

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0055 (Kessler Zoning Change)

**Z.A.P. DATE:** July 19, 2011  
October 18, 2011

**ADDRESS:** 12502 and ~~12504~~\* Tomanet Trail

**OWNER/ APPLICANT:** Illan David Kessler

**ZONING FROM:** SF-1

**TO:** LR\*  
NO-MU

**AREA:** ~~1.3276~~-acres\*  
0.6563 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to deny LR, Neighborhood Commercial District, zoning for this site.

**\*The staff recommends the applicant's amended request of NO-MU-CO, Neighborhood Office-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will limit development on the site to less than 300 vehicle trips per day [per LDC, 25-6-117].**

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

7/19/11: Approved staff's recommendation for denial (6-0); D. Tiemann-1<sup>st</sup>, B. Baker-2<sup>nd</sup>.

10/18/11: Move to approve the staff's recommendation of NO-MU-CO zoning (3-3, B. Baker, P. Seeger, and G. Rojas-No) – Motion failed. The Commission forwarded the case to City Council with no recommendation.

### **ISSUES:**

**\* On August 4, 2011, the applicant sent the staff an e-mail amending his rezoning request to NO, Neighborhood Office, for the property located at 12502 Tomanet Trail. The property at 12504 Tomanet Trail was removed from this rezoning request (Please see Request Letter-Attachment A). The applicant added a MU, Mixed Use Combining District, to his amended request through an e-mail to the staff on September 21, 2011. At the City Council meeting on September 22, 2011, the applicant asked the Council to send his case back to the Zoning and Platting Commission so that they could reconsider his amended rezoning request. The City Council voted to indefinitely postpone this case so that it could be re-noticed for a future Zoning and Platting Commission meeting and City Council date.**

### **DEPARTMENT COMMENTS:**

The properties in question currently contain an undeveloped lot and single family residence that has been converted into a day care facility (Four Season's Community School). According to city records, this area was annexed by the City of Austin on November 12, 1984 (case C7A-84-020), de-annexed through the provisions of State Bill 962 on September 21, 1989 (case C7AD-89-141), and re-annexed by the City of Austin on December 31, 1996 (case C7A-96-002). During the hearing for zoning case C14-04-0201, the staff was directed by the Zoning and Platting Commission to initiate cases to establish permanent SF-1 zoning for all properties that had the interim-rural residential (I-RR) designation on Cindy Lane, Tomanet Trail, and Silver Spur Streets. These properties are located within the North Lamar Area Study, which was adopted by the City Council on October 3, 1985. The

study recommends single-family land use for this area located to the south of Parmer Lane (North Lamar Area Study-Map 4, page 16). A conditional use permit for a day care facility was approved for 12504 Tomanet Trail by the Zoning and Platting Commission on July 28, 2009 (case SPC-2009-0064A). The conditions of the CUP limit the day care to a maximum of 35 children.

The staff is recommending denial of the applicant's request because the property is located within an existing single-family neighborhood. The lots under consideration meet the intent of the SF-1 district. The property fronts onto a residential street, Tomanet Trail, and is surrounded by single-family uses and SF-1 zoning to the south and east. There is an established depth of office/commercial zoning transitioning away from Parmer Lane to the north. The staff's recommendation will preserve residential housing opportunities in this area of the city.

**The staff recommends NO-MU-CO zoning at this location because the property meets the intent of the Neighborhood Office-Mixed Use District. The property in question has been vacant for at least 10 years. The proposed NO-MU-CO zoning is appropriate for this site because this lot is located between a commercial day care facility to the north, a retail center that fronts onto Parmer Lane to the south, and a City of Austin Fire/EMS station at the rear of the property to the west. NO-MU-CO zoning will provide a transition in zoning/land use intensity away from Parmer Lane to the north. The proposed zoning category will permit the applicant to develop low intensity office and/or residential uses that are compatible with the single-family uses to the north and east.**

**The applicant agrees with the staff's revised recommendation.**

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-1	Undeveloped Lot, Day Care Facility (Four Season's Community School)
<i>North</i>	SF-1	Single-Family Residence
<i>South</i>	GR-CO	Retail Center (EZ Loans, Jumbo Donuts, Cricket Wireless, Fed Ex/Kinko's)
<i>East</i>	SF-1	Single-Family Residences
<i>West</i>	P	City of Austin Fire/EMS Station

**AREA STUDY:** North Lamar Area Study

**TIA:** Waived

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Monorail Project  
 Austin Neighborhoods Council  
 Austin Parks Foundation  
 Home Builders Association of Greater Austin  
 Homeless Neighborhood Association  
 Lamplight Village Area Neighborhood Association

League of Bicycling Voters  
North Growth Corridor Alliance  
Sierra Club, Austin Regional Group  
Super Duper Neighborhood Objectors and Appealers Organization  
The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0166 – (12412 Tomanet Trail)	NO to GR* *On 1/03/10, the applicant amended their request to the staff's rec. of GO-CO	1/04/11: Approved the staff's recommendation of GO-CO zoning on consent (5-0, B. Baker-absent); G. Bourgeois-1 <sup>st</sup> , S. Baldrige-2 <sup>nd</sup> .	2/10/11: Approved GO-CO zoning on consent on all 3 readings (6-0, Martinez- absent); Spelman-1 <sup>st</sup> , Morrison-2 <sup>nd</sup> .
C14-2010-0058 (2209 W. Parmer Lane)	NO to LR-CO	6/15/10: Approved the staff's recommendation of LR-CO zoning by consent (7-0); P. Seeger-1 <sup>st</sup> , S. Baldrige-2 <sup>nd</sup> .	7/29/10: Approved LR-CO on consent (7-0); L. Morrison-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup> .
C14-2010-0030 (12500 Limerick Ave.)	NO-MU to GO* *The applicant amended his re-zoning request to LO zoning at the 5/04/10 ZAP Commission meeting.	5/04/10: Approved LO-CO zoning with the following conditions: limit the building size on the site to 2,000 sq. ft. and limit the site to less 200 vehicle trips per day (4-3, D. Tiemann, P. Seeger and B. Baker-No); S. Baldrige-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	5/13/10: Denied LO-CO zoning (6-1, L. Leffingwell-No); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .
C14-2009-0078 (Limerick: 12412 Limerick Ave.)	NO to LR* *The applicant sent an e-mail to the staff on 4/29/10 asking to amend his re-zoning request to the GO zoning.	4/20/10: Recommended denial of the applicant's re-zoning request (7-0); D. Tiemann-1 <sup>st</sup> , P. Seeger-2 <sup>nd</sup> .	9/23/10: Denied the re-zoning request (6-0, S. Cole-off dais); L. Morrison-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup> .
C14-2009-0005 (Tomanet: 12408 Tomanet Trail)	SF-1 to NO	2/17/09: Approved staff's recommendation to deny 'NO' district zoning (6-0, R. Evans-absent); C. Hammond-1 <sup>st</sup> , B.Baker-2 <sup>nd</sup> .	3/26/09: Denied the request for 'NO' zoning (6-0, B. McCracken-off the dias); J. Morrison-1st, R. Shade-2 <sup>nd</sup>
C14-07-0027	SF-2 to NO	4/03/07: Approved the staff's recommendation of NO-MU zoning on consent (6-0, J. Gohil-abstained; K. Jackson and S. Hale-absent)	5/03/07: Approved NO-MU zoning by consent (7-0); all 3 readings

C14-06-0097 (Cody Pools: 2300 West Parmer Lane)	I-RR to: <del>GR</del> CS* * On June 6, 2006, the staff received an e- mail from the agent for this case asking to amend the rezoning request for this property from 'GR' to 'CS'. The CS District will permit the Construction Sales and Services use that currently exists on the site.	8/01/06: Approved LR-CO zoning with the following conditions: 700 vehicle trip limit per day and 100-feet of right-of- way reservation from the centerline of Parmer Lane (9-0); K. Jackson-1 <sup>st</sup> , B.Baker-2 <sup>nd</sup> .	8/31/06: Approved LR-CO zoning on 1 <sup>st</sup> reading (7-0); J. Kim-1 <sup>st</sup> , L. Leffingwell-2 <sup>nd</sup> . 9/28/06: Approved LR-CO zoning with conditions by consent (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-05-0054 (Tomanet Estates Zoning #4, City Initiated: 2206- 2310 Cindy Lane)	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez- absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0053 (Tomanet Estates Zoning #3, City Initiated: 12503- 12609 Silver Spur)	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez- absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0052 (Tomanet Estates Zoning #2, City Initiated: 12505- 12605 Tomanet Trail, 12502- 12610 Silver Spur)	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez- absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0051 (Tomanet Estates Zoning #1, City Initiated: 12502- 12604 Tomanet Trail)	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez- absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-04-0201 (12503 Tomanet Trail)	I-RR to LR	2/01/05: Approved staff's recommendation for SF-1 zoning (9-0); J. Martinez-1 <sup>st</sup> , B.Baker-	3/03/05: Approved SF-1 on 1 <sup>st</sup> reading (7-0)

