

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2009-0097 – 11505 Anderson Mill Road Rezone

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 11505 Anderson Mill Road from DR, Development Reserve District, zoning to LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning.

The ordinance and public restrictive covenant reflect the conditions imposed by the City Council on 1st reading.

PROPERTY OWNER: Marvin and Elizabeth Henry

AGENT: Thrower Design (Ron Thrower)

DEPARTMENT COMMENTS:

The property in question currently contains a single-family residence that it being used as a commercial screen printing and sign manufacturing business (Beel Sign and Design). The applicant is requesting a re-zoning to the Neighborhood Commercial District to redevelop this tract of land with low intensity commercial uses. There is a residential neighborhood to the north of the site, across Anderson Mill Road. The property to the south of the site is undeveloped. To the east, there is a construction sales and services use (Remedy Roofing) and a single-family residential house. To the west, there are single-family residential uses along Antler Lane.

The staff recommends LR-CO zoning at this location because this site meets the intent of the Neighborhood Commercial District. LR-CO zoning will be compatible with surrounding commercial, civic and residential land uses and will provide a transition in the intensity of permitted uses along Anderson Mill Road, an arterial roadway, to the east.

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

DATE OF FIRST READING/VOTE: February 11, 2010 / Approved LR-CO district zoning on consent (6-0, Cole-off dias); Spelman-1st, Morrison-2nd.

CITY COUNCIL DATE: June 24, 2010

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Sirwaitis

PHONE: 974-3057

sherri.sirwaitis@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0097

Z.A.P. DATE: September 15, 2009
October 6, 2009
December 1, 2009
February 2, 2010

ADDRESS: 11505 Anderson Mill Road

OWNER/APPLICANT: Marvin and Elizabeth Henry

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: DR

TO: LR

AREA: 1.395 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning. The conditional overlay would prohibit the Service Station, Drive-In Services, and limit the site to uses that generate no more than 2,000 vehicle trips per day.

In addition, if the requested zoning is granted for this site, then 57 feet of right-of-way should be dedicated through a street deed from the existing centerline of Anderson Mill Road in accordance with the Transportation Plan.*

* On January 13, 2010, the applicant submitted previous street deed information (dedication document #2004130801) to the Transportation Review staff regarding the right-of-way requirement for this property. The staff reviewed this information and has determined that the right-of-way dedication was satisfied in 2004. Therefore, this condition has been removed from the staff's recommendation.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

9/15/09: Postponed to October 6, 2009 at the staff's request (4-0, S. Baldrige-off dias; D. Tiemann and P. Seeger-absent); T. Rabago-1st, C. Banks-2nd.

10/06/09: Postponed to December 1, 2009 at the request of the applicant (7-0); T. Rabago-1st, C. Banks-2nd.

12/01/09: Postponed to February 2, 2010 at the applicant's request (7-0); D. Tiemann-1st, C. Banks-2nd.

02/02/10: Approved LR-CO zoning by consent (7-0); D. Tiemann-1st, S. Baldrige-2nd, with the following conditions from the applicant's agreement with the neighborhood: 1) Limit the site the 1,333 vehicle trips per day; 2) Prohibit the following uses on the site: Consumer Convenience Services, Restaurant (Limited), Service Station; College and University Facility Facilities, Day Care Services (Commercial), Day Care Services (General), Day Care Services (Limited), Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities, Safety Services, Group Home, Class I (General), Group Home, Class II, Drive-In Services; 3) Prohibit buildings greater than 1-story to be located within 75 feet of the

eastern property line; 4) Restrict the Food Sales, General Retail Sales (Convenience) and General Retail Sales (General) uses to hours of operation from 7:00 a.m. to 8:00 p.m. and limit these uses to ground/1st floor occupancy within a structure on the site.

ISSUES:

On July 7, 2009, the City of Austin Code Enforcement Division cited the applicant for a zoning violation (Please see Attachment A). The applicant is currently operating an illegal sign development business (General Retail Sales-Convenience use) at this site. The applicant filed this rezoning case on August 17, 2009, to bring the existing use on the site into conformance with zoning use regulations in the Land Development Code.

DEPARTMENT COMMENTS:

The property in question currently contains a single-family residence that it being used as a commercial screen printing and sign manufacturing business (Beel Sign and Design). The applicant is requesting a re-zoning to the Neighborhood Commercial District to redevelop this tract of land with low intensity commercial uses. There is a residential neighborhood to the north of the site, across Anderson Mill Road. The property to the south of the site is undeveloped. To the east, there is a construction sales and services use (Remedy Roofing) and a single-family residential house. To the west, there are single-family residential uses along Antler Lane.

