

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0142 (Birgani's Property)

DISTRICT: 6

ADDRESS: 12604 Blackfoot Trail

ZONING FROM: SF-1

TO: GR-MU

SITE AREA: 0.34 acres (15,100 sq. ft.)

PROPERTY OWNER: Abraham Birgani

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMEDATION:

Staff recommends LO-MU, Limited Office-Mixed Use Combining District, zoning.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

January 17, 2023: Postponed to February 7, 2023 at the staff's request (9-0, N. Barrera-Ramirez and R. Woody-absent), A. Denkler-1st, L. Stern-2nd.

February 7, 2023

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is currently developed with a single family residence that is zoned SF-1. To the north there is a single family residential neighborhood with SF-1 zoning. The tract of land to the south is zoned GR-MU-CO and is developed with a residence and a retail sales use. To the east, across Blackfoot Trail, there are additional single family residences zoned SF-1. The lot to the west, has RR zoning and is developed with a day care facility (Stepping Stone School) that fronts onto McNeil Drive.

In 1999, the property directly to the south was rezoned from SF-1 to SF-2 (Tract 1) and SF-1 to LR-CO (Tract 2) through zoning case C14-98-0146. Ordinance No. 9907722-46 required a solid fence along the eastern property line, limited any building on the site being taller than 20 ft. in height, restricted pedestrian and vehicular access on Blackfoot Trail and prohibited seventeen uses on the site. In 2017, the applicant requested a rezoning of both tracts to CS-MU zoning, through case C14-2017-0042. The Zoning and Platting Commission recommended maintaining SF-2 zoning on Tract 1 and LR-MU-CO zoning for the front/southern tract (Tract 2). On December 14, 2017, the City Council granted GR-MU-CO zoning for both tracts, with a public restrictive covenant to prohibit access to Blackfoot Trail (*please see Ordinance No. 20171214-102- Exhibit D*).

In this new application, the same property owner is requesting a rezoning of a residential lot to the north from SF-1 to GR-MU to develop undetermined uses on the site. According to the deed, Mr. Birgani purchased this lot in 2014. In 1985, an amendment to the conditions of the deed was processed to remove the restriction that stated, "Said land shall be used for residential purposes only and no commercial use shall be made thereof." (*please see Information Provided by the Applicant - Exhibit C*).

The staff recommends LO-MU, Limited Office-Mixed Use Combining District, zoning for this property. The site under consideration meets the purpose statement of the LO-MU districts. The proposed office-mixed use zoning will provide a transition in the intensity of permitted uses on the site from the GR-MU-CO zoning at the intersection of McNeil Drive and Blackfoot Trail to the single family residential uses/neighborhood (SF-1 zoning) to the north and east. The requested GR-MU zoning is a commercial-mixed use category that permits more intensive uses that are not compatible with a residential setting or along a residential street. The lot under consideration does not meet the intent of the GR district as it is located mid block and takes access to a Level 1/ neighborhood collector street, instead of a major traffic way.

Limited Office-Mixed Use zoning is compatible with the single family residential uses to the north and east of the site. LO-MU zoning will permit a mixture of low intensity office, commercial, civic and residential uses that will provide services for residential developments to the north and east of the property under consideration.

BASIS OF RECOMMENDATION:

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

Limited Office district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods.

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

The property in question is located within a residential neighborhood along Blackfoot Trail, a 40-foot wide neighborhood collector roadway.

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

LO-MU zoning will promote consistency and orderly planning as it will provide a transition in the intensity of uses from the commercial-mixed use zoning at the southwest corner of Blackfoot Trail and McNeil Drive to single-family uses to the north. The proposed zoning is compatible with the surrounding residential uses located to the north and east of the site.

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

The proposed LO-MU zoning will allow for neighborhood friendly low density office, commercial, civic uses that will provide services for single-family residences to the north of this site.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Single Family Residence
<i>North</i>	SF-1	Single Family Residences
<i>South</i>	GR-MU-CO	General Retail Sales-Convenience
<i>East</i>	SF-1	Single Family Residences
<i>West</i>	RR	Day Care (Stepping Stone School)

NEIGHBORHOOD PLANNING AREA: N/A

TIA: Deferred to the time of Site Plan

WATERSHED: Rattan Creek

SCHOOLS: Round Rock I.S.D.

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets
Friends of Austin Neighborhoods
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
SELTEXAS
Sierra Club, Austin Regional Group
TNR BCP- Travis County Natural Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0042 (12602 Blackfoot Trail)	LR-CO, SF-2 to CS-1-MU* *On May 16, 2017, the applicant submitted a letter amending the rezoning request to CS-MU.	8/15/17: Approved maintaining SF-2 zoning for the existing Tract 1 and GR-MU-CO zoning for the existing Tract 2, with the following conditions for Tract 2: 1) Prohibit Alternative Financial Services, Automotive Washing (of any type), Bail Bond Services, Drop-Off Recycling Collection Facility, Medical Office-exceeding 5,000 sq. ft. gross floor area, Medical Offices-not exceeding 5,000 sq. ft. gross floor area, Outdoor Entertainment, Pawn Shop Services, Service Station, Congregate Living, Guidance Services, Hospital Services (General), Hospital Services (Limited), Residential Treatment and Drive-In Services and 2) maintain the condition from Ordinance No. 9907722-46 that, "Pedestrian and vehicular traffic associated with a non-residential use on the Property may not access Blackfoot Trail." (7-0, D. Breithaupt, B. Evans, S. Lavani and S. Trinh-absent); J. Duncan-1 st , A. Aguirre-2 nd .	12/07/17: Motion to approve GR-MU zoning, with a public restrictive covenant document to include the provision to restrict vehicular access from the Property to Blackfoot Trail. J. Flannigan-1 st , G. Casar-2 nd . Proposed amendment to include the provision to restrict vehicular access from the Property to Blackfoot Trail in a conditional overlay in the draft ordinance (4-5, S. Adler, O. Houston, G. Casar, A. Kitchen, J. Flannigan-No; D. Garza and E. Troxclair-off dais); K. Tovo, L. Pool-2 nd . Main motion to approve GR-MU zoning, with access restriction in a public restrictive covenant document, on 2 nd reading only (6-3, A. Alter, L. Pool and K. Tovo-No; D. Garza and E. Troxclair-off the dais). 12/14/17: A motion to approve the ordinance for GR-MU-CO district zoning, with conditions, was made by Council Member Flannigan and seconded by Council Member Houston.
C14-2016-0123 (6914 McNeil Dr.)	I-RR to GR	1/17/17: Approved staff's recommendation of GR-CO zoning, with CO to prohibit with additional conditions to prohibit Automotive Rentals Automotive Repair Services Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Commercial Off-Street Parking, Drop Off Recycling Facility, Exterminating Services, Funeral Services, Pawn Shop Services Research Services, Service Station, with additional	1/26/17 : Approved Zoning and Platting Commission's recommendation of GR-CO zoning, with conditions, on 1 st reading on consent (11-0); D. Garza-1 st , P. Renteria-2 nd . The following additional conditions are added to the ordinance: Part 2: The Property with the boundaries of the conditional overlay combining district established by the ordinance is subject to the following conditions:

