ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0031 – The Moore Redbird Project **P.C. DATE:** April 14, 2009

ADDRESS: 313 Red Bird Lane

OWNER & APPLICANT: Leslie M. Moore

ZONING FROM: SF-2-NP **TO:** SF-3-NP **AREA:** 0.48 acres (20,908 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant family residence – neighborhood plan (SF-3-NP) combining district zoning.

If the requested zoning is recommended for this site, 28 feet of right-of-way should be dedicated from the centerline of Red Bird Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site.

PLANNING COMMISSION RECOMMENDATION:

April 14, 2009: *APPROVED SF-3-NP DISTRICT ZONING WITH CONDITIONS OF RIGHT-OF-WAY DEDICATION ON RED BIRD LANE.*
[J. REDDY; P. HUI – 2ND] (8-0) D. ANDERSON – ABSENT

ISSUES:

Staff met with both the Applicants and Neighborhood representatives on separate occasions to discuss allowable development scenarios with SF-2-NP and SF-3-NP zoning, and explain how the McMansion ordinance could be applied. The Applicant and Neighborhood representatives also met to discuss the rezoning case on Monday, July 13th. The Neighborhood has requested that the Applicant limit development to 0.4 gross floor area for subdivided lots, which is based on a regulation that applies inside the McMansion boundary, and could be accomplished by way of a Conditional Overlay. The Applicants are not in agreement with the Neighborhood's request to limit development to 0.4 gross floor area as this regulation does not apply to other SF-3 zoned lots in the neighborhood, and therefore, would like to proceed with their request for SF-3 zoning. Please refer to attached correspondence at the very back of this packet.

Under the existing SF-2-NP zoning, the existing lot could be resubdivided to create three lots. One lot could have a single family residence, while two others could accommodate both a single family residence and a secondary apartment use, for a total of five residential units on the property. Under the proposed SF-3-NP zoning, the existing lot could be resubdivided to create one additional lot and both lots could accommodate one duplex, for a total of four residential units.

A valid petition of 63.51% has been filed by the adjacent property owners in opposition to this rezoning request. In addition, six comment response forms from adjacent residents in opposition to SF-3-NP district zoning are attached.

DEPARTMENT COMMENTS:

The subject property located on Red Bird Lane is developed with one single family residence, and zoned single family residence – neighborhood plan (SF-2-NP) combining district. There is a two-family residence adjacent to the east (SF-3-NP), one single family residence to the west (SF-2-NP), single family residences and a two-family residence to the north (SF-2-NP; SF-3-NP) and a single family residence, child care facility and beauty salon located on West Stassney Lane to the south (GO-MU-NP).

The Applicant has requested a zoning change to the family residence – neighborhood plan (SF-3-NP) district in order to resubdivide the property into two duplex lots, for a total of four units. Staff recommends the Applicant's request as SF-3 zoning is compatible with the mix of existing residential zoning and housing types in this neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-2-NP	Single family residence
North	SF-2-NP; SF-3-NP	Single family residence; Two family residence
South	GO-MU-NP	One single family residence; Child care facility; Beauty salon
East	SF-3-NP	Two family residence; Single family residence; Manufactured home
West	SF-2-NP	Single family residence; Undeveloped

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
300 – Terrell Lane Interceptor Association
428 – Barton Springs / Edwards Aquifer Conservation District
511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association 742 – Austin Independent School District
786 – Home Builders Association of Greater Austin
1037 – Homeless Neighborhood Association 1075 – League of Bicycling Voters
1108 – Perry Grid 644 1113 – Austin Parks Foundation
1164 – Austin Southwest Association 1168 – E-mail Notification Test Group

1173 – South Congress Combined Neighborhood Plan Contact Team

SCHOOLS:

Pleasant Hill Elementary School Bedichek Middle School Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0106.02 – West Congress NPA Rezonings – 404-414 West Stassney Lane	SF-3-NP to GO-MU-CO-NP	To Grant	Approved GO-MU-CO-NP with CO specifying that if property is developed for non-residential uses then access from Hummingbird shall be by a limited-function driveway that allows right-turn out only (11-14-05).
C14-00-2115 – Mockingbird – 205 & 207 Mockingbird Lane	SF-2 to SF-4A	To Grant	Approved SF-4A (2-15-01).

