			
GR	LR	CNA - SC recommendation		LO	GM proposal
Administrative and Business Offices	Administrative and Business Offices	Administrative and Business Offices	Administrative and Business Offices	Administrative and Business Offices	Administrative and Business Offices
Art Gallery	Art Gallery	Art Gallery	Art Gallery	Art Gallery	Art Gallery
Art Workshop	Art Workshop			Art Workshop	
Automotive Rentals					
Automotive Repair Services					
Automotive Sales					
Automotive Washing					
Bail Bond services					
Business or Trade School					
Business/Support Services					
Commercial Off-Street Parking					
Communications Services					
Consumer Convenience Services	Consumer Convenience Services			Communications Services	Communications Services
Consumer Repair Services	Consumer Repair Services	Consumer Repair Services			
Drop-off Recycling Collection Facility					
Exterminating Services					
Financial Services	Financial Services				
Food Preparation (C)					
Food Sales	Food Sales	Food Sales			
Funeral Services					
General Retail Sales (Convenience)	General Retail Sales (Convenience)	General Retail Sales (Convenience)			
General Retail Sales (General)	General Retail Sales (General) [11]				
Hotel-Motel					
Indoor Entertainment					
Indoor Sports and Recreation					
Medical Offices (>5000 sqft)	Medical Offices (>5000 sqft) [C]			Medical Offices (>5000 sqft)	
Medical Offices (<5000 sqft)	Medical Offices (<5000 sqft)	Medical Offices (<5000 sqft) (no compounding pharmacy)		Medical Offices (<5000 sqft)	
Offsite Accessory Parking	Offsite Accessory Parking				
Outdoor Entertainment (C)					
Outdoor Sports and Recreation					
Pawn Shop Services					
Personal Improvement Services	Personal Improvement Services [11]	Personal Improvement Services [11]			
Personal Services	Personal Services	Personal Services			
Pet Services	Pet Services				
Plant Nursery (C)	Plant Nursery (C)	Plant Nursery (C)			
Printing and Publishing	Printing and Publishing				
Professional Office	Professional Office	Professional Office		Professional Office	Professional Office
Research Services					
Restaurant (General)	Restaurant (General) [11]				
Restaurant (Limited)	Restaurant (Limited)				
Service Station	Service Station				
Software Development	Software Development	Software Development		Software Development	Software Development
Special Use Historic (C)	Special Use Historic (C)	Special Use Historic (C)		Special Use Historic (C)	Special Use Historic (C)
Theater					
Community Garden	Community Garden	Community Garden		Community Garden	Community Garden
Urban Farm	Urban Farm	Urban Farm		Urban Farm	Urban Farm





May 22, 2012

C17-19

Planning Commission:

Attached are the following documents:

- Letter to Planning Commission from Schieffer/Willowbrook Neighbors
- Proposed amendments to the restrictive covenant
- E-Mail from UBC Planning Team that describes its vote on 5.21.12
- Copy of PowerPoint Presentation

Thank you again for your consideration and time!

Sincerely,

Schieffer/Willowbrook Neighbors



Regarding 4020 Airport Blvd.  
Case # NPA-2011-0012.01  
for May 22, 2012

Dear Planning Commission Member,

Thank you for the extensive time and effort you give to the City of Austin and its citizens. We understand the difficulty you face when weighing and balancing the diverse needs and opinions of neighborhoods and developers and appreciate your efforts.

Regarding 4020 Airport, #17 on the agenda for the May 22 meeting, we ask your indulgence in reading the following brief letter, and thank you in advance for your time.

Although 100% of the adjacent neighbors within 500 feet of the 4020 tract (as well as numerous neighbors in the larger neighborhood as well) are opposed to the requested zoning change, we recognize the 4020 property owner's right to attempt to sell their property to the highest bidder, and for that future buyer to develop that property, within certain protective restrictions set by zoning, restrictive covenants, environmental concerns, etc.

As neighbors and property owners whose families will be impacted by decisions made by the Planning Commission, we have proposed updated **amended covenants**,\* but do not feel that it is reasonable or necessary to open the doors to a wider range of commercial uses by changing the zoning from LO-V-NP to LR or GR.

