

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-11  
AGENDA DATE: Thu 01/29/2004  
PAGE: 1 of 1**

**SUBJECT:** C14-03-0150 - Gilleland Zoning Change - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 606 West Grady Drive (Little Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To deny general commercial services (CS) district zoning. Applicant: Carl J. Gilleland. City Staff: Sherri Gager, 974-3057.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guemsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-03-0150

**Z.A.P. DATE:** November 4, 2003

**ADDRESS:** 606 West Grady Drive

**OWNER/APPLICANT:** Carl J. Gilleland

**ZONING FROM:** SF-2

**TO:** CS\*

**AREA:** 0.16 acres

\* Amended by applicant to 'GR' on 11/5/03

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to deny CS, General Commercial Services district, zoning.

If the Zoning and Platting Commission approves the applicant's request for rezoning, the staff requests that the Commission consider adopting the Transportation recommendation for a conditional overlay that would limit the development intensity for the entire site to less than 300 vehicle trips per day.

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

11/4/03: Approved staff's recommendation to deny CS, General Commercial Services District, zoning (9-0); J. Donisi-1st; C. Hammond-2nd.

### **ISSUES:**

The staff will facilitate a meeting between the applicant and members of the neighborhood on, Thursday, January 22, 2004. The purpose of this meeting is to determine if there are any compromises that can be reached between both of the parties involved. The results of this meeting will be provided to the City Council at the January 29, 2004 Council hearing.

\*On November 5, 2003, the applicant submitted a letter to the staff asking to amend the zoning case request from CS, General Commercial Services District, zoning down to GR, Community Commercial District, zoning (Attachment A). The staff does not support of the applicant's amended request for 'GR' zoning based on the same reasoning (listed below under "Basis For Recommendation") that the staff is opposed to the original 'CS' zoning request.

### **DEPARTMENT COMMENTS:**

The property in question is developed with a residential garage. The site is divided in half by a solid wood fence. On the south side of the fence, there are two recreational vehicles parked on the site. To the north of the fence, there is a residential garage, which is being utilized by the applicant to conduct an illegal automotive repair business. There are numerous cars stored on the north side of the property around the existing garage.

The applicant is requesting CS, General Commercial Services district, zoning for the property because he would like to continue to conduct an automotive repair business on the site. This property received a red tag for a zoning violation by the City of Austin on September 25, 2003. The code enforcement inspector stated in his report that he found an automotive repair business operating on

the site, which is zoned for single-family uses (Attachment B). A 1984 aerial photograph shows the lot as vacant at the time, and there are not building permits or site plan approvals for any change in use or development on the site.

The staff does not recommend the applicant's request for 'CS' zoning on this site because the proposed 'CS' zoning would be intrusive to the established single-family residential neighborhood to the north, south, and east. In addition, the property is located on and takes access from local residential streets, which are not intended to support intensive commercial uses.

The applicant does not agree with the staff recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2	Recreation Vehicles, Stored Cars, Auto Repair
<i>North</i>	SF-2	Wrecker Service/ Junk Cars, Single-Family Homes
<i>South</i>	SF-2	Vacant Lot, Single-Family Homes
<i>East</i>	SF-2	Single Family Residence
<i>West</i>	CS	Automotive Repair

**AREA STUDY:** N/A

**TIA:** Not Required

**WATERSHED:** Little Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

103 – Mockingbird Hill Neighborhood Association  
 114 – North Growth Corridor Alliance  
 511 – Austin Neighborhoods Council  
 937 – Taking Action Inc.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-01-0116	LO to CS	1/22/02: Approved staff alternate rec. of CS-CO; w/conditions (8-0)	2/28/02: Approved CS-CO w/other conditions (6-0); all 3 readings: 1) Subject to TIA conditions; 2) Prohibiting the following uses: a) Automotive Washing (of any type) b) Commercial Off-Street Parking c) Convenience Storage d) Equipment Sales e) Funeral Services f) Kennels g) Monument Retail Sales h) Outdoor Sports and Recreation i) Residential Treatment j) Local Utility Services

			k) Service Station l) Campground m) Construction Sales and Services n) Equipment Repair Services o) Exterminating Services p) Hotel-motel q) Laundry Services r) Outdoor Entertainment s) Vehicle Storage t) Community Recreation (public) u) Community Recreation (private) v) Off-site Accessory Parking w) Drop-off Recycling Collection Facility 3) Prohibit Drive-in Service
C14-01-0037	MF-2, SF-3, SF-2 to NO-NP	4/17/01: Approved staff rec. of NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP (9-0)	5/24/01: Approved PC rec. on all 3 readings, except Tract 9 (1 <sup>st</sup> reading only); (6-0) 8/9/01: Approved CS-NP for Tract 9 (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-99-0116	DR to CS, IP	9/14/99: Approved zoning as described in agreement w/ neighborhood (Travis Country Community Service Association)-CS-CO (TR1), IP-CO (TR2), RR (TR3), LO-CO (TR4), R&D-CO (TR5); (7-1, RC-Nay)	11/4/99: Approved as recommended by PC, subject to SOS ordinance (6-0); 1st reading  12/2/99: Approved CS-CO (TR1), IP-CO (TR2), RR (TR3), LO-CO (TR4), R&D-CO (TR5); (6-0, WL-absent); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-93-0003	SF-2 to GR	2/16/93: Approved GR-CO w/conditions (6-0) 1) Six-foot privacy fence along western property line; 2) No additional driveway approaches along Neans Drive; 3) General Retail Sales (General), General Retail Sales (Convenience) uses shall be restricted to max FAR of .203 to 1 4) Restaurant (General), Restaurant (Limited) uses shall be restricted to max FAR of .149 to 1 5) Restaurant (Drive-in, Fast Food) uses shall be restricted to max FAR of .048 to 1 6) Food Sales use shall be restricted to max FAR of .172 to 1 7) Financial Services uses	3/4/93: Approved GR-CO (7-0); 1 <sup>st</sup> reading  7/14/94: Approved GR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> reading  7/21/94: Approved GR-CO (7-0); 3 <sup>rd</sup> reading

		shall be restricted to max FAR of .115 to 1	
--	--	---	--

**RELATED CASES:** There are no pending related cases.

**ABUTTING STREETS:**

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Grady Drive	50'	Varies	Local	N/A
Motheral Drive	50'	Varies	Local	N/A

**CITY COUNCIL DATE:** December 4, 2003

**ACTION:** Postponed to 12/11/03 by staff (6-0, Goodman-off dias)

December 11, 2003

**ACTION:** The motion to deny zoning request was approved (7-0); Slusher-1<sup>st</sup>, McCracken-2<sup>nd</sup>.

The motion to approve reconsideration of this item was approved (7-0); Slusher-1<sup>st</sup>; Thomas-2<sup>nd</sup>.

This item was postponed to January 29, 2004 (7-0); Slusher-1<sup>st</sup>, Wynn-2<sup>nd</sup>.

January 29, 2004

**ACTION:**

**ORDINANCE READINGS:** 1st

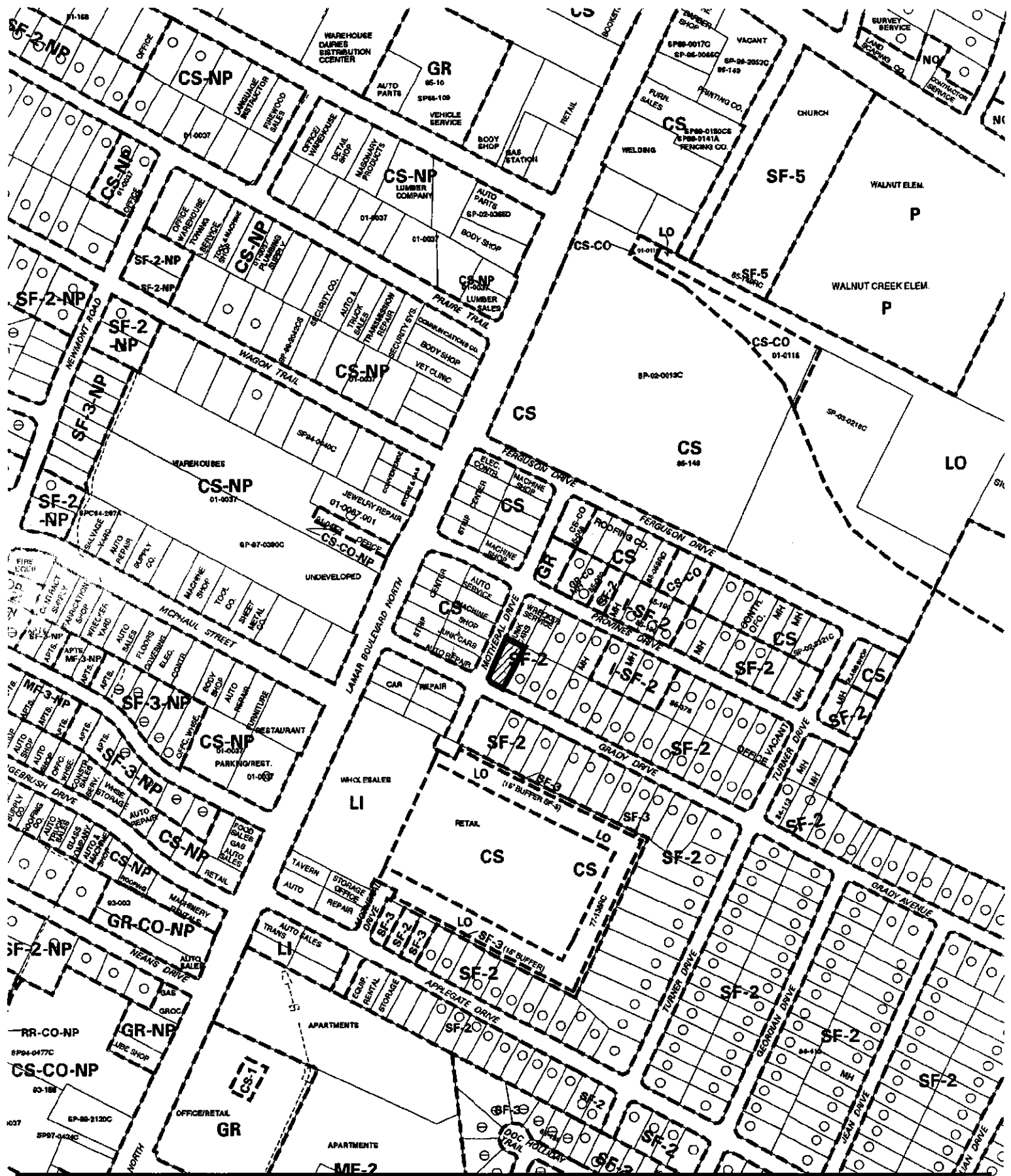
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Gager

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



 1" = 400'	SUBJECT TRACT		<b>ZONING</b>  <b>CASE #: C14-03-0150</b> <b>ADDRESS: 606 W GRADY DR</b> <b>SUBJECT AREA (acres): 0.160</b>	<b>DATE: 03-10</b>  <b>INTLS: SM</b>	<b>CITY GRID</b> <b>REFERENCE</b> <b>NUMBER</b>  <b>L31</b>
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: S. GAGER				





## **STAFF RECOMMENDATION**

The staff's recommendation is to deny CS, General Commercial Services district, zoning.

If the Zoning and Platting Commission approves the applicant's request for rezoning, the staff requests that the Commission consider adopting the Transportation recommendation for a conditional overlay that would limit the development intensity for the entire site to less than 300 vehicle trips per day.

## **BACKGROUND**

The property in question is developed with a residential garage. The site is divided in half by a solid wood fence. On the south side of the fence, there are two recreational vehicles parked on the site. To the north of the fence, there is a residential garage, which is being utilized by the applicant to conduct an illegal automotive repair business. There are numerous cars stored on the north side of the property around the existing garage.

The applicant is requesting CS, General Commercial Services district, zoning for the property because he would like to continue to conduct an automotive repair business on the site. This property received a red tag for a zoning violation by the City of Austin on September 25, 2003. The code enforcement inspector stated in his report that found an automotive repair business operating on the site, which is zoned for single-family uses (Attachment B). A 1984 aerial photograph shows the lot as vacant at the time, and there are not building permits or site plan approvals for any change in use or development on the site.

The staff does not recommend the applicant's request for 'CS' zoning on this site because the proposed 'CS' zoning would be intrusive to the established single-family residential neighborhood to the north, south, and east. In addition, the property is located on and takes access from local residential streets, which are not intended to support intensive commercial uses.

The applicant does not agree with the staff recommendation.

## **BASIS FOR RECOMMENDATION**

- 1. The proposed zoning is not consistent with the purpose statement of the district sought.*

The CS zoning district is intended for commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The property in question is located fronts on to a residential street, West Grady Drive and takes access from a residential street, Motheral Drive.

The property is adjacent to single-family homes to the south and east.

- 2. The proposed zoning does not promote consistency, and orderly planning.*

The property in question is adjacent to lots that are zoned SF-2 or constructed with single-family homes. The site is surrounded by SF-2, Single-Family Residence-Standard Lot district, zoning to the north, south, and east.

Commercial/retail zoning is appropriate for the lots across Motheral Drive, to the west, which take access to an arterial roadway, North Lamar Boulevard. This property, however, is located along a residential street and is within a residential neighborhood that continues on to the east. The introduction of commercial zoning on this site would be intrusive to the established single-family residential neighborhood.

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

The property in question is not located at the intersection of two major roadways. The property is takes access from local, residential streets.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The property in question has a dirt terrain and is surrounded by a solid wood fence. The site is developed with a residential garage. The lot is divided in half by a solid wood fence. On the south side of the fence, there are two recreational vehicles parked on the site. To the north of the fence, there is a residential garage, which is being utilized by the applicant to conduct an illegal automotive repair business. There are numerous cars stored on the north side of the property around the existing garage.

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

### **Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 95 %. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

Note: The most restrictive impervious cover limit applies.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

### **Transportation**

Because of the low trip generation of the proposed use, no additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 1,920 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A neighborhood traffic impact analysis was not required for this case because the traffic generated by the proposed use, auto repair, does not exceed the threshold of 300 vehicle trips per day. [LDC, 25-6-114] **It is recommended that the site have a trip limitation of 300 vehicles per day.** It should be noted that the proposed auto repair facility will generate approximately 22 trips per day.

There are no existing sidewalks along Grady Drive or Motheral Drive.

Capital Metro bus service is available within 1/4 mile of this property along Lamar Boulevard (Route #45).

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Grady Drive	50'	Varies	Local	N/A
Motheral Drive	50'	Varies	Local	N/A

### **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or offsite main extension, or utility adjustment,

or relocation are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Compatibility Standards**

The site is subject to compatibility standards along the northern and eastern property lines that abuts the SF-2 zoned property. Along these property lines, the following regulations will apply:

- No structure may be built within 18 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 allowed within 10 feet of the property line, and no driveways are allowed within 5 feet of the property line.
- A fence, berm or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

October 27, 2003

City of Austin  
Neighborhood Planning & Zoning Dept.  
505 Barton Springs Road, P.O. Box 1088  
Austin, Texas 78767-8835

Dear Ms. Hager:

As a property owner in the area of 606 West Hady Drive (File Number C14-03-0150) my husband and I object to the proposed zoning change at 606 West Hady Drive from SF2 to C5 as requested by Mr. Hilleland. The careless handling of old cars by Mr. Hilleland has been a major problem for the neighborhood and the abuse by Mr. Hilleland of the neighborhood has cost the residents around Hady Drive, the city zoning department, and the police department a great financial loss in time and money trying to gain compliance to community SF2 standards from Mr. Hilleland. Abandoned car parts are thrown on city and private property and cars in line for salvage or repair are parked on city property or public streets. It is impossible for the city sweeper to get in to clean the streets.

continued:

Page 2  
October 27, 2003  
File # 014-03-0150

Harbage collects around the cars and creates an ugly atmosphere in the neighborhood. We hope the proposed change will be denied by the Department of Planning and Zoning.

Mr. & Mrs. Sumalt  
603 and 607 Grady Drive

I AM NEW ON THIS  
NEIGHBORHOOD AND I  
AM TRYING TO DO MY  
PART IN MAKE IT LOOK  
BEAUTIFUL. BUT, I DON'T  
THINK ONE MORE BODY  
SHOP OR GARAGE ON  
THIS STREET IT COULD  
HELP. WE HAVE ENOUGH  
YUNK CARS ON THIS  
AREA.!!

Carlos Limones  
11-24-03

601 W GRADY DR

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-03-0150-SG

Zoning & Platting Commission Hearing Date: November 4, 2003

Name (please print) Carlos Limones

Address 601 W Grady Dr.

- ☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)

Attachment A

11/05/03

To: City Staff  
SHERRI GAGER

ENCLOSED ARE COPIES OF OUR REQUEST FOR A ZONING CHANGE WITH A LIST OF SIGNATURES OF PEOPLE IN THE NEIGHBORHOOD WHO WOULD FAVOR THE CHANGE. WE WOULD LIKE TO CHANGE THE REQUEST FROM SF-2 TO CS TO A CHANGE OF SF-2 TO GR, WE ARE MAKING THIS REQUEST SO THAT WE WOULD BE IN COMPLIANCE WITH ALL RULES AND REGULATIONS.

Thank You

CARL J. GILLELAND

I HAVE LIVED AT 604 W. GRADY DR.  
FOR 39 YRS. I HAVE HAD A BEAUTY  
SHOP AT THIS ADDRESS FOR 32 YRS.

OUR NEIGHBORHOOD WAS ANNEXED ON  
JUNE 16, 1976 AND I SEE NO PROBLEM  
WITH TRAFFIC ON Motheral & GRADY  
THERE ARE COMMERCIAL BUSINESSES ALL  
AROUND ON Motheral, FERGUSON, PROVINE  
AND APPLIGATE ALSO ON TURNER.

WE HAVE A LIST OF SIGNATURES FROM  
PEOPLE IN THE NEIGHBORHOOD THAT DO NOT  
OBJECT TO A ZONING CHANGE.

IF THE CONCERN IS ABOUT NOISE THIS  
PROPERTY OVERLOOKS THE OLD SAM'S CLUB  
BUILDING AND LOT WHICH IS NOW A FLEA MARKET  
THAT HAS A VISITING CIRCUS AND 2 OR 3  
CARNIVALS EACH YEAR, SO I DON'T THINK  
ZONING 604 COMMERCIAL WOULD HURT THE  
NEIGHBORHOOD AT ALL. IT IS OUR UNDERSTANDING  
THAT THERE IS NOT ENOUGH TRAFFIC IN  
THIS NEIGHBORHOOD TO WARRANT A TRAFFIC  
LIGHT AT LAMAR & GRADY.

AS MANY PEOPLE ARE IN FAVOR OF THE  
CHANGE WE WISH YOU WOULD RECONSIDER  
THE PROPOSAL AND ZONE THIS PROPERTY  
COMMERCIAL.

THANK YOU

11/03/03

CARL GILLELAND ZONING FOR PROPERTY

LOCATED AT 606 W. GRADY DR.

I AM IN FAVOR OF THE ZONING

CHANGE.

Sign Belows

- Doan Jam 710 W. GRADY LN AUSTIN TX 78753
- ~~WV~~ 10825. K. Lamar Austin TX 78753
- Theresa ~~Stach~~ Brooks 503 W. Grady DR Austin TX 78752
- Charles H. Brooks 503 W. Grady DR Austin TX 78753
- Mike Stiffey 10915 N. Lamar Austin TX 78753
- QOPW-Auto 701-B Province dr. Austin TX 78753
- Quality Auto 10704 Motheral Dr 78753
- DEL SATH 506 W. Grady Dr, 78753
- Larry Wilbur 504 West Grady
- Benny Harlan 602 West Grady
- Linda Harlan 602 W Grady
- Mike O'Hara 305 - W. Applegate
- PRINCE AUTO CHINIC 10702 Motheral
- Norma Babe Wolfe 505 West Grady Drive
- Franki Tatsch 201 West Applegate Dr
- VHOAP Fr 10702
- Eglby C Cordell 10501 GEORGIAN DR
- Kent Schmidt 602 Province DR
- Patricia Witt 604 W Canada Dr.

**Case History: 606 Grady Drive**

Legally Known As: PERSONAL PROPERTY MPOBILE HOME 1995 28 x 52  
FLEETWOOD?SUNCREST MH S#TXFLS84A/B11448sc11

**InspecTrack Case Number: IT # 03-014268**

Date Opened: 05/14/2003 Case Status: OPEN TCAD #: 02452106320201 Plat #:

5/14/2003-Present #729 Paul Tomasovic

Carl J. Gilleland  
604 W. Grady Drive, Austin, TX 78753-3438

James Robinett  
606 W Grady Drive, Austin, TX 78753-3438

Anonymous

Date: 5/14/2003

Complainant: Anonymous

Description: Auto repair business operating w/out a C.O and Site plan.

Manager Contacted: No

**Premises**

Status: 9/24/2003 - Unoccupied

Findings 9/24/2003 - Zoning violation(s) found

9/25/2003: Recommended Auto repair and/or sales are prohibited  
uses in a single family zoned district. Discontinue all such  
operations on the premises until a zoning change and change of use  
for property is obtained for the within 30 days.

**Red Tag/EBS:**

5/14/2003 3	#729 (Paul Tomasovic)	Conducted An Initial Inspection of the Property. Inspector's Comments: "Photos taken, I will research C.O., site plan, and permits, and site history." Follow-Up on 6/10/2003
5/17/2003 3	#729 (Paul Tomasovic)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Photos taken of building that does not appear to have a permit for addition." Follow-Up on 6/10/2003
9/9/2003	#729 (Paul Tomasovic)	Information Update and research results. Inspector's Comments: "Property was annexed 6-17-76." Follow-Up on 9/30/2003

9/16/2003	#729 (Paul Tomasovic)	Information Update and research results. Inspector's Comments: "Zoned SF-2" Follow-Up on
3		
9/24/2003	#729 (Paul Tomasovic)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "1984 Aerial shows that the site was a grassy lot with no improvements. Also, no permits found for this site. Business still in operation." Follow-Up on 9/30/2003
9/25/2003	#729 (Paul Tomasovic)	Sent Notice of Violation to the Owner. Inspector's Comments: "To discontinue use, or obtaining a zoning change and required change-of-use." Follow-Up on 10/25/2003
10/14/2003	#729 (Paul Tomasovic)	Inserts a tracking notice comment for date executed. Inspector's Comments: "Certified tracking notice has been delivered."
10/16/2003	#729 (Paul Tomasovic)	Information Update and research results. Inspector's Comments: "Owner has applied for a zoning change, zoning sign was posted." Follow-Up on 11/16/2003

**Valid Conditions in Violation of the 2000 Austin City Code (Land Development Code):**

**Premises**

09/24/2003	HOME OCCUPATION	Code Ref: 25-2-900 Inspector found a auto repair business operating on a site which is zoned for single family use. 1984 aerial show that the lot was vacant, and there are no building permit or site plan approvals for any change in use or development of the site.
------------	-----------------	---

Legal Notice (Zoning) sent on 9/25/2003 to (the owner) Carl J. Gilleland, certified #7001 0360 0000 3571 9288. Status: Recived on 9/26/2003 by Letitia Witt

Legal Notice (Zoning) sent on 9/25/2003 to (the owner) James Robinett, certified #7001 0360 0000 3571 9295. Status: Return Receipt Not Yet Received

## Case History: 606 W. Grady Drive

Legally Known As: LOT 32 \* LESS S5FT BLK E MOCKINGBIRD HILL SEC 1

### InspeTrack Case Number: IT # 02-012782

Date Opened: 11/22/2002 Case Status: CLOSED TCAD #: 02452106320000 Plat #:

11/22/2002-Present #729 Paul Tomasovic

James Robinett  
606 W. Grady Drive, Austin, TX 78753-3438

Carl J. Gilleland  
604 W. Grady Drive, Austin, TX 78753-3438

Anonymous

Date: 11/22/2002

Complainant: Anonymous

Description: Auto business and someone living in R.V.

Manager Contacted: No

#### Premises

Status: 11/25/2002 - Unoccupied

Findings 11/25/2002 - Zoning violation(s) found

12/4/2002: Recommended Screen recreational vehicle from ordinary public view with a 6' solid wood or masonry fence, or in an enclosed building on the within 30 days.

12/4/2002: Recommended Discontinue the use of the RV(s) as a living unit or dwelling on the within 30 days.

Red Tag/EBS:

11/25/2002 #729 (Paul Tomasovic)

Conducted An Initial Inspection of the Property. Inspector's Comments: "Photo taken of two RV's at location, No one at location at the time of the inspection. I will research the property owner and send a notice." Follow-Up on 11/30/2002

12/4/2002 #729 (Paul Tomasovic)

Sent Notice of Violation to the Owner. Inspector's Comments: "Violation notice sent for owner to screen th RV(s) and to discontinue using the RV(s) as living units. 30days." Follow-Up on 1/4/2003

1/23/2003	#729 (Paul Tomasovic)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Met with owner, hand del'd unclaimed violation notice. Told owner to discontinue use of the RV as a living unit or any other use that is anything other than storage of the RV. Also told the owner to properly store the RVs. If they are going to be keep on site." Follow-Up on 2/23/2003
2/27/2003	#729 (Paul Tomasovic)	Case closed for voluntary compliance. Inspector's Comments: "Fence has been built to screen the RV's no further signs of anyone living in the recreational vehicles."

**Valid Conditions in Violation of the 2000 Austin City Code (Land Development Code):**

**Premises**

11/25/2002	ACCESSORY USES FOR A PRINCIPAL RESIDENTIAL USE	Code Ref: 25-2-893 Storing two RV(s) on the site and using the RV(s) as a living unit.	Cleared: 2/27/2003
------------	--	--	--------------------

Legal Notice (Zoning) sent on 12/4/2002 to (the owner) James Robinett, certified #7001 0360 0000 3579 5343. Status: Return Receipt Not Yet Received

Legal Notice (Zoning) sent on 12/4/2002 to (the owner) Carl J. Gilleland, certified #7001 0360 0000 3579 5350. Status: Return Receipt Not Yet Received

OPPOSITION TO ZONING CHANGE FROM SF-2 TO CS OR GR  
606 WEST GRADY DRIVE, AUSTIN TX 78753  
CASE #C14-03-0150.

We are residents/homeowners in the neighborhood where the above property is located. We reside at 10612 Georgian Drive, Austin 78753 and are members of the Mockingbird Hills Neighborhood Association.

Our homes serve a dual function for those of us who are live-in owners. They are a source of shelter, a respite for our private life, a realm of personal control. However, in our capitalist economy, house ownership is also a form of investment since it represents equity with sizable potential revenue from its sale.

If legal zoning is blatantly disregarded, thereby creating to an area's decline, a homeowner may decide that it would not pay to put money into rehabbing their house. They may choose to sell and buy a house in a newer neighborhood to protect their investment. As an area begins to decline, crime increases which is subsidized by the taxpayer through local government (City of Austin).

**Therefore, as homeowners and taxpayers, WE OPPOSE APPROVAL OF THE ZONING CHANGE FROM SF-2 TO CS or GR for 606 West Grady Drive, Austin TX 78753.** The owner of this property has been illegally operating as a commercial business on a residentially zoned lot in a residential neighborhood. Zoning should not be changed to reward the desires of a property owner who been in blatant non-compliance with City of Austin zoning laws. Zoning should not be change to penalize neighborhood homeowners who have complied with their zoning, however, stand to see their real estate investment decline as a result of this zoning change.

**WE FURTHER OPPOSE APPROVAL OF THIS ZONING CHANGE FOR THE FOLLOWING REASONS:**

- Decline in Mockingbird Hills Neighborhood residential property values.
- Increase in neighborhood crime due to vehicles located on above property.
- Decreased curb appeal of our neighborhood.
- Loss of community "pride" due to this vehicle type business being located within boundaries of our residential neighborhood.
- Increased runoff of pollutants from vehicles parked on above property into neighboring properties and neighborhood streets.
- Loss of green space due to use of above property for parking vehicles
- Elimination of planting in a "parking lot" trees/shrubs/plants that remove significant amounts of pollutants, including vehicle emissions from the air.
- Increased air pollution caused by vehicle gas of customers visiting property.
- Increased traffic on Grady Drive and throughout neighborhood by owner and customers.

Why are zoning violations not enforced when violations are reported? Why is our little family neighborhood - especially the boundaries - rapidly becoming the public lavatory where any kind of business and new zoning goes? We are hard working, tax-paying voters who have a sense of pride in our neighborhood. We get out on our streets on a regular basis and pick up the trash thrown into vacant lots and on the roads. We sincerely want to have an environment that discourages criminal activity and we most certainly desire to protect the major investment we have in our properties.

Barby and Leroy Eide  
10612 Georgian Drive  
Austin TX 78753  
(512) 339-1552

7. C14-03-0151 – SOLO STAR REALTY INC. (William O. Welch), By: Lopez-Phelps & Associates (Amelia Lopez-Phelps), 12301 Interstate Hwy 35 North. (Walnut Creek). **FROM GO TO GR. RECOMMENDATION PENDING.** City Staff: Sherri Gager, 974-3057.

***POSTPONED TO 11/18/03 (STAFF)***

***[J.M; J.G 2<sup>ND</sup>] (9-0)***

- \* 8. C14-03-0150 – CARL J. GILLELAND, By: Carl J. Gilleland, 606 West Grady Drive. (Little Walnut Creek). **FROM SF-2 TO CS. NOT RECOMMENDED.** City Staff: Sherri Gager, 974-3057.

***APPROVED STAFF'S RECOMMENDATION TO DENY CS ZONING.***

***[J.D; C.H 2<sup>ND</sup>] (9-0)***

#### **DISCUSSION AND ACTION ON SITE PLAN CASES**

9. SP-99-0107D(XT2) – ST. MICHAEL'S ACADEMY, By: St. Michael's Academy (Paul W. Linehan), Land Strategies, Inc. (Paul W. Linehan), 3000 Barton Creek Blvd. (Barton Creek – Not in Barton Springs Contributing Zone). **SITE PLAN EXTENSION FOR 5-YEARS. RECOMMENDED WITH CONDITIONS.** City Staff: Sue Welch, 974-3294.

***APPROVED 3-YEAR EXTENSION; BY CONSENT.***

***[J.M; J.G 2<sup>ND</sup>] (9-0)***

10. SPC-03-0017D – MABEL DAVIS PARK SITE REMEDIATION AND DRAINAGE IMPROVEMENTS, By: City of Austin – Public Works (Christina Calvery), 3427 Park Lane. (Country Club Creek). **FOR A CONDITIONAL USE PERMIT. RECOMMENDED.** City Staff: Sue Welch, 974-3294.

***APPROVED STAFF'S RECOMMENDATION; BY CONSENT.***

***[J.M; J.G 2<sup>ND</sup>] (9-0)***

#### **DISCUSSION AND ACTION ON SUBDIVISION CASES**

##### **FINAL WITH A PRELIMINARY**

11. C8J-03-0068.1A – CHAPPELL HILL, FINAL PLAT, By: CFX Engineering (Hank Smith), Leonard and Allyne Krueger, Chappell Hill at Mayo Street. (Slaughter Creek). **RECOMMENDED.** City Staff: Joe Arriaga, 974-3425.

***APPROVED STAFF'S RECOMMENDATION; BY CONSENT.***

***[J.M; J.G 2<sup>ND</sup>] (9-0)***

January 20, 2004

Joan Griswold Cate  
6610 FM 690  
Burnet, Texas 78611

Re: Property at 606 W. Grady, Austin, Texas 78753

To Whom It May Concern:

This is to state that the above property was rented by Griswold Auto & Electric, Inc. at 710 W. Grady from 1978 through 1983. It was used as overflow parking for our customer cars that had been repaired as well as those in need of repair.

Sincerely,

*Joan Griswold Cate*

Joan Griswold Cate