

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0097 – South Chisholm
Professional Offices

Z.A.P. DATE: October 2, 2018

ADDRESS: 9401 South Chisholm Trail

DISTRICT: 5

OWNER/APPLICANT: Mario Solis

AGENT: Land Answers, Inc.
(Jim Wittliff)

ZONING FROM: SF-2 **TO:** LO-MU-CO **AREA:** 0.63 acres (27,442 s.f.)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay would 1) limit development to one residential unit, 2) limit development to 300 vehicle trips per day, 3) prohibit vehicular access to South Chisholm Trail (except for pedestrian, bicycle and emergency ingress and egress) and 4) prohibit club or lodge, college and university facilities, private primary education facilities, private secondary educational facilities, public primary educational facilities, public secondary educational facilities, and urban farm.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

October 2, 2018:

ISSUES:

The Applicant has discussed this rezoning case with members of the Slaughter Lane Neighborhood Association.

DEPARTMENT COMMENTS:

The subject rezoning area consists of one platted lot located at the intersection of West Slaughter Lane and South Chisholm Trail. The lot is zoned single family residence – standard lot (SF-2) and contains a vacant, two-story single family residence. This segment of West Slaughter Lane also contains an auto trim business, a few single family residences, apartments, land under construction for medical offices, and a City of Austin drainage easement and electric substation (P, SF-2, LR-CO, MF-1-CO). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant has requested limited office – mixed use – conditional overlay (LO-MU-CO) district zoning, similar to that approved by Council in May 2018 for the adjacent lot to the east. Specifically, the Applicant's requested Conditional Overlay is to limit the property to

one residential unit and prohibit vehicular access to South Chisholm Trail, and also add a condition to limit development to 300 vehicle trips per day. The Applicant proposes to develop the property with a medical office use, retain a residential component, and utilize the existing driveway apron on West Slaughter Lane for vehicular access.

Land Development Code Section 25-6-381(B) (*Minimum Frontage For Access*) prohibits access to arterials if the lot has less than 200' of frontage and access is available from other roadways. This Code section is a life/safety issue for the purposes of reducing the number of curb cuts and thus traffic conflict points on major roadways, and providing for a safer and more efficient transportation system. The width of the lot proposed for rezoning and the adjacent LO-MU-CO zoned lot to the east also owned by the Applicant (thus, 2 lots) is 187 feet. At the time of site plan application, the Applicant will be required to obtain a waiver from the City to the above-referenced Code section in order to allow for access to West Slaughter Lane. A Conditional Overlay prohibiting vehicular access to South Chisholm Trail would inform subsequent development applications, including site plan review, that access be taken to Slaughter Lane.

The Applicant's request is reasonable based on its location at the intersection of an arterial roadway and local street, limited scale of development through a vehicle trip cap and land use transition to the adjacent single family residences on South Chisholm Trail. There are several examples of office and commercial zoning (LO; LR) on the south side of West Slaughter Lane.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Vacant single family residence
<i>North</i>	LO-CO; LR-CO	Offices; Beauty salon; Tailor; Computer repair; Child care facility; Undeveloped
<i>South</i>	SF-1; RR	Single family residences
<i>East</i>	LO-MU-CO; P	Undeveloped; City of Austin drainage easement; City of Austin electrical substation
<i>West</i>	SF-2; LR-CO; MF-1-CO	Two single family residences; Auto upholstery business; Undeveloped (under construction for medical offices); Apartments

NEIGHORHOOD PLANNING AREA: No

TIA: Is not required

WATERSHED: Slaughter Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes, West Slaughter Lane

NEIGHBORHOOD ORGANIZATIONS:

242 – Slaughter Lane Neighborhood Association
627 – Onion Creek Homeowners Association

511 – Austin Neighborhoods Council

742 – Austin Independent School District 1228 – Sierra Club, Austin Regional Group
 1363 – SEL Texas 1424 – Preservation Austin
 1528 – Bike Austin 1530 – Friends of Austin Neighborhoods
 1531 – South Austin Neighborhood Alliance
 1550 – Homeless Neighborhood Organization 1578 – South Park Neighbors
 1616 – Neighborhood Empowerment Foundation

SCHOOLS:

Casey Elementary School Paredes Middle School Akins High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-98-0270 – Uresti Day Care – 9316 Chisholm Ln and 1112 Slaughter Ln	DR; SF-2 to GR	To Grant LO-CO on the Tract 1 (west) and LR-CO on the Tract 2 (east), with conditions	Apvd LO-CO (Tract 1) and LR-CO (Tract 2) w/CO for 2,000 trips, no vehicle access to Chisholm Ln and prohibit financial services and service station on Tract 2 (7-15-1999).
C14-99-0063 – Shirell and Lois Hipp Zoning Change – 1303 W Slaughter Ln	SF-2 to LO	To Grant LO-CO, w/conditions	Apvd LO-CO w/ CO prohibiting access to Slaughter Lane (8-19-1999).
C14-00-2098 – Blackhawk Apartments – 1200 W Slaughter Ln	SF-1 to MF-1-CO and LR-CO	To Grant MF-1-CO and LR-CO, w/conditions	Apvd MF-1-CO and LR-CO, w/CO for Traffic Impact Analysis; 13.24 u.p.a. (300 units); 15' vegetative buffer along David Moore Rd; list of prohibited uses (1-25-2001).
C14-00-2111 – Solera – 1200 Block of W Slaughter Ln	DR to MF-3	To Grant MF-2-CO w/conditions	Apvd MF-2-CO w/CO for 12.18 u.p.a. and conditions of Traffic Impact Analysis (10-26-2000).
C14-00-2189 – Wattinger Acres – 1218 W Slaughter	DR to W/LO	To Grant W/LO-CO w/conditions	Apvd W/LO-CO w/CO for 2,000 trips (1-18-2001).

Ln			
C14-00-2242 – Swanson's Crossing Retail – 1216 – 1400 W Slaughter Ln	DR to LR	To Grant LR-CO w/conditions	Apvd LR-CO w/ CO for 2,000 trips (2-15-2001).
C14-02-0079 – Stone Tract – 9601-9641 South Chisholm Trl	I-RR to SF-3	To Grant SF-1-CO w/ max. 28 units and conditions of NTA	Apvd SF-1-CO as Commission recommended, and conditions of Neighborhood Traffic Analysis (1-16-2003).
C14-02-0046 – Wattinger Corner – NW corner of Slaughter Ln and Texas Oaks Dr	DR to GR-CO	To Grant LR-CO	Apvd LR-CO w/CO for 2,000 trips and list of prohibited uses (9-26-2002).
C14-05-0217 -1204 W Slaughter Ln	SF-2 to LR-CO	To Grant LO	Apvd LO (4-20-2006).
C14-2007-0059 – 1206 W Slaughter Ln	SF-2 to LR-CO	To Grant LO-CO	Apvd LO-CO w/CO for 2,000 trips (7-26-2007).
C14-2008-0052 – TJG – 9609 Swanson's Ranch Rd	SF-2 to CS	To Grant GO-CO w/ CO for personal services as only GO use, and all NO zoning uses and regulations, 150 trips/day, all parking to be located on-site and conditions of the NTA	Apvd GO-CO district zoning w/conditions of a Restrictive Covenant as Commission recommended (1-15-2009).
C14-2008-0164 – 2.458 acres adjacent to Slaughter Lane Substation	DR to P	To Grant P	Apvd P (10-2-2008).
C14-2008-0187 – Burr - 1201 West Slaughter Ln	SF-2 to LR	To Grant LR-CO w/CO allowing food sales, general retail sales (convenience and general) and all permitted LO uses	Apvd LR-CO as Commission recommended (11-6-2008).

RELATED CASES:

The property is platted as Lot 4 of Swanson's Ranchettes, recorded in November 1962 (C8S-62-137). Please refer to Exhibit B.

The property was annexed into the City limits on November 15, 1984.

On May 10, 2018, the adjacent lot to the east (Lot 5) was rezoned from SF-2 to LO-MU-CO with the Conditional Overlay limiting development of the property to one residential unit and prohibiting vehicular access (except for bicycle, pedestrian and emergency ingress and egress) to South Chisholm Trail (C14-2017-0123 – South Chisholm Professional Offices. Please refer to Exhibit C.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
West Slaughter Lane	111 feet	88 feet	MAD 6 – Major Arterial	Yes	Yes	Yes
South Chisholm Trail	60 feet	24 feet	Local	No	No	Yes

CITY COUNCIL DATE: November 1, 2018

ACTION:

