

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0025 – Circle Oaks
Business Park

Z.A.P. DATE: August 5, 2008
August 19, 2008

ADDRESS: 3107, 3109 and 3111 West Slaughter Lane

OWNERS: James Gang Living Trust
(Carol and Max James);
Marsha and Robert Pittman

AGENT: McClean & Howard, L.L.P.
(Jeff Howard)

ZONING FROM: SF-2 **TO:** GO **AREA:** 0.615 acres
AMENDED TO: GO-CO (approximately 26,789.40 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant limited office – conditional overlay (LO-CO) combining district zoning. The Conditional Overlay limits the number of driveways on West Slaughter Lane to one and prohibits access to Rochelle Drive via the platted access easement.

ZONING & PLATTING COMMISSION RECOMMENDATION:

August 5, 2008: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT AND NEIGHBORHOOD TO AUGUST 19, 2008.*

[K. JACKSON; T. RABAGO – 2ND] (6-0) C. HAMMOND – ABSENT

August 19, 2008: *APPROVED LO-CO DISTRICT ZONING WITH THE CO ALLOWING MEDICAL OFFICES LESS THAN 5,000 SQUARE FEET IN SIZE, AND ALL NEIGHBORHOOD OFFICE (NO) DISTRICT USES; AND LIMITED TO THE EXISTING IMPERVIOUS COVER ON-SITE.*

[K. JACKSON; T. RABAGO – 2ND] (7-0)

ISSUES:

The Applicants would like to discuss the recommendation of the Zoning and Platting Commission with the Council.

On August 15, 2008, the Applicants amended their rezoning request to GO-CO with the Conditional Overlay limiting development of the property to Personal Services and Business Support Services and all permitted LO uses and LO site development regulations.

A valid petition of 31.88% has been filed by the adjacent property owners in opposition to this rezoning request.

A representative of Tanglewood Forest Limited District has submitted a letter of opposition to the rezoning request. Correspondence is provided at the back of the Staff packet.

A Code Enforcement citation has been issued for the extermination services and hair salon businesses. The owner of the extermination business has provided a letter to the Applicant stating that he will vacate the property by September 2, 2008 (please refer to the attached letter).

The adjacent property owner to the west is supportive of the Applicant's rezoning request.

The subject rezoning area is platted as Block A, Lots 1, 2 and 3 of Tanglewood Forest Section Four, Phase-E (C8-82-032.02.1(84)). There is a 20-foot wide Access and Public Utility Easement that straddles the property line between Lots 1 through 5 that have West Slaughter Lane frontage and Lots 8 through 11 that have Foxton Cove frontage. The access easement is constructed as a driveway from Slaughter Lane on Lot 1 and serves the four lots that are developed with office and commercial uses and a rear parking area, including Lots 2 and 3. There is a wood privacy fence located at the edge of the driveway, and both the fence and the driveway are inside of the property boundary of the residential lots that front on Foxton Cove.

There is also a plat note that states, "Individual driveway access to Riddle Road (note: re-named as Slaughter Lane) is prohibited from Lots 1-5, Block A". The three lots being considered for rezoning also have one direct, shared driveway to West Slaughter Lane, and thus are not in conflict with the plat note.

DEPARTMENT COMMENTS:

The subject three platted lots are zoned single family residence standard lot (SF-2), and consist of two multi-tenant structures that contain a hair salon, administrative and professional offices, a medical office and an adjacent parking and driveway area. The western lot has direct driveway access to West Slaughter Lane and contains a shared parking area that serves these businesses. The driveway extends at the rear of these lots within a 20-foot wide platted access easement. Single family residences within Section 4, Phase E of Tanglewood Forest subdivision are adjacent to the south (SF-2). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

City records at the time of annexation (December 31, 1997) indicate that the two structures provided space for administrative, business, professional and medical offices, a talent agency and a driving school (the latter two are classified as personal improvement services). The talent agency and driving school have since vacated the property. The exterminating services business and the hair salon were not in existence at the time of annexation and are considered illegal uses. The owner of the exterminating services business provided notice that he will vacate the property by September 2, 2008. The Applicant proposes to rezone the lots to the general office (GO-CO) district consistent with the existing range of office uses and the hair salon (a personal services use, first allowed in the GO district). The subject three lots as well as the adjacent two lots to the east have been removed from the subdivision's Covenants and

Restrictions. Please refer to Exhibit C (Uses Existing at the time of Annexation), D (Letter from Absolute Pest Management) and E (Uses that Have Occupied the Buildings Since 1987)

