

NEIGHBORHOOD PLAN AMENDMENT AND ZONING CHANGE REVIEW SHEET

NEIGHBORHOOD PLAN: East Martin Luther King Combined Neighborhood Plan

CASE#: NPA-2008-0015.02 and C14-2008-0154

PC PUBLIC HEARING DATE: November 25, 2008
October 28, 2008

ADDRESS: 3617 Axel Lane

AREA: 1.44 acres

APPLICANT/OWNER/AGENT: Kevin Ludlow, (512) 773-3968

ZONING FROM: IP-NP, Industrial Park – Neighborhood Plan Combining District

ZONING TO: SF-3-NP, Family Residence – Neighborhood Plan Combining District

LAND USE FROM: Industrial

TO: Single-Family

STAFF RECOMMENDATION:

- 1.) The staff's recommendation is to deny the zoning change from IP-NP (Industrial Park – Neighborhood Plan) district zoning to SF-3-NP (Family Residence – Neighborhood Plan) district zoning.
- 2.) The staff's recommendation is to deny the land use change from Industrial use to Single-Family use on the approved Future Land Use Map (FLUM).

PLANNING COMMISSION RECOMMENDATION:

November 25, 2008: Planning Commission voted to indefinitely postpone the zoning change and neighborhood plan amendment. The applicant and surrounding property owners did not object to this action by the Planning Commission.

[J. REDDY, M. DEALEY 2nd] (9-0)

October 28, 2008: Planning Commission voted to postpone until November 25, 2008 the zoning change and neighborhood plan amendment. The applicant and surrounding property owners did not object to this action by the Planning Commission.

[M. DEALEY, J. REDDY 2nd] (9-0)

ISSUES:

At the October 28, 2008 Planning Commission meeting, there was some discussion that the case manager would renotify for LI-PDA-NP, although that was not in the motion. After speaking with Senior Neighborhood Planning and Zoning staff and the chair of the Planning Commission, the case manager did not renotify for LI-PDA-NP because of the additional cost involved and without the result of solving the issue. The motion was for staff to work with the

applicant and the adjacent property owner and find a way to satisfy putting a single family residence on 3617 Axel Lane without infringing on the rights of the adjacent industrial property owner. After many discussions and research, the following options would allow for residential use of the property:

1) Renotify for LI-PDA - Although PDA's can modify conditional and permitted uses as well as development regulations (including parking, sign or landscaping regulations) applicable in the base zoning district, it does not allow for the modification of compatibility standards. Please refer to Land Development Code Section 25-2-441(B). Therefore a modified setback that is less than compatibility standards require cannot be incorporated into the PDA. Additionally, 25-2-601 (B) states that a minimum interior yard setback and rear yard setback is 50 feet, if adjacent to property zoned as or used for a use permitted in an LA, RR, SF-1, SF-2, SF-3, SF-4, SF-5, or SF-6 district. So, the adjacent property owner (Mr. Gaston) would have a 50 ft setback if a single family structure was built instead of the 10 ft setback he currently has with Mr. Ludlow's current IP zoning. This setback is measured from the property line, not the structure. So regardless of zoning on the applicant's property, a single family use would trigger compatibility and industrial setbacks on Mr. Gaston's property.

NOTE: Mr. Gaston could join in on a new zoning case of LI-PDA with Mr. Ludlow and it would be looked at as one zoning application. These properties would then be tied together and there could be some way that Mr. Ludlow could build a house and Mr. Gaston not incur the setbacks if the house was able to be built far enough away from the industrial use.

2) Create two zoning districts on this unplatted tract: In this scenario, the rear of the tract would retain IP zoning and the front of the tract would be rezoned to SF-3-NP. If the applicant creates two zoning districts on his property, the property is still considered one tract meaning Mr. Gaston is still adjacent to a single family structure and compatibility as well as the 50 ft. industrial setback is still imposed.