		2 <sup>nd</sup> . Motion made for staff to initiate a zoning case for all properties that are zoned I-RR on Cindy Lane, Tomanet Trail and Silver Spur Streets, to SF-1 zoning (9-0); B. Baker-1 <sup>st</sup> , K. Jackson-2 <sup>nd</sup> .	4/07/05: Approved SF-1 (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-04-0172 (Filipino Video and Oriental Store: 2309 W. Parmer Lane)	NO to LR	11/16/04: Approved staff rec. of LR-CO (9-0), with the following condition: Drive-in service is prohibited as an accessory use to a commercial use.	1/13/05: Approved LR-CO (7-0); all 3 readings
C14-04-0119 (Ivarra Zoning Change from NO to LR: 2303 W. Parmer Lane)	NO to LR	9/21/04: Approved staff's rec. of LR (7-0)	10/21/04: Approved LR (7-0); all 3 readings
C14-02-0135 (Perfect Shirt: 12500 Tomanet Trail)	NO to GR	9/17/02: Approved staff's rec. of GR-CO zoning by consent (7-0)	10/24/02: Granted GR-CO on all 3 readings (6-0, Dunkerley-absent)
C14-01-0184 (Perfect Shirt: 12500 Tomanet Trail)	NO to GR	1/29/02: Postponed to 2/26/02 by applicant (8-0, A.Adams-absent) 2/26/02: Approved staff's recommendation of GR-CO zoning with the following conditions: Limit the development intensity to less than 2,000 vehicle trips per day; restrict vehicle access from the property to Tomanet Trail; permit Personal Services as the only 'GR' use; and limit the property to 'NO' uses. (6-0, K. Jackson-absent; N. Spelman, D. Castaneda-left early)	4/4/02: Approved ZAP rec. of GR-CO with conditions on all 3 readings (6-0, Goodman out of room)
C14-00-2045 (Perfect Shirt: 12500 Tomanet Trail)	NO to GR	5/9/00: Approved GR-CO (6-2, JR/JM-Nay); for building footprint only for dry cleaning use; permitted 'NO' uses; no access to Tomanet Trail; 2,000 vehicle trip limit per day; limit landscape buffer between sidewalk and street; sidewalks on Tomanet Trail; building square feet not to exceed 2,000 sq. ft.	6/8/00: Approved PC rec. of GR-CO w/ conditions on 1 <sup>st</sup> reading (7-0)  10/12/00: Approved GR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-98-0082 (Perfect Shirt, Inc.: 12500	NO to GR	8/4/98: Approved GR-CO w/ conditions (9-0)	9/10/98: Approved PC rec. of GR-CO w/ conditions (6-0); 1 <sup>st</sup> reading

Tomanet Trail)			Administrative-EXPIRED 9/7/99, no 3 <sup>rd</sup> reading
C14-96-0037 (Beauty Salon: 2301 W. Parmer Lane)	NO to LR	5/7/96: Approved LR-CO subject to conditions of no more than 12 parking spaces on the site and a 300 vehicle trip per day limit (8-0)	5/23/96: Approved LR-CO subject to conditions (6-0); 1 <sup>st</sup> reading  8/8/96: Approved LR-CO subject to conditions (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-94-0042 (Koch Zoning Change: 12501 Silver Spur)	NO to LO	4/26/94: Approved LO-CO (6-0); subject to ROW; medical offices as only permitted 'LO' use, permit 'NO' uses; 0.15 FAR; 'NO' development regulations	6/9/94: Approved LO-CO (5-0); 1 <sup>st</sup> reading  11/17/94: Approved LO-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** C14-05-0051 (Previous Zoning Case)  
SPC-2009-0064A (CUP for Day Care Facility)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Tomanet Trail	60'	40'	Collector	Not Available
FM 734 (Parmer Lane)	155'	2@41'	Arterial	42,000 (TXDOT,

**CITY COUNCIL DATE:** August 4, 2011

**ACTION:** Postponed to September 22, 2011 at the applicant's request (7-0); S. Cole-1<sup>st</sup>, B. Spelman-2<sup>nd</sup>.

September 22, 2011

**ACTION:** The case was indefinitely postponed by consent at the applicant's request (7-0); B. Spelman-1<sup>st</sup>, L. Morrison-2<sup>nd</sup>.

November 3, 2011

**ACTION:** Postponed to December 15, 2011 at the applicant's request (7-0); B. Spelman-1<sup>st</sup>, L. Morrison-2<sup>nd</sup>.

December 15, 2011

**ACTION:**

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

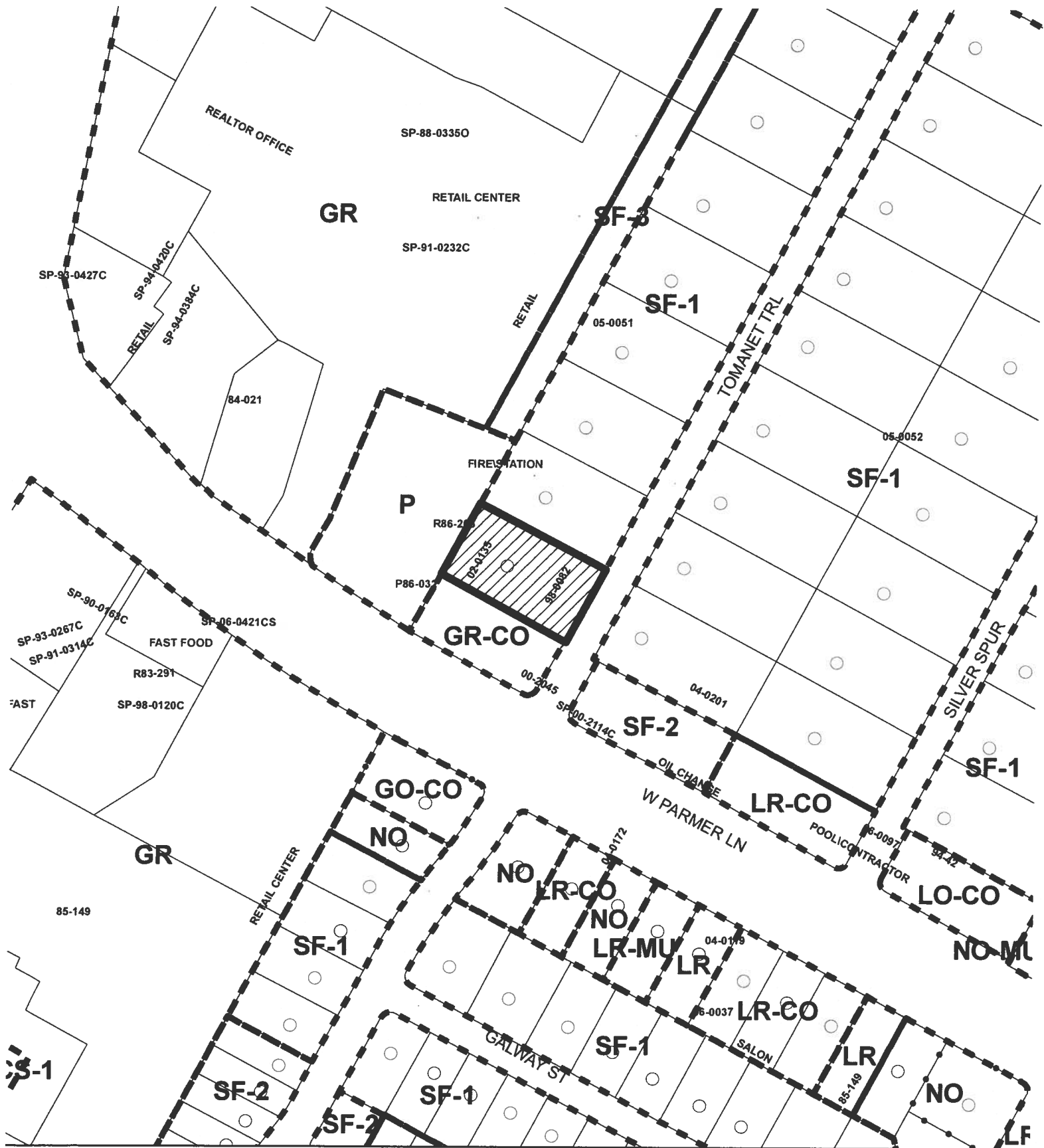
2<sup>nd</sup>

3<sup>rd</sup>




**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

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



1" = 200'

