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**PLANNING COMMISSION SITE PLAN  
CONDITIONAL USE PERMIT REVIEW SHEET**

**CASE NUMBER:** SPC-2015-0075AT **PLANNING COMMISSION DATE:** 6-9-2015

**ADDRESS:** 755 Springdale Rd.

**WATERSHED:** Boggy Creek (Urban)

**AREA:** 4.848 Acres

**COUNCIL DISTRICT:** 3 (Sabino Renteria)

**EXISTING ZONING:** CS-MU-CO-NP, Commercial Services, Mixed Use,  
Conditional Overlay, Neighborhood Plan

**PROJECT NAME:** Springdale Farms

**PROPOSED USE:** Outdoor Entertainment, with offsite parking for events

**AGENT:** Michelle Lynch  
Metcalf Wolff Stuart & Williams, LLP  
221 W. 6<sup>th</sup> Street, Ste. 1300  
Austin, TX 78701  
(512) 404-2251

**OWNER:** Paula and Glenn Foore  
755 Springdale Rd.  
Austin, TX 78702

**NEIGHBORHOOD ORGANIZATION:**

Barrio Unido Neighborhood Association  
Guadalupe Neighborhood Development Corporation  
Terrell Lane Interceptor Association  
Central East Austin Business Owner's Association  
El Concilio  
Austin Neighborhoods Council  
Holly Street Association  
AMA Neighborhood Association  
Chalmers Court Neighborhood Association  
Austin Independent School District  
Sentral Plus East Austin Coalition (SPEAK)  
Organization of Central East Austin Neighborhoods  
PODER People Organized in Defense of Earth & Her Resources  
East Cesar Chavez Neighborhood Planning Team  
Super Duper Neighborhood Objectors/Appealers Org.

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**APPLICABLE WATERSHED ORDINANCE:** Current/ Comprehensive watershed ordinance  
**CAPITOL VIEW:** Not in View Corridor  
**SUMMARY STAFF RECOMMENDATION:** Recommended.  
**PLANNING COMMISSION ACTION:** 5-12-2015  
**CASE MANAGER:** Lynda Courtney, 512-974-2810

**PROJECT INFORMATION:**

**EXIST. ZONING:** CS-MU-CO-NP  
**SITE AREA.:** 4.8 Acres, 209,088 square feet  
**EXIST. IMP. CVRG.:** 5.2%  
**REQUIRED PARKING:** 71 Spaces  
**EXIST. USE:** Urban Farm  
**MAX. IMPERV. CVRG.:** 95%  
**PROPOSED IMPERV. CVRG.:** 5.2%  
**PROVIDED PARKING:** 3 HC onsite, 72 Offsite  
**PROP. USE:** Urban Farm, Outdoor Entertainment

**PC Action:** 5-12-2015, Postponed (Neighborhood)  
6-9-2015

**SUMMARY COMMENTS ON SITE PLAN:**

The applicant proposes to add a use, Outdoor Entertainment, which is listed as a conditional use, to an existing project whose current legal use is Urban Farm. The applicant has been operating as an urban farm use for several years and is requesting a change of use to provide a venue for outdoor entertainment events such as weddings. The offsite parking request is to provide adequate off-street parking to accommodate the proposed events.

The conditions, shown on the site plan, limit the annual number of events to 2 events of more than 150 people (these events are not allowed after 5 p.m.), 22 events of 51-150 people, and no limit to the number of events of 50 or fewer people. Amplified sound is limited to 75 decibels, measured at the property line; amplified sound is limited to 22 events per year, and no amplified sound is allowed during the last 5 days of Spring Festival Season, as defined in City Code 9-2-1 (12).

The outdoor entertainment events will be set up with moveable benches, seats and tables as needed per event. No permanent improvements are proposed with this CUP site plan.

**SURROUNDING CONDITIONS:**

**Zoning/ Land use**

**North:** SF-3-NP, Single Family residential  
**South:** SF-3-NP, Single Family Residential  
**East:** Springdale Road, the SF-3-NP, Single Family Residential  
**West:** Mansell Avenue, then P, AISD Building (Offsite parking site)

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### CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: "The Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

A conditional use site plan must:

1. Comply with the requirements of this title; **Staff response: This application complies with the requirements of this title.**
2. Comply with the objectives and purposes of the zoning district; **Staff response: This application complies with the objectives and purposes of the zoning district.**
3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site; **Staff response: This application falls within the regulations of the Land Development Code and is compatible with the uses of abutting sites.**
4. Provide adequate and convenient off-street parking and loading facilities; **Staff response: Adequate and convenient, off-street parking will be provided at or above the standards of the Land Development Code, with the approval of off-site parking at the AISD Facility at 4900 Gonzales Street. On-site handicap and bicycle parking will be provided.**
5. Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects; **Staff response: The site does not contribute to any of these adverse effects.**

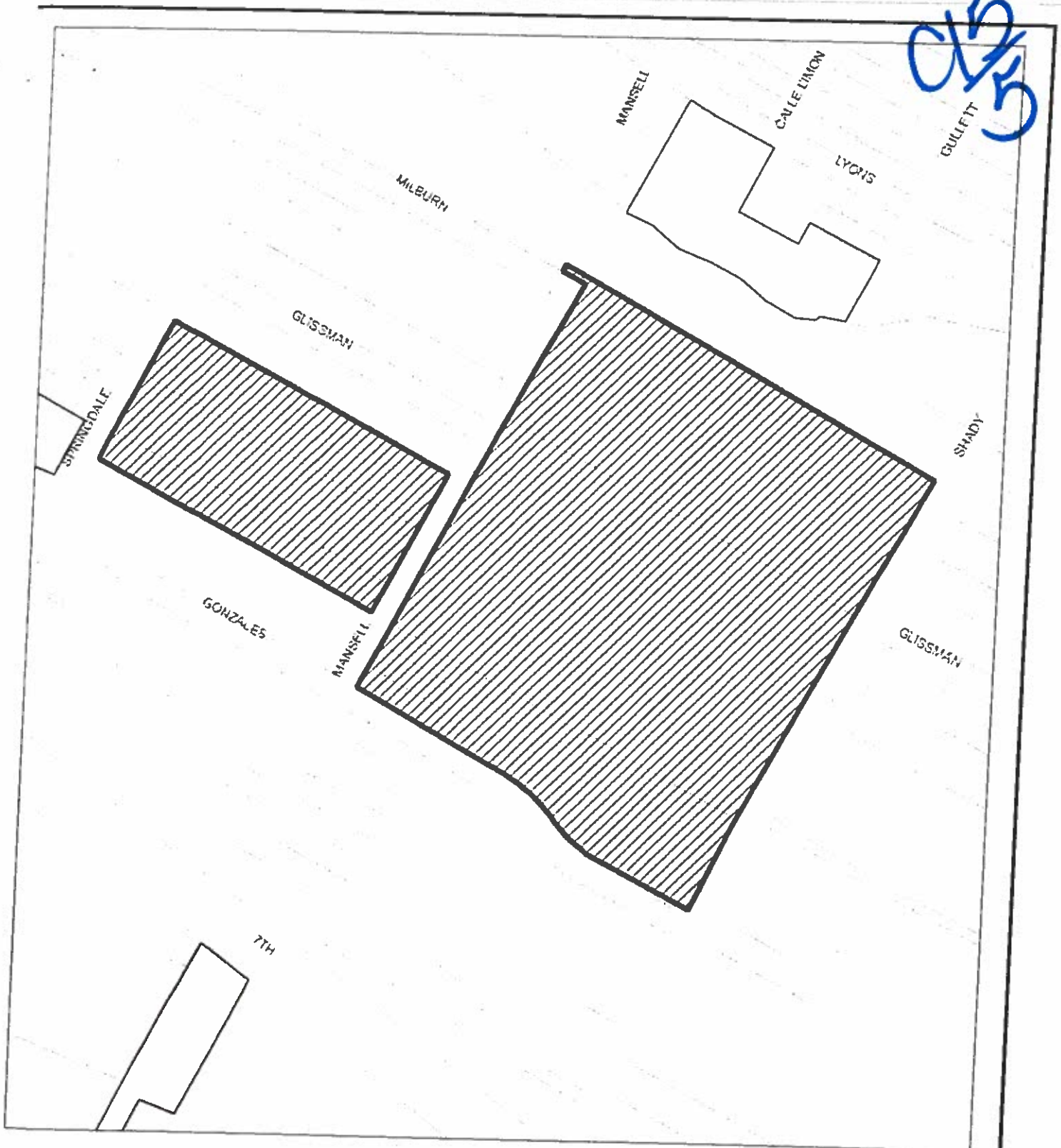
A Conditional Use Site Plan May Not:

1. More adversely affect an adjoining site than would a permitted use; **Staff response: This site plan conforms to all regulations and standards established by the Land Development Code for its proposed use and zoning. This site plan provides for noise limitations, limits on the hours of operation, limits of size of events, and limits on the number of allowable events per year.**
2. adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; **Staff response: The proposed off-site parking is within the code limitations of distances between the parking and the proposed use, and marked crosswalks are provided for safe pedestrian street crossing.**

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3. adversely affects an adjacent property or traffic control through the location, lighting, or type of signs; **Staff response: No signage or lighting is proposed that would affect adjacent properties or traffic control.**

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Subject Tract



Base Map

CASE# SPC-2015-0075AT  
LOCATION 755 Springdale Rd 739 1/2 Mansell Ave

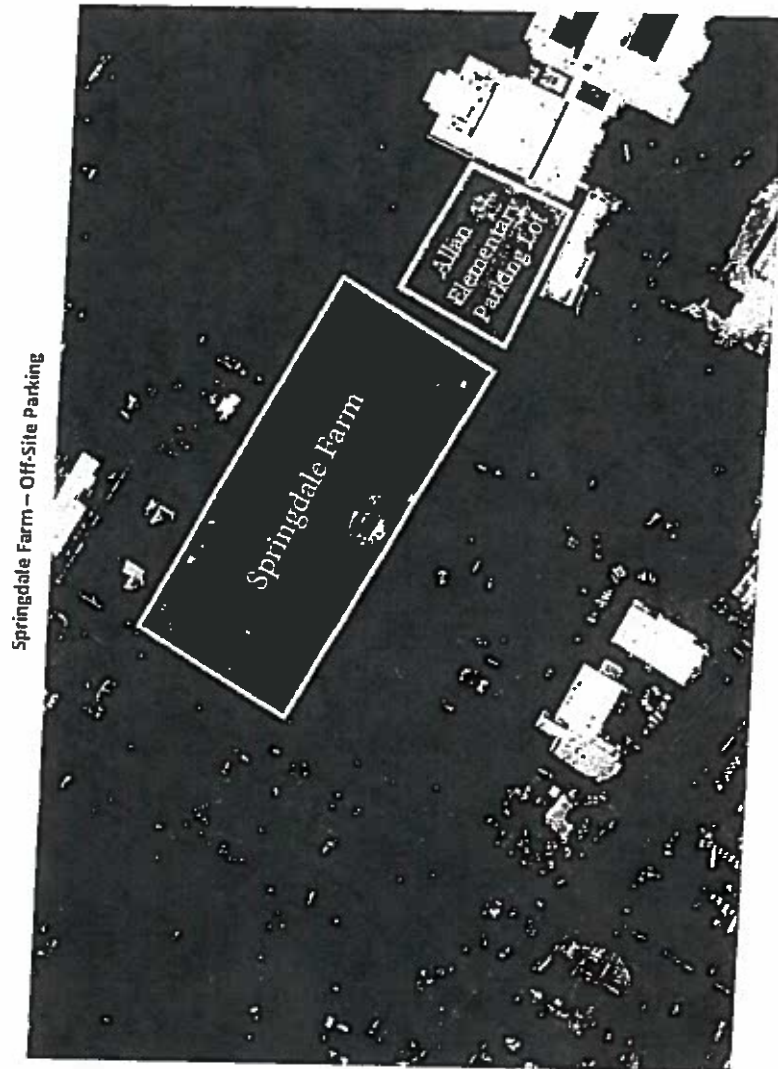
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference.



EXHIBIT "A"

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CITY OF AUSTIN – PLANNING AND DEVELOPMENT REVIEW DEPARTMENT  
SITE PLAN APPLICATION – MASTER COMMENT REPORT



CASE NUMBER: SPC-2015-0075AT  
REVISION #: 00  
CASE MANAGER: Lynda Courtney  
UPDATE: U1  
PHONE #: 512-974-2810

PROJECT NAME: Springdale Farm  
LOCATION: 739 1/2 MANSELL AVE

SUBMITTAL DATE: April 21, 2015  
REPORT DUE DATE: May 5, 2015  
FINAL REPORT DATE: May 5, 2015

**STAFF REPORT:**

This report includes all staff comments received to date concerning your most recent site plan submittal. The comments may include requirements, recommendations, or information. The requirements in this report must be addressed by an updated site plan submittal.

The site plan will be approved when all requirements from each review discipline have been addressed. However, until this happens, your site plan is considered disapproved. Additional comments may be generated as a result of information or design changes provided in your update.

If you have any questions, problems, concerns, or if you require additional information about this report, please do not hesitate to contact your case manager at the phone number listed above or by writing to the City of Austin, Planning and Development Review Department, P.O. Box 1088, Austin, Texas 78704.

**UPDATE DEADLINE (LDC 25-5-113):**

It is the responsibility of the applicant or his/her agent to update this site plan application. **The final update to clear all comments must be submitted by the update deadline, which is August 11, 2015.** Otherwise, the application will automatically be denied. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.

**EXTENSION OF UPDATE DEADLINE (LDC 25-1-88):**

You may request an extension to the update deadline by submitting a written justification to your case manager on or before the update deadline. Extensions may be granted for good cause at the Director's discretion.

**UPDATE SUBMITTALS:**

**An informal update submittal is required. You must submit the distribution to the case manager.**

**Please submit 3 copies of the plans and 3 copies of a letter that address each comment for distribution to the following reviewers. Clearly label information or packets with the reviewer's name that are intended for specific reviewers. No distribution is required for the Planner 1 and only the letter is required for Austin Water Utility.**

**REVIEWERS:**

Planner 1: Cindy Casillas  
Environmental: Mike McDougal  
Site Plan: Lynda Courtney  
PDR Transportation: Amanda Couch

Environmental Review - Mike McDougal - 512-974-6380

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Update #1 – Friday, May 01, 2015

EV 01 Update #1 Comment cleared.