In meetings both public and private, (including with City Staff) we neighbors have signaled our willingness to make reasonable accommodations and amend certain outdated covenants and on **March 7, 2012 submitted those proposed amended covenants to City Staff (see Neighborhood Plan Amendment Review Sheet, p. 29)**. However, when looking over the back up documents no mention is made of these extensive efforts on our part to find common ground, possibly creating the impression that we are unreasonable and obstructionist.

It is important to note that we did put faith in a Cherrywood NA task force which was one of the several ways we signaled that we were willing to make reasonable accommodations.

However, though we support reasonable concessions, the task force recommendations was voted down three – to – one by the neighborhood. Why? It did not appropriately address the concerns of those most affected. Also, it included the owner and her lobbyist inappropriately early in the process, (forcing unsupported concessions). This action left no time for the larger neighborhood to discuss or agree before a vote was pressed upon us.

The neighbors of Scheiffer/Willowbrook are willing to make reasonable accommodations such as those listed in the **amended covenant chart below\***.



We hope that you agree that it is not unreasonable to be concerned about the negative impact of possible widespread commercial uses on our residential neighborhood. **The current zoning of LO paired with our proposed amended covenant would still leave reasonable choices for the property to be viably developed.**

However, any wider zoning such as LR or GR would most assuredly cause an unfair burden onto the neighborhood. One of our major concerns is the resultant increase in cut through traffic and the resulting deterioration of the safety of our streets.

It is important to note that the owners of 4020 Airport bought the property knowing the zoning and restrictions on it, although they are claiming that (unrecorded) conversations with City Staff led her to believe that these restrictions would be easy to remove. In addition, public records indicate that the asking price is \$1.5 million. It has been posited by brokers in the trade that this may be a contributing factor toward the property not selling, since it is well over market in an area with numerous vacant developed commercial properties.

Please note that if there is an amended restrictive covenant or other mechanism that both addresses the neighborhood concerns and the property owners issues we can support terminating the current restrictive covenant.

We do not believe that the proposed zoning change from the current LO-V-NP to LR or GR zoning is necessary or appropriate, and as stated earlier, **LO paired with a flexible restrictive covenant, will leave reasonable choices for the property to be viably developed.**

Thank you again for giving your extensive time and effort to these difficult issues.

Regards,

Schieffer/Willowbrook Neighbors

\*Proposed Amended Covenant

\*\*Neighborhood Concerns



## Original Covenant for 4020 Airport Contrasted by Amended Changes of Adjacent Neighbors

Original Covenant Description	Amended Covenant Change
Zoning Code of O-1 Office District	LO per City Council vote of 2010. Vertical Mixed Use (VMU) an option.
List of businesses not allowed	List of allowed business categories under LO, as amended.
6 foot privacy fence	At least 8 foot privacy masonry fence kept in good repair with vegetative buffer on all sides not less than 15 feet in width. Major native trees spaced no more than 30 feet apart.
Privacy description	No change. Privacy is very important. Subchapter E guidelines are satisfactory.
No 24 hour activity	Business hours to be 7 a.m. to 7 p.m.
Lighting restrictions	No change, Subchapter E guidelines are satisfactory
No portable structures	No change
No heavy equipment	No change
Improvements per Site Plan Ex. A	Delete old Ex. A. Owners to show site plan with setbacks clearly shown with no less than 30% adjacent homeowners approval
Style of roof	Delete
Two stories only	Change. Two are permitted if VMU, with <u>maximum</u> height of 32 feet. This includes roof line.
Gross building cannot exceed 40,000 sq ft	Gross building cannot exceed 45,000 sq ft, not including compatibility standards, drainage ways, flood plains, and water quality setbacks.
Trash restrictions	As required in Subchapter E
No signs	Painted only with or without soft lighting. No kinetic or moving signs.
Security patrols	24 hour video surveillance if commercial use
New codes/ordinances must be met	No change.
Covenant violation permits prosecution	Violations permit prosecution and penalties of not less than \$10,000 for each infraction.
Invalidation of any one part of the covenant by legal means does not invalidate remainder.	No change
City Council can modify, amend or terminate with a three quarter vote	Requires a super majority to modify, amend, or terminate this covenant.
	No ingress or egress at Schieffer Avenue