		<p>conditions to prohibit Hospital Services, Alternative Financial Services, and Drive-In Services uses and to include a public restrictive covenant to require the installation of sidewalks and sidewalk improvements (8-2, J. Kiolbassa, B. Greenberg-No; D. Breithaupt-absent); S. Harris-1st, B. Evans-2nd.</p>	<p>The following uses are prohibited uses for the Property:</p> <ul style="list-style-type: none">A. Restaurants (general).B. Liquor sales as an accessory use to commercial uses is prohibited. <p>In addition, the motion included the approval of the new restrictive covenant to prohibit vehicular traffic associated with non-residential use on property to Blackfoot Trail.</p> <p>A substitute motion was made by Council Member Pool to approve the ordinance for neighborhood commercial –mixed use (LR-MU) combining district zoning with a conditional overlay to prohibit Restaurant (general) use, and liquor sales use as an accessory use to commercial use. The substitute motion failed on Council Member Pool’s motion, Mayor Pro Tem Tovo’s second on a 3-8 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Flannigan, Garza, Houston, Kitchen, Renteria, and Troxclair.</p> <p>A motion to approve the provision with vehicular traffic to be included in the conditional overlay rather than the restrict covenant failed on Mayor Pro Tem Tovo’s motion, Council Member Pool’s second on a 3-8 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Flannigan, Garza, Houston, Kitchen, Renteria, and Troxclair.</p> <p>Ordinance No. 20171214-102 was approved for community commercial-mixed use combining (GR-MU) district zoning with the additional conditions listed above on Council Member Flannigan’s</p>
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			motion, Council Member Houston's second on an 11-0 vote.
C14-2015-0136 (6914 McNeil Dr.)	I-RR to GR	<p>11/17/15: Postponed at the applicant's request to December 15, 2015 (10-0); A. Denkler-2nd, B. Evans-2nd.</p> <p>12/15/16: Postponed at the applicant's request to January 5, 2016 (7-0, D. Breithaupt, Y. Flores, S. Harris-absent); B. Evans-1st, S. Lavani-2nd.</p> <p>01/05/16: Postponed at the applicant's request to January 19, 2016 (8-0, S. Lavani-absent, J. Goodman-arrived late); T. Webber-1st, A. Denkler-2nd.</p> <p>01/19/16: Postponed at the applicant's request to February 2, 2016 (10-0); T. Webber-1st, S. Lavani-2nd.</p> <p>02/02/16: Approved applicant's request for an indefinite postponement (10-0); J. Goodman-1st, J. Kiolbassa-2nd.</p> <p>Case expired on July 31, 2016 in accordance with LDC Section 25-2-246(A)(2).</p>	<p>12/10/15: Postponed to February 11, 2016 at the staff's request (10-0, S. Adler-absent)</p> <p>02/11/16: Postponed indefinitely at the request of the applicant (11-0); L. Pool-1st, D. Zimmerman-2nd.</p>
C14-2012-0099 (Myers Zoning Change: 6810 McNeil Drive)	I-SF-2 to €S GR	<p>11/06/12: Approved GR-CO zoning (6-0, G. Rojas-absent); P. Seeger-1st, J. Meeker-2nd, with the following conditions 1) Limit the development intensity for the site to less than 2,000 vehicle trips per day, 2) Prohibit the following uses as offered by the applicant: Automotive Repair Services, Automotive Washing (of any kind), Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Food Sales, Funeral Services, Hotel/Motel, Indoor Entertainment, Indoor Sports and Recreation, Off-Site Accessory Parking, Outdoor Entertainment,</p>	<p>11/08/12: Approved GR-CO zoning on consent on 1st reading (6-0, S. Cole-off dais); L. Morrison-1st, M. Martinez-2nd.</p> <p>12/13/12: Approved GR-CO zoning on consent on 2nd/3rd readings (7-0), L. Morrison-1st, B. Spelman-2nd.</p>

		Outdoor Sports and Recreation, Plant Nursery, Theater, Custom Manufacturing, College and University Facilities, Communication Service Facilities, Community Recreation (Private & Public), Counseling Services, Guidance Services, Hospital Services (General), Hospital Services (Limited), Local Utility Services, Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Residential Treatment, Safety Services; 3)Add Automotive Sales and Service Station as prohibited uses. 4) Prohibit/restrict hours of operation between 12:00 a.m. and 6:00 a.m.	
C14-2008-0098 (12205 Pecan Street)	SF-3 to LI	7/01/08: Approved staff's rec. of LI-CO zoning, with added condition to prohibit Adult Oriented Businesses, by consent (6-0, J. Martinez, K. Jackson-absent) T. Rabago-1 st , J. Shieh-2 nd .	8/07/08: Approved LI-CO district zoning, with the following conditions: 2,000 vtpdl, prohibit Adult Oriented Businesses and 35-feet of right-of-way should be dedicated from the centerline of Pecan Street through a street deed, by consent (7-0); B. McCracken-1 st , S. Cole-2 nd .
C14-2008-0095 (Jekel Rezoning: 12214 Jekel Circle)	SF-3 to LI	7/01/08: Approved staff's recommendation of LI-CO zoning, with added condition to prohibit Adult Oriented Businesses, by consent (6-0, J. Martinez, K. Jackson-absent) T. Rabago-1 st , J. Shieh-2 nd .	8/07/08: Approved LI-CO district zoning, with the following conditions: 2,000 vtpdl, prohibit Adult Oriented Businesses and 35-feet of right-of-way should be dedicated from the centerline of Jekel Circle through a street deed, by consent (7-0); B. McCracken-1 st , S. Cole-2 nd .
C14-2008-0069 (IABA Phase-1: 12460 Los Indios Trail)	I-RR to MF-3	6/17/08: Approved SF-6-CO district zoning with conditions of: Restricting to no duplexes, multi-family, town homes or condominiums; Maximum of 30 units; 25' undisturbed vegetative setback and a 50' building setback from the northern property line; 300 vehicle trips per day; Commissioner Keith	7/24/08: Approved the ZAP Commission's rec. of SF-6-CO zoning, with restrictions as follows: no attached single family dwellings and 35' height limitation with exceptions allowed under the Code up to 40'. The parking will be agreed upon by involved parties.

		Jackson's motion, Commissioner Joseph Martinez second the motion on a vote of 8-0; with 1 vacancy on this commission.	(7-0); Council Member Cole-1 st , Council Member Martinez-2 nd ; 1 st reading 7/23/09: Approved SF-6-CO zoning on consent on 2 nd /3 rd readings (7-0); Morrison-1 st , Martinez-2 nd .
C14-03-0107 (Los Indios Lift Station: 12507 Oro Valley Trail)	SF-4A to P	8/26/03: Approved staff's recommendation of 'P' zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	9/25/03: Granted 'P' (7-0); all 3 readings
C14-03-0074 (Gateway Community Church: 7014 McNeil Drive)	SF-6-CO to GO	6/3/03: Approved GO-CO zoning, with the following conditions: 1) Limit the development intensity on the site to less than 2,000 vehicle trips per day. 2) Allow GO, General Office district, zoning height (60 feet) and impervious cover (80%) standards. Limit all other site development regulations to LO, Limited Office district, zoning standards. 3) Permit LO district uses (prohibit the following GO district uses): Business or Trade School, Business Support Services, College and University Facilities, Congregate Living, Hospital Services (General), Hospital Services (Limited), Private Secondary Education Facilities, Off-Site Accessory Parking, Personal Services, Restaurant (Limited); 4) Provide a 25-foot setback (buffer zone) from the North property line for the area that is zoned SF-1. 5) Provide a 25-foot setback from the East property line for the area that is zoned SF-1 and the lot zoned SF-2.	7/17/03: Granted GO-CO; prohibiting vehicle access to Lobelia Dr. (7-0); all 3 readings
C14-03-0059 (McNeil Deal: 6917 McNeil Drive)	SF-3 to CS	5/6/03: Approved staff's rec. of CS-CO zoning with condition to prohibit the following uses: <ul style="list-style-type: none"> Drop-off Recycling Collection Facility 	6/5/03: Approved CS-CO (7-0); all 3 readings

		<ul style="list-style-type: none"> Scrap and Salvage Convenience Storage Pawnshop Services (8-0, K. Jackson-absent)	
C14-00-2218 (6514 McNeil Drive)	I-RR to GO	2/13/01: Approved staff rec. of GO-CO by consent (9-0)	3/22/01: Approved GO-CO zoning, with the following conditions: 660 vehicle trip limit and 40 foot height limit (7-0); all 3 readings
C14-99-0095	SF-3 to CS	6/29/99: Approved staff's alternate rec. of CS-CO (8-0)	7/29/99: Approved PC rec. of CS-CO (6-0); all 3 readings

RELATED CASES:

C14-98-0146, C14-2017-0042 (Previous Zoning Cases)

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Cap Metro (within ¼ mile)
Blackfoot Trail	Level 1 / Neighborhood Collector	58 feet	60 feet	40 feet	None	None	No

OTHER STAFF COMMENTS:Comprehensive Planning

Project Name and Proposed Use: 12604 BLACKFOOT TRAIL. C14-2022-0142. Project: Birgani's Property. 0.34 acres from SF-1 to GR-MU. House to unidentified/unspecified mixed-use project. Oct 10, 2022

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: located 0.50 miles from the 183 and McNeil Neighborhood Center
	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane. (Only one bike lane along McNeil Drive but no public sidewalks)
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: Located within 0.50 miles from a public school or university.
	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
3	Total Number of "Yes's"

Environmental

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

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

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

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

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

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

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

Fire

No comments.

Parks and Recreation

Parkland dedication will be required for the new applicable uses proposed by this development, mixed-use with GR-MU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov.

At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

General

A site plan will be required for any new development other than single-family, two-family or duplex residential.

Any new development is subject to the design standards and multifamily density provisions in Subchapter E of the Land Development Code. 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.

Compatibility Standards

The site is subject to compatibility standards, due to adjacent RR and SF-1 zoning. The following standards apply:

- No structure may be built within 25 feet of the property line of any adjacent compatibility-triggering property.
- No parking or driveways are allowed within 25 feet of the property line of any adjacent compatibility-triggering property.
- No structure in excess of two stories and 30 feet in height may be constructed within 50 feet of the property line of the compatibility-triggering property.
- No structure in excess of three stories and 40 feet in height may be constructed within 100 feet of the property line of the compatibility-triggering property.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, the height is limited to 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.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, the height is limited to 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining compatibility-triggering property.
- Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Blackfoot Trail. It is recommended that 29 feet of right-of-way from the centerline should be dedicated according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Zoning transportation analysis shall be performed at zoning where anticipated trips are anticipated to exceed 2,000 unadjusted trips to satisfy the LDC requirement for a TIA but does not diminish the authority to require a traffic impact analysis at site plan. LDC 25-6, TCM 10.5.0

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. Transportation assessment/traffic impact analysis and transportation demand management plan shall be required at the time of site plan if triggered per LDC 25-6 and TCM 10.2.1.