Since 1998, rezoning requests from SF-2 to office and commercial districts have been made for many properties on West Slaughter Lane. The rezonings have provided for the conversion of single family residences to office (NO and LO), civic and a limited number of neighborhood commercial (LR) uses. Staff recommends LO district zoning in the context of its location on an arterial roadway, compatibility with the adjacent office uses to the east, rehabilitation center to the west (a residential treatment use, conditional in the LR district), and single family residences to the south.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Hair salon; Medical office; Real estate offices; Appraisal office; Insurance company; Extermination services; Administrative offices for a plumbing supplier; Parking area
<i>North</i>	MF-3-CO; LR-CO; RR; SF-1	Convalescent services; Retail shopping center; Indoor sports and recreation; Convenience storage; Dentist's office
<i>South</i>	SF-1; SF-2	Single family residences within Tanglewood Forest
<i>East</i>	SF-2	Insurance office; One single family residence
<i>West</i>	I-RR	Rehabilitation center

AREA STUDY: N / A

TIA: Is not required

WATERSHED: Slaughter Creek –
Barton Springs Zone

DESIRED DEVELOPMENT ZONE: No

NEIGHBORHOOD ORGANIZATIONS:

217 – Tanglewood Forest Neighborhood Association
 219 – Palomino Park Homeowners Association 384 – Save Barton Creek Association
 428 – Barton Springs / Edwards Aquifer Conservation District
 465 – Cherry Creek on Brodie Neighborhood Association
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 943 – Save Our Springs Alliance
 959 – Villages Neighborhood Association 997 – Tanglewood Oaks Owners Association
 1113 – Austin Parks Foundation 1037 – Homeless Neighborhood Association

SCHOOLS:

Baranoff Elementary School

Bailey Middle School

Bowie High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0133 – Doak Rezoning – 3105 and 3107 West Slaughter Lane	SF-2 to NO	To Deny NO-CO zoning	Withdrawn after posting of the agenda
C14-05-0150 – Slaughter Lane Multifamily – 3226 West Slaughter Lane	MF-4-CO to MF-4-CO to change conditions of zoning, being an increase the height and reduction of the density	To Grant MF-4-CO with changes to the previous CO being a reduction of the zoning impervious cover to 15% and the density to 6.2 dwelling units per acre, and allowing up to 60 feet in height	Approved MF-4-CO for 7.25 acres with the CO as ZAP recommended, plus a two-star Green Building rating for buildings over 45 feet tall and a 646 foot setback from adjacent residentially zoned property (8-9-06).
C14-04-0090 – Star Center – 3100 West Slaughter Lane	LR-CO to GR- CO	To grant GR-CO with CO allows personal improvement services and all NO-CO uses	Approved GR-CO as ZAP recommended, with a Restrictive Covenant addressing IPM / Grow Green and coal-tar based sealants (8-26-04).
C14-03-0143 – Slaughter Assisted Living – 3200 West Slaughter Lane	I-RR to MF-3- CO	To Grant MF-3-CO with CO to include convalescent services as the only permitted use and all other SF-6 uses	Approved MF-3-CO as ZAP recommended (12-11-03).
C14-03-0165 – Shaid Zoning – 3206 West Slaughter Lane	I-RR to SF-6	To Grant SF-6	Approved SF-6 as ZAP recommended (4- 22-04).
C14-02-0173 – Tristan – 10003 Rocking Horse Road	DR to GR	To Grant NO-CO with conditions of no additional impervious cover; prohibit access to Rocking Horse Road.	Approved NO-CO with the CO establishing the maximum impervious cover at 21.9 percent and prohibiting access to Rocking Horse Road (7-17-03).
C14-02-0118 –	LO-CO to GR	To Grant GR-CO	Approved GR-CO as

Shady Hollow Retail Center – 9700 Block of Brodie Lane		w/CO for list of prohibited uses, 40' height and 2,000 trips.	recommended by ZAP (12-5-02).
C14-02-0102 – 3401 Joint Venture – 3305 to 3415 West Slaughter Lane	I-SF-2; SF-2 to LO-MU-CO; LR, as amended	To Grant LR-MU-CO with list of prohibited uses, 2,000 trips and 8 driveway cuts.	Granted LO-CO for Tracts 1 and 2 and LR- CO for Tract 3 (3-27- 03).
C14-01-0159 – Austin Star – 3014 Block of Aftonshire Way	LO-CO to SF-3	To Grant SF-3	Approved SF-3 (1-10-02).
C14-00-2032 – Texcon Convenience Store – 3020 West Slaughter Lane	LR-CO to LR- CO	To Grant LR-CO w/conds.	Approved LR-CO w/conditions (4-20- 00).
C14-99-0070 – Westoak Woods Baptist Church – 2900 West Slaughter Lane	I-RR to GO	To Grant GO-CO w/conds.	Approved GO-CO w/conditions (12-2- 99).
C14-97-0156 – Southland Oaks Municipal Utility District – Brodie Lane at Slaughter Lane	I-RR and I-SF-2 to RR; SF-1; SF- 2; SF-3; SF-4; SF-6; GR; P	To Grant RR; SF-2; SF-4A; LO; LR; and P	Approved RR; SF-2; SF-4A; LO; P w/conditions (6-25- 98).
C14-96-0039 – Dennis & Faye Artale – 3110 Block of West Slaughter Lane	I-RR to GR; LR	To Grant GR-CO on Tract 1; LR-CO on Tract 2	Approved as per PC recommendation (5-23-96).

