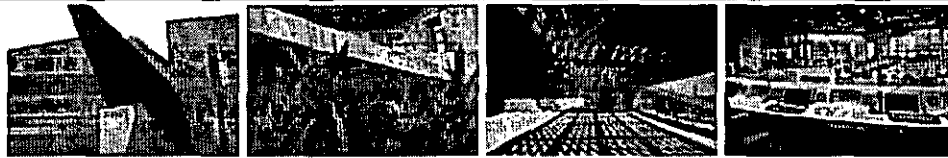


A U S T I N C I T Y C O U N C I L
AGENDA



Thursday, August 24, 2006

+ Back Print

**Zoning Ordinances / Restrictive Covenants
(HEARINGS CLOSED)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No. 70

Subject: C14-05-0080 - CTVS Offices - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3921 Medical Parkway (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning and family residence (SF-3) district zoning to neighborhood commercial (LR) district zoning. First reading approved on December 1, 2005. vote: 4-2 (Mayor Pro Tem Thomas and Council Member Dunkerley voted Nay). Applicant: Thoracic & Cardiovascular Realty (Tom Johnston). Agent: Campbell & Swartz, LLP (Henry Gilmore). City Staff: Jorge E. Rousselin, 974-2975.

Additional Backup Material

(click to open)

- Staff Report
- Ordinance

For More Information: Jorge E. Rousselin, 974-2975.

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0080 – CTVS Offices

REQUEST:

C14-05-0080 - CTVS Offices - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3921 Medical Parkway (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning and family residence (SF-3) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning for the SF-3 zoned portion of the tract, and to deny commercial services (CS) district zoning. Applicant: Thoracic & Cardiovascular Realty (Tom Johnston). Agent: Bryant, Campbell & Swartz, LLP (Henry Gilmore). City Staff: Jorge Rousselin, 974-2975.

PROPERTY OWNER: Thoracic & Cardiovascular Realty (Tom Johnston)

AGENT: Campbell & Swartz, LLP (Henry Gilmore)

DATE OF FIRST READING/VOTE: December 1, 2005; Vote: (7-0)

CITY COUNCIL DATE: August 24, 2006

CITY COUNCIL ACTION:

December 1, 2005:

The public hearing was closed and the first reading of the ordinance for neighborhood commercial (LR) district zoning for the SF-3 zoned portion of the tract and to deny commercial services (CS) district zoning was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 4-2 vote. Those voting aye were: Mayor Wynn and Council Members Alvarez, Kim and Leffingwell. Those voting nay were: Mayor Pro Tem Thomas and Council Member Dunkerley. Council Member McCracken was off the dais. Vote: (7-0)

ASSIGNED STAFF: Jorge E. Rousselin, NPZD

PHONE: 974-2975

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

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 3921 MEDICAL PARKWAY FROM FAMILY
3 RESIDENCE (SF-3) DISTRICT TO NEIGHBORHOOD COMMERCIAL (LR)
4 DISTRICT.

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7
8 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from family residence (SF-3) district to neighborhood commercial
10 (LR) district on the property described in Zoning Case No. C14-05-0080, on file at the
11 Neighborhood Planning and Zoning Department, as follows:

12
13 A 0.153 acre (6,671 square feet) tract of land, more or less, out of the Geo W.
14 Spear League, Travis County, the tract of land being more particularly described
15 by metes and bounds in Exhibit "A" incorporated into this ordinance,

16
17 locally known as 3921 Medical Parkway, in the City of Austin, Travis County, Texas, and
18 generally identified in the map attached as Exhibit "B"

19
20 PART 2. This ordinance takes effect on _____, 2006.

21
22
23 PASSED AND APPROVED

24
25 §
26 §
27 §

28
29
30
31
32
33
34

Will Wynn
Mayor

APPROVED: _____

ATTEST: _____

David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk



**Professional Land Surveying, Inc.
Surveying and Mapping**

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

EXHIBIT A

**ZONING DESCRIPTION
0.153 ACRES
GEO W. SPEAR LEAGUE**

A DESCRIPTION OF 0.153 ACRES (APPROXIMATELY 6,671 SQUARE FEET) IN THE GEO W. SPEAR LEAGUE, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 3, BLOCK 6, HENRY B. SEIDERS SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 60 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND THE SOUTH 44 FEET OF SAID LOT 3 BEING CONVEYED TO THORACIC & CARDIOVASCULAR REALTY CO. IN A WARRANTY DEED WITH VENDOR'S LIEN DATED FEBRUARY 13, 2003 AND RECORDED IN DOCUMENT NO. 2003036334 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.153 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 3/4" iron pipe found in the east right-of-way line of Medical Parkway (right-of-way width varies), being in the west line of said Lot 3, being the northwest corner of the said south 44 feet of Lot 3 tract, being also the southwest corner of a 152' X 24.83' tract of land described in Volume 12823, Page 163 of the Real Property Records of Travis County, Texas, from which a 1/2" iron pipe found at the intersection of the south right-of-way line of West 40th Street (60' right-of-way width) and the east right-of-way line of Medical Parkway, being the northwest corner of the said 152' X 24.83' tract, being also the southwest corner of a 3648 square foot tract of land described in Volume 2776, Page 200 of the Deed Records of Travis County, Texas, bears North 27°35'42" East, a distance of 24.85 feet;

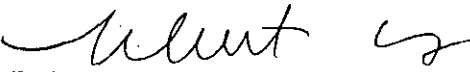
THENCE South 62°21'38" East with the north line of the said south 44 feet of Lot 3 tract and the south line of the said 152' X 24.83' tract, a distance of 151.90 feet to a 3/4" iron pipe found in the west right-of-way line of a 20' alley, being in the east line of said Lot 3, being the northeast corner of the said south 44 feet of Lot 3 tract, being also the southeast corner of the said 152' X 24.83' tract;

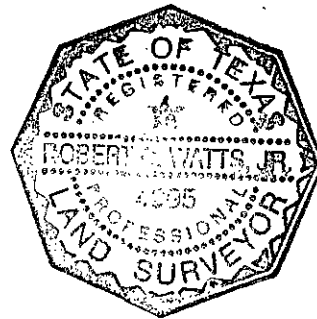
THENCE South 27°34'08" West with the west right-of-way line of a 20' alley, the east line of said Lot 3 and the east line of the said south 44 feet of Lot 3 tract, a distance of 43.99 feet to a calculated point for the southeast corner of said Lot 3, being the southeast corner of the said south 44 feet of Lot 3 tract, being the northeast corner of Lot 2, Block 6, of said H. B. Seiders Subdivision, being also the northeast corner of a tract of land described as the north 43 feet of said Lot 2 and recorded in Volume 10592, Page 296 of the Real Property Records of Travis County, Texas;

THENCE North $62^{\circ}18'09''$ West with the south line of said Lot 3, the south line of the said south 44 feet of Lot 3 tract, the north line of said Lot 2 and the north line of the said north 43 feet of Lot 2 tract, a distance of 151.92 feet to a calculated point in the east right-of-way line of Medical Parkway, being the southwest corner of said Lot 3, being the southwest corner of the said south 44 feet of Lot 3 tract, being the northwest corner of said Lot 2, being also the northwest corner of the said north 43 feet of Lot 2 tract;

THENCE North $27^{\circ}35'42''$ East with the east right-of-way line of Medical Parkway, the west line of said Lot 3 and the west line of the said south 44 feet of Lot 3 tract, a distance of 43.84 feet to the **POINT OF BEGINNING**, containing 0.153 acres of land, more or less.

Prepared from a survey made on the ground May 03, 2005. Bearing basis is Grid Azimuth for the Texas Central Zone, 1983/93 HARN values from the LCRA survey control network. Attachments: Survey Drawing 482-001-Z2.


Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



5-11-05

1" = 50'

CITY OF AUSTIN
3648 SQ. FT.
(2776/200)

WEST 40TH STREET
(60' RIGHT-OF-WAY WIDTH)

S62°20'50"E 151.88'
(S59°56'E 152.0')

CROCKETT PARTNERS, LTD.
(12823/163)

S62°21'38"E 151.90'

P.O.B.

S75°01'41"W
0.35'

THORACIC &
CARDIOVASCULAR REALTY CO.
SOUTH 44' OF LOT 3, BLOCK 6
H. B. SEIDERS SUBDIVISION (1/60)
(2003036334)

LOT 3

N62°18'09"W 151.92' (152')

LOT 2

THORACIC &
CARDIOVASCULAR REALTY CO.
NORTH 43' OF LOT 2, BLOCK 6
(10592/296)

D & K INVESTMENT GROUP
7,599 SQ. FT.
(11701/1098)

LOT 2
LOT 1

LOT 1, BLOCK 6,
HENRY B. SEIDERS
SUBDIVISION (1/60)

D & K INVESTMENTS
(11625/1532)

0.153 ACRES
APPROX. 6,671
SQ. FT.

LOTS 4, 5 & 6
BLOCK 6
HENRY B. SEIDERS
SUBDIVISION (1-60)

CROCKETT PARTNERS, LTD.
(12823/185)

**MEDICAL PARKWAY
(PLATTED ALICE AVENUE)**
(RIGHT-OF-WAY WIDTH VARIES)

C.O.A.
CENTERLINE
MONUMENT

N62°25'52"W 152.00' (152')

**WEST 39 1/2TH STREET
(PLATTED EMMA STREET)**
(60' RIGHT-OF-WAY WIDTH)

N62°24'35"W 152.08'

N62°52'22"W
60.13'

S27°44'04"W
59.94'

3/4"

DATE OF SURVEY: 05/03/05
PLOT DATE: 05/10/05
DRAWING NO.: 482-001-Z2
PROJECT NO.: 482-001
SHEET 2 OF 2

Chaparral

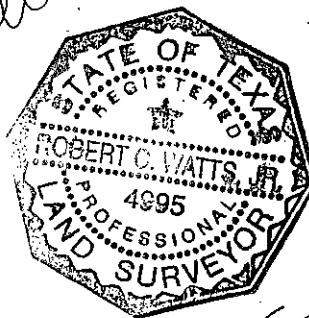
A SKETCH TO ACCOMPANY A DESCRIPTION OF 0.153 ACRES (APPROXIMATELY 6,671 SQUARE FEET) IN THE GEO W. SPEAR LEAGUE, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 3, BLOCK 6, HENRY B. SEIDERS SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 60 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND THE SOUTH 44 FEET OF SAID LOT 3 BEING CONVEYED TO THORACIC & CARDIOVASCULAR REALTY CO. IN A WARRANTY DEED WITH VENDOR'S LIEN DATED FEBRUARY 13, 2003 AND RECORDED IN DOCUMENT NO. 2003036334 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,

LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- ▲ NAIL IN PUNCH HOLE FOUND
- * COTTON SPINDLE FOUND
- ☒ X IN CONC. FOUND
- CALCULATED POINT

LINE TABLE

No.	BEARING	LENGTH
L1	S62°25'52"E	19.88'
L2	S62°23'15"E	20.06'
L3	S72°43'26"W	42.48'
L4	S72°26'53"W	42.89'

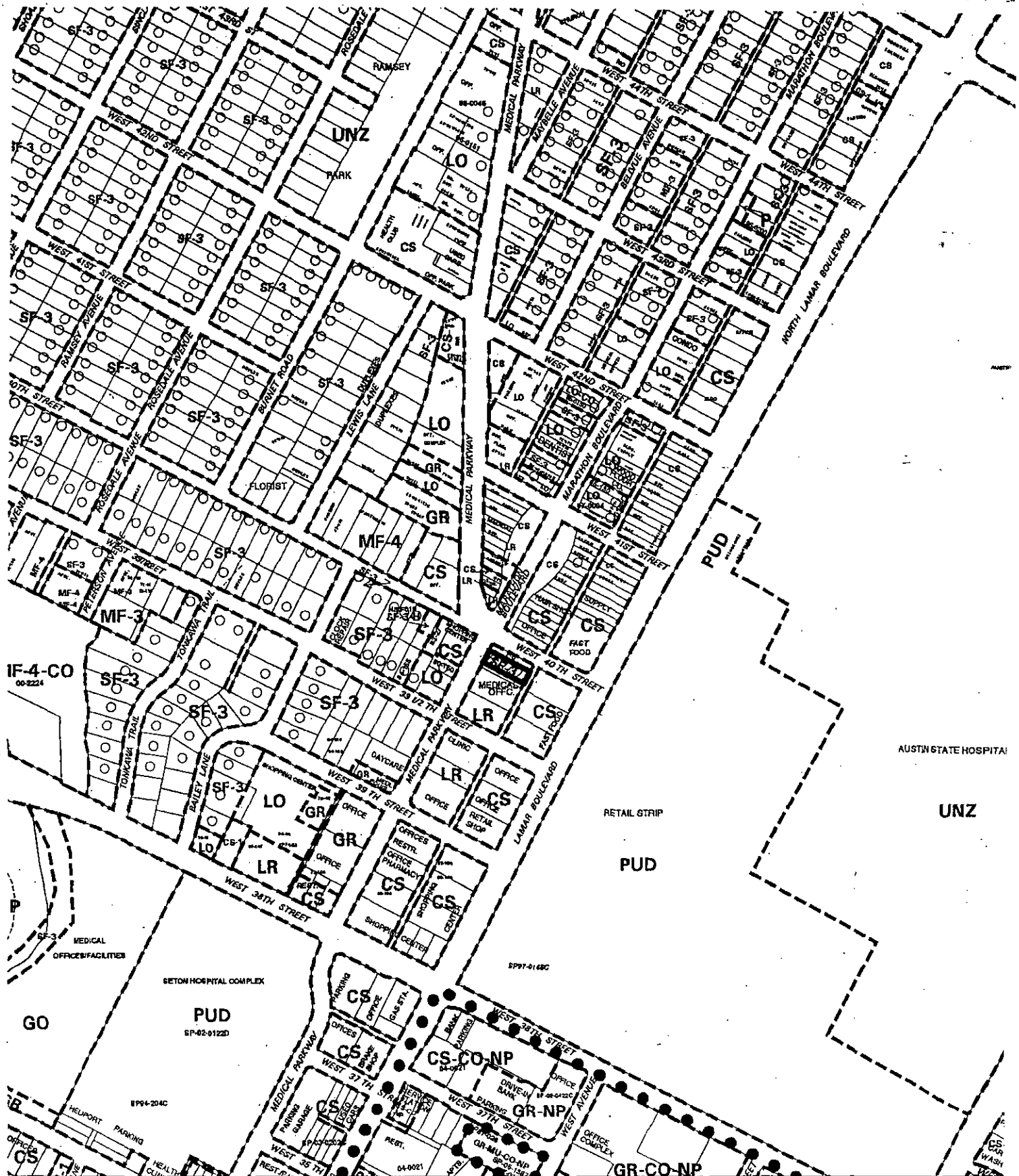


DATE OF SURVEY: 05/03/05
 PLOT DATE: 05/10/05
 DRAWING NO.: 482-001-Z2
 PROJECT NO.: 482-001
 SHEET 1 OF 2

BEARING BASIS: GRID AZIMUTH FOR TEXAS
 CENTRAL ZONE, 1983/93 HARN VALUES
 FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS
 DESCRIPTION 482-001-Z2

Chaparral



ZONING CHANGE REVIEW SHEET

CASE: C14-05-0080

Z.A.P. DATE: June 21, 2005
July 5, 2005
August 2, 2005
August 16, 2005
September 6, 2005
September 20, 2005

ADDRESS: 3921 Medical Parkway

OWNER/APPLICANT: Thoracic & Cardiovascular Realty (Tom Johnston) **AGENT:** DuBois, Bryant, Cambell & Schwartz, LLP.
(Henry Gilmore)

ZONING FROM: LR & SF-3 **TO:** CS **AREA:** 0.366 acres
(15,942.96 square feet)

CITY COUNCIL ACTION:

December 1, 2005:

The public hearing was closed and the first reading of the ordinance for neighborhood commercial (LR) district zoning for the SF-3 zoned portion of the tract and to deny commercial services (CS) district zoning was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 4-2 vote. Those voting aye were: Mayor Wynn and Council Members Alvarez, Kim and Leffingwell. Those voting nay were: Mayor Pro Tem Thomas and Council Member Dunkerley. Council Member McCracken was off the dais. Vote: (7-0)

SUMMARY ZAP RECOMMENDATION:

September 20, 2005:

APPROVED LR ZONING FOR THE SF-3 PORTION; DENIED CS ZONING, LEAVING LR IN PLACE.

[J.M; J.P 2ND] (6-3) T.R; J.G; K.J – NAY

SUMMARY STAFF RECOMMENDATION:

Recommend rezoning from neighborhood commercial (LR) district zoning and family residence (SF-3) district zoning to general commercial services (CS) district zoning.

ISSUES:

The Neighborhood Planning and Zoning Department Staff hosted a meeting of stakeholders for the subject rezoning on November 10, 2005. In attendance were members of the Rosedale Neighborhood Association, representatives for CTVS and NPZD Staff. The purpose of the meeting was to attempt a compromise on the rezoning request from both the Neighborhood and the applicants but an agreement could not be reached. The Neighborhood opposes the height of the proposed structure and the proximity of CS zoning to the residential neighborhood. Furthermore, the Neighborhood has raised issues pertaining to the provision of adequate parking for the proposed structure and surrounding land uses.

DEPARTMENT COMMENTS:

The subject rezoning area is a 0.336 acre site (15,942.96 square feet) fronting Medical Parkway zoned LR and SF-3. The applicant proposes to rezone the property to general commercial services (CS) district to allow for a medical office building with a height of 54 feet and to have the ability to develop the parcel similarly to properties in this area. Staff recommends general commercial services (CS) zoning based on the following considerations:

- 1) The proposed use is compatible with the existing surrounding office uses along the east and west sides of Medical Parkway at the intersections of West 39th Street and West 39 ½ Street zoned LO, CS, and LR;
- 2) Access will be taken to one collector roadway on Medical Parkway; and
- 3) Vehicle trip generation is anticipated at 1,809 trips per day.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR & SF-3	Former single family dwelling – removed
<i>North</i>	CS	Medical Office Building
<i>South</i>	LR	Medical Office
<i>East</i>	CS	Restaurant
<i>West</i>	CS	Shopping Center / Fast Food

AREA STUDY: No**TIA:** Not Required**WATERSHED:** Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

#066 Rosedale Neighborhood Association
#283 North Austin Neighborhood Alliance
#344 M.K. Hage
#511 Austin Neighborhoods Council
#937 Taking Action

SCHOOLS:

Austin Independent School District:

- Bryker Woods Elementary School
- O. Henry Middle School
- Austin High School

CASE HISTORIES: N/A**RELATED CASES:** N/A

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Medical Parkway	64'	Varies	Collector

CITY COUNCIL DATE:

November 03, 2005

November 17, 2005

December 1, 2005

ACTION:

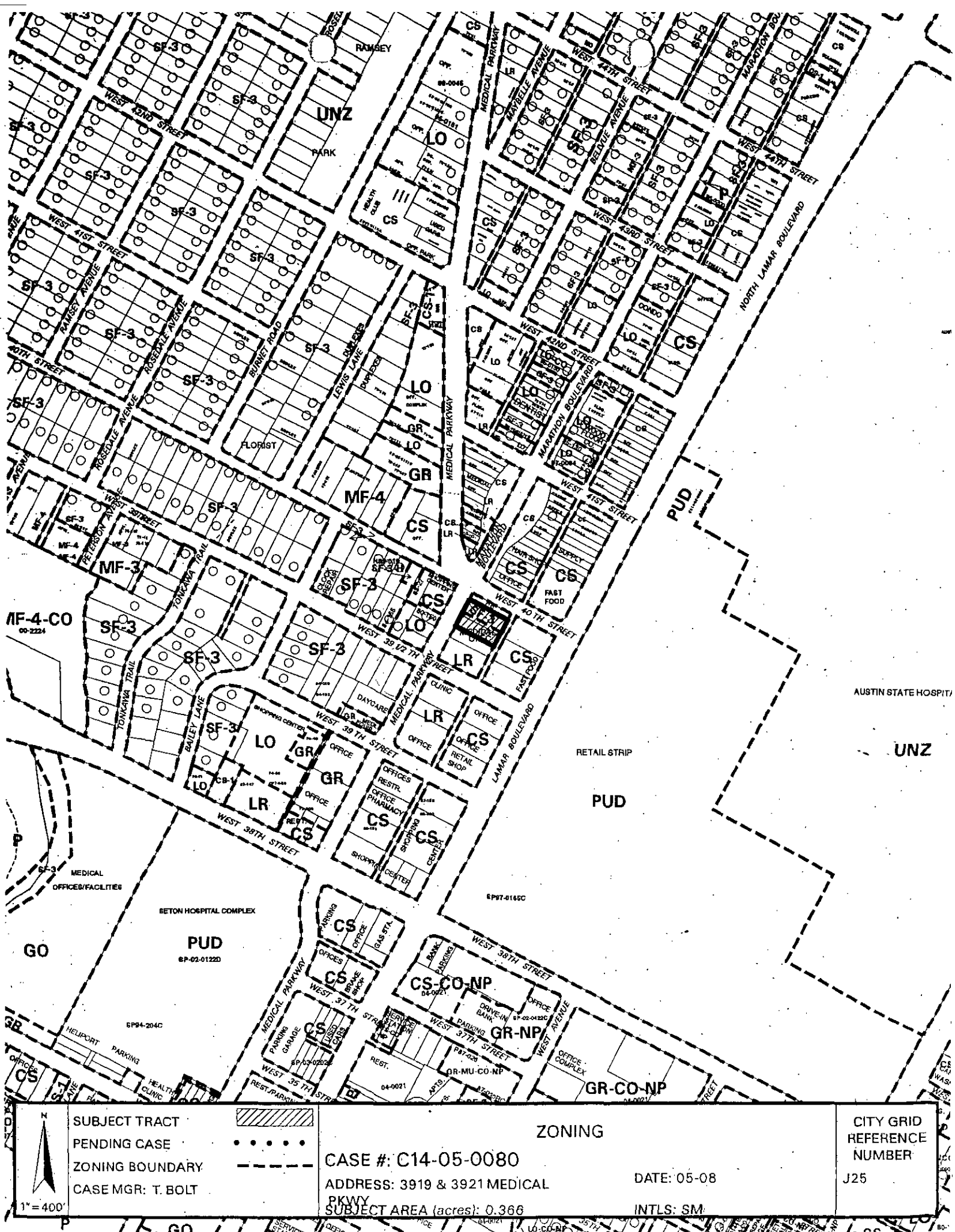
Postponed by City Council

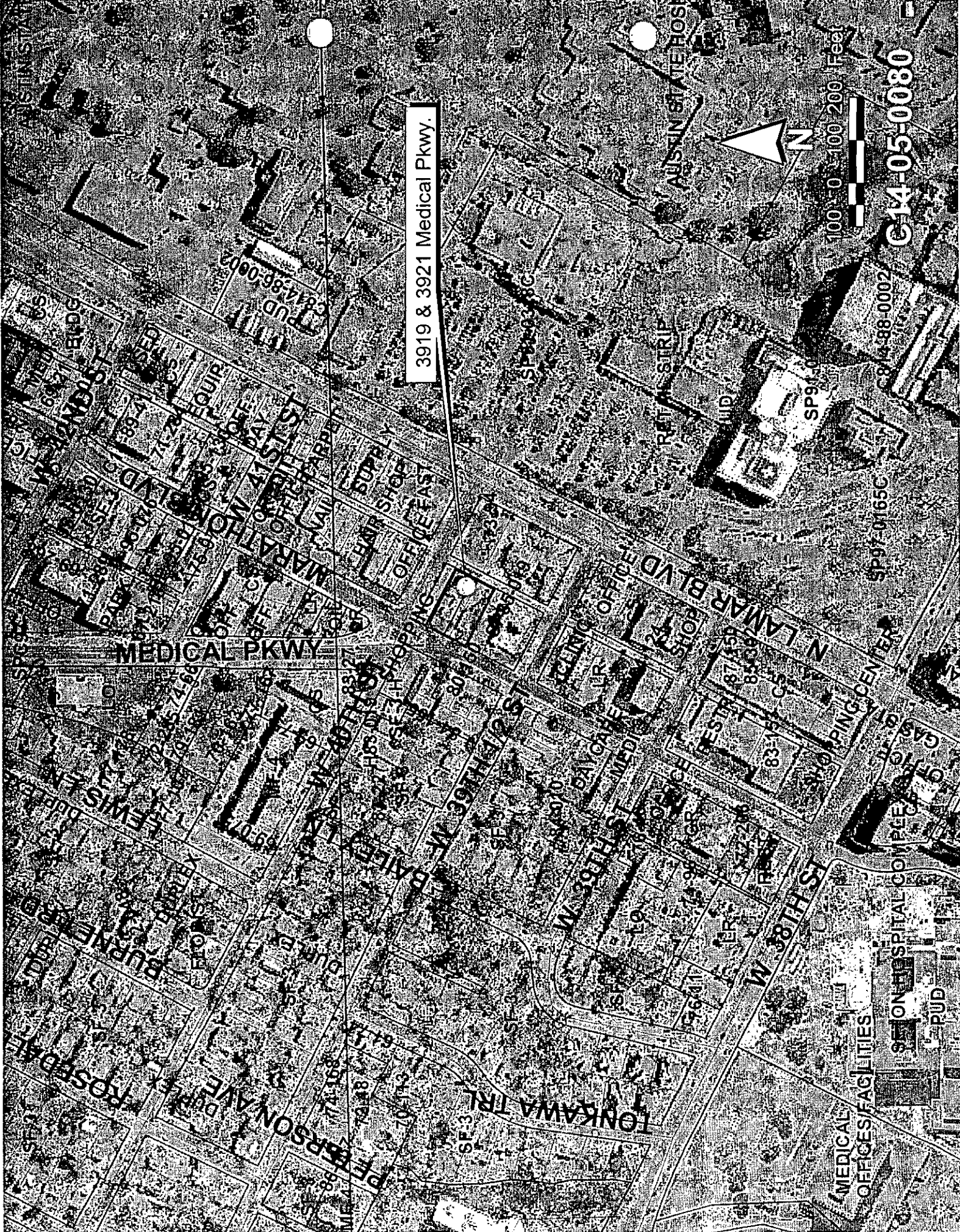
Postponed by Neighborhood

The public hearing was closed and the first reading of the ordinance for neighborhood commercial (LR) district zoning for the SF-3 zoned portion of the tract and to deny commercial services (CS) district zoning was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 4-2 vote. Those voting aye were: Mayor Wynn and Council Members Alvarez, Kim and Leffingwell. Those voting nay were: Mayor Pro Tem Thomas and Council Member Dunkerley. Council Member McCracken was off the dais. Vote: (7-0)

August 24, 2006

ORDINANCE READINGS: 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us

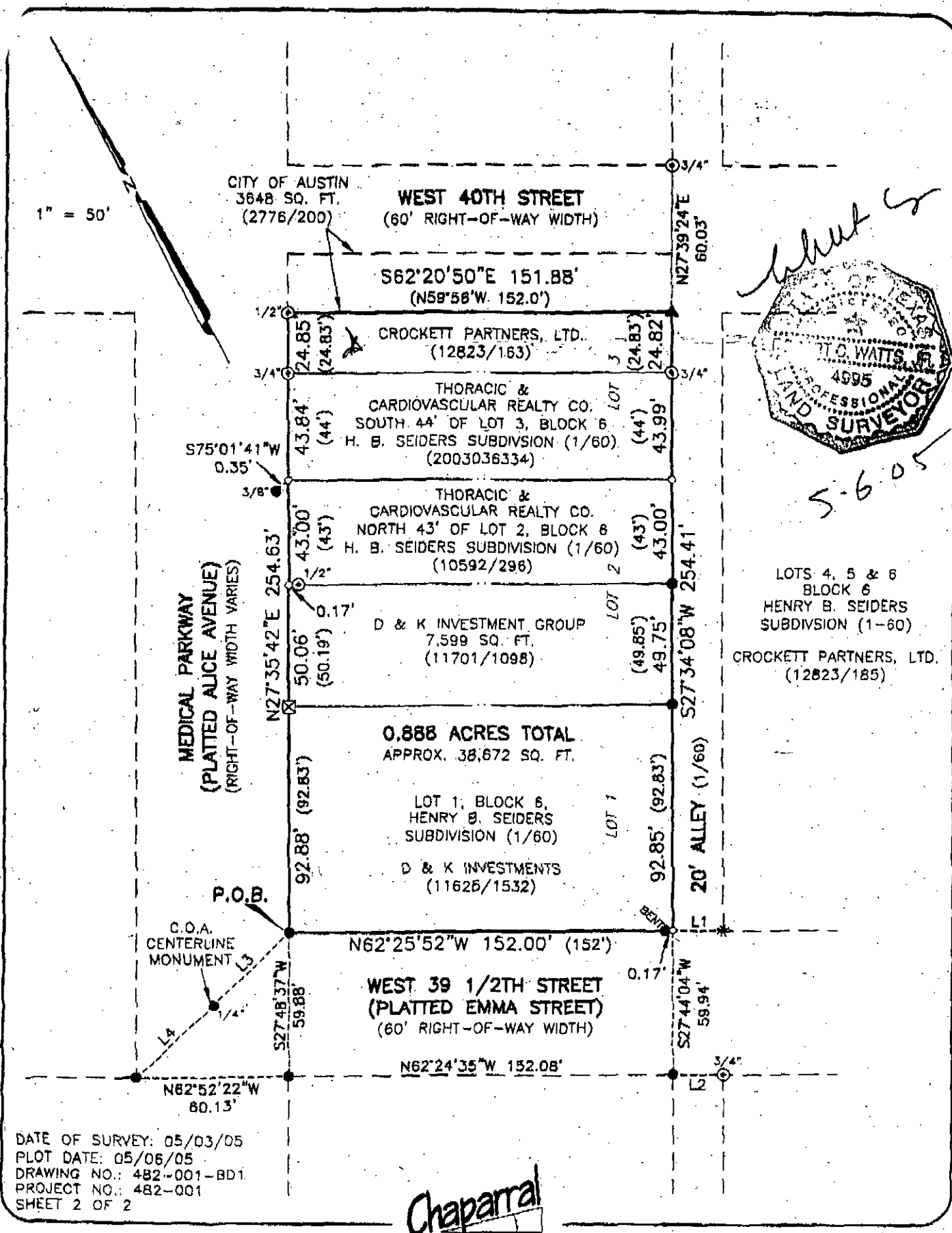




3919 & 3921 Medical Pkwy.

100 0 100 200 Feet

C14-05-0080



STAFF RECOMMENDATION

Recommend rezoning from neighborhood commercial (LR) district zoning and family residence (SF-3) district zoning to general commercial services (CS) district zoning.

BASIS FOR RECOMMENDATION

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

General commercial services (CS) district is the designation for a commercial or industrial use of service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

2. **Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal-treatment of similarly situated properties.**

The subject tract is part of a property owned by one company. Development is proposed for the entire property. Different zonings on the same parcel result in development standards that have different development regulations. These regulations cannot be combined for the entire property. Each tract would need to stand-alone.

3. **Granting of the request should result in an equal treatment of properties.**

Having the same zoning on the entire parcel allows for redevelopment to have consistent development standards uniformly for the entire site. The zonings to the north, east and west are CS with office buildings to the south under limited retail (LR) district zoning.

EXISTING CONDITIONS

The subject rezoning area is a 0.336 acre site (15,942.96 square feet) fronting Medical Parkway zoned LR and SF-3. The SF-3 parcel was omitted previously from the rezoning request due to a map error classifying the parcel with CS zoning.

Impervious Cover

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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. According to flood plain maps, there is no flood plain within the project area.

3. 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.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water Quality Control Requirements

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.

Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 1,809 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).
3. 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]
4. Capital Metro bus service is available along Medical Parkway.
5. Medical Parkway is classified in the Bicycle Plan as a Priority 1 bike route.
6. There are existing sidewalks along Medical Parkway.

Water and Wastewater

The site is currently served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are necessary to serve the land use, 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 City fees.

Stormwater Detention

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

Compatibility Standards

This site is subject to compatibility standards along the west property line under the provisions of Chapter 25-2 Article 10.

MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning & Platting Commission

FROM: Dora Anguiano, ZAP Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: September 29, 2005

SUBJECT: ZAP Commission Summary

Attached is a ZAP Commission summary, which will be forwarded to the City Council.

CASE # C14-05-0080

4. Rezoning: C14-05-0080 - CTVS Offices
Location: 3919 and 3921 Medical Parkway, Shoal Creek Watershed
Owner/Applicant: Thoracic & Cardiovascular Realty (Tom Johnston)
Agent: Dubois, Bryant, Campbell & Shwartz LLP (Henry Gilmore)
Prev. Postponed on 06/21/05 (staff); Postponed on 07/05/05
Postponements: (staff); Pulled from agenda on 08/2/05; Postponed on
08/16/05 (applicant); Postponed on 09/06/05
(neighborhood)
Request: **LR and SF-3 to CS**
Staff Rec.: **RECOMMENDED**
Staff: Jorge E. Rousselin, 974-2975,
jorge.rousselin@ci.austin.tx.us
Neighborhood Planning & Zoning Department

SUMMARY

Jorge Rousselin, staff, gave a presentation to the full commission.

Henry Gilmore, representing applicant – Gave a history on what CTVS has performed for Central Texas in the past 40-years. “CTVS wants to build new offices across the street from their present location; these will be 23,000 square feet. The plan is to have two levels of office above three levels of structured parking. The neighborhood does not like the proposed height of the structure, but the height will be 54-feet and in compliance with the neighborhood compatibility standards, which are expressly purposed to address compatibility between commercial and residential properties. The nearest residential property is 193-feet away on the other side of Medical Parkway. This is a much better use than retail from a traffic standpoint. If the tracts were to be developed as retail, it will generate 3 ½ to 4 times more trips per day than medical office would. Right now CTVS is operating under older City rules regarding parking for medical offices. The new building will come in under current rules and would increase available off-street parking from 47 to 79 spaces. This not only will be more convenient for CTVS staff and patients, but will also reduce the need to park on neighborhood streets. CS is already present in this area so we will not be creating some precedent that is not already there. Staff is recommending CS because CS is already there. We’re willing to impose a conditional overlay that limits the uses to LR and the one CS use that we need, which is medical office in excess of 5,000 square feet. We’re also willing to impose an overlay that limits the height to what’s allowed by compatibility only, which is 54-feet and limit the FAR to 1.35 to 1. We would request your approval of the applicant’s request for CS as recommended by city staff, subject to the conditional overlays that we offered.”

FAVOR

Milton Hime addressed and spoke in regards to the design and character of the building.

Chip Oswald provided more details regarding the practice that is performed at CTVS.

Robert Geller, resident, spoke in favor for the project. Mr. Geller feels that this project will get cars off the streets and stated that the homes are not close to the building and would be an asset to the neighborhood.

OPPOSITION

Felicia Adams, President of Rosedale Neighborhood Association, spoke in opposition. Ms. Adams presented the commission with a Power Point presentation and stated that the neighborhood is proud to have the doctors and CTVS in the neighborhood. Mr. Adams spoke to other projects in Rosedale that the neighborhood approved of and was okay with. "We had a discussion with them about building a 60-retail and office along Lamar Blvd. with the transition down to more neighborhood friendly uses at 40-feet at Medical Parkway and Marathon Blvd. We told them if they came to us with a design that enhanced the livability of the area and focused the traffic towards Lamar and created the sort of transition, we would be willing to work with them on variances or zoning changes to enable them to make the project feasible". "We think this property is more appropriate for LR than CS; we think it's a great site for medical office development at the LR level of intensity. We would like CTVS to continue to do business in Rosedale, but believe LR zoning is the appropriate for the subject property".

Tracy Atkins, resident, spoke about the history of Rosedale's neighborhood planning.

Chris Allen, resident, spoke about the zoning context in the area of the subject tract.

Commissioner Hammond – "Other than the height issue, why are you all recommending LR instead of LO?"

Mr. Allen – "LR is the majority of the block that this property sits on right now and there's LR around it, so we wanted to be consistent with the zoning. It's really an issue of the development intensity of CS that is the problem".

Commissioner Hammond – "You said you have started your neighborhood plan yet, is that going to be done in '06?"

Mr. Allen – "I talked to Mark Walters today and he said that we were next in line".

Commissioner Baker – "Commissioner Hammond, the LR would also allow medical office".

