

**Zoning Ordinance Approval  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 78  
AGENDA DATE: Thu 07/28/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0198 - 801 West Oltorf - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 West Oltorf (Bouldin Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. First reading on June 9, 2005: Vote 5-1: Goodman-Nay, McCracken-off the dais. Applicant: Lopez & Urrutia, L.L.P. Agent: Land Answers (Jim Witliff). City Staff: Robert Heil, 984-2330.

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

**DIRECTOR'S**  
**AUTHORIZATION:** Alice Glasco

## SECOND / THIRD READINGS SUMMARY SHEET

**ZONING CASE NUMBER:** C14-04-0198

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 W. Oltorf (East Bouldin Creek Watershed) from Family Residence (SF-3) district zoning to neighborhood office-mixed use (NO-MU) combining district.

**DEPARTMENT COMMENTS:**

The applicant has offered two additional conditions (see attached letter):

- 1) Height limit of 18 feet and one story (the height of the current building)
- 2) Maximum building square footage of 1750 square feet (roughly equal to the existing building)

The applicant also offered restrictions to signage, but the restrictions are already covered by existing code.

The applicant has recorded a private restrictive covenant to not oppose a rollback to residential zoning should the current use ever lapse for more than 90 days.

There is no valid petition against this request. A valid petition had been submitted previously. However, prior to the first reading by City Council on June 9<sup>th</sup>, two property owners withdrew their names from that petition, rendering it no longer a valid petition. Since that date, all of the signers of the petition have requested in writing that their names be removed from the petition.

The applicant has submitted letters of support from surrounding property owners. The neighborhood (Galindo) opposes this request. The adjacent neighborhood (Bouldin) also opposes the request.

**OWNER/APPLICANT:** Lopez & Urrutia

**AGENT:** Jim Witliff

**DATE OF FIRST READING:** June 9, 2005 (5-1, Goodman opposed, McCracken off the dias).

**FIRST READING:** Approved NO-MU zoning.

**CITY COUNCIL HEARING DATE:** July 28, 2005.

**CITY COUNCIL ACTION:**


**ORDINANCE NUMBER:**

**ASSIGNED STAFF:** Robert Heil, e-mail: [robert.heil@ci.austin.tx.us](mailto:robert.heil@ci.austin.tx.us)

**ISSUES:**

**Land ANSWERS**  
Land Development Consulting Services  
611 South Congress Avenue, Suite 330  
Austin, Texas 78704-1736  
512/416-6611 Fax: 512/416-6610  
E-mail: landanswers@sbcglobal.net

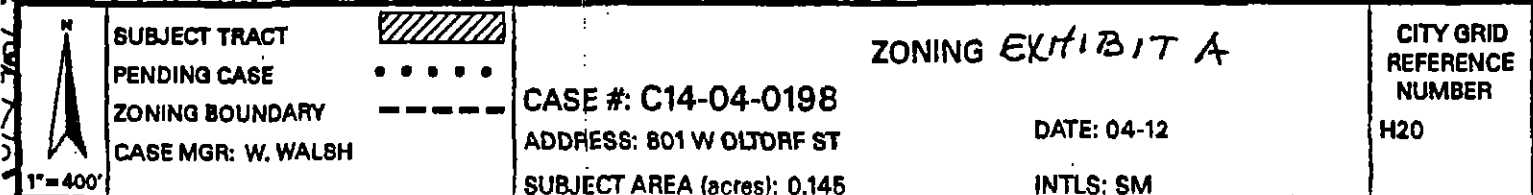
## MEMORANDUM

**DATE:** June 30, 2005  
**TO:** Robert Heil, Case Manager  
**FROM:** Olga Romero   
**RE:** C14-04-0198, 801 W. Oltorf

Robert,

Here are the conditions that can be added to the rezoning ordinance as a conditional overlay:

- A) Limit building height to 18 feet or one story.
- B) Limit building size to existing footprint (approximately 1,750 square feet).
- C) Prohibit all commercial signage other than one free-standing or berm sign with a maximum height of seven feet, and/or one wall sign (any proposed sign must be in compliance with City of Austin sign regulations).



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

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 801 OLTORF STREET FROM FAMILY RESIDENCE  
3 (SF-3) DISTRICT TO NEIGHBORHOOD OFFICE-MIXED USE (NO-MU)  
4 COMBINING DISTRICT.

5  
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
7

8 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
9 change the base district from family residence (SF-3) district to neighborhood office-mixed  
10 use (NO-MU) combining district on the property described in Zoning Case No. C14-04-  
11 0198, on file at the Neighborhood Planning and Zoning Department, as follows:  
12

13 Lot 4, Block E, Loma Linda Subdivision, a subdivision in the City of Austin,  
14 Travis County, Texas, according to the map or plat of record in Plat Book 4, Page  
15 216, of the Plat Records of Travis County, Texas,  
16

17 locally known as 801 Oltorf Street, in the City of Austin, Travis County, Texas, and  
18 generally identified in the map attached as Exhibit "A".  
19

20 PART 2. This ordinance takes effect on \_\_\_\_\_, 2005.  
21

22  
23 PASSED AND APPROVED  
24

25 §  
26 §  
27 \_\_\_\_\_, 2005 §  
28

29 Will Wynn  
30 Mayor  
31

32 APPROVED: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
33 David Allan Smith Shirley A. Brown  
34 City Attorney City Clerk

**ZONING CHANGE REVIEW SHEET****CASE:** C14-04-0198**Z.A.P. DATES:** March 1, 2005  
April 5, 2005  
April 19, 2005  
May 3, 2005**ADDRESS:** 801 W. Oltorf**OWNER/APPLICANT:** Lopez & Urrutia, L.L. P. (Bradley G. Urrutia)**AGENT:** Land Answers (Jim Witliff)**ZONING FROM:** SF-3**TO:** NO-MU-CO**AREA:** 0.145 acres**SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of this request.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

**March 1, 2005:** Postponed to April 5, 2005 at the request of the applicant to allow a formal presentation at the next Galindo Neighborhood Association meeting on March 28.  
[M.W; J.D 2ND] (8-0) K.J- ABSENT.

**April 5, 2005:** Postponed to April 19, 2005 at the request of the neighborhood to allow for more discussion. [J.M; M.W 2ND] (9-0).

**April 19, 2005:** Postponed to May 5, 2005 at the request of the neighborhood to allow for more discussion. The Commission also stated its clear intention to deny further requests for postponement and to take action at their next meeting on May 5, 2005. [J.M; T.R 2ND] (7-0) K.J; C.H – ABSENT

**May 3, 2005:** TO APPROVE STAFF'S RECOMMENDATION TO DENY THE APPLICANT'S REQUEST for NO-MU zoning. [K.J, M.W 2<sup>ND</sup>] (5-3) T.R, J.G, J.P – NAY

**DEPARTMENT COMMENTS:**

The property owner has requested rezoning from Family Residence district (SF-3) to Neighborhood Office district Mixed Use Combining District (NO-MU).

The applicant has offered two additional conditions (see attached letter):

- 1) Height limit of 18 feet and one story (the height of the current building)
- 2) Maximum building square footage of 1750 square feet (roughly equal to the existing building)

The applicant also offered restrictions to signage, but the restrictions are already covered by existing code.

The applicant has also recorded a private restrictive covenant to not oppose a rollback to residential zoning should the current use ever lapse for more than 90 days.

There is no valid petition against this request. A valid petition had been submitted previously. However, prior to the first reading by City Council on June 9<sup>th</sup>, two property owners withdrew their names from that petition, rendering it no longer a valid petition. Since that date, all of the signers of the petition have requested in writing that their names be removed from the petition.

The applicant has submitted letters of support from surrounding property owners. The neighborhood (Galindo) opposes this request. The adjacent neighborhood (Bouldin) also opposes the request.

Staff recommends denial of this request.

The majority of the surrounding properties are zoned and used as single family residences. Sufficient land exists on South First Street for office uses in the neighborhood.

There is no adopted neighborhood plan for this area. The Galindo Neighborhood Plan has been tentatively scheduled to start in FY 2005-2006, depending on direction from City Council. The Bouldin Neighborhood plan calls for Single Family uses along the north side of this portion of East Oltorf.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Single Family Residence
<i>North</i>	SF-6-NP	Single Family Residence
<i>South</i>	SF-3	Single Family Residence
<i>East</i>	SF-3	Single Family Residence
<i>West</i>	SF-3	Single Family Residence

**NEIGHBORHOOD PLAN:** The property is in the proposed Galindo Neighborhood Plan Area.

**TIA:** N/A

**WATERSHED:** East Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

- Terrell Lane Interceptor Association (300)
- Barton Springs/Edwards Aquifer Conservation District (428)
- South Central Coalition (498)
- Austin Neighborhoods Council (511)
- Galindo Elementary Neighborhood Association (904)

**SCHOOLS: (AISD ISD)**

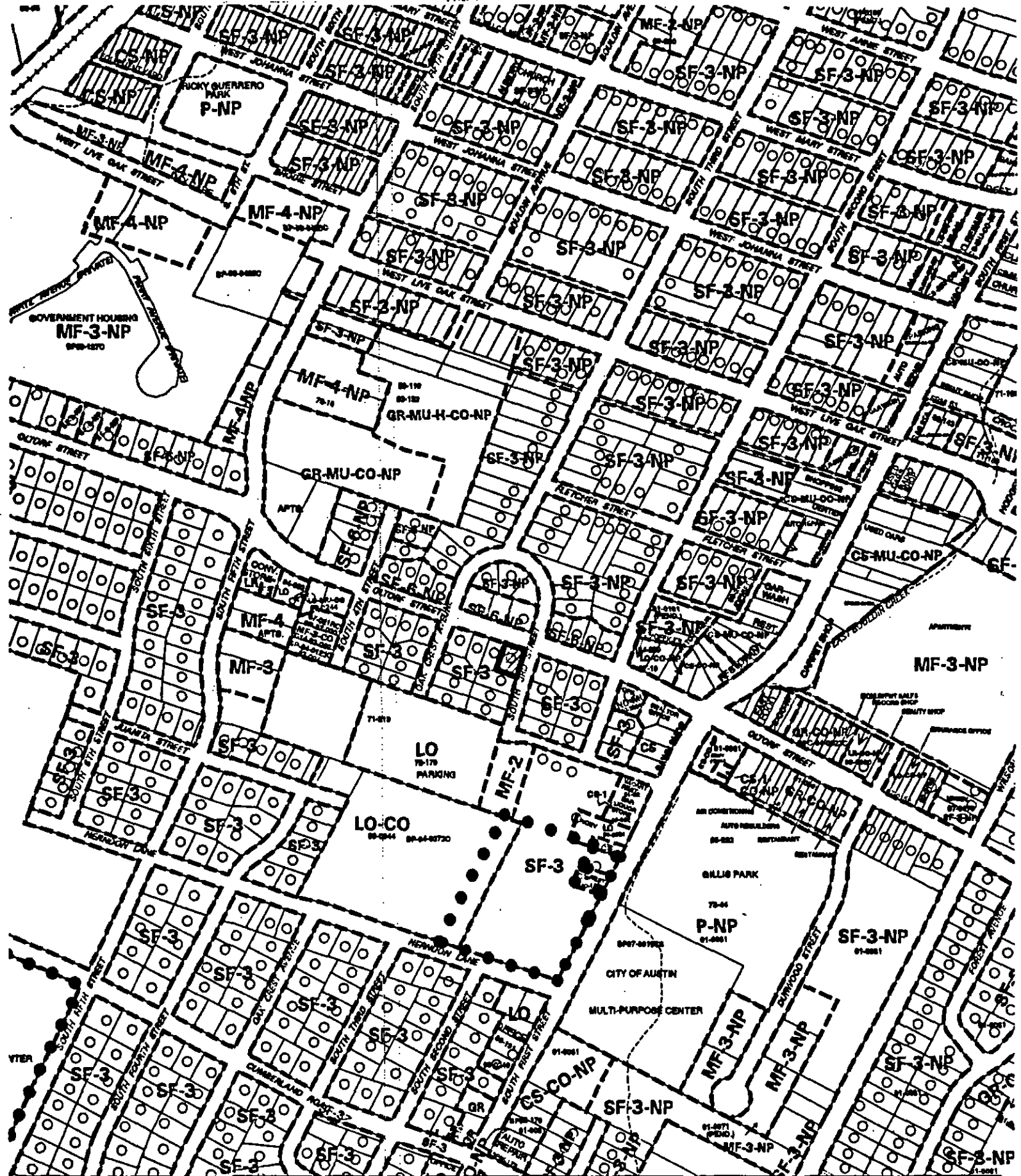
Dawson Elementary School      Fulmore Middle School      Travis High School

**ABUTTING STREETS:**

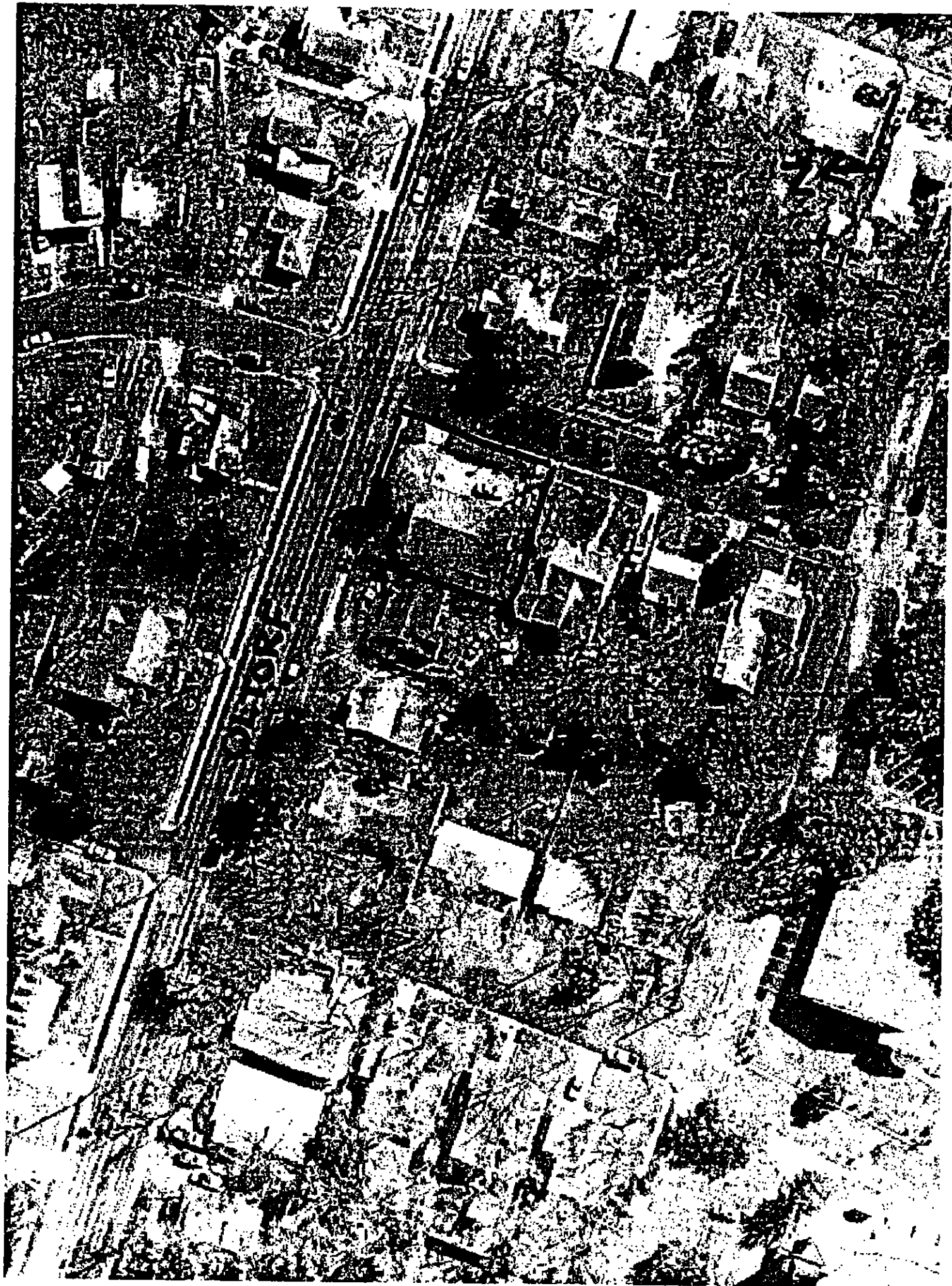
Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
E. Oltorf St.	60'	40'	Major Arterial	Yes	Yes	No
S. 3 <sup>rd</sup> St.	50'	30'	Local	Yes	No	No

**CITY COUNCIL DATE:**      June 9, 2005**ACTION:****ORDINANCE READINGS:**      1<sup>st</sup>      2<sup>nd</sup>      3<sup>rd</sup>**ORDINANCE NUMBER:****ZONING CASE MANAGER:** Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us**PHONE:** 974-2330

