



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-6
AGENDA DATE: Thu 04/07/2005
PAGE: 1 of 1

SUBJECT: C14-04-0150 - Neighbor's Stop & Go - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6008 Manchaca Road (Williamson Creek Watershed) from limited office (LO) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning, with conditions. Applicant: Anthony R. Bertucci. Agent: Brown McCarroll, L.L.P. (Annick C. Beaudet). City Staff: Wendy Walsh, 974-7719. Note: A valid petition has been filed in opposition to this rezoning request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0150

Z.P.C. DATE: November 2, 2004
November 16, 2004
January 18, 2005

ADDRESS: 6008 Manchaca Road

OWNER AND APPLICANT: Anthony R. Bertucci **AGENT:** Brown McCarroll, L.L.P.
(Annick C. Beaudet)

ZONING FROM: LO **TO:** CS **AREA:** 1.197 acres
AMENDED TO: LR-CO

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to deny neighborhood commercial –conditional overlay (LR-CO) combining district zoning and maintain limited office (LO) district zoning.

If LR-CO district zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

ZONING & PLATTING COMMISSION RECOMMENDATION:

November 2, 2004: *POSTPONED TO 11/16/04 (NEIGHBORHOOD)*
[J.M.; J.G 2ND] (9-0)

November 16, 2004: *POSTPONED TO 1/18/05 (APPLICANT)*
[J.M.; J.G 2ND] (9-0)

January 18, 2005: *APPROVED LR-CO DISTRICT ZONING WITH THE CO PROHIBITING ALL LR USES EXCEPT FOR SERVICE STATION AND FOOD SALES, AND PERMITTING ALL LO USES; 2,000 TRIPS; EXTERIOR LIGHTING MUST BE HOODED OR SHIELDED SO THAT THE LIGHT SOURCE IS NOT DIRECTLY VISIBLE FROM ADJACENT PROPERTY; PUBLIC RESTRICTIVE COVENANT ESTABLISHING THE HOURS OF OPERATION BETWEEN 6:00 A.M AND 11:00 P.M.*
[K.J; J.D 2ND] (5-2) T.R, C.H – NAY; M.W, J.M – ABSENT

ISSUES:

On Wednesday, March 30, 2005, Staff received the Applicant's request to amend the boundaries of the rezoning case and additional information, which is attached at the very back of the staff packet. Petition results are being re-calculated and results will be provided at the Council meeting.

A valid petition of 20.60% has been filed by the adjacent property owners in opposition to this rezoning request. A separate petition has been filed by property owners living outside of the 200 foot wide petition area, also stating their opposition to the applicant's request for LR-CO district zoning.

The applicant would like to discuss the recommendation of the Zoning and Platting Commission regarding hours of operation and intends to seek an extension of the closing time from 11 p.m. to 12 midnight.

The Acting President and a representative of the Cherry Creek SW Neighborhood Association have submitted a letter of opposition to LR-CO district zoning as requested by the applicant. Several letters of opposition have been received from the adjacent neighbors and are attached at the back of the staff report.

DEPARTMENT COMMENTS:

The subject rezoning area consists of one platted lot out of the Independence Park subdivision, takes direct access to Manchaca Road and is zoned limited office (LO) district. This segment of Manchaca Road between Stassney Lane and Berkett Drive consists of a shopping center and single family residences to the north (zoned GR and SF-2, respectively) and undeveloped land, apartments and duplexes to the south (SF-6, SF-2, GR and SF-3). The east side of Manchaca Road consists of single family residences, a City park and Crockett High School (zoned SF-3). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to rezone the lot to the neighborhood commercial – conditional overlay (LR-CO) district for a proposed service station with convenience store. The proposed Conditional Overlay prohibits all LR uses with the exception of Service Station and Food Sales. Staff is unable to recommend the applicant's rezoning request. Commercial zoning and development is concentrated further north at the intersection of Manchaca and Stassney, and auto-related uses are located further south on Manchaca, at its intersection with Berkett. With the exception of the subject LO zoned property, residential uses, both existing and approved, are located between the shopping center and Berkett Drive. Although Manchaca Road is classified as an arterial, the introduction of commercial zoning on this lot (which is not located at an intersection) has a greater potential to create the opportunity for unsafe vehicle turning movements and similarly, pedestrian crossings from the park and high school, and is less compatible with the single family residences and approved condominiums. The staff recommends maintaining LO zoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO	Undeveloped
<i>North</i>	SF-6; SF-2; GR	Undeveloped (with an approved zoning site plan for condominiums); Single family residences; Shopping center
<i>South</i>	SF-6; SF-2; GR; SF-3	Undeveloped (with an approved zoning site plan for condominiums); Single family residences; Apartments; Duplexes
<i>East</i>	SF-3	Garrison Park; Single family residences
<i>West</i>	SF-6; SF-2	Undeveloped (with an approved zoning site plan for condominiums); Single family residences

AREA STUDY: N / A

TIA: Is not required

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association

76 – Southwest Austin Neighborhood Assn.

384 – Save Barton Creek Association	385 – Barton Springs Coalition
428 – Barton Springs / Edwards Aquifer Conservation District	
461 – Cherry Creek SW Neighborhood Association	511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association	943 – Save Our Springs Alliance

SCHOOLS:

Cunningham Elementary School	Bedichek Middle School	Crockett High School
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CASE HISTORIES:

There are no recent case histories on the surrounding properties.

RELATED CASES:

In 1983 the rezoning area was approved for "O", Office, First Height and Area (converted to LO) zoning and included a Zoning Site Plan (Tract 1 in C14-80-145 – Ordinance Number 83-0324-H). The approved Zoning Site Plan for the office use is provided as Exhibit B.

The rezoning area is platted as Lot 2 of Independence Park subdivision, recorded in February 2001. Please refer to Exhibit C.

For Information: The surrounding 48.43 acres was rezoned to "A-2" Condominium Residence, First Height and Area (converted to SF-6), as Tract 2 of the same Zoning Site Plan application. A Replacement Site Plan for the condominium use was filed in 2000 and approved administratively by staff in July 2001. Subsequently, two interested parties filed an appeal of the approval of the Replacement Site Plan that was denied by the Zoning and Platting Commission on September 11, 2001 (SP-00-2489CR). On January 31, 2002, an Appeal of the Approval of the Replacement Site Plan was granted by the City Council.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Manchaca Road	Varies	40 feet	Arterial	23,220

- There are existing sidewalks along Manchaca Road.
- Manchaca Road is classified in the Bicycle Plan as a Priority 1 bike route.
- Capital Metro bus service is available along Manchaca Road.

CITY COUNCIL DATE:

February 17, 2005

ACTION: Approved a Postponement request by the Neighborhood – 1st Request – to 3-10-05 (7-0).

March 10, 2005

Approved a Postponement request by the Applicant – 1st Request – to 4-7-05 (7-0).

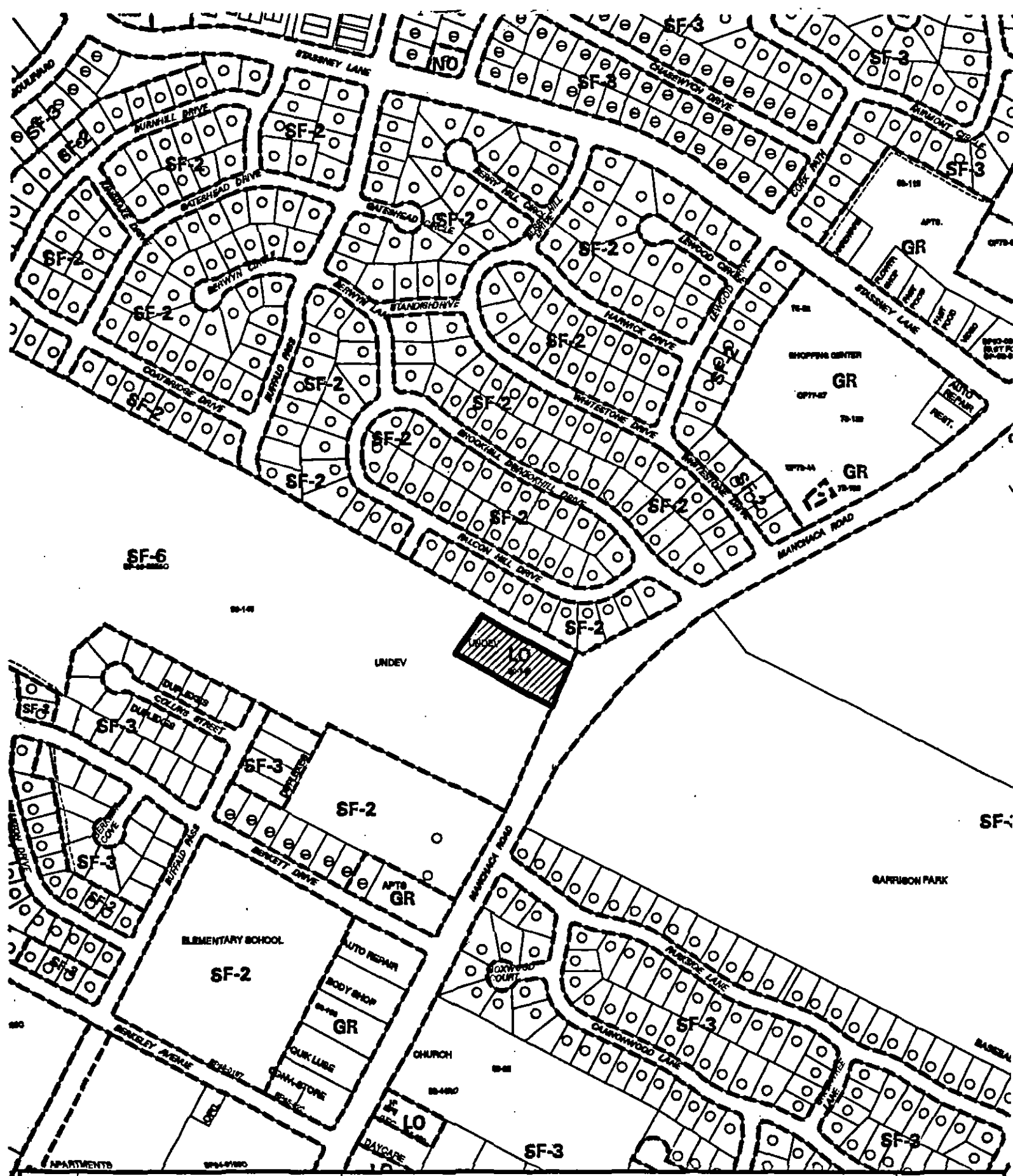
April 7, 2005

ORDINANCE READINGS:1st2nd3rd

ORDINANCE NUMBER:

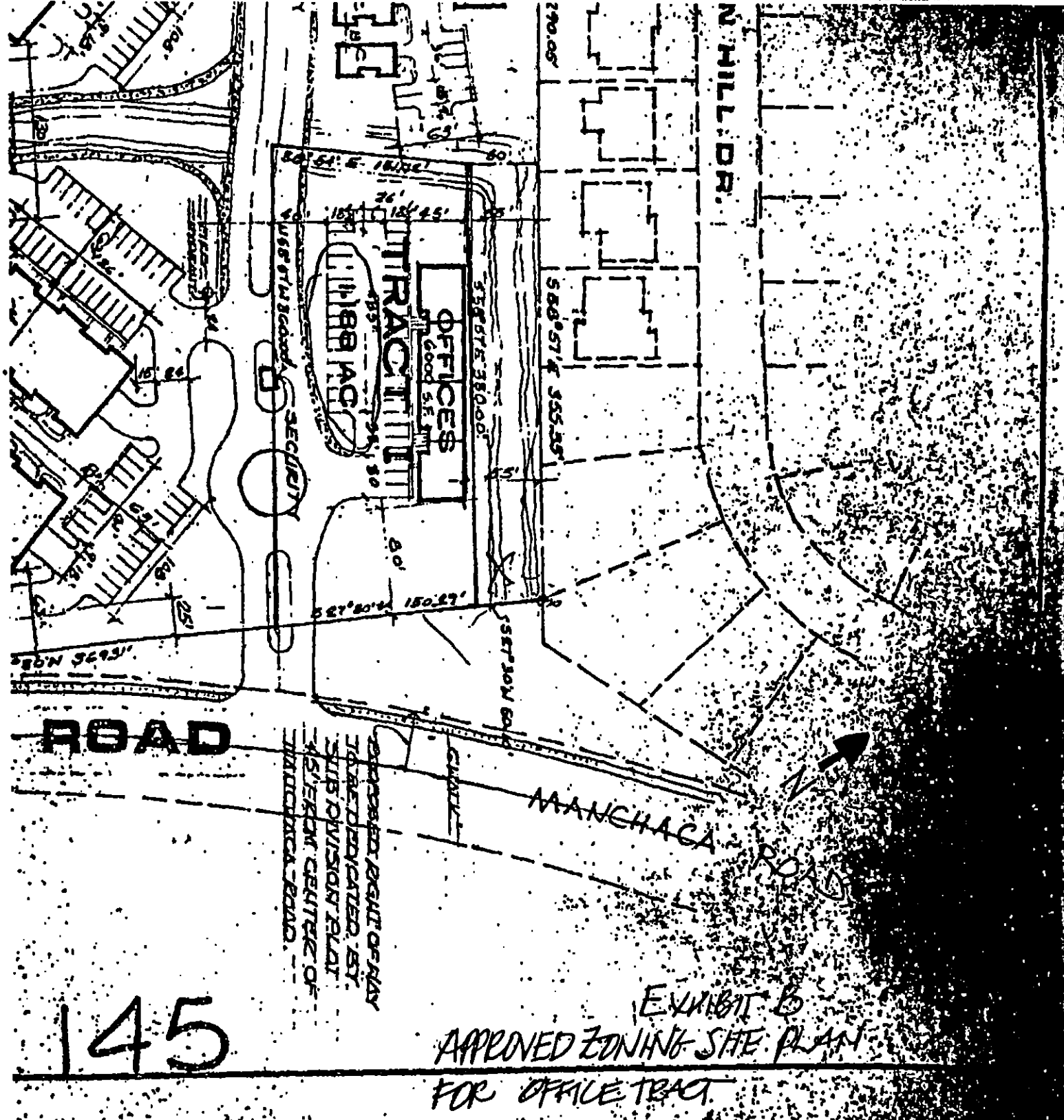
CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



