C3
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ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0027 – Kincheon Neighborhood Commercial Center

Z.A.P. DATE: May 21, 2013
June 4, 2013
June 18, 2013
September 17, 2013

ADDRESS: 7905 Brodie Lane

OWNER: Shelby Michael Minns and Katherine T. Minns

AGENT: Land Answers, Inc. (Jim Wittliff)

ZONING FROM: NO-CO **TO:** LR

AREA: 0.43 acres (18,730 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny neighborhood commercial (LR) district zoning.

If the Owner/Applicant's request for LR zoning is granted, then development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

May 21, 2013: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JUNE 4, 2013*

[P. SEEGER; R. MCDANIEL – 2ND] (5-0) C. BANKS; J. MEEKER – ABSENT

June 4, 2013: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JUNE 18, 2013*

[P. SEEGER; J. MEEKER – 2ND] (6-0) G. ROJAS – ABSENT

June 18, 2013: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY THE APPLICANT*

[J. MEEKER; P. SEEGER – 2ND] (6-0) C. BANKS – ABSENT

September 17, 2013:

ISSUES:

The Applicant would like to discuss the Staff recommendation and has agreed to prohibit the following uses first permitted in LR zoning: restaurant (general), restaurant (limited), service station as well as drive-through services as an accessory use. Correspondence for and against the zoning change is located at the back of the Staff packet.

DEPARTMENT COMMENTS:

The subject two platted lots are undeveloped and are zoned neighborhood office – conditional overlay – conditional overlay (NO-CO) combining district zoning. The property has frontage on Brodie Lane, a major arterial, and Elija Street and Dalton Street, both local streets. The site is just north of the T-intersection formed by Brodie Lane's intersection with Eskew Drive (a collector). Surrounding zoning includes NO-MU and SF-3 to the north (child care facility, church and residences); SF-3 to the east (residences); NO-MU-CO and SF-3 to the south (offices, residences); and SF-3 on the west side of Brodie Lane (retail, commercial and offices). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The property was zoned NO-CO in August 2000 and the Conditional Overlay limits height of a structure to 30 feet, prohibits access to Dalton Street and requires a 30-foot wide vegetative buffer along the east property line (C14-00-2040). Please refer to Exhibit C (2000 Rezoning Ordinance). The Applicant has requested to the neighborhood commercial (LR) district with the intent of developing office and retail uses. According to the application, access to Brodie Lane and Elija Street would be allowed, but prohibited to Dalton Street.

There are neighborhood commercial (LR) and community commercial (GR) zoned properties on the east side of Brodie Lane to the north and south of this property. However, these zonings were granted in the 1970s and 1980s, and the more recent zoning pattern in the immediate area is NO. The permitted land uses in NO zoning typically generate less traffic than those in the LR district and include administrative, business and professional offices (but not medical), software development, and a range of civic uses including child care facilities, counseling services and educational facilities. Therefore, Staff recommends maintaining the NO base district for the subject property as it fits the purpose statement and continues to be appropriate in the context of: 1) the NO-MU and NO-MU-CO zonings granted in 2001 and 2004 on similarly situated lots to the north and south, and 2) maintaining compatibility with the established single family residential neighborhood to the east.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	NO-CO	Two undeveloped platted lots
North	NO-MU; SF-3	Child care facility; Church; Single family residences
South	NO-MU-CO; LR	Realty office; Insurance offices; Jewelry shop; Salon; Child care facility
East	SF-3	Single family residences
West	SF-3; LR; CS-1; GR	Single family residences

AREA STUDY: Brodie Lane Study (1975) **TIA:** Is not required

WATERSHED: Williamson Creek – Barton Springs Zone – Recharge Zone **DESIRED DEVELOPMENT ZONE:** No

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** No

NEIGHBORHOOD ORGANIZATIONS:

12 – Brodie Lane Homeowners Association
298 – Oak Hill Association of Neighborhoods (OHAN)
384 – Save Barton Creek Association
511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association
742 – Austin Independent School District
943 – Save Our Springs Alliance
947 – Deer Park Owners Association, Inc.
967 – Circle C Neighborhood Association
997 – Tanglewood Oaks Owners Association
1037 – Homeless Neighborhood Organization
1075 – Bike Austin
1134 – Oak Parke/Brodie Wild Preservation Group, Inc.
1200 – Super Duper Neighborhood Objectors and Appealers Organization
1224 – Austin Monorail Project
1236 – The Real Estate Council of Austin, Inc.
1228 – Sierra Club, Austin Regional Group
1340 – Austin Heritage Tree Foundation
1363 – SEL Texas
1409 – Beyond2ndNature

SCHOOLS:

Boone Elementary School Covington Middle School Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0047 – Brodie Property Zoning Change – 8001 Brodie Lane	SF-3 to NO-MU, as amended	To Grant NO-MU-CO w/CO for 300 trips per day	Approved NO-MU-CO as Commission recommended with RC for IPM & Grow Green (6-17-2004).
C14-01-0062 – Brodie Zoning – 7809 Brodie Lane	SF-3 to LO	To Grant NO-MU	Approved NO-MU (8-2-2001).
C14-96-0084 – Eskew Zoning Change – 8212 Block of Brodie Lane	SF-2 to GR	To Grant LR-CO with conditions	Approved LR-CO with CO for 2,000 trips; 25' buffer along west property line; i.c. of 45% (1-30-1997).
C14-79-248 – Kincheon Subd No. 2, Lot 1, Block 2 – 7711 Brodie Lane at Blumie Street	Interim "A" Residence, Interim First Height & Area to GR First Height and Area	To Grant GR First Height and Area	Approved GR First Height and Area (4-17-1980).

