ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0204 – R. I. T. Inc. **Z.A.P. DATE:** November 4, 2008

ADDRESS: 6516 and 6520 South 1st Street

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

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

SUMMARY STAFF RECOMMENDATION (Revised on March 16, 2009):

The Staff recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning. The Conditional Overlay prohibits the following uses: food sales, residential treatment, restaurant (general), restaurant (limited), and service station, prohibits access to King Edward Place and limits the daily number of vehicle trips to 2,000.

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 and Staff met on March 13, 2009 to further discuss the case. The Applicant has provided a letter amending his rezoning request to the LR-CO district with a Conditional Overlay that prohibits the following uses: food sales, residential treatment, restaurant (general), restaurant (limited) and service station. The Staff has reconsidered their recommendation and is in agreement with the Applicant's amended request.

Twenty-three letters of support and one letter of 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 1st Street and King Edward Place, and is zoned limited office (LO) district. The site is developed with an insurance office and 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 neighborhood commercial – conditional overlay (LR-CO) combining district zoning and may pursue an expansion of the driving school to include

training required to obtain commercial drivers licenses. The driving school use is classified as a personal improvement services use and is first allowed in the neighborhood commercial (LR) district. The Staff recommends the LR-CO district as requested by the Applicant based on its location on South 1st Street, it is adjacent to commercially zoned or used properties, and it prohibits the more intensive commercial uses in recognition of the adjacent single family residential neighborhood to the west.

EXISTING ZONING AND LAND USES:

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

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
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	To Grant CS-1-MU-CO-NP for Tract 1 & CS-MU-CO-NP for Tracts 2 and 3. The CO	Approved CS-1-MU-CO-NP for Tract 1 & CS-MU-CO-NP for Tracts 2 and 3 as

	3	prohibits auto sales, auto washing and pawn shops. On Tract 1, there is an additional CO for 2,000 trips.	Commission recommended (1-11-07).
C14-03-0158 – A.A.A. Storage – South First at William Cannon L.P. – 6509 South 1st Street	GR; W/LO to W/LO	Approved W/LO	Approved W/LO (1-15-04).
C14-91-0088 – Buckingham Place – 6400 South 1st 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 1st 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:** Approved a Postponement by the Applicant to January 15, 2009 (7-0).

January 15, 2009 Approved a Postponement by the Applicant to February 12, 2009 (6-0, Martinez – off the dais).

