

## **SECOND/THIRD READINGS SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-07-0011 (Russell Drive)

**REQUEST:** Approve 2<sup>nd</sup>/3<sup>rd</sup> readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4405, 4407, and 4411 Russell Drive (Williamson Creek Watershed) from limited office (LO) district zoning and multi-family residence-medium density (MF-3) district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning.

**APPLICANT:** Boniuk Interests Ltd. (Milton Boniuk)

**AGENT:** Vickrey & Associates, Inc. (Dean Thomas)

### **CITY COUNCIL DATES & ACTIONS:**

1st reading, June 7, 2007: Approved Staff recommendation of LR-MU-CO with the conditional overlay

- Limiting the site to uses that generate no more than 300 vehicle trips per day,
- Allowing general retail sales (convenience) as the only permitted LR use, and
- Allowing all other LO uses

(7-0, discussion).

2<sup>nd</sup> and 3<sup>rd</sup> readings, Scheduled for June 21, 2007

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

April 17, 2007:

- Conducted and closed public hearing.
- Motion to deny rezoning request  
(3-3-1, discussion (Rabago, Martinez 2<sup>nd</sup> – Rabago, Baker, and Martinez in favor; Pinelli, Shieh, and Hale opposed; Gohil abstained; Hammond and Jackson absent))
- Motion to postpone action to May 1, 2007  
(7-0, discussion (Hsieh, Martinez 2<sup>nd</sup>; Hammond and Jackson absent))

May 1, 2007: Denied Staff's recommendation and request by applicant; left current zoning in place (7-0, discussion (Pinelli, Hale 2<sup>nd</sup>; Rabago left early and Martinez absent)).

### **STAFF RECOMMENDATION:**

LR-MU-CO with the conditional overlay limiting the site to uses that generate no more than 300 vehicle trips per day

**CITY COUNCIL DATE:** June 21, 2007

**ASSIGNED STAFF:** Tina Bui, 974-2755, [Tina.Bui@ci.austin.tx.us](mailto:Tina.Bui@ci.austin.tx.us)

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-07-0011

**ZAP DATE:** April 17, 2007

May 1, 2007

**COUNCIL DATE:** June 7, 2007

June 21, 2007

**ADDRESS:** 4405, 4407 and 4411 Russell Drive

**OWNER:** Boniuk Interests, Ltd.  
(Milton Boniuk)

**AGENT:** Vickrey & Associates, Inc.  
(Dean Thomas)

**ZONING FROM:** MF-3; LO

**TO:** CS

**AREA:** 0.526 acres (22,912 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 300, as recommended in the Neighborhood Traffic Analysis memorandum, dated April 11, 2007 and provided as Attachment A.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

April 17, 2007:

- *CLOSED THE PUBLIC HEARING, 7-0 (GOHIL, MARTINEZ 2<sup>ND</sup>; HAMMOND AND JACKSON ABSENT).*
- *MOTION TO DENY THE REZONING REQUEST, 3-3-1 (RABAGO, MARTINEZ 2<sup>ND</sup> - RABAGO, BAKER, AND MARTINEZ IN FAVOR OF THE MOTION; PINELLI, SHIEH, AND HALE OPPOSED; GOHIL ABSTAINING; AND HAMMOND AND JACKSON ABSENT).*
- *MOTION TO POSTPONE ACTION TO MAY 1, 2007, 7-0 (HSIEH, MARTINEZ 2<sup>ND</sup>; HAMMOND AND JACKSON ABSENT).*

May 1, 2007:

- *DENIED STAFF'S RECOMMENDATION AND REQUEST BY APPLICANT; LEFT CURRENT ZONING IN PLACE [J.PINNELLI, S.HALE 2<sup>ND</sup>] (7-0) T.RABAGO – LEFT EARLY; J.MARTINEZ – ABSENT*

### **ISSUES:**

The Zoning & Platting Commission has recommended against the applicant's rezoning request and the Staff's recommendation. While the applicant's official rezoning request is CS, the Applicant is willing to accept the Staff's zoning recommendation of LR-MU. However, the Applicant does not agree with the Staff's recommendation regarding the limit of 300 vehicle trips per day. The applicant requests 500 trips. Please see the attached letter from the applicant.

Neighbors in the area have expressed concern about the proposed rezoning. Correspondence is attached at the end of this report.

### **DEPARTMENT COMMENTS:**

The subject platted four lots include a vacant building that was formerly used as an office and has recently been remodeled to accommodate a paint store, as well as a driveway and two undeveloped lots. The southwest corner is zoned multi-family residence medium density (MF-3) district and the balance of the

properties is zoned limited office (LO) district. The property has access to Russell Drive and the driveway accesses the adjacent shopping center (GR with CS pad sites) which takes its primary access to Ben White Boulevard. The adjacent properties to the north are developed with a bookstore (LO) and a service station (LR). Across Russell Drive to the west there is a fast food restaurant at Ben White Boulevard, an office, and single family residences and a duplex. There are single family residences adjacent and to the south (SF-3). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