A transportation assessment/traffic impact analysis shall be required at the time of site plan if triggered, when land uses and intensities will be known per LDC 25-6-113 and TCM 10.2.1.

A Neighborhood Traffic Analysis shall be required at the time of site plan, if triggered, when land uses and intensities will be known. if triggered per LDC 25-6-114.

Water Utility

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.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Information Provided by the Applicant
- D. Ordinance No. 20171214-102 and Public Restrictive Covenant for 12602 Blackfoot Trail
- E. Correspondence from Interested Parties

ANNEXED C7A-94-008
I-RR
SCHOOLC14-2020-0027.SH
MF-3MOBILE
C14-2019-0008
PARKC14-031-0063
NO-MU-CO

GR-CO

OFFICE
00-2219

CAR SALES

JENNINGS DR

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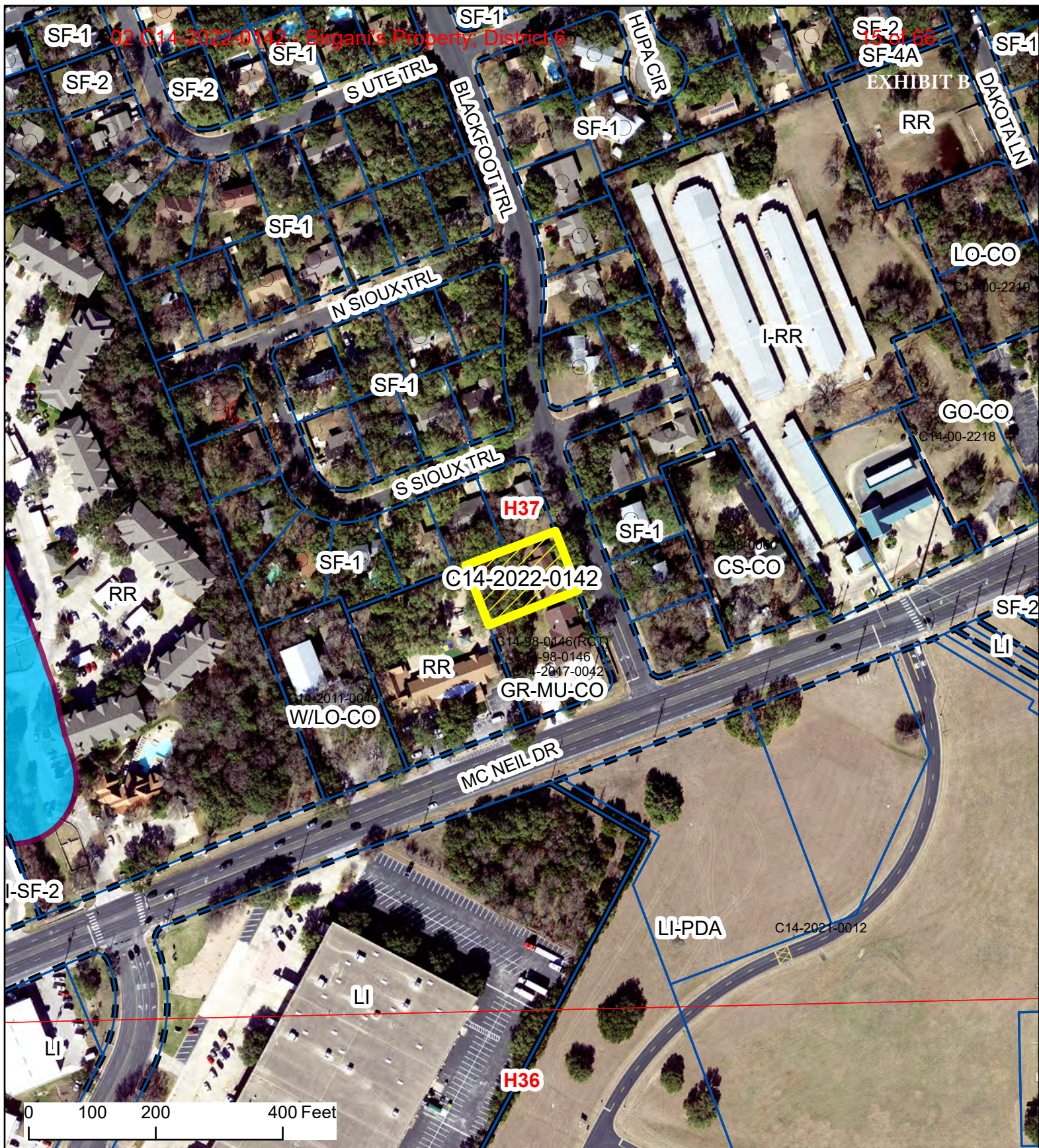
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Birgani's Property



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

ZONING CASE#: C14-2022-0142
 LOCATION: 12604 Blackfoot Trail
 SUBJECT AREA: 0.34 Acres
 GRID: H37
 MANAGER: Sherri Sirwaitis



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

Created: 10/26/2022

Rezoning Application of Birgani's Property

Case No.: C14-2022-0142
12604 Blackfoot Trail

LEGAL DESCRIPTION:
LOT 1 OF INDIAN OAKS 2 SUBDIVISION

➤ IT HAS ONLY 4
LOTS (LOT1,
LOT2, LOT3 &
LOT4)

- On April 21st, 1985, an Amendment on Restrictions on all Indian Oaks 2 Subdivision abrogated all prior deed restrictions limiting the property use to residential purposes and **allowed the properties within Indian Oaks 2 subdivision to “be used for any lawful purpose.**

AMENDMENT OF RETRICTION

ON April 21ST, 1985, the undersigned agree that the restrictions imposed upon the properties in the Indian Oaks 2 Subdivision were hereby amended and modified to provide that **the properties** were no longer restricted to use for residential purpose only and **MAY BE USED FOR ANY LAWFUL PURPOSE.**

AMENDMENT OF RESTRICTIONS Vol 1186 19 of 66

STATE OF TEXAS § 18833
COUNTY OF WILLIAMSON § KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed recorded in Volume 500, Page 496, of the Deed Records of Williamson County, Texas, a copy of which is attached hereto as Exhibit "A", RAYMOND FLOYD DAVIS and wife, ALINE DAVIS, and BEULAH DAVIS, as Grantors, did convey to ROSCOE E. MILLEGAN and wife, ANNIE MILLEGAN, as Grantees, those six (6) tracts of land situated in Williamson County, Texas, as are more fully described on Exhibit "A"; and

WHEREAS, BEULAH DAVIS is now deceased and DIANA EICHSTATDT, joined herein by her husband, DONALD L. EICHSTATDT, is her only heir; and

WHEREAS, ELAINE BARNES, wife of DALE BARNES, is now deceased; and

WHEREAS, RICHARD BOUTON and wife, DIANE BOUTON, CRAIG H. SHERPERT and wife, BARBARA SHERPERT, DALE BARNES and FRANK C. WOLCHICK, JR., are successors in title to portions of the hereinabove referenced property; and

WHEREAS, the above named MILLEGANS, BOUTONS, BARNES, SHERPERTS and WOLCHICK constitute all of the parties with any interest in and to the property described on Exhibit "A"; and

WHEREAS, the Deed attached as Exhibit "A" contains certain restrictions restricting the use of the property for residential purposes only, and the parties hereto now desire to amend said restrictions to permit any lawful use;

NOW THEREFORE, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned agree that the restrictions imposed upon the property are hereby amended and modified to provide that the property is no longer restricted to use for residential purposes only and may be used for any lawful purpose.

EXECUTED this 21st day of April, 1985.

<u>ROSCOE E. MILLEGAN</u>	<u>ANNIE MILLEGAN</u>
<u>DIANA EICHSTATDT</u>	<u>DONALD L. EICHSTATDT</u>
<u>RICHARD BOUTON</u>	<u>DIANE BOUTON</u>
<u>CRAIG H. SHERPERT</u>	<u>BARBARA J. SHERPERT</u>
<u>FRANK C. WOLCHICK, JR.</u>	<u>DALE BARNES</u>

STATE OF TEXAS §
COUNTY OF TEXAS §

This instrument was acknowledged before me on APRIL 21, 1985, by

- ❖ The property for rezoning is LOT 1 of Indian Oaks 2 Subdivision, it is on Blackfoot Trail street and less than 167 feet away from McNeil Drive.
- ❖ Please notice in the following slides not only are all the other lots of Indian Oaks 2 Subdivision commercial, furthermore within one mile from the property, there are also six streets on the west side of McNeil drive including:
 1. San Felipe Blvd,
 2. Los Indios Trail,
 3. Blackfoot Trail,
 4. Dakota Ln,
 5. Corpus Christi Drive &
 6. Parmer Ln.
- ❖ In each of the above streets and along McNeil Drive, there are many different types of community's commercial districts such as CS, CS-CO, GR, GR-CO, GR-MU-CO, LI, MF, and other types of commercial districts.