 1" = 400'	SUBJECT TRACT		ZONING Exhibit A	CITY GRID REFERENCE NUMBER F17
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: W. WALSH			
CASE #: C14-04-0150 ADDRESS: 6008 MANCHACA RD SUBJECT AREA (acres): 1.197			DATE: 04-10 INTLS: SM	





N. HILL DR.

OFFICES
TRACT

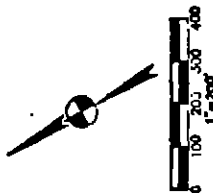
ROAD

MANCHACA ROAD

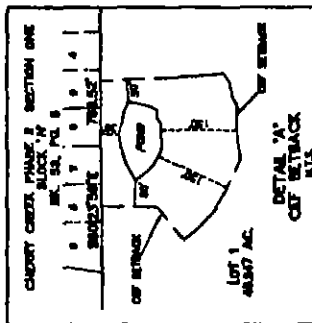
EXHIBIT B

APPROVED ZONING SITE PLAN
FOR OFFICE TRACT

145



	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100



Direct

- 6 1/2" SLOE 1000 POUNDS
 0 1/2" SLOE 1000 WITH CAP SET
 10 CONCRETE MONUMENT POUND
 4 P.L. 1/2" SET
 0 CONCRETE MONUMENT SET
 ... EXISTING SECTIONS
 P.U.E. PUBLIC UTILITY CEMENT
 C.F. CUSTOM SHAPED/UNITAL PLASTER

**INDEPENDENCE
PARK**

DATE: NOVEMBER, 2000
PREPARED BY:

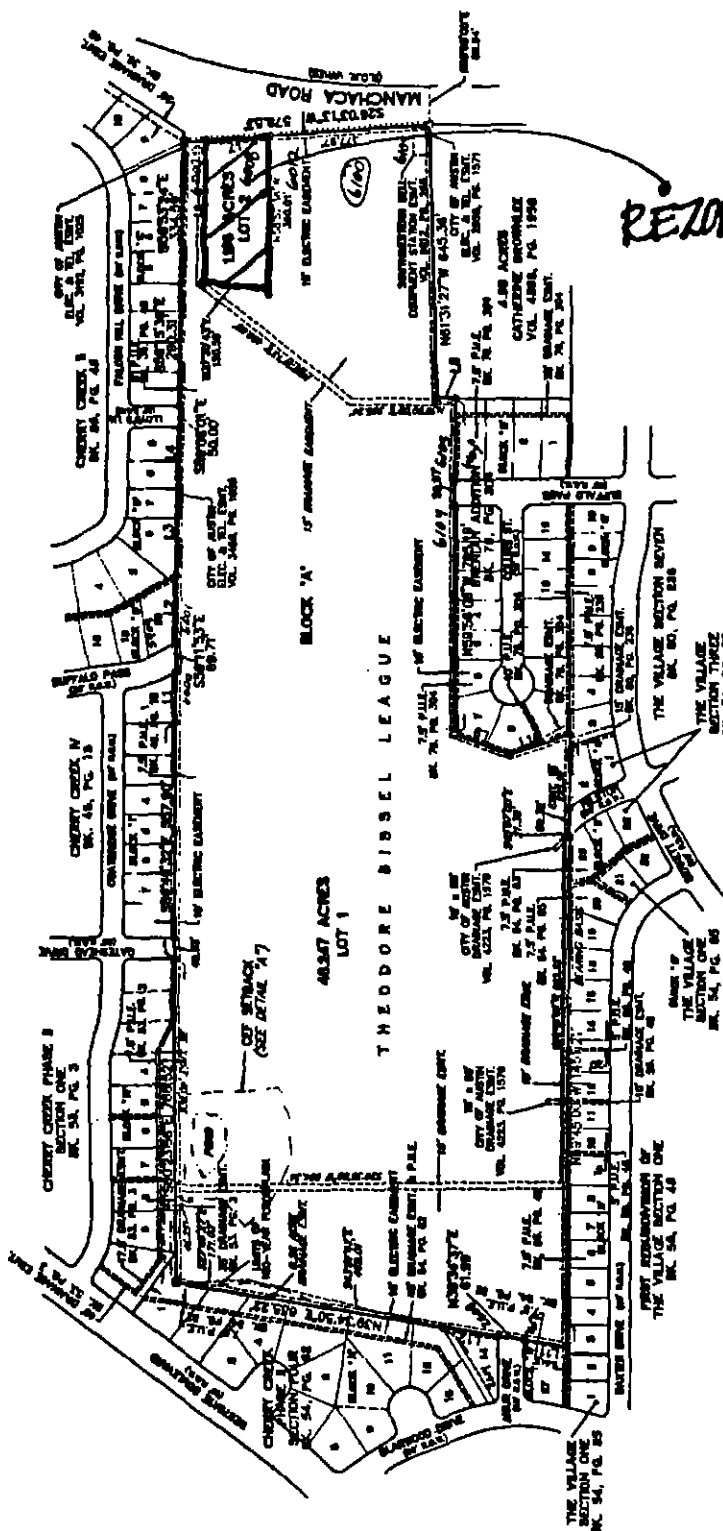
PREPARED BY:

Bury+Partners, Inc.
Consulting Engineers and Surveyors
Austin, Texas Tel 512/528-0011 Fax 512/528-0025

Consulting Engineers and Surveyors
 10000 15th Ave. NE #112/2nd floor, NE 412/2nd floor

THE UNIVERSITY OF CHICAGO PRESS

CA-00-2199.0A



THE LACK OF EVIDENT TRUCK MARKS IS THE STRONGEST LINK IN THE CHAIN OF EVIDENCE THAT LEADS TO THE CONCLUSION THAT THE TRUCK WAS NOT INVOLVED IN THE COLLISION. THE ONLY TRUCK MARKS WERE FOUND ON THE ROADWAY AT THE COLLISION SITE, AND THEY WERE IDENTIFIED AS BELONGING TO A TRUCK OF THE TYPE DESCRIBED IN THE INVESTIGATION.

EXHIBIT C
RECORDED PLAT

RECORDED PLAT

ΣΑ 000/002

1306

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ΣΗ 0001002

[illegible]

RECEIVED
 UNITED STATES DEPARTMENT OF JUSTICE
 DIVISION OF INVESTIGATION
 WASHINGTON, D. C. 20535
 DATE 11-18-60

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 26th DAY OF February, 1968. 2008, BY CERTAINLY TESTAMENTS, BEING TO ME TO THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT WHO HAS ACKNOWLEDGED TO ME THAT FOREGOING INSTRUMENT WAS EXECUTED FOR THE PURPOSES HEREIN EXPRESSED AND IN THE CAPACITY HEREIN STATED.

Kathleen Manning
NOTARY PUBLIC
IN AND FOR THE STATE OF TEXAS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 11th DAY OF January, 1944, 1944, BY JOHN P. KIRBY, A PERSON WHOSE NAME IS SIGNATURE TO THE FOREGOING INSTRUMENT AND HAS ACKNOWLEDGED TO ME THAT PERSONS SIGNATURE WAS OBTAINED FOR THE FOREGOING INSTRUMENT SIGNED AND DATED AS THE CAPACITY HEREIN STATED.

A series of letters
 X OFFICE OF THE
 UNITED STATES DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 WASHINGTON, D. C. 20535

APPROVED BY: 2000 A.D.
W. H. Davis
 SECRETARY PUBLIC
 FOR THE STATE OF TEXAS
 DATE: March 23, 2004
 BY COMMISSION EXPIRES

PLANS FOR NEW

THE NEW YORK STOCK EXCHANGE IS CONFIDENT ABOUT THE FUTURE OF THE STOCK MARKET. A PORTER OF THE EXCHANGE IS SURE THE REVENUES OF THE EXCHANGE WILL BE SUFFICIENT TO COVER THE COSTS OF THE EXCHANGE. THE EXCHANGE IS SURE THE REVENUES OF THE EXCHANGE WILL BE SUFFICIENT TO COVER THE COSTS OF THE EXCHANGE.

RECEIVED

JAMES E. HUGHES, P.L.
 17415 WILSON ROAD NW
 ALBUQUERQUE, N.M. 87103
 505-881-1234
 3348 MIT CANYON ROAD, SUITE 200
 ALBUQUERQUE, NM 87106

2

[illegible]

1. NO BUILDING, FENCE, LANDSCAPING OR OTHER SUCH STRUCTURES ARE PERMITTED IN PROPERTY ZONED EXCEPT AS APPROVED BY CITY OF AUSTIN/HAND COUNTY.
2. PROPERTY OWNERS SHALL PROVIDE FOR ACCESS TO ORANGE LANDSCAPES. HE MAY BE NECESSARY AND SHALL NOT PROVIDE ACCESS BY CONVENTIONAL AUTHORITY.
3. ALL ORANGE LANDSCAPES OR PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR AGENCIES.

3. PUBLIC BENEFIT ALONG WITH PROGRESS FROM THE OUTSIDE

LETTER FROM THE COMMISSIONER OF THE CITY OF ALBANY

1. The owner of this subdivision, and his or her successors and assigns, shall be responsible for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Austin. The owner understands and acknowledges that plat vacation or replatting may be required, at the owner's sole expense, if plans to construct this subdivision do not comply with such codes and requirements.

[illegible][illegible]

THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

7. PRIOR TO CONSTRUCTION, EXCEPT OFFICERS SHOULD FURNISH AN AFFIDAVIT IN WRITING SUBSCRIBED, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF AUSTIN.

THE SUBMISSION PLAN AND APPROVAL AND RECORDS BEFORE THE COMPLETION AND ACCEPTANCE OF FINISHES AND OTHER SUBSEQUENT REQUIREMENTS PERTAINING TO THE PLANNED CONSTRUCTION OF THE PROJECTS AGREED UPON BETWEEN THE SUBMITTER AND THE CITY OF LOS ANGELES. ALL SUBMITTERS ARE REQUIRED TO SIGN AND FURNISH TO THE SUBMITTER, THE RESPONSIBILITY MAY BE ASSIGNED IN ACCORDANCE WITH THE TERMS OF THAT AGREEMENT. FOR THE SUBMISSION REQUIREMENTS AGREEMENT PERTAINING TO THIS SUBMISSION, SEE SEPARATE INSTRUMENT RECORDED IN DOC. # 20220727000. THE CITY

THIS PROJECT IS LOCATED WITHIN THE MILLAMORE ORDER MATROUSHIP WHICH IS A SUBDIVISION WITHIN THE CITY OF ALBANY, NEW YORK. THE PROJECT IS LOCATED WITHIN THE CITY OF ALBANY, NEW YORK. THE PROJECT IS LOCATED WITHIN THE CITY OF ALBANY, NEW YORK.

2. A MEMORANDUM SUBJECT/REASON OF CONVICTION AND REENTRY FOR
COMMISSIONING WAS RECORDED IN BOOKLET NO. 209147814
IN THE OFFICE OF PUBLIC SECURITY OF BEANS COUNTY, TEXAS

FOR A MINIMUM TRAVEL DISTANCE OF 20 FEET FROM THE EXISTING EDGE, EXISTING GRADING SHALL BE MAINTAINED OR RECONSTRUCTED TO MEET THE SPECIFIC APPROVAL OF SURFACE AND GEOMETRIC DESIGN DEPARTMENT OF THE CITY OF ALBANY.

2. Breeding/conservation corridors are required for all construction on each lot, adjacent to the City of Austin's Land Development Code Section 24-8-10, and the Department's.

