

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2009-0071 (Arrow A/C)

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 11606 North I.H.-35 Service Road South Bound from LR, Neighborhood Commercial District, zoning to CS-CO, General Commercial Services-Conditional Overlay District, zoning.

The ordinance reflects the conditions imposed by Council on 1st reading.

PROPERTY OWNER: Arrow A/C (Esmaeil Rowsham)

AGENT: A.E.C., Inc. (Phil Moncada)

DEPARTMENT COMMENTS:

The property in question is located at the southwest corner of Interstate Highway-35 and Meadowlark Avenue. This lot currently has driveway access from the southbound service road of Interstate Highway-35 and Meadowlark Avenue. The site is surrounded by a vacant warehouse structure to the north, a contractor's business (Tex Tar Waterproofing) to the south, Interstate Highway-35 to the east and single family residences to the west.

The subject property is developed with a one story building that was formerly used as a restaurant. The current use, an air-conditioning installation/repair business, is classified as Construction Sales and Services which is not permitted in LR (Neighborhood Commercial) zoning district. This use is conditional in the W/LO (Warehouse Limited Office district) and first permitted in CS (General Commercial Services district). The applicant is requesting to change the zoning to bring the existing use into compliance with the zoning regulations.

The staff recommendation is to grant CS-CO, General Commercial Services-Conditional Overlay District, zoning. The site under consideration meets the intent of the CS zoning district as it fronts onto a major arterial roadway, Interstate Highway-35. The property is located directly to the north of another Construction Sales and Services use (Tex-Tar Waterproofing), which was rezoned to CS-CO by the City Council earlier this year. The staff is recommending that the same conditions that were approved in case C14-2008-0214 also apply to this request. The rezoning of this site will allow the applicant to bring the existing use on the property into conformance with Land Development Code regulations, while limiting new development on the site to all other LR (Neighborhood Commercial) district uses adjacent to the single-family residential area to the west.

The applicant agrees with the City Council's recommendation at 1st reading.

DATE OF FIRST READING/VOTE:

November 5, 2009 / Approved ZAP Commission recommendation of CS-CO district zoning on 1st reading, with the following additional permitted uses: auto rentals and auto sales. There was a friendly amendment made by Council Member Riley to

prohibit drive through service. Council Member Spelman's motion, Mayor Leffingwell's second (5-2, Morrison and Shade-Nay).

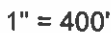
CITY COUNCIL DATE: December 10, 2009

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us



ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0071 (Arrow A/C)

ZAP DATE: September 15, 2009
October 20, 2009

ADDRESS: 11606 North I.H.-35 Service Road South Bound

OWNER: Arrow A/C (Esmaeil Rowsham)

AGENT: A.E.C., Inc. (Phil Moncada)

ZONING FROM: LR

TO: CS

AREA: 0.8718 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant CS-CO, General Commercial Services-Conditional Overlay District, zoning. The conditional overlay would allow Construction Sales and Services as the only permitted 'CS' district use, permit all other 'LR' district uses, and limit the development intensity on the site to less than 2,000 vehicle trips per day.

In addition, the staff recommends a public restrictive covenant that states that the applicant will provide signage on the site to prohibit heavy commercial vehicles with a loaded weight limit of 10 tons from entering the site from the Meadowlark Avenue driveway (Please see Neighborhood Traffic Analysis Memorandum – Attachment A).

ZONING AND PLATTING COMMISSION RECOMMENDATION:

9/15/09: Postponed to October 20, 2009 at the staff's request (4-0, S. Baldrige-off dias; D. Tiemann and P. Seeger-absent); T. Rabago-1st, C. Banks-2nd.

10/20/09: Approved staff's recommendation of CS-CO, making Construction Sales and Services a conditional use and adding no outdoor storage to the proposed public restrictive covenant (7-0); G. Bourgeois-1st, P. Seeger-2nd.

ISSUES:

The applicant has stated that he agrees with the Zoning and Platting Commission's recommendation, **except** that he would like to add Funeral Services, Automotive Rentals and Automotive Sales as permitted uses on the site. The agent, Phil Moncada, will address the City Council at first reading of this case on November 5, 2009 to request the addition of these 'GR' district uses to the recommendation that is under consideration.

DEPARTMENT COMMENTS:

The property in question is located at the southwest corner of Interstate Highway-35 and Meadowlark Avenue. This lot currently has driveway access from the southbound service road of Interstate Highway-35 and Meadowlark Avenue. The site is surrounded by a vacant warehouse structure to the north, a contractor's business (Tex Tar Waterproofing) to the south, Interstate Highway-35 to the east and single family residences to the west.

The subject property is developed with a one story building that was formerly used as a restaurant. The current use, an air-conditioning installation/repair business, is classified as Construction Sales and Services which is not permitted in LR (Neighborhood Commercial) zoning district. This use is conditional in the W/LO (Warehouse Limited Office district) and first permitted in CS (General Commercial Services district). The applicant is requesting to change the zoning to bring the existing use into compliance with the zoning regulations.

The staff recommendation is to grant CS-CO, General Commercial Services-Conditional Overlay District, zoning. The site under consideration meets the intent of the CS zoning district as it fronts onto a major arterial roadway, Interstate Highway-35. The property is located directly to the north of another Construction Sales and Services use (Tex-Tar Waterproofing), which was re-zoned to CS-CO by the City Council earlier this year. The staff is recommending that the same conditions that were approved in case C14-2008-0214 also apply to this request. The rezoning of this site will allow the applicant to bring the existing use on the property into conformance with Land Development Code regulations, while limiting new development on the site to all other LR (Neighborhood Commercial) district uses adjacent to the single-family residential area to the west.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR	Construction Sales and Services (Arrow A/C Air conditioning Services)
<i>North</i>	LO	Single-Family House, Vacant Warehouse
<i>South</i>	CS-CO	Construction Sales and Services (Tex-Tar Waterproofing)
<i>East</i>	Interstate Highway-35	Expressway
<i>West</i>	SF-1	Single Family Residences

AREA STUDY: N/A

TIA:

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

SCENIC ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Neighborhoods Council
 Austin Northwest Association
 Austin Parks Foundation
 Austin Street Futbol Collaborative
 Home Builders Association of Greater Austin
 Homeless Neighborhood Organization
 League of Bicycling Voters
 Northeast Walnut Creek Neighborhood Association
 North Growth Corridor Alliance
 River Oaks Lakes Estates Neighborhood
 Scofield Farms Residents Association
 Super Duper Neighborhood Objectors and Appealers Organization
 Walnut Creek Neighborhood Association, Inc.
 Yager Planning Area

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0229 – Walnut Forest Motel	GO to GR-CO	1/06/09: ZAP approved GR-CO. The CO prohibits the following uses: A DRIVE-THROUGH USE AS AN ACCESSORY USE, AUTOMOTIVE RENTALS, AUTOMOTIVE REPAIR SERVICES, AUTOMOTIVE SALES, AUTOMOTIVE WASHING (OF ANY TYPE), BAIL BOND SERVICES, COMMERCIAL BLOOD PLASMA CENTER, COMMERCIAL OFF-STREET PARKING, COMMUNITY RECREATION (PRIVATE), COMMUNITY RECREATION (PRIVATE), CONGREGATE LIVING, CONSUMER CONVENIENCE SERVICES, FOOD SALES, FUNERAL SERVICES, GENERAL RETAIL SALES (GENERAL), GUIDANCE SERVICES, INDOOR ENTERTAINMENT, OUTDOOR SPORTS AND RECREATION, PAWN SHOP SERVICES, RESIDENTIAL TREATMENT AND SERVICE STATION; LIMITING HEIGHT TO 35 FEET, AND LIMITING VEHICLE TRIPS TO 2,000 PER DAY.	2/12/09: Approved ZAP Commission rec. of GR-CO zoning (7-0); on all 3 readings
C14-2008-0214 – Tex-Tar	LR to LI-CO (Amended to CS-CO)	1/06/09: Approved staff's rec. to deny LI zoning (6-1, T. Rabago-No); D. Tiemann-1 st , B. Baker-2 nd .	2/12/09: Postponed to February 26, 2009 at the neighborhood's request (7-0) 2/26/09: Approved CS-CO zoning, with Construction Sales and Services as the only permitted CS use and permitting all other LR uses, on 1 st reading only (5-0); S. Cole'-1 st , B. McCracken-2 nd . 3/26/09: Approved CS-CO zoning on

			2 nd /3 rd readings (7-0); L. Morrison-1 st , W. Wynn-2 nd .
C14-05-0085 – Powers 20	GO to CS	11/15/05: ZAP approved LR-CO with conditions of: 2,000 Vehicle trips limit, Prohibit Consumer repair services, Off-site accessory parking, Community recreation (public), Guidance services, Private secondary educational facilities, Printing and publishing, Service station, Financial services, Community recreation (private), Congregate living, Hospital services (limited), Residential treatment, College and university facilities, and Drive-in service use is prohibited as an accessory use to a commercial use.	11/02/06: CC approved LR-CO with conditions of: 2,000 Vehicle trips limit, Prohibit Consumer repair services, Off-site accessory parking, Community recreation (public), Guidance services, Private secondary educational facilities, Printing and publishing, Service station, Financial services, Community recreation (private), Congregate living, Hospital services (limited), Residential treatment, College and university facilities, and Drive- in service use is prohibited as an accessory use to a commercial use.
C14-88-0138 – Texaco	LR to GR	1/03/89: PC granted request with conditions.	1/26/89: CC APVD GR-CO; ALL 3 RDGS, EMERG. PASS. Conditions for LR uses, LR site development regulations, except front yard and street side setbacks are limited to 10 feet.

ABUTTING STREETS:

IH 35	300'	Varies	Freeway (FWY6)	175,000 (TxDOT, 2007)
Meadow Lark Avenue	50'	Varies (24'-25')	Local	Not Available

CITY COUNCIL DATE: October 15, 2009

ACTION: Postponed at the staff's request to November 5, 2009 by consent (7-0); Spelman-1st, Morrison-2nd.

November 5, 2009

ACTION: Approved ZAP Commission recommendation of CS-CO district zoning on 1st reading, with the following additional permitted uses: auto rentals and auto sales. There was a friendly amendment made by Council Member Riley to prohibit drive through service. Council Member Spelman's motion, Mayor Leffingwell's second (5-2, Morrison and Shade-Nay).

December 10, 2009

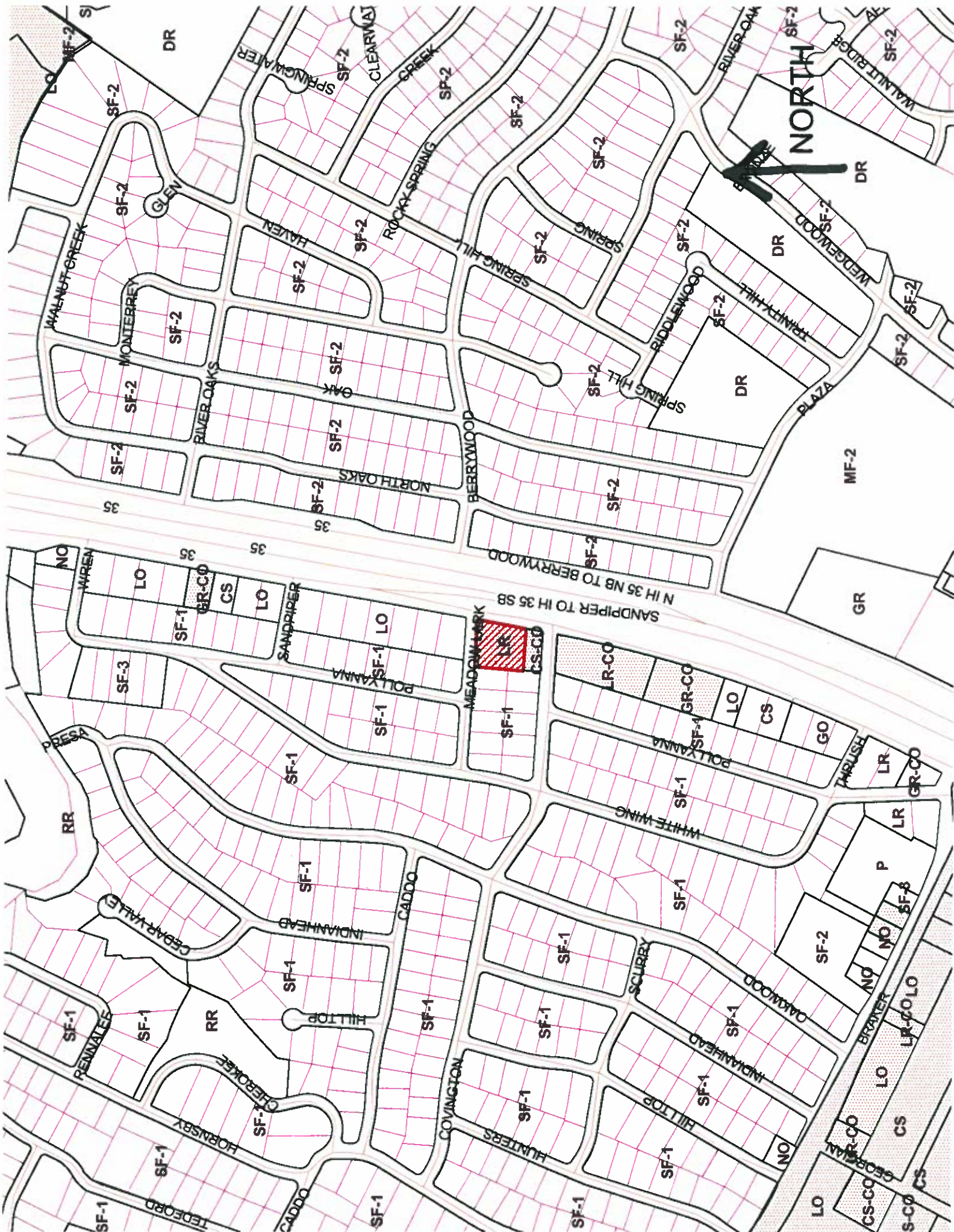
ACTION:

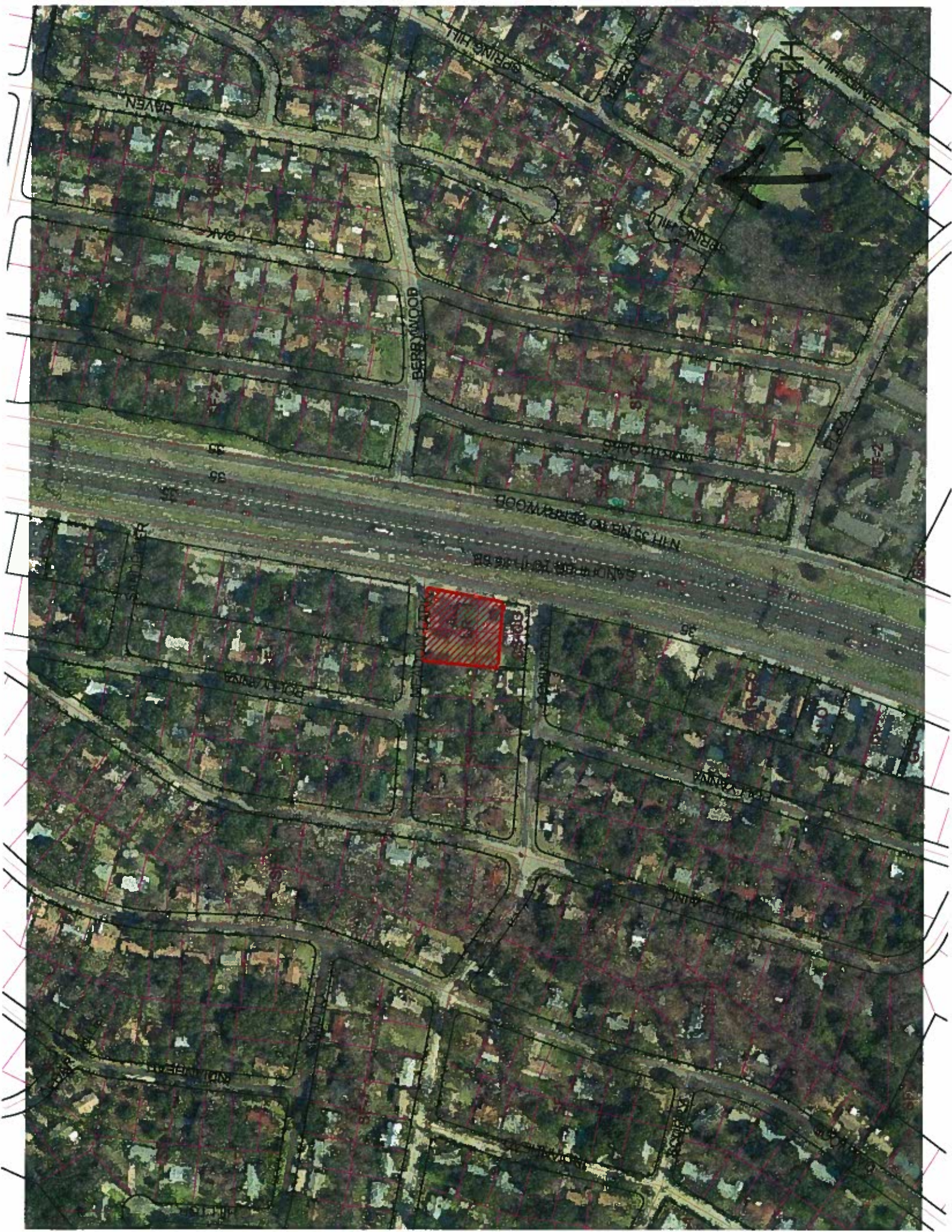
ORDINANCE READINGS: 1st 11/05/09

2nd

3rd

ORDINANCE NUMBER:





SUMMARY STAFF RECOMMENDATION

The staff's recommendation is to grant CS-CO, General Commercial Services-Conditional Overlay District, zoning. The conditional overlay would allow Construction Sales and Services as the only permitted 'CS' district use, permit all other 'LR' district uses, and limit the development intensity on the site to less than 2,000 vehicle trips per day.

In addition, the staff recommends a public restrictive covenant that states that the applicant will provide signage on the site to prohibit heavy commercial vehicles with a loaded weight limit of 10 tons from entering the site from the Meadowlark Avenue driveway.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The site under consideration meets the intent of the CS zoning district as it fronts onto a major arterial roadway, Interstate Highway-35. This lot currently has driveway access from the southbound service road of Interstate Highway-35 and Meadowlark Avenue.

2. *Granting of the request should result in an equal treatment of similarly situated properties.*

The property is located directly to the north of lot that also contains a contractor's business (Tex-Tar Waterproofing). That site was re-zoned to CS-CO by the City Council on March 26, 2009. The staff is recommending that the same conditions that were approved in case C14-2008-0214 apply to this request.

3. *Zoning should allow for reasonable use of the property.*

The proposed CS-CO zoning will permit the applicant to bring the existing Construction Sales and Services use on the property into conformance with zoning use regulations in the Land Development Code.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is located at the southwest corner of Interstate Highway-35 and Meadowlark Avenue. The property is developed with a one story building that was formerly used as a restaurant. This tract of land is surrounded by a vacant warehouse structure to the north, a contractor's business (Tex Tar Waterproofing) to the south, Interstate Highway-35 to the east and single family residences to the west.

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 Walnut 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.

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

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's 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.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district is 95%. However, because the watershed impervious cover is more restrictive than zoning district's allowable impervious cover, the impervious cover is limited by watershed regulations as shown in the table below.

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

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

Site Plan Review

Any new development may be subject to Subchapter E: Design Standards and Mixed Use for a project located on a Suburban Roadway. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the western property line, the following standards apply:

- No structure may be built within 15 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 7 feet of the property line.
- A landscape area 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

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.

Transportation

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
IH 35	300'	Varies	Freeway	175,000 (TxDOT, 2007)
Meadow Lark Avenue	50'	Varies (24'-25')	Local	Not Available

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

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH 35. TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55].

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 see NTA Memorandum – Attachment A). Applicant shall provide current traffic counts for the analysis in accordance with LDC, Sec. 25-6-114.

There are no existing sidewalks along IH 35 and Meadow Lark Avenue.

IH 35 and Meadow Lark Avenue are not bicycle routes identified in the Bicycle Plan.

Capital Metro bus service is not available within 1/4 mile of this property.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.



MEMORANDUM

TO: Sherri Sirwaitis, Case Manager
CC: Phil Moncada, (Applicant)
 Hector Avila, (Co-Applicant)
FROM: Candace Craig, Transportation Planner
DATE: October 14, 2009
SUBJECT: Neighborhood Traffic Analysis for Meadow Lark Avenue
 Zoning Case: Arrow AC (Case #: C14-2009-0071)

The Transportation Section has performed a neighborhood traffic impact analysis for the above referenced case and offers the following comments.

The 0.87-acre property is a developed site, formerly used as a restaurant. The current use is an appliance repair business, and is classified as Construction Sales and Services, which is not permitted in the existing LR (Neighborhood Commercial) zoning district. The applicant is requesting a change to General Commercial Services district with a conditional overlay (CS-CO) zoning to bring the existing use into compliance with zoning regulations. The conditional overlay will limit vehicle trips generated by the site to 2,000 per day. The site is located in north Austin at the southwest corner of Meadow Lark Avenue and the west (southbound) frontage road of North IH 35. Meadow Lark Avenue is located between the arterials, Braker Lane and Tech Ridge Boulevard, approximately ½ mile north of Braker Lane. The tract has existing vehicular access to Meadow Lark Avenue and the southbound frontage road of North IH 35. Surrounding the tract to the north across Meadow Lark Avenue is a vacant warehouse, to the west is single-family, to the south is a contractor's business, and to the east is North IH 35.

Roadways

Meadow Lark Avenue is classified as a local residential street with a 50'-wide right-of-way, 24-25' of pavement, and is constructed without curb and gutter. Meadow Lark Avenue carries approximately 127 vehicles per day (vpd) according to traffic counts collected in September, 2009. There are no existing sidewalks along Meadow Lark Avenue.

The intersection of Meadow Lark Avenue and the southbound frontage road of North IH 35 is controlled by a stop sign for Meadow Lark. The intersection is located south of the nearest entrance ramp to southbound IH 35. North IH 35 is classified as a 6-lane Freeway with a 300'-wide right-of-way. The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH 35. Texas Department of Transportation (TxDOT) may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55]. There are no existing sidewalks along the southbound frontage road of North IH 35.

Trip Generation and Traffic Analysis

The applicant has agreed to limit the vehicle trips generated by the site to 2,000 trips per day. Distribution of trips was estimated as follows:

Street	Site Traffic
Meadow Lark Avenue	20%
North IH 35, SB Frontage Road	80%

The following is a table containing the estimated number of trips that will affect each street:

Street	Existing Traffic (vpd)	Site Traffic (vpd)	Total Traffic after Project (vpd)
Meadow Lark Avenue	127	400	527
North IH 35, SB Frontage Road	175,000	1,600	176,600

The Land Development Code specifies desirable operating levels for certain streets in section 25-6-116. These levels are as follows: A residential local or collector street with a pavement width of 30' or less should carry 1,200 vehicles per day or less.

Conclusions

1. The neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation. Meadow Lark Avenue is classified as a local residential roadway.
2. The existing and proposed traffic along Meadow Lark Avenue does not exceed the maximum requirement established in Section 25-6-116.
3. Staff recommends that heavy commercial vehicles with loaded weight limit of 10 tons be prohibited from entering the site for the Meadow Lark Avenue driveway. Signage should be provided accordingly.
4. The City Council may approve a zoning application if it is determined that the applicant has satisfactorily mitigated adverse traffic effects or the projected additional traffic from a project has an insignificant effect on the residential street.

If you have any questions or require additional information, please contact me 974-2788.



Candace Craig

Sr. Planner ~ Transportation Review

Planning and Development Review Department

GRAM Traffic Counting, Inc.
21220 Jakeshill Rd
Hutto, TX 78634

Page 1

Site Code:
Station ID:
Meadow Lark Ave
Just West of IH 35 and North of Arrow AC
Latitude: 0' 0.000 Undefined

Start Time	24-Sep-09 Thu	To I.H. 35		Hour Totals		From I.H. 35		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		0	0			0	0				
12:15		0	0			0	1				
12:30		0	0			0	0				
12:45		0	0	0	0	0	0	0	1	0	1
01:00		0	3			0	0				
01:15		0	1			0	1				
01:30		0	3			0	0				
01:45		0	2	0	9	0	2	0	3	0	12
02:00		0	3			0	0				
02:15		0	3			0	1				
02:30		0	2			0	1				
02:45		0	0	0	8	0	0	0	2	0	10
03:00		0	1			0	0				
03:15		0	3			0	0				
03:30		0	0			0	1				
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04:30		0	2			0	1				
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05:15		0	0			0	2				
05:30		0	2			0	1				
05:45		0	5	1	7	0	1	0	4	1	11
06:00		0	3			0	2				
06:15		0	2			0	1				
06:30		1	4			0	0				
06:45		1	2	2	11	0	1	0	4	2	15
07:00		1	3			0	1				
07:15		2	1			0	1				
07:30		0	0			0	2				
07:45		1	1	4	5	0	4	0	8	4	13
08:00		1	1			0	2				
08:15		2	1			0	1				
08:30		0	4			1	0				
08:45		1	1	4	7	0	1	1	4	5	11
09:00		2	0			0	0				
09:15		4	1			0	1				
09:30		0	0			0	0				
09:45		0	0	6	1	1	1	1	2	7	3
10:00		1	0			0	0				
10:15		0	0			0	2				
10:30		3	1			2	0				
10:45		2	0	6	1	0	0	2	2	8	3
11:00		1	0			1	0				
11:15		0	0			0	0				
11:30		1	0			0	0				
11:45		3	0	5	0	1	0	2	0	7	0
Total		28	59			6	34			34	93
Percent		32.2%	67.8%			15.0%	85.0%			26.8%	73.2%
Grand Total		28	59			6	34			34	93
Percent		32.2%	67.8%			15.0%	85.0%			26.8%	73.2%

ADT

ADT 127

AADT 127



Walnut Creek Neighborhood Association, Inc.

(WCNA)
P. O. Box 82746
Austin, TX 78708-2746

Case # C14-2009-0071 ... 11606 N IH 35

Madam Chair, commissioners, ...

Two years ago at our request Zoning Enforcement investigated and reported on the subject property. We were informed the owner was operating as an office on property zoned LR and they found no violations. The board took no further action considering the owner was maintaining the property very well and showed no signs the facility was used as anything but an office.

When we met in August this year, the applicant provided no reasonable requirement to change the zoning. What he provided was strictly speculative that could allow change from office use. Earlier this year CS zoning was granted by the city on the 0.28 acre lot to the south. At the time we were concerned that granting the CS on the "small" property would open doors to allowing CS on nearby properties. The applicant admitted the request for zoning change on the subject property was brought on because of the rezoning next door.

The property is on an entrance into our neighborhood and is adjacent to single family homes. According to city zoning definitions CS zoning is inappropriate in or near a neighborhood. The current zoning of LR allows a significant number of prospective businesses to utilize the facility and we find no reason to increase the zoning use. The Walnut Creek Neighborhood Association respectfully requests you deny this zoning change.

Thank You,

Wayne Tobias
President, Walnut Creek Neighborhood Association
512-426-0201

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: C14-2009-0071

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sept. 15, 2009 Zoning & Platting Commission
Oct. 15, 2009, City Council

Irina Kadukova

Your Name (please print)

11803 Pollyanna Ave.

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 512-837-6512

Comments:

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

9/9/09

Date:

7/27/09

We are aware that Arrow A/C located at 11606 Interstate Hwy 35 North is proposing a zoning change from LR to CS-CO. I do not oppose the zoning change for this project.

Name

Richard Johnson

Signature

[Handwritten Signature]

Address

11600 N. IA 35 Austin, TX 78753

Are you an adjacent property owner? Yes or No

Yes

Date: 7/27/09

We are aware that Arrow A/C located at 11606 Interstate Hwy 35 North is proposing a zoning change from LR to CS-CO. I do not oppose the zoning change for this project.

Name Julie Berg

Signature Julie Berg

Address 11600 N IH 35 Austin, TX 78753

Are you an adjacent property owner? ☒ Yes or No

Date: 8/26/09

We are aware that Arrow A/C located at 11606 Interstate Hwy 35 North is proposing a zoning change from LR to CS-CO. I do not oppose the zoning change for this project.

Name GERALD W. HORN

Signature Gerald W. Horn

Address 11515 PLYMOUTH AVE, Austin Tx 78753

Are you an adjacent property owner? ☒ Yes or ☐ No within 500' ✓

Date: 8/26/09

We are aware that Arrow A/C located at 11606 Interstate Hwy 35 North is proposing a zoning change from LR to CS-CO. I do not oppose the zoning change for this project.

Name MARGARET BLISS

Signature Margaret Bliss

Address 700 E. COVINGTON DR, AUSTIN, TX 78753

Are you an adjacent property owner? Yes or No SOON

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: C14-2009-0071

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sept. 15, 2009 Zoning & Platting Commission
Oct. 15, 2009, City Council

Textarwaterproofing, inc.
Your Name (please print)

1600 N IH35 N Austin, TX 78753
Your address(es) affected by this application

Julia Bug
Signature

9/8/09
Date

Daytime Telephone: 512 491 0608

Comments:

Service Road of I35 N.
Should be provided a CS-CO
there is no impact to the neighbor
hoods & the business provides
Service in the area for SF-1
they are a A/C Service just want
to have there truck go to
park for service calls coming in.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810