RELATED CASES:

The property is platted as Kincheon Subdivision Section1; Block 2, Lots 1 and 18, recorded in July 1950 (C8-1950-1957). Please refer to Exhibit B.

Although the area of the Brodie Lane Study (1975) includes this property, the scope of this study was limited and does not pertain to this property.

In 2000, a rezoning application from SF-3 to LO was made for both lots facing Brodie Lane (C14-00-2040 – 3426 Dalton and 3427 Elijah Street). The Applicant amended the request to NO and the Planning Commission recommended and City Council approved NO-CO, with the Conditional Overlay for 2,000 trips per day and prohibiting access to Dalton Street.

There are no related site plan cases on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	ADT
Brodie Lane	Varies	MAD-4	Arterial	36,684
Elija Street	50 feet	Varies	Local	N/A
Dalton Street	50 feet	Varies	Local	N/A

- Brodie Lane is classified in the Bicycle Plan as Route No. 17.
- Capital Metro bus service (Route No. 333) is available along Brodie Lane.
- There are existing sidewalks along Brodie Lane and Dalton Street. However, there are no sidewalks along Elija Street.

CITY COUNCIL DATE: June 27, 2013

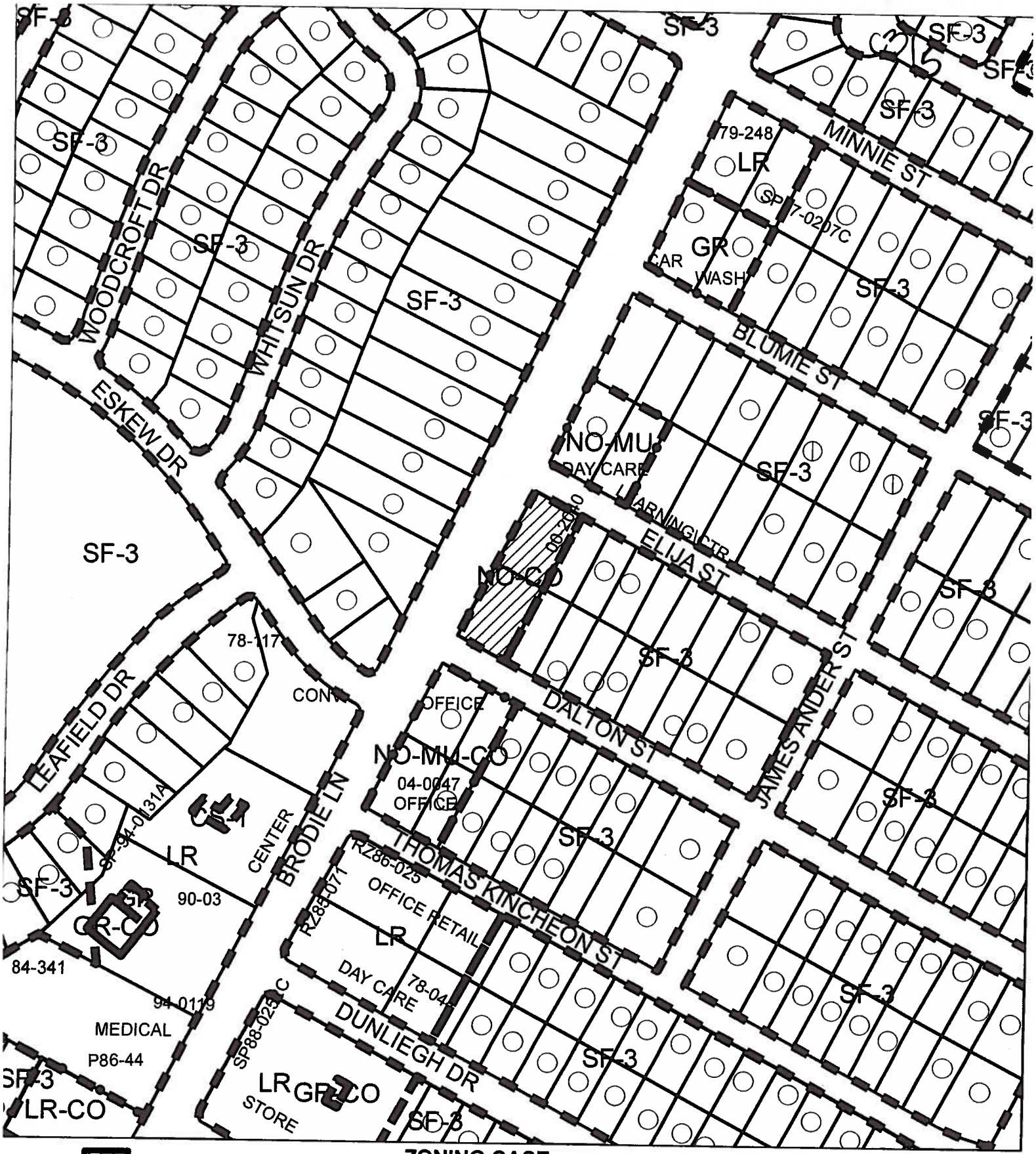
ACTION: Approved an Indefinite postponement request by the Applicant (6-0) Council Member Spelman was off the dais.