Although the rezoning application proposed general commercial services (CS) district zoning for commercial use, the Applicant is agreeable to neighborhood commercial – mixed use (LR-MU) district zoning which allows for the general retail sales (convenience) use that would allow for the paint store and additional commercial or residential development to occur. Based on the adjacent shopping center, commercial uses to the north, and proximity to Ben White Boulevard, the Staff is recommending LR-MU-CO zoning. As recommended by the Neighborhood Traffic Analysis, the Conditional Overlay limits the property to 300 vehicle trips per day.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-3; LO	Vacant building (proposed for conversion to a paint store); Driveway; Undeveloped
<i>North</i>	LO; LR	Bookstore; Service station
<i>South</i>	SF-3	Single family residences
<i>East</i>	GR; CS	Shopping center that includes fast food restaurant, medical offices, gym and indoor entertainment
<i>West</i>	GR; LO; SF-3	Fast food restaurant; Car wash; Office, Single family residences; Duplex

**AREA STUDY:** N / A

**NEIGHBORHOOD TRAFFIC ANALYSIS (NTA):** Required – See Attachment A

**WATERSHED:** Williamson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

#### **NEIGHBORHOOD & COMMUNITY ORGANIZATIONS:**

26 – Far South Austin Community Association  
 428 – Barton Springs/Edwards Aquifer Conservation District  
 498 – South Central Coalition  
 511 – Austin Neighborhoods Council  
 627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin  
 950 – Southwood Neighborhood Association

**SCHOOLS:** Joslin Elementary School      Covington Middle School      Crockett High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-97-0054	LO to GR	To Grant GR-CO with conditions	Case Expired; Approved GR-CO with conditions on 2 <sup>nd</sup> Reading.

**RELATED CASES:**

The rezoning area is platted as Lots 3 through 6 of Block G, Ford Place Number One, recorded in June 1946 (C8-1946-1766). Please refer to Exhibit B.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Russell Drive	47 feet	30 feet	Collector	No	No	16 – South 5 <sup>th</sup>

**ORDINANCE READINGS:**

- 1<sup>st</sup>      Approved Staff recommendation of LR-MU-CO, with the conditional overlay
- Limiting the site to uses that generate no more than 300 vehicle trips per day,
  - Allowing general retail sales (convenience) as the only permitted LR use, and
  - Allowing all other LO uses.

2<sup>nd</sup>

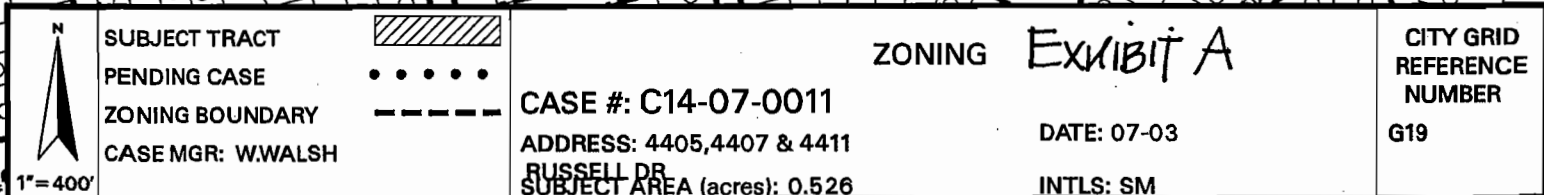
3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Tina Bui

**PHONE:** 974-2755

**EMAIL:** tina.bui@ci.austin.tx.us





**BEN WHITE BOULEVARD**

W BEN WHITE BLVD  
W BEN WHITE WB TO MANCHACA RAMP  
W BEN WHITE SVRD WB  
W BEN WHITE BLV  
MANCHACA TO BEN WHITE EB RAMP  
RUSSELL DR  
RUSSELL DR  
PACKSADDLE TO BEN WHITE EB RAMP  
W BEN WHITE BLVD  
W BEN WHITE SVRD EB



**RUSSELL REDD STREET**



**EXHIBIT A**





## MEMORANDUM

**TO:** Wendy Walsh, Case Manager  
**CC:** Dean Thomas  
**FROM:** Amber, Transportation Planner  
**DATE:** April 11, 2007  
**SUBJECT:** Neighborhood Traffic Analysis for Russell Drive  
 Zoning Case: 4411 Russell Drive C14-07-0011

The Transportation Section has performed a neighborhood traffic impact analysis for the above referenced case and offers the following comments.

The 1-acre tract proposes a potential mix of office and retail uses. The site is located in south Austin at the about 200' north of the Ben White westbound service road, west of Manchaca Road. The project, which is currently zoned Limited Office (LO) and Multi-Family Medium Density is requesting a change to General Commercial (CS). The tract currently has vehicular access to Russell Drive as well Ben White Blvd, via the Southwood Commercial Center. The applicant wishes to maintain this access. Surrounding the tract to the north is commercial; to the west is a commercial shopping center; to the east is single-family, office, and commercial; and to the south is single family.

### Roadways

Russell Drive is classified as a residential collector street with a 48' right-of-way and 28' of pavement and carries approximately 2,438 vehicles per day (vpd).