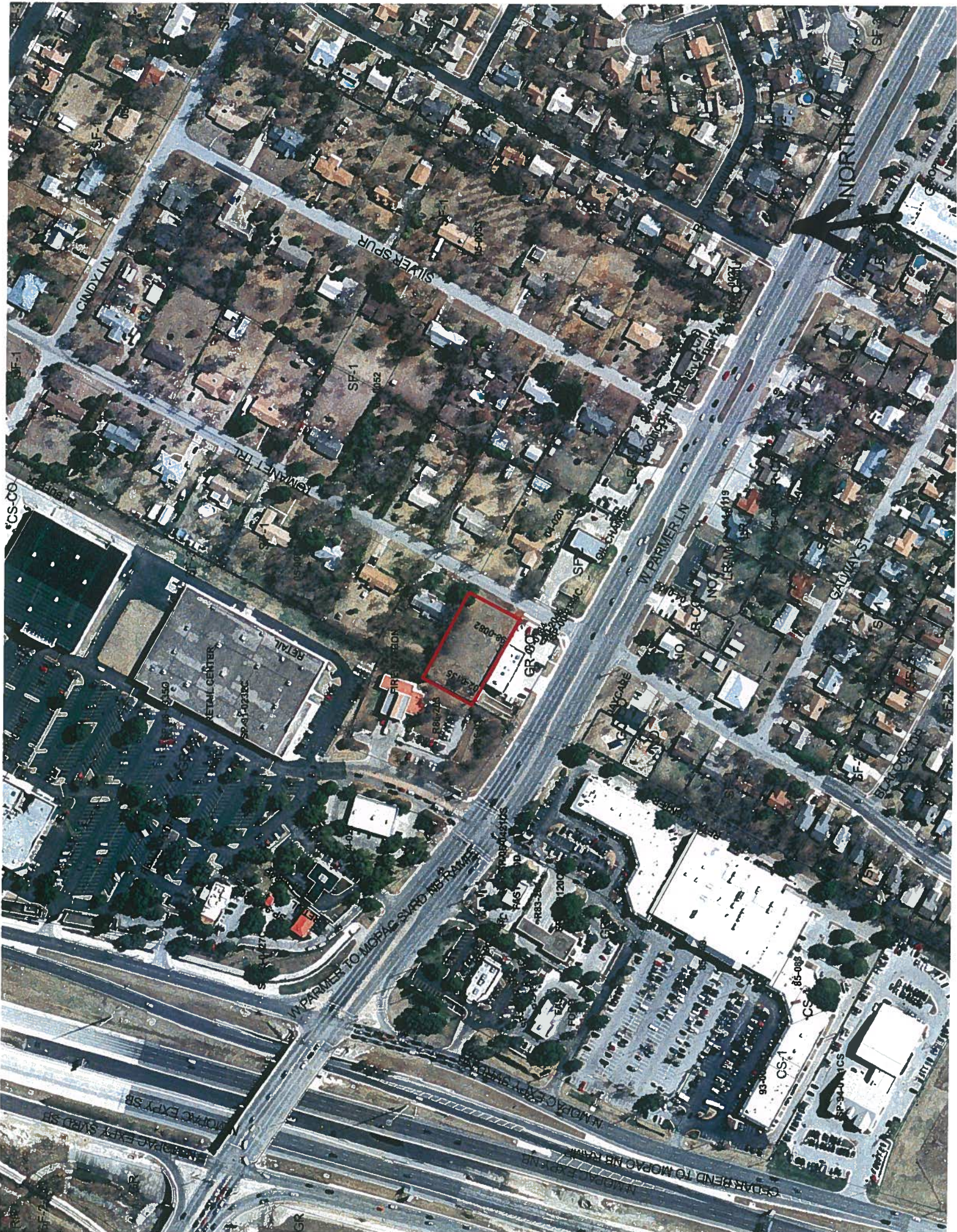
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
**ZONING CASE#:** C14-2011-0055  
*(Revised map)*

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





NORTH

CINDY LN

SILVER SPUR

SF-1

0052

ISMANET TRI

CS-00

RETAIL CENTER

RETAIL

86-0082

GR-80

02-0035

88-0013

0013

W. FARMER LN

GADWAY ST

BLACKSTONE

W. FARMER TO MOPAC SWRD NB RAMP

W. FARMER TO MOPAC SWRD NB RAMP

W. FARMER TO MOPAC SWRD NB RAMP

W. FARMER TO MOPAC SWRD NB RAMP

CS-00

85-008

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## STAFF RECOMMENDATION

The staff's recommendation is to deny LR, Neighborhood Commercial District, zoning for this site.

**\*The staff recommends the applicant's amended request of NO-MU-CO, Neighborhood Office-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will limit development on the site to less than 300 vehicle trips per day [per LDC, 25-6-117].**

## BASIS FOR RECOMMENDATION

*1. The proposed zoning **does not** promote consistency and orderly planning.*

The proposed LR, Neighborhood Commercial District, zoning will intrude into an existing single-family residential neighborhood. There is an established depth of office/commercial zoning transitioning away from Parmer Lane to the north. This property is located within the North Lamar Area Study, which recommends single-family land use for this area located to the south of Parmer Lane.

*The proposed zoning promotes consistency and orderly planning.*

**Neighborhood office (NO) district is the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may contain not more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.**

**The property in question takes access to a neighborhood collector street and is surrounded by a commercial day care facility to the north, a retail strip center to the south, and a City of Austin fire/EMS station to the west.**

*2. The **current** zoning allows for a reasonable use of the property.*

The existing SF-1 zoning will preserve residential housing opportunities in this area of the city. The property fronts onto a residential street, Tomanet Trail, and is surrounded by single-family uses and SF-1 zoning to the north and east.

**The proposed NO-MU-CO zoning will permit the applicant to develop a vacant lot with low intensity office and/or residential uses that are compatible with the single-family uses to the north and east.**

## EXISTING CONDITIONS

### Site Characteristics

The site under consideration consists of an undeveloped lot and single family residence that has been converted into a day care facility (Four Season's Community School). There are single-family residences to the north and east. To the west, there is a City of Austin Fire/EMS station. The property to the south, fronting Parmer Lane, contains a retail strip center (EZ Loans, Jumbo Donuts, Cricket Wireless, Fed Ex/Kinko's).

## **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.

## **Impervious Cover**

The maximum impervious cover allowed by the LR zoning district would be 80%. However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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 / Compatibility Standards**

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

The site is subject to compatibility standards. Along all property lines adjacent to single family, the following standards will apply with any future development:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. 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.
- f. Additional design regulations will be enforced at the time a site plan is submitted.

An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining property used or zoned as SF-5 or more restrictive. [Sec. 25-2-1067(F)]

FYI for Day Care Facilities: All outdoor play areas regularly used by children must be accessible by a safe route and enclosed by a building or fence at least 4-feet high and with at least two exits [Section 3100 (81.410) Human Resources Code, Chapter 42].

FYI – during a site plan application, the applicant shall define enrollment capacity based on state standards (1:30 sq.ft. usable floor area and 1:80 sq.ft. outdoor fenced area), Texas Department of Human Resources. Enrollment capacity may be limited by site constraints as a condition of City approval [Section 3100 (81.410) Human Resources Code, Chapter 42].

### **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**

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

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 300 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Tomanet	52	30	Local	No	No	Yes

### **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.

DATE: July 19, 2011  
TO: City of Austin Council  
FROM: Illan Kessler  
RE: Zoning Application Presentation C14-2011-0055

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Dear Council Member,

Thank you for taking the time to review this new information important to my application. I am very grateful for the opportunity and experience to participate in the zoning process.

I would like to amend my application to NO; and also reduce the request to only the single property at 12502 Tomanet Trail (and not combined with 12504 Tomanet Trail -as originally applied). Please see attached Document A which highlights my amended vs original request.

The intended use is for a professional office such as real estate agency or law office.

A low intensity use would provide a buffer between the established residential neighborhood and the intense commercial activities on Parmer and Mopac highway.

Please consider the merit of my application based on 2 reasons: most **reasonable use** for the property and a **positive impact to neighbourhood**.

A few other factors that support this application are first a **lack of traffic** impact, second **case studies**, and third **neighbourhood response**.

#### 1. Reasonable Use

All 3 contiguous boundaries of the vacant lot at 12502 Tomanet Trail have commercial use. The noise and site proximity to Parmer Ln, Mopac Highway, and the surrounding commercial traffic; make this lot a very undesirable location for residential use.

Please follow the Youtube link in Document C which briefly demonstrates traffic, noise, and commercial proximity: <http://www.youtube.com/watch?v=27QToa8Er0I>. Document D maps the vast commercial borders.

