

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0204 – R. I. T. Inc.

**Z.A.P. DATE:** November 4, 2008

**ADDRESS:** 6516 and 6520 South 1<sup>st</sup> Street

**OWNER:** R. I. T. Inc. (Roberto J. Reyna)

**ZONING FROM:** LO      **TO:** GR      **AREA:** 0.40 acres (17,424 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to deny community commercial (GR) district zoning.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

November 4, 2008: *TO DENY THE APPLICANT'S REQUEST FOR GR DISTRICT ZONING.*

*[K. JACKSON; T. RABAGO – 2ND] (5-0) C. HAMMOND, R. EVANS – ABSENT*

### **ISSUES:**

The Applicant would like to discuss the recommendation of the Zoning and Platting Commission.

Letters of support and opposition are attached at the back of the Staff report.

### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of two platted lots located at the southwest corner of South 1<sup>st</sup> Street and King Edward Place, and is zoned limited office (LO) district. The site is developed with an insurance office and an administrative office space for a driving school. There are single family residences on King Edward Place to the west (SF-3), apartments to the north and south (MF-2 and GR), and the Southridge shopping center is to the east (CS-MU-CO-NP and CS-1-MU-CO-NP). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant is seeking community commercial (GR) district zoning in order to be able to add to the existing uses on site by selling automobiles within an undeveloped, fenced area at the corner of King Edward Place and South 1<sup>st</sup> Street. The LO zoning approved in 1973 and provides a transition between the LR and GR zoned apartments (zoning was cumulative until the mid-1980's) oriented towards West William Cannon Drive, and the residential neighborhood to the north and west. The GR district introduces the possibility for intense land uses, including automobile-related uses adjacent to the residential neighborhood served by King Edward Place, a local street, and therefore, the Staff recommends maintaining the LO district as it provides more compatible land use transition.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO	Insurance office
<i>North</i>	MF-2; SF-3	Apartments; Single family residences
<i>South</i>	GR	Apartments; Service station with convenience store
<i>East</i>	CS-MU-CO-NP; CS-1-MU-CO-NP	Southridge shopping center with restaurants and liquor store
<i>West</i>	SF-3	Single family residences

**AREA STUDY:** N/A**TIA:** Is not required**WATERSHED:** Williamson Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association  
 41 – South Boggy Creek Neighborhood Association  
 300 – Terrell Lane Interceptor Association  
 428 – Barton Springs/Edwards Aquifer Conservation District  
 511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin  
 949 – Sweetbriar I      1037 – Homeless Neighborhood Organization  
 1075 – League of Bicycling Voters      1113 – Austin Parks Foundation  
 1116 – Soft Wind Neighborhood Association

**SCHOOLS:**

Odom Elementary School      Bedichek Middle School      Crockett High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-06-0193 – Southridge Plaza – 502 West William Cannon Drive	CS-MU-CO-NP for Tracts 1 and 2; CS-1-MU-CO-NP for Tract 3	To Grant CS-1-MU-CO-NP for Tract 1 & CS-MU-CO-NP for Tracts 2 and 3. The CO prohibits auto sales, auto washing and pawn shops. On Tract 1, there is an additional CO for 2,000 trips.	Approved CS-1-MU-CO-NP for Tract 1 & CS-MU-CO-NP for Tracts 2 and 3 as Commission recommended (1-11-07).

C14-03-0158 – A.A.A. Storage – South First at William Cannon L.P. – 6509 South 1 <sup>st</sup> Street	GR; W/LO to W/LO	Approved W/LO	Approved W/LO (1- 15-04).
C14-91-0088 – Buckingham Place – 6400 South 1 <sup>st</sup> Street	LR to GR	Approved GR-CO	Approved GR-CO with CO for prohibited uses, max FAR for restaurant uses (7-9- 92).

**RELATED CASES:**

The property was zoned "O" Office, First Height and Area in July 1973 (C14-73-009).

