

ZONING CHANGE REVIEW SHEET**CASE:** C14-2017-0042 (12602 Blackfoot Trail)**Z.A.P. DATE:** June 6, 2017**DISTRICT AREA:** 6**ADDRESS:** 6610 McNeil Drive/12602 Blackfoot Trail**OWNER/APPLICANT:** Abraham Birgani**AGENT:** Shaw Hamilton Consultants (Shaw Hamilton)**ZONING FROM:** LR-CO, SF-2 **TO:** CS-1-MU* **AREA:** 0.57 acres

*On May 16, 2017, the applicant submitted a letter amending the rezoning request to CS-MU.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LR-MU-CO, Neighborhood Commercial-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit access to McNeil Drive because 200 feet of frontage is required for a site to have access to a major arterial.

In addition, if the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of McNeil Drive in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).

ZONING AND PLATTING COMMISSION RECOMMENDATION:**DEPARTMENT COMMENTS:**

The property in question is currently developed with a vacant commercial structure and a single family residence. The site is surrounded by single family residential uses to the north and east and a day care use (Stepping Stone) to the west. The tracts of land to the south, across McNeil Drive, are undeveloped. In 1999, this property was rezoned from SF-1 to SF-2 (Tract 1) and SF-1 to LR-CO (Tract 2) through zoning case C14-98-0146. The ordinance requires a solid fence along the eastern property line, limits any building on the site being taller than 20 ft. in height, restricts pedestrian and vehicular access on Blackfoot Trail and prohibits seventeen uses on the site (Please see Ordinance No. 9907722-46: Attachment A). There is also a public restrictive covenant for this property that requires a six foot wooden fence along the eastern property line, limits the hours of operation for a business, prohibits massage parlors, requires that dumpster pickup be accessed from McNeil Road and states that the applicant shall install nine replacement trees on the property (Please see Public Restrictive Covenant: Attachment B). The applicant is requesting a rezoning of the property from SF-2 and LR-CO to CS-MU to develop a new commercial use on the site.

The staff recommends LR-MU-CO zoning because the site meets the intent of the Neighborhood Commercial District designation. The proposed LR-MU-CO zoning will promote consistency and orderly planning as it will provide a transition in the intensity of uses away from McNeil Drive to the north. Neighborhood Commercial zoning is compatible with the school/day care use to the west and the single family residential uses to the north and east of the site. LR-MU-CO zoning will low intensity commercial, office and civic uses that will provide services for residential development to the north and east of the property under consideration.

ISSUES:

On May 8, 2017, the staff received a petition from adjacent property owners who are opposed to any zoning classification other than the current LR-CO and SF-2 zoning on the site (Please see Petition Submittal - Attachment C). This GIS staff evaluated the petition and found that it is currently valid at 37.74 %. The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

Sec. 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if:*
- (1) the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or*
 - (2) the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:*
 - (a) included in the proposed change; or*
 - (b) immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-CO, SF-2	Vacant Commercial Building, Single Family Residence
<i>North</i>	SF-2	Single Family Residences
<i>South</i>	LI	Undeveloped
<i>East</i>	SF-1	Single Family Residences
<i>West</i>	RR	Day Care (Stepping Stone School)

AREA STUDY: N/A**TIA:** Deferred**WATERSHED:** Rattan Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation
 Bike Austin
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Indian Oaks Neighborhood Association
 Northwest Austin Coalition
 SELTEXAS
 Sierra Club, Austin Regional Group
 TNR BCP-Travis County Natural Resources

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2016-0123 (6914 McNeil Dr.)	I-RR to GR	1/17/17: Approved staff's recommendation of GR-CO zoning, with CO to prohibit with additional conditions to prohibit Automotive Rentals Automotive Repair Services Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Commercial Off-Street Parking, Drop Off Recycling Facility, Exterminating Services, Funeral Services, Pawn Shop Services Research Services, Service Station, with additional conditions to prohibit Hospital Services, Alternative Financial Services, and Drive-In Services uses and to include a public restrictive covenant to require the installation of sidewalks and sidewalk improvements (8-2, J. Kiolbassa, B. Greenberg-No; D. Breithaupt-absent); S. Harris-1 st , B. Evans-2 nd .	1/26/17 : Approved Zoning and Platting Commission's recommendation of GR-CO zoning, with conditions, on 1 st reading on consent (11-0); D. Garza-1 st , P. Renteria-2 nd .
C14-2015-0136 (6914 McNeil Dr.)	I-RR to GR	<p>11/17/15: Postponed at the applicant's request to December 15, 2015 (10-0); A. Denkler-2nd, B. Evans-2nd.</p> <p>12/15/16: Postponed at the applicant's request to January 5, 2016 (7-0, D. Breithaupt, Y. Flores, S. Harris-absent); B. Evans-1st, S. Lavani-2nd.</p> <p>01/05/16: Postponed at the applicant's request to January 19, 2016 (8-0, S. Lavani-absent, J. Goodman-arrived late); T. Webber-1st, A. Denkler-2nd.</p> <p>01/19/16: Postponed at the applicant's request to February 2, 2016 (10-0); T. Webber-1st, S. Lavani-2nd.</p> <p>02/02/16: Approved applicant's request for an indefinite</p>	<p>12/10/15: Postponed to February 11, 2016 at the staff's request (10-0, S. Adler-absent)</p> <p>02/11/16: Postponed indefinitely at the request of the applicant (11-0); L. Pool-1st, D. Zimmerman-2nd.</p>