#### 2. Positive Impact

For decades the vacant lot at 12502 Tomanet Trail has been mostly used for illicit purposes. There is a high incidence of crime reports, and the lands most common use is illegal storage of commercial trucks, drug use, and abandoning stolen cars as well as other refuse.

The opportunity to develop a professional office that is compatible and complementary to the current neighborhood would have a positive effect on the neighborhood.

To illustrate these points please see document E & F. Document E is as a crime log from APD. Document F is random satellite photos of the lot from the last 10 years.

#### 3. Low Traffic Impact:

An NO zoning change would not provide cause for a traffic increase. The traffic impact would be very nominal due to the property position just off Parmer Lane; and the lack of a direct route through the neighborhood.

#### 4. Case Study:

The following case numbers are the most comparable to this application. My property has many similarities with the property that was approved. However, there is a fundamental difference with the property that was declined. *See relevance below.*

- CASE No. C14-2010-0166, 12412 Tomanet Trail. – STAFF RECCOMENDATION APPROVE  
Relevance: The property access is from Tomanet Trail.
- 12410 Tomanet Trail is zoned NO. 12410 is the same position as 12502 Tomanet Trail.
- CASE No. C14-04-0201 -12503 Tomanet Trail - STAFF RECCOMENDATION NOT APPROVE  
Relevance: The Property at 12503 has only 1 contiguous commercial border. In contrast 12502 has 3 contiguous commercial borders.

Included is Document G demonstrating the similar positions between 12410 and 12502 Tomanet Trail.

#### 5. Neighborhood Response:

The feedback from the city zoning letter was very positive. Several of my neighbors wrote the city and also contacted me directly expressing their support for my application.

There was only 1 respondent against within the 500' radius whose concern I would like to address. Please note there is no one else against this application within the 500' necessary to be party to a valid petition.

The stated concern of Jean Perrari of 12506 Silver Spur is parking, traffic, and property value. However, an individual seeking access to 12502 Tomanet Trail would find it very inconvenient to park on Silver Spur, or use the street as a thoroughfare from any direction. In addition, the improvement of the vacant lot is more probable to increase the nearby property values.

Included is a Document G map demonstrating all respondents within the 500' radius. Document H shows the inaccessibility for parking and driving to Tomanet Trail from Silver Spur St.

#### DOCUMENT CHECKLIST:

Document A – Amended Zoning Request Map

[Document B - Video Link](#)

Document C - Commercial Borders Map

Document D - Random Images of Illegal Land Use

Document E - Address Criminal History

Document F – 12502 & 12410 Highlighted Map

Document G - 500' Radius Map

Document H – Traffic Map

Thank you again for taking the time to review my application. Please feel free to contact me anytime. I look forward to meeting you at the hearing.

Kind Regards,

Illan David Kessler

603 930 1291, Fax 800 240 0623

[info@northpolexmastrees.com](mailto:info@northpolexmastrees.com)

DOCUMENT A:

Original Zoning Request:

**LR** for both 12502 & 12504 Tomanet Trail



Amended Zoning Request:

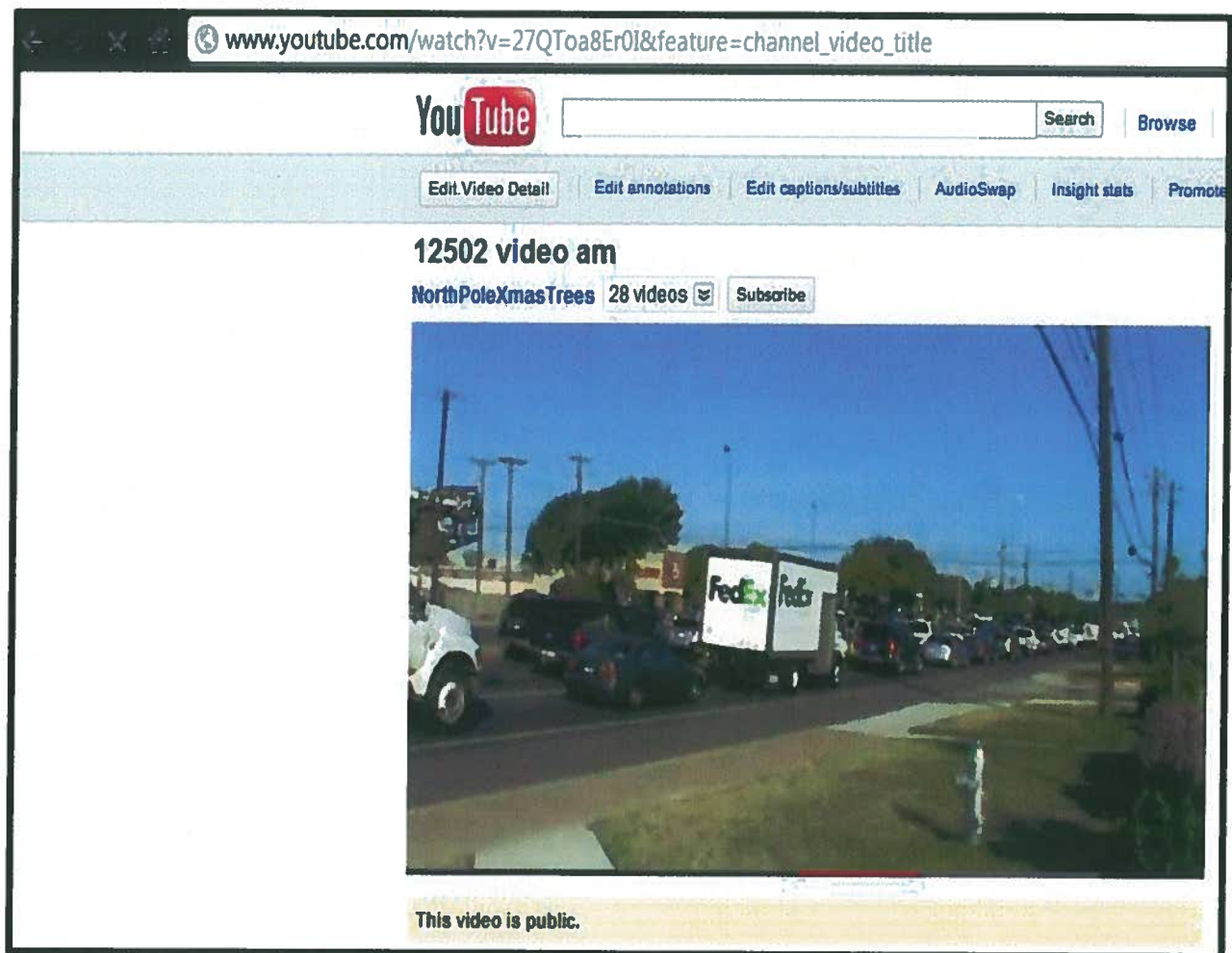
**NO** for Only 12502 Tomanet Trail



## Document B - Video Link:

This video demonstrates the traffic, noise, and commercial proximity which make this property undesirable for residential use.

<http://www.youtube.com/watch?v=27QToa8Er0I>



## Document C - Commercial Borders:

This map shows the vast commercial borders congruent to this property.

The yellow striping represents 12502 Tomanet Trail.

The pink striping represent property with commercial zoning. The only exception is the day care at 12504 Tomanet which is a conditional commercial use in a residential zoning. All other property is NO or higher.



## Document D

### Crime log generated

**Lisa Cortinas**

Austin Police Department

Public Information Officer

Ofc: 512-978-2100

[Lisa.Cortinas@cityofaustin.org](mailto:Lisa.Cortinas@cityofaustin.org)

#### 12500 Block of Tomasetti

- June 11, 1999
- Dec 28, 2000
- Dec. 11, 2001
- May 16, 2002
- Nov 24, 2002

#### substance/narcotics

- Feb. 17, 2003
- Nov. 16, 2003
- May 16, 2004
- May 24, 2004

#### 12502 Tomanet Tr

- April 15, 2005

#### 12504 Tomanet Tr

- Feb. 4, 2000
- Sept. 23, 2000
- July 9, 2005
- Nov. 24, 2005
- Feb. 19, 2006
- Feb. 20, 2006
- Feb. 27, 2006
- March 5, 2006
- March 14, 2006
- March 14, 2006
- March 31, 2006
- March 31, 2006
- March 31, 2006
- April 3, 2006
- May 10, 2006
- May 17, 2006
- May 17, 2006

#### Violence

- Dec. 2, 2006
- Jan. 18, 2007
- Feb. 14, 2007
- Feb. 18, 2007
- Feb. 21, 2007
- Feb. 26, 2007

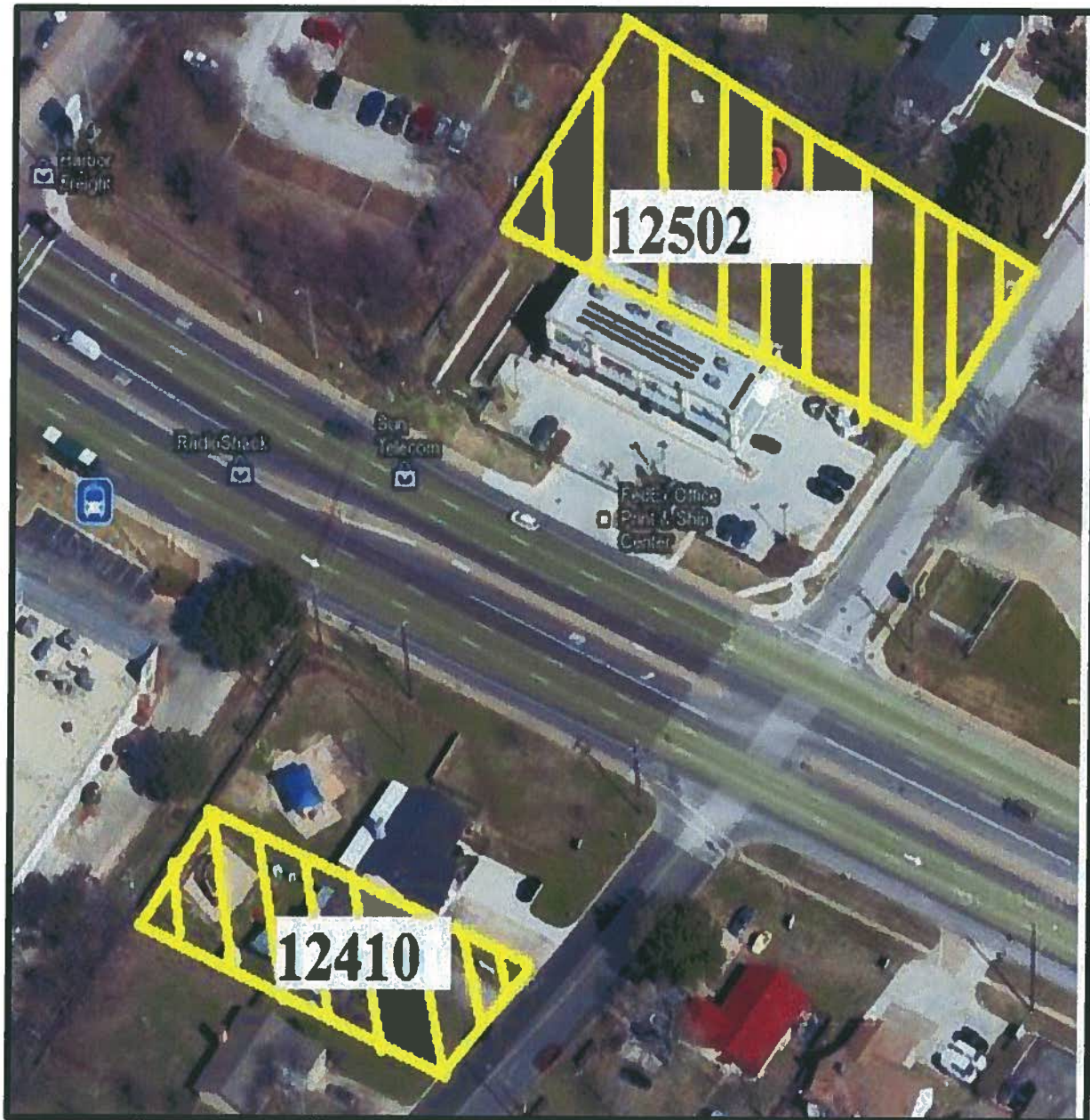
#### Violence

Document E - Random Images of Illegal Land Use



Document F - 12502 & 12410 Case Study: Access from Tomanet

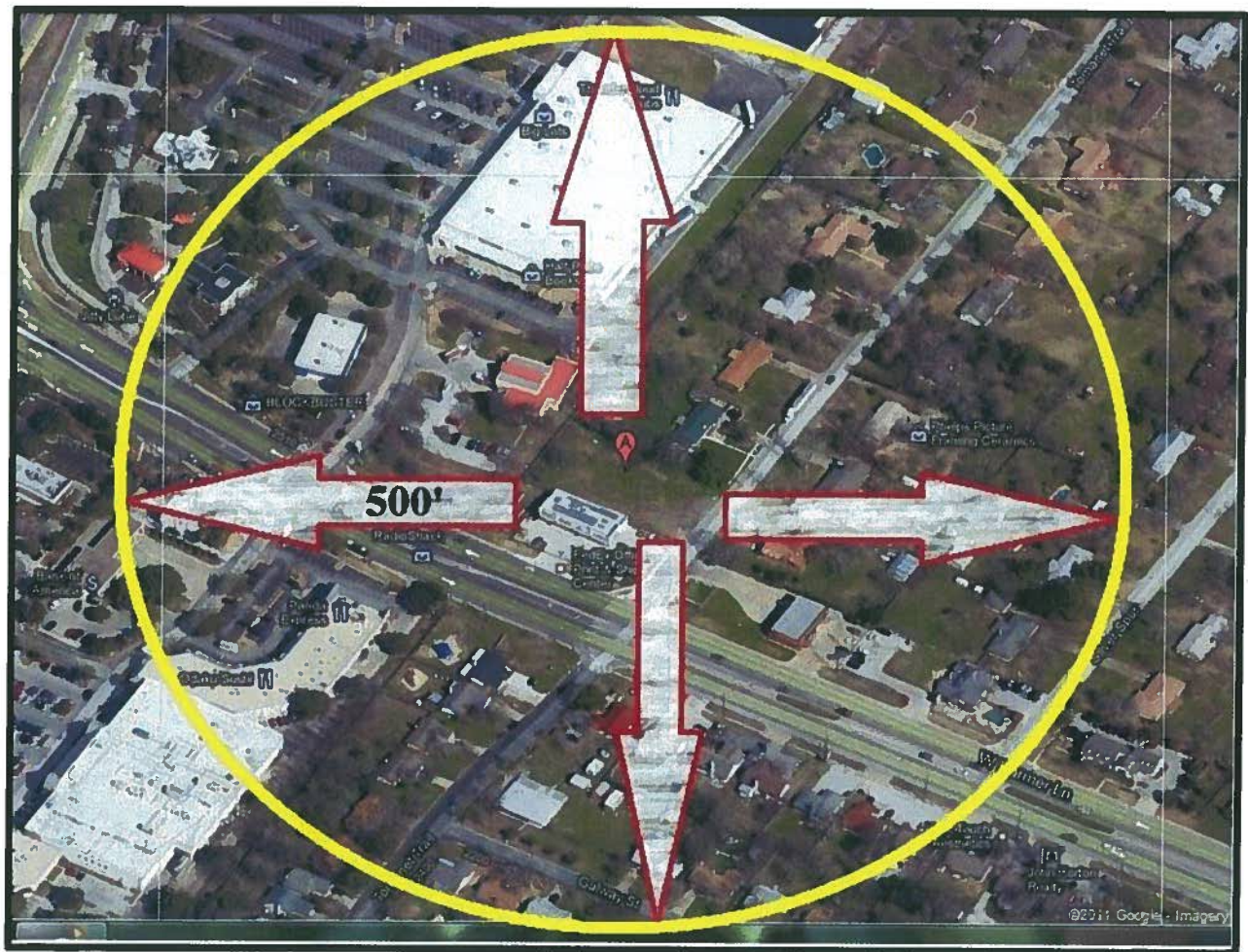
12410 is NO zoning with access only available from Tomanet Trail.  
12502 requests NO zoning with the same positioning.



Document G – 500' Radius Map

A 500' Radius is necessary to be party to a valid petition.

Individuals seeking access to 12502 Tomanet Trail would find it very inconvenient to park on Silver Spur, or use the street as a thoroughfare from any direction.

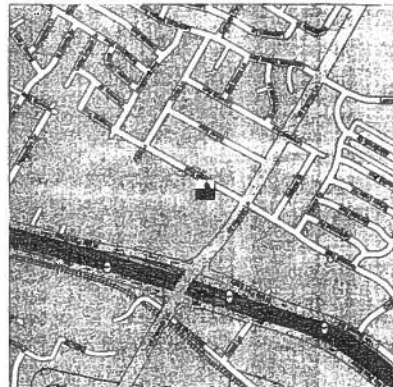


## Document H– Traffic Map:

The traffic impact would be very nominal due to the property position just off Parmer Lane; and the lack of a direct route through the neighbourhood.



