C5/1

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0069
Mixed Use State Inspections

P.C. DATE: 9/28/2012

ADDRESS: 6606 Felix Ave

AREA: 0.226 acres
(9,844 square feet)

OWNER: Carolina Mandugano

AGENT: Carolina Mandugano

ZONING FROM: SF-3-NP; Single-Family Residence-Neighborhood Plan

ZONING TO: LR-MU-NP; Neighborhood Commercial Services-Mixed Use-Neighborhood Plan

NEIGHBORHOOD PLAN AREA: Montopolis

SUMMARY STAFF RECOMMENDATION:
The staff's recommendation is to deny neighborhood commercial services – mixed use – neighborhood plan (LR-MU-NP) combining district zoning and to maintain the existing family residence (SF-3) district zoning.

If the zoning that is requested is granted for this site, then thirty-two (32) feet of right-of-way from the existing centerline of Felix Avenue should be dedicated in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site [LDC, 25-6-55; TCM, Tables 1-7, 1-12].

PLANNING COMMISSION RECOMMENDATION:
To be determined August 28, 2012

DEPARTMENT COMMENTS:

The subject property is located on Felix Avenue between Vargas Road and Valdez Street. It is one block south of Allison Elementary, west of the Burdett Prairie Cemetery, and northwest of the Montopolis Practice Fields. The tract abuts Felix Avenue, with frontage of approximately 65 feet. Six of seven abutting properties are zoned single-family. Five are used as single-family, one is single-family zoned property but undeveloped, and one (zoned commercial) is used as commercial, currently a used car business and food convenience store. On the opposite side of Felix one finds a single-family residence, an art gallery and workshop, and an art studio on the corner of Felix and Vargas. Other commercial activities at the Felix/Vargas intersection include a tire shop, church, and physical fitness practice center on the southwest corner, and a coin-operated laundry on the northwest corner (please see attached zoning and aerial maps, Exhibits A through A-2).

The subject tract is the westernmost 65 feet of two lots previously platted with the Chernosky Subdivision Number 16, as recorded in 1950. It is unknown when the two lots were resubdivided into three tracts, but this property has been in its current configuration since at least 1983, when the previous owner acquired it. Nonetheless, a land status determination will be required as part of site planning and (re-)development of the site. Currently, the site contains a single-family house of less than 1,000 square feet, with an effective build date of 1957, per the Travis County Central Appraisal District.

The existing zoning for the subtract tract and all adjacent tracts has not changed since approved as part of the Montopolis Neighborhood Plan, adopted in 2001. Per that adopted Neighborhood Plan and its attendant Future Land Use Map, the subject tract is residential; however, a Neighborhood Plan Amendment accompanies this zoning request.

This Neighborhood Commercial rezoning request is driven by the stated desire of the owner to develop the property as a state vehicle inspection site. The proposed state vehicle inspection site is defined as a service station use, which is first permitted as a use by right in the Neighborhood Commercial (LR) zoning district. Staff's consideration of the rezoning request was based on the neighborhood commercial use generally, and a service station use specifically, predicated on the proposed plan amendment.

The requested mixed-use rezoning would allow for residential and employment options on the same property, and could accommodate both the proposed commercial activity and reuse of the existing house as a residence. If the rezoning is approved, a site plan showing improvements and customer parking areas is a subsequent step in the development process.

Staff recommends denial of the neighborhood commercial and mixed-use rezoning request and instead recommends maintaining SF-3 zoning on the basis that commercial in general, and a service station use in particular, is not appropriate for or compatible with this location. Staff considered, but saw no benefit in proposing, a conditional overlay restricting the property to only service station uses. The range of commercial uses allowed within the Neighborhood Commercial district range in intensity and impact, from pet and personal services to small medical offices; a service station use, potentially one of the more intense uses allowed within the district, is thought to be too intensive for this small site, and too incompatible with abutting and nearby single-family residences.

OTHER CONSIDERATIONS:

Neighborhood Sentiment

Support for the zoning change amongst neighborhood stakeholders and other interested parties is mixed. At the time of application, five letters of support were included with the request materials (please see attached Exhibit B-1 through B-5). Additionally, the Montopolis Neighborhood Plan Contact Team (MNPCT) has indicated support, based on a meeting held on July 31, 2012 (please see attached Exhibit B-6). There are, however, some members of the community who oppose the plan amendment and rezoning request (please see attached correspondence marked Exhibit C-1 through C-10).

Recent Violations

According to the Official Public Records of Travis County, the current owner acquired the property in June 2011. Per Travis County Central Appraisal District data, the owner does not live at this address nor maintains this property as a homestead.

On September 16, 2011, and in response to a telephone complaint, the City issued a citation to the owner for, among other things, operating a commercial auto repair business in a single-family zoned district. The specified remedy – remove vehicles from the property and stop operating repair services at this location – was voluntarily satisfied and the case was closed on November 4.

On March 28, 2012, a 22-inch diameter catalpa tree was removed without the required tree permit. This resulted in a second violation. In order to clear this violation, the owner must mitigate at 100%, meaning either pay a mitigation fee of $200 per caliper inch removed, or replace with a number of native trees, of a minimum caliper size, on site. As of the date of this report, the owner has not mitigated for the tree removal and both the tree permit and associated violation remain open.

On this same date in March, a residential permit was submitted to plan review for a front porch addition and a rear addition to create a laundry room. That permit application was rejected as incomplete, as there was no survey of the property depicting the house and other above ground features; that residential permit has not been resubmitted.

Staff is aware of the zoning code and tree permit violations; yet, it is staff's position that the existence and status of violations are not relevant to the land use considerations of the current rezoning request. While it is possible that last year's violation for operating an auto repair business on a residential property led to this year's rezoning request for a state inspection facility, staff remains convinced that it is the proposed use – a service station – that should be the basis of our land use recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	Single-family residence
North	SF-3-NP	Single-family residence
South	SF-3-NP; GR-MU-NP; GR-NP	Felix Avenue; Single-family residence; Commercial
East	SF-3-NP	Single-family residence
West	LR-MU-NP	Commercial

TIA: Not Required

WATERSHED: Carson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Southeast Austin Neighborhood Alliance	189
Crossing Gardenhome Owners Assn. (The)	299
El Concilio, Coalition of Mexican American Neigh. Assn.	477
Austin Neighborhoods Council	511
Montopolis Area Neighborhood Alliance	634
Austin Independent School District	742
Home Builders Association of Greater Austin	786
PODER People Organized in Defense of Earth & Her Resources	972
Homeless Neighborhood Organization	1037
League of Bicycling Voters	1075
Austin Parks Foundation	1113