October 17, 2013

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades **PHONE:** 974-7719
e-mail: wendy.rhoades@austintexas.gov



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING CASE

C14-2013-0027

Exhibit A

1 " = 200 '

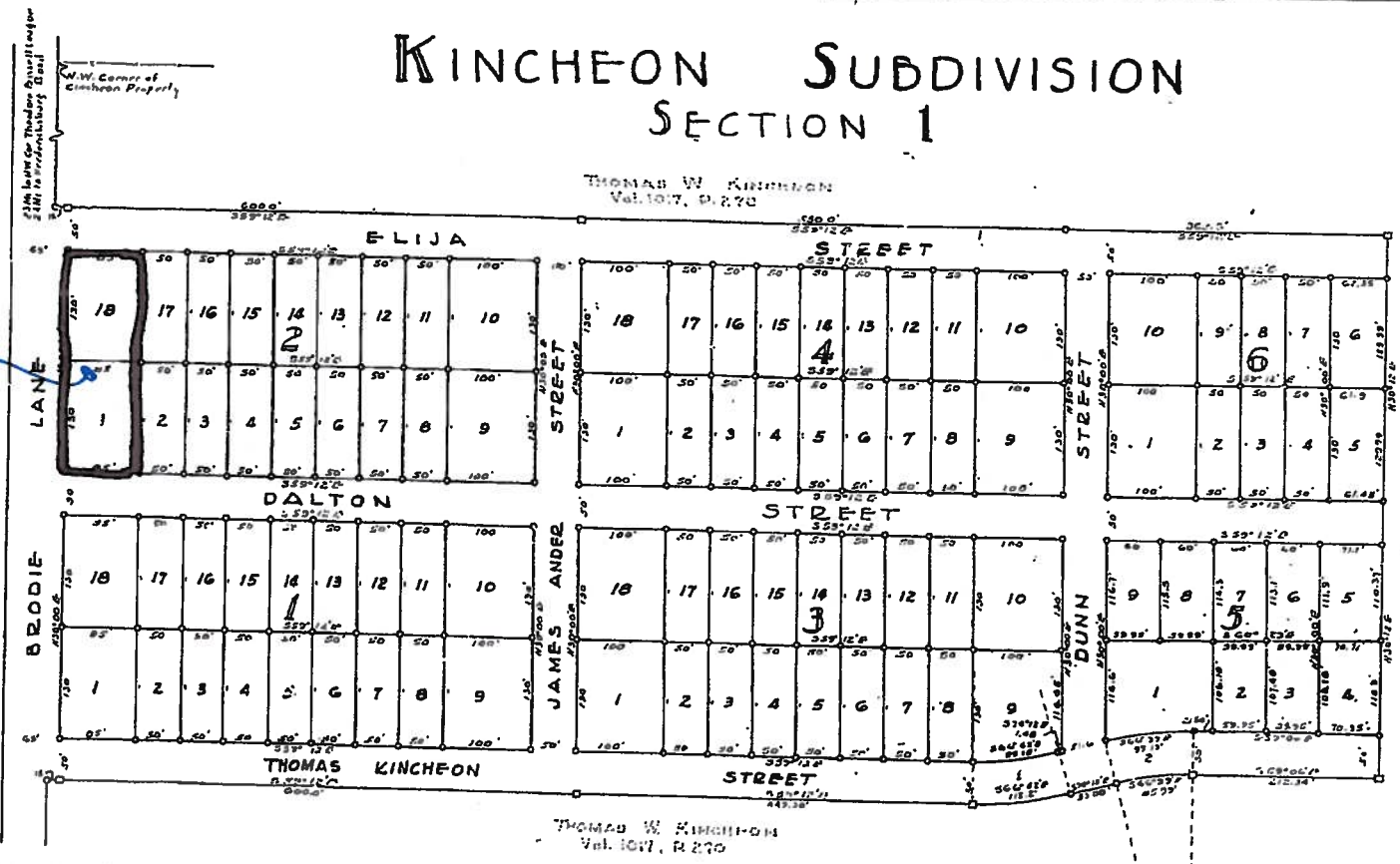
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CITY OF AUSTIN FOUNDED 1839


SF-3
LR
GR
NO-MU
NO-CO
NO-MU-CO
CS-1
GR-CO
BRODIE LN
CROFTWOOD DR
GALESBURG DR
MINNIE ST
BLUMIE ST
ELTA ST.
JAMES ANDER ST
DALTON ST.
DALTON ST
THOMAS KINCHEON ST
DUNLEIGH DR
ESKEW DR
CHURCH
CONV STORE
OFFICE CENTER
DAY CARE
RETAIL CENTER
Exhibit A
N

KINCHEON SUBDIVISION
SECTION 1



PEZONING AREA

THE STATE OF TEXAS
COUNTY OF TRAVIS } KNOW ALL MEN BY THESE PRESENTS:

That I, Thomas W. Kincheon, sole owner of the hereon described 23.0 acre tract of land out of that certain 83.0 acre tract or parcel of land in the Theodore Bissell League, Travis County, Texas, conveyed to me by deed of record in Volume 1017, Pages 270-274 of the Deed Records of Travis County, Texas, do hereby adopt this map or plat as my subdivision to be known as KINCHEON SUBDIVISION, SECTION 1, and I do hereby dedicate to the public all streets shown hereon as far as my interest may appear.

IN WITNESS WHEREOF I have hereunto set my hand this 26 day of June A.D. 1950.

Thomas W. Kincheon
Thomas W. Kincheon, Owner

THE STATE OF TEXAS
COUNTY OF TRAVIS } Before me, the undersigned authority, on this day personally appeared Thomas W. Kincheon, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 26 day of June A.D. 1950.