### Trip Generation and Traffic Analysis

Based on the ITE's publication Trip Generation, and assuming the site develops to the maximum intensity allowed under the proposed zoning classification (without consideration of setbacks, environmental constraints or other site characteristics) the proposed development at the time of site plan may generate approximately 3,957 vehicles per day (vpd). However, though the applicant has no firm proposal for the subject property, they have agreed to a conditional overlay of 2,000 trips for the site.

Trip Generation		
LAND USE	SIZE	VPD
Retail/Office	N/A	2,000
<b>TOTAL</b>		<b>2,000</b>

Distribution of trips was estimated as follows:

Street	Site Traffic
Russell Drive	100%



Below is a table containing the estimated number of trips that will affect each street:

Street	Existing Traffic (vpd)	Site Traffic (vpd)	Total Traffic after Project (vpd)
Russell Drive	2,439	2000	<b>4,439</b>

The Land Development Code specifies desirable operating levels for certain streets in section 25-6-116. These levels are as follows: A residential local or collector street with a pavement width of less than 30' should carry 1,200 vehicles per day or less.

### **Conclusions**

1. The neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation.
2. The traffic along Russell Drive exceeds the desirable operating level established in Section 25-6-116 by 1,239 vehicle trips per day.
3. Because the traffic on Russell Drive already exceeds the desirable operating level by 200%, staff recommends that this site be limited through a conditional overlay to 300 trips per day.
4. The City Council may approve a zoning application if it is determined that the applicant has satisfactorily mitigated adverse traffic effects or the projected additional traffic from a project has an insignificant effect on the residential street.

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If you have any questions or require additional information, please contact me 974-3428.



Amber Mitchell

Sr. Planner ~ Transportation Review

Watershed Protection and Development Review Department

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 300.

If the requested zoning is recommended for this site, then Staff recommends a Restrictive Covenant to include all recommendations listed in the Neighborhood Traffic Analysis memorandum, dated April 11, 2007 and provided as Attachment A.

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

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

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

Based on the adjacent shopping center, commercial uses to the north, and proximity to Ben White Boulevard, the Staff is recommending LR-MU-CO zoning. As recommended by the Neighborhood Traffic Analysis, the Conditional Overlay limits the property to 300 vehicle trips per day.

### **EXISTING CONDITIONS**

#### **Site Characteristics**

The subject property is consists of a vacant building proposed for conversion to a paint store and two undeveloped lots. There appear to be no significant topographical constraints on the site.

#### **Impervious Cover**

The maximum impervious cover allowed by the LR zoning district would be 80% which is a consistent figure between the watershed and zoning regulations.

#### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%

Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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

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

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

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

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 3,957 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this 2,000 development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results are provided in Attachment A [LDC, Sec. 25-6-114].

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and/or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

### **Compatibility Standards**

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

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- 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.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

**VICKREY & ASSOCIATES, Inc.**  
**CONSULTING ENGINEERS**

May 29, 2007

Mayor Will Wynn and Austin City Council Members  
PO Box 1088  
Austin, TX 78767

RE: C14-07-0011  
4405, 4407, and 4411 Russell Drive

Honorable Mayor Will Wynn and Austin City Council Members:

As applicant for the proposed zoning change for 4405, 4407, and 4411 Russell Drive, the following information is respectfully submitted to assist the Council members in reaching a decision on the proposed zoning change for these properties.

The subject properties are located just south of Ben White Boulevard between Manchaca Road and South 1<sup>st</sup> Street. The properties are contiguous to the Southwood Shopping Center, and the parking area is continuous between the properties and the remainder of the center. The main access to the shopping center is from Ben White, but the center can also be accessed from several neighborhood streets, including Russell Drive, Clawson Road, Jester Drive, Diane Drive, and Casey Street. The subject properties can be accessed by either Russell Drive or Ben White. As can be seen in the attached photos, three sides of the shopping center are currently adjacent to single family land uses.

Our official request is to zone the properties CS to match the remainder of the shopping center. Boniuk Interests, Ltd., the owner of the subject properties and the Southwood Shopping Center, is willing to accept the more restrictive LR-MU-CO zoning recommended by staff, although we believe the CO limit of 300 trips per day for all three lots is too restrictive to allow additional development.

Currently, there are no plans for the two undeveloped lots at 4405 and 4407 Russell Drive. The proposed use of the existing building at 4411 Russell Drive is a paint store servicing primarily commercial accounts and professional painters. Please see the attached letter from the proposed tenant, ICI Paints regarding several concerns voiced by the neighborhood.

Boniuk Interests, Ltd. has made substantial improvements to the Southwood Shopping Center, which had fallen into disrepair and was housing a flea market prior to their purchase of the property. Major renovations to existing buildings and the securing of new tenants has directly benefited the neighborhood and made the shopping center a much more desirable neighbor. The owner would like to continue these improvements with the subject properties, and we believe allowing limited retail in this instance will be a benefit, rather than a negative, to the overall area.

Given that the remainder of the shopping centre is zoned CS, the fact that the building in question has been in the current location since 1977, the site's access to Ben White Boulevard as well as Russell Drive, and the demonstrated willingness of the owner to compromise, we believe that the staff recommendation should be supported, and the CO limit of 300 trips per day increased to 500 to allow future limited retail development on the two undeveloped lots.