EV 02 Update #1 Please complete the following:

- Label the LOC on sheet 3.
- Provide erosion / sedimentation control for the proposed construction.
- If any trees are located in the LOC, provide tree protection fence. Alternatively, designate a limit of construction that does NOT include any trees.
- Provide a fiscal estimate for erosion/sedimentation controls and revegetation based on Appendix S-1 of the Environmental Criteria Manual. For sites with a limit of construction greater than one acre, the fiscal estimate must include a \$3000 per acre of LOC clean-up fee. The approved amount must be posted with the City prior to permit/site plan approval. [LDC 25-8-186, ECM 1.2.1, ECM Appendix S-1]
- Add the following details to the plan set (as applicable):
  - Stabilized construction entrance (641S-1);
  - Silt fence (642S-1);
  - Rock berm (639S-1);
  - Tree protection fence (610S-1 and 610S-2); and
  - Triangular filter dike (628S).
- Show a construction staging area and a temporary spoils area, if applicable.
- Show a concrete washout area, if applicable.
- Add the following notes to sheet 3:

"If disturbed area is not to be worked on for more than 14 days, disturbed area needs to be stabilized by revegetation, mulch, tarp or revegetation matting. [ECM 1.4.4.B.3, Section 5, I.]

Environmental Inspector has the authority to add and/or modify erosion/sedimentation controls on site to keep project in-compliance with the City of Austin Rules and Regulations. [LDC 25-8-183]

Contractor shall utilize dust control measures during site construction such as irrigation trucks and mulching as per ECM 1.4.5(A), or as directed by the Environmental Inspector.

The contractor will clean up spoils that migrate onto the roads a minimum of once daily. [ECM 1.4.4.D.4]"

Site Plan Review - Lynda Courtney - 512-974-2810

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SP1-13. Comments addressed.

SP14. For the proposed site plan, please record a Unified Development agreement that clearly ties these lots together for the construction, use, and maintenance of the proposed Detention facility. Please submit this document to this reviewer. This reviewer will coordinate with the Legal Department for review and approval. For any legal document questions please contact Annette Bogusch – PDRD Legal Liaison (974-6483). Please be aware this process takes some time and requires lien-holders information/consent.

**Update # 1.** Provide an exhibit which describes and shows the properties/ tracts as described in the UDA so that the document is as complete as possible for transmittal to the Legal Department for review.

**Note:** This case has been scheduled for Planning Commission. Please pay a renotification fee (\$377 plus 4%) prior to the notice mailing for the public hearing.

PDR Transportation Review - Amanda Couch - 512-974-2881

TR1. *Comment cleared.*

TR2. Submit existing parking determination.

TR3. *Comment cleared.*

TR4. *Comment cleared.*

TR5. *Comment cleared.*

TR6. Please include a parking table on the site plan showing the amount of required and provided parking for the primary use and the use where the off-site parking is to be located. LDC, 25-6-502(A). Include # of staff members for the off-site parking facility.

**U1: Comment pending hours of operation of parking location. The hours must be complimentary in order for the parking to be approved. Please provide this reviewer with documentation that from the off-site parking location of hours.**

TR7. *Comment cleared.*

TR8. A written agreement is required between the owner of the off-site parking area and the owner of the use to assure the continued availability and usability of any off-site parking. The lease must contain a provision that no termination or modification of the agreement shall be effective until notice has been mailed to the City of Austin. LDC, 25-6-502(A), (B). See the transportation reviewer for details.  
**U1: Comment pending.**

TR9. Required handicapped parking spaces must not be located in an off-site parking facility unless existing conditions preclude on-site parking. LDC 25-6-502(A)

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**U1: Provide payment receipt. Comment pending.**

TR10. **Comment cleared.**

TR11. Provide a site plan note indicating days and hours of operation for the proposed use and the uses from which spaces are being leased. LDC, 25-6-502(C). This information is not provided for the off-site parking tract. FYI: The off-site parking may only be permitted during the hours when the school facility is not using them.  
**U1: Comment pending.**

TR12. **Comment cleared.**

TR13. **Comment cleared.**

TR14. Additional comments will be made as additional information is provided.  
**U1: Comment to remain.**

**PROPERTY OWNER:**

**4900 Gonzales Street**

Owner:

**Austin Independent  
School District  
1111 W 6th Street  
Austin, Texas 78703**

**755 Springdale Road**

**Owner:**  
Paula and Glenn Foore  
755 Springdale Road  
Austin, Texas 78702

**ZONING DISTRICT:**

CS-MU-CO-NP

A map showing the project location and off-site parking. The project location is marked with a black dot and labeled "PROJECT LOCATION". The off-site parking is marked with a white square and labeled "OFF-SITE PARKING".

### SITE LOCATION MAP

## ZONING MAP

DATE OF SUBMITTAL: 2-12-2015

**NOTE:**

- The project is not located over the Edwards Aquifer Recharge Zone.
- The site plan is subject to a limitation of 2,000 trips by ordinance with zoning case C-14-2014-0123.
- The site is composed of 3 lots/tracts. It has been approved as one cohesive development. If portions of the lots/tracts are sold, application for subdivision and site plan approval may be required.

**TRANSFERRED TO:**  
**755 Springdale Road**

755 Springdale Road;  
LOT 6-8 OLT 29-30 DIV A  
LESS W 17.88 FT JONES J  
GODWIN SUBD (1-D-1)

4900 Gonzales Street:  
LOT 1-3 BLK 4 CHUNN  
SUBD ABS 22 SUR 29  
TANNEHILL J C ACR 19.22

WATERSHED AND CLASSIFICATION:

4900 Gonzales Street: Boggy Creek, Urban

755 Springdale Road: Boggy Creek, Urban

### DRAWING INDEX:

#1 - COVER SHEET

112 - SITE PLAN WITH NOTES

#13 - SITE PLAN FULL SIZE

## #4 - NOTES

REVISION/ CORRECTION	DISCRIPTION OF CORRECTIONS	DATE IT WAS APPROVED	NET CHANGE IN ANNUALIZED CUM R	TOTAL HOP HOURS CUM R	NO. OF HOP HOURS CUM R TO DATE	APPROVAL

SHEET:

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1 OF 4

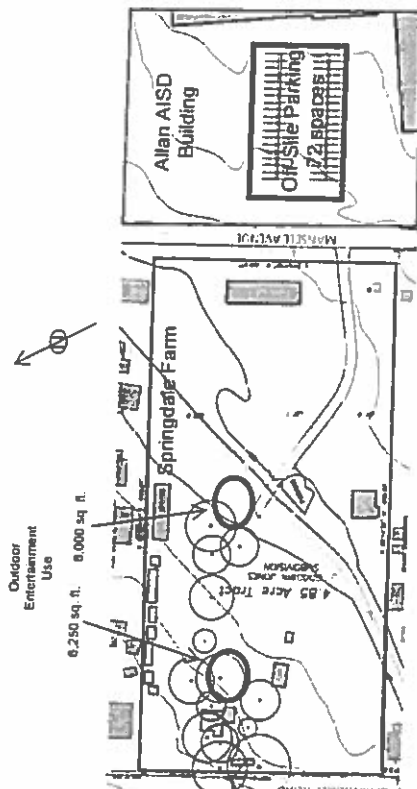
SMC-2015-0075.T

**SPRINGDALE FARM**  
755 SPRINGDALE ROAD  
AUSTIN, TEXAS

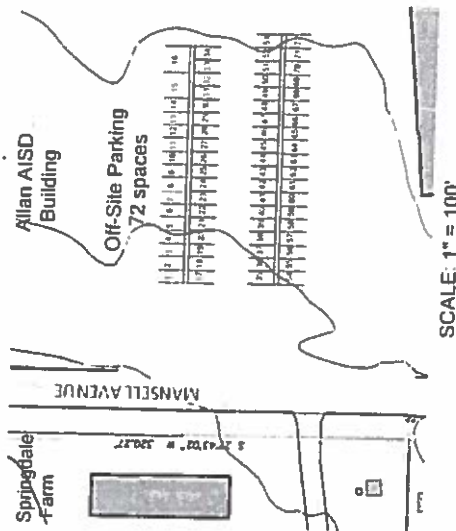
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SCALE: 1" = 266'



SCALE: 1" = 100'

LEGAL DESCRIPTIONS	
755 SPRINGDALE ROAD (SPRINGDALE FARM):	LOT 6-8 DLT 29-30 DIV 4 LESS W 17.88 FT JONES J GODWIN SUBD (1-D-1)
4900 GONZALES STREET (ALLAN ELEMENTARY SCHOOL):	LOT 1-3 BLK 4 CHURCH SUBD 485 22 SUR 29 TAYLOR HILL C ACB 19-22
ZONING	
SPRINGDALE FARM	PROPOSED USE: URBAN FARM/OUTDOOR ENTERTAINMENT
ALLAN AISD BUILDING	EXISTING USE: ADMINISTRATIVE OFFICE
4900 GONZALES STREET	ZONING: CM-NU-CO-HP
HOURS OF OPERATION*	
SPRINGDALE FARM	PROPOSED USE: OUTDOOR ENTERTAINMENT
MONDAY-THURSDAY	3:00 P.M. - 8:00 P.M.
FRIDAY	3:00 P.M. - 9:00 P.M.
SATURDAY	10:00 A.M. - 10:00 P.M.
SUNDAY	10:00 A.M. - 8:00 P.M.
ALLAN AISD BUILDING	EXISTING USE: ADMINISTRATIVE OFFICE
MONDAY	7:30 A.M. - 9:00 P.M.
TUESDAY	7:30 A.M. - 9:00 P.M.
WEDNESDAY	7:30 A.M. - 5:30 P.M.
THURSDAY	7:30 A.M. - 5:30 P.M.
FRIDAY	7:30 A.M. - 5:30 P.M.
*The parking lot will not be used during overlapping hours.	

NOTES

GENERAL

- 1. The purpose of this application is
  - a. To allow for the outdoor entertainment use on the site, and
  - b. To provide off-site parking spaces from 4900 Gonzales Street to 755 Springdale Road
- 2. This application does not change the impervious cover on 755 Springdale Road or 4900 Gonzales Street

SITE NOTES

- 1. All off-site parking spaces are existing. There are no off-site parking spaces, ramps, or drives proposed as part of this site plan
- 2. The linear distance from the nearest parking space on 4900 Gonzales Street to the nearest public entrance of 755 Springdale Road is 90 linear feet.
- 3. The practical walking distance from the nearest parking space on 4900 Gonzales Street to the nearest public entrance of 755 Springdale Road is 170 linear feet

ORDINANCE REQUIREMENTS

- 1. Approval of this application does not include Building Code approval, Fire Code approval, or Building Demolition or Relocation Permits approval
- 2. All signs must comply with the requirements of the Land Development Code
- 3. The Owner is responsible to all cost of relocation or, or damage to, utilities

CONDITIONS

- 1. An outdoor entertainment use shall not occur within 80 feet from any adjoining property, zoned or used with a single family residential use.
- 2. No outdoor entertainment use events over 150 people are allowed after 5:00 p.m. limited as follows:
  - for an event with 51-150 people, 22 events per year
  - for an event with over 150 people, 5 events per year
- 4. There is no limit on outdoor entertainment use events of 50 people or less per year.
- 5. Outdoor amplified sound is limited to 75 decibels at the property line.
- 6. Outdoor amplified sound is allowed for a total of 22 events of 51-150 people per year
- 7. No outdoor amplified sound is allowed during the last 5 days of Spring Festival Season, as defined in City Code § 9-2-1112.

EXISTING PARKING CALCULATIONS

USE	SIZE	RATIO	CALCULATED PARKING	PARKING PROVIDED	DEFICIT PARKING
UPPER FARM	3.848 acres	0	0	0	0

PROPOSED PARKING CALCULATIONS

USE	SIZE	RATIO	CALCULATED PARKING (WITH 20% REDUCTION)	DEFICIT PARKING	PARKING PROVIDED
OUTDOOR ENTERTAINMENT/URBAN FARM	3.848 acres	1:70 (parking determination calculated from 6,250 sq ft)	71	71	71

PROPOSED PARKING TABLE

PARKING PROVIDED ON-SITE			PARKING ALLOTTED TO THIS SITE		TOTAL PARKING PROVIDED
REGULAR	0	0	69	0	69
CONTRACT	0	0	0	0	0
ACCESSIBLE	3	3	3	0	6
BICYCLE	5	5	5	0	5
			72		80

SPC-2015-0075AT

SPRINGDALE FARM - 11-11-2015

APPROVED BY: [Signature]

DATE: [Date]

PROJECT: [Project Name]

PREPARED BY: [Prepared By]

REVIEWED BY: [Reviewed By]

DATE: [Date]

PROJECT: [Project Name]

PREPARED BY: [Prepared By]

REVIEWED BY: [Reviewed By]

DATE: [Date]

SPRINGDALE FARM  
755 SPRINGDALE ROAD  
AUSTIN, TEXAS

SITE DEVELOPMENT

CONDITIONAL USE  
PERMIT AND DEFENSE  
PARKING PLAN

SHEET:

2

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SPC-2015-0075AT



METCALFE WOLFF  
STUART & WILLIAMS, LLP  
Attorneys at Law

MICHELE ROGERSON LYNCH  
512.404.2251  
mlynch@mwswtexas.com

CLB  
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February 12, 2015

Mr. Greg Guernsey, Director  
Planning and Development Review Dept.  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, Texas 78704

Via Hand Delivery

Re: Conditional Use and Off-Site Parking Plan for Springdale Farm located at 755 Springdale Road, Austin, Texas, 78702 (the "Property")

Dear Mr. Guernsey:

As representatives of the above referenced Property, we respectfully submit this letter and accompanying applications and materials in order to obtain a conditional use and off-site parking permit to allow for "Outdoor Entertainment" use on the Property.

The Property was rezoned (Ordinance No. 20141211-147) CS-MU-CO-NP on December 11, 2014 and the conditional overlay made the "outdoor entertainment" use a conditional use. We respectfully submit this Planning Commission non-consolidated land use site plan application ("Site Plan") to be reviewed in conjunction with an off-site parking application, in order to allow the Outdoor Entertainment use on the Property.