The staff recommends LR-CO zoning at this location because this site meets the intent of the Neighborhood Commercial District. LR-CO zoning will be compatible with surrounding commercial, civic and residential land uses and will provide a transition in the intensity of permitted uses along Anderson Mill Road, an arterial roadway, to the east.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Sign Company (Beel Sign and Design)
<i>North</i>	I-SF-2	Single-Family Residential Neighborhood
<i>South</i>	DR	Undeveloped Tract
<i>East</i>	DR	Single-Family Residential Uses
<i>West</i>	DR	Single-Family Residential/Office (Sign in yard states Remedy Roofing), Single-Family Residence

AREA STUDY: N/A

TIA: Waived

WATERSHED: Bull Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Austin Parks Foundation
Bull Creek Foundation
Canyon Creek Homeowners Association

Homeless Neighborhood Association
Long Canyon Homeowners Association
Long Canyon Phase II & LLL Homeowners Association, Inc.
Oak Deer Park Neighborhood Association
River Place Residential Community Association, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0038	DR to LR (On May 8, 2009, the agent for this case sent the staff an e-mail amending the requested zoning from GR to LR)	5/19/09: Approved staff's recommendation of LR-CO zoning with conditions by consent (7-0); K. Jackson-1 st , T. Rabago-2 nd .	6/11/08: Approved LR-CO with conditions on all 3 readings (6-0, Cole-absent); B. McCracken-1 st , L. Morrison-2 nd .
C14-04-0028	GR-CO to CS	3/16/04: Approved staff's recommendation of CS zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	4/15/04: Approved ZAP recommendation of CS zoning (7-0); 1 st reading 4/22/04: Approved CS zoning (6-0), McCracken-off dias); 2 nd /3 rd readings
C14-04-0027	GR-CO to CS-1	3/16/04: Approved staff's recommendation of CS-1 zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd . 5/4/04: Approved staff's recommendation of CS-1 zoning by consent (5-0, J. Martinez, J. Pinnelli, C. Hammond-absent); J. Gohil-1 st , J. Donisi-2 nd .	4/15/04: Pulled off agenda. Case re-noticed and sent back to ZAP Commission. 6/10/04: Granted CS-1 (7-0); all 3 readings
C14-03-0111	DR to GR-CO	8/26/03: Approved staff's recommendation of GR-CO zoning by consent (8-0, K. Jackson-absent)	9/25/03: Approved GR-CO & RC-for TIA recommendations (7-0); all 3 readings
C14-02-0041	SF-2, DR to GR	11/19/02: Approved staff's recommendation of GR-CO zoning with conditions of: • 300' (depth) x 400' parallel to FM 620, will have 'LR' uses only (Tract 2); • conditions set out by staff in the T.I.A.; • No Pawn Shop	1/30/03: Granted GR-CO on 1 st reading (7-0) 3/6/03: Approved (7-0); 2 nd /3 rd readings

		Services; - No Adult Oriented Businesses; - No Automotive Uses (Vote: 7-0, A. Adams-absent)	
C14-95-0167	SF-2 to MF-2	Approved GR-CO, LO-CO, and LR-CO w/ conditions (8-0)	Approved GR-CO, LO-CO, & LR-CO subject to conditions (5-0); 1 st reading Approved GR-CO (SW area); LO-CO (NE 300'); LR-CO (NW 300') (7-0); 2 nd /3 rd readings
C14-94-0124	DR to SF-2	Approved SF-2-CO w/ conditions (9-0)	Approved SF-2-CO w/ conditions (5-0); 1 st reading Approved SF-2-CO (5-0); 2 nd /3 rd readings
C14-93-0032	SF-2, DR to GR	Approved GR-CO as recommended	Approved GR-CO w/ conditions (5-0), 1 st reading Approved GR-CO (7-0); 2 nd /3 rd readings

RELATED CASES: N/A

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
Anderson Mill Road/ FM 2769	94'	64'	Arterial (MAD4)	24746 (COA, 04/14/09)

CITY COUNCIL DATE: October 15, 2009

ACTION: Postponed to December 10, 2009 at the staff's request (7-0); Spelman-1st, Morrison-2nd.

December 10, 2009

ACTION: Postponed to February 11, 2010 at the staff's request (6-0., M. Martinez-absent); L. Morrison-1st, R. Shade-2nd.

February 11, 2010

ACTION: Approved LR-CO district zoning on consent (6-0, Cole-off dias); Spelman-1st, Morrison-2nd.