Mayor Will Wynn and Austin City Council Members  
May 29, 2007  
Page 2 of 2

We have included several aerial photos of the site for your use in making a decision. If you would like to discuss any of these issues, or have other concerns or questions, please feel free to call me at your convenience. Thank you in advance for your consideration of our request.

Sincerely,

VICKREY & ASSOCIATES, INC.

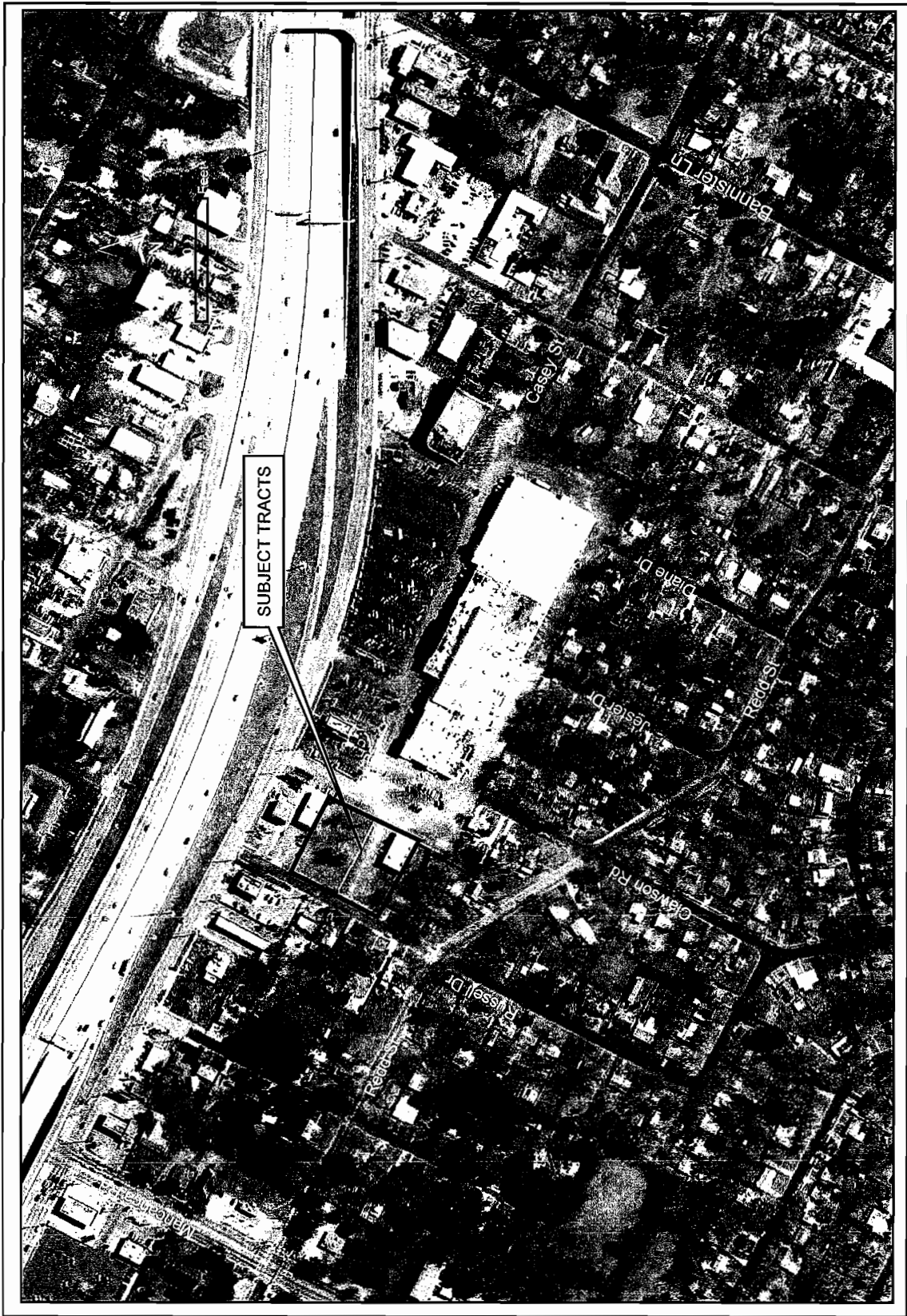


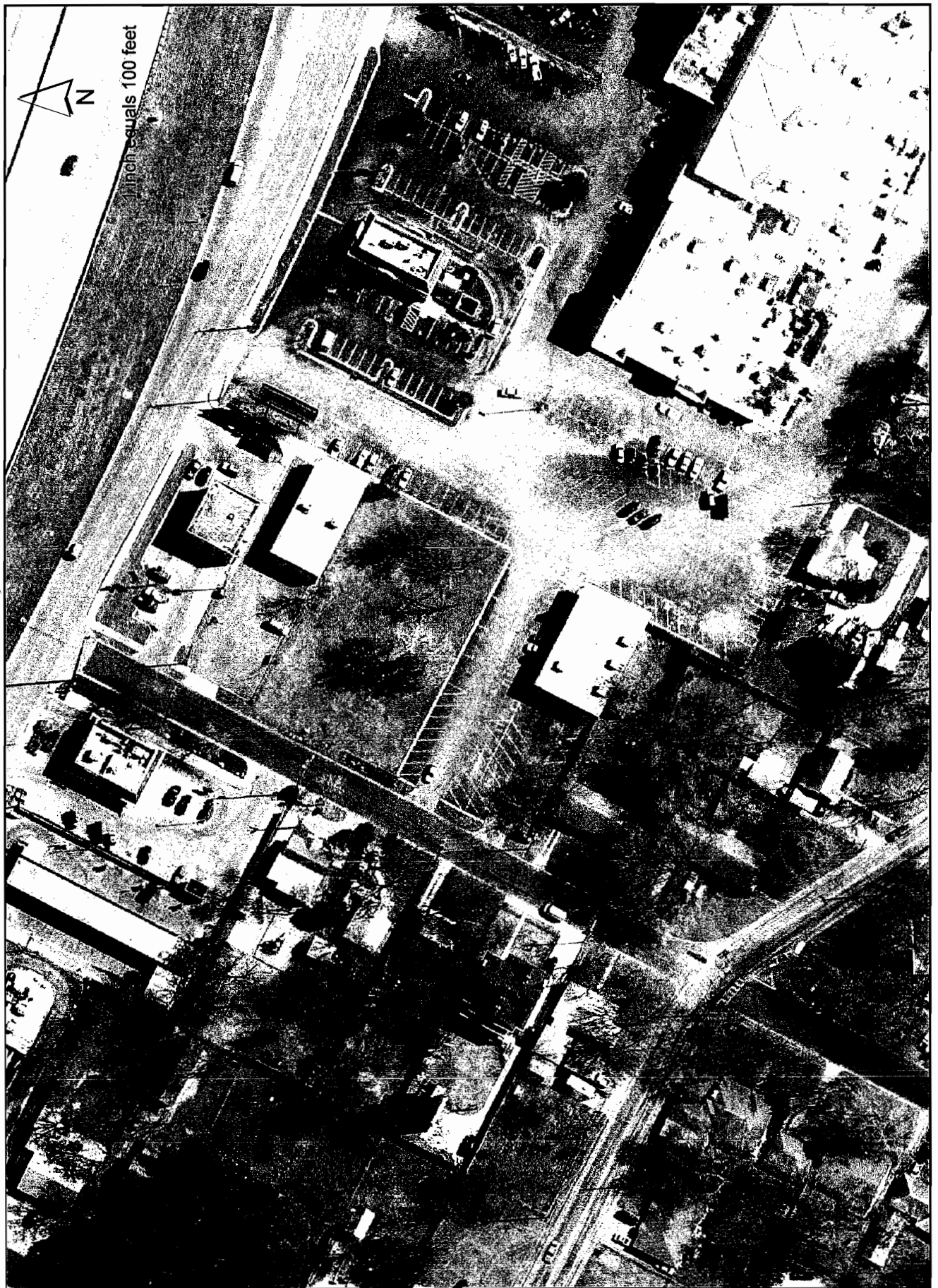
Dean Thomas, P.E.  
Division Manager

DT/agt









Hem All

**VICKREY & ASSOCIATES, Inc.**  
**CONSULTING ENGINEERS**

April 27, 2007

City of Austin Planning and Zoning Commission  
Attn.: Madam Chair and Members of the Zoning and Planning Commission  
PO Box 1088  
Austin, TX 78767

RE: C14-07-0011  
4405, 4407, and 4411 Russell Drive

Dear Madam. Chair and Members of the Zoning and Planning Commission:

As applicant for the proposed zoning change for 4405, 4407, and 4411 Russell Drive, the following information is respectfully submitted to assist the Commission members in reaching a decision on the proposed zoning change for the above listed properties.

The existing building at 4411 Russell Drive was built in 1977, and has seen various uses in its history including a church at one time. The original request was to zone the properties CS to match the remainder of the zoning for the Southwood Shopping Center. The reasoning for this request was that the existing building shares parking and access with the main building of the center, and visually appears to be a part of the overall shopping center.

After discussions with staff and the neighborhood, and a neighborhood traffic analysis, the owner Boniuk Interests, Ltd. agreed with city staff that the CS zoning could be too intensive. The owner was willing to accept the more restrictive LR-MU-CO zoning recommended by staff, although we believe the CO limit of 300 trips per day for all three lots is too restrictive. The proposed use of the building will be a paint store servicing primarily commercial accounts and professional painters. Please see the attached letter from the proposed tenant, ICI regarding the traffic volumes anticipated.

Other concerns voiced at the April 17th Commission meeting included the safety of stored materials and the store attracting day laborers. The issue of stored material safety is also addressed in the attached ICI letter, which states that water-based materials make up the majority of the product to be stored. The site will of course comply with all City of Austin Fire Department regulations concerning the storage and handling of these materials.