		<p>postponement (10-0); J. Goodman-1st, J. Kiolbassa-2nd.</p> <p>Case expired on July 31, 2016 in accordance with LDC Section 25-2-246(A)(2).</p>	
C14-2012-0099 (Myers Zoning Change: 6810 McNeil Drive)	I-SF-2 to CS GR	<p>11/06/12: Approved GR-CO zoning (6-0, G. Rojas-absent); P. Seeger-1st, J. Meeker-2nd, with the following conditions 1) Limit the development intensity for the site to less than 2,000 vehicle trips per day, 2) Prohibit the following uses as offered by the applicant: Automotive Repair Services, Automotive Washing (of any kind), Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Food Sales, Funeral Services, Hotel/Motel, Indoor Entertainment, Indoor Sports and Recreation, Off-Site Accessory Parking, Outdoor Entertainment, Outdoor Sports and Recreation, Plant Nursery, Theater, Custom Manufacturing, College and University Facilities, Communication Service Facilities, Community Recreation (Private & Public), Counseling Services, Guidance Services, Hospital Services (General), Hospital Services (Limited), Local Utility Services, Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Residential Treatment, Safety Services; 3) Add Automotive Sales and Service Station as prohibited uses.</p> <p>4) Prohibit/restrict hours of operation between 12:00 a.m. and 6:00 a.m.</p>	<p>11/08/12: Approved GR-CO zoning on consent on 1st reading (6-0, S. Cole-off dais); L. Morrison-1st, M. Martinez-2nd.</p> <p>12/13/12: Approved GR-CO zoning on consent on 2nd/3rd readings (7-0), L. Morrison-1st, B. Spelman-2nd.</p>

C14-2008-0098 (12205 Pecan Street)	SF-3 to LI	7/01/08: Approved staff's rec. of LI-CO zoning, with added condition to prohibit Adult Oriented Businesses, by consent (6-0, J. Martinez, K. Jackson-absent) T. Rabago-1 st , J. Shieh-2 nd .	8/07/08: Approved LI-CO district zoning, with the following conditions: 2,000 vtpdl, prohibit Adult Oriented Businesses and 35-feet of right-of-way should be dedicated from the centerline of Pecan Street through a street deed, by consent (7-0); B. McCracken-1 st , S. Cole-2 nd .
C14-2008-0095 (Jekel Rezoning: 12214 Jekel Circle)	SF-3 to LI	7/01/08: Approved staff's recommendation of LI-CO zoning, with added condition to prohibit Adult Oriented Businesses, by consent (6-0, J. Martinez, K. Jackson-absent) T. Rabago-1 st , J. Shieh-2 nd .	8/07/08: Approved LI-CO district zoning, with the following conditions: 2,000 vtpdl, prohibit Adult Oriented Businesses and 35-feet of right-of-way should be dedicated from the centerline of Jekel Circle through a street deed, by consent (7-0); B. McCracken-1 st , S. Cole-2 nd .
C14-2008-0069 (IABA Phase-1: 12460 Los Indios Trail)	I-RR to MF-3	6/17/08: Approved SF-6-CO district zoning with conditions of: Restricting to no duplexes, multi-family, town homes or condominiums; Maximum of 30 units; 25' undisturbed vegetative setback and a 50' building setback from the northern property line; 300 vehicle trips per day; Commissioner Keith Jackson's motion, Commissioner Joseph Martinez second the motion on a vote of 8-0; with 1 vacancy on this commission.	7/24/08: Approved the ZAP Commission's rec. of SF-6-CO zoning, with restrictions as follows: no attached single family dwellings and 35' height limitation with exceptions allowed under the Code up to 40'. The parking will be agreed upon by involved parties. (7-0); Council Member Cole-1 st , Council Member Martinez-2 nd ; 1 st reading 7/23/09: Approved SF-6-CO zoning on consent on 2 nd /3 rd readings (7-0); Morrison-1 st , Martinez-2 nd .
C14-03-0107 (Los Indios Lift Station: 12507 Oro Valley Trail)	SF-4A to P	8/26/03: Approved staff's recommendation of 'P' zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	9/25/03: Granted 'P' (7-0); all 3 readings
C14-03-0074 (Gateway Community Church: 7014 McNeil Drive)	SF-6-CO to GO	6/3/03: Approved GO-CO zoning, with the following conditions: 1) Limit the development intensity on the site to less than 2,000 vehicle trips per day. 2) Allow GO, General Office district, zoning height (60 feet) and impervious cover (80%) standards. Limit all other site development regulations to LO, Limited Office district, zoning standards.	7/17/03: Granted GO-CO; prohibiting vehicle access to Lobelia Dr. (7-0); all 3 readings

		<p>3) Permit LO district uses (prohibit the following GO district uses): Business or Trade School, Business Support Services, College and University Facilities, Congregate Living, Hospital Services (General), Hospital Services (Limited), Private Secondary Education Facilities, Off-Site Accessory Parking, Personal Services, Restaurant (Limited);</p> <p>4) Provide a 25-foot setback (buffer zone) from the North property line for the area that is zoned SF-1.</p> <p>5) Provide a 25-foot setback from the East property line for the area that is zoned SF-1 and the lot zoned SF-2.</p>	
C14-03-0059 (McNeil Deal: 6917 McNeil Drive)	SF-3 to CS	<p>5/6/03: Approved staff's rec. of CS-CO zoning with condition to prohibit the following uses:</p> <ul style="list-style-type: none"> • Drop-off Recycling Collection Facility • Scrap and Salvage • Convenience Storage • Pawnshop Services (8-0, K. Jackson-absent) 	6/5/03: Approved CS-CO (7-0); all 3 readings
C14-00-2218 (6514 McNeil Drive)	I-RR to GO	2/13/01: Approved staff rec. of GO-CO by consent (9-0)	3/22/01: Approved GO-CO zoning, with the following conditions: 660 vehicle trip limit and 40 foot height limit (7-0); all 3 readings
C14-99-0095	SF-3 to CS	6/29/99: Approved staff's alternate rec. of CS-CO (8-0)	7/29/99: Approved PC rec. of CS-CO (6-0); all 3 readings

RELATED CASES: C14-98-0146 (Previous Zoning Case)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
McNeil Drive	100 ft	60 ft	MAD 4	No	No	No
Blackfoot Trail	60 ft	40 ft	Neighborhood Collector	Yes – Eastern Side Only	No	No

CITY COUNCIL DATE: August 3, 2017

ACTION:

ORDINANCE READINGS: 1st

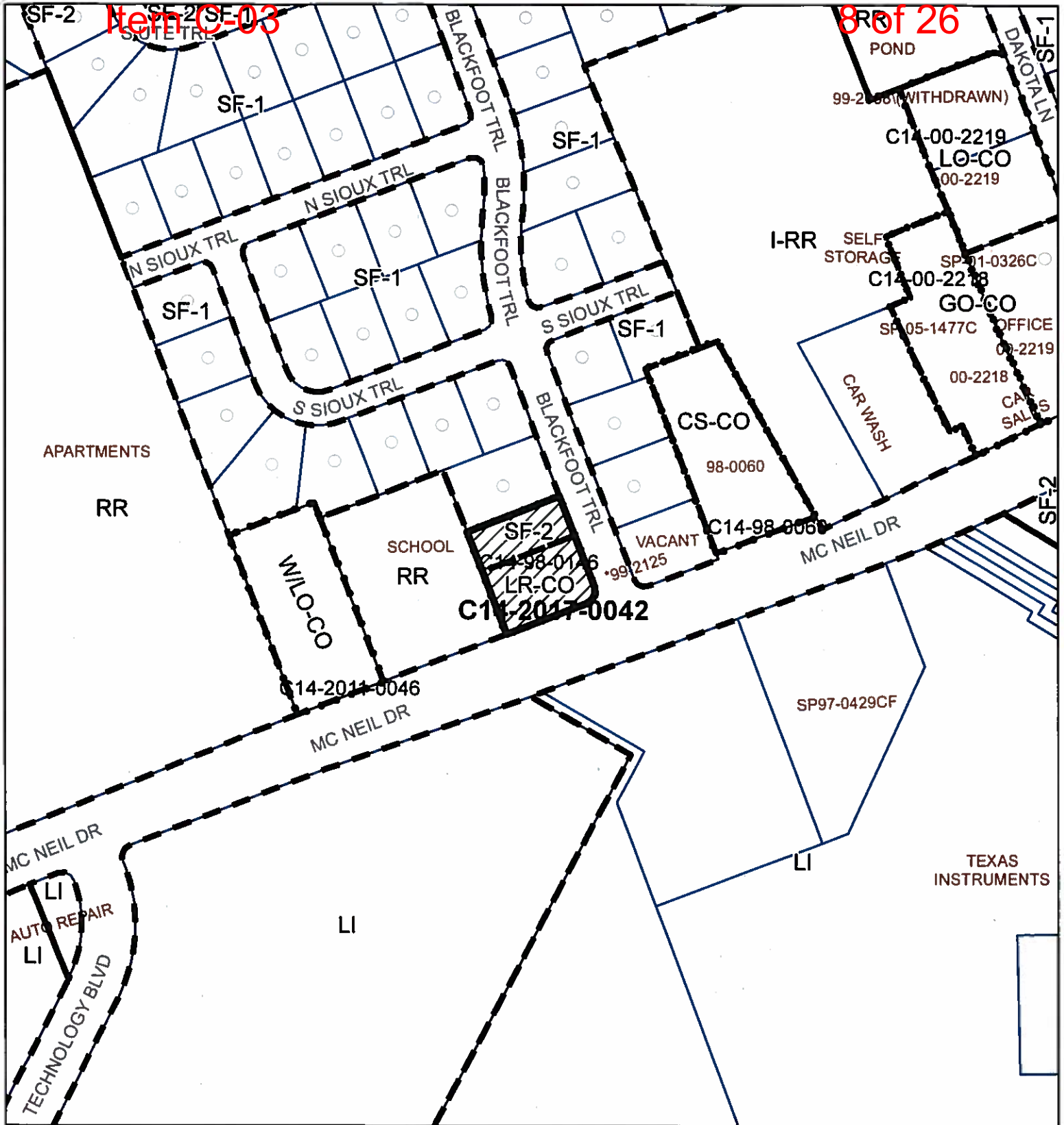
2nd

3rd

ORDINANCE NUMBER:

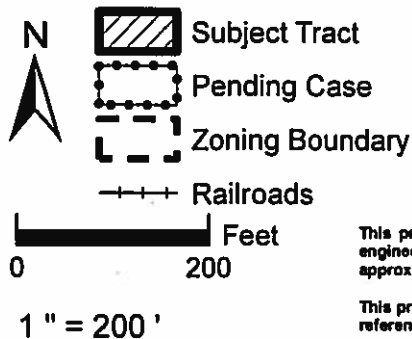
CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057,
sherri.sirwaitis@austintexas.gov



ZONING

Case#: C14-2017-0042



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



Created: 4/19/2017





STAFF RECOMMENDATION

The staff's recommendation is to grant LR-MU-CO, Neighborhood Commercial-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit access to McNeil Drive because 200 feet of frontage is required for a site to have access to a major arterial.

In addition, if the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of McNeil Drive in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).

BASIS FOR RECOMMENDATION

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

Neighborhood commercial (LR) 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.

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

The property in question is located at the entrance to a residential neighborhood at the northwest corner of McNeil Drive and Blackfoot Trail.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed LR-MU-CO zoning will promote consistency and orderly planning as it will provide a transition in the intensity of uses (from low intensity commercial to single-family uses) away from McNeil Drive to the north. The proposed zoning is compatible with the surrounding residential uses located to the north and east of the site.

3. *The proposed zoning should allow for a reasonable use of the property.*

The proposed LR-MU-CO zoning will allow for neighborhood friendly commercial, office and civic uses that will provide services for single-family residential neighborhood to the north of this site.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is developed with a vacant commercial/retail structure and a single family residence. The site is surrounded by single family residences to the north and east and a day care use (Stepping Stone) to the west. The tracts of land to the south, across McNeil Drive, are undeveloped.

Comprehensive Planning

SF-2 (Tract 1) and LR-CO (Tract 2) to CS-1

This zoning case is located on the northwest corner of McNeil Drive and Blackfoot Trail, on a parcel that is approximately .57 acres in size and contains a one story commercial building, which is vacant. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a single family house to the north; vacant land to the south; a small house to the east; and a small private school to the west. The proposal is to obtain a commercial zoning designation, which would permit liquor sales and remove the existing CO. The existing CO limits any building on the site being taller than 20 ft. in height; restricts pedestrian and vehicular access on Blackfoot Trail; and prohibits 17 uses on the site, including but not limited to: general retail; restaurants; congregate living; convenience store; and gas stations.

Connectivity: Public sidewalks are located intermittently along McNeil Drive. There is a CapMetro transit stop located within three quarters of a mile from this site. The Walkscore for this property 33/100, meaning most errands require a car.

Imagine Austin

The site is not located within an Activity Center or along an Activity Corridor. Based on the comparative scale of the site relative to nearby commercial uses located along McNeil Drive, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning. However, staff highly recommends that the developer install a public sidewalk along McNeil Drive to ensure there is defined pedestrian walkway on this side of the street.

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Rattan Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

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

Impervious Cover

The maximum impervious cover allowed by the CS-1 zoning district would be 95%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

Site Plan

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

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

The site is subject to compatibility standards. Along the north, east, and west property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- 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.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

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

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for McNeil Drive. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of McNeil Drive in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55).

If the requested zoning is granted, it is recommended that access to McNeil Drive be prohibited as a condition of zoning because 200 feet of frontage is required for a site to have access to a major arterial.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a bike lane is recommended for McNeil Drive.

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. LDC, Sec. 25-6-113.

A Neighborhood Traffic Analysis is deferred to time of site plan. At time of site plan a neighborhood traffic analysis will be required if triggered per LDC 25-6-114. LDC, Sec. 25-6-114.

- If the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 vehicle trips per day;

Existing Street Characteristics

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
McNeil Drive	100 ft	60 ft	MAD 4	No	No	No
Blackfoot Trail	60 ft	40 ft	Neighborhood Collector	Yes – Eastern Side Only	No	No

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 Austin Water for

compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

ORDINANCE NO. 990722-46

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

TWO TRACTS OF LAND OUT OF THE INDIAN OAKS 2 SUBDIVISION IN WILLIAMSON COUNTY, FROM SINGLE FAMILY RESIDENCE LARGE LOT (SF-1) DISTRICT TO SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT AND NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 12602 BLACKFOOT TRAIL, IN THE CITY OF AUSTIN, WILLIAMSON COUNTY, TEXAS.

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

PART 1. The Zoning Map established by Chapter 25-2-191 of the City Code is amended to change the base zoning districts on the property described in File C14-98-0146, as follows:

Tract 1: From Single Family Residence Large Lot (SF-1) district to Single Family Residence (SF-2) district.

All of the north 64 feet of Lot 2, Indian Oaks 2 Subdivision, a subdivision in the City of Austin, Williamson County, Texas, according to the map or plat of record in Cabinet J, Slide 264, of the Official Records of Williamson County, Texas,

Tract 2: From Single Family Residence Large Lot (SF-1) district to Neighborhood Commercial-Conditional Overlay (LR-CO) combining district.

Lot 2, less the north 64 feet of Lot 2, Indian Oaks 2 Subdivision, a subdivision in the City of Austin, Williamson County, Texas, according to the map or plat of record in Cabinet J, Slide 264, of the Official Records of Williamson County, Texas, (the "Property")

locally known as 12602 Blackfoot Trail, in the City of Austin, Williamson County, Texas, and as more particularly identified in the map attached as Exhibit "A".

PART 2. The property identified as Tract 2 within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Owner shall provide a solid fence along the property line that begins at the corner of the business structure attached to the house, go east towards Blackfoot Trail, then south towards McNeil Road.
2. Notwithstanding any other provision of the City Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 1,000 vehicle trips per day.
3. No structure of any kind may be built to a height greater than 20 feet above ground level on the Property.
4. The following uses of the Property are prohibited:

Consumer Convenience Services	Consumer Repair Services
Food Sales	General Retail Sales (Convenience)
General Retail Sales (General)	Pet Services
Bed and Breakfast (Group 1 and 2)	Restaurant (Drive-In, Fast Food)
Restaurant (Limited)	Service Station
Congregate Living	Community Recreation (Private)
Community Recreation (Public)	Counseling Services
Guidance Services	Hospital Services
Residential Treatment	
5. Pedestrian and vehicular traffic associated with a non-residential use on the Property may not access Blackfoot Trail.

Except as specifically restricted under this ordinance, Tract 2 may be developed and used in accordance with the regulations established for the Neighborhood Commercial (LR) base district and other applicable requirements of the City Code.

PART 3. The Council waives the requirements of Sections 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 2, 1999.

PASSED AND APPROVED

July 22, 1999

§
§
§ Kirk Watson
Kirk Watson
Mayor

APPROVED: Andrew Martin
Andrew Martin
City Attorney

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

199951473 3 PGS

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Zoning Case No. C14-98-0146

RESTRICTIVE COVENANT

OWNER(S): ABRAHAM BIRGANI

ADDRESS: 12602 Blackfoot Trail, Austin, Texas

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: Lot 2, less the north 64 feet of Lot 2, Indian Oaks 2 Subdivision, a subdivision in the City of Austin, Williamson County, Texas, according to the map or plat of record in Cabinet J, Slide 264, of the Official Records of Williamson County, Texas,

WHEREAS, the Owner 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. 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 Owner shall provide a six foot high wooden fence that begins at the corner of the business structure attached to the house, go east towards Blackfoot Trail, then south towards McNeil Road
2. The hours of operation for any business located on the Property is restricted as follows.
Monday through Friday from 8.00 a.m. to 8.00 p.m.
Saturday from 8:00 a.m. to 12.00 p.m.
Sunday, closed for business
- 3 Massage parlor establishments are prohibited as a use of the Property
- 4 Commercial waste pick-up services shall be from McNeil Road.
5. Owner shall provide and install nine replacement trees on the Property
6. If any person or entity shall violate or attempt to violate this agreement and covenant, 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 or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
- 7 If any part of this agreement or covenant 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

8. 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.
9. 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 subject to the modification, amendment or termination at the time of such modification, amendment or termination.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this the 22 day of July, 1999.

OWNERS:

ABRAHAM BIRGANI

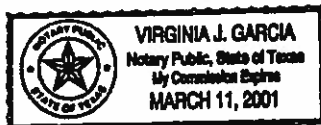
APPROVED AS TO FORM:



Assistant City Attorney
City of Austin

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 22nd day of July, 1999, by ABRAHAM BIRGANI.