After discussions with the neighbors, city staff, the Planning Commission, and the City Council, the following conditions were placed on the Property through the zoning ordinance and associated restrictive covenant and are intended to be conditions of the Site Plan:

- An outdoor entertainment use shall not occur within 80 feet from any adjoining property zoned or used with a single family residential use;
- No outdoor entertainment use events over 150 people are allowed after 5:00 p.m.;
- The total number of outdoor entertainment use events in excess of 51 people per year is limited as follows:
  - for an event with 51-150 people, 22 events per year;
  - for an event with over 150 people, 5 events per year;
- There is no limit on outdoor entertainment use events of 50 people or less per year;
- Outdoor amplified sound is limited to 75 decibels at the property line;
- Outdoor amplified sound is allowed for a total of 22 events of 51-150 people per year; and
- No outdoor amplified sound is allowed during the last 5 days of Spring Festival Season, as defined in City Code § 9-2-1(12).

We are also submitting an off-site parking application to comply with the current Land Development Code parking requirements. The Austin Independent School District entered into a letter agreement with Springdale Farm to allow off-site parking on their Allan Elementary School location, located at 4900 Gonzales Street ("Off-Site Parking Location"). The City performed a parking determination for the Property on February 16, 2015, requiring 71 parking spaces. The Off-Site Parking Location provides 72 spaces.



Mr. Guernsey  
February 12, 2015  
Page 2 of 3

*Handwritten in blue ink: CIB / 14*

Thank you for your review of this letter and the attached applications and materials. If you have any questions or require additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Sincerely,

*Michele R. Lynch*  
Michele Rogerson Lynch

Enclosures

cc: Glenn & Paula Foore (owners)

February 3, 2015

Mr. Melvin E. (Mel) Waxler  
Chief of Staff  
Austin Independent School District  
1111 West Sixth Street, Suite A-250  
Austin, TX 78703



Re: Springdale Farm Off-Site Parking on the Allan Elementary School Campus

Dear Mr. Waxler:

We are the owners of the real property and improvements located at 755 Springdale Road, Austin, Texas 78703 (the "Springdale Farm Property"), and we are doing business on the Springdale Farm Property as Springdale Farm. This letter agreement regarding parking ("Letter Agreement Regarding Parking") is intended to confirm the agreement between Springdale Farm and the Austin Independent School District ("AISD") regarding Springdale Farm's request to utilize the parking lot on the AISD Allan Elementary School Campus depicted on Exhibit "A" attached hereto (the "Parking Lot") from time to time for off-site parking for Outdoor Entertainment Use events on the Springdale Farm Property.

During the fall of 2014, subject to availability, AISD granted Springdale Farm permission to use the Parking Lot for off-site parking on certain days pursuant to AISD's Building Use Application for Non-School Groups, with modifications related to Springdale Farm's use as required by AISD from time to time (the "Building Use Application").

Springdale Farm is seeking to obtain a Conditional Use Permit from the City of Austin to enable it to hold future Outdoor Entertainment Events on the Springdale Farm Property from time to time. As part of the Conditional Use Permit application process, the City of Austin requires that this Letter Agreement Regarding Parking be executed by AISD and filed with the City and further requires that Springdale Farm and AISD execute a Memorandum of Letter Agreement Regarding Parking (the "Memorandum") substantially in the form attached hereto as Exhibit "B" for recording in the Official Public Records of Travis County, Texas.

It is our understanding that AISD will consider Springdale Farm's requests for use of the Parking Lot for specific events using the same process used by Springdale Farm and AISD in the fall of 2014. Springdale Farm understands that each request for use must be submitted to AISD on AISD's then current version of the Building Use Application for Springdale Farm events. Springdale Farm further understands that AISD's approval of each request for use will continue to be subject to availability of the Parking Lot for such use, as determined by AISD on a case-by-case basis.

Mr. Melvin E. (Mel) Waxler  
February 3, 2015

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Springdale Farm acknowledges and agrees that it will be required to employ two off-duty AISD police officers to be stationed in the Parking Lot for the duration of the event as a condition of each approved use. In addition, Springdale Farm understands that AISD will not approve any use of the Parking Lot before 3:00 pm, Monday – Friday, when school is in session on the Allan Elementary School Campus.

If the foregoing reflects the understanding between AISD and Springdale Farm, please have AISD sign in the space below.

Sincerely,

Glenn M. Foore, Individually and  
D/B/A Texas Trees and Landscapes

Paula Foore

Acknowledged this 6<sup>th</sup> day of February, 2015:

Austin Independent School District

By: Mel Waxler  
Name: MEL WAXLER  
Title: Chief of Staff and Legal Counsel  
Austin ISD

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**EXHIBIT "B"**

**NOTICE OF CONFIDENTIALITY RIGHTS:** If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

**Memorandum of Letter Agreement Regarding Parking**  
( )

**Date:** \_\_\_\_\_ 20\_\_\_\_

**AISD:** AUSTIN INDEPENDENT SCHOOL DISTRICT

**AISD Address:** 1111 West Sixth Street  
Austin, Travis County, Texas 78703

**Springdale Farm:** Glenn M. Foore, Individually and D/B/A Texas Trees and Landscapes, and wife Paula Foore

**Springdale Farm Address:** 755 Springdale Road  
Austin, Travis County, Texas 78702

**Benefited Property:** The certain real property more particularly described on **Exhibit "A"** attached to this Memorandum of Letter Agreement Regarding Parking and by this reference incorporated in it.

**Benefited Property Address:** 755 Springdale Farm  
Austin, Travis County, Texas 78702

**Benefited Property Site Plan:** City of Austin Site Plan No. SP-20 \_\_\_\_\_  
as amended, revised or corrected from time to time

**Letter Agreement Regarding Parking:** The letter agreement from Springdale Farm to AISD dated \_\_\_\_\_, 2015, filed with the City, and confirming the terms and conditions upon which AISD will make the Parking Spaces available to the

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Benefited Property at the off-site Parking Facility Location in order to comply with the parking requirements of the Benefited Property Site Plan.

**Parking Facility Location:** 4900 Gonzales Street  
Austin, Travis County, Texas 78702

**Parking Spaces:** 72 spaces as depicted on Exhibit "B" attached to this Memorandum of Letter Agreement Regarding Parking and by this reference incorporated in it

Notice is hereby given of the Letter Agreement Regarding Parking. This Memorandum does not alter, amend or modify the Letter Agreement Regarding Parking, but is executed solely for the purpose of recording notice of said Letter Agreement Regarding Parking in the Official Public Records of Travis County, Texas.

City Reviewer Initials

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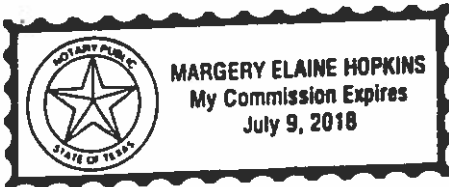
AI SD:

Austin Independent School District

By: [Signature]  
Name: MEL WAXLER  
Title: Chief of Staff & Legal Counsel

STATE OF TEXAS       §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on this 6<sup>th</sup> day of February, 2015, by Mel Waxler, of the Austin Independent School District, on behalf of said district.



