

# Late Backup

#88

## P E T I T I O N

Date: June 16, 2008  
Case Number C-14-2008-0088  
Tract Number(s): Tract 5

Addresses of  
Rezoning Request: See Attached

To: Austin City Council

We, the undersigned owners of property affected by the creation of a Vertical Mixed Use Overlay District by the City of Austin, do hereby protest against any action by the City Council which would add or retain Vertical Mixed Use zoning for the property referenced above as part of the VMU Opt-In/Opt-Out Application process

We oppose the proposed addition/retention of VMU zoning for the property known as Burnet Storage for numerous reasons, including the following:

- A. This property did not have Vertical Mixed Use zoning until it was automatically granted by the City Council during the creation of a VMU Overlay District. At the time the VMU Overlay District was created, notice was not sent to each of the owners of property within 200' of the subject tract. Therefore, the surrounding property owners were deprived of the right of protest at the time the Overlay District was created.
- B. Official representatives of the City of Austin provided conflicting responses to concerned neighbors about whether or not the creation of an Overlay District, which automatically granted a new zoning category to the subject property, constituted a zoning change as typically recognized by the citizens of Austin.
- C. Citizens were not allowed the right of petition at the time of the creation of the Overlay District and protest petitions submitted at that time have been disregarded by the City Council. This petition should be viewed as part of a continuing effort to protest the automatic approval of new zoning for the subject property.
- D. This property is surrounded on three sides by adjacent, established single family homes. The VMU zoning creates extremely different development possibilities on the subject properties, many of which cause **significantly** greater impact on the surrounding residents.
- E. The improvements existing on this property are currently causing flooding on the surrounding single family properties. Though alerted to the problem, the City of Austin has been unwilling or unable to adequately address the problem.
- F. This property extends deep into the Allandale Neighborhood, and development changes on this property should therefore involve the surrounding single family neighbors to a significant degree.
- G. And because VMU developments can now be constructed on this property without a zoning change, the surrounding neighbors will have little or no opportunity for input on the proposed (re)development at any point in the City's approval process.



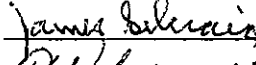
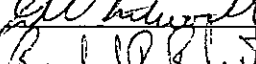
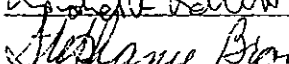
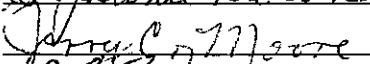


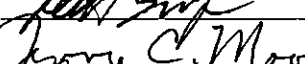
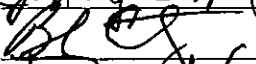




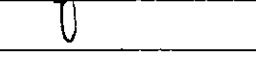
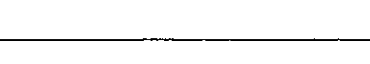
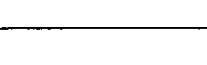
Case Number: C-14-2008-0088  
Address of \_\_\_\_\_  
Rezoning Request \_\_\_\_\_ See attached

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
	SHARI A. GAERTNER	6305 NASCO AUSTIN 78757
	George L. Roman	6405 NASCO DR
	Leslie Dadidakis	6411 Nasco Drive
	Mark Fletcher	6401 Nasco Dr 78757
	Ricky Carter	6309 NASCO DR 78757
	LINDA M. JENNINGS	6403 NASCO DR 78757
	Charles E. Rodgers	6409 Nasco Dr 78757
	TRAVIS J. TUEK	6413 Nasco Dr. 78757
	Mark J. Heberts	6501 Nasco Dr 78757
	Heather Gifford Peterson	6503 Nasco Dr 78757
	Claire Benedikt	6505 NASCO DR 78757
	John M. Whitman	2503 Twin Oaks 78757
	Richard H. Martin	2501 Twin Oaks Dr 78757
	EDNA J. SECORD	6100 Wynona Ave 78757
	Susan Bartkovak	1606 Sage Boot Dr Pflugerville 78660
	LEIF ALLRED	2210 WHITE HORSE TRAIL 78757
	Margaret Long Wallace	6101 Shoalwood, Austin, 78757
	LINDA HARTY	2506 White Horse Trail Austin 787
	GERARD ALCALA	2504 WHITE HORSE TR 78757
	ROBERT WHITLOCK	6304 NASCO DR. 78757
	MARK VANGELDER	6408 NASCO DR. 78757
	MARK HARMON	21000 TWIN OAKS DR. 78757
	KEVIN DREW	6401 NASCO DR 78757
	KEVIN DREW	6300 CARY DR.
	KEVIN DREW	6602 NASCO 78757
	KEVIN DREW	6401 NASCO 78757
	KEVIN DREW	6407 NASCO 78757

