

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0155

**Z.A.P. DATE:** September 2, 2008

February 17, 2009

April 7, 2009

June 2, 2009

June 15, 2009

July 7, 2009

**ADDRESS:** 13985 FM 2769 Road

**OWNER/APPLICANT:** John C. Besperka

**ZONING FROM:** DR

**TO:** LO-MU\*

**AREA:** 1.176 acres

On May 27, 2009, the applicant amended his request to a 8,650 square foot "footprint" area that includes only the garage/carport building, a parking area and driveway access to the site (See Attachment A). The applicant will provide a survey /field notes of this reduced re-zoning area prior to the City Council public hearing.

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant the applicant's request for LO-MU-CO, Limited Office-Mixed Use district, zoning. The conditional overlay would limit the development intensity for the site to less than 30 vehicle trips per day.

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

9/02/08: Postponed indefinitely at the applicant's request (5-0, T. Rabago, R. Evans-absent)

2/17/09: Postponed to April 7, 2009 at the applicant's request (6-0, R. Evans-absent); K. Jackson-1<sup>st</sup>, C. Hammond-2<sup>nd</sup>

4/07/09: Postponed to June 2, 2009 at the applicant's request (7-0); K. Jackson-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.

6/02/09: Postponed to June 15, 2009 by the Zoning and Platting Commission (4-0); C. Hammond-1<sup>st</sup>, D. Tiemann-2<sup>nd</sup>.

6/15/09: Postponed to July 7, 2009 at the applicant's request (4-0): J. Gohil-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.

7/07/09: Approved the staff's recommendation of LO-MU-CO zoning, with Medical Office as the only permitted 'LO' district use and all other permitted 'NO' district uses (5-1; B. Betty Baker-Nay, J. Gohil-absent); D. Tiemann-1<sup>st</sup>, T. Rabago-2<sup>nd</sup>.

### **ISSUES:**

The applicant requested a postponement of this case on April 7, 2009 to meet with the Neighborhood Planning and Zoning Department regarding the staff's recommendation for the case. The applicant provided the staff with information to support the requested zoning at this location. Therefore, the staff re-evaluated our recommendation based on the fact that this property is located on the last lot within the City limits of Austin in an area where the annexation line is not consistent. In addition, this property is adjacent to a commercial marina that is in the County to the west. The area to be re-

zoned will be limited to a footprint zoning of an accessory structure on the site and related driveway and parking area.

**DEPARTMENT COMMENTS:**

The property in question is currently developed with a single-family residence. The applicant is requesting LO-MU, Limited Office-Mixed Use District, zoning because he would like to redevelop an existing storage space into an office to relocate his dental practice to this site.

The staff recommends the applicant's request because this tract of land meets the intent of the 'LO' district. The property is situated next to a commercial marina/restaurant use that is located in the County to the west. The proposed LO-MU zoning will allow the applicant to open a medical office on the site that will provide services to the surrounding residential areas.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	DR	Single-Family Residence with Storage Buildings/Outdoor Boat Storage
North	County	Single-Family Residence
South	DR	Lake Travis
East	DR	Single-Family Residences
West	County	Marina (Cypress Creek Marina)

**AREA STUDY:** N/A

**TIA:** Not required

**WATERSHED:** Lake Travis

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

Homeless Neighborhood Association  
Old Spicewood Springs Road Neighborhood Association  
Volente Neighborhood Association

**CASE HISTORIES:** N/A

**RELATED CASES:** N/A

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
FM 2769	105'	MNR 2	Arterial	No	No	No

**CITY COUNCIL DATE:** August 6, 2009

**ACTION:**

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

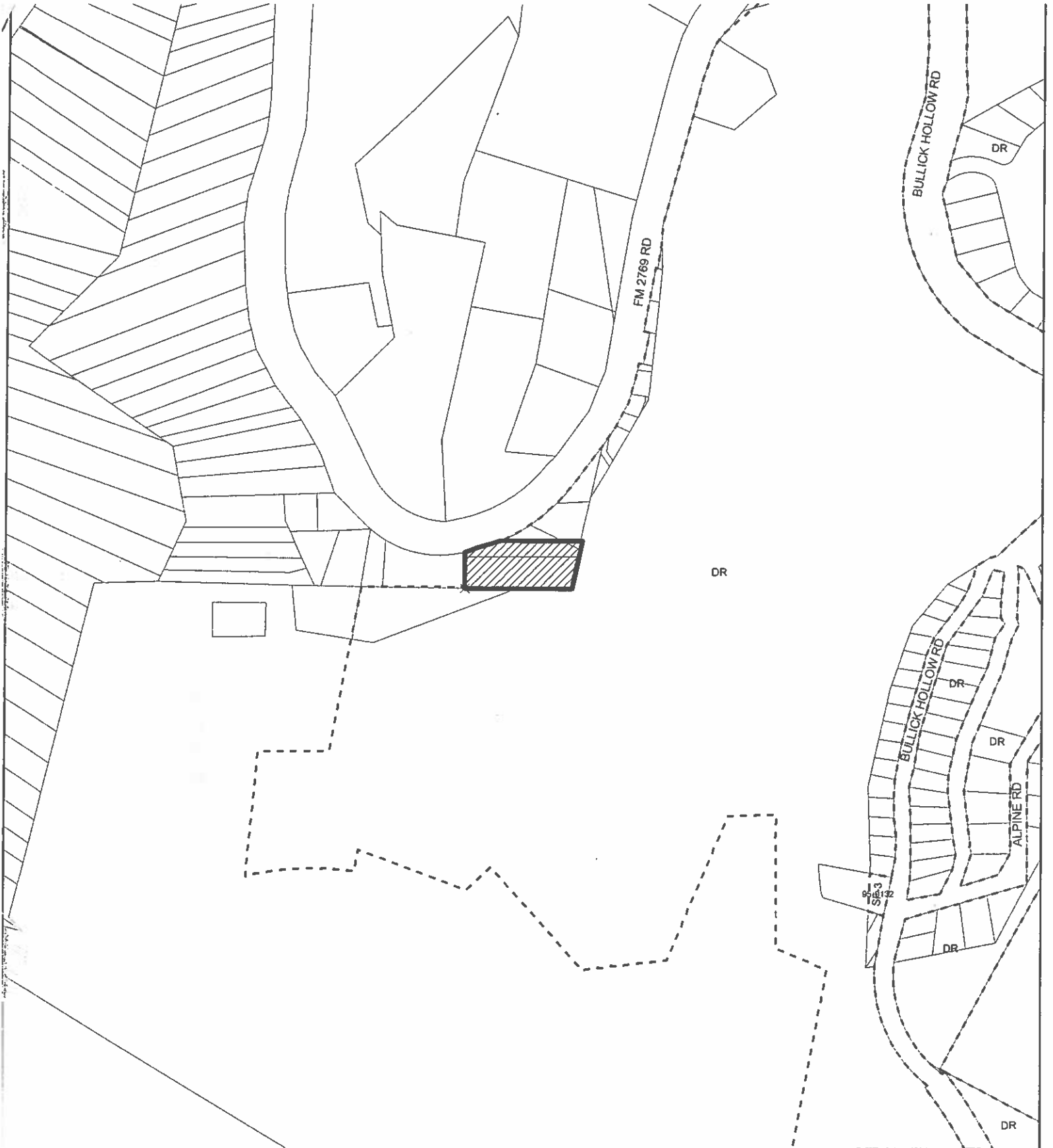
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**




