

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0107

Z.A.P. DATE: November 3, 2009
December 1, 2009
February 2, 2010

ADDRESS: 9500 Neenah Avenue

OWNER/APPLICANT: Catholic Diocese of Austin (W.M. Mulvey)

AGENT: Baker-Aicken & Associates (Arnold Gonzales, Jr.)

ZONING FROM: SF-2

TO: MF-4*

AREA: 14.92 acres

* On November 30, 2009, the applicant sent the staff an e-mail stating that they concur with the staff's recommendation for GO-CO zoning for this property and would like to proceed with an amended request for GO-CO zoning.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GO-CO, General Office-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day and would permit 'NO' district uses and civic uses.

In addition, if the requested zoning is granted for this site, then 57 feet of right-of-way should be dedicated from the existing centerline of Neenah Drive in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55). This requirement will be handled through a street deed between the applicant and the City prior to third reading of the zoning case at City Council.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

11/03/09: Postponed to December 1, 2009 at the applicant's request (7-0); D. Tiemann-1st, T. Rabago-2nd.

12/01/09: Postponed by the Zoning and Platting Commission to February 2, 2010 (7-0); D. Tiemann-1st, S. Baldrige-2nd.

02/02/10: Approved the staff's recommendation of GO-CO zoning on consent (7-0); D. Tiemann-1st, T. Rabago-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with a religious assembly use, St. Vincent de Paul Catholic Church. The applicant is requesting a re-zoning to construct a new church sanctuary, storage building, religious education building and an additional parking area on the site. To the east, there is a private primary school use, Holy Family Catholic School - Lefner-Kellerman Campus. Last year the Catholic Diocese of Austin requested an annexation and GO-CO zoning (Case C14-2008-0045) for a 45.20 acre site to the east, located at the terminus of Neenah Avenue, to construct a secondary educational facility, St. Dominic Savio Catholic High School.

The staff recommends the GO-CO zoning for the site under consideration with the same conditions that were approved for zoning case C14-2008-0045. This staff believes that this tract of land meets the intent of the 'GO' district as it will provide a use that serves community and city-wide needs. The proposed zoning will promote consistency and orderly planning because this site is located adjacent to two existing GO-CO zoning parcels to the east. The zoning of this property will allow for the redevelopment of the church sanctuary with accessory structures and an additional parking area. Therefore, the religious assembly use will continue to provide services to the surrounding residential areas to the south and west and to the planned single-family residential subdivision in the Avery Ranch PUD to the north.

The applicant does not agree with the staff's recommendation. The church is seeking MF-4, Multifamily Residence-Moderate-High Density District, zoning for this property. The applicant has stated that they would prefer MF-4 zoning to GO zoning so as to not have to comply with City of Austin Commercial Design Standards (Land Development Code, Subchapter E). The staff does not support MF-4 zoning at this location because it is considered spot zoning as there is no MF-4 zoning in this area. The staff's recommendation for GO-CO zoning is consistent with established land use designations on the other tracts of land owned by the Catholic Diocese to the east. The development standards for the GO district will allow the applicant to redevelop this site, while limiting to property to office uses that maintain daytime operating hours within a low density single-family residential neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Religious Assembly (Current St. Vincent de Paul Catholic Church)
<i>North</i>	PUD (Avery Ranch PUD)	Undeveloped (Platted Single-Family Lots)
<i>South</i>	SF-2, MF-3	Single-Family Residential, Water Protection Facility (Detention Pond)
<i>East</i>	GO-CO	Private Primary School (Holy Family Catholic School - Lefner-Kellerman Campus)
<i>West</i>	SF-2	Religious Assembly (Lord of Lutheran Church)

AREA STUDY: N/A

TIA: Not required

WATERSHED: Lake Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Avery Ranch Homeowners Association, Inc.
Austin Monorail Project
Austin Parks Foundation
Davis Spring HOA
Davis Springs HOA
Home Builders Association of Greater Austin
Homeless Neighborhood Association
League of Bicycling Voters

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0045 - 9400 Neenah Avenue	Unzoned to GO-CO	4/01/08: Approved the staff's recommendation of GO-CO district zoning: the CO to limit the development intensity on the site to less than 2,000 vehicle trips per day, permit 'NO' district uses and civic uses, and prohibit access to Bromsgrove- except for pedestrian, bicycle and emergency access, and with an additional condition that the site plan will come back to the Zoning and Platting Commission for approval (This condition would make Private Secondary Educational Facility a conditional use on the site, thereby, requiring a conditional use site plan on this property for this use to go before the Zoning and Platting Commission for approval.). Vote: (6-0, T. Rabago, J. Martinez-absent); K. Jackson-1st, C. Hammond-2nd. The staff determined that the applicant had already filed a site plan for this property prior to the zoning public hearing (Site Plan Case: SP-2008-0095D). A "D" site plan was submitted to the City on March 26, 2008, because this property is currently located in the County within the City of Austin ETJ. Therefore, the Commission's requirement for a conditional use permit on this site would be null	5/08/08: Postponed to May 22, 2008 at the applicant's request (7-0) 5/22/08: Approved the ZAP rec. with the additional condition from Transportation that specifies a bicycle-pedestrian path that connects to the abutting subdivision to the north (7-0); 1st reading 6/18/08: Approved GO-CO zoning by consent with an effective date of July 7, 2008 (7-0); 2nd/3rd readings

