

Additional Backup Material	For More Information: Lynda Courtney, 974-2810; George Zapalac, 974-2725
(click to open)	Boards and Commission Action: Denied by Zoning and Platting Commission.
D <u>Site Plan Appeal</u> Review Sheet	Prior Council Action: On 01/11/07 Council postponed Item to 02/01/07.

The applicant is proposing to operate a kennel in a Rural Residential (RR) zoning district. A kennel is a conditional use in a RR zoning district and requires site plan approval by the Zoning and Platting Commission Staff recommended the approval of conditional use permit. The Zoning and Platting Commission heard the case and denied the request on October 17, 2006 (9-0). Michelle Snider, the property owner, is appealing the Commission's denial on the basis that some of the information presented by the neighborhood was incorrect or incomplete. The lot is 1 01 acres in size and is located in the Barton Creek watershed Overall existing impervious cover is 7,379 square feet, or 19 6% of the net site area. No change or addition to impervious cover is proposed. Existing parking will be utilized with new striping to meet the 2 required spaces The surrounding properties are zoned and used as single family. The proposed kennel will be located inside the existing 1,575 square foot residential structure. There will be exterior dog play yards which will be utilized periodically for exercise. The 2 play yards, each measuring approximately 80 feet X 40 feet, are accessed only from the residence and the fences are proposed to be located no closer than 70 feet to the adjacent residential property lines. The property is naturally terraced, with the residence and fenced play yards in the central level of the property. The adjacent residential property to the southwest is beyond a rock retaining wall, and is about 10 feet higher in elevation. The residential property to the northeast is also beyond a rock retaining wall, and is about 15 feet lower in elevation than the subject property. This property varies from 200 to 215 feet in width There is one driveway. It takes access to Travis Cook Road. There is a chainlink and wrought iron fence around the perimeter of the property.



City of Austin Watershed Protection and Development Review Department 505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

SITE PLAN APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Watershed Protection and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Planning Commission, or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. 5PC-06-6027A	DATE APPEAL FILED 10/31/2006
PROJECT NAME	YOUR NAME IIIC/ ile Sinder Citulieta ner
Shridy Cars Pet Kinnel	SIGNATURE Mullili Suille (Mari
PROJECT ADDRESS	YOUR ADDRESS SICKI TRIVIS CARK KU
Star Travis Cock Rol AUS411. 14	HUS417, TX 18735
APPLICANT'S NAME <u>('NGS/12 PG/11)-2</u>	YOUR PHONE NO. 612) 332-754 WORK
CITY CONTACT (Michiley	(56) <u>751-8325</u> HOME

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- I am the record property owner of the subject property
 - **u** I am the applicant or agent representing the applicant
 - □ I communicated my interest by speaking at the Planning Commission public hearing on (date)
 - □ I communicated my interest in writing to the Director or Planning Commission prior to the decision (attach copy of dated correspondence)

In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one)

- D' I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- I am the record owner of property within 500 feet of the subject site.
- I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

DECISION TO BE APPEALED*: (Check one)

- □ Administrative Disapproval/Interpretation of a Site Plan
- Replacement site plan
- Planning Commission Approval/Disapproval of a Site Plan

25.5 CID

- □ Waiver or Extension
- Planned Unit Development (PUD) Revision

Date of Decision: 10/17/2000

Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant. $\underline{10}$

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code.

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21	The noich	look was w	orrest or	incomplete		

(Attach additional page if necessary.)

Applicable Code Section:

October 31, 2006

City of Austin Watershed & Development Review Board Lynda Courtney Case Number SPC-06-0027A

Ms Courtney,

Please accept this letter as an appeal to the decision made on October 17, 2006, at the Zoning and Platting Commission hearing. The Commission voted against a conditional use permit for a land use only site plan for a pet care facility at 5604 Travis Cook Rd., Austin, TX 78735. I wish to appeal the decision.