ORDINANCE READINGS: 1st

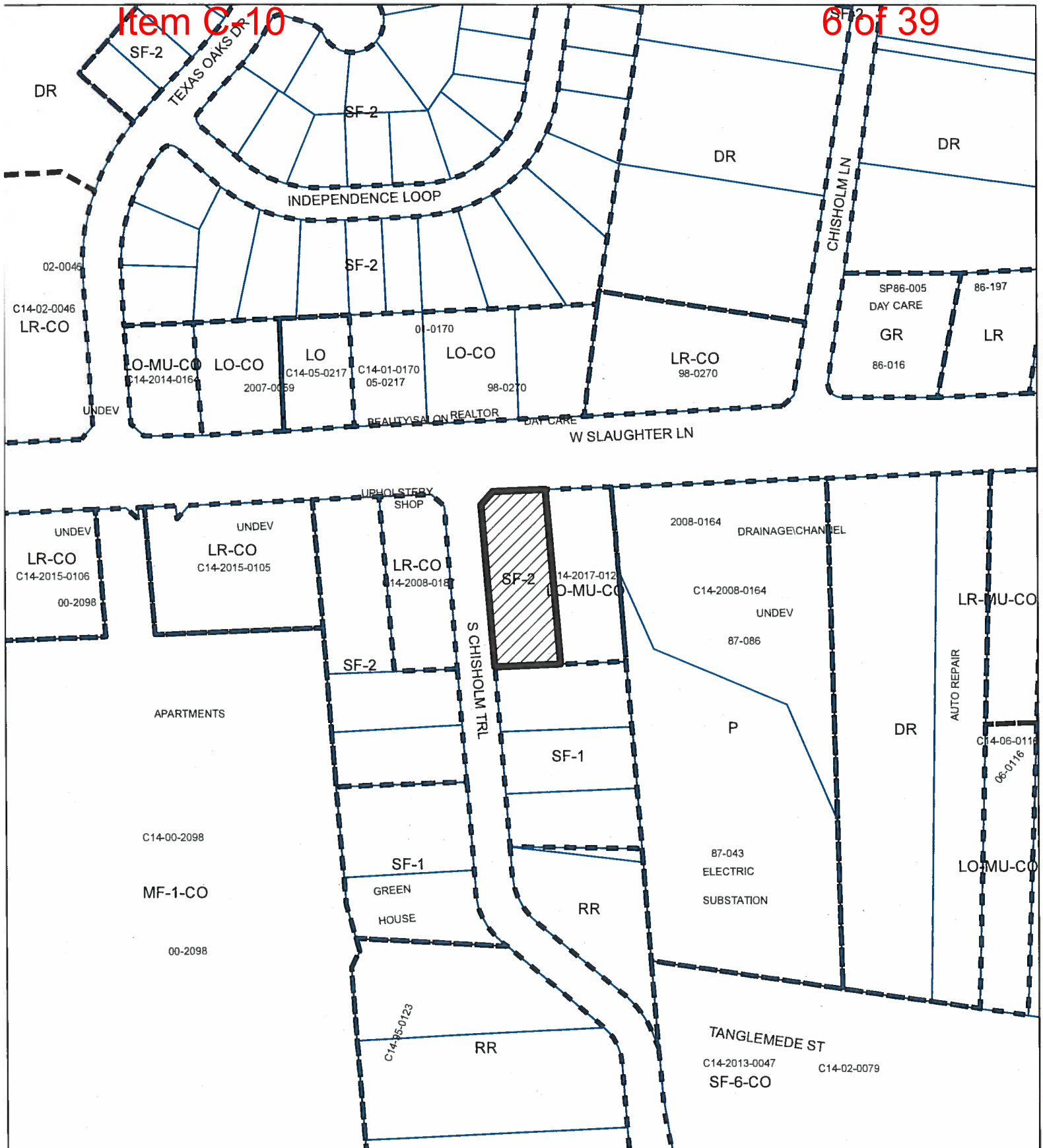
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

Zoning Case
C14-2018-0097

EXHIBIT A



1" = 200'

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

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



1" = 150'

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY
-  CREEK BUFFER

SOUTH CHISHOLM PROFESSIONAL OFFICES

ZONING CASE#: C14-2018-0097
 LOCATION: 9401 S CHISHOLM TRL
 SUBJECT AREA: 0.63 ACRES
 GRID: F14
 MANAGER: WENDY RHOADES

EXHIBIT A-1

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Nov 26-62 REC'D 8794 45 VOL. 16 PAGE 58

SWANSON'S RANCHETTES
SCALE: 1"=100'

8 SLAUGHTER LANE

SCALE: 1"=100'

LEGEND:
● - Iron Sth. Find.
○ - " " Set

REZONING AREA

THE STATE OF TEXAS
COUNTY OF TRAVIS
KNOW ALL MEN BY THESE PRESENTS:
That I, Ted A. Swanson, Sr. owner of the herein designated tract of land out of the S. F. Slaughter League, Survey #1 in Travis County, Texas, being the same land containing 15.00 acres, as conveyed to me by deed recorded in Volume 2513, Page 80 of the Deed Records of Travis County, Texas, do hereby subdivide said 15.00 acres in accordance with the foregoing plat and do hereby adopt this plat as my subdivision to be known as SWANSON'S RANCHETTES, subject to any easements or restrictions heretofore granted.
WITNESS MY HAND this the 17th day of October, A.D. 1962

By *Ted A. Swanson, Sr.*
Ted A. Swanson, Sr.

THE STATE OF TEXAS
COUNTY OF TRAVIS
Before me the undersigned authority on this day personally appeared Ted A. Swanson, Sr., known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.
WITNESS MY HAND AND SEAL OF OFFICE this the 17th day of October, 1962

By *Claude F. Bush, Jr.*
Notary Public in and for Travis County, Texas

APPROVE FOR ACCEPTANCE on the 26th day of November, A.D. 1962.
By *Boyle N. Osborne*
Boyle N. Osborne, Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS on the 20th day of November, A.D. 1962
By *Stuart Harris*
Stuart Harris, Chairman

SEPTIC TANK NOTE:
Each house constructed in this subdivision shall be connected to a septic tank with a capacity of not less than 500 gallons and with a drainage field of not less than 150 feet and shall be installed in accordance with the regulations of the city-county health officer and shall be inspected and approved by such officer. This restriction is enforceable by the City of Austin-Travis County Health Unit and/or the subdivider.

"IN approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads, or other public thoroughfares and any bridges or culverts necessary to be placed in such streets, roads or other public thoroughfares shall be the responsibility of the owner and/or developer of

the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas and said court assumes no obligation to build any of the streets, roads or other public thoroughfares or any bridges or culverts in connection therewith.

THE STATE OF TEXAS
COUNTY OF TRAVIS
I, Miss Billie Limberg, County Clerk of Travis County, Texas, do hereby certify that on the 26 day of November A.D. 1962, the Commissioners Court of Travis County, Texas passed an order authorizing the filing for record of this plat and that said order has been duly entered in the Minutes of said court in Book 3 Page 352.
WITNESS MY HAND AND SEAL OF OFFICE this the 26 day of November A.D. 1962
Miss Billie Limberg, County Clerk, Travis County, Texas
By *Stuart Harris*
Stuart Harris, Deputy

FILED FOR RECORD on the 26 day of Nov A.D. 1962 at 10:30 o'clock AM.
Miss Billie Limberg, County Clerk, Travis County, Texas
By *Elmer Pruitt*
Elmer Pruitt, Deputy

THE STATE OF TEXAS
COUNTY OF TRAVIS
I, Miss Billie Limberg, clerk of the County Court within and for the County and State aforesaid, do hereby certify that the foregoing instrument of writing with its certification of authentication was filed for record in my office on the 26 day of Nov A.D. 1962 at 10:30 o'clock AM in Travis County, Texas and duly recorded on the 26 day of Nov A.D. 1962 at 10:30 o'clock AM in the Public Record of said county in Book 16 Page 58
WITNESS MY HAND AND SEAL OF OFFICE the date last written above
Miss Billie Limberg, County Clerk, Travis County, Texas
By *Elmer Pruitt*
Elmer Pruitt, Deputy

Ref. Nov 26-62

68-62-137

ORDINANCE NO. 20180510-069

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1109 WEST SLAUGHTER LANE FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY (LO-MU-CO) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from single family residence standard lot (SF-2) district to limited office-mixed use-conditional overlay (LO-MU-CO) combining district on the property described in **Zoning Case No. C14-2017-0123**, on file at the Planning and Zoning Department, as follows:

Lot 5, Swanson's Ranchettes Subdivision, a subdivision in Travis County, Texas as recorded in Volume 16, Page 58, of the Plat Records of Travis County, Texas (the "Property"),

locally known as 1109 West Slaughter Lane in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "A"**.

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

- A. The maximum number of residential units on the Property shall be limited to one unit.
- B. Vehicular access from the Property to South Chisholm Trail is prohibited except for pedestrian, bicycle, and emergency ingress and egress. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

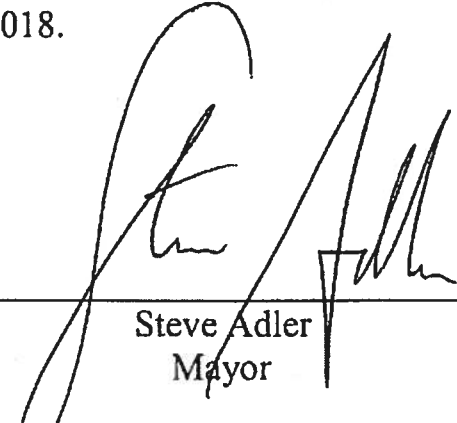
PART 3. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the limited office (LO) district and other applicable requirements of the City Code.

PART 4. This ordinance takes effect on May 21, 2018.