Case Number. C-14-2008-0088  
Address of \_\_\_\_\_  
Rezoning Request. \_\_\_\_\_ See attached

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Nancy Edwards	6103 Bull Creek Rd.
	Laura Richard	6104 Bull Creek Rd.
	James Seleraig	6202 Bull Creek Rd.
	David Whitworth	6105 Bull Creek Rd.
	Randal R Robnett	2504 White Horse Tr.
	Stephanie Brown	2504 White Horse Tr.
	Jerry C. Moore	2206 White Horse Tr.
	DAVID A. STARRY	2208 White Horse
	Cathy Savage	2212 White Horse Trl.
	Keith Savage	2212 White Horse Trl.
dupe - 	JERRY C. MOORE	2206 White Horse Trail
	BRAD CASTLEBERRY	6206 WYNONA AVE.
	Brandon Cahoon	6205 Shadwood Ave
	Jeffrey L. STEWART	6204 WOODVIEW AVE
	Shanta Strube	6202 Woodview Ave.
	Mary C Price	8106 " "
	Meredith Draper	6104 Shadwood Avenue

Case Number C-14-2008-0038  
Address of \_\_\_\_\_  
Rezoning Request \_\_\_\_\_ See attached

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

R. J. Carroll, Jr.

Robert J Carroll, Jr.

2502 Twin Oaks Dr. Austin, TX 78758

Susanna Heinrich

Susanna Heinrich

2507 Twin Oaks Dr. 78758

Austin Ticket Co.

Austin Ticket Co.

2110 White Horse Tal. Ste. G. 78758

Tracy Arldt-Sherman

Tracy Arldt-Sherman

2505 TWIN OAKS 78758

Milton J. Matus

MILTON J MATUS

6603 NASCO 78757 7875

Mary Jean Matus

MARY JEAN MATUS

6603 NASCO 78757

Eileen Anderson

Eileen Anderson

6507 NASCO 78757

Vikki Pinson

Vikki Pinson

6004 Daugherty 78757

George Suckle

George Suckle

4204 Camy Dr.

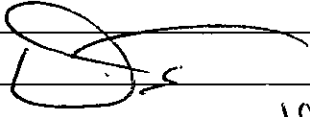
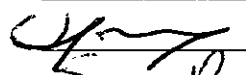

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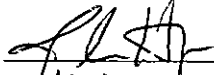
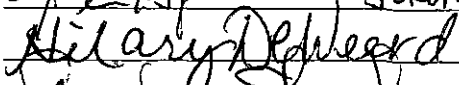
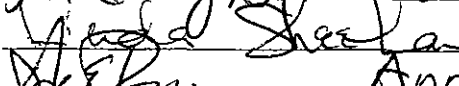


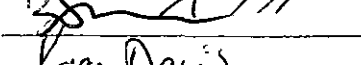
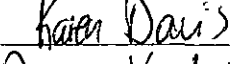
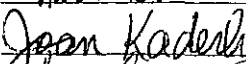
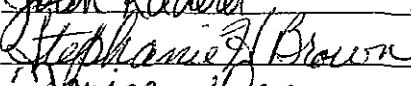
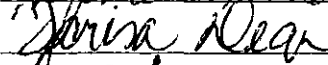
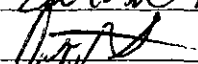
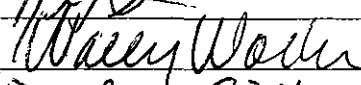
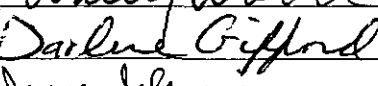
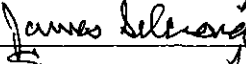
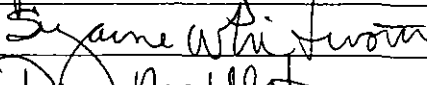
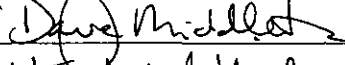
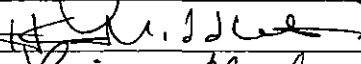
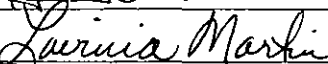
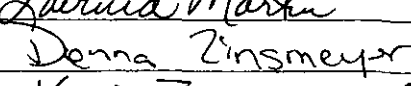
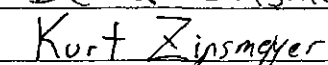