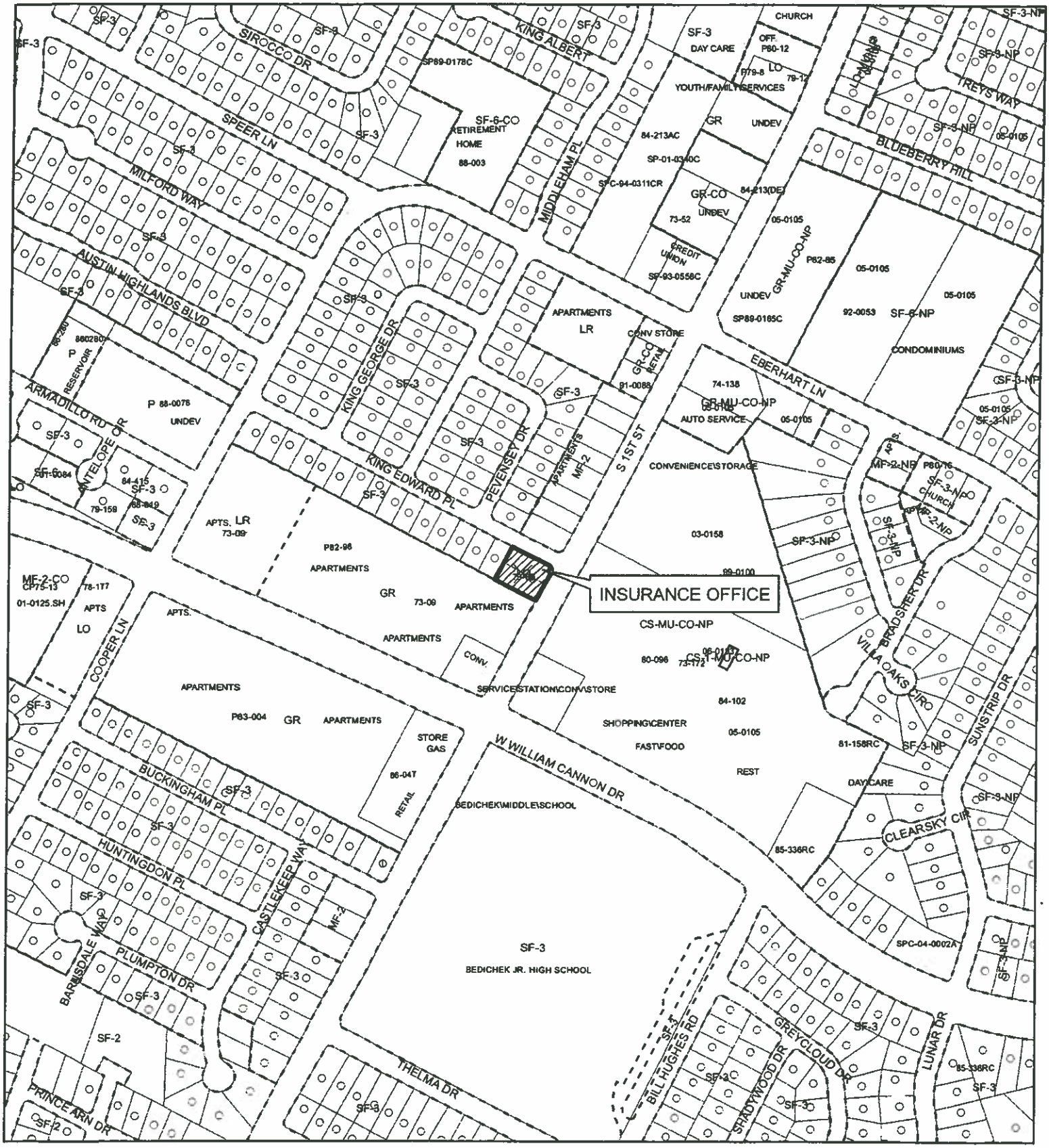
February 12, 2009 Approved a Postponement by the Applicant to March 26, 2009 (7-0).

March 26, 2009

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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



N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

OPERATOR: S. MEEKS

1" = 400'