RELATED CASES:

The rezonings associated with the West Congress Neighborhood Plan Area were approved by Council on August 18, 2005 (C14-05-0106). The base district of the subject property did not change, and the NP combining district was added. This property is located within the Pleasant Hill Subdistrict. Within this Subdistrict, single family residential, duplex residential, and two family residence uses are subject to the front porch setback as set forth in Section 25-2-1602 and garage placement restrictions as set forth in Section 25-2-1604 of the Code. Secondary apartment special use is also permitted in residential districts of the Pleasant Hill Subdistrict as set forth in Sections 25-2-1462 and 25-2-1463 of the Code (C14-05-0106 - Ordinance 20051006-036).

The subject zoning area is platted as Lot 7, Block 2 of the Pleasant Hill Addition, a subdivision recorded in November 1937 (C8-1937-1514). Please refer to Exhibit B.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Red Bird Lane	50 feet	20 feet	Local	No	No	No

CITY COUNCIL DATE:	May 14, 2009	**ACTION:** Approved a Postponement request by the Neighborhood to May 21, 2009 (7-0).
	May 21, 2009	Approved a Postponement request by the Staff to June 11, 2009 (7-0).
	June 11, 2009	Approved a Postponement request by the Applicant to June 18, 2009 (6-0, Cole off the dais).
	June 18, 2009	Postponed by the Council to July 23, 2009 (7-0). Note: Direction given to Staff to assist the Applicant and the Neighborhood in drafting agreeable parameters for a potential development in the future.
	July 23, 2009	

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades **PHONE:** 974-7719
e-mail: wendy.rhoades@ci.austin.tx.us



N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

OPERATOR: S. MEEKS

1" = 400'

