

**SECOND / THIRD READINGS SUMMARY SHEET**

CASE: C14-2018-0080 – 5101 East Oltorf

DISTRICT: 3

ADDRESS: 5101 East Oltorf Street

PROPERTY OWNER:  
Charitable Holdings, II (Michael Nellis)

AGENT:  
Armbrust & Brown, PLLC  
(Richard T. Suttle, Jr.)

CASE MANAGER: Wendy Rhoades (512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov))

REQUEST:                   **Approve Second and Third Readings  
From community commercial-conditional overlay-neighborhood  
plan (GR-CO-NP)  
To general commercial services-conditional overlay-  
neighborhood plan (CS-CO-NP), as amended  
The -CO prohibits a list of uses**

PREVIOUS CITY COUNCIL ACTION:  
**October 17, 2019:**

October 3, 2019:           *APPROVED CS-CO-NP DISTRICT ZONING AS THE PLANNING  
COMMISSION RECOMMENDED, ON FIRST READING. VOTE:  
10-0, COUNCIL MEMBER HARPER-MADISON – OFF THE DAIS.*

August 8, 2019:           *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT  
TO OCTOBER 3, 2019. VOTE: 11-0.*

June 20, 2019:           *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT  
TO AUGUST 8, 2019. VOTE: 11-0.*

June 8, 2019:            *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT  
TO JUNE 20, 2019. VOTE: 10-0, COUNCIL MEMBER HARPER-  
MADISON – OFF THE DAIS*

May 23, 2019:            *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO  
JUNE 6, 2019. VOTE: 11-0.*

March 28, 2019:           *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO  
MAY 23, 2019. VOTE: 11-0.*

February 7, 2019:        *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO  
MARCH 28, 2019. VOTE: 11-0.*

ISSUES:

The Applicant is in agreement with Council action taken on First Reading.

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2018-0080 – 5101 East Oltorf

**P.C. DATE:** December 11, 2018  
January 22, 2019  
March 12, 2019  
April 23, 2019  
May 14, 2019

**ADDRESS:** 5101 East Oltorf Street

**DISTRICT AREA:** 3

**OWNER:** Charitable Holdings, II  
(Michael Nellis)

**AGENT:** Armbrust & Brown, PLLC  
(Ferris Clements)

**ZONING FROM:** GR-CO-NP      **TO:** CS-CO-NP, as amended      **AREA:** 2.116 acres

**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant general commercial services – conditional overlay – neighborhood plan (CS-CO-NP) combining district zoning. The Conditional Overlay prohibits the following uses: agricultural sales and services, building maintenance services, campground, commercial blood plasma center, construction sales and services, food sales, equipment repair services, equipment sales, maintenance and service facilities, restaurant (general), restaurant (limited), service station and vehicle storage.

**PLANNING COMMISSION RECOMMENDATION:**

December 11, 2018: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO JANUARY 22, 2019*

*[K. MCGRAW; F. KAZI – 2<sup>ND</sup>] (11-0) Y. FLORES, C. KENNY – ABSENT*

January 22, 2019: *APPROVED A POSTPONEMENT REQUEST BY APPLICANT TO MARCH 12, 2019*

*[J. SCHISSLER; C. KENNY – 2<sup>ND</sup>] (11-0) A. DE HOYOS HART, P. SEEGER – ABSENT*

March 12, 2019: *APPROVED A POSTPONEMENT REQUEST BY STAFF to APRIL 23, 2019*

*[P. SEEGER; K. MCGRAW – 2<sup>ND</sup>] (12-0) A. DE HOYOS HART – ABSENT*

April 23, 2019: *APPROVED A POSTPONEMENT REQUEST BY STAFF AND APPLICANT TO MAY 14, 2019*

*[J. SCHISSLER; C. KENNY – 2<sup>ND</sup>] (11-0) P. SEEGER, J. SHIEH – ABSENT*

May 14, 2019: *APPROVED CS-CO-NP DISTRICT ZONING, AS STAFF RECOMMENDED, WITH ADDITIONAL PROHIBITED USES OF ADULT-ORIENTED BUSINESSES AND DRIVE-IN SERVICES AS AN ACCESSORY USE*

*[P. SEEGER; C. KENNY – 2<sup>ND</sup>] (11-2) J. SCHISLER, J. SHIEH - NAY*

**ISSUES:**

On October 2, 2019, the Applicant amended his request to remove the -Mixed Use (MU) overlay and is in agreement with the Planning Commission recommendation.

The EROC Contact Team voted to support the Applicant's request for CS-MU-CO-NP district zoning with the Conditional Overlay prohibiting restaurants, convenience stores (food sales), food sales, gas stations (service station) and drive-in services as an accessory use. Please refer to attached correspondence.

**DEPARTMENT COMMENTS:**

The subject triangular-shaped lot is located along East Oltorf Street, between Sunridge Drive on the west and Alvin Devane Boulevard on the east, and is presently undeveloped. Council approved community commercial – conditional overlay (GR-CO) district zoning in July 1997 and the Conditional Overlay requires a 10-foot wide buffer along the south and east property lines, a maximum of 2,000 vehicle trips per day and a list of prohibited uses. The Neighborhood Plan combining district was added in November 2006. There are apartments and undeveloped land to the north (MF-2-NP; GO-CO-NP), a semiconductor facility to the south (GR-NP; LI-CO-NP), and land under construction for townhouses and a single family residential subdivision to the west (MF-2-NP; SF-2-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the property to the general commercial services – mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) district and develop it with up to 190 residential units. The Applicant is also contemplating commercial development on the site and has worked with the EROC Contact Team to continue the existing prohibited uses of food sales, restaurants and service station in response to concerns expressed about 24-hour operations on the property.

Based on input from the Emergency Prevention Division of the Austin Fire Department, Staff is unable to recommend the Applicant's request for residential development that could occur under the –MU component. AFD has performed a risk assessment of the adjacent LI zoned semiconductor facility and confirmed storage of a large quantity of hazardous materials. In accordance with a publication of the US Department of Transportation that accounts for the risk of exposure, a 1,056-foot separation distance (buffer) is required between the semiconductor facility and a residential occupancy. Because the separation distance from the semiconductor facility to a proposed residential occupancy cannot be met (it's approximately 110 feet), there is a serious risk of exposure to a residential occupancy use, and is the basis for Staff to recommend denial of the –MU. It is worth noting that the separation distance identified above applies to other nearby undeveloped properties as well.