Thank vo Malner

Charfie Palmer

2006 OCT 31 PH12:52:25

ZONING AND PLATTING COMMISSION SITE PLAN CONDITIONAL USE PERMIT REVIEW SHEET

CASE NUMBER:	SPC-06-0027A	ZAPC DATE. October 17, 2006
PROJECT NAME:	Shady Oaks Dog Kennel	
ADDRESS:	5604 Travis Cook Rd.	
AREA:	44,022 sq. ft.	
EXISTING ZONING:	RR (Rural Residential)	
PROPOSED USE:	The proposed project includes a kenne This use is conditional in RR zoning. only. No construction is proposed with	This request is for a land use change
APPLICANT:	Charlie Palmer & Bryan Thaye 5604 Travis Cook Rd. Austin, Texas 78746 (512) 382-7547	
AGENT:	Site Specifics (John Hussey) 700 N. Lamar Blvd, #2004 Austin, TX 78703 (512) 472-5252	

NEIGHBORHOOD ORGANIZATIONS:

298 – Oak Hill Association of Neighborhood 384 – Save Barton Creek Association 385 – Barton Creek Coalition 605 – City of Rollingwood 705 – OHAN 78735 706 – OHAN 78736 707 – OHAN 78737 708 – OHAN 78738 709 – OHAN 78739 710 – OHAN 78749 742 – Austin Independent School District 943 – Save Our Springs Alliance

 WATERSHED: Barton Creek (Barton Springs Zone)

 APPLICABLE WATERSHED ORDINANCE: Comprehensive Watershed Ordinance and Save

 Our Springs Ordinance

 CAPITOL VIEW:
 N/A

 T.I.A.:
 Not Required (Less than 2,000 trips per day)

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the conditional use permit.

CASE MANAGER: Lynda Courtney Telephone 974-2810 Lynda Courtney@ci.austin.tx.us

PROJECT INFORMATION: 1,575 5 sq. ft.	of single family residential.
ZONING: RR	
PROPOSED USE: Kennel	
MAX. BLDG. COVERAGE: 20%	PROPOSED BLDG. CVRG: 1,575.5 sf (4.9%)
MAX. IMPERV. CVRG.: 25%	PROPOSED IMP. CVRG: 7,379 sf (19.6%)
ALLOWED F.A.R.: .19:1	PROPOSED F.A.R.: 036:1
MAX HEIGHT ALLOWED 35'	PROPOSED HEIGHT:
REQUIRED PARKING: 2	PROVIDED PARKING: 2

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting approval of a Conditional Use Permit for a kennel in a RR zoning district. This use is conditional in RR. This building is an existing 1,575 s f. residence, and does not include any new development or additional impervious cover. The proposed kennel is on Travis Cook Rd and Sunset Ridge Dr. Staff recommends approval of the conditional use permit.

Transportation: A traffic impact analysis was not required. There is adequate parking to accommodate the use change.

Environmental: The site is located in the Barton Creek watershed, within the Barton Springs Zone.

SURROUNDING CONDITIONS:

Zoning/Landuse: RR, Residential North: RR East: RR & SF-3 South: RR West: RR

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states:

A. "The Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

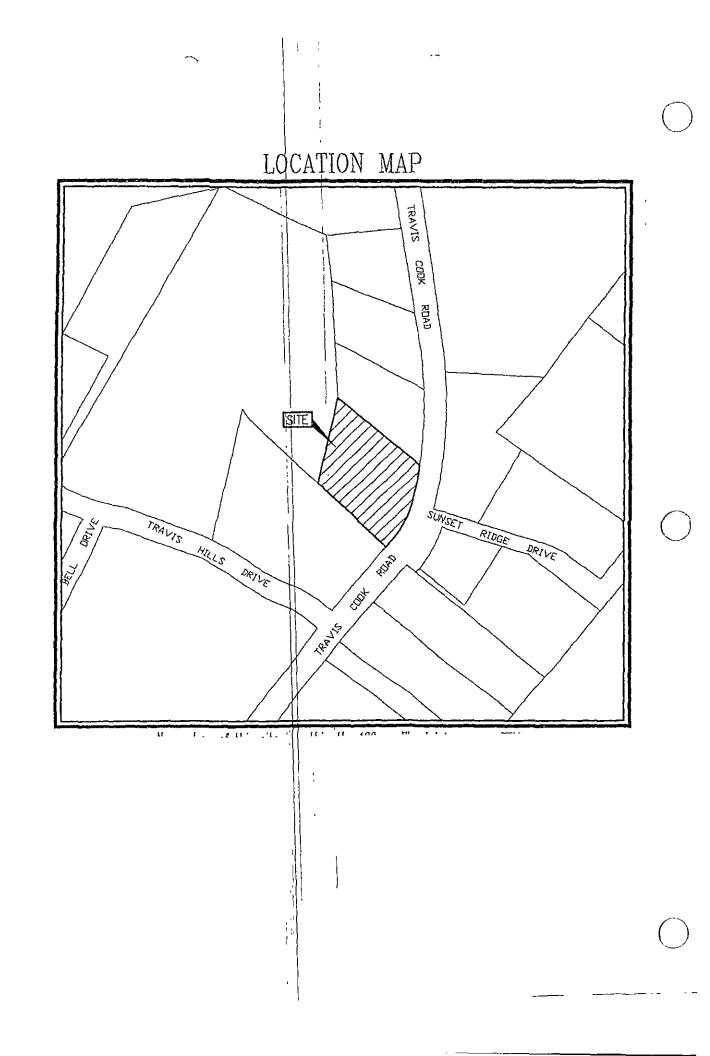
B. A conditional use site plan must:

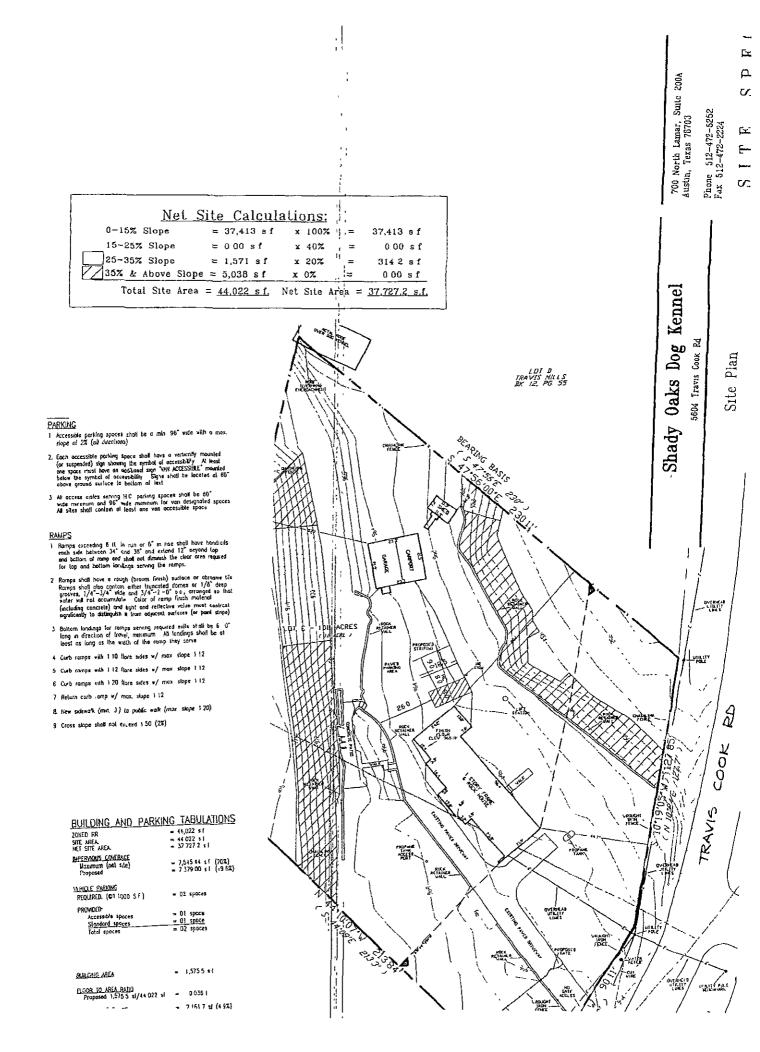
- 1. Comply with the requirements of this title; Staff response: This application complies with the requirements of this title.
- 2. Comply with the objectives and purposes of the zoning district; Staff response: This application complies with the objectives and purposes of the zoning district.
- 3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site; Staff response: This application is compatible with the abutting sites in all of these cases.
- 4. Provide adequate and convenient off-street parking and loading facilities; Staff response: Adequate parking and loading facilities have been provided.
- 5. Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects; Staff response: The proposed project does not contribute to any of these adverse effects.
- 6. For conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed. Staff response: The proposed project is not in the East Austin Overlay or an adopted neighborhood plan.