ZONING

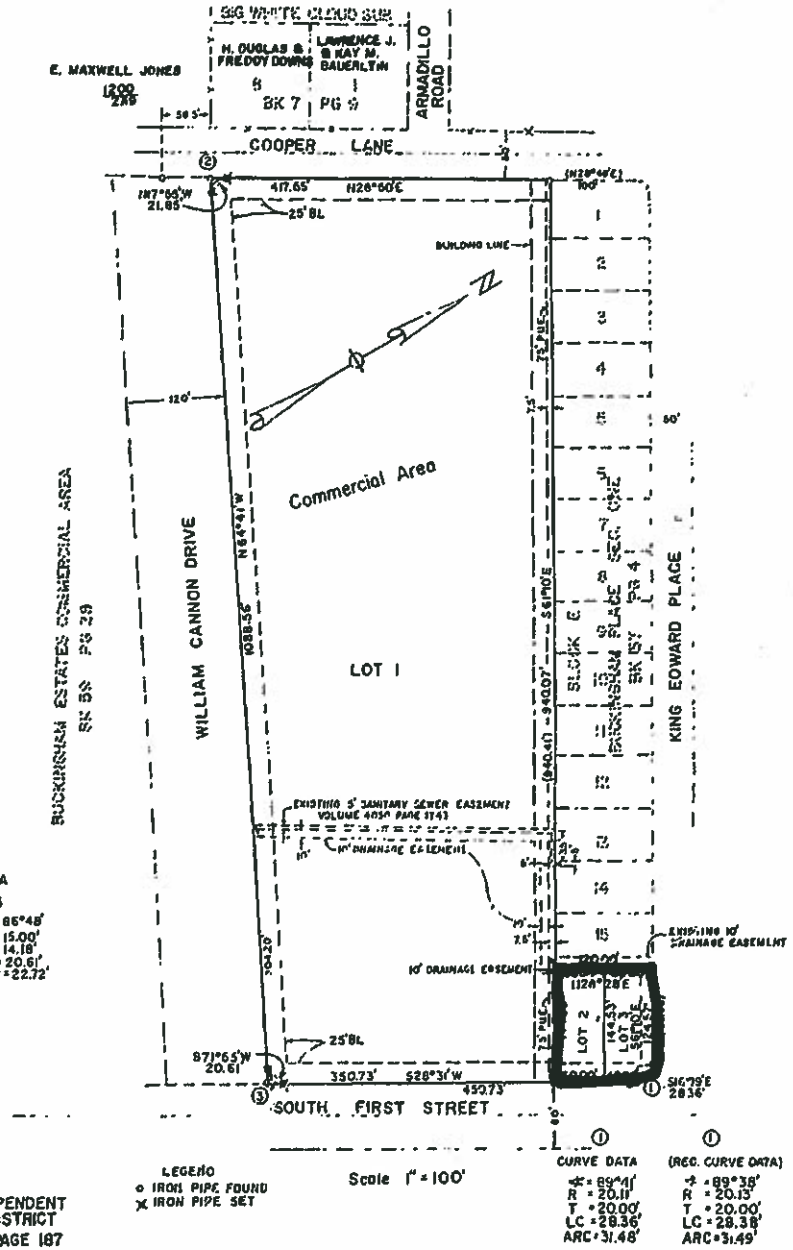
Exhibit A

ZONING CASE#: C14-2008-0204
ADDRESS: 6516 & 6520 S 1ST ST
SUBJECT AREA: 0.40 ACRES
GRID: G16
MANAGER: W. RHOADES

CITY OF AUSTIN FOUNDED 1839

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.


CONVENIENCE/STORAGE
SF-3-NP
03-0158
99-0100
CS-MU-CO-NP
WILLIAM CANNON
SOUTH 1ST STREET
EDWARD
SERVICE STATION/CONV/STORE
FOOD SALES
SHOPPING CENTER
REST
SF-3
APARTMENTS
GR
CONV STORE
GAS
LR



AUSTIN INDEPENDENT SCHOOL DISTRICT
VOL 2636 PAGE 187

STATE OF TEXAS §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS

That We, Doris Harris Warlick, Donald L. West, and Edward R. Rathgeber, Jr., Owners of a 9.49 acre tract of land, a portion of a 10.99 acre tract of land conveyed to us in a deed from Buckingham Place Development, Inc., and recorded in Volume 3566 at Page 232 of the deed records of Travis County, Texas, and that D. L. West and D. L. Leach, Owners of Lots 2 and 3 of Buckingham Place Commercial Center, a subdivision in the City of Austin, Travis County, Texas, of record in Book 66 at Page 6 of the Plat Records of Travis County, Texas, which said lots were conveyed to us by deed of record in Volume 4859 at Page 2200 of the deed records of Travis County, Texas, which said tract and lots being out of and a part of the Wm. Cannon League No. 19 in the City of Austin, Travis County, Texas, do hereby subdivide all of the aforesaid 9.49 acre tract of land and the aforesaid Lots 2 and 3 in accordance with the attached plat, to be known as "Buckingham Place Commercial Center Amended", and do hereby dedicate to the public all easements and rights of way as shown hereon.

Witness our hands this the 19th day of March, A.D., 1975

Doris Harris Warlick — Donald L. West — Edward R. Rathgeber, Jr. — Donald L. Leach

STATE OF TEXAS §
COUNTY OF TRAVIS §

Before me, the undersigned authority, on this day personally appeared Doris Harris Warlick, Donald L. West, Edward R. Rathgeber, Jr. and D. L. Leach, 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.