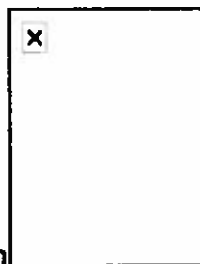


<b>Type of Business</b>	<b>Amended Zoning Code LO (Limited Office)</b>
Administrative/business office	Permitted
Art Gallery	Permitted
Art Workshop	NP
Consumer Convenience Services	NP
Medical Offices (5K sq ft or less)	NP
Medical Offices (exceeding 5K sq ft)	NP
Professional Office	Permitted
Software Development	Permitted
Special Historic Use	Conditional
Community Garden	Permitted
Urban Farm	Permitted

**Legend: NP = not permitted**



Upper Boggy Creek Neighborhood Plan Contact Team



Christopher Swanson, Chair  
John Lee, Vice Chair  
ubcnpt.chair@gmail.com  
1209 Norwood Rd  
Austin, Texas 78722  
Roscoe Overton, Secretary

wwd1@jcllee.us

22 May, 2012

**Re: Resolution of the Upper Boggy Creek Planning Team for the 4020 Airport Property;  
File Number: NPA-2011-0012.01; C14-2011-0085**

To Whom it May Concern

I am writing to inform you of the decision reached by the Upper Boggy Creek Neighborhood Plan Contact Team ("UBC") to recommend that the property referenced above be used as a green space, possibly as an extension of Patterson Park. We also recommend that the City of Austin pursue purchase of the property and consider adding the project to the current parks bond package. We were not able to support and, therefore, cannot endorse any of the various sets of revised development restrictions on the property that emerged from a lengthy, collaborative process, which is summarized below.

## **I. UBC AND ITS PROCESS**

The UBC is organized under the City of Austin Code (Section 25-1-805) and is responsible for the implementation of the Upper Boggy Creek Neighborhood Plan approved by the City in August of 2002. UBC is made up of representatives from the five neighborhoods within the planning area: Rogers-Washington/Holy Cross, Blackland, Cherrywood, Wilshire Wood/Delwood I, and Delwood II. Patterson Park is within the planning area and is referenced in the plan. UBC meets monthly and our meetings are open to the public, although only delegates, as chosen by the member neighborhoods, may vote.

The history of this property and the existing set of restrictions on the property predates the formation of the UBC. When the Neighborhood Plan was written at least, some rezoning was anticipated as evidenced by the reference in the Plan to "Rezone the commercially-zoned property located between Schieffer Avenue and 40th Street from Limited Office (LO) to Neighborhood Commercial (LR). Allow the Neighborhood Mixed-Use Building and mixed use overlay and prohibit the following use: Service Station and Drive-in Services Accessory use."

5/22/2012



This rezoning has not occurred, and arguably as a result of the existing restrictions, the property has remained undeveloped.

While the UBC has been involved in the discussion of rezoning since its inception, the most recent efforts have occurred over the last 18 months or so, with numerous meetings devoted almost entirely to this subject. UBC typically defers to the wishes of the neighborhood in which the property is located, in this case Cherrywood/Schieffer, and we have been provided with updates on the status of the case from representatives of the neighborhood more or less continuously over the time period.

Several months ago, Betty Terrell, an owner of the subject property, began attending our monthly meetings. She and/or her representative Mr. Bennett attended every meeting UBC held on the subject and answered every question we posed. They also attended meetings conducted by Cherrywood Neighborhood Association, a "Task Force" assembled to attempt to find a compromise set of restrictions on the property, and the Public Meeting conducted by the City. Ms. Terrell has spoken passionately about her desire to sell the property and the difficulties posed by the existing restrictions. We complement Ms. Terrell for her willing engagement in a lengthy process that ultimately could not reach agreement on a new set of restrictions for the property.

Ultimately, at the May 16th General Meeting of the Cherrywood Neighborhood Association ("CNA"), CNA voted against adopting a proposal for modified restrictions based on the Task Force recommendations. No alternative motion was offered at that meeting. Thus, the Cherrywood Neighborhood does not have an official position beyond the opposition to the changes originally proposed by the applicant. Cherrywood has never voted directly on the UBC position taken herein.

## **II. VARIOUS PROPOSALS**

Months of work from various groups on a complex topic cannot be easily summarized, but for those purposes I will refer to two alternative positions that have emerged from the process described above. First, there is the position of a group of neighbors lead by Brian Graham-Moore, which is reflected in the attached document labeled "Original Covenant for 4020 Airport Contrasted by Amended Changes of Adjacent Neighbors" with the column labeled "Amended Covenant Change" being the position espoused by this group. The other proposal is the one voted down at the General Meeting of CNA, which is based on the Task Force recommendations. A copy of that proposal is also attached for reference.