C. A Conditional Use Site Plan May Not:

- 1. More adversely affect an adjoining site than would a permitted use; Staff response: The site plan will conform with all regulations and standards established by the Land Development Code This proposed site plan does not more adversely affect an adjoining site than would a permitted use.
- 2. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; Staff response: Access is limited into the site, and surrounding vehicular circulation in the area of the project is not anticipated to have any detriment of safety or convenience.
- 3. Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs; Staff response. No signage or lighting is proposed that would affect adjacent properties or traffic control.

D. A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.





I am a neighbor of Shady Oaks Pet Resort, L.L.C. and support the use of the facility at 5604 Travis Cook Rd., Austin, TX 78735. Shady Oaks Pet Resort, L.L.C. provides boarding and day care services for pets. It am in favor for the conditional use permit and site plan for Shady Oaks Pet Resort, L.L.Q. \mathcal{O}

in favor

Signature Name Address auc OSONISET K add 612 Rb C 550 AI FMARK CLEMENS 5701 TRAVES COOK КD HEONSENT AS LONG AS OWNERS LIMING AT ADDIESS Иa 5 S Coor Rd M 1 1A. 78735 Ren \$7/24

	process, visit our web site www.cc.sustin.tx.us/dovdlopinent
P. O. Box 1088 Austin, TX 78767-8810	For additional information on the City of Austin's land development
City of Austin Watershod Protection and Development Review Department Lynda Courtney	A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.
If you use this form to comment, it may be returned to:	 Is an other of an environmental or neighborly decayinization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.
	 occupies a princip resuscies mut is within our text of the subject property is the record owner of property within 500 feet of the subject property or proposed development; or
	 approximately and speaking for the record of the public bearing. and,
	during the public heaving that generally identifies the issues of concern (it must be deduced to the conduct person listed on a multice), or
- Marse ar mark	 delivering a written statement to the board or commission helps or
Channacity 4	An interested party is defined as a perturn who is the applicant or record owner of the subject property, or who communicates as interest to a board
View (addression) utilities application 10-17-4	A board or commission solucion may be appealed by a person with standing to appeal, or an interested party that is identified as a person whit can appeal the devision. The methodolog is public beinning on an appeal will difference whether a person has vanding to appeal the devision.
Amy when prove	Contains a private acarting the matter of commission must posiphite of Containe an application of the brand of commissional approval of default of the application of the brand of communication autoomees a specific date and time for a positive or or contenuation that is not inter than 60 days from the approximation of further radice is required
Case Number: SPC-05-5027A Contact: Lynda Courney, (512) 974-2810 Public Hearlag:	d organizzation that has expressed an interest in an application renghburdents!
comments should include the bound or commissions's name, the scheduled date of the public hearing, still the Case Number and the contact person fisted on the noise	Although applicants and or then agent(s) are expected to attend a public hearing, you are on required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed of development or results.
Written controcted must be abuilled to the band of outratission for the control percention for the	PUBLIC HEARING INFORMATION

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From:

Sent: Monday, October 16, 2006 7:49 PM

То:

Cc:

Subject: Dog Kennel

Please,

do not approve a dog kennel near Travis Country West subdivision We were at the dog pound a month ago to adopt a homeless dog and the noise was loud 1 am a physican and love the peace and quiet of my home

10-2

THANK YOU FOR YOUR TIME IN THIS MATTER AS IT IS IMPORTANT TO OUR FAMILIES .

i

Roy Mullins

From: Sent. To: Cc: Subject:

Patrick R protection of the second se

Dear Brenda,

Please pass along my opposition to the proposed zoning change that would allow a dog kennel at 5604 Travis Cook Road. I just found out about the zoning meeting tomorrow evening and will try to attend.

