

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0077 – Damac Commercial DISTRICT: 1

ZONING FROM: SF-2

TO: Tract 1: GR-MU; Tract 2: SF-6

ADDRESS: 7712 FM 969

SITE AREA: Total Acreage: 22.84 Acres. Tract 1: 10.4 Acres; Tract 2: 12.44 Acres

PROPERTY OWNER/APPLICANT:

Damac Real Estate Investment Group
(Saqib Ali)

AGENT:

Ausland Architects
(Kennedy Whiteley)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff does not support the Applicant's rezoning request, and offers an alternate recommendation. Staff recommends LR-MU for the first 350' as measured from the front property line (Tract 1) and SF-6 for the remainder of the property (Tract 2). Staff also recommends that additional ROW be dedicated to FM 969 prior to 3rd reading by City Council. For a summary of the basis of staff's recommendation, see case manager comments on page 2.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

October 16, 2018:

CITY COUNCIL ACTION:

November 1, 2018:

ORDINANCE NUMBER:

ISSUES:

A Valid Petition has been filed against this rezoning request. The petition currently stands at 25.94% of eligible property owners.

CASE MANAGER COMMENTS:

The subject property is located on the north side of FM 969 between Johnny Morris Road and Decker Lane. The property is undeveloped and is currently zoned SF-2. Immediately to the north are properties zoned SF-2 that include single family residences and undeveloped acreage. Further north is a mobile home park zoned MH. Immediately to the north and east are properties zoned SF-2 that include single family residences and undeveloped acreage. An artist studio space is also located to the east and is also zoned SF-2. Further to the east, across Rodgers Lane is more SF-2 that is developed with residences and undeveloped acreage. An undeveloped LR-MU-CO property is also located east of Rodgers Lane. Immediately adjacent to the subject property to the south are properties zoned SF-2 and LR. The SF-2 tract includes undeveloped acreage and a single family residence. The LR tract is developed with a convenience store. Further south, across FM 969, are properties with a mix of zoning, including GR, LR, CS-1, CS, and SF-2. These properties contain the following land uses: undeveloped, convenience store, liquor store, construction sales and services, and single family residential, respectively. West of the rezoning tract is a single family residential neighborhood that is zoned SF-3 and two undeveloped properties zoned LR. The property has frontage on FM 969, which is designated as an Activity Corridor in the Imagine Austin Plan. *Please see Exhibit A - Zoning Map.*

The subject property contains a small creek and a pond, as well as significant tree coverage. Topography on the site is varied and includes elevations ranging from 530' to 460'. The southwest corner of the property is located within the 100 year floodplain. The property is located in the Walnut Creek watershed, which will make any redevelopment subject to Suburban watershed regulations. *Please see Exhibits B and C - Aerial Exhibit and Topographic Exhibit.*

The Applicant proposes developing the site with a 10.4 acre commercial center along the FM 969 frontage (Tract 1) that will include a variety of commercial and office uses. The rear of the property (Tract 2) is proposed to be developed with 12.44 acres of townhouse/condominium use. The Applicant has stated that GR-MU zoning is needed in order to develop the site since it is heavily constrained by environmental features.

Staff does not support the Applicant's rezoning request. While there are commercially zoned and used properties across FM 969, the rezoning tract is surrounded almost entirely by SF-2 and SF-3 on the north side of FM 969. The commercial properties on the south side of FM 969 are mostly land uses that were annexed into the City. There are very few commercially zoned properties on the north side of the road between Johnny Morris Road and Decker lane. These properties are much smaller than the proposed 10.4 acres of GR-MU and are zoned LR or LR-MU-CO. These LR and LR-MU-CO sites do not extend further than 350' from the FM 969 frontage—the Applicant is proposing that the GR-MU portion of the site extend back approximately 820'.

Staff is offering an alternate recommendation. Staff recommends LR-MU for the first 350' as measured from the front property line (Tract 1) and SF-6 for the remainder of the property (Tract 2). GR-MU is not suitable for this location because it permits many uses that are too

intense to be surrounded by single family residential. While the site is subject to compatibility requirements and Suburban watershed regulations, the possibility of 60' tall buildings and a 1:1 floor-to-area ratio are out of scale with surrounding uses and the character of the area. Finally, Staff recommends maintaining a similar depth of commercial zoning along the FM 969 frontage. The deepest LR zoned tracts in the area extend 350' from their frontages. Staff supports SF-6 for the property in part due to the environmental constraints on the property. Under a more restrictive residential zoning category, development of the site would require construction of a small street and subdivision into lots. SF-6 allows clustering of units which would allow development to work around the natural features. SF-6 would allow more units to be constructed and utilize a shared driveway, which requires less impervious cover and allows more flexible design. Staff also recommends that additional ROW be dedicated to FM 969 prior to 3rd reading by City Council.

Staff has received correspondence in opposition and support of the rezoning request. A Valid Petition has been filed against this rezoning request. The petition currently stands at 25.94% of eligible property owners.

Please see Exhibits D and E – Correspondence and Valid Petition Request.

BASIS OF RECOMMENDATION:

Staff does not support the Applicant's rezoning request, and offers an alternate recommendation. Staff recommends LR-MU for the first 350' as measured from the front property line (Tract 1) and SF-6 for the remainder of the property (Tract 2). Staff also recommends that additional ROW be dedicated to FM 969 prior to 3rd reading by City Council.

1. Zoning should allow for reasonable use of the property.

Tract 1 is appropriate for commercial development since it is located along an Activity Corridor and could provide valuable services to this isolated area. However, Staff does not support GR-MU zoning on Tract 1 because the intensity of land uses is not compatible with the surrounding residential properties. LR-MU allows a wide variety of retail, services, and office uses that are more suitable adjacent to residential properties.

Regarding Tract 2, the subject property faces environmental challenges: significant topography, numerous trees, a pond and small creek. These features would make it difficult to develop the site with traditional residential zoning, which would require subdivision and street construction. Unlike traditional single family/duplex zoning, SF-6 allows clustering of units and driveways, which typically have lower impact.