PASSED AND APPROVED

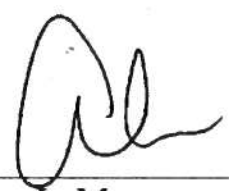
_____, May 10, 2018

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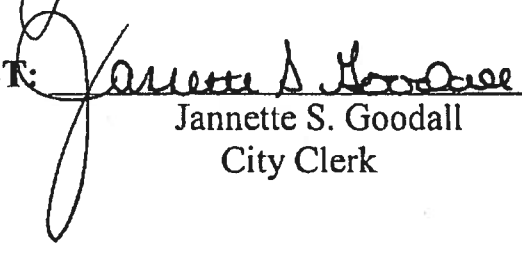
Steve Adler
Mayor

APPROVED:

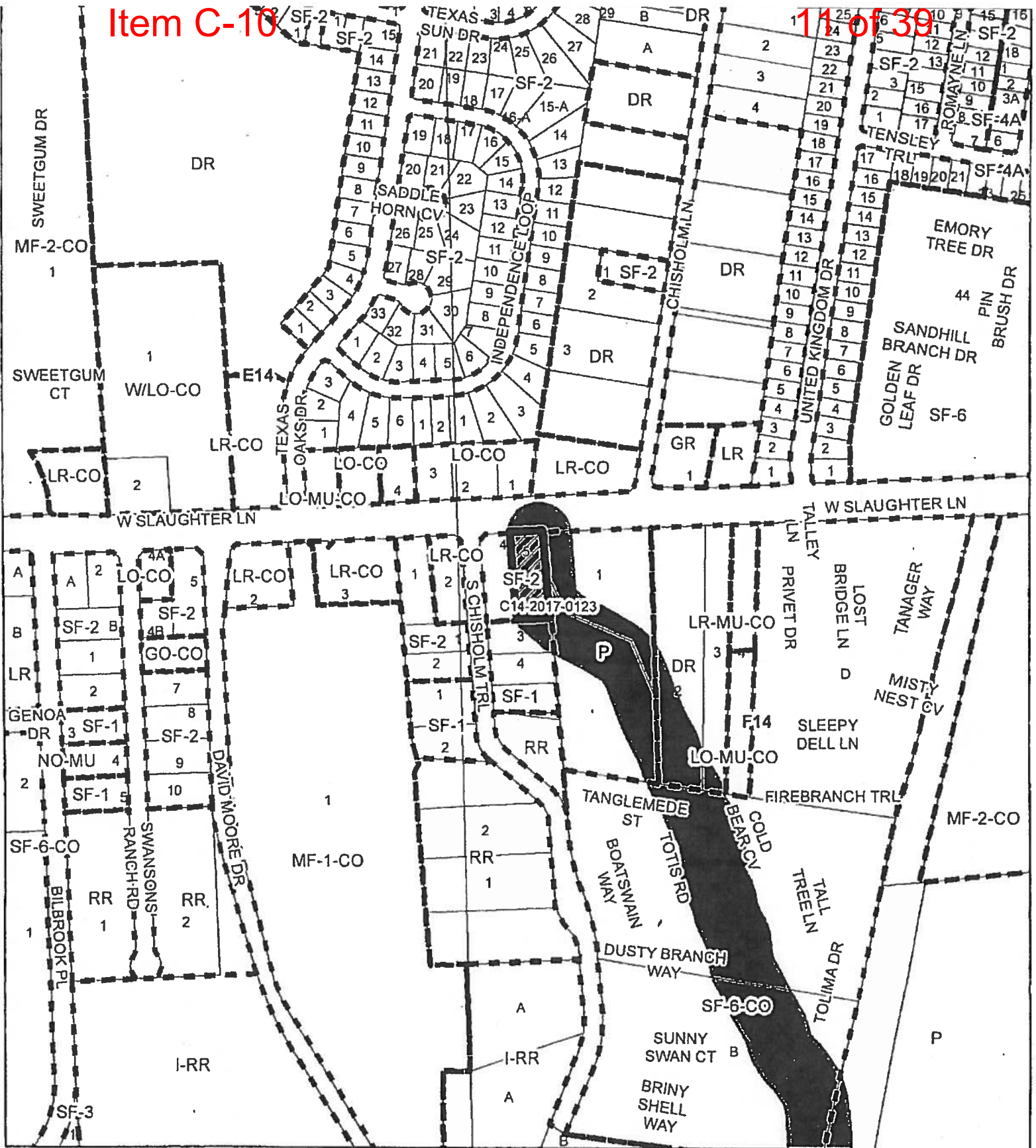


Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk



SOUTH CHISHOLM PROFESSIONAL OFFICE

ZONING CASE#: C14-2017-0123

LOCATION: 1109 W. SLAUGHTER LN.

SUBJECT AREA: 0.67 ACRES

GRID: F14

MANAGER: WENDY RHOADES

Exhibit A

- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY
- CREEK BUFFER

1" = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay would 1) limit development to one residential unit, 2) limit development to 300 vehicle trips per day, and 3) prohibit vehicular access to South Chisholm Trail (except for pedestrian, bicycle and emergency ingress and egress).

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

LO zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods. The proposal meets the purpose statement set forth in the Land Development Code. The subject lot is adjacent to a neighborhood that is largely single family. The proposed office use would potentially serve the surrounding neighborhoods and the mixed use component would allow for residential uses on the property, which should be encouraged in the City's Desired Development Zone. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

2. Zoning should allow for reasonable use of the Property.

3. Zoning changes should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

The Applicant's request is reasonable based on its location at the intersection of an arterial roadway and local street, limited scale of development through a vehicle trip cap and land use transition to the adjacent single family residences on South Chisholm Trail. There are several examples of office and commercial zoning (LO; LR) on the south side of West Slaughter Lane.

EXISTING CONDITIONS**Site Characteristics**

The subject property contains a vacant single family residence and is relatively flat. The adjacent lot to the east (Lot 4) contains a drainage channel that parallels the east property line and carries overland flow through it and further southeast.

Comprehensive Planning

This rezoning case is located on the southeast corner of West Slaughter Lane and Chisolm Trail on a 0.63 acre lot (the previous request included two lots) that contains a two-story house. The subject property is not located within the boundaries of a neighborhood planning area. Surrounding land uses: to the north is a bilingual learning center, office uses, retail and

personal services, and residential uses; to the south are residential uses, to the east is an undeveloped lot and an electrical substation, and to the west is an auto trim shop, medical office buildings, and apartments. The proposed uses is a medical office building.

Connectivity

Public sidewalks are located along both sides of W. Slaughter Lane but none are located along S. Chisolm Trail. Cap Metro transit stops are located within 400 feet of this location. Bike lanes are located on both sides of the Slaughter Lane. There are no urban trails within a quarter mile of this site. The Walkscore® for this property **38/100, Car Dependent**, meaning most errands require a car. *Please note, Walkscore® does not calculate whether there are public sidewalks, how many lanes of traffic one must cross, how much crime occurs in the area. It also does not differentiate between types of amenities, for example a supermarket grocery store versus a small food mart selling mostly chips and liquor.* Based on the inherent bias of Walkscore, but the presence of bike lanes, public sidewalks, and public transit located within a quarter mile of this site, this area has high degree of connectivity options.

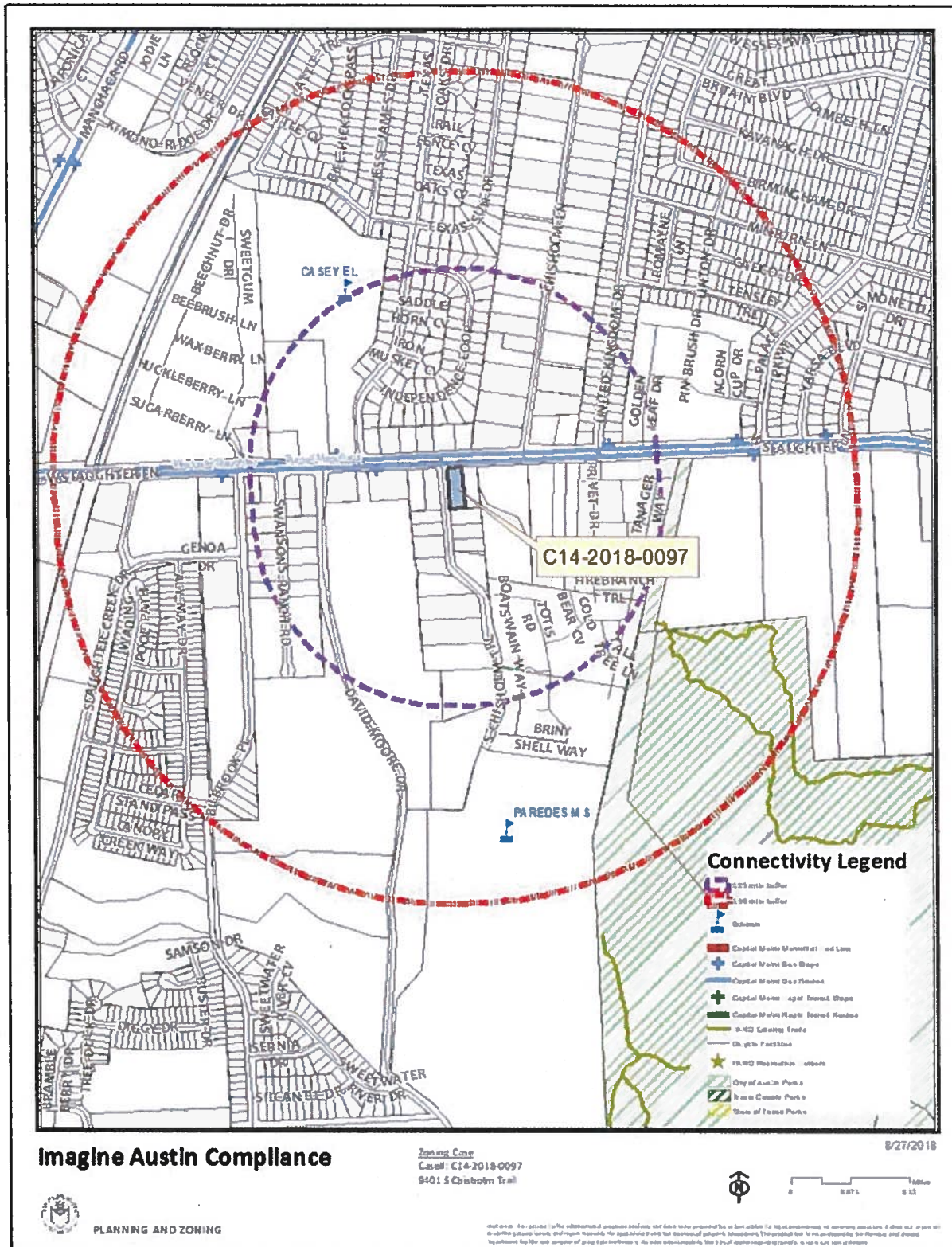
Imagine Austin

The Imagine Austin Growth Concept Map identifies this section of Slaughter Lane as an **Activity Corridor**. Activity Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

The following Imagine Austin policies are applicable to this case:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, **corridors** and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based upon: (1) the scale of this site relative to other office and commercial developments along this portion of Slaughter Lane, which furthers consistency along the block; (2) the project being located along an Activity Corridor, which allows office uses; (3) the connectivity options in the area (public sidewalks, bike lanes, public transit); but (4) not providing a mixed use component to this project, despite requesting mixed use zoning, this project appears to partially support the Imagine Austin Comprehensive Plan.