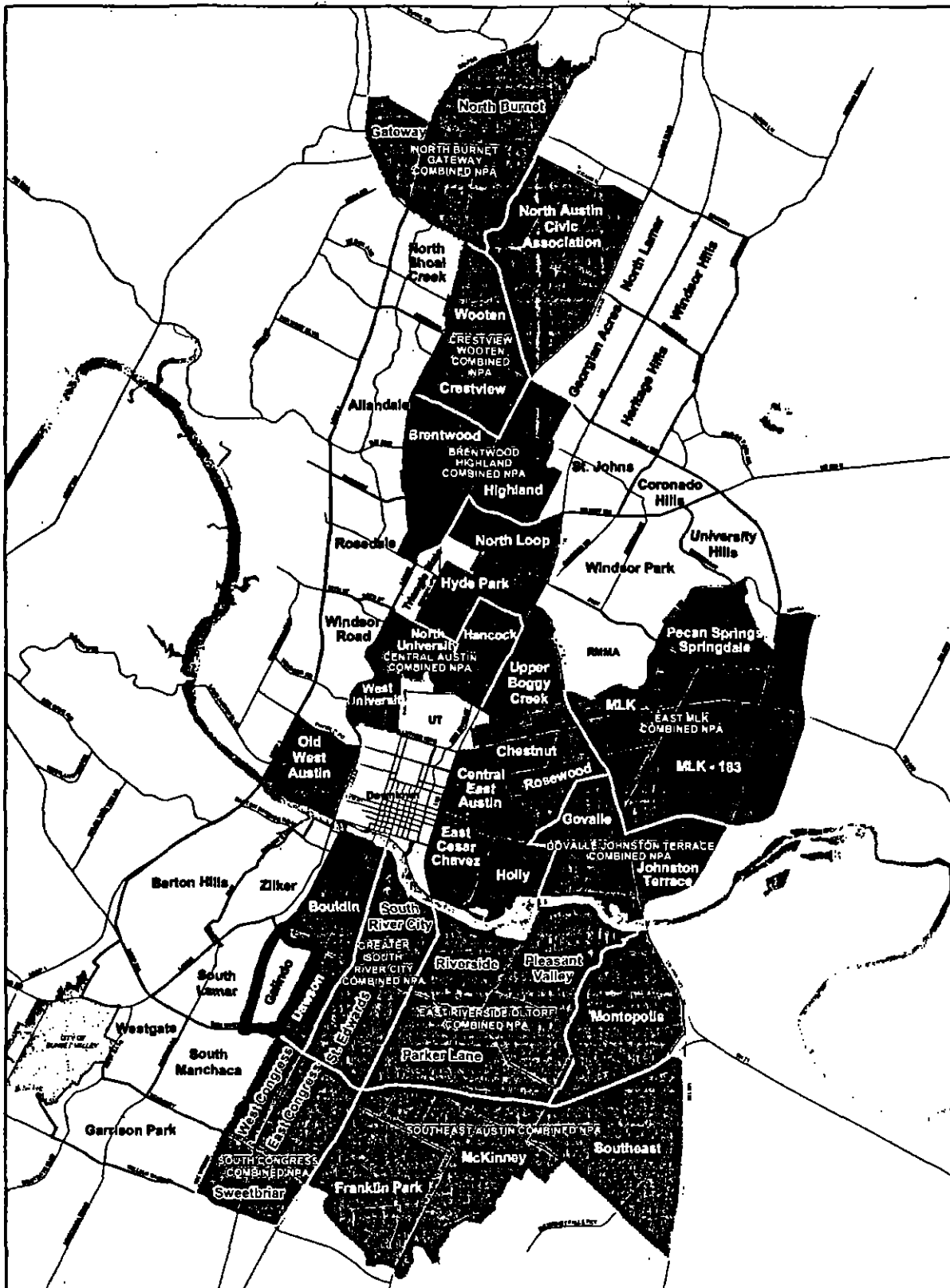




 <p><b>SUBJECT TRACT</b>  <b>PENDING CASE</b>  <b>ZONING BOUNDARY</b>  <b>CASE MGR: W. WALSH</b></p>	<p align="center"><b>ZONING</b></p> <p><b>CASE #: C14-04-0198</b>  <b>ADDRESS: 801 W OLTORF ST</b>  <b>SUBJECT AREA (acres): 0.145</b></p> <p align="right"><b>DATE: 04-12</b>  <b>INTLS: SM</b></p>	<p><b>CITY GRID</b>  <b>REFERENCE</b>  <b>NUMBER</b>  <b>H20</b></p>
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## City of Austin Neighborhood Planning Areas



Produced by City of Austin  
Neighborhood Planning & Zoning Department  
August 30, 2004

Combined Neighborhood  
Planning Areas

### Neighborhood Plan Status

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

N

0 2,500 5,000 10,000 Feet

This map has been produced by the City of Austin for the  
sole purpose of aiding regional planning and is not  
warranted for any other use. No warranty is made regarding  
its accuracy or completeness.  
http://www.austintexas.gov/neighborhoodplanning

**SUMMARY STAFF RECOMMENDATION**

C14-04-0198

The property owner has requested rezoning from Family Residence district (SF-3) to Neighborhood Office district Mixed Use Combining District (NO-MU). Staff recommends denial of this request.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The majority of the surrounding properties are zoned and used as single family residences. Sufficient land exists on South First Street for office uses in the neighborhood.

2. *Zoning should be consistent with adopted plan for the area.*

There is no adopted neighborhood plan for this area. The Galindo Neighborhood Plan has been tentatively scheduled to start in FY 2005-2006, depending on direction from City Council. The Bouldin Neighborhood plan calls for Single Family uses along the north side of this portion of East Oltorf.

**EXISTING CONDITIONS****Site Characteristics**

The site is an existing single-family residence along a major arterial. The site is surrounded by single family (SF-3) zoned land to the east, west and south. To the north, across East Oltorf, the land is zoned for townhouses and condominiums (SF-6).

One block further to the south, lies the San Jose Catholic Church, a major neighborhood institution, with worship, community and education facilities.

**Transportation**

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

The trip generation under the requested zoning is estimated to be 59 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). A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

**Existing Street Characteristics:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
E. Oltorf St.	60'	40'	Major Arterial	Yes	Yes	No
S. 3 <sup>rd</sup> St.	50'	30'	Local	Yes	No	No

**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 adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City.

The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit (*Paul Urbanek 972-0211*)

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

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

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

**Site Plan**

This tract is already developed, a change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-3 zoned property to the east, south and west, and would be subject to the following requirements:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

# Austin City Council

## MINUTES

### Regular Meeting

Thursday, JUNE 9, 2005

Z-8 C14-04-0198 - 801 West Oltorf - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 West Oltorf (East Bouldin Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Zoning and Platting Commission: To deny neighborhood office-mixed use (NO-MU) combining district zoning. Applicant: Lopez & Urrutia, L.L.P. Agent: Land Answers (Jim Witliff). City Staff: Robert Hell, 974-2330.

The public hearing was closed and the first reading of the ordinance was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 5-1 vote. Mayor Pro Tem Goodman voted nay. Council Member McCracken was off the dais.

## Closed Caption Log, Council Meeting, 06/09/05

**Note:** Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records or transcripts, please contact the City Clerk at 974-2210.

OKAY, MAYOR. ITEM NUMBER Z-8 IS CASE C-14-04-198. AND THIS PROPERTY IS LOCATED AT 801 WEST OLTORF STREET. THIS PROPERTY IS CURRENTLY ZONED SINGLE-FAMILY FOR SINGLE-FAMILY USE. IT HAS FAMILY RESIDENCE ZONING. AND THE APPLICANT IS SEEKING A CHANGE TO NO-MU ZONING, WHICH STANDS FOR NEIGHBORHOOD WITH A MIXED USE COMBINING DISTRICT. THIS PROPERTY IS SOUTH OF WEST OLTORF STREET. AND WE'LL PLACE A MAP THERE TO SHOW YOU WHERE THIS IS. BOTH THE ZONING AND PLATTING COMMISSION AND STAFF DO NOT RECOMMEND A CHANGE, AND AS YOU CAN SEE ON THE MAP, TO THE NORTH SIDE OF OLTORF SEAT IS THE NEIGHBORHOOD PLANNING AREA THAT THE RESIDENTS PLANNING AREA FOLKS AND STAFF AGREED ON TREATING EAST OLTORF STREET ALL THE WAY UP TO THE END OF THE NEIGHBORHOOD PLANNING AREA TO ZONE THAT SINGLE-FAMILY 6, WHICH STANDS FOR TOWNHOUSE CONDOMINIUM SF-6 DISTRICTS. AND BOTH THE COMMISSION AND STAFF FEEL THAT THE SOUTH SIDE OF THE STREET SHOULD NOT HAVE COMMERCIAL ZONING, HENCE OUR RECOMMENDATION TO DENY THE REQUEST FOR NEIGHBORHOOD OFFICE BECAUSE AS YOU CAN SEE TO THE SOUTH, YOU HAVE A SIMILAR SETUP AS TO THE NORTH OF OLTORF STREET. AND THAT AREA WILL BE UNDERGOING A NEIGHBORHOOD PLANNING PROCESS THIS FALL.

SO THE STAFF RECOMMENDATION AND THAT RECOMMENDATION IS TO DENY THE CHANGE IN ZONING FROM SF-3 TO NO-MU. AND I'LL BE GLAD TO RESPOND TO ANY QUESTIONS AFTER WE HEAR FROM THE APPLICANT. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, MS. GLASGO. AT THIS TIME WE'LL HAVE A FIVE-MINUTE APPLICANT/OWNER PRESENTATION.

GOOD AFTERNOON, MAYOR, COUNCILMEMBERS, MY NAME IS JIM WITLIFF AND I'M HERE ON BEHALF OF THE PROPERTY OWNERS. AS MS. GLASGO SAID, THIS PROPERTY IS A RESIDENTIAL LOT. IT'S GOT A SINGLE HOME ON IT. I'VE GOT A PLAN HERE THAT WAS DONE BY THEIR ARCHITECT SHOWING HOW THEY WANT TO MODEL IT. THEY'RE NOT INTERESTED IN EXPANDING THIS PROPERTY, THEY'RE NOT INTERESTING IN TEARING IT DOWN AND REPLACING IT. THEY WANT TO REMODEL AND RETAIN THE EXISTING BUILDING. AND THEIR PERMITS THAT THEY'VE ALREADY RECEIVED FROM THE CITY WILL ALLOW IT TO BE USED RESIDENTIALLY AS WELL AS COMMERCIALY. THAT'S IMPORTANT MORE ON SO TO THE NEIGHBORHOOD THAT WAS A CONCESSION. THAT WAS DONE SO THAT IF THIS USE WOULD EVER CEASE FOR ANY REASON THAT THEY HAVE AGREED WITH THE NEIGHBORHOOD TO NOT OPPOSE A ROLL BACK TO SF-3, AND THE PROPERTY WOULD BE PERMITTED AND WOULD BE ABLE TO BE USED AS A RESIDENTIAL HOME AGAIN. CURRENTLY THE PROPERTY HAS GOT ABOUT WE COUNTED 87.5% IMPERVIOUS COVER. IT'S UNUSUAL FOR A HOME TO HAVE SO MUCH ASPHALT. WE'RE GOING TO REMOVE ABOUT 30% OF IT. WE'LL TAKE IT DOWN BELOW 60%. AND WE'RE ASKING FOR NO-MU ZONING ON THE PROPERTY. I'VE GOT THE SECTION OF THE CITY CODE HERE, NOT TO BORE YOU, BUT SECTION 25-2-93 DESCRIBES THE N.O. OFFICE DISTRICT DESIGNATION. IT SAYS, NEIGHBORHOOD OFFICE DISTRICT IS THE DESIGNATION FOR A SMALL OFFICE USE THAT SERVES NEIGHBORHOOD OR COMMUNITY NEEDS, IS LOCATED IN OR ADJACENT TO A RESIDENTIAL NEIGHBORHOOD, AND ON A COLLECTOR STREET THAT HAS A WIDTH OF 40 FEET OR FOR AND DOES NOT UNREASONABLY AFFECT TRAFFIC. REGULATIONS APPLICABLE TO THAT DISTRICT ARE DESIGNED TO PRESERVE COMPATIBILITY WITH EXISTING NEIGHBORHOODS THROUGH RENOVATION AND MODERNIZATION OF EXISTING STRUCTURES. THAT'S US TO A TEE. THAT'S EXACTLY WHAT WE'RE DOING. I WANT TO SWITCH EXHIBITS HERE, PLEASE. THIS IS A MAP -- BEFORE THESE GUYS PURCHASED THIS PROPERTY, THEY WENT OUT AND TALKED WITH SURROUNDING NEIGHBORS. THEY WENT AND SAT IN PEOPLE'S HOME AT THEIR KITCHEN TABLES AND TOLD THEM EXACTLY WHAT THEY WANTED TO DO, AND THEY RECEIVED OVERWHELMING SUPPORT. THE PROPERTY IS IN THE CENTER OF THE MAP. EVERYBODY YOU SEE IN RED HAS SIGNED LETTERS IN SUPPORT OF THE REZONING, AND WE SUBMITTED THOSE LETTERS TO YOU AND THEY SHOULD BE PART OF YOUR BACKUP PACKAGE. NOW, I FOUND OUT TODAY, IN FACT, I FOUND OUT THIS AFTERNOON, THAT SEVERAL OF THE PEOPLE IN THE IMMEDIATE NEIGHBORHOOD HAD APPARENTLY SIGNED LETTERS IN OPPOSITION TO THIS REZONING. WE WENT OUT AND TALKED WITH SOME OF THEM TODAY. TWO OF THEM HAVE ALREADY SAID THAT



THERE WAS A MISUNDERSTANDING, THEY'VE WITHDRAWN THAT OPPOSITION AND GIVEN US SIGNATURES AS SUCH, AND WE'VE PASSED THAT TO CITY STAFF. I DON'T HAVE ANYTHING ELSE TO SAY AT THIS TIME, SO I'LL LET THE MEETING CONTINUE TO THE NEXT SPEAKER, BUT WE DO HOPE YOU CAN SUPPORT THIS. THANK YOU.

MAYOR WYNN: THANK YOU. WE'LL NOW GO TO SPEAKERS WHO ARE IN FAVOR OF THE ZONING CASE, FOLLOWED BY THOSE IN OPPOSITION. OUR FIRST SPEAKER IS OLGA ROMERO. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY BRADLEY URRETIA. SORRY IF I MISPRONOUNCED THAT.

GOOD EVENING, MAYOR AND CITY COUNCILMEMBERS, MY NAME IS OLGA (INDISCERNIBLE). I'D LIKE TO PASS OUT SOME INFORMATION REGARDING TRAFFIC VOLUMES ON OLTORF AND TRAFFIC SAFETY. WE GATHERED THIS INFORMATION TO ADDRESS THE CONCERNS OF SOME NEIGHBORS. TRAFFIC VOLUME COUNTS WERE OBTAINED FROM THE CAMPO WEBSITE, [WWW.CAMPO.TEXAS.ORG](http://WWW.CAMPO.TEXAS.ORG). AS YOU CAN SEE THE 800 BLOCK OF OLTORF HAS A DAILY TOTAL TRAFFIC VOLUME OF 17,086 VEHICLES. THIS COUNT WAS TAKEN ON MARCH FIRST, 2004. THIS SECTION OF OLTORF HAS THE LOWEST TRAFFIC COUNT OF TRAFFIC VOLUMES OF ANY OF THE FIVE LOCATIONS THAT WERE SURVEYED. THE TRAFFIC OF THE 800 BLOCK OF WEST OLTORF IS LESS THAN HALF OF THE TRAFFIC VOLUMES AT THE BUSIEST SECTIONS SURVEYED, THE 1800 BLOCK OF EAST OLTORF. ON THE SECOND STREET YOU WILL SEE VEHICLE COLLISION RECORDS FOR SIX INTERSECTIONS ALONG WEST OLTORF. THESE RECORDS COVER THE PERIOD FROM JANUARY FIRST, 2002, THROUGH FEBRUARY 20TH, 2005. WE OBTAINED THIS INFORMATION FROM THE AUSTIN POLICE DEPARTMENT. THE INTERSECTION OF SOUTH FIRST STREET AND WEST OLTORF WHERE THIS ZONING CASE IS LOCATED IS LABELED AS C ON THE DATA SHEET. THIS TRANSACTION HAD A TOTAL OF FOUR COLLISIONS DURING FROM JANUARY FIRST, 2002 TO FEBRUARY 20TH, IT 2005. THIS IS ONE COLLISION EVERY 89 DAYS. BASED ON THE CAMPO TRAFFIC COUNTS, THE INTERSECTION OF WEST OLTORF AT SOUTH FIRST STREET HAS HAD AN AVERAGE OF ONE COLLISION FOR EACH 4,929,311 VEHICLE TRIPS THROUGH THIS TRANSACTION. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU. OUR NEXT SPEAKER IS BRADLEY URRETIA. SORRY IF I'M MISPRONOUNCING THAT.

THAT'S RIGHT, MR. MAYOR. IT'S URRETIA, BUT I DON'T EXPECT EVERYBODY TO GET IT RIGHT. THERE'S A COUPLE ON THIS COUNCIL THAT I'M EXPECTING TO GET IT RIGHT, THOUGH. IN ANY EVENT, THANK YOU FOR YOUR TIME AND THE OPPORTUNITY TO ADDRESS Y'ALL ON THIS ISSUE. IT'S A REAL IMPORTANT ISSUE OBVIOUSLY TO US AT THE OWNERS, BUT I WANT TO TELL YOU A LITTLE BIT ABOUT US AND MYSELF SO YOU KIND OF GET A PICTURE OF WHO WE ARE AND WHAT WE'RE TRYING TO DO HERE. I'M A LIFELONG AUSTIN RESIDENT, AND I WAS BORN AND RAISED IN AUSTIN, I'M A PRODUCT OF THE AISD SCHOOLS. ASIDE FROM THAT, I'M A LIFELONG SOUTH AUSTIN RESIDENT.