Regarding the Applicant’s request for the CS base zoning district and the –CO component, it is more intense than GR zoning, and is, in fact, the highest intensity commercial zoning district, yet still oriented towards service uses. CS has a 2 : 1 floor-to-area ratio which provides for greater development flexibility on the property given site constraints and location on an arterial roadway. Staff is of the opinion that CS-CO-NP zoning is compatible with the adjacent zoning and uses, and the Conditional Overlay will prohibit more intensive CS uses and continue to prohibit a few uses that have been discussed between the Applicant and area stakeholders.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO-NP	Undeveloped
<i>North</i>	MF-2-NP; GO-CO-NP	Apartments; Undeveloped
<i>South</i>	GR-NP; LI-CO-NP	Semiconductor facility
<i>East</i>	LI-CO-NP	Semiconductor facility
<i>West</i>	MF-2-NP; SF-2-NP	Under construction for 64 detached residential townhouses; Single family residences in the Sunridge Park Section One subdivision

**NEIGHBORHOOD PLANNING AREA:** East Oltorf / Riverside Combined (Parker Lane)

**TIA:** Is not required

**WATERSHED:** Country Club West – Suburban

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

- 189 – Southeast Austin Neighborhood Alliance
- 299 – The Crossing Garden Homeowners Association
- 481 – Sunridge Homeowners Association
- 774 – Del Valle Independent School District
- 934 – Riverside Farms Road Neighborhood Association
- 1228 – Sierra Club, Austin Regional Group
- 1255 – Pleasant Valley
- 1363 – SEL Texas
- 1528 – Bike Austin
- 1550 – Homeless Neighborhood Association
- 1607 – Austin Inncity Alliance
- 511 – Austin Neighborhoods Council
- 1258 – Del Valle Community Coalition
- 1340 – Austin Heritage Tree Foundation
- 1424 – Preservation Austin
- 1530 – Friends of Austin Neighborhoods
- 1605 – Tejana Bilingual Community
- 1616 – Neighborhood Empowerment Foundation

**SCHOOLS:**

The subject property is within the Del Valle Independent School District.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-96-0056 – Sunridge Park Section One Subdivision Rollback	MF-2 to SF-2	To Grant	Apvd (4-24-1997).
C14-95-0008 – New First City Texas – 5000-5400 Blk of E Oltorf St	I-SF-2 to GR	Apvd RR-CO & GR- CO w/conds	Apvd RR-CO for Tract 1 w/CO for no access to Riverside Farms Dr and prohibit lodginghouse residential and community recreation (public), and GO-CO for Tract 2 w/CO for list of prohibited uses, max 35' height, 50% impervious cover. CO for whole tract for 10' vegetative buffer for perimeter of property (except for Oltorf) and max of 3,182 trips/day (7-24-1997).
C14-92-0094 – Advanced Mirco Devices Project – 5312-5606 E Ben White Blvd (Tract 1); 3201-3299 Alvin Devane Blvd (Tract 2); 5501- 5603 E Oltorf St and 2801-2917 Alvin Devane Blvd (Tract 3); 5303- 5413 E Oltorf St and 2800-2900 Alvine Devane Blvd (Tract 4)	SF-2; GR to LI	Apvd LI w/conds	Apvd LI-CO w/CO on Tract 4 (adjacent to east) for max 60' height and conds of the Traffic Impact Analysis (12-16-1992).

**RELATED CASES:**

The property was zoned from I-SF-2 to GR-CO by way of a 1995 case (C14-95-0007). The Conditional Overlay requires a 10-foot wide vegetative buffer along the west and south property lines, limits development to 2,000 vehicle trips per day and prohibits a list of uses. Please refer to Exhibit B.

The property is platted as Lot 1, Block B of Skyline Austin, a subdivision recorded on April 24, 2002 (C8-01-0208.0A). Please refer to Exhibit C. There are no site plan applications on the subject property.

The East Riverside / Oltorf Combined Neighborhood Plan Area rezonings were completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on November 16, 2006. The –NP combining district was appended to the existing base district (C14-05-0111 – Ordinance No. 20061116-056).

On October 3, 2019, the Applicant requested indefinite postponement of the related FLUM Amendment from Commercial to Mixed Use (NPA-2018-0021.01 – 5101 East Oltorf).

**EXISTING STREET CHARACTERISTICS:**

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East Oltorf Street	92 feet	56 feet	MAD 4	Yes	Yes	Yes

FYI – The existing driveways and sidewalks along East Oltorf Street 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.

**CITY COUNCIL DATE:** February 7, 2019

**ACTION:** Approved a Postponement request by the Applicant to March 28, 2019. Vote: 11-0.

March 28, 2019

Approved a Postponement request by Staff to May 23, 2019. Vote: 11-0.

May 23, 2019

Approved a Postponement request by Staff to June 6, 2019. Vote: 11-0.

June 6, 2019

Approved a Postponement request by Applicant to June 20, 2019. Vote: 10-0, Council Member Harper-Madison – off the dais.



**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant general commercial services – conditional overlay – neighborhood plan (CS-CO-NP) combining district zoning. The Conditional Overlay prohibits the following uses: agricultural sales and services, building maintenance services, campground, commercial blood plasma center, construction sales and services, food sales, equipment repair services, equipment sales, maintenance and service facilities, restaurant (general), restaurant (limited), service station and vehicle storage.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The proposed general commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The NP, neighborhood plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

*2. Zoning changes should promote the health, welfare, and safety, and otherwise fulfill the purposes of zoning as set forth in the Texas Local Government Code or the zoning ordinance.*

Based on input from the Emergency Prevention Division of the Austin Fire Department, Staff is unable to recommend the Applicant's request for residential development that could occur under the –MU component. AFD has performed a risk assessment of the adjacent LI zoned semiconductor facility and confirmed storage of a large quantity of hazardous materials. In accordance with a publication of the US Department of Transportation that accounts for the risk of exposure, a 1,056-foot separation distance (buffer) is required between the semiconductor facility and a residential occupancy. Because the separation distance from the semiconductor facility to a proposed residential occupancy cannot be met (it's approximately 110 feet), there is a serious risk of exposure to a residential occupancy use, and this is the basis for Staff to not recommend the –MU. It is worth noting that the separation distance identified above applies to other nearby undeveloped properties as well.