The property is platted as Lots 2 and 3 of Buckingham Place Commercial Center Amended, recorded in March 1975 (C8-72-167B). Please refer to Exhibit B.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
South 1 <sup>st</sup> Street	80 feet	40 feet	Arterial	Yes	No	Yes
King Edward Place	50 feet	28 feet	Local	No	No	Yes

**CITY COUNCIL DATE:** December 11, 2008

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@ci.austin.tx.us

**PHONE:** 974-7719



## Exhibit A

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.



STATE OF TEXAS      KNOW ALL MEN BY THESE PRESENTS  
COUNTY OF TRAVIS      I

[illegible]

Witness our hands this the 19<sup>th</sup> day of March, A.D., 1975

David Harris Varlick Donald L. West Edward R. Pellegrini, Jr. Donald L. Lodge.  
Celia Harris Varlick

STATE OF TEXAS     §  
COUNTY OF TARRANT     §

Before me, the undersigned authority, on this day personally appeared Doris Marris Warlick, Donald L. Hunt, Edward E. Rathgeber, Jr. and Dr. Leigh Johnson, known to me to be the persons whose names are subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and considerations therein expressed.

4 Given under my hand and seal of office, this the 19<sup>th</sup> day of March A.D., 1975

[illegible]

STAYEL NO 221003  
BYAL NO 221115

I, Joris Shopshire, Clerk of The County Court within and for the County of Dorchester, do hereby certify that the foregoing instrument of writing, with its attestation, is a true and correct copy of the original as the same appears from the records of said County Court, and that the same is duly recorded on the 26 day of March, A.D. 1913 at 10:30 o'clock A.M. and duly reported on the 26 day of March, A.D. 1913 at 10:30 o'clock A.M. Is the First Record of said County, and State in Vol. Book 16 at Page 16.

Witness my hand and seal of the Court/ Court of said County the date last written above.

Worle Throgs. Inc. Clerk, County Court, Travis County, Texas

Dep. M. E. Gilman Deputy  
Filed for record at 10/10 o'clock A. M. on this the 26 day of Mar A.D. 1895.

Doris Zappardino, Clerk, County Court, Travis County, Texas.

Dr: Mike Hilgare Deput: [Signature]  
 APPROVED FOR ACCEPTANCE: [Signature]

Richard E. Sullivan  
Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION, CITY OF AUSTIN, TEXAS,  
 this the 25<sup>th</sup> day of March, A.D., 1975.

1

James Allen Watts  
Secretary

This is to certify that Austin City Code, Chapter 23.27 of 1954 has been compiled with