W/L-CO
LOT 4

LOT 3

LOT 2
GR-MU

LOT 1 THE
PROPERTY FOR
REZONING

INDIAN OAKS-2-
SUBDIVISION

McNeil Dr

BLACKFOOT TRAIL

© 2017 Google

Google Earth

McNeil Drive

CS-CO & GR-CO

MEDICAL
OFFICES

SAN FELIPE BLVED

GR-CO

7308 McNeil Dr.

MF MF

Along McNeil Drive

COMMERCIAL
PROPERTIES

MF MF MF
MF
MF

CS-CO

MF MF

7200 McNeil Dr

COMMERCIAL PROPERTIES

McNeil Drive

GR-CO

6914

McNeil Dr

CONSTRUCTION In
progress

MF

MF

MF

LOS INDIOS TRAIL

MF

MF

MF

Google Earth

Along McNeil Drive

MF

MF

MF

MF

MF

GR-CO

RESTAURAN

(GR)

MF

MF

MF
MF

02 C14-2022-0142 - Birgani's Property; District 6

28 of 66

LOT4
W/L-CO

LOT3

THE
PROPERTY
LOT 2
GR-MU

BLACKFOOT TRIAL

GATE

STORAGE

CS-CO

CAR
WASH

MEDICAL
OFFICE

DAKOTA LN

GR-CO

McNeil Drive

Mcneil drive

GR
LI
MF

GR
RECENTLY, OVER 100
ACERS HAVE BEEN
REZONED GR & MF.

GR
LI
MF

RESIDENTIAL

© 2017 Google

Google Earth

McNeil Drive

BLACKFOOT TRAIL

GATE

CS-CO

6514 McNeil DR

STORAGE

CAR WASH

McNeil Drive

MEDICAL OFFICES

DAKOTA LN

GR-CO

MAJOR 4 STORIES COMMERCIAL
BUILDING. CURRENTLY
CONSTRUCTION IS IN PROGRESS

GAS
STATION
(GR)

6750

GR-CO

CORPUS CHRISTI Dr

McNeil Drive

MF

MF

MF

MF



02-014-2022-0142 - Birgani's Property, District 6

30 of 66

Saam Thai
Thai • \$\$

Whataburger



Starbucks



Green Herbal Care
CBD & Delta-8 THC



Schlotzsky's
Sandwich • \$



Shell



Wells Fargo Bank



W Parmer Ln & McNeil Dr, Austin, TX 787
3 min drive - home

Marble Falls Cove

McNeil Dr

Google

W Parmer Ln

W Parmer Ln

734

W Parmer Ln

➤ PLEASE NOTE, MY APPLICATION FOR REZONING GR-MU IS CONSISTENT & COMPATIBLE WITH OTHER PROPERTIES WITHIN A MILE ALONG OF McNeil DRIVE & THOSE STREETS.

➤ THANK YOU FOR THE OPPORTUNITY

MF GR LI

INDIAN OAKS-2-
SUBDIVISION

McNeil Dr

MF GR LI

W/L-CO
LOT 4 CO

LOT 3

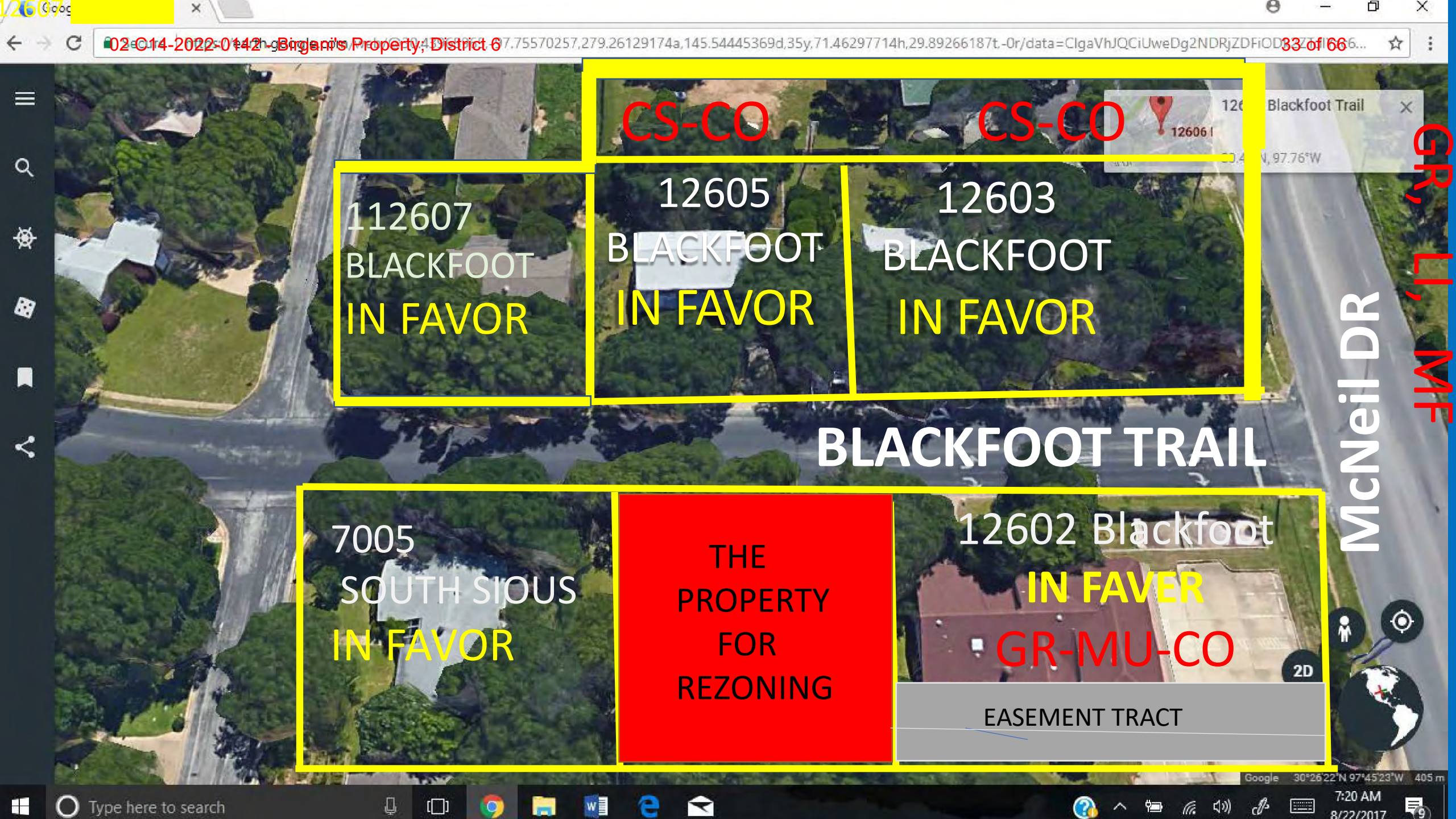
EASEMENT TRACT

LOT 2 12602
GR-MU

PROPERTY
FOR
REZONING

BLACKFOOT TRAIL

Google Earth



CS-CO

CS-CO

112607
BLACKFOOT
IN FAVOR

12605
BLACKFOOT
IN FAVOR

12603
BLACKFOOT
IN FAVOR

BLACKFOOT TRAIL

7005
SOUTH SIOUS
IN FAVOR

THE
PROPERTY
FOR
REZONING

12602 Blackfoot
IN FAVOR
GR-MU-CO

EASEMENT TRACT

McNeil DR

GR, LI, MF

02 C14-2022-0142 - Birgani's Property; District 6

EASEMENT TRACT

THE
PROPERTY
FOR
REZONING

MCNEIL DRIVE

LOT 2
GR-MU-CO

12602 Blackfoot Trail
12602 Blackfoot Trail

166 FEET

BLACKFOOT TRAIL

© 2017 Google

Google Earth

Zoning Case # C14-2022-0142

ATTACHMENT-A

Kindly notice the following information in plat of **Indian Oaks 2 Subdivision**:

- I. The Indian Oaks 2 Subdivision was established during 1977.
- II. The Indian Oaks 2 Subdivision made of 4 lots (LOT 1, LOT2, LOT3 & LOT4)
- III. The LOT1 is the property for rezoning

INDIAN OAKS 2

See Appended Plat of Lots 2, 3 & 4
Cub. J. Slide 264

Scale: 1" = 100'
6 = 1.5' FND.
0 = 1.5' SET

TRAIL
MENEIL ROAD
LOCATION

STATE OF TEXAS:
COUNTY OF TRAVIS: Know All Men By These Presents:

That we, Roscoe C. Millegan and wife Annie Millegan owners of Lots 3 & 4 shown hereon by virtue of that deed recorded in Vol. 500, page 496, Williamson County Deed Records, and Patrick W. Casey Homes, Inc. owners of Lot 1 & 2 shown hereon by virtue of that deed recorded in Vol. 473, Page 576, Williamson County Deed Records, do hereby subdivide 3.34 acres out of the Wm. J. Baker Survey No. 10, in Williamson County, Texas, in accordance with this plat to be known as INDIAN OAKS 2, and do hereby dedicate to the public use the streets and easements as shown hereon.

