

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0156

Z.A.P. DATE: October 2, 2007
November 6, 2007

ADDRESS: 8422 Spicewood Springs Boulevard

OWNER/APPLICANT: Xiamin Wu

AGENT: Yinan Sun

ZONING FROM: SF-2

TO: LO-MU

AREA: 0.61 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to deny the applicant's request for LO-MU, Limited Office-Mixed Use District, zoning.

However, if the zoning is granted by the Zoning and Platting Commission and City Council, then the staff recommends that development on the property should be limited through a conditional overlay to less than 300 vehicle trips per day. In addition, access to the property should be prohibited from Spicewood Springs Cove to minimize the impact on the neighborhood.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

10/02/07: Postponed to November 6, 2007 at the applicant's request (6-0, B. Baker, C. Hammond-absent); T. Rabago-1st, J. Shieh-2nd.

11/06/07: Approved staff's recommendation to deny LO-MU zoning (7-0, S. Hale-absent); C. Hammond-1st, J. Martinez-2nd.

DEPARTMENT COMMENTS:

The property in question is developed with a single family residence. The applicant is requesting LO-MU, Limited Office-Mixed Use District, zoning to utilize the property as a professional office for a mortgage company. The staff recommends denial of the applicant's request because the proposed zoning would allow for an intrusion of commercial uses into an established residential neighborhood. The site under consideration accesses a local residential street, Spicewood Springs Cove, which ends in a cul-de-sac. The property is located adjacent to existing single-family residences and SF-1/SF-2 zoning to the north, south, east and west.

A 0.400 acre tract of land to the north was zoned for LO-MU-CO zoning in 1997. However, that site takes access to Texas Plume Road, a collector street, and to Spicewood Springs Road, an arterial roadway. The dental office on this lot was developed while the property was in the County and was in existence prior to annexation by the City of Austin in 1985.

The applicant does not agree with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Single-Family Residence
<i>North</i>	LO-MU-CO, SF-1	Office (Dentist Office), Single-Family Residence
<i>South</i>	SF-2	Single-Family Residences
<i>East</i>	SF-2	Single-Family Residences
<i>West</i>	SF-1	Single-Family Residences

AREA STUDY: N/A**TIA:** Waived**WATERSHED:** Bull Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

46 – North Oaks Neighborhood Association
 157 – Courtyard Homeowner Association
 269 – Long Canyon Homeowners Association
 426 – River Place Residential Community Association, Inc.
 475 – Bull Creek Foundation
 492 – Laurel Oaks Neighborhood Association
 901 – Tanglewood Estates Neighborhood Association
 965 – Old Spicewood Springs Road Neighborhood Association
 973 – Canyon Mesa Homeowners Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0100	I-SF-2 to LO-CO	9/21/04: Denied staff recommendation for LO zoning (6-1, M. Whaley-No)	11/04/04: Approved NO-CO zoning on 1 st reading, with the following prohibited uses: Bed & Breakfast (Group 1), Bed & Breakfast (Group 2), Special Use Historic, College and University Facilities, Community Events, Community Recreation (Private), Community Recreation (Public), Congregate Living, Counseling Services, Day Care Services (Commercial), Day Care Services (General), Day Care Services (Limited), Family Home, Group Home, Class I (General), Group Home, Class I (Limited), Group Home, Class II, Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational

			Facilities, Public Secondary Educational Facilities, Residential Treatment 12/16/04: Approved NO-CO (7-0); 2 nd /3 rd readings
C14-98-0123	I-RR to P	9/22/98: Approve P zoning by consent (7-0-1, GW-abstain)	10/22/98: Approved PC rec. of P zoning (7-0); all 3 readings
C14-98-0115	DR to P	10/27/98: Approved staff rec. of P by consent (6-0)	12/03/98: Approved PC rec. of P (6-0); 1 st reading 2/25/99: Approved P (7-0); 2 nd /3 rd readings
C14-98-0006	I-RR to SF-5	12/08/98: Approved SF-2-CO, limited to 16 single-family units, by consent (8-0)	2/04/99: Approved PC rec. of SF-2-CO (7-0); all 3 readings
C14-97-0052	SF-2 to LO-MU	6/24/97: Approved LO-MU-CO zoning, with a 2,000 vtpd limit (8-0)	7/31/97: Approved LO-MU-CO zoning (7-0); all 3 readings
C14-96-0092	DR to SF-2	8/06/96: Approved staff rec. of SF-2-CO, the CO will provide an undisturbed vegetative buffer along the northern property line within the floodplain area (7-0)	8/15/96: Approved SF-2-CO (7-0); all 3 readings

RELATED CASES: There are no pending related cases.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
Spicewood Springs Rd	150'	63'	Arterial	Yes	Yes	No
Spicewood Springs Cove	48'	30'	Local	No	Yes	No

CITY COUNCIL DATE: December 6, 2007

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

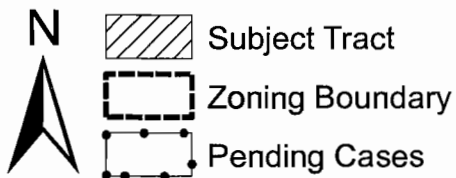
ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



ZONING



ZONING CASE#: C14-2007-0156
ADDRESS: 8422 SPICEWOOD SPRINGS RD
SUBJECT AREA: 0.61 ACRES
GRID: G35
MANAGER: W. WALSH



1" = 400' OPERATOR: S MEEKS

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STAFF RECOMMENDATION

The staff's recommendation is to deny the applicant's request for LO-MU, Limited Office-Mixed Use District, zoning.

However, if the zoning is granted by the Zoning and Platting Commission and City Council, then the staff recommends that development on the property should be limited through a conditional overlay to less than 300 vehicle trips per day. In addition, access to the property should be prohibited from Spicewood Springs Cove to minimize the impact on the neighborhood.

BASIS FOR RECOMMENDATION

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

"Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

"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 proposed zoning area is located within an established single-family residential neighborhood and has access to a local residential street. The site meets the definition of the existing SF-2 district, "Single-family residence standard lot (SF-2) district is the designation for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. An SF-2 district designation may be applied to a use in an existing single-family neighborhood that has moderate sized lots or to new development of single-family housing on lots that are 5,750 square feet or more."

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

The proposed zoning will not promote consistency and orderly planning as it will allow for an intrusion of commercial uses into an established residential neighborhood. The site under consideration accesses a local residential street, Spicewood Springs Cove, which ends in a cul-de-sac. The property is located adjacent to existing single-family residences and SF-1/SF-2 zoning to the north, south, east and west.

EXISTING CONDITIONS

Site Characteristics

The site is developed with a single-family residence that is set back from Spicewood Springs Road on the eastern portion of the property. The property has driveways that access Spicewood Springs Cove, a local residential street and Spicewood Springs Road, an arterial roadway.