Date: February 25, 1975

**Wendell C. Bailey Jr.,  
Registered Professional Engineer**

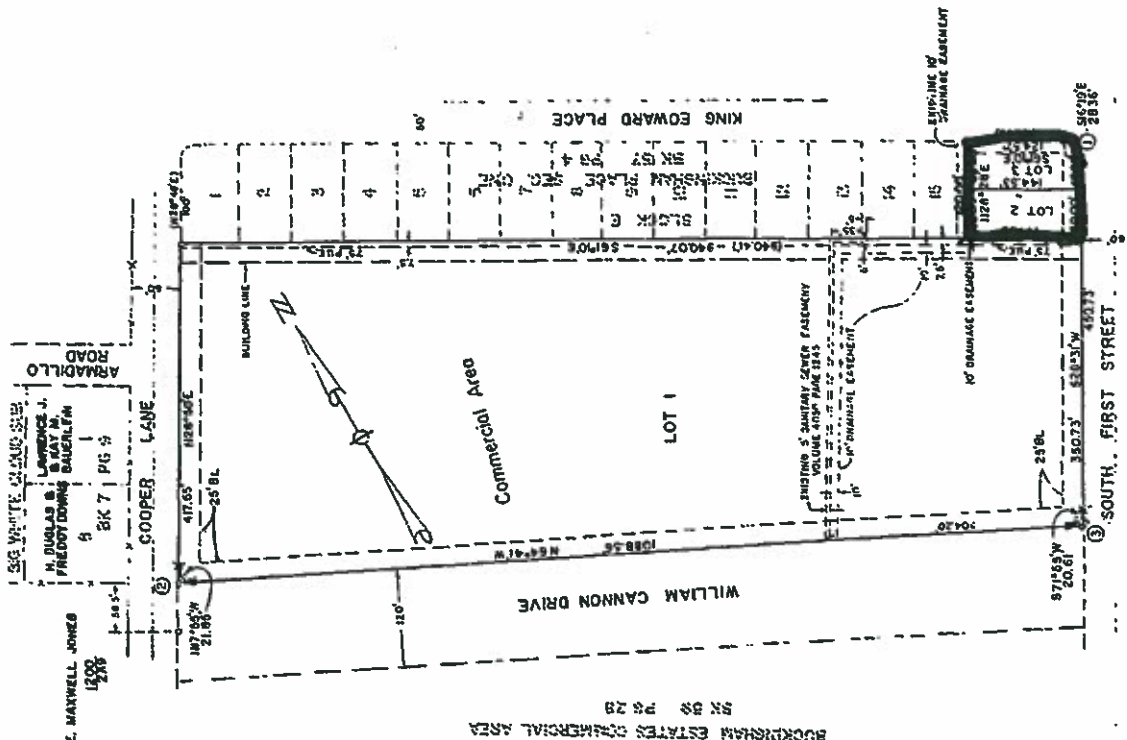
VOL 2636 PAGE 107

**BUCKINGHAM PLACE  
COMMERCIAL CENTER  
AMENDED**

**सुदृढः**

Sidewalks will be required along the west side of South First Street, the east side of Cooper Lane and the north side of William Carron Drive in conjunction with the construction of driveways to serve the tract.

9191-22-87



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Scale 1" = 100'

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EXHIBIT B  
RECORDED RAT

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to deny community commercial (GR) district zoning.

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

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

*Applicant's request:* The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.

*Staff recommendation:* 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 and the mixed use component would allow for residential uses on the property, which should be encouraged in the City's Desired Development Zone.

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

The GR district introduces the possibility for intense land uses, including automobile-related uses adjacent to the residential neighborhood served by King Edward Place, a local street, and therefore, the Staff recommends maintaining the LO district as it provides more compatible land use transition.

**EXISTING CONDITIONS****Site Characteristics**

The subject property contains an insurance office and an administrative office space for a driving school. The site is relatively flat and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the GR zoning district is 80%, which is based on the more restrictive zoning regulations.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed of the Colorado River

Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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

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

Trees will likely be impacted with this rezoning case. Please be aware that an approved rezoning status does not eliminate the requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

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

### **Transportation**

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

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 2,000 vehicle trips per day. [LDC, 25-6-117]

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo. LDC, Sec. 25-6-114. *Please contact me at your earliest convenience regarding this comment. An NTA may not be required if no access is proposed to King William Place, or the proposed development will not increase trips by 300 vehicles per day.*

**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.

- a. The site is subject to compatibility standards. Along the West and North property lines, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. 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.
- f. No parking or driveways are allowed within 25 feet of the property line.
- g. A landscape area at least 25 feet wide is required along 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.
- h. 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.

According to Commercial Design Standards, Subsection 2.2.4.E Corner Sites: The development may not contain an auto-oriented use unless it meets option a. or b. in 2.2.4.E.1 above. Auto-oriented uses are prohibited from corner lots in Suburban Roadway unless the parking is landscaped and 100% of the building frontage is built up to the clear zone.

10-14-08

TO: Whom it MAY CONCERN:  
CASE # C14-2008-0204

I, JOE T. LOPEZ, JR, LIVE NEXT DOOR TO THIS PROPERTY. MY WIFE AND I SUPPORT MR. REYNA'S REQUEST FOR THIS (CR) ZONING CHANGE.

I HAVE KNOWN MR. REYNA SINCE HE MOVED TO THIS NEIGHBORHOOD. HE IS POLITE, COURTEOUS AND CONCERN ABOUT OUR WELL BEING.

WE ALREADY HAVE APARTMENTS TO THE FRONT AND REAR OF US. ~~IT~~ IT WOULD BE EXTREMELY UNFAIR TO DENIED HIS REQUEST.