Given under my hand and seal of office, this the 19th day of March A.D., 1975

Rose Rathgeber
NOTARY PUBLIC in and for Travis County, Texas

STATE OF TEXAS §
COUNTY OF TRAVIS §

I, Doris Shropshire, Clerk of the County Court within and for the County and State aforesaid, do hereby certify that the foregoing instrument of writing, with its authentication, was filed for record in my office on the 26 day of Mar. A.D. 1975 at 10:10 o'clock a.M. and duly recorded on the 26 day of Mar. A.D. 1975 at 10:30 o'clock a.M. in the Plat Records of said County and State in Plat Book 71 at Page 96.

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

Doris Shropshire, Clerk, County Court, Travis County, Texas

By: Mike Kilgore Deputy

Filed for record at 10:10 o'clock a.M. on this the 26 day of Mar A.D., 1975.

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

By: Mike Kilgore Deputy

APPROVED FOR ACCEPTANCE:

Richard Lillie
Director of Planning

March 25, 1975
Date

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

Jean Allen Matter
Secretary

Chairman

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

Surveyed by: Herndon C. Bailey Jr.
Herndon C. Bailey Jr.
Registered Professional Engineer

Date: February 25, 1975

BUCKINGHAM PLACE COMMERCIAL CENTER AMENDED

AMENDED:

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

EXHIBIT B RECORDED PLAT

C8-72-167B

SUMMARY STAFF RECOMMENDATION (Revised on March 16, 2009):

The Staff recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning. The Conditional Overlay prohibits the following uses: food sales, residential treatment, restaurant (general), restaurant (limited), and service station, prohibits access to King Edward Place and limits the daily number of vehicle trips to 2,000.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

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

The Staff recommends the LR-CO district as requested by the Applicant based on its location on South 1st Street, it is adjacent to commercially zoned or used properties, and it prohibits the more intensive commercial uses in recognition of the adjacent single family residential neighborhood to the west.

EXISTING CONDITIONS

Site Characteristics

The subject property contains an insurance office and 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:

Development Classification	*% of Net Site Area*	*% with Transfers*
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.

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 Edward 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 his 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 (GR) ZONING CHANGE.

I HAVE KNOWED MR. REYNA SINCE HE MOVE 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 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

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

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**

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 — 10-25-08
Signature — Date

Comments:

WE ALREADY HAVE APT's TO THE FRONT AND REAR OF OUR PROPERTY. I SEE NO VALID REASON TO DENIED MR. REYNA's 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

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☑ **I am in favor**
☐ **I object**

Rudy Silva
Your Name *(please print)*

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

Rudy Silva — 10-30-08
Signature — Date

Comments: NONE

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

NEIGHBORS WITHIN 500'

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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 10-25-08
Signature Date

Comments:
WE already have MOT's to the FRONT and REAR of our Property. I SEE No VALID REASON TO denied Mr. Reyna's 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

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☒ **I am in favor**
☐ **I object**

HILBIG DEBORAH L
Your Name *(please print)*

6513 PEVENSEY DR
Your address(es) affected by this application

Deborah Hilbig 10-29-08
Signature Date

Comments:

If you use this form to comment, it may be returned to:
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Neighborhood Planning and Zoning Department
Wendy Rhoades}
P. O. Box 1088
Austin, TX 78767-8810

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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

Gregory Aguilar JR
Your Name *(please print)*

6521 Pewensey
Your address(es) affected by this application

D. Aguilar — 11-2-08
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

PUBLIC HEARING INFORMATION

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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**

ROSEMARY WALLS
Your Name *(please print)*

6520 PEVENSEY DR
Your address(es) affected by this application

Rosemary Walls — 11/1/08
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
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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**

RODOLFO SANDOVAL SILVA
Your Name *(please print)*

6519 AVENSEY DR
Your address(es) affected by this application

_____ _____
Signature Date

Comments: _____

MAILED IN.