Impervious Cover

The maximum impervious cover allowed by the LO-MU zoning district would be 70%. However, because the Watershed impervious cover is more restrictive than the LO zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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

Development Classification	% of Net Site Area	% NSA with Transfers
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the northern Edward's Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

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 providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

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

Transportation

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

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 300 vehicle trips per day. [LDC, 25-6-117]

The property has access from Spicewood Springs Drive and Spicewood Springs Cove. To minimize the impact on the neighborhood, access to the property should be prohibited from Spicewood Springs Cove.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
Spicewood Springs Rd	150'	63'	Arterial	Yes	Yes	No
Spicewood Springs Cove	48'	30'	Local	No	Yes	No

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 relocation, and abandonment. 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. 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.

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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

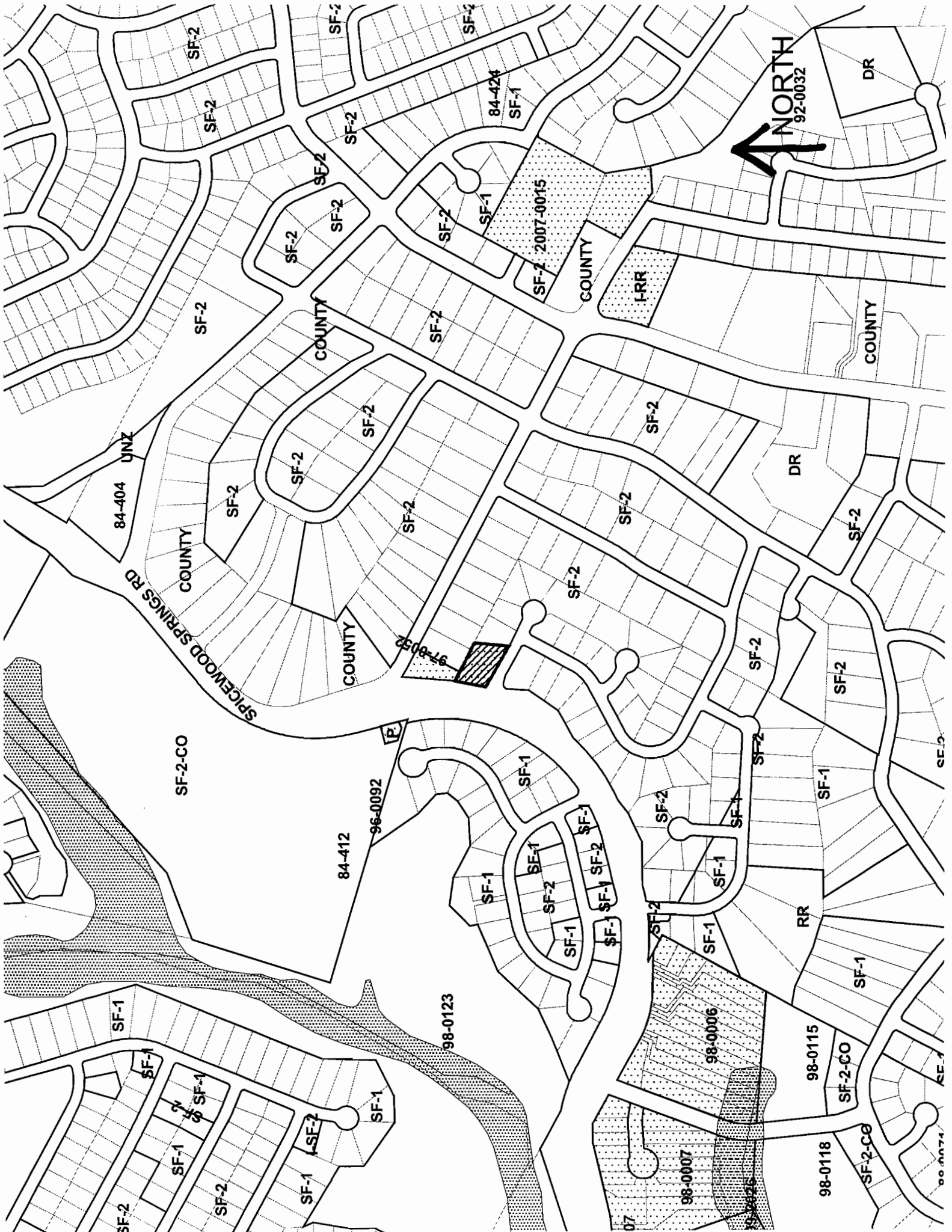
Compatibility Standards

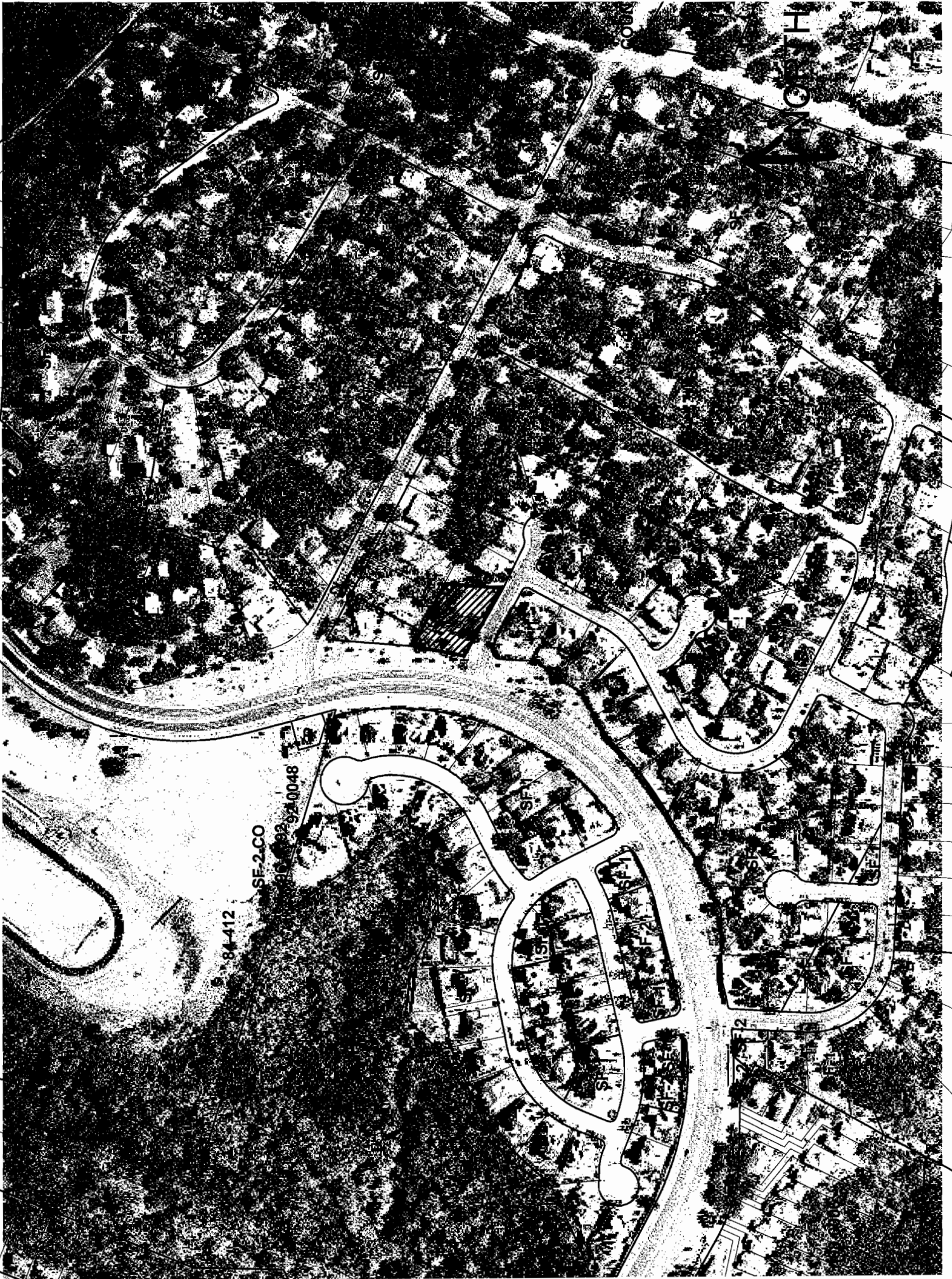
This tract is already developed and the proposed zoning change is for the existing development. A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site (i.e. additional parking requirements) would be subject to compatibility development regulations due to the existing SF-2 zoned property to the east, and would be subject to the following requirements:

The site is subject to compatibility standards. Along the 25 property line, 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.
- 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.

New construction or redevelopment may subject to the Commercial Design and Mixed Use Standards. Additional design regulations will be enforced at the time a site plan is submitted.





84-412

SF-2.CO

93-092 920048

COBN

NORTH



City of Austin
Solid Waste Services Department - Code Enforcement
Code Enforcement Division
Summary of Case CC-2007-124837

COMPLAINT INFORMATION

Case Status: Closed

Address: 8422 Spicewood Springs Road

Legal Description:

Property Owner(s):

- Owner

Complaint Date: May 28, 2007

Complaint: runnig a businees in a home in a residential area , grass are not cut , house looks very bad , big red and white sign in front of house

INSPECTION INFORMATION

Investigator Assignment(s)

Jerry Reynolds assigned on May 28, 2007

Case Log

DATE	STAFF NAME	ACTION TAKEN
05/29/2007	Jerry Reynolds	Information Update
I went by 8422 Spicewood Springs Road and noted a sign with the address (which is legal) no tall grass and no signs of a business. I will do a follow up inspection on the business, but I see no activity and no cars parked anywhere.		
05/31/2007	Jerry Reynolds	No Violation(s) Found/ Insp
I have gone by this residence several more times and I see no violations I will close this case		

VIOLATIONS

Land Use

Structure Maintenance

NOTICES



City of Austin
Solid Waste Services Department - Code Enforcement
Code Enforcement Division
Summary of Case CC-2007-120273

COMPLAINT INFORMATION

Case Status: Closed

Address: 8422 Spicewood Springs Road

Legal Description:

Property Owner(s):

- Owner

Complaint Date: May 9, 2007

Complaint: Caller believes work is being conducted without a permit, work has also torn up the curb. Caller believes they are installing a circular driveway.

INSPECTION INFORMATION

Investigator Assignment(s)

Jerry Reynolds assigned on May 9, 2007

Case Log

DATE	STAFF NAME	ACTION TAKEN
05/10/2007	Jerry Reynolds	No Violation(s) Found/ Insp
I went to 8422 Spicewood Springs Road and noted a curb cut and then I looked up permitting and found indeed there is a permit for this address so I will close this case.		

VIOLATIONS

Land Use

Structure Maintenance

NOTICES

PETITION

Case Number:

C14-2007-0156

Date:

Oct. 11, 2007

Total Area within 200' of subject tract: (sq. ft.)

259,373.66

1	01-6409-1601	DEAN KIRK	15823.59	6.10%
2	01-6409-1615	LABAN Balsa & MINA	3617.99	1.39%
3	01-6409-1616	MONEYHON JOY TARPLEY	15078.00	5.81%
4	01-6411-0202	KEMP DONALD & MARY S	20899.54	8.06%
5	01-6411-0203	CONNOR PATRICK J & ALISA M SHULL	20706.10	7.98%
6	01-6411-0205	ZAVALA JOHN J & JENNIFER M	15062.72	5.81%
7	01-6411-0315	CAMPOS RUBEN & MONICA ARAOZ	896.10	0.35%
8	01-6411-0316	WANG HSUEH FEN PAMELA	15178.14	5.85%
9	01-6411-0610	MERCHANT FEROZE A & PINKY	15692.44	6.05%
10	01-6411-0611	MOZDBAR ALI & ROOFIA	14200.52	5.47%
11	01-6411-0612	ROMERO HECTOR G JR & EDNA ADRIANA	12363.65	4.77%
12	01-6411-0701	ELIZONDO DAVID & LUCIA	39,147.60	15.09%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%

Validated By:

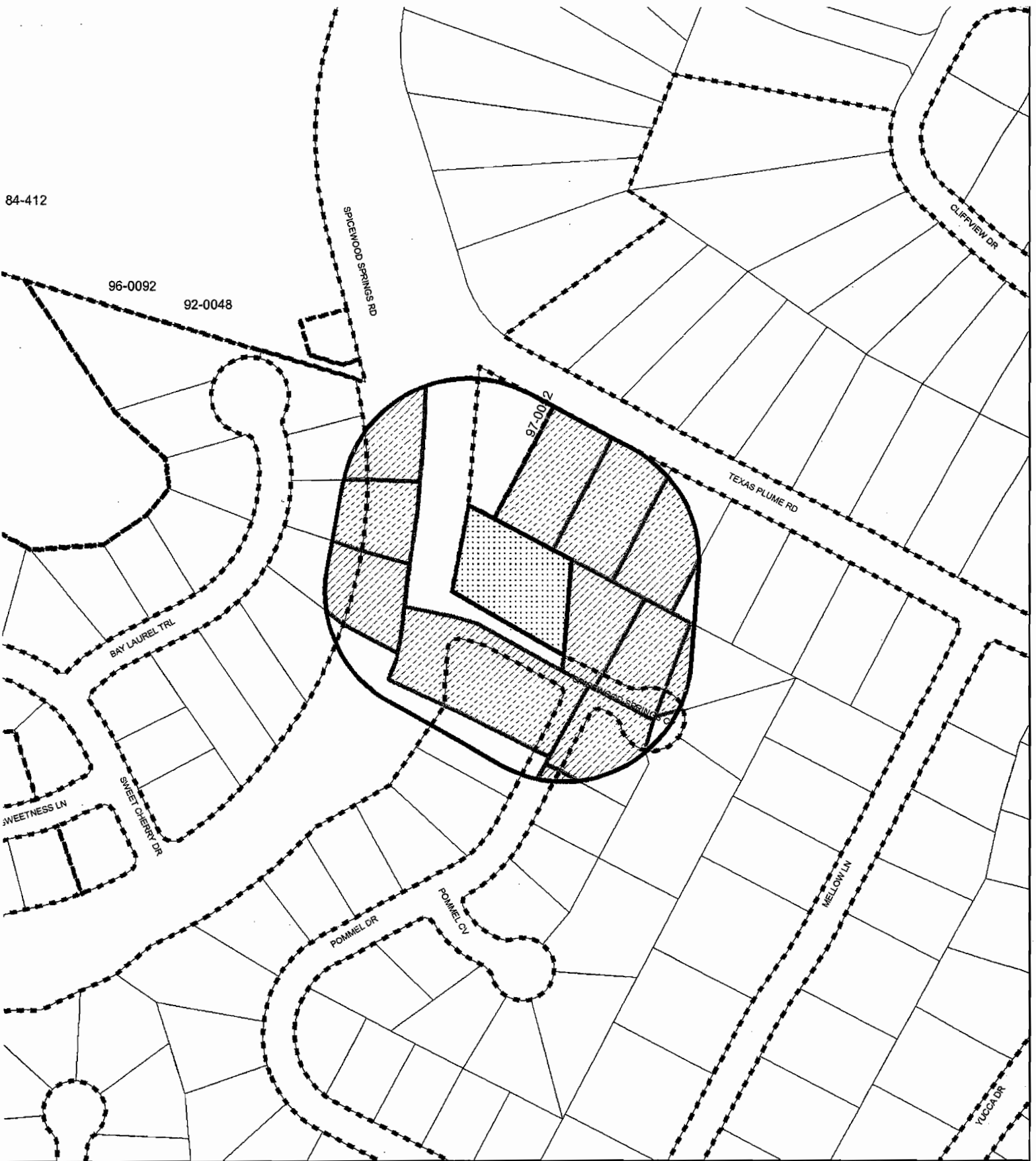
Stacy Meeks

Total Area of Petitioner:

188,666.38

Total %






72.74%



PETITION

CASE#: C14-2007-0156
 ADDRESS: 8422 SPICEWOOD SPRINGS RD
 GRID: G35
 CASE MANAGER: S. SIRWAITIS



-  N
-  Subject Tract
-  Property Owner
-  Buffer
-  Zoning Boundary

1" = 200' OPERATOR: SM

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 No warranty is made by the City of Austin regarding specific accuracy or completeness.

PETITION AGAINST ZONING CHANGE

To: Austin City Council
Zoning Case Number: C14-2007-0156
Address of Rezoning Request: 8422 Spicewood Springs Road
Austin, Texas 78759

We, the undersigned owners of property affected by the requested zoning change described in the referenced file and zoning case number **DO HEREBY PROTEST, DO NOT SUPPORT** and **STRONGLY OBJECT** to any change of the Land Development Code which would zone 8422 Spicewood Springs Road, Austin, Travis County, Texas to any classification other than SF-2 (Single-Family Residence, Standard Lot, District).

The neighborhood surrounding this piece of real property is almost exclusively residential, and we, as the residents and few commercial users do not want to see the character of this neighborhood change when it is clearly intended to be residential.

SF-2 – Single Family Residence (Standard Lot) District – Intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lot patterns, as well as for development of additional single-family housing areas with minimum land requirements.

This **PROTEST** and **OBJECTION** includes the request by Xiamon “James” Wu and Yinan “Nancy” Sun to re-zone 8422 Spicewood Springs Road, Austin, Travis County, Texas from SF-2 (Single-Family Residence, Standard Lot, District) to LO-MU (Limited Office District, and Mixed Use Combining District)

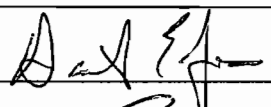

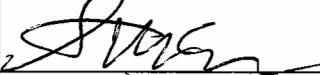

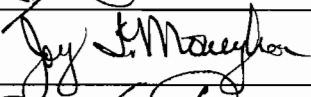

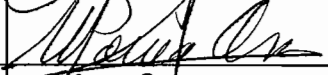
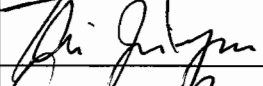
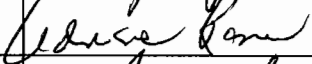
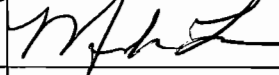
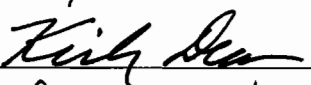
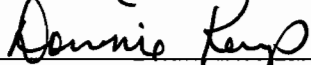
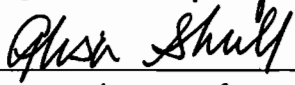
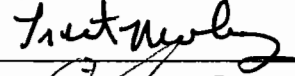
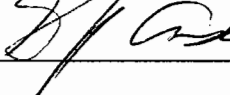
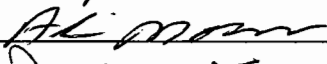
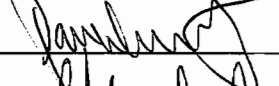
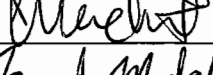
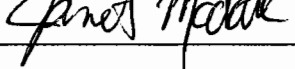
LO-MU – Limited Office District – intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods. **Mixed Use Combining District** – intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

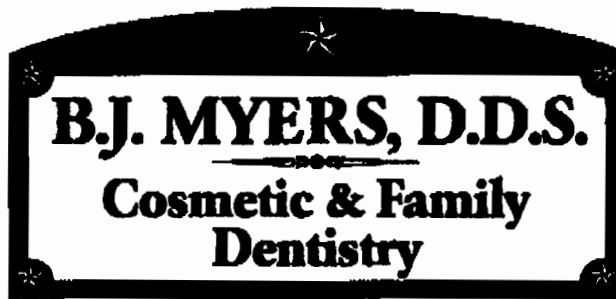
Date: October 1, 2007

Contact Name: Penny Taylor
Phone Number: (512) 507-8530

(SIGNATURES BEGIN ON THE FOLLOWING PAGE)

**Petition Against Zoning Change
8422 Spicewood Springs Road
Signature Page**

Printed Name	Signature	Address	Deed
DAVID ELIZONDO		8323 Pommel Dr	✓
BALSA LABAN		8302 SPICEWOOD SPRINGS COVE	✓
Stephen Cohen		8302 SPICEWOOD SPRINGS COVE	✓
Jenny Zavala		8306 Spicewood Sp Cv	✓
Joy Moneyhon		8304 Spicewood Spgs Cove	✓
LISA POWELL		8430 SPICEWOOD SPRINGS	
Monica Ardoz		8322 Pommel Dr.	✓
Ai Yun		10729 Bay Laurel Tr.	✓
Adriana Romero		10725 Bay Laurel Tr.	✓
Melanie Lopez		10724 Bay Laurel Tr.	
Kirk Dech		8117 Texas Plume Rd	✓
Donnie Kemp		8203 Texas Plume	✓
Alisa Shull		8201 Texas Plume	✓
Trent Newberry		8113 TEXAS PLUME RD	
Giff Andrews		8301 Spicewood Spgs Cove	✓
Ali Mozdar		10721 Bay Laurel Tr.	✓
Pamela Wang		8324 Pommel Drive	✓
Pinky Merchant		10717 Bay Laurel Tr	✓
Taret Modak		8319 Pommel Dr	✓

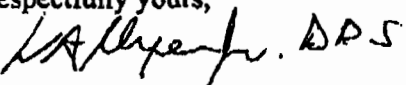


October 1, 2007

Dear Chair Baker and Members of the Zoning and Platting Commission,

I would like to take this opportunity to express my position in regards to the proposed zoning change for the property in question with the case # C14-2007-0156. At this time, I support the staff recommendation of Ms. Sherri Sirwaitis to deny the applicant's request for LO-MU zoning.