Both proposals reflect hours of work on the part of everyone involved however, neither garnered a clear majority of the neighborhood and, therefore, neither is recommended here. Ultimately, only the use of the property for green space was approved by a majority of UBC members.

## **III. CONCLUSION**

After a lengthy, open process involving all parties, during which several alternative proposals were developed and supported by various groups, the only one which has been endorsed by a majority of members of UBC is the use of the property for green or park space and we would recommend that the city pursue purchase of the property at fair market value and consider adding the project to the current parks bond package. To be clear, as a group we do not endorse any changes to the present zoning or restrictive covenants burdening the property. This is consistent with the position of the immediately surrounding neighbors as well



as CNA.

I would be happy to discuss the matter with you further on behalf of UBC and I can answer any questions you may have.

Sincerely,

Christopher Swanson  
Chair UBC

5/22/2012





C17-19

**Request to  
Austin Planning Commission  
RE: 4020 Airport**

**Presented by:  
Schieffer/Willowbrook Neighbors  
May 22, 2012**

1

**Overview**

**Presented By:**

**Margaret Mills**

- Address: 1704 E. 40<sup>th</sup>
- Owned home 22 years
- Member, LUT Task Force for 4020 Airport appointed by the Cherrywood Neighborhood Association

2

## Key Points

- **Neighbors Recognize Owner's Rights**

Schieffer/Willowbrook neighbors recognize a property owner's rights to develop their property within certain restrictions set by zoning, restrictive covenants, etc

- **Neighborhood Plan Just Approved in 2010**

The Neighborhood Plan VMU Overlay that included 4020 Airport Blvd was just approved in 2010 by City Council and established zoning for Airport Blvd. *Why do we need a change so soon?*

3

- **Owner Aware of Existing Restrictions When Property Was Purchased**

The owner purchased the property knowing the existing restrictions. Now requesting a change in zoning in order to sell the property at highest price, not to develop it.

- **No demand for development** – Significant vacancy and less neighborhood-friendly businesses on nearby corridor with commercial zoning

- **Balanced Approach from Neighbors**

The Schieffer/Willowbrook neighbors have taken a balanced approach. We agree to reasonable modifications that still provide neighborhood protection.

4

## Presentation from Neighbors

- Background
- Neighborhood Concerns
- Neighborhood proposal to amend the covenant but maintain existing zoning (LO-V-NP)
- Market Analysis

*Thank you for the opportunity to present our concerns and proposal*

5

## Background

- Former property owners agreed to zoning with restrictive covenants in 1983
- Property was purchased by current owner with existing restrictions in place
- Neighborhood plan with VMU overlay was adopted by city council in 2010 – established zoning for Airport Blvd (and LO-V-NP zoning for 4020 Airport)
- Owner's goal is to sell the property (not develop it) – on market for \$1.8 million
- Neighbor association has consistently voted against the owner's request for a zoning change

6

## Information on 4020 Airport

- 4020 Airport (the property) is located as the “entry” to Schieffer/Willowbrook neighborhood - directly across from the Mueller development
- Borders Patterson Park which has heavy use from families
- Long narrow tree-lined property with creek running along west side
- Property is filled in flood plain
- 29 homes within 200 feet of property
- 82 homes within 500 feet of property

7

## Who are the Schieffer/Willowbrook Neighbors?

8



**Raymond and Vivian Joseph**

1716 E. 40th

Home is within 200 feet of property

Owned home since 1961 – 51 years

Retired TV repairman

9



**Alvin Youngblood**

1415 Vineland

4020 is contiguous to his backyard

Resident since 1998

Failure Analyst for Semiconductors

10



**Cindy Wise and her son, Benjamin (3 ½)**

4013 Vineland

4020 Airport is contiguous to her backyard

Resident since 2006

Database Developer

11



**Carlos & Kelly Gonzalez, Sofia, Lila, Jude, Moses**

1815 E 40th

Resident since 2009

Occupation: Sales

12

## What are the concerns of neighbors?

- **Safety** – Increased traffic on neighborhood streets used by families to access adjacent Patterson Park
- **Property Value & Privacy** – Strong neighborhood support for maintaining current zoning that better protect privacy & property values
- **Environmental impact** – Creek on property allows for watershed. Impervious cover would cause significant issues with drainage/property impact.