RELATED CASES:

The property was annexed into the City limits on December 31, 1997.

The Owners applied for community commercial (GR) zoning in 1998-99 (C14-98-0241).
The Owners withdrew the case prior to Planning Commission action.

The rezoning area represents Block A, Lots 1, 2 and 3 of Tanglewood Forest, Section Four Phase-E, recorded in March 1985 (C8-82-32.02.1(84)). Please refer to Exhibit B. There are no pending site plan applications on the subject property.

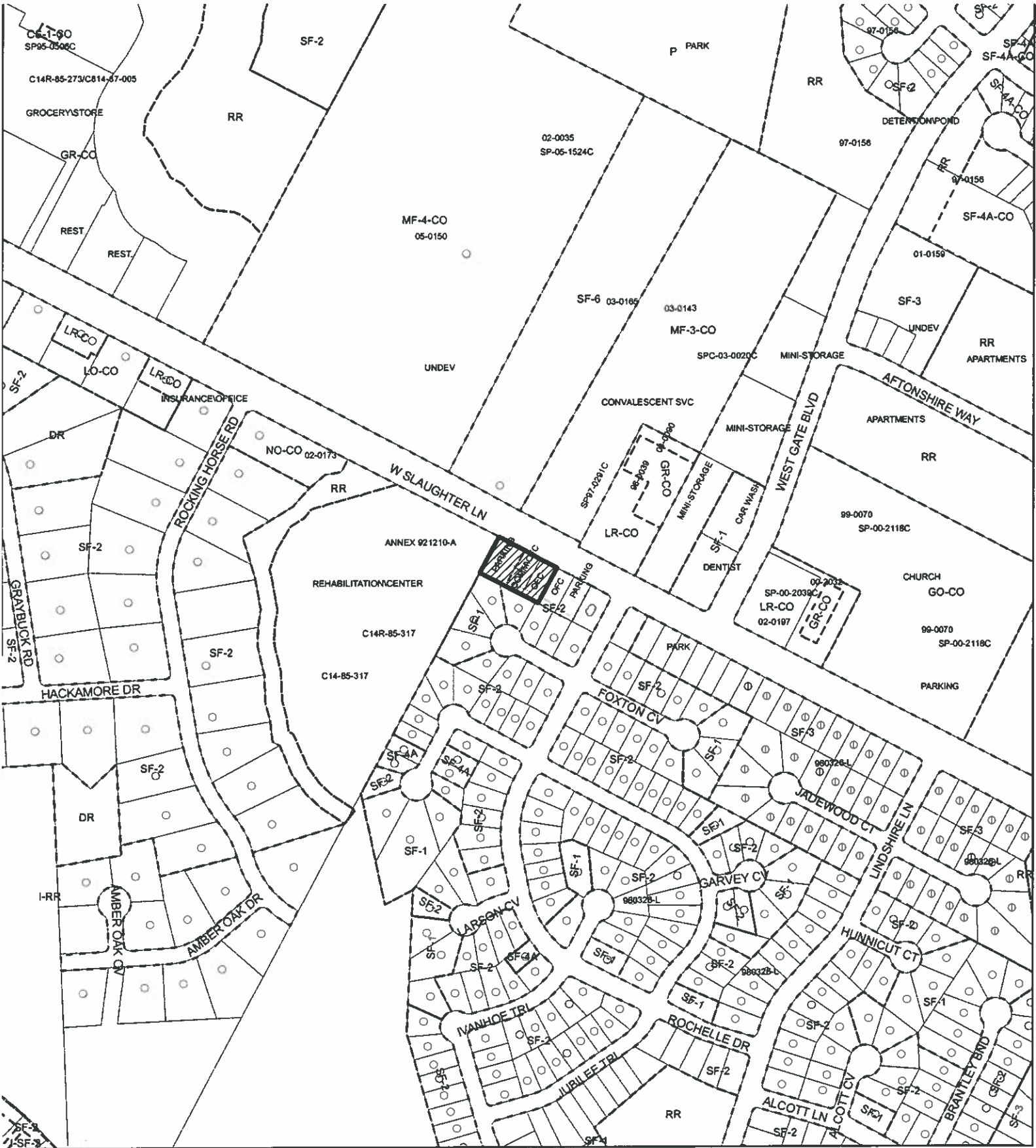
ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
West Slaughter Lane	90 – 100 feet	87 feet	Major Arterial Divided (27,681 vpd, COA 12-02-03)	Yes	Yes	Yes, Priority 1