**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



#### ZONING

ZONING CASE#: C14-2008-0155  
ADDRESS: 13985 FM 2769 RD  
SUBJECT AREA: 1.176 ACRES  
GRID: B36  
MANAGER: S. SIRWAITIS

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR: S. MEEKS

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



N



1" = 400'





6972

BULLOCK HOLLOW  
CYPRESS CREEK

NORTH



## **STAFF RECOMMENDATION**

The staff's recommendation is to grant the applicant's request for LO-MU-CO, Limited Office-Mixed Use district, zoning. The conditional overlay would limit the development intensity for the site to less than 30 vehicle trips per day.

## **BASIS FOR RECOMMENDATION**

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

Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The purpose of the Mixed Use (MU) Combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning will promote consistency and orderly planning because this site is located adjacent to residential uses to the north and east and a commercial marina to the west. The proposed LO-MU zoning will provide for a transition in uses along FM 2769 from the residential uses to the east to the commercial/restaurant/marina use to the west.

3. *The proposed zoning should allow for a reasonable use of the property.*

LO-MU zoning will allow the applicant to redevelop an existing structure on the site to open a small dental clinic. The proposed rezoning will permit a medical office use in an area that is in need of supporting commercial services.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is currently developed with a single-family residence. There are residential storage warehouses and outdoor boat storage uses on the property. To the east of the site, there appears to be four single family homes. The property to the north is also developed with a single-family use that is setback from the roadway. The land to the west, in the County, contains a small marina (Cypress Creek Marina). The southern edge of the property in question is bordered by Lake Travis.

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

### **Impervious Cover**

The maximum impervious cover allowed by the LO zoning district would be 70%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers	Allowable Density
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Lake Travis Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Based upon the close proximity of the flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.

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

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

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

### **Transportation**

No additional right-of-way is needed for FM 2769 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]

**Existing Street Characteristics:**

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
FM 2769	105'	MNR 2	Arterial	No	No	No

**Water and Wastewater**

City of Austin water and wastewater is not currently available in this area. Water service would be obtained from well or lake water and wastewater disposal would require an approved on-site sewage facility.

**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

**Site Plan**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

It appears this site may be subject to compatibility standards. Along the north and south property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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



**John C.  
Besperka**  
D.D.S.

gentle dental care

May 27, 2009

City of Austin  
Mr. Jerry Rusthoven, AICP  
Zoning and Platting Department

Re: Case #: C14-2008-0155

Dear Mr. Rusthoven:

As per our conversation today, I am giving written notification of our intent to modify the zoning request to a "footprint" zoning. We will footprint the zoning to include only the garage/carport building and parking area and driveway access. The driveway access will need to accommodate fire department regulations. The site plan by The Brown Group should help illustrate the above.

Thank you for your help and kindness.

Sincerely yours,



John C. Besperka, D.D.S.

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: C14-2008-0155**

**Contact:** Sherri Sirwaitis, (512) 974-3057

**Public Hearing:**

September 2, 2008 Zoning and Platting  
Commission

☒ I am in favor  
☐ I object

LEROY STEADMAN  
Your Name (please print)

13979 FM 2769  
Your address(es) affected by this application

Leroy Steadman  
Signature

8/24/08  
Date

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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If you use this form to comment, it may be returned to:  
City of Austin  
Neighborhood Planning and Zoning Department  
Sherri Sirwaitis}  
P. O. Box 1088  
Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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

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

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

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

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

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

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

Case Number: C14-2008-0155

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

February 17, 2009 Zoning and Platting

Commission



Your Name (please print) Marcel Bosworth Anderson Mills  
Marina

Your address(es) affected by this application 13993 FM 2719 Volente Road  
Volente, TX 79664

Your address(es) affected by this application

2/14/09

Date

Signature

Comments:

looks good!

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

City of Austin  
Neighborhood Planning and Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088

Austin, TX 78767-9810

# The Brown Group

Architectural and Real Estate Development Services

1250 Capital of TX Hwy, South Building 3, Suite 400 Austin, TX 78746 Office (512) 329-2170

February 9, 2009

Ms. Sherri Sirwaitis  
Zoning Case Manager  
City of Austin Planning and Zoning

**RE: C14-2008-0155**  
**Zoning Request for John C. Besperka**  
**13985 FM 2769**

Dear Sherri:

Attached you will find the back-up material as requested for the above referenced Zoning Case. As we discussed, the Owner's intention is to obtain the lowest level of zoning which allows for a Dental Office. The Owner wishes to convert the existing garage into a 590sf. dental office that will supplement his retirement income and serve the Volente Community.

In response to the Staff Review comments, we feel the zoning is appropriate for the following reasons:

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

The zoning request is the least restrictive zoning that allows for a Medical Use (Dental Clinic).

The site is at the outermost edge of the City of Austin's DR zoning classification. Immediately adjacent to our property; across the street from our property; and up and down FM 2769 there are several already established business uses. These business uses establish a "de facto" commercial utilization along FM 2769. These establishments are allowed because they were in effect prior to DR zoning or they are outside of the City of Austin's jurisdiction. This in affect will allow for more commercial utilization to happen along this road as the precedent has been set.