13

## Safety Concerns



Neighbors are very concerned that a change in zoning would result in increased through traffic on Schieffer by Patterson Park and create a safety issue for children. Not only do neighbors regularly walk to the park with their children, but families from all over East Austin use the park frequently.

14

## Environmental Concerns



Airport Blvd:

Property has creek on it that is a main runoff route after rainfall.



40th St:

Significant drainage work would have to be done to allow amount of water to pass through property and not impact neighboring properties



## Privacy and Property Values



View from Joseph's backyard 1716 E. 40th 16

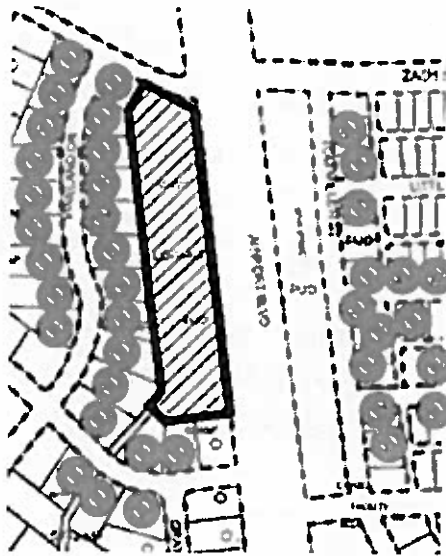


## What is the position of neighbors?

- Schieffer/Willowbrook neighbors have repeatedly voiced opposition to zoning change:
  - 77% of all residents within 500 feet signed petition in opposition to changing zoning change (majority of those who didn't sign could not be reached)
  - Members of the Cherrywood Neighborhood Association (CNA) voted against the request to change zoning to GR on 2/15/12
  - By 3 to 1 margin, CNA members voted against proposal to change zoning to LR on 5/16/12
  - UBC Planning Team did not endorse any changes to zoning or restrictive covenants on 5/21/12.

17

## Voice of the Neighborhood



➤ **100%** of Neighbors reached in 500ft signed petition **against** changing zoning

➤ **63** property owners in Schieffer and Mueller neighborhoods are **against** changing zoning

## Proposal from Neighbors

- **Agreement that covenant is too restrictive:**  
Neighbors understand that the original covenant includes outdated restrictive requirements
- **Neighbors are not opposed to any development:**  
Just to development that will have an serious impact on safety, privacy, property values, and environment
- **Neighbors have proposed a balanced approach:**  
Retain existing LO zoning but amend the covenant so that it provides more flexibility while still protecting property value and ensuring safety of the neighborhood

19

## Position of CNA

- LUT Task Force on 4020 appointed by CNA
- Recommendation from task force for change to LR zoning
- Recommendation for LR zoning voted down by 3 to 1 margin on 5/16/12 by CNA members at neighborhood association general meeting
- Neighbors believed it did not represent their best interest or address their concerns

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## Request to Planning and Zoning from S/W Neighbors

- Reject staff recommendation for LR
- Maintain LO-V-NP zoning
- Amend existing covenant to allow more flexibility as per neighborhood recommendation

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## Description of Proposed Covenant Amendment

### **Presented By:**

#### **Brian Graham-Moore**

- 1817 E. 40<sup>th</sup>
- Home is within 200 feet of property
- Owned home 20 years
- Member, LUT Task Force for 4020 Airport appointed by the Cherrywood Neighborhood Association

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## Option: Amend the Covenant

- Alternative option supported by neighbors:
  - amend covenant
  - retain LO zoning presented as a compromise
- Document showing all proposed changes to the covenant included in your packet

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## Highlights: Amended Covenant

- Aligned with recommendations of LUT Task Force on 4020 agreements and the VMU approved by City Council
- Deletes outdated, less flexible requirements
- Maintains neighborhood protections
- Agrees to extend hours of operation (7 to 7)
- Deletes roof specifications
- Expands allowable square feet
- Allows two storied building
- Restricts ingress and egress on Schieffer Ave by Patterson Park

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## Market Analysis

### Presented by

#### **Ryan Steglich**

- 4008 Vineland Drive
- Resident of neighborhood for 6 years
- Practicing Realtor for 5 years
- Austin Real Estate Investor for 7 year