WITNESS OUR HANDS, this the 6th day of July A.D. 1977.

Roscoe C. Millegan
Roscoe C. Millegan

Annie Millegan
Annie Millegan

PATRICK W. CASEY HOMES, INC., a corporation organized and existing under the laws of the State of Texas, with its home office located in Austin, Texas:

Patrick W. Casey
Patrick W. Casey, President

STATE OF TEXAS:
COUNTY OF TRAVIS:

Before me, the undersigned authority, on this day personally appeared Roscoe C. Millegan and wife Annie Millegan and Patrick W. Casey, President of Patrick W. Casey Homes, Inc., known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and considerations therein expressed, in the capacities therein stated, and as the acts and deeds of said corporation.

Given Under My Hand and Seal of Office, this the 6th day of July A.D. 1977.

Richard R. Little
Richard R. Little, Director of Planning

APPROVED FOR ACCEPTANCE AUGUST 9 A.D. 1977

ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY PLANNING COMMISSION OF AUSTIN, TEXAS, this the 9th day of AUGUST A.D. 1977.

Miguel A. Guerrero Chairman
Don E. Johnston Secretary

FIELD NOTES Describing 3.34 acres of land out of the Wm. J. Baker Survey No. 10 in Williamson County, Texas:
BEGINNING at an iron stake at the southwest corner of the Roscoe C. Millegan tract described in Vol. 500, page 496, Williamson County Deed Records, also said beginning being in the southwest corner of said Baker Survey No. 10;
THENCE along the south line of said Baker Survey No. 10, N70°57'E 491.50 ft to iron stake for southeast corner;
THENCE N19°18'W 290.03 ft to iron stake at the southeast corner of Lot 8, Block 6, Indian Oaks, plat book 66, page 3, Travis County Plat Records, for corner;
THENCE S20°42'W 352.08 ft, N19°50'W 25.31 ft, and S70°42'W 139.09 ft to an iron stake at the southwest corner of Lot 4, Block B, of said Indian Oaks, for corner;
THENCE S19°27'E 156.6 ft and S19°07'E 156.61 ft to the place of BEGINNING, containing 3.34 acres.

I, James T. Watson, do hereby certify that the above Field Notes and Plat represent the results of an actual survey made on the ground under my supervision according to law, the iron stakes shown were properly placed in accordance with Austin City Code Chapter 23.27 of 1954.

June 20, 1977

James T. Watson
JAMES T. WATSON

This Subdivision has been approved by the Williamson County Health Department for 4 lots which will be served by septic tanks.

Date: June 22, 1977 Edw. J. Guide
Sanitarian

"In approving this plat by the Commissioners Court of Williamson County, Texas, it is understood that the building of all streets, roads, or other public thoroughfares, and any bridges or culverts necessary to be constructed or placed in such streets, roads, or other public thoroughfares as shown on this plat, or in connection therewith, shall be the responsibility of the owner and/or developer of the tract of land covered by this plat in accordance with the plans and specifications prescribed by the Commissioners Court of Williamson County, Texas, and said Commissioners Court assumes no obligation to build or maintain any of the streets, roads, or other public thoroughfares shown on this plat or of constructing any of the bridges or culverts in connection therewith. It is further understood that upon completion of the aforesaid obligations of the developer and 80% occupancy of the lots along the roadways and streets in the subdivision has been achieved, and all driveway drainpipes have been installed, on written permission from the County Commissioner, the Commissioners Court assumes full responsibility for maintenance of said streets, roads, and drainage facilities."

THE STATE OF TEXAS:
COUNTY OF WILLIAMSON:

I, C. L. Chance, County Judge of Williamson County, Texas, do hereby certify that this map or plat with its field notes attached hereon, and the surveyors certificate appearing hereon, that "INDIAN OAKS 2" having been duly presented to the Commissioners Court of Williamson County, Texas, and by the said Court duly considered, was on this day approved and said plat is authorized to be registered and recorded in the proper records of the County Clerk of Williamson County, Texas.

Date: September 14, 1977 C. L. Chance
C. L. Chance, Judge, Williamson County, Texas

STATE OF TEXAS:
COUNTY OF WILLIAMSON:

I, Dick Carvenka, Clerk of the County Court, within and for the County and State aforesaid, do hereby certify that the foregoing instrument of writing, with its certificate of authentication, was filed for record in my office on the 19th day of August A.D. 1977, at 5:00 o'clock P., and duly recorded on the 19th day of August 1977.

Witness My Hand and Seal of the Court of said County, at office in Georgetown, Texas, the date last written above.

Dick Carvenka, Clerk County Court, Williamson County, Texas

By: Debra Baker Deputy

The lots in this subdivision are hereby restricted against occupancy until connection is made to a septic tank system approved by Williamson County Health Dept or to a public sewer system.

APPROVED
JUN 21 1977
RECEIVED
JUN 21 1977

C8 2-77-144

Plat submitted c. April 3 87

3267

4300 Street P. W.

JUL 13 1977

ZACK CARMONA
COUNTY CLERK
WILLIAMSON COUNTY
GEORGETOWN, TEXASCERTIFIED TO BE A TRUE AND
CORRECT COPYNANCY E. RISTER, County Clerk
Williamson County

Page 1 of 1

2

ATTACHMENT-B

**Kindly notice the following information in
AMENDMENT OF RESTRICTIONS #18833 on the
property and my legal right:**

- I. **On April 29, 1985**, Amendment of Restrictions #18833 on all 4 lots of Indian Oaks 2 Subdivision.
- II. Please notice in the last paragraph in first page of the Amendment of Restrictions #18833: clearly is written **“The undersigned agree that restrictions imposed upon the property are hereby amended and modified to provide that the property is no longer restricted to use for residential purpose only and may be used for any lawful purpose.”**
- III. **On December 31st, 1997**, the property was annexed by the city of Austin.

Vol 1186 Page 361

AMENDMENT OF RESTRICTIONS

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

18833

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed recorded in Volume 500, Page 496, of the Deed Records of Williamson County, Texas, a copy of which is attached hereto as Exhibit "A", RAYMOND FLOYD DAVIS and wife, ALINE DAVIS, and BEULAH DAVIS, as Grantors, did convey to ROSCOE E. MILLEGAN and wife, ANNIE MILLEGAN, as Grantees, those six (6) tracts of land situated in Williamson County, Texas, as are more fully described on Exhibit "A"; and

WHEREAS, BEULAH DAVIS is now deceased and DIANA EICHSTATDT, joined herein by her husband, DONALD L. EICHSTATDT, is her only heir; and

WHEREAS, ELAINE BARNES, wife of DALE BARNES, is now deceased; and

WHEREAS, RICHARD BOUTON and wife, DIANE BOUTON, CRAIG H. SHERPERT and wife, BARBARA SHERPERT, DALE BARNES and FRANK C. WOLCHICK, JR., are successors in title to portions of the hereinabove referenced property; and

WHEREAS, the above named MILLEGANS, BOUTONS, BARNES, SHERPERTS and WOLCHICK constitute all of the parties with any interest in and to the property described on Exhibit "A"; and

WHEREAS, the Deed attached as Exhibit "A" contains certain restrictions restricting the use of the property for residential purposes only, and the parties hereto now desire to amend said restrictions to permit any lawful use;

NOW THEREFORE, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned agree that the restrictions imposed upon the property are hereby amended and modified to provide that the property is no longer restricted to use for residential purposes only and may be used for any lawful purpose.

EXECUTED this 21 day of April, 1985.

ROScoe C. MILLEGAN

ANNIE MILLEGAN

DIANA EICHSTATDT

DONALD L. EICHSTATDT

RICHARD BOUTON

DIANE BOUTON

CRAIG H. SHERPERT

BARBARA J. SHERPERT

FRANK C. WOLCHICK, JR.

DALE BARNES

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on April 21, 1985, by Roscoe D. Millegan and wife, Annie Millegan.

NOTARY PUBLIC, State of Texas

(Printed or typed name of Notary)
My Commission Expires: 1-1-87

OFFICIAL RECORDS
WILLIAMSON COUNTY TEXAS

CERTIFIED TO BE A TRUE AND
CORRECT COPY

NANCY E. RISTER, County Clerk
Williamson County

Page 1 of 10



4

ATTACHMENT-C

Please notice the following information in attachment C:

- I. Currently **over regulation & extreme restriction of environmental and compatibility standards** on the property for rezoning.
- II. The maximum area land development for the property reduced to **54%** of total land.
- III. Floor area ratio (**FAR**) & building height of 30 to 40 feet restrictions.

which would permit liquor sales and remove the existing CO. The existing CO limits any building on the site being taller than 20 ft. in height; restricts pedestrian and vehicular access on Blackfoot Trail; and prohibits 17 uses on the site, including but not limited to: general retail; restaurants; congregate living; convenience store; and gas stations.