June 24, 2010

ACTION:

ORDINANCE READINGS: 1st 2/11/10

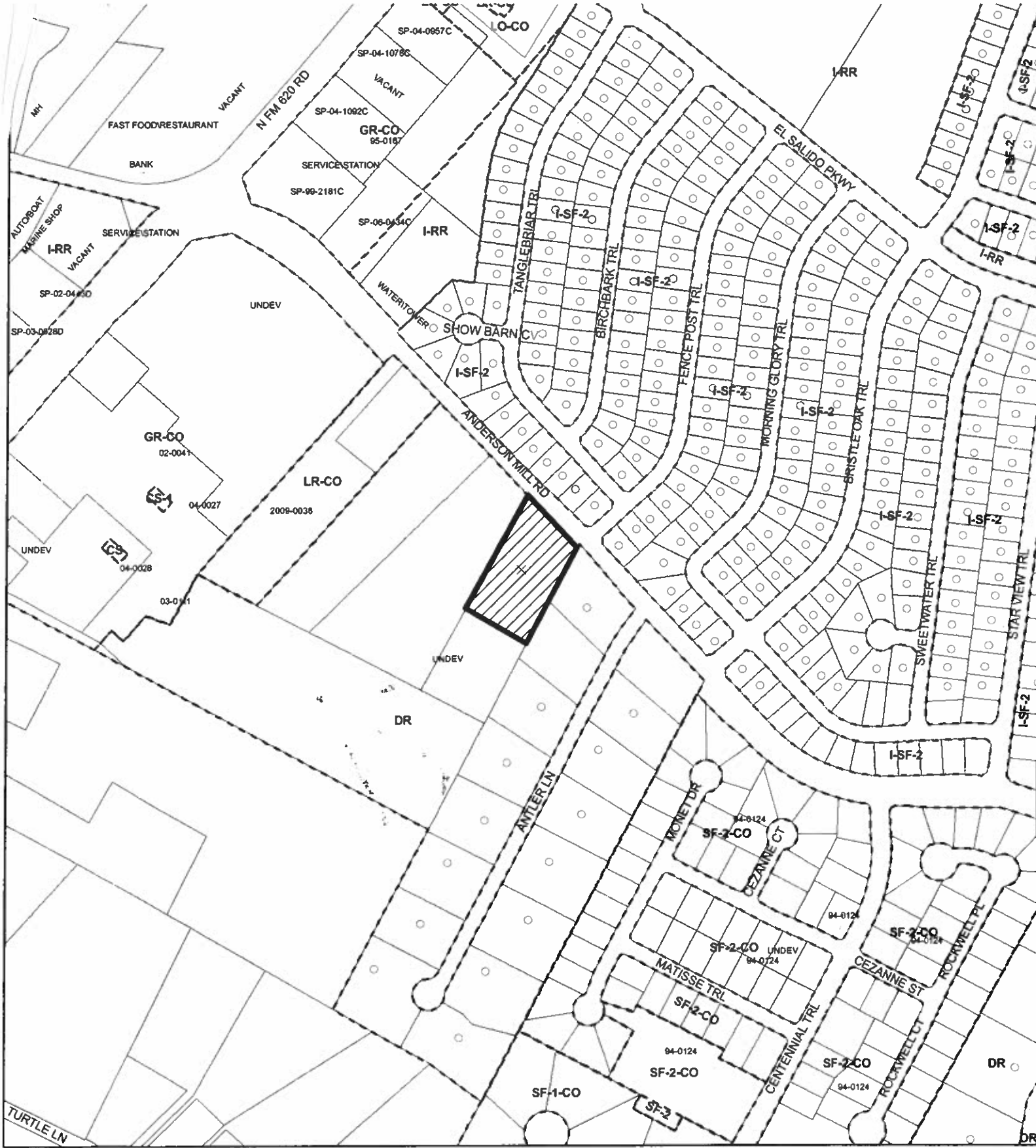
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us





1" = 400'