No new Public Services are required to develop this site as water/wastewater infrastructure already serve the existing structures.

*2. The proposed zoning should promote consistency and orderly planning.*

The site is located on the curve of a two lane roadway. We are proposing to rework the front entrance area in order to accommodate fire department needs, which in turn will provide for a better entry/exit condition to the property.

The proposed development of the site will consist of an interior conversion of the existing garage into a small dental clinic for private practice. The site can accommodate all the development requirements and restrictions within the existing facilities with the addition of access driving surface only.

New site construction consists of an all weather driving surface and access road for the fire department (as depicted in the attached site plan). All proposed improvements to the site will be above the current 722' flood plane grade line.

Residential Compatibility will be maintained with adjacent properties due to the nature of the interior conversion of the existing garage.

Thank you,

Martin T. Brown

## REASONS FOR STAFF RECOMMENDATION FOR DENIAL

According to Sherri Sirwaitis:

Property zoning best fits the definition of "DR"

Because it has no water or sewer service.

But, my house presently is served with well water and septic.

On a two lane road on a curve

But, my ingress/egress from road has served Cypress Creek Marina and Anderson Mill Marina for over 40 years *without problem*. Typical traffic is pick-ups pulling 25-30 foot trailers. Cypress Creek Marina driveway goes over the corner of my property. Anderson Mill Marina has moved the entrance to their marina further up the road, thus significantly reducing volume of traffic. I anticipate about 30 cars per week traffic.

Adjacent to residential properties

Please see study of properties along FM 2769

FM 2769 is a mixed use road, that is primarily commercial

FM 2769 is a major road. It is the only road south out of Volente.

## OTHER PROBLEMS THAT MAY/MAY NOT HAVE TO DEAL WITH

Please see deed restrictions and evaluate.



- **25-2-93 NEIGHBORHOOD OFFICE (NO) DISTRICT DESIGNATION.**
- Neighborhood office (NO) district is the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may contain not more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.  
*Source: Section 13-2-61; Ord. 990225-70; Ord. 031211-11.*
- **§ 25-2-94 LIMITED OFFICE (LO) DISTRICT DESIGNATION.**
- Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.  
*Source: Section 13-2-62; Ord. 990225-70; Ord. 031211-11.*

- (42) **MEDICAL OFFICES** use is the use of a site for the consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by doctors, **dentists**, medical or dental laboratories, or similar practitioners of medical and healing arts for humans, licensed for practice by the state. The use includes a compounding pharmacy that does not exceed 3,000 square feet of gross floor area. A compounding pharmacy may prepare and sell prescription drugs and also sell non-prescription drugs, medical supplies, and other health products. The sale of other merchandise is permitted only as an accessory use.