CITY COUNCIL DATE: August 28, 2008**ACTION:** Approved a Postponement by the Staff to September 25, 2008 (7-0).

September 25, 2008

ORDINANCE READINGS: 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us**PHONE:** 974-7719



SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

ZONING

ZONING CASE#: C14-2008-0025
ADDRESS: 3107, 3109 & 3111 W SLAUGHTER LN
SUBJECT AREA: 0.615 ACRES
GRID: D14-15
MANAGER: W. RHOADES

Exhibit A



OPERATOR: S. MEEKS

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

1" = 400'



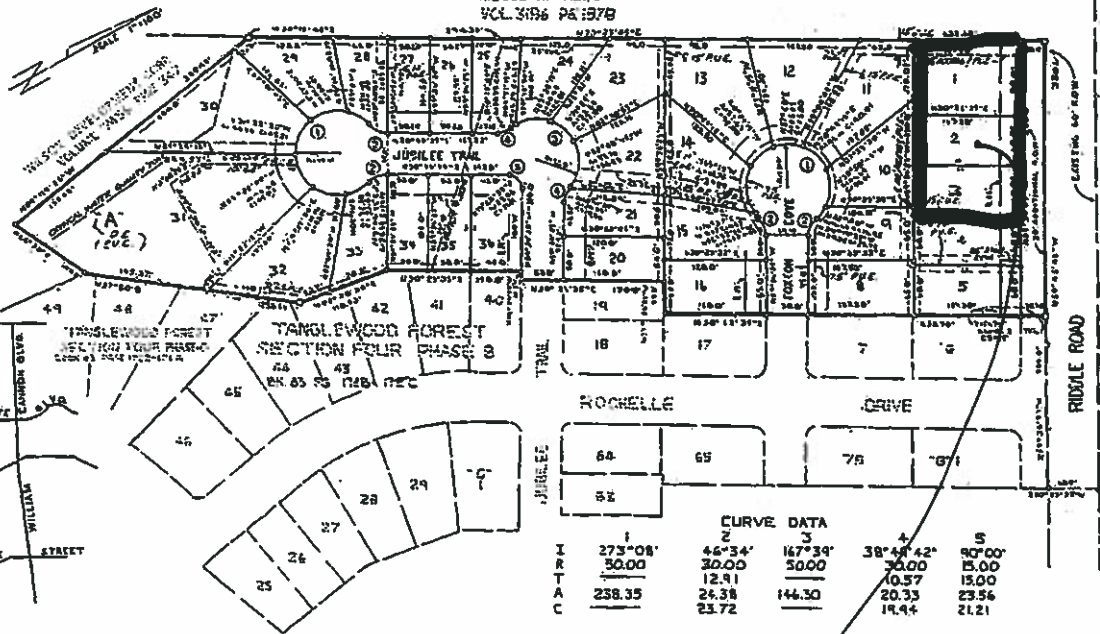
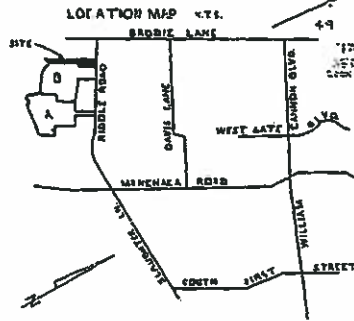
TANGLEWOOD FOREST SECTION FOUR PHASE-E

JESSE F. HEAD
VOL. 3196 PG. 197B

LEGEND

- IRON PIN SET
- IRON PIN FOUND
- CONCRETE MONUMENT SET
- CONCRETE MONUMENT FOUND
- BUILDING LINE
- PUBLIC UTILITY EASEMENT

9 OCTOBER 1985



CURVE DATA				
1	2	3	4	5
I 273°08'	46°34'	167°39'	38°44'42"	90°00'
R 50.00	30.00	50.00	30.00	15.00
T 12.91	12.91	10.57	20.33	23.56
A 238.35	24.38	144.30	19.44	21.21
C 23.72	23.72			

