

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-19  
AGENDA DATE: Thu 03/03/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0140 - Swafford - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2108 Kinney Avenue (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-conditional overlay (NO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (NO-CO) combining district zoning. Applicant: Clarence Jacobson. Agent: Crocker Consultants (Sarah Crocker). City Staff: Tom Bolt, 974-2755.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0140

**Z.A.P. DATE:**

November 16, 2004

December 07, 2004

**CITY COUNCIL:**

January 13, 2005

January 27, 2005

February 10, 2005

March 3, 2005

**ADDRESS:** 2108 Kinney Ave

**OWNER/APPLICANT:** Clarence Jacobson

**AGENT:** Crocker Consultants (Sarah Crocker)

**ZONING FROM:** SF-3

**TO:** NO

**AREA:** .15 acres - 6,853 Sq. Ft.

**SUMMARY STAFF RECOMMENDATION:** Staff does not recommend rezoning the subject property from family residence district (SF-3) to neighborhood office district (NO).

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

APPROVED NO-CO ZONING; RESTRICTED NO (NEIGHBORHOOD OFFICE) USES; LIMITED TO 100 TRIPS PER DAY; SF-3 DEVELOPMENT REGULATIONS; ADD DAYCARE, BED AND BREAKFAST, SAFETY SERVICES, COUNSELING SERVICES, COMMUNICATION SERVICE FACILITIES, FAMILY HOME, PRIVATE AND PUBLIC EDUCATIONAL SERVICES, COMMUNITY RECREATION, CONGREGATE LIVING, GROUP HOME CLASS III, LOCAL UTILITY SERVICES AS PROHIBITED USES [K.J; M.W 2<sup>ND</sup>] (6-2) J.D, J.M - NAY; C.H - INELIGIBLE TO VOTE

### **DEPARTMENT COMMENTS:**

The subject property is adjacent to LO zoned property with Multi-family development to the south and single family zoned and used properties to the north, east, and west. This property if zoned and developed for commercial uses would be situated between a multifamily residential use and single-family use along Kinney Avenue.

This property is located in the proposed Zilker Neighborhood Planning Area. Staff anticipates that the Zilker Neighborhood Planning process will begin in August of 2005.

### **ISSUES:**

Subsequent to the Planning Commission hearing a petition was filed in opposition to the zoning request representing 26.22% of the total area within 200' of the subject tract. The petition was validated on January 27, 2005.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	SINGLE FAMILY RESIDENTIAL
<i>North</i>	SF-3	SINGLE FAMILY RESIDENTIAL
<i>South</i>	LO	MULTI-FAMILY RESIDENTIAL
<i>East</i>	R.O.W. & CS & SF-3	SINGLE FAMILY, FURNITURE SALES, AND MISC SHOPS
<i>West</i>	SF-3	SINGLE FAMILY RESIDENTIAL

**AREA STUDY:** N/A

**TIA:** No

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

#107 Zilker Neighborhood Association  
#426 Barton Springs/Edwards Aquifer Conservation District  
#498 South Central Coalition  
#511 Austin Neighborhoods Council  
#926 South Lamar Neighborhood Association  
#943 Save Our Springs Alliance

**SCHOOLS:**

Zilker Elementary  
Becker Elementary  
Porter Middle School  
Filmore Middle School

**CASE HISTORIES:** N/A

**RELATED CASES:** N/A

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	NAME
Kinney Avenue	70'	Varies	Collector	Kinney Avenue

**CITY COUNCIL DATE:** January 13, 2005  
January 27, 2005  
February 10, 2005

**ACTION:** Postponed until January 27, 2005  
Postponed until February 10, 2005  
Postponed until March 3, 2005





**ORDINANCE READINGS:** 1st 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Tom Bolt  
[Thomas.Bolt@ci.Austin.tx.us](mailto:Thomas.Bolt@ci.Austin.tx.us)

**PHONE:** 512.974.2755



 1" = 400'	<b>SUBJECT TRACT</b> PENDING CASE ZONING BOUNDARY CASE MGR: T.BOLT	  	<b>ZONING</b>  CASE #: C14-04-0140 ADDRESS: 2108 KINNEY AVE SUBJECT AREA (acres): 0.150	DATE: 04-09  INTLS: SM	<b>CITY GRID REFERENCE NUMBER</b>  H20
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# City of Austin