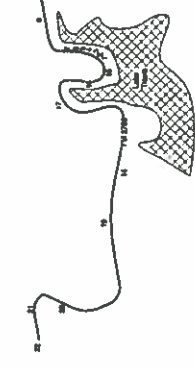




5. 13000 FLA 2700  
Unknown Owner



7. 13001 FIA 27609
- 
- C1000



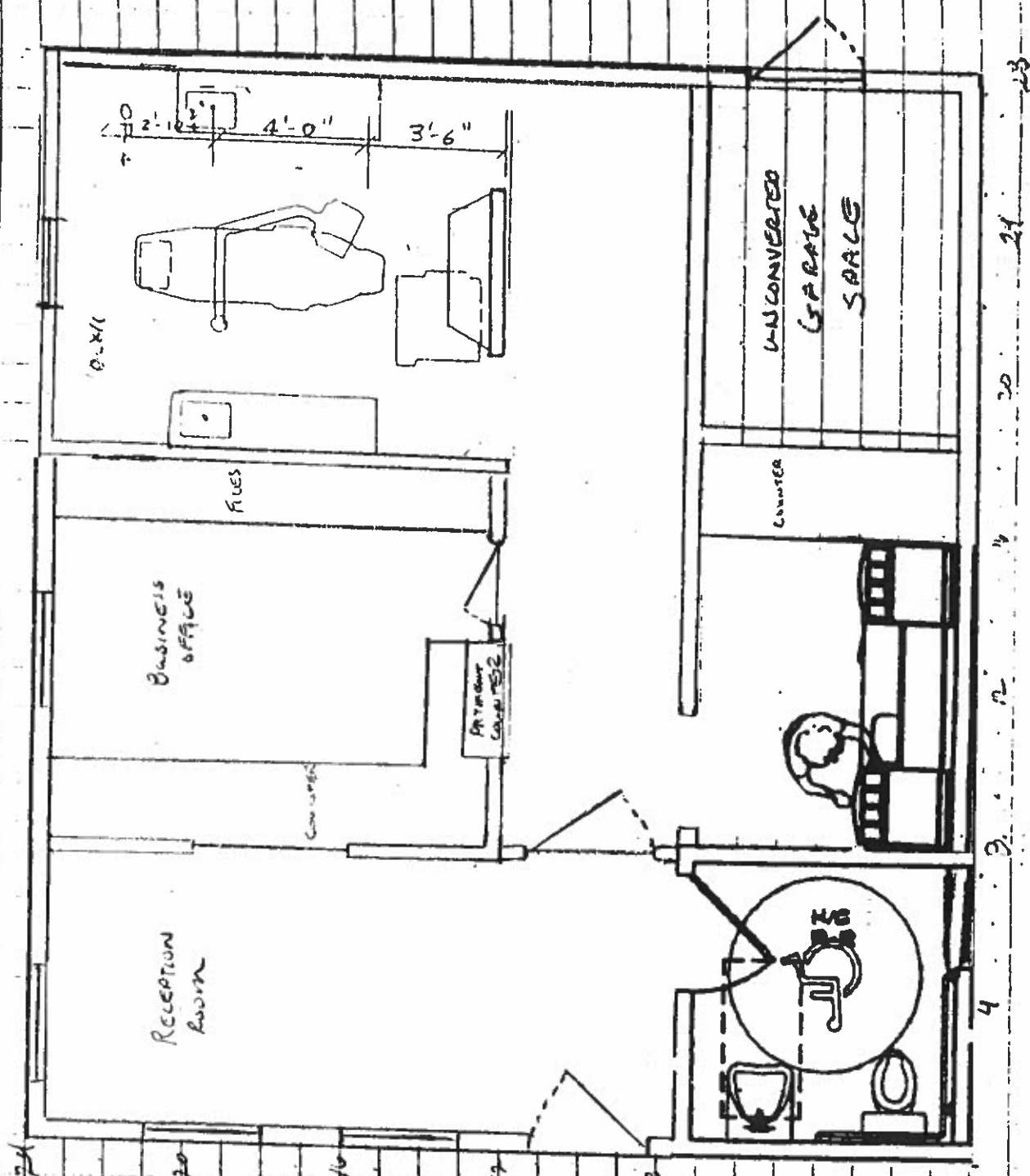
- 22 16100 FM 2780  
Cable Station



### Existing Residence and Garage on Site

333  
 38  
 2233  
 638

867  
 667  
 58  
 UNCONVERTED  
 638  
 - 58  
 580



FRONT

25

REAR

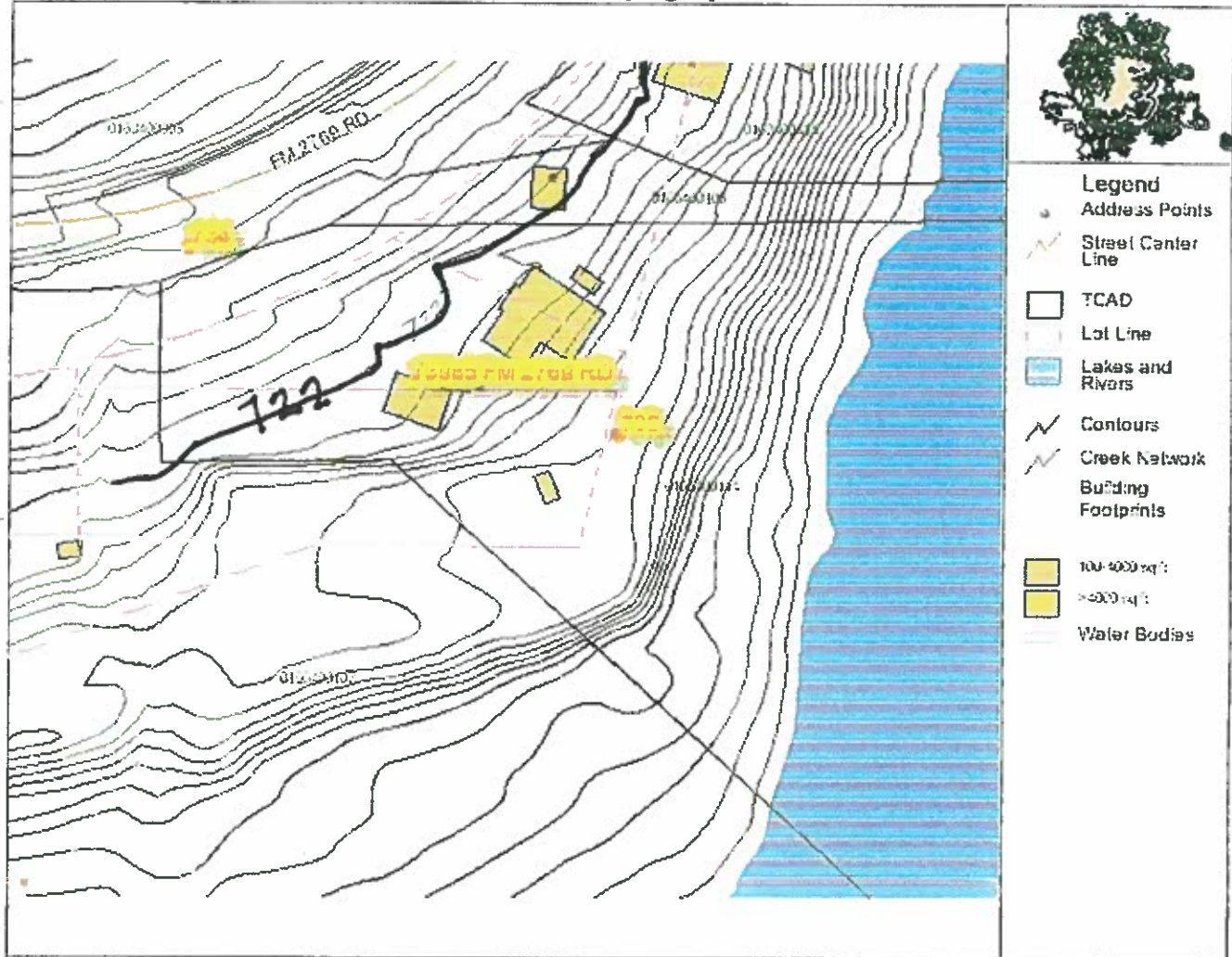
Proposed  
LAYOUT

27  
 27

SCALE  
 1/4" = 1'

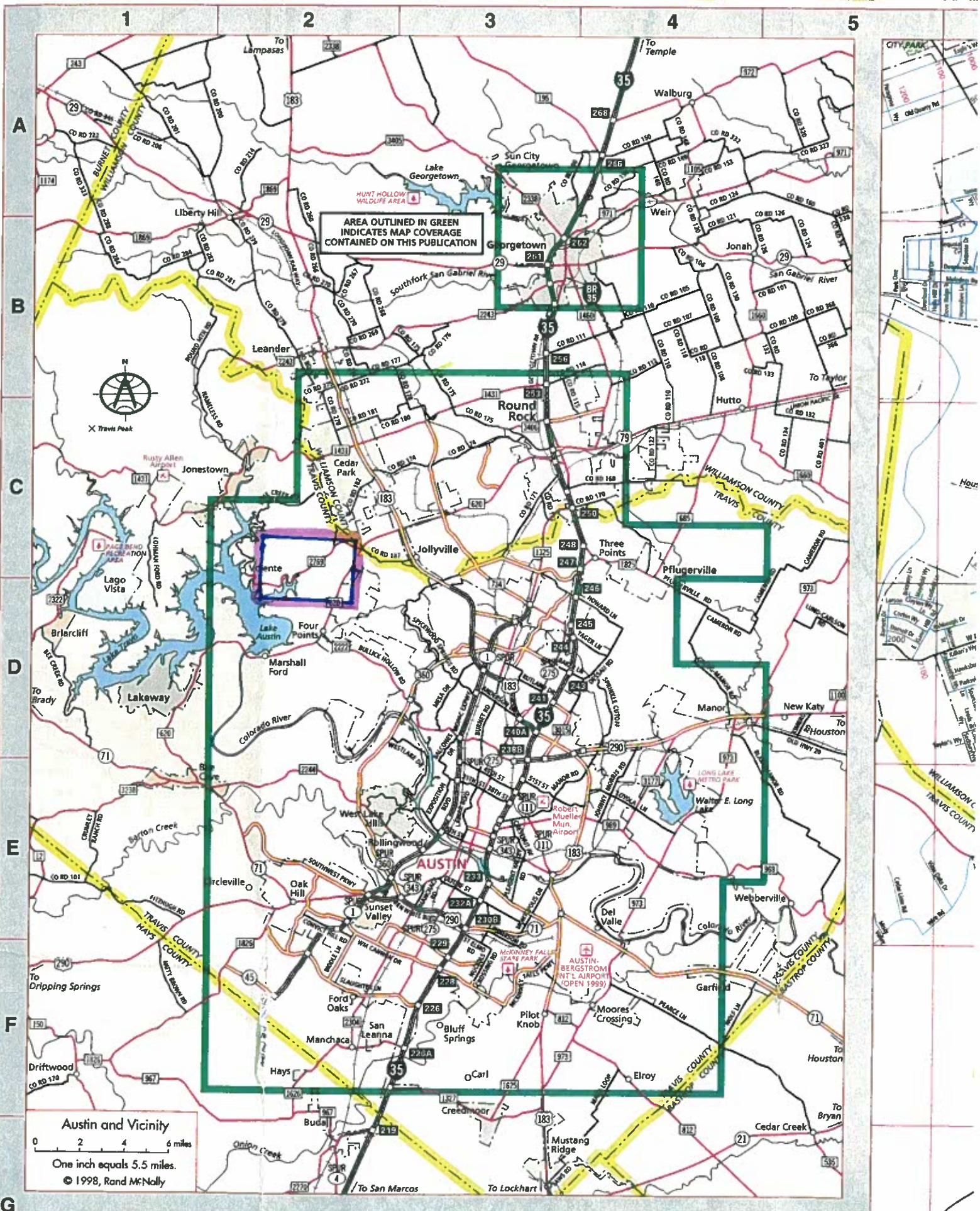


# 13895 FM 2769 Topographic Exhibit

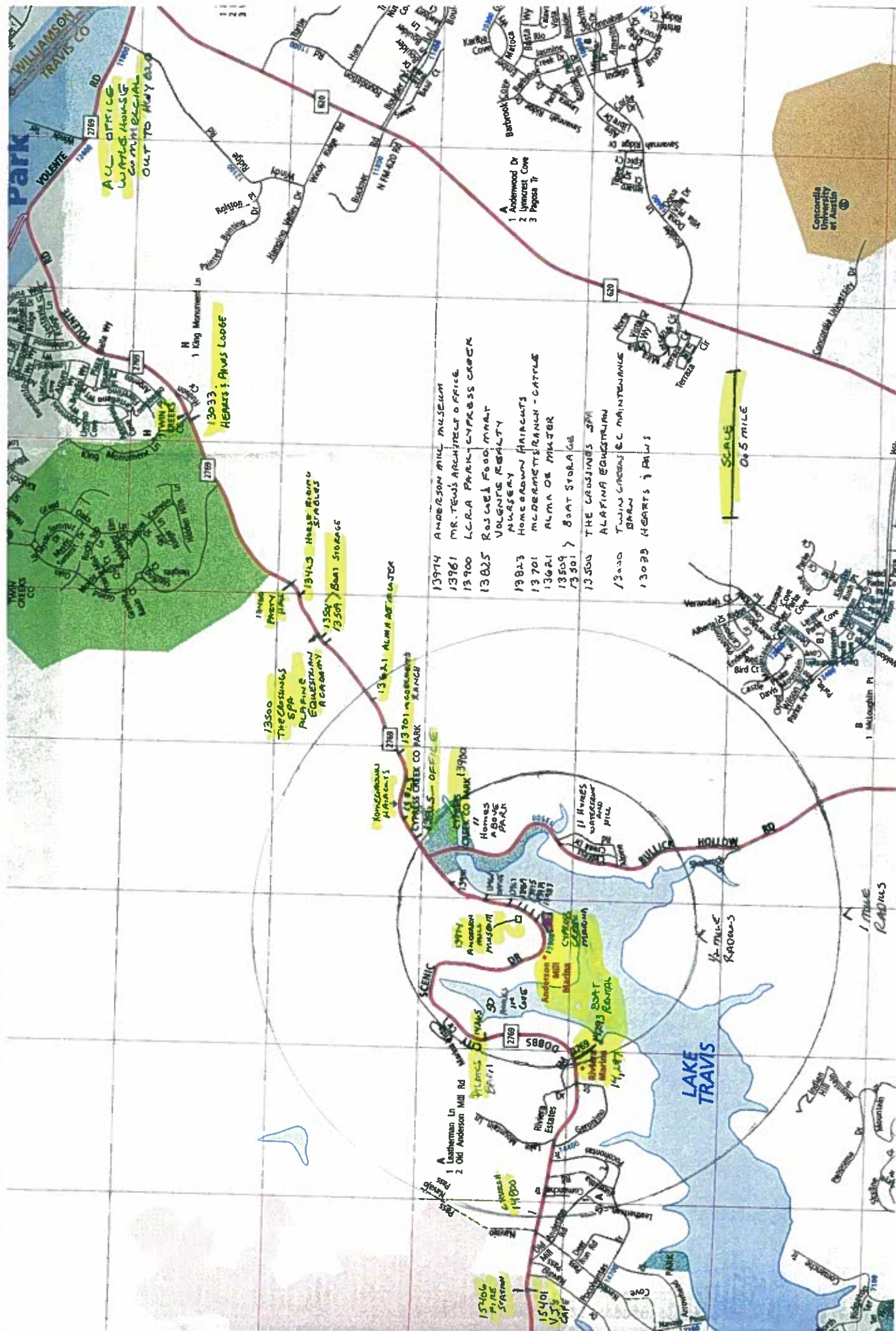


Flood PLAIN Line @ 722'