I'M OF THE MIND THAT THINGS GET WEIRD AFTER 38TH AND A HALF STREET. I BARELY  
CROSSED THE RIVER WHEN I WAS YOUNG. I'M FROM THIS NEIGHBORHOOD. AND ONE  
OF THE THINGS AS WE WERE GOING AROUND TRYING TO SEE WHAT KIND OF  
SUPPORT THERE WOULD BE FOR US TO HAVE HAD OFFICE HERE IS WE SPOKE TO A  
LOT OF PEOPLE WHO WERE AROUND THERE AND FOR A LARGE PART THEY  
REPRESENT NOT ONLY OUR BASE CLIENTELE, WHICH IS 90% HISPANIC, BUT THEY  
ALSO REPRESENT OLDER HISPANIC FAMILIES THAT LIVE IN AUSTIN A LONG TIME. AND  
THEY STRUCK ME BEING VERY MUCH LIKE MY PARENTS AND GRANDPARENTS NAND  
THE SAME HOUSE FOR OVER 40 AND 50 YEARS. AND ONE OF THE THINGS THEY TOLD  
ME IS THAT OLTORF ISN'T THE SAME STREET THAT IT WAS WHEN THEY WERE  
GROWING UP. I WAS AMAZED TO HEAR SOME OF THE STORIES THAT THESE STREETS  
ON EAST OLTORF THEY USED TO PARK THEIR CAR ON. OR ONE OF THEM EVEN TOLD  
ME THAT HE -- WHEN HE BUILT HIS HOUSE THERE, THE REALTOR HAD TO WALK HIM  
DOWN A DIRT ROAD, WHICH IS NOW SOUTH FIRST STREET AND SHOW HIM THIS IS  
WHERE YOUR HOUSE IS GOING TO BE. YOU CAN IMAGINE WHAT A STREET WOULD  
LOOK LIKE ON HERE ON HOW BIG OLTORF IS GOING TO BE. SO IT'S NOT THE SAME  
KIND OF STREET. CERTAINLY IT'S A LOUD STREET. IF YOU STAND ON THESE PORCHES  
LIKE I DID AND TALK TO THEM, IT'S A MAJOR ARTERY AND I THINK IT'S DESCRIBED AS  
THAT IN LOTS OF LITERATURE THAT I'VE SEEN. SO IT'S NOT JUST A LITTLE BIT STREET  
WHERE WE'LL BE LOOKING AT PLOPPING AN OFFICE IN THE MIDDLE OF SUBURBIA  
HERE. SO EVEN THAT PARTICULAR EXHIBIT SHOWS THE SUPPORT THAT WE GOT  
FROM THE SURROUNDING NEIGHBORHOOD, AND I THINK THAT'S IMPORTANT BECAUSE  
MOST OF THESE FOLKS THAT SUPPORT US HAVE LIVED IN AUSTIN A VERY LONG TIME,  
LIKE I SAID, ABOUT 45, 50 YEARS. EACH OF THEM TOLD ME THAT THIS IS JUST NOT THE  
SAME STREET AND THEY WERE SUPPORTIVE BECAUSE WE WANTED TO MAKE SOME  
IMPROVEMENTS. AND I THINK MY PARTNER WILL HAVE SOME GUIDANCE FOR YOU TO  
SEE WHAT KIND OF IMPROVEMENTS WE'RE LOOK TO GO MAKE. BUT THERE WILL BE  
IMPROVEMENTS TO THIS PROPERTY THAT I THINK WILL REALLY ENHANCE THE  
NEIGHBORHOOD AND MAKE THEM FEEL AS IF WE'RE DOING A RIGHT THING BY THE  
NEIGHBORHOOD. ONE OF THE THINGS, AND I KNOW MR. WITTLIFF SAID THAT WAS A  
LITTLE BORING AND HE DIDN'T WANT TO BORE YOU, BUT I'M A LAWYER BY TRADE AND  
ONE OF THE THINGS THAT MY LAW PROFESSOR TOLD ME IS YOU READ THE LAW AND  
FIND OUT WHAT IT SAYS. AND WHEN YOU TALK ABOUT NEIGHBORHOOD OFFICE, I  
THINK THE DEFINITION IN THE CODE FITS THIS PERFECTLY. THANK YOU.

MAYOR WYNN: THANK YOU, BRADLEY. OUR NEXT SPEAKER IS MR. LOPEZ. WELCOME.  
YOU WILL HAVE THREE MINUTES AND -- (INDISCERNIBLE).

THANK YOU, MR. MAYOR. THANK YOU FOR THE OPPORTUNITY. AND AS MY LAWYER  
PARTNER BRADLEY, FOR THOSE OF YOU WHO DON'T KNOW, WE ARE PROBABLY THE  
ONLY HISPANIC LAW FIRM THAT'S BEEN TOGETHER FOR OVER EIGHT YEARS. WE  
WORK TOGETHER. WE DO A LOT OF DIFFERENT TYPES OF WORK, A LOT OF CIVIL  
PRACTICE WORK, LIKE BRADLEY SAID. 90% OF THE CLIENTS ARE HISPANIC. WE DO

EVERYTHING FROM BASICALLY WILLS, ESTATES, DIFFERENT TYPES OF WORK. WE DO -  
- I'LL TOOT MY OWN HORN HERE, BRADLEY WON AN AWARD FOR DOING LEGAL SERVICES, NON-PAID OBVIOUSLY. THAT WAS A COMMITMENT WE HAD IN OUR FIRM FOR THE POOR, UNDERPRIVILEGED POOR, FOR THE CAUSE ESSENTIALLY. WE BELIEVE STILL, WE BELIEVE THAT EVEN WITH THE PROBLEMS THE SUPREME COURT HAS GIVEN US, WE STILL BELIEVE IN JUSTICE AND TRUTH. SO WE CAME TO THIS AREA AND WE TALKED TO THEM AND WE CANVASSED THAT NEIGHBORHOOD INDIVIDUALLY. WE WALKED -- WE STARTED THIS PROCESS BACK IN OCTOBER AND WE FINISHED IT WHEN IT WAS COLD IN THE WINTER. AND ALL THE PEOPLE WE TALKED TO, THEY BASICALLY SAID YES, WE ARE IN SUPPORT, THAT'S GREAT, THERE'S A COUPLE OF LAW FIRMS DOWN THE ROAD, AND THEY SAID, I SURE WOULD LIKE TO LIVE NEXT DOOR TO A LAWYER. THEIR YARDS ARE CLEAN, THEY KEEP NICE HOURS, WE NEVER HAVE ANY PROBLEMS WITH THEM. THE PROPERTY IN QUESTION EVERYBODY KNEW WE TOLD THEM WHERE WE WERE THINKING OF PURCHASING THE PROPERTY, AND THIS IS WHERE WE ARE, AND THEY ALL SAID YOU BOUGHT THAT PLACE? WELL, WE BOUGHT THAT PLACE BECAUSE WE BELIEVE THAT WE CAN MAKE A COMMITMENT TO THIS AREA AND WE CAN IMPROVE THIS AREA. I THINK ONCE WE'RE THERE, ONCE PEOPLE GET TO KNOW US AND WHAT WE'RE ABOUT, I THINK EVERYBODY WILL BE VERY GLAD THAT WE ARE THERE. WE WANT TO BE LOOKED AT AS GOOD NEIGHBORS. LET ME JUST SHOW YOU THE PROPERTY IN QUESTION. THAT'S ESSENTIALLY THE PROPERTY. AS YOU CAN SEE FROM THIS, IT DOESN'T LOOK LIKE A HOUSE. IT'S MOSTLY -- THE BACK OF THE HOUSE HAS EVEN MORE CEMENT. I THINK THE DIAGRAM SHOWS A LITTLE BIT OF GRASS, BUT BASICALLY IT'S MOSTLY IMPERVIOUS COVER. WE'RE GOING TO REMOVE THAT IMPERVIOUS COVER AND ACTUALLY AFFECT THE DRAINAGE SO THAT WE GO DOWN TO ABOUT 60% OF REMOVING OF THE IMPERVIOUS COVER. SO WE'RE GOING TO MAKE IT AS ENVIRONMENTALLY SENSITIVE AS WE POSSIBLY CAN. OUR ARCHITECT DREW THE PLANS SO THAT WHEN -- IF WE DECIDE TO SELL THIS HOUSE, EVERYTHING WILL BE AS A RESIDENCE, IT COMPLIES WITH ALL THE CITY CODES. ESSENTIALLY WHAT WE WILL DO IS TAKE THIS AND BASICALLY DOUBLE THE MONEY WE PAID FOR IT AND MAKE IT INTO A QUALITY STRUCTURE WHERE PEOPLE ARE GOING TO DRIVE BY THERE AND THEY'RE GOING TO SAY, YOU KNOW, SOMETHING IS NICE. THINGS ARE CHANGING FOR THE BETTER. [ BUZZER SOUNDS ] THANK YOU FOR YOUR SUPPORT. AND IF ANYONE HAS ANY QUESTIONS ABOUT THE STRUCTURE, I'LL BE GLAD TO ANSWER THEM.

MAYOR WYNN: THANK YOU. LET'S SEE. OUR LAST CITIZEN SIGNED UP IN FAVOR IS LINDA. YOU WILL HAVE THREE MINUTES.

HELLO. I'M A MEMBER OF THE JUNIOR EXECUTIVE COMMUNITY. AFTER CAREFUL CONSIDERATION, THE GALINDO NEIGHBORHOOD ASSOCIATION DOES NOT SUPPORT THE ZONING CHANGE REQUEST FOR 801 WEST OLTORF. OUR REASONS ARE MAINLY WE DON'T HAVE A NEIGHBORHOOD PLAN IN PLACE AND WE WOULD LIKE SOME -- WE WOULD LIKE SOME MORE TIME TO JUST HAVE THAT IN PLACE BEFORE WE START

SETTING PRECEDENT THAT WILL AFFECT ALL THE RESIDENTS OF OUR NEIGHBORHOOD. IN ADDITION, OUR NEIGHBORS IN BOULDIN CREEK, THEY ALREADY HAVE A NEIGHBORHOOD PLAN IN PLACE, AND THEY'RE VERY CLEAR ON WHERE THEY WOULD LIKE TO HAVE THESE COMMERCIAL THINGS, AND IT'S NOT THERE. WE THINK THIS PROPERTY WILL CREATE A COMMERCIAL SPACE IN A PURELY RESIDENTIAL AREA. YES, IT'S BUSY AND IT'S OLTORF, BUT IT'S PURELY RESIDENTIAL IN THAT LITTLE AREA, AND WE WOULD LIKE TO KEEP IT THAT WAY. JUST TO GIVE YOU A LITTLE BACKGROUND ON THE IMPERVIOUS COVER THAT'S THERE. IT USED TO BELONG TO THE FOLKS WHO OWNED THE GOLDEN SLIPPER, AND THEY -- HER NAME IS MS. RIVERIA AND SHE LIVES ON SOUTH FIRST STREET. SHE TOLD ME THAT THEY HAD BEEN FIGHTING THIS REZONING FOR YEARS. THEY'VE ALWAYS WANTED TO CHANGE IT INTO COMMERCIAL, AND IT'S JUST BEEN AN ONGOING ISSUE THERE. WE REALLY WISH THAT YOU WOULD RECONSIDER REZONING THIS.

MAYOR WYNN: THANK YOU. COUNCIL, THAT'S ALL THE SPEAKERS FOR OR AGAINST. AND NOW MR. WITTLIFF WILL HAVE A THREE-MINUTE REBUTTAL.

THANK YOU, MAYOR AND COUNCIL. LINDA DID MEET WITH US BRIEFLY BEFORE WE ATTENDED THE ZAP HEARING AND I DO RESPECT HER OPINIONS. I WOULD LIKE TO DIFFER A LITTLE BIT. SHE MENTIONED THE PROPERTY IMMEDIATELY SOUTH OF US AND THE WOMAN HAS LIVED IN THAT HOUSE FOR 47 YEARS. I DO WANT TO POINT OUT THAT THE WOMAN HAS ISSUED A LETTER IN SUPPORT OF OUR REZONING. SHE HAS SIGNED IT. I'VE GOT HER ORIGINAL SIGNATURE HERE. AND SHE REAFFIRMED THAT APPROVAL THIS AFTERNOON, AND I'VE TURNED THAT INTO CITY STAFF. THE REASON THAT MS. CALDERON AND THE CLUEMAN FAMILY WHICH LIVES IMMEDIATELY WEST OF US ON OLTORF AND HAVE FOUR CHILDREN HAVE SUPPORTED THIS IS BECAUSE FRANKLY THEY'RE TIRED OF THE RUN DOWN SHACK NEXT DOOR THAT NOBODY TAKES CARE OF. AND THERE'S BEEN A PATTERN OF SOME DECAY IN THIS PORTION OF OLTORF STREET. YOU CAN GO ONE OR TWO BLOCKS INTO THE NEIGHBORHOOD AND YOU CAN SEE THE HOUSES THAT ARE SELLING FOR \$500,000 IN THE BLINK OF AN EYE, AND NOBODY IS MODELING THESE PROPERTIES ON OLTORF. THEY PUT MORE MONEY INTO REMODELING THE EXISTING STRUCTURE THAN THEY DO INTO THE PURCHASE OF THE PROPERTY. NOBODY IN MY OPINION IS GOING TO SPEND THE MONEY ON THAT PROPERTY. IT WAS DONE UNANIMOUSLY BY THEIR STEERING COMMITTEE. AND I'VE PRESENTED THAT TO CITY STAFF AS WELL. AND GALINDO NEIGHBORHOOD ASSOCIATION, WE ATTENDED THEIR MEETING INFORMALLY IN FEBRUARY. THEY TOLD US AT THAT TIME THERE WOULD BE NO PROBLEM. WE ATTENDED THEIR MEETING FORMALLY IN MARCH AND THERE WAS AN OFFICIAL VOTE AND THEY VOTED TO SUPPORT IT AND I'VE GOT THEIR MINUTES ON THAT ALSO. I WOULD ASK YOU TO SUPPORT THIS AS WELL. THANK YOU.

MAYOR WYNN: THANK YOU. COUNCILMEMBER SLUSHER.

SLUSHER: MR. WITTLIFF, YOU MAY HAVE SHOWN US THIS, BUT I WAS OFF THE DAIS. COULD YOU SHOW ME THE MAP OF THE NEIGHBORS THAT SUPPORT IT? COUNCILMEMBER SLUSHER, THERE'S A TOTAL OF 51 PROPERTY OWNERS AND EVERY ONE OF THEM HAS SIGNED A LETTER IN SUPPORT.

SLUSHER: AND THE GREEN IS THE PROPERTY IN QUESTION.

YES, SIR.

SLUSHER: AND JUST FOR PEOPLE WHO ARE ON SOUTH THIRD AND OLTORF.

THAT'S CORRECT.

SLUSHER: ON THE SOUTH SIDE OF THE STREET.

YES, THE GALINDO ELEMENTARY SIDE.

SLUSHER: THANK YOU.

YOU'RE WELCOME.

MAYOR WYNN: COUNCILMEMBER ALVAREZ.

ALVAREZ: I'VE GOT A QUESTION FOR THE GALINDO NEIGHBORHOOD REPRESENTATIVE.

ALVAREZ: HE SAID THERE WAS NEIGHBORHOOD SUPPORT, BUT WHEN YOU SPOKE YOU SAID THE NEIGHBORHOOD WAS OPPOSED. SO HAS THIS ISSUE BEEN REVISITED?

YES, SIR, ON NOVEMBER 25TH -- HE'S TALKING ABOUT THE ASSOCIATION VOTED TO SUPPORT THE EXECUTIVE COMMITTEE'S DECISION ON THIS CASE SIMPLY BECAUSE THEY WERE SO FEW DETAILS, THEY SAID THAT THE EXECUTIVE COMMITTEE, WE TRUST YOU TO MAKE A DECISION. WHEN WE MET TOGETHER AS AN EXECUTIVE COMMITTEE, WE FOUND THAT THERE WAS ADDITIONAL INFORMATION REGARDING OLTORF AND THE SAME PRECEDENCE. AND THEY CAME BACK AND RE-PRESENTED THAT TO THE ASSOCIATION AS A WHOLE AND THEN WE VOTED TO OPPOSE ALL REZONING ALONG OLTORF UNTIL WE HAVE OUR NEIGHBORHOOD PLAN IN PLACE.

ALVAREZ: SO IT WAS JUST A VOTE TO OPPOSE --

OPPOSE THIS AND ALL REZONING ON OLTORF AT THIS TIME, UNTIL WE HAVE OUR NEIGHBORHOOD PLAN. BECAUSE WE JUST DIDN'T KNOW WHAT THEY WANT. AND HIS MAP IS A LITTLE MISLEADING. THE PEOPLE IN RED ARE PART OF MY VALID PETITION.

AND HE WENT TODAY, THIS AFTERNOON TO ASK THEM FOR SIGNATURES FOR HIS SIDE, BUT IT'S --

ALVAREZ: THERE ARE LETTERS IN THE BACKUP WITH THESE SAME FOLKS IN SUPPORT.

YES. THE SAME PEOPLE SIGNED MY VALID PETITION AS WELL.

