

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



**AGENDA ITEM NO.: Z-4  
AGENDA DATE: Thu 09/29/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0150 - Manchaca Mixed Use - Tract 2 (formerly known as Neighbor's Stop & Go) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6008 Manchaca Road (Williamson Creek Watershed) from limited office (LO) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Applicant: Anthony R. Bertucci. Agent: McCarroll, L.L.P. (Annick Beaudet). City Staff: Wendy Walsh, 974-7719.

**REQUESTING** Neighborhood Planning **DIRECTOR'S**  
**DEPARTMENT:** and Zoning **AUTHORIZATION:** Greg Guernsey

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## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0150

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

**ADDRESS:** 6008 Manchaca Road

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

**ZONING FROM:** LO

**TO:** CS

**AREA:** 1.186 acres

**AMENDED TO:** LR-CO (January 14, 2005)

GO-MU (April 7, 2005)

LR-MU-CO (April 25, 2005)

GO-MU-CO (May 2, 2005)

GO-MU-CO – Tract 1 – 0.731 acres;

LO-MU-CO – Tract 2 – 0.456 acres (July 8, 2005)

### **SUMMARY STAFF RECOMMENDATION (Amended on May 5, 2005):**

The staff's recommendation is limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay limits the residential development of the property to 14 units.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

November 2, 2004: *POSTPONED TO 11/16/04 (NEIGHBORHOOD)*  
[J. MARTINEZ; J. GOHIL – 2<sup>ND</sup>] (9-0)

November 16, 2004: *POSTPONED TO 1/18/05 (APPLICANT)*  
[J. MARTINEZ; J. GOHIL – 2<sup>ND</sup>] (9-0)

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

### **ISSUES:**

On July 8, 2005, the Applicant's Agent clarified the original intent to create two tracts on the property: GO-MU-CO for Tract 1 (0.731 acres) and LO-MU-CO for Tract 2 (0.456 acres). At First Reading, LO-MU-CO zoning was approved for Tract 1. The Conditional Overlay limits residential development to 14 dwelling units. The Agent has also informed Staff that the Applicant would like City Council to reconsider their request for GO-MU-CO zoning for Tract 1 at Second Reading.

The Agent and Staff now recognize that Tract 2 was inadvertently removed from the rezoning area at First Reading. Thus, Tract 2 has been re-notified for LO-MU-CO with the Conditional Overlay for a

total of 14 residential units between Tracts 1 and 2. Tract 2 will be considered on First Reading.

**Note:** Any rezoning of the property will result in a deletion of the Zoning Site Plan approved in 1983.

Valid petitions of 22.49% for Tract 1; 28.01% for Tract 2; and 27.11% for Tracts 1 and 2 (combined) have been filed by the adjacent property owners in opposition to this rezoning request. A separate petition has been filed by property owners outside of the 200 foot wide petition area, also stating their opposition to the applicant's request.

Representatives of the Cherry Creek SW Neighborhood Association have submitted a position paper on Tracts 1 and 2, as well as a letter of opposition to anything other than LO district zoning. Several letters of opposition have been received from the adjacent neighbors and are attached at the back of the staff report.

The owner of Lot 1, Independence Park (the surrounding 48.247 acres, zoned SF-6) has written a letter of support for GO-MU-CO district zoning.

Staff has verified that 14 dwelling units could be achieved as the residential component of a mixed use project as envisioned by the Applicant. The 14 units could be achieved based on the MU densities allowed by the GO and LO base zoning districts and the corresponding minimum site area per dwelling unit.

The applicant would like to discuss the recommendation of the Zoning and Platting Commission regarding hours of operation, as the initially intended uses of the site – service station and food sales – are prohibited under the amended zoning district of GO-MU-CO.

#### **DEPARTMENT COMMENTS:**

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

The applicant proposes to rezone the lot to the general office – mixed use – conditional overlay (GO-MU-CO) district for a mixed use project. The proposed Conditional Overlay establishes: 1) limited office (LO) development regulations, 2) prohibits drive-in services as an accessory use to a restaurant (limited) use, and 3) limits residential units to no more than 12 units per acre or 14 units. Although restaurant (limited) is a commercial use, it is a conditional use (thus requiring a Conditional Use Permit to be considered by the Zoning and Platting Commission) in the GO zoning district. A maximum of 14 residential units corresponds with the density allowed in SF-6 zoning which surrounds the property to the west.

The Staff recommends maintaining the LO base district and adding the option for mixed use to occur with a maximum of 14 residential units as offered by the Applicant (LO-MU-CO). This would allow for a residential component to occur with office development while also maintaining compatibility with the surrounding, undeveloped SF-6 property and established single family residential neighborhood to the north.

**EXISTING ZONING AND LAND USES:**

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

**AREA STUDY:** N / A**TIA:** Is not required**WATERSHED:** Williamson Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association

76 – Southwest Austin Neighborhood Assn.

384 – Save Barton Creek Association

385 – Barton Springs Coalition

428 – Barton Springs / Edwards Aquifer Conservation District

461 – Cherry Creek SW Neighborhood Association

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

943 – Save Our Springs Alliance

**SCHOOLS:**

Cunningham Elementary School

Bedichek Middle School

Crockett High School

**CASE HISTORIES:**

There are no recent case histories on the surrounding properties.

**RELATED CASES:**

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

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

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

2001 (SP-00-2489CR). On January 31, 2002, an Appeal of the Approval of the Replacement Site Plan was granted by the City Council.

**ABUTTING STREETS:**

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

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

**CITY COUNCIL DATE:** February 17, 2005

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

March 10, 2005

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

April 7, 2005

Approved a Postponement request by the Staff – 1<sup>st</sup> Request – to 5-12-05; Applicant amended rezoning request to GO-MU district zoning (7-0).

May 12, 2005

Approved LO-MU-CO district zoning, with the CO limiting the residential component of the development to a maximum of 14 units (7-0).

**Note:** Staff to look into what the MU would translate to.

September 29, 2005

**ORDINANCE READINGS:** 1<sup>st</sup> May 12, 2005

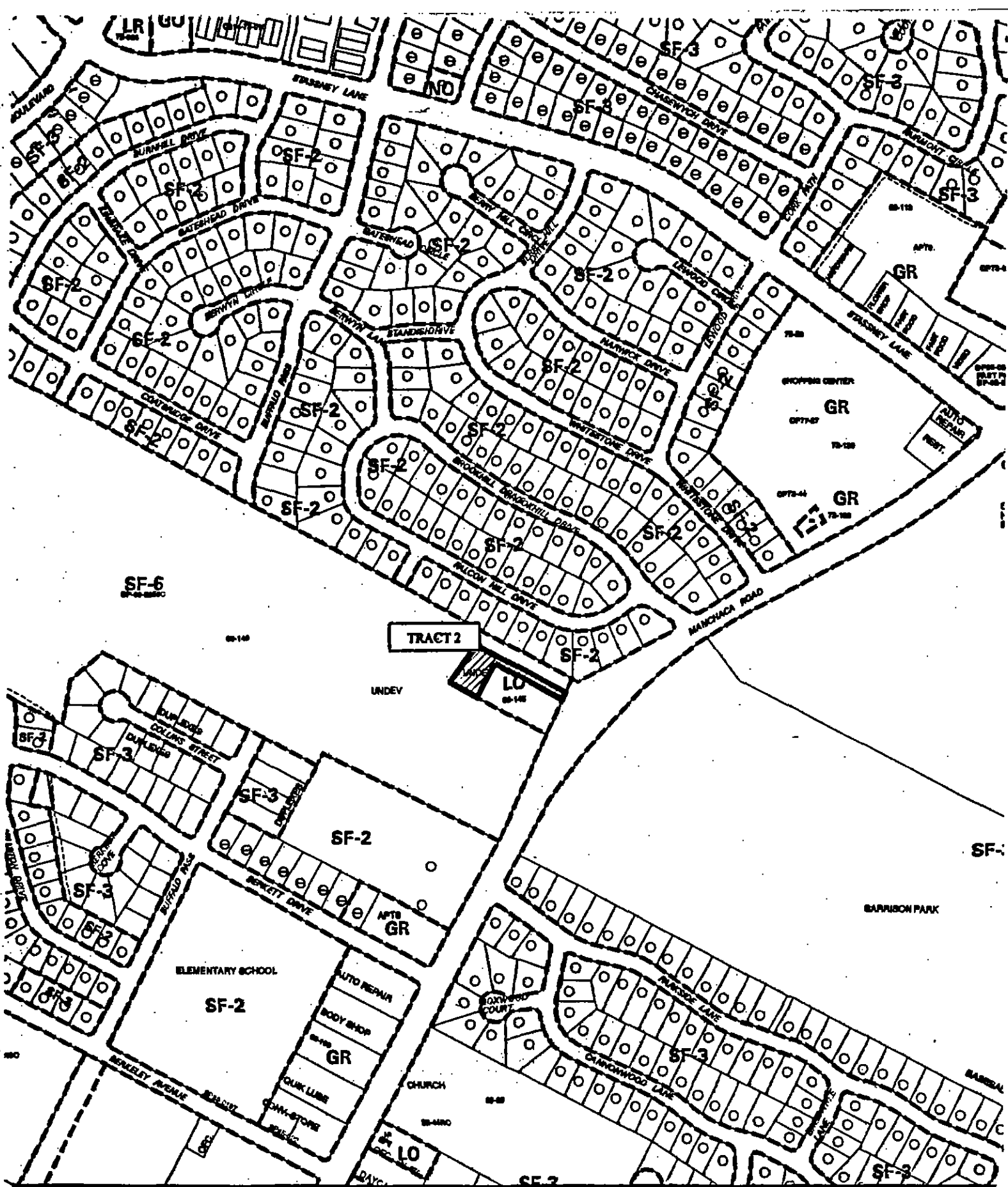
2<sup>nd</sup>




3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

**PHONE:** 974-7719



 1" = 400'	SUBJECT TRACT		<b>ZONING Exhibit A</b>  <b>CASE #: C14-04-0150</b> <b>ADDRESS: 6008 MANCHACA RD</b> <b>SUBJECT AREA (acres): 0.456</b>	<b>DATE: 05-08</b>  <b>INTLS: 6M</b>	<b>CITY GRID REFERENCE NUMBER</b>  <b>F17</b>
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: W. WALSH				

# PETITION

Case Number:

**C14-04-0150**

Date:

Aug. 23, 2005

## TRACT 2

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

313,313.76

1	<u>04-1316-0102</u>	<u>KELLEY BARBARA J FADELL</u>	<u>2,595.28</u>	<u>0.83%</u>
2	<u>04-1316-0103</u>	<u>CALLAGHAN WALLACE O TRUSTEE</u>	<u>8,589.93</u>	<u>2.74%</u>
3	<u>04-1316-0104</u>	<u>VANTVIE MELANIE D JOHNSON CHAD R &amp; KIMBERLY A</u>	<u>9,376.39</u>	<u>2.99%</u>
4	<u>04-1316-0105</u>	<u>KENT ROSA JO TRUSTEE</u>	<u>11,204.82</u>	<u>3.58%</u>
5	<u>04-1316-0106</u>	<u>COLEY TONYA MEDLOCK &amp; CHRISTOP</u>	<u>10,294.55</u>	<u>3.29%</u>
6	<u>04-1316-0107</u>	<u>BUCHANAN BARBARA ANN</u>	<u>9,340.03</u>	<u>2.98%</u>
7	<u>04-1316-0109</u>	<u>ANDERSON DEIDRE &amp; GEORGE SHANN</u>	<u>15,666.45</u>	<u>5.00%</u>
8	<u>04-1316-0110</u>	<u>WILSON KELVIN W &amp; ALICIA A</u>	<u>8,394.04</u>	<u>2.68%</u>
9	<u>04-1316-0108</u>		<u>12,310.27</u>	<u>3.93%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
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26				<u>0.00%</u>
27				<u>0.00%</u>
28				<u>0.00%</u>

Validated By:

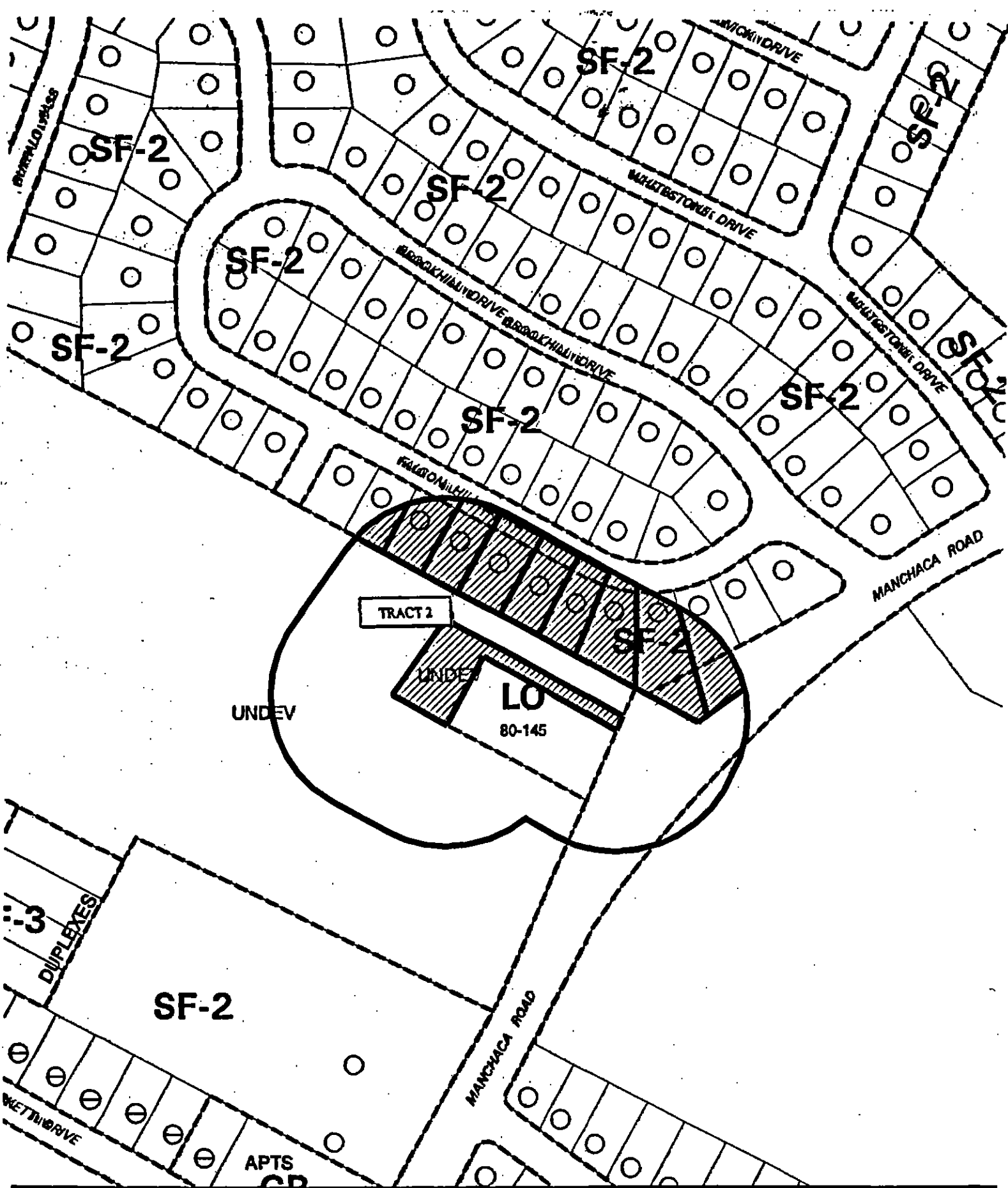
Stacy Meeks



Total Area of Petitioner:

87,771.76

Total %

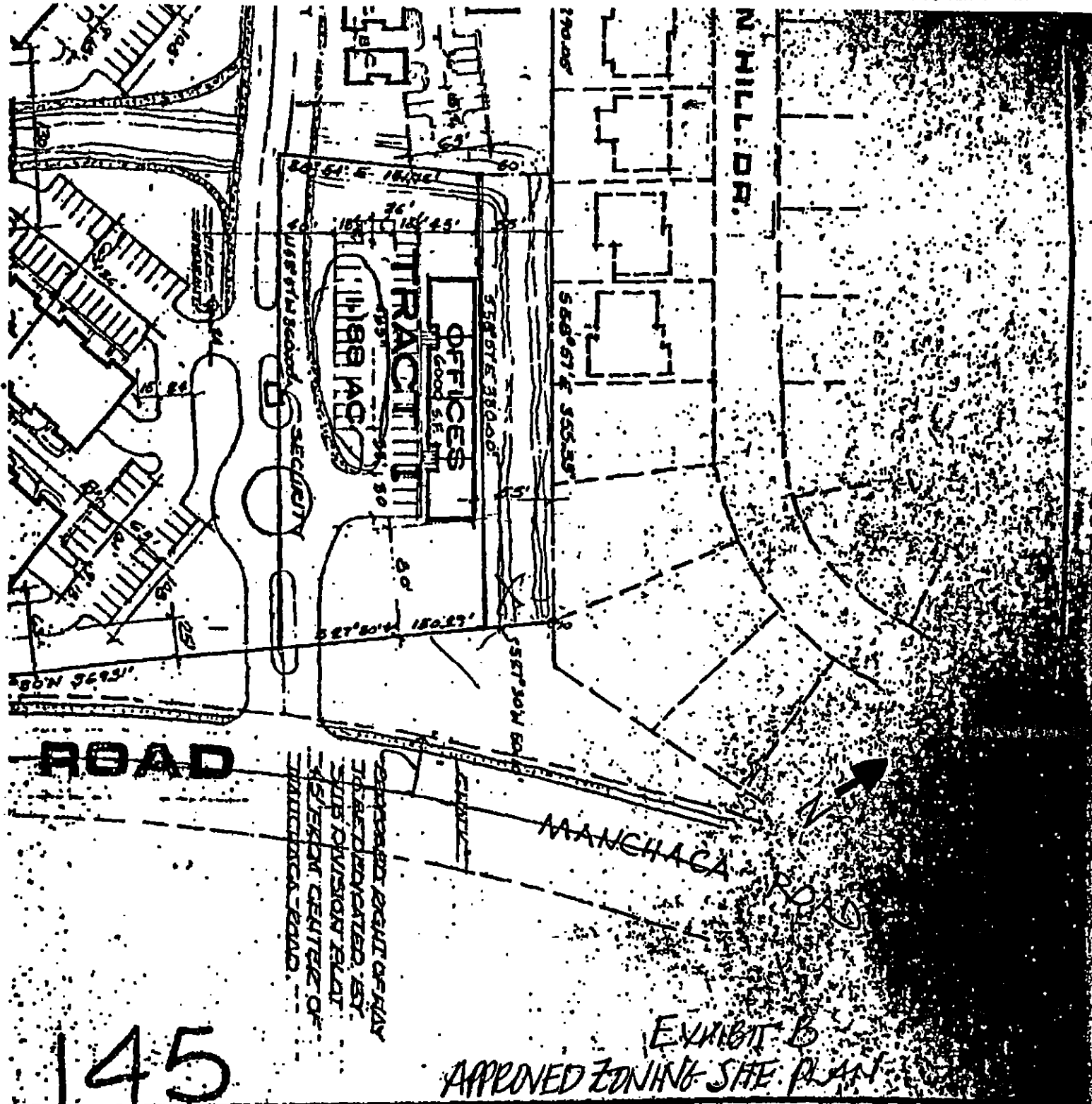
28.01%



 1" = 200'	SUBJECT TRACT		PETITIONS		CITY GRID REFERENCE NUMBER  F17
	PENDING CASE	.....			
	ZONING BOUNDARY	-----	CASE #: C14-04-0150	DATE: 05-08	
	CASE MGR: W. WALSH		ADDRESS: 6008 MANCHACA RD	INTLS: SM	
			SUBJECT AREA (acres): 0.454		

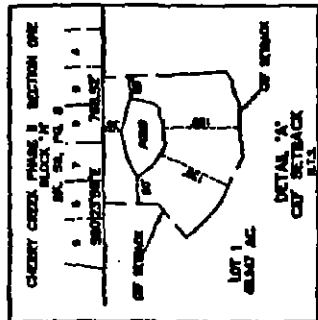






145

EXHIBIT B  
APPROVED ZONING SITE PLAN  
FOR OFFICE TRACT

[illegible]

ΣΗ 000/000

**LEGEND**

●	1/2" non mod panel
●	1/2" non mod trim cap set
■	concrete permanent panel
■	P.L. nail set
□	concrete permanent set
.....	cutting schedule
P.M.E.	public utility easement
CP	central underground drainage

**INDEPENDENCE  
PARK**

DATE: NOVEMBER, 2000  
PREPARED BY:

**Bury+Partners, Inc.**  
Consulting Engineers and Surveyors  
Seattle, Texas Tel 512/385-0811 Fax 512/385-0808  
© Copyright 1999, Bury+Partners, Inc.

~~C8-00-2199.0A~~

REZONING AREA

**ARMED BAND**

THE BODIES OF SEVERAL PEOPLE WERE IN THE IMMEDIATE VICINITY OF THE ABOVE PLACE, HAVE BEEN THE IMMEDIATELY LINE OF FIRST ENCOUNTER OF THE "WILLIE" SECTION ONE, BLOCK "B", AS FOUND MOUNDING ON THE GROUND AT THE LINE OF THE MARKET.