If you use this form to comment, it may be returned to:
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Neighborhood Planning and Zoning Department
Wendy Rhoades}
P. O. Box 1088
Austin, TX 78767-8810

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WILL MAIL

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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**

ROUSSELL MATTHEW
Your Name *(please print)*

6518 PEVENSEY DR
Your address(es) affected by this application

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: C14-2008-0204
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**

PRICE JOSEPH & ELOISE WALDROP & ELIZABETH PRICE
Your Name *(please print)*

6510 MIDDLEHAM PL
Your address(es) affected by this application

Eloise W. Price 10-29-08
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: C14-2008-0204
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**

SHERRY BINGHAM
Your Name *(please print)*

6509 MIDDLEHAM PL
Your address(es) affected by this application

Sherry Bingham
Signature

10-29-08
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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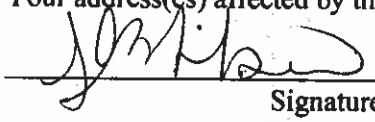
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Case Number: C14-2008-0204
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
November 4, 2008 Zoning and Platting Commission
Dec. 11, 2008 City Council

☒ **I am in favor**
☐ **I object**

JENNIFER BODDEN GIBSON
Your Name *(please print)*

6508 MIDDLEHAM PL
Your address(es) affected by this application



Signature

10-29-08
Date

Comments: _____

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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**

ANDREA LEAL - MIKE CHARLES
Your Name *(please print)*

6507 MIDDLEHAM PL
Your address(es) affected by this application

M.C. 10/29/08
Signature Date

Comments:

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P. O. Box 1088
Austin, TX 78767-8810

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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**

NELDA DURAN
Your Name *(please print)*

6506 MIDDLEHAM PL
Your address(es) affected by this application

Nelda C. Duran — 10-29-08
Signature — Date

Comments:

If you use this form to comment, it may be returned to:
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Wendy Rhoades}
P. O. Box 1088
Austin, TX 78767-8810

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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**

GAMEZ PEDRO P
Your Name *(please print)*

6504 MIDDLEHAM PL
Your address(es) affected by this application

Signature

10-29-08
Date

Comments:

If you use this form to comment, it may be returned to:
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Neighborhood Planning and Zoning Department
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P. O. Box 1088
Austin, TX 78767-8810

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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**

BREEZLEY PAULINE S.
Your Name *(please print)*

6502 MIDDLEHAM PL
Your address(es) affected by this application

Pauline Breezley 11-3-08
Signature Date

Comments:

If you use this form to comment, it may be returned to:
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Neighborhood Planning and Zoning Department
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Austin, TX 78767-8810

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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**

ALVAREZ NORMA
Your Name *(please print)*

717 KING EDWARD PL
Your address(es) affected by this application

Norma A. Vrbina — 10-29-08
Signature — Date

Comments:

If you use this form to comment, it may be returned to:
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Neighborhood Planning and Zoning Department
Wendy Rhoades}
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Austin, TX 78767-8810

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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**

LOERA CARMEN
Your Name *(please print)*

713 KING EDWARD PL
Your address(es) affected by this application

Signature

10-29-08
Date

Comments:

If you use this form to comment, it may be returned to:
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Neighborhood Planning and Zoning Department
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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

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**

GONZALEZ GUSTAVO EULOGIO
Your Name *(please print)*

6505 PEVENSEY DR
Your address(es) affected by this application

X Gustavo Gonzalez — 10-29-08
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

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.