ALVAREZ: THAT MAKES IT A LITTLE CONFUSING. WE HAVE TO FIGURE OUT WHAT THE IMMEDIATE NEIGHBORS WANT. BUT I JUST WANTED TO GET CLARIFICATION BECAUSE I BELIEVE THAT THERE WAS ACTUALLY AN ASSOCIATION IN SUPPORT SEVERAL MONTHS AGO, AND THEN YOU'RE SAYING THERE WAS A MORE RECENT VOTE --

WELL, IT WASN'T A TRUE VOTE IN SUPPORT OF THIS, IT WAS TO SUPPORT THE EXECUTIVE COMMITTEE'S DECISION ON IT. IT WAS NOT DEFINITIVE AT THE NEIGHBORHOOD MEETING. WE MET AS AN EXECUTIVE COMMITTEE, WE BROUGHT THEM THE DETAILS THAT WE LEARNED TO THE NEXT MEETING. AND AT THAT MEETING WE TOOK A VOTE IN OPPOSITION. SO MAY THE 25TH, GALINDO NEIGHBORHOOD ASSOCIATION -- I THINK THERE WERE AT LEAST 40 PEOPLE THERE, THEY VOTED IN OPPOSITION.

ALVAREZ: AND YOU HAD MINUTES FROM THAT MEETING THAT SHOWED AN AFFIRMATIVE VOTE, AN AFFIRMATIVE INDICATION FROM THE ASSOCIATION?

YES, COUNCILMEMBER ALVAREZ. I CAN EITHER PASS IT OUT OR READ IT TO YOU.

ALVAREZ: YOU CAN READ IT, THAT'S FINE, THE MINUTES.

IT'S VERY BRIEF. A MOTION WAS MADE TO OPPOSE THE ZONING CHANGE REQUEST FOR 801 OLTORF. THE MOTION WAS SECONDED, A VOTE WAS TAKEN AND MEMBERS VOTED TO OPPOSE THE MOTION A SECOND OF VOTE WAS TAKEN THAT THEY OPPOSE THE CONDITIONAL OVERLAYS. A VOTE WAS TAKEN AND MEMBERS VOTED TO SUPPORT THE MOTION.

ALVAREZ: OKAY. SO THERE WAS SUPPOSED TO BE A MOTION ON CONDITIONS, BUT IT TURNED INTO -- NOT A NEGOTIATION, BUT JUST A REVERSAL OF --

I'LL ADD THAT THE CONDITIONS WE OFFERED, WE STILL OFFER, WHICH IS NOT TO EXTEND THE FOOTPRINT, NO SECOND STORY, REDUCING IMPERVIOUS COVER TO 60% AND NOT OPPOSE A ROLL BACK ZONING TO SF-3.

ALVAREZ: OKAY. AND THEN FOR THE NEIGHBORHOOD REPRESENTATIVE AGAIN.

WHEN THE EXECUTIVE COMMITTEE MET, THE CONDITIONAL OVERLAYS, NONE OF THEM WOULD HAVE PREVENTED THIS FROM SETTING A PRECEDENT AND CREATING SOME SORT OF DOMINO EFFECT. AND THAT'S WHAT WE WERE AFRAID OF BECAUSE ONCE YOU GO COMMERCIAL, THERE'S NO TURNING BACK ON THAT.

ALVAREZ: IT SEEMS LIKE THE VOTE WAS -- TO OPPOSE FAILED, SO THE VOTE TO SUPPORT IT WITH CONDITIONS PASSED AND THE EXECUTIVE COMMITTEE DECIDED TO GO BACK AND JUST OPPOSE IT.

NO. I DID MEET WITH JIM TO SEE IF HE WOULD AGREE TO ANY OTHER CONDITIONAL OVERLAYS OR ANY LESS ZONING OR MAKE IT INTO KIND OF MORE OF A MIXED USE, AND THEY SAID THAT NO, THEY WEREN'T WILLING TO LIVE THERE. HE DID GO FROM LO TO NO FOR ME, BUT THAT WAS ALL HE WOULD GO.

ALVAREZ: WE CAN USUALLY DO MIXED USE ON IT. MAYOR PRO TEM'S POINT IS THAT DOESN'T MEAN AN ABSOLUTELY BE A MIXED USE PROJECT OR DEVELOPMENT ON THERE.

(INDISCERNIBLE).

ALVAREZ: SURE. AND FINALLY, I BELIEVE THAT THEY'VE AGREED TO A ROLL BACK PROVISION. WAS THAT SOMETHING THAT WAS CONSIDERED OR CONTEMPLATED?

WELL, WE ASKED THAT AS PART OF OUR NEGOTIATING TO SET UP A BOND. FIRST WE ASKED FOR A 50,000-DOLLAR BOND PACKAGE, AND HE WENT BACK TO THE LAWYERS AND WE WERE ABLE TO GET A 25,000-DOLLAR BOND.

ALVAREZ: WHAT WAS THE BOND FOR? I DON'T UNDERSTAND.

THE BOND IS THERE IN CASE THEY GO BACK ON THEIR WORD AND YOU HAVE TO FIGHT THEM, BECAUSE NONE OF US ARE LAWYERS AND WE WERE ADVISED TO DO THAT.

ALVAREZ: I SEE. SO IF THERE'S A ROLL BACK PROVISION --

AND LET'S SAY THEY DON'T DO IT. THERE'S NO WAY WE CAN ENFORCE IT. AND THE BOND MONEY WAS SUPPOSED TO BE THERE IN CASE SOMETHING HAPPENED AND WE NEEDED TO HAVE --

ALVAREZ: YOU COULD GET THE ROLLBACK EXECUTED IF THERE WAS A ROLL BACK OPTION.

RIGHT. WE WEREN'T LOOKING TO ACTUALLY SPEND THE MONEY, BUT IT'S JUST KIND OF A SECURITY FOR US.

ALVAREZ: AND FINALLY, I BELIEVE THEY HAD REFERENCE OR MENTION THAT THEY WERE EVEN -- IF THEY WERE TO GET THE APPROVAL, THEY WOULD EVEN BE -- IN THE NEIGHBORHOOD PLANNING PROCESS, THE NEIGHBORHOOD WANTED TO KEEP SINGLE-FAMILY ZONING THERE, THAT THEY WOULDN'T OPPOSE THAT EITHER, SO THAT THERE WOULD BE A -- DO YOU KNOW WHAT, A LEGAL, NONCONFORMING USE. AND WAS THAT A SAFEGUARD? YOU DID MENTION NEIGHBORHOOD PLANNING.

YES. WE DON'T HAVE A NEIGHBORHOOD PLAN IN PLACE AND WE WOULD LIKE TO KIND OF KEEP THINGS IN LINE WITH WHAT BOULDIN CREEK HAS PLANNED FOR OLTORF. AND WE WOULD ALSO LIKE TO RE POLL THE PEOPLE THERE IN THE NEIGHBORHOOD IN A NON-PRESSURE WAY. IT WOULD BE AWFUL TO HAVE THIS PROJECT, YOU KNOW, KICK OFF THE PLANNING FOR US.

ALVAREZ: AND BOULDIN DOESN'T HAVE AN ADOPTED PLAN. IS IT ADOPTED ALREADY?

YES, THEY DO. SHE MISTAKENLY SAID AUSTIN, BUT IT'S BOULDIN.

ALVAREZ: AND IT'S SIX ON THE --

I'LL LOOK AT THE MAP.

ALVAREZ: THAT'S CORRECT. BUT THAT IS AN ADOPTED NEIGHBORHOOD PLAN. OKAY. THANK YOU.

THANK YOU.

ALVAREZ: AND MR. WITTLIFF, IF YOU WANT TO SPEAK TO SOME OF THOSE ISSUES ABOUT THE ROLL BACKS AND REZONING. MAYBE LET MS. GLASGO SPEAK TO THE REZONING.

COUNCIL, I WANTED TO LET YOU KNOW THAT ANOTHER CITIZEN WALKED IN AND SIGNED UP TO SPEAK SO YOU ARE AWARE THAT THERE'S ANOTHER SPEAKER.

ALVAREZ: MR. WITTLIFF, I'M DONE.

COUNCILMEMBER ALVAREZ, AS YOU -- AS YOU ASKED, WE MET WITH THE NEIGHBORHOOD AND WE WANTED TO DO ANYTHING REASONABLE. MY UNDERSTANDING THE ESSENCE OF THE BOND THEY WANTED WAS IN CASE THEY NEEDED TO SUE US, THEY WANTED TO US TO FRONT MUST NOT FOR THEM TO SUE US. THEY ASKED FOR \$50,000. THESE ARE TWO SMALL GUYS WITH TWO SMALL KIDS. THEY WORK HARD. I GO INTO MY OFFICE ON AS A RESULT AND I SEE THEM WORKING, THEY'RE WORKING ON SATURDAY'S TOO. THEY DIDN'T WANT TO THROW MONEY AWAY, THEY OFFERED \$25,000. THE NEIGHBORHOOD SAID WE'RE NOT INTERESTED,



WE'RE AGAINST YOU ON EVERYTHING. THEY'VE BEEN REASONABLE AND WE WILL CONTINUE TO BE REASONABLE, AND WE WANT TO BE GOOD NEIGHBORS. AND WE THINK THAT N.O. IS THE SIGNATURE, PERFECT EXAMPLE OF OUR SITUATION AND WHAT WE'RE TRYING TO DO, AND WE'RE HOPEFUL THAT YOU CAN SUPPORT IT. THANK YOU.

ALVAREZ: THANK YOU.

MAYOR WYNN: COUNCIL, WITHOUT OBJECTION, AN ADDITIONAL CITIZEN, ONE MORE HAS COME IN AND SIGNED UP WISHING TO SPEAK. WELCOME. YOU WILL HAVE THREE MINUTES.

I'M LORRAINE ATHERTON, PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION, AND I'VE COME DOWN HERE TO REPRESENT THE AFFECTED -- THE SURROUNDING NEIGHBORHOODS IN THE SOUTH CENTRAL COALITION. OUR BIG CONCERN ABOUT THIS CASE IS THAT IT -- IT'S RIGHT ACROSS THE STREET FROM THE BOULDIN CREEK NEIGHBORHOOD PLAN AND APPROVED NEIGHBORHOOD PLAN, AND IT -- IT'S NOT COMPATIBLE WITH THAT NEIGHBORHOOD PLAN. AND WE'RE LOOKING AT A NEIGHBORHOOD PLAN FOR GALINDO AND THE FOUR OTHER NEIGHBORHOODS ALONG SOUTH LAMAR STARTING THIS FALL. AND WE'RE ALL FACING PRESSURE FROM PROPERTY OWNERS WHO WANT TO GET UPZONED BEFORE THE NEIGHBORHOOD PLAN STARTS ROLLING. YOU CONSIDERED A VERY SIMILAR CASE IN THE ZILKER NEIGHBORHOOD CLOSE TO OLTORF JUST OFF OF SOUTH LAMAR A COUPLE OF MONTHS AGO, AND OUR ARGUMENT IN THAT CASE, WHICH IS VERY SIMILAR ARGUMENT THAT WENT INTO THE BOULDIN CREEK NEIGHBORHOOD PLAN IS THAT THERE'S ALREADY TOO MUCH COMMERCIAL ZONING AVAILABLE IN THIS AREA. AND WHEN YOU START UPZONING, EVEN AS LOW AS NEIGHBORHOOD OFFICE, THAT INCREASES THE PROPERTY VALUES ALL AROUND AND IT BECOMES MORE AND MORE DIFFICULT FOR PEOPLE TO PROVIDE AFFORDABLE HOUSING IN THOSE AREAS. THE NEIGHBORHOOD PLANS ARE LOOKING AT CONCENTRATING THE COMMERCIAL ZONING, THE OFFICE ZONINGS AT THE INTERSECTIONS IN COMMERCIAL NODES, AND LEAVING THE EXISTING SINGLE-FAMILY WHERE IT IS. AND NOT ENCROACHING INTO THE NEIGHBORHOOD. AND I HOPE THAT YOU'LL GIVE EXTRA WEIGHT TO THE EXISTING NEIGHBORHOOD PLAN RIGHT ACROSS THE STREET. AND RESPECT YOUR OWN NEIGHBORHOOD PLANNING PROCESS. THANK YOU.

MAYOR WYNN: THANK YOU. COUNCIL, THAT CONCLUDES ALL THE SPEAKERS. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER DUNKERLEY.

DUNKERLEY: I'D LIKE TO SEE THE -- THERE WAS ONE BOARD THAT SHOWED THE HOUSE AS IT CURRENTLY IS AND WHAT THE PROPOSED REMODEL WOULD DO. OKAY. DO YOU HAVE A SKETCH OF WHAT -- YOU'RE NOT TEARING DOWN THE BUILDING, JUST REMODELING IT AND GETTING RID OF A GOOD BIT OF THE IMPERVIOUS COVER?

THAT'S CORRECT, COUNCILMEMBER DUNKERLEY.

DUNKERLEY: AND DID I HEAR YOU SAY THAT WHEN YOU REMODELED IT THAT YOU WERE GOING TO CONTINUE TO MEET ALL THE RESIDENTIAL GUIDELINES?

YES. IN OUR EFFORT TO WORK WITH WHAT THE NEIGHBORHOOD'S CONCERNS WERE, THESE GUYS ARE SPENDING EXTRA MONEY TO MAINTAIN A FULL BATH AND A FULL KITCHEN. AND IT'S NOT WITHOUT SACRIFICE THAT THEY'RE DOING THIS. THEY DID IT AT THE REQUEST OF THE NEIGHBORHOOD.

DUNKERLEY: AND THEY WOULD AGREE TO REVERT BACK TO SINGLE-FAMILY WHEN IT'S NO LONGER A NEIGHBORHOOD OFFICE?

YES. WE WON'T OPPOSE A ROLLBACK.

DUNKERLEY: AND HOW WOULD YOU DOCUMENT THEIR AGREEMENT TO NOT OPPOSE A REZONING OF THAT SO SF-1 IN THE NEIGHBORHOOD PLAN?

WE OFFERED TO HAVE A RESTRICTIVE COVENANT FILED AT THE COURTHOUSE, AND I'M WILLING TO PUT MY PERSONAL REPUTATION ON IT. THAT MAY NOT BE WORTH ENOUGH, BUT WE COULD WORK TOWARDS IT.

DUNKERLEY: I THINK ARE THERE ANY -- ARE THERE ANY NEIGHBORHOOD OFFICES IN THAT AREA IN THAT STRIP OF OLTORF? CAN YOU CHECK ON THAT LITTLE MAP YOU HAVE?

YES, I CAN. LET ME FLIP IT OVER SO NORTH IS UP SO I DON'T CONFOUND EVERYBODY. OKAY. COUNCILMEMBER DUNKERLEY, THE PROPERTY IS HERE, AND THERE IS EXISTING LAW OFFICES HERE AND HERE. A COMMERCIAL USE IS HERE AND A COMMERCIAL USE IS HERE.

DUNKERLEY: I REALLY CAN'T SEE THIS, BUT WHERE THE GRAY BLOCK IS, THERE'S SOMETHING TO THE RIGHT OF IT. I GUESS IT'S EAST OF THAT GREEN BLOCK. IS THAT A STREET OR IS THAT ANOTHER --

THIS IS SOUTH THIRD STREET?

DUNKERLEY: IT IS ON THE CORNER OF AN INTERSECTION?

YES, THAT'S CORRECT. THIS IS THE CATHOLIC CHURCH BACK HERE, THIS WHOLE THING.

DUNKERLEY: ALL RIGHT, THANK YOU.

YOU'RE WELCOME.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM Z-8. COUNCILMEMBER ALVAREZ.

ALVAREZ: THANK YOU, MAYOR. I THINK THAT -- THIS IS A VERY -- AN ISSUE THAT BRINGS UP -- A CASE THAT BRINGS UP A LOT OF DIFFERENT SORTS OF ISSUES, BECAUSE AT FIRST GLANCE WHEN YOU LOOK AT IT, THE SENSE YOU GET IS THAT IT IS PREDOMINANTLY A SINGLE-FAMILY NEIGHBORHOOD, BUT YOU ALSO LOOK AND YOU SEE THE IMPACT THAT THIS PARTICULAR STRUCTURE ITSELF IS HAVING ON THE NEIGHBORHOOD AND SOME OTHER SIMILAR TYPES OF RESIDENCES IN THE AREA WHERE YOU DO SEE A BIT OF A DECLINE IN THE QUALITY OF THE HOUSING THERE, AND THAT'S ONE OF THE THINGS WE HEARD WAS SOME OF THE CONCERNS ABOUT THE IMMEDIATE NEIGHBORS IN TERMS OF WHAT'S HAPPENING ON THAT PROPERTY BECAUSE IT DOES LAY DORMANT. AND SOME OF THE LETTERS OF SUPPORT THAT THE APPLICANT AT LEAST HAS SHOWN THE LETTERS OF SUPPORT, IN THE IMMEDIATE AREA I WOULD LIKE TO MAYBE TAKE A LITTLE MORE TIME ON THIS TO FIGURE OUT WHAT THE OTHER NEIGHBORS WHO DID SIGN THE VALID PETITION ACTUALLY WERE THINKING IN TERMS OF HAVING SOMETHING ON THE RECORD IN SUPPORT, BUT ALSO SOMETHING ON THE RECORD IN OPPOSITION. BUT I'M GOING TO -- ON FIRST READING I MOVE THAT WE APPROVE THE REQUEST OF THE APPLICANT. AND MAINLY BECAUSE I THINK THAT THIS IS A GOOD -- CAN IMPROVE THE CONDITION THERE OF THAT STRUCTURE AND THE IMPACT IT'S HAVING ON THE NEIGHBORHOOD, I THINK QUITE LITERALLY THE BROKEN WINDOWS ARE A BAD SITUATION. WHAT I'M TRYING TO PROJECT IN THE FUTURE IS IF THE STRUCTURE IS FIXED IS SOMEBODY WOULD PROBABLY BUY UP THIS PROPERTY, TEAR THIS STRUCTURE DOWN BECAUSE THEY DON'T WANT TO SPEND 200,000 PLUS TO FIX IT AND PUT UP A VERY HIGH DOLLAR SORT OF A RESIDENCE RIGHT THERE, WHICH I PERSONALLY THINK WOULD HAVE A MORE DETRIMENTAL EFFECT IN TERMS OF PROPERTY VALUES ON THE SURROUNDING HOMES. SO THAT'S -- AND ESPECIALLY IF WE'RE LOOKING AT SF-6 LIKE WHAT BOULDIN IS DOING, THEN YOU COULD ACTUALLY HAVE MULTIPLE UNITS THERE. AND THEN FINALLY, THE WILLINGNESS OF THE APPLICANTS TO HAVE A ROLL BACK PROVISION, AND EVEN TO BE DOWN ZONED ONCE THEY GET THEIR APPROVAL DOWN TO SF IS GOING TO BE SOMETHING THAT WAS IN GOOD FAITH OFFERED TO THE NEIGHBORHOOD TO ENSURE THAT LONG-TERM THE CHARACTER HERE IS MAINTAINED. SO FOR THOSE REASONS, MAYOR, I WOULD MOVE THAT WE APPROVE THIS ON FIRST READING AND THEN TRY TO FIGURE OUT IN TERMS OF A PETITION AND TO GET CLEAR CLARIFICATION FROM THE PROPERTY OWNERS IF THEY'RE TRULY FOR OR AGAINST BECAUSE IT IS A LITTLE CONFUSING IN THIS PARTICULAR INSTANCE.