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

Imagine Austin

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

Environmental

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

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

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

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

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

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

Impervious Cover

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

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

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

Site Plan

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

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

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

Compatibility Standards

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

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

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

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site

Subject: Over Regulation, Extreme Restrictions and Floor Area Ration reduce the building size, building height, and impervious coverage on the proposed property for rezoning:

Please see the following factors that are affecting maximum developable intensity for the property located at 12604 Blackfoot Trail, Austin Texas 78729 with Rezoning Case # C14-2022-0142:

- 1. Environmental and Impervious Cover Restriction for this site:** The site is located over the **North Edwards Aquifer Recharge Zone**, the site (Lot 1 of Indian Oaks 2 Subdivision or Locally know as 12604 Blackfoot Trail Austin Texas 78729) is in **Rattan Creek Watershed** which is classified as suburban watershed by chapter 25-8 of City's Land Development. Although, the Maximum impervious cover allowed by the GR-MU zoning district would be 90%. However, because the Rattan Creek Watershed impervious cover is more restrictive than the zoning district' allowable impervious cover, the impervious cover is limited by the watershed regulations. Under current (Rattan Creek Watershed) regulation, development, or redevelopment on this site will be subject to the only **65%** impervious cover limits.

2. The site is subject to the following compatibilities development regulations along the North, West lines, and height of the building on the property. The following standards and possible more apply.
- a. No structure may be built within 25 feet of the property North and West lines.
 - b. No structure more than two stories or 30 feet in height may be constructed within 50 feet of property lines.
 - c. A landscape area at least 25 feet in width is required along the property north and west lines if the property is zoned LR, GO, GR, L, CS, CS1, and CH.
 - d. Kindly make note that these compatibility standards furthermore limits and reduces the size of this site community commercial district GR-MU to **54%** impervious cover limits.
 - i. The property size is **0.34 acres** x 0.54 = **0.2 acres or about 8,700 square feet**. That is the total land that will be developed for parking and building areas.
 - ii. **Kindly notice that property of this small size does not impact neighborhood traffic on the Blackfoot trail.**

3. Minimum Off-Street Parking Requirement VS Square Feet of **Floor Area Ratio (FAR)** for GR-MU
(Community commercial district furthermore limits and reduces the size of commercial GR-MU district building size.
- a. For every **275 square feet** of building floor area of the GR-MU district requires **one parking space**.
 - b. Roughly for 60'X60' or 3,600 square feet, it only provides 12 parking spaces.
 - c. I am hoping to be approved for 4,600 SF parking spaces that include an access driveway for getting in/out of the property parking area and 3,600 SF of GR-MU community commercial building at ground floor. Possible two or three units of multifamily residential on the second floor.
4. The impervious cover for this site reduced to **54%** or about **0.2** acres (8,700 square feet). The site compatibility development regulations also affect **building height to 30 to 40** feet or maximum two or three stories. We are planning on **two stories building**.

ATTACHMENT-D

Please notice the following information in the attachment D:

- I. The City of Austin's Traffic Impact Analysis (**TIA**) on the property for rezoning has been done and approved by Sean Conway, Justin Good and Joan Minyard from Austin transportation department
- II. Per attached (TIA) and LDC 25-6-114, sec.25-6-114, this very small project does not need to collect traffic counts on the Blackfoot trail.
- III. To eliminate traffic impact on Blackfoot Trail for community commercial district of GR-MU's customers, I am proposing an **Easement Tract** (right of way) access through **Lot 2** Indian Oaks 2 Subdivision.
- IV. Only using access from Blackfoot Trial for multifamily (**MF**) residents on the property for rezoning.

stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

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

***On July 31, 2017, the Transportation reviewer, Katie Wettick, sent the applicant a memo from the Austin Transportation Department which defers any ROW dedication to the time of site plan review (Please see Attachment D).**

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

****On July 5, 2017 the DSD Transportation review staff sent an e-mail stating that the comment regarding access to McNeil Drive can be deferred to time of site plan (Please see Attachment E).**

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

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

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

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

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

Existing Street Characteristics:

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

ZONING

CITY OF AUSTIN
TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION WORKSHEET

APPLICANT MUST FILL IN WORKSHEET PRIOR TO SUBMITTING FOR TIA DETERMINATION

PROJECT NAME: BIRGANI'S PROPERTYLOCATION: 12604 BLACKFOOT TRAIL AUSTIN TEXAS 78729APPLICANT: ABRAHAM BIRGANI *Abraham Birgani* TELEPHONE NO: (512) 998-2525APPLICATION STATUS: DEVELOPMENT ASSESSMENT ZONING: SITE PLAN:

EXISTING:

FOR OFFICE USE ONLY

TRACT NUMBER	TRACT ACRES	BLDG SQ.FT.	ZONING	LAND USE	L.T.E CODE	TRIP RATE	TRIPS PER DAY
1	0.34	2370	UNRESTRICTED	UNRESTRICTED			

PROPOSED

FOR OFFICE USE ONLY

TRACT NUMBER	TRACT ACRES	BLDG SQ.FT.	ZONING	LAND USE	L.T.E CODE	TRIP RATE	TRIPS PER DAY
1	0.34	UNDETERMINED	GR-MU	UNDETERMINED			
			2,490 SF retail		822	54.45	136
			two units residential		215	7.20	14

ABUTTING ROADWAYS

FOR OFFICE USE ONLY

STREET NAME	PROPOSED ACCESS?	PAVEMENT WIDTH	CLASSIFICATION
BLACKFOOT TRAIL	BLACKFOOT TRAIL		

FOR OFFICE USE ONLY

A traffic impact analysis is required. The consultant preparing the study must meet with a transportation planner to discuss the scope and requirements of the study before beginning the study.

X A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the Land Development Code.

The traffic impact analysis has been waived for the following reason: _____

A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a transportation planner for information.

REVIEWED BY: *Justin Good* Justin Good, P.E. (ATD) DATE: 10/3/2022

DISTRIBUTION: _____
FILE _____ CAP. METRO _____ TXDOT _____ TRANS. REV. _____ TRAVIS CO. _____ TRANS. DEPT. _____

TOTAL COPIES: _____

NOTE: A TIA determination must be made prior to submittal of any zoning or site plan application, therefore, this completed and reviewed form MUST ACCOMPANY any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA determination to be made.