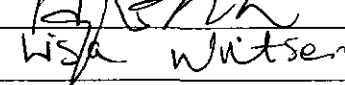
- Barbara Jo Tucker Barbara Tucker 6204 Bull Creek Rd  
allandal@swbell.net
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- Porn 1 tutton - 2600 White Horse Trail  
pepitados@aol.com
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dfox4e@austin.rr.com
- David Gilliam  David Gilliam  BRANDDAVID.US  
6101 Nasco
- Susanna Butler Susanna Butler 6100 Nasco Dr
- Kathleen Earthman Kathleen Earthman 6106 Nasco
- Shannon Mazar Shannon Mazar 2500 White Horse
- Dennis Tucker DENNIS TUCKER 6204 Bull Creek Rd.
- Amanda Taulbee Amanda Taulbee 6003 Bull Creek Rd
- Tom Faulkner TOM FAULKNER 6205 Bull Creek Rd.  
tomf@futurepublishing.com
- Carol Clay GR Clay 18@earthlink.net 6306 Cary Dr
- John Panok 6008 Shears Creek John Panok
- Mark Thomas Mark Thomas 6300 Wilbur Dr
- Richard Hefferman Richard Hefferman 6103 Bull Creek Rd.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

	JORDAN HOGAN	6410 NASCO DR.
	Hilary Dewleerd	6201 Cary Dr
	Linda Sheehan	6205 Cary Dr.
	Anne Province	6400 Nasco Dr.
	K. Staat	2606 White Horse
	Betsy Stimmer	6302 Cary Drive
	Karen Davis	6302 Cary Drive
	Joan Kaderli	6404 Cary Dr.
	Stephanie H. Brown	2504 White Horse Tr
	Tarisa Dean	2502 White Horse Trail
	Justin T. Dean	same
	Wally Workman	2602 White Horse Trl
	Darlene Gifford	6206 Cary Dr.
	James Selcraig	6202 Bull Creek Rd.
	Suzanne Whitworth	6105 Bull Creek Rd
	Dave Middleton	2501 White Rock Dr
	Heather Middleton	2501 White Rock Dr
	Lavinia Martin	6202 Bull Creek Rd.
	Denna Zinsmeyer	6007 Bull Creek
	Kurt Zinsmeyer	6007 Bull Creek Rd
	Hugh McLann	6011 Cary Dr.
	Lisa Witsen	6011 Cary Dr

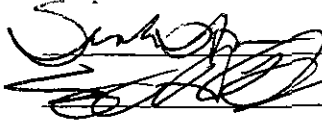
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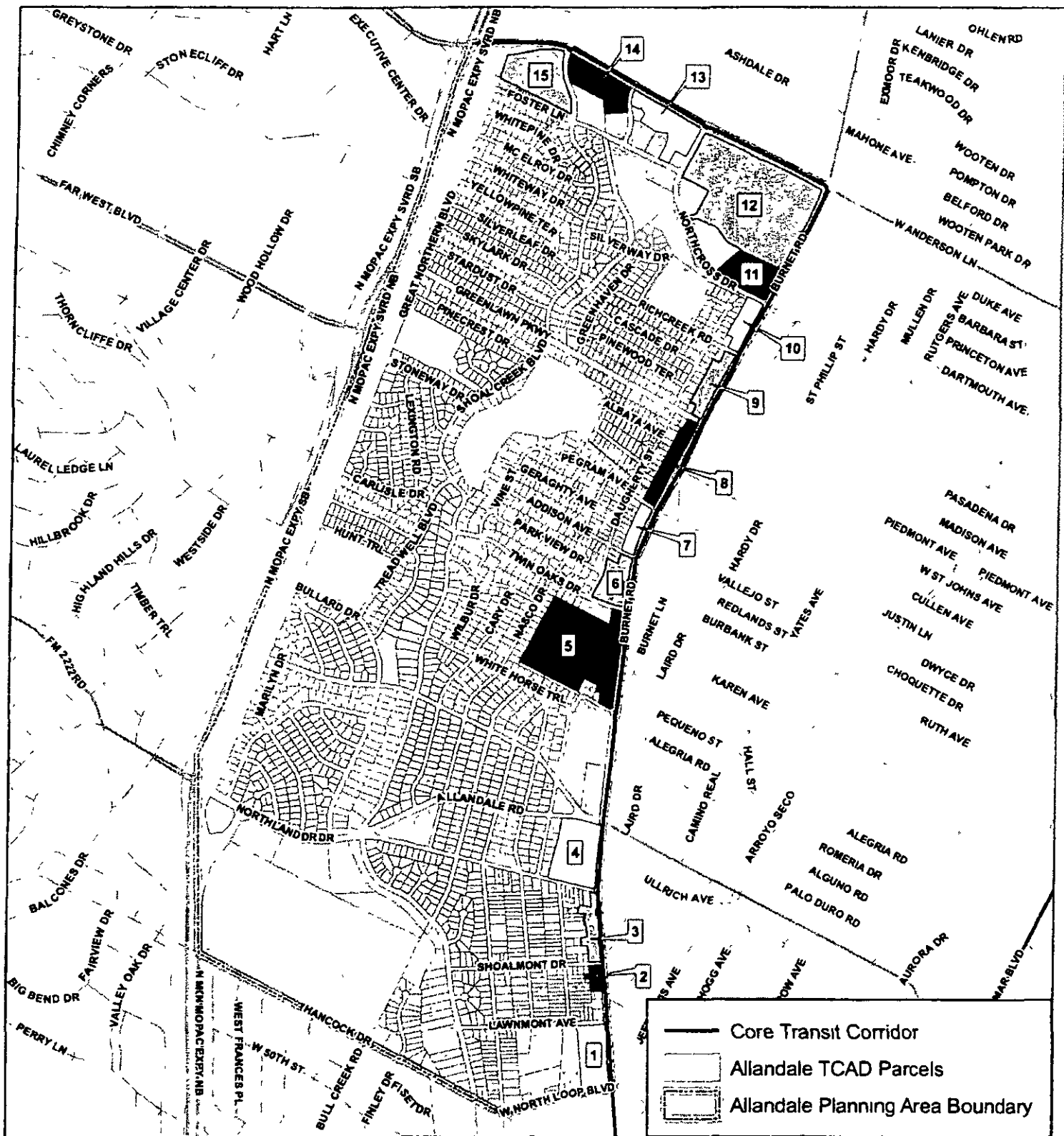
(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