*3. Intensive zoning should be located on major arterial roadways and highways.*

Regarding the Applicant's request for the CS base zoning district and the –CO component, it is more intense than GR zoning, and is, in fact, the highest intensity commercial zoning district, yet still oriented towards service uses. CS has a 2 : 1 floor-to-area ratio which provides for greater development flexibility on the property given site constraints and location on an arterial roadway. Staff is of the opinion that CS-CO-NP zoning is compatible with the adjacent zoning and uses, and the Conditional Overlay will

prohibit more intensive CS uses and continue to prohibit a few uses that have been discussed between the Applicant and area stakeholders.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is undeveloped, heavily treed and slopes gently to the south. The recorded plat indicates a 50-foot wide gas pipe line easement along the south property line.

### **Impervious Cover**

The maximum impervious cover allowed by CS zoning district would be 80%, which is based on the more restrictive watershed regulations described below. A Transfer of Development Rights (TDR) Table on the recorded plat shows that up to 0.17 acres of impervious cover is transferred to the subject lot.

### **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 Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Country Club West Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. 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 Net Site Area</i>	<i>% 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 flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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 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 on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Fire Department Comments**

AFD has the authority to evaluate the risk of an unauthorized hazardous material discharge and establish minimum requirements that are essential for the public safety of a proposed building in accordance with 2015 IFC Sections 102.9 and 5001.1.1.

AFD has performed a risk assessment for the zoning change at 5101 E Oltorf Street. The Applicant is proposing to rezone the 1.63 acre site from GR-CO-NP to CS-MU-CO-NP which would allow residential occupancies to be located in close proximity to an LI zoned site (the Cypress Semiconductor site) to the south. Based on the risk assessment which confirmed a large quantity of hazardous materials at the LI zoned site and exposure and evacuation to an adjacent site being used for residential occupancy, a 1,056 foot separation distance (buffer) will be required from the nearest property lines of the parcels located at 5204 E Ben White Blvd and 5305 E Oltorf, to residential occupancies. The buffer distance is based on the Protective Action Distances for a particular chemical in the 2016 *Emergency Response Guidebook* published by the US Department of Transportation.

The semiconductor facility is located approximately 110 feet to the South and because the separation distance cannot be met, the Fire Department has determined that the proposed rezoning area is not compatible for residential development.

### **Site Plan and Compatibility Standards**

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.

The site is subject to compatibility standards. Along the south 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.

### **Transportation**

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

A Traffic Impact Analysis shall be required at the time of site plan if triggered per 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 E Oltorf St. 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.

### **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. 970724-A**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE AS FOLLOWS:**

**1.63 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, FROM "I-SF-2" INTERIM SINGLE FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 5101-5201 EAST OLTORF STREET (ODD NUMBERS ONLY), IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

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

**PART 1.** The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district from I-SF-2" Interim Single Family Residence (Standard Lot) district to "GR-CO" Community Commercial district-Conditional Overlay combining district on the property (the "Property") described in **File C14-95-0007**, as follows:

1.63 acre tract of land out of the Santiago Del Valle Grant, Abstract No. 24, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

locally known as 5101-5201 East Oltorf Street (Odd Numbers Only), in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

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

1. A vegetative buffer with a minimum width of ten feet shall be constructed and maintained along the perimeter of the Property which does not front Oltorf Street. The vegetative buffer shall meet the requirements set forth in Section 2.9.1 of the Environmental Criteria Manual.

**EXHIBIT B**  
**1997 ZONING ORDINANCE**

2. Notwithstanding any other provision of the Land Development 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 2,000 vehicle trips per day.

3. The following uses of the Property are prohibited:

- |  |  |
|--|--|
| a) Lodginghouse Residential,               | n) Hotel-Motel,                                  |
| b) Automotive Rental,                      | o) Indoor Entertainment,                         |
| c) Automotive Repair Service,              | p) Indoor Sports and Recreation,                 |
| d) Automotive Sales,                       | q) Outdoor Entertainment,                        |
| e) Automotive Washing (of any type),       | r) Outdoor Sports and Recreation,                |
| f) Commercial Off-Street Parking,          | s) Pawn Shop Services,                           |
| g) Consumer Convenience Services,          | t) Pet Services,                                 |
| h) Consumer Repair Services,               | u) Restaurant(Drive-In, Fast food),              |
| i) Drop-Off Recycling Collection Facility, | v) Restaurant (Limited),                         |
| j) Food Sales,                             | w) Restaurant (General),                         |
| k) Funeral Services,                       | x) Service Station,                              |
| l) General Retail Sales (Convenience),     | y) Theater, and                                  |
| m) General Retail Sales (General),         | z) Community Recreation<br>(Private and Public). |

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the "GR" Community Commercial base district and other applicable requirements of the Land Development 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 4, 1997.

**PASSED AND APPROVED**

July 24, 1997.

§  
§  
§

*Kirk Watson*

Kirk Watson  
Mayor

APPROVED:

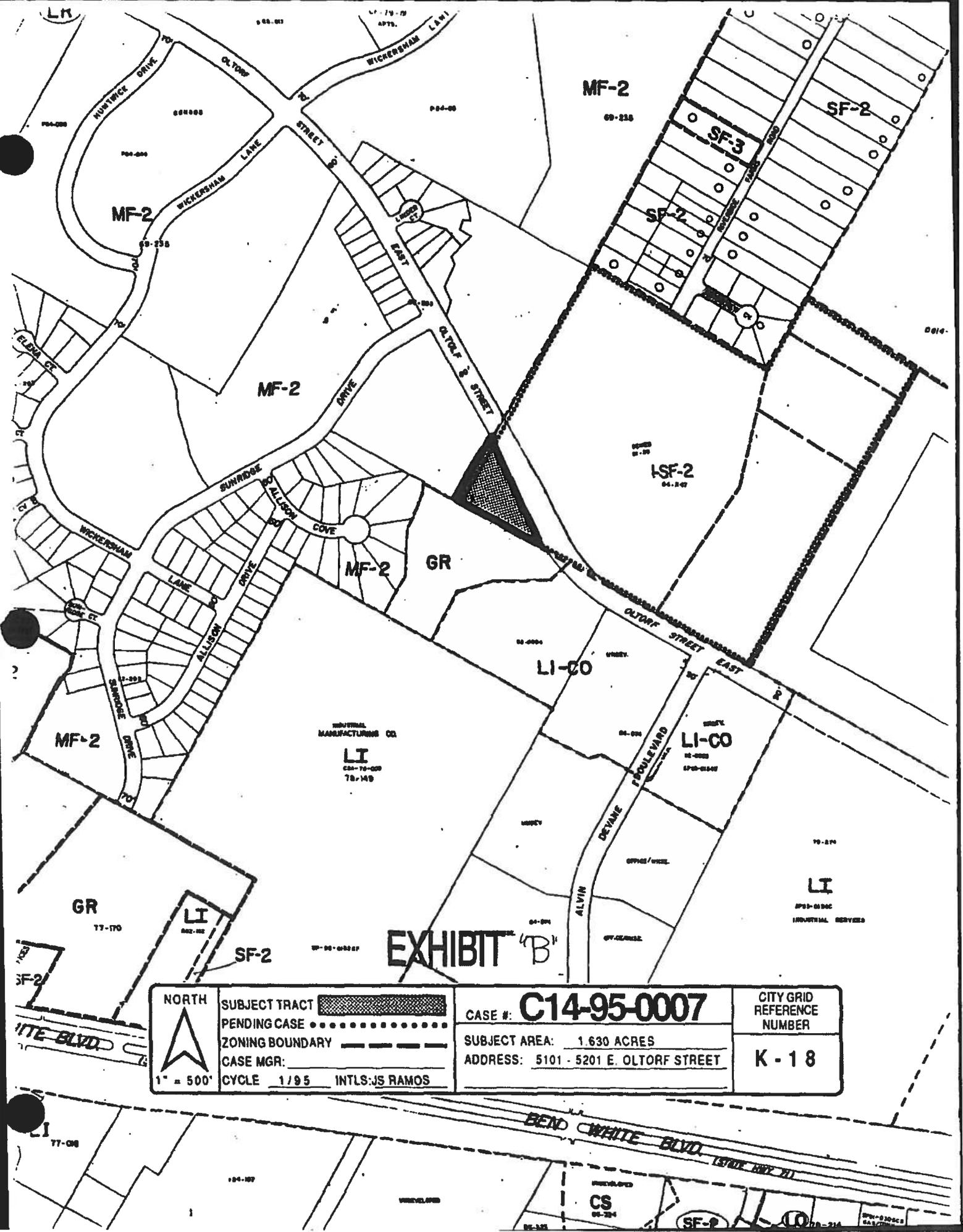
*Andrew Martin*

Andrew Martin  
City Attorney

ATTEST:

*James E. Aldridge*

James E. Aldridge  
City Clerk



**EXHIBIT "B"**



SUBJECT TRACT   
 PENDING CASE .....  
 ZONING BOUNDARY - - - - -  
 CASE MGR: \_\_\_\_\_  
 CYCLE 1/95 INTLS:JS RAMOS

CASE #: **C14-95-0007**  
 SUBJECT AREA: 1.630 ACRES  
 ADDRESS: 5101 - 5201 E. OLTORF STREET

CITY GRID REFERENCE NUMBER  
**K - 18**

1" = 500'

WHITE BLVD

BEND WHITE BLVD

(SIDE HWY 21)

CS

SF-2

LI

LI

LI

**ZONING AREA**



**LEGEND:**

- IRON ROD FOUND
- IRON ROD NOT FOUND
- CONCRETE MON. SET
- ..... SIDEWALK LOCATION
- BENCHMARK

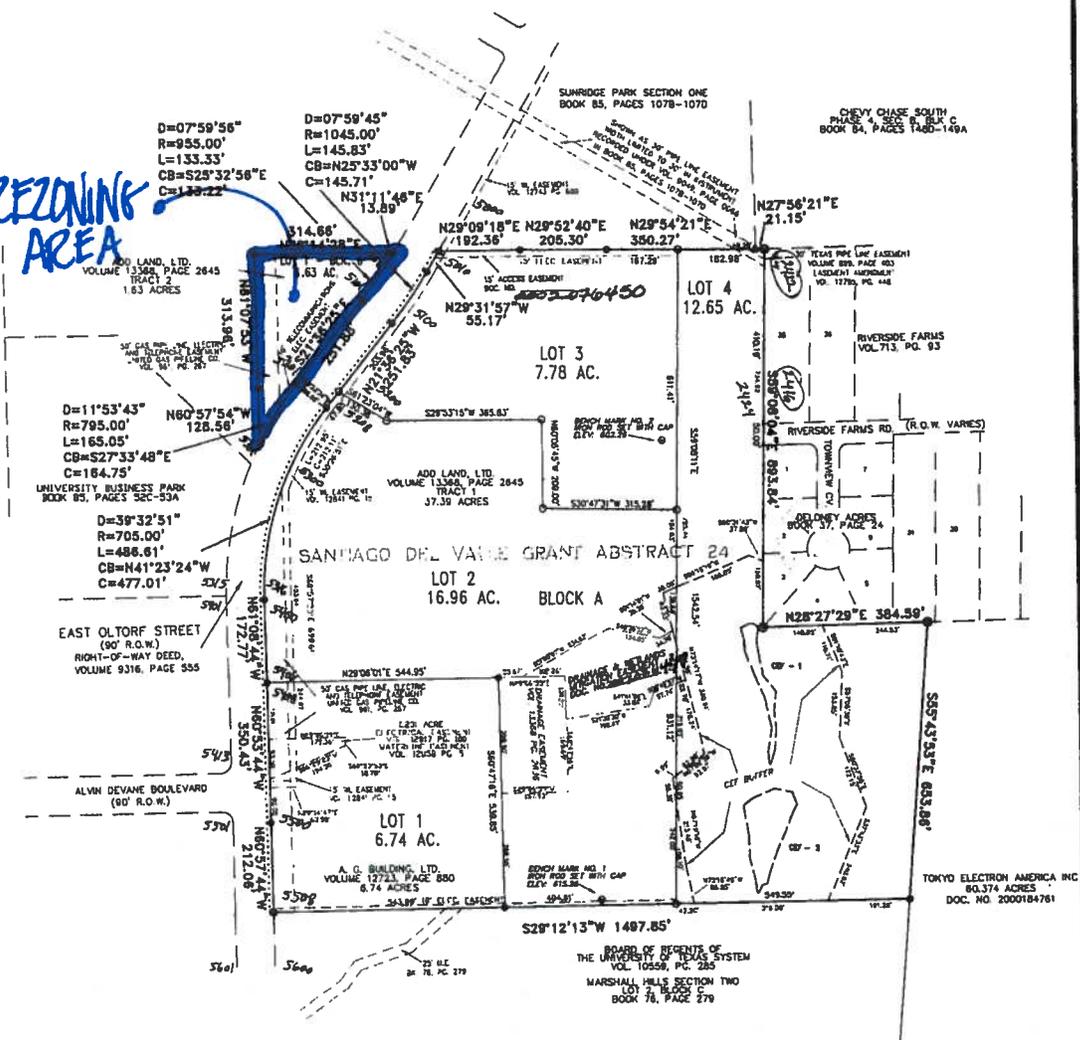
SCALE: 1" = 200'  
 FEBRUARY, 2002  
 TRAVIS COUNTY, TEXAS



TOTAL ACRES  
48.78 ACRES

TOTAL NUMBER OF LOTS  
5 LOTS

TOTAL NUMBER OF BLOCKS  
2 BLOCK



**NOTES:**

1. THE OWNER OF THIS SUBDIVISION AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF AUSTIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLATING MAY BE REQUIRED AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
2. WATERSHED STATUS: THIS SUBDIVISION IS LOCATED IN THE COUNTRY CLUB CREEK WATERSHED, IT IS CLASSIFIED AS SUBURBAN.
3. PRIOR TO CONSTRUCTION, ON ANY LOT IN THIS SUBDIVISION A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF AUSTIN.
4. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTION IS MADE TO A CITY OF AUSTIN APPROVED WATER AND WASTEWATER SYSTEM. WATER AND WASTEWATER SERVICE TO BE PROVIDED BY THE CITY OF AUSTIN.
5. EROSION/SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT, PURSUANT TO LDC SECTION 25-8-101, AND THE ENVIRONMENTAL CRITERIA MANUAL.
6. THIS SUBDIVISION PLAT WAS APPROVED AND RECORDED BEFORE THE CONSTRUCTION AND ACCEPTANCE OF STREETS AND OTHER SUBDIVISION IMPROVEMENTS, PURSUANT TO THE TERMS OF A SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE SUBDIVIDER AND THE CITY OF AUSTIN, DATED 02/14/2002. THE SUBDIVIDER IS RESPONSIBLE FOR THE CONSTRUCTION OF ALL STREETS AND FACILITIES NEEDED TO SERVE THE LOTS WITHIN THE SUBDIVISION. THIS RESPONSIBILITY MAY BE ASSIGNED IN ACCORDANCE WITH THE TERMS OF THAT AGREEMENT FOR THE IMPROVEMENTS RETAINING TO THIS SUBDIVISION. SEE SEPARATE INSTRUMENT RECORDED IN DOCUMENT 2002020251 IN THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.
7. THE WATER AND WASTEWATER SYSTEMS SERVING THIS SUBDIVISION SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH THE CITY OF AUSTIN SPECIFICATIONS. PLANS AND SPECIFICATIONS SHALL BE SUBMITTED TO THE CITY OF AUSTIN WATER AND WASTEWATER DEPARTMENT FOR REVIEW.
8. FOR A MINIMUM TRAVEL DISTANCE OF 25 FEET FROM THE ROADWAY EDGE, DRIVEWAY GRADES MAY EXCEED 14% ONLY WITH THE SPECIFIC WRITTEN APPROVAL OF THE SURFACE AND GEOMETRIC DESIGN DEPARTMENT BY THE TRANSPORTATION AND PUBLIC SERVICES AND DEVELOPMENT REVIEW AND INSPECTION DEPARTMENT.
9. AUSTIN ENERGY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 25-B, SUBCHAPTER B OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
10. THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT SHALL PROVIDE AUSTIN ENERGY WITH ANY EASEMENT AND/OR ACCESS REQUIRED, IN ADDITION TO THOSE INDICATED, FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES. THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDING AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH CHAPTER 25-B OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
11. THE OWNER SHALL BE RESPONSIBLE FOR ANY INSTALLATION OF TEMPORARY EROSION CONTROL, REVEGETATION AND TREE PROTECTION. IN ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR ANY INITIAL TREE PRUNING AND TREE REMOVAL THAT IS WITHIN TEN FEET OF THE CENTER LINE OF THE PROPOSED OVERHEAD ELECTRICAL FACILITIES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. THE OWNER SHALL INCLUDE AUSTIN ENERGY'S WORK WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.

**NOTES:**

12. NO BUILDINGS, FENCES, LANDSCAPING OR OTHER OBJECTS ARE PERMITTED IN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN.
13. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR ASSIGNS.
14. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.
15. ALL STREETS, DRAINAGE, SIDEWALKS AND WATER AND WASTEWATER LINES ARE TO BE CONSTRUCTED AND INSTALLED TO CITY OF AUSTIN URBAN STANDARDS.
16. PUBLIC SIDEWALKS, BUILT TO CITY OF AUSTIN STANDARD, ARE REQUIRED ALONG THE FOLLOWING STREETS AND AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT: EAST OLTORF STREET. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.
17. MAINTENANCE OF THE WATER QUALITY CONTROLS REQUIRED ABOVE SHALL BE ACCORDING TO CITY OF AUSTIN STANDARDS.
18. WATER QUALITY CONTROLS ARE REQUIRED FOR ALL DEVELOPMENT WITH IMPERVIOUS COVER IN EXCESS OF 20% OF THE NET SITE AREA OF EACH LOT PURSUANT TO LDC SECTION 25-8-211.
19. PRIOR TO CONSTRUCTION ON LOTS IN THIS SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. RAIN RUN-OFF SHALL BE HELD TO THE AMOUNT EXISTING AT UNDEVELOPED STATUS BY PONDING OR OTHER APPROVED METHODS. ALL PROPOSED CONSTRUCTION OR SITE ALTERATION ON ALL LOTS, REQUIRES APPROVAL OF A SEPARATE DEVELOPMENT PERMIT.
20. PROPERTY OWNERS SHALL MAINTAIN EXISTING DRAINAGE SHEET FLOW PATTERNS TO THE MAXIMUM EXTENT FEASIBLE UNLESS OTHERWISE APPROVED BY THE CITY OF AUSTIN.
21. BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH CITY OF AUSTIN ZONING ORDINANCE REQUIREMENTS.
22. ALL SIGNS SHALL BE IN ACCORDANCE WITH CITY OF AUSTIN SIGN ORDINANCE CHAPTER 25-10 OF THE LAND DEVELOPMENT CODE.
23. JOINT ACCESS SHALL BE PROVIDED TO LOT 4 FROM EAST OLTORF STREET. LOT 4 IS RESTRICTED FROM ACCESS TO RIVERSIDE FARMS ROAD.
24. A VARIANCE FROM THE LAND DEVELOPMENT CODE, SECTION 25-4-151, TO NOT EXTEND RIVERSIDE FARMS ROAD, WAS GRANTED BY THE ZONING AND PLATTING COMMISSION ON OCTOBER 09, 2001.