To City of Austin Zoning & Planning Commission

Re Case Number SPC-06-0027A Shady Oaks Dog Kennel 5604 Travis Cood Rd Austin, TX 78735

I am writing to voice my opposition to the conditional use permit change request for the property at 5604 Travis Cook Rd., Austin, Texas 78735 which would allow the property to be used for a dog kennel.

I am opposed to this change for several reasons:

-The property is located in the middle of a residental neighborhood -The property is too small absorb the sound of barking dogs which will carry over to neighbors -The increased noise from barking dogs will detract from property values in the newly developed neighborhood of Travis Country West -The property is located on very narrow residential roads -Because roads are narrow and traffic is already congested, the additional commericial traffic would increase the already high cut through traffic into Travis Country West rom the property would drain into the aquifier in this environmentally sensitive area

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Lurge you to please deny this proposed change Sincerely, Patrick Russell Homeowner 8521 Cobblestone Austin, TX 78735 !

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From: Julie Yarbrough

Sent: Monday, October 16, 2006 9.19 PM

To: lynda courtney@ci austin.tx.us

Cc:

Subject: ref case#SPC-06-0027A, dog kennel

Dear Lynda,

I reside at 5809 Medicine Creek, in Travis Country West I understand that a nearby property owner is seeking a dog kennel approval from P & Z for their property at 5604 Travis Cook Road I want to make it clear that I am very opposed to this, oue to the large number of residents who would be negatively impacted by noises and disturbances during evening and daytime hours, not to mention the potential for unsanitary conditions in the Barton Creek Aquifer zone. It is too close to our neighborhood, and I personally find this request to be totally out of line. I know there is another dog kennel located off Old Bee Caves at Hwy 71, which has acreage surrounding it no residential development nearby. By the way, I can hear his dogs barking at night from 2 miles away, and this proposed kennel would be right next to our homes, a total violation of any "normal" zoning considerations.

10-4

Ours is a different scenario allogether-being so close to a recently built large neighborhood of over 200 homes Dog kennels should be located away from potentially offensive areas, where they are protected by ample space and peaceful surroundings that would be of benefit to the dogs safety and health. Our neighborhood is fransitioning more residential and not a suitable place for such a "country type" business

Let me know it there is anything else I may do to object to this proposal. Reference case # SPC-06-0027A

Best Regards, Julie Yarbrough

10/10/2006

From: John Campbell

Sent: Monday, October 16, 2006 9 36 PM

To: Description of the second

Subject: Case # SPC-06-0027A - 5604 Travis Cook Road

10. Zoning Commission

I oppose the application for the zoning change for the property located at 5604 Travis Cook Road. I further oppose any change that would permit the operation of a dog kennel at 5604 Travis Cook Road.

I live and own the property at 5224 Fort Benton Drive in Travis Country West.

Thank you for your consideration.

Best regards. John Campbell

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10-6

From: AND STREAM STREAM STREAM STREAM

Sent: Monday, October 16, 2006 9 39 PM

To:

Subject: Proposed Dog Kennel - # SPC-06-0027A.

Ms Loudermilk

It is my understanding that the property owner at 5604 Travis Cook Road is petitioning the Zoning Commission for a change that will allow this person to operate a kennel. I live//own property in Travis Country West, 5725 Medicine Creek Drive to be specific

I ask that you provide the city commission with a copy of this e-mail stating my opposition to this change in use. Barking dogs (not to mention the smell) and additional traffic will certainly be detrimental to our residential neighborhood and I oppose this matter in the strongest way It is my opinion that this will materially affect the value of my property.