 SARAH NELSON 10408 CARY 78757  
Gregory Dvorak 2601 Cavileer Ave 78757



# Allandale VMU Neighborhood Planning Area Vertical Mixed Use (VMU) Overlay District C14-2008-0088 Tract Map

Produced by City of Austin  
Neighborhood Planning and Zoning Dept  
April 8, 2008

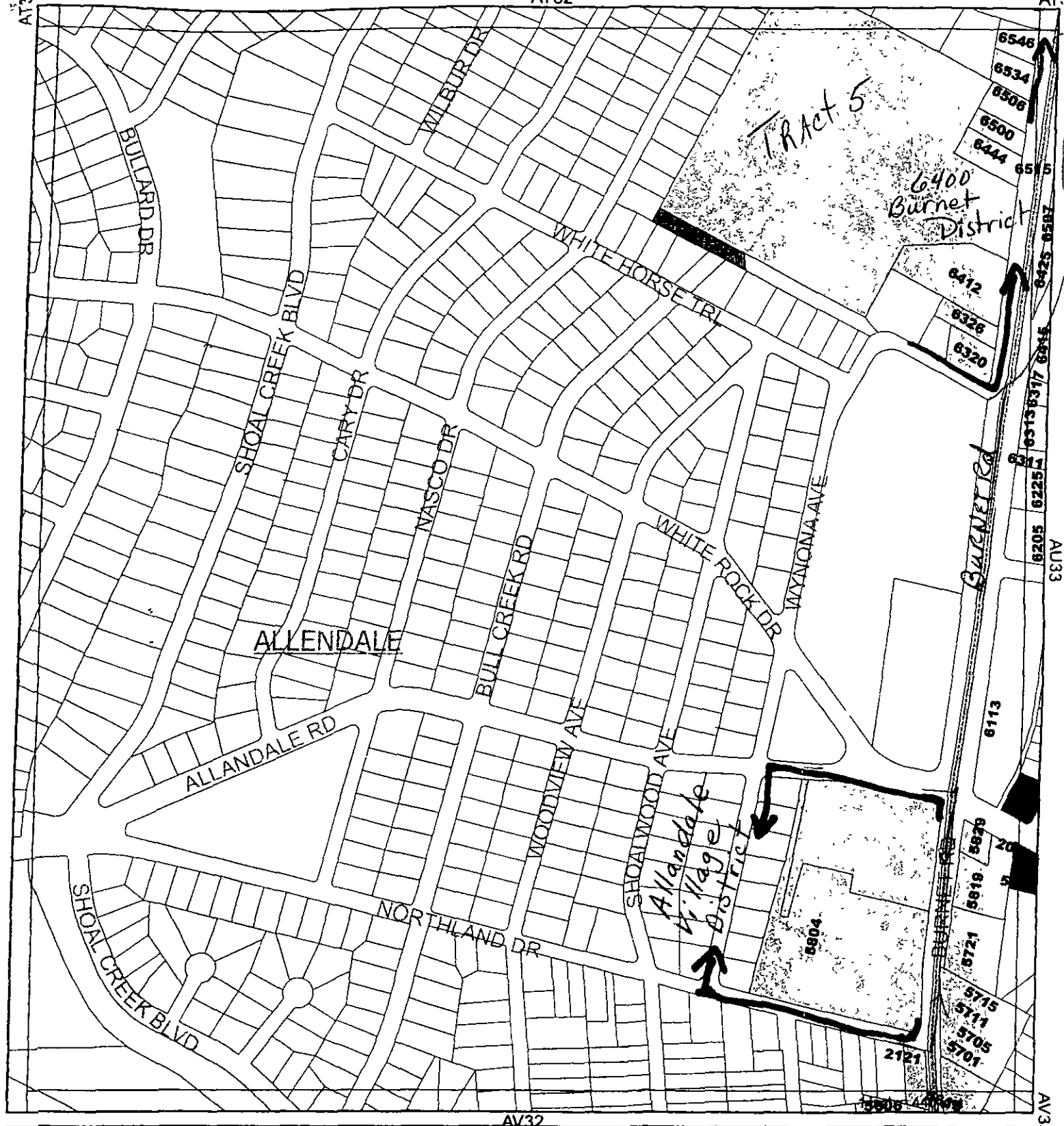
Please refer to attached tables  
"Allandale Neighborhood Planning Area  
VMU Application Properties" and "Allandale  
Neighborhood Planning Area VMU  
Neighborhood Recommendations" for  
more information.