Impervious Cover

The maximum impervious cover allowed by the LO zoning district is 70%, which is based on the more restrictive zoning regulations.

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

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 (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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

There is an intermediate Critical Water Quality Zone along the east side of the property; development is limited in this area per 25-8-261.

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

Numerous 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 512-974-1876.

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.

Site Plan and Compatibility Standards

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

This site is in the Scenic Roadway Sign District. All commercial signage must meet the criteria for Scenic Roadway signs, as found in 25-10-124 of the Land Development Code.

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

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

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

- a. No structure may be built within 25 feet of the property line.
- b. Because the site is adjacent to SF-2, compatibility setbacks will also apply to the Front property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- f. 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.
- g. No parking or driveways are allowed within 25 feet of the property line.
- h. 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.

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

Transportation

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a Protected Bike lane is recommended for Slaughter Ln. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.

FYI – the existing driveways and sidewalks along Chisholm Trail and Slaughter Ln may be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

FYI. This project is adjacent to a street that has been identified in Austin's Corridor Mobility Program (see GIS file Construction eligible corridors). Staff will contact Bryan Golden (bryan.golden@austintexas.gov) from Corridor Planning Office and ATD area engineer for streetscape coordination.

Additional right-of-way may be required at the time of subdivision and/or site plan.

Staff does not support a –CO prohibiting vehicular access to Chisholm Trail. Land Development Code Section 25-6-381(B) (*Minimum Frontage For Access*) prohibits access to arterials if the lot has less than 200' of frontage and access is available from other roadways. This Code section is a life/safety issue for the purposes of reducing the number of curb cuts and thus traffic conflict points on major roadways, and providing for a safer and more efficient transportation system. The width of this rezoning area (2 lots) on Slaughter Lane is 187 feet. Although Chisholm Trail has a substandard pavement width, it is considered the safer access point. At the time of site plan, additional improvements to the Chisholm Trail right-of-way adjacent to this lot will likely be required for construction by the Applicant, including widening to a standard width, installing sidewalks, curbing and gutters.

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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. 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 fees once the landowner makes an application for Austin Water utility tap permit.

Rhoades, Wendy

From: Land Answers <landanswers@sbglobal.net>
Sent: Thursday, September 27, 2018 11:55 AM
To: 'Dawn Grunwaldt'
Cc: 'Austin Texas Xeriscapes'; 'Lynn Ciavarini'; 'Steve And Brandon'; 'Brandon Thompson'; 'Connie Soto'; 'Giovanna Montalvo'; 'Christopher Brom'; 'Erin Rooney'; 'ROBERT RODRIGUEZ'; 'Rose'; 'Rory'; 'Sylvia Diaz'; 'Marie Ledoux'; 'Ted Bruner'; 'Sandra Greaney'; 'TJ Greaney'; 'TJ Greaney'; 'Wife Sandra Greaney'; 'Rick Burr'; 'Tina Burr'; 'Mario Solis'; 'Nick Solis'; 'Nick Solis'; 'Rick Burr'; 'Mario Solis'; Rhoades, Wendy
Subject: RE: Jim to your replies today 9/26/18

My responses are in Green.

-Jim

From: Dawn Grunwaldt <dgrunwaldt@yahoo.com>
Sent: Wednesday, September 26, 2018 9:12 PM
To: Land Answers <landanswers@sbglobal.net>
Cc: Austin Texas Xeriscapes <txxeriscapes@gmail.com>; Lynn Ciavarini <lcivarini@austin.texas.gov>; Steve And Brandon <stevi1c@yahoo.com>; Brandon Thompson <brndtthmpsn@gmail.com>; Connie Soto <csoto9417@gmail.com>; Giovanna Montalvo <onlycoatz@yahoo.com>; Christopher Brom <crb8520@gmail.com>; Erin Rooney <er11c@gmail.com>; ROBERT RODRIGUEZ <rodriguez@yahoo.com>; Rose <rose123456@aol.com>; Rory <rutroxy@aol.com>; Sylvia Diaz <syldiaz@yahoo.com>; Marie Ledoux <maledoux@austin.texas.gov>; Ted Bruner <tbruner12@yahoo.com>; Sandra Greaney <sandragreaney1@yahoo.com>; TJ Greaney <tjgreaney1@gmail.com>; TJ Greaney <tj@kidsoutdoorzone.com>; Wife Sandra Greaney <sandra@kidsoutdoorzone.com>; Rick Burr <rburr@chechl.net>; Tina Burr <tburris54@sbglobal.net>; Mario Solis <masolis@mciaa.org>; Nick Solis <nicksolis@gmail.com>; Nick Solis <steve.nicksolis@hotmail.com>; Rick Burr <jandhautatrim@sbglobal.net>; Mario Solis <mariosolis52@gmail.com>; Wendy Rhoades <wendy.rhoades@austintexas.gov>
Subject: Jim to your replies today 9/26/18

Good Evening Jim,

Please see my replies to your answers in RED below your Purple answers

Dawn

Good morning Jim,

After having a few neighbors reach out to me through the evening last night.

It has been discussed a lot that we were so so close on really coming to an agreement this go around. Everything seemed to be going in the right direction for both parties.

It seems you may be asking Mario to give you the moon, with a fence around it. The earliest time that Mario can apply for joint-use access to Slaughter Lane is after the rezoning is approved. In order to get the City to sign off on the JUA, Mario will need to first file either a site plan or a site plan exemption, then build the physical connection from Lot 4 to the Slaughter driveway. Depending on the process filed, this will take anywhere from few weeks to one year, before the Slaughter access can be applied for, approved and constructed. That is reality. Until the new driveway is approved and built, Mario will need to retain the existing access to Lot 4.

No Sir, WE as this is not just ME on this street that has had questions and concerns, I am just the Neighborhood Coordinator as you would say :) We are not asking Mario for the moon with a fence around it. We are asking for No access to Chisholm trail and we truly felt as a street that we were getting so close. Yes, We understand the process from the COA that you are telling us, And, while we had not heard it prior than today regarding that Mario will need to retain the existing access to Lot 4 due to the fact that Lot 4 will only have a Zoning designation upon the approval and when Wendy was helpful in explaining that until the site plan is approved, the land use remains SF2. Of course we would not ask to restrict Mario from his driveway into his RESIDENTIAL(SF2) property, as he is doing currently.

So, great! The use remains SF-2 until a site plan is approved. Access issue is solved!

Unfortunately, Jim the Neighbors of Chisholm Trail are not going to be able to approve this rezoning case without a "GUARANTEE" that Chisholm Trail will be permanently closed after this Rezoning Case on 11/1/2018.

Mario's "guarantee" will be that no structure on Lot 4 will be occupied until after the Chisholm Trail driveway is permanently closed off. This will be enforced by the City because it will be a Conditional Overlay (CO) attached to the zoning ordinance.

Great then we will be adding that language to our CO's.

That is acceptable to Mario.

They are (we) are not willing to take that risk that there still has to be an "Approval" from the City at a completely different stage/application and a different department of the COA that (none of us have even worked with and that none of us even know) at this point.

I don't understand your "risk." Mario's driveway is probably the least-used driveway on Chisholm Trail. The Chisholm Trail driveway can never be used for access when any building on Lot 4 is occupied. It will be permanently closed before Lot 4 can be occupied. Are you saying that you would prefer that Mario and any of his workers park in the Chisholm Trail right-of-way, rather than using Mario's driveway to park on-site during construction?

We were concerned that if the Slaughter access was denied, that we could wind up with an LO MU CO with no other choice but to revert back to Chisholm Trl. access. Could that happen? That's a risk we are not willing to take. I am not sure why you were thinking that we would prefer that Mario and any of his workers park in the Chisholm Trail right-of-way, rather than using Mario's driveway to park on-site during construction? I never insinuated anything like that in this statement.

How would Mario's workers access the site until the Slaughter driveway is built? The answer is, they would use the Chisholm driveway as a construction access. If they don't use Chisholm, their only alternative would be to park in the Chisholm Trail right-of-way, on the street.

A huge concern to most is there's not going to be a hearing opportunity at that timeframe and there is not going to be notifications (possibly).

Just so you know why it is a concern~ when you said you'd be applying for a site plan exemption, we saw that as an additional risk. We want more transparency, not less.

Dawn, Mario should have the right to select a process for driveway approval that takes 3 weeks, rather than him being forced into a site plan process that will take 9+ months. The site plan exemption process was designed by the City for minor development of 1,000 square feet or less. If Mario can qualify for a site plan exemption, I will definitely utilize that tool. How is a site plan exemption "additional risk?" The CO still states that all commercial traffic to/from Lot 4 is prohibited from accessing Chisholm Trail. You are over thinking this.

Unfortunately that type of risk is not going to be taken on our side it has to be taken on Mario's side.

Our number #1 issue and goal through all of this dating back to October 2017 has always been and never will change is that we absolutely do not want access on Chisholm trail.

We are not willing to take that chance on a possibility, a maybe, a hope or pray or for that matter an approval that is not a guarantee at this point.

Except that the City of Austin IS guaranteeing it, by enforcing the CO.