EXHIBIT C  
RECORDED PLAT

**1** of 2



**SUMMARY STAFF RECOMMENDATION (Amended on May 5, 2005):**

The staff's recommendation is limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay limits the residential development of the property to 14 units.

**BACKGROUND**

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

The applicant proposes to rezone the lot to the general office – mixed use – conditional overlay (GO-MU-CO) district for a mixed use project. The proposed Conditional Overlay establishes: 1) limited office (LO) development regulations, 2) prohibits drive-in services as an accessory use to a restaurant (limited) use, and 3) limits residential units to no more than 12 units per acre or 14 units. Although restaurant (limited) is a commercial use, it is a conditional use (thus requiring a Conditional Use Permit to be considered by the Zoning and Platting Commission) in the GO zoning district. A maximum of 14 residential units corresponds with the density allowed in SF-6 zoning which surrounds the property to the west.

The Staff recommends maintaining the LO base district and adding the option for mixed use to occur with a maximum of 14 residential units as offered by the Applicant (LO-MU-CO). This would allow for a residential component to occur with office development while also maintaining compatibility with the surrounding, undeveloped SF-6 property and established single family residential neighborhood to the north.

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

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

The GO, General Office, district is intended for offices and selected commercial uses predominantly serving community or City-wide needs.

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

The MU, Mixed-Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

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

The Staff recommends maintaining the LO base district and adding the option for mixed use to occur with a maximum of 14 residential units as offered by the Applicant (LO-MU-CO). This would allow for a residential component to occur with office development while also maintaining compatibility with the surrounding, undeveloped SF-6 property and established single family residential neighborhood to the north.

## **EXISTING CONDITIONS**

### **Site Characteristics**

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

### **Impervious Cover**

The maximum impervious cover allowed by the LO zoning district or the GO-MU-CO zoning district as offered by the Applicant would be 70%. This is based on the more restrictive zoning regulations.

### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

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

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

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

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### **TPSD Right-of-Way**

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

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

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

#### **Transportation**

The trip generation under the requested GO-MU zoning is estimated to be 1,917 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

No additional right-of-way is needed.

#### **Water and Wastewater**

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

#### **Compatibility Standards**

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

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

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

Chris Butler  
6204 Blarwood  
Austin, TX 78745

Oct. 26, 2004

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

Dear Ms. Walsh,

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

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

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

Thank you,



Chris Butler  
Acting President,  
Cherry Creek Neighborhood Association SW



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

Barbara Kelley  
Your Name (please print)

2207 Falcon Hill Dr.

Your address(es) affected by this application

Barbara Kelley 10/26/04  
Signature Date

Daytime Telephone: 441-5058

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

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

Deirdre Anderson  
Your Name (please print) George Shannon

2105 Falcon Hill

Your address(es) affected by this application

Deirdre Anderson

Signature

10-25-04

Date

Daytime Telephone: 693-2640

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

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

KATHLEEN T. ALLEN

Your Name (please print)

2200 FALCON HILL DR

Your address(es) affected by this application

Kathleen T. Allen

Signature

Date

Daytime Telephone: 442-7148

Comments: This intersection is currently so very congested during the 9 months the students are at Crockett High School - the primary sidewalk from the street leading into is only about 50 feet from the prepared business. The turning then into Garrison Park/Garrison Park, also directly across the street for business owners of Target's. Please consider this very carefully!!

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810



## NOTICE OF FILING OF APPLICATION FOR A PUBLIC HEARING ON REZONING

Mailing Date: September 28, 2004

Case Number: C14-04-0150

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

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

Owner/Agent: Anthony R & Mildred L. Bertucci

Telephone: 512-837-0509

Location: 6008 Manchaca Road

### Proposed Zoning Change

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

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

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

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

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

*Rosa J. Kent*

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

Judith G. WARREN

Your Name (please print)

☒ I am in favor  
☐ I object

2106 Falcon Hill Dr.

Your address(es) affected by this application

Judith G. Warren

Signature

Oct 28, 2004

Date

Daytime Telephone: 442-5841

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

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 2, 2004 Neighborhood Planning and Zoning Department

Melanie Vait Vlie

Your Name (please print)

2203 Falcon Hill Dr Austin 78745

Your address(es) affected by this application

Affairdard 10/22/04

Signature

Date

Daytime Telephone: 512-320-3456

Comments: Bad idea! Businesses would

ruin the field of trade already

existing there. Plus, any business

in this area is immediately demolished

by the high school population

constantly littering from across

the street. I do not foresee a

turning business of any kind.

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

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P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

SARAH A. BUCHANAN

Your Name (please print)



2107 Falcon Hill Dr. Aus. 78753

Your address(es) affected by this application

Sarah Buchanan 1/11/05  
Signature Date

Daytime Telephone: 512-944-4653

Comments: Rademantly object. This is a  
Land Use Commission Meeting. Ed-  
Crockett HS, Houston Park, + 2. City State  
Chockhill + 2. City State. No light to control  
Traffic. Many residents have a with people  
Making life time with each other.  
Not compatible with a large commercial  
traffic area!!  
Consequence. They will be  
with up & down. Many will be 3. Chock  
each way! We don't need any more in

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Neighborhood Planning and Zoning Department  
Wendy Walsh  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

KATHLEEN T. ALLEN

Your Name (please print)

☐ I am in favor  
☒ I object

2200 FALCON HILL DRIVE, AUSTIN, 78745

Your address(es) affected by this application

Kathleen T. Allen

Signature

1-12-05

Date

Daytime Telephone: 512-442-7148

Comments: I oppose this proposed change,

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

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going to be  
to, please.



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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

WANDA J. Mills

Your Name (please print)

2609 Coatsbridge 78745

Your address(es) affected by this application

Shandy Mills

Signature

Date

1-18-2005

Daytime Telephone: 512.441.8346

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

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Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Vicki Keller

Your Name (please print)

2607 COATBRIDGE DRIVE -45

Your address(es) affected by this application

Vicki Keller

Signature

1-18-05

Date

Daytime Telephone: 383-0389

Comments: MY PRIMARY OBJECTION TO THIS RE-ZONING APPLICATION IS BASED ON TRAFFIC AND SAFETY CONCERNS. THE COMBINATION OF CLOSETT H.S., GARLSON DISTRICT PARK, CUNNINGHAM ELEMENTARY, THE MANCHACA LIBRARY, THE CHERRY CREEK SHOPPING CENTER, AND THE FORTHCOMING AUSTIN COMMUNITY COLLEGE CAMPUS BRINGS A TREMENDOUS AMOUNT OF VEHICULAR, PEDESTRIAN, AND BICYCLE TRAFFIC THROUGH A RESIDENTIAL AREA ON ROADS THAT ARE UNABLE TO SUPPORT IT SAFELY. A (MAY BE A CHARGE FROM THE LD ZONING TO CITY OF AUSTIN NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT AT CS ZONING- WENDY WALSH WILL HAVE A NEGATIVE IMPACT ON THIS COMMUNITY).

16 Nov. 2004

Attn: Wendy Walsh

Re: 6008 Manchaca Rd

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

Thank you,

Anthony R Bertucci  
512-837-0509

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

DAVID KROFF

Your Name (please print)

2600 COATES RIDGE DR.

Your address(es) affected by this application

DAVID KROFF

Signature

Date

Daytime Telephone: 773-0383

Comments:

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

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Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Susan Kroft

Your Name (please print)

2600 Coatbridge Dr.

Your address(es) affected by this application

Susan Kroft 1/17/05

Signature

Date

Daytime Telephone: 773-0384

Comments:

Consideration needs to be given regarding the effect this zoning change will have on the neighboring high school, elementary school, and public park within easy walking distance of the children.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P.O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

☐ I am in favor  
☒ I object

Joan + Stan Hilbig  
Your Name (please print)

2608 Baxter Dr.  
Your address(es) affected by this application

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

Daytime Telephone: 447-9186

Comments: 1) In compatibility with residential zoning

2) Traffic hazards to students + pets w/out + reflect light

3) Increased traffic on Manchaca Rd - beyond capacity now.

4) Unneeded - convenience store 3 blocks away.

5. Devastating effects of industrial/commercial use on

neighborhood stability.

6. No guarantee CS rezoning would result in

compatible development.

7. CS zoning allows for explosive mfg, offensive

conditions and a 33' building height.

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

GEORGE E. HUFFMAN

Your Name (please print)

2607 CANTERBURY DR. 77045

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 3830389

Date

1-18-05

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

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Case Number: C14-04-0150

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Public Hearing:

January 18, 2005 Zoning and Platting Commission

SIMON T. MILLS

Your Name (please print)

2609 Cortbidge

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 441-8341

Date

1/18/05

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

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

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Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Deirdre Anderson

Your Name (please print)

2105 Falcon Hill Austin 78745

Your address(es) affected by this application

Deirdre Anderson 1-13-05

Signature

Date

Daytime Telephone: 693-2040

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

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For additional information on the City of Austin's land development process, visit our website:

[www.cl.austintx.tn.us/development](http://www.cl.austintx.tn.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

January 18, 2005 Zoning and Platting Commission

Barbara Kelley

Your Name (please print)

2207 Falcon Hill Dr.

Your address(es) affected by this application

Barbara Kelley

Signature

Date

Daytime Telephone: 512-344-5058

Comments:

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0150

Contact: Wendy Walsh, (512) 974-7719

974-6054 (fax)

Public Hearing:

January 18, 2005 Zoning and Platting Commission

CHAD R. JOHNSON

Your Name (please print)

2201 FALCON HILL DR. AUSTIN, TX. 78745

Your address(es) affected by this application

Chad R. Johnson

Signature

1-17-05

Date

Daytime Telephone: 302-3447

Comments: As evidenced, property owners of a lot and have adjacent to this proposed project requiring a zoning change, my wife and I meet about 1/2 way zoning change to a C-1 as a related entity. Chad Johnson is already attended with rezoning other and onto again station. To allow another type development directly across Giverson Park and should by incidental development's name a big mistake. We oppose any zoning change not compatible with residential developments.

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

January 14, 2005

**VIA EMAIL & REGULAR MAIL**

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

Re: Zoning Case No. C14-04-0150

6008 Manchaca Road

Dear Wendy:

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

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

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

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

Wendy Walsh  
January 13, 2005  
Page 2

Respectfully yours,

*Annick Beaudet*

Annick Beaudet  
Land Development Coordinator

Enclosure

cc: Chair Betty Baker, Zoning and Platting Commission

Zoning and Platting Commission Members

Anthony Bertucci, property owner

Nikelle S. Meade, Esq.

***Cherry Creek SW Neighborhood Association***

***2608 Baxter Dr.***

***Austin, TX 78745***

***(512) 447-9186 hillhouse@msn.com***

**February 7, 2005**

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

**Attn: Wendy Walsh**

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

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

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

**Thank you for your consideration.**

**Sincerely,**

**Joan Hilbig  
Acting President  
CCSWNA**

**Wanda Mills  
2609 Coatbridge  
Austin, TX 78745  
441-8346**

## PETITION

Date: \_\_\_\_\_  
File Number: C14-04-0150

Address of Rezoning Request:  
6008 Manchaca Road

To: Austin City Council

We, the undersigned owners of property *within* 200' affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LO-Limited Office.

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

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address Austin, TX 78745
<i>Deirdre Anderson</i>	Deirdre Anderson	2105 Falcon Hill Dr.
<i>Barbara Buchanan</i>	Barbara Buchanan	2107 Falcon Hill Dr.
<i>Kelvin Wilson</i>	Alicia Wilson	2109 Falcon Hill Dr.
<i>Chris Coley</i>	CHRIS COLEY	2111 Falcon Hill Dr.
<i>Rosa Jo Kent</i>	Rosa Jo Kent	2113 Falcon Hill Dr.
<i>Chad R. Johnson</i>	CHAD R. JOHNSON	2201 Falcon Hill Dr.
<i>Melanie van't Vlie</i>	Melanie van't Vlie	2203 Falcon Hill Dr.
<i>W.O. Callaghan</i>	W.O. CALLAGHAN	2205 Falcon Hill Dr.
<i>Barbara Kelley</i>	Barbara Kelley	2207 Falcon Hill Dr.

## PETITION

Date: \_\_\_\_\_  
File Number: C14-04-0150

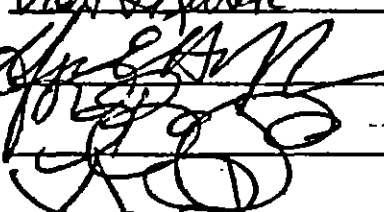
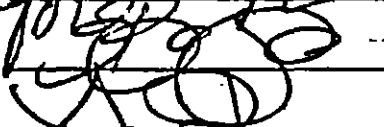
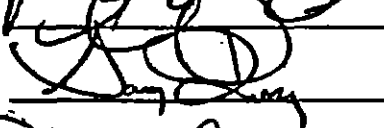
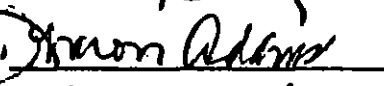
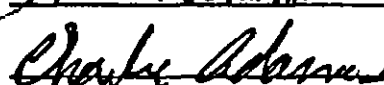

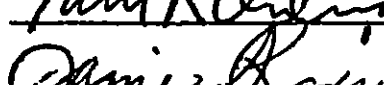
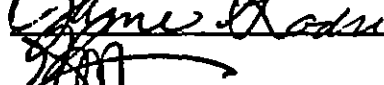

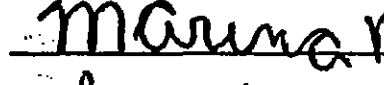
Address of Rezoning Request:  
6008 Manchaca Road

To: Austin City Council

We, the undersigned owners of property *outside* 200' affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification more intense than LO-Limited Office.

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

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address - Austin, TX 78745
Joyce Halden Fionella	Joyce Fionella	2202 Falcon Hill
Vicki Keller	VICKI KELLER	21007 COATBRIDGE DRIVE
	GEORGE E. HUFFMAN	2607 COATBRIDGE DR.
	BENJAMIN BAYS	5911 WESTGATE BLVD
	GARY DRY	2419 Coatbridge Dr.
	SHARON ADAMS	2617 Coatbridge Dr.
	CHARLES ADAMS	2617 Coatbridge Dr.
	PAUL R. ONDRIAS	2611 COATBRIDGE Dr.
	Janie Rodriguez	2605 coatbridge Dr.
	Gladys Ramirez	2605 Coatbridge Dr.
	MARINA RODRIGUEZ	2605 Coatbridge Dr.
	ANNA KNOX	2210 Falcon Hill 78745

## PETITION

Date: \_\_\_\_\_  
File Number: C14-04-0150

Address of Rezoning Request:  
6008 Manchaca Road

To: Austin City Council

We, the undersigned owners of property *outside* 200' affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification more intense than LO-Limited Office.

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address - Austin, TX 78745</u>
<u>Chris Butler</u>	<u>Chris Butler</u>	<u>6204 Blarwood</u>
<u>Claudette Huke</u>	<u>Claudette Huke</u>	<u>6204 Blarwood</u>
<u>GERALD CONNER, CAMMIE CONNER</u>	<u>Gerald Conner</u>	<u>5909 WESTGATE BLVD.</u>
<u>Monique Lehning</u>	<u>Monique Lehning</u>	<u>2600 Baxter Dr.</u>
<u>William Daurte</u>	<u>WILLIAM DAURTE</u>	<u>2304 BROOKHILL DR</u>
<u>Ginna Beal</u>	<u>Ginna Beal</u>	<u>5908 Burnhill 78745</u>
<u>Ryan Bayless</u>	<u>Ryan Bayless</u>	<u>5906 Burnhill 78745</u>
<u>Elizabeth Hernandez</u>	<u>ELIZABETH HERNANDEZ</u>	<u>5906 Burnhill 78745</u>
<u>Daniel Plumley</u>	<u>DEANIER PLUMLEY</u>	<u>5904 BURNHILL DR. 78745</u>
<u>Debbie Harst</u>	<u>Debbie Harst</u>	<u>5810 Burnhill DR 45</u>
<u>Francis Brooks</u>	<u>Francis Brooks</u>	<u>5502 Burnhill</u>
<u>Steven M. Johnson</u>	<u>Steven M. Johnson</u>	<u>5700 Burnhill</u>



## PETITION

Date: \_\_\_\_\_

File Number: C14-04-0150

Address of Rezoning Request:



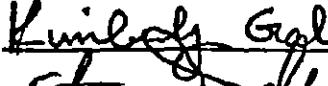



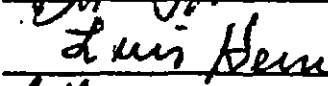
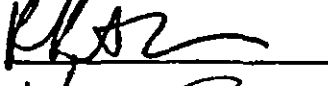
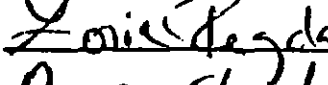



6008 Manchaca Road

To: Austin City Council

We, the undersigned owners of property *outside* 200' affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification more intense than LO-Limited Office.

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

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address - Austin, TX 78745
	RAY Ellerbee	2509 Coatbridge Dr.
	Elmer L. Anderson	2506 Coatbridge Dr.
	Kimberly Galvan	2100 Falcon Hill Dr
	STEVE TOLLER	2400 Berkley Ave
	Lance Tomlinson	5701 BURNHILL DR
	Bill Seward	5703 Burnhill Dr.
	BILL SEWARD	5801 BURNHILL
	Luis Hernandez	5800 Burnhill Dr.
	REBECCA ROWBATHAM	5806 BURNHILL DR
	Loria Regalado	5901 Burnhill Dr.
	Roger SHANKLE	5907 Burnhill Dr.
		5905 "

## PETITION

Date: \_\_\_\_\_  
File Number: C14-04-0150

Address of Rezoning Request:  
6008 Manchaca Road

To: Austin City Council

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address - Austin, TX 78745</u>
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<u>Laurence Randel</u>	<u>Laurence Randel</u>	<u>2203 Brookhill</u>
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<u>Lori Randel</u>	<u>Lori Randel</u>	<u>2203 Brookhill</u>
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<u>E. Henry Mayo Jr.</u>	<u>E Henry Mayo Jr.</u>	<u>2204 Brookhill Dr</u>
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<u>D.T. Chapman</u>	<u>D.T. CHAPMAN</u>	<u>2202 BROOKHILL DR.</u>
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<u>Jean L. Chapman</u>	<u>JEAN CHAPMAN</u>	<u>2202 Brookhill Dr</u>
------------------------	---------------------	--------------------------

<u>Cody Wehmeyer</u>	<u>Cody Wehmeyer</u>	<u>2207 Brookhill Dr.</u>
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<u>Isam Randak</u>	<u>ISAM RANDAK</u>	<u>2205 Brookhill Dr.</u>
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<u>Sandra Garcia</u>	<u>SANDRA GARCIA</u>	<u>2110 Brookhill Dr</u>
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<u>Sandy McCollum</u>	<u>SANDY MCCOLLUM</u>	<u>2109 BROOKHILL DR</u>
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<u>Barbara Hillman</u>	<u>Barbara Hillman</u>	<u>2004 Brookhill Dr</u>
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<u>Judith G. Warren</u>	<u>Judith G. WARREN</u>	<u>2106 FALCON HILL DR</u>
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<u>Pam Turner</u>	<u>PAM Turner</u>	<u>2302 Berwyn Lane</u>
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## PETITION

Date: \_\_\_\_\_  
File Number: C14-04-0150

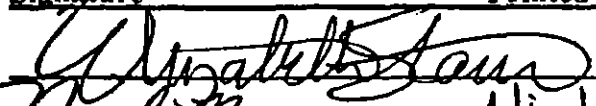
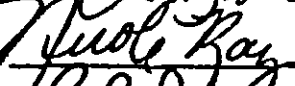


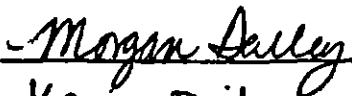



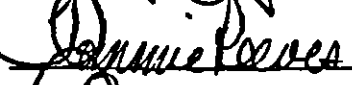
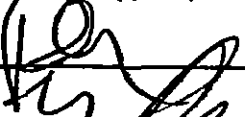
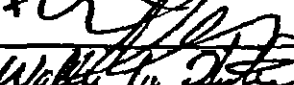
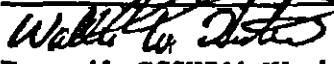
Address of Rezoning Request:  
6008 Manchaca Road

To: Austin City Council

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

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address - Austin, TX 78745</u>
	Elizabeth Standifer	
	Nicole Ray	2524 Baxter Dr. 78745
	Bob Ray	2524 Baxter Dr. 78745
	Bob Carver	2614 Coatbridge 78745
	Morgan Dalley	2515 Baxter 78745
	Kevin Deiters	2512 Baxter 78745
	Patty Gaston	2509 Baxter 78745
	Jennifer Perkins	2510 Baxter 78745
	Tommie Reeves	2613 Carlow Dr 78745
	ROBERT ANDERSON	2504 BAXTER 78745
	KATHLEEN TULL	2512 BEECKETT 78745
	WALTER V. HIXSON	2515 Beecket 78745

## PETITION

Date: \_\_\_\_\_

File Number: C14-04-0150

Address of Rezoning Request:

6008 Manchaca Road

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address - Austin, TX 78745
<i>Josie Driener</i>	JOSE	2605 Baxter Dr. Austin TX 78745
<i>Joseph Driener</i>	JOSEPH	2605 Baxter " "
<i>ANN HAYES</i>	MARGARET	2607 Baxter " "
<i>DON HAYES</i>	DON	2607 Baxter " "
<i>Sharon Manoppa</i>	Sharon	2611 Baxter
<i>Barbara Hockett</i>	Barbara	2610 Baxter Dr.
<i>Dolores Rodriguez</i>	Dolores	2529 Baxter Dr.
<i>Ray Hanson</i>	RAY HANSON	2526 Baxter
<i>John Westlund</i>	JOHN WESTLUND	2523 Baxter Dr.
<i>Gerardo Garcia</i>	GERARDO GARCIA	2532 BAXTER DR.
<i>David C Senechal</i>	DAVID C SENECHAL	2534 Baxter Dr.
<i>Madison Seale</i>	MADISON - SEALE	2535 Baxter Dr.