INDIAN OAKS-2-SUBDIVISION

PROPERTY FOR REZONING

EASEMENT TRACT

LOT 2

GR-MU

W/L-CO

LOT 4

LOT 3

LI
GR
MF

GR

LI

MF

McNeil Dr

BLACKFOOT TRAIL

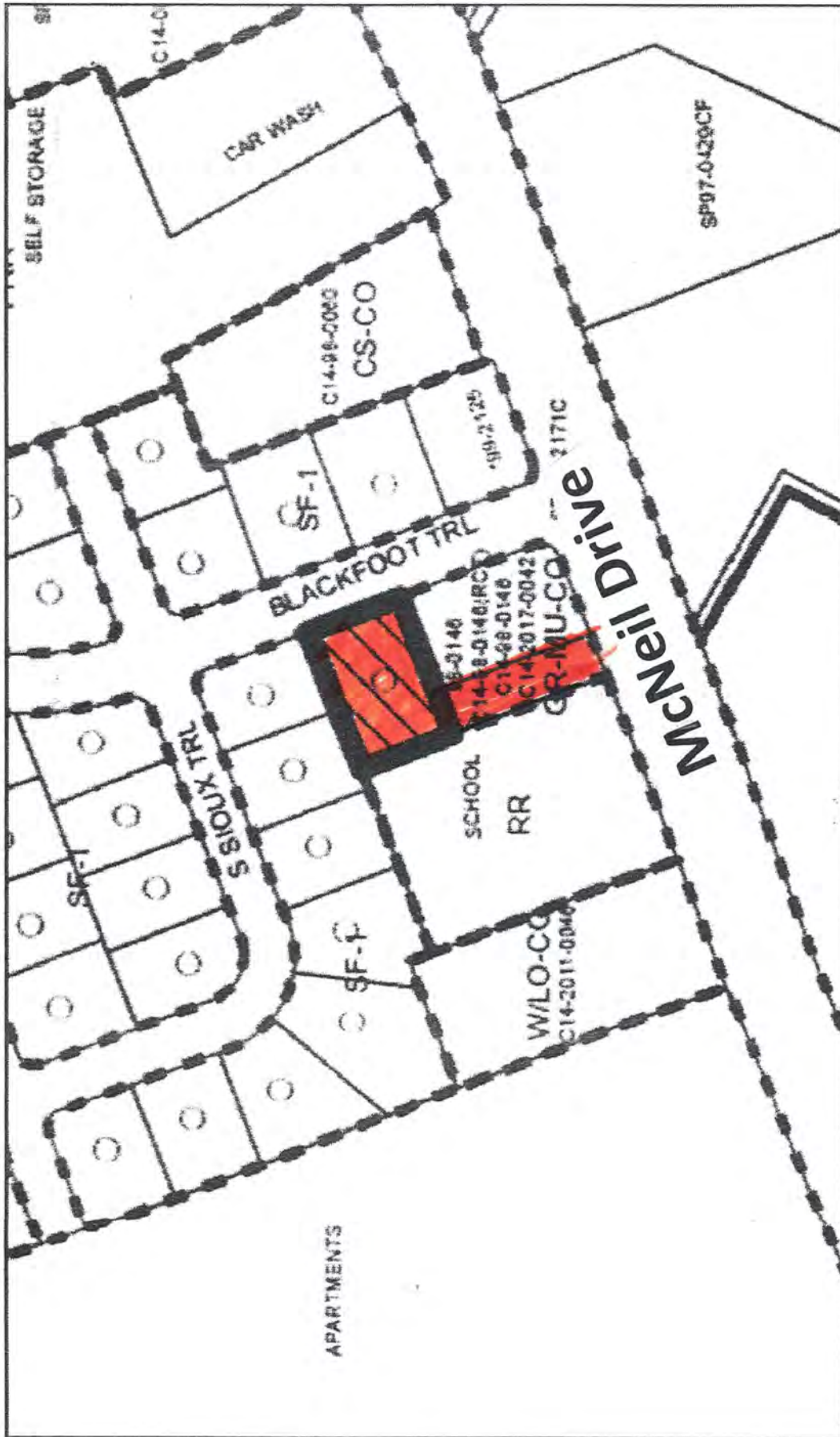
Google

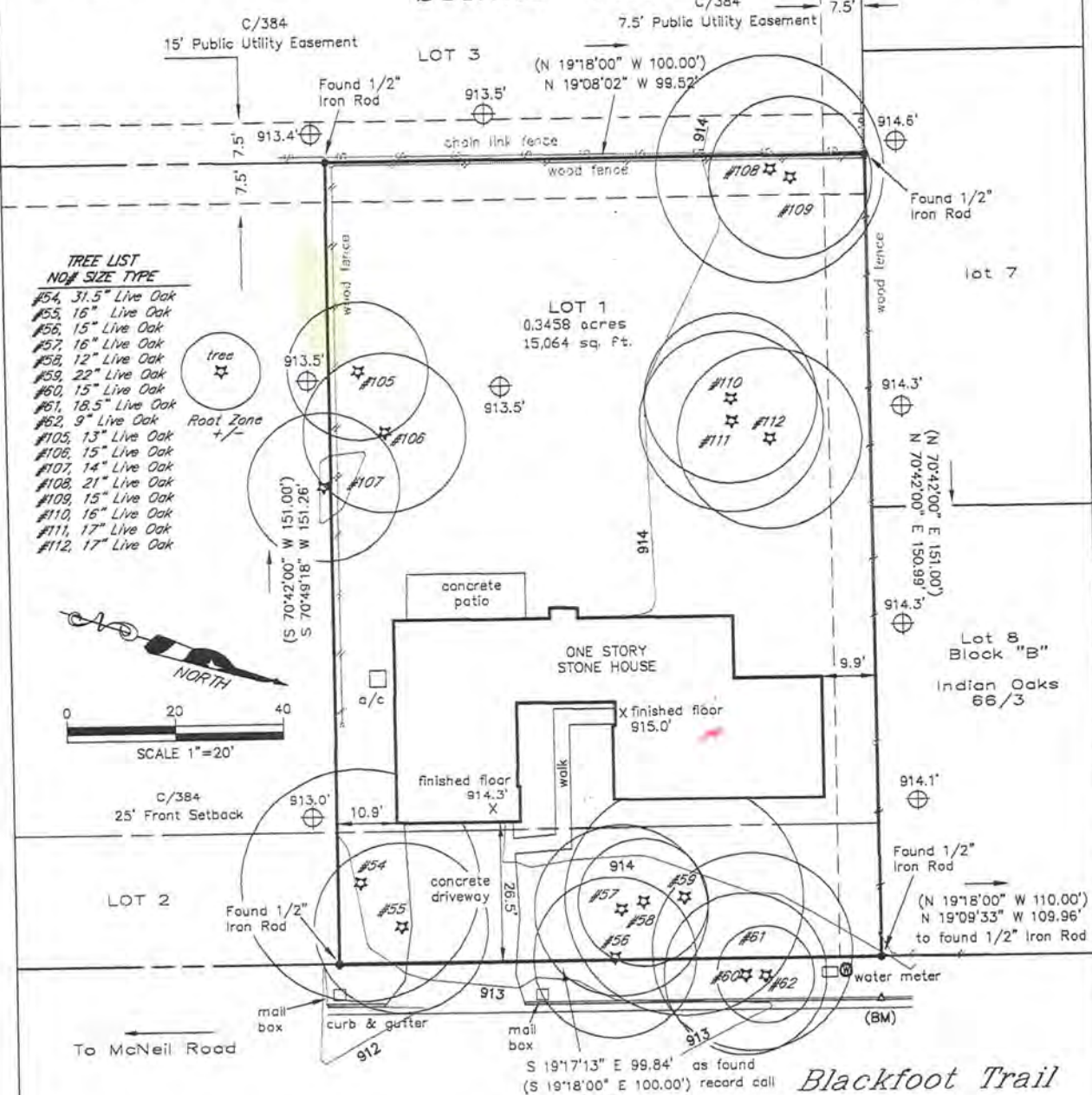
Google Earth



02 C-14-2022-0142 - Birgani's Property; District 6

50 of 66





THE UNDERSIGNED DOES HEREBY CERTIFY TO:
STEWART TITLE GUARANTY COMPANY AND
ABRAHAM BIRGANI AS PER TITLE COMMITMENT
HAVING A GENERAL FILE NUMBER 01247-25149,
WITH AN EFFECTIVE DATE OF MAY 22, 2014.
AS PER GF#01247-25149, LOT 1 IS SUBJECT TO:
ALL ITEMS, CONDITIONS AND STIPULATIONS AS
SET OUT IN THE ABOVE REFERENCED TITLE
COMMITMENT.

(BM)
BENCH MARK
SET "A" ON CURB
ELEVATION 913.7'

NOTE:
THE ELEVATIONS SHOWN HEREON ARE
NAVD88, BASED ON LOCAL NETWORK
GPS OBSERVATION.

NOTE:
THE TREE CIRCLES SHOWN HEREON
HAVE ONE (1) FOOT RADIUS DRAWN
FOR EVERY ONE (1) INCH OF
MEASURED TRUNK DIAMETER AS
MEASURED 4.5' FROM GROUND UP.
MULTI-TRUNK TREES ARE DISPLAYED
USING THE FOLLOWING FORMULA:
SUM OF THE LARGEST TRUNK + 1/2
OF THE SUM OF SMALLER TRUNKS.

State of Texas:
County of Williamson:

The undersigned does hereby certify that this survey was this day made on the
property legally described hereon and is correct, and this survey substantially
complies with the current Texas Society of Professional Surveyors Standards and
Specifications for a Category 1B.3.6 Condition II Survey, IS NOT
And I certify that the property shown hereon within a special
flood hazard area as identified by the Federal Insurance Adm. Department of HUD
flood hazard boundary map revised as per Map Number: 48-91C0610F

Zone: X Dated: 12/20/2019
Dated this the 26TH day of OCTOBER, 2022.



Thomas P. Dixon R.P.L.S. 4324



ORDINANCE NO. 20171214-102

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 6610 MCNEIL DRIVE AND 12602 BLACKFOOT TRAIL FROM SINGLE-FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT AND NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-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 and neighborhood commercial-conditional overlay (LR-CO) combining district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No. C14-2017-0042, on file at the Planning and Zoning Department, as follows:

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

locally known as 6610 McNeil Drive and 12602 Blackfoot Trail in the City of Austin, Williamson 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 following uses are prohibited uses for the Property:

Restaurant (general)

B. Liquor sales as an accessory use to commercial uses is prohibited.

PART 3. 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) district and other applicable requirements of the City Code.

PART 4. This ordinance takes effect on December 25, 2017.


PASSED AND APPROVED

December 14, 2017

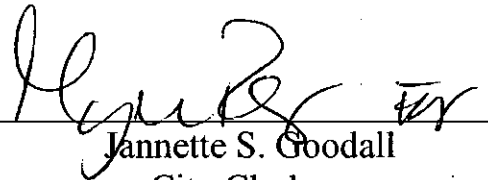
§
§
§


Steve Adler
Mayor

APPROVED:


Anne L. Morgan
City Attorney

ATTEST:


Jannette S. Goodall
City Clerk



DEC 12 2017

Zoning Case No. C14-2017-0042

Planning & Zoning Department

RESTRICTIVE COVENANT

OWNER: Abraham Birgani

OWNER ADDRESS: 12604 Blackfoot Trail, Austin, Texas 78729

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

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

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

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

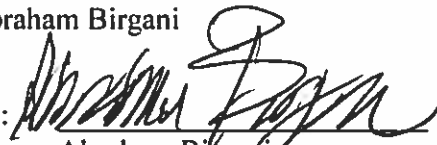
1. Vehicular traffic associated with non-residential use of the Property to or from Blackfoot Trail is prohibited except for pedestrian, bicycle, and emergency ingress and egress. Access to the Property for all vehicular traffic associated with a non-residential use shall be from other adjacent public streets or through other adjacent property.
2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the Owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 12th day of December, 2017.