3) Subdivide the tract: In this scenario, the rear of the tract and at least 50 ft along Axel Lane for access would retain IP zoning and the front of the tract would be rezoned to SF-3-NP. If the applicant subdivides his property, then Mr. Gaston would be next to an IP zoned lot and not a SF-3 zoned lot (single family). Because TCAD shows the subject tract to have 305 feet of street frontage, the applicant could subdivide and create two legal lots. Mr. Gaston would then only be subject to compatibility height limit since the single family structure would be within 540 ft. of an industrial use. Mr. Gaston would not be subject to the compatibility or industrial setback because he would now be adjacent to the Industrial lot. Subdivision would cost the applicant anywhere from \$10,000 to \$15,000 and would probably take between 4 to 6 months.

4) Board of Adjustment - Mr. Gaston can go to the Board of Adjustment to request the 10 foot setback he currently has (before the zoning on Mr. Ludlow's property is changed and Mr. Ludlow constructs a single family structure), but there is no guarantee that a variance would be granted. Mr. Gaston would have to prove a hardship. This is a public hearing and there is an application fee of \$660.00. A variance remains valid for one year from the date of approval.

5) Dwelling as an Accessory Use - The Land Development Code 25-2-896(E) Accessory Uses for a Principal Industrial Use allows for an accessory for a principal industrial use. For a warehouse use, a dwelling unit is permitted as an accessory use if the dwelling unit is occupied by a person engaged in security, leasing, or management for the principal use, and not more than 25 percent of the building is used for the dwelling unit. So without a zoning change, Mr. Gaston could construct an industrial site and have a dwelling unit as an accessory as long as the dwelling unit is not more than 25 percent of the building.

6) Planning Commission can direct staff to study a defined area again to ensure that Industrial Use is appropriate for the entire area.

DEPARTMENT COMMENTS:

The East MLK Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on November 7, 2002. The boundaries of the planning area are: Anchor to Manor Road to East 51st Street on the north, Springdale on the southeast, and Airport Boulevard to the southwest.

The subject parcel, 3617 Axel Lane, is located in the MLK/183 Neighborhood Planning Area and is considered part of the "Ed Bluestein" planning sub-area. As mentioned, the property is currently zoned IP-NP and designated Industrial on the East MLK Combined Neighborhood Plan Future Land Use Map. In order to build a single-family home, the applicant requests a change to the Future Land Use Map (from Industrial to Single-Family) as well as a re-zoning (IP-NP to SF-3-NP).

Staff recommends denial of the requested rezoning and neighborhood plan amendment because the East Martin Luther King Combined Neighborhood Plan designates this parcel for industrial development.

EXISTING ZONING AND LAND USES:

	FLUM	ZONING	LAND USES
<i>Site</i>	Industry	IP-NP	Vacant
<i>North</i>	Industry	IP-NP	Vacant
<i>South</i>	Industry	SF-3-NP	Single-family residences
<i>East</i>	Industry	LI-NP	Vacant
<i>West</i>	Civic	P-NP	Cemetery

As an additional note, Austin Independent School District owns two parcels on the corner of Samuel Huston Avenue and Tannehill Lane. These two parcels are located northwest of the subject tract. The building footprint (Norman Elementary) is approximately 1,000 feet from the northwestern most property line of the subject tract. In closer proximity to the subject property (approximately 300 feet) is the contiguous AISD parcel which is primarily undeveloped.

NEIGHBORHOOD PLAN: The property lies within the MLK-183 neighborhood of the East MLK Combined Neighborhood Plan adopted in November of 2002.

TIA: 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].

WATERSHED: Fort Branch

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED ORGANIZATIONS:

- Homeless Neighborhood Organization
- METSA-NIC
- M.E.T.S.A. Neighborhood Assn.
- East MLK Neighborhood Plan Contact Team
- Home Builders Association of Greater Austin
- Austin Independent School District
- Austin Neighborhoods Council
- Austin Parks Foundation
- PODER People Organized in Defense of Earth & Her R
- Lincoln Garden Association
- League of Bicycling Voters

SCHOOLS: (AISD)

- Norman Elementary
- Garcia Middle School
- LBJ High School

ABUTTING STREETS:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>Daily Traffic</u>
Axel Lane	Varies (+/-52')	Varies (+/-22')	Local	Not Available

PUBLIC MEETINGS: A neighborhood meeting on this case was held on September 8, 2008. Invitations were sent to registered Community Organizations as well as the property owners and renters located within 500 feet of the proposed plan amendment. In the absence of a Plan Contact Team, the METSA Neighborhood Association was contacted for communication and meeting coordination purposes. METSA fully supports the applicant's desires to change the East MLK Combined Neighborhood Plan Future Land Use map from Industrial to Single-Family. The neighborhood's letter of support is attached to this report.

CITY COUNCIL DATE:

Thursday, November 6, 2008

ACTION:

This item was postponed to December 18, 2008 at the staff's request (consent). 6-0 Shade off the dais.

Thursday, December 18, 2008

ORDINANCE NUMBER:

NEIGHBORHOOD PLANNING CASE MANAGER: Dee Dee Quinnelly

PHONE: 974-2976

Email: kathryn.quinnelly@ci.austin.tx.us

ZONING CASE MANAGER: Joi Harden

PHONE: 974-2122

E-mail: joi.harden@ci.austin.tx.us






ZONING

ZONING CASE#: C14-2008-0154
ADDRESS: 3617 AXEL LANE
SUBJECT AREA: 1.44 ACRES
GRID: M23
MANAGER: J. HARDEN

OPERATOR: S. MEEKS



-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

1" = 400'

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.

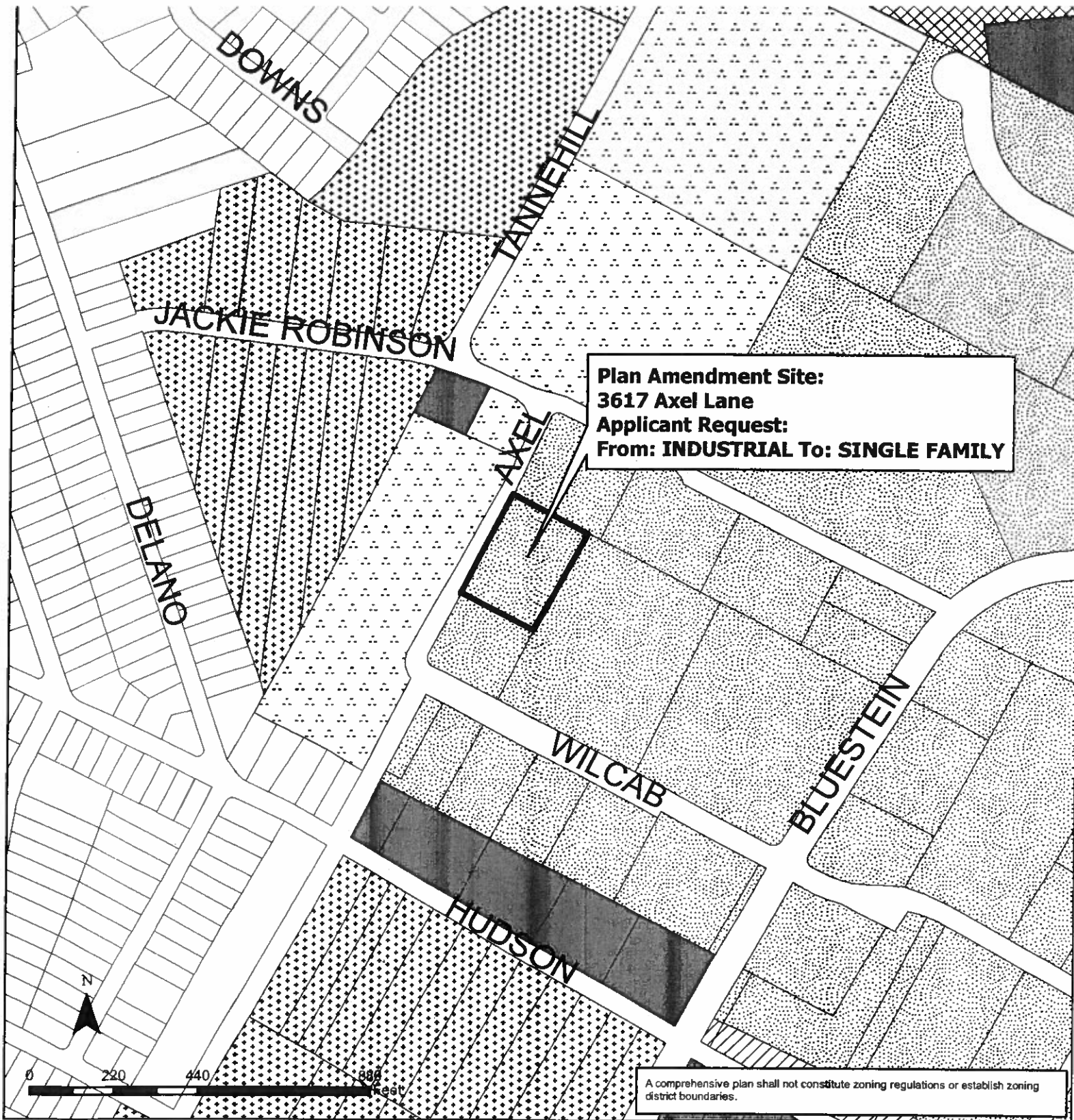


Plan Amendment Site:
3617 Axel Lane
Applicant Request:
Change from: INDUSTRIAL to SINGLE FAMILY

East MLK Combined Neighborhood Plan Amendment NPA-2008-0015.02

This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



East MLK Combined Neighborhood Plan Amendment NPA-2008-0015.02

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Future Land Use

	Civic		Mixed Use
	Commercial		Multi-Family
	Industry		Single-Family
	Mixed Residential		



STAFF RECOMMENDATION:

- 1) The staff's recommendation is to deny the zoning change from IP-NP (Industrial Park – Neighborhood Plan) district zoning to SF-3-NP (Family Residence – Neighborhood Plan) district zoning.
- 2) The staff's recommendation is to deny the land use change from Industrial use to Single-Family on the approved Future Land Use Map (FLUM).

BASIS FOR PLAN AMENDMENT RECOMMENDATION:

The requested Neighborhood Plan amendment is not consistent with the Future Land Use Map and Land Use recommendations in the East MLK Combined Neighborhood Plan. To be consistent with the land use pattern established by the neighborhood's Future Land Use Map, staff does not support the change in land use to Single-Family. The section of this report entitled, "*Comments from the East MLK Combined Neighborhood Plan*", provides language extracted directly from the Neighborhood Plan for three main topic areas: Future Land Use Map, Land Use Goals and Neighborhood Character and illustrates how the adopted East MLK Combined Neighborhood Plan informed Staff's decision-making process.