PROPERTIES ALONG 13985 FM 2769

**Bold** denotes Business, Commercial, and Public Access activities

**TOWARD HWY 620**

**(PROPERTIES WITHIN 1/2 MILE)**

13983 Cabin (lot may be too small to build upon)

13979 Weekend House, Lee Roy Steadman's

**13974 Anderson Mill Museum**

13975 Newly Constructed House (built up retaining wall to elevate house to new 722' flood plain. Retaining wall is failing, thus house has not sold. \*

13969 Cabin \*

13967 Cabin \*

**13961 OFFICE\*(Former Architect's Office: this office was built about 20 years ago by the late Don Tew, an architect, it has no shower, no tub, and no bedroom. It is exclusively an office building.)**

(building is backed up to ROW of highway and elevated above ground by concrete pillars to get floor of building to be above old flood plain of 715')

13941 Small House \* (full time resident) (house is below old flood plain of 715')

**13900 LCRA Cypress Creek Park**

**13825\* Roscoe's Food Mart**

**Volente Realty**

**Nursery**

**13823 Home Grown Haircuts (home/office)**

**Thus, between 13985 and 13823 there are:**

Two full time resident type houses

Four weekend type house/cabins

One Office Building

One Home/Office

Public museum

Public LCRA park

Commercial building (food mart & realty office, nursery)

*\* Denotes that lots 13969 through 13825 will have issues with new construction due to new 722' flood plain*

*This 1/2 mile stretch of road between Cypress Creek Marina and LCRA Cypress Creek Park is not your classic fancy lake front property.*

### **PROPERTIES OVER ½ MILE**

13813 Cabins

13701 McDermett's Ranch

**13621 Alma De Muyer (Center for Social Change) (.9 mile)**

**13509 Boat storage/Mobile home**

**13501 Boat Storage/Mobile Home**

**13500 The Crossings (Spa/Resort) (1.3 mile)**

**Alafina Equestrian Acadamy**

**13423 Horse Riding Stables (home/business) (1.4 mile)**

**13400 Rentable Party Hall (1.5 mile)**

**{13100} Twin Creeks C.C. Golf Course Maintenance Barn**

**13033 Hearts & Paws Lodge (2.4 mile)**

**12700 Saga Geophysics (3.0 mile)**

**12400 Carter Paint & Body (3.6 mile)**

**12311 Park Place Open Air Storage (RV Storage)**

**Office/ Warehouse Condos**

**Transit Mix Concrete Plant (4.3 mile)**

**Centex Materials**

**Others as FM 2769 nears Hwy 620**

### **TOWARD VILLAGE OF VOLENTE**

(City of Austin ETJ ends with 13985, all of these following properties are open to development without City of Austin zoning, thus more commercial development is likely)

**13987 Cypress Creek Marina**

**13993 Anderson Mill Marina**

**14005 to 13263 Residences**

**14265 Austin Pilates Barn (home/business) (.8 mile)**

**14293 Aquaholics (Boat Rentals) (1.0 mile)**

**14297 Riviera Marina (1.1 mile)**

**14800 First Lakeview Church (1.7 mile)**

**15401 VJ's Grocery & Café (2.4 mile)**

**15406 Volente Volunteer Fire Department**

**15707 McNeil Marine (3.0 mile)**

**15808 Regatta Park Boat Trailer & Storage (3.1 mile)**

**16100 Volente Realty**

**16107 Volente Beach Water Park**

**VIP Marina**

**16120 Highland Lakes Marina (3.5 mile)**

**Beachfront Boat Rentals**



**REASONS TO APPROVE THE ZONING CHANGE TO  
HOME/OFFICE FOR 13985 FM2769**

The historical nature of FM 2769 (Anderson Mill Road, Dobbs City Scenic Road, Volente Road).

It was the commercial road to the grist mill of Anderson Mill. This dates back to the early 1850's. This road was used to transport gunpowder made at Anderson Mill during the Civil War. Mr. Anderson also had orchards and other food supplies that were transported on this road. *This was property that was used as a home/business since before the University of Texas was chartered. Austin was then referred to as Waterloo.*

Historically community services have been provided along this road.

It is the only road in and out of Volente (Dobbs City) since Mansfield Dam was built. Thus historically various services have been built along this road to supply the community's need.

Let "Anderson Mill Road" (FM2769) be what it historically has been to this community.

(Government has already removed its name of "Anderson Mill Road" and given it to a new road that does not connect to this historic site.)

Be consistent with the existing and current nature of property use along this road.

*Within one mile of 13985 FM 2769 there are:*

- A public LCRA Park
- 3 major commercial marinas
- A boat rental business
- A public museum
- An Architect's office
- A food mart
- A realty office
- A commercial nursery
- A home/haircut business

*Within an extra ½ mile there are:*

- Alma De Muyer (Center for Social Change)
- The Crossings (a big time spa/resort)
- Alafina Equestrian Academy
- Two home/boat storage businesses

A home/horse riding business

A rentable party hall

*Further toward Hwy 620 there are:*

Dog training/shelter (a home/business)

A Geophysics company

A paint and body shop

Two concrete plants

Office/warehouse condos

RV storage

Commercial tracts for sale

*Within the Village of Volente(3 miles) there are:*

3 more major marinas

A boat rental business

Volente Beach Waterpark

A grocery/café

A firestation

A marine repair business

A boat storage

Office buildings

A church

*(FM 2769 is primarily a commercial road!)*

Next to no vehicle impact to surrounding properties.

10 patients per day x 2 to 3 days per week = 30 vehicles per week

There are no health care services currently located in Volente.

A Home/Office dental office can supply 24/7 services to this Village.

Go Green.