Evaline Clark
Notary Public in and for Travis County, Texas

APPROVED FOR ACCEPTANCE
Date: 7-20-50
C.G. Lexander, Director of Public Works

APPROVED BY CITY PLANNING COMMISSION
Date: July 20/1950 Walter Hoffman Chairman
Date June 20-50 T.D. Brown Secretary

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads and other public thoroughfares shown and shown on this plat, and all bridges and culverts necessary to be constructed or placed in such streets, roads or other public thoroughfares, or in connection therewith, shall be the responsibility of the owner and/or the developer of the tract of land covered by this plat, in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas, assumes no obligation to build the streets, roads or other public thoroughfares shown on this plat or of constructing any bridges or culverts in connection therewith.

THE STATE OF TEXAS
COUNTY OF TRAVIS } I, Miss Emilie Limberg, County Clerk of Travis County, Texas, do hereby certify that on the 29 day of July A.D. 1950, the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat and that said order has been duly entered in the minutes of said Court in Book [illegible] Page 93

WITNESS MY HAND AND SEAL of office this the 29 day of July A.D. 1950.

Stuart Harris Deputy
Miss Emilie Limberg
Clerk, County Court, Travis County, Texas

FILED FOR RECORD
At 11 o'clock A.M. this 29 day of July A.D. 1950.
By Elsie Price Deputy
Miss Emilie Limberg
Clerk County Court Travis County, Texas

THE STATE OF TEXAS
COUNTY OF TRAVIS } I, Miss Emilie Limberg, Clerk of the County Court within and for the County and State aforesaid do hereby certify that the within and foregoing instrument of Writing with its Certificate of Authentication was filed for record in my office on the 29 day of July A.D. 1950 at 11 o'clock A.M. and duly recorded on the 29 day of July A.D. 1950 at 11:30 o'clock A.M. in the Plat Record of said County in Book 5 Page 115

WITNESS MY HAND AND SEAL of the County Court of said County, the date last written above.

(SEAL)

By Elsie Price Deputy
Miss Emilie Limberg
Clerk, County Court, Travis County, Texas

EASEMENT

An easement of five(5) feet along the rear of all lots is reserved for Public Utilities.

SURVEYED BY

O. Leonard Reg. Engineer

June 15, 1950

EXHIBIT B
RECORDED PLAT

For Retinations of This Plat see Vol 1060 pages 543 deed Records.
Emilie Limberg
County Clerk

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ORDINANCE NO. 000803-93

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

LOTS 1 AND 18, BLOCK 2, KINCHEON SUBDIVISION SECTION ONE, FROM FAMILY RESIDENCE (SF-3) DISTRICT TO NEIGHBORHOOD OFFICE-CONDITIONAL OVERLAY (NO-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 3426 DALTON STREET AND 3427 ELIJA STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence (SF-3) district to neighborhood office-conditional overlay (NO-CO) combining district on the property described in File C14-00-2040, as follows:

> Lots 1 and 18, Block 2, Kincheon Subdivision Section One, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 5, Page 115, of the Plat Records of Travis County, Texas, (the "Property")

locally known as 3426 Dalton Street and 3427 Elija Street, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A structure or portion of a structure may not exceed a height of 30 feet above ground level.

2. There shall be no vehicular access from the Property to Dalton Street. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

3. A 15-foot wide vegetative buffer shall be provided along the east property line. Improvements permitted on the vegetative buffer zone shall be limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

EXHIBIT C
2000 REZONING ORDINANCE

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Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood office (NO) base district and other applicable requirements of the City Code.

PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on August 14, 2000.