REZONING AREA

Vol. 95 Page 117A
PLAT RECORDED, TRAVIS COUNTY, TEXAS

85-6331

EXHIBIT B
RECORDED PLAT

C8-82-32.02.1 (84)

Absolute

Pest Management

P.O. Box 150923

Austin TX 78715

512-444-0262

www.absolutpest@earthlink.net

June 2, 2008

JP Investments
3109 A Slaughter Lane West
Austin TX 78748

Curt Stefka,

Please consider this our 90 day notice to vacate the property located at 3107 B Slaughter Lane West Austin TX 78748. Should you have any questions please feel free to contact me at 512-444-0262.

Best regards,



Tony Ragan
President

Avl. 9-1-08

EXHIBIT D

Slaughter Lane Tenants

■ A Beautiful You Hair Salon	■ John Johnson
■ Absolute Pest Control	■ Larsen Supply Company
■ Action Mortgage	■ Lawless & Cox
■ Austin Driving School	■ Mariah Resources
■ Austin Steel Framing Sys.	■ Pascual Piedfort
■ Advocet Capital	■ Precision Inspection
■ Bob McNeely Graphics	■ Rebecca Tassi, Interior Design
■ Capital City Driving	■ Rent to Own Center
■ Central Texas Realty	■ Richard Hampton Drywall
■ City Express Delivery	■ St. Philip Church
■ Chris Copeland, Attorney	■ Sapphire Homes
■ Collier Equipment Corp	■ Schaefer Law Firm
■ Computer Vision	■ Speak Freely Speech Therapy
■ DB Talent	■ State Farm, Steve Lucca
■ Discovery Resource	■ Stefka Home & Land Co.
■ Dr. Sam Bennett	■ Stefka & Rogers Co.
■ Dr. Donna Hudspeth	■ Texas Investment Builders
■ DS Residential	■ Texas State Billing
■ Ed Neal, Art Gallery	■ Trion Sales
■ Farmers Insurance	■ Troy Castillo
■ First Stop	■ Tug Hill Construction
■ Greg Meyer	■ Texas Towing
■ Infinity Computer	■ United Casualty
■ Jim Hix Realty	■ Veronica Snyder, Attorney

EXHIBIT E

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant limited office – conditional overlay (LO-CO) combining district zoning. The Conditional Overlay limits the number of driveways on West Slaughter Lane to one and prohibits access to Rochelle Drive via the platted access easement.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

LO zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods. The proposal meets the purpose statement set forth in the Land Development Code. The subject lot is adjacent to a neighborhood that is largely single family. The proposed office use would potentially serve the surrounding neighborhoods.

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

Since 1998, rezoning requests from SF-2 to office and commercial districts have been made for many properties on West Slaughter Lane. The rezonings have provided for the conversion of single family residences to office (NO and LO), civic and a limited number of neighborhood commercial (LR) uses. Staff recommends LO district zoning in the context of its location on an arterial roadway, compatibility with the adjacent office uses to the east, rehabilitation center to the west (a residential treatment use, conditional in the LR district), and single family residences to the south.

EXISTING CONDITIONS**Site Characteristics**

The subject three lots contain a hair salon, medical office, real estate offices, appraisal office, insurance company; a pest control company and an administrative offices for a plumbing supplier; and an adjacent parking area and rear driveway.

Environmental & Impervious Cover

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which in this area is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

This property would be eligible to use LDC 25-8-27 (*Redevelopment Exception in the Barton Springs Zone*) which was adopted by Council in November 2007. This ordinance was developed for sites in the Barton Springs Zone that are not compliant with the SOS

Ordinance (i.e., higher amount of impervious cover and older/no water quality controls). The ordinance, which is applied at the site plan stage, allows redevelopment projects to keep but not exceed their existing amount of impervious cover. Since it looks like Circle Oaks Business Center has greater than 40% impervious cover, the Applicants would have to install a sedimentation/filtration pond on-site and provide enough off-site mitigation land to reduce the combined impervious cover to 20%. For mitigation, the Applicants could either pay into the Barton Springs Zone Mitigation Fund (\$15,000/acre) or provide mitigation land that met certain criteria (e.g., adjacent to existing protected land). To the extent that part of their site could be treated using SOS-level water quality controls (e.g., retention-irrigation, vegetative filter strip), they would not have to mitigate for that portion of the site. Also, all redevelopment projects would still have to comply with other Code requirements (e.g., zoning limitations, landscape ordinance, parkland dedication, etc.)

According to flood plain maps, there is no flood plain within the project location.