ZONING

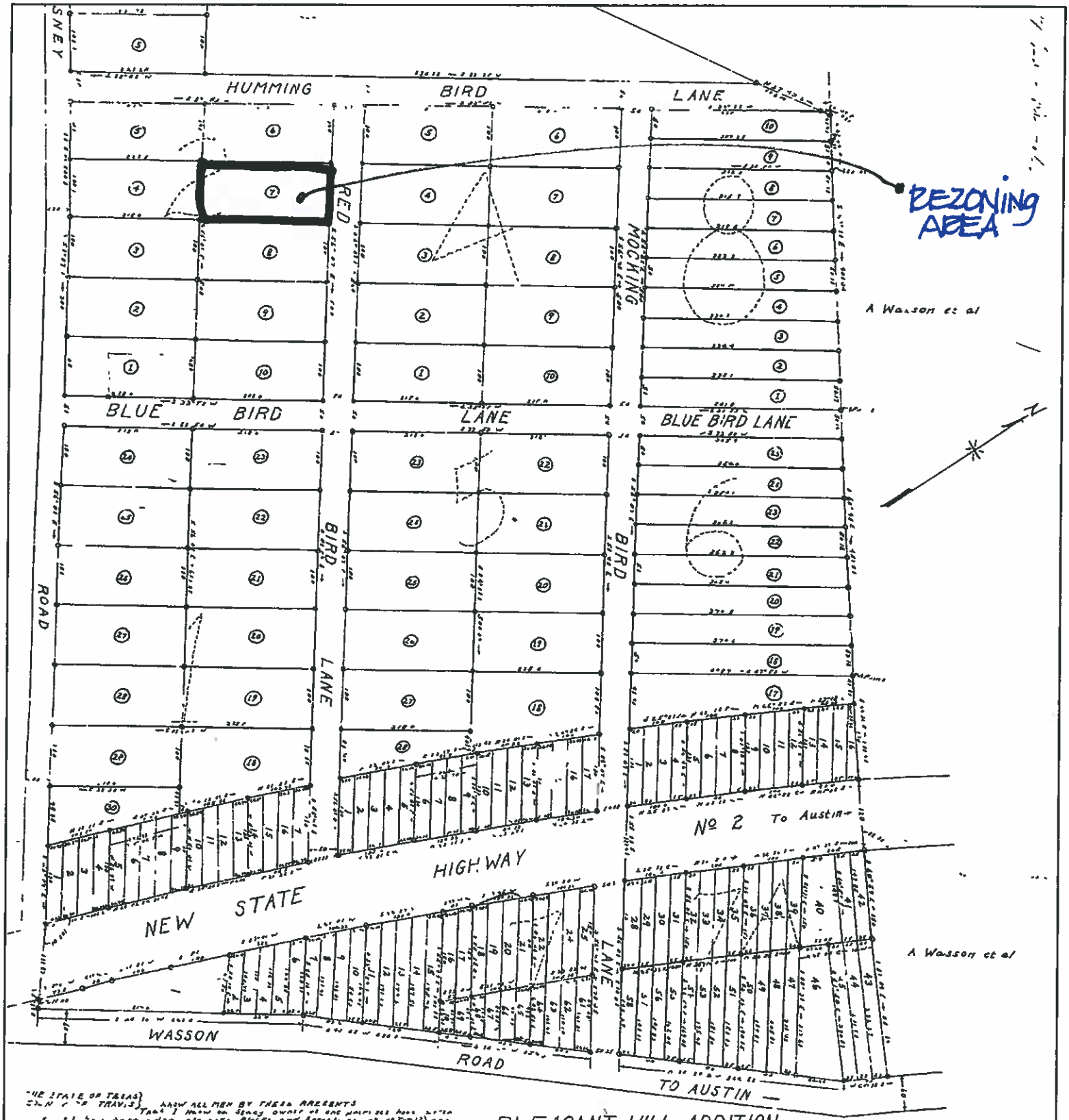
EXHIBIT A

ZONING CASE#:	C14-2009-0031
ADDRESS:	313 RED BIRD LANE
SUBJECT AREA:	0.48 ACRES
GRID:	G17
MANAGER:	W. RHOADES

CITY OF AUSTIN · FOUNDED 1839

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.


TREE HARVEST
MOCKINGBIRD
RETAIL CENTER
74-68
GR-MU-NB
SCHOOL
HUMMINGBIRD LANE
313 RED BIRD LN
RED BIRD LANE
STASSNEY
05-0106.02
SF-2-NP
SF-3-NP
GO-MU-NP
BIRD
WEST STASSNEY LANE
HEALTH CARE CENTER
DAYCARE
UNDEV
SP-06-0110C
GO-MU-CO-NP
SF-2-NP
CS-MU
BRAZABLE



THE STATE OF TEXAS)
COUNTY OF TRAVIS) KNOW ALL MEN BY THESE PRESENTS

That I Helen M. Stacy owner of one hundred and forty-nine and one-half (149½) acres of land out of the Isaac Decker Survey No. Two (2) and part of the W. J. Nixon League in Travis County, Texas, and being that tract of land conveyed to me by Mary Louise Stacy by deed recorded in Book ___ Page ___ of the Deed Records of Travis County, Texas to which reference is hereby made for all purposes, do hereby subdivide said land in accordance with the attached map or plat, and I do hereby dedicate to the use of the public forever all streets shown thereon.

WITNESS MY HAND this the 22nd day of Oct A.D. 1937

Helen M. Stacy

THE STATE OF TEXAS)
COUNTY OF TRAVIS)

Before me, a Notary Public in and for Travis County, Texas on this day personally appeared Helen M. Stacy known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of my office on this the 22nd day of Oct A.D. 1937

Ruby Leak Boynton
Notary Public Travis County Texas

(Notarial Seal)

PLEASANT HILL ADDITION

IS A SUBDIVISION OF LOTS TWO (2) AND THREE (3) OF THE H. M. & M. CO. HOMESTEAD TRACT NO. TWO (2) AND PART OF THE WILLIAM SIMMONS LEAGUE, CONSISTING OF FIVE AND ONE HALF (5½) ACRES LESS THE AMOUNT SOLD TO THE STATE OF TEXAS FOR ROAD, AND ALSO OF THE SAME TRACT CONVEYED BY A DEED FROM MARY LOUISE STACY TO HELEN M. STACY RECORDED IN VOL. ___ PAGE ___ OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS

Scale 1" = 100'
0 Denotes Iron Pipes

Surveyed Oct 1937
by O. Lomax
Civil Engineer

RECOMMENDED FOR APPROVAL
October 22 1937
J. J. Mathews
CITY ENGINEER AUSTIN TEXAS

APPROVED BY CITY PLAN COMMISSION
October 22 1937
H. T. Hawkins
Helen M. Stacy
J. M. Ramsey

Filed for record ___ A.D. 1937 at 3:15 P.M.
Recorded ___ A.D. 1937 at 9 A.M.