Respectfully yours,


William A. Myers, Jr. D.D.S

8430 Spicewood Springs Rd. Austin, Texas 78759

Sirwaitis, Sherri

From: Caroline O'Donnell [REDACTED]

Sent: Thursday, October 18, 2007 2:19 PM

To: Sirwaitis, Sherri

Subject: Re-zoning issue

I Caroline O'Donnell at 10208 Spicewood Mesa, Austin TX 78759 agree with the City Planning and Zoning Department not to change 8422 Spicewood Springs Road from residential to business.

Thank you

Caroline O'Donnell

10/24/2007

Sirwaitis, Sherri

From: Cindy Skierski [REDACTED]
Sent: Wednesday, September 26, 2007 6:04 PM
To: Sirwaitis, Sherri
Subject: Objection to Zoning Change Request C14-2007-0156

Sherri,

We would like to formally object to the proposed zoning change request on Spicewood Springs Road. "A letter accompanying the owner's application argues that the zoning should be changed because the property is not marketable as a single family residence due to traffic congestion along Spicewood Springs Road and that there are already professional offices along Spicewood Springs--the dental office and the engineering office." This is the owner's problem and NOT the City of Austin. If the owner is in fact a realtor, it doesn't appear as if they are competent nor did they complete any basic research prior to purchasing the property. How ironic, given their profession, that they now expect the City to fix their problem to the detriment of the neighborhood. It is also extremely unfortunate that ridiculous requests such as this take taxpayer dollars and time to rectify.

We seriously hope that the City Council rejects this request. As taxpayers and voters, if the request is passed, we would like the names of the council members that vote in favor.

Regards,
Cindy Martinez
Ted Skierski

Sirwaitis, Sherri

From: Chris Ott [REDACTED]
Sent: Wednesday, September 26, 2007 7:41 PM
To: Sirwaitis, Sherri
Subject: Objection to case #C14-2007-0156

Hi Sherri,

I just want to send in my opposition to changing the zoning on the property at 8322 Spicewood Springs Road across from Canyon Vista Middle School. As much as I appreciate someone wanting to make a living by purchasing property and actually improving that property for the benefit of themselves and others, flipping a residential property to a light commercial property does not enhance the neighborhood. Once a zoning change is made I have all too often seen the surrounding residential properties fall into disrepair and in the long run lower the value of the entire area, not to mention the reduction in taxes raised from the residential properties that have now decreased in value.

There is also the risk that the property would be converted to a business that is detrimental to the education and well being of the students attending school directly across the street. Any business that would attract the children means more crossings, where there is already a heavy amount of daytime traffic. Cars and young children is almost always a recipe for disaster. I really don't want a temptation for my own children to cross the street located directly across from their school. This property IS a residential property and should remain a residential property AND the zoning needs to be enforced.

Please do not allow the change in zoning to happen for the benefit of everyone in the area.

Sincerely

Christopher Ott
9406 Ashton Ridge
Austin, TX 78750

Sirwaitis, Sherri

From: Balsa Laban [REDACTED]
Sent: Friday, September 28, 2007 10:31 AM
To: Sirwaitis, Sherri
Cc: Futrell, Toby; brewster.mccracken@ci.austin.tx.us
Subject: Re Proposed Rezoning of 8422 Spicewood Springs Rd, case # C14-2007-0156

To: Sherri Sirwaitis
Planning and Zoning Department

Dear Ms. Sirwaitis,

I am writing this letter to raise my concerns about proposed rezoning of property located at 8422 Spicewood Springs Rd, case # C14-2007-0156.

The vacancy rate for office space on Jollyville Rd and Research Blvd, which are in immediate proximity, is quite high and almost every building has a "For Lease" sign displayed. On the other hand, there are very few single-family homes on the market in this same area at any given time, and the demand is extremely high due to numerous factors but mostly good schools (the property in question is located couple hundred feet from Canyon Vista Middle School). I don't think it would be in the interest of community to eliminate residential housing in this area even further.

The current owners of the property in question have already started operating their business illegally inside the house and I have seen more that 10 cars parked in front, all day long, over this summer. At the same time, the state of that lot is disgraceful to our neighborhood and I would urge your office to pay a visit and see overgrown grass and trash all over the lawn and driveway. Current behavior of the owners leads me to believe that they are just looking for cheap office space but at the expense of everyone else in the communities close by.

Another concern I have is the safety of children walking to Canyon Vista Middle School. The only road they can take is the sidewalk along Spicewood Springs Rd, an already busy street. Adding another parking lot and increasing the frequency of cars pulling in and out, over the sidewalk, will just add to the already dangerous trip to school.

Thank you for your consideration, with hopes that you will support the residents of Ridge at Balcones in this case.

Best Regards,

Balsa and Mina Laban
8302 Spicewood Springs Cove
Austin, TX 78759
Tel: (512) 466-2930
Email: balsa@laban.us

10/1/2007

Sirwaitis, Sherri

From: Cindy Skierski [REDACTED]
Sent: Saturday, September 29, 2007 9:02 AM
To: Sirwaitis, Sherri
Subject: Support for the DENIAL of Zoning Change Request C14-2007-0156

We support the decision of the City Planning and Zoning Department to keep 8422 Spicewood Springs Road, residential.

Please let us know if you require additional information.

Cindy Martinez
Ted Skierski

10/1/2007

Sirwaitis, Sherri

From: Barbara Chapman [REDACTED]
Sent: Saturday, September 29, 2007 9:19 AM
To: Sirwaitis, Sherri
Subject: 8422 Spicewood Springs Road

I fully support your decision to keep the zoning at the above address to residential.
Thank you!

Barbara Chapman
Public Strategies, Inc.
98 San Jacinto Blvd, Suite 1200
Austin, Texas 78701
Austin Office Direct Line: 512-432-1948
Fax: 512-432-1803
Cell: 512-940-0046

Sirwaitis, Sherri

From: Dominc And Kelley DuVarney [REDACTED]
Sent: Saturday, September 29, 2007 12:24 PM
To: Sirwaitis, Sherri
Subject: 8422 Spicewood Spring Rd

I live in the Spicewood Estates neighborhood on top of the Mountain(Scotland Well). I am happy with the decision not to change the zoning to commercial. As I see it the newer neighborhood accross the street,The Bend, has less land between their homes and the road than the home in question. I also have a 6th grader at Canyon Vista and a 17 year old who drives himself to St.Michaels via Spicewood Springs Rd, the amount of traffic through our neighborhoods is outrageous!

People who are trying to divert from 183 are in the thousands everyday and we certainly don't want to add to those numbers!

Thanks

Kelley Duvarney
11002 Country Knoll 78750

Don't let your dream ride pass you by. Make it a reality with Yahoo! Autos.
<http://autos.yahoo.com/index.html>

Sirwaitis, Sherri

From: Randee M. Ketzel [REDACTED]
Sent: Saturday, September 29, 2007 1:07 PM
To: Sirwaitis, Sherri
Subject: keep residential zoning on Spicewood springs road!

As a resident of the Mountain Neighborhood, I would like to support the board's decision to deny commercial zoning for 8422 Spicewood Springs road...while we cannot keep tacky commercialism at bay forever, it sure would be nice to hold the line for now....

Yours

Randee Ketzel
9008 Westerkirk Drive 78750

Catch up on [fall's hot new shows](#) on Yahoo! TV. Watch previews, get listings, and more!

Sirwaitis, Sherri

From: Doug Leininger [REDACTED]
Sent: Saturday, September 29, 2007 5:44 PM
To: Sirwaitis, Sherri
Subject: Zoning Change Request: 8422 Spicewood Springs Road

Hi Sherri,

I understand that the City Planning and Zoning Department will recommend that the request for a zoning change at 8422 Spicewood Springs Road from residential to business be denied. I am SO happy and relieved to hear this. Ours is a truly residential neighborhood, with lots of children on the roads traveling to school each day. Opening up zoning in our area to businesses of any kind would be a grave mistake. And I applaud you and your committee for denying this recommendation. THANK YOU, THANK YOU, THANK YOU!

Very sincerely,
Doug Leininger
8906 Tweed Berwick Drive
Austin, TX 78750

10/1/2007

Sirwaitis, Sherri

From: Bogart, Alicia [REDACTED]
Sent: Monday, October 01, 2007 9:17 AM
To: Sirwaitis, Sherri
Cc: Bruce Bogart
Subject: Zoning Change

Dear Sherri,

This email is to document my support for the City Planning and Zoning Department's recommendation to DENY the proposed zoning change at 8422 Spicewood Springs Road from residential to business. Let me know if you need anything else.

Regards,

*Alicia Bogart, Resident
The Forest Neighborhood*

10/1/2007

Sirwaitis, Sherri

From: John Zavala [REDACTED]
Sent: Monday, October 01, 2007 2:02 PM
To: Sirwaitis, Sherri; [REDACTED]
Subject: What's In It for Me- Rezoning case #C14-2007-0156

Dear Sherri Sirwaitis,

What's in it for me? When you look at decisions that face you daily, most people base their answers on this simple axiom-

What's in it for me? I am no different. There are many selfish reasons I am against the rezoning of the corner property on

Spicewood Springs Cove and Spicewood Springs. You see, my family and I are the the only direct neighbors to that parcel

of land. In fact, since we are elevated in comparison to it we have a bird's eye view of their backyard from our backyard.

What a shame it would be to miss seeing the sunset because of a future 3 story building. How unsightly also to have a parking lot as a view from our deck instead of simply a 'backyard'. Perhaps my crepe myrtles will have finished growing

by then. Getting across Spicewood Springs used to be the only challenge in getting to Canyon Vista by foot. Now it will be my own

street. Cars parked along a two lane road coupled with in and out traffic will make getting to the busier thoroughfare

a relief. Oh, and did I mention property values? Being the direct neighbor we will take the biggest hit.

All sounds pretty selfish doesn't it. I agree completely. Its because of that that I feel that these reasons are secondary to the

real reason that piece of land shouldn't be rezoned. Mostly that reason centers on family. All who moved here in the past did so because

they wanted to belong to a family neighborhood. We wanted to live here because we saw other families outside playing. We saw

others walking their dogs. We saw others cooking out together. But mainly we saw kids playing **safely**. Seven day a week traffic at that

intersection won't allow safety to be a top concern. Lets forget my kids for now. How about those hundreds that walk to a from school

at Canyon Vista just yards away? They've been doing so for years and will now be faced with another obstacle-cars unfamiliar

with the area who are their only for business, not to get home. I believe that past behavior is a pretty good indicator of future behavior

and can I tell you how that property was treated in the last six months? Curbs were removed, grass was kept high and business was

being done- illegally I've been told. Those aren't the neighbors I want my kids to have. The kids in this area including those of

Canyon Vista deserve better.

Sherri, lets keep our neighborhood the way it is. We don't want traffic. We don't want traffic accidents. We don't want

traffic accidents that involve our kids. Please discourage this rezoning form going to Council. Thank you.

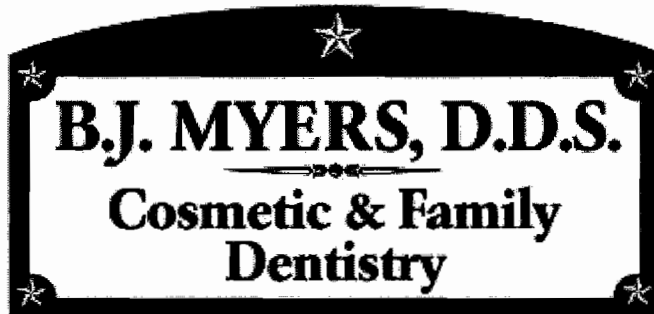
Johnny Zavala

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10/1/2007

Sirwaitis, Sherri

From: Dr. BJ Myers [REDACTED]
Sent: Monday, October 01, 2007 4:06 PM
To: Sirwaitis, Sherri
Cc: Cis Myers; fballou@austin.rr.com
Subject: zoning and platting.doc



October 1, 2007

Dear Chair Baker and Members of the Zoning and Platting Commission,

I would like to take this opportunity to express my position in regards to the proposed zoning change for the property in question with the case # C14-2007-0156. At this time, I support the staff recommendation of Ms. Sherri Sirwaitis to deny the applicant's request for LO-MU zoning.

Respectfully yours,

William A. Myers, Jr. D.D.S

8430 Spicewood Springs Rd. Austin, Texas 78759

Sirwaitis, Sherri

From: Al Onderick [REDACTED]
Sent: Monday, October 01, 2007 7:34 PM
To: Sirwaitis, Sherri
Subject: Zoning Case C14-2007-0156

Hello Sherri,

My name is Al Onderick and I am the president of The Bend Home Owners Association. I am writing you regarding the re-zoning request at 8422 Spicewood Springs Road. The Bend is the neighborhood directly across the street from the property requesting the re-zoning and would be directly affected by any change in zoning.

I strongly object to any change in the land development code which would zone 8422 Spicewood Springs Road to any classification other than SF-2. I and a significant number of neighbors feel very strongly that no change should be made. I would appreciate your support in this matter and can be reached at the phone number below if you have any questions.

Thank You
Al Onderick
President, The Bend HOA
512-331-9693

10/2/2007

Sirwaitis, Sherri

From: [REDACTED]
Sent: Monday, October 01, 2007 8:53 PM
To: Sirwaitis, Sherri
Subject: Proposed Zoning Change (Case#C14-2007-0156)

case#C14-2007-0156
contact: Sherri Sirwaitis
Public Hearing: October 2, 2007 Zoning and Platting Commission

My Name: Ali Mozdbar
My Address: 10721 Bay Laurel Trl.

Ms. Sirwaitis:

I am writing to express my objection to this proposed zoning change from SF-2 to LO-MU. My objection is mainly due to the fact that the zoning is too intense and out of character with the neighborhood. It will also set a precedence for others to follow suit. There is a middle school in the neighborhood and many kids walk to school. The zoning change increase traffic in the neighborhood and will definitely impact safety of these kids.

In addition, the zoning change not only would change the character of the neighborhood, but it would negatively impact the property value.

Please let me know if I can provide any additional information.

Thanks in advance

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

10/2/2007

Sirwaitis, Sherri

From: Merchant, Feroze [REDACTED]
Sent: Monday, October 01, 2007 8:54 PM
To: Sirwaitis, Sherri
Cc: Merchant, Feroze; Merchant, Pinky
Subject: Proposed Rezoning of 8422 Spicewood Springs Rd - Case# C14-2007-0156

To:
Sherri Sirwaitis
City of Austin

Case# C14-2007-0156

Dear Sherri,

I would like to record my opposition to the proposed rezoning of 8422 Spicewood Springs Rd from SFR to LO-MU. My house (at 10717 Bay Laurel Trl) is within 200 feet of the proposed lot. The proposed rezoning is undesirable due to the following reasons:

1. The proposed rezoning **"puts a business practically in our backyard"** and the backyard of our neighbors. **One could actually stand at the lot proposed for rezoning and could see and hear our kids playing in the backyard. This is a huge safety risk!!**
2. The proposed rezoning to LO-MU is out of character with the neighborhood.
3. There are plenty of kids playing in the neighborhood within a radius of 200 feet. This would put them at risk of increased traffic – both pedestrian and vehicular.
4. Canyon Vista middle school (at 8455 Spicewood Springs Rd) is practically across the street from this plot. Kids walk to school everyday and the rezoning to LO-MU would adversely affect their safety.
5. Approval for this rezoning will set an undesirable precedent for other establishments along Spicewood Springs Rd to the detriment of property values and children's' safety.

Please also forward to The Zoning and Platting Commission or other City entities as appropriate.

Thank you for your kind consideration,

Sincerely,
Feroze Merchant and Pinky Merchant
10717 Bay Laurel Trl
Austin, TX 78750

10/2/2007

Sirwaitis, Sherri

From: Adriana Romero [REDACTED]
Sent: Monday, October 01, 2007 9:56 PM
To: Sirwaitis, Sherri
Subject: Case Number: C14-2007-0156

Ms. Sirwaitis,

We wish to notify you that we are strongly opposed to the proposed zoning change at 8422 Spicewood Springs Road (Case Number: C14-2007-0156). Our neighborhood currently consists of single family homes and we wish to keep it that way. Changing the lot in question would be totally out of character with the rest of the neighborhood.

Changing this lot from SF-2 to LO-MU would mean more traffic in this area. This lot is located in very close proximity to a middle school. We are very concern with the safety of our children.

Thank you,

Hector and Adriana Romero
10725 Bay Laurel Trail
Austin, TX 78750

10/2/2007

Sirwaitis, Sherri

From: Gene Schriber [REDACTED]
Sent: Tuesday, October 02, 2007 6:50 AM
To: Sirwaitis, Sherri
Subject: Rezoning on Spicewood Springs Road

Ms. Sherri Sirwaitis:

We are sending you this email to express our concerns about the negative impact of a zoning change from SF-2 to LO-MU at 8422 Spicewood Springs Rd.

We have lived at "The Bend" for almost 12 years now and have seen somewhat of an explosive growth of traffic on Spicewoods Springs Road. Early morning traffic and late afternoon traffic has increased significantly during these 12 years. Any rezoning that increases the possible density of residences will be detrimental to an already existing traffic problem.

My wife and I are retired with no children living at our present residence at 8522 Sweet Cherry, but we have concerns regarding a school nearby and students on foot, both morning and afternoon, communicating to and from that school.

Please make our concerns known to the planning commission regarding this rezoning request.

Thank You

Gene & Janice Schriber
8522 Sweet Cherry Dr
Austin, TX 78750

geneas2@earthlink.net

Sirwaitis, Sherri

From: Kathleen Webster [REDACTED]
Sent: Tuesday, October 02, 2007 9:34 AM
To: Sirwaitis, Sherri
Subject: Re-zoning 8422 Spicewood Springs

To whom it may concern,
Please note that I am ***against*** re-zoning 8422 Spicewood Springs as I live across the street. This is already a high traffic area where children pass while walking to Canyon Vista Middle School. More traffic could well lead to an accident involving a child. Please consider this re-zoning question carefully. It must remain residential zoning. Thank you.
Kathleen Webster
10720 Bay Laurel Trail
Austin TX 78750

Sirwaitis, Sherri

From: Han L Goh [REDACTED]
Sent: Tuesday, October 02, 2007 3:11 PM
To: Sirwaitis, Sherri
Cc: [REDACTED]
Subject: Oppose rezoning C14-2007-0156

Regarding:

9. Rezoning: C14-2007-0156 - 8422 Spicewood Springs

Location: 8422 Spicewood Springs, Bull Creek Watershed Owner/Applicant: Xiamin Wu

Agent: Yinan Sun

Request: SF-2 to LO-MU

Staff Rec.: Not Recommended

Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us Neighborhood Planning and Zoning Department

We are opposed to the proposed zoning change from SF-2 to LO-MU for the following reasons:

- 1) This is a primarily residential neighborhood, surrounding the lot on all sides are single-family residences.
- 2) Many children walk in front and on the side of the lot to Canyon Vista Middle School. Having an apt. complex there will put kids lives in danger.
- 3) It is out of character for an apt. complex to be in the middle of single-family neighborhoods and will lower the appraised value of many homes.
- 4) It will set a precedence for similar re-zonings.

Thank you.

Han Goh, Yu-Mei Liu
10705 Bay Laurel Trail
Austin, TX 78750

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

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: C14-2007-0156

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

October 2, 2007 Zoning and Platting Commission

<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object
--

Tom Thomas

Your Name (please print)

8321 Bommel Dr. Austin 78759

Your address(es) affected by this application

Dr. J. Thomas Jr. 9/26/2007

Signature

Date

Comments:

Please see attached.

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2007-0156

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

October 2, 2007 Zoning and Platting Commission

JAE S PARK

Your Name (please print)

10713 Bay Laurel TRL AUSTIN TX

Your address(es) affected by this application

78750

9/24/07

Date

Signature

Comments:

Do not Bring Business
in residence Area!!!