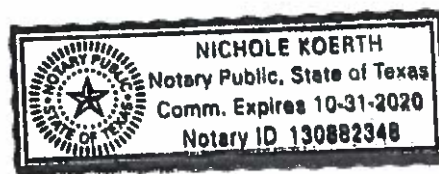
OWNER:

Abraham Birgani

By: 
Abraham Birgani

THE STATE OF TEXAS §

COUNTY OF Travis §



This instrument was acknowledged before me on this the 12th day of December, 2017, by Abraham Birgani.

Nichole Koerth
Notary Public, State of Texas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

PUBLIC HEARING INFORMATION

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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.

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Case Number: C14-2022-0142

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: January 17, 2023, Zoning and Platting Commission

Glen McGuire

Your Name (please print)

☐ I am in favor
☒ I object

12609 Blackfoot Tr-1, Austin, TX 78721

Your address(es) affected by this application (optional)

[Signature]

Signature

12-28-22

Date

Daytime Telephone (Optional): 512 750 5046

Comments: I object to changing a single residential lot in the middle of a neighborhood to a commercial business. Access to commercial businesses in our neighborhood has always (and should remain) limited to McNeil road, not Blackfoot Trail. This would set a terrible precedent that any single residential lot could be ~~converted~~ converted to a pawn shop or vape shop or payday lender in the middle of a family neighborhood. I have also attached my previously emailed
Comments.

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

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov

From: glen.e.mcguire
Sent: Wednesday, October 26, 2022 7:21 AM
To: Sherri.Sirwaitis@austintexas.gov
Cc: 'F Vandygriff' <fvandygriff@hotmail.com>
Subject: RE: ITIO: Case Number C14-2022-0142 - Birgani Notice of Application for Rezoning

Good morning Ms. Sirwaitis,

Thank you for allowing us to submit comments regarding Mr. Birgani's request for rezoning. I live about 150' from Mr. Birgani's property so I have a significant interest in his desire to change the zoning for his property from single family residential to the GR-MU commercial designation. My immediate concern is that Mr. Birgani has made no effort to reach out to his neighbors and give us any idea of the type of commercial business he would like to convert his residential property into. Based on the GR-MU designation, he could open a pawn, shop, an auto repair facility, a convenience store, or another type of business that does not belong between houses in a neighborhood and would cause a significant increase in traffic on a residential street.

Regardless of the type of commercial business Mr. Birgani has in mind, here are my specific concerns should his request be approved:

1. Increase in traffic on Blackfoot Trail which is a residential street with many kids.
2. Increase in traffic at the intersection of Blackfoot Trl and McNeil Road which is already a dangerous intersection with frequent collisions.
3. Potential for the establishment of a business that is not neighborhood friendly in the middle of a neighborhood - much like the vape shop Mr. Birgani operates on McNeil and Blackfoot at the entrance to our neighborhood.
4. Negative impact on our neighborhood property values due to increased traffic.
5. Negative impact on our neighborhood property values due to the type of business established.
6. Negative impact on our neighborhood property values because a commercial business does not belong in the middle of a residential neighborhood - uniform look/characteristics of properties maximizes surrounding property values where unusual properties reduce the value of surrounding properties.

Perhaps my most significant concern is the negative impact on the quality of life in our neighborhood. This is a family neighborhood with lots of kids of all ages. It's bad enough that Mr. Birgani has brought a vape shop to the cusp of our neighborhood, literally within walking distance of many teens. If he is able to change the zoning for his own residence to a commercial designation with few restrictions, I fear for what our neighborhood will become. I fear the precedent it will set for the rest of the neighborhood. If his request is approved, how many more homes around us will be allowed to be converted into vape shops or pawn shops?

Thank you again for the opportunity to submit these comments. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Glen McGuire

From: [Cynthia Wright](#)
To: [Sirwaitis, Sherri](#)
Subject: Case #: C14-2022-0142 public hearing 01/17/2023 , Zoning and Platting Commission
Date: Sunday, January 8, 2023 6:54:36 PM

You don't often get email from cynthiaw0101@yahoo.com. [Learn why this is important](#)

*** External Email - Exercise Caution ***

I Cynthia Wright owner of my home withing 500ft of preposed rezoning Case # C14-2022-0142
I object to this rezoning. The rezone will change the character of Indian Oaks neighborhood.
It will lead to more traffic at the main entrance to Indian Oaks neighborhood at Blackfoot and McNeil.
Traffic is often backed up trying to get on McNeil from Blackfoot. This will cause safety issues to all
residence who use this entrance into Indian Oaks neighborhood. It will likely cause reduction in property
value. I believe there is an Aquifer below this land area. Thank you for your concern on this issue.

Cynthia Wright
512-680-9928
7106 N. Sioux Trl., Austin, Tx 78729

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

From: [scottfehr](#)
To: [Sirwaitis, Sherri](#)
Cc: [fvandygriff](#) [Bob King](#); [glen.e.mcquire](#); "[Jay Clendenin](#)"; [trenholm](#)
Subject: ITIO: Case Number C14-2022-0142 - Notice of Application for Rezoning
Date: Tuesday, November 22, 2022 8:27:16 AM

You don't often get email from scottfehr@austin.rr.com. [Learn why this is important](#)

*** External Email - Exercise Caution ***

Hello Ms. Sirwaitis,

Thank you for the opportunity to submit comments regarding property owner's request for rezoning.

I have lived at 7005 S Sioux Trl for 29.5 years and share a 91 ft property boundary with 12604 Blackfoot Trl, such that the proposed zoning change from SF-1 residential to GR-MU commercial would negatively affect my quality of life and property value.

These are some of my concerns, which are generally shared with my immediate neighbors:

1. **GR-MU** is not compatible/non-conforming and inconsistent with the current **SF-1** zoning in the surrounding area
2. **GR-MU** zoning allows inappropriate, far less restrictive, site development standards than the current **SF-1** zoning, ***“permitting any combination of office, retail, commercial, and residential uses within a single development.”*** This would also allow **60 ft** max height.
3. Proposed **GR-MU** zoning would significantly increase traffic on Blackfoot Trail – a busy residential street in close proximity to an already dangerous intersection at McNeil Rd
4. A rezoning of this nature will alter the essential character of our SF-1 neighborhood, which is all long-established single-family residential
5. Rezoning would have a negative impact on property values – GR’s broad allowance of uses includes alternative financial services such as pawn shops and payday lenders. Research shows a clear association between the presence of payday lenders and neighborhood crime. Additionally, this rezoning allows businesses such as automotive repair and bail bond shops – this would be directly located next to single family homes.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Scott Fehr
7005 S Sioux Trl

Austin TX 787529
512.413.4024

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

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Case Number: C14-2022-0142

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: January 17, 2023, Zoning and Platting Commission

Deborah Wheeler

Your Name (please print)

☐ I am in favor
☒ I object

7104 N. Sioux Trail, Austin 78729

Your address(es) affected by this application (optional)

Deborah L Wheeler

Signature

1-16-23

Date

Daytime Telephone (Optional): _____

Comments:

My plan is to attend hearing and
learn more of what Mr. Birgani wants
to do. In the past, some of his rezoning
attempts have not been in the best interest
of the neighborhood and property values.
There is also a sink hole across street
that is connected with Edwards Aquifer that
needs to be taken into consideration when
rezoning.

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

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov

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Case Number: C14-2022-0142

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: January 17, 2023, Zoning and Platting Commission

STEVEN B. DUBLIN

Your Name (please print)

☐ I am in favor
☒ I object

7000 S SHUTTLWORTH AVE, AUSTIN, TX 78729

Your address(es) affected by this application (optional)

S.B. DUBLIN

1-10-23

Signature

Date

Daytime Telephone (Optional):

Comments: THIS PROPOSED CHANGE TO COMMERCIAL ZONING IN THIS RESIDENTIAL NEIGHBORHOOD IS UNACCEPTABLE. THIS TYPE OF COMMERCIAL CREEP ID TO RESIDENTIAL USES IS DETRIMENTAL TO THE NEIGHBORHOOD. THIS SHOULD NOT BE ALLOWED. THE COMMERCIAL STORAGE FACILITY ADJACENT TO SIOUT IS ALREADY A NEGATIVE FACTOR.

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

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov

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Case Number: C14-2022-0142

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: February 7, 2023, Zoning and Platting Commission

Alton Judy
 Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application (optional)

A.L. Judy
 Signature

1/31/23
 Date

Daytime Telephone (Optional): _____

Comments: _____

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

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov