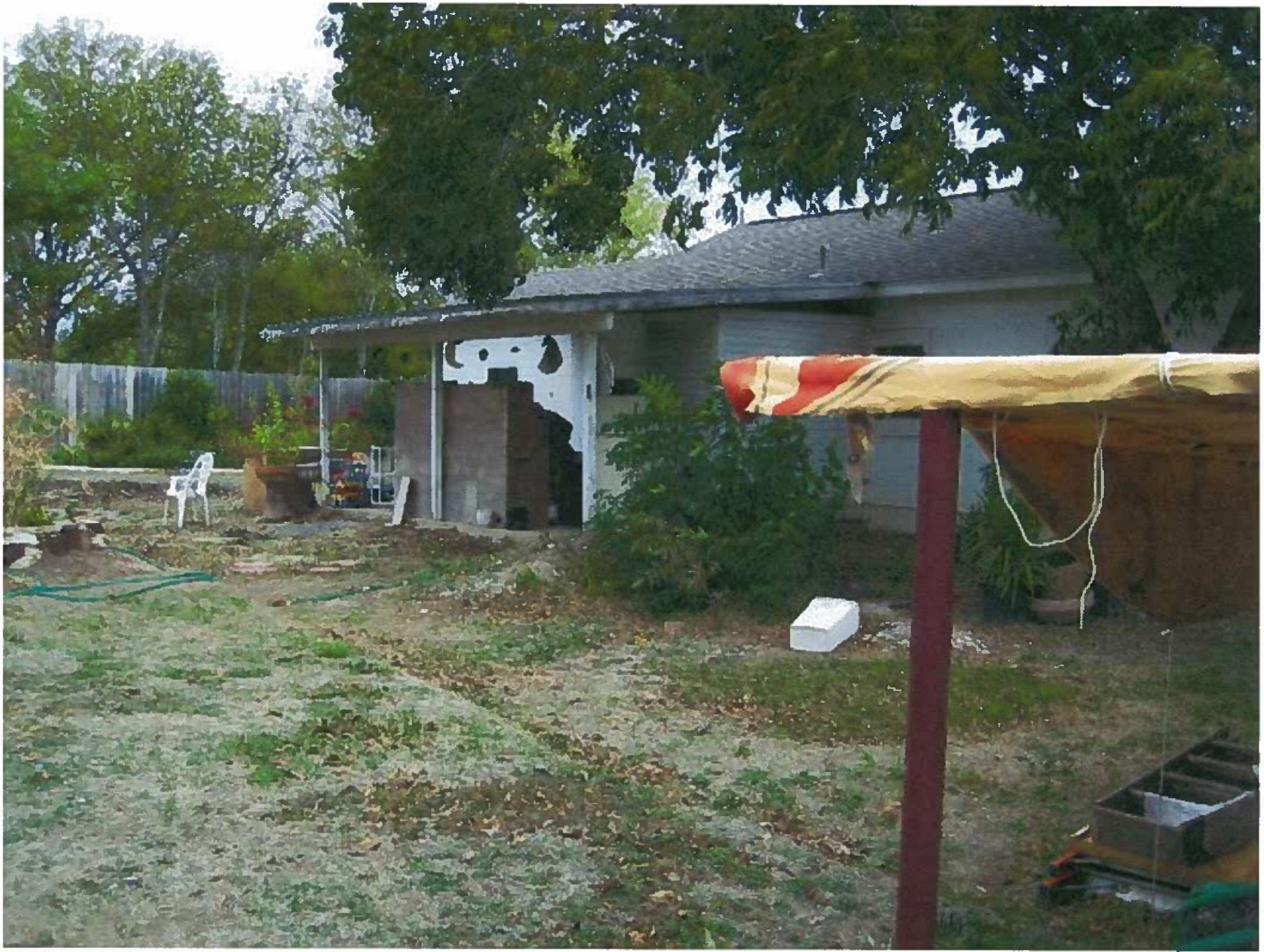


HOUSE NORTH IN PLACERVILLE, Hill



COMMERCIAL WITHIN 500 FEET ON PEACEFUL HILL



DARK RIDGE FENCE

OLIVE AVENUE

Aerial Photo Taken 10/23

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: C14-2008-0217
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
November 18, 2008 Zoning and Platting Commission
Dec. 18, 2008 City Council

☐ I am in favor
☑ I object

Linda A. Cleghorn
Your Name *(please print)*

8506 Peaceful Hill Ln.
Your address(es) affected by this application

Linda Cleghorn 11/17/08.
Signature Date

Comments:

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

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Case Number: C14-2008-0217
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
November 18, 2008 Zoning and Platting Commission
Dec. 18, 2008 City Council

☐ I am in favor
☑ I object

Lee G. Adams IV
Your Name *(please print)*

8506 Peaceful Hill
Your address(es) affected by this application

11/17/08
Signature Date

Comments:

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

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Case Number: C14-2008-0217
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
November 18, 2008 Zoning and Platting Commission
Dec. 18, 2008 City Council

☐ I am in favor
☑ I object

Karley M. Adams
Your Name *(please print)*

8506 Peaceful Hill
Your address(es) affected by this application

Karley Adams 11/17/08
Signature Date

Comments:

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

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Case Number: C14-2008-0217
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
November 18, 2008 Zoning and Platting Commission
Dec. 18, 2008 City Council

☐ I am in favor
☑ I object

Donna F. Adams
Your Name *(please print)*

8506 Peaceful Hill
Your address(es) affected by this application

Donna Adams 11/17/08.
Signature Date

Comments: See you Dec. 1st

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

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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

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Case Number: C14-2008-0217
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
November 18, 2008 Zoning and Platting Commission
Dec. 18, 2008 City Council

☒ I am in favor
☐ I object

JAMES M & BARBARA J. PALLAS
Your Name *(please print)*

8602 Cullen Lane, Austin TX 78748
Your address(es) affected by this application

Signature _____ Date _____

Comments: "C3" is a great idea. Let the property owner develop his property the way he wants. Restrictions to useage should include hours of operation for noise consideration only. Otherwise, they paid for it, let them use it! Maybe require fence or natural screening.

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

Nov 12 2008 12:29PM BIG FOUR AUTO PARTS 5122829778 P.1

PUBLIC HEARING INFORMATION

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Case Number: C14-2008-0217
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
November 18, 2008 Zoning and Platting Commission
Dec. 18, 2008 City Council

☑ I am in favor
☐ I object

Jim Pallas
Your Name *(please print)*

220 Ralph Ablanedo Drive/Austin 78748
Your address(es) affected by this application

Signature

11/11/08
Date

Comments: Peaceful Hill & Ralph Ablanedo are well overdue for appropriate development. 'CS' is a perfect fit for the area. There should be some considration regarding hours of operation because this is directly across from the old Parkridge subdivision.

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

Nov 12 2008 12:29PM BIG FOUR AUTO PARTS 5122829778 P.2

PUBLIC HEARING INFORMATION

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Case Number: C14-2008-0217
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
November 18, 2008 Zoning and Platting Commission
Dec. 18, 2008 City Council

I am in favor
I object

JAMES & BARBARA PALLAS
Your Name *(please print)*

221 Ralph Ablanedo Dr, Austin Tx 78748
Your address(es) affected by this application

Signature Date

Comments: This is a transitional area. I feel that the development as commercial use will help the rest of the area to develop. Also, commercial use gives the landowners a change to earn income to pay the ridiculous property taxes they are burdened with.

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

Nov 12 2008 12:29PM BIG FOUR AUTO PARTS 5122829778 P.3

City of Austin
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Ms. Wendy Rhoades:

In regards to zoning Case C-14-2008-0217 "Peaceful Hill Lane", I am in support of the proposed zoning change.

Thank you for informing us of the hearing and contact me with any questions regarding the case.

Sincerely,

Howard Papke
Signature

HOWARD PAPKE
Print Name

408 RALPH ABLANEDO
Address

11-09-08
Date

City of Austin
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Ms. Wendy Rhoades:

In regards to zoning Case C-14-2008-0217 "Peaceful Hill Lane", I am in support of the proposed zoning change.

Thank you for informing us of the hearing and contact me with any questions regarding the case.

Sincerely,

Cathy Papke
Signature

Cathy Papke
Print Name

408 Ralph Ablanedo Dr
Address

11-9-08
Date

City of Austin
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Ms. Wendy Rhoades:

In regards to zoning Case C-14-2008-0217 "Peaceful Hill Lane", I am in support of the proposed zoning change.

Thank you for informing us of the hearing and contact me with any questions regarding the case.

Sincerely,

Darsha Wilds
Signature

Darsha Wilds
Print Name

8207 Peaceful Hill Lane
Address

11/9/08
Date

City of Austin
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Ms. Wendy Rhoades:

In regards to zoning Case C-14-2008-0217 "Peaceful Hill Lane", I am in support of the proposed zoning change.

Thank you for informing us of the hearing and contact me with any questions regarding the case.

Sincerely,

Signature

Gilda Martinez
Print Name

8512 Peaceful Hill
Address

11/23/08
Date

PUBLIC HEARING INFORMATION

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Case Number: C14-2008-0217
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
November 18, 2008 Zoning and Platting Commission
Dec. 18, 2008 City Council

☒ **I am in favor**
☐ **I object**

PAUL GREENE
Your Name *(please print)*

8501 PEACEFUL HILL LN, AUS TX 78748
Your address(es) affected by this application

Paul Greene — 11/13/08
Signature — Date

Comments:

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

2.	**Rezoning:**	**C14-2008-0236 - Roadway Express**
	Location:	9018 Tuscany Way, Walnut Creek Watershed
	Owner/Applicant:	Roadway Expressway, Inc. (Matt Spronz)
	Agent:	The Faust Group (Bill Faust
	Request:	From I-RR to LI
	Staff Rec.:	**Recommendation of LI-CO with conditions**
	Staff:	Joi Harden, 974-2122, joi.harden@ci.austin.tx.us Neighborhood Planning and Zoning Department

The motion to postpone to January 20, 2009 by the request of the applicant; was approved with no opposition by Commissioner Keith Jackson, Commissioner Donna Tiemann second the motion on a vote of 7-0.

3.	**Rezoning:**	**C14-2008-0217 - Peaceful Hill Lane**
	Location:	8524 Peaceful Hill Lane, Onion Creek Watershed
	Owner/Applicant:	Randall L. Smitheal Family Trust (Amanda Tatum)
	Agent:	McLean & Howard, LLP (Jeffrey S. Howard)
	Prev. Postponements:	Postponed from 11-18-08 (Staff); from 12-2-08 (Applicant); from 12-18-08 (Neighborhood)
	Request:	SF-2 to GR-CO, as amended
	Staff Rec.:	**Recommendation of LO-CO**
	Staff:	Wendy Rhoades, 974-7719, wendy.rhoades@ci.austin.tx.us Neighborhood Planning and Zoning Department

The motion to approve GR-CO district zoning with the CO allowing building maintenance services use and all permitted LO uses; LO development regulations except that height is limited to 35-feet and 300 vehicle trips per day; Public Restrictive Covenant permitting hours of operation, hours of construction, prohibit exterior loud speakers, limit lighting. The Commission recommended that the private restrictive covenant be put in place prior to City Council consideration. The motion was approved by Commissioner Keith Jackson, Commissioner Clarke Hammond second the motion on a vote of 7-0.

Brief Summary

Wendy Rhoades gave the presentation and Staff recommendation; noting that building maintenance services use was first allowed in the GR district.

Jeff Howard, applicant, gave a presentation and showed exhibits. "The owners do have a landscape maintenance business and is classified as business maintenance services, permitted in the GR zoning category. The requested zoning is compatible with the existing uses and zoning in the area; it's compatible with the single-family in the area". Mr. Howard noted that his clients are requesting GR with a conditional overlay to limit site development regulations to LO, limit to 300 trips per day, limit height to 35-feet, we agreed to limit the hours from 6:00 a.m to 8:00 p.m, Monday through Saturday, we agreed to lighting restrictions, exterior sound restrictions over and above compatibility standards, we agreed to construction hours of operation; and we agreed to trash removal hours of operation,

Commissioner Hammond – Why doesn't LO-CO work for your client?

Mr. Howard – Because it's a landscape business and not permitted under LO.

Commissioner Baker – Where is the access?

Mr. Howard – On Peaceful Hill, but can be moved if necessary.

Commissioner Hammond – Do you have a private covenant with the neighborhood?

Mr. Howard – We have 5 or 6 points that we've agreed to; some will be in a public restrictive covenant and some in a private restrictive covenant. I can read out what the agreement is and you can make whatever agreements as part of your motion.

Susan Hambright, Park Ridge Homeowners Association – In support of the project; the applicant and their attorney have worked with us and have been responsive with our concerns; we're happy with the project and the agreements we made.

FOR

Darsha Wild – In favor.

OPPOSITION

None.

MOTION

Commissioner Jackson – I make a motion to approve GR-CO zoning, the basic elements of the CO would be only allowable GR use would be landscape business all other business would be LO; develop under the LO development regulations with the exception of 35-feet height; require the public restrictive covenant and private restrictive covenant be put in place prior to this going to City Council

Commissioner Hammond – Second.

Commissioner Baker – With staff conditions included?

Commissioner Jackson – Yes… the trips and everything else.

Motion passed.

M&H
McLEAN & HOWARD, L.L.P.

1004 Mopac Circle
Suite 100
Austin, TX. 78746
phone512.328.2008
fax512.328.2409
www.mcleanhowardlaw.com

December 1, 2008

Ms. Wendy Rhoades
City of Austin
505 Barton Springs
Austin, TX 78701

Via Email

RE: C14-2008-0217 Peaceful Hill Lane - Postponement Request

Dear Wendy:

I represent the Applicant with regards to the above-referenced case. The Applicant is requesting a postponement of the Zoning and Platting hearing set on December 2, 2008 to December 16, 2008.

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

Sincerely,

Jeffrey S. Howard

cc: Amanda Tatum

December 8, 2008

Ms. Wendy Rhoades
Zoning and Platting Commission
One Texas Center
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Owner: Randall L. Smitheal Family Trust
Case Number C14-2008-0217
Property Subject to Petition: 8524 Peaceful Hill
Hearing Date: December 18, 2008

Dear Wendy:

The Park Ridge Homeowners' Association and the owners of the above property have not been able to meet concerning a proposed restrictive covenant Park Ridge will require the Owner enter into in order for Park Ridge to agree to the requested zoning change. Therefore, we respectfully request that the hearing be rescheduled to the next hearing date in January, 2009 to allow time for the drafting of the private restrictive covenant. We would appreciate it if you would consent to this request by having the appropriate person sign below and return a copy of this letter to us by return email or facsimile at (512) 457-7001.

Please feel free to call me or Gloria Meraz, Park Ridge HOA President, at (512) 457-7095 with any questions. As always, thank you for your assistance in this matter.

Sincerely,

PARK RIDGE HOMEOWNERS' ASSOCIATION

Susan Hambright

By:_____
Susan Hambright, Secretary/Treasurer

AGREED:

CITY OF AUSTIN
ZONING & PLATTING COMMISSION

By:_____
Its:_____

Dated:_____

Rhoades, Wendy

From: Hambright, Susan [Susan.Hambright@dlapiper.com]
Sent: Thursday, January 15, 2009 8:50 AM
To: Jeff Howard; Rhoades, Wendy
Cc: amanda@greenscapesaustin.com
Subject: RE: Item No. 101 on the 1/15/2009 City Council Agenda - Peaceful Hill Rezoning

Wendy, I concur with Jeff's request for postponement. Thanks so much.

From: Jeff Howard [mailto:jhoward@mcleanhowardlaw.com]
Sent: Wednesday, January 14, 2009 5:15 PM
To: Rhoades, Wendy
Cc: Hambright, Susan; amanda@greenscapesaustin.com
Subject: Item No. 101 on the 1/15/2009 City Council Agenda - Peaceful Hill Rezoning

Wendy,

I am writing to let you know that the applicant and the neighborhood are jointly requesting a postponement of this item for 2 weeks to January 29, 2009. Susan Hambright was not aware that the item was coming up this week and will not be able to attend. In addition, we have not finalized our private restrictive covenant yet. While both sides are still in agreement, the additional 2 weeks will give us time to finalize the agreement and allow Susan to attend. Thanks.

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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Rhoades, Wendy

From: Hambright, Susan [redacted]
Sent: Tuesday, January 27, 2009 9:56 AM
To: Rhoades, Wendy
Cc: Jeff Howard; Gloria Meraz
Subject: RE: Item No. 101 on the 1/15/2009 City Council Agenda - Peaceful Hill Rezoning

Wendy, February 12 is fine with the neighborhood. I have an unavoidable work conflict on the 29th. Jeff, thanks for being agreeable to the postponement and please let me know when you want to visit to discuss how we should proceed. We very much appreciate the postponement and look forward to working with you to a mutually acceptable conclusion. As I said to Jeff and Amanda yesterday, we are still very supportive of the use that they seek and want to work with them to see that it happens.

From: Rhoades, Wendy [mailto:Wendy.Rhoades@ci.austin.tx.us]
Sent: Tuesday, January 27, 2009 9:50 AM
To: Hambright, Susan
Subject: RE: Item No. 101 on the 1/15/2009 City Council Agenda - Peaceful Hill Rezoning

Hi Susan,
Thank you for your e-mail. Could you tell me which date the Neighborhood will be requesting postponement of City Council consideration on the Peaceful Hill case? February 12th is the next available Council meeting date and Jeff is agreeable to postponing this case to that date.

The Staff has not prepared an ordinance or public Restrictive Covenant as we are awaiting direction from the Applicant on how he would like to proceed with this case given that the building maintenance services use is not allowed in the GR district, as well as supporting documentation that identifies how the Smitheal trust is set up (needed in order to prepare the public RC).

Thank you,
Wendy

From: Hambright, Susan [redacted]
Sent: Monday, January 26, 2009 10:07 AM
To: Jeff Howard; Rhoades, Wendy
Cc: amanda@greenscapesaustin.com; Gloria Meraz
Subject: RE: Item No. 101 on the 1/15/2009 City Council Agenda - Peaceful Hill Rezoning

Wendy, the neighborhood would like to request another postponement of the City Council hearing. We do not believe we are in a position to support any CS zoning and firmly believe that the Zoning Commission would not have supported this, either. We would be supportive of Jeff Howard's suggested zoning of W-LO. As you recall, the Commission was reluctant to even grant GR zoning but did so at the urging of the neighborhood because of the agreement we had made with Applicant. The neighborhood does not believe that this issue is ready to go before City Council as it currently stands as we have seen no conditional overlay document from the City and we also have not entered into the private restrictive covenant with the Applicant. The Commission's ruling was conditional upon all of these issues being taken care of before this went to City Council.

Please let me know if you need anything else to consider this request for postponement or a conveyance back to ZAP.

From: Jeff Howard [mailto:jhoward@mcleanhowardlaw.com]
Sent: Wednesday, January 14, 2009 5:15 PM
To: Rhoades, Wendy
Cc: Hambright, Susan; amanda@greenscapesaustin.com
Subject: Item No. 101 on the 1/15/2009 City Council Agenda - Peaceful Hill Rezoning

Wendy,

I am writing to let you know that the applicant and the neighborhood are jointly requesting a postponement of this item for 2 weeks to January 29, 2009. Susan Hambright was not aware that the item was coming up this week and will not be able to attend. In addition, we have not finalized our private restrictive covenant yet. While both sides are still in agreement, the additional 2 weeks will give us time to finalize the agreement and allow Susan to attend. Thanks.

Jeffrey S. Howard
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Rhoades, Wendy

From: Jeff Howard [jhoward@mcleanhowardlaw.com]
Sent: Wednesday, February 11, 2009 6:14 PM
To: Rhoades, Wendy
Cc: Hambright, Susan; amanda@greenscapesaustin.com
Subject: Peacefull Hill; C14-2008-0217; Item No. 60

Wendy,

I am writing to let you know that the neighborhood and applicant are in agreement over the following zoning: W/LO - CO. The CO would limit uses to Building Maintenance Services and LO uses, EXCEPT for Club or Lodge, College and University Facilities, Communications Services, Communication Service Facilities, Community Events, Community Recreation (Private), Community Recreation (Public), and Congegate Living.

The CO would also place the 300 TPD limit.

Finally, there is the Public Restricitve Covenant regarding hours of operation, loud speakers, and lighting.

The neighborhood and the applicant will also be entering into a private restrictive covenant regarding dumpster service hours, signage and prohibiting additional use of Family Home and Group Home. The neighborhood would also agree to support any future change to LO zoning and site regulations provided that such change prohibits the same 8 LO uses mentioned above. Thanks.

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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