**BASIS OF BEARING:**

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NAD83 DATUM, CENTRAL ZONE, AND ARE GRID BEARINGS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATION.

11536

**PROJECT:** BROCK CONSULTING  
 Austin Skyline Final Plat  
**PROJECT NO:** 050109.001.1.4052  
**DATE:** February, 2002  
**SCALE:** 1" = 200'  
**SURVEYOR:** John Strawbridge  
**TECHNICIAN:** RLM  
**DRAWING PATH:** E:\work\050109\_Ald\050109\_1.dwg  
**FIELD NOTES:**  
**PARTY CHIEF:** G.S.  
**FIELD BOOKS:** 100

**Carter = Burgess**  
 Consultants in Engineering, Surveying, Architecture,  
 Construction Management and Related Services  
 Carter and Burgess, Inc.  
 Barton Oaks Plaza V  
 901 South MoPac Expressway Suite 200  
 Austin, Texas 78748  
 (512)314-3100 Fax (512)314-3135  
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**SKYLINE AUSTIN**

**SHEET**  
 2  
 OF  
 2

C&B DWG No.  
 050109.001

**EXHIBIT C**

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: [www.austintexas.gov/planning](http://www.austintexas.gov/planning).

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

**Case Number: C14-2018-0080**  
**Contact: Wendy Rhoades, 512-974-7719**  
**Public Hearings: December 11, 2018, Planning Commission;**  
**February 7, 2019, City Council**

R. Stephen Harnsberger

Your Name (please print) \_\_\_\_\_  
4906 Allison Cove, Austin, TX, 78741-7319

I am in favor  
 I object

Your address(es) affected by this application \_\_\_\_\_

17 April 2019

Date

Daytime Telephone: (512) - 385 - 1891

Comments: I bought my house in the Sunridge Park subdivision in 1992. Of all the properties in Sunridge Park, mine is the closest to the property under consideration at 5101 East Oltorf Street and hence the one that will be the most affected. I believe that property should be developed in strict accordance with the 26 prohibited uses agreed upon in the ordinance dated 04 August 1997. Those conditional overlays are essential for maintaining the residential character and property values of our neighborhood. Thank you for your time.

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

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

## Rhoades, Wendy

---

**From:** Malcolm Yeatts <[myeatts@austintx.com](mailto:myeatts@austintx.com)>  
**Sent:** Sunday, May 12, 2019 4:50 PM  
**To:** 'Ferris Clements'; Rhoades, Wendy; Fox, Kathleen  
**Cc:** 'Brad Gates'; 'Trey Salinas'; 'Richard Suttle, Jr.'; 'Toni'  
**Subject:** RE: 5101 E Oltorf - Permitted/Prohibited Uses

The EROC Contact Team has voted and reached a quorum for this vote. The EROC Contact Team has voted to support the change of zoning to CS-MU-CO-NP with the understanding that the Zoning Case C14-2018-0080 will include a Conditional Overlay prohibiting restaurants, convenience stores, drive-through food sales, and gas stations.

Malcolm Yeatts Chair, EROC Contact Team

---

**From:** Malcolm Yeatts <[myeatts@austintx.com](mailto:myeatts@austintx.com)>  
**Sent:** Thursday, May 2, 2019 8:25 PM  
**To:** 'Ferris Clements' <[FClements@abaustin.com](mailto:FClements@abaustin.com)>, 'Rhoades, Wendy' <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)>; 'Fox, Kathleen' <[Kathleen.Fox@austintexas.gov](mailto:Kathleen.Fox@austintexas.gov)>  
**Cc:** 'Brad Gates' <[brad@veritasfamilypartners.com](mailto:brad@veritasfamilypartners.com)>; 'Trey Salinas' <[tsalinas@3pointpartners.com](mailto:tsalinas@3pointpartners.com)>; 'Richard Suttle, Jr.' <[RSuttle@abaustin.com](mailto:RSuttle@abaustin.com)>  
**Subject:** RE: 5101 E Oltorf - Permitted/Prohibited Uses

I have sent out a Request for Votes to the EROC Contact Team for NPA-2018-0021.01 with these conditions. The deadline for the vote will be May 12. The email summarizing the vote will be sent to all by Monday morning May 13.

Malcolm Yeatts Chair, EROC Contact Team

---

**From:** Ferris Clements <[FClements@abaustin.com](mailto:FClements@abaustin.com)>  
**Sent:** Thursday, May 2, 2019 1:48 PM  
**To:** 'Rhoades, Wendy' <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)>; Malcolm Yeatts <[myeatts@austintx.com](mailto:myeatts@austintx.com)>; Fox, Kathleen <[Kathleen.Fox@austintexas.gov](mailto:Kathleen.Fox@austintexas.gov)>  
**Cc:** 'Brad Gates' <[brad@veritasfamilypartners.com](mailto:brad@veritasfamilypartners.com)>; 'Trey Salinas' <[tsalinas@3pointpartners.com](mailto:tsalinas@3pointpartners.com)>; Richard Suttle, Jr. <[RSuttle@abaustin.com](mailto:RSuttle@abaustin.com)>  
**Subject:** RE: 5101 E Oltorf - Permitted/Prohibited Uses

All,

The Applicant and EROC have agreed that "Service Station" would also remain a prohibited use. Please let me know if anyone has any further questions or comments.

Thanks,  
Ferris

<p><b>G. Ferris Clements, III</b> Associate Armbrust &amp; Brown, PLLC 100 Congress Avenue, Suite 1300 Austin, Texas 78701-2744 (512) 435-2337 - Direct (512) 435-2360 - Facsimile</p>	 <p><b>Armbrust &amp; Brown</b> PLLC</p>
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---

**From:** Rhoades, Wendy <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)>  
**Sent:** Thursday, May 2, 2019 12:03 PM  
**To:** Malcolm Yeatts <[myeatts@abaustin.com](mailto:myeatts@abaustin.com)>; Ferris Clements <[FClements@abaustin.com](mailto:FClements@abaustin.com)>; Fox, Kathleen <[Kathleen.Fox@austintexas.gov](mailto:Kathleen.Fox@austintexas.gov)>  
**Cc:** 'Brad Gates' <[brad@veritasfamilypartners.com](mailto:brad@veritasfamilypartners.com)>; 'Trey Salinas' <[tsalinas@3pointpartners.com](mailto:tsalinas@3pointpartners.com)>; Richard Suttle, Jr. <[RSuttle@abaustin.com](mailto:RSuttle@abaustin.com)>  
**Subject:** RE: 5101 E Oltorf - Permitted/Prohibited Uses

