

Agenda Items 35/36

October 4, 2005

Reference: C 14-05-0106

Reference: C 14-05-0106.02

Honorable Mayor Will Wynn and City of Austin Council Members,

As residents of the Pleasant Hill Addition sub-district located in the West Congress Avenue Neighborhood Planning Area, we are concerned about upcoming zoning decisions and their impact on our community. We are proud to live in a neighborhood that offers such a unique glimpse into Austin's historical, cultural and architectural heritage - a heritage we believe is worth protecting. Our neighborhood is in transition with restored turn-of-the-century homes and new homes being built. Additionally, the remaining natural areas in our community provide dwindling urban wildlife with critical travel routes, food, water, and shelter.

It is our sincere belief that the following zoning recommendations will safeguard current residents while preserving the area's unique flavor and resources for future generations to enjoy.

We respectfully request your support for the following zoning recommendations:

- SF-2 for Tract 18 (106-200 W. Mockingbird Lane)
- SF-2 for Tract 23A (106 Red Bird Lane, alternately shown as 116 Red Bird on the proposed zoning change sheets). Alternate request: LO-MU-CO-NP.
- SF-3 and SF-6 for Tract 30 (103 Red Bird). The property owner plans to request CS-MU-CO-NP zoning. However, according to the City's own Neighborhood Planning and Zoning Guidelines, "CS is generally incompatible with residential environments." (Neighborhood Planning Guide to Zoning, page 23, April 2005). We oppose the CS designation because a construction business on 3/4 acre with 30+ employees, service trucks and semi-truck deliveries is not compatible with a residential neighborhood with children and hearing-impaired adults. Mr. Harper's business has evolved over recent years and outgrown its location. We request to be heard regarding this parcel at the council meeting scheduled for October 6th. Alternate request: LO-MU-CO-NP.
- LO-MU-NP for Tract 35 (306-314 Stassney). LO is noted by city staff on the Future Land Use Map of August 18. The new GO recommendation is undesirable because it would allow a 60' building to be erected next to residences.
- LO-MU-NP for 400-414 Stassney. (Corner of Hummingbird; (See reference C14-05-0106.02.). Most of this property is in the flood plain, which limits its desirability for development. The city staff's GO recommendation is undesirable because it would allow a 60' building to be erected next to a residence. LO is listed on the Future Land Use Map of August 18.

Thank you for your consideration.

Sincerely,

Mary Rocamora

Mary Rocamora

Aldo Guevara

Aldo Guevara

Jon M Donaldson

Jon M Donaldson

Robin H Gary

Robin H. GARY

John Van Strien

John Van Strien

John Haest

John Haest

305 W. Mockingbird Ln

311 W Mockingbird Ln

305 W Mockingbird Ln

300 W. Mockingbird Ln

207 W. Mockingbird Ln.

110 W Mockingbird Ln.

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Elizabeth	Elizabeth Wallerstein	109 W. Mockingbird Ln
Julie Jacobs	Julie Jacobs	312 W. Mockingbird Ln
Dennis J. Jacobs	Dennis J. Jacobs	312 W. Mockingbird Ln
Audrey Powers	Audrey Powers	106 W. Mockingbird Ln.
Kevin Mackie	Kevin Mackie	306 W. Mockingbird Ln.
Chris Reno	Chris Reno	128 W. Mockingbird Ln.
Katya Reno	Katya Reno	128 W. Mockingbird Ln.
Pedro Jaramillo	Pedro Jaramillo	
Pedro Jaramillo	Pedro Jaramillo	301 W. Mockingbird Ln.
Christa M. Riddington	CHRISTA M. RIDDINGTON	314 W. Mockingbird Ln.
Ian Riddington	Ian Riddington	314 W. Mockingbird Ln.

12 properties represented:
(11 homeowners + 1 renter)

12 properties, (2nd letter) represented
 18 properties, (1st letter) represented

 29 homeowners/ signed letters
 properties
 3 renters signed letters
 (plus additional spouses)

October 4, 2005

Page 1 of 2

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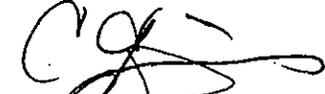
Thank you for your consideration.