With respect to the issue of day laborers and loitering, allowing such practices would be in direct conflict to the best interests of the property owner, who is trying very hard to improve the image and quality of the site. Prior to the owner's purchase of the property, the entire shopping center had fallen into a state of disrepair and was being used as a flea market. The owners have invested a great deal of time and money to improve the entire shopping center property, which includes the tracts currently under consideration by the Commission. Several quality tenants have now located to the center, and additional improvements are being undertaken. A full time employee is on the grounds of the property during business hours, and is very proactive in keeping vagrancy, loitering, skateboarding, and other undesirable elements from "hanging out". I believe it would be difficult to find anyone familiar with the center who would not agree that the current owner is a much better neighbor than previous owners.



Madam Chair and Members of the Zoning and Planning Commission  
 April 27, 2007  
 Page 2 of 2

Given the surrounding land uses and adjacent CS zoning, the historical uses of the site, the site's access to Ben White Boulevard as well as Russell Drive, and the demonstrated willingness of the owner to compromise, we believe that the staff recommendation should be supported, and the CO limit of 300 trips per day increased to 500 to allow limited development on the two undeveloped lots.

If you would like to discuss any of these issues, or have other concerns or questions, please feel free to call me at your convenience. Thank you in advance for your consideration of our request.

Sincerely,

VICKREY & ASSOCIATES, INC.



Dean Thomas, P.E.  
 Division Manager

DT/agt





**Paints**



Corporate Real Estate  
ICI Paints – North American Headquarters  
15885 W. Sprague Rd.  
Strongsville, OH 44136  
Phone: 440/297-8346

April 17, 2007

To: Mr. David Boniuk

As per our conversation yesterday, this letter is intended to clarify our use at the location 1701 West Ben White Blvd. Bldg. 4, Austin, TX.

1. **Traffic flow entering and exiting location.** Our primary distribution channel for retail sales is through The Home Depot. Our company stores are the primary distribution channel for sales to commercial accounts and professional painters. As a result traffic entering and exiting our location is very light. We only receive deliveries once a week and the majority of our customers call in orders, so most business is delivered in our company van. As with the rest of our Austin locations we expect walk-in traffic to be light. The vehicle impact on the surrounding area will be very minimal.
2. **Day labor issue.** As stated in issue one, traffic flow in our locations are light. This is not an ideal situation that normally attracts day laborers. Currently our other Austin locations do not experience a day labor problem. ICI Paints does not support day labor activity and we will support and comply with the Landlord to address any loitering or vagrancy issues.
3. **Hazardous material storage.** The paint industry today mainly uses water-based material. As a result the amount of hazardous material we store in a location is minimal and always kept in closed containers. As with all of our locations we will be in full compliance with city rules and regulations.

I hope this addresses any concerns anyone may have with ICI Paints occupying this location. We have always prided ourselves as a good neighbor and member of the communities we serve.

Sincerely,

Pat Murphy  
Property Development Manager

## PUBLIC HEARING INFORMATION

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

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

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

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

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

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

**Case Number:** C14-07-0011

**Contact:** Wendy Walsh, (512) 974-7719

**Public Hearing:**

April 17, 2007 Zoning and Platting Commission

☒ I am in favor  
☐ I object

Milton Boniuk  
Your Name (please print)

1421 West Benwhite Blvd.  
Your address(es) affected by this application

Milton Boniuk 4/9/07  
Signature Date

Comments:

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

City of Austin  
Neighborhood Planning and Zoning Department  
Wendy Walsh  
P. O. Box 1088  
Austin, TX 78767-8810



## PUBLIC HEARING INFORMATION

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

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

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

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**Case Number: C14-07-0011**

**Contact:** Wendy Walsh, (512) 974-7719

**Public Hearing:**

April 17, 2007 Zoning and Platting Commission

☐ I am in favor  
☒ I object

Charles M. Diaz (611)  
Your Name (please print)

4500 RUSSELL DRIVE

Your address(es) affected by this application

[Signature] 4-16-2007  
Signature Date

Comments: too much TAD FILE

AT AN ALREADY BAD INTERSECTION  
(RUSSELL (Road), TOO MUCH NOISE  
POLLUTION, AIR POLLUTION IN THE  
INCREASED TRAFFIC, LEAVING  
CITY MY PRIORITY WRT.

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

City of Austin  
Neighborhood Planning and Zoning Department  
Wendy Walsh  
P. O. Box 1088  
Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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

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

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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.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

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**Case Number:** C14-07-0011

**Contact:** Wendy Walsh, (512) 974-7719

**Public Hearing:**

April 17, 2007 Zoning and Platting Commission

SPRUILL

Your Name (please print)

1700 Reed St

Your address(es) affected by this application

4-8-07

Date

Signature

Comments:

☐ I am in favor  
☒ I object

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

City of Austin

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**Contact:** Wendy Walsh, (512) 974-7719

**Public Hearing:**

April 17, 2007 Zoning and Platting Commission

☐ I am in favor  
☒ I object

FANT, WAYNE M.  
Your Name (please print)

4501 Russell Dr. 78745

Your address(es) affected by this application

Wayne Apr. 08 2007  
Signature Date

Comments: "CS" Zoning could have operating characteristics or traffic svc. requirements generally incompatible w/res. environments" means we will have MORE traffic in our neighborhood. Redd St. has already become a very busy thru-traffic road (speed limit has been lowered recently) And we do not like the idea of commercial businesses encroaching into our neighborhood. I live @ the intersection of Redd & Russell & would hate to see more traffic in our area - trucks, deliveries etc... more noise!!