MAYOR WYNN: MOTION MADE BY COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY N.O.-MU ON CASE Z-8. SECONDED

BY COUNCILMEMBER SLUSHER. FURTHER COMMENTS? MAYOR PRO TEM. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

GOODMAN: A COUPLE. IT'S HARD -- COUNCILMEMBER ALVAREZ IS RIGHT, IT'S HARD ON THE SURFACE TO REALLY ANALYZE THIS BECAUSE OLTORF AND SOUTH FIRST ARE NOT IN ALL PLACES SPOTS WHERE RESIDENTIAL IS GOING TO WORK, NOT EVEN APARTMENTS BECAUSE OF THE CAPACITY OF THE STREETS, WHICH WOULD BE AN ADDED BURDEN AND NOT A GOOD ONE. N.O. IS ABOUT THE LOWEST LEVEL OF TRAFFIC AND USE THAT A NONRESIDENTIAL USE CAN HAVE. AND SO I'M SORRY I MISSED WHETHER THE NEIGHBORHOOD IS IN THE PLANNING PROCESS RIGHT NOW? NO, NOT EVEN IN THE PROCESS. WELL, THEN YOU NEED SORT OF HAVE A DE FACTO PLANNING TEAM READY TO GO WHEN SITES COME UP. JUST BECAUSE SOMETHING IS ON THE OTHER SIDE OF THE ROAD DECIDED BY ANOTHER NEIGHBORHOOD DOESN'T MEAN YOU HAVE TO FOLLOW THAT. THAT'S THE SAME PREMISE THAT DEVELOPERS USE WHEN THEY'RE TRYING TO ADD MORE OF THE SAME USE INTO A STRIP SITUATION, FOR INSTANCE. SO THAT'S NOT THE BEST PREMISE TO USE. I THINK IT IS LEGITIMATE THAT YOU LOOK AT WHAT EXACTLY IS GOING TO HAVE THE MOST IMPACT ON THAT INTERSECTION AND WHETHER IN FACT THERE IS A RESIDENTIAL USE THAT YOU CAN ADVOCATE FOR THERE. BUT YOU WILL HAVE TO DO A LITTLE STUDY. THE NEIGHBORHOOD WOULD HAVE TO DO THAT AND LOOK AT WHAT KIND OF TRIP GENERATION IS ASSUMED FOR VARIOUS USES. THIS IS A PRETTY LOW ONE, AND I WOULD TEND TO THINK THAT N.O. IS THE BEST USE THAT THE NEIGHBORHOOD COULD WISH FOR THERE. BUT SINCE YOU HAVE NOT HAD TIME TO DO THAT, IT SOUNDS LIKE YOU HAVEN'T REALLY BEEN INVOLVED IN AN ACTIVE CASE IN AWHILE, LIKE YOUR NEIGHBORHOOD HASN'T, AND SO OUT OF RESPECT FOR THE LEGITIMATE ISSUES THAT ARE NOT RESOLVED BY ZONING IT N.O. OR ANYTHING ELSE, I'M GOING TO VOTE AGAINST THIS MOTION.

MAYOR WYNN: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS? A MOTION AND A SECOND ON THE TABLE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED?

GOODMAN: NO.

MAYOR WYNN: MOTION PASSES ON A VOTE OF FIVE TO ONE WITH THE MAYOR PRO TEM VOTING NO, AND COUNCILMEMBER MCCracken TEMPORARILY OFF THE DAIS. THANK YOU ALL VERY MUCH.

Heil, Robert

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**From:** Scott Durgin [sdurgin@austin.rr.com]  
**Sent:** Sunday, February 20, 2005 1:51 PM  
**To:** Heil, Robert  
**Cc:** Jan A; Cory Walton; GalindoNeighborhood@yahoogroups.com  
**Subject:** Case # C14-04-0198 Proposed zoning change from residential to commercial  
**Importance:** High

Good day Robert,

The Galindo Neighborhood recently received notice on a proposed zoning change from SF-3 (single family housing) to LO-MU (limited office, mixed use) at 801 W. Oltorf.

The Galindo Neighborhood Association has NOT been contacted by the property owner or developer to share their plans for the property in questions and therefore we CANNOT support this change in zoning. Also, please make special note that this property is located along an almost exclusively residential stretch of Oltorf. With the exception of major cross streets having community serving business, this is a residential area. The requested zoning change does not fit with the neighborhood plan of the Bouldin Creek Neighborhood which is directly across Oltorf from this location. While the Galindo Neighborhood does not yet have a neighborhood plan in place, we want to maintain the character of the neighborhood to preserve the quality of life for all of its 3,901 residents.

We understand now that the hearing on this zoning issue is scheduled for March 1st, please confirm with me (and all cc'd) that this is accurate.

Thank you,

Scott Durgin  
Galindo Neighborhood Association President  
wk 467-7979 ext 213  
cel 769-1536

2/22/2005



25 February 2003

City of Austin  
Zoning and Platting Commission  
301 W. Second Street  
Austin, TX 78701

Re: Case #C14-04-0198  
801 W. Oltorf

Chairperson and Commissioners;

While the property in this case falls within the boundaries of the Galindo Elementary Neighborhood Association (GALENA), Bouldin neighborhood residents on W. Oltorf's North side will be directly impacted by the proposed zoning change. Accordingly, several were notified of the proposed rezoning by the city, as was the Bouldin Creek Neighborhood Association (BCNA), and these residents have expressed their concerns to BCNA.

While GALENA has no neighborhood plan in place, Bouldin Creek's city-adopted neighborhood plan specifically addresses this block, and the issue of commercial development on West Oltorf Street's residents and single-family residential dwellings, to wit:

"Oltorf Street, while one of the neighborhood's major corridors... remains largely populated by owner-occupied, single family homes.

"A survey of homeowners on Oltorf determined that a majority did not support developing the street as a commercial corridor. However the planning team recognizes that development pressure will continue on Oltorf. The BCNPT recommends giving property-owners the option to develop their properties as higher-density single-family uses such as townhouses and condominiums.

"Commercial development should only be accommodated at the major intersections with S. Congress, S. First, and S. Fifth, and the Union Pacific Railroad tracks." (emphasis mine).

Therefore, this proposed rezoning, property use, and location conflict with the Bouldin Creek Neighborhood Plan, and the desires of a majority of Bouldin residents impacted by this proposed rezoning. BCNA requests you weigh these considerations in your determination in this case.

Sincerely,  
  
Cory Walker, President BCNA

28

# PETITION

Case Number:

**C14-04-0198**

Date:

June 9, 2005

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

188,892.61

1	04-0203-0129	CLEELAND SEAN H & CANDELARIA A	7,438.50	3.94%	- withdrawn
2	04-0203-0131	CALDERON LYDIA PARTOS SHOSHANA	8,879.79	4.70%	- withdrawn
3	04-0203-0132	JANE TORRES MARIA DORA	7,594.48	4.02%	- withdrawn
4	04-0203-1204	G AURORA	10,795.98	5.72%	- withdrawn
5	04-0203-1205	NUNEZ MICHAEL A	6,835.46	3.62%	- withdrawn
6				0.00%	
7				0.00%	
8				0.00%	
9				0.00%	
10				0.00%	
11				0.00%	
12				0.00%	
13				0.00%	
14				0.00%	
15				0.00%	
16				0.00%	
17				0.00%	
18				0.00%	
19				0.00%	
20				0.00%	
21				0.00%	
22				0.00%	
23				0.00%	
24				0.00%	
25				0.00%	
26				0.00%	
27				0.00%	
28				0.00%	

Validated By:

Stacy Meeks

Total Area of Petitioner:

41,544.21

Total %

21.99%

0%







Attention: Robert Heil, Case Manager

RE: C14-04-0198, 801 W. Oltorf

Please remove my name from the attached petition.

Signature: [Handwritten Signature]

Printed Name: Sam Cleaveland

Date: 6/9/05

**RECEIVED**  
JUN 13 2005  
Neighborhood Planning & Zoning

*R Heil*

**Attention:** Robert Heil, Case Manager

**RE:** C14-04-0198, 801 W. Oltorf

Please remove my name from the attached petition.

Signature: Lydia Calderon

Printed Name: Lydia CALDERON

Date: 6, 8, 05

Attention: Robert Heil, Case Manager

RE: C14-04-0198, 801 W. Oltorf

Please remove my name from the attached petition.

Signature: Shoshana Partos

Printed Name: Shoshana Partos

Date: 6/11/05

RECEIVED  
JUN. 13 2005  
Neighborhood Planning & Zoning

*PH*

**Attention:** Robert Heil, Case Manager

**RE:** C14-04-0198, 801 W. Oltorf

Please remove my name from the attached petition.

**Signature:** Maria Torres

**Printed Name:** MARIA TORRES

**Date:** 6-14-05

**Attention:** Robert Heil, Case Manager

**RE:** C14-04-0198, 801 W. Oltorf

Please remove my name from the attached petition.

Signature: Michael Nunez

Printed Name: Michael Nunez

Date: 6/14/05

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Mercedes Alcoser

Printed Name: MERCEDES V. Alcoser

Address: 900 West Oltorf St.

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: *Lupe Barba*

Printed Name: Lupe BARBA

Address: 808 W. Oltorf

Austin TX 78704



**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: *Ruben Barrera*

Printed Name: Ruben Barrera

Address: 606 W. Oltorf St.  
Portland, OR 97228

**Letter of Support  
Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Susie Barrera

Printed Name: Susie Barrera

Address: 608 W. Oltorf St.

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Lydia Calderon

Printed Name: LYDIA CALDERON

Address: 2402 S. 3<sup>rd</sup>

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature:

Jose Campos

Printed Name:

JOSE CAMPOS

Address:

2404 OAK Crest Av.

78704

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature:

Printed Name:

Address:

*Frank Carpenter*  
*Frank Carpenter*  
*7060 W. Oltorf*  
*date: 2/28/05*  
*administer of estate*

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Eugene Catarez

Printed Name: EUGENE

Address: 810 W. OLTORF

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: 

Printed Name: Sean Cleekend

Address: 803 W. Oltorf St  
Austin TX 78704

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature:

Printed Name:

Address:

*Lydia W. Cortez*

*LYDIA W. CORTEZ*

*2407 Oak Crest Ave*



**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Cecilia R. Daley  
Printed Name: Cecilia R. Daley  
Address: 811 West Oltorf

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Richard F. H.


Printed Name: Richard F. H.

Address: 2214 South 3rd St

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: 

Printed Name: JIMMY FIEW

Address: 805 W. OLTOR

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Joe G. Garcia

Printed Name: JOE G. GARCIA

Address: 2406 DAK CREEK AVE  
AUSTIN, TX 78704

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: *Cathy J. Gardner*

Printed Name: Cathy Gardner

Address: 2405 South 3rd

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Silvester Gil  
Printed Name: Silvester Gil  
Address: 813 W. Oltorf

LETTER OF SUPPORT  
ZONING CASE C14-04-0198

I wish to acknowledge my support for the proposed redevelopment of 801 W. Oltorf from SF-3 residential zoning to NO-MU zoning, which will allow the property to be used either residentially or as a small office (1750) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Mellie Gorostiza  
Printed Name: Mellie Gorostiza  
Address: 2311 South 3rd  
Date: June 14.05

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: 

Printed Name: MJ Gross

Address: 809 W. OLTORF 78704



**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Charlie Gustin

Printed Name: Charlie Gustin

Address: 2428 South 1<sup>st</sup>

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature:

Printed Name:

Address:

Mary Alice Jaimoz  
Mary Alice Jaimoz  
2406 South 3rd St.

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

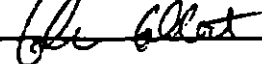
Sincerely,

Signature: Pam Jaroschy  
Printed Name: Pam Jaroschy  
Address: 2416 S. 2ND ST.

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: 

Printed Name: Catherine Collett

Address: 702 W Oltorf

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Antonio Hernandez  
Printed Name: Antonio Hernandez  
Address: 704 Oltorf

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Chris Johnson

Printed Name: Chris Johnson

Address: 2402 Oak Crest Ave  
447-5243

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Esther A. Leibas

Printed Name: Esther A. Leibas

Address: 2301 S. 3rd St  
2-25-05

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Mattas Linder

Printed Name: Mattas Linder

Address: 2313 504th St



**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Rene Lopez

Printed Name: Rene Lopez

Address: 2407 S. 3<sup>rd</sup>

2-25-05

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Diana Lugo  
Printed Name: 2313 S 2nd  
Address: DIANA LUGO

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Mrs. Alice A. Mann

Printed Name: ALICE A. MANN

Address: 9312 OAK CREST AVE.

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Yvonne Martinez  
Printed Name: Yvonne Martinez  
Address: 800 W. Oltorf St.

2/24/05

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: *Andrea Mellard*

Printed Name: ANDREA MELLARD

Address: 2405 OAK CREST AVE.

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: 

Printed Name: Tim Moran

Address: 2403 S. 4th St.

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Emily Morris  
Printed Name: Emily Morrison  
Address: 2406 S. 2<sup>nd</sup> St.

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: 

Printed Name: Janet Folmar Marsh

Address: 2405 South 4th St.



**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Shoshana Partos

Printed Name: Shoshana Partos

Address: 2404 S. 3rd St.  
Austin, TX 78704

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: *Robert K. Latel*

Printed Name: \_\_\_\_\_

Address: *913 W. Oltorf*

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Maria Esther Paz  
Printed Name: Maria Esther Paz  
Address: 2403 S 3rd St

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: George Peek

Printed Name: GEORGE PEEK

Address: 2410 S 3RD ST

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Lydia Ramos

Printed Name: LYDIA RAMOS

Address: 807 W. OLTORF

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Maria M. Resendez

Printed Name: MARIA M. RESENDEZ

Address: 701 WEST OLTORF

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

*Mary C. Resendez*

Signature: Mary C. Resendez

Printed Name: 2407 So 2nd.

Address: Austin, Texas 78704

**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: 

Printed Name: Melissa Rayna

Address: 2403 S. 2nd  
Austin, TX 78704



**Letter of Support**  
**Zoning Case C14-04-0198**

I wish to acknowledge my support for the proposed redevelopment of 801 West Oltorf from SF-3 residential zoning to LO-MU-CO zoning, which will allow the property to be used either residentially or as a small (1,472 square foot) professional office. I appreciate that the new property owners wish to remodel the building, add landscaping, and remove some of the existing asphalt paving.

Sincerely,

Signature: Tito Vasquez

Printed Name: Tito Vasquez

Address: 2404 S. 2<sup>nd</sup> Austin, Tx.  
78704

**Land ANSWERS**

Land Development Consulting Services

611 South Congress Avenue, Suite 330

Austin, Texas 78704-1736

512/416-6611 Fax: 512/416-6610

E-mail: [landanswers@sbcglobal.net](mailto:landanswers@sbcglobal.net)

July 18, 2005

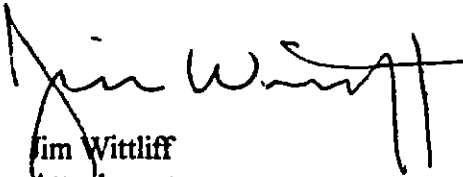
Mr. Scott Durgin, President  
GENA  
3405 Garden Villa Lane  
Austin, TX 78704

**RE: C14-04-0198, 801 W. Oltorf**

Dear Mr. Durgin:

As was promised to GENA during negotiations for the referenced rezoning case, attached please find a copy of the restrictive covenant that the property owners recorded on GENA's behalf.