Aletha St.Roman, resident spoke in opposition. Spoke in regards to the CS zoning that is there and stated that it was zoned CS in order to accommodate a billboard that is no longer there.

George Yang, resident, spoke in opposition. He spoke about how the project would affect him and his neighbors on a personal level. Mr. Yang made a Power point presentation. "This plan does not fit in with the neighborhood".

Diana Heath, resident, spoke in opposition. Ms. Heath expressed concerns regarding the appropriateness of the staff's recommendation for CS zoning on the proposed project. She stated that little or no research was done regarding the existing zoning and the traffic congestion or on the character of the surrounding residences and businesses; she expressed concern on the long term affects of CS zoning in the neighborhood.

REBUTTAL

Mr. Gilmore – "This was a proposal for a modest amount of medical office within 5-minutes of Seton Hospital and The Heart Hospital of Austin in Central Austin, this is not setting a precedent; there is CS on three sides of it already and CS to the depth that we're asking for, already. We have offered to limit the CS that we're asking for to basically LR and the one CS use that we're asking for. There were concerns about traffic and this is much superior to what would occur here if there was retail. It is 3 ½ to 4 times less trips per day than what retail will generate. It will comply with the neighborhood's compatibility standards".

Commissioner Martinez wanted to know the history of Mr. Gilmore in talking with the neighborhood regarding this project. Mr. Gilmore stated that there was only one meeting with the neighborhood because of scheduling conflicts.

Commissioner Martinez – "Is there room for compromise?"

Mr. Gilmore – "Not on the issue of height".

Commissioner Jackson – "Is there anyway you can put the parking underground?"

Mr. Gilmore – "The first level is 5-feet underground".

Commissioner Jackson – "So you can't put a full level or two levels underground?"

Mr. Gilmore – "There are some physical constraints with doing that".

Commissioner Jackson – "What are the physical constraints?"

Mr. Hime – "We're on the property line and there are construction issues with going further than that".

Commissioner Baker – "But is it possible?"

Mr. Hime – "Sure, anything is possible".

Commissioner Pinnelli – "Traffic will come out of Medical Parkway?"

Mr. Gilmore – "Yes, the majority of it will make its way over to Lamar and 38th Street".

There was discussion about the trips per day on Medical Parkway.

Commissioner Martinez and Pinnelli moved to close the public hearing.

Commissioner Hawthorne asked about the FAR.

Commissioner Martinez – “I make a motion to deny the CS zoning”.

Commissioner Pinnelli – “Second”.

Commissioner Jackson – “I’ll make a substitute motion for CS-CO; the only CS use would be medical offices greater than 5,000 square feet; all other uses will be LR uses; allowing an FAR 1 to 1.35 and limiting the height to 50-feet; and vehicle trips to staff’s recommendation”.

Commissioner Rabago – Second.

Commissioner Jackson spoke to his substitute motion.

Commissioner Rabago spoke to her second on the motion.

Commissioner Donisi asked for clarification on the motion regarding the height.

Motion failed. (3-6)

Commissioner Baker – “We’ll go back to the first motion”.

Commissioner Pinnelli spoke to her second on the first motion.

Commissioner Hawthorne – “The motion is for denial and a piece of the property is zoned SF-3 and I hope that the action would be to provide some congruency for zoning in the block”.

Commissioner Baker – “Could you amend your motion to include the SF-3 portion as LR?”

Commissioner Martinez – “Absolutely”.

Commissioner Pinnelli – “I concur”.

Commissioner Baker – “So the motion is to zone the SF-3 portion to LR and to deny the CS”.

Motion carried. (6-3)

**COMMISSION ACTION:
MOTION:**

AYES:

NAY:

**MARTINEZ, PINNELLI
APPROVED LR ZONING FOR THE SF-
3 PORTION; DENIED CS ZONING,
LEAVING LR ZONING IN PLACE.
BAKER, PINNELLI, HAMMOND,
MARTINEZ, HAWTHORNE, DONISI
RABAGO, GOHIL, JACKSON**

MOTION CARRIED WITH VOTE: 6-3.

July 11, 2005

Via Hand Delivery

Mr. Thomas Bolt
Case Manager, City of Austin
Development Review
505 Barton Springs Rd.
Austin, Texas 78704

Re: C14-05-0080: Amended Zoning Request to Include 3921 Medical Parkway

Dear Tom:

On behalf of the applicant in the above-referenced case, application is hereby made to amend the zoning application to include a 0.153 acre tract of land described by metes and bounds in the enclosures herewith and known locally as 3921 Medical Parkway. City Staff has recently determined that this tract, which has been shown on the City's Official Zoning Map since at least 1972 as being zoned "CS", Commercial Services, and represented to the applicant as being zoned "CS", Commercial Services in a Zoning Verification Letter dated as recently as two months ago, is in fact zoned "SF-3", Single Family Residence District. The tract is also owned by the applicant and is currently vacant. The applicant hereby respectfully requests that the above-referenced application be amended to also request "CS" Commercial Services zoning for the 0.153 acre tract.

Note that all of the information in the original zoning application remains the same except for the following information relating to the addition of the 0.153 acre tract:

- (1) The street address is 3921 Medical Parkway;
- (2) The Tax Parcel No. is 0221021304;
- (3) The Deed Reference Conveying the Property to Current Owner: Document No. 2003036334 of the Official Public Records of Travis County, Texas;
- (4) The current zoning for the added tract is "SF-3", Single Family Residence; and
- (5) The use of the added tract is vacant.

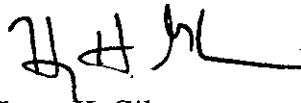
I have also included tax plats covering the added tract and 300' around the added tract for purposes of notice, two sets of certified field notes for the added tract and also included a Tax Certificate for the added tract.

**DuBois
Bryant
& Campbell
Schwartz LLP**
ATTORNEYS

Henry Gilmore
700 Lavaca, Suite 1300
Austin, Texas 78701
(512) 457-8000 phone
(512) 457-8008 fax
hgilmore@dbcslaw.com

If everything is satisfactory, please review the amended request and schedule the case for hearing at Staff's earliest convenience. Please don't hesitate to contact me should you have any questions or need additional information.

Yours Very Truly,



Henry H. Gilmore
Attorney for Applicant

cc: Mr. Layton Wilson (via telecopy 450-0475)
Mr. Thomas Johnston (via telecopy 483-6897)
Mr. Milton Hime (via telecopy 473-8982)

**DuBois
Bryant
& Campbell
Schwartz LLP**
ATTORNEYS

Henry H. Gilmore
700 Lavaca, Suite 1300
Austin, Texas 78701
(512) 457-8026 phone
(512) 457-8008 fax
hgilmore@dbcslaw.com

August 16, 2005

Via Telecopy: 974-6654

Mr. Jorge Rousselin
City of Austin Neighborhood Planning and Zoning Department
One Texas Center, Suite 225
PO Box 1088
Austin, Texas 78767-8810


Re: CTVS Offices (C14-05-0080): Applicant's Request for Postponement to
September 6, 2005

Dear Jorge:

As per my conversation and email to you, the applicant hereby requests a postponement of the hearing on the above referenced case until the Commission's next meeting which is September 6, 2005. This is the applicant's first request for postponement. The reason for the postponement is that one of our key speakers has unavoidably been called out of town. Also, the applicant would like an opportunity to review and be prepared to respond to information submitted to the City Staff on Friday August 12, a copy of which we just received yesterday.

Thank you very much for your attention to this matter.

Yours Very Truly,



Henry H. Gilmore

DuBois
Bryant
& Campbell
Schwartz LLP
ATTORNEYS

Henry H. Gilmore
700 Lavaca, Suite 1300
Austin, Texas 78701
(512) 457-8000 phone
(512) 457-8008 fax
hgilmore@dbcslaw.com

August 31, 2005

Ms. Teresa Rabago
612 W. Johanna Street
Austin, Texas 78704

Re: 3919 and 3921 Medical Parkway (C14-05-0080)

Dear Commissioner:

I represent the applicant in the above referenced case, the Cardiothoracic and Vascular Surgeons or "CTVS", which will be heard by you on September 6th. The physicians with CTVS have been practicing medicine in Rosedale for over 30 years just on the north side of the intersection of 40th and Medical Parkway. CTVS has the pre-eminent cardiology and vascular practice in Central Texas. Their physicians performed the first open heart surgery in Central Texas, the first kidney transplant in Central Texas, the first coronary bypass surgery in Central Texas and their physicians have performed over 150 heart transplants for Central Texas patients. They are currently officing in two separate office buildings on the other side of the intersection that total approximately 17,000 square feet. Being over 30 years old, their current offices are dated and no longer meet their space and technology needs. They would like to build new offices on land they own across the street at the southeast corner of 40th and Medical Parkway.

CTVS proposes to build approximately 23,000 square feet of office space on two levels above a 3 level structured parking garage. The new offices will allow them to consolidate their practice in one building. The structured parking will meet current parking Code requirements for Medical Offices, unlike their current space, which is grandfathered under the City's previous parking requirements for Medical Offices. The new offices will provide 79 off street parking spaces, as opposed to 47 currently provided.

For the reasons discussed below, CTVS respectfully requests your approval of CS zoning for the subject tracts, as is being recommended to you by City Staff:

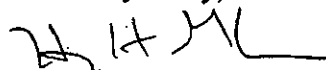
- 1) **The subject tracts are bounded by existing CS zoning on 3 sides: immediately adjacent to the north and east and also directly across Medical Parkway to the west.** An important planning principal is to zone land consistently with surrounding zoning. I have included a zoning map exhibit showing the existing zoning in this area. While Rosedale will urge that CS is only appropriate for North Lamar Boulevard, it ignores the clear presence of CS along Medical Parkway. We would submit that the appropriate transition to the existing residential in the neighborhood should begin on the west side of Medical Parkway.

- 2) While objections from the Rosedale Neighborhood Association focus primarily on height and scale, it is important to point out that the building will meet the height and setback requirements of the City's Neighborhood Compatibility Standards, which are expressly designed to address compatibility between commercial and residential development. The nearest residential zoned or used property is over 190 feet away on the other side of Medical Parkway. The building will be only 54 feet high rather than the 60 maximum permitted by CS zoning. CTVS will agree to limit the building to 54 feet through a conditional overlay, thereby preventing the applicant from potentially requesting a height waiver to the Compatibility Standards at time of site plan.
- 3) Structured parking, while extremely expensive, will avoid the unsightly and negative environmental effects of surface parking and will be more convenient for CTVS patients and employees. In addition, the parking will meet current Code rather than the City's older parking requirements and avoid patients and employees parking on neighborhood streets. As mentioned earlier, the number of off street parking spaces will increase from 47 to 79.
- 4) CTVS will restrict the uses allowed in CS via a conditional overlay to LR uses and the one CS use they need: Medical Offices in excess of 5,000 square feet. This addresses potential concerns about the property being used for heavier, more industrial uses that are also allowed under CS. In addition, the applicant will agree to restrict the FAR for the site to 1.35 to 1, rather than the 2.0 normally allowed in CS.
- 5) Medical Office generates substantially less traffic than a comparable retail use. In fact, 23,000 square feet of Medical Offices, when compared to 23,000 square feet of retail, generates 3.5 to 4 times less traffic. So from a traffic generation standpoint, Medical Office use has far less impact on streets and nearby neighborhoods than retail uses would.

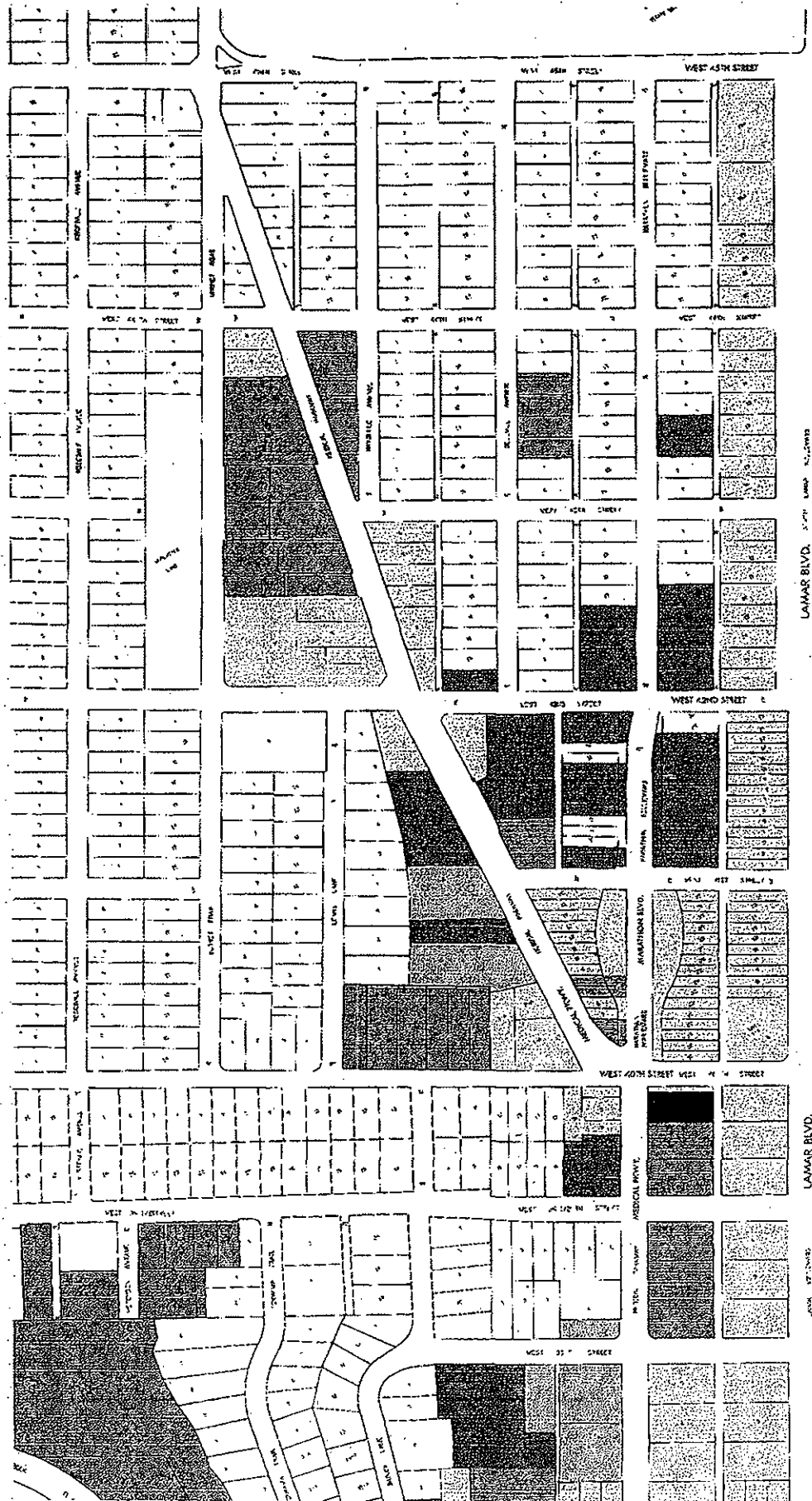
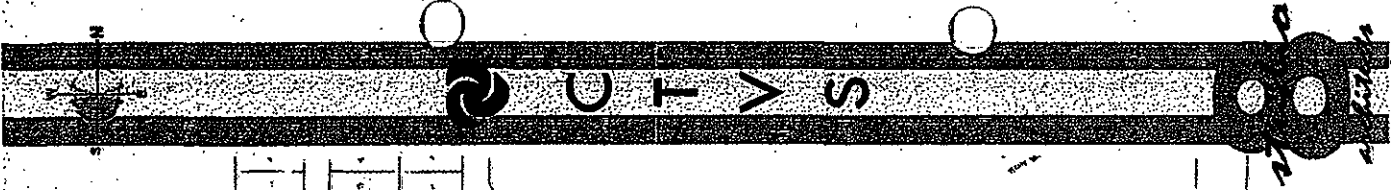
Included for your reference are profiles of what the building would look like in actual context once built. These profiles were made using actual photographs of the site from different angles and then adding in architecturally correct profiles of the building. In addition, as mentioned earlier, I also include a zoning map exhibit showing the subject tracts in the context of existing zoning in this part of town and along Medical Parkway.

In conclusion, we respectfully request your recommendation of CS zoning for the subject tracts, as recommended to you by City Staff and also restricted to the height, uses and FAR as outlined above. Please don't hesitate to contact me should you have any questions or need more information. Otherwise, we look forward to presenting the request on September 6th.

Yours Very Truly,

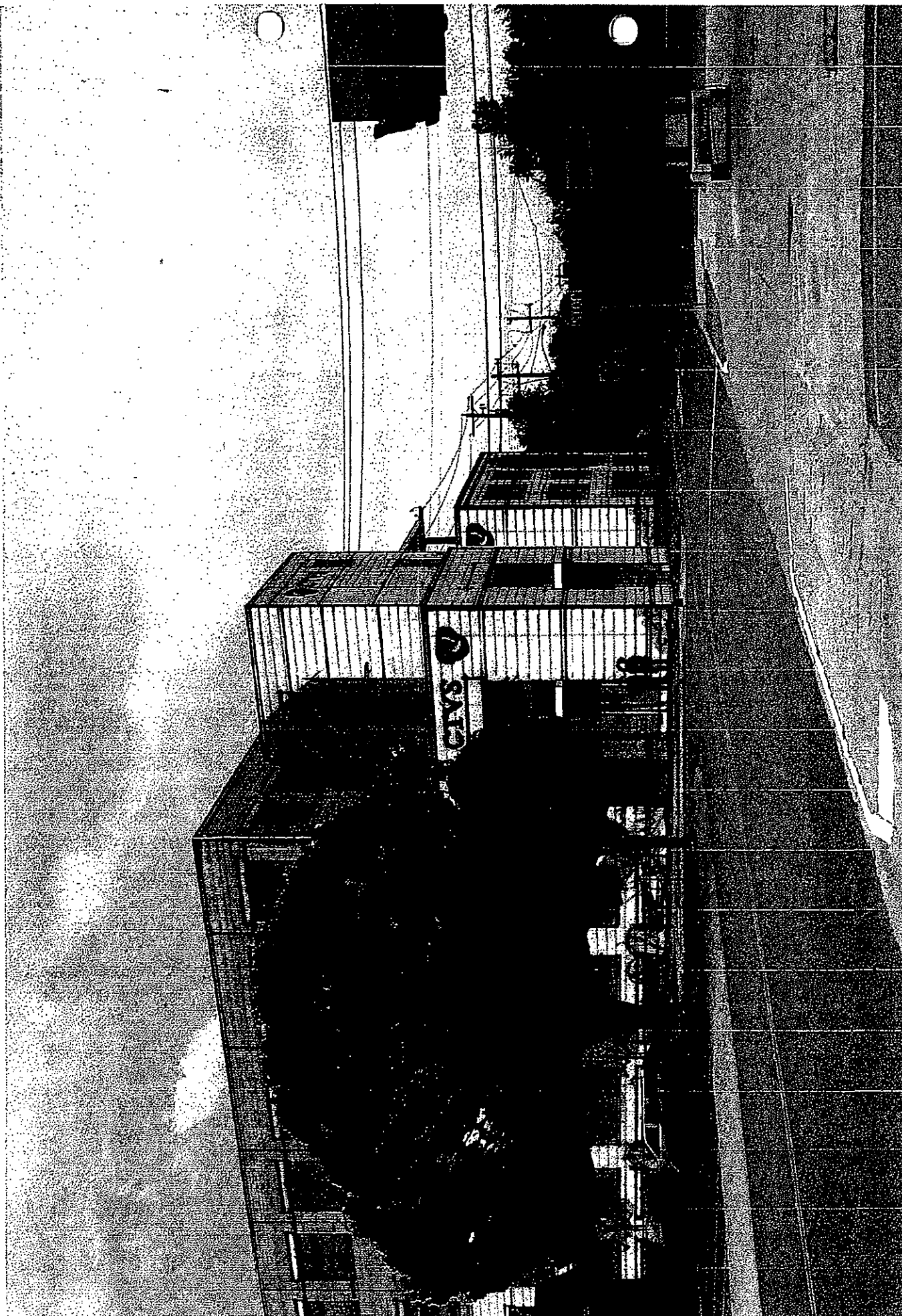


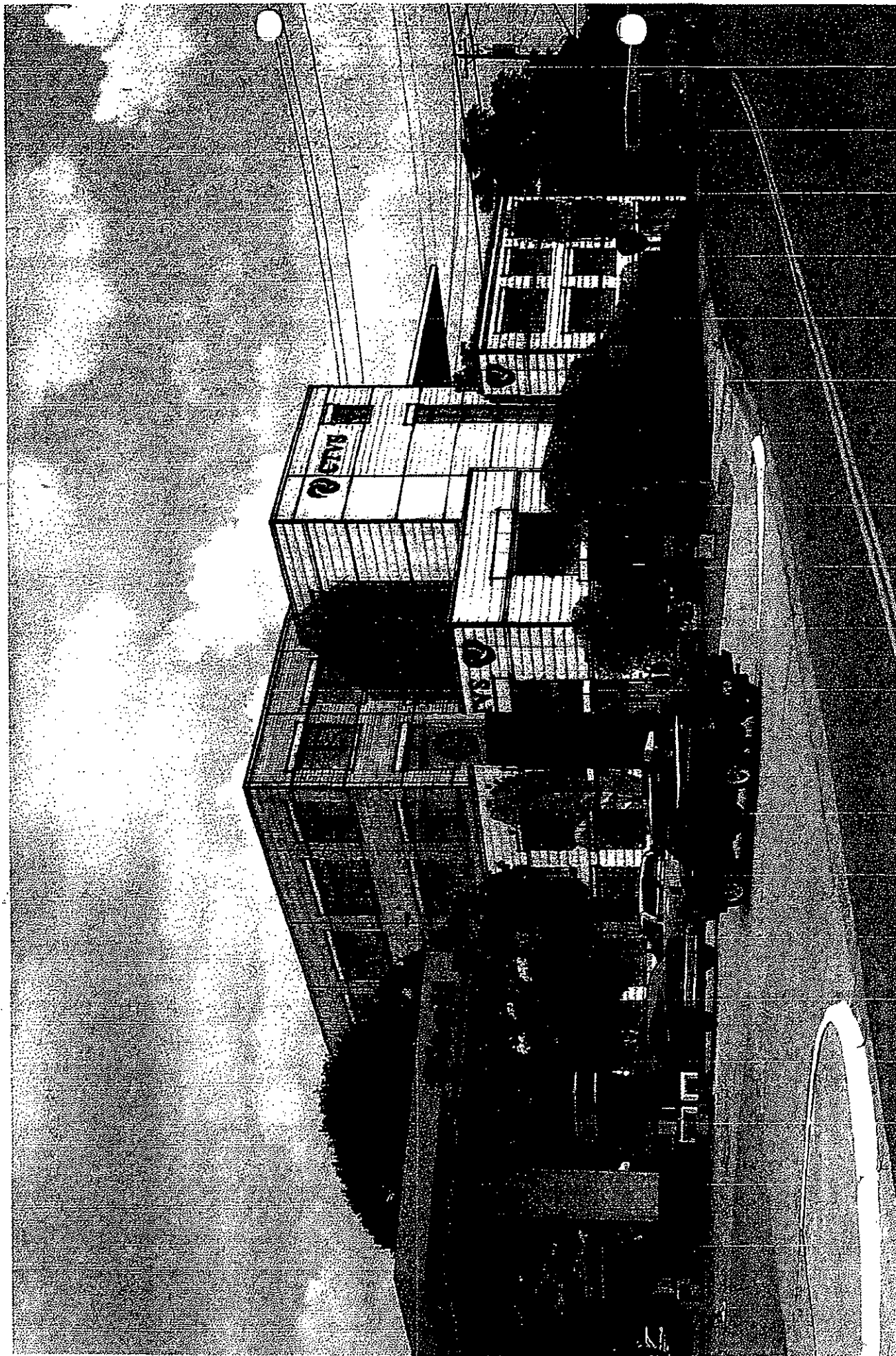
Henry H. Gilmore
Attorney for Applicant



CORRECTION SERVICE
UNITED OFFICE
HOCKESSWOOD COMMERCE
DOMINANT CONTROL
JUSTITIA

NING plan
Scale





PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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

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

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

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

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0080

Contact: Thomas Bolt, (512) 974-2755

Public Hearing:

August 2, 2005 Zoning and Platting Commission

M. H. CAOECHETT, J.A.

Your Name (please print)

3932 Medical Parkway

Your address(es) affected by this application

M. H. CAOECHETT, J.A.

Signature

7/25/05

Date

Comments:

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

City of Austin

Neighborhood Planning and Zoning Department

Thomas Bolt

P. O. Box 1088

Austin, TX 78767-8810

Bolt, Thomas

From: felicia adams [adams4203@yahoo.com]
Sent: Monday, June 27, 2005 9:20 PM
To: Bolt, Thomas
Cc: Chris Allen; mbrown1221@aol.com
Subject: Postponement for Case Number C14-05-0080

Tom,

Thank you for meeting with us on Friday regarding the zoning change request for 3919 Medical Parkway. The meeting was very informative and gave us a better perspective. After some discussion, the Rosedale Neighborhood Association would like to request a postponement of the hearing for the case currently scheduled for July 5, 2005. We would like to request a four week postponement so that we may resolve outstanding questions we have regarding:

- 1) Transportation
- 2) Drainage/Runoff
- 3) Further Discussion with Developer

Please let me know what else you need from us to secure a postponement. We sincerely appreciate your assistance in the matter.

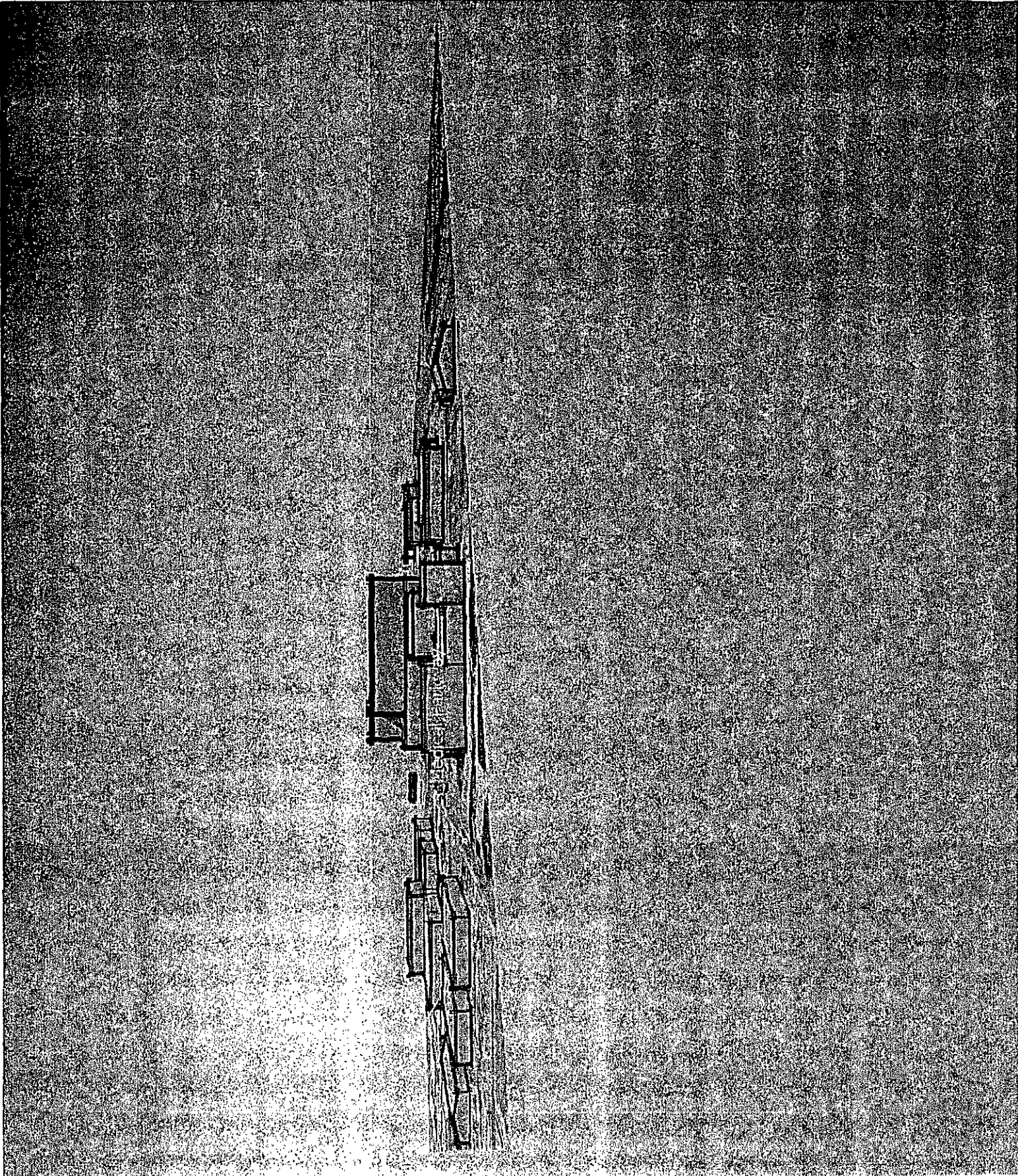
Felicia Adams
Co-president
Rosedale Neighborhood Association
adams4203@yahoo.com
512-426-4203

Felicia Adams
512-426-4203
adams4203@yahoo.com

6/28/2005

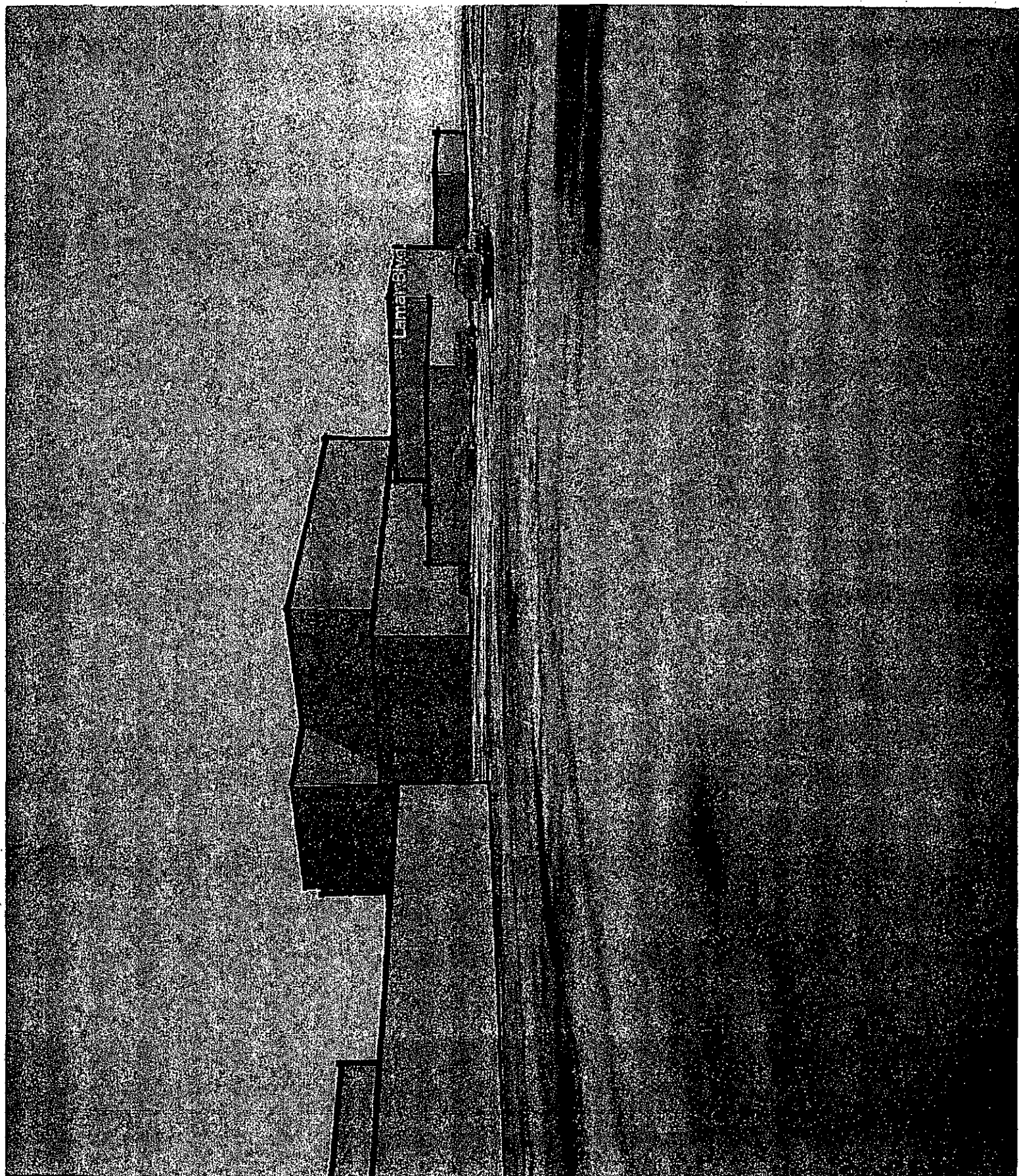
FROM SOUTH

SUBMITTED BY ROSEDALE NEIGHBORHOOD
ASSOCIATION



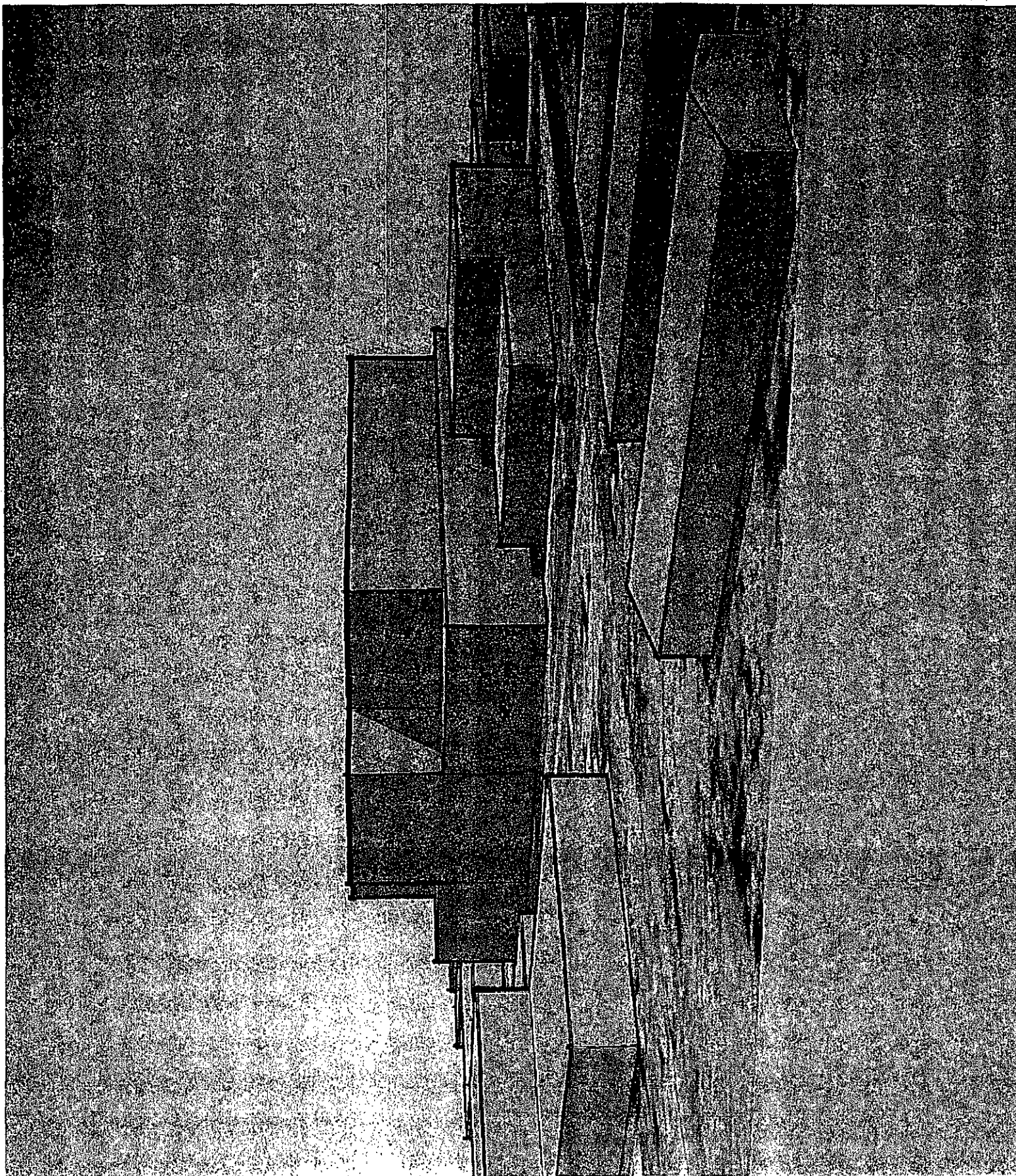
SUBMITTED BY ROSEDALE NEIGHBORHOOD
ASSOCIATION

FROM FRONT YARD OF RESIDENCE ON N. 39 1/2 ST.



SUBMITTED BY ROSEDALE NEIGHBORHOOD
ASSOCIATION

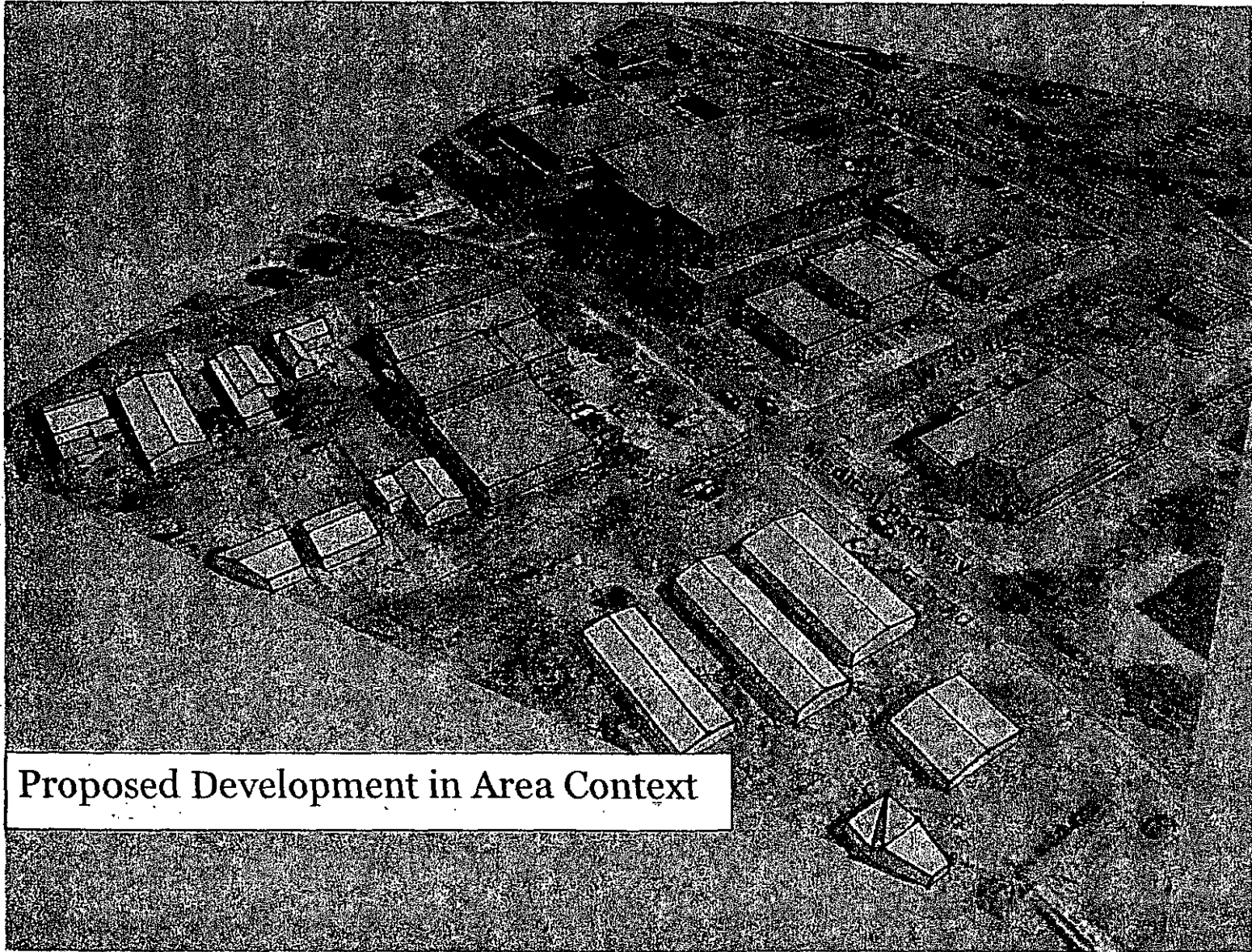
FROM SOUTHWEST



RECEIVED
AUG 12 2005
10:30 AM
Neighborhood Planning & Zoning

C14-05-0080

**Request to Recommend LR Zoning for
3919 & 3921 Medical Parkway**



Proposed Development in Area Context

§ 25-2-103 GENERAL COMMERCIAL SERVICES (CS) DISTRICT DESIGNATION.

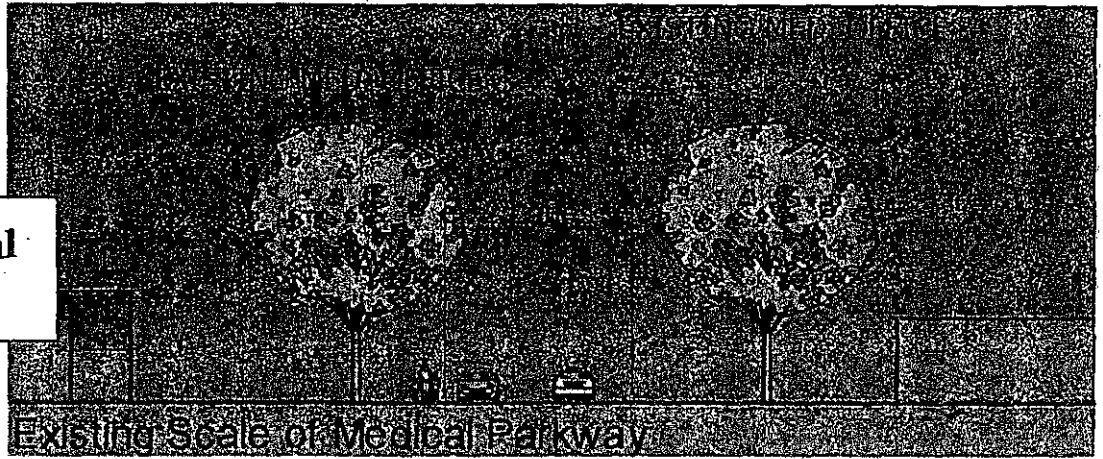
General commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

Source: Section 13-2-71; Ord. 990225-70; Ord. 031211-11.

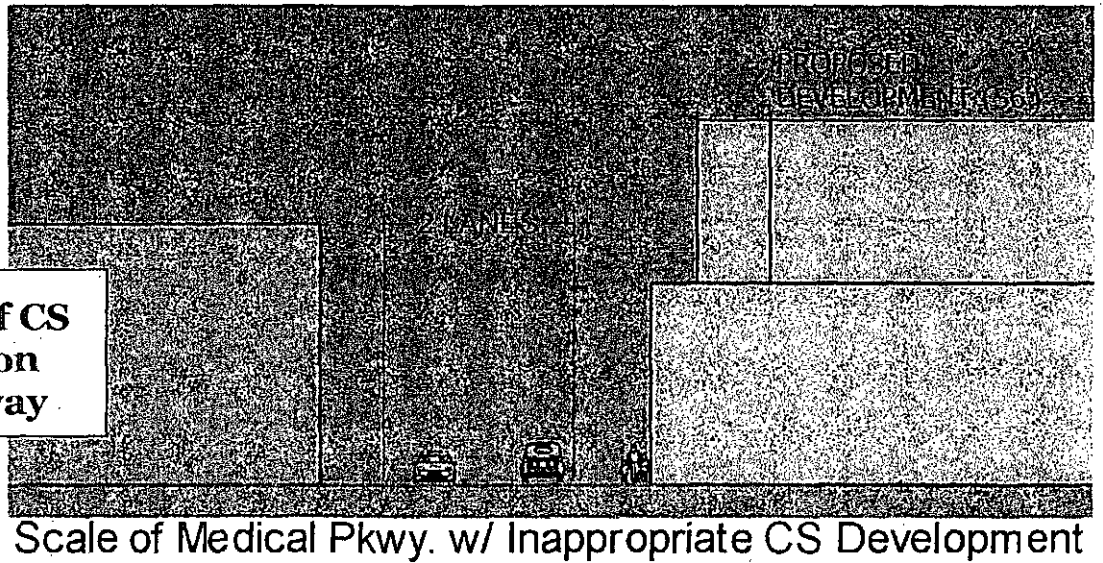
Rosedale NA Information Packet

The Rosedale Neighborhood Association welcomes the redevelopment of commercial properties on North Lamar, 38th Street, and Medical Parkway. We envision and support intensive CS (up to 60') on Lamar and 38th since they are major arterials. However, Medical Parkway bisects our neighborhood's SF-3 lots and we believe the intensity should transition down to LR zoning with a height of 40'.

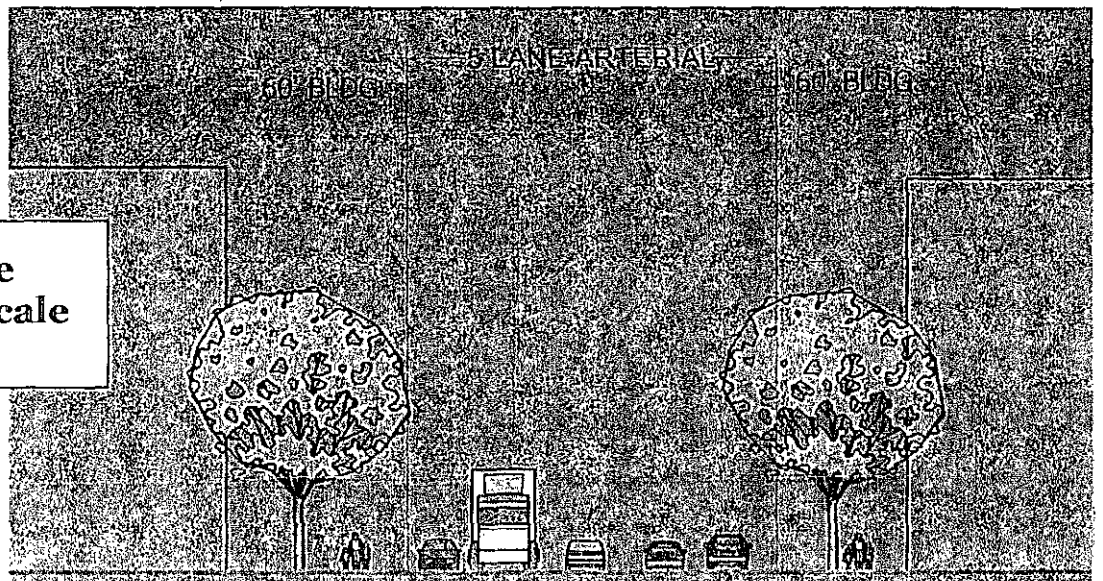
Existing Medical Parkway Scale



Canyon Effect of CS Development on Medical Parkway



Appropriate Commercial Scale on Lamar



MAJOR CONCERNS

- The Rosedale Neighborhood Association will not reach its turn in the City of Austin Neighborhood Planning process until late 2006.
- Allowing CS on this site would set a precedent that would preempt our ability to determine the future character of this area through Neighborhood Planning
- Existing CS lots on Medical Parkway which were designated as CS prior to today's zoning processes and development standards are not viable for full development due to size and proximity to residential lots. (See attached zoning map)
- A core goal of our Neighborhood Planning would be to downzone properties on Medical Parkway that were inappropriately zoned CS during the 1970's.
- City Staff did not acknowledge the difference in neighborhood character and scale between Lamar and Medical Parkway when they recommended CS. Staff based their decision on proximity to existing inappropriately zoned CS.
- In a Neighborhood Planning process, CS (with development scale similar to the buildings at 6th and Lamar) would not be recommended for a neighborhood collector like Medical Parkway.

SITE SPECIFICS

- Rosedale NA is concerned that a 3 story parking garage with 2 stories of office space is over development on only 2.5 residential lots.
- Granting the CS zoning is asking the neighborhood to permanently sacrifice the appropriate scale of the area to maximize their development potential.
- Granting CS would be quadrupling the development entitlement based on F.A.R. as compared to LR
- Proposed development would create a negative traffic impact on Medical Parkway due to the proximity of the garage entrance to an unusual intersection with a traffic island, difficult sight lines, and a Capital Metro-Bus Stop.
- Neighborhood concerns about how such a small site will handle dumpsters, medical waste, off-street loading, and EMS vehicles.
- This development would be welcomed on Medical Parkway on a larger lot with LR zoning and 40' height.

• DEVELOPMENT INTENSITY ANALYSIS

	LAMAR/38 th	MEDICAL PARKWAY
ROAD TYPE	Major Arterial	Neighborhood Collector
# OF LANES	5	2
TRAFFIC COUNTS	32,710	7,900
APPROPRIATE ZONING	CS	LR/LO
APPROPRIATE HEIGHT	60'	40'
FAR of APPROPRIATE DEVELOPMENT	2:1	.5:1
DEVELOPMENT SHOULD	Serve Austin Community	Buffer adjoining SF-3 lots

**Area Character:
Medical Parkway in Contrast to Lamar Boulevard**



Southeast corner of 38th and Lamar, showing buildings similar to the proposed development. This is an appropriate context for this scale of development, along five lane major arterials.

This is the tallest building on Medical Parkway (two floors over parking with a significant setback from each street). Medical Parkway is a low-scale, tree lined neighborhood street.



Rousselin, Jorge

From: Chris Allen [chris@somearchitect.com]

Sent: Monday, September 05, 2005 8:43 PM

To: Rousselin, Jorge

Cc: hgilmore@dbcslaw.com

Subject: Request for postponement

Jorge.Rousselin@ci.austin.tx.us

City of Austin Neighborhood Planning and Zoning Department

RE: c14-05-0080

3919 and 3921 Medical Parkway

Jorge:

On behalf of Felicia Adams (Rosedale NA president) I am requesting a postponement of the above referenced case. Ms. Adams is volunteering as a Case Worker with the Red Cross relief effort, and is dedicating all of her time to that cause. Additionally, Aletha St. Romain, our past president and scheduled speaker for the hearing, is aiding family and friends displaced by the disaster. Several of our other key speakers are focusing their spare time creating accommodations for refugees in neighborhood homes and apartments. It is therefore unlikely that many of us would be available to attend the hearing on Tuesday evening.

We remain eager to present our case and look forward to rescheduling the hearing on Tuesday October 4th.

We appreciate the understanding of staff and board members in this matter.

Sincerely,

Chris Allen
Rosedale NA past president

Cc: Henry Gilmore

9/6/2005

Rousselin, Jorge

To: Chris Allen

Subject: RE: c14-05-0080

From: Chris Allen [mailto:chris@somearchitect.com]

Sent: Thursday, October 20, 2005 3:07 PM

To: Rousselin, Jorge

Cc: atkinst@austin.rr.com; Joyce Brown; 'felicia adams'; 'Dianne Holley Mountain'

Subject: c14-05-0080

Jorge:

The Rosedale neighborhood has some questions about the proposed zoning at 3919-3921 Medical Parkway. We need your help to answer them.

1. The applicant states (in hearings and in writing) that the proposed building is to be 23,000 s.f. of medical office, with 79 parking spaces provided on site. Our calculations show that for 23,000 s.f. of medical office, 92 spaces would be required ($23,000/200=115$ x.8 urban core reduction= 92). Can you verify this calculation and explain where the additional required parking will be provided?

2. The lot at 3923 Medical Parkway is currently owned by Mr. Milton Crockett, but it is part of the tract CTVS plans to use for its new building. This lot is contiguous with the adjacent EZ's and Banzai restaurants, also owned by Mr. Crockett. For decades (as long as any of us can recall) the lot at 3923 Medical Parkway has been used to provide parking for the restaurants. Until recently, a sign on the site indicated that it was "Parking for EZ's customers". This use goes back at least to 1972, when 3923 Medical Parkway was rezoned CS to allow "erection of a sign and provide parking". That case number was c14-67-227.

Without this parking area, EZ's and Banzai will be left with far less parking than they need. On any given weekday, you'll find 20-30 cars parked on the vacant lot. If CTVS is allowed to build on these lots, where will EZ's customers park?

3. The EZ's building was built as 2J's restaurant in the 50's, but was remodeled and added to in 1995. The permits are very difficult to follow, but permit # 9501697 was issued on 2/10/1995. The permit states "Add and Remodel to Existing Restaurant". This project added seating area to the interior and an outdoor seating area. At that time, this would have triggered parking review. No site plan exemption should have been issued. It appears that an attempt to obtain a permit in January of 1995 failed (BP-94-4252S- it was rejected by zoning). The permit applicant returned a few weeks later and applied for the same project, using a DIFFERENT address (3914 N. Lamar). This time, the permit was approved. We would like to know whether parking was reviewed at that time, if a site plan was required or provided, and how changing the address fooled the system.

4. We have been told that Milton Crockett is planning to sell the lot at 3923 Medical Parkway to CTVS in exchange for ten parking spaces in the new CTVS garage. This tells us that Mr. Crockett knows that he needs the parking for EZ's. Of course, with LESS parking in their proposed garage than required to meet their own needs, CTVS is not in a position to sell parking to an adjacent business.

5. Similarly, CTVS staff has parked on the vacant lots for years. Mr. Crockett has told me that he used to rent parking space to them at 3923 Medical Parkway. CTVS will be vacating their offices at 1010 W. 40th, 4005 & 4009 Marathon Blvd. to consolidate their staff to the new building. When they do, their existing offices will be available for a new tenant. This tenant will face a parking shortage also, with the vacant lots gone. CTVS currently has approximately 17,000 s.f. of office at these addresses, with only 47 spaces available on site. This space would require 68 parking spaces, but only 47 will remain available. Taking away the overflow space they have on the vacant lots will dump another 21 cars on the neighborhood streets.

Bottom line- the proposed CTVS building will not only be short of the parking required for its own office needs, it will displace a good deal of parking that is required for EZ's, Banzai, and the new tenant(s) in the existing CTVS buildings.

If you've seen the news or Statesman lately, you know that Rosedale is dealing with major problems with medical parking spillover. We need all the help we can get from the City to ensure that this project doesn't take a bad parking situation and make it far worse.

Thanks for your help!

Chris Allen
Rosedale NA
467-2888

10/27/2005

JOHN CALHOUN MILLER
ATTORNEY AT LAW

1509 OLD WEST 38TH STREET #3
AUSTIN, TX 78731-6328
(512) 472-3135
Fax (512) 472-2620
jcalmiller@aol.com

November 3, 2005

Mayor Wynn and Members of the Austin City Council

Re: 3923 Medical Parkway, being a 24.83' wide portion of Lot 3, H.B. Seiders
Subdivision (regarding Zoning Case C14-05-0080)

Dear Mayor Wynn and Members of the Austin City Council:

I represent Crockett Partners, Ltd., the owner of the above referenced tract. There appears to be some uncertainty concerning this property's use, formal or otherwise, by Ez's restaurant at 3818 North Lamar Blvd. This letter is written to clarify what is known by my client regarding the same.

1. This property is leased by Crockett Partners, Ltd. to Jearl Ledbetter. The lease also includes the Ez's restaurant property at 3818 North Lamar. The lease with Ledbetter provides that Ledbetter "shall have the right to sublease the premises herein described in whole or in part . . ." but requires Ledbetter to remain liable to the landlord for all lease obligations and to provide landlord with copies of all subleases, transfers and assignments.
2. Based upon documents provided my client, Ledbetter subleased the property at 3818 North Lamar to Cheers, Inc. (Ez's restaurant). The property on Medical Parkway was not included within the sublease.
3. Regarding the property on Medical Parkway, my client is not aware of any requirement, contractual or imposed by the City, that it be used for required or overflow parking for Ez's restaurant.

I hope that this letter will assist in determining the proper resolution of this zoning matter.

Yours Very Truly,


John Calhoun Miller

Rousselin, Jorge

From: felicia adams [adams4203@yahoo.com]
Sent: Wednesday, November 16, 2005 2:17 PM
To: Rousselin, Jorge
Subject: C14-05-0080: RNA's Request for Postponement to December 1, 2005

Jorge,

As you are aware, this case is of critical importance to the Rosedale Neighborhood Association because of its enormous neighborhood impact and precedence setting potential. The attention of City Council to this case is of equal importance to us. It is with this in mind and the overly crowded 11/17 agenda that the RNA respectfully requests a postponement of the City Council hearing until the next scheduled meeting on December 1, 2005. While we understand that Council's agendas will be very full for the remainder of the year, we believe an alternate date with perhaps less contentious agenda items is a better alternative.

We would appreciate a confirmation via email.

Thank you for your assistance.

Felicia Adams
RNA Co-president
512-426-4203

Felicia Adams
512-426-4203
adams4203@yahoo.com

11/16/2005

Rousselin, Jorge

From: Zapalac, George

Sent: Wednesday, November 16, 2005 5:39 PM

To: 'Chris Allen'; Glasco, Alice; Guernsey, Greg; Rousselin, Jorge; McClendon, Carl

Subject: RE: (From Rosedale NA) CTVS/EZ's Parking

Chris:

This is what I've been able to determine from the research we've done. Some information is incomplete, so I've had to make assumptions in some cases.

According to the building plans for EZ's Restaurant (BP-94-4252S), the original building contained 3871 square feet and had an occupant load of 141 seats indoors. The outdoor seating area (added in 1995) is 745 square feet and has 40 seats. Banzai (formerly KFC) contained 1728 square feet and had an occupant load of 44 seats. Both of the original restaurants were grandfathered to the old parking ratio of 1 space per 4 seats, but the outdoor seating added in 1995 would have to comply with the new ratio of 1 space per 75 square feet. Therefore, the parking requirements would be:

Restaurant	Square feet	Seats	Parking Ratio	Parking Required	Parking Provided
EZ's (indoors)	3871	141	1:4 seats	(35)	
EZ's (outdoors)	745	40	1:75 s.f.	(10)	
EZ's (total)	4616	181		45	52
Banzai (KFC)	1728	44	1:4 seats	11	15
Total				56	67

Although I was not able to find a site plan exemption for the addition of the outdoor seating in 1995, my conclusion is that the expansion was determined to be in compliance with applicable parking requirements at the time. As I stated in our meeting on November 10, I found no evidence that off-site parking at 3923 Medical Parkway had ever been approved by the City for either restaurant. If off-site parking had been approved prior to about 1986, it would have required action by the Board of Adjustment. If off-site parking were approved after 1986, it would have required a site plan. I did not find a record of either type of permit, so I have to conclude that off-site parking was never approved by the City.

If the restaurants were subject to current regulations, the requirements would be:

Restaurant	Square feet	Parking Ratio	Parking Required	Parking Required with 20% Reduction	Parking Provided
EZ's (total)	4616	1:75 s.f.	62	50	52
Banzai (KFC)	1728	1:100 s.f.	17	14	15
Total			79	64	67

So under current regulations the two restaurants would still have enough parking to comply with the Code.

Please let me know if you have additional questions.

11/22/2005

Rousselin, Jorge

From: Chris Allen [chris@somearchitect.com]

Sent: Monday, November 21, 2005 4:02 PM

To: Rousselin, Jorge

Subject: RE: Permit question

Hi Jorge:

Gina has been bounced all over the phones at OTC, but finally got hold of Steve Sadowsky in historic preservation. For the record, it looks like CTVS hauled off two houses in the night, on two separate occasions, without permits. Steve is initiating the red-tag and fine process, but it will just be a slap on their wrists.

We've also contacted code compliance to red-tag them for parking on the lots they insist are "illegal" parking lots. Many of the cars parked their every day belong to CTVS staff. They can't have it both ways.

BTW, EZ's confirmed last week that Layton Wilson continues to promise them spaces in the new CTVS garage.

They don't seem to take the City very seriously, do they? They certainly seem to know how to beat the system.

Have a great evening!

Chris

11/22/2005