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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**

TREJO ADAM S
Your Name *(please print)*

6503 PEVENSEY DR
Your address(es) affected by this application

Adam S Trejo
Signature

10-29-08
Date

Comments:

If you use this form to comment, it may be returned to:
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Neighborhood Planning and Zoning Department
Wendy Rhoades}
P. O. Box 1088
Austin, TX 78767-8810

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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**

SHELTON ROBERT, SANDRA
Your Name *(please print)*

6503 MIDDLEHAM PL
Your address(es) affected by this application

Susan Shelton — 10/29/08
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: C14-2008-0204
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

LYNN-GOODMAN-STRAUSS
Your Name *(please print)*

711 B KING EDWARD PL
Your address(es) affected by this application

_____ _____
Signature Date

Comments: _____

LETTER SUBMITTED

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: C14-2008-0204
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.D. Willis — 25 Oct 8
Signature — Date

Comments: there is already too much traffic on Lwg Edwards. NO sidewalks for pedestrians heading over to H.E.B. & already had an accident with a test drive of a use can from lot. Its enough to have driving school traffic. 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 78767-8810

December 5, 2008

Mayor Will Wynn
301 W. 2nd St.
Austin, Texas 78701

Dear Mayor Will Wynn and Counsel Members,

R.I.T. Inc. (Roberto J. Reyna) Case Number C14-2008-0204 is hereby requesting Postponement of our Hearing Scheduled for December 11, 2008. Due to a medical Procedure, I will not be available on this date. Please postpone our hearing to January 15, 2009. Thank You.

Sincerely
Roberto J. Reyna

Cc: Wendy Rhoades (Project Manager City of Austin)

ZONING CHANGE PROPOSAL
6516 & 6520 So. 1st Street, Austin, Texas 78745

This is to respectfully request your consideration and assistance for a zoning change for the land lots located at 6516 and 6520 So. 1st Street, Austin, Texas 78745. Roberto J. Reyna, a resident of Austin, Texas, owns these properties. The request is to change the zoning from Limited Office (LO) use to Community Commercial GR (CC/GR). This change will permit the current business located at this address, Reyna Insurance Agency, to initiate an innovative new business concept in providing programs, sales and services that will greatly benefit the community of south Austin and Austin proper.

Reyna Insurance Agency has provided automobile insurance services in Austin since 1986 and at the 1st Street location since 1990. With his additional experience as a Texas Education Agency licensed driver training instructor and owner of Texas Driving School, Mr. Reyna has grown to understand the direct relation between driver education, the purchase of an automobile and the insuring of that vehicle by his clients. Mr. Reyna's goal is to now establish a one-stop, one-shop business for all these needs. A zoning change from LO to CC/GR is needed to permit and facilitate this venture at the 1st Street site.

This important zoning change would allow Texas Driving School (TDS) to offer much needed driver's license classroom training to adults. The schools would also provide Texas Department of Public Safety instruction permit services so clients could go on to complete behind-the-wheel training with licensed instructors. After receiving an unrestricted driver's license, clients would then have the opportunity to purchase quality, safe automobiles and auto insurance from the same trusted business. Each client would then receive additional in-car training with their automobile purchase to familiarize themselves with their new vehicle. All training would be available in English and Spanish and include classroom training for low level and nonreaders. All tuitions paid for training would also be applied toward the purchase of an automobile from the business.

While this new concept would provide a complete and all-inclusive service to Austin residents, there has been opposition to the zoning request by one member of the Far South Austin Community Association (FSACA). Opposition to ANY business involving auto sales has prevented the head of FSACA from seeing the larger benefits offered to the citizens in south Austin. Persons in need of a driver's license, driver training, an automobile and the required insurance could have all their meets met at one location and through one entity. The end result would be more better trained, licensed drivers and less uninsured automobiles on Austin streets.

While knowledgeable, safer drivers and traffic safety should be foremost on the minds of responsible zoning staff members, the chairperson of the Zoning and Platting Commission dismissed the almost 99% support from the residents of the immediate area. The heavy-handed tactics of the FSACA and the Commission should not ignore the views of south Austin citizens. We ask the Austin City Council for a fair and thorough review of our request. (Letters and signatures of support and approval are included for

your review. A video of the hearing supporting our complaint against the Commission is available.)