2. The proposed zoning should be consistent with the goals and objectives of the City Council.

The property is located along an 'Activity Corridor' (MLK/FM 969), which is characterized by a variety of activities and buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The proposed rezoning would provide improved access to retail, employment, community services for the area, as well as add variety to available housing stock.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-2	Undeveloped
North	SF-2, MH	Undeveloped, Single family residence, mobile home park
South	SF-2, LR, GR-CO, CS-1, CS	Undeveloped, single family residence, convenience store, Liquor sales, Construction sales and services
East	SF-2, LR-MU-CO	Single family residences, Art studio, Undeveloped
West	SF-2, LR, SF-3	Undeveloped, Single family residences

NEIGHBORHOOD PLANNING AREA: N/ATIA: N/AWATERSHED: Walnut Creek (Suburban)NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Del Valle Community Coalition
 Agave Neighborhood Association
 Friends of Austin Neighborhoods
 Austin Neighborhoods Council

Friends of Northeast Austin
 SELTexas
 Sierra Club
 Neighbors United for Progress
 Claim Your Destiny Foundation

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2013-0076 Roger Juice Bar 5201 Rogers Lane	SF-2 to LR	04/07/2013: Approve LR-MU-CO (STAFF) with added condition of no drive-thru services as accessory use	Apvd ord # 20131003-078 for (LR-MU-CO) w/prohibited uses: service station, <300 vpd, drive through, and no vehicular access to 969.
C14-2011-0080 Gyro Plus LLC	LR-CO, SF-2 To GR	09/20/11; Apvd GR-CO (staff) – CO limits site to <2,000 vpd	Apvd ord # 20111215-076 for (GR-CO) as recommended by ZAP

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
FM 969	94'	50	Major Arterial, 6 Lanes Divided	No	No	No

OTHER STAFF COMMENTS:COMPREHENSIVE PLANNING

The property is also located outside the boundaries of an adopted Neighborhood Planning Area. The proposal calls for retail uses (10.4 acres for Tract 1) and residential units (12.44 acres for Tract 2.) within the project area.

Connectivity - The Walkscore is 41/100, Car Dependent, meaning most errands require a car. There are no public sidewalks or designated bike lanes in the area. There is a CapMetro transit stop located .90 miles to the west. There are no existing urban trails within a mile of this site.

Imagine Austin - The property is located along an 'Activity Corridor' (MLK/FM 969), which is characterized by a variety of activities and buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following IACP policies are also relevant to this case:

- ☐ LUT P1. Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- ☐ LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- ☐ HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based upon this property: (1) being located along an Activity Corridor that supports a mixture of uses, including residential and commercial uses; and (2) the Imagine Austin policies above that supports a mix of uses along corridors, including commercial and residential, the proposed project appears to be support the policies and Growth Concept Map of the Imagine Austin Comprehensive Plan.

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

2. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits if more restrictive than allowed by zoning. Note: SF-6 impervious cover limit of 55% is lower than watershed limits; therefore the 55% limit would apply. LR zoning would be the same as zoning (80%) and GR zoning would be reduced to 80% as well.

Development Classification	% of Gross Site Area	% of Gross Site Area with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

3. According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

SITE PLAN

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

SP 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.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

SP 4. The site is subject to compatibility standards, along all property lines (excepting the portion adjacent to the LR property to the south) frontage. The following standards apply:

- ☐ No structure may be built within 25 feet of the property line.
- ☐ No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- ☐ No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- ☐ No parking or driveways are allowed within 25 feet of the property line.
- ☐ A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- ☐ For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- ☐ 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.
- ☐ A landscape area at least 25 feet in width may be required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Additional design regulations will be enforced at the time a site plan is submitted.

TRANSPORTATION

TR1. Per Scott James, the traffic impact analysis for this site was waived until the time of site plan because additional details of the proposed development are needed. A Traffic Impact

Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. LDC. 25-6-113.

TR2. At the time of submittal of any site plan on the Property, a traffic impact analysis ("TIA") is required if the proposed development or uses on the Property, considered cumulatively with all existing or previously authorized development and uses, generates traffic that exceeds 2,000 trips per day.

TR3. The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for FM 969. 70 feet of right-of-way from the existing centerline is required to be dedicated for FM 969 according to the Transportation Plan prior to 3rd reading of City Council. [25-6-55].

TR5. Existing Street Characteristics:

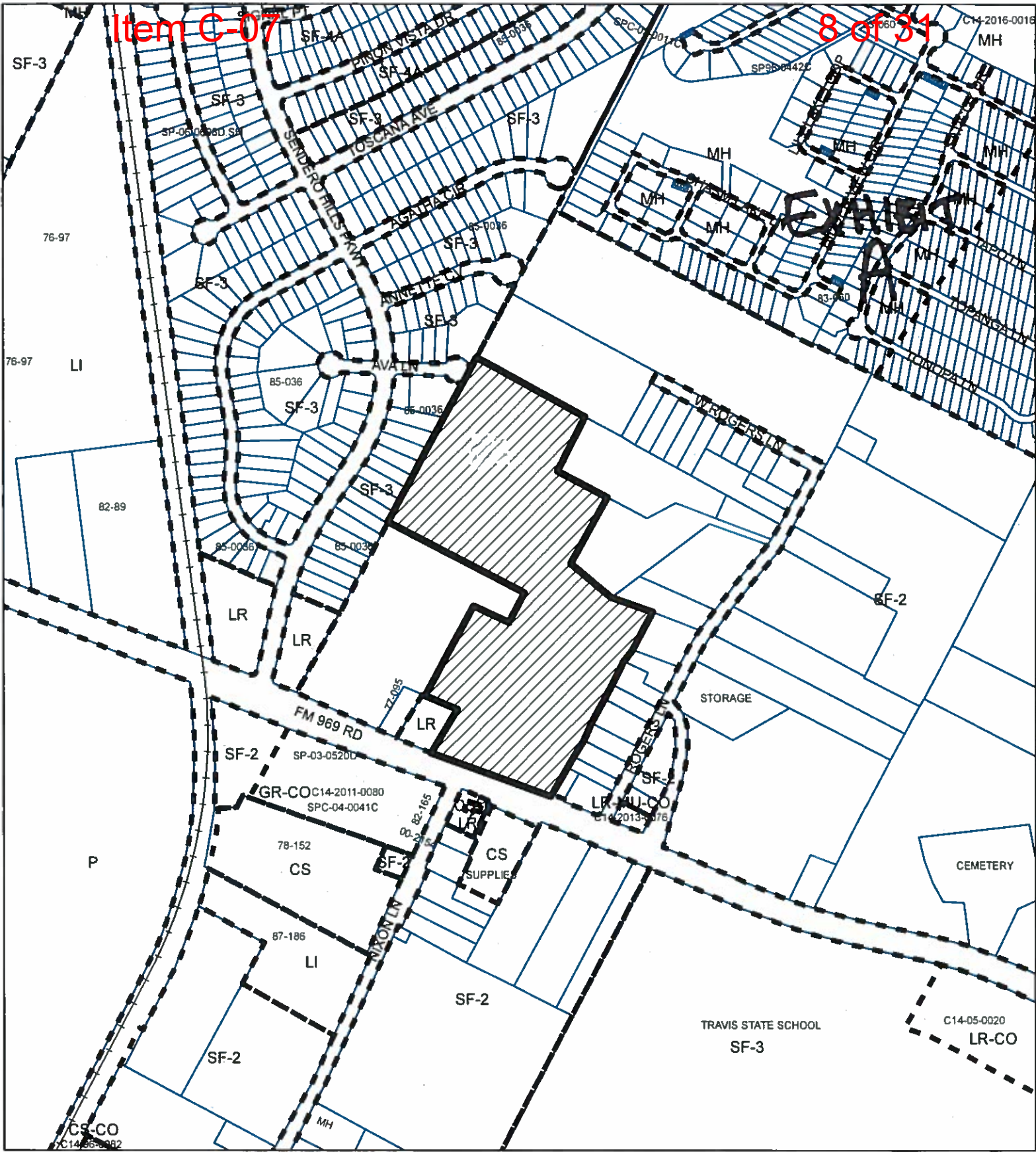
Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
FM 969	94'	50	Major Arterial, 6 Lanes Divided	No	No	No