 **SUBJECT TRACT**

 **ZONING BOUNDARY**

 **PENDING CASE**

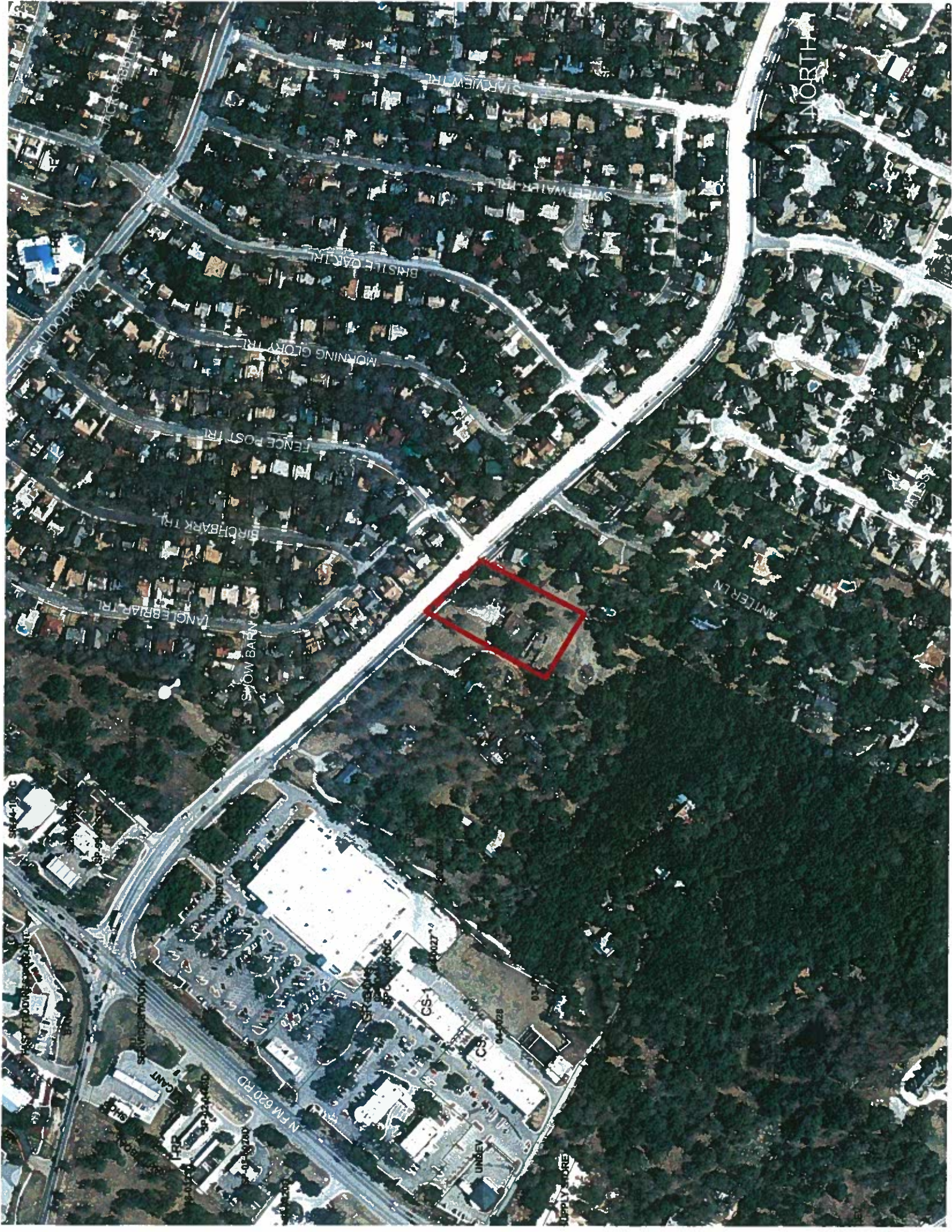
OPERATOR: S. MEEKS

ZONING

ZONING CASE#:	C14-2009-0097
ADDRESS:	11505 ANDERSON MILL RD
SUBJECT AREA:	1.582 ACRES
GRID:	E38
MANAGER:	S. SIRWAITIS



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.



STAFF RECOMMENDATION

The staff's recommendation is to grant LR-CO, Neighborhood Commercial-Conditional Overlay District, zoning. The conditional overlay would prohibit the Service Station, Drive-In Services, and limit the site to uses that generate no more than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

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

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

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

LR-CO zoning will promote consistency and orderly planning as it will be compatible with surrounding commercial, civic and residential land uses. The proposed Neighborhood Commercial District zoning will provide a transition (step down) in the intensity of permitted uses along Anderson Mill Road to the east.

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

The LR-CO zoning district will allow the applicant to utilize this property for low intensity commercial uses that will provide services for the residential areas located to the northeast and southeast.

EXISTING CONDITIONS

Site Characteristics

The site in question is currently contains a residential structure that has been converted to a sign development business. The property is relatively flat and contains some large trees. The property fronts onto and takes access from Anderson Mill Road, an arterial roadway.

Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

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

Numerous 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 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.

Impervious Cover

The maximum impervious cover allowed by the LR zoning district would be 80%. However, because the Watershed impervious cover is more restrictive than the LR 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:

Under the 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>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Note: The most restrictive impervious cover limit applies.