I can hear the donkeys and chickens that reside at the Natural Gardner from time to time. To hear a bunch of barking, howling dogs would be too much

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Thank you for forwarding this to the city planning and zoning commission

Mark Ritter

From: Kendra Gottlieb

Sent: Monday, October 16, 2006 10:00 PM

To:

Subject: proposed dog kennel, ref # SPC-06-0027A

Kendra Gottlieb 8513 Cobblestone Dr Austin, TX 78735

October 16, 2006

To Whom It May Concern:

This letter is in response to case reference # SPC-06-0027A; proposed dog kennel As a new home owner in TCW, I strongly oppose a dog kennel going literally in my back yard! Isn't it enough that the city has and is approving multifamily dwellings and commercial buildings in our back yard to bring down the value of our homes and the quality of our lives?

Property taxes in Travis Country West are outrageous, and considering how much we are paying we should have some say as to what is going in around us. A dog kennel will increase the noise level not to mention pollution of the air if the kennel isn't maintained properly

Travis Country West is a family centered neighborhood and it's imperative that such things like commercial buildings, apartments, and dog kennels stay out of our vicinity so that we are able to maintain a good, peaceful and QUIET guality of life to raise our families in

Regards,

Kendra Gottlieb

10-7

From: Sent: To: Subject: Arati Singh Monday, October 16, 2006 10.12 PM

Could you please pass this e-mail along to the zoning board:

Dear Zoning Board,

I am very much against the operation of a dog kennel at 5604 Travis Cook Rd. I am a homeowner in Travis Country West, and I am against the prospect of having my property value decrease due to nearby barking dogs, increased traffic through our neighborhood, the commercial development so near to our residential neighborhood. As a small community, we expect and appreciate the zoning board's considering the concerns of nearby residents.

Thank you,

Ranjeev and Arati Singh 8101 Cobblestone Austin, TX 78735 10-8

From:

Sent: Monday, October 16, 2006 10:25 PM

To: Course and the second

Subject: note from resident on the Proposed Dog Kennel

Neighbor,

My name is Jason Jordan My wife, Carolyn, and I live at 8617 Cobblestone, overlooking the greenbelt and Travis Cook We are obviously VERY concerned about this issue, as the noise will be just past our back yard We paid a significant premium for a house backing up to a quiet greenbelt and would oppose anything that would destroy the quiet we have paid for There is already a significant amount of dog noise from a neighbor on Travis Cook that wakes us up most nights, and an increase in that noise would be unbearable

Thanks so much for your attention to this issue, and know that we support your efforts fully If you need anything from us, please do not hesitate to call.

Sincerely,

Jason Jordan Home 512-215-9356

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From:

Sent: Monday, October 16, 2006 11 19 PM

To:

Subject: Proposed Dog Kennel - reference case # SPC-06-0027A

Dear Brenda,

My name is Alexander Masri and I am the owner of property on 5717 Fort Benton Dr 78735, please pass my opposition to the the zoning commission for the below dog kennel project proposition, thank you in advance

Alexander

---- Forwarded Message ----From Gail Ow To Cc Sent: Monday, October 16, 2006 10 41 16 PM Subject [traviscountrywest] Proposed Dog Kennel - Vote via email

Thanks Patrick[†]

I sent my email "NO" vote to Brenda.

Gail Ow 5829 Medicine Creek Drive

On 10/16/06, Wrote Hey neighbors, just found out this evening from another neighbor that the property owner at 5604 Travis Cook Road (very near to TCW) is seeking approval from the zoning and planning commission to run a dog kennel on the property

The property is at the intersection of Sunset Ridge and Travis Cook Road right behind our neighborhood (for reference it is near the Natural Gardener). While I love dogs, I personally would be against the kennel right in our backyard due to noise from barking dogs, increased traffic in our neighborhood, the commercial development so near to our residential neighborhood, and a potential decrease in property values

Unfortunately, the zoning & planning meeting is tomorrow night, 10/17/06 at Austin City Hall starting at 6:00PM. However, there is still time to act and voice your opposition. If the commission hears from enough residents opposing this application, it can be denied You can either attend the meeting OR write an e-mail voicing your opposition. Please take a few moments to get involved. Please send e-mails along with your address, and whether you own the property where you live to the below e-mail address and this lady

10/17/2006

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From: Sent: To: Subject: Bryan Cope Monday, October 16, 2006 11 24 PM Proposed Dog Kennel

Hello Brenda,

I understand that you are collecting 'votes' for the proposed dog kennel behind TCW on Travis Cook Rd. Please submit my NO vote for this. I was told to reference case # SPC-06-0027A.