COMMENTS FROM THE EAST MLK COMBINED NEIGHBORHOOD PLAN:

In summary, the East MLK Combined Neighborhood Plan informs the Staff Recommendation to not support the requested change to the Future Land Use Map. The following section provides language extracted directly from the Neighborhood Plan for three main topic areas: Future Land Use Map, Land Use Goals and Neighborhood Character. This information is provided to illustrate how the stated Neighborhood Plan intentions influenced Staff's decision-making process.

Future Land Use Map

The 3617 Axel Lane parcel was designated Industrial on the East MLK Combined Neighborhood Plan Future Land Use Map due to its proximity to Ed Bluestein Boulevard (183). The subject parcel is one of nine properties that constitute a small interior neighborhood block designated Industrial on the Future Land Use Map. Furthermore, all of the properties in the block, excluding one, are zoned IP-NP. The exception is a parcel of land zoned SF-3-NP and currently utilized for residential purposes. This parcel is directly adjacent to 3617 Axel Lane.

Staff comments: To uphold a consistent future land use pattern, staff supports keeping the land use designation for 3617 Axel Lane as Industrial.

Land Use Goals (Specific to the Ed Bluestein sub-area)

Much of the Ed Bluestein area has been passed over by urban development for quite some time; however some industrial park-style development has occurred along Bluestein Drive, Wilcab Road and Techni Center Drive. This development typology is in accordance with land use and development goals specific to the Ed Bluestein sub-area. For example, the Plan states that "small industrial areas should continue to develop, provided there is not encroachment into existing or planning residential areas" (p.73). In addition to such land use goals, the Plan incorporates Action Items which support stated development desires. Of particular relevance to this NPA case is Action Item 60:

"Allow industrial development along Techni Center, Bluestein, Wilcab and Axel Lane" (p.73).