1

I, JOHN I. MULLINS, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF IOWA TO PLACE THE PROVISIONS OF LAND SURVEYING AND MONUMENT CONVEY THAT HAS PLAT COMPLETED IN CHAPTER 25 OF THE ANTIEN CODE OF 1908, AS AMENDED, AND THE PREPARED FROM AN ACTUAL ON THE GROUND SURVEY OF THE PROPERTY HAVE UNDER MY SUPERVISION.

JOHN L. BLANCHARD, RPLD
10345 ROCKVIEW AVE. #404
BART & PATRICKS, INC.
1346 BLUE CANYON ROAD, SUITE 200



DATE: NOVEMBER, 2000
PREPARED BY:

Bury+Partners, Inc.
Consulting Engineers and Surveyors
Austin, Texas Tel 512/388-0811 Fax 512/388-0828
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Classified by 6032 Approved by JCS Declassify on: NND-01-28-772 at 08/28/2001

CS-00-2199.0A

3

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to deny neighborhood commercial –conditional overlay (LR-CO) combining district zoning and maintain limited office (LO) district zoning.

If LR-CO district zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

BACKGROUND

The subject rezoning area consists of one platted lot out of the Independence Park subdivision, takes direct access to Manchaca Road and is zoned limited office (LO) district. This segment of Manchaca Road between Stassney Lane and Berkett Drive consists of a shopping center and single family residences to the north (zoned GR and SF-2, respectively) and undeveloped land, apartments and duplexes to the south (SF-6, SF-2, GR and SF-3). The east side of Manchaca Road consists of single family residences, a City park and Crockett High School (zoned SF-3).

The applicant proposes to rezone the lot to the neighborhood commercial – conditional overlay (LR-CO) district for a proposed service station with convenience store. The proposed Conditional Overlay prohibits all LR uses with the exception of Service Station and Food Sales. Staff is unable to recommend the applicant's rezoning request. Commercial zoning and development is concentrated further north at the intersection of Manchaca and Stassney, and auto-related uses are located further south on Manchaca, at its intersection with Berkett. With the exception of the subject LO zoned property, residential uses, both existing and approved, are located between the shopping center and Berkett Drive. Although Manchaca Road is classified as an arterial, the introduction of commercial zoning on this lot (which is not located at an intersection) has a greater potential to create the opportunity for unsafe vehicle turning movements and similarly, pedestrian crossings from the park and high school, and is less compatible with the single family residences and approved condominiums. The staff recommends maintaining LO zoning.

BASIS FOR LAND USE RECOMMENDATION OF DENIAL (ZONING PRINCIPLES)

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

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

LO zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Commercial zoning is located further north at the intersection of Manchaca and Stassney, and auto-related uses are located further south on Manchaca, at its intersection with Berkett. With the

exception of the subject LO zoned property, residential uses, both existing and approved, are located between the shopping center and Berkett Drive. Although Manchaca Road is classified as an arterial, the introduction of commercial zoning on this lot (which is not located at an intersection) has a greater potential to encourage unsafe vehicle turning movements or pedestrian crossings from the park and high school, and is less compatible with the single family residences and approved condominiums.

EXISTING CONDITIONS

Site Characteristics

The rezoning area is undeveloped and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the LO zoning district would be 70%, which is based on the more restrictive zoning regulations. The maximum impervious cover allowed by the LR zoning district would be 80% that is based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, 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:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

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

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.

TPSD 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 rezoning 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

The trip generation under the requested zoning is estimated to be 7,002 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).

No additional right-of-way is needed.

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]

Water and Wastewater

The landowner intends to serve the site 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 providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City utility design criteria and specifications.

Compatibility Standards

The site is subject to compatibility standards, due to SF-2 property within 540 feet. Along the north property line, the following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the north property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 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.

Chris Butler
6204 Blarwood
Austin, TX 78745

Oct. 26, 2004

City of Austin
Zoning and Planning Commission
Attn: Wendy Walsh
1 Texas Center
Austin, Texas

Dear Ms. Walsh,

As discussed earlier, members of the Cherry Creek Neighborhood Association SW would greatly appreciate a 2 week extension on an item currently scheduled for the Zoning and Planning Commission meeting on Nov. 2, 2004.

We have some concerns about a "limited office" parcel on Manchaca that is being considered for "general commercial" zoning, and would like to present them to the commission. However, the scheduled date of Nov. 2 may limit the number of our members who can attend, due to major elections also scheduled for that day.

If a 2 week delay is acceptable, we would much appreciate the courtesy.

Thank you,

A handwritten signature in cursive script that reads "Chris Butler".

Chris Butler
Acting President,
Cherry Creek Neighborhood Association SW

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: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

Barbara Kelley
Your Name (please print)

2207 Falcon Hill Dr.

Your address(es) affected by this application

Barbara Kelley 10/26/04

Signature

Date

Daytime Telephone: 441-5058

Comments: This would be built right across the street from the opening of Garrison Park. Would create more traffic. We have drive in stores on Manchaca & Berkley & another on Manchaca & Southern Oaks.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

Deirdre Anderson
Your Name (please print) George Shannon

2105 Falcon Hill
Your address(es) affected by this application

Deirdre Anderson
Signature

10-25-04
Date

Daytime Telephone: 693-2640

Comments: There is already too much
dangerous traffic in the area.
because of the school & park.
Also we have a bad flooding
problem in our back yard.
I'm afraid any construction
will cause it to become worse.
Plus I don't want any type of
business in my back yard.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

KATHLEEN T. ALLEN

Your Name (please print)

2200 FALCON HILL DR

Your address(es) affected by this application

Kathleen T. Allen

Signature

Date

Daytime Telephone: 442-17148

Comments: This intersection is currently no
new congested during the 9 months the
students are at Crockett High School -
the primary side from the student parking
lot is only about 50 feet from the
proposed business. The remaining three
months (previous Fall/Evening year, also
directly across the street has no increased
volume of traffic. Please consider this very
carefully.

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

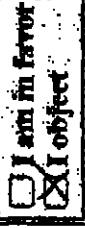
City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810





NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING

Mailing Date: September 28, 2004

Case Number: C14-04-0150

Please be advised that the City of Austin has received an application for rezoning of a property that is within 300 feet of your property. City Ordinance requires that all property owners within 300 feet of the subject property and affected neighborhood organizations be notified when an application has been filed.

If you have any questions concerning this application, please contact Wendy Walsh of the Neighborhood Planning and Zoning Department at (512) 974-7719 and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site www.ci.austin.tx.us/gis/reviewcases/rcase_table_search.cfm.

Owner/Agent: Anthony R & Mildred L. Bertucci

Telephone: 512-837-0509

Location: 6008 Manchaca Road

Proposed Zoning Change

From LO - Limited Office district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods.

To CS - General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

The rezoning of a property requires approval by a Land Use Commission and final approval by the City Council. When scheduled, you will receive a notice for each public hearing which will provide the date, time, and location of the public hearing. You are encouraged to participate in this process.

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I object to this business being directly behind my residence. A convenience store with a service gas station does not fit in this area. There is a 7-11 convenience store 2 blocks south on Manchaca Rd. There is a convenience store w/ service gas station 2-3 blocks north on Manchaca Road. There is no need for another one of these businesses that close together. Also there is no traffic signal light to help the traffic move. The other 2 places are on corners w/ signal lights. What a mess this will be.

Rosa J. Kent
2113 Falcon Hill Dr.
Austin, TX 78745-3521

Rosa J. Kent

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

Judith G. WARREN

Your Name (please print)

☐ I am in favor
☒ I object

2106 Falcon Hill Dr.

Your address(es) affected by this application

Judith G. Warren

Signature

Oct 28, 2004

Date

Daytime Telephone: 442-5841

Comments: This type zoning is
not compatible to the neighborhood
the park or the adjoining
homes. I request that it
not be approved.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

Melanie Vait Vlie

Your Name (please print)

2203 Folan Hill Dr Austin 78745

Your address(es) affected by this application

Melanie Vait Vlie 10/26/04

Signature

Date

Daytime Telephone: 512-320-5456

Comments: Bad idea! Businesses would

ruin the field of tracks already

existing there. Plus, any business

in this area is immediately demolished

by the high school population,

constantly littering from across

the street. I do not foresee a

thriving business of any kind.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Baibara A. Buchanan

Your Name (please print)

2107 Falcon Hill Dr. Aus. 78753

Your address(es) affected by this application

Baibara A. Buchanan 1/11/05
Signature Date

Daytime Telephone: 512-944-4653

Comments: Redemptive object. This is a
traffic issue on Meacham Rd.
Crockett HS, Hemis Park, & 2nd State
Chockhill & Whitestone. No lights & control
traffic many accidents happen with people
making left turns into back driveway
not compatible with a large commercial
traffic area!! Commercial stores available
both up & down Meacham. With 3 blocks
each way! We don't need any more in
If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Wendy Walsh
P. O. Box 1088
Austin, TX 78767-8810



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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

KATHLEEN T. ALLEN

Your Name (please print)

☐ I am in favor
☒ I object

2200 FALCON HILL DRIVE, AUSTIN, 78745

Your address(es) affected by this application

Kathleen T. Allen

Signature

1-12-05

Date

Daytime Telephone: 512-442-7148

Comments: I oppose this proposed change,

primarily because of additional traffic that
would be generated by any commercial venture.
For the summer, Harrison Park is heavily
traversed by families, mostly by car - in the
fall it is football practice & in spring, softball -
plus, the E. (Civ) are students who attend school
now with the College (Austin Community) building
adjacent. The traffic will not be able to cope
with anything that allows additional auto's. Love

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

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Wendy Walsh

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Spring is in
to, please.

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

WANDA J. MILLS

Your Name (please print)

2609 Coathridge 78745

Your address(es) affected by this application

Shaulog Mill

Signature

Date

1-18-2005

Daytime Telephone: 512.444.8346

Comments: A lot of thought and consideration would need to be given to the type development planned for this plot of land before the neighborhood would feel comfortable. We already have a lot of cut-through traffic on our neighborhood street. We have explored various options to alleviate the problem, but haven't solved it. Any further commercialization of the area would make matters worse. This is a quality of life issue.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Vicki Keller

Your Name (please print)

2607 CATLEDGE DRIVE -45

Your address(es) affected by this application

Vicki Keller

Signature

1-18-05

Date

Daytime Telephone: 383-0389

Comments: MY PRIMARY OBJECTION TO THIS RE-ZONING APPLICATION IS BASED ON TRAFFIC AND SAFETY CONCERNS. THE COMBINATION OF CLODETT H.S., SARGISON DISTRICT PARK, CUNNINGHAM ELEMENTARY, THE MANCHACA LIBRARY, THE CHERRY CREEK SHOPPING CENTER, AND THE FORTHCOMING AUSTIN COMMUNITY COLLEGE CAMPUS BRINGS A TREMENDOUS AMOUNT OF VEHICULAR PEDESTRIAN, AND BICYCLE TRAFFIC THROUGH A RESIDENTIAL AREA ON ROADS THAT ARE UNABLE TO SUPPORT IT SAFELY. A

(mythology)

If you use this form to comment, it may be returned to: CHANGE FROM THE LO ZONING TO

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

WILL HAVE A

NEGATIVE IMPACT

ON THIS COMMUNITY.

16 Nov. 2004

Attn: Wendy Walsh

Re: 6008 Manchaca Rd

As applicant of Case C14-04-0150,
I am requesting a postponement
to 18 January 2005.

Thank you,
Anthony R Bertucci
512-837-0509

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

DAVID KROFF

Your Name (please print)

2600 COATBRIDGE DR.

Your address(es) affected by this application

DAVID KROFF 1-18-05

Signature

Date

Daytime Telephone: 773-0383

Comments:

There are similar stores in the area and we don't need any more. We need more positive development for this lot - i.e. Dr. office, dentist office, etc.

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

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Wendy Walsh

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719.

Public Hearing:

January 18, 2005 Zoning and Planning Commission

Susan Kroft

Your Name (please print)

2600 Coatbridge Dr.

Your address(es) affected by this application

Susan Kroft 1/17/05

Signature Date

Daytime Telephone: 773-0384

Comments:

Consideration needs to be
given regarding the effect this
zoning change will have on
the neighborhood, high school,
elementary school, and public
park within easy walking
distance. (Remember the children!)

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

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Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Joan + Stan Hilbig
Your Name (please print)

☐ I am in favor
☒ I object

2608 Baxter Dr.

Your address(es) affected by this application

Joan Hilbig + Stan Hilbig 1-18-05
Signature Date

Daytime Telephone: 447-9186

Comments: 1) Incompatibility with residential zoning
2) Traffic hazards to students + pedestrians w/out traffic light
3) Increased traffic on Manchaca Rd - beyond capacity now.
4) Unneeded - convenience store 3 blks away.
5. Devastating effects of industrial/commercial use on
neighborhood stability.
6. No guarantee CS rezoning would result in
compatible development.
7. CS zoning allows for explosive mtl. offensive
conditions and a 35' building height.

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

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

GEORGE E. HUFFMAN

Your Name (please print)

☐ I am in favor
☒ I object

2607 COATBRIDGE DR, D7045

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 3830389

Date

1-18-05

Comments: This is a part of the community where growth will have a negative impact on the safety of children. The children at Coathoff are at risk from automobiles and this will increase the risk of more children getting killed. I also feel that any growth/development on any part of this block of land will increase water runoff which will directly affect my property.