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Neighborhood Planning and Zoning Department  
Wendy Walsh  
P. O. Box 1088  
Austin, TX 78767-8810

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**Case Number: C14-07-0011**

**Contact:** Wendy Walsh, (512) 974-7719

**Public Hearing:**

April 17, 2007 Zoning and Platting Commission

☐ I am in favor  
☒ I object

*Deloris Beck Hastings*

Your Name (please print)

*4510 Russell Dr*

Your address(es) affected by this application

*Deloris Beck Hastings*

Signature

Date

Comments:

*Please see attached letter.*

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

**RECEIVED**

APR 17 2007

Neighborhood Planning & Zoning

Deloris Peck Hastings  
4510 Russell Drive  
Austin, Texas 78745-1734  
512-444-5495

April 17, 2007

City of Austin  
Neighborhood Planning and Zoning Department  
Wendy Walsh  
P.O. Box 1088  
Austin, Texas 78767-8810

Re: Case Number C14-07-0011

Contact: Wendy Walsh, (512) 974-7719

Public Hearing: April 17, 2007 Zoning and Platting Commission

Greetings:

I object to this zoning change because the **intention** of CS Zoning is "predominately for commercial and industrial activities . . . **generally incompatible with residential environments.**" My home is located approximately one block from 4405, 4407, and 4411 Russell Drive.

The paint store, which is located at 4411 Russell Drive, is practically ready for business, but I have been told that it does not have the proper zoning for such use. If the zoning for this property is changed and future CS development occurs, the residents in my area will be subjected to an increase in traffic, litter, pollution, pedestrians, and perhaps laborers in the parking area seeking work at the paint store. The traffic on Redd is already steady and busy; it is a two-way, East-West parallel to Ben White, and is an alternate route through the neighborhood. We already contend with a lot of litter; my neighbors and I pick it up. The sidewalks in the area are limited—in my block, the pedestrians have to walk in the street.

I respectfully request protection of our residential area and rejection of this zoning change.

Yours truly,

  
Deloris Peck Hastings

Lee G Solis  
4503 Russell Dr  
Austin, TX 78745

To Whom It May Concern:

I am a resident whose home is located within 300 feet of the proposed zoning change. I object to the proposed change of zoning based on the following reasons:

1. **TRAFFIC FLOW:** Already a dangerous intersection, the corner of Redd St. and Russell Dr would see greatly increased traffic flow from commercial development of these lots. Any vehicle wishing to exit the proposed development would be required to use the above intersection except those wishing to travel eastbound.

2. **ENVIRONMENTAL CONCERNS:** Commercial development of these lots would greatly increase the amount of litter in our neighborhood. Even now I pick up bags of trash thrown onto the streets by customers of Jack In the Box. The added vehicle noise at the site and on the corner of Redd/Russell (perhaps even 24 hours a day), the accompanying air pollution from an unknown number of increased vehicle trips daily, and the possibility of increased pedestrian traffic where there are NO sidewalks also makes this zoning change totally undesirable.

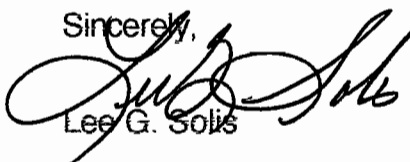
3. **DAMAGE TO MY PROPERTY VALUE:** Bringing further commercial development within 300 feet of this residential neighborhood will most certainly diminish the appeal of our homes to prospective buyers, perhaps triggering devastating effects on the value of my home. When I purchased my home almost two years ago, I most certainly investigated the then-current zoning of the surrounding area. To allow this change now in the interest of a single developer continues a dangerous precedent which has compromised neighborhood integrity in other parts of the city.

4. **HIGHEST & BEST USE:** There seems to be a multitude of more appropriate development opportunities for the stated property which fall within current zoning designations. With prime office space so scarce within the city, it seems inconceivable to me that this property owner will be unable to develop the site profitably within current zoning standards, at the same time alleviating all of the above concerns.

5. **AFTER THE FACT ZONING REQUEST:** It seems to be the case that this zoning change request actually results from the owner mistakenly leasing one of the existing buildings to a prospective paint store (the sign is already up and the shelving installed) only to find out that the building will not allow that use for the property. Assuming this to be true, I am currently unwilling to trust the judgment of the parties making this request.

Thank you for taking the time to listen to my concerns as a citizen, neighborhood property owner, and taxpayer.

Sincerely,



Lee G. Solis



**Charles M. Dachis  
4500 Russell Drive  
Austin, Texas 78745**

Regarding Case Number C14-07-0011, the rezoning of 4405, 07, and 4411 Russell Drive Austin, Texas 78745.

To Whom It May Concern:

I own and live at 4500 Russell Drive, the residence on the South West Corner of Russell Drive and Redd Streets. I object to the proposed zoning change above for many reasons, some of which are listed below.