My address is 5724 Fort Benton, and my name is Bryan Cope. I am the owner of this property

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Thanx. Bryan

From:Image: Constraint of the second sec

To:

Subject: want to vote

We want to vote no on the proposed dog kennel

Thanks, The Haleys Travis Country West Residents

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10/17/2006

10-13

From: From:

Sent: Tuesday, October 17, 2006 12.05 AM

To:

Subject: Fw. [traviscountrywest] Proposed Dog Kennel

Brenda,

I live in Travis Country West and would NOT want to have a dog kennel behind us do to the noise and potential traffic cutting through our kid filled neighborhood. I vote NO.

reference case # SPC-06-0027A

Kirk Drummond

----- Forwarded Message ----From **Constant Sector** To **Constant Sector** Sent: Monday, October 16, 2006 8 16 06 PM Subject. [traviscountrywest] Proposed Dog Kennel

Hey neighbors, just found out this evening from another neighbor that the property owner at 5604 Travis Cook Road (very near to TCW) is seeking approval from the zoning and planning commission to run a dog kennel on the property.

The property is at the intersection of Sunset Ridge and Travis Cook Road right behind our neighborhood (for reference it is near the Natural Gardener). While I love dogs, I personally would be against the kennel right in our backyard due to noise from barking dogs, increased traffic in our neighborhood, the commercial development so near to our residential neighborhood, and a potential decrease in property values.

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Brenda Loudermilk, resident and property owner 5507 Travis Cook Road

If you want to find more information on this case you can visit the following website

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10/17/2006

10-14

From:Michelle HerringSent:Tuesday, October 17, 2006 8.38 AMTo:Subject: dog kennel

Brenda,

Would you please pass along my "No" vote to the zoning commission regarding the proposed dog kennel reference case # SPC-06-0027A

As a property owner I am most certainly opposed to a dog kennel operating right next to our neighborhood.

L

Sincerely, Michelle Herring 7921 Cobblestone Drive Austin, TX 78735

All-new Yahoo! Mail - Fire up a more powerful email and get things done faster

10-15

Subject: RE Kennel

From: Gail Ow Sent: Tuesday, October 17, 2006 9:40 AM To: Brenda Loudermilk Subject: Re: Kennel

Hi Branda,

Thanks! I lost my copy of it too

Let it be known that I am opposed to the zoning change proposal that would allow any form of animal shelter/rescue/kennel to be located on 5604 Travis Cook Road

or anywhere in the vicinity of my home in Travis Country West.

I am the homeowner at

Marjorie Ow 5829 Medicine Creek Drive

Thanks!

Diana and Carlos Mayo 5524 Ft. Benton Dr Austin. Texas 78735

10-16

We are writing to express our opposition to the permit change request for the property at 5604 Tray Cook Rd

When we purchased our home we looked into the surrounding area and came to the conclusion tha we saw was a solid investment in property. With this proposed **Dog Kennel** we feel that our proper would no longer be the Prime Property we thought it would be

Please note that we are opposed to the permit change request

Sincerely. Carlos and Diana Mayo

10-17

From: Diana Mayo

Sent: Tuesday, October 17, 2006 1-17 PM

To:

Subject: Dog Kennel

Carlos and Diana Mayo 5524 Ft. Benton Dr Austin, Texas 78735

When we were looking for a home 2 years ago we looked in the surrounding area and felt that Travis Country West was a good solid property investment Now with this Dog Kennel on the table for 5604 Travis Cook Rd we feel that our property would not be the Prime Property we thought it could be

Please note that we are opposed to the permit change request for the property

Carlos and Diana Mayo