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Wendy Walsh

P. O. Box 1088

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Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

SIMON T. MILLS

Your Name (please print)

☐ I am in favor
☒ I object

2609 Coathbridge

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 441-8346

Date

1/18/05

Comments: One major objection concerns the description of CS zoning. This is a residential environment & we don't need incompatible development. A second is the increased amount of front development on this property.

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Deirdre Anderson

Your Name (please print)

2105 Falcon Hill Austin 78745

Your address(es) affected by this application

Deirdre Anderson 1-13-05

Signature

Date

Daytime Telephone: 693-2040

Comments:

There is already too much traffic and it's very dangerous because of all the children from the school and the park. Any type of business would just add to the problem I also do not want a business in my back yard. There wasnt one when I bought it and I want it to stay that way.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810



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: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Your Name (please print)
Barbara Kelley

2207 Falcon Hill Dr.

Your address(es) affected by this application

Barbara Kelley

Signature

Date

Daytime Telephone: 512-441-5058

Comments:

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

PUBLIC HEARING INFORMATION

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

CHAD R. JOHNSON

Your Name (please print)

2201 FALCON HILL DR. AUSTIN, TX. 78745

Your address(es) affected by this application

Chad R. Johnson

Signature

1-17-05

Date

Daytime Telephone: 302-3447

Comments: As concerned property owners of a lot and hence adjacent to this proposed project requiring a zoning change, my wife and I must object to any zoning change to a C's or related zoning. Such rezoning is already allowed with rezoning of other and auto repair stations. To allow another type development directly across Travis Park and blunder by residential development's across a big mistake. We oppose any zoning change not compatible with residential environments.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P.O. Box 1088

Austin, TX 78767-8810

January 14, 2005

VIA EMAIL & REGULAR MAIL

Wendy Walsh, Senior Planner
City of Austin, Neighborhood Planning & Zoning Department
505 Barton Springs Road
Austin, Texas 78704

Re: Zoning Case No. C14-04-0150

6008 Manchaca Road

Dear Wendy:

Please accept this letter as our client's formal amendment of the zoning application submitted for the above referenced zoning case. The application submitted requested a rezoning from Limited Office (LO) to General Commercial Services (CS) district zoning. By this letter, we are amending our application to a request for a rezoning from Limited Office (LO) to Neighborhood Commercial-Conditional Overlay (LR-CO) district zoning. The CO would prohibit all LR uses except Service Station and Food Sales. Therefore, the permitted uses on the site would be limited to those permitted within a Limited Office (LO) zoning district, Service Station, and Food Sales.

Our client is requesting this amendment in response to concerns brought forth by the neighbors living in the area to the north of the Property. Per my conversations with Chris Butler of the Cherry Creek Southwest Neighborhood Association, it is my understanding that the neighborhood is more concerned with the future development of the adjacent, undeveloped, 40-acre tract (of which we are not the owners and over which we have no control) but would also like to retain the existing LO on our one acre tract. Given that the majority of Manchaca Road already supports a mix of retail and residential zoning, we feel that the addition of one acre of LR-CO would not negatively affect conditions on Manchaca Road and would fit well into the existing mix of zoning and land uses.

Again, while this property does not abut any property within the neighborhood, in an effort to address the concerns of the neighborhood representatives we are amending our request so as to create the least possible intensive zoning change while still allowing our client to develop and use his property as he feels is desirable at this time.

Should you need any further information, please contact me at 703-5741.

Wendy Walsh
January 13, 2005
Page 2

Respectfully yours,

Annick Beaudet

Annick Beaudet
Land Development Coordinator

Enclosure

cc: Chair Betty Baker, Zoning and Platting Commission

Zoning and Platting Commission Members

Anthony Bertucci, property owner

Nikelle S. Meade, Esq.

Cherry Creek SW Neighborhood Association

2608 Baxter Dr.

Austin, TX 78745

(512) 447-9186 hillhouse@msn.com

February 7, 2005

Will Wynn, Mayor, City of Austin
Jackie Goodman, Mayor Pro Tem
Daryl Slusher, Place 1 Council Member
Raul Alvarez, Place 2 Council Member
Betty Dunkerley, Place 4 Council Member
Brewster McCracken, Place 5 Council Member
Danny Thomas, Place 6 Council Member

Attn: Wendy Walsh

RE: File Number C14-04-10150
6008 Manchaca Road
Proposed Zoning Change
From LO to LR-CO

The Cherry Creek SW Neighborhood Association (CCSWNA) respectfully requests a postponement of the above issue scheduled to come before the Council on February 17, 2005. We would like a postponement until March 10, 2005, as several key officers of CSWNA will be unavailable on February 17, and March 3.

In the meantime, we hope to meet with the applicant, hold a neighborhood meeting in which the applicant and his agent will be able to attend, make their presentation and answer some of the concerns of the neighborhood residents.

Thank you for your consideration.

Sincerely,

Joan Hilbig
Acting President
CCSWNA

Wanda Mills
2609 Coatbridge
Austin, TX 78745
441-8346

PETITION

Date: _____
File Number: C14-04-0150

Address of Rezoning Request:
6008 Manchaca Road

To: Austin City Council

We, the undersigned owners of property *within 200'* 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-Limited Office.

We protest against a change because any use of this property other than LO or residential would be detrimental to this South Austin community. Housing north of the proposed tract is below grade of proposed rezoning tract and is subject to flooding without adding impervious cover. Additional concerns relate to traffic, noise, and light pollution. The property owners in adjacent housing have paid property taxes for over 30 years and would suffer an unnecessary decline in property values if development incompatible with a residential area is allowed. We respectfully ask for your favorable consideration of our request that no zoning change be approved.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address Austin, TX 78745
<u>Deirdre Anderson</u>	Deirdre Anderson	2105 Falcon Hill Dr.
<u>Barbara Buchanan</u>	Barbara Buchanan	2107 Falcon Hill Dr.
<u>Kelvin Wilson</u>	Alicia Wilson	2109 Falcon Hill Dr.
<u>Chris Coley</u>	CHRIS COLEY	2111 Falcon Hill Dr.
<u>Rosa Jo Kent</u>	Rosa Jo Kent	2113 Falcon Hill Dr.
<u>Chad R. Johnson</u>	CHAD R. JOHNSON	2201 Falcon Hill Dr.
<u>Melanie Vait Vlie</u>	Melanie Vait Vlie	2203 Falcon Hill Dr.
<u>W.O. Callaghan</u>	W.O. CALLAGHAN	2205 Falcon Hill Dr.
<u>Barbara Kelley</u>	Barbara Kelley	2207 Falcon Hill Dr.

PETITION

Date: _____
File Number: C14-04-0150

Address of Rezoning Request:
6008 Manchaca Road

To: Austin City Council

We, the undersigned owners of property *outside* 200' 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 more intense than LO-Limited Office.

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address - Austin, TX 78745</u>
<u>Joyce Halden Fiorella</u>	<u>Joyce Fiorella</u>	<u>2202 Falcon Hill Dr</u>
<u>Vicki Keller</u>	<u>VICKI KELLER</u>	<u>21007 COATBRIDGE DRIVE</u>
<u>George E. Huffman</u>	<u>GEORGE E. HUFFMAN</u>	<u>2607 COATBRIDGE DR.</u>
<u>Benjamin Bays</u>	<u>BENJAMIN BAYS</u>	<u>5911 WESTGATE BLVD</u>
<u>Gary Dry</u>	<u>GARY DRY</u>	<u>2619 Coatbridge Dr.</u>
<u>Sharon Adams</u>	<u>SHARON ADAMS</u>	<u>2617 Coatbridge Dr.</u>
<u>Charles Adams Jr</u>	<u>CHARLES ADAMS JR</u>	<u>2617 Coatbridge Dr</u>
<u>Paul R. Ondrias</u>	<u>PAUL R. ONDRAS</u>	<u>2611 COATBRIDGE DR</u>
<u>Tamie Rodriguez</u>	<u>Tamie Rodriguez</u>	<u>2605 coatbridge Dr.</u>
<u>Aracida Ramirez</u>	<u>Aracida Ramirez</u>	<u>2605 Coatbridge Dr.</u>
<u>Marina Rodriguez</u>	<u>MARINA RODRIGUEZ</u>	<u>2605 Coatbridge Dr.</u>
<u>Anna Knox</u>	<u>ANNA KNOX</u>	<u>2210 Falcon Hill 78745</u>

PETITION

Date: _____
File Number: C14-04-0150

Address of Rezoning Request:
6008 Manchaca Road

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We protest against this zoning change because any use of this property other than LO or residential would be detrimental to this South Austin community. Noise, additional traffic on over crowded roads, air and solid waste pollution, student and pedestrian safety are all concerns of the neighborhood residents. Adding impervious cover would threaten adjacent homes with further flooding problems. The property owners in this neighborhood have paid property taxes for over 30 years and would suffer an unwarranted decline in property values if you approve development incompatible with a residential area. We respectfully ask for your favorable consideration of our request that no zoning change be approved.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature Printed Name Address - Austin, TX 78745

Chris Butler Chris Butler 6204 Blarwood

Claudette Hulse Claudette Hulse 6204 Blarwood

GERALD COLLIER, CAMMIE COLLIER 5909 WESTGATE BLVD.

Monique Lehning Monique Lehning 2600 Baxter Dr.

William Daurte William Daurte 2304 BROOKHILL DR

Ginna Beal Ginna Beal 5908 Burnhill 78745

Ryan Bayless Ryan Bayless 5906 Burnhill 78745

Elizabeth Hernandez Elizabeth Hernandez 5906 Burnhill 78745

Deanne Plumley Deanne Plumley 5904 BURNHILL DR. 78745

Debbie Harst Debbie Harst 5810 Burnhill DR 45

Francis Brooks Francis Brooks 5502 Burnhill

Steven M. Johnson Steven M. Johnson 5700 Burnhill

PETITION

Date: _____
File Number: C14-04-0150

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address - Austin, TX 78745</u>
<u>Ray Ellerbee</u>	RAY Ellerbee	2509 Coatbridge Dr.
<u>Eduardo L. Aderson</u>	Eduardo L. Aderson	2506 Coatbridge Dr.
<u>Kimberly Galvan</u>	Kimberly Galvan	2100 Falcon Hill Dr
<u>Steve Teller</u>	STEVE TELLER	2406 Berkley Ave
<u>Lance Tomlinson</u>	Lance Tomlinson	5701 BURNHILL DR
<u>Bill Seward</u>	Bill Seward	5703 Burnhill Dr.
<u>Bill Seward</u>	BILL SEWARD	5801 BURNHILL DR
<u>Luis Hernandez</u>	Luis Hernandez	5808 Burnhill Dr
<u>Rebecca Rowbatham</u>	REBECCA ROWBATHAM	5806 BURNHILL DR
<u>Loria Regalado</u>	Loria Regalado	5901 Burnhill Dr.
<u>Roger Shankle</u>	Roger SHANKLE	5907 Burnhill Dr.
<u>Gregory Hancock</u>		5905 "

PETITION

Date: _____
File Number: C14-04-0150

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature Printed Name Address - Austin, TX 78745

Lawrence Randel Lawrence Randel 2203 Brookhill

Lori Randel Lori Randel 2203 Brookhill

E. Henry Meyer Jr. E Henry Meyer Jr. 2204 Brookhill Dr

D.T. Chapman D.T. CHAPMAN 2202 BROOKHILL DR.

Jean L. Chapman JEAN CHAPMAN 2202 Brookhill Dr

Cody Wehmer Cody Wehmer 2207 Brookhill Dr.

Isam Bandak ISAM BANDAK 2205 Brookhill Dr.

Sandra Garcia SANDRA GARCIA 2110 Brookhill Dr

Sandy McCollum SANDY MCCOLLUM 2109 BROOKHILL DR

Barbara Hillman Barbara Hillman 2004 Brookhill Dr

Judith G. Warren Judith G. WARREN 2106 FALCON HILL DR

Pam Turner Pam Turner 2302 Berwyn Lane

PETITION

Date: _____
File Number: C14-04-0150

Address of Rezoning Request:
6008 Manchaca Road

To: Austin City Council

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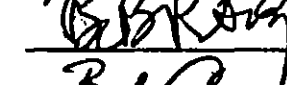
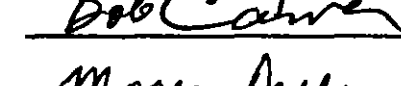
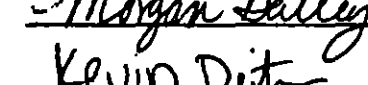
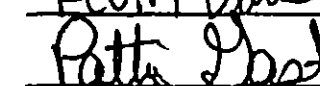

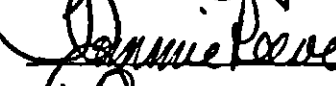


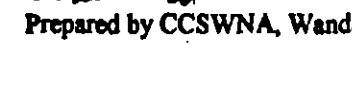

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address - Austin, TX 78745

	Elizabeth Standifer	
	Nicole Ray	2524 Baxter Dr. 78745
	Bob Ray	2524 Baxter Dr. 78745
	Bob Carver	2614 Coatbridge 78745
	Morgan Calley	2515 Baxter 78745
	Kevin Deiters	2512 Baxter 78745
	Patty Gaston	2509 Baxter 78745
	Jennifer Perkins	2510 Baxter 78745
	Tommie Reeves	2613 Carlow Dr 78745
	ROBERT ANDERSON	2504 BAXTER 78745
	KATHLEEN TULL	2512 BEEKETT 78745
	WALTER V. HYSTER	2515 BAKER 78745

PETITION

Date: _____

File Number: C14-04-0150

Address of Rezoning Request:

6008 Manchaca Road

To: Austin City Council

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address - Austin, TX 78745
<i>Joie Driver</i>	JOIE	2605 Baxter Dr. Austin TX 78745
<i>Joseph Driver</i>	JOSEPH	2605 Baxter " "
ANN HAYES	Margaret	2607 Baxter " "
DON HAYES	DON	2607 Baxter " "
<i>Sharon Managauin</i>	Sharon	2611 Baxter
<i>Barbara Hockett</i>	Barbara	2610 Baxter Dr.
<i>Dolores Rodriguez</i>	Dolores	2529 Baxter Dr.
<i>Ray Harrison</i>	RAY HARRISON	2526 Baxter
<i>John Westlund</i>	John Westlund	2533 Baxter Dr.
<i>Gerardo Garcia</i>	GERARDO GARCIA	2532 Baxter Dr.
<i>David C Senecal</i>	David C Senecal	2534 Baxter Dr.
<i>Madison Seale</i>	Madison Seale	2535 Baxter Dr.

NAME-sign

print

address

Ralph D. Ellis

Ralph D. Ellis

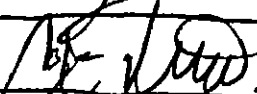
2604 Baxter Dr., Austin, TX 78741

Iris Gradner



2537 Baxter Dr. Austin TX

Chris & Amy



2601 Baxter Dr. 78745

Theressa Lyons

Theressa Lyons

2317 Campden Dr 78745

Ann Snitker

Ann Snitker

2615 Baxter Dr 78745

* Mark Smith

Mark Smith

2616 Baxter Dr 78745

Joan R Andersen

JOAN R. ANDERSEN

2618 BAXTER DR 78745

Jerry S. Andersen

JERRY S. ANDERSEN

2618 BAXTER DR 78745

PETITION

Date: _____
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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature Printed Name Address - Austin, TX 78745

Robert L. Bemis ROBERT L. BEMIS 2601 COATBRIDGE DR. 78745-3423

Mary E. Tolliver MARY E. TOLLIVER 2102 Brookhill Drive

Dorothy M. Oton DOROTHY M. ORTON 2302 Brookhill Dr.

Robert L. Oton ROBERT L. ORTON 2302 Brookhill Dr.

Anna Knox ANNA KNOX 2210 Falcon Hill Dr. Austin 78745

Pauline Gamble PAULINE GAMBLE 2530 Baxter Dr. 78745

Elaine J. Coy ELAINE J. COY 2305 Falcon Hill Dr. 78745

Susan Kraft SUSAN KRAFT 2600 Coatbridge Dr

David Kraft DAVID KRAFT 2600 COATBRIDGE DR

Nita Knox Nita K. Mathen 2501 & 2503 COATBRIDGE DR 78745

Donald J. Lehning DONALD J. LEHNING 2600 Baxter Dr.

Moni K. Lehning Moni K. Lehning 2600 Baxter Dr.

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address - Austin, TX 78745
<u>James V. Samuelson</u>	JAMES SAMUELSON	2614 Baxter Dr. 78745
<u>Bernadette Muray</u>	Bernadette Muray	2420 Baxter Dr. 78745
<u>Stephen Muray</u>	Stephen Muray	" " "
<u>Gileen Gillespie</u>	Gileen Gillespie	2626 BAXTER DR. 78745
<u>Laura J. Hendrix</u>	Laura J. Hendrix	2627 Baxter Dr. 78745
<u>Eric Hendrix</u>	ERIC Hendrix	2627 Baxter Dr. 78745
<u>Donna L. Copeland</u>	DONNA L. Copeland	2617 Baxter Dr. 78745
<u>Joan Hilbig</u>	Joan Hilbig	2608 Baxter Dr.
<u>Stanley Hilbig</u>	Stanley Hilbig	2608 Baxter Dr.

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address - Austin, TX 78745

Pat Thompson

PAT THOMPSON

2103 Brookhill Dr

Marsha Lehman

MARSHA LEHMAN

2201 Brookhills

Julio C. Satter

JULIO C. SATTER

2204 Falcon Hill

Dianne Crawford

DIANNE CRAWFORD

2206 Falcon Hill Dr

Randy Whittaker

RANDY WHITTAKER

2208 Falcon Hill Dr

Robert Staats

ROBERT STAATS

2300 Falcon Hill

Kathleen T. Allen

KATHLEEN T. ALLEN

2200 Falcon Hill Dr

Clarence D. Martin

CLARENCE D. MARTIN

2000 Brookhill Dr

Connie Yznaga

CONNIE YZNAGA

2002 Brookhill

PETITION

Date: _____
File Number: C14-04-0150

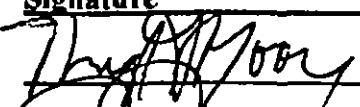
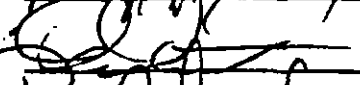
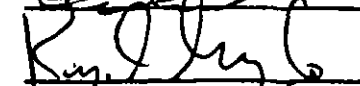
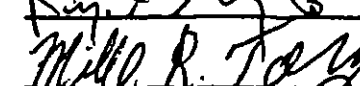
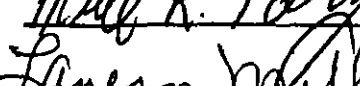
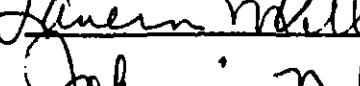
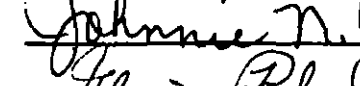
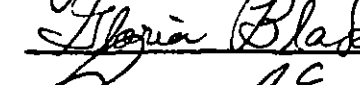
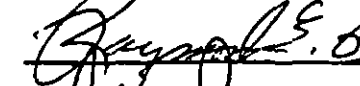

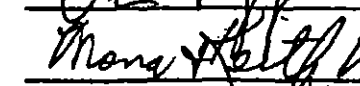
Address of Rezoning Request:
6008 Manchaca Road

To: Austin City Council

We, the undersigned owners of property *outside* 200' 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 more intense than LO-Limited Office.

We protest against this zoning change because any use of this property other than LO or residential would be detrimental to this South Austin community. Noise, additional traffic on over crowded roads, air and solid waste pollution, student and pedestrian safety are all concerns of the neighborhood residents. Adding impervious cover would threaten adjacent homes with further flooding problems. The property owners in this neighborhood have paid property taxes for over 30 years and would suffer an unwarranted decline in property values if you approve development incompatible with a residential area. We respectfully ask for your favorable consideration of our request that no zoning change be approved.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address - Austin, TX 78745
	HUGH G. MOORE	6001 WESTGATE, 78745
	David Hunt	6003 Westgate 78745
	RAYMOND GUJARDO	6005 WESTGATE 78745
	MIKE R. TORREZ	6009 W. Gate 78745
	LAVERN	6003 Cherry Creek
	JOHNNIE N. BURKE	5912 Cherry Creek Dr.
	GLORIA BLAKELY	5910 Cherry Creek Dr.
	RAYMOND E. BETTINGER	5915 BURROUGH PR.
	Chris Pappas	5905 Cherry Creek Dr.
	MONA R. WRIGHT	5911 Cherry Creek
	MARY HURD	6007 WESTGATE Austin TX

Cherry Creek SW Neighborhood Association

2608 Baxter Dr.

Austin, TX 78745

(512) 447-9186 hillhouse@msn.com

March 1, 2005

Will Wynn, Mayor, City of Austin
Jackie Goodman, Mayor Pro Tem
Daryl Shusher, Place 1 Council Member
Raul Alvarez, Place 2 Council Member
Betty Dunkerley, Place 4 Council Member
Brewster McCracken, Place 5 Council Member
Danny Thomas, Place 6 Council Member

Attn: Wendy Walsh

**RE: File Number C14-04-10150
6008 Manchaca Road
Proposed Zoning Change
From LO to LR-CO**

The Cherry Creek SW Neighborhood Association (CCSWNA) representing residents in South Austin bounded by Stassney Lane, Westgate Blvd., Berkley and Manchaca Rd., respectfully request your vote *denying* rezoning the above noted tract as witnessed by the attached petitions.

CCSWNA has held several meetings on this issue and has met with Mr. Bertucci's agent, Annick Beaudet. The area residents are very concerned that rezoning this tract is not appropriate for our neighborhood and they agree with the City staff's recommendation that LO is the correct zoning and should not be changed.

The residents affected by this proposed rezoning purchased their properties with the zoning as it existed at that time and have lived up to their designated uses, Mr. Bertucci bought his property, zoning it to LO and he needs to live up to the use designated by his zoning. The area residents have supported the City of Austin with property taxes for over thirty (30) years and want to protect their investments vs. one man who wants to make a profit. South Austin residents would not be served by rezoning this tract. Any rezoning above the LO designation will degrade property values, contribute to already unacceptable flooding conditions to nearby homes, be an attractive nuisance and safety risk to children and students trying to cross Manchaca Road, as well as increase noise, solid waste and toxic gas fumes from this operation.

Manchaca Rd. is a major North/South artery and with the new ACC Stassney campus, a location adjacent to Crockett High School and new housing developments in the area more stop & go traffic which this business would create would snarl traffic and burden Manchaca Road beyond reasonable capacity.

City of Austin Council Members

March 1, 2005

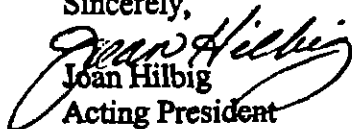
Page 2

There are already five convenience/gas stores in the vicinity—three on Manchaca between Berkeley and Jones Road, one on Stassney at Westgate and one on Stassney at Emerald Forest, plus others which have gone out of business—area residents have spoken, clearly indicating they do not want or need another.

Finally, At the Planning and Zoning meeting on December 23, 2004, Ms. Beaudet named several proposed ideas the owner had for the tract indicating he did not seem to have a clear idea of what he wants to do with the property *just so long so long as the zoning is changed*. Rezoning above the LO designation is not in the best interest of this South Austin community and we respectfully ask that you represent the majority of residents in this area and do not approve the request for rezoning.

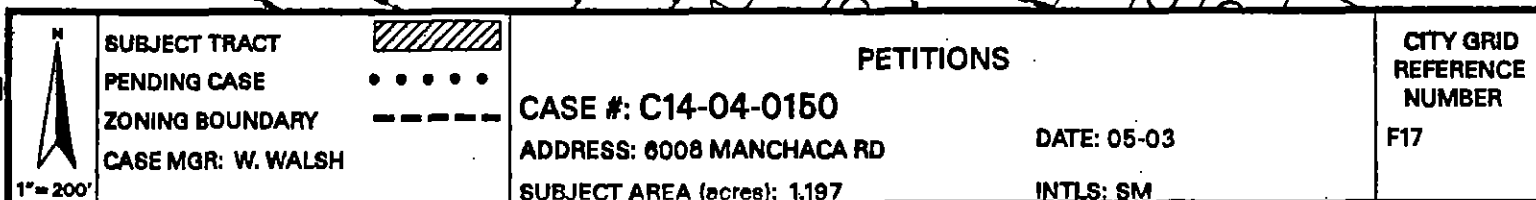
Thank you for your consideration.

Sincerely,


Joan Hilbig
Acting President
CCSWNA

Wanda Mills
2609 Coatbridge
Austin, TX 78745
wandarmills@hotmail.com
441-8346

Attachments: Petitions in opposition to rezoning



PETITION

Case Number:

C14-04-0150

Date:

Mar. 1, 2005

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

323,765.98

1	<u>04-1316-0102</u>	<u>KELLEY BARBARA J FADELL</u>	<u>2,595.28</u>	<u>0.80%</u>
2	<u>04-1316-0103</u>	<u>CALLAGHAN WALLACE O TRUSTEE</u>	<u>8,589.93</u>	<u>2.65%</u>
3	<u>04-1316-0104</u>	<u>VANTVIE MELANIE D JOHNSON CHAD R & KIMBERLY A</u>	<u>9,376.39</u>	<u>2.90%</u>
4	<u>04-1316-0105</u>	<u>KENT ROSA JO TRUSTEE</u>	<u>11,204.82</u>	<u>3.46%</u>
5	<u>04-1316-0106</u>	<u>COLEY TONYA MEDLOCK & CHRISTOP</u>	<u>10,294.55</u>	<u>3.18%</u>
6	<u>04-1316-0107</u>	<u>BUCHANAN BARBARA ANN</u>	<u>11,639.21</u>	<u>3.59%</u>
7	<u>04-1316-0109</u>	<u>ANDERSON DEIDRE & GEORGE SHANN</u>	<u>3,642.97</u>	<u>1.13%</u>
8	<u>04-1316-0110</u>			<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>
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25				<u>0.00%</u>
26				<u>0.00%</u>
27				<u>0.00%</u>
28				<u>0.00%</u>

Validated By:

Stacy Meeks

Total Area of Petitioner:

66,683.18

Total %

20.60%

MEMORANDUM

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

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

DATE: February 25, 2005

SUBJECT: ZAP Commission Summary

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

CASE # C14-04-0150

4. Rezoning: C14-04-0150 - Neighbor's Stop & Go
Location: 6008 Manchaca Road, Williamson Creek Watershed
Owner/Applicant: Anthony R. Bertucci
Agent: Brown McCarroll, L.L.P. (Annick C. Beaudet)
Request: LO to CS – AMENDED TO LR-CO
Prev. Postponed from 11/02/04 (neighborhood); 11/16/04
Postponements (applicant)
Staff Rec.: NOT RECOMMENDED
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
Neighborhood Planning and Zoning Department

SUMMARY

Wendy Walsh, staff – “This is one platted lot, presently zoned LO; this consists of a shopping center and single family residences to the north and undeveloped land and duplexes to the south. The applicant is proposing to rezone this to neighborhood commercial district and also proposes a conditional overlay that would prohibit all LR uses, except service stations and food sales. This is to develop the property with a service station and a convenience store. Staff is unable to recommend the applicant’s request; we feel that commercial zoning and development is concentrated further north. We feel that commercial zoning on this lot has the potential to create vehicle turning movements that are unsafe; as well as pedestrian crossings to the park and high school. We feel commercial zoning is less compatible to the single-family residence and condominiums. We are recommending maintaining the LO zoning that is on the property. However, if the applicant’s request is granted, we are requesting a conditional overlay for 2,000 vehicle trips”.

Commissioner Baker – “I’m not challenging the staff’s recommendation; but looking at our map, you have GR backing up to the school and most of the uses have driveways. What’s the rationale of not recommending a LR use here, when there’s GR uses a block away?”

Wendy Walsh – “Those GR uses are not located directly next to single-family residential”.

Commissioner Baker – “You mentioned the school; I was just trying to rationalize how staff arrived at that. Thank you”.

Ms. Walsh – “Primarily commercial zoning here would encourage turning movements that are perhaps less than desirable”.

Annick Beaudet, applicant – “The applicant had originally submitted for CS zoning and because their intent is to open a service station or a neighborhood store with four gasoline pumps. In response to the neighborhood concerns, I have been in contact with the neighborhood over the last 2 months, trying to work out a compromise and we’ve agreed to prohibit all LR uses except for service station and food sales; in addition, we would be

agreeable to prohibit any drive-in services as an accessory use. This site is part of an existing zoning site plan that was zoned in the 80's". Annick Beaudet gave a history of the area and the proposed tract. "Our client is proposing to do a family-owned convenience store on this tract. We feel that zoning should service a public need and not grant special privilege to an individual owner; we feel that this is an appropriate use. I will serve a public need; there will be a store nearby for the neighbors. We offered a restrictive covenant to rollback to GO if this use ceases".

Commissioner Hammond – "How far is this from the school?"

Ms. Beaudet – "Approximately 2,500-feet".

Commissioner Jackson – "What is the strip between the SF-2 and the LO?"

Ms. Beaudet – "That is part of the adjacent 49-acres that's SF-6; I believe it was done as a buffer when the original Independence Park came through".

Commissioner Baker – "That was actually filed as multi-family or SF-6; they indicated that it would be for elderly housing, but it was not a request for convalescent services".

Ms. Beaudet – "Thank you".

Commissioner Rabago – "You said you have been in contact with the neighborhood?"

Ms. Beaudet – "Yes, we have been in contact with Chris Butler, who is the acting president of the Cherry Creek Southwest and we proposed meetings with him and other representatives, but they refused to meet with us. We have talked through e-mail and correspondence".

IN FAVOR

No Speakers.

OPPOSITION

Jay Mills – Did not speak, but signed up in opposition.

Jimmy Mills – Did not speak; signed up in opposition.

Claudette Hulce – Did not speak; signed up in opposition.

Susan Kroft – Did not speak; signed up in opposition.

Barbara Buchanan – Did not speak; signed up in opposition.

David Kroft – Did not speak; signed up in opposition.

Stan Hilbig – Did not speak; signed up in opposition.

Joan Hilbig – “We do have concerns about rezoning; we have lived next door to convenience stores and we have first-hand experience. The noise was incredible, you could hear trucks backing up; the trash trucks that beep and bang when dumping the trash. The trash and pollution blows across the residential area. We have paper and cigarette butts that carpet the ground. It breeds insects and could be a health issue; we have had incidents where their food went bad and instead of hauling it off, they took an ice pick and drove holes into each of the top of the cans and let it sit outside, which attracted flies and maggots. They had a fire there once, it’s a hang out for students, it encourages truancy; there have been robberies, so we hear police sirens. It attracts undesirable elements; people are out there selling stolen property. We have to question whether the City of Austin really needs more gas dispensing machines, gas pumps. We do not need an unattractive nuisance in our neighborhood”.

Chris Coley – Spoke in opposition.

Chris Butler – Signed up in opposition, but didn’t speak.

REBUTAL

Annick Beaudet, applicant – “I think that the issues that the neighbors raised are more of an operator issue than it is a land use issue. Our client will not do the kinds of things that these people talked about. I don’t know whether Austin needs more service stations, I just know that our client feels that the neighborhood store that he wants to operate is what would be productive at this time. I’d like to point out that there isn’t any single-family directly abutting the store, which is a good thing. There’s a 50-foot emergency access and the rest of the site is abutted by SF-6 zoning, which will one day be apartments, condos or townhomes. We feel that this makes sense from a planning perspective.

Commissioner Hammond – “How big is the tract that surrounds it?”

Ms. Beaudet – “49 acres”.

Commissioner Hammond – “Has it been on the market?”

Ms. Beaudet – “That I don’t know; it was on the market in 1999-2000 and our client sold it to a developer in Houston who currently owns it”.

Commissioner Baker – “Mr. Hammond, it’s in litigation”.

Commissioner Hammond – “Thank you; I should have asked you”.

Commissioner Rabago and Hammond moved to close the public hearing.

Commissioner Rabago – “I’d like to make a comment; I may support economic development for business owners; I have to admit that I am not willing to give my vote of

support for this commercial service change because I'm familiar with this neighborhood; I have friends who live there and I currently live near a place that does have trash trucks coming over at 2:00 in the morning and waking everybody up. I think that it is in the best interest of the entire community in that area that we do what we can to prevent any kind of injuries and accidents that could hurt students. I just wanted to share that opinion with everyone and I'd like to make a motion to accept staff's recommendation to deny general commercial services district zoning and maintain the limited office district zoning".

No second to the motion was made.

Commissioner Jackson – "I make a motion to approve LR-CO district zoning with the only allowable LR use being service station and food sales. I'd like to talk about limiting the hours of operation and limiting some of their normal convenience store type things that might...that would make the store function, but keeping it from getting unattractive".

Marty Terry, City Attorney – "Your restrictions are either going to occur in a conditional overlay or a restrictive covenant; a conditional overlay will be something that goes by the code provisions. To the extent that you want to impose conditions that are not contained in the Code, then we would do that through a restrictive covenant. Basically, we'll sort all of that out by the time it gets to Council and figure out what needs to be in the conditional overlay and what needs to be in a restrictive covenant. My recommendation to you is, let us know what you want the restrictions to be and what you want to impose and we'll figure it out".

Commissioner Jackson – "Well then I would like to limit the hours of operation from 6:00 a.m to 11:00 p.m., prohibit video games...."

Ms. Walsh – "Hours of operation, I know we could do through a public restrictive covenant; video games I'm not familiar with that the city can restrict, but it could be a private restrictive covenant with the neighborhood".

Commissioner Jackson – "Those are the two things that I want done".

Commissioner Hammond – "What about lighting on this site"?

Commissioner Jackson – "I think the lighting is covered by the compatibility standards".

Marty Terry – "Depending on what you specifically want to do, that one we could accomplish through a conditional overlay if you're talking about shielding lighting"?

Commissioner Jackson – "Okay; I want the lights shielded".

Commissioner Pinnelli – "What about hours of delivery"?

Commissioner Jackson – "That would be the same as hours of operation, wouldn't it"?

Ms. Terry – “Not necessarily to the extent that you wanted to deviate, that would be one that we would recommend as a private restrictive covenant”.

Commissioner Jackson – “Then I want to restrict the hours of operation and the hours of delivery, however we can do that”.

Ms. Terry – “Then what we would do is say ‘hours of operation’ because that covers both”.

Commissioner Rabago – “I was going to ask about dumpsters; can we put it in that concept also”?

Commissioner Jackson – “No, I’m going to leave the dumpster alone; I live around the corner of one and I understand the noise, but I don’t know how you can control that, they’re going to show up when they show up”.

Commissioner Donisi – “I will second the motion, if Mr. Jackson will make a friendly amendment which would be to add the staff’s 2,000 trip limit”?

Commissioner Jackson – “I will accept that”.

Commissioner Rabago spoke to why she didn’t like dumpsters and the noise that it brings to a neighborhood.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**JACKSON, DONISI
APPROVED LR-CO DISTRICT
ZONING WITH THE CO
PROHIBITING ALL LR USES EXCEPT
FOR SERVICE STATION AND FOOD
SALES, AND PERMITTING ALL LO
USES; 2,000 TRIPS; EXTERIOR
LIGHTING MUST BE HOODED OR
SHIELDED SO THAT THE LIGHT
SOURCE IS NOT DIRECTLY VISIBLE
FROM ADJACENT PROPERTY;
PUBLIC RESTRICTIVE COVENANT
ESTABLISHING THE HOURS OF
OPERATION BETWEEN 6:00 A.M
AND 11:00 P.M.**

AYES:

**GOHIL, BAKER, JACKSON, DONISI,
PINNELLI**

NAY:

RABAGO, HAMMOND

ABSENT:

WHALEY, MARTINEZ

MOTION CARRIED WITH VOTE: 5-2.

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 6008 MANCHACA ROAD FROM LIMITED OFFICE (LO) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-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 limited office (LO) district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in Zoning Case No. C14-04-0150, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 2, Block A, Independence Park Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 200100043, of the Official Public Records of Travis County, Texas, (the "Property")

locally known as 6008 Manchaca Road, 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. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

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

Consumer convenience services
Financial services
Off-site accessory parking
Pet services
Printing and publishing
Custom manufacturing

Consumer repair services
General retail sales (convenience)
Personal services
Plant nursery
Restaurant (limited)

1 3. The following uses are conditional uses of the Property:

2
3 College and university facilities

Private secondary educational facilities

4
5 4. Exterior lighting shall be hooded or shielded so that the light source is not directly
6 visible from adjacent property.

7
8 Except as specifically restricted under this ordinance, the Property may be developed in
9 accordance with the regulations established for the neighborhood commercial (LR) base
10 district 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
19 _____, 2005

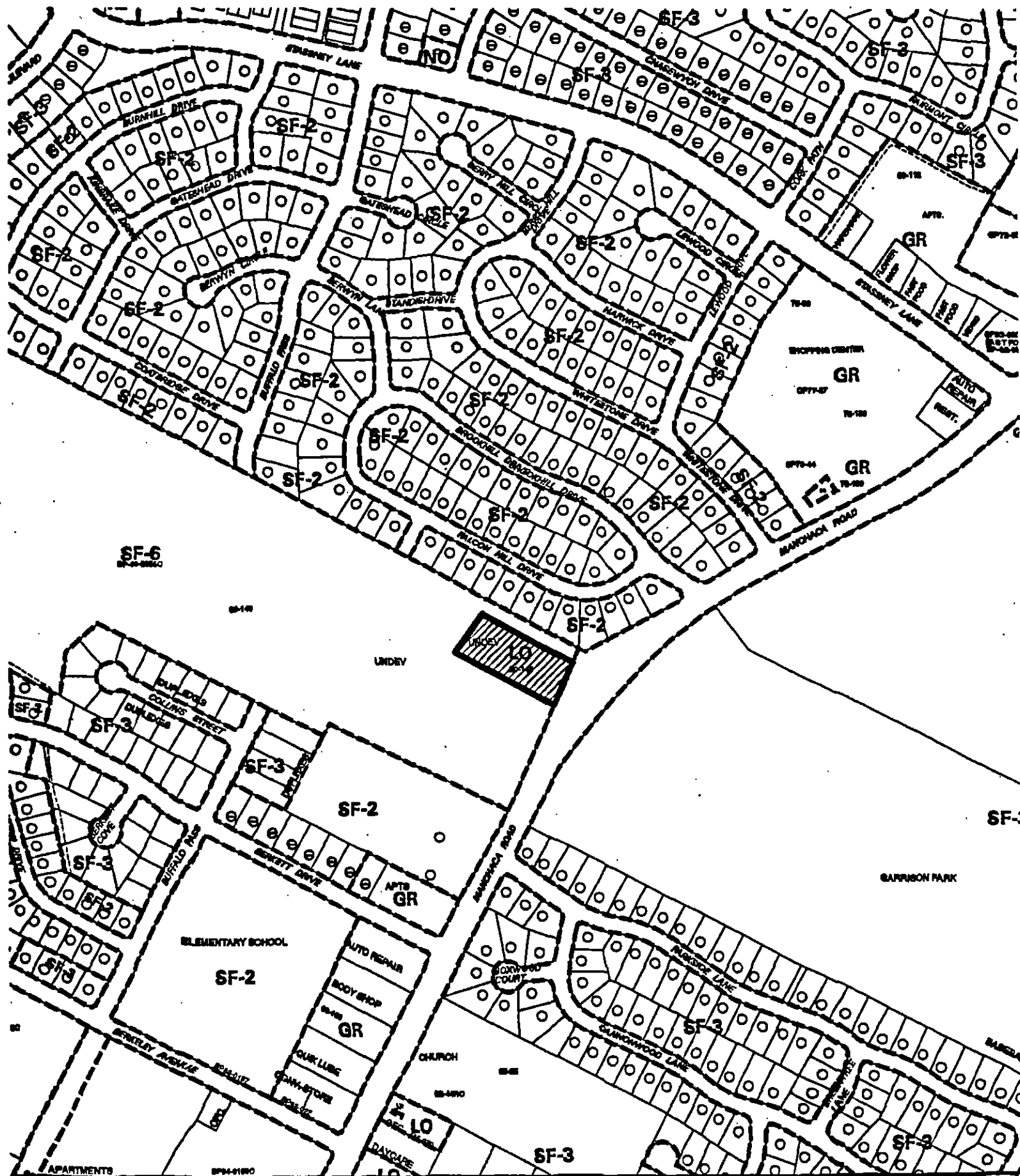
20 Will Wynn
21 Mayor

22
23
24 **APPROVED:**

25 David Allan Smith
26 City Attorney

ATTEST:

Shirley A. Brown
City Clerk



 1"=400'	SUBJECT TRACT 	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER F17
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-04-0150	DATE: 04-10	
	CASE MGR: W. WALSH	ADDRESS: 6008 MANCHACA RD	INTLS: SM	
SUBJECT AREA (acres): 1.197				

RESTRICTIVE COVENANT

OWNER: Anthony R. Bertucci and Mildred L. Bertucci

ADDRESS: 9410 Hansford Drive, Austin, Texas 78753

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 2, Block A, Independence Park Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat of record in Document No. 200100043, Official Records of Travis County, Texas.

WHEREAS, the Owner, whether one or more, of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Hours of operation for a business located on the Property are limited to the hours of 6:00 a.m. to 11:00 p.m.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2005.

OWNER:

Anthony R. Bertucci

Mildred L. Bertucci

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____,
2005, by Anthony R. Bertucci..

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____,
2005, by Mildred L. Bertucci.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Legal Assistant

March 7, 2005

VIA REGULAR & E-MAIL

Mayor and Council Members

Re: Z-7, C14-04-0150, Neighbor's Stop n' Go

Dear Mayor and Council Members:

As the owner's representative, I hereby request a postponement of the above referenced rezoning case to April 7, 2005 (a four week postponement). We have been in contact by phone with the neighborhood's representative, Ms. Joan Hilbig. The neighbor's and I have met formally to discuss details and compromise options in an attempt to find a "win win" project for this location. All parties are in agreement to this postponement request so that we may formally meet again to further discuss details of the case.

This case was first on your agenda February 17, 2005 and the neighborhood requested a postponement to March the 10th so that a formal meeting could be set for all parties. We are now asking for a subsequent postponement to hold a follow up meeting with all parties.

Respectfully submitted,

Annick Beaudet
Land Development Coordinator

ab

cc: Greg Guernsey, Manager, City of Austin, Neighborhood Planning & Zoning Department
Wendy Walsh, Senior Planner, City of Austin, Neighborhood Planning & Zoning
Department

Walsh, Wendy

From: Annick Beaudet [ABeaudet@mailbmc.com]
Sent: Wednesday, March 30, 2005 4:57 PM
To: Walsh, Wendy
Cc: Guernsey, Greg
Subject: C14-04-0150

RECEIVED

MAR 30 2005

Neighborhood Planning & Zoning



6008_Manchaca_A office_article_Jan_
mendment.pdf



20_05.pdf

Hi Wendy~

Attached is a formal amendment request for the above referenced zoning case. Per the request of the neighborhood, we have brought in our western LR boundary by approximately 100 feet. Please have Tony or Stacy re-calculate the petition based on our new request; it may or may not affect the validity of the petition.

Please send me a copy via fax or e-mail of the new petition map and calculations at your earliest convenience, once you receive them.

Thanks Wendy!

Also, I have faxed Joan Hilbig, acting president of the Cherry Creek SW Neighborhood Association, a copy of our amendment letter, field notes, and additional restrictions we would agree to (70% impervious cover, a 35 ft. height limit, and no more than 4 fueling stations) in exchange for their support and support for hours of operation to 12 midnight rather than 11 PM.

Also, in the back up for next week can you reflect our request to midnight rather than 1 AM, our recent research supports midnight for this location.

Also attached to this e-mail is an article from the Austin American Statesman that show vacancy rates for offices in the Austin Area, the area that this tract is in has the highest office vacancy rate in all of Austin (63%). A City Council member's assistant suggested that this article and information be provided in the City Council back up for this case. So, I have provided it to you, should you decide to include it in your back up for next week.

Given the amendment to a depth similar to nearby GR property and the new information about the office market, we respectfully ask Staff to re-examine their recommendation for this zoning case.

Also, I am sending this letter and 2 copies of the original field notes, and the Office article, to you via regular mail tomorrow morning.

Again, thanks for your time and effort on this case.

Annick C. Beaudet
Land Development Coordinator
Brown McCarroll, L.L.P. (Austin Office)
111 Congress Avenue, Suite 1400
Austin, Texas 78701
Phone 512-703-5741

RECEIVED

MAR 30 2005

March 30, 2005

Neighborhood Planning & Zoning

VIA E-MAIL & REGULAR MAIL

**Ms. Wendy Walsh, Senior Planner
City of Austin-NP&ZD
505 Barton Springs Road, 5th Floor
Austin, Texas 78704**

Re: Neighbor's Stop n' Go, C14-04-0150, Formal Amendment

The purpose of this letter is to formally amend the above referenced zoning case to a lesser acreage than what was originally requested. Enclosed with this letter are two (2) sets of field notes which reduce the area we are requesting to be rezoned to neighborhood commercial (LR) district designation.

We hereby remove Tract 2 from our rezoning request and request LR for Tract 1 only. This amendment is in response to the neighborhood representatives' concern for neighborhood commercial encroachment into the adjacent SF-6 zoned property. Per their suggestion we have reduced the depth of our request by approximately 100 feet; the depth of our LR request is now almost exactly the same depth as the strip of community commercial (GR) district zoning to the south, between Berkett Drive and Berkeley Avenue.

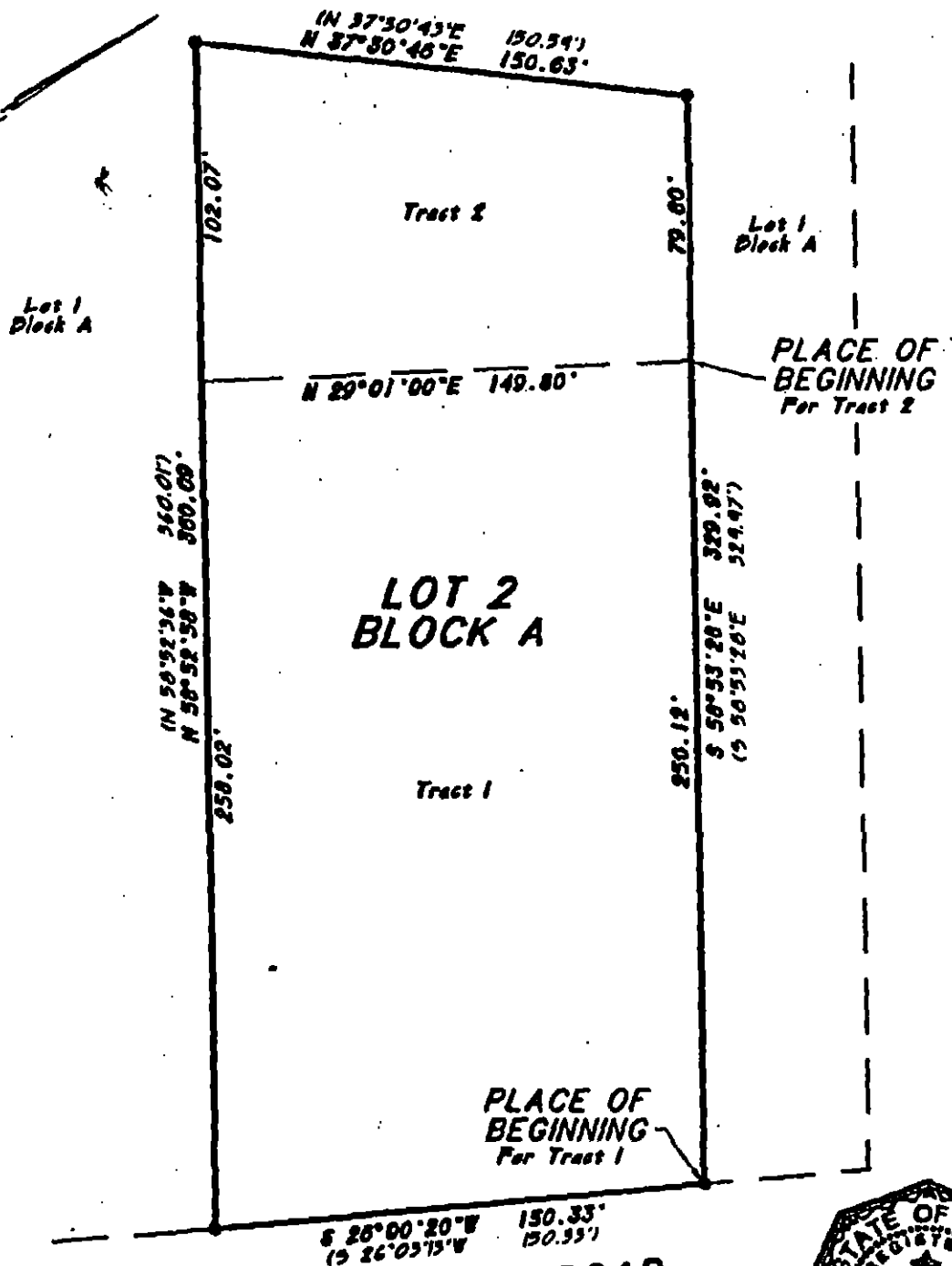
Respectfully submitted,

Annick Beaudet

Annick Beaudet, Land Development Coordinator

ab
Enclosures

cc: Mr. Greg Guernsey, Manager, COA-NP&ZD



MANCHACA ROAD
R.O.W. Varies — Asphalt Pavement

LEGEND

● Iron Rod Found
() Record Information
Date 3/29/05
Scale 1"=50'
Invoice No. 22378
Work Order No. 22378

MAP TO ACCOMPANY FIELD NOTES FOR
LOT 2, BLOCK A, INDEPENDENCE PARK,
AS RECORDED IN DOCUMENT #200100043,
OFFICIAL PUBLIC RECORDS, TRAVIS
COUNTY, TEXAS

Address: 6008 Manchaca Road



Don M. Kuhlmann
DON M. KUHLMANN
Registered Professional
Land Surveyor No. 6548

DOUG SEELIG LAND SURVEYORS, P.C.
3802 Manchaca Road - Austin, Texas 78704 - Ph. (512) 440-0222

FIELD NOTES
FOR
GENE WATKINS

TRACT 1

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND, BEING A PORTION OF LOT 2, BLOCK A, INDEPENDENCE PARK, AS RECORDED IN DOCUMENT #200100043, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at the most Easterly corner of the said Lot 2, Block A, Independence Park, as recorded in Document #200100043, Official Public Records, Travis County, Texas, being in the West r.o.w. line of Manchaca Road, for the most Easterly corner hereof,

THENCE, with the West r.o.w. line of Manchaca Road, S 26°00'20" W for a distance of 150.33 feet to an iron rod found at the most Southerly corner of the said Lot 2, Block A, for the most Southerly corner hereof,

THENCE, with the Southwest line of the said Lot 2, Block A, N 58°52'58" W for a distance of 258.02 feet to a point, for the most Westerly corner,

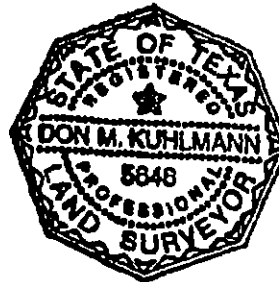
THENCE N 29°01'00" E for a distance of 149.80 feet to a point in the Northeast line of the said Lot 2, Block A, for the most Northerly corner hereof,

THENCE, with the Northeast line of the said Lot 2, Block A, S 58°53'28" E for a distance of 250.12 feet to the PLACE OF BEGINNING.

AS SURVEYED BY
DOUG SEELIG LAND SURVEYORS P.C.

Don M. Kuhlmann

DON M. KUHLMANN
Registered Professional Land Surveyor No. 5646
3802 Manchaca Road
Austin, Texas 78704
March 29, 2005
Work Order No. 22378



FIELD NOTES
FOR
GENE WATKINS

TRACT 2

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND, BEING A PORTION OF LOT 2, BLOCK A, INDEPENDENCE PARK, AS RECORDED IN DOCUMENT #200100043, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at an iron rod found at the most Easterly corner of the said Lot 2, Block A, Independence Park, as recorded in Document #200100043, Official Public Records, Travis County, Texas, being in the West r.o.w. line of Manchaca Road;

THENCE, with the Northeast line of the said Lot 2, Block A, N 58°53'28" W for a distance of 250.12 feet to the PLACE OF BEGINNING hereof;

THENCE S 29°01'00" W for a distance of 149.80 feet to a point in the Southwest line of the said Lot 2, Block A, for the most Southerly corner hereof;

THENCE, with the Southwest line of the said Lot 2, Block A, N 58°52'58" W for a distance of 102.07 feet to an iron rod found at the most Westerly corner of the said Lot 2, Block A, for the most Westerly corner hereof;

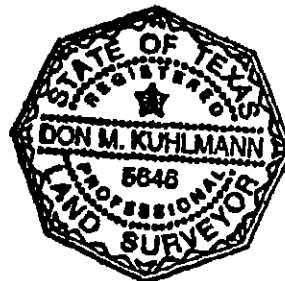
THENCE N 37°30'46" E for a distance of 150.63 feet to an iron rod found at the most Northerly corner of the said Lot 2, Block A, for the most Northerly corner hereof;

THENCE S 58°53'28" E for a distance of 79.80 feet to the PLACE OF BEGINNING.

AS SURVEYED BY
DOUG SEELIG LAND SURVEYORS P.C.

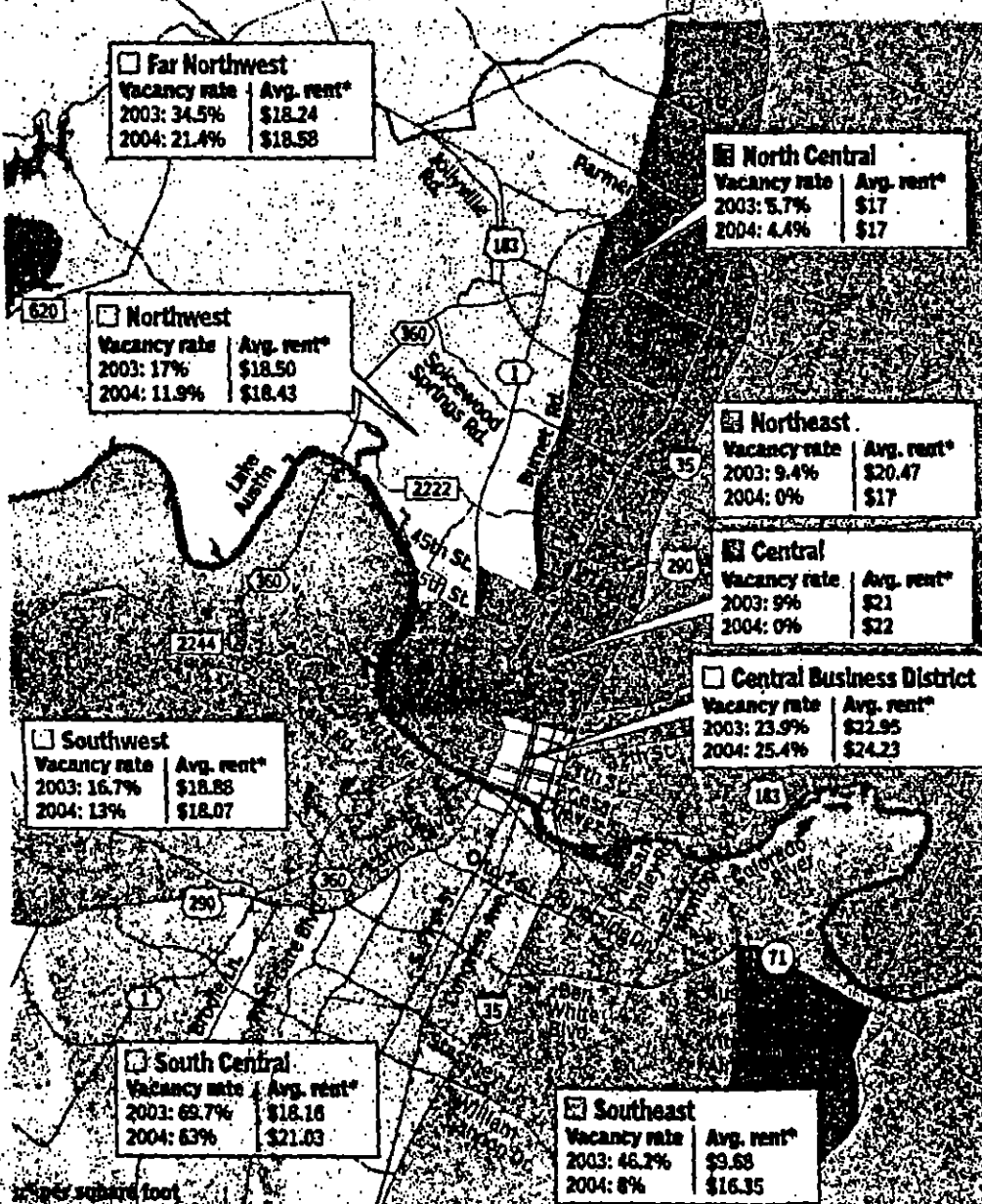
Don M. Kuhlmann

DON M. KUHLMANN
Registered Professional Land Surveyor No. 5646
3802 Manchaca Road
Austin, Texas 78704
March 29, 2005
Work Order No. 22378



Best year since 2000 in Austin office market

Fourth-quarter Austin office market — class A space



Source: Colliers Oxford Commercial

Occupancy levels, rents rise in quarter; growth expected to continue this year

By Shonda Novak

economy, Colliers Oxford Commercial Inc. said in releasing its latest figures Wednesday.

"There is no question about the fact that we are well past the bottom of the market," said Jeff Coddington, managing director of investment properties with

knowing a cheaper deal was around the corner.

"As the market improves and occupancy rates increase, rents are going up," said Ford Alexander, a principal with Colliers Oxford.

79TH LEGISLATURE

Lawmakers aim to scrap gift card

Bills filed in Texas also would scrap e

By Dan Zehr

AMERICAN-STATESMAN/STAFF

Two Texas lawmakers want to change expiration dates that gift cards and gift certificates.

A bill filed by Sen. M. Houston, would eliminate most gift cards purchased by some states it would allow dormancy fees after two years would cap them at \$1 per year.

The Senate version also would give the option to use their gift card then receive the remaining balance.

"If I pay \$50 in American Express for your birthday that across the board," Galle, not be penalized in any form.

Separate legislation introduced by Rep. Armando Martinez, D-Weslaco, would increase a gift card's value if it is not used within a year.

are "hurting the consumer, who has to pay more money to purchase that gift card."

Retailing groups say the bills are unnecessary and that retailers in most states, including Texas, already have laws that require gift cards to be used for a period of time.

See GIFT CARDS, C5

Spidey creator triumphs in comics giant

By Larry McShane

ASSOCIATED PRESS

NEW YORK — Stan Lee, the hero creator who gifted Spider-Man with his "spidey-sense," is feeling his own — in his wallet.

A Manhattan federal judge ruled that Marvel Enterprises must pay Lee for the company's television and movie rights to the character, particularly the box-office smash "Spider-Man" which earned more than \$800 million and its hugely successful sequel.

"It could be tens of millions of dollars," said Lee's attorney, David G. Goff, attorney for Lee, said Lee

ES: Brokers expecting more space to be filled up in 2005

President of Bulls Hodge Consulting of Austin.

Sublease space, which has been dragging the market down since the tech bust of 2001, dropped 45 percent to 700,000 square feet of available space.

A lack of new construction also helped curb vacancies. A dramatic increase in construction costs from rising steel prices helped keep new construction in check, Bulls said.

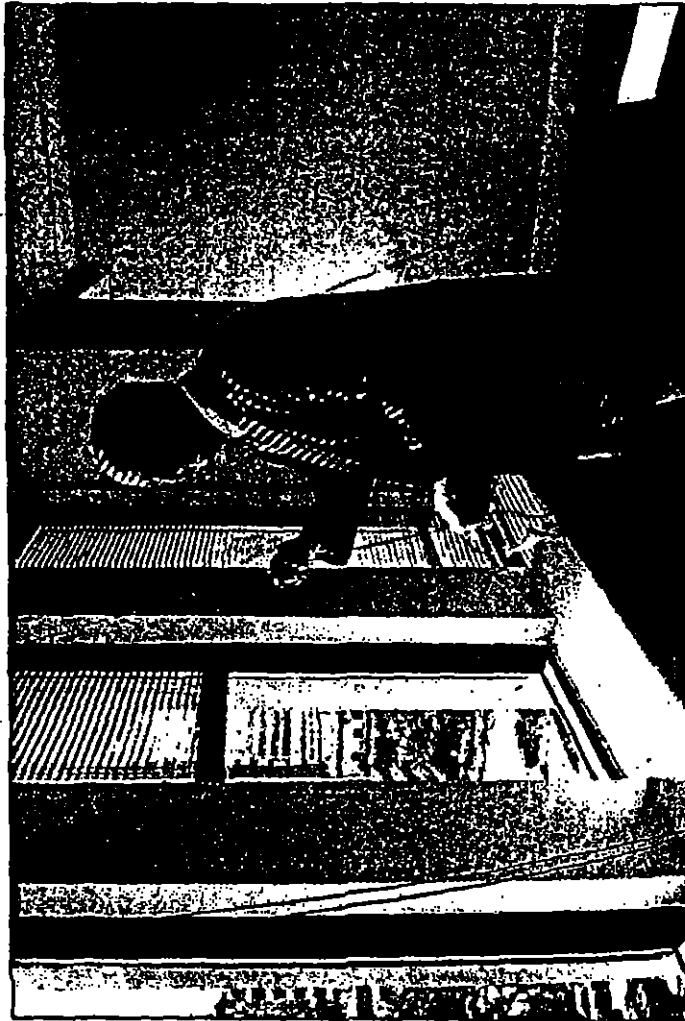
"No one wants to develop in a cost bubble," he said.

Still, with about 7 million square feet of vacant space in the market, the region isn't out of the woods yet. For the market to reach a healthy 90 percent occupancy level, landlords need to fill another 3.5 million square feet.

That translates to 17,500 office jobs, said Alexander, who thinks it will take two to three years for that to happen.

Although it will be several years before most parts of town see construction cranes again, work could start sooner in Southwest Austin, where office buildings are approaching 90 percent occupancy and several developers are talking about starting new buildings.

Looking ahead, Alexander expects rents and occupancies to increase in all parts of town in 2005.



Laura Stelling, Austin-Statesman

There are some musical chairs going on downtown as new office space has tenants moving into better or bigger spaces, but class A rental rates increased

The possible exception could be downtown, where occupancies continue to lag the market. That's mainly because of the 525,000-square-foot Frost Bank Tower, which opened a year ago, taking tenants from other

In the fourth quarter, Brett Arable, a broker with Colliers Oxford Commercial, is marketing nearly 30,000 square feet in the Norwood Tower.

been fruit-basket turnover."

Still, the downtown market is on the mend, as rents reached their highest level in two years, ending the year at \$24.23 for class A space, despite a 23.4 percent vacancy rate.

There's definitely a lot of good activity downtown.

Brett Arable
Office specialist with Colliers
Oxford Commercial brokerage

Brett Arable, an office specialist with Colliers, can attest to the improvement. Arable is looking for tenants for three downtown office buildings, including nearly 30,000 square feet of space in the storied Norwood Tower, where Luci Johnson Turpin and her husband, Ian, live in a two-story loft atop the 15-story office building.

Most of the empty Norwood space was formerly occupied by the city's legal department, which recently moved to the new City Hall.

"In the last 14 days, I've done at least 10 tours downtown," Arable said. A year ago, "I'd had five or six tours in a month, it would have been a good thing," Arable said. "There's definitely a lot of good activity downtown, which is something we haven't seen in a little while."

stovak@statesman.com 445-3556