# Zone Hearings/App Ordinances/Restrictive Covenants CITY OF AUSTIN AGENDA

ive Covenants # / X AGENDA DATE: 4/20/2006

# RECOMMENDATION FOR COUNCIL ACTION

Subject: C14-06-0012 - 505 Deep Eddy - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 505 Deep Eddy Avenue (Johnson Creek Watershed) from family residence (SF-3) district zoning to neighborhood office (NO) district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood office (NO) district zoning. Applicants: Pete Fajkowski and Mike Morales. Agent: Luci Gallahan. City Staff: Jorge E. Rousselin. A valid petition has been filed in opposition to this rezoning request.

Requesting Department: NPZD

For More Information:

# ZONING REVIEW SHEET

<u>CASE</u>: C14-06-0012 <u>Z.A.P. DATE</u>: March 21, 2006

ADDRESS: 505 Deep Eddy Avenue

OWNER: Pete Fajkowski and MikeMorales

AGENT: Luci Gallahan

**REZONING FROM:** SF-3 (Family residence district)

TO: NO (Neighborhood Office)

AREA: 0.174 Acres (7,622 square feet)

# **SUMMARY ZONING AND PLATTING RECOMMENDATION:**

March 21, 2006:

APPROVED STAFF'S RECOMMENDATION TO DENY REQUEST FOR NO DISTRICT

[J.PINNELLI, C.HAMMOND 2<sup>ND</sup>] (8-0) J.MARTINEZ – ABSENT

\*Commissioner Baker directed staff to look into whether there was any violation of the Code; that if a remodeling permit was pulled, and another permit was not subsequently pulled when a new house was built. Commission felt that it should be an inquiry to the building official.

# **SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of NO (Neighborhood Office) district zoning.

## **ISSUES:**

An existing house was relocated from the property under permit No. 04019110 on December 28, 2004 (Please see attachment A). A remodeling permit was obtained for remodeling of foundation and interior existing residence under permit No. 05005224 on March 31, 2005 (Please see attachment B). On November 16, 2005, a permit was granted for remodeling the existing single-family residence moved on lot and the addition of 2<sup>rd</sup> floor and breezeway and attached garage to create a duplex under permit No. 05020701 (Please see attachment C). A stop work order has been issued on this address on April 7, 2006.

The construction of the existing 3,500 square foot duplex was done with a remodeling permit. The applicant requested and was granted a remodeling permit after the previous placement of a home on the site failed to maintain the structural integrity. The home was partially demolished and eventually the entire structure was razed with the exception of the foundation. The foundation was eventually replaced and a new foundation placed. The Zoning and Platting Commission requested that the building official look into potential City Code violations relating to the granting of a building permit for a remodel. A valid petition has been filed at 69.54% opposition.

# **DEPARTMENT COMMENTS:**

The subject rezoning area is a 0.174 acre (7,622 square feet) site fronting Deep Eddy Avenue zoned SF-3. There exists a 3,500 square foot duplex on the site accessed via the abutting alley to the south and Deep Eddy Avenue. The applicant proposes to rezone the property to NO allow for a mortgage office. Staff recommends denial of NO based on the following considerations:

- 1.) The proposed land use will not be compatible with the existing surrounding single-family residential uses along the north and east property line;
- 2.) The proposed office will be of detriment to the residential character of the established neighborhood;

- 3.) The existing alley abutting the southern property line of the subject property is the established transition between the commercial and residential land uses.
- 4.) New office and commercial uses should be maintained along Lake Austin Boulevard and deterring further encroachment of office and commercial uses into the neighborhood; and
- 5.) Vehicle circulation to this site may create an undue burden on existing traffic patterns into the established neighborhood via an existing local street;

# **EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	SP-3	Duplex
North	SF-3	Single family residence
South	LR / GR-CO	Restaurants
East	SF-3	Single family residence
West	LR / GR-CO	Office / Service Station

AREA STUDY: N/A TIA: N/A

WATERSHED: Johnson Creek DESTRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A SCENIC ROADWAY: YES

# **NEIGHBORHOOD ORGANIZATIONS:**

- West Austin Neighborhood Group
- Austin Neighborhoods Council
- Austin Independent School District

# **SCHOOLS:**

Austin Independent School District

- Casis Elementary School
- O. Henry Middle School
- Austin High School

RELATED CASES: N/A

# **CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0058	SF-3 to NO	05/06/03: ZAP DENIED STAFF REC OF NO-MU (8-0).	11/06/03: DENIED NO-MU-CO (6- 1, DT-NO).
C14-99-0105	SF-3 to GR-CO	07/13/99: PC APVD GR (7-0).	07/15/99: APVD GR-CO (6-0) 1ST RDG.
			08/26/99: APVD GR-CO W/CONDS (7-0) 2ND/3RD RDG.
			CO:  No vehicular access to Lake Austin Blvd.  Limited to LR standards &

			regs.
		]	Prohibited uses:
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Ì	Ì	}	<ul> <li>Automotive repair services</li> </ul>
l			<ul> <li>Commercial off-street parking</li> </ul>
			<ul> <li>Financial services</li> </ul>
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		]	<ul> <li>Medical offices</li> </ul>
1	Ì		<ul> <li>Pawn shop services</li> </ul>
		i	Restaurant (general)
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			<ul> <li>Outdoor sports and</li> </ul>
}			recreation
İ			<ul> <li>Pet services</li> </ul>
	]	]	<ul> <li>Service station</li> </ul>
1	<b>\</b>		Guidance services
C14H-01-0010	P to P-H	09/11/01: ZAP APVD P-H BY	09/27/01: APVD P-H (7-0); ALL 3
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C14H-00-0008	SF-3 to SF-3-H	08/07/01: PP INDEF (STAFF); (9-0	WITHDRAWN

# ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Deep Eddy	42'	24'	Local	No	No	No

CTTY COUNCIL DATE:

ACTION:

April 20, 2006

ORDINANCE READINGS: 1"

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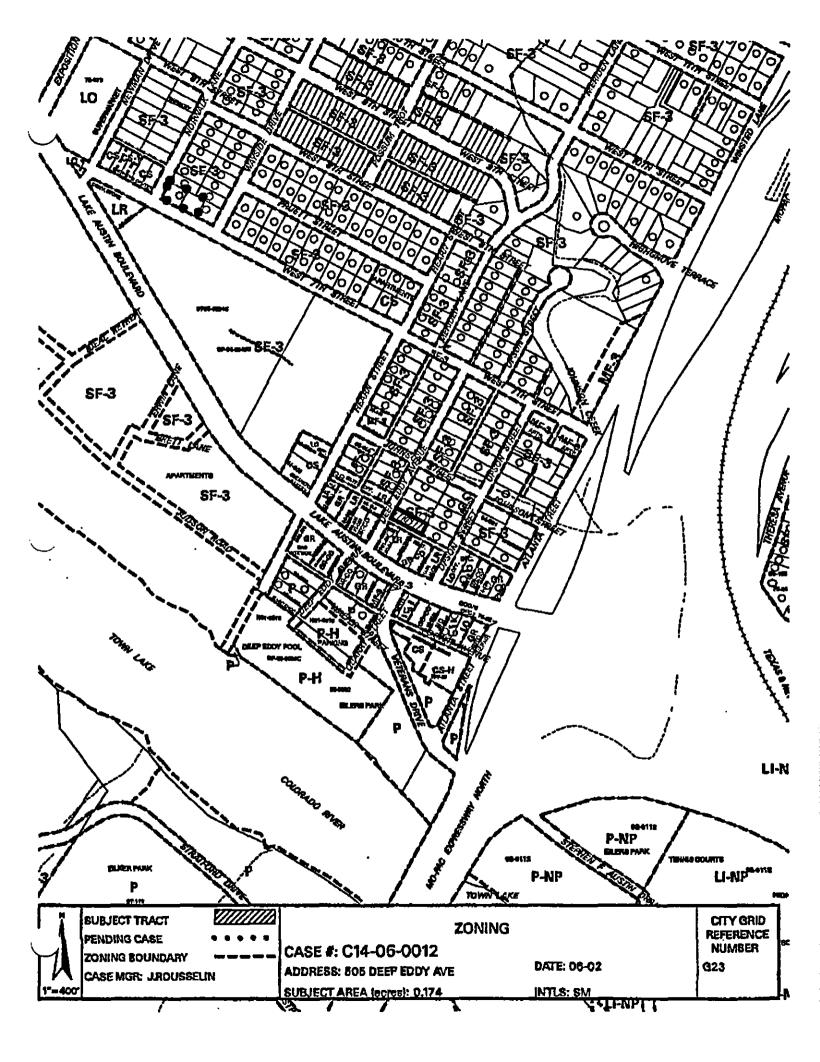
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**ORDINANCE NUMBER:** 

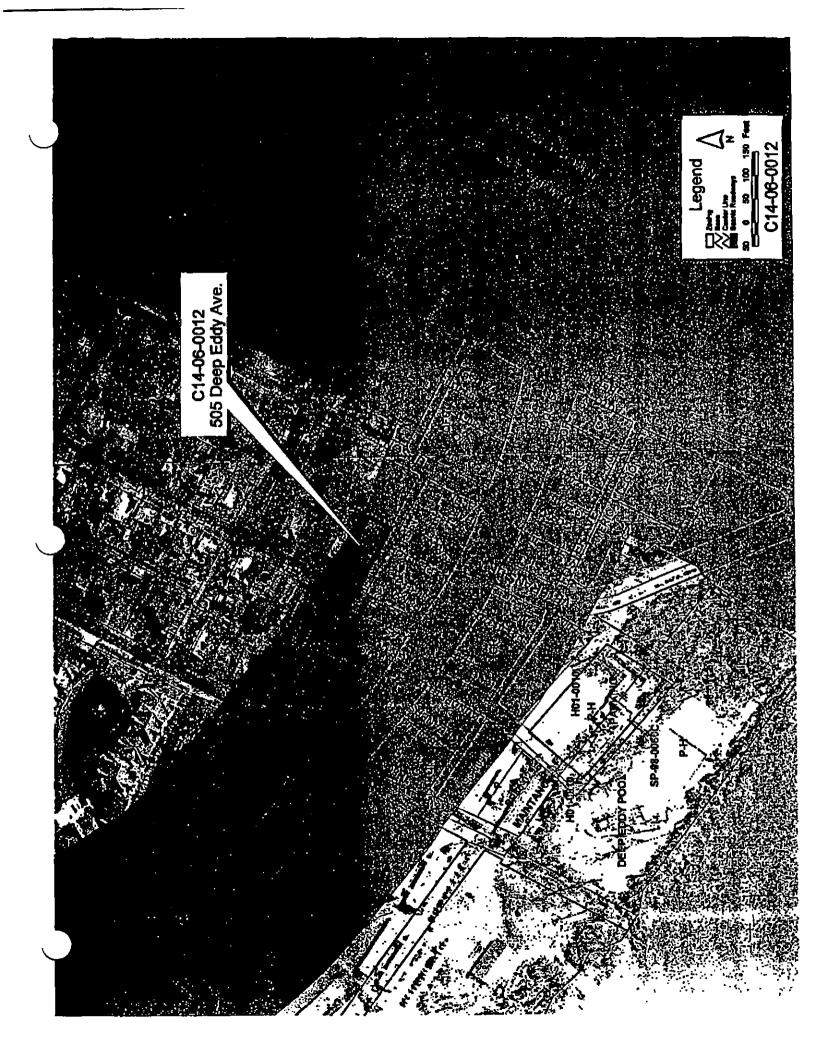
CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@cl.austin.tx.us







# STAFF RECOMMENDATION

Staff recommends denial of NO (Neighborhood Office) district zoning.

### BASIS FOR RECOMMENDATION

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

Neighborhood office (NO) district is the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may contain not more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

The proposed rezoning does not meet the purpose statement of the district sought. Although located adjacent to an established neighborhood, the proposed district requires a collector street with a minimum of 40 feet in width. The roadway width for Deep Eddy Avenue, a local residential street, is 24 feet. Staff has a concern on potential through traffic into the neighborhood from additional office or commercial land uses.

2. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

The proposed rezoning will have a detrimental land use impact on the adjacent residential properties to the north and east. Furthermore, the introduction of more intensive land uses may infringe on the residential character of the neighborhood.

## **EXISTING CONDITIONS**

# Site Characteristics

The subject rezoning area is a 0.174 acre (7,622 square feet) site fronting Deep Eddy Avenue zoned SF-3. There exists a 3,500 square foot duplex on the site accessed via the abutting alley to the south and Deep Eddy Avenue.

# Transportation

- 1. No additional right-of-way is needed at this time.
- 2. The trip generation under the requested zoning is estimated to be 180 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 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, 25-6113]

# Environmental

- 1. The site is located over the northern Edwards Aquifer Recharge Zone. The site is located in the Johnson 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.
- 2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
- 3. 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. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
- 4. According to flood plain maps, there is no flood plain within the project area.
- 5. 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.
- 6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

# Water and Wastewater

The site is served with City of Austin water and wastewater utilities. If water or wastewater
utility improvements, or offsite main extension, or system upgrades, or utility adjustments, or
relocation are required, the landowner, at own expense, will be responsible for providing.
Also, 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 design criteria. The water and
wastewater utility construction must be inspected by the City. The landowner must pay the
associated and applicable City fees.

# Site Plan and Compatibility Standards

- 1. The site is subject to compatibility standards. Along the north and east property lines, the following standards apply:
  - No structure may be built within 15 feet of the side and rear property lines.
  - The front building set back is 25' feet.
  - 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 is allowed within 5 feet of the property line.
  - There is not a setback for driveways.
  - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
  - Additional design regulations will be enforced at the time a site plan is submitted.

2. This site would be required to comply with the Scenic Roadway Corridor ordinance Section 25-10-6, since it is located within the Lake Austin Boulevard corridor.

S. 76

Printed: 29 March 2006

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Approval of the final plumbing inspection, it required, serves as completion and approval of a customer service inspection, as required by 30 T.A.C. 29.48 (1).

REMARKS: ZONING REVIEW KWATERS OK PER STEVE

**BADOWSKY** 

BY TAKING AND/OR PAYING FOR THIS PERMIT APPLICATION, YOU ARE DECLARING YOU ARE THE OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER OR OWNERS TO SUBMIT THIS APPLICATION, THAT THE GIVEN DATA ARE TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES AS MARKED PAID.

ATTACHMENT A

Printed: 29 March 2006

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**FINAL DATE** 

Printed: 29 March 2006

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C.O. MAILING ADDRESS

Approval of the final plumbing inspection, if required, serves as completion and approval of a customer service inspection, as required by 30 T.A.C. 29.45 (j).

REMARKS: ZONING REVIEW KWATERS OK PER STEVE SADOWSKY

BY TAKING AND/OR PAYING FOR THIS PERMIT APPLICATION, YOU ARE DECLARING YOU ARE THE
OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER
OR OWNERS TO SUBMIT THIS APPLICATION, THAT
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Printed: 29 March 2006

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Printed: 29 March 2006

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C.O. MAILING ADDRESS

Approval of the final plumbing inspection, if required, serves as completion and approval of a customer service inspection, as required by 30 T.A.C. 29.45 (i).

REMARKS: ZONING: NBRIONES, EXISTING IMPERVIOUS & BUILDING COVERAGE "NO ACTIVITY PER JIM

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BY TAKING AND/OR PAYING FOR THIS PERMIT APPLICATION, YOU ARE DECLARING YOU ARE THE OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER OR OWNERS TO SUBMIT THIS APPLICATION, THAT THE GIVEN DATA ARE TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES AS MARKED PAID.

ATTACHMENT B

TO SCHEDULE AN INSPECTION, CALL 480-0823.



Printed: 29 March 2006

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**FINAL DATE** 

Printed: 29 March 2006

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C.O. MAILING ADDRESS

Approval of the final plumbing inspection, if required, serves as completion and approval of a customer service inspection, as required by 30 T.A.C. 29.48 ().

REMARKS: ZONING: NBRIONES, EXISTING IMPERVIOUS & BUILDING COVERAGE "NO ACTIVITY PER JIM DILLINGER 10/17/05CC\*\*\*

BY TAKING AND/OR PAYING FOR THIS PERMIT APPLICATION, YOU ARE DECLARING YOU ARE THE OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER OR OWNERS TO SUBMIT THIS APPLICATION, THAT THE GIVEN DATA ARE TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES AS MARKED PAID.



Printed: 29 March 2006

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FINAL DATE

Printed: 10 April 2006

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C.O. MAILING ADDRESS

Approval of the final plumbing inspection, if required, serves as comptotion and approval of a customer service inspection, as required by 30 T.A.O. 29.46 (j).

4-7-06SB

REMARKS: I.C. 2897= 38%, B.C. 2263-30%, TOTAL GFA-6717SF. SIX BEDROOMS TOTAL, THREE OFF-STREET PARKING SPACES REQ'D DUE TO THE 20% REDUCTION IN PARKING FOR THE URBAN CORE. RESIDENCE WAS MOVED FROM 3221 GILBERT. 20' DW APPROACH, ZON REV. JOI HARDEN/A STOP WORK ORDER WAS ISSUED ON THIS ADDRESS! DO NOT MAKE ANY CHANGES ON THIS PERMIT W/O UPPER MANAGEMENT APPROVALILI DEMO PERMIT REQUIRED MUST MEET NEW DEVELOPMENT REGS & MUST OBTAIN A VARIANCE BY TAKING AND/OR PAYING FOR THIS PERMIT APPLICATION, YOU ARE DECLARING YOU ARE THE OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER OR OWNERS TO SUBMIT THIS APPLICATION, THAT THE GIVEN DATA ARE TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES AS MARKED PAID.

ATTACHMENT C



Printed:

10 April 2006

PERMIT NO. **ELITATES** TYPE DATE **ADDRESS** 05020701 DORMANT **505 DEEP EDDY AVE** 16-NOV-05 R BUBDIVISION PERMIT CLERK OT 5 BLK 5 JOHNSON CHARLES ADDN **GWILSFORD** BLOCK М GRID 5 5 **MG23** REMODEL EXIST OF RES MOVED ON TO LOT, ADD 2ND FLR & TONE HT, NAMEA PARKING PROVID. MEDO. SF-3 BREEZEWAY ATTACHED GARAGE TO CREATE DUPLEX \*\*SEE COMM APECAL PERMIT NO. VALUATION USE CAT. TOTAL ED. FT. TYPE CONST. BEOUP LOCAL 000.822 A2-5 3398 2 2 **BUILDING CHIENSIONS** WORK PERMITTED LASCUS AN WAL STD. DNA ADDITION REMODEL N N TYPE DATE STATUS FAILURES INSPECTOR CODE 02/03/2006 Lavout FAIL CROFT 101 PASS 3 501 Plumbing Rough 02/03/2006 CROFT PASS 3 **Plumbing Sewer** 02/03/2006 **CROFT** 505 **PASS** 3 CROFT 502 Plumbing Copper 02/03/2006 Plumbing Gas 02/09/2006 FAIL 8 **CROFT** 504 1 **Foundation** 02/03/2006 **TEMP** CROFT 102 Framing 02/14/2006 **PASS** 3 CROFT 103 **PASS** 601 Insulation/Energy 02/03/2006 CROFT **FAIL** 6 **CROFT** 503 **Plumbing Top Out** 02/09/2008 Mechanical Rough 02/03/2006 **PASS** 2 **CROFT** 401 Mechanical Vent **PASS** 2 **CROFT** 402 02/03/2006 Electrical Slab FAIL 3 THOMPSON 301 02/03/2006 **Electric Rough** 02/06/2006 **PASS** THOMPSON 302 5 02/14/2006 Wallboard **PASS** CROFT 104 Sidewalk Prepour 201 **Driveway Prepour** 202 Final Building 706 THOMPSON Final Electric 04/04/2008 FAIL 701 2 Final Mechanical 703 Final Plumbing 03/31/2008 FAIL **CROFT** 702 1 Final Energy 704 Final Concrete 705 707 Final Sign N Landscaping Admin Holds: RESIDENTIAL ZONING **Review Date** Engineering Water Remarks: Sewer

**FINAL DATE** 

Fire Health

Printed: 10 April 2006

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C.O. MAILING ADDRESS

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Approval of the final plumbing inspection, if required, serves as completion and approval of a customer service inspection, as required by 30 T.A.C. 29.46 (i).

TOTAL PAID

\$1,109

TOTAL FEE

\$1,109

ETJ FEE

### REMARKS:

I.C. 2897-38%, B.C. 2263-30%, TOTAL GFA-3717SF.
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PARKING SPACES REO'D DUE TO THE 20%
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RESIDENCE WAS MOVED FROM 3221 GILBERT. 20'
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THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES AS MARKED PAID.

TO SCHEDULE AN INSPECTION, CALL 480-0623.



Printed:

10 April 2006

DATE PERMITNO. **STATUS** TYPE **ADDRESS** 05020701 DORMANT R **505 DEEP EDDY AVE** 16-NOV-05 **EUBDIVISION** PERMIT CLERK OT 5 BLK 5 JOHNSON CHARLES ADDN **GWILSFORD** PLOCK LOT GRID 5 **MG23** 5 REMODEL EXIST SF RES MOVED ON TO LOT, ADD 2ND FLR & 700 HT. A AREA PARKING PROVD. RECO. **SF-3** BREEZEWAY ATTACHED GARAGE TO CREATE DUPLEX "SEE COMM EPECAL PERUIT NO. TOTAL BOLFT. VALUATION TYPE CONST. USE CAT. GROUP **LOOKS BUDGS** UNITS \$58,000 A2-5 3398 2 1 2 WORK PERMITTED DASEMENT BUT DING DIMENSIONS UN ETT /N/A ADDITION REMODEL N N N STATUS FALURES CODE DATE TYPE 02/03/2006 CROFT 101 Layout FAIL 2 02/03/2006 **PASS** 3 CROFT 501 Plumbing Rough Plumbing Sewer 02/03/2006 **PASS** 3 **CROFT** 505 3 **PASS** CROFT 502 Plumbing Copper 02/03/2006 6 Plumbing Gas 02/09/2006 FAIL CROFT 504 **TEMP** 1 CROFT 102 **Foundation** 02/03/2006 3 Framing 02/14/2006 **PASS CROFT** 103 PASS. CROFT 601 Insulation/Energy 02/03/2006 6 02/09/2006 FAIL **CROFT** 503 Plumbing Top Out 2 **CROFT PASS** 401 Mechanical Rough 02/03/2006 Mechanical Vent 02/03/2006 **PASS** 2 CROFT 402 **Electrical Slab** 02/03/2006 FAIL 3 THOMPSON 301 **THOMPSON** 302 Electric Rough **PASS** 5 02/06/2006 Waliboard 02/14/2006 **PASS CROFT** 104 Sidewalk Prepour 201 202 **Driveway Prepour** Final Bullding 708 Final Electric 04/04/2006 FAIL **THOMPSON** 701 2 Final Mechanical 703 03/31/2006 FAIL **CROFT** 702 Final Plumbing 704 Final Energy Final Concrete 705 707 Final Sign ĺΝ Landscaping Admin Holds: RESIDENTIAL ZONING **Review Date** Engineering Water Remarks: Sewer Fire Health

FINAL DATE

# To Whom It May Concern:

We, Pete Fajkowski and Mike Morales, have purchased the property located at 505 Deep Eddy. The property was purchased by us on (date). Specific 5, 2006

We request that the current zoning case, C14-06-0012, be changed to reflect the new ownership and that city records indicate that we will be represented by Luci Gallahan, 791-6439.

Peter W. Fajkowski

Owner

Mortgage Portfolio Services Outsmart Holdings, LLC Miguel A. Morales

Owner

Mortgage Portfolio Services Outsmart Holdings, LLC

RECEIVED

APR 1 0 2006

Reighborhood Planning & Zoning

# RECEIVED

April 7, 2006

Dear Mayor and Council Members:

APR 1 0 2006

Neighborhood Planning & Zoning

RE: 505 Deep Eddy - Case No. C14-06-0012 Zoning change from SF-3 to NO

On behalf of Pete Fajkowski and Mike Morales, recent owners of this property, I am requesting that Council favorably consider this zoning change for the following reasons:

- Commercial uses are on two sides (south and west sides) of this lot including 2 restaurants, one of which is open 24 hours,
- Alley that runs along south side is in constant use by the commercial uses for deliveries, customers, and neighborhood traffic.
- The heavy traffic and commercial uses do not make this lot suitable to family living. The heavy traffic and commercial use make it unsafe for children playing.
- The owners will provide for on-site parking for employees and occasional customers. Their mortgage business generates only two customer visits per week at a maximum.
- The owners will install security cameras and lights aimed at the alley to deter criminal activity.
- The owners will provide vegetative buffers along the two side and rear property lines for their neighbors.

If we are unsuccessful in obtaining the zoning change, the only other practical use for this property is as rental property for students or for roommate arrangements. This would create a greater detriment to the neighborhood due to the unpleasant elements that come with this type of tenant, such as excessive noise, increased trash, and additional traffic and street parking.

If I can answer any questions about this project, please feel free to contact me at 791-6439.

Thank you for your consideration,

Luci Gallahan Representative for

Pete Fajkowski and Mike Morales

Mortgage Portfolio Services

Outsmart Holdings, LLC

# Aaron W Games, PLLC Certified Public Accountants & Consultants

# RECEIVED

APR 1 0 2006

April 4, 2006

Neighborhood Planning & Zoning

To Whom It May Concern:

By way of introduction, my name is Aaron W Games, CPA, managing member of Aaron W Games, PLLC, a certified public accounting firm located in northwest Austin, Texas. For the past three years, I have independently audited the financial statements of Outsmart Holdings, LLC ("Outsmart") to accompany their annual filings with the United States Department of Housing and Urban Development ("HUD"). In connection with my audits, I have observed, first hand, the operations, clientele, employees, and offices of Outsmart and would like to comment thereon. I have been released by Pete Fajkowski to provide the following commentary:

Outsmart profitably serves an affluent client base of approximately 10 % Travis County 90% out-of-town and national borrowers and is in the business of brokering mortgage financing between these borrowers and investors located in various locations throughout the State of Texas and the United States. Contact with these parties is accomplished entirely through telecommunications, email, overnight mail, and courier services as a matter of convenience to the borrowers and to facilitate their demanding schedules.

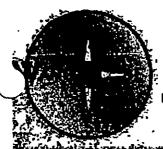
The scope of my audit work requires an annual visit to Outsmart's office. On no occasion have I noted the presence of a client and on all occasions, both Outsmart's personnel and the general office were well presented and very professional in appearance. Additionally, both the interior and exterior working conditions produced no noise level exceeding that of a conversation between professionals.

In my opinion, the principals and professionals of Outsmart Holdings, LLC are respectable people and good citizens, both corporately and privately. I hope my commentary should provide a favorable light by which you may view both the Company and employees. If you should find it necessary to speak with me, please do not hesitate to call.

W Erma, CPA

Very truly.

Aaron W Games, CPA



# **WEST AUSTIN NEIGHBORHOOD GROUP**

P.O. Box 5722 • Austin, Texas 78763-5722

E AMERICAN DESTROYOR OF SUCH

23 February 2006

RECEIVED

FEB\_2.8;2006

FELLOW NEIGHBOR

Neighborhood Planning & Zonling

My time is Plate. I aller and an Zoning is larger West Austin Neighborhood association water you to know that we give going to oppose the proposed examing from Single Family Residential (Si-3) to Neighborhold (Office (NO) of the lot at 305 Deen Faldy Avenus. This is the new structure point shull behind Thingler cloud Subs.

Guir basic opposition point is that this is an aftering to must commor call development on bake Austin Boulevard and implyofur residential neighborhood. This is form of spot zoning that we feel could set a very had precedent that could lend fit a very cascading of commiscreal projects in your area. There is a long history of involvements you neighborhood. We promote but contine neighborhood oriented commental down or making together to promote but contine neighborhood oriented commental down or making the take Austin Boulevard corrector. AND WE NOTICE TO VERSITALISM AND WE

All of you receiving this letter will have gotton a notice from the City of and Application For A Public Hearing On Rezoning. This case Number is \$\overline{c}\$ 14-06-00; 2 said the Case Manager is Jorge Rouss in (974-2975). There will first be a hearing at the Zoning and Platting (ZAP) Confinession and their phearing at \$\overline{c}\$ 15 Confinession and their phearing at \$\overline{c}\$ 15 Confinession and their phearing at \$\overline{c}\$ 15 Confinession and their phearing at \$\overline{c}\$ 15 Confiness of the period of the per

Please feel free to contact me with any questions. I am optimistic that together we can stop this rezoning.

Laborate Time of the the Phillips of the Justice House March Public Cherry

HIR THE WANG

477-4028 blake tollett@carthlink.ne



# **WEST AUSTIN NEIGHBORHOOD GROUP**

P.O. Box 5722 • Austin, Texas 78763-5722

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Nelphorticod Plenning & Zoning

RE: C.14-06-0012: 505 DEEP EDD

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BY ELECTRONIC YOTE THE EXECUTIVE COMMITTEE (EXCOMN)
WEST AUSTIN NEIGHBORHOOD GROUP (WANG) HAS YOTED TO OFE THE ABOVE REFERENCED REZONING REQUEST. ENCLOSED WITH THIS LETTER IS A COMPILATION OF EVALUATION OF STATES AND RESPONSE FROM TO DETOUR ZOOE.

WANG VIEWS THIS REQUEST TO REZONE THE PROPERT DEEP EDDY AS SPOT ZONING AND AN UNWARRANTED ATTEMPT TO BE COMMERCIAL ZONING INTO A STABLE ST 3 ZONED NEIGHBORHOOD Neighbor-opposition-has-acrea

THE NEIGHBORHOOD ASSOCIATION IS IN THE PROCESS OF DOING PURTHER RESEARCH INTO THE ZONING HISTORY OF THIS AREA AND WILL ROLLOW UP THIS LETTER WITH THE REPORT SO GENERATED.

SÍÑCERELY;

ake Toluett, Zoning

WEST AUSTIN NEIGHBORHOOD GROUP

From: Blake Tollett <tollett-wang@earthlink.net>
Date: February 13, 2006 12:12:57 PM CST

To: WANG ExCom <wang-board@deepeddy.com>
Subject: Re: zoning change for 505 Deep Eddy

RECEIVED

FEB 1 6 2006

All:

In this morning's PO Box:

Neighborhood Planning & Zoning

C14-06-0012

NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING

Owner: M.G.E. Development, Inc. (lan Mitchell) 476-5900

Agent: M.G.E. Development, Inc. (Stephanie Redding) 476-5900

Location: 505 Deep Eddy

City Contact: Jorge Rousselin, NP & ZD 974-2975

Proposed Zoning Change

FROM: SF-3 Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards which maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements. TO: NO Neighborhood Office district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods. Offices in the NO district would typically locate on collector streets with a minimum of 40 feet off pavement width, and would not unduly affect traffic in the area. The NO district is designed to accommodate small, single-use offices and to encourage and preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

# PREVIOUS HISTORY WITH WANG:

From: Sara Madera <madera@texas.net>
Date: October 11, 2005 9:08:26 AM CDT

To: "Chris Garrigues" <cwg-wang@Trinslcs.Com>, "Blake Tollett" <tollett-

wang@earthlink.net> Subject: 507 Deep Eddy

Just wondering if that mortgage company is the same one that is running their business out of the house on 7th street next to the East corner at Wayside?

Sara

From: Blake Tollett <tollett-wang@earthlink.net>

Date: October 10, 2005 9:19:11 PM CDT

To: WANG ExCom <wang-board@deepeddy.com> Subject: 3300 Glibert and 508 (?) Deep Eddy

All:

The variance requests at this address went to the Board of Adjustment. In a last minute compromise between the applicant and the affected neighbors, the following was granted:.....

On the house just moved to Deep Eddy from Gilbert and Pecos just north of Thundercloud Subs that we were talking about last Monday, it seems a potential buyer wants to turn the property into a mortgage company office/ residence. They would need a zoning change to NO and a parking variancethey say no more than 8 employees. I told them that personally I would vote no, but that they were of course free to pursue the matter.

# Blake

The contact was Jonathan Stilling of Keller-Williams 743-3964

From: Joe Bennett < imb3arch@yahoo.com> Date: October 13, 2005 10:03:22 PM CDT

To: "Michael R. Cannatti" <mcannatti@hamiltonterrile.com>, Chris Garrigues <cwg-wang@Trinsics.Com>, Blake Tollett <tollett-wang@earthlink.net>

Cc: WANG ExCom <wang-board@deepeddy.com> Subject: RE: 3300 Gilbert and 508 (?) Deep Eddy

As I said in the last meeting, I spoke to the developer and realtor. They said the structure got twisted in transit and then the rain rulned the remaining portions moved onto the site. They told me they were planning to take it down to the floor framing and that everything else was ruined costing them thousands of dollars. They also showed me the plans of the house they were planning to build....a maxed out two story house. It looked fairly attractive but now that I think about it, nothing like the original house that they moved onto the site. It seems as though they had always planned to build an original house since they had completed plans drawn up.....most likely a modified version of one they have already built. So I find it hard to believe the had originally planned to restore the original house that they moved onto the site from north Tarrytown. .... As it sits now it is still just the new concrete piers and the floor frame.

Joe

RECEIVED

Original Message—

From: Chris Garrigues [mailto:cwg-wang@Trinsics.Com]

Sent: Tue 10/11/2005 8:31 AM

To: Blake Tollett Cc: WANG ExCom

Subject: Re: 3300 Gilbert and 508 (7) Deep Eddy

FFB 1 6 2006

Neighborhood Planning & Zoning

FYI, the Deep Eddy address is on the odd side of the street, so it's probably 507 or 509. Also, it's so strange...they moved the house there and let it sit for a long time. Then they built foundations under it and removed the roof. Then they removed the exterior walls and just left the framing. Finally they removed the framing and all that's left of the building they moved is the floor. I'm waiting for them to remove that too so all that's left are the concrete plers that they installed.

# RECEIVED

FEB 1 6 2006

RECEIVED

Chris

Blake,

Maighborhood Planning & Zoning

- FB 1 6 2006

On Feb 12, 2006, at 8:40 PM, Joe Bennett wrote:

Neighborhood Planning & Zoning

I met with four neighbors on my street today about the zoning change request for the new house (permitted as a remodel) at 505 Deep Eddy. located behind thundercloud subs. They are pretty upset about what has been being built and the request for a zoning change. Apparently, the original owner/developer who moved the house from Gilbert? on to the property no longer owns the house and has sold it for 700K+/to MGE Development, Inc. I believe they are the ones wanting a neighborhood office zoning. We walked through the house this afternoon and, in my opinion, it was designed for an office type layout. Many of the "bedrooms" do not have closets, the kitchen is very small and tucked in a corner, enclosed on three sides. There are 5 bathrooms, the stairwell is enclosed. Nothing about the interior of the house is marketable as a family residence. The large upstairs room that looks like it could be the master bedroom has no master closet. It is very obviously designed as an office. We definitely need to keep an eye on this one too. The other thing that always bothers me is the posted permit stated that it was a remodel of an existing residence with a valuation of \$58,000. A bit under estimated. As you know, the permit fee is based upon the construction value estimate. I think the City is missing out on alot of income. There should be a rule that say if the property is sold within a certain period then the permit fee should be adjusted accordingly. Do you know when this zoning hearing might be?

Thanks, Joe

# Joseph M. Bennett Architects

MOTION: Today, Monday 13 February 2006, I make a motion to oppose the zoning change request from SF-3 to NO at 505 Deep Eddy. WANG's policy is to restrict NO zoning in this area to the structures along Lake Austin Boulevard.

Blake

(If this motion passes, I will submit this email to the City for their files on this case.)

# Rousselin, Jorge

From: Blake [

Blake [blake.tollett@earthlink.net]

Sent:

Friday, March 03, 2006 10:03 PM

To:

Rousselin, Jorge

Subject: Fwd: 505 Deep Eddy/C14-06-0012

Jorge:

Please add this email to the file on this rezoning request.

Blake Tollett-WANG

Begin forwarded message:

From: "Stephen Wolff" <swolff98@austin.rr.com>

Date: March 3, 2006 11:27:37 AM CST

To: <black-tollett@earthlink.net>

Cc: "wolff, stephen" <swolff98@austin.rr.com>

Subject: 505 Deep Eddy

Reply-To: <swolff98@austin.rr.com>

Hi Blake,

I happily join WANG's opposition to the rezoning. I will support the effort in whatever way I can, including speaking before WANG and the City Council and presenting the photographic evidence I have gathered over the past 2 years. I believe this rezoning request is essentially the developer's blatant disregard of the current zoning designation and a direct challenge to the City Council's authority to enforce ordinances. Perhaps the developer has done cost analysis and believes that merely paying a fee to placate the Council will net more profit in the long run. A resonable outcome would be a per-day fine, retroactive to the date of the beginning of the construction of the non-compliant structures and continuing until this developer achieves demolition of those parts of the structures not in compliance with SF-3. This would send the strongest message to other developers who are currently or may be considering ignoring zoning requirements in hopes of a weak city council relinquishing their responsibility to stand up for their own rules and the very constituents the zoning was established to protect in the first place. Of course, not all growth is bad... In this case however, my hope is that the City Council will stand strong by deciding they cannot and will not condone a developer brazenty usurping their authority and inviting confrontation by going outside the rules.

Best Regards.

Stephen Wolff



# **WEST AUSTIN NEIGHBORHOOD GROUP**

P.O. Box 5722 • Austin, Texas 78763-5722

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13 March 2006

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Neighborhood Planning & Zoning

REZONING REQUEST AT 505 PEEP EDDY AVENUE: C1406-0012

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As you all know, the owners of 505 Deep Eddy, Avenue, the newly built of the property behind Thundere loud Subsets speking to have the property become from \$1.500 (single family residential) to NO (neighborhood office). This intrusion of commercial from the neighborhood is strongly cipy of the arrow of whelm of majority by the residential property downers in the area a pertuangenist the recogning is being executing in the area, and so the 30 signatories representing 30 individual residential properties have registered their opposition to any zoning on the property other than its entent zoning of SF3. That is a strong statement

As the neighborhood sociation epresenting being and exercise when the rectined the Hinde At Rubble Heating Relating from the City to respond either in topposition to in Layor of the rezoning, even if you have signed the pentionen opposition of the layor of the rezoning, even if you have signed the pentionen opposition of the city case attaining to respond electromically should direct venir responses and comment to the City case attaining to respond electromically should direct venir responses and comment to the City case attaining to the consequent of the control of the

For over twenty years the Deep Eddy residential property owners and West Anshin.

Neighborhood Group have worked to preserve this corner of the neighborhood. We have not approved the himsed commercialization of properties along Lake Austin Boulevant but this rezoning request is just not supportable.

Let's get together for a brief meeting this coming Sunday the 19th ground 4 Ps ( at Thundercloud's to discuss the ZAP Commission meeting. As always, please feel vory free to contact me.

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477-4028 blake fuller @earthlink.ne

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# PUBLIC HEARING INFORMATION

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

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

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

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

www.cf.austin.tx.us/development

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Signature

Comments: PLEASE DO NOT PERMIT

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2) LARGE OAK TREE CUT DOWN WITHOUT

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City of Austin

Neighborhood Planning and Zoming Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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

www.cl.sastfa.tx.ns/development

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City of Austin
Zoning and Planning Commission
P.O. Box 1088
Austin, TX 78767

RECEIVED

MAR 1 0 2006

Neighborhood Plenning & Zoning

March 6, 2006

To Whom It May Concern -

We are writing you in reference to the property located at 505 Deep Eddy, Case #C14-O6-O012, to let you know that we are very much opposed to the requested zoning change of SF-3 to NO. We have owned the property and resided at 515 Hearn Street for the last 16 years, and want the commercial zoning to stay out of our fragile little neighborhood, and remain on Lake Austin Blvd. Deep Eddy Street is an extremely narrow street, in fact parking is only allowed on one side of the street, and it can't handle anymore traffic, especially traffic generated from an Office. This is a huge, brand new structure, and we feel this zoning request is very inappropriate, and request that the zoning remain SF-3. Our neighborhood is a very desirable one; homes sell very quickly because there are a lot of families wanting to LIVE in this area. Please do not grant this zoning change!

Thank you for your consideration -

Susan and David Bell

David Pell

Susem Bell

515 Hearn St.

Austin, TX 78703

Case Number: C14-06-0012	SEENING P
Contact: Jorge Rousselin, (512) 974-2975	
Public Hearing:	
March 21, 2006 Zoning and Platting Commission	on Olamin Sugar
Stephen Wolff Your Name (please print)	☐ I am in favor ☐ I object
510 Deep Eddy Avenue Your address(cs) affected by this application	RECEIVED
	MAR 1 5 2006
Signature Date	Naighborhood Planning & Zoning

# Comments:

I oppose this zoning change – It is incompatible with the existing neighborhood characteristics and will exacerbate existing problems. The traffic and parking conditions here are very nearly unsupportable today. The alley bordering the south of this property has a high volume of sanitation and delivery trucks throughout the day, thus it is often blocked. The 500 and 600 blocks of Deep Eddy are marked no-parking on the east side; that is, the residents have no street parking available in front of their homes, however at any given time of day there are multiple vehicles, typically non-residents, parked in flagrant violation of the postings. This creates hazardous traffic conditions, questionable access for emergency vehicles, and makes 2-way traffic impossible. The west side of Deep Eddy does have limited parking available, however the 500 block in particular is typically occupied throughout the day by employees and patrons of the businesses on Lake Austin Blvd or swimmers who use Deep Eddy Pool (the new EMS station eliminated about 1/3 of the pool parking). The most appropriate rezoning will maintain livability of the neighborhood by prohibiting any increase in traffic and parking impact. Zoning variances in this neighborhood have been opposed and subsequently denied for exactly these reasons. I respectfully suggest that the fitting outcome of this hearing is to rezone 505 Deep Eddy to SF-2 with an additional requirement to maintain the driveway access on Deep Eddy. I hereby request that the Commission consider and implement these options.

# RECEIVED

# Rousselin, Jorge

MAR 2 1 2006

From: Jon Luckstead@yahoo.com]

Sent: Monday, March 20, 2006 5:34 PM

Majghborhood Planning & Zoning

To: Rousselin, Jorge

Subject: Case Number: C14-06-0012 (Proposed Zoning Change at 505 Deep Eddy Avenue)

Dear Jorge Rousselin,

I am writing in reference to a rezoning request with case number C14-06-0012. I oppose rezoning the lot at 505 Deep Eddy Avenue from Single Family Residential (SF-3) to Neighborhood Office (NO). Such rezoning would lower the quality of life for the residents in the Deep Eddy neighborhood, worsen traffic problems for both residents and existing businesses, and threaten a part of Austin's heritage.

I live at 512 Deep Eddy Avenue, across the street and two houses over from 505 Deep Eddy Avenue. I know firsthand that the quality of life in the Deep Eddy neighborhood is negatively impacted because of its proximity to businesses on Lake Austin Boulevard. The location of these businesses results in an unusually large amount of traffic and parked cars along Deep Eddy Avenue for a narrow residential street. Were the buildings on Lake Austin Boulevard all residential, the excessive quantity of traffic and parking would be much more reasonable. Fewer strangers would drive through the neighborhood as well as walk to and from their parked cars. As it is, the current businesses near Deep Eddy Avenue also experience traffic difficulties. The stretch of Deep Eddy Avenue from Lake Austin Boulevard to 505 Deep Eddy Avenue is often ensnarled with vehicles trying to get in and out of businesses. I often drive around the block to avoid that area.

Allowing another business not only to establish itself in the area, but also to actually advance into the neighborhood where a residence once existed would only exacerbate the current problems. Furthermore, it could set a precedent for additional harmful development. It would not only be the Deep Eddy neighborhood's loss, but also a true loss to the city of Austin if the historic and placid character of this neighborhood were eroded in such a manner. Many of the homes in this area were built practically a century ago. My house appeared in the neighborhood in 1913.

By all appearances, the developer is now near completion of two unusually large structures at 505 Deep Eddy Avenue that test the limits of SF-3 zoning for the lot's size. Considering the relatively low cost for which the lot (which had a house on it already) was purchased, it is my strong belief that the developer would still receive an enviable financial gain for the development under SF-3 zoning. However, if the lot were rezoned! to Neighborhood Office, the Deep Eddy neighborhood would suffer unjustly and the city of Austin would be on its way to losing a distinctive part of its charm. Thank you for your time and consideration in this matter.

Sincerely,

Jon L. Luckstead 512 Deep Eddy Avenue

Brings words and photos together (easily) with PhotoMail - it's free and works with Yahoo! Mail.

From:

leannewelch@beilsouth.net

Sent:

Tuesday, March 21, 2006 11:02 AM

To:

Rousselin, Jorge

Cc: Sublect: blake.tollett@earthlink.net

Rezoning Request at 505 Deep Eddy Ave: C14-06-0012

RECEIVED

MAR 2 1 2006

Neighborhood Planning & Zoning

Dear Mr. Rousselin,

My name is Jeanne Welch and I am the owner of property located at 512 Upson Street. I am in opposition of the rezoning of the property located at 505 Deep Eddy Avenue. I lived on Upson Street for 20 years and love my 1917 arts and crafts bungalow. Unfortunately, the entire atmosphere of my neighborhood has changed with the excessive building of big, ugly houses on Upson as well as surrounding streets in the neighborhood. It is such a shame. What was once a very destreable place for me to live is now ruined.

I certainly understand growth and how healthy it is for the Austin economy. However, the total lack of control of what is being built in my old neighorhood is sickening to me. All throughout old west Austin and the Tarrytown area wonderful little homes are getting raked down or moved and builders are putting up these monstrous addities. I do not think there is one entire street in these areas that has not been affected.

I cannot attend the ZAP meeting tonight because I now live out of town but I am strongly against any type of rezoning for 505 Deep Eddy Avenue and do not want any more commercial encroachment into my neighborhood.

Sincerely,

Jeanne Welch

From:

GF [upsondowns@sbcglobal.net]

Sent:

Sunday, March 19, 2008 5:22 PM

To:

Rousselin, Jorge

Subject: Comments on rezoning request

March 19, 2006

Mr. Jorge Rousselin, Case Manager Zoning and Planning Commission City of Austin

in re: Case C14-06-0012, 505 Deep Eddy Avenue

Dear Mr. Rousselin:

In reference to the above case my comments are below. Please be certain these are conveyed to the Commission for review of this case the evening of March 21.

I live in and own a residence in the Deep Eddy Heights subdivision at 714 Upson Street. The alley behind my house, which is my primary vehicular access, is an extension of Deep Eddy Avenue. I drive Deep Eddy frequently, at least daily, and am very familiar with both the property at issue and the traffic conditions of Deep Eddy Avenue itself. From a simple reading of the NO zoning classification, as stated in the March 10, 2006 hearing notice for this case, this property fails to meet the "intended" NO criteria on every count:

- 1) The NO criteria state that such "offices...would typically be located on collector streets with a minimum of 40 feet of pavement width..." Although the Deep Eddy Avenue is platted at 44 feet wide, the actual pavement width curb-to-curb is less than 25 feet.
- 2) The criteria continue: "...and would not unduly affect traffic in the area." Traffic in that area is already sufficiently congested, unsafe, and poorly managed, and does not need to be further "affected":
- a) The sandwich shop to the immediate south of this property, which has inadequate off-street parking, causes heavy congestion at certain times of the day. Its customers park along both sides of Deep Eddy Avenue from Johnson Street to Lake Austin Blvd. (and even out into Lake Austin Blvd.), despite this one-block segment of Deep Eddy being marked on at least one side as "no parking" for its entire distance.
- b) The entire curb front of the property in question is one such "no parking" zone, and it is difficult to see how any significant additional parking could be squeezed onto the property itself, given that the structure currently under construction there covers most of it.
- c) There is an alley adjacent to this property, between it and both the sandwich shop and another restaurant facing Lake Austin Blvd. This alley is frequently used (and blocked) by delivery trucks which cause further congestion at the intersection of the alley and Deep Eddy (as well as at the alley's intersection with Upson Street to the east) and on Deep Eddy itself.
- d) There is another alley directly opposite this property running from Deep Eddy west to Hearn Street, backing business and offices on both sides, another existing source of delivery truck and other business traffic on Deep Eddy.
- e) The convenience store/gas station across from the sandwich shop, which partially faces the property in question, also generates frequent traffic on and off both Deep Eddy and Lake Austin.
- f) Given the illegal parking on Deep Eddy, the very heavy traffic on Lake Austin, the alley traffic on both sides of Deep Eddy, and the frequent on-and-off property traffic onto both Deep Eddy and Lake Austin, the intersection of

those two streets is already a sufficiently unsafe intersection and the scene of many accidents. It does not need additional traffic, illegal parking, and the attendant congestion from further commercial expansion into the neighborhood.

- 3) The NO district criteria also state that they are "designed to accommodate small, single-use offices and to encourage and preserve compatibility with existing neighborhoods through renovation and modernization of existing structures":
- a) The structure in question is neither a renovation nor a modernization. It is an entirely new structure from the ground up, commenced on a cleared lot, and still under construction.
- b) Though a substantial business could conceivably make a "single-use" of this structure, the structure itself can hardly be classified as "small", most particularly in the context of adjacent structures.
- c) Given the great size and overall character of this structure whether used as a residence or as an office, the general question of "compatibility" does not even merit consideration.
- 4) Finally, the NO definition states that it "is intended for offices predominantly serving neighborhood or community needs...." The owner's stated plans for this structure, whatever they may be, should be accepted with an understanding that the owner has exhibited what could charitably be called uncertainty about its true plans since the property was purchased nearly 1-1/2 years ago. The original structure, a single-storey rent house, was removed and replaced with another house which was moved to the site from some other location. This second structure, after being deposited on the site, spent several months in a dilapidated state with pieces of house-moving paraphenalia scattered about the yard before being stripped to its frame. After another extended time the remaining structure was dismantled down to the floor joists and left thus on new concrete piers. After a further period of time, these last vestiges of a structure were dismantled and removed, and work on the new structure began.

From the exterior this third and final structure is clearly a substantial residence with a garage apartment attached, whatever its original intended use actually was. The placing of such a grand residence in such a location is puzzling. Its southern flank overlooks the back of the sandwich shop and of the other restaurant, as well as parking lots, the alley, trash containers, grease pits, refrigeration equipment, delivery trucks, and the normal noises and smells of the foodservice business. Across the street from the property is the convenience store/gas station with its attendant smells, vehicle traffic, and lighting. Also directly across the street is the other alley serving other businesses.

Thus the current owner can hardly claim it was unaware of the immediate environs, nor that it has innocently created a de facto "hardship" for itself without understanding beforehand the incongruence of such stateliness in such environs, never mind in the neighborhood at large.

Nor is it clear why it has now applied for NO zoning while ignoring the very plain language of the NO criteria, nor why it expects this zoning change to office use after committing itself to a costly residential structure.

The City has a simple choice. It can affirm that it honors its own stated zoning criteria. Or it can reward the owner for this conduct, to the further detriment of the neighborhood.

Sincerely,

Grant Fehr 714 Upson Street Austin

From: Jon Luckstead [luckstead@yahoo.com]

Sent: Monday, March 20, 2006 5:34 PM

To: Rousselin, Jorge

Subject: Case Number: C14-06-0012 (Proposed Zoning Change at 505 Deep Eddy Avenue)

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Sincerely,

Jon L. Luckstead 512 Deep Eddy Avenue

Brings words and photos together (easily) with PhotoMail - it's free and works with Yahoo! Mail.

From:

ieanneweich@belisouth.net

Sent:

Tuesday, March 21, 2006 11:02 AM

To:

Rousselln, Jorge

Cc:

blake.tollett@earthlink.net

Subject:

Rezoning Request at 505 Deep Eddy Ave: C14-06-0012

Dear Mr. Rousselin,

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I certainly understand growth and how healthy it is for the Austin economy. However, the total lack of control of what is being built in my old neighborhood is sickening to me. All throughout old west Austin and the Tarrytown area wonderful little homes are getting raked down or moved and builders are putting up these monstrous addities. I do not think there is one entire street in these areas that has not been affected.

I cannot attend the ZAP meeting tonight because I now live out of town but I am strongly against any type of rezoning for 505 Deep Eddy Avenue and do not want any more commercial encroachment into my neighborhood.

Sincerely,

Jeanne Welch

From:

jeanneweich@belisouth.net

Sent:

Tuesday, March 21, 2006 11:02 AM

To:

Rousselin, Jorge

Cc:

blake.tollett@earthlink.net

Subject:

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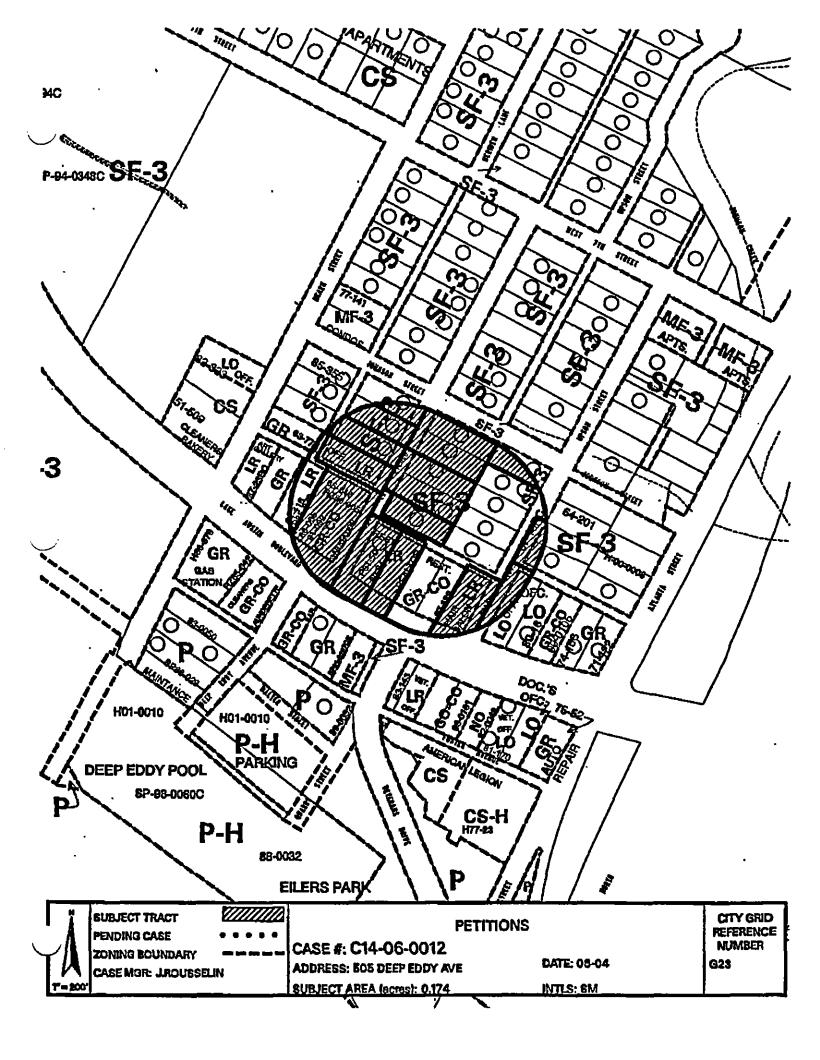
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Sincerely,

Jeanne Welch

Case N	lumber:	C14-06-0012 505 DEEP EDDY AVE	Date:	Apr. 12, 2008
Total A	rea within 200' of subj	ect tract: (sq. ft.)	205,002.33	
1 _	01-1008-0407	MCMAHON JOHN P	6,261.36	3.05%
2 _	01-1006-0408	AGRAZ LÍDIA & ALLEN PECK	4,534.12	2.21%
3 _	01-1008-0704	WOMMACK AGNES D	<b>12,6</b> 86. <b>9</b> 5	6.19%
4 _	01-1006-0707	L PRECHTER	11,028.70	5.38%
5 _	01-1006-0708	HAGGERTY MICHAEL GAMBLE	14,847,41	7.14%
6 _	01-1008-0710	DICKENS LEWIS E & MARGARET N	17,561.82	8.57%
7 _	01-1006-0711	ROCHEL J J HEFLEY MICHAEL L &	16,560.04	8.08%
8	01-1006-0713	DOROTHY Q SCOTT GEORGE	3,864.93	1.89%
8 _	01-1006-1201	CLINGER	2,977.40	1.45%
10 _ 11 _	01-1006-1202 01-1008-1203	LUCKSTEAD JON L WOLFF STEPHEN A	6,771.52 8,243.15	3.30% 4.02%
12 _	01-1008-1204	SIKES JEV & SYDNOR	10,014.04	4.88%
13	01-1006-1205	AL-SAYYED INC	27,407.72	13.37%
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24 25 _				0.00%
Validat	ted By:	Total Are	a of Petitioner:	Total %
	Stacy Meeks	•	142,559.16	69.54%



4 MARCH 2006

MAR 1 3 2006

C14-06-0012

NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING SWINGS

OWNER: M.G.E. DEVELOPMENT, INC. (IAN MITCHELL) 476-5900

AGENT: M.G.E. DEVELOPMENT, INC. (STEPHANIE REDDING) 476-5900

LOCATION: 505 DEEP EDDY

CITY CONTACT: JORGE ROUSSELIN, NP & ZD 974-2975

PROPOSED ZONING CHANGE

FROM: SF-8 FAMILY RESIDENCE DISTRICT IS INTENDED AS AN AREA FOR MODERATE DENSITY SINGLE-FAMILY RESIDENTIAL USE, WITH A MINIMUM LOT SIZE OF 5,750 SQUARE FEET. DUPLEX USE IS PERMITTED UNDER DEVELOPMENT STANDARDS THAT MAINTAIN SINGLE-FAMILY NEIGHBORHOOD CHARACTERISTICS. THIS DISTRICT IS APPROPRIATE FOR EXISTING SINGLE-FAMILY NEIGHBORHOODS HAVING TYPICALLY MODERATE SIZED LOT PATTERNS, AS WELL AS FOR DEVELOPMENT OF ADDITIONAL FAMILY HOUSING AREAS WITH MINIMUM LAND REQUIREMENTS.

TO: NO NEIGHBORHOOD OFFICE DISTRICT IS INTENDED FOR OFFICES PREDOMINATELY SERVING NEIGHBORHOOD OR COMMUNITY NEEDS, WHICH MAY BE LOCATED WITHIN OR ADJACENT TO RESIDENTIAL NEIGHBORHOODS. OFFICES IN THE NO DISTRICT WOULD TYPICALLY LOCATE ON COLLECTOR STREETS WITH A MINIMUM OF 40 FEET OFF PAVEMENT WIDTH, AND WOULD NOT UNDULY AFFECT TRAFFIC IN THE AREA. THE NO DISTRICT IS DESIGNED TO ACCOMMODATE SMALL, SINGLE-USE OFFICES AND TO ENCOURAGE AND PRESERVE COMPATIBILITY WITH EXISTING NEIGHBORHOODS THROUGH RENOVATION AND MODERNIZATION OF EXISTING STRUCTURES.

WE THE UNDERSIGNED PROPERTY OWNERS ARE OPPOSED TO THE ABOVE REFERENCED ZONING REQUEST FOR BOS DEEP EDDY AVENUE AND ARE OPPOSED TO ANY ZONING ON THE PROPERTY OTHER THAN SF-8.

The proposed rezoning change is spot zoning that would place commercial zoning in a currently stable and healthy residential neighborhood.

	NAME SHATONE LITURAL SIGNATURE
1	Stockholm 612 DEGD EDDI AIR JE Sull
2	Stephen Wolfs 510 Deep Eddy Ave Aletten Milell
3	Margaret n Dickens 507 Dep Eddylae no ditens
4	Lewis E. Dickens 507 Deep Eny Are Lewis E Sichenal.
5	Chro Ganyon 169 Dreptsly
G	Regina A. Landerdore 609 Deep Eldy Rolandalle
7	JJ RRHEL 511 Desp Espy (1/1 Kochel

Neighborhood Contact: Blake Tollett, West Austin Neighborhood Group 8701 Bonnie Road 78703-2002 ..... 477-4028 Tollett-Wang@earthlink.net

# 4 MARCH 2006

C14-06-0012

NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING

OWNER: M.G.E. DEVELOPMENT, INC. (IAN MITCHELL) 476-5900

AGENT: M.G.E. DEVELOPMENT, INC. (STEPHANIE REDDING) 476-5900

LOCATION: 505 DEEP EDDY

CITY CONTACT: JORGE ROUSSELIN, NP & ZD 974-2975

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THE PROPOSED REZONING CHANGE IS SPOT ZONING THAT WOULD PLACE COMMERCIAL ZONING IN A CURRENTLY STABLE AND HEALTHY RESIDENTIAL NEIGHBORHOOD.

	NAME	ADDRESS	SIGNATURE
8	Nancy Nunn	602 Deep Eddy	nancy Duna
9	ALLEN PECK	511 UPSON ST	alle Jack
10	LIDIA ARRE	SOP UPSON ST	Tilu Cher
11	Howard Chapp	le 603 Uson#A	Thrum Chapple
12	, <u> </u>	y 658 Upon st	Mangelas 4,000
sold 13	TRAVES DUNAWAT	608 UPSW 8T.	1 Hondway 10 endan
14	JEFF Sikon	1. 612 DECP EDD	TEH Ckur
15	Anny Morran	- 608 Deep Eddy	align
.7	Q.	<b>\</b>	<b>7</b>

Neighborhood Contact: Blake Tollett, West Austin Neighborhood Group 8701 Bonnie Road 78703-2002 477-4028 Tollett-Wang@earthlink.net

## 4 MARCH 2006

C14-06-0012

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	NAME	ADDRESS	SIGNATURE
lu	JOE BENNETT	GO] DEEP EDDY	JOHN BIT
17	Rebekah Gair	Bley 605 Deep Felo	ly R. G.
18	Bernardkum	COL DEEP EDDY	Benord hum
19.	Jason Travencia	605 Deep Eddy	may
20	Michael HEF19	514 Varon	My Heller
21	Climo Walton	513 Upon	- Coron
22	Dorsely 15 15	514 U pson	Dorothy 2. Hef ay
23	Amber Benn	th GOT Despedd,	MB &
	<del></del>		

Neighborhood Contact: Blake Tollett, West Austin Neighborhood Group \$701 Bonnie Road 78703-2002 477-4028 <u>Jollett-Wanggearthlink.net</u>

# 4 MARCH 2006

C14-06-0012

notice of filing of application for a public hearing on rezoning

OWNER: M.G.E. DEVELOPMENT, INC. (IAN MITCHELL) 476-5900

AGENT: M.G.E. DEVELOPMENT, INC. (STEPHANIE REDDING) 476-5900

LOCATION: 505 DEEP EDDY

CITY CONTACT: JORGE ROUBSELIN, NP & ZD 974-2975

PROPOSED ZONING CHANGE

FROM: SF-3 Family Residence District is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards that maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional pamily housing areas with minimum land requirements.

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THE PROPOSED REZONING CHANGE IS SPOT ZONING THAT WOULD PLACE COMMERCIAL ZONING IN A CURRENTLY STABLE AND HEALTHY RESIDENTIAL NEIGHBORHOOD.

PRINT

	NAME	ADDRESS	SIGNATURE
24	Martha M. Chin	600 Doep Edly Ave.	What Will
25	Grant Febr	714 Unu &.	Bright
24	Scott Pardy	606 UPSon	Seatt forth
27	Jon L. Luckstea	d 512 Deep Eddy Ave.	Lon hudsteal
		COB Deep Elly	all.
29	DON NICHTER	614 DEEAEDAY	I'm lichte
30	Susan Bell	515 Hearn St	Gwan Pel
31	Anack Pizzwie	612 Upson St	Ameth M. Pic
•			01

# 4 MARCH 2006

C14-06-0012

NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING

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PROPOSED ZONING CHANGE

FROM: BF-3 Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square peet. Duplex use is permitted under development standards that maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

TO: NO NEIGHBORHOOD OFFICE DISTRICT IS INTENDED FOR OFFICES PREDOMINATELY SERVING NEIGHBORHOOD OR COMMUNITY NEEDS, WHICH MAY BE LOCATED WITHIN OR ADJACENT TO RESIDENTIAL NEIGHBORHOODS. OFFICES IN THE NO DISTRICT WOULD TYPICALLY LOCATE ON COLLECTOR STREETS WITH A MINIMUM OF 40 FEET OFF PAVEMENT WIDTH, AND WOULD NOT UNDULY AFFECT TRAFFIC IN THE AREA. THE NO DISTRICT IS DESIGNED TO ACCOMMODATE SMALL, SINGLE-USE OFFICES AND TO ENCOURAGE AND PRESERVE COMPATIBILITY WITH EXISTING NEIGHBORHOODS THROUGH RENOVATION AND MODERNIZATION OF EXISTING STRUCTURES.

WE THE UNDERSIGNED PROPERTY OWNERS ARE OPPOSED TO THE ABOVE REFERENCED ZONING REQUEST FOR 505 DEEP EDDY AVENUE AND ARE OPPOSED TO ANY ZONING ON THE PROPERTY OTHER THAN \$F-3.

The proposed rezoning change is spot zoning that would place commercial zoning in a currently stable and healthy residential neighborhood.

	NAME	ADDRESS	SPRATURE
32	CHRIS COGBURN	601 DEEP EDDY AVE AUSTIN TX 78703	Chit Chi
33	GEORGE Scott	514 Osep Eddy Auc	De Sin
34	DAVID BEIL	AUSTIN 78703	T wiel Fell
35	Jennifer Goldsworth	M Austin TX 18703	Of Sdawodhy
36e	MARK GOLDSWORTHY	GOS DEEP EDDY AVE AUSTING	w filled the
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## 4 MARCH 2006

. C14-06-0012

NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING OWNER: M.G.E. DEVELOPMENT, INC. (IAN MITCHELL) 476-5900

Agent: M.G.E. Development, Inc. (Stephanie Redding) 476-5900

LOCATION: 505 DEEP EDDY

CITY CONTACT: JORGE ROUSSELIN, NP & ZD 974-2975

PROPOSED ZONING CHANGE

FROM: SF-3 Family Residence District is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards that maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

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WE THE UNDERSIGNED PROPERTY OWNERS ARE OPPOSED TO THE ABOVE REFERENCED ZONING REQUEST FOR 505 DEEP EDDY AVENUE AND ARE OPPOSED TO ANY ZONING ON THE PROPERTY OTHER THAN 5F-3.

THE PROPOSED REZONING CHANGE IS SPOT ZONING THAT WOULD PLACE COMMERCIAL ZONING IN A CURRENTLY STABLE AND HEALTHY RESIDENTIAL NEIGHBORHOOD.

NAME .	ADDRESS	SIGNATURE
AGNES KOMMACK	2300 LAKE KSTI	NBURD & Monnack
O. neh	2208 Lake 4037	in flus Dank
molekaisayy ED	2402 Lake Aus	Ini Blue Are
muchalowal	2407 Cake Av	Hio Bld
		<u> </u>

Neighborhood Contact: Blake Tollett, West Austin Neighborhood Group 3701 Bonnie Road 78703-2002 477-4028 <u>Tollett-Wang@earthlink.net</u> 4 MARCH 2008

APR 1 0 2006

C14-06-0012

NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING OWNER: M.G.E. DEVELOPMENT. INC. (IAN MITCHELL) 476-5900

AGENT: M.G.E. DEVELOPMENT, INC. (STEPHANIE REDDING) 476-8900

LOCATION: 505 DEEP EDDY

CITY CONTACT: JORGE ROUSSELIN, NP & ZD 974-2975

Proposed Zoning Change

FROM: 6F-3 Family Residence district is intended as an area for moderate DENSITY SINGLE-FAMILY RESIDENTIAL USE, WITH A MINIMUM LOT SIZE OF 5.750 SQUARE FEET. DUPLEX USE IS PERMITTED UNDER DEVELOPMENT STANDARDS THAT maintain bingle-family neighborhood characteristics. This district is Appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional Family Housing areas with minimum land requirements.

TO: NO NEIGHBORHOOD OFFICE DISTRICT IS INTENDED FOR OFFICES PREDOMINATELY berving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods. Offices in the NO district would TYPICALLY LOCATE ON COLLECTOR STREETS WITH A MINIMUM OF 40 FEET OFF PAVEMENT WIDTH. AND WOULD NOT UNDULY AFFECT TRAFFIC IN THE AREA. THE NO DISTRICT IS DESIGNED TO ACCOMMODATE SMALL, SINGLE-USE OFFICES AND TO ENCOURAGE AND PRESERVE COMPATIBILITY WITH EXISTING NEIGHBORHOODS THROUGH RENOVATION AND MODERNIZATION OF EXISTING STRUCTURES.

WE THE UNDERSIGNED PROPERTY OWNERS ARE OPPOSED TO THE ABOVE REFERENCED ZONING REQUEST FOR 505 DEEP EDDY AVENUE AND ARE OPPOSED TO ANY ZONING ON THE PROPERTY OTHER THAN SF-S.

The proposed rezoning change is spot zoning that would place commercial Zoning in a currently stable and healthy residential neighborhood.

NAME	ADDRESS	SIGNATURE
Joen Holand	573 HOUN ST	THE STATE OF THE S
Sara Belkun	BOI Hearn St.	Sollmap
David Balknap	601 HEARUST	A Rella
so Darken	_ WI Deep Eddy AR	Sull auch en
[ Sportalatraven		( Har Manon
TOMAS PONT	IN CISDEPTEDAY	BARK
	<b>4</b> 5 • <b>7</b>	
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NEIGHBORHOOD CONTACT: BLAKE TOLLETT, WEST AUSTIN NEIGHBORHOOD GROUP 8701 BONNIE ROAD 78703-2002 477-4028 TOLLETT-WANGGEARTHLINK.NET

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4 MARCH 2008

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C14-06-0012

C14-06-0012
NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING

OWNER: M.G.E. DEVELOPMENT, INC. (IAN MITCHELL) 476-5900

AGENT: M.G.E. DEVELOPMENT. INC. (STEPHANIE REDDING) 476-5900

LOCATION: 505 DEEP EDDY

CITY CONTACT: JORGE ROUSSELIN. NP & ZD 974-2975

PROPOSED ZONING CHANGE

....

From: 8F-3 family residence district is intended as an area for moderate DENSITY SINGLE-FAMILY RESIDENTIAL USE, WITH A MINIMUM LOT SIZE OF 5,750 SQUARE FEET. DUPLEX USE IS PERMITTED UNDER DEVELOPMENT STANDARDS THAT MAINTAIN SINGLE-FAMILY NEIGHBORHOOD CHARACTERISTICS. THIS DISTRICT IS APPROPRIATE FOR EXISTING BINGLE-FAMILY NEIGHBORHOODS HAVING TYPICALLY moderate sized lot patterns, as well as for Development of Additional PAMILY HOUSING AREAS WITH MINIMUM LAND REQUIREMENTS.

TO: NO NEIGHBORHOOD OFFICE DISTRICT IS INTENDED FOR OFFICES PREDOMINATELY serving neighborhood or community needs, which may be located within or ADJACENT TO RESIDENTIAL NEIGHEORHOODS, OFFICES IN THE NO DISTRICT WOULD TYPICALLY LOCATE ON COLLECTOR STREETS WITH A MINIMUM OF 40 FEET OFF PAVEMENT WIDTH, AND WOULD NOT UNDULY AFFECT TRAFFIC IN THE AREA. THE NO DISTRICT IS DESIGNED TO ACCOMMODATE SMALL, SINGLE-USE OFFICES AND TO ENCOURAGE AND PRESERVE COMPATIBILITY WITH EXISTING NEIGHBORHOODS THROUGH RENOVATION AND MODERNIZATION OF EXISTING STRUCTURES.

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The proposed rezoning change is spot zoning that would place commercial ZONING IN A CURRENTLY STABLE AND HEALTHY RESIDENTIAL NEIGHBORHOOD.

NAME		ADDRESS		SIGNATURE	
Mike	HAGGESTY	3308 508 Deep B	Sooke	autor 8 vol	Mallow
Jev S	HAGGERTY YES	508 Deep B	dde	Ju to	Los
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NEIGHBORHOOD CONTACT: BLAKE TOLLETT, WEST AUSTIN NEIGHBORHOOD GROUP 3701 BONNIE ROAD 78703-2002 477-4028 TOLLETT-WANG@EARTHLINK.NET

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4 MARCH 2006

C14-06-0012

Neighborhood Planning & Zoning

NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING

OWNER: M.G.E. DEVELOPMENT, INC. (IAN MITCHELL) 476-5900

Agent: M.G.E. Development, Inc. (Stephanie Redding) 476-5900

LOCATION: 505 DEEP EDDY

CITY CONTACT: JORGE ROUSSELIN, NP & ZD 974-2975

PROPOSED ZONING CHANGE

FROM: SF-8 Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards that maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

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THE Proposed rezoning change is spot zoning that would place commercial zoning in a currently stable and healthy residential neighborhood.

NAME	ADDRESS	SIGNATURE	
hent-lole	2302-6 Late Austin By	Cent loh	
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Neighborhood Contact: Blake-Tollett, West Austin Neighborhood Group 8701 Bonnie Road 78703-2002 477-4028 Jollett-Wang@earthlink.net