[Signature]  
Notary Public, State of Texas

City Reviewer Initials

CLB  
20

SPRINGDALE FARM:

Glenn M. Foore, Individually and D/B/A Texas  
Trees and Landscapes

Paula Foore

STATE OF TEXAS §  
COUNTY OF TRAVIS §

Before me, the undersigned notary, on this day personally appeared Glenn M. Foore, Individually and D/B/A Texas Trees and Landscapes, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on \_\_\_\_\_ .

[Seal]

Notary Public, State of Texas

STATE OF TEXAS §  
COUNTY OF TRAVIS §

Before me, the undersigned notary, on this day personally appeared Paula Foore, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on \_\_\_\_\_ .

[Seal]

Notary Public, State of Texas

City Reviewer Initials

CPD  
21

**REVIEWED:**  
CITY OF AUSTIN, TEXAS  
PLANNING AND DEVELOPMENT REVIEW DEPARTMENT

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**APPROVED AS TO FORM:**

City of Austin, Texas  
Law Department

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
City Reviewer Initials

CLB  
22

## EXHIBIT A

### Legal Description of the Benefited Property



#### LEGAL DESCRIPTION

**4.85 ACRE TRACT**  
**J. GOODWIN JONES SUBDIVISION**  
**CITY OF AUSTIN**  
**TRAVIS COUNTY, TEXAS**

Being a 4.85 acre tract of land and being all of lots 6, 7 and 8 out of the J. Goodwin Jones Subdivision, a subdivision in the City of Austin, Travis County, Texas, recorded in Volume 486, Page 56 of the Deed Records of Travis County, Texas, said 4.85 acres being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1 inch iron pipe found at the most westerly corner of the above mentioned Lot 8, being the northeast corner of the Chunn Subdivision, (4/120), located on the southeast line of Springdale Road, for the most westerly corner of this;

**THENCE** along the northwest line of said Lots 6, 7 and 8, common boundary with said Springdale Road, and generally along a chain link fence line, N 27°47'40" E a distance of 319.57 feet to a 1/2 inch iron rod set at a chain link fence corner post at the most northerly corner of said Lot 8, being the northwest corner of the Springdale Terrace subdivision, (4/47), for the most northerly corner of this;

**THENCE** departing said Springdale Road, along the northeast line of said Lot 8, common boundary with said Springdale Terrace, S 82°18'16" E a distance of 660.07 feet to a 1 inch iron pipe found at the most easterly corner of said Lot 8, same being the southwest corner of said Springdale Terrace, and located on the northwest R.O.W. line of Mansell Avenue (50 foot wide R.O.W.), for the most easterly corner of this;

**THENCE** along the southeast line of said Lots 8, 7 and 6, common boundary with said Mansell Avenue, S 27°43'02" W a distance of 320.27 feet to a 1 inch iron pipe found at the most southerly corner of said Lot 8, same being the southeast corner of said Chunn Subdivision, for the most southerly corner of this;

**THENCE** departing said Mansell Avenue, along the southwest line of said Lot 6, common boundary with said Chunn Subdivision, N 82°14'37" W a distance of 660.50 feet to the **POINT OF BEGINNING** in all containing 4.85 acres of land.

All bearings and distances are based on State Plane Coordinate System, Texas Central Zone, Nad 1983.

This description is to accompany a plat of the data representing an on the ground survey supervised by me Tyler Tumlinson, Registered Professional Land Surveyor.

October 10, 2014

Tyler Tumlinson  
R.P.S. No. 6410

00312-SPR



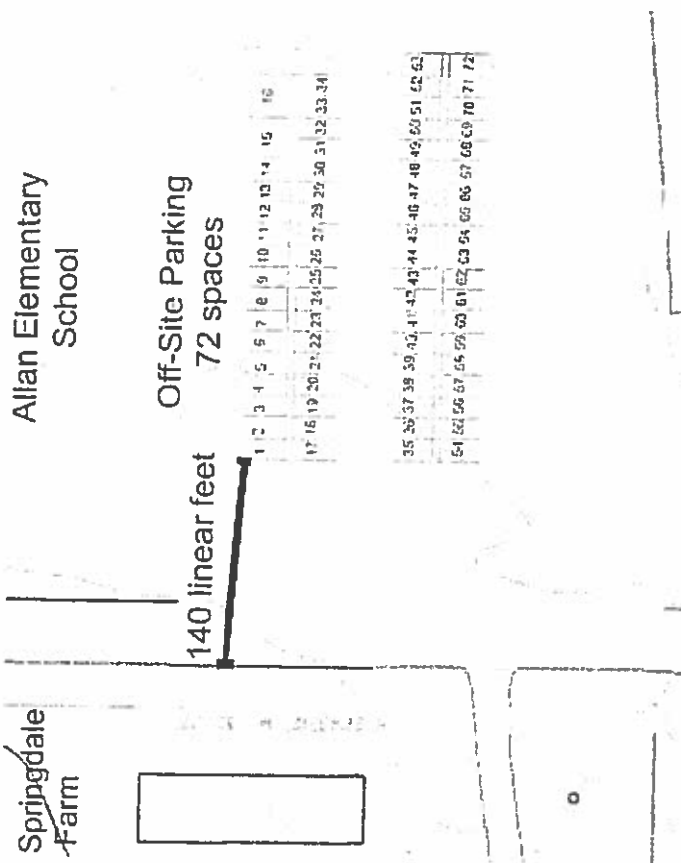
Tumlinson Land Surveying - 254.931.6707 - 2114 C.R. 219 Cameron, Texas 75520

City Reviewer Initials

C15/23

# EXHIBIT B

## Parking Spaces



City Reviewer Initials



### Request for Special Parking Determination

## Proposed Uses

Office Use Only

### Other Information

Completed By: Amber E. Mitchell

Phone (512) 974-3428  
Date 2/6/2015

CLB  
2/25  
Page 1



TRV

2015010852

Zoning Case No. C14-2014-0123RC

6 PGS

RESTRICTIVE COVENANT

OWNER: Glenn M. Foore and Paula Foore

ADDRESS: 755 Springdale Road, Austin, Texas 78702

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: 4.85 acre tract of land out of the J. Goodwin Jones Subdivision, the 4.85 acre tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant (the "Property"),

WHEREAS, the Owner (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Outdoor entertainment use shall be limited to:

Monday - Thursday	3:00 p.m. - 8:00 p.m.
Friday	3:00 p.m. - 9:00 p.m.
Saturday	10:00 a.m. - 10:00 p.m.
Sunday	10:00 a.m. - 8:00 p.m.

2. No outdoor entertainment use events over 150 people are allowed after 5:00 p.m.

3. The total number of outdoor entertainment use events in excess of 51 people per year is limited as follows: for an event with 51-150 people, 22 events per year;  
for an event over 150 people, 5 events per year.

There is no limit on outdoor entertainment use events of 50 people or less per year.

City Council  
date: 12-11-14

1117

C15  
26

4. Outdoor amplified sound is limited to 75 decibels at the property line.
5. Outdoor amplified sound is allowed for a total of 22 events of 51-150 people per year.
6. No outdoor amplified sound is allowed during the last 5 days of Spring Festival Season, as defined in City Code § 9-2-1 (12).
7. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
8. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
9. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
10. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 11<sup>th</sup> day of December, 2014.