The site is not located within the endangered species survey area.

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.

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. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

Transportation

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

If the requested zoning is granted, it is recommended that joint access be provided for the three lots.

If the requested zoning is granted, it is recommended that access to Rochelle Drive via the joint access easement be prohibited as a condition of zoning.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

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. 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.

Site Plan and Compatibility Standards

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

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

The site is subject to compatibility standards. Along the east and south 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.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- 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.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

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

PETITION

Case Number:

C14-2008-0025

Date:

Aug. 27, 2008

3107, 3109, 3111 W SLAUGHTER LANE

Total Area Within 200' of Subject Tract

260,299.58

1	04-2825-0801	GRANADO CASMIRO A & GLORIA Q	13,684.08	5.26%
2	04-2825-0802	TREVINO TEDDY	8,735.58	3.36%
3	04-2825-0809	SHERRILL PAUL K III	9,880.15	3.80%
4	04-2825-0810	SCHRIBER STEVEN A SCHRIBER MICHAEL	9,772.12	3.75%
5	04-2825-0811	EUGENE	10,366.38	3.98%
6	04-2825-0812	WOLFF HEIDI B & CHRIS D	12,839.13	4.93%
7	04-2825-0901	MAHONEY MICHAEL S MCHAM STANLEY W & GAIL S	18.95	0.01%
8	04-2825-0904	BRUMBACK RICHARD	2,427.45	0.93%
9	04-2825-0905	III	1,666.52	0.64%
10	04-2825-0907	MORTON JAMES W & DEBORA J	1,973.68	0.76%
11	04-2828-0730	BRONNENBERG BEVERLY ANN	11,622.95	4.47%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
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23				0.00%
24				0.00%
25				0.00%
26				0.00%
27				0.00%

Validated By:

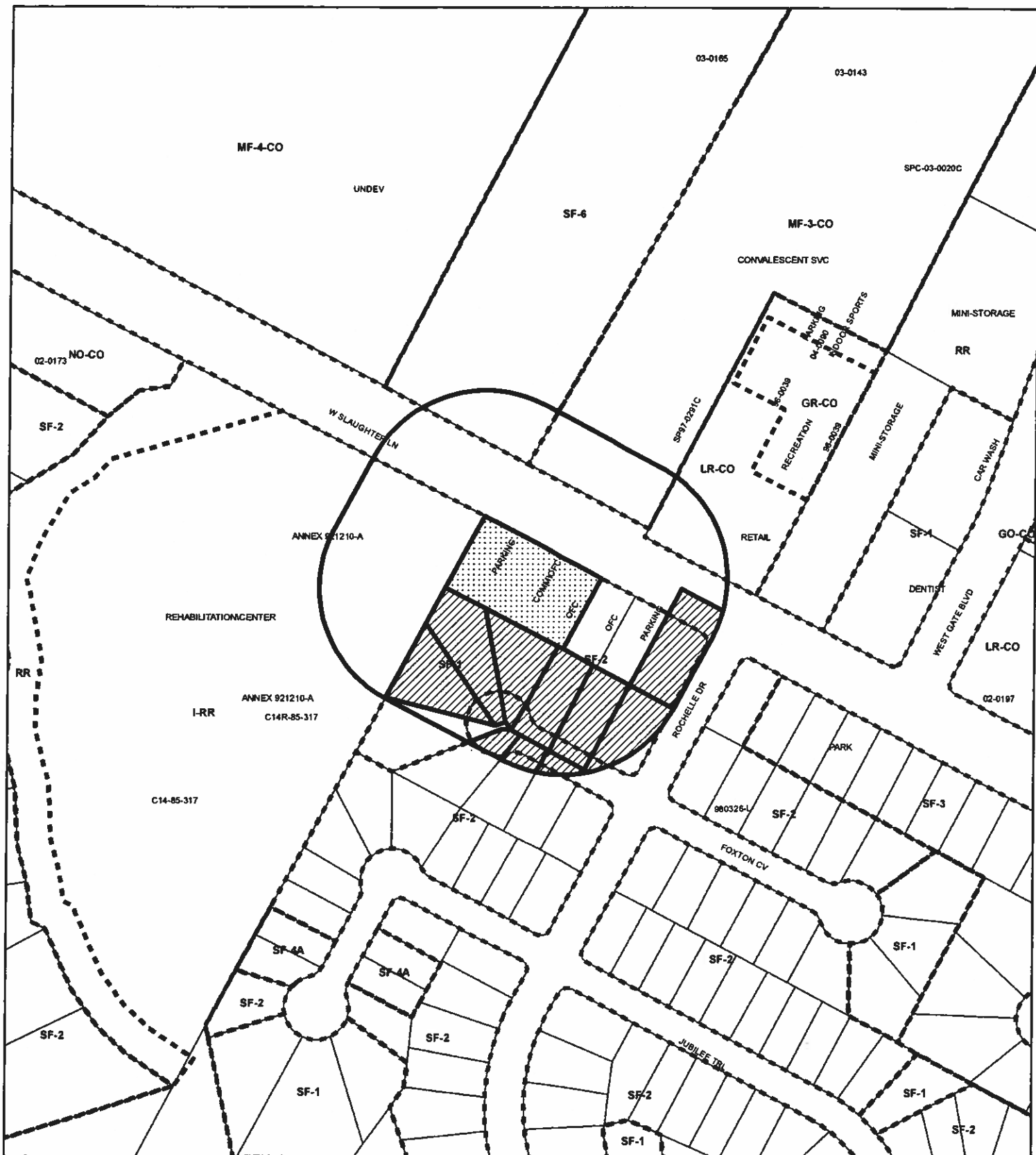
Stacy Meeks



Total Area of Petitioner:

82,986.99

Total %

31.88%



-  Subject Tract
-  Property Owner
-  Buffer
-  Zoning Boundary

OPERATOR: S. MEEKS

PETITION

CASE#: C14-2008-0025
 ADDRESS: 3107, 3109, 3111 W SLAUGHTER LANE
 GRID: D14 & D15
 CASE MANAGER: W. RHOADES



1" = 200'

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P E T I T I O N

Date: 7-7-08

File Number: C14-2008-0025

Address of







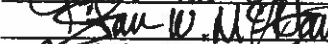




Rezoning Request: 3107 3109 3111 W. Slaughter 1,

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF2.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	STEVEN A. SCHRIBER	3104 FOXTON COVE 78748
	PAUL SHERRILL	3102 FOXTON COVE 78748
	BEVERLY HURBACE	3110 FOXTON COVE 78748
	TED TREVINO	3100 FOXTON COVE 78748
	MICHAEL SCHRIBER	3106 FOXTON COVE 78748
	JAMES W. MORTON	3107 FOXTON COVE 78748
	HEIDI WOLFF	3108 FOXTON COVE 78748
	STAN W. MEHAM	3105 FOXTON COVE 78748
	MICHAEL SCOTT MAHONEY	3101 FOXTON COVE 78748
	CARMIRA GRENADA	3101 SLAUGHTER 78748
	RICHARD A. BRUMBACK III	3103 FOXTON COVE 78748

Date: 7-7-08

Contact Name: STEVEN SCHRIBER

Phone Number: (512) 970-7501

P E T I T I O N

Date: 2-18-2008

File Number: C14-2008-0025

Address of

Rezoning Request: 3107, 3109, 3111 W. Slaughter Ln

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF2.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Ronald F. Dorke

Printed Name

Ronald F. Dorke

Address

3108 Paxton Cv

Date: 7-7-08

Contact Name: STEVEN A. SCHRIER

Phone Number: (512) 970-7501



February 21, 2008

Austin City Council
P.O. Box 1088
Austin, TX 78767

Neighborhood Planning and Zoning
Attn: Wendy Rhoades
505 Barton Springs Rd.
5th Floor
Austin, TX 78704

Re: Application for Rezoning
C14-2008-0025

Dear Madams and Sirs:

Please be informed that it is Austin Recovery's desire to support a zoning request for the above case number on the frontage of 3107 & 3109 & 3111 W. Slaughter Lane from SF-2 to GO, NO or LR.

Austin Recovery is the owner of the adjoining property.

Thank you,


Jimmy Ochs, LCSW, LCDC
Chief Operating Officer

Rhoades, Wendy

From: Alison Gardner [mailto:alison.gardner@ci.austin.tx.us]
Sent: Monday, August 04, 2008 9:17 AM
To: Jeff Howard; Rhoades, Wendy
Subject: RE: Slaughter Lane Re-zoning

Yes.

From: Jeff Howard [mailto:jhoward@mcleanhowardlaw.com]
Sent: Mon 8/4/2008 8:07 AM
To: Rhoades, Wendy; Alison Gardner
Subject: RE: Slaughter Lane Re-zoning

Yes.

Jeffrey S. Howard
McLean & Howard, LLP
1004 Mopac Circle, Suite 100
Austin, Texas 78746
Telephone (512) 328-2008
Facsimile (512) 328-2409
www.mcleanhowardlaw.com

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From: Rhoades, Wendy [mailto:Wendy.Rhoades@ci.austin.tx.us]
Sent: Monday, August 04, 2008 8:06 AM
To: Jeff Howard; Alison Gardner
Subject: RE: Slaughter Lane Re-zoning

Jeff and Alison,
May I assume that the postponement request is to the August 19th meeting?
Thank you,
Wendy

From: Jeff Howard [mailto:jhoward@mcleanhowardlaw.com]
Sent: Friday, August 01, 2008 5:00 PM
To: Alison Gardner; Rhoades, Wendy
Subject: RE: Slaughter Lane Re-zoning

I confirm our agreement to postpone as stated in Alison's email. Thanks.

Jeffrey S. Howard
McLean & Howard, LLP
1004 Mopac Circle, Suite 100
Austin, Texas 78746
Telephone (512) 328-2008

8/4/2008

Facsimile (512) 328-2409

www.mcleanhowardlaw.com

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From: Alison Gardner [mailto:agardner@sbaustinlaw.com]

Sent: Friday, August 01, 2008 4:39 PM

To: Rhoades, Wendy

Cc: Jeff Howard

Subject: Slaughter Lane Re-zoning

Wendy,

Jeff and I have spoken and it is my understanding that we are in agreement to request a joint postponement. Jeff can confirm by email. My and Jeff's clients (Mike and Steve Schriber & the applicant, respectively) agree that they are not going to seek another postponement unless again jointly agreed upon. Thanks for your patience.

Regards,

Alison

Alison Gardner

Stahl, Bernal & Davies, L.L.P.

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8/4/2008

August 18, 2008

VIA E-MAIL

Wendy Rhoades
Neighborhood Planning & Zoning Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78701

Re: C14-2008-0025, Rezoning for 3107, 3109, and 3111 West Slaughter Lane

Dear Ms. Rhoades:

On behalf of the Tanglewood Forest Limited District (the "District") as an interested party to the above-mentioned rezoning case, this letter is written to express our opposition to the rezoning request.

The structures on these properties were original built in 1986 as residential model homes for residential use, in accordance with the technical requirements set forth for a residential building. Subsequently, these homes were converted into commercial uses and have since been used for that purpose. Over the years, there have been 48 different tenants that have occupied these structures. Currently, there are multiple tenants within each structure, ranging from administrative and professional offices, personal improvement services to medical office. Given the array of tenants over the past decade, one could only assume that there have been numerous interior remodels to these structures. Theoretically, if the buildings were structurally altered in any fashion upon a tenant changeover, a building permit should have been obtained from the City of Austin. It does not appear as though there have been any building permits, or a certificate of occupancy ever issued for these structures.

Therefore, the District is extremely concerned that these structures do not adhere to the technical codes from a health and safety perspective. For that reason, the District respectfully requests that the Zoning and Platting Commission and City Council deny this rezoning request. Or, if the Zoning and Platting Commission and City Council see fit to approve the rezoning request, that they do so with a condition that each tenant obtain a certificate of occupancy from the Building Official within 60 days of adoption of the zoning ordinance by City Council and ensure that the current structures are in compliance with the health and safety codes.

In addition, we also request that the applicant be required to change their signage to comply with the Scenic Corridor Ordinance that applies to Slaughter Lane.

Thank you for your consideration of the matter.

Respectfully submitted by,

Linda Klar
Vice President
Tangelwood Forest Limited District



McLEAN & HOWARD, L.L.P.

August 15, 2008

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Ms. Wendy Rhodes
Neighborhood Planning and Zoning Dept.
City of Austin
505 Barton Springs
One Texas Center, 5th Floor
Austin, Texas 78704

Via Facsimile 974-6054

Re: Zoning Case No. C14-2008-0025
Applicant/Owner Name: James Gang Living Trust, *et al*

Dear Ms. Rhodes:

As you recall, we discussed with you and Jerry Rusthoven several weeks ago that the applicant would be seeking a "GO-CO" zoning designation in this case with a Conditional Overlay that would (i) limit the site development regulations to those that apply in the "LO" base zoning district, and (ii) limit the uses so that only LO permitted uses plus Personal Services and Business Support Services would be permitted (all other uses allowed in GO would be prohibited uses). As Agent for the above referenced zoning application, please accept this letter as an official revision to our zoning application to change the proposed zoning from GO to GO-CO with the conditional overlay as set forth in the foregoing sentence. Please let me know if you will need any additional information in order to amend the application.

Thank you for your cooperation. Should you have any questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Howard'. The signature is fluid and cursive, with the first letter 'J' being particularly large and stylized.

Jeffrey S. Howard

cc: Curt Stefka
Max James
Bob Pittman