All,

To clarify, a site that contains a gas station and a convenience store has two primary uses:

Service station (gas station)  
Food sales (convenience store)

Wendy Rhoades

---

**From:** Malcolm Yeatts [<mailto:myeatts@abaustin.com>]  
**Sent:** Thursday, May 02, 2019 11:58 AM  
**To:** 'Ferris Clements' <[FClements@abaustin.com](mailto:FClements@abaustin.com)>; Rhoades, Wendy <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)>; Fox, Kathleen <[Kathleen.Fox@austintexas.gov](mailto:Kathleen.Fox@austintexas.gov)>  
**Cc:** 'Brad Gates' <[brad@veritasfamilypartners.com](mailto:brad@veritasfamilypartners.com)>; 'Trey Salinas' <[tsalinas@3pointpartners.com](mailto:tsalinas@3pointpartners.com)>; 'Richard Suttle, Jr.' <[RSuttle@abaustin.com](mailto:RSuttle@abaustin.com)>  
**Subject:** RE: 5101 E Oltorf - Permitted/Prohibited Uses

Does the category of convenience stores include gas stations?

---

**From:** Ferris Clements <[FClements@abaustin.com](mailto:FClements@abaustin.com)>  
**Sent:** Thursday, May 2, 2019 10:22 AM  
**To:** Rhoades, Wendy <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)>; 'Malcolm Yeatts' <[myeatts@abaustin.com](mailto:myeatts@abaustin.com)>; 'Fox, Kathleen' <[Kathleen.Fox@austintexas.gov](mailto:Kathleen.Fox@austintexas.gov)>  
**Cc:** 'Brad Gates' <[brad@veritasfamilypartners.com](mailto:brad@veritasfamilypartners.com)>; Trey Salinas <[tsalinas@3pointpartners.com](mailto:tsalinas@3pointpartners.com)>; Richard Suttle, Jr. <[RSuttle@abaustin.com](mailto:RSuttle@abaustin.com)>  
**Subject:** 5101 E Oltorf - Permitted/Prohibited Uses

All,

Good morning. The Applicant for C14-2018-0080 and NPA-2018-0021.01 ("5101 E Oltorf") has reached an agreement with the EROC Neighborhood Contact Team ("EROC") for prohibited uses on the property. The Applicant and EROC have

agreed that the following prohibited uses, per Ordinance No. 970724-A effective August 4, 1997, would remain prohibited on the property:

- Restaurant (Drive-In, Fast food)
- Restaurant (Limited)
- Restaurant (General)
- Food Sales

All other prohibited uses listed in Ordinance No. 970724-A would be changed to permitted uses. Malcolm – please note that convenience stores fall under the “Food Sales” definition per the City Code.

Please let me know if you all have any questions or comments.

Thanks,  
Ferris

<p><b>G. Ferris Clements, III</b> Associate Armbrust &amp; Brown, PLLC 100 Congress Avenue, Suite 1300 Austin, Texas 78701-2744 (512) 435-2337 - Direct (512) 435-2360 - Facsimile <a href="mailto:fclements@abainstx.com">fclements@abainstx.com</a> <a href="http://www.abaustin.com">www.abaustin.com</a></p>	 <p>The logo for Armbrust &amp; Brown PLLC features a blue parallelogram above the company name "Armbrust &amp; Brown" in a bold, sans-serif font. Below the name is a thin yellow horizontal line, and the letters "PLLC" are positioned to the right of the main text.</p>
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## Rhoades, Wendy

---

**From:** Rhoades, Wendy  
**Sent:** Tuesday, May 14, 2019 9:40 AM  
**To:** Rivera, Andrew; Meredith, Maureen; Fox, Kathleen  
**Subject:** RE: Questions from Seeger

Andrew,  
Please see my responses below for C-7 / C-8

---

**From:** Rivera, Andrew  
**Sent:** Monday, May 13, 2019 4:29 PM  
**To:** Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Fox, Kathleen <Kathleen.Fox@austintexas.gov>  
**Subject:** Questions from Seeger

Wendy/Kathleen/Maureen:

Please see questions below from Commissioner Seeger.

C7/C8 5101 E. Oltorf

Questions relative to AFD Risk Assessment:

o once risk assessment completed by AFD, can the determined outcome be waived? No.

o can the US Department of Transportation override a waived determination? No, The US DOT's Emergency Response Guide is not based on federal law, but is a recommendation to local jurisdictions based on studies done by the National Institute for Science and Technology (NIST), ARGONNE National Labs, and compiled response information and procedures taken from the experience of other agencies.

o summary indicates "part 3 waives requirements of Sec. 2-2-3, 5, 7" what is waived? This statement is taken from the Council approved ordinance dated July 24, 1997: "The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance". These code sections were standard ordinance language for zoning cases at the time; Section 2-2-3 was titled *Reading of Ordinances*, Section 2-2-5 was *Format of Proposed Ordinance*, and Section 2-2-7 was *Passage Procedure for Ordinances*. The above statement allowed for passage of multiple ordinance readings to occur at a single Council meeting, rather than requiring separate ordinance readings on different Council dates. Around 2004, this statement was removed and replaced with the following: "Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code."

o are all the current prohibited uses carried forward? 10' buffer? No, the Applicant wishes to remove all of the prohibited uses listed in the 1997 ordinance except for food sales, restaurants, service station, and drive-in services as an accessory use, and has not indicated a desire to retain the 10' buffer.

o are there other similar circumstances (distance and volume of hazardous stored chemicals) where the 1,056' limitation been waived? Not to my knowledge.

C11/C12 Twin Liquors Maudies

Questions:

o when is a previously submitted Neighborhood Plan considered late, if significantly changed?

o this request changed the requested use and more than doubled the area of change. Should these changes be considered significant enough to hold the plan amendment change to next cycle?