C14-04-0140

2108 KINNEY AVE

ZONING REQUEST: FROM SF-3 TO NO

OWNER: CLARENCE JACOBSON

AGENT: CROCKER CONSULTANTS

Zoning

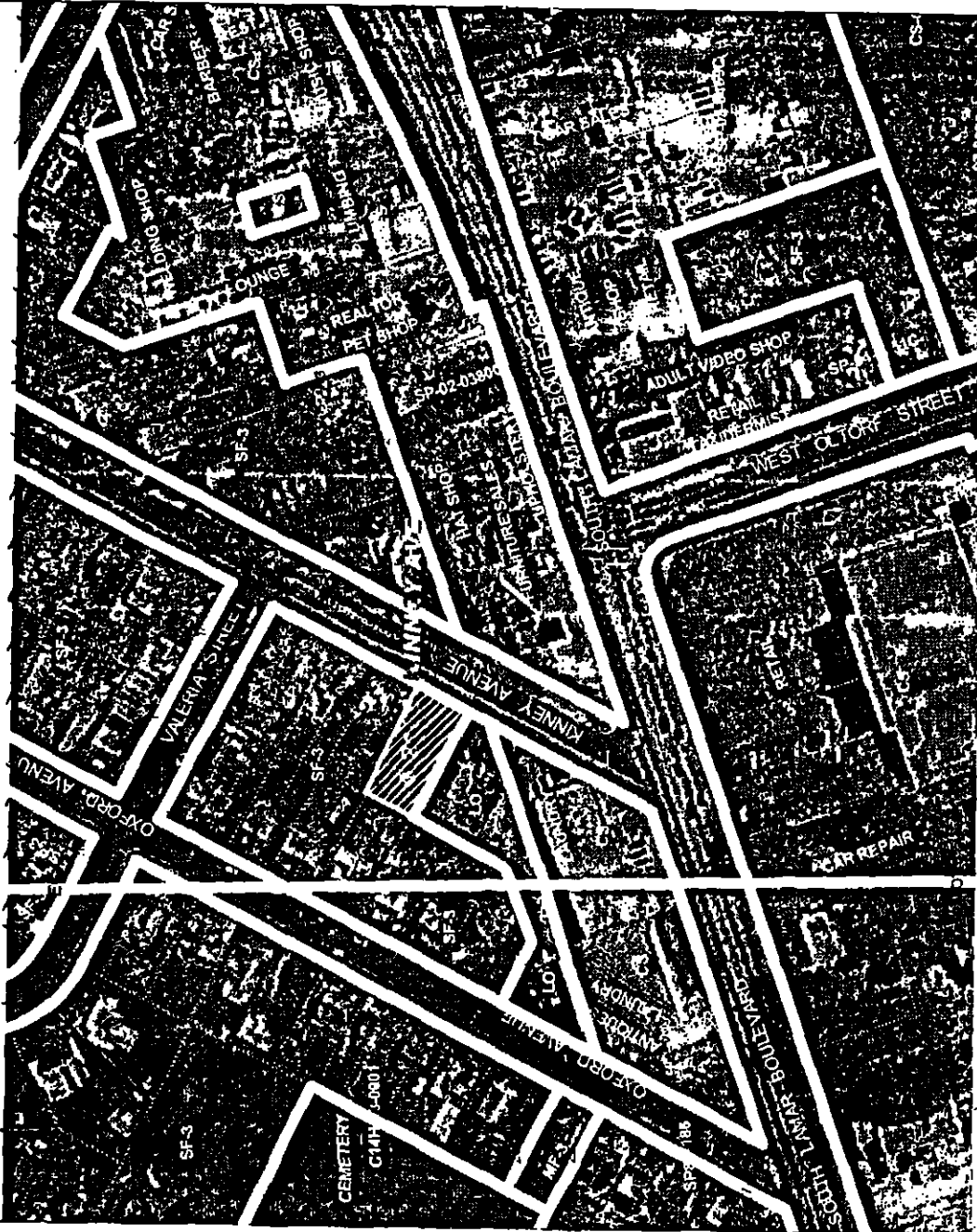
Subdivision

Basepoly

Center Line



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## **STAFF RECOMMENDATION**

Staff does not recommended rezoning the subject property from family residence district (SF-3) to neighborhood office district (NO)

## **BACKGROUND**

The property owner proposes to convert the existing single family dwelling into a small business office with parking located on site. Staff is not aware of any variance or waiver requests associated with this request. The property is situated adjacent to SF-3 zoning districts to the north and west, which would trigger compatibility standards for development of driveways and the required on-site parking area. The applicant also proposes that the following uses be prohibited: Bed and Breakfast, Safety Services, Counseling Services, Communication Service Facilities, Family Home, and all Conditional Uses, listed in the NO zoning district. The property to the north and west are established single-family residences. The property situated to the south is zoned Limited Office district (LO) but developed as multi-family. On the other side of Kinney Ave is a mix of commercial uses fronting on Lamar Blvd. and single-family residences facing Kinney Ave.

## **BASIS FOR RECOMMENDATION**

Zoning changes should promote compatibility with adjacent and nearby uses.

The proposed zoning would allow a commercial use between two residential uses. The property to the west is zoned LO but used for multi-family. The property to the north, west and east is zoned and used as single family.