		(and any compatibility requirements). However, the building will still need to come in for City review when it is annexed with the zoning case.	
C14-99-0042	SF-2 to GO	4/06/99: Approved staff rec. of GO-CO by consent (9-0), permit 'NO' uses and civic uses	5/06/99: Approved PC rec. of GO-CO (6-0); all 3 readings
C814-99-0001.05	To amend the PUD to rezone 14.694 acres of land from I-RR to PUD to be incorporated into Tracts III-G and III-H of the Avery Ranch Planned Unit Development (PUD) and to amend the Avery Ranch PUD Land Use Table to permit Village Center Residential (VCR) uses, Service Station use, Liquor Sales use (not to exceed 6,000 square feet and prohibiting Cocktail Lounge), and Mobile Home Residential use on Tract II-E of the PUD.	4/04/06: Approved staff's recommendation for PUD amendment by consent (7-0, T. Rabago, J. Pinnelli-absent); J. Martinez-1 st , J. Gohil-2 nd .	5/18/06: Approved PUD amendment by consent(7-0); all 3 readings
C814-99-0001.04	PUD to PUD	9/06/05: Approved staff's recommendation of PUD zoning by consent (9-0)	
C814-99-0001.03	PUD to PUD	9/21/04: Approved staff's recommendation of PUD amendment by consent (7-0, K. Jackson-off dias, J. Gohil-absent)	5/12/05: Postponed indefinitely by the applicant (7-0)
C814-99-0001.02	PUD to PUD	1/28/03: Approved staff's recommendation of PUD zoning (6-0, J. Martinez, K. Jackson-off dias)	2/27/03: Granted PUD zoning as rec. by the ZAP Commission on 1 st reading (6-0, Goodman-off dias)

			4/24/03: Approved PUD (6-0, Garcia-off dias); 2 nd /3 rd readings
C814-99-0001.01	PUD to PUD	6/18/02: Posponed to 7/16/02 by the applicant (8-0, A. Adams-absent) 7/16/02: Postponed to 7/30/02 by the staff for re-notification purposes (6-0, M. Casias/ D. Castaneda/ K. Jackson-absent) 7/30/02: Postponed to 9/10/02 by the applicant and neighborhood (6-0, V. Aldridge-absent) 9/10/02: Approved staff's recommendation for PUD zoning; by consent (6-0, D. Castaneda-absent)	10/10/02: Granted PUD on 1st reading (7-0) 1/30/03: Approved PUD amendment (7-0); 2 nd /3 rd readings

RELATED CASES: N/A

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Neenah Avenue	90'	40'	Arterial (MAD0/4, AMATP)	1516 (COA, 08/07/07)

CITY COUNCIL DATE: December 10, 2009

ACTION: Postponed to February 11, 2010 at the staff's request (6-0., M. Martinez-absent); L. Morrison-1st, R. Shade-2nd.

February 11, 2010

ACTION:

ORDINANCE READINGS: 1st

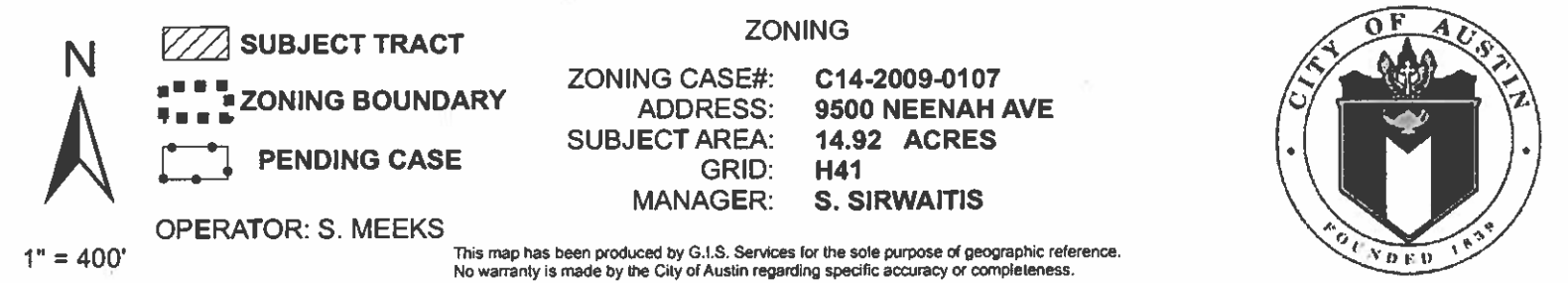
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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



This aerial photograph shows a residential neighborhood with a specific parcel highlighted by a red outline. The parcel is situated between Glen Echo Dr and Spanish Village Dr, east of the railroad tracks. The surrounding area includes various streets such as Glen Echo Dr, Spanish Village Dr, and Cordero Dr. A north arrow is located in the top right corner of the image.

STAFF RECOMMENDATION

The staff's recommendation is to grant GO-CO, General Office-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day and would permit 'NO' district uses and civic uses.

In addition, if the requested zoning is granted for this site, then 57 feet of right-of-way should be dedicated from the existing centerline of Neenah Drive in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55). This requirement will be handled through a street deed between the applicant and the City prior to third reading of the zoning case at City Council.

BASIS FOR RECOMMENDATION

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

General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses.

The proposed GO-CO site will allow for the redevelopment of a religious assembly use that will serve the surrounding residential areas to the north and south. The new church sanctuary will be located directly adjacent to an existing private primary school and a developing private secondary school on an arterial roadway that is planned to continue through to the east.

2. The proposed zoning promotes consistency and orderly planning.

The proposed zoning is consistent with surrounding land use patterns as there are two existing tracts of land with GO-CO zoning to the east of this site. The up zoning of this property from SF-2 to GO-CO will permit an increase in development standards on the site with which the applicant can construct a new church sanctuary, storage building, religious education building and an additional parking area on this tract of land.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is developed with a religious assembly use, St. Vincent de Paul Catholic Church. To the north there are single-family lots within the Avery Ranch Planned Unit Development. To the east, the property is developed with a private primary school and a private secondary school under construction. To the south, across Neenah Avenue, there is a single-family neighborhood (Davis Springs). To the west of the site, is another religious assembly use, Lord of Life Lutheran Church.

Impervious Cover

The maximum impervious cover allowed by the MF-4 zoning district would be 70%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

The site is located over the North Edward's Aquifer Recharge Zone. It is in the Desired Development Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by

Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

1. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.
2. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
3. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
4. Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:
 - Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.
5. At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.
6. The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8: Endangered Species in conjunction with subdivision and/or site plan process.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for Neenah Drive. If the requested zoning is granted, then 57 feet of right-of-way should be dedicated from the existing centerline of Neenah Drive in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. Note: Currently, there is approximately 45 feet of right of way available from the centerline of Neenah Drive.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Neenah Drive	90'	MAD 4	Arterial	Yes	No	No

Water Quality

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

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

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the northwest property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- 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.



TOTAL SITE = 14.92 AC

EXIST:

CHURCH/MULTI-PURP BLDG = 16,724 SF

OFFICE = 4,800 SF

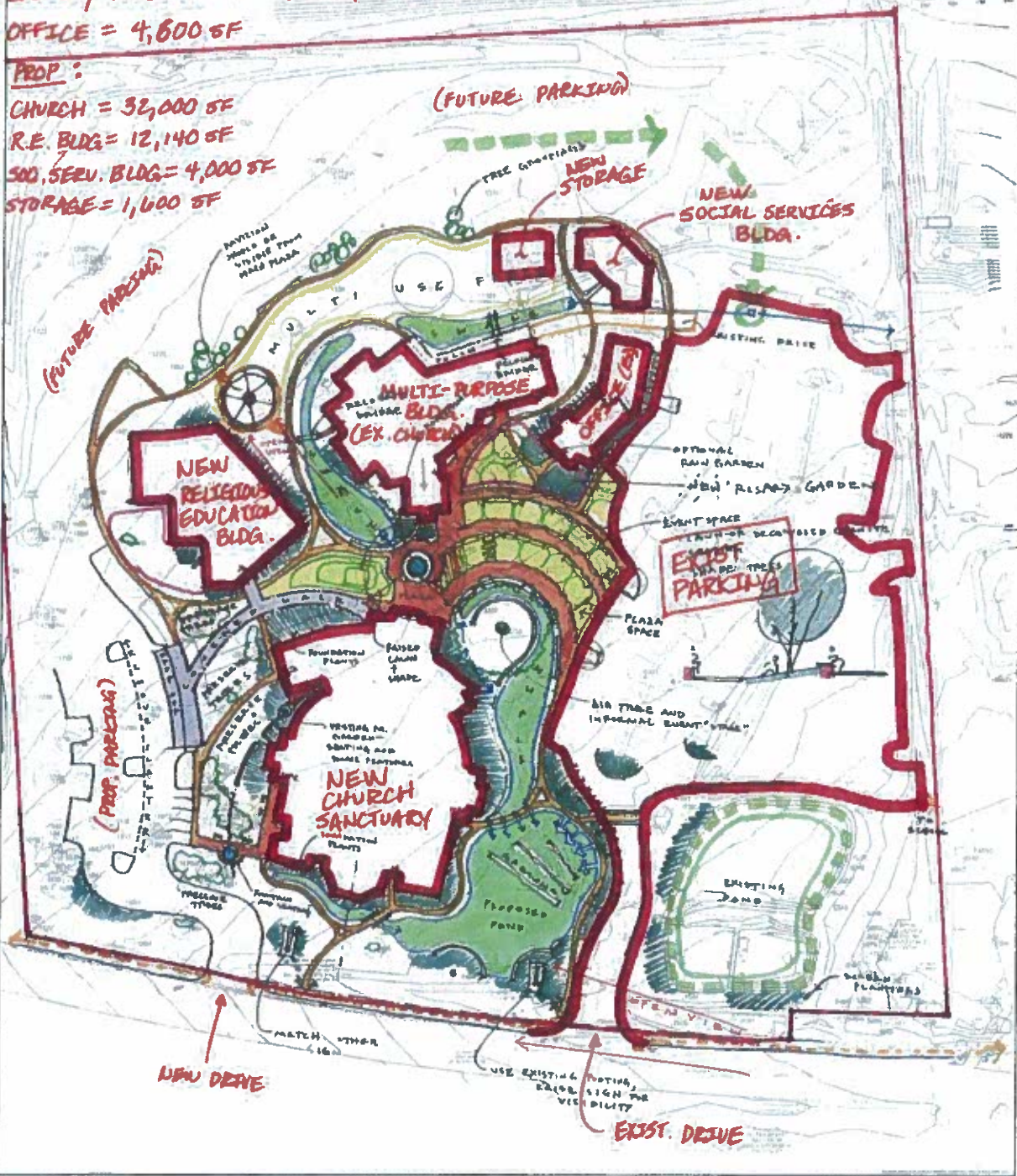
PROP:

CHURCH = 32,000 SF

R.E. BLDG = 12,140 SF

SOC. SERV. BLDG = 4,000 SF

STORAGE = 1,600 SF



Attachment A

Sirwaitis, Sherri

From: Arnold Gonzales [agonzales@baker-aicklen.com]
Sent: Monday, November 30, 2009 2:57 PM
To: Sirwaitis, Sherri
Cc: John D Cooke; mike moore; Mark Fair; Ron Walker; Fr. Danny Garcia
Subject: Re: SVdP Zoning and Platting Meeting

Sherri,

I've confirmed with the SVdP building committee members and the Diocese, we will concur with the staff recommendation for GO-CO. Please place us on the consent agenda. We will be prepared to answer any questions or concerns from the public and committee members. If there is anything else you need from us prior to the meeting, please let me know.

Thanks and see you tomorrow night,

Arnold Gonzales, Jr., P.E., C.F.M.
Baker-Aicklen & Associates, Inc.
507 West Liberty Ave.
Round Rock, TX 78664
(361) 648-2408 mobile
(512) 244-9620 office
(512) 244-9623 fax
agonzales@baker-aicklen.com

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

From: "Sherri Sirwaitis" <Sherri.Sirwaitis@ci.austin.tx.us>
To: "Arnold Gonzales" <agonzales@baker-aicklen.com>
Sent: Monday, November 2, 2009 9:56:24 AM
Subject: RE: SVdP Zoning and Platting Meeting

Hi Arnold,

Yes, it would be a good idea to have someone present just in case the Commissioners have a question about the postponement request. Even though it is the Zoning and Platting Commission's policy to grant all first postponement requests, you never know if they will have a question about the date that is being requested.

Thanks,

Sherri Sirwaitis

11/30/2009

City of Austin
Planning & Development Review Department
sherri.sirwaitis@ci.austin.tx.us
512-974-3057

From: Arnold Gonzales [mailto:agonzales@baker-aicklen.com]
Sent: Monday, November 02, 2009 8:02 AM
To: Sirwaitis, Sherri
Subject: Re: SVdP Zoning and Platting Meeting

Sherri,

I understand that the case is on the Nov 3 agenda, but I may have a meeting conflict that evening at 6:30pm. I just wanted to know if someone HAD to be there to represent SVdP even though we formally asked for the 4 week postponement? What will be discussed at the meeting?

Thanks,

Arnold Gonzales, Jr., P.E., C.F.M.
Baker-Aicklen & Associates, Inc.
507 West Liberty Ave.
Round Rock, TX 78664
(361) 648-2408 mobile
(512) 244-9620 office
(512) 244-9623 fax
agonzales@baker-aicklen.com

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

From: "Sherri Sirwaitis" <Sherri.Sirwaitis@ci.austin.tx.us>
To: "Arnold Gonzales" <agonzales@baker-aicklen.com>
Sent: Monday, October 26, 2009 11:29:16 AM
Subject: RE: SVdP Zoning Meeting

Hi Arnold,

Yes, tomorrow morning at 10:00 a.m. will be fine.

Sincerely,

Sherri Sirwaitis

City of Austin

11/30/2009

Planning & Development Review Department

sherri.sirwaitis@ci.austin.tx.us
512-974-3057

From: Arnold Gonzales [mailto:agonzales@baker-aicklen.com]
Sent: Monday, October 26, 2009 10:03 AM
To: Sirwaitis, Sherri
Cc: Graham, Sarah
Subject: SVdP Zoning Meeting

Sherri,

Can we schedule a meeting for tomorrow morning? Say 10am? I know it's early but everyone has meeting that afternoon. Please let me know if this is ok.

Thanks again,

Arnold Gonzales, Jr., P.E., C.F.M.
Baker-Aicklen & Associates, Inc.
507 West Liberty Ave.
Round Rock, TX 78664
(361) 648-2408 mobile
(512) 244-9620 office
(512) 244-9623 fax
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11/30/2009

Parking Report – October 17 to November 29, 2009



Contents

- Current & Proposed Parking
- St. Vincent de Paul Master Site Plan
- Parking Report Procedure
- Data Collected
- Summary
- Representative Photographs
- Contact Information

Current & Proposed Parking (see Site Plan, page 4)

• Parking Spaces now available:	266
St. Vincent de Paul	154
Holy Family School, north	39
Holy Family School, west	43
Holy Family School, south	30+
• Parking Spaces under construction:	55
• New Spaces on Master Plan:	285
St. Vincent de Paul, west	45
St. Vincent de Paul, northwest	81
St. Vincent de Paul, north	159
(lost w/construction)	<u>(-26)</u>
• Total Spaces after Complete Build-Out	580

St. Vincent de Paul Master Site Plan



Site Plan

Parking Report Procedure

- Collected data and photos for each Mass approximately 20-30 minutes after the start of Mass
- Data collected:
 - Number of cars parked on Neenah Avenue
 - Number of cars parked at Holy Family Catholic School (HFCS)
 - Number of empty spaces in St. Vincent de Paul (SVdP) parking lot
- Photographs taken:
 - Neenah Avenue on both sides of entrance to SVdP
 - HFCS parking areas
 - Back end of SVdP parking lot

Data Collected

5:00 P.M. Mass:

Date	Neenah	HFCS	Empty
Oct 17	0	0	10
Oct 24	0	0	29
Oct 31	0	0	27
Nov 7	1	0	25
Nov 14	0	2	27
Nov 21	0	0	21
Nov 28	0	0	22

7:30 A.M. Mass:

Date	Neenah	HFCS	Empty
Oct 18	0	0	57
Oct 25	0	0	51
Nov 1	0	0	54
Nov 8	0	0	37
Nov 15	0	0	44
Nov 22	0	0	57
Nov 29	0	0	49

9:30 A.M. Mass:

Date	Neenah	HFCS	Empty
Oct 18	12	16	0
Oct 25	2	22	2
Nov 1	0	36	6
Nov 8	0	42	0
Nov 15	0	33	0
Nov 22	0	43	0
Nov 29	0	43	0

11:30 A.M. Mass:

Date	Neenah	HFCS	Empty
Oct 18	0	6	3
Oct 25	0	9	0
Nov 1	--	--	--
Nov 8	0	12	1
Nov 15	0	15	0
Nov 22	0	8	3
Nov 29	0	8	0

Summary

- Adequate parking exists at SVdP for the 5:00 P.M. and 7:30 A.M. Masses
 - Insignificant parking noted at HFCS and Neenah
 - Substantial number of empty spaces in SVdP lot
- Overflow parking at HFCS utilized for the 9:30 and 11:30 A.M. Masses
 - Parking expansion currently under construction at SVdP will provide more spaces than have been used at HFCS. Expected construction completion by December 31, 2009.
- 3 cars were parked on Neenah Avenue in the past 5 weeks
 - 2 were parishioners, 1 was a repair truck

Representative Photographs

October 17, 5:00 P.M.

- before signage & bulletin announcements to park in designated parking spaces



October 18, 7:30 A.M.

- before signage & bulletin announcements to park in designated parking spaces



October 18, 9:30 A.M.

- before signage & bulletin announcements to park in designated parking spaces



October 18, 11:30 A.M.

- before signage & bulletin announcements to park in designated parking spaces



November 14, 5:00 P.M.

- representative of 6 weekends



November 15, 7:30 A.M.

- representative of 6 weekends



November 15, 9:30 A.M.

- representative of 6 weekends



November 15, 11:30 A.M.

- representative of 6 weekends



***For raw data and additional photographs,
please contact:***

***Lynn Wagner
St. Vincent de Paul Catholic Church
Parish Building Committee
lynnwag@austin.rr.com
512-762-4996***

St. Vincent issue

Thursday, November 19, 2009 2:05 PM

From: "Haldon Grant" <haltex2@att.net>
To: DSPOA-president1@davisspring.org
Cc: jcooke1@swbell.net

Mr. Harris:

First, we want to commend the current administration of the POA for being much more active in addressing issues in our neighborhood. A fine job has been done for the most part. At an earlier time, I held a job identical to yours so I know how thankless it can be.

Secondly, I want to comment on the recent e-mail distributed regarding the St. Vincent parking issue. We don't know how the POA's position on this issue was formulated. I don't recall any earlier info about a committee being formed or a referendum being held. Granted, you are the duly elected representative of the organization. Nevertheless, we think you should seriously reconsider the organization's position. As you report, the Church has verbally agreed to provide traffic control "if needed." But frankly, we don't understand how traffic control has anything to do with parking. The streets are public streets. Anyone may park on them unless the city adopts an ordinance prohibiting or restricting parking. If six neighbors chose to park their cars in front of our house in the DS neighborhood, we have no "legal" redress. If we are somehow inconvenienced, we can ask them politely to move elsewhere.

It seems totally incongruous to us that the DSPOA insist on a written agreement when you say the agreement "would specifically forbid this." What is the "this"? If the "this" is forcing the Church to hire police for traffic control, then the agreement is of no value to the DSPOA. So what is the purpose of the agreement? Is it any better than a verbal commitment between two parties of good will.

Your point about the future also cuts two ways. Who knows how strict a position may be taken by some future administration of the DSPOA. Do we really want litigation over this issue down the road based upon a written agreement that you know people will always interpret differently? The Church has no legal authority to prohibit anyone from parking where they please; it can only encourage parishioners to use the Church's parking facilities. Furthermore, written agreements can not possibly cover every fact situation that may arise in the future. It just can't be done.

The administration may look like heroes to the immediate neighbors of the Church but the neighbors had to have known the Church would be expanding, or should have known, when they bought their properties.

We urge your reconsideration. We think the DSPOA should save its powder for issues it is more likely to win. We don't think the City Council will support your position insisting on a written agreement so your opposition to the zoning change is not likely to do anything but create animosity among those members of the association, like us, who are members of the Church. Did you ever consider that? Is there some reason we are not worthy on representation by the DSPOA on this issue as well?

Respectfully,

Hal Grant co-owner with Eileen Grant of the property at 10012 Lachlan Dr.

MEMORANDUM OF UNDERSTANDING

Parties: The Church: St. Vincent de Paul Catholic Church, whose mailing address is 9500 Neenah Avenue, Austin, TX 78717

The Association: Davis Spring Residential Property Owners' Association, Inc., whose mailing address is _____

Purpose: The Church filed an application for rezoning with the City of Austin (filed as Case No. C14-2009-0107) concerning its property at 9500 Neenah Avenue, Austin, Williamson County, Texas. The Association has expressed concerns regarding traffic and parking in the vicinity of the Church's property. The purpose of this document is to articulate the efforts that the Church will undertake in its efforts to address the Association's concerns.

**Church's
Promises:**

- The Church will undertake the following efforts concerning parking by its parishioners.
- (1) At its own expense, the Church will engage an off-duty police officer(s) to direct traffic in the immediate vicinity of the Church's property and to direct the Church's parishioners to the Church's parking facilities or to the parking facilities of the adjoining schools. The Church will determine: (a) the number of off-duty police officers that are appropriate for any particular day, time, or event; and (b) the times at which such off-duty police officers will be engaged. Notwithstanding the foregoing, the Church will, through December 31, 2009, engage an off-duty police officer at each of its Sunday masses.
 - (2) The Church will regularly publish information in the Church's bulletin about appropriate parking locations.
 - (3) The Church will post signs on the parish property that direct overflow parking to the adjoining school parking lots.
 - (4) The Church will make announcements at masses and other events about parking facilities as it determines is needed.
 - (5) The Church will continue to dialogue with the Association with respect to any further concerns about parking.

Association's

Promises: The Association will support the application for rezoning the Church has filed. Additionally, the Association will continue to dialogue with the Church with respect to any further concerns about parking.

THE ASSOCIATION
DAVIS SPRING RESIDENTIAL
PROPERTY OWNERS' ASSOCIATION

THE CHURCH
ST. VINCENT DE PAUL CATHOLIC CHURCH

By: _____
Nick Harris, President

By:  _____
Reverend Danny Garcia, Pastor



ST. DOMINIC SAVIO
CATHOLIC HIGH SCHOOL
Forming Servant Leaders

November 30, 2009

Very Reverend Daniel Garcia
Pastor
St. Vincent de Paul Catholic Church
9500 Neenah Avenue
Austin, TX 78717

Dear Fr. Garcia:

This letter is to notify you that the parishioners of St. Vincent de Paul Catholic Church are permitted to park in our school's parking lot as overflow parking.

Sincerely,

Kevin J. Calkins
Principal

Holy Family Catholic School



November 30, 2009

City of Austin
Planning and Development Review Dept.
P O Box 1088
Austin, TX 78767

To Whom It May Concern:

This letter serves to confirm that St. Vincent de Paul Catholic church has permission to use the Holy Family Catholic School parking lot in the event overflow parking is needed at anytime.

Sincerely,

Joan Wagner, Ph D
Principal

P (512) 246-4455

F (512) 246-4454

www.holyfamilycs.org

9400 Neenah Avenue Austin, TX 78717

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: C14-2009-0107

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Platting Commission
Dec. 10, 2009, City Council

Amanda & Brian Bauman

Your Name (please print)

☐ I am in favor
☒ I object

14840 irondale drive, Austin Tx 78717

Your address(es) affected by this application

[Signature]

Signature

10.27.09

Date

Daytime Telephone: 512 799 6731

Comments: 36 feet is high enough for the
structure & I don't believe there is
ever a need for 400 cars at a church.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2009-0107

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Platting Commission

Dec. 10, 2009, City Council

☒ I am in favor
☐ I object

Your Name (please print)

Thomas J. and Mai T. BARNES

Your address(es) affected by this application

15005 SOLERA DR. AUSTIN, TX 78717



Signature ~~mae + thomas~~

Date 10/26/09

Daytime Telephone: 512 388-3304

Comments:

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

November 8, 2009

Case Number: C14-2009-0107

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: November 3, 2009 postponed to December 2009, Zoning and Platting Commission

Robert and Rosemarie Borra

14804 Irondale Dr.

Austin, TX 78717

(Approximately 300' from the southwest corner of the subject tract)

Dear Commission Members,

As both parishioners of St. Vincent de Paul Catholic Church and residents of Davis Spring, we are **in favor** of the change in zoning from SF-2 to GO-CO.

In conjunction with St. Vincent de Paul's request for rezoning, we understand that some local residents have expressed concern over parishioners parking on the nearby residential streets of Davis Spring. Living on the adjoining street of Irondale Dr, we have not witnessed any such condition. If such a condition exists, it would surely be an exception rather than the rule. We have witnessed parishioners parking along Neenah Ave but St. Vincent de Paul has taken quick action to inform and discourage such action even though no City ordinances or laws are being violated.

Respectfully,



Robert and Rosemarie Borra
Day time: 512-560-3864

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Case Number: C14-2009-0107

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Platting Commission

Dec. 10, 2009, City Council

Christine Daley

Your Name (please print)

15008 Thatcher Dr

Your address(es) affected by this application

Christine Daley

Signature

Daytime Telephone: 512.828.5313

Comments:



11/11/09
Date

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2009-0107

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Platting Commission

Dec. 10, 2009, City Council

Christopher Daley

Your Name (please print)

15008 Thatcher Dr Austin 78717

Your address(es) affected by this application

Christopher Daley

Signature

Daytime Telephone: 512.828.5313

Date

11/11/09

Comments:

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor ☐ I object

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Case Number: C14-2009-0107

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Platting Commission

Dec. 10, 2009, City Council

MICHAEL GRWES

Your Name (please print)

9907 MAJORA DR AUSTIN TX 78717

Your address(es) affected by this application

[Signature]

Signature

11/15/09

Date

Daytime Telephone: _____

Comments: _____

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City of Austin

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Sherri Sirwaitis

P. O. Box 1088

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Case Number: C14-2009-0107

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Planning Commission

Dec. 10, 2009, City Council

WARREN ARETHER

Your Name (please print)

15101 SAVANNAH HEIGHTS

Your address(es) affected by this application

ARDC 11/16/09

Signature

Daytime Telephone: 512.318.4523

Date

Comments:

WE NEED OUR CHURCH

JHANKS

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2009-0107

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Platting Commission

Dec. 10, 2009, City Council

Holly and Noel Landuyt

Your Name (please print)

15136 Terra Verde Dr Austin TX 78717

Your address(es) affected by this application

Holly Landuyt

Signature

Date

Daytime Telephone: 512-240-9528

Comments:

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

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Case Number: C14-2009-0107

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Platting Commission

Dec. 10, 2009, City Council

Marcia & Anthony Arwari

Your Name (please print)

10017 Lachlan Dr.

Your address(es) affected by this application

[Signature]

Signature

11/11/09

Date

Daytime Telephone: 512-743-7886

Comments: _____

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City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor ☐ I object
--

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Case Number: C14-2009-0107

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Platting Commission

Dec. 10, 2009, City Council

John Hardwick

Your Name (please print)

14800 Brendale Dr.

78717

Your address(es) affected by this application

John Hardwick

Signature

412-3949

Daytime Telephone:

Date

11/15/09

☒ I am in favor
☐ I object

Comments:

I feel strongly that the parking issue has been addressed to the satisfaction of the DSHOA. I also feel the DSHOA should enforce the Davis Spring subdivision by-laws in regard to parking and property maintenance with the same zeal. In my opinion (after 3 yrs residence) they do not even enforce our own rules. In fact they are terrible about it.

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Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

cc St. Vincent de Paul

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Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Planning Commission

Dec. 10, 2009, City Council

Mrs. H.K. Grant

Your Name (please print)

10012 LAGUNA DR. AUSTIN 78717

Your address(es) affected by this application

Sherry S. Grant

Signature

11/17/09

Date

Daytime Telephone: *512-246-1590*

Comments:

*WE ARE SURE THE PROPOSED NEW CHURCH
BUILDING WILL BE AN IMPORTANT ASSET TO NEIGHBORHOOD
AUSTIN. PARKING CONCERNS ARE BEING WELL
ADDRESSED BY THE CHURCH. RESIDENTS IN THE
MORE IMMEDIATE AREA HAD TO HAVE HAD A
CHURCH WOULD BE BUILT THERE AT SOME POINT IN
TIME. FURTHER, OUR HOMEOWNERS' ASSOCIATION'S
INSISTANCE ON A BINDING AGREEMENT THAT THEY SAY
THEY WILL NOT ENFORCE ~~RE: POLICE TRAFFIC~~*

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

*CONTROL IS ONE
ON THE SIMILEST*

POSITIONS I'VE EVER

HEARD OF.

[Signature]

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Case Number: C14-2009-0107

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Planning Commission

Dec. 10, 2009, City Council

Iseabelle and Jack Lipowski
Your Name (please print)

☒ I am in favor
☐ I object

15012 Calaveras Dr.
Your address(es) affected by this application

Jack Lipowski 11-17-09
Signature Date

Daytime Telephone: 341-3748

Comments: We feed the church is
doing a very responsible job
regarding the parking issue.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Platting Commission

Dec. 10, 2009, City Council

RICHARD + LINDA FELLINGER

Your Name (please print)

15024 CALAVERAS DR. AUSTIN, TX 78717

Your address(es) affected by this application

Richard Fellingner

Signature

11-17-09

Date

Daytime Telephone: 512-310-2975

Comments: WE BELIEVE THE NEW CHURCH

WOULD BE AN ASSET TO OUR COMMUNITY.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

November 14, 2009

Reference: Case Number: C14-2009-0107

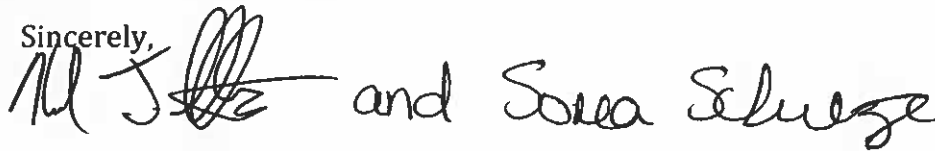
Attention: Sherri Sirwaitis

We are in favor of this new zoning request by St. Vincent de Paul church. We have been residents of the Davis Spring neighborhood for over ten years. In this time, we have seen a tremendous amount of growth in our area. Along with the convenience of having shopping, restaurants, banks, schools, and churches nearby we have adjusted to the changes these conveniences have brought us whether it is the extra lights or traffic.

St. Vincent de Paul has always been aware of being in a residential area and has taken steps to be a good neighbor. To minimize the impact during church service hours, they have hired police to direct traffic, posted signs and continue to make the parishioner aware of the responsibilities of being in a residential area. The church is growing in size just like the rest of this North Austin area and their pro-active approach to help in the neighborhood is much appreciated. It is our understanding that this zoning request does not change the way the church will be used in any way and the additional parking should help in keeping the affects to our neighborhood low.

Thank you for your consideration. Please feel free to contact us with any questions.

Sincerely,

Handwritten signatures of Karl Schuetze and Sonia Schuetze. The signature of Karl Schuetze is on the left, followed by the word "and", and then the signature of Sonia Schuetze on the right.

Karl Schuetze and Sonia Schuetze
15012 Calaveras Drive, Austin, TX 78717
(512) 238-9263

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: C14-2009-0107

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 3, 2009, Zoning & Platting Commission

Dec. 10, 2009, City Council

Jim + Kaska Telaguek
Your Name (please print)

☒ I am in favor
☐ I object

4704 Olive Hill Dr., Austin TX 78717
Your address(es) affected by this application

[Signature] 11-23-09
Signature Date

Daytime Telephone: 512-716-1229

Comments:

We are parishioners in St
Vincent de Paul - as well as
residents of Davis Springs -
I have NO Objections to
the zoning change.

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

City of Austin
Planning & Development Review Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810