

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 79
AGENDA DATE: Thu 12/16/2004
PAGE: 1 of 1

SUBJECT: C14-04-0100 - Old Lampasas Trail, Lot 20 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9001 Old Lampasas Trail (Bull Creek Watershed) from interim-single family residence standard lot (I-SF-2) district zoning to limited office (LO) district zoning. Council approved neighborhood office-conditional overlay (NO-CO) combining district zoning on first ordinance reading. Conditions met as follows: Conditional overlay incorporates the conditions imposed at first ordinance reading. First reading on November 4, 2004. Vote: 7-0. Applicant: Joseph G. Wheeler. City Staff: Sherri Gager, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0100

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 9001 Old Lampasas Trail from I-SF-2, Interim-Single Family-Standard Lot District, zoning to NO-CO, Neighborhood Office-Conditional Overlay District, zoning prohibiting the following uses:

- 1) Bed & Breakfast (Group 1)
- 2) Bed & Breakfast (Group 2)
- 3) Special Use Historic
- 4) College and University Facilities
- 5) Community Events
- 6) Community Recreation (Private)
- 7) Community Recreation (Public)
- 8) Congregate Living
- 9) Counseling Services
- 10) Day Care Services (Commercial)
- 11) Day Care Services (General)
- 12) Day Care Services (Limited)
- 13) Family Home
- 14) Group Home, Class I (General)
- 15) Group Home, Class I (Limited)
- 16) Group Home, Class II
- 17) Private Primary Educational Facilities
- 18) Private Secondary Educational Facilities
- 19) Public Primary Educational Facilities
- 20) Public Secondary Educational Facilities
- 21) Residential Treatment

OWNER/APPLICANT: Joseph G. Wheeler

ISSUES:

At the November 4, 2004 City Council meeting the applicant agreed to amend his request to request to NO-CO zoning, permitting only the uses listed in his e-mail to the Council members, dated November 3, 2004.

The staff has received numerous phone calls from neighbors in the surrounding residential areas to the northeast and northwest with concerns about possibility of increased traffic on Old Lampasas Trail. There are letters of opposition and of support included as Attachment A to this report.

DEPARTMENT COMMENTS:

The property in question contains a telecommunication tower at the northwest corner. The remainder of the site consists of an undeveloped area with a chain link fence surrounding it. This tract of land was full purpose annexed by the City of Austin on December 31, 2003 (Case C7a-03-014). The applicant is seeking permanent zoning for this property because the city waives zoning case fees for properties that have been annexed within one year of the annexation approval date. The applicant has stated that he has no plans to develop the site at this time.

The staff is recommending LO, Limited Office District, zoning for this tract of land because the property is located adjacent to an electric substation to the southeast and floodplain to the south and west. The site fronts onto a collector street, Old Lampasas Trail, which is a paved two-lane roadway. The proposed zoning will provide a transition in uses from the condominium development to the east and the floodplain and church uses to the west.

The property owner agrees with the City Council's recommendation at 1st reading.

DATE OF FIRST READING/VOTE: November 4, 2004/Approved NO-CO (7-0), prohibiting the following uses:

- 1) Bed & Breakfast (Group 1)
- 2) Bed & Breakfast (Group 2)
- 3) Special Use Historic
- 4) College and University Facilities
- 5) Community Events
- 6) Community Recreation (Private)
- 7) Community Recreation (Public)
- 8) Congregate Living
- 9) Counseling Services
- 10) Day Care Services (Commercial)
- 11) Day Care Services (General)
- 12) Day Care Services (Limited)
- 13) Family Home
- 14) Group Home, Class I (General)
- 15) Group Home, Class I (Limited)
- 16) Group Home, Class II
- 17) Private Primary Educational Facilities
- 18) Private Secondary Educational Facilities
- 19) Public Primary Educational Facilities
- 20) Public Secondary Educational Facilities
- 21) Residential Treatment

CITY COUNCIL DATE: December 16, 2004

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Gager

PHONE: 974-3057

sherri.gager@ci.austin.tx.us



	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: S. GAGER</p>	<p align="center">ZONING EXHIBIT A</p> <p>CASE #: C14-04-0100</p> <p>ADDRESS: 9001 OLD LAMPASAS TRAIL</p> <p>SUBJECT AREA (acres): 0.782</p> <p>DATE: 04-07</p> <p>INTLS: SM</p>		<p>CITY GRID REFERENCE NUMBER</p> <p>F35</p>
--	--	--	--	--

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 9001 OLD LAMPASAS TRAIL AND CHANGING THE ZONING MAP FROM INTERIM SINGLE FAMILY RESIDENCE STANDARD LOT (I-SF-2) DISTRICT TO NEIGHBORHOOD OFFICE-CONDITIONAL OVERLAY (NO-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim single family residence standard lot (I-SF-2) district to neighborhood office-conditional overlay (NO-CO) combining district on the property described in Zoning Case No. C14-04-0100, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 20, Block A, Bull Creek Ranch Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 200200227 of the Official Public Records of Travis County, Texas, (the "Property")

locally known as 9001 Old Lampasas Trail, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following uses are prohibited uses of the Property:

Bed and breakfast (Group 1)	Bed and breakfast (Group 2)
Special use historic	College and university facilities
Community events	Community recreation (private)
Community recreation (public)	Congregate living
Counseling services	Day care services (commercial)
Day care services (general)	Day care services (limited)
Family home	Group home, Class I (general)
Group home, Class I (limited)	Group home, Class II
Private primary educational facilities	Private secondary educational facilities
Public primary educational facilities	Public secondary educational facilities
Residential treatment	

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood office (NO) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004

§
§
§

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Brown
City Attorney City Clerk

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0100

Z.A.P. DATE: August 17, 2004
September 21, 2004

ADDRESS: 9001 Old Lampasas Trail

OWNER/ APPLICANT: Joseph G. Wheeler

ZONING FROM: I-SF-2

TO: LO

AREA: 0.782 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LO (Limited Office District) zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

8/17/04: Postponed to September 21, 2004 by the Neighborhood (8-0, C. Hammond-absent);
J. Martinez-1st, J. Gohil-2nd.

9/21/04: Denied staff's recommendation for LO zoning (6-1, M. Whaley-Nay, K. Jackson-off dias,
J. Gohil-absent); J. Martinez-1st, T. Rabago-2nd.

ISSUES:

The staff has received numerous phone calls from neighbors in the surrounding residential areas to the northeast and northwest with concerns about possibility of increased traffic on Old Lampasas Trail. There are letters of opposition and of support included as Attachment A to this report.

DEPARTMENT COMMENTS:

The property in question contains a telecommunication tower at the northwest corner. The remainder of the site consists of an undeveloped area with a chain link fence surrounding it. This tract of land was full purpose annexed by the City of Austin on December 31, 2003 (Case C7a-03-014). The applicant is seeking permanent zoning for this property because the city waives zoning case fees for properties that have been annexed within one year of the annexation approval date. The applicant has stated that he has no plans to develop the site at this time.

The staff is recommending LO, Limited Office District, zoning for this tract of land because the property is located adjacent to an electric substation to the southeast and floodplain to the south and west. The site fronts onto a collector street, Old Lampasas Trail, which is a paved two-lane roadway. The proposed zoning will provide a transition in uses from the condominium development to the east and the floodplain and church uses to the west.

The property owner agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Cell Tower, Undeveloped Tract of Land
<i>North</i>	P	Floodplain, Parkland
<i>South</i>	County	Pedernales Electric Substation
<i>East</i>	I-SF-6	Developing Single-Family Residences/Condominiums
<i>West</i>	County	Floodplain, Church

AREA STUDY: N/A**TIA:** Not required**WATERSHED:** Bull Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

190 – Middle Bull Creek Neighborhood Association
 426 – River Place Residential Community Association, Inc.
 439 – Concerned Citizens For P&B of FM 2222
 448 – Canyon Creek Homeowners Association
 475 – Bull Creek Foundation
 965 – Old Spicewood Springs Road Neighborhood Association
 978 – Upper Bull Creek Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-99-2029	I-RR to RR	10/5/99: Approved staff rec. of RR-CO w/conditions of only one dwelling unit per existing lot (8-0)	11/4/99: Approved PC rec. of RR-CO (6-0); all 3 readings
C14-99-2026	I-RR to RR	10/5/99: Approved staff rec. of RR-CO w/conditions of only one dwelling unit per existing lot (8-0)	11/4/99: Approved PC rec. of RR-CO (6-0); 1 st reading 11/18/99: Approved on consent (7-0); 2 nd /3 rd readings
C14-98-0126	DR to GR	9/29/98: Approved LR-CO (9-0) w/condition that uses limited to Neighborhood Office (NO) district uses	11/5/98: Approved PC rec. of LR-CO (Tract A) & LO-CO (Tract B) w/ conditions (6-0); all 3 readings 10/4/01: Approved Amending Ordinance No. 981105-K to correct typo in conditions of zoning (6-0)
C14-98-0123	I-RR to P	3/17/98: Directed staff to initiate zoning of certain parcels to 'P' (8-0) 9/28/98: Approved 'P' by consent (7-0-1, GW-abstain)	10/22/98: Approved PC rec. of 'P' (7-0); all 3 readings
C14-98-0121	I-RR, RR to P	3/17/98: Directed staff to initiate zoning of certain parcels to 'P' (8-0)	10/22/98: Approved PC rec. of 'P' (7-0); all 3 readings

		9/28/98: Approved 'P' by consent (7-0-1, GW-abstain)	
C14-98-0118	DR to P	10/27/98: Approved staff rec. of 'P' by consent (6-0)	12/3/98: Approved PC rec. of 'P' (6-0); 1 st reading 2/25/98: Approved 'P' (7-0); 2 nd /3 rd readings
C14-98-0007	DR to SF-5	12/8/98: Approved SF-2 (8-0) by consent (8-0); limited to 16 single family units	2/4/99: Approved PC rec. of SF-2-CO w/conditions 97-0); all 3 readings

RELATED CASES: C7a-03-014 (Full Purpose Annexation by the City Of Austin)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Old Lampasas Trail	70'	35'	Collector

CITY COUNCIL DATE: November 4, 2004

ACTION: Approved NO-CO (7-0), prohibiting the following uses:

- 1) Bed & Breakfast (Group 1)
- 2) Bed & Breakfast (Group 2)
- 3) Special Use Historic
- 4) College and University Facilities
- 5) Community Events
- 6) Community Recreation (Private)
- 7) Community Recreation (Public)
- 8) Congregate Living
- 9) Counseling Services
- 10) Day Care Services (Commercial)
- 11) Day Care Services (General)
- 12) Day Care Services (Limited)
- 13) Family Home
- 14) Group Home, Class I (General)
- 15) Group Home, Class I (Limited)
- 16) Group Home, Class II
- 17) Private Primary Educational Facilities
- 18) Private Secondary Educational Facilities
- 19) Public Primary Educational Facilities
- 20) Public Secondary Educational Facilities
- 21) Residential Treatment

December 16, 2004

ACTION:

ORDINANCE READINGS: 1st

2nd


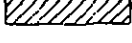


3rd

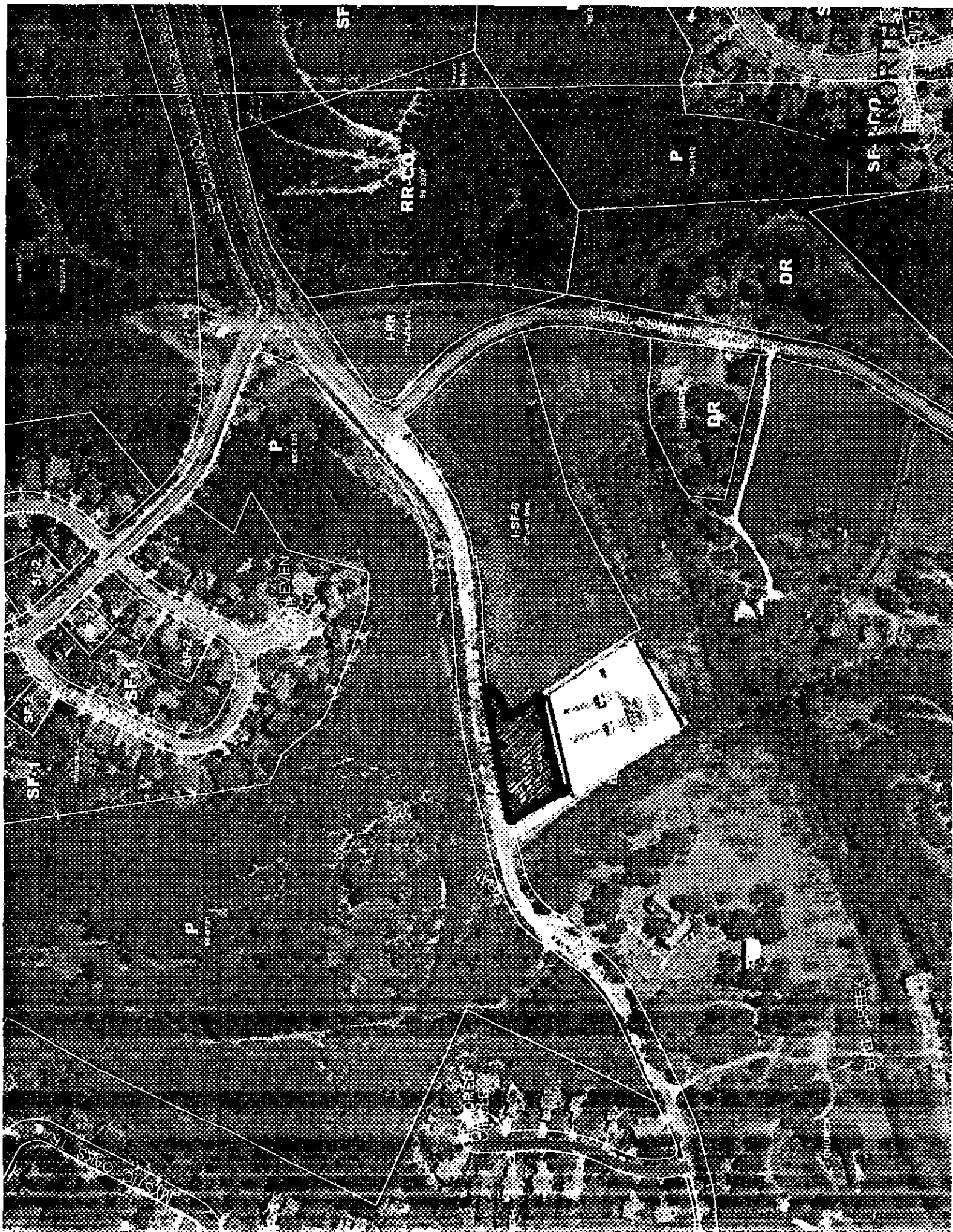
ORDINANCE NUMBER:

CASE MANAGER: Sherri Gager

PHONE: 974-3057,
sherri.gager@ci.austin.tx.us



 SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: S. GAGER 1" = 400'	<div style="display: flex; justify-content: space-between;"> <div>    </div> <div> ZONING CASE #: C14-04-0100 ADDRESS: 9001 OLD LAMPASAS TRAIL SUBJECT AREA (acres): 0.782 </div> <div> DATE: 04-07 INTLS: SM </div> </div>	CITY GRID REFERENCE NUMBER F35
--	--	---



STAFF RECOMMENDATION

The staff's recommendation is to grant LO (Limited Office District) zoning.

BACKGROUND

The property in question contains a telecommunication tower at the northwest corner. The remainder of the site consists of an undeveloped area with a chain link fence surrounding it. This tract of land was full purpose annexed by the City of Austin on December 31, 2003 (Case C7a-03-014). The applicant is seeking permanent zoning for this property because the city waives zoning case fees for properties that have been annexed within one year of the annexation approval date. The applicant has stated that he has no plans to develop the site at this time.

The staff is recommending LO, Limited Office District, zoning for this tract of land because the property is located adjacent to an electric substation to the southeast and floodplain to the south and west. The site fronts onto a collector street, Old Lampasas Trail, which is a paved two-lane roadway. The proposed zoning will provide a transition in uses from the condominium development to the east and the floodplain and church uses to the west.

The property owner agrees with the staff's recommendation.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Limited Office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods.

The proposed LO zoning will be located adjacent to two residential neighborhoods and a condominium development. The site will take access to a collector street, Old Lampasas Trail, which is a paved two-lane roadway.

2. *The proposed zoning should promote consistency, and orderly planning.*

The proposed zoning will provide a transition in uses from the condominium development (I-SF-6) to the east and the floodplain and church (religious) uses to the west. The property to the north of the site under consideration is developed with a single-family residential neighborhood that is visually separated from this site by a cliff and an a heavily wooded area.

3. *The proposed zoning should allow for a reasonable use of the property.*

The LO zoning district would allow for a fair and reasonable use of the site because it would allow the owner of the property to develop this tract of land with a small office use. An office use would be appropriate on this tract of land because the property is located adjacent to a telecommunications tower, an electric substation, and floodplain (Bull Creek).

The property in question fronts onto a collector street, Old Lampasas Trail. The Transportation staff has stated that the proposed 8,000 square foot office will generate approximately 112 vehicle trips per day onto Old Lampasas Trail.

EXISTING CONDITIONS

Site Characteristics

The site contains a telecommunication tower at the northwest corner. The remainder of the property consists of an undeveloped, grassy area with a chain link fence surrounding it. The site appears to be relatively flat.

Impervious Cover

The maximum impervious cover allowed by the LO zoning district would be 70%. However, because the Watershed impervious cover is more restrictive than the LO zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	50%

According to flood plain maps, there is flood plain within close proximity of the project location. Based upon the close proximity of the flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is flood plain within close proximity of the project location. Based upon the close proximity of the flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.

The site is not located within the endangered species survey area.

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

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.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any preexisting approvals, which would preempt current water quality or Code requirements.

Transportation

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

The trip generation under the requested zoning is estimated to be 760 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). The proposed 8,000sf office will generate approximately 112 vehicles per day.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Capital Metro bus service is not available within 1/4 mile of this property.

Old Lampasas Trail is classified in the Bicycle Plan as a Priority 1 bike route. (Route #339)

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Old Lampasas Trail	70'	35'	Collector

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 each lot with City water and wastewater utilities. The landowner will be responsible for providing all necessary water and wastewater utility improvements, system upgrades, offsite main extensions, utility adjustment, and relocation. The water and wastewater 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 and specifications.

Stormwater Detention

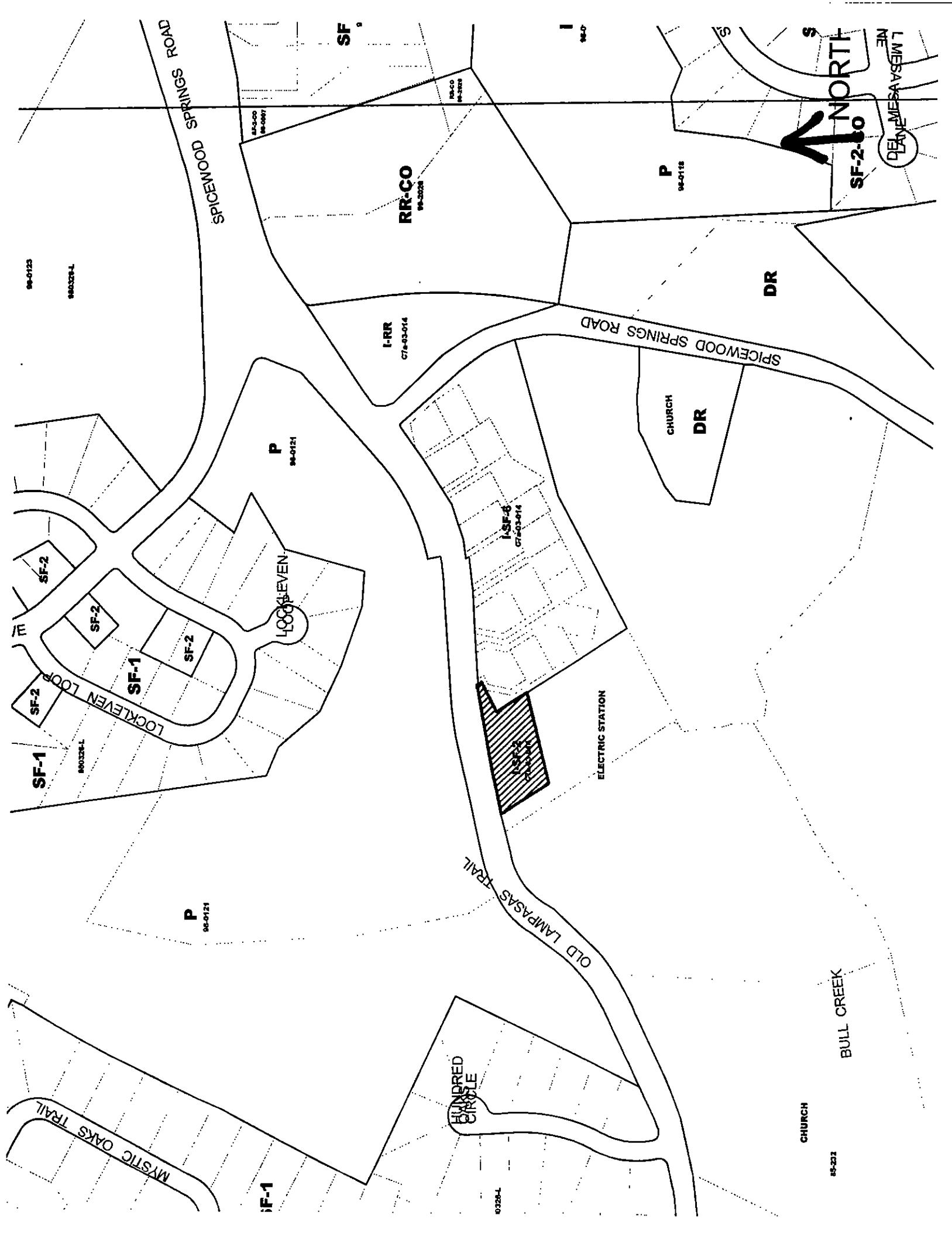
At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm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

Compatibility Standards

Portions of this site are subject to compatibility development regulations do to existing single-family development less than 540-feet from the site. The following development regulations will apply:

- For a structure more than 300 feet but not more than 540 feet from the single-family property line, a structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- 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.



Attachment A

Gager, Sherri

From: THess@henselphelps.com
Sent: Thursday, July 22, 2004 8:39 PM
To: Gager, Sherri
Subject: Zoning change - file # C-14-04-0100

Sheri,

As discussed over the phone today, please express my personal concern with the subject zoning change currently under consideration to the Zoning and Platting Commission. I understand this request for zoning change will be presented to the Zoning and Platting Commission at the first hearing scheduled for August 17 at 6:00 P.M. As a nearby landowner and resident in this area, I object to this zoning change. There are no offices whatsoever in this area and such a change is non-compatible with the residential character of the area. In addition, this would result in excessive traffic along Old Lampasas Trail which would be very objectionable to this neighborhood community.

7/23/2004

Gager, Sherri

From: Hal Meyer [halmeyer@hotmail.com]
Sent: Tuesday, August 03, 2004 7:52 AM
To: halmeyer@hotmail.com; Gager, Sherri
Cc: THess@henselphelps.com
Subject: RE: Zoning Change File # C14-04-0100

Sherri, I believe I had an address error in sending my email initially. My apology.

:) Hal Meyer :)

halmeyer@hotmail.com
business home 512.918.9868
business cell 512.422.4681

-----Original Message Follows-----

From: "Hal Meyer" <halmeyer@hotmail.com>
To: sherrie.gager@ci.austin.tx.us
CC: halmeyer@hotmail.com, THess@henselphelps.com
Subject: Zoning Change File # C14-04-0100
Date: Tue, 03 Aug 2004 07:29:33 -0500

Good morning Sherri, You returned a phone call to me and spoke to my wife Betty a couple of weeks ago.

I would like to take this opportunity to voice my disapproval of the proposed zoning change for 9001 Old Lampasas Trail from Single Family Residence to Limited Office. You also received an email from Tim Hess on July 22, who is a member of the Upper Bull Creek Neighborhood Association. I represent the Upper Bull Creek Neighborhood Association as President.

Our disapproval of the Proposed Zoning Change as outlined in File Number C14-04-0100 is based on the following:

- 1) Increased traffic flow on a two lane roadway. (Our neighborhood constantly battles illegal dumping, vandalism and speeding on Old Lampasas Trail---an office will only add to these issues.)
- 2) The area is residential in all directions surrounded by garden homes, a small church, greenbelt and canyonland preserve, single family residences, and homes with acreage ranging from 5 acres to 25 acres.
- 3) Our neighborhood does not need a Limited Office district to serve the neighborhood or community needs. There is ample office currently existing outside of the immediate neighborhood to meet current or future neighborhood needs.
- 4) A Limited Office district would destroy the integrity of a neighborhood of families and the surrounding greenbelt and canyonland areas. An office is not compatible with the residential character of the neighborhood.

As a property owner on Old Lampasas Trail, and as President of the Upper Bull Creek Neighborhood Association, I (we) strongly oppose the Proposed Zoning Change as outlined in File Number C14-04-0100.

Please let me know that you have received this email and that it will become

a component of the documentation of the Zoning and Planning Commission as they evaluate this proposed zoning change.

Thanks for your time, and I look forward to your response.

Hal Meyer, President, Upper Bull Creek Neighborhood Association

:) Hal Meyer :)

halmeyer@hotmail.com
business home 512.918.9868
business cell 512.422.4681

Gager, Sherri

From: joyeux23@juno.com
Sent: Tuesday, August 03, 2004 11:01 AM
To: Gager, Sherri
Cc: halmeyer@hotmail.com; THess@henselphelps.com
Subject: Re: Zoning Change File # C14-04-0100

Dear Sherri,

I am the owner/developer of the property at Old Lampasas trail consisting of 11 acres (4 lots, min. 2.5 acres) known as the Overlook at Bullcreek. We had spent a lot of money trying to rezone our property into 1 acre residential lots. However, the City forced us to a minimum of 2.5 acres, due to strict environmental issues. Todate, we have not developed but for one lot. The aforementioned scenario happened about 2 years ago. Meanwhile, unknown to us, the City approved a Patio homes subdivision (the gardens at Bullcreek), a high density zoning next to us, in the lowlands!!!. That came to us as an insult and utter amazement. Now, we have this new rezoning case for commercial use. We are adamantly opposed to it, and we will hold the City accountable to its rezoning practices and fairness or lack thereof. We have been treated unfairly once and we do not like it. If this rezoning application is approved, we will apply (en force) for a rezoning of our property from 2.5 acres min. to 1 acre lots.

We sincerely hope that the City will do the right thing and deny this request. This is a 100% residential neighborhood in a very sensitive environment. This is absolutely no place for a commercial zoning!!

Frank Djennas
The Overlook @ Bullcreek
512-825-7585

**Mr. Chris Riley, Chairman
City of Austin Neighborhood Planning and Zoning Department
P.O. Box 1088
Austin, TX 78767-8835**

Re: Rezoning C14-04-0100 (Old Lampasas Trail)

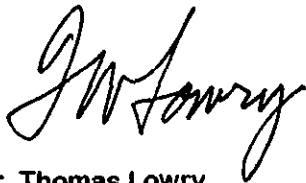
Dear Mr. Riley,

As a long time homeowner in the Upper Bull Creek area I am strongly opposed to this proposed rezoning and the construction of an office building in the middle of a residential neighborhood.

- + There is no way that this zoning can fit into the character of this area**
- + It would create problems in traffic congestion, increased noise and air pollution, and increased storm runoff into Bull Creek**
- + It would bring into the area people who may not share with local residents the ideals and ethics of preservation and conservation of the environment**
- + It would endanger the water quality of Bull Creek (already compromised by thoughtless heavy development upstream and a golf course which uses partly treated sewage to water)**
- + It would provide parking for persons wishing to trespass to gain illegal access to private property on the creek on weekends (already a problem)**
- + There is absolutely no need for an office building in this neighborhood, with space available in the vicinity on Anderson Mill Road and Jollyville Road (two minutes away)**

In short, the placing of a commercial building in the center of a residential area with a strong rural and preserve character makes no sense and should be opposed. In fact, anything other than a residence in this location seems bizarre. I request that you pass this information on to all the members of the Planning Commission, and I urge you to NOT approve this rezoning. Please let me hear back from you on this matter.

Thank you.



**Dr. Thomas Lowry
Vice-President, Upper Bull Creek Neighborhood Association
9207 Old Lampasas Trail
Austin, Texas 78750**

Cc: Members, Upper Bull Creek and Northwest Balcones Neighborhood Associations

Ernest Lundelius, Jr.
7310 Running Rope Drive
Austin, Texas 78731

August 9, 2004

Ms. Sherri Gager
Case Manager
Zoning Change File #C14-04-0100
Neighborhood Planning and Zoning Department
PO Box 1088
Austin Texas 78767-8835

Dear Ms. Gager,

I am the owner of a residential lot on Old Lampasas Trail in the Upper Bull Creek area. I am strongly opposed to the proposed rezoning and construction of an office building on Old Lampasas Trail and Spicewood Springs Road. This is the heart of an essentially residential neighborhood and this type of zoning does not in any way fit into the character of this area. Spicewood Springs Road has complex traffic problems, single lane roadway, heavy traffic density at rush hours, closures at times of heavy rainfall that are not conducive to an increase in traffic density. An office building at this site would create problems in traffic congestion, increased noise and air pollution, and increased storm runoff into Bull Creek. It would endanger the water quality of Bull Creek, which is already compromised by thoughtless development upstream. This neighborhood currently has a problem with trespassers crossing private property trying to gain access to the creek, especially on weekends. This proposed development would provide parking and access that would exacerbate this problem.

The placing of a commercial building in the center of a residential area with a strong rural and preserve character threatens the fragile Bull Creek ecosystem that the current landowners have gone to great lengths to maintain. This zoning change should be opposed. Please pass this objection on to the members of the Planning Commission, and I urge you to NOT approve this rezoning. Please let me hear back from you on this matter.

Thank you.

A handwritten signature in black ink, reading "Ernest Lundelius, Jr." in a cursive script.

Ernest L. Lundelius, Jr.

Gager, Sherri

From: Riley, Chris
Sent: Wednesday, August 11, 2004 11:01 AM
To: Thomas Camardo
Cc: Gager, Sherri
Subject: RE: Opposition to zoning request C14-04-0100

Mr. Camardo:

I'm not familiar with this zoning case, but I believe it would be going to the Zoning & Platting Commission, not the Planning Commission.

The Planning Commission only handles zoning cases in Neighborhood Planning Areas. (A map of Neighborhood Planning Areas is accessible at http://www.ci.austin.tx.us/zoning/planning_areas.htm .) Zoning cases in other areas go to the Zoning & Platting Commission.

Contact info for the Zoning & Platting Commission is accessible at <http://malford.ci.austin.tx.us/boards/search.cfm> .

Hope this helps.

Regards,
Chris Riley
Planning Commission

-----Original Message-----

From: Thomas Camardo [mailto:camard1@sbcglobal.net]
Sent: Tuesday, August 10, 2004 10:12 PM
To: Chris Riley; jmvcozter@hotmail.com; cidg@galindogroup.com; matt@glenrose.com; Matt.PC@Newurban.Com; jbnewton0813@yahoo.com; jay_reddy@dell.com
Cc: mna@masseytexas.com; sherrie.gager@ci.austin.tx.us
Subject: Opposition to zoning request C14-04-0100

To Planning Commission Members-

As a member of the Mountain Neighborhood Association, I have become aware of the subject zoning request.

This portion of Old Lampass Trail is situated in an exclusively residential area. Most residents here share my position that maintaining its residential status is in the best interest of the community. Any commercial building in this area threatens property values we hope to maintain.

Sincerely,
Thomas Camardo
MNA member and resident
512-250-0551

8/11/2004

Gager, Sherri

From: Skip Cameron [scameron@austin.rr.com]
Sent: Monday, September 20, 2004 10:16 PM
To: Gager, Sherri; bbaker@austintexas.org; kbjackson@pbsj.com; josephmartinez@yahoo.com; jdonisi@austin.rr.com; jay@jaygohilrealty.com; chammond1@austin.rr.com; apsinc@bga.com; Pinnelli@flash.net; trabago@austin.rr.com
Cc: Joe Wheeler; Hal Meyer
Subject: C14-04-0100 SF-2 to LO - ZAP August 21, 2004 ITEM 6

Dear ZAP Commissioners:

(Sherri: please see that this gets into the member's information packet in case they do not read this beforehand).

Thanks for your selfless service to our community!

LO requested is OK, but it should include an overlay restriction to only these permitted uses:

Administrative and Business Offices
Medical Offices not exceeding 5000 sq. ft. gross floor area
Professional Office
Software Development

As I understand it, this is the intention of the uses planned by the applicant, and I think this LO with overlay will be accepted by most, if not all, of the neighbors to the south, even though they will officially oppose the LO request at this hearing.

The alternative outcomes could be much worse if the property were sold to a buyer who does not live adjacent and who cares not about the aesthetics of this area.

If you look at the area, this tract on Old Lampasas Trail, a collector street to large residential neighborhoods to the west accessed by Tallyran Drive, has a cluster home development to the north, a cell tower and Pedernales Electric sub station to the East, a church to the south, and past the church is a vacant 11 acre lot and then several large acreages with one home each. To the west across Old Lampasas Trail is the east end of the NW Balcones Park greenbelt (no parking or access and unimproved).

Given the surrounding uses the possible options are for zoning are:

Industrial (not desirable at this location - largely residential area and size of lot .78 acre)
Single family (not desirable because of the cell tower and sub station adjacent)
Multi Family (not desirable because of the cell tower and sub station and size of lot .78 acre)
Office (a reasonable fit for small professional office ~ 8,000 sq ft incl. parking and driveway)

The cluster home developer could have acquired this tract when planning the adjacent cluster home development, but chose not to because it did not fit into their cluster design. And the developer, Ash Creek Homes Scott Morledge, told me they are not interested in acquiring this property to expand their cluster home development. He says that LO is more appropriate.

This is a tract with an applicant who lives in his own home just across Bull Creek to the east.

I believe he will develop the tract tastefully with a small professional office, perhaps for his own accounting practice, and tastefully blend it in "Texas style" with this neighborhood.

Please pass and recommend to City Council LO with an overlay allowing only:

Medical Offices not exceeding 5000 sq. ft. gross floor area

Professional Office

Software Development

Respectfully,

Skip Cameron, President

Bull Creek Foundation

8711 Bluegrass Drive

Austin, TX 78759-7801

(512) 794-0531

--

for more information www.bullcreek.net

**Upper Bull Creek Neighborhood Association
Old Lampasas Trail Corridor**

Sherri Gager
City of Austin
Neighborhood Planning and Zoning Commission
505 Barton Springs Road
Austin, Texas 78767-8835

Re: File Number: C14-04-0100

Dear Ms Gager,

The Upper Bull Creek Neighborhood Association adamantly opposes any and all commercial and/or limited office zoning of the Old Lampasas Trail Corridor.

Our Association has met with the applicant, Joe Wheeler, to discuss his intentions concerning the property being requested to be rezoned as Limited Office. We further met with Mr. Wheeler, and you, to learn more about the definition of Limited Office and the options that would be available to consider what might be appropriate in the OLT corridor.

The Upper Bull Creek Neighborhood Association met on September 8 and 15, 2004 to discuss how we would proceed with respect to the application to rezone 9001 Old Lampasas Trail to Limited Office (Reference Case: C14-04-0100).

After much thought and consideration, we respectfully oppose the application to rezone to Limited Office.

The Upper Bull Creek Neighborhood Association and surrounding neighborhood associations opposes any and all commercial and limited office zoning of the Old Lampasas Trail Corridor for the following reasons:

- The OLT corridor and surrounding area is residential in nature.
- The tract proposed to be rezoned is immediately adjacent to family homes.
- Any commercial and/or limited office zoning diminishes the integrity of the OLT corridor.
- Commercial and/or limited office zoning in a residential area will lower the value of the existing homes.
- It sets a precedent for other commercial and/or limited office zoning in the OLT corridor which is unacceptable. This is a major concern in that this precedent could irreversibly degrade and devalue the neighborhood.
- Old Lampasas Trail is not a road that is capable of accommodating heavy business traffic.

- Traffic increases and with the increase in traffic comes safety issues especially in a residential setting that exist in the Old Lampasas Trail Corridor and the adjacent neighborhoods.
- Much of the available area watersheds into Bull Creek, an environmentally sensitive zone. Our concern lies in the effects of site constructions and heavy traffic patterns on the surrounding established conservation area.
- Even though the transportation reviewer states that Old Lampasas Trail is designated a collector street, it is a very short dead-end street that raises questions as to whether or not Old Lampasas Trail should be designated a collector street.

We would like to take this opportunity to thank Mr. Wheeler for his time and efforts in communicating his intentions for the property and for participating in the meeting with you and several of our neighbors regarding the definition of a Limited Office District.

We would also like to thank Sherri Gager for her support in setting up a meeting with our association, which included Mr. Wheeler, to present us with information regarding a Limited Office District.

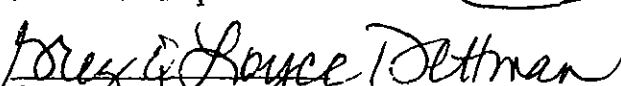
We thank you for your consideration in this matter.


Hal Meyer, President

Upper Bull Creek Neighborhood Association


Bill Sanchez


9110 Old Lampasas Trail


Greg & Loyce Dettman

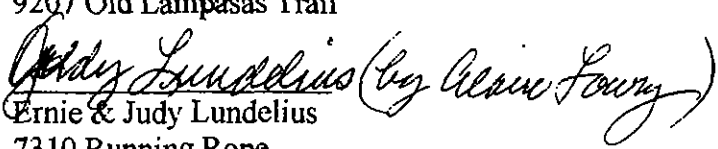
9113 Old Lampasas Trail


Tim & Gail Hess

9115 Old Lampasas Trail

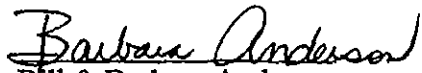

Tom & Alaire Lowry

9207 Old Lampasas Trail

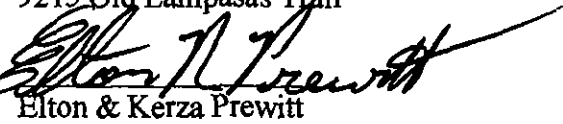

Ernie & Judy Lundelius

7310 Running Rope


(Own 5 acres on Old Lampasas Trail)



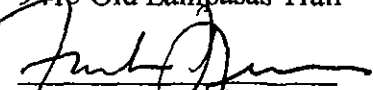
Bill & Barbara Anderson
9215 Old Lampasas Trail



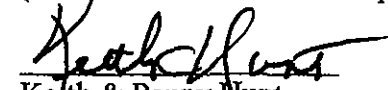
Elton & Kerza Prewitt
9315 Old Lampasas Trail



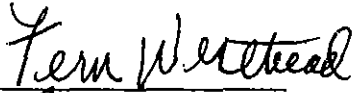
Hal & Betty Meyer
9415 Old Lampasas Trail



Frank & Katherine Djennes
10607 DK Ranch Road
(Owns 11 acres on Old Lampasas Trail)



Keith & Penny Hunt
9802 Tallyran



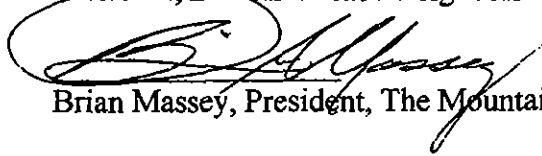
Fern Westhead

President, Spicewood Estates Homeowners Association



Gloria Marsh

President, Balcones Place Neighborhood Association



Brian Massey, President, The Mountain Neighborhood Association

***Upper Bull Creek Neighborhood Association
Old Lampasas Trail Corridor***

October 25, 2004

Honorable Mayor Will Wynn and Members of the Austin City Council,

Re: File Number: C14-04-0100

Dear Sirs and Madames,

My name is Hal Meyer and I am the President of the Upper Bull Creek Neighborhood Association. I represent 10 families who own homes and acreage on the Old Lampasas Trail corridor. Our homes are adjacent to Bull Creek and the Balcones Canyonland Preserve.

The Upper Bull Creek Neighborhood Association and surrounding neighborhood associations (including Spicewood Estates Homeowners Association, Balcones Place Neighborhood Association and The Mountain Neighborhood Association) opposes any and all commercial and limited office zoning of the Old Lampasas Trail corridor for the following reasons:

- The OLT corridor and surrounding area is residential in nature. The tract (9001 Old Lampasas Trail, approximately ¾ acre) proposed for rezoning is adjacent to family homes. This is a unique residential neighborhood with a strong rural character.
- Commercialization, limited office or neighborhood office zoning diminishes the integrity of the neighborhood and will lower the value of the existing homes.
- Bull Creek is an environmentally sensitive area along the Old Lampasas Trail corridor as well as throughout the city of Austin. Site construction, parking lot and increased traffic will negatively impact Bull Creek and the surrounding greenbelt and conservation area.
- Traffic increases, which further exacerbates safety issues along the Old Lampasas Trail corridor and adjacent neighborhoods. Old Lampasas Trail is not a road capable of managing increased traffic from an office.
- It sets a precedent for other commercial and/or limited office zoning in the OLT corridor which is unacceptable. A precedent of this nature could irreversibly degrade and devalue the neighborhood.

On September 21, 2004 this proposed rezoning was reviewed by the Neighborhood Planning and Zoning Commission. Two (2) motions were presented before the Commission to rezone from Single Family Residence to Limited Office. Both motions failed: one motion was a 6-2 vote against the rezoning; and a second motion was a 6-1 vote against the rezoning. That signals a clear and direct message that the Old Lampasas Trail corridor should maintain its character, integrity, quality of the environment and safety of family and homes in our neighborhood.


I have attached for your review the following letters:

- A copy of a letter that is part of the documentation on File Number C14-04-0100 that is signed by each of our neighbors, and the Presidents of three (3) surrounding neighborhood associations opposing the proposed rezoning;
- And personal letters from our neighbors on the Old Lampasas Trail corridor stating their opposition to the proposed rezoning.

We ask for your continuing support to help us maintain the residential integrity of our neighborhood and deny the request to rezone 9001 Old Lampasas Trail from Single Family Residence to Limited Office.

We appreciate your commitment to protect the character of our neighborhoods and the quality of environment.

We thank you for your consideration and review of this matter.


Hal Meyer, President
Upper Bull Creek Neighborhood Association
9415 Old Lampasas Trail
Austin, Texas 78750
halmeyer@hotmail.com



Serving the Residents of Upper Bull Creek

10-19-04

Mayor Will Wynn and Members of the Austin City Council
VIA HAND DELIVERY

Dear Sirs and Madames,

RE: C14-04-0100

I strongly protest any rezoning of the vacant Wheeler lot at 9100 Old Lampasas Trail from SF-1 to a commercial zoning. As recommended by the City Planning and Zoning Commission, this location should remain residential, and not be rezoned to office building use.

There are several important reasons for this lot remaining residential:

1. This is a unique residential neighborhood with a strong rural character.
2. A larger office building development with adequate parking lot would increase the storm water runoff into Bull Creek nearby.
3. A parking lot in this location would allow for weekend trespassing on private property on Bull Creek, already a problem.
4. Location of a commercial establishment would add traffic congestion on this winding narrow two-lane road.
5. The owner of this lot has already expressed interest in offering it for sale for residential use.
6. There is no commercial development in this area.
7. Commercial establishments are less than three minutes away.

I appreciate the hard work each of you do to protect the character of our neighborhoods and to protect the water quality of Bull Creek.

Sincerely,

Thomas W. Lowry
Vice-President, Upper Bull Creek Neighborhood Association
9207 Old Lampasas Trail
Austin, TX 78750

Judith and Ernest Lundelius
7310 Running Rope Dr.
Austin, TX 78731

City Council Members
City of Austin
October 25, 2004



Dear City Council Member;
Re: case # C14-04-0100

We have been members of the Upper Bull Creek Neighborhood Association since its inception. We are the owners of a 5 acre property at 9301 Old Lampasas Trail for the past 18 years. Our residential enclave Walden Oaks, restricting the properties to only one home per 5 acres, has been populated with residents who are committed to the preservation of the quality of Bull Creek and its environs. Surrounding properties have restrictions ranging from one home per 2 1/2 acres to standard lot size.

Recently, an extremely intense housing development at the corner of Old Lampasas Trail and Spicewood Springs Road has sprung up in what may well be the Bull Creek flood plain that will have an adverse effect on Bull Creek. The previous owner of that property now wishes to rezone a small adjacent tract at 9001 Old Lampasas Trail to Light Office (case C14-04-0100). We object to the commercialization of this essentially residential neighborhood. This will have a negative effect on traffic volume, property values and may well set a precedent for further intense development in the Old Lampasas Trail Corridor.

Please preserve the residential status of this environmentally unique neighborhood and deny the request for any form of commercial development.

Thank you,



Ernest and Judith Lundelius

To: Mr. Will Wynn, City Of Austin Mayor
City Of Austin Council

Date: October 21, 2004

From: Frank & Katherine Djennas,
9310 Old Lampasas Trail
Austin, TX 78759

Subject: Case number C14-04-0100, Joe Wheeler zoning case

Dear Mayor and Council members ,

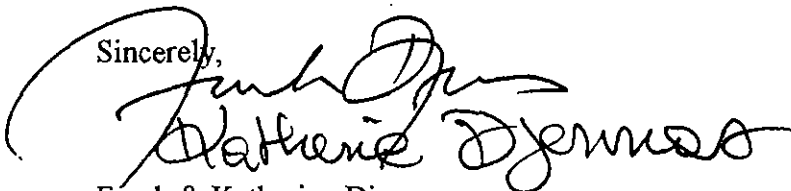
We are writing you this letter to hereby express and officially record our upmost opposition to this zoning request by Mr. Joe Wheeler. The parcel in question is located on Old Lampasas Trail, just west of Spicewood Springsroad. It is located in a very sensitive area within the Bullcreek Watershed, adjacent to Bullcreek proper.

We own a large track on Old Lampasas trail, just west of subject track, we had applied for SF1 zoning (1 acre lots) , however, the City rejected our request and imposed an overlay of 2.5 acre minimum lot size. We were told that the Overlay was due to the sensitive nature of this watershed area.

We are asking the Council to please vote consistently and deny ANY commercial zoning in this neighborhood. This neighborhood is 100% residential located on a very small, dead-end street that shoulders the bccp Lands and Bullcreek.

There are large undeveloped tracks in this area; a commercial zoning in this area will set a PRECEDENT that will have a disastrous and irreversible effect and will severely degrade the very sensitive Bullcreek Watershed and this neighborhood as a whole.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank & Katherine Djennas". The signature is fluid and cursive, with the first name "Frank" being more prominent and the last name "Djennas" written in a similar style. There is a large, sweeping flourish at the beginning of the signature.

Frank & Katherine Djennas

Mr. and Mrs. Tim L. Hess
9115 Old Lampasas Trail
Austin, Texas 78750-4203
512/335-5800
512/913-2016 (Cell)
512/834-9844 (Fax)
thess@henselphehelps.com (e-mail)

October 21, 2004

City of Austin
Att: The Honorable Will Wynn, Mayor of Austin
P.O. Box 1088
Austin, Texas 78767-8865

SUBJECT: Request for Zoning Change – File # C14-04-0100

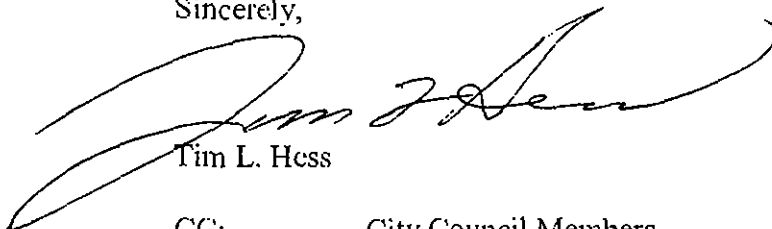
Dear Mayor Wynn,

My wife and I have owned our home on Old Lampasas Trail since 1987 and we are members of the Upper Bull Creek Neighborhood Association. Our property is in very close proximity to the property owned by Mr. Wheeler which is being considered for a zoning change from Single Family Residence to Limited Office.

We would like to take this opportunity to express our opposition to this zoning change. The reasons for our opposition have been delicately vocalized and documented to the Planning Commission. The site being considered for the zoning change lies within an environmentally sensitive area and is part of a large neighborhood community with residential homes. Besides traffic and environmental issues, our opposition is mainly focused on the fact that this neighborhood community does not need a Limited Office district to serve its needs. There is ample office space currently existing within close proximity to meet the current or future needs of the neighborhood.

Please support the position taken by the Planning Commission to date which is to disapprove the requested zoning change. Please call or write should you need additional information.

Sincerely,



Tim L. Hess

CC: City Council Members

***Greg and Loyce Dettman
9113 Old Lampasas Trail
Austin, Texas 78750***

October 20, 2004

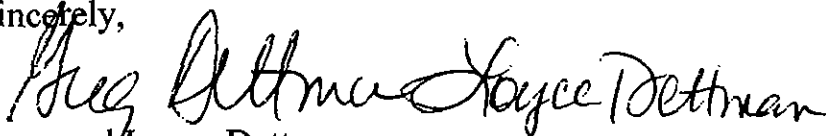
To the attention of the Mayor and City Council Members of Austin,

Our names are Greg and Loyce Dettman and we have resided at 9113 Old Lampasas Trail for eleven years. We purchased the land with the hope of raising our two children in a beautiful residential area of Austin with strong schools in the Round Rock Independent School District. That has been possible up to this point with the previous support of the City Council and Planning Commission who have preserved the area through appropriate zoning restrictions.

A request for zoning change on your November 4, 2004 agenda, however, threatens that goal. File number c14-04-0100, requesting a $\frac{3}{4}$ acre Limited Office permit will negatively change the integrity of the neighborhood. There are NO businesses located within 2 miles of this area and the area does NOT warrant this kind of zoning. We are definitely opposed to any change in the current status of the land in question. Your Planning Commission has studied this issue and it is our understanding that they will recommend staying with the current zoning of Single Family. We encourage you to support their recommendation and oppose the request for change to LO.

Thank you for your support for our neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Dettman Loyce Dettman", written over the typed names.

Greg and Loyce Dettman
9113 Old Lampasas Trail
918-9151
dettman@austintx.com
batesdettman@yahoo.com

October 24, 2004

Mayor Will Wynn
Mayor Pro Tem Jackie Goodman
Council Member Raul Alvarez
Council Member Betty Dunkerley
Council Member Brewster McCracken
Council Member Daryl Slusher
Council Member Danny Thomas

Subject: Item on agenda of November 4, 2004 city council meeting

Mayor Wynn Mayor, Pro Tem Goodman, Council Members,

I am writing in opposition of the rezoning to Limited Office of the tract cited in File Number: C14-04-0100. This is a tract of land located on Old Lampasas Trail, Austin, Texas.

My husband and I have owned five acres of land at 9315 Old Lampasas Trail for 17 years. We built our home here and have lived on the property for 10 years. In that time development has surrounded this area leaving the region from Spicewood Springs Road to County Road 2222, Highway 620 to Loop 360 as a block of land being eaten away from all sides and sometimes in the middle. You know all of this. It's something that you and your predecessors have considered and alleviated as possible through use of the Balcones Canyonlands Conservation Plan (BCCP).

When we purchased our property, and built, our main objective was to preserve and protect the natural condition of the area as much as possible. We, and our neighbors, limited the amount of construction on our land, and its placement, to this end. We have extended the intent of the BCCP along Old Lampasas Trail. The character of our neighborhood and its surroundings are vitally important to us.

The tract of land in question is small, less than one acre located on what is essentially a rural road, but the rezoning under consideration represents a major threat to this area. All of the surrounding land is residential or undeveloped property. The only exception is a small church one parcel away from the tract under consideration. Increased traffic on Old Lampasas Trail is already a safety issue and allowing any type of commercial zoning would only exacerbate the situation. Allowing commercial development here would also set a terrible precedent for an area struggling to maintain its residential character.

Please help us maintain the residential integrity of our neighborhood. Your support in this matter would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, reading "Kerza A. Prewitt". The signature is fluid and cursive, with the first name "Kerza" being the most prominent part.

Kerza A. Prewitt and Elton R. Prewitt
9315 Old Lampasas Trail
Austin, Texas 78750
512.258.6658
kaprewitt@earthlink.net

Hal and Betty Meyer
9415 Old Lampasas Trail
Austin, Texas 78750
51-918-9868
halmeyer@hotmail.com

October 24, 2004

Mayor Will Wynn and Members of the Austin City Council

RE: C14-04-0100

Dear Sirs and Madams,

My name is Hal Meyer. My wife Betty and I reside at 9415 Old Lampasas Trail. We purchased the property five (5) years ago. We are also members of the Upper Bull Creek Neighborhood Association. We are writing to let you know that we strongly oppose the zoning change for 9001 Old Lampasas Trail from Single Family Residence to Limited Office.

Before I state why we oppose the zoning change, we want to tell you something about our property. Our home is a restored log cabin that was an original structure in Bull Creek Valley. Our home sits on 25 acres at the end of Old Lampasas Trail. Canyon Creek runs onto our property where it has created a small 2 acre lake, and flows directly into Bull Creek. To the south, our property borders Bull Creek and Balcones Canyonland Preserve; to the west, our property borders Balcones Canyonland Preserve; to the north, is Old Lampasas Trail; and to the east are our friends and neighbors that also border Bull Creek for almost three quarters of a mile down Bull Creek.

Betty and I want you to understand that what we are describing is a beautiful neighborhood and residential area. And it is our desire that our neighborhood along the Old Lampasas Trail corridor continues as a neighborhood and not include limited office or commercial structures.

Our reasons to continue opposing the zoning change from Single Family Residence to Limited Office are simple:

- The Old Lampasas Trail corridor is residential. A proposed office of any sort is not compatible with the current homes and neighborhood environment;
- The surrounding greenbelt and canyonland areas are negatively impacted with the construction of an office;
- Additional runoff is created by an office structure and the parking lot which endangers the quality of water in Bull Creek;
- And it sets a precedent for future office and/or commercial building in our neighborhood.

I spoke to the Neighborhood Planning and Zoning Commission and their vote on two (2) motions supported our opposition.

Betty and I oppose the zoning change and ask that as you review this zoning case that you support maintaining 9001 Old Lampasas Trail as a Single Family Residence and not Limited Office.

Thanks for your careful review and consideration of this matter.

Sincerely,

Hal Meyer Betty Meyer

Hal and Betty Meyer

Bill Sanchez
9111 Old Lampasas Trail
Austin, Texas 78750

October 25, 2004

Re: File Number: C14-04-0100

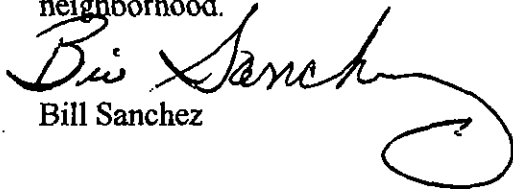
To the attention of the Honorable Mayor Will Wynn and City Council Members,

My name is Bill Sanchez and I have resided at 9111 Old Lampasas Trail for ~~—~~(~~—~~) 22 years.

I would like to state that I oppose the proposed rezoning from Single Family Residence to Limited Office for the tract of land at 9001 Old Lampasas Trail.

This is a neighborhood with homes and acreage that sit along Bull Creek. Our neighborhood is also adjacent to the Balcones Canyonland Preserve. Offices and/or commercialization along Old Lampasas Trail negatively impact the character that make up the homes in our neighborhood. Additional traffic will add to increasing safety concerns. It also has the potential to set a precedent for future commercialization along Old Lampasas Trail which could damage the character of the neighborhood.

Thanks for your careful review of this matter, and for continuing to preserve our neighborhood.


Bill Sanchez

***Keith and Penny Hunt
9802 Tallyran
Austin, Texas 78750***

October 24, 2004

To the attention of the Honorable Mayor Will Wynn and City Council Members,

Re: File Number: C14-04-0100

Our names are Keith and Penny Hunt and we have resided at 9802 Tallyran for sixteen (16) years where we have raised our family. We are members of the Upper Bull Creek Neighborhood Association.

We would like to express our strong opposition to the proposed zoning change from Single Family Residence to Limited Office. The Old Lampasas Trail area is a beautiful section of Austin that borders Bull Creek and the Balcones Canyonland Preserve.

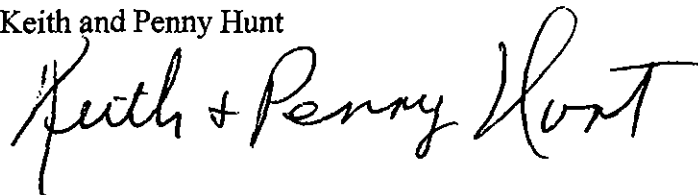
The potential rezoning to limited office and/or commercialization of Old Lampasas Trail will permanently destroy the integrity of the neighborhood. Traffic continues to increase and an office structure will increase both traffic and safety concerns on a narrow and winding road. The additional structure(s) and associated parking lot will negatively impact the preservation of the water quality of Bull Creek. It will also set a precedent for future office building that could change the character of the neighborhood forever.

Keith and I are strongly opposed to rezoning the tract at 9001 Old Lampasas Trail from Single Family Residence to Limited Office.

We ask that you continue to preserve the neighborhood and residential character of Old Lampasas Trail and deny the request to rezone to limited office.

Thanks for your time and consideration in this matter, and for your support of our neighborhood.

Keith and Penny Hunt

A handwritten signature in black ink that reads "Keith + Penny Hunt". The signature is written in a cursive, flowing style.

Gager, Sherri

From: Skip Cameron [scameron@austin.rr.com]
Sent: Monday, November 01, 2004 8:40 PM
To: Thomas, Danny; Slusher, Daryl; Goodman, Jackie; Alvarez, Raul; Wynn, Will; Dunkerley, Betty; McCracken, Brewster
Cc: Arellano, Richard; Rusthoven, Jerry; Briseno, Veronica; Bui, Tina; Frazier, Sandra; Aguilera, Gloria; Kinchion, Janice; Bailey, Rich; Gager, Sherri
Subject: C14-04-0100 Case # Z21 at Council Nov. 4

Regarding C14-04-0100
Joe Wheeler 257-7999 oakgrove@sbcglobal.net
9100 Old Lampasas Trail
requesting Interim SF-2 to LO.

NIMBY neighborhood opposition ensued, despite my try to forge a compromise in a meeting with them and Wheeler, with Sherri Gager of City Staff present. Staff recommended LO. LO zoning was denied by ZAP with no zoning granted.

After the ZAP, the applicant suggested to Council aides in a joint briefing that he would be amenable to the following zoning:

Zoning Classification NO with the following approved uses:

- Administrative and Business offices
- Art Gallery
- Art Workshop
- Professional Offices
- Software Development
- Communication Service Facilities
- Local Utility Services
- Religious Assembly
- Safety Services
- Urban Farm

The alternative outcomes could be much worse if the property were sold to a buyer who does not live adjacent like Wheeler does, and who cares not about the aesthetics of this area. Wheeler can see this property from the porch of his home, which uses a rainwater collection system for all his water needs, while all the the others in the objecting neighborhood nearby cannot even see this property from theirs.

Immediately adjacent to this property are Old Lampasas Trail, a cluster home development, a Pedernales Electric Substation and driveway, and a cell tower. Across Old Lampasas is the east end of the NW Balcones Park Green Belt.

Given the surrounding uses the possible options are for zoning are:
Industrial (not desirable at this location - largely residential area and size of lot .78 acre)
Single family (not desirable because of the cell tower and sub station adjacent)
Multi Family (not desirable because of the cell tower and sub station and size of lot .78 acre)
Office (a reasonable fit for small professional office ~ 8,000 sq ft incl. parking and driveway)

The cluster home developer could have acquired this tract when planning the adjacent cluster home development, but chose not to because it did not fit into their cluster design. And the

developer,
Ash Creek Homes Scott Morledge, told me they are not interested in acquiring this property to expand their cluster home development. He says that LO or NO is the appropriate zoning for this tract.

This is a tract with an applicant who lives in his own home just across Bull Creek to the east.
I believe he will develop the tract tastefully with a small professional office, perhaps for his own

accounting practice, and tastefully blend it in "Texas style" with this neighborhood.

Please pass NO with an overlay allowing only:

Administrative and Business offices

Art Gallery

Art Workshop

Professional Offices

Software Development

Communication Service Facilities

Local Utility Services

Religious Assembly

Safety Services

Urban Farm

Respectfully,

Skip Cameron

8711 Bluegrass Drive

Austin, TX 78759-7801

(512) 794-0531

Joseph G. Wheeler

From: George Cofer [gcofer@austin.rr.com]
Sent: 11/03/2004 9:44 AM
To: Gloria.Aguilera@ci.austin.tx.us
Subject: RE: C14-04-0100; Item Z-20 on 11/4/04 - Cofer asks for your support



9001OldLampasasT9001OldLampasasT
railPictures.p... railAerialPhot...

Many thanks, Gloria. Perhaps the attachments will save you a trip. george

-----Original Message-----

From: Gloria.Aguilera@ci.austin.tx.us [mailto:Gloria.Aguilera@ci.austin.tx.us]
Sent: Wednesday, November 03, 2004 9:17 AM
To: gcofer@austin.rr.com
Subject: RE: C14-04-0100; Item Z-20 on 11/4/04 - Cofer asks for your support

George,

I'm driving out to this area this morning to take a few pictures for Betty. I'll be sure to share your e-mail with her. Thank you for your recommendation.

We appreciate you taking the time send a thank you note regarding the Austin Past Present and Future . Take Care.

Gloria

-----Original Message-----

From: George Cofer [mailto:gcofer@austin.rr.com]
Sent: Wednesday, November 03, 2004 6:33 AM
To: Aguilera, Gloria; Bailey, Rich; Bui, Tina; Frazier, Sandra; Kinchion, Janice; Rusthoven, Jerry; Briseno, Veronica; Gross, Karen
Cc: 'Skip Cameron'; Joe Wheeler
Subject: RE: C14-04-0100; Item Z-20 on 11/4/04 - Cofer asks for your support

Hi, Friends.

Please urge your council members to support an NO-with-overlay compromise. My long-time ally on bull creek issues, Skip Cameron, supports the NO/overlay approach. Joe Wheeler is a lifelong friend and honest person who is willing to compromise. And, I've seen the tract - it ain't suitable for residential!

This tract presents a great opportunity for the "infill" we must effect if we are to lessen the sprawl factor.

I ask you collectively to identify council members who will make the motion and a second tomorrow for NO-with-overlay on this item (Z-20). As always, I'm eternally grateful for your hard work on so many fronts at once. Please contact me (mobile: 657.3628) if you have any questions.

Sincerely, george cofer.

-----Original Message-----

From: Joseph G. Wheeler [mailto:oakgrove@sbcglobal.net]
Sent: Tuesday, November 02, 2004 4:39 PM
To: Gloria Aguilera; Rich Bailey; Tina Bui; Sandra Frazier; Janice Kinchion; Jerry Rusthoven; Vernoica Briseno
Cc: George H. Cofer; Skip Cameron
Subject: C14-04-0100; Item Z-20 on 11/4/04

City Council Aides,

This e-mail is a follow up of an e-mail sent to each of you on 10/15/04 concerning my upcoming zoning case (11/4/04).

A recap of the facts in this case. This is a 0.78 Acre lot (lot 20) which was created as part of the Bull Creek Ranch subdivision. The developer of this subdivision was not and is not interested in this lot for residential purposes. The lot is bounded on two sides by property owned by Pedernales Electric Cooperative which currently has an electric substation (165Kv) located upon it. In addition, the lot contains a cellular communications tower operated by Crown Communications. Representative pictures are attached for your convenience.

The original zoning recommended by staff was LO, this zoning request was denied by ZAP. This denial was done without granting any zoning classification.

After studying my initial request which was presented in the ZAP hearing on September 21, 2004, I believe that the best solution to the issues at hand will be the granting of NO zoning with an overlay. I realized that there will be opposition from the Upper Bull Creek Neighborhood Association. Who in previous attempts to negotiate an agreed resolution to this matter, failed to offer any reasonable compromise.

A motion from Council to grant NO with an overlay would facilitate resolution of this matter by restricting the NO uses to the following:

Administrative and Business offices
Art Gallery
Art Workshop
Professional Offices
Software Development
Communication Service Facilities
Local Utility Services
Religious Assembly
Safety Services
Urban Farm.

My request for NO zoning with overlay restrictions listed above is less generous than that recommended by staff, it does however, fulfill my intent and is the most reasonable zoning for this property.

Please brief your council members concerning this upcoming 11/4/04 item and contact me if you have any questions or need any clarifications of items presented in this email.

Thank you for your help in this important matter.

Joseph G. Wheeler (Joe)
7901 Spicewood Springs Rd
Austin, TX 78759-7611 Voice 257-7999 FAX 250-1910

Joseph G. Wheeler

From: Joseph G. Wheeler [oakgrove@sbcglobal.net]
Sent: 11/03/2004 10:27 AM
To: Daryl Slusher (daryl.slusher@ci.austin.tx.us); Will Wynn (will.wynn@ci.austin.tx.us); Betty Dunkerley (betty.dunkerley@ci.austin.tx.us); Brewster McCracken (brewster.mccracken@ci.austin.tx.us); Jackie Goodman (jackie.goodman@ci.austin.tx.us); Raul Alvarez (raul.alvarez@ci.austin.tx.us); Danny Thomas (danny.thomas@ci.austin.tx.us)
Subject: Emailing: 9001OldLampasasTrailAerialPhotos, 9001OldLampasasTrailPictures, 9001OldLampasasTrailSkiptoZAP



9001OldLampasasT9001OldLampasasT9001OldLampasasT
railAerialPhot... railPictures.p... railSkiptoZAP....

City Council Members,

This e-mail is a follow up of an e-mail sent to each of your staff representatives on 10/15/04 concerning my upcoming zoning case (11/4/04).

Let me recap the facts in this case. This is a 0.78 Acre lot (lot 20) which was created as part of the Bull Creek Ranch subdivision. The developer of this subdivision was not and is not interested in this lot for residential purposes. The lot is bounded on two sides by property owned by Pedernales Electric Cooperative which currently has an electric substation (165Kv) located upon it. In addition, the lot contains a cellular communications tower operated by Crown Communications. Representative pictures are attached for your convenience.

The original zoning recommended by staff was LO, this zoning request was denied by ZAP. This denial was done without granting any zoning classification.

After studying my initial request which was presented in the ZAP hearing on September 21, 2004, I believe that the best solution to the issues at hand will be the granting of NO zoning with an overlay. I realized that there will be opposition from the Upper Bull Creek Neighborhood Association. Who in previous attempts to negotiate an agreed resolution to this matter, failed to offer any reasonable compromise.

A motion from Council to grant NO with an overlay would facilitate resolution of this matter by restricting the NO uses to the following:

Administrative and Business offices
Art Gallery
Art Workshop
Professional Offices
Software Development
Communication Service Facilities
Local Utility Services
Religious Assembly
Safety Services
Urban Farm

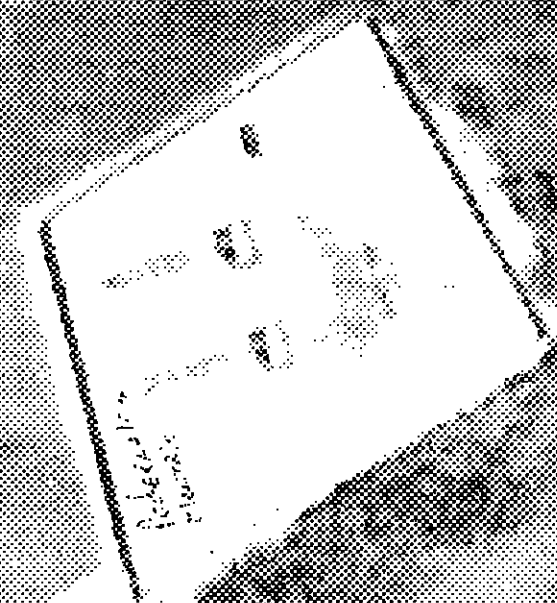
My request for NO zoning with overlay restrictions listed above is less generous than that recommended by staff, it does however, fulfill my intent and is the most reasonable zoning for this property.

If you have any questions or need any clarifications of items presented in this email please do not hesitate to contact me.

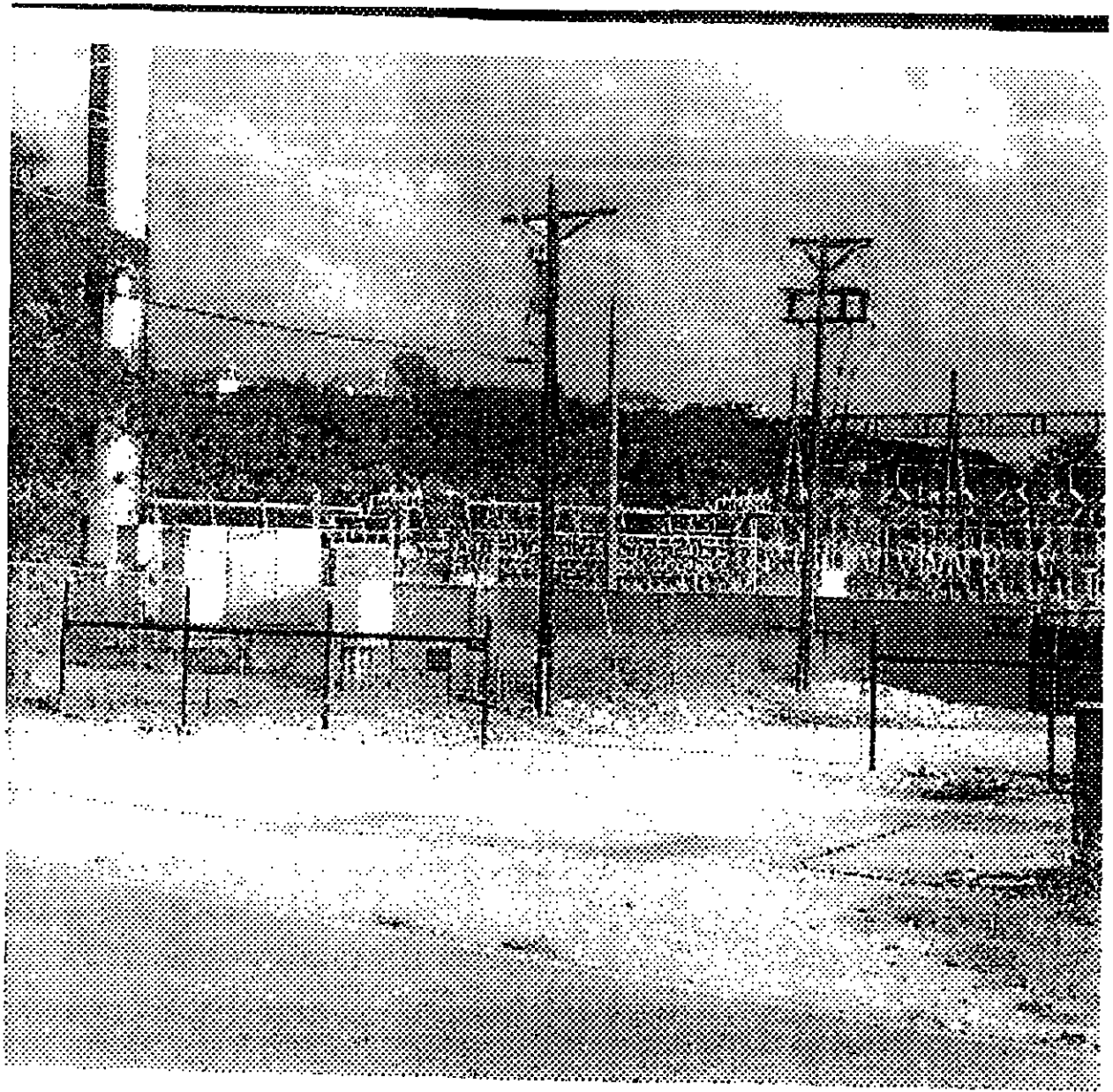
Thank you for your help in this important matter.

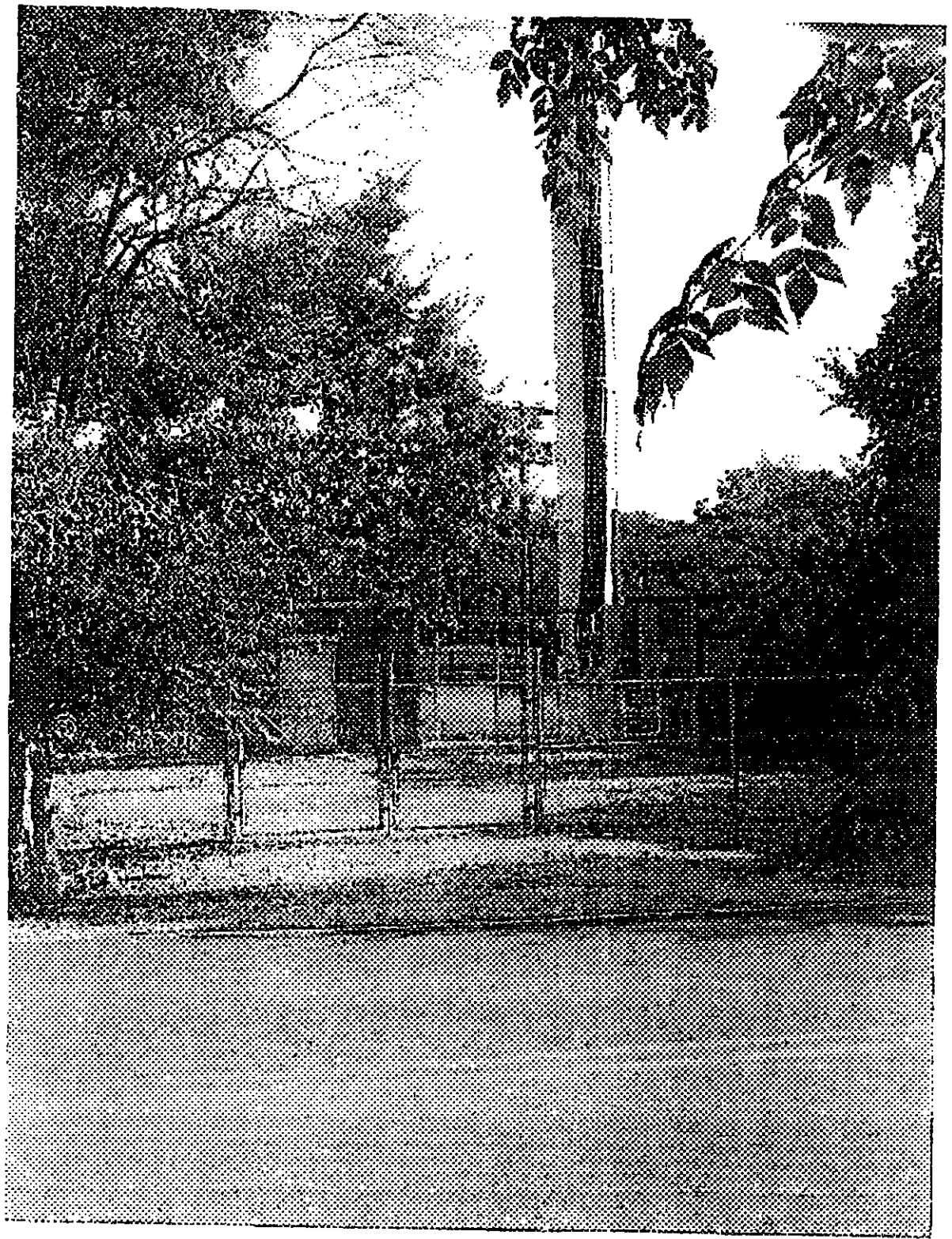
Joseph G. Wheeler (Joe)
7901 Spicewood Springs Rd
Austin, TX 78759-7611 Voice 257-7999 FAX 250-1910

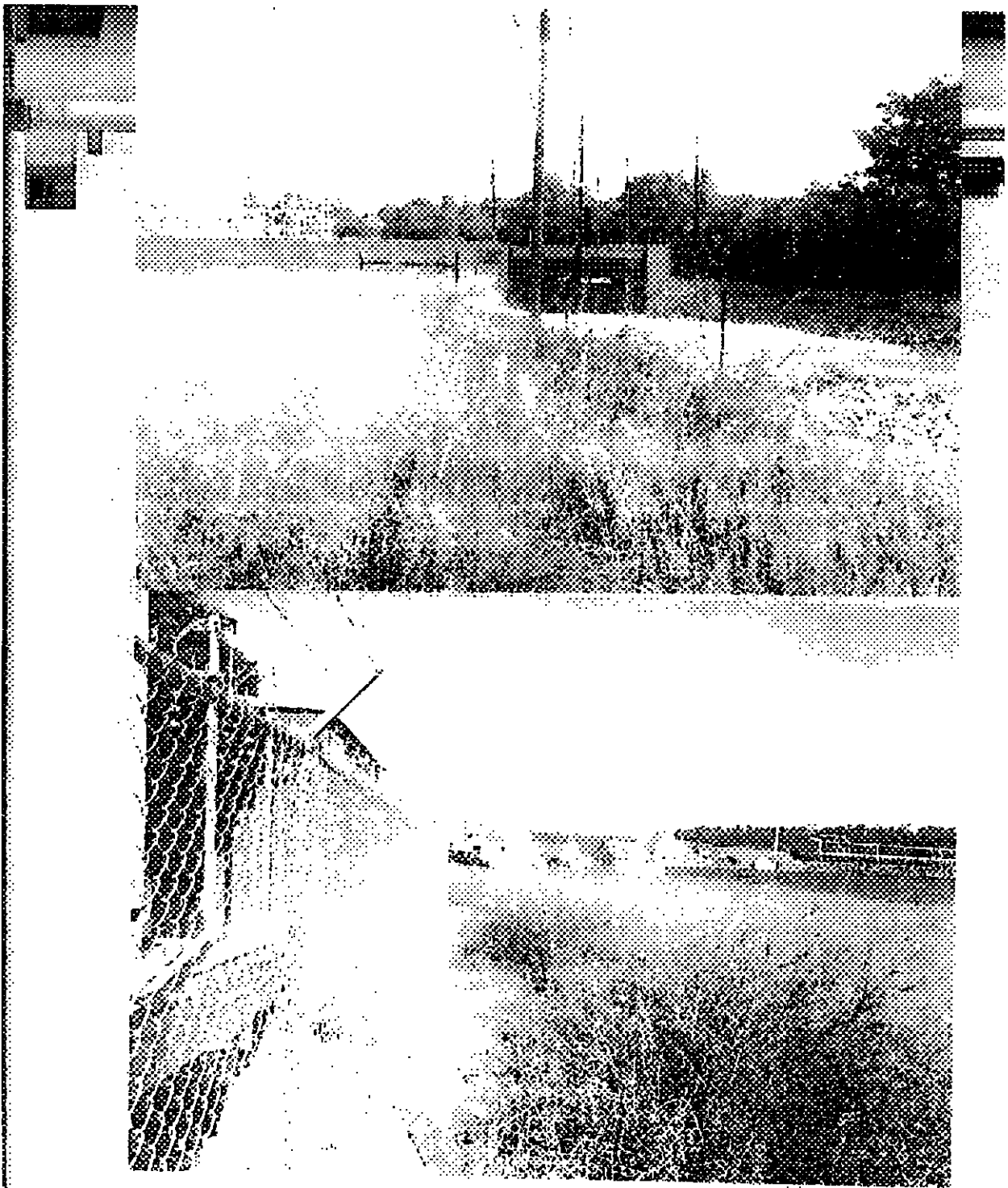
IT
OLD LAMPASAS

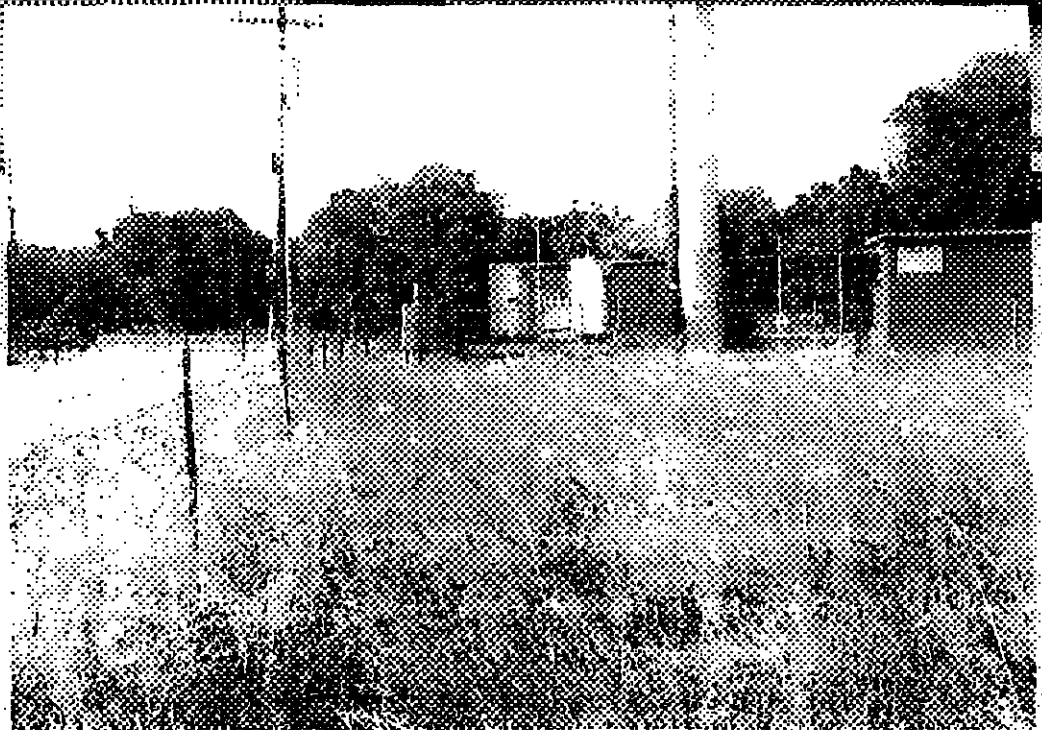












From: Skip Cameron [scameron@austin.rr.com]
Sent: 09/20/2004 10:16 PM
To: Sherri Gager; bbaker@austintexas.org; kbjackson@pbsj.com; josephmartinez@yahoo.com; jdonisi@austin.rr.com; jay@jaygohilrealty.com; chammond1@austin.rr.com; apsinc@bga.com; Pinnelli@flash.net; trabago@austin.rr.com
Cc: Joe Wheeler; Hal Meyer
Subject: C14-04-0100 SF-2 to LO - ZAP August 21, 2004 ITEM 6

Dear ZAP Commissioners

(Sherri: please see that this gets into the member's information packet in case they do not read this beforehand).

Thanks for your selfless service to our community!

LO requested is OK, but it should include an overlay restriction to only these permitted uses: Administrative and Business Offices Medical Offices not exceeding 5000 sq. ft. gross floor area Professional Office Software Development

As I understand it, this is the intention of the uses planned by the applicant, and I think this LO with overlay will be accepted by most, if not all, of the neighbors to the south, even though they will officially oppose the LO request at this hearing.

The alternative outcomes could be much worse if the property were sold to a buyer who does not live adjacent and who cares not about the aesthetics of this area.

If you look at the area, this tract on Old Lampasas Trail , a collector street to large residential neighborhoods to the west accessed by Tallyran Drive, has a cluster home development to the north, a cell tower and Pedernales Electric sub station to the East, a church to the south, and past the church is a vacant 11 acre lot and then several large acreages with one home each. To the west across Old Lampasas Trail is the east end of the NW Balcones Park greenbelt (no parking or access and unimproved).

Given the surrounding uses the possible options are for zoning are: Industrial (not desirable at this location - largely residential area and size of lot .78 acre) Single family (not desirable because of the cell tower and sub station adjacent) Multi Family (not desirable because of the cell tower and sub station and size of lot .78 acre) Office (a reasonable fit for small professional office ~ 8,000 sq ft incl. parking and driveway)

The cluster home developer could have acquired this tract when planning the adjacent cluster home development, but chose not to because it did not fit into their cluster design. And the developer, Ash Creek Homes Scott Morledge, told me they are not interested in acquiring this property to expand their cluster home development. He says that LO is more appropriate.

This is a tract with an applicant who lives in his own home just across Bull Creek to the east. I believe he will develop the tract tastefully with a small professional office, perhaps for his own accounting practice, and tastefully blend it in "Texas style" with this neighborhood.

Please pass and recommend to City Council LO with an overlay allowing only: Medical Offices not exceeding 5000 sq. ft. gross floor area Professional Office Software Development

Respectfully

Skip Cameron, President
Bull Creek Foundation
8711 Bluegrass Drive
Austin, TX 78759-7801
(512) 794-0531
--

6. C14-04-0100 – JOSEPH G. WHEELER, By: Joseph G. Wheeler, 9001 Old Lampasas Trail. (Bull Creek). **FROM I-SF-2 TO LO. RECOMMENDED.** City Staff: Sherri Gager, 974-3057. **POSTPONED FROM 8-17 (NEIGHBORHOOD).**

DENIED STAFF'S RECOMMENDATION FOR LO ZONING.

[J.M. T.R 2ND] (6-1) M.W – NAY; K.J – OFF DAIS; J.G – ABSENT

NEW CASES

7. C14-04-0137 – QUALITY CLOSE-OUTS (Blake Robinson), By: Bury & Partners, Inc. (James B. Knight), 9501 N. FM Road 620. (Bull Creek). **FROM I-RR TO MF-1. RECOMMENDED.** City Staff: Sherri Gager, 974-3057.

APPROVED STAFF'S RECOMMENDATION OF MF-1 ZONING; BY CONSENT.

[J.M; M.W 2ND] (7-0) K.J – OFF DAIS; J.G – ABSENT

8. C14-04-0133 – LAMAR VENTURES OF PARTNERSHIP, By: Crocker Consultants (Sarah Crocker), 11800 North Lamar. (Walnut Creek). **FROM DR; LO; GR-CO TO GR. ALTERNATE RECOMMENDATION: GR-CO; LO-CO.** City Staff: Sherri Gager, 974-3057.

CONTINUED TO 10/05/04 (ZAP)

[M.W, J.M 2ND] (7-0) K.J – LEFT EARLY; J.G – ABSENT

****REQUEST MADE FOR STAFF TO NOTIFY FOR CITY COUNCIL FOR 10/21/04.***

9. C14-04-0119 – THOMAS & VIRGINIA IVARRA, By: Thomas & Virginia Ivarra, 2303 West Parmer Lane. (Walnut Creek). **FROM NO TO LR. RECOMMENDED.** City Staff: Glenn Rhoades, 974-2775.

APPROVED STAFF'S RECOMMENDATION OF LR ZONING.

[J.M; J.P 2ND] (7-0) K.J – LEFT EARLY; J.G – ABSENT

10. C14-99-0129 (RCT) – SOUTH PARK MEADOWS, By: Abel J. and Mary Ann Theriot Family Limited Partnership (Suzanne Sanders), Cunningham-Allen, Inc. (Jana Rice), 9600 IH-35 Service Road Southbound (Slaughter / Onion Creek Watersheds). **TO TERMINATE THE RESTRICTIVE COVENANT THAT ADDRESSES THE DISCONTINUANCE OF A COCKTAIL LOUNGE USE. RECOMMENDED.** City Staff: Wendy Walsh, 974-7719.

APPROVED STAFF'S RECOMMENDATION; BY CONSENT.

[J.M; M.W 2ND] (7-0) K.J – OFF DAIS; J.G – ABSENT

A SELECTED PORTION OF THE Closed Caption Log, Council Meeting, 11/04/04

Note: Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes. For official records or transcripts, please contact the City Clerk at (512) 974-2210

...Mayor Wynn: COUNCIL, IF I CAN MAKE A SUGGESTION, PERHAPS DELIBERATION OR THINKING NEEDS TO TAKE A LITTLE BIT OF TIME. WE CAN CLOSE THE PUBLIC HEARING, GO AHEAD AND BREAK FOR THE 5:30 LIVE MUSIC AND PROCLAMATIONS, MIGHT GIVE A CHANCE FOR ONE OR MORE OF US TO DISCUSS THE MATTER AND COME UP WITH A -- WITH A -- WITH A MOTION. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

SO MOVE.

MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER DUNKERLY TO CLOSE THE PUBLIC HEARING ON Z-20. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF MOTION TO CLOSE THE PUBLIC HEARING WITH COUNCILMEMBER MCCracken OFF THE DAIS AT THIS TIME WE WILL BREAK FOR OUR LIVE MUSIC AND PROCLAMATIONS AND ALSO I'LL ANNOUNCE TO THE -- THAT THE COUNCIL WILL GO INTO CLOSED SESSION TO TAKE UP POTENTIALLY AGENDA ITEMS 35 RELATED TO OUR LEGISLATIVE UPDATE AND 32 RELATED TO A WASTEWATER LINE RELOCATION AND -- ON WATCHHILL ROAD. WE DO THIS PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT WHICH WILL BE CONDUCTED WHILE WE ARE BREAKING FOR LIVE MUSIC AND PROCLAMATIONS TO GET MORE WORK DONE IN A SHORTER PERIOD OF TIME. WE ARE NOW IN CLOSED SESSION. THANK YOU.

BREAK

Mayor Wynn: IN EXECUTIVE SESSION WE TOOK UP DISCUSSION ON ITEM NUMBER 35, NO DECISIONS WERE MADE. WE ARE BACK IN OPEN SESSION. COUNCIL, IF YOU REMEMBER, WE HAD JUST CLOSED THE PUBLIC HEARING ON ZONING CASE Z 20. AFTER HAVING ASKED A NUMBER OF QUESTIONS. THERE ARE NO ADDITIONAL QUESTIONS OR COMMENTS, ENTERTAIN A MOTION AS WE GET MORE COUNCILMEMBERS IN HERE.

I HAVE A COUPLE OF QUESTIONS, MAYOR WYNN WIN COUNCILMEMBER ALVARADO.

THIS IS THE LAMPASAS.

Mayor Wynn: CORRECT. Z 20, OLD LAMPASAS TRAIL.

FOR STAFF, I GUESS. JUST CURIOUS ABOUT I THINK IT'S -- I LOOK AT THE BACKUP AND THIS IS ABOUT THREE QUARTERS OF AN ACRE?

Mayor Wynn: THAT'S CORRECT.

AND SO I THINK THE OWNER TALKED A LITTLE BIT ABOUT HOW HE WAS LIMITED IN OARMS OF WHAT HE COULD DO AND I GUESS THAT IS BECAUSE OF SURROUNDING SUBSTATIONS, BUT WHAT IS THE I GUESS UNDER NO, SOMETHING HE WOULD DO OUT THERE UNDER CERTAIN CONDITIONS, HOW MUCH IMPERVIOUS COVER, HOW MUCH SQUARE FOOTAGE COULD THERE BE ON THIS PROPERTY?

(Mr. Guernsey) PAT MURPHY AND I, IN THE PLANNING AND ZONING DEPARTMENT, WE DISCUSSED HOW MUCH LAND AREA THERE WAS THAT COULD BE DEVELOPED AND PAT DETERMINED THERE COULD BE ABOUT 7,000 SQUARE FEET OF IMPERVIOUS COVER THAT COULD BE PLACED ON THE PROPERTY DUE TO THE WATERSHED IT'S IN AND SETBACKS TRIGGERED BY THE ADJACENT CREEK, THE WATER QUALITY ZONE AND TRANSITION ZONE, AND BASED ON THAT, USING ONLY ABOUT 7,000 SQUARE FEET, PAT AND I DETERMINED THAT WE COULD PROBABLY GET ABOUT 4200 SQUARE FEET OR 4,200 SQUARE FEET OF OFFICE AREA, IF IT WAS A TWO-STORY BUILDING ON

THE PROPERTY WITH ITS ACCOMPANIED PARKING. THE FOOT FOOTPRINT OF THE BUILDING WOULD BE APPROXIMATELY 2100 SQUARE FEET, AND THAT MAY BE THE MAXIMUM EXTENT OF BUILDOUT THAT YOU WOULD HAVE, SO A TWO-STORY STRUCTURE THAT WOULD HAVE A SIMILAR FOOTPRINT TO A VERY LARGE HOUSE WOULD BE ABOUT ALL YOU COULD PLACE ON THE PROPERTY. THERE ARE EASEMENTS ACROSS FROM THE PROPERTY AND GIVEN THE SETBACKS THAT PRESENT ITSELF AND THEN THE WATERSHED, THERE'S NOT MUCH MORE THAT COULD BE BUILT.

OKAY. I WAS JUST WONDERING ABOUT THAT, BECAUSE AGAIN I DO HAVE -- I MEAN I'M KIND OF TORN ON THIS ONE TOO, JUST BECAUSE, I MEAN, I DON'T THINK HE HAS TOO MANY OTHER OPTIONS, MAYBE I'M KIND OF CONFUSED, BUT AT THE SAME TIME NOT SEEING WHAT IS PROPOSED AND WHAT THE DESIGN OR THE STRUCTURE MIGHT BE AND HOW IT FITS IN. BUT IS THERE ANY WAY THROUGH RESTRICTIVE COVENANTS TO DEAL WITH SOME OF THOSE DESIGN TYPE ISSUES?

(Mr. Guernsey) THE PROPERTY IS CON STRAINED AS WE SAID BEFORE BECAUSE OF SOME OF THE EASEMENTS THAT ARE ON THE PROPERTY, CERTAINLY IF THE OWNER WOULD BE WILLING TO, I GUESS, SUBMIT SOME SORT OF RESTRICTIONS BEYOND WHAT WE COULD DO IN OVERLAY, WE COULD LOOK AT THOSE BUT THE N-O DISTRICT DOES NOT ALLOW FOR A GREAT NUMBER OF USES AND GIVEN THAT HE'S ALREADY, I GUESS, PROPOSED THIS EVENING TO LIMIT THE NUMBER OF USES TO ONLY TEN OR SO, THAT'S ABOUT ALL HE COULD REALLY BUILD WOULD BE AN OFFICE ON THE PROPERTY.

SURE. NO, I WAS TALKING MORE ABOUT HOW -- HOW TO DESIGN THE PROJECT WITH LANDSCAPING AND HOW TO DESIGN IT SO THAT MAYBE IT LOOKS LIKE A HOME BUT USE IT LIKE AN OFFICE, THAT SORT OF THING SO IT DOESN'T LOOK LIKE THIS RANDOM OFFICE BUILDING, YOU KNOW, WHAT BASICALLY IS A RESIDENTIAL STREET HERE.

(Mr. Guernsey) WELL, WE COULD CERTAINLY ASK THE APPLICANT WHAT WOULD KIND OF DESIGN THINGS HE COULD OFFER. IT WOULD BE REQUIREMENTS FOR COMPATIBILITY REGARDING, YOU KNOW, SETBACKS FROM THE ADJACENT CHURCH.

WE WOULD HAVE LANDSCAPING REQUIREMENTS FOR THE PARKING LOT THAT WOULD NORMALLY BE REQUIRED. THE CITY DOES NOT REGULATE THE ACTUAL FACADE OF THE PROPERTY, BUT THE AGENT COULD COME FORWARD AND SPEAK TO, I GUESS, ANY KIND OF DESIGN RESTRICTIONS THAT MIGHT BE WILLING TO ADDRESS.

I'LL MAKE A MOTION.

Mayor Wynn: COUNCILMAN SLUSHER.

Slusher: FIRST, HELP ME REMEMBER IS THERE A DIFFERENCE BETWEEN LO AND NO FOR BOTH TERMS?

(Mr. Guernsey) YES, THE NEIGHBORHOOD OFFICE IS THE MOST RESTRICTIVE ZONING CLASSIFICATION THE CITY OF AUSTIN HAS. THE MAIN DIFFERENCE IS NO IS ACTUALLY IN OUR CODE SOMETHING THAT WOULD BE COMPATIBLE TO A RESIDENTIAL AREA. IT'S THE FIRST, PROBABLY THE MOST RESTRICTIVE COMMERCIAL CLASSIFICATION THAT WE HAVE. THE MAIN DIFFERENCE BETWEEN LO AND NO, ASIDE FROM THE HEIGHT AND THE IMPERVIOUS COVER LIMITATIONS IS THAT LO ALLOWS MEDICAL OFFICE AND NO DOES NOT. AS FAR AS THE COMBINATIONS, BUT THOSE ARE PROBABLY THE...

Slusher: WHAT WOULD BE THE DIFFERENCE BETWEEN NO AND LO WITH THE RESTRICTIONS THAT MR. WHEELER OFFERED UP HIMSELF?

(Mr. Guernsey) WELL, THE NO... THE USES IN LO WOULD ALLOW, LIKE I SAID BEFORE, MEDICAL OFFICES AS A PERMITTED USE.

Slusher: I THINK HE HAD TAKEN OUT THAT ONE THIS HIS.

(Mr. Guernsey) THAT'S RIGHT T OFFICES THAT HE'S PROPOSING, THE ADMINISTRATIVE BUSINESS OFFICE, THE PROFESSIONAL OFFICE, ARE USES ALLOWED IN THE NO DISTRICT, AND THE USES, LIKE I SAID, ARE VERY LIMITED, SO THERE'S VERY FEW USES LEFT AFTER YOU COMPARE WHAT HE'S PROPOSING AND WHAT IS ALLOWED IN NO, THERE'S VERY LITTLE DIFFERENCE BECAUSE THERE'S JUST NOT MUCH ALLOWED IN THE NO DISTRICT.

THE SQUARE FOOT OF THE CALCULATIONS YOU AND MR. MURPHY WORKED ON, IS THAT BASED ON LO OR NO.

(Mr. Guernsey) THAT WAS BASED ON NEITHER. LOOKING WE WATERSHED REGULATION WHICH IS MORE RESTRICTIVE AND BASED ON MR. MURPHY'S ROUGH CALCULATIONS, THEY COULD ONLY GET ABOUT 7,000 SQUARE FEET OF IMPERVIOUS COVER APPROXIMATELY ON THE PROPERTY AND I KIND OF REVERSE DESIGNED BUILDING TRYING TO GUESS HOW MUCH SQUARE FOOTAGE OF OFFICE HE COULD BUILD USING A PARKING REQUIREMENT OF ONE SPACE FOR EACH 300 SQUARE FEET, CAME UP WITH ABOUT 3 PARKING SPACES REQUIRED WHICH RESULTED IN A AVERAGE PARKING DRIVEWAY AREA OF 4500 SQUARE FEET, SO GIVEN THAT YOU COULD ONLY BUILD A BUILDING ABOUT 4,200 SQUARE FEET IF WE DESIGNED A TWO-STORY BUILDING. IF YOU ACTUALLY DESIGNED A ONE-STORY BUILDING IT COULD ACTUALLY BE LESS. YOU COULD NOT GET THAT AMOUNT OF SQUARE FOOTAGE.

COULDN'T BE TALLER THAN TWO.

(Mr. Guernsey) GETS TO BE MORE EXPENSIVE WHEN YOU START DESIGNING A 3 STORY BUILDING, AS FAR AS EXITING, FIRE REQUIREMENT, SO IT'S DOUBTFUL THAT YOU COULD GET A THREE STORY BUILDING AND STILL PROVIDE THE PARKING AND MAKE IT ECONOMICAL.

OKAY. SO BASICALLY SUM UP NO AND LO, NO VERSUS LO WITH RESTRICTIONS THAT HE OFFERED...

NO IS NOT...

Slusher:... NOT REALLY ANY SIGNATURE CAN DIFFERENCE?

(Mr. Guernsey) THERE IS A SIGNIFICANT DIFFERENCE BECAUSE THE INTENSITY IS LESS IN L THAN LO, THE CONDITIONAL OVERLAY HE'S OFFERING WOULD FURTHER RESTRICT THAT. SO THERE -- THE MAIN DIFFERENCE ASIDE FROM THE SITE DEVELOPMENT STANDARDS IS THAT THIS -- THIS DISTRICT IS LESS INTENSIVE, NO IS,

AND WITH CONDITIONAL OVERLAY, IT'S EVEN MORE RESTRICTIVE, DEVELOP LESS WITH THE NO WITH THE CONDITIONAL WAY THAT HE'S OFFERED.

Slusher: HE OFFERED THAT ON LO BUT NOT ON NO? IS THAT RIGHT?

I THOUGHT THAT HE WAS OFFERING...

IT WAS NO.

Slusher: OKAY. COME ON UP, MR. WHEELER.

IT WAS MY UNDERSTANDING THAT STAFF COULDN'T CHANGE WHAT THEY TOOK TO PLANNING COMMISSION SO THEY HAD TO COME FORWARD WITH LO. MY PROPOSAL WAS TO REDUCE THAT TO NO.

WITH THOSE RESTRICTIONS.

WITH THESE RESTRICTIONS.

THAT'S WHAT I'M GOING TO MOVE ON FIRST READING. IF IT PASSES -- THE MAYOR SAID, YOU KNOW, TALK ABOUT IT OFF THE DAIS, ONLY TALK TO STAFF, I DON'T KNOW HOW THIS IS GOING TO GO. IT'S BETTER FOR THE COUNCIL, I THINK, TO DISCUSS THAT HERE, THAT -- SO I DON'T KNOW HOW IT'S GOING TO GO, BUT I WOULD WANT TO, IN BETWEEN THE FIRST AND THE NEXT READING, I WOULD LIKE FOR US TO LOOK AT BUFFERING WITH THE NEIGHBORHOOD AND SEE IF SOMETHING COULD BE ADDED ON THERE.

I WOULD BE PERFECTLY WILLING TO DO THAT, I COULD GET A DRAWING OR SOMETHING DONE LIKE THAT. THAT COULD BE DONE VERY EASILY. AND I WOULD BE PERFECTLY WILLING TO DO THAT TO SORT OF SET YOUR MIND AT EASE.

Slusher: THAT WOULD BE GOOD. YOU RAISE CONCERNS TO ANYTHING YOU WOULD LIKE TO ADD ONTO THAT?

DESIGN RELATED, I THINK HE'S TALKING ABOUT, TRYING TO BRING SOME DRAWINGS.

Slusher: THAT BOB MY MOTION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER TO APPROVE ON FIRST READING ONLY CASE Z 20, LO, WITH CERTAIN CONDITIONS.

SECOND. SUCH

Slusher: NO. AS OUTLINED IN MR. WHEELER'S E-MAIL, WHICH, HERE, I CAN GIVE YOU THE DATE AND TIME ON THAT.

(Mr. Guernsey) NEIGHBORHOOD OFFICE, CONDITIONAL OVERLAY, THAT IS NOCO, BASED ON THE E-MAIL THAT I HAVE IN FRONT OF ME MR. MR. WHEELER, ALLOWING PROFESSIONAL OFFICES, LOCAL UTILITY SERVICES, RELIGIOUS ASSEMBLY, SAFETY SERVICES AND URBAN FARM AS THE ONLY PER MISED USES.

AND THAT WAS E-MAIL TO MR. GEURNSEY IS READING FROM WAS SENT NOVEMBER -- I HAVE 10:27 A.M.

THAT'S THE COPY WE WERE GIVEN.

Mayor Wynn: COUNCILMEMBER THOMAS, YOU AGREE WITH THAT AS OUR SECOND? MOTION BY COUNCILMEMBER SLUSHER, SECOND BY COUNCILMEMBER THOMAS, TO APPROVE ON FIRST READING ONLY WITH CONDITIONS AS OUTLINED. FIRST READING ONLY. FURTHER COMMENTS? ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED. MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 6-0 WITH COUNCILMEMBER McCRACKEN TEMPORARILY OFF THE DAIS. THANK YOU ALL FOR YOUR PATIENCE. I BELIEVE THAT LEAVES US ONLY WITH RAINEY STREET. IS THAT THE ONLY ITEM WE HAVE LEFT TONIGHT? I KNOW -- BESIDES THE NEIGHBORHOOD PLANNING.