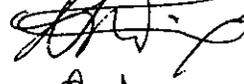
Sincerely,

1 REXFORD BURNS ~~Tract 18~~ 205 RED BIRD
 2 Andrea Thomas Andrea Thomas 309 Red Bird
 3 Opal Keeling Opal Keeling 5502 Hummingbird La
 4 Felix Michael Estrada ~~Tract 35~~ 5507 - 5507 BLUE BIRD LN
 209 - 206 STASSNEY

Reference: C 14-05-0106
Reference: C 14-05-0106.02

2) SPEEDY N. PHILLIPS  5500 BLUE BIRD LN.

6) Chuck GRIMES  312 W Stassney LN

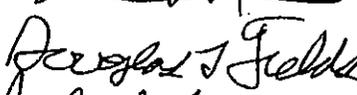
4) Luis PINHEIRO  312 W. Stassney LN

Adam Hudson  312 W. Stassney Ln

7) EVAN A. HENDRIX  306 RED BIRD LN

8) William R. Hendrix  300 Red Bird Ln

9) H. B. MASSINGILL III  110 RED BIRD LN

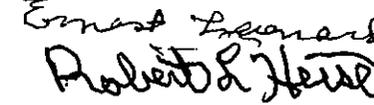
10) DOUGLAS J. FIELDS  310 RED BIRD LN

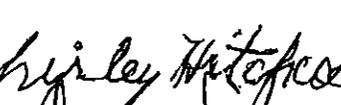
Rachael Horner  314 Redbird Ln.

12) Ann E. Harris  307 Redbird Ln

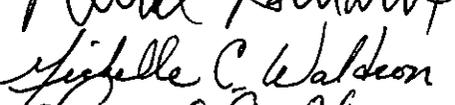
13) ALEJANDRO LOREDO  204 Red Bird LN

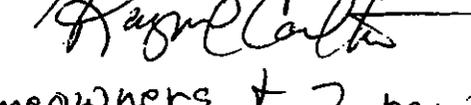
Liz Kempf  director of day care ctr
200 W. Stassney

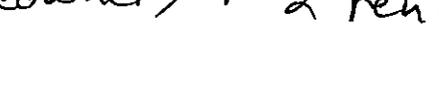
14) Ernest LEONARD  306 W. Stassney

15) Robert L. Heise  5501 Blue Bird Ln A

6) Shirley HITCHCOCK  313 Red Bird

17) DERRAL HENDRIX  304 Red Bird Ln.

8) MICHELLE C WALDRON  5505 Hummingbird Lane

RAYMOND CARLTON
(renter of 10 yrs)  309 B Red Bird Ln

(18 homeowners + 2 renters)

Agenda Items 35/36 Tract 30

PETITION

Case Number: **C14-05-0106** Date: Oct. 5, 2005

Total Area within 200' of subject tract: (sq. ft.) 271,314.05

1	<u>04-1508-0411</u>	<u>MASSINGILL BRADFORD III</u>	<u>17,411.27</u>	<u>6.42%</u>
2	<u>04-1508-0413</u>	<u>LOREDO ALEJANDRO & SERAFIN LOR</u>	<u>14,258.30</u>	<u>5.26%</u>
3	<u>04-1609-0302</u>	<u>BURNS REXFORD J JR</u>	<u>41,300.32</u>	<u>15.22%</u>
4	<u>04-1609-0301</u>	<u>HEISE ROBERT LEE</u>	<u>7,443.76</u>	<u>2.74%</u>
5				<u>0.00%</u>
6				<u>0.00%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
19				<u>0.00%</u>
20				<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>
26				<u>0.00%</u>
27				<u>0.00%</u>
28				<u>0.00%</u>

Validated By:	Total Area of Petitioner:	Total %
<u>Stacy Meeks</u>	<u>80,413.66</u>	<u>29.64%</u>

PETITION

Date: 10-04-2005

File Number: C 14-05-0106

103 Red Bird Lane Austin, Texas 78745

Rezoning Request: LO-MU-CO-NP

To: Austin City Council

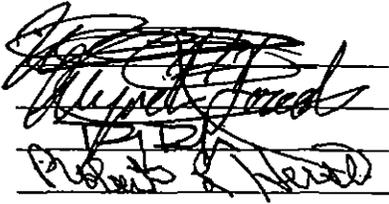
We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LO-MU-CO-NP

The property owner plans to request CS-MU-CO-NP zoning. However, according to the City's own Neighborhood Planning and Zoning Guidelines, "CS is generally incompatible with residential environments." (Neighborhood Planning Guide to Zoning, page 23, April 2005). We oppose the CS designation because a construction business on 3/4 acre with 30+ employees, service trucks and semi-truck deliveries is not compatible with a residential neighborhood with children and hearing-impaired adults. Mr. Harper's business has evolved over recent years and has outgrown its location.

Signature

Printed Name

Address


~~Robert L. Heise~~
~~Robert L. Heise~~
Robert L. Heise

~~H.B. MASSINGILL THE~~
~~Alexandro Loredo~~
~~REXFORD BURNS~~
Robert L. Heise

~~110 RED BIRD LN~~
~~204 RED BIRD LN~~
~~205 RED BIRD~~
5501 Blue Bird Ln A

Contact number : Rex Burns : cell 228-4040 wk 444-0716

Agenda Item
35/36
Tract 30

October 3, 2005

Deral Hendrix
304 Red Bird Lane
Austin, Texas 78745
512.447.4289
deral@austin.rr.com

Re: C14-05-0106, Tract 30

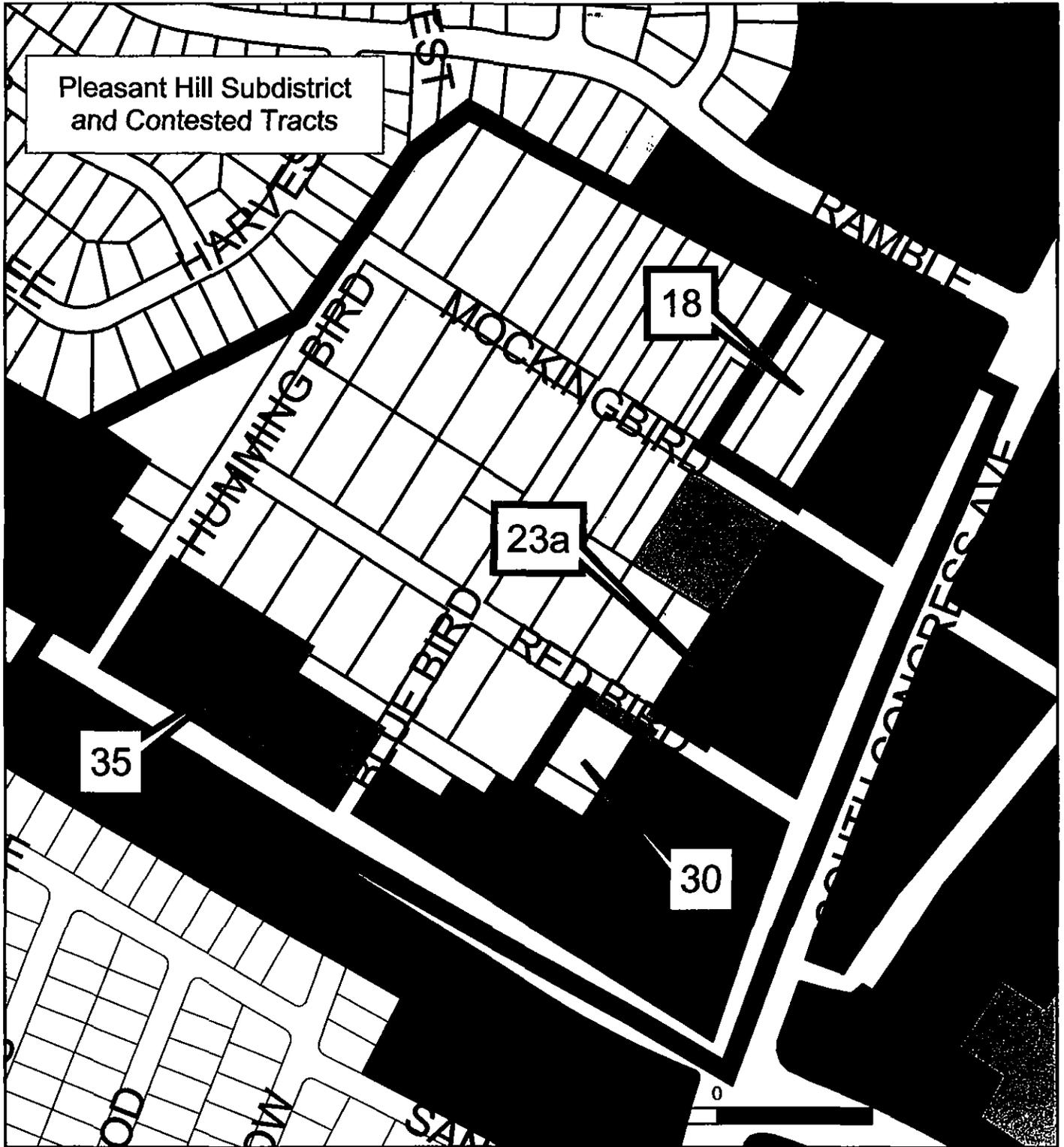
Dear City Council:

I am one of 32 owner/occupants of property on the 'Bird' streets within the Pleasant Hill Subdistrict – West Congress Neighborhood Planning Area Rezoning. In this area there are also 5 lots, 2 unoccupied houses recently relinquished by elderly owner/occupants, 11 renters (7 of whom live in one condo unit), and then there is Tract 30, a business incompatible not only within this neighborhood but within any neighborhood. The obvious mathematical translation here is that 73% of our little enclave is owner/occupied. The business (Tract 30) comparison is somewhat less than 1%.

In the 8-30-05 neighborhood letter to you preceding the 9-1-05 council meeting, a description of the Tract 30 business from a neighborhood perspective was given. At that council meeting, the neighborhood recommended zoning of SF-3-NP was presented by city staff and noted that "staff does not object to the neighborhood's recommendations". Mr. Tommy Harper, owner-operator of Tract 30, appeared and spoke of a "grandfather clause" and the hardship and detrimental effect the SF-3-NP zoning would have on his business, should he have to move.

My understanding is that since that meeting the council-requested research by city staff reveals no "grandfather clause" for use of this lot, which means that Mr. Harper has not been compliant with zoning for over 20 years. He is now requesting that the council approve his request for zoning the property CS....., not the neighborhood-requested SF-3-NP nor the Planning Commission/city staff-requested LO-MU-CO-NP. I further understand that this CS..... zoning, which is totally incompatible within a residential neighborhood, "will not be objected to by staff". The only explanation I have garnered for this bizarre 180 degree sudden flip-flop by staff is that "Mr. Harper needs that zoning to be compliant", a truism of the first order.

As for the detrimental effect spoken of by Mr. Harper, which he says means he will be forced out of business, thereby depriving 30+ people of their jobs and he and his family of its business income, this should be viewed with clear and open eyes. First of all, this business is on a lot less than twice the size of mine. Picture, if you will, seven or eight service trucks, two or three forklifts, three or four buildings, the usual multitude of stacks of construction and manufacturing materials, and the vehicles of that many employees all



Pleasant Hill Subdistrict
and Contested Tracts

**Pleasant Hill Subdistrict of the
West Congress Neighborhood Planning Area:
Future Land Use Map
EXHIBIT A**

City of Austin
Neighborhood Planning and Zoning Department
October 6, 2005



A comprehensive plan does not constitute zoning.

Future Land Uses

- | | |
|------------------------------|------------------|
| Single-family | Office |
| Higher-Density Single Family | Mixed Use/Office |
| Multi-family | Industry |
| Commercial | Civic |
| Mixed Use | Open Space |

Pleasant Hill Subdistrict

- Pallets brought in from warehouses and industrial areas bringing with them rat nest, mice, possums, hornets.
- There is a dumpster with garbage & food in it, attracting animals.
- Piles of material and equipment have lured thieves onto the lot. I've scared off more than one trespasser.
- I have a 100 square foot organic garden on the back of my lot and I worry about the runoff from all the machines and chemicals stored, seeping into the ground.
- Earlier this week a surveyor was in my yard painting marks on my grass. When I asked him what he was doing, he said he was hired by Mr. Harper. No one ever asked if they could come on my property.
- I also wonder what impact all the semi-truck traffic is having on my street and the infrastructure underneath it.

The final thing I'd like to point out is many contractors competed for the playground contract with the city that Mr. Harper is now fulfilling. How would other contractors feel if they knew the winning bid went to some one in an illegal business space? People playing by the rules didn't get the contract.

I urge you to zone Tract 30 LO-MU-CO-NP.

Sincerely,



Brad Massingill
110 Red Bird La.
462-9834

HARPER CONSTRUCTION
203 REDBIRD