1. The proposed change would greatly increase traffic at the intersection of Russell Drive and Redd Streets. This intersection is already a difficult one do to the curve of Redd Street at this point.
2. Increased traffic would create increased noise pollution, a problem for me especially living on the corner.
3. Increased traffic would create increased particulate pollution.
4. Increased traffic would create increased air pollution
5. Increased foot traffic would create more loose trash being deposited on my lawn and in the streets.
6. This type of zoning change, in my opinion, would not be, and is not compatible with the existing residential usages of the area.
7. It is my opinion that this zoning change would allow greater commercial development and would lower the values of the residential properties such as mine.

Thank you very much for your consideration in this matter.

Sincerely, Charles M. Dachis

A handwritten signature in cursive script, reading "Charles M. Dachis", written in dark ink. The signature is fluid and stylized, with a long horizontal line extending from the end of the name.

**Bui, Tina**

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**From:** Maggie Marcum [Maggie.Marcum@ ]  
**Sent:** Thursday, June 07, 2007 10:43 AM  
**To:** Bui, Tina  
**Subject:** C14-07-0011, Russell Dr properties

Dear Ms. Bui, Thank you for returning my call.

Please forward to the council members my objections to the requested rezoning in case C14-07-001. It is my understanding that the neighborhood has requested VMU status for these properties. Our association's leaders are involved in the VMU process and I, personally, would like to follow through and give the VMU concept a chance to work. In addition, according to the neighbors of the Russell properties, traffic already exceeds the established limits. We do not want any more traffic on the roads where we walk our kids to school.

My husband and I have lived in several cities, and this neighborhood is the most friendly by far. In the six years that we have lived here, our neighborhood has gotten more inviting. As properties turn over, the new owners have improved the houses and added landscaping. More folks take walks and runs on our streets, so we get the opportunity to meet and chat with neighbors. This is exactly the direction we hoped the neighborhood was headed when we moved here. We do enjoy the mixed quality of the area, with services (like school, grocery, dentist, tire shop) nearby and well integrated into the established busier roads that comprise our neighborhood boundary. Please allow us to take our time and be very careful about adding commercial properties within our neighborhood.

Many thanks for this opportunity to participate, Maggie Marcum

Maggie Marcum  
4624 Philco Drive  
Austin, Texas 78745

**Bui, Tina**

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**From:** Deborah Bean [REDACTED@REDACTED]  
**Sent:** Thursday, June 07, 2007 12:57 PM  
**To:** Bui, Tina  
**Cc:** Lupe Sosa; Jennifer Thomas; Christopher Ewen  
**Subject:** C14-07-0011 Rezoning request for Russell Drive - On council agenda today

**Regarding Council Agenda Item: C14-07-0011 rezoning request for Russell Drive parcels**

Greetings Ms. Bui,

I am the 1st vice president of the Southwood Neighborhood Association. I am writing to ask that you relay to council today that we do not support the rezoning request to the parcels on Russell Drive (just off Ben White Blvd.) to CS zoning.

The Southwood Neighborhood Association has not had a formal meeting on this particular topic but the general consensus from our neighborhood yahoo group activity and the testimony from adjacent neighbors at the Zoning Commission hearing is that the rezoning to CS (industrial uses) is completely incompatible and we prefer NO zoning change. The underlying problem, as I understand it, is that the new tenant - a paint store - cannot be in this building under current zoning of LO. I think that is unfortunate but I don't know what the solution is to that specific problem.

We included these specific properties in our vmu opt-in application. (These properties were only opted-in for the dimensional standards and not for reduced parking or ground floor uses to accommodate the adjacent neighbors concerns about parking and potential traffic problems.) We want to let our vmu application go through the city staff evaluation process under current zoning if possible.

The Southwood neighborhood and the South Manchaca area have not been through any formal future land use planning with the city. We want to encourage mixed use redevelopment in this area that focuses the traffic onto the existing high traffic roadways (Ben White, specifically) and keeps the residential streets accessible for walkability and biking. We tried to establish a precedent for that through our opting-in to the vmu overlay. Please relay to council that this site should NOT be zoned CS.

Thank you,  
Deborah Bean  
Southwood Neighborhood

6/7/2007

**Bui, Tina**

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**From:** SouthwoodNA [REDACTED]  
**Sent:** Thursday, June 07, 2007 1:46 PM  
**To:** Bui, Tina  
**Subject:** Russell St. Zoning Change, Case #C14-07-0011

Ms. I am strongly opposed to the change in zoning on the properties in the case noted above. We need to reduce the traffic coming into the neighborhood through Russell not increase it, and certainly a CO designation is not in the best interest of residents adjacent to and nearby the subject property. It is our understanding, through discussion regarding the VMU zoning designation, that an VMU overlay on the properties would still be subject to the current zoning requirements with the stipulation that residences could be built above commercial storefronts. The neighborhood was open to VMU with that provision. Otherwise, we do not support any other change in zoning that will open the neighborhood to more traffic and business such as porno shops and adult entertainment as well as night clubs and bars. This business would be detrimental to the children who walk on Russell and Ben White to get to their schools and work. Thanks for your help in getting this message to the Council members. lupe

G. Q. Sosa, Treasurer  
Southwood Neighborhood Assn.  
P. O. Box 40205  
Austin, Tx 78704

6/7/2007