0 500 1,000 2,000 Feet

This map has been produced by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.





**Detailed Maps for Vertical Mixed Use  
Opt-in/Opt Out Process  
Grid Page: AU32**



Produced by City of Austin Neighborhood Planning and Zoning Dept. October 21, 2006. This map has been produced by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.  
Vertical Mixed Use Map Grids Black and White map

Legend	
	Planning Areas
	Core Transit Corridor
	Future Core Transit Corridor
	Vertical Mixed Use Overlay District ("Opt-out")
	VMU Residentially Used Properties ("Opt-in")
	Mixed Use Combining Districts ("Opt-in")
	TCAD Parcels

**Holubeck, Andrew**

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**From:** Paulette Kern [paulettekern@sbcglobal.net]  
**Sent:** Tuesday, June 17, 2008 1:00 PM  
**To:** Wynn, Will, Cole, Sheryl; Kim, Jennifer, Dunkerley, Betty, Martinez, Mike [Council Member], McCracken, Brewster, Leffingwell, Lee  
**Cc:** May, Rachel, Rye, Stephen, McDonald, Stephanie, Williams, Nancy, Watson, Matt, Holubeck, Andrew  
**Subject:** Allandale VMU application hearing, Wed June 18, 2008

I apologize if you receive this twice, as I am a bit computer challenged!--Paulette

Re:Allandale VMU OI/OO Application  
 Council hearing, Wed. June 18, 2008  
 Case # C14-2008-0088

Council Members:

The Allandale VMU OI/OO Application hearing is scheduled for your 4:00 agenda tomorrow, and I want to give you a quick update on recent developments regarding it.

We are still requesting **exclusion of Tracts 2, 3, and 7 – 10**, and we believe that we have your support on the request. In fact, we are quite hopeful that this portion of our Application will be on your consent agenda tomorrow.

And we have made progress in our discussions about the exclusion of Tracts 5, 14, and 15. We are now requesting postponement of those specific tracts, separate from the remainder of our Application. While we still believe that exclusion of these tracts the best option for our neighborhood, we are willing to discuss the specifics of their inclusion.

As part of our work on the VMUOD issues, we contacted the owners of the largest property within Tract 5, 6400 Burnet Road (Burnet Self Storage). We engaged them directly in discussions regarding our concerns about the inclusion of Tract 5 in the VMUOD, through Friday afternoon. But we were informed yesterday that they have now designated an attorney to represent them from this point forward.

The attorney is now stating that the property owner will accept nothing less than VMU zoning with all of the bonus incentives. The attorney has informed us that we have only one option - to accept a Conditional Overlay for the tract that will require a Conditional Use permit only if the bonuses are utilized. Obviously that does not address our concerns in any way.

Given this recent development, as well as newly suggested proposals resulting from the review meetings for the Commercial Design Standards, we simply need more time to work on the issues related to Tracts 5, 14, and 15.

The approach, proposed by Council Member McCracken at the end of the Design Standards Meeting last Friday, June 13, is one that ANA is willing to consider and work toward.

Please support our request for the **postponement of Tracts 5, 14, and 15**. However, if this postponement is not approved, we will be ready to explain our concerns regarding this tract at

6/17/2008

the hearing and to request your support for its exclusion from the VMUOD. Owner's attorney says they have a petition. So, if this goes to hearing Wednesday, it is my understanding, that petition will trigger supermajority requirement to exclude this tract at this time. We need you support.

If you have questions regarding our Application, please contact me.

Paulette Kern  
zoning chair, Allandale Neighborhood Assn.  
454-9166, 297-4275

**Holubeck, Andrew**

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**From:** viki schmidt [viki schmidt@gmail com]  
**Sent:** Saturday, June 14, 2008 8 59 PM  
**To:** Holubeck, Andrew  
**Subject:** VMU in Allandale

June 15, 2008

RE File Number C14-2008-0088

Dear Mr Holubeck,

I am writing in reference to the above case to be discussed on June 18th dealing with VMU Overlay within the Allandale Neighborhood I have lived on Montview St for 22 years and my home is located directly behind one of the properties considered for a zoning change to VMU

I request that you exclude tracts 2, 3, and 7-10 from the VMU Overlay District These tracts are extremely narrow and are directly behind modest single family dwellings such as my own Placing a potentially 60 ft tall building, apartments or parking garage, on these tracts is inappropriate It will destroy our privacy and endanger the resale value of our properties Since VMU automatically waives the responsibility of the developer to provide sufficient parking (what were you thinking??), the overflow of parked cars will crowd neighborhood streets and make them more dangerous for families and the elderly Site development standards may be relaxed and there will be considerable pressure on the city to ease the compatibility standards which have traditionally applied to commercial properties that border on residential areas Please exclude these tracts from VMU Overlay as has been recommended by the Planning Commission

Site #5 is an enormous site, surrounded on three sides by single family dwellings, which is already causing flooding problems for neighbors While VMU may be appropriate for a site of this size, it should not be done without detailed study of the impact on the surrounding neighborhood and the addition of protections such as green space and flood mitigation measures This site should be excluded from the VMU Overlay until these protections are in place

As a city council member you have a great deal of power to impact the lives of ordinary citizens for years to come Long after your tenure is over, we will be living with the consequences of your decisions While some folks choose to live in a high density area, such as downtown or the Triangle, that is not everyone's choice If the City Council insists on forcing high density in areas that are inappropriate, over the objections of the current residents directly affected, the concept of neighborhood participation and citizen input will have been a sham and the idea that our city government is responsive to the opinions of its citizens will be history

Do not sacrifice the needs and preferences of current residents in order to achieve an abstract densification target Please exclude tracts 2, 3, 5, and 7-10 from the VMU Overlay District

Sincerely,

Viki Schmidt  
5421 Montview St  
Austin, TX 78756

6/17/2008

## **Holubeck, Andrew**

---

**From:** Tim Fackler [fackler@mail.utexas.edu]  
**Sent:** Monday, June 16, 2008 11:11 AM  
**To:** Holubeck, Andrew  
**Subject:** Case# C14-2008-0088 Request exclusion of tracts from VMUOD

Dear Mr. Holubeck,

The City Council on 18 June 2008 is scheduled to hear a zoning case (#C14-2008-0088) involving application of vertical mixed use (VMU) in the Burnet Road corridor and adjacent areas.

My spouse Nathalie Frensley and I are writing to request your support for excluding tracts 2, 3, 5, and 7-10 from the VMU overlay district in these areas.

We believe that the gains in density the City is seeking along the Burnet Road corridor can be obtained without including these shallow commercial lots. Moreover, the proposed higher density VMU development in these shallow lots, we believe, would impose unwarranted burdens on neighboring single family property owners through reduced property values, the intrusion of commercial activity into adjacent neighborhoods, and congestion incommensurate with the goal of habitable, commercially viable density.

We are not opposed to VMU along Burnet or elsewhere. Rather, we believe the desired gains in density can be most effectively met through development at specific locations, notably at North Loop and at Anderson Lane.

Thanks very much for your consideration in this matter.

Tim Fackler & Nathalie Frensley  
5601 Montview St.  
Austin, TX 78756

--

Tim Fackler  
Liberal Arts Instructional Technology Services Mezes Hall 2 302 University Station B3500  
Austin, TX 78712-1087

512-232-5698 (o)  
512-471-7718 (f)  
fackler@mail.utexas.edu  
<http://web.austin.utexas.edu/fackler/>

Case Number: C14-2008-0088

City Council Hearing Date: June 18, 2008

Dear City Council Member,

I am writing in regards to the VMU overlay in the Allandale neighborhood.

My home is directly adjacent to one of the properties being considered for a zoning change to VMU

I have owned and loved my home for close to ten years. This is my first home and it means the world to me, reflected by the investments I have made in my property by landscaping, new roof, exterior painting, etc. Should this zoning change occur the value of my property will decrease, the privacy and security I treasure will be threatened. Perhaps even more so my faith in the City Council to listen to and consider all voices in the community when they are making decisions will be effected.

I am deeply concerned about the movement towards applying VMU to all lots on the west side of Burnet Road. Although I am not necessarily against VMU zoning, I am alarmed by the way it has been applied to the narrow tracts in my neighborhood without the adjacent neighbor's input.

I believe that the density gains set for Allandale are adequately met at Anderson Lane and North Loop. I respectfully request the City Council's support for the Allandale Neighborhood Association's recommendation for exclusion of tracts 2, 3, 5, and 7-10 from the VMU Overlay District.

Thank you

Sincerely,

Andrea E. Pully  
5511 Montview Street

**Holubeck, Andrew**

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**From:** Kate Davis [catie74@hotmail.com]  
**Sent:** Wednesday, June 18, 2008 9:35 AM  
**To:** Wynn, Will  
**Cc:** Holubeck, Andrew  
**Subject:** Case Number C14-2008-0088 Vehicle Mixed Use on Burnet Road

Case Number C14-2008-0088  
City Council Hearing Date June 18, 2008

Dear Mayor Winn,

**Please support Allandale's request for exclusion of Tracts 2, 3, 5, and 7-10 from the VMU Overlay District** These are the VMUOD tracts that are located immediately adjacent to single family homes in my neighborhood. The lots are very shallow and would significantly impact our quality of life. I appreciate your willingness to listen to our concerns and request. That is why I will continue to support you in future elections.

Sincerely,  
Catherine C. Davis  
5422 Montview Street, Austin, TX 78756

cc [Andrew.Holubeck@ci.austin.tx.us](mailto:Andrew.Holubeck@ci.austin.tx.us)

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6/18/2008

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# MICHAEL STEVENS INTERESTS, INC.

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ACCREDITED MANAGEMENT ORGANIZATION®

June 16, 2008

Mr. Greg Guernsey  
Director, Neighborhood Planning & Zoning Department  
City of Austin  
505 Barton Springs Road, Fifth Floor  
Austin, Texas 78704

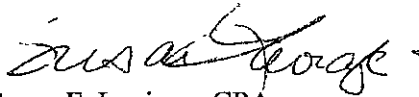
**Re: Council Agenda Item # 88; C14-2008-0088 – *Allandale Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-In/Opt-Out Process; Valid Petition Regarding Tract 5.***

Dear Mr. Guernsey,

On behalf of Land Storage 2000 Ltd, the owner of the 18 4-acre tract located at 6400 Burnet Road (the "Owner"), I respectfully ask that you consider this writing a valid petition, and afford all privileges and rights available as such under law.

This tract is subject to the above-cited Vertical Mixed Use process, and is referred to as Tract 5. The Owner supports the opt-in of this tract with all available bonus mechanisms and incentives. I affirm that I am authorized on behalf of the Owner to invoke this petition.

Sincerely,



Susan F. Laviage, CPA  
Senior Vice President/Treasurer  
Michael Stevens Interests, Inc  
Agent for Land Storage 2000, Ltd.