01/27

OWNERS:

By: [Signature]  
Glenn M. Foore

By: [Signature]  
Paula Foore

APPROVED AS TO FORM:

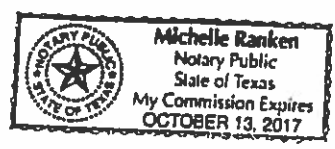
[Signature]  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS

COUNTY OF TRAVIS

§  
§  
§

This instrument was acknowledged before me on this the 11<sup>th</sup> day of December, 2014, by Glenn M. Foore.



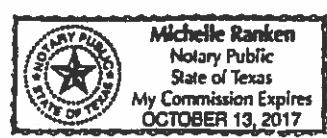
[Signature]  
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF TRAVIS

§  
§  
§

This instrument was acknowledged before me on this the 11<sup>th</sup> day of December, 2014, by Paula. Foore.



[Signature]  
Notary Public, State of Texas



CP/18

# LEGAL DESCRIPTION

## 4.85 ACRE TRACT J. GOODWIN JONES SUBDIVISION CITY OF AUSTIN TRAVIS COUNTY, TEXAS

Being a 4.85 acre tract of land and being all of lots 6, 7 and 8 out of the J. Goodwin Jones Subdivision, a subdivision in the City of Austin, Travis County, Texas, recorded in Volume 486, Page 56 of the Deed Records of Travis County, Texas, said 4.85 acres being more particularly described by metes and bounds as follows;

**BEGINNING** at a 1 inch iron pipe found at the most westerly corner of the above mentioned Lot 8, being the northeast corner of the Chunn Subdivision, (4/120), located on the southeast line of Springdale Road, for the most westerly corner of this;

**THENCE** along the northwest line of said Lots 6, 7 and 8, common boundary with said Springdale Road, and generally along a chain link fence line, N 27°47'40" E a distance of 319.57 feet to a 1/2 inch iron rod set at a chain link fence corner post at the most northerly corner of said Lot 8, being the northwest corner of the Springdale Terrace subdivision, (4/47), for the most northerly corner of this;

**THENCE** departing said Springdale Road, along the northeast line of said Lot 8, common boundary with said Springdale Terrace, S 62°18'16" E a distance of 660.07 feet to a 1 inch iron pipe found at the most easterly corner of said Lot 8, same being the southwest corner of said Springdale Terrace, and located on the northwest R.O.W. line of Mansell Avenue (50 foot wide R.O.W.), for the most easterly corner of this;

**THENCE** along the southeast line of said Lots 6, 7 and 8, common boundary with said Mansell Avenue, S 27°43'02" W a distance of 320.27 feet to a 1 inch iron pipe found at the most southerly corner of said Lot 6, same being the southeast corner of said Chunn Subdivision, for the most southerly corner of this;

**THENCE** departing said Mansell Avenue, along the southwest line of said Lot 6, common boundary with said Chunn Subdivision, N 62°14'37" W a distance of 660.50 feet to the **POINT OF BEGINNING**, in all containing 4.85 acres of land.

All bearings and distances are based on State Plane Coordinate System, Texas Central Zone, Nad 1983.

This description to accompany a plat of like date representing an on the ground survey supervised by me Tyler Tumlinson, Registered Professional Land Surveyor.

October 19, 2014

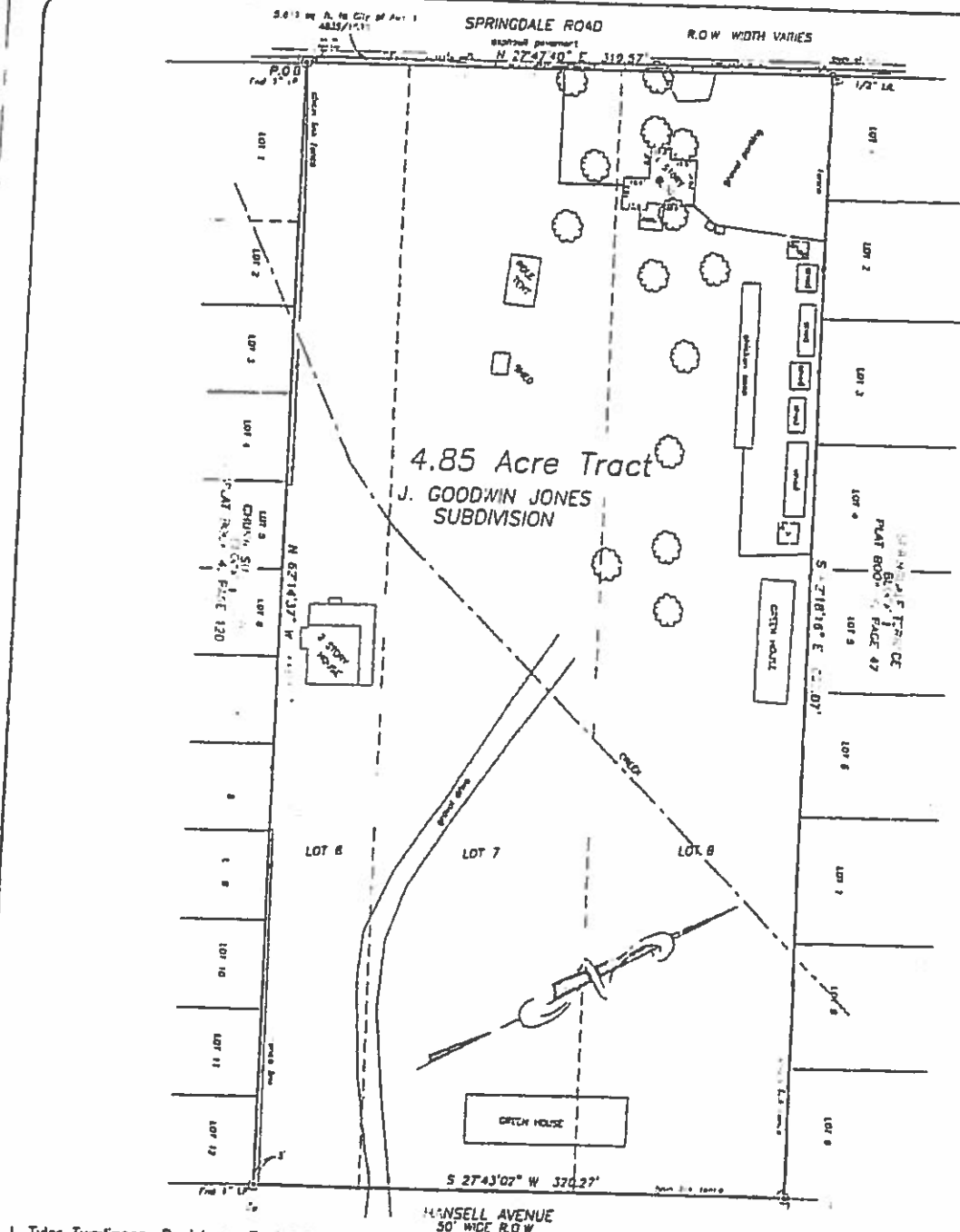
A handwritten signature in black ink, appearing to read "Tyler Tumlinson".

Tyler Tumlinson  
RPLS No. 6410

00312-SPR



C15/29



I, Tyler Tumlinson, Registered Professional Land Surveyor, do hereby certify that this survey was made on October 19, 2014 on the ground of the property, legally described hereon, and is correct; and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments at ground level, overlapping of improvements, easements, or apparent rights of way, except as shown hereon, and said property has access to and from a dedicated roadway, except as shown hereon.

All bearings and distances are based on State Plane Coordinate System, 1st Central Zone, NAD 1983.

This property is not located in the Special Flood Hazard Area according to F.I.R.M. Map ID No. 48453C0465H. Effective date: 9/26/2008

Tyler Tumlinson, R.P.L.S. No. 10

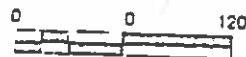
October 19, 2014

**TUMLINSON**  
— LAND SURVEYING

2114 County Road 219  
Cameron, Texas 76520  
(254) 931-6707  
FIRM #10193838

BOUNDARY SURVEY

ALL OF LOTS 6, 7 AND 8 OF THE J. GOODWIN JONES SUBDIVISION,  
a subdivision in the City of Austin, Travis County, Texas.  
Recorded in Volume 488, Page 50, D.R.T.C.



PROJECT:	00312-SPH
DATE:	10-18-2014
REVIEWER:	T. TUMLINSON
DRAWN BY:	T. TUMLINSON
FILEBOOK:	see 02

After Recording, Please Return to:  
City of Austin  
Law Department  
P. O. Box 1088  
Austin, Texas 78767  
Attention: J. Collins, Paralegal

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

Jan 23, 2015 03:11 PM

2015010852

GONZALES: \$46.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

C15  
31

## ALESHIRELAW

A PROFESSIONAL CORPORATION

700 LAVACA STREET, SUITE 1400  
AUSTIN, TEXAS 78701

**Bill Aleshire**

Bill@AleshireLAW.com

512 123-4567(call) 512 123-4567 (fax)

---

May 11, 2015

**VIA EMAIL**

Austin Planning Commission

RE: **Neighbor Request to Postpone.**  
Case # SPC-2015-0075SAT  
Springdale Farm  
755 Springdale Rd. / 739 1/2 Mansell Ave.

Dear Planning Commission:

My law firm has been retained to assist neighbors of Springdale Farm and PODER obtain public information about its operation and permitting. To prepare for your hearing on this matter, PODER made requests for records to the City of Austin (April 6<sup>th</sup>) and Austin ISD (April 9<sup>th</sup>). To date, neither of these governmental bodies has provided all of the records requested. Neither the City of Austin nor the AISD has complied with the requirement of the TPIA that they "promptly" supply public information.

It is unfair and undemocratic for our government to withhold relevant records sought by people about issues affecting them and then proceed ahead to take action while keeping people in the dark. For a city administration that claims to pride itself on transparency and accountability, proceeding to act on this very contentious issue would be very hypocritical. It seems appropriate to cite the first section of the Texas Public Information Act:

Sec. 552.001. POLICY; CONSTRUCTION. (a) Under the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that government is the servant and not the master of the people, it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. The provisions of this chapter shall be liberally construed to

CLB  
3/32

implement this policy.

Residents of this supposedly residential neighborhood view the expanding intrusion of this commercial enterprise very obnoxious and insulting. They are entitled, at the very least, to see the records held by their government about this situation. Therefore, we ask you to postpone this matter for one month.

Respectfully submitted,

*Bill Aleshire*

---

Bill Aleshire  
Bar No. 24031810  
AleshireLAW, P.C.  
700 Lavaca, Suite 1400  
Austin, Texas 78701  
Telephone: (512) 320-9155  
Facsimile: (512) 320-9156  
Bill@AleshireLaw.com

## PUBLIC HEARING INFORMATION

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 a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of an application. 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.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal a decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of a Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact listed on a notice); or  
appearing and speaking for the record at the public hearing;

the property occupies a primary residence that is within 500 feet of the subject property or proposed development;  
the property is the record owner of property within 500 feet of the subject property or proposed development; or  
the person is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

Notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

Additional information on the City of Austin's land development process, and our web site: <http://www.austintexas.gov/development>.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2015-0075A.T

Contact: Lynda Courtney, 512-974-2810 or Cindy Casillas, 512-974-3437  
Public Hearing: Planning Commission, May 12, 2015

Jeany Puley  
Your Name (please print)

357 Shady Ln

Your Address(es) affected by the application

*[Signature]*  
Signature

Date

Daytime Telephone: 512-385-6601

Comments:

These People are outstanding East Austin Citizens. Our City will benefit from their efforts. I encourage you to consider approving their requests.

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

City of Austin  
Development Services Department - 4<sup>th</sup> floor  
Lynda Courtney  
P. O. Box 1088  
Austin, TX 78767-8810

*[Handwritten initials]*

## PUBLIC HEARING INFORMATION

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.

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delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact listed on a notice); or  
appearing and speaking for the record at the public hearing;

the subject property occupies a primary residence that is within 500 feet of the subject property or proposed development; or  
the record owner of property within 500 feet of the subject property or proposed development; or  
is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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Case Number: SPC-2015-0075AT

Contact: Lynda Courtney, 512-974-2810 or Cindy Casillas, 512-974-3437  
Public Hearing: Planning Commission, May 12, 2015

Elizabeth Pulley  
Your Name (please print)

757 Shady Ln.

Your address(es) affected by this application

Elizabeth Pulley  
Signature

5-4-2015  
Date

Daytime Telephone: 512 555 7759

Comments: Springdale farm is a cultural & economic asset to the neighborhood. Glenn & Paula Moore work hard to grow food & keep their property beautiful. They are good neighbors & deserve to make a living. Their events are peaceful & joyful celebrations of food, love, & community. Of course I am in favor of allowing them to conduct their business.

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

City of Austin

Development Services Department - 4<sup>th</sup> floor

Lynda Courtney

P. O. Box 1088

Austin, TX 78767-8810

*Handwritten initials: C/S 2/15*

## PUBLIC HEARING INFORMATION

though 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.

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Zoning ordinance amendments may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of a Land Use Commission's action.

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delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact listed on a notice); or  
appearing and speaking for the record at the public hearing;

occupies a primary residence that is within 500 feet of the subject property or proposed development;

is the record owner of property within 500 feet of the subject property or proposed development; or

is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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Case Number: SPC-2015-0075AT

Contact: Lynda Courtney, 512-974-2810 or Cindy Casillas, 512-974-3437  
Public Hearing: Planning Commission, May 12, 2015

Your Name (please print) Debbie A C V Luna

☐ I am in favor  
☒ I object

647 MANSELL AVE Austin TX  
Your address(es) affected by this application

Debbie Luna 5/6/15 78702  
Signature Date

Daytime Telephone: 512-784-4686

Comments: I do not want anyone  
blocking my drive way or front of  
home 5M - F 7AM - 11pm or  
weekends from 7AM - 11pm  
In case I have family  
come over and need a place  
to park.

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

City of Austin  
Development Services Department - 4th floor  
Lynda Courtney  
P. O. Box 1088  
Austin, TX 78767-8810

*23/5*