THANK YOU!  
Joe T. Lopez, Jr

**MARY HOUSE CATHOLIC WORKER OF AUSTIN, INC. 512/447-0963**  
**711B King Edward Place AUSTIN, TX 78745**

October 16, 2008  
**RE: Case No. C14-2008-0204**

Wendy Rhoades  
Neighborhood Planning and Zoning Department  
City of Austin, TX

Dear Ms. Rhoades:

I am writing regarding the petition of Mr. Robert Reyna to change the zoning of his business property on the southwest corner of South First and King Edward Place. I am in support of this change for the sake of our neighborhood, as Mr. Reyna is present during business hours, on weekends, and many nights.

Mr. Reyna, or anyone he sells to, is in a unique geographic position to benefit the neighborhood. The apartments directly across King Edward Place from Mr. Reyna's business, and the apartments directly behind him have, for the entire five years I have lived on this street, housed thugs who deal drugs, drag race, have gang fights, make huge amounts of raucous noise on weekends, and generally raise hell throughout the neighborhood immediately north of William Cannon and west of S. First. In fact, I went to the manager of the apartments directly south of Mr. Reyna to complain that young men from her complex were stalking a 16-year-old daughter of a member of our spiritual community, as well as staring through the apartments' back fence into our yard and coming to the street in front of our duplex to stare at and follow this youngster. The manager refused even to investigate.

Sunday night (Oct. 12) one of the thugs from the King Edward Place apartments was speeding through the neighborhood with his 6-year-old son at the wheel when their truck collided with a police car in front of our home. Of course the police are working to create more tranquility in our immediate area, but it is MR. REYNA who is able to observe even more than we can.

Some neighbors have said that a car-selling business would "attract the wrong people." I can only say, having taken a lead role to rid the neighborhood of a drug dealer on Pevensky, that the "wrong people" already are here! A business such as Mr. Reyna's proposed car lot would have security (lights, cameras) which ordinary homeowners cannot afford. I support the change of zoning at Mr. Reyna's property, especially since there is ample parking space.

It is beyond ironic that the City of Austin claims such concern re: Mr. Reyna and has failed to take care of REAL problems such as I have described. Please work with us to get our priorities straight.

If you have any questions, do not hesitate to call me at the number above.

Very Truly Yours,

  
Lynn Goodman-Strauss  
Director

## PUBLIC HEARING INFORMATION

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

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

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

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

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

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

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

**Case Number:** C14-2008-0204

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

**Public Hearing:**

November 4, 2008 Zoning and Platting

Commission

Dec. 11, 2008 City Council

☐ I am in favor  
☒ I object

Twila Willis

Your Name (please print)

6514 Pevensey Dr

Your address(es) affected by this application

J.W. Willey 25048

Signature

Date

Comments: there is already too

much traffic on King Edwards,

NO sidewalks for pedestrians

heading over to H.E.B. I already

had an incident with a test

drive of a use car from last. It's

enough to have driver's school

waiver. No test drive traffic please.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-9910

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**Public Hearing:**

November 4, 2008 Zoning and Platting

Commission

Dec. 11, 2008 City Council

☒ I am in favor  
☐ I object

JOE T. LOPEZ, JR

Your Name (please print)

705 King Edward Pl. (NEXT DOOR NEIGHBOR)

Your address(es) affected by this application

JOE T. LOPEZ, JR

Signature

Date

10-25-08

Comments:

WE ALREADY HAVE APIS TO THE  
FRONT AND REAR OF OUR PROPERTY.  
I SEE NO VALID REASON TO DENY  
MR. REYNOLDS ZONE CHANGE.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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

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

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

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

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

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

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

**Case Number:** C14-2008-0204

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

**Public Hearing:**

November 4, 2008 Zoning and Platting

Commission

Dec. 11, 2008 City Council

☒ I am in favor  
☐ I object

*Wendy Rhoades*  
Your Name (please print)

6519 Penveney Dr  
Your address(es) affected by this application

*Wendy Rhoades* 10-30-08  
Signature Date

Comments: *None*

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