NAME-sign

print

address

Ralph D. Ellis

Ralph D. Ellis

2604 Baxter Dr., Austin, TX 787

Iris Gruebner

2537 Baxter Dr. Austin TX

CROSS & Amy

*[Signature]*

2601 Baxter Dr.

78745

Theressa Lyons

Theressa Lyons

2317 Campden Dr

78745

~~Anna Snitker~~

ANN Snitker

2615 Baxter Dr

78745

\* Mark Smith

MARK SMITH

2616 BAXTER DR

78745

Joan R Andersen

JOAN R. ANDERSEN

2618 BAXTER DR

78745

Jerry S. Andersen

JERRARD S. ANDERSEN

2618 BAXTER DR

78745

## PETITION

Date: \_\_\_\_\_

File Number: C14-04-0150

Address of Rezoning Request:  
6008 Manchaca Road

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address - Austin, TX 78745

Robert L. Bemis      ROBERT L. BEMIS      2601 COATBRIDGE DR. 78745-3123

Mary E. Tolliver      MARY E. TOLLIVER      2102 Brookhill Drive

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

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

Anna Knox      ANNA KNOX      2210 Falcon Hill Dr. Austin 78745

Pauline Gamble      PAULINE GAMBLE      2550 Borden Dr. 78745

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

Susan Kroft      Susan Kroft      2600 Coatbridge Dr

David Kroft      DAVID KROFT      2600 COATBRIDGE DR

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

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

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

## PETITION

Date: \_\_\_\_\_  
File Number: C14-04-0150

Address of Rezoning Request:  
6008 Manchaca Road

To: Austin City Council

We, the undersigned owners of property *outside* 200' affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification more intense than LO-Limited Office.

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

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address - Austin, TX 78745</u>
<u>James V. Samuelson</u>	<u>JAMES SAMUELSON</u>	<u>2614 Baxter Dr. 78745</u>
<u>Bernadette Murus</u>	<u>Bernadette Murus</u>	<u>2420 Baxter Dr. 78745</u>
<u>Stephen Murus</u>	<u>Stephen Murus</u>	<u>" " "</u>
<u>Gileen Gillespie</u>	<u>FILLEN GILLESPIE</u>	<u>2626 BAXTER PK. 7874</u>
<u>Laura J. Hendrix</u>	<u>Laura J. Hendrix</u>	<u>2627 Baxter Dr 7874</u>
<u>Eric Hendrix</u>	<u>ERIC Hendrix</u>	<u>2627 Baxter Dr 7874</u>
<u>Donna L. Copeland</u>	<u>DONNA L. Copeland</u>	<u>2617 Baxter Dr 78745</u>
<u>Joan Hilbig</u>	<u>Joan Hilbig</u>	<u>2608 Baxter Dr</u>
<u>Stanley Hilbig</u>	<u>Stanley Hilbig</u>	<u>2608 Baxter Dr.</u>

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<u>Signature</u>	<u>Printed Name</u>	<u>Address - Austin, TX 78745</u>
<u>Pat Thompson</u>	<u>PAT THOMPSON</u>	<u>2103 Brookhill Dr</u>
<u>Marsha Lehman</u>	<u>MARSHA LEHMAN</u>	<u>2201 Brookhill Dr</u>
<u>Julio C. Satter</u>	<u>JULIO C. SATTER</u>	<u>2204 Falcon Hill</u>
<u>Dianne Crawford</u>	<u>DIANNE CRAWFORD</u>	<u>2206 Falcon Hill Dr</u>
<u>Randy Whittaker</u>	<u>RANDY WHITTAKER</u>	<u>2208 Falcon Hill Dr</u>
<u>Robert Starts</u>	<u>ROBERT STARTS</u>	<u>2300 Falcon Hill</u>
<u>Kathleen T. Allen</u>	<u>KATHLEEN T. ALLEN</u>	<u>2300 Falcon Hill Dr</u>
<u>Clarence D. Martin</u>	<u>CLARENCE D. MARTIN</u>	<u>2000 Brookhill Dr</u>
<u>Connie Yznaga</u>	<u>CONNIE YZNAGA</u>	<u>2002 Brookhill</u>



## PETITION

Date: \_\_\_\_\_  
File Number: C14-04-0150

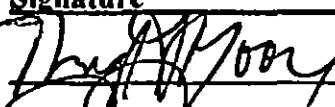





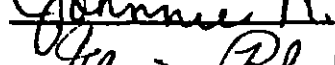
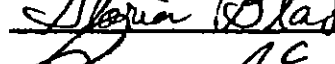
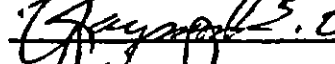
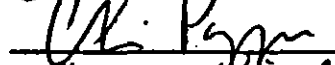

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

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

**Cherry Creek SW Neighborhood Association**

**2608 Baxter Dr.**

**Austin, TX 78745**

**(512) 447-9186 hillhouse@msn.com**

**March 1, 2005**

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

**Attn: Wendy Walsh**

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

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

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

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

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

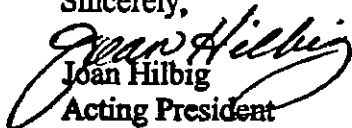
City of Austin Council Members  
March 1, 2005  
Page 2

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

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

Thank you for your consideration.

Sincerely,

  
Joan Hilbig  
Acting President  
CCSWNA

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

Attachments: Petitions in opposition to rezoning

## **MEMORANDUM**

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

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

**DATE:** February 25, 2005

**SUBJECT:** ZAP Commission Summary

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

**CASE # C14-04-0150**

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

### SUMMARY

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

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

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

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

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

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

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

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

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

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

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

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

**Ms. Beaudet** – "Thank you".

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

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

#### **IN FAVOR**

No Speakers.

#### **OPPOSITION**

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

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

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

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

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

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

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

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

**Chris Coley** – Spoke in opposition.

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

### **REBUTAL**

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

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

**Ms. Beaudet** – “49 acres”.

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

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

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

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

**Commissioner Rabago and Hammond** moved to close the public hearing.

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

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

No second to the motion was made.

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

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

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

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

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

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

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

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

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

Commissioner Pinnelli - "What about hours of delivery"?

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



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

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

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

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

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

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

Commissioner Jackson – “I will accept that”.

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

Motion carried.

**COMMISSION ACTION:  
MOTION:**

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

**AYES:**

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

**NAY:**

**RABAGO, HAMMOND**

**ABSENT:**

**WHALEY, MARTINEZ**

**MOTION CARRIED WITH VOTE: 5-2.**

March 7, 2005

**VIA REGULAR & E-MAIL**

Mayor and Council Members

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

Dear Mayor and Council Members:

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

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

Respectfully submitted,

Annick Beaudet  
Land Development Coordinator

ab

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

**Walsh, Wendy**

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

**RECEIVED**

**MAR 30 2005**



6008\_Manchaca\_A office\_article Jan  
amendment.pdf 20\_05.pdf

**Neighborhood Planning & Zoning**

Hi Wendy~

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

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

Thanks Wendy!

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

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

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

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

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

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

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

March 30, 2005

**VIA E-MAIL & REGULAR MAIL**

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

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

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

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

Respectfully submitted,

*Annick Beaudet*

Annick Beaudet, Land Development Coordinator

ab  
Enclosures

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

**FIELD NOTES  
FOR  
GENE WATKINS**

**TRACT 1**

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

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

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

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

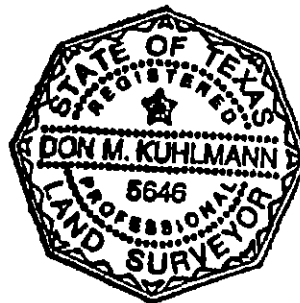
**THENCE** N 29°01'00" E for a distance of 149.80 feet to a point in the Northeast line of the said Lot 2, Block A, for the most Northerly corner hereof;

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

**AS SURVEYED BY  
DOUG SEELIG LAND SURVEYORS P.C.**

*Don M. Kuhlmann*

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



**FIELD NOTES  
FOR  
GENE WATKINS**

**TRACT 2**

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

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

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

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

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

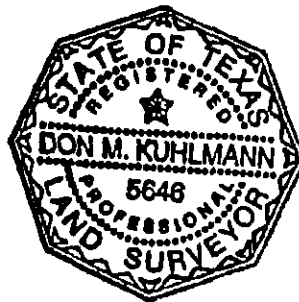
**THENCE N 37°30'46" E for a distance of 150.63 feet to an iron rod found at the most Northerly corner of the said Lot 2, Block A, for the most Northerly corner hereof;**

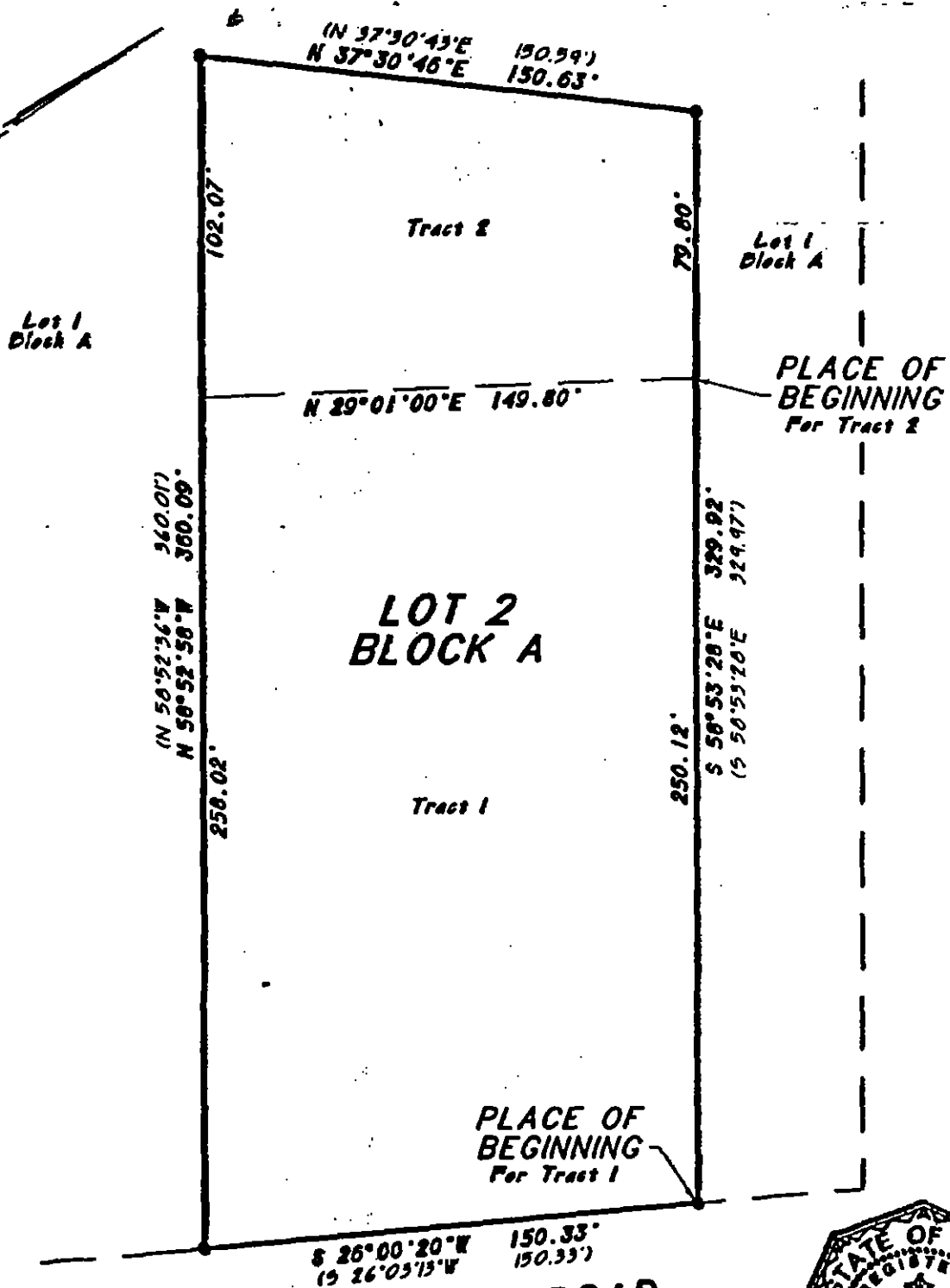
**THENCE S 58°53'28" E for a distance of 79.80 feet to the PLACE OF BEGINNING.**

**AS SURVEYED BY  
DOUG SEELIG LAND SURVEYORS P.C.**

*Don M. Kuhlmann*

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



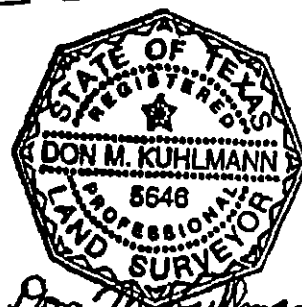


**MANCHACA ROAD**  
R.O.W. Varies -- Asphalt Pavement

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

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

Address: 6008 Manchaca Road



*Don M. Kuhlmann*  
**DON M. KUHLMANN**  
 Registered Professional  
 Land Surveyor No. 5646

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

April 7, 2005, 2005

**VIA E-MAIL & REGULAR MAIL**

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

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

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

We hereby remove Tract 2 from our rezoning request and request LR for Tract 1 only. This amendment is in response to the neighborhood representatives' concern for neighborhood commercial encroachment into the adjacent SF-6 zoned property. Per their suggestion we have reduced the depth of our request by approximately 100 feet; the depth of our LR request is now almost exactly the same depth as the strip of community commercial (GR) district zoning to the south, between Berkett Drive and Berkeley Avenue. In addition we have honored a compatibility set back along the north side even though said set back is not required as the north property line is already 50 feet from the nearest SF-2 property.

Respectfully submitted,

Annick Beudet, Land Development Coordinator

ab  
Enclosures

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



**Brown | McCarroll**  
L.L.P.

111 Congress Avenue, Suite 1400, Austin, Texas 78701-4043  
512-472-5456 fax 512-479-1101

April 7, 2005

VIA E-MAIL

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

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

The purpose of this letter is to amend the above referenced zoning application as follows:

1. return the boundary of the land to be rezoned to the originally-requested entire 1.197 acres; and
2. amend the requested zoning category to General Office-Mixed Use (GO-MU).

Please contact me if you have any questions about this amendment. We would like for this amendment to be presented to the Council today. Thank you.

Sincerely,

  
Nikelle S. Meade

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

lcc: Annick C. Beaudet

April 25, 2005

VIA E-MAIL

Ms. Wendy Walsh  
Senior Planner  
City of Austin-NP&ZD

Re: C14-04-0150

Please accept this letter to amend the above referenced zoning case to LR-MU-CO. We propose to prohibit the following uses:

Service Station

Club or Lodge

Drive in services as an accessory use to a Restaurant (Limited) use

I received an e-mail corresponded from Ms. Wanda Mills today stating that she was still gathering comments from her neighbor's and would get back to me as soon as she had some information to report. If the neighborhood does not feel that there are any uses in LR that would be beneficial to them, I have told them that we would amend our application back to the GO-MU category to allow for the possibility of office/residential development for the site.

I hope to talk with the neighborhood next Monday and we will report to you as soon as we have reached an agreement.

Yours very truly,

*Annick Beaudet*

Annick Beaudet  
Land Development Coordinator

AB:ab

May 2, 2005

VIA E-MAIL

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

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

The purpose of this letter is to amend the above referenced zoning application as follows:

- Amend the requested zoning category to General Office-Mixed Use-Conditional Overlay (GO-MU-CO).
- The Conditional Overlay would restrict the site to Limited Office (LO) development regulations, and prohibit drive in services as an accessory use to a restaurant (limited) use, and limit residential units to no more than 12 units per acres or 14 units.

This amendment is based on neighborhood's and staff input regarding the desire to maintain office zoning for this property. Since the last City Council meeting we have done some research, and based on that information our client has agreed to amend to GO-MU-CO.

We respectfully ask for Staff to reconsider our new request of GO-MU-CO. We hope you will find this district designation appropriate for the following reasons: (1) reduced traffic generation and positive change in traffic flows as compared to the previous LR request, (2) allows for a more reasonable sized office development give the increased population in the area since 1985 (when the current zoning site plan was approved), and (3) is consistent with the Envision Central Texas results which call for more responsible density and the utilization of undeveloped parcels as a means for City growth.

Given the 1.2 acre size of the property, our agreed to LO development regulations, and the adjacent SF-6 zoning, we agree to no more than 14 residential units.

Lastly, please remember that the current LO zoning and accompanying zoning site plan was put in place at a time when the City utilized "zoning site plans" and the LO zoning was deemed appropriate as it related to the adjacent convalescent services (it was to provide medical services to an adjacent, elderly community). Staff is aware that the zoning site plan for the planned convalescent services is not going to be realized (a replacement site plan was recently applied for and the neighborhood contacted me today to state that Newmark Homes is

Ms. Wendy Walsh, Senior Planner  
May 2, 2005  
Page 2

considering development of the site) and therefore we request that this information be considered when considering our new request of GO-MU-CO. The City has changed since 1985 and the SF-6/LO zoning for this area was put in place as a result of a zoning site plan that never materialized. Please consider our reasonable request for GO-MU-CO.

*Thank you in advance for your patience, time and attention to this project.*

Sincerely,



Annick C. Beaudet  
Land Development Coordinator

cc: Mr. Greg Guernsey, Manager, COA-NP&ZD (VIA FAX - 974-6054)  
Anthony Bertucci (VIA Regular Mail)  
Mildred Bertucci (VIA Regular Mail)

## Walsh, Wendy

---

**From:** Annick Beaudet [ABeaudet@mailbmc.com]  
**Sent:** Tuesday, May 10, 2005 3:57 PM  
**To:** Walsh, Wendy  
**Subject:** amendment to boundaries-C14-04-0150



Field\_Notes\_Manch  
aca.pdf

Hi Wendy,

As promised, attached is a copy of field notes to create two tracts for the above mentioned zoning case. We are submitting these to create a buffer between our requested GO-MU-CO zoning for Tract 1 and the adjacent neighborhood, per thier request via phone conversation on Monday, May 9, 2005.

We request for the LO to remain for Tract 2. We, unfortunately, were not able to reach any agreements with the neighborhood and would like to move forward with GO-MU-CO (with the conditions offered in my May 2 amendment letter) for Tract 1, as we feel it is a reasonable compromise. However, we have agreed to honor the buffer zone in good faith. We understand that this buffer zone will invalidate any petition currently on the property.

We are still open to working with the neighborhood, but as off this morning I was not able to reach any agreement on LO-MU or GO-MU-CO with the neighborhood.

Thank you all for your time on this case. Please call me should you have any further questions.

Please accept this e-mail, with attached field notes, as official correspondance to servie to amend the boundaries of our requested GO-MU-CO request.

Annick C. Beaudet  
Land Development Coordinator  
Brown McCarroll, L.L.P. (Austin Office)  
111 Congress Avenue, Suite 1400  
Austin, Texas 78701  
Phone 512-703-5741  
Fax 512-479-1101

**FIELD NOTES  
FOR  
GENE WATKINS**

**TRACT 1**

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

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

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

**THENCE** N 29°01'00" E for a distance of 124.78 feet to a point, for the most Northerly corner hereof;

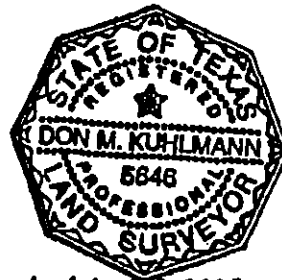
**THENCE** S 58°53'28" E for a distance of 251.44 feet to a point in the West r.o.w line of Manchaca Road, for the most Easterly corner hereof;

**THENCE**, with the West r.o.w. line of Manchaca Road, S 26°00'20" W for a distance of 125.23 feet to the **PLACE OF BEGINNING**.