Thank you,

Andrew

**Andrew D. Rivera**  
Land Use Commissions Liaison

Assistant to Assistant Director Jerry Rusthoven  
City of Austin - Planning & Zoning Department  
P.O. Box 1088  
Austin, Texas 78767  
512-974-6508  
[www.austintexas.gov](http://www.austintexas.gov)

## Rhoades, Wendy

---

**From:** Rhoades, Wendy  
**Sent:** Tuesday, May 14, 2019 11:40 AM  
**To:** Rivera, Andrew; Shaw, Todd - BC; Kazi, Fayez - BC; Kenny, Conor - BC  
**Cc:** Simmons, Lee  
**Subject:** RE: May 14, 2019 Planning Commission Agenda

Response:

The US DOT's Emergency Response Guide is not based on any federal laws, but rather is a recommendation to local jurisdictions. The DOT is required to provide this information under the Hazardous Materials Act. The information provided is based on studies prepared by the National Institute for Science and Technology (NIST), ARGONNE National Labs, and compiled response information and procedures taken from the experience of other agencies. AFD follows the recommendations outlined in the DOT guide, and thus, Staff is unable to recommend residential development at this location because the separation distance cannot be met.

The Staff recommendation to deny the Applicant's request for -MU is not binding on the Commission or City Council.

Wendy Rhoades

---

**From:** Rivera, Andrew  
**Sent:** Friday, May 10, 2019 2:35 PM  
**To:** Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; Kazi, Fayez - BC <bc-Fayez.Kazi@austintexas.gov>; Kenny, Conor - BC <BC-Conor.Kenny@austintexas.gov>  
**Cc:** Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Simmons, Lee <Lee.Simmons@austintexas.gov>  
**Subject:** RE: May 14, 2019 Planning Commission Agenda

Hello Commissioner Todd:

A representative of AFD has been requested to attend the meeting. Cc'd on this this email are both Wendy and Lee to assist in providing a response as well.

Thank you,

Andrew

**Andrew D. Rivera**  
Land Use Commissions Liaison

Assistant to Assistant Director Jerry Rusthoven  
City of Austin - Planning & Zoning Department  
P.O. Box 1088  
Austin, Texas 78767  
512-974-6508  
[www.austintexas.gov](http://www.austintexas.gov)

---

**From:** Shaw, Todd - BC <[BC-Todd.Shaw@austintexas.gov](mailto:BC-Todd.Shaw@austintexas.gov)>  
**Sent:** Friday, May 10, 2019 1:41 PM  
**To:** Rivera, Andrew <[Andrew.Rivera@austintexas.gov](mailto:Andrew.Rivera@austintexas.gov)>; Kazi, Fayez - BC <[bc-Fayez.Kazi@austintexas.gov](mailto:bc-Fayez.Kazi@austintexas.gov)>; Kenny, Conor

- BC <[BC-Conor.Kenny@austintexas.gov](mailto:BC-Conor.Kenny@austintexas.gov)>

**Subject:** Re: May 14, 2019 Planning Commission Agenda

Andrew,

For Item C-08, I will have questions for AFD and staff familiar with the cited regulations from US DOT at the meeting. Among other questions I may have, I would want to know if the City can allow residential development within this buffer and what liabilities would the city take on if we approve this zoning to include residential development.

Thanks

Todd

*In accordance with a publication of the US Department of Transportation that accounts for the risk of exposure, a 1,056-foot separation distance (buffer) is required between the semiconductor facility and a residential occupancy.*

---

**From:** Rivera, Andrew  
**Sent:** Friday, May 10, 2019 11:42:27 AM  
**To:** Kazi, Fayez - BC; Kenny, Conor - BC  
**Subject:** May 14, 2019 Planning Commission Agenda

Dear Chair Kazi, Vice-Chair Kenny and Members of the Planning Commission:

Below is the link to the May 14, 2019 Planning Commission agenda (prelim. staff proposed actions agenda attached).

<http://www.austintexas.gov/edims/document.cfm?id=319232>

The attached staff reports will be posted online after 3pm.

Please submit proposed budget recommendations by noon Monday (Item D-03).

Presentation:

<http://www.austintexas.gov/edims/document.cfm?id=317321>

If you haven't done so already, please let me know if you will be absent Tuesday evening and also if you will be absent for any of the meetings between May 14th – Aug 6<sup>th</sup>.

Thank you,

Andrew

Bcc: Staff  
Planning Commission

**Andrew D. Rivera**  
Land Use Commissions Liaison

Assistant to Assistant Director Jerry Rusthoven  
City of Austin - Planning & Zoning Department  
P.O. Box 1088

## Rhoades, Wendy

---

**From:** Ferris Clements <~~F.Clements@abaustin.com~~>  
**Sent:** Monday, June 03, 2019 2:22 PM  
**To:** Rhoades, Wendy; Fox, Kathleen  
**Cc:** Richard Suttle, Jr.; 'Trey Salinas'; Brad Gates  
**Subject:** Postponement Request for NPA-2018-0021.01 & C14-2018-0080

Wendy & Kathleen,

The Applicant for NPA-2018.0021.01 and C14-2018-0080 (5101 E Oltorf) hereby requests a postponement to the August 8, 2019 City Council meeting to provide for additional time to work with adjacent property owners. If you have any questions or comments, please do not hesitate to contact me.

Thanks,  
Ferris



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**Rhoades, Wendy**

---

**From:** Ferris Clements [REDACTED]  
**Sent:** Tuesday, October 01, 2019 5:23 PM  
**To:** Rhoades, Wendy  
**Cc:** Richard Suttle, Jr.; 'Brad Gates'; Vaughn Brock; 'Trey Salinas'  
**Subject:** 5101 E Oltorf Zoning Case (C14-2018-0080) - Amend Zoning Change to CS-CO-NP

\*\*\* External Email - Exercise Caution \*\*\*

Wendy,

Good afternoon. The Applicant for C14-2018-0080 (5101 E Oltorf) would like to amend its original request to rezone the Property from General Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan (CS-MU-CO-NP) to General Commercial Services – Conditional Overlay – Neighborhood Plan (CS-CO-NP). The Applicant would also like to maintain the current prohibited uses in the Conditional Overlays found in the Staff report. Please let me know if you have any questions or comments.

Thanks,  
Ferris

<p><b>G. Ferris Clements, III</b> Associate Armbrust &amp; Brown, PLLC 100 Congress Avenue, Suite 1300 Austin, Texas 78701-2744 (512) 435-2337 - Direct (512) 435-2360 - Facsimile [REDACTED] <a href="http://www.abaustin.com">www.abaustin.com</a></p>	 <p>The logo for Armbrust &amp; Brown PLLC features a blue parallelogram above the company name 'Armbrust &amp; Brown' in a bold, sans-serif font. Below the name is a thin yellow horizontal line, and the letters 'PLLC' are positioned to the right of the line.</p>
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