Yours truly,



Jim Wittliff  
Attachment

CC – Robert Heil

ORIGINAL  
FILED FOR RECORD

RESTRICTIVE COVENANT

THE STATE OF TEXAS     §  
                                      §     KNOW ALL PERSONS BY THESE PRESENT:  
COUNTY OF TRAVIS     §

WHEREAS, the undersigned, of Travis County, Texas, are owners of the following described property (hereinafter referred to as "the property"), to-wit:

801 W. Oltorf St.  
Austin, Texas 78704  
Travis County

And,

WHEREAS, the undersigned owners of the property, and the Galindo Elementary Neighborhood Association, have agreed that the property should be impressed with certain covenants and restrictions running with the land, for benefit of the owners, the benefit of the public, and the more appropriate development and benefit of the property, and desire to set forth such agreement in writing;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, their receipt and sufficiency of which are hereby acknowledged, the undersigned owners do hereby impress upon the property, the following covenants, conditions and restrictions, which shall be deemed and considered to be covenants running with the land, and which shall be binding on the undersigned owners of such tract of real property:

1. If at any time after the property has been rezoned for office use and a certificate of occupancy for office usage has been issued by the City of Austin, the owners fail to utilize the property for an appropriate office use for any period of 90 consecutive days, the owners hereby agree to not oppose any application filed by the City of Austin, the Galindo Elementary Neighborhood Association, or any such body that may succeed the Galindo Elementary Neighborhood Association, to roll back the zoning to a residential use classification.
2. This agreement may be modified, amended or terminated only by joint action of both (a) a majority of the members of the Galindo Elementary Neighborhood Association, or such other body as may succeed the Galindo Elementary Neighborhood Association, and (b) by the owner(s) of the above-described property at the time of such modification, amendment or termination.

**AFTER RECORDING, RETURN TO:**

Land Answers, Inc.  
611 S. Congress Ave., # 330  
Austin, TX 78729

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2005 Jul 07 11:05 AM 2005121629

RANEYJ \$18.00

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS

## **Closed Caption Log, Council Meeting, 06/09/05**

**Note: Since these log files are derived from the Closed Captions created during the Channel 8 live cablecasts, there are occasional spelling and grammatical errors. These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes. For official records or transcripts, please contact the City Clerk at 974-2210.**

...OKAY, MAYOR. ITEM NUMBER Z-8 IS CASE C-14-04-198. AND THIS PROPERTY IS LOCATED AT 801 WEST OLTORF STREET. THIS PROPERTY IS CURRENTLY ZONED SINGLE-FAMILY FOR SINGLE-FAMILY USE. IT HAS FAMILY RESIDENCE ZONING. AND THE APPLICANT IS SEEKING A CHANGE TO NO-MU ZONING, WHICH STANDS FOR NEIGHBORHOOD WITH A MIXED USE COMBINING DISTRICT. THIS PROPERTY IS SOUTH OF WEST OLTORF STREET. AND WE'LL PLACE A MAP THERE TO SHOW YOU WHERE THIS IS. BOTH THE ZONING AND PLATTING COMMISSION AND STAFF DO NOT RECOMMEND A CHANGE, AND AS YOU CAN SEE ON THE MAP, TO THE NORTH SIDE OF OLTORF SEAT IS THE NEIGHBORHOOD PLANNING AREA THAT THE RESIDENTS PLANNING AREA FOLKS AND STAFF AGREED ON TREATING EAST OLTORF STREET ALL THE WAY UP TO THE END OF THE NEIGHBORHOOD PLANNING AREA TO ZONE THAT SINGLE-FAMILY 8, WHICH STANDS FOR TOWNHOUSE CONDOMINIUM SF-8 DISTRICTS. AND BOTH THE COMMISSION AND STAFF FEEL THAT THE SOUTH SIDE OF THE STREET SHOULD NOT HAVE COMMERCIAL ZONING, HENCE OUR RECOMMENDATION TO DENY THE REQUEST FOR NEIGHBORHOOD OFFICE BECAUSE AS YOU CAN SEE TO THE SOUTH, YOU HAVE A SIMILAR SETUP AS TO THE NORTH OF OLTORF STREET. AND THAT AREA WILL BE UNDERGOING A NEIGHBORHOOD PLANNING PROCESS THIS FALL. SO THE STAFF RECOMMENDATION AND THAT RECOMMENDATION IS TO DENY THE CHANGE IN ZONING FROM SF-3 TO NO-MU. AND I'LL BE GLAD TO RESPOND TO ANY QUESTIONS AFTER WE HEAR FROM THE APPLICANT. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, MS. GLASGO. AT THIS TIME WE'LL HAVE A FIVE-MINUTE APPLICANT/OWNER PRESENTATION.

GOOD AFTERNOON, MAYOR, COUNCILMEMBERS, MY NAME IS JIM WITLIFF AND I'M HERE ON BEHALF OF THE PROPERTY OWNERS. AS MS. GLASGO SAID, THIS PROPERTY IS A RESIDENTIAL LOT. IT'S GOT A SINGLE HOME ON IT. I'VE GOT A PLAN HERE THAT WAS DONE BY THEIR ARCHITECT SHOWING HOW THEY WANT TO MODEL IT. THEY'RE NOT INTERESTED IN EXPANDING THIS PROPERTY, THEY'RE NOT INTERESTING IN TEARING IT DOWN AND REPLACING IT. THEY WANT TO REMODEL AND RETAIN THE

EXISTING BUILDING. AND THEIR PERMITS THAT THEY'VE ALREADY RECEIVED FROM THE CITY WILL ALLOW IT TO BE USED RESIDENTIALLY AS WELL AS COMMERCIALY. THAT'S IMPORTANT MORE ON SO TO THE NEIGHBORHOOD THAT WAS A CONCESSION. THAT WAS DONE SO THAT IF THIS USE WOULD EVER CEASE FOR ANY REASON THAT THEY HAVE AGREED WITH THE NEIGHBORHOOD TO NOT OPPOSE A ROLL BACK TO SF-3, AND THE PROPERTY WOULD BE PERMITTED AND WOULD BE ABLE TO BE USED AS A RESIDENTIAL HOME AGAIN. CURRENTLY THE PROPERTY HAS GOT ABOUT WE COUNTED 87.5% IMPERVIOUS COVER. IT'S UNUSUAL FOR A HOME TO HAVE SO MUCH ASPHALT. WE'RE GOING TO REMOVE ABOUT 30% OF IT. WE'LL TAKE IT DOWN BELOW 60%. AND WE'RE ASKING FOR NO-MU ZONING ON THE PROPERTY. I'VE GOT THE SECTION OF THE CITY CODE HERE, NOT TO BORE YOU, BUT SECTION 25-2-93 DESCRIBES THE N.O. OFFICE DISTRICT DESIGNATION. IT SAYS, NEIGHBORHOOD OFFICE DISTRICT IS THE DESIGNATION FOR A SMALL OFFICE USE THAT SERVES NEIGHBORHOOD OR COMMUNITY NEEDS, IS LOCATED IN OR ADJACENT TO A RESIDENTIAL NEIGHBORHOOD, AND ON A COLLECTOR STREET THAT HAS A WIDTH OF 40 FEET OR FOR AND DOES NOT UNREASONABLY AFFECT TRAFFIC. REGULATIONS APPLICABLE TO THAT DISTRICT ARE DESIGNED TO PRESERVE COMPATIBILITY WITH EXISTING NEIGHBORHOODS THROUGH RENOVATION AND MODERNIZATION OF EXISTING STRUCTURES. THAT'S US TO A TEE. THAT'S EXACTLY WHAT WE'RE DOING. I WANT TO SWITCH EXHIBITS HERE, PLEASE. THIS IS A MAP -- BEFORE THESE GUYS PURCHASED THIS PROPERTY, THEY WENT OUT AND TALKED WITH SURROUNDING NEIGHBORS. THEY WENT AND SAT IN PEOPLE'S HOME AT THEIR KITCHEN TABLES AND TOLD THEM EXACTLY WHAT THEY WANTED TO DO, AND THEY RECEIVED OVERWHELMING SUPPORT. THE PROPERTY IS IN THE CENTER OF THE MAP. EVERYBODY YOU SEE IN RED HAS SIGNED LETTERS IN SUPPORT OF THE REZONING, AND WE SUBMITTED THOSE LETTERS TO YOU AND THEY SHOULD BE PART OF YOUR BACKUP PACKAGE. NOW, I FOUND OUT TODAY, IN FACT, I FOUND OUT THIS AFTERNOON, THAT SEVERAL OF THE PEOPLE IN THE IMMEDIATE NEIGHBORHOOD HAD APPARENTLY SIGNED LETTERS IN OPPOSITION TO THIS REZONING. WE WENT OUT AND TALKED WITH SOME OF THEM TODAY. TWO OF THEM HAVE ALREADY SAID THAT THERE WAS A MISUNDERSTANDING, THEY'VE WITHDRAWN THAT OPPOSITION AND GIVEN US SIGNATURES AS SUCH, AND WE'VE PASSED THAT TO CITY STAFF. I DON'T HAVE ANYTHING ELSE TO SAY AT THIS TIME, SO I'LL LET THE MEETING CONTINUE TO THE NEXT SPEAKER, BUT WE DO HOPE YOU CAN SUPPORT THIS. THANK YOU.

MAYOR WYNN: THANK YOU. WE'LL NOW GO TO SPEAKERS WHO ARE IN FAVOR OF THE ZONING CASE, FOLLOWED BY THOSE IN OPPOSITION. OUR FIRST SPEAKER IS OLGA

ROMERO. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY  
BRADLEY URRETIA. SORRY IF I MISPRONOUNCED THAT.

GOOD EVENING, MAYOR AND CITY COUNCILMEMBERS, MY NAME IS OLGA  
(INDISCERNIBLE). I'D LIKE TO PASS OUT SOME INFORMATION REGARDING TRAFFIC  
VOLUMES ON OLTORF AND TRAFFIC SAFETY. WE GATHERED THIS INFORMATION TO  
ADDRESS THE CONCERNS OF SOME NEIGHBORS. TRAFFIC VOLUME COUNTS WERE  
OBTAINED FROM THE CAMPO WEBSITE, WWW.CAMPO.TEXAS.ORG. AS YOU CAN SEE  
THE 800 BLOCK OF OLTORF HAS A DAILY TOTAL TRAFFIC VOLUME OF 17,086 VEHICLES.  
THIS COUNT WAS TAKEN ON MARCH FIRST, 2004. THIS SECTION OF OLTORF HAS THE  
LOWEST TRAFFIC COUNT OF TRAFFIC VOLUMES OF ANY OF THE FIVE LOCATIONS  
THAT WERE SURVEYED. THE TRAFFIC OF THE 800 BLOCK OF WEST OLTORF IS LESS  
THAN HALF OF THE TRAFFIC VOLUMES AT THE BUSIEST SECTIONS SURVEYED, THE  
1800 BLOCK OF EAST OLTORF. ON THE SECOND STREET YOU WILL SEE VEHICLE  
COLLISION RECORDS FOR SIX INTERSECTIONS ALONG WEST OLTORF. THESE  
RECORDS COVER THE PERIOD FROM JANUARY FIRST, 2002, THROUGH FEBRUARY  
20TH, 2005. WE OBTAINED THIS INFORMATION FROM THE AUSTIN POLICE  
DEPARTMENT. THE INTERSECTION OF SOUTH FIRST STREET AND WEST OLTORF  
WHERE THIS ZONING CASE IS LOCATED IS LABELED AS C ON THE DATA SHEET. THIS  
TRANSACTION HAD A TOTAL OF FOUR COLLISIONS DURING FROM JANUARY FIRST,  
2002 TO FEBRUARY 20TH, IT 2005. THIS IS ONE COLLISION EVERY 89 DAYS. BASED ON  
THE CAMPO TRAFFIC COUNTS, THE INTERSECTION OF WEST OLTORF AT SOUTH FIRST  
STREET HAS HAD AN AVERAGE OF ONE COLLISION FOR EACH 4,929,311 VEHICLE TRIPS  
THROUGH THIS TRANSACTION. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU. OUR NEXT SPEAKER IS BRADLEY URRETIA. SORRY IF I'M  
MISPRONOUNCING THAT.

THAT'S RIGHT, MR. MAYOR. IT'S URRETIA, BUT I DON'T EXPECT EVERYBODY TO GET IT  
RIGHT. THERE'S A COUPLE ON THIS COUNCIL THAT I'M EXPECTING TO GET IT RIGHT,  
THOUGH. IN ANY EVENT, THANK YOU FOR YOUR TIME AND THE OPPORTUNITY TO  
ADDRESS Y'ALL ON THIS ISSUE. IT'S A REAL IMPORTANT ISSUE OBVIOUSLY TO US AT  
THE OWNERS, BUT I WANT TO TELL YOU A LITTLE BIT ABOUT US AND MYSELF SO YOU  
KIND OF GET A PICTURE OF WHO WE ARE AND WHAT WE'RE TRYING TO DO HERE. I'M A  
LIFELONG AUSTIN RESIDENT, AND I WAS BORN AND RAISED IN AUSTIN, I'M A PRODUCT  
OF THE AISD SCHOOLS. ASIDE FROM THAT, I'M A LIFELONG SOUTH AUSTIN RESIDENT.  
I'M OF THE MIND THAT THINGS GET WEIRD AFTER 38TH AND A HALF STREET. I BARELY

CROSSED THE RIVER WHEN I WAS YOUNG. I'M FROM THIS NEIGHBORHOOD. AND ONE OF THE THINGS AS WE WERE GOING AROUND TRYING TO SEE WHAT KIND OF SUPPORT THERE WOULD BE FOR US TO HAVE HAD OFFICE HERE IS WE SPOKE TO A LOT OF PEOPLE WHO WERE AROUND THERE AND FOR A LARGE PART THEY REPRESENT NOT ONLY OUR BASE CLIENTELE, WHICH IS 90% HISPANIC, BUT THEY ALSO REPRESENT OLDER HISPANIC FAMILIES THAT LIVE IN AUSTIN A LONG TIME. AND THEY STRUCK ME BEING VERY MUCH LIKE MY PARENTS AND GRANDPARENTS NAND THE SAME HOUSE FOR OVER 40 AND 50 YEARS. AND ONE OF THE THINGS THEY TOLD ME IS THAT OLTORF ISN'T THE SAME STREET THAT IT WAS WHEN THEY WERE GROWING UP. I WAS AMAZED TO HEAR SOME OF THE STORIES THAT THESE STREETS ON EAST OLTORF THEY USED TO PARK THEIR CAR ON. OR ONE OF THEM EVEN TOLD ME THAT HE - WHEN HE BUILT HIS HOUSE THERE, THE REALTOR HAD TO WALK HIM DOWN A DIRT ROAD, WHICH IS NOW SOUTH FIRST STREET AND SHOW HIM THIS IS WHERE YOUR HOUSE IS GOING TO BE. YOU CAN IMAGINE WHAT A STREET WOULD LOOK LIKE ON HERE ON HOW BIG OLTORF IS GOING TO BE. SO IT'S NOT THE SAME KIND OF STREET. CERTAINLY IT'S A LOUD STREET. IF YOU STAND ON THESE PORCHES LIKE I DID AND TALK TO THEM, IT'S A MAJOR ARTERY AND I THINK IT'S DESCRIBED AS THAT IN LOTS OF LITERATURE THAT I'VE SEEN. SO IT'S NOT JUST A LITTLE BIT STREET WHERE WE'LL BE LOOKING AT PLOPPING AN OFFICE IN THE MIDDLE OF SUBURBIA HERE. SO EVEN THAT PARTICULAR EXHIBIT SHOWS THE SUPPORT THAT WE GOT FROM THE SURROUNDING NEIGHBORHOOD, AND I THINK THAT'S IMPORTANT BECAUSE MOST OF THESE FOLKS THAT SUPPORT US HAVE LIVED IN AUSTIN A VERY LONG TIME, LIKE I SAID, ABOUT 45, 50 YEARS. EACH OF THEM TOLD ME THAT THIS IS JUST NOT THE SAME STREET AND THEY WERE SUPPORTIVE BECAUSE WE WANTED TO MAKE SOME IMPROVEMENTS. AND I THINK MY PARTNER WILL HAVE SOME GUIDANCE FOR YOU TO SEE WHAT KIND OF IMPROVEMENTS WE'RE LOOK TO GO MAKE. BUT THERE WILL BE IMPROVEMENTS TO THIS PROPERTY THAT I THINK WILL REALLY ENHANCE THE NEIGHBORHOOD AND MAKE THEM FEEL AS IF WE'RE DOING A RIGHT THING BY THE NEIGHBORHOOD. ONE OF THE THINGS, AND I KNOW MR. WITTLIFF SAID THAT WAS A LITTLE BORING AND HE DIDN'T WANT TO BORE YOU, BUT I'M A LAWYER BY TRADE AND ONE OF THE THINGS THAT MY LAW PROFESSOR TOLD ME IS YOU READ THE LAW AND FIND OUT WHAT IT SAYS. AND WHEN YOU TALK ABOUT NEIGHBORHOOD OFFICE, I THINK THE DEFINITION IN THE CODE FITS THIS PERFECTLY. THANK YOU.

MAYOR WYNN: THANK YOU, BRADLEY. OUR NEXT SPEAKER IS MR. LOPEZ. WELCOME. YOU WILL HAVE THREE MINUTES AND - (INDISCERNIBLE).