**AS SURVEYED BY  
DOUG SEELIG LAND SURVEYORS P.C.**

*Don M. Kuhlmann*

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



Revised April 5, 2005

**FIELD NOTES  
FOR  
GENE WATKINS**

**TRACT 2**

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

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

**THENCE**, with the West s.o.w. line of Manchaca Road, S 26°00'20" W for a distance of 25.10 feet to a point, for the most Southerly East corner hereof;

**THENCE** N 58°53'28" W for a distance of 251.44 feet to a point, for an inside corner hereof;

**THENCE** S 29°01'00" W for a distance of 124.78 feet to a point in the Southwest line of the said Lot 2, Block A, for a Southerly corner hereof;

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

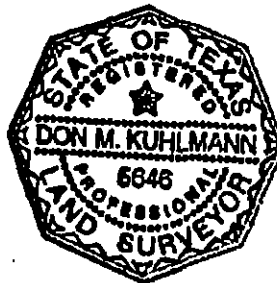
**THENCE** N 37°30'46" E for a distance of 150.63 feet to an iron rod found at the most Northerly corner of the said Lot 2, Block A, for the most Northerly corner hereof;

**THENCE** S 58°53'28" E for a distance of 329.92 feet to the PLACE OF BEGINNING.

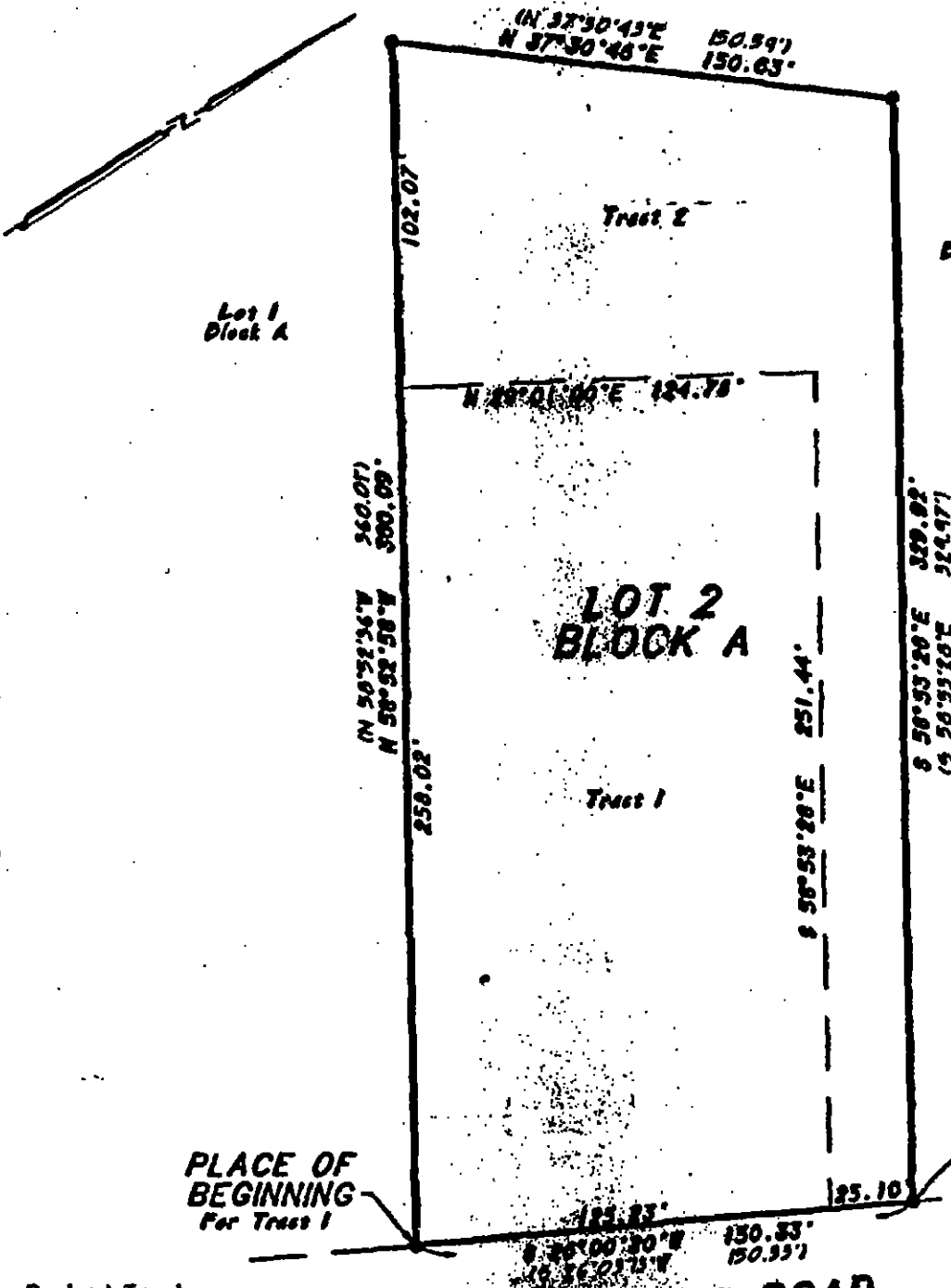
**AS SURVEYED BY  
DOUG SEELIG LAND SURVEYORS P.C.**

*Don M. Kuhlmann*

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



Revised April 5, 2005



Revised Tracts  
1 & 2 on 4/5/05

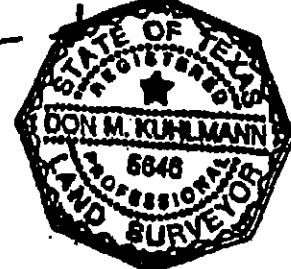
### LEGEND

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

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

Address: 3802 Manchaca Road

PLACE OF  
BEGINNING  
For Tract 2



*Don M. Kuhlmann*  
**DON M. KUHLMANN**  
 Registered Professional  
 Land Surveyor No. 5646

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



July 8, 2005

VIA E-MAIL

Ms. Wendy Walsh  
Senior Planner  
City of Austin  
Neighborhood Planning & Zoning Department

Re: C14-04-0150

Dear Wendy:

It is apparent that there was some confusion regarding the intent of my e-mail dated May 10<sup>th</sup>, 2005 regarding the amendment of the above referenced zoning case. The first sentence of my e-mail stated "to create two tracts" and the second paragraph stated "for the LO to remain for Tract 2". It was my intent to leave a Limited Office (LO) buffer (Tract 2) surrounding Tract 1 in order to appease neighborhood concerns. The intent was for Tract 2 to be rezoned from LO to LO so that the zoning site plan would be deleted for that tract as well as for Tract 1 (upon a rezoning of it GO-MU or LO-MU, depending on City Council's desire).

Apparently, GIS staff created a staff map that simply amended the boundaries of the zoning case to those of Tract 1, rather than creating a Tract 1 and Tract 2. The result of this error was that the City Council was only able to act on Tract 1 on 1<sup>st</sup> reading, as that was the tract presented to them on the dais.

Due to this error, we hereby amend the boundaries of the above mentioned zoning case back to its original 1.197 acres and will use the legal description of Lot 2 Block A of the Independence Park Subdivision recorded as Document #200100043 of the Travis County Official Public Records.

We understand that renotification will be necessary in order for the City Council to consider this case again. Because we are requesting General Office-Mixed Use-Conditional Overlay (GO-MU-CO) district zoning we request that the case be notified as such. Also, we request that the project name be changed from Neighbor's Stop n' Go to Manchaca Mixed Use.

We request that this case be scheduled for the August 11, 2005, City Council meeting.

Yours very truly,



Annick Beaudet  
Land Development Coordinator

(N 37°30'43"E 150.34')  
(N 37°30'46"E 150.63')

102.07'

Tract 2

Lot 1  
Block A

Lot 1  
Block A

N 29°01'00"E 124.78'

**LOT 2  
BLOCK A**

Tract 1

(N 58°52'36"W 360.01')  
(N 58°52'58"W 360.09')

258.02'

S 58°53'28"E 251.44'

S 58°53'28"E 329.92'  
(S 58°53'28"E 329.47')

PLACE OF  
BEGINNING  
For Tract 1

PLACE OF  
BEGINNING  
For Tract 2

125.23'  
S 26°00'20"W 150.33'  
(S 26°05'15"W 150.39')

**MANCHACA ROAD**  
R.O.W. Varies. -- Asphalt Pavement

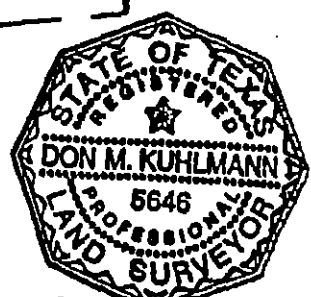
Revised Tracts  
1 & 2 on 4/5/05

**LEGEND**

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

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

Address: 6008 Manchaca Road



*Don M. Kuhlmann*  
**DON M. KUHLMANN**  
Registered Professional  
Land Surveyor No. 5646

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

FIELD NOTES  
FOR  
GENE WATKINS

TRACT 1

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THENCE N 29°01'00" E for a distance of 124.78 feet to a point, for the most Northerly corner hereof,

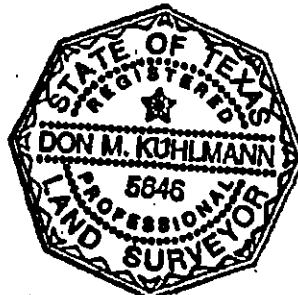
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AS SURVEYED BY  
DOUG SEELIG LAND SURVEYORS P.C.

*Don M. Kuhlmann*

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



Revised April 5, 2005

FIELD NOTES  
FOR  
GENE WATKINS

TRACT 2

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

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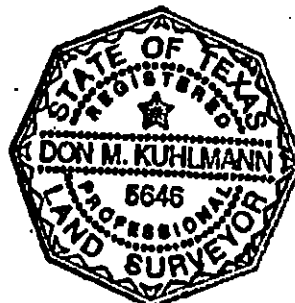
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AS SURVEYED BY  
DOUG SEELIG LAND SURVEYORS P.C.

*Don M. Kuhlmann*

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



Revised April 5, 2005



August 8, 2005

Re: 6008 Manchaca-Zoning Case No. C14-04-0150

Dear Annick:

We, CNS Investments, are the owner of the 49 acre tract directly adjacent to your clients property at 6008 Manchaca Road. The purpose of this letter is to indicate our support of the requested zoning change for the above referenced property. We understand that a rezoning of this property from LO (Limited Office) to GO-MU-CO (General Office-Mixed Use-Conditional Overlay) would allow for a low-intensity mixed use development and would serve to delete an existing zoning site plan.

Low-intensity mixed use development for this location is appropriate and will serve to further revitalize this area of the City. Redevelopment by Austin Community College of the abandoned Albertson's "big box" supermarket is currently underway and scheduled to open for classes in 2006. This site is within walking distance of the new college campus, across the street from a City District Park, and located on a major arterial roadway. The mix of unique neighborhood services, residential and office suites possible with the requested GO-MU-CO zoning is appropriate and compatible with the area and with our adjacent site.

