

BY EXTENDING THE GR/CS-MU-CO INTO ALL OF THE
PORTION OF THE BUILDING ZONED SF-2, MR. BRIGANI
PROPERTY WOULD BE PROFITABLE

GROSS RENTAL INCOME ON 3526 SQUARE FEET (at \$1.75 per square foot
based upon data from commercial realtor)

\$74,046.00

GROSS EXPENSES:

\$20,000.00

PROFIT

\$43,760.00

IN THE EVENT THAT CITY EXTENDS GR-MU-CO OR CS-MU-CO INTO SOME OR ALL OF BACK PORTION OF BUILDING FACING BLACKFOOT

- 1) MR. BIRGANI WOULD ENSURE THAT SIDE OF BUILDING FACING BLACKFOOT IS AESTHETICALLY CONSISTANT WITH RESIDENTIAL CHARACTER OF NEIGHBORHOOD
- 2) ALL VEHICULAR OR PEDESTRIAN TRAFFIC FOR COMMERCIAL WILL BE CONDUCTED SOLEY IN THE FRONT OF THE BUILDING FACING McNeill
- 3) THE COMMERCIAL USE OF ALL OF OF THE BUILDING WILL HAVE NO IMPACT ON NEIGHBORS

MR. BIRGANI'S PERSONAL RESIDENCE IS IMMEDIATELY NEXT DOOR ON THE NORTH SIDE OF THE BUILDING. ALL ADJACENT PROPERTY OWNERS ARE IN FAVOR OR NOT OPPOSING THE CS-MU REZONING

PLEASE SEE IN FOLLOWING FEW SLIDES
OTHER PROPERTIES AROUND THE
PROPERTY

12605

BLACKFOOT IN FAVOR

12603



**BLACKFOOT
IN FAVOR**

MCNEIL

BLACKFOOT TRAIL

**BIRGANI
PERSONAL
RESIDENCE**

12604

BLACKFOOT
IN FAVOR

12602

BLACKFOOT

12606 Blackfoot Trail X
12606 1
30.44°N, 97.76°W



ADJACENT PROPERTY OWNERS IN FAVOR OR NOT OPPOSING CS-MU



*THE CITY CANNOT JUSTIFY
DISPARATE
ZONING RECOMMENDATION
BASED UPON THE FOLLOWING
PROPERTIES*

1. FOUNDATION AUTO REPAIR - 6750 Corpus Christi Drive/McNeil GR-CO Adjacent to 4 residence
2. NEWIMAGE HAIR SALON - 6410 McNeil Drive/Dakota GR-CO – Adjacent to one residence
3. JOHNSON CUSTOM POOLS - 6514 McNeil Drive CS-CO – adjacent to 5 residence
4. DAC INTERNATIONAL-AEROSPACE ENGINEERING - 6702 McNeil Drive W/L-CO – adjacent to 2 residence
5. NOT YET DEVELOPED - 6810 McNeil Drive –GR-CO – Recently zoned and across from apartment homes

6. 6914 McNeil Drive - Recently zoned as GR-CO – adjacent to apartment home and retirement home
7. VIDA MOTOR (auto sales) -7224 McNeil Drive - Zoned as CS-CO – adjacent to a residence
8. ADVANCED AUTO PARTS - 7308 McNeil Drive/San Filipe - Zoned as GR-CO- adjacent to a residence
9. MULTIPLE RESTAURANTS ETC. - 7318 McNeil Drive/San Filipe - Zoned as GR-CO and CS-CO – adjacent to apartment and retired homes

PLEASE SEE OTHER REZONED
PROPERTIES AT OTHER ENTRANCE'S
TO NEIGHBORHOODS FROM McNeil
DRIVE

❖ THERE ARE 5 ENTRANCES FROM McNeil Dr to NEIGHBORHOODS, EACH ONE THEM HAS ONE OR MORE PROPERTIES THAT REZONED BY CITY OF AUSTIN TO GR-CO, CS-CO AND LI EXCEPT MR. BIRGANI PROPERTY

1. CORPUSE CHRISTI DRIVE

2. DAKOTA LN

3. BLACKFOOT TRAIL, WHERE THE PROPERTY MR. BIRGANI PROPERTY IS LOCATED

4. LOS INDIOS TRAIL

5. SAN FELIPE BLVD

❖ WHY MR. BIRGANI PROPERTY HAS BEEN SINGLE OUT AND TREATED UNFAIRLY FOR LAST 20 YEARS?

❖ WHY MR. BIRGANI SMALL PROPERTY MUST BE DIVIDED BUT OTHER LARGER PROPERTIES HAVE NOT BEEN DIVIDED WHEN THEY REZONED?



GR-CO

6750

GAS
STATION

CORPUS CHRISTI DR

McNeill Dr & CORPUS CHRISTI Dr

Google Earth



MEDICAL OFFICES

McNeil Dr & DAKOTA LN

GR-CO

6410

McNeil Dr



OFFICES

12602 Blackfoot

McNeil & BLACKFOOT

GATE

CS-CO

6514 McNeil DR

STORAGE

CAR WASH

Google Earth

© 2017 Google

4 LOTS OF INDIAN OAKS 2
SUBDIVISION

GATE

LOT 1

12605

LOT 3

W/L-CO

12549

NO

ackfoot 11 : il
uckfoot Tra

ickfoot Tre
12603

DAKOTA

ON

ON

GR-CO

STORAGE

CAR

WASH

MEDICAL

OFFICES

McNeil Drive

Google Earth

© 2017 Google



Google Earth

GR-CO

6914

McNeil Dr

McNeil Dr & LOS INDIOS TRAIL

Google Earth

© 2017 Google



Google Earth



❖ WHY MR. BIRGANI PROPERTY HAS BEEN
SINGLE OUT AND TREATED UNFAIRLY FOR LAST
20 YEARS?

❖ WHY MR. BIRGANI SMALL PROPERTY MUST
BE DIVIDED BUT OTHER LARGER PROPERTIES HAVE
NOT BEEN DIVIDED WHEN THEY REZONED?

SINCE 1985, ENTIRE INDIAN OAKS 2 SUBDIVISION IN WHICH
PROPERTY IS SITUATED WAS ZONED ENTIRELY COMMERCIAL
UNTIL PRESENT TIME

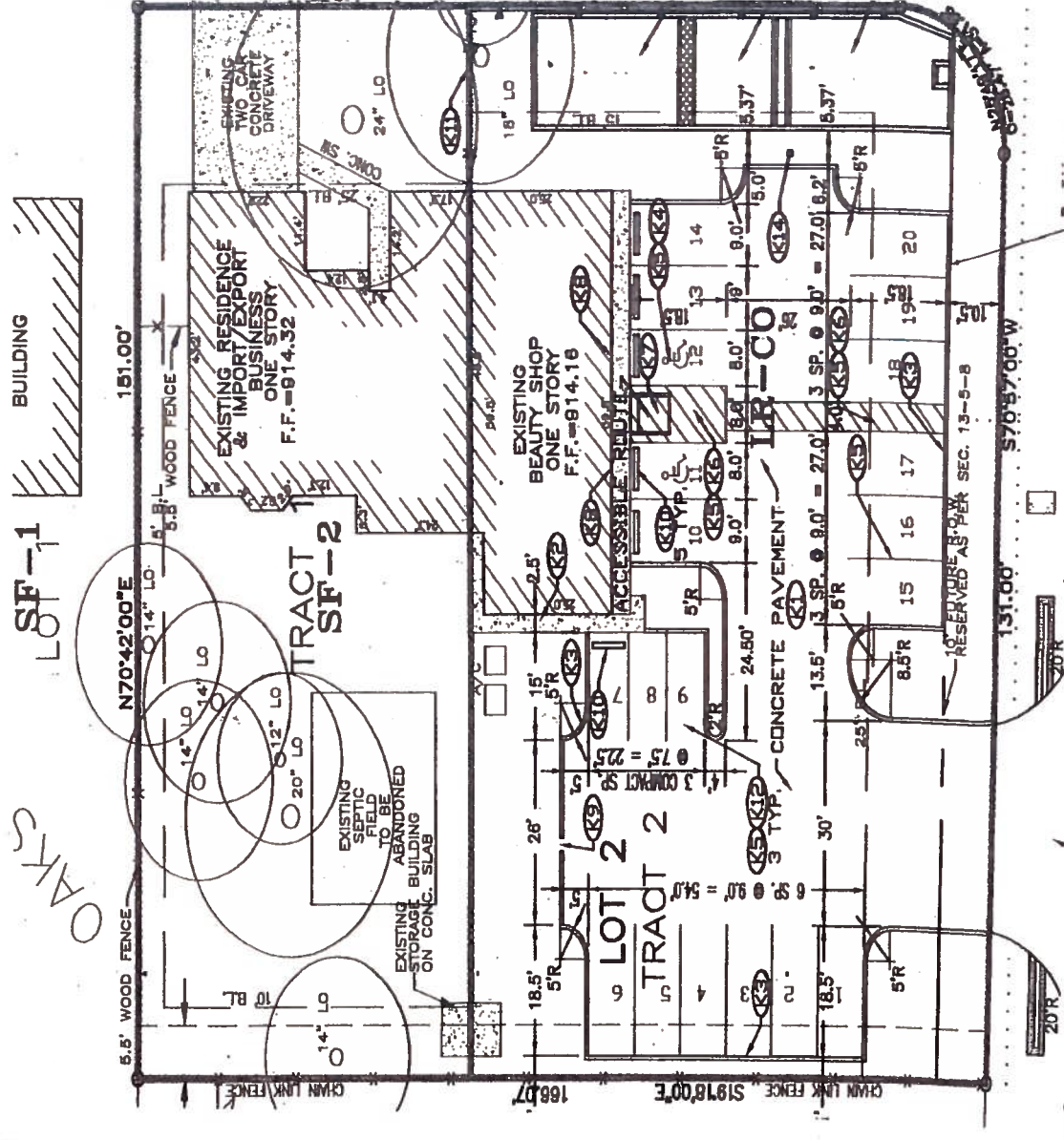
Neighbors purchasing property in Indian Oaks
between 1985 to present time had notice of the
commercial nature of Indian Oaks 2 Subdivision and
specially Mr. Birgani's commercial properties.
should not expect the city council shut down and
destroy my commercial property

LEGAL DESCRIPTION:

LOT 2 OF INDIAN OAKS 2 SUBDIVISION, A
SUBDIVISION OF WILLAIMSON COUNTY. J. BAKER
SURWAY #10 RECORDED IN PLAT RECORDS,
CABINET J, SLIDE 264, OF WILLIAMSON COUNTY
TEXAS

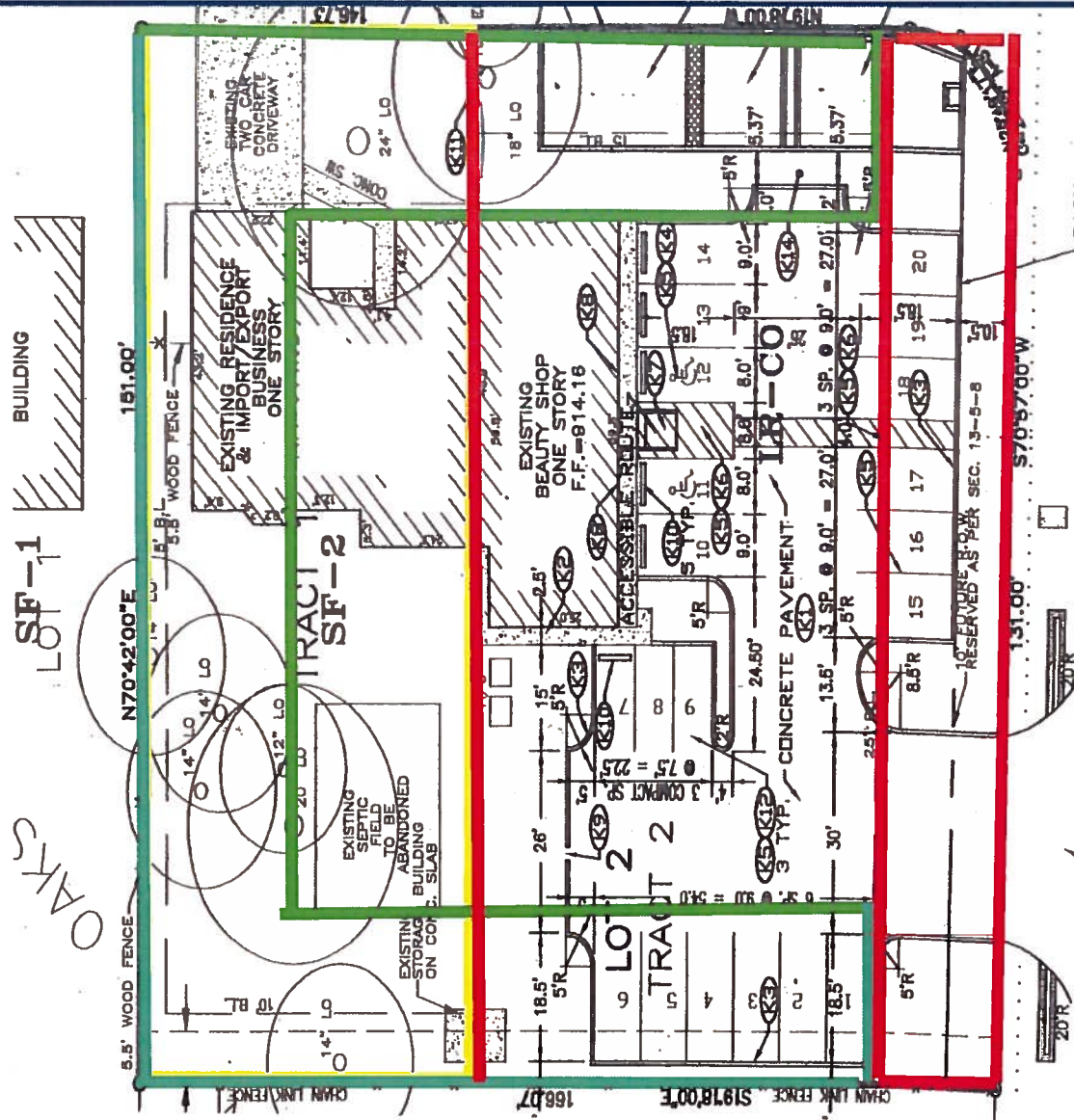
CURRENTLY THE SITE WAS DEVELOPED BASED ON CITY APPROVED SITE PLAN SP-99-2171C. FOR WHOLE PROPERTY NOT BEING DIVIDED.