**HOURS OF OPERATION:**  
7:00 A.M. – 6:00 P.M. Monday through Friday



**No construction will occur with this permit.**

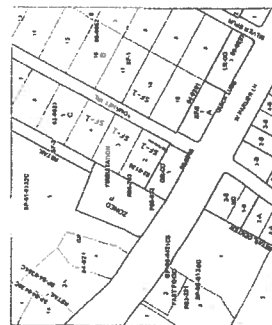
Time Number	Time of Day	Days of the Week	Distance (miles)
1	10:00	Mon	20
2	10:00	Tue	43
3	10:00	Wed	41
4	10:00	Thu	36
5	10:00	Fri	34
6	10:00	Sat	24
7	10:00	Sun	19
8	10:00	Mon	15
9	10:00	Tue	24
10	10:00	Wed	24
11	10:00	Thu	23
12	10:00	Fri	23
13	10:00	Sat	12
14	10:00	Sun	12
15	10:00	Mon	12
16	10:00	Tue	12
17	10:00	Wed	12
18	10:00	Thu	11
19	10:00	Fri	11
20	10:00	Sat	8
21	10:00	Sun	8
22	10:00	Mon	8
23	10:00	Tue	8
24	10:00	Wed	10
25	10:00	Thu	10
26	10:00	Fri	10
27	10:00	Sat	13
28	10:00	Sun	13
29	10:00	Mon	22
30	10:00	Tue	22
31	10:00	Wed	14
32	10:00	Thu	14
33	10:00	Fri	14
34	10:00	Sat	14
35	10:00	Sun	14

David J. L. Jones, *Ph.D.*

- [illegible]

**Continuity**

1. Highly reflective materials will not be used. Materials may not exceed 20% reflectivity. This requirement shall not apply to solar panels or to copper or painted metal roofs.
2. The noise level of mechanical equipment will not exceed 70 dBA at the property line adjacent to residential units.
3. All exterior lighting shall be screened or shielded from the view of adjacent residential units.
4. Exterior lighting above the second floor is prohibited near adjacent to residential property.
5. All antennas and any permanently placed radio receptacles will be located at a minimum of twenty (20) feet from a property used or located as a school, day care, or more sensitive.



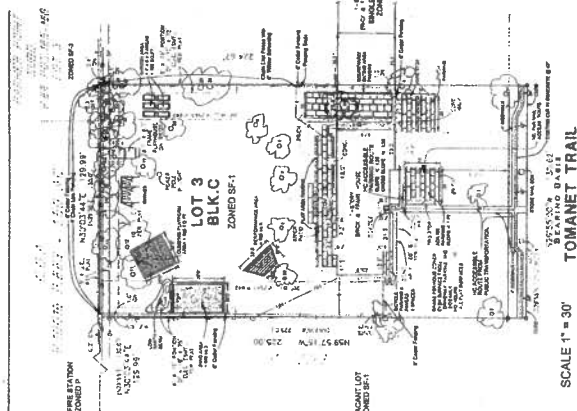
## Discussion

The Austin Fire Department requires asphalt or concrete pavement prior to construction as an "all-weather driving surface."

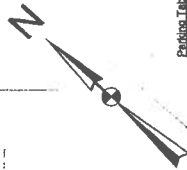
- [illegible]

b. Limited to 35 children per CUP.

9. ZAP Approved waiver from 25-2-1067(F) to permit an intensive use within 50 feet of property need by and on SE-5 one more restrictive (planning board)



SCALE 1" = 30'



### Parking Table

Land Use	# of Employees	Required Parking		Provided	
		Ratio	Spaces	Standard	HC (Van Accessible)
Day Care	3	1/employee	3	2	1

1 ADA - HC Space  
Van Accessible -  
No Handicapped Sign Required

CASE NUMBER  
SPC-2009-0064A

SITE PLAN APPROVAL SHEET \_\_\_\_\_ of \_\_\_\_\_  
 FILE NUMBER S-PC-1008-0004-04 APPLICATION DATE 2/14/2009  
 APPROVED BY COMMISSION ON 7/1/09 UNDER SECTION 14-2 OF  
 CHAPTER 25-5 OF THE CITY OF AUSTIN CODE.  
 EXPIRATION DATE(25-5.41, LDC) 7/1/2010 CASE MANAGER N.Holtz@city.austin.tx.us  
 PROJECT EXPIRATION DATE (Ord. 9870905-A) 2/14/2010 DDZ V  
 DDZ DDZ

Printed and Published for the Proprietors by J. G. Smith, at the Press of the Proprietors, No. 10, South Street, New York.

Director, Watershed Protection and Development Review  
 BEL EARTH FOR GENERAL COMPLIANCE: 1/24/09 ZONTING SE-1

Rev 1

Rev. 2  
Correction:

*Final plan must be recorded by the Project Expiration Date, if applicable. Subsequent Site Plans which do not comply with the Code current at the time of filing, and all required Building Permits and/or a notice of construction (if a building permit is not required), must also be approved prior to the Project Expiration Date.*

**Sirwaitis, Sherri**

---

**From:** [REDACTED]  
**Sent:** Tuesday, July 19, 2011 10:20 AM  
**To:** Sirwaitis, Sherri  
**Subject:** opposed to this zoning change to case # C14-2011-0055

I am opposed to this zoning change.

Robert Barker  
2316 N Shields Dr  
Austin, TX 78727-3146  
[REDACTED]

7/19/2011

**Sirwaitis, Sherri**

---

**From:** R. B. [REDACTED]

**Sent:** Tuesday, July 19, 2011

**To:** Sirwaitis, Sherri

**Subject:** Case Number: C14

I recently was made aware of  
The request is to change some  
I object to this change. The  
impact the neighborhood. We  
I live nearby at 2107 Brandy

Richard Byrnes

7/19/2011

**Sirwaitis, Sherri**

---

**From:** [REDACTED]  
**Sent:** Tuesday, July 19, 2011 9:30 AM  
**To:** Sirwaitis, Sherri  
**Subject:** Opposition to Case Number: C14-2011-0055

Hello,

I would like to state my opposition to the zoning hearing today regarding 12502 AND 12504 TOMANET TRAIL.  
(Case Number: C14-2011-0055)

I have lived in this area (Tomanet Trail from 1963 to 1980, and Lamplight Village from 1980 to present) my entire life. While we know that growth of commercial properties is generally good for the city, it isn't good for neighborhoods. I would like to state my opposition to rezoning a residential home to commercial zoning because, once one property is rezoned it opens the door to multitudes being rezoned. Rezoning would bring traffic into our streets, would cause congestion to already congested streets and put the safety of children, adults and pets in jeopardy.

Please do not rezone these properties; we would like to keep the integrity of our neighborhood for families not businesses.

Becky Wooley  
13111 Lamplight Village Ave.  
Austin, Texas 78727  
[REDACTED]

7/19/2011

**Sirwaitis.**

---

**From:** Kim Johnson

**Sent:** Tuesday, July 19, 2011

**To:** Sirwaitis

**Subject:** 12600 Esplanade

NO, NO, NO

Once you appear to have in the opportunity

Please continue  
Lamplight Village

I oppose this

Kim Johnson  
12600 Esplanade  
Austin, TX 78758

512-633-6700

7/19/2011

## PUBLIC HEARING INFORMATION

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

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

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

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

Case Number: C14-2011-0055

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing: July 19, 2011, Zoning and Platting Commission

Aug. 4, 2011, City Council

JEAN FERRARI

Your Name (please print)

12506 Silver Spur

Your address(es) affected by this application

Jean Ferrari

Signature

Date

Daytime Telephone: 512-255-3360

Comments:

Jeanette Estates is already checked by commercial property. We had to fight to stop business from using our street + drive ways for parking. If this is allowed it will definitely degrade our property value and quality of life.

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:** C14-2011-0055

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

**Public Hearing:** July 19, 2011, Zoning and Platting Commission  
Aug. 4, 2011, City Council

YEADRA RAMA  
Your Name (please print)

12502 Silver Spur Austin TX 78727  
Your address(es) affected by this application

[Signature]  
Signature

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

<input checked="checked" type="checkbox"/> I am in favor <input type="checkbox"/> I object
---

7-16-2011  
Date

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**Case Number: C14-2011-0055**

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

**Public Hearing: July 19, 2011, Zoning and Platting Commission**

**Aug. 4, 2011, City Council**

YEADORA RAMA  
Your Name (please print)

☒ I am in favor  
☐ I object

12502 Silver Spur Austin TX 78727  
Your address(es) affected by this application

Yvonne Kameel  
Signature

9-16-2011  
Date

Daytime Telephone: 512-365-6255

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: C14-2011-0055**

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

**Public Hearing: July 19, 2011, Zoning and Platting Commission  
Aug. 4, 2011, City Council**

LAN T. ARCHER.

Your Name (please print)

☒ I am in favor  
☐ I object

12505 TOMNET TRAIL - Austin, TX 78727

Your address(es) affected by this application

Lawt Archer

Signature

7/16/11  
Date

Daytime Telephone: 512 925 3305

Comments: I love to see that lot to  
change of use in the future.

Lawt Archer

512 925 3305

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: C14-2011-0055

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing: Oct 18, 2011, Zoning and Platting Commission

Nov 3, 2011, City Council

LAN ARCAER

Your Name (please print)

12505 TOMANET TRAIL  
AUSTIN, TX 78727

Your address(es) affected by this application

LawGulie

10/17/11

Signature

Daytime Telephone: 512 925 3305

Date

Comments:

I Would like to see the  
City Rezone these same  
because we have so much  
land there and don't know  
what to do. If the City would  
let us turn these land some  
we for small Business. I would  
buy some in come to family  
and more tax to City too.

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: C14-2011-0055

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing: Oct 18, 2011, Zoning and Platting Commission

Nov 3, 2011, City Council

YENDRA RAMA J

Your Name (please print)

12502 Silver Spur

Your address(es) affected by this application

Austin TX 78727

Signature

10-16-2011

Date

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

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: C14-2011-0055

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing: Oct 18, 2011, Zoning and Platting Commission

Nov 3, 2011, City Council

YENDRA KAMAL  
Your Name (please print)

12502 Silver Spur  
Your address(es) affected by this application

Austin TX 78727  
Date

10-10-2011  
Date

Signature

Daytime Telephone: 512-873-8141

Comments:

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> 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

**Sirwaitis, Sherri**

---

**From:** North Pole Xmas Trees [info@northpolexmastrees.com]  
**Sent:** Tuesday, December 06, 2011 10:47 AM  
**To:** Sirwaitis, Sherri  
**Subject:** Re: Council Date Request

Hi Sherri,

Yes please. Thank you for keeping me in mind. It is crazy busy here.

Can we please postpone my meeting until January 12 2012.

I am running 8 christmas tree lots and am completely overwhelmed.

I really appreciate it.

Kind Regards,

Illan David Kessler

---

**From:** "Sirwaitis, Sherri" <Sherri.Sirwaitis@austintexas.gov>  
**To:** North Pole Xmas Trees <info@northpolexmastrees.com>  
**Sent:** Tuesday, December 6, 2011 11:34 AM  
**Subject:** RE: Council Date Request

Hi Mr. Kessler,

We are in the process of submitting the backup for the December 15th City Council meeting. Your case comes back on that date. Would you like to like to send me a request for an additional postponement to January? The City Council dates available next month are January 12, 2012 and January 26, 2012.

Please let me know how you would like to proceed.

Thank you,

***Sherri Sirwaitis***

*City of Austin  
Planning & Development Review Department  
sherri.sirwaitis@austintexas.gov  
512-974-3057(office)*

---

**From:** North Pole Xmas Trees [mailto:info@northpolexmastrees.com]  
**Sent:** Friday, October 21, 2011 11:07 AM  
**To:** Sirwaitis, Sherri  
**Subject:** Re: Council Date Request

Hi Sherri,

Further to our conversation, please consider this email a formal request to postpone my council hearing

12/6/2011

until Dec 15 2011.

The reason I need to make this request is because of an overwhelming and unremitting work schedule. I own and operate a Christmas Tree business and this time of year is extremely busy for me and my family. During the season I work 16+ hour days 7 days a week in rural parts of Canada and the United States.

Thank you for your understanding.

Kind Regards,

Illan David Kessler  
603 930 1291  
fax 603 888 4425  
info@northpolexmastrees.com  
[www.northpolexmastrees.com](http://www.northpolexmastrees.com)

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**From:** "Sirwaitis, Sherri" <Sherri.Sirwaitis@austintexas.gov>  
**To:** North Pole Xmas Trees <info@northpolexmastrees.com>  
**Sent:** Friday, October 21, 2011 10:12 AM  
**Subject:** RE: Council Date Request

Hi Mr. Kessler,

Please send me a formal postponement request letter asking the City Council to postpone your case to December 15, 2011. In the letter please state the reason for your postponement request.

Thank you,

***Sherri Sirwaitis***  
*City of Austin*  
*Planning & Development Review Department*  
sherri.sirwaitis@austintexas.gov  
512-974-3057(office)

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**From:** North Pole Xmas Trees [mailto:info@northpolexmastrees.com]  
**Sent:** Thursday, October 20, 2011 6:51 PM  
**To:** Sirwaitis, Sherri  
**Subject:** Re: Council Date Request

Hi Sherri,

Can you please postpone my hearing until Dec 15th?

Thank you.

Illan David Kessler

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**From:** "Sirwaitis, Sherri" <Sherri.Sirwaitis@austintexas.gov>

12/6/2011

**To:** North Pole Xmas Trees <info@northpolexmastrees.com>  
**Sent:** Wednesday, October 19, 2011 3:50 PM  
**Subject:** RE: Council Date Request

Hi Mr. Kessler,

Yes, you can request a postponement to December 15th and then ask for an additional postponement on that date.

I wish I could give you some incite on the why the Commissioner's forwarded your case to the City Council without a recommendation. However, I have no knowledge on the the way they voted for your revised request. I would simply recommend that you proceed on to City Council and see what happens there.

Thank you,

***Sherri Sirwaitis***

*City of Austin  
Planning & Development Review Department  
sherri.sirwaitis@austintexas.gov  
512-974-3057(office)*

---

**From:** North Pole Xmas Trees [mailto:info@northpolexmastrees.com]  
**Sent:** Wednesday, October 19, 2011 2:13 PM  
**To:** Sirwaitis, Sherri  
**Subject:** Re: Council Date Request

Hi Sherri,

Is it possible to ask to move the case to Dec 15th and then request again from there? When does the new calendar year schedule come out?

I just don't think it's possible for me to be present. During this time I work 16 hour days in Canada and the northeast, overseeing a 30,000 tree and 8 retail location operation.

Also, I would greatly appreciate your honest opinion on where I went wrong in the meeting. I am totally perplexed as to what happened. Especially about when they voted.

Thank you.

Illan  
603 930 1291

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**From:** "Sirwaitis, Sherri" <Sherri.Sirwaitis@austintexas.gov>  
**To:** North Pole Xmas Trees <info@northpolexmastrees.com>  
**Sent:** Wednesday, October 19, 2011 1:02 PM  
**Subject:** RE: Council Date Request

Hi Mr. Kessler,

You need to make a request to postpone the case to a date certain. The city council has not approved dates for the 2012 calendar year yet. Therefore, you can request to postpone the case to either December 8, 2011 or

12/6/2011

December 15, 2011. Those are the last city council dates available in 2011.

Thank you,

***Sherri Sirwaitis***

*City of Austin*

*Planning & Development Review Department*

*sherri.sirwaitis@austintexas.gov*

*512-974-3057(office)*

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**From:** North Pole Xmas Trees [mailto:info@northpolexmastrees.com]

**Sent:** Wednesday, October 19, 2011 11:53 AM

**To:** Sirwaitis, Sherri

**Subject:** Council Date Request

Hi Sherri,

Further to our conversation, please consider this email a formal request to postpone my council hearing until any date Jan 1 2012.

The reason I need to make this request is because of an overwhelming and unremitting work schedule. I own and operate a Christmas Tree business and this time of year is extremely busy for me and my family.

Thank you for your understanding.

Kind Regards,

Illan David Kessler

603 930 1291

fax 603 888 4425

info@northpolexmastrees.com

[www.northpolexmastrees.com](http://www.northpolexmastrees.com)

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**From:** "Sirwaitis, Sherri" <Sherri.Sirwaitis@austintexas.gov>

**To:** North Pole Xmas Trees <info@northpolexmastrees.com>

**Sent:** Wednesday, October 12, 2011 2:36 PM

**Subject:** RE: Commission mailing address

No, I do not have mailing addresses for them.

-Sherri

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**From:** North Pole Xmas Trees [mailto:info@northpolexmastrees.com]

**Sent:** Wednesday, October 12, 2011 1:17 PM

**To:** Sirwaitis, Sherri

**Subject:** Re: Commission mailing address

Hi Sherri,

12/6/2011

Thank you very much. I actually have this information already.

I was wondering if there is a mailing address as well?

I sent them a digital copy but I was afraid that a spam or size limit feature on their inbox may block them from receiving my PDF file.