City /State road planning is for this area to be grid locked. It is already difficult to exit this area onto Hwy 620. 15 minute backups at the intersection of FM 2769/Hwy 620 and Bullick Hollow/Hwy 620 are already reality! This is due to new huge subdivisions being built near Cedar Park High. This creates high vehicle counts. And, of course, no road expansion has happened to accompany the growth. Providing services along FM 2769 in the Volente area will save fuel and decrease toxic emissions.

Listen to the people's voice. Be neighborhood friendly. Be sensitive to the sentiments of the neighborhood.

The Village of Volente sent a message to the City of Austin by incorporating a few years ago. Let us be our own city. Let us decide what we want to be. I apologize if this is offensive to you. It is the sentiments of the people in this area.

In Summary, approving the zoning change to allow a home/office will have a positive impact for the surrounding properties and the people of this community. There are no negatives that will occur.

Thank you for your time in reading and considering this important information.

Sincerely yours,

John C. Besperka, D.D.S.

IN FAVOR OR OPPOSED

TOWARD HWY 620

13983 FM2769 (cabin)

Diane Hale (Brenda Bartz-Realtor 970-5174, Fax: 267-0526)

John Mitchell 825-9252 (No longer has property under contract)

*Indifferent*  
*Favors*

13979 FM2769 (weekend house)

LeeRoy & Pat Steadman: 343-0430

*Favors*

13975 FM2769 (new house)

Deanna McMullen

Darrell Oden

Office: 731-1172

Fax: 314-5477

*Favors*

13969 FM2769 (A frame cabin)

(Cannot locate owner, mailed letter: no response)

13967 FM2769 (cabin, Simpsons)

(mailed letter: no response)

13961 FM2769 (Office)

Summit Commercial Properties: Jim Boles / Russ Boles 244-9707

Owner: Barbara Tew 817-328-6730

[dtew@austin.rr.com](mailto:dtew@austin.rr.com)

*Favors*

13941 FM2769 (last house)

Roy Lee and Deborah Kay Holland

*Indifferent*

13825 FM2769 (Roscoe's Food Mart/Volente Realty)

Tim Davis

Volente Realty: Office: 257-1999

M: 426-9929

*Favors*

13823 FM2769(Home Grown Haircuts)

Owner: Kathy Krager 258-4438

*Favors*

### BULLICK HOLLOW

#### 13566 TO 13708 (On the hill above LCRA Cypress Creek Park

13707 Bullick Hollow: Thomas Blauvelt:	<i>Favors</i>
13700 Bullick Hollow: Gary Allison	<i>Favors</i>
13634 Bullick Hollow: David Neilson:	<i>Favors</i>
13628 Bullick Hollow: Brad Landi:	<i>Favors</i>
13620 Bullick Hollow: Richard Patterson, Tracy Meadows:	<i>Favors</i>
13612 Bullick Hollow: Ed Garcia:	<i>Indifferent</i>
13608 Bullick Hollow: (Roli's Bed/Breakfast)Gisela Osono:	<i>Favors</i>
13572 Bullick Hollow: (unable to locate owner)	<i>?</i>
13570 Bullick Hollow: Debra Sharp:	<i>Favors</i>
13568 Bullick Hollow: Jamie Hewitt/LewisBowen:	<i>Indifferent</i>
13566 Bullick Hollow: Hugo Mena:	<i>Indifferent</i>

### TOWARD VILLAGE OF VOLENTE

#### 13987 FM2769 (Cypress Creek Marina)

Glenn Williams: 844-5938; 974-2775 *Favors*

William (Bill) Hallo: 947-4223 *Favors*

Ronald A.Saddler *Favors*

#### 13993 FM2769 (Anderson Mill Marina) *Favors*

#### 7608 Deer Run (in Volente)

Carol Long *Favors*

#### 7608 Deer Run (in Volente)

Robert Long *Favors*



## STAFF REASONS FOR DENIAL/ OUR REBUTTAL

According to Sherri Sirwaitis:

*1.) Property zoning best fits the definition of "DR"*

*1.) Because "adequate public services and facilities are unavailable" (ie. No water or sewer services supplied)*

But, my house presently is served with well water and septic.  
I am not requesting city services

*2.) Zoning is "precluded by lack of data" and "development policies have not been completed".*

This property was annexed 22 years ago in 1986.

James Grabbs, City of Austin water engineer states it is 3 miles to nearest water and waste water lines.

Virginia Colver, City of Austin annexation officer states there are no present plans for future services to be supplied.

My property shouldn't be "held hostage" until, if ever, the city provides services, accumulates data, and completes development policies for it.

"LO-MU" zoning fits this property like a glove.

**"intended for offices predominately serving community needs"**  
Volente has no dentist. Residents must drive to Cypress Creek Blvd. or Hwy 620 for services. Residential poles are overwhelmingly in favor of a dental office at this location.

**"may be located within or adjacent to residential neighborhoods"**  
This property is not within a residential neighborhood. There are small pockets of residential houses as FM 2769 approaches Volente. These pockets are outside of the City of Austin's zoning jurisdiction.

**“in order to permit any combination of office, retail, commercial, and residential uses within a single development”**

This describes the existing and current nature of property use along FM 2769 which is classified as an “*ARTERIAL*” road.

Within the 2 ½ mile stretch of road from 13993 FM 2769 (Anderson Mill Marina) to 13033 FM 2769 (Hearts and Paws Lodge, boarding kennels) there are:

- A public LCRA park
- 2 major commercial marinas
- A public museum
- An architect’s office
- A food mart
- A realty office
- A commercial nursery
- A home/haircut business
- A woman’s restoration resort
- A cattle ranch
- A large Spa/Resort
- An equestrian Academy
- 2 boat storage businesses
- 1 horse riding business
- A rentable party hall
- A dog training/kennel shelter
- Twin Creeks C.C. golf course maintenance barn
- 8 residential cabins/houses (includes 13985 FM 2769)
- 27 entities/properties

**8/27=30% residential; 70% mixed business/commercial/public uses**

Please see the following to support the above statements:

**PROPERTIES ALONG 13985 FM2769**

**REASONS TO APPROVE THE ZONING CHANGE TO  
HOME/OFFICE FOR 13985 FM 2769**

**Map showing the location of the above properties on FM 2769**

2.) *On a two lane road on a curve*

But, my ingress/egress from the road has served Cypress Creek Marina and Anderson Mill Marina for over 40 years *without problem*.