In conclusion, the serious ongoing financial crisis has placed huge burdens on all businesses and growth-related ventures, nationally and locally. This crisis has resulted in businesses reducing services, goods and wide-scale employee layoffs. This proposal and plan is an effort to stimulate business growth and ensure continued employment of the six current staff members of Reyna Insurance Agency and Texas Driving School. The granting of this zoning change not only help us retain our employees but will also helps us create additional job opportunities. Denial will ensure the loss of time, effort and monies already invested in this venture and jeopardize the status of these Austin family-owned businesses. We hope the Council continues its long-standing history of supporting local businesses and growth.

Submitted by:

Roberto J. Reyna
President, R.I.T. Inc.
6516 S. 1st Street
Austin, Texas 78745
January 8, 2009

CC: Susan Morrison, Attorney At Law

Enclosures: Twenty-three letters/statements of support
Zoning & Platting Commission Hearing video*, November 4, 2008
(*Advance to time-of-day: 6:37 P.M.)

Rhoades, Wendy

From: LANA REYNA [LREYNA6059@SBCGLOBAL.NET]
Sent: Wednesday, January 14, 2009 2:12 PM
To: Rhoades, Wendy
Subject: Re: R.I.T. INC. (ROBERTO J REYNA)

January 14, 2009

Mayor Will Wynn
301 W. 2nd St.
Austin, Texas 78701

Dear Mayor Will Wynn and Council Members,

R.I.T. Inc. (Roberto J. Reyna) Case Number C14-2008-0204 is hereby requesting Postponement of our Hearing Scheduled for January 15, 2009. We are considering a modification to our request for zoning change. Please postpone our hearing to February 12, 2009.

Sincerely
Roberto J. Reyna

Cc: Wendy Rhoades (Project Manager City of Austin)

----- Original Message -----
From: Rhoades, Wendy
To: LANA REYNA
Sent: Friday, January 09, 2009 1:14 PM
Subject: RE: R.I.T. INC. (ROBERTO J REYNA)

Roberto,
I received the your letter which will be scanned, as well as the DVD which will be kept with the case file.

Wendy

From: LANA REYNA [mailto:LREYNA6059@SBCGLOBAL.NET]
Sent: Friday, January 09, 2009 8:46 AM
To: Rhoades, Wendy
Subject: R.I.T. INC. (ROBERTO J REYNA)
Importance: High

Good Morning Wendy,

I am almost complete with my letter, and would like to know how I need to deliver it to you.
In person or if by e-mail what format would it need to be in?

Thank-You,

Roberto J. Reyna

Rhoades, Wendy

From: LANA REYNA [LREYNA6059@SBCGLOBAL.NET]
Sent: Wednesday, February 11, 2009 1:01 PM
To: Rhoades, Wendy
Subject: Re: R.I.T. INC. (ROBERTO J REYNA)

February 11, 2009

Mayor Will Wynn
301 W. 2nd St.
Austin, Texas 78701

Dear Mayor Will Wynn and Council Members,

R.I.T. Inc (Roberto J. Reyna) Case Number C14-2008-0204 is hereby requesting Postponement of our Hearing Scheduled for February 12, 2009. We are seeking to meet with a Sub-committee of the Planning Commission (Recommended by Greg Guernsey) in order to have a New category created for a One Stop 3-tier Business Model consisting of Driving Instruction, Auto Purchase, and Auto Insurance. Please Postpone our hearing to March 26, 2009.

Sincerely
Roberto J. Reyna

Cc: Wendy Rhoades (Project Manager City of Austin)

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In person or if by e-mail what format would it need to be in?

Thank-You,

Roberto J. Reyna

R.I.T. Inc.

6516 South First St.
Austin, Texas 78745
(512) 707-8878

March 19, 2009

City of Austin
Neighborhood Planning and Zoning Dept.
505 Barton Springs Rd., PO Box 1088
Austin, Texas 78767

Wendy Rhoades,

After further discussions with staff, we are amenable to amending our rezoning Application from the GR, community district to the LR-CO Neighborhood commercial-Conditional overlay district, and that furthermore, the conditional overlay would Prohibit the following uses: Food Sales, Residential Treatment, Restaurant (limited), Restaurant (general) and Service Station.

Sincerely

Roberto J. Reyna