WATER UTILITY

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Exhibit
- C. Topographic Exhibit
- D. Correspondence
- E. Valid Petition Request



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

Zoning Case

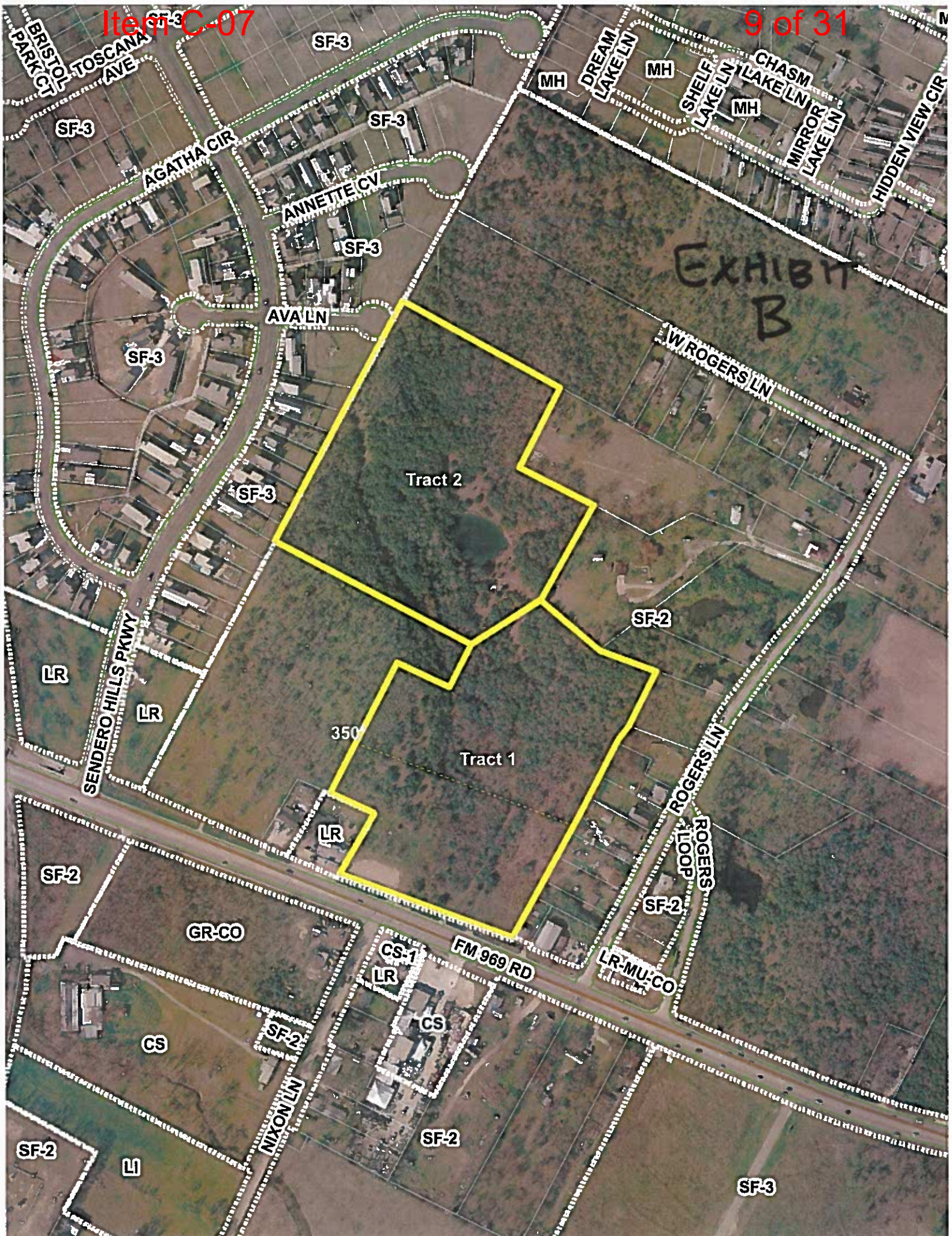
C14-2018-0077

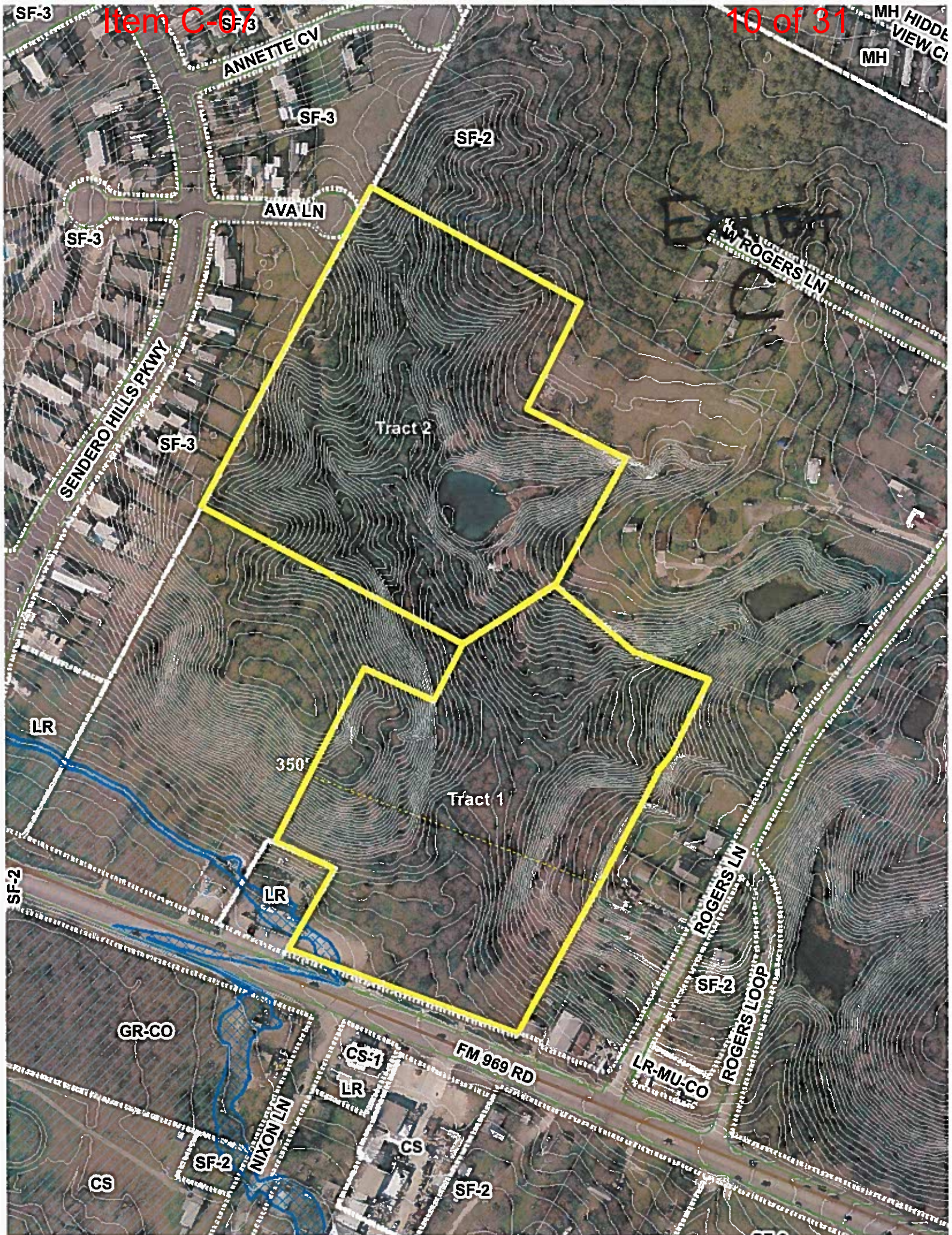


1" = 500'

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.





Chaffin, Heather

Subject: FW: Case Number C14-2018-0077**EXHIBIT
D**

From: William Baxter
Sent: Saturday, August 04, 2018 4:28 PM
To: Chaffin, Heather; Martha Drayton
Subject: Case Number C14-2018-0077

Hi Heather,

Last week we received a notice of filing of application for rezoning for the above case number. We live at 7401 Ava Lane, on the Agave cul-de-sac that abuts the property seeking rezoning.

We are extremely concerned that this development may include an exit to Agave, which would destroy the existing character of the Agave neighborhood by turning our cul-de-sac into a thoroughfare. I do see in the permit documentation one reference to a plan that does not include exit from the rezoned area through Agave. How can we best register our extremely strong preference for a plan that does not include exit via Agave?

One more question arises for us. Why is it appropriate to rezone this property to SF-6 when everything around it is SF-2?

Thank you for your prompt attention to this matter.

Sincerely,

William Baxter
Martha Drayton
7401 Ava Lane
Austin TX 78724

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/planning.

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: C14-2018-0077

Contact: Heather Chaffin, 512-974-2122

Public Hearing: October 16, 2018, Zoning and Platting Commission
 November 01, 2018, City Council

PAUL

Your Name (please print)

7305 AVA ~~LANE~~ LANE

Your address(es) affected by this application

10/01/18

Date

Signature

Daytime Telephone: 512-993-8707

Comments: STATISTICALLY, SPEAKING, THERE IS LESS CRIME IN SF-2 ZONING AND SO WE WOULD LIKE TO MAINTAIN THIS ZONING. THANK YOU

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

City of Austin
 Planning & Zoning Department
 Heather Chaffin
 P. O. Box 1088
 Austin, TX 78767-8810

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Case Number: C14-2018-0077

Contact: Heather Chaffin, 512-974-2122

Public Hearing: October 16, 2018, Zoning and Platting Commission
 November 01, 2018, City Council

Samartha Collingsworth
 Your Name (please print)

7313 Ave Lane, Austin TX 78724
 Your address(es) affected by this application

[Signature]
 Signature

10/2/2018
 Date

Daytime Telephone: (918) 282-7881

Comments: In favor of this project; particularly
when other options include another useless
investment such as a church, or
"single-family homes" that turn out to be
a trailer park!

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

City of Austin
 Planning & Zoning Department
 Heather Chaffin
 P. O. Box 1088
 Austin, TX 78767-8810

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Case Number: C14-2018-0077

Contact: Heather Chaffin, 512-974-2122

Public Hearing: October 16, 2018, Zoning and Planning Commission
November 01, 2018, City Council

MADISON GRAHAM, AIA

Your Name (please print)

7313 ANNETTE CUE 78724

Your address(es) affected by this application

[Signature] 10/2/2018

Signature

Date

Daytime Telephone: 512-925-1351

Comments: PLEASE CONSIDER THE FOLLOWING:

- ① ALL STREET CONNECTIONS ONLY TO MLK/969 - NOT TO EXIST. RES. STREETS - SUCH AS AVA CIRCLE.
- ② TRAFFIC STUDY ?? IMPACT?
- ③ TRAFFIC SIGNAL AT MLK & SENDERO HILLS IS REQUIRED NOW.

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

City of Austin

Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

Chaffin, Heather

Subject: FW: 969 case # C14-2018-0077

From: Pliny Fisk III
Sent: Wednesday, September 26, 2018 1:50 PM
To: Chaffin, Heather
Cc: Gail Vittori
Subject: 969 case # C14-2018-0077

Dear Ms Chaffin

good talking to you today

-- It has come to our attention as neighbors that there is a proven and very prolific archaeological site quite close to the land being considered - both pieces the archeological site and the rezoning piece being considered are both on a ridge that overlooks the colorado river - understandably an excellent camp site location - Harley Hitchcock the adjacent land owner has found bushels of artifacts that have been proven rare - to the point that the University of Texas has offered substantial money for this - but being his home he did not want the university and stunts on his land

Please contact me for more information if needed

Pliny Fisk

--

Pliny Fisk III M.Arch, M.L.Arch
Professor Emeritus, Texas A&M University
Co-Director + Co-Founder
[Center for Maximum Potential Building Systems](#)
8604 FM 969 | Austin, TX 78724
p 512.928.4786

[Check us out in National Geographic!](#)

The Center for Maximum Potential Building Systems

Maximum Potential - is an ideal state beyond the present - the Center strives to potentialize all life systems. **Building** - first, as a noun, so it becomes solid and tangible as in buildings; then, as a verb so it denotes action as in building community. **Systems** - everything is a system; if not, there would be no feedback, no evolution, no life. **Living Systems** - biotic and abiotic - maximize potential futures; if not, there would be no change. **Potential Systems** become life at the next step.

Case Number:
C14-2018-0077

PETITION

Total Square Footage of Buffer:
Percentage of Square Footage Owned by Petitioners Within Buffer

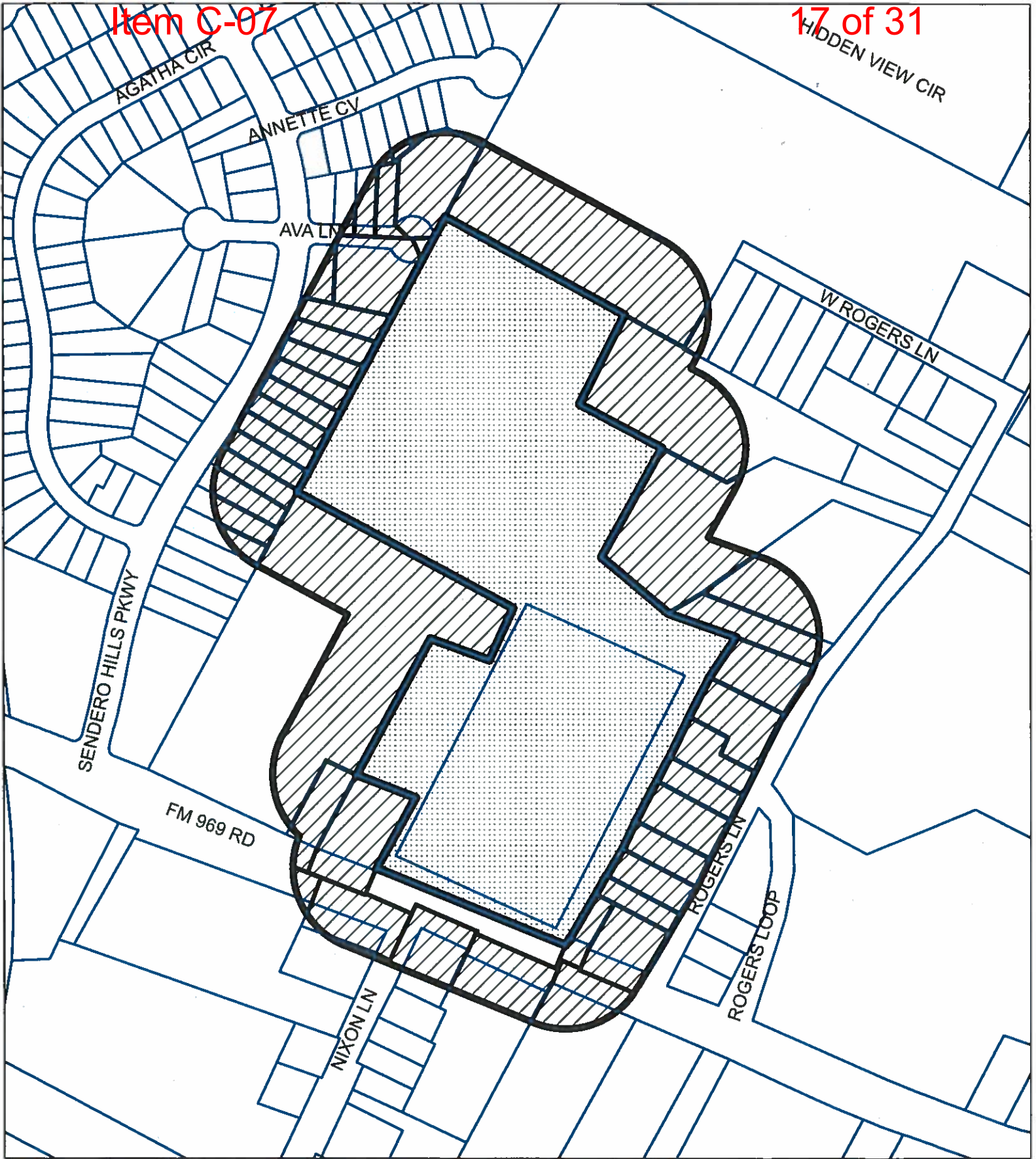
EXHIBIT E

9/21/2018
1115395.797
25.94%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD 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.

25.94%

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0213330514	7405 ANNETTE CV 78724	AGAVE SENDERO INVESTMENTS LTD	no	492.89	0.00%
0213330512	7321 ANNETTE CV 78724	AGAVE SENDERO INVESTMENTS LTD	no	389.80	0.00%
0213330502	7416 AVA LN 78724	AGAVE SENDERO INVESTMENTS LTD	no	34570.02	0.00%
0213330619	7409 AVA LN 78724	AGAVE SENDERO INVESTMENTS LTD	no	31745.77	0.00%
0213330511	7317 ANNETTE CV 78724	AGAVE SENDERO INVESTMENTS LTD	no	1116.96	0.00%
0213330618	7401 AVA LN 78724	BAXTER WILLIAM & MARTHA DRAYTON	no	4765.46	0.00%
0211330106	7608 F M RD 969 78724	BENITEZ JOSE GONZALEZ & AMELIA SOLIS ROSAS	no	18285.33	0.00%
0210310148	4708 ROGERS LN 78724	BROWN YOLANDA T	no	126032.01	0.00%
0211330110	5214 ROGERS LN 78724	CALHOUN CLARENCE	no	21152.15	0.00%
0211330109	5216 ROGERS LN 78724	CALHOUN MARGIE	yes	13292.87	1.19%
0213330615	5341 SENDERO HILLS PKWY 78724	COGGESHALL JAMES LOWELL	yes	11241.83	1.01%
0210310112	7711 W ROGERS LN 78724	CRESPO MILDRED R & GAYLE L SWEETLAND	no	2903.90	0.00%
0213330608	5313 SENDERO HILLS PKWY 78724	DUNN KENNETH N	no	10352.41	0.00%
0210310132	5300 ROGERS LN 78724	ERB MELANIE	no	25820.60	0.00%
0213330610	5321 SENDERO HILLS PKWY 78724	FISCHER STEVEN D & MARIE A	no	10213.74	0.00%
0211330107	7900 F M RD 969 78724	FUDGE DAVID GEORGE	no	9280.48	0.00%
0211330306	7801 F M RD 969 78724	GABALA CORPORATION	no	24195.58	0.00%
0213330613	5333 SENDERO HILLS PKWY 78724	GLAVAN JAMES	yes	10162.68	0.91%
0213330510	7313 ANNETTE CV 78724	GRAHAM MADISON REID & FLOY ELIZABETH ALTHAUS	no	489.12	0.00%
0211330414	NIXON LN 78725	GYRO PLUS LLC	no	27369.84	0.00%
0211330413	F M RD 969 78725	GYRO PLUS LLC	no	4013.18	0.00%
0211330415	5106 NIXON LN 78725	GYRO PLUS LLC	no	1145.67	0.00%
0213330503	7412 AVA LN 78724	HACKETT JO ANN & JOHN HUEHNERGARD	no	9086.74	0.00%
0213330607	5309 SENDERO HILLS PKWY 78724	HARRISON BERNARD MITCHELL & MICHAEL E HITE	no	8087.36	0.00%
0211330311	7901 F M RD 969 78724	HAUSE JANET	no	22770.39	0.00%
0210310150	ROGERS LN 78724	HITCHCOCK MRS STONEWALL ETAL % LANEILLA ATWILL	no	24831.97	0.00%
0210310125	5400 ROGERS LN 78724	HITCHCOCK H M JR & LYNDIA GAYLE	yes	26829.57	2.41%
0210310130	5318 ROGERS LN 78724	HYINK PARKER THOMAS & AMY ANN	yes	23591.36	2.12%
0210310139	7604 F M RD 969 78724	IGLESIA CAMINO DEL REY OF AUSTIN INC	no	191648.84	0.00%
0211330108	5222 ROGERS LN 78724	JACKSON MARY	no	16867.70	0.00%
0211330103	5208 ROGERS LN 78724	KLEIHEGE MELISSA K	no	15012.55	0.00%
0211330104	5206 ROGERS LN 78724	KLEIHEGE MELISSA K	no	10120.22	0.00%
0210310129	5414 ROGERS LN 78724	KRAMER M ANDY & E GRACE E GRACE KRAMER	yes	77347.01	6.93%
0213330605	5301 SENDERO HILLS PKWY 78724	LUCAS SHELLEY W	no	54.70	0.00%
0213330505	7404 AVA LN 78724	OERTER CHARLES H & LINDA D BARTOS	yes	1207.54	0.11%
0211330101	F M RD 969 78724	ROOHI JOOHI INC	no	38915.71	0.00%
0211330102	5210 ROGERS LN 78724	SCHWOEBLE JOHN FLETCHER % DEBRA K HECKLER (C/S)	no	14866.73	0.00%
0211330304	7803 F M RD 969 78725	SIMPSON CARL BRUCE & JEANETTE JEANETTE SUSAN SIMPSON	yes	30450.71	2.73%
0211330105	7904 F M RD 969 78724	SOUTHARD RANDI	no	25705.77	0.00%
0210310127	5414 B ROGERS LN 78724	STEAPLES ONETA FAY ETAL	yes	83357.40	7.47%
0213330612	5329 SENDERO HILLS PKWY 78724	STEPNOSKI ROBERT R & LORI R	no	10466.39	0.00%
0213330617	5349 SENDERO HILLS PKWY 78724	TERLUZZI JOHN J	no	12480.45	0.00%
0213330606	5305 SENDERO HILLS PKWY 78724	TEXAS INTOWNHOMES LLC	no	4284.49	0.00%
0213330609	5317 SENDERO HILLS PKWY 78724	TEXAS INTOWNHOMES LLC	no	10183.49	0.00%
0213330614	5337 SENDERO HILLS PKWY 78724	THOMPSON JESSICA M	no	10944.79	0.00%
0213330611	5325 SENDERO HILLS PKWY 78724	TUTOR BRETT	no	10337.59	0.00%
0213330504	7408 AVA LN 78724	WORTH JOSEPH R & JENNIFER M	no	5955.03	0.00%
0213330616	5345 SENDERO HILLS PKWY 78724	WRIGHT DANIELLE MYREE	yes	11839.01	1.06%
Total				1086275.75	25.94%



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

CASE#: C14H-2018-0077

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.



1" = 300'

PETITIONDate: 8/20/2018

File Number: C14-2018-0077

Address of Rezoning Request: 7712 FM 969 Rd, Austin, TX 78724 (22.84 acres)

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-2 (Single Family Residence) district at this time.

The application for rezoning was submitted by the new property owner Mr. Saquib Ali, Damac Real Estate Investment Group, Spring, Texas. The property is currently shown on Travis County Appraisal District as two tracts – 6.47 acres (lower tract) and 16.3672 acres (upper tract), all currently SF-2 Zoning. The rezoning request is to split the property into two tracts and rezone as follows: SF-6 Zoning (Townhouse, Condo) for the upper 12.44 acres and GR-MU Zoning (Community Commercial-Mixed Use) for the lower 10.4 acres, with access to and from FM 969.

Reasons for protest:

1. Regarding the re-surveying of the 22.84 acres:

This 22.84 acres is currently SF-2 zoning, Single Family Residence (Standard Lot) district, which is in line with what the large majority of the neighboring properties are zoned. An SF-2 district is 'intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lot patterns, as well as for development of additional single-family housing areas with minimum land requirements.'

We are against the change from two tracts of 6.47 acres and 16.37 acres to two tracts of 10.4 acres and 12.44 acres. There is adequate property with lower 6.47 acres adjacent to FM 969 for SF-2 development or potential rezoning to allow business development and access from FM 969. The upper 16.37 acres includes a large spring-fed pond, adequate property for SF-2 development, and road access is provided to this tract from FM 969. No change is warranted.

2. Regarding the proposed rezoning of the upper tract:

The proposed SF-6 zoning is a Townhouse and Condo Residence district 'intended as an area for moderate density single family, duplex, two family, townhouse, and condominium use, without the spacing and locational requirements that apply in SF-5. This district is appropriate for areas in which unusually large lots predominate with access to other than minor residential streets, and in selected areas where a transition from single-family to multifamily use is appropriate.' Maximum building height is 35 feet (2 story).

We do not think that 'a transition from single-family to multifamily use is appropriate.' As mentioned, a large majority of the neighboring properties are currently occupied by single-family properties with many residents and property owners of over 30 years. Many established neighbors have large lots, many with acreage, and

have maintained a sense of “simple country living” for years. Gentrification may occur for these long-term property owners. Further, the rezoning proposal does not show access from FM 969 is being provided to this upper 12.44 acres. In fact, there is mention in the original rezoning application that access might be gained to this property from Agave through the Meadows at Trinity Crossing (Sendero Hills) neighborhood, which would provide the ‘access from minor residential streets’ (Sendero Hills Parkway and Ava Lane). Also, this property contains a large spring-fed pond fed from springs from adjoining properties, with no environmental study of the impact of development to this watershed.

3. Regarding the proposed rezoning of the lower tract:

The GR zoning is a Community Commercial district ‘intended for office and commercial uses serving neighborhood and community needs, with access from major traffic ways.’ This GR zoning for the existing lower 6.47 acres may be appropriate for FM 969 access and for the neighborhood. However, GR-MU zoning category with the MU zoning attachment allows “mixed use” for the proposed larger 10.4 acres. This means everything from GR is permitted, plus residential uses (including multifamily).

We are against the addition of the MU zoning to this lower tract. When you add -MU attachment to a base zoning district (GR, etc.), it adds residential as a permitted use. GR zoning district doesn’t have an official limit on number of residential units because usually residential use is not allowed. The MU zoning site development regulations are: Maximum building height is 60 feet, which usually mean 4-stories, depending on some design issues; front setback is 10 feet; rear and interior setback is zero feet or 25 feet wherever it is adjacent to single family property; maximum impervious cover can be 80%; and maximum building cover can be 75%.

With -MU zoning attachment, the housing density can be comparable to MF-4 zoning density. Here is the definition for MF-4 zoning: ‘Multifamily residence moderate - high density (MF-4) district is the designation for multifamily and group residential use with a maximum density of 36 to 54 units per acre, depending on unit size. An MF-4 district designation may be applied to high density housing in a centrally located area near supporting transportation and commercial facilities, in an area adjacent to the central business district or a major institutional or employment center, or in an area for which moderate to high density multifamily use is desired.’

Since our neighborhood does not contain any of the MF-4 zoning criteria, we are against the idea of potentially having a complex of 4-story apartments, with up to 54 units per acre, 25 feet from our adjoining properties. This rezoning would have a potential detrimental effect on our neighborhood’s current single-family property values, would cause additional cut-through automobile traffic on our “minor street” neighborhoods, and would cause additional pedestrians walking along FM 969 without any bus routes. This is a safe rural-modern-suburban single-family neighborhood, and we feel that the proposed rezoning is not appropriate at this time.

Summary:

We understand the value of property ownership in this area and are not against development by the new property owners. We are against the rezoning of a large tract of currently undeveloped land, which is not in line with approximately 188 neighbors affected by this change. In addition, environmental water studies and gentrification studies on the effect to long-term residence should be done. Please note that this rezoning application and use of property is NOT for Austin SMART Housing development.

RE: Petition Against Rezoning - 7712 FM Rd 969, Austin, TX 78724

[PLEASE USE BLACK INK WHEN SIGNING PETITION]

SIGNATURE	PRINTED NAME	ADDRESS
M. Andy Kramer	M. Andy Kramer	5414 Rogers Ln Austin, TX 78724
Oneta Steaples	Oneta Steaples	5414B Rogers Ln Austin, TX 78724
B. C Pittman	Benny Pittman	5416 Rogers Ln Austin, TX 78724
Lynda B. Hitchcock	Lynda Gayle Hitchcock	5401 Rogers Ln Austin, TX 78724
Lynda B. Hitchcock	Lynda Gayle Hitchcock	5403 Rogers Ln Austin, TX 78724
Lynda B. Hitchcock	Lynda Gayle Hitchcock	5400 Rogers Ln Austin, TX 78724
P. T. Hyink	Parker Hyink	5318 Rogers Ln Austin, TX 78724
Margie Calhoun	Margie Calhoun	5216 Rogers Ln Austin, TX 78724
Moletta R. Hidalgo	M. R. Hidalgo	5520 Rogers Ln.
Angelina Pineda	Angelina Pineda	7713 W. Rogers Ln Austin, TX 78724
Maria C Bowen	Mary C Bowen	7809 W. Rogers Ln Austin, TX 78724
Magdalena Luviano	Magdalena Luviano	7901 W. Rogers Ln Austin, TX 78724
Magdalena Luviano	Magdalena Luviano	7903 W. Rogers Ln Austin, TX 78724
Martha Dreyton	Martha Dreyton	7401 Ava Lane Austin, TX 78724
James Glavan	James Glavan	5333 Sendero Hills Pkwy. Austin, TX 78724
Chuck Deter	Chuck Deter	7404 Ava Ln Austin, TX 78724
Ryann Ford	Ryann Ford	7400 Ava Ln. Austin, TX 78724

Item C-07

21 of 31

RE: Petition Against Rezoning – 7712 FM Rd 969, Austin, TX 78724

[illegible]

Date Filed: 8/20/2018

Contact Name: Grace Kramer

Phone Number: 512-928-4990

PETITIONDate: 8/20/2018

File Number: C14-2018-0077

Address of Rezoning Request: 7712 FM 969 Rd, Austin, TX 78724 (22.84 acres)

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-2 (Single Family Residence) district at this time.

The application for rezoning was submitted by the new property owner Mr. Saquib Ali, Damac Real Estate Investment Group, Spring, Texas. The property is currently shown on Travis County Appraisal District as two tracts – 6.47 acres (lower tract) and 16.3672 acres (upper tract), all currently SF-2 Zoning. The rezoning request is to split the property into two tracts and rezone as follows: SF-6 Zoning (Townhouse, Condo) for the upper 12.44 acres and GR-MU Zoning (Community Commercial-Mixed Use) for the lower 10.4 acres, with access to and from FM 969.

Reasons for protest:

1. Regarding the re-surveying of the 22.84 acres:

This 22.84 acres is currently SF-2 zoning, Single Family Residence (Standard Lot) district, which is in line with what the large majority of the neighboring properties are zoned. An SF-2 district is 'intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lot patterns, as well as for development of additional single-family housing areas with minimum land requirements.'

We are against the change from two tracts of 6.47 acres and 16.37 acres to two tracts of 10.4 acres and 12.44 acres. There is adequate property with lower 6.47 acres adjacent to FM 969 for SF-2 development or potential rezoning to allow business development and access from FM 969. The upper 16.37 acres includes a large spring-fed pond, adequate property for SF-2 development, and road access is provided to this tract from FM 969. No change is warranted.

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RE: Petition Against Rezoning – 7712 FM Rd 969, Austin, TX 78724

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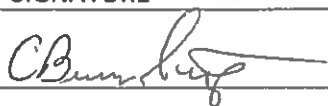
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Since our neighborhood does not contain any of the MF-4 zoning criteria, we are against the idea of potentially having a complex of 4-story apartments, with up to 54 units per acre, 25 feet from our adjoining properties. This rezoning would have a potential detrimental effect on our neighborhood's current single-family property values, would cause additional cut-through automobile traffic on our "minor street" neighborhoods, and would cause additional pedestrians walking along FM 969 without any bus routes. This is a safe rural-modern-suburban single-family neighborhood, and we feel that the proposed rezoning is not appropriate at this time.

Summary:

We understand the value of property ownership in this area and are not against development by the new property owners. We are against the rezoning of a large tract of currently undeveloped land, which is not in line with approximately 188 neighbors affected by this change. In addition, environmental water studies and gentrification studies on the effect to long-term residence should be done. Please note that this rezoning application and use of property is NOT for Austin SMART Housing development.

[PLEASE USE BLACK INK WHEN SIGNING PETITION]

SIGNATURE	PRINTED NAME	ADDRESS
	C. Bruce Simpson	7803 FM 969 Austin, TX 78724

Date Filed: 8/20/2018Contact Name: Grace KramerPhone Number: 512-928-4990

PETITION

Date: _____

File Number: C14-2018-0077

Address of Rezoning Request: 7712 FM 969 Rd, Austin, TX 78724 (22.84 acres)

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-2 (Single Family Residence) district at this time.

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RE: Petition Against Rezoning – 7712 FM Rd 969, Austin, TX 78724

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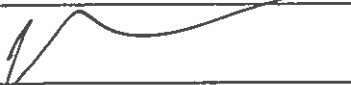
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Since our neighborhood does not contain any of the MF-4 zoning criteria, we are against the idea of potentially having a complex of 4-story apartments, with up to 54 units per acre, 25 feet from our adjoining properties. This rezoning would have a potential detrimental effect on our neighborhood's current single-family property values, would cause additional cut-through automobile traffic on our "minor street" neighborhoods, and would cause additional pedestrians walking along FM 969 without any bus routes. This is a safe rural-modern-suburban single-family neighborhood, and we feel that the proposed rezoning is not appropriate at this time.

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[PLEASE USE BLACK INK WHEN SIGNING PETITION]

SIGNATURE	PRINTED NAME	ADDRESS
	James Coggeshall	5341 Sycamore Hills Dr

Date Filed:

08/26/18

Contact Name: Chuck OerterPhone Number: 512-293-5987

PETITIONDate: 09/27/2016

File Number: C14-2018-0077

Address of Rezoning Request: 7712 FM 969 Rd, Austin, TX 78724 (22.84 acres)

To: Austin City Council

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RE: Petition Against Rezoning – 7712 FM Rd 969, Austin, TX 78724

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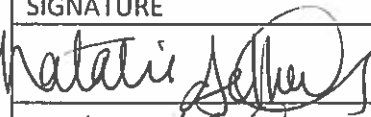
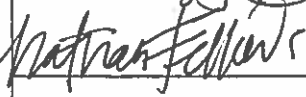
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Since our neighborhood does not contain any of the MF-4 zoning criteria, we are against the idea of potentially having a complex of 4-story apartments, with up to 54 units per acre, 25 feet from our adjoining properties. This rezoning would have a potential detrimental effect on our neighborhood's current single-family property values, would cause additional cut-through automobile traffic on our "minor street" neighborhoods, and would cause additional pedestrians walking along FM 969 without any bus routes. This is a safe rural-modern-suburban single-family neighborhood, and we feel that the proposed rezoning is not appropriate at this time.

Summary:

We understand the value of property ownership in this area and are not against development by the new property owners. We are against the rezoning of a large tract of currently undeveloped land, which is not in line with approximately 188 neighbors affected by this change. In addition, environmental water studies and gentrification studies on the effect to long-term residence should be done. Please note that this rezoning application and use of property is NOT for Austin SMART Housing development.

[PLEASE USE BLACK INK WHEN SIGNING PETITION]

SIGNATURE	PRINTED NAME	ADDRESS
	NATALIE FELLOWS	5344 RENDERO HILLS
	NATHAN FELLOWS	5344 RENDERO HILLS

Date Filed: _____

Contact Name: Chuck OerterPhone Number: 512-293-5987

PETITIONDate: 9/1/18

File Number: C14-2018-0077

Address of Rezoning Request: 7712 FM 969 Rd, Austin, TX 78724 (22.84 acres)

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-2 (Single Family Residence) district at this time.

The application for rezoning was submitted by the new property owner Mr. Saqib Ali, Damac Real Estate Investment Group, Spring, Texas. The property is currently shown on Travis County Appraisal District as two tracts – 6.47 acres (lower tract) and 16.3672 acres (upper tract), all currently SF-2 Zoning. The rezoning request is to split the property into two tracts and rezone as follows: SF-6 Zoning (Townhouse, Condo) for the upper 12.44 acres and GR-MU Zoning (Community Commercial-Mixed Use) for the lower 10.4 acres, with access to and from FM 969.

Reasons for protest:

1. Regarding the re-surveying of the 22.84 acres:

This 22.84 acres is currently SF-2 zoning, Single Family Residence (Standard Lot) district, which is in line with what the large majority of the neighboring properties are zoned. An SF-2 district is 'intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lot patterns, as well as for development of additional single-family housing areas with minimum land requirements.'

We are against the change from two tracts of 6.47 acres and 16.37 acres to two tracts of 10.4 acres and 12.44 acres. There is adequate property with lower 6.47 acres adjacent to FM 969 for SF-2 development or potential rezoning to allow business development and access from FM 969. The upper 16.37 acres includes a large spring-fed pond, adequate property for SF-2 development, and road access is provided to this tract from FM 969. No change is warranted.

2. Regarding the proposed rezoning of the upper tract:

The proposed SF-6 zoning is a Townhouse and Condo Residence district 'intended as an area for moderate density single family, duplex, two family, townhouse, and condominium use, without the spacing and locational requirements that apply in SF-5. This district is appropriate for areas in which unusually large lots predominate with access to other than minor residential streets, and in selected areas where a transition from single-family to multifamily use is appropriate.' Maximum building height is 35 feet (2 story).

We do not think that 'a transition from single-family to multifamily use is appropriate.' As mentioned, a large majority of the neighboring properties are currently occupied by single-family properties with many residents and property owners of over 30 years. Many established neighbors have large lots, many with acreage, and have maintained a sense of "simple country living" for years. Gentrification may occur for these long-term property owners. Further, the rezoning proposal does not show access from FM 969 is being provided to this upper 12.44 acres. In fact, there is mention in the original rezoning application that access might be gained to this property from Agave through the Meadows at Trinity Crossing (Sendero Hills) neighborhood, which would provide the 'access from minor residential streets' (Sendero Hills Parkway and Ava Lane). Also, this property contains a large spring-fed pond fed from springs from adjoining properties, with no environmental study of the impact of development to this watershed.

RE: Petition Against Rezoning – 7712 FM Rd 969, Austin, TX 78724

3. Regarding the proposed rezoning of the lower tract:

The GR zoning is a Community Commercial district 'intended for office and commercial uses serving neighborhood and community needs, with access from major traffic ways.' This GR zoning for the existing lower 6.47 acres may be appropriate for FM 969 access and for the neighborhood. However, GR-MU zoning category with the MU zoning attachment allows "mixed use" for the proposed larger 10.4 acres. This means everything from GR is permitted, plus residential uses (including multifamily).

We are against the addition of the MU zoning to this lower tract. When you add -MU attachment to a base zoning district (GR, etc.), it adds residential as a permitted use. GR zoning district doesn't have an official limit on number of residential units because usually residential use is not allowed. The MU zoning site development regulations are: Maximum building height is 60 feet, which usually mean 4-stories, depending on some design issues; front setback is 10 feet; rear and interior setback is zero feet or 25 feet wherever it is adjacent to single family property; maximum impervious cover can be 80%; and maximum building cover can be 75%.

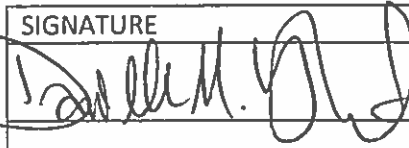
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Since our neighborhood does not contain any of the MF-4 zoning criteria, we are against the idea of potentially having a complex of 4-story apartments, with up to 54 units per acre, 25 feet from our adjoining properties. This rezoning would have a potential detrimental effect on our neighborhood's current single-family property values, would cause additional cut-through automobile traffic on our "minor street" neighborhoods, and would cause additional pedestrians walking along FM 969 without any bus routes. This is a safe rural-modern-suburban single-family neighborhood, and we feel that the proposed rezoning is not appropriate at this time.

Summary:

We understand the value of property ownership in this area and are not against development by the new property owners. We are against the rezoning of a large tract of currently undeveloped land, which is not in line with approximately 188 neighbors affected by this change. In addition, environmental water studies and gentrification studies on the effect to long-term residence should be done. Please note that this rezoning application and use of property is NOT for Austin SMART Housing development.

[PLEASE USE BLACK INK WHEN SIGNING PETITION]

SIGNATURE	PRINTED NAME	ADDRESS
	DANIELLE WRIGHT	5345 SENDERO HILLS PARKWAY

Date Filed: 08-31-18Contact Name: Chuck OerterPhone Number: 512-293-5987

PETITION

Date: _____

File Number: C14-2018-0077

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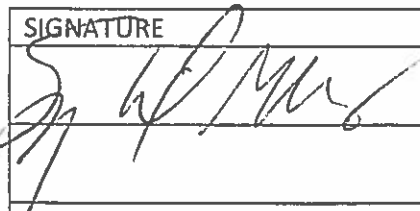
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[PLEASE USE BLACK INK WHEN SIGNING PETITION]

SIGNATURE	PRINTED NAME	ADDRESS
	Sybil Miller	5338 Sendera Hills

Plow
Austin
TX
78724

Date Filed: _____

Contact Name: Chuck OerterPhone Number: 512-293-5987