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

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object
--

September 27, 2007

Sherri Sirwaitis
Planning and Zoning Department
505 Barton Springs Rd Suite 525
Austin, TX 78704

Dear Ms. Sirwaitis,

I am writing this letter to raise my concerns about proposed rezoning of property located at 8422 Spicewood Springs Rd, case # C14-2007-0156.


The vacancy rate for office space on Jollyville Rd and Research Blvd, which are in immediate proximity, is quite high and almost every building has a "For Lease" sign displayed. On the other hand, there are very few single-family homes on the market in this same area at any given time, and the demand is extremely high due to numerous factors but mostly good schools (the property in question is located couple hundred feet from Canyon Vista Middle School). I don't think it would be in the interest of community to eliminate residential housing in this area even further.

The current owners of the property in question have already started operating their business illegally inside the house and I have seen more than 10 cars parked in front, all day long, over this summer. At the same time, the state of that lot is disgraceful to our neighborhood and I would urge your office to pay a visit and see overgrown grass and trash all over the lawn and driveway. Current behavior of the owners leads me to believe that they are just looking for cheap office space but at the expense of everyone else in the communities close by.

Another concern I have is the safety of children walking to Canyon Vista Middle School. The only road they can take is the sidewalk along Spicewood Springs Rd, an already busy street. Adding another parking lot and increasing the frequency of cars pulling in and out, over the sidewalk, will just add to the already dangerous trip to school.

Thank you for your consideration, with hopes that you will support the residents of Ridge at Balcones in this case.

Best Regards,



Balsa Laban
8302 Spicewood Springs Cove
Austin, TX 78759
Tel: (512) 466-2930
Email: balsa@laban.us

To: Sherri Sirwaitis
Senior Planner, City of Austin
505 Barton Springs Rd. Suite #525
Austin, TX
78704

From: Tom Thomas
8321 Pommel Dr.
Austin, TX
78759
(512) 336-1593 (home)
(512) 314-0515 (work)

September 26, 2007

RE: Case Number C14-2007-0156

To Whom It May Concern,

I am writing to inform you that my family is extremely opposed to the proposed re-zoning of 8422 Spicewood Springs Road (Case Number C14-2007-0156). Our family home is within 300 feet of the proposed business location. We have a number of objections to the proposed re-zoning detailed below. I am requesting that you not recommend re-zoning for this property to the City Council.

Our concerns:

- 1) We have a small child and believe the business will draw additional traffic in the neighborhood area. The additional traffic will make it significantly more dangerous for us to walk to the playing fields and pool adjacent to Canyon Vista Middle School as well as nearby Tanglewood (City of Austin) park.
- 2) We are concerned with the aesthetic impact of this business on our quiet residential neighborhood. Our understanding is that the owners intend to build a parking lot on the property which will detract from the family environment of the Ridge at Balcones neighborhood.
- 3) We are concerned that the business owners have displayed little regard for observing city statutes and this leads us to question whether they would be good neighbors. For example, the business owners were apparently conducting business at the location in April and May 2007 even though the lot was zoned as Single-Family Residential. Additionally, the business owners ripped up part of the curb on Spicewood Springs Cove. To my knowledge this was done without approval from the City of Austin or from the Ridge at Balcones Neighborhood Association.
- 4) In addition, there seems to be plenty of available office space within close proximity to this location which would not require re-zoning in a family neighborhood.

If necessary, we would be happy to talk with someone in person and show them the proximity of the proposed business to our neighborhood and the nearby parks, pool, and school.

Thank you for your consideration.

Sincerely,

Tom Thomas

Tom Thomas

P.S. On Saturday 9/22/2007, 6 cars were observed to be in the 8422 Spicewood Springs driveway. My wife Carla Thomas was approached by a customer for the business being operated there and asked for directions. I remain concerned that the current zoning ordinances are being sporadically violated by the owners of the 8422 Spicewood Springs property.

addendum
since
original
letter was
sent

}

.....

Paul and Chris Sangree
8311 Pommel Dr
Austin, Tx 78759

September 13, 2007

Sherri Sirwaitis
City Of Austin-Senior Planner
One Texas Center Suite 525
505 Barton Springs Rd
Austin, Tx 78704

Dear Ms. Sirwaitis,


We are writing you concerning the application for rezoning case #C14-2007-0156. The property location is 8422 Spicewood Springs Rd 78759. We are asking you to NOT recommend rezoning of this property. There are many reasons this property should not be rezoned. Until it was purchased by the current owners it was a private residence at the entrance to our neighborhood. The current owners have purchased this property in order to run a realty and mortgage business. They plan to run this business 7 days per week including evenings. With the location of this business at the entrance of our neighborhood this poses many problems. We are located close to Canyon Vista Middle School and therefore several neighborhood children walk or ride their bikes to school. When this business was operating illegally in April and May their employees cars were parked along both sides of our residential streets. Driving in and out of my neighborhood was made difficult because of so many cars parked along the road. This left only one lane in the middle of the road to accomodate cars both exiting and trying to enter the neighborhood. This makes for a very dangerous situation for the vehicles. The school bus attempting to drive between these cars on it's daily route had difficulty and endangered the children on board when it was faced with oncoming traffic with no where to go. Emergency vehicles would have difficulty entering or exiting at this corner. For a child trying to walk or ride a bike to school, this many vehicles parked along the road poses an even greater danger. Some of these incidents have already been witnessed by residents of our neighborhood.

In addition, in an attempt to provide an additional entrance to their property, the owners had a portion of the curb along Spicewood Springs Cove removed. To this day it has not been replaced. With all the rain we have received over the past several months, rock, gravel and dirt has washed into the road. The owners have made no attempt to rectify this, nor have they tried to maintain their property to keep it attractive and maintain the aesthetic value of our neighborhood. Over the past several months, grass was allowed to grow 2 feet high, no attempt was made to pick up litter that had blown onto the property and a huge, ugly address sign sits in the middle of the property. A business with no regard for it's neighbors has no place in a residential neighborhood.

We have lived in this neighborhood for 20 years and all the growth over the years has been residential oriented not business oriented. Rezoning this property will mean one less affordable home in an area where the peaceful neighborhoods and top quality schools are desirable. In addition having a business property at the corner of our neighborhood would negatively impact the property values of the existing homes. An active, crowded, business operating at all hours would have a negative impression on potential home buyers. By rezoning this property we feel a negative precedent will also be set. It may encourage others to seek rezoning of their property in order to sell it to a business in order to make a profit at our neighborhood's expense. The present owners are known to keep a property for a year or so then turn it over for a profit without regard to their neighbors.

As residents of Austin for over 30 years we have enjoyed the wonderful quality of life this city gives it's residents. The rezoning of this property will negatively impact the residents of our neighborhood and deter from the quality of life we enjoy here. We asked that you please consider these points in your rezoning decision and recommend to the City Council to Not rezone this property. Thank you.

Sincerely,


Paul and Chris Sangree

8422

8422

84

Curve at grade
road under

no. 1000
entrance