Typical traffic is pick-ups pulling 25-40 foot boat trailers. Cypress Creek Marina's driveway goes over the corner of my property. Anderson Mill Marina has moved the entrance to their marina further up the road, thus significantly reducing volume of traffic. I anticipate about 30 cars per week traffic.

FM 2769 is classified as an "*ARTERIAL*" road. It is a mixed use road that is primarily commercial. It is the only southbound road out of Volente.

3.) *Adjacent to residential properties*

Please see the above argument which dispels this misconception. It is the only southbound road out of Volente.

**REASONS TO APPROVE THE ZONING CHANGE TO**  
**HOME/OFFICE FOR 13985 FM2769**

The historical nature of FM 2769 (Anderson Mill Road, Dobbs City Scenic Road, Volente Road).

It was the commercial road to the grist mill of Anderson Mill. This dates back to 1865. This road was used to transport gunpowder made at Anderson Mill during the Civil War. Mr. Anderson also had orchards and other food supplies that were transported on this road.

Historically community services have been provided along this road.

It is the only road in and out of Volente (Dobbs City) since Mansfield Dam was built. Thus historically various services have been built along this road to supply the community's need.

Let "Anderson Mill Road" (FM2769) be what it historically has been to this community.

(Government has already removed its name of "Anderson Mill Road" and given it to a new road that does not connect to this historic site.)

Be consistent with the existing and current nature of property use along this road.

*Within one mile of 13985 FM 2769 there are:*

- A public LCRA Park
- 3 major commercial marinas
- A boat rental business
- A public museum
- An Architect's office
- A food mart
- A realty office
- A commercial nursery
- A home/haircut business

*Within an extra 1/2 mile there are:*

- A cattle ranch
- Alma De Muyer (Center for Social Change)
- The Crossings (a big time spa/resort)
- Alafina Equestrian Academy
- Two home/boat storage businesses
- A home/horse riding business
- A rentable party hall

*Further toward Hwy 620 there are:*

- Dog training/kennel,shelter (a home/business)
- A Geophysics company
- A paint and body shop
- Two concrete plants
- Office/warehouse condos
- RV storage
- Commercial tracts for sale

*Within the Village of Volente(3 miles) there are:*

- 3 more major marinas
- A boat rental business
- Volente Beach Waterpark
- A grocery/café
- A firestation
- A marine repair business
- A boat storage
- Office buildings
- A church

*(FM 2769 is primarily a commercial road!)*

Next to no vehicle impact to surrounding properties.

10 patients per day x 2 to 3 days per week = 30 vehicles per week

There are no health care services currently located in Volente.

A Home/Office dental office can supply 24/7 services to this Village.

Go Green.

City /State road planning is for this area to be grid locked. It is already difficult to exit this area onto Hwy 620. 15 minute backups at the intersection of FM 2769/Hwy 620 and Bullick Hollow/Hwy 620 are already reality! This is due to new huge subdivisions being built near Cedar Park High. This creates high vehicle counts. And, of course, no road expansion has happened to accompany the growth. Providing services along FM 2769 in the Volente area will save fuel and decrease toxic emissions.

Listen to the people's voice. Be neighborhood friendly. Be sensitive to the sentiments of the neighborhood.

In Summary, approving the zoning change to allow a home/office will have a positive impact for the surrounding properties and the people of this community. There are no negatives that will occur.

Thank you for your time in reading and considering this important information.

Sincerely yours,

John C. Besperka, D.D.S.



IN FAVOR OR OPPOSED

TOWARD HWY 620

13983 FM2769 (cabin)

Diane Hale (Brenda Bartz-Realtor 970-5174, Fax: 267-0526)  
John Mitchell 825-9252 (No longer has property under contract)

***Favors***

13979 FM2769 (weekend house)

LeeRoy & Pat Steadman: 343-0430 get letter

***Favors***

13975 FM2769 (new house)

Deanna McMullen  
Darrell Oden  
Office: 731-1172  
Fax: 314-5477

***Favors***

13969 FM2769 (A frame cabin)

(Cannot locate owner, mailed letter: no response)

13967 FM2769 (cabin, Simpsons)

(mailed letter: no response)

13961 FM2769 (Office) \$425,000

Summit Commercial Properties: Jim Boles / Russ Boles 244-9707

Owner: Barbara Tew 817-328-6730

[dtew@austin.tx.com](mailto:dtew@austin.tx.com).

(Sent e-mail: no response)

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***Favors***

Tim Davis

Volente Realty: Office: 257-1999

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**7608 Deer Run (in Volente)**

Carol Long

**7608 Deer Run (in Volente)**

Robert Long

***Favors***

***Favors***

***Favors***

***Favors***

***Favors***

PROPERTIES ALONG 13985 FM 2769  
**Bold** denotes Business, Commercial, and Public Access activities

**TOWARD HWY 620**

*(PROPERTIES WITHIN ½ MILE)*

13985 (the proposed lot for zoning change)

13983 Cabin (lot may be too small to build upon)

13979 Weekend House, Lee Roy Steadman's

**13974 Anderson Mill Museum**

13975 Newly Constructed House (built up retaining wall to elevate house to new 722' flood plain. Retaining wall is failing. \*

13969 Cabin \*

13967 Cabin \*

**13961 OFFICE\*(Former Architect's Office: this office was built about 20 years ago by the late Don Tew, an architect, it has no shower, no tub, and no bedroom. It is exclusively an office building.)**

(building is backed up to ROW of highway and elevated above ground by concrete pillars to get floor of building to be above old flood plain of 715')

13941 Small House \* (house may be below old flood plain of 715')

**13900 LCRA Cypress Creek Park**

**13825\* Roscoe's Food Mart**

**Volente Realty**

**Nursery**

**13823 Home Grown Haircuts (home/office)**

Thus, between 13985 and 13823 there are:

Two full time resident type houses (13985 subject property included)

Four weekend type house/cabins

One Office Building

One Home/Office

Public museum

Public LCRA park

Commercial building (food mart & realty office, nursery)

*\* Denotes that lots 13969 through 13825 will have issues with new construction due to new 722' flood plain*

*This 1/2 mile stretch of road between Cypress Creek Marina and LCRA Cypress Creek Park is not your classic fancy lake front property.*