ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0110

Z.A.P. DATE: November 3, 2009
November 17, 2009
December 15, 2009
January 19, 2010

ADDRESS: 13505 North F.M. 620 Road

OWNER/APPLICANT: Hamid Zarafshani / American Adventure RV Rentals, LLC

AGENT: Shaw Hamilton Consultants (Shaw Hamilton)

ZONING FROM: GR-CO **TO:** GR **AREA:** 2.16 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GR, Community Commercial District, zoning for this property.

ISSUES:

On December 17, 2009, the applicant made a request of City Council to send this case back before the Zoning and Platting Commission in light of new information that he had obtained concerning the ownership of the property. Therefore, the City Council has sent the case back to the Zoning and Platting Commission for re-consideration on January 19, 2010. The case was also postponed to the January 28, 2010 City Council meeting at the applicant and the neighborhood's request.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

11/03/09: Postponed to November 17, 2009 at the neighborhood's request (7-0); D. Tiemmann-1st, T. Rabago-2nd.

11/17/09: Postponed to December 15, 2009 at the neighborhood's request (6-0, D. Tiemann-absent); S. Baldridge-1st, T. Rabago-2nd.

12/15/09: Approved GR-CO zoning (Vote: 7-0, D. Tiemann-1st, P. Seeger-2nd), with following conditions: 1) No 24-hour uses; 2) Prohibit the following uses – Automotive Rentals, Automotive Repair Services, Automotive Sales, Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Off-Site Accessory Parking, Pawn Shop Services, Personal Improvement Services, Congregate Living, Group Home, Class I (General), Group Home, Class I (Limited), Group Home (Class II), Guidance Services, Residential Treatment.

01/19/10: Approved GR-CO zoning, with following conditions: 1) No 24-hour uses; 2) Prohibit the following uses – Automotive Sales, Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Off-Site Accessory Parking, Pawn Shop Services, Personal Improvement Services, Congregate Living, Group Home, Class I (General), Group Home, Class I (Limited), Group Home (Class II), Residential Treatment and 3) Encourage the neighborhood and the applicant to enter into a private restrictive covenant before 3rd reading of the case at City Council that will limit the

type of Automotive Rental and Automotive Repair uses allowed on the site (Vote: 5-2, D. Tiemann. T. Rabago-No; S. Baldridge-1st, P. Seeger-2nd).

DEPARTMENT COMMENTS:

The property in question is developed with an automotive repair use (auto dent repair services) and a vacant service station/car wash use (former Shell Station). There is currently an illegal automotive rentals use (American Adventure recreational vehicle rentals) and automotive repair use (Dent Star) on the site. The applicant is requesting GR, Community Commercial District, zoning to remove the conditional overlay on the property from zoning case C14r-86-060, that states the following:

1) The Property shall be restricted to those permitted and conditional uses authorized in the "LR" Neighborhood Commercial district uses, except that a) Automotive Washing (automatic and mechanical) and b) Automotive washing (self service) uses as defined in Section 13-2-3 of the Austin City Code shall be permitted. 2) Filtration controls required by the Austin City Code of 1981 shall be located on the site.

The rezoning of this site to the GR district will allow that applicant to bring the existing uses on the site into conformance with zoning use regulations in the Land Development Code.

The staff recommends the applicant's request to rezone this property to remove the existing conditional overlay because conditions in this area of the City have changed as this property now fronts onto the feeder of a tollway (North S.H. 45 Westbound) and recently expanded major arterial roadway, North F.M. 620. The site under consideration is located adjacent to GR-CO zoning to the east and west. There is NO-CO zoning to the south that acts as a buffer between the property in question and the elementary school to the south.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GR-CO	Vacant Uses (Shell Service Station and Car Wash), Vacant Use (Penzoil Lube Center): Currently the lube center structure is being used for automotive dent repair (Dent Star) and there is an illegal automotive rentals use on the old service station property (American Adventures RV Rentals)
North	PUD (Leander Rehabilitation PUD)	Designated for CRE uses which allow for a variety of residential, civic, and commercial uses
South	NO-CO, I-RR	Detention Area, Forest Creek Elementary School
East	GR-CO	Undeveloped
West	GR-CO	Vacant Use (Penzoil Lube Center)

AREA STUDY: N/A

TIA: N/A

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Monorail Project
Austin Northwest Association
Austin Parks Foundation
Davis Springs Homeowners Association
Home Builders Association of Greater Austin
Homeless Neighborhood Association
League of Bicycling Voters
Neighborhood Association of SW Williamson County
Round Rock ISD
Super Duper Neighborhood Objectors and Appealers Organization

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0077	I-RR to MF-3* *On May 14, 2008, the staff received a letter from the applicant asking to amend their zoning request from MF-3 to SF-6.	5/20/08: Recommended SF-6-CO zoning, with conditions (7-0, J. Martinez-absent): Limit the site to a maximum of thirty (30) residential units; Prohibit the following non-residential and non-civic uses: Special Use Historic, Urban Farm; Require a fifteen (15) wide vegetative buffer along the southern property line to create a visual screen between the property in question and the residential uses to the south.	6/18/08: Re-noticed for the July 24, 2008 City Council meeting to comply with Ordinance No. 20080515-033 7/24/08: Approved SF-6-CO zoning was approved by consent (5-0, Code and Shade- off the dais); all 3 readings
C14-2008-0010	GR-CO to GR	2/05/08: Postponed to February 19, 2008 by the neighborhood (8-0); J. Martinez-1st, T. Rabago-2nd. 2/19/08: Postponed to March 18, 2008 by the applicant (5-0, K. Jackson-not arrived yet, T. Rabago/ J. Martinez-absent); J.Gohil-1st, J. Shieh-2nd. 3/18/08: Case withdrawn by the applicant at the meeting. No action required by the Commission.	N/A
C14-06-0003	MF-3-CO to GR	3/07/06: Motion to approve GR-CO district zoning with conditions of a 2,000 vehicle trip limit, limit GR district uses to Personal	4/06/06: The case was withdrawn by the applicant

		Improvement Services & Medical Office (not exceeding 5,000 sq. ft. of gross floor area); allow Neighborhood Office uses with the exception of the following: Counseling Services, Group Home I & II, & Residential Treatment. *With the recommendation that before Council action, the applicant will have a private restrictive covenant restricting the Personal Improvement Services use to cheerleading, ballet and gymnastics activities. Vote: (4-5, S. Hale, B. Baker, J. Martinez, M. Hawthorne, and J. Pinnelli-Nay); K. Jackson-1st, C. Hammond-2nd. Therefore, the staff's recommendation to deny the applicant's requests for GR-CO zoning is carried forward to the City Council.	
C14-02-0160	I-SF-2 to GR	12/11/01: Approved NO-CO zoning (8-0, A. Adams-off dias), with conditions of: 1) Limited site to driveway and drainage use, no habitable structures on the site. 2) Require chain link fencing along the southern property line with 15' vegetative buffer strip behind it. (Chain link fence would be all the way across the south property line, vegetative buffer would go along the southern property line from the existing pond west, across the entire property line, except where the existing pond is). 3) Include the conditions set out in Mike Lyday's Environmental Memorandum dated December 10, 2001.	12/12/02: Granted GR-CO – Subject to dedication of 75 feet of ROW and resolution of the 200 feet of ROW reservation from the future center line of FM-620 (7-0); 1st reading. 12/12/03: Administrative- Case expired per Section 25-2-249(B), no 3rd reading occurred.
C14-01-0161	SF-2 to GR	12/11/01: Approved NO-CO w/ conditions (8-0)	2/7/02: Approved GR-CO w/ conditions agreed to between Neighborhood & Applicant (5-0); 1st reading

			4/25/02: Approved ZAP rec. of NO-CO w/ changes in conditions (7-0); 2nd reading only 5/23/02: Approved NO-CO (7-0); 3rd reading
C14-98-0237	I-RR to MF-3	Approved staff's rec. of MF-3-CO, ROW dedication required (9-0)	Approved PC rec. of MF-3-CO w/ conditions (7-0); 1st reading Approved MF-3-CO w/ conditions (6-0); deleted parkland dedication requirement; 2nd/3rd readings
C14-96-0101	TR1: GO, LR to GR TR2: LR-LO to MF-3-CO TR3: DR to GR	Approved staff's alternate rec. of GR (TR 1&3), Mf-3-CO (TR2), RR (9-0)	Approved PC rec. of GR (1&3); MF-3-CO (portion of TR2); RR (balance of TR2) w/conditions (6-0); all 3 readings
C14-95-0164	LR to CS-1	1/16/96: Approved GR-CO for entire tract, excluding recommended CS-1-CO, and resolve with property owner a voluntary set of development standards for area not within City limits (5-2-1)	3/07/96: Approved GR-CO subject to conditions (4-0); 1st reading 4/25/96: Approved GR-CO (TR1) and CS-1-CO (TR2) subject to conditions (5-0); 2nd/3rd readings
C14-95-0163	GR-CO to CS-1	12/12/95: Approved GR-CO & RR w/ conditions (8-0)	3/07/96: Approved GR-CO subject to conditions (4-0); 1st reading 4/25/96: Approved GR-CO (TR1); RR (TR2) w/ additional conditions (5-0); 2nd/ 3rd readings

RELATED CASES: Previous zoning cases on this site: C14-2008-0010 - withdrawn
C14-02-0160 - expired
C14r-86-060

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
FM 620 N	~440'	N/A	MAU 4 (existing, but 2025 plan proposes FWY)	N/A

CITY COUNCIL DATE: December 10, 2009

ACTION: Postponed at the staff's request to December 17, 2009 by consent (6-0, Martinez-absent); Morrison-1st, Shade-2nd.

December 17, 2009

ACTION: Postponed at the applicant and the neighborhood's request to January 28, 2010. The applicant requested that the case be sent back and re-heard by the Zoning and Platting Commission in light of new

information concerning ownership of the property (7-0); Spelman-1st, Cole-2nd.

January 28, 2010 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis **PHONE:** 974-3057, sherri.sirwaitis@ci.austin.tx.us

STAFF RECOMMENDATION

The staff's recommendation is to grant GR, Community Commercial District, zoning for this property.

BASIS FOR RECOMMENDATION

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

   The Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

   The property under consideration is accessible from major traffic ways as it fronts onto the feeder street of major arterial roadway, North F.M. 620.

2. *The proposed zoning promotes consistency and orderly planning.*

   The proposed zoning is consistent with surrounding land use patterns as there is existing GR-CO zoning to the east and west of this site. The tract of land to the south is zoned NO-CO and acts as a buffer between the property in question and the elementary school to the south.

   GR, Community Commercial District, zoning is appropriate at this location because conditions in this area of the City have changed as this property now fronts onto the feeder of a tollway (North S.H. 45 Westbound) and recently expanded major arterial roadway, North F.M. 620.

EXISTING CONDITIONS

Site Characteristics

The site is currently contains an Automotive Repair (Dent Star) and an illegal automotive Rental (American Adventures RV Rentals) business. The property to the east is undeveloped. To the south there is a detention/stormwater filtration pond. To the west, across Lyndhurst Street, there is an undeveloped tract. The land to the north, across F.M. 620 is currently undeveloped. However this property is part of the Leander Rehabilitation PUD, which is designated for CRE uses that will allow for a variety of residential, civic, and commercial uses.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake Creek Watershed, 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.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

The site is located over the North Edwards Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake Creek Watershed, 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*	*% NSA with Transfers*
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Site Plan Comments

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

There is an existing site plan, SP-02-0015C, on this site. A new site plan will void the existing site plan.

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.

Compatibility Standards

a. The site is subject to compatibility standards. Along the Northeast, Southeast, and Southwest 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. No parking or driveways are allowed within 25 feet of the property line.
f. 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.
g. 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.
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.

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
North FM 620 Road	Varies	Varies	Arterial (Toll FWY 6)	30,000 (TXDOT, 2008)
Lyndhurst Street	60'	Varies (27'-32')	Collector	Not available

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

This site is within the area covered by State legislation (S.B. 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this area, and traffic issues may not be considered in the approval of the application. Right-of-way dedication, however, may still be required.

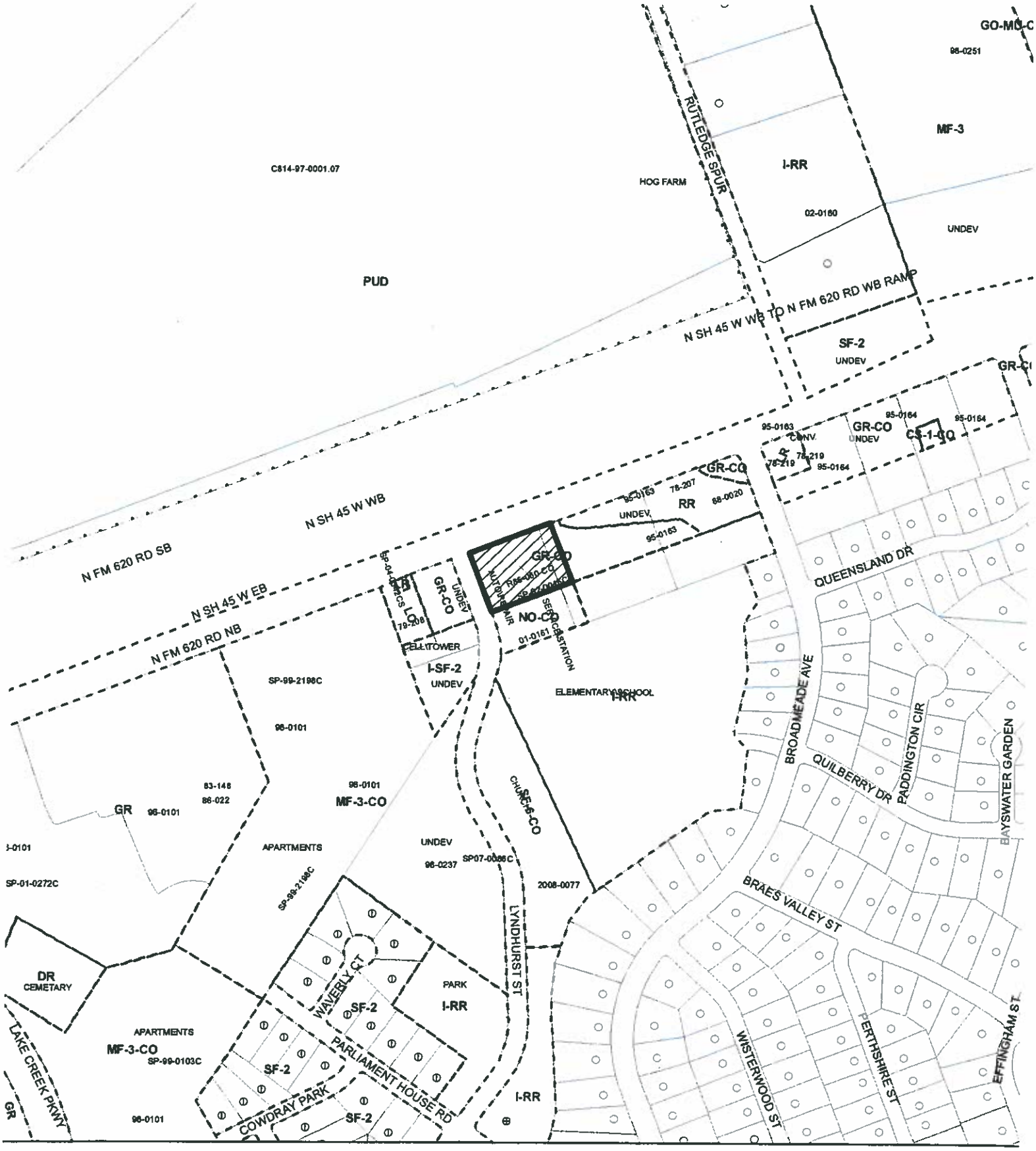
There are existing sidewalks along North FM 620 and Lyndhurst Street. However, there is a gap between the existing sidewalks at the corner of North FM 620 and Lyndhurst Street.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not proposed on North FM 620 and Lyndhurst Street.

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 by the land use. 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.



N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

OPERATOR: S. MEEKS

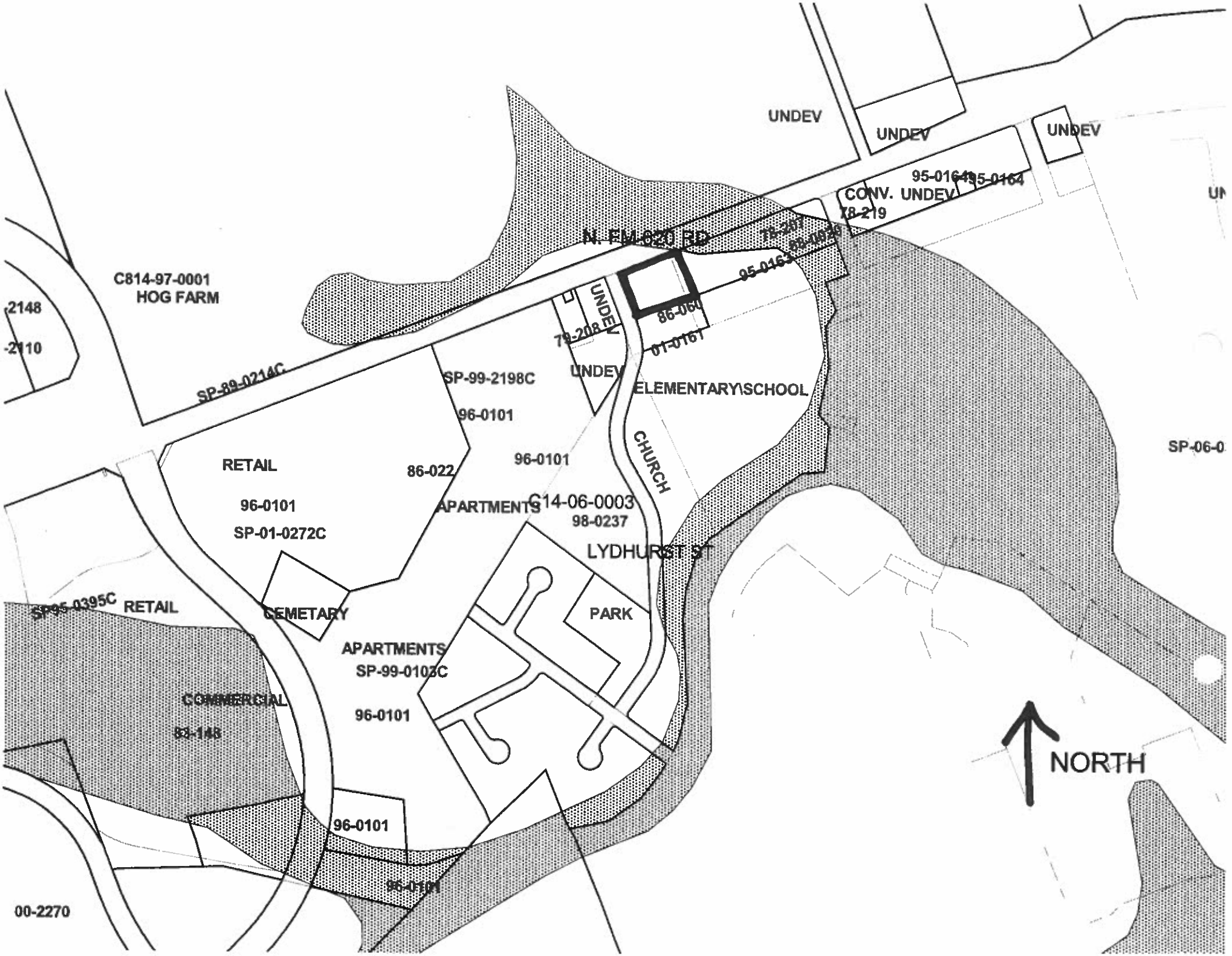
1" = 400'

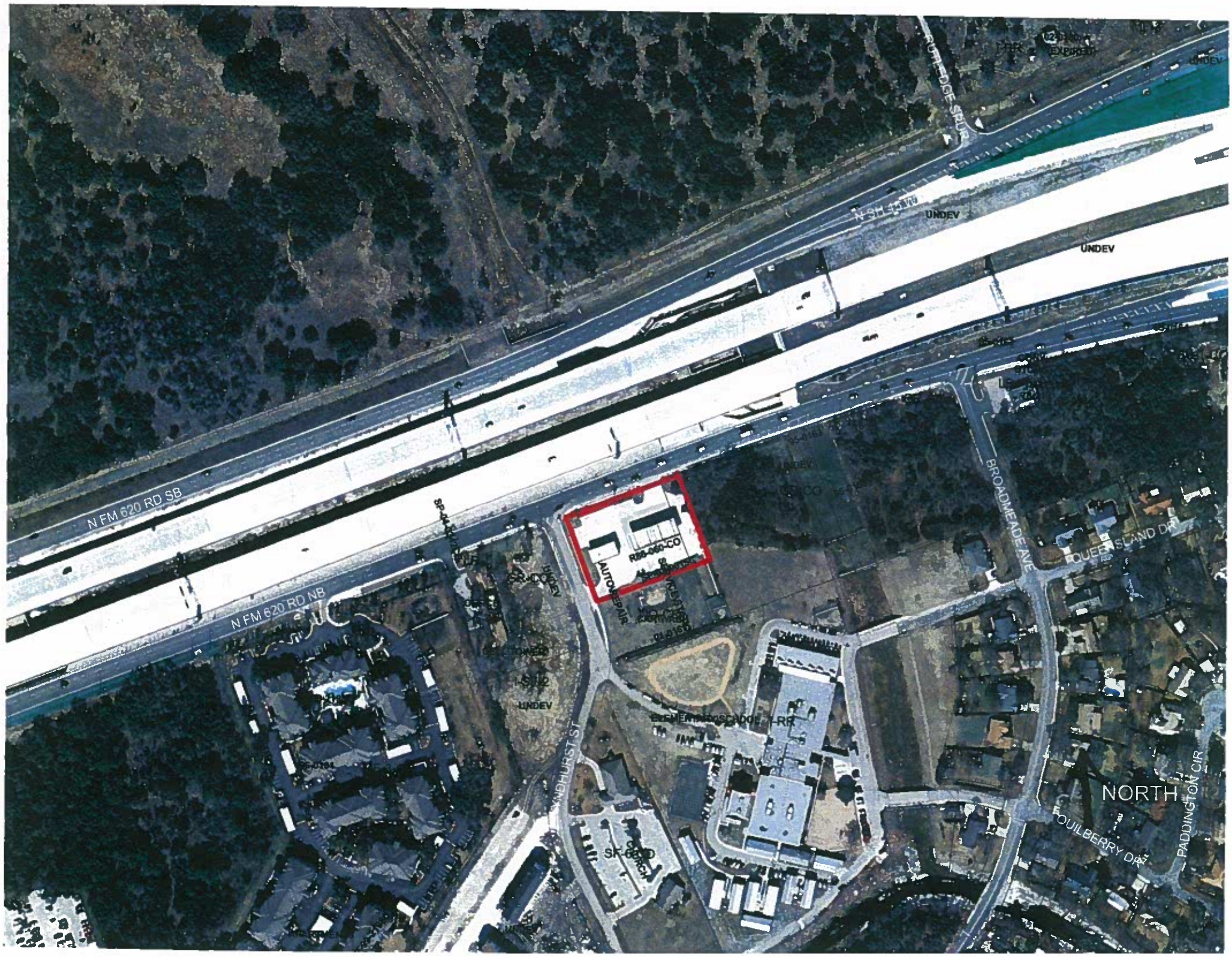
ZONING

ZONING CASE#:	**C14-2009-0110**
ADDRESS:	**13505 N FM 620 RD**
SUBJECT AREA:	**1.283 ACRES**
GRID:	**G39**
MANAGER:	**S. SIRWAITIS**

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.


UNDEV
UNDEV
UNDEV
95-0164
95-0164
CONV. UNDEV
78-219
N. FM-620 RD
C814-97-0001
HOG FARM
2148
-2110
SP-89-0214C
UNDEV
79-208
86-060
01-0161
SP-99-2198C
UNDEV
ELEMENTARY\SCHOOL
96-0101
CHURCH
RETAIL
86-022
96-0101
96-0101
APARTMENTS
C14-06-0003
98-0237
SP-01-0272C
LYDHURST ST
SP95-0395C
RETAIL
CEMETARY
PARK
APARTMENTS
SP-99-0103C
COMMERCIAL
96-0101
96-0101
96-0101
00-2270
NORTH


N FM 620 RD SB
N FM 620 RD NB
N SH 130 SRUR
UNDEV
UNDEV
UNDEV
BROADMEADE AVE
QUEENSLAND DR
AUTO REPAIR
RSB-040-CO
SCHOOL
LRR
SF-GARAGE
SF-GARAGE
SF-GARAGE

Neighborhood Association of Southwestern Williamson County
NASWC • 13729 Research Blvd • Suite 610-Box 168 • Austin, TX 78750

January 18, 2010

The Honorable Lee Leffingwell, Mayor
Mayor Pro Tem Mike Martinez
Members of the Austin City Council
C/O Ms. Sherri Sirwaitis
Neighborhood Planning & Zoning Department
P.O. Box 1088
Austin, TX 78767-1088

Case number C14-2009-0110
LETTER OF OPPOSITION

Dear Mayor, Mayor Pro Tem, and Members of the Austin City Council,

The purpose of this letter is to state the NASWC Zoning Committee's Opposition to the re-zoning of this property to GR, to present the neighborhood perspective about the location of this Property, and to provide additional information and details to some of the Comments and Basis for Recommendation as reported in the *Zoning Change Review Sheet.*

The NASWC Community – the Neighborhood Association of Southwestern Williamson County – is bounded by Anderson Mill Road on the south; Hwy. 183 on the west; FM 620/SH-45 on the north; and Parmer Lane on the east. Our community includes almost 1900 homes, several churches, Forest North Elementary School, and the Town & Country Optimist Club Park; Lake Creek and its tributaries flow through the neighborhood. Apartments, offices, retail and other commercial development have grown along the perimeters of our community in recent years.

We believe that GR zoning is not appropriate to this Property which borders Forest North Elementary School, and the surrounding residential community (Exhibit A).

In response to the *Zoning Change Review Sheet*:

1. There are 2 illegal automotive uses currently operating on the site: American Adventure RV Rentals and Dent Star auto repair (Exhibit C). Both of these businesses opened and have been operating in violation of the current GR-CO zoning, and it was not until Code Enforcement investigated that the owner/agent filed for rezoning. City Staff indicated they view dent repair as an activity already included in the approved zoning for the Lube Shop previously located on the site; NASWC views dent repair as an auto repair use which is prohibited by the current zoning.

2. *Department Comments* state that conditions in this area of the City have changed:

   A. Property now fronts onto the feeder of FM 620/SH-45
   Adjacent and surrounding properties are part of a residential community. The back of this Property shares a common property line with Forest North Elementary School. Lyndhurst Street to the west is a 2-lane paved road, without paved shoulder or curbing, and with intermittent sidewalks. This street is used by children on their way to and from school, as well leading to the school bus entrance for the school. There are residences along the west side of Lyndhurst, and a church and residences along the east side. (Exhibit A – aerial view.)

   B. Adjacent properties are zoned GR-CO
   Adjacent properties are zoned GR-CO; however NASWC has restrictive covenants with the properties to the east, and with most of the properties on the north side of SH-45 that prohibit automotive uses. It is notable that there are Conditional Overlays on all the GR properties nearby.

   When this property was zoned GR-CO in 1988, the GR zoning was for the purpose of allowing a carwash (single-bay, automotive drive-through) facility to be added to the Service Station. The rest of the GR uses were restricted under the Conditional Overlay; the intent was not to have GR zoning on this property.

   C. NO-CO zoning on the property to the south that acts as a buffer.
   The property to the south with the NO-CO zoning is actually a part of same parcel. The NO-CO portion is a narrow strip of grass between the school and property, with very little other vegetation to serve as a physical buffer.

   At the December 15, 2009 hearing of the Zoning and Platting Commission, the Agent commented that the distance from the Property to the school is 800-1,000 feet. In 2003 the Texas Alcoholic Beverage Commission (TABC) determined that the front door of the convenience store on the Property (which at the time sold beer) was within 300 feet of the school property line.

   NASWC measurements using *Google Earth* show a distance of 159 feet from the back of the Property slab to the fence by the school track; 193 feet from the back of the Property slab to the school track where children's activities take place; and 450 feet from the Property slab to the back door of the School (Exhibit B). Other distances are also shown in Exhibit B.

D. Basis for Recommendation – consistency and orderly planning
While the street to the front of the property has changed substantially in recent years, the rest of the surrounding area has not:

(1) Forest North Elementary School is still adjacent to the property with a common property line.
(2) The property lies between two entrances to the neighborhood: Lyndhurst and Broadmeade. Both of these streets are lined with residences. Neither street has been improved with paved shoulders nor curbing; sidewalks are intermittent on Lyndhurst; sidewalk on the east side of Broadmeade.
(3) To the east is the CWQZ for Tributary 3 of Lake Creek; the creek then flows in front of the elementary school, through the neighborhood, along the Hike & Bike trail and through the Town & Country Optimist Club Park.
(4) This area is in the North Edward's Aquifer Recharge Zone.

After the Service Station and Convenience Store ceased operations the underground tanks were removed. NASWC researched this issue through the Texas Commission on Environmental Quality (TCEQ) and found documents stating that on October 25, 2007 four underground storage tank (UST) systems were removed from the site, and subsequent environmental testing and analysis were completed.

Please note that NASWC supports appropriate business development in our community and in a spirit of cooperation contacted the Agent for the property, and proposed a private Restrictive Covenant which would allow the current businesses to continue in operation, and also address our concerns for other GR uses on the property, and especially our concern that the current uses would expand into a broader scope of automotive operations.

The Agent replied, saying that the owner would only be willing to limit, by Conditional Overlay, five GR uses: Bail Bond Services, Commercial Off-street Parking, Off-Site Accessory Parking, Pawn Shop Services, and Research Services. The Agent subsequently added 24-Hour Services and the expansion of automotive uses to this list. However this does not address our concerns for many of the other uses allowed under GR.

The uses allowed under GR-Community Commercial district are intended for a more commercial or industrial environment and include a number of uses we believe are neither compatible nor appropriate to our neighborhood. As an example: Personal Improvement Services include businesses that do tattooing, piercing, branding; photography studios that include lingerie modeling. NASWC believes that the Property owner's intended GR use for the Automotive Rental would be an opening for other automotive uses to develop on the site.

Since the early 1990's NASWC has taken a stance that automotive businesses are not appropriate for our residential community. As mentioned above, many of the nearby properties have restrictive covenants that prohibit all automotive uses. Our concerns for Automotive uses are listed in Exhibit D attached to this letter.

In March of 2006, while considering another zoning request (C14-2006-0003), the Zoning and Platting Commission advised NASWC not to bring GR zoning into the neighborhood, and we took that advice to heart. This Property is located approximately one-half block from that in the previous case and in fact is closer, sharing a common property line, with our elementary school.

We believe that unrestricted GR zoning is not appropriate to this property located next to the elementary school, our residential community and the creek.

We respectfully request that the Austin City Council consider a zoning of GR-CO that prohibits the following GR uses:

Commercial Uses
Automotive Rentals
Automotive Repair Services
Automotive Sales
Bail Bond Services
Commercial Off-street Parking
Drop-Off Recycling Collection Facility
Exterminating Services
Off-Site Accessory Parking
Pawn Shop Services
Personal Improvement Services
24-Hour Services/Businesses
Civic Uses
Congregate Living
Group Home, Class I (General)
Group Home, Class I (Limited)
Group Home, Class II
Guidance Services
Residential Treatment

NASWC has a City of Austin-ZAP history of continuous efforts and attempts to protect the quality of life in our neighborhood, our schools and churches and the water quality of Lake Creek. We believe rezoning this property GR would allow disruptive and undesirable influences to encroach upon our neighborhood community.

We respectfully request that the City of Austin remain consistent and oppose GR zoning in our single family residential community as we continue in our efforts to protect our neighborhood and to remain a safe, quiet environment for our families to raise their children.

Your consideration of our concerns is very much appreciated.

Sincerely yours,
Cathy F. Mandell
Cathy F. Mandell
Chair, NASWC Zoning
258-2008
Zoning@naswc.org

Attachments:
Exhibit A – Aerial View
Exhibit B – Distances to School Points
Exhibit C – Current Businesses
Exhibit D – Automotive Concerns

EXHIBIT A

AERIAL VIEW OF FOREST NORTH ELEMENTARY SCHOOL AND SURROUNDING PROPERTIES AND RESIDENTIAL COMMUNITY

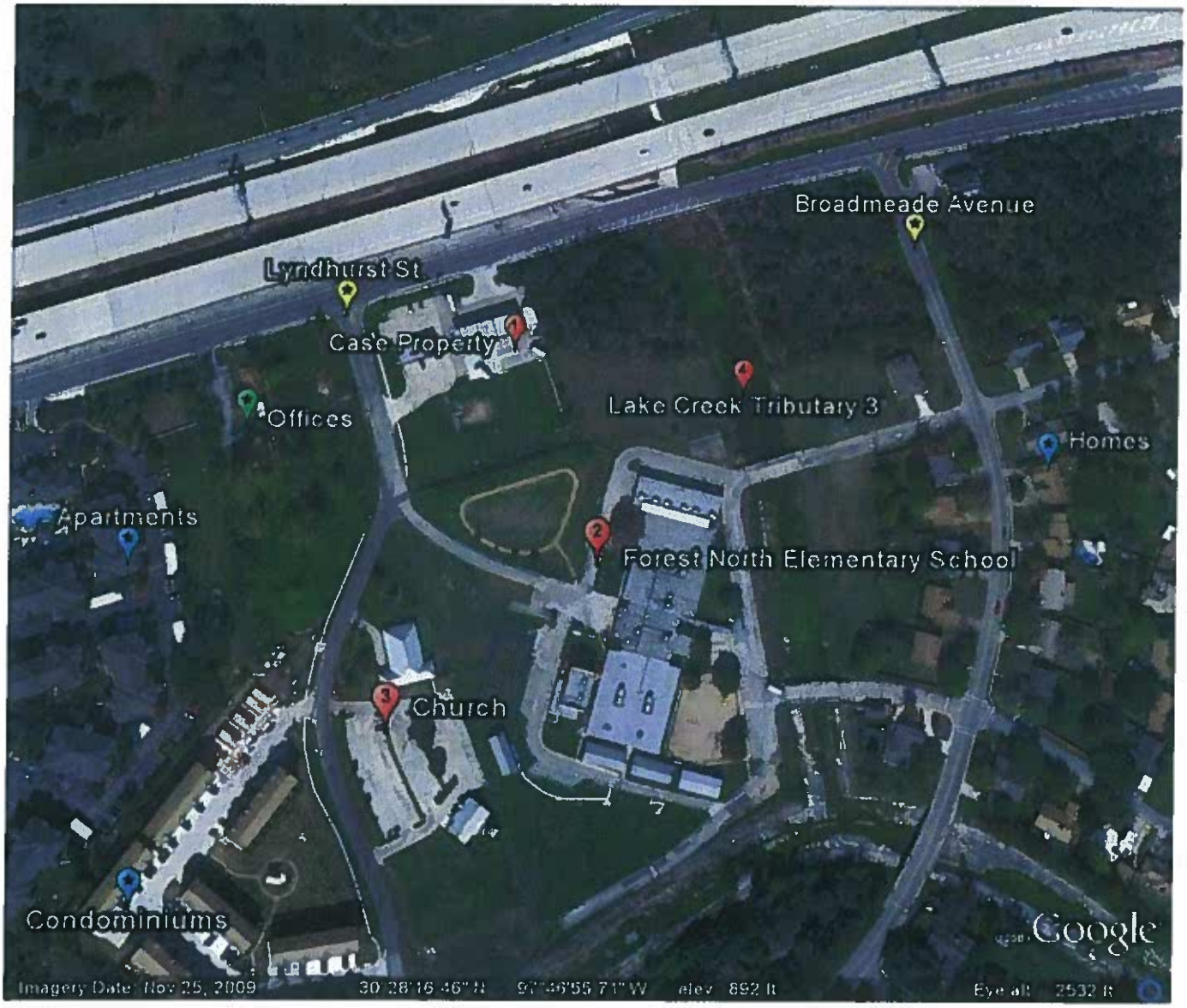


EXHIBIT B

DISTANCES TO POINTS ON FOREST NORTH ELEMENTARY SCHOOL PROPERTY



MEASUREMENTS (*GOOGLE EARTH*)
Measuring from **Point A** (Back of Property Slab) to:

1) **Point B** (Fence by School Track) is a distance of 159 feet

2) **Point C** (Edge of School Track) is a distance of 193 feet

3) **Point D** (Back Door of School building) is a distance of 450 feet

4) **Point E** (Nearest Corner of School Building) is a distance of 300 feet

EXHIBIT C

BUSINESSES CURRENTLY OPERATING ON PROPERTY



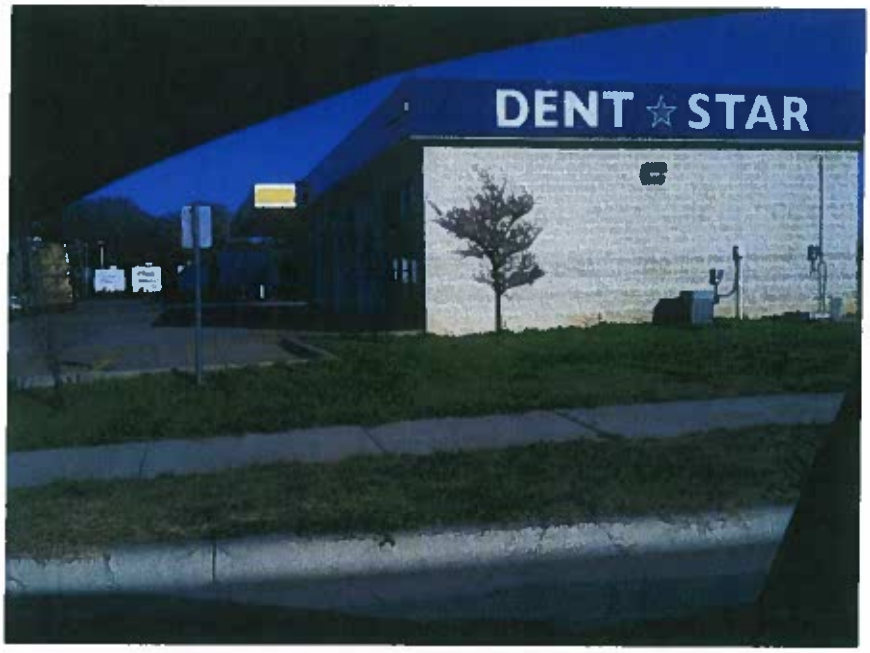


EXHIBIT D

NASWC CONCERNS FOR AUTOMOTIVE USES UNDER GR ZONING

We believe that Automotive Repair Services is not a compatible usage for properties adjacent to the NASWC Residential Community because:

1. Historically, the owners use industrial metal buildings, surrounded by fencing with razor wire for security.

2. Repair shops will stockpile used car parts, tires, batteries, oils, and chemicals.

3. Mechanics need to test drive vehicles, and in our case, any test drive will occur on our community streets, through adjacent school zones, endangering our children.

4. The shops have noise levels in excess of 50db, which is in excess of the allowed levels, and might operate beyond 10 pm at night.

5. It will endanger Lake Creek and its riparian habitats by spilling or dumping liquids onto the ground or into the drainage easement.

In addition, it is clear to us that automotive repair shops belong in industrial settings and not in single family residential settings because of:

a. The storage, use and spills of oils, fuels, solvents, battery acids, and chemicals on the property;
b. The use of carburetor cleaning equipment that must be serviced by licensed technicians and the chemicals for them conveyed in trucks sanctioned by numerous governmental agencies (including TxDOT and the Railroad Commission); and
c. The use of caustic cleaning agents in steam cleaners or sprayers, which has the potential to become airborne.

We believe that Automotive Sales is not a compatible usage for properties adjacent to the NASWC Residential Community because of the vast expanses of impervious cover; bright lighting on tall poles to illuminate the facility; test-driving of vehicles through the neighborhood streets; repair facilities as described above.