EXHIBIT B
RECORDED PLAT

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant family residence – neighborhood plan (SF-3-NP) combining district zoning.

If the requested zoning is recommended for this site, 28 feet of right-of-way should be dedicated from the centerline of Red Bird Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The family residence (SF-3) zoning district is intended as an area for moderate density single family residential use, with a minimum lot size of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

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

Staff recommends the Applicant's request as SF-3 zoning is compatible with the mix of existing residential zoning and housing types in this neighborhood.

EXISTING CONDITIONS

Site Characteristics

The subject property is developed with one single family residence. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the SF-3-NP zoning district would be 45%, which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development 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:

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

According to flood plain maps, there is a floodplain adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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.

Transportation

If the requested zoning is recommended for this site, 28 feet of right-of-way should be dedicated from the centerline of Red Bird Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. FYI- Currently, there is 25 feet of right-of-way available on Red Bird Lane. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments

required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan and Compatibility Standards

Rezoning from SF-2 to SF-3 does not trigger the application of compatibility standards.

The applicable building standards are outlined below:
Breakdown by square footage for living area/garage/patio/porch is required on duplex residential site plans.

Setbacks for duplex residential:

- Anything that juts more than 5 feet into a setback must be fireproofed. Standard side setback is 5 feet with a maximum allowable 2 foot overhang. The overhang cannot have any openings, soffit vents, windows, etc.
- Setbacks between buildings is 10 feet (5 feet on each side). Any encroachment into this setback must be fireproofed.
- Nothing can encroach into a 2 foot setback.

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2009-0031
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
April 14, 2009 Planning Commission
May 14, 2009 City Council

☐ **I am in favor**
☒ **I object**

Jon M Donaldson
Your Name *(please print)*

305 W. Mockingbird La.
Your address(es) affected by this application

Jon M. Donaldson 4-9-09
Signature Date

Comments: 1. SF 3 would allow four living units when the historic use for this property has been one single family home.

2. This change would violate the recently accepted neighborhood plan.

3. Under the current SF 2, the developer could build two single family houses, - a more reasonable density increase for this area.

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Wendy Rhoades}
P. O. Box 1088
Austin, TX 78767-8810

fax 974-6054 email wendy.rhoades@ci.austin.tx.us

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2009-0031
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
April 14, 2009 Planning Commission
May 14, 2009 City Council

☐ I am in favor
☒ I object

Andrea McCartney
Your Name *(please print)*

309 Red Bird Ln
Your address(es) affected by this application

Andrea McCartney — 4/13/09
Signature — Date

Comments: Property owner wants to get this zoning so he/she can re-subdivide & put 2 duplexes up. Duplexes are not in character with this single family neighborhood.

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Wendy Rhoades}
P. O. Box 1088
Austin, TX 78767-8810

Jax 974-6054 email wendy.rhoades@ci.austin.tx.us

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2009-0031
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
April 14, 2009 Planning Commission
May 14, 2009 City Council

☐ I am in favor
☒ I object

ANDREA R. HENDRIX
Your Name *(please print)*

306 RED BIRD LANE, AUSTIN 78745
Your address(es) affected by this application

Signature

4/14/09
Date

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Wendy Rhoades}
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2009-0031
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
April 14, 2009 Planning Commission
May 14, 2009 City Council

☐ **I am in favor**
☑ **I object**

ANN E. HARRIS
Your Name *(please print)*

307 RED BIRD LN. AUSTIN, TX 78745
Your address(es) affected by this application

Ann Harris — April 13 2009
Signature — Date

Comments: I object to the requested zoning change due to the potential for a development density which would be out of character and disruptive to our neighborhood. I am also [redacted] concerned with the danger of increased traffic, for our children and pedestrians.

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Wendy Rhoades}
P. O. Box 1088
Austin, TX 78767-8810

Jax 974-6054 email wendy.rhoades@ci.austin.tx.us

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2009-0031
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
April 14, 2009 Planning Commission
May 14, 2009 City Council

☐ **I am in favor**
☒ **I object**

William Hendrix
Your Name *(please print)*

300 Red Bird LN 78745
Your address(es) affected by this application

Signature

2/13/2009
Date

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Wendy Rhoades}
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2009-0031
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing:
April 14, 2009 Planning Commission
May 14, 2009 City Council

☐ I am in favor
☒ I object

Rachael McDaniel (Shaw)
Your Name *(please print)*

309 W. Mockingbird Ln, Austin
Your address(es) affected by this application

Rachael McDaniel — Signature
4/14/09 — Date

Comments: BUILDING MULTI-FAMILY (2 duplexes at one address) WILL INCREASE TRAFFIC, DISRUPT NEIGHBORS' PRIVACY AND CHANGE THE CHARACTER OF THE NEIGHBORHOOD. FURTHER, AFFECTED NEIGHBORS WERE NOT NOTIFIED BY THE PROPERTY OWNER REGARDING HIS PLANS TO BUILD TWO DUPLEXES (4 non-owner tenants).

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Wendy Rhoades}
P. O. Box 1088
Austin, TX 78767-8810