#88

## PETITION

Case Number

**C14-2008-0088**

Date

6/18/2008

**6400 BURNET RD**

Total Area Within 200' of Subject Tract

801,093.30

		LAND STORAGE 2000		
1	02-3203-0803	LTD	801,093.30	100.00%
2				0.00%
3				0.00%
4				0.00%
5				0.00%
6				0.00%
7				0.00%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
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23				0.00%
24				0.00%
25				0.00%
26				0.00%
27				0.00%

Validated By:

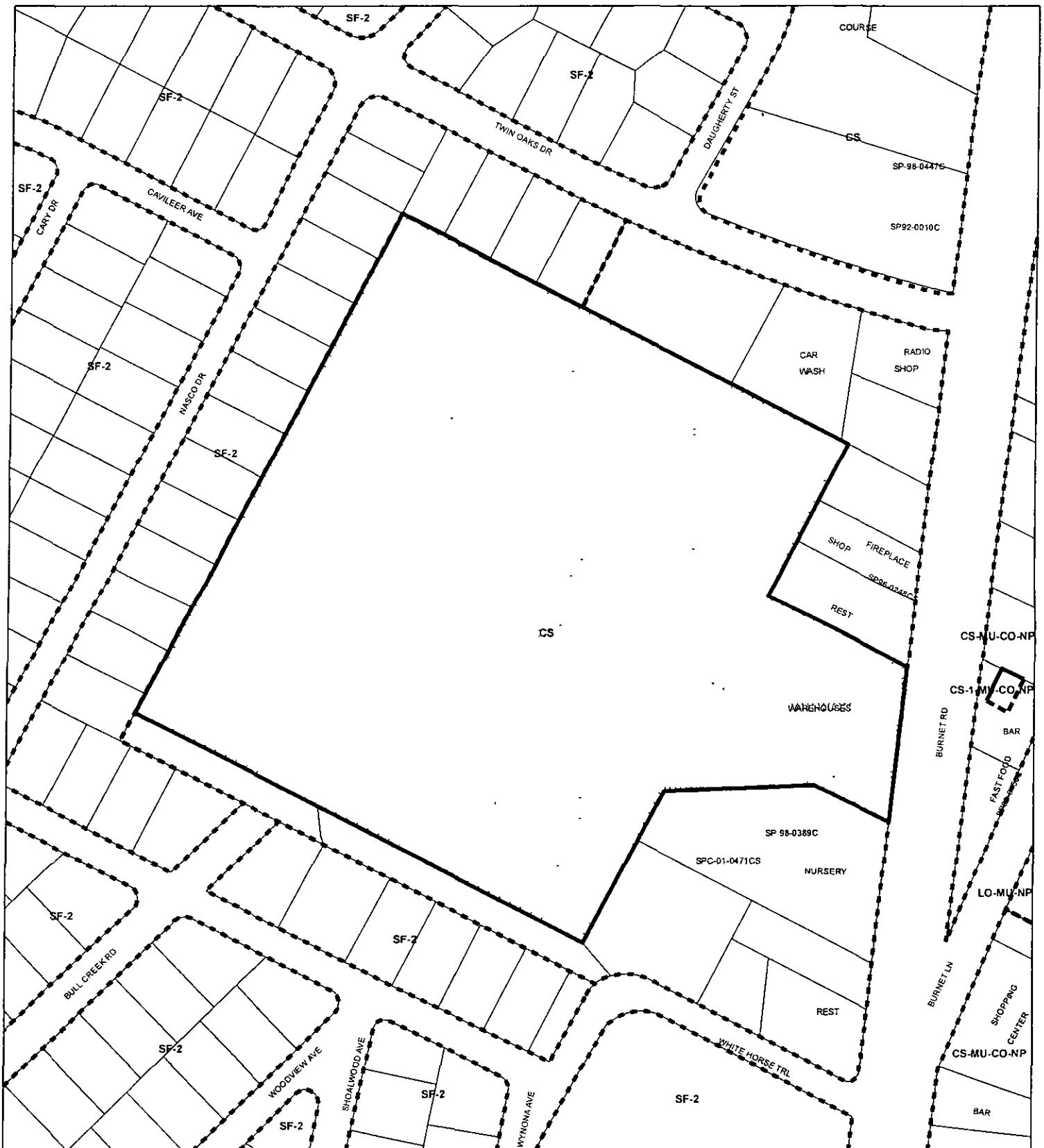
Total Area of Petitioner:

Total %

Stacy Meeks





801,093.30

100.00%



# PETITION



-  Subject Tract
-  Property Owner
-  Buffer
-  Zoning Boundary

CASE# C14-2008-0088  
 ADDRESS 6400 BURNET RD (TRACT 5)  
 GRID J28  
 CASE MANAGER A HOLUBECK



1" = 200' OPERATOR SM

This map has been produced by GIS Services for the sole purpose of geographic reference.  
 No warranty is made by the City of Austin regarding specific accuracy or completeness.