Yes, but as explained by Wendy, if Slaughter access is denied, you could apply/appeal to ZAP to remove the CO. Will Mario guarantee that won't happen?

So, you're asking Mario to "guarantee" no driveway access to Lot 4? Would you ever agree to that for your lot?

If we have to go to petition on October 2, 2018 to show the board members at the zoning and planning commission that we are serious about closing Chisholm Trail then that is absolutely what everybody is prepared to do.

So, I guess you're saying that unless Mario agrees to the impossible- to build access to Slaughter Lane without doing any construction, that you are threatening a valid petition? Are you expecting Lot 4 to permanently be zoned SF-3, despite its frontage on Slaughter lane? Do you not understand that a valid petition would actually increase the probability that ATD will insist on driveway access remaining on Chisholm (which they feel is much safer)? Do you really want to derail Mario's efforts to close the Chisholm Trail driveway, in contrast with ATD policy?

There is a lot to unpack there, but first I believe you meant to say SF-2 as that is the current zoning on that property, And yes If Chisholm Trl driveway stays, we want SF-2 to stay. And No threat intended. We have every right to petition. Can you explain... why would a valid petition cause backlash on our neighborhood? Why would ZAP or City Council do such a thing? Yes we understand that ATD feels that Chisholm trail is safer. We have been asking you and ourselves, what has changed now with them? Why would they agree to allowing access only to Slaughter lane on Lot 4 when they have not felt that way for the last year and obviously by your statement they still don't. That is the whole point of this email Jim "What if they" deny the no access to Chisholm Trail at the Site Planning stage and don't approve the JUA. Nothing more than that. We need to find Comfort in this and its really hard to do when ever inch of the way this last year its something new.

Dawn, please go back and reread my old emails, as I am getting tired of having to say the same thing over and over.

First, yes, I misspoke: the existing zoning is SF-2, not SF-3. In my opinion, your threat of filing a valid petition is preposterous, in light of how hard Mario and I are working to assuage all of your fears and concerns.

Now, let's talk about ATD. Nothing has changed with them. They have always asserted that Lot 4's driveway access will be safer from Chisholm Trail than from Slaughter. If we give ATD a dog in the hunt, they will continue with the position. That is why I am forcing their hand. I am trying to get the City Council to prohibit commercial driveway access to Chisholm Trail. Wendy suggested we could keep the Chisholm Trail driveway for future Mixed Use (MU) residential use, but we are electing to close the driveway permanently, per the wishes of the majority of your neighborhood. When Mario eventually submits a site plan for Lot 4, access will have already been decided. ATD's opinion cannot trump a City Council's ordinance. The key to this strategy is to involve ATD after the Council prohibits Chisholm Trail access. If you go through with your threat to file a valid petition, you will be bringing ATD into the decision process of where the driveway access should be. The City Council will then consider the advice of ATD in deciding whether or not to prohibit driveway access to Chisholm.

If a petition is filed, the Council will have no choice but to decide "who gets the baby." Will the zoning remain SF-2, with access only to Chisholm, or will eight members of the Council decide that LO-MU-CO is a reasonable use for property on Slaughter Lane, and approve the zoning in spite of your petition to oppose it? I can't understand what you feel you might gain by filing a petition.

Chisholm Trail Has to be closed off during the zoning timeframe or we just cannot go forward.

Listed below is your answer to “permanently closing Chisholm trail” ~ this is the reason for the concerns at this point.

“Permanently closed” means “never to be use again.” As part of any future site plan for Lot 4, the City can require Mario to remove the Chisholm Trail concrete driveway approach. All use of the Chisholm Trail driveway will cease as soon as the City approves alternate access to the Slaughter Lane JUA, either through a site plan or through as site plan exemption. Mario will have the choice of closing off his Chisholm Trail Driveway either by erecting a fence across it, installing a gate and Knox box, planting shrubbery, or installing impediments such as boulders. Mario will cease to use the Chisholm Trail driveway as soon as the City agrees to provide him with alternative access.

And just to let you Wendy was emailed yesterday after you reply came in and she was asked if we could put a CO in place that would “Guarantee” that “absolutely no construction/or tenants (commercial) can be started or moved in before Slaughter Lane has full access” in and out and Chisholm trails has the approval to be closed permanently is put in place.

Again, I am confused. How do you expect the contractor to build a driveway without first beginning the work to provide full access from Slaughter? Bobcats, concrete truck and laborers are needed to build a driveway and parking area, yet you are requesting “no construction... before Slaughter Lane has full access.” Huh?

We meant construction of buildings, of course. And Wendy told us today that the property stays SF2 until the Site Plan/ Land Use is Approved.

OK

~to close this out tonight Jim and Mario I am not the bad guy/gal in this, it has never been 'I' it has always be "WE" meaning that I do what is best for the whole street, since the day my family and I moved into 9503 South Chisholm Trail we have always looked out for this street and our neighbors and that will never stop. We all don't have to agree all the time and we all need to remember to love thy neighbor but lets remember also that we don't need to take down our fences at the price for them. We become neighbors when we are willing to cross the road for one another and I have always been willing but I will not get ran over crossing that road. ~

OK

Good Night,

Dawn Wilson & family and the neighbors of Chisholm trail

Rhoades, Wendy

From: Rhoades, Wendy
Sent: Wednesday, September 26, 2018 11:27 AM
To: 'Dawn Grunwaldt'; Austin Texas Xeriscapes (atxeriscapes@gmail.com)
Subject: RE: Chisholm Trl

Hi Dawn and John,

Zoning, which includes -COs is a type of legislative action. If Council approves a -CO prohibiting vehicular access to Chisholm Trail, then that would be an established development regulation for the Property and would inform review of a site plan. Once an ordinance is adopted by Council, any changes to the -CO (or the LO zoning district, or the -MU) would result in the need for a new rezoning application.

The Applicant will need to request a waiver to the vehicular access provision with the site plan, and that waiver will need to be approved. If access to Slaughter were denied at the site plan, that would leave this lot without any vehicular access, despite its two street frontages and would likely be considered a "taking" of the property.

I don't believe that a -CO prohibiting site construction until Chisholm is closed is workable as a -CO, and that this is a private matter between the Applicant and the Neighborhood.

Wendy

-----Original Message-----

From: Dawn Grunwaldt (mailto:dawn.grunwaldt@james.com)
Sent: Tuesday, September 25, 2018 5:00 PM
To: Austin Texas Xeriscapes (atxeriscapes@gmail.com)
Cc: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: Re: Chisholm Trl

Hi Wendy and John

John that's a great question! Wendy thanks in advance in this.

Dawn

Sent from my iPhone

> On Sep 25, 2018, at 4:58 PM, Austin Texas Xeriscapes <atxeriscapes@gmail.com> wrote:

>

> Hi, Wendy. I'm still concerned. Please answer 1st q w a simple yes or no. Is there a circumstance where Slaughter access gets denied and Lot 4 winds up w LOMUCO w access to Chisholm Trl. We are not prepared to take that risk. Can we put a CO of NO construction begins until Chisholm is permanently closed?

>

> Thnx, JohnF 9502

Rhoades, Wendy

From: Dawn Grunwaldt <[REDACTED]@yahoo.com>
Sent: Tuesday, September 25, 2018 4:26 PM
To: Land Answers
Cc: Austin Texas Xeriscapes; Lynn Ciavarini; Christopher Brom; Steve And Brandon; Brandon Thompson; Connie Soto; Giovanna Montalvo; Erin Rooney; ROBERT RODRIGUEZ; Rose; Rory; Sylvia Diaz; Marie Ledoux; Ted Bruner; TJ Greaney; Sandra Greaney; Wife Sandra Greaney; TJ Greaney; Rick Burr; Tina Burr; Mario A. Solis; Nick Solis; Nick Solis; Rick Burr; Mario Solis; Rhoades, Wendy
Subject: Re: CO's and 3 Questions ~ Chisholm Trail on 9/25/2018

Jim,

Thank you very much. We appreciate all of the time that you have given us by answering all of our questions..

We will see you at the ZAP meeting on October 2 at 6 PM

Have a good rest of your day,

Dawn

9503 S. Chisholm Trail

Sent from my iPhone

On Sep 25, 2018, at 4:04 PM, Land Answers <landanswers@sbcglobal.net> wrote:

Dawn,

Please see my responses in purple below.

-Jim

From: Dawn Grunwaldt <[REDACTED]@yahoo.com>
Sent: Tuesday, September 25, 2018 10:57 AM
To: Land Answers <landanswers@sbcglobal.net>; Austin Texas Xeriscapes <[REDACTED]@gmail.com>; Lynn Ciavarini <[REDACTED]@gmail.com>; Christopher Brom <[REDACTED]@gmail.com>; Steve And Brandon <[REDACTED]@gmail.com>; Brandon Thompson <[REDACTED]@gmail.com>; Connie Soto <[REDACTED]@gmail.com>; Giovanna Montalvo <[REDACTED]@gmail.com>; Erin Rooney <[REDACTED]@gmail.com>; ROBERT RODRIGUEZ <[REDACTED]@gmail.com>; Rose <[REDACTED]@gmail.com>; Rory <[REDACTED]@gmail.com>; Sylvia Diaz <[REDACTED]@gmail.com>; Marie Ledoux <[REDACTED]@gmail.com>; Ted Bruner <[REDACTED]@gmail.com>; TJ Greaney <[REDACTED]@gmail.com>; Sandra Greaney <[REDACTED]@gmail.com>; Wife Sandra Greaney <[REDACTED]@gmail.com>; TJ Greaney <[REDACTED]@gmail.com>; Rick Burr <rick.burr@sbcglobal.net>; Tina Burr <[REDACTED]@sbcglobal.net>; Mario A. Solis <[REDACTED]@gmail.com>; Nick Solis <[REDACTED]@gmail.com>; Nick Solis <[REDACTED]@gmail.com>; Rick Burr <jason.burr@sbcglobal.net>; Mario Solis <[REDACTED]@gmail.com>; Wendy Rhoades <wendy.rhoades@austintexas.gov>
Subject: CO's and 3 Questions ~ Chisholm Trail on 9/25/2018

Good Morning Jim,

Listed are the AGREED CO's for 9401 S. Chisholm Trail; Lot 4, Swanson's Ranchettes by the Neighbors of South Chisholm Trail and Mario Solis/Jim Wittliff

CO's for Lot 4

- 1 Residential Unit per MU
- Height limits are listed in 25-2-1063 (attached). We will limit building heights for all buildings within 50 feet of an adjacent residential lot. **To 30 feet, and 32 feet beyond 50 feet away.**
- College and University Facility, Club or Lodge, Urban Farm and Public Primary or Secondary Educational Facilities will be prohibited.
- Limit the Daily Trips to 300 a day
- No Vehicle access from Chisholm Trail it will be permanently closed

We have 3 questions regarding your answers below. Your Answers are in RED

1. ECM 2.9.1 (attached) requires a 10 foot wide vegetation area for screening, unless Mario prefers to build a privacy fence instead. Mario is not requires to provide both vegetative screening and a fence.