Thanks,

Illan

**From:** "Sirwaitis, Sherri" <Sherri.Sirwaitis@austintexas.gov>  
**To:** North Pole Xmas Trees <info@northpolexmastrees.com>  
**Sent:** Wednesday, October 12, 2011 2:12 PM  
**Subject:** RE: Commission mailing address

The Zoning and Platting Commission information is available on the City of Austin website at:

<http://www.ci.austin.tx.us/boards/results.cfm?bid=57>

## Zoning and Platting Commission

### Membership Information

**Membership:** City resident, if applicable

**Number of Members:** 7 (1 Vacancy. Apply Now.)

**Term:** Three (3) year staggered terms.

Current Membership	First Appointed	Date Reappointed	Term Expires
<b>Betty Baker, Chair</b> Contact Phone: (512) 442-5371 E-mail Address: <a href="mailto:bbaker5@austin.rr.com">bbaker5@austin.rr.com</a> Nominated by: Council Member Kathie Tovo	08/02/01	09/22/11	07/31/14
<b>Sandra Baldrige, Parliamentarian</b> Contact Phone: (512) 891-8779 E-mail Address: <a href="mailto:sbald@sbcglobal.net">sbald@sbcglobal.net</a> Nominated by: Mayor Lee Leffingwell	07/23/09		07/31/12
<b>Gregory Bourgeois, Secretary</b> Contact Phone: (512) 577-9986 E-mail Address: <a href="mailto:gregorytbourgeois@gmail.com">gregorytbourgeois@gmail.com</a> Nominated by: Council Member Chris Riley Representing: City resident, if applicable	08/06/09	07/28/11	07/31/14
<b>Patricia Seeger, Vice Chair</b> Contact Phone: (512) 585-5389			

E-mail Address: <a href="mailto:prseeger@austin.rr.com">prseeger@austin.rr.com</a> Nominated by: Council Member Bill Spelman	08/27/09		07/31/12
<b>Cynthia Banks</b> Contact Phone: (512) 619-0972 E-mail Address: <a href="mailto:crbanks@hotmail.com">crbanks@hotmail.com</a> Nominated by: Council Member Sheryl Cole	03/26/09	07/23/09	07/31/12
<b>Gabriel Rojas</b> Contact Phone: (512) 468-4455 E-mail Address: <a href="mailto:grcity@gmail.com">grcity@gmail.com</a> Nominated by: Council Member Mike Martinez	06/23/11		07/31/12
<b>Vacant</b> Nominated by: N/A	<b>Apply Now</b>		

Sincerely,

***Sherri Sirwaitis***

***City of Austin***

***Planning & Development Review Department***

***[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)***

***512-974-3057(office)***

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**From:** North Pole Xmas Trees [<mailto:info@northpolexmastrees.com>]

**Sent:** Wednesday, October 12, 2011 12:58 PM

**To:** Sirwaitis, Sherri

**Subject:** Commission mailing address

Hi Sherri,

Can you please email me a mailing address for the Commission members?

I would like to send the members a document pertaining to my request.

Thank You.

Illan

---

**From:** "Sirwaitis, Sherri" <[Sherri.Sirwaitis@austintexas.gov](mailto:Sherri.Sirwaitis@austintexas.gov)>

**To:** North Pole Xmas Trees <[info@northpolexmastrees.com](mailto:info@northpolexmastrees.com)>

**Sent:** Wednesday, October 12, 2011 1:17 PM

**Subject:** RE: Council Hearing Date

That would be fine. The City Council does not have dates for January yet as they have not set their calendar for 2012.

Thanks,

Sherri

---

**From:** North Pole Xmas Trees [<mailto:info@northpolexmastrees.com>]

**Sent:** Wednesday, October 12, 2011 12:04 PM

**To:** Sirwaitis, Sherri

**Subject:** Re: Council Hearing Date

12/6/2011

Hi Sherri,

Would it be ok to present the letter to you on the day of my Commission meeting?

What about dates in January?

Thank you.

Illan

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**From:** "Sirwaitis, Sherri" <Sherri.Sirwaitis@austintexas.gov>  
**To:** North Pole Xmas Trees <info@northpolexmastrees.com>  
**Sent:** Wednesday, October 12, 2011 12:54 PM  
**Subject:** RE: Council Hearing Date

Hi Mr. Kessler,

You can request a postponement of the case at City Council. You will need to send me a signed letter stating what date you would like to postpone the case to and the reason for your postponement request. The rest of the CC meetings for the year are on November 10, 2011, December 8, 2011, and December 15, 2011. So would need to request a postponement to one of these dates. In addition, it would probably be wise to have someone present at the City Council hearing who is able to answer questions as this would not be your first postponement request of this case at City Council.

Thank you,

***Sherri Sirwaitis***

*City of Austin*

*Planning & Development Review Department*

*sherri.sirwaitis@austintexas.gov*

*512-974-3057(office)*

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**From:** North Pole Xmas Trees [mailto:info@northpolexmastrees.com]  
**Sent:** Wednesday, October 12, 2011 11:27 AM  
**To:** North Pole Xmas Trees; Sirwaitis, Sherri  
**Subject:** Council Hearing Date

Hi Sherri,

I will be present and greatly look forward to the Commission meeting October 18th.

However, is there any way possible to postpone the Council hearing date (Nov 3rd)?

The Council date coincides with my Christmas tree harvest schedule. Despite wanting greatly to streamline the process, it will very difficult for me to be present. The nature of my business becomes overwhelming during this time.

If it is completely impossible to extend the Council hearing date, can I send a person to represent me in my absence? For example my CPA or real estate agent, lawyer, or any other person I have a fiduciary

12/6/2011

type relationship?

Thank You.

Illan David Kessler  
603 930 1291

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**From:** North Pole Xmas Trees <info@northpolexmastrees.com>  
**To:** North Pole Xmas Trees <northpolexmastrees@yahoo.com>; "Sirwaitis, Sherri" <Sherri.Sirwaitis@austintexas.gov>  
**Sent:** Thursday, October 6, 2011 2:25 AM  
**Subject:** Re: Re-noticing case C14-2011-0055 (Kessler Zoning Change)

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**From:** North Pole Xmas Trees <northpolexmastrees@yahoo.com>  
**To:** "Sirwaitis, Sherri" <Sherri.Sirwaitis@austintexas.gov>  
**Cc:** "info@northpolexmastrees.com" <info@northpolexmastrees.com>  
**Sent:** Thursday, October 6, 2011 2:24 AM  
**Subject:** Re: Re-noticing case C14-2011-0055 (Kessler Zoning Change)

Hi Sherri,

If at all possible, I would prefer a date after Christmas. The reason I ask is because my family is in the Christmas tree business and it very busy time for us.

If it is not possible to push the date that far ahead; I will find a way to be present. Otherwise, I would prefer to wait until as soon as the season ends.

Kind Regards,

Illan David Kessler  
603 930 1291

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**From:** "Sirwaitis, Sherri" <Sherri.Sirwaitis@austintexas.gov>  
**To:** Illan Kessler <northpolexmastrees@yahoo.com>  
**Sent:** Wednesday, October 5, 2011 1:52 PM  
**Subject:** RE: Re-noticing case C14-2011-0055 (Kessler Zoning Change)

Mr. Kessler,

Please let me know by the end of today if the October 18th date for Zoning and Platting Commission will work for you. The notices for the October 18, 2011 Zoning and Platting meeting need to be mailed on Friday.

Thank you,

***Sherri Sirwaitis***  
City of Austin  
Planning & Development Review Department  
sherri.sirwaitis@austintexas.gov  
512-974-3057(office)

12/6/2011

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**From:** Baranovicht, Almira  
**Sent:** Wednesday, October 05, 2011 8:55 AM  
**To:** Sirwaitis, Sherri  
**Subject:** RE: Re-noticing case C14-2011-0055 (Kessler Zoning Change)

Sherri - there were two notices re-generated in Amanda for this case; one with yesterday's date and one with today's date. Please review the notice that shows today's date because that one has been updated. Please let Rosa or myself know if you have any questions. Sorry for the confusion.

Thanks,

*Almira Baranovicht*  
*Planning & Development Review Dept.*  
*Land Use Review – Notification*  
*512-974-2193*  
*[almira.baranovicht@austintexas.gov](mailto:almira.baranovicht@austintexas.gov)*

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**From:** Sirwaitis, Sherri  
**Sent:** Tuesday, September 27, 2011 1:11 PM  
**To:** Baranovicht, Almira; Cervantes, Rosa  
**Subject:** Re-noticing case C14-2011-0055 (Kessler Zoning Change)

Hi Almira and Rosa,

The City Council decided to send this case back to the Zoning and Platting Commission because the applicant amended it before the City Council meeting. The applicant amended the case request to NO-MU zoning for the property located at 12502 Tomanet Trail only. Please renotice this case for the October 18th Zoning and Platting Commission meeting and the November 3rd City Council meeting. A new map for the reduced case area is available in the GIS system.

Thanks,

***Sherri Sirwaitis***  
*City of Austin*  
*Planning & Development Review Department*  
*[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)*  
*512-974-3057(office)*