Notary Public, State of Texas
exp. 3-11-2001

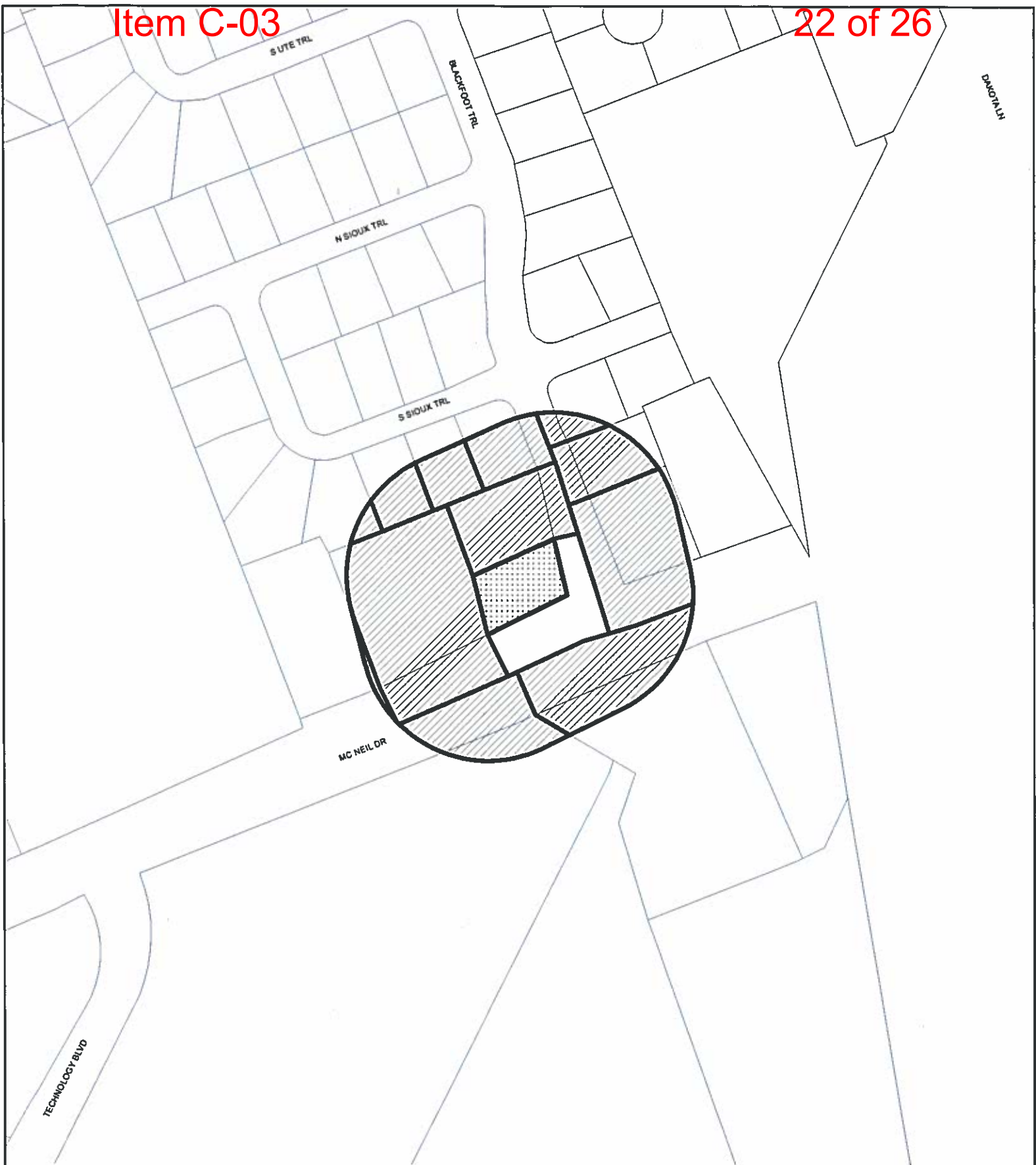
Case Number:
C14-2017-0042

PETITION

Date: 5/16/2017
Total Square Footage of Buffer: 219055.5379
Percentage of Square Footage Owned by Petitioners Within Buffer: 37.74%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
R322630	6702 MCNEIL DR AUSTINTX78729	6702 MCNEIL LTD	no	1131.25	0.00%
R065469	12602 BLACKFOOT TRL AUSTINTX78729-7703	BIRGANI ABRAHAM	no	21045.84	0.00%
R065374	7005 S SIOUX TRL AUSTINTX78729-7742	FEHR E SCOTT	yes	10462.69	4.78%
R065372	7009 S SIOUX TRL AUSTINTX78729	GALAVIZ ABEL & MARIA R (LE) & REVOCABLE LIVING TRUST	yes	6075.02	2.77%
R065371	7011 S SIOUX TRL AUSTINTX78729-7742	JACKSON JANIE S & ROBERT	no	1597.14	0.00%
R322627	1910 JUSTIN LN AUSTINTX78757-2492	PAVER FAMILY ENTERPRISES LP	yes	55440.53	25.31%
R066560	% PS BUSINESS PARKS INC Attn: Assistant Vice President-A/D701 WESTERN AVEGLENDALCA91201	PS BUSINESS PARKS LP	no	20336.50	0.00%
R405452	ATTN: BRIAN HURLEY% HRPT PROPERTIES TRUST9 GALEN ST STE 400WATERTOWNMA02472-4522	RESEARCH PARK PROP TRUST	no	28823.08	0.00%
R065362	12607 BLACKFOOT TRL AUSTINTX78729-7704	ROBERTS DAVID ALAN & PAMELA JO	yes	3577.07	1.63%
R065364	12605 BLACKFOOT TRL AUSTINTX78729	SIEBELINK DAVID & ROBIN F	no	12362.90	0.00%
R065373	7006 S SIOUX TRL AUSTINTX78729-7741	TRENHOLM JOHN D & LINDA	yes	7121.81	3.25%
R065365	12603 BLACKFOOT TRL AUSTINTX78729-7704	ZARCHI MEHDI & ELHAM TARKASHVAND	no	33718.09	0.00%
Total				201691.93	37.74%



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION**CASE#: C14-2017-0042**

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

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



1" = 200'

PETITION

Date: May 5, 2017

File Number: C14-2017-0042

Address of Re-zoning Request: 6610 McNeil Drive/12602 Blackfoot Trail

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest any change of the Land Development Code which would zone the property to any classification other than LR-CO/SF-2.