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Montopolis Neighborhood Association	1126
Carson Ridge Neighborhood Association	1145
Vargas Neighborhood Association	1179
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Montopolis Neighborhood Plan Contact Team (MNPCT)	1227
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Pleasant Valley	1255
Del Valle Community Coalition	1258
Montopolis Neighborhood Neighborhood Planning Area	1272
Montopolis Tributary Trail Association	1321
Montopolis Neighborhood Association 2008	1339
Austin Heritage Tree Foundation	1340
Montopolis Community Alliance	1357
SEL Texas	1363

SCHOOLS:

Austin Independent School District:

Allison Elementary School	Martin Middle School	Eastside Memorial High School at Johnson

RELATED CASES:

This property was rezoned SF-3-NP in conjunction with the adoption of the Montopolis Neighborhood Plan (C14-01-0060) in 2001. The property was rezoned from "A" Residence, First Height and Area, to SF-3, in the 1984 Revised Zoning Regulations conversion (Ordinance # 840301-S). Prior to that, the site had been zoned "A" since at least 1962 (based on a nearby case, C14-62-185). Staff believes it has had single-family zoning since the area was annexed in the early 1950s.

Currently the site is subject to a neighborhood plan amendment (NPA-2012-0005.02), which is also under consideration by the Planning Commission.

CASE HISTORIES:

There are no *recent* cases on abutting or nearby properties; the latest adopted zoning was by means of the adoption of the Montopolis Neighborhood Plan (C14-01-0060) in 2001.

The Vargas and Felix intersection has been a commercial node for decades. The abutting commercial property immediately to the west has been zoned LR since before 1977 (per C14-77-184). Of the properties to the south, the one at the southeast corner of the intersection was rezoned from "A" Residence to "GR" General Retail in 1965 (C14-65-184); the other remained single-family until rezoned commercial mixed-use with the adopted Neighborhood Plan in 2001 (C14-01-0060). Property at the southwest corner of the intersection, was zoned "C" (equivalent to CS today) since before 1962 (per C14-62-185); in the mid-Eighties, there was a rezoning case involving a CS request on the abutting parcel to the south, but with a stipulation it be limited to a bakery use (C14-84-148) through a restrictive covenant. The covenant document was never filed and ultimately the Council

terminated the rezoning case, thereby reverting the property back to SF-3. The bakery continued as a nonconforming use, but was rezoned commercial again shortly after adoption of the Neighborhood Plan (in separate zoning case C14-01-0126). The northwest corner of the intersection was rezoned from "A" Residence to "GR" General Retail in 1962 (C14-62-185).

This intersection has been commercially zoned for well over 35 years, in the case of some properties, for nearly 60 years. However, other than the addition of commercial mixed-used to a property on Felix in conjunction with the Neighborhood Plan in 2001, and the expansion of the bakery use in 1984, the commercial uses and accompanying zoning have not extended beyond the hard corners of the intersection.

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
(abutting west commercial property) C14-01-0060	(LR to LR-MU-NP)	Approved; 08/07/2001	Approved; 09/27/2001
(commercial and mixed use property to the south) C14-01-0060	(GR and SF-3 to GR-MU-NP) and (GR to GR-NP)	Approved; 08/07/2001	Approved; 08/07/2001
(commercial property at southwest Felix & Vargas) C14-01-0126	(SF-3 – formerly C and CS – to CS-1)	Granted LR-MU-NP; 09/18/2001	Granted LR-MU-NP; 10/04/2001
(commercial property at northwest Felix & Vargas) C14-01-0060	(GR to GR-MU-NP)	Approved; 08/07/2001	Approved; 09/27/2001

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Felix Avenue	50 feet	30 feet	Local	

According to the adopted 2009 Bicycle Master Plan Update, Felix Avenue is identified as a "shared lane" bicycle facility, and is proposed to remain such. A shared lane is defined in that Plan as:

a travel lane that is 14 feet wide or less that may be legally used by bicycles regardless of whether such facility is specifically designated as a bicycle route. The lane width is measured from the lane stripe to the edge of the gutter pan. When the lane is less than 14 feet wide, the bicyclist may take the lane.

The Felix Avenue stretch between Vargas and Valdez is part of Bicycle Route 360, and serves to connect Riverside to the Roy G. Guerrero Park. This route is also reflected in the East Riverside Corridor Master Plan in its discussion of bicycle circulation, although this tract is outside the boundary of the study area.

CITY COUNCIL DATE: September 27, 2012 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman **PHONE:** 974-7604
e-mail address: lee.heckman@austintexas.gov

C5/7

SUMMARY STAFF RECOMMENDATION

The staff's recommendation is to deny neighborhood commercial services – mixed use – neighborhood plan (LR-MU-NP) combining district zoning and to maintain the existing family residence (SF-3) district zoning.

If the zoning that is requested is granted for this site, then thirty-two (32) feet of right-of-way from the existing centerline of Felix Avenue should be dedicated in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site [LDC, 25-6-55; TCM, Tables 1-7, 1-12].

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.*

At this time the FLUM for the adopted Montopolis Neighborhood Plan indicates this property is to remain residential. A neighborhood plan amendment has been proposed for this site by the applicant but has not been supported by staff. Please see the staff report accompanying that recommendation for information on staff justification for not supporting the FLUM amendment.

2) Zoning changes should promote compatibility with adjacent and nearby uses.

The LR, Neighborhood Commercial, district is intended for shopping facilities that provide business services and offices to the residents of the neighborhood. Such services include consumer repair, food sales, and pet services, in addition to service stations. The intent is that the commercial use is of direct benefit and use to the neighborhood. It is further intended that site development regulations and performance standards applicable to the LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

Staff recommends maintaining SF-3 base zoning on the basis that a service station use is not compatible with the adjacent single-family residential properties or with the residence across the street from this tract. In total, 6 of 7 abutting properties are zoned single-family; 5 are used as single-family, 1 is single-family zoned property that is undeveloped, and 1 is used as commercial.

Although the proposed zoning would trigger compatibility requirements for the site's new development, at least for the portion of the site immediately adjacent to single-family residential, staff does not believe a commercial use and its attendant increase in traffic , with or without a residential component as allowed by mixed use, is appropriate for a site nearly surrounded by single-family residential.

3) Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

Related to compatibility, the property is located midblock between an existing neighborhood commercial site and a single-family residence. It lies across the street from art galleries, studios/workshops, and single-family residences. Although some of the specific commercial endeavors may have changed in the vicinity of the Vargas and Felix intersection since adoption of the neighborhood plan, Felix Avenue between Vargas and Valdez has not

changed, from a land use perspective, to warrant extending commercial uses into existing single-family residential area. Instead of transitioning between commercial and single-family, this would simply replace it.

4) *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

As demonstrated by the zoning map (see Exhibit A) and the Future Land Use Map, the intersection of Vargas Road and Felix Avenue is intended to be a commercial and mixed use node; the commercial and mixed use zoning at this intersection was part of the Montopolis Neighborhood Plan and has not been modified since. Extending neighborhood commercial and mixed use away from this intersection and replacing an existing residential use contradicts the policy of locating such uses at intersections.

5) *Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.*

Staff has determined that granting commercial and mixed use zoning at this location does set an undesirable precedent. First, it supports encroachment of commercial uses away from intersections and replaces residential property. Second, this is a relatively narrow property with an existing home close to the front and one side property lines. The existing house might already be encroaching into a side setback, and almost surely does into the front setback; dedication of right-of-way, as required by the zoning change, would certainly reduce the setback between the front of the residence and the new property line location. Given compatibility requirements for commercial zoning districts and the existing conditions, any rezoning of this property will very likely make the site (more) noncompliant. As such, a grant of the requested rezoning will almost surely result in the need for variance requests at the site planning or building permit stage.

Additionally, this request includes mixed-use combining district as a means to maintain an existing single-family residence. That is the intent of the MU district. However, in this case rezoning from SF-3 to LR-MU is ostensibly allowing a commercial endeavor to a single-family residence that would not be allowed under home occupations. While staff recognizes the purpose of mixed-use combining district is to allow a mix of residential and non-residential on the same tract, a service station, or other allowed commercial use, added to a single-family home on such a small site is not appropriate, and sets an undesirable precedent for infill redevelopment.

EXISTING CONDITIONS

Site Characteristics

The site is currently a 68 feet wide by 150 feet deep lot with an existing residence towards the front of the lot. The property is relatively flat and there are no significant environmental features.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Carson 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. Under current watershed regulations,

development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	*% of Net Site Area*	*% with Transfers*
Multifamily	60%	70%
Commercial	80%	90%

2. According to floodplain maps there is no floodplain within or adjacent to the project boundary.

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

4. 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.

5. 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.

6. 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.

Transportation

1. If the requested zoning is recommended for this site, 32 feet of right-of-way should be dedicated from the centerline of Felix Avenue in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site [LDC, 25-6-55; TCM, Tables 1-7, 1-12].

2. 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].

Site Plan and Compatibility Standards

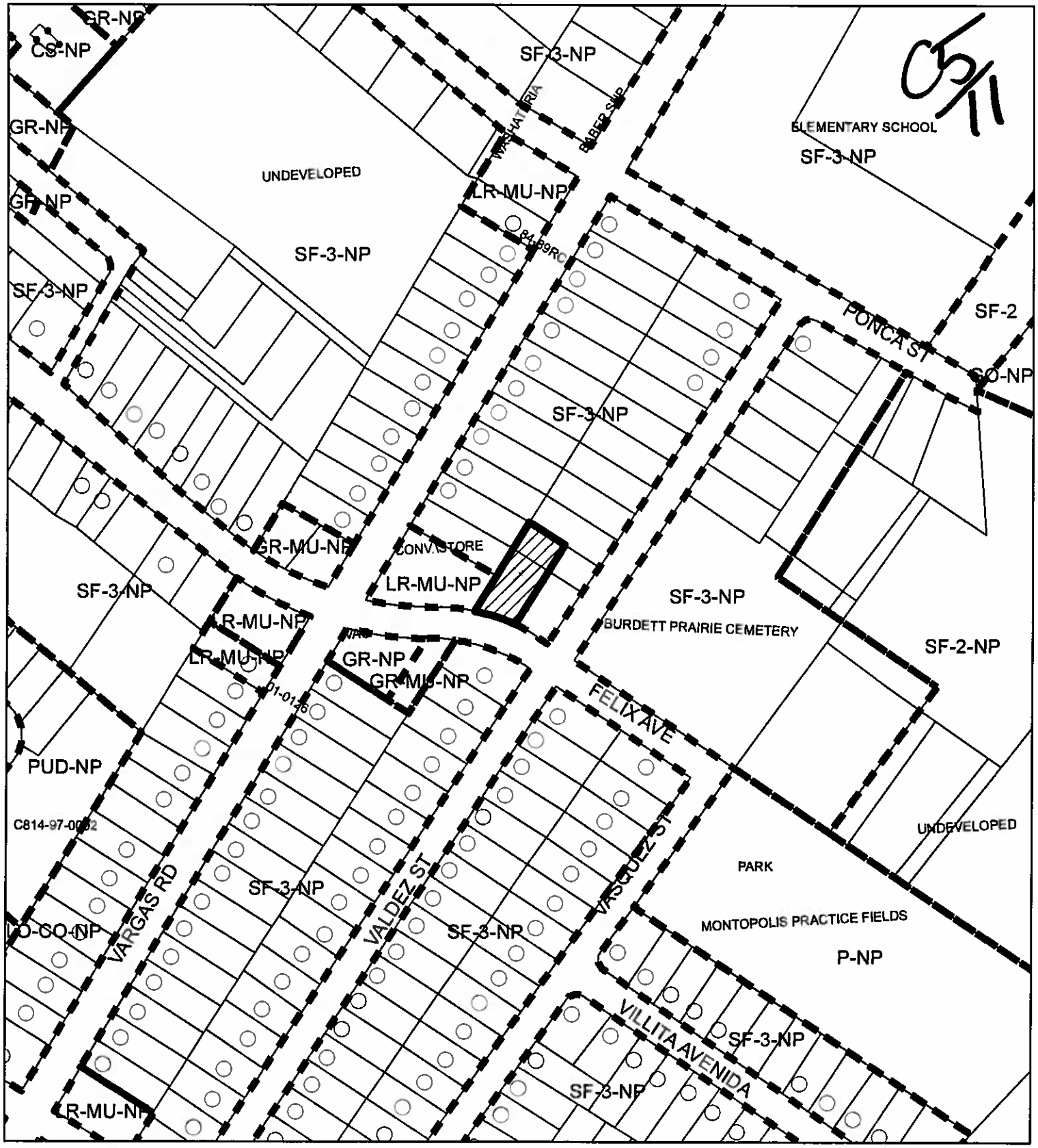
1. Site plans will be required for any new development other than single-family or duplex residential.

2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

3. Compatibility Standards

   a. The site is subject to compatibility standards. Along the East, West, and North property lines, the following standards apply:
   b. No structure may be built within 18 feet of the property line.
   c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
   d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
   e. No parking or driveways are allowed within 18 feet of the property line.
   f. A landscape area at least 25 feet in with is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
   g. 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.
   h. for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
   i. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
   j. A building must have a front building line setback of at least 25 feet from a right-of-way if the tract on which the building is constructed adjoins property used or zoned SF-5 or more restrictive.
   k. Additional design regulations will be enforced at the time a site plan is submitted.

4. The site is located within Austin-Bergstrom Overlay {CCLUA}. No use will be allow that create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing.



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1" = 200'

PLANNED UNIT DEVELOPMENT

ZONING CASE#: C14-2012-0069

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.

Exhibit A

C14-2012-0069 / Mixed Use State Inspections

Image Data: 2009

Exhibit A-1

0 50 100 200 Feet

1 inch = 100 feet

C14-2012-0069 / Mixed Use State Inspections

Image Data: 2009

Exhibit A-2

0 25 50 100 Feet

1 inch = 50 feet

CB/14

To Whom It May Concern:

I do not object to a state inspection office located at 6601 Feliz Avenue.

Sincerely,

Romeo Rodriguez
6603 Feliz Avenue

Romeo Rodriguez

January 4, 2011

Exhibit B-1

C5/15

I Elizabeth Cervantes Agree that Miss Caronina M. Put her inspection Business I have no inconvenience. I respect what the Lady wants to do With her Business I agree with no problem.

Elizabeth Cervantes Cell. (512) 8486356

1002 Valdez Austin Tx. 78741

Exhibit B-2

05/16

Rosie L. Trujillo 805 Vargas Rd Austin Tx-78

To whom it may Concern.

It is very import to be independent.

With a good heart all things are possible.

Thank you for your help.

Rosie L. Trujillo

Exhibit B-3

C5/PX

To: Whom it may Concern

Date: January 05, 2012

Reason: State Inspections

I, Theresa F Cruz, resides at 708 Valdez, Austin, Texas 78741 have no problem with Carolina Mandujano who resides at 6606 Felix Avenue to do State Inspections at her residence. If you have any questions please call me at 512-385-1680.

Thank you,

Theresa F. Cruz

Exhibit B-4

C5/18

To: Whom it may Concern

Date: January 05, 2012

Reason: State Inspections

I, Joanna Cruz, resides at 806 Valdez, Austin, Texas 78741 have no problem with Carolina Mandujano who resides at 6606 Felix Avenue to do State Inspections at her residence. If you have any questions please call me at 512-850-1717.

Thank you,

Joanna Cruz

Joanna Cruz

Teresa Cardona

TERESA L. CARDONA
MY COMMISSION EXPIRES
October 28, 2012

Exhibit B-5

C5/19

Montopolis Neighborhood Plan Contact Team (MNPCT)

August 12, 2012

Ms. Maureen Meredith
Neighborhood Planning & Zoning Department
P O Box 1088
Austin, TX 78767

RE: Plan Amendment for 6606 Felix Avenue- NPA-2012-0005.02 – A change in the future land use map (FLUM) from Single Family to Neighborhood Mixed use. The zoning change request is from SF-3-NP to LR-MU-NP

Dear Ms. Meredith,

The Montopolis Neighborhood Plan Contact Team (MNPCT) held its meeting on July 30th to review two Plan Amendment request. The MNPCT reviewed Carolina Mandujano's request for a plan amendment for property located at 6606 Felix Avenue, to change the future land use map (FLUM) from Single Family to Limited Retail. After a lengthy discussion the MNPCT voted to approve the plan amendment for case NPA-2012-0005.02 - 6606 Felix Avenue.

The Montopolis Neighborhood Plan Contact Team voted on January 5th to approve the zoning change for 6606 Felix Avenue from SF-Single Family to LR- Limited Retail. The MNPCT approved the rezoning for the property with the stipulation that the only use permitted under LR would be for a State Inspection facility for cars. The hours of operation for the State Inspection would be from 9 am to 6 pm. The MNPCT also requested that the property be landscaped with native plants.

Sincerely,
Susana Almanza
Susana Almanza
President- Montopolis Neighborhood Plan Contact Team
1406 Vargas Road
Austin, TX 78741
512/428-6990

Cc: MNPCT

Exhibit B-6

C5/20

Dear Planning Commission Members,

This letter is in regards to zoning permit case 2012-064623 ZC and neighborhood plan amendment case 2012-064627 NP for property in Montopolis at 6606 Felix Ave. Both cases are scheduled for the Planning Commission on August 28, 2012.

I oppose the applicant's request to change the zoning from SF-3 Family Residential to LR-MU-NP Neighborhood Commercial and the request to amend the neighborhood plan for the proposed purpose to use the property for a State Inspection Station.

Although the Montopolis Neighborhood Plan Contact Team indicated its support for changing the zoning to allow for a State Inspection Station, the team's discussion and decision of support did not consider the fact that the zoning change could also allow for gas service stations. In short, the discussion and decision was narrowly focused on one possible use that could result from the change and not all possible uses, none of which could be prohibited if the zoning change occurred.

In this instance City staff is wise to recommend denial of the applicant's request. I urge you to concur with City staff and recommend that City Council not approve these two cases.

Preserve Single Family Housing

It is very important to preserve property zoned SF-3 Family Residential in Austin, but especially in Montopolis where there are few options left for additional SF-3 development and where density is planned for the E. Riverside Corridor.

When deciding whether to change SF-3 Family Residential to another zoned use, a sound argument should be made as to why the property can no longer serve as SF-3 and why it is for the greater good to change it. Neither of those things has happened.

If approved, this zoning change would allow for further encroachment of commercial development into a neighborhood, a half block from a cemetery, a block from a school, on a proposed bike route that is in the bicycle master plan.

6606 Felix Ave is the middle of a block between two stop signs on a curved narrow stretch of road with inadequate sidewalks for pedestrians that has street parking on both sides, and is used to reach the bus stop at Felix & Vargas. There is little room for additional use of that street for what would be permitted under new zoning, such as the its use as a State Inspection Station that would necessitate more on street parking and street use for testing vehicles.

State Inspection Station Could Become Anything

There really isn't a designation of "State Inspection Station" nor is there an effective way to limit the property to State Inspection Station use only if the zoning was to be changed to LR-MU-NP. State Inspection Station use of this single family home would require the zoning of a gas service station. Or there could some other zoned use that would again be something that encroaches into a residential neighborhood making it less desirable. This property has the back yards of 5 residential homes connected to it.

Exhibit C-1

C5/21

No Business Case For Additional State Inspection Station or Service Station

There is no business case that can be made for an additional Inspection Station, or worse case scenario, some future allowable gas service station. A search of State Inspection Stations using this locator http://www.txdps.state.tx.us/rsd/vi/VIactiveStationLocator/default.aspx reveals a number of Inspection Stations in 78741. And with respect to actual service stations there are quite a few of those on E. Riverside Dr.

Previous Code Violations

The owners of 6606 Felix Avenue have already received Code Violations for inappropriate use or activity on that property. In one instance they were using nearly the entire SF-3 zoned property as a place to store cars. According to City staff, the owner voluntarily complied with the order to remove the cars.

In another case, from March 2012, the owner illegally removed, without a permit, a 22-inch protected Catalpa tree. A mitigation plan has been approved, but it has yet to be implemented.

It would appear that a number of trees, some of them large, were also removed from the back yard that had a significant tree canopy covering nearly the entire area. It is not known whether any of these trees were of a protected size. See attached photos.

Jumping The Gun: Disregard for Process

After starting to ask the City staff and the Montopolis Neighborhood Plan Contact Team about being able to request a zoning change, and while waiting for this process to run its course, the owners were already acting like getting this zoning change was going to be done deal and then completely leveled all plant life on this property down to the bare soil and rocks were added. This came after a discussion with the Contact Team in January 2012 about preserving the trees on the property.

The combination of having had previous code violations and general disregard for process gives little faith to some neighbors that the owner will actually stay within the guidelines of permitted use for any new zoning.

At the last Contact Team meeting where the case was discussed there were various conciliatory remarks made such as that the owner would limit the number of inspections per day. This may not be possible because it seems that under state law an inspection station can't deny inspections if open for business. If this occurs when Allison Elementary children are walking to and from school, it would create a dangerous situation twice day on a daily basis.

Ultimately, though, the issue is whether it would be good to allow for any zoning uses permitted under LR-MU-NP on this property. As has already has been stated, we need to preserve SF-3 Family Residential and a zoning change to LR-MU-NP would have a net negative consequence for the neighborhood.

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Please recommend to deny the zoning change and plan amendment requests.

Sincerely,

Stefan Wray
Frontier at Montana HOA Member
Montopolis Plan Contact Team Member
Montopolis Greenbelt Association Co-Founder.

Attachments: Code Enforcement report for Unpermitted Tree Removal

Google Maps Satellite Photo: Tree Covered area to left of the "A" is 6606 Felix Avenue.

C5
23

Front View of 6606 Felix Avenue in July 2012

C5/24

City of Austin
Founded by Congress, Republic of Texas, 1839
Watershed Protection and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

NOTICE OF ORDINANCE / AUSTIN CITY CODE VIOLATION
LAND DEVELOPMENT CODE
SECTION 25-8: ENVIRONMENT
SUBCHAPTER B, ARTICLE 1: TREE AND NATURAL AREA PROTECTION

Date: 3/29/12

Site Plan No. / Case No. / Building Permit No.: CV CASE # 2012 070332 CV

Address/Location: 6608 Felix

Owner Name / Address: PER T-CAD, CAROLINA MANDUJANO, 6123 WAGON BEND AUSTIN TX 78744

Environmental Inspector: Chris Dolan

An inspection of the above referenced property has confirmed that a protected sized-tree, that is, a tree with a circumference of 60 inches or more, measured four and one-half feet above natural grade, has not met the minimum preservation standards and is in violation of the tree preservation ordinances.
22" CATALPA. NO PERMIT ON FILE. 100% MITIGATION REQUIRED. TREE PERMIT REQ'D.
In order to expedite compliance with City Code, a Tree Ordinance Review Application must be submitted to the City Arborist, Watershed Protection and Development Review Department, One Texas Center, 505 Barton Springs Road, P.O. Box 1088, Austin, TX 78767 (or facsimile 974-3010) within seven (7) days of receipt of this notice, together with the applicable application fee. A copy of the application is attached. Additional information may be obtained at http://www.ci.austin.tx.us/trees/preserve_code.htm.

Failure to comply with this Notice may result in further legal action by the City of Austin, including criminal penalties of up to $2,000.00 per day.

Please contact the City Arborist, at (512) 974-1876, for information and assistance in complying with these requirements.

Sincerely,

For: Greg Guernsy ~~Victoria J. Li, P.E.,~~ Director
~~Watershed Protection~~ Planning and Development Review Department

☐ Notice received by: _____ Owner/Engineering/Contractor.
☐ Notice posted on site.
X NOTICE SENT BY MAIL.

White Copy – City Arborist Yellow Copy – EV Inspector Pink Copy – Owner/Engineer/Contractor/Posted on Site

8/11/2008

Exhibit C-1 Attachment 1

C5/25

Exhibit C-1 Attachment 2

Exhibit C-1 Attachment 3

C5/27

Dear Planning Commission Members,

This letter is in regards to zoning permit case 2012-064623 ZC and neighborhood plan amendment case 2012-064627 NP for property in Montopolis at 6606 Felix Ave. Both cases are scheduled for the Planning Commission on August 28, 2012.

I oppose the applicant's request to change the zoning from SF-3 Family Residential to LR-MU-NP Neighborhood Commercial and the request to amend the neighborhood plan for the proposed purpose to use the property for a State Inspection Station.

Although the Montopolis Neighborhood Plan Contact Team indicated its support for changing the zoning to allow for a State Inspection Station, the team's discussion and decision of support did not consider the fact that the zoning change could also allow for gas service stations. In short, the discussion and decision was narrowly focused on one possible use that could result from the change and not all possible uses, none of which could be prohibited if the zoning change occurred.

In this instance City staff is wise to recommend denial of the applicant's request. I urge you to concur with City staff and recommend that City Council not approve these two cases.

Preserve Single Family Housing

It is very important to preserve property zoned SF-3 Family Residential in Austin, but especially in Montopolis where there are few options left for additional SF-3 development and where density is planned for the E. Riverside Corridor.

When deciding whether to change SF-3 Family Residential to another zoned use, a sound argument should be made as to why the property can no longer serve as SF-3 and why it is for the greater good to change it. Neither of those things has happened.

If approved, this zoning change would allow for further encroachment of commercial development into a neighborhood, a half block from a cemetery, a block from a school, on a proposed bike route that is in the bicycle master plan.

6606 Felix Ave is the middle of a block between two stop signs on a curved narrow stretch of road with inadequate sidewalks for pedestrians that has street parking on both sides, and is used to reach the bus stop at Felix & Vargas. There is little room for additional use of that street for what would be permitted under new zoning, such as the its use as a State Inspection Station that would necessitate more on street parking and street use for testing vehicles.

State Inspection Station Could Become Anything

There really isn't a designation of "State Inspection Station" nor is there an effective way to limit the property to State Inspection Station use only if the zoning was to be changed to LR-MU-NP. State Inspection Station use of this single family home would require the zoning of a gas service station. Or there could some other zoned use that would again be something that encroaches into a residential neighborhood making it less desirable. This property has the back yards of 5 residential homes connected to it.

Exhibit C-2

C5/28

No Business Case For Additional State Inspection Station or Service Station

There is no business case that can be made for an additional Inspection Station, or worse case scenario, some future allowable gas service station. A search of State Inspection Stations using this locator http://www.txdps.state.tx.us/rsd/vi/VIactiveStationLocator/default.aspx reveals a number of Inspection Stations in 78741. And with respect to actual service stations there are quite a few of those on E. Riverside Dr.

Previous Code Violations

The owners of 6606 Felix Avenue have already received Code Violations for inappropriate use or activity on that property. In one instance they were using nearly the entire SF-3 zoned property as a place to store cars. According to City staff, the owner voluntarily complied with the order to remove the cars.

In another case, from March 2012, the owner illegally removed, without a permit, a 22-inch protected Catalpa tree. A mitigation plan has been approved, but it has yet to be implemented.

It would appear that a number of trees, some of them large, were also removed from the back yard that had a significant tree canopy covering nearly the entire area. It is not known whether any of these trees were of a protected size. See attached photos.

Jumping The Gun: Disregard for Process

After starting to ask the City staff and the Montopolis Neighborhood Plan Contact Team about being able to request a zoning change, and while waiting for this process to run its course, the owners were already acting like getting this zoning change was going to be done deal and then completely leveled all plant life on this property down to the bare soil and rocks were added. This came after a discussion with the Contact Team in January 2012 about preserving the trees on the property.

The combination of having had previous code violations and general disregard for process gives little faith to some neighbors that the owner will actually stay within the guidelines of permitted use for any new zoning.

At the last Contact Team meeting where the case was discussed there were various conciliatory remarks made such as that the owner would limit the number of inspections per day. This may not be possible because it seems that under state law an inspection station can't deny inspections if open for business. If this occurs when Allison Elementary children are walking to and from school, it would create a dangerous situation twice day on a daily basis.

Ultimately, though, the issue is whether it would be good to allow for any zoning uses permitted under LR-MU-NP on this property. As has already has been stated, we need to preserve SF-3 Family Residential and a zoning change to LR-MU-NP would have a net negative consequence for the neighborhood.

C5/29

Please recommend to deny the zoning change and plan amendment requests.

Sincerely,

Kai Jai Conner
Central Austin Real Estate, LLC
512/736-8080

Attachments: Code Enforcement report for Unpermitted Tree Removal

Google Maps Satellite Photo: Tree Covered area to left of the "A" is 6606 Felix Avenue.

Exhibit C-2

C5/30

Front View of 6606 Felix Avenue in July 2012

C5/31

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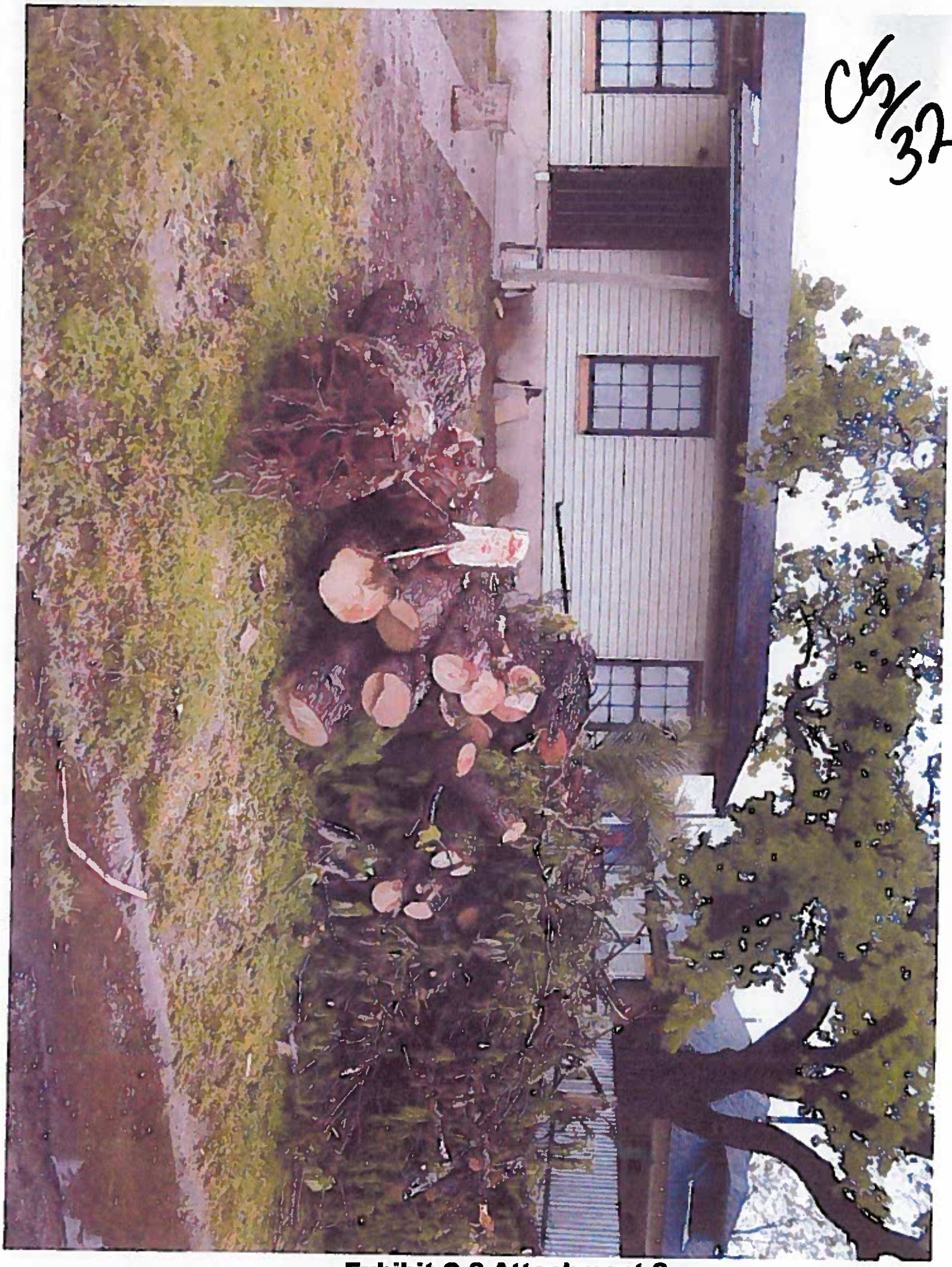
8/11/2008

Exhibit C-2 Attachment 1



C5/32

Exhibit C-2 Attachment 2

Exhibit C-2 Attachment 3

C5/34

City Staff and Planning Commission,

Please attach this letter to the file for the following cases:

6606 Felix Avenue
Zoning Case # 2012-064623 ZC
Plan Amendment Case # 2012-064627 NP
Request to amend neighborhood plan amendment and change zoning
From SF-3 Family Residential to LR-MU-NP Neighborhood Commercial
For the purpose of a state inspection station

1700 1/2 Frontier Valley Drive
Zoning Case # 2012-063326 ZC
Plan Amendment Case # 2012-063313 NP
Request to amend neighborhood plan amendment and change zoning from
From Commercial to Mixed Use Commercial
For the purpose of affordable apartments, 250 units

I am a resident and owner of a property within 500 ft of the above mentioned zoning change requests. Myself and my fellow property owners in the surrounding area ask that you **do not approve the rezoning requests for zoning cases 2012-064623 ZC and 2012-063326 ZC.** Our concern is for issues related to property values, parking, traffic, crime, water, waste water and flooding, to name a few.

In addition, I do not believe that the developments proposed for these areas are consistent with the vision of the East Riverside Corridor Plan. Please disprove these proposals, so that we may keep large tracts of land available for future development that enriches and expands the areas surrounding downtown, especially those which are the Gateway to Austin from the Airport and one of the routes to the new Circuit of the Americas. The proper development of the East Riverside Corridor will set the tone for visitors to our city.

Thank you for listening to the residential property owners in this area,
Jared Galaway
6900 East Riverside Dr Unit 32
Austin, TX 78741

Exhibit C-3

6606 Felix
2012-064623 ZC
2012-064627 NP

C5/35

Dear madams and sirs,

You as the Planning Commission are an integral part of Austin's community having volunteered your time and energy to make our growing Austin as best as it can be.

For that I thank you.

We over here in Montopolis are but a small part of the City, but as you know that any place you live, and that is your home, is important.

We would like for you to consider not changing the zoning on a single-family lot in the heart of our community because it would cause a great deal of consternation.

This is a street that is travelled by children going to school in the morning and coming home in the afternoon.

If there is inspection going on, on that street, during that time, it is going to be very dangerous because there is no sidewalk on that street on one side of the road.

We understand that according to State law you cannot limit inspections. You must perform them if someone comes and asks you to.

So that the applicant's promise to the MNPCT to limit the number of inspections is a hollow promise.

If she gets service station zoning and uses it only as an inspection station as she has promised she will be forced to provide inspections whenever someone drives up to her business.

Allison Elementary is one block away. The street that is parallel to the applicant's street is one way for the buses to turn around in.

We greatly fear for anyone on the sidewalk when the inspections are taking place, but especially for the school children when they are going to and from school.

The larger issue for the community is that we will have a business on a curved road, with two stop signs at either end of the block, with increased traffic and requiring more parking on the street.

Exhibit C-4

C5/36

This seems an impossible situation to us. Whereas we support people having small businesses, and especially young women as this applicant is, we cannot overlook the fact that it is creating a dangerous situation and jeopardizing the safety of the pedestrians.

There is a bus stop at the end of the block for Capital Metro. People coming from the east have the alternative of walking on Felix, or Porter three and a half blocks down.

Felix is a transit route for people walking to the bus stop and only one side of the road has a sidewalk.
One of the problems for us as a community is that the applicant will have the option of keeping her word and only having a car inspection station or having a full service station at this location because that is what the zoning allows.

If our worst fears are realized and she decides to have a gas station instead of an inspection station at this location it is not far from the Colorado River and it is also near a FEMA floodplain and we're not sure of what sort of mitigation controls will be required on this size lot.

We know that restrictive covenants are difficult to deal with and so asking at this point for you to make restrictions is going to be burdensome on the community because we would have to pay for the enforcement.

And so we are asking you as a community to not change the zoning on our single family lot which we don't have enough of in Montopolis anyway to create a business where a home is already located.

We have trust issues with the applicant because of the code violations that have occurred since the applicant has come to the MNPCT with a request for a zoning change.

Since then the whole front and back yard has been leveled and rocks have been put in the place of the beautiful trees, one of which was documented by the City arborist as a 22-inch Catalpa tree.

The neighbors have told us that they think it was a huge oak tree that had grown up behind the carport and that they had cut it down without any permission as well.

Cars have been parked there bumper to bumper over the entire front and back yards. And code enforcement forced them to remove the vehicles and they were removed and put on the property next door.

We are very disillusioned with the promises that the applicant has made in light of these events, because the applicant at a January meeting of the MNPCT promised that native landscaping would be included as part of the agreement for this zoning change.

It seems that the Catalpa tree was native landscaping and she totally did away with that, as well as the oak.

C5/37

The applicant promised that she was going to live on the property and do inspections. If this was the case, why would she cut down trees against City ordinance?

We are very concerned as a community with the loss of the trees and her flagrant disregard for ordinances and the promises made to the MNPCT.

We think that as a community we would be better served to maintain the single family residence in the middle of our neighborhood, near a park, near a cemetery, near Allison Elementary, as a single family dwelling, that is an established pedestrian thoroughfare at this time.

We have many individuals in our neighborhood who are disabled. My neighbor in particular takes his wheelchair on this route to catch the number 4 bus.

Please consider these issues in your vote.

Thank you.

Pam Thompson
6911 Villita Avenida
78741

Exhibit C-4

C714

August 15, 2012

To Whom It May Concern:

I am the legal landowner listed at 805 Vargas Rd. My property falls within the 200 foot buffer zone for the neighborhood plan amendment NPA-2012-0005.02 / C14-2012-0069 at 6606 Felix Ave. As the property owner, I am opposed to the zoning change request.

Sincerely,

Signature: Rosie L. Trujillo Date: Aug/15/12

Printer Name: Rosie L. Trujillo

Exhibit C-5

C14

August 15, 2012

To Whom It May Concern:

I am the legal landowner listed at 801 VARGAS Rd. My property falls within the 200 foot buffer zone for the neighborhood plan amendment NPA-2012-0005.02 / C14-2012-0069 at 6606 Felix Ave. As the property owner, I am opposed to the zoning change request.

Sincerely,

Signature: _____ Date: 8-15-12

Printer Name: Antonio T Beltran

Exhibit C-6

C5/40

August 15, 2012

To Whom It May Concern:

I am the president of the Burditt Prairie Cemetery Covenant Association and on behalf of the Burditt Prairie Cemetery Covenant Association Board of Directors, I, Adama Brown, strongly oppose the zoning change case for 6606 Felix Avenue (C14-2012-0069 and NPA-2012-0005.02) . Thank you for voting NO to this zoning change.

Sincerely,

Adama Brown

Adama Brown
President
Burditt Prairie Cemetery Covenant Association

Exhibit C-7

C5/41

August 15, 2012

Austin City Council, Zoning Committee and Planning Committee,

As a first time home owner, resident of the Montopolis neighborhood area, small business owner and President of the Frontier at Montana Home Owners Association*, I am strongly opposed to the City of Austin Zoning Change request (2012-064623 ZC) and Neighborhood Plan Amendment (2012-064627).

As a stakeholder and property owner in the Montopolis area, I am concerned about the certain decrease in property value that this change will cause. Once we allow commercial zoning within our neighborhood, we lose the benefits of a community. The Montopolis Neighborhood is home to many parks as well as Allison Elementary School and the Burditt Prairie Cemetery, all of which are less than a quarter of a mile from the proposed service station. The environmental impacts that will result from the misuse or improper disposal of materials and waste at a facility such as this will greatly damage the Montopolis Neighborhood area, create an unsafe environment, and repel future investors.

This zoning request, if granted, will permanently change the Montopolis Neighborhood community and separate neighbors from the local parks, ball fields and other amenities by forcing them to walk or drive past a heavy traffic area. Cars will be constantly entering and exiting the facility and families will have no safe place to walk or cross. I care about our little neighborhood and do not feel that this zoning change is in the best interest of our families and residents. Please oppose this change to our neighborhood for the following reasons:

- **Decrease in property values**

This type of commercial zoning change will cause potential landowners, renters and investors to consider alternative locations when searching for available property. Environment impacts and traffic increase will drive current residents out of the Montopolis Neighborhood.

- **Significant increase in traffic on a small residential street**

Felix is a small residential street with a narrow roadway; there is currently limited street parking, no roadway shoulder and no sidewalk on the north side of the street. By adding a commercial business that services vehicles, the neighborhood will face unwanted and potentially dangerous traffic.

- **Multiple Violations issued to the current land owner**

There is currently a City of Austin code violation case requiring mitigation in regards to the removal of a protected tree without a permit.

- **Invalid verbal agreements made to the Montolpolis Neighborhood Planning Contact Team and the residents and land owners of Montopolis**

The landowner has made verbal agreements with the MNPCT to limit the hours of operation and the number of customers served per day – It is ILLEGAL to add such limitation to a State Inspection Station or business of this nature. The landowner has made these agreements in order to have the support of the neighborhood and these agreements cannot be kept.

In closing, my husband, 17 month old son and I live .4 miles from this location, we will feel unsafe using Felix Avenue, the small residential street in our neighborhood, once it has an increase in traffic flow due to this zoning change. We have made a significant physical, emotion and financial investment in this neighborhood and we urge you to vote in opposition to this proposed zoning change and neighborhood plan amendment.

Sincerely,

Caitlin Harris Moore
6904 Villita Avenida Street
Austin, TX 78741
crharrismoore@gmail.com
(832) 865-6675

* I am not speaking on behalf on the HOA for Frontier at Montana

Exhibit C-8

August 17, 2012 C5/42

Austin City Counsel, Zoning Committee and Planning Committee:

This letter is in reference to the zoning change request for 6606 Felix Avenue (case # C14-2012-0069) and neighborhood plan amendment (NPA-2012-0005.02). The owner of this property has requested to change the zoning from SF-3 to LR-MU-NP for the purpose of the instillation of a mixed use state-inspection station. Our family owns the house next door at 6608 Felix Ave. We are extremely opposed to this zoning change for the following reasons:

- **Environmental:**

Oil and other hazardous waste that might spill on the ground or otherwise may not be disposed of properly which can leech into the yards of the surrounding homes. Air and noise pollution is also a concern as cars will be undergoing emissions and horn tests, ect.

- **Traffic:**

Too many cars coming and going on a small residential street will prove to be dangerous for the many pedestrians that use Felix. We have a lot of families walking along Felix as well as many children riding their bikes and skateboards (note: Allison Elementary just a block away and the school bus stop for a middle school at the corner of Felix and Vargas).

- **Not Beneficial to the Neighborhood:**

There is no real need or added convenience to having an inspection station right in the middle of our neighborhood when there is already one just a mile away on 183 (Bad Boyz Cycle & Auto 720 US Highway 183), plenty more on Riverside, and several on Cesar Chavez just across the Montopolis Bridge. For a service that is only used once a year, we don't see how this is a necessary convenience. As for the service station part of it, we have a saturation of service stations in this area between Riverside and Montopolis.

I am an elementary school teacher with Austin ISD and my husband is a full-time student, so we are a couple with limited means. We purchased our house at 6608 Felix with the help of family and have been putting a lot of time & effort into much needed restoration to make it our home. We feel that it would be inappropriate and detrimental to this neighborhood to change the zoning of this single-family house. Especially when there is already plenty of commercial space available just down the street on Montopolis.

Sincerely,

Ana Arrien
Zachary LeBlanc (Residents)
Lawrence LeBlanc (Owner)
6608 Felix Ave.
Austin, TX. 78741
ana.arrien@gmail.com
(512) 789-8044

Exhibit C-9

C5/48

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.austintexas.gov

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: C14-2012-0069
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

ALICE C. FLORES
Your Name (please print)

☐ I am in favor
☒ I object

800 VARGAS Rd. AUSTIN TX 78741
Your address(es) affected by this application

Alice C. Flores — 8-19-12
Signature — *Date*

Daytime Telephone:_____

Comments:_____

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C-10