Staff comments: To support future industrial development deemed appropriate for 3617 Axel Lane, staff supports keeping the future land use designation as Industrial.

Neighborhood Character (Planning Area Wide)

To compliment future land use and development desires, the East MLK Combined Neighborhood Plan includes clearly stated intentions designed to preserve and promote neighborhood character. In the context of neighborhood character, ensuring compatibility of uses is a common theme identified in the Plan. Of relevant importance to this NPA case is the following goal and associated objectives:

Goal: "Promote a mix of land uses that respect and enhance the existing neighborhood and address compatibility between residential, commercial and industrial uses."

Associated Objective 2.1: Where appropriate, address mis-matches between desired land use and zoning.

Associated Objective 2.2: Reduce the impact of commercial and industrial uses on residential areas (p.44).

Staff comments: To respect compatibility for future land use and development, staff supports keeping the future land use designation for 3617 Axel Lane as Industrial.

BASIS FOR RECOMMENDATION (ZONING PRINCIPLES):

1. *Zoning should be consistent with the proposed Future Land Use Map (FLUM) or adopted neighborhood plan.*

The Future Land Use Map (FLUM) shows 3617 Axel Lane as having an Industrial land use designation.

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

SF-3 – Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards that maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements. The area is an industrial and civic area and is not consistent with the purpose statement.

EXISTING CONDITIONS

Site Characteristics

The site is undeveloped, relatively flat and moderately vegetated.

Impervious Cover

The maximum impervious cover allowed by the SF-3-NP zoning district is 45%. The maximum impervious cover allowed by the IP-NP zoning district is 80%

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Branch Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

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

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.

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

Transportation

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

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].

There are no existing sidewalks along Axel Lane.

Axel Lane is not classified in the Bicycle Plan as a bike route.

Capital Metro bus service (route no. 6) is available along Jackie Robinson Street and Tannehill Lane.

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

No site plan issues with this proposed zoning change.



East MLK Combined Neighborhood Planning Area
Neighborhood Plan Amendment Meeting Notes, NPA-2008.0015.02
Monday, September 8, 2008, 7:00 pm to 8:45 pm
Oak Springs Branch Library

The East MLK Combined Neighborhood Plan Amendment case #NPA-2008-0015.02 was discussed during a public community meeting held at the Oak Springs Branch Library on the evening of Monday, September 8, 2008. The meeting began at 7:00 p.m. Due to the current lack of a Neighborhood Planning Contact team in East MLK, the M.E.T.S.A. Neighborhood Association was contacted for meeting coordination and communication purposes.

An important note to mention regarding the meeting on September 8, 2008, is that two Neighborhood Plan Amendments were discussed. While a general introduction was provided to frame the meeting, separate discussions were held specific to each NPA. The following notes are specific to NPA-2008-0015.02, Axel Lane, and capture the discussion and dialogue that took place on the evening of September 8.

Meeting Attendance

Neighborhood Planning and Zoning Staff attending:

Dee Dee Quinnelly, Senior Planner
Paul Digiuseppi, Principal Planner

East MLK Neighborhood representation:

As per City policy regarding Meeting Notification Requirements (i.e. ORDINANCE NO. 20080515-033), approximately 41 meeting notifications were mailed 14 days prior to the September 8th meeting. There were 20 attendants present as reflected by the meeting sign-in sheet.

Meeting Introduction

Ms. Quinnelly began the meeting by welcoming all attendees, thanking M.E.T.S.A. for their efforts in meeting coordination and by introducing NPZD staff (case managers) as well as the two NPA applicants, Kevin Ludlow (3617 Axel Lane) and Amy Lambert (Travis County). To summarize, the introduction was designed to frame the evening's discussion and to explain the meeting purpose, the importance of the East MLK Combined Neighborhood Plan (2002) and to consider the plan's intentions when thinking about future land use and development in the community.

NPA2008-0015.02 - 3617 Axel Lane

Mr. Quinnelly introduced the Axel Lane case first by orienting the community to the study area via the use of visual aids. Two maps were provided for illustrative purposes, one map to illustrate the Future Land Use Map in the East MLK Combined Neighborhood Plan (2002) and another aerial photo map showing the current land development patterns in this part of the neighborhood. The introduction also provided a bit of current zoning information as the Axel Lane case does carry with it an associated

re-zoning. Once this information was provided, Ms. Quinnelly introduced the applicant, Kevin Ludlow, to provide further case specifics.

Mr. Kevin Ludlow gave a presentation to the community to clearly explain several aspects of his NPA application. These aspects include his *overall intentions* for the property, the *unique characteristics of his case* and the *overall impact* his current development rights would have on the neighborhood.

Intentions

Summary: Mr. Ludlow desires to build a single-family home (in which he will live) at 3617 Axel Lane. Working within the zoning regulations, Kevin may construct a garage apartment structure on this property with the intentions of providing affordable rental housing. (See following paragraph for further explanation.)

Mr. Ludlow expressed his desires to build his primary residence, a single-family home, on the 1.42 acres he owns at 3617 Axel Lane. Additionally, Mr. Ludlow expressed his desires to become a permanent citizen of the East MLK Neighborhood. He included his current contributions to the neighborhood through his initiatives to lead the development of the East MLK Neighborhood Contact Team. Mr. Ludlow has also participated in helping to clean-up the Travis County International Cemetery, also located on Axel Lane. Additionally, Mr. Ludlow removes unwanted trash that frequently collects on Axel Lane via illegal dumping activities.

Unique Characteristics

Summary: Key characteristics that make Mr. Ludlow's case unique include current residential zoning on the parcel to the south of 3617 Axel Lane, proximity to Norman Elementary school and the capacity and character of Axel Lane. (See following paragraphs for further explanation)

Mr. Ludlow's presented several key characteristics of his case to emphasize the appropriateness of his desires for single-family development. For starters, Mr. Ludlow presented the fact that two properties adjacent to his are currently being utilized for residential purposes – single family homes exist on both properties. Further, Mr. Ludlow pointed out that the property to the south of his is currently zoned SF-3, but appears as Industrial on the FLUM. Mr. Ludlow expressed that his desires to develop single-family would be in keeping with what is currently taking place in the Axel Lane block of properties.

Mr. Ludlow presented another interesting point which is the proximity of Norman Elementary School to his Axel Lane property. Mr. Ludlow demonstrated the proximity of these two areas by using the FLUM map and the aerial map. He expressed his concern for industrial development so close to the school and mentioned he felt it may have been an error in judgment to site industrial development in such close proximity to Norman. Mr. Ludlow indicated that his single-family home would be a much more suitable development whereby minimizing impacts to Norman Elementary.

Two other key characteristics Mr. Ludlow presented were the overall size of Axel Lane and his interpretation of the East MLK Combined Neighborhood Plan. Pointing to the map, Mr. Ludlow explained that the overall width and length of Axel Lane reflect a neighborhood oriented street character versus one of industrial character.

Mr. Ludlow further supported his single-family desires by pointing to some of the language in the East MLK Combined Neighborhood Plan. To summarize, Mr. Ludlow presented his feelings that the industrial zones in the neighborhood plan (i.e. the block in which his property is located) may have been extended further than intended. In his discussion, he supports his position by pointing out the plan's intention to support industrial development as long as it *"does not encroach into existing or planned residential development"*. As well, he points to the conflict between the plan's intentions to *"preserve Travis County International Cemetery"* which is located in such close proximity to the Axel Lane block of properties designated for industrial development. Finally, Mr. Ludlow points out the plan's intention to *"allow mixed residential between Axel and Bluestein"*. To this Mr. Ludlow added that he felt there was an immediate conflict between mixed residential housing goals and the FLUM designation of Industrial on the Axel Lane block of properties.

Impacts

Summary: Mr. Ludlow's current development rights, IP-NP, would have severe impacts on the surrounding neighborhood. (See following paragraph for further information.)

Another key point Mr. Ludlow presented to the community was related to his current zoning of IP-NP. To emphasize the impacts his current development rights (i.e. zoning) could have on the East MLK Neighborhood, Mr. Ludlow pointed that, by right, he could develop a smoke-stack or even a bail-bonds shop. Mr. Ludlow mentioned that this level of intensity and type of use would be detrimental to the neighborhood and that by changing the FLUM and zoning (to Single Family/SF-3), he would ensure protecting the neighborhood and strengthening its character.

Discussion Items and Questions

Citizen: Is your proposal to just change your property or all of the properties around you?

Mr. Ludlow: Explains that he does not have the right to change the other properties. He had made efforts to communicate with adjacent property owners; especially the owner of property currently zoned SF-3.

Citizen: What would we have to do to change the rest of the properties?

Mr. Ludlow: The neighborhood planning committee (once formed) could look into that and make a decision through meetings with the community.

Citizen: Why is the LU for the one corner Industrial even though it is zoned SF-3? How does this relate to Action Item 61: to build mixed residential between Axel and Bluestein?

Ms. Quinnelly: Explains the difference between current zoning and future land use and shows on the Future Land Use Map how the mixed residential housing is intended for a section between Axel and Bluestein Drive further South on the map. The intention is not

for mixed residential between the northern part (as well as the currently paved) of Axel and Bluestein.

Citizen: What does mixed residential mean?

Paul DiGiuseppe: A combination of housing in a compact area – town homes, single family housing, multi-family housing, etc.

Citizen: So what you are trying to do is downgrade your zoning? To make it more restrictive?

Mr. Ludlow: Yes, single-family would be more environmentally friendly and compatible with the surrounding residential uses.

Citizen: How many houses do you plan to put on the property?

Mr. Ludlow: My goal is to build a single house and possibly a carriage house. I want to do a small single family house with a small garage apartment. In time, if I was capable of building other houses on the property I would love to do that...maybe build 2 or 3 houses on this property.

Citizen: What type of house (i.e. size and height) do you intend to build?

Mr. Ludlow: A 1200 ft home no more than 2 stories with the possibility of adding a garage apartment in the back for income generating property. I am limited to 35 feet so I would work within that.

Citizen: I want to be clear on what your vision for this area is?

Mr. Ludlow: Explains his site plans in detail...the vision of his house with a landscaped lawn and to help clean up the property in that area.

Citizen: Points out that Mr. Ludlow is in effect doing the neighborhood a favor, because he could build an intense use now and not even have to come to the neighborhood (i.e. community), so he is really doing us a favor because we have input into the process.

Citizen: Points out that yes he is doing good, but that he did buy the property industrial to begin with.

Closing comments

As the discussion drew near to an end, Ms. Quinnelly asked the meeting attendants if they felt they had enough information from Mr. Ludlow to understand the specifics of his request and to make an informed decision in terms of whether or not they support his request. The attendants agreed that they did have enough information and no objections were made. There was not a vote taken, but Ms. Quinnelly addressed Ms. Birdie Jones as to the next steps in the process which include the neighborhood forming a letter of support or opposition to the case and submitting this letter to the City of Austin to the attention of Ms. Quinnelly, the case manager.

At that time, the visual aids were taken down and the meeting shifted to the second NPA case for discussion and dialogue.

September 9, 2008

City of Austin Neighborhood Planning
& Zoning Department
Attn: Dec Dee Quinnelly

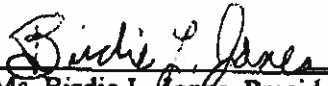
Re: Zone Amendment - #NPA-2008-0015.02
For: Mr. Kevin Ludlow

We the majority members of the METSA-Neighborhood Association (MLK-Eastfield, Tannerhill/Springdale Assoc.) give our "OK" and Blessing to Mr. Kevin Ludlow, the owner of the property located at "3617 Axel Lane- Case Number NPA-2008-0015.02".

We do believe that Mr. Ludlow, is serious in his attempt to change the zoning from **Industrial** to **Single Family** so he can build a single-family home on that particular property, and we wish him well, we always need good neighbors to come into the neighborhood.

If you need further information, please feel free to write or call.

Thank you,


Ms. Birdie L. Jones, President
1141 Nichols Ave, Aus. 78721
(512) 928-3414


Alfredia Miller, Secretary

(512) 708-1989

Cc: Mr. Kevin Ludlow



BILL GASTON

INCORPORATED

October 22, 2008

Ms. Joi Harden
Neighborhood Planning and Zoning
City of Austin
505 Barton Springs Rd
Austin, Texas 78704

Re: Opposition to Case Number C14-2008-0154, Proposed Rezoning of 3617 Axel Lane, Austin, Texas from LI-NP to SF-3-NP.

Dear Ms. Harden:

I am writing to notify you and the City of Austin that my company, Bill Gaston, Inc., as owner of property adjacent to 3617 Axel Lane is opposed to the above referenced rezoning. We own 11.19 acres of land in four contiguous lots, the western most of which is Lot 1 of Bluestein Park, Phase One. Our Lot 1 is approximately 4.57 acres and abuts the entire eastern property line of 3617 Axel Lane for a distance of 300.27 feet.

We are opposed to this rezoning for the following reasons:

1. Except for the one acre lot at the NE corner of Axel and Wilcab, all the adjacent and surrounding properties are zoned LI or IP and identified as Industrial Uses in the FLUM.
2. Changing this zoning to SF-3 would represent spot zoning which I understand is discouraged by the City.
3. The immediate surrounding area to the subject property has a predominately industrial or commercial use already. The area is well suited for industrial development given its natural buffer from predominately residential usage areas because of Highway 183 to the east and the existing County cemetery to the west.
4. Changing the zoning of the subject property to SF-3 would impose a compatibility buffer of 50 feet on our property adjacent to the subject property. Our property would be devalued given the fact that over 15,000 sf of our land could not be utilized for building or paving.
5. Though I am not sure if the Kaderka/Stojanik property owners immediately to the north of the subject and our property will formally protest, their representative David Stojanik is sympathetic to our opposition for similar reasons. A relative lived in a "grandfathered" residence on the property but he recently passed away and the heirs desire to sell the property and recognize that the best and highest use of their property going forward (given the surrounding uses) is likely industrial in nature.

MAILING ADDRESS: P.O. BOX 10085 AUSTIN, TEXAS 78766

7600 BURNET RD., SUITE 210

AUSTIN, TEXAS 78757

PHONE 512-458-2444

FAX 512-458-2522

Ms. Joi Harden
October 22, 2008
Page 2

My understanding of the Valid Petition process leads me to believe that given the amount of shared property lines that my property alone has with the subject, I can file a valid petition without any other property owners participating. It would be my intent to do so.

Thank you for your consideration of my concerns. Please pass this on to the Planning Commission and the City Council for their consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian F. Gaston", with a long horizontal flourish extending to the right.

Brian F. Gaston
President

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: C14-2008-0154

Contact: Joi Harden,, (512) 974-2122

Public Hearing:

October 28, 2008 Planning Commission

November 6, 2008 City Council

☐ I am in favor
☒ Object

Jack W. Fear
Your Name (please print)

5817 WINDCUTS
Your address(es) affected by this application

[Signature]
Signature

10/21/08
Date

Comments:

ALBT CONSISTENT WITH
NEIGHBORHOOD

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

City of Austin

Neighborhood Planning and Zoning Department

Joi Harden,}

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2008-0154

Contact: Joi Harden,, (512) 974-2122

Public Hearing:

October 28, 2008 Planning Commission

November 6, 2008 City Council

Hale Hawkins

Your Name (please print)

5808 Wilcab

Your address(es) affected by this application

Hale Hawkins

Signature

Date

10/28/08

☐ I am in favor
☒ I object

Comments: Due to increased traffic around

Industrial area, more children in area,

trucks for usage situation, Fire Station, industrial

trucks, Chippers, additional traffic w/ Wilcab being

short distance to 183, on corner where our tree

Service Co. will be causes concern of safety of

Neighbors in an unattractive area (Industry).

Making it difficult for our lg. trucks, Chippers

stump grinders, grappers going in and out of lot on

Corner of Wilcab + Axel

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City of Austin

Neighborhood Planning and Zoning Department

Joi Harden,}

P. O. Box 1088

Austin, TX 78767-8810