The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.

Based on current land uses in the area, Neighborhood Office district designation is inappropriate when situated between two residential land uses regardless of base district zoning.

Zoning should be consistent with approved and existing residential densities.

The generally accepted standard of establishing multifamily uses between more intense commercial districts and single-family residential districts have been established in this area. If approved the proposed zoning will allow commercial development to reach further into the residential area of this neighborhood.

No change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/ or development restrictions for the property.

There has been no rezoning activity in close proximity within the last several years, establishing the viability of the neighborhood with existing zoning classifications.

Zoning changes should promote an orderly relationship among land uses.

Approval of NO zoning on this property would allow a commercial entity to occupy a property located between a multi-family and single-family residence. The properties to the north, west and east are zoned SF-3.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with a single-family residence.

### **Impervious Cover**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin 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 Drinking Water Protection Zone/Desired Development Zone.

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

Note: The most restrictive impervious cover limit applies.

### **Environmental**

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 that would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

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.

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

### **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway

projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

#### **Transportation**

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

The trip generation under the requested zoning is estimated to be 73 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).

Capital Metro bus service is available along Lamar Boulevard.

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]

#### **Water and Wastewater**

The landowner intends to serve each lot with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner will be responsible for all costs and for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria and specifications.

#### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in 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**

Redevelopment of this property for commercial uses will trigger compatibility standards. Additional setbacks to buildings and other structures, drives and parking areas. Additional landscaping may be required to screen adjacent residential uses.



# PETITION

Case Number:

**C14-04-0140**

Date:

JAN.27,2005

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

197,976.22

1	04-0107-0806	Hix Austin PropertiesLP	11,902.48	6.01%
2	04-0107-0705	Howse,George	2,474.00	1.25%
3	04-0107-0706	Gullory,Robert	1,828.00	0.92%
4	04-0107-0805	Sile,Brian	7,635.00	3.86%
5	01-0006-1201	McCarty, Gabriel	7,964.00	4.02%
6	01-0006-1208	Kavanaugh,Edna	8,013.00	4.05%
7	01-0006-1210	Salzer,Susan	12,096.00	6.11%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
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31				0.00%
32				0.00%
33				0.00%
34				0.00%
35				0.00%

Validated By:

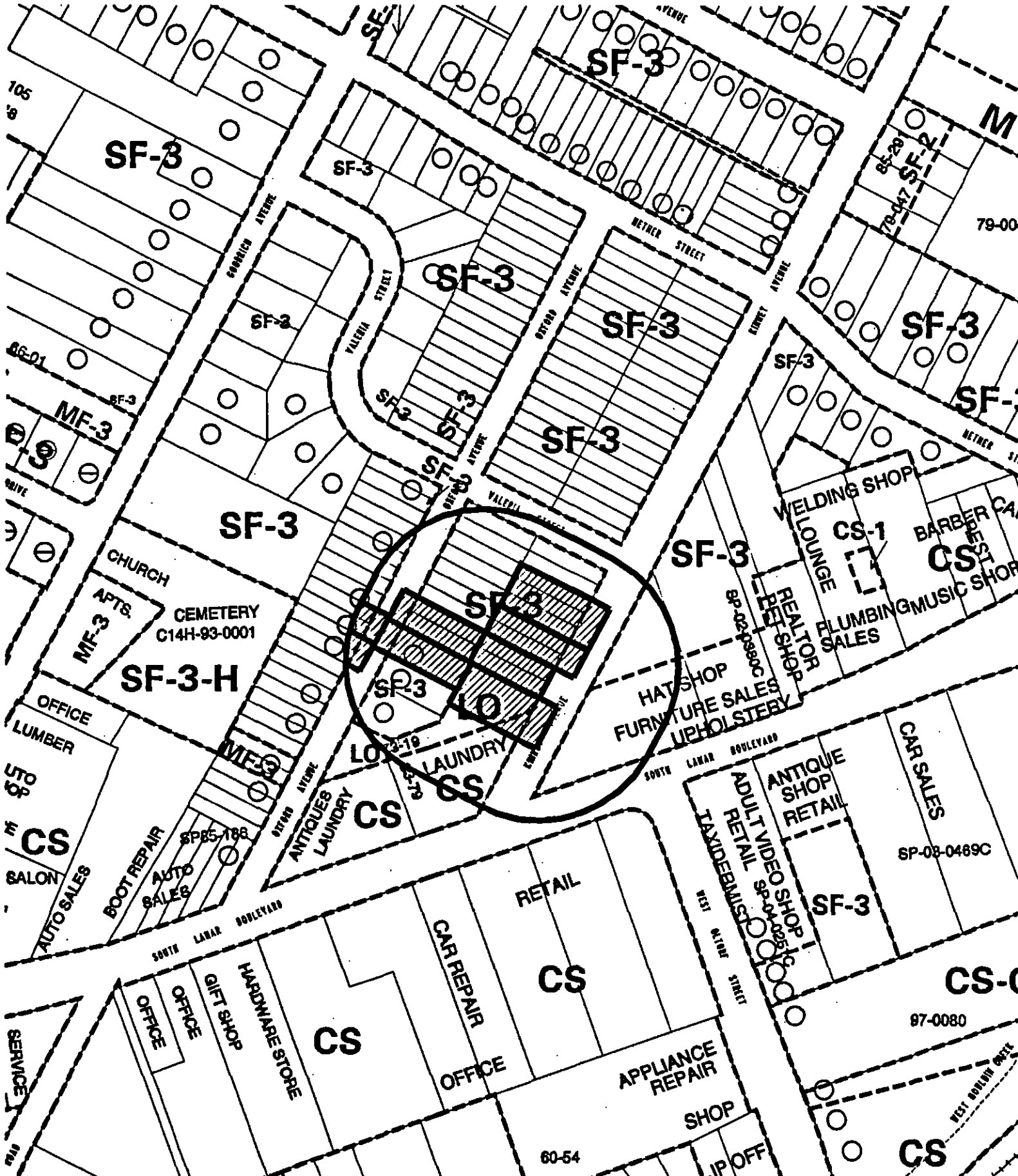
T.R.Castro

Total Area of Petitioner:

51,912.48

Total %

26.22%



<p>1" = 200'</p>	<b>SUBJECT TRACT</b> 	<b>PETITIONS</b> CASE #: C14-04-0140 ADDRESS: 2108 KINNEY AVE SUBJECT AREA (acres): 0.150		<b>CITY GRID REFERENCE NUMBER</b> H20
	<b>PENDING CASE</b> 			
	<b>ZONING BOUNDARY</b> 	DATE: 05-01 INTLS: SM		
	<b>CASE MGR: T. BOLT</b>			

# PETITION

Date:

File Number: C14-04-0140

Address of Rezoning Request: 2108 Kinney Avenue

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 Family Residence District, SF3.





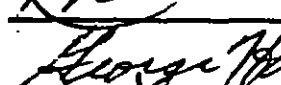
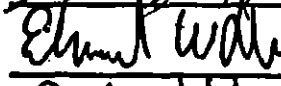


The requested change to Neighborhood Office District would place a business use between two existing residential uses, encroaching on the single-family neighborhood to the north and adding to the existing parking and traffic problems to the south. According to city staff, an NO District is appropriate for streets "with a minimum of 40 feet of pavement width, and would not unduly affect traffic." Kinney is only 30 feet wide, and traffic would be unduly affected. The new business use would also compete with the surplus of office space that is already available on South Lamar. It would fill no neighborhood or community needs that are not already available in abundance.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

	SUSAN SALZER	2104 KINNEY AVE. AUSTIN, TX 78704
	Dominic Kavanagh	2106 Kinney Ave. 78704
	Gabriel Harty	2107 Oxford Ave
	Brian Slie	2111 Oxford Ave 78704
	ROBERT GUILLORY	2108 Oxford Ave 78704
	George Hogue	2106 Oxford Ave Austin 78704
	Edward Deeters	2100 Kinney Ave 78704
	Julia S. Hix	2110 Kinney Ave 78704

Date:

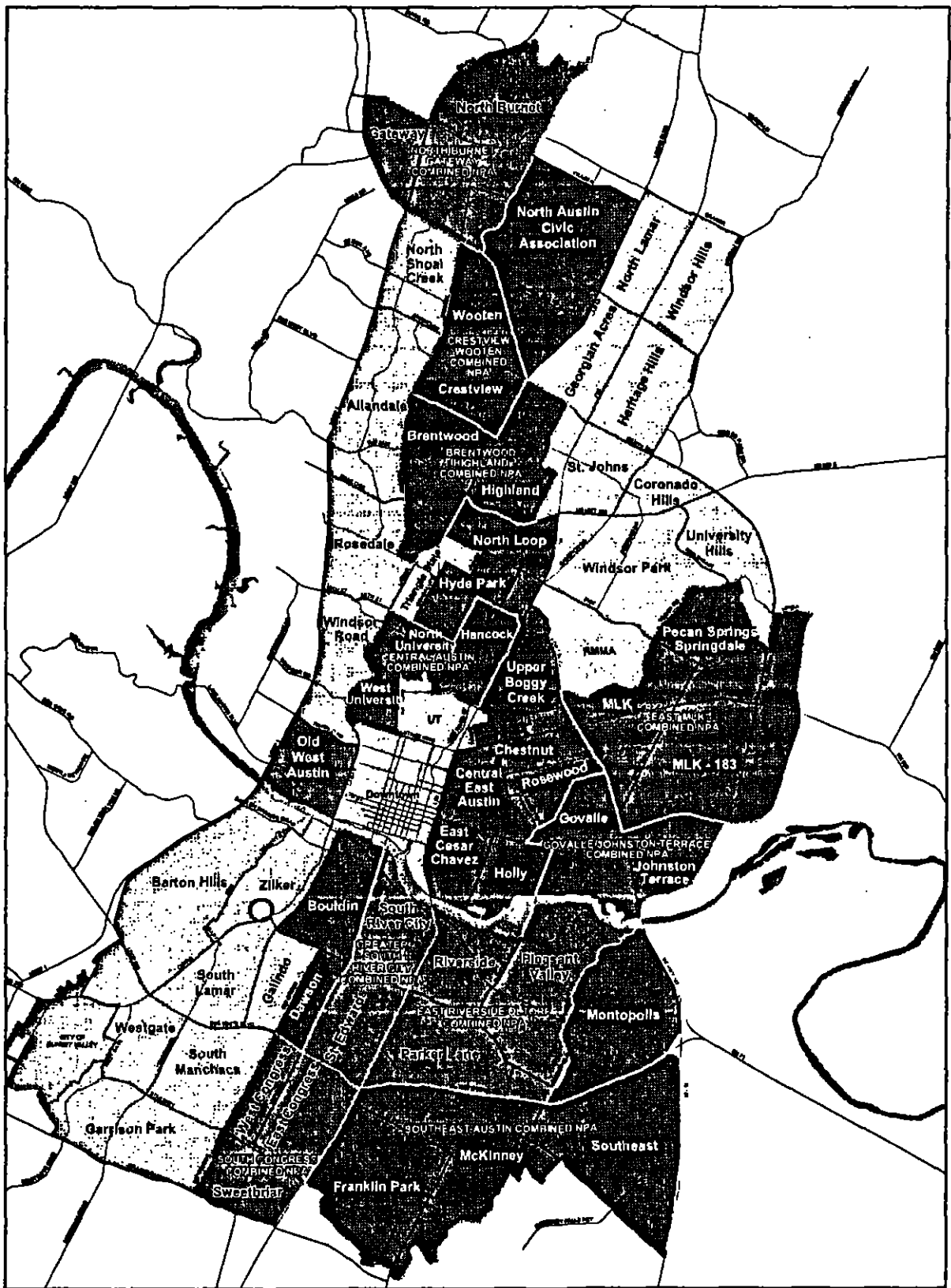
January 26, 2005

Contact Name:

Lorraine Atherton (Zilker NA)

Phone:

447-7681



## City of Austin Neighborhood Planning Areas



Prepared by City of Austin  
Neighborhood Planning & Zoning Department  
August 20, 2004

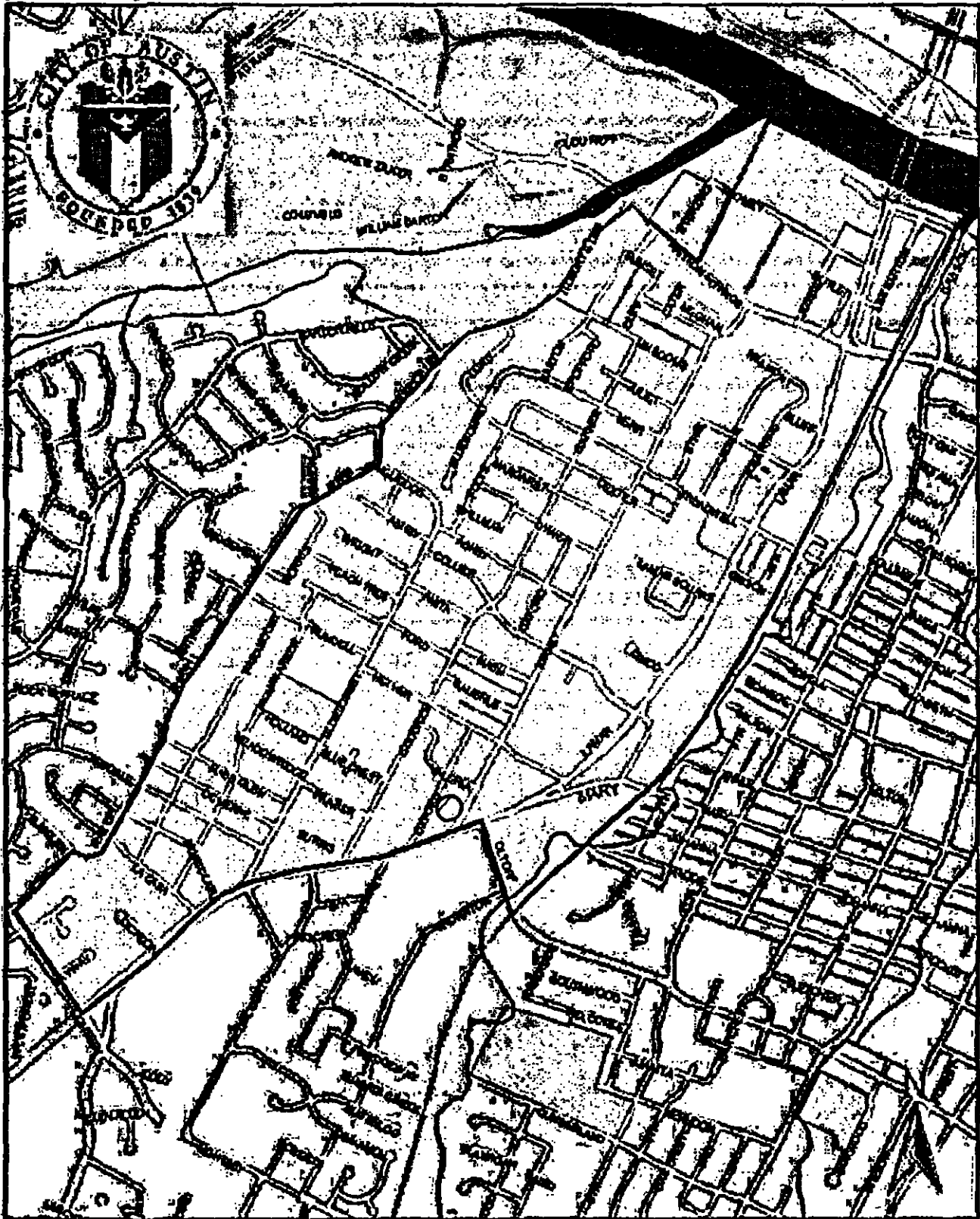
Combined Neighborhood Planning Areas

### Neighborhood Plan Status

- Adopted Neighborhood Plan & Zoning
- Neighborhood Plan Underway
- Future Neighborhood Planning Area
- Non-Neighborhood Planning Area



This map has been prepared by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.



# Zilker Neighborhood Planning Area

Neighborhood Planning

PECSD

January 16, 2001

0.3

0

0.3

0.6

Parks

Miles

# **Zilker Neighborhood Association**

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**P.O. Box 33546 • Austin, TX 78764-0546 • 512-447-7681**

November 12, 2004

City of Austin  
Neighborhood Planning and Zoning Department  
Thomas Bolt  
P.O. Box 1088  
Austin TX 78767-8810

Re: Case Number C14-04-0140, 2108 Kinney Ave.  
Proposed Zoning change from SF3 to NO

Dear Mr. Bolt,

At the October 25 general meeting of the Zilker Neighborhood Association, the general membership voted to oppose the rezoning of 2108 Kinney Avenue. Our primary concern is the encroachment of business zoning into established residential areas, while existing commercial properties on South Lamar sit vacant or underused.

In this particular case, it was represented to our executive committee that a lawyer wants to work out of this small home. That activity could be accommodated under the current home occupation ordinance without a zoning change. It could also be located in the adjacent apartment complex, which already has office zoning (LO). Directly across South Lamar is an apartment and office complex advertising vacancies that would be much more suitable for a professional whose practice did not fit within the limits of the home occupation ordinance.

In the absence of a comprehensive neighborhood or corridor plan for this area, ZNA must assume that the proposed encroachment of business zoning into Zilker's single-family residential areas offers no benefits to the surrounding owners of residential property on Kinney or of commercial property on South Lamar. We hope to consider the larger issue further when our formal Neighborhood Planning process begins next year, but until then, we must oppose this sort of rezoning.

Thank you for your consideration.

Bobby Rigney  
ZNA Zoning chair

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**Officers, 2004-2005**

Lorraine Atherton, *President* ♦ Robin Sherwin, *Vice President* ♦ Hill Abell, *Vice President*  
Rachel Reitmeyer, *Secretary* ♦ Andrew Murphy, *Treasurer*  
Elizabeth Yevich, *ANC Delegate* ♦ Peggy Kelley, *Newsletter Editor*

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2108 KINNEY AVENUE FROM FAMILY RESIDENCE (SF-3) DISTRICT TO NEIGHBORHOOD OFFICE-CONDITIONAL OVERLAY (NO-CO) COMBINING DISTRICT.**

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

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence (SF-3) district to neighborhood office-conditional overlay (NO-CO) combining district on the property described in Zoning Case No. C14-04-0140, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 8 and 9, Block C, Oak Hill Addition, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 3, Page 216, of the Plat Records of Travis County, Texas, (the "Property")

locally known as 2108 Kinney Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

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

1. The following uses are prohibited uses of the Property:

Bed and breakfast residential (Group 1)  
Day care services (limited)  
Day care services (commercial)  
Counseling services  
Family home  
Private secondary educational facilities  
Public secondary educational facilities  
Congregate living  
Local utility services

Bed and breakfast residential (Group 2)  
Day care services (general)  
Safety services  
Communication service facilities  
Private primary educational facilities  
Public primary educational facilities  
Community recreation  
Group home, Class II

1 2. A site plan or building permit for the Property may not be approved, released, or  
2 issued, if the completed development or uses of the Property, considered cumulatively  
3 with all existing or previously authorized development and uses, generate traffic that  
4 exceeds 100 trips per day.

5  
6 3. The Property is subject to family residence (SF-3) site development regulations.

7  
8 Except as specifically restricted under this ordinance, the Property may be used in  
9 accordance with the regulations established for the neighborhood office (NO) base district  
10 and other applicable requirements of the City Code.

11  
12 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.

13  
14  
15 **PASSED AND APPROVED**

16  
17  
18 \_\_\_\_\_, 2005

19  
20 Will Wynn  
21 Mayor

22  
23  
24 **APPROVED:**

25 David Allan Smith  
26 City Attorney

**ATTEST:**

Shirley A. Brown  
City Clerk





SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY  
 CASE MGR: T. BOLT

CASE #: C14-04-0140  
 ADDRESS: 2108 KINNEY AVE  
 SUBJECT AREA (acres): 0.150

# ZONING EXHIBIT A

DATE: 04-09  
 INTLS: SM

CITY GRID  
 REFERENCE  
 NUMBER  
 H20

# **Zilker Neighborhood Association**

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**P.O. Box 33546 • Austin, TX 78764-0546 • 512-447-7681**

February 9, 2005

City of Austin  
Neighborhood Planning and Zoning Department  
Thomas Bolt  
P.O. Box 1088  
Austin TX 78767-8810

Re: Case Number C14-04-0140, 2108 Kinney Ave.  
Proposed Zoning change from SF3 to NO

Dear Mr. Bolt,

On behalf of the Zilker Neighborhood Association, I request that the public hearing regarding the rezoning of 2108 Kinney Avenue be postponed to the March 3 City Council meeting. This is the opposition's first postponement request on this case. There is a great deal of neighborhood opposition to the rezoning, and it is my responsibility to represent that opposition to council. Since it is unlikely that I will be able to attend the February 10 hearing, and I am having difficulty finding sufficient backup, I must request a postponement.

Thank you for your consideration.

Lorraine Atherton  
President, ZNA

**RECEIVED**  
**FEB 09 2005**  
**A.M.**  
**Neighborhood Planning & Zoning**

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**Officers, 2004-2005**

Lorraine Atherton, *President* ♦ Robin Sherwin, *Vice President* ♦ Hill Abell, *Vice President*  
Rachel Reitmeyer, *Secretary* ♦ Andrew Murphy, *Treasurer*  
Elizabeth Yevich, *ANC Delegate* ♦ Peggy Kelley, *Newsletter Editor*

**3 Rezoning:** C14-04-0140 - Swafford  
Location: 2108 Kinney Avenue, West Bouldin Creek Watershed  
Owner/Applicant: Clarence Jacobson  
Agent: Crocker Consultants (Sarah Crocker)  
Request: From SF-3 to NO  
Prev.Postponements 11/16/04  
Staff Rec.: Not Recommended  
Staff: Tom Bolt, 974-2755, thomas.bolt@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

### SUMMARY

Thomas Bolt, staff – “This is a request for rezoning from SF-3 to NO; staff does not recommend the rezoning of the subject property because the property would be situated between two residential uses. There’s a property to the south that is zoned LO, but occupied with a multi-family development; the property to the north and to the west and east, has single-family zonings; across Kinney Avenue it gets a little confusing because of the angles of the commercial zoning along South Lamar, but the property directly across from this appears to be a single-family home”.

Commissioner Baker – “Directly across from it on Kinney Avenue, you would come into CS zoning, correct?”

Mr. Bolt – “It would intersect the boundary between the CS and the ...”

Commissioner Baker – “I guess I don’t see too well because it looks like to me that almost the entire southerly lot would be directly across Kinney Avenue from CS zoning”.

Mr. Bolt – “A portion of the lot would be across from CS; the other portion would be across the SF-3”.

Commissioner Baker – “Okay, thank you”.

Sarah Crocker, applicant – “We filed this zoning case on behalf of Mr. Swafford, it is his intent to take this modest house and convert it into a law office. Mr. Swafford is an attorney; he has had a law office on West 6<sup>th</sup> Street for a number of years. His primary reason for wanting to obtain this property is he’ll be purchasing it, so he will be a land owner and a tenant; he also lives in this neighborhood and it would be easy access for him to come from his house to the office. The designation for NO, which is a difficult zoning classification to obtain, it says that a neighborhood office district is a designation for a small office use that serves neighborhood or community needs; it is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40-feet or more. Kinney Avenue has a right-of-way of 70-feet and does not affect traffic; if you’ll look at the staff report you’ll see that this particular use will generate 73 trips a day. I will be more than happy to also have the trips for this particular case to be limited

to 100 trips as part of the conditional overlay. I did meet with the neighborhood and I presented a number of conditions to them. Mr. Swafford has a secretary that works for him; he does not have a partner and doesn't see that many clients at this office. The front yard of this house is gravel, one thing that he will do would be to re-vegetate the yard. There's an older apartment complex adjacent to the house and also a laundry at the corner; so that's what's directly adjacent to the house; across the street there is Office Depot on Lamar. I would disagree with staff, I think the zoning classification that we've requested and the conditions that we've put forth, basically ensures; we would also be willing to limit this site to SF-3 site development regulations because of compatibility, it would be impossible to demolish this house and rebuilt even to the size that it is right now; but we will be willing to limit the NO with the SF-3 site development regulations".

### **FAVOR**

No Speakers.

### **OPPOSITION**

No Speakers.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Jackson – "Would you consider adding daycare services as a prohibited use?"

Ms. Crocker – "Absolutely".

Commissioner Jackson – "And also deleting the special use historic from your prohibited uses?"

Ms. Crocker – "That would be fine with me as well".

Commissioner Donisi – "I didn't notice any notice in the backup from the neighborhood association; was there any contact with Zilker or the residents there?"

Mr. Bolt – "This case was postponed from the November 16<sup>th</sup> meeting and prior to that meeting, earlier that afternoon I had received information from the homeowners association that they were opposed to the rezoning and they had planned on presenting you with a letter at this meeting; I'm surprised that no one is here this evening. I can't answer to whether or not their opinion has changed".

Commissioner Donisi – "Perhaps Ms. Crocker would know".

Ms. Crocker – "I did meet with the Zilker committee back in October, and I presented the conditions that I just put out; that was one of the reasons daycare was not on the prohibited list, that was one of the uses they didn't want to prohibit, they thought that would be a use that could be used by the community. It was originally on my list of

prohibited uses. I never heard back from them directly; I think they were going to speak in opposition last time. We did meet and I don't think they were in support of the case".

Commissioner Rabago – "I notice in the picture that there's a real estate sign in front of the property; is this attorney already the owner of this property?"

Ms. Crocker – "No he has the property under contract; the house has been on sale for over 1-year and a half; he does have the property under contract like most properties, they don't purchase it until they find out if they could use it for what they want to use it for; he's ready to close on the house, if he can obtain this zoning".

Commissioner Whaley – "Where is Nash Street?"

Ms. Crocker – "It's further to the south".

Commissioner Baker – "Mr. Donisi, in answer to your question; in our last meeting the neighborhood was here in opposition to the condominium zoning and given the make up of the neighborhood; I would think that they did not change their minds; they remain in opposition".

Commissioner Rabago – "Can you tell us if there are other properties in the area that are serving as private businesses such as law offices?"

Ms. Crocker – "I know that on Oxford Street, there are a number of businesses that went there that I don't think ever got a zoning change; they are still zoned SF-3 but are operating as commercial businesses. You will find a nail salon and there are some boutique businesses that service people in the neighborhood; that's what you'll find on Oxford Street".

Commissioner Rabago – "Thank you".

Commissioner Jackson – "I'll make a motion to zone this NO-CO with the CO limiting the number of trips to 100 trips per day; maintaining SF-3 development regulations and restricting the permitted NO uses that's on the attachment (Sarah's list), with the additional restriction of daycare services and the deletion of the special uses historic designation".

Commissioner Whaley – "I'll second that".

Motion carried.

**COMMISSION ACTION:  
MOTION:**

**JACKSON, WHALEY  
APPROVED NO-CO ZONING;  
LIMITED TO 100 TRIPS PER DAY; SF-  
3 DEVELOPMENT REGULATIONS;  
RESTRICTED NO (NEIGHBORHOOD  
OFFICE) USES; ADD DAYCARE AS A  
PROHIBITED USE TO THE LIST;  
DELETE SPECIAL HISTORIC USES  
FROM THE LIST OF CONDITIONS.**

**AYES:**

**RABAGO, GOHIL, BAKER, JACKSON,  
WHALEY, PINNELLI**

**NAY:**

**DONISI, MARTINEZ**

**INELIGIBLE TO VOTE:**

**HAMMOND**

**MOTION CARRIED WITH VOTE: 6-2.**