~ Jim, are you saying that Chris Brom the resident nearest to the project will only be allowed to keep 10 feet of the vegetation (cedar trees) closest to his driveway for a barrier? We thought it was 25 feet minimum by the COA? Are you saying that if Mario prefers he can chop all of the existing Cedar trees down and build a fence or keep the trees and not build a fence if he wants? He could also keep 25 feet of trees and build a fence if he wants correct? Is that what you are saying its his choice to do what he wants in this particular situation regarding a buffer from his business to the resident?

Compatibility screening can take any one of three forms, per ECM 2.9.1. The developer has the option of choosing which of the three forms of screening he wants to implement. If Mario keeps only 10 feet of the existing vegetation, he must show that each 20 linear feet of screening contain at least one large tree, two small trees, and six understory shrubs. Since Mario is not planning to "max out" the development of Lot 4, he may elect to retain more than a 10 foot depth. The Code requires Mario to set his parking, driveways and buildings back 25 feet from the Brom Tract; Mario is not required to plant or retain vegetation for the entire 25 feet. Yes, according to the Code, Mario "could" cut down all or most trees and install a 6 foot wood privacy fence. His choice.

2. I want to clarify that emergency access to Chisolm Trail will also not occur. The existing driveway will be permanently closed.

~ Please explain "permanently closed". How will that look? On Chisholm Trail we do not have a curb system everyone ones driveways goes straight to the asphalt. Mario's drive way was recently updated by the COA with new concrete and a drive pipe for the run off water that can flood our street at times, in which his property holds one of the storm drains that also recently got serviced by the COA. What is the plan to close that off (ripping out all the concrete and pipe and grassing it over)? That will be done after the Zoning is approved on 11/1/2018 not at The site plan stage correct? Who is closing that off Mario or the COA?

"Permanently closed" means "never to be use again." As part of any future site plan for Lot 4, the City can require Mario to remove the Chisholm Trail concrete driveway approach. All use of the Chisholm Trail driveway will cease as soon as the City approves alternate access to the Slaughter Lane JUA, either through a site plan or through as site plan exemption. Mario will have the choice of closing off his Chisholm Trail Driveway either by erecting a fence across it, installing a gate and Knox box, planting shrubbery, or installing impediments such as boulders. Mario will cease to use the Chisholm Trail driveway as soon as the City agrees to provide him with alternative access.

3. When a site plan is filed, notice automatically goes out. Site plan exemption applications are administratively approved, and do not require notification. Driveway access to the JUA will likely be done with a site plan exemption, to facilitate the closing of the Chisolm driveway.

~ When will be notified if the JUA got approved? The reason for a Site Plan Exemption is to save time and its considered a small project in COA eyes correct?

A site plan exemption requires less than 1,000 square feet of impervious cover. After LO zoning is approved, I will begin work on a site plan exemption. As a courtesy, I will notify you if/when the City approves the JUA.

Thank you in advance for answering all of our questions we appreciate the time.

We will be speaking at the ZAP meeting and the City Council as a neighborhood to make sure all our concerns have been answered fully and that what we are seeing and reading actually will be implemented by all parties. FYI :)

Thanks
Dawn and Neighbors

Jim,

Wendy just made me aware that they no access to Chisholm Trail will be identical to the verbiage on the first ordinance on lot five of no access to Chisholm Trail. ~ meaning all vehicle access will be prohibited except for emergency vehicles

I want to clarify that emergency access to Chisolm Trail will also not occur. The existing driveway will be permanently closed.

The second CO that's listed on this request regarding the fence barrier we would like the fence to be solid on lot four, understand on lot five it needs to be open due to the drainage ditch.

Screening requirements consist of three options, as listed in 25-2-1066 (attached).

Regarding leaving the vegetation the family at that resident was like 40 feet natural barrier.

Also they would like the fence to be directly in front of the natural barrier on your side of the property to be solid, As the fencing on the Chisholm Trail side in front of this property.

ECM 2.9.1 (attached) requires a 10 foot wide vegetation area for screening, unless Mario prefers to build a privacy fence instead. Mario is not requires to provide both vegetative screening and a fence.

We would like the maximum two stories to be 35 feet as it is in SF2

Height limits are listed in 25-2-1063 (attached). We will limit building heights for all buildings within 50 feet of an adjacent residential lot.

MU was self-explanatory that you have already agreed-upon one residential unit for Lot 4

And Wendy clarified that the 300 trips a day is required it's not something that's an option so it has to be listed as a CO and this is actually the most important CO that will be listed on this ordinance

All of the land-use listed below except for the restaurant (limited) we would like to prohibit as I understand now that restaurant Limited is not valid underneath LO zoning

Off-site parking and Restaurants are already prohibited in LO zoning. As previously agreed, College and University Facility, Club or Lodge, Urban Farm and Public Primary or Secondary Educational Facilities will be prohibited.

We understand that we Will get notification when the site plan has been submitted. We would like that please.

When a site plan is filed, notice automatically goes out. Site plan exemption applications are administratively approved, and do not require notification. Driveway access to the JUAE will likely be done with a site plan exemption, to facilitate the closing of the Chisolm driveway.

Also a point of contact for any future concerns or questions i.e. if that is Mario Solis

Mario will be your future point of contact.

And it is important to us in the neighborhood to have a gate system it doesn't have to be anything that breaks the bank shall I say but we need a defined definition that that driveway is closed off.

No gate will be needed. The driveway will be permanently closed.

Thanks

Dawn

Rhodes, Wendy

From: Dawn Grunwaldt <~~dgrunwaldt@yahoo.com~~>
Sent: Friday, September 21, 2018 3:36 PM
To: Land Answers
Cc: ~~sylviafd@yahoo.com~~; ~~Sandra@kidsoutdoorzone.com~~; ~~vidaurri54@sbglobal.net~~,
~~thruener12@yahoo.com~~; ~~tjgreaney1@gmail.com~~; ~~tj@kidsoutdoorzone.com~~; Steve And
Brandon; ~~sandragreaney1@yahoo.com~~; ~~rose123cox@aim.com~~; ~~uttrony@aol.com~~;
~~paburr@sbglobal.net~~; ~~jandhautotrim@sbglobal.net~~; ~~daally@yahoo.com~~;
~~nick.solis@gmail.com~~; ~~teachsolis@hotmail.com~~; ~~marioasolis52@gmail.com~~;
~~masolis@meisd.org~~; Rhodes, Wendy; ~~Maleddoux@austin.rr.com~~; Lynn Ciavarini;
~~onlycoatza@yahoo.com~~; ~~Er1137@gmail.com~~; Connie Soto; ~~crb520@gmail.com~~;
~~bradnthmpsn@gmail.com~~; ~~atveriscapes@gmail.com~~; ~~Onlycoatza@yahoo.com~~
Subject: Re: Jim~ 1 Question regarding your reply today

Jim,

Thank you for the clarification.

Dawn

Sent from my iPhone

On Sep 21, 2018, at 3:02 PM, Land Answers <~~landanswers@sbglobal.net~~> wrote:

I've replied below in red, to keep things easy to track.

Thanks,

Jim Wittliff

From: Dawn Grunwaldt <~~dgrunwaldt@yahoo.com~~>
Sent: Friday, September 21, 2018 1:59 PM
To: Land Answers <~~landanswers@sbglobal.net~~>
Cc: ~~sylviafd@yahoo.com~~; ~~Sandra@kidsoutdoorzone.com~~; ~~vidaurri54@sbglobal.net~~,
~~thruener12@yahoo.com~~; ~~tjgreaney1@gmail.com~~; ~~tj@kidsoutdoorzone.com~~; Steve And Brandon
<~~stevj1s@yahoo.com~~>; ~~sandragreaney1@yahoo.com~~; ~~rose123cox@aim.com~~; ~~uttrony@aol.com~~;
~~paburr@sbglobal.net~~; ~~jandhautotrim@sbglobal.net~~; ~~daally@yahoo.com~~; ~~nick.solis@gmail.com~~;
~~teachsolis@hotmail.com~~; ~~marioasolis52@gmail.com~~; ~~masolis@meisd.org~~; Rhodes, Wendy
<~~Wendy.Rhodes@austintexas.gov~~>; ~~Maleddoux@austin.rr.com~~; Lynn Ciavarini
<~~lciavarini@austin.rr.com~~>; ~~onlycoatza@yahoo.com~~; ~~Er1137@gmail.com~~; Connie Soto
<~~crb520@gmail.com~~>; ~~bradnthmpsn@gmail.com~~; ~~atveriscapes@gmail.com~~;
~~Onlycoatza@yahoo.com~~
Subject: Jim~ 1 Question regarding your reply today

Jim,

Would Chisholm Trail be closed off during the site plan/exemption stage? Meaning that no construction vehicles would have access to Chisholm Trail during that time frame?

Yes, all access would come from Slaughter.

Really, honestly we want nobody to have access to Chisholm Trail not just the construction crew but potential tenants or any type of vehicles that would be visiting and surveying the property at that timeframe.

If LO zoning is approved, all future access will be from Slaughter.

They would have to use slaughter Lane correct?

Correct.

That's a concern of the neighborhood we do not want the extra traffic.

I understand.

It also was brought up that we don't want their vehicles parked along the sides of Chisholm Trail when they are working at that property/ surveying. No Parked cars in front of residence homes down the street.

Public street parking cannot be restricted unless "No Parking" signs are installed by the City.

Please explain to us how that's going to work since the joint access easement will not get approved until we approve zoning?

When zoning is approved, access to Chisholm will be prohibited. Everything beyond that will be Mario's responsibility to deal with.

Does construction come after site plan?

Yes.

~Maybe we wouldn't have to worry about that during the site plan stage because nobody would be down there anyways?

We are not referring to Mr. Mario and his family we are talking about during the development of whatever is planning on happening down there (construction) stage.

When every home in your neighborhood was constructed, workers parked along Chisholm Trail. Mario's workers will have the same option.

Thanks

Dawn & Neighbors

Sent from my iPhone

On Sep 21, 2018, at 11:45 AM, Land Answers <landanswers@sbcglobal.net> wrote:

Dawn,

I hope you don't mind my responses in red below to each question or concern.

Thanks,

Jim Wittliff

From: Dawn Grunwaldt <dgrunwaldt@yahoo.com>

Sent: Wednesday, September 19, 2018 9:14 PM

To: Land Answers <landanswers@sbcglobal.net>

Cc: stviafd@yahoo.com; Sandra@kidsoutdoorzone.com; vidaurri54@sbcglobal.net; thruer12@yahoo.com; tigreaney1@gmail.com; tj@kidsoutdoorzone.com; Steve And Brandon <stevils@yahoo.com>; sandragreaney1@yahoo.com; rose123cox@aim.com; utorny@aol.com; paburr@sbcglobal.net; jandhautotrim@sbcglobal.net; daally@yahoo.com; nick.solis@gmail.com; teachsolis@hotmail.com; maricasolis52@gmail.com; masolis@mcisd.org; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Maledoun@austin.tx.us; Lynn Ciavarini <Lciavarini@austin.tx.us>; onlycoatza@yahoo.com; Er1137@gmail.com; Connie Soto <csoto9417@gmail.com>; crb8520@gmail.com; brndathmpsn@gmail.com;

Subject: We have a Question Jim

Good Evening Jim,

We have a question regarding the proposed CO for Lot 4 "no access to Chisholm Trail".

We understand that Austin Transportation Department has NOT APPROVED at this time the Joint Access Easement application correct?

Yes. They cannot approve a JUA until after LO zoning is approved. I have not even presented it to ATD yet, because they cannot approve a JUA until both lots are zoned commercial.

(And maybe I don't have the correct terminology~maybe it's not the joint access easement application but they're not approving and giving their blessing on giving access to slaughter Lane from Lot 4 right now?)

How we are understanding this is that they are not disagreeing at this time (during) the Re-Zoning Application but it not going to be approved at this stage by them.

The next phase for the property down there after Zoning would be the Site Plan application/review part right?

Correct, site plan or site plan exemption.

We were told that there is a "variance" that must be filed after this rezoning case or it possibly could have already been filed by now.

It is actually called a waiver. The Waiver would only be necessary if "alternative access is available," which we are prohibiting. The relevant Code section is 25-6-381(B).

I'm not sure the order that all of this takes place but there has to be a Variance that is applied for by the applicant (Mr.Solis) and you correct?

See my reply above.

And from our understanding the variance has to be approved by the ATD.

No, ATD must approve the JUA, not the waiver.

~Due to the fact that there is a land code/driveway code in place that "typically" would not allow access to only be on slaughter Lane from these 2 lots due to the restrictions of it not being 200 feet away from the driveway/corner in which Mr. Solis driveway is 187 feet away from the corner...

The 200 feet minimum frontage does not apply if alternative access is not available.

(and here again maybe I'm not quoting the code correctly Word for Word but I'm sure you understand what I'm trying to say) :)

This has really been the argument/suggestion from day 1 from the COA (city of Austin) and ATD that ~they don't think that slaughter Lane is the safest route due to Chisholm Trail being a safer accessible route correct?

Correct.

But now they're shifting gears and saying that it's A-OK.

No, I'm forcing them to approve the access to Slaughter.

Which is great for US as that's all we've ever wanted was no access to Chisholm Trail. But it makes us go hmmm? Why now? Why are they not disagreeing and why are they going to approve it now?

I hope my answers above clarify the process.

So our question is are you going to be filing this variance? When does that happen and have you already done that? Will we be notified when You do ,if you have not already?

Step 1; Rezone Lot 4 to LO, and prohibit driveway access to Chisholm Trail. Step 2; File a JUA as part of a site plan or site plan exemption.

Will this "variance" be keeping Chisholm Trail completely closed off to all vehicle traffic currently and in the future? Is that why it would have to be filed?

No, the zoning ordinance will prohibit access to Chisholm.

Does ATD approve this variance at the time of the site plan only and why not now at the rezoning application stage?

Because the cannot approve the JUA until after lot 4 is rezoned to LO.

Yes, We understand that we have CO's in place for Lot 4 if it gets approval from the Neighbors, ZAP and City Council on October 2 and November 1st.

and Yes we understand that we have a CO on lot 5 that IS Approved and it restricts vehicle access from Lot 5 to Chisholm Trail.

But, Does a Variance hold more weight than a CO at the Site Plan Application/Review stage?

~ Meaning can ATD at that time frame decide to put a Variance in place and open up Chisholm Trail due to the fact that they don't feel slaughter Lane is the safest for both of those lots? Even though we do have a CO on lot 5 stating no access from Chisholm Trail And if we approve the rezoning on a lot 4 and that has a CO on it also that restricts access to Chisholm Trail?

If ATD wants to oppose prohibiting access to Chisholm, they will have to do so at the rezoning stage.

Sorry we don't know all the long ways around this process and sorry this email is so detailed just trying to make this non clear process a little clearer Ha! By knowing what's ahead.

No need to apologize, the City's process is ridiculously convoluted.

Thanks in advance for taking the time to explain this.

Please let me know if you have more questions or concerns.

Dawn & Neighbors Of Chisholm Trail

Sent from my iPhone

On Sep 18, 2018, at 12:16 PM, Land Answers <landanswers@landanswers.com> wrote:

Dear Dawn and Chisholm Trail Neighbors,

I spoke with Wendy Rhoades this morning, and the rezoning for Mario's Lot 4 will be heard by the Zoning and Platting Commission on October 2nd, and by the City Council on November 1st. We have agreed to a maximum of one residential unit on Lot 4, no driveway access to Chisholm Trail, and to limit vehicle trips to less than 300 per day from Lot 4.

Does the neighborhood want a meeting before October 2nd? Please let me know, and I will do my best to accommodate it.

Thank you,

Jim Wittliff
Land Answers, Inc.

3606 Winfield Cove
Austin, Texas 78704
(512) 416-6611

From: Dawn Grunwaldt <[REDACTED]>
Sent: Wednesday, September 05, 2018 6:39 AM
To: Sylviafd@yahoo.com, Sandra@kidsouthtexas.com,
vidaurri54@sbcglobal.net, tbromer12@yahoo.com;
[REDACTED]; Steve And Brandon
<stev1s@yahoo.com, sandragrooney1@yahoo.com>;
rose122.com@aol.com, stony@aol.com, [REDACTED];
jandhautetrim@tglobal.net, jally@yahoo.com;
nicholsli@gmail.com, teachsoli@hotmail.com;
mariacoli52@gmail.com, masoli@meisd.org;
Maledoux@austin.tx.com, Lynn Ciavarini <Lciavarini@austin.tx.com>;
[REDACTED];
[REDACTED]; Connie Soto <[REDACTED]>;
[REDACTED];
[REDACTED];
Subject: Does anyone have any more questions?

Good morning everybody,

Jim thank you so much for taking the time to explain to us your process
of going about all of this we appreciate it.

If no one has any further questions, we will see everybody at the first
public hearing.

Thanks and Have a great day,
Dawn
9503

From: Land Answers <[REDACTED]>
Date: Tue, Sep 4, 2018 at 4:38 PM
Subject: RE: FW: 9401 S. Chisholm Trail; Lot 4,
Swanson's Ranchettes
To: CBrom <[REDACTED]>
Cc: [REDACTED], [REDACTED],
[REDACTED], [REDACTED],
[REDACTED], [REDACTED],
Lynn Ciavarini <[REDACTED]>
[REDACTED], [REDACTED],
Connie Soto <[REDACTED]>
[REDACTED],

<[REDACTED]@yahoo.com>, [REDACTED]@yahoo.com>
 <[REDACTED]@aol.com>
 <[REDACTED]@chisholmtrail.com>
 <[REDACTED]@chisholmtrail.com>, [REDACTED]@aol.com>
 <[REDACTED]@chisholmtrail.com>, Mario Solis
 <[REDACTED]@aol.com>
 <[REDACTED]@aol.com>

Christopher and Chisholm Trail Neighbors,

We will in effect be forcing the City to allow joint-access to Slaughter, and no access to Chisholm Trail. Because Lot 4 is currently zoned residential, the City will not agree to a joint-use access driveway with Lot 5 until/unless both lots are zoned commercial. I have stipulated that as a condition of rezoning for Lot 4, we will prohibit commercial driveway access to Lot 4 from Chisholm Trail, and will remove the Chisholm Trail driveway as soon as physical access to the existing joint-use driveway on Slaughter Lane is built.

In summary, this is a chicken-and-egg process. We can't get driveway access to Slaughter Lane until Lot 4 is zoned commercial. The City will also not participate in a joint-use access easement until Lot 4 is rezoned commercial. I confirmed all of this with Amber Mitchell, the City's Transportation reviewer in the Development Assistance Center.

If you recall, the reason we removed Lot 4 from the last rezoning case was because the neighborhood filed a valid petition in opposition to the rezoning. By removing Lot 4, we were able to get Lot 4 rezoned to LO-MU-CO. As I stated in the public hearing, we intended to refile for LO-MU-CO zoning on Lot 4, with the provision of prohibiting driveway access to Chisholm Trail, as the neighborhood wanted.

Thank you,

Jim Wittliff

From: CBrom <[REDACTED]@gmail.com>
Sent: Monday, September 03, 2018 9:03 AM
To: Land Answers <[REDACTED]@chisholm.net>
Cc: [REDACTED]@yahoo.com; [REDACTED]@yahoo.com;
 [REDACTED]@yahoo.com; [REDACTED]@yahoo.com;
 [REDACTED]@yahoo.com; [REDACTED]@yahoo.com;
 [REDACTED]@yahoo.com, Lynn Ciavarini
 <[REDACTED]@austin.com>, [REDACTED]@yahoo.com;
 [REDACTED]@gmail.com, Connie Soto
 <[REDACTED]@gmail.com>, [REDACTED]@gmail.com;
 [REDACTED]@gmail.com, [REDACTED]@yahoo.com;
 [REDACTED]@gmail.com, [REDACTED]@kidsoutdoors.com;
 [REDACTED]@kidsoutdoors.com, [REDACTED]@gmail.com;
 [REDACTED]@kidsoutdoors.com; [REDACTED]@chisholm.net;
 Mario Solis <[REDACTED]@gmail.com>
Subject: Re: FW: 9401 S. Chisholm Trail; Lot 4,
 Swanson's Ranchettes

Hey Jim,

How is this time different? I thought last time there was no way to get slaughter access when there is already Chisholm Trl access? If I remember correctly it was something like the lot wasn't long enough to allow it.

Christopher

On Sun, Sep 2, 2018, 6:07 PM Land Answers
 <[REDACTED]@chisholm.net> wrote:

Dear Chisolm Trail Neighbors,

Below is the email I sent to Dawn prior to filing this rezoning application. We are offering the neighborhood what was asked for by your neighborhood in the last rezoning case, no driveway access to Chisolm Trail. We will provide joint-use access to Slaughter Lane as soon as this rezoning is approved. I am happy to address any concerns you may have.

Sincerely,

Jim Wittliff

From: Land Answers <landanswers@landanswers.com>
Sent: Friday, August 17, 2018 10:09 AM
To: 'Dawn Grunwaldt' <dawn.grunwaldt@cityofaustin.com>
Cc: 'Mario Solis' <mario.solis@cityofaustin.com>
Subject: 9401 S. Chisholm Trail; Lot 4, Swanson's Ranchettes

Dear Dawn,

As the neighborhood coordinator on rezoning matters, we are providing this courtesy letter to inform the South Chisholm Trail neighborhood that we have recorded a joint-use access easement for Lots 4 and 5, and are filing an application to rezone Lot 4 from SF-2 to LO-CO. One of the prerequisite conditions for rezoning approval will be a Conditional Overlay that prohibits driveway access to Chisholm Trail, and a requirement that the existing driveway be removed when driveway access from Lot 4 to the joint-use driveway is established. A copy of the recorded joint-use access easement is attached. Please note that until Lot 4 is rezoned as commercial, the City of Austin will not recognize the validity of this access easement, because Lot 4 is currently zoned residential.

I will be happy to meet with your neighborhood if you feel it might be beneficial.

Thank you,

Jim Wittliff

Rhodes, Wendy

From: Dawn Grunwaldt <dgrunwaldt@yahoo.com>
Sent: Wednesday, September 19, 2018 9:19 PM
To: Rhodes, Wendy
Cc: atveriscapes@gmail.com
Subject: Re: Chisholm Trail

Thank you Wendy.

Dawn

Sent from my iPhone

> On Sep 19, 2018, at 2:59 PM, Rhodes, Wendy <Wendy.Rhodes@austintexas.gov> wrote:
 >
 > Hi Dawn and John,
 >
 > The variance request from the Transportation section of the Code will be to allow vehicular access from Lots 4 and 5 to Slaughter Lane even though there is less than 200' of street frontage (it's 187'). Applying Code as stated requires that access be taken from Chisholm Trail because the Slaughter Lane street frontage is less than 200' and an alternative access is available (Chisholm).
 >
 > If I am interpreting your question correctly, approval of the variance would favor the Applicant and the Neighborhood who desire that vehicular access be taken to Slaughter Lane rather than Chisholm Trail.
 >
 > The variance must be approved with the site plan application because it is part of the Transportation section of Code, rather than part of the Zoning section of Code. However, for this particular zoning case (and if approved by the Zoning and Platting Commission and the City Council), the zoning ordinance would prohibit access to Chisholm Trail by way of a Conditional Overlay (-CO), just like the ordinance for Lot 5 (1109 W Slaughter Ln). The zoning ordinance would set precedent for consideration of the variance request at the site plan phase.
 >
 > I hope this answers your questions.
 >
 > Wendy
 >
 > -----Original Message-----
 > From: Dawn Grunwaldt [mailto:dgrunwaldt@yahoo.com]
 > Sent: Wednesday, September 19, 2018 8:46 AM
 > To: Rhodes, Wendy <Wendy.Rhodes@austintexas.gov>
 > Cc: atveriscapes@gmail.com
 > Subject: Chisholm Trail
 >
 > Good morning Ms. Wendy,
 >
 > After talking to Mr. John last night we have a very specific question for you please ma'am.
 >
 > In regards to a variance pertaining Mr. Solis property and this rezoning case.
 >

> In which direction would a variance favor to in this case? Would the variance favor to the applicant Mr. Solis during the site planning stage meaning would Mr. Solis be allowed to get a variance that possibly could re-open Chisholm trail or would the variance stay in favor to the Chisholm Trail neighbors to keep Chisholm trail closed currently and in the future?

>

> Thank you Wendy this is very important for us to know going forward.

>

> Again I have said a thousand times to you Wendy thank you for always replying and giving us factual information.

>

> If you have not answered Mr. John's question in regards to him sending you the email back last night that "he did not understand" replying to this email is adequate enough you don't need to reply twice to us

>

>

> Thanks

> Dawn

> 9503

> Sent from my iPhone

Rhoades, Wendy

From: Austin Texas Xeriscapes <atxeriscapes@gmail.com>
Sent: Tuesday, September 18, 2018 5:33 PM
To: Rhoades, Wendy
Subject: Re: Chisholm Trl

Sorry, I don't understand. Isn't that what the ATD approval would accomplish?

On Tue, Sep 18, 2018 at 5:12 PM Rhoades, Wendy <Wendy.Rhoades@austintexas.gov> wrote:

John,

The site plan process will need to include a variance to Land Development Code Section 25-6-381(A) (*Minimum Frontage For Access*) which prohibits access to arterials if the lot has less than 200' of frontage and access is available from other roadways. This Code section is a life/safety issue for the purposes of reducing the number of curb cuts and thus traffic conflict points on major roadways, and providing for a safer and more efficient transportation system. The width of this rezoning area (2 lots) on Slaughter Lane is 187 feet.

Wendy

From: Austin Texas Xeriscapes [mailto:atxeriscapes@gmail.com]
Sent: Tuesday, September 18, 2018 4:49 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: Re: Chisholm Trl

Wendy, Thank you for your prompt reply. Only one more, I promise. Dawn mentioned something about a Variance during the site plan stage. Will you elaborate?

On Tue, Sep 18, 2018 at 4:32 PM Rhoades, Wendy <Wendy.Rhoades@austintexas.gov> wrote:

John,

I am in receipt of your phone call. Please see my answers below.

Wendy

From: Austin Texas Xeriscapes [mailto:thescapes@austintexas.gov]
Sent: Tuesday, September 18, 2018 3:51 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: Chisholm Trl

Hi, Wendy. John Fasano/9502 here. After talking with Dawn, I came away with some questions. First, If ATD has NOT approved Slaughter Ln access, why does Mario Solis believe it IS approved. There is an approved driveway apron for Slaughter Lane for the existing single family residential use. My recollection is that the driveway apron was constructed in the late 1980s when Slaughter Lane was widened. The driveway is not approved by the City for a non-sf use however. The driveway location in place doesn't cover new construction however, so it is possible that at the time of a site plan, the existing driveway apron on Slaughter Lane will have to be modified. But it won't be allowed to Chisholm due to the rezoning ordinance(s).

Next, By Jim W. adding a CO of a 300 car limit, does that somehow give him more flexibility pushing things through later? Actually, the City came up with a 300 trip limit, rather than Jim Wittliff. A property like this could be allowed more vehicle trips/day (up to 2,000), so this is a reduction in the potential number of trips. By prohibiting vehicular access to Chisholm Trail, the number of vehicle trips was also limited.

Next, is there any circumstance where access could later be re-granted to Chisholm Trl? If so, please give me an example. Last can we address all these concerns up front with CO's such as No access Ever, under ANY circumstance now or in the future, including for construction. Thank you, John 512-659-9647. The access prohibition to Chisholm Trail remains in place until such time as a future zoning case is approved by Council (another zoning case!).