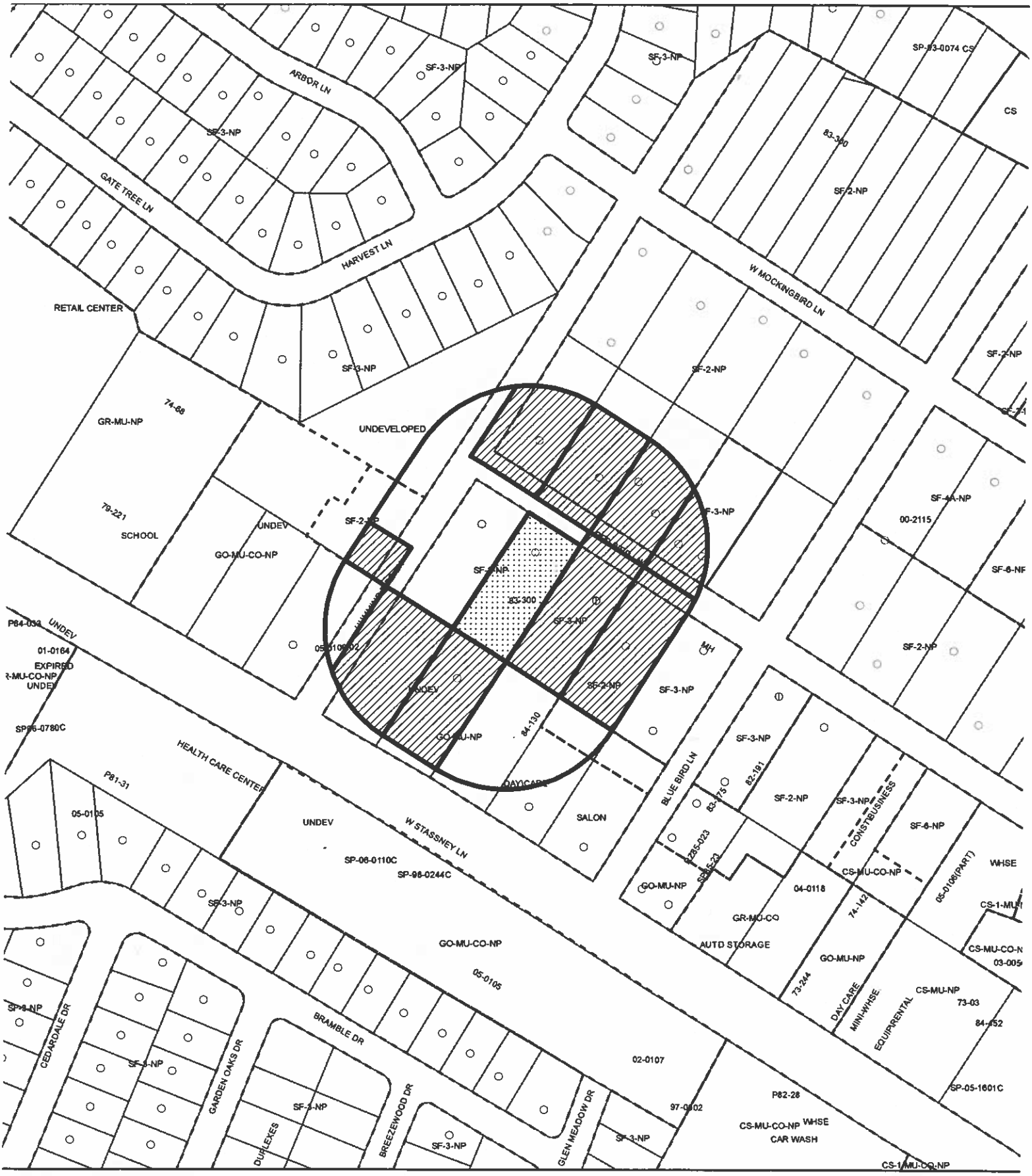
PETITION

Case Number: **C14-2009-0031** Date: June 17, 2009

313 RED BIRD LANE

Total Area Within 200' of Subject Tract 251,881.74

1	0415080307	HENDRIX KENNETH D	9274.40	3.68%
2	0415080308	HENDRIX EVAN A & ANDREA R	16637.01	6.61%
3	0415080309	FIELDS DOUGLAS J	17897.29	7.11%
4	0415080310	HORNER RICHARD	19379.81	7.69%
5	0416090102	DICKERSON ELIZABETH ANNE	5527.59	2.19%
6	0416090203	MCCARTNEY ANDREA LIGGETT	24646.66	9.79%
7	0416090204	HARRIS ANN E	24021.82	9.54%
8	0416090210	PINHEIRO LUIS ALBERTO	19734.03	7.83%
9	0416090211	CLAYTON MICHELLE CATHERINE	22863.29	9.08%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%
26				0.00%
27				0.00%
Validated By:			**Total Area of Petitioner:**	**Total %**
	Stacy Meeks		**159,981.89**	**63.51%**



N

BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

OPERATOR: S. MEEKS

1" = 200'

PETITION

CASE#: C14-2009-0031
ADDRESS: 313 RED BIRD LANE
GRID: G17
CASE MANAGER: W. RHOADES

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CITY OF AUSTIN
FOUNDED 1839

Wendy Rhoades

PETITION

Date: 5/10/09
File Number: C14-2009-0031

Address of
Rezoning Request: 313 Red Bird Ln.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF2.

The reason for opposing the zoning change is to preserve and protect current land use consistent with the most recent adoption of the South Congress Neighborhood Plan. Current SF3 in this neighborhood consists of two single family homes, not duplexes, with the owners living on the property. The applicant's plan for two duplexes with four families is an unacceptable increase in the density of this area.

Under SF2 either one home or two single family (if subdivided) homes could be built, allowing for significant increase in the value of the property and enhancing the neighborhood.

Signature	Printed Name	Address
Andrea McCartney	Andrea McCartney	309 Red Bird Ln
Mary Kay Hendrix	Mary Kay Hendrix	304 Red Bird Lane
	Regan Terrier	307 Red Bird Lane
Elizabeth A. Dickerson	Elizabeth A. Dickerson	5504 Humming Bird Lane
Rachael Horner	Rachael Horner	314 Red Bird Lane
Andrea Hendrix	Andrea Hendrix	306 Red Bird Lane
	GARY MCINTYRE	5501 Hummingbird Lane 78745
Michelle C Watson	Michelle C. Watson	5505 Hummingbird Ln 78745

Date: 5/11/09

Contact Name: Andrea McCartney
Phone Number: 925-5214
445-5915

PETITION

Date: 5/10/09
File Number: C14-2009-0031

Address of
Rezoning Request: 313 Red Bird Ln.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF2.

The reason for opposing the zoning change is to preserve and protect current land use consistent with the most recent adoption of the South Congress Neighborhood Plan. Current SF3 in this neighborhood consists of two single family homes, not duplexes, with the owners living on the property. The applicant's plan for two duplexes with four families is an unacceptable increase in the density of this area.

Under SF2 either one home or two single family (if subdivided) homes could be built, allowing for significant increase in the value of the property and enhancing the neighborhood.

Signature	Printed Name	Address
Ann Harris	Ann Harris	307 Red Bird Lane
Kenneth D. Hendrix	KENNETH D. HENDRIX	304 RED BIRD LANE
Douglas J Fields	DOUGLAS J FIELDS	310 RED BIRD LANE
Luis Pinheiro	Luis Pinheiro	312 West Stassney Lane
Richard Horner	RICHARD HORNER	314 RED BIRD LN

Date: 5/13/09

Contact Name: Andrea McCartney
Phone Number: 925 5214

Please add this TO the already submitted petition. Some of the people who signed the 1st one were not on TCAD & their spouses had to sign this one.