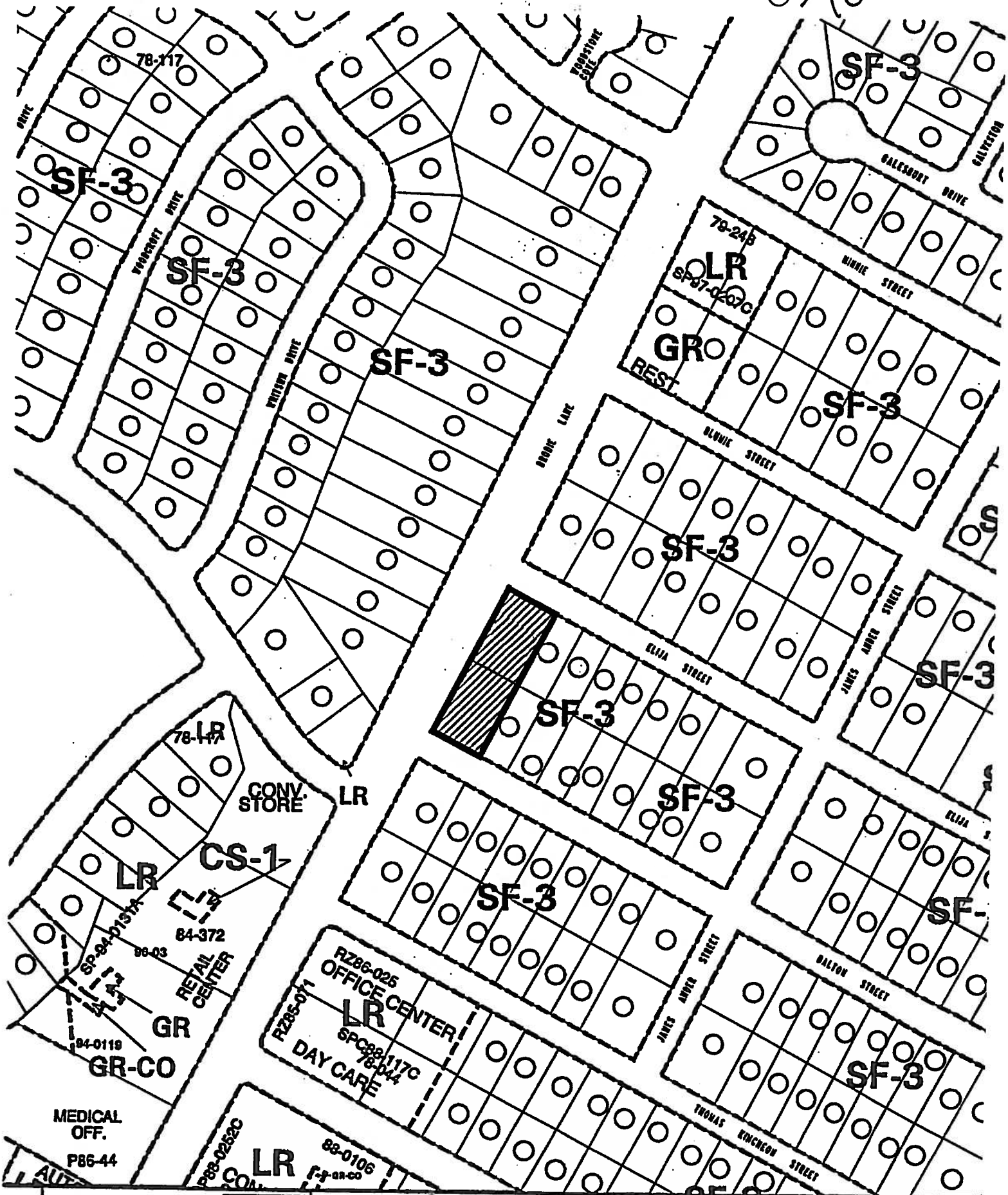
PASSED AND APPROVED

August 3, 2000 § §

Kirk Watson
Mayor

APPROVED: Andrew Martin
Andrew Martin
City Attorney

ATTEST: Shirley A. Brown
Shirley A. Brown
City Clerk


C3/10
SF-3
78-117
SF-3
SF-3
SF-3
78-245
LR
SP-87-0207C
GR
REST.
SF-3
SF-3
SF-3
SF-3
SF-3
SF-3
LR
78-117
CONV. STORE
LR
CS-1
LR
84-372
SP-94-0131A
88-03
RETAIL CENTER
GR
94-0119
GR-CO
RZ86-025
OFFICE CENTER
RZ85-071
LR
SPC88-117C
78-044
DAY CARE
MEDICAL OFF.
P86-44
P88-0252C
LR
88-0106
SF-3
SF-3
SF-3
SF-3
SF-3
SF-3

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SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny neighborhood commercial (LR) district zoning.

If the Owner/Applicant's request for LR zoning is granted, then development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

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: The neighborhood commercial (LR) district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

Staff recommendation: The neighborhood office (NO) district is intended for offices predominantly serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods. Offices in the NO district would typically locate on collector streets with a minimum of 40 feet of pavement width, and would not unduly affect traffic in the area. The NO district is designed to accommodate small, single-use offices and to encourage and preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

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

There are neighborhood commercial (LR) and community commercial (GR) zoned properties on the east side of Brodie Lane to the north and south of this property. However, these zonings were granted in the 1970s and 1980s, and the more recent zoning pattern in the immediate area is NO. The permitted land uses in NO zoning typically generate less traffic than those in the LR district and include administrative, business and professional offices (but not medical), software development, and a range of civic uses including child care facilities, counseling services and educational facilities. Therefore, Staff recommends maintaining the NO base district for the subject property as it fits the purpose statement and continues to be appropriate in the context of: 1) the NO-MU and NO-MU-CO zonings granted in 2001 and 2004 on similarly situated lots to the north and south, and 2) maintaining compatibility with the established single family residential neighborhood to the east.

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EXISTING CONDITIONS

Site Characteristics

The subject property is undeveloped, is generally flat and sparsely vegetated.

Impervious Cover

The maximum impervious cover allowed by the *LR zoning district* is 15%, which is based on the more restrictive watershed regulations.

Comprehensive Planning

The zoning case is located on the southeast side of Brodie Lane and Elija Street and is not located within the boundaries of a neighborhood planning area. The property is undeveloped. Surrounding land uses includes a Montessori School to the north, a small real estate office to the south, and single family houses to the east and west. Brodie Lane is a heavily travelled north-south arterial road that includes a variety of retail, office, multi-family, offices and single family houses. The request is to build an office/retail shopping center.

The overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve *'complete communities'* across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. On page 107, found in Chapter 4 of the IACP it states, *"While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city."* The property is also located within the boundaries of the Barton Springs Overlay Zone, which is intended to protect the image and character of the neighborhoods in the district, and reduce the negative effects of urbanization by restricting the scale and intensity of retail development. The Barton Springs Overlay Zone applies to the portion of the Barton Springs Zone which is within the City's zoning jurisdiction

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses infill development, including over environmentally sensitive land:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

- **LUT P22** Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.

- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being located along a major arterial road and adjacent to an existing office, school and a nearby shopping centers along Brodie Lane, and the Imagine Austin policies referenced above, which encourages complete communities and infill development, Staff believes that the proposed neighborhood retail office or the existing neighborhood office use are both supported by the Imagine Austin Comprehensive Plan, as long as environmental ordinances are considered and enforced.

Environmental

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance. Impervious cover is limited to 15%.

According to flood plain maps there is no flood plain within the project location.

The site is not located within the endangered species survey area.

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

No trees are located on this property. 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 providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.

Transportation

No additional right-of-way is needed at this time.

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].

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan 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.

A site plan will be subject to compliance with Subchapter E.

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.

The site is subject to compatibility standards. Along the East property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 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.
- 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.

Additional design regulations will be enforced at the time a site plan is submitted.

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.austintexas.gov

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: C14-2013-0027
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: May 21, 2013, Zoning and Platting Commission
June 27, 2013, City Council

MARY RENK
Your Name (please print)

☑ I am in favor
☐ I object

3413 DALTON ST
Your address(es) affected by this application

AUSTIN TX 78745

Signature *Date*

Daytime Telephone: 512-584-7425

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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PUBLIC HEARING INFORMATION

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Case Number: C14-2013-0027
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: May 21, 2013, Zoning and Platting Commission
June 27, 2013, City Council

Juan Rangel Family Partners

Your Name (please print)

☑ I am in favor
☐ I object

3420 Dalton St.

Your address(es) affected by this application

Signature 51

6/6/13
Date

Daytime Telephone: 512-970-9163

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

7/13

PUBLIC HEARING INFORMATION

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Case Number: C14-2013-0027
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: May 21, 2013, Zoning and Platting Commission
June 27, 2013, City Council

Juan Rangel Management Trust
Your Name (please print)

☑ I am in favor
☐ I object

3424 Dalton St.
Your address(es) affected by this application

Signature

6/6/13
Date

Daytime Telephone: 512-970-9163

Comments:

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Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

6/13

Rhoades, Wendy

From: Mike Minns, Mr. Dream Home <[redacted]>
Sent: Wednesday, June 05, 2013 11:45 AM
To: Rhoades, Wendy
Subject: FW: Rezoning

C3/19

Wendy, first off thank you for being so nice to me in this, I am experiencing a real learning curve on this.

Please see the email below from one of our neighbors. Also, as we discussed before on the phone I am more than happy to limit some of the uses such as anything with a drive through, gas stations, and restaurants. I don't want a high traffic count either.

If you do not mind would you let me know you got this? Can I email you the forms from the Rangel trust after he signs them or does he need to send them in? His number will be on them so you can call and talk to him.

Angel Rangel and his father Juan Rangel are signers on the trust and they bought the two lots in order to build single family homes on the lots.

Mike Minns, MBA
www.MrDreamHome.com
download home search app
click: m.MrDreamHome.com
Or text "MrDream" to 87778

Thank you for your referrals!

Office 512-280-9057
Fax 866-417-3631
Mobile 512-785-9157 (text ok)

Atlas Realty, Inc.
Emails sent or received shall neither constitute acceptance of conducting transactions via electronic means nor create a binding contract until and unless a written contract is signed by the parties.

-----Original Message-----
From: [redacted]
Sent: Tuesday, June 04, 2013 7:50 PM
To: Mike Minns, Mr. Dream Home
Subject: Re: Rezoning

Hi Mike. No I don't mind at all feel free to share with the zoning department or if you need me to I will be happy to email them directly. I'm just curious as to what anyone is objecting to? Your business has been there for years and then there's the Montessori at Elija and the state farm on the other side of you and there has never been an issue with any of them. I don't know what all the zoning department looks at but if need be here are our demographics. Ray and I have been married for just over 21 years and have lived at this home since May 2002. Ray is 40 and is the General Manager of the Firestone at Arbor Walk in north austin. I am 44 and have worked for the State (DPS, AG's office and now TJJD) for just under 26 years. We have one child, two dogs and a fish. No doubt way too much info! Lol. Anyway I will be

happy to assist you in any way I can. I am all about growing small businesses. Take care and feel free to email or text anytime. My cell is 512 970 4267.
------Original Message------
From: Mike Minns, Mr. Dream Home
To: Paula Martinez
Subject: Re: Rezoning
Sent: Jun 4, 2013 6:29 PM

C3/20

Thanks Paula, I really appreciate it. We want something there that the neighbors won't mind having. I appreciate you touching base with me and letting me know. Do you mind if I show your email to the zoning department?

Sent by mobile phone, please excuse brevity

Mike Minns, MBA
www.MrDreamHome.com
Mobile home search app: m.MrDreamHome.com

Thank you for your referrals!

(O) 512-280-9057
(F) 866-417-3631
(C) 512-785-9157 (text ok)

On Jun 4, 2013, at 6:26 PM, [redacted] wrote:

> Hi Mike. This is Paula Martinez at 3419 Dalton. We corresponded several times in the past about the Armstrong homes on my street I read your letter that we received today and ray and I talked about. it (which consisted of hey do you care, no, well me neither). As a Christian my only objection would be if it was a business that served alcohol or one of ill repute. As a neighbor my only concern would be if the business brought a lot of traffic on our street and then only because Dalton is already quite narrow. It seems that you addressed these concerns in your letter so knock yourself out! Let me know if you have any questions. Thanks Paula
> Sent via BlackBerry by AT&T

Sent via BlackBerry by AT&T

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Case Number: C14-2013-0027
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: May 21, 2013, Zoning and Platting Commission
June 27, 2013, City Council

Sharon Croissant
Your Name (please print)

☐ I am in favor
☒ I object

3416 Dalton Street 78745
Your address(es) affected by this application

Sharon Croissant
Signature

5-14-2013
Date

Daytime Telephone: 512-689-8791

Comments: I live within 500 ft of this. It is a residential neighborhood. I am concerned that no traffic impact analysis was submitted. This residential side street is not designed for thousands of cars per day. Also, there is nothing saying what kind of business they intend to put here. I object to this zoning change.

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Austin, TX 78767-8810

2/13

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Contact: Wendy Rhoades, 512-974-7719
Public Hearing: May 21, 2013, Zoning and Platting Commission
June 27, 2013, City Council

Joan Denson
Your Name (please print)

☐ I am in favor
☒ I object

3414 Thomas Kincheon
Your address(es) affected by this application

Joan Denson
Signature

May 15, '13
Date

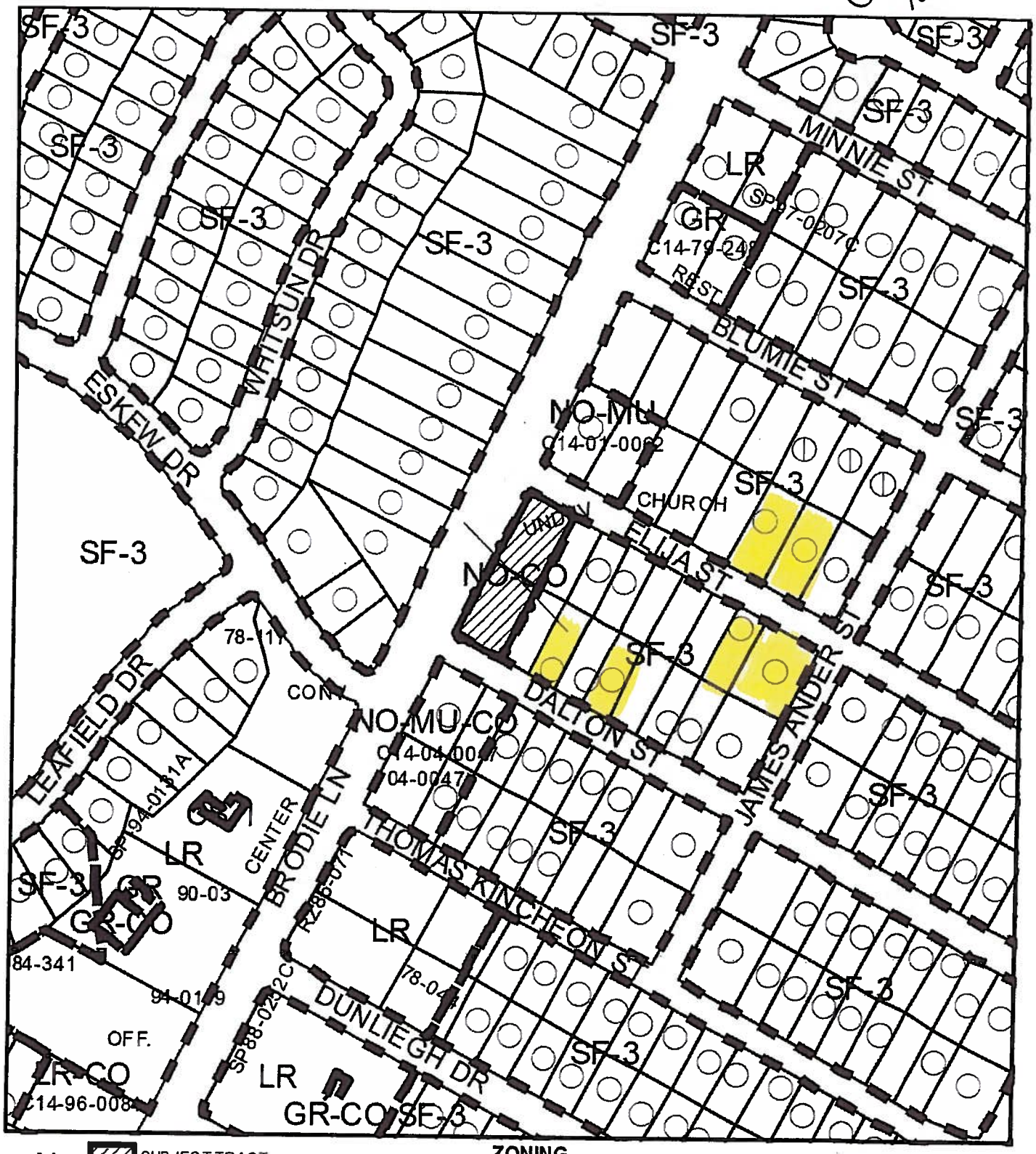
Daytime Telephone: 512-291-9984

Comments: I understand that the property owners could ask for other zoning like L.O. or general - more intensive & larger offices and as a nearby resident I would not like to see more commercial or retail development this close to a compact residential neighborhood(s) on both sides of Brodie. Enough in + out traffic on Brodie already. Thank You for voicing mo. J Denson

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Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

378

C3/23



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2013-0027

1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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Contact: Wendy Rhoades, 512-974-7719
Public Hearing: May 21, 2013, Zoning and Platting Commission
June 27, 2013, City Council

DUNCAN ERIC WRIGHT
Your Name (please print)

☐ **I am in favor**
☒ **I object**

3422 DALTON ST
Your address(es) affected by this application

Eric Wright
Signature

MAY 21, 2013
Date

Daytime Telephone: 512-925-8622

Comments:

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2 of 3

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MAY 21 2013
Planning & Development Review

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Contact: Wendy Rhoades, 512-974-7719
Public Hearing: May 21, 2013, Zoning and Platting Commission
June 27, 2013, City Council

LIBBY GINSBERG & ARI DVORIN
Your Name (please print)

☐ I am in favor
☒ I object

3414 DALTON ST AUSTIN, TX 78745
Your address(es) affected by this application

Signature 5/19/13 *Date*

Daytime Telephone: 512.652.2642

Comments: OUR STREET IS ALREADY TOO NARROW TO BE AS BUSY AS IT IS. IT'S A NEIGHBORHOOD FILLED WITH KIDS & SAFETY IS OUR #1 CONCERN. WE ARE WORRIED THAT AN EXIT/DRIVEWAY ON DALTON WILL BRING TOO MUCH TRAFFIC & LOITERERS TO OUR BLOCK - WE ALREADY HAVE PEOPLE WE'RE NOT VERY COMFORTABLE WITH HANGING AROUND THE EMPTY SLAB ACROSS THE STREET FROM OUR HOUSE & DON'T WANT EVEN MORE.

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Contact: Wendy Rhoades, 512-974-7719
Public Hearing: May 21, 2013, Zoning and Platting Commission
June 27, 2013, City Council

Stephen Travis Belyeu
Your Name (please print)

☐ I am in favor
☒ I object

3408 Elijah St. Austin TX 78745
Your address(es) affected by this application

Stephen Belyeu
Signature

5/20/13
Date

Daytime Telephone: 361-542-1715

Comments: I am opposed to re-zoning due to the fact that traffic would greatly increase in our neighborhood and make commuting to & from our home more stressful, dangerous and burdensome.

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Contact: Wendy Rhoades, 512-974-7719
Public Hearing: May 21, 2013, Zoning and Platting Commission
June 27, 2013, City Council

Brian Calcote
Your Name (please print)

☐ **I am in favor**
☒ **I object**

3410 Elija St
Your address(es) affected by this application

Signature

5/20/13
Date

Daytime Telephone: 512-644-1072

Comments:

RECIEVED
MAY 21 2013
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Contact: Wendy Rhoades, 512-974-7719
Public Hearing: May 21, 2013, Zoning and Platting Commission
June 27, 2013, City Council

Chloe Boyd
Your Name (please print)

☐ **I am in favor**
☒ **I object**

3413 Elija St. 78745
Your address(es) affected by this application

Chloe Boyd — 05/19/13
Signature — *Date*

Daytime Telephone: (512) 809-6110

Comments: I strongly oppose changing the zoning. I do not want to see any increase in traffic through the neighborhood.

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MAY 21 2013
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Contact: Wendy Rhoades, 512-974-7719
Public Hearing: May 21, 2013, Zoning and Platting Commission
June 27, 2013, City Council

GREG & MARY MILLER
Your Name (please print)

☐ I am in favor
☒ I object

7900 JAMES ANDER ST
Your address(es) affected by this application

Signature

5-21-13
Date

Daytime Telephone: 512-799-8617

Comments: THIS IS TOO CLOSE TO SINGLE FAMILY NEIGHBORHOOD OUR STREETS ARE 20' WIDE AND WITH "ANY" ON-STREET PARKING BECOME ONE WAY. WE ALREADY SEE TOO MANY CUT THROUGH DRIVERS AT HIGH SPEEDS THIS NEIGHBORHOOD IS FINALLY BECOMING A NEIGHBORHOOD. PLEASE DON'T DESTROY IT!

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RECIEVED
MAY 21 2013
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8/33

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Contact: Wendy Rhoades, 512-974-7719
Public Hearing: May 21, 2013, Zoning and Platting Commission
June 27, 2013, City Council

Whitney Falcon
Your Name (please print)

☐ I am in favor
☑ I object

7809 Brodie Ln
Your address(es) affected by this application

Whit Falcon — 5/15/13
Signature — *Date*

Daytime Telephone: 428-4260

Comments: The area is already very congested, more traffic would be dangerous and crowded for our children and their families. Also, this is a delicate recharge zone. I am worried that a business there could damage the aquifers.

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

C3/C3

Rhoades, Wendy

From: Jim Wittliff <[redacted]>
Sent: Tuesday, May 21, 2013 2:42 PM
To: Rhoades, Wendy
Subject: C14-2013-0027 - Postponement Request

C3/31

Wendy,

We would like to postpone Case No. C14-2013-0027 which is on today's ZAP agenda to the June 4th agenda.

Thank you,
Jim Wittliff

Land Answers, Inc.
3606 Winfield Cove
Austin, TX. 78704
Ph: 512-416-6611
Fax: 512-416-6610

Rhoades, Wendy

From: Jim Wittliff <[redacted]>
Sent: Monday, June 03, 2013 3:43 PM
To: Rhoades, Wendy
Subject: C14-2013-0027 - Postponement Request

C 3/32

Wendy,

Due to my recent back surgery and the complications associated with my back surgery I am requesting a two week postponement of rezoning case #C14-2013-0027. I would like to meet and be able to get written support from the property owners that support this rezoning. However, at this time I'm unable to walk without assistance. Please let me know if you need any further information from me to get the postponement request approved.

Thank you,
Jim Wittliff

Land Answers, Inc.
3606 Winfield Cove
Austin, TX. 78704
Ph: 512-416-6611
Fax: 512-416-6610

Rhoades, Wendy

From: Jim Wittliff <[redacted]
Sent: Monday, June 17, 2013 4:47 PM
To: Rhoades, Wendy
Subject: Indefinite Postponement Request - C14-2013-0027

C/33

Wendy,

We are requesting an indefinite postponement of Zoning Case C14-2013-0027. As you know, I recently had back surgery that has been very slow to heal and I would like the opportunity to meet with neighbors prior to this case going to public hearings. We are aware that we will have to pay a re-notification fee of approximately $250 when we are ready to proceed with the public hearings. Please let me know when the postponement has been completed. Feel free to contact me any time if you need any additional information.

Thank you,
Jim Wittliff

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