1. TOTAL SITE 25,039 SF = 0.574 ACRES
2. TOTAL AREA BEING DEVELOPED = 17,287 SF = 0.397 ACRES = 69%
3. IMPERVIOUS COVER LIMIT UNDER RATTAN CREEK WATERSHED IS 65% TO 70%
4. 250 SF = 1% LEFT TO BE DEVELOPED AND NO LAND TO ADD BUILDING OR PARKING LOT



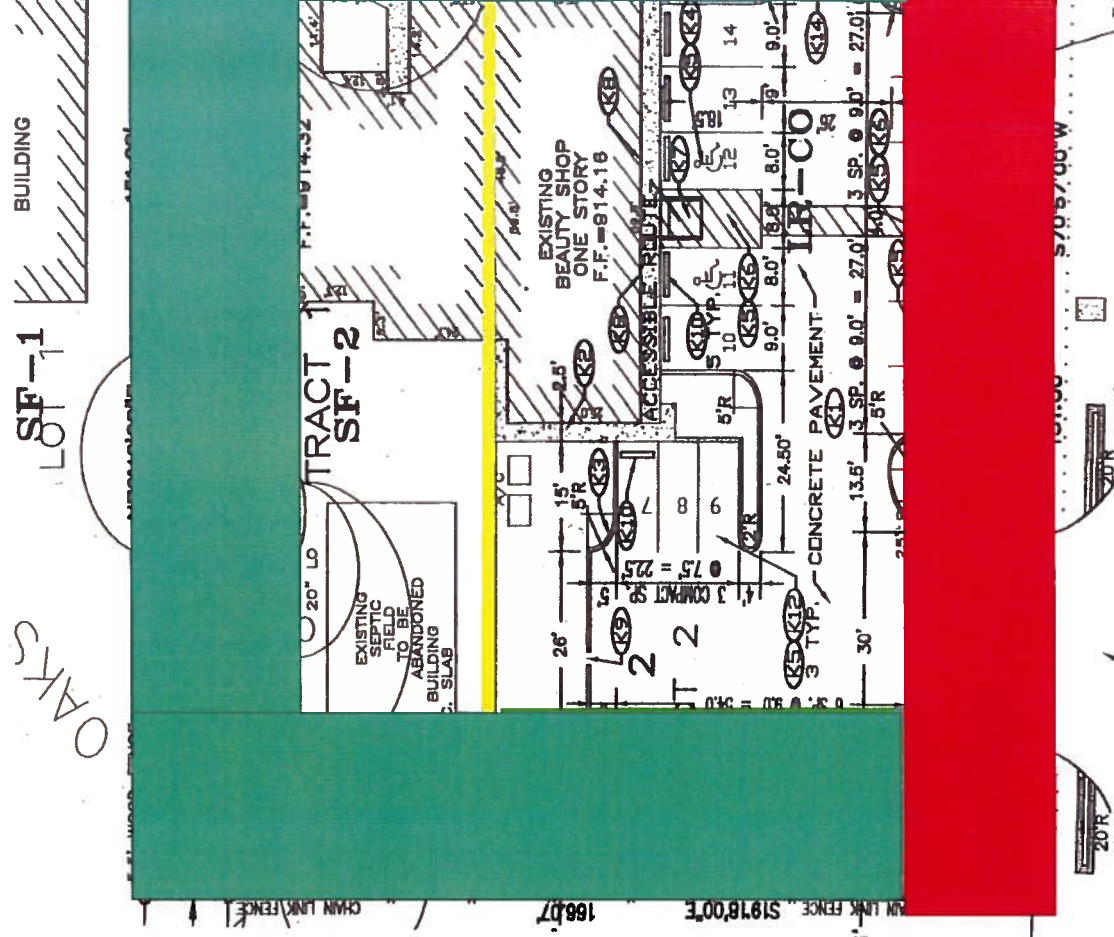
BASED ON ZAP RECOMMENDATION OF
DIVIDING THE PROPERTY IN TWO TRACTS:

1. TRACT1= SF2= 9,664 S.F. =0.222 ACRES
 - IMPREVIOUS COVER= 2,792= 29%
2. TRACT2= 15,375 S.F. =0.352ACRES
 - 15,375-3,937= 11,438 S.F.
 - IMPEVIOUS COVER = 11,439 S.F. = 75%
 - 10% over the impervious limit for Rattan Creek Watershed
 - ON THE SOUTH SIDE (RED AREA):
 - ADDITIONAL R.O.W AND REMOVAL OF 10 % IMPREVIOUS COVER OR 25 FEET LANDSCAPE AREA FOR COMMERCIAL ZONING –PLEASE SEE PAGE S 1 AND 10 OF STAFF REPORT



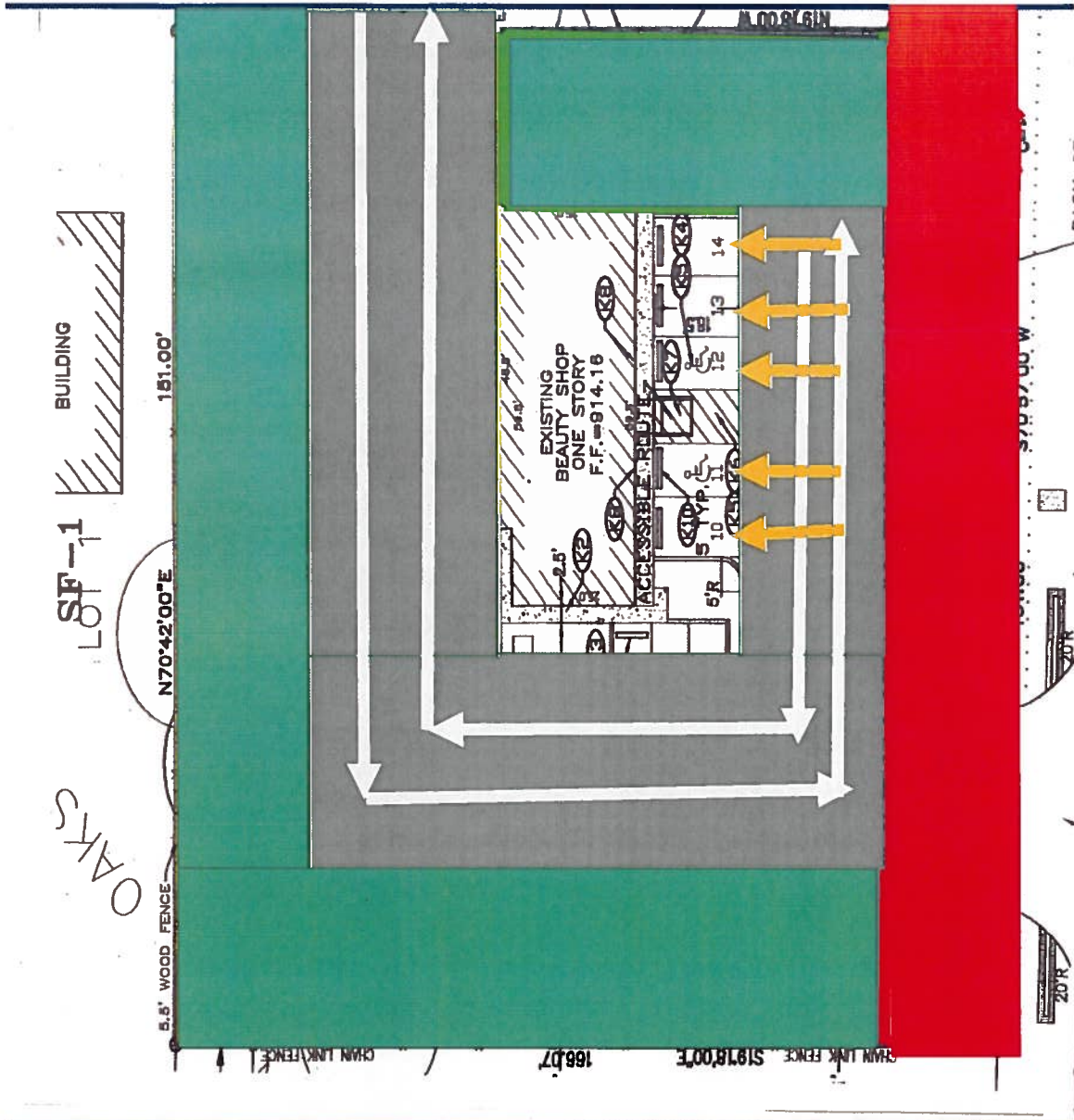
BASED ON ZAP RECOMMENDATION OF
DIVIDING THE PROPERTY IN TWO TRACTS:

1. TRACT1= SF2= 9,664 S.F. =0.222 ACRES
 - IMPREVIOUS COVER= 2,792= 29%
2. TRACT2= 15,375 S.F. =0.352ACRES
 - 15,375-3,937= 11,438 S.F.
 - IMPEVIOUS COVER = 11,439 S.F. = **75%**
 - 10% over the impervious limit for Rattan Creek Watershed
 - ON THE SOUTH SIDE (RED AREA): ADDITIONAL R.O.W AND REMOVAL OF 10 % IMPREVIOUS COVER OR 25 FEET LANDSCAPE AREA FOR COMMERCIAL ZONING –PLEASE SEE PAGE S 1 AND 10 OF STAFF REPORT
 - GREEN AREA ON EAST AND WEST OF PROPERTY . 25 FEET LANDSCAPE REQUIREMENT FOR COMMERCIAL PROPERTIES
 - ABOUT 7,777 SF REMAIN FOR COMMERCIAL BUILDING, PARKING LOTS AND WATER FILTRATION AND RETENTION PONDS



**BASED ON ZAP RECOMMENDATION OF
DIVIDING THE PROPERTY IN TWO TRACTS:**

1. TRACT1= SF2= 9,664 S.F. =0.222 ACRES
 - IMPREVIOUS COVER= 2,792= 29%
2. TRACT2= 15,375 S.F. =0.352ACRES
 - 15,375-3,937= 11,438 S.F.
 - IMPEVIOUS COVER = 11,439 S.F. = 75%
 - 10% over the impervious limit for Rattan Creek Watershed
 - ON THE SOUTH SIDE (RED AREA): ADDITIONAL R.O.W AND REMOVAL OF 10 % IMPREVIOUS COVER OR 25 FEET LANDSCAPE AREA FOR COMMERICAL ZONING –PLEASE SEE PAGES 1 AND 10 OF STAFF REPORT
 - GREEN AREA ON EAST AND WEST OF PROPERTY . 25 FEET LANDSCAPE REQUIREMENT FOR COMMERICAL PROPERTIES
 - ABOUT 7,777 SF REMAIN FOR COMMERCIAL BUILDING, PARKING LOTS AND WATER FILTRATION AND RETENTION PONDS



04/11/20

15

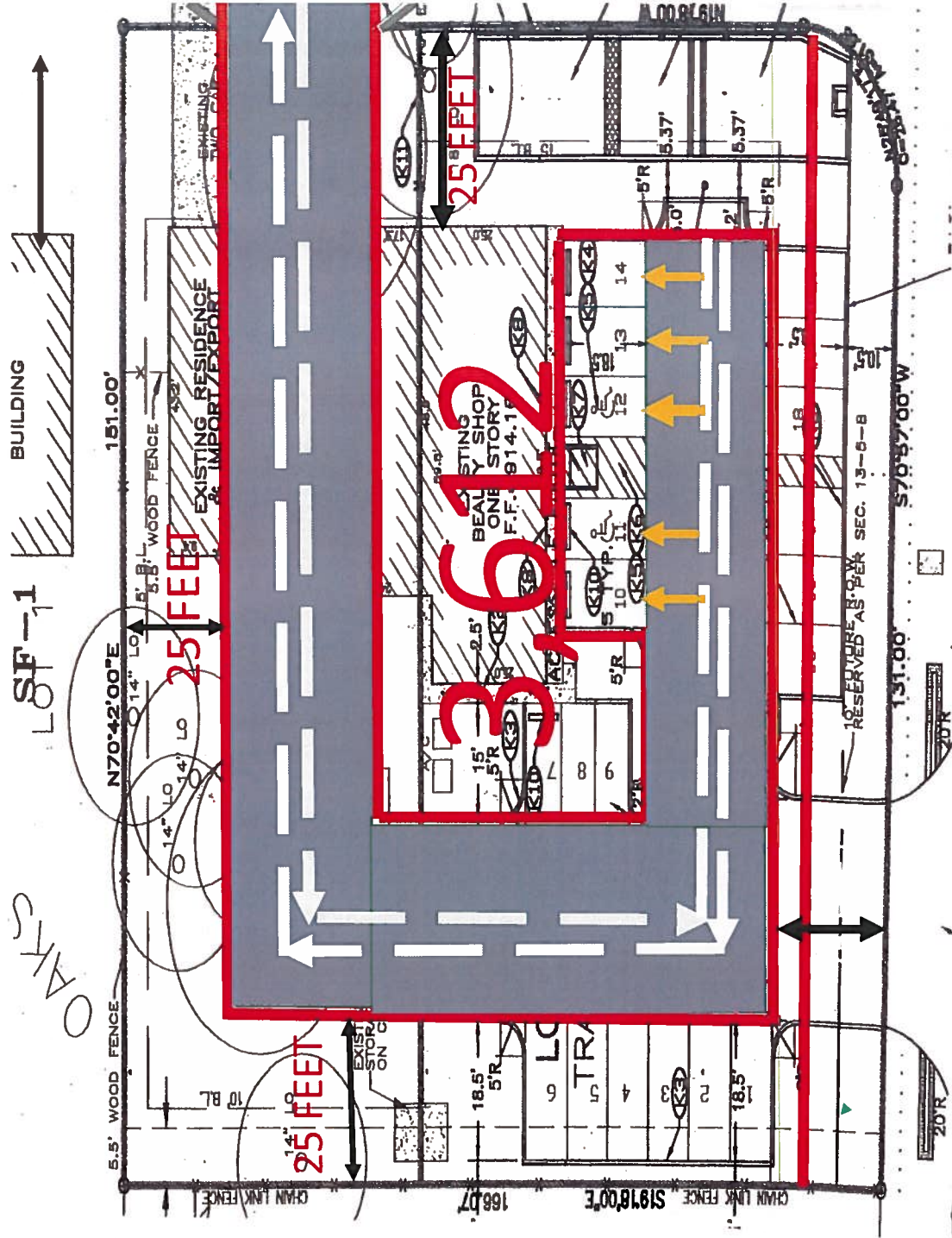
 BUILDING

EXISTING RESIDENCE
& IMPORT/EXPORT

五

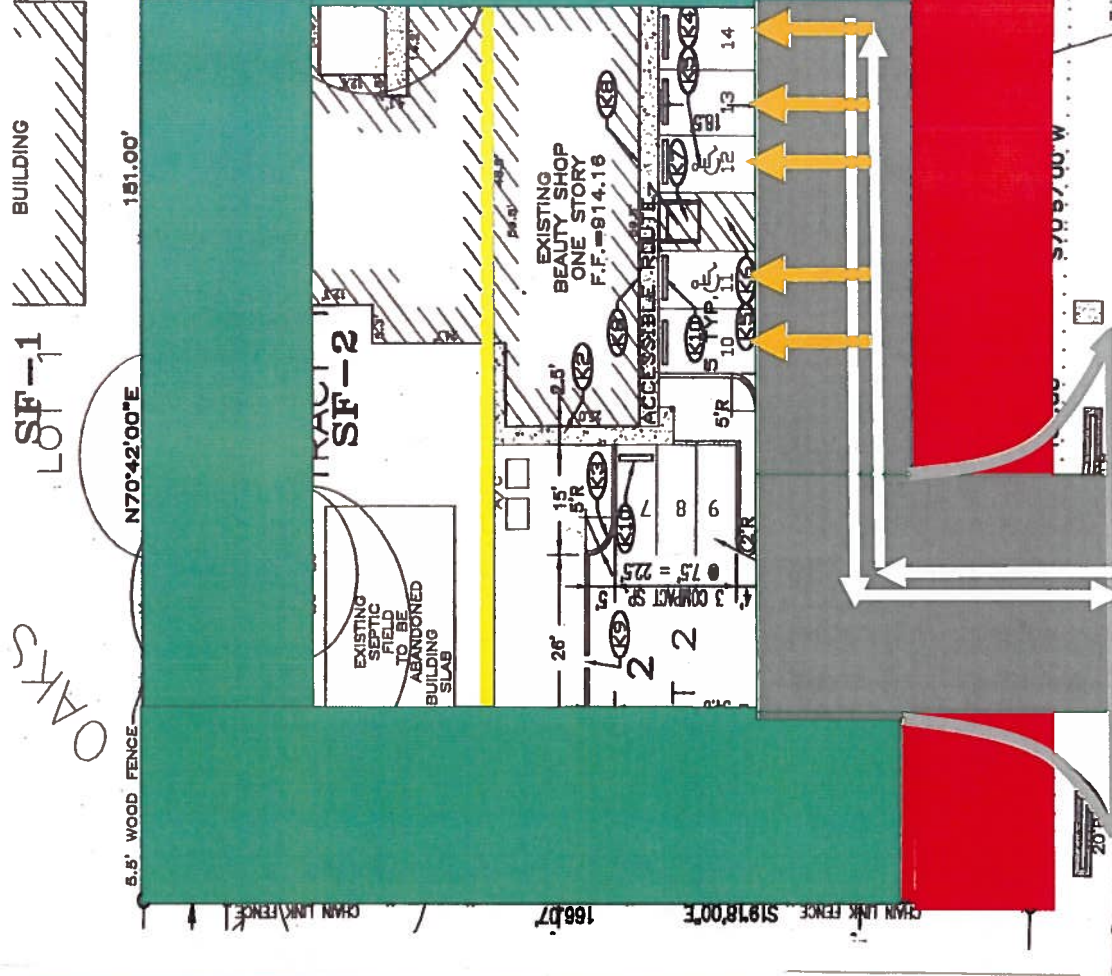
- 25¹⁴ FEET

3612

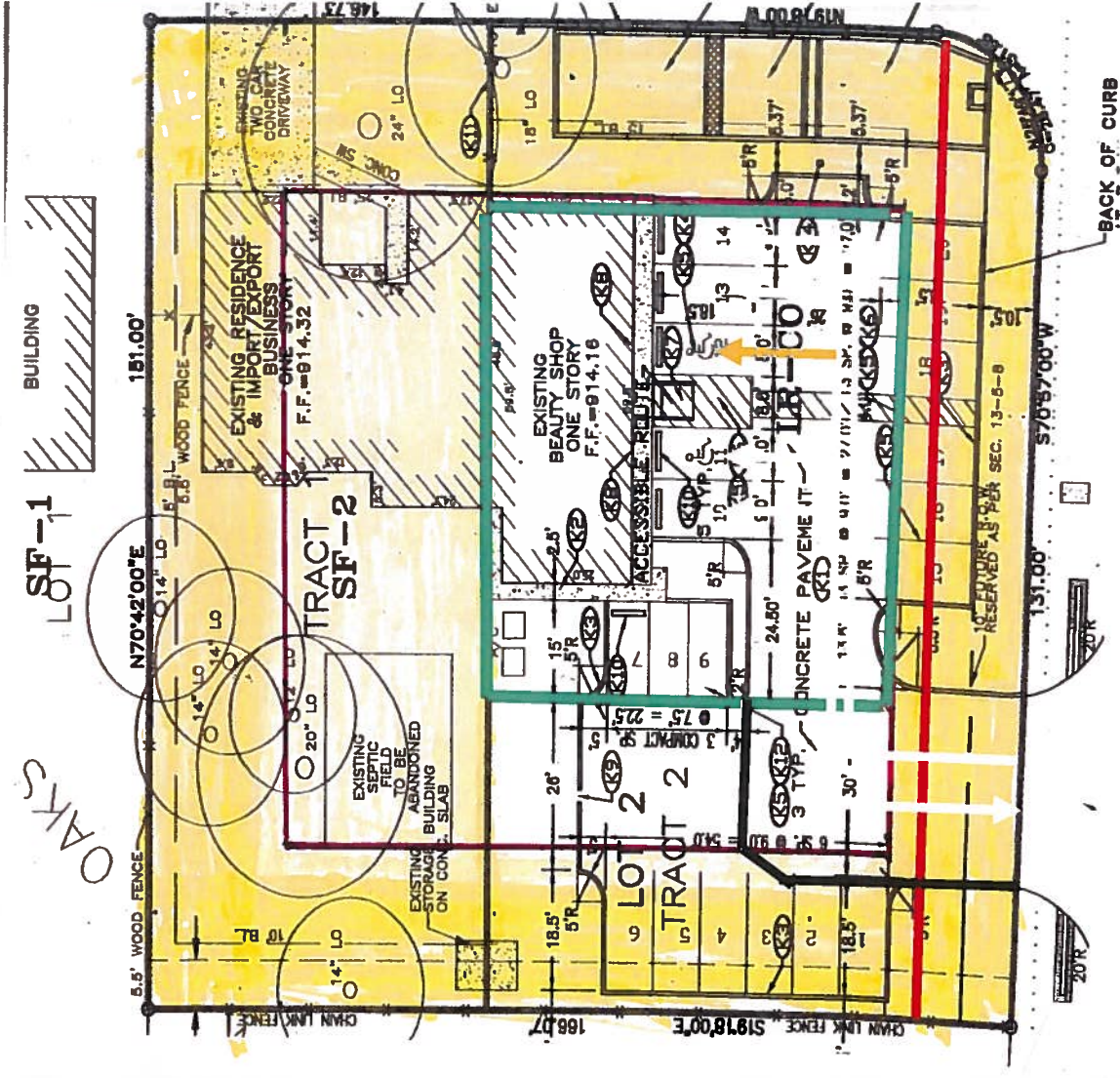


**BASED ON ZAP RECOMMENDATION OF
DIVIDING THE PROPERTY IN TWO TRACTS:**

1. TRACT1= SF2= 9,664 S.F. =0.222 ACRES
 - IMPREVIOUS COVER= 2,792= 29%
2. TRACT2= 15,375 S.F. =0.352ACRES
 - 15,375-3,937= 11,438 S.F.
 - IMPEVIOUS COVER = 11,439 S.F. = 75%
 - 10% over the impervious limit for Rattan Creek Watershed
 - ON THE SOUTH SIDE (RED AREA): ADDITIONAL R.O.W AND REMOVAL OF 10 % IMPREVIOUS COVER OR 25 FEET LANDSCAPE AREA FOR COMMERCIAL ZONING --PLEASE SEE PAGE S 1 AND 10 OF STAFF REPORT
 - GREEN AREA ON EAST AND WEST OF PROPERTY . 25 FEET LANDSCAPE REQUIREMENT FOR COMMERCIAL PROPERTIES
 - ABOUT 7,777 SF REMAIN FOR COMMERCIAL BUILDING, PARKING LOTS AND WATER FILTRATION AND RETENTION PONDS



- TOTAL AREA OF LOT2= 24,880 SF
- AREA OF TRACT 1 = 9,664 SF
- AREA OF TRACT 2 = 15,164 SF
- AREA OF R.O.W, FILTRATION PONDS AND LANDSCAPING = 7,388 SF
- AREA OF TRACT 2 = 7,777 SF WITH 92% IMPERVIOUS COVERAGE BUT DUE TO RATTAN CREEK WATERSHED LIMITS IS 65% WHICH 27% OVER BUILT AS RESULT OF DIVIDING THE PROPERTY IN TWO TRACTS AGAIN
- %27 REDUCTION FROM IMPREVIOUS COVERAGE = 2,100 SF
- SQUARE FEET AREA FOR BUILDING, PONDS AND 5 PARKING SPACES=5,677 SF
- AT RESULT: WORTHLESS SMALL BUILDING, 5 PARKING SPACES AND ADDITIONAL COST OF \$400,000.



To: Honorable Mayor Steve Adler and distinguish Council member Member

Zoning case# C14-2017-0042

Case manager: Sherri Sirwaitis

Phone# (512) 974-3057

Sherri.sirwaitis@Austintexas.gov

From: The Property Owner

Abraham Birgani

Phone# (512) 998-2525

Cyrus_birgani@yahoo.com

Subject: Rezoning of lot2 of Indian oaks 2 subdivision from LR-CO/SF2 to CS-MU

The Lot2 of Indian Oakes 2 Subdivision has two addresses:

1. Address from McNeil Drive: 6610 McNeil Dr. Austin TX. 78729 and Address
2. from Blackfoot Trail: 12602 Blackfoot Trial Austin TX. 78729

Please see the following important documentation about the property(lot2):

- 1 Indian Oakes 2 Subdivision is in Williamson County Texas and is comprised of 4 properties or 4 lots (Lots 1, 2, 3 & 4). Dated September 19th, 1977. [See page 12 for this legal document](#)
- 2 On April 29th, 1985, all four lots of Indian Oakes 2 Subdivision per Amendment of Restriction #18833 are no longer restricted to be used for residential purposes only and may be used for any lawful purpose. [See page 13 for this legal document](#)
- 3 Over 27 years ago in December of 1989, I purchased Lot2 for developing it for commercial use. Prior to purchasing the property from the previous owners, Mr. Richard A. Bouton and Mrs. Diane C. Bouton, I required them to correct the error on the property's (lot2) building line to allow me with enough space for a commercial building and parking lot. Document dated September 23rd, 1989. [See page 14 for this legal document.](#)

4 Please See History of the property prior to annexation:

- a) 1990 - **prior to annexation**, I received a site plan exemption from the City of Austin because my property (lot2) was in Williamson County. I also received electrical and plumbing permits from the City of Austin as well.
- b) 1990 to 1991 - **prior to annexation**, I hired a contractor, Charles E. Salisbury, and started construction on 25 feet by 60 feet additional commercial building on lot2 for commercial use.
- c) 1992 to 1995 – **prior to annexation**, Mr. Salisbury abandoned the commercial building project before completion. Unfortunately, this caused major delays in completing the project. I was forced to take the contractor to court for my losses, which I won, but the contractor filed bankruptcy before I could collect on the ruling. Please see page 15 document. Reason for building project completion delay.
- d) 1993, **Prior to annexation**, I managed to complete the commercial building project by myself. Please see page 16 picture of the building.
- e) 1995 to 1996 – **Prior to annexation**, I met with Mr. Carl McClendon, Mr. Shaw Hamilton from City of Austin and Mr. Joe England from Williamson County to obtain a permit for constructing a commercial parking lot for my commercial building.
- f) 1997 (first quarter) – **Prior to annexation**, merchandise Persian rugs, and computers) received and beauty salon license issued.
- g) May 1st, 1997 – **Prior to annexation**, sales tax permit issued for my company A-Mart Enterprises at 12602 Blackfoot Trail, Austin TX 78729. Please see page 17.
- h) 1996 to early 1997 – **Prior to annexation**, searched and hired IT Gonzales Civil Engineer to draw site plan for commercial parking lot and water quality filtration/retention system per City of Austin and Texas Natural resource conservation requirement.

- i) July 1997 – **Prior to annexation**, permit for waste water line and connection point approved and installed on the property by City of Austin.
 - j) December 1st, 1997 – **Prior to annexation**, the site plan approved by the Texas Natural Resource Conservation Commission was received.
 - k) December 31st, 1997 – **Prior to annexation**, the City of Austin approved site plan/development permit **No. SP-97-0439D** for parking lot and water filtration/retention system on Lot2 in the Indian Oakes 2 Subdivision. **Please see page 18**
 - l) **Prior to annexation**, please notice on approved site plan by City of Austin permit No. SP-97-0439D), name of my businesses (**Import/export business** and beauty salon. **Please see pages 18.**
 - m) December 1997 – **Prior to annexation**, I hired a contractor for construction of parking lot and water quality filtration/retention system on my property (lot2) per the approved site plan No. SP-97-0439D by the City of Austin.
- 5 On December 31st, 1997 or January 1st, 1998 - City of Austin annexed Indian Oakes 2 Subdivision and other properties in Indian Oakes Subdivision. **Please see after annexation** the following history on the property:
- a) March 20th, 1998, after annexation - Although my commercial building project was 100% completed a few years prior to annexation, while I was more than 40% completed with the parking lot and the water filtration/retention system, the project was stopped by City of Austin code enforcer, Mr. **Paul Tomasovic** due to neighborhood complaints.
 - b) Unfortunately, in the following weeks of stopping my project by the code enforcer Mr. Paul Tomasovic from the City of Austin, the city of Austin **revoked** all my approved permits including the approved site plan No. SP-97-0439D (dated December 31th, 1997) and forcing me to rezone my property.

- c) In 1998, I was forced to apply for CS/GR land development code for all of Lot 2. My application was assigned to case manager, Mr. Christopher Johnson, and the City of Austin staff, which recommended a LR-CO designation on my property, failing to communicate with me during the process. Mr. David Sullivan from the zoning and planning commission worked with several of my neighbors, notably Mr. Pendleton (the man whose wife wanted to destroy my commercial building), and unfairly recommended the division of my small property into two smaller tracts (tract 1 and tract 2) against my wishes, which made my property worthless. Upon conclusion of several city council meetings, Mayor of Austin Mr. Kirk Watson sided with the neighborhood and my CS/GR land development codes were denied and I was instead given a SF2 for tract 1 and the highly restricted LR-CO for tract 2 with very few options. Additional restrictions including building height and hours of operation were also imposed. I believe my case manager, Mr. Christopher Johnson, and staff did not bother to review the legal documents that I submitted to them on many occasions, outlining my legal rights for developing my commercial property and instead of recommending a CS/GR code or exemption the property from rezoning, they recommended a highly restrictive LR-CO code for my property. The City of Austin staff and zoning and planning commission's recommendation of LR-CO was THE key decision that prevented me from getting a fair zoning (CS/GR) based on my legal rights to develop the property. CS/GR is compatible with other businesses in the surrounding area and along McNeil Dr.
- d) On November 10th, 1999, I was forced again by City of Austin to submit another site plan for approval which I had no other choice. Finally, after two 2.5 years delay, I received a new approved site plan permit number SP-99-2171C, dated April 5th, 2000. Please see page 19
- e) In May 2002, I had developed the parking lot, water filtration and retention system based on new site plan specification and requirement and finally my parking lot project and water quality system were completed.

- f) The outcome of these heavy restrictions made my property worthless. Losing two businesses caused great monetary loss and emotional stress, rendering my property useless to me and my purpose for owning and purchasing this property during the last 27 years.
 - g) During the past 27 years, I was able to lease the property for a total of six years. From 2002 to 2005 it was leased to Salon for Kids, from 2008 to 2011 it was leased to Thrifty Nifty (sales of second hand household items), I could not open my business neither. For more than 21 years, the building has been vacant. The money I have made off the property has barely been enough to cover the taxes and some of the building repair and property taxes has increased more than 400%.
 - h) **Important Notice:** Prior to annexation, based on my legal right to develop my commercial property, City of Austin and the neighborhood did not have the legal right to oppose me. **It appears to me after annexation the City of Austin took my legal rights away to develop and use my commercial property as I see fit and gave it to the neighborhood.**
- 6 Now, 20 years later after the annexation, having seen so many nearby properties on McNeil Dr. zoned for LI, CS, W/LO and GR; In April 2017, I submitted an application for rezoning of my property (Lot 2), Case# C14-2017-0042, from LR-CO & SF2 to CS1-MU
- 7 On May 4th, 2017, I met with the neighborhood to discuss my previous intent to rezone my property to CS1-MU. One of the allowed business options under CS1 zoning-code is alcohol sales, which was their primary concern and focus of discussion. I stated to the neighborhood association during that meeting that I would reconsider CS1-MU zoning and would **accept CS-MU** zoning instead, which does not allow alcohol sales.
- 8 On May 16th, 17- The CS-MU zoning code change has been submitted to the City of Austin case manager, Ms. Sirwaitis, informing everyone about our agreement to this change.

- a) Stepping Stone school owner Rhonda Paver's attorney Kenneth Richey has been waiting on this written notice from the case manager regarding this change to CS-MU, in which they have agreed to then remove their opposition from the valid petition.
 - b) However, there is positive information, on June 1st, 2017 Ms. Rhonda Paver's Attorney, Kenneth Rickey, sent case manager Sherri Sirwaitis a signed PDF document stating her intentions to withdraw her formal petition. **Please see page 20 for Ms. Paver letter of withdrawing.**
 - c) **There is no adjacent property owner that opposes the rezoning of my property. Please see page 21.**
 - d) **There is no valid petition opposed to rezoning Please see page 22.**
- 9 Although I am in the Indian Oakes 2 subdivision, since 1997 I have been trying very hard to work with the Indian Oakes neighborhood, which is a separate subdivision, to address their concerns regarding the zoning of my property. What I have presented in this documentation is based in fact and reality. Although there has been push back and opposition from some neighbors, it is time to put an end to the unreasonable and illogical neighborhood opposition. **City officials need to ask the neighborhood, why do they have this negative opposition toward me but have supported other property owners in their rezoning efforts based on their business needs.**
- 10 Since my property was annexed by the City of Austin, the same neighborhood has used the City of Austin and hindered my efforts to rezone my property into something viable. **Please see the following few examples of opposition toward me, but support for others, from the Indian Oakes Neighborhood Association:**

- a) The property, Case# C14-98-0060, in Indian Oakes subdivision, the size of this property is also twice the size of mine. This undivided property, which all of this property has been rezoned with CS-CO, is fully supported by the same neighborhood association and city staff recommendation that has opposed the rezoning of my property. **What is the logical reasoning behind this bias and unfair opposition and why are the city officials supporting them?** Please see page 23 for location of this property relative to my property.
 - b) Lot 4 of Indian Oakes 2 subdivision, Case# C14-2011-0046, the size of this property is about 1½ times the size of mine. This undivided property, which all of this property has been rezoned with W/LO-CO, is fully supported by the same neighborhood association and city staff recommendation that has opposed the rezoning of my property. **Again, what is the logical reasoning behind this bias and unfair opposition and why are the city officials supporting them?** Please see page 24 for location of this property relative to my property.
 - c) The vacant lot, 12601 Blackfoot trail belong to Mehdi Zarchi and Elham Tarkashvand. There is a building on this lot which they have used for storing their air condition business parts for many years. Worth mentioning, this is also another example of this neighborhood bias against people like me. The neighborhood used the City of Austin to prevent these honorable and hardworking people from rezoning their property to CS based on their business need, then turned around and supported rezoning a big property next to theirs for CS-CO. **What is the logical reasoning behind this bias and unfair opposition and why are the city officials supporting them?**
- 11 During the last few months, I have submitted many legal documents to City staff and case manager Ms. Sherri Sirwaitis, to support my rezoning case # C14-2017-0042 and I ask that they now recommend my property be zoned for CS-MU with no restrictions which is very compatible with properties rezoned around my property along McNeil Drive, **but unfortunately, I am seeing history repeat itself.**

- 12 On Tuesday, May 30th, 2017, I had the chance to meet with case manager Ms. Sherri Sirwaitis, where she presented me with a zoning change review sheet which has been sent to Planning commission, Case# C14-2017-0042 Z.A.P. Date: June 6th, 2017.
- a) To my surprise June 6th, 2017 review sheet did not include or mention any of the documentation which presented my legal rights of the property. Yet again, they recommended the same LR-CO-MU land development code, which I am strongly opposed to.
 - b) Worth mentioning that finally, some of the document have been included in review zoning sheet, dated July 18th, 2017 by Ms. Sirwaitis (I appreciate that), for zoning and planning commission hearing.
 - c) On July 26th, 2017, I submitted more than 42 pages of documents to the case manager and requested to be included in zoning review sheet for August 15th, 2017 hearing, but she did not include any of them.
My question is, how can I get a fair hearing from the commissioners or City Council members without my documents to review? I hope those documents be included in Change review sheet for cit council hearing.
- 13 In addition to the above recommendation by staff, which I am opposed to, the city transportation department has put new restrictions such as blocking access to McNeil Drive and taking additional ROW. This would place an undue financial hardship of more than \$1,000,000 in the long run on me and render the property unsuitable for any economically feasible use. I proposed a compromise to the ROW agreement of 50 feet from the center of McNeil Drive to the existing McNeil curb of the property, thus allowing me to preserve my existing city approved parking and drainage/overflow and allow the city and state to expand McNeil by another lane. (Worth mentioning that the city has already taken 10.5 feet ROW from my property). Despite numerous phone calls and emails and official mailings, there has not been a final resolution to my proposal. I am asking the city council for another postponement until I will be able to resolve these issues.

14 I have tried several times to correspond with the city staff and request a time to present my case to all staff, unfortunately my requests have been denied meeting all staff. **Per case manager Ms. Sherri Sirwaitis with her staff, their decision has been made based on my property is on an entrance street to the neighborhood.** However, there are many other properties along McNeil drive that are on entrances to a neighborhood that have been rezoned with a CS, GR or LI designation. Again, why have I been singled out with a LR-CO-MU recommendation? Which does not align with my business needs or compatible with facts on McNeil drive and make my make property viable for lease while others have CS, GR, LI. Again, I would like the same fair rules applied to me and be shown equal opportunity on my legal right to my commercial property. Please see the following examples proving my point that there are multiple properties along McNeil Dr. rezoned with a CS, GR, LI some of them located at the entrance of a neighborhoods:

- a) Corpus Christi Drive: 6748 or 6750 Corpus Christi Drive at the intersection of McNeil - This property was recently zoned as GR-CO at entrance of neighborhood, along with following streets.
- b) Dakota Ln.: 6410 McNeil Drive at the intersection of Dakota - This property was recently zoned as GR-CO.
- c) Within 200 feet of Blackfoot Trail: 6514 McNeil Drive- This property was zoned as CS-CO.
- d) Within 200 feet of my property and Blackfoot Trail: 6702 McNeil Drive - This property was zoned as W/L-CO
- e) 6810 McNeil Drive - This property was recently zoned as GR-CO.
- f) 6914 or McNeil Drive - of Los Indio's -This property is zoned as CS-CO.
- g) 7224 or 7308 McNeil Drive at the intersection of San Filipe - This property was recently zoned as GR-CO.
- h) 7701or 7318 McNeil Drive at the intersection of San Filipe - This property was zoned as GR-CO and CS-CO

- i) Along McNeil Drive and opposite side of my property, there are many properties which have been rezoned to LI, CS: BMW of Austin (CS zone), Building-A Taurus Academy CS-CO zone, Building-B Insurance CS-CO zone, Balcones Animal Hospital (LI-CO), Car Caliber Collision (Industrial), Foundation auto repair (Industrial), Lamb Auto (Industrial), Fashion Forms factory (LI zone), Ubox (LI zone), Glover Logistics (LI zone), SabRex (LI zone), Megladon (LI zone), and Research park including many companies that are all (LI zone).
- j) 6813 McNeil Drive was zoned LI
- k) 6819 McNeil Drive was zoned LI
- l) 6909 McNeil was zoned CS
- m) 7111 McNeil Drive was zoned CS
- n) 7113 McNeil Drive was zoned CS
- o) Finally, there are many properties zoned LI, LI-CO, CS or CS-CO, GR and GR-CO along and down McNeil Drive. Please see page 25 zoning map of Austin.
- p) **Note: Please as you see, City of Austin Staff's recommendation is NOT based with facts on the ground. If there is any exception to the rule, I want it applied to me as well based on equal opportunity and my legal right to my commercial property.**
- q) On August 15th, 2017, during Planning commission hearing, the planning commissioners has recommended GR_MU_CO for portion of the Lot2, although this is a step in right direction and I appreciate that, but unfortunately, again my small lot has been divided in two separate tracts by planning commission recommendation and tract1 stayed as SF2. This creates a major issue to operate any valuable business at this location due to lack of space.
- r) There is another main issue here, based on the city staff recommendation, if rezoning granted, then new ROW of 57 feet from

center McNeil drive will apply to the property. As a result, I will lose half of my parking space, part of my filtration-sedimentation-detention ponds and must move my existing commercial building back 7 more feet to comply with this condition. This makes my existing commercial building too small to operate any valuable business.

- s) I am asking the honorable city council members to be fair and support the rezoning of the entirety of Lot 2 in Indian Oakes 2 subdivision to GR/CS. I do have adjacent property 12604 Blackfoot on North side the property. This property can be used as barrier between commercial lot and the neighborhood.
- 15 I am a Mechanical engineer with many years of experience in equipment repair, modify, maintenance and sales. The machines that I have experienced on are like appliances that you will find in any home, just a little more precise and smaller. Although I am 69 years old now, I would like to use my equipment background and run a small business on part of my property offering those types of services, but the LR-CO-MU staff recommendation **does not** allow me to open anything in my field. This would include repair and services, such as AC, Auto, electronic prototype assembly, equipment testing, equipment repair, service, training and equipment sales all prohibited under the LR-CO code. **The CS-MU land development codes would allow me to run my business from my property**
- 16 Please see following Austin zoning maps, legal documents and pictures of properties along McNeil Dr. for support of CS-MU or CS/GR-MU zoning of my property. Please see page 25 zoning Map.

Sincerely,

Abraham Birgani

Phone # 512-998-2525

Legal document dated April 29th 1985-Lawfully property is commercialAMENDMENT OF RESTRICTIONS

Vol 1186

18833

STATE OF TEXAS §
 COUNTY OF WILLIAMSON §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed recorded in Volume 500, Page 496, of the Deed Records of Williamson County, Texas, a copy of which is attached hereto as Exhibit "A", RAYMOND FLOYD DAVIS and wife, ALINE DAVIS, and BEULAH DAVIS, as Grantors, did convey to ROSCOE E. MILLEGAN and wife, ANNIE MILLEGAN, as Grantees, those six (6) tracts of land situated in Williamson County, Texas, as are more fully described on Exhibit "A"; and

WHEREAS, BEULAH DAVIS is now deceased and DIANA EICHSTATDT, joined herein by her husband, DONALD L. EICHSTATDT, is her only heir; and

WHEREAS, ELAINE BARNES, wife of DALE BARNES, is now deceased; and

WHEREAS, RICHARD BOUTON and wife, DIANE BOUTON, CRAIG H. SHERPERT and wife, BARBARA SHERPERT, DALE BARNES and FRANK C. WOLCHICK, JR., are successors in title to portions of the hereinabove referenced property; and

WHEREAS, the above named MILLEGANS, BOUTONS, BARNES, SHERPERTS and WOLCHICK constitute all of the parties with any interest in and to the property described on Exhibit "A"; and

WHEREAS, the Deed attached as Exhibit "A" contains certain restrictions restricting the use of the property for residential purposes only, and the parties hereto now desire to amend said restrictions to permit any lawful use;

KNOW THEREFORE, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned agree that the restrictions imposed upon the property are hereby amended and modified to provide that the property is no longer restricted to use for residential purposes only and may be used for any lawful purpose.

EXECUTED this 29th day of April, 1985.

ROSCOE E. MILLEGAN
 ROSCOE E. MILLEGAN

ANNIE MILLEGAN
 ANNIE MILLEGAN

DIANA EICHSTATDT
 DIANA EICHSTATDT

DONALD L. EICHSTATDT
 DONALD L. EICHSTATDT

RICHARD BOUTON
 RICHARD BOUTON

DIANE BOUTON
 DIANE BOUTON

CRAIG H. SHERPERT
 CRAIG H. SHERPERT

BARBARA J. SHERPERT
 BARBARA J. SHERPERT

FRANK C. WOLCHICK, JR.
 FRANK C. WOLCHICK, JR.

DALE BARNES
 DALE BARNES

STATE OF TEXAS §
 COUNTY OF TEXAS §

This instrument was acknowledged before me on APRIL 29, 1985, by

dated: May 6th 1992-Reason for delay to complete building project

Birgami file

MISC FILM CODE

00009217042

THE STATE OF TEXAS
County of Travis

ABSTRACT OF JUDGMENT

I, AMALIA RODRIGUEZ-MENDOZA, Clerk of the District Court of TRAVIS County, Texas, do hereby certify that in the District Court of TRAVIS County, Texas, in a certain suit pending in the 200TH Judicial District Court, No. 9203107, wherein

ABRAHAM BIRGAMI IS , Plaintiff(s)

and CHARLES SALISBURY, WHOSE BIRTHDATE AND DRIVER'S LICENSE NUMBER ARE NOT AVAILABLE TO THE CLERK, IS , Defendant(s)

the said

PLAINTIFF, ABRAHAM BIRGAMI

recovered judgment against the said

DEFENDANT, CHARLES SALISBURY, WHOSE ADDRESS APPEARS AS:

1400 GLEN WILLOW COVE

ROUND ROCK, WILLIAMSON COUNTY, TEXAS 78682

on the 5TH day, of MAY, 1992, for the sum of EIGHTY-NINE THOUSAND SEVEN HUNDRED THIRTY-TWO AND 44/100 (\$89,732.44) Dollars, with interest on said amount from the 5TH day of MAY, 1992, at the rate of 10 per cent per annum, until paid, and \$142.00 costs of suit.

Said judgment is of record in Vol. 2403 Page 007 Records of Said Court. Said judgment is entitled to following credits, to-wit: None.

There is now still due on said judgment \$89,732.44, with interest as hereinabove set out, and \$142.00 cost of suit.

Given under my hand and seal of office at Austin, Texas, this the 11TH day of MAY, 1992.

AMALIA RODRIGUEZ-MENDOZA
District Clerk

Travis County, Texas

By Sandra Stewart
SANDRA STEWART, Deputy
9203107-

Original Copy

AFTER RECORDING, PLEASE RETURN TO:
Clint Parsley
812 San Antonio #500
Austin, Texas 78701

FILED

1992 JUN -3 PM 12: 42

DAHA DE BEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

A.J. STATE/FED. TAX LIENS
TRAVIS COUNTY, TEXAS

00686 0247

STATE OF TEXAS
COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me, and was duly RECORDED in the Volume and Page of the named RECORDS of Travis County, Texas, on

JUN 3 1992



COUNTY CLERK
TRAVIS COUNTY, TEXAS

(COURT SEAL)

Picture of Commercial Building which built during-1990-1993



Below Tax ID for A-Mart Enterprises

S#-119111X3

Maricopa, AZ (AZ) accept a copy of this permit as proof of a mobile or temporary residence. You will be responsible for obtaining and obtaining a valid residence permit on file.

ABRAHAM A. BIRGANI
A-MART ENTERPRISES
12602 BLACKFOOT TRL
AUSTIN TX 78729

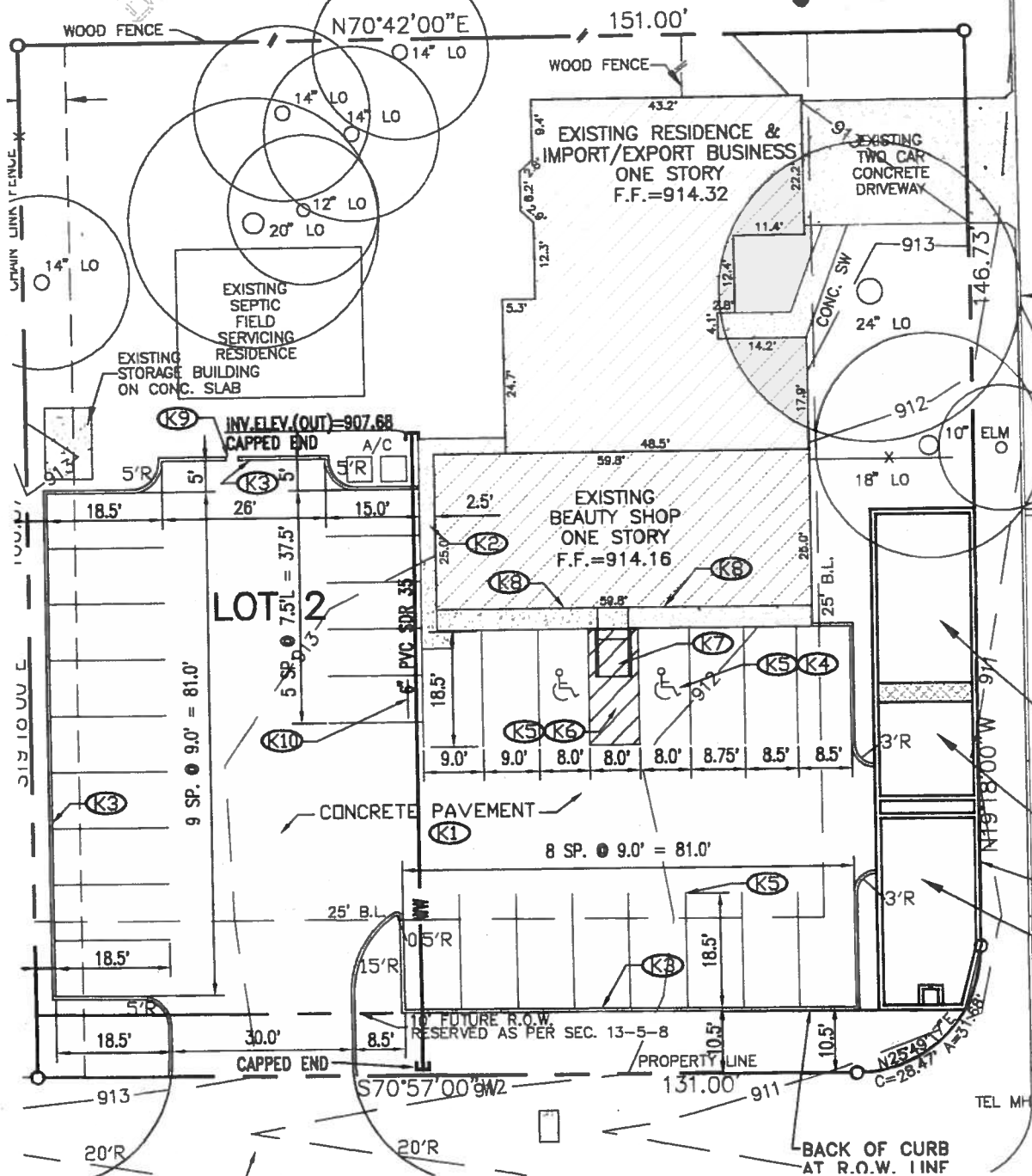
SIC CODE: 5713 DESCRIPTION ON NEXT LINE
FLOOR COVERING STORES
WE SHOW THIS BUSINESS IN THE FOLLOWING LOCAL SALES TAX DISTRICTS:
TRANSMIT: AUSTIN MTA EFF: 08/01/1987

YOU MAY NEED TO COLLECT SALES TAX FROM OTHER LOCAL TAXING AUTHORITIES DEPENDING ON YOUR TYPE OF BUSINESS.
If you have any questions regarding sales tax, you may contact the Tax Division, Maricopa County, Arizona, at (602) 974-1111, or by fax at (602) 974-1112. For more information, please call (602) 974-1111.

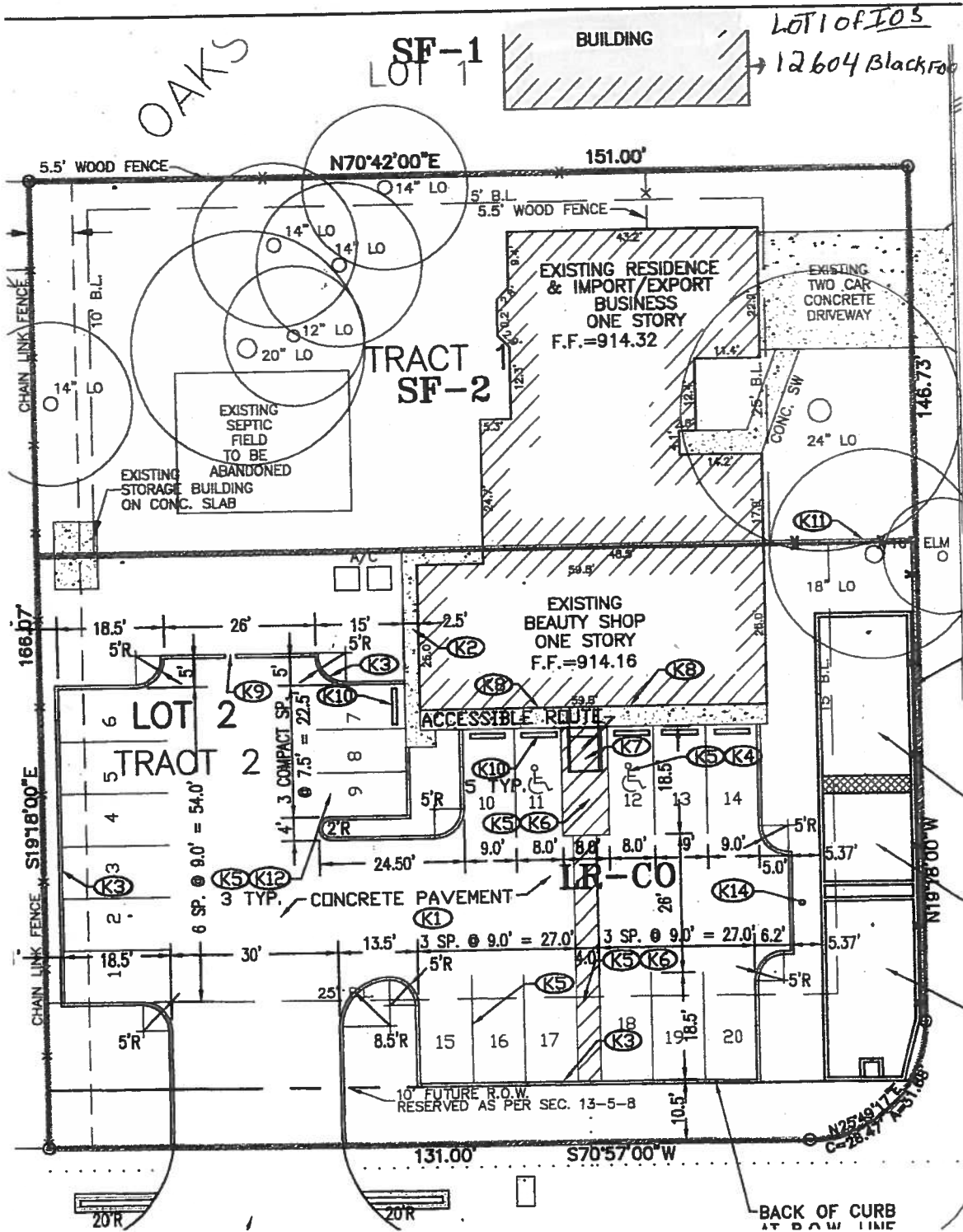
John Sharp
Comptroller of Public Accounts

SALES AND USE TAX
Employer number: 2-464-43-1820-3
County number: 00002
Total business date: 05/01/1997

SP-97-0439 D



See approved Site plan permit # SP-99-2171C plan after annexation



Below see Ms. Rhonda Paver removal of their formal opposition



AUSTIN, TX:
1710 Richcreek Rd. 78757
8419 Bowling Green Dr. 78757
8121 Shoal Creek Blvd. 78757
6616 McNeil Dr. 78729
9914 Woodland Village Dr. 78750
12301 Hymeadow Dr. 78750
7700 West Farmer Ln. 78729
2001 Wells Branch Pkwy. 78728
1007 E. 40th St. 78751
9405 Brodie Ln. 78748
9325 Alice Mae Ln. 78748

LEANDER, TX:
225 Block House Dr. 78641

KYLE, TX:
4624 Ratchliffe Dr. 78640
1020 Lightfoot St. 78640

ROUND ROCK, TX:
7601 O'Connor Dr. 78681
2301 N. A.W. Grimes Blvd. 78665
651 Teravista Pkwy. 78665

COLLEGE STATION, TX:
900 University Oaks Blvd. 77840
205 Rock Prairie Rd. 77845

ADMINISTRATIVE OFFICE:
1910 Justin Ln. 78757
(512) 459-0258
Fax (512) 467-1824

www.SteppingStoneSchool.com

June 1, 2017

Planning & Zoning Dept.
c/o Ms. Sherri Sirwaltis – Case Manager
505 Barton Springs Rd.
Austin, TX 78704

Re: Case Number: 2017-042740 ZC or C14-2017-0042; Zoning/Rezoning

Dear Ms. Sirwaltis,

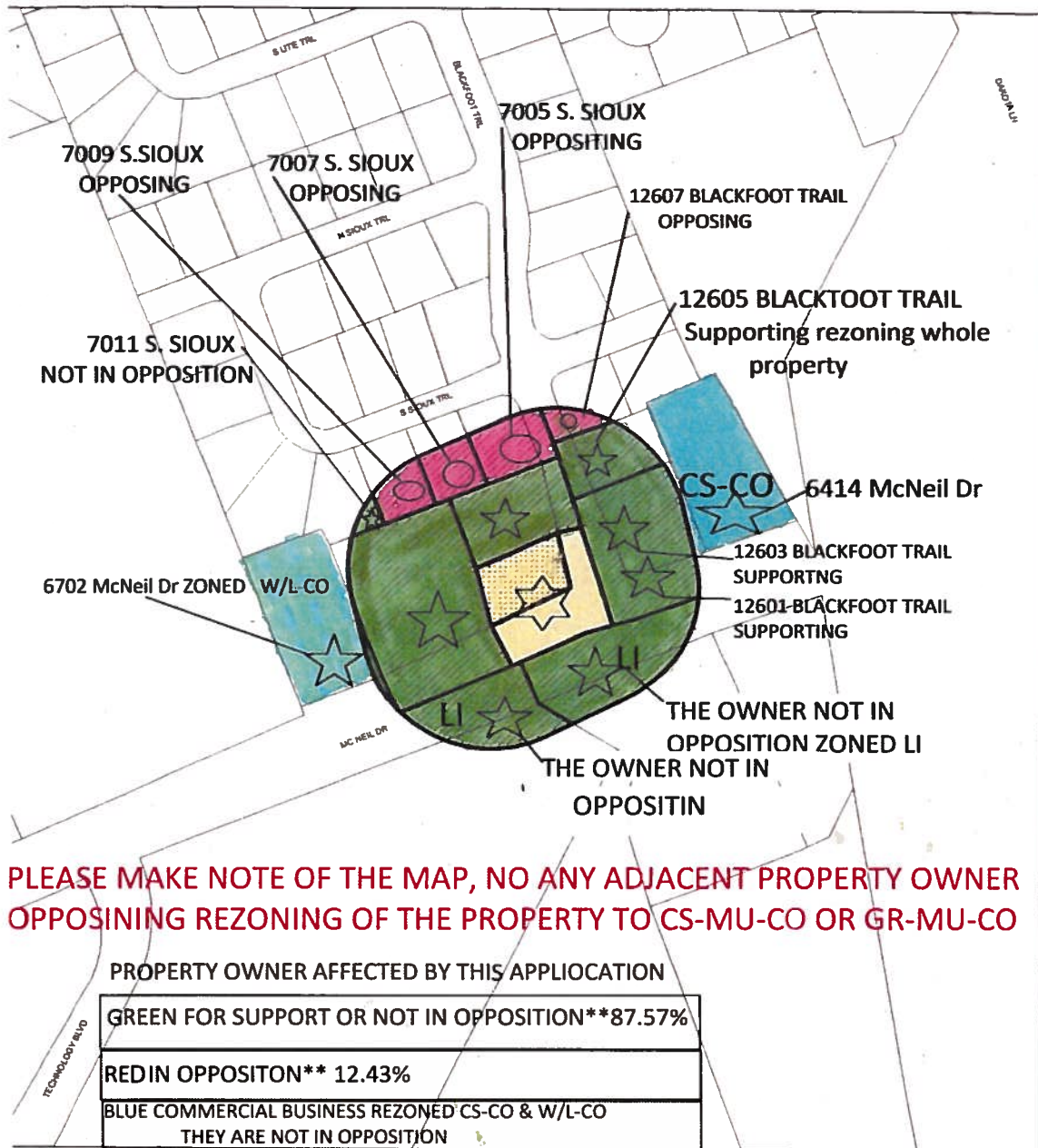
After discussions with the property owner, Mr. Birgani, where he indicated he would not seek a zoning classification that allows for the sale of alcohol, we withdraw our formal opposition to the pending application.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rhonda Paver".
Rhonda Paver

NO Adjacent property owner opposition to Rezoning to this property



PLEASE MAKE NOTE OF THE MAP, NO ANY ADJACENT PROPERTY OWNER OPPOSING REZONING OF THE PROPERTY TO CS-MU-CO OR GR-MU-CO



PETITION
CASE#: C14-2017-0042

" = 200'

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.



No Valid Petition

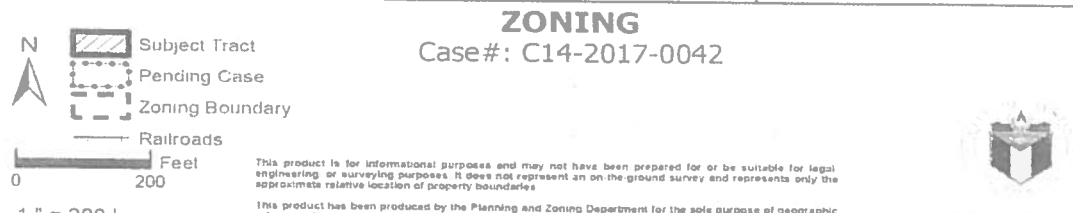
Case Number:
C14-2017-0042




PETITION

Date: 6/5/2017
Total Square Footage of Buffer: 219055.5379
Percentage of Square Footage Carried by Petitioners Within Buffer: 12.43%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAID Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200-foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAID ID	Address	Owner	Signature	Petition Area	Percent
R322586	6702 MICHEL DR AUSTINTX078729	6702 MICHEL LTD	no	1137.25	0.50%
R065489	12500 BLACKFOOT TRIL AUSTINTX0729-7733	BURGAM ABRAHAM	no	21045.84	0.90%
R065374	7005 S SOLIX TRIL AUSTINTX0729-7742	FEHR E SCOTT	yes	10462.69	4.78%
R065372	7005 S SOLIX TRIL AUSTINTX078729	GALANZ ABEL & MARIA R (LIZ) & REVOCABLE LIVING TRUST	yes	6075.02	2.77%
R065371	7011 S SOLIX TRIL AUSTINTX0729-7742	JACKSON JANE S & ROBERT	no	1597.14	0.00%
R322627	1910 JUSTIN LN AUSTINTX0757-2492	PAVER FAMILY ENTERPRISES LP	no	55440.53	0.00%
R066990	16 PS BUSINESS PARKS INC (Acres: Assistant Vice President: 4/0701 WESTURY AVE) GLENDALE CA 91201	PS BUSINESS PARKS LP	no	20336.50	0.00%
R425452	ATTN: BRIAN HURLEY PK HOTT PROPERTIES TRUST 9 GALEN ST STE 400 WATERTOWN MA 02472-4522	RESEARCH PARK PRCP TRUST	no	28023.08	0.00%
R065362	12617 BLACKFOOT TRIL AUSTINTX0729-7704	ROBERTS DAVID ALAN & PAMELA JO	yes	2577.07	1.13%
R065364	12605 BLACKFOOT TRIL AUSTINTX078729	SEBELPUD DAVID B ROBIN F	no	12362.90	0.00%
R065373	7005 S SOLIX TRIL AUSTINTX0729-7741	TRENHOLM JOHN D & LINDA	yes	7121.81	3.25%
R065365	12603 BLACKFOOT TRIL AUSTINTX0729-7704	ZARORI MEHDI & ELHAM YARKASHKAND	no	33718.09	0.00%
Total				201691.93	12.43%




 Pending Case
 Zoning Boundary
 Railroads
 Feet
 0 200
 1" = 200'



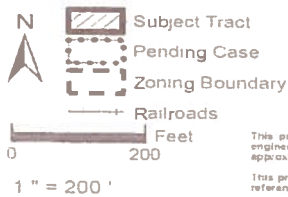
Created: 4/19/2017

Please see Below case# C14-2011-0046 zoned W/LO-CO



ZONING

Case#: C14-2017-0042



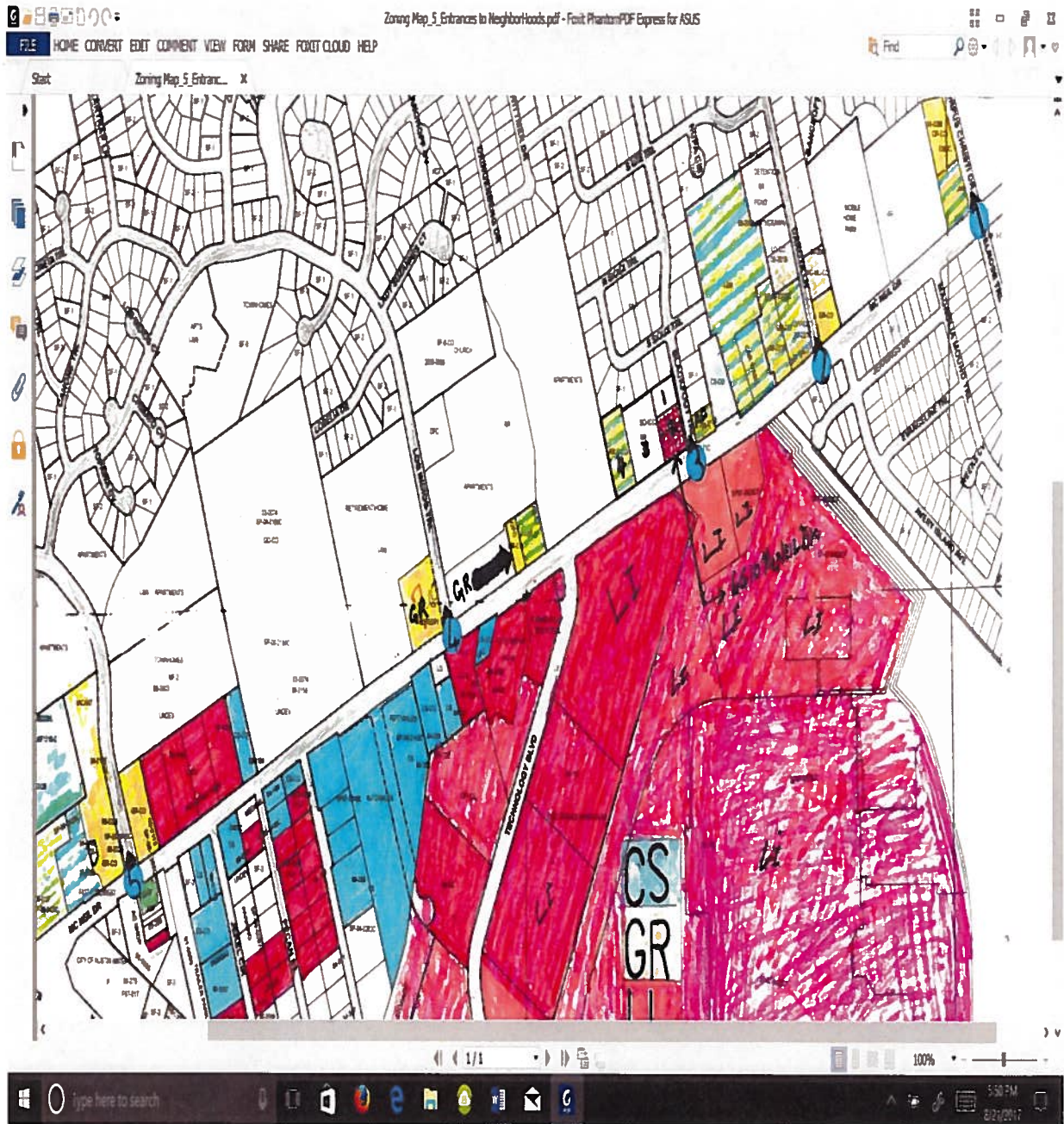
This product is for informational purposes and may not have been prepared for or be suitable for legal engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

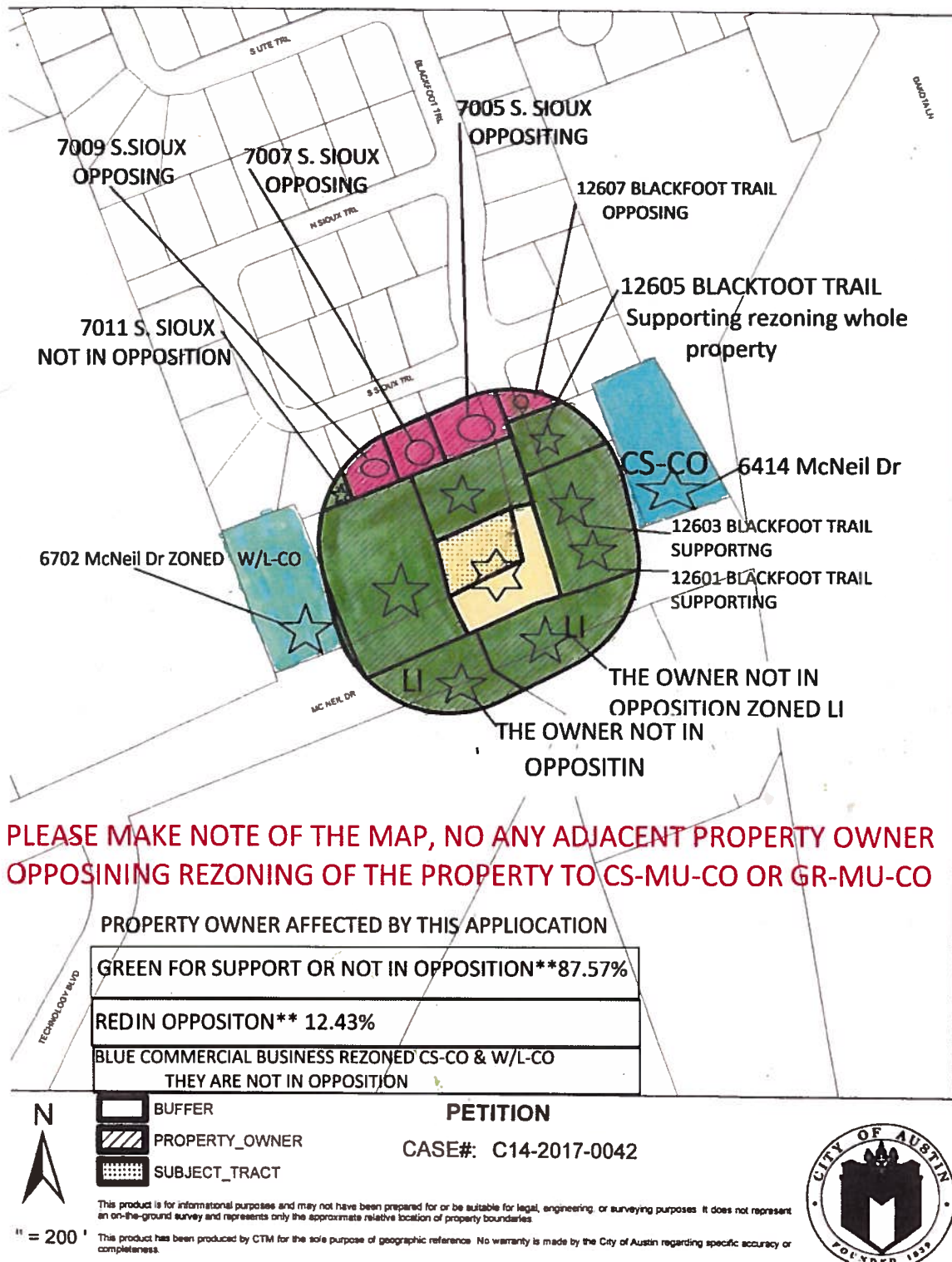


Created: 4/19/2017

Zoning Map Of 5 entrances to Neighborhoods From McNeil Dr.



NO ADJACENT PROPERTY OWNER IN OPPOSITION OF ZONING WHOLE LOT-2















Above picture of my property case # C14-2017-0024























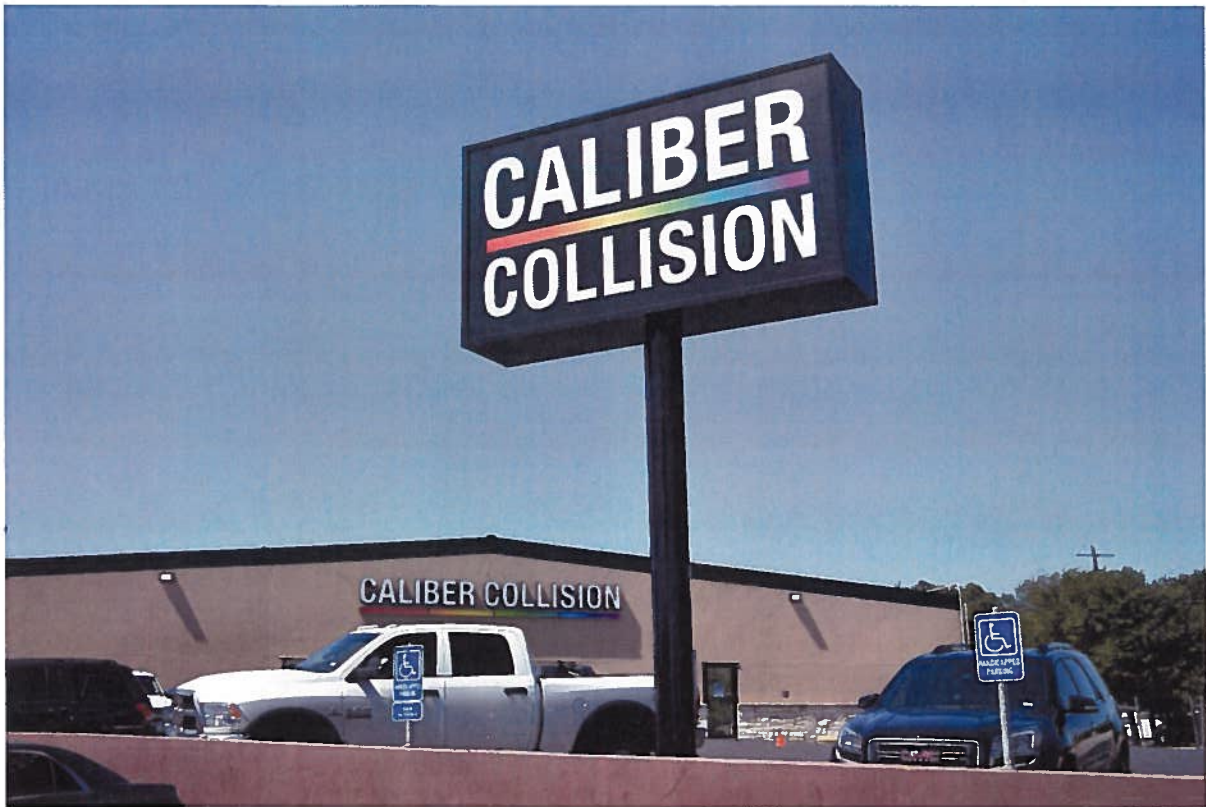
















Date: September 15, 2017




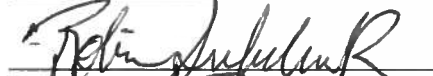
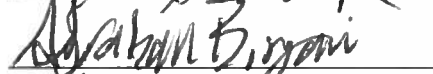



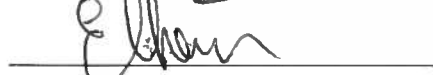
Page 1/2

Case Number: C14-2017-0042

To: Austin City Council

Address of Rezoning: 6610 McNeil Drive? 12602 Blackfoot Trail

We undersigned property owners adjacent to the referenced property **in favor and supporting** the requested zoning change to CS-MU for all of the property (Lot 2 Indian oaks 2 Subdivision) because: (1) Since 1985, the property is no longer restricted to use for residential purposes only and may be use for any lawful purpose. (2) The property has been purchased and developed since 1989 with no restriction to operate any type lawful businesses until City annexed the property in 1998. (3) The property has been developed with large detention pond which prevent flooding during heavy rain at corner of McNeil Drive and Blackfoot trail which benefit us. (4) There are much larger properties adjacent to our properties which zoned by city of Austin to CS-CO, W/L-CO and LI therefore the CS-MU code is very compatible with those commercial properties around us. (5) Beside Blackfoot Trail entrance to neighborhoods, there are four other entrances from McNeil to Neighborhoods close to us. On the eastside CORPUS CHRISTI DR and DAKOTA LN, on the westside LOS INDIOS TRL and SAN FELIPE Blvd, each one of these entrances has one or more properties that zoned to GR-CO or CS/GR-CO and none them has been divided to smaller tract, there is no justifiable reason this property singles out and treat poorly and over regulated with heavy restriction to become useless. It is time distinguished council members correct unjust, restore his right to his property and provide equal opportunity for the property owner too.

Signature	Print Name	Address
	MEHDI ZARCHI	12603 Blackfoot Trl. 78729
	Elham Tarkashvand	12603 Blackfoot trl. 78729
	DAVID SIEBELINK	12605 BLACKFOOT TR 78729
	Robin Siebelink	12605 BLACKFOOT TR 78729
	Abraham Birgani	12604 Blackfoot trl. 78729
	Mona Birgani	12604 Blackfoot TR 78729
	Lorenzo M Garcia.	7205 NORTH UTE TRAIL 78729.
	MEHDI ZARCHI	6516 McNeil Dr. 78729
	Elham Tarkashvand	6516 mcNeil Dr. 78729

Please see attached copy of legal agreement for following two properties
R322630- 6702 McNeil Drive LOT 2 OF Indian OAKS 2 subdivision
R322627- 6616 McNeil Drive LOT 3 OF Indian OAKS 2 subdivision

Contact Name: Abraham Birgani

Phone Number: 512-998-2525

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

18833

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Deed recorded in Volume 500, Page 496, of the Deed Records of Williamson County, Texas, a copy of which is attached hereto as Exhibit "A", RAYMOND FLOYD DAVIS and wife, ALINE DAVIS, and BEULAH DAVIS, as Grantors, did convey to ROSCOE E. MILLEGAN and wife, ANNIE MILLEGAN, as Grantees, those six (6) tracts of land situated in Williamson County, Texas, as are more fully described on Exhibit "A"; and

WHEREAS, BEULAH DAVIS is now deceased and DIANA EICHSTATDT, joined herein by her husband, DONALD L. EICHSTATDT, is her only heir; and

WHEREAS, ELAINE BARNES, wife of DALE BARNES, is now deceased; and

WHEREAS, RICHARD BOUTON and wife, DIANE BOUTON, CRAIG H. SHERPERT and wife, BARBARA SHERPERT, DALE BARNES and FRANK C. WOLCHICK, JR., are successors in title to portions of the hereinabove referenced property; and

WHEREAS, the above named MILLEGANS, BOUTONS, BARNES, SHERPERTS and WOLCHICK constitute all of the parties with any interest in and to the property described on Exhibit "A"; and

WHEREAS, the Deed attached as Exhibit "A" contains certain restrictions restricting the use of the property for residential purposes only, and the parties hereto now desire to amend said restrictions to permit any lawful use;

NOW THEREFORE, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned agree that the restrictions imposed upon the property are hereby amended and modified to provide that the property is no longer restricted to use for residential purposes only and may be used for any lawful purpose.

EXECUTED this 21st day of April, 1985.

<u>Roscoe C. Millegan</u> ROSCOE C. MILLEGAN	<u>Annie Millegan</u> ANNIE MILLEGAN
<u>Diana Eichstatdt</u> DIANA EICHSTATDT	<u>Donald L. Eichstatdt</u> DONALD L. EICHSTATDT
<u>Richard Bouton</u> RICHARD BOUTON	<u>Diane Bouton</u> DIANE BOUTON
<u>Craig H. Sherpert</u> CRAIG H. SHERPERT	<u>Barbara J. Sherpert</u> BARBARA J. SHERPERT
<u>Frank C. Wolchick, Jr.</u> FRANK C. WOLCHICK, JR.	<u>Dale Barnes</u> DALE BARNES

STATE OF TEXAS §
COUNTY OF TARRANT §

This instrument was acknowledged before me on APRIL 21, 1985, by Roscoe D. Millegan and wife, Annie Millegan.

Notary Public
NOTARY PUBLIC, State of Texas

ROBERTA K. SHERPERT
(Printed or typed name of Notary)
My Commission Expires: 3-3-87





**Stepping Stone
SCHOOL**

Premier Private Education

AUSTIN, TX:

1710 Richcreek Rd. 78757
8419 Bowling Green Dr. 78757
8121 Shoal Creek Blvd. 78757
6616 McNeil Dr. 78729
9914 Woodland Village Dr. 78750
12301 Hymeadow Dr. 78750
7700 West Parmer Ln. 78729
2001 Wells Branch Pkwy. 78728
1007 E. 40th St. 78751
9405 Brodie Ln. 78748
9325 Alice Mae Ln. 78748

LEANDER, TX:

225 Block House Dr. 78641

KYLE, TX:

4624 Ratcliffe Dr. 78640
1020 Lightfoot St. 78640

ROUND ROCK, TX:

7601 O'Connor Dr. 78681
2301 N. A.W. Grimes Blvd. 78665
651 Teravista Pkwy. 78665

COLLEGE STATION, TX:

900 University Oaks Blvd. 77840
205 Rock Prairie Rd. 77845

ADMINISTRATIVE OFFICE:

1910 Justin Ln. 78757
(512) 459-0258
Fax (512) 467-1824

www.SteppingStoneSchool.com

October 18, 2017

Planning & Zoning Dept.
c/o Ms. Sherri Sirwaitis – Case Manager
505 Barton Springs Rd.
Austin, TX 78704

Re: Case Number: 2017-042740 ZC or C14-2017-0042; Zoning/Rezoning

Dear Ms. Sirwaitis and Members of the City Council,

This letter is intended to more formally state our position with regard to the above referenced case number. We have had conversations and at least one meeting with the Applicant. While we are sympathetic to the Applicant's desire to sell alcohol, we simply cannot support that desire. We have a loyalty and duty to the children and families at our neighboring school and we oppose any use that would allow the sale of alcohol in such close proximity to our school.

The Applicant also indicated to us that he is not interested in having a convenience store at that location, so we would encourage a prohibition or condition that would not allow any type of gas station or convenience store.

The Applicant also indicated that the City wants to create a Right of Way that would extend 70 ft. from the middle of McNeil Drive, which would encroach on the Applicant's property. We support the Applicant in his effort to limit that encroachment to whatever extent possible.

If you have any questions, please feel free to contact me.

Sincerely,

Rhonda Paver

Sirwaitis, Sherri

Subject: FW: Zoning Case No. C14-2017-0042

From: Jay Clendenin []

Sent: Wednesday, October 18, 2017 8:21 PM

To: Flannigan, Jimmy; Houston, Ora; Garza, Delia; Renteria, Sabino; Casar, Gregorio; ann.kitchen@austintexas.gov; Pool, Leslie; District 8; Tovo, Kathie; District10

Cc: Sirwaitis, Sherri

Subject: Zoning Case No. C14-2017-0042

Dear Council Members,

My name is Jay Clendenin. I am a member of the Indian Oaks Neighborhood Association. I have appeared before the ZAP Commission regarding the above-referenced case in order to ensure that the interests of our neighborhood are represented. However, I will not be able to attend the Council's October 18 hearing. I would like to provide the following comments for the Council to consider in rendering a decision.

The neighborhood's primary concerns regarding Abraham Birgani's application are:

(1) The requested CS zoning is incompatible in a residential neighborhood. Mr. Birgani's property is located within a residential neighborhood and is surrounded on three sides by residences and a Stepping Stone daycare on the fourth side. Based on Mr. Birgani's statements to the neighborhood and to the ZAP Commission, we believe Mr. Birgani intends to operate a manufacturing business out of the building, which may include computer chip manufacturing. Such a business would not serve the neighborhood and is entirely incompatible in a residential neighborhood.

The ZAP Commission's recommendation of GR zoning with a conditional overlay is preferable to the requested CS zoning, but GR zoning may set an undesirable precedent for other properties in the neighborhood near to Mr. Birgani's (e.g., Mr. Birgani also owns the lot adjacent to the lot at issue in this case). Notably, LR zoning is most consistent with the zoning that is planned for Mr. Birgani's property under Code Next. Moreover, despite Mr. Birgani's assertions to the contrary, the current LR zoning is sufficient to accommodate a sufficiently wide range of businesses. Two tenants previously occupied the commercial portion of the building and are no longer tenants for reasons entirely unrelated to the restrictions placed by the City on the property.

The neighborhood also approves of the current zoning, which permits a business to operate on the McNeil frontage but zones the "back half" of the lot as residential. The zoning application requests that the entire lot to be zoned commercial. Such zoning would intrude into the residential neighborhood and change the character of the entryway into Indian Oaks. Commercial zoning for the portion of the property fronting onto the residential Blackfoot Trail is simply incompatible with the residential neighborhood.

(2) A more intensive zoning than LR would increase traffic flow at the intersection of McNeil and Blackfoot. The intersection does not have a traffic light and is already unsafe due to limited sight-lines. Further, if both tracts of the property are zoned to a commercial category, the neighborhood has no guarantee that a commercial access will not be built on Blackfoot, a residential street. Indeed, the City's transportation office has already indicated that a commercial entrance on McNeil would not be permitted. A commercial entrance on Blackfoot Trail is strongly disfavored by the neighborhood for safety and traffic flow reasons.

Mr. Birgani's property is a unique one due to the manner in which he constructed it. That does not, however, entitle him to receive a zoning classification that is inconsistent with a residential neighborhood and that may pose traffic safety concerns. The current LR zoning is sufficient for Mr. Birgani to lease the property and is most consistent with its location among residences. For these reasons, I oppose Mr. Birgani's rezoning application.

Sincerely,
Jay Clendenin