We protest the requested zoning change because the change (1) would permit the sale of alcohol from a property adjacent to a daycare and neighborhood residences, (2) is unnecessary to permit reasonable business uses of the property, (3) would not satisfy any public need, (4) would set an undesirable precedent for other properties in the neighborhood surrounding the property, (5) would not allow for a reasonable use of the property, (6) would not promote compatibility with adjacent and nearby uses and would result in detrimental impacts to the neighborhood character, (7) would not promote a transition between adjacent and nearby zoning districts, (8) would not promote the policy of locating retail near the intersections of arterial roadways, and (9) would not promote any clearly identified community goal.

<u>SIGNATURE</u>	<u>PRINTED NAME</u>	<u>ADDRESS</u>
	Rhonda Paver	1910 Justin Lane ✓
	JOHN TRENHOLM	7006 S. SIOUX ✓
	Glen McGuire	12609 Blackfoot Trl
	DAVID A. ROBERTS	12607 BLACK FOOT TR ✓
	PAMELA S. ROBERTS	12607 Blackfoot Trl ✓
	SCOTT FELT	7005 S. SIOUX TR ✓
	CHAD STEPHENS	7010 S SIOUX TR
	Kodie Stephens	7010 S. Sioux Trail 78729
	Linda King	7008 S. SIOUX 78729
	LINDA KING	7008 S. SIOUX 78729
	ABEL GALAVIZ	7009 S. SIOUX 78729 ✓
	Maria R. Galaviz	7009 S. SIOUX 78729 ✓

Date:

LINDA TRENHOLM

Contact Name: Jay Clendenin

Phone Number: 903-744-0406

Linda Trenholm

7007 South Sioux 78729

**CERTIFICATE OF FORMATION OF
PAVER INVESTMENTS, LLC
A LIMITED LIABILITY COMPANY**

FILED
In the Office of the
Secretary of State of Texas
JUN 30 2014

This certificate of formation is submitted for filing pursuant to the applicable provisions of the Texas Business Organizations Code. **Corporations Section**

Article I - Entity Name and Type

The name and type of filing entity being formed are: Paver Investments, LLC, a Texas limited liability company (hereinafter "Company").

Article II - Purpose

The purpose for which the Company is organized is any lawful purpose which may be undertaken by the company in accordance with the applicable provisions of the Texas Business Organizations Code.

Article III - Registered Office and Registered Agent

The initial registered agent is an individual resident of the state whose name is Rhonda G. Paver. The business address of the initial registered agent and the initial registered office is: 1910 Justin Lane, Austin, TX 78757-2492.

Article IV - Principal Office

The address of the Company's principal office in this state is: 1910 Justin Lane, Austin, Texas 78757-2492.

Article V - Conversion

This certificate of formation is being filed under a plan of conversion. The name of the prior organization is Paver Investments Limited Partnership, a Texas limited partnership, formed on January 13, 1995, pursuant to the laws of Texas, and located at 1910 Justin Lane, Austin, Texas 78757-2492.

Article VI - Governing Authority

The company shall be managed by its Managers. The names and addresses of the initial managers are:

<u>Name</u>	<u>Address</u>
William J. Paver	1910 Justin Lane Austin, Texas 78757-2492

Rhonda G. Paver

1910 Justin Lane
Austin, Texas 78757-2492

Article VII - Effective Date of Filing

This certificate of formation becomes effective on July 1, 2014, which is not more than ninety (90) days from the date of signing.

Article VIII - Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized to execute the filing instrument.

Date: June 27, 2014

Stepping Stone Management, LLC

A handwritten signature in black ink, appearing to read 'Rhonda G. Paver', is written over a horizontal line.

By: Rhonda G. Paver, President

From: Cyrus Birgani

Sent: Tuesday, May 30, 2017 8:11 PM

To: Sirwaitis, Sherri

Cc: Shaw Hamilton; Abraham Birgani

Subject: Request to postpone zoning and platting commission hearing from June to July 18 2017

Date: May 30th, 2017

To: The Case Manager Sherri Sirwaitis,

Zoning case# C14-2017-0042

Case manager: Sherri Sirwaitis

Phone# (512) 974-3057

Sherri.sirwaitis@Austintexas.gov

From: The Property Owner _____

Abraham Birgani

Phone# (512) 998-2525

Owner Consultants:

Shaw Hamilton

Phone# (512) 791-0778

Dear Sharri,

I want to thank you for sharing some time with me and Shaw Hamilton. I need some time to work with my neighbors for removing their opposition of rezoning my property (Lot2 Indian Oaks 2 Subdivision) with above case number. Please postpone the planning commission hearing on this case from June to July 18th, 2017. Also please confirm that you receive my request and is accepted by you.

Sincerely,

Abraham Birgani

512-998-2525