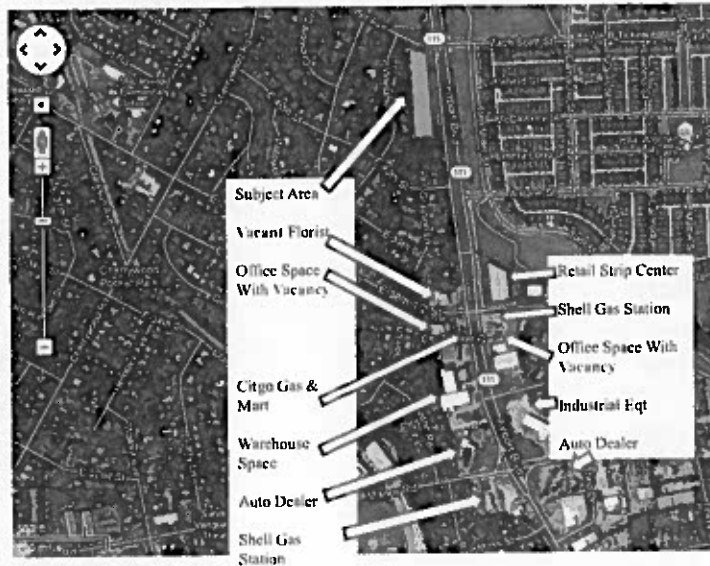
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## Demand for Development

- Significant vacancy and less neighborhood-friendly businesses on nearby corridor with commercial zoning
- Numerous properties for sale/lease on market for extended period
- Mueller increasing supply
  - 'Market District' to include a 75,000 sq ft HEB
  - 'Mueller Town Center' a mixed-use, combining upper-level office and residential with street-level retail and commercial.

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### Overhead View of Neighborhood

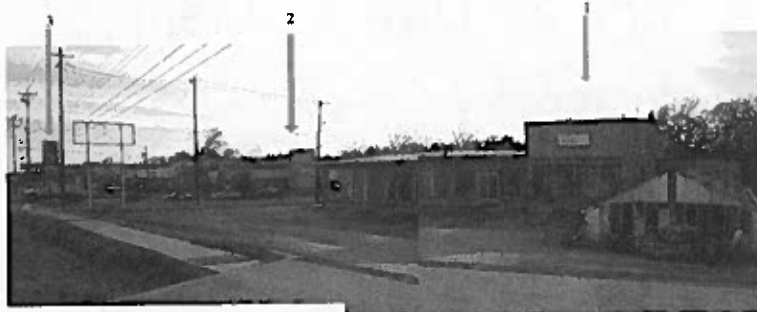


➤Property is faced by 3 sides Residential and one side Patterson Park

➤Nearby Commercial corridor already has significant vacancy

➤Mueller chose not to develop mirror plot on other side of Airport Blvd and use for green space

### View of Airport/38<sup>th</sup> Intersection



#### Southbound Side

1. Vacant Florist
2. Office Space With Vacancy
3. Citgo Gas & Mart



#### Northbound Side:

4. Retail Strip Center (includes a check cashing/payday loan store, Dollar Store, Furniture Rental Store)
5. Office Space With Vacancy
6. Shell Gas Station

## Summary - Key Points

- **Neighborhood Concerns:**
  - Safety
  - Property Value & Privacy
  - Environmental Impact
- **No demand for development**
- **Neighbors Recognize Owner's Rights**
- **Neighborhood VMU Plan Just Approved in 2010**
- **Owner Aware of Existing Restrictions When Property Was Purchased**

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## Request to Planning and Zoning from S/W Neighbors

- **Reject staff recommendation for LR**
- **Maintain LO-V-NP zoning**
- **Amend existing covenant to allow more flexibility as per neighborhood recommendation**

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Neighbors are presenting a balanced and fair option that allows owner to have a marketable property while protecting our neighborhood

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## Thank You

- *Thank you for consideration*
- Contact information
  - Brian Graham-Moore:
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  - Margaret Mills
    - 512-600-4741
    - [Margaretmills@peoplepc.com](mailto:Margaretmills@peoplepc.com)
  - Ryan Steglich
    - 512.983.6196
    - [Rsteglich@gmail.com](mailto:Rsteglich@gmail.com)

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