PETITION

Date: 5/10/09
File Number: C14-2009-0031

Address of
Rezoning Request: 313 Red Bird Ln.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF2.

The reason for opposing the zoning change is to preserve and protect current land use consistent with the most recent adoption of the South Congress Neighborhood Plan. Current SF3 in this neighborhood consists of two single family homes, not duplexes, with the owners living on the property. The applicant's plan for two duplexes with four families is an unacceptable increase in the density of this area.

Under SF2 either one home or two single family (if subdivided) homes could be built, allowing for significant increase in the value of the property and enhancing the neighborhood.

Signature	Printed Name	Address
Michelle C. Clayton	Michelle C Clayton	5305 Hummingbird Austin Tx 78745 & 10314 Strassney Austin Tx 78745

Date: 6/17/09

Contact Name: Andrea McCartney
Phone Number: 925-5214

Please add this to our petition

Rhoades, Wendy

From: Andrea [Andrea@quorumreport.com]
Sent: Wednesday, May 13, 2009 10:24 AM
To: Rhoades, Wendy
Subject: RE: Petition results

Dear Wendy,

We, the neighborhood of the Bird Streets, request to postpone the hearing until May 21st for Case C14-2009-0031, 313 Red Bird Lane. Can you please let me know by email if this request has been honored?

Thank you,
Andrea

-----Original Message-----
From: Rhoades, Wendy [mailto:Wendy.Rhoades@ci.austin.tx.us]
Sent: Wednesday, May 13, 2009 10:07 AM
To: andrea@quorumreport.com
Subject: FW: Petition results

Here are the petition results and map, for your information.

Wendy

-----Original Message-----
From: mfp@ci.austin.tx.us [mailto:mfp@ci.austin.tx.us]
Sent: Wednesday, May 13, 2009 4:12 AM
To: Rhoades, Wendy
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: machine location not set Device Name: OTC05Nocona

For more information on Xerox products and solutions, please visit http://www.xerox.com

Leslie Moore & Magdalena Rood
1003 South 2nd St
Austin, Texas 78704

June 11, 2009

Mayor and City council members,

Re: The Moore-Redbird Zoning case (agenda item #66).

Due to a scheduling conflict, we are requesting a postponement of the hearing of this case until the next council meeting on June 18, 2009.
Your consideration would be greatly appreciated.

Sincerely,

Leslie Moore & Magdalena Rood
512-917-8734

Rhoades, Wendy

From: Andrea [redacted]
Sent: Tuesday, July 14, 2009 9:58 AM
To: Rhoades, Wendy; Harden, Joi; McDonald, John
Cc: [redacted]
Subject: Red Bird

Hello,

We met with Leslie and Magdalena last night. We asked for the conditional overlay of the McMansion ordinance and they balked so then we asked for just a conditional overlay with .4 FAR for Gross Floor Area for all their subdivided lots (in combination with the standard duplex ordinance). If they accept this we will withdraw the petition. They will be contacting you with questions. If they agree, it is my understanding that the developers and the neighborhood together will meet with the zoning dept. and then the conditional overlay will be written up.

Thank you for all your help.

Andrea McCartney
925-5214

Rhoades, Wendy

From: Magdalena Rood [redacted]
Sent: Thursday, July 16, 2009 8:22 AM
To: Rhoades, Wendy
Cc: [redacted]; Leslie Moore
Subject: Red Bird

Good morning Wendy,

In our opinion the neighbors' request for a restrictive overlay on our property at 313 Red Bird, should we pursue SF-3 zoning, is not in our best interest. We had hoped the neighbors would come to understand that SF-3 zoning with a subdivision of the land into 2 large lots would retain the "open spaces" feel of the neighborhood.

We believe the neighbors' offer of .4 FAR is an unfair imposition of restrictions on our property when those restrictions do not exist on any other property in the area, and that will in fact restrict our options for the property. As our purpose was to expand those options, their offer is contrary to our goals.

The neighbors have said that they would be willing to put those same restrictions on their own residences but there is no way for them to guarantee they will do that. We would be stuck with the restrictions while they wouldn't.

We believe that we can create an attractive and compatible community on the property under the current SF-2 zoning. We'll proceed to a first reading on July 23, but should the request not pass on that reading, we won't be unhappy to keep SF-2.

Leslie & Magdalena