THANK YOU, MR. MAYOR. THANK YOU FOR THE OPPORTUNITY. AND AS MY LAWYER PARTNER BRADLEY, FOR THOSE OF YOU WHO DON'T KNOW, WE ARE PROBABLY THE ONLY HISPANIC LAW FIRM THAT'S BEEN TOGETHER FOR OVER EIGHT YEARS. WE WORK TOGETHER. WE DO A LOT OF DIFFERENT TYPES OF WORK, A LOT OF CIVIL PRACTICE WORK, LIKE BRADLEY SAID. 90% OF THE CLIENTS ARE HISPANIC. WE DO EVERYTHING FROM BASICALLY WILLS, ESTATES, DIFFERENT TYPES OF WORK. WE DO - I'LL TOOT MY OWN HORN HERE, BRADLEY WON AN AWARD FOR DOING LEGAL SERVICES, NON-PAID OBVIOUSLY. THAT WAS A COMMITMENT WE HAD IN OUR FIRM FOR THE POOR, UNDERPRIVILEGED POOR, FOR THE CAUSE ESSENTIALLY. WE BELIEVE STILL, WE BELIEVE THAT EVEN WITH THE PROBLEMS THE SUPREME COURT HAS GIVEN US, WE STILL BELIEVE IN JUSTICE AND TRUTH. SO WE CAME TO THIS AREA AND WE TALKED TO THEM AND WE CANVASSED THAT NEIGHBORHOOD INDIVIDUALLY. WE WALKED - WE STARTED THIS PROCESS BACK IN OCTOBER AND WE FINISHED IT WHEN IT WAS COLD IN THE WINTER. AND ALL THE PEOPLE WE TALKED TO, THEY BASICALLY SAID YES, WE ARE IN SUPPORT, THAT'S GREAT, THERE'S A COUPLE OF LAW FIRMS DOWN THE ROAD, AND THEY SAID, I SURE WOULD LIKE TO LIVE NEXT DOOR TO A LAWYER. THEIR YARDS ARE CLEAN, THEY KEEP NICE HOURS, WE NEVER HAVE ANY PROBLEMS WITH THEM. THE PROPERTY IN QUESTION EVERYBODY KNEW WE TOLD THEM WHERE WE WERE THINKING OF PURCHASING THE PROPERTY, AND THIS IS WHERE WE ARE, AND THEY ALL SAID YOU BOUGHT THAT PLACE? WELL, WE BOUGHT THAT PLACE BECAUSE WE BELIEVE THAT WE CAN MAKE A COMMITMENT TO THIS AREA AND WE CAN IMPROVE THIS AREA. I THINK ONCE WE'RE THERE, ONCE PEOPLE GET TO KNOW US AND WHAT WE'RE ABOUT, I THINK EVERYBODY WILL BE VERY GLAD THAT WE ARE THERE. WE WANT TO BE LOOKED AT AS GOOD NEIGHBORS. LET ME JUST SHOW YOU THE PROPERTY IN QUESTION. THAT'S ESSENTIALLY THE PROPERTY. AS YOU CAN SEE FROM THIS, IT DOESN'T LOOK LIKE A HOUSE. IT'S MOSTLY - THE BACK OF THE HOUSE HAS EVEN MORE CEMENT. I THINK THE DIAGRAM SHOWS A LITTLE BIT OF GRASS, BUT BASICALLY IT'S MOSTLY IMPERVIOUS COVER. WE'RE GOING TO REMOVE THAT IMPERVIOUS COVER AND ACTUALLY AFFECT THE DRAINAGE SO THAT WE GO DOWN TO ABOUT 80% OF REMOVING OF THE IMPERVIOUS COVER. SO WE'RE GOING TO MAKE IT AS ENVIRONMENTALLY SENSITIVE AS WE POSSIBLY CAN. OUR ARCHITECT DREW THE PLANS SO THAT WHEN - IF WE DECIDE TO SELL THIS HOUSE, EVERYTHING WILL BE AS A RESIDENCE, IT COMPLIES WITH ALL THE CITY CODES. ESSENTIALLY WHAT WE WILL DO IS TAKE THIS AND BASICALLY DOUBLE THE MONEY WE PAID FOR IT AND MAKE IT INTO A QUALITY STRUCTURE WHERE PEOPLE ARE GOING TO DRIVE BY THERE AND THEY'RE GOING TO SAY, YOU KNOW,

SOMETHING IS NICE. THINGS ARE CHANGING FOR THE BETTER. [ BUZZER SOUNDS ]  
THANK YOU FOR YOUR SUPPORT. AND IF ANYONE HAS ANY QUESTIONS ABOUT THE  
STRUCTURE, I'LL BE GLAD TO ANSWER THEM.

MAYOR WYNN: THANK YOU. LET'S SEE. OUR LAST CITIZEN SIGNED UP IN FAVOR IS  
LINDA. YOU WILL HAVE THREE MINUTES.

HELLO. I'M A MEMBER OF THE JUNIOR EXECUTIVE COMMUNITY. AFTER CAREFUL  
CONSIDERATION, THE GALINDO NEIGHBORHOOD ASSOCIATION DOES NOT SUPPORT  
THE ZONING CHANGE REQUEST FOR 801 WEST OLTORF. OUR REASONS ARE MAINLY  
WE DON'T HAVE A NEIGHBORHOOD PLAN IN PLACE AND WE WOULD LIKE SOME – WE  
WOULD LIKE SOME MORE TIME TO JUST HAVE THAT IN PLACE BEFORE WE START  
SETTING PRECEDENT THAT WILL AFFECT ALL THE RESIDENTS OF OUR  
NEIGHBORHOOD. IN ADDITION, OUR NEIGHBORS IN BOULDIN CREEK, THEY ALREADY  
HAVE A NEIGHBORHOOD PLAN IN PLACE, AND THEY'RE VERY CLEAR ON WHERE THEY  
WOULD LIKE TO HAVE THESE COMMERCIAL THINGS, AND IT'S NOT THERE. WE THINK  
THIS PROPERTY WILL CREATE A COMMERCIAL SPACE IN A PURELY RESIDENTIAL  
AREA. YES, IT'S BUSY AND IT'S OLTORF, BUT IT'S PURELY RESIDENTIAL IN THAT LITTLE  
AREA, AND WE WOULD LIKE TO KEEP IT THAT WAY. JUST TO GIVE YOU A LITTLE  
BACKGROUND ON THE IMPERVIOUS COVER THAT'S THERE. IT USED TO BELONG TO  
THE FOLKS WHO OWNED THE GOLDEN SLIPPER, AND THEY – HER NAME IS MS.  
RIVERIA AND SHE LIVES ON SOUTH FIRST STREET. SHE TOLD ME THAT THEY HAD  
BEEN FIGHTING THIS REZONING FOR YEARS. THEY'VE ALWAYS WANTED TO CHANGE IT  
INTO COMMERCIAL, AND IT'S JUST BEEN AN ONGOING ISSUE THERE. WE REALLY WISH  
THAT YOU WOULD RECONSIDER REZONING THIS.

MAYOR WYNN: THANK YOU. COUNCIL, THAT'S ALL THE SPEAKERS FOR OR AGAINST.  
AND NOW MR. WITTLIFF WILL HAVE A THREE-MINUTE REBUTTAL.

THANK YOU, MAYOR AND COUNCIL. LINDA DID MEET WITH US BRIEFLY BEFORE WE  
ATTENDED THE ZAP HEARING AND I DO RESPECT HER OPINIONS. I WOULD LIKE TO  
DIFFER A LITTLE BIT. SHE MENTIONED THE PROPERTY IMMEDIATELY SOUTH OF US  
AND THE WOMAN HAS LIVED IN THAT HOUSE FOR 47 YEARS. I DO WANT TO POINT OUT  
THAT THE WOMAN HAS ISSUED A LETTER IN SUPPORT OF OUR REZONING. SHE HAS  
SIGNED IT. I'VE GOT HER ORIGINAL SIGNATURE HERE. AND SHE REAFFIRMED THAT  
APPROVAL THIS AFTERNOON, AND I'VE TURNED THAT INTO CITY STAFF. THE REASON  
THAT MS. CALDERON AND THE CLUEMAN FAMILY WHICH LIVES IMMEDIATELY WEST OF

US ON OLTORF AND HAVE FOUR CHILDREN HAVE SUPPORTED THIS IS BECAUSE FRANKLY THEY'RE TIRED OF THE RUN DOWN SHACK NEXT DOOR THAT NOBODY TAKES CARE OF. AND THERE'S BEEN A PATTERN OF SOME DECAY IN THIS PORTION OF OLTORF STREET. YOU CAN GO ONE OR TWO BLOCKS INTO THE NEIGHBORHOOD AND YOU CAN SEE THE HOUSES THAT ARE SELLING FOR \$500,000 IN THE BLINK OF AN EYE, AND NOBODY IS MODELING THESE PROPERTIES ON OLTORF. THEY PUT MORE MONEY INTO REMODELING THE EXISTING STRUCTURE THAN THEY DO INTO THE PURCHASE OF THE PROPERTY. NOBODY IN MY OPINION IS GOING TO SPEND THE MONEY ON THAT PROPERTY. IT WAS DONE UNANIMOUSLY BY THEIR STEERING COMMITTEE. AND I'VE PRESENTED THAT TO CITY STAFF AS WELL. AND GALINDO NEIGHBORHOOD ASSOCIATION, WE ATTENDED THEIR MEETING INFORMALLY IN FEBRUARY. THEY TOLD US AT THAT TIME THERE WOULD BE NO PROBLEM. WE ATTENDED THEIR MEETING FORMALLY IN MARCH AND THERE WAS AN OFFICIAL VOTE AND THEY VOTED TO SUPPORT IT AND I'VE GOT THEIR MINUTES ON THAT ALSO. I WOULD ASK YOU TO SUPPORT THIS AS WELL. THANK YOU.

MAYOR WYNN: THANK YOU. COUNCILMEMBER SLUSHER.

SLUSHER: MR. WITTLIFF, YOU MAY HAVE SHOWN US THIS, BUT I WAS OFF THE DAIS. COULD YOU SHOW ME THE MAP OF THE NEIGHBORS THAT SUPPORT IT? COUNCILMEMBER SLUSHER, THERE'S A TOTAL OF 51 PROPERTY OWNERS AND EVERY ONE OF THEM HAS SIGNED A LETTER IN SUPPORT.

SLUSHER: AND THE GREEN IS THE PROPERTY IN QUESTION.

YES, SIR.

SLUSHER: AND JUST FOR PEOPLE WHO ARE ON SOUTH THIRD AND OLTORF.

THAT'S CORRECT.

SLUSHER: ON THE SOUTH SIDE OF THE STREET.

YES, THE GALINDO ELEMENTARY SIDE.

SLUSHER: THANK YOU.

YOU'RE WELCOME.

**MAYOR WYNN: COUNCILMEMBER ALVAREZ.**

**ALVAREZ: I'VE GOT A QUESTION FOR THE GALINDO NEIGHBORHOOD REPRESENTATIVE.**

**ALVAREZ: HE SAID THERE WAS NEIGHBORHOOD SUPPORT, BUT WHEN YOU SPOKE YOU SAID THE NEIGHBORHOOD WAS OPPOSED. SO HAS THIS ISSUE BEEN REVISITED?**

**YES, SIR, ON NOVEMBER 25TH -- HE'S TALKING ABOUT THE ASSOCIATION VOTED TO SUPPORT THE EXECUTIVE COMMITTEE'S DECISION ON THIS CASE SIMPLY BECAUSE THEY WERE SO FEW DETAILS, THEY SAID THAT THE EXECUTIVE COMMITTEE, WE TRUST YOU TO MAKE A DECISION. WHEN WE MET TOGETHER AS AN EXECUTIVE COMMITTEE, WE FOUND THAT THERE WAS ADDITIONAL INFORMATION REGARDING OLTORF AND THE SAME PRECEDENCE. AND THEY CAME BACK AND RE-PRESENTED THAT TO THE ASSOCIATION AS A WHOLE AND THEN WE VOTED TO OPPOSE ALL REZONING ALONG OLTORF UNTIL WE HAVE OUR NEIGHBORHOOD PLAN IN PLACE.**

**ALVAREZ: SO IT WAS JUST A VOTE TO OPPOSE --**

**OPPOSE THIS AND ALL REZONING ON OLTORF AT THIS TIME, UNTIL WE HAVE OUR NEIGHBORHOOD PLAN. BECAUSE WE JUST DIDN'T KNOW WHAT THEY WANT. AND HIS MAP IS A LITTLE MISLEADING. THE PEOPLE IN RED ARE PART OF MY VALID PETITION. AND HE WENT TODAY, THIS AFTERNOON TO ASK THEM FOR SIGNATURES FOR HIS SIDE, BUT IT'S --**

**ALVAREZ: THERE ARE LETTERS IN THE BACKUP WITH THESE SAME FOLKS IN SUPPORT.**

**YES. THE SAME PEOPLE SIGNED MY VALID PETITION AS WELL.**

**ALVAREZ: THAT MAKES IT A LITTLE CONFUSING. WE HAVE TO FIGURE OUT WHAT THE IMMEDIATE NEIGHBORS WANT. BUT I JUST WANTED TO GET CLARIFICATION BECAUSE I BELIEVE THAT THERE WAS ACTUALLY AN ASSOCIATION IN SUPPORT SEVERAL MONTHS AGO, AND THEN YOU'RE SAYING THERE WAS A MORE RECENT VOTE --**

**WELL, IT WASN'T A TRUE VOTE IN SUPPORT OF THIS, IT WAS TO SUPPORT THE EXECUTIVE COMMITTEE'S DECISION ON IT. IT WAS NOT DEFINITIVE AT THE NEIGHBORHOOD MEETING. WE MET AS AN EXECUTIVE COMMITTEE, WE BROUGHT**

THEM THE DETAILS THAT WE LEARNED TO THE NEXT MEETING. AND AT THAT MEETING WE TOOK A VOTE IN OPPOSITION. SO MAY THE 25TH, GALINDO NEIGHBORHOOD ASSOCIATION -- I THINK THERE WERE AT LEAST 40 PEOPLE THERE, THEY VOTED IN OPPOSITION.

ALVAREZ: AND YOU HAD MINUTES FROM THAT MEETING THAT SHOWED AN AFFIRMATIVE VOTE, AN AFFIRMATIVE INDICATION FROM THE ASSOCIATION?

YES, COUNCILMEMBER ALVAREZ. I CAN EITHER PASS IT OUT OR READ IT TO YOU.

ALVAREZ: YOU CAN READ IT, THAT'S FINE, THE MINUTES.

IT'S VERY BRIEF. A MOTION WAS MADE TO OPPOSE THE ZONING CHANGE REQUEST FOR 801 OLTORF. THE MOTION WAS SECONDED, A VOTE WAS TAKEN AND MEMBERS VOTED TO OPPOSE THE MOTION A SECOND OF VOTE WAS TAKEN THAT THEY OPPOSE THE CONDITIONAL OVERLAYS. A VOTE WAS TAKEN AND MEMBERS VOTED TO SUPPORT THE MOTION.

ALVAREZ: OKAY, SO THERE WAS SUPPOSED TO BE A MOTION ON CONDITIONS, BUT IT TURNED INTO -- NOT A NEGOTIATION, BUT JUST A REVERSAL OF --

I'LL ADD THAT THE CONDITIONS WE OFFERED, WE STILL OFFER, WHICH IS NOT TO EXTEND THE FOOTPRINT, NO SECOND STORY, REDUCING IMPERVIOUS COVER TO 60% AND NOT OPPOSE A ROLL BACK ZONING TO SF-3.

ALVAREZ: OKAY. AND THEN FOR THE NEIGHBORHOOD REPRESENTATIVE AGAIN.

WHEN THE EXECUTIVE COMMITTEE MET, THE CONDITIONAL OVERLAYS, NONE OF THEM WOULD HAVE PREVENTED THIS FROM SETTING A PRECEDENT AND CREATING SOME SORT OF DOMINO EFFECT. AND THAT'S WHAT WE WERE AFRAID OF BECAUSE ONCE YOU GO COMMERCIAL, THERE'S NO TURNING BACK ON THAT.

ALVAREZ: IT SEEMS LIKE THE VOTE WAS -- TO OPPOSE FAILED, SO THE VOTE TO SUPPORT IT WITH CONDITIONS PASSED AND THE EXECUTIVE COMMITTEE DECIDED TO GO BACK AND JUST OPPOSE IT.

NO. I DID MEET WITH JIM TO SEE IF HE WOULD AGREE TO ANY OTHER CONDITIONAL OVERLAYS OR ANY LESS ZONING OR MAKE IT INTO KIND OF MORE OF A MIXED USE,

AND THEY SAID THAT NO, THEY WEREN'T WILLING TO LIVE THERE. HE DID GO FROM LO TO NO FOR ME, BUT THAT WAS ALL HE WOULD GO.

ALVAREZ: WE CAN USUALLY DO MIXED USE ON IT. MAYOR PRO TEM'S POINT IS THAT DOESN'T MEAN AN ABSOLUTELY BE A MIXED USE PROJECT OR DEVELOPMENT ON THERE.

(INDISCERNIBLE).

ALVAREZ: SURE. AND FINALLY, I BELIEVE THAT THEY'VE AGREED TO A ROLL BACK PROVISION. WAS THAT SOMETHING THAT WAS CONSIDERED OR CONTEMPLATED?

WELL, WE ASKED THAT AS PART OF OUR NEGOTIATING TO SET UP A BOND. FIRST WE ASKED FOR A 50,000-DOLLAR BOND PACKAGE, AND HE WENT BACK TO THE LAWYERS AND WE WERE ABLE TO GET A 25,000-DOLLAR BOND.

ALVAREZ: WHAT WAS THE BOND FOR? I DON'T UNDERSTAND.

THE BOND IS THERE IN CASE THEY GO BACK ON THEIR WORD AND YOU HAVE TO FIGHT THEM, BECAUSE NONE OF US ARE LAWYERS AND WE WERE ADVISED TO DO THAT.

ALVAREZ: I SEE. SO IF THERE'S A ROLL BACK PROVISION –

AND LET'S SAY THEY DON'T DO IT. THERE'S NO WAY WE CAN ENFORCE IT. AND THE BOND MONEY WAS SUPPOSED TO BE THERE IN CASE SOMETHING HAPPENED AND WE NEEDED TO HAVE –

ALVAREZ: YOU COULD GET THE ROLLEBACK EXECUTED IF THERE WAS A ROLL BACK OPTION.