Lastly, we understand that the existing zoning site plan for this property is old and outdated. It was approved in 1981 and is compromised of a one story, flat-roofed, rectangular office building. Such development would not be a positive aesthetic or economic addition to this area. We are happy to hear that your client is seeking to delete this outdated property entitlement (zoning site plan) and replace it with a reasonable zoning category and subsequent development. We support this rezoning request. Please feel free to contact me should you need any further information from us, as you neighbor.

Yours very truly,

*Bill Stallings*  
Bill Stallings



#### POSITION PAPER ON ACTIONS ON TRACT 1, CASE C14-04-0150

##### History

This property was considered in public hearing on May 12. At that time, the Council voted unanimously to change the zoning from LO to LO-MU, supporting the position of the neighborhood. The neighbors agreed to support the MU change as a compromise during negotiations with the developer's representative, who had requested a series of much less restrictive zoning. Prior to the compromise, the neighbors were in agreement with the staff recommendation that the property remain zoned as LO.

During the May 12th hearing, former Councilwoman Jackie Goodman spoke to this proposal, pointing out that this particular property was only appropriate for LO zoning. The comments by Ms. Goodman are attached for your review.

Since nothing has changed since the May 12 hearing, the neighborhood respectfully requests the continued support of the five Councilpersons who stood with the neighborhood at that time. We request that Councilman Lee Leffingwell and Councilwoman Jennifer Kim review the votes previously cast and join their fellow council members in support of the neighborhood.

##### Current Position

The neighborhood continues to agree with the staff of the Zoning and Platting Commission that LO is the proper zoning designation for the site at 6008 Manchaca, for the following reasons:

1. This property is in an unusual location. It is in the middle of the block, back from the road, across from a city park entrance, and traffic going north has limited sight due to a curve in the road and a hill.
2. The neighbors are concerned about increased turning traffic in a unlikely spot, noise at inappropriate hours if building on the property is not restricted to an enterprise with "normal" business hours, and sanitation/pollution issues such as "wet" trash if the restaurant, which the developer is proposing under the GO zoning, is allowed.
3. The definition of Limited Office most appropriately applies to this site: Limited Office (LO) is defined as serving a neighborhood. The definition of General Office (GO) includes language about serving a citywide need.
4. As to the impact on the city's tax base, the neighborhood understands the desire to increase the tax base by filling in undeveloped space. We think that the increase in the tax base for the city will be the same whether this tract is developed as LO or GO. We are not against development, but want the correct development to occur in order to protect the integrity of our neighborhood, comprised of our personal homes.
5. The owner's representative has offered pictures of what might be built if GO is allowed. We feel the pictures show a facility that would easily lend itself to the many uses allowed under LO (administrative and business offices, medical and professional offices, and over 30 other allowable uses).
6. We understand a letter of support for GO has been filed by CNC Enterprises. CNC represents the current owner, but Newmark Homes has an option to buy it for single-family homes, further supporting the appropriateness of a day care center or doctors' offices on the site. The option to buy was not predicated on, or would it be furthered by, this property being rezoned to GO.

##### Contact Information

Chris Butler, 440-7549, cbutler@austin.rr.com

Chris Coley, 413-6387, cthccoley@aol.com

Wanda and Jim Mills, 441-8346, wandarmills@hotmail.com

George Huffman, 383-0389, george@georgehuffman.com



POSITION PAPER ON TRACT 2, CASE C14-04-0150

History

The developer's representative created the L-shaped Tract 2 under discussion after valid petitions against the proposed zoning change to the one-acre site was filed by the neighbors within 200 feet of the property. The owner's representative filed two changes, one right after the other (March 30 and April 5), attempting to move the property lines far enough inward to invalidate the petition. Once the proposed property line changes were filed with the city, the "buffer" zone became a bargaining point. The neighbors agree to compromise with the developer's representative and support a change from Limited Office (LO) to Limited Office-Mixed Use (LO-MU) on the larger Tract 1, allowing for mixed use of the property, IF Tract 2 was left in its natural state as a buffer zone. There was never any discussion about changing the zoning on Tract 2 since this was to be a vegetative buffer to protect nearby homes. Correspondence from the owner's agent to the city staff and our neighborhood representatives on May 10 includes the following statement: "We request for the LO to remain for Tract 2." The neighbors remain opposed to any change from LO.

Neighborhood Position

The affected neighbors seek your support for retention of the current zoning of LO on Tract 2. This "buffer" zone will ensure that the development of the property will not impact the livability of the nearby homes. If changes to the zoning of this buffer zone are considered, the neighbors cannot support the zoning change to add MU on Tract 1.

Additional Information

In addition to the valid petition filed by the neighbors within 200 feet of the property, over 100 neighbors signed a petition supporting the retention of LO zoning on the property. This issue is of concern to all the homeowners in the Cherry Creek Southwest area.

Contact Information

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- REMARKS BY COUNCILWOMAN JACKIE GOODMAN  
May 12, 2005 City Case #: C14-04-0150

(As entered by the stenographer for the benefit of any deaf persons in the audience. A complete recording of the discussion on this case should be on the tape for the May 12th meeting, beginning around 9:13 p.m.)

I KNOW THIS VERY WELL. IT'S NEAR WHERE I LIVE. AND THE NEIGHBORHOOD ASSOCIATION'S PLANS BEFORE THEY REALLY HAD PLANNING, BACK WHEN THIS WAS FIRST PROPOSED AS AN ENTIRE TRACT OF DEVELOPMENT, AND WE'RE TALKING ABOUT WHAT LOOKS LIKE PARK AROUND IT, BUT WHICH IS NOT DEVELOPED AND ORIGINALLY WAS PROPOSED FOR -- AS I RECALL, SORT OF A RETIREMENT ELDER CARE SORT OF COMPLEX THAT YOU COULD PROGRESSIVELY STILL LIVE IN BECAUSE THE AMENITIES WERE GOING TO BE PHASED FOR A PERSON'S NEEDS. AND I COULD BE WRONG. I COULD BE MIXING THAT UP WITH ANOTHER ONE, BUT I THINK THAT WAS THE PLAN. AND THEN THIS LITTLE PIECE IS LEFT OUT, BUT I WANT TO POINT OUT ON YOUR MAP THAT THIS IS IN MID BLOCK. THIS IS NOT WITH ANY ARTERIAL OR EVEN A COLLECTOR OR EVEN A NEIGHBORHOOD STREET FOR ACCESS. THIS IS NOT THE PLACE FOR G.O. THIS IS NOT THE PLACE THAT A PLANNER WILL NORMALLY TELL YOU G.O. GOES. AND ULTIMATELY IF YOU SAW THE LARGER OVERVIEWS, THE AERIAL PHOTOS, YOU WOULD SEE THAT -- YOU CAN SEE ONE GR PIECE DOWN HERE, WHICH REALLY IS NOT APPROPRIATE THERE EITHER.

THERE WAS SOME WINS AND LOSSES BACK WHEN THE NEIGHBORHOODS PLANS FOR THIS WHEN DURING THE REAL ESTATE BOOM OF THE '80'S, THERE WERE MANY PRESSURES AND THIS WAS LIKE A GOOD STREET TO DO SOME SPECULATIVE AND SOME GOOD PLANNING ON AND BOTH HAPPENED. THE NEIGHBORHOOD COALITION OFTEN WORKED ON THE AGREEMENTS FOR THIS STREET AND FOR THE SURROUNDING AREA. AT THAT POINT THERE WAS ONE OF THE FIRST LAND USE PLANNING MECHANISMS THAT THE CITY PUT TOGETHER, AND THAT WAS THE SOUTH AUSTIN INFILL STUDY. TO FIND OUT EXACTLY HOW MANY APARTMENTS WERE PROPOSED IN ONE AREA, HOW MUCH MULTI-FAMILY. AND THERE WAS INDEED AN INCREDIBLY HIGH PERCENTAGE, MUCH HIGHER THAN ANY OTHER PART OF THE CITY, HIGHER EVEN THAN RIVERSIDE.

[ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

...AFFORDABILITY.

THERE'S NO SUBSTANTIVE CHANGE IN THE CONDITIONS OF THE ROAD, THE PARK, THE SCHOOL, THE EXISTING G.R. CORNERS, EVEN SOME OF THE LITTLE MORE SMALLER RETAIL THAT DON'T STRIP EXACTLY, THE STREET, BUT THEY DO SPRINKLE ALONG IT. THE MORE YOU INFILL WITH THE CONDITION GR-GO THE MORE VULNERABLE YOU MAKE IT FOR TYPICAL STRIPPING OUT. WHICH IS WHAT ALL OF THE NEIGHBORHOODS WERE TRYING TO AVOID TO ALLOW REASONABLE DEVELOPMENT WITHOUT THE PRECEDENT THAT BEGINS THE DOMINO ACTION OF STRIPPING OUT. SO -- SO THERE MAY HAVE BEEN SOME USES THAT I WOULD HAVE THOUGHT WERE REASONABLE, AN LR MAYBE, I DON'T KNOW THAT -- I DIDN'T UNDERSTAND WHAT WANDA SAID LR OR LO WAS WHAT THEY PREFERRED. IT DOES HAVE LO AND THAT IS A REASONABLE USE. NO MAY HAVE BEEN TWO -- TWO LOW LEVEL AND SO LO WAS A GOOD COMPROMISE FOR THE PROPERTY OWNER. AT THIS LOCATION. AGAIN, I'LL GO BACK TO -- TO -- THERE IS NO CROSS STREET. THIS IS NOT THE PLACE TO PUT GR-GO OR ANYTHING ABOVE L.O. MAYBE NOT EVEN LR WOULD WORK THERE.

AND WHEN THE -- WHEN THE PETITION WAS INVALIDATED, THAT WAS AN ADDITIONAL IRRITATION, I THINK THAT WAS.... I DON'T KNOW IF IT WAS INTENTIONAL TO BREAK THE PETITION, BUT IT ALWAYS LOOKS LIKE IT. AND SO THAT -- THAT IS JUST AN ADDITIONAL REASON WHY THERE'S BEEN DIFFICULTY, I THINK, IN COMING UP WITH ANYTHING OTHER THAN THE LO.

BUT IF THE NEIGHBORHOOD HAD NOT COME UP WITH ANY KIND OF COMPROMISE, THEN I CERTAINLY WOULD NOT HAVE SUPPORTED ANYTHING BECAUSE THEY WENT THROUGH ALL OF THIS, MANY, MANY YEARS AGO, AND HERE IT IS, IT'S STILL REASONABLE, AND SO.... SO WHEN IT COMES TIME TO MAKE A MOTION, IF I HAVE OPPORTUNITY I'LL MAKE THE MOTION TO DENY.