Site Plan/Compatibility Standards

No comments received.

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 storm water runoff will be mitigated through on-site storm water 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
Anderson Mill Road/ FM 2769	94'	64'.	Arterial (MAD4)	24746 (COA, 04/14/09)

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for Anderson Mill Road/FM 2769. If the requested zoning is granted for this site, then 57 feet of right-of-way measured from the existing centerline should be dedicated for Anderson Mill Road/FM 2769 according to the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55].*

* On January 13, 2010, the applicant submitted previous street deed information (dedication document #2004130801) to the Transportation Review staff regarding the right-of-way requirement for this property. The staff reviewed this information and has determined that the right-of-way dedication was satisfied in 2004.

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].

There are existing sidewalks along Anderson Mill Road/FM 2769.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a "shared lane" bicycle facility is existing, and a "bike lane" bicycle facility is proposed on Anderson Mill Road/FM 2769.

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

Water and Wastewater

The property is currently served by well and septic. For information pertaining to the availability and or extension of City services, contact James Grabbs or Philip Jaeger with the Austin Water Utility, Utility Development Services at 625 E. 10th St. 5th floor. Ph: 512-972-0207. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments that might be required with the change of use. If improvements are 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.



City of Austin

Solid Waste Services Department
1520 Rutherford Lane
P.O. Box 1088, Austin, Texas 78767 - 1088
Telephone: (512)494-9400 Fax: (512) 974-9049

July 7, 2009

NOTICE OF VIOLATION

via Certified Mail #7007 0710 0002 1269 4693

Henry Marvin C and Elizabeth M
10305 Holme Lacey Lane
Austin, Texas 78750-4024

RE: 11505 ANDERSON MILL RD 78750

Legally described as ABS 748 SUR 800 S A & M G R R CO ACR 1.395
Zoned as DR
Parcel Number 0175270310

Dear Henry Marvin C and Elizabeth M:

An investigation by the City of Austin's Code Enforcement Division was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the Code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Building Official. Also, it is a misdemeanor to rent this property if the Code violation(s) on this property pose a danger to the health, safety and welfare of the tenants.

If you have any questions, please contact me by telephone at (512) 974-1903 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en (512) 974-1903 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

Ownership Information

According to the real property records of Travis County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office, located at 1520 Rutherford Lane. An affidavit may be mailed to:

**Solid Waste Services Department
Code Enforcement Division
P.O. Box 1088
Austin, Texas 78767**

Additionally, if this property has other owner(s), please provide me with this information.

Failure to Correct

If a violation is not corrected, any existing site plan, permit, or certificate of occupancy may be suspended or revoked by the City. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.

If the violation continues, the City may take further legal action to prevent the unlawful action as authorized by State law and may seek civil injunctions or penalties in State court.

For dangerous or substandard buildings, the City may also take further action to require the vacation, relocation of occupants, securing, repair, removal or demolition of a building.

If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.

Complaints

To register a complaint concerning a Code Enforcement investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

**Solid Waste Services Department
Code Enforcement Division Manager
P.O. Box 1088
Austin, Texas 78767**

Sincerely,



Kelly Stilwell, Code Enforcement Inspector
Code Enforcement Division
Solid Waste Services Department
Case CV-2009-066514

INVESTIGATION REPORT

Investigator: Kelly Stilwell

Case: CV-2009-066514

Address: 11505 ANDERSON MILL RD 78750

Zoned as DR

The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 974-2380. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

LAND USE

Code Section: Permitted, Conditional, and Prohibited Uses (§25-2-491)

Description of Violation: General Retail Sales are prohibited in a DR zoning district.

Date Observed: June 23, 2009

Code Section: Certificate of Occupancy (§25-1-361)

Description of Violation: A person may not use or occupy a structure unless the building official has issued a Certificate of Occupancy for the structure. There is no record of a Certificate of Occupancy for this structure's use.

Date Observed: June 23, 2009

Code Section: Certificate of Occupancy (§25-1-361)

Description of Violation: A person may not use, occupy, or change the existing use or occupancy of a structure unless the building official has issued a use Certificate of Occupancy for the structure. The Certificate of Occupancy does not reflect (description) as the current use or occupancy.

Date Observed: June 23, 2009

Required Remedy Summary

Obtain Change of Use Permit in 14 days

Obtain correct Certificate of Occupancy in 14 days

Or discontinue prohibited use in 14 days

NOTE: The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

Appeal

No appeal is available for land use issues. However, a person may appeal a Stop Work Order to the City of Austin's Building Official. A written appeal must be filed no later than 3 days after the posting of the Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.



City of Austin

Solid Waste Services Department
1520 Rutherford Lane
P.O. Box 1088, Austin, Texas 78767 - 1088
Telephone: (512)494-9400 Fax: (512) 974-9049

July 30, 2009

NOTICE OF VIOLATION

via Certified Mail #7005 3110 0002 4206 4113

Robertson Properties
C/O John Robertson
Po Box 20655
Austin, Texas 78720-0655

RE: 11505 ANDERSON MILL RD 78750

Legally described as ABS 748 SUR 800 S A & M G R R CO ACR 1.395
Zoned as DR
Parcel Number 0175270310

Dear Robertson Properties:

An investigation by the City of Austin's Code Enforcement Division was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the Code violation(s) found with required remedies for attaining compliance with the City Code.

If you have any questions, please contact me by telephone at (512) 974-1903 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en (512) 974-1903 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

Failure to Correct

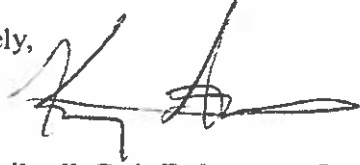
If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.

Complaints

To register a complaint concerning a Code Enforcement investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

**Solid Waste Services Department
Code Enforcement Division Manager
P.O. Box 1088
Austin, Texas 78767**

Sincerely,

A handwritten signature in black ink, appearing to be 'K. Stilwell', with a long horizontal stroke extending to the right.

Kelly Stilwell, Code Enforcement Inspector
Code Enforcement Division
Solid Waste Services Department
Case CV-2009-066514

INVESTIGATION REPORT

Investigator: Kelly Stilwell

Case: CV-2009-066514

Address: 11505 ANDERSON MILL RD 78750

Zoned as DR

The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 974-2380. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

LAND USE

Code Section: Permitted, Conditional, and Prohibited Uses (§25-2-491)

Description of Violation: General Retail sales are prohibited in a DR zoning district.

Date Observed: June 23, 2009

Code Section: Certificate of Occupancy (§25-1-361)

Description of Violation: A person may not use or occupy a structure unless the building official has issued a Certificate of Occupancy for the structure. There is no record of a Certificate of Occupancy for this structure's use.

Date Observed: June 23, 2009

Code Section: Certificate of Occupancy (§25-1-361)

Description of Violation: A person may not use, occupy, or change the existing use or occupancy of a structure unless the building official has issued a new Certificate of Occupancy for the structure. The Certificate of Occupancy does not reflect (description) as the current use or occupancy.

Date Observed: June 23, 2009

Required Remedy:

Required Remedy Summary

Obtain Change of Use Permit in 14 days

Obtain correct Certificate of Occupancy in 14 days

Discontinue prohibited use in 14 days

NOTE: The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

Appeal

No appeal is available for land use issues. However, a person may appeal a Stop Work Order to the City of Austin's Building Official. A written appeal must be filed no later than 3 days after the posting of the Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.

An appeal may be delivered in person to the Building Inspection Division office located at 505 Barton Springs Road or mailed to:

**Building Official
Watershed Protection and Development Review Department
P.O. Box 1088
Austin, Texas 78767**

Sirwaitis, Sherri

From: Ron Thrower [Ron@throwerdesign.com]
Sent: Monday, November 30, 2009 11:03 AM
To: Betty Baker; trabago@austin.rr.com; donna.zap@gmail.com; Sandra Baldridge; crbanks@hotmail.com; prseeger@austin.rr.com; Gregory Bourgeois
Cc: John Akin; Sirwaitis, Sherri
Subject: Item 1 - C14-2009-0097 - 11505 Anderson Mill Road

Commissioners,

In regards to the referenced rezoning case, I respectfully request a second postponement to February 2, 2010. I am hopeful that during the time frame of the postponement that I can meet again with the neighborhood to continue to address concerns that are raised regarding this rezoning request.

Thanks in advance to your consideration of this request.

Ron Thrower

Thrower Design

4608-A South Lamar Blvd.
Austin, Texas 78745
512/476-4456
512/476-4454 fax

CONFIDENTIALITY NOTICE: This communication is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, you are notified that any use, dissemination, distribution, or copying of this communication or any attachment is strictly prohibited. In such event, please contact the sender immediately and delete all copies of this communication and any attachment.

11/30/2009

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.

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Case Number: C14-2009-0097

Contact: Sherri Sirwaitis, 512-974-3057

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

MARK J. ANDERSON

Your Name (please print)

11603 FENCEPOST TRAIL AUSTIN, TX 78750

Your address(es) affected by this application

Mark J. Anderson

Signature

9/22/09

Date

Daytime Telephone: 413-8444

Comments: REZONING OF THIS PROPERTY WILL CLEARLY INCREASE THE ALREADY DANGEROUS AND CONGESTED CONDITIONS IN THIS AREA. CUT-THROUGH TRAFFIC AND SPEEDING ALREADY ARE AT AN EXCESSIVE LEVEL. DANGEROUS U-TURNS, STACKED VEHICLES AT STOP SIGNS AND LIGHTS PREVENT RESIDENTS FROM GAINING ACCESS TO THEIR PROPERTY OR LEAVE IT MISDIRECTED TRAFFIC USES PRIVATE DRIVES TO REVERSE COURSE AND ENDANGER PEDESTRIANS AND PLAYING CHILDREN. THIS IS AN UNSOUND COURSE OF ACTION!!!

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

PUBLIC HEARING INFORMATION

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Case Number: C14-2009-0097

Contact: Sherri Sirwaitis, 512-974-3057

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

DAVID R. & LEOTA M. THORNTON

Your Name (please print)

11513 ANDERSON MILL RD.

Your address(es) affected by this application

David R. Thornton & Leota M. Thornton - 7-29

Signature

Date

Daytime Telephone: (512) 258-1345

Comments: Approval Recommended!

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

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Austin, TX 78767-8810

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Case Number: C14-2009-0097

Contact: Sherri Sirwaitis, 512-974-3057

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

Oct. 15, 2009, City Council

DEBBIE JACKSON

Your Name (please print)

11604 BIRCHBARK TR, AUSTIN, TX 78750

Your address(es) affected by this application

Debbie Jackson

Signature

9-8-09

Date

Daytime Telephone: 512-797-7393

Comments:

my husband and I both

object.

Thank you!

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City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2009-0097

Contact: Sherri Sirwaitis, 512-974-3057

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

Bud Saunders / Janet Ball

Your Name (please print)

11504 Fence Post Trail

Your address(es) affected by this application

Bud Saunders

9/11/09

Signature

Date

Daytime Telephone: 512/333/7973

Comments: I live just off Anderson Mill Road. Even with the new section put in recently, the traffic is still really bad. ~~It is~~ We don't need any more reasons for more traffic, or more business entrances to have to stop for.

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City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2009-0097

Contact: Sherri Sirwaitis, 512-974-3057

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

Oct. 15, 2009, City Council

Sherri Sirwaitis

Your Name (please print)

11603 Fence Post Trail

Your address(es) affected by this application

Sherri Sirwaitis

Signature

9-17-09

Date

Daytime Telephone: 512-322-3100

Comments: Review for objection = (1) already too much traffic on Anderson Mill; (2) already too much traffic cutting through neighborhood (Fence Post Trail) to reach HEB (Volente) so avoid signal light at 620 Anderson Mill; (3) commercial property at this site would necessitate a traffic signal at Anderson Mill & Fence Post Trail, which would only make traffic worse & back it up into the neighborhood; (4) it would decrease our property value for about 100,000. Thank you for your consideration.

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Austin, TX 78767-8810

P.S. - I am not a citizen property in re-zoning, all other properties between me & the HEB complex at 620 will be re-zoned if requested - question is the problems mentioned above.

Sirwaitis, Sherri

From: John Morgan [JohnMorgan@rocketmail.com]
Sent: Tuesday, November 24, 2009 9:53 PM
To: Sirwaitis, Sherri
Cc: Phil Denney
Subject: Case Number: C14-2009-0097

Dear Ms. Sirwaitis,

Please consider this e-letter to be my response to the notice of public hearing for rezoning. As a decades-long resident of Anderson Mill, and having ingress and egress to Anderson Mill Road proximal to the proposed project location (Fence Post Trail), I object to the proposed zoning change from DR to LR.

I presume that no additional traffic study has been made based on the proposed use of the property for commercial purposes. Considering the already substantial traffic which occupies Anderson Mill Road throughout the day, I cannot in good conscience consider the additional traffic load to be safe, beneficial, or appropriate.

Please enter this letter into the record when the public hearing takes place.

John Morgan
512-331-0622
11504 Tanglebriar Trail
Austin, TX 78750-1363



11/25/2009

PUBLIC HEARING INFORMATION

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Case Number: C14-2009-0107

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Planning Commission

Dec. 10, 2009, City Council

Jose & Jazmin Nunez
Your Name (please print)

15001 Solera Dr., Austin TX 78717
Your address(es) affected by this application

Jose Nunez
Signature

Daytime Telephone: 512-509-9933

Date

11/22/09

Comments:

I am totally in favor of zoning request. There would be plenty of parking space in the church parking lot and don't see a reason why anybody would object

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

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Case Number: C14-2009-0097

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Dec. 1, 2009, Zoning & Planning Commission
Dec. 10, 2009, City Council

DAVID R. THORNTON

Your Name (please print)

11513 ANDERSON MILL RD.

Your address(es) affected by this application

David R. Thornton

Signature

11-30-09

Date

Daytime Telephone: (512) 258-1345

Comments: Recommend Approval

☒ I am in favor
☐ I object

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

Thrower Design

4608-A South Lamar Boulevard
Austin, Texas 78745
(512) 476-4456 • Fax (512) 476-4454

January 11, 2010

Oak Deer Park Home Owners Association
c/o Mr. John Akin
11204 Antler Lane
Austin, Texas 78726

RE: 11505 Anderson Mill Road Re-zone
C14-2009-0097

Dear Oak Deer Park Home Owners Association,

Thanks to continued discussions, reasonable minds, and patience, it appears that we have reached an accord on the above referenced zoning case. I want to thank all involved.

The property is agreed to be rezoned "LR-CO", Neighborhood Commercial – Conditional Overlay District. The following is a summation of the agreements thus far with the understanding that some items may require further clarification and additional items may arise;

- 1) The Use of the property are those found in the City of Austin Land Development Code Table of Permitted uses except the following will be Prohibited Uses;
 - a) Consumer Convenience Services;
 - b) Restaurant (Limited);
 - c) Restaurant (General);
 - d) Service Station;
 - e) College & University Facilities;
 - f) Day Care Services (Commercial);
 - g) Day Care Services (General);
 - h) Day Care Services (Limited);
 - i) Private Primary Education Facilities;
 - j) Private Secondary Education Facilities;

L A N D P L A N N E R S

- k) Public Primary Education Facilities;
- l) Public Secondary Education Facilities;
- m) Safety Services;
- n) Group Home, Class I (General);
- o) Group Home, Class II;
- p) Drive-thru, as an accessory use.

2) The Conditional Overlay will include the above list of Prohibited Uses as well as the following:

- a) Prohibit greater than 1-story construction within 75' of the east property line.
- b) The Uses of Food Sales, General Retail Sales (Convenience) and General Retail Sales (General) will have hours of operation of 7:00 a.m. to 8:00 p.m., and will be limited to ground floor occupancy. (This would not prohibit a development with a 1st floor with these uses and have office or another use above.
- c) Limit the vehicular trips to no more than 1,333 trips per day.

If I have left anything out of the agreement please let me know. Should anyone have any questions about any of the content associated with the agreement contained within this letter, or has any other comments concerns or questions, I can be reached at 476-4456 (office), 731-2524 (mobile), or email at ront@throwerdesign.com . Email is always best. (Do note my email address has changed).

Thanks again for meeting about this rezoning request this past Saturday in the cold weather.

Sincerely,



A. Ron Thrower

xc via email - Bill and Carolyn Dower – Antler Lane
Sherri Sirwatis – City of Austin

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Case Number: C14-2009-0097

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Feb. 2, 2010, Zoning & Platting Commission
Feb. 11, 2010, City Council

☐ I am in favor
☒ I object

DEBBIE JACKSON
Your Name (please print)

11604 BIRCHBARK TR, AUSTIN, TX 78750
Your address(es) affected by this application

Debbie Jackson 1-26-10
Signature Date

Daytime Telephone: _____

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

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Case Number: C14-2009-0097

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Feb. 2, 2010, Zoning & Platting Commission
Feb. 11, 2010, City Council

TERRY ROBBINS
Your Name (please print)

☐ I am in favor
☒ I object

11502 Tanglebriar Trail

Your address(es) affected by this application

Terry Robbins
Signature

1/28/10
Date

Daytime Telephone: 512-996-8877

Comments:

I desire to keep my back yard area residential on by re-zoning 11505 Anderson Mill would like having commercial business directly across my back yard.

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

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Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Feb. 2, 2010, Zoning & Platting Commission
Feb. 11, 2010, City Council

DAVID R. THORNION

Your Name (please print)

11513 ANDERSON MILK Rd.

Your address(es) affected by this application

Richard Thornton

Signature

1-26-10

Date

Daytime Telephone: (512) 258-1345

Comments: Recommend Approval

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Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Thrower Design

4608-A South Lamar Boulevard
Austin, Texas 78745
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January 11, 2010

Oak Deer Park Home Owners Association
c/o Mr. John Akin
11204 Antler Lane
Austin, Texas 78726

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C14-2009-0097

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