RIGHT. WE WEREN'T LOOKING TO ACTUALLY SPEND THE MONEY, BUT IT'S JUST KIND OF A SECURITY FOR US.

ALVAREZ: AND FINALLY, I BELIEVE THEY HAD REFERENCE OR MENTION THAT THEY WERE EVEN – IF THEY WERE TO GET THE APPROVAL, THEY WOULD EVEN BE – IN THE NEIGHBORHOOD PLANNING PROCESS, THE NEIGHBORHOOD WANTED TO KEEP SINGLE-FAMILY ZONING THERE, THAT THEY WOULDN'T OPPOSE THAT EITHER, SO

THAT THERE WOULD BE A – DO YOU KNOW WHAT, A LEGAL, NONCONFORMING USE. AND WAS THAT A SAFEGUARD? YOU DID MENTION NEIGHBORHOOD PLANNING.

YES. WE DON'T HAVE A NEIGHBORHOOD PLAN IN PLACE AND WE WOULD LIKE TO KIND OF KEEP THINGS IN LINE WITH WHAT BOULDIN CREEK HAS PLANNED FOR OLTORF. AND WE WOULD ALSO LIKE TO REPOLLS THE PEOPLE THERE IN THE NEIGHBORHOOD IN A NON-PRESSURE WAY. IT WOULD BE AWFUL TO HAVE THIS PROJECT, YOU KNOW, KICK OFF THE PLANNING FOR US.

ALVAREZ: AND BOULDIN DOESN'T HAVE AN ADOPTED PLAN. IS IT ADOPTED ALREADY?

YES, THEY DO. SHE MISTAKENLY SAID AUSTIN, BUT IT'S BOULDIN.

ALVAREZ: AND IT'S SIX ON THE –

I'LL LOOK AT THE MAP.

ALVAREZ: THAT'S CORRECT. BUT THAT IS AN ADOPTED NEIGHBORHOOD PLAN. OKAY. THANK YOU.

THANK YOU.

ALVAREZ: AND MR. WITTLIFF, IF YOU WANT TO SPEAK TO SOME OF THOSE ISSUES ABOUT THE ROLL BACKS AND REZONING. MAYBE LET MS. GLASGO SPEAK TO THE REZONING.

COUNCIL, I WANTED TO LET YOU KNOW THAT ANOTHER CITIZEN WALKED IN AND SIGNED UP TO SPEAK SO YOU ARE AWARE THAT THERE'S ANOTHER SPEAKER.

ALVAREZ: MR. WITTLIFF, I'M DONE.

COUNCILMEMBER ALVAREZ, AS YOU – AS YOU ASKED, WE MET WITH THE NEIGHBORHOOD AND WE WANTED TO DO ANYTHING REASONABLE. MY UNDERSTANDING THE ESSENCE OF THE BOND THEY WANTED WAS IN CASE THEY NEEDED TO SUE US, THEY WANTED TO US TO FRONT MUST NOT FOR THEM TO SUE US. THEY ASKED FOR \$50,000. THESE ARE TWO SMALL GUYS WITH TWO SMALL KIDS. THEY WORK HARD. I GO INTO MY OFFICE ON AS A RESULT AND I SEE THEM WORKING, THEY'RE WORKING ON SATURDAY'S TOO. THEY DIDN'T WANT TO THROW MONEY AWAY, THEY OFFERED \$25,000. THE NEIGHBORHOOD SAID WE'RE NOT INTERESTED,

WE'RE AGAINST YOU ON EVERYTHING. THEY'VE BEEN REASONABLE AND WE WILL CONTINUE TO BE REASONABLE, AND WE WANT TO BE GOOD NEIGHBORS. AND WE THINK THAT N.O. IS THE SIGNATURE, PERFECT EXAMPLE OF OUR SITUATION AND WHAT WE'RE TRYING TO DO, AND WE'RE HOPEFUL THAT YOU CAN SUPPORT IT. THANK YOU.

ALVAREZ: THANK YOU.

MAYOR WYNN: COUNCIL, WITHOUT OBJECTION, AN ADDITIONAL CITIZEN, ONE MORE HAS COME IN AND SIGNED UP WISHING TO SPEAK. WELCOME. YOU WILL HAVE THREE MINUTES.

I'M LORRAINE ATHERTON, PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION, AND I'VE COME DOWN HERE TO REPRESENT THE AFFECTED -- THE SURROUNDING NEIGHBORHOODS IN THE SOUTH CENTRAL COALITION. OUR BIG CONCERN ABOUT THIS CASE IS THAT IT -- IT'S RIGHT ACROSS THE STREET FROM THE BOULDIN CREEK NEIGHBORHOOD PLAN AND APPROVED NEIGHBORHOOD PLAN, AND IT -- IT'S NOT COMPATIBLE WITH THAT NEIGHBORHOOD PLAN. AND WE'RE LOOKING AT A NEIGHBORHOOD PLAN FOR GALINDO AND THE FOUR OTHER NEIGHBORHOODS ALONG SOUTH LAMAR STARTING THIS FALL. AND WE'RE ALL FACING PRESSURE FROM PROPERTY OWNERS WHO WANT TO GET UPZONED BEFORE THE NEIGHBORHOOD PLAN STARTS ROLLING. YOU CONSIDERED A VERY SIMILAR CASE IN THE ZILKER NEIGHBORHOOD CLOSE TO OLTORF JUST OFF OF SOUTH LAMAR A COUPLE OF MONTHS AGO, AND OUR ARGUMENT IN THAT CASE, WHICH IS VERY SIMILAR ARGUMENT THAT WENT INTO THE BOULDIN CREEK NEIGHBORHOOD PLAN IS THAT THERE'S ALREADY TOO MUCH COMMERCIAL ZONING AVAILABLE IN THIS AREA. AND WHEN YOU START UPZONING, EVEN AS LOW AS NEIGHBORHOOD OFFICE, THAT INCREASES THE PROPERTY VALUES ALL AROUND AND IT BECOMES MORE AND MORE DIFFICULT FOR PEOPLE TO PROVIDE AFFORDABLE HOUSING IN THOSE AREAS. THE NEIGHBORHOOD PLANS ARE LOOKING AT CONCENTRATING THE COMMERCIAL ZONING, THE OFFICE ZONINGS AT THE INTERSECTIONS IN COMMERCIAL NODES, AND LEAVING THE EXISTING SINGLE-FAMILY WHERE IT IS. AND NOT ENCROACHING INTO THE NEIGHBORHOOD. AND I HOPE THAT YOU'LL GIVE EXTRA WEIGHT TO THE EXISTING NEIGHBORHOOD PLAN RIGHT ACROSS THE STREET. AND RESPECT YOUR OWN NEIGHBORHOOD PLANNING PROCESS. THANK YOU.



MAYOR WYNN: THANK YOU. COUNCIL, THAT CONCLUDES ALL THE SPEAKERS. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER DUNKERLEY.

DUNKERLEY: I'D LIKE TO SEE THE -- THERE WAS ONE BOARD THAT SHOWED THE HOUSE AS IT CURRENTLY IS AND WHAT THE PROPOSED REMODEL WOULD DO. OKAY. DO YOU HAVE A SKETCH OF WHAT -- YOU'RE NOT TEARING DOWN THE BUILDING, JUST REMODELING IT AND GETTING RID OF A GOOD BIT OF THE IMPERVIOUS COVER?

THAT'S CORRECT, COUNCILMEMBER DUNKERLEY.

DUNKERLEY: AND DID I HEAR YOU SAY THAT WHEN YOU REMODELED IT THAT YOU WERE GOING TO CONTINUE TO MEET ALL THE RESIDENTIAL GUIDELINES?

YES. IN OUR EFFORT TO WORK WITH WHAT THE NEIGHBORHOOD'S CONCERNS WERE, THESE GUYS ARE SPENDING EXTRA MONEY TO MAINTAIN A FULL BATH AND A FULL KITCHEN. AND IT'S NOT WITHOUT SACRIFICE THAT THEY'RE DOING THIS. THEY DID IT AT THE REQUEST OF THE NEIGHBORHOOD.

DUNKERLEY: AND THEY WOULD AGREE TO REVERT BACK TO SINGLE-FAMILY WHEN IT'S NO LONGER A NEIGHBORHOOD OFFICE?

YES. WE WON'T OPPOSE A ROLLBACK.

DUNKERLEY: AND HOW WOULD YOU DOCUMENT THEIR AGREEMENT TO NOT OPPOSE A REZONING OF THAT SO SF-1 IN THE NEIGHBORHOOD PLAN?

WE OFFERED TO HAVE A RESTRICTIVE COVENANT FILED AT THE COURTHOUSE, AND I'M WILLING TO PUT MY PERSONAL REPUTATION ON IT. THAT MAY NOT BE WORTH ENOUGH, BUT WE COULD WORK TOWARDS IT.

DUNKERLEY: I THINK ARE THERE ANY -- ARE THERE ANY NEIGHBORHOOD OFFICES IN THAT AREA IN THAT STRIP OF OLTORF? CAN YOU CHECK ON THAT LITTLE MAP YOU HAVE?

YES, I CAN. LET ME FLIP IT OVER SO NORTH IS UP SO I DON'T CONFOUND EVERYBODY. OKAY. COUNCILMEMBER DUNKERLEY, THE PROPERTY IS HERE, AND THERE IS EXISTING LAW OFFICES HERE AND HERE. A COMMERCIAL USE IS HERE AND A COMMERCIAL USE IS HERE.

DUNKERLEY: I REALLY CAN'T SEE THIS, BUT WHERE THE GRAY BLOCK IS, THERE'S SOMETHING TO THE RIGHT OF IT. I GUESS IT'S EAST OF THAT GREEN BLOCK. IS THAT A STREET OR IS THAT ANOTHER -

THIS IS SOUTH THIRD STREET?

DUNKERLEY: IT IS ON THE CORNER OF AN INTERSECTION?

YES, THAT'S CORRECT. THIS IS THE CATHOLIC CHURCH BACK HERE, THIS WHOLE THING.

DUNKERLEY: ALL RIGHT, THANK YOU.

YOU'RE WELCOME.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM Z-8. COUNCILMEMBER ALVAREZ.

ALVAREZ: THANK YOU, MAYOR. I THINK THAT - THIS IS A VERY - AN ISSUE THAT BRINGS UP - A CASE THAT BRINGS UP A LOT OF DIFFERENT SORTS OF ISSUES, BECAUSE AT FIRST GLANCE WHEN YOU LOOK AT IT, THE SENSE YOU GET IS THAT IT IS PREDOMINANTLY A SINGLE-FAMILY NEIGHBORHOOD, BUT YOU ALSO LOOK AND YOU SEE THE IMPACT THAT THIS PARTICULAR STRUCTURE ITSELF IS HAVING ON THE NEIGHBORHOOD AND SOME OTHER SIMILAR TYPES OF RESIDENCES IN THE AREA WHERE YOU DO SEE A BIT OF A DECLINE IN THE QUALITY OF THE HOUSING THERE, AND THAT'S ONE OF THE THINGS WE HEARD WAS SOME OF THE CONCERNS ABOUT THE IMMEDIATE NEIGHBORS IN TERMS OF WHAT'S HAPPENING ON THAT PROPERTY BECAUSE IT DOES LAY DORMANT. AND SOME OF THE LETTERS OF SUPPORT THAT THE APPLICANT AT LEAST HAS SHOWN THE LETTERS OF SUPPORT, IN THE IMMEDIATE AREA I WOULD LIKE TO MAYBE TAKE A LITTLE MORE TIME ON THIS TO FIGURE OUT WHAT THE OTHER NEIGHBORS WHO DID SIGN THE VALID PETITION ACTUALLY WERE THINKING IN TERMS OF HAVING SOMETHING ON THE RECORD IN SUPPORT, BUT ALSO SOMETHING ON THE RECORD IN OPPOSITION. BUT I'M GOING TO - ON FIRST READING I MOVE THAT WE APPROVE THE REQUEST OF THE APPLICANT. AND MAINLY BECAUSE I THINK THAT THIS IS A GOOD - CAN IMPROVE THE CONDITION THERE OF THAT STRUCTURE AND THE IMPACT IT'S HAVING ON THE NEIGHBORHOOD, I THINK QUITE LITERALLY THE BROKEN WINDOWS ARE A BAD SITUATION. WHAT I'M TRYING TO PROJECT IN THE FUTURE IS IF THE STRUCTURE IS FIXED IS SOMEBODY WOULD

PROBABLY BUY UP THIS PROPERTY, TEAR THIS STRUCTURE DOWN BECAUSE THEY DON'T WANT TO SPEND 200,000 PLUS TO FIX IT AND PUT UP A VERY HIGH DOLLAR SORT OF A RESIDENCE RIGHT THERE, WHICH I PERSONALLY THINK WOULD HAVE A MORE DETRIMENTAL EFFECT IN TERMS OF PROPERTY VALUES ON THE SURROUNDING HOMES. SO THAT'S – AND ESPECIALLY IF WE'RE LOOKING AT SF-8 LIKE WHAT BOULDIN IS DOING, THEN YOU COULD ACTUALLY HAVE MULTIPLE UNITS THERE. AND THEN FINALLY, THE WILLINGNESS OF THE APPLICANTS TO HAVE A ROLL BACK PROVISION, AND EVEN TO BE DOWN ZONED ONCE THEY GET THEIR APPROVAL DOWN TO SF IS GOING TO BE SOMETHING THAT WAS IN GOOD FAITH OFFERED TO THE NEIGHBORHOOD TO ENSURE THAT LONG-TERM THE CHARACTER HERE IS MAINTAINED. SO FOR THOSE REASONS, MAYOR, I WOULD MOVE THAT WE APPROVE THIS ON FIRST READING AND THEN TRY TO FIGURE OUT IN TERMS OF A PETITION AND TO GET CLEAR CLARIFICATION FROM THE PROPERTY OWNERS IF THEY'RE TRULY FOR OR AGAINST BECAUSE IT IS A LITTLE CONFUSING IN THIS PARTICULAR INSTANCE.

MAYOR WYNN: MOTION MADE BY COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY N.O.-MU ON CASE Z-8. SECONDED BY COUNCILMEMBER SLUSHER. FURTHER COMMENTS? MAYOR PRO TEM. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

GOODMAN: A COUPLE. IT'S HARD – COUNCILMEMBER ALVAREZ IS RIGHT, IT'S HARD ON THE SURFACE TO REALLY ANALYZE THIS BECAUSE OLTORF AND SOUTH FIRST ARE NOT IN ALL PLACES SPOTS WHERE RESIDENTIAL IS GOING TO WORK, NOT EVEN APARTMENTS BECAUSE OF THE CAPACITY OF THE STREETS, WHICH WOULD BE AN ADDED BURDEN AND NOT A GOOD ONE. N.O. IS ABOUT THE LOWEST LEVEL OF TRAFFIC AND USE THAT A NONRESIDENTIAL USE CAN HAVE. AND SO I'M SORRY I MISSED WHETHER THE NEIGHBORHOOD IS IN THE PLANNING PROCESS RIGHT NOW? NO, NOT EVEN IN THE PROCESS. WELL, THEN YOU NEED SORT OF HAVE A DE FACTO PLANNING TEAM READY TO GO WHEN SITES COME UP. JUST BECAUSE SOMETHING IS ON THE OTHER SIDE OF THE ROAD DECIDED BY ANOTHER NEIGHBORHOOD DOESN'T MEAN YOU HAVE TO FOLLOW THAT. THAT'S THE SAME PREMISE THAT DEVELOPERS USE WHEN THEY'RE TRYING TO ADD MORE OF THE SAME USE INTO A STRIP SITUATION, FOR INSTANCE. SO THAT'S NOT THE BEST PREMISE TO USE. I THINK IT IS LEGITIMATE THAT YOU LOOK AT WHAT EXACTLY IS GOING TO HAVE THE MOST IMPACT ON THAT INTERSECTION AND WHETHER IN FACT THERE IS A RESIDENTIAL USE THAT YOU CAN ADVOCATE FOR THERE. BUT YOU WILL HAVE TO DO A LITTLE STUDY. THE NEIGHBORHOOD WOULD HAVE TO DO THAT AND LOOK AT WHAT KIND OF TRIP

GENERATION IS ASSUMED FOR VARIOUS USES. THIS IS A PRETTY LOW ONE, AND I WOULD TEND TO THINK THAT N.O. IS THE BEST USE THAT THE NEIGHBORHOOD COULD WISH FOR THERE. BUT SINCE YOU HAVE NOT HAD TIME TO DO THAT, IT SOUNDS LIKE YOU HAVEN'T REALLY BEEN INVOLVED IN AN ACTIVE CASE IN AWHILE, LIKE YOUR NEIGHBORHOOD HASN'T, AND SO OUT OF RESPECT FOR THE LEGITIMATE ISSUES THAT ARE NOT RESOLVED BY ZONING IT N.O. OR ANYTHING ELSE, I'M GOING TO VOTE AGAINST THIS MOTION.

MAYOR WYNN: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS? A MOTION AND A SECOND ON THE TABLE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED?

GOODMAN: NO.

MAYOR WYNN: MOTION PASSES ON A VOTE OF FIVE TO ONE WITH THE MAYOR PRO TEM VOTING NO, AND COUNCILMEMBER MCCrackEN TEMPORARILY OFF THE DAIS. THANK YOU ALL VERY MUCH. MS. BROWN, EARLIER IN EXECUTIVE SESSION WE FORGOT TO SAY THAT WE TOOK UP ITEMS 49, 50 AND 52, NO DECISIONS WERE MADE. THAT CONCLUDES OUR ZONING CASES. NORMALLY AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS